

**BEFORE THE POLICE BOARD OF
THE CITY OF CHICAGO**

**In the Matter of Charges
Against**

12 PB 2810, 2811, 2812 & 2813

**Police Officers Kent Pemberton,
Thomas Murphy, Scot Pemberton, &
Richard Moritz,**

Respondents.

NOTICE OF MOTION

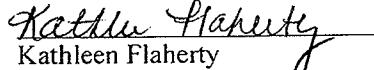
TO: Colleen Daly
Attorney at Law, LLC
206 S. Jefferson, Ste. 100
Chicago, Illinois 60661
Email: colleen.daly@dalyrussell.com

Will Fahy
Law Offices of William N. Fahy
206 S. Jefferson, Ste. 100
Chicago, Illinois 60661
Email: wfahy@fahylawoffice.com

Please take notice that on November 5, 2012, at 10:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before Hearing Officer Michael Berland at the City of Chicago, Police Board, to present the attached **Motion to Withdraw the Charges**.

Respectfully submitted,

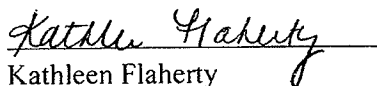
Stephen R. Patton
Corporation Counsel of the City of Chicago

BY: 
Kathleen Flaherty
Senior Counsel

CERTIFICATE OF SERVICE

I, an attorney, hereby certify that I have served this **Superintendent's Motion to Withdraw** by sending a true and accurate copy via electronic mail to the above-named individual.

DATED at Chicago, Illinois this 31st day of October, 2012.


Kathleen Flaherty
Senior Counsel

**BEFORE THE POLICE BOARD OF
THE CITY OF CHICAGO**

| | | |
|---|---|--|
| In the Matter of Charges |) | |
| Against |) | 12 PB 2810, 2811, 2812 & 2813 |
| |) | |
| Police Officers Kent Pemberton, |) | |
| Thomas Murphy, Scot Pemberton, & |) | |
| Richard Moritz, |) | |
| |) | |
| Respondents. |) | |

SUPERINTENDENT'S MOTION TO DISMISS

Garry F. McCarthy, Superintendent of Police, by his attorney, Stephen R. Patton, Corporation Counsel of the City of Chicago, moves to withdraw the charges in this matter and in support thereof states as follows:

1. On July 27, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Respondents for violating various rules of Article V of the Rules and Regulations of the Chicago Police Department.
2. In October 2012, the parties entered into settlement agreements and stipulations, attached as Exhibits A through D.

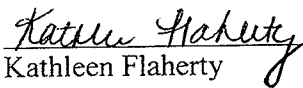
Wherefore, the Superintendent requests that the charges filed on July 27, 2012, be withdrawn.

Respectfully submitted,

Garry F. McCarthy
Superintendent of Police

Stephen R. Patton
Corporation Counsel of the City of Chicago

By:


Kathleen Flaherty
Senior Counsel

Kathleen Flaherty
Senior Counsel
30 N. LaSalle, Suite 1040
Chicago, Illinois 60602
(312)744-6909

**BEFORE THE POLICE BOARD OF
THE CITY OF CHICAGO**

IN THE MATTER OF
CHARGES AGAINST
KENT PEMBERTON,

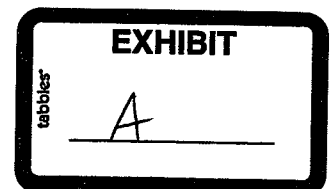
Respondent.

)
)
) 12 PB 2810
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)

SETTLEMENT AGREEMENT AND STIPULATION

Respondent, Police Officer Kent Pemberton, by his attorney, Will Fahy, and the Superintendent of Police, Garry F. McCarthy, by his attorney, Stephen R. Patton, Corporation Counsel of the City of Chicago, herein stipulate and agree to the following:

1. On July 27, 2012, the Superintendent filed charges with the Police Board of the City of Chicago (the "Police Board") seeking discharge of Respondent, Police Officer Kent Pemberton ("Respondent"), Star Number 10535. The Charges and Specifications are attached as Exhibit A and referred to herein as "Charges."
2. Police Officer Kent Pemberton was suspended without pay on August 2, 2012.
3. The parties, through their attorneys, have advised the Police Board that they desire to resolve this case without the burden and delay of further litigation, and that an agreement has been reached by the parties which is set forth herein. The parties enter into this Settlement Agreement and Stipulation solely for the purpose of avoiding further expense, inconvenience and the distraction of burdensome litigation.
4. This Settlement Agreement and Stipulation shall not be offered or received in evidence in any civil or administrative action or proceedings, or used in any manner whatsoever, as evidence of wrongdoing, by the City of Chicago, the Chicago Police Department, the Superintendent of Police, or any of their officers, agents or employees.



5. Officer Pemberton will plead guilty to violating Rule 2, Counts I and II, of the Charges and accept a 30-day suspension with no back pay. The Superintendent shall promptly file a motion to withdraw the Charges against Officer Pemberton at the Police Board. Officer Pemberton will be eligible for reinstatement to the Chicago Police Department with no back pay after the Settlement Agreement and Stipulation is fully executed.
6. The Respondent agrees to hold harmless, release and forever discharge the City of Chicago, its departments, officers, agents and employees from any actions, claims, causes of actions, demands, losses, damages or conditions of reinstatement arising out of the Independent Police Review Authority investigation (Complaint Register No. 310927), the Charges that followed and the suspension herein referred to.
7. The terms and obligations of this Settlement Agreement and Stipulation are subject to and conditioned upon the Police Board's acceptance of the Superintendent's Motion to Withdraw the Charges. In the event that the Superintendent's Motion to Withdraw the Charges is not accepted by the Police Board, the Settlement Agreement and Stipulation shall be deemed null and void, and this matter shall be returned to the Police Board's calendar for hearing, and no facts or admissions referenced in this agreement shall be used by or against either party.
8. If the Police Board enters an order accepting and adopting the Superintendent's Motion to Withdraw the Charges, Respondent waives any and all forms of appeal or review of that order, in any forum whatsoever.
9. This Settlement Agreement and Stipulation, and all of its terms, contains the entire agreement between the parties, and shall be binding on the parties, their representatives,


successors and assigns.

10. Respondent represents and certifies that he has read and fully understands all of the provisions and effects of this Settlement Agreement and Stipulation. Respondent further states that he is voluntarily entering into this Settlement Agreement and Stipulation and that neither the Department, nor the City of Chicago, or its agents, employees, officers, or representatives made any representation concerning the terms or effects of this Settlement Agreement and Stipulation, other than those contained herein.
11. The parties shall bear their own attorney's fees and costs, if any.

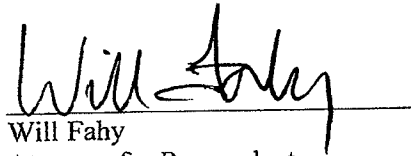
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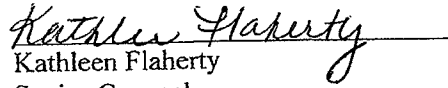
City of Chicago
Department of Police


Police Officer Kent Pemberton

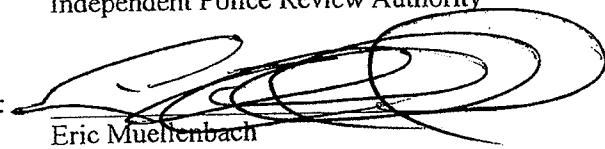
By: 
Ralph Price
General Counsel to the Superintendent

Stephen R. Patton
Corporation Counsel of the City of Chicago


Will Fahy
Attorney for Respondent

By: 
Kathleen Flaherty
Senior Counsel

City of Chicago
Independent Police Review Authority

By: 
Eric Muelenbach
General Counsel

CHARGES

Police Officer Kent Pemberton, Star Number 10535, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 14: Making a false report, written or oral.

SPECIFICATIONS

1. Police Officer Kent Pemberton, Star Number 10535, is charged with violating 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 one or more of the following instances:

- Count I: On or about January 27, 2006, Police Officer Pemberton failed to complete a Tactical Response Report regarding an incident with Maurice Ware, in violation of General Order 02-08-05, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count II: On or about November 8, 2006, during a statement given to Investigator Robert Cosey of the Independent Police Review Authority, Police Officer Pemberton stated that Maurice Ware was "putting up a commotion, yelling and screaming, but not resisting," or words to that effect, and on or about March 20, 2008, while being deposed, Police Officer Pemberton stated that Maurice Ware was a passive resister, or words to that effect, and/or an active resister, or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.
- Count III: On or about January 27, 2006, at or near 5600 N. Broadway, while on duty, Police Officer Pemberton called Maurice Ware a "nigger," or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.



2. Police Officer Kent Pemberton, Star Number 10535, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in the following instance:

On or about January 27, 2006, Police Officer Pemberton failed to complete a Tactical Response Report regarding an incident with Maurice Ware, in violation of General Order 02-08-05, thereby disobeying an order or directive, whether written or oral.

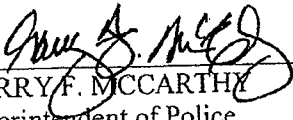
3. Police Officer Kent Pemberton, Star Number 10535, is charged with violating Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty," in the following instance:

On or about January 27, 2006, at or near 5600 N. Broadway, while on duty, Police Officer Pemberton called Maurice Ware a "nigger," or words to that effect, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

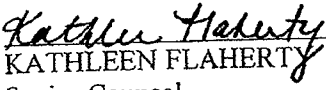
4. Police Officer Kent Pemberton, Star Number 10535, is charged with violating Rule 14, "Making a false report, written or oral" in the following instance:

On or about November 8, 2006, during a statement given to Investigator Robert Cosey of the Independent Police Review Authority, Police Officer Pemberton stated that Maurice Ware was "putting up a commotion, yelling and screaming, but not resisting," or words to that effect, and on or about March 20, 2008, while being deposed, Police Officer Pemberton stated that Maurice Ware was a passive resister, or words to that effect, and/or an active resister, or words to that effect, thereby making a false report, written or oral.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Kent Pemberton, Star Number 10535, be discharged from the Chicago Police Department.


GARRY F. MCCARTHY
Superintendent of Police

APPROVED AS TO FORM


KATHLEEN FLAHERTY
Senior Counsel

P. B. CASE # FILED

12-2810 JUL 27 2012

CHICAGO POLICE BOARD

**BEFORE THE POLICE BOARD OF
THE CITY OF CHICAGO**

IN THE MATTER OF
CHARGES AGAINST
THOMAS J. MURPHY,

Respondent.

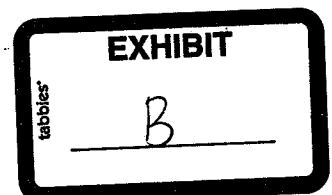
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12 PB 2811

SETTLEMENT AGREEMENT AND STIPULATION

Respondent, Police Officer Thomas J. Murphy, by his attorney, Will Fahy, and the Superintendent of Police, Garry F. McCarthy, by his attorney, Stephen R. Patton, Corporation Counsel of the City of Chicago, herein stipulate and agree to the following:

1. On July 27, 2012, the Superintendent filed charges with the Police Board of the City of Chicago (the "Police Board") seeking discharge of the Respondent, Police Officer Thomas J. Murphy ("Respondent"), Star Number 12829. The Charges and Specifications are attached as Exhibit A and referred to herein as "Charges."
2. Police Officer Thomas J. Murphy was suspended without pay on August 2, 2012.
3. The parties, through their attorneys, have advised the Police Board that they desire to resolve this case without the burden and delay of further litigation, and that an agreement has been reached by the parties which is set forth herein. The parties enter into this Settlement Agreement and Stipulation solely for the purpose of avoiding further expense, inconvenience and the distraction of burdensome litigation.
4. This Settlement Agreement and Stipulation shall not be offered or received in evidence in any civil or administrative action or proceedings, or used in any manner whatsoever, as evidence of wrongdoing by the City of Chicago, the Chicago Police Department, the Superintendent of Police, or any of their officers, agents or employees.



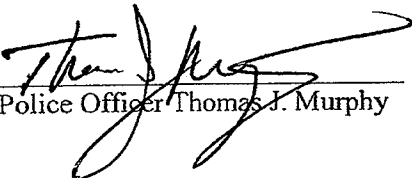
5. Officer Murphy will plead guilty to violating Rule 2, Counts I through IV, of the Charges and accept a 30-day suspension with no back pay. The Superintendent shall promptly file a motion to withdraw the Charges against Officer Murphy at the Police Board. Officer Murphy will be eligible for reinstatement to the Chicago Police Department with no back pay after the Settlement Agreement and Stipulation is fully executed.
6. Respondent agrees to hold harmless, release and forever discharge the City of Chicago, its departments, officers, agents and employees from any actions, claims, causes of actions, demands, losses, damages or conditions of reinstatement arising out of the Independent Police Review Authority investigation (Complaint Register No. 310927), the Charges that followed and the suspension herein referred to.
7. The terms and obligations of this Settlement Agreement and Stipulation are subject to and conditioned upon the Police Board's acceptance of the Superintendent's Motion to Withdraw the Charges. In the event that the Superintendent's Motion to Withdraw the Charges is not accepted by the Police Board, the Settlement Agreement and Stipulation shall be deemed null and void, and this matter shall be returned to the Police Board's calendar for hearing, and no facts or admissions referenced in this agreement shall be used by or against either party.
8. If the Police Board enters an order accepting and adopting the Superintendent's Motion to Withdraw the Charges, Respondent waives any and all forms of appeal or review of that order, in any forum whatsoever.
9. This Settlement Agreement and Stipulation, and all of its terms, contains the entire agreement between the parties, and shall be binding on the parties, their representatives,

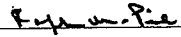
successors and assigns.

10. Respondent represents and certifies that he has read and fully understands all of the provisions and effects of this Settlement Agreement and Stipulation. Respondent further states that he is voluntarily entering into this Settlement Agreement and Stipulation and that neither the Department, nor the City of Chicago, or its agents, employees, officers, or representatives made any representation concerning the terms or effects of this Settlement Agreement and Stipulation, other than those contained herein.
11. The parties shall bear their own attorney's fees and costs, if any.


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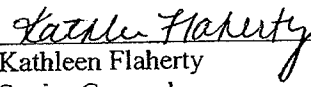
City of Chicago
Department of Police


Police Officer Thomas J. Murphy

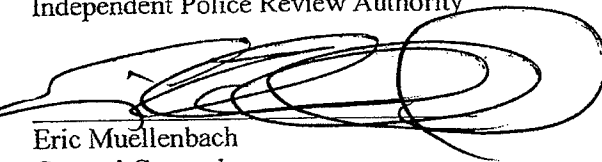
By: 
Ralph Price
General Counsel to the Superintendent

Stephen R. Patton
Corporation Counsel of the City of Chicago


Will Fahy
Attorney for Respondent

By: 
Kathleen Flaherty
Senior Counsel

City of Chicago
Independent Police Review Authority

By: 
Eric Muellenbach
General Counsel

CHARGES

Police Officer Thomas J. Murphy, Star Number 12829, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 14: Making a false report, written or oral.

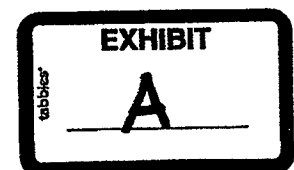
SPECIFICATIONS

1. Police Officer Thomas J. Murphy, Star Number 12829, is charged with violating 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 one or more of the following instances:

Count I: On or about January 27, 2006, Police Officer Murphy failed to complete a Tactical Response Report regarding an incident with Maurice Ware, in violation of General Order 02-08-05, thereby engaging in any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count II: On or about January 27, 2006, in the vicinity of 5600 N. Broadway, Police Officer Murphy conducted a pat-down search of Maurice Ware without justification, in violation of General Order 87-07, thereby engaging in any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count III: On or about November 8, 2006, during an interview with Investigator Robert Cosey of the Independent Police Review Authority, and/or January 3, 2008, during a deposition, Police Officer Murphy stated that Maurice Ware did not resist efforts to take him into custody, or words to that effect; and/or that for the most part Maurice Ware complied with instructions, or words to



that effect, and on or about April 7, 2009, during an interview with Investigator Robert Cosey of the Independent Police Review Authority, Police Officer Murphy stated that Maurice Ware was a passive resister, or words to that effect, thereby engaging in any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count IV: On or about April 7, 2009, and/or April 27, 2010, during an interview with Investigator Robert Cosey of the Independent Police Review Authority, Police Officer Murphy stated that on or about January 27, 2006, he did not return to scene in the vicinity of 5600 N. Broadway after Maurice Ware had called 911 and made allegations against him, or words to that effect, thereby engaging in any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

2. Police Officer Thomas J. Murphy, Star Number 12829, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in one or more of the following instances:

Count I: On or about January 27, 2006, Police Officer Murphy failed to complete a Tactical Response Report regarding an incident with Maurice Ware, in violation of General Order 02-08-05, thereby disobeying an order or directive, whether written or oral.

Count II: On or about January 27, 2006, in the vicinity of 5600 N. Broadway, Police Officer Murphy conducted a pat-down search of Maurice Ware without justification, in violation of General Order 87-07, thereby disobeying an order or directive, whether or written or oral.


3. Police Officer Thomas J. Murphy, Star Number 12829, is charged with violating Rule 14, "Making a false report, written or oral" in one or more of the following instances:

Count I: On or about November 8, 2006, during an interview with Investigator Robert Cosey of the Independent Police Review Authority, and/or January 3, 2008, during a deposition, Police Officer Murphy stated that Maurice Ware did not resist efforts to take him into custody, or words to that effect; and/or that for the most part Maurice Ware complied with instructions, or words to that effect, and on or about April 7, 2009, during an interview with

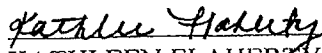
Investigator Robert Cosey of the Independent Police Review Authority, Police Officer Murphy stated that Maurice Ware was a passive resister, or words to that effect, thereby making a false report, written or oral.

Count II: On or about April 7, 2009, and/or April 27, 2010, during an interview with Investigator Robert Cosey of the Independent Police Review Authority, Police Officer Murphy stated that on or about January 27, 2006, he did not return to scene in the vicinity of 5600 N. Broadway after Maurice Ware had called 911 and made allegations against him, or words to that effect, thereby making a false report, written or oral.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Thomas J. Murphy, Star Number 12829, be discharged from the Chicago Police Department.


GARRY E. MCCARTHY
Superintendent of Police

APPROVED AS TO FORM


KATHLEEN FLAHERTY
Senior Counsel

P.B. CASE # FILED
12-2811 JUL 27 2012
CHICAGO POLICE BOARD

**BEFORE THE POLICE BOARD OF
THE CITY OF CHICAGO**

IN THE MATTER OF
CHARGES AGAINST
SCOT PEMBERTON,

Respondent.

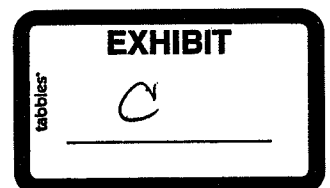
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12 PB 2812

SETTLEMENT AGREEMENT AND STIPULATION

Respondent, Police Officer Scot Pemberton, by his attorney, Colleen Daly, and the Superintendent of Police, Garry F. McCarthy, by his attorney, Stephen R. Patton, Corporation Counsel of the City of Chicago, herein stipulate and agree to the following:

1. On July 27, 2012, the Superintendent filed charges with the Police Board of the City of Chicago (the "Police Board") seeking discharge of the Respondent, Police Officer Scot Pemberton ("Respondent"), Star Number 15703. The Charges and Specifications are attached as Exhibit A and referred to herein as "Charges."
2. Police Officer Scot Pemberton was suspended without pay on August 15, 2012.
3. The parties, through their attorneys, have advised the Police Board that they desire to resolve this case without the burden and delay of further litigation, and that an agreement has been reached by the parties which is set forth herein. The parties expressly state that they are entering into this Settlement Agreement and Stipulation solely for the purpose of avoiding further expense, inconvenience and the distraction of burdensome litigation.
4. This Settlement Agreement and Stipulation shall not be offered or received in evidence in any civil or administrative action or proceedings, or used in any manner whatsoever, as evidence of wrongdoing of the City of Chicago, the Chicago Police Department, the Superintendent of Police, or any of their officers, agents or employees.



5. Officer Pemberton will plead guilty to violating Rule 2, Counts I and II, of the Charges and accept a 30-day suspension with no back pay to resolve this matter. The Superintendent shall promptly file a motion to withdraw the charges against Officer Pemberton at the Police Board. Officer Pemberton will be eligible for reinstatement to the Chicago Police Department with no back pay after the Settlement Agreement and Stipulation is fully executed.
6. Respondent agrees to hold harmless, release and forever discharge the City of Chicago, its departments, officers, agents and employees from any actions, claims, causes of actions, demands, losses, damages or conditions of reinstatement arising out of the Independent Police Review Authority investigation (Complaint Register No. 310927), the Charges that followed and the suspension herein referred to.
7. The terms and obligations of this Settlement Agreement and Stipulation are subject to and conditioned upon the Police Board's acceptance of the Superintendent's Motion to Withdraw the Charges. In the event that the Superintendent's Motion to Withdraw the Charges is not accepted by the Police Board, the Settlement Agreement and Stipulation shall be deemed null and void, and this matter shall be returned to the Police Board's calendar for hearing, and no facts or admissions referenced in this agreement shall be used by or against either party.
8. If the Police Board enters an order accepting and adopting the Superintendent's Motion to Withdraw the Charges, Respondent waives any and all forms of appeal or review of that order, in any forum whatsoever.
9. This Settlement Agreement and Stipulation, and all of its terms, contains the entire

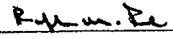
agreement between the parties, and shall be binding on the parties, their representatives, successors and assigns.

10. Respondent represents and certifies that he has read and fully understands all of the provisions and effects of this Settlement Agreement and Stipulation. Respondent further states that he is voluntarily entering into this Settlement Agreement and Stipulation and that neither the Department, nor the City of Chicago, or its agents, employees, officers, or representatives made any representation concerning the terms or effects of this Settlement Agreement and Stipulation, other than those contained herein.
11. The parties shall bear their own attorney's fees and costs, if any.


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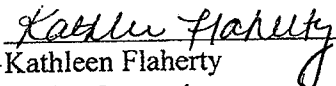
City of Chicago
Department of Police


Police Officer Scot Pemberton


By: 
Ralph Price
General Counsel to the Superintendent

Stephen R. Patton
Corporation Counsel of the City of Chicago


Colleen Daly
Attorney for Respondent

By: 
Kathleen Flaherty
Senior Counsel

City of Chicago
Independent Police Review Authority

By: 
Eric Muellenbach
General Counsel

CHARGES

Police Officer Scot Pemberton, Star Number 15703, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

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

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

SPECIFICATIONS

1. Police Officer Scot Pemberton, Star Number 15703, is charged with violating 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 one or more of the following instances:

Count I: On or about April 24, 2007, Police Officer Pemberton, during an interview with Investigator Robert Cosey of the Independent Police Review Authority, falsely stated that during an interview of Maurice Ware on January 27, 2006, Ware did not identify police officers as the alleged offenders, or words to that effect, and/or that Ware stated he was battered by two unknown males, or words to that effect, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count II: On or about January 27, 2006, Police Officer Pemberton submitted a case report under R.D. #HM-148274 containing false information, including that victim Maurice Ware was intoxicated, or words to that effect, and/or that Ware stated that he was battered by two unknown males, or words to that effect, and/or Police Officers Kent Pemberton and/or Thomas J. Murphy were not named as offenders in the case report, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

2. Police Officer Scot Pemberton, Star Number 15703, is charged with violating Rule 14, "Making a false report, written or oral," in one or more of the following instances:

Count I: On or about April 24, 2007, Police Officer Pemberton, during an interview with Investigator Robert Cosey of the Independent Police Review


EXHIBIT

A


Authority, falsely stated that during an interview of Maurice Ware on January 27, 2006, Ware did not identify police officers as the alleged offenders, or words to that effect, and/or that Ware stated that he was battered by two unknown males, or words to that effect, thereby making a false report, written or oral.

Count II: On or about January 27, 2006, Police Officer Pemberton submitted a case report under R.D. #HM-148274 containing false information, including that victim Maurice Ware was intoxicated, or words to that effect, and/or that Ware stated that he was battered by two unknown males, or words to that effect, and/or Police Officers Kent Pemberton and/or Thomas J. Murphy were not named as offenders in the case report thereby, making a false report, written or oral.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Scot Pemberton, Star Number 15703, be discharged from the Chicago Police Department.


GARRY F. MCCARTHY
Superintendent of Police

APPROVED AS TO FORM


KATHLEEN FLAHERTY
Senior Counsel

P. B. CASE # FILED

12-2812 JUL 27 2012

CHICAGO POLICE BOARD

**BEFORE THE POLICE BOARD OF
THE CITY OF CHICAGO**

IN THE MATTER OF
CHARGES AGAINST
RICHARD MORITZ,

Respondent.

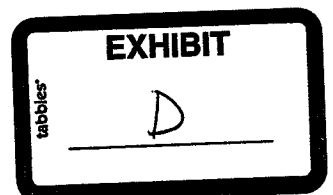
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SETTLEMENT AGREEMENT AND STIPULATION

Respondent, Police Officer Richard Moritz, by his attorney, Colleen Daly, and the Superintendent of Police, Garry F. McCarthy, by his attorney, Stephen R. Patton, Corporation Counsel of the City of Chicago, herein stipulate and agree to the following:

1. On July 27, 2012, the Superintendent filed charges with the Police Board of the City of Chicago (the "Police Board") seeking discharge of the Respondent, Police Officer Richard Moritz ("Respondent"), Star Number 11849. The Charges and Specifications are attached as Exhibit A and referred to herein as "Charges."
2. Police Officer Richard Moritz was suspended without pay on August 11, 2012.
3. The parties, through their attorneys, have advised the Police Board that they desire to resolve this case without the burden and delay of further litigation, and that an agreement has been reached by the parties, which is set forth herein. The parties enter into this Settlement Agreement and Stipulation solely for the purpose of avoiding further expense, inconvenience and the distraction of burdensome litigation.
4. This Settlement Agreement and Stipulation is not and shall not be offered or received in evidence in any civil or administrative action or proceedings, or used in any manner whatsoever, as evidence of wrongdoing by the City of Chicago, the Chicago Police Department, the Superintendent of Police, or any of their officers, agents or employees.




5. Officer Moritz will plead guilty to violating Rule 2, Counts I and II, of the Charges and Specifications and accept a 30-day suspension with no back pay to resolve this matter. The Superintendent shall promptly file a motion to withdraw the Charges against Officer Moritz at the Police Board. Officer Moritz will be eligible for reinstatement to the Chicago Police Department with no back pay after the Settlement Agreement and Stipulation is fully executed.
6. The Respondent agrees to hold harmless, release and forever discharge the City of Chicago, its departments, officers, agents and employees from any actions, claims, causes of actions, demands, losses, damages or conditions of reinstatement arising out of the Independent Police Review Authority investigation (Complaint Register No. 310927), the Charges that followed, and the suspension herein referred to.
7. The terms and obligations of this Settlement Agreement and Stipulation are subject to and conditioned upon the Police Board's acceptance of the Superintendent's Motion to Withdraw the Charges. In the event that the Superintendent's Motion to Withdraw the Charges is not accepted by the Police Board, the Settlement Agreement and Stipulation shall be deemed null and void, and this matter shall be returned to the Police Board's calendar for hearing, and no facts or admissions referenced in this agreement shall be used by or against either party.
8. If the Police Board enters an order accepting and adopting the Superintendent's Motion to Withdraw the Charges, the Respondent waives any and all forms of appeal or review of that order, in any forum whatsoever.
9. This Settlement Agreement and Stipulation, and all of its terms, contains the entire


agreement between the parties, and shall be binding on the parties, their representatives, successors and assigns.

10. Respondent represents and certifies that he has read and fully understands all of the provisions and effects of this Settlement Agreement and Stipulation. Respondent further states that he is voluntarily entering into this Settlement Agreement and Stipulation and that neither the Department, nor the City of Chicago, or its agents, employees, officers, or representatives made any representation concerning the terms or effects of this Settlement Agreement and Stipulation, other than those contained herein.
11. The parties shall bear their own attorney's fees and costs, if any.

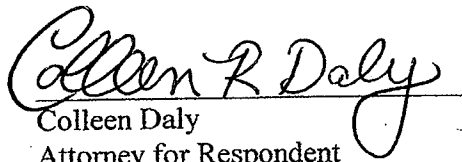
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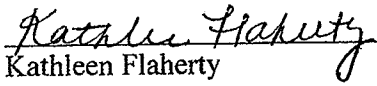
City of Chicago
Department of Police


Police Officer Richard Moritz

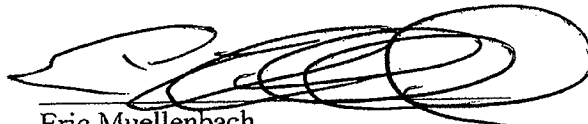
By: 
Ralph Price
General Counsel to the Superintendent

Stephen R. Patton
Corporation Counsel of the City of Chicago


Colleen Daly
Attorney for Respondent

By: 
Kathleen Flaherty
Senior Counsel

City of Chicago
Independent Police Review Authority

By: 
Eric Muellenbach
General Counsel

CHARGES

Police Officer Richard Moritz, Star Number 11849, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

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

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

SPECIFICATIONS

1. Police Officer Richard Moritz, Star Number 11849, is charged with violating 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 one or more of the following instances:

Count I: On or about April 27, 2007, Police Officer Moritz, during an interview with Investigator Robert Cosey of the Independent Police Review Authority, falsely stated that during an interview of Maurice Ware on January 27, 2006, Ware did not identify police officers as the alleged offenders, or words to that effect, and/or that Ware stated he was battered by two unknown white males, or words to that effect, and/or that he had no knowledge prior to interviewing Ware that Ware was accusing Police Officer Thomas Murphy and his partner, Police Officer Kent Pemberton, of robbing him, or words to that effect, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Count II: On or about January 27, 2006, Police Officer Moritz submitted a case report under R.D. #HM-148274, containing false information, including that victim Maurice Ware was intoxicated, or words to that effect, and/or that Ware stated he was battered by two unknown white males, or words to that effect, and/or Police Officers Kent Pemberton and/or Thomas J. Murphy were not named as offenders in the case report, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.


2. Police Officer Richard Moritz, Star Number 11849, is charged with violating Rule 14, "Making a false report, written or oral," in one or more of the following instances:



Count I: On or about April 27, 2007, Police Officer Moritz, during an interview with Investigator Robert Cosey of the Independent Police Review Authority, falsely stated that during an interview of Maurice Ware on January 27, 2006, Ware did not identify police officers as the alleged offenders, or words to that effect, and/or that Ware stated he was battered by two unknown white males, or words to that effect, and/or that he had no knowledge prior to interviewing Ware that Ware was accusing Police Officers Thomas Murphy and Kent Pemberton, of robbing him, or words to that effect, thereby making a false report, written or oral.

Count II: On or about January 27, 2006, Police Officer Moritz submitted a case report under R.D. #HM-148274 containing false information, including that victim Maurice Ware was intoxicated, or words to that effect, and/or that Ware stated that he was battered by two unknown males, or words to that effect, and/or Police Officers Kent Pemberton and/or Thomas J. Murphy were not named as offenders in the case report, thereby making a false report, written or oral.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Richard Moritz, Star Number 11849, be discharged from the Chicago Police Department.


GARRY F. MCCARTHY
Superintendent of Police

APPROVED AS TO FORM


KATHLEEN FLAHERTY
Senior Counsel

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