

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
SERGEANT DUANE A. BENNETT,) **No. 13 PB 2827**
STAR No. 2001, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) **(CR No. 1055470)**

FINDINGS AND DECISION

On January 9, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Duane A. Bennett, Star No. 2001 (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.

The Police Board caused a hearing on these charges against the Respondent to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on May 21, June 5, July 11, and July 15, 2013.

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 sergeant of police 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 served upon the Respondent more than five (5) days prior to the hearing on the charges.
3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.
4. The Respondent, Sergeant Duane A. Bennett, Star No. 2001, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

On or about July 10, 2012, Sergeant Duane A. Bennett rendered a urine specimen that contained marijuana metabolites, thereby violating Chapter 720 of the Illinois Compiled Statutes, Section 550/4, by possessing cannabis on or before July 10, 2012.

The Superintendent presented convincing testimony from Dawn Hahn, a certified medical technologist, that the results of the testing of Sergeant Bennett's urine specimen showed that the specimen contained marijuana metabolites. Additionally, the parties entered into a written Stipulation agreeing to the admission of substantive evidence pertaining to the specimen as follows: (a) that the chain of custody remained intact from its collection through testing; (b) that the specimen tested positive for 50 ng/mL or more of marijuana metabolites on an initial

screening; and (c) the specimen tested positive for marijuana metabolites on the confirmation test at 33ng/mL.

The Respondent presented a defense to the charges that he was exposed to marijuana by environmental contact in his son's room, at an outdoor concert, and through exposure to the drug at the Department. The Respondent's expert witness, Dr. James Thomas O'Donnell, a licensed pharmacist, of the Rush Medical College and Pharma Consultant, Inc., gave testimony to support this defense. The Superintendent, however, through the testimony of an expert witness, Dr. Shirley Conibear, presented convincing evidence in contravention to that of Respondent's defense.

The Board finds the Respondent's defense not credible and Dr. O'Donnell's testimony unconvincing. Based on the test results of the urine specimen and on Dr. Conibear's convincing testimony, the Board finds that Sergeant Bennett possessed and used cannabis on or before July 10, 2012.

5. The Respondent, Sergeant Duane A. Bennett, Star No. 2001, 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:

On or about July 10, 2012, Sergeant Duane A. Bennett rendered a urine specimen that contained marijuana metabolites, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

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

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6. The Respondent, Sergeant Duane A. Bennett, Star No. 2001, charged herein, is **guilty** of violating, to wit:

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

in that:

On or about July 10, 2012, Sergeant Duane A. Bennett rendered a urine specimen that contained marijuana metabolites, thereby violating Employee Resource E01-09, Article II, Section B.

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

7. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A.

Notwithstanding the Respondent's many years of service and numerous awards, the Police Board determines that the Respondent must be discharged from his position for possessing and ingesting marijuana, for he engaged in the illegal use of drugs in violation of the Police Department's Rules of Conduct and the law of the State of Illinois that he swore to uphold as a Chicago police officer.

Illegal drug use by police officers is inconsistent with the goals of the Police Department, and undermines the Department's ability to carry out its mission to maintain peace and order, especially to prevent crime stemming from illegal drug use and drug dealing. The use of illegal drugs by officers increases the risk that they will not have the physical stamina and psychological stability to properly perform their job, and increases the risk that officers will become involved with a person or enterprise engaged in the illegal sale, delivery, manufacture, purchase, or

possession of illegal drugs.

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 which the law recognizes as good cause for his no longer occupying his office.

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 vote:

By a unanimous vote, the Board finds the Respondent guilty of violating Rule 1, Rule 2, and Rule 6.

As a result of the foregoing, the Police Board, by a unanimous vote, hereby determines that cause exists for discharging the Respondent from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago.

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Sergeant Duane A. Bennett, Star No. 2001, as a result of having been found **guilty** of charges in Police Board Case No. 13 PB 2827, be and hereby is **discharged** from his position as a sergeant of police with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF AUGUST, 2013.

/s/ Demetrius E. Carney

/s/ Melissa M. Ballate

/s/ William F. Conlon

/s/ Ghian Foreman

/s/ Rita A. Fry

/s/ Susan L. McKeever

/s/ Johnny L. Miller

/s/ Elisa Rodriguez

Attested by:

/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 _____, 2013.

SUPERINTENDENT OF POLICE

Police Board Case No. 13 PB 2827
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Report Date: 09 Jan 2013
 Report Time: 0746 Hrs

Chicago Police Department
Personnel Division



Information Services Division
 Data Warehouse
 Produced by: PC0U989

**Only for active personnel*

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
BENNETT, DUANE A	9171	2001	005	376	[REDACTED]

Achievements

Total No.

DEPARTMENT COMMENDATION	7
PROBLEM SOLVING AWARD	1
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
2009 CRIME REDUCTION AWARD	1
UNIT MERITORIOUS PERFORMANCE AWARD	1
2004 CRIME REDUCTION RIBBON	1
ATTENDANCE RECOGNITION AWARD	1
COMPLIMENTARY LETTER	8
DEMOCRATIC NATIONAL CONVENTION AWARD	1
RECOGNITION/ OUTSIDE GOVERNMENTAL AGENCY AWARD	1
HONORABLE MENTION	45
TOTAL AWARDS	68

FOR USE WITH POLICING DATA 2827

CR# 1055470



NOTE: THIS REPORT IS FOR OFFICIAL LAW ENFORCEMENT / AUTHORIZED USE ONLY. THE INFORMATION IS CURRENT AS OF THE DATE AND TIME OF THE REPORT. THIS



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IADR118

CHICAGO POLICE DEPARTMENT

09-JAN-2013 06:58:53 AM

Sustained Complaints History Report

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	BENNETT DUANE A.	2001	[REDACTED]	9171	SERGEANT OF POLICE	376
<u>Sex</u>	<u>Race</u>	<u>Appointed Date</u>	<u>Birth Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>	
M	WHITE	22-MAY-1991	[REDACTED]	0	0	

13-2827

FOR USE WITH POLICE BOARD #13-2827