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Mayor

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

Larry Snelling
Superintendent of Police

January 7, 2025

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 W. Chicago Ave., 4th Floor

Re: Superintendent's Concurrence as to part and non-concurrence as to part of COPA's findings Log #2019-0005231- Officer Jeremy Arrington #16330, Sergeant Cornelius Brown #2235, Officer David Alvarez #16131, Officer Dimar Vasquez #117910, and Officer Emilio De Leon #16360

Dear Chief Administrator Kersten:

Based on a review of the above-referenced complaint register (CR), the Chicago Police Department (CPD) concurs with the recommended findings and penalties for Officers Alvarez and Vasquez. The Department will begin the process for the 10-day suspensions for Alvarez and Vasquez. Additionally, the Department will mandate remedial Body-Worn Camera (BWC) training for both officers.

However, as will be detailed below, CPD does not concur with the investigative findings for some of the allegations that COPA sustained against Officer Arrington and Sergeant Brown. As a result, CPD also does not concur with the recommended penalties for Arrington and Brown. The Department proposes a 20-day suspension for Sgt. Brown and a 7-day suspension for Officer Arrington.

Finally, while the Department agrees with the investigative findings with regard to Officer De Leon, however, CPD proposes a 1-day, rather than a 3-day suspension. CPD also proposes remedial BWC training for Arrington, Brown, and De Leon. In accordance with Municipal Code of Chicago, MCC 2-78-130, the Superintendent provides the following comments when there is a disagreement as to the investigative findings and proposed penalty.

Summary of the Facts

COPA received a complaint from a [redacted] who alleged that on December 24, 2019, multiple CPD members forcibly entered her apartment, searched her apartment, and pointed their weapons at her and other occupants of the apartment. The allegations also included alleged unjustified handcuffing and uses of force. Additionally, COPA alleged that Officer Jeremy Arrington filed false, misleading, or incomplete reports documenting the detention of the individuals in the apartment, and that Sergeant Cornelius Brown committed misconduct in reviewing and approving Officer Arrington's reports, Finally, it was alleged that several of the officers present failed to record the incident on their BWC. Following its investigation, COPA reached sustained and not sustained findings.

Summary and Analysis of the Evidence

The evidence presented for review by COPA includes numerous video attachments, including BWC, POD, and cellphone video, CPD reports including the at-issue ISR's, and statements given by the various involved Department members. Despite CPD urging COPA to do so, no statement was taken from former CPD member Jeremy Schafer.

Legally sufficient, sustained allegations

As a preliminary matter, CPD finds that COPA's investigation has yielded sufficient evidence to sustain the allegations regarding the accused members' entry into [redacted] apartment, their search thereof, their handcuffing and use of force, failure to document said use of force, and the members' failure to activate, failure to timely activate, and/or early deactivation of their BWC's. Due to the evidence being sufficient to sustain these allegations, CPD makes the above disciplinary and training recommendations

CPD finds, however, that the evidence that COPA cites to sustain the allegations against Officer Arrington and Sergeant Brown regarding the "false, misleading, and/or inaccurate" ISR's in violation of CPD Rule 14 is not legally sufficient. As such, CPD does not believe separation is an appropriate penalty for Officer Arrington and the proposed 90-day suspension of Sergeant Brown is excessive.

Evidence is not legally sufficient to sustain Rule 14 allegations

COPA's investigation and allegations (4-11) that Officer Arrington made one or more false, misleading or incomplete statements hinged on their review of BWC footage in which they theorize that Officer Arrington could not have possibly believed certain assertions made to him by Officers on scene.

Arrington stated that he himself did not perform the actions as he described in the Investigatory Stop Reports and did not have firsthand knowledge of the events that led Officer Shafer to [redacted] door, but that other Officers had relayed the information to him. As a matter of fact, on all of the ISR's, Arrington prefaced the narrative with ' R/O's' to denote "Responding Officers." It is axiomatic that in police work, officers and supervisors alike often fill out paperwork at the behest of another officer, utilizing that officer's account of events. To make eight (8) blanket allegations that Arrington committed Rule 14 violations by completing reports based upon another officer's accounts does not factor in the nuance of other officer's viewpoints and statements. This is why CPD sent the investigation back to COPA. The main officer who was present at the door of the subject residence, Officer Jeremy Schafer, was not interviewed by COPA. COPA had no way to determine his reasoning and rationale in his decision making. COPA had no way to make a credibility assessment of Officer Shafer, who ultimately made the decision, on his own, to enter the apartment. Officer Shafer is so central to this investigation, COPA's FSR mentions him 82 times, yet did not interview him, either as part of the original investigation, nor after being requested to do so by CPD.

Further, in COPA's own allegations they categorize Arrington's ISR narratives as false, misleading, incomplete and or inaccurate. Rule 14 violations by definition of the Rules and Regulations of the Chicago Police Department is making a "*false* report." The legal definition of the term 'false' as defined in Black's Law Dictionary 2nd Ed, is : Untrue; erroneous; deceitful; contrived or calculated to deceive and injure; In Law, it means something more than untrue; it means something designedly untrue and deceitful, and implies an intention to perpetrate some treachery or fraud. Knowledge and intent must be determined at the time a false statement is made. See, e.g., People v. Boyd, 81 Ill.App.3d 259, 261 (3d Dist. 1980) as quoted in Police Board Case No. 17 PB 2935 Police Officer Raoul Mosqueda.

In this case, COPA makes no attempt to determine if Officer Arrington had the requisite knowledge and intent of making a false statement regarding his ISR narratives. COPA bases their Rule 14 allegations on the premise of "he had to know" and based upon the BWC footage of an Officer (Shafer) who has no statement on the record.

It is the undersigned's opinion that Officer Arrington was possibly remiss in his duties, and it was incumbent upon him to independently verify information being given to him by other officers with the purpose of authoring the ISR's. That conduct comports itself with being inattentive to his duties. COPA has not, however, met their burden of proof for sustaining eight (8) allegations of false statements by Arrington, made knowingly and intentionally; the findings as to Officer Arrington in allegations 4-11 are not legally sufficient. This same rationale applies to the sustained allegation against Sergeant Brown, that he approved "false, misleading, and/or inaccurate" ISR's. The evidence is simply not sufficient to sustain the allegation.

Other Factors for Consideration - Timeliness

This investigation began in December of 2019. COPA did not serve allegations on the involved officers or seek their statement until late 2023, nearly four years later. No explanation is given for this gap nor why this investigation seemingly stalled at COPA. It would be over a year from then until COPA rendered their conclusion, in January of 2024. In April of 2024, within the statutory timeframe for CPD to review, the investigation was sent back to COPA with a request to seek a statement from Officer Shafer, as his role in this incident is crucial and would be the lynchpin to sustaining the most serious allegations in this case. It then took another six months for COPA determine that they would not re-open the investigation, would not seek a statement from Officer Shafer, and re-submitted the case to CPD with what CPD had already indicated was insufficient evidence.

According to the consent decree, discipline is to be consistently applied. "COPA and CPD will ensure that the recommended level of discipline for findings is consistently applied in a fair, thorough, and ***timely*** fashion, based on the nature of the misconduct. COPA and CPD will also ensure that mitigating and aggravating factors are identified, consistently applied, and documented" (emphasis added) (Paragraph 513, Consent Decree, State of Illinois v. City of Chicago, (No. 17-cv-6260, N.D. Illinois, January 1, 2019).

Conclusion

The sustained allegations concerning the improper entry and search of [redacted]apartment, use of force, as well as the BWC allegations, are supported by the evidence presented and are therefore deemed legally sufficient. The evidence is insufficient, however, to sustain the most serious allegation, the Rule 14 allegations.

CPD looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii). If COPA and the CPD find themselves at an impasse on the resolution of this matter, the CPD asks that COPA include all attachments from the log investigation to the member of the Police Board selected to conduct the review.

Sincerely,

[redacted]

Larry Snelling
Superintendent of Police
Chicago Police Department