



Brandon Johnson
Mayor

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

Larry B. Snelling
Superintendent

October 9, 2024

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Superintendent's Partial Non-Concurrence with Findings and
Superintendent's Concurrence with Penalty Recommendations
Complaint Log No. 2022-0002365
Officer Enrique Delgado Fernandez, Star No. 6261

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number investigation, the Chicago Police Department (Department) does not concur with two of the three recommended sustained findings but does concur with the penalty recommendation as they pertain to Officer Enrique Delgado Fernandez, Star No. 6261. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a penalty of a suspension of up to 30-days after concluding that he:

1. Made sexual harassment comments by stating words to the affect of "I want some chocolate but I don't think she is ready," and or commenting on how she looks and or her relation status with Sergio Hall and or stating words to the affect of being "her side boyfriend," to Lacya McKinney;
2. Put his personal cell phone number into Lacya McKinney's phone;
3. Failed to have his body worn camera activated through the entire event.

The Department does concur with the sustained finding for Allegation #3 and, consistent with the penalty recommendation, a 1-day suspension will be implemented. However, the Department does not concur with the recommended sustained findings for Allegation #1 and #2. For both Allegation #1 and #2, the Department recommends the alternative findings of Not Sustained as there is no evidence to support either sustained findings and therefore, the burden of proof has not been met.

For Allegation #1, the Summary Report states "The officers said they could not recall this incident with specificity. COPA notes they did not say they would never make comments like this or provide any explanation as to why McKinney would make the allegations if they were not true." SRI at page 5. But the fact that the officers did not do either is not evidence to support the allegation. The burden of

proof is on COPA and not the accused members.

For Allegation #2, COPA states that "McKinney provided a screenshot of a phone number she claimed Officer Delgado Fernandez put in her phone, which corroborates the allegation." SRI at page 6. The Department disagrees with this conclusion. COPA acknowledges that Officer Delgado Fernandez provided his personal phone number in the interview and it matched CPD records. Further, that number was not the number entered into McKinney's phone and COPA was unable to determine whose number was entered into the phone. And similar to Allegation #1, COPA attempts to shift the burden of proof onto the officer and this is not acceptable nor permissible. COPA's statement that Officer Delgado Fernandez could not provide any reason why McKinney would make this claim if it were not true is completely inappropriate as Officer Delgado Fernandez does not have to provide a reason. It is on COPA to meet its burden of proof.

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

Sincerely,



Larry B. Shelling
Superintendent
Chicago Police Department