

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER BUFORD SMITH JR.,)	No. 08 PB 2675
STAR No. 17360, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
RESPONDENT.)	(CR No. 1002619)

FINDINGS

On February 22, 2008, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Buford Smith Jr., Star No. 17360 (hereinafter sometimes referred to as "Respondent"), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

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 14: Making a false report, written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Buford Smith Jr., Star No. 17360, to be heard by Jacqueline A. Walker, Hearing Officer of the Police Board of the City of Chicago, on July 16, 2008.

Following the Hearing, the members of the Police Board read and reviewed the record of proceedings in this case and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered a decision.

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) The Respondent, Police Officer Buford Smith Jr., Star No. 17360, as charged herein, is **not guilty** of violating, to-wit:

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

The Superintendent did not prove by a preponderance of evidence that on or about January 10, 2007, Police Officer Buford Smith Jr. had unauthorized possession of property of the Chicago Police Department, specifically two Motorola saber radios, serial numbers 88207 and 112654, which had been reported lost, thereby violating 720 ILCS 5/16-1.

(5) The Respondent, Police Officer Buford Smith Jr., Star No. 17360, 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:

Count I: On or about January 10, 2007, Police Officer Buford Smith Jr. had unauthorized possession of property of the Chicago Police Department, specifically two Motorola saber radios, serial numbers 88207 and 112654, which had been reported lost, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

(6) The Respondent, Police Officer Buford Smith Jr., Star No. 17360, 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:

Count II: The Superintendent did not prove by a preponderance of evidence that Police Officer Buford Smith Jr. impeded the Department's efforts to achieve its policy and goals or brought discredit upon the Department by providing false information regarding property of the Chicago Police Department, specifically two Motorola saber radios, serial numbers 88207 and 112654, which were found in his residence, in that on or about January 10, 2007, he stated, "I worked in both those units and they just got there. You know you get to take a car home too," or words to that effect, and/or on or about March 2, 2007, he stated, "I took the radios. I guess it's all on me," or words to that effect; however, on or about July 27, 2007, in a statement to the Internal Affairs Division, he said that he did not have custody and control of the two radios, and/or that he had no knowledge that

the two radios were in his residence, and/or that he had no knowledge of how the two radios came to be in his residence, or words to that effect.

(7) The Respondent, Police Officer Buford Smith Jr., Star No. 17360, as charged herein, is **not guilty** of violating, to-wit:

RULE 14: Making a false report, written or oral,

in that:

The Superintendent did not prove by a preponderance of evidence that Police Officer Buford Smith Jr. made a false report, written or oral, regarding property of the Chicago Police Department, specifically two Motorola saber radios, serial numbers 88207 and 112654, which were found in his residence, in that on or about January 10, 2007, he stated, "I worked in both those units and they just got there. You know you get to take a car home too," or words to that effect, and/or on or about March 2, 2007, he stated, "I took the radios. I guess it's all on me," or words to that effect; however, on or about July 27, 2007, in a statement to the Internal Affairs Division, he said that he did not have custody and control of the two radios, and/or that he had no knowledge that the two radios were in his residence, and/or that he had no knowledge of how the two radios came to be in his residence, or words to that effect.

BY REASON of the findings of fact and guilt to the extent set forth herein, cause exists for suspending the Respondent, Police Officer Buford Smith Jr., Star No. 17360, from his position as a police officer with the Department of Police, and from the services

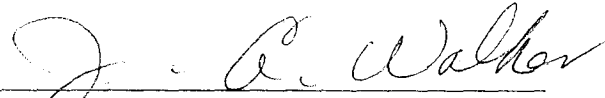
Police Board Case No. 08 PB 2675

Police Officer Buford Smith Jr., Star No. 17360

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of the City of Chicago, for a period from February 26, 2008, to and including October 8,
2008.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "J. A. Walker", written over a horizontal line.

JACQUELINE A. WALKER

Hearing Officer

DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, 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, 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 Buford Smith Jr., Star No. 17360, as a result of having been found **guilty** of charges in Police Board Case No. 08 PB 2675, be and hereby is **suspended** from his position as a police officer, and from the services of the City of Chicago, for a period from 26 February 2008 to and including

08 October 2008

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 25th DAY OF SEPTEMBER, 2008.

Demetri Lee
Phyllis Appellbaum
JP Ryan
Keith Gonzales
Samuel J. Miller
Art Smith

Attested by:

Max A. Caproni

Executive Director
Police Board

DISSENT

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

The undersigned voted to find the Respondent guilty of all charges and to order the Respondent discharged from his position as a police officer.

Scott. Davis

Walter King

RECEIVED A COPY OF

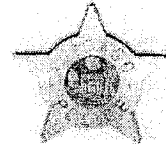
THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2008.

SUPERINTENDENT OF POLICE

1 / 1 Main Report

100% Business Objects

Report Date: 27 Jul 2007
Report Time: 1131 HrsChicago Police Department
Personnel DivisionInformation Services Division
Data Warehouse
Produced by: PC0N601

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Numbe
SMITH JR, BUFORD	9161	17360	018	376	23954

Achievements

Total No.

HONORABLE MENTION

8

CR# 1002619

NOTE: THIS REPORT IS FOR OFFICIAL LAW
ENFORCEMENT / AUTHORIZED USE ONLY.
THE INFORMATION IS CURRENT AS OF THE
DATE AND TIME OF THE REPORT. THIS

1 / 1

EXHIBIT A

CL# 1002619

Attachment# 29

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INTERNAL AFFAIRS DIVISION
RECORDS SECTION

27 JULY 2007

TO: COMMANDING OFFICER OF UNIT 121 G

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

SMITH JR. BUFORD 17360 376
NAME (LAST, FIRST, M.I.) STAR UNIT

M BLK 23954
SEX RACE EMP.#

REFERENCE: COMPLAINT REGISTER NUMBER (S) 100 2619

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

P.A WENDT AL 13635 39117 121G
RANK NAME STAR EMP# UNIT

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

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

VERIFIED/PREPARED BY:

FOR: S.D.E.O. Patricia JOHNSON
COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

No CR History
See Att'd SPAR History

CL# 1002619

Attachment# 30

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Chicago Police Department

In Affairs Division



SPAR HISTORY REPORT (Sustained Findings)

Employee#	Name	Star#	Unit	Position	Sex	Race	Birth Date	Date of Appointment
23954	SMITH JR, BUFORD	17360	018/376	POLICE OFFICER	M	BLACK	29-SEP-1949	04-MAR-1985

History : Total No. SPAR's: 1

Log #	Incident Date	Completed Date	Disciplinary Action	Transgression Type	Suspension Dates
508394	14-MAR-2007	18-MAY-2007	REPRIMAND	022 - FAILURE TO PERFORM ANY DUTY	

ISSUED FOR USE IN CR 100 2619

For Official Police Purposes Only! This information is confidential and should not be disseminated for reasons other than its intended purpose.
CLEAR, Personnel Suite: Automated SPAR Application Print Date and Time: 27-JUL-2007 12:14:29 Printed By : PC01671

1 of 1

CL# 1002619

Attachment# 30

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