

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER TONACIA GRANADO,) **No. 21 PB 2996**
STAR No. 5091, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) **(CR No. 1092037)**

FINDINGS AND DECISION

On August 25, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Tonacia Granado, Star No. 5091 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“CPD”) for violating CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer Allison Wood on March 8 and 9, 2022. Following this evidentiary hearing, the members of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report and Respondent’s response to this report (the Superintendent did not file a response to this report), and viewed the video recording of the entire evidentiary hearing. Hearing Officer Wood made an oral report to and conferred with the Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

As a result of its hearing on the charges, the Police Board finds and determines that:

1. 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 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 Respondent appeared and was represented by legal counsel.

Introduction

4. At approximately 9:00 a.m. on the morning of June 25, 2018, Respondent—who was alone in a marked CPD SUV—was driving westbound on Roosevelt Road. Respondent heard over the radio that there was a nearby domestic dispute, and she indicated that she would assist the responding officers. Respondent made a right-hand turn onto Central Park Avenue to respond to the call, and she began traveling in a northbound direction. Respondent slightly passed the alleyway where two other CPD cars responding to the domestic dispute were parked. Realizing that she had driven past her destination, Respondent stopped her vehicle, began to reverse (to turn into the alleyway), and ultimately hit a civilian vehicle driven by Shajuanta Johnson. Video footage from a City POD camera located at the scene (Superintendent’s Exhibit 5) shows Ms. Johnson’s vehicle was stopped at the time of the accident, and Respondent backed into her vehicle without a turning signal on. Following the accident, both Respondent and Ms. Johnson were able to drive their cars away from the scene. Ms. Johnson did not receive any traffic citations in connection with the crash.

After the accident, Respondent told Ms. Johnson and other officers who responded to the scene—including Sergeant Joseph Kusar (the responding supervisor) and Officer Edward Poppish (the responding officer)—that she had been backing up with her left-hand turn signal on when her vehicle was hit from behind by Ms. Johnson. Statements to that effect were included in four documents, which are the subject of the charges before the Police Board: (1) an Illinois Traffic Crash Report (Specification 1 of the charges); (2) a Vehicle Crash/Damage Report

(Specification 2); (3) an Injury on Duty (“IOD”) Report (Specification 3); and (4) an IOD To/From report (Specification 4).

Respondent’s Motion for a Directed Finding

5. On April 26, 2022, Respondent filed a Motion for Directed Finding of Not Guilty of Rule 14 charges. The Superintendent filed a Response to this motion on May 10, 2022.

Respondent’s Motion for a Directed Finding shall be denied. As an initial matter, the law and rules of procedure that govern Police Board hearings do not provide for motions for a directed finding. The Board’s Rules of Procedure state that “all evidence and arguments shall be presented prior to the case being taken under advisement by the Board, which shall then read and review the complete record of proceedings and view the video recording of the entire evidentiary hearing without limitation[.]” Rules of Procedure, Section III.C. There is no suggestion in the Board’s Rules of Procedure that the Hearing Officer has the power to issue a directed finding prior to the Board’s consideration of the case.

Over the course of the hearing, Respondent presented witnesses and evidence on her own behalf, both in defense of the charges and in mitigation. The Board will not deviate from its established procedure of considering witnesses and evidence presented by *both* the Respondent and the Superintendent before issuing its findings and decision.

Charges Against the Respondent

6. With respect to the charges set forth in Specification 1, the Superintendent proved by a preponderance of the evidence that Police Officer Tonacia Granado, Star No. 5091, is **guilty of violating Rules 2 and 3**. Police Officer Granado is **not guilty of violating Rule 14**, as the Superintendent did not prove by a preponderance of the evidence a violation of this rule. The

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charges set forth in Specification No.1 appear below.

Specification No. 1: On or about June 25, 2018, at approximately 9:00 a.m., while at or near the location of 1136 South Central Park Avenue in Chicago, Officer Tonacia Granado provided false, misleading, incomplete, and/or inaccurate statements which were related to her on-duty traffic crash, to Chicago Police Officer Edward Poppish that were used to complete Illinois Traffic Crash Report No. RD JB321585, to wit: Granado stated that she had her left hand turning signal on and/or she was reversing and Shajuanta Johnson ran into her vehicle, and/or bumped into her vehicle, or words to that effect. Officer Granado thereby violated:

- a. 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;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals; and
- c. Rule 14, which prohibits making a false report, written or oral.

Respondent was involved in an on-duty traffic accident on June 25, 2018, while at or near 1136 South Central Park Avenue. The facts of the traffic accident are not in dispute. Respondent made a right-hand turn onto Central Park Avenue. She drove slightly past an alleyway where two other CPD cars responding to the domestic dispute were parked. When Respondent realized that she had driven past her destination, Respondent stopped her vehicle, began to reverse her vehicle with the intention of turning left into the alleyway, and ultimately hit a civilian vehicle driven by Shajuanta Johnson. Whenever there is a traffic accident, an Illinois Traffic Crash Report must be completed. In relating the facts of the accident to Officer Poppish, who was tasked with completing the Illinois Traffic Crash Report, Respondent reported to him that she had activated her left-hand turn signal and that Ms. Johnson hit her vehicle from behind. These facts were then set forth in the Illinois Traffic Crash Report. The Board finds that Respondent violated Rule 2 and 3 because the facts she reported to Officer Poppish were not accurate. The video presented by the Superintendent shows that Respondent did not activate her left-hand turn

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signal. The video further shows that Ms. Johnson's vehicle was stopped, and Respondent backed into her.

The Superintendent did not meet his burden to establish a Rule 14 violation. A Rule 14 violation requires a showing that the statements made by Respondent were willful and material to the outcome of the investigation. The Board finds Respondent's testimony credible that at the time she reported the facts of the traffic accident to Officer Poppish, she believed that she had in fact activated her left-hand turn signal and she believed Ms. Johnson struck her vehicle. She maintained this belief until she was given the opportunity to view the video footage. After viewing the video footage, Respondent admitted that she had been mistaken in her beliefs and she realized that she was the one at fault for the traffic accident. Her perception that she was hit from behind by Ms. Johnson's car was likely influenced by the fact Respondent had been hit from behind in a car accident that occurred two years earlier in which she sustained serious back injuries. The Board finds that Respondent was mistaken in her beliefs about certain statements she made about the accident, and that her statements were not made with an intention to deceive. Since Ms. Johnson did not receive a ticket for the accident and the damages to her car were paid, there was no evidence that the outcome of the investigation into the traffic accident would have been different if Respondent has not been mistaken about who was at fault.

7. With respect to the charges set forth in Specification 2, the Superintendent proved by a preponderance of the evidence that Police Officer Tonacia Granado, Star No. 5091, is **guilty of violating Rules 2 and 3**. Police Officer Granado is **not guilty of violating Rule 14**, as the Superintendent did not prove by a preponderance of the evidence a violation of this rule. The charges set forth in Specification No.2 appear below.

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Specification No. 2: On or about June 25, 2018, at approximately 9:00 a.m., while at or near the location of 1136 South Central Park Avenue in Chicago, Officer Tonacia Granado provided false, misleading, incomplete, and/or inaccurate statements which were related to her on-duty traffic crash, to Chicago Police Officer Edward Poppish that were used to complete Vehicle Crash/Damage Report No. 1458, to wit: Granado stated that she had her left hand turning signal on and/or she was reversing and Shajuanta Johnson ran into her vehicle, and/or bumped into her vehicle, or words to that effect. Officer Granado thereby violated:

- a. 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;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals; and
- c. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in Section No. 6, which are incorporated herein by reference.

Pursuant to Special Order S04-07-03, a CPD member who is involved in a traffic crash must complete a Vehicle Crash/Damage Report. With respect to this report, Respondent provided the same inaccurate statements that she had activated her left-hand turn signal and that the other vehicle ran into her from behind. For the reasons stated herein, the Board finds that Respondent violated Rules 2 and 3, and that Respondent did not violate Rule 14.

8. With respect to the charges set forth in Specification 3, the Superintendent proved by a preponderance of the evidence that Police Officer Tonacia Granado, Star No. 5091, is **guilty of violating Rules 2 and 3**. Police Officer Granado is **not guilty of violating Rule 14**, as the Superintendent did not prove by a preponderance of the evidence a violation of this rule. The charges set forth in Specification 3 appear below.

Specification No. 3: On or about June 25, 2018, at approximately 9:00 a.m., while at or near the location of 1136 South Central Park Avenue in Chicago, Officer Tonacia Granado provided false, misleading, incomplete, and/or inaccurate statements which were related to her on-duty traffic crash, to Chicago Police Sergeant Joseph Kusar. Those statements were

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used to complete an Injury on Duty report that was signed by Granado, to wit: Granado stated that she was stopped near 1136 South Central Park Avenue, and/or reversed approximately one to two feet to turn left down the alley, and/or stopped again with an activated turn signal, and/or began to turn left when she was struck from behind in traffic, or words to that effect. Officer Granado thereby violated:

- a. 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;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals; and
- c. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in Section Nos. 6 and 7, which are incorporated herein by reference. The Injury on Duty report is an official police report that must be completed when there is a vehicle accident that results in injury to the CPD member. With respect to this report, Respondent provided Sergeant Kusar with the same inaccurate statements that she had activated her left-hand turn signal and that the other vehicle ran into her from behind. For the reasons stated herein, the Board finds that Respondent violated Rules 2 and 3, and that Respondent did not violate Rule 14.

9. With respect to the charges set forth in Specification 4, the Superintendent proved by a preponderance of the evidence that Police Officer Tonacia Granado, Star No. 5091, is **guilty of violating Rules 2 and 3**. Police Officer Granado is **not guilty of violating Rule 14**, as the Superintendent did not prove by a preponderance of the evidence a violation of this rule. The charges set forth in Specification 4 appear below.

Specification No. 4: On or about June 27, 2018, Officer Tonacia Granado provided false, misleading, incomplete, and/or inaccurate statements in an Injury on Duty To-From report which related to her on-duty traffic crash when she documented that she "slightly reversed about a foot or two and was struck by unit #1 in a very hard impactful manner," or words to that effect. Officer Granado thereby violated:

- a. 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;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals; and
- c. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in Section Nos. 6, 7, and 8, which are incorporated herein by reference. With respect to this report, Respondent provided information that she was struck by the other vehicle in a "a very hard impactful manner." The first part of the statement was not accurate since Respondent is the one who backed into the other vehicle. We cannot conclude that the rest of the statement made by Respondent as to the description of the impact she experienced was inaccurate. It is noted that Respondent credibly testified that after the accident she felt pain in her back, and she was unable to complete her tour that day. For the reasons stated herein, the Board finds that Respondent violated Rules 2 and 3, and that Respondent did not violate Rule 14.

Disciplinary Action

10. The Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty, and the evidence presented in defense and mitigation.

Respondent became a Chicago police officer in December 2001. Two fellow officers testified positively about her work and her integrity. Respondent also presented letters of support, including one from her supervisor. Respondents' complimentary history consists of 32 total awards, including one Life Saving Award, one Unit Meritorious Performance Award, two Department Commendations, 22 Honorable Mentions, and three Emblems of Recognition for Physical Fitness; there are no sustained complaints on her disciplinary history report

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(Respondent's Exhibit No. 3). The Superintendent did not offer evidence in aggravation.

While the Board finds that Respondent violated CPD rules by providing inaccurate information about the traffic crash to Officer Poppish and Sergeant Kusar that morning and in a report two days later, the Board also finds that Respondent did not intentionally make materially false statements about the crash. Respondent was involved in a traffic accident on route to assist other officers who were dealing with a domestic dispute. She made a mistake in reversing her car without activating her left-hand turn signal. Respondent did not believe she was at fault, but when she was given the opportunity to review the video footage, she admitted that she was at fault.

Based on the nature of Respondent's conduct and the evidence she presented in mitigation, the Board finds that a suspension of ninety days is appropriate disciplinary action on the facts of this particular case.

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POLICE BOARD DECISION

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of the 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 8 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, Michael Eaddy, Steve Flores, Jorge Montes, and Andrea L. Zopp) to 0 opposed, the Board finds Respondent **guilty** of violating Rules 2 and 3 and **not guilty** of violating Rule 14 in the charges in Specification Nos. 1 – 4, as set forth in Section Nos. 6 – 9 above.

As a result of the foregoing and for the reasons set forth in Section No. 10 above, the Board, by a vote of 8 in favor (Foreman, Wolff, Block, Cusack, Eaddy, Flores, Montes, and Zopp) to 0 opposed, hereby determines that cause exists for suspending 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 ninety (90) days.

NOW THEREFORE, IT IS HEREBY ORDERED that Police Officer Tonacia Granado, Star No. 5091, as a result of having been found **guilty** of certain charges and not guilty of other charges in Police Board Case No. 21 PB 2996, 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 ninety (90) days, from September 1, 2021 (the date she was suspended upon the filing of charges) to and including November 29, 2021.

IT IS FURTHER ORDERED that Officer Granado be and hereby is restored to her position as a police officer and to the services of the City of Chicago, with all rights and benefits,

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effective November 30, 2021.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Mareil  B. Cusack, Michael Eaddy, Steve Flores, Jorge Montes, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16th DAY OF JUNE, 2022.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of 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 _____, 2022.

DAVID O. BROWN
Superintendent of Police