



March 13, 2026

Mr. Max A. Caproni

Executive Director, Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602

Via Email

RE: Request for Review, Log #2022-0002365

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (CPD) in Log #2022-0002365.¹

As set forth in detail in COPA's Final Summary Report (FSR) dated July 23, 2024, there is a compelling legal and evidentiary basis to support COPA's findings and disciplinary recommendation of Police Enrique Delgado Fernandez. COPA recommended Officer Delgado Fernandez receive up to a 30-day suspension, based on findings that he sexually harassed ██████████ and failed to keep his body-worn camera (BWC) activated during the entire incident.

I. BACKGROUND

A. Relevant Factual Background²

On June 4, 2022, Officer Delgado Fernandez and his partner conducted a traffic stop of Complainant, ██████████ and her boyfriend, ██████████ for a taillight violation.³ During the traffic stop, the officers discovered ██████████ was carrying a firearm on his person.⁴ Officer Delgado Fernandez's partner recovered the firearm and handcuffed ██████████ while Officer Delgado Fernandez

¹ As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, the Department's non-concurrence letter, and the certificate of meeting.

² A more detailed factual summary is found in the FSR.

³ The officers failed to timely activate their BWCs which resulted in the initial portions of the interaction not being captured. They also turned their cameras off and on repeatedly throughout the stop. See Att. 12 to 15, 17 to 24.

⁴ Att. 21 at 2:42 and 3:40.

escorted ██████ out of the vehicle. Responding officers assisted in handcuffing ██████⁵ The accused and responding officers transported ██████ and ██████ to the 009th District Station. At the station, the officers separated ██████ and ██████ and questioned them. In her statement to COPA, ██████ explained that the accused officers made multiple sexually inappropriate comments to her,⁶ and that Officer Delgado Fernandez made her unlock her cellphone and then entered his personal phone number.⁷ Both ██████ and ██████ were released,⁸ and the Cook County State's Attorney's Office declined to charge ██████⁹ During the encounter, both accused officers activated their BWCs late, repeatedly deactivated and reactivated their BWCs.

B. Disputed Findings and Recommendations

The Superintendent disputes COPA's sustained allegation #1 against Officer Delgado Fernandez, for sexually harassing ██████ in violation of Department policy.¹⁰ The Superintendent also disputes COPA's Sustained finding for Allegation #2, that Officer Delgado Fernandez put his phone number in ██████ cellphone. COPA agrees with the Superintendent's position as to this allegation and to alter its finding to Not Sustained.

II. ARGUMENT

A. The Superintendent failed to meet the affirmative burden of showing that COPA failed to prove Officer Delgado Fernandez made sexually harassing comments to ██████

The Superintendent argues COPA did not meet its burden of proof because "there is no evidence to support either sustained findings".¹¹ The Superintendent disputes COPA's analysis of the officers' statements and argues its FSR does not provide evidence to support a sustained finding.¹² However, the Superintendent's argument ignores the statement ██████ the Complainant provided to COPA. COPA appropriately relied on ██████ and the officers' statements in finding by a preponderance of the evidence that the officers committed the alleged misconduct.¹³

The Consent Decree requires COPA to

make credibility determinations of statements made by complainants, involved CPD members, and witnesses based on independent, unbiased, and credible evidence, taking into account any known record or final determination of deception or untruthfulness in legal proceedings, administrative investigations,

⁵ Att. 11 from 2:22 to 3:04.

⁶ Att. 5, pg. 6, ln. 12 and 13; pg. 7, lns 1 to 24; pg. 25, lns. 4 to 17; pg. 28 lns. 2 to 5; pg. 37, lns. 21 and 22; and pg. 39, ln. 6.

⁷ Att. 5, pg. 7, ln. 20 to pg. 8, ln. 1.

⁸ Att. 3, pg. 4; Att. 4, pg.4.

⁹ Att. 3, pg. 3 and 5.

¹⁰ The Superintendent concurs with COPA's sustained allegation #3 for failing to keep his BWC active during the entire event. COPA notes that the Superintendent's disciplinary recommendation of a one-day suspension falls within COPA's recommended disciplinary range of up to 30 days.

¹¹ The Superintendent's Partial Non-Concurrence, pg. 1.

¹² The Superintendent's Partial Non-Concurrence, pgs. 1 to 2.

¹³ *State of Illinois v. City of Chicago*, 17CV6260 (N.D. Ill. 2017) ("The Consent Decree"), ¶ 486 (e).

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or other investigations; and [] *critically evaluate all statements, like any other evidence, giving no automatic preference to, or discounting, any statement solely due to its source*, including statements made by CPD members.¹⁴

A complainant's statement is probative evidence, which COPA must consider in its analysis. The Superintendent's argument fails to account for the Complainant, [REDACTED] statement to COPA. As indicated in its FSR and required by the Consent Decree, COPA conducted a credibility assessment of [REDACTED] and the officers. COPA found [REDACTED] account of the incident more credible than the officers', noting that the officers were unable to fully recall the incident. The Superintendent offers no evidence to suggest COPA's credibility assessment is insufficient, or that [REDACTED] statement was not credible.

COPA's credibility assessment was appropriate, as (1) the officers could not fully recall the incident, (2) the officers failure to fully record the incident on BWC, and (3) [REDACTED] provided a consistent account of the incident. Given that COPA appropriately analyzed the testimonial evidence available, its findings were reasonable.

III. CONCLUSION

For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA's recommendations in this case are unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's findings and recommendations.

Respectfully,

[REDACTED]
LaKenya White
Interim Chief Administrator
Civilian Office of Police Accountability

¹⁴ The Consent Decree ¶ 466 (emphasis added).