

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 31, 2016
Time of Incident:	10:51 a.m.
Location of Incident:	4901 N. Sheridan Road
Date of COPA Notification:	August 2, 2016
Time of COPA Notification:	10:04 a.m.

On July 31, 2016, in the vicinity of 4901 N. Sheridan Road, the complainant, [REDACTED] overheard Officer Markovich make derogatory remarks about another person’s gender, while speaking to members of the public. Officer Markovich made admissions relative to this incident and COPA sustained the allegation.

II. INVOLVED PARTIES

Involved Officer #1:	Nenad Markovich, #19638, Emp. # [REDACTED], Date of Appointment: November 4, 1996; Chicago Police Officer, Date of Birth: [REDACTED] 1963; White male
Involved Civilian #1:	[REDACTED] Date of Birth: [REDACTED] 1985, White female

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Nenad Markovich	1. Stated words to the effect of, “I arrested a ‘he/she’ who was ugly and I would look better in drag than the he/she.”	Sustained

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Prohibits any disobedience of an order or directive, whether written or oral.

General Orders

1. G02-01-03, Interactions with Transgender, Intersex and Gender Nonconforming (TIGN) Individuals

Federal Laws

V. INVESTIGATION

a. Interviews

In her interview with IPRA on August 12, 2016 and in a letter dated August 1, 2016, ██████████ stated that on July 31, 2016, she walked her dogs in a park where “No Dogs Allowed” signs were posted and was stopped by Officers Moore and Markovich. ██████████ related that while waiting to receive her citation from Officer Moore, Officer Markovich walked over to a group of individuals and engaged them in a conversation. ██████████ related that during Officer Markovich’s conversation with the group of individuals, Officer Markovich stated that he finally arrested “that he/she,”² who was not present during the conversation, for trying to steal from Mariano’s. Officer Markovich continued that the individual was ugly and that he would look better in drag than the individual. ██████████ stated that she assumed that Officer Markovich was talking to the group about someone whom they were familiar with.

██████████ related that Officer Markovich also discussed the arrest of a shop owner with the group of individuals. ██████████ added that Officer Markovich informed the group of individuals that he was going to write ten (10) tickets a day until he retires. Upon inquiry ██████████ stated that

² Attachment 7 2:47

Officer Moore was standing nearby and heard the comments as well. ██████ related that Officer Markovich gave her his name upon her request.³

In an interview with COPA on May 8, 2018, **Witness Officer Chauncey Moore**, confirmed that he was in the vicinity of the incident on the date and time in question. Officer Moore continued that he observed a white female, now known as ██████ walking two dogs at a park in which dogs were not permitted. Officer Moore approached ██████ and explained that he had to give her a citation for walking the dogs in the park. Officer Moore described ██████ as being cooperative.

Officer Moore related that he recalled Officer Markovich being present, but was not certain if Officer Markovich was his partner. Officer Moore explained that he and Officer Markovich assisted each other on various calls throughout the day. Officer Moore stated that there were several unidentified people at the park during the time of his interaction with ██████. Officer Moore related that he is familiar with the faces of the individuals, but not their names.

Officer Moore stated that at some point, Officer Markovich walked several feet away from him and ██████ to have a conversation with the unidentified individuals. Officer Moore related that he did not hear the contents of Officer Markovich's conversation with the unidentified individuals, as he was focused on writing the citation for ██████.

Officer Moore related that after he gave ██████ her citation, ██████ expressed that she did not feel as if Officer Markovich was professional. ██████ stated that she did not like Officer Markovich's conversation with the unidentified individuals. Officer Moore related that upon inquiry ██████ was not specific with her complaint. Officer Moore stated that he did not hear Officer Markovich state words to the effect of, "I arrested a 'he/she' who was ugly and I would look better in drag than the 'he/she.'"⁴

In his interview with COPA on May 9, 2018, **Accused Officer Nenad Markovich**, stated that he was in the vicinity of the incident on the date and time in question. Officer Markovich related that when he arrived at the scene he observed Officer Moore explaining to ██████ that she was going to receive a citation for walking dogs in a park where dogs were prohibited. Officer Markovich stated that he walked approximately 20 to 25 feet away from ██████ and Officer Moore to have a conversation with several unidentified individuals who were sitting in the park.

Officer Markovich stated that he is familiar with the individuals who were in the park, but does not know their names. Officer Markovich continued that during his conversation with the individuals, he informed a "he/she," who was intoxicated, that he would look better in the clothes that the individual was wearing. Upon inquiry, Officer Markovich stated that he refers to the person as a "he/she" because he is a male who wants to be identified as a female. Officer Markovich claimed that he does not utilize the verbiage in a derogatory manner.

Officer Markovich stated that when he walked back to Officer Moore, ██████ asked him for his name and star number. Officer Markovich related that ██████ never informed him as to what

³ Attachments 6, 7 10

⁴ Attachment #16

he had done and/or said to upset her. Officer Markovich added that he did not know that [REDACTED] was in earshot of his conversation with the group of unidentified individuals. Officer Markovich denied discussing the arrest of a shop owner with the unidentified individuals. Officer Markovich denied stating that he was going to issue 10 tickets a day until he retires.⁵

b. Documentary Evidence

The **Administrative Notice of Ordinance Violation** ([REDACTED]) document that on July 31, 2016, at approximately 10:51 a.m., [REDACTED] was given a citation for walking two dogs through a child's playlot where there were "No Dogs Allowed" signs posted.⁶

VI. ANALYSIS

1. Officer Nenad Markovich, #19638

Allegation #1: Sustained

COPA recommends a finding of **Sustained** for **Allegation #1** that Officer Markovich stated words to the effect of, "I arrested a 'he/she' who was ugly and I would look better in drag that the 'he/she,'" in violation of Rules 2 and 6 of the Chicago Police Department Rules. In his statement to COPA Officer Markovich stated that he did not recall stating the words alleged by [REDACTED] but admitted to using the words "he/she" when referring to a male who wanted to be identified as a female. According to General Order 02-01-03, Section III, B, 2, (Interactions with Transgender, Intersex and Gender Nonconforming [TIGN] Individuals) members will not use language that a reasonable person would consider demeaning or derogatory, in particular, language aimed at a person's actual or perceived gender identity or expression or sexual orientation. Officer Markovich violated the Department's policy by using disparaging and insensitive language to refer to a someone's gender identification. Further, these comments were made in public, while Officer Markovich was on duty and were overheard by a civilian.

⁵ Attachment #20

⁶ Attachment 12

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Nenad Markovich	1. Stated words to the effect of, "I arrested a 'he/she' who was ugly and I would look better in drag that the 'he/she,'" in violation of Rule 2 and 6.	Sustained

Approved:

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

6/26/18

Appendix A

Assigned Investigative Staff

Squad#: 4	
Investigator:	Lakeisha Davis
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten