



Lori E. Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

July 28, 2022

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

RE: Complaint Register Numbers: 2020-0002202, 2020-0002142, and 2020-0002206
Superintendent's partial concurrence with COPA's findings
Superintendent's concurrence with COPA's proposed penalties

Dear Chief Administrator:

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 (CPD or Department) concurs with most of COPA's findings, does not concur with one finding and does concur with COPA's recommended penalty.

COPA sustained three (3) allegations against Officer Levon London that stem from conduct that occurred during civil unrest, what may be referred to as the "George Floyd protests." Officer London was among a group of officers responding to a call of looting in progress in the Hyde Park neighborhood near 53rd St. and Lake Park Ave. While attempting to assist an injured Sergeant amidst a hostile crowd of demonstrators, Officer London and others encountered the victim/complainant in this incident, [REDACTED]. While initially attempting to get [REDACTED] to move back, and then in attempting to effect the arrest of [REDACTED] Officer London struck [REDACTED] several times with his baton and punched [REDACTED] in the face.

COPA also sustained allegations against six (6) other Department members for conduct during this same incident. In Log Number 2020-0002142, Officer Zachary Girard, Officer Victor Jurado, Officer Lemonica Rider and Officer Guillermo Gama Jr., all had a sustained allegation for striking a person with a baton without justification and a sustained allegation for failure to do a Tactical Response Report to document that use of force. In Log Number 2020-0002202, Officer Maximo Mora and Officer Lemonica Rider both had a sustained allegation for striking a person with a baton without justification and a sustained allegation for failure to do a Tactical Response Report to document that use of force. And in Log Number 2020-0002206, Officer Guillermo Gama Jr., and Officer Aaron McClelland both had a sustained allegation for striking a person with a baton without justification and a sustained allegation for failure to do a Tactical Response Report to document that use of force.

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

I. OFFICER LEVON LONDON

A. Allegations Against Officer Levon London

On May 31, 2020, at approximately 7:30 p.m., at or near 5300 S. Lake Park Ave., Chicago, Illinois, Officer Levon London committed misconduct through the following acts or omissions:

1. Struck [REDACTED] on the upper body with a baton without justification. SUSTAINED BY COPA
2. Struck [REDACTED] multiple times about the body with a baton without justification. SUSTAINED BY COPA
3. Punched [REDACTED] on the face without justification. SUSTAINED BY COPA

B. There is insufficient evidence to sustain allegation 1, rather the evidence supports that Officer London used his baton as a crowd control device consistent with the Department's Use of Force policy.

The Department concurs with allegations 2 and 3, but does not concur with allegation 1. A review of Officer London's BWC in this matter shows that Officer London placed his baton in both hands parallel to the ground and used the baton to push [REDACTED] backwards away from himself and the other officers. This was done in response to [REDACTED] moving towards officers pointing at them and getting very close to their faces. (Att. 89 at 1:29-1:32).

The COPA investigative file of this incident contains a good deal of both video and documentary evidence. However, as concerns the allegations against Officer London, the main evidence consists of the body-worn camera (BWC) footage of Officer London and the statement given by Officer London concerning the events that gave rise to the investigation.

The BWC footage shows Officer London walking down the street past stores that have broken windows with merchandise strewn on the ground indicating that the store had been looted. (Att. 89). Officer London then walks toward a skirmish taking place near the intersection of 53rd and Lake Park between officers and a group of individuals. Officer London moves toward a subject in a yellow shirt, now known to be [REDACTED] and pushes [REDACTED] back using a crowd control technique whereby, while holding his baton horizontally with both hands, Officer London pushes the baton forwards to induce the subject, in this instance [REDACTED] to move back. (Att. 89 at 1:29-1:32). This action forms the basis of the first allegation that COPA sustains, and as explained above, the evidence is insufficient to sustain this allegation as a use of excessive force.

In his statement, Officer London explains to COPA that his initial baton use against [REDACTED] is a crowd-control technique that he was taught in the academy. He further goes on to state that while Mr. London is fleeing on foot, Officer London was of the belief that [REDACTED] was still an assailant because he was kicking and flailing his arms in such a manner as to place Officer London in fear of being struck again. The video seems to show that [REDACTED] is purely an active resister, fleeing in an attempt to evade arrest. While there is no reason to believe that Officer London is being dishonest in his stated belief that [REDACTED] was an assailant who was trying to strike him, and given the chaos around him it is not an unreasonable belief, the video evidence weighs in favor of the conclusion that [REDACTED] was an active resister.

General Order G03-02-07, Baton Use Incidents, sets forth when and how a baton may be used. According to this policy a baton use is authorized against passive and active resisters, “only as a control instrument placed mainly on the sensors of the skin covering bone or applied to joints and pressure sensitive areas of the body with non-impact pressure.” In this incident, [REDACTED] was an active resister as he approached the officers despite orders to disperse. Officer London’s use of turning his baton parallel to the ground and applying it to [REDACTED] to push him back was an appropriate use of the baton.

C. The Department Concurs with Allegations 2 and 3 and with the Recommended Penalty for Officer London.

The Department concurs that allegations 2 and 3 were a violation of Department policy, specifically General Order G03-02-07, Baton Use Incidents. The Department believes that a 180 day suspension is an appropriate penalty for Officer London.

II. Officers Rider, Gama, Girard, Jurado, Mora and McClelland

For Log Number 2020-0002142, the Department concurs with the sustained allegations that Officer Zachary Girard, Officer Victor Jurado, Officer Lemonica Rider and Officer Guillermo Gama Jr., all struck a person with a baton without justification and then failed to do a Tactical Response Report to document that use of force. In Log Number 2020-0002202, the Department concurs with the sustained allegations that Officer Maximo Mora and Officer Lemonica Rider both struck a person with a baton without justification and then failed to do a Tactical Response Report to document that use of force. And in Log Number 2020-0002206, the Department concurs with the sustained allegations that Officer Guillermo Gama Jr., and Officer Aaron McClelland both struck a person with a baton without justification and then failed to do a Tactical Response Report to document that use of force.

Regarding the penalties, the Department concurs with COPA on the recommendations. These recommendations were as follows:

- Officer Zachary Girard – 90 day suspension;
- Officer Victor Jurado – 90 day suspension;
- Officer Lemonica Rider – 120 day suspension;
- Officer Guillermo Gama Jr – 120 day suspension;
- Officer Maximo Mora – 60 day suspension;
- Officer Aaron McClelland – 30 day suspension.

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

Sincerely,

[REDACTED]

David O. Brown
Superintendent of Police
Chicago Police Department