

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED)
AGAINST POLICE OFFICER STAFFORD)
WILSON, STAR NO. 9227) Case No. 99-2387

FINDINGS AND DECISION ON REMAND

I. PROCEDURAL HISTORY

The Superintendent initiated the charges in this case on July 12, 1999. The Respondent, Police Officer Stafford Wilson, along with three other officers (Carl Carter, Serena Daniels and Michael W. Williams) were all charged with a series of rule violations arising out of an incident that occurred on June 4, 1999. The Police Board investigated these charges and caused a hearing to be held before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on January 18, 19, 20, 21 and 26, 2000, and on February 3, 2000.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing, as well as all of the exhibits admitted into evidence. Thomas E. Johnson, Hearing Officer, made an oral report and conferred with the Police Board about the evidence and the credibility of the witnesses before the Board rendered its decision. The Board then issued its written Findings and Decision, on March 17, 2000. In its original Findings and Decision, the Board determined that Police Officer Stafford Wilson was guilty of certain charges and not guilty of others, and then ordered his discharge from the Chicago police force.

The four offices, including Police Officer Stafford Wilson, then sought administrative review of the Police Board's decision in

the Circuit Court of Cook County. On June 5, 2001, Circuit Court Judge Aaron Jaffee vacated and remanded the Board's decision in Officer Wilson's case, holding that he was entitled to a hearing separate from the other three officers. The Appellate Court disagreed in an opinion dated May 1, 2003, 338 Ill. App.3d 851, 789 N.E.2d 424 (1st Dist. 3003), but its decision was not applicable to Wilson because of the remand.

On remand, the Police Board convened a hearing de novo, solely for Officer Wilson, to be heard by Thomas E. Johnson, Hearing Officer of the Police Board. Mr. Johnson held the hearing on June 8, 2004, and June 25, 2004. Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing, as well as all of the exhibits admitted into evidence, and viewed the videotape of the testimony taken. Thomas E. Johnson, Hearing Officer, made an oral report and conferred with the Police Board about the evidence and the credibility of the witnesses before the Board rendered its decision.

As a result of its investigation of the charges, the Police Board of the City of Chicago finds and determines that:

1. The Respondent, Police Officer Stafford Wilson, Star No. 9227, was at all times employed as a police officer by the Department of Police of the City of Chicago;

2. The charges were filed in writing and a Notice, setting the time, date and place, when and where a hearing of the charges

was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing of the charges;

3. The hearing was conducted before Thomas E. Johnson, Hearing Officer of the Police Board of the City of Chicago, on the dates set forth above;

4. Throughout the hearing, Police Officer Stafford Wilson was present and represented by counsel.

II. THE BOARD'S DECISION ON OFFICER STAFFORD WILSON

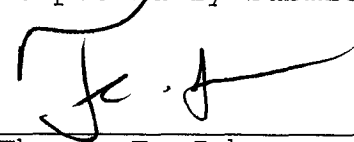
5. The Respondent Police Officer Stafford Wilson, Star No. 9227, is hereby found:

- A. Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(a) and General Order 99-01 V (B)(1), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Member Bobb dissents from the finding on General 99-01 V (B)(1);
- B. Not Guilty of violating Rule 2 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A) (1)(e) and General 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Members Apelbaum, Davis, Carney and Gonzalez dissent the finding on General Order 99-01 V(A)(1)(e);
- C. Guilty of violating Rule 2 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;
- D. Not Guilty of violating Rule 2 (Count III), charging him with failure to immediately summon medical attention for Latanya Haggerty, by a unanimous vote;

- E. Guilty of violating Rule 2 (Count IV), for failing to adhere to the provisions of General Order 86-8 IV (E), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;
- F. Guilty of violating Rule 2 (Count V), to the extent that it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 95th and Cottage Grove on June 4, 1999 by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;
- G. Not Guilty of violating Rule 2 (Count V), to the extent that it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64th and King Drive on June 4, 1999 by unanimous vote;
- H. Guilty of violating Rule 2 (Count VI), for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against these officers, by a unanimous vote;
- I. Guilty of violating Rule 2 (Count VII), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;
- J. Guilty of violating Rule 6 (Count I), to the extent that it charges him with failure to adhere to the provisions of General Order 99-01 V (A)(1)(e) and General Order 99-01 V (A)(3), requiring certain reports following the discharge of a weapon, by a unanimous vote, except that Members Apelbaum, Davis, Carney and Gonzalez dissent from the finding on General Order 99-01 V(A)(1)(e);
- L. Guilty of violating Rule 6 (Count II), for violating a direct order to terminate a vehicle chase, by a unanimous vote;

- M. Not Guilty of violating Rule 6 (Count III), charging him with failure to immediately summon medical attention for Latanya Haggerty, by a unanimous vote;
- N. Guilty of violating Rule 6 (Count IV), for failing to adhere to the provisions of General Order 86-8 IV (E), when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote;o
- O. Guilty of violating Rule 6 (Count V), to the extent that it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 95th and Cottage Grove on June 4, 1999 by a vote of 5-4, Members Bobb, Smith, Miller and Velcich dissenting;
- P. Not Guilty of violating Rule 6 (Count V), to the extent that it charges him with failing to adhere to the provisions of General Order 99-01 V (A)(3) and V(B)(1), requiring certain reports following the discharge of a weapon but only to the extent that these reports involved the incidents that occurred at 64th and King Drive on June 4, 1999 by unanimous vote;
- Q. Guilty of violating Rule 14, for giving false information in his OPS statement, when he stated that Raymond Smith used his vehicle as a weapon against these officers, by a unanimous vote; and
- R. Guilty of violating Rule 38, when he fired his weapon without justification at a fleeing vehicle, by a unanimous vote.

Respectfully submitted,



Thomas E. Johnson
Hearing Officer

D E C I S I O N

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, Thomas E. Johnson, 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, a copy of which is attached hereto as Exhibit A; and,

IT IS HEREBY ORDERED that the Respondent, Police Officer Stafford Wilson, Star No. 9227, Star # 7353, as a result of having been found guilty of certain charges in Police Board Case No. 99-2387, is hereby suspended from his position as a Police Officer, and from the services of the City of Chicago, from July 13, 1999, to and including November 30, 2004.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
2ND DAY OF DECEMBER, 2004.

Rev. J. L. Miller

Mr. [Signature]

Mr. [Signature]

Patricia C. Bobb
William [Signature]

Mr. A. [Signature]

Executive Director, Police Board

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Police Officer Stafford Wilson
Star No. 9227

D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board, and support a penalty of discharge in this case.

Vito Arzay
Scott Davis
Samuel J. Carr
Phyllis Appelbaum

RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2004

SUPERINTENDENT OF POLICE

CHICAGO POLICE DEPARTMENT
COMPLIMENTARY HISTORY

DATE: 29 June 1999

NAME: Wilson, Stafford RANK PO SSN [REDACTED] STAR 9227 UNIT 006

SPECIAL AWARDS

000

DEPARTMENT

COMMENDATIONS:

000

HONORABLE

MENTIONS:

000

COMPLIMENTARY

LETTERS:

000

Complimentary History Requested By:

NAME Fakuade, Joseph RANK Supv STAR 111 UNIT: 113

CR#: 254121

Completed By: Demetra Berry

PERSONNEL SERVICES



1999



CHICAGO POLICE DEPARTMENT

Personnel Division

Records Section-Rm 803

Pax 0342 - Bell 747-5549

Ex A-

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

29 June 1999

TO: COMMANDING OFFICER OF UNIT 113

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

NAME WILSON STEFFORD 0227 006 UNIT
(LAST, FIRST, M.I.) STAR

SEX M B RACE J.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER(S) 254 121

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

SUPV. FAKUADE J 111 113
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 BY:

NONE

PATRICIA JOHNSON

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

Ex A.