



**Lori E. Lightfoot**  
Mayor

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

**David O. Brown**  
Superintendent of Police

August 24, 2022

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

Re: Complaint Log Number 2020-0005147  
Superintendent's Non-Concurrence with some of COPA's proposed penalties and  
Superintendent's Non-Concurrence with certain COPA findings  
Lieutenant Elvis Ortega #457  
Sergeant Kevin Stephans #911  
Police Officer Paul Lane #15431

Dear Chief Administrator Kersten:

After careful review of the recommendations made by the Civilian Office of Police Accountability (COPA) in this matter, as detailed below, the Chicago Police Department (Department) concurs with certain findings and recommended penalties but does not concur with others.

The COPA investigation recommended a penalty of a suspension of not less than 366 days for Lieutenant Elvis Ortega after concluding that he committed misconduct by:

1. Failing to report to COPA the misconduct of Officer Paul Lane that occurred on or about November 7, 2020 at approximately 2:56am at or near 1103 N. Lorel Avenue, Chicago.

The COPA investigation also recommended a penalty of a suspension of not less than 30 days for Sergeant Kevin Stephans after concluding that he committed misconduct by:

1. Using excessive force during the arrest of [REDACTED], without justification; and
2. Performing the functions and responsibilities of the reviewing officer on the TRR completed by Officer Paul Lane.

The COPA investigation also recommended a penalty of a suspension of not less than 366 days for Officer Paul Lane after concluding that he committed misconduct by:

1. Striking [REDACTED] in the groin area while he was handcuffed, without justification;
2. Striking [REDACTED] with his firearm, without justification;

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3. Pointing his firearm at or in the direction of [REDACTED], without justification;
4. Directing profanities and unprofessional language at [REDACTED], without justification;
5. Acting inconsistently with his training under ETB #18-01, Foot Pursuits Training Bulletin, by failing to make the required notification to OEMC.

#### Lieutenant Elvis Ortega

COPA sustained one count against Lt. Ortega, the watch operations Lieutenant in the 15<sup>th</sup> District, for "Failing to report to COPA the misconduct of Officer Paul Lane that occurred on or about November 7, 2020, at approximately 2:56 am, at or near 1103 N. Lorel Avenue" finding that Lt. Ortega violated Department Rules 2, 3, 5, 6 and 11. On November 7, 2020, Lt. Ortega first became aware of this incident when he was told at the station that there was a use of force incident and that the TRR was coming through the system for his review. Lt. Ortega was not on scene the night of the incident and did not view any of the interaction between Officer Lane and [REDACTED]. Once advised that a use of force occurred, Lt. Ortega watched the relevant BWC. Upon review of the BWC, Lt. Ortega issued a SPAR against Officer Lane for profanity and muzzle awareness, as he viewed these as less serious transgressions that did not arise to the level of reportable misconduct. (See Summary Report of Investigation, LOG# 2020-0005147, Page 7). The Department concurs that it was incumbent upon Lt. Ortega to pull a complaint register number per G08-01-02. Additionally, this same order requires the supervisor who first learns of the alleged misconduct to notify COPA by telephone within one hour of receiving the information, then document all of the available information in a written initiation report. Lt. Ortega failed to take any of these steps. For this reason the Department concurs with the sustained finding against Lt. Ortega.

The Department does not, however, concur with the recommended penalty. COPA in this case recommends a suspension of a minimum of 366 days, which by contractual agreement would put this matter in front of the Police Board as opposed to a 365 days suspension which would be subject to arbitration. While the Department believes that Lt. Ortega should be suspended for his failure to notify COPA we believe that a suspension of 30 days is a more appropriate penalty. The Police Board recently considered a supervisor's failure to exercise his responsibility to fully investigate the actions of an officer and found that Lt. Daly had conducted an investigation and found him not guilty. While the Department does not agree with that finding it should certainly inform the appropriate penalty for Lt. Ortega's failure to notify COPA of possible misconduct. Here, Lt. Ortega reviewed the BWC and seeing that Officer Lane used inappropriate language and had a lack of muzzle awareness took action against Officer Lane and issued a SPAR. He should have notified COPA but he did try to take action. A 30 day suspension is an appropriate penalty which should serve a reminder to Lt. Ortega to notify COPA as required by the General Order.

#### Sergeant Kevin Stephans

The Department concurs with both the sustained findings against Sergeant Stephans. As such, and in accordance with the penalty recommendation, the Department has determined that a 30 day suspension is an appropriate penalty.

#### Officer Paul Lane

It is clear after reviewing Officer Lane's statement and the relevant BWC that he believed that Mr.

[REDACTED] was an assailant, and while he may have been during portions of his interaction with Officer Lane, he was not at the time the force was used by Officer Lane. For this reason, the Department concurs that these allegations against Officer Lane should be sustained. The Department does not concur with the finding that Officer Lane violated Training Bulletin #18-01 by failing to notify OEMC. Officer Lane was working with a partner, Sgt. Stephans. This is important because the Training Bulletin relied upon by COPA states, "When two officers are engaged in a foot pursuit, one should take the role of the 'primary' or 'lead officer, who should direct the foot pursuit and focus on any observed threats, the actions of the subject, and the subject's location. The 'secondary' or 'support' officer should be responsible for radio communications, including updating the direction of travel, and requesting assist unit. Here, Officer Lane was relying on his partner to make the radio communications as required under the Training Bulletin.

Given that the Department does not concur on all of the findings, it also does not concur on the penalty. The Department believes that a suspension of 365 days is an appropriate penalty for Officer Lane's actions.

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

Sincerely,

[REDACTED]

David O. Brown  
Superintendent of Police  
Chicago Police Department