



Brandon Johnson
Mayor

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

Larry B. Snelling
Superintendent

February 9, 2024

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
& Partial Non-Concurrence with Penalty Recommendations
Complaint Log No. 2022-0005314

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 penalty recommendation as they pertain to Lieutenant Vernard Ross, Star No. 593. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a 60-day suspension for Lieutenant Ross after concluding that he:

1. Engaged in an unjustified verbal altercation with [REDACTED] by stating "Shut up;"
2. Failed to de-escalate an altercation with [REDACTED]
3. Detained [REDACTED] without justification;
4. Searched [REDACTED] without justification;
5. Physically grabbed [REDACTED] without justification;
6. Arrested [REDACTED] without justification;
7. Failed to Wear a body worn camera;
8. Failed to entirely record a law-enforcement related activity;
9. Failed to document the stop of [REDACTED] through an Investigatory Stop Report.

The COPA investigation also recommended a penalty of a Violation Noted for Officer Justin McDonald, Star No. 10403 after concluding that he:

1. Failed to entirely record a law enforcement related activity.

Regarding Officer McDonald, the Department concurs with the sustained finding and the penalty recommendation. Officer McDonald admitted his transgression and, although not excusable, did provide an explanation as to why his BWC was not recording for the entire incident.

Lieutenant Vernard Ross and Allegations Nos. 1, 2, 3, 4, 5, 7, 8 and 9

The Department concurs in the sustained findings for the allegations relating to Lt. Ross having the verbal altercation and then failing to de-escalate that altercation with [REDACTED] and then detaining, searching, and physically grabbing [REDACTED]. Further, the Department concurs with the sustained finding for failed to wear a body worn camera, failing to entirely record a law enforcement related activity, and failed to complete an Investigatory Stop Report. The Department would like to note that it considers Allegation # 7 and Allegation #8 to be duplicative as they are both regarding the same policy.

However, the Department considers a 60-day suspension to be excessive and simply punitive. The Department believes that a 3-day suspension and additional training on De-escalation, Response to Resistance and Use of Force, the Investigatory Stop System, and the Body Worn Camera policy is sufficient to prevent future similar conduct on the part of Lt. Ross. It must be noted that Lt. Ross has no disciplinary history and a respectable complimentary history. Further, if the purpose of discipline is to correct errant behavior, then this lesser suspension along with the additional training would be more beneficial to both the member and the Department.

Lieutenant Vernard Ross and Allegation No. 6

The Department does not concur in the sustained finding for allegation No. 6 regarding arresting [REDACTED]. As can be seen from the Body Worn Camera video of Officer Padilla at the 9:20 mark (Attachment # 21), [REDACTED] is standing with his hands on his side. When Lt. Ross grabs [REDACTED], [REDACTED] grabs Lt. Ross' right wrist and pushes him away and then grabs Lt. Ross' right wrist a second time and pushes him away. [REDACTED] then tries to move away from Lt. Ross and assisting officers. By committing these actions, [REDACTED] escalated from a cooperative subject to an assailant and then to an active resistor within about 6 seconds. Regardless of whether Lt. Ross' actions were justified or not, Illinois Law does not allow [REDACTED] to commit these actions.

Illinois law specifically defines a private persons use of force in resisting arrest by stating that: A person is not authorized to use force to resist an arrest which he knows is being made either by a peace officer or by a private person summoned and directed by a peace officer to make the arrest, even if he believes that the arrest is unlawful and the arrest in fact is unlawful. 720 ILCS 5/7-7. Because of [REDACTED] actions, Lt. Ross was justified in arresting [REDACTED]. Therefore, this allegation should be Not Sustained.

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

Sincerely,

[REDACTED]
Larry B. Shelling
Superintendent
Chicago Police Department