

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTERS OF CHARGES FILED AGAINST)
)
POLICE OFFICER LUIS D. CONTRERAS,) No. 12 PB 2817
STAR No. 13529, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
AND)
)
POLICE OFFICER SUSANA LACASA CALIZ,) No. 12 PB 2818
STAR No. 8686, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) (CR No. 1044128)
RESPONDENTS.)

FINDINGS AND DECISIONS

On September 13, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Luis D. Contreras, Star No. 13529, and Police Officer Susana LaCasa Caliz, Star No. 8686 (hereinafter sometimes referred to as “Respondents”), recommending that the Respondents be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 1: Violation of any law or ordinance.
- 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 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 10: Inattention to duty.
- Rule 14: Making a false report, written or oral.

The Superintendent moved to consolidate the cases for purposes of discovery and hearing. The Respondent did not object, and Thomas E. Johnson, Hearing Officer of the Police Board,

ordered the cases consolidated. The Police Board caused a hearing on these charges against the Respondents to be had before Hearing Officer Johnson on February 6 and 13, 2013.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decisions.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. Each Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.
2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon each Respondent more than five (5) days prior to the hearing on the charges.
3. Throughout the hearing on the charges each Respondent appeared in person and was represented by legal counsel.
4. There is no dispute that on the afternoon of March 19, 2011, Police Officer Michael Edens and his partner, Police Officer Sweeney, responded to a gang-disturbance call, later upgraded to a man-with-a-gun call, in the 3500 block of West McLean Avenue, in Chicago's Logan Square neighborhood. The call involved six individuals, and the officers detained four young men, including Miguel Castillo. Officer Edens knew that these young men, including Mr. Castillo, were members of the Imperial Gangster street gang, as he had prior police interactions

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

with them. The Respondents, Police Officers Luis Contreras and Susana LaCasa Caliz (who goes by Susana LaCasa), responded to the scene as assisting officers. Officers Edens, Contreras, and LaCasa all knew that these four young men were stopped at a location that was known to be Imperial Gangster territory. None of the four was arrested, but Officer Edens testified that he did name checks to determine if they had warrants, that he did a pat down which did not find a gun, and that he filled out contact cards on all four.

There is also no dispute that after the four Imperial Gangster members were released, Officers Contreras and LaCasa took Miguel Castillo to the 1600 block of North Spaulding Avenue in Chicago, which is part of the Latin Kings gang territory. Officers Edens, Contreras, and LaCasa all knew that this block was Latin Kings territory, and that the Latin Kings and Imperial Gangsters are rival street gangs. It is undisputed that Officers Contreras and LaCasa never asked Mr. Castillo for his home address, and Castillo never told them that he lived on the 1600 block of North Spaulding. There is a video-recording (Superintendent Ex. No. 1) showing part of what happened in front of 1649 North Spaulding, after Officers Contreras and LaCasa arrived there with Mr. Castillo. The video shows a very young Miguel Castillo in the back seat of the squad car covering his face. The video shows the officers have opened both of the rear doors of the squad car, and shows numerous young men flashing Latin King gang signs and shouting “King Love,” among other things. The young men taunt and threaten Mr. Castillo. At one point, Officer LaCasa tells Mr. Castillo to “put your fucking hand down.” Mr. Castillo is photographed and video-recorded by the Latin Kings. One of the gang members made the video that is Superintendent Ex. No. 1, which had been uploaded to YouTube. Mr. Castillo clearly did not live at 1649 North Spaulding. Eventually, the officers left the Spaulding address with Mr. Castillo and took him back to the 3500 block of West McLean Avenue.

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

The crux of the dispute in this case is whether, as Officers Contreras and LaCasa contend, they merely took Mr. Castillo to 1649 North Spaulding because Officer Edens told them Castillo lived there, and they complied with their fellow officer's request, or whether Officers Contreras and LaCasa took Mr. Castillo to the Spaulding address, not for a police purpose, but rather so that he would be confronted by the Latin Kings.

After considering all of the testimony and video-recording, the Board finds that Officers Contreras and LaCasa were not simply giving Mr. Castillo a ride home, but rather these officers were intentionally showing Mr. Castillo to rival gang members who then disrespected and harassed him. The Board finds that Officers Contreras and LaCasa were not serving any valid police purpose in taking Mr. Castillo to 1649 North Spaulding. The Board reaches this conclusion for five reasons.

First, Officer Edens denies that he told Officers Contreras and LaCasa to take Mr. Castillo to his home on the 1600 block of North Spaulding. He denied it in his statement to Internal Affairs and at the hearing. Edens testified that when he filled out a contact card for Castillo, Castillo gave a home address that was not on the 1600 block of North Spaulding, and that he knew Castillo did not live in what was clearly Latin Kings territory. (The contact card for Mr. Castillo mysteriously disappeared after it was turned in; two of the other contact cards were found.) Edens testified that after he released Castillo, Officer Contreras jokingly told his fellow officers that he was taking Castillo home and suggested he lived near Spaulding and LeMoyne, which all the officers knew was Latin Kings territory. Edens then joked that he lived at 1629 North Spaulding, and chuckled. Officer Edens says he never asked Officers Contreras and LaCasa to take Castillo anywhere, and did not think Officer Contreras was serious when he said he was taking Castillo home. While Officer Edens did not include the joke between himself and Contreras in his official IAD

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

statement, he testified that he told both the IAD investigator (Detective Morse) and his lawyer (Jennifer Russell) about the joke and they agreed it need not be added to the statement. Neither Detective Morse nor Jennifer Russell was called to impeach Officer Edens on this testimony. While Officer Edens may have known what Officers Contreras and LaCasa had in mind for Mr. Castillo, the Board does not believe that Officer Edens told them to take Castillo home to the 1600 block of North Spaulding. The Board, however, does not have to rely solely on Officer Edens's testimony to resolve this case. The actions and words of Officers Contreras and LaCasa condemn them.

Second, Marilyn Vega, who lives at 1649 North Spaulding with her parents and children, observed the officers when they arrived with Mr. Castillo on the 1600 block of North Spaulding and watched the entire incident from her windows. She saw 15 to 20 Latin Kings surround the vehicle and heard her neighbor, who is affiliated with the Latin Kings and has influence over their members, call out to the police, urging them to let Mr. Castillo out of the police vehicle. The video is only about ninety seconds long. Ms. Vega, however, testified that the police stayed at the scene for about ten minutes. (In an earlier part of her testimony, she estimates up to five and one-half minutes.)¹ The Board finds Ms. Vega's testimony particularly credible. It took courage for her to come to the hearing and testify about this incident, when she lives in Latin Kings territory. Her demeanor on the witness stand was entirely believable.

Officers Contreras and LaCasa claim that they honestly thought Mr. Castillo lived at 1649 North Spaulding. Upon LaCasa's arrival, she asked Ms. Vega's mother, who was out front of 1649

¹ Officer LaCasa testified she and her partner were at the scene for only 15 seconds before the video commences. The Board specifically does not credit this testimony, as Officer LaCasa is offering self-serving testimony (as opposed to Ms. Vega), and Officer LaCasa's testimony was evasive and untruthful as described later in this opinion.

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

North Spaulding fixing a gate, whether he lived there and Ms. Vega's mother said no.² Ms. Vega observed this exchange, which took place right after the police arrived (and before the period captured on the video). If the respondent officers promptly learned that Mr. Castillo did not live at this address, there was no reason for them to stay at this location for five to ten minutes. This is particularly true when Latin Kings had surrounded their police vehicle and Mr. Castillo was cowering in the back seat. The length of their stay on the 1600 block of North Spaulding confirms these officers were there with Mr. Castillo for a purpose other than delivering him to his home.

Third, General Order G03-01-01 provides in Section II(H) that: "When a member requests a change in his availability status for any reason not covered by an assignment, he will: 1) notify the dispatcher of his change in status via voice radio only; and 2) include the reason for (or nature of) the change and the member's specific street location." Section II(G) requires all members of the Department who receive assignments by voice radio to "maintain contact with the dispatcher" and "report any changes in availability status to the dispatcher via voice radio only. Changes in availability status are subject to the approval of the dispatcher and/or field supervisor." The Board finds that taking Mr. Castillo to the 1600 block of North Spaulding was not part of the original assignment given to Officers Contreras and LaCasa to assist with the street stop in the 3500 block of West McLean, and, consequently, Officers Contreras and LaCasa were required under the General Order to notify the dispatcher by requesting a change in status and to obtain approval to re-locate to the 1600 block of North Spaulding.³ It is undisputed that Officers Contreras and

² The Board finds unpersuasive the argument that because Officer LaCasa asked Ms. Vega's mother this question, the officers were giving Mr. Castillo a ride home. The Board, taking into account all of the evidence, finds that driving him home was not the real reason for transporting Mr. Castillo to the 1600 block of North Spaulding, but rather finds that Officer LaCasa's question to Ms. Vega's mother was an excuse that could be used to conceal the officer's true purpose for bringing Castillo to that location.

³ Section II(H) must be read in the context of the entire General Order; to read this section in isolation would permit

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

LaCasa never radioed the dispatcher that they were taking Mr. Castillo home or relocating to the 1600 block of North Spaulding. Nor did they tell their sergeant they were taking Mr. Castillo to the Spaulding address. Their violation of the General Order further corroborates that they were not engaging in appropriate police work when they took Mr. Castillo to Latin Kings territory and allowed him to be harassed and threatened.

Fourth, the video itself (Superintendent Ex. No. 1) confirms that Officers Contreras and LaCasa brought Mr. Castillo to Latin King territory in order to show him to a rival gang and terrorize him. The video not only shows the officers remaining at the 1649 North Spaulding location well after they understood that Mr. Castillo did not live there, but it also shows the officers opening both back doors of their police vehicle so that Mr. Castillo can readily be seen and photographed by the numerous Latin King gang members who crowd around the vehicle. As Mr. Castillo, obviously in fear, tries to shield his face, Officer LaCasa is not shown asking him any questions about where he lives, but rather clearly says “put your fucking hands down” so that Castillo can be more readily identified by the rival gang members. The Board finds Officer LaCasa’s explanation of this statement—that she was frustrated by Castillo’s failure to get out of the car or communicate with them about where he actually lived, or that she was trying to get the Latin Kings gang members to tell her whether Castillo lived on the block—to be preposterous. The video further clearly shows gang members photographing Castillo, and taunting him in the presence of both police officers. Even though many gang members surround the police vehicle and surround both officers, the officers do nothing to disperse the gang members. Quite to the contrary, the Board finds that the officers facilitated the Latin Kings’ intimidation of Castillo by opening both doors and keeping the doors open, insisting that Castillo show his face, permitting gang

officers to go anywhere without notification or approval so long as they do not request a change in status.

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

members to approach the back of the car with cell phones up so that he could be photographed, letting the gang members encircle Castillo and the officers while creating an intimidating presence, and not leaving the area.

Fifth, the Board finds both Officers Contreras and LaCasa to have been evasive and untruthful in their testimony to the Board, so that the Board refuses to credit any part of their testimony, and certainly does not believe them over Officer Edens on the key question of whether or not Edens told Contreras and Caliz to take Castillo home. So, for example, Officer Contreras, a Chicago police officer for twelve years who had worked in the 14th District for eight years, testified that he did not know what gang signs were, until he was impeached with his earlier deposition testimony. When confronted with the videotape of a young man displaying a gang sign (readily identified by Ms. Vega and Officer Contreras's own former partner, Officer Malave), Officer Contreras was evasive as to what it was, saying only that it could possibly be a gang sign. He claimed he could not hear what was readily apparent on the audio portion of Superintendent Ex. No. 1, for example, "all day, every day, King love." Where he could hear gang members yelling "King nigga" and "we all here," he testified he had no idea what they meant. After suggesting that the gang members around their vehicle posed no threat to Mr. Castillo, he was impeached with his deposition where he conceded it was not safe to leave Castillo on the 1600 block of North Spaulding.

Officer LaCasa, who spent her entire career in the 14th District, and had worked the streets where this incident occurred for twelve years at the time it took place, testified that she was not familiar with Latin Kings gang signs and did not see any gang signs being displayed as Mr. Castillo sat in the back of her police vehicle, even though Ms. Vega and Officer Malave (also from the 14th District) clearly understood the Latin Kings gang sign, and Madeline Rodriguez, one of

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

Officer LaCasa's own mitigation witnesses, testified that LaCasa was very familiar with the gangs in the neighborhood, their colors, and how to identify individuals as gang members. The Board does not believe Officer LaCasa's testimony. Given the video, her testimony that she did not observe any camera or anyone close to her with a phone, is simply incredible. She testified she could not clearly see the phone held by a gang member in the video, when it was plainly apparent. When confronted with the gang taunts evident on the video, she badly retreated to an argument that English is not her first language and it is hard for her to understand what kids say on the street. She dismissed the whole incident as "a bunch of kids acting with no sense, talking loud and acting more to a camera" (which she denies ever seeing). In her view, the Latin Kings gang members just wanted to know what was going on. In testimony that is truly unfathomable, she said at the end that there were no threats to Mr. Castillo and she believed it was safe, during the period captured on video, for Castillo to exit the vehicle on his own.

Considering the evidence as a whole, the Board is convinced that these officers were not innocently transporting Mr. Castillo to a location they thought was his home. These officers were taking Mr. Castillo on a trip meant to terrorize him. In a city like Chicago, plagued with gang violence and shootings, many of which are gang-retaliation killings, the officers' conduct could only serve to inflame gang rivalries and, as such, was reprehensible.

5. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,
in that:

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

Count I: On or about 19 March 2011, Police Officer Luis D. Contreras committed the offense of Unlawful Restraint, in violation of Illinois Compiled Statutes under statute 720 ILCS 5/10-3(a), by holding Miguel Castillo against his will, and without valid legal authority, in the 3500 block of West McLean Avenue.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

As the Board finds there was no proper police purpose in transporting Mr. Castillo to 1649 North Spaulding, it further finds that Officers Contreras and LaCasa had no legal authority to take him there. The unlawful-restraint statute also requires the detention of Mr. Castillo. While the testimony is that he was not under arrest or handcuffed at the time he entered the Respondents' police vehicle, the Board believes Officer Edens's testimony that Castillo was an Imperial Gangster. The Board infers from the evidence as a whole and concludes that no Imperial Gangster, particularly one this young, would voluntarily be driven to Latin Kings territory, and the Board therefore finds that Castillo was detained, within the meaning of the statute, during the trip he took with Officers Contreras and LaCasa.

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

6. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count II: On or about 19 March 2011, Police Officer Luis D. Contreras committed the offense of Unlawful Restraint, in violation of Illinois Compiled Statutes under statute 720 ILCS 5/10-3(a), by transporting Miguel Castillo against his will, and without valid legal authority,

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

from the area of the 3500 block of West McLean Avenue to the 1600 block of North Spaulding Avenue.

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated here by reference.

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

7. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, 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 19 March 2011, Police Officer Luis D. Contreras knowingly detained Miguel Castillo in the 3500 block of West McLean Avenue and transported him to the 1600 block of North Spaulding Avenue without a valid police purpose, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

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

8. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, 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 19 March 2011, Police Officer Luis D. Contreras knowingly and intentionally remained in the 1600 block of North Spaulding Avenue with Department vehicle

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

#8942's doors open, which allowed suspected Latin King gang members to threaten Miguel Castillo, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Conlon and Davis find the Respondent not guilty of this charge.)

9. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, 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 19 March 2011, Police Officer Luis D. Contreras knowingly and intentionally remained in the 1600 block of North Spaulding Avenue with Department vehicle #8942's doors open, which allowed suspected Latin King gang members to digitally record video of Miguel Castillo, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Conlon and Davis find the Respondent not guilty of this charge.)

10. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, 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:

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

Count IV: On or about 19 March 2011, Police Officer Luis D. Contreras failed to exhibit officer safety when he permitted himself and his partner, Police Office Susana LaCasa Caliz, to be encircled by a group of suspected members of the Latin Kings street gang, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Conlon and Davis find the Respondent not guilty of this charge.)

11. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about 19 March 2011, Police Officer Luis D. Contreras disobeyed General Order 03-01-01, Item II-H entitled "Radio Communications," by failing to inform an Office of Emergency Management and Communications Dispatcher of a change in his location.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Member Davis finds the Respondent not guilty of this charge.)

12. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, 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 19 March 2011, Police Officer Luis D. Contreras disobeyed Special Order [mis-identified as "General Order"] 04-13-09, Item IV-C entitled "Contact Information

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

System,” by failing to complete and submit a contact card at the conclusion of an investigatory street stop of Miguel Castillo.

The investigatory stop was made by Officers Edens and Sweeney. Officer Edens testified that he did complete a contact card on Miguel Castillo as a result of this stop, though the Department cannot locate the card. The Board finds that Officers Contreras and LaCasa were not required, under the Special Order, to complete another contact card on Mr. Castillo.

13. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, charged herein, is **guilty** of violating, to wit:

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

in that:

On or about 19 March 2011, Police Officer Luis D. Contreras transported Miguel Castillo from the 3500 block of West McLean Avenue to the 1600 block of North Spaulding Avenue and allowed suspected Latin Kings gang members to threaten him.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Conlon and Davis find the Respondent not guilty of this charge.)

14. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that:

On or about 19 March 2011, Police Officer Luis D. Contreras took no police action after suspected Latin Kings gang members threatened Miguel Castillo with bodily harm.

See the findings set forth in paragraph no. 4 above, which are incorporated here by

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

reference.

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

15. The Respondent, Police Officer Luis D. Contreras, Star No. 13529, charged herein, is **guilty** of violating, to wit:

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

in that:

On or about 18 April 2011, at Chicago Police Headquarters, 3510 South Michigan Avenue, Chicago, Police Officer Luis D. Contreras made a false oral statement to Detective Carlin Morse, Bureau of Internal Affairs, when Officer Contreras stated that on 19 March 2011, at approximately 1530 hours, in the area of the 3500 block of West McLean Avenue, Police Officer Michael Edens told him to take Miguel Castillo home in the 1600 block of North Spaulding Avenue.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

16. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count I: On or about 19 March 2011, Police Officer Susana LaCasa Caliz committed the offense of Unlawful Restraint, in violation of Illinois Compiled Statutes under statute 720 ILCS 5/10-3(a), by holding Miguel Castillo against his will, and without valid legal authority, in the 3500 block of West McLean Avenue.

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated here by reference.

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

17. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count II: On or about 19 March 2011, Police Officer Susana LaCasa Caliz committed the offense of Unlawful Restraint, in violation of Illinois Compiled Statutes under statute 720 ILCS 5/10-3(a), by transporting Miguel Castillo against his will, and without valid legal authority, from the area of the 3500 block of West McLean Avenue to the 1600 block of North Spaulding Avenue.

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated here by reference.

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

18. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, 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:

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

Count I: On or about 19 March 2011, Police Officer Susana LaCasa Caliz knowingly detained Miguel Castillo in the 3500 block of West McLean Avenue and transported him to the 1600 block of North Spaulding Avenue without a valid police purpose, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

19. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, 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 19 March 2011, Police Officer Susana LaCasa Caliz knowingly and intentionally remained in the 1600 block of North Spaulding Avenue with Department vehicle #8942's doors open, which allowed suspected Latin King gang members to threaten Miguel Castillo, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

20. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, 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,

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

in that:

Count III: On or about 19 March 2011, Police Officer Susana LaCasa Caliz knowingly and intentionally remained in the 1600 block of North Spaulding Avenue with Department vehicle #8942's doors open, which allowed suspected Latin King gang members to digitally record video of Miguel Castillo, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Conlon and Davis find the Respondent not guilty of this charge.)

21. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, 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 19 March 2011, Police Officer Susana LaCasa Caliz failed to exhibit officer safety when she permitted herself and her partner, Police Officer Luis D. Contreras, to be encircled by a group of suspected members of the Latin Kings street gang, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

22. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, charged herein, is **guilty** of violating, to wit:

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

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

in that:

Count I: On or about 19 March 2011, Police Officer Susana LaCasa Caliz disobeyed General Order 03-01-01, Item II-H entitled "Radio Communications," by failing to inform an Office of Emergency Management and Communications Dispatcher of a change in her location.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Member Davis finds the Respondent not guilty of this charge.)

23. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, 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 19 March 2011, Police Officer Susana LaCasa Caliz disobeyed Special Order [mis-identified as "General Order"] 04-13-09, Item IV-C entitled "Contact Information System," by failing to complete and submit a contact card at the conclusion of an investigatory street stop of Miguel Castillo.

See the findings set forth in paragraph no. 12 above, which are incorporated here by reference.

24. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, 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 I: On or about 19 March 2011, Police Officer Susana LaCasa Caliz verbally told Miguel Castillo to "put your fucking hands down" as he tried to cover his face in the rear compartment of Department vehicle #8492, in the 1600 block of North Spaulding Avenue.

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

25. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, 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 19 March 2011, Police Officer Susana LaCasa Caliz transported Miguel Castillo from the 3500 block of West McLean Avenue to the 1600 block of North Spaulding Avenue and allowed suspected Latin Kings gang members to threaten him.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

26. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that:

On or about 19 March 2011, Police Officer Susana LaCasa Caliz took no police action after suspected Latin Kings gang members threatened Miguel Castillo with bodily harm.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

27. The Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, charged herein, is **guilty** of violating, to wit:

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

in that:

On or about 18 April 2011, at Chicago Police Headquarters, 3510 South Michigan Avenue, Chicago, Police Officer Susana LaCasa Caliz made a false oral statement to Detective Carlin Morse, Bureau of Internal Affairs, when Officer LaCasa Caliz stated that on 19 March 2011, at approximately 1530 hours, in the area of the 3500 block of West McLean Avenue, Police Officer Michael Edens told her to take Miguel Castillo home in the 1600 block of North Spaulding Avenue.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

(Board Members Ballate, Carney, Conlon, and Davis find the Respondent not guilty of this charge.)

28. 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. The Board determines that the Respondents must be discharged from the Chicago Police Department due to the serious nature of the misconduct of which it has found them guilty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference. Officers Contreras and LaCasa knowingly and intentionally took a very young gang

member into a rival gang's territory and allowed him to be threatened. The officers also allowed a gang member to video-record a significant portion of this event, a video that ended up on YouTube. Such conduct by Officers Contreras and LaCasa is antithetical to that expected and required of police officers, whose duty is to serve and protect. They exposed a teen gang member to threats and danger, and created a situation that could inflame gang rivalries and lead to violence. Officers Contreras and LaCasa, by their actions, did not further, but rather seriously undermined the Department's mission to reduce gang violence and promote safety on the City's streets.

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

POLICE BOARD DECISIONS

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes.

By votes of 5 in favor (Foreman, Fry, McKeever, Miller, Rodriguez) to 4 opposed (Ballate, Carney, Conlon, Davis), the Board finds Respondent Contreras guilty of violating Rule 1 (Count I), Rule 10, and Rule 14.

By votes of 6 in favor (Carney, Foreman, Fry, McKeever, Miller, Rodriguez) to 3 opposed (Ballate, Conlon, Davis), the Board finds Respondent Contreras guilty of violating Rule 1 (Count II) and Rule 2 (Count I).

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

By votes of 7 in favor (Ballate, Carney, Foreman, Fry, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Davis), the Board finds Respondent Contreras guilty of violating Rule 2 (Counts II-IV) and Rule 8.

By a vote of 8 in favor (Ballate, Carney, Conlon, Foreman, Fry, McKeever, Miller, Rodriguez) to 1 opposed (Davis), the Board finds Respondent Contreras guilty of violating Rule 6 (Count I).

By a unanimous vote, the Board finds Respondent Contreras not guilty of violating Rule 6 (Count II).

By votes of 5 in favor (Foreman, Fry, McKeever, Miller, Rodriguez) to 4 opposed (Ballate, Carney, Conlon, Davis), the Board finds Respondent LaCasa Caliz guilty of violating Rule 1 (Counts I and II), Rule 2 (Count I), Rule 8 (Count I), Rule 10, and Rule 14.

By votes of 6 in favor (Ballate, Foreman, Fry, McKeever, Miller, Rodriguez) to 3 opposed (Carney, Conlon, Davis), the Board finds Respondent LaCasa Caliz guilty of violating Rule 2 (Counts II and IV) and Rule 8 (Count II).

By a vote of 7 in favor (Ballate, Carney, Foreman, Fry, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Davis), the Board finds Respondent LaCasa Caliz guilty of violating Rule 2 (Count III).

By a vote of 8 in favor (Ballate, Carney, Conlon, Foreman, Fry, McKeever, Miller, Rodriguez) to 1 opposed (Davis), the Board finds Respondent LaCasa Caliz guilty of violating Rule 6 (Count I).

By a unanimous vote, the Board finds Respondent LaCasa Caliz not guilty of violating Rule 6 (Count II).

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

By a vote of 7 in favor (Ballate, Carney, Foreman, Fry, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Davis), the Board determines that cause exists for discharging Respondent Contreras 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 (Ballate, Foreman, Fry, McKeever, Miller, Rodriguez) to 3 opposed (Carney, Conlon, Davis), the Board determines that cause exists for discharging Respondent LaCasa Caliz from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Luis D. Contreras, Star No. 13529, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2817, 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 18th DAY OF APRIL, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Johnny L. Miller

/s/ Susan L. McKeever

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Susana LaCasa Caliz, Star No. 8686, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2818, be and hereby is **discharged** from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

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

/s/ Melissa M. Ballate

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Johnny L. Miller

/s/ Susan L. McKeever

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

Vice President Scott J. Davis

I dissent from the Board's decision as to both Respondents. The crux of most of the Department's case is its claim that the Respondents knew that Mr. Castillo did not live on the 1600 block of North Spaulding when they took him there. But Officer LaCasa's question whether Mr. Castillo lived on the block, posed to Ms. Vega's mother upon Respondents' arrival, is, unless the question was a contrivance, inconsistent with the Department's claim. The Board "finds that Officer LaCasa's question to Ms. Vega's mother was an excuse that could be used to conceal the officer's true purpose for bringing Castillo to that location." However, if Respondents were concerned that they would need an excuse when Officer LaCasa encountered Ms. Vega's mother, the easiest way to have avoided the problem would have been to immediately drive away, which they did not do. The Board's finding depends on the conclusion that Respondents were concerned enough to try to create an excuse but not concerned enough to immediately drive away. In my judgment there is insufficient evidence to reach a conclusion of that precision, and I therefore do not think that the Department adequately proved that Officer LaCasa's question was a contrivance. For that reason and because of what I perceive to be other weaknesses in the evidence, the Department did not, in my opinion, sustain its burden of proving any of the charges that depend wholly or in part on the claim that the Respondents knew that Mr. Castillo did not live on the 1600 block of North Spaulding when they took him there.

I also do not think that the Department established a violation of the other charges. The charge that Respondents violated General Order 03-01-01, Item II-H, is, in my opinion, inconsistent with that item's language. Item II-H provides that: "When a member requests a change in his availability status for any reason not covered by an assignment, he will: 1) notify the

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

dispatcher of his change in status via voice radio only; and 2) include the reason for (or nature of) the change and the member's specific street location." By its terms, Item II-H applies only when "a member requests a change in his availability status." I am not aware of any evidence in the record indicating that Respondents requested a change in their availability status, and I therefore cannot find them guilty of violating Item II-H. As to the charge that Respondents violated Rule 2 by failing to exhibit officer safety, I do not think that the evidence shows a sufficient danger to either officer to sustain the charge. Finally, as to the charge that Officer LaCasa disrespected or maltreated Mr. Castillo in violation of Rule 8 by swearing at him, I do not think that her use of profanity rose to the level of a rule violation under the circumstances.

/s/ Scott J. Davis

DISSENT

Board Member William F. Conlon

I dissent. I believe that the record in this case – as publically notorious and emotionally charged as this situation has become – does not support a finding of guilty on any charge other than a failure by the Respondents to communicate a change in their location. Speculation is not evidence. The majority describes the Respondents’ conduct as “reprehensible.” The record does not support that conclusion. When dealing with the hard-worked for livelihoods of Chicago Police Officers, they can – despite the public outcry and strong feelings here – only be found guilty on facts – hard facts that the Superintendent must prove. I believe a fair reading of the evidence, stripped of emotion, speculation and the public nature this situation has taken on, comes up short of being sufficient to support a finding of guilty on charges other than the ones of failure to communicate their location.

Much weight is given by the majority to the testimony of Officer Edens; I find his testimony to be self-serving, insufficient to form a part of a finding of guilt and, in many instances, contrary to a finding of guilt. It is at best unclear what address Mr. Castillo gave Officer Edens when he filled out the contact card for Mr. Castillo. At one point, Officer Edens testifies that when completing the contact card, Mr. Castillo did not say he lived at 1629 or 1649 North Spaulding and Officer Edens knew that Mr. Castillo did not live there [Transcript p. 109, lines 18-23]. (None of which he shared with the Respondents.)

Nonetheless, Officer Edens told Officer Contreras “I think he said he lives at 1629 Spaulding” [Transcript p. 116, lines 14-22; see also, Transcript p. 107, lines 13-15; Transcript p. 132 lines 10-12.] The North Spaulding address is not an address the Respondents made up; it is clearly an address given to them by Officer Edens.

Police Board Case Nos. 12 PB 2817 & 2818
Police Officers Contreras & Caliz
Findings and Decisions

So, the facts are when Officer Contreras says he and his partners are going to take Mr. Castillo home, Officer Edens gives the Respondents the address on North Spaulding. The Respondents had a reasonable basis to believe from Officer Edens' comments that was the address Mr. Castillo had given to Officer Edens when he was filling out the contact card. And, it is uncontroverted that it is not unusual for the assisting officer to transport someone home as was intended here [Transcript p. 133, lines 17-23].

I come to the same conclusion that the Respondents are not guilty of other than the location violation when looking at the record concerning Officer LaCasa's confrontation with Officer Edens a few days after LaCasa was stripped of her police responsibilities. The act of confronting Officer Edens speaks volumes – credible, at-the-time actions of one who was asked to take Castillo to an address given the Respondents by Officer Edens. Again, Edens' very tardy, highly questionable and self-serving explanation that he was "joking" falls far short of credible evidence sufficient to support a finding of guilty against the Respondents.

The record is blank – no evidence whatsoever – that Castillo ever told the Respondents that he didn't live on the 1600 block of North Spaulding or that, as they approached that location, Mr. Castillo voiced any objection to being taken there.

While the majority is dismissive and accusatory of Officer's LaCasa's action in leaving the police vehicle and asking the individuals in front of 1629 North Spaulding if Mr. Castillo lived there, I find that conduct very instructive and persuasive on the Respondent's good faith belief that they were taking Mr. Castillo to what they believed was his residence. Why else would Officer LaCasa have approached Ms. Vega's mother shortly after the Respondents arrived on the scene, and asked if Mr. Castillo lived there? The idea that it was subterfuge is, I believe, without any evidentiary support. As that conversation concluded, the police presence and the police vehicle

were the object of great attention – as most police vehicles in neighborhoods are [Transcript p. 54, lines 6-13] – by young people, one of whom recorded part of the scene. In viewing the video, I conclude that the Respondents, after making an appropriate, good faith inquiry of the individuals at a residence on North Spaulding where Officer Edens indicated Mr. Castillo lived, managed a possibly volatile situation very well and in a manner that I choose not to second guess. The proof of the Respondent’s responsible behavior and appropriate crowd control is in the fact that the incident ended peacefully and without injury to anyone or chaos occurring.

As I began this dissent, I respectfully do not believe the Department produced sufficient evidence in the record here to support findings of “guilty” on any but the change of location offenses. The Police Board is bound by the record developed in proceedings before a hearing officer.

By law, the board must base its decision only on the record of the hearing – that is, sworn testimony and other evidence admitted in the case (emphasis added). Chicago Police Board Allegations of Police Misconduct: A Guide to the Complaint and Disciplinary Process, June 2011.

Hence, I voted not guilty on all charges other than those relating to the failure to communicate a change in location⁴; I would impose a suspension of 15 days for each Respondent on the failure to communicate a location charge.⁵

/s/ William F. Conlon

⁴ One charge (Rule 8, Count I) alleges that Officer LaCasa Caliz used language that was mistreatment or maltreatment of Mr. Castillo. I do not consider, in the context of an adrenaline-producing police action, that language, though rough, to constitute mistreatment or maltreatment.

⁵ Other than the discussion of the charges relating to the failure to communicate a change of location, I adopt and incorporate by this reference the Dissent of Vice President Davis.

DISSENT

President Demetrius E. Carney

I dissent from the Majority's Decision regarding Officer Susana LaCasa Caliz (Officer LaCasa). While I find her guilty of certain charges, a penalty of discharge is not warranted on the facts of her case.

Based on Officer LaCasa's conversation with Ms. Vega's mother as to whether Mr. Castillo lived at the Spaulding address, which is evidence that Officer LaCasa relied in good faith on information she received from Officers Edens and Contreras, and based on Officer Edens's questionable and self-serving testimony, and the lack of testimony from Mr. Castillo, the Superintendent did not carry the burden of proving Officer LaCasa guilty of the most serious charges. On the record before the Board, I find Officer LaCasa less culpable than Officer Contreras, and I would suspend Officer LaCasa for 30 days.

/s/ Demetrius E. Carney

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THESE FINDINGS AND DECISIONS
THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE

Police Board Case Nos. 12 PB 2817 & 2818
 Police Officers Contreras & Caliz
 Findings and Decisions

Report Date: 13 Sep 2012
 Report Time: 0837 Hrs

Chicago Police Department

Personnel Division



Information Services Division
 Data Warehouse
 Produced by: PC0U989

**Only for active personnel*

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
CONTRERAS, LUIS D	9161	13529	014	376	[REDACTED]

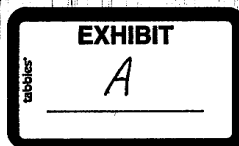
Achievements

Total No.

OTHER AWARDS	2
HONORABLE MENTION RIBBON AWARD	1
DEPARTMENT COMMENDATION	2
HONORABLE MENTION	54
ATTENDANCE RECOGNITION AWARD	2
2009 CRIME REDUCTION AWARD	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
COMPLIMENTARY LETTER	3
UNIT MERITORIOUS PERFORMANCE AWARD	1
2004 CRIME REDUCTION RIBBON	1
TOTAL AWARDS	68

FOR USE WITH POLICE BOARD CASE 12 PB 2817

CR# 1044128



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Police Board Case Nos. 12 PB 2817 & 2818
 Police Officers Contreras & Caliz
 Findings and Decisions

IADR118 13-SEP-2012 08:41:03 AM

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	CONTRERAS LUIS D.	13529	[REDACTED]	9161	POLICE OFFICER	376
<u>Sex</u>	<u>Race</u>	<u>No. Of CR's</u>	<u>Appointed Date</u>	<u>No. Of SPAR's</u>		
M	SPANISH (DO NOT USE)	0	11-SEP-2000	0		

FOR USE WITH POLICE BOARD #12-2817

Police Board Case Nos. 12 PB 2817 & 2818
 Police Officers Contreras & Caliz
 Findings and Decisions

Report Date: 13 Sep 2012
 Report Time: 0834 Hrs

Information Services Division
 Data Warehouse
 Produced by: PC0U989

Chicago Police Department

Personnel Division

**Only for active personnel*



Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
LA CASA CALIZ, SUSANA	9161	8686	014	376	[REDACTED]

Achievements

Total No.

COMPLIMENTARY LETTER	4
2009 CRIME REDUCTION AWARD	1
UNIT MERITORIOUS PERFORMANCE AWARD	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
SPECIAL COMMENDATION	2
DEPARTMENT COMMENDATION	2
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	8
HONORABLE MENTION	45
DEPLOYMENT OPERATIONS CENTER AWARD	1
2004 CRIME REDUCTION RIBBON	1
TOTAL AWARDS	66

FOR USE WITH POLICE BOARD

CR# 1044128

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Police Board Case Nos. 12 PB 2817 & 2818
 Police Officers Contreras & Caliz
 Findings and Decisions

IADR118 13-SEP-2012 08:39:25 AM

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	LA CASA CALIZ SUSANA	8686	[REDACTED]	9161	POLICE OFFICER	376
<u>Sex</u>	<u>Race</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>			
F	SPANISH (DO NOT USE)	0	0			
	<u>Birth Date</u>	<u>Appointed Date</u>				
	[REDACTED]	08-MAR-1999				

FOR USE WITH POLICE BOARD #12-2818