



August 21, 2023

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 #1090065: Officer Brandon Kirby #13335

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 (CPD) in Log # 1090065.<sup>1</sup>

As set forth in COPA's Final Summary Report dated August 22, 2022 (FSR), there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation of a 30-day suspension against Officer Brandon Kirby ("Officer Kirby").

## **I. BACKGROUND**

### **A. Relevant Factual Background<sup>2</sup>**

On June 29, 2018, Officer Kirby witnessed the use of excessive force by Officer Matthew Parisi against [REDACTED] during [REDACTED] detention and arrest for selling loose cigarettes.<sup>3</sup> During the incident, while his hands were cuffed behind his back, [REDACTED] directed threats to Officer Fennell. Officer Parisi then approached [REDACTED] and directed profanities and abuse at [REDACTED].<sup>4</sup> [REDACTED] then turned his body towards Officer Parisi and took one step towards the officer. Before [REDACTED] could do or say anything, Officer Parisi punched him in the chest, causing [REDACTED] to fall backwards with his hands cuffed behind his back.

---

<sup>1</sup> As required by the Police Board Rules of Procedure, enclosed are copies of COPA's FSR, CPD's non-concurrence letter, and the certificate of meeting.

<sup>2</sup> A more detailed factual summary can be found in the FSR.

<sup>3</sup> Officer Parisi's use of excessive force is not at issue in this non-concurrence. The Superintendent concurred with the findings and penalties for Officer Parisi, Sgt. Carreno, and Officer Fennell. See Superintendent's Non-concurrence with COPA's findings, p. 1 (Nov. 16, 2022).

<sup>4</sup>

## II. ARGUMENT

### A. The Superintendent cannot meet his affirmative burden of overcoming COPA's recommendation where he points to no evidence contradicting COPA's finding that Officer Kirby's report was incomplete and inaccurate.

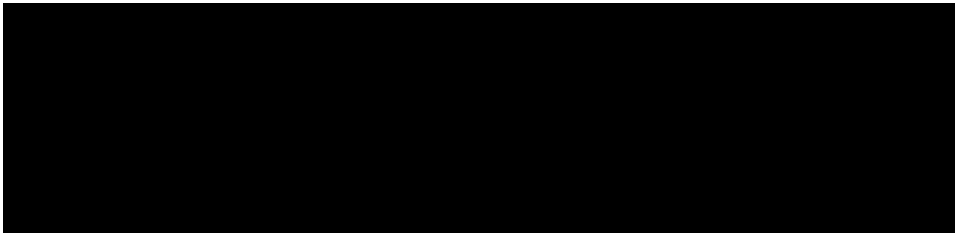
The Superintendent disputes COPA's sustained finding on Allegation #3 against Officer Kirby for failing to accurately describe the facts and circumstances concerning Officer Parisi's use of force in [REDACTED] arrest report. Specifically, the Superintendent challenges COPA's conclusion that Officer Kirby failed to use "even the most basic care when authoring [the] report[]." The Superintendent, however, provides absolutely no evidence to contradict COPA's conclusion. Rather, he relies on a single sentence in the FSR that erroneously summarized the documentary evidence gathered during COPA's investigation. COPA has acknowledged this error and attempted to reach a resolution in good faith during ongoing negotiations with the Superintendent. However, the Superintendent has declined to resolve the issue, resulting in an impasse.

The sentence at issue provides that [REDACTED] arrest report and the original case incident report "detail[ed] essentially the same information as the Officers' statements and BWC footage."<sup>5</sup> The evidence objectively demonstrates that this is untrue and that the sentence was drafted in error. The facts, as captured on the officers' BWCs and as discussed during Officer Kirby's COPA interview, show that [REDACTED] arrest report was inaccurate and incomplete.<sup>6</sup> The Superintendent has not shown otherwise.

## III. CONCLUSION

For these reasons, COPA maintains that the Superintendent has failed to meet the affirmative burden of overcoming COPA's recommendation. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's recommended penalty of a 30-day suspension for Officer Kirby.

Respectfully,



Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability

---

<sup>5</sup> FSR at p. 8.

<sup>6</sup> Namely, Officer Kirby inaccurately reported that [REDACTED] verbally threatened Officer Parisi immediately before Officer Parisi punched him in the chest. Officer Kirby's BWC footage contradicts this narrative. The BWC footage shows that [REDACTED] directed threats to Officer Fennell, not Officer Parisi. Officer Parisi then approached [REDACTED] and directed profanities and abuse at [REDACTED]. [REDACTED] then turned towards Officer Parisi and took one step towards the officer. Before [REDACTED] could do or say anything, Officer Parisi punched him in the chest, causing [REDACTED] to fall backwards with his hands cuffed behind his back.