



**Brandon Johnson**  
Mayor

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

**Larry B. Snelling**  
Superintendent

October 30, 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. 2022-0002896

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with all of the recommended findings nor with the recommended penalty as they pertain to the accused Department member. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a 25-day suspension for Sergeant Jesse Enriquez, Star No. 1213, after concluding that he:

1. Struck a citizen on or about the left hand with a baton without justification;
2. Failed to complete a TRR in violation of GO3-02-02;
3. Did not activate his BWC in violation of S03-12;
4. Did not provide name, star or badge number when asked.

The Department concurs in the sustained findings for Allegation #1, Allegation #3 and Allegation #4. For these infractions, the Department recommends a penalty of a 15-day suspension.

Regarding Allegation #1, the Department concurs that Sgt. Enriquez struck the citizen "about the left hand," specifically that he used his baton to strike the cup that the citizen was holding. While this is definitely inappropriate and maltreatment of the citizen, the Department does not consider this to be a Use of Force incident.

Regarding Allegation # 2, the Department does not concur in the finding because the accused member was not required to complete a Tactical Response Report. A Tactical Response Report is only required when there is a reportable use of force incident. A Level 1 reportable use of force includes force that is reasonably expected to cause pain or injury, but does not result in injury or

complaint of injury. G03-02-02 at III-A-2-a. The use of the baton on person's hand is a Level 1 reportable use of force. But in this case, the citizen's hand was not hit. The video supports the accused member's statement that contact was only made with the cup in the citizen's hand. Further, the citizen states "Man, don't fucking hit shit out of my motherfucking hand." Attachment #1 - BWC of Officer Ivanova. He then states that two more times to other officers. If the complainant had been hit in the hand with the baton, then he would have said that immediately and not that an object had been hit out of his hand. Further, at no time does the citizen complain of any injury. Nor did he grab his hand, rub his hand or do any other action indicative of being struck in the hand. The actual allegation that was sustained by COPA states that the accused member struck the citizen on *or about* the left hand. As previously stated, while the use of a Baton about the hand is still misconduct, it is not a use of force incident and therefore a Tactical Response Report was not required.

Sgt. Enriquez has a very impressive complimentary history with 263 awards. And although he does have a previous 15-day suspension, that suspension was a result of an allegation of an administrative nature and therefore conduct completely different from the allegations in this investigation.

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

Sincerely,



Larry B. Snelling  
Superintendent  
Chicago Police Department