

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER WENDY D. SMITH,) **No. 06 PB 2602**
STAR No. 7990, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(C.R. No. 303532)**
RESPONDENT.)

FINDINGS

On March 22, 2006, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer **WENDY D. SMITH**, Star No. 7990, (hereinafter sometimes referred to as "Respondent") seeking to discharge her from the Chicago Police Department 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 14:** Making a false report, written or oral.
- RULE 23:** Failure to obey Department orders concerning other employment, occupation or profession.

The Police Board caused a hearing on these charges against Police Officer **WENDY D. SMITH**, Star No. 7990, to be heard by **JACQUELINE A. WALKER**, Hearing Officer of the Police Board, on September 7 and September 25, 2006.

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

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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 of her choice;

(4) Respondent, Police Officer **WENDY D. SMITH**, Star No. 7990 as charged herein, 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,” in that:

There was insufficient evidence presented by the Superintendent to prove that from on or about December 9, 2004, to on or about January 19, 2005, or for some time period therein, Police Officer Smith engaged in secondary employment while on the medical roll and/or while on convalescent duty from the Chicago Police Department.

(5) Respondent, Police Officer **WENDY D. SMITH**, Star No. 7990, as charged herein, is **not guilty** of violating, to wit:

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

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There was insufficient evidence presented by the Superintendent to prove that from on or about December 9, 2004, to on or about January 19, 2005, or for some time period therein, Police Officer Smith engaged in secondary employment while on the medical roll and/or while on convalescent duty from the Chicago Police Department, and thereby did not violate General Order 89-8-IV-K.

(6) Respondent, Police Officer **WENDY D. SMITH**, Star No. 7990, as charged herein, is **not guilty** of violating, to wit:

RULE 14: "Making a false report, written or oral", in that:

There was insufficient evidence presented by the Superintendent to prove that on or about February 9, 2005, Police Officer Smith submitted a false To/From report to Lieutenant Michael Stevens of the 2nd District.

(7) Respondent, Police Officer **WENDY D. SMITH**, Star No. 7990, as charged herein, is **not guilty** of violating, to wit:

RULE 23: "Failure to obey Department orders concerning other employment, occupation or profession", in that:

There was insufficient evidence presented by the Superintendent to prove that from on or about December 9, 2004, to on or about January 19, 2005, or for some time period therein, Police Officer Smith engaged in secondary employment while on the medical roll and/or while on convalescent duty from the Chicago Police Department.

BY REASON OF THE FINDINGS OF FACT herein, cause exists for the reinstatement of the Respondent, Police Officer **WENDY D. SMITH**, Star No. 7990, to

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her position as a police officer with the Department of Police, and to the services of the City of Chicago, with restoration of all rights and benefits, effective March 24, 2006.

Respectfully submitted,

A handwritten signature in cursive script, reading "J. A. Walker", written in dark ink.

JACQUELINE A. WALKER
Hearing Officer

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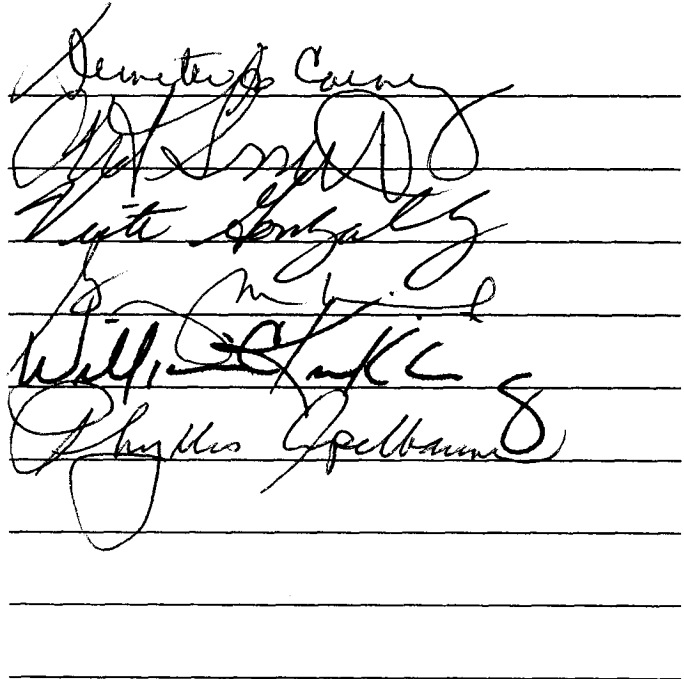
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DECISION

The Police Board of the City of Chicago, 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 adopts all findings herein; and

IT IS HEREBY ORDERED that the Respondent, Police Officer **WENDY D. SMITH**, Star No. 7990, as a result of having been found **not guilty** of the charges in Police Board Case No. 06 PB 2602, be and hereby is **restored** to her position as a police officer, and to the services of the City of Chicago, with all rights and benefits, effective 24 March 2006.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF OCTOBER, 2006.


The block contains five handwritten signatures on lined paper. From top to bottom, the signatures are: 1. A signature that appears to be 'Demetrius Carney'. 2. A signature that appears to be 'W. Smith'. 3. A signature that appears to be 'V. Smith'. 4. A signature that appears to be 'J. Smith'. 5. A signature that appears to be 'P. Smith'.

Attested by:


The block contains a handwritten signature in cursive script that reads 'Max A. Caproni'.

Executive Director
Police Board

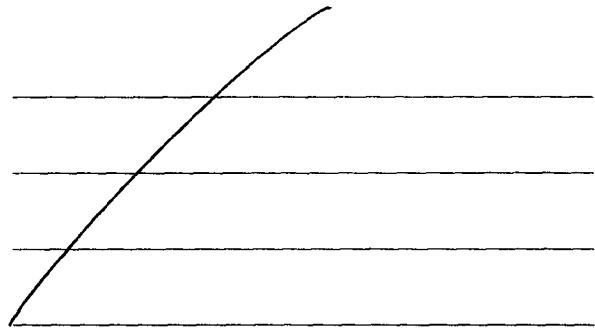
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DISSENT

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 31 DAY OF OCT 2006.



SUPERINTENDENT OF POLICE