



Lori E. Lightfoot
Mayor

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

Eric M. Carter
Interim Superintendent

April 4, 2023

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Superintendent's Concurrence with Recommended Findings and
Non-Concurrence with Recommended Penalty
Complaint Log No. 2021-0001393
Sergeant Andrew Gasca, Star No. 829

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does concur with all of the recommended findings but does not concur with the recommended penalty. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a penalty of a 20 day suspension for Sergeant Andrew Gasca after concluding that he:

1. Placed his hand on [REDACTED] neck without justification;
2. Struck [REDACTED] with an open hand without justification;
3. Pushed [REDACTED] without justification.

It is the recommendation of the Superintendent that the appropriate penalty for these sustained findings is a ten (10) day suspension. This recommendation is based on the following reasons:

1. Sgt. Gasca has no disciplinary history and an extensive complimentary history of 144 awards;
2. Sgt. Gasca admitted his conduct and provided a reasonable and logical explanation that would negate any inference of domestic violence and/or child abuse;
3. Sgt. Gasca stated, and it was not disputed, that this was the first time and the last time that he has had physical contact with any of [REDACTED];
4. Sgt. Gasca did not obstruct in anyway the interview of [REDACTED] by COPA;
5. The [REDACTED] statements were inconsistent and contradictory;
6. The [REDACTED] did not sustain any injuries;

7. Sgt. Gasca described [REDACTED] demeanor following the incident as shocked, scared and very stunned. The COPA investigator stated that the [REDACTED] emotional behavior at school suggests that the incident was something out of the ordinary and caused her distress. Both descriptions of the [REDACTED] would not be unreasonable given that this was the first time something of this nature occurred.
8. The [REDACTED] did tell the school that she was not afraid to go home as she felt safe in doing so. And then the [REDACTED] told the DCFS investigator that she was not afraid of her father.
9. The COPA investigator stated that the amount and manner of physical discipline fell outside the bounds of permissible corporal punishment. Yet both proponents and opponents of corporal punishment acknowledge that the line is blurry between effective and acceptable discipline and child abuse.
10. Illinois law defines an abused child as one who has been subjected to excessive corporal punishment. The Illinois DCFS conducted a full investigation and unfounded the allegations which meant that they had no credible evidence that the child was abused. There is no evidence to show that the force used was excessive.

Based on the above ten (10) reasons, it is the recommendation of the Department that the appropriate penalty be a ten (10) day suspension. The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(1)(iii).

Sincerely,

[REDACTED]

Eric M. Carter
Interim Superintendent of Police
Chicago Police Department