

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER CLAY WALKER,) **No. 17 PB 2925**
STAR No. 10774, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,) **(CR No. 1079480)**
)
RESPONDENT.)

ORDER

On January 11, 2017, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Clay Walker, Star No. 10774 (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 September 7, 2017, the Superintendent filed a motion to withdraw the charges against the Respondent without prejudice, stating that the Superintendent will be unable to establish, by a preponderance of the evidence, that the Respondent violated any of the Rules of Conduct as set forth in the charges. 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: Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 18th DAY OF SEPTEMBER, 2017.

Police Board Case No. 17 PB 2925
Police Officer Clay Walker

Attested by:

/s/ LORI E. LIGHTFOOT
President

/s/ MAX A. CAPRONI
Executive Director

CHARGES

Police Officer Clay Walker, Star Number 10774, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department ("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 6: Disobedience of an order or directive, whether written or oral.
- Rule 51-B: Failure to cooperate when called to give evidence or statements by any investigative branch or superior officer of the Chicago Police Department or the Police board when the evidence or statements sought relate specifically, directly and narrowly to the performance of his official duties. If the member properly asserts a constitutional privilege, he will be required to cooperate if advised that by law any evidence or statements given by him cannot be used against him in a subsequent criminal prosecution.

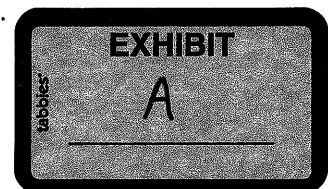
SPECIFICATIONS

1. Police Officer Clay Walker, Star Number 10774, is charged with violating Rule 1, which prohibits the "[v]iolation of any law or ordinance," in the following instance:

On or about January 26, 2016, Officer Clay Walker reported to the Department's Random Drug Testing Unit at or about 3510 South Michigan Avenue, Chicago, Illinois and submitted a urine specimen under Control Number DA160044A, which subsequently tested positive for oxycodone. Thus, Officer Walker violated section 402 of the Illinois Controlled Substances Act (720 ILCS 570/402 (West 2016)) when he knowingly possessed oxycodone, a controlled substance, without a valid prescription on and/or prior to January 26, 2016.

2. Police Officer Clay Walker, Star Number 10774, is charged with violating Rule 2, which prohibits "[a]ny 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 January 26, 2016, Officer Clay Walker reported to the Department's Random Drug Testing Unit at or near 3510 South Michigan Avenue, Chicago, Illinois and submitted a urine specimen under Control Number DA160044A, which subsequently tested positive for oxycodone, thereby impeding the Department's efforts to achieve its policy and/or goals and/or bringing discredit upon the Department.



Count II: From on or about March 29, 2016, through in or around November 2016, or on one or more dates therein, Officer Clay Walker failed to provide a statement and/or to schedule an interview in connection with the investigation into Complaint Register #1079480, even though, on or about March 29, 2016, Sgt. Mark Lamberg issued a verbal order for Officer Walker to do so, thereby impeding the Department's efforts to achieve its policy and/or goals and/or bringing discredit upon the Department.

Count III: From on or about April 29, 2016, through in or around November 2016, or on one or more dates therein, Officer Clay Walker failed to contact Sgt. Mark Lamberg to provide a statement regarding the allegations in Complaint Register #1079480, even though, on or about April 8, 2016, Sgt. Lamberg issued a written order for Officer Walker to do so, thereby impeding the Department's efforts to achieve its policy and/or goals and/or bringing discredit upon the Department.

3. Police Officer Clay Walker, Star Number 10774, is charged with violating Rule 6, which prohibits "[d]isobedience of an order or directive, whether written or oral," in one or more of the following instances:

Count I: On or about January 26, 2016, Officer Clay Walker reported to the Department's Random Drug Testing Unit at or near 3510 South Michigan Avenue, Chicago, Illinois and submitted a urine specimen under Control Number DA160044A, which subsequently tested positive for oxycodone, in violation of the Department Employee Resource E01-09, section II-B ("Drugs, Drug Abuse, and Mandatory Physical and/or Psychological Examinations"), thereby disobeying an order or directive, whether written or oral.

Count II: From on or about March 29, 2016, through in or around November 2016, or on one or more dates therein, Officer Clay Walker failed to provide a statement and/or to schedule an interview in connection with the investigation into Complaint Register #1079480, even though, on or about March 29, 2016, Sgt. Mark Lamberg issued a verbal order for Officer Walker to do so, thereby disobeying any order or directive, whether written or oral.


Count III: From on or about April 29, 2016, through in or around November 2016, or on one or more dates therein, Officer Clay Walker failed to contact Sgt. Mark Lamberg to provide a statement regarding the allegations in Complaint Register #1079480, even though, on or about April 8, 2016, Sgt. Lamberg issued a written order for Officer Walker to do so, thereby disobeying any order or directive, whether written or oral.

4. Police Officer Clay Walker, Star Number 10774, is charged with violating Rule 51-B, which prohibits the “[f]ailure to cooperate when called to give evidence or statements by any investigative branch or superior officer of the Chicago Police Department or the Police board when the evidence or statements sought relate specifically, directly and narrowly to the performance of his official duties. If the member properly asserts a constitutional privilege, he will be required to cooperate if advised that by law any evidence or statements given by him cannot be used against him in a subsequent criminal prosecution,” in one or more of the following instances:

Count I: From on or about March 29, 2016, through in or around November 2016, or on one or more dates therein, Officer Clay Walker failed to provide a statement and/or to schedule an interview in connection with the investigation into Complaint Register #1079480, even though, on or about March 29, 2016, Sgt. Mark Lamberg, with the Chicago Police Department’s Bureau of Internal Affairs, issued a verbal order for Officer Walker to do so, thereby failing to cooperate when called to give evidence and/or statements to any investigative branch and/or superior officer of the Chicago Police Department.

Count II: From on or about April 29, 2016, through in or around November 2016, or on one or more dates therein, Officer Clay Walker failed to contact Sgt. Mark Lamberg to provide a statement regarding the allegations in Complaint Register #1079480, even though, on or about April 8, 2016, Sgt. Lamberg, with the Chicago Police Department’s Bureau of Internal Affairs, issued a written order for Officer Walker to do so, thereby failing to cooperate when called to give evidence and/or statements to any investigative branch and/or superior officer of the Chicago Police Department.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Clay Walker, Star Number 10774, be discharged from the Chicago Police Department.



EDDIE T. JOHNSON
Superintendent of Police

APPROVED AS TO FORM



ELIZABETH K. HANFORD
Assistant Corporation Counsel

P.B. CASE # FILED

17-2925 JAN 11 2017

CHICAGO POLICE BOARD