



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

March 5, 2021

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

RE: Superintendent's Non-Concurrence with COPA's Proposed Penalty
Complaint Register Number: 2019-0004971
Police Officer Joseph Cappello IV, Star #10626

Dear Chief Administrator:

After a review of the above-referenced Complaint Register (CR) file, the Chicago Police Department (CPD) concurs with the sustained findings; however, CPD does not concur with COPA's penalty recommendation for a thirty-day (30-day) suspension and believes a forty-five-day (45-day) suspension is more appropriate. According to the Municipal Code of Chicago, MCC 2-78-130, the Superintendent provides comments on the following when there is a disagreement as to the penalty.

On December 6, 2019, after officers monitored POD cameras and observed ██████████ engaged in narcotics transactions, ██████████ was placed into custody for Soliciting Unlawful Business and transported to the 011th District for processing. Officer Cappello explained that, after ██████████ was transported by the squadrol to the station, he met the transporting officers in the parking lot and walked her into the processing room. Officer Cappello began gathering her belongings to place in the inventory bag, searched ██████████ jacket, and, because other arrestees have carried undetected weapons into the station, used his right hand to search the area around the waistline to determine whether she had any weapons or contraband on her for the safety of other persons and officers in the processing room. Officer Cappello felt a small hard object, which he immediately believed to be narcotics. ██████████ then began yelling at Officer Cappello and accused Officer Cappello of touching her pubic hair. Officer Cappello denied this allegation. Female Police Officers Bernadette and Santana arrived, conducted a custodial search of ██████████ and discovered two bags of heroin inside the waistband of her pants.

Because ██████████ was 17 years old, she was, therefore, a female juvenile, and Officer Cappello should have sought a female police officer to perform a custodial search of ██████████ Unless an exigent circumstance exists that jeopardizes the safety of another person and the officers, a search or even a pat-down of an arrestee while in a station should be conducted by an officer of the same sex as the arrestee or in compliance with the directive regarding the searching of transgender, intersex, and gender nonconforming (TIGN) individuals. When ██████████ was handcuffed in a processing room in the 011th District, the proper course of action would have been for Officer Cappello to request a female officer to perform a custodial search of ██████████

