

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER DAVID SYFCZAK, STAR #17779) NO. 03-2525
DEPARTMENT OF POLICE, CITY OF CHICAGO) CR#291114

FINDINGS AND DECISION

On September 17, 2003, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer David Syfczak Star #17779, (hereinafter sometimes referred to as "Respondent") seeking the separation of the Respondent 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 David Syfczak to be held before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on August 10, 2004 and October 13, 2004.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and watched the videotapes of the proceeding. Michael G. Berland, Hearing Officer, made a 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 thirty (30) 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 August 10, 2004 and October 13, 2004.

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

5. The Respondent Police Officer David Syfczak, Star #17779, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 1: Violation of any law or ordinance.

A. On or about July 24, 2003, Officer Syfczak did not possess marijuana in violation of Illinois Compiled General Statutes, Chapter 720 ILCS Section 550/4 when he took Marinol containing marijuana metabolite, which was dispensed by a licensed doctor, for a medical condition.

6. The Respondent Police Officer David Syfczak Star#17779, charged herein, contrary to the Rules and Regulations, is not

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 July 24, 2003, Officer Syfczak did not impede the Department's efforts to achieve its policy and goals and/or brought discredit upon the Department when he took Marinol containing marijuana metabolite, which was dispensed by a licensed doctor, for a medical condition.

7. The Respondent Police Officer David Syfczak, Star#17779, charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

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

A. On or about July 24, 2003, Officer Syfczak did not violate General Order 90-5, Article 111, Section B when he took Marinol containing marijuana metabolite, which was dispensed by a licensed doctor, for a medical condition.

8. In finding the Respondent not guilty, the Board determined that he had marijuana metabolite in his urine only because he took Marinol, which had been dispensed by Dr. Richard Herbert, after Dr. Herbert treated the Respondent for viral gastroenteritis.

By reason of the fact that Police Officer David Syfczak, Star#17779, is not guilty of violating Rules 1, 2, and 6, cause

exists for the reinstatement of Respondent Police David Syfczak retroactive to September 23, 2003, the date of his suspension, with restoration of all rights and benefits retroactive to the date of his suspension.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael G. Berland", written over a horizontal line.

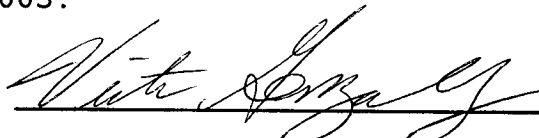
Michael G. Berland, Hearing Officer

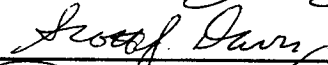
D E C I S I O N


The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having viewed the videotapes 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, hereby adopt all findings herein; and


IT IS HEREBY ORDERED that the Respondent, Police Officer David W. Syfczak, Star # 17779, as a result of having been found not guilty of the charges in Police Board Case No. 03-2525, is hereby restored to his position as a Police Officer, and to the services of the City of Chicago, effective September 23, 2003.

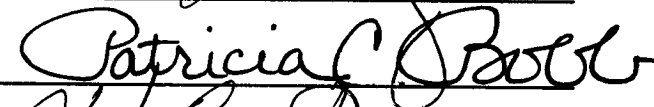
DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
22nd **DAY OF** MARCH, 2005.

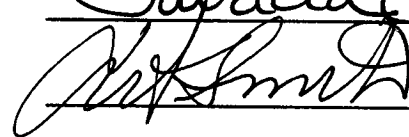










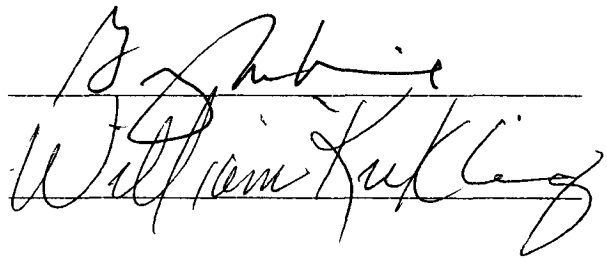




Executive Director
Police Board

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 in Police Board Case No. 03-2525.



RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2005

SUPERINTENDENT OF POLICE