

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER EUGENE POSEY,) **No. 14 PB 2874**
STAR No. 18709, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1032584)**
RESPONDENT.)

FINDINGS AND DECISION ON REMAND

On August 26, 2014, 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 suspended from the Chicago Police Department for a period of sixty (60) days 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 March 11 and April 1, 2015. 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 May 21, 2015, the Police Board found the Respondent not guilty of all charges, and determined that cause did not exist for the Respondent to be suspended or otherwise disciplined as a result of the charges filed in this case.

The Superintendent 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 August 15, 2016, the Court entered an Order affirming in part and reversing in part the Board’s Findings and Decision, as follows:

- The Court affirmed the Board’s findings that Officer Posey is not guilty of violating Rule 2 (Count II), Rule 6, and Rule 20 (failing to submit immediately a written report that he was under investigation by an outside law enforcement agency);
- The Court reversed the Board’s findings that Officer Posey is not guilty of violating Rule 2 (Count I) and Rule 14 (making a false statement to IPRA); and
- The Court reversed the Board’s findings that Officer Posey is not guilty of violating Rule 2 (Count III) and Rule 38 (displaying and/or pointing his handgun at a civilian without lawful justification).

The Court remanded the case to the Board, stating: “The case should be remanded on those counts that are reversed, and the Board should decide the appropriate discipline for Officer Posey based on evidence presented in the record.”

On November 3, 2016, the Board ordered that additional proceedings shall be had for the purpose of determining the appropriate discipline in this case. These proceedings were had on February 21, 2017.

The members of the Police Board read and reviewed the record of the original Police Board proceedings, the Court’s Order, the transcript of the August 15, 2016, Court proceedings, and the transcript of the February 21, 2017, proceedings before Hearing Officer Walker.

POLICE BOARD FINDINGS ON REMAND

As a result of its further consideration of this matter in accordance with the Court’s Order, the Police Board sets forth the following findings.

1. Solely to comply with the Court’s Order, the Board enters findings that the Respondent is guilty of violating Rule 2 (Counts I and III), Rule 14, and Rule 38, in that:

Rule 2, Count I: On or about April 22, 2010, during a statement with the Independent Police Review Authority, Police Officer Eugene Posey made a false statement regarding an incident that occurred on or about December 16, 2009, at approximately 0910 hours in a parking lot behind the Blockbuster Video Store located at approximately 3045 East New York Street, Aurora, Illinois, when he stated that he displayed his badge to and/or denied pointing his gun

Police Board Case No. 14 PB 2874
Police Officer Eugene Posey
Findings and Decision on Remand

at Rachelle Bridget Crile, or words to that effect, when he, in fact, displayed and/or pointed a gun at Rachelle Bridget Crile, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Rule 2, Count III: On or about December 16, 2009, at approximately 0910 hours in a parking lot behind the Blockbuster Video Store located at approximately 3045 East New York Street, Aurora, Illinois, Police Officer Eugene Posey, while off duty, displayed and/or pointed a handgun at Rachelle Bridget Crile without lawful justification, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Rule 14: On or about April 22, 2010, during a statement with the Independent Police Review Authority, Police Officer Eugene Posey made a false statement regarding an incident that occurred on or about December 16, 2009, at approximately 0910 hours in a parking lot behind the Blockbuster Video Store located at approximately 3045 East New York Street, Aurora, Illinois, when he stated that he displayed his badge to and/or denied pointing his gun at Rachelle Bridget Crile, or words to that effect, when he, in fact, displayed and/or pointed a gun at Rachelle Bridget Crile, thereby making a false report, written or oral.

Rule 38: On or about December 16, 2009, Police Officer Eugene Posey failed to submit immediately a written report to the Chicago Police Department to inform the Department that he, Police Officer Eugene Posey, was under investigation by an outside law enforcement agency (the Aurora Police Department) regarding an incident that occurred on or about December 16, 2009, at approximately 0910 hours in a parking lot behind the Blockbuster Video Store located at approximately 3045 East New York Street, Aurora, Illinois.

2. Based on the evidence presented in the record, as determined by the Court, the Board finds and determines that the recommendation to suspend the Respondent from the Chicago Police Department for sixty (60) days is justified due to the serious nature of the misconduct of which the Court has ordered the Respondent to be found guilty, and due to the unusual circumstances present in this record.

[The remainder of this page is left blank intentionally.]

Police Board Case No. 14 PB 2874
Police Officer Eugene Posey
Findings and Decision on Remand

POLICE BOARD DECISION ON REMAND

As a result of the foregoing, the Board, by a vote of 9 in favor (Lori E. Lightfoot, Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, Rita A. Fry, John P. O'Malley Jr., John H. Simpson, and Rhoda D. Sweeney) to 0 opposed, hereby determines that cause exists for suspending the Respondent 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 sixty (60) days.

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 charges in Police Board Case No. 14 PB 2874, shall be **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 sixty (60) days.**

This disciplinary action 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, Rita A. Fry, John P. O'Malley Jr., John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF APRIL, 2017.

Attested by:

/s/ GHIAN FOREMAN
Vice President

/s/ MAX A. CAPRONI
Executive Director

Police Board Case No. 14 PB 2874
Police Officer Eugene Posey
Findings and Decision on Remand

DISSENT

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

[None]

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2017.

EDDIE T. JOHNSON
Superintendent of Police