



Lori Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

April 25, 2022

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

Re: Request for Further Investigation of Log No: 2020-0003282

Dear Chief Administrator:

The Department has conducted a review of the above referenced Log Number and believes the findings are inconsistent and contradictory. The investigation sustained the excessive force allegation of the accused member Sgt. Michael Tews driving his vehicle into the pedestrians without justification. Then the investigation sustained the allegation of the Sergeant failing to operate his vehicle with "due regard for the safety of all persons" and he failed to yield the right of way to all pedestrian traffic while operating his Department vehicle in non-pursuit emergency operations. This seems to indicate the accused member is guilty of the intentional act of using excessive force to compel compliance while simultaneously being guilty of the unintentional act of operating his vehicle in an unsafe manner.

The Department directive defines force as "any physical contact by a Department member, either directly or indirectly through the use of equipment, to compel a person's compliance." However, the investigation does not indicate what compliance was being sought. The investigation found solely that driving a vehicle into and through a crowd of individuals constitutes deadly force. This determination was based on the risk of serious injury to any parties that could have been struck by the vehicle.

The Department directive pertaining to Emergency Vehicle Operations is not intended to be part of the Use of Force category of directives. Once a member uses a vehicle as an instrument of compliance, whether excessive or not, then he is not using the vehicle for its intended use but rather as a control mechanism.

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

For these reasons, the Department requests that COPA further investigate this Log Number 2020-0003282 for a determination as to whether the accused is deemed guilty of excessive force or of improper use of an emergency vehicle.

Sincerely,



David O. Brown
Superintendent of Police
Chicago Police Department