

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER DEWAYNE SMALARZ,) No. 08 PB 2684
STAR No. 10897, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
RESPONDENT) (CR No.312474)

FINDINGS

On May 14, 2008, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Dewayne Smalarz, Star No. 10897 (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.

The Police Board caused a hearing on these charges against Police Officer Dewayne Smalarz to be had before Michael G. Berland, Hearing Officer of the Police Board, on March 3 and April 8, 2009.

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

The Police Board of the City of Chicago, as a result of its hearing of the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer 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, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The Respondent appeared throughout the hearing and was represented by legal counsel.

4. The Respondent, Police Officer Dewayne Smalarz, Star No. 10897, charged herein, is **guilty** of violating, to wit:

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

On or about April 20, 2006, in the vicinity of Universal Studios Plaza, Orlando, Florida, he knowingly obtained and/or used and/or endeavored to obtain and/or use the property of Universal Studios with the intent to either temporarily or permanently deprive Universal Studios of the right to the property and/or the benefit from the property in that he took miscellaneous items held for sale from Universal Studios valued at \$115.60 or more and left the store without purchasing them, in violation of Florida State Statute, Title XLVI, Chapter 812.014(1)(a), Theft, and/or 812.014(2)(c)(1), Grand Theft.

5. The Respondent, Police Officer Dewayne Smalarz, Star No. 10897, charged herein, is **guilty** of violating, to wit:

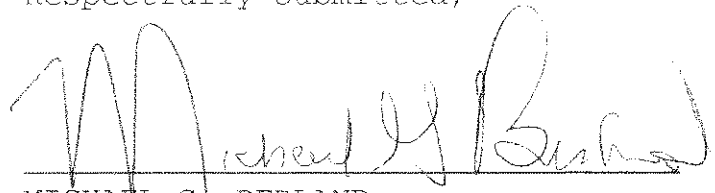
Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

On or about April 20, 2006, in the vicinity of Universal Studios Plaza, Orlando, Florida, he knowingly obtained and/or used and/or endeavored to obtain and/or use the property of Universal Studios with the intent to either temporarily or permanently deprive Universal Studios of the right to the property and/or the benefit from the property in that he took miscellaneous items held for sale from Universal Studios valued at \$115.60 or more and left the store without purchasing them, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

By reason of the findings of fact and guilt set forth herein, cause exists for the discharge of the Respondent, Police Officer Dewayne Smalarz, Star No. 10897, from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

Respectfully submitted,



MICHAEL G. BERLAND
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, Michael G. Berland, 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 Dewayne Smalarz, Star No. 10897, as a result of having been found **guilty** of charges in Police Board Case No. 08 PB 2684, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21st DAY OF MAY, 2009.

Demetrius J. Conner
Patricia C. Boll
Wally J. Kelly
Scott Davis
Phyllis Epstein
William J. Miller
Chris 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.

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2009.

SUPERINTENDENT OF POLICE