

## News

# Shaw's redemption

## Former St. Charles police chief speaks out about wrongful termination lawsuit

By Meghan C. Smith  
Staff writer

Last month the city of St. Charles agreed to terms to settle the wrongful termination lawsuit brought by former Police Chief Donald Shaw.

But while Shaw said he feels justice has been served, he sat down with the St. Charles Republican to talk about the ordeal he went through when his lawsuit was in motion, and his decision not to hide in a corner after he learned he wasn't re-appointed for his position. He also shared the story of why his case prompted FBI agents to question his whereabouts the night of a high-profile, national murder.

In September 2003, Shaw filed a lawsuit against the city, former Mayor Sue Klinkhamer and former City Administrator Larry Mahollaad, alleging he was not re-appointed as police chief because he disagreed with Klinkhamer about liquor law enforcement and traffic tickets against business owners. Klinkhamer lost her reelection to Mayor Don DeWitte last April, and Mahollaad retired in October.

In his lawsuit, Shaw alleges he was fired in retaliation for exposing government corruption in the city and not because of poor job performance. Shaw was not re-appointed as chief for the 2003-04 fiscal year, and today is a sergeant with the department.

On Dec. 19, the city agreed to settle the lawsuit for \$310,000. However, the city maintains it has done nothing wrong.

"The city continues to state unequivocally that there was no wrongdoing in its decision to not re-appoint Don Shaw as police chief in 2003," DeWitte said in a written statement Dec. 19. "The (city's insurance carrier, St. Paul Insurance, based in St. Paul, Minn.) decided that a settlement was in its best interest, taking into account the cost of litigation and subsequent appeal."

### The desire to be an officer

Since high school, Shaw said, he wanted to be a police officer. After graduating from Western Illinois University in the summer of 1980, Shaw got his first job with the Algonquin Police Department. The St. Charles native, originally wanted to work with his hometown police department, but the St. Charles department was not testing at the time, he said.

About a year later, Shaw tested with the St. Charles department and was hired Oct. 13, 1981, as a patrol officer. Shaw was happy to be working in his hometown as an officer.

"There was something special about working as a police officer in your hometown. I care about the community. I know a lot of people. I know a whole lot about their tragedies, their good moments and bad moments, and that just made me want to work here more," he said. "I kind of felt like a fish out of water in McHenry County. There weren't the same ties in the community."

While with the department, Shaw worked up through the ranks. In May 1999, he was named acting chief of police because the prior chief, James Roche, left to take a position with the Federal Emergency Management Agency. Shaw was officially appointed police chief in November 1999.

Shaw said he was not re-appointed to his position in



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Staff photo by Steve Britinger

Former St. Charles Police Chief Donald Shaw said he sued the city of St. Charles for wrongful termination because he wanted justice served. Last month, the city agreed to terms of a \$310,000 settlement in the lawsuit. Now with the bump in the road behind him, Shaw said he is ready to move forward and keep his commitment with the city and the Police Department as a sergeant.

2004, because he disagreed with Klinkhamer about liquor law enforcement and traffic tickets against business owners. The lawsuit Shaw filed alleged Klinkhamer worked to prevent the prosecution of city business owners who had been cited for traffic and liquor-license violations. After Shaw refused to comply with orders from Klinkhamer and began an investigation of her conduct, his contract was not renewed. Shaw said he thought it was his duty to conduct an investigation.

*"I never prayed I would win  
... I prayed for justice."*

**Don Shaw**

Former St. Charles police chief

"Police officers have to make ethical decisions especially when it comes to enforcing the law. And I wouldn't back away from that. ... I also firmly believe people in the community have a high expectation that their police chief won't look the other way when ticket fixing or favoritism takes place," he said. "There is no place for political favoritism because the average citizen feels cheated when others get political favoritism."

And because of his investigation, Shaw had a distinct feeling he wasn't going to be re-appointed.

"When all these things were occurring, I told my wife that the mayor was acting differently toward me and you can sense that there was going to be a problem. ... So when Larry Mahollaad brought me in and said I wasn't going to be re-appointed, beside being extremely shocked, I knew

exactly where it came from and why," Shaw said.

### The good, the bad, the ugly

Shaw said he didn't want to waste any time filing a wrongful termination lawsuit.

"Knowing what I know about this case and why I wasn't re-appointed I felt justice had to be done. And it was my decision not to run out of town or hide but to follow through and pursue justice," he said.

Shaw was represented by Chicago-based Loevy and Loevy, a father-and-son law firm Shaw says only take about 5 percent of cases that walk in the door. Upon his first meeting with the lawyers, Shaw said they took his case right away.

Shaw's lawsuit was dismissed in December 2004 by U.S. District Judge Joan Lefkow.

"It was right before Christmas," Shaw said. "I was pretty shocked and my lawyers were more shocked than I was (because) based on the evidence that has been presented and lack of evidence on the other side."

Shaw's lawyers immediately filed a motion to reconsider during the first week of 2005. Shaw was also informed by his lawyers that he had a 1 to 2 percent chance of a judge going back on its decision.

"They told me it's very rare for a judge to grant a