

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER THOMAS SIMUNJAK, STAR #)	CASE # 04-2562
4413, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	C. R. #297627
)	
RESPONDENT.)	

FINDINGS AND DECISION

On September 8, 2004, the Superintendent of Police filed charges with the Police Board of the City of Chicago, seeking the termination of **THOMAS SIMUNJAK**, Star # 4413, hereinafter sometimes referred to as “Respondent” for violation of 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, written or oral.”

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer **THOMAS SIMUNJAK**, Star # 4413, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board of the City of Chicago, on July 27, 2005, September 20, 2005 and October 25, 2005.

Following the Hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and viewed the video recordings of the hearing. **JACQUELINE A. WALKER**, Hearing Officer made an oral report and conferred with the Police Board before it rendered a decision.

FINDINGS & DECISION, CONT'D
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As a result of the foregoing, the Police Board of the City of Chicago finds and determines that:

(1) The Respondent was, at all times mentioned herein, 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 on the charges was to be held, together with a copy of the original charges were served upon the Respondent more than five (5) days prior to the hearing on the charges;

(3) Throughout the hearing, the Respondent appeared in person and was represented by legal counsel;

(4) Respondent, Police Officer **THOMAS SIMUNJAK**, Star # 4413, as charged herein, is **guilty** of violating, to-wit:

RULE 1: "Violation of any law or ordinance," in that:

On or about April 29, 2004, he rendered a urine specimen that contained marijuana metabolites, thereby violating Chapter 720 ILCS 550/4, by possessing some amount of cannabis on or before April 29, 2004.

(5) Respondent, Police Officer, **THOMAS SIMUNJAK**, Star # 4413, as charged herein, 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," in that:

On or about April 29, 2004, he rendered a urine specimen that contained marijuana metabolites.

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(6) Respondent, Police Officer **THOMAS SIMUNJAK**, Star # 4413, as charges herein, is guilty of violating, to wit:

RULE 6: "Disobedience of an order or directive, whether written or oral", in that:

On April 29, 2004, he rendered a urine specimen that contained marijuana metabolites, thereby violating General Order 90-5 Article III, Section B.

BY REASON of the findings of fact and of guilt herein, cause exists for the discharge of Respondent, Police Officer **THOMAS SIMUNJAK**, Star # 4413, from the Department of Police and from the services of the City of Chicago.

Respectfully Submitted,




JACQUELINE A. WALKER
Hearing Officer

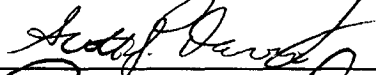
DECISION

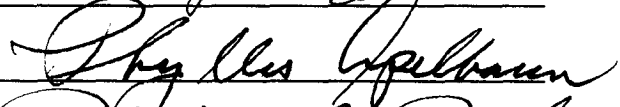
The members of the Police Board, having read and reviewed the certified transcription of the hearing, having viewed the video-recording of the hearing, having received the oral report of the Hearing Officer, JACQUELINE A. WALKER, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein; 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 histories, copies of which are attached hereto as Exhibit A; and

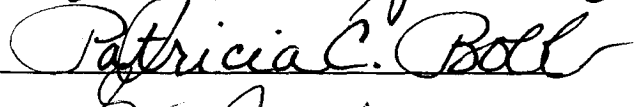
IT IS HEREBY ORDERED that the Respondent, Police Officer **THOMAS SIMUNJAK**, Star #4413, as a result of having been found **guilty** of the charges in Police Board Case No. 04-2562, be and hereby is **discharged** from his position as a Police Officer, and from the services of the City of Chicago.

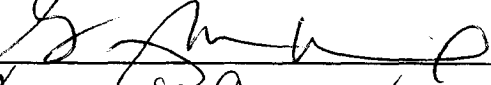
DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17TH DAY OF NOVEMBER, 2005.

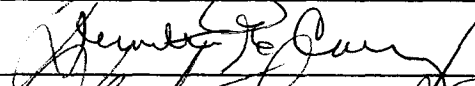


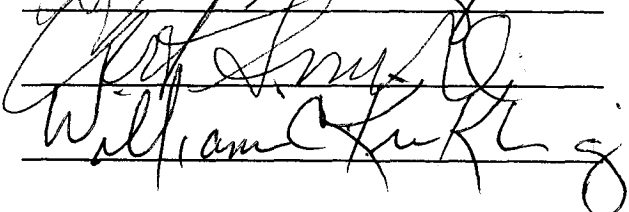













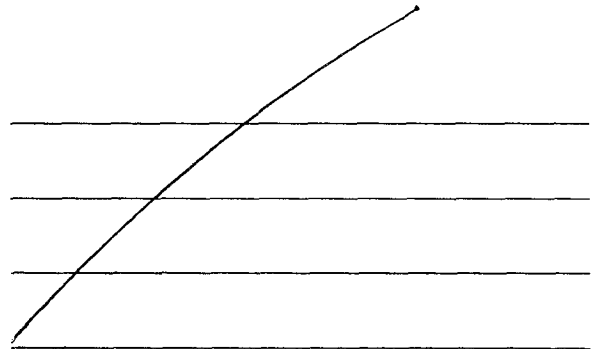


Executive Director
Police Board

FINDINGS & DECISION, CONT'D
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DISSENT

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



RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS 05 DAY OF DECEMBER, 2005.

Philip J. Clune
SUPERINTENDENT OF POLICE

SSN	EMP #	NAME	SIMUNJAK	THOMAS	C	TITLE	9161	MONTH AND YEAR RECEIVED	TOTAL
		JR CHAMBER OF COMMERCE	/	/	/	/			0
		RICHARD J DALEY AWARD	/	/	/	/			0
		POLICE MEDAL	/	/	/	/			0
		SUPT AWARD VALOR	/	/	/	/			0
		SUPT AWARD MERIT	/	/	/	/			0
		POLICE BLUE STAR	/	/	/	/			0
		OFFICER OF THE MONTH	/	/	/	/			0
		UNIT MERITORIOUS PERFORMANCE	/	/	/	/			0
		LAMBERT TREE	/	/	/	/			0
		CARTER HARRISON	/	/	/	/			0
		WGN AWARD	/	/	/	/			0
		HONORED POLICE STAR	/	/	/	/			0
		LIFE SAVING AWARD	/	/	/	/			0
		HUNDRED CLUB MEDAL OF VALOR	/	/	/	/			0
		FITNESS AWARD	/	/	/	/			0
		APPEARANCE AWARD	/	/	/	/			0

EXHIBIT A
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 ATTACHMENT # 32

**INTERNAL AFFAIRS DIVISION
RECORDS SECTION**

01 JUNE 2004

TO: COMMANDING OFFICER UNIT 121
FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION
SUBJECT: PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF:

SIMUNIAK THOMAS	009
NAME (LAST, FIRST M.I.)	STAR UNIT
MALE	WHITE
SEX	RACE S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER 297627

THE PREVIOUS SUSTAINED DISCIPLINARY HISTORY OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SGT.	CANNIZZO	2493	121
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 ADMINISTERED TO THE SUBJECT ACCUSED FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

NIYA SCOTT

NONE

**FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION**

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ATTACHMENT # 33

EXHIBIT A
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