

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST) SERGEANT DEAN G. CLAESON,) STAR No. 2054, DEPARTMENT OF POLICE,) CITY OF CHICAGO,) RESPONDENT.))	No. 11 PB 2774 (CR No. 1023965)
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---	------------------------------------------------------

FINDINGS AND DECISION

On November 1, 2011, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Dean G. Claeson, Star No. 2054 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be suspended from the Chicago Police Department for forty-five (45) days for violating the following Rules of Conduct:

- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against Sergeant Dean G. Claeson to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on May 14 and May 24, 2012.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its

findings and decision. (Board members Melissa M. Ballate and Ghian Foreman recused themselves from this case pursuant to §2-57-060(c) of the Municipal Code of Chicago.)

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a sergeant of police by the Department of Police of the City of Chicago.
2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.
3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.
4. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count I: On or about February 17, 2009, at approximately 1930 hours, in the vicinity of 3455 West 63rd Street, Chicago, while on duty, Sergeant Claeson used improper force against Johnathan Bowling by punching him in the face with a clenched fist without justification, thereby impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department.

The Superintendent presented convincing and credible evidence from witnesses Johnathan Bowling and Troy Bowling that on February 17, 2009, at/or about 1930 hours, at 3455

Police Board Case No. 11 PB 2774
Sergeant Dean G. Claeson
Findings and Decision

West 63rd Street, Sergeant Claeson punched Johnathan Bowling in the face with a clenched fist without justification.

Furthermore, testimony was given by Johnathan Bowling that he subsequently went to Holy Cross Hospital's Emergency Department for the injuries he sustained. Additionally, medical records from the hospital that were stipulated to by the parties indicated that Johnathan Bowling suffered a facial contusion.

The Police Board finds not credible Sergeant Claeson's account of events on the evening in question.

5. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count II: On or about February 17, 2009, at approximately 1930 hours, in the vicinity of 3455 West 63rd Street, Chicago, while on duty, Sergeant Claeson verbally abused Johnathan Bowling and/or Troy Bowling by calling them "n-----," and/or Sergeant Claeson directed profanities at Troy Bowling when Sergeant Claeson said "shut the f--- up" and/or "get your s--- off my car" and/or "mother f-----" and/or "get the f--- out of here," thereby impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department.

See the findings set forth in paragraph nos. 8-9 below, which are incorporated here by reference.

6. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count III: On or about April 2, 2009, in the offices of the Independent Police Review Authority (IPRA), Sergeant Claeson made one or more false statements during the IPRA investigation of Complaint Log No. 1023965 by denying he punched Johnathan Bowling, and/or by denying he verbally abused Johnathan Bowling and/or Troy Bowling, and/or by denying he directed profanities at Johnathan Bowling, thereby impeding the Department's efforts to achieve its policy and goals and bringing discredit upon the Department.

See the findings set forth in paragraph nos. 10-12 below, which are incorporated here by reference.

7. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that:

On or about February 17, 2009, at approximately 1930 hours, in the vicinity of 3455 West 63rd Street, Chicago, while on duty, Sergeant Claeson used improper force against Johnathan Bowling by punching him in the face with a clenched fist without justification.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

8. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Police Board Case No. 11 PB 2774
Sergeant Dean G. Claeson
Findings and Decision

Count I: On or about February 17, 2009, at approximately 1930 hours, in the vicinity of 3455 West 63rd Street, Chicago, while on duty, Sergeant Claeson verbally abused Johnathan Bowling and/or Troy Bowling by calling them “n-----.”

The Superintendent presented convincing and credible evidence from witnesses Johnathan Bowling and Troy Bowling that at the time and place charged, Sergeant Claeson verbally abused both persons by calling them “n-----.”

9. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Count II: On or about February 17, 2009, at approximately 1930 hours, in the vicinity of 3455 West 63rd Street, Chicago, while on duty, Sergeant Claeson directed profanities at Troy Bowling when Sergeant Claeson said “shut the f--- up” and/or “get your s--- off my car” and/or “mother f-----” and/or “get the f--- out of here.”

The Superintendent presented convincing and credible evidence from witnesses Johnathan Bowling and Troy Bowling that Sergeant Claeson used profanities at Troy Bowling at the time he stopped them on February 17, 2009, at approximately 1930 hours in the vicinity of 3455 West 63rd Street, Chicago.

10. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count I: On or about April 2, 2009, in the offices of the Independent Police Review Authority, Sergeant Claeson made a false statement when he denied that he punched Johnathan Bowling in the face with a clenched fist.

Based on the credible and convincing testimony elicited from witnesses Johnathan Bowling and Troy Bowling, Sergeant Claeson punched Johnathan Bowling in the face with a clenched fist. Therefore, the statement given by Sergeant Claeson on April 2, 2009, at the Independent Review Authority denying that he punched Johnathan Bowling was a false report.

11. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,
in that:

Count II: On or about April 2, 2009, in the offices of the Independent Police Review Authority, Sergeant Claeson made a false statement when he denied that he verbally abused Johnathan Bowling and/or Troy Bowling by calling them “n-----.”

Based on the credible and convincing testimony elicited from witnesses Johnathan Bowling and Troy Bowling, Sergeant Claeson verbally abused Johnathan Bowling and/or Troy Bowling by calling them “n-----.” Therefore, the statement given by Sergeant Claeson on April 2, 2009, at the Independent Review Authority denying that this verbal abuse took place was a false report.

12. The Respondent, Sergeant Dean G. Claeson, Star No. 2054, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count III: On or about April 2, 2009, in the offices of the Independent Police Review Authority, Sergeant Claeson made a false statement when he denied that he directed profanities at Troy Bowling including “shut the f--- up” and/or “get your s--- off my car” and/or “mother f-----” and/or “get the f--- out of here.”

Based on the credible and convincing testimony elicited from witnesses Johnathan Bowling and Troy Bowling, Sergeant Claeson directed profanities at Troy Bowling when he said “shut the f--- up” and/or “get your s--- off my car” and/or “mother f-----” and/or “get the f--- out of here.” Therefore, the statement given by Sergeant Claeson on April 2, 2009, at the Independent Review Authority denying that he directed these profanities at Troy Bowling was a false report.

13. The Police Board has considered the facts and circumstances of the Respondent’s conduct, and the evidence presented in defense and mitigation. The Respondent physically maltreated a minor, verbally abused him and his brother, and made false official statements regarding his actions. The Respondent’s conduct warrants a severe punishment. The Police Board determines that the recommended 45-day suspension is reasonable, based on the facts of this case, the Respondent’s extensive complimentary record, and the lack of any prior disciplinary record.

BY REASON OF THE FINDINGS set forth herein, cause exists for the suspension of the Respondent, Sergeant Dean G. Claeson, Star No. 2054, from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago, for a period of forty-five (45) days.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, Jacqueline A. Walker, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Sergeant Dean G. Claeson, Star No. 2054, as a result of having been found **guilty** of charges in Police Board Case No. 11 PB 2774, be and hereby is **suspended** from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago, for a period of forty-five (45) days. (Any suspension served previously by the Respondent as a result of the filing of charges in this matter shall be counted when implementing the suspension ordered by the Police Board.)

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF JUNE, 2012.

/s/ Demetrius E. Carney

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the Decision of the majority of the Board. The undersigned vote to find the Respondent not guilty of all charges because the Superintendent, who has the burden of proof, presented insufficient evidence to prove the charges.

Jonathan Bowling testified that Sgt. Claeson punched Jonathan on the left side of his face, causing his head to bounce off the hood of a car. Jonathan's brother Troy also testified that Sgt. Claeson punched Jonathan. Sgt. Claeson denies punching Jonathan.

In our judgment the evidence (and particularly the independent evidence) presented doesn't convincingly show that Jonathan was punched, let alone with sufficient force to cause his head to bounce off the hood of a car. We note the following:

1. Thomas Heinrich of the Chicago Fire Department, an experienced paramedic who responded to a call about Jonathan on the day in question, testified that he didn't see any contusions or abnormalities on Jonathan's face or body. Paramedic Heinrich also testified that he was told by Jonathan on that day that Sgt. Claeson punched Jonathan on the right side of his face.
2. The photographs of Jonathan taken at Holy Cross Hospital that day show no evidence that he was punched or in any way injured.
3. There was no testimony of medical personnel from the hospital indicating that Jonathan appeared to have been injured or explaining what the words that someone inserted in the hospital form meant. Without that testimony, we cannot tell whether the phrase "facial contusion" under "Final Diagnosis" meant that a doctor or nurse actually observed a facial contusion or was simply writing down what the patient said happened. That the latter is entirely possible is demonstrated by Paramedic Heinrich's testimony, from which it was evident that when he wrote on the Fire Department's form that the "Cause" was "Fight, beating brawl", it did not reflect an observation by him that Jonathan had been injured.

/s/Scott J. Davis

/s/ William F. Conlon

RECEIVED A COPY OF
THE FOREGOING COMMUNICATION
THIS ____ DAY OF _____, 2012.

SUPERINTENDENT OF POLICE

1 / 1 Main Report 100%

Chicago Police Department

Personnel Division

**Only for active personnel*

Report Date: 27 Oct 2011
 Report Time: 1126 Hrs

Information Services Division
 Data Warehouse
 Produced by: IL01656AEC

☒

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
CLAESON JR, DEAN G	9171	2054	008		

Achievements

COMPLIMENTARY LETTER	2
HONORABLE MENTION	108
2004 CRIME REDUCTION RIBBON	1
ATTENDANCE RECOGNITION AWARD	2
DEMOCRATIC NATIONAL CONVENTION AWARD	1
2009 CRIME REDUCTION AWARD	1
DEPARTMENT COMMENDATION	5
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
SUPERINTENDENT AWARD OF VALOR	1
TOTAL AWARDS	122

Total No.



Police Board Case No. 11 PB 2774
Sergeant Dean G. Claeson
Findings and Decision

IADR118

CHICAGO POLICE DEPARTMENT

25-OCT-2011 01:11:48 PM

Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	CLAESON JR DEAN G.	2054	[REDACTED]	9171	SERGEANT OF POLICE	008
<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>		
M	WHITE	[REDACTED]	0	0		
		<u>Appointed Date</u>				
		03-OCT-1994				