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David O. Brown
Superintendent of Police

March 8, 2022

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability
1615 W. Chicago Ave., 4th Floor

Re: Superintendent's Concurrence as to Part and Non-Concurrence as to part of COPA's Findings Log #2020-2188 – Officer James Hunt #11442, Detective Krista Chasen #20117, Lieutenant Robert Kane #569 and Captain Jacob Alderden #62

Dear Chief Administrator Kersten:

Based on a review of the above-referenced complaint register (CR), the Chicago Police Department (CPD) concurs with the recommended findings and penalties for Officer James Hunt. The Department will send a request to prepare charges for separation for Officer Hunt.

However, as will be detailed below, CPD does not concur with the investigative findings for Det. Chasen, Lt. Kane or Capt. Alderden. In accordance with Municipal Code of Chicago, MCC 2-78-130, the Superintendent provides the following comments when there is a disagreement as to the investigative findings and proposed penalty.

BRIEF SYNOPSIS OF FACTS

On May 30, 2020, [REDACTED] was seated in her vehicle near the intersection of Kinzie and Dearborn, in the midst of civil unrest occurring downtown following the murder of George Floyd in Minneapolis. At approximately 7:54 PM, Chicago Police Department (CPD) members at this intersection were in somewhat of a standoff with individuals engaging in civil unrest in the area. Some of those individuals began rolling a large dumpster toward the line of officers, provoking a response from the nearby CPD members. During this response, an unknown and never identified officer ran in front of [REDACTED] car, either brushing against the front left side of the vehicle as he passed or having been bumped by a slight movement of [REDACTED] vehicle. Immediately thereafter, Officer Hunt, used his baton to smash the rear driver's side window of [REDACTED] vehicle. P.O. Hunt then opened the driver's side door and screamed at [REDACTED] to "get the fuck out of her car." [REDACTED] alleged Officer Hunt stopped her from recording with her cell phone, arrested her without justification, repeatedly used excessive force during and after her arrest, failed to inventory her property, and called her a "fat bitch." [REDACTED] arrest was processed in the 1st District where Det. Chasen completed her arrest paperwork and Lt. Kane approved probable cause. Allegations arising from this incident have also been lodged against Captain Alderden who took no part in the arrest of [REDACTED]

ANALYSIS

The allegations in this investigation arise from events that took place the evening of May 30, 2020 – the second night of widespread civil unrest that erupted in the aftermath of the murder of George Floyd by police in Minneapolis, Minnesota. Though civil unrest had begun several days earlier in other cities across the nation, the violent, injurious, and destructive demonstrations that would ravage the City of Chicago well into the first week of June (and which would recur throughout the remainder of the year in 2020) had only begun the night before, on May 29, 2020. In those early days of the unrest, the City suffered millions of dollars in property damage and an even greater human toll in terms of injury and a spike in homicides citywide. According to one report completed in the aftermath of the unrest, 101 Chicago Police Officers were injured on May 30th alone. Seventeen police vehicles were damaged so extensively as to be a total loss and an additional 11 were destroyed by fire in incidents of arson.¹

Despite the benefit of seeing the civil unrest that had begun in other cities, the City of Chicago and the Chicago Police Department were woefully unprepared for what would transpire – a fact amply documented in after-action reports completed by a host of oversight bodies, including an internal after-action conducted by the Chicago Police Department.²

The arrest of ██████████ on May 30, 2020 was one of hundreds made in the aftermath of the civil unrest which took place following the killing of George Floyd.³ On May 30, according to the City of Chicago Office of the Inspector General (OIG)’s calculations, 421 arrests were made related to the unrest, 242 of these in the 1st District. These hundreds of arrests were made pursuant to a mass arrest declaration in response to the incidents of civil unrest that had broken out in multiple locations across the city. CPD has acknowledged its mass arrest efforts were hampered from the outset due to a lack of training, a lack of familiarity with mass arrest procedure, and a lack of necessary equipment – specifically in this instance a lack of mass arrest cards. CPD’s after-action report made the following observation:

The Department has a substantial written procedure governing mass arrest incidents that works in theory but, during the Events, broke down in practice. This appeared attributable in part to the chaotic nature and unprecedented geographic scope of the Events. For example, Department members effecting arrests were required to complete “Mass Arrest Cards”— duplicate paper forms capturing limited information including, but not limited to, probable cause for arrest and the transporting unit’s information. But many Department members lacked familiarity with formal mass arrest policies and processes as a result of limited (if any) involvement with actual, tangible applications of the procedure; not all incidents at which multiple arrests are effected are mass arrest incidents. Nor were many duplicate mass arrest forms immediately available during the Events where widespread criminal activity was occurring.⁴

¹ Chicago, Office of Inspector General, *Report on Chicago’s Response to George Floyd Protests and Unrest* (February 2021)

²Independent Monitoring Team, *The City of Chicago’s and the Chicago Police Department’s Responses to Protests and Unrest under the Consent Decree* (May 2020 – November 2020) (July 2021); City of Chicago, Office of Inspector General, *Report on Chicago’s Response to George Floyd Protests and Unrest* (February 2021); Chicago Police Department, *After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020 and June 12, 2020* (February 2021)

³ “...OIG performed its own analysis of CPD’s arrest data, suggesting that CPD made more than 1,500 related arrests between May 29, and June 7, 2020, with approximately 1,000 of those occurring on May 30 and 31.” (City of Chicago, Office of Inspector General, *Report on Chicago’s Response to George Floyd Protests and Unrest* (February 2021))

⁴ Chicago Police Department, *After Action Report: The Chicago Police Department’s Response to Civil Unrest between May 29, 2020*

The Independent Monitoring Team (IMT) overseeing the CPD Consent Decree was more pointed in their review. One of their main recommendations (which CPD is undertaking) is to revamp the entire mass arrest policy. But on the practical application of the existing policy, in late May 2020, the IMT said:

According to some CPD personnel, sufficient mass-arrest kits were not readily available. Other CPD personnel sought out mass-arrest kits that were in storage, left over from NATO in 2012, and drove around downtown, distributing mass-arrest kits and shields to any officers they could find. Some officers told us that some of these mass-arrest kits contained materials that no longer worked, such as expired zip ties and pens. CPD personnel reported that personnel went to stores to buy the equipment with their own money.⁵

Similarly, the Office of the Inspector General in their review of the civil unrest cited to issues in the mass arrest policy, the implementation of that policy during the unrest, the lack of preparation and lack of documentation, i.e. mass arrest cards, as contributing to the difficulties and issues CPD experienced during the unrest, declaring plainly that “CPD was unprepared to deal with this volume of arrests over so short a time period and this led to breakdowns in the mass arrest process.” Their report added the following illustrative example:

Moreover, CPD members in ranks ranging from Commander to police officer described how they had never seen or filled out a mass arrest card in their entire career before May 30. One police officer described how their supervisor gave them a mass arrest card to fill out on May 30, but they had never seen such a card before. Their supervisor subsequently told them to write their own information and the charge on the arrestee’s arm with a Sharpie. The officer did not know that was part of the mass arrest procedures until OIG informed them that it was during an interview with the officer.⁶

██████████ arrest was part of the mass arrests that took place on May 30, 2020 – arrests for which CPD was admittedly unprepared, untrained, and unequipped. But COPA alleges two distinct failures in the arrest of ██████████. First, ██████████ never should have been taken into custody. That failure is rightly attributed to Officer Hunt and his conduct on that day. The second failure, however, was the systemic breakdown of the mass arrest procedure, for which COPA seeks to hold Det. Chasen, Lt. Kane, and Capt. Alderden individually responsible. As will be discussed in greater detail, in most instances COPA’s evidence falls short of sufficiency to sustain their allegations.

Detective Chasen

Allegation #1 – Rule 14

The evidence is not legally sufficient to sustain the first allegation brought against Det. Chasen, that she made one or more false, misleading, inaccurate, incomplete, and/or inaccurate statements when completing the Arrest Report for ██████████ in violation of Rule 14.

and June 12, 2020 (February 2021)

⁵ Independent Monitoring Team, *The City of Chicago's and the Chicago Police Department's Responses to Protests and Unrest under the Consent Decree* (May 2020 – November 2020) (July 2021)

⁶ City of Chicago, Office of Inspector General, *Report on Chicago's Response to George Floyd Protests and Unrest* (February 2021)

It is undisputed that [REDACTED] arrest report was rife with inaccuracies, including the time and location of her arrest, the conduct it is alleged she participated in that precipitated her arrest, and the arresting officer (both the identity of the arresting officer and the spelling of the name of the person attributed as the arresting officer). It does not follow, however, from the evidence presented, that Det. Chasen *willfully* made a false statement about a fact relevant to the investigation.

The threshold to charge a violation of Rule 14 requires: 1) willfulness; and 2) the false statement must be material to the incident under investigation.⁷ The Police Board decision in *Mosqueda* went on to note that “A good faith but mistaken statement that is factually inaccurate or misleading would not suffice to prove the charges at issue”⁸ and also that:

Knowledge and intent must be determined at the time a false statement is made. *See, e.g., People v. Boyd*, 81 Ill.App.3d 259, 261 (3d Dist. 1980) (“An essential element of the crime of perjury is knowledge of falsity of the statements at the time of utterance.”);⁶ *People v. Drake*, 63 Ill.App.3d 633, 635 (4th Dist. 1978)⁹.

In her statement, Det. Chasen is honest and forthright about the mass arrest processing, admitting to having misgivings about the process, but ultimately indicating that she was acting on instructions from superior officers and was tasked with processing over 100 arrestees as part of the arrest processing team. Even had the processing proceeded in strict conformance with the Mass Arrest order, as prescribed Det. Chasen would be completing an arrest report without any first-hand knowledge of the arrestees’ actions and would be functioning as little more than a scribe, inputting information received from other sources. While having a mass arrest card to refer to would likely relieve some uneasiness and provide a greater indicia of reliability than what did transpire, even in a perfect scenario Det. Chasen would be reliant on second-hand knowledge in processing mass arrests. It is simply the nature of how the process is set up.

The evidence does not demonstrate that Det. Chasen violated Rule 14 by making a knowing and willful false statement. Det. Chasen did not know the information she entered into [REDACTED] arrest report was inaccurate and she did not enter it with intent to deceive or mislead with regard to any fact relevant to the arrest. Det. Chasen was thrust into the role of mass arrest processing team member for the first and only time in her career with little guidance or preparation, other than directions from unidentified superior officers that the copy and paste method utilized in this mass arrest situation was the way to proceed. While Det. Chasen expressed having misgivings about the *process*, at no point did she express knowledge or even suspicion that the information she was entering into the arrest report of [REDACTED] was false. To the contrary, in her statement Det. Chasen expressed that “this is something I know nothing about that’s going on, on the street.” (Att. 41, page 15). And so, Det. Chasen proceeded as she was ordered that evening and into the morning of her 17-hour shift. The evidence amply establishes there were failings and breakdowns in the implementation of the entire mass arrest procedure. The evidence does not, however, demonstrate that Det. Chasen violated Rule 14. Thus, COPA has not met its required burden of a preponderance of the evidence and this allegation should be “Not Sustained.”

⁷See *In the Matter of Charges Filed Against Police Officer Raoul Mosqueda*, Star No. 13662, Department of Police, City of Chicago (No. 17 PB 2935) pg. 12.

⁸ *Id.*

⁹ *Id.* at pg. 14

Allegation #2 – Failed to follow Special Order S06-06 Mass Arrest Procedures

As was discussed above in the analysis in Allegation #1 (and has been discussed throughout this review) the evidence is sufficient to demonstrate that with regard to the arrest of [REDACTED] Det. Chasen failed to follow Special Order S06-06, Mass Arrest Procedures. This failure, however, was almost pre-ordained due to the overwhelming chaos throughout the city, the unprecedented number of arrests, and the failures and breakdowns Department-wide.

The order requires members of the mass arrest processing team to work from a mass arrest card, identify the appropriate arresting officer, and determine the proper charge. With regard to the arrest of [REDACTED] these things did not happen. While there are a number of reasons far outside Det. Chasen's control for this breakdown, this investigation concerns the arrest of [REDACTED] [REDACTED] arrest was rife with errors, from the initial occurrence of P.O. Hunt's misconduct, through the ad hoc and improvised mass arrest processing taking place in the 1st District, of which Det. Chasen was a party. While the evidence is sufficient by a preponderance to show the mass arrest order was not followed, given all the mitigating factors as discussed herein, a penalty far short of the 180 days – separation recommended by COPA is warranted. Therefore, CPD recommends a penalty of a 30-day suspension.

Lieutenant Kane

Allegation #1 – Rule 14 and Allegation #2 – Arrest without Probable Cause

Similar to the rationale expressed above for Det. Chasen, there is not a preponderance of evidence to sustain the first and second allegations brought against Lt. Kane, that he made one or more false, misleading, incomplete, and/or inaccurate statements when completing the Arrest Report for [REDACTED] in violation of Rule 14 or that he arrested [REDACTED] without probable cause.

It is undisputed that [REDACTED] arrest report was rife with inaccuracies, including the time and location of her arrest, the conduct it is alleged she participated in that precipitated her arrest (i.e. the probable cause statement), and the arresting officer (both the identity of the arresting officer and the spelling of the name of the person attributed as the arresting officer). It does not follow, however, from the evidence presented, that Lt. Kane *willfully* made a false statement about a fact relevant to the investigation. Nor does it follow from the evidence that Lt. Kane arrested [REDACTED] without probable cause.

In his statement, Lt. Kane professed to have a vague familiarity with the mass arrest order but did not recall the specifics of [REDACTED] arrest or any other from that night. Lt. Kane, as the Watch Operations Lieutenant (WOL) that night, was tasked with approving probable cause for the arrest reports with which he was presented. That review and approval is not an independent re-investigation of the arrest incident, but a review of the arrest report to ensure the propriety of the charges based upon the paperwork presented for review.¹⁰ In the case of [REDACTED] this meant reviewing the narrative of the arrest report and determining the propriety of the charge, in this instance the Municipal Code of Chicago (MCC) charge for disorderly conduct. Though Lt. Kane expressed no misgivings similar to Det. Chasen, he likewise made no indication that he knew or had reason to believe that any of the arrest paperwork, including [REDACTED] contained false information or an incorrect recitation of probable cause. While this investigation has revealed that in fact [REDACTED] arrest report was inaccurate, including an inaccurate recitation of probable cause, on that night in his capacity as the

¹⁰See Special Order S03-03-03, Watch Operations Lieutenant (IV)(G)(1)

WOL, Lt. Kane reviewed and attested to the arrest report, with a narrative that indicated the charge of disorderly conduct was appropriate, and indicated approval. The evidence does not support a sustained finding. As such, allegations 1 and 2 should be not sustained.

Allegation #3 – Failed to follow Special Order S06-06 Mass Arrest Procedures

As was discussed above, and has been discussed throughout this review, the evidence is sufficient to demonstrate that with regard to the arrest of [REDACTED] there was a failure to follow Special Order S06-06, Mass Arrest Procedures. This failure, however, was caused, at least in part, to the overwhelming chaos throughout the city, the unprecedented number of arrests, and the failures and breakdowns Department-wide.

The order requires the Watch Operations Lieutenant, the role Lt. Kane was fulfilling that night, to approve probable cause of the arrest report when presented by the processing officer the arrest report and corresponding mass arrest card. As has been established, with regard to the arrest of [REDACTED] this did not occur. There was no mass arrest card accompanying the arrest report. While there are a number of reasons far outside Lt. Kane's control for this breakdown, this investigation concerns the arrest of [REDACTED] [REDACTED] arrest was rife with errors, from the original sin of P.O. Hunt's misconduct, through the ad hoc and improvised mass arrest processing taking place in the 1st District, of which Lt. Kane was a party. While the evidence is sufficient by a preponderance to show the mass arrest order was not followed, given all the mitigating factors as discussed herein, a penalty far short of the 180 days – separation recommended by COPA is warranted. Thus, CPD recommends a penalty of a 30-day suspension.

Captain Alderden

COPA sustained one of three allegations against Captain Alderden; that he failed to follow the Mass Arrest order. As will be discussed more fully below, the evidence is not legally sufficient to sustain this allegation.

First, however, a brief word on the second allegation, which states that Captain Alderden falsely arrested [REDACTED]. The evidence presented by COPA amply demonstrates that Captain Alderden played absolutely no role in the arrest of [REDACTED] beyond having his misspelled name affixed to her arrest report by other Department members.

The various BWC videos of [REDACTED] arrest are completely devoid of Captain Alderden. In his statement, Captain Alderden states he believes at the time of [REDACTED] arrest he was on State Street in the 1st District. His recollection is accurate; in listening to the radio traffic captured by the various BWC's audio, in every video the dispatcher can clearly be heard stating "Car 100 (then Commander Alderden's radio call sign) is requesting a wagon at Jackson and State." The evidence is clear – Captain Alderden was nowhere near the arrest of [REDACTED] nor was he involved in her processing, nor the approval of probable cause, nor her detention until she was released on a recognizance bond. COPA "Not Sustained" the allegation, a determination that the evidence is insufficient to prove or disprove the allegation. There is an abundance of evidence to disprove the allegation – this allegation, like the first (and as will be discussed, the third) should be "Unfounded."

Allegation #3 – Failed to follow Special Order S06-06 Mass Arrest Procedures

As has been stated repeatedly in this review, the mass arrest procedure in late May and early June of 2020 broke down in a number of ways, for a myriad of reasons. However, regarding the allegation that Captain Alderden failed to follow S06-06, Mass Arrest Procedures during the arrest of [REDACTED] we needn't reach any analysis of those mitigating factors and the reason is simple; Captain Alderden took no part in the arrest of [REDACTED]. This allegation, as with the others leveled against him, should be unfounded.

The Notification of Charges/Allegations served upon Captain Alderden (Att. 33) reads as follows: "On May 30, 2020, at approximately 8 P.M., at or near 33 West Kinzie Street, Chicago, Illinois 60654, Police Commander Jacob Alderden, Star #62, committed misconduct through the following acts or omissions:" and then lists the three allegations, the third of which has been sustained, failure to follow the mass arrest procedure. It does not follow that COPA would unfound and not sustain allegations 1 and 2 because of the lack of evidence that Captain Alderden played any role in the arrest of [REDACTED] but then sustain (and recommend separation) for failure to follow the mass arrest procedure during the arrest of [REDACTED] an arrest COPA is fully aware and has admitted by its finding in allegations 1 and 2 that Captain Alderden did not make. It seems COPA's rationale or theory in sustaining this allegation is that *someone* of higher authority must be held to account, and they have landed on Captain Alderden. A desire to hold someone of higher authority to account, or a notion that it is just to do so is not evidence. The evidence in this investigation points to one conclusion in regards to Captain Alderden, and that is the allegations should be unfounded.

Again by way of review, the video evidence shows that Officer Hunt arrested [REDACTED] at the intersection of Kinzie and Dearborn in the 18th District. Captain Alderden is not seen in any of the video evidence included in this investigation. In his statement Captain Alderden offers when asked that he believes he was somewhere on State St. in the 1st District at the time of [REDACTED] arrest. This statement is correct and is confirmed by the evidence; in the various video clips, the dispatcher can be heard calling for a wagon for Car 100 (then Cmdr. Alderden's radio call sign) to Jackson and State, approximately 10 city blocks away from the arrest of [REDACTED] in the 1st District.

On May 30, 2020, Captain Alderden was initially assigned to a protest at Federal Plaza. He was not the designated Incident Commander for that protest, rather the Deputy Chief was designated. Captain Alderden remained in the field when the protest turned to civil unrest. However, he took no part in the mass arrest processing taking place in the 1st District – that task was delegated, as it is enumerated in the mass arrest order, to personnel and supervisors from the Bureau of Detectives. Captain Alderden stated he did not authorize or order those processing arrests to use his information as the arresting officer for the mass arrests. Det. Chasen in her statement cannot recall from whom she received the order to use Captain Alderden as the arresting officer, but does state that it was *not* Captain Alderden himself who gave the order. Lt. Kane similarly states that he did not speak with or receive any direction from Captain Alderden with regard to the arrest of [REDACTED].

In the Summary Report of Investigation (SRI)(Att. 53), COPA concludes the allegation against Captain Alderden, that he failed to follow mass arrest procedures, should be sustained not as it was alleged and as Captain Alderden was served – for the arrest of [REDACTED] – but for an overall failure to follow mass arrest procedures. To put it more plainly, COPA has sustained an allegation against Captain Alderden that was never served upon him and for which he has not had the opportunity to provide evidence against. Moreover, although COPA conclusively found Captain Alderden demonstrated, "a remarkable failure to lead," even though the allegation as served on Captain Alderden regards the arrest of [REDACTED] and there is an absolute dearth of

evidence to sustain that allegation, this broader finding regarding Captain Alderden's leadership merits addressing.

Nothing in the charges COPA served upon Captain Alderden reflect a charge of failure to lead nor does COPA point to any order or directive that requires certain action be taken to effect appropriate leadership. COPA cannot assert such because no such rule exists which one can allege Captain Alderden violated.

In an effort to fill this void of reasoning, COPA downplays and dismisses Captain Alderden's assertion that he continuously gave direction via police radio that mass arrest procedure must be followed and that arresting officers must convey to transporting officers the reason for arrest in the absence of mass arrest cards. COPA does not include radio transmissions in the evidence attachments in this case and it would appear did not listen to any of the radio traffic. In their review of the civil unrest, however, the OIG did listen to radio transmissions and made the following observation:

Many other senior command staff members apparently had considerably less clarity about who was in charge on May 30. A senior command staff member told OIG that they were not sure who was in charge. Other senior command staff members who had important roles in handling the protests concurred that they were unsure who was in charge of the response on Saturday. At least one senior command staff member thought the 1st District Commander was possibly in charge or, at the very least, that other senior CPD members were deferring to that Commander. Indeed, a review of police radio from the afternoon and early evening on Saturday indicates that the 1st District Commander was making tactical decisions and giving instructions for the protest response. When some units became available, they would ask the 1st District Commander where they should be deployed.¹¹

Captain Alderden was never served with an allegation of failure to lead, and even if Captain Alderden had been properly served, the evidence presented does not support that finding. Captain Alderden is one of the most decorated officers in the Department.

In the SRI, COPA also makes much of an email Captain Alderden sent to 1st District supervisors on June 2, 2020 upon learning that he had been misidentified as the arresting officer (Att. 32). In the email, Captain Alderden instructs supervisors to contact him in any instance in which they are reviewing an arrest report that lists him as the arresting officer to verify its accuracy. COPA finds this an inadequate measure with regards to the arrest of [REDACTED] even though [REDACTED] had been bonded out of custody more than 24 hours prior to Captain Alderden's discovery of the misapplication of his name to various arrest reports. [REDACTED] had already been charged and released when Captain Alderden became aware that he may have been erroneously listed as the arresting officer in several arrest reports.

While these post-facto measures and inquiries are far afield of the allegation of failure to follow the mass arrest procedure, COPA makes much of this in their finding and it warrants discussion. COPA includes in their investigation documentation that [REDACTED] case was dismissed on August 13, 2020, at her first court date (Att. 23). Not included in the evidence, however, is any information from a representative from the Corporation Counsel's office who would have responsibility to prosecute the city charge, or Court Branch 43 personnel, to determine how the decision was made that charges should be immediately dismissed. Further, specifically as it regard the arrest of [REDACTED] the charges were dropped fully one year before Captain

¹¹ City of Chicago, Office of Inspector General, *Report on Chicago's Response to George Floyd Protests and Unrest* (February 2021))

Alderden became aware that he was listed as the arresting officer on that particular arrest report. In his statement, Captain Alderden attests to the fact that he did not know he was listed as [REDACTED] arresting officer until September 30, 2021, the date he was served with the allegations that form the basis of this investigation (Att. 33).

Again, this is far afield from the allegation of a failure to follow the mass arrest procedure, but COPA makes much of the June 2nd email, and purports a failure to take any action on the part of Captain Alderden. The allegation is a violation of the mass arrest procedure, but S06-06 is silent as to post-arrest or court responsibilities.¹² The Department directive that does spell out court responsibilities, S08-02, delineates the process by which arresting officers who are required in court will be notified to appear and what their duties will entail, including to “be prepared to present the evidence and give accurate and impartial testimony.”¹³

Captain Alderden was not notified to appear in court regarding the arrest of [REDACTED] nor any other arrestee from May 30th. As has been stated, COPA presents no evidence from Corporation Counsel or Branch 43 regarding the decision to drop all charges, or what role any discussion or input from Captain Alderden may have played in those decisions. This is despite the fact that prosecutorial decisions are often made in concert with the arresting officer, and that all of the arrests erroneously attributed to Captain Alderden were dismissed on their first court date.

While making much of the June 2nd email, COPA makes no mention whatsoever in their SRI of the email Captain Alderden sent *before* the events that gave rise to this investigation. On the morning of May 30th Captain Alderden sent an email to his superiors with suggestions about how better to implement mass arrest procedures should the events of the previous night recur. The recipients included the Chief and Deputy Chief of Operations (Patrol) and Captain Alderden’s immediate supervisor the Deputy Chief of Area 3. On May 30th Captain Alderden reported immediately to the field and remained there throughout his tour of duty. He did not have the benefit of a roll call to address subordinates – he was thrust immediately into field duties. His email to superiors better situated to implement the suggested improvements and his continual communication via police radio of the requirements and expectations of implementing mass arrest procedures were not a “failure to lead,” as COPA alleges, but were the best efforts to lead and to ensure compliance with mass arrest procedures in a rapidly unfolding series of events for which the Department was ultimately unprepared.

Further, when determining appropriate discipline COPA is required to take into consideration an officer’s prior disciplinary and complimentary history. COPA makes no mention of such analysis before recommending separation for Captain Alderden. It is important to note that Captain Alderden is one of the Department’s most highly decorated officers.

In fact, Captain Alderden was awarded the department’s highest honor, the Carter H. Harrison Award, for being the first department member to enter Mercy Hospital and take action during the active shooter incident that took place in 2018. Later in the summer of 2020, when looting reoccurred in August in the downtown area, Captain Alderden was the first exempt member to respond to the scene. In fact, he responded initially not to his own district, but to the 18th District which was experiencing by far the most looting. He remained until a Deputy Chief responded to relieve him, and then proceeded to the 1st District to assume command. Captain Alderden, showing exemplary leadership, immediately took charge in these instances to ensure lessons learned, from the May civil unrest, were put into place.

¹² Special Order S06-06, Mass Arrest Procedures

¹³ Special Order S08-02, Court Appearance, Notification, and Attendance Responsibilities

Taken all of the above into consideration it is clear that COPA has not presented evidence sufficient to show that it has met its burden by a preponderance of evidence. Rather, the allegation against Captain Alderden should be unfounded.

CONCLUSION

In the wake of catastrophic, systemic failure, the instinct to cast about and locate a scapegoat on whom to apportion blame results in further failure. Following the Chicago Flood of 1992, a mid-level engineer named James McTigue was publicly castigated and fired from his job, despite the fact that he had made efforts to warn his superiors, warnings that went unheeded, about the conditions in the tunnels that ultimately gave way causing the flood. Several years later, and at the cost of untold taxpayer dollars in legal and settlement fees, Mr. McTigue was quietly restored to his position when the courts determined his firing unwarranted (*McTigue v. Pers. Bd. of City of Chicago*, 299 Ill. App. 3d 579, 701 N.E.2d 135 (1998)).

This investigation has yielded some evidence of gross misconduct that warrants severe consequences. The evidence is sufficient to demonstrate that Officer Hunt engaged in misconduct during the arrest of [REDACTED] and separation is warranted. Officer Hunt is being separated for his actions and his failings. Beyond that, the evidence in this investigation points directly to a conclusion of systemic failure which CPD has taken strides to improve since May 2020.

The allegations of technical violation of mass arrest procedures should be sustained and Detective Chasen and Lieutenant Kane should be suspended for a period of 30 days. The allegations against Captain Alderden that he violated the mass arrest order when he did not even arrest [REDACTED] should be unfounded.

Sincerely,



David O. Brown
Superintendent of Police
Chicago Police Department