CHARGES AGAINST POLICE OFFICER EDIBERTO DIAZ

Police Officer Ediberto Diaz, Star Number 10299, is charged with violating the following Rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

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 15: Intoxication on or off duty.

Rule 38: Unlawful or unnecessary use or display of a weapon.

SPECIFICATIONS

1. On or about April 18, 2015, at approximately 3:47 a.m. in the vicinity of 1 N. 19th Avenue, Melrose Park, Illinois (Melrose Park Police Department), while off-duty, Officer Diaz was intoxicated and/or had a Blood Alcohol Concentration reading of approximately .185. Officer Diaz thereby violated:

   a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy or goals or brings discredit upon the Department.

   b. Rule 15, which prohibits intoxication on or off duty.

2. On or about April 17, 2015, at approximately 10:55 p.m. in the vicinity of 1210 N. 23rd Avenue, Melrose Park, Illinois, while off-duty, Officer Diaz possessed a firearm while knowing there was a likelihood that he would consume alcoholic beverages, and/or possessed a firearm while consuming alcoholic beverages. Officer Diaz thereby violated:

   a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy or goals or brings discredit upon the Department.

   b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by violating Department Approved Weapons and Ammunition Uniform and Property Directive, U04-02 section II(C) (effective December 27, 2013), which prohibits sworn members from carrying firearms during nonduty hours when there is a likelihood that they will be consuming alcoholic beverages.
3. On or about April 17, 2015, at approximately 10:55 p.m. in the vicinity of 1210 N. 23rd Avenue, Melrose Park, Illinois, while off-duty and under the influence of alcohol, Officer Diaz discharged his service weapon one or more times into a vehicle. Officer Diaz thereby violated:

   a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy or goals or brings discredit upon the Department.

   b. Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

4. On or about April 17, 2015, at approximately 10:55 p.m. in the vicinity of 1210 N. 23rd Avenue, Melrose Park, Illinois, while off-duty, Officer Diaz failed to properly secure his service weapon (a Springfield Arms XDM 9 mm semi-automatic handgun), when he removed the service weapon from his person, placed it in a vehicle in a garage, and left the garage without retrieving his service weapon. Officer Diaz thereby violated:

   a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy or goals or brings discredit upon the Department.

   b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by violating Department Approved Weapons and Ammunition Uniform and Property Directive, U04-02 section X (effective December 27, 2013), which requires sworn members to secure their duty firearm when it is not on their person.

5. On or about April 17, 2015, at approximately 10:55 p.m. in the vicinity of 1210 N. 23rd Avenue, Melrose Park, Illinois, while off-duty, Officer Diaz drove a vehicle while under the influence of alcohol and/or drove a vehicle while intoxicated. Officer Diaz thereby violated:


   b. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy or goals or brings discredit upon the Department.

   c. Rule 15, which prohibits intoxication on or off duty.
Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Ediberto Diaz, Star Number 10299, be discharged from the Chicago Police Department.

EDDIE T. JOHNSON
Superintendent of Police

APPROVED AS TO FORM

JOHANNA OJO
Assistant Corporation Counsel
Labor Division

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CHICAGO POLICE BOARD