



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 Non-Concurrence with Penalty Recommendation
Complaint Log No. 2021-0004143

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 penalties for Officer Enrique Delgado Fernandez # 6261 and for Officer Lawrence W. Kerr, # 4871.

The COPA investigation recommended a penalty of a 10-day suspension for Officer Delgado Fernandez after concluding that he:

1. Searched the vehicle of a motorist without justification.

The COPA investigation also recommended a 10-day suspension for Officer Lawrence Kerr after concluding that he:

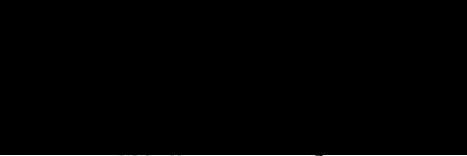
1. Search the person of a motorist without justification.

The Department agrees with the sustained findings for both accused members. But the Department believes that it is in the best interests of the Department and the members to impose a three (3) day suspension and provide additional training on Search and Seizure and Traffic/Vehicle Stops. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

Both accused members have an extensive and impressive complimentary history. Officer Kerr has no disciplinary history and yet the recommended penalty is the same as Officer Delgado Fernandez. This is despite the fact that COPA states that Officer Delgado Fernandez has an extensive disciplinary history. The Department acknowledges Delgado Fernandez' disciplinary history but stresses that even though he has six disciplinary actions, four were reprimands for preventable traffic crashes and one was a Violation Noted for an Inventory procedure violation. Delgado Fernandez only significant disciplinary action is a 10-day suspension in 2019. It would seem that the principal of progressive discipline was applied inappropriately to one accused member but not applied at all for the other. As COPA has determined that the penalties should be the same, and as the Department believes that the purpose of discipline is to correct errant behavior and modify future conduct, it is the

Department's opinion that this can be accomplished with a lesser suspension of three days 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