



Lori E. Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

May 4, 2020

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
Complainant Register Number: #1091546
Chicago Police Department: Police Officer Zachary Scott, a 10-Day suspension
Sergeant Susan Kenny, a 5-Day suspension

Dear Chief Administrator,

The Department agrees with the sustained findings as submitted. However, the Department respectfully does not concur with the penalty recommendation of a 10-day suspension for Officer Scott and a 5-day suspension for Sergeant Kenny. 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.

First, as COPA pointed out in the Summary Digest Report, both members have exemplary complimentary histories. Together, Officer Scott and Sergeant Kenny have received over 100 awards: Officer Scott has received 50 awards and Sergeant Kenny has received over 60 awards. COPA has reported that neither of the Department members has previously been disciplined.

Second, neither Officer Scott nor Sergeant Kenny intended to ill-treat Mr. [REDACTED]. Officer Scott and his partner stopped Mr. [REDACTED] on a traffic stop after Mr. [REDACTED] failed to stop at a red light. Because a name check of Mr. [REDACTED] revealed an active criminal warrant, Officer Scott and his partner handcuffed and transported him to the 005th District for processing. After checking on the active criminal warrant, it was determined that someone had used Mr. [REDACTED] identity; the active criminal warrant was not for Mr. [REDACTED] but for the person who had used his identity. Officers released Mr. [REDACTED] after issuing him with traffic citations. As he was being released, he asked for his wallet. Officers checked the processing room and their vehicle but did not find it. Then, Officers proceeded back to the scene of the traffic stop and helped Mr. [REDACTED] look for his wallet. Officers did not find the wallet and suggested that Mr. [REDACTED] return to the 005th District to file a Lost and Found Case Report.

Mr. [REDACTED] told COPA that, as he was ordered out of his vehicle, he complied with the officers' order to remove everything from his pockets and that, when he did so, he placed his wallet on the roof of his vehicle. Mr. [REDACTED] said he forgot about his wallet. Officer Scott's partner drove Mr. [REDACTED] vehicle to the police

station. The *Summary Digest Report* did not provide any proof that the officers saw the wallet on the roof of the vehicle. Regarding Officer Scott's penalty, there are two mitigating factors to be considered: first, the fact that Officer Scott did not drive Mr. [REDACTED] vehicle and, second, that he returned to the scene to assist Mr. [REDACTED] in looking for the wallet. After reviewing Officer's Scott complimentary history and no discipline history, the Superintendent respectfully requests that Officer Scott be given a reprimand.

Regarding Sergeant Kenny, a 5-day suspension also seems excessive. The 005th District provided Mr. [REDACTED] with a Lost and Found Case Report. It appears that Mr. [REDACTED] was upset that the report referred to him as "Loser"; however, as COPA's investigation revealed, the term "Loser" is auto-populated in the Lost and Found Case Report to describe the owner of the lost property. Sergeant Kenny said that, when she spoke briefly with Mr. [REDACTED] before he left the station, he did not indicate any misconduct had occurred. COPA sustained an allegation that Sergeant Kenny failed to initiate a complaint register log number against the officers; however, she stated that, when she reviewed the case report to approve it, she believed the incident was an accident, not misconduct on behalf of the officers. After reviewing Sergeant Kenny's complimentary history and no discipline history, the Superintendent respectfully requests that Sergeant Kenny also be given a reprimand.

The facts determined by COPA's investigation suggest that, while both Officer Scott and Sergeant Kenny were in some way culpable for Mr. [REDACTED] lost wallet, their actions were completely accidental.

[REDACTED]

David O. Brown
Superintendent of Police
Chicago Police Department