

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER HARRIET WHITE,) No. 14 SR 2321
STAR No. 16206, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) (CR No. 1061265)

FINDINGS AND DECISION

On March 4, 2014, the Chief of the Bureau of Internal Affairs of the Chicago Police Department recommended the suspension of Police Officer Harriet White, Star No. 16206, for twenty (20) days for violating the following Rule of Conduct:

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

Pursuant to Section 9.6A of the Agreement between the City of Chicago and the Fraternal Order of Police Lodge #7, on March 28, 2014, Officer White filed with the Police Board a request for Police Board review of the recommendation for suspension. On April 4, 2014, Officer White filed with 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 White'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 Harriet White, Star No. 16206, violated Rule 7 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On April 9, 2013, Police Officer Harriet White was disrespectful when she refused a direct order to contact her partner, and was insubordinate when she refused the order given by Lieutenant Reynolds in front of a witness.

On April 9, 2013, Lt. Keith Reynolds was the District Station Supervisor in the 22nd District. Officer White was in the District Station in the report writing area preparing a report at a workstation. Lt. Reynolds approached Officer White and asked her where was her partner, Officer Spencer, and she indicated that he was out in the car. Lt. Reynolds then instructed Officer White to go out to the car to get her partner so he could complete some training. She responded by saying she was in the middle of preparing a report and did not want to lose her train of thought. Lt. Reynolds told Officer White he would watch her workstation, and again instructed her to go out to the car to get Officer Spencer. He then gave her a direct order to go get her partner, and indicated to her that if she refused he would initiate a Complaint Log Number. Lt. Reynolds says she responded by stating: "Then get the number." Lt. Reynolds then returned with Police Officer Spikener and repeated that he was giving her a direct order in the presence of a witness, to which Officer White responded she was refusing the order. Another Police Officer was then sent to get Officer Spencer from the car.¹

¹In the initial Complaint Lt. Reynolds indicated that he then sent P.O. Gonzales to go get Officer Spencer, but later revised his statement to indicate that he sent P.O. Patrick to get Officer Spencer from the car. The other witness statements confirm that P.O. Patrick was sent to go get Officer Spencer from the car, not Officer Gonzales.

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In a witness statement prepared by Officer Spikener that same day, he states that he witnessed Lt. Reynolds give a direct order to Officer White to go out to the car to get Officer Spencer. Officer Spikener stated that Officer White refused the direct order several times, and indicated that she was not going to stop working and lose her train of thought.²

On April 25, 2013, Officer White provided a written statement in which she denied that she refused a direct order from Lt. Reynolds to go get Officer Spencer from the car. She stated that Lt. Reynolds told her to get Officer Spencer from the car, and she began to speak into the radio and Lt. Reynolds shouted at her not to tie-up the air with that, so she started to go get her partner. She then ran into him in the hallway. She stated that she told him Lt. Reynolds wanted him. Subsequently, Lt. Reynolds returned with Officer Spikener shouting: "I gave you a direct order. Are you refusing a direct order?" She says she was not given an opportunity to speak to tell him she had spoken to Officer Spencer. She then complained to Sgt. Jasica regarding Lt. Reynolds' conduct.

After receiving the statement from Officer White, Lt. Ryan sent follow-up questions to Lt. Reynolds and Officer Spikener both of whom confirmed their prior statements of the event. Lt. Ryan also sent questions to Officer Spencer, Officer White's partner. Officer Spencer indicated that Officer Patrick came to the car to inform him that Lt. Reynolds wanted him. Officer Spencer came in and spoke to Lt. Reynolds. After he spoke to Lt. Reynolds, Officer Spencer saw Officer White at the workstation and she instructed him to see Lt. Reynolds. He advised Officer White he had already seen Lt. Reynolds. (Officer Patrick confirmed that he went to the car to tell Officer Spencer to go see Lt. Reynolds).

² On May 7, 2013, Lt. Reynolds and Officer Spikener both provided additional witness statements in response to written questions from Lt. Michael Ryan who investigated the complaint. The statements provided were completely consistent with their initial witness statements, and were solicited based upon specific questions following Lt. Ryan's interview of Officer White on April 25, 2013.

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Lt. Ryan also followed-up with Sgt. Jasica whom Officer White complained to regarding Lt. Reynolds' conduct. Sgt. Jasica confirmed that Officer White came to her, and that she advised Officer White there was nothing she could do for her administratively. It is noteworthy that Sgt. Jasica states in her May 8, 2013, witness statement that Officer White told her she refused to go get Officer Spencer because she was working on a report.

Lt. Ryan issued his Investigation Report on June 24, 2013, and recommended a 5-day suspension for a violation of Rule 6 ("Disobedience of an order or directive, written or oral"), and Rule 7 ("Insubordination or disrespect toward a supervisory member on or off duty"). Command Channel Review -- the District Commander and Deputy Chief -- **Sustained** the findings and recommendation.³

Bureau of Internal Affairs Chief Juan Rivera concurred with the Investigation Finding and Command Channel Review, but without proffering an explanation for doing so, he recommended a 20-day suspension for violating Rule 7 (2 counts), rather than a 5-day suspension for violating Rules 6 and 7.

The statements provided by the witnesses are credible and are sufficient evidence to establish that on April 9, 2013, Police Officer Harriet White was disrespectful when she refused a direct order to contact her partner and was insubordinate when she refused the order given by the complainant Lt. Reynolds in front of a witness, thereby violating Rule 7, "Insubordination or disrespect toward a supervisory member on or off duty."

³ Although the Deputy Chief did not check the box that said "concur" he did sign the Command Channel Review Form. Had he disagreed with the finding, he would have been required to state an explanation for doing so.

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

The Bureau of Internal Affairs Chief changed the Command Channel Review recommendation of a 5-day suspension to a 20-day suspension. He did not offer any explanation for doing so, and he did not provide any documentation to support this increase. (*See* Section III B.2 & 4 of SO8-01-03). Moreover, the First Deputy Superintendent did not review her suspension as required in cases involving suspensions of more than 16-days (*See* Section III.D.2 of SO8-01-03), because Command Channel Review had recommended a 5-day suspension. Finally, Officer White has no disciplinary history, and 31 Department Awards.

The Board finds that the twenty-day suspension recommended in this case is unwarranted, and finds that the five-day suspension recommended by the Investigator and the members of Command Channel Review 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 vote:

By a vote of 8 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board **sustains** the allegation that Police Officer Harriet White violated Rule 7.

As a result of the foregoing, the Board, by a vote of 8 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for suspending Police Officer Harriet White 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 five (5) days.

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NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Harriet White, Star No. 16206, for a period of twenty (20) days is **reduced to a period of five (5) 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, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF JULY, 2014.

Attested by:

/s/ Demetrius E. Carney
President
Police Board

/s/ Max A. Caproni
Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police