



Brandon Johnson
Mayor

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

Fred L. Waller
Interim Superintendent

September 25, 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. 2021-0003298

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 penalties for Officer Germaine Wrencher, Star No. 12375, and for Officer Bohdan Javorsky, Star No. 14113.

The COPA investigation recommended a penalty of a minimum suspension of 120 days for Officer Germaine Wrencher after concluding that he:

1. Discharged his Taser at a citizen in violation of General Order G03-02-04.

The COPA investigation also recommended a penalty of a minimum suspension of 90 days for Officer Bohdan Javorsky after concluding that he:

1. Failed to intervene when Officer Wrencher discharged his Taser at a citizen in violation of G03-02.

The Department agrees that the single allegation against each accused member should be sustained. But the Department believes that both penalty recommendations are excessive and recommends a 60-day suspension with additional training on Taser Use and De-Escalation and the Use of Force. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

Officer Wrencher's statement and his Tactical Response Report clearly indicate he has a misunderstanding of how to apply de-escalation techniques and which force option is available. Even when Officer Wrencher stated that the arrestee kicked him, which may have made the arrestee an assailant if not an active resistor, the use of the taser did not seem to be the best option because the arrestee's actions, as COPA states "transitioned between those of a passive resistor and an active

resister." SRI at page 5. Further training is definitely needed for this officer for him to be better able to apply de-escalation techniques as well as for determining which force option is most suitable at any given moment.

Further, the COPA report states that Officer Wrencher's use of the taser became retaliatory. "After the first Taser discharge did not immediately result in [REDACTED] compliance, Officer Wrencher asked [REDACTED] if he was ready to be tased again, essentially suggesting it was punishment for failure to comply." SRI at page 5. The Department does not agree with this conclusion. Officers are trained to give, and the policy requires, verbal commands as part of de-escalation techniques as well as to give the person an opportunity to come into compliance. While the officer's choice of words and putting the command in the form of a question is not the proper way to do this, the video clearly shows the officer giving the citizen the opportunity to comply.

Similarly, Officer Javorsky stated that he urged Officer Wrencher to discharge his Taser because [REDACTED] was kicking and swiping at them. While COPA is correct that at the exact moment of the first through fourth taser discharge the arrestee was not kicking and swiping, the arrestee had just finished doing so. As COPA recognized, "this was a tense and rapidly evolving situation." SRI at page 6. Similar to his partner, Officer Javorsky is in need of additional training on de-escalation techniques and which force option is available. In COPA's penalty recommendation, consideration is given to Officer Javorsky's "relative inexperience as an officer at the time of incident." SRI at page 8. (Javorsky has just completed four years of service at the time of incident).

Both officers had impressive complimentary histories as well as no disciplinary history (Officer Wrencher had one summary punishment with no disciplinary action).

It is the Department's position that a 60-day suspension is a significant suspension. In monetary terms, this will amount to a penalty of approximately \$15,000 to \$20,000. In addition, because the suspension is over 30 days, the City of Chicago will not make the premium payment of the member's medical insurance and the member must pay the premium to continue coverage. Further, this period will be deducted from the member's seniority for pension purposes. If the purpose of discipline is to correct errant behavior and modify future conduct, then this can be accomplished with a 60-day suspension along with the additional training.

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

Sincerely,

[REDACTED]

Fred L. Waller
Interim Superintendent
Chicago Police Department