

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER WILLIAM SMITH, STAR #7179) NO. 00-2406
DEPARTMENT OF POLICE, CITY OF CHICAGO) Cr#251323

FINDINGS & DECISION

On February 29, 2000, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer William Smith, Star #7179, (hereinafter sometimes referred to as "Respondent") seeking his discharge for violating the following Rules:

Rule 1: Violation of any law or ordinance.

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 6: Disobedience of an order or directive, whether written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer William Smith to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago on October 31, 2000, February 13, 2001, March 13, 2001, May 8, 2001, July 10, 2001, August 7, 2001, August 16, 2001, August 22, 2001, August 28, 2001 and January 11, 2002.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing. Michael G. Berland, Hearing Officer, made an oral report and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, finds and determines that:

1. The Respondent was at all times a Police Officer employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago on October 31, 2000, February 13, 2001, March 13, 2001, May 8, 2001, July 10, 2001, August 7, 2001, August 16, 2001, August 22, 2001, August 28, 2001 and January 11, 2002.

4. Throughout the hearing the Respondent did appear in person and was represented by counsel of his choice.

5. The Respondent Police Officer William Smith, Star#7179, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 1: Violation of any law or ordinance.

A. On or about January 27, 1999, Officer William Smith rendered a urine specimen which contained cocaine metabolites, thereby violating Chapter 720 ILCS Section 570/402 (c) by possessing some amount of cocaine on or before January 27, 1999.

6. The Respondent Police Officer William Smith, Star#7179, charged herein, contrary to the Rules and Regulations, is guilty

of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

A. On or about January 27, 1999, Officer William Smith rendered a urine specimen which contained cocaine metabolites, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

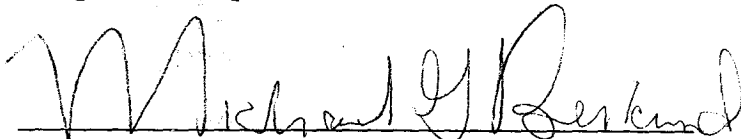
7. The Respondent Police Officer William Smith, Star #7179, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral.

A. On or about January 27, 1999, Police Officer William Smith rendered a urine specimen which contained cocaine metabolites, thereby violating General Order 90-5, Article 111, Section B.

By reason of the fact that Police Officer William Smith, Star#7179, is guilty of violating Rules 1, 2, and 6, cause exists for the discharge and termination of Respondent Police Officer William Smith, Star #7179, from his position as a Police Officer from the Department of Police and from the services of the City of Chicago.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael G. Berland", written over a horizontal line.

Michael G. Berland, Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence; and in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and;

IT IS HEREBY ORDERED that the respondent Police Officer William R. Smith, Star # 7179, as a result of having been found guilty of the charges in Police Board Case 00-2406, is hereby separated and discharged from his position as a Police Officer, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 9th DAY
OF APRIL, 2002.

Patricia C. Boll

William C. Luky

Michael G. Berland

Victor Gonzales

Rodney J. Miller

Scott Davis

Phyllis Gelbaum

Mark A.

Executive Director, Police Board

D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board.

Police Board President Demetrius Carney recused himself and took no part in the deliberations or decision of this case.

RECEIVED A COPY OF THE FOREGOING
COMMUNICATION THIS _____ DAY
OF _____, 2002.

SUPERINTENDENT OF POLICE

30 MARCH 1999

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

COMMANDING OFFICER OF UNIT 123

TO:

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

NAME SMITH, WILLIAM (LAST, FIRST, M.I.) STAR 7179 UNIT 015

SEX M RACE B S.S.N. [REDACTED]

REFERENCE: COMPLAINT REGISTER NUMBER(S) 251323

FROM: RECORDS SECTION
THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SUBJECT: INV. GOLUCKI, S. CIV [REDACTED] -123
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

REFERENCE: COMPLAINT REGISTER NUMBER(S)

FROM: RECORDS SECTION
THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

VERIFIED/PREPARED BY:

JERELENE PORTE

SEE ATTACHED COPY

FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION
CR# 251323
ATTACHMENT# 11

Ex. A

ONLY

AI72 PREVIOUS DISCIPLINARY ACTION SUMMARY FUNCTION
NO MORE CLOSED - SUSTAINED CR'S (PAST 5 YEARS) OR SP'S (PAST 1 YEAR)
SSN [REDACTED] NAME: LAST SMITH FIRST WILLIAM MI R STAR 07179
UNIT 015 EMP NO 304639 SEX M RACE N DOB 05 DEC 57 DATE APPTD 13 DEC 93
ANK 9161 POLICE OFFICER
INCIDENT DISCIPLINARY DATES SUSPENDED OR WORKED OPTN/T
CASE NO DATE ACTION TAKEN (FROM - TO) GRNT'

C238060 23 JUN 97 SUSTAINED-NO PENALTY
F/CAT: OPERATION/PERSONNEL VIOLATION: COURT IRREGULARITIES
LESS SER TRAN:
COMMENTS STATUS CLO

S984543 24 NOV 98 FORFEIT 1 DAY COMP T
F/CAT:
LESS SER TRAN: FAIL TO PROFORM ANY DUTY
COMMENTS FAILURE TO PERFORM ANY DUTY STATUS CLO

F/CAT:
LESS SER TRAN:
COMMENTS STATUS

4B

Aa

B0--SESSION1 R 1 C 76 o-o19 10:13 3/30/99

CR# 257 323

ATTACHMENT # 11

CHICAGO POLICE DEPARTMENT

COMPLIMENTARY HISTORY

DATE 30 MARCH 1999

NAME SMITH, WILLIAM R. RANK P O SSN [REDACTED] STAR 7179 UNIT 015

SPECIAL AWARDS

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DEPARTMENT
COMMENDATIONS:

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HONORABLE
MENTIONS:

003

COMPLIMENTARY
LETTERS:

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Complimentary History Requested By:

NAME GOLUCKI, STANLEY RANK INVESTIGATOR STAR DNA UNIT 123

C.R.# 251323

Completed By: Sharon Newsom
Personnel Division
Records Section-Room 803
Pax 0-342 or Bell 7-5549

CR# 257323
ATTACHMENT# 12

PERSONNEL SERVICES



MAR 30 1999



CHICAGO POLICE DEPARTMENT