

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER JOSEPH BOSTON,) **No. 13 SR 2315**
STAR No. 13476, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) **(CR No. 1014796)**

FINDINGS AND DECISION

On or about March 19, 2013, the Superintendent of Police ordered the suspension of Police Officer Joseph Boston, Star No. 13476, for thirty (30) days for violating the following Rules of Conduct:

- 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 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10: Inattention to duty.
- Rule 15: Intoxication on or off duty.

Officer Boston received notification of this suspension on April 6, 2013. This suspension is being reviewed by the Police Board pursuant to Section 9.6A of the Agreement between the City of Chicago and the Fraternal Order of Police Lodge #7, which states in relevant part "In the event an officer does not make an election within ten (10) working days, the recommendation for suspension will be reviewed by the Police Board."

The Executive Director of the Police Board assigned this matter to Hearing Officer Jacqueline A. Walker. Hearing Officer Walker reviewed the investigation file and submitted a written report to the Police Board.

The members of the Police Board reviewed the Summary Report of the investigation file, the Command Channel Review reports, and Hearing Officer Walker's report. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its consideration of this matter, finds and determines that:

1. The allegation, set forth below, that Police Officer Joseph Boston, Star No. 13476, violated Rule 1 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On March 9, 2008, at approximately 0455 hours, at 4280 West Ford City Drive, Chicago, Officer Boston did resist a lawful arrest by Officer Durkin and Officer Alaniz.

See the findings set forth in paragraph no. 2 below, which are incorporated here by reference.

2. The allegations, set forth below, that Police Officer Joseph Boston, Star No. 13476, violated Rule 2 are supported by sufficient evidence to justify disciplinary action, and the allegations are therefore **sustained**.

On March 9, 2008, at approximately 0455 hours, at 4280 West Ford City Drive, Chicago, Officer Boston brought discredit upon the Department in that he caused a disturbance when he kicked the door of an apartment, banged on apartment doors, and rang doorbells.

On March 9, 2008, at approximately 0455 hours, at 4280 West Ford City Drive, Chicago, Officer Boston brought discredit upon the Department in that he resisted a lawful arrest by refusing to follow Officers Durkin and Alaniz's verbal direction, flailing his arms to defeat

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the arrest, pulling away after Officer Durkin had one cuff on him, and refusing to place his legs inside the squad car.

On March 9, 2008, at approximately 0455 hours, at 4280 West Ford City Drive, Chicago, Officer Boston brought discredit upon the Department in that he threatened Officer Durkin during this arrest in that Officer Boston stated words to the effect of “If you want to fight I’ll give you your money’s worth,” and “You’re on your status, I’ll call OPS and have your job.” Officer Boston further stated words to the effect of, “You might as well turn in your badge because you’re on your status, your career is over with, you’re a rookie, I’m gonna call OPS on you,” and “I know people and it’ll get done.”

It was reported that on March 9, 2008, at about 04:55 a.m., Police Officers Elizabeth Alaniz and Michael Durkin responded to a call of a disturbance at 4280 West Ford City Drive. The officers reported that upon arriving at the scene, they saw Officer Boston trying to kick the door at 4280 West Ford City Drive. They reported that Officer Boston refused to comply with the officers’ orders, and appeared to be intoxicated. When the officers attempted to put Officer Boston in handcuffs, he resisted their efforts to handcuff him. They also reported that they were finally successful in handcuffing Officer Boston.

The Arrest Report and Case Report for Officer Boston indicated that Officer Boston was arrested for Resisting/Obstructing a Peace Officer/Correctional Employee.

3. The allegation, set forth below, that Police Officer Joseph Boston, Star No. 13476, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On March 9, 2008, at approximately 0455 hours, at 4280 West Ford City Drive, Chicago, Officer Boston violated the provisions of General Order 07-01, Section III-C, when he was in possession of a firearm while he was intoxicated.

One of the residents of the location of the incident, Josephine Johnson, provided a statement during the investigation of the charges, in which she stated that while Officer Boston

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was in the hallway knocking on the door of Unit #303, she saw the holster of Officer Boston's gun in his waist. Furthermore, there were several reports submitted that Officer Boston exhibited signs of being highly intoxicated, in addition to a Breathalyzer test result of .153, some hours after the incident that indicate Officer Boston was intoxicated while carrying his weapon in violation of General Order 07-01, Section III-C.

4. The allegation, set forth below, that Police Officer Joseph Boston, Star No. 13476, violated Rule 9 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On March 9, 2008, at approximately 0455 hours, at 4280 West Ford City Drive, Chicago, Officer Boston engaged in an unjustified physical altercation by flailing his arms to defeat the arrest, pulling away after Officer Durkin had one cuff on him, and refusing to place his legs inside the squad car.

See the findings set forth in paragraph no. 2 above, which are incorporated here by reference.

5. The allegation, set forth below, that Police Officer Joseph Boston, Star No. 13476, violated Rule 10 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On March 9, 2008, at approximately 0455 hours, at 4280 West Ford City Drive, Chicago, Officer Boston failed to maintain control of his weapon, in that Police Officer Elizabeth Alaniz recovered Officer Boston's weapon from the floor of the 3rd floor hallway of 4280 West Ford City Drive.

Officers Alaniz and Durkin reported that while they struggled with Officer Boston in an attempt to handcuff him, Officer Boston's gun fell on the floor of the hallway at the location in question. Officer Alaniz then recovered Officer Boston's weapon from the floor.

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6. The allegation, set forth below, that Police Officer Joseph Boston, Star No. 13476, violated Rule 15 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On March 9, 2008, at approximately 0931 hours, while off duty, Officer Boston was intoxicated with a blood alcohol concentration of 0.153. A back extrapolation of Officer Boston's Breathalyzer test results revealed that at the time of the incident, on March 9, 2008, at approximately 0455 hours, Officer Boston's blood alcohol concentration was between 0.195 and 0.238. Officer Boston also admitted that on March 9, 2008, he was intoxicated and was driven home by his brother.

Lieutenant LaVoy reported that on the day in question, he observed Officer Boston, and Officer Boston's overall actions led Lieutenant LaVoy to conclude that Officer Boston was intoxicated. Lieutenant LaVoy also reported that he ordered Officer Boston to take a Breathalyzer test, and the results indicated that Officer Boston had a blood-alcohol concentration of .153 at 9:31 a.m.

There was also a report submitted by Sergeant Michael Murzyn, who responded to the scene of the incident, following a request from Officers Durkin and Alaniz. Sergeant Murzyn reported that he entered the squad car where Officer Boston was being held to talk with Officer Boston and smelled a very strong odor of alcohol on Officer Boston's breath, Officer Boston's eyes were bloodshot and his speech was slurred.

Reports were obtained from Officers Durkin and Alaniz wherein they reiterated that Officer Boston appeared to be intoxicated on the day in question.

7. The Police Board has considered the facts and circumstances of Officer Boston's conduct, and his complimentary and disciplinary histories. Officer Boston, while off duty, was intoxicated while possessing his gun, threatened and resisted responding officers, and failed to

maintain control of his weapon. Officer Boston's reckless and dangerous actions are serious offenses, and the thirty-day suspension ordered in this case is not unwarranted.

POLICE BOARD DECISION

The Police Board of the City of Chicago hereby adopts the findings set forth herein by the following votes:

By votes of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board sustains the allegations that Police Officer Joseph Boston violated Rule 1, Rule 2, Rule 6, Rule 9, Rule 10, and Rule 15.

As a result of the foregoing, the Board, by a vote of 9 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for suspending Police Officer Joseph Boston 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 thirty (30) days.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Joseph Boston, Star No. 13476, for a period of thirty (30) days is **sustained**.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF MARCH, 2014.

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Attested by:

/s/ Demetrius E. Carney
President
Police Board

/s/ Max A. Caproni
Executive Director
Police Board

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DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police