

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER EDGAR DEL OLMO,) **No. 13 PB 2842**
STAR No. 9653, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1035648)**
RESPONDENT.)

FINDINGS AND DECISION

On September 11, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Edgar Del Olmo, Star No. 9653 (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 25: Failure to actually reside within the corporate boundaries of the City of Chicago.
- Rule 26: Failure to provide the Department with a current address and telephone number.

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 December 17 and 19, 2013, and January 29, 2014.

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 Edgar Del Olmo, Star No. 9653, 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 the evidence the following charge:

From at least on or about July 16, 2010, to the present, or for some time period therein, Officer Edgar Del Olmo resided at xxxxx South Kolin Avenue, Oak Lawn, Illinois, in violation of the Municipal Code of Chicago, Chapter 2-152, Section 050, thereby violating any law or ordinance.

There was competent testimony given by David Del Olmo, Officer Del Olmo's son, and Ivonne Del Olmo, Officer Del Olmo's sister, that Officer Del Olmo resided at the address at xxxx North Milwaukee Avenue, in Chicago. Additionally, convincing and uncontradicted testimony was obtained from Megan Pelhaar, Gary Marks, and Robert Chavez, all of whom testified that they are neighbors of Officer Del Olmo at the Milwaukee Avenue address, all for

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long periods of time, and that Officer Del Olmo resided at the address of xxxx North Milwaukee Avenue, in Chicago.

The Superintendent failed to present any witnesses to prove the allegation that Officer Del Olmo resided at xxxxx South Kolin Avenue, in Oak Lawn, Illinois, during the relevant period of time as charged. Therefore, the Superintendent failed to prove by a preponderance of the evidence that Officer Del Olmo violated the Municipal Code of Chicago, or impeded the Department's efforts to achieve its policy and goals or brought discredit upon the Department.

5. The Respondent, Police Officer Edgar Del Olmo, Star No. 9653, 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 the Superintendent did not prove by a preponderance of the evidence the following charge:

Count I: From at least on or about July 16, 2010, to the present, or for some time period therein, Officer Edgar Del Olmo failed to actually be a resident of the City of Chicago in that he resided at xxxxx South Kolin Avenue, Oak Lawn, Illinois, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

6. The Respondent, Police Officer Edgar Del Olmo, Star No. 9653, 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 the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: From at least on or about July 16, 2010, to the present, or for some time period therein, Officer Edgar Del Olmo resided at xxxxx South Kolin Avenue, Oak Lawn, Illinois, but on his Employee Change of Address Form dated on or about November 3, 2008, he declared his Former Address as xxx East Oakwood Avenue, Chicago, Illinois 60653, and his New Address as xxxx North Milwaukee Avenue, Chicago, Illinois 60622, and on his Employee Change of Address Form dated on or about November 2, 2010, he declared his New Address as "SAME," thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

7. The Respondent, Police Officer Edgar Del Olmo, Star No. 9653, charged herein, is **not guilty** of violating, to wit:

Rule 25: Failure to actually reside within the corporate boundaries of the City of Chicago, in that the Superintendent did not prove by a preponderance of the evidence the following charge:

From at least on or about July 16, 2010, to the present, or for some time period therein, Officer Edgar Del Olmo resided at xxxxx South Kolin Avenue, Oak Lawn, Illinois, thereby failing to actually reside within the corporate boundaries of the City of Chicago.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

8. The Respondent, Police Officer Edgar Del Olmo, Star No. 9653, charged herein, is **not guilty** of violating, to wit:

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Rule 26: Failure to provide the Department with a current address and telephone number, in that the Superintendent did not prove by a preponderance of the evidence the following charge:

From at least on or about July 16, 2010, to the present, or for some time period therein, Officer Edgar Del Olmo resided at xxxxx South Kolin Avenue, Oak Lawn, Illinois, but on his Employee Change of Address Form dated on or about November 3, 2008, he declared his Former Address as xxx East Oakwood Avenue, Chicago, Illinois 60653, and his New Address as xxxx North Milwaukee Avenue, Chicago, Illinois 60622, and on his Employee Change of Address Form dated on or about November 2, 2010, he declared his New Address as "SAME," thereby failing to provide the Department with a current address.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

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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 votes of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **not guilty** of violating Rule 1, Rule 2, Rule 25, and Rule 26.

As a result of the foregoing, the Board, by a vote of 9 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for restoring the Respondent to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective September 26, 2013.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Edgar Del Olmo, Star No. 9653, as a result of having been found **not guilty** of the charges in Police Board Case No. 13 PB 2842, be and hereby is **restored** to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective September 26, 2013.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

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DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY
OF MARCH, 2014.

Attested by:

/s/ Demetrius E. Carney
President
Police Board

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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THESE FINDINGS AND DECISION

THIS _____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police