

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER BILL CARO,) **No. 15 PB 2887**
STAR No. 18940, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1071206)**
RESPONDENT.)

FINDINGS AND DECISION

On April 27, 2015, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Bill Caro, Star No. 18940 (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.

The Police Board caused a hearing on these charges against the Respondent to be had before Police Board Hearing Officer Jacqueline A. Walker on July 30, 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 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 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 Bill Caro, Star No. 18940, 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: You failed to follow a direct order on or about May 14, 2014, given by Lieutenant Joseph Brennan, to comply with your indebtedness to the City of Chicago in the amount of approximately \$1,471.40 within 30 days of said order, thereby impeding the Department's efforts to achieve its policy and goals, and/or bringing discredit upon the Department.

Credible evidence was given by Lieutenant Brennan that on May 14, 2014, he gave Police Officer Caro a Notice of "Indebtedness to the City of Chicago," in which it was stated that Police Officer Caro was indebted to the City of Chicago in the amount of \$1,471.40. Furthermore, additional evidence established that this Notice contained an order to Police Officer Caro to pay this indebtedness within a 30-day period of time. Additionally, uncontradicted evidence and testimony was given that Officer Caro failed to pay this indebtedness within the 30-day period that was ordered.

The record also reflected that Officer Caro confirmed in his testimony that he did receive the Notice of Indebtedness on May 14, 2014. He further testified that notwithstanding his having

received said Notice he failed to pay the indebtedness of \$1,471.40 due to the City of Chicago for outstanding parking tickets.

5. The Respondent, Police Officer Bill Caro, Star No. 18940, 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: You failed to comply with your indebtedness to the City of Chicago in the amount of approximately \$1,471.40 within 30 days of notification on or about May 14, 2014, in violation of Employee Resource Directive E01-07, "Indebtedness to the City of Chicago," Section III(E), 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 Bill Caro, Star No. 18940, charged herein, is **guilty** of violating, to wit:

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

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

Count I: You failed to follow a direct order on or about May 14, 2014, given by Lieutenant Joseph Brennan, to comply with your indebtedness to the City of Chicago in the amount of approximately \$1,471.40 within 30 days of said order, thereby disobeying an order.

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

7. The Respondent, Police Officer Bill Caro, Star No. 18940, charged herein, is **guilty** of violating, to wit:

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

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

Count II: You failed to comply with your indebtedness to the City of Chicago in the amount of approximately \$1,471.40 within 30 days of notification on or about May 14, 2014, in violation of Employee Resource Directive E01-07, "Indebtedness to the City of Chicago," Section III(E), thereby disobeying a directive.

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

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

The Respondent offered evidence in mitigation that the Board has carefully considered. A lieutenant who supervised the Respondent and four police officers with whom the Respondent worked all testified positively about the Respondent's job performance and that they have no reservations about working with him in the future. In addition, the Respondent has a complimentary history of 142 total awards, including 124 honorable mentions and 12 complimentary letters.

However, the Respondent's accomplishments as a police officer and these positive evaluations of him do not outweigh the seriousness of his misconduct. The Board finds that the Respondent's disobedience of a lawful direct order from a superior officer and the Respondent's failure to satisfy his indebtedness to the City of Chicago, in direct violation of Department policy,

are incompatible with continued service as a police officer and warrant his discharge from the Chicago Police Department. A police department, as a paramilitary organization, can function effectively only if its officers obey orders. Willfully disobeying a direct order, as the Respondent has done in this case, impairs the effective operation of the Department and its ability to carry out its mission, as does the Respondent's violating Department policy by failing to pay his debt to the City. He knew, or should have known, that his failure to pay within the prescribed time frame subjected him to disciplinary action, including discharge; nevertheless, he chose to disregard a policy intended to ensure that police officers are not viewed as above the law, which would adversely affect public perception of fair and impartial law enforcement.¹

This is not the first time the Respondent has violated an important Department policy and disobeyed a direct order from a superior officer. The Respondent's disciplinary history includes a prior Police Board case for disobeying a direct order, which resulted in a penalty of an 11-month suspension for operating an unlicensed security guard business while on duty, including going into taverns to conduct business while he was training a rookie police officer, and for disobeying a sergeant's direct order to stop operating the unlicensed business.

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

¹ See Employee Resource E01-07, Section II and Section III.H.

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 7 in favor (Lori E. Lightfoot, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2 and Rule 6.

As a result of the foregoing, the Board, by a vote of 6 in favor (Lightfoot, Foreman, Conlon, Eaddy, Fry, and Sweeney) to 1 opposed (Ballate), 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 Bill Caro, Star No. 18940, as a result of having been found **guilty** of all charges in Police Board Case No. 15 PB 2887, 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, William F. Conlon, Michael Eaddy, Rita A. Fry, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF OCTOBER, 2015.

Police Board Case No. 15 PB 2887
Police Officer Bill Caro

Attested by:

/s/ LORI E. LIGHTFOOT
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

I concur with the majority in finding the Respondent guilty of all charges. However, I find that a suspension is a more fitting penalty based on the facts of this particular case and on the Respondent's extensive complimentary history and many years of service to the Department.

/s/ MELISSA M. BALLATE

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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2015.

GARRY F. McCARTHY
Superintendent of Police