

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date / Time / Location of Incident:	January 17, 2019 / 7:48 pm / [REDACTED]
Date / Time of COPA Notification:	February 7, 2019 / 1:49 pm
Type of Case:	Verbal Abuse

On January 17, 2019, Mr. [REDACTED] ([REDACTED] and his mother Ms. [REDACTED] ([REDACTED] were at home when the Chicago Police Department executed a search warrant for a target named [REDACTED]. The [REDACTED] denied any association with [REDACTED]. The [REDACTED] accused the members of inappropriately searching their residence and seizing [REDACTED] ID. COPA also brought allegations related to use of Body Worn Camera (BWC), failing to properly document information by Officer James Brinkley and verbal abuse by Officer Vicente Diaz.

II. INVOLVED PARTIES

Involved Sergeant #1:	Sgt. Williams Morales, Star #1030, Employee ID # [REDACTED], DOA: October 26, 1998, Unit: 315, Male, Hispanic.
Involved Officer #1:	Officer James Brinkley, Star #17677, Employee ID # [REDACTED], DOA: November 4, 2013, Unit: 010, Male, White.
Involved Officer #2:	Officer Vicente Diaz, Star #4599, Employee ID # [REDACTED], DOA: October 29, 2007, Unit: 014, Male, Hispanic.
Involved Officer #3:	Officer Matthew Krzeptowski, Star #14255, Employee ID # [REDACTED], DOA: February 2, 2015, Unit: 315, Male, White.
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sgt. Morales	1. Failed to record on Body Worn Camera (BWC).	Unfounded.
Officer Brinkley	1. Failed to adequately identify the target of search warrant [REDACTED]	Sustained / 20-days and training

	<ol style="list-style-type: none"> Wrote in the Search Warrant Complaint for ██████ that J. Doe described the target of the warrant, ██████ “as a male black, approximately 35 years of age, approximately 5’11” in height, a slim build, bald, head, and brown eyes” and living at ██████ Reported in the Original Case Incident Report for RD# ██████ that ██████ (aka ██████ was found in the secondt-floor hallways at ██████ during the search warrant’s execution. 	<p>Sustained / 20-days and training</p> <p>Sustained / 20-days and training</p>
Officer Diaz	<ol style="list-style-type: none"> Failed to inventory or return ██████ state ID. Used the phrase “Jew town”. 	<p>Not Sustained.</p> <p>Sustained / 20-day suspension.</p>
Officer Krzeptowski	<ol style="list-style-type: none"> Removed your Body Worn Camera (BWC) while recording the execution of search warrant ██████ 	<p>Sustained / Reprimand.</p>

IV. INVESTIGATION

a. Interviews

COPA interviewed Mr. ██████ (█████¹ on February 14, 2019.² ██████ relayed that on January 17, 2019, ██████ heard a booming noise and Chicago Police Department members forced entry into his residence while announcing police. ██████ relayed he did not hear anyone ring the doorbell or knock on the door. On the second floor of his residence, ██████ encountered Department members and he was handcuffed, searched, and detained in the front room. ██████ was also detained with ██████ however, members eventually escorted her back to her bedroom. As the members searched the residence, one obtained ██████ Illinois Identification card. ██████ denied any association with ██████ Officers asked ██████ for marijuana, but he denied having any. ██████ was handcuffed until the officers left. ██████ relayed once the members left, he was unable to locate his identification.

¹ ██████ identification shows him to be a black male, standing 6’1”, weighting 174 pounds, with an extremely short haircut. Additionally, at that time of the incident ██████ had a substantial amount of hair on his head.

² Att. 10.

COPA interviewed Ms. [REDACTED] ([REDACTED] on February 14, 2019.³ [REDACTED] relayed that on January 17, 2019, [REDACTED] and [REDACTED] were in their respective bedrooms upstairs.⁴ [REDACTED] heard a noise and walked to the stairway, where Officers told her to put her hands up and had their guns drawn. She later saw that her front door was broken. She and [REDACTED] were brought downstairs, but [REDACTED] was escorted back to her bedroom. [REDACTED] did not believe the members found anything during the search. The members showed her a piece of paper, but it had the wrong identifiers for [REDACTED] does not know [REDACTED]

COPA interviewed **Sergeant William Morales** on August 21, 2019.⁵ Sgt. Morales affirmed he recorded the incident on BWC and had watched it. Sgt. Morales relayed that on January 17, 2019, he was supervising the execution of a John Doe search warrant at [REDACTED] [REDACTED] Sgt. Morales had minimal involvement in obtaining the search warrant, did not speak with John Doe, and was not present when John Doe described the target. Officer Brinkley performed an investigation, determined [REDACTED] lived at [REDACTED] and obtained the warrant. When the members entered the [REDACTED] home, they announced themselves and [REDACTED] was handcuffed. Sgt. Morales learned that [REDACTED] was not [REDACTED] after about 10 minutes. [REDACTED] remained handcuffed for officer safety. The members continued searching because they believed drugs were stored and sold at the home. No drugs were found, and no one was arrested.

COPA interviewed **Officer James Brinkley** on August 21, 2019.⁶ Officer Brinkley related that prior to obtaining a search warrant a male known to COPA only as John Doe showed Officer Brinkley the residence at [REDACTED] while relaying that a black male named [REDACTED] also known as [REDACTED] sold cannabis from this address.⁷ After obtaining this information Officer Brinkley completed a search of Department records for a [REDACTED] also known as [REDACTED] and located [REDACTED] Officer Brinkley presented a photograph of [REDACTED] to John Doe who confirmed that [REDACTED] was [REDACTED]" After receiving this confirmation, Officer Brinkley sought and obtained a search warrant for [REDACTED] also known as [REDACTED] Officer Brinkley explained that [REDACTED] description in the search warrant being [REDACTED] the exact description from Department records,⁸ Officer Brinkley asserted that the description was provided by John Doe.

On January 17, 2019, members knocked and announced themselves, waited then forcibly entered the home.⁹ The members secured [REDACTED] and detained [REDACTED] however [REDACTED] was eventually escorted taken back to her bedroom. During the course of the search, Officer Brinkley determined that [REDACTED] as not [REDACTED] however, the searching continued and [REDACTED] remained in handcuffs.¹⁰

³ Att. 16.

⁴ [REDACTED] stated she had lived at [REDACTED] for about 46 years. Her daughter, [REDACTED] lived at this residence but she was not present during the warrant.

⁵ Att. 32.

⁶ Att. 37.

⁷ Officer Brinkley was uncertain how [REDACTED] was spelled.

⁸ Att. 42.

⁹ Att. 37 at 06:29.

¹⁰ Officer Brinkley explained that searching continued because there was a belief that [REDACTED] was also a resident at the location.

Officer Brinkley related that he made a clerical error by writing in the Original Incident Case Report that ██████ was found, and that ██████ was in fact not in the residence. Officer Brinkley added that he now believes that John Doe confused ██████ and ██████ and that they are not the same person. Finally, Officer Brinkley explained that the description listed for ██████ on the search warrant was provided by John Doe and that John Doe believed ██████ was bald because it was winter and ██████ was wearing a hat at the time of the transaction.

COPA interviewed **Officer Vincent Diaz** on September 25, 2019.¹¹ Officer Diaz worked with John Doe on previous warrants, but he was not involved in obtaining the search warrant for the ██████ home. After watching BWC, Officer Diaz acknowledged that Officer Perez handed him ██████ ID. Officer Diaz was the inventory officer but did not recall what happened with ██████ ID. Officer Diaz denied taking the ID with him, because his pockets were empty afterwards and he did not recall seeing it. Why asked why he used the phrase “Jew town,” Officer Diaz apologized and denied he intended it to be a slur. Officer Diaz related he was making a historical reference to the Jewish residents of the Maxwell Street area in the 1920s.¹² Officer Diaz grew up in Chicago and that was what he heard the area referred to, akin to Ukrainian Village or Little Italy. He asserted that he would not use the phrase again.

COPA interviewed **Officer Matthew Krzeptowski** on February 10, 2020.¹³ Officer Krzeptowski explained that he removed his vest to be more comfortable, as the room he was searching had a radiator and was extremely hot.¹⁴ Officer Krzeptowski put his vest back on after he searched that area. He denied that he attempted to avoid recording his actions.

b. Digital Evidence

Body Worn Camera¹⁵ (BWC) footage details several members knocking on the entry door of the residence while announcing their office.¹⁶ After approximately 15-second the members breach the front door and enter the residence while continuing to announce their office. As members cleared the residence, they encounter ██████ in the upstairs hallway and detain him. Officer Krzeptowski obtains ██████ identification from his wallet and the identification was eventually provided it to Officer Diaz.¹⁷ ██████ is escorted downstairs to the living room where ██████ is also being detained. While being detained ██████ informs members that she was the owner of the residence while Lieutenant Mark Sedevic presents the warrant. After reviewing the warrant, ██████ and ██████ inform the members that the target, ██████ was not present. Additionally, ██████ denied being ██████

After about 71 minutes of searching Officer Krzeptowski removes his vest, with his BWC attached.¹⁸ Additionally, during the search and in the presence of ██████ Officer Diaz remarks

¹¹ Att. 44.

¹² See https://en.wikipedia.org/wiki/Maxwell_Street.

¹³ Att. 50.

¹⁴ *Id.* at 06:04.

¹⁵ Att. 24.

¹⁶ *Id.* file Diaz_2019-01-17_1948 at 01:46; file Brinkley_2019-01-17_1949 (3) at 00:36.

¹⁷ *Id.* file Diaz_2019-01-17_2032 at 1:03:41.

¹⁸ *Id.* file Krzeptowski_2019-01-17_1949 (1) at 1:11:26.

about the residential area being “Jew Town.”¹⁹ During the course of the search [REDACTED] informs members that he is known as [REDACTED]”²⁰ Additionally, while searching [REDACTED] bedroom a custom-made sign mounted above the bed that displays [REDACTED]²¹

c. Documentary Evidence

A **Complaint for Search Warrant**,²² **Original Case Incident Report**,²³ and **Inventory Sheets**²⁴ detail that Officer Brinkley was informed by an unnamed citizen, John Doe, that a black male known as [REDACTED] was selling cannabis from the residence located at [REDACTED] [REDACTED] for \$20.00. John Doe relayed he has purchased cannabis from [REDACTED] twice weekly for the past two years and most recently purchased on January 14, 2019, from [REDACTED] at the residence.

After learning this information from John Doe, Officer Brinkley completed search of Department records for males with the name of [REDACTED] that matched the description provided by John Doe.²⁶ Officer Brinkley located a male known as [REDACTED] [REDACTED] that matched the description provided by John Doe. Officer Brinkley showed John Doe a photograph of [REDACTED] and John Doe confirmed that [REDACTED] was in fact [REDACTED]” Additionally, Officer Brinkley and John Doe traveled to [REDACTED] to confirm the location that John Doe purchased cannabis earlier in the day. Upon arrival at the location John Doe confirmed the location was the same location that he purchased cannabis from [REDACTED]” Further, the report details that [REDACTED] was located at the residence and that no cannabis was discovered.²⁷ Finally, the only items inventoried were the Search Warrant and related photographs.²⁸

V. 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

¹⁹ *Id.* file Diaz_209-01-17_2032 at 1:09:25.

²⁰ *Id.* file AXON_Body_2_Video_2019-01-17_1949 at 03:40 to 04:10.

²¹ *Id.* file Brinkley_2019-01-17_1949 (3) at 01:50; file Diaz_2019-01-17_2032 at 01:11 and 19:30.

²² Att. 31.

²³ Att. 8.

²⁴ Att. 23.

²⁵ [REDACTED] is described as an approximately 35-year-old black male, standing 5’11” in height with a slim build, bald head, and brown eyes.

²⁶ The description John Doe provided of [REDACTED] is unknown as COPA was not able to interview John Doe and the information listed on Department records exactly matches [REDACTED] information.

²⁷ Att. 8, pg. 2.

²⁸ Att. 23.

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 occurred and violated Department policy.²⁹ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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.³⁰ 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."³¹

VI. ANALYSIS AND CONCLUSION

a. Verbal Abuse Allegations

COPA finds that Allegation #3 against Officer Diaz is **sustained**. Department members are required to "treat all persons with courtesy and dignity which is inherently due every person as a human being" and do so while "speak[ing] ... in a professional manner and maintain[ing] a courteous attitude in all contacts with the public."³² Here, it is undisputed to Officer Diaz remarked about "Jew town" while engaging in his official capacity with the public. Officer Diaz' language violated Department policy and Rules 2, 3, 6, and 8.

b. Documentation Allegations

COPA finds that Allegations #1 to 3 against Officer Brinkley are **sustained**. Department members, specifically the Affiant, are required complete an independent investigation to verify and corroborate the information relied on for a Complaint for Search Warrant while ensuring the Complaint for Search Warrant "accurately and specifically describes the person and/or premises to be searched and seized."³³ Additionally, an Affiant will ensure that the information contained in a Complaint for Search Warrant is "accurate, and current to the best of the member's ability." Finally, members are required to ensure that information contained in reports "accurate[ly]" details the members actions and while containing all the "necessary information ... to facilitate the completion of an effective investigation."³⁴

²⁹ *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).

³⁰ *People v. Coan*, 2016 IL App (2d) 151036 (2016).

³¹ *Id.* at ¶ 28.

³² G02-01 III (B), Human Rights and Resources (effective October 15, 2017 to current); G02-04 II (C), Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective December 1, 2017 to current).

³³ S04-19 IV(A)(1)(c) and VI(A), Search Warrants (effective September 3, 2015 to May 28, 2021).

³⁴ S09-05-01 III(A)(1-2), Department Reports and Letters of Clearance (effective August 13, 2003 to current).

Here, it is undisputed that Officer Brinkley was the Affiant for this incident. During his statement Officer Brinkley relayed that he limited his investigation to a name check of black male named [REDACTED] who are also known by the name [REDACTED]. Upon locating [REDACTED] record, Officer Brinkley presented John Doe a photograph of [REDACTED] and received a positive identification. However, COPA determined that there were at least 21 one males listed in CLEAR that were possible matches to the [REDACTED]. John Doe reported purchasing narcotics from. Further, COPA conducted a simple search of the address provided by John Doe and discovered that there was no party listed with the last name of [REDACTED] at the address. Given these basic investigative steps, COPA determined that the information located by Officer Brinkley was not as accurate or reliable as Department policy required and therefore failed to comply with policy and violated Rules 2, 3 and 6.

Further, while Officer Brinkley asserted that he listed the description of [REDACTED] as it was provided by John Doe, it does not clearly match that of [REDACTED] and is essentially identical to the information listed in CLEAR for [REDACTED]. COPA questions the reliability of Officer Brinkley's assertion that he listed the description as provided by John Doe, especially considering how identical it is to the CLEAR information for [REDACTED].³⁵ It is for these reasons COPA finds that Officer Brinkley failed to "accurately and specifically describes the person" to be searched in violation of Department policy and Rules 2, 3 and 6.

Finally, Officer Brinkley acknowledged that he listed [REDACTED] as present during the search warrant, when in fact he was not. Officer Brinkley explained this was merely a mistake and he intended to list [REDACTED] as present. Officer Brinkley's mistake violated Department policy and Rules 2, 3 and 6.

c. Inventory Allegations

COPA finds that Allegation #1 against Officer Diaz is **not sustained**. COPA was unable to locate sufficient evidence to determine what happened to [REDACTED] identification. It is unclear, from the evidence gathered if Officer Diaz returned the identification to [REDACTED] or retained control of the identification.

d. BWC Allegations

COPA finds that Allegation #1 against Sgt. Morales is **unfounded**. During our investigation, COPA requested relevant BWC footage from the Department. When the footage was provided, there was no recording from Sgt. Morales. During his statement, Sgt. Morales was clear he was equipped with and activated his BWC during this incident. COPA conducted a search for relevant BWC footage generated by Sgt. Morales. This search revealed that Sgt. Morales had in fact activated his BWC and that the Department failed to properly identify and supply to recording to COPA when requested.

COPA finds that Allegation# 1 against Officer Krzeptowski is **sustained**. Department members who are issued a BWC are required to have the BWC affixed to their person and activated

³⁵ [REDACTED] is listed as a bald male; however, [REDACTED] hair is sufficiently long enough that a reasonable person would not consider him bald.

while engaged in law-enforcement-related activity.³⁶ The purpose of this requirement is to “improve the quality and reliability of investigation and increase transparency.”³⁷ Here, it is undisputed that Officer Krezptowski removed his BWC while engaged in law-enforcement-related activity. Officer Krezptowski’s actions were in violation of Department policy and Rules 2, 3 and 6.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Brinkley

i. Complimentary and Disciplinary History

Officer Brinkley has received 70 various awards and has received no discipline in the last 5-years.

ii. Recommended Penalty

Here, Officer Brinkley’s failure possibly led to innocent citizens’ residence being searched. While it is possible that [REDACTED] and [REDACTED] are the same person, Officer Brinkley’s cursory record search and investigation limit the ability for a party to make that determination. While Officer Brinkley’s failures were in violation of Department policy, it is likely that he was complying with the policy in the way he was trained.³⁸ It is for these reasons COPA recommends that Officer Brinkley be suspended for **20-days** and **receive additional training S04-19**.

b. Officer Diaz

i. Complimentary and Disciplinary History

Officer Diaz has received 102 various awards and has received no discipline in the last 5-years.

ii. Recommended Penalty

During his statement Officer Diaz expressed remorse and explained that he did not intend for the language to be offensive, but rather was using it to refer to a historical area of town. Officer Diaz acknowledged his error and informed COPA that he would not use the term again. It is for these reasons, combined with his history, that COPA recommends Officer Diaz be suspended for **20-days**.

c. Officer Krzeptowski

i. Complimentary and Disciplinary History

³⁶ See generally S03-14 – Body Worn Camera, effective October 17, 2017 to current

³⁷ S03-14 II(A).

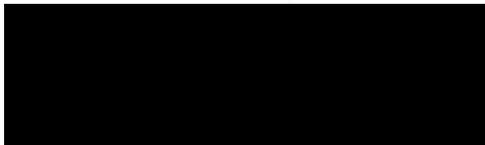
³⁸ COPA acknowledges that at the time of this incident the Department’s training and policy related to obtaining and executing search warrant was minimal and has since been significantly improved.

Officer Krzeptowski has received 52 various awards and has received no discipline in the last 5-years.

ii. Recommended Penalty

While it is undisputed that Officer Krzeptowski removed his protective vest and thereby his BWC during this incident, COPA acknowledges that during the incident numerous members made various remarks about the location being hot, which Officer Krzeptowski explained motivated the removal of his vest and BWC. Additionally, COPA notes that Officer Krzeptowski's BWC remained activated, even after it was removed. It is for these reasons, combined with Officer Krzeptowski's history that COPA recommends Officer Krzeptowski receive a **reprimand**.

Approved:



2/28/2022

Matthew Haynam
Deputy Chief Administrator

Date