

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER LINDA COTTON,) **No. 12 PB 2791**
STAR No. 4498, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
AND)
)
IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER JAMES BLANDEN,) **No. 12 PB 2792**
STAR No. 18400, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1008346)**
RESPONDENTS.)

FINDINGS AND DECISIONS

On March 15, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Linda Cotton, Star No. 4498, and Police Officer James Blanden, Star No. 18400, (hereinafter sometimes referred to as “Respondents”), recommending that the Respondents be discharged from the Chicago Police Department for violating several Rules of Conduct.

Michael G. Berland, Hearing Officer of the Police Board, ordered the cases consolidated for purposes of discovery and hearing without objection from the parties. The Police Board caused a hearing on these charges against the Respondents to be had before Hearing Officer Berland on May 30, May 31, and June 27, 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 Berland 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 Dismiss the charges for the following reasons: (a) the investigation by the Independent Police Review Authority (IPRA) violated Section 2-84-430 of the Municipal Code of Chicago and violated Chicago Police Department General Order G08-01; (b) the failure to bring timely charges violates the due process rights of the Respondents; and (c) the IPRA investigation violated Section 2-57-070 of the Municipal Code of Chicago. The Respondents' Motion to Dismiss is **denied** for the reasons set forth below.

a. Municipal Code Section 2-84-430 and General Order G08-01. The Respondents argue the IPRA investigation of this matter violated the Municipal Code of Chicago and the Chicago Police Department General Order, which require a prompt and thorough investigations of alleged misconduct.

Neither the Municipal Code nor the General Order sets an absolute deadline within which investigations must be completed. There is a requirement in the Police Department orders that provides that if an investigation lasts more than 30 days, the investigator must seek and obtain an

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extension of time within which to complete the investigation. Here, the investigator regularly did seek, and was granted, extensions of time, in compliance with this requirement.

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

Even assuming, *arguendo*, that the Municipal Code and the General Order were violated, there is no provision in either the Municipal Code or 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 Municipal Code and the General Order in this manner.

b. Due Process. Citing *Morgan v. Department of Financial and Professional Regulation*, 374 Ill.App.3d 275, 871 NE2d 178 (1st Dist 2007) the Respondents claim that the constitution precludes such a lengthy delay in the investigation of the Respondents' 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 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.

The Respondents' case before the Police Board is different from *Morgan*, 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* is triggered by the state's decision to deprive the psychologist of 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 Respondents were working and were being

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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 jobs until March 20 (Blanden) and March 21 (Cotton), 2012, within one week after the charges against them were filed. Therefore, the Respondents were *not* deprived of their jobs 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

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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

c. 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 Respondent argues that IPRA did not comply with this provision of the Code.

There is no evidence in the record that IPRA complied with this provision of the Code. However, even if this provision 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 make the report to the Mayor, the City Council, the officer, and the complainant. 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, 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.

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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5. The Respondents' Motion to Strike Parts of Denise Donohoe's Testimony is **denied** for the reasons set forth below.

Denise Donohoe testified, over the objection of the Respondents, that she had been told by an unidentified blond female in the alley near 10400 South Western Avenue, Chicago, on August 12, 2007, that "there were two kids that got beat up and that they were beat up by two big male black officers." There was no testimony from Jacqueline Devine (who testified at the hearing) that she was the person who made that statement to Donohoe, a Chicago police officer who was off duty at the time.

Some physical altercation occurred in the alley before Donohoe or any on-duty police officer arrived. Donohoe testified that a male and female approached her in an "excited" and "concerned" manner before the female made the statement to her, which the Respondents now seek to strike. The Board finds that, given what transpired in the alley before Officer Donohoe arrived, any witness present in the alley would have found the events in the alley to be startling. Therefore, the statement made by the unidentified female to Donohoe constituted a spontaneous and unreflecting statement. The statement made to Donohoe by the unidentified female also related to the circumstances of the occurrence and there was an absence of time to fabricate. See *People v. Gacho*, 122 Ill.2d 221, 241 (1988).

Although Donohoe did not know the name of the person who made the statement to her, the statement made to her constituted an excited utterance and was admissible as an exception to the hearsay rule. See *Moore v. Bellamy*, 183 Ill.App.3d 110, 117 (5th Dist.1989); *People v. Fields*, 71 Ill. App.3d 888, 893 (1st dist. 1979). The Respondents failed to cite any cases distinguishing the cases cited by the Superintendent.

The statement by the unidentified female, which Officer Donohoe stated she repeated to

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Officer Cotton, was admissible merely to show alleged notice and not for the truth of what was contained in the statement. See *People v. Kline*, 90 Ill. App.3d 1008, 1012 (1st Dist.1980).

Therefore, the Motion to Strike Parts of Denise Donohoe's Testimony is denied.

6. The Respondent, Police Officer Linda Cotton, Star No. 4498, 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 August 12, 2007, Police Officer Linda Cotton, while on duty, failed to notify a supervisor and/or submit a written report after responding to a call at or near 10400 South Western Avenue, Chicago, and receiving information that the alleged offenders were police officers and/or Chicago Police Department members, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

At approximately 4:30 a.m. on August 12, 2007, Police Officers Linda Cotton and James Blanden received a call over their police radio to report to investigate a traffic accident. Initially, Officers Cotton and Blanden could not locate any traffic accident at the location they were given. They then received another call to check the rear of the alley off 104th Street between Artesian and Western Avenues, and they went to the alley to investigate. They discovered a car in the alley that had been involved in a traffic accident and saw a group of people standing in the alley. Officers Cotton and/or Blanden had discussions with certain persons in the alley and attempted to find out what had transpired.

There was testimony at the hearing that Officer Cotton (and possibly Officer Blanden) were told by certain persons present in the alley when the officers arrived that there had been a

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fight in the alley involving individuals who had identified themselves as off-duty police officers. According to Officers Blanden and Cotton, they observed a person sitting on the ground in the alley. Officer Blanden walked toward this person, who appeared to Blanden to have no injuries. Officers Blanden and Cotton testified that this person walked away, was staggering, and appeared to be drunk, and that no one told them that the person who walked away was a person who had been involved in a traffic accident, or who had been injured in a fight. Officers Blanden and Cotton testified that they assumed this person was intoxicated and they did not have any basis to believe he was a victim of a crime or that he required any medical attention.

There was no evidence presented at the hearing that Officers Blanden or Cotton were present either when the fight was occurring or when there was present any victim who was bloody, moaning, or showing any other visible signs of having been involved in a fight. Officers Blanden and Cotton testified that they did not observe any individual being placed in an ambulance or any paramedic treating any person injured at the scene.

Officers Blanden and Cotton arrived in the alley after Denise Donohoe, a Chicago police officer who was off duty at the time. According to Officer Donohoe's testimony, one of the persons injured in the fight ran away before the police officers got there. Another individual, who was injured, was treated and placed into an ambulance. Any fight which occurred, occurred before Officer Donohoe appeared in the alley.

Donohoe testified that she passed on to Officers Blanden and Cotton information she received from witnesses on the scene, including that there "appears" to have been fight and that off-duty police officers had beaten someone. However, given the passage of nearly five years from when this incident occurred to the date she testified, there is substantial doubt as to what specific information witnesses provided to Officer Donohoe and what specific information she

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communicated to Officers Blanden and Cotton. In addition, if Officer Donohoe had been given information that individuals identifying themselves as off-duty officers had beaten up someone, she would have been required by CPD General Order to notify a supervisor and to complete a written report. There is no evidence in the record that she did so, and this lack of evidence casts further doubt as to what specific information she was told on the scene and what specific information she communicated to Officers Cotton and Blanden. In short, there is insufficient evidence to prove that Officer Donohoe received and communicated enough information to Blanden and Cotton to give them notice that off-duty officers had engaged in a battery and that further investigation and reporting were required.

The Department also presented the testimony of Jacqueline Devine and Joseph Ward. Ward testified that he had been drinking during the evening of August 11 and also in the early morning hours of August 12 at Bleeker's, where he had been present for about four hours. He then went to another bar, Brewbakers, and was drinking there for approximately three hours. Jacqueline Devine testified that she had been at Brewbakers for about two hours with her friend Ward. She testified that she most likely would have been at another bar before she went to Brewbakers. Devine testified that she does not remember if she had been drinking because she cannot remember the night in question. Devine also testified that she could not remember everything she told the police officers that night or what they said to her, and that she could not remember many of the details. Devine testified that "I don't remember the night in question." Tr. 287.

Ward testified at the hearing that he told a female police officer that he had seen two black males striking two other males in the alley and that one of the black males claimed to be a police officer. Devine testified at the hearing that she spoke to a police officer but wasn't sure

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whether that officer was a male or a female. She testified that she told that officer that a person or persons who had struck two boys claimed to be a police officer and flashed something.

Neither Ward nor Devine could identify either Officer Blanden or Officer Cotton at the hearing as the person they spoke with about the incident set forth in the charges.

Given the passage of almost five years from the time of the incident until these charges were brought, Devine's admission that she did not remember the night in question (which was corroborated by her demeanor on the witness stand), the inability of Ward and Devine to identify either Blanden and Cotton at the hearing as the persons they talked with in the alley on August 12, 2007, and Ward and Devine's likely intoxication when they talked with the police officers that night, the Police Board finds that there is not sufficient evidence about what they said or to whom they said it to support the charges in these cases. Ward and Devine are to be commended for stepping forward to provide information to the police. However, the passage of nearly five years and their likely intoxication on the night in question make it impossible to sustain the charges based on their testimony.

After Officers Blanden and Cotton made their observations and talked with the persons in the alley off 104th Street, Officer Blanden phoned his supervisor, Lieutenant Janice Roche, at the police station. While Officer Cotton did not call any supervisor, the Board finds that she was not required to do so since her partner made the call. Roche was serving as the acting Watch Commander on August 12, 2007, of the district in which both Officers Blanden and Cotton were working.

Blanden testified that he called Lieutenant Roche because he and Officer Cotton wanted to complete all necessary reports, and that he wanted to advise Lieutenant Roche what he and Officer Cotton had observed in the alley and what other information he or Officer Cotton had

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received.

Blanden made two statements to IPRA, which are in evidence. In his first statement to IPRA, Blanden stated he was told by Officer Cotton that there had been a fight in the alley. Cotton was not sure who had been involved in the fight. Blanden testified at the hearing that he did tell Lieutenant Roche that there had possibly been a fight in the alley before the officers arrived, but that he did not believe he had enough information to prepare a Battery Report.

Blanden testified that he did not want to omit taking any action required by the Chicago Police Department General Orders. Blanden testified that he told Lieutenant Roche everything he knew pertinent to the investigation, and that he was told by Lieutenant Roche that if there was no victim and no offender that there was no need for him to prepare a Battery Report. Blanden further testified that he was told by Lieutenant Roche to complete only a Traffic Crash Report and a Tow Report, and that Roche never told him to prepare a Battery Report or to do any further investigation.

Lieutenant Roche testified that she received a telephone call from Officer Blanden on August 12, 2007, and that when she was told by Officer Blanden that he could not locate a victim or an offender, her response was that they should tow the car, which had been involved in a traffic accident. She told Blanden: "If you got nothing, you got nothing." Tr.164.

Roche initially testified that she could not remember if Blanden had told her about a fight in the alley because of the lengthy period of time from the date of the incident until she testified. Roche did not remember what advice she gave Blanden until she looked at her November 6, 2007, IPRA statement. After reviewing her IPRA statement at the hearing, Roche testified that Blanden did tell her that an off-duty police officer may have been hurt. In her statement to IPRA, Lieutenant Roche stated that Blanden did not tell her there had possibly been

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a fight in the alley. Roche testified at the hearing that the police received several calls regarding this incident and that it was a very busy night.

The Board finds not reliable or credible any denial by Roche that Blanden informed her about a possible fight in the alley. Since Roche would have been very busy while acting as the Watch Commander on the Saturday night-Sunday morning of August 11-12, it would have been extremely difficult, if not impossible, for her to accurately remember the specifics of what Blanden told her on August 12. Roche's statement was not taken until nearly three months after the incident in the alley. The Police Board finds that there is insufficient evidence that Blanden failed to communicate to Roche on August 12, 2007, all information that he had, or that he had received from Officer Cotton.

Roche testified at the hearing that if she learned from Blanden that there had been a fight in the alley on August 12, 2007, she is not sure that her advice would have been different. Roche's testimony was that "the real information was that we had no victim. We had no complainant. We had nothing there. We had no one to do a report for." Tr.168. Roche testified that she got the impression from the call made to her by Blanden on August 12, 2007, that Officer Blanden wanted to do the right thing but he was not sure what to do.

There is no credible evidence in the record that Officers Blanden or Cotton were attempting to shirk their official police duties or conceal any evidence of a possible crime or misconduct on the part of police officers. If they wanted to do so, Blanden would not have called Lieutenant Roche.

Nor is there sufficient evidence to prove that they were inattentive to duty. Blanden called his watch commander, and Cotton and Blanden then followed the directions of Lieutenant Roche. There is insufficient reliable and credible evidence to hold Officers Blanden and Cotton

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responsible for failing to make the required notifications when they followed the directions of their supervisor.

In sum, while an incident did occur in the alley that resulted in two young males being injured, the Police Board finds that the passage of nearly five years from the date of the incident until the filing of charges, coupled with the likely intoxication of two key witnesses and the fact that they cannot say that they spoke to Officers Blanden or Cotton, render the testimony of the Superintendent's witnesses inadequate to support the charges in this case. It is simply not possible, on the record of these cases, to come to a sufficiently accurate conclusion as to what specific information was communicated to Officers Cotton and Blanden on the night in question. As a result, the Superintendent did not prove by a preponderance of the evidence that Officers Blanden and Cotton received information that the alleged offenders were police officers and failed to make the required notifications, and did not prove by a preponderance of the evidence that Officers Blanden and Cotton made false statements to IPRA when they stated that the victims were not present at the scene and stated that they did not receive information that the alleged offenders were police officers.

7. The Respondent, Police Officer Linda Cotton, Star No. 4498, 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 September 26, 2007, and/or on or about March 11, 2010, Police Officer Linda Cotton provided a false report/statement to the Independent Police Review

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Authority relative to its investigation of her response to a call at or near 10400 South Western Avenue, Chicago, when she stated that the victims and/or occupants of the Jeep were not present at the scene, and/or when she stated that she did not receive information and/or could not recall receiving information that the alleged offenders were police officers and/or Chicago Police Department members, 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. 6 above, which are incorporated here by reference.

8. The Respondent, Police Officer Linda Cotton, Star No. 4498, 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:

On or about August 12, 2007, Police Officer Linda Cotton, while on duty, disobeyed an order or directive, whether written or oral, in that she received information that alleged offenders were police officers and/or Chicago Police Department members and she failed to notify a supervisor and/or prepare a written report, in violation of General Order G08-01-02 (formerly General Order 93-03-02B).

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

9. The Respondent, Police Officer Linda Cotton, Star No. 4498, charged herein, is **not guilty** of violating, to wit:

Rule 10: Inattention to duty,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about August 12, 2007, Police Officer Linda Cotton, while on duty, failed to notify a

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supervisor and/or submit a written report after responding to a call at or near 10400 South Western Avenue, Chicago, and receiving information that the alleged offenders were police officers and/or Chicago Police Department members.

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

10. The Respondent, Police Officer Linda Cotton, Star No. 4498, 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 September 26, 2007, and/or on or about March 11, 2010, Police Officer Linda Cotton provided a false report/statement to the Independent Police Review Authority relative to its investigation of her response to a call at or near 10400 South Western Avenue, Chicago, when she stated that the victims and/or occupants of the Jeep were not present at the scene, and/or when she stated that she did not receive information and/or could not recall receiving information that the alleged offenders were police officers and/or Chicago Police Department members.

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

11. The Respondent, Police Officer James Blanden, Star No. 18400, 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:

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Count I: On or about August 12, 2007, Police Officer James Blanden, while on duty, failed to notify a supervisor and/or submit a written report after responding to a call at or near 10400 South Western Avenue, Chicago, and receiving information that the alleged offenders were police officers and/or Chicago Police Department members, 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. 6 above, which are incorporated here by reference.

12. The Respondent, Police Officer James Blanden, Star No. 18400, 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 September 23, 2007, and/or on or about December 28, 2007, Police Officer James Blanden provided a false report/statement to the Independent Police Review Authority relative to its investigation of his response to a call at or near 10400 South Western Avenue, Chicago, when he stated that the victims and/or occupants of the Jeep were not present at the scene, and/or when he stated that he did not receive information that the alleged offenders were police officers and/or Chicago Police Department members, 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. 6 above, which are incorporated here by reference.

13. The Respondent, Police Officer James Blanden, Star No. 18400, 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

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charge:

On or about August 12, 2007, Police Officer James Blanden, while on duty, disobeyed an order or directive, whether written or oral, in that he received information that alleged offenders were police officers and/or Chicago Police Department members and she failed to notify a supervisor and/or prepare a written report, in violation of General Order G08-01-02 (formerly General Order 93-03-02B).

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

14. The Respondent, Police Officer James Blanden, Star No. 18400, charged herein, is **not guilty** of violating, to wit:

Rule 10: Inattention to duty,

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

On or about August 12, 2007, Police Officer James Blanden, while on duty, failed to notify a supervisor and/or submit a written report after responding to a call at or near 10400 South Western Avenue, Chicago, and receiving information that the alleged offenders were police officers and/or Chicago Police Department members.

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

15. The Respondent, Police Officer James Blanden, Star No. 18400, 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 September 23, 2007, and/or on or about December 28, 2007, Police Officer James Blanden provided a false report/statement to the Independent Police Review Authority relative to its investigation of his response to a call at or near 10400 South Western Avenue, Chicago, when he stated that the victims and/or occupants of the Jeep were not present at the scene, and/or when he stated that he did not receive information that the alleged offenders were police officers and/or Chicago Police Department members.

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

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 each Respondent not guilty of violating Rule 2.

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

By a unanimous vote, the Board finds each Respondent not guilty of violating Rule 10.

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

As a result of the foregoing, the Police Board, by a unanimous vote, hereby determines that cause exists for restoring Respondent Cotton 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 March 21, 2012, and for restoring Respondent Blanden to 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, effective March 20, 2012.

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Linda Cotton, Star No. 4498, as a result of having been found **not guilty** of the charges in Police Board Case No. 12 PB 2791, 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 March 21, 2012.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th 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 James Blanden, Star No. 18400, as a result of having been found **not guilty** of the charges in Police Board Case No. 12 PB 2792, be and hereby is **restored** to 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, effective March 20, 2012.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th 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

Police Board Case Nos. 12 PB 2791 & 2792
Police Officers Cotton & Blanden
Findings and Decisions

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