

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER SAMMY ENCARNACION,) **No. 23 PB 3023**
STAR No. 11790, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) **(CR No. 1087474)**

ORDER

On April 10, 2023, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Sammy Encarnacion, Star No. 11790 (hereinafter referred to as “Respondent”), recommending that Respondent be discharged from the Chicago Police Department for violating the Department’s Rules of Conduct (a copy of the charges is attached as Exhibit A).

On May 1, 2023, the Superintendent moved to withdraw the charges against Respondent without prejudice because Respondent resigned from the Chicago Police Department. The Police Board has considered the Superintendent’s motion.

IT IS HEREBY ORDERED that the Superintendent’s motion is **granted**, and the proceedings before the Police Board are terminated.

This Order is entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Aja Carr-Favors, Steven Block, Mareilé Cusack, Nanette Doorley, Jorge Montes, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF MAY, 2023.

Police Board Case No. 23 PB 3023
Police Officer Sammy Encarnacion
Order

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

Exhibit A

Charges

Attached are the charges filed with the Police Board by the Superintendent of Police. The public is reminded that the filing of charges is not evidence of guilt. The accused officer is presumed innocent and is entitled to a fair hearing at which the Superintendent has the burden of proving guilt by a preponderance of the evidence. In this case, the accused officer resigned from the Chicago Police Department prior to a full hearing on the charges.

CHARGES AGAINST POLICE OFFICER SAMMY ENCARNACION

Police Officer Sammy Encarnacion, Star No. 11790, 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 date of the alleged violations:

- Rule 1: Violation of any law or ordinance.
- 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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- 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 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 15: Intoxication on or off duty
- Rule 38: Unlawful or unnecessary use or display of a weapon.
- Rule 39: Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.

SPECIFICATIONS

1. On or about June 19, 2016, July 13, 2016, October 28, 2016, February 2, 2017, May 25, 2017, June 10, 2017, July 1, 2017, October 18, 2017, and/or November 12, 2017, and/or on one or more dates therein, Officer Encarnacion was intoxicated. Officer Encarnacion thereby violated:
 - a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 15, intoxication on or off duty.
2. On or about June 19, 2016, July 13, 2016, October 28, 2016, February 2, 2017, May 25, 2017, June 10, 2017, July 1, 2017, October 18, 2017, and/or November 12, 2017, and/or on one or more dates therein, Officer Encarnacion was intoxicated while armed with a firearm. Officer Encarnacion thereby violated:
 - a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;

- b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 6, disobedience of an order or directive, whether written or oral (U04-02-11(J));
 - d. Rule 38, unlawful or unnecessary use or display of a weapon; and/or
 - e. Rule 15, intoxication on or off duty.
3. On or about July 1, 2017 and/or October 18, 2017, at or near [REDACTED], Chicago, IL, Officer Encarnacion consumed alcoholic beverage(s) while in uniform. Officer Encarnacion thereby violated:
- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 17, drinking alcoholic beverages while on duty or in uniform, or transporting alcoholic beverages on or in Department property, except in the performance of police duty.
4. On or about October 18, 2017, at approximately 11:00 AM at or near [REDACTED], Chicago, IL, Officer Encarnacion without lawful authority, knowingly engaged in conduct which placed [REDACTED] in reasonable apprehension of receiving a battery, in that he pointed a firearm at [REDACTED]. Officer Encarnacion thereby violated:
- a. Rule 1, violation of any law or ordinance (720 ILCS 5.0/12-1 (Assault); and/or (720 ILCS 5.0/12-2 (c)(2) (Aggravated Assault);
 - b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals; and/or
 - d. Rule 38, unlawful or unnecessary use or display of a weapon.
5. On or about October 18, 2017, at approximately 11:00 AM at or near [REDACTED], Chicago, IL, Officer Encarnacion engaged in an unjustified physical altercation with [REDACTED], and/or knowingly and/or without justification and/or consent caused bodily harm to [REDACTED] and/or made physical contact of an insulting or provoking nature with her, in that he pushed [REDACTED] to the ground. Officer Encarnacion thereby violated:

- a. Rule 1, violation of any law or ordinance (720 ILCS 5.0/ 12-3(a) (Battery) and/or 720 ILCS 5.0/12-3.2-A-1(Domestic Battery));
 - b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
 - e. Rule 9, engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
6. On or about October 18, 2017, at approximately 11:00 AM at or near [REDACTED], Chicago, IL, Officer Encarnacion, while under the influence of alcohol and/or in actual physical control of a vehicle, Officer Encarnacion struck a vehicle with his vehicle and /or caused damage to said vehicle and/or failed to immediately stop his vehicle at the scene of said motor vehicle accident and/or left the scene of said motor vehicle accident and/or failed to return to the scene of said motor vehicle accident. Officer Encarnacion thereby violated:
- a. Rule 1, violation of any law or ordinance (625 ILCS 5/11-402(a)) (Motor vehicle accident involving damage to vehicle); and/or (625 ILCS 5/11-501(a)(2))(Driving Under the Influence of Alcohol);
 - b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - d. Rule 15, intoxication on or off duty.
7. On or about October 18, 2017, at approximately 11:00 AM at or near [REDACTED], Chicago, IL, Officer Encarnacion placed his weapon in his mouth and/or racked it and/or pulled the trigger and/or in a reckless manner and/or endangered the bodily safety of himself and/or others and/or without due regard for the safety of himself and/or others. Officer Encarnacion thereby violated:
- a. Rule 1, violation of any law or ordinance (720 ILCS 5/24-1.5(a)) (Reckless Discharge of a Firearm);
 - b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;

- c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - d. Rule 38, unlawful or unnecessary use or display of a weapon.
- 8. On or about October 18, 2017, at approximately 11:00 AM at or near [REDACTED], Chicago, IL, Officer Encarnacion lost control of his weapon and/or [REDACTED] had the opportunity to remove the ammunition. Officer Encarnacion thereby violated:
 - a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 38, unlawful or unnecessary use or display of a weapon.
- 9. On or about June 19, 2016, at approximately 1:00 PM at or near [REDACTED], Chicago, IL, Officer Encarnacion, while under the influence of alcohol, discharged his weapon without justification and/or in a reckless manner and/or endangered the bodily safety of himself and/or others and/or without due regard for the safety of himself and/or others. Officer Encarnacion thereby violated:
 - a. Rule 1, violation of any law or ordinance (720 ILCS 5/24-1.5(a)) (Reckless Discharge of a Firearm);
 - b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - d. Rule 15, intoxication on or off duty; and/or
 - e. Rule 38, unlawful or unnecessary use or display of a weapon.
- 10. On or about June 19, 2016, at approximately 1:00 PM at or near [REDACTED], Chicago, IL, Officer Encarnacion pointed a firearm at [REDACTED] and/or placed [REDACTED] in reasonable apprehension of receiving a battery. Officer Encarnacion thereby violated:
 - a. Rule 1, violation of any law or ordinance (720 ILCS 5.0/12-1 (Assault)) and/or (720 ILCS 5.0/12-2 (c)(2) (Aggravated Assault));
 - b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;

- c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals; and/or
 - d. Rule 38, unlawful or unnecessary use or display of a weapon.
11. On or about June 19, 2016, at approximately 1:00 PM at or near [REDACTED], Chicago, IL, Officer Encarnacion discharged his weapon in the direction of [REDACTED], without justification and/or in a reckless manner and/or which endangered the bodily safety of himself and/or [REDACTED] and/or others and/or without due regard for the safety of himself and/or [REDACTED] and/or others. Subsequent to said discharge, Officer Encarnacion failed to notify the Chicago Police Department that he discharged his weapon. Officer Encarnacion thereby violated:
- a. Rule 1, violation of any law or ordinance (720 ILCS 5/24-1.5(a)) (Reckless Discharge of a Firearm);
 - b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - d. Rule 6, disobedience of an order or directive, whether written or oral (G03-02-03);
 - e. Rule 15, intoxication on or off duty; and/or
 - f. Rule 38, unlawful or unnecessary use or display of a weapon.
12. In or about May 2017, at or near [REDACTED], Chicago, IL, Officer Encarnacion engaged in an unjustified physical altercation with [REDACTED], and/or knowingly and without justification and/or consent caused bodily harm to [REDACTED] and/or made physical contact of an insulting or provoking nature with her, in that he pulled a blanket off of [REDACTED] and/or caused her nails to break and/or slapped her about the face. While committing one or more of the above acts, Officer Encarnacion said words to [REDACTED] to the effect of "Fuck you. You're a bitch." Officer Encarnacion thereby violated:
- a. Rule 1, violation of any law or ordinance (720 ILCS 5.0/ 12-3(a) (Battery) and/or 720 ILCS 5.0/12-3.2-A-1(Domestic Battery));
 - b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;

- d. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
- e. Rule 9, engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

13. On or about July 7, 2016, at or near [REDACTED], Chicago, IL, Officer Encarnacion knowingly and without justification and/or consent caused bodily harm to [REDACTED] and/or made physical contact of an insulting or provoking nature with her, in that he pushed her to the ground and/or dragged her body. Officer Encarnacion thereby violated:

- a. Rule 1, violation of any law or ordinance (720 ILCS 5.0/ 12-3(a) (Battery) and/or 720 ILCS 5.0/12-3.2-A-1(Domestic Battery);
- b. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- c. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- d. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
- e. Rule 9, engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

14. On or about October 31, 2017, Officer Encarnacion failed to secure his weapon and/or allowed [REDACTED] to possess it. Officer Encarnacion thereby violated:

- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and/or
- b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Sammy Encarnacion, Star Number 11790, be discharged from the Chicago Police Department.


Eric M. Carter
Interim Superintendent of Police

FILED: April 10, 2023
POLICE BOARD
Case No. 23 PB 3023

APPROVED AS TO FORM

/s/ Dortricia Penn

Dortricia Penn
Assistant Corporation Counsel Supervisor