

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

<b>IN THE MATTER OF CHARGES FILED AGAINST</b>	)	
<b>POLICE OFFICER DANA BRYANT,</b>	)	<b>No. 16 PB 2903</b>
<b>STAR No. 12628, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO,</b>	)	
	)	<b>(CR No. 1074613)</b>
<b>RESPONDENT.</b>	)	

**FINDINGS AND DECISION**

On February 26, 2016, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Dana Bryant, Star No. 12628 (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 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against the Respondent to be had before Hearing Officer Jacqueline A. Walker on June 22, 2016.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

**POLICE BOARD FINDINGS**

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were personally served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer Dana Bryant, Star No. 12628, 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 that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about April 8, 2015, via telephone, Officer Bryant informed Police Officer Beth Fineran that she was unable to report to her doctor's appointment and/or to the Medical Services Section between April 6 and 11, 2015, or for some period of time therein, because she was out of town in California and/or attending a funeral, or words to that effect; a statement which she contradicted on or about April 17, 2015, when she stated that she did not go to California and/or attend a funeral between April 6 and 11, 2015, or for some period of time therein, and/or that she was unable to report to said appointment because of child care needs, or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Competent testimony was given by Christine Janik, a Registered Nurse, who testified that at the relevant period of time she worked as a field case manager for the Police Department through Coventry Health Care Services, and coordinated medical appointments for Officer Bryant while on the medical roll. Janik testified further that on April 1, 2015, Officer Bryant, when informed of a scheduled medical appointment for April 8, 2015, stated she would be unable to keep the April 8<sup>th</sup> date because she planned to go out of town to attend her grandmother's funeral.

The testimony of Police Officer Fineran corroborated that of Ms. Janik, when Officer Fineran confirmed that she received an email on April 2, 2015, from Ms. Janik indicating that Officer Bryant informed Ms. Janik that Officer Bryant requested a change in her scheduled appointment for April 8, 2015, because she would be attending her grandmother's funeral in California.

Officer Bryant's testimony confirmed that she did inform Ms. Janik that Officer Bryant would be unable to keep the medical appointment on April 8, 2015, as she would be travelling out of state for her grandmother's funeral. In addition, Officer Bryant admitted in her testimony that when she spoke with Officer Fineran on the phone on or about April 8, she told Officer Fineran that she was in California for her grandmother's funeral. Officer Bryant further testified that in fact she needed to change the appointment date due to the lack of childcare for her daughter, and that she did not travel out of state to attend her grandmother's funeral.

5. The Respondent, Police Officer Dana Bryant, Star No. 12628, 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 that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about April 16, 2015, at or about 3510 South Michigan Avenue, in Chicago, Officer Bryant informed Sergeant Janet Kemper that she could not complete a Death in the Family Personnel Action Request form regarding her absence on or about April 8, 2015, because she did not have the specific information regarding her grandmother's death with her, or words to that effect; a statement which she contradicted on or about April 17, 2015, when she stated that she did not go to California and/or attend a funeral between April 6 and 11, 2015, or for some period of time therein, and/or that she was unable to report to said appointment because of child care needs, or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Sergeant Janet Kemper presented uncontradicted testimony that on April 16, 2015, she

requested that Officer Bryant complete a Personnel Action Request (PAR) form for the death in the family, as well as the travel out of state, as reported by Officer Bryant, while on the medical roll. Officer Bryant reportedly responded to Sergeant Kemper's request by informing Sergeant Kemper that Officer Bryant would return on the next day with sufficient information to complete the PAR form.

Further testimony was received from Sergeant Kemper that on April 17, 2015, when Officer Bryant returned, she informed Sergeant Kemper that Officer Bryant had not gone out of town for a family funeral, but rather was unable to keep the medical appointment due to lack of child care for her disabled daughter.

Officer Bryant, in her testimony before the Board, admitted that on April 16 she said to Sergeant Kemper that she was not able to complete the PAR form that day because she did not have the information. Officer Bryant also testified that she did not tell Sergeant Kemper on the 16<sup>th</sup> that she had not been in California for her grandmother's funeral, and that it was on the 17<sup>th</sup> that she admitted to Sergeant Kemper that she was not actually in California the prior week.

6. The Respondent, Police Officer Dana Bryant, Star No. 12628, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about April 8, 2015, via telephone, Officer Bryant informed Police Officer Beth Fineran that she was unable to report to her doctor's appointment and/or to the Medical Services Section between April 6 and 11, 2015, or for some period of time therein, because she was out of town in California and/or attending a funeral, or words to that effect; a statement which she contradicted on or about April 17, 2015, when she stated that she did not go to California and/or attend a funeral between April 6 and 11, 2015, or for some period of time therein, and/or that she was unable to report to said appointment because of child care needs, or words to that effect, thereby making a false report, written or oral.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

7. The Respondent, Police Officer Dana Bryant, Star No. 12628, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about April 6, 2015, at or about 3510 South Michigan Avenue, in Chicago, Officer Bryant informed Sergeant Janet Kemper that she could not complete a Death in the Family Personnel Action Request form regarding her absence on or about April 8, 2015, because she did not have the specific information regarding her grandmother's death with her, or words to that effect; a statement which she contradicted on or about April 17, 2015, when she stated that she did not go to California and/or attend a funeral between April 6 and 11, 2015, or for some period of time therein, and/or that she was unable to report to said appointment because of child care needs, or words to that effect, thereby making a false report, written or oral.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

8. The Police Board has considered the facts and circumstances of the Respondent's conduct, and the evidence presented in defense and mitigation.

The Board finds that Officer Bryant's false statements to Officer Fineran and Sergeant Kemper warrant her discharge from the Chicago Police Department. A police officer's single violation of a rule of conduct has long been held to be a sufficient basis for termination. *Siwek v. Police Board of the City of Chicago*, 872 N.E.2d 87 (2007), citing *Kinter v. Board of Police and Fire Commissioners*, 194 Ill. App. 3d 126 (1990), *King v. City of Chicago*, 60 Ill. App. 3d 504

(1978), and *Moriarty v. Police Board of the City of Chicago*, 7 Ill. App. 3d 978 (1972). The Board finds that Officer Bryant's false statements were intentional and material to her responsibilities as an employee on the Department's medical roll. Such dishonesty is incompatible with continued service as a police officer, and renders her unfit to hold that office. Trustworthiness, reliability, good judgment, and integrity are all material qualifications for any job, particularly one as a police officer. The duties of a police officer include making arrests and testifying in court, and a police officer's credibility is at issue in both the prosecution of crimes and in the Police Department's defense of civil lawsuits. A public finding that an officer has made intentional material false statements is detrimental to the officer's ability to perform all of her responsibilities, including her credibility as a witness and, as such, is a serious liability to the Department. See *Rodriguez v. Weis*, 408 Ill.App.3d 663, 671, 946 N.E.2d 501, 507 (1st Dist. 2011).

Several mitigation witnesses testified on Officer Bryant's behalf. A lieutenant who supervised Officer Bryant testified that she was reliable and knowledgeable about the Department; a retired lieutenant testified that he found her to be an excellent officer; and a current police officer who trained under Officer Bryant and worked closely with her testified that she is an officer with integrity and honesty. Officer Bryant's pastor testified that Officer Bryant is dependable, loyal, and committed to her family and her community. In addition, Officer Bryant has received a total of 26 Department awards (including 11 honorable mentions and 9 emblems of recognition for physical fitness) and she has no sustained complaints on her disciplinary history. However, Officer Bryant's accomplishments as a police officer and these positive evaluations of her do not mitigate the seriousness of her misconduct.

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders her continuance in her office detrimental to the discipline and

efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for her to no longer occupy her office.

Decisions about the proper disposition when there is a finding of a Rule 14 violation are among the most important decisions this Board faces. As with all cases, this Board decides cases involving Rule 14 allegations on a case by case basis and applies the relevant law with of course recognition of past Board precedent. Each case presents nuanced circumstances and must be equally evaluated in large measure on the facts developed in the record.

The Board is of course mindful of the Department's position on Rule 14 cases where that position is developed in the record, but the Board recognizes and embraces its responsibility to independently consider and evaluate the facts, particularly where termination of an officer's employment is a possible disposition.

It is worth repeating several critical points regarding Rule 14 issues. Sending a strong message against officers who lie in the context of their jobs is critically important because fundamentally officers take a solemn oath to uphold the law in their mandate to serve and protect. If they compromise that mandate, then it undermines the integrity not just of the individual officer, but of all officers and compromises the legitimacy of the entire department. Rule 14 has been in full force and effect for decades. It is not a new concept, and if one wants the privilege of being a Chicago Police officer, one has to conduct herself at all times with integrity and that begins with a simple rule we teach our children – you must tell the truth.

Also, the issues in the face of a Rule 14 violation are not merely whether a subsequent trier of fact will believe the officer. The reality as set forth in the record and based on common sense is that prosecutors will be reluctant to even allow such testimony to go forward if the officer has been previously found to have lied in the course of her employment. An officer who cannot testify, is an

officer who cannot be an affiant for a search warrant, and whose every dealings thereafter as a police officer will be suspect. That places an unnecessary burden on scarce resources because some other, uncompromised officer will be compelled to pick up the slack or the department will risk undermining what might otherwise be a legitimate arrest or prosecution.

One also cannot underestimate the completely untenable problem with sending the message to police officers that some lies are okay, but others are not. A critical function of this Board's written decisions is to provide department members with guidance on how to conduct themselves. What guidance would the Board be giving with a mixed message that some lies are perfectly fine? And why would such an approach not lead to the proverbial slippery slope?

In this case, Officer Bryant made a decision to tell an elaborate lie to save herself some personal discomfort. The dissent is correct that she did not falsify a police report or lie to internal affairs or affect the rights of others. All true. But Rule 14's scope is not limited to the circumstances identified by the dissent. The scope is intended to be and historically has been applied in a much broader set of circumstances and we have determined that the facts of this case are just such a circumstance.

Bryant's lie was material, in the course of her employment obligations, and completely avoidable. In addition, Officer Bryant did not immediately correct the intentional misstatement, but instead perpetuated it, and caused other department members to waste time taking action to address the lie about the funeral. Also, this was not a lie borne in the stress of the moment. Officer Bryant simply could have said that she had a scheduling conflict and needed an alternative date. Instead, she decided to lie. This was not a simple mistake. Rather, it was an intentional act that was completely avoidable. Under these circumstances, her separation from the department is warranted.



**POLICE BOARD 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, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By votes of 7 in favor (Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2 and Rule 14.

As a result of the foregoing, the Board, by a vote of 5 in favor (Lightfoot, Foreman, Delgado, Fry, and Sweeney) to 2 opposed (Eaddy and Simpson), hereby determines that cause exists for discharging the Respondent from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Dana Bryant, Star No. 12628, as a result of having been found **guilty** of all charges in Police Board Case No. 16 PB 2903, 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.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Rita A. Fry, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2016.

Police Board Case No. 16 PB 2903  
Police Officer Dana Bryant

Attested by:

/s/ LORI E. LIGHTFOOT  
President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

We respectfully dissent and would suspend Officer Bryant for one year.

Officer Bryant told a falsehood that resulted in a brief delay in a doctor's appointment to avoid using her lack of child care for her special needs daughter as an excuse for rescheduling. She did not falsify police reports, lie to Internal Affairs or affect the rights of any other person, nor did she remain on the medical roll any longer than necessary. This seems a particularly appropriate case in which to temper justice with mercy.

Although the majority terminates Officer Bryant, we note it does not adopt the Department's position that all proven Rule 14 violations must result in termination, but instead takes the view, in which we concur, that discipline in each such case is considered on a case by case basis and determined by the facts and circumstances of each case.

We would also add that we do not believe a one year suspension sends the message that it is "okay to lie". No officer wants to lose his or her job for a lengthy period of time. Where we part ways with the majority in this case is not the seriousness of the violation, and of Rule 14 violations in general, but the severity of the penalty.

/s/ MICHAEL EADDY

/s/ JOHN H. SIMPSON

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RECEIVED A COPY OF  
THESE FINDINGS AND DECISION  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

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EDDIE T. JOHNSON  
Superintendent of Police