

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST) POLICE OFFICER MARSHALL ANDREWS JR.,) STAR No. 12966, DEPARTMENT OF POLICE,) CITY OF CHICAGO,) RESPONDENT.)	No. 24 PB 3042 (CR No. 2021-3353)
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FINDINGS AND DECISION

On October 3, 2024, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Marshall Andrews Jr., Star No. 12966 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“Department” or “CPD”) for violating CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer Allison Wood on May 13 and 14, 2025. Following this evidentiary hearing, the members of the Police Board who participated in deciding this case read and reviewed the record of the proceedings, including the Hearing Officer’s Report and the Superintendent’s response to this report (Respondent did not file a response), and viewed the video recording of the entire evidentiary hearing. The Hearing Officer made an oral report to and conferred with the Board before it rendered its findings and decision.

During the proceedings of this case, from the filing of charges through the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s rulings and orders are overruled or reversed.

POLICE BOARD FINDINGS

As a result of its review of the record of proceedings, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein a sworn officer of the CPD in the classified civil service of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent on October 21, 2024.

3. At the time Respondent was personally served with the charges, he was presented with the options of electing to have a Police Board hearing or have public arbitration. On October 25, 2024, Respondent elected to have a Police Board hearing.

4. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

Introduction

5. Respondent became a Chicago police officer in 2010. On August 20, 2021, he was called in to Chicago Public Safety Headquarters for a random drug test and provided a urine specimen. There is no dispute as to the protocols performed in relation to the testing or the results of the drug test. The parties stipulated that the results of the test of Respondent's urine specimen reflected 134 nanograms per milliliter of marijuana metabolites, which is evidence that Respondent had marijuana and/or cannabis in his system.

Charges Against Respondent

6. Police Officer Marshall Andrews Jr., Star No. 12966, is **guilty** of violating Rules 2 and 6 in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 1:

On or about August 20, 2021, at or near 3510 South Michigan Avenue in Chicago, Police Officer Marshall Andrews Jr. provided a urine specimen that contained marijuana metabolites and/or on or about or some time prior to August 20, 2021, Officer Andrews used some amount of marijuana and/or cannabis, thereby violating:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying Employee Resource E01-09 – Drugs, Drug Abuse, and Mandatory Physical and/or Psychological Examinations (effective March 13, 2018).

The Department's policy regarding drugs and drug use is set forth in Employee Resource E01-09 – Drugs, Drug Abuse, and Mandatory Physical and/or Psychological Examinations (herein "E01-09"). Section II of E01-09 is entitled "Policy" and it reads as follows:

- A. It is imperative that all Department members have the physical stamina and psychological stability to properly perform all required duties.
- B. The use of illegal drugs, cannabis, or non-prescribed controlled substances or the abuse of legally prescribed drugs or controlled substances by any Department member is strictly prohibited. Violation of this policy will result in disciplinary action and/or separation from the Department.
- C. Mandatory physical and/or psychological examination will include, but not be limited to, a screening for the presence of any drugs.

The policy as set forth in E01-09 has been in effect since March 13, 2018, and it rescinds an earlier version dated February 8, 2018. Although cannabis was legalized in Illinois on January 1, 2020, Section 10-50 of the Illinois Cannabis Regulations and Tax Act, 410 ILCS 705/10-50, permits employers to adopt reasonable zero-tolerance or drug-free workplace policies. The Board finds, and there was no evidence presented otherwise, that the Department's prohibition of drugs and drug abuse is a reasonable policy given the requirement that Department members must have the "physical stamina and psychological stability to properly perform all required duties."

Respondent testified that he was aware of the Department's policy prohibiting the use of drugs, he understood that he was required to comply with this policy, and he stipulated that the proper protocols were used in the administration and evaluation of the drug test. He does not dispute the positive test result. However, he maintains that he does not use drugs and that he did not intentionally ingest cannabis. He testified that the existence of cannabis in his system must have been the result of eating food at a barbeque, a few days prior to submitting to the drug test, that unknown to him was laced with cannabis.

The Board is not persuaded that ingesting cannabis by accident is a legitimate explanation in this case or that it would negate the positive drug test result.

Respondent testified that he went to a barbeque while visiting family and friends in Michigan on August 15, 2021. In addition to eating food at the barbeque, he took some of the food with him when he returned to Chicago and ate the food on August 17, 2021.

He submitted to the drug test on August 20, 2021. Upon learning of the positive test result, Respondent made no inquiries as to whether any food he ate from the barbeque had been laced with cannabis. He presented no witnesses to testify that they had either laced the food with cannabis or that they had knowledge that the food has been laced with cannabis. Respondent's belief that the food was laced with cannabis without any evidence to support that belief is unsustainable. Simply put, there was no evidence to support Respondent's claim that he accidentally and/or unknowingly ingested cannabis from the food he ate at the barbeque.

While Respondent's expert witness, Dr. James O'Donnell, who has a doctorate in pharmacy, opined that it was possible for Respondent to accidentally ingest cannabis by eating a cookie or brownie at the barbeque, Dr. O'Donnell could only speculate that this was a possible explanation based on the fact that Respondent told him he ate a brownie, a fact that Respondent did not mention when he was interviewed by CPD's Bureau of Internal Affairs. Dr. O'Donnell, when asked, agreed that medical review officers who are required to follow federal guidelines, are precluded from considering accidental consumption as a legitimate medical explanation for the presence of cannabis. This sentiment was also expressed by the Superintendent's rebuttal expert witness, Dr. Anthony Harris, who was previously the medical review officer for Amazon. Like Dr. O'Donnell, Dr. Harris had no objections to the testing protocols used by CPD, and he agreed with Dr. O'Donnell that Respondent's insulin intake to address his Type II diabetes would not create a false/positive test result. He explained that in his capacity

as a medical review officer, he did not have to make an assessment as to whether the person was telling the truth, as the test result speaks for itself.

The Board finds that on the facts of this case, Respondent's claim that he unintentionally ingested cannabis is not a credible explanation for the positive test result. The positive test result establishes that Respondent violated CPD policy prohibiting the use of cannabis, and the Board finds Respondent guilty of violating Rule 6 and Rule 2.¹

Disciplinary Action

7. The Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty. The Board finds that Respondent's violation of CPD's policy prohibiting the use of cannabis warrants significant disciplinary action.

However, the seriousness of Respondent's conduct is mitigated by several factors. Respondent argued that he should not be discharged for the positive test result. He has been with the CPD since 2010, he has submitted to numerous drug tests prior to 2021 as well as since 2021, and this August 20, 2021, drug test was the only positive test result he has ever had. The Board finds no evidence that Respondent is a drug user, no evidence that there was any adverse impact in the performance of his duties, nor evidence of any other negative consequences from his ingestion of cannabis. The Board

¹ The comment to Rule 2 states in relevant part: "This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Department policy or goals or which would reflect adversely upon the Department or its members."

also considered the testimony of Respondent's friend, Adrian Redeemar, who invited him to the barbeque and who testified that Respondent does not use drugs. And, the testimony of Respondent's older sister, Marsha Andrews, who retired from the CPD in 2021, after 27 years of service. She testified that nearly everyone in his immediate family, father and siblings, have worked in law enforcement. She knows that Respondent loves being a police officer and that he is very good at what he does. He is a phenomenal father to his kids and has always been there for her when she needs him.

Lieutenant Robert Flores, who works for the Bureau of Internal Affairs where he is responsible for reviewing discipline given to officers when they are found to have violated CPD's general orders or policies, testified that violation of E01-09 does not require separation. The text of E01-09 states: "Violation of this policy will result in disciplinary action *and/or* separation from the Department." (Emphasis added.)

While the Board has discharged officers from CPD in the past for using cannabis, medical and recreational use of cannabis is now permitted by Illinois law. (This is the first cannabis case to come before the Board since the legalization of cannabis in 2020.) Officers who use cannabis are no longer violating a law they swore to uphold. In addition, because of legalization there is less risk that officers who use cannabis will become involved with a person or enterprise engaged in the illegal sale, delivery, or manufacture of drugs. Nevertheless, CPD's policy of prohibiting cannabis use continues to be justified and officers who violate this policy are subject to significant discipline, up to and including discharge. The Police Board will continue to determine discipline on a

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case-by-case basis and impose appropriate discipline based on the specific facts and circumstances of each case.

Taking into account all the facts and circumstances of Respondent's conduct and the evidence in mitigation, the Board determines that a suspension without pay of ninety (90) days is appropriate discipline on the facts of this particular case.

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POLICE BOARD DECISION

The members of the Police Board who participated in deciding this case hereby certify that they have read and reviewed the record of the proceedings, viewed the video recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following vote.

The Police Board, by a vote of 8 in favor (Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, and Justin Terry) to 0 opposed, finds Respondent **guilty** of the charges in Specification No. 1, as set forth above.

As a result of the foregoing and for the reasons set forth above, the Board, by a vote of 8 in favor (Cooper, Badillo, Block, Hall, Liss, Porter, Safakas, and Terry) to 0 opposed, hereby determines that cause exists for suspending Respondent from his position as a police officer and from the services of the City of Chicago for a period of ninety (90) days.

NOW THEREFORE, IT IS HEREBY ORDERED that Police Officer Marshall Andrews Jr., Star No. 12966, as a result of having been found guilty of all charges in Police Board Case No. 24 PB 3042, be and hereby is suspended without pay from his position as a police officer and from the services of the City of Chicago, for a period of ninety (90) days, from October 22, 2024, (the date he was suspended upon the filing of

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charges) to and including January 19, 2025.

IT IS FURTHER ORDERED that Respondent 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 January 20, 2025.

This decision is adopted and entered by a majority of the members of the Police Board: Kyle Cooper, Claudia Badillo, Steven Block, Tyler Hall, Kathryn Liss, Arlette Porter, Andreas Safakas, and Justin Terry.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF JULY 2025.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director

RECEIVED A COPY OF

THE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2025.

LARRY SNELLING
Superintendent of Police