

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

**IN THE MATTER OF CHARGES FILED AGAINST )**  
**POLICE OFFICER ROBERT RIALMO, )** **No. 18 PB 2950**  
**STAR No. 15588, DEPARTMENT OF POLICE, )**  
**CITY OF CHICAGO, )**  
**)** **(CR No. 1078616)**  
**RESPONDENT. )**

**FINDINGS AND DECISION**

On November 7, 2018, the Superintendent of Police<sup>1</sup> filed with the Police Board of the City of Chicago charges against Police Officer Robert Rialmo, Star No. 15588 (hereinafter sometimes referred to as “Respondent”), recommending the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct, which set forth expressly prohibited acts.

A hearing on these charges against the Respondent took place before Hearing Officer Thomas E. Johnson on July 8–11, 2019. Following this evidentiary hearing, members of the Police Board read and reviewed the record of the proceedings and viewed the video recording of the entire evidentiary hearing.<sup>2</sup> Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

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<sup>1</sup>Following an investigation by the City’s Civilian Office of Police Accountability (COPA), the Chief Administrator of COPA recommended that Police Officer Rialmo be discharged from the Chicago Police Department. The Superintendent objected to this recommendation. Pursuant to § 2-78-130(a)(iii) of the Municipal Code of Chicago, this disagreement was referred to one member of the Police Board. In April 2018, Board Member Eva-Dina Delgado ruled that the Superintendent’s objections did not meet the burden of overcoming the Chief Administrator’s recommendation for discipline and that an evidentiary hearing before the Police Board is necessary to determine whether Officer Rialmo violated any of the Police Department’s Rules of Conduct. As a result of this ruling, the Superintendent was required by the Municipal Code to file charges with the Police Board.

<sup>2</sup>Board Member Eva-Dina Delgado recused herself from this case as required by § 2-78-130(a)(iii) of the Municipal Code of Chicago. Board Member John P. O’Malley Jr. recused himself from this case to avoid the appearance of a conflict of interest.

## **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 was represented by legal counsel. The Respondent was present for the proceedings held on July 8–10; he was not present for closing arguments on July 11, and his legal counsel proceeded with his permission.
4. Prior to the hearing, the Police Board entered a Memorandum and Order, dated May 25, 2019, denying the Respondent's Motion to Dismiss, which argued that the Superintendent was barred by the doctrines of judicial estoppel and/or collateral estoppel from proceeding with this case. The motion was predicated on the positions the City took and the jury verdict that was rendered in June 2018 in the Circuit Court of Cook County, where the Estate of Quintonio LeGrier sued Officer Rialmo and the City of Chicago for money damages.<sup>3</sup>

### **Introduction**

5. In the early morning of December 26, 2015, Officer Robert Rialmo shot and killed Bettie Jones at her home at 4710 West Erie Street in Chicago. Officer Rialmo did not intend to kill Ms. Jones, and Ms. Jones did nothing to warrant her fate. Instead, Ms. Jones was shot with a bullet

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<sup>3</sup>While the Estate of Quintonio LeGrier was unsuccessful in recovering damages from Officer Rialmo and the City of Chicago, the briefing and exhibits supplied in connection with the Respondent's Motion to Dismiss indicate that the City of Chicago paid the Estate of Bettie Jones \$16 million in settlement of her claims against Officer Rialmo and the City.

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intended for Ms. Jones's upstairs neighbor, Quintonio LeGrier, who had threatened Officer Rialmo with a baseball bat. Ms. Jones was present at the scene—and in close proximity to Mr. LeGrier as he was shot—only because she had assisted officers as they responded to a domestic disturbance occurring in the upstairs apartment in the two-flat building in which she lived.

This tragic case raises difficult but important questions about when a police officer may use deadly force, specifically in this instance in which he knew or reasonably should have known that an innocent bystander was in his line of fire. As explained in more detail below, the Police Board finds that the Chicago Police Department's General Orders require an officer to consider the presence of an innocent bystander when deciding whether to use deadly force. This finding recognizes that an officer has a duty first and foremost to protect the public—and that the most critical mission of the Chicago Police Department is to prevent the loss of innocent human life. With those basic principles in mind, and upon examination of the facts of this case, the Board finds that when Officer Rialmo fired his gun in the direction of Bettie Jones, he had the ability to safely reposition himself even farther than he already had from Mr. LeGrier. Had Officer Rialmo done so, he could have neutralized the threat posed by Quintonio LeGrier, and Bettie Jones would be alive today. Officer Rialmo had an obligation to reexamine his options in light of the presence of Ms. Jones and take all reasonable precautions to avoid shooting her—as all officers have an obligation to act in a manner to protect innocent persons around them.

To be perfectly clear, the Board does not believe Officer Rialmo intended to harm Bettie Jones, but his use of deadly force was objectively unreasonable under the totality of the circumstances he faced, inconsistent with his training, and violated the Department's General Orders. Given the loss of Ms. Jones's life that ensued, the Board finds that Officer Rialmo must be discharged from the Chicago Police Department.

### **The Evidence Presented**

6. On December 26, 2015, at approximately 4:25 a.m., Officer Rialmo and his partner, Officer Anthony LaPalermo, responded to a dispatch call for a well-being check to be conducted at 4710 West Erie in Chicago.<sup>4</sup> The dispatcher told the officers that it was also “comin’ in as a domestic on 19 O something and on his bedroom door with a baseball bat” (Superintendent’s Exhibit 2). Two 911 calls prompted this dispatch. One was from Antonio LeGrier, the father of Quintonio LeGrier, who lived on the second floor of the two-flat at 4710 West Erie. He indicated he needed police assistance, and that his 19-year-old son was carrying a baseball bat. A separate 911 call came from Quintonio LeGrier, in which he indicated that someone was threatening his life, although much of the call is incoherent. The texts of these calls are set forth in Superintendent’s Exhibit 2. The texts of the calls were transmitted to the officers’ police vehicle prior to the officers’ arrival at the scene, but Officer Rialmo had not looked at them.

7. It took ten to fifteen minutes for Officers LaPalermo and Rialmo to arrive at 4710 West Erie after receiving the call for assistance. While traveling to the scene, the officers did not seek—nor were they provided with—any additional information. At the time Officer Rialmo approached the building, he did not know who was involved in the dispute, how many people were in the building, who had called, whether it was a barricade situation, or how many calls had been made. The officers did not call for back up or any other kind of support, but approached the now-quiet two-flat without any specific plan as to how to investigate the situation. As they approached, Officer LaPalermo told Officer Rialmo to be careful, as someone might have a bat. The officers did not have a Taser with them and in fact were not authorized to use one. Officer

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<sup>4</sup>Paragraphs 6–9 of this Opinion set forth undisputed facts introduced into evidence at the hearing. The remainder of the evidence section is organized by category of evidence.

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Rialmo had let his Taser certification lapse and had failed to re-certify. Officer LaPalermo was also not certified to use a Taser. Neither had OC spray (oleoresin capsicum, also known as pepper spray) with them, but Officer LaPalermo carried a two-and-one-half to three-foot asp (baton).

8. The front of the building at 4710 West Erie is pictured in Superintendent's Exhibit 1, at pp. 388 (the center-left building in the photo below), 389, and 404. A walkway leads from the sidewalk to the front stairs of the porch. The dimensions of the building are set forth in Superintendent's Exhibit 10. Three steps lead up to the cement front porch. Thus, it takes four steps from the walkway to reach the front porch. The front porch measures five feet from the front of the porch to the exterior door of the building. Inside the exterior door, there is a vestibule that measures four feet from the exterior door to where two interior doors lead to the two apartments. The interior door on the left is where Bettie Jones was living with her daughter, Latisha Jones (who is now 23 years old). The interior door on the right opens to a staircase that leads to Antonio LeGrier's apartment on the second floor. While it was dark outside when Officers LaPalermo and Rialmo arrived at 4710 West Erie, the lights on the porch and in the vestibule were on.



9. Immediately after the officers arrived, they climbed the stairs to the porch. Officer Rialmo knocked on the exterior door, while Officer LaPalermo remained right next to him (though there is some dispute if he was off Officer Rialmo's right or left shoulder). Bettie Jones answered the door and opened the exterior door for the officers. She told them "It's upstairs" and pointed in the direction of the upstairs apartment. Officer Rialmo thanked her for opening the door, but did not ask her anything about what had transpired upstairs or the nature of the disturbance they had arrived to investigate. Instead, Officer Rialmo took one step across the exterior door's threshold into the vestibule. About ten to fifteen seconds after Ms. Jones opened the door, he heard a loud noise coming down the steps that led to Antonio LeGrier's second floor apartment. This was Quintonio LeGrier coming down the steps, armed with a metal baseball bat that was 28 inches long and weighed 23 ounces. The Cook County medical examiner's autopsy indicates that Quintonio LeGrier was 5'7" tall and weighed 145 pounds. The autopsy's accompanying toxicology report shows that while there was marijuana in Mr. LeGrier's system, there was no evidence of any other drugs, including PCP, in his body. Officer Rialmo testified he was 6'1" or 6'2" tall and weighed about 205 pounds.

#### **The Officers' Testimony**

10. Because both Quintonio LeGrier and Bettie Jones were killed, there are only two occurrence witnesses (Officers Rialmo and LaPalermo) to what transpired in front of 4710 West Erie on December 26, 2015. There was no video recording of the incident and no neighbors saw what happened. While both Antonio LeGrier and Latisha Jones were awake and inside the building, the parties agree that neither saw what occurred immediately prior to and during the shootings. Accordingly, the Board is left with the accounts of only the two officers. While the Board takes issue with portions of each officer's accounting (and so notes for Officer LaPalermo),

in an effort to view the evidence in the light most favorable to the Respondent, the Board adopts Officer Rialmo's account as entirely true in making its findings.

11. **Officer Rialmo**. Officer Rialmo testified that when Bettie Jones answered the door and told him that the disturbance was upstairs, she was standing in the vestibule, immediately inside the exterior door and to the left (where Evidence Tag B is pictured in Superintendent's Exhibit 1, at pp. 414 and 424). After pointing upstairs, Ms. Jones turned toward her apartment, but to Officer Rialmo's knowledge, never actually went back inside. Indeed, Officer Rialmo acknowledged that at the time Quintonio LeGrier came through the interior door, Ms. Jones was still in the vestibule. On the question of whether Ms. Jones went back inside her apartment, Officer Rialmo admitted that Ms. Jones did not have time to go back into her apartment, having insufficient time to do anything other than stand there and look back. At the last point at which Officer Rialmo saw Ms. Jones (after Rialmo had backed out onto the porch), she was standing in the vestibule facing towards the exterior door.<sup>5</sup>

12. Officer Rialmo testified that as he heard the noise of someone charging down the stairs, his first reaction was to create some distance between himself and whoever was coming down the stairs because that would give him a better opportunity to assess what was going on and determine how to respond. He agreed that creating more distance gave him more time and more time translated into more safety. Officer Rialmo had one foot in the vestibule when he first heard Quintonio LeGrier coming down the stairs, but consistent with his desire to create distance, he backed up onto the porch as he heard LeGrier making his way down the stairs. As Quintonio LeGrier appeared, Officer LaPalermo reached out and touched or grabbed Officer Rialmo's

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<sup>5</sup>Her position in the vestibule is confirmed by Officer Rialmo's testimony that after she was killed, Officer Rialmo found Ms. Jones lying on her back in the vestibule with her head, shoulders and chest across the threshold to her apartment and the rest of her body still in the vestibule (where Evidence Marker E is located in Superintendent's Exhibit 1, at pp. 414, 424, and 425).

shoulder and told him to “Watch out.” (Tr., at p. 88.)

13. When Quintonio LeGrier emerged from the vestibule, he was armed with a baseball bat. Seeing the bat, Officer Rialmo testified he ordered LeGrier to drop the bat (“what felt like”) ten times. As he ordered LeGrier to drop the bat, Officer Rialmo was continuing to reposition back down the steps toward the walkway. (Tr., at p. 80.) As this was happening, LeGrier took a right-handed swing at Officer Rialmo with the bat, striking downward as if chopping wood and extending his arms fully. He missed Officer Rialmo, who continued to back down the stairs while facing LeGrier. LeGrier then swung the bat back up a second time, but again missed Rialmo. Each time LeGrier swung the bat, Officer Rialmo’s gun was in his holster.

14. Officer Rialmo did not pull his weapon from his holster until he had repositioned himself all the way to the bottom of the steps. By his own account, when he fired, Officer Rialmo was eight to ten feet from Quintonio LeGrier.<sup>6</sup> Officer Rialmo testified that Mr. LeGrier was standing upright on the front of the porch at the time he fired and was no longer swinging (or chopping) the bat.<sup>7</sup> Officer Rialmo fired seven or eight shots in LeGrier’s direction, which all lasted barely more than a second. According to Officer Rialmo, LeGrier clutched his chest when hit and turned toward the building. LeGrier’s body landed face down in the vestibule with his feet over the threshold of the exterior door. The bat landed in the vestibule as well.

15. At the time Officer Rialmo fired his weapon at LeGrier, the door where he had just seen Bettie Jones was directly behind LeGrier. Officer Rialmo conceded that when he shot in the

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<sup>6</sup>In his civil trial testimony, which was admitted into evidence without objection, Officer Rialmo makes it clear that the bottom of the steps meant the walkway leading away from the building, and that is where he was when he fired. (Superintendent’s Exhibit 4, 6/20/2018 at p. 76.)

<sup>7</sup>At the civil trial, Officer Rialmo testified that when he fired the first shots at Quintonio LeGrier, LeGrier’s body was facing the front of Officer Rialmo’s body, but as he was hit, he spun around. (Superintendent’s Exhibit 4, 6/20/2018 at pp. 77–78.)



direction of Quintonio LeGrier, he was also shooting in the direction of where he had just seen Ms. Jones. Officer Rialmo did not give Ms. Jones any warning and did not take steps to alter his position so that Ms. Jones would not be in the line of his fire. One of Officer Rialmo's bullets killed Ms. Jones. Another of his bullets traveled through Bettie Jones's apartment and lodged itself in a glass block inside the bathroom where Latisha Jones (Ms. Jones's daughter) was located during the shooting.<sup>8</sup>

16. Officer Rialmo testified that "immediately after the shooting and just as [he was] going to approach [the porch]" he looked back to see where Officer LaPalermo was located. (Tr., at p. 90.) Officer LaPalermo was standing on West Erie, in the street behind a parked car.

17. Officer Rialmo was on the scene for one-and-one-half hours. During that time, he encountered fellow Police Officer Hodges Smith. He told Officer Smith that he had "fucked up." (Tr., at p. 116.) Officer Rialmo testified that by this statement he meant that he had never intended to kill an innocent bystander.

18. **Officer LaPalermo**. Officer LaPalermo testified consistently with Officer Rialmo regarding the circumstances that put the two of them on the porch at 4710 West Erie. He also agreed that he was next to Officer Rialmo as they knocked on the door and as they interacted with Bettie Jones, and that he was so close to Officer Rialmo that he nudged him and yelled "look out" as LeGrier emerged from the stairway with a bat. Officer LaPalermo's account diverges from Officer Rialmo's at that point, with LaPalermo testifying that as LeGrier emerged from the building, LeGrier was "on top of my partner [Rialmo]" with both hands holding the baseball bat above his head. (Tr., at pp. 561-62.)

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<sup>8</sup>Latisha Jones's testimony and the testimony of the forensic experts (particularly Dr. Melinek) establish that this bullet nearly hit Latisha.

19. From there, Officer LaPalermo testified that he never actually saw LeGrier swing the bat at Officer Rialmo, nor did he hear Officer Rialmo's commands to drop the bat. He also claims that he did not see the actual shooting itself. Officer LaPalermo explains this by stating that he pulled his gun while on the top step of the porch, and he then looked down and jumped to the bottom of the stairs, positioning himself in the grass to the left of the stairs. Because Officer Rialmo was between him and Mr. LeGrier, Officer LaPalermo says he did not fire his weapon.

20. While Officer LaPalermo claims that Officer Rialmo was backpedaling down the porch stairs as he was firing at LeGrier, the Board does not credit this testimony, as it is inconsistent with the testimony of Officer Rialmo, who testified that he did not start shooting until he was all the way down the porch stairs and back on the walkway. In addition, Officer LaPalermo's credibility is undermined as he offered contradictory testimony that he did not see Officer Rialmo firing any of the shots. The Board also does not accept LaPalermo's testimony that Mr. LeGrier was "on top of his partner," as it is also inconsistent with Officer Rialmo's own testimony that Mr. LeGrier was eight to ten feet away from him when Officer Rialmo decided to fire his weapon.

21. Officer LaPalermo further testified that after he saw Quintonio LeGrier fall from the shots Officer Rialmo fired, he radioed for more cars, and only then backpedaled to the middle of West Erie to take cover behind a parked car. The Board does not credit this portion of LaPalermo's account, as it is inconsistent with Officer Rialmo's testimony that immediately after the shooting, he turned and saw Officer LaPalermo in the street taking cover behind a parked car.<sup>9</sup>

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<sup>9</sup>Other parts of Officer LaPalermo's testimony were also inconsistent with Officer Rialmo's testimony. For example, Officer LaPalermo claimed that as Officer Rialmo was at the door speaking with Ms. Jones, Officer LaPalermo had one foot on the landing or porch and one foot on the front step. As the porch is five feet long, and both Officers Rialmo and LaPalermo said Officer LaPalermo nudged or tapped Officer Rialmo on the shoulder when Quintonio emerged with the bat, Officer LaPalermo could not have been in the position he described when Officer Rialmo encountered

### **The Forensic Evidence**

22. **Dr. Kristen Alvarenga**. Dr. Kristen Alvarenga is the assistant Cook County medical examiner who conducted the autopsies on both Bettie Jones and Quintonio LeGrier. She testified by deposition, which was admitted as evidence at the hearing (Respondent's Exhibit 7). Dr. Alvarenga examined the entry wound from the shot that hit Ms. Jones and determined, based on the nature of the wound, that Ms. Jones was killed by a single bullet to her chest, which had not first traveled through Mr. LeGrier, but was instead a direct shot. The bullet caused her to bleed to death, and she would have been in pain prior to her death. Dr. Alvarenga found no evidence of chronic illness in Ms. Jones, and so she would have had a normal life expectancy had she not been shot and killed.

23. Dr. Alvarenga found six bullet entry wounds in Mr. LeGrier. She could not determine the sequence of the shots, but found that the bullet which likely killed LeGrier entered on the left side of his chest under his armpit, went through his heart and right lung, and lodged in his right shoulder. The other five bullets entered: a) the lower left side of his back; b) his right buttock; c) the distal, posteromedial portion of his left arm; d) the lateral left side of his chest (a graze wound that would have been superficial); and e) the posterior part of his right shoulder (also a graze wound). Dr. Alvarenga testified that the wounds were inconsistent with being shot from the front. Instead, all but one bullet (which hit LeGrier in his left side) entered LeGrier from the back, meaning his back was facing Officer Rialmo when the shots were fired.

24. Dr. Alvarenga found that the bullet that entered the lower left side of Mr. LeGrier's back hit his spinal cord between the L2 and L3 vertebrae. She found that this shot would have prevented Mr. LeGrier from standing or walking after he was shot there.

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Ms. Jones at the door.

25. Dr. Alvarenga found no evidence of gunshot residue on Mr. LeGrier's body. This told her that the shooter was at least four feet away from Mr. LeGrier. She found that Mr. LeGrier bled to death in seconds or minutes and would have been in pain. Toxicology reports showed evidence of marijuana in Mr. LeGrier's body, but no evidence of alcohol or any other drugs, including psychoactive drugs such as PCP.

26. The Board credits the testimony of Dr. Alvarenga. Dr. Alvarenga was not hired by either party to this case, and instead was the disinterested medical examiner assigned to perform the autopsies. Because she performed the autopsies, she was not limited to examining photographs of the bodies and instead was able to see the actual pathways of the bullets as she manually recovered rounds from the victims. Her testimony was convincing and thorough.

27. **Dr. Judy Melinek**. The Superintendent offered the expert testimony of Dr. Judy Melinek, a forensic pathologist. She agreed with Dr. Alvarenga's assessment of the case, including that Bettie Jones was killed by a direct shot. She also agreed that the bullets that hit Mr. LeGrier could not have been fired when he was facing the shooter. She also found that Mr. LeGrier's left arm was not in a raised position when he was shot, but down at his side. She agreed with Dr. Alvarenga that Mr. LeGrier could not have taken any steps after he was shot by the bullet that severed his spinal cord because it would have instantly paralyzed him and caused him to collapse where he stood when hit. Dr. Melinek found that Mr. LeGrier could not have been on the front of the porch but was likely in or near the vestibule when he was shot, as that is where his body was found. She also found that Mr. LeGrier was not charging forward with the bat toward Officer Rialmo, as he would have fallen forward if that was the case. Like Dr. Alvarenga, she concluded that the shooting was not at close range because there was no evidence of gunshot residue on Mr. LeGrier, suggesting that the shooter was at least three feet or more away from LeGrier.

28. The Board credits the testimony of Dr. Melinek, who is corroborated in relevant respects by Dr. Alvarenga.

29. **Dr. Hillary McElligott**. The Respondent relied upon the expert testimony of Dr. McElligott, another forensic pathologist. She found that the wound trajectories were consistent with Officer Rialmo's testimony that LeGrier was facing Officer Rialmo and was ready to take a right-handed swing with the bat. However, on cross-examination she indicated she did not have an opinion as to whether LeGrier was swinging a bat—just that the injuries were consistent with that happening. She agreed there was no gunshot residue found and said this only means the gun was more than two feet away, but she was impeached by an earlier deposition where she said the absence of gunshot residue means the shooter was at least four feet away. She acknowledged that one of the bullets hit Mr. LeGrier's spinal cord, and that it paralyzed him, but she contended that one cannot say if LeGrier could have taken a step after that, as in her view, the bullet only partially tore his spinal cord.

30. The Board does not credit the testimony of Dr. McElligott. Her testimony was both equivocal and, in pertinent part (namely, her conclusion that LeGrier was shot as he was taking a right-handed swing with the bat), inconsistent with Officer Rialmo's own testimony.

#### **Officer Rialmo's Training**

31. **Sergeant John Pardell**. The Superintendent called Sergeant John Pardell, the Chicago Police Department rangemaster, who has been involved with firearms training at the Chicago Police Department, including for recruits, since 2000. Every recruit, including Officer Rialmo, receives 80 hours of firearms training and must re-qualify with their weapon annually. Sergeant Pardell testified clearly that Chicago police officers are trained to be aware of their target and what is behind it. Where, as here, a bystander is in the line of fire (including in the background

of the target), this represents an important factor in terms of whether the officer should fire. While acknowledging a man with a baseball bat might justify the use of deadly force, he testified that every situation is different and the totality of the circumstances must be considered in each case. Sergeant Pardell's testimony was un rebutted by the Respondent.

### **The Use-of-Force Expert Opinions**

32. Each side called an expert witness to opine on whether Officer Rialmo's use of deadly force as to LeGrier and Jones was justified. Their written reports were also admitted into evidence (Superintendent's Exhibit 9 and Respondent's Exhibits 3 and 4). Neither party questioned the experts' competency to render opinions on the use of force in this case. The experts agreed that Officer Rialmo's use of force had to be judged under the standard set forth in *Graham v. Connor*, 490 U.S. 386 (1989), that is, whether Officer Rialmo's actions were objectively reasonable in light of the totality of the circumstances facing him. They agreed that the Board should be cautious about using its hindsight in deciding these matters, as police officers often must make split-second judgments under tense, uncertain, and rapidly evolving situations. They also agreed that an officer's subjective mindset is not relevant to determining whether the use of force is objectively reasonable. An officer's good intentions cannot make an objectively unreasonable use of force proper. Both experts also agreed that the test of "objective reasonableness" found in *Graham* was embodied in the Chicago Police Department General Orders in effect at the time of this shooting. These General Orders are gathered in Superintendent's Exhibit 13.<sup>10</sup>

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<sup>10</sup>During the hearing, the Respondent introduced Respondent's Exhibit 1 as the current version of General Order G03-02 and used it to examine Sergeant Pardell, as well as the experts. Both parties acknowledged the following day that Respondent's Exhibit 1 was not in effect at the time of this shooting. This proved to be a harmless error, as both experts in their written reports used the correct version of the General Orders pertaining to the use of force. The opinions in their written reports mirrored the opinions they gave at the hearing. Moreover, both counsel in closing conceded that the totality of circumstances must be considered, including the presence of a bystander, in assessing the propriety of Officer Rialmo's use of force under the General Orders in effect at the time of this case.

33. **Michael Gennaco**. The Superintendent retained and called Michael Gennaco, a former U.S. Justice Department official and prosecutor in the U.S. Attorney's Office in Los Angeles, who had investigated 600 officer-involved shootings, and prosecuted some of those officers. He also had designed rules governing the use of force in California prisons, among many other qualifications. He found that Officer Rialmo failed the test of objective reasonableness as to the shooting of Ms. Jones. His identified four bases for his conclusion:

a. **Lack of Information**. Mr. Gennaco found that Officer Rialmo and his partner had very little information about what was going on as they arrived at the scene. Rather than contact the dispatcher for more information or ask for Antonio LeGrier's phone number to assess the situation, they spent ten to fifteen minutes traveling to the scene without seeking any additional information. Notably, they did not know how much danger Antonio LeGrier was in, who was involved in the disturbance at the building, how many people were in the building, who had called, whether other weapons were present, whether the disturbance was isolated to one part of the building, or whether a barricade situation existed.<sup>11</sup>

b. **Failure to Develop a Plan**. Mr. Gennaco found that Officer Rialmo and his partner had no specific plan to handle the situation as they approached the door at 4710 West Erie. This put them in a situation where they were reacting to quickly unfolding events rather than actively taking control of the situation.

c. **Absence of Interim Weapons**. Mr. Gennaco also found that Officer Rialmo was not reasonable when he failed to bring any non-lethal weapons with him to the call. Neither officer

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<sup>11</sup>Note that at the civil trial, Officer Rialmo testified (Superintendent's Exhibit 14) that, had he known a civilian was barricaded inside a room, he would have called (1) for more police cars, (2) a supervisor to get input into how to handle the situation, and (3) maybe for a SWAT team. He testified he would not have approached the door but would have used a bullhorn.

had a Taser or OC spray, and only Officer LaPalermo had an asp (baton), which he did not use. The officers' only options were their hands or their firearms. According to Mr. Gennaco, this eliminated viable non-lethal options for the officers that could have neutralized Mr. LeGrier without killing Ms. Jones.

d. **Failure to Tactically Reposition Himself.** Mr. Gennaco conceded that an officer has no duty under Illinois law (720 ILCS 5/7-5) to retreat when making an arrest. But where, as here, the target was situated nearby an innocent bystander, Mr. Gennaco testified that it would have been tactically wise to reposition so that Officers Rialmo and LaPalermo had more time to determine how the situation would unfold and assess more tactical options. He emphasized that 80% to 85% of shots fired by officers miss their target and that psychological limitations like tunnel vision make it even more important to take precautions when bystanders are nearby. Mr. Gennaco found that Officer Rialmo knew that Ms. Jones was in his line of fire and had to engage in a risk assessment before he fired, weighing the risk to himself as against the risk to an innocent, civilian bystander. At the time Officer Rialmo fired, he was on the walkway eight to ten feet from LeGrier (by Officer Rialmo's own account). He had a clear path to reposition himself, much like that opted for by his partner. If he had repositioned himself, and Mr. LeGrier came toward the two officers, both would have been in a position to use deadly force to stop Mr. LeGrier, without imperiling the safety of Ms. Jones. Instead, Mr. Gennaco found that Officer Rialmo took no reasonable precautions to protect Ms. Jones.

34. **Emanuel Kapelsohn.** The Respondent offered the testimony of Emanuel Kapelsohn, a lawyer who has been involved in training police officers and consulting with law enforcement agencies on use of force issues. Mr. Kapelsohn has worked as a special police officer, and is certified in the use of handguns, as well as the "interim" weapons available to officers. He has



been qualified as an expert in “force science,” which includes use of force, as well as reaction times, and the concepts of tunnel vision and auditory exclusion that occur when officers are under stress. Mr. Kapelsohn opined that, under the totality of circumstances, Officer Rialmo’s use of deadly force was entirely reasonable. In response to the Superintendent’s expert, he said:

a. **Lack of Information**. Mr. Kapelsohn testified that every officer would like more information but, on a regular basis, officers must do the best they can with the information available to them. In any event, even if more information comes to the officers on their way to a scene, the situation may change by the time they arrive. He questioned what new information would have caused the officers to refrain from entering the building and determine whether Antonio LeGrier or anyone else was at risk. Mr. Kapelsohn went on to dismiss the suggestion that a supervisor would have made any difference, saying they would have told Officer Rialmo to go to the door and investigate. He also rejected the notion that a SWAT team would have been effective, as it would have taken hours to assemble the team, and they are not used on domestic calls but rather when an offender has barricaded himself or herself into an apartment or building. He said a bullhorn would have just drawn a crowd of neighbors, making it more difficult for the officers to control the situation and putting the neighbors at risk of injury.

b. **Failure to Develop a Plan**. Mr. Kapelsohn took the position that there was no alternative plan to make. The officers knew that the only plan was to knock on the door and investigate the situation. In any event, in his words, “The best plan never survives the first contact with the enemy.” (Tr., at p. 389.)

c. **Absence of Interim Weapons**. Mr. Kapelsohn opined that none of the missing “interim weapons” would have been effective under these circumstances. The situation unfolded too quickly and at too close a distance. He said that OC spray is not meant to be used against a

person with a deadly weapon. Nor can an asp properly be used in these circumstances. It is shorter than a bat (though this contradicts Officer Rialmo's own description of his asp), and is not meant to counteract a person with a deadly weapon. He discussed the use of a Taser at length and indicated that a Taser (accompanied by "lethal cover", that is, an officer training a gun on the suspect) cannot be used at the close range Officer Rialmo confronted. He said Tasers often are unsuccessful if both prongs do not lodge firmly in the suspect at a reasonable distance and, in any event, the officer only gets one shot with a Taser. Mr. Kapelsohn found that Mr. LeGrier presented an immediate threat with the bat and Officer Rialmo's only option was the use of his gun.

d. **Failure to Tactically Reposition Himself**. Mr. Kapelsohn agreed with the Superintendent's expert that repositioning can be a smart thing for an officer to do, but took the position that there was no reasonable option for Officer Rialmo to do so here. He said the bat in Mr. LeGrier's arm (when it was fully extended) was 58 inches long (4 feet and 10 inches), and so when LeGrier was at the front of the porch with the bat, he could have made contact with Officer Rialmo's head without taking a step. Moreover, Mr. Kapelsohn insisted that Mr. LeGrier could cover three feet with each step he took toward Officer Rialmo. Indeed, Mr. Kapelsohn said that it has been determined in studies that an offender can cover 21 feet in 1.5 seconds, which is quicker than it takes most officers to draw their weapon.<sup>12</sup> He pointed out too that when Officer Rialmo was on the front steps, his path of escape was limited by the walls on the side of the stairs. All of this means that, in his opinion, Officer Rialmo was not in a position to turn and run from Mr. LeGrier.<sup>13</sup>

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<sup>12</sup>Sergeant Pardell testified that the Chicago Police Department does not teach the 21-foot rule. Mr. Gennaco testified that it is a theory not rigorously confirmed by scientific research.

<sup>13</sup>When asked how Officer LaPalermo was able to retreat, Mr. Kapelsohn suggested that the two officers could not have backed up at the same speed—that Officer LaPalermo jumped off the porch, which involved looking down at his

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35. The Board need not determine which expert to credit on the questions of whether additional information would have been helpful to the officers in approaching the disturbance call, whether a more definitive plan should have been in place, or whether non-lethal weapons would have been useful in this situation (a-c above). Instead, the Board credits Mr. Gennaco and does not credit Mr. Kapelsohn on the question of whether the officers could have tactically repositioned themselves so that Ms. Jones was no longer in their line of fire, thus ending further inquiry. According to Officer Rialmo's own account of the events, he was eight to ten feet from Mr. LeGrier when he fired his weapon. Contrary to Mr. Kapelsohn's testimony, a 5'7" man like Mr. LeGrier could not have reached out from the front of the porch with a 28 inch bat and hit Officer Rialmo in the head when they were separated by this distance of eight to ten feet, and LeGrier was not charging at Officer Rialmo.<sup>14</sup> Finally, contrary to Mr. Kapelsohn's suggestion, Officer Rialmo was not falling back on the steps, closed in by the walls adjacent to the steps, when he began firing. He was on the walkway with a clear path of repositioning available to him. He could have done exactly what the Board finds his partner, who was in close proximity to Officer Rialmo, did, which was to reposition to a safer distance upon perceiving the threat that Quintonio Greer posed. Instead, knowing (as he admitted) that Bettie Jones was in his line of fire, Officer Rialmo chose to fire anyway. This decision to fire was objectively unreasonable.<sup>15</sup>

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feet whereas Officer Rialmo could not have taken his eyes off Mr. LeGrier and the bat; that perhaps Officer LaPalermo turned and ran, which also was not an option for Officer Rialmo; and that perhaps Officer LaPalermo did not retreat to the street until after Mr. LeGrier was shot and the situation was neutralized, as Officer Rialmo took time to watch Mr. LeGrier clutch his chest, turn, and fall, all of which took time.

<sup>14</sup>Officer Rialmo did not say he was being charged at by LeGrier at that point, and Dr. Melinek convincingly established that if LeGrier was charging at Officer Rialmo when he was shot, his body would not have fallen where and in the manner it did.

<sup>15</sup>The testimony of the medical examiner (Dr. Alvarenga) and the Superintendent's forensic expert (Dr. Melinek), which the Board credits, indicates that LeGrier may not have been at the front of the porch, as Officer Rialmo claims.

The Respondent and his expert make much of the fact that Officer Rialmo could not see Bettie Jones when he fired, but that is beside the point. Officer Rialmo conceded at the hearing that when he fired at Mr. LeGrier, the door where seconds before he had seen Ms. Jones was directly behind LeGrier, and that he was shooting in the direction where he had just seen Ms. Jones. Whether he saw Ms. Jones or not at the exact moment he fired, Officer Rialmo knew or reasonably should have known that Ms. Jones was in his line of fire. Given this fact, his decision to fire was objectively unreasonable in that Officer Rialmo could have repositioned himself further, thus eliminating the immediate threat Mr. LeGrier posed to him.

### Summary

36. In sum, based on the above, the Board makes the following relevant findings of fact, which are consistent with the evidence presented, as well as the Board's credibility findings as noted above:

- a. At the time of the shooting, Officer Rialmo had reached the bottom of the stairs leading down from the porch and was standing on the walkway.
- b. At the time of the shooting, Officer Rialmo was approximately eight to ten feet from LeGrier.
- c. At the time of the shooting, LeGrier was neither charging Officer Rialmo nor actively swinging the bat at Officer Rialmo.
- d. At the time LeGrier first emerged from the stairwell, Officers Rialmo and LaPalermo were both standing together at the top of the porch. Right after Officer Rialmo fired, Officer LaPalermo had tactically repositioned himself behind a car that was parked in the street.
- e. At the time of the shooting, Bettie Jones was standing behind LeGrier. Officer Rialmo knew or had reason to know of her presence.

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Given LeGrier's immediate paralysis and where his body fell, he may have been as much as five feet or more back from the front of the porch, in or near the vestibule, and thus considerably further from Officer Rialmo than the eight to ten feet the officer acknowledged. Nor does it appear that LeGrier was facing Officer Rialmo with the bat above his head (as Officer Rialmo reported), as evidenced by the trajectory of the wounds LeGrier suffered.

- f. Bettie Jones was killed as a result of a direct shot fired from Officer Rialmo's service weapon.
- g. Bettie Jones was an innocent bystander.

### **Charges Against Respondent**

37. The Respondent, Police Officer Robert Rialmo, Star No. 15588, charged herein, is **guilty** of violating Rule 2, Rule 6, and Rule 38 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about December 26, 2015, at approximately 4:25 a.m., at or near 4710 West Erie Street, Chicago, Officer Robert Rialmo, without justification, used force likely to cause death or great bodily harm without a reasonable belief that such force was necessary when he fired his weapon one or more times in the direction of Bettie Jones, hitting Ms. Jones and causing her death.

- a. Thereby violating 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; and/or,
- b. Thereby disobeying General Order 03-02-03, in violation of Rule 6, which prohibits disobedience of an order or directive, whether written or oral; and/or
- c. Thereby violating Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

See the findings set forth in the above paragraphs, which are incorporated herein by reference. The Chicago Police Department General Orders in effect at the time of this incident provide the framework for determining whether the use of force, including deadly force, is reasonably necessary. The General Orders, in pertinent part, state that officers may "use an amount of force reasonably necessary based on the totality of the circumstances to . . . protect themselves or others from injury." (Gen. Order G03-02, par. III. B.) This General Order's language is taken directly from *Graham v. Connor*, 490 U.S. 386 (1989), in which the United

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States Supreme Court held that an officer's use of force will be judged based on whether it was "objectively reasonable in light of the particular circumstances faced by the officer." (*Id.*, par. III.C.) While the Board may not use 20/20 hindsight, "[t]he reasonableness of a particular use of force will be judged under the totality of the circumstances viewed from the perspective of a reasonable officer on the scene." (*Id.*, par. III.C.2.) The subjective views of the individual officer involved are not relevant; good intentions do not forgive the use of unreasonable force.

The Department's General Orders provide further that an officer may use deadly force in only one of two circumstances: (1) "to prevent death or great bodily harm to the sworn member or to another person," or (2) "to prevent [certain arrests] from being defeated by resistance or escape . . . ." (Gen. Order G03-02-03, par. II.A.) While these two circumstances are required in order to find that deadly force was reasonable, their presence does not presumptively authorize the use of deadly force. In fact, the General Order in place at the time contemplated instances in which use of deadly force was *expressly forbidden*, each of which was intended to protect innocent bystanders. See General Order G03-02-03, par. III. In the end, the use of deadly force in either of these circumstances will still be judged based on the totality of the circumstances.

Turning to the facts of this case, we address first the jury's finding in the LeGrier civil case, about which much has been made during these proceedings. It is true that a civil jury determined that Officer Rialmo reasonably believed it was necessary to use deadly force against LeGrier to prevent death or great bodily harm to himself or his partner. The jury's finding, however, does not end the Board's analysis here, as the jury was asked a question that is distinctly different than that asked of this Board. Specifically, the jury in the LeGrier civil case was asked only whether the use of force was reasonable as to *LeGrier* (not Bettie Jones) and the jury was not asked to determine whether the force was necessary based on the *totality of the circumstances*. Indeed, as was

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acknowledged by the Court in the LeGrier civil matter, “[t]here are no claims in [the LeGrier civil case] related to Bettie Jones.” (Motion to Dismiss, Respondent’s Exhibit 8, at SUP\_012963.) And a review of the jury instructions and special verdict forms reveals the jury was never instructed to examine the totality of the circumstances, which necessarily includes the presence or absence of bystanders. Put another way, the jury was asked to determine whether LeGrier’s estate should be awarded damages—a question only answered by an examination of LeGrier’s own conduct in a vacuum, without critical examination of other factors that could or should warrant a police officer to exercise additional precautions. And while the Board agrees that the use of deadly force may be reasonable to stop a man from wielding a bat at an officer, the Board also believes that what is “reasonable” or “necessary” must be adjusted based on the totality of the facts of the case. The totality of the facts necessarily includes steps needed to be taken to prevent the loss of innocent life.

With those standards and distinctions in mind, the Board finds that Officer Rialmo’s use of deadly force was not reasonable or necessary *under the totality of circumstances* given Bettie Jones’s close proximity to LeGrier at the time the shots were fired. Indeed, given her presence—and the presence of individuals inside the apartment directly behind where LeGrier was standing—the Board finds that Rialmo had an obligation to tactically reposition himself before he fired shots in order to protect the innocent bystanders.<sup>16</sup>

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<sup>16</sup>The Respondent has argued that if Officer Rialmo was reasonably in fear of his life, so that the use of deadly force was justified with respect to Quintonio LeGrier, then under the doctrine of transferred intent, his use of force as against Bettie Jones was also reasonable. He relies on a line of criminal cases in which a defendant's intent with respect to one victim was transferable to others. See, e.g., the Illinois Appellate Court opinion in *People v Smith*, 94 Ill.App.3d 969 (1st Dist. 1981). *Smith* and its progeny, however, do not apply here. They involve criminal defendants who kill in self-defense; their subjective, specific intent to defend themselves is then transferred to other victims. The jury is instructed that if they find the defendant acted in self-defense with respect to his or her assailant, then that state of mind applies with respect to injuries or death suffered by others, including innocent bystanders. *Graham v Connor*, 490 U.S.386 (1989), however, tells us that the officer’s subjective intent does *not* matter in cases challenging the use of deadly or other force. Indeed, *Graham* rejected a subjective test in favor of an objective examination of whether the

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The Board further finds not only that Officer Rialmo had an obligation to attempt to reposition himself, but that under the facts of this case, he had the ability to do so. Officer Rialmo knew or should have known that Ms. Jones was present in the vestibule and thus in clear danger were he to shoot at LeGrier. And Officer Rialmo knew or should have known that he had options available to him in order to attempt to save the life of Ms. Jones. Indeed, Officer Rialmo waited to fire shots at LeGrier until he was at the bottom of the stairs and on the walkway. He was eight to ten feet from LeGrier and, at least at the time of shots fired, LeGrier had stopped actively swinging his bat, was standing straight up, and had his back or side facing Rialmo. As is evidenced from Officer LaPalermo's ability to quickly reposition himself to safety behind the squad car, Officer Rialmo was in a position in which he probably could have avoided shooting anyone—but at least could have put himself in a position to avoid shooting Ms. Jones.

While the Board understands that Officer Rialmo found himself in a difficult situation, police officers *must* take all reasonable precautions available to them in order to avoid the loss of innocent life. The Department and the residents of Chicago rightfully demand that police officers protect those around them—including requiring an officer to consider the presence of an innocent bystander when deciding to use deadly force if an officer knows or reasonably should know that an innocent bystander is in his line of fire. Even Respondent conceded the priority of protecting innocent life when he argued that had he seen that Bettie Jones was in the line of fire, he “would have ate the bat.” (Tr., at p. 806.)

38. The Respondent, Police Officer Robert Rialmo, Star No. 15588, charged herein, is

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officer's use of force was reasonable. So, even though an officer may have malevolent intent, his or her use of force may still be reasonable. And, if the officer had nothing but good intentions, as would appear to be the case here, his or her use of force may still be unreasonable. *Smith* and its progeny have never been applied outside the context of criminal law, and the Board declines to extend this line of cases to administrative disciplinary matters involving the use of deadly force.



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**guilty** of violating Rule 2, Rule 10, Rule 11, and Rule 38 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about December 26, 2015, at approximately 4:25 a.m., at or near 4710 West Erie Street, Chicago, Illinois, Officer Robert Rialmo, Star No. 15588, fired his weapon one or more times in the direction of Bettie Jones, hitting Ms. Jones and causing her death.

- a. Thereby violating 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; and/or,
- b. Thereby violating Rule 10, which prohibits inattention to duty; and/or,
- c. Thereby violating Rule 11, which prohibits incompetency or inefficiency in the performance of duty; and/or,
- d. Thereby violating Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

See the findings set forth in the above paragraphs, which are incorporated herein by reference. As set forth above, the Board finds that Officer Rialmo did fire in the direction of Bettie Jones and killed her. He did so when it was objectively unreasonable to fire his weapon, as Bettie Jones was in his line of fire, and he took no precautions to protect her. Officer Rialmo was in a position where he could have repositioned himself (as his partner did), without injury to himself, and fired later if LeGrier proceeded to attack him, without Bettie Jones in his line of fire.

39. The Respondent, Police Officer Robert Rialmo, Star No. 15588, charged herein, is **guilty** of violating Rule 2, Rule 10, Rule 11, and Rule 38 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about December 26, 2015, at approximately 4:25 a.m., at or near 4710 West Erie Street, Chicago, Illinois, Officer Robert Rialmo, Star No. 15588, fired his weapon one or more times into a home occupied by persons who would be at risk of injury or death.

- a. Thereby violating 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; and/or,

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- b. Thereby violating Rule 10, which prohibits inattention to duty; and/or
- c. Thereby violating Rule 11, which prohibits incompetency or inefficiency in the performance of duty; and/or,
- d. Thereby violating Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

See the findings set forth in the above paragraphs, which are incorporated herein by reference. Officer Rialmo is guilty of this charge for the same reasons he is guilty under the paragraphs above. He not only killed Bettie Jones when it was objectively unreasonable to fire his weapon, but he fired into the home where Latisha Jones was present, nearly striking her as well.

40. The Respondent, Police Officer Robert Rialmo, Star No. 15588, charged herein, is **guilty** of violating Rule 6, Rule 10, and Rule 11 in that the Superintendent proved by a preponderance of the evidence the following charges:

Between approximately February 6, 2014, and March 16, 2017, or for some period of time therein, Officer Robert Rialmo failed to requalify his certification to carry and handle a Taser device.

- a. Thereby violating General Order 04-02-02, in violation of Rule 6, which prohibits disobedience of an order or directive, whether written or oral; and/or,
- b. Thereby violating Rule 10, which prohibits inattention to duty; and/or,
- c. Thereby violating Rule 11, which prohibits incompetency or inefficiency in the performance of duty.

See the findings set forth in the above paragraphs, which are incorporated herein by reference. The Respondent pleaded guilty to the violation of Rule 6, as he conceded in a stipulation regarding this charge and at the hearing that, while he was initially certified to carry and handle a Taser, he had let his certification lapse without re-certifying. (Tr., at pp. 46, 649–50.) He is also guilty of violating Rules 10 and 11, as the inattention to duty and incompetency relate to Officer

Rialmo's failure to annually re-certify his qualifications to carry and use a Taser. Rules 10 and 11 here do not relate to what transpired on December 26, 2015 outside of 4710 West Erie in Chicago.<sup>17</sup>

### **Penalty**

41. 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 Respondent's complimentary and disciplinary histories. The Board has further considered thoroughly the evidence offered in mitigation, which consisted of the testimony of Alderman Nicholas Sposato, who worked with Officer Rialmo's father as a firefighter and has known Officer Rialmo his whole life; retired Lieutenant Stephanie Stuart, who was Officer Rialmo's supervisor in 2015; and Detective Robert Gorzelanny, who went to the police academy with Officer Rialmo and became friends with him during their service with the Chicago Police Department. All testified to the excellent character and work habits of Officer Rialmo.

In addition, the Board recognizes that Officer Rialmo, who joined the Chicago Police Department in 2012, has a complimentary history of nine total awards: five honorable mentions, three emblems of recognition for physical fitness, and one unit meritorious performance award. He has no sustained complaints on his disciplinary history.

Nevertheless, after considering Officer Rialmo's military career and work as a police officer, the Board finds that Officer Rialmo's misconduct is incompatible with his continued service as a police officer and warrants his discharge from the Chicago Police Department. This

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<sup>17</sup>Officer Rialmo's certification to carry and handle a Taser lapsed *almost two years* prior to the shooting at issue in this case. It is unclear from the record whether Officer Rialmo's supervisors or the Department tracked his status and gave him a direct order to be certified, and why he was allowed to continue working on the street for so long without certification. The Police Board recommends to the Department that it have in place an effective system for ensuring that all officers keep current their certification to carry and handle Tasers.

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case involves the killing of an innocent civilian who went out of her way to assist the police as they investigated a call at 4710 West Erie, in Chicago. Her death was entirely avoidable had Officer Rialmo, in reliance on his training and in compliance with the Department's General Orders, acted reasonably in his use of deadly force. Officer Rialmo knew or reasonably should have known that Bettie Jones was in his line of fire and nonetheless chose to fire his weapon repeatedly in her direction. There were alternatives available to Officer Rialmo, including repositioning himself, as his partner had done, so that if Quintonio LeGrier increased his threat to the officers, the two officers could have fired at him without having Bettie Jones or other innocent bystanders in their line of fire. Officer Rialmo did not take any precautions to avoid killing Bettie Jones. His decision to place her in peril when he was at least eight to ten feet from Mr. LeGrier and had an avenue to reposition himself available, as well as his guilt on the other charges filed against him in this case, amounts to conduct that 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.

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**POLICE BOARD DECISION**

The following members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of proceedings, viewed the video-recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 7 in favor (Ghian Foreman, Paula Wolff, Matthew C. Crowl, Michael Eaddy, Steve Flores, Rhoda D. Sweeney, and Andrea L. Zopp) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2, Rule 6, Rule 10, Rule 11, and Rule 38, as set forth in the paragraphs above.

As a result of the foregoing, the Board, by a vote of 7 in favor (Foreman, Wolff, Crowl, Eaddy, Flores, Sweeney, and Zopp) 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 Robert Rialmo, Star No. 15588, as a result of having been found **guilty** of all charges in Police Board Case No. 18 PB 2950, 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, Paula Wolff, Matthew C. Crowl, Michael Eaddy, Steve Flores, Rhoda D. Sweeney, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17<sup>th</sup> DAY OF OCTOBER, 2019.

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Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director

**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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RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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EDDIE T. JOHNSON  
Superintendent of Police