

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

**IN THE MATTER OF CHARGES FILED AGAINST )**  
**SERGEANT TIMOTHY CONLAN, )** **No. 23 PB 3035**  
**STAR No. 890, DEPARTMENT OF POLICE, )**  
**CITY OF CHICAGO )**  
**RESPONDENT. )** **(CR No. 1087910)**

**FINDINGS AND DECISION**

On September 22, 2023, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Timothy Conlan, Star No. 890 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“Department” or “CPD”) for violating CPD’s Rules of Conduct.

On June 3, 2024, Respondent filed a Motion to Stay the Chicago Police Board Proceedings and/or Transfer This Matter to the Arbitration Call Pursuant to the Circuit Court’s March 21, 2024 Order and Illinois Labor Law (“Motion”). On July 18, 2024, the Police Board entered an Order denying Respondent’s Motion in its entirety.

A hearing on the charges against Respondent took place before Hearing Officer Michael Panter on October 29 and 30, 2024. Following this evidentiary hearing, the members of the Police Board who participated in deciding this case read and reviewed the record of the proceedings, including the Hearing Officer’s Report and the Superintendent’s response to this report (Respondent did not file a response), and viewed the video recording of the entire evidentiary hearing. The Hearing Officer made an oral report to and conferred with the Board before it rendered its findings and decision.

During the proceedings of this case, from the filing of charges through the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s

rulings and orders is overruled or reversed.

### **POLICE BOARD FINDINGS**

As a result of its review of the record of proceedings, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein a sworn officer of the CPD in the classified civil service of the City of Chicago.
2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were served upon Respondent not fewer than five (5) days before the January 12, 2024, status hearing for this case.
3. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

#### **Introduction**

4. The charges state that on November 28, 2017, seven years ago, Respondent saw another officer strike a teenage arrestee about the head and Respondent failed to report it to CPD, and that Respondent later made a false or misleading oral report to the Civilian Office of Police Accountability (COPA) when he denied seeing the officer punch the teenage arrestee. Respondent has since been promoted to sergeant. At the time of the incident, he was a rank-and-file police officer. There is no charge that Respondent was responsible for the actions of the officer involved. Respondent was not himself charged with any mistreatment.

At the relevant time, a large crowd of Morgan Park High School students were immersed in a highly-charged gang fight. Calls went out for multiple officers and ambulances. Respondent, driving a solo beat car, responded to the scene. There is video from a surveillance camera and

from the body-worn cameras (BWCs) of Respondent and other officers trying to control the scene.

Respondent went directly into the melee to help extricate another officer from the fight and then help pull students apart. One of the students, N.B.,<sup>1</sup> age 15, punched Respondent repeatedly. N.B. knocked off Respondent's BWC. Respondent struck N.B. and, with the aid of other officers, got N.B. on the ground and handcuffed.

Respondent turned N.B. over to Officers O'Connor and Feldman, who escorted N.B. to Respondent's squad car. N.B. continued to fight and try to pull away and threaten them. Officer Edward Shaffer assisted. Respondent had no further contact with N.B. at the time.

The charges in this case solely concern what happened while Officer Shaffer was putting N.B. into the car. The Superintendent alleges that what happened inside the car is that Respondent saw Officer Shaffer punch N.B. about the head and that Respondent failed to report it. The Superintendent further alleges that Respondent lied to COPA by denying he saw Officer Shaffer strike N.B.

### **Respondent's Offer of Proof**

5. On October 25, 2024, Respondent filed with the Board an Offer of Proof and Argument as to the Testimony of COPA ("Offer of Proof") requesting that the Board allow Respondent to call COPA Deputy Chief Investigator Angela Hearts-Glass as a witness. Respondent seeks testimony from Hearts-Glass regarding COPA's investigation and how "COPA came to different conclusions with respect to [Respondent] and similarly situated

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<sup>1</sup>Initials are used to protect the privacy of the individual, who was a minor at the time of the incident.

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officers.” Offer of Proof, ¶ 7. The Superintendent submitted his response on December 19, 2024. For the reasons set forth below, the Offer of Proof is denied.

Under the Illinois Rules of Evidence, relevant evidence has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Ill. R. Evid. 401; *see also* Fed. R. Evid. 401 (similar). As the Superintendent noted in his response, “the issues before the Board are whether Respondent engaged in the acts or omissions identified in the charges filed against him, and if he did, whether discharge is the appropriate penalty.” Sup. Resp., ¶ 6. The Superintendent must prove the charges by a preponderance of the evidence. *Teil v. City of Chi.*, 284 Ill. App. 3d 167, 170, 671 N.E.2d 759, 762 (1996).

Respondent’s position is that testimony from Hearts-Glass would “assist the Board in understanding why COPA came to different conclusions”—how it is that Respondent “saw the misconduct yet the three other officers [O’Connor, Crushon, and Felmon] did not” despite, as Respondent argues, those officers “standing in the same general area, with the same distances between them and Officer Shaffer, and with the same body worn camera angles and displays.” Offer of Proof, ¶¶ 4–7. Respondent argues that Hearts-Glass should be required to testify as to how she came to that conclusion, which Respondent claims was “the triggering event that commenced this entire proceeding.” *Id.* ¶ 8.

Respondent has failed to show that testimony from COPA Deputy Chief Investigator Hearts-Glass is relevant. As Respondent acknowledged and both parties agree, the Board engages in a *de novo* review. *See* Offer of Proof, ¶ 9; Sup. Resp., ¶ 10; *Lesner v. Police Bd. of City of Chi.*, 2016 IL App (1st) 150545, ¶ 35, 55 N.E.3d 1206, 1217 (“[A]fter the superintendent makes a recommendation, the police board conducts its own hearing and has authority to make a

decision about the appropriate discipline.”). Here, the Superintendent relied on video evidence and Respondent’s testimony. Offer of Proof, ¶ 13; Sup. Resp., ¶ 7. At issue, therefore, is whether the Superintendent, based upon that evidence, has proven the charges against Respondent by a preponderance of the evidence. COPA investigators, including Deputy Chief Investigator Hearts-Glass, have no direct knowledge of the events or conduct at issue in the case, and COPA’s findings and conclusions are of no moment to the Board. In *Lee v. City of Chicago*, the court held that evidence concerning COPA’s investigative process did not have a “tendency to make it more or less probable that plaintiff was arrested without probable cause and/or in retaliation for plaintiff’s statement that she wanted to file a complaint about the alleged misconduct of [an officer].” No. 20 CV 1508, 2021 WL 2399999, at \*6 (N.D. Ill. June 11, 2021). Similarly here, the “material issues in th[e] case do not concern COPA’s investigative process.” *Id.* And COPA’s conclusions do not tend to make it more or less probable that the Superintendent has proven Respondent witnessed misconduct by Officer Shaffer, failed to report it, or that Respondent was untruthful with COPA.

The Board is tasked with independently evaluating the facts and evidence presented at the hearing. The Board, when carrying out its duty to hear and decide disciplinary cases, does not consider COPA’s findings and conclusions from COPA’s investigation and, instead, acts as a neutral trier of the facts and evidence presented at the Police Board hearing. Respondent’s request for the Board to do otherwise is improper.

### **Charges Against Respondent**

6. Sergeant Timothy Conlan, Star No. 890, is **not guilty** of violating Rules 2, 3, 5, 6, 10, 21, and 22 in that the Superintendent did not prove by a preponderance of the evidence the

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following charges set forth in Specification No. 1:

On or about November 28, 2017, at approximately 3:00 p.m., near 11155 South Vincennes Avenue in Chicago, Sergeant [then-Police Officer] Timothy Conlan saw Police Officer Edward Shaffer punch a teenage arrestee about the head and failed to promptly report Officer Shaffer's conduct to the Department. Sergeant Conlan 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 failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 5, which prohibits failure to perform any duty;
- d. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying CPD General Order G08-01-02—Specific Responsibilities Regarding Allegations of Misconduct (effective March 17, 2013 – May 3, 2018);
- e. Rule 10, which prohibits inattention to duty
- f. Rule 21, which prohibits failure to report promptly to the Department any information concerning any crime or other unlawful action; and
- g. Rule 22, which prohibits failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders, or directives of the Department.

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

The Board takes seriously the allegation that any officer may have failed to report misconduct of a fellow officer. It is essential that Chicago police officers be the first to police themselves. Nothing erodes public confidence in the police faster than a citizenry which suspects police officers are colluding to cover up misconduct.

Here, the evidence produced by the Superintendent simply fails to meet the burden of showing, more probably true than not true, that Respondent actually saw Officer Shaffer punch N.B about the head but then failed to report it. First, there is no evidence in the record that N.B.'s

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head was struck by Officer Shaffer, as the above specification states. The BWC videos do not show a punch to the head. Neither N.B.'s head or any part of his body or Officer Shaffer's hand can be seen inside the car. There was no witness testimony, from either N.B. or any of the officers on the scene, that Officer Shaffer punched N.B. about the head. Nor was there any medical evidence presented that N.B. sustained an injury to his head.

Second, there is insufficient evidence in the record that Respondent saw Officer Shaffer punch N.B. about the head. The BWC videos are not conclusive on this point, as they do not show what Respondent may have actually seen. Respondent testified at the hearing that at the time of the incident he did not see Officer Shaffer punch N.B. He testified that at the time he was "still trying to gather myself together" and was "a bit disoriented" (he had just been involved in an earlier incident in which N.B. punched him several times, which resulted in Respondent using force and participating in a takedown of N.B.). Respondent further testified that while he was looking in the direction of Officer Shaffer as Officer Shaffer was putting N.B. into the squad car and that he saw Officer Shaffer's arm go back, he (Respondent) was also looking toward the scene that included students running in their direction and an ambulance arriving. The Board finds Respondent's testimony, including his denial that he saw Officer Shaffer punch N.B, to be credible.

All of the facts and circumstances of this case, particularly the very brief opportunity Respondent had to observe, all the activity taking place at the entire scene, and lack of any reason to anticipate misconduct, as well as the open question of whether Officer Shaffer actually punched N.B. about the head, are all factors the Board considered in coming to its decision. Nothing in this decision should be construed as other than applicable to the specific evidence

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adduced here and this decision should not suggest the Board will give less than rigorous enforcement of the essential reporting duty of every single officer who serves this city.

7. Sergeant Timothy Conlan, Star No. 890, is **not guilty** of violating Rules 2, 3, and 14 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 2:

On or about April 17, 2018, and/or November 14, 2018, during an audio-recorded interview by COPA, Chicago, Sergeant Timothy Conlan provided a false or misleading oral report to COPA investigators in that he denied that on November 28, 2017, he saw or noticed Police Officer Edward Shaffer punch or swing at a teenage arrestee, or stated words to that effect. Sergeant Conlan 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 failure to promote the Department's efforts to implement its policy or accomplish its goals; and
- c. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in Section Nos. 4 and 6 above, which are incorporated here by reference.

For the reasons set forth the above, the Board also finds that the evidence presented by the Superintendent is not sufficient to prove that Respondent made a false or misleading oral report in violation of Rules 2, 3, and 14.



**POLICE BOARD DECISION**

The members of the Police Board who participated in deciding this case hereby certify that they have read and reviewed the record of the proceedings, viewed the video recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

The Police Board, by votes of 5 in favor (Kyle Cooper, Claudia Badillo, Kathryn Liss, Andreas Safakas, and Justin Terry) to 0 opposed, finds Respondent **not guilty** of the charges in Specification Nos. 1 and 2, as set forth above.

**IT IS HEREBY ORDERED** that, Respondent having been found not guilty of all charges in Police Board Case No. 23 PB 3035, these proceedings before the Police Board are terminated.

This decision is adopted and entered by a majority of the members of the Police Board: Kyle Cooper, Claudia Badillo, Kathryn Liss, Andreas Safakas, and Justin Terry. (Board Member Steven Block recused himself from this case to avoid the appearance of a conflict of interest. Board Members Tyler Hall, Arlette Porter, and Cynthia Velazquez, all of whom joined the Board on January 15, 2025, did not participate in deciding this case.)

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16<sup>th</sup> DAY OF JANUARY 2025.

Attested by:

/s/ KYLE COOPER  
President

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/s/ MAX A. CAPRONI  
Executive Director

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RECEIVED A COPY OF  
THESE FINDINGS AND DECISION  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

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LARRY SNELLING  
Superintendent of Police