

08-2684

CHARGES

Police Officer Dewayne Smalarz, Star Number 10897, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the dates of the alleged violations.

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.

SPECIFICATIONS

- 1. Police Officer Dewayne Smalarz, Star Number 10897, is charged with violating Rule 1, "Violation of any law or ordinance," in the following instance:**

Count I: On or about April 20, 2006, Officer Dewayne Smalarz, in the vicinity of Universal Studios Plaza, Orlando, Florida, 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 Police Officer Smalarz 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.

- 2. Police Officer Dewayne Smalarz, Star Number 10897, is charged with violating 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 the following instance:**

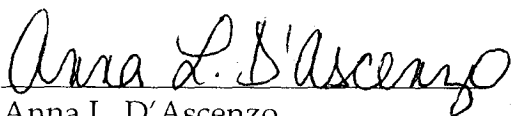
Count I: On or about April 20, 2006, Officer Dewayne Smalarz, in the vicinity of Universal Studios Plaza, Orlando, Florida, knowingly obtained and/or used and/or endeavored to obtain and/or use the property of Universal Studios with the intent to, either temporarily or permanently deprive Universal Studios of the right to the property and/or the benefit from the property in that Police Officer Smalarz 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 policies and goals or bringing discredit upon the Department.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Dewayne Smalarz, Star Number 10897, be discharged from the Chicago Police Department.



Jody P. Weis
Superintendent of Police

APPROVED AS TO FORM



Anna L. D'Ascenzo
Assistant Corporation Counsel

P. B. CASE # FILED

08 - 2684 MAY 14 2008

CHICAGO POLICE BOARD

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:

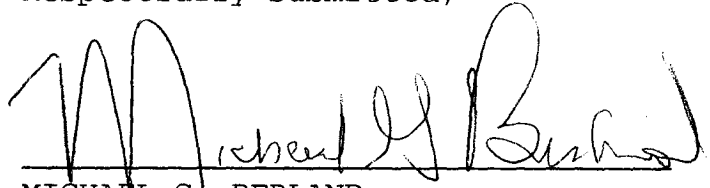
Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

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.

Deborah J. Carr
Patricia C. Ball
Wally J. Kelly
Scott J. Davis
Phyllis J. Postbauer
John J. Miller
Mike Smith

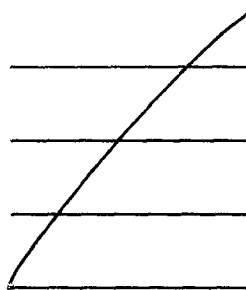
Attested by:

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

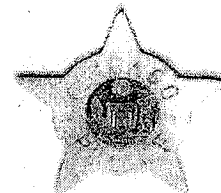
THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2009.

SUPERINTENDENT OF POLICE

Chicago Police Department

Personnel Division



Information Services Division
Data Warehouse
Produced by: PC02620

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
SMALARZ, DEWAYNE G	9161	10897	007	167	51027

Achievements

Total No.

COMPLIMENTARY LETTER	1
DEPARTMENT COMMENDATION	1
HONORABLE MENTION	103
PROBLEM SOLVING AWARD	1
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	5
POLICE OFFICER OF THE MONTH AWARD	1

CR# 312474



CR# 312474
ATTACHMENT 20

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

29-JUN-2007 07:58:38 AM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	SMALARZ DEWAYNE G.	10897	51027	9161	POLICE OFFICER	167
<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>	
M	WHITE	20-JAN-1967	30-NOV-1998	1	0	
<u>Case #</u>	<u>Incident Date</u>	<u>Suspension</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>	
C 283696	19-AUG-2002		REPRIMAND	10C-COMPENSATORY TIME		
<u>Civil Suit #</u>			<u>Police Board #</u>			
<u>Comments</u>						

COPY

CR # 312474
ATTACHMENT 21