

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTERS OF CHARGES FILED AGAINST)
)
POLICE OFFICER JASON VAN DYKE,) No. 16 PB 2908
STAR No. 9465, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
SERGEANT STEPHEN FRANKO,) No. 16 PB 2909
STAR No. 1537, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER JANET MONDRAGON,) No. 16 PB 2910
STAR No. 4364, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER DAPHNE SEBASTIAN,) No. 16 PB 2911
STAR No. 2763, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
POLICE OFFICER RICARDO VIRAMONTES,) No. 16 PB 2912
STAR No. 10590, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
)
) (CR No. 1081772)
RESPONDENTS.)

MEMORANDUM AND ORDER ON MOTION TO LIFT STAY

On June 12, 2017, the Police Board entered an Order granting Special Prosecutor Patricia Brown Holmes’s and Respondent Jason Van Dyke’s motions to stay these proceedings until going forward with the Police Board cases will no longer prejudice or jeopardize any criminal case or constitutional right.¹ Following the jury’s verdict in *People v. Van Dyke*, No. 15 CR 20622, in the Cook County Criminal Court, the Superintendent filed with the Board on October 10, 2018, a Motion to Vacate the Police Board’s June 12, 2017, Order on Motions to Stay

¹ See the Board’s June 12, 2017, Memorandum and Order on Motions to Stay for the history of these proceedings and the reasons the Board granted the motions to stay.

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(“Superintendent’s Motion”). At the October 30, 2018, status hearing of these cases before Police Board Hearing Officer Thomas E. Johnson, a representative from Special Prosecutor Holmes’s office stated that Special Prosecutor Holmes has no objection to the Superintendent’s Motion; Respondents Van Dyke, Franko, Mondragon, Sebastian, and Viramontes did not object to the Superintendent’s Motion.

Based on a verdict being rendered in the criminal trial of Jason Van Dyke and on the parties’ positions on the Superintendent’s Motion, as set out above, the Police Board finds that going forward with the Police Board cases will no longer prejudice or jeopardize any criminal case or constitutional right.

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POLICE BOARD ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the Superintendent's Motion to Vacate the Police Board's June 12, 2017, Order on Motions to Stay is **GRANTED** in that the Board's Order staying these proceedings is **VACATED**.

IT IS FURTHER ORDERED that at the December 17, 2018, status hearing of these cases Hearing Officer Johnson shall schedule the cases of Respondents Franko, Mondragon, Sebastian, and Viramontes for an evidentiary hearing.

IT IS FURTHER ORDERED that a ruling on the Superintendent's request to consolidate these cases for hearing is reserved until after a pre-hearing conference is held.

This Order is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., John H. Simpson, Rhoda D. Sweeney, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 29th DAY OF NOVEMBER, 2018.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

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DISSENT

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

[None]