

CHARGES

Sergeant Stephen Franko, Star Number 1537, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- 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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 11: Incompetency or inefficiency in the performance of duty.
- Rule 14: Making a false report, written or oral.

SPECIFICATIONS

1. Sergeant Franko, Star Number 1537, is charged with violating 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 one or more of the following instances:

Count I: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on Officer Jason Van Dyke's Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald's actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect.

Count II: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on Officer Jason Van Dyke's Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about

October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald “stabbed/cut” and/or attempted to “stab/cut” Officer Van Dyke and/or another officer, or words to that effect.

Count III: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on Officer Joseph Walsh’s Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald’s actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect.

Count IV: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on Officer Joseph Walsh’s Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald “stabbed/cut” and/or attempted to “stab/cut” Officer Walsh and/or another officer, or words to that effect.

Count V: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements in the Original Case Incident Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that Officer Jason Van Dyke was injured by McDonald, or words to that effect.

Count VI: From on or about October 19, 2014, to on or about October 21, 2014, or for some period of time therein, Sergeant Franko failed to monitor one or more of his subordinates to ensure they maintained a practice of using audio in the in-car video systems; and/or failed to ensure the audio portion of the in-car video systems were used properly; and/or failed to verify that the in-car microphones were operational; and/or failed to initiate an investigation when notified of damaged and/or missing and/or lost equipment; and/or failed to maintain an accurate Supervisor's Management Log.

2. Sergeant Franko, Star Number 1537, is charged with violating Rule 3, "Any failure to promote the Department's efforts to implement its policy or accomplish its goals," in one or more of the following instances:

Count I: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on Officer Jason Van Dyke's Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald's actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect.

Count II: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on Officer Jason Van Dyke's Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald "stabbed/cut" and/or attempted to

“stab/cut” Officer Van Dyke and/or another officer, or words to that effect.

Count III: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on Officer Joseph Walsh’s Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald’s actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect.

Count IV: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on Officer Joseph Walsh’s Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald “stabbed/cut” and/or attempted to “stab/cut” Officer Walsh and/or another officer, or words to that effect.

Count V: On or about October 21, 2014, Sergeant Franko made, caused to be made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements in the Original Case Incident Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that Officer Jason Van Dyke was injured by McDonald, or words to that effect.

Count VI: From on or about October 19, 2014, to on or about October 21, 2014, or for some period of time therein, Sergeant Franko failed to monitor one or more of his subordinates to ensure they maintained a practice of using audio in the in-car video systems; and/or failed to ensure the audio portion of the in-car video systems were used properly; and/or failed to verify that the in-car microphones were operational; and/or failed to initiate an investigation when notified of damaged and/or missing and/or lost equipment; and/or failed to maintain an accurate Supervisor's Management Log.

3. Sergeant Franko, Star Number 1537, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in the following instance:

Count I: From on or about October 19, 2014, to on or about October 21, 2014, or for some period of time therein, Sergeant Franko failed to monitor one or more of his subordinates to ensure they maintained a practice of using audio in the in-car video systems; and/or failed to initiate an investigation when notified of a missing or lost remote transmitter/audio recorder; and/or failed to maintain an accurate Supervisor's Management Log, in violation of Special Order S03-05 (effective February 23, 2012 through February 24, 2016).

Count II: From on or about October 19, 2014, to on or about October 21, 2014, or for some period of time therein, Sergeant Franko failed to monitor one or more of his subordinates to ensure the audio portion of the in-car video systems was used properly; and/or failed to verify that the in-car microphones were operational; and/or failed to initiate an investigation when notified of damaged and/or missing and/or lost equipment, in violation of Special Order S03-03-06 (effective January 5, 2014).

4. Sergeant Franko, Star Number 1537, is charged with violating Rule 11, "Incompetency or inefficiency in the performance of duty," in the following instance:

Count I: From on or about October 19, 2014, to on or about October 21, 2014, or for some period of time therein, Sergeant Franko failed to monitor one or more of his subordinates to ensure they maintained a practice of using audio in the in-car video systems; and/or failed to ensure the audio portion of the in-car video systems were used properly; and/or failed to verify that the in-car microphones were operational; and/or failed to initiate an investigation when notified of damaged and/or missing and/or lost equipment; and/or failed to maintain an accurate Supervisor's Management Log.

5. Sergeant Franko, Star Number 1537, is charged with violating Rule 14, “Making a false report, written or oral,” in one or more of the following instances:

Count I: On or about October 21, 2014, Sergeant Franko made one or more false statements on Officer Jason Van Dyke’s Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald’s actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect, thereby making a false statement, written or oral.

Count II: On or about October 21, 2014, Sergeant Franko made one or more false statements on Officer Jason Van Dyke’s Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald “stabbed/cut” and/or attempted to “stab/cut” Officer Van Dyke and/or another officer, or words to that effect, thereby making a false statement, written or oral.

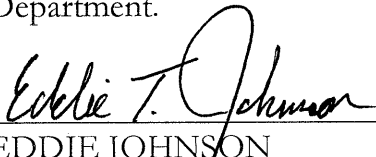
Count III: On or about October 21, 2014, Sergeant Franko made one or more false statements on Officer Joseph Walsh’s Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald’s actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect, thereby making a false statement, written or oral.

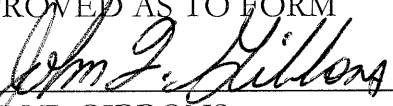
Count IV: On or about October 21, 2014, Sergeant Franko made one or more false statements on Officer Joseph Walsh's Officer's Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald "stabbed/cut" and/or attempted to "stab/cut" Officer Walsh and/or another officer, or words to that effect, thereby making a false statement, written or oral.

Based on the foregoing charges and specifications, the Superintendent recommends that Sergeant Stephen Franko, Star Number 1537, be discharged from the Chicago Police Department.



EDDIE JOHNSON
Superintendent of Police

APPROVED AS TO FORM


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CHICAGO POLICE BOARD