

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER COREY V. MALTBIA,) **No. 18 PB 2944**
STAR No. 7516, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1082169)**
RESPONDENT.)

FINDINGS AND DECISION

On April 17, 2018, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Corey V. Maltbia, Star No. 7516 (hereinafter sometimes referred to as “Respondent”), recommending the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct, which set forth expressly prohibited acts:

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

A hearing on these charges against the Respondent took place before Hearing Officer Thomas E. Johnson on January 16 and February 1, 2019. 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. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon the Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

Introduction

4. After finishing work on August 17, 2016 (where he attended a Traffic School), Officer Maltbia drove to a friend's house at 114th Street and Forestville Avenue, in Chicago. He then drove home alone and admits that at 12:40 a.m. he was involved in a traffic crash with Terrence Phillips near 10604 South Michigan Avenue, in Chicago. Officer Maltbia's bumper, with his license plate, was dislodged from his car and was left at the scene. Officer Maltbia left the scene of the crash without providing any information to Mr. Phillips and without attempting to render any aid. He did not wait for responding officers to arrive. Rather, he drove twenty blocks to his home. While Officer Maltbia claims to have fallen asleep and hit his head in the crash, he did not mention falling asleep in his Traffic Crash Report, his Bureau of Internal Affairs ("BIA") statement, or in his statement to his insurer, all later filed. Officer Maltbia is clear in his BIA statement, however, that he knew he had hit another vehicle at the time he hit Mr. Phillips's car. The next morning,

Officer Maltbia went to the Sixth District police station and filled out a Traffic Crash Report in which he said that his car had been struck by an unknown vehicle while parked in front of his house. He said he was inside his residence at the time of the crash. He crafted a diagram that showed his car was hit while parked.

Charges Against the Respondent

5. The Respondent, Police Officer Corey V. Maltbia, Star No. 7516, charged herein, is **guilty** of violating Rule 1 and Rule 2 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about August 18, 2016, at approximately 12:40 a.m., in the vicinity of 10604 South Michigan Avenue, Chicago, Officer Maltbia was the driver of a Chevrolet Tahoe sports utility vehicle that was involved in a motor vehicle accident with a Lincoln Town Car resulting in damage to a vehicle driven or attended by another person, Officer Maltbia knew said accident had occurred, and Officer Maltbia failed to immediately stop his vehicle at the scene of the accident and/or failed to stop as close thereto as possible and to immediately return to and remain at the scene of said accident until he had performed his duty to give information and render aid. Officer Maltbia thereby violated:

- a. Rule 1, which prohibits violation of any law or ordinance, by violating Section 11-402(a) of the Illinois Vehicle Code (625 ILCS 5/11-402(a) (West 2016)); and
- b. 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.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference. The Illinois Appellate Court has held that if a person driving a vehicle knows that he was in an accident, he has a duty to stay at the scene to exchange information and render aid, even if he or she does not know that he or she caused damage. *People v Hileman*, 185 Ill.App.3d 510, 515 (5th Dist. 1989). Failure to do so violates 625 ILCS 5/11-402(a), commonly known as the "hit and run statute." *Id.* Here, by his own admission, Officer Maltbia knew he was in an accident with

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Mr. Phillips. There is also no dispute that Officer Maltbia left the scene at 10604 South Michigan Avenue without providing his information or seeking to render aid. While Officer Maltbia claims he was under stress from lack of sleep, a recent divorce, and his father's illness, this does not excuse the violation of this important statutory obligation, particularly for a police officer. In addition, the Board does not believe Officer Maltbia's claim that he hit his head and that this injury caused him to leave, as there is no evidence he sought medical attention for a head injury and he does not explain why bumping his head would excuse his failure to comply with the statute. Where, as here, a police officer violates the law, he impairs the discipline and efficiency of the Department, and thereby impedes the Department's efforts to achieve its policy and goals and brings discredit upon the Department. *See, Kappel v Police Board of Chicago, 220 Ill.App.3d 580, 591 (1st Dist. 1991)*. As such, Officer Maltbia is guilty of violating both Rule 1 and Rule 2.

6. The Respondent, Police Officer Corey V. Maltbia, Star No. 7516, charged herein, is **guilty** of violating Rule 1, Rule 2, Rule 6, and Rule 14 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about August 18, 2016, at approximately 7:00 a.m., at the Chicago Police Department's 6th District Station located at or near 7808 South Halsted Street, Chicago, Officer Maltbia generated Illinois Traffic Crash Report HZ-397075, some or all of the contents of which, including but not limited to the accident location and/or event narrative, he knew to be false. Officer Maltbia thereby violated:

- a. Rule 1, which prohibits violation of any law or ordinance, by violating Section 11-409 of the Illinois Vehicle Code (625 ILCS 5/11-409 (West 2016)), which prohibits providing information in an oral or written report required by the Illinois Vehicle Code with knowledge or reason to believe that such information is false;
- b. 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;
- c. Rule 6, which prohibits disobedience or an order or directive, whether written or oral,

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when he disobeyed Chicago Police Department General Order G09-01-02, Section II(A)(8) (effective September 11, 1998), which prohibits knowingly entering any false data into any Departmental record, file, or report; and

- d. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated here by reference. Officer Maltbia plainly filed a false Traffic Crash Report at the Sixth District police station, when he said his car was damaged while parked in front of his house. He knew that, in fact, he had been in an accident near 10604 South Michigan Avenue the night before. He admitted this. Virtually everything in this report is false, including where the accident happened, how it happened, when it happened, and where Officer Maltbia was when the accident occurred. Nor did Officer Maltbia make any effort to file a supplemental Traffic Crash Report to correct his original report. The Board finds that Officer Maltbia's statements were willfully false and material. The suggestion that stress in an officer's personal life excuses his responsibility to be truthful in his police reports has no merit. Officers are often faced with stressful situations both on the street and at home, but that stress cannot undermine the officer's fundamental obligation to be truthful in what he or she writes in official reports. The credibility of the Department depends on truthful reports. Nor does the Board believe that the head injury Officer Maltbia claims to have suffered, which is uncorroborated by medical treatment records and did not interfere with his trip to Las Vegas the next day, excuses his false report. The report was also clearly material, in that it falsely recounted critical facts so as to excuse Officer Maltbia from any fault in the accident, and further was then not only filed with the State of Illinois, but also used by Officer Maltbia to obtain a settlement with his insurance company.¹

¹ The Board notes that the "willful and material" standard applies only to Rule 14 violations, and not necessarily to the Rule 1, 2, and 6 violations alleged here. However, because the Board has found that the statements in Officer Maltbia's

Penalty

7. The Police Board has considered the facts and circumstances of the conduct of which it has found the Respondent guilty, and the evidence presented in defense and mitigation, including the Respondent's complimentary and disciplinary histories.

The Board has considered thoroughly the evidence the Respondent offered in mitigation, which includes the testimony of Terry Gholston, Jameel Hart, Ramon Nunez and Quinton Abron. In addition, Officer Maltbia, who joined the Police Department in 2010, has a complimentary history of 15 total awards, including two Department commendations, one Superintendent's honorable mention, five other honorable mentions, one attendance recognition award, and two emblems of recognition for physical fitness; he has no sustained complaints on his disciplinary history.

Nevertheless, after considering Officer Maltbia's service as a police officer, the above witnesses' testimony, and the lack of prior disciplinary history, the Board finds that Officer Maltbia's misconduct is incompatible with continued service as a police officer and warrants his discharge from the Chicago Police Department.

Officer Maltbia was involved in a serious traffic crash in which he caused considerable damage and sent the other driver to the hospital in an ambulance. Rather than remain at the scene until police or emergency personnel arrived, he fled the scene. His disregard for his duties under the law is antithetical to the type of behavior expected of law-enforcement officers—he violated the law and brought discredit upon the Chicago Police Department, thereby undermining public confidence in the judgment of its officers. This conduct warrants his discharge from the Chicago

Traffic Crash Report here were willfully false and material, it has no occasion to explore the standard of proof necessary to establish when a false report violates Rules 1, 2 and 6. A willful and material false statement clearly violates Rules 1, 2, 6, and 14.

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Police Department. Permitting him to continue to serve as a Chicago police officer would impair the Department's mission. Effective law enforcement depends upon a high degree of cooperation between the police department and the public it serves. Conduct such as Officer Maltbia's fosters public distrust and a lack of confidence in police officers, thereby impeding the Department's efforts to achieve the important goals of preventing crime, preserving the public peace, identifying and arresting those who commit crimes, and promoting respect and cooperation of all Chicagoans for the law and those sworn to enforce it.

In addition, the Officer Maltbia attempted to cover up his actions by making a false traffic crash report in which he falsely stated his vehicle was struck while parked in front of his house. Officer Maltbia's knowingly false report also renders him unfit to be a Chicago police officer. Trustworthiness, reliability, good judgment, and integrity are all material qualifications for any job, particularly one as a police officer. The duties of a police officer include making arrests and testifying in court, and a police officer's credibility is at issue in both the prosecution of crimes and in the Police Department's defense of civil lawsuits. A public finding that an officer has knowingly made a false official report is detrimental to the officer's ability to perform his responsibilities, including his credibility as a witness, and, as such, is a serious liability to the Department. *See Rodriguez v. Weis, 408 Ill.App.3d 663, 671 (1st Dist. 2011).*

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for him to no longer occupy his office.

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 6 in favor (Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., and John H. Simpson) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 1, Rule 2, Rule 6, and Rule 14, as set forth in paragraph nos. 5 and 6 above.

As a result of the foregoing, the Board, by a vote of 6 in favor (Foreman, Delgado, Eaddy, Flores, O'Malley, and Simpson) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Corey V. Maltbia, Star No. 7516, as a result of having been found **guilty** of all charges in Police Board Case No. 18 PB 2944, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., and John H. Simpson.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF MARCH, 2019.

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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 Findings and Decision of the majority of the Board.

[None]

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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2019.

EDDIE T. JOHNSON
Superintendent of Police