

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

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER TONACIA GRANADO,** ) **No. 14 PB 2863**  
**STAR No. 5091, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1059264)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On April 29, 2014, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Tonacia Granado, Star No. 5091 (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 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 15: Intoxication on or off duty.

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 September 5 and 26, 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, Police Officer Tonacia Granado, Star No. 5091, 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 the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about January 1, 2013, in the vicinity of [xxxx] West 65<sup>th</sup> Place, in Chicago, Illinois, and/or MacNeal Hospital, in Berwyn, Illinois, Police Officer Granado was intoxicated while off duty, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

The Respondent pled guilty to this charge.

5. The Respondent, Police Officer Tonacia Granado, Star No. 5091, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: On or about January 1, 2013, at approximately 8:24 a.m., at or near MacNeal Hospital in Berwyn, Illinois, Police Officer Granado refused to submit to a breath and/or urine test when ordered to do so by Sergeant Janine Hermann of the Bureau of Internal Affairs, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

There is insufficient evidence to prove that Officer Granado understood what was going on when she was asked to consent to a breath test for alcohol at MacNeal Hospital. She was intoxicated at a blood alcohol level of .248 only hours earlier and had been administered Atavan to calm her. Her signature on Superintendent's Ex. No. 1, as compared to that on Respondent's Ex. No. 1, is physical evidence of her level of impairment. While the hospital staff found Officer Granado "alert, oriented times three" and cooperative, this is not equivalent to the kind of mental state required to understand orders issued to her. In any event, the hospital had already performed a blood alcohol test on Officer Granado, which confirmed her intoxication. The Superintendent obtained a copy of this test. As such, Sgt. Hermann's inability to secure a breath test had no effect on the Department's ability to achieve or implement its policy, or accomplish its goals.

6. The Respondent, Police Officer Tonacia Granado, Star No. 5091, charged herein, is **not 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 the Superintendent did not prove by a preponderance of the evidence the following charge:

Count III: From on or about April 17, 2013, to on or about April 22, 2013, or for some period of time therein, Police Officer Granado failed to go to a district station to acknowledge her Notification of Charges and Allegations after being ordered to do so on or about April 17, 2013, by Sergeant Marcella Solis of the Bureau of Internal Affairs, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

While it is undisputed that Officer Granado did not report to a district station to acknowledge her Notification of Charges and Allegations, she testified that she did not do so because she was ill. While it would have been prudent for Officer Granado to inform Sergeant Solis of her continued illness, her failure to report to a district station here did not impair the Department's ability to achieve or implement its policy, or accomplish its goals. The reason an officer is required to acknowledge his or her Notification of Charges and Allegations is to ensure that the officer has adequate time to secure the assistance of counsel prior to their Internal Affairs statement, and thereby ensure that the taking of the statement is not delayed. Here, Officer Granado responded in a timely fashion for her April 23, 2014, Internal Affairs statement, and waived her right to counsel, so there was no delay in securing her statement.

7. The Respondent, Police Officer Tonacia Granado, Star No. 5091, charged herein, is **not guilty** of violating, to wit:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about January 1, 2013, at approximately 8:24 a.m., at or near MacNeal Hospital in Berwyn, Illinois, after it was alleged that she was intoxicated, Police Officer Granado refused to submit to a breath and/or urine test as delineated in Department Special Order S08-01-02, Section II(F)(2), thereby failing to promote the Department's efforts to implement its policy or accomplish its goals.

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

8. The Respondent, Police Officer Tonacia Granado, Star No. 5091, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,  
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count I: On or about January 1, 2013, at approximately 8:24 a.m., at or near MacNeal Hospital in Berwyn, Illinois, Police Officer Granado refused to submit to a breath and/or urine test when ordered to do so by Sergeant Janine Hermann of the Bureau of Internal Affairs, thereby disobeying an order or directive, whether written or oral.

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

9. The Respondent, Police Officer Tonacia Granado, Star No. 5091, charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,  
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: From on or about April 17, 2013, to on or about April 22, 2013, or for some period of time therein, Police Officer Granado failed to go to a district station to acknowledge her Notification of Charges and Allegations after being ordered to do so on or about April 17, 2013, by Sergeant Marcella Solis of the Bureau of Internal Affairs, thereby disobeying a direct order, whether written or oral.

See the findings set forth in paragraph no. 6 above, which are incorporated here by

reference.

10. The Respondent, Police Officer Tonacia Granado, Star No. 5091, charged herein, is **guilty** of violating, to wit:

Rule 15: Intoxication on or off duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about January 1, 2013, in the vicinity of [xxxx] West 65<sup>th</sup> Place, in Chicago, Illinois, and/or MacNeal Hospital, in Berwyn, Illinois, while off duty, Police Officer Granado was intoxicated.

The Respondent pled guilty to this charge.

11. The Police Board has considered the facts and circumstances of the Respondent's conduct, and the evidence presented in defense and mitigation. The Board finds that discharge or suspension under the circumstances of this case is not warranted by the facts, or Officer Granado's record of service. The Department's aim was to assist Officer Granado on January 1, 2013, by conducting a well-being check at her home, following her daughter's report that Officer Granado was intoxicated, despondent, and had threatened to harm herself. The Department rightfully took Officer Granado to the hospital to ensure her safety. There is no doubt that January 1, 2013, was a very difficult night for Officer Granado, but to turn around and now use the events of that night as a basis for her discharge would undermine the commendable efforts of the Department to assist the officer at a time of need.

Based on all the circumstances of the events of January 1, 2013, the Board finds the Respondent's intoxication to be a violation of the Rules of Conduct, and finds that a reprimand is an appropriate penalty on the facts of this particular case.

### **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 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 (Count I) and Rule 15; and

By votes of 9 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, the Board finds the Respondent **not guilty** of violating Rule 2 (Counts II and III), Rule 3, and Rule 6.

As a result of the foregoing, the Board, by a vote of 7 in favor (Carney, Foreman, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 2 opposed (Ballate and Conlon), hereby determines that cause exists for reprimanding the Respondent for her conduct, and restoring the Respondent to her 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 14, 2014.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Tonacia Granado, Star No. 5091, as a result of having been found **guilty** of charges in Police Board Case No. 14 PB 2863, be and hereby is **reprimanded** for her conduct, and is restored to her 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 14, 2014.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Michael Eaddy, Rita A. Fry, Susan L.

Police Board Case No. 14 PB 2863  
Police Officer Tonacia Granado

McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20<sup>th</sup> DAY  
OF NOVEMBER, 2014.

Attested by:

/s/ DEMETRIUS E. CARNEY  
President

/s/ MAX A. CAPRONI  
Executive Director



**DISSENT**

We hereby dissent from the Decision of the majority of the Board. We find that a short period of suspension is an appropriate penalty on the facts of this particular case.

/s/ MELISSA M. BALLATE

/s/ WILLIAM F. CONLON

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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