

POLICE BOARD CASES 98-2347, 2348, 2349

**POLICE OFFICER RODNEY CARRIGER }
POLICE OFFICER JOHN LABIAK } RESPONDENTS
POLICE OFFICER ERNEST HUTCHINSON}**

The hearing of charges in these cases has not yet been held. This matter is open and pending before the Police Board as of January 6, 1999.

Copies of the charges are attached.

① 0002179

POLICE BOARD CASE 98-2347

P.O. John Labiak

Additional Information

On February 8, 2000, the Police Board approved the Superintendent's motion to withdraw charges, with leave to reinstate. P.O. Labiak had resigned, making moot the need for any hearing of the charges.

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CHARGES

Police Officer John A. Labiak, Star Number 2350, 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 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 4: Any conduct or action taken to use the official position for personal gain or influence;*
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.*

SPECIFICATIONS

1. Police Officer John A. Labiak, Star Number 2350, is charged with violating Rule 1, "Violation of any law or ordinance," in one or more of the following instances:

- Count I: On June 23, 1998, Officer Labiak committed the offense of home invasion, in that he, not acting in the line of duty, without authority knowingly entered the dwelling of Cecilio Lugo at or near 1200 West Huron Street, Chicago, Illinois, when he knew or had reason to know that one or more persons was present and, while armed with a weapon used force or the imminent threat of force upon Cecilio Lugo, and/or Wanda Lugo and/or Sonia Guzman, in violation of 720 ILCS 5/12-11;*
- Count II: On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak committed the offense of armed robbery, in that he, while armed with a dangerous weapon, took \$8,000.00 in cash from Cecilio Lugo by the use of force or by threatening the imminent use of force, in violation of 720 ILCS 5/18-2;*
- Count III: On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak committed the offense of official misconduct, in that he, while on duty as a Chicago Police Officer, knowingly performed an act which he knew was forbidden by law to perform, i.e., the robbery of Cecilio Lugo, in violation of 720 ILCS 5/33-3(b);*

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Count IV: *On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak committed the offense of official misconduct, in that he, while on duty as a Chicago Police Officer, with intent to obtain a personal advantage for himself or another, performed an act in excess of his lawful authority, i.e., unlawfully requested money from Cecilio Lugo, in violation of 720 ILCS 5/33-3(c);*

Count V: *On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak committed the offense of aggravated unlawful restraint, in that he, while using a deadly weapon, knowingly without legal authority detained Wanda Lugo, in violation of 720 ILCS 5/10-3.1;*

Count VI: *On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak committed the offense of aggravated unlawful restraint, in that he, while using a deadly weapon, knowingly without legal authority detained Sonia Guzman, in violation of 720 ILCS 5/10-3.1.*

2. *Police Officer John A. Labiak, Star Number 2350, 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 June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak while on duty unlawfully took \$8,000.00 in cash from Cecilio Lugo, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department;*

Count II: *On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak without legal authority handcuffed and forcibly detained Wanda Lugo, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department;*

Count III: *On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak without legal authority forcibly detained Sonia Guzman, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.*

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3. Police Officer John A. Labiak, Star Number 2350, is charged with violating Rule 4, "Any conduct or action taken to use the official position for personal gain or influence," in the following instances:

On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak while on duty used his official position as a Chicago Police Officer to gain entry to the apartment of Cecilio Lugo and to unlawfully take money from Cecilio Lugo.

4. Police Officer John A. Labiak, Star Number 2350, is charged with violating Rule 8, "Disrespect to or maltreatment of any person, while on or off duty," in one or more of the following instances:

Count I: *On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak while on duty and without legal authority handcuffed and forcibly detained Wanda Lugo, thereby being disrespectful to and/or maltreating her;*

Count II: *On June 23, 1998, at or near 1200 West Huron Street, Chicago, Illinois, Officer Labiak while on duty told Wanda Lugo that if she did not "shut the fuck up, [she] was going to go to jail," thereby being disrespectful to and/or maltreating her.*

Based on the foregoing charges the specifications, the Superintendent recommends that Police Officer John A. Labiak, Star Number 2350, be discharged from the Chicago Police Department.


TERRY G. HILLARD
Superintendent of Police

APPROVED AS TO FORM


EILEEN M. GEARY
Chief Assistant Corporation Counsel

[RSC-EH.JAL]

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