



Lori E. Lightfoot  
Mayor

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

David O. Brown  
Superintendent of Police

November 16, 2022

Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability (COPA)  
1615 W. Chicago Ave., 4<sup>th</sup> Floor

Re: Superintendent’s Non-Concurrence with COPA’s findings  
Log# 1090065  
Officer Brandon Kirby #13335

Dear Chief Administrator Kersten:

Based on a review of the above-referenced complaint register (CR), the Chicago Police Department (CPD) concurs with the recommended findings and penalties for the below listed officers:

| NAME                       | RECOMMENDED PENALTY |
|----------------------------|---------------------|
| P.O. Matthew Parisi #9649  | 180 days            |
| Sgt. Jesse Carreno #2091   | 30 days             |
| P.O. Thomas Fennell #15220 | 30 days             |

The CPD concurs with the recommended penalty of 30 days and with two of the three sustained findings against P.O. Brandon Kirby #13335. The CPD does not concur with the recommended finding that P.O. Kirby failed to accurately describe the facts and circumstances concerning the use of force in the arrest report of [REDACTED]. In accordance with Municipal Code of Chicago, MCC 2-78-130, the Department provides the following comments when there is a disagreement as to the investigative findings and proposed penalty.

The basis for COPA’s sustaining this allegation is that they found P.O. Kirby’s failure to accurately describe the facts and circumstances surrounding the use of force in the arrest report of [REDACTED] was a failure to “exercise even the most basic care when authoring their reports.”<sup>1</sup> The evidence, however, does not bear out this conclusion and therefore cannot meet the preponderance of evidence standard.

In their Summary Report of Investigation (SRI), COPA summarized the evidence reviewed, including all reports, videos, and statements. COPA found that “[REDACTED] arrest report and Original Incident Case Report details essentially the same information as the Officers’ statements and BWC footage.”<sup>2</sup>

It is unclear how COPA can conclude that the arrest report in question detailed essentially the same information as Officers’ statements and BWC footage, while also concluding that P.O. Kirby failed to accurately describe the facts and circumstances surrounding the use of force in the arrest report of [REDACTED]. The Officers’

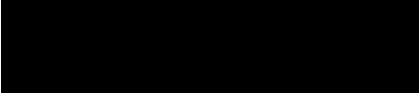
<sup>1</sup> SRI at Pg. 12

<sup>2</sup> SRI at Pg. 8

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statements combined with the BWC footage would, at the very least, allow for an accurate description of the facts and circumstances surrounding the use of force. Based on the above, the evidence is legally insufficient to sustain COPA'S allegation against P.O. Kirby.

Sincerely,



David O. Brown  
Superintendent of Police  
Chicago Police Department