

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER MELVINA BOGARD,) **No. 21 PB 2991-1**
STAR No. 3018, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 2020-0988)**
RESPONDENT.)

ORDER

On April 6, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Melvina Bogard, Star No. 3018 (hereinafter referred to as “Respondent”), recommending that Respondent be discharged from the Chicago Police Department for violating the Department’s Rules of Conduct (a copy of the charges is attached as Exhibit A).

On April 11, 2023, the Superintendent moved to withdraw the charges against Respondent without prejudice because Respondent resigned from the Chicago Police Department. The Police Board has considered the Superintendent’s motion.

IT IS HEREBY ORDERED that the Superintendent’s motion is **granted** and the proceedings before the Police Board are terminated.

This Order is entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Aja Carr-Favors, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, Jorge Montes, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF AUGUST, 2023.

Police Board Case No. 21 PB 2991-1
Police Officer Melvina Bogard
Order

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

Exhibit A

Charges

Attached are the charges filed with the Police Board by the Superintendent of Police. The public is reminded that the filing of charges is not evidence of guilt. The accused officer is presumed innocent and is entitled to a fair hearing at which the Superintendent has the burden of proving guilt by a preponderance of the evidence. In this case, the accused officer resigned from the Chicago Police Department prior to a full hearing on the charges.

CHARGES AGAINST POLICE OFFICER MELVINA BOGARD

Police Officer Melvina Bogard, Star Number 3018, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department (“Department”), which were in full force and effect on the date of the alleged violations:

- 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 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10: Inattention to duty.
- Rule 11: Incompetency or inefficiency in the performance of duty.
- Rule 38: Unlawful or unnecessary use or display of a weapon.
- Rule 51(B): Failure to cooperate when called to give evidence or statements by any investigative branch or superior officer of the Chicago Police Department or the Police board when the evidence or statements sought relate specifically, directly and narrowly to the performance of his official duties. If the member properly asserts a constitutional privilege, he will be required to cooperate if advised that by law any evidence or statements given by him cannot be used against him in a subsequent criminal prosecution.

SPECIFICATIONS

1. On or about February 28, 2020, at approximately 4:11 p.m., at or near 521 N. State St., Chicago, Illinois, in the Chicago Transit Authority’s (“CTA”) Red Line Train Station, Police Officer Melvina Bogard (“Bogard”) failed to comply with Department policy regarding Taser use when she discharged her Taser against Ariel Roman (“Roman”). Officer Bogard thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;

- b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, to wit: General Order 03-02-04 (“Taser Use Incidents”);
 - c. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty;
 - d. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty; and/or
 - e. Rule 11, which prohibits incompetency or inefficiency in the performance of duty.
2. On or about February 28, 2020, at approximately 4:11 p.m., at or near 521 N. State St., Chicago, Illinois, in the CTA’s Red Line Train Station, Officer Bogard failed to comply with Department policy regarding Oleoresin Capsicum (“OC”) spray when she discharged her OC spray in the direction of Roman. Officer Bogard thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, to wit: General Order 03-02-05 (“Oleoresin Capsicum (OC) Devices and Other Chemical Agency Use Incidents”);
 - c. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty;
 - d. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty; and/or
 - e. Rule 11, which prohibits incompetency or inefficiency in the performance of duty.
3. On or about February 28, 2020, at approximately 4:11 p.m., at or near 521 N. State St., Chicago, Illinois, in the CTA’s Red Line Train Station, Officer Bogard used deadly force that was not necessary to prevent death or great bodily harm from an imminent threat posed to Officer Bogard or another person, and was not necessary to prevent an arrest from being defeated where the person to be arrested posed an imminent threat of death or great bodily harm to Officer Bogard or another person unless arrested without delay, when she discharged her firearm and fired one or more shots in the direction of Roman striking Roman about the body. Officer Bogard thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, to wit: General Order 03-02 (“Use of Force”);
 - c. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty;
 - d. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty; and/or
 - e. Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

4. On or about February 28, 2020, at approximately 4:11 p.m., at or near 521 N. State St., Chicago, Illinois, in the CTA's Red Line Train Station, Officer Bogard, without justification, fired one or more shots in the direction of Roman and in the presence of bystander(s). Officer Bogard thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 10, which prohibits inattention to duty;
 - c. Rule 11, which prohibits incompetency or inefficiency in the performance of duty; and/or
 - d. Rule 38, which prohibits unlawful or unnecessary use of display of a weapon.

5. On or about February 28, 2020, at approximately 4:11 p.m., or at or near 521 N. State St., Chicago, Illinois, in the CTA's Red Line Train Station, Officer Bogard failed to use de-escalation techniques when she attempted to stop and/or detain Roman. Officer Bogard thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, to wit: General Order 03-02-01 ("Force Options").

6. On or about June 25, 2020, at the office of the Civilian Office of Police Accountability (COPA) located at 1615 W. Chicago Ave., Chicago, Illinois, Lieutenant Levester Denham gave Officer Bogard a direct order to cooperate with COPA's investigation regarding Log Number 2020-988 and, thereafter, Officer Bogard refused to answer questions regarding the matter which was the subject of Log Number 2020-988. Officer Bogard thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department
 - b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, to wit: General Order 08-01-02(II)(A)(2) ("Specific Responsibilities Regarding Allegations of Misconduct");
 - c. Rule 7, which prohibits insubordination or disrespect toward a supervisory member on or off duty; and/or
 - d. Rule 51(B), which prohibits failure to cooperate when called to give evidence or statements by any investigative branch or superior officer of the Chicago Police Department or the Police board when the evidence or statements sought relate specifically, directly and

narrowly to the performance of his official duties. If the member properly asserts a constitutional privilege, he will be required to cooperate if advised that by law any evidence or statements given by him cannot be used against him in a subsequent criminal prosecution.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Melvina Bogard, Star Number 3018, be discharged from the Chicago Police Department.

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FILED: April 06, 2021
POLICE BOARD
Case No. 21 PB 2991-1