

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER JAMES BOOKER,)	No. 13 PB 2832
STAR No. 4096, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	(CR No. 1025040)
RESPONDENT.)	

FINDINGS AND DECISION

On May 24, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer James Booker, Star No. 4096 (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 6: Disobedience of an order or directive, whether written or oral.
- Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 15: Intoxication on or off duty.

The Police Board caused a hearing on these charges against the Respondent to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on September 11, 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 Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

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

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

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

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

4. The Respondent filed a Motion to Strike and Dismiss, requesting that the charges filed against him be stricken and the case dismissed for the following reasons: (a) the failure to bring timely charges violates the due process rights of the Respondent; (b) the charges should be barred by laches; (c) the investigation by the Independent Police Review Authority (IPRA) failed to follow Chicago Police Department General Orders; and (d) the IPRA investigation violated Section 2-57-070 of the Municipal Code of Chicago. The Respondent's Motion to Strike and Dismiss is **denied** for the reasons set forth below.

a. Due Process. Citing *Morgan v. Department of Financial and Professional Regulation*, 374 Ill.App.3d 275, 871 NE2d 178 (1st Dist 2007), and *Lyon v. Department of Children and Family Services*, 209 Ill.2d 264 (2004), the Respondent claims that the Constitution precludes such a lengthy delay in the investigation of the Respondent's alleged misconduct. *Morgan* and *Lyon*, however, involved a delay in *adjudication* of allegations of misconduct after the respective

plaintiffs had been suspended from their jobs—not delay in the *investigation* leading to the initial suspensions. *Morgan* involved a clinical psychologist accused of sexually abusing a patient, where the state took fifteen months to decide the case after the suspension. *Lyon* involved a teacher accused of abusing students where the director of DCFS failed to honor specific regulatory time limits for decision-making.

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

We recognize that the Circuit Court of Cook County, in *Orsa v. City of Chicago Police Board*, 11 CH 08166 (March 1, 2012) found that the protections of the Due Process clause are triggered by an unreasonable delay in the investigation of a matter, even if the officer retains his

job, salary and benefits during the investigation. The Court cited *Stull v. Department of Children and Family Services*, 239 Ill.App.3d 325 (5th Dist. 1992). *Stull* involved a teacher accused of sexually abusing two of his students. The statute and regulations governing DCFS investigations of child abuse provided strict time limits on the length of any investigation and on the time within which a hearing must be conducted and a decision entered if the adult found to have abused children sought a hearing. The *Stull* court found that DCFS had grossly violated these time limits and required expungement of the adverse finding against the teacher, even though the administrative appeal found that he had been properly “indicated” as an abuser. The *Stull* court did find that the teacher’s due process rights had been infringed, but it was not because of a delay in DCFS’s investigation of the case. The court held that due process was violated by the more than one-year delay in adjudicating the teacher’s appeal because during that period of time there was an indicated finding of child abuse lodged against the teacher and this finding prohibited him from working, *see* 239 Ill.App.3d at 335, thus triggering the kind of deprivation that is not present in the Respondent’s case. *Cavaretta v. Department of Children and Family Services*, 277 Ill.App.3d 16 (2nd Dist. 1996), also cited by the Circuit Court, is identical to *Stull*, which it relies upon. The *Cavaretta* court was quite careful to find that due process was not implicated until DCFS (after its investigation was complete) “indicated” the teacher as a child abuser and placed the teacher’s name in the state’s central registry, which directly deprived the teacher of the ability to work.¹

b. Laches. The Respondent argues that the doctrine of laches should apply here in

¹ The Circuit Court also cited *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), but only in general terms. There was no issue in *Loudermill* that a deprivation, for due process purposes, had occurred as it involved the discharge of school district employees.

supporting the dismissal of charges, for he argues that the delay in bringing the charges against him resulted in prejudice to him in losing his employment and in hampering his ability to locate witnesses and counter evidence years after the incident to defend against the charges.

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

The Respondent has made no specific showing of any prejudice that resulted from a delay in bringing charges before the Police Board. He argues only that witnesses’ memories have faded over time. In fact, however, witnesses provided statements close in time to the events in question. The Respondent made no specific showing that he attempted to locate further witnesses or evidence but was unable to do so because of the passage of time. Consequently, any argument

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

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

c. General Order 93-03. The Respondent argues that the Police Department’s own General Order requires a prompt and thorough investigation, and that the Department failed to fully comply with the provisions of this General Order.

In fact, the General Order does not set an absolute deadline within which investigations must be completed, but provides that if they last more than 30 days, the investigator must seek and obtain an extension of time within which to complete the investigation. Here, the investigator did regularly seek, and was granted, extensions of time, in compliance with the General Order.

Once the investigator completed the process of gathering evidence, the matter is reviewed at several levels to ensure that a thorough investigation was conducted, as required by the General Order.

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

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

According to the Superintendent's Response to the Respondent's Motion, notification was not made due to the confidential nature of the investigation. Even if, however, Section 2-57-070 of the Code was violated, neither this section nor anything else in the Code states that dismissal of a Police Board case is the sanction for failing to make timely reports to the Mayor, the City Council, the accused officer, and the complainant. It is unpersuasive that such an extreme sanction would automatically follow, particularly where the alleged misconduct under investigation is as serious as it is here. There is no basis for the Board to dismiss the charges pursuant to Section 2-57-070, and the Board declines to extend the reach of the Code in this manner.

5. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **not guilty** of violating, to wit:

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

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

Count I: On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker made the following statements on the telephone to Deborah Brown about her daughter: "I should slap that b****," and/or "your b**** daughter had no right to

hit me in the face,” or used words to that effect, thereby impeding the Department’s efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Superintendent failed to present convincing evidence that Police Officer Booker made the statements to Deborah Brown on the telephone, as charged. The Superintendent’s witness, Deborah Brown, when questioned, testified that she did not recall what Officer Booker said to her on the telephone. The testimony of Sergeant Stephen Franko, who conceded that he did not remember the exact statements Booker made, is not sufficient to find Officer Booker guilty of this charge.

(Board Member Conlon finds Officer Booker not guilty of this charge, but for a different reason than the majority. Mr. Conlon finds that while there is sufficient evidence to prove that Officer Booker made one or more of the above statements to Ms. Brown, Mr. Conlon finds that such conduct does not violate Rule 2, in that the conduct does not impede the Department’s efforts to achieve its policy and goals and does not bring discredit upon the Department.)

(Board Member Foreman dissents from the above findings. Mr. Foreman finds the testimony of Sergeant Franko credible and sufficient to find Officer Booker guilty of this charge.)

6. The Respondent, Police Officer James Booker, Star No. 4096, 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 March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker called Sergeant Stephen Franko a “m*****f*****,” and/or told

Sergeant Franko to “get the fuck off my m*****f***** porch,” or used words to that effect, thereby impeding the Department’s efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Superintendent presented sufficient and convincing evidence in the testimony of Sergeant Franko that Police Officer Booker cursed at Sergeant Franko. Additionally, the testimony of Deborah Brown corroborated that Officer Booker was cursing while he was at his home and on the phone with her.

(Board Members Ballate, Fry, and Miller dissent from the above findings. They find the testimony of Sergeant Franko and Ms. Brown insufficient to prove that Officer Booker made those statements to Sergeant Franko.)

7. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **not guilty** of violating, to wit:

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

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

Count III: On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker advanced toward Sergeant Stephen Franko in a threatening manner and/or struck Sergeant Franko’s hand, thereby impeding the Department’s efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Superintendent was unable to present any corroborating evidence or testimony that Police Officer Booker approached Sergeant Franko in a threatening manner, or that Officer Booker struck Sergeant Franko’s hand. Also, Sergeant Franko testified on cross-examination

that Officer Booker was not being aggressive to him when Sergeant Franko arrived at Officer Booker's home. Further there was testimony by Sergeant Franko that there were no criminal charges brought by him, or any other member of the Department, against Officer Booker for battery.

(Board Members Conlon, Foreman, and Rodriguez dissent from the above findings. They find the testimony of Sergeant Franko credible and sufficient to find Officer Booker guilty of this charge.)

8. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **guilty** of violating, to wit:

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

in that:

Count IV: On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker closed his door on Sergeant Stephen Franko and/or refused to open the door when ordered to do so by Sergeant Franko, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Superintendent presented convincing evidence through the testimony of Sergeant Franko that Officer Booker closed his door and refused to reopen it, notwithstanding Sergeant Franko's order for him to open the door.

(Board Members Ballate, Carney, and Fry, dissent from the above findings. They find the testimony of Sergeant Franko insufficient to prove that Officer Booker closed his door on Sergeant Franko or was insubordinate to the sergeant.)

9. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **not guilty** of violating, to wit:

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

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

Count V: On or about March 27, 2009, at approximately 3:21 a.m., Officer James Booker was intoxicated and/or under the influence of alcohol, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Superintendent failed to present sufficient evidence that Police Officer Booker was intoxicated, as charged. The testimony of Police Officers Richard Johnson and Michael Flores was not convincing that Officer Booker was intoxicated. Furthermore, no field tests of sobriety were given to Officer Booker by the Department to confirm whether he was intoxicated. In addition, Sergeant Franko testified that Officer Booker did not appear to be intoxicated when Sergeant Franko spoke with him outside of Deborah Brown's home and again at Officer Booker's home.

(Board Members Conlon, Foreman, and Rodriguez dissent from the above findings. They find that Officer Booker was intoxicated based on the testimony of Officers Johnson and Flores, and on the nature of Officer Booker's behavior on the night in question.)

10. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **guilty** of violating, to wit:

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

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On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker disobeyed a direct order from Sergeant Stephen Franko to open his door, thereby disobeying an order or directive, whether written or oral.

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

(Board Members Ballate, Carney, and Fry, dissent from the above findings for the reason set forth in paragraph no. 8 above.)

11. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **guilty** of violating, to wit:

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

On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker closed his door on Sergeant Stephen Franko and/or refused to open the door when ordered to do so by Sergeant Franko, and was thereby insubordinate and showed disrespect toward a supervisory member on or off duty.

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

(Board Members Ballate, Carney, and Fry, dissent from the above findings for the reason set forth in paragraph no. 8 above.)

12. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **not guilty** of violating, to wit:

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

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charge:

Count I: On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker made the following statements on the telephone to Deborah Brown about her daughter: "I should slap that b****," and/or "your b**** daughter had no right to hit me in the face," or used words to that effect, thereby disrespecting or maltreating any person, while on or off duty.

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

(Board Members Conlon and Foreman dissent from the above findings. They find the testimony of Sergeant Franko credible and sufficient to find Officer Booker guilty of this charge.)

13. The Respondent, Police Officer James Booker, Star No. 4096, 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 March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker called Sergeant Stephen Franko a "m*****f*****," and/or told Sergeant Franko to "get the fuck off my m*****f***** porch," or used words to that effect, thereby disrespecting or maltreating any person, while on or off duty.

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

(Board Members Ballate, Fry, and Miller dissent from the above findings for the reason set forth in paragraph no. 6 above.)

14. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **not**

guilty of violating, to wit:

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

Count III: On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker advanced toward Sergeant Stephen Franko in a threatening manner and/or struck Sergeant Franko's hand, thereby disrespecting or maltreating any person, while on or off duty.

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

(Board Members Conlon, Foreman, and Rodriguez dissent from the above findings for the reason set forth in paragraph no. 7 above.)

15. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **not guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,
in that the Superintendent did not prove by a preponderance of the evidence the following
charge:

Count I: On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker made the following statements on the telephone to Deborah Brown about her daughter: "I should slap that b****," and/or "your b**** daughter had no right to hit me in the face," or used words to that effect, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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

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Findings and Decision

(Board Members Conlon and Foreman dissent from the above findings for the reason set forth in paragraph no. 12 above.)

16. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker called Sergeant Stephen Franko a “m*****f*****,” and/or told Sergeant Franko to “get the fuck off my m*****f***** porch,” or used words to that effect, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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

(Board Members Ballate, Fry, and Miller dissent from the above findings for the reason set forth in paragraph no. 6 above.)

17. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **not guilty** of violating, to wit:

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

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

Count III: On or about March 27, 2009, in the vicinity of [REDACTED] in Chicago, Officer James Booker advanced toward Sergeant Stephen Franko in a threatening manner

and/or struck Sergeant Franko's hand, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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

(Board Members Conlon, Foreman, and Rodriguez dissent from the above findings for the reason set forth in paragraph no. 7 above.)

18. The Respondent, Police Officer James Booker, Star No. 4096, charged herein, is **not guilty** of violating, to wit:

Rule 15: Intoxication on or off duty,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about March 27, 2009, at approximately 3:21 a.m., Officer James Booker was intoxicated and/or under the influence of alcohol, and was thereby intoxicated while on or off duty.

See the findings set forth in paragraph no. 9 above, which are incorporated here by reference.

(Board Members Conlon, Foreman, and Rodriguez dissent from the above findings for the reason set forth in paragraph no. 9 above.)

19. 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.

In a paramilitary organization such as the Chicago Police Department, disobeying a

lawful order and being insubordinate and disrespectful to a superior officer are serious offenses that warrant a severe punishment. Nonetheless, the Board finds that discharging Booker from the Chicago Police Department is not warranted. Based on the totality of the circumstances on the night in question, Booker's more than 26 years of service, and the lack of any prior sustained complaints on the attached disciplinary history, 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 a vote of 8 in favor (Carney, Ballate, Conlon, Foreman, Fry, McKeever, Miller, Rodriguez) to 0 opposed, the Board **denies** the Respondent's Motion to Strike and Dismiss;

By a vote of 7 in favor (Carney, Ballate, Conlon, Fry, McKeever, Miller, Rodriguez) to 1 opposed (Foreman), the Board finds the Respondent **not guilty** of violating Rule 2 (Count I);

By a vote of 5 in favor (Carney, Conlon, Foreman, McKeever, Rodriguez) to 3 opposed (Ballate, Fry, Miller), the Board finds the Respondent **guilty** of violating Rule 2 (Count II), Rule 8 (Count II), and Rule 9 (Count II);

By a vote of 5 in favor (Carney, Ballate, Fry, McKeever, Miller) to 3 opposed (Conlon, Foreman, Rodriguez), the Board finds the Respondent **not guilty** of violating Rule 2 (Count III), Rule 8 (Count III), and Rule 9 (Count III);

By a vote of 5 in favor (Conlon, Foreman, McKeever, Miller, Rodriguez) to 3 opposed (Carney, Ballate, Fry), the Board finds the Respondent **guilty** of violating Rule 2 (Count IV), Rule 6, and Rule 7;

By a vote of 5 in favor (Carney, Ballate, Fry, McKeever, Miller) to 3 opposed (Conlon, Foreman, Rodriguez), the Board finds the Respondent **not guilty** of violating Rule 2 (Count V) and Rule 15; and

By a vote of 6 in favor (Carney, Ballate, Fry, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Foreman), the Board finds the Respondent **not guilty** of violating Rule 8 (Count I) and Rule 9 (Count I).

As a result of the foregoing, the Board, by a vote of 6 in favor (Carney, Ballate, Fry, McKeever, Miller, Rodriguez) to 2 opposed (Conlon, Foreman), 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 of five (5) months, from June 11, 2013, to and including November 10, 2013.

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer James Booker, Star No. 4096, as a result of having been found **guilty** of the charges in Police Board Case No. 13 PB 2832, 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 June 11, 2013, to and including November 10, 2013 (five months).

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF OCTOBER, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

We find the Respondent guilty not only of being insubordinate and disrespectful to a superior officer, but also of committing a battery against a superior officer and of being intoxicated while in possession of his weapon, and we therefore vote to order that the Respondent be discharged from the Chicago Police Department.

/s/ William F. Conlon

/s/ Ghian Foreman

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE

1

/ 1 Main Report

100%

Report Date: 24 May 2013

Report Time: 1250 Hrs

Information Services Division

Data Warehouse

Produced by: IL01656AEP

Chicago Police Department

Personnel Division

*Only for active personnel

Name

BOOKER, JAMES

Title

9161

Star

40%

Unit

002

Detail Unit

376

Emp Number

Complimentary History

Achievements

COMPLIMENTARY LETTER

HONORABLE MENTION

PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008

DEMOCRATIC NATIONAL CONVENTION AWARD

DEPARTMENT COMMENDATION

LIFE SAVING AWARD

UNIT MERITORIOUS PERFORMANCE AWARD

2009 CRIME REDUCTION AWARD

TOTAL AWARDS

Total No.

3

20

1

1

1

1

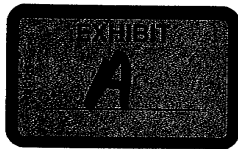
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http://crystal1.chicagopolice.local/businessobjects/enterprise115/infoview/viewers/rpt/DHTMLViewer.aspx?skin=skin_default...

5/24/2013



BUREAU OF INTERNAL AFFAIRS
RECORDS SECTION

THURSDAY 23 MAY 2013

TO: COMMANDING OFFICER OF UNIT 113

FROM: RECORDS SECTION
BUREAU OF INTERNAL AFFAIRS

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

BOOKER JAMES 4096 002
NAME (LAST, FIRST, M.I.) STAR UNIT

M WHI [REDACTED]
SEX RACE EMP.#

REFERENCE: COMPLAINT REGISTER NUMBER (S) 1025 040

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN
YOUR NAME BY:

ATTY. WINKLE HONG --- ---- 113
RANK NAME STAR EMP# UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCE
COMPLAINT REGISTER NUMBER.

THE RECORD SECTION, BUREAU OF INTERNAL AFFAIRS, DISCLOSES THE FOLLOWING
DISCIPLINARY ACTION (S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5)
YEARS.

VERIFIED/PREPARED BY:

FOR: S.D.E.O Patricia JOHNSON/WALKER
COMMANDING OFFICER
RECORDS SECTION
BUREAU OF INTERNAL AFFAIRS

No CR History
No SPAR History