



Brandon Johnson
Mayor

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

Larry B. Snelling
Superintendent

October 16, 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 Recommendations
Complaint Log No. 2022-0003900

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) concurs with the recommended sustained findings but does not concur with the recommended penalty for Officer John M. Sanders, Star No. 9389.

The COPA investigation recommended a penalty of a suspension of 25 days with weapons training for Officer Sanders after concluding that he:

1. Accidentally discharged his weapon and wounded himself in the right leg;
2. Failed to properly carry his weapon in a Department-approved holster consistent with Uniform and Property Order U04-02-01.

The Department agrees that the two allegations against the accused member should both be sustained. But the Department believes that the penalty recommendation is excessive and recommends a 5-day suspension with additional training on firearm carrying, handling and retention. The Department acknowledges that Officer Sanders has a previous sustained allegation for a lost/stolen firearm and for that infraction was given a 5-day suspension. However, the Department does not consider this to be a comparable infraction that would justify progressive discipline.

An accidental discharge should be treated as an action that shows that an officer is not as adept as they should be in handling a firearm. It is not a matter of disregarding an order or failure to follow a policy. If the purpose of discipline is to correct errant behavior and modify future conduct, then this can be accomplished with a 5-day suspension along with the additional training. A higher suspension would simply be punitive and would serve no purpose to improve the officer's firearms handling skills and therefore is not in the officer's nor the Department's best interest.

Further, according to the Consent Decree, discipline is to be consistently applied. "COPA and CPD

will ensure that the recommended level of discipline for findings is consistently applied in a fair, thorough and timely fashion, based on the nature of the misconduct. CPA and CPD will ensure that mitigating and aggravating factors are identified, consistently applied and documented" (Paragraph 513, Consent Decree, State of Illinois v City of Chicago, (No. 17-CV-6260, N.D. Illinois, January 1, 2019). The Consent Decree further requires the Department to "use best efforts to ensure that the level of discipline recommended for sustained findings is applied consistently across CPD districts..."(Id. At Paragraph #514).

In Log Number 2019-0003921, the accused member also accidentally discharged his weapon inside his residence and wounded himself. This accused member had the same two allegations with an additional allegation of failure to annual qualify with that weapon. COPA recommended a 5-day suspension for this member. Further, the arbitrator agreed but reversed the penalty on other grounds.

In Log Number 2022-0000635, the accused member accidentally discharged his weapon in the District station but no injuries resulted. COPA recommended a 10-day suspension. The arbitrator ruled that this penalty would be excessive and was punitive and would do little to improve the member's safety practices with the weapon. The arbitrator reduced the penalty to a 5-day suspension.

In Log Number 2019-0003365, the accused member accidentally discharged his weapon inside a district station but no injuries resulted. This accused member had the same two allegations. COPA recommended a 5-day suspension for this member.

In Log Number 2022-0004996, COPA recommended a 5-day suspension for an accidental discharge by a member plus the allegation of failure to make the proper notification to O.E.M.C.

It is for these reasons that the Department believes that a 5-day suspension is more appropriate for this member. 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