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Eric M. Carter
Interim Superintendent of Police

May 2, 2023

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

RE: Complaint Register Number: #2021-0001280
Superintendent's Non-Concurrence with COPA's penalty for
Police Officer Otis Wells #5385

Dear Chief Administrator:

After a careful review of the above-referenced Log including all attachments, the Chicago Police Department (CPD) does not concur with COPA's proposed penalty of 180 days to separation of Officer Otis Wells ("Officer Wells"). The Department does concur with COPA's recommended findings for Officer Wells and further concurs with the proposed findings and penalty recommendation for Sgt. David McGrew. Please note that Officer Gabriel Garcia has since resigned from the Chicago Police Department and as such no further action is required as to COPA's findings and recommendations for Officer Garcia.

I. Summary of the facts

Officer Wells and his partner Officer Garcia responded to a battery in progress at the Admiral Motel. Upon arrival, they observed [REDACTED] (" [REDACTED] in the motel parking lot, naked and engaged in a physical altercation, grabbing the victim [REDACTED] by her hair. [REDACTED] attempted to flee by running away. Officer Wells briefly pursued on foot before stopping [REDACTED] by means of deploying his taser. Officer Garcia then handcuffed Mr. [REDACTED]. While handcuffed and sitting on the ground, [REDACTED] verbally assaulted Officer Wells by means of profanity, insults, and threats of violence. Officer Wells responded to Mr. [REDACTED] verbal provocations in kind. During the course of this interaction, Mr. [REDACTED] spat at or spat on Officer Wells. Officer Wells responded by swinging his right hand, while holding the taser, at Mr. [REDACTED] or striking [REDACTED] with the taser.

A witness across the street from this incident, [REDACTED] observed the arrest of Mr. [REDACTED] and began to shout profanities at the arresting officers, Wells and Garcia. Officer Wells responded to these verbal provocations with profanities of his own as well as threats directed at Mr. [REDACTED]. Fellow accused Sgt. McGrew responded to the scene and spoke to Mr. [REDACTED] and passed his information on to a fellow Sergeant to initiate this complaint.

The evidence consists of the statements of the various accused officers, the complainant Mr. [REDACTED] the BWC video of the accused and other responding officers, an Instagram video taken by a witness, various security cameras from the Admiral Motel, and the reports submitted in association with this incident (TRRs, Arrest

Report of Mr. [REDACTED] etc). Absent from the evidence is any statement taken from the arrestee [REDACTED]

During the course of his statement, Officer Wells admits to the majority of the allegations brought against him. Wells denies that he threatened Mr. [REDACTED] with harm (Allegation #5) and equivocates regarding whether he struck Mr. [REDACTED] with his taser, stating that he might have or might have only swung it in the direction of his head (Allegation #4). The Instagram video (Attachment #24), while not 100% conclusive, tends to show that Officer Wells did in fact strike Mr. [REDACTED] with his taser. Additionally, Officer Wells can be heard stating after the fact on responding officers' BWC recordings that he struck Mr. [REDACTED] with his taser.

The various video recordings in COPA's evidence (BWC, Instagram video, motel surveillance) all further bolster the proposition that it is more likely than not Officer Wells did in fact engage in the misconduct of which he is accused.

II. Analysis

While the Department concurs with COPA's findings, there are some concerns about the evidence that will likely lead to a reduction in penalty. Allegation #5, that Officer Wells threatened Mr. [REDACTED] with physical harm is likely the most problematic of the allegations in terms of proof. The allegation does not specify when or how Officer Wells threatened physical harm to Mr. [REDACTED] as the other allegations are specific as to what profanities were used and when they occur within the BWC recordings.

During their questioning of Officer Wells COPA seems to infer, but again do not specify in their allegation nor through their questioning, that Officer Wells' statement that he will bail out Mr. [REDACTED] is an implied threat of physical harm. While it is not patently unreasonable to interpret the statement as such, COPA do not allege that this is the threat of harm and do not establish through their questioning that Officer Wells indeed intended the statement as such.

One final note on the allegations. Allegations #12 and #13, that Officer Wells was "rude and unprofessional" in his "overall behavior" toward both Mr. [REDACTED] and Mr. [REDACTED] while generally accurate and points that even Officer Wells concedes, is duplicative of additional charges lodged by COPA. There are several allegations pointing to specific behaviors violative of CPD policy, rules and regulations in which Officer Wells has engaged. These allegations, #12 and 13, lack specificity, and seem needlessly duplicative of the already sustained, specific, and legally sufficient allegations.

III. Conclusion

While the Department does concur with COPA's recommendations as to Officer Wells it does not concur with the recommended penalty. Instead the Department believes that a suspension of 90 days is more appropriate.

The Department looks forward to discussing this matter with you pursuant to MCC 2-178-130(a)(iii).

Sincerely,



Eric M. Carter
Interim Superintendent of Police
Chicago Police Department