

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER CHRISTOPHER TRAYNOR,)	No. 12 PB 2790
STAR No. 8903, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
RESPONDENT.)	(CR No. 1001242)

FINDINGS AND DECISION

On March 15, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Christopher Traynor, Star No. 8903 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department 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 specific charges brought by the Superintendent are as follows:

On or about 12 November 2006, Police Officer Christopher Traynor directed profanities at Linsy Galati and/or spat at Galati and/or grabbed Galati by the neck and/or hair, thereby violating Rule 2, Rule 8, and Rule 9.

On or about 01 November 2007 and/or on or about 27 November 2007, Police Officer Christopher Traynor gave a false report/statement to the Independent Police Review Authority when he stated that he did not direct profanities at Linsy Galati and/or that he did not spit at Galati and/or that he did not grab Galati by the neck and/or hair, and/or when he stated that he identified himself as a police officer before reaching into Galati’s car, thereby violating Rule 2 and Rule 14.

The Police Board caused a hearing on these charges against Police Officer Christopher Traynor to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on June 14 and June 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 Walker made an oral report to the Police Board before it rendered its findings and decision.

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 police officer 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 filed a Motion to Dismiss Charges. In the motion and the supplement, the Respondent argues that the charges should be dismissed for the following reasons: (a) the five-year statute of limitations established by 65 ILCS 5/10-1-18.1 applies to this case, and the charges were filed more than five years after the date of the incident; (b) the Respondent's rights under Section 8.4 of the Agreement between the Fraternal Order of Police Lodge 7 and the City of Chicago ("Collective Bargaining Agreement") have been violated; (c)

the length of the investigation violated the Respondent's due process rights; and (d) the length of the investigation violated Section 2-84-430 of the Municipal Code of Chicago and Police Department General Order G08-01. For the reasons set forth below, the Respondent's Motion to Motion to Dismiss Charges is **denied**.

a. **Statute of Limitations**. The incident that led to the filing of charges against the Respondent occurred on November 12, 2006, and the Superintendent filed the charges on March 15, 2012. The Respondent argues that this case is time-barred under 65 ILCS 5/10-1-18.1, which states in relevant part:

Upon the filing of charges for which removal or discharge, or suspension of more than 30 days is recommended a hearing before the Police Board shall be held. If the charge is based upon an allegation of the use of unreasonable force by a police officer, the charge must be brought within 5 years after the commission of the act upon which the charge is based. The statute of limitations established in this Section 10-1-18.1 shall apply only to acts of unreasonable force occurring on or after the effective date of this amendatory Act of 1992.

For the reasons stated in the Board's Memorandum Opinion and Order issued in Police Board Case No. 11 PB 2776, Bruce Askew, the Board unanimously determines that the above section of 65 ILCS 5/10-1-18.1 ("Statute of Limitations") applies to the City of Chicago.

The Board, by votes of a majority of its members¹, hereby denies the Respondent's motion to dismiss the charges based on the Statute of Limitations.

In the Askew case, there was no dispute that the charges filed against Askew were "based upon an allegation of the use of unreasonable force by a police officer." Here, there is such a dispute, and this case, along with the Viguera case (Police Board Case No. 12 PB 2784), appear to be cases of first impression on the interpretation of this provision of the Statute of

¹ The composition of the majority is different for certain issues. See p. 15 below for the listing of votes on specific issues.

Limitations.

Board Members Conlon, Foreman, and Miller: We find that Christopher Traynor did not—by word, action or otherwise—identify himself as a police officer prior to his physical altercation with Linsy Galati (see the Board’s findings set forth in paragraph no. 5 below). Because Traynor never announced his office or sought to invoke his law enforcement powers as a police officer in an attempt to get Galati to comply with his commands, we find that Traynor was not taking police action and was not acting as a police officer during the altercation with Galati. Consequently, the charges against Traynor are not “based upon an allegation of the use of unreasonable force by a police officer” but were purely personal (see our discussion in *Vigueras* at pp. 4-7 as to the distinction between acting as a police officer and action in a purely personal capacity) and therefore do not fall within the ambit of the Statute of Limitations.

President Carney and Board Members Ballate, McKeever, and Rodriguez: We concur with the above conclusion that the charges do not fall within the ambit of the Statute of Limitations. However, we find that the inquiry does not end with the question of whether Traynor identified himself as a police officer. The appropriate question is whether, based on the totality of the circumstances, Traynor was taking police action and acting as a police officer on the evening in question. We find that he was not, and therefore the Statute of Limitations does not apply to any of the charges against him.

Vice President Davis and Board Member Fry: We disagree with the Board’s view that the Statute of Limitations does not apply to the charges to the extent that they accuse Traynor of grabbing Galati by the neck and/or hair. These are charges based on allegations of the use of

unreasonable force. We agree that the Statute of Limitations does not apply to the remainder of the charges because they are not based on allegations of the use of unreasonable force. See Vice President Davis's Dissent at pp. 18-19 below.

b. **Section 8.4 of the Collective Bargaining Agreement ("CBA")**. Section 8.4 of the CBA states in relevant part:

All disciplinary investigation files, disciplinary history card entries, Independent Police Review Authority and Internal Affairs Division disciplinary records, and any other disciplinary record or summary of such record other than records relating to Police Board cases, will be destroyed five (5) years after the date of the incident or the date upon which the violation is discovered, whichever is longer, except that not sustained files alleging criminal conduct or excessive force shall be retained for a period of seven (7) years after the date of the incident or the date upon which the violation is discovered, whichever is longer, and thereafter, cannot be used against the officer in any future proceedings in any other forum, except as specified below, unless the investigation relates to a matter which has been subject to either civil or criminal court litigation or arbitration prior to the expiration of the five- (5-) year period. In such instances, the Complaint Register case files normally will be destroyed immediately after the date of the final arbitration award or the final adjudication, unless a pattern of sustained infractions exists.

The Respondent argues that the investigation file and records pertaining to the incident in question should have been destroyed prior to the charges being filed against the Respondent, and therefore the use of this material to bring charges was unlawful and, consequently, the charges should be dismissed.

The Respondent's reading of Section 8.4 of the CBA is incorrect. Section 8.4 does not bring to a halt an open on-going investigation of a disciplinary matter that ultimately becomes a Police Board case, nor does Section 8.4 regulate the amount of time allowed for the filing of charges with the Police Board. Rather, Section 8.4 governs the use in future proceedings of material and records of a disciplinary matter that has been concluded and closed.

In addition, applying Section 8.4 in the way the Respondent argues would regulate the

amount of time allowed for the filing of any charge with the Police Board, including a charge based upon an allegation of the use of unreasonable force by a police officer. However, applying Section 8.4 in this way is prohibited by the state statute that establishes the Statute of Limitations discussed above, for this statute contains a home rule preemption (65 ILCS 5/10-1-18.2):

No municipality, including a municipality that is a home rule unit, may regulate the period of time or establish or enforce a statute of limitations relating to charges brought against a police officer before a Police Board, Civil Service Commission, or other board or officer empowered by law or ordinance to investigate police misconduct if the charge is based upon an allegation of the use of unreasonable force by a police officer. The statute of limitations established in Sections 10-1-18 and 10-1-18.1 for those charges are an exclusive exercise of powers and functions by the State under paragraph (h) of Section 6 of Article VII of the Illinois Constitution.

c. **Due Process.** Citing *Morgan v. Department of Financial and Professional Regulation*, 374 Ill.App.3d 275, 871 NE2d 178 (1st Dist 2007), the Respondent claims that the constitution precludes such a lengthy delay in the investigation of the Respondent's alleged misconduct. *Morgan*, however, involved a delay in *adjudication* of allegations of misconduct after the plaintiff had been suspended from his job—not delay in the *investigation* leading to the initial suspension. *Morgan* involved a clinical psychologist accused of sexually abusing a patient, where the state took fifteen months to decide the case after the suspension.

The Respondent's case before the Police Board is different from *Morgan*, as the Respondent in his Motion is complaining about the delay from the time of the incident to the bringing of charges, not the time it took to try him once the charges were filed and he was suspended without pay. This difference is important because the due-process analysis in *Morgan* is triggered by the state's decision to deprive the psychologist his job, thus preventing him from working for a prolonged period of time before he was accorded the opportunity to have a hearing and decision to clear his name. Here, the Respondent was working and was being paid his full

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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 Respondent was not suspended without pay from his job until March 20, 2012, five days after the charges against him were filed, and therefore the Respondent was *not* deprived of his job prior to the filing of charges, and any delay in bringing the charges is therefore *not* a violation of the Respondent’s 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 Respondent's case. *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.²

d. **Section 2-84-430 of the Municipal Code and General Order G08-01.** The Respondent argues that the Municipal Code of Chicago and the Police Department's General Order require a prompt and thorough investigation, and that the Department failed to fully comply with the provisions of the Code and General Order.

In fact, the Code and General Order do not set an absolute deadline within which investigations must be completed. The General Order 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, the investigator regularly did seek, and was granted, 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.

There was no substantial violation of the Code or the General Order in this case. Even if, however, they were violated, there is no provision in either the Code or the General Order

² 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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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 Code and the General Order in this manner.

5. The Respondent, Police Officer Christopher Traynor, Star No. 8903, 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 12 November 2006, Police Officer Christopher Traynor directed profanities at Linsy Galati and/or spat at Galati and/or grabbed Galati by the neck and/or hair, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The series of incidents that led to the filing of charges in this case began in the parking lot of the Blockbuster store on North Milwaukee Avenue. Police Officer Christopher Traynor, who was off duty at the time, was reversing out of his parking place when Linsy Galati honked her car horn at Traynor.

Galati testified that after she honked at Traynor he got out of his car and swore at her, and that she and he were yelling at each other. Galati admits that she spit out of her window toward Traynor's car in the parking lot. Matthew Adderly, Galati's co-worker and a passenger in Galati's car, testified that Traynor and Galati were swearing at each other. Traynor admitted in his testimony that he got out of his car and argued with Galati, but denied swearing at her. Lisa Lockhart, Traynor's girlfriend and a passenger in his car, testified that Traynor did not get out of his car.

Galati testified that after she drove out of the parking lot Traynor followed her and pulled up next to her on Milwaukee Avenue. She testified that Traynor spit at her, and that she

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spit back. Adderly testified that both Traynor and Galati tried to spit on each other. Traynor and Lockhart testified that Traynor did not pull up next to Galati and that no spitting took place on Milwaukee Avenue.

Galati testified that after she turned on to Parkside Avenue Traynor cut her off and she attempted to reverse. She testified that Traynor reached into her car to get her keys out of the ignition, and that she punched his arm when he was trying to do this. Galati testified that Traynor grabbed her by the neck and shoved her face into the steering wheel. She testified that she pushed Traynor out of the way, got out of the car, and started yelling. She further testified that the two of them continued arguing outside the car, and that Traynor was swearing at her.

Adderly testified that Traynor cut off Galati's car and reached in to grab her keys. Adderly testified that Traynor pulled Galati's hair and pulled her out of the car. Traynor denies cutting off Galati, denies grabbing her or putting his hands on her, and denies swearing at her, even though he admitted he was "saying things back to her." Lockhart's testimony supports Traynor, although in her statement to IPRA she stated that Traynor and Galati were yelling profanities at each other. Regina Rozewski, who lives on Parkside Avenue, testified that she heard loud obscenities from a woman, saw a man and woman arguing, and that the woman was poking her finger at the man's chest.

Galati and Adderly testified that Traynor did not at any time during the above three incidents identify himself as a police officer. Traynor testified that he did announce his office when he reached into Galati's car to get the keys out of the ignition.

The Board finds Galati and Adderly to be credible witnesses, and finds credible and convincing the testimony that Traynor swore at Galati in the Blockbuster parking lot and on Parkside Avenue, spat at Galati on Milwaukee Avenue, and grabbed Galati by the neck and hair

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without justification during the incident on Parkside Avenue. The Board finds not credible Lockhart's and Traynor's accounts of events, including Traynor's denials that he swore at Galati, spat at her, and grabbed her. The Board also finds that Traynor did not identify himself as a police officer during these incidents.

(Vice President Davis and Board Member Fry dissent from the above finding with respect only to the charge that the Respondent grabbed Galati by the neck and/or hair, for they voted to dismiss this part of the charge based on the Statute of Limitations. See Vice President Davis's dissent at pp. 18-19 below.)

6. The Respondent, Police Officer Christopher Traynor, Star No. 8903, 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 01 November 2007 and/or on or about 27 November 2007, Police Officer Christopher Traynor gave a false report/statement to the Independent Police Review Authority when he stated that he did not direct profanities at Linsy Galati and/or that he did not spit at Galati and/or that he did not grab Galati by the neck and/or hair, and/or when he stated that he identified himself as a police officer before reaching into Galati's car, 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. 5 above, which are incorporated here by reference. The Board finds that Traynor's statements to the Independent Police Review Authority, wherein he denied the allegations against him and stated that he identified himself as a police officer before reaching into Galati's car, were intentionally false.

(Vice President Davis dissents from the above finding with respect only to the charge that

the Respondent made a false report when he stated that he did not grab Galati by the neck and/or hair. See Vice President Davis's dissent at pp. 18-19 below.)

7. The Respondent, Police Officer Christopher Traynor, Star No. 8903, 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 12 November 2006, Police Officer Christopher Traynor directed profanities at Linsy Galati and/or spat at Galati and/or grabbed Galati by the neck and/or hair, thereby disrespecting or maltreating a person, while on or off duty.

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

(Vice President Davis and Board Member Fry dissent from the above finding with respect only to the charge that the Respondent grabbed Galati by the neck and/or hair, for they voted to dismiss this part of the charge based on the Statute of Limitations. See Vice President Davis's dissent at pp. 18-19 below.)

8. The Respondent, Police Officer Christopher Traynor, Star No. 8903, 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:

On or about 12 November 2006, Police Officer Christopher Traynor directed profanities at Linsy Galati and/or spat at Galati and/or grabbed Galati by the neck and/or hair, thereby engaging in an unjustified verbal or physical altercation, while on or off duty.

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

(Vice President Davis and Board Member Fry dissent from the above finding with respect only to the charge that the Respondent grabbed Galati by the neck and/or hair, for they voted to dismiss this part of the charge based on the Statute of Limitations. See Vice President Davis's dissent at pp. 18-19 below.)

9. The Respondent, Police Officer Christopher Traynor, Star No. 8903, charged herein, is **guilty** of violating, to wit:

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

in that:

On or about 01 November 2007 and/or on or about 27 November 2007, Police Officer Christopher Traynor gave a false report/statement to the Independent Police Review Authority when he stated that he did not direct profanities at Linsy Galati and/or that he did not spit at Galati and/or that he did not grab Galati by the neck and/or hair, and/or when he stated that he identified himself as a police officer before reaching into Galati's car.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

(Vice President Davis dissents from the above finding with respect only to the charge that the Respondent made a false report when he stated that he did not grab Galati by the neck and/or hair. See Vice President Davis's dissent at pp. 18-19 below.)

14. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A. The Board finds and

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determines that a suspension is the appropriate penalty in this case.

Traynor clearly engaged in an unjustified altercation with Linsy Galati and maltreated her. Moreover, he made false statements in an attempt to cover up his misconduct. Nonetheless, the Board finds that discharging Traynor from the Chicago Police Department is not warranted. His conduct is mitigated by Galati's own inappropriate and offensive behavior in the Blockbuster parking lot, on Milwaukee Avenue, and on Parkside Avenue. In addition, Traynor has more than 15 years on the job, during which time he has earned numerous awards and commendations. Based on the totality of the circumstances and Traynor'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.

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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, 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:

1. By a vote of 7 (Carney, Ballate, Conlon, Foreman, McKeever, Miller, Rodriguez) to 2 (Davis, Fry), the Board denies the Respondent's Motion to Dismiss the parts of the Rule 2, Rule 8, and Rule 9 charges pertaining to the Respondent's grabbing Linsy Galati by the neck and/or hair;
2. By a unanimous vote, the Board denies the Respondent's Motion to Dismiss all other charges;
3. By a unanimous vote, the Board finds the Respondent guilty of violating Rule 2 (Count I), Rule 8, and Rule 9, in that the Respondent directed profanities at and spat at Linsy Galati;
4. By a vote of 7 (Carney, Ballate, Conlon, Foreman, McKeever, Miller, Rodriguez) to 2 (Davis, Fry), the Board finds the Respondent guilty of violating Rule 2 (Count I), Rule 8, and Rule 9, in that the Respondent grabbed Linsy Galati by the neck and/or hair;
5. By a unanimous vote, the Board finds the Respondent guilty of violating Rule 2 (Count II) and Rule 14, in that the Respondent made false statements to the Independent Police Review Authority when he stated that he did not direct profanities at and spit at Linsy Galati, and when he stated that he identified himself as a police officer before reaching into Galati's car;
6. By a vote of eight (Carney, Ballate, Conlon, Foreman, Fry, McKeever, Miller, Rodriguez) to one (Davis), the Board finds the Respondent guilty of violating Rule 2 (Count II) and Rule 14, in that the Respondent made a false statement to the Independent Police Review Authority when he stated that he did not grab Linsy Galati by the neck and/or hair; and
7. By a unanimous vote, the Board finds that a suspension is the appropriate penalty in this case.

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As a result of the foregoing, the Police Board hereby determines that cause exists for the suspension of the Respondent, Police Officer Christopher Traynor, Star No. 8903, from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of thirty (30) days, from March 20, 2012, to and including April 18, 2012.

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Christopher Traynor, Star No. 8903, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2790, be and hereby is **suspended** from his position as a police officer with the Department of Police, and from the services of the City of Chicago, from March 20, 2012, to and including April 18, 2012 (30 days).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th DAY OF SEPTEMBER, 2012.

/s/ Demetrius E. Carney

/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

DISSENT

I dissent in part from the Findings and Decision of the majority of the Board.

I disagree with the Board's view that the Statute of Limitations does not apply to the charges to the extent that they accuse Traynor of grabbing Galati by the neck and/or hair (the "Grabbing Charges"). These are charges based on allegations of the use of unreasonable force. I agree that the Statute of Limitations does not apply to the remainder of the charges because they are not based on allegations of the use of unreasonable force.

The Board concludes that the Statute of Limitations does not apply to the Grabbing Charges because Traynor was not taking police action and was not acting as a police officer during the altercation with Galati. There is no basis for the Board's conclusion that the Statute of Limitations does not apply in the absence of police action or action as a police officer. The key sentence of the Statute of Limitations provides:

"If the charge is based upon an allegation of the use of unreasonable force by a police officer, the charge must be brought within 5 years after the commission of the act upon which the charge is based."

Under the plain language of the statute, the Grabbing Charges must be dismissed if they are (1) based upon the use of unreasonable force (2) by a police officer and (3) brought more than five years after the commission of the act upon which the charge is based. It is not disputed that the Grabbing Charges are based upon the use of unreasonable force and were brought more than five years after the commission of the act upon which the Grabbing Charges are based. It is also not disputed that the Grabbing Charges are based upon the use of unreasonable force by Traynor, who was a police officer. That is all that the Statute of Limitations requires. In my judgment the Board's conclusion that the Statute of Limitations also requires a finding that the police officer was taking police action or acting as a police officer is an improper effort to add a

requirement that the General Assembly did not add.

In addition to ignoring the plain language of the Statute of Limitations, the Board's reasoning means that it will be easier to bring unreasonable force charges before the Board when an officer is not taking police action or acting as a police officer than when he is doing so. There is no good reason to make such a distinction, and the Board should not infer that the General Assembly intended such a distinction in the absence of clear language evidencing such an intent.

Regarding the merits of the case other than the Grabbing Charges, while I do not think that the charges that Traynor gave a false report about grabbing Galati by the neck and/or hair (the "False Report as to Grabbing Charges") are barred by the Statute of Limitations, I also do not think that the evidence supports those charges. The testimony of Linsy Galati and Matthew Adderly was inconsistent in several material respects, including whether the Respondent grabbed Galati by the neck or the hair and whether he pulled Galati from the car or shoved her face into the steering wheel. Taken as a whole, their testimony is insufficient to prove the False Report as to Grabbing Charges, especially given the age of this case. I concur with the Board's findings on the charges other than the Grabbing Charges and the False Report as to Grabbing Charges, but I would suspend Traynor for only five days.

/s/ Scott J. Davis

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

SUPERINTENDENT OF POLICE

Chicago Police Department Personnel Division

**Only for active personnel*

Report Date: 15 Mar 2012
 Report Time: 15:31 Hrs

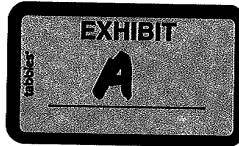
Information Services Division
 Data Warehouse
 Produced by: IL01656AEC

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
TRAYNOR, CHRISTOPH J	9161	8903	017	376	

Achievements

Achievements	Total No.
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
COMPLIMENTARY LETTER	10
HONORABLE MENTION	60
LIFE SAVING AWARD	1
DEPARTMENT COMMENDATION	3
DEMOCRATIC NATIONAL CONVENTION AWARD	1
2004 CRIME REDUCTION RIBBON	1
UNIT MERITORIOUS PERFORMANCE AWARD	1
2009 CRIME REDUCTION AWARD	1
TOTAL AWARDS	79



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INTERNAL AFFAIRS DIVISION
RECORDS SECTION

14 MARCH 2012

TO: COMMANDING OFFICER UNIT 113

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

TRAYNOR CHRISTOPH	8903	376
NAME (LAST, FIRST)	STAR	UNIT
MALE	WHITE	
SEX	RACE	EMPLOYEE#

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1001242

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

DEP. CHIEF MUELLENBACH	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

Police Board Case No. 12 PB 2790
 Police Officer Christopher Traynor
 Findings and Decision



Chicago Police Department
 Internal Affairs Division
SPAR HISTORY REPORT (Sustained Findings)



Employee#	Name	Star#	Unit	Position	Sex	Race	Birth Date	Date of Appointment
[REDACTED]	TRAYNOR, CHRISTOPH J	8903	017/376	POLICE OFFICER	M	WHITE	[REDACTED]	03-JAN-1995

History : Total No. SPAR's: 2

Log #	Incident Date	Completed Date	Disciplinary Action	Transgression Type	Suspension Dates
526868	13-OCT-2011	14-NOV-2011	REPRIMAND	005 - COURT APPEARANCE VIOLATION	
523592	19-OCT-2010	26-NOV-2010	1 DAY OFF	025 - PREVENTABLE ACCIDENT	

For Official Police Purposes Only! This information is confidential and should not be disseminated for reasons other than its intended purpose.
 CLEAR, Personnel Suite: Automated SPAR Application Print Date and Time: 14-MAR-2012 13:01:18 Printed By : PC0S988

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ISSUED FOR LOG#1007242 ONLY