



**Brandon Johnson**  
Mayor

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

**Fred L. Waller**  
Interim Superintendent

July 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 Recommendation  
Complaint Log No. 2021-0002293

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with the recommended penalty for Officer Dennis Shelton # 16639.

The COPA investigation recommended a penalty of a 60-day suspension for Officer Shelton after concluding that he:

1. Used a chokehold;
2. Verbally abused two citizens by stating words to the effect of get the fuck out of here.

The COPA investigation also recommended a 1-day suspension for Officer Somang Yi # 14957 after concluding that he:

1. Struck an unknown person about the arm with an open hand without justification;
2. Failed to do a Tactical Response Report;
3. Failed to de-escalate with an unidentified person;
4. Failed to timely activate his body-worn camera.

Regarding Officer Yi, the Department agrees with all the findings and the penalty recommendation. But regarding Officer Shelton, the Department believes that a 60-day suspension is excessive and recommends a 5-day suspension and additional training on the use of force when effecting an arrest and appropriate de-escalation techniques. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

Officer Shelton gave a very reasonable and credible statement that he was attempting to gain control of the subject and that a crowd began to grow and attempted to pull the subject away from him. Officer Shelton stated that due to this, and the fact that the subject was actively resisting being handcuffed, he performed an emergency takedown of the subject. When asked about the placement

of his arm around the neck of the subject, Officer Shelton stated that he had no intention of placing the subject in a chokehold. However, he admitted that his arm inadvertently slid upward from the chest to around his neck in the process of performing the emergency takedown. One factor noted by Officer Shelton was that the subject was sweaty and shirtless and that made it hard to get a firm hold on the subject. Further, Officer Shelton does quickly remove his arm from the neck area of the subject. In its investigation, COPA completely disregards the fact that Officer Shelton was struggling with an active resistor while at the same time dealing with a hostile crowd that was surrounding him and attempting to remove the subject from Officer Shelton's control. The Summary Report states in the video, it "appears that Officer Shelton's arm is immediately placed around the neck area of Mr. [REDACTED] rather than his arms sliding from the chest area." Summary Report at Page 10. The Department concedes that Officer Shelton should probably not have used the emergency takedown at this time, but that doesn't mean Officer Shelton wasn't try to put his arm around the subject's chest. The events occurred very quickly and the subject did not stop moving during the entire incident. Officer Shelton used his best judgment to try to put the subject in custody and remove him from the situation. This is an issue that would best be addressed by additional training.

Regarding the verbal abuse allegation, Officer Shelton stated that he realizes should not have used profanity when giving orders, but he was trying to show the crowd on the scene that their hostility and interference would no longer be tolerated. However, he is correct in that he should not have used that language. But standing alone, this sustained allegation should only warrant a Reprimand to correct this type of behavior.

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

Sincerely,

[REDACTED SIGNATURE]

Fred L. Waller  
Interim Superintendent  
Chicago Police Department