

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER MICHAEL MICHALIK,) **No. 21 PB 2992-2**
STAR No. 2866, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(OIG No. 18-0904)**
RESPONDENT.

ORDER

On April 14, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Michael Michalik, Star No. 2866 (hereinafter referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct (a copy of the charges is attached as Exhibit A).

On May 18, 2021, the Superintendent moved to withdraw the charges against the Respondent without prejudice because the Respondent resigned from the Chicago Police Department. The Police Board has considered the Superintendent’s motion.

IT IS HEREBY ORDERED that the Superintendent’s motion is **granted**, and the proceedings before the Police Board are terminated.

This Order is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Matthew C. Crowl, Michael Eaddy, Steve Flores, Jorge Montes, Rhoda D. Sweeney, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF MAY, 2021.

Police Board Case No. 21 PB 2992-2
Police Officer Michael Michalik
Order

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

Exhibit A

Charges

Attached are the charges filed with the Police Board by the Superintendent of Police. The public is reminded that the filing of charges is not evidence of guilt. The accused officer is presumed innocent and is entitled to a fair hearing at which the Superintendent has the burden of proving guilt by a preponderance of the evidence. In this case, the accused officer resigned from the Chicago Police Department prior to a hearing on the charges.

CHARGES AGAINST SERGEANT EDUARDO BELTRAN

Sergeant Eduardo Beltran, Star Number 1026, 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 4: Any conduct or action taken to use the official position for personal gain or influence.
- Rule 5: Failure to perform any duty.
- Rule 14: Making a false report, written or oral.
- Rule 48: Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendered as a Department member, or as a condition for the rendering of such services, or as a condition for not performing sworn duties.

SPECIFICATIONS

1. On or about April 25, 2017 and/or April 26, 2017, in his official capacity as a Sergeant in the Chicago Police Department ("CPD") Marine Unit, Sergeant Eduardo Beltran accepted approximately \$1,000, for personal use, from a professional diver, Yohei Yamada ("Yamada"), in exchange for using his official CPD position to gain access to the Chicago Harbor Lock to recover a lost boat propeller for Yamada's client; and/or while on-duty and in his official capacity as a Sergeant in the CPD Marine Unit, Sergeant Eduardo Beltran utilized CPD equipment, resources, and/or personnel to effectuate the propeller recovery, thereby:
 - a. Violating Rule 1, violation of any law or ordinance, to wit: 720 ILCS 5/33-1 (bribery) and/or 720 ILCS 5/33-3 (official misconduct);
 - b. 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;
 - c. Violating Rule 4, any conduct or action taken to use the official position for personal gain or influence;

- d. Violating Rule 48, soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendered as a Department member, or as a condition for the rendering of such services, or as a condition for not performing sworn duties.
2. On or about April 25, 2017 and/or April 26, 2017, Sergeant Eduardo Beltran failed to document information and/or details about the recovery of a lost boat propeller (as described in Specification 1, above) from the Chicago Harbor Lock, including (but not limited to): on CPD Marine Safety Inspection Activity Report(s) and/or on CPD Marine Unit Dive Report(s); and/or, Sergeant Eduardo Beltran knowingly approved incomplete and/or misleading and/or false CPD Marine Unit Dive Reports, which were authored by Officer Michael Michalik, thereby:
 - a. 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;
 - b. Violating Rule 5, failure to perform any duty;
 - c. Violating Rule 14, making a false report, written or oral.

CHARGES AGAINST POLICE OFFICER MICHAEL MICHALIK

Police Officer Michael Michalik, Star Number 2866, 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 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.

SPECIFICATIONS

1. On or about April 25, 2017 and/or April 26, 2017, Officer Michael Michalik, a member of CPD's Marine Unit, authored incomplete and/or misleading and/or false Marine Unit Dive Report(s) ("Reports"), to wit: by failing to document that the CPD Marine Unit dive team engaged in one or more Chicago Harbor Lock dives (on or about April 25, 2017 and/or April 26, 2017) for the purpose of recovering a lost boat propeller; and/or by failing to include information and/or details about the use of sector-scan sonar equipment during the dive(s), thereby:
 - a. 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;
and/or

b. Violating Rule 14, making a false report, written or oral.

Based on the foregoing charges and specifications, the Superintendent recommends that Sergeant Eduardo Beltran and Police Officer Michael Michalik be discharged from the Chicago Police Department.



DAVID BROWN
Superintendent of Police

APPROVED AS TO FORM

/s/ Katherine Robillard
KATHERINE ROBILLARD
Assistant Corporation Counsel

FILED: April 14, 2021 POLICE BOARD Case No. 21 PB 2992
--