

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )  
POLICE OFFICER JOSEPH T. PACELLI, STAR # )  
16183, DEPARTMENT OF POLICE, CITY OF ) CASE #99-2393  
CHICAGO, )  
RESPONDENT. ) C. R. #247321

**FINDINGS AND DECISION**

On October 26, 1999, the Superintendent of Police filed charges with the Police Board of the City of Chicago, seeking the separation of Police Officer **JOSEPH T. PACELLI**, Star #16183, hereinafter sometimes referred to as "Respondent" for violation of the following rules:

**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 48** - "Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendering of such service, or as a condition for not performing sworn duties."

The Police Board of the City of Chicago, caused a hearing on theses charges against Police Officer **JOSEPH T. PACELLI**, Star 16183, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of

**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**

**PAGE 2**

Chicago, on February 23, 2000 and March 9, 2000. Following the Hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing. **JACQUELINE A. WALKER**, Hearing Officer made an oral report and conferred with the Police Board before it rendered a decision.

As a result of the foregoing, the Police Board of the City of Chicago finds and determines that:

- (1) The Respondent was, at all times mentioned herein, a Police Officer employed by the Department of Police of the City of Chicago;
- (2) The charges were filed, in writing, and a Notice, stating the time, date and place, when and where a hearing in the charges was to be held, together with a copy of the original charges were served upon the Respondent more than five (5) days prior to the hearing on the charges;
- (3) Throughout the hearing, the Respondent appeared in person and was represented by legal counsel;
- (4) The Respondent, Police Officer **JOSEPH T. PACELLI**, Star 16183, as charged herein, is guilty of violating, to-wit

**RULE 1** - "Violation of any law or ordinance", in the following instances:

- A. On or about July 23, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, he committed the offense of theft, in that he knowingly obtained unauthorized control over a pair of sunglasses, the property of Carson Pirie Scott, intending to deprive the owner permanently of the use and benefit of said property, in violation of 720 ILCS 5/16-1 (a)(1)(A).

**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**

**PAGE 3**

B. On or about July 28, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, he committed theft in that he knowingly obtained by deception control over a pair of sunglasses, the property of Loss Prevention Agent Matthew Cannon, intending to deprive said owner permanently of the use and benefit of said property, in violation of 720 ILCS 5/16-1(a)(2)(A).

(5) The Respondent, Police Officer **JOSEPH T. PACELLI**, Star 16183, as 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 the following instances:

A. On or about July 23, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, he knowingly obtained unauthorized control over a pair of sunglasses, the property of Carson Pirie Scott, intending to deprive said owner permanently of the use and benefit of said property.

B. On or about July 28, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, he knowingly obtained by deception control over a pair of sunglasses, the property of Loss Prevention Agent Matthew Cannon, intending to deprive said owner permanently of the use and benefit of said property.

(6) The Respondent, Police Officer **JOSEPH T. PACELLI**, Star 16183, as charged herein, is guilty of violating, to-wit

**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**

**PAGE 4**

**RULE 4** - "Disrespect to or maltreatment of any person, while on or off duty ;

in the following instances:

- A. On or about July 23, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, he solicited Loss Prevention Agent Matthew Cannon for a pair of sunglasses, the property of Carson Pirie Scott, and, subsequently, accepted one or more pairs of sunglasses from Carson's Pirie Scott's lost and found department:
- B. On or about July 28, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, while in uniform and on duty, he knowingly obtained by deception control over a pair of sunglasses, the property of Loss Prevention Agent Matthew Cannon, intending to deprive said owner permanently of the use and benefit of the sunglasses:

(7) The Respondent, Police Officer **JOSEPH T. PACELLI**, Star 16183, as charged herein, is **guilty** of violating, to-wit:

**RULE 48** - "Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendering of such service, or as a condition for not performing sworn duties.", in that;

On or about July 23, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, he solicited Loss Prevention Agent Matthew Cannon for a pair of sunglasses, the property of Carson Pirie Scott, and subsequently, accepted one or more pairs of sunglasses from Carson's Pirie Scott's lost and found department.

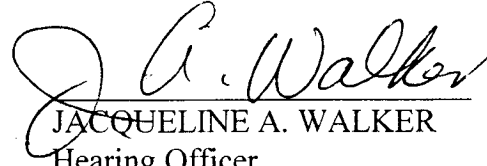
**BY REASON** of the findings of fact and of guilty herein, cause exists for the

**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**

**PAGE 5**

separation and discharge of Respondent, Police Officer **JOSEPH T. PACELLI**, Star 16183, from the Department of Police and from the services of the City of Chicago.

  
JACQUELINE A. WALKER  
Hearing Officer

**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. # 247321**

**PAGE 6**

**DECISION**

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, JACQUELINE A. WALKER, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and;

IT IS HEREBY ORDERED that the respondent, Police Officer **JOSEPH T. PACELLI**, Star # 16183, as a result of having been found guilty of the charges in Police Board Case 99-2393, is hereby separated and discharged from his position as a Police Officer, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 2<sup>nd</sup> DAY OF June, 2000.

Samuel J. Carr  
William G. Kuklinski  
Mike Smith  
Rod L. Miller  
Vicki Long  
Scott Davis

Michael A.  
Executive Director of the Police  
Board

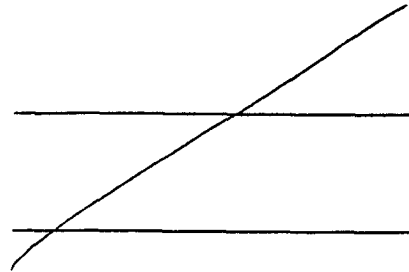
**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. # 247321**

**PAGE 7**

**DISSENT**

The following members of the Police Board hereby dissent from the decision of the majority of the Board.

A handwritten signature, possibly "J. T. Pacelli", is written over two horizontal lines.

RECEIVED A COPY OF THIS COMMUNICATION

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

\_\_\_\_\_  
SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

29 JULY 1999

TO: COMMANDING OFFICER OF UNIT 121

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

MACELLI JOSEPH 16183 001

NAME (LAST, FIRST, M.I.) STAR UNIT

M W

SEX RACE S.S.N.

247321

REFERENCE: COMPLAINT REGISTER NUMBER(S)

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

P.A. WEE 3899 121

RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED

DEANNA MAGSBY

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SEE ATTACHED

Exhibit A

CR # 247321  
ATTACHMENT 1



SSN [REDACTED] EMP # 625550 NAME PACELLI JOSEPH T TITLE 9161

	MONTH	AND	YEAR	RECEIVED	TOTAL
JR CHAMBER OF COMMERCE	/	/	/	/	0
WARD J DALEY AWARD	/	/	/	/	0
POLICE MEDAL	/	/	/	/	0
SUPT AWARD VALOR	/	/	/	/	0
SUPT AWARD MERIT	/	/	/	/	0
POLICE BLUE STAR	/	/	/	/	0
OFFICER OF THE MONTH	/	/	/	/	0
UNIT MERITORIOUS PERFORMANCE	/	/	/	/	0
LAMBERT TREE	/	/	/	/	0
CARTER HARRISON	/	/	/	/	0
WGN AWARD	/	/	/	/	0
HONORED POLICE STAR	/	/	/	/	0
LIFE SAVING AWARD	/	/	/	/	0
HUNDRED CLUB MEDAL OF VALOR	/	/	/	/	0
FITNESS AWARD	/	/	/	/	0
APPEARANCE AWARD	/	/	/	/	0

CR # 242321  
20



NO MORE CLOSED - SUSTAINED CR'S (PAST 5 YEARS) OR SP'S (PAST 1 YEAR)  
SSN [REDACTED] NAME: LAST PACELLI FIRST JOSEPH MI T STAR 16183  
UNIT 001 EMP NO 625550 SEX M RACE X DOB 23 SEP 51 DATE APPTD 13 APR 87  
RANK 9161 POLICE OFFICER  
INCIDENT DISCIPLINARY DATES SUSPENDED OR WORKED OPTN/TD  
CA NO DATE ACTION TAKEN (FROM - TO) GRNT'D

C225787 10 MAR 96 REPRIMAND  
F/CAT: OPERATION/PERSONNEL VIOLATION: VEHICLE LICENSING - CITY  
LESS SER TRAN:  
COMMENTS STATUS CLO

F/CAT:  
LESS SER TRAN:  
COMMENTS STATUS

F/CAT:  
LESS SER TRAN:  
COMMENTS STATUS

NOTED FOR USE IN CR 247321 ONLY

CR #247321  
ATTACHED 21

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )  
POLICE OFFICER JOSEPH T. PACELLI, STAR # )  
16183, DEPARTMENT OF POLICE, CITY OF ) CASE #99-2393  
CHICAGO, )  
RESPONDENT. ) C. R. #247321

FINDINGS AND DECISION

On October 26, 1999, the Superintendent of Police filed charges with the Police Board of the City of Chicago, seeking the separation of Police Officer **JOSEPH T. PACELLI**, Star #16183, hereinafter sometimes referred to as "Respondent" for violation of the following rules:

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**RULE 4** - "Any conduct or action taken to use the official position for personal gain or influence;"

**RULE 48** - "Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendering of such service, or as a condition for not performing sworn duties."

The Police Board of the City of Chicago, caused a hearing on theses charges against Police Officer **JOSEPH T. PACELLI**, Star 16183, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of

**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**

**PAGE 2**

Chicago, on February 23, 2000 and March 9, 2000. Following the Hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing. **JACQUELINE A. WALKER**, Hearing Officer made an oral report and conferred with the Police Board before it rendered a decision.

As a result of the foregoing, the Police Board of the City of Chicago finds and determines that:

- (1) The Respondent was, at all times mentioned herein, a Police Officer employed by the Department of Police of the City of Chicago;
- (2) The charges were filed, in writing, and a Notice, stating the time, date and place, when and where a hearing in the charges was to be held, together with a copy of the original charges were served upon the Respondent more than five (5) days prior to the hearing on the charges;
- (3) Throughout the hearing, the Respondent appeared in person and was represented by legal counsel;
- (4) The Respondent, Police Officer **JOSEPH T. PACELLI**, Star 16183, as charged herein, is guilty of violating, to-wit

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**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**

**PAGE 3**

B. On or about July 28, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, he committed theft in that he knowingly obtained by deception control over a pair of sunglasses, the property of Loss Prevention Agent Matthew Cannon, intending to deprive said owner permanently of the use and benefit of said property, in violation of 720 ILCS 5/16-1(a)(2)(A).

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**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**

**PAGE 4**

**RULE 4** - "Disrespect to or maltreatment of any person, while on or off duty ;

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**RULE 48** - "Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendering of such service, or as a condition for not performing sworn duties.", in that;

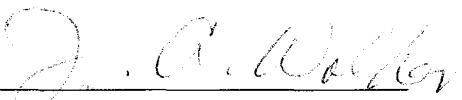
On or about July 23, 1998, at Carson Pirie Scott, located at One South State Street, Chicago, Illinois, he solicited Loss Prevention Agent Matthew Cannon for a pair of sunglasses, the property of Carson Pirie Scott, and subsequently, accepted one or more pairs of sunglasses from Carson's Pirie Scott's lost and found department.

**FINDINGS & DECISION, CONT'D:**  
**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**  
**PAGE 5**

On June 2, 2000, the Police Board rendered its Findings and Decision wherein the Respondent was found guilty of the charges. Subsequently, the Respondent filed an action in administrative review in the Circuit Court of Cook County, entitled Joseph T. Pacelli v. Police Board of the City of Chicago, Case #00CH09712. On March 8, 2001, Circuit Judge Julia M. Nowicki rendered a decision in the administrative review action remanding the matter to the Police Board so that the Board may assess and impose a penalty less than discharge.

Pursuant to the Court's Order, the Police Board has reconsidered the decision to discharge Police Officer Pacelli. After reconsideration, The Board finds that its' decision to discharge Police Officer Pacelli was appropriate, reasonable and related to the requirements of his job. The incident for which he has been found guilty was committed while he was in police uniform and in full public view, which obviously brought discredit upon the Chicago Police Department. The Board further finds that the conduct of Police Officer Pacelli was a substantial shortcoming that renders his continuance in office detrimental to the discipline and efficiency of his office. The Police Board therefore reaffirms its' decision to discharge Police Officer Pacelli.

**BY REASON** of the findings of fact and of guilty herein, cause exists for the separation and discharge of Respondent, Police Officer **JOSEPH T. PACELLI**, Star # 16183, from the Department of Police and from the services of the City of Chicago.

  
JACQUELINE A. WALKER  
Hearing Officer



**FINDINGS & DECISION, CONT'D:**

**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. # 247321**

**PAGE 6**

**DECISION**

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, **JACQUELINE A. WALKER**, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and;

IT IS HEREBY ORDERED that the respondent, Police Officer **JOSEPH T. PACELLI**, Star # 16183, having been found guilty of the charges in Police Board Case No. 99-2393, for the reasons set forth in this document, and the Police Board having reconsidered its decision pursuant to the Court's remand, is hereby separated and discharged from his position as a Police Officer in the Department of Police and from the services of the City of Chicago.

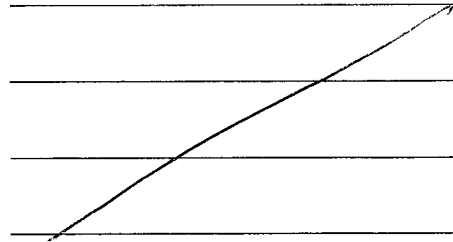
DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15<sup>th</sup> DAY OF MAY, 2001.

Scott Davis  
Vito Serzani  
Rev. Phanny L. Miller  
Patricia C. Cobb  
John A. ...  
Det. ...  
William ...  
Phyllis ...  
Michael ...  
Executive Director, Police Board

**FINDINGS & DECISION, CONT'D:**  
**POLICE OFFICER JOSEPH T. PACELLI, STAR #16183, C.R. #247321**  
**PAGE 7**

**DISSENT**

The following members of the Police Board hereby dissent from the decision of the majority of the Police Board.



RECEIVED A COPY OF THE FOREGOING COMMUNICATION

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

\_\_\_\_\_  
SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

29 JULY 1999

TO: COMMANDING OFFICER OF UNIT 121

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

MACELLI JOSEPH 16183 001

NAME (LAST, FIRST, M.I.) STAR UNIT

M W

SEX RACE S.S.N.  
247321

REFERENCE: COMPLAINT REGISTER NUMBER(S)

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR  
NAME BY:

P.A. WEB 3899 121

RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT  
REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY  
ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED

DEANNA MAGSBY

SEE ATTACHED

Exhibit A

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

CR # 247321  
ATTACHMENT 1

SSN [REDACTED] EMP # 625550 NAME PACELLI JOSEPH T TITLE 9161

	MONTH	AND	YEAR	RECEIVED	TOTAL
JR CHAMBER OF COMMERCE	/	/	/	/	0
RICHARD J DALEY AWARD	/	/	/	/	0
ICE MEDAL	/	/	/	/	0
f AWARD VALOR	/	/	/	/	0
SUPT AWARD MERIT	/	/	/	/	0
POLICE BLUE STAR	/	/	/	/	0
OFFICER OF THE MONTH	/	/	/	/	0
UNIT MERITORIOUS PERFORMANCE	/	/	/	/	0
LAMBERT TREE	/	/	/	/	0
CARTER HARRISON	/	/	/	/	0
WGN AWARD	/	/	/	/	0
HONORED POLICE STAR	/	/	/	/	0
LIFE SAVING AWARD	/	/	/	/	0
HUNDRED CLUB MEDAL OF VALOR	/	/	/	/	0
FITNESS AWARD	/	/	/	/	0
APPEARANCE AWARD	/	/	/	/	0

CA # 547321  
20



BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST )	
POLICE OFFICER JOSEPH T. PACELLI, STAR # )	
16183, DEPARTMENT OF POLICE, CITY OF )	CASE #99-2393
CHICAGO, )	
RESPONDENT. )	C.R. #247321

FINDINGS AND DECISION

These Findings and Decision are made in response to the June 19, 2001 Order entered by the Honorable Julia M. Nowicki in the case captioned Pacelli v. Police Board of the City of Chicago, Case No. 00 CH 9712.

On June 2, 2000, the Police Board rendered its original Findings and Decision wherein the Respondent was found guilty of the charges. Subsequently, the Respondent filed an action in administrative review in the Circuit Court of Cook County, entitled Joseph T. Pacelli v. Police Board of the City of Chicago, Case No. 00 CH 9712. On March 8, 2001, the presiding judge, Honorable Julia M. Nowicki, entered an Order remanding the matter to the Police Board so that the Board may assess and impose a penalty less than discharge.

As is set forth in its May 15, 2001 Findings and Decision, the Police Board reconsidered its prior decision, as ordered by the Court, but reaffirmed its decision to separate and discharge Officer Pacelli from his position as a police officer in the Department of Police and from the services of the City of Chicago.

On June 19, 2001, the Court entered an Order that again remanded the matter to the Police Board. In its June 19, 2001 Order, the Court stated that "[I]f for some reason the Board feels that it cannot or will not comply with this Court's order, it is to explain specifically the basis for its decision."

In fact, the Police Board had made an effort to further explain its position when it specifically addressed the Court's original remand Order in its May 15, 2001 Findings and Decision. In its May 15, 2001 Findings and Decision, the Police Board stated as follows:

Pursuant to the Court's Order, the Police Board has reconsidered the decision to discharge Police Officer Pacelli. After reconsideration, the Board finds that its decision to discharge Police Officer Pacelli was appropriate, reasonable and related to the requirements of his job. The incident for which he has been found guilty was committed while he was in police uniform and in full public view, which obviously brought discredit upon the Chicago Police Department. The Board further finds that the conduct of Police Officer Pacelli was a substantial shortcoming that renders his continuance in office detrimental to the discipline and efficiency of his office. The Police Board therefore reaffirms its decision to discharge Police Officer Pacelli.

After further reconsideration, and as further explanation, the Police Board's decision to reaffirm the penalty of discharge is based on the Board's assessment of the seriousness of the offense. Officer Pacelli was found guilty of having committed theft in a department store while in police uniform. This Court found that the Police Board's finding of guilt was not against the manifest weight of the evidence. Officer Pacelli's offense violates what is without question one of the most fundamental responsibilities of a police officer, which is to prevent not commit crimes. The Police Board reiterates its finding that such conduct is a substantial shortcoming that renders his continuance in office detrimental to the discipline and efficiency of his office.

### DECISION

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, **Jacqueline A. Walker**, having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, and having reconsidered its decision in response to the Court's March 8, 2001 and June 19, 2001 Orders, hereby adopt all findings herein and, in reaching its decision as to the penalty imposed, the Board has taken into account **not only** the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that, for the reasons set forth in this document and the Board's May 15, 2001 Findings and Decision, which is hereby incorporated in and made a part of this document, the respondent, Police Officer **Joseph T. Pacelli**, Star # 16183, having been found guilty of the charges in Police Board Case No. 99-2393, is hereby separated and discharged from his position as a Police Officer in the Department of Police and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY  
OF February, 2001.

Steven E. Caney

Vito Longo

Scott Davis

Byron

Art Smith

Res J. Miller

Phyllis G. Gorman

Patricia C. Cobb

Mark

Executive Director, Police Board



Received a copy of the foregoing communication

this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Superintendent of Police

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

29 JULY 1999

TO: COMMANDING OFFICER OF UNIT 121

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RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

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VERIFIED/PREPARED

DEANNA MAGSBY

SEE ATTACHED

Exhibit A

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

CR #247321  
ATTACHMENT 1

SSN [REDACTED] EMP # 625550 NAME PACELLI JOSEPH T TITLE 9161

	MONTH AND YEAR RECEIVED				TOTAL
JR CHAMBER OF COMMERCE	/	/	/	/	0
RICHARD J DALEY AWARD	/	/	/	/	0
POLICE MEDAL	/	/	/	/	0
SUPT AWARD VALOR	/	/	/	/	0
SUPT AWARD MERIT	/	/	/	/	0
POLICE BLUE STAR	/	/	/	/	0
OFFICER OF THE MONTH	/	/	/	/	0
UNIT MERITORIOUS PERFORMANCE	/	/	/	/	0
LAMBERT TREE	/	/	/	/	0
CARTER HARRISON	/	/	/	/	0
WGN AWARD	/	/	/	/	0
HONORED POLICE STAR	/	/	/	/	0
LIFE SAVING AWARD	/	/	/	/	0
HUNDRED CLUB MEDAL OF VALOR	/	/	/	/	0
FITNESS AWARD	/	/	/	/	0
APPEARANCE AWARD	/	/	/	/	0

CR # 247321  
20

SSN [REDACTED] EMP # 625550 NAME PACELLI JOSEPH T TITLE 9161

MONTH AND YEAR RECEIVED

TOTAL

SPECIAL COMMENDATION	/	/	/	/	0
PARTNERSHIP AWARD	/	/	/	/	0
SPECIAL SERVICE AWARD	/	/	/	/	0
PROBLEM SOLVING AWARD	/	/	/	/	0
DEPT COMMENDATION 000	AWARDS NUMBER	1	2	3	
4	5	6	7	8	9 10

HONORABLE MENTION 00003 COMPLIMENTARY LETTERS 000

OTHER AWARDS

CR # 247321  
ATTACHMENT 20

NO MORE CROSSLINKS  
SSN [REDACTED] NAME: LAST PACELLI FIRST JOSEPH MI T STAR 16183  
UNIT 001 EMP NO 625550 SEX M RACE X DOB 23 SEP 51 DATE APPTD 13 APR 87  
RANK 9161 POLICE OFFICER  
INCIDENT DISCIPLINARY DATES SUSPENDED OR WORKED OPTN/TI  
E NO DATE ACTION TAKEN (FROM - TO) GRNT'I

C225787 10 MAR 96 REPRIMAND

F/CAT: OPERATION/PERSONNEL VIOLATION: VEHICLE LICENSING - CITY

LESS SER TRAN:

COMMENTS

STATUS CLO

F/CAT:

LESS SER TRAN:

COMMENTS

STATUS

F/CAT:

LESS SER TRAN:

COMMENTS

STATUS

COPIED FOR USE IN CR #247321 ONLY

CR #247321  
ATTACHED 21

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST	]	
POLICE OFFICER JOSEPH T. PACELLI, STAR #	]	
16183, DEPARTMENT OF POLICE, CITY OF	]	CASE #99-2393
CHICAGO,	]	
	]	C.R. #247321
	]	
RESPONDENT.	]	

FINDINGS AND DECISION ON THIRD REMAND

These Findings and Decision are made in response to the September 25, 2001 Order entered by the Honorable Julia M. Nowicki, of the Circuit Court of Cook County, in the case captioned *Pacelli v. Police Board of the City of Chicago*, Case No. 00 CH 9712.

On June 2, 2000, the Police Board rendered its original Findings and Decision wherein the Respondent was found guilty of the charges, and discharged from his position as a Chicago Police Officer. Subsequently, Mr. Pacelli filed an action in administrative review in the Circuit Court of Cook County, (*Joseph T. Pacelli v. Police Board of the City of Chicago*, 00 CH 9712). On March 8, 2001, the presiding judge, the Honorable Julia M. Nowicki, entered an Order remanding the matter to the Police Board so that the Board may assess and impose a penalty less than discharge.

As is set forth in the following excerpt from its May 15, 2001 Findings and Decision, the Police Board reconsidered its prior decision, as ordered by the Court, but reaffirmed its decision to separate and discharge Officer Pacelli from his position as a police officer in the Department of Police and from the services of the City of Chicago:

Pursuant to the Court's Order, the Police Board has reconsidered the decision to discharge Police Officer Pacelli. After reconsideration, the Board finds that its decision to discharge Police Officer Pacelli was appropriate, reasonable and related to the requirements of his job. The incident for which he has been found guilty was committed while he was in police uniform and in full public view, which obviously brought discredit upon the Chicago Police Department. The Board further finds that the conduct of Police Officer Pacelli was a substantial shortcoming that renders his continuance in office detrimental to the discipline and efficiency of his office. The Police Board therefore reaffirms its decision to discharge Police officer Pacelli.

On June 19, 2001, the Court entered an Order that again remanded the matter to the Police Board. In its June 19, 2001 Order, the Court stated that "[I]f for some reason the Board feels that it cannot or will not comply with the Court's order, it is to explain specifically the basis for its decision."

The Police Board complied with the Court's second remand Order in its Findings and Decision, issued on September 17, 2001. In that document, the Police Board stated as follows:

After further reconsideration, and as further explanation, the Police Board's decision to reaffirm the penalty of discharge is based on the Board's assessment of the seriousness of the offense. Officer Pacelli was found guilty of having committed theft in a department store while in police uniform. This Court found that the Police Board's finding of guilt was not against the manifest weight of the evidence. Officer Pacelli's offense violates what is without question one of the most fundamental responsibilities of a police officer, which is to prevent not commit crimes. The Police Board reiterates its finding that such conduct is a substantial shortcoming that renders his continuance in office detrimental to the discipline and efficiency of his office.

On September 25, 2001, after having received and considered the Police Board's September 17, 2001, Findings and Decision, Judge Nowicki again remanded the matter to the Police Board "so that it may assess and impose a penalty less than discharge."

With great reluctance, the Board hereby complies with the Court Order of September 25, 2001. The Police Board notes that its prior findings of P.O. Pacelli's guilt have been affirmed, and have not been reversed by the Court throughout these three remand orders. Given these findings of guilt, the Board strongly and unanimously reiterates its position that discharge is the only appropriate penalty. Mr. Pacelli has been proven guilty of committing a crime while in police uniform, and does not belong in the Chicago Police Department. Nonetheless, to comply with the Court Order, the Board hereby reduces the penalty from discharge to a suspension, in the expectation that this action will lead to a final, appealable court order.

IT IS HEREBY ORDERED that Joseph Pacelli, is suspended from his position as a Chicago Police Officer, and from the services of the City of Chicago, from October 28, 1999, to and including October 27, 2004.



21<sup>ST</sup> DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS  
DAY OF November, 2001.

James E. Canny

Scott Davis

Vito Lopez

William Kunkling

Phyllis Gelbman

Pat Smith

Ray J. Miller

Paula

Executive Director, Police Board

Received a copy of the foregoing  
communication this \_\_\_\_\_ day of  
\_\_\_\_\_, 2001.

\_\_\_\_\_  
Superintendent of Police