

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER MICHAEL METTE,) **No. 16 PB 2919**
STAR No. 2725, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1069863)**
RESPONDENT.)

FINDINGS AND DECISION

On November 8, 2016, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Michael Mette, Star No. 2725 (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 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 10: Inattention to duty.
- 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 May 31 and June 1, 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 Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision. (Board Members Eva-Dina Delgado, Ghian Foreman, and John H. Simpson recused themselves from this case pursuant to §2-57-060(c) of the Municipal Code of Chicago.)

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 Respondent, Police Officer Michael Mette, Star No. 2725, charged herein, is **not 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 did not prove by a preponderance of the evidence the following charge:

On or about June 17, 2014, in the alleyway in the vicinity of 621 North St. Louis Avenue, Chicago, while on duty, Officer Michael Mette struck A.W., then a minor, and knocked A.W. to the ground.

The Superintendent called Lee Johnson ("Johnson") and Robert Sims ("Sims") as witnesses, who testified that they were in a garage in the alleyway of 621 North St. Louis Avenue, Chicago on June 17, 2014, at about 10:00 p.m. They both testified they were at the garage from about 4:00 p.m. that day and that they had been drinking beers during this time. Johnson admitted to being a little under the influence by drinking the beers; however Sims denied being under the influence of alcohol.

Johnson and Sims testified that at about 10:00 p.m., they saw a young teen-aged boy, they

later learned was named A.W., ride his bicycle down the alley coming from Huron Street on the north. They testified further that they also saw a marked police vehicle with two officers, later established to be Police Officer Michael Mette and his partner, Police Officer Nicholas Chryssikos, who were driving down the alley coming from Ohio Street to the south of the alley. They testified the police vehicle stopped and parked at an angle, and that Officer Mette, the driver, exited the vehicle and approached A.W. Johnson and Sims both acknowledged that their view of Officer Mette and A.W. was obscured by the vehicle.

Based on further testimony from these witnesses, they could not see past the police vehicle to A.W. nor could they observe Officer Mette when he approached A.W. They did testify that they heard what sounded to be a loud punch and then a loud noise against the side of the garage. From the initial sound, they both assumed that they heard Officer Mette making significant physical contact with A.W., who was not wearing a shirt at the time. In addition, Johnson and Sims believed that the sound against the garage was A.W. hitting the side of the garage from the force of the blow he received. When Officer Mette returned to the police vehicle and drove away, they testified A.W. was rolled in a ball on the ground and holding his chest. Johnson further testified that A.W. stated Officer Mette hit him, and Johnson called 911 for an ambulance.

Johnson identified his voice on the 911 tape and confirmed that he gave his name as Bob, that he was laughing on the call, and that he confirmed to the dispatcher a police vehicle hit a boy.

Both Johnson and Sims testified that they observed no external injuries to A.W. Further, Johnson testified that Officer Mette said that A.W. was throwing rocks at the police vehicle, whereas Sims testified that Officer Mette said nothing to him and the rest of the men in the garage.

The Superintendent next called A.W. who testified that on June 17, 2014, he was 14 years old and was in the vicinity of St. Louis Avenue and Huron Streets with friends who were throwing

rocks at the police vehicle. He denied throwing rocks, but said the police vehicle was chasing him; he rode his bike down the alley from Ohio Street and the police vehicle came down the alley, cut him off, and Officer Mette exited the vehicle. He testified further that Officer Mette cursed at him and hit him with his left hand, causing him to hit his back on the garage, and that as a result he couldn't breathe. He testified that Officer Mette then returned to his vehicle and drove away. A.W. maintained that he sustained injuries to his back, as it was bruised and scratched.

A.W. confirmed seeing the group of men in the garage, and was aware that an ambulance was called for him. He was taken to Norwegian Hospital, but received no medical attention, nor did he see a doctor; he was given an asthma pump so that he could breathe. At the hospital, he did not identify Officer Mette to the sergeant when asked, even though Officer Mette was standing in his presence; he stated he was afraid of any possible repercussions from Officer Mette if he identified Officer Mette.

A.W. further testified that the pictures of the scratches on his back were taken two days after the incident and showed the injuries that he sustained when Officer Mette punched him and he fell into the garage. Finally, A.W. agreed that the hospital medical records do not indicate an injury to his back.

Officer Mette testified as an adverse witness, confirming that on June 17, 2014, at about 10:00 p.m., he and his partner, Officer Chryssikos, were in the police vehicle in the alley near Ohio and Huron Streets, after a group of young people had been throwing rocks at the police vehicle. He testified that he only saw A.W. on his bike when they were in the alley, that he stopped his vehicle, got out, went up to A.W., and yelled at him about throwing rocks at the police vehicle. He denied hitting A.W. and further denied that he pursued A.W. to the alley. He testified that he was not aware whether Officer Chryssikos got out of the police vehicle, but when he returned to the

vehicle, Officer Chryssikos was not in the vehicle.

Officer Chryssikos was called as Respondent's witness and corroborated Officer Mette's testimony about the group of young people who were throwing rocks at the police vehicle. He further stated that they drove down the alley, Officer Mette was driving, Officer Mette stopped the vehicle, got out, and yelled at A.W. that he should not throw rocks. Officer Chryssikos testified that he got out of the vehicle at the passenger side, and could not see the interaction between Officer Mette and A.W., as they were on the driver's side of the vehicle; he came around the rear of the vehicle and by that time Officer Mette was heading back into the vehicle.

Officer Chryssikos further testified that he and Officer Mette were directed to Norwegian Hospital by Sergeant Jeff Truhlar. While at the hospital, he and Mette were in an area near A.W. and were able to observe him. Officer Chryssikos said he saw no injuries to A.W. and saw no medical attention being given to A.W. He was also present when Sergeant Truhlar asked A.W. if he could identify the police officer who hit him and A.W. did not do so.

Police Officer Adalberto Ramos was called by the Respondent as a witness. He testified that on the evening of the incident, he was ordered to Norwegian Hospital by Sergeant Truhlar. He stated that while at the hospital he was in close proximity to A.W., saw no injuries on A.W., and saw no hospital personnel attending to A.W.

Then-Sergeant Jeff Truhlar (now retired) was called by the Respondent as a witness. Sergeant Truhlar testified that he was notified by the dispatcher that a kid on a bike was hit by a police car, and that he responded to the scene. He testified that the ambulance was not on the scene when he arrived, and that he then proceeded to the hospital and ordered Officers Mette, Chryssikos, Ramos, and Cordero to meet him there so that he could further investigate the incident. Sergeant Truhlar further testified that during his initial conversation with A.W., A.W.

alleged that he was punched by an officer. Truhlar testified that upon hearing that the allegation was not related to a possible traffic-crash-type incident, he released Officer Mette and his partner from the hospital. Truhlar testified that he did not notice any visible injuries to A.W.

After leaving the hospital, Sergeant Truhlar returned to the scene and spoke to witnesses. He testified that the witnesses' accounts of events were similar to the account A.W. told him. In particular, Truhlar testified that Lee Johnson stated that he saw the driver of a police vehicle exit and knock A.W. to the ground and get back into the police car and drive away.

Based on the testimony of the Superintendent's witnesses, there was no corroboration of A.W.'s accusation that he was hit by Officer Mette. Johnson, Sims, and the other men in the garage in the vicinity of the incident were unable to see and confirm with certainty whether Officer Mette hit A.W. Additionally, on the 911 call, Johnson confirmed a police vehicle hit a boy.

As an added point, A.W. stated that Officer Mette hit him with his left hand, but Officer Mette is right-handed.

Furthermore, the pictures of A.W. that were taken two days after the incident of his purported injuries are inconsistent with the type of injury to his back that A.W. claimed he sustained as a result of hitting the garage as a result of Officer Mette hitting him. Additionally, at the hospital no medical staff administered any medical attention to A.W., nor were there any visible injuries to his body.

Accordingly, the Department failed to prove by a preponderance of the evidence the charges against Officer Mette.

5. The Respondent, Police Officer Michael Mette, Star No. 2725, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about June 17, 2014, in the alleyway in the vicinity of 621 North St. Louis Avenue, Chicago, while on duty, Officer Michael Mette encountered A.W. and failed to document that encounter, in violation of Special Order S03-13-09.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference. Officer Mette and Officer Chryssikos both testified that the interaction between Officer Mette and A.W. was very brief, and consisted merely of Officer Mette yelling at A.W. that he shouldn't throw rocks.

Commander Robert Klimas of the Bureau of Internal Affairs testified for the Superintendent, and stated that Special Order SO-13-09 requires that a contact card is completed by a police officer when there is an investigatory stop. He testified further that the completion of the contact card is required when there is a reasonable suspicion that the individual who is stopped has committed a crime or is about to commit a crime. He testified further that not every encounter with a citizen requires a police officer to complete a contact card.

Officer Mette's brief encounter with A.W. does not fall under the requirement of this Special Order to complete a contact card in this instance.

6. The Respondent, Police Officer Michael Mette, Star No. 2725, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about June 17, 2014, in the alleyway in the vicinity of 621 North St. Louis Avenue, Chicago, while on duty, Officer Michael Mette struck A.W., then a minor, and knocked A.W. to the ground.

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

7. The Respondent, Police Officer Michael Mette, Star No. 2725, charged herein, is **not guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about June 17, 2014, in the alleyway in the vicinity of 621 North St. Louis Avenue, Chicago, while on duty, Officer Michael Mette encountered A.W. and failed to document that encounter, in violation of Special Order S03-13-09.

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

8. The Respondent, Police Officer Michael Mette, Star No. 2725, charged herein, is **not guilty** of violating, to wit:

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

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about March 5, 2015, at the offices of the Independent Police Review Authority, Chicago, Officer Mette made a false statement regarding his June 17, 2014, encounter with A.W. when he stated that he did not strike or punch A.W..

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference. As delineated hereinabove, the charges against Officer Mette that he hit A.W. while they were in the alley were not proven. Accordingly, the Superintendent did not prove by a

preponderance of the evidence that on March 5, 2015, Officer Mette made a false statement to the Independent Police Review Authority when he stated that he did not strike or punch A.W.

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 4 in favor (Michael Eaddy, Rita A. Fry, John P. O'Malley Jr., and Rhoda D. Sweeney) to 2 opposed (Lori E. Lightfoot and Steve Flores), the Board finds the Respondent **not guilty** of violating Rule 2, Rule 6, Rule 8, Rule 10, and Rule 14.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Michael Mette, Star No. 2725, as a result of having been found **not guilty** of all charges in Police Board Case No. 16 PB 2919, be and hereby is **restored** to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective November 22, 2016.

This disciplinary action is adopted and entered by a majority of the members of the Police Board who participated in the case: Michael Eaddy, Rita A. Fry, John P. O'Malley Jr., and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th DAY OF AUGUST, 2017.

Police Board Case No. 16 PB 2919
Police Officer Michael Mette

Attested by:

/s/ RITA A. FRY
Board Member

/s/ JOHN P. O'MALLEY JR.
Board Member

/s/ MAX A. CAPRONI
Executive Director

DISSENT

We dissent from the Findings and Decision of the majority of the Board because we believe that the record establishes by a preponderance of the evidence that Officer Mette struck A.W. as A.W. alleged, that Officer Mette subsequently lied about it, thereby violating Rule 14, and as a result of these facts, should be terminated.

We base our findings in part on the testimony of occurrence witnesses Johnson and Sims, who both corroborated the claims made by A.W. Neither of these witnesses had any personal connection to A.W. or Mette. They saw A.W. come into the alley on a bike, saw the marked police car in pursuit, trap A.W. with the sharp angle it took, saw Officer Mette get out of the car and then within seconds heard a loud smack and then a second loud noise. After the Officers left, Johnson and Sims saw A.W., who had been standing immediately before Officer Mette approached, doubled over on the ground, clutching his chest and complaining of having trouble breathing. Johnson and Sims then made an immediate outcry to 911 when they sought medical assistance for A.W., and then gave statements to Sergeant Truhlar, who investigated A.W.'s complaint, within hours of the incident happening. Those contemporaneous comments to Sergeant Truhlar were consistent with the statements they gave to IPRA, and under oath in this Board proceeding. Further, we note that Officer Mette's partner, Officer Chryssikos, was unable to dispute A.W.'s account of the incident, as Officer Chryssikos did not see what happened.

While neither of these witnesses saw the actual blow delivered by Officer Mette, they both heard a loud smack that to them sounded like a blow being delivered with force on skin. By all accounts, A.W. was a slight, teen boy who was not wearing a shirt at the time of the incident.

Officer Mette's testimony in the Board proceeding was less than credible. He gave what at best can be described as equivocal testimony about whether he used profanity in his encounter with

A.W. Officer Mette acknowledged that neither he nor his partner actually saw who threw the rocks at the squad car, and that they had no evidence even that A.W. was specifically involved in the incident. So, neither officer had any reasonable suspicion to pursue or stop A.W. And although only Johnson recalled Officer Mette saying something about the rock throwing, Officer Mette admits he pursued and yelled at A.W. for the rock throwing. Further, we note that Officer Mette's partner, Officer Chryssikos, was unable to dispute A.W.'s account of the incident, as Officer Chryssikos did not see what happened.

Further, we give little weight to the fact that A.W. did not identify Officer Mette at the hospital. The circumstances surrounding his questioning seem inappropriate. A.W. testified that he was scared to identify Mette at the hospital. Consider whether any frightened teenager who had just been struck by a uniformed officer would identify that same officer who was within feet of him, with other officers standing around, under those circumstances. A.W. should have been separated from Officer Mette so that, if possible, he could have made a voluntary identification.

For all of these reasons, we vote to find Officer Mette guilty of all charges and to discharge him from the Department.

/s/ LORI E. LIGHTFOOT

/s/ STEVE FLORES

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS _____ DAY OF _____, 2017.

EDDIE T. JOHNSON
Superintendent of Police