

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

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 22 RR 15
POLICE OFFICER BERNADETTE KELLY,)	
STAR No. 7186, DEPARTMENT OF POLICE,)	(CR Nos. 1091276
CITY OF CHICAGO.)	and 2019-3821)

REQUEST FOR REVIEW

On July 20, 2022, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability a request for review of the Chief Administrator’s recommendation for discipline of Police Officer Bernadette Kelly, Star No. 7186, arising out of the investigations of Complaint Register Nos. 1091276 and 2019-3821 (“Request for Review”).

The investigations stem from two incidents one in 2018 and one in 2019, in which Officer Kelly conducted a search of a person of the opposite gender. Following the conclusion of the investigation, the Chief Administrator issued a recommendation for discipline of Officer Kelly. The Superintendent of Police did not agree with the Chief Administrator’s recommendation and proposed less discipline for Officer Kelly.

The Chief Administrator recommended that the following allegations against Officer Kelly be *Sustained*:

CR No. 1091276

On or about October 2, 2018, at approximately 8:32 p.m., at or near 730 West 59th Street in Chicago:

1. Officer Kelly conducted or participated in the conduct of a custodial search of the person of [J.G.S.], notwithstanding that Officer Kelly was not of the same gender as [J.G.S.], when one or more CPD members of the same gender as [J.G.S.] were immediately available, in violation of certain provisions of CPD General Order G06-01-02 Restraining Arrestees (effective December 8, 2017); and

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2. During the course of a custodial search of the person of [J.G.S.], Officer Kelly touched (through clothing) [J.G.S.]’s sex organs, anus, buttocks, and/or an area of [J.G.S.]’s body immediately adjacent to his sex organs, anus and buttocks, without justification.

CR No. 2019-3821

On or about September 21, 2019, at approximately 4:38 p.m., at or near 752 South Francisco Avenue in Chicago:

1. Officer Kelly searched a person of the opposite gender in violation of Special Order S04-13-09(VI)(A).; and
3. Officer Kelly failed to issue [J.S.] an Investigatory Stop Receipt.

The Chief Administrator recommended that Officer Kelly be discharged from the Chicago Police Department.

The Superintendent disagreed with the Chief Administrator’s recommendation for discipline of Officer Kelly. The Superintendent concurred that all of the above allegations be *Sustained*, but recommended that Officer Kelly be suspended for a period of sixty (60) days.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on February 24, 2022; (2) the Chief Administrator received the Superintendent’s written response on May 23, 2022; (3) the Chief Administrator’s designees met with the Superintendent’s designees and concluded their discussion of this matter on July 14, 2022; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on July 20, 2022.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Ghian Foreman, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board’s Rules of Procedure (“Reviewing Member”). On August 2, 2022, the Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board’s

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Rules of Procedure.

OPINION

It is my opinion that, based on a thorough review of the Request for Review material, the Superintendent did not meet the burden of overcoming the Chief Administrator's recommendation for discipline. Based on the facts and circumstances of this matter, an evidentiary hearing before the Police Board is necessary to determine whether Officer Kelly violated any of the Chicago Police Department's Rules of Conduct and, if so, the appropriate disciplinary action.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator's recommendation for discipline of Police Officer Bernadette Kelly, Star No. 7186, shall be deemed accepted by the Superintendent.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 03rd DAY OF AUGUST, 2022.

/s/ GHIAN FOREMAN
President
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board