

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER SHARON SIWEK, STAR #10574) NO.04-2554
DEPARTMENT OF POLICE, CITY OF CHICAGO) CR# 289320

FINDINGS & DECISION AFTER REMAND

On June 16, 2004, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Sharon Siwek, Star #10574, (hereinafter sometimes referred to as "Respondent") seeing her termination for violating the following Rules:

- 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.
- Rule 23: Failure to obey Department orders concerning other employment, occupation, or profession.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Sharon Siwek before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago on September 28, 2004.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and reviewed videotapes 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 thirty (30) days prior to the hearing on the charges.

3. The hearing was conducted on September 28, 2004 before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago.

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

5. The Respondent Police Officer Sharon Siwek, Star 10574, 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. From on or about June 26, 2002, to on or about April 3, 2003, or some time period therein, Police Officer Siwek engaged in secondary employment while on the medical roll of the Chicago Police Department, in that she worked for the Chicago Board of Education, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

6. The Respondent Police Officer Sharon Siwek, Star#10574, 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. From on or about June 26, 2002, to on or about April 3, 2003, or for some period therein, Police Officer Siwek engaged in secondary employment while on the medical roll of the Chicago Police Department in that she worked for the Chicago Board of Education, thereby violating General Order 89-8-1V-K.

7. The Respondent Police Officer Sharon Siwek, Star#10574,, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 23: Failure to obey Department orders concerning other employment, occupation, or profession.

A. From on or about June 26, 2002, to on or about April 23, 2003, or for some period of time therein, Police Officer Siwek engaged in secondary employment while on the medical roll of the Chicago Police Department, in that she worked for the Chicago Board of Education, thereby failing to obey Department orders concerning other employment, occupation or profession.

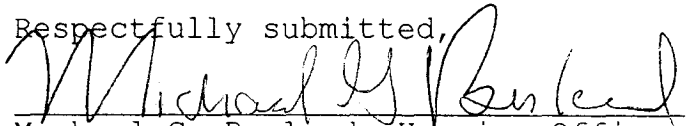
8. In its original Findings & Decision, the Police Board ordered the termination of Office Siwek based on the facts in this case and her disciplinary history. Officer Siwek then sought administrative review of the Police Board decision in the Circuit Court of Cook County. On May 18, 2005, Judge Bernetta Bush

reversed the decision of the Chicago Police Board and ordered the Police Board to impose a penalty less than discharge. The Police Board remains convinced that its original decision discharging Officer Siwek was warranted. The Police Board believes that her conduct and prior disciplinary history makes her unfit for further employment as a Police Officer with Police Department of the City of Chicago,

In order to comply with the Order of the Circuit Court of Cook County, the Police Board voted to impose a penalty on Officer Siwek that she receive a suspension of five years from June 19, 2004 to and including June 18, 2009. The Police Board does so solely to permit the appellate review of the Circuit Court's Decision in this matter and urges the Superintendent of Police to seek such review.

By reason of the fact that Police Officer Sharon Siwek, Star #10574, is guilty of violating Rules 2, 6 and 23, and after a remand from a judge of the Circuit Court of Cook County ordering a penalty less than discharge, the Police Board finds that cause exists for the suspension of Respondent Police Officer Sharon Siwek from her position as a Police Officer from the Department of Police and from the services of the City of Chicago for a period of five years from June 19, 2004 to and including June 18, 2009.

Respectfully submitted,



Michael G. Berland, Hearing Officer

DECISION ON REMAND


The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having reviewed the videotapes of the hearing, having received a new 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.


The Board has again considered the evidence in this case, including the testimony, exhibits, and the Respondent's complimentary and disciplinary history. The Board remains convinced that Police Officer Sharon Siwek's conduct renders her unfit for employment as a Police Officer with the Department of Police of the City of Chicago.

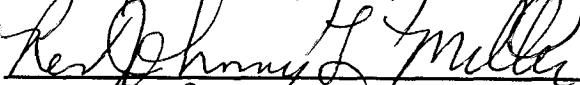
In order to comply with the order of Judge Bernetta D. Bush of the Circuit Court of Cook County, entered on May 18, 2005, the Board will impose on Police Officer Siwek a penalty of less than discharge. The Board do so solely to permit appellate review of the Circuit Court decision in this matter, and urges the Superintendent of Police to seek such review.

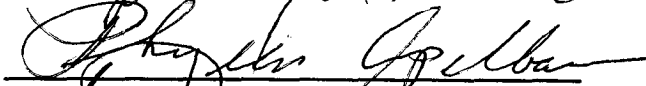
IT IS HEREBY ORDERED that the Respondent, Police Officer Sharon Siwek, Star #10574, as a result of having been found **guilty** of charges in Police Board Case No. 04-2554, be and hereby is **suspended** from her position as a Police Officer with the Department of Police, and from the services of the City of Chicago, from 19 June 2004 to and including 18 June 2009 (five years).

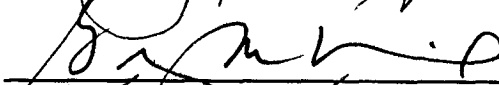
DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
16th DAY OF JUNE, 2005.




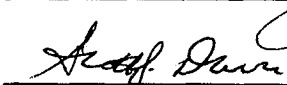














Executive Director
Police Board

D I S S E N T

The following members of the Police Board hereby dissent from the decision on remand of the majority of the Board in Police Board Case No. 04-2554.

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~~_____~~
~~_____~~

RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2005
