

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)	
POLICE OFFICER VINCENT BARNER,)	No. 08 PB 2681
STAR No. 19562, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
RESPONDENT)	(CR No. 306646)

FINDINGS

On May 14, 2008, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Vincent Barner, Star No. 19562 (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 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against Police Officer Vincent Barner to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on August 15, August 22, and October 27, 2008.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of the witnesses. Thomas E. Johnson, Hearing Officer, made an oral report to and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its hearing of 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 charges were filed in writing and a Notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The Respondent appeared throughout the hearing and was represented by legal counsel.

4. The Respondent, Police Officer Vincent Barner, Star No. 19562, charged herein, is **not guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,
in that the Superintendent did not prove by a preponderance of the evidence that:

Count I: On or about January 6, 2005, in the vicinity of 7600-7800 South Loomis Steet and/or 1230-1272 West 73rd Place, Chicago, the Respondent knowingly detained Arvin Parker without legal authority, thereby violating 720 ILCS 5/10-3.

Count II: On or about January 6, 2005, in the vicinity of 7600-7800 South Loomis Steet and/or 1230-1272 West 73rd Place, Chicago, the Respondent conspired with Police Officer Timothy Madison to detain Arvin Parker against his will and/or to threaten to place Arvin Parker under arrest if he did not cause a firearm to be surrendered, thereby violating Title 18 U.S.C. Section 241.

Count III: On or about January 6, 2005, in the vicinity of 7600-7800 South Loomis Steet and/or 1230-1272 West 73rd Place, Chicago, the Respondent, under color of law,

willfully detained Arvin Parker against his will and/or threatened to place Arvin Parker under arrest if he did not cause a firearm to be surrendered, thereby violating Title 18 U.S.C. Section 242.

Count IV: On or about January 6, 2005, the Respondent, while on duty and in his official capacity, in the vicinity of 7600-7800 South Loomis Steet and/or 1230-1272 West 73rd Place, Chicago, knowingly performed an act which he knows he is forbidden by law to perform, in that he detained Arvin Parker against his will and/or threatened to place Arvin Parker under arrest if he did not cause a firearm to be surrendered, thereby violating 720 ILCS 5/33-3(b).

5. The Respondent, Police Officer Vincent Barner, Star No. 19562, 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 that:

Count I: On or about January 6, 2005, in the vicinity of 7600-7800 South Loomis Steet and/or 1230-1272 West 73rd Place, Chicago, the Respondent detained Arvin Parker and/or threatened to place Arvin Parker under arrest if he did not cause a firearm to be surrendered, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: On or about January 6, 2005, the Respondent falsely submitted a Chicago Police Department Lost and Found case report, and/or approved and/or allowed his name to be signed to a Chicago Police Department Lost and Found case report, which falsely stated that a gun was recovered from the snow in a gangway and/or was recovered during the course of a narcotics surveillance, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

6. The Respondent, Police Officer Vincent Barner, Star No. 19562, 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 that:

On or about January 6, 2005, in the vicinity of 7600-7800 South Loomis Steet and/or 1230-1272 West 73rd Place, Chicago, the Respondent detained Arvin Parker and/or threatened to place Arvin Parker under arrest if he did not cause a firearm to be surrendered, thereby disrespecting or maltreating any person, while on or off duty.

7. The Respondent, Police Officer Vincent Barner, Star No. 19562, charged herein, is **not guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

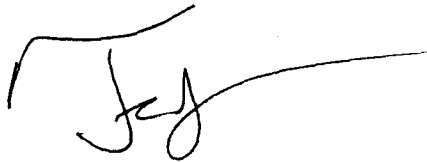
in that the Superintendent did not prove by a preponderance of the evidence that:

On or about January 6, 2005, the Respondent falsely submitted a Chicago Police Department Lost and Found case report, and/or approved and/or allowed his name to be signed to a Chicago Police Department Lost and Found case report, which falsely stated that a gun was recovered from the snow in a gangway and/or was recovered during the course of a narcotics surveillance, thereby making a false report, written or oral.

8. Having deliberated on the evidence and considered the credibility of the witnesses, the Police Board finds that the Superintendent failed to meet his burden of proving the charges by a preponderance of the evidence, particularly in light of the Board's concerns about the credibility of Arvin Parker, the Superintendent's primary witness, and the absence of corroborating evidence.

By reason of the findings of fact set forth herein, cause exists for restoring the Respondent, Police Officer Vincent Barner, Star No. 19562, to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective May 16, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Johnson', written over a horizontal line.

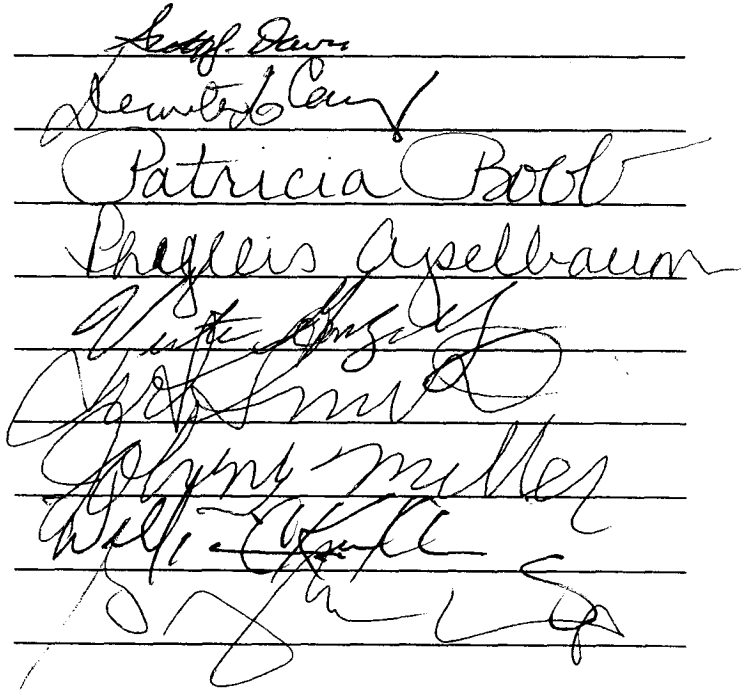
THOMAS E. JOHNSON
Hearing Officer

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, Thomas E. Johnson, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Vincent Barner, Star No. 19562, as a result of having been found **not guilty** of the charges in Police Board Case No. 08 PB 2681, be and hereby is **restored** to his position as a police officer, and to the services of the City of Chicago, with all rights and benefits, effective 16 May 2008.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS
20th DAY OF NOVEMBER, 2008.


Patricia Bobb
Phyllis Appelbaum
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Attested by:



Executive Director
Police Board

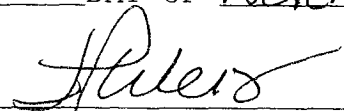
DISSENT

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

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS 26TH DAY OF NOVEMBER, 2008.


SUPERINTENDENT OF POLICE