



**Brandon Johnson**  
Mayor

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

**Larry B. Snelling**  
Superintendent of Police

May 14, 2024

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

Re: Superintendent's Partial Concurrence with COPA's Findings  
and Non-Concurrence with Penalty Recommendation  
Log# 2023-0000812

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) partially concurs with the findings and does not concur with the penalty recommendation as they pertain to Police Officer Colleen Gardner, Star No. 6115. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a penalty of a suspension up to 30 days for Police Officer Gardner after concluding that she:

1. Made physical contact/pushed [REDACTED] without justification;
2. Failed to use de-escalation techniques during her interaction with [REDACTED] in that she pushed [REDACTED] without justification;
3. Failed to activate Body Worn Camera in a timely manner.

#### Allegation #1 and Allegation #2

The Department does not concur with the sustained finding for Allegation #1 and Allegation #2 and recommends a finding of Unfounded. Officer Gardner was on the scene of a traffic accident involving serious bodily injury to on-duty officers. Officer Gardner stated that she observed an unknown person approaching the scene and was not aware of what this person was doing. At this point Officer Gardner approached the person, later identified as [REDACTED] while providing clear direction to "get back" several times. Officer Gardner's body worn camera video clearly shows Officer Gardner's de-escalation methods by stating "get back" several times before any physical action took place. At this moment in the incident, [REDACTED] is not a cooperating person but would be classified as a passive resistor. A passive resistor is a person who fails to comply (non-movement) with verbal or other direction. Officer response to a passive resistor could include police presence, verbal responses, holding techniques, compliance techniques, control instruments (baton), and OC Spray. Officer Gardner utilized guiding/pushing techniques and verbal direction to redirect [REDACTED] away from the scene. [REDACTED] decision to strike the officer while stating "don't touch me" immediately escalated his status to that of an assailant. It was for these actions as an assailant that

led to [REDACTED] arrest and subsequent conviction for Aggravated Battery to a Police Officer.

Also, in its Credibility Assessment, COPA states that the investigation did not reveal anything to question the credibility of [REDACTED]. The Department disagrees with this conclusion as during [REDACTED] interview by COPA, he stated that while approaching him, Officer Gardner didn't say anything and just walked up to him and started pushing him. According to [REDACTED] Officer Gardner didn't start saying "get back" until after she made contact. The BWC video clearly shows that Officer Gardner was stating "get back" before making contact with [REDACTED] and [REDACTED] looking directly at her while she was telling him to get back.

#### Allegation #3

The Department concurs with the finding for this allegation as the video shows that Officer Gardner did not activate her Body Worn Camera immediately upon arrival to the scene of the traffic crash. For this violation, the Department recommends a penalty of a Reprimand.

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

Sincerely,

[REDACTED]

Larry B. Snelling  
Superintendent of Police  
Chicago Police Department