

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
SERGEAN DAVID DeMATO,) **No. 19 PB 2961**
STAR No. 1202, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) **(CR No. 1075243)**

ORDER

On July 30, 2019, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant David DeMato, Star No. 1202 (hereinafter referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct, which set forth expressly prohibited acts (Exhibit A).

On April 17, 2020, the Superintendent moved to withdraw the charges against the Respondent 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 Crowl, Michael Eaddy, Steve Flores, Jorge Montes, John P. O’Malley Jr., Rhoda D. Sweeney, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY OF MAY, 2020.

Police Board Case No. 19 PB 2961
Sergeant David DeMato
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 DAVID DEMATO

Sergeant David DeMato, Star Number 1202, 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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 4: Any conduct or action taken to use the official position for personal gain or influence.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 14: Making a false report, written or oral.

SPECIFICATIONS

1. Between the dates of May 12, 2015 and May 14, 2015, Sergeant DeMato met with Cook County Assistant State's Attorneys, Drew Henning and/or Mike Bagnowski, at or near Branch 43 of the Circuit Court of Cook County, 3150 W. Flournoy St., Chicago, Illinois, and made false and/or misleading statements that Michelle Valenzuela, an individual with a criminal prostitution charge pending in Branch 43, was cooperating in an ongoing multi-jurisdiction prostitution investigation and/or prosecution, or words to that effect, and requested, without a valid police purpose, that the criminal case against Ms. Valenzuela be dismissed. Sergeant DeMato thereby violated:
 - a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence; and
 - c. Rule 14, which prohibits making a false report, written or oral.
2. Sergeant DeMato knowingly failed to notify and/or excused Officer Manuel Solis, Star No. 15093, for a court appearance on May 14, 2015 in Branch 43 of the Circuit Court of Cook County, under Court Notification No. 10436018, in connection with the criminal prostitution case against Michelle Valenzuela, when Officer Solis had not been excused by the Cook County State's Attorney's Office. Sergeant DeMato thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence; and
 - d. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying Special Order S08-02.
3. On or about March 17, 2015 through approximately late May 2015, Sergeant DeMato engaged in inappropriate conduct and/or communications with a criminally charged arrestee, without a valid police purpose, which included but is not limited to: meeting with Michelle Valenzuela at the Felix Hotel in Chicago for personal reasons after she bonded out from her arrest for prostitution; and/or paying for an extra night's stay for Ms. Valenzuela at the Felix Hotel; and/or offering and/or affirming his assistance in getting Ms. Valenzuela's criminal case dismissed; and/or continuing to contact Ms. Valenzuela after she advised him not to contact her; and/or offering his assistance to clear her criminal case under false pretenses after Ms. Valenzuela had entered into a court diversion program agreement. Sergeant DeMato thereby violated:
- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
 - b. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.

Based on the foregoing charges and specifications, the Superintendent recommends that Sergeant David DeMato, Star Number 1202, be separated from the Chicago Police Department.



EDDIE T. JOHNSON
Superintendent of Police

APPROVED AS TO FORM



JAMES M. LYDON
Hinshaw & Culbertson LLP
Special Assistant Corporation Counsel

P.B. CASE # FILED

19-2961 JUL 30 2019

CHICAGO POLICE BOARD