

ISPB 2883

CHARGES

Police Officer Kevin D. Smith, Star Number 10884, 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 date 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.
- Rule 14: Making a false report, written or oral.
- Rule 15: Intoxication on or off duty.

SPECIFICATIONS

1. Police Officer Kevin D. Smith, Star Number 10884, is charged with violating Rule 1, "violation of any law or ordinance," in the following instance:

On or about October 29, 2013 at approximately 1330 hours at a Walmart retail store located at or near 1100 Fifth Avenue in Hammond, Indiana, Police Officer Kevin D. Smith, while off-duty, was in a public place or a place of public resort in a state of intoxication caused by his use of alcohol, and he breached the peace or was in imminent danger of breaching the peace and/or he harassed, annoyed, and/or alarmed another person, in violation of Indiana Code, IC 7.1-5-1-3, thereby violating any law or ordinance.

2. Police Officer Kevin D. Smith, Star Number 10884, 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 one or more of the following instances:

Count I: On or about October 29, 2013 at a Walmart retail store located at or near 1100 Fifth Avenue in Hammond, Indiana and/or at the Hammond Police Department, Police Officer Kevin D. Smith, while off-duty, was intoxicated and/or had a Breath Alcohol Content of .107, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: On or about October 29, 2013 at approximately 1330 hours at a Walmart retail store located at or near 1100 Fifth Avenue in Hammond, Indiana, Police Officer Kevin D. Smith accompanied and/or aided an unknown individual by pulling a shopping cart containing approximately three televisions and/or a car stereo to

the garden section of the Walmart retail store, where the unknown individual removed the alarm sensors from the merchandise in Police Officer Kevin D. Smith's presence, and/or accompanied and/or aided an unknown individual who appeared to be attempting to commit retail theft of approximately three televisions and/or a car stereo, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: On or about February 27, 2014, Police Officer Kevin D. Smith made one or more of the following false statements to Sergeant Wilfredo Torres Jr. of the Chicago Police Department, Bureau of Internal Affairs, regarding the events of October 29, 2013 and/or the unknown individual who removed alarm sensors from merchandise at a Walmart retail store: I would have arrested the individual myself had I known what he was up to, or words to that effect; and/or no actions led me to believe that I should arrest him, or words to that effect; and/or I was not aware of what he was ultimately doing, or words to that effect, which contradict the statements Officer Kevin D. Smith made to Mr. Benjamin Davis, Walmart Asset Protection Associate, on or about October 29, 2013, when Police Officer Kevin D. Smith stated, "you've got the wrong guy. I'm here to stop him, but you didn't give me a chance," or words to that effect, and/or the statements Officer Kevin D. Smith made to Police Officer Sean M. Garrison of the Hammond Police Department on or about October 29, 2013, when Police Officer Kevin D. Smith stated that he intended to arrest the individual, but that he could not find anyone to alert before they reached the door, or words to that effect, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

3. Police Officer Kevin D. Smith, Star Number 10884, is charged with violating Rule 14, "making a false report, written or oral," in the following instance:

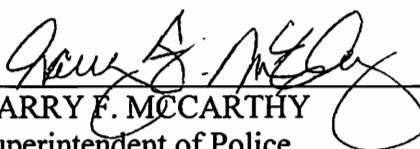
On or about February 27, 2014, Police Officer Kevin D. Smith made one or more of the following false statements to Sergeant Wilfredo Torres Jr. of the Chicago Police Department, Bureau of Internal Affairs, regarding the events of October 29, 2013 and/or the unknown individual who removed alarm sensors from merchandise at a Walmart retail store: I would have arrested the individual myself had I known what he was up to, or words to that effect; and/or no actions led me to believe that I should arrest him, or words to that effect; and/or I was not aware of what he was ultimately doing, or words to that effect, which contradict the statements Officer Kevin D. Smith made to Mr. Benjamin Davis, Walmart Asset Protection Associate, on or about October 29, 2013, when Police Officer Kevin D. Smith stated, "you've got the wrong guy. I'm here to stop him, but you

didn't give me a chance," or words to that effect, and/or the statements Officer Kevin D. Smith made to Police Officer Sean M. Garrison of the Hammond Police Department on or about October 29, 2013, when Police Officer Kevin D. Smith stated that he intended to arrest the individual, but he could not find anyone to alert before they reached the door, or words to that effect, thereby making a false report, written or oral.

4. Police Officer Kevin D. Smith, Star Number 10884, is charged with violating Rule 15, "intoxication on or off duty," in the following instance:

On or about October 29, 2013 at a Walmart retail store located at or near 1100 Fifth Avenue in Hammond, Indiana and/or at the Hammond Police Department, Police Officer Kevin D. Smith, while off-duty, was intoxicated and/or had a Breath Alcohol Content of .107, thereby being intoxicated on or off duty.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Kevin D. Smith, Star Number 10884, be discharged from the Chicago Police Department.



GARRY F. MCCARTHY
Superintendent of Police

APPROVED AS TO FORM



KATHERINE ROBILLARD
Assistant Corporation Counsel

P. B. CASE # FILED

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CHICAGO POLICE BOARD