

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER EUGENE POSEY,) **No. 16 PB 2922**
STAR No. 18709, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1069136)**
RESPONDENT.)

MEMORANDUM AND ORDER

On December 12, 2016, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Eugene Posey, Star No. 18709 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating various Rules of Conduct.

The Police Board caused a hearing on these charges against the Respondent to be had before Police Board Hearing Officer Jacqueline A. Walker on June 20 and June 22, 2017. Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

On August 25, 2017, the Police Board found the Respondent guilty of violating Rules 1, 2, 6, 8, and 10 of the Rules of Conduct, and ordered that the Respondent be discharged from his position as a police officer, and from the services of the City of Chicago.

The Respondent filed a petition for administrative review in the Circuit Court of Cook County, Chancery Division, seeking reversal of the Board’s Findings and Decision. On June 14, 2018, the Court entered an Order affirming the Police Board’s findings of fact and conclusions of

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law. The Court, however, remanded the case to the Board for re-evaluation of the discipline imposed and for an imposition of a penalty less than discharge.

The members of the Police Board read and reviewed the record of the Police Board proceedings, the Circuit Court's Order, and the transcript of the June 14, 2018, Circuit Court proceedings.

After re-evaluating the discipline imposed on Officer Posey, the Board remains convinced that a penalty of discharge in this case is warranted based on the seriousness of the misconduct of which the Board found the Officer Posey guilty. The Board's finding that Officer Posey's abuse of his authority is entirely incompatible with continued service as a police officer is based solely on the seriousness of Officer Posey's particular conduct on the night in question: his violation of Corey Stewart's constitutional rights and several Police Department rules and policies. The Board was not consciously attempting, as suggested by the Court, to "make an example" of Officer Posey. (Transcript of June 14, 2018, Circuit Court Proceedings, p. 38.) We wholeheartedly agree with the Court that "the notion that law enforcement authorities can simply grab people off the street whenever they feel like it and ride them around in a squad car until they decide to let them go is utterly antithetical with how we do things." (Ibid., p. 40.) That is exactly what Officer Posey did, and that is precisely why, and for no other reason, that we ruled unanimously that he should be discharged. There are cases where, despite an otherwise fine and unblemished career, the seriousness of the conduct at issue, in and of itself, warrants discharge. With complete respect to the Court, we continue to strongly believe that this is such a case.

However, to comply with the Court's Order to impose a penalty less than discharge, the Board will order the suspension of the Respondent for a period of five (5) years.

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POLICE BOARD ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Eugene Posey, Star No. 18709, as a result of having been found **guilty** of certain charges in Police Board Case No. 16 PB 2922, be and hereby is **suspended** from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of five (5) years, from January 6, 2017, to and including January 5, 2022.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley, John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 09th DAY OF AUGUST, 2018.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

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DISSENT

The following members of the Police Board hereby dissent from the Order of the majority of the Board.

[None]

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THIS ____ DAY OF _____, 2018.

EDDIE T. JOHNSON
Superintendent of Police