

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST) POLICE OFFICER MICHONNE C. BERRY,) STAR No. 7061, DEPARTMENT OF POLICE,) CITY OF CHICAGO,) RESPONDENT.))	Nos. 12 PB 2800 & 2801 (CR Nos. 1008366 & 1010320)
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FINDINGS AND DECISION

On July 2, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago two sets of charges against Police Officer Michonne C. Berry, Star No. 7061 (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 7: Insubordination or disrespect toward a supervisory member on or off duty.
- 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 Superintendent moved to consolidate the cases for purposes of discovery and hearing. The Respondent did not object, and Michael G. Berland, Hearing Officer of the Police Board, ordered the cases consolidated. The Police Board caused a hearing on these charges against the Respondent to be had before Hearing Officer Berland on February 20 and 25, 2013.

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 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, requesting that the charges filed against her be stricken and the case dismissed for the following reasons: (a) the failure to bring timely charges violates the due process rights of the Respondent; (b) the charges should be barred by laches; and (c) the investigation failed to follow Chicago Police Department General Orders.

The Respondent's Motion to 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 Respondent claims that the Constitution precludes such a lengthy delay in the investigation of the Respondent's alleged misconduct. *Morgan* and *Lyon*, however, involved a delay in *adjudication* of allegations of misconduct after the respective

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 Respondent's case before the Police Board is different from *Morgan* and *Lyon*, as the Respondent in her Motion is complaining about the delay from the time of the incident to the bringing of charges, not the time it took to try her once the charges were filed and she was 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 name. Here, the Respondent was being paid her 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 Respondent was not suspended without pay from her job until *after* the charges against her were filed. Therefore, the Respondent was *not* deprived of her 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

her/his job, salary and benefits during the investigation. The Court cited *Stull v. 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.¹

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.

b. Laches. The Respondent argues that the doctrine of laches should apply here in supporting the dismissal of charges, for she argues that the delay in bringing the charges against her resulted in prejudice to her in losing her employment and in hampering her ability to locate witnesses and 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 Respondent must demonstrate that the Superintendent’s unreasonable delay caused material prejudice to the Respondent; the Respondent must submit evidence in support of his 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 Respondent has made no specific showing of any prejudice that resulted from a delay in bringing charges before the Police Board. She argues that had the charges been brought in a timely manner, she would have been able to locate witnesses who could have been favorable to her defense, as well as witnesses whose memories had not faded with the passage of time. The

Respondent made no showing that she attempted to locate such witnesses or evidence but was unable to do so because of the passage of time. Consequently, any argument that there may be other witnesses favorable to the Respondent, or that material evidence was overlooked and is now unavailable, is speculative.

The Respondent here has not demonstrated any “compelling” or “extraordinary” circumstances warranting a dismissal of her case, and has not carried the burden of proving that she was prejudiced by a delay in the bringing of charges.

c. General Order 93-03. The Respondent argues 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 Department’s directives do not set an absolute deadline within which investigations must be completed, but provide 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 evidence that the investigator failed to regularly seek, and was granted, extensions of time, in compliance with the Department’s directives.

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 General Order in this case. 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.

5. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, 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:

Case No. 12 PB 2800, Count I: On or about August 8, 2007, at approximately 1827-2133 hours, Officer Berry's overall actions impeded Department policy and/or brought discredit upon the Department when she made harassing and threatening phone calls to Officer Matthew Jackson.

After Officer Matthew Jackson ended the dating relationship that he had with Officer Michonne Berry, she called his cellular telephone number on August 8, 2007, and left voicemail messages which included the following statements:

"This is Michonne, this is my final message. I believed in you and, I am definitely, definitely the wrong person to fuck over."

"If you think that you can do this with impunity, you are mistaken. You will pay for this. You will suffer. You have messed with the wrong person."

"The police department has fucked me and you have fucked me around and I am going to get some retribution, you can believe this. You can believe that."

"You did not have to do me the way that you did me."

Officer Jackson identified the caller who made these statements as Officer Berry. Berry admitted that she made these telephone calls and left these messages.

6. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, charged herein, is **guilty** of violating, to wit:

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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:

Case No. 12 PB 2800, Count II: On or about October 10, 2007, at approximately 2140 hours, Officer Berry's overall actions impeded Department policy and/or brought discredit upon the Department when, while at IAD [Internal Affairs Division] offices, Officer Berry verbally abused and attempted to physically confront IAD Sergeant Cochran, and was arrested on two counts of violation of an Order of Protection.

Sergeant Terrence Cochran credibly testified that when Officer Berry was called into the police station on October 10, 2007, for allegedly violating the Order Of Protection, Berry began arguing with Cochran. During the confrontation, Berry came within 6-8 inches of his face and said, "You fat fuck." Berry then said, "Since you are going to arrest me I am going to give you something to arrest me for. I'm going to fuck you up." She also told him that she hoped that he died of a coronary. Sergeant Cochran testified that two officers quickly placed themselves between him and Berry to attempt to defuse the incident.

Officer Ravenna Rotunda was present when Berry engaged in the confrontation with Sergeant Cochran on October 10, 2007. Rotunda credibly testified that Berry came up to Sergeant Cochran, pulled apart her blouse, stated that she did not have anything on her, and that she called Cochran a "fat fuck." Berry approached Sergeant Cochran, engaged in heated argument with him, and was speaking to him, "manager/umpire style." Rotunda and another officer stepped between them quickly to diffuse the confrontation between Berry and Cochran.

Officer Joseph Stehlik credibly testified that every time Sergeant Cochran asked Berry anything, she responded "fuck you." Sergeant Cochran attempted to calm her down but Berry kept swearing at him. Stehlik testified that at one point during Berry's confrontation with Cochran, Berry told Cochran "fuck you, you fat fuck. I hope you die of a coronary."

Officer Berry denied most of the allegations involving her confrontation with Sergeant Cochran. The Board does not find Berry's testimony credible relating to her version of the confrontation with Cochran. Throughout her testimony at the hearing, Berry did not take responsibility for her improper conduct, which is set forth in the consolidated charges in this case.

7. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, 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:

Case No. 12 PB 2801, Count I: On or about October 21, 2007, at approximately 2230 hours, while at the 003rd District Station, Officer Berry's overall actions impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when she failed to follow an order from Sergeant Wilson.

On October 21, 2007, Berry was at the 3rd District police station. Berry was leaving the police station, although she did not have permission to do so. Lieutenant Timothy Bickham credibly testified that he was at the 3rd District police station on October 21, 2007, when Berry was present. He observed Berry leave the Sergeant's office, although the Sergeant was yelling at her to come back. Bickham walked into the hallway to see what was happening. Bickham testified that Sergeant Wilson ordered Berry to come back but Berry just threw her hand over her shoulder in a dismissive way. Bickham then ordered Berry to come back but Berry kept walking, left the station, went into the parking lot, and entered her car. When Lieutenant Bickham approached the car, Berry locked the doors of the car, and drove off.

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Sergeant Michelle Wilson credibly testified that she saw Berry walk out of the police station on October 21, 2007, and Wilson asked her to stop. Berry flipped her hand at her and continued walking out of the police station. Wilson asked her again to stop but Berry continued walking, got into her car, and drove off.

Officer Berry admitted walking out of the police station and driving off in her vehicle. She testified she did so because she did not feel well and wanted some water and air. She testified that she did not focus on who was talking to her or why they were talking to her. The Police Board finds that Berry was insubordinate and disrespectful toward Sergeant Wilson when she refused to comply with the orders given to her to remain at the police station.

8. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, 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:

Case No. 12 PB 2801, Count II: On or about October 21, 2007, at approximately 2240 hours, while in the vicinity of 6800 South St. Lawrence Avenue, Chicago, Officer Berry's overall actions impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when she committed a battery on Officer Sledge, resulting in her arrest.

Officer Eugene Sledge was working on October 21, 2007, with his partner, Officer Kimberly Nelson. They received a radio transmission that they should stop the car which Officer Berry had driven away from the police station. Although Officer Sledge activated the lights on his police car, Berry did not stop. Finally, Berry's car was stopped around 68th Street & St. Lawrence Avenue, in Chicago.

When the officers were approaching, Berry got out of her car and went into the back seat of her car. Officer Sledge testified that he did not know what Berry was looking for, and that he and his partner approached Berry and wanted to handcuff her. When he and his partner tried to grab Officer Berry, she pulled away. Sledge's testimony was that Berry did so "in order to flee the arrest." Since Berry was not cooperating, he performed emergency handcuffing techniques, which including getting her down to the ground so she could be handcuffed. Sledge testified that Berry was agitated and combative during this incident. While he was attempting to handcuff Berry, Officer Sledge credibly testified that she hit him in the face and knocked his glasses off. Sledge testified that, while he was attempting to handcuff her, Berry hit him somewhere in the chest area as well. Sledge was not injured during the arrest of Berry.

Officer Kimberly Nelson testified that she and her partner were assigned to curb Berry's car. Nelson heard tires of Berry's car screeching and saw Officer Berry go through a stop light or two. Nelson testified that Berry's car refused to stop even though they had activated the lights and sirens on their police car. When Nelson observed Berry reach into the back seat of her car, Nelson thought Berry might have been reaching for a weapon. She and Officer Sledge were asking Berry to get back inside her car but Berry did not comply. When she and her partner tried to handcuff Berry, Berry failed to cooperate and was resistant. While Officer Nelson did not see Berry punch Officer Sledge, she did see his glasses fly off during the attempts to handcuff her.

Officer Berry did not admit that she resisted the officers during her arrest at 68th & St. Lawrence. She testified that her hands were by her side, but the Board does not believe this testimony. She testified that Officer Sledge asked his partner to slam her to the ground, apparently, from her standpoint, with no justification. Berry testified it took five officers to

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secure her arrest. The Board does not find credible Officer Berry's version of her arrest at 68th & St. Lawrence by Officers Sledge, Nelson, and other officers. The Board finds that Officer Berry was actively resisting arrest and resisting being handcuffed, and that she committed a battery on Officer Sledge.

9. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, 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:

Case No. 12 PB 2801, Count III: On or about October 21, 2007, at approximately 2240 hours, while in the vicinity of 6800 South St. Lawrence Avenue, Chicago, Officer Berry's overall actions impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when she engaged in an unjustified verbal altercation with Officer Sledge.

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

10. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, charged herein, is **guilty** of violating, to wit:

Rule 7: Insubordination or disrespect toward a supervisory member on or off duty,

in that:

Case No. 12 PB 2800, Count I: On October 10, 2007, at approximately 2140 hours, while at IAD offices, Officer Berry was insubordinate to IAD Sergeant Cochran in that she verbally abused him and attempted to physically confront him.

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

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reference.

11. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, charged herein, is **guilty** of violating, to wit:

Rule 7: Insubordination or disrespect toward a supervisory member on or off duty,
in that:

Case No. 12 PB 2801, Count I: On or about October 21, 2007, at approximately 2230 hours, while at the 003rd District Station, Officer Berry was insubordinate and disrespectful toward Sergeant Michelle Wilson in that Officer Berry waved her hand and failed to remain at the station when ordered to do so.

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

12. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, charged herein, is **guilty** of violating, to wit:

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

Case No. 12 PB 2801, Count I: On or about October 21, 2007, at approximately 2240 hours, while in the vicinity of 6800 South St. Lawrence Avenue, Chicago, Officer Berry did maltreat Officer Eugene Sledge in that she struggled with and/or struck him on the face.

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

13. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, 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:

Case No. 12 PB 2800, Count I: On or about October 10, 2007, at approximately 2140 hours, while at the IAD offices, Officer Berry engaged in an unjustified verbal or physical altercation when she verbally abused IAD Sergeant Terrence Cochran with threats, profanity, and demeaning remarks.

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

14. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, 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:

Case No. 12 PB 2800, Count II: On or about October 10, 2007, at approximately 2140 hours, while at the IAD offices, Officer Berry engaged in an unjustified verbal or physical altercation when she attempted to physically confront IAD Sergeant Cochran.

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

15. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, 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:

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Case No. 12 PB 2801, Count I: On or about October 21, 2007, at approximately 2240 hours, while in the vicinity of 6800 South St. Lawrence Avenue, Chicago, Officer Berry engaged in an unjustified verbal or physical altercation against Officer Sledge.

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

16. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, charged herein, is **guilty** of violating, to wit:

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

in that:

Case No. 12 PB 2800, Count I: On or about March 5, 2009, at approximately 1410 hours, Officer Berry provided a false statement to the Independent Police Review Authority in that she lied when she denied being insubordinate to IAD Sergeant Cochran; lied when she denied verbally abusing Sergeant Cochran with threats, profanity, and demeaning remarks; and lied when she denied attempting to physically confront Sergeant Cochran.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference. On or about March 5, 2009, Officer Berry made false statements to the Independent Police Review Authority in that she denied being insubordinate to Sergeant Terrence Cochran, denied verbally abusing Sergeant Cochran with threats, profanity, and demeaning remarks, and denied attempting to physically confront Sergeant Cochran.

17. The Respondent, Police Officer Michonne C. Berry, Star No. 7061, charged herein, is **guilty** of violating, to wit:

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

in that:

Case No. 12 PB 2800, Count II: On or about September 17, 2010, at approximately 1006 hours, Officer Berry provided a false statement to the Independent Police Review Authority in that she lied when she denied being insubordinate to IAD Sergeant Cochran; lied when she denied verbally abusing Sergeant Cochran with threats, profanity, and demeaning remarks; and lied when she denied attempting to physically confront Sergeant Cochran.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference. On or about September 17, 2010, Officer Berry made false statements to the Independent Police Review Authority in that she denied being insubordinate to Sergeant Terrence Cochran, denied verbally abusing Sergeant Cochran with threats, profanity, and demeaning remarks, and denied attempting to physically confront Sergeant Cochran.

18. 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 determines that the Respondent must be discharged from her position due to the serious nature of the conduct of which it has found her guilty.

Police Officer Berry made harassing and threatening phone calls to a fellow officer (Officer Jackson), verbally abused and threatened a superior officer (IAD Sergeant Cochran), disobeyed a superior officer (Sergeant Wilson), and committed a battery against a fellow officer (Officer Sledge). The Board considered the nature of this misconduct, and considered Officer Berry's defense, including testimony that she was suffering from mental-health problems at the time, and that when she was called to the police station on October 10, 2007, she had not violated the Order of Protection then in effect. Notwithstanding the factors Berry raised in her defense, the Board finds that Officer Berry's actions were reckless, violent, and unjustified. Officer Berry

was out of control and demonstrated a complete lack of judgment on multiple occasions.

Officer Berry's conduct and the lack of control and lack of judgment she has demonstrated are incompatible with continued service as a police officer with the Chicago Department. Police officers face constant stress that is inherent in police service, and are often required to make split-second decisions affecting human life in difficult and dangerous situations. The Board finds that, based on Officer Berry's conduct, returning her to duty as a police officer, armed and authorized to use deadly force, poses an unacceptable risk to the safety of the public and her fellow officers.

The Board finds that Officer Berry's conduct is sufficiently serious to constitute a substantial shortcoming that renders her continuance in her office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something which the law recognizes as good cause for her to no longer occupy her office.

POLICE BOARD DECISION

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 denies the Respondent's Motion to Dismiss the charges.

By unanimous votes, the Board finds the Respondent guilty of violating Rule 2, Rule 7, Rule 8, Rule 9, and Rule 14.

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As a result of the foregoing, the Police Board, by a vote of 7 in favor (Carney, Davis, Ballate, Conlon, McKeever, Miller, Rodriguez) to 2 opposed (Foreman, Fry), hereby determines that cause exists for discharging the Respondent from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Michonne C. Berry, Star No. 7061, as a result of having been found **guilty** of charges in Police Board Case Nos. 12 PB 2800 & 2801, be and hereby is **discharged** from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF APRIL, 2013.

/s/ Demetrius E. Carney

/s/ Scott J. Davis

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

The undersigned hereby dissent from the Decision of the majority of the Board.

We concur with the Findings that the Respondent is guilty of all charges. However, we respectfully dissent with regard to the penalty. Based on the lack of any discipline of Berry for on- or off-duty incidents during the period from the October 2007 incidents until the charges were filed with the Police Board, and the fact that Berry was cleared for full and unrestricted duty and was found fit for duty on several occasions during this time period (see Respondent Ex. Nos. 10-12 and 14), we believe that a penalty of discharge is not warranted, and that a suspension is a more fitting penalty on the facts of these particular cases.

/s/ Ghian Foreman

/s/ Rita A. Fry

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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE

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Log No: 1010320 Type:CR

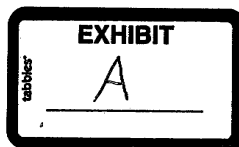
Accused Members

Review Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
BERRY, MICHONNE	PENDING CORPORATION COUNSEL	SUSTAINED	SEPARATION	-	-	22-OCT-2007	==>

Complimentary History

Award Type	Count
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	5
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
DEPARTMENT COMMENDATION	1
HONORABLE MENTION	10
COMPLIMENTARY LETTER	1
2009 CRIME REDUCTION AWARD	1

row(s) 1 - 6 of 6



<http://chris.chicagopolice.org/pls/clear/f?p=15280:10:4419582586675847::VIEW:NO::P10...> 6/22/2012

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BUREAU OF INTERNAL AFFAIRS
RECORDS SECTION

JUN 28 2012

TO: COMMANDING OFFICER UNIT 113

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

BERRY	MICHONNE	7061	376
NAME	(LAST, FIRST)	STAR	UNIT
F	B		
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1010320
THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

PARALEGAL II	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:

BERNETTE KELLY

NONE ☒
SEE ATTACHED ☐

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

11.0 Ex 1