

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 11, 2018
Time of Incident:	7:00 AM
Location of Incident:	██████████
Date of COPA Notification:	February 5, 2018
Time of COPA Notification:	11:31 AM

On January 11, 2018, while Officer Chike Brown (Officer Brown) was exercising his parenting time, he allegedly got angry with his son, ██████████ (██████), and swung him into the kitchen counter and refrigerator, causing a concussion. After Officer Brown took ██████ to school that day, ██████ reported the incident to the school nurse because he had a headache and sensitivity to light. As a result, school staff reported the incident to the Department of Children and Family Services (DCFS). COPA was notified of the case by ██████████ (██████), ██████’s mother. According to court documents, ██████████ requested a change in custody based on the January 11, 2018 incident and other incidents described in the pleadings, including abuse of her younger son, ██████████ (██████). After investigation, COPA finds that the allegation of abuse against ██████ lacks the required supporting evidence for a sustained finding. However, the allegation of abuse towards ██████ is Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Chike Brown, Star # 8097, Employee ID# ██████████, Date of Appointment September 1, 2010, rank PO, Unit of Assignment 006, DOB ██████████, 1981, Gender” Male, Race: Black
Involved Individual #1:	██████████, DOB: ██████06, Male, Black
Involved Individual #2:	██████████, DOB: ██████2012, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Chike Brown	1. On or about January 11, 2018, at or near ██████████, Officer Chike Brown intentionally swung his son, ██████████, into an object, causing injury in violation of Rule 9.	Sustained / 30-Day Suspension

	2. On or around May 1, 2017 at or near at or near ██████████, Officer Chike Brown intentionally struck his son, ██████████, on the head causing injury in violation of Rule 9.	Not Sustained
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 9: Engaging in any unjustified verbal or physical altercation with any person while on or off duty

V. INVESTIGATION¹

a. Interviews

██████████,² the mother of ██████████ and ██████████, she refused to provide a statement COPA or to permit COPA to interview ██████████ or ██████████. COPA spoke with ██████████ on March 13, 2020, attempting to obtain a statement from her, which she told investigators she would consider. Nevertheless, when COPA followed up with ██████████, ██████████ stated that Officer Brown called her later the same day that COPA contacted her, and that she suspected Officer Brown was somehow monitoring her phone. Ultimately, ██████████ refused to give a statement out of fear that Officer Brown would retaliate. COPA obtained an Affidavit Override.³

Officer Chike Brown⁴ gave a statement to COPA on May 27, 2020 via telephone. When asked about injuries to his son ██████████ from May of 2017, Officer Brown said he was unaware of any injuries around that time. However, he recalled ██████████ having injuries from a bicycle accident that occurred while staying at ██████████'s house. Officer Brown stated that when he picked ██████████ up and noticed the injuries, he documented the injuries by photographing them and submitting them to his attorney, so he would not be blamed for the injuries.

When Officer Brown was asked about a concussion ██████████ received on or around January 11, 2018, he denied any incident or that ██████████ ever had a concussion. Continuing, Officer Brown stated that on the morning of January 18, 2018, Officer Brown had ██████████ and ██████████ with him. He recalled dropping them off at school and that he and ██████████ had an argument about ██████████ being around his grandfather's dog. He explained that he and his ex-wife had been divorced for about a year at the time. ██████████ wanted to reconcile, but Officer Brown told her no. A few months after refusing to reconcile, Officer Brown received notice from ██████████'s attorney that ██████████ was seeking to terminate joint custody and was petitioning for additional child support. Officer Brown's attorney advised him that she had no grounds for a change in custody status.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² See Att. 15. It should be noted that ██████████'s last name was subsequently changed to ██████████.

³ Att. 3, 4, 5

⁴ Att. 13. Statement conducted via telephone due to the COVID-19 pandemic.

Officer Brown then received a letter from DCFS detailing that he was under investigation for an injury [REDACTED] allegedly sustained from being thrown into the kitchen counter.

Officer Brown told COPA investigators that [REDACTED] denied the allegation(s) to DCFS investigators⁵ and that the alleged the doctor's diagnosis of a concussion was based only on what [REDACTED] told the doctor. Less than a week after the first visit, Officer Brown took [REDACTED] back to the same doctor. According to Officer Brown, the doctor interviewed [REDACTED] without Officer Brown present and asked [REDACTED] if his father had hurt him. Allegedly, [REDACTED] told the doctor no.⁶ The doctor then told Officer Brown that the previous diagnosis was based upon information provided by [REDACTED]. Additionally, Officer Brown added that [REDACTED]'s guardian ad litem (GAL) interviewed [REDACTED] and [REDACTED] and that both denied allegations of abuse. As a result, [REDACTED] dropped her petition to amend custody. Finally, Officer Brown believes that [REDACTED] complaint to COPA is an attempt bring false charges against him, stated that the false allegations only began when he started dating someone else.

b. Physical Evidence

COPA reviewed medical records⁷ for the treatment of [REDACTED] related to this incident. According to the records, Dr. [REDACTED] (Dr. [REDACTED]) examined [REDACTED] on January 16, 2018. [REDACTED] was brought in on the recommendation of DCFS, according to the doctor's notes. The Dr. [REDACTED] interviewed both [REDACTED] and [REDACTED]. According to the records, [REDACTED] reported that on the morning of the incident he woke up, brushed his teeth, and got ready for school. He then went to the kitchen with Officer Brown. In the kitchen, Officer Brown pulled [REDACTED]'s arm, swung him into the refrigerator, and then into the kitchen counter. [REDACTED] told Dr. [REDACTED] that the left side of his head and his left leg hurt following the incident, and that he experienced occasional headaches, general head pain, and dizziness following the incident. Dr. [REDACTED]'s assessment suspected child abuse and that [REDACTED] had a concussion with no loss of consciousness. Additionally, [REDACTED] told Dr. [REDACTED] that when [REDACTED] was in third grade he was abused by his Officer Brown. [REDACTED] told the doctor that during the third-grade incident, Officer Brown repeatedly hit him with a belt.

In a subsequent visit to the same Medical officer, [REDACTED] was seen by Dr. [REDACTED] on January 23, 2018. [REDACTED] reported that while the headaches were better, they continued. [REDACTED] also experienced some nausea. On February 5, 2018, [REDACTED] again returned to the same medical officer, this time with his father, and reported that his symptoms had improved.

c. Documentary Evidence

With Officer Brown's consent, COPA obtained the redacted DCFS Records⁸ related to this incident. DCFS's investigation of this incident concluded that the allegations of abuse against Officer Brown were unfounded. The DCFS investigator spoke with the school outcry witness (name was redacted). The witness told DCFS investigators that [REDACTED] disclosed that Officer

⁵ Id at 10:32

⁶ It should be noted that this is not reflected in the medical records. See Att. 10 & 11.

⁷ Att. 8, 10 & 11

⁸ Att. 14

Brown picked up [REDACTED] and slammed him against the refrigerator, kitchen counter, and the floor. [REDACTED] stated that he did not have any injuries, because he was wearing a heavy coat. [REDACTED] believe that Officer Brown got angry because no one told him about the dog [REDACTED] had gotten. [REDACTED] reported the incident to his GAL via text. When the investigator spoke the GAL, she stated that she had no independent evidence to support the claim of abuse. The investigator also spoke with the physician who diagnosed [REDACTED], who *stated that his diagnosis was based on [REDACTED]'s description of symptoms* rather than independent testing. The investigator interviewed [REDACTED]'s six-year-old brother [REDACTED]. [REDACTED] told DCFS investigators that Officer Brown did not hit [REDACTED], but that he spoke to [REDACTED] about getting a dog. Finally, the investigator spoke to Officer Brown. Officer Brown stated that he never touched [REDACTED] and that his ex-wife was using the children to manipulate their divorce proceedings. He stated that [REDACTED] had been making allegations against him ever since she discovered he was dating someone. Finally, [REDACTED] generally reported being afraid of his father, adding that when was in second grade Officer Brown struck him with a wooden spoon.

COPA notes that the DCFS records appear to contain contradictory information. The DCFS investigator, when summarizing the conversation with [REDACTED], notes, "He told this worker that this never happened, that the last time his father whipped him with a wooden spoon was 6 years ago."⁹ However, the investigator then continues on saying that [REDACTED] was asked what happened and described the incident summarized above. COPA attempted to contact the investigator to clarify,¹⁰ but was unsuccessful in reaching the investigator. The investigator made a finding of fact that [REDACTED] [REDACTED] was using the kids and unfounded the case. However, other than Officer Brown's claim that [REDACTED] was using the children, there is no direct evidence of this noted in the DCFS records.

COPA examined court records¹¹ from an ongoing court case involving the divorce of [REDACTED] [REDACTED] from Officer Brown and the custody of their two children. Within [REDACTED]'s petition to reduce Officer Brown's custody time, [REDACTED] describes the January 11, 2018 incident. The petition indicates that a school nurse reported the incident to DCFS after [REDACTED] went to the nurse complaining of pain and headaches from his injuries. In an earlier court document filed September 19, 2017, [REDACTED] advances that on May 1, 2017 a social worker from [REDACTED]'s school reported Officer Brown to DCFS for striking [REDACTED] on the head. This same filing also states that on May 15, 2014 [REDACTED]'s third-grade teacher reported Officer Brown to DCFS when she found "beating whelps (sic)"¹² on [REDACTED]'s arms. The petition states that DCFS found no indication of abuse in that instance. The petition further alleges that Officer Brown had refused to sign a consent form for his son, [REDACTED], to attend therapy despite the recommendation of the school social worker.

⁹ Id. at 20

¹⁰ Att. 22

¹¹ Att. 4

¹² Id. at 6

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA finds that Allegation 1 is sustained. According to ██████'s court pleading filed on February 15, 2018, "on or about January 11, 2018 while exercising his parenting time, [Officer] Brown pulled ██████'s arm and swung him into the refrigerator and counter."¹³ The pleading further alleges that ██████ suffered injury to his head and arm and was in pain. Later that same day, ██████ went to the school nurse for treatment, which resulted in school staff calling DCFS and DCFS's subsequent investigation. Additionally, ██████ was diagnosed treated for a concussion by Dr. ██████.

Conversely, Officer Brown told investigators the event never occurred, nor did ██████ ever incur a concussion. Officer Brown expressed his belief that ██████ was attempting to get full custody of the children and more child support, implying the ██████ instructed ██████ to making false claims.¹⁴ He also stated that the concussion diagnosis was based on what ██████ told the doctor, and when he took ██████ to the doctor a few days after ██████'s first visit, ██████

¹³ Att. 4 at 1

¹⁴ Att. 13 at 17:31

told the doctor he did not have the described symptoms. Nevertheless, COPA finds that the available evidence in this incident does not fully support Officer Brown's account.

██████ made an outcry about the incident to school staff on the morning of January 18, 2018. According to Officer Brown, on that particular morning ██████ was with Officer Brown, and Officer Brown dropped ██████ off at school. With this time frame, it is unclear when ██████ would have instructed ██████ on what to say to the school staff. Additionally, Officer Brown claimed that ██████'s diagnosis was based on ██████'s statements to Dr. ██████, and that ██████ later denied having such symptoms to medical personnel; however, this assertion by Officer Brown was not reflective of the medical records. On the contrary, ██████'s medical records indicated that Dr. ██████ spoke with ██████, and that ██████ provided a description of the incident and the symptoms.¹⁵ Furthermore, the medical records contained references to ██████ describing his symptoms until February 5, 2018,¹⁶ and that ██████ received treatment for a concussion for several weeks after the alleged incident.¹⁷

Equally important, COPA finds that ██████ made consistent outcries to not only school staff and his doctor, but also to his GAL. And while the DCFS report stated ██████ recanted his allegation, COPA's reading of the DCFS report refutes this. The report indicates that ██████ described the incident in detail to the DCFS case worker.

Thus, based on the medical diagnosis of a concussion and ██████'s three consistent accounts of the incident to three separate authority figures, COPA finds a preponderance of evidence supports that incident more likely than not occurred as alleged. Accordingly, COPA finds that Allegation 1 is sustained.

COPA finds Allegation 2, that Officer Brown intentionally struck his son, ██████, on the head causing injury, is not sustained. As stated above, in order to make a sustained finding, COPA must find that by a preponderance of the evidence, it is more likely than not that the alleged incident occurred. Unlike the previous allegation, there are no medical records, photos, consistent outcries, or other supporting evidence to corroborate the allegations made in the court pleading from February 15, 2018. Therefore, COPA is unable to meet its evidentiary burden for this allegation. COPA finds that Allegation 2 is not sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Chike Brown

i. Complimentary and Disciplinary History

1. **Complimentary History:** 3 Attendance Recognition Awards, 8 Emblems of Recognition (Physical Fitness), 51 Honorable Mentions, 8 Department Commendations, 1 Crime Reduction Award (2019), 1 Complimentary Letter, 1 NATO Summit Service

¹⁵ Att. 10 at 3

¹⁶ Att. 11 at 18

¹⁷ Att. 11 at 10 & 17

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	Ryan McPhail
Supervising Investigator:	Sharday Jackson
Deputy Chief Administrator:	Matthew Haynam