

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

IN THE MATTER OF THE)	
RECOMMENDATIONS FOR DISCIPLINE OF)	
POLICE OFFICER MARK PALAZZOLO, STAR No. 6182,)	No. 22 RR 18
AND)	
POLICE OFFICER ERICA HERNANDEZ, STAR No. 7157,)	No. 22 RR 19
DEPARTMENT OF POLICE,)	
CITY OF CHICAGO.)	(CR No. 2019-3030)

REQUEST FOR REVIEW

On August 19, 2022, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability a request for review of the Chief Administrator’s recommendations for discipline of Police Officer Mark Palazzolo, Star No. 6182, and Police Officer Erica Hernandez, Star No. 7157, arising out of the investigation of Complaint Register No. 2019-3030 (“Request for Review”).

The investigation stems from an incident near a block party with police presence on August 3, 2019. Officers Palazzolo and Hernandez, after being told by a resident that a fight was occurring, ran across the street toward the altercation that was taking place near 1807 South Avers Avenue. As the officers approached, they observed several residents in the area, including an unknown male wielding a bat. [E.H.] was on the ground in a defensive posture, being kicked and punched by another unknown male. The officers took action to break up the fight. Following the conclusion of the investigation, the Chief Administrator issued recommendations for discipline of Officers Palazzolo and Hernandez. The Superintendent of Police did not agree with the Chief Administrator’s recommendations regarding the allegations against Officers Palazzolo and Hernandez and proposed less discipline Officer Palazzolo.

Nos. 22 RR 18 & 19
Police Officers Palazzolo and Hernandez
Request for Review and Opinion

The Chief Administrator recommended that the following allegations against Officer Palazzolo be *Sustained*:

On or about August 3, 2019, at approximately 8:08 p.m., at or near 1807 South Avers Avenue in Chicago, Officer Palazzolo:

1. Use excessive force when he deployed his taser at [E.H.];
2. Arrested [E.H.] without justification; and
4. Failed to comply with Chicago Police Department Special Order S03-14 by failing to timely activate his body worn camera (BWC).

The Chief Administrator recommended that Officer Palazzolo be suspended for forty-five (45) days.

The Chief Administrator recommended that the following allegations against Officer Hernandez be *Sustained*:

On or about August 3, 2019, at approximately 8:08 p.m., at or near 1807 South Avers Avenue in Chicago, Officer Hernandez:

1. Arrested [E.H.] without justification; and
2. Failed to comply with Chicago Police Department Special Order S03-14 by failing to timely activate her BWC.

The Chief Administrator recommended that Officer Hernandez receive a reprimand.

The Superintendent disagreed with the Chief Administrator's recommendations for discipline of Officers Palazzolo and Hernandez. The Superintendent did not agree that Allegation Nos. 1 and 2 against Officer Palazzolo and Allegation No. 1 against Officer Hernandez be *Sustained*, agreed that Allegation No. 4 against Officer Palazzolo and Allegation No. 2 against Officer Hernandez *Sustained*, and recommended that both officers receive a reprimand (the Superintendent also recommended additional training on taser use and policy and BWC activation and policy).

Nos. 22 RR 18 & 19
Police Officers Palazzolo and Hernandez
Request for Review and Opinion

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on May 27, 2022; (2) the Chief Administrator received the Superintendent's written response on July 20, 2022; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on August 12, 2022; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on August 19, 2022.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Jorge Montes, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). On August 31, 2022, the Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

OPINION

It is my opinion that, based on a thorough review of the Request for Review material, the Superintendent did not meet the burden of overcoming the Chief Administrator's recommendations for discipline. Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator's recommendations for discipline of Police Officer Mark Palazzolo, Star No. 6182, and Police Officer Erica Hernandez, Star No. 7157, shall be deemed accepted by the Superintendent.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 01st DAY OF SEPTEMBER, 2022.

Nos. 22 RR 18 & 19
Police Officers Palazzolo and Hernandez
Request for Review and Opinion

/s/ JORGE MONTES
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board