



**Brandon Johnson**  
Mayor

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

**Fred L. Waller**  
Interim Superintendent

September 14, 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 1 Finding and with the Penalty Recommendations  
Complaint Log No. 2022-0004924

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with one finding made against Officer Frank Bogatitus, Star No. 17956 and with the penalty recommendations for Officer Zachary Richardson, Star No. 9523, Officer Antonio Godinez, Star No. 19613 and Officer Frank Bogatitus, Star No. 17956.

The COPA investigation recommended a penalty of a 20-day suspension for Officer Richardson after concluding that he:

1. Stopped and Searched a citizen without justification;
2. Failed to obtain the complainant's name and/or identifying information necessary to complete Department reports;
3. Failed to give a citizen an Investigatory Stop Receipt;
4. Turned off Body Worn Camera before the completion of the stop and/or police encounter.

The COPA investigation recommended a penalty of a 20-day suspension for Officer Godinez after concluding that he:

1. Stopped and Searched a citizen without justification;
2. Failed to obtain the complainant's name and/or identifying information necessary to complete Department reports;
3. Failed to give a citizen an Investigatory Stop Receipt;
4. Turned off Body Worn Camera before the completion of the stop and/or police encounter.

The COPA investigation recommended a penalty of a 20-day suspension for Officer Bogatitus after concluding that he:

1. Stopped and Searched a citizen without justification;

2. Failed to obtain the complainant's name and/or identifying information necessary to complete Department reports;
3. Failed to give a citizen an Investigatory Stop Receipt;
4. Did not turn on Body Worn Camera.

The Department concurs with the recommended findings for all three sworn members with the exception of one against Officer Bogatitus for searching the citizen. A review of the available Body Worn Camera Videos shows that he did not conduct any search. Therefore, the Department recommends that this specific allegation be Not Sustained.

The Department also believes that the recommended penalties are excessive and recommends a 7-day suspension for Officer Richardson and Officer Godinez and a 3-day suspension for Officer Bogatitus. In addition, all three members would be given additional training on search and seizure, Investigatory Stop System and Body Worn Cameras. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

Considering that at the time of the incident, all three Department members had approximately five years of service and yet all three members had impressive complimentary histories of 172 awards (Richardson), 161 awards (Godinez) and 231 awards (Bogatitus). Further, Officer Godinez and Officer Bogatitus had no disciplinary history and Officer Richardson had one sustained CR which resulted in a Violation Noted and one Summary Punishment which resulted in a reprimand for a preventable traffic crash.

The Department believes that these lesser penalties are supported by the members' disciplinary histories, complimentary histories, and the principal of progressive discipline. If the purpose of discipline is to correct errant behavior and modify future conduct, then this can be accomplished with a lesser suspensions of 7-days for Officer Richardson, 7-days for Officer Godinez and 3-days for Officer Bogatitus with the additional re-training for all three members. The penalty recommendation for Officer Bogatitus is lesser because he did not actually search the citizen and therefore should not be penalized for that improper conduct. 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