

CHARGES

Police Officer Daphne Sebastian, Star Number 2763, 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. Officer Sebastian, Star Number 2763, 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 20, 2014, Officer Sebastian made one or more false, misleading, inaccurate, and/or inconsistent statements to a member(s) of the Department who responded to and/or investigated 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 - after being told to "Drop the knife!" - continued to advance on Officers Jason Van Dyke and Joseph Walsh while waving the knife, or words to that effect; and/or McDonald turned toward Officers Van Dyke and Walsh, or words to that effect; and/or McDonald waved or made a motion with the knife when he turned towards Officers Van Dyke and Walsh, or words to that effect; and/or McDonald continued to move after he fell to the ground, or words to that effect.

Count II: On or about October 21, 2014, Officer Sebastian made one or more false, misleading, inaccurate, and/or inconsistent statements to the Independent Police Review Authority which responded to and/or investigated 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 turned towards Officers Van Dyke and Walsh with a knife in a motion towards them, or words to that effect; and/or Officer Sebastian provided a true and accurate account of the shooting, or words to that effect.

Count III: On or about October 20, 2014, Officer Sebastian failed to visually inspect the in-car video system equipment in her assigned vehicle for damage; and/or failed to obtain the audio recorder from her in-car video system and/or ensure it was securely attached to her person; and/or failed to follow the start-up procedures for the in-car video system as trained and/or ensure the system was working properly; and/or failed to audibly record events with her in-car video system; and/or failed to notify her supervisor about the audio component's status.

2. Officer Sebastian, Star Number 2763, 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 20, 2014, Officer Sebastian made one or more false, misleading, inaccurate, and/or inconsistent statements to a member(s) of the Department who responded to and/or investigated 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 - after being told to "Drop the knife!" - continued to advance on Officers Jason Van Dyke and Joseph Walsh while waving the knife, or words to that effect; and/or McDonald turned toward Officers Van Dyke and Walsh, or words to that effect; and/or McDonald waved or made a motion with the knife when he turned towards Officers Van Dyke and Walsh or words to that effect; and/or McDonald continued to move after he fell to the ground, or words to that effect.

Count II: On or about October 21, 2014, Officer Sebastian made one or more false, misleading, inaccurate, and/or inconsistent statements to the Independent Police Review Authority which responded to and/or investigated 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 turned towards Officers Van Dyke and Walsh with a knife in a motion towards them, or words to that effect; and/or Officer Sebastian provided a true and accurate account of the shooting, or words to that effect.

Count III: On or about October 20, 2014, Officer Sebastian failed to visually inspect the in-car video system equipment on her assigned vehicle for damage; and/or failed to obtain the audio recorder from her in-car video system and/or ensure it was securely attached to her person; and/or failed to follow the start-up procedures for the in-car video system as trained and/or ensure the system was working properly; and/or failed to audibly record events with her in-car video system; and/or failed to notify her supervisor about the audio component's status.

3. Officer Sebastian, Star Number 2763, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in the following instance:

Count I: On or about October 20, 2014, Officer Sebastian failed to visually inspect the in-car video system equipment in her assigned vehicle for damage; and/or failed to obtain the audio recorder from her in-car video system and/or ensure it was securely attached to her person; and/or failed to follow the start-up procedures for the in-car video system as trained and/or ensure the system was working properly; and/or failed to audibly record events with her in-car video system; and/or failed to notify her supervisor about the audio component's status, in violation of Special Order S03-05 (effective February 23, 2012 through February 24, 2016).

4. Officer Sebastian, Star Number 2763, is charged with violating Rule 11, "Incompetency or inefficiency in the performance of duty," in the following instance:

Count I: On or about October 20, 2014, Officer Sebastian failed to visually inspect the in-car video system equipment in her assigned vehicle for damage; and/or failed to obtain the audio recorder from her in-car video system and/or ensure it was securely attached to her person; and/or failed to follow the start-up procedures for the in-car video system as trained and/or ensure the system was working properly; and/or failed to audibly record events with her in-car video system; and/or failed to notify her supervisor about the audio component's status.

5. Officer Sebastian, Star Number 2763, is charged with violating Rule 14, "Making a false report, written or oral," in one or more of the following instances:

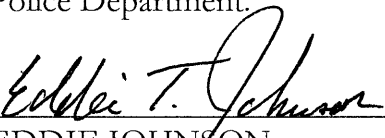
Count I: On or about October 20, 2014, Officer Sebastian made one or more false statements to a member(s) of the Department who responded to and/or investigated the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald - after being told to "Drop the knife!" - continued to advance on Officers Jason Van Dyke and Joseph Walsh while waving the knife, or words to that effect; and/or McDonald turned toward Officers Van Dyke and Walsh, or words to that effect; and/or McDonald waved or made a motion with the knife when he turned towards Officers Van Dyke and Walsh, or words to that effect; and/or McDonald continued to move after he fell to the ground, or words to that effect, thereby making a false statement, written or oral.

Count II: On or about October 21, 2014, Officer Sebastian made one or more false statements to the Independent Police Review Authority which responded to and/or investigated 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.

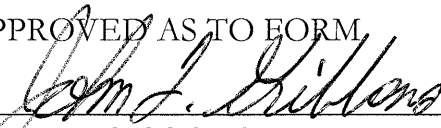
Said false statements included that McDonald turned towards Officers Van Dyke and Walsh with a knife in a motion towards them, or words to that effect; and/or Officer Sebastian provided a true and accurate account of the shooting, or words to that effect, thereby making a false statement, written or oral.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Daphne Sebastian, Star Number 2763, be discharged from the Chicago Police Department.



EDDIE JOHNSON
Superintendent of Police

APPROVED AS TO FORM



JOHN F. GIBBONS
FELICIA V. MANNO
GREENBERG TRAURIG LLP
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P.B. CASE # FILED

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CHICAGO POLICE BOARD