

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER JYTONNE TATE,) No. 14 SR 2333
STAR No. 8115, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) (CR No. 1057962)

FINDINGS AND DECISION

On or about July 23, 2014, the Superintendent of Police suspended Police Officer Jytonne Tate, Star No. 8115, for ten (10) days for violating the following Rule of Conduct:

Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.

On August 21, 2014, Officer Tate filed with the office of the Police Board a request for Police Board review of this suspension. On August 27, 2014, Officer Tate filed with the office of the Police Board a memorandum delineating specific reasons for which the review was requested.

The Executive Director of the Police Board assigned this matter to Hearing Officer Fredrick H. Bates. Hearing Officer Bates reviewed the investigation file and submitted a written report to the Police Board.

The members of the Police Board reviewed the Summary Report of the investigation file, the recommendations of Command Channel Review and the Chief of the Bureau of Internal Affairs, Officer Tate’s memorandum, and Hearing Officer Bates’s report. Hearing Officer Bates 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 consideration of this matter, finds and determines that:

1. The allegation, set forth below, that Police Officer Jytone Tate, Star No. 8115, violated Rule 7 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

Officer Tate was insubordinate towards Sergeant Edward Howard on 22 October 2012 at 1411 West Madison Street at 1330 hours in that she proceeded to pick up payroll checks after she was given a direct order not to do so.

On October 22, 2012, at approximately 1:30pm, Sergeant Edward Howard received a telephone call from Police Officer Jytone Tate from Unit #276 inquiring whether the overtime checks were available. After speaking with other personnel, Sergeant Howard informed Officer Tate that he would have someone from Unit #376 pick up the checks for both Units #276 and #376. Officer Tate indicated that she was about to get off work, and asked if she could pick up her check. Sergeant Howard denied her request, and again informed her that he would have someone from Unit #376 pick up the checks.¹

Subsequently, Officer Tate called and spoke with Detective John Killackey and advised him to tell Sergeant Howard that she had the checks for Unit #276, and that he did not need to send anyone to Headquarters. Detective Killackey asked her who authorized her to get the checks, to which she replied that it was after two o'clock. He inquired as to whether she also had picked up the checks for Unit #376, and whether she planned to deliver them, to which she responded Unit #376's checks would be at the OEMC.

Sergeant Michael Parker investigated the matter. The sign in sheet from Headquarters confirmed that Officer Tate had received the checks for Unit #276 and Unit #376. On April 19,

¹ Unit #376 is responsible for picking up the checks for Units #276 and #376, and Sergeant Howard had confirmed the same with Police Officer Valerie Dozono. Moreover, Detective John Killackey, after observing Sergeant Howard take a call, also advised Sergeant Howard that it was not possible for someone from Unit 276 to pick up their individual check, or the checks for both Units, and that he needed to assign someone from Unit #376 to pick up the checks and deliver the Unit #276 checks to OEMC before returning to Unit #376 with the Unit #376 checks.

2013, Sergeant Parker interviewed Officer Tate. Officer Tate admitted that she picked up the checks, and that Sergeant Howard initially told her that he would take care of picking up the checks. However, she claimed that the 3rd time they spoke Sergeant Howard said it was okay for her to get her check. The preponderance of the evidence does not support Officer Tate's claim that Sergeant Howard ultimately authorized her to pick up her check.

The statements provided by the witnesses are credible, and they are sufficient evidence to establish that on 22 October 2012 at 1411 West Madison Street at 1330 hours, Officer Tate proceeded to pick up payroll checks after she was given a direct order by Sergeant Edward Howard not to do so, thereby violating Rule 7, "Insubordination or disrespect toward a supervisory member on or off duty."

2. The allegation, set forth below, that Police Officer Jytonne Tate, Star No. 8115, violated Rule 7 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

Officer Tate was insubordinate and disrespectful towards Sergeant Colleen Gallich on 22 October 2012 at 2111 West Lexington Street at 1430 hours in that after Sergeant Gallich gave her a direct order to bring the payroll checks to Unit 376, Officer Tate told Sergeant Gallich "Do what you gotta do" and then hung the phone up on Sergeant Gallich.

See the findings set forth in paragraph no. 1 above, which is incorporated here by reference. Detective Killackey advised Sergeant Colleen Gallich as to what had transpired. Sergeant Gallich then called Unit #276 and asked that Officer Tate call her. Subsequently, Officer Tate called Sergeant Gallich while Police Officer Mary Ann Munno was in Sergeant Gallich's office. Sergeant Gallich asked Officer Tate to deliver the checks for Unit #376. Officer Tate said: "Only if you gonna pay me overtime." Sergeant Gallich asked why she retrieved that checks after being told not to do so, but Officer Tate did not answer. When Sergeant Gallich told Officer Tate

that she was subject to discipline, Officer Tate told Sergeant Gallich to do what she needed to do, or words to that effect, and hung up on Sergeant Gallich. Sergeant Gallich told Police Officer Munno that Officer Tate had hung up on her, and then assigned Officer Munno to retrieve the checks for Unit #376 from the OEMC.

During Sergeant Michael Parker's April 19, 2013, interview of Officer Tate, Officer Tate stated that when she went to get her check she was told she had to take all of the checks for both Unit #276 and Unit #376. Officer Tate admitted that she subsequently spoke to Sergeant Gallich who directed that she also deliver the checks for Unit #376 to that Unit. Officer Tate admitted that she refused to do so because she was not being paid overtime. She further admitted that she told Sergeant Gallich, who had indicated that she would not sign an overtime slip for Officer Tate, that she needed to "do what you think you need to do."

Accordingly, the credible statements provided by the witnesses, when considered as a whole, are sufficient evidence to establish that on 22 October 2012 at 2111 West Lexington Street at 1430 hours, after Sergeant Gallich gave her a direct order to bring the payroll checks to Unit #376, Officer Tate told Sergeant Gallich "Do what you gotta do" and then hung the phone up on Sergeant Gallich, thereby violating Rule 7, "Insubordination or disrespect toward a supervisory member on or off duty."

3. The Police Board has considered the facts and circumstances of Officer Tate's conduct, and her complimentary and disciplinary histories.

There is no explanation in the record as to why the one-day suspension recommended by the Investigator and the members of Command Channel Review was increased by the Bureau of Internal Affairs Chief to ten days. He did not provide any documentation to support this increase.

The Board finds that the ten-day suspension is unwarranted. Based on the nature of the misconduct, and because Officer Tate has no prior disciplinary history, the Board finds that a three-day suspension is a justified penalty on the facts of this particular case.

POLICE BOARD DECISION

The Police Board of the City of Chicago hereby adopts the findings set forth herein by the following votes:

By votes of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board sustains the allegations that Police Officer Jytonne Tate violated Rule 7.

As a result of the foregoing, the Board, by a vote of 9 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for suspending Police Officer Jytonne Tate from her position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of three (3) days.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Jytonne Tate, Star No. 8115, for a period of ten (10) days is **reduced to a period of three (3) days**.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, 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 20th DAY OF NOVEMBER, 2014.

Police Board Case No. 14 SR 2333
Police Officer Jytonne Tate

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