



Brandon Johnson
Mayor

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

Fred L. Waller
Interim Superintendent

July 21, 2023

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

Re: Superintendent's Partial Non-Concurrence with Penalty Recommendation
Complaint Log No. 2021-0001309

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with the recommended penalty for Officer Yesenia Rojas #18275.

The COPA investigation recommended a penalty of a 180-day suspension for Officer Rojas after concluding that she:

1. Issued a traffic citation to a citizen in response to the citizen's request for documentation of the traffic stop;
2. Failed to complete an Investigatory Stop Report (ISR);
3. Failed to issue the citizen an Investigatory Stop Report Receipt;
4. Failed to operate her Body Worn Camera;
5. Failed to document the traffic stop in accordance with the Illinois Traffic Stop Statistical study;
6. Engaged in an unnecessary verbal altercation with the citizen;
7. Called the citizen words to the effect of "you fucking faggot ass bitch" and "you fucking retard."

The COPA investigation also recommended a 30-day suspension for Officer Axel Gallardo # 12210 after concluding that he:

1. Issued a traffic citation to a citizen in response to the citizen's request for documentation of the traffic stop;
2. Failed to complete an Investigatory Stop Report (ISR);
3. Failed to issue the citizen an Investigatory Stop Report Receipt;
4. Failed to operate her Body Worn Camera;
5. Failed to document the traffic stop in accordance with the Illinois Traffic Stop Statistical study;
6. Failed to report Officer Rojas' verbal abuse of the citizen;

Regarding Officer Gallardo, the Department agrees with all the findings and the penalty recommendation. But regarding Officer Rojas, the Department believes that a 180-day suspension is excessive and recommends a 30-day suspension. In addition, both accused members will be

required to have additional training on Courtesy and Demeanor, Biased-Based Policing, Investigatory Stop Reports and Receipts, Traffic Stop Statistical Study, the Prohibition of Retaliation and Body Worn Cameras. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

Both officers have sustained findings for the same five allegations. Officer Rojas has the additional allegation concerning the verbal altercation with the citizen and the use of inappropriate terms in reference to the citizen. However, even the Summary Report at page 13 acknowledges that Officer Rojas "made the comments inside the CPD vehicle and there is no indication that Vargas heard the specific words she used." Further, Officer Rojas has acknowledged that the language was and is unacceptable.

The Department believes that the purpose of discipline is to correct errant behavior and modify future conduct and that this can be accomplished with a lesser suspension and additional training. The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii).

Sincerely,



Fred L. Waller
Interim Superintendent
Chicago Police Department