



December 12, 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 #1091556

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 #1091556.¹

As set forth in detail in COPA's Final Summary Report dated July 6, 2022 (FSR), there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation of a 366-day suspension for Field Training Officer (FTO) Mark Johnson based on COPA's finding that Officer Johnson committed misconduct by using unreasonable force and directing profanities at an eight-year old child.

The Superintendent bears the affirmative burden of proof in overcoming COPA's disciplinary recommendation. COPA respectfully requests that the Board reject the Superintendent's non-concurrence in this matter for the reasons set forth below.

I. BACKGROUND

A. Relevant Factual Background²

On October 29, 2018, FTO Johnson used unreasonable force on an eight-year old child by, among other things, pressing his hands against the child's head and pushing the child. He also directed profanity at the child. FTO Johnson did not acknowledge his misconduct and instead attempted to place blame on the child for the interaction.

B. Disputed Findings and Recommendations

As the Superintendent states in the enclosed letter, he does not concur with COPA's recommendation that FTO Johnson be suspended for 366 days for his misconduct. The Superintendent states that a 365-day suspension would be more appropriate for FTO Johnson's misconduct.

¹ 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.

² A more detailed factual summary can be found in COPA's FSR.

II. ARGUMENT

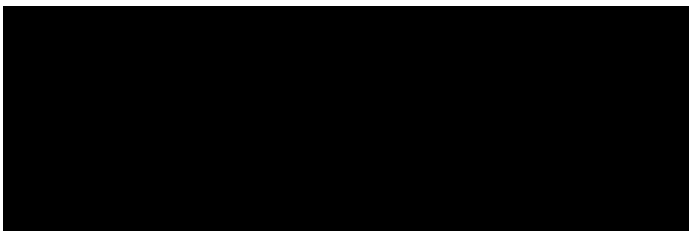
A. The Superintendent has not met his burden to reduce COPA's disciplinary recommendation.

The Superintendent agrees FTO Johnson's actions in this case were egregious enough to warrant a significant suspension. But the Superintendent disagrees with COPA's recommended discipline merely by one day, arguing COPA seeks to circumvent FTO Johnson's rights under the applicable collective bargaining agreement. Without elaboration or evidence, the Superintendent suggests that a hearing before the Police Board will "radically alter[] the trajectory this disciplinary matter would take." COPA disagrees. The Police Board decides cases involving allegations of serious misconduct such as those involving FTO Johnson. The Police Board is an impartial decision-maker that makes decisions based on the evidence presented at a full evidentiary hearing. Accused officers' due process rights are protected throughout the entire process with the right to counsel and ability to cross-examine witnesses. Furthermore, the Police Board's role in disciplinary cases promotes accountability and increase the public's trust in the disciplinary system. Hearings before the Police Board are open to the public and its findings published on its website. In addition, the Police Board's procedures are governed by the Consent Decree and its work subject to public comment. COPA believes a transparent disciplinary process is of fundamental importance to building police-community relations in Chicago. The Superintendent's unsupported suggestions of unfairness does not satisfy his burden of overcoming COPA's recommendation and, more importantly, minimizes the vital importance of transparency in creating an effective accountability system.

III. CONCLUSION

For these reasons, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's recommendation of a 366-day suspension for FTO Johnson.

Respectfully,



Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability