BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST	)	
POLICE OFFICER AARON WASHINGTON,	)	**No. 16 PB 2914**
STAR No. 10443, DEPARTMENT OF POLICE,	)	
CITY OF CHICAGO,	)	
	)	**(CR No. 1069799)**
RESPONDENT.	)	

FINDINGS AND DECISION

On September 27, 2016, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Aaron Washington, Star No. 10443 (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 verbal or physical altercation with any person, while on or off duty.

The Police Board caused a hearing on these charges against the Respondent to be had before Hearing Officer Jeffrey I. Cummings on February 17, 2017.

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 Cummings 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 before the date of the initial status hearing of this case.

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

4. The Superintendent filed a Motion *In Limine* Regarding Aggravation and Mitigation Evidence ("Motion") requesting that: "Respondent's mitigation evidence, including character witness testimony and his complimentary history, be partitioned from the rest of the hearing record and considered only after a finding of guilt; that Respondent[] be barred from referencing mitigation evidence during his closing argument; or, in the alternative, that the Superintendent be allowed to reference aggravation evidence, including Respondent's discipline history, during his rebuttal case and/or closing argument." Motion, page 6. The Superintendent—which acknowledges that its Motion calls for the Board to depart from its past rulings on this issue—asserts that: (i) "Respondent's mitigating character evidence is irrelevant to the Board's determination of his guilt or innocence"; (ii) the character witness "testimony will be unfairly prejudicial to the Superintendent because it will suggest a decision based on sympathy for Respondent rather than the facts of the case"; and (iii) depriving the Superintendent of the opportunity "to include in the record any arguments on aggravation evidence" prejudices the

Superintendent by allowing Respondent's mitigation evidence "to coexist in the record with evidence of guilt or innocence" while denying the Superintendent "any meaningful opportunity for rebuttal." Motion, at 2-3, 4, 6.

Respondent asserts that the Motion should be denied because: (i) the Superintendent decided not to exercise its option of calling aggravation witnesses, including those with knowledge of "prior disciplinary matters"; (ii) the Superintendent has the opportunity to cross-examine "Respondent's character witnesses about their knowledge of Respondent's prior disciplinary history" at the hearing; (iii) the "introduction of any prior disciplinary history alone denies the Respondent the opportunity to cross-examine the witness and would require the Board to speculate as to what any witnesses' testimony may be in the instant matter"; and (iv) the Superintendent has failed to show how it would be prejudiced by the introduction of Respondent's character witness testimony prior to the Board's finding regarding guilt or innocence. Respondent's Response to Motion, at 2.

For the reasons set forth below, the Motion shall be denied. Superintendent's counsel seek relief that is largely already available to him. As the Board has previously held, the Board's Rules of Procedure do not require mitigation evidence to effectively be sealed until after a finding of guilt. The Rules of Procedure state in relevant part:

> The Superintendent shall present evidence in support of the charges filed, and the respondent may then offer evidence in defense *or mitigation* . . . . At the close of *all* the evidence and arguments, the case will be taken under advisement by the Police Board, which in due course will render its findings and decision as provided by law. The Board *may, in its discretion,* after finding a respondent guilty of one or more rule violations, set the matter for additional proceedings for the purpose of determining administrative action. (Sections III-D and III-H, emphasis added).

Section III-D of the Rules of Procedure specifically provides the Superintendent the opportunity to rebut any "character" or other mitigation evidence presented by the respondent during the course

of the hearing: "If the respondent offers evidence in defense or mitigation, the Superintendent may then follow with evidence in rebuttal." Therefore, under the current rules, the Superintendent is already capable of challenging mitigation evidence in rebuttal. For these reasons, the Superintendent's motion is denied.

5. The Respondent, Police Officer Aaron Washington, Star No. 10443, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

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

Count I: From on or about April 17, 2014, through on or about June 15, 2014, or on one or more dates therein, Officer Washington used telephone communication to make one or more telephone calls to Latricia Cleveland with the intent to abuse, threaten or harass Ms. Cleveland in violation of Illinois Compiled Statutes, Chapter 720, Section 5/26.5-2(a)(2).

Respondent has been a Chicago police officer since the date of his appointment in August 1994. Respondent has also worked a secondary job as a Chicago Park District security guard at Bessemer Park for roughly fifteen years. In 2012, Respondent (who was approximately 44 years-old) met Latricia Cleveland (who was approximately 22 years-old) after she began working at Bessemer Park. In the spring of 2014, Respondent and Ms. Cleveland began a sexual relationship. Respondent entered into this sexual relationship with Cleveland at a time when he was in a long term relationship and living with a different woman at the same time. In or around April 13, 2014, Ms. Cleveland informed Respondent that she was pregnant with his child.

Respondent admits that between April 17 and June 5, 2014, he sent Ms. Cleveland text messages and voicemails that were harassing or profane in nature.[1] Respondent also admits that he called Ms. Crawford during the early morning of June 14, 2014, and left five voicemail

[1] The Superintendent offered no specific evidence as to the nature of these text messages and voicemails.

messages for her that are excerpted below:

Call 1: "You can put all the messages you want up there. Like I said, if I'm gonna get you I'm gonna get you."

"I don't give a f*** what you think you are. Like I said, you set this sh** up, and I'm gonna get you."

"Yeah. Believe me when I tell you, raggedy ass ho. You ain't running nothing. All that sh** I can't stand no sh**."

"You want a motherf***er who's gonna take care of your sh**. So you can be stable. F*** you."

"But I told you I ain't want no kid. That's what you want, you should have found somebody that wanted that. That ain't me you bitch."

Call 2: "I give you money when you want. If that's what the f*** you want. I don't know why you want that. Bitch."

Call 3: "You know what you little f***ing ugly troll ass bitch, I hope your ass roll over and die. I hope you go out here, fall on a train and that motherf***er rolls you several times. You ain't worth the f***ing dirt that made you."

"F*** you. Get your sh** together. Work for your sh**. I don't want you, I don't need you. Get your own sh**. If you keep coming this way, believe me."

Call 4: "You want to talk some sh** and get your ass killed?"

"You ain't worth the life your mother (inaudible) breathed into your ass."

"I tell you all the time to get off this sh**, and you're gonna pull this sh**? F*** you."

Call 5: "Yeah bitch, it's amazing that you can never answer the phone or you know . . . with that sh**. F*** you."

"I'm gonna tell you, keep going with this sh**, I'm gonna hurt you."

"And I'm telling you, I'm tired of it. I'm tired of your bullsh**. Stop. Cause with this happening, I'm gonna come at you, and you ain't gonna like it."

"I'm tired. Motherf***er you ain't never been there. I'm gonna f***ing take you out. Like you running some sh**."

Respondent further admits that he sent Ms. Cleveland a text message on June 6, 2014,

which stated: "f*** you," and that he sent two text messages in the early morning of June 14, 2014, which stated: "f*** u bitch" and "u ain't sh** an will never b sh**."

Ms. Cleveland received Respondent's text messages and voicemails after she woke up on the morning of June 14. After reviewing Respondent's messages, Ms. Cleveland sent Respondent a text message stating: "please don't call me anymore." Despite this, Respondent left additional voicemail messages for Ms. Cleveland on June 14 and June 15 after she requested that he stop calling her. Ms. Cleveland went to the police station on June 14 to make a complaint against Respondent because of the voicemails and texts messages that he sent earlier that morning. The next day, June 15, Ms. Cleveland provided a sworn statement to the Independent Police Review Authority (IPRA) in order to move forward with her complaint against Respondent. Ms. Cleveland went to the Circuit Court of Cook County to seek an emergency order of protection, which she obtained on June 27, 2014. In support of the order of protection, Cleveland signed an affidavit in which she stated, among other things, that based on Respondent's behavior she was afraid that he would "physically harm," "harass," and "stalk" her. Subsequently, on July 18, 2014, both Ms. Cleveland and Respondent signed an agreed restraining order.

Ms. Cleveland called and texted Respondent several times a day in the first week after she told him that she was pregnant. Respondent did not take Ms. Cleveland's calls, though he would occasionally call back and leave her voicemails. Ms. Cleveland became upset and frustrated at Respondent's reluctance to develop a more substantial relationship with her and she left voicemails and text messages for Respondent which contained profanity and statements that threatened Respondent's job with the Chicago Police Department.[2] Ms. Cleveland testified that she left such messages to get a reaction from Respondent and to hurt him because she knew that he

[2] Ms. Cleveland testified, for example, that she would leave messages to the effect that "I'm going to get you in trouble at work . . . you're not going to be a police officer any longer."

loved being a police officer. Ms. Cleveland felt that Respondent was trying to avoid her so she went to Respondent's home and told him that he needed to talk with her. Respondent did not engage with Ms. Cleveland but told her that he would talk to her later. Ms. Cleveland also went to Bessemer Park to contact Respondent even though she had stopped working there in December 2013.

On the evening of June 13, Ms. Cleveland once again returned to Respondent's home. She knew that Respondent would not be home because he was working an evening shift at Bessemer Park. When Ms. Cleveland arrived at Respondent's home, she told Ms. Wilbourn, Respondent's live-in girlfriend that she (Cleveland) was pregnant with Respondent's child, that she and Respondent were together, and that Ms. Wilbourn would be out of the picture. Ms. Wilbourn, who had no prior knowledge of Ms. Cleveland, that she was in a relationship with Respondent, or that Cleveland was pregnant with Respondent's child, was upset. Later that same night, she expressed her shock and displeasure with Respondent when he arrived home from work. Respondent became upset and frustrated, and he sent the June 14 text messages and voicemails referenced above.

Respondent's counsel asserts that Respondent cannot be found guilty of the charge based solely on the content of his June 14 voicemails and emails. *See* Transcript ("Tr."), at 262 ("The notion that on the face of the email or on the face of a voicemail transcript that's enough to convict Officer Washington without anything more, is wrong, it's not fair, and it's not just."). Instead, Respondent's counsel asserts that the Board must consider the context within which Respondent sent his messages. According to Respondent, Ms. Cleveland's provocative actions triggered Respondent's June 14 messages. Moreover, Respondent asserts that Ms. Cleveland did not actually feel threatened or frightened by his messages despite her complaints to the Chicago Police

Department and IPRA, and the fact that she obtained an emergency order of protection and a restraining order against Respondent.

Respondent relies on the following evidence. At the time of his brief sexual relationship with Ms. Cleveland in the spring of 2014, Respondent was living with Ms. Wilbourn (his partner of six years).[3] Respondent had made it clear to Ms. Cleveland that he did not want to have a dating relationship with her. Ms. Cleveland, who did want to have a dating relationship with Respondent, knew that he was living with Ms. Wilbourn. Neither Respondent (who was under the impression that Ms. Cleveland was taking birth control) nor Ms. Cleveland wanted to have children as a consequence of their relationship.[4]

Respondent was shocked, surprised, and confused after Ms. Cleveland told him that she was pregnant. Respondent sought a paternity test and asked Ms. Cleveland to terminate the pregnancy. Respondent was not interested in developing a more substantial relationship with Ms. Cleveland or ending his relationship with Ms. Wilbourn, and he tried to ignore Ms. Cleveland.

For her part, Ms. Cleveland was scared, excited, nervous, and worried about how she was going to take care of her unborn child. She expected that she would develop a more substantial relationship with Respondent and that he would discontinue his relationship with Ms. Wilbourn.

By the time of the Police Board hearing, Ms. Cleveland had given birth to her child of which Respondent is the biological father. Respondent has paid financial support for his child to Ms. Cleveland since December 2014.

At the hearing, Ms. Cleveland testified that she was not surprised to receive the text messages and voicemails that Respondent sent during the early morning of June 14 because she

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[3] Respondent was (and still is) legally married to his estranged wife Denise Washington.

[4] In the spring of 2014, Respondent already had four children and Ms. Cleveland had never given birth.

knew that his communications were in response to her uninvited visit to his home on June 13.[5] She had gone to Respondent's house with the intent to provoke a response from Respondent and to get him to pay attention to her. Ms. Cleveland further testified that she was not in fear of her physical safety after she received Respondent's June 14 messages and that she did not want Respondent to stop calling her notwithstanding her June 14 text message that instructed Respondent to cease calling. Indeed, Ms. Cleveland continued to call Respondent after her text message request and she left voicemails for Respondent asking him to call her. Moreover, Ms. Cleveland, Respondent, and Alonzo Dunlap (Respondent's supervisor at Bessemer Park) testified that Ms. Cleveland came to Bessemer Park to confront Respondent about the baby and leaving Ms. Wilbourn even after the order of protection and the restraining order were entered.

Ms. Cleveland further testified that she submitted her complaint to IPRA and sought the order of protection to hurt Respondent and to affect his job. She did not explain the full story laid out above to IPRA when she made her complaint.

At the hearing, Ms. Cleveland also contradicted various statements in her sworn affidavit in support of her order of protection by denying that she was afraid of Respondent or that he placed her in fear of physical harm. Ms. Cleveland sent a letter to the Superintendent in September 2015 to request that no disciplinary action be taken against Respondent and she sent a November 10, 2015, letter to IPRA reiterating this request.

The Board rejects Respondent's argument that the above contextual evidence is sufficient to provide a full defense against this charge for the following reasons.

First, Respondent's June 14 voicemails and text messages contain profane and harsh language that is threatening and abusive by any reasonable standard. Moreover, Respondent (who

[5] Ms. Cleveland also testified that she had sent Respondent profane text messages telling him what he had better do before Respondent sent his profane text of June 6.

was admittedly upset by Ms. Cleveland's June 13 uninvited visit to his home) delivered his voicemail messages with an angry, foreboding tone. Despite her efforts to minimize Respondent's conduct in her testimony at the hearing, Ms. Cleveland acknowledged at the hearing that she felt that Respondent's voicemails contained threats and that she found that the content of his text and voicemails was insulting. Respondent admitted that he sent Ms. Cleveland text messages and voicemails that were harassing and profane in nature between April 17 and June 5, 2014. The Board also finds that Respondent's continued calls and voicemails to Ms. Cleveland after she texted him on June 14 and requested that he stop calling is evidence of his intent to harass her. *See* 720 ILCS 5/26.5-4 ("Evidence that a defendant made additional calls or engaged in additional electronic communications after having been requested by a named complainant . . . to stop may be considered as evidence of an intent to harass unless disproved by evidence to the contrary.").

Second, the Board finds not credible Ms. Cleveland's testimony that she was not afraid of Respondent or concerned about her physical safety after he sent the June 14 messages. Ms. Cleveland's actions at the time were the actions of a person who was in fear and worried about her safety. Ms. Cleveland went to the police station the very same day to complain about Respondent's June 14 messages, she submitted a sworn statement to IPRA the next day, and she signed a detailed affidavit in support of her petition for an order of protection on June 27, 2014. As the Superintendent has pointed out, Ms. Cleveland has never retracted her sworn statement to IPRA or her affidavit notwithstanding the fact that she later contacted the Superintendent and IPRA to request that no disciplinary action be taken against Respondent. Moreover, Ms. Cleveland's letter to the Superintendent actually corroborates the fact that Respondent was giving Ms. Cleveland "a hard time" in June 2014. *See* Respondent Ex. 2 ("At the time this case was filed [June 2014], Officer Washington and I were not in a good place. He was displeased about my

unexpected pregnancy and began to give me a hard time.”).

In addition, the evidence reveals a financial incentive for Ms. Cleveland to change her position and provide testimony favorable to Respondent. In particular, Respondent was paying Ms. Cleveland child support of $1,200 a month beginning in December 2014 until he was suspended upon the filing of these disciplinary charges, and he is now paying her only $300 per month. If Respondent is found not guilty and taken off suspension, the amount of child support that he pays to Ms. Cleveland will likely increase back to its prior level. The Board finds that this financial incentive undercuts the credibility of Ms. Cleveland’s after-the-fact efforts to minimize Respondent’s contemporaneous conduct.

Third, the Board rejects Respondent’s argument that Ms. Cleveland’s provocative actions (including her visit June 13 visit to Respondent’s home and her profane and threatening messages to him) provide a justification for his sending the June 14 messages and the other texts and voicemails discussed above. As the Superintendent argued, Respondent is held to a higher standard because he is a Chicago police officer. He is expected to uphold the law and to exercise greater control and self-restraint than the average citizen. Moreover, as an experienced officer and older adult, Respondent should have known that there were lawful ways to manage his stressful domestic situation with Ms. Cleveland. In fact, he did know. Mr. Dunlap (Respondent’s friend and supervisor at Bessemer Park) testified that he advised Respondent that he should get an order of protection or restraining order against Ms. Cleveland after Mr. Dunlap learned of Ms. Cleveland’s repeated and unwelcome efforts to contact Respondent. While there is no doubt that Respondent was frustrated by Ms. Cleveland’s revelations to Ms. Wilbourn, his actions in sending the numerous June 14 voicemails and text messages cannot be excused.

For all of these reasons, the Superintendent has proven that Officer Washington is guilty of

this charge.

6. The Respondent, Police Officer Aaron Washington, Star No. 10443, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

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

Count II: From on or about April 17, 2014, through on or about June 15, 2014, or on one or more dates therein, Officer Washington used electronic communication including text messages and/or voicemail to make one or more comments that were obscene with an intent to offend Latricia Cleveland in violation of Illinois Compiled Statutes, Chapter 720, Section 5/26.5-3(a)(1).

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

7. The Respondent, Police Officer Aaron Washington, Star No. 10443, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

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

Count III: From on or about April 17, 2014, through on or about June 15, 2014, or on one or more dates therein, Officer Washington used electronic communication including text messages and/or voicemail to threaten injury to Latricia Cleveland and/or Latricia Cleveland's property and/or to any of Latricia Cleveland's family or household members in violation of Illinois Compiled Statutes, Chapter 720, Section 5/26.5-3(a)(5).

This charge concerns the use of "electronic communications" which, as defined by the statute (*see* 720 ILCS 5/26.5.01), includes voicemails. The Superintendent has proven that Respondent sent multiple voicemails on June 14, 2014, that contained threats of injury to Ms. Cleveland. See the findings set forth in paragraph no. 5 above, which are incorporated here by

reference. Consequently, the Superintendent has proven that Officer Washington is guilty of this charge.

8. The Respondent, Police Officer Aaron Washington, Star No. 10443, 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:

> From on or about April 17, 2014, through on or about June 15, 2014, or on one or more dates therein, Officer Washington harassed, threatened, and/or verbally abused Latricia Cleveland via one or more voicemails and/or text messages, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

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

9. The Respondent, Police Officer Aaron Washington, Star No. 10443, charged herein, is **guilty** of violating, to wit:

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

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

> On or about June 27, 2014, Officer Washington was named as the Respondent in Order of Protection 14 OP 73720, and he was served with said order on or about July 6, 2014; however, Officer Washington failed to prepare a To-From-Subject report and to submit such report with copies of all documents to his station unit commanding officer pursuant to Special Order S08-01-02, Section M, thereby disobeying an order or directive, whether written or oral.

The facts concerning this charge are as follows. Respondent, who explained that "I don't know all of the general orders," admitted that: (i) he was served on July 6, 2014, with an order of protection that Ms. Cleveland had obtained against him; (ii) he had an obligation to provide his

commanding officer, Lieutenant Eve Gushes, with a written To-From-Subject report and all supporting documentation concerning the order of protection; and (iii) he failed to provide the required To-From-Subject report to Lieutenant Gushes. Lieutenant Gushes, through her sworn affidavit, confirmed that Respondent never provided her with a written To-From-Subject report regarding the order of protection. Lieutenant Gushes further stated that Respondent did not provide her with any verbal notice that he was a respondent to an order of protection.

Based on this uncontested evidence, the Board finds that the Superintendent has proven Officer Washington guilty of this charge.

10. The Respondent, Police Officer Aaron Washington, Star No. 10443, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

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

> From on or about April 17, 2014, through on or about June 15, 2014, or on one or more dates therein, Officer Washington harassed, threatened, and/or verbally abused Latricia Cleveland via one or more voicemails and/or text messages, thereby disrespecting or maltreating any person, while on or off duty.

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

11. The Respondent, Police Officer Aaron Washington, Star No. 10443, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

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

> From on or about April 17, 2014, through on or about June 15, 2014, or on one or more dates therein, Officer Washington harassed, threatened, and/or verbally abused Latricia Cleveland via one or more voicemails and/or text messages, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The number, tone and content of Respondent's multiple voicemail and text messages to Ms. Cleveland before and after she asked him to stop calling, among other evidence set forth in the record, support a finding of guilty on this charge.

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

The Respondent offered the following evidence in mitigation, which the Board has considered thoroughly. Several Department members from the 7th District, a high-crime district in which the Respondent worked, testified credibly regarding the Respondent's positive job performance, character, and reputation. A sergeant and former supervisor of the Respondent testified that the Respondent was a truthful and professional officer, and a well-liked and respectful person. A female police officer testified that she worked with the Respondent for several years and knows him to be honest and that he has always been respectful to her; she further testified that she has never observed him being disrespectful to other female officers. A police officer and former partner of the Respondent testified that the Respondent had great character and integrity.

In addition to the mitigation evidence presented, the Respondent, who joined the Police Department in 1994, has a complimentary history of 76 total awards, including one Police Blue Star award, 3 Department commendations, 54 honorable mentions, and 9 complimentary letters.

Nonetheless, the Respondent's accomplishments as a police officer, his supervisor's and fellow officers' testimony as to his reputation and character, and his complimentary history do not mitigate the seriousness of his misconduct and his prior disciplinary history.

Respondent's poor judgment and lack of self-control relate directly to his public duties as a police officer, and render him unfit to hold that office. In this case he responded to a stressful situation with with repeated threats of physical harm and with profanity. As a Chicago police officer, Respondent has and would in the future doubtless encounter difficult and stressful situations in which he must act with little or no time for reflection. He has demonstrated, both in his interactions with Ms. Cleveland and in prior misconduct (see below), that he does not possess the good judgment and self-control required of Chicago police officers to fairly and impartially deal with the many potentially explosive situations which they encounter on a daily basis. Moreover, Respondent's action in subjecting Ms. Cleveland to the disrespectful, threatening, and abusive statements quoted above has brought discredit upon the Chicago Police Department and undermined its mission. Chicago police officers are expected to treat all members of the public with respect, not abuse. Furthermore, Respondent's purported "ignorance of the rules" excuse for his failure to prepare a To-From-Subject report after he was served with the order of protection as required by Special Order S08-01-02, Section M, is unacceptable. As an officer for over twenty-two years, Respondent is expected to be familiar with all Department general and special orders that govern his conduct.

Finally, this is not the first time the Respondent has engaged in serious misconduct as a Chicago police officer. In August 2009, the Police Board found Respondent guilty of disrespect to or mistreatment of any person, driving under the influence of alcohol, possessing a firearm while intoxicated, disobedience of an order or directive, insubordination or disrespect toward a

supervisory member, and making false statements to the Independent Police Review Authority, which resulted in a penalty of a 14-month suspension and a requirement that he undergo alcohol-abuse counseling. During the January 2007 incident that resulted in the above guilty findings, Respondent drove his vehicle and possessed a firearm while under the influence of alcohol, intentionally and unjustifiably caused bodily harm to his now estranged wife, and directed profanity towards a supervisor after he failed to obey the supervisor's order to come forward and surrender his firearm. Respondent compounded his misconduct by falsely denying that he engaged in the above actions towards his estranged wife and the supervisor when he gave a statement to IPRA in October 2007.

In sum: the Respondent's conduct toward Ms. Cleveland, his prior disciplinary history, and the lack of control and lack of judgment he continues to demonstrate are incompatible with continued service as a police officer with the Chicago Police Department. The Board finds that returning him to duty as a sworn officer, armed and authorized to use deadly force, would pose an unacceptable risk to the safety of the public.

The Board finds that the Respondent's conduct and prior disciplinary history are sufficiently serious to constitute a substantial shortcoming that renders his continuance in his 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 him to no longer occupy his office.

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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 a vote of 9 in favor (Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, Rita A. Fry, John P. O'Malley Jr., John H. Simpson, and Rhoda D. Sweeney) to 0 opposed, the Board **denies** the Superintendent Motion *In Limine* Regarding Aggravation and Mitigation Evidence; and

By votes of 9 in favor (Lightfoot, Foreman, Delgado, Eaddy, Flores Fry, O'Malley, Simpson, and Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 1, Rule 2, Rule 6, Rule 8, and Rule 9.

As a result of the foregoing, the Board, by a vote of 9 in favor (Lightfoot, Foreman, Delgado, Eaddy, Flores, Fry, O'Malley, Simpson, and Sweeney) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his 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 Aaron Washington, Star No. 10443, as a result of having been found **guilty** of charges in Police Board Case No. 16 PB 2914, be and hereby is **discharged** from his 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, Michael Eaddy, Steve Flores, Rita A. Fry, John P. O'Malley Jr., John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF JUNE, 2017.

Attested by:

/s/ LORI E. LIGHTFOOT
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS _____ DAY OF _________________, 2017.

____
EDDIE T. JOHNSON
Superintendent of Police