

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

<b>IN THE MATTER OF CHARGES FILED AGAINST )</b>		
<b>POLICE OFFICER ERNEST WALKUP, )</b>		<b>No. 12 PB 2789</b>
<b>STAR No. 6438, DEPARTMENT OF POLICE, )</b>		
<b>CITY OF CHICAGO, )</b>		
<b>RESPONDENT. )</b>		<b>(CR No. 1030341)</b>

**FINDINGS AND DECISION**

On March 9, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Ernest Walkup, Star No. 6438 (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 15: Intoxication on or off duty.

The Police Board caused a hearing on these charges against Police Officer Ernest Walkup to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on June 7, 2012.

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. Hearing Officer Johnson 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 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, Police Officer Ernest Walkup, Star No. 6438, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,  
in that:

On or about September 22, 2009, in the vicinity of 1300 West Jackson Boulevard, Chicago, Police Officer Ernest Walkup, while off duty, drove his vehicle while under the influence of alcohol, in violation of Illinois Compiled Statutes Chapter 625, Section 5/11-501(a)(2).

The Respondent pled guilty to this charge.

5. The Respondent, Police Officer Ernest Walkup, Star No. 6438, 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:

Count I: On or about September 22, 2009, in the vicinity of 1300 West Jackson Boulevard, Chicago, Police Officer Ernest Walkup, while off duty, drove his vehicle while under the influence of alcohol, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Respondent pled guilty to this charge.

6. The Respondent, Police Officer Ernest Walkup, Star No. 6438, 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:

Count II: On or about September 22, 2009, Police Officer Ernest Walkup, while off duty, was intoxicated, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Respondent pled guilty to this charge.

7. The Respondent, Police Officer Ernest Walkup, Star No. 6438, 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:

Count III: On or about September 22, 2009, Police Officer Ernest Walkup reported to duty at the Department's Education and Training Division while intoxicated, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Respondent pled guilty to this charge.

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8. The Respondent, Police Officer Ernest Walkup, Star No. 6438, 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:

Count IV: On or about September 22, 2009, in the vicinity of 1300 West Jackson Boulevard, Chicago, Police Officer Ernest Walkup possessed a firearm while under the influence of alcohol and/or while intoxicated, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Respondent pled guilty to this charge.

9. The Respondent, Police Officer Ernest Walkup, Star No. 6438, charged herein, is **guilty** of violating, to wit:

Rule 15: Intoxication on or off duty,

in that:

On or about September 22, 2009, in the vicinity of 1300 West Jackson Boulevard, Chicago, Police Officer Ernest Walkup, while on and/or off duty, was intoxicated.

The Respondent pled guilty to this charge.

10. The Police Board has considered the facts and circumstances of the Respondent's conduct, and the evidence presented in defense and mitigation. We determine that the Respondent must be discharged from his position due to the reckless and dangerous nature of his conduct. The Respondent drove to work and reported to duty with his service weapon while highly intoxicated. His blood alcohol concentration was nearly four times the legal limit. His decision to drive his car and carry his gun while so intoxicated indicates a gross disregard for the

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safety of members of the public and the Chicago Police Department, and a lack of judgment so serious as to render him unfit to be a Chicago police officer.

Police officers are often required to make split-second decisions affecting human life in difficult and dangerous situations. We find that, based on the Respondent's conduct, returning him to duty as a police officer, armed and authorized to use deadly force, poses an unacceptable risk to the safety of the public and his fellow officers.

We are deeply troubled that Officer Walkup was returned to full duty, working patrol in the 6th District, after the September 22, 2009, incident and before the charges seeking his discharge from the Police Department were filed with the Board. Given the nature and severity of the allegations against him, returning him to duty with a weapon and full police powers put the safety of the public at risk. We are also deeply troubled by the amount of time (2 ½ years) it took from the date of the incident until the filing of charges with the Board. While this delay did not affect our ability to understand the facts of this case, since there is no dispute about what those facts are, the delay is troubling nonetheless. There appears to be no valid reason for the delay. Indeed, this inexplicable delay made it possible for Officer Walkup to be put back to work on the street. If this case were brought in a timely manner, the safety of the public would not have been put at unnecessary risk.

The Respondent argues that he should not be discharged because a psychologist selected by the Department found him fit for duty, and he was in fact restored to duty until the charges were brought. We find this argument unpersuasive. The public is not responsible for the delay or the Department's about-face on Walkup, and protection of the public must trump other concerns. The Respondent's testimony regarding his condition and the treatment he has undergone since September 2009 is not sufficient to overcome the risk to public safety that would arise from his

returning to duty.

We find 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.

**BY REASON OF THE FINDINGS** set forth herein, cause exists for the discharge of the Respondent, Police Officer Ernest Walkup, Star No. 6438, from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

**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, 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, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

**IT IS HEREBY ORDERED** that the Respondent, Police Officer Ernest Walkup, Star No. 6438, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2789, 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.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>st</sup> DAY OF JUNE, 2012.

/s/ Demetrius E. Carney

/s/ Scott J. Davis

/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 Decision of the majority of the Board.

[None]

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

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SUPERINTENDENT OF POLICE



Report Date: 09 Mar 2012  
Report Time: 0850 Hrs

Information Services Division  
Data Warehouse  
Produced by: PC0T611

## Chicago Police Department Personnel Division

*\*Only for active personnel*



### Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp Number
WALKUP, ERNEST	9161	6438	006	376	[REDACTED]

### Achievements

2009 CRIME REDUCTION AWARD
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008
HONORABLE MENTION
2004 CRIME REDUCTION RIBBON
TOTAL AWARDS

### Total No.

1  
1  
6  
1  

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9

FOR USE WITH POLICE BOARD #12-2789

CR# 1030341



NOTE: THIS REPORT IS FOR OFFICIAL LAW  
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THE INFORMATION IS CURRENT AS OF THE  
DATE AND TIME OF THE REPORT. THIS



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IADR118

CHICAGO POLICE DEPARTMENT

09-MAR-2012 08:48:19 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]	WALKUP ERNEST	6438	[REDACTED]	9161	POLICE OFFICER	376
<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>	
M	AMER IND/ALASKAN NATIVE	[REDACTED]	08-MAR-1999	0	0	

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