

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER JOHN SEBECK, STAR#60004) NO. 00-2411
DEPARTMENT OF POLICE, CITY OF CHICAGO) CR# 254832

FINDINGS & DECISION

On March 16, 2000, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer John Sebeck, Star #60004, (hereinafter sometimes referred to as "Respondent") for violating the following Rules:

- 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 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 14: Making a false report, whether written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer John Sebeck to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on September 6, 2000 and September 12, 2000.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing. Michael G. Berland, Hearing Officer, made an oral report

and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, finds and determines that:

1. The Respondent was at all times a Police Officer employed by the Department of Police of the City of Chicago as a Police Officer.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on September 6, 2000 and September 12, 2000.

4. Throughout the hearing the Respondent did appear in person and was represented by counsel of his choice.

5. The Respondent Police Officer John Sebeck, Star#60004, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 1: Violation of any law or ordinance.

A. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck, without legal justification, did intentionally or knowingly cause bodily harm to Wayne Lee by striking Wayne Lee on or about the face and body in violation of 720 ILCS 5/12-3(a) (Battery)

B. On or about July 3, 1999, Officer John Sebeck committed a battery on Wayne Lee while Wayne Lee and/or John Sebeck was (were) located on or about a public way or public property, i.e., at or about 5800 N. Lincoln Avenue, Chicago, Illinois, in violation of 720 ILCS 5/12-4(b)(8) (Aggravated Battery)

C. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck, knowingly and without legal justification, caused bodily harm to Wayne Lee, aged 72, in violation of 720 ILCS 5/12-4(b)(10) (Aggravated Battery)

D. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck, knowingly damaged property of Wayne Lee, i.e., a 1987 4 door Sebring motor vehicle, without Mr. Lee's consent, in violation of 720 ILCS 5/21-1-1(1)(a) (Criminal Damage To Property)

E. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck, by force and without legal justification, entered or reached into the interior of a motor vehicle occupied by Mr. Wayne Lee with the intent to commit a felony, i.e., aggravated battery, in violation of 720 ILCS 5/12-11.1. (Vehicular Invasion)

6. The Respondent Police Officer John Sebeck, Star#60004, charged herein, contrary to the Rules and Regulations, 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.

A. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck, did unjustifiedly strike Wayne Lee, age 72, on or about the face and body, thereby bringing discredit upon the Department and impeding the Department's efforts to achieve its policy and goals.

B. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck unjustifiedly entered or reached into Mr. Lee's motor vehicle and subsequently did damage to that vehicle, thereby bringing discredit upon the Department and impeding the Department's efforts to achieve its policy and goals.

7. The Respondent Police Officer John Sebeck, Star#60004, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

A. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck violated the provisions of General Order 80-18, Section 111, Paragraph D, when he used unwarranted physical force and/or verbal abuse against Wayne Lee.

8. The Respondent Police Officer John Sebeck, Star#60004, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

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

A. On or about July 3, 1999, at or about 5800 N. Lincoln

Avenue, Chicago, Illinois, Officer John Sebeck did maltreat Wayne Lee by striking him about the face and body.

9. The Respondent Police Officer John Sebeck, Star#60004, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

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

A. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck engaged in an unjustified physical and/or verbal altercation with Wayne Lee.

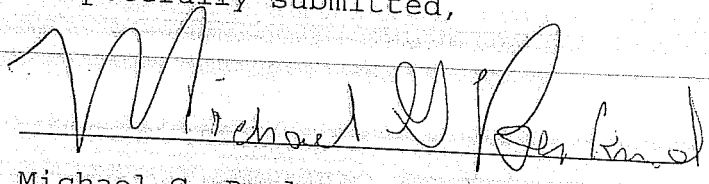
10. The Respondent Police Officer John Sebeck, Star#60004, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

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

A. On or about July 3, 1999, at or about 5800 N. Lincoln Avenue, Chicago, Illinois, Officer John Sebeck gave one or more false statements or reports regarding his actions and/or the circumstances regarding the traffic accident that occurred between him and Wayne Lee on July 3, 1999.

By reason of the fact that Police Officer John Sebeck, Star#60004, is guilty of violating Rules 1, 2, 6, 8, 9, and 14 it is ordered that Respondent Police Officer John Sebeck is suspended from his position as a Police Officer with the Department of Police and from the services of the City of Chicago from March 17, 2000 to and including November 30, 2000 with restoration of all rights and benefits thereafter.

Respectfully submitted,

Handwritten signature of Michael G. Berland in cursive script.

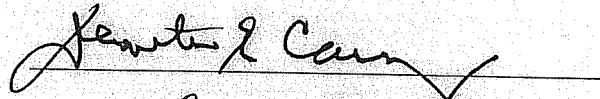
Michael G. Berland, Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and;

IT IS HEREBY ORDERED that the respondent, Police Officer John Sebeck, Star # 60004, as a result of having been found guilty of the charges in Police Board Case 00-2411, is hereby suspended from his position as a Police Officer and from the services of the City of Chicago, from March 17, 2000, to and including November 30, 2000.

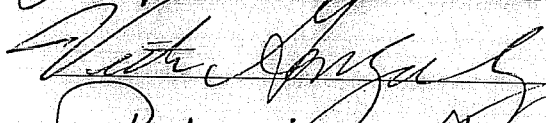
DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st
DAY OF November, 2000.



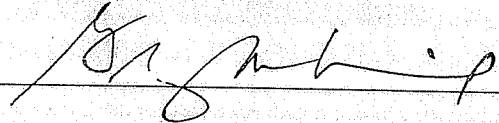


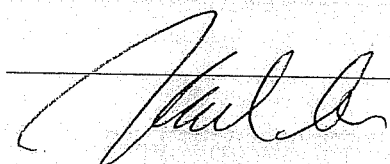












Executive Director of the Police Board

D I S S E N T

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

~~_____~~
~~_____~~
~~_____~~

RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2000.

SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

08 OCTOBER 1999

TO: CHIEF ADMINISTRATOR O.P.S.

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

ISSUED FOR

SMECK, JOHN 60004 156
NAME (LAST, FIRST, M.I.) STAR UNIT

M W [REDACTED]
SEX RACE S.S.N.

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUPV. LINN, LESLEY 112 [REDACTED] 113
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

NONE

2832

VERIFIED/PREPARED

ONLY

JERELENE PORTE
FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

CHICAGO POLICE DEPARTMENT

COMPLIMENTARY HISTORY

DATE 08 OCT 1999

NAME Sebeck, John RANK P.O. SSN [REDACTED] STAR 60004 UNIT 156

SPECIAL AWARDS Unit Meritorious Performance 01/99

006

DEPARTMENT
COMMENDATIONS:

HONORABLE
MENTIONS:

152

COMPLIMENTARY
LETTERS:

016

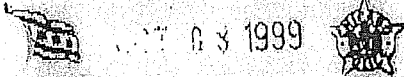
Complimentary History Requested By:

NAME Linn, Lesley RANK Supv STAR 112 UNIT 113

C.R.# 254832

PERSONNEL SERVICES

Completed By: Demetra Berry
Personnel Division



CHICAGO POLICE DEPARTMENT