



Brandon Johnson
Mayor

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

Larry B. Snelling
Superintendent

January 12, 2024

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 Recommendations
Complaint Log No. 2020-0004971

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number investigation, the Chicago Police Department (Department) concurs with the recommended sustained findings but does not concur with both of the recommended penalties as they pertain to the accused members. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a penalty of a Reprimand for Officer Joseph Malek, Star No. 17438, after concluding that he:

1. Yelled words to the effect of "Give me your hands, now bitch!"

The COPA investigation also recommended a penalty of a 10-day suspension for Officer Michael Wilson, Star No. 17643 after concluding that he:

1. Placed his foot on or about the head of [REDACTED] without justification.

The Department agrees that the single allegation against each accused member should be sustained. The Department also agrees with the penalty recommendation of Officer Joseph Malek. But the Department believes that the penalty recommendation for Officer Michael Wilson is excessive and recommends a 3-day suspension with additional training on De-Escalation, Response to Resistance and Use of Force.

Although the placement of his foot on the arrestee's head is not recommended nor is a member trained to do this, in this particular case, the member did not kick or strike the arrestee with his foot nor is it alleged or seem to be an excessive amount of force or weight placed on the arrestee's head. If the purpose of discipline is to correct errant behavior and modify future conduct, then this can be

accomplished with this lesser suspension along with the additional training. A higher suspension would serve no purpose except to be punitive and therefore is not in this member's nor in the Department's best interest. This is particularly applicable to this case as the conduct occurred more than three years ago.

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

Sincerely,



Larry B. Shelling
Superintendent
Chicago Police Department