

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

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 23 RR 10
POLICE OFFICER LAWRENCE KERR,)	
STAR No. 4871, DEPARTMENT OF POLICE,)	(CR No. 2020-3820)
CITY OF CHICAGO.)	

REQUEST FOR REVIEW

On October 2, 2023, the Executive Director 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 Lawrence Kerr, Star No. 4871, arising out of the investigation of Complaint Register No. 2020-3820 (“Request for Review”).

In the wake of George Floyd’s death at the hands of police officers in Minneapolis in 2020, Chicago experienced a period of significant civil unrest which resulted in thousands of police and civilian encounters. The incident giving rise to this investigation involved one of those encounters. According to the Final Summary Report of the investigation, at about 7:36 pm on May 30, 2020, a woman was standing near 510 North State Street where a group of CPD officers were making an arrest in the street. Officer Kerr was then on duty, in uniform, and assigned to a unit that had been charged with responding to the civil unrest. The woman alleged that Officer Kerr made forcible contact with her, striking her in the face with a shield that he was carrying, causing her to sustain a facial injury and to fall. Following the conclusion of the investigation, the Chief Administrator issued a recommendation for discipline of Officer Kerr. The Superintendent of Police did not agree with the Chief Administrator’s recommendation for discipline.

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

On or about May 30, 2020, at approximately 7:36 p.m., at or near 510 North State Street in Chicago, Officer Kerr:

2. Used excessive force against [M.C.], in that he struck and/or pushed her without justification and/or with more force than was reasonable, necessary, and/or proportional to the threat, actions, and/or level of resistance offered by [M.C.];
3. Failed to wear his star on his outer-most garment and in view to the public as required by CPD Directive U4-01 Uniform and Appearance Standards (effective March 11, 2020), Section II.A.3.; and
5. Failed to submit a Tactical Response Report or a Mass Arrest Card after having been involved in a reportable use of force incident that occurred at or near the above time and place, as required by CPD General Order G03-02-02 (effective February 29, 2020) and/or CPD Special Order S06-06 (effective September 27, 2018).

The Chief Administrator recommended that Officer Kerr be suspended for a minimum of thirty (30) days. (Allegation Nos. 1 and 4 were classified as *Not Sustained*.)

The Superintendent disagreed with the Chief Administrator's recommendation in that the Superintendent recommended that Allegation Nos. 2 and 5 be classified as *Not Sustained* and proposed that Officer Kerr be suspended for three (3) days for failing to wear his star (the Superintendent agreed with the recommendation to sustain Allegation No. 3).

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on March 31, 2023; (2) the Chief Administrator received the Superintendent's written response on June 6, 2023; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on September 28, 2023; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on October 2, 2023.

The Executive Director of the Police Board prepared and forwarded the Request for

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Review file to Andreas Safakas, 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 reviewed 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.

Following his initial review of this matter on October 16, 2023, the Reviewing Member requested, received, and reviewed video recordings of the incident and transcripts of COPA's interviews with Officer Kerr and [M.C.].

OPINION

It is my opinion that, based on a thorough review of the Request for Review material, the Superintendent met the burden of overcoming the Chief Administrator's recommendations for discipline. The Superintendent's argument that there is insufficient evidence to sustain the allegation that Officer Kerr used excessive force by striking or pushing [M.C.] is persuasive. No strike or push is depicted on videos of the incident. Based on the totality of the circumstances, including the hostility of the crowd toward the police, as evidenced by the crowd yelling threats and vulgarities at the officers, there is a lack of credible evidence to support sustaining Allegation Nos. 2 and 5.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent's response to the Chief Administrator's recommendation for discipline of Police Officer Lawrence Kerr, Star No. 4871, shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 14th DAY OF NOVEMBER, 2023.

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/s/ ANDREAS G. SAFAKAS
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board