



Lori E. Lightfoot
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

David O. Brown
Superintendent of Police

June 7, 2022

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Complaint Log Number 2019-0002550
Superintendent's Non-Concurrence with COPA's Findings and Recommended Penalties
Police Officer Steven Smith # 6684

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (CPD) does not concur with the sustained findings nor the recommended penalties. Pursuant to the Municipal Code of Chicago, MCC 2-78-130, the CPD provides the following comments.

The COPA investigation recommended a penalty of a sixty (60) day suspension after the investigation concluded that the accused member

1. kicked/stomped on the citizen complainant in the head and face without justification.
2. failed to properly document the force used in a Tactical Response Report.

This non-concurrence is primarily based on the fact that the Body Worn camera footage does not clearly capture the kick to the head. The foot of the officer can be seen near the complainant's head but it is not undisputed that the complainant's head was struck. Even when the alleged kick occurs, the complainant does not respond in any manner to infer that he was struck or was in any type of pain.

Further, even if a determination is made that there was contact with the foot of the accused member and the head/face of the complainant, the investigation never established if the kick was in advertent to the physical struggle and take-down of the offender or if the kick was done intentionally. The member had just done an emergency take-down of the complainant, for which

Emergency: 9-1-1 • Non-Emergency: (Within City limits) 3-1-1 • Non-Emergency and TTY: (Outside City limits) 312-746-6000

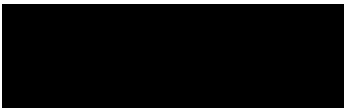
E-mail: clearpath@cityofchicago.org • Website: www.chicagopolice.org

COPA had determined was within policy. A member have done that can easily be off-balance and would have to try to maintain firm footing as well as continue to try to place the offender into custody. The member would have foot movement in an attempt to maintain his balance. In his statement, the accused member denies any contact and states that to the extent there was any, it was accidental. Although COPA did not accept this explanation, it is the CPD's position that this allegation should be Not Sustained.

Because the use of force allegation did not meet its burden of proof, the second allegation regarding documenting that force on a Tactical Response Report should also be categorized as Not Sustained.

The Chicago Police Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii).

Sincerely,



David O. Brown
Superintendent of Police
Chicago Police Department