



Brandon Johnson  
Mayor

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

Fred L. Waller  
Interim Superintendent

June 5, 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 Findings and  
Non-Concurrence with Penalty Recommendation  
Complaint Log No. 2020-0003820

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with two of the three recommended findings nor with the recommended penalty as they pertain to Officer Lawrence W. Kerr # 4871. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a minimum 30-day suspension as the penalty for Officer Kerr after concluding that he:

1. Used excessive force against a citizen, in that he struck and/or pushed the citizen without justification and/or with more force than was reasonable, necessary and/or proportional to the threat, actions and/or level of resistance offered by the citizen;
2. Failed to wear his star on his outer-most garment and in view to the public as required;
3. Failed to submit a Tactical Response Report after having been involved in a reportable use of force incident that occurred at or near the above time and place.

Allegation #1:

The Department does not concur with COPA's finding as the burden of proof has not been met. There is no direct evidence and COPA's finding is based on assumptions and inferences. "COPA credits ██████ claims that Officer Kerr struck her with his shield, pushing her backwards. ██████ video recording demonstrates that bystanders made a prompt outcry, thereby supporting her claim. And though the bystander's video recording does not directly depict physical contact between Officer Kerr and ██████ it does permit the inference that such contact occurred, in that ██████ appears to fall backwards just as Officer Kerr approaches." SRI at page 5.

First, regarding ██████ claim, COPA states that the video "does show ██████ disappearing from frame as Officer Kerr appears to approach her closely." SRI at Page 2. While this is a true statement, the video does not show how close Officer Kerr was to ██████. As ██████ was moving backward, it is also very likely that she simply stumbled and fell backward. Although the complainant does state that "he hit me in the face for no reason," she does not state this immediately but 19 seconds after the alleged push. This brings her credibility into question as the crowd is heard yelling threats and vulgarities at all the police officers on the scene. It is just as likely that she fabricated the story about being struck in the face after hearing all the shouting from the hostile crowd surrounding the officers. And secondly, the recording does not depict any outcry from any bystanders. All that can be heard is the loud threats and vulgar comments being directed at the officers.

The COPA report also states that "Officer Kerr appears to be standing close enough to ██████ to have permitted him to hear those accusations." SRI at page 3. But as previously stated, there was a large crowd shouting at the officers and it is very likely that no matter how close he was that he did not hear this statement. Further, Officer Kerr had to keep the entire crowd in his view and pay attention to their actions so it is also likely that he did not hear her due to not paying attention to her. This incident was at the height of the civil unrest and hostile crowds were frequently throwing objects and projectiles at police officers.

It is for these reasons that the Department recommends a finding of Not Sustained for this allegation.

Allegation #2:

The Department concurs with this finding but does not concur with the penalty recommendation. As stated previously, this was the height of the civil unrest and large groups of citizens were quickly turning hostile and violent and attacking officers. Although Officer Kerr should not have removed his star, he did so without ill-intentions and without attempting to conceal his identity as his name tag was clearly visible. It is for these reasons that the Department recommends a three (3) day suspension for this violation.

Allegation #3:

Based on the Department's position for Allegation #1, there would be no requirement to complete a Tactical Response Report as the underlying use of force has not been proven. It is for these reasons that the Department recommends that this allegation be Not Sustained.

The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii).

Sincerely,

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Fred L. Waller  
Interim Superintendent  
Chicago Police Department