

SUMMARY REPORT DIGEST

Civilian Office of Police Accountability

LOG NO
1085615

TYPE
CR

DATE OF REPORT
31-OCT-2017

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR,
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
CIACCO, JESSICA	9181			113	

REFERENCE NOS (LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 1147 N. WESTERN AVE, CHICAGO, IL 60622	DATE / TIME: 16-JUN-2017 13:06	BEAT: 1212
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT		SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
				ASSIGNED	DETAILED					
BRIGHT, DANON C	9161	4503		012		M / BLK	1968	02-DEC-1991	YES	YES
DARBY, JOHN O	9161	14283		002		M / BLK	1965	04-OCT-1999	NO	YES

REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				F / BLK	-1958 / 59

VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
				M / BLK	-2000 / 17

WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
LYLES-BROWN, CHARLENE	RANK: 9161, STAR NO: 19538, EMP NO: [REDACTED]			F / BLK	-1962 / 55

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

See Attached

SUMMARY

See Attached

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
1, 6-8,	9, 10-13, 15, 18, 21, 30, 32, 37	0	40

FINDINGS - RECOMMENDATIONS

Accused 1: Officer Danon Bright, #4503, Unit 012
Allegations 1-2: Unfounded

Accused 2: Officer John Darby, #14283, Unit 002
Allegation 1: Unfounded

Approved:

 #15
COPA Supervisor

DATE INITIATED
(Date incident was received for investigation)

16-JUN-2017

DATE COMPLETED (Date of this report)


31-OCT-2017

ELAPSED TIME
(Total time expressed in days)

137

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

 #55

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

INTRODUCTION:¹

This incident took place at Roberto Clemente Community Academy (“RCCA”) involving student [REDACTED] [REDACTED]. The incident concluded when Mr. [REDACTED] fell to the ground after tripping over his own loose trousers. Police officers on the scene then briefly restrained Mr. [REDACTED] with handcuffs prior to releasing him to his grandmother. Mr. [REDACTED] grandmother later alleged that the officers used excessive force in their handling of Mr. [REDACTED].

ALLEGATIONS:

It is alleged that on 16 June 2017, at approximately 12:10 pm, at 1147 N. Western Ave, **Officer Danon Bright, #4503, Unit 012:**

- 1) Punched [REDACTED] [REDACTED] on the head, in violation of Rules 8 and 9, and
- 2) Struck [REDACTED] [REDACTED] with a police baton, in violation of Rules 8 and 9.²

It is further alleged that on the same date, time, and location, **Officer John Darby, #14283, Unit 002:**

- 1) Tackled [REDACTED] [REDACTED] to the ground, in violation of Rules 8 and 9.

APPLICABLE LAW AND RULES:

Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Prohibits engaging in any unjustified physical or verbal altercation with any person, while on or off duty.

INVESTIGATION:

In an interview with COPA on 20 June 2017, **Subject** [REDACTED] [REDACTED] stated that he was in gym class at RCCA on 16 June 2017. Mr. [REDACTED] had previously been involved in a physical altercation with a gym teacher and, as a result, Mr. [REDACTED] did not attend gym class after that altercation for several months.³ When he was in the gym on 16 June 2017, the gym teacher called RCCA Dean [REDACTED] and said he did not want Mr. [REDACTED] there. Dean [REDACTED] arrived at the gym and told Mr. [REDACTED] he could not be there. According to Mr. [REDACTED] he left the gym but returned to retrieve his shirt. School officials then told the other students to leave the gym. Mr. [REDACTED] left to go to the cafeteria but was unable to get down the hallway, because a door was

¹ As of September 15, 2017, the Independent Police Review Authority (“IPRA”) office closed and was replaced by the Civilian Office of Police Accountability (“COPA”). In the interest of clarity, this report will use the acronym “COPA” to refer to the investigative actions of both agencies.

² Mr. [REDACTED] grandmother did not mention this allegation when she filed this complaint. Mr. [REDACTED] raised it for the first time in his interview.

³ Officer Bright transported Mr. [REDACTED] to Garfield Park Behavioral Hospital after that altercation. From his pre-incident dealings with Mr. [REDACTED] Officer Bright understood that Mr. [REDACTED] had been diagnosed as having a behavior disorder.

locked. When he returned to the gym, he saw on- and off-duty police officers within. Mr. [REDACTED] walked around inside the gym for several minutes, shooting basketball. The officers and school officials asked Mr. [REDACTED] to leave the gym and go home. He finally walked to the north side of the building and went outside, where he made several phone calls to report what was happening.

Mr. [REDACTED] was then talking with Officers Danon Bright and John Darby. According to Mr. [REDACTED] Officer Darby grabbed Mr. [REDACTED] Mr. [REDACTED] pulled away from Officer Darby, and ran. Mr. [REDACTED] explained that he tripped over his sagging pants while he was running and that he fell to the ground as a result. Mr. [REDACTED] stated that he then righted himself and ran from officers again. Mr. [REDACTED] stated that Officer Darby then tackled him to the ground and that Officer Bright struck him on the knee with an expandable baton. Officer Bright then punched Mr. [REDACTED] several times on the side of the head. The officers handcuffed Mr. [REDACTED] and put him in the squad car. The officers released Mr. [REDACTED] to his grandmother when she arrived. (Attachments 6, 8)

A **Chicago Public Schools Incident Report** dated 20 June 2017, written by RCCA Dean [REDACTED] summarized the incident. It describes strange behavior on Mr. [REDACTED] part, including Mr. [REDACTED] refusal to leave the gym, cursing, walking around the gym shooting basketballs, and making telephone calls to his mother, his grandmother, the Board of Education, and other unknown persons.

The report indicates that Dean [REDACTED] then called RCCA special education teacher [REDACTED] ⁴ to the gym to observe Mr. [REDACTED] Officer Bright, Officer Charlene Lyles-Brown (Officer Bright's partner), and Officer Darby were then all present, according to the report. Ms. [REDACTED] tried to calm Mr. [REDACTED] but Mr. [REDACTED] ignored her and continued to talk on his cell phone. One of the officers then told Mr. [REDACTED] that he either had to leave the area and wait for his grandmother to pick him up, or be transported to the hospital for an assessment of his mental state. In response, Mr. [REDACTED] threatened to "beat [the officer's] fucking ass."

The report states that Mr. [REDACTED] then left the school and paced in front of the building. Officer Lyles-Brown continued trying to calm him, but Mr. [REDACTED] repeatedly cursed at the officers and threatened them. Mr. [REDACTED] then ran away from the officers. The report indicates that as Mr. [REDACTED] ran, he tripped over his pants and fell to the ground. Officers Bright and Darby then picked him up off the ground and handcuffed him. The officers then put Mr. [REDACTED] in a police vehicle to calm him down before releasing him to his grandmother. Mr. [REDACTED] continued with his confrontational behavior throughout the incident. (Attachment 9)

In an interview with COPA on 12 July 2017, **Witness** [REDACTED] [REDACTED] Dean at RCCA, stated in most pertinent part that he observed Mr. [REDACTED] trip over his pants and fall to the ground. Dean [REDACTED] also stated that Mr. [REDACTED] pants were falling down as he ran. Dean [REDACTED] said that he observed Officer Bright handcuff Mr. [REDACTED] immediately after Mr. [REDACTED] had fallen, and that he (Dean [REDACTED] was then standing approximately two feet away from Officer Bright. Dean [REDACTED] stated that he observed Officers Bright and Darby lift Mr. [REDACTED] to his feet. After the officers righted Mr. [REDACTED] Mr. [REDACTED] demanded that they pull up his pants, which had fallen

⁴ Ms. [REDACTED] is identified as a "service provider" in the report. She got involved because Mr. [REDACTED] case manager was not in the building at the time of this incident.

down. Dean [REDACTED] denied that anyone punched Mr. [REDACTED] or struck him with a baton. Dean [REDACTED] volunteered that he was standing so close to the officers at the time that he would have been hit if one of them had swung a baton toward Mr. [REDACTED]. Dean [REDACTED] denied observing any injuries to Mr. [REDACTED] (Attachment 15)

In an interview with COPA on 12 July 2017, **Witness [REDACTED]** Dean at RCCA, stated in most pertinent part that he did not observe Mr. [REDACTED] fall and that he did not observe the officers handcuff him. According to Dean [REDACTED] Mr. [REDACTED] was already handcuffed and in police custody at the time that he arrived at RCCA's northern building. He denied observing any physical contact between the officers and Mr. [REDACTED]. He also denied observing any injuries to Mr. [REDACTED] (Attachment 18)

In an interview with COPA on 20 July 2017, **Witness [REDACTED]**, special education teacher at RCCA, stated that on 16 June 2017, school security requested her presence to observe Mr. [REDACTED] conduct. According to Ms. [REDACTED], she observed Mr. [REDACTED] running with the officers chasing him. According to Ms. [REDACTED], she then observed Mr. [REDACTED] fell to the ground, though she did not see exactly how Mr. [REDACTED] fell, because she was too far away. Ms. [REDACTED] stated that she then observed the officers handcuff Mr. [REDACTED] immediately after he had fallen and that she observed the officers then bring Mr. [REDACTED] to his feet. Ms. [REDACTED] stated that she then observed that Mr. [REDACTED] pants had fallen down, and that Mr. [REDACTED] asked the officers to pick them up for him. Ms. [REDACTED] stated that she then held Mr. [REDACTED] pants at his waist while the two of them walked to a police SUV. Ms. [REDACTED] denied observing Officer Bright or Officer Darby strike Mr. [REDACTED] whether with a baton or otherwise. Ms. [REDACTED], who was one of Mr. [REDACTED] teachers, described herself as having a "soft spot" for Mr. [REDACTED]. She denied observing any evidence of any injury to Mr. [REDACTED] (Attachment 21)

COPA investigators obtained **video recordings** taken by three RCCA security cameras that depicted portions of the incident which preceded Mr. [REDACTED] fall and his handcuffing. The recordings do not depict those specific events. They corroborate the CPS report and the accounts of the CPS witnesses. There is no contact between the officers and Mr. [REDACTED] shown on any of the recordings. (Attachments 10-13)

In an interview with COPA on 17 August 2017, **Accused Officer Danon Bright** stated in most pertinent part that Mr. [REDACTED] pants fell down while he was running, which caused Mr. [REDACTED] to fall to the ground. According to Officer Bright, he then immediately handcuffed Mr. [REDACTED]. Officer Bright denied that he punched Mr. [REDACTED] or struck him with a baton. Officer Bright added that he has never used a baton to strike a student at RCCA. (Attachment 30)

In an interview with COPA on 25 August 2017, **Accused Officer John Darby** stated that he was off-duty, working security with CPS at the time of this incident. In the most pertinent part of his interview, Officer Darby denied that he tackled Mr. [REDACTED] to the ground and denied seeing Officer Bright punch Mr. [REDACTED] or strike him with a baton. According to Officer Darby, the only physical contact that either officer had with Mr. [REDACTED] was to handcuff him and bring him to his feet. Officer Darby denied observing any injuries to Mr. [REDACTED] after the incident. (Attachment 37)

In an interview with COPA on 17 August 2017, **Witness Officer Charlene Lyles-Brown** stated that she was Officer Bright's partner at the time of the incident. According to Officer Lyles-Brown, Mr. [REDACTED] was already in handcuffs when she arrived at RCCA's northern building. She denied that Mr. [REDACTED] made any claim that any officer struck him, whether with a baton or otherwise. (Attachment 32)

CONCLUSION:

COPA recommends a finding of **UNFOUNDED** for Allegations #1 and #2 against **Officer Bright**, that he punched Mr. [REDACTED] on the head and struck him with a baton. School personnel on the scene at the time of this incident stated that the only physical contact they observed between the officers and Mr. [REDACTED] was when the officers handcuffed Mr. [REDACTED] and righted him after he tripped. Dean [REDACTED] statement that he was standing so close that he would have been struck if anyone had tried to swing a baton at Mr. [REDACTED] was volunteered and is credible. Ms. [REDACTED] testimony that she held Mr. [REDACTED] pants up as she walked with Mr. [REDACTED] while he was handcuffed demonstrates that she was close enough to Mr. [REDACTED] immediately after the alleged baton strike that she could have observed any resulting injury to Mr. [REDACTED]. The fact that she observed no such injury is therefore exculpatory. That Ms. [REDACTED] admitted to having a "soft spot" for Mr. [REDACTED] makes her testimony all the more credible. Mr. [REDACTED] credibility is negatively impacted by the fact that his initial report of the incident, which his grandmother repeated to COPA, did not include any claim that he had been struck with a baton. The totality of all of that evidence, as well as the lack of any evidence to support Mr. [REDACTED] allegations, demonstrates that it is more probably true than not that Officer Bright did not punch Mr. [REDACTED] or strike him with a baton.

COPA recommends a finding of **UNFOUNDED** for Allegation #1 against **Officer Darby**, that he tackled him. The above-described testimony of Ms. [REDACTED] that Mr. [REDACTED] pants needed to be pulled up after Mr. [REDACTED] had been handcuffed tends to show that Mr. [REDACTED] did not get up and run again after he tripped and fell. Dean [REDACTED] also reported seeing Mr. [REDACTED] pants falling as he ran, causing him to trip. Mr. [REDACTED] account, which is that he got up after he had tripped over his sagging pants, and that he then ran only to be tackled by Officer Darby is improbable. All of the above demonstrates that it is more probably true than not that Officer Darby did not tackle Mr. [REDACTED]