

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER SHERECE HOLLAND,) **No. 15 PB 2881**
STAR No. 17385, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1069065)**
RESPONDENT.)

FINDINGS AND DECISION

On April 14, 2015, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Sherece Holland, Star No. 17385 (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 6: Disobedience of an order or directive, whether written or oral.
- 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 Police Board Hearing Officer Jacqueline A. Walker on August 18, 2015.

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 Walker 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 personally 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 Sherece Holland, Star No. 17385, 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 June 19, 2014, at around 3420 West 63rd Street, you informed Sergeant Patrick Fleming that you had a witness who observed another Department Member damage your personal vehicle, or stated words to that effect, a statement which you contradicted on or about September 11, 2014, at around 3510 South Michigan Avenue, when you stated to Sergeant Christ Tsoukalas that you were not aware of any witness who observed your vehicle being damaged, or stated words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

The testimony of Sergeant Fleming--that Officer Holland told him that she had a witness who saw Police Officer John Catanzara damage her car--was not refuted. Furthermore, Sergeant Fleming's testimony was credible when he testified that he asked Officer Holland for the name of the witness, that Officer Holland refused to name the witness, and that Officer Holland said she would only give the name of the witness to the Bureau of Internal Affairs (BIA).

Furthermore, in her testimony, Officer Holland admitted that on September 11, 2014, in

her statement to Sergeant Christ Tsoukalas of the BIA, she stated that she was not aware of a witness who observed her vehicle being damaged.

5. The Respondent, Police Officer Sherece Holland, Star No. 17385, 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 II: On or about June 22, 2014, at around 3420 West 63rd Street, you refused to disclose the name of a third-party witness to events undergoing an internal administrative investigation to Sergeant Patrick Fleming, after he gave you a direct verbal order to do so, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

Credible testimony was obtained from Sergeant Fleming that on June 22, 2014, in the Watch Commander's office, located at 3420 West 63rd Street, with Lieutenant Jason Vucko present, Sergeant Fleming gave Officer Holland a direct verbal order to disclose the name of the third-party witness, which Officer Holland refused to obey.

Additionally, Lieutenant Vucko provided credible testimony to support Sergeant Fleming's testimony that Officer Holland refused to obey the order given to her by Sergeant Fleming.

6. The Respondent, Police Officer Sherece Holland, Star No. 17385, 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 III: On or about September 11, 2014, at around 3510 South Michigan Avenue, you denied to Sergeant Christ Tsoukalas that Sergeant Patrick Fleming asked you if you understood you were refusing a direct order on June 22, 2014, and/or denied telling Sergeant Patrick Fleming that you knew you would probably get a CR for this, or stated words to that effect, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

In addition to the testimony of Sgt. Fleming and Lt. Vucko, further evidence in support of this charge is found in Officer Holland's statement to the BIA. The statement dated September 11, 2014, that was taken of Officer Holland by Sergeant Tsoukalas of BIA, indicates that Officer Holland denied that Sergeant Fleming asked Officer Holland whether she understood that she was refusing a direct order. The statement also indicated that Officer Holland denied stating she probably would get a CR for her refusal to obey the order.

Additionally, in her testimony before the Board, Officer Holland testified consistent with her BIA statement that she denied refusing Sergeant Fleming's direct order and denied that she stated she would probably receive a CR for refusing the direct order.

Officer Holland's testimony is directly contradicted by the credible testimony of Sgt. Fleming and Lt. Vucko on the issues underlying this particular charge. That testimony establishes that Officer Holland's actions impeded the Department's efforts to achieve its policy and goals and brought discredit upon the Department.

7. The Respondent, Police Officer Sherece Holland, Star No. 17385, charged herein, is **guilty** of violating, to wit:

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

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

On or about June 22, 2014, at around 3420 West 63rd Street, you refused to disclose the name of a third-party witness to events undergoing an internal administrative investigation to

Sergeant Patrick Fleming, after he gave you a direct verbal order to do so.

See the findings set forth in paragraph nos. 5 and 6 above, which are incorporated here by reference.

8. The Respondent, Police Officer Sherece Holland, Star No. 17385, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

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

Count I: On or about June 19, 2014, at around 3420 West 63rd Street, you informed Sergeant Patrick Fleming that you had a witness who observed another Department Member damage your personal vehicle, or stated words to that effect, a statement which you contradicted on or about September 11, 2014, at around 3510 South Michigan Avenue, when you stated to Sergeant Christ Tsoukalas that you were not aware of any witness who observed your vehicle being damaged, or stated words to that effect, thereby making a false oral and/or written report.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

9. The Respondent, Police Officer Sherece Holland, Star No. 17385, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

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

Count II: On or about September 11, 2014, at around 3510 South Michigan Avenue, you denied to Sergeant Christ Tsoukalas that Sergeant Patrick Fleming asked you if you understood you were refusing a direct order on June 22, 2014, and/or denied telling Sergeant Patrick Fleming that you knew you would probably get a CR for this, or stated words to that effect, thereby making a false oral and/or written report.

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

reference.

10. The Police Board has considered the facts and circumstances of the Respondent's conduct, and the evidence presented in defense and mitigation.

The Respondent clearly disobeyed Sergeant Fleming's direct order when she refused to disclose the name of a witness to events he was investigating. She then made matters worse by making false statements during her interview with Internal Affairs. This misconduct is serious, and warrants a severe penalty, for her insubordination impairs the effective operation of the Department, and her false statements call into question her trustworthiness.

Nonetheless, while the Board seriously considered terminating her employment on account of her false statements, there are several mitigating factors that make a penalty of discharge unwarranted in this particular case. The nature of the incident that gave rise to this matter (the Respondent was the victim of a crime and promptly reported it to the Department) and the circumstances surrounding the investigation of the Respondent's complaint, including the unexplained delay in beginning the investigation¹, raise concerns about the seriousness with which the Department took the Respondent's good-faith complaint. In addition, the Respondent has served the Department for nearly twenty years and has no disciplinary history.

After due consideration of the entire record, and the complementary and disciplinary history, a majority of the Board finds that a term of suspension is the appropriate penalty.

¹ Sergeant Fleming testified that he was assigned the investigation on May 28, 2014, which was nearly three weeks after the Respondent reported the crime to the Department. He further testified that the first step he took in the investigation was on June 19, 2014, and that there was no specific reason why he waited three weeks to take this first step.

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 8 in favor (Lori E. Lightfoot, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney) to 1 opposed (Claudia B. Valenzuela), the Board finds the Respondent **guilty** of violating Rule 2 and Rule 14; and

By a vote of 9 in favor (Lightfoot, Foreman, Ballate, Conlon, Eaddy, Fry, Simpson, Sweeney, and Valenzuela) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 6.

As a result of the foregoing, the Board, by a vote of 5 in favor (Foreman, Ballate, Eaddy, Fry, and Simpson) to 4 opposed (Lightfoot, Conlon, Sweeney, and Valenzuela), hereby determines that cause exists for suspending the Respondent from her position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of two (2) years.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Sherece Holland, Star No. 17385, as a result of having been found **guilty** of all charges in Police Board Case No. 15 PB 2881, be and hereby is **suspended** from her position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of two (2) years, from April 29, 2015, to and including April 28, 2017.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Melissa M. Ballate, Michael Eaddy, Rita A. Fry, and John H. Simpson.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 09th DAY OF DECEMBER, 2015.

Police Board Case No. 15 PB 2881
Police Officer Sherece Holland

Attested by:

/s/ GHIAN FOREMAN
Vice President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

We write to dissent from the decision of the majority which imposes a penalty of a two year suspension rather than terminating Officer Holland in this matter. In our view, after due consideration of the full record, including Officer Holland's testimony before this Board, termination is the more appropriate penalty.

We come to this view based on the fact that Officer Holland created and exacerbated a situation, which might never have come before the Board, by initially making a statement about a witness to the damage done to her vehicle. However, when information about the witness was demanded, Officer Holland initially refused to provide the information and then later falsely claimed in testimony before this Board that she never proffered the fact that a witness to the damage to her car existed. This chain of events is extremely troublesome and in our view warrants termination of Officer Holland's service as a Chicago Police Officer because:

1. Officer Holland provided false information about a witness that either never existed or whose name she would not provide;
2. Officer Holland was repeatedly insubordinate. Absent extraordinary circumstances, which do not exist in this record, no officer should get to pick and choose the investigating agent to whom she will provide material information. The Department has a specific process for the investigation of allegations or crimes and to allow officers to ignore that process and decide to withhold material information on a whim would create utter chaos.

There is also no dispute that Officer Holland was insubordinate when she refused a direct order by Sgt. Fleming in the presence of Lt. Vucko to provide the name of the witness. Surely, if Officer Holland had simply admitted that there was no witness or that

she simply did not want to pursue the complaint, the matter would have taken a completely different course and possibly never come before the Police Board. However, Officer Holland's decisions in the face of many alternative routes is what brought her to the Police Board. And then, she further compounded her problems by taking an oath in the Police Board proceeding and providing materially false testimony.

In the face of this evidence, in our view termination is the only appropriate result.² The integrity of the Chicago Police Department and individual officers is of utmost importance and we cannot have an officer on the job who is found to have either fabricated a story or failed to cooperate with superiors and then lied under oath. Moreover, should Officer Holland ever return to active duty as a Chicago Police Officer her effectiveness is, at a minimum, impaired. Should she ever be in a situation where her testimony is needed in a court or administrative proceeding---not an unlikely occurrence for a Chicago Police Officer---the opposing parties must be advised of the Board's findings here that she made false statements. Her credibility will be impeached. The practical result is that she cannot be used as a witness in any prosecution or police-related criminal, civil or administrative proceeding.

Police officers must have integrity, period. Lying under oath is the antithesis of integrity. Repeatedly making false statements in an internal investigation and lying under oath should never be tolerated and the only appropriate remedy is termination.

For these reasons, we dissent from the majority's set penalty in this case.

²The dissenters do not believe there are mitigating circumstances to justify Officer Holland's repeated false statements, least of all the apparent delay by the Department in investigating her initial complaint about damage to her car.

Police Board Case No. 15 PB 2881
Police Officer Sherece Holland

/s/ LORI E. LIGHTFOOT
President

/s/ WILLIAM F. CONLON

/s/ RHODA D. SWEENEY

DISSENT

I find that Officer Holland is not guilty of a Rule 2 violation (Counts I – III) and not guilty of a Rule 14 violation (Counts I-II). In my view, the record does not support her guilt, by a preponderance of the evidence, with regard to these charges.

With regard to the Rule 2 violation, Counts I and II, applying the relevant standard, I do not believe that Officer Holland materially and intentionally misrepresented her knowledge regarding a witness to the damage to her vehicle. In fact, Officer Holland attempted to clarify the confusion around whether or not she could identify a witness in her September 11, 2014 statement to Sgt. Tsoukalas. As I understand it, Officer Holland tried to clarify that she did not have an eyewitness to the incident itself, but rather, had a discussion with a fellow officer who voiced a suspicion of who may have caused damage to Officer Holland's car. In my view, this is a significant consideration. With regard to Count III, I find that the lack of a contemporaneous written record of the conversation between Sgt. Fleming and Officer Holland on June 19, 2014 leads me to conclude that the record does not demonstrate by a preponderance of the evidence that Officer Holland lied to Sgt. Tsoukalas about whether she could identify a witness to the damage to her car.

With regard to the Rule 14 violation, Count I: I do not believe that Officer Holland's statements to Sgt. Fleming and Sgt. Tsoukalas are necessarily contradictory of each other, for the reason stated above. With regard to the Rule 14 violation, Count II, I also would not find Officer Holland guilty by a preponderance of the evidence, where there is no contemporaneous written summary of the conversations with Sgt. Fleming on June 19 and June 22, 2014. In fact, Sgt. Fleming admitted during his testimony that he failed to follow Police Department protocol in Officer Holland's case.

I do agree with the majority that Officer Holland is guilty of a Rule 6 violation. However, I

Police Board Case No. 15 PB 2881
Police Officer Sherece Holland

believe the circumstances surrounding the offense - particularly because this incident did not involve civilians or compromise the safety of the community, but rather related to an internal investigation involving members of the Police Department - do not warrant a 2-year suspension. I would recommend a lesser penalty.

I do appreciate that Officer Holland did not perhaps handle the incident resulting in charges being brought against her in the best way. However, I am greatly troubled by the way the investigation appears to have escalated, without adherence to police department protocol and without a clear indication of how Officer Holland went from being the victim of a potential crime to an accused. Because Rule 2 and Rule 14 violations are serious matters – understandably – in my view, every protocol should be followed in seeking to pursue these charges.

/s/ CLAUDIA B. VALENZUELA

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2015.

JOHN ESCALANTE
Interim Superintendent of Police