

MAP Attorney Joe Mazzone responds to an officer-involved shooting

Once again, MAP demonstrates our union's dedication for our officers' welfare. MAP prides itself on being there for police officers when incidents occur. The below story illustrates this fact once more.

On Monday, December 21, 2009, Joe Mazzone received a call at approximately 4:40 a.m. regarding an officer involved shooting in Des Plaines. Upon receiving the call, Mr. Mazzone left for the officer's home and arrived at approximately 6 a.m. The shooting occurred at approximately 2 a.m. and involved a Des Plaines patrol officer called to the scene of a man with a gun. Upon arrival at the scene, the officer observed the male white subject with something in his hand. The officer put himself in a position to view the subject. Eventually the subject discovered the police officer's presence and started to approach the police officer. The officer retreated several hundred feet to a protected position and discovered that the subject was holding a double-edged ax in his hands.

During the course of the encounter, the officer continually announced he was a police officer and advised the subject to drop the weapon. Backup had been called but had not yet arrived. Finally the subject charged the officer with weapon in an upright and threatening manner and the officer discharged his weapon. The officer was immediately taken to the hospital for observation and transported to his residence, where Mr. Mazzone was able to interview and go over facts with him.

The following evening, December 22, 2009, Mr. Mazzone attended an interview with the Illinois State Police Public Integrity Unit, which investigates officer involved shootings. That interview went well. The officer was continually counseled by MAP attorneys as to the appropriateness of his use of force and as to the appropriate responses to questions asked by the ISP Public Integrity Unit. To date it is MAP's knowledge that this was a justified use of force and the officer was commended for his action in protecting himself and others from a potentially lethal situation.

Arbitrator Holds Police Department Cannot Terminate Police Officer For An Arrest In An Off-Duty Bar Fight

In a victory for MAP, Arbitrator James Cox held that the City of Des Plaines could not terminate an off-duty police officer following his arrest in a bar fight. City of Des Plaines and Metropolitan of Police Chapter 240 December 15, 2009. Yes, it is hard to believe that a police officer became intoxicated while off-duty attending an alumni football game at his college. The off-duty officer was a six (6) year veteran with an exemplary record.

While imbibing at a Naperville watering hole, the officer became involved in a bar fight, punching out a fellow patron. The officer had experienced a black-out and first learned of his arrest when he woke up the following morning. He was interrogated by the Department and had no recollection of the incident.

The Officer was charged with battery but the charge was subsequently reduced to disorderly conduct and, as part of a plea agreement, the Officer was sentenced to twenty-four (24) months supervision subject to the conditions that he would complete an anger management course and alcohol evaluation. Upon learning of his arrest, the Des Plaines Police Department assigned the Officer to desk duty. The sole issue before Arbitrator Cox was whether or not the City of Des Plaines had just cause to terminate the Officer and if not, what was the appropriate penalty. Arbitrator Cox found that the City did not have just cause to terminate and imposed no disciplinary suspension on the Officer. Among the factors that Arbitrator Cox relied upon were the Officer's unblemished record and the fact the Police Department placed the Officer on desk duty for more than twelve (12) months before seeking to terminate him. In addition, Arbitrator Cox apparently placed great weight on the fact that there was no media coverage of the incident. MAP and the Officer were represented by MAP attorneys Richard J. Reimer and Jerry Marzullo.