



**Lori E. Lightfoot**  
Mayor

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

**David O. Brown**  
Superintendent of Police

November 3, 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 Concurrence with Recommended Findings and Non-Concurrence with Recommended Penalties, Complaint Log No. 1092523  
Police Officer Cody Maloney, Star No. 13032  
Police Officer Tito Jimenez, Star No. 14955

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) concurs with all of the recommended findings but does not concur with the recommended penalties. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a penalty of a ten (10) day suspension for Officer Cody Maloney # 13032 after concluding that he:

1. Failed to activate his body worn camera during law enforcement activity;
2. Failed to submit a Tactical Response Report.

The COPA investigation also recommended a penalty of a ten (10) day suspension for Officer Tito Jimenez # 14955 after concluding that he:

1. Failed to activate his body worn camera during law enforcement activity.

According to the consent decree, discipline is to be consistently applied. "COPA and CPD will ensure that the recommended level of discipline for findings is consistently applied in a fair, thorough and timely fashion, based on the nature of the misconduct. COPA and CPD will also ensure that mitigating and aggravating factors are identified, consistently applied, and documented" (Paragraph 513, Consent Decree, State of Illinois v City of Chicago, (No. 17-CV-6260, N.D. Illinois, January 1, 2019). The Consent Decree further requires the Department to "use best efforts to ensure that the level of discipline recommended for sustained findings is applied consistently across CPD districts." (Id. At Paragraph #514).

**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](mailto:clearpath@cityofchicago.org) • **Website:** [www.chicagopolice.org](http://www.chicagopolice.org)

In Log Number 2019-0001626, COPA sustained identical allegations of failing to submit a Tactical Response Report and failing to activate the Body Worn Camera. The recommended penalty for that accused member was a Reprimand.

After a review of the complimentary and disciplinary histories of the accused members in both this complaint log and in the comparable complaint log, it is the recommendation of the Department that the appropriate penalty for this complaint log number is a one (1) day suspension for each accused member.

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