

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE SUSPENSION OF)
POLICE OFFICER VLADAN MILENKOVIC,) **No. 14 SR 2332**
STAR No. 16135, DEPARTMENT OF POLICE,)
CITY OF CHICAGO.) **(CR No. 1031119)**

FINDINGS AND DECISION

On or about July 18, 2014, the Superintendent of Police suspended Police Officer Vladan Milenkovic, Star No. 16135, for seven (7) days for violating the following Rules of Conduct:

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

On July 21, 2014, Officer Milenkovic filed with the office of the Police Board a memorandum requesting Police Board review of this suspension and delineating specific reasons for which he is requesting 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 Milenkovic's memorandum, the Independent Police Review Authority's response to Officer Milenkovic'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. (Board Members Demetrius E. Carney and Susan L. McKeever recused themselves from this case pursuant to §2-57-060(c) of the Municipal Code of Chicago.)

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 Vladan Milenkovic, Star No. 16135, violated Rule 9 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On October 17, 2009, at 1225 hours, at 8200 South Stony Island Avenue, Chicago, Officer Milenkovic directed racially-biased language at Christopher Bennett, in that he referred to Tupac Shakur's photo on Christopher Bennett's shirt as a "dead ignorant nigger."

A statement was received by the Department from Christopher Bennett, in which he reported that on the day and time in the allegations he was at his car, parked on 82nd Street, just west of Stony Island Avenue, retrieving items from the trunk of his car for a workshop that was being held at the Avalon Park Public Library. He stated that Officer Milenkovic and Police Officer Michael Malinowski stopped in an unmarked police car, ordered him not to remove anything from his trunk, told him to step towards the police car, and to place his hands on the police car. Bennett further reported that Officer Milenkovic stated that he was going to search Bennett for a gun, and Officer Milenkovic did pat him down. Bennett also stated that following the search, Officer Milenkovic told him that Officer Milenkovic thought Bennett was with the men being arrested in front of the barbershop. He finally stated that as Officer Milenkovic was leaving, Officer Milenkovic, in reference to a shirt Bennett was wearing, said "... I would expect that from you with that dead, ignorant nigger on your chest."

Reginald Parks also submitted a statement regarding the incident. He reported that on the day and time in the allegations, he was walking about 10 feet behind Bennett, who was a panelist at a workshop in the library. He stated that he observed Bennett at the trunk of Bennett's car, when

Officers Milenkovic and Malinowski stopped, approached Bennett, had Bennett place his hands on the police car, and that Officer Milenkovic patted down Bennett. He stated further that he was unable to hear all of the conversation between Officer Milenkovic and Bennett, but he did hear Officer Milenkovic state words to the effect of, “You would be wearing a shirt with that nigger on it.”

In light of the above statements of Bennett and Parks, which the Board finds credible, there is sufficient evidence to sustain the allegation that Officer Milenkovic directed racially-biased language at Bennett.

2. The allegation, set forth below, that Police Officer Vladan Milenkovic, Star No. 16135, violated Rule 6 is supported by sufficient evidence to justify disciplinary action, and the allegation is therefore **sustained**.

On October 17, 2009, at 1225 hours, at 8200 South Stoney Island Avenue, Chicago, Officer Milenkovic violated the provisions of Special Order 03-09B, Section II-D, in that he failed to complete a Contact Card for the stop of Christopher Bennett.

A search of the Department’s records indicated that no Contact Card could be found for the stop of Bennett, notwithstanding that Officer Milenkovic stated that he did complete a Contact Card for Bennett, when he interviewed Bennett and another individual. Furthermore, even though Officer Milenkovic presented numbers for the Contact Cards that were purportedly completed, they were nowhere in the Department’s records.

3. The Police Board has considered the facts and circumstances of Officer Milenkovic’s conduct, and his complimentary and disciplinary histories. Officer Milenkovic made a racially-biased and offensive comment to a citizen, and disregarded an important requirement to

properly document his encounter with a citizen. However, his misconduct is mitigated by his outstanding complimentary history (123 total awards, including four Department Commendations and 93 Honorable Mentions) and lack of any disciplinary history. The Board finds that a suspension of four (4) days is an appropriate 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 7 in favor (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 allegations that Police Officer Vladan Milenkovic violated Rule 6 and Rule 9.

As a result of the foregoing, the Board, by a vote of 4 in favor (Foreman, Eaddy, Fry, and Sweeney) to 3 opposed (Ballate, Conlon, and Rodriguez), hereby determines that cause exists for suspending Police Officer Vladan Milenkovic 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 four (4) days.

NOW THEREFORE, IT IS HEREBY ORDERED that the suspension of Police Officer Vladan Milenkovic, Star No. 16135, for a period of seven (7) days is **reduced to a period of four (4) days**.

This disciplinary action is adopted and entered by a majority of the members of the Police Board who participated in this case: Ghian Foreman, Michael Eaddy, Rita A. Fry, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20th DAY OF NOVEMBER, 2014.

Police Board Case No. 13 SR 2332
Police Officer Vladan Milenkovic

Attested by:

/s/ GHIAN FOREMAN
Vice President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

We hereby dissent from the Decision of the majority. The seriousness of Officer Milenkovic's misconduct is not, in our view, mitigated by his complimentary history, and the seven-day suspension ordered by the Superintendent is not unwarranted.

/s/ WILLIAM F. CONLON

/s/ ELISA RODRIGUEZ

DISSENT

I hereby dissent from the Decision of the majority. Based on Officer Milenkovic's outstanding complimentary history and lack of any disciplinary history, a reprimand is a more appropriate penalty on the facts of this particular case.

/s/ MELISSA M. BALLATE

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2014.

GARRY F. McCARTHY
Superintendent of Police