



August 19, 2022

Mr. Max A. Caproni  
Executive Director, Chicago Police Board  
30 North LaSalle Street, Suite 1220  
Chicago, Illinois 60602

Via Email

RE: Request for Review Log Nos. 2020-2202, 2020-2142 and 2020-2206, PO Levon London

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (Department) in Log Nos. 2020-2202, 2020-2142 and 2020-2206.<sup>1</sup>

As set forth in detail in COPA's Summary Report of Investigation for Log Nos. 2020-2202, 2020-2142 and 2020-2206 (SRI), dated April 29, 2022, there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation of 180 days' suspension up to and including separation against Officer Levon London based on findings that he violated Department policy by striking [REDACTED] on the upper body with a baton without justification.

## **I. BACKGROUND**

### **A. Relevant Factual Background<sup>2</sup>**

On May 31, 2020, an altercation occurred at or near 5300 S. Lake Park Avenue in Chicago between police officers and a group of citizens, which resulted in the officers pushing the citizens with their batons. Mr. [REDACTED] and other citizens intervened, and [REDACTED] ended up on the sidewalk. The video evidence shows that, as [REDACTED] stood up, Officer London pushed his way through the crowd toward the commotion, bypassing other officers. Officer London then took several steps toward [REDACTED] extended his baton horizontally in both hands, and forcefully pushed the baton into [REDACTED] upper body. In response, [REDACTED] punched Officer London in the face and fled.

### **B. Disputed Findings and Recommendations**

As the Superintendent states in the enclosed letter, he does not concur with COPA's sustained finding as to Allegation #1 for Officer London in Log No. 2020-2202. The Superintendent agrees with all other findings and recommended penalties.

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<sup>1</sup> As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, the Department's non-concurrence letter, and the certificate of meeting.

<sup>2</sup> A more detailed factual summary can be found in the SRI.

## C. Applicable Department Policy

### 1. Baton Use Incidents

The Department Policy in effect at the time of this incident authorized the use of a baton against passive resisters, active resisters and assailants.<sup>3</sup> The Policy permitted baton use “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.*”<sup>4</sup>

## II. ANALYSIS

### A. Officer London Used the Baton as an Impact Weapon Exceeding the Permissible Force Options Without Justification.

The Superintendent contends that Officer London’s “use of turning his baton parallel to the ground and applying it to Malcolm London to push him back was an appropriate use of the baton.”<sup>5</sup> In describing Officer London’s conduct in this manner, the Superintendent appears to concede that Officer London used at least some force against ██████████. The Superintendent, however, argues that even the forceful manner which Officer London pushed the baton at ██████████ and the placement of the baton resulting in Officer London forcefully striking ██████████ in the upper body, was reasonable. It is evident from the video footage of the incident that Officer London was not simply holding the line to prevent ██████████ from advancing. Instead, Officer London can be seen coming quickly towards ██████████ while holding the baton horizontally in front of him and then forcefully pushing the baton with both hands into ██████████.

The preponderance of the evidence supports the conclusion that Officer London used the baton as an impact weapon. The Merriam-Webster dictionary defines “impact” as “forceful contact.”<sup>6</sup> Department Policy does not permit impact use of a baton against passive or active resisters and limits its use as an impact weapon to assailants. There is no evidence, and the Superintendent does not argue, that ██████████ was an assailant. As such, Officer London was not permitted to use the baton in this manner. Officer London therefore exceeded the permissive force options and violated Department Policy.

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<sup>3</sup> G03-02-07 (Eff. Feb. 29, 2020).

<sup>4</sup> G03-02-07.II.C.2 (emphasis added).

<sup>5</sup> Superintendent’s Partial Concurrence with COPA’s Findings at p. 3 (July 28, 2022).

<sup>6</sup> Definition of “Impact,” MERRIAM-WEBSTER.COM, <https://www.merriam-webster.com/dictionary/impact> (last accessed Aug. 15, 2022).

### III. CONCLUSION

For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA's finding and penalty recommendation in this case are unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's recommended finding and penalty of 180 days' suspension up to and including separation for Officer London.

Respectfully,



Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability