



Brandon Johnson
Mayor

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

Larry Snelling
Superintendent of Police

September 28, 2023

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, IL 60622

RE: Superintendent's Partial Concurrence and Partial Non-Concurrence with COPA's proposed findings and penalties
Complaint Register Number #2021-0002350
Police Officer Noah Ball #11870, Police Officer Vincent Shields #17979, Police Officer Curtis Alequin #10028, Police Officer Matthew Skalski #16752, and Police Edward Zeman #19750

Dear Chief Administrator,

After careful review of the recommendations made by the Investigator in this matter, the Superintendent does not concur with the findings of COPA related to Allegation number two (2) against Police Officer Noah Ball #11870 ("Officer Ball") and does concur with the findings of COPA for Allegation number one (1) and has an alternative penalty recommendation. The Superintendent concurs with the findings of COPA related to all the allegations against Police Officer Vincent Shields #17979 ("Officer Shields"). The Superintendent concurs with the finding of COPA against Police Officer Curtis Alequin #10028 ("Officer Alequin") but has an alternative penalty recommendation. The Superintendent concurs with the finding of COPA against Police Officer Matthew Skalski #16752 ("Officer Skalski") and Police Officer Edward Zeman #19750 ("Officer Zeman").

Statement of Facts and Summary of Findings

COPA sustained several allegations against Officer Ball, Officer Shields, Officer Alequin, Officer Skalski, and Officer Zeman stemming from an officer-involved shooting that occurred on June 16, 2021. On the night of the incident, Officer Ball and Officer Shields were conducting traffic enforcement and requested the assistance of Officers Alequin, Skalski, Zeman, and Estrada, who were operating a different vehicle and following behind Officer Ball and Shields. Officer Ball and Shields observed a vehicle commit a traffic infraction, (no seatbelt) and attempted to curb the vehicle by activating their emergency equipment. In response, the driver of the suspect vehicle accelerated in an attempt to flee from the officers. After the brief acceleration, the vehicle slows down as it becomes blocked by garbage cans and a parked vehicle and the rear driver's side passenger door begins to open while the vehicle is still in motion.

Officer Ball, who was driving the police vehicle, puts the vehicle in park and Officer Ball and Shields exit and run towards the suspect vehicle. Upon approach, Officer Ball and Shields' "in-car camera" ("ICC") shows the rear passenger of the vehicle, later identified as [REDACTED] ("[REDACTED]") exit the vehicle and begin fleeing. Shortly after, suspect [REDACTED] is observed turning and throwing an object over his right shoulder to the right of his position. Simultaneously and less than a second later, a gunshot is heard. Officer Ball pursues [REDACTED] but [REDACTED] makes good his escape after discarding a purple hooded sweatshirt he was

wearing which was found to contain suspect cannabis.

A second suspect, [REDACTED] (" [REDACTED] exits the vehicle at this time armed with an additional weapon and begins to flee. [REDACTED] discards his weapon which is immediately recovered by Officer Shields from the sidewalk. Officer Shields then continues to pursue [REDACTED] and is able to detain him at gunpoint and place him into custody a short distance later. Two (2) additional suspects were detained inside the suspect vehicle ([REDACTED] and [REDACTED]

In his statement to COPA, Officer Ball explained that as [REDACTED] exited the vehicle, he could see the firearm in his hand and then observed him raising the firearm up under his arm. Officer Ball stated that it was at this point, he feared that he, his partner, or a civilian was going to be killed or shot. Officer Ball continued and explained that as he observed the firearm come up, he discharged his firearm and also observed [REDACTED] firearm discharge, creating a muzzle flash. This statement is supported by Officer Shields' statement as discussed further. Officer Ball then observed [REDACTED] throw the firearm "within tenths of a second" later at which point he chose not to discharge his weapon any further as he determined that the threat was gone.

According to the Crime Scene Report, one (1) 9mm Luger WIN FCC expended shell casing was recovered from the sidewalk near the suspect vehicle and (1) .40 cal S&W expended shell casing was recovered from the alley, west of the suspect vehicle.

COPA has sent letters requesting statements to suspects [REDACTED] and [REDACTED] but it is assumed that these letters went unanswered and these individuals do not wish to cooperate in the investigation.

It was also discovered during our review of this COPA case that [REDACTED] was placed into custody on 07 Oct 22 for UYW reported under RD # JE-426110 during which he was found to be in possession of Glock .45 caliber semi-automatic handgun. COPA concluded their investigation with findings on 30 Jun 23; however, no COPA letters requesting a statement from [REDACTED] were found in the review file.

COPA made the following determinations on the allegations:

Police Officer Noah Ball

It is alleged that on June 16, 2021 at 8:30 p.m. at 4501 W. Jackson Blvd., Chicago, Illinois, Officer Ball, Star #11870, committed misconduct through the following acts or omissions:

1. Failed to activate his body-worn camera in a timely manner, in violation of Special Order S03-14, Body Worn Cameras; SUSTAINED.
2. Discharged his firearm in violation of General Order G03-02-03, Firearms Discharge Incidents - Authorized Use and Post-Discharge Administrative Procedures; SUSTAINED.

Police Officer Vincent Shields

It is alleged that on June 16, 2021 at 8:30 p.m. at 4501 W. Jackson Blvd., Chicago, Illinois, Officer Shields, Star #17979, committed misconduct through the following acts or omissions:

1. Failed to activate his body-worn camera in a timely manner, in violation of Special Order S03-14, Body Worn Cameras; SUSTAINED.
2. Failed to make appropriate notification to OEMC after pointing his firearm at the arrestee, [REDACTED] in violation of Department Notice D19-01, Firearm Pointing Incidents; SUSTAINED.

3. Failed to properly handle the firearm taken into custody, in violation of Special Order S07-01-04, Firearms Taken Into Custody or Turned In; SUSTAINED.
4. Being verbally abusive in effecting the detention of [REDACTED] when the accused referred to arrestee, [REDACTED] as "dummy"; SUSTAINED.

Police Officer Curtis Alequin

It is alleged that on June 16, 2021 at 8:30 p.m. at 4501 W. Jackson Blvd., Chicago, Illinois, Officer Alequin, Star #10028, committed misconduct through the following act or omission:

1. Failed to activate his body-worn camera in a timely manner, in violation of Special Order S03-14, Body Worn Cameras; SUSTAINED.

Police Officer Matthew Skalski

It is alleged that on June 16, 2021 at 8:30 p.m. at 4501 W. Jackson Blvd., Chicago, Illinois, Officer Skalski, Star #16752, committed misconduct through the following act or omission:

1. Failed to activate his body-worn camera in a timely manner, in violation of Special Order S03-14, Body Worn Cameras; SUSTAINED.

Police Officer Edward Zeman

It is alleged that on June 16, 2021 at 8:30 p.m. at 4501 W. Jackson Blvd., Chicago, Illinois, Officer Zeman, Star #19750, committed misconduct through the following act or omission:

1. Failed to activate his body-worn camera in a timely manner, in violation of Special Order S03-14, Body Worn Cameras; SUSTAINED.

ANALYSIS

I. Allegations against Officer Ball

a. The Preponderance Of The Evidence Does Not Support COPA's Finding That Officer Ball Discharged His Firearm In Violation Of General Order G03-02-03

Based on a review of all the evidence presented to COPA, it is clear that COPA cannot meet its required standard of proof, preponderance, to sustain Allegation two (2) against Officer Ball; that he discharged his firearm in violation of G03-02-03.

i. COPA's finding that the evidence contradicts Officer Ball's account of the incident is speculative.

In his statement to COPA, Officer Ball stated that as he approached the vehicle he observed [REDACTED] exit the vehicle holding a firearm in his hand.¹ Officer Ball went on to explain that he then observed the firearm start to raise and he feared that he or his partner were going to be killed.² Finally, Officer Ball explained that as

¹ Officer Ball, Noah-Signed Transcript, p. 10, lines 3-6.

² *Id.* at p. 10, lines 9-14.

the firearm came up, he simultaneously discharged his firearm and observed the muzzle flash from [REDACTED] firearm.³ Officer Ball contends that he saw a muzzle flash and on the Crime Scene Report, two separate caliber expended shell casings were found at the scene.⁴ One was an expended 9mm shell casing which is the caliber Officer Ball was armed with and the other was an expended 40 cal. shell casing which matched the caliber of the weapon held by [REDACTED]

In its Summary Report of the Investigation ("SRI"), COPA concedes that [REDACTED] was in possession of a firearm but found that there was no objective evidence to support that [REDACTED] discharged the firearm.⁵ COPA cites to the fact that each witness reported only one gunshot and body-worn camera footage only captured one shot.⁶ However, COPA misrepresents Officer Shields' statements regarding the muzzle flash and his observations and ignores the physical evidence.

In his statement to COPA, Officer Shields stated, "I see a muzzle flash from the occupant that exited, the one occupant."⁷ When asked where exactly, Officer Shields responds, "From exactly where the passenger of the Hyundai Elantra exited when he was the only one outside the vehicle."⁸ Later in the interview, Officer Shields is asked if the muzzle flash possibly could have come from Officer Ball to which he stated, "I mean, yeah, it's possible" and confirms that he never saw Officer Ball fire his weapon.⁹ After this exchange however, Officer Shields explains to the Investigator that he misunderstood the Investigator's question and confirms that he did see muzzle flash come from the weapon held by [REDACTED]. He specifically states, "When you said that, hey, could this have been the flash from Officer Ball, I definitely definitely did see that there was a muzzle flash from where the gentlemen that exited the vehicle and smoke from what appeared to be -- or what was a firearm."¹⁰ Officer Shields unequivocally supports Officer Ball's account that there was muzzle flash that came from [REDACTED] weapon. This testimony in combination with the .40 caliber casing demonstrates by a preponderance of evidence that [REDACTED] fired the weapon.

- ii. *COPA failed to assess the reasonableness of Officer Ball's use of force as directed by General Order G03-02, the United States Supreme Court, and COPA's Rules and Regulations in finding that Officer Ball did not face an imminent threat.*

COPA did not assess the reasonableness of Officer Ball's use of force as directed by General Order 03-02, the United Supreme Court, and COPA's own Rules and Regulations.¹¹ Based on General Order 03-02, the U.S. Supreme Court's finding in *Graham v. Connor*, and COPA's Rules and Regulations, "reasonableness" should be judged from the perspective of a reasonable police officer on scene, rather than with the benefit of 20/20 hindsight and that reasonableness determination should embody allowance for that fact that officers are often forced to make "split-second judgements -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation." *Graham v. Connor*, 109 S.Ct. 1865, 1872 (1989).

Based on the In-Car Camera (ICC) video and Officer Ball's statement, one can conclude that Officer Ball used deadly force on [REDACTED] because he reasonably believed that [REDACTED] was armed with a firearm,

³ *Id.* at p. 10, lines 15-18.

⁴ Crime Scene Report at p. 2.

⁵ COPA's Summary Report of Investigation at p. 14.

⁶ *Id.*

⁷ Officer Shields, Vincent-Signed Transcript, p. 9, lines 5-6.

⁸ *Id.* at p. 16, lines 3-8.

⁹ *Id.* at p. 22, lines 1-3.

¹⁰ *Id.* at pp. 22-23, lines 24(p. 22)-5(p. 23).

¹¹ CPD General Order G02-02, Section II-D-1, *Graham v. Connor*, 109 S.Ct. (1989), COPA Rules and Regulations, § 3.10.3.5.

a deadly weapon that could cause death and great bodily harm to Officer Ball, his partner, or to a civilian and that [REDACTED] was an imminent threat. The issue is reduced to whether or not Officer Ball's actions were objectively reasonable, necessary, and proportional, given the totality of the circumstances and whether or not [REDACTED] was an imminent threat.

The Chicago Police Department defines an imminent threat as when it is objectively reasonable to believe that the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; the person has the means or instruments to cause death or great bodily harm; and the person has the opportunity and ability to cause death or great bodily harm.¹²

In light of the totality of the circumstances faced by Officer Ball during this incident, the force used against [REDACTED] was objectively reasonable, necessary, and proportional in order to protect Officer Ball and the other officers on scene that day. In determining whether the threat [REDACTED] posed to Officer Ball and his partner may be considered imminent, three factors must be taken into account. First, it must be objectively reasonable for Officer Ball to believe that [REDACTED] actions were immediately likely to cause death or great bodily harm to Officer Ball and his partner unless an action was taken. Second, it must be considered whether it was objectively reasonable for Officer Ball to believe that [REDACTED] had the means or instruments to cause death or great bodily harm. Finally, it must be considered whether it was objectively reasonable for Officer Ball to believe that [REDACTED] had the opportunity and ability to cause death or great bodily harm.

In this instance, Officer Ball was forced to make a split-second decision to use deadly force against [REDACTED]. COPA failed to apply the appropriate reasonableness standard, taking into account the perspective of Officer Ball and how a reasonable police officer would have reacted in this relatively short incident. [REDACTED] posed an imminent threat to Officer Ball himself and to his partner, Officer Shields who Officer Ball had believed was directly behind him as [REDACTED] raised the firearm. Firstly, a reasonable police officer would believe that a subject raising a gun towards the officer while attempting to flee is immediately likely to cause death or great bodily harm. Even if it was inadvertently pointed at Officer Ball as COPA suggests, the fact of the matter is that Officer Ball observed the firearm being pointed at him and feared for his life. Secondly, Officer Ball immediately observed that [REDACTED] was armed as he exited the vehicle thus it was objectively reasonable for Officer Ball to believe that [REDACTED] had the means to cause death or great bodily harm. Finally, Officer Ball was in close proximity to [REDACTED] when he raised the visible firearm thus Officer Ball believed that [REDACTED] had the ability to cause death or great bodily harm with the firearm.

Regardless of whether or not [REDACTED] discharged his firearm, which is debatable, Officer Ball stated that he was in fear of his life when he observed [REDACTED] raising his firearm. However, COPA determined that Officer Ball did not face an imminent threat. In its SRI, COPA states without supporting evidence, "It is more likely than not that if [REDACTED] inadvertently pointed his weapon at Officer Ball, he did so as he attempted to discard it."¹³ This conclusion is pure speculation as COPA failed to interview [REDACTED] and cannot possibly know his mental state as he raised his weapon towards Officer Ball. Notably, COPA has conceded that [REDACTED] was armed with a gun and even accepts that [REDACTED] may have pointed the weapon at Officer Ball and the fact that Officer Ball knew [REDACTED] had a gun when he fled from the vehicle as he was holding the weapon in his hand.

"[W]hen an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force." *Muhammed*, 316 F.3d at 683 (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (en banc) (emphasis omitted)). In *Conley-Eaglebear v. Miller*, the court affirmed the entry of summary judgment for an officer on an excessive force claim where the officer shot a fleeing suspect in the back after observing

¹² Chicago Police Department Directive, De-Escalation, Response to Resistance, and Use of Force. General Order G03-02. Pg. 4.

¹³ SRI at. p. 14.

him draw a gun from his waistband and look back over his shoulder toward the officer; the officer “did not need to wait for [the suspect] to face him or point the gun directly at him before acting to protect himself and the community.” No. 16-3065, 2017 WL 7116973, at *2 (7th Cir. Sept. 26, 2017) (citing *Helman v. Duhaime*, 742 F.3d 760, 763 (7th Cir. 2014) (objectively reasonable for officer to shoot suspect who was reaching for firearm); *Henning v. O’Leary*, 477 F.3d 492, 496 (7th Cir. 2007) (“officers cannot be expected to wait until a resisting arrestee has a firm grip on a deadly weapon and completely freed himself from officers trying to subdue him before taking action to ensure their safety”); *Ellis v. Wynalda*, 999 F.2d 243, 247 (7th Cir. 1993) (noting officer would be justified to shoot suspect when he was about to throw a bag at him, up until the moment officer observed that the bag was lightweight, caused no injury, and was no immediate threat); see also *Horton*, 883 F.3d at 952 (reasonable officer would know that “suspect could have turned and produced a gun in a flash given all the facts and circumstances”); accord *White v. City of Topeka*, 489 F. Supp. 3d 1209, 1240 (D. Kan. 2020) (identifying cases where use of deadly force by officer who believed suspect had a gun and suspect was resisting or fleeing law enforcement, even if the suspect never threatened officer, was objectively reasonable) (citing *Jean-Baptiste v. Gutierrez*, 627 F.3d 816, 821 (11th Cir. 2010); *Henning*, 477 F.3d at 496; *Anderson v. Russell*, 247 F.3d 125, 130–31 (4th Cir. 2001); *Thompson v. Hubbard*, 257 F.3d 896, 898–99 (8th Cir. 2001); *Slattery v. Rizzo*, 939 F.2d 213, 215–17 (4th Cir. 1991); *George v. Morris*, 736 F.3d 829, 838 (9th Cir. 2013)).

Officer Ball's in-car camera video shows [REDACTED] exiting the vehicle and as he flees, he immediately can be seen turning his body.¹⁴ Officer Ball did not perceive that [REDACTED] was turning in an effort to discard the firearm or perceive that [REDACTED] was "inadvertently" pointing his firearm while he was attempting to discard it. Officer Ball observed [REDACTED] turn and point the firearm in his direction causing Officer Ball to reasonably believe his life was in danger. Officer Ball discharging his firearm and [REDACTED] turning and discarding his firearm happen almost simultaneously in the same second frame.¹⁵ As previously stated, the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the benefit of 20/20 hindsight. This case offers a perfect example of split-second decision making.

There is a preponderance of the evidence demonstrating Officer Ball's use of force was objectively reasonable based on the totality of the circumstances. Furthermore, his actions were in line with CPD policy, and the facts presented by COPA are legally insufficient to sustain this allegation.

b. The Preponderance Of The Evidence Supports COPA's Finding That Officer Ball Failed To Activate His Body-Worn Camera In A Timely Manner. In Violation Of Special Order S03-14

In his statement to COPA, Officer Ball stated that he thought he activated his camera but then went on to explain that he did not think it was safe and feasible at the time to activate his camera. Based on Officer Ball's statement of his decision to pull the offending vehicle over and activating his vehicle's emergency equipment, we can conclude that Officer Ball had time to activate his body-worn camera at the beginning of the traffic stop which is mandatory according to Special Order S03-14.

The evidence as presented is sufficient by the preponderance standard to sustain the allegation. Taking into consideration the recommended level of discipline applied in previous similar investigations, Officer Ball's complimentary and disciplinary history, the discipline imposed for this sustained allegation should be a one day suspension.

¹⁴ In-Car Camera at 01:25.

¹⁵ *Id.*

II. Allegations against Officer Shields

- a. The Preponderance Of The Evidence Supports COPA's Finding That Officer Shields Failed To Activate His Body-Worn Camera In A Timely Manner, In Violation Of Special Order S03-14

The footage from Officer Shields' body-worn camera demonstrates activation took place after he had exited his marked police vehicle and began pursuing the fleeing offenders. In his statement to COPA, Officer Shields stated that he and Officer Ball activated their police vehicle's emergency equipment to stop the offending vehicle but the offender kept driving forward. Based on Officer Shields' statement of his decision to pull the offending vehicle over and activating his vehicle's emergency equipment, we can conclude that Officer Shields had time to activate his body-worn camera while still seated in his police vehicle at the beginning of the traffic stop which is mandatory according to Special Order S03-14.

- b. The Preponderance Of The Evidence Supports COPA's Finding That Officer Shields Failed To Make Appropriate Notification To OEMC After Pointing His Firearm At The Arrestee, [REDACTED] In Violation Of Department Notice D19-01

Officer Shields body-worn camera clearly shows him pointing his firearm at [REDACTED] Officer Shields did admit in his statement to COPA that he did not notify OEMC about the firearm pointing incident due to the 10-1 emergency transmissions which were taking place at the same time regarding Officer Ball's pursuit of the other offender. Officer Shields did not want to interrupt the communications between the OEMC dispatcher and involved officers. Officer Shields did notify a supervisor on scene about the firearm pointing incident, Sgt. Schuler, however there remains no evidence of the notification to OEMC. Based on Officer Shields' body-worn camera footage and his statement to COPA, we can conclude that Officer Shields failed to notify OEMC of his firearm pointing incident at the conclusion of the incident.

- c. The Preponderance Of The Evidence Supports COPA's Finding That Officer Shields Failed To Properly Handle The Firearm Taken Into Custody, In Violation Of Special Order S07-01-04

Officer Shields' body-worn camera video shows him recover the offender's firearm from the ground and immediately continue in the foot pursuit of the offender while holding his firearm in his right hand and the offender's firearm in his left hand. The video also shows Officer Shields still holding the offender's firearm in his left hand while emergency handcuffing the offender on the ground. Officer Shields finally clears the firearm and makes it safe after the offender is handcuffed and secure. In his statement to COPA regarding this allegation, Officer Shields explained that he failed to properly handle the firearm due to exigent circumstances and felt that it was appropriate due to the fact that he was not aware if the offender had another weapon in his possession. Based on Officer Shields' body-worn camera footage and his statement to COPA, we can conclude that Officer Shields failed to properly handle the firearm taken into custody.

It should be noted that a mitigating factor exists regarding civilians being present on the public way in close proximity to where the firearm was discarded. Officer Shields' body-worn camera footage clearly shows a civilian laying on the ground mere feet away from where the firearm was discarded. In order to preserve evidence, officers often times have to immediately recover the evidence to prevent destruction. In this case, one of the civilians may have attempted to take the firearm or worst case scenario, a young child may have discovered the loaded firearm on the ground.

d. The Preponderance Of The Evidence Supports COPA's Finding That Officer Shields Was Verbally Abusive In Effecting The Detention Of [REDACTED] When He Referred To The Arrestee as "Dummy"

In Officer Shields' body-worn camera video you can hear Officer Shields state to offender [REDACTED] "You guys did, you dummy." In his statement to COPA regarding this allegation, Officer Shields admits to calling [REDACTED] a "dummy" out of frustration and acknowledges that he should not have done it.

The evidence as presented is sufficient by the preponderance standard to sustain the allegations. Taking into consideration the recommended level of discipline applied in previous similar investigations, Officer Shields' complimentary and disciplinary history, the discipline imposed for this sustained allegation should be no more than a five (5) day suspension.

III. Allegations against Officer Alequin

a. The Preponderance Of The Evidence Supports COPA's Finding That Officer Alequin Failed To Activate His Body-Worn Camera In A Timely Manner, In Violation Of Special Order S03-14

The footage from Officer Alequin's body-worn camera demonstrates activation took place after he had exited his marked police vehicle and began pursuing the fleeing offenders. In his statement to COPA, Officer Alequin explained that he believed he had activated his body-worn camera when he was running up to the vehicle which was after the offenders had fled and he heard a gunshot. However, after he began pursuing the offenders, he realized the camera was not on and immediately activated it. Officer Alequin also explained that they were assisting Officer Ball and Shields with traffic enforcement and observed Officer Ball and Shields activate their vehicle's emergency equipment on Jackson and not in the alley where the offender's vehicle finally stopped. Based on Officer Alequin's body-worn camera footage and his statement to COPA, we can conclude that Officer Alequin failed to activate his body-worn camera in a timely manner when the traffic stop was initiated.

The evidence as presented is sufficient by the preponderance standard to sustain the allegations. Taking into consideration the recommended level of discipline applied in previous similar investigations, Officer Alequin's complimentary and disciplinary history, the discipline imposed for this sustained allegation should be increased to a seven (7) day suspension.

IV. Allegations against Officer Skalski

a. The Preponderance Of The Evidence Supports COPA's Finding That Officer Skalski Failed To Activate His Body-Worn Camera In A Timely Manner, In Violation Of Special Order S03-14

The footage from Officer Skalski's body-worn camera demonstrates activation took place after he had exited his marked police vehicle and began pursuing the fleeing offenders. In his statement to COPA regarding this allegation, Officer Skalski explained that he did not recall when he activated his camera. Officer Skalski also explained that he observed Officer Ball activate their vehicle's emergency equipment to make the traffic stop on the offender's vehicle but the vehicle disregarded the emergency equipment and continued to drive on. Based on Officer Skalski's body-worn camera footage and his statement to COPA, we can conclude that Officer Skalski failed to activate his body-worn camera in a timely manner when the traffic stop was initiated.

The evidence as presented is sufficient by the preponderance standard to sustain the allegations. Taking into consideration the recommended level of discipline applied in previous similar investigations, Officer

Skalski's complimentary and disciplinary history, the discipline imposed for this sustained allegation should be a three (3) day suspension.

V. Allegations against Officer Zeman

- a. The Preponderance Of The Evidence Supports COPA's Finding That Officer Zeman Failed To Activate His Body-Worn Camera In A Timely Manner, In Violation Of Special Order S03-14

The evidence as presented is sufficient by the preponderance standard to sustain the allegations. Taking into consideration the recommended level of discipline applied in previous similar investigations, Officer Skalski's complimentary and disciplinary history, the discipline imposed for this sustained allegation should be violation noted.

Conclusion

For the foregoing reasons, the Superintendent does not concur with the finding of COPA related to Allegation two (2) against Officer Ball and does concur with Allegation one (1) but offers an alternative recommended penalty for Allegation one (1). The Superintendent does concur with the finding of COPA related to Allegations one (1), two (2), three (3), and four (4) against Officer Shields and recommends a suspension of a five (5) days. The Superintendent does concur with the finding of COPA related to Allegation one (1) against Officer Alequin and recommends a suspension of seven (7) days as opposed to the five (5) day suspension recommended by COPA. The Superintendent does concur with the finding of COPA related to Allegation one (1) against Officer Skalski and concurs with COPA's recommendation of a three (3) day suspension. The Superintendent does concur with the finding of COPA related to Allegation one (1) against Officer Zeman and concurs with COPA's recommendation of a violation noted. I look forward to discussing this matter with you.

Sincerely,



Larry Snelling
Superintendent of Police