

**BOARD OF FIRE AND POLICE COMMISSIONERS**  
**ROCKFORD, ILLINOIS**

In re. the June 4, 2014 writing of City of Rockford )  
Patrolman Terrance Peterson (President of the )  
Police Benevolent and Protective Association Unit Six) )  
to this Board as to the City of Rockford Chief of Police )

**ACCUSING CHIEF EPPERSON OF MISCONDUCT**

AS TO:

**1.** (A) THE RULES OF THIS BOARD WHICH THIS BOARD IS OBLIGATED TO FOLLOW REQUIRE THIS BOARD, IN MAKING ITS DECISION TO PROCEED OR NOT TO PROCEED TO A FULL HEARING, TO MAKE SUCH A DETERMINATION BASED UPON PROBABLE CAUSE.

(B) THIS WRITER SUBMITS THAT A COMMON SENSE DEFINITION OF THE TERM "PROBABLE CAUSE" IS WHETHER OR NOT IT IS MORE LIKELY THAN LESS LIKELY THAT THE ALLEGATIONS AGAINST THE CHIEF ARE TRUE OR FALSE. AS I SIMPLISTICALLY UNDERSTAND IT, ON A SCALE OF 0% TO 100%, THE UNION BY AT LEAST 51% MUST SHOW THAT THE UNION ALLEGATIONS AGAINST THE CHIEF ARE TRUE!

(C) SUCH A DETERMINATION HAS TO BE MADE BY EACH INDIVIDUAL COMMISSIONER.

(D) A UNANIMOUS DECISION IS NOT NECESSARY; ONLY A MAJORITY DECISION BY THE COMMISSIONERS.

(E) SUCH DECISION CANNOT LAWFULLY BE MADE BY THE "HEARING OFFICER" (I.E., LEGAL ADVISOR). HE HAS NO AUTHORITY TO VOTE ON

THE ISSUE, ONLY THE THREE COMMISSIONERS CAN LAWFULLY VOTE, AS THEY UNDERSTAND WHAT OCCURRED.

**2.** IN DETERMINING THE PRESENCE OR ABSENCE OF PROBABLE CAUSE I URGE EACH COMMISSIONER TO READ THE AMENDED COMPLAINT WHICH CONTAINS THE ALLEGATIONS AGAINST THE CHIEF.

(A) IN DOING SO, NOTICE THAT THE INCIDENT UPON WHICH COUNTS I, II AND III OF THE AMENDED COMPLAINT ARE BASED IS THE 10/30/13 INCIDENT AT THE JOHNSTON HOME. YET IT WAS NOT UNTIL JUNE 2014 THAT THE AMENDED COMPLAINT WAS FILED WITH THIS BOARD; A 7 MONTH PASSING OF TIME.

(B) **IF** THE CONTENT OF THE AMENDED COMPLAINT CONSTITUTED “CAUSE”, WHY DID THE UNION WAIT SOME 7 MONTHS TO PRESENT THEIR AMENDED COMPLAINT TO THIS BOARD?

(C) YES, IN NOVEMBER OF 2013 THE UNION (THROUGH ITS PRESIDENT (I.E., RETIRED PATROL OFFICER PETERSON) ASKED THE BOARD TO INVESTIGATE THE 10/30/13 INCIDENT AT THE JOHNSTON HOME. YET WHEN THIS BOARD SAID IT WOULD, THE NOVEMBER 2013 WRITING WAS WITHDRAWN BY THE UNION PRESIDENT. SUCH CAUSES THIS WRITER TO STATE THAT IF THE ALLEGATIONS IN THE NOVEMBER 2013 WRITING TO THE BOARD WERE TRUE AND SO SERIOUS, WHY WAIT TO COME BACK TO THE BOARD WITH THE ALLEGATIONS UNTIL JUNE 2014 – SOME 7 MONTHS LATER! IF THE CHIEF’S ACTIONS ON 10/30/13 WERE SO WRONG, WHY DID NOT THE UNION HAVE HIM

PROSECUTED FOR THE FELONY OF OFFICIAL MISCONDUCT- OBSTRUCTING A PEACE OFFICER- OR RECKLESS CONDUCT?

**3. (A) I NOW ADDRESS COUNTS 4, 5, 6 AND 7 OF THE AMENDED COMPLAINT WHICH DEAL WITH THE CIRCUIT COURT LITIGATION.**

(1) NOTE THAT PARAGRAPHS 33 THROUGH 45 OF THE AMENDED COMPLAINT PERTAIN TO COUNTS 4, 5, 6 AND 7 WHICH DEAL WITH MATTERS THEN (BUT NOT NOW) PENDING BEFORE THE WINNEBAGO COUNTY CIRCUIT COURT AS CASE NO. 2014 CH 609. SUCH CONTAINED A MOTION FOR SANCTIONS WHICH WAS DENIED BY THE CIRCUIT COURT ON APRIL 21, 2015. A COPY OF SUCH CERTIFIED BY THE CLERK OF THE WINNEBAGO COUNTY CIRCUIT COURT HAS BEEN SUBMITTED TO THIS BOARD.

(2) THE UNION VIGOROUSLY ARGUED TO THE CIRCUIT COURT THAT I BE PENALIZED FOR WHAT I PRESENTED TO THE COURT ON BEHALF OF THE CHIEF. / IF THE COURT AGREED WITH THE UNION (WHICH IT DID NOT), I AND THE CHIEF COULD HAVE BEEN PENALIZED (SANCTIONED) BY THE COURT. HOWEVER, THE COURT REJECTED THE UNION REQUEST ON APRIL 21, 2015. THEREFORE THE LEGAL PRINCIPLE OF RES JUDICATA, OR ESTOPPEL BY VERDICT, NEGATES THIS BOARD DEALING WITH COUNTS 4, 5, 6 AND 7 OF THE AMENDED COMPLAINT.

NOTE THAT THIS BOARD (THROUGH ITS ATTORNEY) WAS INVOLVED IN CIRCUIT COURT CASE NO. 2014 CH 609. AS SUCH, YOUR ATTORNEY KNEW WHAT I AND THE CHIEF HAD SAID BEFORE THIS BOARD AS TO THE APPOINTMENT OF

THE CHIEF. / WHY WOULD I LIE OR DECEIVE THE COURT AS TO WHAT WAS SAID TO THIS BOARD WHEN YOUR ATTORNEY WAS PRESENT IN COURT AS TO 2014 CH 609 WHEN I COULD BE READILY CONTRADICTED BY YOUR ATTORNEY? / PLEASE NOTE THAT YOUR ATTORNEY DID NOT JOIN WITH THE UNION IN ITS UNSUCCESSFUL EFFORT TO HAVE SANCTIONS IMPOSED UPON ME AND THE CHIEF FOR MISLEADING OR LYING TO THE COURT. SUCH SHOULD DISPOSE OF COUNTS 4, 5, 6 AND 7, IN THAT THE APRIL 21, 2015 RULING OF THE COURT AS TO SANCTIONS CONSTITUTE RES JUDICATA / ESTOPPEL BY VERDICT - MEANING THE CONTENT OF COUNTS 4, 5, 6 AND 7 HAVE BEEN DECIDED BY THE COURT THEREBY NEGATING A SECOND BITE OF THE APPLE BY THIS UNION.

**(B) NOW I ADDRESS COUNTS 1, 2 AND 3 OF THE AMENDED COMPLAINT.**

LOOKING AT THE AMENDED COMPLAINT, NOTE WELL THAT:

(1) NONE OF THE THREE PATROL OFFICERS AT THE 10/30/13 JOHNSTON HOME INCIDENT ARE LISTED AS COMPLAINANTS IN THE AMENDED COMPLAINT. / WHILE SERGEANT TORRANCE IS ONE OF THE COMPLAINANTS, NOTE THAT HE ARRIVED AT THE JOHNSTON HOME ON 10/30/13 AFTER BEING REQUESTED TO GO TO THE JOHNSTON HOME BY THE THREE PATROL OFFICERS AND ORDERED TO GO TO THE JOHNSTON HOME PURSUANT TO THE DIRECTION OF THE CHIEF THROUGH A LIEUTENANT.

(2) NOTE THAT ROCKFORD PATROL OFFICER ODA POOLE IS ONE OF THE COMPLAINANTS. THE SAME POOLE WHO SHOT AND KILLED A CITIZEN OF ROCKFORD AND WHOSE WRONGFUL ACTION CAUSED THE CITY TO

PAY THE ESTATE OF THE DECEASED CITIZEN APPROXIMATELY 1 MILLION DOLLARS. NOTE THAT POOLE IS PRESENTLY DEFENDING AGAINST CHARGES FILED BY THE CHIEF PRESENTLY BEFORE THE CIRCUIT COURT AT WHICH ATTORNEY CAIN IS OFFICER POOLE'S ATTORNEY; THE SAME ATTORNEY CAIN WHO IS PRESENTLY PROSECUTING THE CHIEF BEFORE THIS BOARD CONTRARY TO THE TERMS OF 5/10-2.1-25 OF THE BOARD OF FIRE AND POLICE COMMISSIONERS ACT.

(3) NOTE FURTHER THAT AMONG THE COMPLAINANTS ARE THOSE NO LONGER ASSOCIATED WITH THE ROCKFORD POLICE DEPARTMENT; SUCH INCLUDING, BUT NOT LIMITED TO UNION PRESIDENT PETERSON, WHO IS RETIRED FROM THE ONLY RANK HE HELD WITH THE ROCKFORD POLICE DEPARTMENT (I.E., PATROLMAN) IN HIS SOME 20 YEARS WITH THE DEPARTMENT.

(4) NOTE THAT THE AMENDED COMPLAINT IS NOT BROUGHT BY INDIVIDUALS IN THEIR OFFICIAL CAPACITY, BUT INSTEAD AS MEMBERS OF THE UNION KNOWN AS THE POLICE BENEVOLENT AND PROTECTIVE ASSOCIATION (PB & PA). CONSEQUENTLY, THERE SHOULD BE NO DOUBT THAT THE COMPLAINT AT HAND IS ONE OF UNION vs. MANAGEMENT. SUCH SHOULD HAVE BEEN ADDRESSED THROUGH THE GRIEVANCE PROCEDURE OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PB & PA- BUT WAS NOT!

(5) NOTE THAT NEITHER THE NOVEMBER 2013 NOR THE JUNE 2014 AMENDED UNION COMPLAINT ASKS FOR THE IMMEDIATE SUSPENSION

(WITH OR WITHOUT PAY) OF THE CHIEF PENDING COMPLETION OF THE FULL BOARD HEARING OR THE PROBABLE CAUSE PORTION OF THE BOARD ACTIONS PERTAINING TO THE COMPLAINT,. YET 5/10-2.1-17 OF THE BOARD OF FIRE AND POLICE COMMISSIONERS ACT FOUND IN 65 ILLINOIS COMPILED STATUE ALLOWS FOR AN INTERIM SUSPENSION BY THE BOARD.

(6) NOTE THAT NEITHER THE INITIAL OR AMENDED COMPLAINT ASKED THAT THE CHIEF BE TERMINATED FROM HIS EMPLOYMENT, DEMOTED OR SUSPENDED WITHOUT PAY IF THIS BOARD DETERMINES THAT THE ALLEGATIONS OF THE UNION HAVE BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE; I.E., 51% ON A SCALE OF 0% TO 100%.

(7) NOTE THE PRESENCE OF THE WORD “POTENTIALLY”, NOT ACTUALLY IN PARAGRAPHS 25, 26 AND 27 OF THE AMENDED COMPLAINT. THE RECORD DOES NOT CONTAIN EVIDENCE THAT LLOYD JOHNSTON WAS OR IS A VIOLENT MAN. YOU SAW AND HEARD HIM TESTIFY BEFORE THIS BOARD ON BEHALF OF THE CHIEF. / THIS CASE SHOULD NOT BE DECIDED ON THE QUANTITY OF EVIDENCE, BUT INSTEAD ON THE QUALITY OF EVIDENCE.

**4. IF** THE SYRACUSE, NEW YORK EX-WIFE TOLD THE ROCKFORD DISPATCH CENTER AT ABOUT 10 PM ON 10/30/13 THAT WHAT SHE WAS CALLING ABOUT HAD SUPPOSEDLY OCCURRED SOME 10 HOURS EARLIER IN THE DAY AT THE ROCKFORD HOME OF LLOYD JOHNSTON, THAT WHICH OCCURRED AT THE JOHNSTON HOME AT ABOUT 10:15 PM ON 10/30/13 WOULD MOST PROBABLY NOT HAVE OCCURRED!

**5.** IN SUBSTANCE, WHAT IS IT THAT THE SYRACUSE, NEW YORK EX-WIFE OF LLOYD JOHNSTON LED THE DISPATCH CENTER TO ACCEPT AT FACE VALUE WHAT THE EX-WIFE WAS CALLING ABOUT?

**6.** THAT THE CRIME OF DOMESTIC VIOLENCE (BATTERY) HAD BEEN PERPETRATED IN ROCKFORD UPON THE SON OF HER AND LLOYD JOHNSTON; AND THE SON MAY BE IN NEED OF MEDICAL CARE- THE AGE OF THE SON NOT BEING TOLD DISPATCH BY THE EX-WIFE, NOR DID THE DISPATCH CENTER ASK FOR SUCH.

**7.** IN A PERFECT WORLD, SHOULD THE AGE AND/OR THE TIME OF THE OCCURRENCE OF THE CLAIMED WRONGFUL CONDUCT IN ROCKFORD OF LLOYD JOHNSTON HAVE BEEN MADE KNOWN TO THE DISPATCH CENTER BY THE EX-WIFE? IN A PERFECT WORLD, **YES!**

**8.** SHOULD THE DISPATCH CENTER HAVE ASKED IN DEPTH QUESTIONS ABOUT THE AGE OF THE SON, WHEN THE EVENTS THE EX-WIFE WAS CALLING ABOUT HAD OCCURRED- **YES!** IN A PERFECT WORLD!

**9.** DOES THE CHIEF FAULT THE DISPATCH CENTER? **NO!** FOR IN THE HEAT OF THE MOMENT, WHAT THE DISPATCH CENTER DISPATCHED WAS CORRECT- BUT NOT PERFECT- **AS NONE OF US ARE!**

**10.** (A) AS THE RESULT OF WHAT WAS DISPATCHED, DID THE THREE PATROL OFFICERS RESPOND TO THE HOME OF LLOYD JOHNSTON? **YES!**

(B) DID THE DISPATCH CENTER DISPATCH AN AMBULANCE TO THE JOHNSTON HOME-**NO!** NOR DID ANY OFFICER WHO RESPONDED TO THE JOHNSTON HOME CALL ASK THAT ONE BE DISPATCHED!

**11.** BASED UPON THE CONTENT OF THE DISPATCH RECEIVED BY THE THREE PATROL OFFICERS, COULD THE THREE HAVE RAPIDLY ENTERED THE JOHNSTON HOME TO FIND OUT **A)** IF THE SON OF LLOYD JOHNSTON WAS IN NEED OF MEDICAL CARE AND/OR **B)** IF THE CRIME OF DOMESTIC VIOLENCE (BATTERY) HAD OCCURRED? **YES!** IN LEGAL TERMS. FOR EITHER/BOTH, AS A MATTER OF LAW, WOULD LEGITIMATELY FALL INTO THE CONSTITUTIONAL EXCEPTION FOR A SEARCH WARRANT TO BE ISSUED BY A JUDGE. SUCH IS KNOWN AS EMERGENCY /EXIGENT CIRCUMSTANCES- NEITHER REQUIRING CONSENT BEING RECEIVED FROM LLOYD JOHNSTON PRIOR TO THE THREE POLICE OFFICERS ENTERING THE JOHNSTON HOME TO FIND OUT IF THE SON OF LLOYD JOHNSTON WAS IN NEED OF IMMEDIATE MEDICAL CARE AND/OR IF THE CRIMES OF DOMESTIC VIOLENCE (BATTERY) WERE IN PROGRESS, OR HAD RECENTLY OCCURRED. / NOTE THAT IN THE 2008 SEVENTH FEDERAL CIRCUIT COURT OF APPEALS (BASED IN CHICAGO AND WHICH DEALS WITH ILLINOIS CASES ON THE FEDERAL LEVEL) CASE OF UNITED STATES V. VENTERS THE COURT RECOGNIZED THAT EXIGENT OR EMERGENCY CIRCUMSTANCES DO NOT NECESSITATE A



SEARCH WARRANT (RAPID / NON-CONSENSUAL ENTRY IS ALLOWED) IF WHAT THE POLICE OFFICERS ENCOUNTER IS:

“A COMPELLING NEED FOR OFFICIAL ACTION AND NO TIME TO SECURE A WARRANT, SUCH AS WHEN AN OFFICER MUST ENTER A PREMISES TO RENDER EMERGENCY ASSISTANCE TO AN INJURED OCCUPANT OR TO PROTECT AN OCCUPANT FROM IMMINENT INJURY.”

SO TOO DID THE SUPREME COURT SAY SUCH IN THE 1978 CASE OF MINCEY v. ARIZONA. THAT JUST SAID WAS MORE RECENTLY STATED IN THE JULY 2014 FEDERAL CIRCUIT COURT OF APPEALS CASE OF HAWKINS V. MITCHELL.

NOTE ALSO THAT IN THE 2010 ILLINOIS SUPREME COURT CASE PEOPLE V. McDONOUGH, IN DEALING WITH THE POLICE ACTION OF COMMUNITY CARETAKING, THE COURT STATED:

“COMMUNITY CARETAKING REFERS TO A CAPACITY IN WHICH THE POLICE ACT WHEN THEY ARE PERFORMING SOME TASK UNRELATED TO THE INVESTIGATION OF CRIME...”

THE COURT RULINGS IN EFFECT SAY THAT A SEARCH WARRANT OR CONSENT TO ENTER THE HOME OF A CITIZEN IS NOT NECESSARY! - RAPID / NON-CONSENSUAL ENTRY IS ALLOWED.

**12.** (A) YET NONE OF THE THREE PATROL OFFICERS AT THE JOHNSTON HOME USED THE RAPID / NON-CONSENSUAL POINT OF LAW KNOWN AS THE EMERGENCY/EXIGENT CIRCUMSTANCES EXCEPTION TO THE 4TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND TO ARTICLE 1 SECTION 6 OF THE CONSTITUTION OF THE STATE OF ILLINOIS!

(B) NONE OF THE THREE EVEN TRIED THE SCREEN DOOR TO SEE IF IT WAS UNLOCKED THAT THEY COULD DO A RAPID ENTRY.

(C) NONE OF THE THREE IMMEDIATELY FORCED THEIR WAY INTO THE MR. JOHNSTON HOME, OR PHYSICALLY TRIED TO DO SO.

(D) INSTEAD, THEY WAITED UNTIL MR. JOHNSTON CAME TO THE FRONT DOOR. / WHEN ASKED BY MR. JOHNSTON WHY THEY WERE AT HIS HOME AT ABOUT 10 PM, WHAT, IN SUBSTANCE, WAS SAID TO MR. JOHNSTON BY THE THREE WAS THAT HE WOULD BE TOLD WHEN THEY GOT INTO HIS HOME. IN EFFECT, THE THREE OFFICERS WERE ASKING FOR THE PERMISSION (CONSENT) OF MR. JOHNSTON TO ENTER HIS HOME. STRANGE BEHAVIOR WHEN SUPPOSEDLY A HUMAN BEING IS IN NEED OF IMMEDIATE MEDICAL CARE DUE TO THE CRIME OF DOMESTIC VIOLENCE (BATTERY) HAVING BEEN INFLICTED OR PHYSICAL HARM WAS BEING OR HAD BEEN INFLICTED UPON THE JOHNSTON SON.

**13.** WHEN MR. JOHNSTON ASKED WHY ENTRY INTO HIS HOME WAS SOUGHT BY THE THREE- WHAT WAS SAID BY THE THREE WAS THAT MR. JOHNSTON WOULD BE TOLD ONCE THE POLICE WERE IN THE JOHNSTON HOME.

KEEP IN MIND THAT MR. JOHNSTON, ON 10/30/13, HAD BEEN WORKING WITH THE NAACP AND THE CHIEF TO BETTER THE INTER-RELATIONSHIP BETWEEN THE ROCKFORD POLICE DEPARTMENT AND THE AFRICAN-AMERICAN COMMUNITY OF ROCKFORD.

14. MR. JOHNSTON KNEW HIS RIGHTS! HE REFUSED TO GIVE CONSENT TO ENTER HIS HOME AS REQUESTED BY THE PATROL OFFICERS THROUGH PATROL OFFICER BOONE. IT WAS BOONE WHO WAS THE OFFICER ASSIGNED BY DISPATCH TO HANDLE THE CALL AT THE JOHNSTON ROCKFORD HOME- HE WAS IN CHARGE- THE OTHER TWO PATROL OFFICERS WERE THERE TO BACK UP PATROL OFFICER BOONE.

15. FAILURE TO ANSWER THE WHY QUESTION OF MR. JOHNSTON LED TO MR. JOHNSTON BEING IN A STATE OF PANIC. / THE DEGREE OF PANIC INCREASED WHEN MR. JOHNSTON WAS TOLD HIS DOOR WOULD BE KICKED IN. / HE FIRST TRIED TO CONTACT UNION PRESIDENT PETERSON FOR HELP ON HIS CELL PHONE, BUT INSTEAD HAD CONTACT WITH THE CHIEF OF POLICE BY CELL PHONE. MR. JOHNSTON WAS FAMILIAR WITH BOTH, DUE TO HIS NAACP EFFORT TO BETTER THE WORKING RELATIONSHIP BETWEEN THE ROCKFORD POLICE AND THE AFRICAN-AMERICAN COMMUNITY.

**16.** WHEN HE CALLED THE CHIEF, MR. JOHNSTON, IN SUBSTANCE, TOLD THE CHIEF THAT THE THREE POLICE OFFICERS WERE TRYING TO ENTER HIS HOME AND WOULD NOT TELL HIM WHY.

**17. (A)** MR. JOHNSTON TESTIFIED THAT THE CHIEF **DID NOT SAY TELL THEM TO LEAVE** – SO TOO DID THE CHIEF!

**(B)** THE CHIEF TOLD MR. JOHNSTON TO NOT LET THE THREE OFFICERS INTO HIS HOUSE AND TOLD MR. JOHNSTON THAT HE WOULD SEND A SERGEANT SUPERVISOR TO THE SCENE.

**18.** SUCH IS WHAT THE CHIEF DID. / SO TOO, DID THE THREE PATROL OFFICERS ASK FOR A SERGEANT TO COME TO THE SCENE PRIOR TO THE CHIEF USING HIS CELL PHONE TO IMMEDIATELY CALL THE ROCKFORD POLICE DEPARTMENT, TELLING A LIEUTENANT TO HAVE A SERGEANT GO TO THE JOHNSTON HOME. / SUCH WAS DONE WITH SERGEANT TORRANCE GOING TO THE MR. JOHNSTON HOME, PURSUANT TO THE REQUEST OF THE THREE PATROL OFFICERS AND THE ORDER OF THE CHIEF VIA HIS ORDER TO A LIEUTENANT THAT SUCH BE DONE. / NOTE THAT THE WORD ORDER MAY BE PROPERLY DEFINED AS A DIRECTIVE OF A SUPERIOR TO A SUBORDINATE. CHIEF- TO LIEUTENANT- TO SERGEANT!

**19. (A)** LOOK AT THE REPORT OF LIEUTENANT HOEKSEMA, A PAST VICE PRESIDENT OF THE UNION UNDER UNION PRESIDENT PETERSON. / DID

EITHER OF THE TWO PATROL OFFICERS WHO ACCOMPANIED PATROL OFFICER BOONE TO THE LLOYD JOHNSTON HOME DEFINITELY / CLEARLY SAY THAT THE CHIEF SAID TELL THEM TO LEAVE? THE ANSWER IS NO! WHAT THE TWO PATROL OFFICERS SAID WAS THAT WORDS WERE SAID WHICH THEY CONSIDERED TO BE THE EQUIVALENT OF TELL THEM TO LEAVE. THEY INFERRED THAT THEY WERE BEING TOLD TO LEAVE. SUCH WAS PRESUMABLY AN INFERENCE BASED UPON THE WORDS DON'T LET THEM IN. / IF THE CHIEF SAID TELL THEM TO LEAVE, WHY WAS NOT SUCH DEFINITELY SAID BY THE TWO PATROL OFFICERS? IF MR. JOHNSTON AND THE CHIEF ARE CERTAIN AS TO THE WORDS TELL THEM TO LEAVE **NOT** BEING SAID, WHY COULD NOT THE TWO PATROL OFFICERS CLEARLY AND DEFINITELY SAY TELL THEM TO LEAVE WAS UNEQUIVOCALLY SAID BY THE CHIEF! YET MR. JOHNSTON AND THE CHIEF UNEQUIVOCALLY DENIED THAT THE WORDS TELL THEM TO LEAVE WERE SAID BY THE CHIEF.

(B) SO TOO AS TO THE UNION USE OF THE WORD "FIX" TO DESCRIBE THE CHIEF'S EFFORT TO CORRECT THE BOONE REPORT CONTAINING THE WORDS TELL THEM TO LEAVE.

**20.** (A) WHY WOULD THE CHIEF SAY TELL THEM TO LEAVE, WHEN HE HAD JUST DIRECTED (THROUGH A LIEUTENANT) THAT A SERGEANT WAS TO GO TO THE SCENE TO SUPERVISE? WHEN THE CHIEF KNEW THAT THE THREE PATROL OFFICERS HAD ASKED FOR A SERGEANT TO COME TO THE SCENE BEFORE THE CHIEF DIRECTED A SUPERVISOR TO GO TO THE SCENE.

(B) WHO WOULD THE SERGEANT SUPERVISE IF THE THREE PATROL OFFICERS HAD LEFT?

(C) HOW COULD THE SERGEANT DO HIS JOB OF SUPERVISING IF THE PATROL OFFICERS WERE NOT AT THE SCENE WHEN HE ARRIVED AT THE JOHNSTON HOME? THE CLAIM OF THE CHIEF SAYING TELL THEM TO LEAVE-MAKES NO SENSE WHEN YOU CONSIDER THAT WHICH I JUST SAID!

**21.** **IF** THE CHIEF SAID TO MR. JOHNSTON TELL THEM TO LEAVE, WHERE IN THE RECORD DID MR. JOHNSTON ADMIT HE SAID SUCH WORDS TO THE THREE OFFICERS? THE RECORD SHOWS THE OPPOSITE! / MR. JOHNSTON DENIED THE CHIEF SAID TELL THEM TO LEAVE. FURTHER, NOWHERE IN THE RECORD IS THERE EVIDENCE THAT THE WORDS TELL THEM TO LEAVE WERE SPOKEN BY MR. JOHNSTON TO THE THREE PATROL OFFICERS.

**22.** HOW DOES THE CHIEF ACCOUNT FOR THE INABILITY OF THE TWO PATROL OFFICERS TO CLEARLY SAY THAT THE CHIEF TOLD THEM TO LEAVE? A DISTINCT PROBABILITY IS THE FACT THAT PATROL OFFICER BOONE MET WITH THE TWO PATROL OFFICERS WHO RESPONDED WITH HIM TO THE LLOYD JOHNSTON HOME AFTER THE JOHNSTON MATTER HAD BEEN WRAPPED UP AND BEFORE PATROL OFFICER BOONE COMPLETED HIS REPORT. / WHY DO SO? WHY NOT PUT IN THE REPORT THAT, IN SUBSTANCE, WHAT WAS INFERRED BY THE OTHER TWO PATROL OFFICERS, THAT IS, BY THE CHIEF SAYING DON'T LET THEM IN, THE THREE INFERRED THE CHIEF WAS TELLING THEM TO LEAVE. TELL

THEM TO LEAVE IS SUCH A CLEAR STATEMENT THAT AN INFERENCE AS TO WHAT WAS SAID WAS NOT NECESSARY OR NEEDED. / THE READING OF THE LIEUTENANT HOEKSEMA SUMMARY OF HIS INTERVIEWS AS TO THE 10/30/13 JOHNSTON HOME MATTER SHOULD RAISE THE QUESTION WHY A SUMMARY AND NOT A RECORDING OR COURT REPORTER COMPILED TRANSCRIPT BY THE FORMER VICE-PRESIDENT OF THE UNION UNDER UNION PRESIDENT PETERSON!

**23.** THE RECORD IS CLEAR THAT NO DOMESTIC VIOLENCE (BATTERY) HAD BEEN PERPETRATED BY LLOYD JOHNSTON. / NOR WAS THERE A NEED FOR MEDICAL ASSISTANCE TO THE 23 YEAR OLD SON OF LLOYD JOHNSTON, NOR EVIDENCE OF PHYSICAL HARM TO THE SON OF MR. JOHNSTON!

**24.** **IF** THE THREE PATROL OFFICERS HAD TOLD LLOYD JOHNSTON WHY THEY WERE AT HIS HOME AND WHY THEY SOUGHT HIS CONSENT TO ENTER HIS HOME, WITH THE NAACP BACKGROUND OF MR. JOHNSTON TRYING TO BETTER THE RELATIONSHIP BETWEEN THE AFRICAN-AMERICAN COMMUNITY AND THE ROCKFORD POLICE, IT CAN BE SAFELY ASSUMED THAT THE TIME OF THIS BOARD IN CONSIDERING THE INFLAMMATORY/MISLEADING AMENDED COMPLAINT OF THE UNION AGAINST THE CHIEF WOULD NOT HAVE OCCURRED.

**25.** WHY SAY SUCH? THERE SHOULD BE NO DOUBT THAT THE INTERACTION BETWEEN THE UNION WHICH REPRESENTS THE SERGEANTS AND PATROL OFFICERS OF THE ROCKFORD POLICE DEPARTMENT AND THE CITY

(THROUGH ITS CHIEF OF POLICE) IS (TO SAY THE LEAST) STRAINED! / WHEN UNION PRESIDENT PETERSON WAS ASKED BY ME IF THE TESTIMONY OF LLOYD JOHNSTON THAT PETERSON ASKED JOHNSTON FOR HELP IN GETTING RID OF THE CHIEF, PETERSON DID NOT SAY YES OR NO- / INSTEAD HE SAID HE COULDN'T RECALL THE CONVERSATION. / THEREFORE, THE STATEMENT OF MR. JOHNSTON REMAINS UNDISPUTED! THE UNION ENDEAVORS TO RUN THE POLICE DEPARTMENT, EVEN THOUGH THE MANAGEMENT RIGHTS CLAUSE OF THE CONTRACT BETWEEN THE UNION AND CITY (AGREED TO BY THE UNION) STATES THAT THE UNION HAS AGREED THAT MANAGEMENT OF THE ROCKFORD POLICE DEPARTMENT, BY WAY OF ITS CHIEF, HAS: I QUOTE FROM THE MANAGEMENT RIGHTS CLAUSE OF THE COLLECTIVE BARGAINING AGREEMENT (CBA):

“... THE RIGHT TO SET STANDARDS OF SERVICE OR PROTECTION TO BE OFFERED TO THE CITIZENS, DIRECT THE WORK FORCES, DIRECT, PLAN AND CONTROL AND DETERMINE THE OPERATIONS OF THE POLICE DEPARTMENT AND THE SERVICES TO BE RENDERED TO THE CITIZENS...”

NOTE ALSO ROCKFORD ORDINANCE 13-21 ENTITLED, “CHIEF TO BE HEAD OF DEPARTMENT”, WHICH STATES IN PART:

“ HE SHALL HAVE SUPERVISION OVER ALL MEMBERS OF THE DEPARTMENT WHO ARE ON DUTY, AND SHALL



BE RESPONSIBLE FOR THE PROPER MANAGEMENT AND  
CONDUCT OF THE DEPARTMENT.”

WHAT THE CHIEF DID ON 10/30/13 WAS CONSISTENT WITH THE STATED TERMS OF  
THE UNION CONTRACT JUST MENTIONED, AND ROCKFORD ORDINANCE 13-21,  
ENTITLED, “CHIEF TO BE THE HEAD OF THE DEPARTMENT”.

THE CHIEF OF POLICE WILL CONTINUE TO RESIST THE UNPROFESSIONAL  
DEMANDS/WISHES OF THE UNION LEADERSHIP WHICH ARE NOT IN THE BEST  
INTEREST OF THE CITY. THE UNION LEADERSHIP’S VIEW IS THAT THE UNION  
LEADERSHIP WILL DECIDE WHAT IS BEST FOR THE OCCUPANTS OF THE CITY OF  
ROCKFORD. THE CHIEF’S VIEW IS THAT HE WILL DO THAT WHICH IS BEST FOR  
THE CITY AND ITS OCCUPANTS PURSUANT TO THE DIRECTIONS HE IS GIVEN BY  
THE ELECTED OFFICIALS OF THE CITY; I.E. THE MAYOR AND CITY COUNCIL. /  
BY SO DOING THE CURRENT CHIEF OF POLICE SEEKS TO ATTAIN A  
PROFESSIONAL POLICE DEPARTMENT WHICH BENEFITS THE COMMUNITY FIRST  
AND FOREMOST AND ONLY SECONDARILY BENEFITS THE UNION. THIS IS NOT  
JUST ABOUT CHIEF EPPERSON – THIS ISSUE IS ABOUT LAWFUL CONSTITUTIONAL  
POLICE PRACTICES FOR THE OCCUPANTS OF ROCKFORD AND THEIR POLICE  
OFFICERS.

HOPEFULLY YOU WILL RULE BY AT LEAST MAJORITY VOTE THAT THERE  
IS NO PROBABLE CAUSE TO PROCEED TO A FULL HEARING TO DETERMINE THE  
PRESENCE OR ABSENCE OF CAUSE-TO NOT DO SO WILL ENCOURAGE THE UNION  
EFFORT TO UNDERMINE THE EFFORT OF THE CHIEF OF POLICE TO HAVE A  
PROFESSIONAL ROCKFORD POLICE DEPARTMENT.