

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

<b>IN THE MATTER OF THE</b>	)	
<b>RECOMMENDATIONS FOR DISCIPLINE OF</b>	)	
	)	
<b>SERGEANT TRACY WALCZAK,</b>	)	<b>No. 19 RR 09</b>
<b>STAR No. 1675, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO,</b>	)	
	)	
<b>POLICE OFFICER DANIELLE FERLITO,</b>	)	<b>No. 19 RR 10</b>
<b>STAR No. 11636, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO, AND</b>	)	
	)	
<b>DETECTIVE JOSE CARDO</b>	)	<b>No. 19 RR 11</b>
<b>STAR No. 21299, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO.</b>	)	<b>(CR No. 1073410)</b>

**REQUEST FOR REVIEW**

On May 6, 2019, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of the Chief Administrator’s recommendations for discipline of Sergeant Tracy Walczak, Star No. 1675, Police Officer Danielle Ferlito, Star No. 11636, and Detective Jose Cardo, Star No. 21299, arising out of the investigation of Complaint Register No. 1073410 (“Request for Review”).

The Chief Administrator recommended that the following allegations against Sergeant Tracy Walczak be *Sustained*:

Allegation No. 2: Sergeant Tracy Walczak failed to report promptly to the Department any information regarding a crime that occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 21, which prohibits “Failure to report promptly to the Department any information concerning any crime or other unlawful action.”

Allegation No. 3: Sergeant Tracy Walczak failed to intervene and/or take police action regarding a physical altercation that occurred on January 18, 2015, at approximately 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 10, which prohibits

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“Inattention to duty.”

Allegation No. 4: On December 16, 2015, Sergeant Tracy Walczak provided the Independent Police Review Authority (IPRA) with a false statement in that she denied having knowledge of the physical altercation between Officers Rooney, Almodovar, and Delgado and [two civilians], in violation of Rule 14, which prohibits “Making a false report, written or oral.”

The Chief Administrator recommended that the following allegations against Police Officer Danielle Ferlito be *Sustained*:

Allegation No. 2: Police Officer Danielle Ferlito failed to report promptly to the Department any information regarding a crime that occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 21.

Allegation No. 3: Police Officer Danielle Ferlito failed to intervene and/or take police action regarding a physical altercation that occurred on January 18, 2015, at approximately 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 10.

Allegation No. 4: On November 5, 2015, Police Officer Danielle Ferlito provided IPRA with a false statement in that she denied having knowledge of the physical altercation between Officers Rooney, Almodovar, and Delgado and [two civilians], in violation of Rule 14.

The Chief Administrator recommended that the following allegations against Detective Jose Cardo be *Sustained*:

Allegation No. 1: Detective Jose Cardo failed to be thorough in that he did not ask follow-up questions to all parties interviewed in the investigation of the incident that occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 10.

Allegation No. 2: Detective Jose Cardo failed to clarify and address discrepancies in the statements taken of all parties interviewed in the investigation of the incident that occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 10.

Allegation No. 3: Detective Jose Cardo failed to be thorough in that he did not interview any of the responding and assisting officers in the investigation of the incident that occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 10.

Allegation No. 4: Detective Jose Cardo failed to investigate and inquire whether accused Officers Rooney, Almodovar, and Delgado were intoxicated at the time of the incident that

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occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 10.

Allegation No. 5: Detective Jose Cardo was biased and lacked fairness in his investigation of R.D. HY-119334 (the investigation of the incident that occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago), in that he only addressed alcohol consumption levels of [two civilians], but not Officers Rooney, Almodovar, and Delgado, in violation of Rule 2, which prohibits “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”

Allegation No. 6: Detective Jose Cardo was biased and failed to be thorough in that he changed the classification of Officers Rooney, Almodovar, and Delgado from offenders to victims based on evidence that did not support such change in the investigation of the incident that occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 10.

Allegation No. 7: Detective Jose Cardo was biased and failed to be thorough in that he changed the classification of [two civilians] from victims to offenders based on evidence that did not support such change in the investigation of the incident that occurred on January 18, 2015, at 4:55 a.m., at 4229 West Irving Park Road, Chicago, in violation of Rule 10.

The Chief Administrator recommended that Sergeant Walczak and Officer Ferlito each be discharged from the Chicago Police Department, and that Detective Cardo be suspended for forty-five days.

Regarding Sergeant Walczak and Officer Ferlito, the Superintendent concurred with the Chief Administrator’s recommendations that Allegation Nos. 2 and 3 be *Sustained*. The Superintendent objected to the Chief Administrator’s recommendations regarding Allegation No. 4 and the penalty for Sergeant Walczak and Officer Ferlito, in that the Superintendent recommended that Allegation No. 4 be classified as *Not Sustained*, and recommended that Sergeant Walczak and Officer Ferlito each be suspended for forty-five days.

Regarding Detective Cardo, the Superintendent concurred with the Chief Administrator’s recommendations that Allegation Nos. 1-7 be *Sustained*. The Superintendent objected to the Chief Administrator’s recommendation regarding the penalty, in that the Superintendent

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recommended that Detective Cardo be suspended for twenty days.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendations for discipline on February 27, 2019; (2) the Chief Administrator received the Superintendent's written response on April 15, 2019; (3) the Chief Administrator's designees met with the Superintendent's designees in person and discussed this matter on April 26, 2019; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on May 3, 2019.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to John P. O'Malley Jr., the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). On May 20, 2019, the Reviewing Member considered the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

### **OPINION**

Based on a thorough review of the Request for Review file, it is my opinion that the Superintendent did not meet the burden of overcoming the Chief Administrator's recommendations for discipline. Based on the facts and circumstances of this matter, an evidentiary hearing before the Police Board is necessary to determine whether Sergeant Walczak and Officer Ferlito violated any of the Police Department's Rules of Conduct. Regarding Detective Cardo, the objections raised in the Superintendent's response are not sufficient to overcome the Chief Administrator's recommendation for a 45-day suspension.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator's recommendations for discipline of Sergeant Tracy Walczak, Star No.

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1675, Police Officer Danielle Ferlito, Star No. 11636, and Detective Jose Cardo, Star No. 21299,  
shall be deemed accepted by the Superintendent of Police.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 24<sup>th</sup> DAY  
OF MAY, 2019.

/s/ JOHN P. O'MALLEY JR.  
Member  
Police Board

Attested by:

/s/ MAX A. CAPRONI  
Executive Director  
Police Board