

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER JOHN D. SMITH,)	No. 13 PB 2828
STAR No. 6651, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	(CR No. 1051057)
RESPONDENT.)	

FINDINGS AND DECISION

On January 9, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer John D. Smith, Star No. 6651 (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 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 caused a hearing on these charges against the Respondent to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on May 23, 2013.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings 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 its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on 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 written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer John D. Smith, Star No. 6651, 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:

From on or about August 1, 2011, through on or about January 15, 2012, or for some period of time therein, Police Officer John D. Smith engaged in secondary employment while on the medical roll of the Chicago Police Department, in that he worked up to 432 hours for Urban Prep Schools, earning up to \$7,776, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Respondent pled guilty to this charge.

5. The Respondent, Police Officer John D. Smith, Star No. 6651, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

From on or about August 1, 2011, through on or about January 15, 2012, or for some period of time therein, Police Officer John D. Smith engaged in secondary employment while on the medical roll of the Chicago Police Department, in that he worked up to 432 hours for Urban Prep Schools, earning up to \$7,776, thereby violating Employee Resource directive E01-11, Section III.J.

The Respondent pled guilty to this charge.

6. The Respondent, Police Officer John D. Smith, Star No. 6651, charged herein, is **guilty** of violating, to wit:

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

in that:

From on or about August 1, 2011, through on or about January 15, 2012, or for some period of time therein, Police Officer John D. Smith engaged in secondary employment while on the medical roll of the Chicago Police Department, in that he worked up to 432 hours for Urban Prep Schools, earning up to \$7,776, thereby failing to obey Department orders concerning other employment, occupation, or profession.

The Respondent pled guilty to this charge.

7. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A.

The Respondent plainly violated the rules that govern when an officer is on the medical roll. Nonetheless, the Board finds that the seriousness of his misconduct is mitigated by several factors. The work he performed at Urban Prep Academy did not aggravate his injury or interfere with his recovery. There is no evidence that the Respondent attempted to remain on the medical

roll longer than necessary or that he attempted to cover up his misconduct. Finally, he has no prior disciplinary record. For these reasons, the Board finds that discharging the Respondent from the Chicago Police Department is not warranted, and that a suspension is a more fitting punishment on the facts of this particular case.

POLICE BOARD 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, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By unanimous votes, the Board finds the Respondent guilty of violating Rule 2, Rule 6, and Rule 23.

As a result of the foregoing, the Police Board, by a vote of 7 in favor (Carney, Davis, Conlon, Foreman, Fry, Miller, Rodriguez) to 2 opposed (Ballate, McKeever), hereby determines that cause exists for suspending the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from January 18, 2013, to and including July 2, 2013.

[The remainder of this page is left blank intentionally.]

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer John D. Smith, Star No. 6651, as a result of having been found **guilty** of charges in Police Board Case No. 13 PB 2828, be and hereby is **suspended** from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period from January 18, 2013, to and including July 2, 2013.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF JUNE, 2013.

/s/ Demetrius E. Carney

/s/ Scott J. Davis

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

We concur with the majority's findings that the Respondent is guilty of all charges. However, based on the nature of the Respondent's conduct and his record and years of service with the Department, we find that a lesser suspension is a more fitting punishment on the facts of this particular case.

/s/ Melissa M. Ballate

/s/ Susan L. McKeever

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2013.

SUPERINTENDENT OF POLICE

Police Board Case No. 13 PB 2828

Police Officer John D. Smith

Findings and Decision

Report Date: 09 Jan 2013

Report Time: 0748 Hrs

Information Services Division

Data Warehouse

Produced by: PC0U989

Chicago Police Department

Personnel Division

**Only for active personnel*



Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
SMITH, JOHN D	9161	6651	006	376	[REDACTED]

Achievements

2004 CRIME REDUCTION RIBBON
HONORABLE MENTION
COMPLIMENTARY LETTER
OTHER AWARDS
DEPARTMENT COMMENDATION
2009 CRIME REDUCTION AWARD
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008
EMBLEM OF RECOGNITION - PHYSICAL FITNESS
TOTAL AWARDS

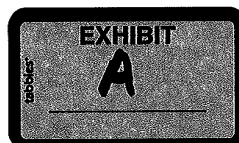
Total No.

1
20
4
1
1
1
1
1

30

FOR USE WITH POLICE BOARD

CR# 1051057



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



Police Board Case No. 13 PB 2828
 Police Officer John D. Smith
 Findings and Decision

IADR118

CHICAGO POLICE DEPARTMENT

09-JAN-2013 07:02:23 AM

Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #.</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	SMITH JOHN D.	6651	[REDACTED]	9161	POLICE OFFICER	376
<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CK's</u>	<u>No. Of SPAR's</u>	
M	BLACK	[REDACTED]	13-DEC-1999	0	0	

FOR USE WITH POLICE BOARD #13 PB 2828