

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER KEVIN BEATOVIC,) No. 14 SR 2335
STAR No. 19758, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) (CR No. 1048062)

FINDINGS AND DECISION

On or about June 9, 2014, the Superintendent of Police suspended Police Officer Kevin Beatovic, Star No. 19758, for fifteen (15) days 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.
- Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

On August 27, 2014, Officer Beatovic filed with the office of the Police Board a request for Police Board review of this suspension. On September 4, 2014, Officer Beatovic filed with the office of the Police Board a memorandum delineating specific reasons for which he requested the review.

The Executive Director of the Police Board assigned this matter to Hearing Officer Jacqueline A. Walker. Hearing Officer Walker 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, Officer Beatovic's memorandum, and Hearing Officer Walker's report. 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 consideration of this matter, finds and determines that:

1. The allegation, set forth below, that Police Officer Kevin Beatovic, Star No. 19758, violated Rule 1 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

Officer Beatovic was written a parking ticket, citation #59577485, Park or Block Alley (9-64-130(b)), on 28 August 2011 after his car was left blocking the alley at 5215 North Nashville Avenue after officers who had responded to a disturbance call had asked him to move it.

Police Officer Robert Young submitted a statement indicating that on August 28, 2011, he and Police Officer Joseph Rasso responded to a citizen's complaint regarding a vehicle that was blocking the alley at 5215 North Nashville Avenue, in addition to a report that a man was causing a disturbance at that location. He further stated that when they arrived at the scene, they observed Officer Beatovic's vehicle blocking the alley, and they received reports from two persons who were in the car in back of Officer Beatovic's vehicle, who appeared to be afraid and who informed Officer Young that Officer Beatovic's vehicle had been parked there for some time while Officer Beatovic slowly removed articles from it.

Officer Rasso reported that both he and Officer Young asked Officer Beatovic to move his vehicle so that the other car could get by, and that Officer Beatovic refused and also directed profanity to Officer Young and came towards Officer Young in a threatening manner. Finally,

Officers Young and Rasso reported that they called for a sergeant to come to the scene.

Sergeant Gregory Hoffman reported that on the date of the charges, he responded to 5215 North Nashville Avenue, and when he arrived, Officer Beatovic's vehicle was still illegally parked in the alley and Officer Beatovic was in his house. Sergeant Hoffman stated that he knocked on Officer Beatovic's door as well as rang the doorbell, but Officer Beatovic refused to come out of his house until several minutes later. Sergeant Hoffman reported that he instructed Officers Rasso and Young to issue a ticket to the vehicle and to have it towed. Sergeant Hoffman stated that he recognized Officer Beatovic to be a policeman, but when he asked Officer Beatovic the following questions three times, he refused to answer: whether he was a police officer; his name; his unit of assignment; and his star number. Furthermore, Sergeant Hoffman reported that Officer Beatovic told him that Officer Beatovic would not answer these questions, unless Officer Beatovic was able to record their conversation. Finally, Sergeant Hoffman stated that Officer Beatovic never moved his vehicle, but continued to use profanities and told Officers Rasso, Young, and himself that they had no authority to ticket and tow his car, even though Sergeant Hoffman warned Officer Beatovic that his refusal to comply with his order would result in disciplinary action being taken against Officer Beatovic.

The Board finds credible the officers' and the sergeant's accounts of the incident, and finds not credible Officer Beatovic's denial of the allegations.

2. The allegations, set forth below, that Police Officer Kevin Beatovic, Star No. 19758, violated Rule 2, Rule 6, Rule 7, and Rule 8 are supported by sufficient evidence to justify disciplinary action, and the allegations are therefore **sustained**.

Officer Beatovic failed to follow the order of Sergeant Gregory Hoffman to move his illegally parked personal vehicle, which was parked in an alley at 5215 North Nashville Avenue.

Officer Beatovic was insubordinate to on-duty Sergeant Hoffman who had ordered him to move his vehicle out of an alley at 5215 North Nashville Avenue where it was illegally parked, by stating to the sergeant that he did not have to move his vehicle and Sergeant Hoffman did not have the authority to have his vehicle ticketed and towed.

Officer Beatovic, who was off duty, disrespected Sergeant Hoffman, who was on duty and called to the scene of a disturbance. Officer Beatovic approached the Sergeant and in an aggressive tone asked what the responding officers were doing by his car. Sergeant Hoffman asked Officer Beatovic for his name, and Officer Beatovic responded, "Those officers don't know what the fuck they are doing and why are they by my car?" Sergeant Hoffman again asked for Officer Beatovic's name, and Officer Beatovic responded in an agitated tone and manner that he was not going to respond until he obtained a voice recorder to tape their conversation.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference.

3. The allegation, set forth below, that Police Officer Kevin Beatovic, Star No. 19758, violated Rule 2, Rule 6, and Rule 37 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

Officer Beatovic was given a direct order by Sergeant Hoffman to supply him with the complete spelling of his name, his star number, and his unit of assignment, and Officer Beatovic refused and stated he was going to obtain a tape recording device in order to record their conversation before he would speak further to him.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference.

4. The allegation, set forth below, that Police Officer Kevin Beatovic, Star No. 19758, violated Rule 8 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

Officer Beatovic, who was off duty at the time, became disrespectful and abusive towards two on-duty officers, Police Officers Robert Young and Joseph Rasso, who were investigating a call of an illegally parked vehicle at 5215 North Nashville Avenue.

See the findings set forth in paragraph no. 1 above, which are incorporated here by reference.

5. The allegation, set forth below, that Police Officer Kevin Beatovic, Star No. 19758, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

Officer Beatovic failed to follow General Order 08-01-01, “Allegations of Misconduct—Specific Responsibilities,” Item II.A.2., in that he failed to cooperate and participate in the Bureau of Internal Affairs investigation of Log #1048062 by failing to appear as scheduled for a written statement on 23 January 2012 at 1800 hours, on 25 January 2012 at 1800 hours, and on 1 February 2012 at 1800 hours after being notified to do so.

Officer Beatovic was ordered to appear at the Bureau of Internal Affairs on January 23, January 25, and February 1, 2012 to give a statement. Officer Beatovic had requested new dates on the first two occasions that he was scheduled; he viewed but failed to acknowledge the last date on the CLEAR system as instructed, and also failed to appear on February 1, 2012.

6. The Police Board has considered the facts and circumstances of Officer Beatovic’s conduct, and his complimentary and disciplinary histories. Officer Beatovic’s disrespectful and insubordinate actions are serious offenses, and the fifteen-day suspension ordered in this case is not unwarranted.

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 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 **sustains** the allegations that Police Officer Kevin Beatovic violated Rule 1, Rule 2, Rule 6, Rule 7, Rule 8, and Rule 37.

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 suspending Police Officer Kevin Beatovic from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of fifteen (15) days.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Kevin Beatovic, Star No. 19758, for a period of fifteen (15) days is **sustained**.

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.

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