

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER MAURICE CONLEY,) **No. 11 PB 2781**
STAR No. 17653, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
AND)
)
IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER FARAH BAQAI,) **No. 11 PB 2782**
STAR No. 6851, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1025413)**
RESPONDENTS.)

FINDINGS AND DECISIONS

On December 1, 2011, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Maurice Conley, Star No. 17653, and Police Officer Farah Baqai, Star No. 6851, (hereinafter sometimes referred to as “Respondents”), recommending that the Respondents be discharged from the Chicago Police Department for violating several Rules of Conduct.

On March 28, 2012, Thomas E. Johnson, Hearing Officer of the Police Board, ordered the cases consolidated. The Police Board caused a hearing on these charges against the Respondents to be had before Hearing Officer Johnson on May 29 and August 21, 2012.

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

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. Each Respondent was at all times mentioned herein employed as a police officer of 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 each Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges each Respondent appeared in person and was represented by legal counsel.

4. The Respondents filed a Motion to Strike and Dismiss the charges for the following reasons: (a) the failure to bring timely charges violates the due process rights of the Respondents; (b) the charges should be barred by laches; (c) the investigation by the Independent Police Review Authority (IPRA) failed to follow Chicago Police Department General Orders; and (d) the IPRA investigation violated Section 2-57-070 of the Municipal Code of Chicago. The Respondents' Motion to Strike and Dismiss is **denied** for the reasons set forth below.

a. Due Process. Citing *Morgan v. Department of Financial and Professional Regulation*, 374 Ill.App.3d 275, 871 NE2d 178 (1st Dist 2007), and *Lyon v. Department of Children and Family Services*, 209 Ill.2d 264 (2004), the Respondents claim that the constitution precludes such a lengthy delay in the investigation of the Respondents' alleged misconduct. *Morgan* and *Lyon*, however, involved a delay in *adjudication* of allegations of misconduct after the respective

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plaintiffs had been suspended from their jobs—not delay in the *investigation* leading to the initial suspensions. *Morgan* involved a clinical psychologist accused of sexually abusing a patient, where the state took fifteen months to decide the case after the suspension. *Lyon* involved a teacher accused of abusing students where the director of DCFS failed to honor specific regulatory time limits for decision-making.

The Respondents’ cases before the Police Board are different from *Morgan* and *Lyon*, as the Respondents in their Motion are complaining about the delay from the time of the incident to the bringing of charges, not the time it took to try them once the charges were filed and they were suspended without pay. This difference is important because the due-process analysis in *Morgan* and *Lyon* is triggered by the state’s decision to deprive the psychologist and teacher of their jobs, thus preventing them from working for prolonged periods of time before they were accorded the opportunity to have a hearing and decision to clear their names. Here, the Respondents were working and were being paid a full salary and benefits during the entire period of the investigation and up to the filing of charges with the Police Board. The Due Process clause precludes a state or local government from “depriving any person of life, liberty or property [i.e. a public job] without due process of law.” Here, the Respondents were not suspended without pay from their job until *after* the charges against them were filed. Therefore, the Respondents were *not* deprived of their job prior to the filing of charges, and any delay in bringing the charges is therefore *not* a violation of the Respondents’ due process rights.

We recognize that the Circuit Court of Cook County, in *Orsa v. City of Chicago Police Board*, 11 CH 08166 (March 1, 2012) found that the protections of the Due Process clause are triggered by an unreasonable delay in the investigation of a matter, even if the officer retains his

job, salary and benefits during the investigation. The Court cited *Stull v. The Department of Children and Family Services*, 239 Ill.App.3d 325 (5th Dist. 1992). *Stull* involved a teacher accused of sexually abusing two of his students. The statute and regulations governing DCFS investigations of child abuse provided strict time limits on the length of any investigation and on the time within which a hearing must be conducted and a decision entered if the adult found to have abused children sought a hearing. The *Stull* court found that DCFS had grossly violated these time limits and required expungement of the adverse finding against the teacher, even though the administrative appeal found that he had been properly “indicated” as an abuser. The *Stull* court did find that the teacher’s due process rights had been infringed, but it was not because of a delay in DCFS’s investigation of the case. The court held that due process was violated by the more than one-year delay in adjudicating the teacher’s appeal because during that period of time there was an indicated finding of child abuse lodged against the teacher and this finding prohibited him from working, *see* 239 Ill.App.3d at 335, thus triggering the kind of deprivation that is not present in the Respondents’ cases. *Cavaretta v. Department of Children and Family Services*, 277 Ill.App.3d 16 (2nd Dist. 1996), also cited by the Circuit Court, is identical to *Stull*, which it relies upon. The *Cavaretta* court was quite careful to find that due process was not implicated until DCFS (after its investigation was complete) “indicated” the teacher as a child abuser and placed the teacher’s name in the state’s central registry, which directly deprived the teacher of the ability to work.¹

b. Laches. The Respondents argue that the doctrine of laches should apply here in

¹ The Circuit Court also cited *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), but only in general terms. There was no issue in *Loudermill* that a deprivation, for due process purposes, had occurred as it involved the discharge of school district employees.

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supporting the dismissal of charges, for they argue that the delay in bringing the charges against them resulted in prejudice to them in losing their employment and in hampering their ability to locate counter evidence years after the fact to defend against the charges.

Laches is an equitable doctrine that is used to prevent a party in litigation from enforcing a right it otherwise has because it has not been diligent in asserting this right and the opposing party has been prejudiced by the delay. Private parties and public agencies are not on an equal footing when it comes to the application of the laches doctrine. Many cases, including *Van Milligan v Board of Fire and Police Commissioners of the Village of Glenview*, 158 Ill.2d 85, 630 NE2d 830 (1994), hold that laches can only be invoked against a municipality under “compelling” or “extraordinary” circumstances. In addition, the party that invokes the doctrine of laches has the burden of pleading and proving the delay and the prejudice. *Hannigan v. Hoffmeister*, 240 Ill. App. 3d 1065, 1074 (1st Dist. 1992). Under Illinois law, the Respondents must demonstrate that the Superintendent’s unreasonable delay caused material prejudice to the Respondents; the Respondents must submit evidence in support of their claims of prejudice (for example, testimony that witnesses could no longer recall what happened, or affidavits stating that records had been lost or destroyed during the intervening years). *Nature Conservancy v. Wilder*, 656 F.3d. 646 (7th Cir. 2011).

The Respondents have made no specific showing of any prejudice that resulted from a delay in bringing charges before the Police Board. It is true that Jason Jolly became unavailable as a witness, though there is no proof offered that the delay in the investigation caused his unavailability. Moreover, his testimony only relates to the issue of whether Officer Conley fired his weapon inadvertently or intentionally, and the Board has resolved this dispute in Officer

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Conley's favor, even without the testimony of Mr. Jolly. They argue that had the charges been brought in a timely manner, they would have been able to locate other witnesses who could have been favorable to their defense, as well as witnesses whose memories had not faded with the passage of time. The Respondents, however, made no specific showing that they attempted to locate further witnesses or evidence but were unable to do so because of the passage of time. Consequently, any argument that there may be other witnesses out there, or that material evidence was overlooked and is now unavailable, is speculative.

The Respondents here have not demonstrated any "compelling" or "extraordinary" circumstances warranting a dismissal of their cases, and have not carried the burden of proving that they were prejudiced by a delay in the bringing of charges.

c. General Order 93-03. The Respondents argue that the Police Department's own General Order requires a prompt and thorough investigation, and that the Department failed to fully comply with the provisions of this General Order.

In fact, the General Order does not set an absolute deadline within which investigations must be completed, but provides that if they last more than 30 days, the investigator must seek and obtain an extension of time within which to complete the investigation. Here, there is no proof that the investigator did not regularly seek and obtain extensions of time, in compliance with the General Order.

Once the investigator completed the process of gathering evidence, the matter is reviewed at several levels to ensure that a thorough investigation was conducted, as required by the General Order.

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There was no substantial violation of the General Order in these cases. Even if, however, the General Order was violated, there is no provision in the General Order requiring the extraordinary remedy of dismissal of the case as a sanction for such a violation. The Board declines to extend the reach of the General Order in this manner.

e. Municipal Code Section 2-57-070. The Code provides that if the Chief Administrator of the Independent Police Review Authority (IPRA) does not conclude an investigation within six months after its initiation, the Chief Administrator shall notify the Mayor, the City Council, the complainant, and the accused officer. The Respondents argue that IPRA did not comply with this provision of the Code. In fact, the appropriate letter was sent to Officer Conley, to the complaining witness, Andrew Christmas, and to the City Council's Committee on Police and Fire. It is not clear if Respondent Baqai was notified.

However, even if this provision of the Code was violated, neither Section 2-57-070 nor anything else in the Code states that dismissal of a Police Board case is the sanction for failing to provide the necessary notice. It is unpersuasive that such an extreme sanction would automatically follow, particularly where the alleged misconduct under investigation is as serious as it is here. Without any basis or cited authority for imposing such a sanction, and none is given by the Respondents, there is no basis for the Board to dismiss the charges pursuant to Section 2-57-070, and the Board declines to extend the reach of the Code in this manner.

5. The Respondent, Police Officer Maurice Conley, Star No. 17653, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following

charge:

Count I: On or about April 4, 2009, at or about 5635 South Hermitage Street, Chicago, Police Officer Conley discharged his weapon without justification in the direction of Andrew Christmas, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

On the basis of the testimony of Officers Conley, Baqai, Mitchell and Cowan, the Board finds that these officers, and others, were responding to a citizen call that men were standing outside on the 5600 block of South Paulina Street with guns, that two of them left in a white Grand Prix, and one was wearing a black jacket. Andrew Christmas and Jason Jolly parked a white Grand Am at this location, and drove away, with Mr. Christmas wearing a dark jacket. The Board finds that Mr. Christmas eluded Officers Mitchell and Cowan, as they attempted to stop his vehicle at 57th and Paulina Streets. Upon arriving at 5635 South Hermitage, the Board finds that Officer Baqai took Mr. Jolly into custody, and that Officer Conley sought to take Mr. Christmas into custody but that Mr. Christmas fled.

The key issue is whether Officer Conley then shot at Mr. Christmas or, on the other hand, gave chase and his gun went off into the ground inadvertently as he tried to holster it during the chase. Officer Conley testified credibly that the discharge of his weapon was accidental and occurred as he reasonably was chasing Mr. Christmas, and the Board finds that this is what occurred. Officer Conley's testimony is not contradicted in the record. Mr. Christmas testified that when the shot was fired, his back was to Officer Conley, and so the Board finds that Mr. Christmas does not actually know whether Officer Conley was chasing him or whether the gun

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accidentally discharged. Mr. Christmas testified that his mother and stepfather, as well as neighbors, were on the scene. The Superintendent, however, did not call any of these witnesses to support its theory that Officer Conley shot at Mr. Christmas. Their absence supports the Board's finding that Officer Conley's testimony was truthful. Finally, while Mr. Christmas testified that he found the shell casing from Officer Conley's gun near where Mr. Christmas' car was parked and then gave it to IPRA, the Board does not credit Mr. Christmas' testimony on this point, given his reluctance to participate in the case, his prior criminal record, his testimony that at the time he was a former gang member when he told Officer Barsch in 2010 that he was still a gang member at the time, and his actions on the night in question when he sought to evade the police and resist his arrest. As such, the Superintendent has not discharged his burden in seeking to prove this charge.

6. The Respondent, Police Officer Maurice Conley, Star No. 17653, 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 April 4, 2009, Police Officer Conley failed to make the proper reports and notifications regarding the discharge of his weapon at or about 5635 South Hermitage Street, Chicago, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 8 below, which are incorporated here by reference.

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7. The Respondent, Police Officer Maurice Conley, Star No. 17653, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following charge:

Count III: On or about March 26, 2010, during a statement given to Investigator Erica Sanders of the Independent Police Review Authority, Police Officer Conley falsely stated that his weapon discharged while he was trying to reholster it, or words to that effect; and/or that he chased Andrew Christmas for approximately 60 feet, or words to that effect; and/or that he did not discharge his weapon in the direction of Andrew Christmas, or words to that effect; thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Board finds that Officer Conley truthfully told the Independent Review Authority what happened during the arrest of Mr. Christmas, as is more fully discussed in the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

8. The Respondent, Police Officer Maurice Conley, Star No. 17653, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count I: On or about April 4, 2009, Police Officer Conley discharged his weapon at or about 5635 South Hermitage Street, Chicago, and he failed to do the following: notify the Office of Emergency Management and Communications immediately and provide all relevant information, and/or inform the desk sergeant of the district of occurrence, and/or remain on the scene and report to the watch commander from the district of occurrence, and/or ensure that his firearm remained holstered and secured until it was submitted to Forensic Services Section personnel, and/or submit a Tactical Response Report and other reports at the location designated by the district watch commander responsible for the investigation, in violation of

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Special Order 03-02-01 (formerly General Order 02-09-01).

Officer Conley conceded at the hearing that he failed to make any of the notifications required of officers after they discharge a weapon. While the Board does believe that Officer Conley asked a supervisor to come to the scene after the discharge, this does not satisfy the requirements of Department policy. In any event, the supervisor could not come to the scene. Officer Conley originally claimed that such notifications were not required when the discharge was accidental, but this is plainly not the case. Officer Conley full well understood that he was required to follow Department policy, and indeed told Officer Baqai that he would make the required notifications. He did not do so, and his failure to do so is a serious breach of his responsibilities as a police officer.

9. The Respondent, Police Officer Maurice Conley, Star No. 17653, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: On or about April 4, 2009, Police Officer Conley used deadly force without justification, in that he discharged his weapon in the direction of Andrew Christmas at or about 5635 South Hermitage Street, Chicago, in violation of General Order 03-02-03 (formerly General Order 02-08-03).

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

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10. The Respondent, Police Officer Maurice Conley, Star No. 17653, charged herein, is **not guilty** of violating, to wit:

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

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about March 26, 2010, during a statement given to Investigator Erica Sanders of the Independent Police Review Authority, Police Officer Conley falsely stated that his weapon discharged while he was trying to reholster it, or words to that effect; and/or that he chased Andrew Christmas for approximately 60 feet, or words to that effect; and/or that he did not discharge his weapon in the direction of Andrew Christmas, or words to that effect.

See the findings set forth in paragraph no. 7 above, which are incorporated here by reference.

11. The Respondent, Police Officer Maurice Conley, Star No. 17653, charged herein, is **not guilty** of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about April 4, 2009, at or about 5635 South Hermitage Street, Chicago, Police Officer Conley discharged his weapon without justification in the direction of Andrew Christmas, thereby engaging in the unlawful or unnecessary use or display of a weapon.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

12. The Respondent, Police Officer Maurice Conley, Star No. 17653, charged herein, is

guilty of violating, to wit:

Rule 39: Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member,

in that:

On or about April 4, 2009, at or about 5635 South Hermitage Street, Chicago, Police Officer Conley discharged his weapon and failed to make an oral report to the desk sergeant at the District of occurrence.

See the findings set forth in paragraph no. 8 above, which are incorporated here by reference.

13. The Respondent, Police Officer Farah Baqai, Star No. 6851, charged herein, is **not**

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 the Superintendent did not prove by a preponderance of the evidence the following

charge:

Count I: On or about April 4, 2009, Police Officer Baqai failed to make the proper notifications after she became aware that Police Officer Maurice Conley discharged his weapon, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Board credits the testimony of Officer Baqai that she did not see Officer Conley discharge his weapon or know the circumstances of the discharge. There is nothing in the record to rebut her testimony. Further, the Board finds that Officer Baqai did call "shots fired" on the OEMC tape, after she heard a shot. This was the most that could be expected of her at the scene, given that she did not know where the shot originated, who fired it, or why it was fired. Further,

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when Officer Conley later told her in the station that he had discharged his weapon, Officer Baqai specifically asked him if he would make the appropriate notifications, and he assured her that he would. Officer Conley's failure to do so should not redound to Officer Baqai's detriment.

14. The Respondent, Police Officer Farah Baqai, Star No. 6851, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: On or about March 25, 2010, during a statement given to Investigator Erica Sanders of the Independent Police Review Authority, Police Officer Baqai falsely stated that she did not know where the single gunshot originated and/or who fired the single gunshot, or words to that effect; and/or that she reported on the air that shots were fired, or words to that effect; and/or that she did not observe misconduct and fail to report it, or words to that effect; thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Board finds that Officer Baqai truthfully told the Independent Review Authority what happened on the night in question. See the findings set forth in paragraph no. 13 above and in paragraph no. 16 below, which are incorporated here by reference.

15. The Respondent, Police Officer Farah Baqai, Star No. 6851, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following

charge:

Count III: On or about April 4, 2009, Police Officer Baqai failed to report Police Officer Maurice Conley's misconduct of discharging his weapon without justification, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 16 below, which are incorporated here by reference.

16. The Respondent, Police Officer Farah Baqai, Star No. 6851, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent did not prove by a preponderance of the evidence the following

charge:

Count I: On or about April 4, 2009, at or about 5635 South Hermitage Street, Chicago, Police Officer Farah Baqai, failed to immediately notify a supervisory member and prepare a written report regarding her observation of Police Officer Maurice Conley's misconduct, in that she observed and/or was aware that Officer Conley discharged his weapon without justification at or about 5635 South Hermitage Street, Chicago, in violation of General Order 08-01-02, Section II(B) (formerly General Order 93-03-02B).

The Board credits the testimony of Officer Baqai that she did not observe Officer Conley discharge his weapon without justification. There is no testimony in the record to contradict Officer Baqai's credible testimony. Further, as set forth in the findings in paragraph no. 5 above, which are incorporated here by reference, the Board finds that Officer Conley did not discharge his weapon without justification.

17. The Respondent, Police Officer Farah Baqai, Star No. 6851, charged herein, is **not**

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guilty of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: On or about April 4, 2009, Police Officer Baqai failed to report to the watch commander in the district of occurrence that Police Officer Maurice Conley discharged his weapon at or about 5635 South Hermitage Street, Chicago, in violation of Special Order 03-02-01, Section III(D) (formerly General Order 02-09-01).

See the findings set forth in paragraph no. 13 above, which are incorporated here by reference.

18. The Respondent, Police Officer Farah Baqai, Star No. 6851, charged herein, is **not**

guilty of violating, to wit:

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

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about March 26, 2010, during a statement given to Investigator Erica Sanders of the Independent Police Review Authority, Police Officer Baqai stated that on or about April 9, 2009, at or about 5635 S. Hermitage Street, in Chicago, Illinois, she did not know where the single gunshot originated and/or who fired the single gunshot, or words to that effect; and/or that she reported on the air that shorts were fired, or words to that effect; and/or that she did not observe misconduct and fail to report it, or words to that effect, thereby making a false report, written or oral.

See the findings set forth in paragraph no. 14 above, which are incorporated here by reference.

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19. The Respondent, Police Officer Farah Baqai, Star No. 6851, charged herein, is **not guilty** of violating, to wit:

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about April 4, 2009, at or about 5635 South Hermitage Street, Chicago, Police Officer Baqai witnessed Police Officer Maurice Conley engage in misconduct in that she observed and/or was aware that Officer Conley discharged his weapon without justification, and Officer Baqai failed to promptly report this misconduct.

See the findings set forth in paragraph no. 16 above, which are incorporated here by reference.

20. The Respondent, Police Officer Farah Baqai, Star No. 6851, charged herein, is **not guilty** of violating, to wit:

Rule 39: Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about April 4, 2009, Police Officer Baqai became aware that Police Officer Maurice Conley discharged his weapon at or about 5635 South Hermitage Street, Chicago, and Officer Baqai failed to make an oral report to the desk sergeant at the District of occurrence.

See the findings set forth in paragraph no. 13 above, which are incorporated here by reference.

21. The Police Board has considered the facts and circumstances of Officer Conley's conduct, the evidence presented in defense and mitigation, and Officer Conley's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A. The Board finds and determines that a suspension is the appropriate penalty in this case.

Officer Conley clearly failed to make the proper reports and notifications regarding the discharge of his weapon, and his failure to fulfill these important requirements warrants a severe punishment. Nonetheless, the Board finds that discharging Officer Conley from the Chicago Police Department is not warranted. He has 17 years on the job and no disciplinary history. Based on the totality of the circumstances on the night in question, and Officer Conley's record and years of service to the Department, the Board finds that a suspension is a more fitting punishment on the facts of this particular case.

POLICE BOARD DECISIONS

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in these cases, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By a unanimous vote, the Board finds Respondent Conley not guilty of violating Rule 2, Counts I and III.

By a unanimous vote, the Board finds Respondent Conley guilty of violating Rule 2, Count II.

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By a unanimous vote, the Board finds Respondent Conley guilty of violating Rule 6, Count I.

By a unanimous vote, the Board finds Respondent Conley not guilty of violating Rule 6, Count II.

By a unanimous vote, the Board finds Respondent Conley not guilty of violating Rule 14.

By a unanimous vote, the Board finds Respondent Conley not guilty of violating Rule 38.

By a unanimous vote, the Board finds Respondent Conley guilty of violating Rule 39.

By a unanimous vote, the Board finds Respondent Baqai not guilty of violating Rule 2.

By a unanimous vote, the Board finds Respondent Baqai not guilty of violating Rule 6.

By a unanimous vote, the Board finds Respondent Baqai not guilty of violating Rule 14.

By a unanimous vote, the Board finds Respondent Baqai not guilty of violating Rule 22.

By a unanimous vote, the Board finds Respondent Baqai not guilty of violating Rule 39.

As a result of the foregoing, the Police Board, by a unanimous vote, hereby determines that cause exists for: (1) suspending Respondent Conley from his position as a police officer with the Department of Police, and from the services of the City of Chicago, with all rights and benefits, for a period of sixty (60) days, from December 21, 2011, to and including February 18, 2012; and (2) restoring Respondent Baqai to her position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective December 2, 2011.

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Maurice Conley, Star No. 17653, as a result of having been found **guilty** of the charges in Police Board Case No. 11 PB 2781, be and hereby is **suspended** from his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, for a period from December 21, 2011, to and including February 18, 2012 (60 days).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF SEPTEMBER, 2012.

/s/ Demetrius E. Carney

/s/ Scott J. Davis

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Ghian Foreman

/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

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Farah Baqai, Star No. 6851, as a result of having been found **not guilty** of the charges in Police Board Case No. 11 PB 2782, be and hereby is **restored** to her position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective December 2, 2011.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF SEPTEMBER, 2012.

/s/ Demetrius E. Carney

/s/ Scott J. Davis

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Ghian Foreman

/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

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DISSENT

The following members of the Police Board hereby dissent from the Decisions of the majority of the Board.

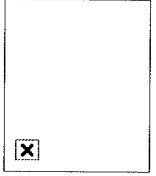
[None]

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

SUPERINTENDENT OF POLICE

Chicago Police Department Personnel Division

**Only for active personnel*



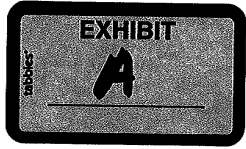
Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
CONLEY, MAURICE D	9161	17653	007	376	[REDACTED]

Achievements

PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
2009 CRIME REDUCTION AWARD	1
HONORABLE MENTION	26
COMPLIMENTARY LETTER	1
DEMOCRATIC NATIONAL CONVENTION AWARD	1
2004 CRIME REDUCTION RIBBON	1
TOTAL AWARDS	31

Total No.



Police Board Case Nos. 11 PB 2781 & 2782
Police Officers Conley & Baqai
Findings and Decisions

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

21 NOVEMBER 2011

TO: COMMANDING OFFICER UNIT 113

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

CONLEY MAURICE	17653	376
NAME (LAST, FIRST)	STAR	UNIT
MALE	BLK	
SEX	RACE	EMPLOYEE#

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1025413

THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV.	KLAVA			113
RANK	NAME	STAR	EMPLOYEE#	UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCE COMPLAINT LOG NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSED THE FOLLOWING DISCIPLINARY ACTION ADMINISTERED TO THE SUBJECT ACCUSED FOR THE PAST FIVE(5) YEARS.

VERIFIED/PREPARED BY:

NIYA SCOTT

NONE
SEE ATTACHED

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION