

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER DAVID TULL,) **No. 14 SR 2323**
STAR No. 16233, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) **(CR No. 1010375)**

FINDINGS AND DECISION

On or about May 10, 2014, the Superintendent of Police suspended Police Officer David Tull, Star No. 16233, for seven (7) days 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 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

On May 14, 2014, Officer Tull filed with the Police Board a request for Police Board review of the suspension, including a memorandum delineating specific reasons for which the review was requested.

The Executive Director of the Police Board assigned this matter to Hearing Officer Jacqueline A. Walker. Hearing Officer Walker 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 recommendations of Command Channel Review, Officer Tull's memorandum, the Independent Police Review Authority's response to Officer Tull's memorandum, and Hearing Officer Walker's report. Hearing Officer Walker 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. The allegations, set forth below, that Police Officer David Tull, Star No. 16233, violated Rule 9 are supported by sufficient evidence to justify disciplinary action, and the allegations are therefore **sustained**.

Allegation No. 1: On October 21, 2007, at approximately 0215 hours, at 3003 Corporate West Drive, Lisle, Illinois, inside the Hilton Hotel, Officer Tull did verbally abuse the complainant, Jason Brestan.

Allegation No. 2: On October 21, 2007, at approximately 0215 hours, at 3003 Corporate West Drive, Lisle, Illinois, inside the Hilton Hotel, Officer Tull did threaten the complainant, Jason Brestan.

A convincing statement was obtained from Jason Brestan, in which he recounted that on the day and time as charged, he observed Officer Tull and two other males in an altercation in the hallway of the Hilton Hotel. Brestan's statement further indicated that Officer Tull was wearing his underwear and a t-shirt, and that Officer Tull was cursing, yelling, threatening bodily harm to the other two males, and was also hurling ethnic slurs at them.

Brestan's statement continued that he instructed Officer Tull to return to his hotel room, at which time Officer Tull threatened Brestan, while assuming a fighting stance. Brestan reported that Officer Tull then became belligerent and punched a metal fire door, and that the Lisle police were called. Brestan finally stated that Officer Tull continued to be belligerent with the Lisle police and eventually was escorted out of the hotel.

A statement was also obtained from Security Officer Joe Balasa, who concurred with Brestan's statement.

Finally, Lisle Police Officer Christopher Loundon concurred, in his statement, that he

heard Officer Tull using ethnic slurs, and that Officer Tull was “out of control” and apparently intoxicated at the time of the incident.

In light of the above statements that were received in this matter, there is sufficient evidence to sustain the allegations that Officer Tull verbally abused and threatened Jason Brestan.

2. The allegation, set forth below, that Police Officer David Tull, Star No. 16233, violated Rule 2 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On October 21, 2007, at approximately 0215 hours, at 3003 Corporate West Drive, Lisle, Illinois, at the Hilton Hotel, Officer Tull brought discredit upon the Department when he engaged in an unjustified verbal altercation with Jason Brestan and threatened Jason Brestan, and by his overall actions during the incident.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference.

3. The Police Board has considered the facts and circumstances of Officer Tull’s conduct, and his complimentary and disciplinary histories. Verbally abusing and threatening a member of the public during an unjustified off-duty altercation are serious offenses, and the seven-day suspension ordered in this case is not unwarranted.

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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 7 in favor (Demetrius E. Carney, Ghian Foreman, William F. Conlon, Michael Eaddy, Rita A. Fry, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board **sustains** the allegations that Police Officer David Tull violated Rule 2 and Rule 9.

As a result of the foregoing, the Board, by a vote of 7 in favor (Carney, Foreman, Conlon, Eaddy, Fry, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for suspending Police Officer David Tull from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of seven (7) days.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer David Tull, Star No. 16233, for a period of seven (7) days is **sustained**.

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

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF SEPTEMBER, 2014.

Attested by:

/s/ DEMETRIUS E. CARNEY
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 _____, 2014.

GARRY F. McCARTHY
Superintendent of Police