



Brandon Johnson
Mayor

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

Larry Snelling
Superintendent of Police

October 5, 2023

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

Re: Superintendent's Partial Non-Concurrence with COPA's findings
Log# 2021-0002843
Lieutenant Wilfredo Roman, Jr.

Dear Chief Administrator Kersten:

Based on a review of the above-referenced complaint register (CR), the Chicago Police Department (CPD) partially concurs with COPA's findings that Lt. Wilfredo Roman, Jr. failed to act in a manner consistent with the Department's policy to treat all persons with dignity and respect and failing to complete a Tactical Response Report regarding Roman's use of force. CPD does not concur with COPA's finding that Lt. Roman used excessive force against ██████████ nor does CPD concur with COPA's finding that Lt. Roman's use of stunning technique violated a Chicago Police Department rule, or was a violation of any law or ordinance. Finally, CPD does not concur with the proposed penalty of separation for Lt. Roman. Based on the facts of the investigation, CPD believes a 180-day suspension is an appropriate penalty. According to the 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 the proposed penalty.

By way of review, below is a brief synopsis of the incident that gave rise to the allegations:

On 09 Feb 21 at 1909 N. La Crosse Avenue in the alley, ██████████ was arrested as an offender involved in an aggravated vehicular hijacking.¹ Lt. Roman, who was working that evening monitored a flash message of a vehicle taken in a carjacking.² Lt. Roman observed the vehicle in question and was able to track the vehicle until parked in a carport with the occupants of the vehicle fleeing on foot.³ Lt. Roman notified the dispatcher of the offenders direction of flight, as well as their clothing description.⁴

Shortly thereafter, Roman heard a transmission on the police radio from other officers relating that they'd placed one of the offenders (██████████) in custody.⁵ Roman proceeded to the officer's location. Body worn camera captures ██████████ while handcuffed, screaming and complaining about the handcuffs.⁶ ██████████ continues to scream and complain⁷, at

¹ Att. 1

² Att. 59 @ Pg. 11

³ Id. @ Pg. 12

⁴ Id. @ Pg. 12-13

⁵ Id. @ Pg. 13

⁶ Att. 4 @2:05-2:40

⁷ Id. @ 2:50-3:20

which point Roman can be heard off camera, yelling "shut up"⁸. Next, the body worn camera captures Roman enter the frame and approach █████ who has his back turned, and the arresting officers.⁹ Roman, who has a flashlight in his left hand, jabs his flashlight against █████ upper leg area, causing █████ to move forward and cease his screaming. One of the arresting officers then begins adjusting █████ handcuffs, causing █████ to scream again, at which point, Roman can be heard yelling again at █████¹⁰

█████ was ultimately charged with aggravated vehicular hijacking unlawful use of a weapon.¹¹ █████ plead guilty to aggravated vehicular hijacking.¹² Lt. Roman was also arrested and charged with aggravated battery and official misconduct.¹³ Roman was found not guilty on all charges.¹⁴

ANALYSIS

The crux of this incident revolves around Roman's use of his flashlight when encountering █████ In their SRI, COPA mis-characterizes Roman's actions, concluding that "Roman placed a flashlight between the buttocks of █████¹⁵ This is inaccurate and misleading. Officer Kanski's body worn camera video captures Roman's actions; a jab with his flashlight to █████ upper leg, which resulted in █████ moving forward and ceasing his screaming.¹⁶

COPA has not proved by a preponderance of the evidence that Roman committed aggravated battery or official misconduct. According to the Illinois Compiled Statutes, a battery includes a person, knowingly and without legal justification making physical contact of an insulting or provoking nature.¹⁷ Aggravated battery includes a person battered on or about the public way.¹⁸ Next, official misconduct is when a public officer acting in his official capacity knowingly performs an act which he knows he is forbidden by law to perform.¹⁹ There is no dispute that Roman was on duty and acting in his official capacity. Roman's use of force, specifically stunning, is a technique that is permitted under the Department's use of force policy.²⁰ Lastly, Roman was found not guilty of aggravated battery and official misconduct on January 30th, 2023.²¹

Lt. Roman, upon arriving in the alley and observing █████ misconstrued his actions as resisting²², which Roman acknowledged in his statement to COPA. That misplaced belief, along with the knowledge that this individual had just committed an armed violent carjacking, no gun had yet been recovered, and █████ screaming could have drawn out a hostile crowd provide context to what Roman was encountering and why Roman utilized the force option he did. Roman was not walking around indiscriminately striking citizens on the public way. The force used by Roman was minimal; he did not hit █████ in the neck, head, or spine, which could have caused serious injury. Rather, Roman directed his flashlight to possibly the least sensitive area of █████ body. Roman's actions certainly rise to

⁸ Id. @ 3:21

⁹ Id. @ 3:34

¹⁰ Id. @ 4:05

¹¹ Att. 1

¹² Att. 56 @ Pg. 5

¹³ Att. 16

¹⁴ Att. 60 @ Pg. 42

¹⁵ COPA SRI 2021-0002843 @ Pg. 11

¹⁶ Att. 4

¹⁷ 720 ILCS 5/12-3(a)

¹⁸ 720 ILCS 5/12-3.05(c)

¹⁹ 720 ILCS 5/33-3(a)(2)

²⁰ General Order 03-02-01 Force Options

²¹ Att. #60 @ Pg. 42

²² Att. 59 @ Pg. 16

the level where administrative action needs to be taken, but they are not criminal.

The General Order on Use of Force in effect at the time of this incident lists stunning as a force option when encountering an active resistor.²³ The order defines "stunning" as "diffused-pressure striking or slapping the subject to increase control by disorienting the subject and interfering with his or her ability to resist."²⁴ Lt. Roman did not strike [REDACTED] with his flashlight, nor did he swing it as if it were an impact weapon. Roman simply thrust the flashlight against [REDACTED] legs.

COPA, in their SRI, declare that Roman's actions "involved impact pressure..."²⁵ and that this use of force is reserved to assailants.²⁶ COPA's use of and reliance on the term "impact pressure" to support their decision is confusing. The General Order which COPA cites, describes force options for an assailant as direct mechanical, impact weapons, and impact munitions. Nowhere in the order is there a reference to, a definition, or a description of "impact pressure."²⁷ By using the term, it appears COPA is attempting to link Roman's use of force to the force options reserved for assailants. Those force options are intended incapacitate or disable elements of the assailant's musculoskeletal structure (bones, muscles, joints).²⁸ This is obviously a stretch, which if true, would support COPA's findings. Roman's use of force was nowhere near the force options reserved for assailants. His actions were less forceful than a one-handed push.

Based on the above, COPA has not shown by a preponderance of the evidence that Lt. Roman's use of force was outside the policy, nor that he violated Rule 1, which prohibits the violation of any law or ordinance. CPD agrees that Lt. Roman deserves a substantial penalty, along with retraining on the appropriate uses of force, but separation is not warranted. CPD believes that a 180-day suspension is appropriate, especially considering Lt. Roman's disciplinary and complimentary history.

Sincerely,



Larry Snelling
Superintendent of Police

²³ General Order 03-02-01 Force Options (IV)(B)(2)(c)

²⁴ Id.

²⁵ COPA SRI 2021-0002843 @ Pg. 11

²⁶ Id.

²⁷ General Order 03-02-01 Force Options

²⁸ Id.