



November 5, 2021

Mr. Max A. Caproni
Executive Director, Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602

Via Email and U.S. Mail

RE: Request for Review, Log #2019-0005126

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (Department) in Log # 2019-0005126.¹

As set forth in detail in COPA's Summary Report of Investigation dated June 7, 2021 (SRI), there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation of separation based on findings that Sergeant Juan Perez committed misconduct when he violated Keith [REDACTED]'s rights under the Fourth Amendment and misused his body-worn camera.

The Superintendent bears the affirmative burden of proof in overcoming COPA's disciplinary recommendation. COPA respectfully requests that the Board reject the Superintendent's non-concurrence in this matter for the reasons set forth below.

I. BACKGROUND

A. Relevant Factual Background²

On October 8, 2019, fourteen Department officers executed a search warrant for firearms and ammunition at Keith [REDACTED]'s apartment. During that search, Sergeant Perez and other officers also searched Mr. [REDACTED]'s vehicle without a warrant and without Mr. [REDACTED]'s consent. Sergeant Perez repeatedly turned his body-worn camera on and off throughout the incident.

¹ As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, the Department's non-concurrence letter, and the certificate of meeting.

² A more detailed factual summary can be found in COPA's SRI.

B. Disputed Findings and Recommendations

As the Superintendent states in the enclosed letter, he does not concur with COPA's recommendation that Sergeant Perez be separated for his misconduct. The Superintendent states that a 180-day suspension would be more appropriate for Sergeant Perez's misconduct.

II. ANALYSIS

A. The Superintendent has not met his burden to reduce COPA's disciplinary recommendation.

COPA maintains that the Superintendent has failed to satisfy his burden in seeking to reduce COPA's disciplinary recommendation.³ The Superintendent agrees Sergeant Perez committed misconduct by illegally searching Mr. ██████' vehicle and seizing weapons. The Superintendent also agrees Sergeant Perez misused his body-worn camera during the incident.

The Superintendent argues Sergeant Perez should not be separated because he did not personally open the trunk or conduct the search. The Superintendent also argues that Sergeant Perez did not participate in a scheme to violate Mr. ██████' constitutional rights. Rather, he argues, Sergeant Perez was just following his superior's orders.

As COPA's investigation shows, however, Sergeant Perez was an active participant in this scheme. He was second in command that day and gave orders to other officers. Those orders included directing officers to remain inside Mr. ██████' residence while Sergeant Perez and others stood by Mr. ██████' car outside and directing other officers to turn off their body-worn camera while near Mr. ██████' vehicle. Sergeant Perez attempted to pressure Mr. ██████ into providing consent after wrongfully searching the vehicle's trunk, using his illegally obtained knowledge of the contents of the vehicle's trunk. Sergeant Perez' repeated de-activation of his body-worn camera, especially during the search of Mr. ██████' trunk, shows he knowingly participated in the scheme to violate Mr. ██████' rights.⁴

Sergeant Perez's conduct during this incident demonstrate that he has substantial shortcoming that renders his continued employment as a police officer detrimental to maintaining discipline within the Department. As a supervisor, he is tasked with maintaining discipline, providing leadership, and to motivate subordinates to perform their duties at a high level.⁵ His actions during this incident show he is incapable of adequately performing those duties.

III. CONCLUSION

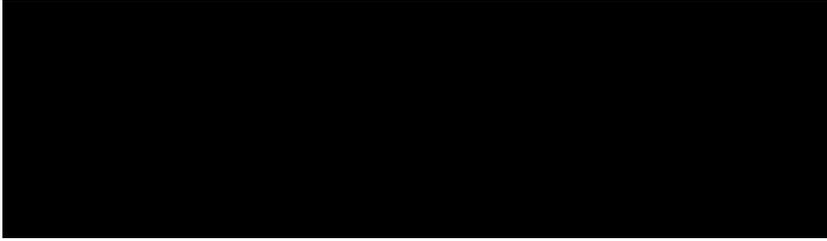
For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA's disciplinary recommendation for Sergeant Perez is unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's recommendation to separate Sergeant Perez.

³ See Municipal Code of Chicago Section 2-78-130(a)(iii).

⁴ For all of these reasons, COPA disagrees with the Superintendent's comparison of this case to that of Sergeant Shauntai Gracia.

⁵ Rules and Regulations of the Chicago Police Department, Section IV.B.

Respectfully,



Andrea Kersten
Interim Chief Administrator
Civilian Office of Police Accountability