

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST) POLICE OFFICER CALVIN CHATMAN,) STAR No. 5532, DEPARTMENT OF POLICE,) CITY OF CHICAGO,) RESPONDENT.)	No. 12 PB 2826 (CR No. 1048001)
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FINDINGS AND DECISION

On December 14, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Calvin Chatman, Star No. 5532 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against the Respondent to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on March 20, April 30, and May 31, 2013.

Following the hearing, the members of the Police Board read and reviewed the record of the 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 decision.

POLICE BOARD FINDINGS

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

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer Calvin Chatman, Star No. 5532, 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: From on or about August 23, 2011, to on or about August 25, 2011, or on one or more dates therein, Police Officer Chatman made false statements to Police Officer Dawn Neary, Sergeant Eileen Guest, and/or Sergeant Stephen Pietrzak, in that Officer Chatman stated that he could not report to the Medical Services Section because he was still using crutches, or words to that effect, and/or he could not report to the Medical Services Section because he could not ambulate without crutches, or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph nos. 6 through 8 below, which are incorporated here by reference.

Police Board Case No. 12 PB 2826
Police Officer Calvin Chatman
Findings and Decision

5. The Respondent, Police Officer Calvin Chatman, Star No. 5532, 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 August 25, 2011, Police Officer Chatman misrepresented the severity of his ankle injury by presenting himself to the Medical Services Section using crutches to ambulate and/or wearing an Air-Splint without a shoe on his right foot in order to remain on the Medical Roll longer than necessary, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

The video evidence (Superintendent Exhibit Nos. 2F, 2G, and 2H) showing Officer Chatman on crutches with no shoe on his right foot straining to enter and exit the Medical Services Section at police headquarters and then twenty minutes later walking normally while exiting the Erotic Warehouse, supported by the testimony and observations of Investigator John Valtierra, is convincing evidence to the Board that Officer Chatman was exaggerating his condition. Officer Chatman's explanation that the distance to and from the Medical Services Section exceeded that of his walk to the car at the Exotic Warehouse is not sufficient to explain the dramatic difference in the way he presented himself. The Board's conclusion is corroborated by Dr. Win Myint's determination, upon viewing the video recordings, that Officer Chatman was capable of returning to work in a limited-duty capacity.

6. The Respondent, Police Officer Calvin Chatman, Star No. 5532, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about August 23, 2011, Police Officer Chatman made a false statement by telephone to Police Officer Dawn Neary, Medical Services Section, in that he stated that he was unable to report to the Medical Services Section because he was still using crutches, or words to that effect, after Officer Chatman was observed and/or video-recorded by the Medical Integrity Unit investigators performing the following: walking without difficulty and/or ambulating without using crutches and/or bearing weight on his right ankle/foot.

Officer Neary testified clearly that Officer Chatman told her on August 23, 2011, that he was still using crutches and was therefore unable to report to the Medical Services Section in person. Officer Chatman's statement to Officer Neary was clearly false, as on August 20, 2011, Investigator Valtierra observed Officer Chatman walking without assistance both into and exiting the Erotic Warehouse and exiting Polly Cleaners. Video recordings corroborate Investigator Valtierra's testimony with respect to Officer Chatman's condition as he exited both of these establishments (Superintendent Exhibit Nos. 2A and 2B). Investigator Valtierra's later observations of Officer Chatman walking, without assistance and without a limp, on August 24, 2011 (at the Erotic Warehouse and at Carson's at the Evergreen Park mall), on August 25, 2011 (at the Erotic Warehouse) and on August 26, 2011 (walking into the Medical Services Section) further establish Officer Chatman's ambulatory capacity and the false nature of his statements. These observations were also corroborated, in part, by video evidence (Superintendent Exhibit Nos. 2C, 2D, 2E, and 2H). Given Officer Chatman's ability to ambulate without crutches or a cane, as evidenced on these video recordings and through Investigator Valtierra's observations, Officer Chatman clearly had the capacity to report personally to the Medical Services Section on August 23, 2011.

Officer Chatman maintains that sometimes he had to use crutches and sometimes he did

not, depending upon his condition, and notes that he told Investigator Valtierra this in his formal statement. Officer Chatman then notes that the Department policy which permits an officer not to appear at the Medical Services Section does not require that he use crutches all of the time in order to avail himself of this excuse for reporting personally. Sergeant Guest agreed that the policy is silent about how frequently one must use crutches in order to not report personally. However, the Board finds, given the video evidence and Investigator Valtierra's testimony and observations, that Officer Chatman's need for crutches or other assistive devices was either non-existent or virtually non-existent, and so his statement to Officer Neary was false and his effort to avail himself of the Department policy on reporting was an abuse of that policy.

7. The Respondent, Police Officer Calvin Chatman, Star No. 5532, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about August 23, 2011, Police Officer Chatman made a false statement by telephone to Sergeant Eileen Guest, Medical Services Section, in that he made one or more of the following statements: he was unable to report to the Medical Services Section because he was still using crutches, or words to that effect, and/or he was beginning to bear a little weight on his affected ankle, or words to that effect, and/or he was occasionally using a cane to move around his house only, or words to that effect, after Officer Chatman was observed and/or video-recorded by the Medical Integrity Unit investigators performing the following: walking without difficulty and/or ambulating without using crutches and/or bearing weight on his right ankle/foot.

Sergeant Guest testified convincingly that Officer Chatman told her on August 23, 2011, that he was still using crutches and only beginning to bear weight on his ankle. He further told her that he occasionally was using a cane. The video evidence and observations by Investigator

Police Board Case No. 12 PB 2826
Police Officer Calvin Chatman
Findings and Decision

Valtierra, between August 20 and August 26, 2011, summarized in paragraph no. 6 above, make it clear that Officer Chatman's statement to Sergeant Guest was not truthful.

Officer Chatman adduced expert testimony from Dr. Ananya Gangopadhyaya that he suffered from gout in October of 2012. She testified that gout is characterized by pain that comes and goes and may well require assistive devices sometimes and not at other times. Officer Chatman argues that he likely had gout (albeit misdiagnosed) back in August of 2011, and this explains why sometimes he would be seen with crutches and sometimes not. The Board, however, does not find that Officer Chatman had gout in August of 2011. Officer Chatman's own expert only testified it was "possible." This equivocal assessment is outweighed by the testimony of Dr. Rachel Oosterbaan, the Superintendent's expert, who explained that Officer Chatman did not have the signs and symptoms for gout in August of 2011, and further by the medical records available from Christ Hospital and Dr. Myint, which did not diagnose gout. Even if gout was part of Officer Chatman's problem in August of 2011, the video evidence and observations over a seven-day period only showed him with pain and need for crutches when he was forced to report to the Medical Services Section on August 25, 2011. This single use of crutches was obviously exaggerated, as 20 minutes later Officer Chatman was observed and video-recorded walking normally. So, there is no evidence that Officer Chatman's symptoms of pain and limitation came and went in August of 2011. Indeed, the evidence presented at the hearing is just the opposite.

Police Board Case No. 12 PB 2826
Police Officer Calvin Chatman
Findings and Decision

8. The Respondent, Police Officer Calvin Chatman, Star No. 5532, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about August 25, 2011, Police Officer Chatman made a false statement by telephone to Sergeant Stephen Pietrzak, Medical Services Section, in that Officer Chatman stated that he was unable to report to the Medical Services Section because he was unable to ambulate without using crutches, or words to that effect, after Officer Chatman was observed and/or video-recorded by the Medical Integrity Unit investigators performing the following: walking without difficulty and/or ambulating without using crutches and/or bearing weight on his right ankle/foot.

Sergeant Pietrzak testified convincingly that he called Officer Chatman and ordered him to appear at the Medical Services Section. While Officer Chatman complied, he told Sergeant Pietrzak that he was using crutches to ambulate on August 25, 2011. This was the very day that he was then video-recorded without crutches or other assistive devices and walking normally twenty minutes after he left the Medical Services Section. Officer Chatman's statement to Sergeant Pietrzak was not truthful. The Board's findings here are further corroborated by all of the video evidence and observations of Investigator Valtierra summarized in paragraph no. 6 above.

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

The Respondent plainly misrepresented the severity of his injury in order to remain on the Medical Roll longer than necessary. Nonetheless, the Board finds that the seriousness of his

misconduct is mitigated by his outstanding record of service as a police officer, and finds that discharging the Respondent from the Chicago Police Department is not warranted. The Respondent has 18 years on the job, during which time he has earned numerous awards, including the Superintendent's Award of Valor for an act of outstanding bravery or heroism, a Life Saving Award for rescuing an elderly couple and their adult son from a house fire, a Police Officer of the Month Award, and three Department Commendations. Based on the Respondent's exceptional record and years of service with the Department, the Board finds that a suspension is a more fitting punishment on the facts of this particular case.

POLICE BOARD DECISION

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 unanimous votes, the Board finds the Respondent guilty of violating Rule 2 and Rule 14.

As a result of the foregoing, the Police Board, by a vote of 8 in favor (Carney, Davis, Ballate, Conlon, Foreman, Fry, McKeever, Rodriguez) to 1 opposed (Miller), hereby determines that cause exists for suspending the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from January 3, 2013, to and including July 2, 2013.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Calvin Chatman, Star No. 5532, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2826, be and hereby is **suspended** from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from January 3, 2013, to and including July 2, 2013.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF JUNE, 2013.

/s/ Demetrius E. Carney

/s/ Scott J. Davis

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

I concur with the majority's findings that the Respondent is guilty of all charges. However, based on the Respondent's exceptional record and years of service with the Department, I find that a suspension of thirty (30) days is a more fitting punishment on the facts of this particular case.

/s/ Johnny L. Miller

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE

Police Board Case No. 12 PB 2826
 Police Officer Calvin Chatman
 Findings and Decision

Report Date: 26 Nov 2012
 Report Time: 1143 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
CHATMAN, CALVIN	9161	5532	015	189	[REDACTED]

Achievements

2004 CRIME REDUCTION RIBBON
HONORABLE MENTION
POLICE OFFICER OF THE MONTH AWARD
SUPERINTENDENT AWARD OF VALOR
DEPARTMENT COMMENDATION
LIFE SAVING AWARD
OTHER AWARDS
2009 CRIME REDUCTION AWARD
COMPLIMENTARY LETTER
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008
ARNOLD MIRELES SPECIAL PARTNER
TOTAL AWARDS

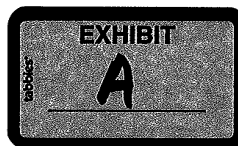
Total No.

1
 22
 1
 1
 3
 1
 1
 1
 2
 1
 1
 35

FOR USE WITH POLICE

Dependents #6

CR# 1048001



NOTE: THIS REPORT IS FOR OFFICIAL LAW
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 THE INFORMATION IS CURRENT AS OF THE
 DATE AND TIME OF THE REPORT. THIS



Police Board Case No. 12 PB 2826
 Police Officer Calvin Chatman
 Findings and Decision

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CHICAGO POLICE DEPARTMENT

26-NOV-2012 11:40:19 AM

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]	CHATMAN CALVIN	5532	[REDACTED]	9161	POLICE OFFICER	189
<u>Sex</u>		<u>No. Of CR's</u>		<u>No. Of SPAR's</u>		
M		0		0		
		<u>Birth Date</u>				
		05-MAY-1997				

FOR USE WITH POLICE BOARD #12-2826