

Charges Filed with the Police Board

The following charges have been filed with the Police Board by the Superintendent of Police. The public is reminded that the filing of charges is not evidence of guilt. The accused officer is presumed innocent and is entitled to a fair hearing at which the Superintendent has the burden of proving guilt by a preponderance of the evidence.

CHARGES AGAINST POLICE OFFICER BERNADETTE KELLY

Police Officer Bernadette T. Kelly, Star No. 7186, is charged with violating the following Rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10: Inattention to duty
- Rule 38: Unlawful or unnecessary display of weapon.

SPECIFICATIONS

1. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly said "Let's stop these fuckers," and/or words to that effect. Officer Kelly then unlawfully stopped and/or detained and/or searched and/or handcuffed [REDACTED], a male person, without reasonable, articulable suspicion of criminal activity and/or when male CPD members were immediately available, unlawfully searched [REDACTED]'s bookbag and/or pants pockets without consent and/or after conducting said detention and/or search and/or handcuffing, and or failed to complete and/or issue [REDACTED] an Investigatory Stop Receipt and/or failed to complete an Investigatory Stop Report. Officer Kelly thereby violated:
 - a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;

- c. Rule 6, disobedience of an order or directive, whether written or oral (Special Order S04-13-09); and/or
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty;
 - e. Rule 10, inattention to duty.
2. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly conducted an unlawful strip search of [REDACTED], a male person, in that Officer Kelly unbuckled Jackson's belt and/or pulled Jackson's pants down and /or manipulated [REDACTED]'s undergarments and/or exposed [REDACTED]'s buttocks. Officer Kelly conducted said search of [REDACTED] when male CPD members were immediately available. Officer Kelly thereby violated:
- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 6, disobedience of an order or directive, whether written or oral (General Order 06-01-03, Section II, Item A, 4-a and/or Special Order S04-13-09); and/or
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
3. On or about December 9, 2017, at or near Chicago Police Department 7th District Sally Port, 949 W. Maxwell St, Chicago, IL, Police Officer Bernadette Kelly conducted an unlawful strip search of a male person, [REDACTED], in that she manipulated [REDACTED]'s undergarments and/or exposed his buttocks. Officer Kelly thereby violated:
- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 6, disobedience of an order or directive, whether written or oral (General Order 06-01-03, Section II, Item A, 4-a and/or Special Order S04-13-09); and/or
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty.

4. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly unlawfully seized unknown person(s) in that she unholstered her weapon and/or unlawfully pointed it at a vehicle containing the unknown persons and/or said “Don’t you fucking move,” and/or “Get your fucking hands up now,” and/or words to that effect without reasonable, articulable suspicion of criminal activity and/or thereby placing unknown persons(s) in reasonable apprehension of receiving a battery . Officer Kelly thereby violated:
 - a. Rule 1, violation of any law or ordinance (720 ILCS 5.0/12-1) (Assault); (720 ILCS 5.0/12-2(c)(1)) (Aggravated Assault);
 - b. Rule 2, any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
 - c. Rule 3, any failure to promote the Department’s efforts to implement its policy or accomplish its goals;
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty;
 - e. Rule 9, engaging in any unjustified verbal or physical altercation with any person, while on or off duty; and/or
 - f. Rule 38, unlawful or unnecessary display of weapon.
5. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly, without justification, said to unknown person(s) walking on the sidewalk “Get the fuck out of here or you will be with them” and/or words to that effect. Officer Kelly thereby violated:
 - a. Rule 2, any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department’s efforts to implement its policy or accomplish its goals;
 - c. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
 - d. Rule 9, engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
6. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly, without justification, said to an

unknown person “Do you want to join them? I can do the same shit to you,” and/or words to that effect. Officer Kelly thereby violated:

- a. Rule 2, any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department’s efforts to implement its policy or accomplish its goals;
 - c. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
 - d. Rule 9, engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
7. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly unlawfully asked multiple male person(s) in various parked vehicles, to exit their vehicles and/or detained and/or searched and/or handcuffed multiple male person(s) without reasonable articulable suspicion of criminal activity and/or when male CPD members were immediately available. After conducting said detention and/or search of said unknown persons, Officer Kelly failed to complete and/or issue said persons an Investigatory Stop Receipt and/or failed to complete an Investigatory Stop Report. Officer Kelly thereby violated:
- a. Rule 2, any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department’s efforts to implement its policy or accomplish its goals;
 - c. Rule 6, disobedience of an order or directive, whether written or oral (Special Order S04-13-09);
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
 - e. Rule 10, inattention to duty.
8. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly approached a black SUV and/or asked three (3) unknown occupants to exit the vehicle and/or handcuffed the unknown male driver of said SUV and/or performed a pat-down of said unknown male driver without reasonable articulable suspicion of criminal activity and/or when male CPD members

were immediately available. After conducting said detention and/or search of said unknown male, Officer Kelly failed to complete and/or issue said persons an Investigatory Stop Report and/or failed to complete an Investigatory Stop Report. Officer Kelly thereby violated:

- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 6, disobedience of an order or directive, whether written or oral (Special Order S04-13-09); and/or
 - d. Rule 10, inattention to duty.
9. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly approached a parked silver vehicle and, without reasonable articulable suspicion of criminal activity, handcuffed and/or searched an unknown male wearing dread locs and/or a black jacket as he was exiting said vehicle and/or when male CPD members were immediately available. As Officer Kelly searched said unknown male, Officer Kelly said to the unknown male "Spread you fucking legs," and/or words to that effect and/or placed her hand on his groin area and/or placed her hand on his buttocks and/or in response to said unknown male telling Officer Kelly that she was touching his groin area, or words to that effect, Officer Kelly responded "It's alright, I'm searching you," or words to that effect.
- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 6, disobedience of an order or directive, whether written or oral (Special Order S04-13-09);
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
 - e. Rule 10, inattention to duty.
10. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Kelly approached an unknown male wearing dread locs

and/or a black jacket and unlawfully detained and/or searched him in that she searched his pants pockets without lawful justification when male CPD members were immediately available. After conducting said detention and/or search of said unknown male, Officer Kelly failed to document said incident and/or failed to complete and/or issue said person an Investigatory Stop Receipt and/or failed to complete an Investigatory Stop Report. Officer Kelly thereby violated:

- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, disobedience of an order or directive, whether written or oral (Special Order S04-13-09);
- d. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
- e. Rule 10, inattention to duty.

11. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly unlawfully detained and/or searched a second unknown male who was wearing a black hooded jacket and a dread locs hairstyle, when male CPD members were immediately available, in that she detained said unknown male without a reasonable articulable suspicion of criminal activity and/or subsequently searched the inside of his jacket pocket. After conducting said detention and/or search of said unknown male, Officer Kelly failed to document said incident and/or failed to complete and/or issue said person an Investigatory Stop Receipt and/or failed to complete an Investigatory Stop Report. Officer Kelly thereby violated:

- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, disobedience of an order or directive, whether written or oral (Special Order S04-13-09); and/or
- d. Rule 10, inattention to duty.

12. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly unlawfully searched a third unknown male who was wearing a grey hooded sweatshirt and black jacket, when male CPD members were immediately available, in that she detained and/or searched said unknown male without reasonable articulable suspicion of criminal activity, and/or searched the inside of his jacket pockets and/or his hooded sweatshirt pockets and/or his pants pockets. After conducting said detention and/or search of said unknown male, Officer Kelly failed to document said incident and/or failed to complete and/or issue said person an Investigatory Stop Receipt and/or failed to complete an Investigatory Stop Report. Officer Kelly thereby violated:

- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, Disobedience of an order or directive, whether written or oral (Special Order S04-13-09); and/or
- d. Rule 10, inattention to duty.

13. On or about December 9, 2017, at approximately 2:46 p.m., at or near 7033 S. Wolcott Ave., Chicago, IL, Police Officer Bernadette Kelly unlawfully searched a fourth unknown male who was wearing a blue hooded sweatshirt and black jacket, when male CPD members were immediately available, in that she detained and/or searched said unknown male without reasonable articulable suspicion of criminal activity, and/or unzipped the unknown male's jacket and/or searched his pants pockets and/or searched his jacket pockets and/or lifted his shirt. After conducting said detention and/or search of said unknown male, Officer Kelly failed to document said incident and/or failed to complete and/or issue said person an Investigatory Stop Receipt and/or failed to complete an Investigatory Stop Report. Officer Kelly thereby violated:

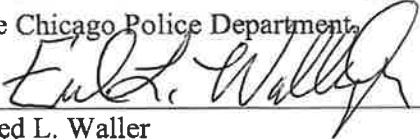
- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, disobedience of an order or directive, whether written or oral (Special Order S04-13-09); and/or
- d. Rule 10, inattention to duty.

14. On or about October 2, 2018, at approximately 8:32 p.m., at or near 730 W. 59th Str., Chicago, IL, Police Officer Bernadette Kelly conducted an improper pat-down of a male arrestee, [REDACTED], when male CPD members were immediately available, in that while conducting said search, over his clothing, Officer Kelly touched [REDACTED]'s anus and/or his buttocks and/or the area immediately adjacent to his anus and/or his buttocks and/or reached her hand between his buttocks area and/or attempted to force her finger in between the cheeks of his buttocks. Officer Kelly thereby violated:
- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 6, disobedience of an order or directive, whether written or oral (General Order 06-01-02, Section IV, Item C); and/or
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty.
15. On or about September 21, 2019, at approximately 4:38 pm, at or near 752 S. Francisco, Chicago, IL, Officer Bernadette Kelly conducted a traffic stop of a vehicle being operated by [REDACTED] and/or conducted improper pat-downs of male persons [REDACTED] and/or passenger [REDACTED], when male members of CDP were immediately available, and/or in searching [REDACTED] and/or [REDACTED], Officer Kelly unlawfully reached inside of the pocket(s) of [REDACTED] and/or [REDACTED] and/or grabbed and/or manipulated the genital and/or groin area(s) of [REDACTED] and/or [REDACTED]. After said detention and/or search, Officer Kelly failed to issue [REDACTED] and/or [REDACTED] an Investigatory Stop Receipt and/or failed to complete an Investigatory Stop Report. Officer Kelly thereby violated:
- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
 - b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
 - c. Rule 6, disobedience of an order or directive, whether written or oral (Special Order S04-13-09);
 - d. Rule 8, disrespect to or maltreatment of any person, while on or off duty; and/or
 - e. Rule 10, inattention to duty.

16. On or about July 13, 2018, at approximately 4:42 pm, at or near 6734 S. Morgan St., Chicago, IL, Officer Bernadette Kelly conducted an unlawful search of [REDACTED] a male person, when a male CPD member was immediately available, and/or while conducting said search, touched his testicles over his clothing Officer Kelly thereby violated:

- a. Rule 2, any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, disobedience of an order or directive, whether written or oral (General Order 06-01-02, Section IV, Item C); and/or
- d. Rule 8, disrespect to or maltreatment of any person, while on or off duty.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Bernadette Kelly, Star Number 7186, be discharged from the Chicago Police Department.


Fred L. Waller
Interim Superintendent of Police

APPROVED AS TO FORM

/s/ Dorticcia Penn
Dorticcia Penn
Assistant Corporation Counsel Supervisor

FILED: September 5, 2023
POLICE BOARD
Case No. 23 PB 3033