

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

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER DURAND LEE,** ) **No. 19 PB 2954**  
**STAR No. 18858, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1079392)**  
**RESPONDENT.** )

**MEMORANDUM AND ORDER**

On April 25, 2019, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Durand Lee, Star No. 18858 (hereinafter referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct (a copy of the charges is attached as Exhibit A).

On October 9, 2019, the Superintendent filed a Motion to Withdraw Charges (“Motion”). The Motion states that the Respondent is charged with making 911 calls on about four separate dates during which he falsely reported that a security guard in his building was selling drugs. According to the Motion, about four individuals who are familiar with the Respondent’s voice identified the voice of the 911 caller as being that of the Respondent. The Motion further states that the voice on the 911 calls was identified as being that of the same person, and that the calls were made from Chicago.

In September 2019, the Respondent’s counsel provided the Superintendent’s counsel with documents in support of the Respondent’s claim that he was out of the country on two of the dates that the 911 calls were made. According to the Motion, these documents were not provided to the investigator from the Chicago Police Department’s Bureau of Internal Affairs

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(BIA) during its investigation of this matter. The Motion states that after being presented with these documents the BIA investigator was able to verify that the Respondent was out of the country on two of the dates that the 911 calls were made.

At the October 16, 2019, status hearing of this case, the Superintendent's counsel stated that the Superintendent cannot meet the burden of proving the charges against the Respondent at this time, and moved to withdraw the charges without prejudice. Counsel for the Respondent stated that the Respondent's position is that the charges should be withdrawn with prejudice.

The Police Board has considered the Superintendent's Motion. The Board is concerned that it took three years from the time of the Respondent's alleged violations for the Superintendent to file charges that were ultimately unprovable. Counsel for the Superintendent stated at the status hearing that sometime during this three-year period, the Respondent did, in fact, inform BIA investigators that he was travelling abroad during the time that at least one of the 911 calls was made. Because the same caller made all of the 911 calls and because all of the calls were placed from Chicago, it was crucial for BIA to either verify or disprove the Respondent's alibi that he was out of the country when at least one of the calls was made.

According to counsel for the Superintendent, the Respondent promised to provide documentation to the BIA investigators to confirm his alibi but never did. It appears that rather than follow-up with the Respondent and/or undertaking other investigative steps to ascertain whether the Respondent was out of the country, BIA simply concluded that the Respondent was being untruthful and brought these charges against him.

The Board is not only troubled by BIA's failure to more thoroughly investigate the Respondent's alibi claim; the Board is also troubled by the Superintendent's request to withdraw the charges *without* prejudice in light of the representation that the Superintendent cannot meet

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the burden of proof at this time. When asked if the Superintendent may later seek to re-file these charges, counsel responded that they wanted to leave the possibility open in case they discovered new evidence to support the charges. The Board finds that after a three-year-long investigation and after suspending the Respondent without pay for more than five months while this case was pending before the Board, withdrawing the charges with the possibility of re-filing them at a later date would be fundamentally unfair to the Respondent. Consequently, the Board will approve withdrawing the charges, but with prejudice, in order to prevent the Superintendent from re-filing these charges in the future.

### **POLICE BOARD ORDER**

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Superintendent's Motion is **granted in part**, and that the charges are hereby **withdrawn with prejudice** and the proceedings before the Police Board are terminated.

**IT IS FURTHER ORDERED** the Respondent, Police Officer Durand Lee, Star No. 18858, 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 May 10, 2019.

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

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17<sup>th</sup> DAY OF OCTOBER, 2019.

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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 Memorandum and Order of the majority of the Board.

[None]

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RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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EDDIE T. JOHNSON  
Superintendent of Police

**CHARGES AGAINST POLICE OFFICER DURAND LEE**

Police Officer Durand Lee, Star Number 18858, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the dates of the alleged violations:

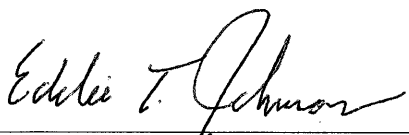
Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

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

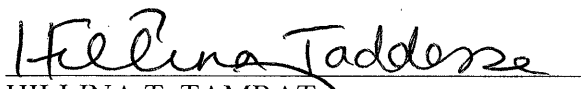
**SPECIFICATIONS**

1. From on or about February 5, 2015 through on or about April 22, 2016, on one or more dates therein, Police Officer Durand Lee made a false report(s) to 911 indicating that Sally Alhamed, who works at the front desk in the lobby of the building at 1629 South Prairie Avenue, was selling drugs and/or that he observed her doing a "hand-to-hand" transaction and/or that she had drugs in her pocket, or stated words to that effect, thereby
  - a. Engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department in violation of Rule 2, and/or
  - b. Making a false report, written or oral in violation of Rule 14.

Based on the foregoing charges and specifications, the Superintendent recommends that Officer Durand Lee, Star Number 18858, be separated from the Chicago Police Department.

  
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EDDIE T. JOHNSON  
Superintendent of Police

APPROVED AS TO FORM

  
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HILLINA T. TAMRAT  
Senior Counsel

P.B. CASE # FILED

19-2954 APR 25 2019

CHICAGO POLICE BOARD

**EXHIBIT A**