

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

<b>IN THE MATTER OF CHARGES FILED AGAINST</b>	)	
<b>POLICE OFFICER KIMBERLY MARSHALL,</b>	)	<b>No. 09 PB 2705</b>
<b>STAR No. 15259, DEPARTMENT OF POLICE</b>	)	
<b>CITY OF CHICAGO,</b>	)	
	)	<b>(C.R. NO. 305979)</b>
<b>RESPONDENT</b>	)	

**FINDINGS AND DECISION**

On February 20, 2009, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Kimberly Marshall, Star No.15259 (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 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 6:        Disobedience of an order or directive, whether written or oral.
  
- Rule 8:        Disrespect to or maltreatment of any person, while on or off duty.
  
- Rule 9:        Engaging in any unjustified physical or verbal altercation with any person, while on or off duty.
  
- Rule 14:       Making a false report, written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Kimberly Marshall, Star No. 15259, to be heard by JACQUELINE A. WALKER, Hearing Officer of the Police Board of the City of Chicago, on October 8, October 9, and October 22, 2009.

Following the Hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of witnesses. JACQUELINE A.

WALKER, Hearing Officer, made an oral report to 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 on 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) Respondent, Police Officer Kimberly Marshall, Star No. 15259, 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 May 31, 2005, in the vicinity of 9311 South Burnside, she intentionally or knowingly without legal justification caused bodily harm to an individual and/or made physical contact of an insulting or provoking nature with an individual, in that she bit Police Officer Joey Buckley on or near the left wrist, in violation of 720 ILCS 5/12-3(a).
- b) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she intentionally or knowingly without legal justification made physical contact of

an insulting nature with an individual, in that she struck Probationary Police Officer Jennifer Elliot on or near the chest with her hands, in violation of 720 ILCS 5/12-3(a).

- c) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she knowingly resisted or obstructed the performance by one known to her to be a peace officer of an authorized act within his official capacity, in that she attempted to prevent Police Officer Joey Buckley and/or Probationary Police Officer Jennifer Elliot from arresting her son, Hoyle Marshall, in violation of 720 ILCS 5/31-1(a).

(5) Respondent, Police Officer Kimberly Marshall, Star No.15929, 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 May 31, 2005, in the vicinity of 9311 South Burnside, she attempted to prevent Police Officer Joey Buckley and/or Probationary Police Office Jennifer Elliot from arresting her son, Hoyle Marshall.
- b) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she utilized Police Officer Joey Buckley's assigned police radio to call a 10-1, indicating an emergency and/or that an officer needs assistance, while she was being placed under arrest.

- c) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she stated to Police Office Joey Buckley, "You ain't locking my motherfucking son up; I'll kick your ass," or words to that effect.
- d) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she bit Police Officer Joey Buckley on or near the left wrist.
- e) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she struck Probationary Police Officer Jennifer Elliot on or near the chest with her hands.
- f) On or about May 10, 2007, during a statement to the Office of Professional Standards, she falsely stated that she did not request a complaint register number against Police Office Joey Buckley for allegedly striking her with a baton on May 31, 2005, because she had already told the arresting officers, transporting officers, and watch commander that Officer Buckley had beaten her with his nightstick and/or hit her in the head with his nightstick, or words to that effect.

(6) Respondent, Police Officer Kimberly Marshall, Star No.15259, as charged herein, is

guilty of violating, to wit:

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

On or about May 31, 2005, in the vicinity of 9311 South Burnside, she utilized Police Officer Joey Buckley's assigned police radio to call a 10-1, indicating an emergency and/or that an officer needs assistance, while she was being placed under arrest, in violation of General Order 98-10-1, V.A.

1.

(7) Respondent, Police Officer Kimberly Marshall, Star No. 15259, as charged herein, is

**guilty** of violating, to wit:

Rule 8: "Disrespect to or maltreatment of any person, while on or off duty," in the following instances:

- a) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she stated to Police Officer Joey Buckley, "You ain't locking my motherfucking son up, I'll kick your ass," or words to that effect.
- b) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she bit Police Officer Joey Buckley on or near the left wrist.
- c) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she struck Probationary Police Officer Jennifer Elliot on or near the chest with her hands.

(8) Respondent, Police Officer Kimberly Marshall, Star No. 15259, as charged

herein, is **guilty** of violating, to wit:

Rule 9: "Engaging in any unjustified physical or verbal altercation with any person, whether on or off duty," in the following instances:

- a) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she stated to Police Officer Joey Buckley, "You ain't locking my motherfucking son up; I'll kick your ass," or words to that effect.
- b) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she bit Police Officer Joey Buckley on or near the left wrist.
- c) On or about May 31, 2005, in the vicinity of 9311 South Burnside, she struck Probationary Police Officer Jennifer Elliot on or near the chest with her hands.

(9) Respondent, Police Officer Kimberly Marshall, Star No. 15259, as charged herein, is

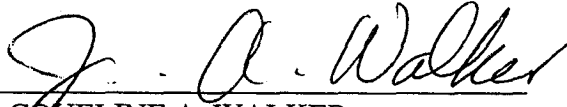
**guilty** of violating, to wit:

Rule 14: "Making a false report, written or oral," in that:

On or about May 10, 2007, during a statement to the Office of Professional Standards, she falsely stated that she did not request a complaint register number against Police Officer Joey Buckley for allegedly striking her with a baton on May 31, 2005, because she had already told the arresting officers, transporting officers, and watch commander that Officer Buckley had beaten her with his nightstick and/or hit her in the head with his nightstick, or words to that effect.

**BY REASON** of the findings of fact and of guilt herein, cause exists for the discharge of the Respondent, Police Officer Kimberly Marshall, Star No. 15259, from her position as a police officer, and from the services of the City of Chicago.

Respectfully Submitted,

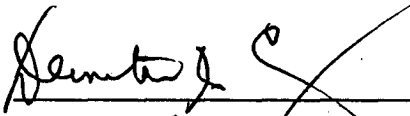
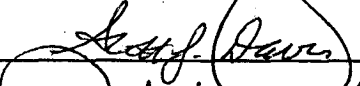

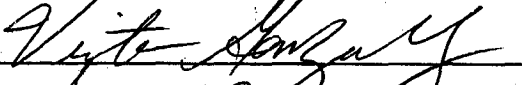
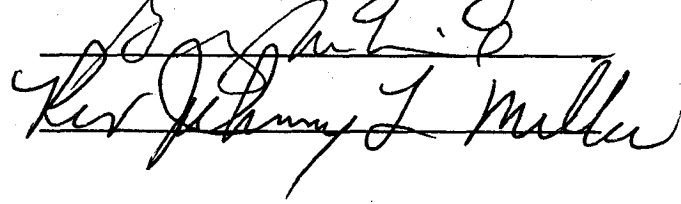
  
JACQUELINE A. WALKER  
Hearing Officer

**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, Jacqueline A. Walker, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts 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 histories, copies of which are attached hereto as Exhibit A; and

**IT IS HEREBY ORDERED** that the Respondent, Police Officer Kimberly Marshall, Star No. 15259, as a result of having been found **guilty** of charges in Police Board Case No. 09 PB 2705, be and hereby is **discharged** from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19<sup>th</sup> DAY OF NOVEMBER, 2009.

  
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Attested by:



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Executive Director  
Police Board

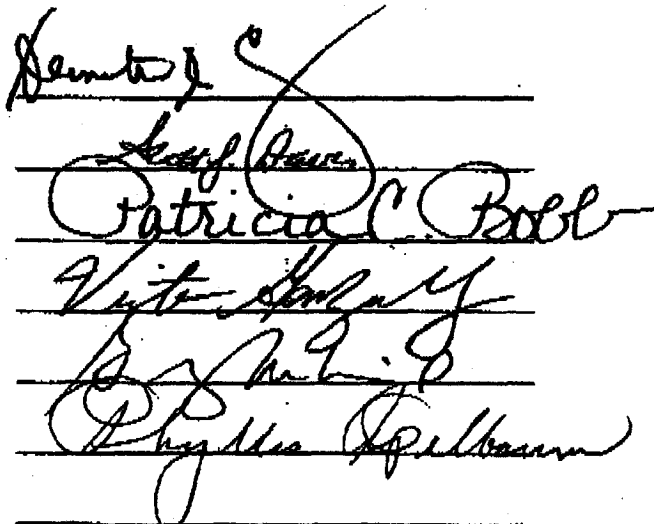
Police Board Case No. 09 PB 2705  
Police Officer Kimberly Marshall  
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**DECISION**

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DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19<sup>th</sup> DAY OF NOVEMBER, 2009.

  
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Attested by:



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Executive Director  
Police Board

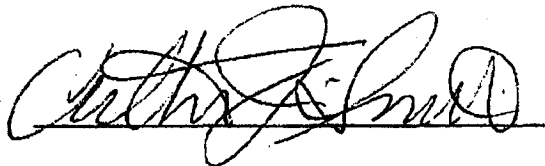


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**DISSENT**

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

The undersigned voted to order a penalty of less than discharge.

A handwritten signature in cursive script, appearing to read "Arthur J. Bruno", is written over a horizontal line. Below this line are three additional horizontal lines, which are currently blank.

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

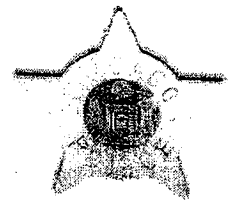
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

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

Report Date: 27 Jul 2007  
Report Time: 1119 Hrs

# Chicago Police Department

## Personnel Division



Information Services Division  
Data Warehouse  
Produced by: PC0Y505

### Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
MARSHALL, KIMBERLY C	9161	15259	005	166	31602

### Achievements

### Total No.

HONORABLE MENTION
LIFE SAVING AWARD

4  
1

CR# 305979



NOTE: THIS REPORT IS FOR OFFICIAL LAW  
ENFORCEMENT / AUTHORIZED USE ONLY.  
THE INFORMATION IS CURRENT AS OF THE  
DATE AND TIME OF THE REPORT. THIS

INTERNAL AFFAIRS DIVISION  
RECORDS SECTION

30 JULY 2007

TO: COMMANDER OFFICER UNIT 113

FROM: RECORDS SECTION  
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

MARSHALL KIMBERLY	15259	166
NAME	(LAST, FIRST)	STAR
FEMALE	BLACK	31602
SEX	RACE	EMPLOYEE#

REFERENCE: COMPLAINT REGISTER/ LOG NUMBER 305979

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

SUPV.	DEAN	125	113
RANK	NAME	STAR	EMPLOYEE#
			UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE  
ABOVE REFERENCE COMPLAINT LOG NUMBER.

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

VERIFIED/PREPARED BY:

NIYA SCOTT

NONE ☐  
SEE ATTACHED ☒

FOR: COMMANDING OFFICER  
RECORDS SECTION  
INTERNAL AFFAIRS DIVISION



# Chicago Police Department

Internal Affairs Division



## SPAR HISTORY REPORT (Sustained Findings)

Employee#	Name	Star#	Unit	Position	Sex	Race	Birth Date	Date of Appointment
31602	MARSHALL, KIMBERLY	15259	005/166	POLICE OFFICER	F	BLACK	25-JAN-1959	26-MAR-1990

History : Total No. SPAR's: 1

Log #	Incident Date	Completed Date	Disciplinary Action	Transgression Type	Suspension Dates
507075	02-NOV-2006	21-FEB-2007	1 DAY OFF	003 - MEDICAL ROLL VIOLATION	21-FEB-2007 to 21-FEB-2007

For Official Police Purposes Only! This information is confidential and should not be disseminated for reasons other than its intended purpose.  
CLEAR, Personnel Suite: Automated SPAR Application Print Date and Time: 30-JUL-2007 15:52:15 Printed By: PC0S988

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