

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER MATTHEW A. RIPLEY,) **No. 14 PB 2854**
STAR No. 16198, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1061542)**
RESPONDENT.)

FINDINGS AND DECISION

On March 24, 2014, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Matthew A. Ripley, Star No. 16198 (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 Thomas E. Johnson, Hearing Officer of the Police Board, on September 15 and October 14, 2014.

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 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 Matthew A. Ripley, Star No. 16198, 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 the following charge:

On or about April 4, 2013, at 3510 South Michigan Avenue, Chicago, Illinois, Police Officer Matthew A. Ripley submitted a urine specimen that contained Benzodiazepines (Oxazepam), in violation of Chapter 720 of the Illinois Compiled Statutes, Section 570/402, for the possession of some amount of Benzodiazepines (Oxazepam) on or prior to April 4, 2013.

While there is no question that Officer Ripley submitted a urine specimen containing Oxazepam, and that he did not have a prescription for a drug which produces the metabolite Oxazepam, the Board finds that the evidence, taken as a whole, does not demonstrate that Officer Ripley was knowingly in possession of a controlled substance in violation of Chapter 720 of the Illinois Compiled Statutes, Section 570/402, acting in a manner which impeded the Department's

efforts to achieve its policy and goals, bringing discredit upon the Department, or knowingly disobeying an order or directive.

It is undisputed that Officer Ripley had a lawful prescription for the drug commonly referred to as Xanax. He used it for anxiety and to combat muscle problems stemming from on-duty injuries. Officer Ripley knew he was to undergo a drug test on April 4, 2013, as part of a fitness-for-duty exam, required upon his return to service following an illness. There is no dispute that the night before the drug test, Officer Ripley and his wife were unexpectedly required to spend the night at the home of the officer's parents in Wheaton. That night, Officer Ripley experienced some anxiety and muscle problems. His Xanax medication was thirty miles away at his Chicago home. Officer Ripley's mother, a nurse, offered him a single 10 mg. pill of Valium, for which she had a prescription. She told him that she had looked up the Valium and Xanax on the internet and in a drug book, and advised her son that the medications were interchangeable. It is undisputed that a 10 mg. dose of Valium equates to a 0.5 mg. dose of Xanax, which was the dosage on Officer Ripley's Xanax prescription. There is no question that this single dose of Valium caused the positive drug test at issue in this case.

Based on the expert testimony of Drs. Conibear and O'Donnell, the Board finds that Xanax and Valium are both used for the same purpose (to depress respiration and cause sedation), and that both are prescribed for anxiety and muscle issues. The Board further finds that both drugs are from the same chemical family (benzodiazepine) though they metabolize into different chemical compounds. Both drugs can be used by full-duty officers. The Board finds that the only difference between the drugs is that Xanax has a shorter half-life (the amount of time the body takes to rid itself of one-half of the drug) and therefore Valium is somewhat longer acting. The Board finds Dr. O'Donnell's testimony credible that this difference is modest,

perhaps the difference between 6 and 21 hours. The Board therefore concludes that there was no practical difference between Officer Ripley's consumption of the single Valium pill and his normal prescription for Xanax.

More importantly, the Board finds that Officer Ripley was rigorously honest about what happened and was not trying to evade or cheat on the drug test. The positive test here occurred because Officer Ripley took his mother's well-intended but incorrect advice about medication. Further, the Board finds that Officer Ripley is a high-performing officer with no indication that he is abusing any drug or intending to possess or use any drug in an unlawful manner.

5. The Respondent, Police Officer Matthew A. Ripley, Star No. 16198, 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:

On or about April 4, 2013, at 3510 South Michigan Avenue, Chicago, Illinois, Police Officer Matthew A. Ripley submitted a urine specimen that contained Benzodiazepines (Oxazepam), 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.

6. The Respondent, Police Officer Matthew A. Ripley, Star No. 16198, charged herein, is **not guilty** of violating, to wit:

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

Police Board Case No. 14 PB 2854
Police Officer Matthew A. Ripley

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

On or about April 4, 2013, at 3510 South Michigan Avenue, Chicago, Illinois, Police Officer Matthew A. Ripley submitted a urine specimen that contained Benzodiazepines (Oxazepam), in violation of Department Employee Resource directive E01-09 entitled, "Drugs, Drug Abuse, and Mandatory Physical and/or Psychological Examinations," Item II-B.

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

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

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 8 in favor (Demetrius E. Carney, Ghian Foreman, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **not guilty** of violating Rule 1, Rule 2, and Rule 6.

As a result of the foregoing, the Board, by a vote of 8 in favor (Carney, Foreman, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for restoring the Respondent 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 April 3, 2014.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Matthew A. Ripley, Star No. 16198, as a result of having been found **not guilty** of the charges in Police Board Case No. 14 PB 2854, be and hereby is **restored** 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 April 3, 2014.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 11th DAY OF DECEMBER, 2014.

Police Board Case No. 14 PB 2854
Police Officer Matthew A. Ripley

Attested by:

/s/ DEMETRIUS E. CARNEY
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 _____, 2014.

GARRY F. McCARTHY
Superintendent of Police