

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

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|--|---|---------------------------|
| IN THE MATTER OF THE |) | |
| RECOMMENDATIONS FOR DISCIPLINE OF |) | |
| |) | |
| SERGEANT MATTHEW KASPUT, STAR No. 1539 |) | No. 22 RR 09 |
| |) | |
| SERGEANT ALLEN FINLEY, STAR No. 1214, AND |) | No. 22 RR 10 |
| |) | |
| SERGEANT ZACHARY RUBALD, STAR No. 2609, |) | No. 22 RR 11 |
| DEPARTMENT OF POLICE, |) | |
| CITY OF CHICAGO. |) | (CR No. 2020-2281) |

REQUEST FOR REVIEW

On May 24, 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 Sergeant Matthew Kasput, Star No. 1539, Sergeant Allen Finley, Star No. 1214, and Sergeant Zachary Rubald, Star No. 2609, arising out of the investigation of Complaint Register No. 2020-2281 (“Request for Review”).

The investigation stems from clashes between police and members of the public on May 31, 2020, during the large-scale protests and civil unrest in downtown Chicago after the murder of George Floyd. Following the conclusion of the investigation, the Chief Administrator issued recommendations for discipline of twelve Chicago Police Department members. The Chief Administrator and the Superintendent of Police did not reach agreement on the recommendations for discipline of the above three sergeants.

The Chief Administrator recommended that the following allegations against Sergeant Kasput be *Sustained*:

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Sergeants Kasput, Finley, and Rubald
Request for Review and Opinion

On May 31, 2020, at approximately 8:05 p.m., at or near 420 North Clark Street in Chicago, Sergeant Kasput:

1. Used excessive force to detain [REDACTED];
2. Failed to operate his Body Worn Camera (BWC) in accordance with Special Order S03-14; and
3. Failed to complete a Tactical Response Report (TRR) detailing the use of force against [REDACTED]

The Chief Administrator recommended that Sergeant Kasput be suspended from the Chicago Police Department for ninety (90) days.

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of Sergeant Kasput in that the Superintendent did not agree that Allegation No. 1 be *Sustained* (the Superintendent agreed with the recommendation that Allegation Nos. 2 and 3 be *Sustained*).

The Chief Administrator recommended that the following allegations against Sergeant Finley be *Sustained*:

On May 31, 2020, at approximately 8:05 p.m., at or near 420 North Clark Street in Chicago, Sergeant Finley:

1. Failed to intervene in the misconduct displayed by Department members;
2. Failed to report the misconduct displayed by Department members; and
3. Failed to operate his Body Worn Camera (BWC) in accordance with Special Order S03-14.

The Chief Administrator recommended that Sergeant Finley be suspended from the Chicago Police Department for one-hundred-eighty (180) days.

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of Sergeant Finley. The Superintendent agreed that the above allegations be *Sustained*

but recommended that Sergeant Finley be suspended for thirty (30) days.

The Chief Administrator recommended that the following allegations against Sergeant Rubald be *Sustained*:

On May 31, 2020, at approximately 8:05 p.m., at or near 420 North Clark Street in Chicago, Sergeant Rubald:

1. Failed to operate his Body Worn Camera (BWC) in accordance with Special Order S03-14;

[Allegation Nos. 2 – 5 were classified as *Exonerated*.]

6. Failed to satisfactorily intervene in the misconduct displayed by Department members; and
7. Failed to report the misconduct displayed by Department members.

The Chief Administrator recommended that Sergeant Rubald be suspended from the Chicago Police Department for one-hundred-eighty (180) days.

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of Sergeant Rubald. The Superintendent agreed that the above allegations be *Sustained* but recommended that Sergeant Finley be suspended for thirty (30) days

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on November 30, 2021; (2) the Chief Administrator received the Superintendent's written response on February 28, 2022; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on May 17, 2022; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on May 24, 2022.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Andrea L. Zopp, 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 May 27, 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

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 recommendations for discipline of all three sergeants. The Superintendent’s response that the conduct of Sergeants Finley and Rubald is mitigated by the totality of the circumstances they were facing that evening—large-scale protests, looting, destruction of property, and attacks on police officers—is persuasive. As is the Superintendent’s response that there is insufficient evidence to support a finding that Sergeant Kasput used excessive force to detain Mr. [REDACTED].

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent’s recommendations for discipline of Sergeant Matthew Kasput, Star No. 1539, Sergeant Allen Finley, Star No. 1214, and Sergeant Zachary Rubald, Star No. 2609, shall be implemented.

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

[REDACTED]

ANDREA L. ZOPP
Member
Police Board

Nos. 22 RR 09 - 11
Sergeants Kasput, Finley, and Rubald
Request for Review and Opinion

Attested by:



MAX A. CAPRONI
Executive Director
Police Board