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David O. Brown  
Superintendent of Police

January 10, 2022

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

RE: Log # 1088036

Dear Interim Chief Administrator:

The Department concurs with the findings COPA set forth in its Report and Recommendations and recommends the following discipline. The Department will seek separation for Officer Daniel Officer Kelly, Star No. 10624; a 365-day suspension for Police Officer Angela Olifer-Perez (PEREZ), Star No. 13640, and a reprimand for Officer Mike Gremo (GREMO), Star No. 10450. Regarding Sergeant Kristin Hanson, Star No. 1574, the Department does not concur with the report and recommendation and instead recommends a 90-day suspension. The Department sets forth more fully below the basis for its non-concurrence for Sgt. Hanson.

As a preliminary matter the Report and Recommendation by COPA was signed October 6, 2021 but was not received by the Department through CMS on October 12, 2021. The Department sought an extension on December 1, 2021 and the response was due on January 10, 2022 and is submitted on that day.

### **FACTUAL BACKGROUND**

Off-duty Officer Daniel Kelly (OFFICER KELLY) engaged in a bar fight at the above location. On-duty Sgt. Kristin Hanson (SGT. HANSON) and on-duty Officers PEREZ, EVERETT, GREMO, and APONTE responded to the scene. COPA alleges that: OFFICER KELLY committed misconduct by engaging in the altercation and then making false statements about it; SGT. HANSON committed misconduct by failing to conduct a proper investigation of the incident, by directing a civilian's arrest, and by submitting and approving inaccurate reports; PEREZ committed misconduct by submitting inaccurate reports and by failing to record her actions on her body-worn camera ("BWC"); and GREMO committed misconduct by failing to record his action on his BWC.

### **Summary Of The Investigation**

This investigation began after SGT. HANSON submitted an Initiation Report which stated that OFFICER KELLY was involved in an off-duty physical altercation at the above location. This report also states that a civilian [REDACTED] was taken into custody. (Att. 4)

The Arrest Report states that [REDACTED] was arrested for Battery. The victim was OFFICER KELLY. The

report states, in part, the following: OFFICER KELLY stated he was at the bar with a friend when an unknown subject pushed his way in between the friend and [REDACTED] OFFICER KELLY stated that he asked the subject to move over a bit to give the friend some room at which time the subject started yelling profanities and “chest pumped” OFFICER KELLY, causing him to lose his footing backwards. OFFICER KELLY then extended his arm outward in an attempt to hold the subject back at which time [REDACTED] “stormed” towards OFFICER KELLY, yelling profanities and threats, and grabbed him with both hands on the left side of OFFICER KELLY’s body. As a group started gathering around OFFICER KELLY, he responded with one closed hand strike to [REDACTED] SGT. HANSON arrived on scene and reviewed the video footage, which corresponded with OFFICER KELLY’s statement to the officers so [REDACTED] was placed into custody. The manager at Moretti’s will download and submit a copy of the video. The arresting officers were PEREZ, Star 13640 and EVERETT, Star 15394. Assisting officers were GREMO, APONTE, and SGT. HANSON. (Att. 5)

A CPD Case Report was also submitted for this incident. Its narrative was similar to the one in the Arrest Report. The Case Report was written by PEREZ, Star 13640 and approved by SGT. HANSON. (Att. 21)

OFFICER KELLY completed two Tactical Response Reports (“TRR”) related to this incident: One TRR was for the force OFFICER KELLY used on [REDACTED] and the other TRR was for the force OFFICER KELLY used on the unknown subject. For the [REDACTED] TRR, OFFICER KELLY indicated [REDACTED] was an imminent threat, that [REDACTED] engaged in a push/shove/pull, and that OFFICER KELLY’s response was a closed hand strike/punch. For the unknown subject TRR, OFFICER KELLY indicated the subject engaged in a push/shove/pull and that OFFICER KELLY’s response was “Other – See Narrative.” (Atts. 31 and 32)

The narrative of both TRRs are similar. In these reports, OFFICER KELLY stated the following: He was off-duty at the above location when a subject with a blue shirt (the unknown subject) “charged” his way to the bar area, next to where OFFICER KELLY and his friend were sitting. OFFICER KELLY observed this subject to be physically in contact with OFFICER KELLY’s friend. When OFFICER KELLY asked the subject to move off OFFICER KELLY’s friend, the subject became verbally belligerent. At this time, [REDACTED] also became verbally abusive towards OFFICER KELLY. The subject with the blue shirt then “inserted himself in [OFFICER KELLY’s] personal space” and “chest bumped” OFFICER KELLY. OFFICER KELLY responded by extending his hand to the subject’s neck area to create distance between himself and the subject (and to prevent a subsequent battery). At this point, the subject with the blue shirt, [REDACTED] and other friends, began to surround and come toward OFFICER KELLY and his friend. [REDACTED] “abruptly and aggressively” came from the side and behind the unknown subject in such a manner that OFFICER KELLY was in fear of receiving a punch. OFFICER KELLY “instinctively” struck [REDACTED] “in a defensive manner,” one time, with a closed fist to his face area. OFFICER KELLY told the group to “stay back.” The staff at Moretti’s then interceded. OFFICER KELLY eventually called the 16<sup>th</sup> District Desk to report the incident and request police assistance and medical attention. OFFICER KELLY then met with SGT. HANSON when she arrived on scene. (Atts. 31 and 32)

As the reviewing supervisor, SGT. HANSON provided the following comments for the unknown subject TRR: After she was called to the scene, she met with OFFICER KELLY who related that he was involved in a physical altercation with someone. SGT. HANSON reviewed video camera footage and reported that the incident viewed was the same description of the incident that was given to her by OFFICER KELLY. [REDACTED] was then taken into custody. The unknown subject had fled the scene prior to the arrival of the police. A log number was obtained from COPA. (Note that similar comments were provided for the [REDACTED] TRR.)

(Atts. 31 and 32)

An Incident Report from the on-duty manager of Moretti's states OFFICER KELLY was standing at the bar with his friend when a patron came up to the bar and bumped the girlfriend. OFFICER KELLY confronted the patron, who became extremely aggressive. This patron and two of his friends then surrounded OFFICER KELLY at which time OFFICER KELLY grabbed one patron by the throat and struck another one in the face. The police were called, and Sgt. SGT. HANSON responded. (Att. 15)

OEMC records show Beat 1601 stated over the radio: Send a paper car and a sergeant to Moretti's to investigate a battery that occurred – got a call at the desk – involving an off-duty – he'll meet you there in front of Moretti's. When the dispatcher started calling for a supervisor, Beat 1620R (SGT. HANSON) stated you can throw it over. Beat 1612R (PEREZ and EVERETT) stated they were going to go over there and a short time later, Beat 1633R (GREMO and APONTE) stated they were going to ride with 1620R. Almost a half hour later, 1620R stated that 12R has one on custody and they'll be doing a report and complaints and she'll go in with the officer to do a TRR. (Att. 61)

#### Video Evidence

There are three security videos from Moretti's that show the altercation. The first video, which COPA calls Video A, shows the following: (Note this video is in color.) A tall male subject, apparently OFFICER KELLY, was standing at the bar, on the left side of a lady, apparently OFFICER KELLY's friend. A male subject in a blue shirt approached the bar. He positioned himself in a small opening at the bar, on the right side of OFFICER KELLY's friend. OFFICER KELLY approached the subject in the blue shirt, and they apparently exchanged words. The subject in the blue shirt, who was initially facing OFFICER KELLY sideways, eventually turned to position himself face to face with OFFICER KELLY. At this point, the male subject had his back to the bar. Two other subjects, apparently friends of the male subject with the blue shirt, then approached OFFICER KELLY. OFFICER KELLY backed up – it's not clear if he was pushed or backed up on his own, and then there is an altercation between OFFICER KELLY and the group. The second video, which COPA identified at Video B, shows the following: (Note this video is black and white.) After the one subject entered the area by the bar, OFFICER KELLY approached this subject, and they apparently exchanged words. After the subject turned to face OFFICER KELLY, OFFICER KELLY put his right hand up in the subject's neck area. Two other civilians then became involved, and it appears that they, along with the original subject, pushed OFFICER KELLY back. One of these civilians, now known as [REDACTED] then got in between OFFICER KELLY and the original male subject. While the video is not clear, [REDACTED] may have made some contact with OFFICER KELLY – [REDACTED]'s left arm made a motion towards OFFICER KELLY. OFFICER KELLY responded by punching [REDACTED] OFFICER KELLY pushed the group of people away from him and other people ended up separating OFFICER KELLY from the group. A third video (Main Bar PTZ Camera) shows the male subject in the blue shirt, [REDACTED] and their friends at the bar prior to the altercation, then something happens that causes them to go off-screen. OFFICER KELLY is apparently off-screen at this point in the video.

SGT. HANSON's BWC shows that when she arrived on scene, she spoke to a male subject, who apparently was OFFICER KELLY as she approaches she tells OFFICER KELLY that she needs to review the video. OFFICER KELLY then goes on to state, in summary, the following: He and his friend were at the bar. There was a little space. A guy comes barging in. OFFICER KELLY says that his friend is sitting here and how about an excuse me. Words are exchanged. His buddy says something. Now the other guy is getting in OFFICER KELLY's face – he's right up on OFFICER KELLY. OFFICER KELLY pushes him back and when

OFFICER KELLY does this, it is right by his neck. Three to four guys then begin to surround OFFICER KELLY. The other guy comes towards OFFICER KELLY and OFFICER KELLY punches him. Then security comes in.

SGT. HANSON then goes into the basement of Moretti's to view the security video. She watched it on a small computer monitor. GREMO asks the manager if she can view it on a larger screen but he says that is not possible. She spent approximately one minute watching the video. (Note it appears that SGT. HANSON was only shown one of the videos that captured this incident. There are two videos that show the entire incident.) After watching the video, she asked if they could keep the video or if she could get a copy of the video. She was told that they do not have the capability to burn it in-house. She asked if they could get it in a couple of days and she was told that they could. (Note the video showed GREMO and SGT. HANSON, but no other officers were observed viewing the video.)

SGT. HANSON then exited the restaurant where OFFICER KELLY was standing. She stated to him that she saw the video and that his account was right on. She mentioned something about signing a complaint and doing a TRR. At that point, OFFICER KELLY stated the guy who came at OFFICER KELLY – the guy who OFFICER KELLY punched was right there and the other guy in blue was not there. After OFFICER KELLY pointed out an individual and confirmed that he wanted to sign charges, SGT. HANSON told some officers that the individual was going to be detained.

EVERETT'S BWC shows the following: Two members are seen coming out of the restaurant. You can then hear someone state they need to look at the video and that some people need to be detained. One officer asks a group of civilians what happened. One of the civilians stated that one guy threw the first punch and hit their friend (██████) - a fight then broke out. A short time later, the civilian states the guy who threw the punch is right there. Another voice then says, "Well you don't come towards me and get in my face and try to punch me." A female civilian states that guy started everything – he threw a punch at their friend. A voice can be heard saying, "Your friend came towards me – ready to punch me." The guy who got punched (██████) then apparently joins the conversation and stated that he was at the bar, there was an exchange of words, and the guy struck him. SGT. HANSON is not present for this conversation as it occurs at the same time she is reviewing the video in the basement of Moretti's. Later, there is a discussion, apparently between EVERETT and PEREZ, about the BWCs. PEREZ asked if she should leave her BWC on. EVERETT states hers wasn't even on and she asks how does she turn it on. The officers transport ████████ to the station. PEREZ's BWC was turned on after ████████ was handcuffed and placed in the back of her squad car.

#### Accused Officers' Statements

Accused officer GREMO stated, in part, the following to COPA: Besides himself and SGT. HANSON, he recalls PEREZ, APONTE, EVERETT and maybe another car at Moretti's during this incident. When he and his partner (APONTE) arrived at the side entrance of Moretti's, there was a group, the offender and his friends, yelling at a male, who turned out to be the victim, and a female. These groups were yelling at each other and GREMO and his partner were keeping them separated. GREMO noticed PEREZ, EVERETT, and SGT. HANSON there, and then SGT. HANSON told them they had video that she was going to watch. GREMO went with SGT. HANSON to watch the video. After watching the video, he came out with SGT. HANSON at which time ████████ was pointed out as the offender and placed in custody. (Att. 67)

Regarding BWC, GREMO did have one. He thought that he turned it on, but apparently he didn't. He

must have forgotten. They were just issued the cameras a month or two before this incident. When COPA stated the CPD Records Division indicated that they had no BWC footage from GREMO for this date, he responded, "Right." GREMO did not dispute there was no BWC footage from him. (Att. 67)

Accused officer PEREZ stated, in part, the following to COPA: On the above date, her partner was EVERETT, who was a PPO at the time. She acknowledged she was the author of the case report and the arrest report. She spoke to OFFICER KELLY at some point at the beginning – when she first walked into the bar. She did not know OFFICER KELLY prior to the above date. She learned, at some unknown point, that he was a Chicago Police Officer. (Att. 85) PEREZ did not look at the video but did speak with her sergeant about the video. Regarding obtaining statements from the three civilian witnesses, PEREZ explained she wrote down the names of the witnesses for further investigation if need be but at that point, she was not going to take all of their statements when they're drinking. (Att. 85)

Regarding her BWC, PEREZ stated she had a camera for only two to three weeks at that point. She thought she had put the camera on. She doesn't know if she hit it once or twice and it didn't go on. It was just an error. (Att. 85)

During PEREZ's statement, she and her attorney made two objections: First, she objected to the delay of the investigation because the incident occurred two years prior to her statement. PEREZ stated the delay is prejudicial to her ability to clearly recall all the details of this incident in such a way that she could defend herself. Second, her attorney objected to the BWC allegation. He stated that it is in violation of the existing labor decision involving the City and the FOP, which was entered in January 2018 and which stated that the City could not discipline officers for BWC infractions. (Att. 85) (Note OFFICER KELLY, GREMO, APONTE, and SGT. HANSON also objected to the delay in the investigation.)

COPA interviewed accused OFFICER KELLY. They asked him about the conversation he had with SGT. HANSON when she arrived on scene, which was captured on her BWC. OFFICER KELLY stated everything he told SGT. HANSON was true. COPA then started asking about the guy that squeezed into the bar, near OFFICER KELLY's friend - referred to as Individual 2 by COPA. COPA asked if OFFICER KELLY's statement to SGT. HANSON that Individual 2 was getting in OFFICER KELLY's face was true. OFFICER KELLY responded, "Yes. That's an accurate statement." COPA asked if his statement to SGT. HANSON that Individual 2 was right up on OFFICER KELLY was true, and OFFICER KELLY responded, "Yes." COPA asked if his statement to SGT. HANSON that OFFICER KELLY pushed him back, but when he did that, "it's like right by his neck" was a misleading statement. OFFICER KELLY responded, "No." COPA then asked OFFICER KELLY if he choked Individual 2. OFFICER KELLY responded, "I grabbed the neck area, yes." When asked if he squeezed, he stated that he could not recall. OFFICER KELLY explained that his process was to move the individual away from OFFICER KELLY. (OFFICER KELLY stated there was only one hand that made contact with the individual's neck.) COPA then asked that - according to the video, the individual's back was to the bar so where could OFFICER KELLY have moved him to. OFFICER KELLY stated that he didn't know what was behind the individual at the time – the individual was moving towards OFFICER KELLY, he got into OFFICER KELLY's personal space, and made contact with OFFICER KELLY so that's when OFFICER KELLY extended his arm. Upon further questioning, OFFICER KELLY stated the individual advanced towards OFFICER KELLY; OFFICER KELLY did not advance towards the subject. (Att. 101)

COPA next asked OFFICER KELLY about the TRRs that he completed. COPA asked OFFICER

KELLY if there was anything in the two TRRS that needs to be amended so that they are not false or misleading. OFFICER KELLY responded the only change would be that they were drinking. OFFICER KELLY explained that he had heard that they were drunk but he did not have any first-hand knowledge of that information. OFFICER KELLY stated everything else on the TRRs is true and accurate. (Att. 101)

During her interview with COPA, SGT. HANSON stated the following: Prior to her statement, she was given an opportunity to view a black and white video that showed the interior of Moretti's. She had previously seen this video – when she was at the scene of the above incident. (Because she stated she watched the black and white video, it appears she reviewed Video B during her statement and at the scene.) She believes she was dispatched to the call, but she also received a phone call from Sgt. Laura GRIFFIN who related there was an off-duty incident at Moretti's involving OFFICER KELLY. Other than her and GREMO, she is not aware of any other CPD members seeing the video (apparently referring to the Moretti's video that SGT. HANSON reviewed on the date of the incident). She does not know if PEREZ or APONTE ever saw the video. She stated the video was not inventoried that day because she had asked Moretti's staff to download it for her, but they stated they were unable to do that. She explained she didn't make any arrangements to have the video picked up because it was a misdemeanor battery and if the detectives were going to follow-up, SGT. HANSON believed they would get the video. SGT. HANSON does not believe that it was her job to inventory the video – she again pointed to the Detective Division. SGT. HANSON does not recall speaking to the officers who were involved in preparing the case report, PEREZ and APONTE, after she left the scene of the incident. (Att. 102)

Regarding her review of the Moretti's video, SGT. HANSON initially stated she did a satisfactory job of reviewing the video. However, a short time later, she stated that in hindsight, she should have asked the staff to slow it down so that she could have watched it better. COPA then reviewed segments of the video with SGT. HANSON: At one point, after OFFICER KELLY is shown coming over to speak to the subject at the bar, SGT. HANSON acknowledged that in that clip, there was nothing that would qualify as that subject getting in OFFICER KELLY's face. SGT. HANSON acknowledged that the video shows OFFICER KELLY came up to the subject. After COPA played some more of the video, SGT. HANSON acknowledged the video depicts OFFICER KELLY getting in the subject's personal space. Up to this point in the video, SGT. HANSON acknowledged there had not been any incident of the subject chest-bumping OFFICER KELLY. After COPA played some additional video, SGT. HANSON acknowledged the video shows OFFICER KELLY getting in the subject's personal space. After playing additional video, SGT. HANSON stated she saw, that morning, the subject chest-bumping – coming at OFFICER KELLY and OFFICER KELLY having to put his hands up. SGT. HANSON believes that the video shows OFFICER KELLY defending himself. SGT. HANSON further stated she believes the video shows OFFICER KELLY extending his hand to subject's neck area to create distance between himself and the subject – as written on the TRR. SGT. HANSON also stated she believes that the video shows the subject chest-bumping OFFICER KELLY. SGT. HANSON believes the video shows the subject, not OFFICER KELLY, being the aggressor and it shows OFFICER KELLY acting in self-defense. (Note that as COPA reviewed the video with SGT. HANSON, COPA referenced certain times on the video but the copy of the black and white video that was given to the Department does not contain the referenced times.) (Att. 102)

COPA asked SGT. HANSON several questions about the witnesses to this incident. COPA stated the case report lists three of the witnesses, but it doesn't include anything about what the witnesses said about the incident. SGT. HANSON responded she did not know why the report did not include those statements, and she acknowledged that she approved the report. SGT. HANSON stated she put in the TRRs the names and addresses of the witnesses, but she does not recall including in the report anything that the witnesses told her

about the incident. Regarding OFFICER KELLY's girlfriend, SGT. HANSON did not know why the friend's name was not included in the case report. SGT. HANSON acknowledge her name should have been included. SGT. HANSON acknowledged that the girlfriend was interviewed at the station and that her answers should have been included in one of the reports. (Att. 102)

Regarding her relationship with OFFICER KELLY, SGT. HANSON has known him for at least 20 years. They were both assigned to the 13<sup>th</sup> District from approximately 1999-2003. They were also both assigned to the 16<sup>th</sup> District for approximately five months prior to this incident – SGT. HANSON was on midnights and OFFICER KELLY was on afternoons. Approximately 12 years ago, SGT. HANSON went to OFFICER KELLY's ex-wife's bachelorette party and SGT. HANSON went to OFFICER KELLY's house. SGT. HANSON described their relationship as acquaintances. She stated she was never partners with OFFICER KELLY. SGT. HANSON stated the morning after the incident, apparently in response to the fact that SGT. HANSON opened a log number about the incident, OFFICER KELLY sent her a text which stated that he did not believe that a CR was warranted for this incident. She responded that COPA would investigate. (Att. 102)

COPA referenced Department directive G04-01, which addresses investigations where a member is personally or financially involved and told SGT. HANSON that one of the reasons for the allegation that she failed to conduct a proper investigation is that she was acquainted with or a friend of OFFICER KELLY. SGT. HANSON's response was that she knows OFFICER KELLY on an acquaintance level, not socially, and that she would not allow that to cloud her judgment. She pointed out that she was the one who actually obtained the CR number on OFFICER KELLY. She believes this was an unbiased investigation. (Att. 102)

### ANALYSIS

COPA's sustained five allegations against SGT. HANSON. The department does not concur with COPA's recommendation for two of the five allegations and does not concur in part with another of the findings. The Department does not concur with the first allegation that SGT. HANSON Arrested (or directed the arrest of) [REDACTED] without justification. One of the arresting officers, EVERETT, stated he put [REDACTED] in handcuffs because SGT. HANSON indicated that he was the person who was to be arrested. Thus, it is clear that SGT. HANSON directed the arrest of [REDACTED] the question is was the arrest justified. The arrest report shows that [REDACTED] was arrested for battery, and it states that [REDACTED] grabbed OFFICER KELLY with both hands on the left side of OFFICER KELLY's body. The Moretti's videos show that [REDACTED] did go after OFFICER KELLY and may have made physical contact with OFFICER KELLY. This quick review of the video combined with OFFICER KELLY'S statements on scene and the fact that OFFICER KELLY signed the complaint for arrest in this matter left SGT. HANSON with probable cause for the arrest. COPA's investigation of this matter took almost three years and afforded the investigators significant time to review multiple videos at length. SGT. HANSON did not have this same opportunity in Moretti's basement. She viewed only one video on a small screen. This fact should be taken into consideration when determining what probable cause she had at the time of the incident. It should also be noted that COPA did not interview [REDACTED] or any other civilian on the scene that night. The basis of COPA's account is from Moretti's security video.

COPA's second allegation is that SGT. HANSON failed to properly conduct (or to supervise or to lead in the conduct of) an investigation of an alleged criminal violation. To support this allegation, COPA pointed to the following: (1) SGT. HANSON viewed Moretti's security video for only a short time. COPA alleges that her short review may have resulted in her missing the moment when OFFICER KELLY put his hand by the

subject's neck or, worse, that it was deliberately short to ignore that depiction. (2) SGT. HANSON did not ensure that the Moretti's security videos were inventoried. (According to their Summary Report, COPA obtained the videos through the use of a subpoena.) (3) SGT. HANSON conducted an investigation of a matter involving an acquaintance, which COPA alleges violated General Order G04-01. General Order G04-01 stated that members conducting a preliminary investigation will not investigate or arrest an individual when the member investigating or arresting is personally or financially involved. In that case, the member is to notify their supervisor and request reassignment of the incident. (G04-01, section III-B, version effective 15 Oct 2017 through 31 Dec 2020). (4) SGT. HANSON did not ensure that all of the officers on the scene (PEREZ and GREMO) were recording with their BWCs, which COPA alleges violated Special Order S03-03-06. Special Order S03-03-06 states that District field sergeants will monitor subordinates to ensure the BWC system is used properly. (Section III-G)

COPA's finding that SGT. HANSON should have watched the videos longer is not supported by the evidence. As a preliminary matter COPA offers no support that SGT. HANSON was told there were multiple camera views and therefore multiple videos to review. Additionally, SGT. HANSON viewed the video which, in her view supported the account she had received when she arrived on scene, there was no reason to conduct further reviews. By this standard any officer arriving on scene for an incident would not be able to make an arrest unless he or she had a significant amount of time to sit and conduct multiple reviews of video to ensure there is no question of the facts. This is impractical.

COPA is correct that SGT. HANSON failed to ensure the Moretti's video was inventoried. As the ranking officer on scene she should have followed up to ensure this video was inventoried for use by both COPA and the criminal charges.

COPA spent a significant amount of time reviewing the relationship between SGT. HANSON and OFFICER KELLY and relies on this fact significantly in its recommendation. The facts support that SGT. HANSON knew OFFICER KELLY from having worked in the same District but never worked together. In fact, at one point although they were assigned to the same District they worked different watches. COPA defines this relationship as acquaintances and therefore it was a violation of G04-01, but by this same logic much of the Department would be considered acquaintances and therefore required to recuse themselves from an investigation. COPA fails to take into consideration that it was SGT. HANSON who opened the Log number on this case which began COPA's investigation and refuses to discuss it when OFFICER KELLY attempts to contact her the next day, instead stating that COPA will investigate. When taking that into consideration along with SGT. HANSON'S description of their relationship the facts do not support a finding of a violation of G04-01.

COPA also found that SGT. HANSON should have ensured that all officers on scene had activated their BWC. While the Department agrees that sergeants are responsible for ensuring that BWC has been activated it is important to consider that at the time of this incident in 2018 the 16<sup>th</sup> District had only just received their BWC a short time before, a period of weeks. At most, this failure amounts to a reprimand.

The Police Board has previously addressed the issue of failure to adequately supervise officers during the course of an investigation. In the *Matter of Charges Filed Against Sergeant Jesse Terrazas, Star No. 1539, Department of Police, City Of Chicago*, No. 14 PB 2859, (Cr No. 1039190), the Police Board of the City of Chicago ruled that forfeiture of a career was too harsh of a penalty for the failure to adequately supervise subordinates that did not include any intentional wrongdoing. In that case, the Board found the penalty of a

Reprimand as an appropriate penalty, because the case “involved sloppiness and a failure to properly (competently and efficiently) communicate with, and supervise, subordinates.” The Police Board concluded: “The conduct in this case was negligent. This case involved sloppiness and a failure to properly (competently and efficiently) communicate with, and supervise, subordinates. The Board does not find that this case involved any intentional wrongdoing that is sufficient to justify the forfeiture of the Respondent’s career as a Chicago Police sergeant or a suspension without pay. In addition, several Chicago Police Department members testified that Sergeant Terrazas is a fine officer whom they would welcome the opportunity to serve with again. Based on all the circumstances of the events of August 20, 2010, the Board finds that a reprimand is an appropriate penalty on the facts of this particular case.

The Department concurs that SGT. HANSON approved records which, in hindsight, do not fully account for OFFICER KELLY’S actions on the night of the incident. COPA did not charge SGT. HANSON with a Rule 14 allegation but rather found that SGT. HANSON made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on OFFICER KELLY’s TRR relating to the unknown subject and made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements on OFFICER KELLY’s TRR relating to ██████████ in violation of Rules 5, 6, 10 and 11.

Finally, the Department does not concur that SGT. HANSON made, adopted, and/or approved one or more false, misleading, inaccurate, and/or inconsistent statements in the Case Report. COPA alleges various Rule violations based on the following: (1) The case report omits statements made at the scene by the civilian witnesses. (2) The case report omits the name, contact information, and interview information for OFFICER KELLY’s friend. (3) The case report omits that OFFICER KELLY grabbed the subject by the neck.

Based on these factors, the evidence does not support a sustained finding for this allegation. SGT. HANSON approved the case report, but she did not write it. The case report does omit witness statements, but it is a report of the preliminary investigators. They provided a summary of the incident; while the preliminary investigators can certainly get witness statements, it is typically detectives and COPA investigators who do follow-up investigations and get statements from witnesses. Moreover, SGT. HANSON was not present for nor did she know that Officer PEREZ had multiple conversations with the civilian witnesses on scene as SGT. HANSON was reviewing the video in the basement of Moretti’s. It should also be noted the case report does include the names and addresses for the three witnesses – so that follow-up investigators could get their statements. It should also be noted COPA used that information to make contact with two of the three witnesses and these witnesses were unable to provide any additional evidence for this case. (Atts. 27, 37) Finally, during the course of her interview Officer PEREZ notes these witnesses appeared intoxicated, a fact that is supported by viewing Officer EVERETT’S BWC.

Regarding OFFICER KELLY’s friend, her name and address were not included on the case report, but SGT. HANSON did include that information on one of the TRRs. Regarding OFFICER KELLY’s contact with the subject’s neck, that information was also included in the TRRs. While it would have been a more comprehensive report if this information were included in it, COPA did not cite to any rule or directive that requires this information be included in a case report.

The evidence of SGT. HANSON’S conduct does support a finding of rule violations that should carry with them significant discipline, but separation is not supported. The Department instead recommends a suspension of 90 days for SGT. HANSON. The Department relies on the Police Board’s finding in *Matter of Charges Filed Against Sergeant Jesse Terrazas, Star No. 1539, Department of Police, City Of Chicago*, No. 14

PB 2859, (Cr No. 1039190) to support lesser discipline than separation, but given the gravity of the misconduct finds that a significant suspension is warranted.

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

Sincerely,



David O. Brown  
Superintendent of Police  
Chicago Police Department