

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

IN THE MATTER OF THE)	
RECOMMENDATIONS FOR DISCIPLINE OF)	
)	
POLICE OFFICER NICHOLAS JOVANOVIH,)	No. 22 RR 02
STAR No. 6789, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
AND)	
)	
POLICE OFFICER ANDRES VALLE,)	No. 22 RR 03
STAR No. 19935, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO.)	(CR No. 2020-3252)

REQUEST FOR REVIEW

On February 17, 2022, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of the Chief Administrator’s recommendations for discipline of Police Officer Nicholas Jovanovich, Star No. 6789, and Police Officer Andres Valle, Star No. 19935, arising out of the investigation of Complaint Register No. 2020-3252 (“Request for Review”).

The investigation stems from an incident during a protest on July 17, 2020, near the Christopher Columbus Statue in Grant Park. [M.B.] alleged that Officer Jovanovich struck her and took her phone without justification. Following the conclusion of the investigation, the Chief Administrator issued recommendations for discipline of Officer Jovanovich and Officer Valle, who was also on the scene. The Superintendent of Police did not agree with the Chief Administrator’s recommendations and proposed less discipline for these two officers.

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

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On July 17, 2020, at approximately 7:20 p.m., at or near 1151 South Columbus Drive in Chicago, Officer Jovanovich:

1. Used unnecessary and excessive force when he struck [M.B.] without justification;
 2. Stopped [M.B.] from recording a public encounter on her phone without justification;
- [Allegation Nos. 3 and 4 were classified as *Exonerated*.]
5. made one or more false, misleading, inaccurate, and/or incomplete statements when completing his Tactical Response Report check-applicable-boxes sections when he reported [M.B.] “did not follow verbal direction, verbal threats, fled, imminent threat of a battery no weapon, thrown object bottles, cans, explosive devices, imminent threat of a battery with a weapon, and physical attack with a weapon, by reporting [M.B.] attacked with a weapon, by reporting the subject committed an assault or battery against the involved member performing a police function, by reporting his response was a defense of self, defense of department member, overcome resistance or aggression, subject armed with a weapon.”;
 6. made one or more false, misleading, inaccurate, and/or incomplete statements when completing his Tactical Response Report narrative when he reported [M.B.] was “the highly agitated person swinging and flailing their arms with an unknown object in their right hand. Subject was yelling profanities and walking quickly toward the back of the arresting officers. The subject continued to walk toward the officers extending the unknown object with their right hand. The officers were unaware of the subject approaching from behind and r/o believing the subject was going to batter the arresting officers or attempt to defeat the arrest.”;
 7. Seized [M.B.]’s phone without justification; and
 8. failed to inventory [M.B.]’s phone without justification.

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

The Superintendent objected to the Chief Administrator’s recommendation for discipline of Officer Jovanovich. The Superintendent recommended that only Allegation No. 1 be *Sustained* and that Officer Jovanovich be suspended for a period of one (1) year.

The Chief Administrator recommended that the following allegation against Officer Valle be *Sustained*:

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On July 17, 2020, at approximately 7:20 p.m., at or near 1151 South Columbus Drive in Chicago, Officer Valle failed to report that Police Officer Nicholas Jovanovich used excessive and unnecessary force when he struck [M.B.].

The Chief Administrator recommended that Officer Valle be suspended from the Chicago Police Department for a period of sixty (60) days.

The Superintendent objected to the Chief Administrator's recommendation for discipline of Officer Valle. The Superintendent agreed that the above allegation be *Sustained* but recommended that Officer Valle be suspended for a period of thirty (30) days.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on June 29, 2021; (2) the Chief Administrator received the Superintendent's written response on September 24, 2021; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on February 8, 2022; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on February 17, 2022.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Nanette Doorley, 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 March 1, 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 Rules of Procedure.

OPINION

Regarding Officer Jovanovich, 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

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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 Jovanovich violated any of the 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 Nicholas Jovanovich, Star No. 6789, shall be deemed accepted by the Superintendent.

Regarding Officer Valle, it is my opinion that, based on a thorough review of the Request for Review material, the Superintendent met the burden of overcoming the Chief Administrator's recommendation for discipline. I agree that Officer Valle had a duty to report Officer Jovanovich's use of excessive force and failed to do so. However, I am convinced by the Superintendent's position that, given the circumstances of the incident and insufficient evidence as to whether Officer Valle knew [M.B.] was injured, a thirty-day suspension is a more appropriate penalty. Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent's recommendation for discipline of Police Officer Andres Valle, Star No. 19935, shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th DAY OF MARCH, 2022.

/s/ NANETTE DOORLEY
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board