



**Lori E. Lightfoot**  
Mayor

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

**David O. Brown**  
Superintendent of Police

September 14, 2022

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

Re: Superintendent's Non-Concurrence with One Finding and One Recommended Penalty  
Complaint Log No. 2019-0005158  
Police Officer Mark C. Hawkins, Star No. 7085  
Police Officer Trvon T. Tines, Star No. 6929

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) concurs with two of the recommended findings but does not concur with one finding and does not concur with the recommended penalty for one accused member. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a penalty of a thirty (30) day suspension for Officer Mark Hawkins, Star No. 7085, after concluding that he:

1. Used excessive force by pointing his firearm at a citizen without justification;
2. Failed to provide an Investigatory Stop Receipt to the citizen.

The COPA investigation also recommended a penalty of a reprimand for Officer Trvon T. Tines, Star No. 6929 after concluding that he:

1. Failed to provide an Investigatory Stop Receipt to the citizen.

Officer Mark Hawkins – Allegation #1

As stated in the COPA investigation, Department members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances faced by the member on the scene. The circumstances faced by Officer Hawkins were the following:

1. Responding to a disturbance call between a Chicago Department of Finance employee who had placed a boot on a vehicle and an irate person having their car booted;
2. Arriving and being told by the Department of Finance employee who put boot on vehicle that the man kept putting his hands in his pockets and was acting nervously and swearing at him;

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

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3. Approaching the location of the booted vehicle and observing the irate individual quickly move toward the trunk of the vehicle and remove a dark object, which he then placed in his waistband.
4. Observing the irate person then move to the stairway leading into the building.

All these together could and would lead a reasonable officer to believe that the citizen may have a weapon and be a threat to the officer or others. And Officer Hawkins was not the only one to perceive the citizen as a possible threat. The security team observing the Finance Department employee on the camera called the police because they observed the irate citizen's actions and were concerned for the safety of their employee. The Department of Finance employee said the irate citizen stated to him that he "was going to whoop his ass" which is a threat and a criminal offense that could have resulted in the arrest of the citizen for assault.

Officer Hawkins pointed his firearm at this citizen for approximately 3 seconds as Officer Hawkins immediately implemented de-escalation techniques as he put the firearm to his side immediately upon the citizen raising his hands. Officer Hawkins then immediately holstered his weapon upon discovering that the unknown dark object was a cell phone. Officer Hawkins apologized to the irate citizen and explained to the citizen that Officer Hawkins thought the citizen had a weapon.

Officer Hawkins also made the appropriate notification to OEMC regarding the firearm pointing incident. The directive on firearm pointing incidents also clearly states that nothing requires members to take actions, or fail to take actions, that unreasonably endangers themselves or others. The determining factor is not whether the citizen had a weapon or not. Rather it is whether a reasonable officer could believe the citizen had a weapon. Not only was it reasonable, but for officer safety reasons, any failure to un-holster and point his firearm could have caused a delayed response if the citizen did have a firearm or other weapon and turned to use it against the officer.

Not only was it objectively reasonable for Officer Hawkins to believe the citizen had a weapon, but it was also subjectively reasonable as Officer Hawkins statements on BWC after leaving the scene show that he did have this belief. In normal conversation, Officer Hawkins stated to his partner that he thought the individual had a gun and was going to flee up the stairs.

For these reasons, it is the opinion of the undersigned that Allegation #1 should be Unfounded.

Officer Mark Hawkins – Allegation #2

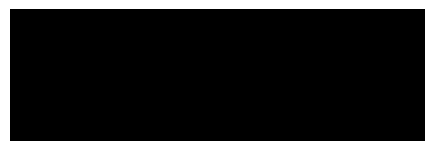
The Department concurs in the finding of sustained and recommends a penalty of a Reprimand.

Officer Trvon T. Tines – Allegation #1

The Department concurs in the finding of sustained and with the recommended penalty of a Reprimand.

The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(1)(iii).

Sincerely,



David O. Brown  
Superintendent of Police  
Chicago Police Department