



Brandon Johnson
Mayor

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

Fred L. Waller
Interim Superintendent

June 14, 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 Penalty Recommendations
Complaint Log No. 2021-0003992

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 penalties in the above referenced complaint log file involving Sergeant Andrew Morgan # 1801, Lieutenant Darwin Butler # 726 and Captain Misael Ramirez # 51.

The COPA investigation recommended a penalty of a 30-day suspension for Sergeant Andrew Morgan # 1801 after concluding that he:

1. Failed to do a Tactical Response Report (TRR) regarding his use of force on a citizen;
2. Failed to active his body-worn camera (BWC) in a timely manner.

In addition, the COPA investigation recommended a penalty of a 5-day suspension for Lieutenant Darwin Butler # 726 and a penalty of a reprimand for Captain Misael Ramirez #51 after concluding that they both:

1. Failed to ensure that Sergeant Morgan completed a TRR;
2. Failed to contact the Civilian Office of Police Accountability (COPA).

Regarding Lieutenant Darwin Butler, the Department concurs with both findings and the penalty recommendation of a 5-day suspension. This penalty will be implemented.

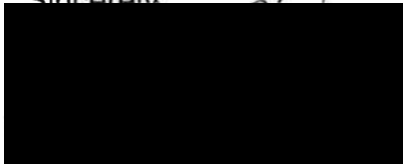
Regarding Captain Misael Ramirez, the Department concurs with both findings but has determined that a Reprimand is not an appropriate penalty. Although Captain Ramirez took responsibility for his actions/omissions, it is undisputed that he is the highest ranking officer at the time. Therefore, he is responsible for all personnel and their actions or omissions. As such, the Department determines that a 5-day suspension is an appropriate penalty. Pursuant to MCC 2-78-130(a)(vi), this penalty will be implemented.

Regarding Sergeant Andrew Morgan, the Department concurs with the findings for both allegations. However, the Department does not concur with the penalty recommendation. Although Sergeant Morgan states that he did not recall why he didn't do the second TRR, it is clear that he should have done one. However, it is also clear that there was no intentional violation of the policy in that he completed the first TRR. And although Sgt. Morgan did not have an explanation for why he did not timely activate his BWC, this also does not seem indicative of an intentional violation of the requirement that the BWC be immediately activated when taking law enforcement action.

Whether it is an oversight or a misunderstanding of the policy, the Department believes that it is in the best interests of all involved to impose a 5-day suspension and require additional training on the requirements for completion of a TRR and the use of a BWC. Based on Sgt. Morgan's impressive complimentary history and his disciplinary history of a 3-day suspension in 2019, it is the Department's position that a 5-day suspension is sufficient to take corrective action to prevent future violations of both policies.

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

Sincerely,



Fred L. Waller
Interim Superintendent
Chicago Police Department