

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

ALEX WOLINSKI,
Plaintiff,

v.

THE POLICE BOARD OF THE CITY
OF CHICAGO and THE
SUPERINTENDENT OF POLICE
FOR THE CITY OF CHICAGO,
Defendants.

No. 2023-CH-06555

Calendar 16

Judge David B. Atkins

ORDER

THIS CASE COMING TO BE HEARD on Plaintiff's Amended Complaint for Administrative Review, the court having reviewed the briefs submitted and the administrative record, and being fully advised in the premises,

THE COURT HEREBY FINDS AND ORDERS:

1. This is an action for administrative review of Defendant Police Board of the City of Chicago (the "Board")'s June 15, 2023 Decision finding Plaintiff Wolinski violated Rules 1, 2, 3, 5, 6, 8, 10, and 11 and Department Special Order SO4-19 ("SO4-19") and General Order GO2-01 ("GO2-01") and terminating Plaintiff from his position as sergeant with the Chicago Police Department. Plaintiff now appeals that decision.
2. The court finds Plaintiff's argument that the court should review the Board's decision *de novo*, unpersuasive. It is well settled that the scope of the court's administrative review extends to all questions of law and fact presented by the record.¹ In cases involving discharge, the court engages in a two-step process: first, the court determines whether the agency's findings of fact are against the manifest weight of the evidence; and second, the court determines whether the findings of fact provide a sufficient basis for its conclusion that there was cause for discharge.² Findings and conclusions of the administrative agency on questions of fact shall be held to be *prima facie* true and correct.³
3. First, the Board's findings that Plaintiff violated Department Rules and Policies, including 1, 2, 3, 5, 6, 8, 10 and 11, SO4-19, and GO2-01, were not

¹ 735 ILCS 5/3-110.

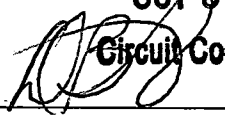
² *Marzano v. Cook County Sheriff's Merit Board*, 396 Ill. App. 3d 442, 446 (1st Dist. 2009).

³ 735 ILCS 5/3-110.

against the manifest weight of the evidence. The Board considered direct and circumstantial evidence including body camera footage and officers' testimonies.

4. Next, the Board's decision to terminate Plaintiff for the above was neither arbitrary and unreasonable, nor unrelated to the requirements of service. An administrative agency's finding of cause for discharge must be afforded considerable deference and "is to be overturned only if it is arbitrary and unreasonable or unrelated to the requirements of the service."⁴ The question is not whether this court would have initially decided differently, nor whether this court would conclude, in view of any mitigating circumstances, that a different penalty would be more appropriate.⁵ Specifically in this case, the evidence reflected that approximately twelve armed officers executed a search warrant where upon entry they encountered a naked woman, Ms. Anjanette Young, standing in her home. The premises was secured in approximately one and a half minutes. Plaintiff Wolinski was the sergeant in charge at the scene and failed to allow a handcuffed Ms. Young to get dressed for ten minutes despite her requests and the requests of some of his officers. She was not shown or read the search warrant for approximately twenty minutes. Although there are more, "[a]n officer's violation of a single rule has long been held to be a sufficient basis for termination."⁶
5. For these reasons, the Board's June 15, 2023 Decision is hereby affirmed. This is a final and appealable order.

JUDGE DAVID B. ATKINS

ENTERED: **OCT 31 2024**

Circuit Court-1879

Judge David B. Atkins

The court.

⁴ *Id.* at 106-07.

⁵ *Id.* at 106 (quoting *Sutton v. Civil Service Com.*, 91 Ill. 2d 404, 411 (1982)).

⁶ *Siwek v. Police Bd.*, 374 Ill. App. 3d 735, 738 (1st Dist. 2007).