BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER MICHAEL J. CHIOCCA,)	CASE #02-2507
STAR # 13013, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	CR # 265096
)	
RESPONDENT.)	

FINDINGS AND DECISION

On December 2, 2002, the Superintendent of Police filed charges with the Police Board of the City of Chicago, seeking the termination of Police Officer MICHAEL J. CHIOCCA, Star # 13013, hereinafter sometimes referred to as "Respondent" for violation of the following rules:

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 or an order or directive, whether written or oral."

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer MICHAEL J. CHIOCCA, Star # 13013, to be heard by JACQUELINE A. WALKER, Hearing Officer of the Police Board of the City of Chicago, on March 27, 2003, April 17, 2003 and May 2, 2003. Following the Hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and viewed the videotapes of the proceedings.

JACQUELINE A. WALKER, Hearing Officer made an oral report and conferred with the Police Board before it rendered a decision.

FINDINGS & DECISION, CONT'D. POLICE OFFICER MICHAEL J. CHIOCCA, STAR #13013, C. R. #265096 PAGE 2

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, MICHAEL J. CHIOCCA, Star #13013, 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 August 18, 2002, through August 20, 2002, on one or more occasions, during the 3rd watch, he forwarded inappropriate messages that included racial slurs, sexual innuendos, and/or profanity.
 - (B) On or about August 18, 2002, through August 20, 2002, during the 3rd watch, he failed to enter his log-on identification number via the Mobile Portable Data Terminal to gain access to the Police Computer Aided Dispatch System, and instead used another officer's log-on

FINDINGS & DECISION, CONT'D. POLICE OFFICER MICHAEL J. CHIOCCA, STAR #13013, C. R. #265096 PAGE 3

identification to send inappropriate messages that included racial slurs, sexual innuendos and/or profanity.

(5) The Respondent, Police Officer MICHAEL J. CHIOCCA, Star #13013, as charged herein, is **guilty** of violating, to-wit:

RULE 6: "Disobedience or an order or directive, whether written or oral," in the following instances:

- (A) On or about August 18, 2000, through August 20, 2000, on one or more occasions, during the 3rd watch, he forwarded inappropriate messages that included racial slurs, sexual innuendos and/or profanity, thereby violating General Order 97-6-II.
- (B) On or about August 18, 2000 through August 20, 2000, during the 3rd watch, he failed to enter his log-on identification number via the Mobile Portable Data Terminal to gain access to the Police Computer Aided Dispatch System, thereby violating General Order 97-6-9.

BY REASON of the findings of fact and of guilt herein, cause exists for the suspension of Respondent, Police Officer **MICHAEL J. CHIOCCA**, Star # 10313, from the Department of Police and from the services of the City of Chicago from December 4, 2002 to, up to and including, December 3, 2003.

JA¢QUELINE A. WALKER

Hearing Officer

FINDINGS & DECISION, CONT'D: POLICE OFFICER MICHAEL J. CHIOCCA, STAR # 13013, C.R. #265096 PAGE 4

DECISION

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having viewed the videotapes 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 MICHAEL J. CHIOCCA, Star # 13013, as a result of having been found guilty of the charges in Police Board Case No. 02-2507, is hereby suspended from his position as a Police Officer, and from the services of the City of Chicago, from December 4, 2002, to and including **December 3, 2003.**

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS

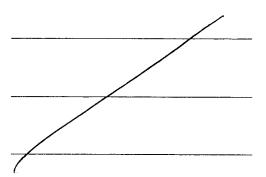
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Executive Director, Police Board

FINDINGS & DECISION, CONT'D: POLICE OFFICER MICHAEL J. CHIOCCA, STAR # 13013, C.R. #265096 PAGE 5

DISSENT

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



RECEIVED A COPY OF THIS COMMUNICATION

THIS 17th DAY OF _______, 2003

SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION RECORDS SECTION

11 September 2000

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FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DESTON

ATTACHMENT #

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CHICAGO POLICE DEPARTMENT

COMPLIMENTARY HISTORY

DATE 11 Sept 2000

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DEPARTMENT COMMENDATIONS:			
HONORABLE MENTIONS:	0	13	
COMPLIMENTARY			
LETTERS:		000	
Complimentary Histo	ry Requested By	:	
NAME Janice MC Arth	ur RANK PO	STAR 6457 U	NIT_121
C.R.# 265096			
		Completed By:	Demetra Berry Personnel Division Records Section-2089-2092 Pax 0-342 or Bell 5-5390
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