

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

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| IN THE MATTER OF THE |) | |
| RECOMMENDATION FOR DISCIPLINE OF |) | No. 18 RR 04 |
| POLICE OFFICER KEVYN LOTT, |) | |
| STAR No. 11296, DEPARTMENT OF POLICE, |) | |
| CITY OF CHICAGO |) | (CR No. 1077599) |

REQUEST FOR REVIEW

On August 23, 2018, 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 COPA’s recommendation for discipline of Police Officer Kevyn Lott, Star No. 11296, arising out of the investigation of Complaint Register No. 1077599 (“Request for Review”).

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

Allegation No. 1: On October 14, 2015, at approximately 8:40 p.m., at 6930 S. South Shore Drive, Chicago, Officer Kevyn Lott used excessive force against Craig Spiller by striking him, in violation of Rule 2, Rule 6, Rule 8, and Rule 9.

Allegation No. 2: On October 14, 2015, at approximately 8:40 p.m., at 6930 S. South Shore Drive, Chicago, Officer Kevyn Lott used excessive force against Craig Spiller by dragging him, in violation of Rule 2, Rule 6, Rule 8, and Rule 9.

Allegation No. 4: On October 14, 2015, at approximately 8:40 p.m., at 6930 S. South Shore Drive, Chicago, Officer Kevyn Lott engaged in an unjustified verbal altercation with Craig Spiller, in violation of Rule 2, Rule 8, and Rule 9.

Allegation No. 7: On August 18, 2017, Officer Kevyn Lott provided COPA with a false statement regarding kicking or kneeing Craig Spiller, in violation of Rule 14. Specifically, Officer Lott gave the following answer in response to the following question:

Q: And you did not kick or knee Mr. Spiller?
A: I did not.

The Chief Administrator recommended that Officer Lott be discharged from the Chicago Police

No. 18 RR 04
Police Officer Kevyn Lott
Request for Review and Opinion

Department.

The Superintendent objected to the Chief Administrator's recommendation. The Superintendent recommended that Allegation Nos. 1, 2, and 7 be classified as *Unfounded*. The Superintendent concurred with the recommendation that Allegation No. 4 be classified as *Sustained*, and recommended a penalty of a one-day suspension.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued to the Superintendent the recommendation of discipline on April 27, 2018; (2) the Chief Administrator received the Superintendent's written response on July 23, 2018; (3) the Chief Administrator's designees met with the Superintendent's designees and discussed this matter on August 15, 2018; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on August 22, 2018.

According to the Chief Administrator's written objections to the Superintendent's response, following the August 15, 2018, meeting noted above, the Chief Administrator withdrew the recommendation that Allegation No. 2 be classified as *Sustained*, and there was no change in the Chief Administrator's and the Superintendent's recommendations regarding Allegation Nos. 1 and 7 and the penalty.

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

After a thorough review of the Chief Administrator's and Superintendent's recommendations and the in-car camera video of the incident, it is my opinion that the Superintendent met the burden of overcoming the Chief Administrator's recommendation for discipline.

On October 14, 2015, Officer Lott and his partner responded to another officer's call for assistance because Craig Spiller was interfering with an investigation. There is no dispute that Mr. Spiller was disrespectful and belligerent. Officer Lott and his partner eventually handcuffed Mr. Spiller and seated him on the ground. As shown on the in-car camera video, Mr. Spiller was moving around while seated on the ground and handcuffed.

Upon review of the in-car camera video, and taking into consideration the information presented by the Chief Administrator and the Superintendent, it is my opinion that Officer Lott did not use excessive force against Mr. Spiller by striking him, but rather that Officer Lott was attempting to move his foot due to Mr. Spiller's movements and continued non-compliance while under the detention of Officer Lott. It appears that during the action in question, Officer Lott can be seen saying, "Get off my foot man" or words similar to that. He may have moved his foot in a swift motion making the appearance of a kick, but I do not believe that he kicked Mr. Spiller. I also believe that Officer Lott was not so aggravated by the situation that he resorted to excessive force, although I do agree he was most likely using inappropriate/unprofessional language as he so admits. In my opinion, the video is consistent with a motion of Officer Lott removing his foot from underneath Mr. Spiller, and the video is not consistent with Officer Lott striking Mr. Spiller. It may have been a quick movement that appeared to be a kick at the 8:43:17 mark of the video, and I agree that a motion similar to that earlier in the video did not

No. 18 RR 04
Police Officer Kevyn Lott
Request for Review and Opinion

appear as quick, therefore possibly making the movement at 8:43:17 appear to be an intentional kick; however, the video does not depict Officer Lott's foot or knee coming into contact with Mr. Spiller.

In addition, for the above reasons, it is my opinion that Officer Lott did not make a false statement when he denied kicking or kneeing Mr. Spiller.

For these reasons, it is my opinion that the Superintendent has met the burden of overcoming the Chief Administrator's recommendation for discipline. Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent's response—that Allegation Nos. 1, 2, and 7 be classified as *Unfounded*, that Allegation No. 4 be classified as *Sustained*, and that Officer Lott be suspended for one day—shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 6th DAY OF SEPTEMBER, 2018.

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

Attested by:

/s/MAX A. CAPRONI
Executive Director
Police Board