



Rahm Emanuel
Mayor

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

Eddie T. Johnson
Superintendent of Police

23 March 2018

Patricia Banks
Interim Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Log# 1080972
Non- Concurrence with COPA penalty recommendation for:
Police Officer Anthony Rosen #11430

Dear Chief Administrator:

In reviewing the above mentioned CR:

The Department does concur with the sustained findings of Allegation #3 and Allegation #4 – in that on July 13, 2016 Officer Rosen delivered an unjustified knee strike to [REDACTED]'s head, pointed to civilians, and stated "bring it motherfucker, bring it. Do something". The Department however does not agree with the recommended penalty of a sixty (60) day suspension and believes a twenty (20) day suspension is more appropriate.

Pursuant to MCC 2-57-060(b), the Superintendent provides comments on the following when there is a disagreement to a penalty and finding.

Officers' Work History:

Officer Rosen #11430 has an exemplary complimentary history over his (9) year career with the Chicago Police Department including (103) Honorable Mentions, (7) Department Commendations and (1) Life Saving Award.

Officer Rosen has no sustained complaints in the last seven (7) years.



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Summary:

Officers Anthony Rosen #11430 and Terrence Pratscher #4190 attempted to conduct an investigatory narcotic stop on [REDACTED] and a foot chase ensued. Officer Pratscher caught [REDACTED] and they struggled on the ground as Officer Pratscher attempted to handcuff [REDACTED]. A crowd gathered and started encroaching toward Officer Pratscher as Officer Rosen arrived on scene and gave verbal commands for the crowd to back away. During the struggle [REDACTED] bit Officer Pratscher causing puncture wounds to his right hand. [REDACTED] grabbed Officer Pratscher by his neck. In response to the distress call of Officer Pratscher, Officer Rosen delivered a leg strike to the left side of [REDACTED] head, causing [REDACTED] to lose his grip on Officer Pratscher's neck. The civilian crowd became hostile to the officers after Officer Rosen's leg strike. Officer Pratscher continued his attempt to handcuff [REDACTED] who continued resisting. Officer Rosen then delivered a knee strike to [REDACTED] head. During this incident, Officer Rosen engaged in a verbal altercation with civilians that were on scene.

Superintendent's Professional Opinion

The Chicago Police Department will not tolerate the mistreatment of any citizen on or off duty. When evaluating any allegation against an officer, the Department considers all of the evidence and reviews the actions of the accused member with the totality of the circumstances. In this case, the Department believes that the Officer Rosen's use of force was excessive, but was an immediate response to the actions of [REDACTED] and the hostile crowd. The Department believes that a (20) day suspension and Use of Force / De-escalation training for the officer is more appropriate.

Evidentiary Review:

The investigation sustained allegations # 3 & 4, in that Officer Rosen delivered a knee strike to [REDACTED] head and pointed at civilians at the location of the incident and stated "bring it motherfucker, bring it. Do something." General Orders G03-02-01 and G03-02-02 allows a direct mechanical strike to an assailant's body as an appropriate use of force if an assailant is engaged in conduct that is like to cause death or serious injury. The investigator exonerated Officer Rosen from allegation #2 for Officer Rosen's kick to [REDACTED] head and/ or face. COPA provided the following reason for the exoneration:

"A preponderance of evidence demonstrated that [REDACTED] presented an imminent threat of death or great bodily harm to Officer Pratscher."

Officer Rosen's actions for this strike were objectively reasonably and within the Department's policy. After Officer Rosen kicked [REDACTED] the investigation concluded that [REDACTED] subsequent actions placed him in the category of an active resister. The testimony and evidence provided did not support this conclusion.

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Officer Pratscher continued to have a difficult time handcuffing [REDACTED] due to his continued resistance. This led Officer Rosen to assist. During the assistance, Officer Rosen stated that [REDACTED] bit him twice in the leg. Those actions would place Mr. O'Neal in the category of an assailant. While the Department concedes that Officer Rosen's knee to [REDACTED] head in this moment was excessive, the Department does not concur with COPA's conclusion that [REDACTED] was not still an assailant.

CFD Paramedic James Morsovillo #21282 arrived on scene after this incident. His statements support the conclusion that [REDACTED] continued to remain aggressive. Paramedic Morsovillo stated that [REDACTED] continued fighting with CFP personnel as CFD tried to administer medical aid. The information given by Paramedic Morsovillo supports Officer Rosen's statement of [REDACTED] was an assailant. The Department still supports the finding that Officer Rosen's use of force of in this moment was excessive, but his actions must be evaluated on the totality of circumstances he was facing, while still attempting to control [REDACTED]

It should be noted that [REDACTED] was never interviewed and did not cooperate with COPA's investigation. There is no evidence to dispute Officer Rosen's statement that [REDACTED] bit him. The Department believes that the same consideration used to exonerate Officer Rosen for Allegation # 2 should be used as mitigation for Allegation #3. The Department believes that Officer Rosen could have used better tactics and approached [REDACTED] from another angle, which would have reduced the possibility being bit. The Department believes that after considering the totality of circumstance and a sustained finding for Allegations #3 and #4, a twenty (20) day suspension along with additional Use of Force training is a more appropriate penalty.

[REDACTED]

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ETJ/lpc/mco