

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTERS OF CHARGES FILED AGAINST)
)
SERGEANT JESSE TERRAZAS,) No. 12 PB 2802
STAR No. 1539, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER ALEJANDRO DELA CRUZ,) No. 12 PB 2803
STAR No. 18959, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER DANIEL GOMEZ,) No. 12 PB 2804
STAR No. 19539, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER SALVADOR PRIETO,) No. 12 PB 2805
STAR No. 14710, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER MARVIN BONDS,) No. 12 PB 2806
STAR No. 14798, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER GONZALO ESCOBAR,) No. 12 PB 2807
STAR No. 15824, DEPARTMENT OF POLICE,)
CITY OF CHICAGO, AND)
)
POLICE OFFICER CHRISTOPHER MOORE,) No. 12 PB 2808
STAR No. 14830, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
(CR No. 1023617)
RESPONDENTS.)

FINDINGS AND DECISIONS

On July 2, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Jesse Terrazas, Star No. 1539, Police Officer Alejandro Dela Cruz, Star No. 18959, Police Officer Daniel Gomez, Star No. 19539, Police Officer Salvador Prieto, Star No. 14710, Police Officer Marvin Bonds, Star No. 14798, Police Officer Gonzalo

Police Board Case Nos. 12 PB 2802-2808

Terrazas et al.

Findings and Decisions

Escobar, Star No. 15824, and Police Officer Christopher Moore, Star No. 14830 (hereinafter sometimes referred to as “Respondents”), recommending that the Respondents be discharged from the Chicago Police Department for violating several Rules of Conduct.

Thomas E. Johnson, 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 Johnson on September 20, September 21, September 28, November 13, November 14, November 19, and November 29, 2012.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decisions. (Police Board Vice President Davis recused himself from this matter due to a conflict of interest.)

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 sworn member 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.

Motion to Dismiss

4. Respondents Dela Cruz, Gomez, Bonds, and Moore filed a Motion to Dismiss asking that the Police Board dismiss the charges filed against them with prejudice for the following reasons: (a) the failure to bring timely charges violates the due process rights of the Respondents; (b) the charges should be barred by laches; (c) the investigation by the Independent Police Review Authority (IPRA) violated Chicago Police Department General Order 93-03 and Special Order 08-01-01; and (d) IPRA violated Section 2-57-070 of the Municipal Code of Chicago. The remaining Respondents joined in the Motion to Dismiss. The Respondents' 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 Respondents claim that the constitution precludes such a lengthy delay in the investigation of the Respondents' alleged misconduct. *Morgan* and *Lyon*, however, involved a delay in *adjudication* of allegations of misconduct after the respective plaintiffs had been suspended from their jobs—not delay in the *investigation* leading to the initial suspensions. *Morgan* involved a clinical psychologist accused of sexually abusing a patient, where the state took fifteen months to decide the case after the suspension. *Lyon* involved a teacher accused of abusing students where the director of DCFS failed to honor specific regulatory time limits for decision-making.

The Respondents' cases before the Police Board are different from *Morgan* and *Lyon*, as

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

We recognize that the Circuit Court of Cook County, in *Orsa v. City of Chicago Police Board*, 11 CH 08166 (March 1, 2012) found that the protections of the Due Process clause are triggered by an unreasonable delay in the investigation of a matter, even if the officer retains his job, salary and benefits during the investigation. The Court cited *Stull v. The Department of Children and Family Services*, 239 Ill.App.3d 325 (5th Dist. 1992). *Stull* involved a teacher accused of sexually abusing two of his students. The statute and regulations governing DCFS investigations of child abuse provided strict time limits on the length of any investigation and on the time within which a hearing must be conducted and a decision entered if the adult found to have abused children sought a hearing. The *Stull* court found that DCFS had grossly violated

these time limits and required expungement of the adverse finding against the teacher, even though the administrative appeal found that he had been properly “indicated” as an abuser. The *Stull* court did find that the teacher’s due process rights had been infringed, but it was not because of a delay in DCFS’s investigation of the case. The court held that due process was violated by the more than one-year delay in adjudicating the teacher’s appeal because during that period of time there was an indicated finding of child abuse lodged against the teacher and this finding prohibited him from working, *see* 239 Ill.App.3d at 335, thus triggering the kind of deprivation that is not present in the Respondents’ cases. *Cavaretta v. Department of Children and Family Services*, 277 Ill.App.3d 16 (2nd Dist. 1996), also cited by the Circuit Court, is identical to *Stull*, which it relies upon. The *Cavaretta* court was quite careful to find that due process was not implicated until DCFS (after its investigation was complete) “indicated” the teacher as a child abuser and placed the teacher’s name in the state’s central registry, which directly deprived the teacher of the ability to work.¹

b. Laches. The Respondents argue that the doctrine of laches should apply here in supporting the dismissal of charges, for they argue that the delay in bringing the charges against them resulted in prejudice to them in losing their employment and in hampering their ability to locate 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

¹The 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.

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

The Respondents have made no specific showing of any prejudice that resulted from a delay in bringing charges before the Police Board. They argue only that witnesses’ memories have faded over time, and so the ability to cross-examine those witnesses was undermined. In fact, however, the witnesses all provided statements close in time to the events in question. At trial, they were able to recall and testify as to what happened. In closing arguments, there was discussion about the GPS records on all 2nd District tactical vehicles and whether they were unavailable, but these records really related to whether Sergeant Terrazas was present at the scene, an issue on which the Board finds against the Superintendent. On the issues resolved against the Respondents, they made no showing that they attempted to locate further witnesses or evidence but were unable to do so because of the passage of time. Consequently, any argument

that there may be other witnesses out there, or that material evidence was overlooked and is now unavailable, is speculative.

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

c. General Order 93-03 and Special Order 08-01-01. The Respondents argue that the Police Department’s General Order 93-03 and Special Order 08-01-01 require a prompt and thorough investigation, and that the Department failed to fully comply with the provisions of these directives.

In fact, these directives do not set an absolute deadline within which investigations must be completed, but provide that if the investigations 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 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 directives.

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

d. Municipal Code Section 2-57-070. The Code provides that if the Chief Administrator of the Independent Police Review Authority (IPRA) does not conclude an investigation within six months after its initiation, the Chief Administrator shall notify the Mayor, the City Council, the complainant, and the accused officer. The Respondents argue that IPRA did not comply with this provision of the Code.

In letters dated August 27, 2009, IPRA provided notification to the Respondents. Even if, however, notification was untimely and this provision of the Code was violated, neither Section 2-57-070 nor anything else in the Code states that dismissal of a Police Board case is the sanction for failing to 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. 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.

Charges Against the Respondents

5. On February 4, 2009, Sergeant Jesse Terrazas (Sergeant and Respondent) was responsible for supervising the 263 tactical team working out of the Chicago Police Department's Second District. The six other Respondents in this case were all members of the 263 tactical team: Police Officers Salvador Prieto, Marvin Bonds, Gonzalo Escobar, Christopher Moore, Alejandro Dela Cruz, and Daniel Gomez (Officers and Respondents). It is undisputed that a seventh police officer (Daniel Prskalo) was also a member of the team, but (Prskalo) was in court and not present at the residence in question when the events giving rise to this case occurred.

The primary issues in this case are 1) whether the Officers violated citizens' Fourth Amendment rights by conducting an illegal search of a private residence, and 2) whether Sergeant Terrazas failed in his duties as supervisor. The Board finds that the Officers did in fact:

1. enter the leaseholder's apartment without lawful authority,
2. mistreat the leaseholder,
3. coerce the leaseholder into signing a consent-to-search form, and
4. conduct an illegal search.

The Board further finds that Sergeant Terrazas failed to properly supervise his team and allowed an illegal search to take place under his command. The Board also finds that the Officers and the Sergeant then made false official statements to the Independent Police Review Authority and/or made false statements under oath at the Police Board hearing in an attempt to cover up their misconduct.

The Board's findings are based on the credible testimony of several residents of the apartment and on corroborating evidence presented at the hearing, including GPS evidence, which the Board finds accurate and convincing. The sections below summarize the evidence and the Board's principal findings. Paragraph nos. 6 through 116 set forth the Board's findings as to each of the specific charges against each of the Respondents. The concluding paragraphs set forth the penalties to be imposed for the Respondents' misconduct.

The Respondents' Testimony. Sergeant Terrazas and each of the Officers took the witness stand and testified that on February 3, 2009, Police Officer Prieto received information from an anonymous citizen on the street, indicating that narcotics were being stored in the basement apartment at 4740 South Prairie Avenue in Chicago by Willie (a/k/a Wheezy) Hines. The members of the tactical team knew Mr. Hines and believed he was an important part of the Gangster Disciple street gang engaged in the sale of "dipset," a type of heroin, in the

neighborhood around 47th and Prairie. Several of the Officers (Prieto, Gomez, Dela Cruz, and Escobar) had previously been involved in a search of Mr. Hines's residence at 4740 S. Prairie in 2007, with a court-approved search warrant, or knew Mr. Hines from the street or from prior arrests. Officer Prieto and his fellow Officers did not present the informant's information to a judge and obtain a court-approved search warrant for the 4740 S. Prairie property. Nor did these Officers have a warrant for the arrest of Willie Hines, or anyone else who lived at 4740 S. Prairie.

Instead, the Officers testified that on February 4, 2009, Officer Prieto proceeded to the vicinity of 4740 S. Prairie and conducted surveillance of the location for 30-35 minutes, without seeing Willie Hines or other suspicious activity. Officers Dela Cruz and Gomez walked on foot in the neighborhood looking for Willie Hines to no avail. Officer Prieto then radioed the other Officers on the tactical team to meet him at the entrance to 4740 S. Prairie, which they did. After observing a woman enter the home, Officer Prieto testified he went to the open door and entered into a low-key and polite conversation with Brenda Hines, who identified herself as the leaseholder. The Officers testified that Officer Prieto explained to Ms. Hines why they were there, and particularly that they were looking for drugs that her son, Willie Hines, was supposedly storing at the location. The Officers testified that once Officer Moore retrieved the form from his vehicle, Officer Prieto presented Ms. Hines with a consent to search form at the doorway of her residence. The form is Superintendent Exhibit No. 11. After explaining the form, the Officers say Ms. Hines voluntarily signed it. They say she never asked to speak to her lawyer, was not confused about the form, and was never threatened. While Officers Dela Cruz and Bonds indicated they could not hear what Officer Prieto said to Ms. Hines and did not see her sign it,

every one of the other Respondents testified that they observed the explanation to Ms. Hines and saw her sign the consent to search form. Officer Escobar signed the form as a witness. Officers Prieto and Moore signed the form as “Reporting Members.” Sergeant Terrazas signed the consent form as the supervisor.

Once Ms. Hines provided written consent to search, the Officers all testified that they then proceeded into the apartment to secure the premises. The Officers say none of them pulled their weapons. There were nine people in the apartment. The Officers say only Kevin Hines, the brother of Willie Hines, was handcuffed. Officer Prieto found Willie Hines in the living room. According to Officer Prieto, Willie Hines informed him that drugs could be found in the battery pack of a remote control toy car. Officer Prieto then testified that he recovered 99 packets of heroin from the battery compartment of this toy truck. Pictures of the heroin are Superintendent Exhibit No. 18. Willie Hines was taken into custody. The initial charge against him does not appear in the court records admitted into evidence (Moore Exhibit Nos. 7 and 8) as the charge was later amended. Ultimately, Willie Hines pleaded guilty to possession of heroin and received felony probation, for the third time.

Was Sergeant Terrazas Present at the Search of 4740 S. Prairie? The Superintendent contends, based primarily on GPS data for a police vehicle, that Sergeant Terrazas was not even present when the Hines’ apartment was searched, and therefore failed to discharge his duties as a supervisor. The Board determines that there is insufficient evidence to prove this charge. The Board finds that the GPS evidence is accurate, but that this evidence does not prove that Sergeant Terrazas was not present at the scene. Rather, the convincing testimony by the Superintendent’s own witnesses, along with the testimony of Sergeant Terrazas himself, confirm that Sergeant

Terrazas was in fact present during the search.

The Superintendent relies first upon the Supervisor's Log (Superintendent Exhibit No. 10) and Attendance & Assignment sheets (Superintendent Exhibit Nos. 9 and 37) which identify police Vehicle 4237 as Sergeant Terrazas' car on February 4, 2009, as well as on every day from February 3, 2009 through April 1, 2009. The Superintendent then introduced the testimony of Bruce Bauer, an expert in GPS systems, who works for Northrup Grumman, the firm that installed GPS equipment in Chicago police vehicles. The Superintendent also introduced the testimony of Captain Martin Ryczek, who supervises the maintenance of the GPS equipment for the Chicago police and can explain the data produced by the GPS system. In addition, the Superintendent offered Superintendent Exhibit Nos. 20, 21, and 22, which represent GPS data on the movement of police Vehicles 4237, 4191 (assigned to Officers Prieto and Moore on February 4, 2009) and 4232 (assigned to Officers Dela Cruz and Gomez on February 4, 2009).² The Respondents did not call an expert witness to contest the GPS evidence in this case and, in the Board's judgment, the reliability of the GPS evidence was not undermined by the cross-examination of Mr. Bauer or Captain Ryczek. In fact, the GPS data provides the Board with a precise description of the location and movement of these three vehicles throughout the relevant time period on February 4, 2009.

The GPS data shows that police Vehicle 4237 (assigned to Sergeant Terrazas) was never at the scene of the search when it took place at 4740 S. Prairie. Indeed, at 12:53 PM on February 4, 2009, when Sergeant Terrazas testified under oath that he was at the scene calling OEC for an

² There was no GPS data available for police Vehicle 4035 (assigned to Officers Bonds and Escobar on February 4, 2009).

event number, his assigned vehicle (Vehicle 4237) is near 35th Street on Giles Avenue, many blocks from the scene.

Sergeant Terrazas, however, testified that he was not using police Vehicle 4237 on February 4, 2009. He explained that while police beat cars must be signed out by particular patrol officers when they obtain the car keys and their radios (and therefore use of those cars can be monitored using department assignment records), the same system is not used with respect to tactical officers and other officers in specialized units. He testified that in the Second District, the members of his tactical team, as well as the members of the public housing team, the gang team, the narcotics team and the detectives all use the same pool of cars. The keys are kept in a box or other container. There is no sign-out system. When a member of one of these teams needs a vehicle, he or she merely grabs a set of keys, finds the vehicle and leaves—often having to move quickly to respond to events on the street. Officer Bonds corroborated Sergeant Terrazas’ testimony on this point. In the face of this testimony, the Superintendent did not call a rebuttal witness, and therefore the assignment system, as described by Sergeant Terrazas and Officer Bonds, was essentially undisputed. The result is that while the Department has invested considerable resources in a sophisticated GPS system that identifies the movement of its cars, at least with respect to its specialized units, the Department has no reliable way of determining which officers are in which cars. As such, the Superintendent’s GPS evidence is not sufficient, on its own, to carry its burden on the question of whether Sergeant Terrazas was present at 4740 S. Prairie during the search.³

³In fact, the GPS evidence actually suggests that Sergeant Terrazas was not in Vehicle 4237. The OEC transmissions indicate that at 1:39 PM, Sergeant Terrazas radioed for the public housing team (Unit 264). He testified he needed them to come to the Second District station to change into uniform, and cover the school dismissals in the District.

The Superintendent, however, also relies on Sergeant Terrazas' concessions that when he filled out his Supervisor's Management Log (Superintendent Exhibit No. 10) at the end of the day on February 4, 2009, he inaccurately described details of the search. So, the Management Log says that he made contact with his tactical team at 1:30 PM, which Sergeant Terrazas concedes cannot be the case. The Log provides the wrong address (4720 S. Prairie instead of 4740 S. Prairie), indicates that the Sergeant rode with Officers Dela Cruz and Gomez (which he denies) and the Sergeant approved an arrest report (Superintendent Exhibit No. 19) indicating that only 40 grams of heroin were seized instead of the 99 actually seized. The Superintendent argues that these errors prove that the Sergeant could not have been at the scene.

The problem with the Superintendent's contention is that two of the Superintendent's own witnesses convincingly place the Sergeant at the scene of the search. The Board finds Brenda Hines's testimony particularly credible. She identified Sergeant Terrazas as present at her apartment on February 4, 2009, in the portion of the apartment where the Sergeant testified he was positioned. Her testimony was not an error but buttressed by detailed accounts of her conversations with the Sergeant, in which she sought permission during the search to get dressed and then put water on the corn that was cooking on the stove. Ms. Hines's testimony is corroborated by Tabitha Pointer. Ms. Pointer arrived at the apartment with her children, as Ms. Hines was going to provide child care. Ms. Pointer had just started a new job and needed to get to work; the officers, however, were detaining her and her small child (as well as her teenage son). She testified that she sought permission to leave from an officer at the entry door that would

Almost immediately after that radio call, police Vehicle 4237 proceeds into the Second District station. This strongly suggests that members of the public housing team were using police Vehicle 4237 on February 4, 2009.

appear to be Officer Gomez, and won permission to leave only after Officer Gomez got approval from an officer standing where the Sergeant and Ms. Hines said Sergeant Terrazas was located. Given the credible testimony of Ms. Hines and Ms. Pointer, the Superintendent has failed to discharge its burden in terms of proving that Sergeant Terrazas was not present at the search of 4740 S. Prairie. In fact, the testimony proves that he was there the entire time.

Did the Respondent Officers Obtain Consent to Search the Premises at 4740 S. Prairie? The Board finds, based on the credible testimony of several residents and on corroborating evidence presented at the hearing, that the Officers entered the Hines residence without consent and conducted an illegal search. The Board does not believe the Respondents are being truthful about what happened at 4740 S. Prairie. Indeed, the Board finds that the Respondents lied in their statements to IPRA and further compounded their lies by not being truthful at the hearing.

Brenda Hines is fifty years old. She has been a tenant at 4740 S. Prairie for 26 years. She testified very convincingly that on February 4, 2009, at about 11:45 AM, and before her noon soap operas came on, she was at the apartment with her sons, Willie and Kevin Hines, Kevin's girlfriend Kimberly Gardner, Brenda's cousin Thelma Johnson, Brenda's brother Gregory Butler (who was celebrating his birthday) and Tabitha Pointer's children who were Quintin (age 14) and Terrell (age 4). According to Ms. Hines, Officer Prieto burst into the apartment. He did not ask for permission to enter. He pointed his gun at Quintin Pointer and Gregory Butler and ordered them to the ground. Shortly after the officers entered the apartment, Tabitha Pointer arrived. The Officers then handcuffed Willie and Kevin Hines. Other officers came in and held the occupants of the apartment at bay. Officer Prieto said he had a warrant for Willie Hines'

arrest. One of the officers said he found drugs outside and Officer Prieto told her he was arresting Willie.

Brenda Hines testified that after the Officers had been in the apartment, searched it, supposedly found drugs outside and arrested Willie, Officer Moore (whom she picked out of a photo array) told her to sign a paper. She could not read the paper as she did not have her glasses. She asked to speak to her lawyer, and the Officers refused her permission to do so. Officer Prieto called her ignorant and naive, and threatened to take everyone in the apartment to the station, if she did not sign the consent form. She refused to sign four or five times. Officer Moore told her the paper merely said the police had done an investigation and that her son would be released, when that was not what the paper said. Willie Hines told her to sign the paper. Ultimately, she signed the consent form but had no idea what it said. The officers then took the handcuffs off the other men and boys, and left with Willie Hines. Ms. Hines called her lawyer who advised her she had a right to make a complaint to the Police Department. She did so, and that complaint initiated the investigation that led to these charges. The police did not release Willie Hines, as promised, and he sat in jail for months. The Board credits Brenda Hines' testimony as to what happened at the apartment and particularly as to the Officers' failure to obtain written consent before entering. Just as Brenda Hines told the truth about Sergeant Terrazas' presence in the apartment, so she told the truth about what the Officers did when entering and searching the apartment.

Tabitha Pointer corroborated part of Brenda Hines's testimony. Her testimony, background, and demeanor on the stand left the Board with the distinct belief that she was credible. She dropped her sons, Quinton and Terrell, at the apartment, as Ms. Hines provided day care for them. She returned to her car to retrieve something and then entered the apartment. She

was greeted by a flashlight and the police. This testimony directly contradicts that of Sergeant Terrazas, and Officers Prieto and Escobar, that they entered the apartment after Tabitha Pointer. She was detained at the apartment. As she had just started a job, she needed to go, in order to get to work on time. After conversation with the officers, she was permitted to leave with Terrell.

Kimberly Gardner also corroborated Brenda Hines. She had been in a bedroom with Kevin Hines and was brought out of the room by two officers. Officer Moore was brandishing a weapon. She was placed on the floor right across from the stairwell where Officer Prieto said he found drugs. Ms. Gardner never saw the officers recover any drugs from the stairwell.

While Willie and Kevin Hines also testified, the Board does not rely upon their testimony. Their felony drug records impair their credibility, and their testimony is not necessary to resolve this case.

This case, however, is not one where the Board is left only with testimonial evidence and must choose whom to believe, as between witnesses offering radically different accounts of what happened. There is objective evidence in this record that leads the Board to not believe the testimony of the respondent officers.

First, the GPS evidence in this case unquestionably shows that police Vehicles 4232 and 4191 arrived at 4740 S. Prairie at 11:44 AM. These vehicles remain at this location and do not leave until 12:56 PM. Officers Moore and Prieto agree that they drove police Vehicle 4191 to the vicinity of 4740 S. Prairie. Officer Dela Cruz agrees he was assigned to police Vehicle 4232, along with Officer Gomez. All of the Officers agreed they left 4740 S. Prairie at the same time. The consent to search form (Superintendent Exhibit No. 11) indicates that consent was obtained from Brenda Hines at 12:53 PM. This means that consent was obtained shortly before the

officers left 4740 S. Prairie, not when they arrived at the building. The GPS data, and the time Officer Prieto himself entered on the consent to search form therefore support Brenda Hines's testimony that she did not sign the consent until right before the officers left her apartment.

In his testimony, Officer Prieto said that he used 12:53 PM as the time when consent was given because that was the time Sergeant Terrazas called on the radio for an event number for the consent to search. Officer Prieto's testimony, however, was directly impeached by his statement to IPRA, shortly after the search, that 12:53 PM was, in fact, when consent was given. His testimony is further undermined by Sergeant Terrazas' testimony at the hearing (during adverse examination) that the consent to search occurred at 12:53 PM and the officers did not enter the apartment until 12:53. (When recalled as a witness by his own counsel, Sergeant Terrazas placed the time of consent a few minutes earlier than 12:53 PM.) In addition, Officer Prieto's credibility is compromised by the jury verdict entered against him and Officer Gomez for illegal seizure and wrongful arrest (Superintendent Exhibit No. 36).

Second, the consent to search form itself is a pivotal document. Legally, it provides the sole authority for these armed officers to be in the Hines home searching the family's private dwelling and property. Any officer seeking to justify a search on grounds that the homeowner has consented would reasonably be expected to make sure that the consent form is accurate and properly completed in accordance with Departmental rules—here, Department Special Order 07-06-01 (Superintendent Exhibit No. 13). It is the ultimate protection for the officer. In this case, the consent to search form does not protect these Officers but rather condemns them.

These Officers testified that the form was blank (except for Brenda Hines' signature) when they left 4740 S. Prairie. They failed to have Brenda Hines' signature witnessed by anyone

other than a member of their own team.⁴ The time of consent to search is completely inconsistent with the Officers' account of when they obtained consent. The consent to search form does not disclose the scope of the search, i.e. that the officers were seeking Willie Hines or heroin that Willie Hines was storing at 4740 S. Prairie. Nor did the Officers do a Case Report that listed all witness information related to the search. The Case Report (Superintendent Exhibit No. 14) does not list the names of any of the persons who were at 4740 S. Prairie when the search took place, except Willie Hines. Finally, these Officers did not have anyone wearing a police uniform, but rather pushed their way into the apartment without any suggestion that they were police officers. All of this is required by Department Special Order 07-06-01.

Third, Officer Prieto claims to have recovered 99 packets of heroin in the battery compartment of a toy truck. The heroin is pictured in Superintendent Exhibit No. 18. Viewing the pictures of the heroin, the Board does not believe that this quantity of heroin, even if wrapped tightly as Officer Prieto claims, would fit into the battery compartment of a toy truck. The Officers' story is incredible. Perhaps this toy truck had an unusually large battery compartment, but the Officers never bothered to inventory the toy truck. This failure on their part leaves the Board with no choice but to apply its common experience with such trucks, as corroborated by Brenda Hines' testimony that the compartment was small and could not have contained all of the drugs purportedly seized at the apartment.⁵

⁴Sergeant Terrazas says he called out generally to the people in the apartment after the apartment had been secured to see if anyone wanted to sign the consent to search form as a witness. Since Sergeant Terrazas claimed that Ms. Hines signed the form before the officers entered, no one in the apartment, either handcuffed or subdued on the floor, would have been in a position to verify her voluntary signature as a witness.

⁵The testimony of Officer Prieto, as well as Officer Gomez, is further undermined by the jury verdict entered against Officer Prieto for unreasonable seizure, and against both of them for false arrest (City's Exhibit 36).

Fourth, the officers claim to have found a sizable quantity of heroin in the apartment which Willie Hines identified. When arrested, Willie Hines already had two prior felony convictions for the possession of a controlled substance and the manufacture or delivery of heroin. He had already been given felony probation twice (Moore Exhibit Nos. 5 and 6). If Mr. Hines was now lawfully found with 99 grams of heroin, one would expect serious consequences in the criminal courts. Instead Moore Exhibit Nos. 7 and 8 tell us that the original charges against Mr. Hines (which are not clearly set forth in this record) were amended to charge Mr. Hines with straight possession of a controlled substance and he was again given felony probation.⁶ This objective result leads the Board to believe that Brenda Hines and her family were not alone in concluding that the search of 4740 S. Prairie was not done with consent. This is particularly troubling for the Board, as the whole point of this raid was to combat the sale of heroin. Yet the alleged heroin dealer, Willie Hines, ended up back on the street.

The Board is convinced that these officers intentionally and with forethought entered Brenda Hines' home knowing they did not have lawful authority to do so. The rules that protect citizens in their homes are well-established, and every police officer knows or should know them. These rules serve a very important constitutional purpose. Here, rather than demonstrate to a judge that they had probable cause to search the home, these officers decided to enter the home without lawful authority, terrorize the residents, and arrest Willie Hines. On the way out, they subverted the Fourth Amendment and undermined all that it stands for, when they threatened Brenda Hines into signing a consent to search form. Brenda Hines was outraged. She contacted

⁶Willie Hines testified that the original charge was possession with intent to deliver and it carried a potential prison term of 6 to 30 years.

her attorney who advised that she had a right to register a complaint with IPRA. These officers were not counting on Brenda Hines following through and complaining on the very day of the raid. These officers were also not counting on the fact that the Department was in possession of GPS information that would document their movements, including when they arrived and left the vicinity of 4740 S. Prairie. There may be times when officers are overzealous and they inadvertently ignore proper police procedures. In these cases, the Board has sometimes punished with modest suspensions. Here, however, these officers apparently believed they were above the law and chose to ignore it. There was no inadvertent oversight or overzealousness—this was calculated, intentional, unlawful behavior by the Sergeant and six Officers. This Board believes wholeheartedly in the rule of law (even when the police are working the most difficult districts of the city) and finds that police officers, perhaps more than anyone else, must follow the law. These Respondents did not do so. Furthermore, these Respondents seriously compounded their problems by deciding to lie their way out of this case. The Board is convinced they have been untruthful in their statements to IPRA and in their testimony at the hearing about how they entered the premises 4740 S. Prairie, how they treated Brenda Hines, and what they did while inside the apartment. When integrity is the issue and not merely zeal, the punishment must be more severe.

Failing to properly supervise a search of a private residence, and allowing an illegal search to take place under his command, as Sergeant Terrazas did here, also warrants a severe punishment. As a Chicago police sergeant, Sergeant Terrazas is a supervisor with responsibilities and duties over and above those of a police officer, including but not limited to maintaining discipline, providing leadership and guidance, influencing subordinates and motivating them to

lawfully carry out their important duties as police officers. Terrazas failed in his duties as a commanding supervisor, and such disregard of his responsibilities cannot be tolerated.

6. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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 February 4, 2009, Sergeant Terrazas impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he signed the Consent to Search Data Sheet as the "on-scene supervisor" when he was not at the scene during the search of the basement apartment at or about 4740 South Prairie Avenue, Chicago.

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

7. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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 February 4, 2009, Sergeant Terrazas, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that he failed to respond to the scene at or about 4740 South Prairie Avenue, Chicago, to supervise his team and/or the search during a consent to search incident.

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

8. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about February 4, 2009, or thereafter, Sergeant Terrazas impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that after learning that his team was in and/or at the basement apartment at or about 4740 South Prairie Avenue, Chicago, he failed to report his team's violations of the Department's Consent to Search policy.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The charge implicitly suggests Sergeant Terrazas was not at the scene of the search. The Board rejects this suggestion but finds that, while at the scene, the Sergeant and his team violated the Department's consent to search policy, and the Sergeant failed to report this violation.

9. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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 IV: On or about February 4, 2009, Sergeant Terrazas, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he submitted his Supervisor's Management Log stating that he had contact with the 263 team members, and/or including Officer Daniel Prskalo, at or about 4720 [4740] South Prairie Avenue, Chicago, at approximately 1330 hours, or words to that effect, when Sergeant Terrazas was not at the scene and/or Officer Prskalo was not at the scene and/or the other team members had already left the apartment at approximately 1256 hours.

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

10. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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 V: On or about April 30, 2009, during his interview at the Independent Police Review Authority ("IPRA"), Sergeant Terrazas impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that he was present during the consent to search incident at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he was not present at the scene.

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

11. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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 VI: On or about April 30, 2009, during his interview at IPRA, Sergeant Terrazas impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that he supervised the entire consent to search incident at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he was not at the scene and/or did not supervise the incident at the scene.

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

12. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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 VII: On or about April 30, 2009, during his interview at IPRA, Sergeant Terrazas impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that he was present when a woman signed the Consent to Search form by the threshold of an apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he was not present when the form was signed.

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

13. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **not guilty** of violating, to wit:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals,

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

Count I: On or about February 4, 2009, Sergeant Terrazas, while on duty, failed to respond to the scene at or about 4740 South Prairie Avenue, Chicago, to supervise his team and/or the search during a consent to search incident.

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

14. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals,

in that:

Count II: On or about February 4, 2009, or thereafter, Sergeant Terrazas, after learning that his team was in and/or at the basement apartment at or about 4740 South Prairie Avenue, Chicago, failed to report his team's violations of the Department's Consent to Search policy.

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

15. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **not guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

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

charge:

Count I: On or about February 4, 2009, Sergeant Terrazas, while on duty, failed to respond to the scene at or about 4740 South Prairie Avenue, Chicago, to supervise his team and/or the search during a consent to search incident.

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

16. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

Rule 5: Failure to perform any duty,

in that:

Count II: On or about February 4, 2009, or thereafter, Sergeant Terrazas, after learning that his team was in and/or at the basement apartment at or about 4740 South Prairie Avenue, Chicago, failed to report his team's violations of the Department's Consent to Search policy.

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

17. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **not guilty** of violating, to wit:

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

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

charge:

Count I: On or about February 4, 2009, Sergeant Terrazas, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section IV.C.I.) when after learning that his team was in and/or at the basement apartment at or about 4740 South Prairie Avenue, Chicago, conducting a consent to search incident, he failed to respond to the scene.

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

18. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about February 4, 2009, Sergeant Terrazas, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section II.A.) in that after learning that his team was in and/or at the basement apartment at or about 4740 South Prairie Avenue, Chicago, conducting a consent to search incident, he failed to perform the functions of the on-scene supervisor.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The Board finds that Sergeant Terrazas was at 4740 South Prairie with his team but that he failed to follow the requirements of Department Special Order 07-06, and failed to ensure that his team followed Department Special Order 07-06.

19. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about February 4, 2009, Sergeant Terrazas, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section II.B.) in that he failed to ensure that at least one participating member from his team conducting a consent to search incident at or about 4740 South Prairie Avenue, Chicago, was attired in the prescribed seasonal field uniform.

See the findings set forth in paragraph no. 18 above, which are incorporated here by reference.

20. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count IV: On or about February 4, 2009, Sergeant Terrazas, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section IV.F.1.) in that he failed to ensure that the citizen giving consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, had authority to give consent.

See the findings set forth in paragraph no. 18 above, which are incorporated here by reference.

21. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count V: On or about February 4, 2009, Sergeant Terrazas, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section IV.F.2.) in that he failed to ensure that the Consent to Search form for the basement apartment at or about 4740 South Prairie Avenue, Chicago, was properly completed.

See the findings set forth in paragraph no. 18 above, which are incorporated here by reference.

22. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count VI: On or about February 4, 2009, Sergeant Terrazas, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section IV.F.4.) when he failed to read and/or approve the case report documenting the consent to search incident at or about 4740 South Prairie Avenue, Chicago.

See the findings set forth in paragraph no. 18 above, which are incorporated here by reference.

23. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count VII: On or about February 4, 2009, Sergeant Terrazas, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section IV.F.5.) when he failed to supervise the entire consent to search incident conducted by his team in the basement apartment at or about 4740 South Prairie Avenue, Chicago.

See the findings set forth in paragraph no. 18 above, which are incorporated here by reference.

24. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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:

Count I: On or about February 4, 2009, Sergeant Terrazas submitted a false report when he signed the Consent to Search Data Sheet as the “on-scene supervisor” when he was not at the scene during the search of the basement apartment at or about 4740 South Prairie Avenue, Chicago.

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

25. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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:

Count II: On or about February 4, 2009, Sergeant Terrazas made a false written report when he submitted his Supervisor’s Management Log stating that he had contact with the 263 team members, and/or including Officer Daniel Prskalo, at or about 4720 [4740] South Prairie Avenue, Chicago, at approximately 1330 hours, or words to that effect, when Sergeant Terrazas was not at the scene and/or Officer Prskalo was not at the scene and/or the other team members had already left the apartment at approximately 1256 hours.

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

26. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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:

Count III: On or about April 30, 2009, during his interview at the Independent Police Review Authority (“IPRA”), Sergeant Terrazas made a false statement when he stated that he was present during the consent to search incident at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he was not present at the scene.

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

27. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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:

Count IV: On or about April 30, 2009, during his interview at IPRA, Sergeant Terrazas made a false statement when he stated that he supervised the entire consent to search incident at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he was not at the scene and/or did not supervise the incident at the scene.

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

28. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, 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:

Count V: On or about April 30, 2009, during his interview at IPRA, Sergeant Terrazas made a false statement when he stated that he was present when a woman signed the Consent to Search form by the threshold of an apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he was not present when the form was signed.

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

29. The Respondent, Sergeant Jesse Terrazas, Star No. 1539, charged herein, is **guilty** of violating, to wit:

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

in that:

On or about February 4, 2009, or thereafter, Sergeant Terrazas, after learning that his team was in and/or at the basement apartment at or about 4740 South Prairie Avenue, Chicago, failed to report his team's violations of the Department's Consent to Search policy.

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

30. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Dela Cruz, while on duty, violated the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

31. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Dela Cruz, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

32. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, charged herein, is **not guilty** of violating, to wit:

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

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

Count II: On or about March 27, 2009, and/or October 7, 2009, during his interview with the Independent Police Review Authority (“IPRA”), Officer Dela Cruz impeded the Department’s efforts to achieve its policy and goals and/or brought discredit upon the Department in that he stated that on or about February 4, 2009, Sergeant Jesse Terrazas was present during the consent to search incident at the apartment at or about 4740 South Prairie Avenue, Chicago, or stated words to that effect, when Sergeant Terrazas was not at the scene during the search.

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

33. The Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, charged herein, is **not guilty** of violating, to wit:

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

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

On or about March 27, 2009, and/or October 7, 2009, during his interview with the Independent Police Review Authority (“IPRA”), Officer Dela Cruz made a false statement when he stated that on or about February 4, 2009, Sergeant Jesse Terrazas was present during the consent to search incident at the apartment at or about 4740 South Prairie Avenue, Chicago, or stated words to that effect, when Sergeant Terrazas was not at the scene during the search.

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

34. The Respondent, Police Officer Daniel Gomez, Star No. 19539, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Gomez, while on duty, violated the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

35. The Respondent, Police Officer Daniel Gomez, Star No. 19539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Gomez, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

36. The Respondent, Police Officer Daniel Gomez, Star No. 19539, charged herein, is **not guilty** of violating, to wit:

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

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

Count II: On or about March 26, 2009, during his interview with the Independent Police Review Authority ("IPRA"), Officer Gomez impeded the Department's efforts to achieve its

policy and goals and/or brought discredit upon the Department in that he stated that on or about February 4, 2009, Sergeant Jesse Terrazas was present during the consent to search incident at the apartment at or about 4740 South Prairie Avenue, Chicago, or stated words to that effect, when Sergeant Terrazas was not at the scene during the search.

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

37. The Respondent, Police Officer Daniel Gomez, Star No. 19539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about March 26, 2009, during his interview with IPRA, Officer Gomez impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that he stated that he saw Brenda Hines sign the Consent to Search form at the doorway of the apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Brenda Hines did not sign the form at the doorway.

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

38. The Respondent, Police Officer Daniel Gomez, Star No. 19539, 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:

Count I: On or about March 26, 2009, during his interview with the Independent Police

Review Authority (“IPRA”), Officer Gomez made a false statement in that he stated that on or about February 4, 2009, Sergeant Jesse Terrazas was present during the consent to search incident at the apartment at or about 4740 South Prairie Avenue, Chicago, or stated words to that effect, when Sergeant Terrazas was not at the scene during the search.

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

39. The Respondent, Police Officer Daniel Gomez, Star No. 19539, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about March 26, 2009, during his interview with IPRA, Officer Gomez made a false statement in that he stated that he saw Brenda Hines sign the Consent to Search form at the doorway of the apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Brenda Hines did not sign the form at the doorway.

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

40. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count I: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Prieto, while on duty, violated the United States Constitution’s Fourth Amendment prohibition against unreasonable searches and seizures when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

41. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count II: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Prieto, while on duty, violated the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures when he threatened Brenda Hines in order to have her sign the Consent to Search form.

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

42. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Prieto, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

43. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that Officer Prieto pointed a gun at Gregory Butler and/or grabbed Gregory Butler by the shirt and/or pushed Gregory Butler to the floor and/or told Gregory Butler to get down on the floor and/or handcuffed Gregory Butler, without justification and/or basis.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. Mr. Butler did not testify in the case. Without his testimony, the Board believes there is insufficient evidence to support a finding of guilty on this charge, as no witness sufficiently described his treatment in terms necessary to support such a finding.

44. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

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

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

Count III: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when Officer Prieto said to Brenda Hines, "I'm tired of this bullshit" and/or "Hurry up and sign" and/or "I'm trying to go fuck my girl" and/or "Lock his ass up (referring

to Willie Hines) and her too (referring to Brenda Hines),” or stated words to that effect.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. There is insufficient evidence from credible witnesses that these particular statements were made to Brenda Hines. Ms. Hines herself only testified that she was called ignorant and naive, and otherwise pressured into signing the consent form.

45. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 IV: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, impeded the Department’s efforts to achieve its policy and goals and/or brought discredit upon the Department when he called Brenda Hines “stupid” and/or “naïve,” or words to that effect.

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

46. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 V: On or about February 4, 2009, Officer Prieto impeded the Department’s efforts to achieve its policy and goals and/or brought discredit upon the Department when he submitted a Consent to Search form and/or case report documenting a valid and/or voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines prior to the search of the apartment, when the form was signed after the

search had been initiated.

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

47. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 VI: On or about February 4, 2009, Officer Prieto impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he submitted a Consent to Search form and/or case report documenting a valid and/or voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines, when Brenda Hines signed the form after being threatened and/or pressured and/or coerced.

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

48. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 VII: On or about February 4, 2009, Officer Prieto impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he submitted a Consent to Search Data Sheet and/or case report listing Sergeant Jesse Terrazas as the "on-

scene supervisor,” when Sergeant Terrazas was not present during the search of the basement apartment at or about 4740 South Prairie Avenue, Chicago.

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

49. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 VIII: On or about February 4, 2009, Officer Prieto impeded the Department’s efforts to achieve its policy and goals and/or brought discredit upon the Department when he submitted a Consent to Search Data Sheet and/or case report listing Officer Daniel Prskalo as being on the scene and/or as an assisting officer during the search and/or arrest at or about 4740 South Prairie Avenue, Chicago, when Officer Prskalo was not present during the incident.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. It is uncontested that Officer Prskalo was not at 4740 South Prairie when the conduct at issue occurred.

50. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 IX: On or about March 26, 2009, during his interview with IPRA, Officer Prieto impeded the Department’s efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that he did not threaten to arrest Brenda Hines and/or

stated he did not threaten to take everyone present to the 2nd District, at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he did make one or more such threats.

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

51. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 X: On or about March 26, 2009, and/or July 10, 2009, during his interview with IPRA, Officer Prieto impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that Sergeant Terrazas was present during the consent to search incident at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Sergeant Terrazas was not present.

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

52. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 XI: On or about March 26, 2009, during his interview with IPRA, Officer Prieto

impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that he stated that he did not unholster his gun when he was in the apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he did unholster his gun.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The Board credits the testimony of Brenda Hines that Officer Prieto had his gun drawn when he entered the apartment.

(Board Members Ballate and Conlon voted to find the Respondent not guilty of this charge.)

53. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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 XII: On or about February 4, 2009, Officer Prieto, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that in the basement apartment at or about 4740 South Prairie Avenue, Chicago, he unnecessarily displayed and/or pointed his gun at Gregory Butler and/or Kevin Hines and/or Willie Hines and/or Brenda Hines and/or Quintin Porter.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The Board finds that Officer Prieto had his gun drawn and pointed it at Mr. Butler and Mr. Pointer, at least, and further finds that Officer Prieto had no lawful basis for being in the Hines apartment. The Board, however, declines to find that when an officer draws his weapon

during a search that was not accompanied by consent, such conduct is unlawful or unnecessary.

As such, there is insufficient evidence to find Officer Prieto guilty of this charge.

(President Carney and Board Member Fry voted to find the Respondent guilty of this charge with respect to Brenda Hines. Board Members Fry, McKeever, and Rodriguez voted to find the Respondent guilty of this charge with respect to Quintin Porter.)

54. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

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

Count I: On or about February 4, 2009, Officer Prieto, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section II.A.) by conducting a consent to search incident in a basement apartment at or about 4740 South Prairie Avenue, Chicago, without having a sworn member of the rank of sergeant or above present to perform the functions of the on-scene supervisor.

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

55. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

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

Count II: On or about February 4, 2009, Officer Prieto, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section II.B.) by conducting a consent to search incident in a basement apartment at or about 4740 South Prairie Avenue, Chicago, without having at least one participating member attired in the prescribed seasonal field uniform.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. Sergeant Terrazas was present as the on-scene supervisor and therefore he, and not Officer Prieto, was responsible for having at least one participating member attired in the prescribed seasonal field uniform.

56. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about February 4, 2009, Officer Prieto, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section IV.D.1.) by conducting a consent to search incident in a basement apartment at or about 4740 South Prairie Avenue, Chicago, without the Consent to Search form specifically indicating the scope of the search.

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

57. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count IV: On or about February 4, 2009, Officer Prieto, while on duty, disobeyed an order or directive (Department Special Order 07-06, Search Warrant and Consent to Search Incidents, Addendum 1, Section IV.E.3.) in that after conducting a consent to search incident in a basement apartment at or about 4740 South Prairie Avenue, Chicago, he failed to ensure that all witness information was included in the case report.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The Case Report does not mention any of the civilians present, other than Willie Hines.

58. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty, in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count I: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, disrespected and/or maltreated Gregory Butler, in that Officer Prieto pointed a gun at Gregory Butler and/or grabbed Gregory Butler by the shirt and/or pushed Gregory Butler to the floor and/or told Gregory Butler to get down on the floor and/or handcuffed Gregory Butler, without justification and/or basis.

See the findings set forth in paragraph no. 43 above, which are incorporated here by reference.

59. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty, in that the Superintendent did not prove by a preponderance of the evidence the following

charge:

Count II: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, disrespected and/or maltreated Brenda Hines when Officer Prieto said to Brenda Hines, "I'm tired of this bullshit" and/or "Hurry up and sign" and/or "I'm trying to go fuck my girl" and/or "Lock his ass up (referring to Willie Hines) and her too (referring to Brenda Hines)," or stated words to that effect.

See the findings set forth in paragraph no. 44 above, which are incorporated here by reference.

60. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty, in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count III: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, disrespected and/or maltreated Willie Hines when Officer Prieto handcuffed Willie Hines without justification and/or basis.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. While the Board does not doubt that Willie Hines was handcuffed, and has found that Officer Prieto had no lawful basis for being in the apartment, and further found that Officer Prieto's account of where he found the heroin is not credible, the Board finds there is insufficient evidence that handcuffing Willie Hines at some point was entirely without justification.

61. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is

guilty of violating, to wit:

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

in that:

Count IV: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, disrespected and/or maltreated Brenda Hines when he called Brenda Hines “stupid” and/or “naïve,” or words to that effect.

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

62. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is

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

charge:

Count I: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Gregory Butler, in that Officer Prieto pointed a gun at Gregory Butler and/or grabbed Gregory Butler by the shirt and/or pushed Gregory Butler to the floor and/or told Gregory Butler to get down on the floor and/or handcuffed Gregory Butler, without justification and/or basis.

See the findings set forth in paragraph no. 43 above, which are incorporated here by reference.

63. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is

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

charge:

Count II: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Brenda Hines when Officer Prieto said to Brenda Hines, "I'm tired of this bullshit" and/or "Hurry up and sign" and/or "I'm trying to go fuck my girl" and/or "Lock his ass up (referring to Willie Hines) and her too (referring to Brenda Hines)," or stated words to that effect.

See the findings set forth in paragraph no. 44 above, which are incorporated here by reference.

64. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following

charge:

Count III: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Willie Hines when Officer Prieto handcuffed Willie Hines without justification and/or basis.

See the findings set forth in paragraph no. 60 above, which are incorporated here by reference. The unjustified verbal or physical altercation with Mr. Hines depends on crediting Mr. Hines's testimony, which the Board declines to do. See the findings set forth in paragraph no. 5 above.

65. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following charge:

Count IV: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Willie Hines when Officer Prieto said to Willie Hines “I have a friend at the State’s Attorney’s Office” and/or “They’re gonna lock your ass up” and/or “Lock his ass up (referring to Willie Hines) and her too (referring to Brenda Hines),” or stated words to that effect.

See the findings set forth in paragraph nos. 5, 44, and 64 above, which are incorporated here by reference.

66. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count V: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Brenda Hines by threatening to arrest Brenda Hines without basis, and/or threatening to arrest one or more people, and/or threatening to take everyone to the station, if she did not sign the Consent to Search form, or stated words to that effect.

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

67. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count VI: On or about February 4, 2009, Officer Prieto, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Brenda Hines when he called Brenda Hines “stupid” and/or “naïve,” or stated words to that effect.

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

68. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, Officer Prieto made a false written report when he submitted a Consent to Search form and/or case report documenting a valid and/or voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines prior to the search of the apartment, when the form was signed after the search had been initiated.

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

69. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about February 4, 2009, Officer Prieto made a false written report when he submitted a Consent to Search form and/or case report documenting a valid and/or voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines, when Brenda Hines signed the form after being threatened and/or pressured and/or coerced.

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

70. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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:

Count III: On or about February 4, 2009, Officer Prieto made a false written report when he submitted a Consent to Search data sheet and/or case report listing Sergeant Jesse Terrazas as the “on-scene supervisor,” when Sergeant Terrazas was not present during the search of the basement apartment at or about 4740 South Prairie Avenue, Chicago.

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

71. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count IV: On or about February 4, 2009, Officer Prieto made a false written report when he submitted a Consent to Search data sheet and/or case report listing Officer Daniel Prskalo as being on the scene and/or as an assisting officer during the search and/or arrest at or about 4740 South Prairie Avenue, Chicago, when Officer Prskalo was not present during the incident.

See the findings set forth in paragraph no. 49 above, which are incorporated here by reference.

72. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count V: On or about March 26, 2009, during his interview with IPRA, Officer Prieto made a false statement when he stated that he did not threaten to arrest Brenda Hines and/or stated he did not threaten to take everyone present to the 2nd District, at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he did make one or more such threats.

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

73. The Respondent, Police Officer Salvador Prieto, Star No. 14710, 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:

Count VI: On or about March 26, 2009, and/or July 10, 2009, during his interview with IPRA, Officer Prieto made a false statement when he stated that Sergeant Jesse Terrazas was

present during the consent to search incident at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Sergeant Terrazas was not present.

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

74. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **guilty** of violating, to wit:

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

in that:

Count VII: On or about March 26, 2009, during his interview with IPRA, Officer Prieto made a false statement when he stated that he did not unholster his gun when he was in the apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when he did unholster his gun.

See the findings set forth in paragraph no. 52 above, which are incorporated here by reference.

75. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

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

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

Count I: On or about February 4, 2009, Officer Prieto, while on duty, in the basement apartment at or about 4740 South Prairie Avenue, Chicago, unlawfully or unnecessarily displayed and/or pointed his gun at Brenda Hines.

See the findings set forth in paragraph no. 53 above, which are incorporated here by reference. While Brenda Hines testified that Officer Prieto had his gun out after he entered her residence, she does not clearly testify that it was pointed at her. There is insufficient evidence to find Officer Prieto guilty of this charge.

(President Carney and Board Member Fry voted to find the Respondent guilty of this charge.)

76. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: On or about February 4, 2009, Officer Prieto, while on duty, in the basement apartment at or about 4740 South Prairie Avenue, Chicago, unlawfully or unnecessarily displayed and/or pointed his gun at Kevin Hines.

See the findings set forth in paragraph no. 53 above, which are incorporated here by reference.

77. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count III: On or about February 4, 2009, Officer Prieto, while on duty, in the basement apartment at or about 4740 South Prairie Avenue, Chicago, unlawfully or unnecessarily displayed and/or pointed his gun at Quintin Porter.

See the findings set forth in paragraph no. 53 above, which are incorporated here by reference.

(Board Members Fry, McKeever, and Rodriguez voted to find the Respondent guilty of this charge.)

78. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count IV: On or about February 4, 2009, Officer Prieto, while on duty, in the basement apartment at or about 4740 South Prairie Avenue, Chicago, unlawfully or unnecessarily displayed and/or pointed his gun at Willie Hines.

See the findings set forth in paragraph no. 53 above, which are incorporated here by reference.

79. The Respondent, Police Officer Salvador Prieto, Star No. 14710, charged herein, is **not guilty** of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count V: On or about February 4, 2009, Officer Prieto, while on duty, in the basement apartment at or about 4740 South Prairie Avenue, Chicago, unlawfully or unnecessarily displayed and/or pointed his gun at Gregory Butler.

See the findings set forth in paragraph no. 53 above, which are incorporated here by reference.

80. The Respondent, Police Officer Marvin Bonds, Star No. 14798, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Bonds, while on duty, violated the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

81. The Respondent, Police Officer Marvin Bonds, Star No. 14798, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Bonds, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

82. The Respondent, Police Officer Marvin Bonds, Star No. 14798, 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 April 1, 2009, and/or October 7, 2009, during his interview with the Independent Police Review Authority ("IPRA"), Officer Bonds impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that he stated that on or about February 4, 2009, Sergeant Jesse Terrazas was present during the consent to search incident at the apartment at or about 4740 South Prairie Avenue, Chicago, or stated words to that effect, when Sergeant Terrazas was not at the scene during the search.

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

83. The Respondent, Police Officer Marvin Bonds, Star No. 14798, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about April 1, 2009, during his interview with IPRA, Officer Bonds impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that he stated that on or about February 4, 2009, Brenda Hines and/or the "leaseholder" let Officer Prieto into the apartment at or about 4740 South Prairie Avenue, Chicago, or stated words to that effect, when she did not let in Officer Prieto.

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

84. The Respondent, Police Officer Marvin Bonds, Star No. 14798, 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:

Count I: On or about April 1, 2009, and/or October 7, 2009, during his interview with the Independent Police Review Authority (“IPRA”), Officer Bonds made a false statement in that he stated that on or about February 4, 2009, Sergeant Jesse Terrazas was present during the consent to search incident at the apartment at or about 4740 South Prairie Avenue, Chicago, or stated words to that effect, when Sergeant Terrazas was not at the scene during the search.

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

85. The Respondent, Police Officer Marvin Bonds, Star No. 14798, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II [misabeled Count III on the filed Charges and Specifications]: On or about April 1, 2009, during his interview with IPRA, Officer Bonds made a false statement in that he stated that on or about February 4, 2009, Brenda Hines and/or the “leaseholder” let Officer Prieto into the apartment at or about 4740 South Prairie Avenue, Chicago, or stated words to that effect, when she did not let in Officer Prieto.

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

86. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Escobar, while on duty, violated the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures when he entered and/or searched the apartment of Brenda Hines, and/or searched one or more occupants of the apartment, without a warrant and/or consent and/or valid consent.

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

87. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Escobar, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he entered and/or searched the apartment of Brenda Hines, and/or searched one or more occupants of the apartment, without a warrant and/or consent and/or valid consent.

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

88. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, charged herein, is

guilty of violating, to wit:

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

in that:

Count II: On or about February 4, 2009, Officer Escobar, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he signed a Consent to Search form documenting that a valid and/or voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines prior to the search of the apartment, when the form was signed after the search had been initiated.

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

89. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, charged herein, is

not guilty of violating, to wit:

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

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

charge:

Count III: On or about March 27, 2009, and/or October 14, 2009, during his interview with the Independent Police Review Authority ("IPRA"), Officer Escobar impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that Sergeant Jesse Terrazas was present during the consent to search incident at the apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Sergeant Terrazas was not present.

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

90. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, 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 IV: On or about March 27, 2009, during his interview with IPRA, Officer Escobar impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that Brenda Hines let Officer Prieto into the apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Brenda Hines did not let in Officer Prieto.

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

91. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, 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 V: On or about October 14, 2009, during his interview with IPRA, Officer Escobar impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he stated that on or about February 4, 2009, no one was allowed to leave the apartment at or about 4740 South Prairie Avenue, Chicago, before the search was over, or stated words to that effect, when a woman and/or her minor son were allowed to leave.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The Board finds that Officer Escobar was not in a position to observe what went on between Sergeant Terrazas, Officer Gomez and Tabitha Pointer.

92. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty, in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about February 4, 2009, Officer Escobar, while on duty, disrespected and/or maltreated one or more people in that he searched one or more occupants of the basement apartment at or about 4740 South Prairie Avenue, Chicago, without a warrant and/or consent and/or valid consent.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. While Officer Escobar unlawfully entered the 4740 S. Prairie apartment, the Board does not find that Office Escobar maltreated anyone in the manner in which he conducted his search.

(Board Members Fry, McKeever, and Rodriguez voted to find the Respondent guilty of this charge, for they find that the search of the minor was unjustified and constituted maltreatment.)

93. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, Officer Escobar made a false written report when he signed a Consent to Search form documenting that a valid and/or voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines prior to the search of the apartment, when the form was signed after the search had been initiated.

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

94. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, 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:

Count II: On or about March 27, 2009, and/or October 14, 2009, during his interview with the Independent Police Review Authority (“IPRA”), Officer Escobar made a false statement when he stated that Sergeant Jesse Terrazas was present during the consent to search incident at the apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Sergeant Terrazas was not present.

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

95. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about March 27, 2009, during his interview with IPRA, Officer Escobar made a false statement when he stated that Brenda Hines let Officer Prieto into her apartment at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Brenda Hines did not let in Officer Prieto.

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

96. The Respondent, Police Officer Gonzalo Escobar, Star No. 15824, 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:

Count IV: On or about October 14, 2009, during his interview with IPRA, Officer Escobar made a false statement when he stated that on or about February 4, 2009, no one was allowed to leave the apartment at or about 4740 South Prairie Avenue, Chicago, before the search was over, or stated words to that effect, when a woman and/or her minor son were allowed to leave.

See the findings set forth in paragraph no. 91 above, which are incorporated here by reference.

97. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count I: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago,

Officer Moore, while on duty, violated the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

98. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count II: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago, Officer Moore, while on duty, violated the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures when he pressured and/or coaxed and/or coerced and/or assisted in coercing Brenda Hines into signing the Consent to Search form.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The Board finds that while not engaging in the kind of aggressive verbal abuse Officer Prieto used with Brenda Hines, Officer Moore affirmatively misled her about the nature and effect of the consent to search form he asked her to sign.

99. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, at or about 4740 South Prairie Avenue, Chicago,

Officer Moore, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he entered and/or searched the apartment of Brenda Hines without a warrant and/or consent and/or valid consent.

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

100. The Respondent, Police Officer Christopher Moore, Star No. 14830, 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 February 4, 2009, Officer Moore, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, Officer Moore handcuffed Kevin Hines without justification.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The Board does not credit the testimony of Kevin Hines.

101. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about February 4, 2009, Officer Moore, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that during a search of the basement apartment at or about 4740 South Prairie

Avenue, Chicago, Officer Moore threatened and/or assisted in the threatening of Brenda Hines, without basis, that if she did not sign the Consent to Search form one or more people in the apartment would be arrested, or stated words to that effect.

See the findings set forth in paragraph no. 98 above, which are incorporated here by reference.

102. The Respondent, Police Officer Christopher Moore, Star No. 14830, 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 IV: On or about February 4, 2009, Officer Moore, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that he signed a Consent to Search form documenting that a valid and/or voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines prior to the search of the apartment, when the form was signed after the search had been initiated.

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

103. The Respondent, Police Officer Christopher Moore, Star No. 14830, 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 V: On or about February 4, 2009, Officer Moore, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that he signed a Consent to Search form documenting that a valid and/or

voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines, when Brenda Hines signed the form after being threatened and/or pressured and/or coerced and/or coaxed.

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

104. The Respondent, Police Officer Christopher Moore, Star No. 14830, 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 VI: On or about March 25, 2009, during his interview with IPRA, Officer Moore impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that he stated that Sergeant Jesse Terrazas was present during the consent to search incident at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect, when Sergeant Terrazas was not present.

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

105. The Respondent, Police Officer Christopher Moore, Star No. 14830, 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 VII: On or about February 4, 2009, Officer Moore, while on duty, impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department in that in the basement apartment at or about 4740 South Prairie Avenue, Chicago, he unnecessarily displayed and/or pointed his gun at Gregory Butler and/or Kevin Hines and/or Willie Hines.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The evidence is inconclusive as to whether Officer Moore had his gun drawn. In any event, the Board declines to find that when an officer draws his weapon during a search that was not accompanied by consent, such conduct is unlawful or unnecessary. The Board finds that the evidence is insufficient to find Officer Moore guilty of this charge.

106. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty, in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count I: On or about February 4, 2009, Officer Moore, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, disrespected and/or mistreated Kevin Hines when Officer Moore handcuffed Kevin Hines without justification.

See the findings set forth in paragraph no. 100 above, which are incorporated here by reference.

107. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about February 4, 2009, Officer Moore, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, disrespected and/or mistreated Brenda Hines in that Officer Moore threatened and/or assisted in the threatening of Brenda Hines, without basis, that if she did not sign the Consent to Search form one or more people in the apartment would be arrested, or stated words to that effect.

See the findings set forth in paragraph no. 98 above, which are incorporated here by reference.

108. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following charge:

Count I: On or about February 4, 2009, Officer Moore, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Kevin Hines when Officer Moore handcuffed Kevin Hines without justification.

See the findings set forth in paragraph no. 100 above, which are incorporated here by reference.

109. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about February 4, 2009, Officer Moore, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Brenda Hines when Officer Moore threatened and/or assisted in the threatening of Brenda Hines, without justification, that if she did not sign the Consent to Search form one or more people in the apartment would be arrested, or stated words to that effect

See the findings set forth in paragraph no. 98 above, which are incorporated here by reference.

110. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about February 4, 2009, Officer Moore, while on duty, during a search of the basement apartment at or about 4740 South Prairie Avenue, Chicago, engaged in an unjustified verbal or physical altercation with Brenda Hines when Officer Moore pressured and/or coaxed and/or coerced and/or assisted in coercing Brenda Hines into signing the Consent to Search form, or stated words to that effect.

See the findings set forth in paragraph no. 98 above, which are incorporated here by reference.

111. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about February 4, 2009, Officer Moore made a false written report when he signed a Consent to Search form documenting that a valid and/or voluntary consent to search

the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines prior to the search of the apartment, when the form was signed after the search had been initiated.

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

112. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about February 4, 2009, Officer Moore made a false written report when he signed a Consent to Search form documenting that a valid and/or voluntary consent to search the basement apartment at or about 4740 South Prairie Avenue, Chicago, was granted by Brenda Hines, when Brenda Hines signed the form after being threatened and/or pressured and/or coerced and/or coaxed.

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

113. The Respondent, Police Officer Christopher Moore, Star No. 14830, 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:

Count III: On or about March 25, 2009, during his interview with the Independent Police Review Authority (“IPRA”), Officer Moore made a false statement when he stated that Sergeant Jesse Terrazas was present during the consent to search incident at or about 4740 South Prairie Avenue, Chicago, on or about February 4, 2009, or stated words to that effect,

when Sergeant Terrazas was not present.

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

114. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **not guilty** of violating, to wit:

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

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

Count I: On or about February 4, 2009, Officer Moore, while on duty, in the basement apartment at or about 4740 South Prairie Avenue, Chicago, unlawfully or unnecessarily displayed and/or pointed his gun at Kevin Hines.

See the findings set forth in paragraph no. 105 above, which are incorporated here by reference.

115. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **not guilty** of violating, to wit:

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

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

Count II: On or about February 4, 2009, Officer Moore, while on duty, in the basement apartment at or about 4740 South Prairie Avenue, Chicago, unlawfully or unnecessarily displayed and/or pointed his gun at Willie Hines.

See the findings set forth in paragraph no. 105 above, which are incorporated here by reference.

116. The Respondent, Police Officer Christopher Moore, Star No. 14830, charged herein, is **not guilty** of violating, to wit:

Rule 38: Unlawful or unnecessary use or display of a weapon,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count III: On or about February 4, 2009, Officer Moore, while on duty, in the basement apartment at or about 4740 South Prairie Avenue, Chicago, unlawfully or unnecessarily displayed and/or pointed his gun at Gregory Butler.

See the findings set forth in paragraph no. 105 above, which are incorporated here by reference.

Penalties

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

118. **Sergeant Jesse Terrazas**. The Police Board determines that Sergeant Terrazas must be discharged from his position due to the serious nature of the conduct of which it has found him guilty. As stated in paragraph no. 5 above, as a Chicago police sergeant, Sergeant Terrazas is a supervisor with responsibilities over and above those of a police officer, including but not

limited to maintaining discipline, providing leadership and guidance, influencing subordinates and motivating them to perform at a high level of efficiency. Based on his disregard of his responsibilities not only to the public but also to his subordinates and to the Department and his deliberate disobedience with respect to Department policy, the Board finds that Sergeant Terrazas's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his 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 him to no longer occupy his office.

119. Police Officer Salvador Prieto. The Police Board determines that Officer Prieto must be discharged from his position due to the serious nature of the conduct of which it has found him guilty. Officer Prieto was quite clearly the leader of this unconstitutional invasion of the Hines residence. He was the operative force behind this illegal raid, and he threatened and seriously mistreated the residents of the apartment. In addition, he lied to IPRA and this Board about obtaining consent for the search.

The Board finds that the Officer Prieto's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his 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 him to no longer occupy his office.

120. Police Officers Christopher Moore, Daniel Gomez, Gonzalo Escobar, Marvin Bonds and Alejandro Dela Cruz. The Police Board determines that a suspension of each of

these officers is the appropriate penalty on the facts of their particular cases. The Board finds that while each of these officers lied to IPRA and this Board, their role at 4740 S. Prairie was neither that of a supervisor or a leader. They played a more minor role in the planning and execution of the raid. They also did not threaten any of the residents in the apartment or otherwise significantly mistreat them. As such, they are less culpable for the misconduct that occurred on February 4, 2009.

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 denies the Respondents' Motion to Dismiss the charges.

By a unanimous vote, the Board finds Respondent Terrazas guilty of violating Rule 2 (Count III), Rule 3 (Count II), Rule 5 (Count II), Rule 6 (Counts II – VII), and Rule 22.

By a unanimous vote, the Board finds Respondent Terrazas not guilty of violating Rule 2 (Counts I, II, IV – VII), Rule 3 (Count I), Rule 5 (Count I), Rule 6 (Count I), and Rule 14.

By a unanimous vote, the Board finds Respondent Dela Cruz guilty of violating Rule 1, and Rule 2 (Count I).

By a unanimous vote, the Board finds Respondent Dela Cruz not guilty of violating Rule 2 (Count II) and Rule 14.

By a unanimous vote, the Board finds Respondent Gomez guilty of violating Rule 1, Rule 2 (Counts I, III), and Rule 14 (Count II).

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

(Count II) and Rule 14 (Count I).

By a unanimous vote, the Board finds Respondent Prieto guilty of violating Rule 1, Rule 2 (Counts I, IV – VI, VIII, IX), Rule 6 (Counts III, IV), Rule 8 (Count IV), Rule 9 (Counts V, VI), and Rule 14 (Counts I, II, IV, V, VII).

By a vote of 6 in favor (Carney, Foreman, Fry, McKeever, Miller, Rodriguez) to 2 opposed (Ballate, Conlon), the Board finds Respondent Prieto guilty of violating Rule 2 (Count XI).

By a unanimous vote, the Board finds Respondent Prieto not guilty of violating Rule 2 (Counts II, III, VII, X), Rule 6 (Counts I, II), Rule 8 (Counts I – III), Rule 9 (Counts I – IV), and Rule 14 (Counts III, VI).

By a unanimous vote, the Board finds Respondent Prieto not guilty of the charge of unlawfully or unnecessarily pointing his gun at Kevin Hines, Willie Hines, and Gregory Butler, and therefore not guilty of violating Rule 2 (part of Count XII) and Rule 38 (Counts II, IV, V).

By a vote of 6 in favor (Ballate, Conlon, Foreman, McKeever, Miller, Rodriguez) to 2 opposed (Carney, Fry), the Board finds Respondent Prieto not guilty of the charge of unlawfully or unnecessarily pointing his gun at Brenda Hines, and therefore not guilty of violating Rule 2 (part of Count XII) and Rule 38 (Count I).

By a vote of 5 in favor (Carney, Ballate, Conlon, Foreman, Miller) to 3 opposed (Fry, McKeever, Rodriguez), the Board finds Respondent Prieto not guilty of the charge of unlawfully or unnecessarily pointing his gun at Quintin Porter, and therefore not guilty of violating Rule 2 (part of Count XII) and Rule 38 (Count III).

By a unanimous vote, the Board finds Respondent Bonds guilty of violating Rule 1, Rule 2 (Counts I, III), and Rule 14 (Count II).

By a unanimous vote, the Board finds Respondent Bonds not guilty of violating Rule 2 (Count II) and Rule 14 (Count I).

By a unanimous vote, the Board finds Respondent Escobar guilty of violating Rule 1, Rule 2 (Counts I, II, IV), and Rule 14 (Counts I, III).

By a unanimous vote, the Board finds Respondent Escobar not guilty of violating Rule 2 (Counts III, V) and Rule 14 (Counts II, IV).

By a vote of 5 in favor (Carney, Ballate, Conlon, Foreman, Miller) to 3 opposed (Fry, McKeever, Rodriguez), the Board finds Respondent Escobar not guilty of violating Rule 8.

By a unanimous vote, the Board finds Respondent Moore guilty of violating Rule 1, Rule 2

(Counts I, III - V), Rule 8 (Count II), Rule 9 (Counts II, III), and Rule 14 (Counts I, II).

By a unanimous vote, the Board finds Respondent Moore not guilty of violating Rule 2 (Counts II, VI, VII), Rule 8 (Count I), Rule 9 (Count I), Rule 14 (Count III), and Rule 38.

As a result of the foregoing, the Police Board hereby determines that cause exists for ordering the following disciplinary action.

By a vote of 6 in favor (Carney, Conlon, Foreman, Fry, McKeever, Rodriguez) to 2 opposed (Ballate, Miller), the Board determines that cause exists for discharging Respondent Terrazas from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago.

By a vote of 6 in favor (Carney, Ballate, Foreman, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Fry), the Board determines that cause exists for suspending Respondent Dela Cruz 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 one (1) year.

By a vote of 6 in favor (Carney, Ballate, Foreman, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Fry), the Board determines that cause exists for suspending Respondent Gomez 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 one (1) year.

By a vote of 7 in favor (Carney, Ballate, Conlon, Foreman, Fry, McKeever, Rodriguez) to 1 opposed (Miller), the Board determines that cause exists for discharging Respondent Prieto from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

By a vote of 6 in favor (Carney, Ballate, Foreman, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Fry), the Board determines that cause exists for suspending Respondent Bonds 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 one (1) year.

By a vote of 5 in favor (Carney, Ballate, Foreman, Miller, Rodriguez) to 3 opposed (Conlon, Fry, McKeever), the Board determines that cause exists for suspending Respondent Escobar 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 one (1) year.

By a vote of 6 in favor (Carney, Ballate, Foreman, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Fry), the Board determines that cause exists for suspending Respondent Moore 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 one (1) year.

Police Board Case Nos. 12 PB 2802-2808

Terrazas et al.

Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Sergeant Jesse Terrazas, Star No. 1539, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2802, be and hereby is **discharged** from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF FEBRUARY, 2013.

/s/ Demetrius E. Carney

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni

Executive Director

Police Board

DISSENT

We find that discharging Respondent Terrazas from the Chicago Police Department is not warranted. He has more than 20 years on the job, has no disciplinary history, and has numerous awards and commendations, including a Police Blue Star Award (for being seriously injured in the line of duty) and a Life Saving Award. Based on his record and years of service to the Department, we find that a lengthy suspension is a more fitting punishment on the facts of his particular case.

For the reasons set forth above, the undersigned hereby dissent from the Decision of the majority of the Board regarding Sergeant Jesse Terrazas.

/s/ Melissa M. Ballate

/s/ Johnny L. Miller

Police Board Case Nos. 12 PB 2802-2808

Terrazas et al.

Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Alejandro Dela Cruz, Star No. 18959, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2803, 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, for a period from July 18, 2012, to and including July 17, 2013 (one year).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY OF FEBRUARY, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ Ghian Foreman

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

Police Officer Dela Cruz acted in a calculating and intentionally unlawful manner in entering the premises at 4740 South Prairie Avenue. He testified falsely in the Police Board hearing in this matter. He should be discharged as he has, by his conduct, forfeited the right to be a Chicago Police Officer.

For the reasons set forth above, the undersigned hereby dissent from the Decision of the majority of the Board regarding Police Officer Daniel Gomez.

/s/ William F. Conlon

/s/ Rita A. Fry

Police Board Case Nos. 12 PB 2802-2808

Terrazas et al.

Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Daniel Gomez, Star No. 19539, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2804, 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, for a period from July 20, 2012, to and including July 19, 2013 (one year).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY OF FEBRUARY, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ Ghian Foreman

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

Police Officer Gomez acted in a calculating and intentionally unlawful manner in entering the premises at 4740 South Prairie Avenue. He lied to IPRA and testified falsely in the Police Board hearing in this matter. He should be discharged as he has, by his conduct, forfeited the right to be a Chicago Police Officer.

For the reasons set forth above, the undersigned hereby dissent from the Decision of the majority of the Board regarding Police Officer Daniel Gomez.

/s/ William F. Conlon

/s/ Rita A. Fry

Police Board Case Nos. 12 PB 2802-2808

Terrazas et al.

Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Salvador Prieto, Star No. 14710, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2805, be and hereby is **discharged** from his 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 21st DAY OF FEBRUARY, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

I find that discharging Respondent Prieto from the Chicago Police Department is not warranted. He has nearly 15 years on the job, has no disciplinary history, and has numerous awards and commendations. Based on his record and years of service to the Department, I find that a lengthy suspension is a more fitting punishment on the facts of his particular case.

For the reasons set forth above, the undersigned hereby dissents from the Decision of the majority of the Board regarding Police Officer Salvador Prieto.

/s/ Johnny L. Miller

Police Board Case Nos. 12 PB 2802-2808

Terrazas et al.

Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Marvin Bonds, Star No. 14798, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2806, 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, for a period from July 7, 2012, to and including July 6, 2013 (one year).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY OF FEBRUARY, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ Ghian Foreman

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

Police Officer Bonds acted in a calculating and intentionally unlawful manner in entering the premises at 4740 South Prairie Avenue. He lied to IPRA and testified falsely in the Police Board hearing in this matter. He should be discharged as he has, by his conduct, forfeited the right to be a Chicago Police Officer.

For the reasons set forth above, the undersigned hereby dissent from the Decision of the majority of the Board regarding Police Officer Marvin Bonds.

/s/ William F. Conlon

/s/ Rita A. Fry

Police Board Case Nos. 12 PB 2802-2808

Terrazas et al.

Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Gonzalo Escobar, Star No. 15824, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2807, 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, for a period from July 7, 2012, to and including July 6, 2013 (one year).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY OF FEBRUARY, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ Ghian Foreman

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni

Executive Director

Police Board

DISSENT

Police Officer Escobar acted in a calculating and intentionally unlawful manner in entering the premises at 4740 South Prairie Avenue. He lied to IPRA and testified falsely in the Police Board hearing in this matter. He should be discharged as he has, by his conduct, forfeited the right to be a Chicago Police Officer.

For the reasons set forth above, the undersigned hereby dissent from the Decision of the majority of the Board regarding Police Officer Gonzalo Escobar.

/s/ William F. Conlon

/s/ Rita A. Fry

/s/ Susan L. McKeever

Police Board Case Nos. 12 PB 2802-2808

Terrazas et al.

Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Christopher Moore, Star No. 14830, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2808, 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, for a period from July 6, 2012, to and including July 5, 2013 (one year).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY OF FEBRUARY, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ Ghian Foreman

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

Police Officer Moore acted in a calculating and intentionally unlawful manner in entering the premises at 4740 South Prairie Avenue. He lied to IPRA and testified falsely in the Police Board hearing in this matter. He should be discharged as he has, by his conduct, forfeited the right to be a Chicago Police Officer.

For the reasons set forth above, the undersigned hereby dissent from the Decision of the majority of the Board regarding Police Officer Christopher Moore.

/s/ William F. Conlon

/s/ Rita A. Fry

RECEIVED A COPY OF

THESE FINDINGS AND DECISIONS

THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE

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:

TERRAZAS	JESSE	1539	002
NAME	(LAST,FIRST)	STAR	UNIT
M	H	██████	
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1023617
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

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

NONE
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Complimentary History JESSE TERRAZAS

Award Type	Count
DEMOCRATIC NATIONAL CONVENTION AWARD	1
PROBLEM SOLVING AWARD	1
DEPLOYMENT OPERATIONS CENTER AWARD	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
ATTENDANCE RECOGNITION AWARD	2
OTHER AWARDS	1
2004 CRIME REDUCTION RIBBON	1
DEPARTMENT COMMENDATION	4
HONORABLE MENTION	68
POLICE BLUE STAR AWARD	1
COMPLIMENTARY LETTER	9
LIFE SAVING AWARD	1
JOINT OPERATIONS AWARD	1
TOP GUN ARREST AWARD	1
2009 CRIME REDUCTION AWARD	1

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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:

DELA CRUZ	ALEJANDRO	18959	002
NAME	(LAST, FIRST)	STAR	UNIT
M	H	[REDACTED]	
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1023617
THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

PARALEGAL II KLAVA [REDACTED] 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

28-JUN-2012 01:38:53 PM

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

IADR118

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #.</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	DELA CRUZ ALEJANDRO	18959	[REDACTED]	9161	POLICE OFFICER	005
<u>Sex</u>	<u>Birth Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>			
M	[REDACTED]	1	0			
	<u>Appointed Date</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>			
	06-FEB-1995	SUSPENDED OVER 30 DAYS	09G-ABUSE OF AUTHORITY			
	<u>Incident Date</u>	<u>Police Board #</u>				
	29-OCT-2008	SUSPENDED OVER 30 DAYS	09G-ABUSE OF AUTHORITY			
		<u>Police Board #</u>				
						<u>Less Serious Transgression</u>

Comments

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Complimentary History ALEJANDRO DELA CRUZ

Award Type	Count
DEMOCRATIC NATIONAL CONVENTION AWARD	1
DEPLOYMENT OPERATIONS CENTER AWARD	2
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
ATTENDANCE RECOGNITION AWARD	2
HONORABLE MENTION	66
2004 CRIME REDUCTION RIBBON	1
DEPARTMENT COMMENDATION	4
COMPLIMENTARY LETTER	2
2009 CRIME REDUCTION AWARD	1

row(s) 1 - 9 of 9

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:

GOMEZ	DANIEL	19539	002
NAME	(LAST, FIRST)	STAR	UNIT
M	H		
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1023617
THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

PARALEGAL II KLAVA [REDACTED] 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
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FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

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row(s) 1 - 0 of 0

Complimentary History DANIEL GOMEZ

Award Type	Count
DEPLOYMENT OPERATIONS CENTER AWARD	2
DEMOCRATIC NATIONAL CONVENTION AWARD	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
ATTENDANCE RECOGNITION AWARD	2
2004 CRIME REDUCTION RIBBON	1
HONORABLE MENTION	73
DEPARTMENT COMMENDATION	7
COMPLIMENTARY LETTER	1
2009 CRIME REDUCTION AWARD	1

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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:

PRIETO	SALVADOR	14710	002
NAME	(LAST, FIRST)	STAR	UNIT
M	H		
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1023617
THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

PARALEGAL II KLAVA [REDACTED] 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

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

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[REDACTED]
[REDACTED]

Complimentary History : SALVADOR PRIETO

Award Type	Count
DEPLOYMENT OPERATIONS CENTER AWARD	2
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	6
ATTENDANCE RECOGNITION AWARD	2
DEPARTMENT COMMENDATION	3
2004 CRIME REDUCTION RIBBON	1
HONORABLE MENTION	48
COMPLIMENTARY LETTER	1
2009 CRIME REDUCTION AWARD	1

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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:

BONDS	MARVIN	14798	002
NAME	(LAST, FIRST)	STAR	UNIT
M	B	[REDACTED]	
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1023617
THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

PARALEGAL II KLAVA [REDACTED] 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

Police Board Case Nos. 12 PB 2802-2808
Terrazas et al.
Findings and Decisions

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Complimentary History MARVIN BONDS

Award Type	Count
DEMOCRATIC NATIONAL CONVENTION AWARD	1
DEPLOYMENT OPERATIONS CENTER AWARD	3
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
ATTENDANCE RECOGNITION AWARD	1
DEPARTMENT COMMENDATION	5
HONORABLE MENTION	31
2004 CRIME REDUCTION RIBBON	1
COMPLIMENTARY LETTER	3
2009 CRIME REDUCTION AWARD	1
UNIT MERITORIOUS PERFORMANCE AWARD	1

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:

ESCOBAR	GONZALO	15824	002
NAME	(LAST,FIRST)	STAR	UNIT
M	H		
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1023617
THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT
ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

PARALEGAL II KLAVA [REDACTED] 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

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

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[REDACTED]
[REDACTED]

Complimentary History GONZALO ESCOBAR

Award Type	Count
DEPLOYMENT OPERATIONS CENTER AWARD	3
ATTENDANCE RECOGNITION AWARD	1
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
DEPARTMENT COMMENDATION	3
2004 CRIME REDUCTION RIBBON	1
HONORABLE MENTION	51
COMPLIMENTARY LETTER	1
2009 CRIME REDUCTION AWARD	1

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:

MOORE	CHRISTOPHER	14830	002
NAME	(LAST, FIRST)	STAR	UNIT
M	B	██████	
SEX	RACE	EMPLOYEE#	

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 1023617
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
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FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

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Complimentary History CHRISTOPHER MOORE

Award Type	Count
DEPLOYMENT OPERATIONS CENTER AWARD	2
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
ATTENDANCE RECOGNITION AWARD	1
HONORABLE MENTION	27
DEPARTMENT COMMENDATION	2
2004 CRIME REDUCTION RIBBON	1
2009 CRIME REDUCTION AWARD	1

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