

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER VERONICA NOVALEZ,) No. 13 SR 2316
STAR No. 19232, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) (CR No. 1000854)

FINDINGS AND DECISION

On or about October 16, 2013, the Superintendent of Police ordered the suspension of Police Officer Veronica Novalez, Star No. 19232, for ten (10) days for violating the following Rules of Conduct:

- 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 14: Making a false report, written or oral.

On October 21, 2013, Officer Novalez filed with the Police Board a request for Police Board review of this suspension. On October 28, 2013, Officer Novalez filed with the Police Board a memorandum delineating specific reasons for which the review was requested. On January 23, 2014, the Independent Police Review Authority (IPRA) submitted a written response to Officer Novalez's memorandum.

The Executive Director of the Police Board assigned this matter to Hearing Officer Thomas E. Johnson. Hearing Officer Johnson reviewed the investigation file and submitted a written report to the Police Board.

The members of the Police Board reviewed the Summary Report of the investigation file, the Command Channel Review reports, Officer Novalez's memorandum, IPRA's response, and Hearing Officer Johnson's report. Hearing Officer Johnson 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 consideration of this matter, finds and determines that:

1. There is insufficient evidence to either prove or disprove the allegation, set forth below, that Police Officer Veronica Novalez, Star No. 19232, violated Rule 8, and the allegation is therefore **not sustained**.

On October 29, 2006, at 0100 hours, at 1426 West Chestnut Street, Chicago, while off duty, Officer Novalez engaged in a physical altercation with Vanessa Gonzalez.

Vanessa Gonzalez alleges that Officer Novalez (who was off duty) grabbed her and threw her against a fence, then threw her on the ground and kned her on the face during a fight at a party. Officer Novalez denies these allegations. She maintains that her only involvement was to guide a very drunk Gonzalez away from the fight that was going on at the party.

On the critical issue of whether Officer Novalez maltreated Gonzalez or was merely trying to remove her from the middle of a chaotic situation, the evidence is not sufficient to sustain the allegation against Officer Novalez for several reasons.

First, Gonzalez was definitely intoxicated at the time. The St. Mary Hospital records show her blood alcohol level was .138. In addition, the hospital notes show that she smelled of alcohol, had slurred speech and an unsteady gait. Her credibility is undermined, moreover, as she testified at the criminal case she instigated against Angel Santana that she had consumed less than one cup of cranberry juice and vodka at the party.

Second, Gonzalez's boyfriend, Julian Ramirez, testified at Santana's trial that he never saw Novalez hit Gonzalez or cause Gonzalez any problems, even though he was at the scene when Officer Novalez allegedly struck his girlfriend. Ramirez's testimony is inconsistent with

the statement he gave IPRA, where he backed Gonzalez's account.

Third, several witnesses (Jesus Padin, Benjamin Cruz, and Angel Santana) stated that Gonzalez was an instigator of a fight at the party, that Gonzalez directed profanities at Novalez, grabbed Novalez's hair, and tried to strike Novalez, and that Novalez merely tried to restrain Gonzalez.

Fourth, Gonzalez testified at the criminal trial that she suffered injuries from persons other than Officer Novalez.

Given the various and conflicting accounts of the incident, the Board finds that there is insufficient evidence to sustain the allegation that Officer Novalez physically maltreated Gonzalez.

2. There is insufficient evidence to either prove or disprove the allegation, set forth below, that Police Officer Veronica Novalez, Star No. 19232, violated Rule 6, and the allegation is therefore **not sustained**.

On October 29, 2006, at 0100 hours, at 1426 West Chestnut Street, Chicago, while off duty, Officer Novalez failed to complete a Tactical Response Report (TRR) relative to this incident, as required by General Order 02-08-05, Section II-A-1, which states a Tactical Response Report will be used to document an incident which involves a subject fitting the definition of an assailant whose actions are directed against a Department member or directed against another person and the member intervenes.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference. Given the various and conflicting accounts of the incident, and the lack of any directive from the responding sergeant to Officer Novalez that she should complete a TRR, the Board finds that there is insufficient evidence to sustain the allegation that Officer Novalez violated the General Order by not completing a TRR.

3. There is insufficient evidence to either prove or disprove the allegation, set forth below, that Police Officer Veronica Novalez, Star No. 19232, violated Rule 14, and the allegation is therefore **not sustained**.

On June 15, 2007, at approximately 0800 hours, at the Office of Professional Standards (now known as the Independent Police Review Authority), located at 10 West 35th Street, Chicago, Officer Novalez gave a false statement to IPRA investigator Sanchez by denying she had any physical contact with Vanessa Gonzalez other than extending Officer Novalez's arms to her side to guide Gonzalez away from the altercation between Ramirez and Santana.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference. Given the various and conflicting accounts of the incident, the Board finds that there is insufficient evidence to sustain the allegation that Officer Gonzalez made an intentional false statement as to material facts regarding this incident.

POLICE BOARD DECISION

The Police Board of the City of Chicago hereby adopts the findings set forth herein by the following votes:

By votes of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board finds that the allegations that Police Officer Veronica Novalez violated Rule 6, Rule 8, and Rule 14 are **not sustained**.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Veronica Novalez, Star No. 19232, for a period of ten (10) days is **reversed**.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

Police Board Case No. 13 SR 2316
Police Officer Veronica Novalez
Findings and Decision

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY
OF MARCH, 2014.

Attested by:

/s/ Demetrius E. Carney
President
Police Board

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

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

[None]

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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police