

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER DANIEL DAHILL,) **No. 14 PB 2868**
STAR No. 19227, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1060980)**
RESPONDENT.)

FINDINGS AND DECISION

On July 2, 2014, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Daniel Dahill, Star No. 19227 (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 the Respondent to be had before Fredrick H. Bates, Hearing Officer of the Police Board, on October 10, 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 Bates 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 Daniel Dahill, Star No. 19227, 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:

On or about March 25, 2013, while on duty, and while at GoLo Gas Station located at or near 3731 West Roosevelt Road, in Chicago, Illinois, Officer Dahill took possession of merchandise that was offered for sale with the intention of retaining the merchandise or depriving the merchant permanently of the possession, use or benefit of the merchandise and exited the store without paying the full retail value of the merchandise, thereby committing the offense of Retail Theft, in violation of 720 ILCS 5/16-25(a)(1).

The uncontested evidence in this case established that Officer Dahill took a bottle of milk valued at under \$2.00, without first paying for said milk. However, the GoLo Gas Station had a rather loose policy and practice of allowing Chicago police officers to have a drink and snack without paying for them. In fact, Officer Dahill and his partner had been in the establishment earlier that day and were allowed to take drinks and snacks without paying. The gas station manager testified that the problem in this instance was that Officer Dahill did not present the item to him before leaving the store. However, there was no evidence adduced at the hearing

that Officer Dahill was ever advised of this limitation of the station's free snack and beverage policy or practice. Officer Dahill testified credibly that he did not intend to steal a small bottle of milk. On these facts the Board does not believe that the evidence is sufficient to establish that Officer Dahill possessed the requisite intent to have violated 720 ILCS 5/16-25(a)(1) (Retail Theft) as charged by the Superintendent in this case. Accordingly, Respondent is not guilty of violating Rule 1 as charged in this case.

5. The Respondent, Police Officer Daniel Dahill, Star No. 19227, 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:

On or about March 25, 2013, while on duty, and while at GoLo Gas Station located at or near 3731 West Roosevelt Road, in Chicago, Illinois, Officer Dahill took possession of merchandise that was offered for sale and exited the store without paying the full retail value of the merchandise or getting permission from the store clerk to take the merchandise without paying for it, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference. Officer Dahill's conduct did not in any way impede the Department's efforts to achieve its policy and goals, nor did he in any way bring discredit upon the Department. Accordingly, Respondent is not guilty of violating Rule 2 as charged in this 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 votes of 7 in favor (Demetrius E. Carney, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 1 opposed (Ghian Foreman), the Board finds the Respondent **not guilty** of violating Rule 1 and Rule 2.

As a result of the foregoing, the Board, by a vote of 7 in favor (Carney, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 1 opposed (Foreman), 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 July 16, 2014.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Daniel Dahill, Star No. 19227, as a result of having been found **not guilty** of the charges in Police Board Case No. 14 PB 2868, 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 July 16, 2014.

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

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 11th DAY OF DECEMBER, 2014.

Police Board Case No. 14 PB 2868
Police Officer Daniel Dahill

Attested by:

/s/ DEMETRIUS E. CARNEY
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

I hereby dissent from the Findings and Decision of the majority of the Board. In my opinion, Officer Dahill placed a bottle of milk under his vest and left the gas station without paying for it. On these facts I believe he is guilty of the crime of Retail Theft, 720 ILCS 5/16-25(a)(1), and therefore he violated Rule 1 - Violation of any law or ordinance, and Rule 2 in that he brought discredit upon the Department by his conduct in this case. For these reasons I cannot join the majority in this case, and therefore dissent from its findings and decision.

/s/ GHIAN FOREMAN
Vice President

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police