



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

February 4, 2020

Sydney Roberts
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, IL 60622

RE: Superintendent's Non-Concurrence with COPA's Investigative Findings, in-part, and Proposed Penalty

Complaint Register Number: Log Number 2020-0002228

Commander Chris Papaioannou, Star #260

Lieutenant Agustin Salgado, Star #481

Dear Chief Administrator:

After a review of the above-referenced Complaint Register file, the Chicago Police Department (CPD) respectfully does not concur with the sustained investigative finding, in-part, and the proposed penalties. According to MCC 2-78-130, the undersigned provides comment when there is a disagreement to the investigative findings and proposed penalty.

Regarding Commander Papaioannou, the undersigned concurs that Allegations #1 and #2 should be classified as exonerated and also concurs that Allegation #3 should be classified as sustained in that Commander Papaioannou failed to complete a Tactical Response Report (TRR). However, the undersigned respectfully believes that the appropriate penalty is a Reprimand. Commander Papaioannou has an exceptional complimentary history of one hundred thirty four (134) total awards, including four (4) Life Saving Awards, fifteen (15) complimentary letters, and eight (8) Department Commendations. In addition, Commander Papaioannou has no complaint disciplinary history.

During his interview with COPA, Commander Papaioannou admitted he failed to complete a TRR report for a reportable use of force incident. Commander Papaioannou explained that, because of a miscommunication, he believed there would be one TRR number for a Department-wide measure because of the ongoing, citywide civil unrest at the time of the incident. As COPA indicated in its report, this misunderstanding that one number would capture all of the incidents was not an isolated thought process.

On July 24, 2020, CPD issued an Administrative Message, "Protests/Civil Unrest," reference #258877, which was sent to all Department units reminding members of the importance of completing appropriate reports to document actions that occur during these events. The message explicitly stated, "All reportable uses of force by Department members also require the completion of a Tactical Response Report and submission of the TRR to their immediate supervisor before the end of a member's Tour of Duty."

After considering Commander Papaioannou's remarkable complimentary history and lack of any complaint disciplinary history as well as the misinterpretation of how to report incidents during the enduring civil unrest and the comments and consideration provided by Command Channel Review, the undersigned believes a Reprimand is the appropriate penalty.

Regarding Lieutenant Salgado, the undersigned concurs that Allegations #2 and #7 should be classified as exonerated, and also concurs that Allegation #5, #6, and #8 should be classified as sustained. COPA's investigative file showed that Lieutenant Salgado has a respectable complimentary history and no complaint disciplinary history.

Allegation #1: Attempting to strike an individual with an impact weapon without justification. CPD respectfully does not concur with this sustained finding. The individual involved in this situation was being placed under arrest after he climbed on the roof of a parked vehicle and began chanting. A sergeant used an amplification device twice to instruct the individual to get down from atop the vehicle; however, the individual refused.

In response to the non-compliance, department members approached the vehicle; the individual thereafter jumped off the vehicle and fled on foot. The individual was apprehended and Commander Papaioannou used an emergency takedown on the individual. The individual admitted he tried to get away from the Commander's grip. The individual stated to COPA that he did not recall being struck by a baton during this incident and that the only force used against him was by Commander Papaioannou.

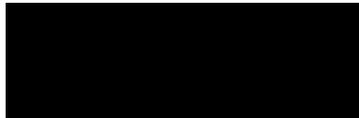
Allegation #3: Attempting to strike unidentified member of the public with an impact weapon without justification. CPD respectfully does not concur with this sustained finding. Here, as Commander Papaioannou and other officers were attempting to gain control of the individual in Allegation #1, another individual, dressed in all black, advanced toward the officers from behind in an attack mode. The individual spread his feet and balanced his weight in a manner that led officers to reasonably believe he might punch someone. Therefore, because this individual's actions were aggressively offensive, he is classified according to CPD policy as an assailant who threatened to use force against another person, and General Order G03-02-07, *Baton Use Incidents*, authorizes the use of the baton as an impact weapon as a force option against an assailant. Further, although Lieutenant Salgado never struck anyone, he was authorized to use a baton as a force option under those circumstances.

Allegation #4: Using excessive force on unidentified member of the public without justification. CPD respectfully does not concur with this sustained finding. As Commander Papaioannou and other officers were attempting to gain control of the individual in Allegation #1, individuals began converging on the officers from all directions. The video shows that the unidentified individuals were walking in one direction before they turned and began converging on the area where the officers were placing an individual under arrest. CPD policy classifies as assailants any individuals whose actions are aggressive and who threaten to use force against another person. Moreover, Lieutenant Salgado did not strike anyone with the baton.

Allegation #8: Failing to request a supervisor to respond to the scene of your baton use. CPD respectfully does not concur with this sustained finding as Lieutenant Salgado's supervisor, Commander Papaioannou, was on scene.

In conclusion, CPD concurs that Allegation #3 against Commander Papaioannou should be sustained; however, CPD respectfully believes that the appropriate penalty is a Reprimand. CPD also concurs that Allegations #5, #6 and #9 should be sustained against Lieutenant Salgado and believes a seven (7) day suspension is appropriate.

Thank you,



David O. Brown
Superintendent of Police
Chicago Police Department