

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

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER MARCELA ROMERO,** ) **No. 13 PB 2837**  
**STAR No. 10926, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR Nos. 1022800**  
**RESPONDENT.** ) **& 1031207)**

**FINDINGS AND DECISION**

On August 1, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Marcela Romero, Star No. 10926 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department 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 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 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against the Respondent to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on February 13 and 14, 2014.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson 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 hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent filed a Motion to Strike and Dismiss, requesting that the charges filed against her be stricken and the case dismissed for the following reasons: (a) the failure to bring timely charges violates the due process rights of the Respondent; (b) the charges should be barred by laches; (c) the investigation by the Independent Police Review Authority (IPRA) failed to follow Chicago Police Department General Orders; and (d) the IPRA investigation violated Section 2-57-070 of the Municipal Code of Chicago. The Respondent's Motion to Strike and Dismiss is **denied** for the reasons set forth below.

a. Due Process. Citing *Morgan v. Department of Financial and Professional Regulation*, 374 Ill.App.3d 275, 871 NE2d 178 (1<sup>st</sup> Dist 2007), and *Lyon v. Department of Children and Family Services*, 209 Ill.2d 264 (2004), the Respondent claims that the Constitution precludes such a lengthy delay in the investigation of the Respondent's alleged misconduct. *Morgan* and *Lyon*, however, involved a delay in *adjudication* of allegations of misconduct after the respective

plaintiffs had been suspended from their jobs—not delay in the *investigation* leading to the initial suspensions. *Morgan* involved a clinical psychologist accused of sexually abusing a patient, where the state took fifteen months to decide the case after the suspension. *Lyon* involved a teacher accused of abusing students where the director of DCFS failed to honor specific regulatory time limits for decision-making.

The Respondent's case before the Police Board is different from *Morgan* and *Lyon*, as the Respondent in her Motion is complaining about the delay from the time of the incident to the bringing of charges, not the time it took to try her once the charges were filed and she was suspended without pay. This difference is important because the due-process analysis in *Morgan* and *Lyon* is triggered by the state's decision to deprive the psychologist and teacher of their jobs, thus preventing them from working for prolonged periods of time before they were accorded the opportunity to have a hearing and decision to clear their name. The Due Process clause precludes a state or local government from "depriving any person of life, liberty or property [i.e. a public job] without due process of law." Here, the Respondent was not suspended without pay from her job until *after* the charges against her were filed. Therefore, the Respondent was *not* deprived of her job prior to the filing of charges, and any delay in bringing the charges is therefore *not* a violation of the Respondent's due process rights.

We recognize that the Circuit Court of Cook County, in *Orsa v. City of Chicago Police Board*, 11 CH 08166 (March 1, 2012) found that the protections of the Due Process clause are triggered by an unreasonable delay in the investigation of a matter, even if the officer retains her/his job, salary and benefits during the investigation. The Court cited *Stull v. Department of Children and Family Services*, 239 Ill.App.3d 325 (5<sup>th</sup> Dist. 1992). *Stull* involved a teacher

accused of sexually abusing two of his students. The statute and regulations governing DCFS investigations of child abuse provided strict time limits on the length of any investigation and on the time within which a hearing must be conducted and a decision entered if the adult found to have abused children sought a hearing. The *Stull* court found that DCFS had grossly violated these time limits and required expungement of the adverse finding against the teacher, even though the administrative appeal found that he had been properly “indicated” as an abuser. The *Stull* court did find that the teacher’s due process rights had been infringed, but it was not because of a delay in DCFS’s investigation of the case. The court held that due process was violated by the more than one-year delay in adjudicating the teacher’s appeal because during that period of time there was an indicated finding of child abuse lodged against the teacher and this finding prohibited him from working, *see* 239 Ill.App.3d at 335, thus triggering the kind of deprivation that is not present in the Respondent’s case. *Cavaretta v. Department of Children and Family Services*, 277 Ill.App.3d 16 (2<sup>nd</sup> Dist. 1996), also cited by the Circuit Court, is identical to *Stull*, which it relies upon. The *Cavaretta* court was quite careful to find that due process was not implicated until DCFS (after its investigation was complete) “indicated” the teacher as a child abuser and placed the teacher’s name in the state’s central registry, which directly deprived the teacher of the ability to work.<sup>1</sup>

b. Laches. The Respondent argues that the doctrine of laches should apply here in supporting the dismissal of charges, for she argues that the delay in bringing the charges against her resulted in prejudice to her in losing her employment and in hampering her ability to locate

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<sup>1</sup>The Circuit Court also cited *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), but only in general terms. There was no issue in *Loudermill* that a deprivation, for due process purposes, had occurred as it involved the discharge of school district employees.

counter evidence years after the incident to defend against the charges.

Laches is an equitable doctrine that is used to prevent a party in litigation from enforcing a right it otherwise has because it has not been diligent in asserting this right and the opposing party has been prejudiced by the delay. Private parties and public agencies are not on an equal footing when it comes to the application of the laches doctrine. Many cases, including *Van Milligan v Board of Fire and Police Commissioners of the Village of Glenview*, 158 Ill.2d 85, 630 NE2d 830 (1994), hold that laches can only be invoked against a municipality under “compelling” or “extraordinary” circumstances. In addition, the party that invokes the doctrine of laches has the burden of pleading and proving the delay and the prejudice. *Hannigan v. Hoffmeister*, 240 Ill. App. 3d 1065, 1074 (1<sup>st</sup> Dist. 1992). Under Illinois law, the Respondent must demonstrate that the Superintendent’s unreasonable delay caused material prejudice to the Respondent; the Respondent must submit evidence in support of her claims of prejudice (for example, testimony that witnesses could no longer recall what happened, or affidavits stating that records had been lost or destroyed during the intervening years). *Nature Conservancy v. Wilder*, 656 F.3d. 646 (7<sup>th</sup> Cir. 2011).

The Respondent has made no specific showing of any prejudice that resulted from a delay in bringing charges before the Police Board, and made no specific showing that she attempted to locate evidence but was unable to do so because of the passage of time. Consequently, any argument that material evidence was overlooked and is now unavailable, is speculative.

The Respondent therefore has not demonstrated any “compelling” or “extraordinary” circumstances warranting a dismissal of this case, and has not carried the burden of proving that she was prejudiced by a delay in the bringing of charges.

c. General Orders. The Respondent argues that the investigation by the Independent Police Review Authority (IPRA) failed to follow Chicago Police Department General Orders.

Regarding General Order 93-03, the Respondent argues that IPRA failed to fully comply with the provisions of this General Order that require a prompt and thorough investigation. In fact, General Order 93-03 does not set an absolute deadline within which investigations must be completed, but provides that if they last more than 30 days, the investigator must seek and obtain an extension of time within which to complete the investigation. Here, the investigator did regularly seek, and was granted, extensions of time, in compliance with the General Order (see Exhibits A and B to the Superintendent's Response to the Respondent's Motion to Strike and Dismiss). Once the investigator completed the process of gathering evidence, the matter is reviewed at several levels to ensure that a thorough investigation was conducted, as required by the General Order.

Regarding General Order 08-01-02, the Respondent fails to identify any provision that IPRA violated. She argues only that she was completely prohibited from conducting any investigation of her own prior to the filing of charges in this case. However, she makes no specific showing as to how such a prohibition resulted in prejudice to her.

There was no substantial violation of the General Orders in this case. Even if, however, the General Orders were violated, there is no provision in the General Orders requiring the extraordinary remedy of dismissal of the case as a sanction for such a violation. The Board declines to extend the reach of the General Orders in this manner.

d. Municipal Code Section 2-57-070. The Code provides that if the Chief Administrator

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of the Independent Police Review Authority (IPRA) does not conclude an investigation within six months after its initiation, the Chief Administrator shall notify the Mayor, the City Council, the complainant, and the accused officer. The Respondent argues that IPRA did not comply with this provision of the Code.

In a letter dated July 29, 2009, IPRA provided notification to the Respondent regarding the investigation of CR No. 1022800. Notification was not provided to the Respondent regarding the investigation of CR No. 1031207. There is no evidence in the record as to whether IPRA made the required notifications to the Mayor and the City Council. Even if, however, the required notifications were untimely or not made and this provision of the Code was violated, neither Section 2-57-070 nor anything else in the Code states that dismissal of a Police Board case is the sanction for failing to make timely reports to the Mayor, the City Council, the accused officer, and the complainant. It is unpersuasive that such an extreme sanction would automatically follow, particularly where the alleged misconduct under investigation is as serious as it is here. There is no basis for the Board to dismiss the charges pursuant to Section 2-57-070, and the Board declines to extend the reach of the Code in this manner.

5. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

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

in that:

Count I: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero bit Sergeant Shane McHugh on or about the leg and/or told Sergeant McHugh to "Get the fuck out," or words to that effect,

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thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Police Board credits the testimony of Officer Jamay Nellum, who worked with Officer Romero and attended high school with her. Specifically, the Board finds that Officer Romero told Officer Nellum that she was feeling suicidal and Officer Nellum then reported this to her supervisor, Lieutenant Ortiz. Lieutenant Ortiz then sent Officer Julie Cotter (who knew Officer Romero from work and was specially trained in Peer Support) and Officer Patrick Altwasser to Officer Romero's home to check on her well-being. They met Sergeant Shane McHugh there. The Board credits the consistent testimony of Officers Cotter and Altwasser, and Sergeant McHugh, that when Officer Romero answered the door, she swore at them, telling them to leave. Further, Officer Romero refused to speak with them and tried to close the door in their face. After being told that she needed to cooperate with the officers, and refusing to do so, these officers warned her that they would handcuff her. Officer Romero continued to refuse to cooperate and resisted her fellow officers, who were there only to check on her well-being. The Board finds that these officers were genuinely concerned about Officer Romero's safety, in light of Officer Nellum's report and the irrational way Officer Romero acted at the door. The Board finds it was proper for these officers to handcuff Officer Romero to control her and the situation.

Further, the Board credits the consistent testimony of Officers Cotter and Altwasser, as well as Sergeant McHugh, that after Officer Romero was handcuffed, she bit Sergeant McHugh on the leg, kicked Officer Altwasser, and later spit on and kicked the paramedics (Michael Allen and Michael McLaughlin) who responded to the scene to take Officer Romero to the hospital. The Board notes that Officer Romero's husband, who was on the scene, was not called as a witness to rebut the testimony of Officers Cotter and Altwasser and Sergeant McHugh. There is



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no reason for Officer Romero to have responded in this fashion to her fellow officers.

6. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

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

in that:

Count II: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero kicked Police Officer Patrick Altwasser on or near his leg, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

7. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

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

in that:

Count III: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero kicked Paramedic Michael McLaughlin on or near his arm, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

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8. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

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

in that:

Count IV: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero spat on or near the head of Paramedic Michael Allen, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

9. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

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

in that:

Count V: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero stated to Police Officer Julie Cotter, "Get the fuck out of here," or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

10. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

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

in that:

Count VI: On or about October 21, 2009, at approximately 11:45 p.m., at or near the 15<sup>th</sup> District police station, Police Officer Romero struck Police Officer Jamay Nellum on or near the face with her fist, and/or head-butted Police Officer Nellum on or near the face, and/or placed her hand on her weapon and stated to Police Officer Nellum, "Bitch, I'm going to fucking kill you," or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Police Board credits the testimony of Officer Jamay Nellum that, upon returning to work at the 15<sup>th</sup> District, Officer Romero attacked Officer Nellum in the locker room by hitting her on the face and head-butting her, and further threatened Officer Nellum. Officer Nellum's testimony is corroborated by Officer Cifuentes, who was in the next locker row over and heard Officer Nellum call for a 10-1 (officer needs assistance). Officer Cifuentes rebuts Officer Romero's claim that she called 10-1, and Officer Romero's incredible story that Officer Nellum attacked her. Officer Nellum's account is further corroborated by her prompt report of the incident to Sergeant Gopaz, while Officer Romero did not promptly report the incident.

11. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

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

in that:

Count VII: On or about April 19, 2011, Police Officer Romero impeded the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when she made one or more of the following false statements to Investigator Andrew Palahniuk of the Independent Police Review Authority regarding the events of October 21, 2009: Police Officer Jamay Nellum approached her, or words to that effect; Police Officer Nellum

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whispered in her ear, “If you ever do that again I’m going to kill you,” or words to that effect; Police Officer Nellum grabbed her wrists and/or pulled Police Officer Romero toward her, or words to that effect; Police Officer Nellum slapped her, or words to that effect; Police Officer Nellum attempted to grab Police Officer Romero’s weapon, or words to that effect; Police Officer Nellum threatened to kill her, or words to that effect; Police Officer Romero called a “10-1” twice, or words to that effect; and/or Police Officer Romero denied resisting Captain Mark Scheithauer, Lieutenant Juan Ortiz, and/or Sergeant Roy Isakson’s attempts to remove her firearm from her holster, or words to that effect.

See the findings set forth in paragraph no. 10 above, which are incorporated here by reference.

The Board finds that after Officer Romero attacked Officer Nellum in the locker room, Officer Nellum reported the incident to Sergeant Gopaz. As a result, Captain Scheithauer, Lieutenant Ortiz, and Sergeant Isakson went to find Officer Romero. The Board credits their consistent testimony, as well as that of Officer Betty Crayton, who was present when they found Officer Romero in the station. They all testified that when they approached Officer Romero to ask her for her weapon, she refused to speak with them, refused to turn over her gun, placed her hand on her gun, became agitated, and swore at them. Officer Romero’s claim that Officer Nellum attacked her and that the supervisors grabbed her before she could turn over her weapon in the station are uncorroborated and incredible. As such, her statements to IPRA are not truthful.

12. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that:

Count I: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero bit Sergeant Shane McHugh on or about the leg and/or told Sergeant McHugh to “Get the fuck out,” or words to that effect,

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thereby disrespecting or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

13. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that:

Count II: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero kicked Police Officer Patrick Altwasser on or near his leg, thereby disrespecting or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

14. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that:

Count III: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero kicked Paramedic Michael McLaughlin on or near his arm, thereby disrespecting or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

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15. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that:

Count IV: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero spat on or near the head of Paramedic Michael Allen, thereby disrespecting or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

16. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that:

Count V: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero stated to Police Officer Julie Cotter, "Get the fuck out of here," or words to that effect, thereby disrespecting or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

17. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

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in that:

Count VI: On or about October 21, 2009, at approximately 11:45 p.m., at or near the 15<sup>th</sup> District police station, Police Officer Romero struck Police Officer Jamay Nellum on or near the face with her fist, and/or head-butted Police Officer Nellum on or near the face, and/or placed her hand on her weapon and stated to Police Officer Nellum, “Bitch, I’m going to fucking kill you,” or words to that effect, thereby disrespecting or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 10 above, which are incorporated here by reference.

18. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Count I: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero bit Sergeant Shane McHugh on or about the leg and/or told Sergeant McHugh to “Get the fuck out,” or words to that effect, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

19. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

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Count II: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero kicked Police Officer Patrick Altwasser on or near his leg, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

20. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Count III: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero kicked Paramedic Michael McLaughlin on or near his arm, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

21. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Count IV: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero spat on or near the head of Paramedic Michael Allen, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.



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See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

22. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Count V: On or about January 1, 2009, at approximately 2:30 a.m., in the vicinity of [REDACTED] North Avers Avenue, in Chicago, Police Officer Romero stated to Police Officer Julie Cotter, "Get the fuck out of here," or words to that effect, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

23. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that:

Count VI: On or about October 21, 2009, at approximately 11:45 p.m., at or near the 15<sup>th</sup> District police station, Police Officer Romero struck Police Officer Jamay Nellum on or near the face with her fist, and/or head-butted Police Officer Nellum on or near the face, and/or placed her hand on her weapon and stated to Police Officer Nellum, "Bitch, I'm going to fucking kill you," or words to that effect, thereby engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 10 above, which are incorporated here by

reference.

24. The Respondent, Police Officer Marcela Romero, Star No. 10926, charged herein, is **guilty** of violating, to wit:

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

in that:

On or about April 19, 2011, Police Officer Romero made one or more of the following false statements to Investigator Andrew Palahniuk of the Independent Police Review Authority regarding the events of October 21, 2009: Police Officer Jamay Nellum approached her, or words to that effect; Police Officer Nellum whispered in her ear, "If you ever do that again I'm going to kill you," or words to that effect; Police Officer Nellum grabbed her wrists and/or pulled Police Officer Romero toward her, or words to that effect; Police Officer Nellum slapped her, or words to that effect; Police Officer Nellum attempted to grab Police Officer Romero's weapon, or words to that effect; Police Officer Nellum threatened to kill her, or words to that effect; Police Officer Romero called a "10-1" twice, or words to that effect; and/or Police Officer Romero denied resisting Captain Mark Scheithauer, Lieutenant Juan Ortiz, and/or Sergeant Roy Isakson's attempts to remove her firearm from her holster, or words to that effect.

See the findings set forth in paragraph no. 11 above, which are incorporated here by reference.

25. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary and disciplinary histories (attached hereto as Exhibit A). The Board determines that the Respondent must be discharged from her position due to the serious nature of the conduct of which it has found her guilty.

The Respondent, while off duty, engaged in an unjustified altercation with on-duty

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officers and paramedics, during which she bit a sergeant, kicked a police officer and a paramedic, and spat on another paramedic. In a second incident, about ten months later, while on duty at the 15<sup>th</sup> District police station, she attacked and threatened to kill a fellow police officer. The Board considered the nature of this misconduct, and finds that the Respondent's actions were reckless, violent, and unjustified. She was out of control and demonstrated a complete lack of judgment on multiple occasions.

The Respondent's conduct and the lack of control and lack of judgment she has demonstrated are incompatible with continued service as a police officer with the Chicago Police Department. Police officers face constant stress that is inherent in police service, and are often required to make split-second decisions affecting human life in difficult and dangerous situations. The Board finds that, based on the Respondent's conduct, returning her to duty as a police officer, armed and authorized to use deadly force, poses an unacceptable risk to the safety of the public and her fellow officers.

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders her continuance in her office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something which the law recognizes as good cause for her to no longer occupy her office.

**POLICE BOARD DECISION**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By a vote of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board **denies** the Respondent's Motion to Strike and Dismiss the charges; and

By votes of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2, Rule 8, Rule 9, and Rule 14.

As a result of the foregoing, the Board, by a vote of 9 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for discharging the Respondent from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Marcela Romero, Star No. 10926, as a result of having been found **guilty** of the charges in Police Board Case No. 13 PB 2837, be and hereby is **discharged** from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

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

Police Board Case No. 13 PB 2837  
Police Officer Marcela Romero  
Findings and Decision

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17<sup>th</sup> DAY  
OF APRIL, 2014.

Attested by:

/s/ Ghian Foreman  
Vice President  
Police Board

/s/ Max A. Caproni  
Executive Director  
Police Board

**DISSENT**

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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RECEIVED A COPY OF  
THESE FINDINGS AND DECISION  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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GARRY F. McCARTHY  
Superintendent of Police

Police Board Case No. 13 PB 2837  
Police Officer Marcela Romero  
Findings and Decision

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Log No: 1031207 Type:CR

**Accused Members**

Review Name

[View](#) ROMERO,  
MARCELA

**Complimentary History**

Award Type	Count
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
HONORABLE MENTION	11
2009 CRIME REDUCTION AWARD	1

row(s) 1 - 3 of 3

**Disciplinary History**

None

