

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

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER ENRIQUE GONZALEZ,** ) **No. 15 PB 2885**  
**STAR No. 19071, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1070363)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On April 22, 2015, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Enrique Gonzalez, Star No. 19071 (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 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 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against the Respondent to be had before Police Board Hearing Officer Fredrick H. Bates on September 17 and 18, 2015.

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 Bates 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 personally 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 Enrique Gonzalez, Star No. 19071, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that the Superintendent proved by a preponderance of the evidence the following charge:

From on or about June 13, 2014, through on or about July 10, 2014, or on one or more dates therein, Police Officer Enrique Gonzalez administered one or more detection of deception examination(s), and/or attempted to hold himself out as a Detection of Deception Examiner, without possessing the requisite license and/or registration, in violation of 225 ILCS 430/4(a), thereby violating any law or ordinance.

The undisputed evidence was essentially that Police Officer Enrique Gonzalez administered one or more detection of deception examination(s) without possessing the requisite license and/or registration, as alleged in the Charges in this case. State law (225 ILCS 430/4(a)) prohibits said conduct.<sup>1</sup> Officer Gonzalez was fully responsible for ensuring that he possessed a current valid license before conducting the numerous examinations at issue in this case, his efforts

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<sup>1</sup> 225 ILCS 430/4 provides:

Sec. 4. Registration or license required; exceptions.

(a) **It is unlawful for any person to administer detection of deception examinations**, or attempt to hold himself or herself out as an Examiner, **unless registered or licensed by the Department**. However, this shall not prohibit the use of detection of deception equipment by a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 when the results are to be used in research. (Emphasis added).

to shift the responsibility to others notwithstanding. The uncontroverted evidence in this case was that Police Officer Gonzalez's training license expired on June 13, 2014; after that, it was no longer valid. He admitted that there is nothing in the Illinois Detection of Deception Examiner's Act or in the Administrative Code related to polygraphs that authorized him to conduct exams after his license expired. However Officer Gonzalez nonetheless conducted approximately 50 polygraph exams while he had an expired license. His defense to this conduct was that the Police Department's Human Resources Division requested that he conduct many of the examinations. However, there was no way for Human Resources to know that his license was expired unless he advised them of that critical fact. The burden of possessing a valid license before conducting an examination rested with Officer Gonzalez. Therefore, the Superintendent proved by a preponderance of the evidence the Rule 1 violation as alleged herein.

5. The Respondent, Police Officer Enrique Gonzalez, Star No. 19071, 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 the Superintendent proved by a preponderance of the evidence the following charge:

Count I: From on or about June 13, 2014, through on or about July 10, 2014, or on one or more dates therein, Police Officer Enrique Gonzalez administered one or more detection of deception examination(s), and/or attempted to hold himself out as a Detection of Deception Examiner, without possessing the requisite license and/or registration, 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.

6. The Respondent, Police Officer Enrique Gonzalez, Star No. 19071, 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 the Superintendent proved by a preponderance of the evidence the following charge:

Count II: From on or about June 27, 2014, through on or about July 7, 2014, or on one or more dates therein, Police Officer Enrique Gonzalez generated a false report, to wit, a State of Illinois Department of Financial and Professional Regulation Addendum to Form ED-DOD, indicating that Police Officer Enrique Gonzalez conducted approximately two mock detection of deception examinations on or about June 27, 2014, when Police Officer Enrique Gonzalez did not conduct approximately two mock detection of deception examinations and/or did not conduct approximately two complete and/or valid mock detection of deception examinations on or about June 27, 2014, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The credible evidence overwhelmingly established that Officer Gonzalez generated the State of Illinois Department of Financial and Professional Regulation Addendum to Form ED-DOD, indicating that he conducted two mock detection of deception examinations on or about June 27, 2014, when in fact he did not conduct nor complete two complete valid mock detection of deception examinations on that date. Based upon his own testimony, Officer Gonzalez knew that the actions he had taken by conducting exams on his stepdaughter and ten-year old son at his ex-wife's house were not valid complete mock exams. Officer Gonzalez acknowledged that there is essentially no difference between a real and a mock polygraph exam: A complete mock polygraph exam is the same thing as a real exam except for the fact that the factual scenario in a mock exam is made up. Nonetheless, steps for a proper examination were not followed during the June 27, 2014, examinations on his children, most notably, as he acknowledged, there was no trainer present as required, and Officer Gonzalez did not attach the requisite components to either of the children to measure their physiological responses, which is also required for an examination,

real or mock, to be valid. Therefore, the Superintendent proved by a preponderance of the evidence the Rule 2 violation as alleged herein.

7. The Respondent, Police Officer Enrique Gonzalez, Star No. 19071, charged herein, is **guilty** of violating, to wit:

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

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: From on or about June 27, 2014, through on or about July 7, 2014, or on one or more dates therein, Police Officer Enrique Gonzalez generated a false report, to wit, a State of Illinois Department of Financial and Professional Regulation Addendum to Form ED-DOD, indicating that Police Officer Enrique Gonzalez conducted approximately two mock detection of deception examinations on or about June 27, 2014, when Police Officer Enrique Gonzalez did not conduct approximately two mock detection of deception examinations and/or did not conduct approximately two complete and/or valid mock detection of deception examinations on or about June 27, 2014, thereby making a false report, written or oral.

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

8. The Respondent, Police Officer Enrique Gonzalez, Star No. 19071, charged herein, is **not guilty** of violating, to wit:

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

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

Count II: From on or about June 13, 2014, through on or about July 10, 2014, or on one or more dates therein, Police Officer Enrique Gonzalez administered one or more polygraph examination(s), and/or held himself out as a licensed Detection of Deception Examiner, with respect to one or more pre-employment polygraph examinations. The subject(s) of said pre-employment polygraph exam(s) signed a Polygraph Consent Form(s), consenting to submit to a polygraph examination conducted by a licensed Illinois Detection of Deception Examiner. Police Officer Enrique Gonzalez signed one or more Candidate Information form(s) which incorporate by reference the Polygraph Consent Form(s). However, Police

Officer Enrique Gonzalez did not possess the requisite license, thereby making a false report, written or oral.

The Superintendent failed to prove that Officer Gonzalez made a false report when the subjects of pre-employment polygraph examinations signed a consent form agreeing to submit to an exam conducted by a licensed Illinois Detection of Deception Examiner. In essence, the Superintendent argues that Officer Gonzalez made false reports by allowing others to sign consent forms subjecting themselves to an exam by a licensed Deception Examiner, when he knew that he was not licensed. Officer Gonzalez's conduct in this regard was misleading, but he did not make a false report, the fact that he signed the candidate information form incorporating the consent forms signed by the applicants notwithstanding. We do not believe that sort of tenuous and overly technical link between the misleading conduct and purported "false reports" gives rise to a Rule 14 violation. His conduct clearly misled the applicants, but this is not the making of a false report as contemplated by Rule 14, for Officer Gonzalez did not sign the consent forms.

9. The Police Board has considered the facts and circumstances of Officer Gonzalez's conduct, the evidence presented in defense and mitigation, and his complimentary and disciplinary histories.

Officer Gonzalez failed in his responsibility to hold a valid professional license, and then conducted several lie detector tests for the Police Department and held himself out as a Detection of Deception Examiner without the required license, thereby violating state law and impeding the operations of the Department. He compounded this misconduct by generating a false official report regarding two mock examinations as part of his application to renew his license. The Board finds that Officer Gonzalez's conduct was intentional and is incompatible with continued service

as a police officer, and therefore warrants his discharge from the Chicago Police Department.

Officer Gonzalez's dishonesty relates directly to his assigned duties as a police officer, and renders him unfit to hold that office. Trustworthiness, reliability, good judgment, and integrity are all material qualifications for any job, particularly one as a police officer. Primary duties of a police officer include making arrests and testifying in court, and a police officer's credibility is at issue in both the prosecution of crimes and in the Police Department's defense of civil lawsuits. A public finding that an officer held himself out as a licensed polygraph examiner when he knew he was not and falsified an official report is detrimental to the officer's credibility as a witness and, as such, is a serious liability to the Department.

Officer Gonzalez offered evidence in mitigation that the Board has considered. A sergeant who supervised Officer Gonzalez testified that he was hard-working and respectful with the public. Another sergeant who worked as a patrol officer with Officer Gonzalez testified that he was professional, as did two civilians who interacted with Officer Gonzalez when he responded to calls for service. Officer Gonzalez's girlfriend and cousin testified that he was honest. In addition, Officer Gonzalez has no prior disciplinary history and a complimentary history of 34 total awards, including 13 honorable mentions and 11 complimentary letters.

However, Officer Gonzalez's accomplishments as a police officer and these positive evaluations of him do not mitigate the seriousness of his misconduct. The Board finds that Officer Gonzalez's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continued employment detrimental to the disciplinary standards and efficiency of the Chicago Police Department, and is something that the law recognizes as good cause for him to no longer occupy his position.

**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 votes of 9 in favor (Lori E. Lightfoot, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, John H. Simpson, Rhoda D. Sweeney, and Claudia B. Valenzuela) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 1, Rule 2, and Rule 14 (Count I); and

By a vote of 9 in favor (Lightfoot, Foreman, Ballate, Conlon, Eaddy, Fry, Simpson, Sweeney, and Valenzuela) to 0 opposed, the Board finds the Respondent **not guilty** of violating Rule 14 (Count II).

As a result of the foregoing, the Board, by a vote of 9 in favor (Lightfoot, Foreman, Ballate, Conlon, Eaddy, Fry, Simpson, Sweeney, and Valenzuela) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Enrique Gonzalez, Star No. 19071, as a result of having been found **guilty** of charges in Police Board Case No. 15 PB 2885, 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.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Lori E. Lightfoot, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, John H. Simpson, Rhoda D. Sweeney, and Claudia B. Valenzuela.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 09<sup>th</sup> DAY OF DECEMBER, 2015.



Police Board Case No. 15 PB 2885  
Police Officer Enrique Gonzalez

Attested by:

/s/ LORI E. LIGHTFOOT  
President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

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JOHN ESCALANTE  
Interim Superintendent of Police