

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF THE SUSPENSION OF )**  
**POLICE OFFICER CHAD SMITH, )** **No. 13 SR 2317**  
**STAR No. 6021, DEPARTMENT OF POLICE, )**  
**CITY OF CHICAGO. )** **(CR No. 1046989)**

**FINDINGS AND DECISION**

On or about October 15, 2013, the Superintendent of Police ordered the suspension of Police Officer Chad Smith, Star No. 6021, for ten (10) days for violating the following Rule of Conduct:

Rule 5: Failure to perform any duty.

On October 31, 2013, Officer Smith filed with the Police Board a request for Police Board review of this suspension. On November 6, 2013, Officer Smith filed with the Police Board a memorandum delineating specific reasons for which the review was requested.

The Executive Director of the Police Board assigned this matter to Hearing Officer Jacqueline A. Walker. Hearing Officer Walker reviewed the investigation file and submitted a written report to the Police Board.

The members of the Police Board reviewed the Summary Report of the investigation file, the Command Channel Review reports, Officer Smith's memorandum, and Hearing Officer Walker's report. 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 consideration of this matter, finds and determines that:

Police Board Case No. 13 SR 2317  
Police Officer Chad Smith  
Findings and Decision

1. The allegation, set forth below, that Police Officer Chad Smith, Star No. 6021, violated Rule 1 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On July 16, 2011, at approximately 1525 hours, at 2150 North California Avenue, Chicago, Officer Smith failed to secure and control an arrestee, resulting in the arrestee escaping.

The Department's investigation indicated on the date as charged, Officer Smith and Police Officer Kenneth Trempe investigated a report of juveniles shoplifting at K-Mart, located at 1360 North Ashland Avenue. As a result, two juveniles were placed in custody and both were taken to the 14<sup>th</sup> District for processing. Both juveniles were handcuffed together.

The investigation further revealed that when Officers Smith and Trempe arrived at the 14<sup>th</sup> District parking lot, and while the Officers were escorting the two juveniles, one of the juveniles freed his hand from the handcuffs and fled on foot, and successfully made his escape. The escapee was not readily found in the area, even though a search for him was conducted.

On August 4, 2011, the juvenile was subsequently apprehended and charged with escape.

2. The Police Board has considered the facts and circumstances of Officer Smith's conduct, and his complimentary and disciplinary histories. This case involves the escape of a juvenile arrested for a non-violent offense (shoplifting). Officer Smith and his partner immediately attempted to apprehend the escapee, and promptly made notifications of the escape. The escapee was subsequently located, arrested, and charged with escape about three weeks later. The Board finds that the ten-day suspension ordered in this case is unwarranted, and that the one-day suspension recommended by the investigator, all members of Command Channel

Review, and the Chief of the Bureau of Internal Affairs is a justified penalty on the facts of this particular case.

### **POLICE BOARD DECISION**

The Police Board of the City of Chicago hereby adopts the findings set forth herein by the following vote:

By a vote 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 sustains the allegation that Police Officer Chad Smith violated Rule 5.

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 suspending Police Officer Chad Smith from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of one (1) day.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the suspension of Police Officer Chad Smith, Star No. 6021, for a period of ten (10) days is **reduced to a period of one (1) day**.

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.

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

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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.

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GARRY F. McCARTHY  
Superintendent of Police