

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

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 19 RR 13
POLICE OFFICER DORA FONTAINE,)	
STAR No. 4484, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO)	(CR No. 1082353)

REQUEST FOR REVIEW

On June 14, 2019, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of the Chief Administrator’s recommendation for discipline of Police Officer Dora Fontaine, Star No. 4484, arising out of the investigation of Complaint Register No. 1082353 (“Request for Review”).

The Chief Administrator recommended that the following allegation against Officer Fontaine be *Sustained*:

Allegation No. 1: On September 15, 2016, at approximately 0140 hours, at 3420 West 63rd Street (8th District Station), Chicago, Officer Fontaine handcuffed [an arrestee] too tightly to a bench/wall restraint.

The Chief Administrator recommended that Officer Fontaine be suspended for a period of five days.

The Superintendent objected to the Chief Administrator’s recommendation. The Superintendent recommended that the allegation be classified as *Unfounded*.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on March 29, 2019; (2) the Chief Administrator received the Superintendent’s written response on May 23, 2019; (3) the Chief Administrator’s designees met with the Superintendent’s designees and discussed this matter on

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June 7, 2019; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on June 14, 2019.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Rhoda D. Sweeney, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). The Reviewing Member considered the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

OPINION

Based on a thorough review of the Request for Review file, it is my opinion that the Superintendent met his burden of overcoming the Chief Administrator's recommendation for discipline, and that the allegation should be classified as *Unfounded*.

As a preliminary matter, the formal allegation that COPA sustained states that Officer Fontaine "handcuffed [an arrestee] too tightly to a bench/wall restraint," which is not what happened. The formal allegation does not state that she failed to double lock the handcuffs in violation of General Order G06-01-02. Due process demands that actual charges lodged against police officers be precise.

The information in the file indicates that Officer Fontaine was confronted by a combative, intoxicated woman. When [the woman] complained that her handcuffs were too tight when she was cuffed to the wall, Officer Fontaine offered to cuff her to the opposite side instead. Officer Fontaine consistently acted in the best interest of [the woman] and when [she] continued

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to be agitated and combative, Officer Fontaine called another car to transport her. [The woman's] statements were inconsistent when she was interviewed.

Based on all the facts and circumstances stated in the Request for Review file, it is my opinion that the Superintendent met his burden of overcoming the Chief Administrator's recommendation for discipline. Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent's response—that Allegation No. 1 be classified as *Unfounded*—shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY OF JUNE, 2019.

/s/ RHODA D. SWEENEY
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board