

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.)

FINDINGS AND DECISION

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 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 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10: Inattention to duty.

The Police Board caused a hearing on these charges against the Respondent to be had before 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.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.
2. The written charges and a Notice stating when and where a hearing on the charges was to be held were personally served upon the Respondent more than five (5) days before the date of the initial status hearing of this case.
3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.
4. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey seized and/or arrested and/or detained Mr. Corey Stewart without justification, in violation of the Fourth Amendment of the United States Constitution.

Officer Posey testified as an adverse witness, as well as on his own behalf, and confirmed that on May 12, 2014, at about 9:00 p.m., he was on duty at 220 West Garfield Boulevard, Chicago, which is the Red Line CTA Station, and was assigned to robbery/theft surveillance patrol as part of the Department's Public Transportation Unit. He was the passenger in the unmarked police vehicle, while his partner, Police Officer Jonas Dodoo, was driving.

Officer Posey acknowledged being in contact with Corey Stewart at that place and time. Officer Posey described Stewart as having a "dirty" look on his face. Officer Posey testified that

when Stewart spat at the front of the vehicle Officer Posey was in, Posey exited his vehicle, went to Stewart to do a field interview because Stewart looked suspicious, and that he then handcuffed Stewart and placed him in the back of the vehicle. Officer Posey stated further that he decided to issue a citation against Stewart for disorderly conduct, and that he didn't intend to arrest Stewart, but intended to go to the police station to obtain a citation book. However, it was noted during cross-examination that Officer Posey didn't mention in his prior statement to the Independent Police Review Authority (IPRA) his intent to issue a citation to Stewart for disorderly conduct or his having to go to the station to obtain a citation book.

Officer Posey stated as they were driving to the station, Stewart's demeanor changed and Officer Posey decided to release Stewart. He noted that when he took Stewart out of the car and released him from the handcuffs, he did not realize that they were at McKinley Park. He also testified that he completed a contact card for his encounter with Stewart, but did not complete an incident report. Officer Posey denied striking or hitting Stewart when he took Stewart out of the car at McKinley Park.

Corey Stewart testified that on the day and time of the incident he was waiting for the bus to go home after work. He stated that after he walked to the curb to spit because he had a cold, Officer Posey called him to the unmarked police vehicle, cursed at him, handcuffed him, and placed him in the back of the vehicle. Stewart testified that he complained to Officer Posey that the handcuffs were too tight, but Officer Posey cursed at him and didn't loosen the handcuffs. However, on cross-examination, Stewart admitted he did not tell Officer Dodoo that the handcuffs were too tight.

Stewart testified further that Officer Dodoo was driving the vehicle, and after they drove for a while, Officer Posey took him out of the car while still handcuffed, cursed him, and punched

and slapped him 3-4 times before releasing him from the handcuffs and driving off. He stated that when Officer Posey took him out of the car, Officer Dodoo drove off for a few minutes and then returned. He did not report to Officer Dodoo that Officer Posey had hit him. While he was driving in the vehicle, he never heard Officer Posey or Officer Dodoo call in on the radio that Stewart was detained or being transported.

Stewart denied that Officer Posey and Officer Dodoo offered to drive him back to the train station. He further stated he did not know where he was when Officer Posey and Officer Dodoo dropped him off. He called 911 and asked for a supervisor, and then called his mother, before his phone lost its charge. On cross-examination he conceded that he did not report on the 911 call that he had been hit by Officer Posey. He testified that he walked to Ashland Avenue, saw a gas station and asked an attendant there to use the phone, called 911 and again asked for a supervisor; however, when no police personnel arrived and after waiting for 40 minutes, he took the Ashland Avenue bus home.

Stewart maintained he sustained a bruise to his wrists because of the tight handcuffs and had pain in his side, and so he went to Christ Hospital the next day. The hospital medical records indicated tenderness over the right lateral rib.

Sandra Stewart, Stewart's mother, testified as a witness consistent with Stewart's testimony, indicating she received a telephone call from Stewart on the relevant day and time, wherein Stewart stated briefly before the phone lost power that if anything happened to him it was the police's fault.

Ernesto Gutierrez, the gas station attendant, also testified consistent with Stewart's testimony as to Stewart having come in on the day and time in question and requested to use his telephone to call the police. Gutierrez recounted that Stewart complained to him that the police

picked him up and dropped him at another location, and that Stewart was very angry. He confirmed that he saw no injuries to Stewart.

Sergeant Daniel Kranz, from the Policy and Procedures Section of the Research and Development Division for the Chicago Police Department, clarified portions of General Order GO-3-01-01 on behalf of the Superintendent. He noted that Section II-H of this General Order directs a police officer to give notice of his availability for assignment to the dispatcher and the police officer's supervisor, as well as to identify the police officer's location and whether the police officer needs assistance.

He noted further General Order GO-6-01-01, Section II-C directs a police officer how to process an arrestee after ascertaining initial information, and further that the dispatcher should be notified as to where the police officer would be travelling.

Finally, he testified that Special Order SO-06-01-01, "Releasing Arrestees Without Charging and Waving Fingerprint Results," is used if the booking process has begun and the arrestee is brought to a holding facility, where the District Station Supervisor may authorize release without charges being brought. Sergeant Kranz also confirmed that an investigatory stop requires the completion of a contact card.

Erin Hansen, Supervisor of Investigations, Office of Emergency Management and Communication (OEMC), testified that she supervises employees who respond to subpoena requests made to OEMC. She reported that dispatchers enter data into the Computer Assisted Documents (CAD) system and that CAD prepares the documents. She further stated that the CAD document for May 12, 2014, for Officer Posey's car, Beat 7391 A, indicated that between 9:23:06 p.m. and 10:47:58 p.m. Beat 7391A had no communication with a dispatcher.

Based on competent and uncontradicted testimony from the Superintendent's witnesses it

can be concluded that Officer Posey had no justification for detaining, handcuffing, and transporting Stewart as charged. Officer Posey's actions were in violation of the Fourth Amendment of the United States Constitution.

Furthermore, during the period of time that Stewart was detained, until he was released by Officer Posey, neither Officers Posey nor Dodoo made any radio communication to the dispatcher about the arrest and transport of Stewart, in violation of the Department's rules and procedures.

5. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park) without justification and/or against Mr. Stewart's will, in violation of the Fourth Amendment of the United States Constitution.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

6. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield

Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey seized and/or arrested and/or detained Mr. Corey Stewart without justification, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

7. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed Mr. Corey Stewart too tightly, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

The Superintendent's witness, Police Officer Trak Silapaduriyang, is a training instructor for the Department and instructs in the use of handcuffs. He demonstrated on himself how handcuffs are used to restrain an individual and indicated that they do cause some amount of discomfort, but should not stop the blood flow. He further stated that the handcuffs should not be too loose, and that the police officer should do a "comfort check" to make sure they are not too tight.

On cross-examination, Officer Silapaduriyang conceded that he was not aware how tightly Officer Posey placed the handcuffs on Corey Stewart, and that every circumstance is different. It was also noted that from the demonstration Officer Silapaduriyang conducted, a mark was left on his wrists from the handcuffs; he explained further that the mark on one's wrists may last a day or

two depending on the sensitivity of one's skin.

Stewart admitted that he did not complain to Officer Dodoo that the handcuffs were too tight.

Based on the evidence in the record, the Superintendent was unable to prove by a preponderance of the evidence that Officer Posey handcuffed Stewart too tight in violation of Rule 2.

8. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park) instead of immediately transporting Mr. Stewart to the 9th District Station, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

9. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count IV: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park) without justification and/or against Mr. Stewart's will, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

10. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count V: On or about May 12, 2014, at some time(s) between approximately 2100 hours and approximately 2200 hours, at or near 2210 West Pershing Road, Chicago (McKinley Park), Police Officer Eugene Posey slapped and/or punched Mr. Corey Stewart, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Respondent's witness Police Officer Jonas Dodoo confirmed that he was Officer Posey's partner on the evening in question, and that Officer Posey detained, handcuffed, and placed Stewart in the back of the police vehicle. Officer Dodoo testified that he was driving and that they drove off from their original location. He stated he did not see Officer Posey make any physical contact with Stewart. He testified Stewart never complained to him that the handcuffs were too tight. He stated further when Officer Posey informed him he was releasing Stewart, he stopped the car and Officer Posey and Stewart exited the vehicle. He maintained he never left Officer Posey when Officer Posey and Stewart exited the vehicle and he saw no physical interaction between

Officer Posey and Stewart. Finally, he testified that he and Officer Posey offered to take Stewart back to the CTA station where he was originally detained.

The Superintendent failed to establish that Officer Posey hit or punched Stewart when Stewart was released on the street. Furthermore, Stewart failed to contemporaneously report that Officer Posey struck him when he called 911 on two occasions immediately after his contact with Officer Posey. Officer Dodoo testified that he saw no physical contact between Officer Posey and Stewart, that Stewart did not complain to him that Officer Posey struck him, and furthermore that he saw no injuries on Stewart. Finally, Stewart's medical records, which were completed the following day, were not conclusive as to any injuries that may have been caused to Stewart by Officer Posey. On this record, there is insufficient evidence to support a finding of guilty on this Count.

11. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count VI: On or about May 12, 2014, between approximately 2100 hours and approximately 2200 hours, Police Officer Eugene Posey transported Mr. Corey Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park) and subsequently abandoned Mr. Stewart at approximately 2210 West Pershing Road, Chicago (McKinley Park), thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

12. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count VII: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 without notifying the dispatcher via voice radio of his change in availability status, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

13. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count VIII: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 without notifying the dispatcher via voice radio of the incident and/or address of the incident involving Mr. Stewart, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

14. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count IX: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park); and/or released Mr. Stewart from custody at or near 2210 West Pershing Road, Chicago (McKinley Park) without completing all necessary reports and/or reporting procedures, and without advising his station supervisor and/or immediate supervisor and/or unit commanding officer(s) and/or area coordinators of the reason Mr. Stewart should be released, thereby engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

15. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park) instead of immediately transporting Mr. Stewart to the 9th District Station, thereby failing to immediately transport an arrestee to the district of arrest, in violation of Chicago Police Department General Order G06-01-01, Section II(C) ("Field Arrest Procedures").

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

16. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 without notifying the dispatcher via voice radio of his change in availability status, in violation of Chicago Police Department General Order G03-01-01, Section II(H) (“Radio Communications”).

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

17. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 without notifying the dispatcher via voice radio of the incident and/or address of the incident involving Mr. Stewart, in violation of Chicago Police Department General Order G03-01-01, Section II(L)(1) (“Radio Communications”).

See the findings set forth in paragraph no. 4 above, which are incorporated here by

reference.

18. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count IV: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park); and/or released Mr. Stewart from custody at or near 2210 West Pershing Road, Chicago (McKinley Park) without completing all necessary reports and/or reporting procedures, and without advising his station supervisor and/or immediate supervisor and/or unit commanding officer(s) and/or area coordinators of the reason Mr. Stewart should be released, in violation of Chicago Police Department Special Order S06-01-01, Section III(A) (“Releasing Arrestees Without Charging and Waiving Fingerprint Results”).

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

19. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey seized and/or arrested and/or detained Mr. Corey Stewart without justification, thereby disrespecting and/or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

20. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed Mr. Corey Stewart too tightly, thereby disrespecting and/or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 7 above, which are incorporated here by reference.

21. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park) without justification and/or against Mr. Stewart's will, thereby disrespecting and/or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

22. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **not guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count IV: On or about May 12, 2014, at some time(s) between approximately 2100 hours and approximately 2200 hours, at or near 2210 West Pershing Road, Chicago (McKinley Park), Police Officer Eugene Posey slapped and/or punched Mr. Corey Stewart, thereby disrespecting and/or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 10 above, which are incorporated here by reference.

23. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count V: On or about May 12, 2014, between approximately 2100 hours and approximately 2200 hours, Police Officer Eugene Posey transported Mr. Corey Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park) and subsequently abandoned Mr. Stewart at approximately 2210 West Pershing Road, Chicago (McKinley Park), thereby disrespecting and/or maltreating any person, while on or off duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

24. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **not guilty** of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

On or about May 12, 2014, at some time(s) between approximately 2100 hours and approximately 2200 hours, at or near 2210 West Pershing Road, Chicago (McKinley Park),

Police Officer Eugene Posey slapped and/or punched Mr. Corey Stewart, thereby engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph no. 10 above, which are incorporated here by reference.

25. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count I: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park) instead of immediately transporting Mr. Stewart to the 9th District Station, thereby being inattentive to duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

26. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 without notifying the dispatcher via voice radio of his change in availability status, thereby being inattentive to duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

27. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 without notifying the dispatcher via voice radio of the incident and/or address of the incident involving Mr. Stewart, thereby being inattentive to duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

28. The Respondent, Police Officer Eugene Posey, Star No. 18709, charged herein, is **guilty** of violating, to wit:

Rule 10: Inattention to duty,

in that the Superintendent proved by a preponderance of the evidence the following charge:

Count IV: On or about May 12, 2014, at approximately 2100 hours, at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station), Police Officer Eugene Posey handcuffed and/or arrested Mr. Corey Stewart; and/or placed Mr. Stewart in Chicago Police Department vehicle #4545; and/or subsequently transported Mr. Stewart in vehicle #4545 from at or near 220 West Garfield Boulevard, Chicago, (CTA Red Line Station) to at or near 2210 West Pershing Road, Chicago (McKinley Park); and/or released Mr. Stewart from custody at or near 2210 West Pershing Road, Chicago (McKinley Park) without completing all necessary reports and/or reporting procedures, and without advising his station supervisor and/or immediate supervisor and/or unit commanding officer(s) and/or area coordinators of the reason Mr. Stewart should be released, thereby being inattentive to duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

29. The Police Board has considered the facts and circumstances of the Respondent's conduct, and the evidence presented in defense and mitigation.

The Respondent offered the following evidence in mitigation, which the Board has considered thoroughly. A life-long friend and co-worker of Officer Posey testified that Officer Posey was compassionate, and that he always saw Officer Posey treat individuals with respect. Three other long-time friends of Officer Posey testified positively about his character and his contributions to the community. Officer Posey has been serving as a police officer for 17 years, during which time he has earned 43 total awards, including 1 Department commendation, 20 honorable mentions, and 13 emblems of recognition for physical fitness; he has no sustained complaints on his disciplinary history (Respondent's Exhibit No. 3).

Nevertheless, Officer Posey's accomplishments as a police officer, his friends' testimony as to his work and character, and the lack of prior disciplinary history do not mitigate the seriousness of his misconduct.

Officer Posey seriously abused his authority as a police officer when he violated Corey Stewart's constitutional rights by detaining him without justification and transporting him to and abandoning him at McKinley Park for no valid police purpose. Individuals have a right to be free from unreasonable seizure by the police, and well-trained, competent, and law-abiding police officers do not arrest people for having a "dirty look" on their face, they do not fail to communicate that they have made an arrest in clear violation of Department policy, and they then do not then release a detainee at some location of which they themselves are entirely unaware.

While Officer Posey testified that he intended to arrest Mr. Stewart for disorderly conduct, there is nothing even in Officer Posey's own testimony to form any basis for believing Mr. Stewart engaged in any disorderly conduct or any other conduct that warranted deprivation of his liberty, however briefly. Moreover, while Officer Posey testified that he was unaware that he was at McKinley Park when he released Mr. Stewart, the notion that an officer with 17 years of experience had no clue where he was when he released a detainee either constitutes incredible testimony or incompetent policing.

To call this what it is, this case reduces to a simple matter of Officer Posey believing Mr. Stewart committed the offense of "contempt of cop". Officer Posey didn't like the look on Mr. Stewart's face, thought he had disrespected Officer Posey when he spit, and decided to teach him a lesson. We are decades beyond when that type of behavior was remotely acceptable, and it never should have been. We will not revert to those days. It is essential that every officer engage in constitutional policing and have at least a reasonable suspicion that a particular person committed a crime in order warrant a stop and detention. There was simply no legitimate justification for Officer Posey's treatment of Mr. Stewart. And worse, Officer Posey knew it, as evidenced by his failure to follow proper protocol for transport of a legitimate arrestee. Officer Posey further exacerbated his misconduct by transporting Stewart to a park, at night, and then leaving him there to fend for himself. Officer Posey also created a risk for taxpayers in his handling of Stewart because had, for example, a medical emergency occurred while in Officer Posey's custody or some terrible fate had befallen Stewart in the park or on his way home after the illegal arrest, the risk would have been borne by the taxpayers. Officer Posey brought discredit to himself and to the Department, which continues to work hard to regain its legitimacy with citizens across the City. Actions like Officer Posey's stand in stark contrast to the actions of other officers who work hard

every day to earn the trust of the communities they serve.

A police officer's single violation of a rule of conduct has long been held to be a sufficient basis for termination. *Siwek v. Police Board of the City of Chicago*, 872 N.E.2d 87 (2007), citing *Kinter v. Board of Police and Fire Commissioners*, 194 Ill. App. 3d 126 (1990), *King v. City of Chicago*, 60 Ill. App. 3d 504 (1978), and *Moriarty v. Police Board of the City of Chicago*, 7 Ill. App. 3d 978 (1972). Officer Posey's serious abuse of his authority on the night in question—his violation of Mr. Stewart's constitutional rights and several Police Department rules and policies—is incompatible with continued service as a police officer.

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for him to no longer occupy his office.

We take note also of Officer Dodoo's conduct. While his testimony is very poorly developed, there appear to have been any number of points at which Officer Dodoo had an opportunity to interrupt the sequence of events that transpired, and there is no evidence (again, we fully acknowledge the testimony is not developed on this point) that he attempted to do so. "Backup" from a partner includes far more than simply supporting his or her actions. Instead, it clearly includes stepping in as the voice of reason and good judgement when a partner's worse instincts may be getting the better of him. There is no evidence that happened here.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By votes 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, the Board finds the Respondent **guilty** of violating Rule 1, Rule 2 (Counts I, III, IV, and VI – IX), Rule 6, Rule 8 (Counts I, III, and V), and Rule 10;

By votes of 7 in favor (Lightfoot, Delgado, Eaddy, Flores, Fry, O'Malley, and Simpson) to 2 opposed (Foreman and Sweeney), the Board finds the Respondent **not guilty** of violating Rule 2 (Count II) and Rule 8 (Count II); and

By votes of 8 in favor (Lightfoot, Delgado, Eaddy, Flores, Fry, O'Malley, Simpson, and Sweeney) to 1 opposed (Foreman), the Board finds the Respondent **not guilty** of violating Rule 2 (Count V), Rule 8 (Count IV), and Rule 9.

As a result of the foregoing, the Board, by a vote of 9 in favor (Lightfoot, Foreman, Delgado, Eaddy, Flores, Fry, O'Malley, Simpson, and Sweeney) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

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 **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

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.

Police Board Case No. 16 PB 2922
Police Officer Eugene Posey

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 25th DAY
OF AUGUST, 2017.

Attested by:

/s/ LORI E. LIGHTFOOT
President

/s/ MAX A. CAPRONI
Executive Director

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 _____, 2017.

EDDIE T. JOHNSON
Superintendent of Police