

**BEFORE A MEMBER OF THE POLICE BOARD
OF THE CITY OF CHICAGO**

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 19 RR 05
POLICE OFFICER JOHN SANDERS,)	
STAR No. 9389, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO)	(CR No. 1071504)

REQUEST FOR REVIEW

On April 17, 2019, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of the Chief Administrator’s recommendation for discipline of Police Officer John Sanders, Star No. 9389, arising out of the investigation of Complaint Register No. 1071504 (“Request for Review”).

The Chief Administrator recommended that the following allegations against Officer Sanders be *Sustained*:

Allegation No. 3: On September 12, 2014, at approximately 2:20 p.m., in the vicinity of 7222 South Paulina Street, Chicago, Officer Sanders kicked [an individual] without justification, in violation of Rule 8—Disrespect to or maltreatment of any person, while on or off duty.

Allegation No. 5: On September 12, 2014, at approximately 2:20 p.m., in the vicinity of 7222 South Paulina Street, Chicago, Officer Sanders threw [an individual] to the ground without justification, in violation of Rule 8.

Allegation No. 6: On September 12, 2014, at approximately 2:20 p.m., in the vicinity of 7222 South Paulina Street, Chicago, Officer Sanders punched [an individual] without justification, in violation of Rule 8.

The Chief Administrator recommended that Officer Sanders be suspended for a period of five days.

The Superintendent objected to the Chief Administrator’s recommendation. The Superintendent recommended that the above allegations be classified as *Not Sustained*.

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According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on January 31, 2019; (2) the Chief Administrator received the Superintendent's written response on March 26, 2019; (3) the Chief Administrator's designees met with the Superintendent's designees in person and discussed this matter on April 9, 2019; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on April 16, 2019.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to John P. O'Malley Jr., the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). The Reviewing Member considered the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

OPINION

It is my opinion that the Superintendent has met his burden of overcoming the Chief Administrator's recommendation for discipline. Based on a thorough review of the Request for Review file, I agree with the Superintendent that, absent some further evidence, there is insufficient evidence to sustain the allegations against Officer Sanders. In my opinion, there are too many varying statements given by the civilian witnesses, Officer Sanders (whose statement was given almost two years after the alleged violations), and Officer Rake (who stated that he did not recall the incident and relied mostly on reports generated from the arrest of the complainant). When an individual is told he is under arrest, that individual must comply with the orders of the arresting officer(s), even if they feel the arrest is unjust or unlawful. The force used

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to make the arrest in this case is up for debate but, in my opinion, there is insufficient evidence that it rises to the level of excessive or is in violation of the General Orders. For these reasons, I agree with the Superintendent that the allegations against Officer Sanders should be classified as *Not Sustained*.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent's response—that Allegation Nos. 3, 5, and 6 be classified as *Not Sustained*—shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 30th DAY OF APRIL, 2019.

/s/ JOHN P. O'MALLEY JR.
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board