

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER ALBERTO COVARRUBIAS,) **No. 18 PB 2947**
STAR No. 18769, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1079817)**
RESPONDENT.)

MEMORANDUM AND ORDER

On August 16, 2018, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Alberto Covarrubias, Star No. 18769 (hereinafter sometimes referred to as “Respondent”), recommending the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct.

On August 22, 2019, the Board found the Respondent guilty of violating Rules 1, 2, 3, 6, 7, 8, 9, and 15, and ordered that the Respondent be suspended from his position as a police officer. The Board stated that in order to be eligible for reinstatement to his position as a police officer, the Respondent must be certified as psychologically fit for duty and must submit to the Board information as to what action he has taken to remain sober since completing treatment in 2016.

On September 19, 2019, the Respondent filed with the Board a fit-for-duty report and information on his sobriety. The Superintendent filed a response on October 7, 2019. The Superintendent also filed on that date a Motion for Clarification of the Board’s August 22, 2019, order.

The Respondent’s filing includes: (1) a detailed report from Dr. Marva Dawkins, a clinical psychologist at the Center for Applied Psychology and Forensic Studies, concluding that the Respondent is fit for duty; (2) a sworn statement in which the Respondent states that he has

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maintained his sobriety since 2016 and discusses steps he has taken to stay sober; and (3) sworn statements from two of the Respondent's friends who state that they have been with the Respondent on many occasions when alcohol was served and that they have never seen him consume alcohol. Based on the information included in the Respondent's filing, and after considering the Superintendent's response, the Board determines that the Respondent has met the requirements of the Board's August 22 order and is eligible for reinstatement to his position as a police officer.

Regarding the Superintendent's Motion for Clarification, the Board does not believe the footnote on page 14 of its Findings and Decision is unclear. The footnote states: "If Officer Covarrubias is reinstated to his position and an allegation that he violated Rule 15 after his reinstatement is investigated and sustained, the Superintendent shall immediately notify the Board." (Rule 15 prohibits intoxication on or off duty.) The Board is requiring notification and nothing more. The Board is not maintaining jurisdiction over this case, and the Board is not requiring the Superintendent to file charges against Officer Covarrubias in the future. Nor is this notification requirement unduly burdensome on the Superintendent. Special Order S08-01-01 requires the Department to consider the accused member's disciplinary record when determining a penalty recommendation for a sustained allegation of misconduct (see Section II-F-18 of the Special Order). Thus, if in the future Officer Covarrubias is found to have violated Rule 15, the Department is *required* to consider his disciplinary record, which includes the Board's August 22, 2019, decision in this case. It will be troubling if the Board's decision and its notification requirement escape the Department's notice if Officer Covarrubias violates Rule 15 in the future.

POLICE BOARD ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Alberto Covarrubius, Star No. 18769, be and hereby is **reinstated** to his position as a police officer with the Department of Police and to the services of the City of Chicago, effective December 2, 2019.

This Order is adopted and entered by a majority of the members of the Police Board:
Ghian Foreman, Paula Wolff, Eva-Dina Delgado, Steve Flores, John P. O'Malley Jr., and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF NOVEMBER, 2019.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

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DISSENT

The following members of the Police Board hereby dissent from the Order of the majority of the Board.

[None]

RECEIVED A COPY OF

THIS MEMORANDUM AND ORDER

THIS ____ DAY OF _____, 2019.

EDDIE T. JOHNSON
Superintendent of Police