

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

|                            |                                  |
|----------------------------|----------------------------------|
| Date of Incident:          | September 19, 2017               |
| Time of Incident:          | Approximately 7:55 p.m.          |
| Location of Incident:      | 7042 S. Chappel Ave, Chicago, IL |
| Date of COPA Notification: | September 20, 2017               |
| Time of COPA Notification: | 1:02 p.m.                        |

On September 20, 2017, [REDACTED] registered a complaint with the Civilian Office of Police Accountability ("COPA") alleging that on September 19, 2017, an unknown officer handcuffed him too tightly and slammed his face against a brick wall.

As part of its investigation, COPA interviewed four officers identified from the associated Office of Emergency Management and Communications ("OEMC") Event Query, #1726213525. COPA's investigation revealed that on the incident date officers<sup>1</sup> from the 3rd District conducted a street stop on approximately six to ten individuals.<sup>2</sup> During this stop, [REDACTED] who was not initially stopped, became involved. [REDACTED] involvement resulted in Sgt. Brown conducting an investigatory stop on [REDACTED]. After being provided an investigatory stop receipt, [REDACTED] interaction with the police concluded without arrest. Upon concluding its investigation, COPA reached a finding of unfounded for all allegations.

## II. INVOLVED PARTIES

|                     |   |
|---------------------|---|
| Accused Officer #1: | Sgt. Cornelius Brown, star #2235, employee # [REDACTED], unit 003, Date of Appointment: August 1, 1994, Sergeant, Date of Birth: [REDACTED], 1969, Male, Black          |
| Witness Officer #2: | Officer Teryka Powell, star #7642, employee # [REDACTED], unit 003, Date of Appointment: April 16, 2010, Police Officer, Date of Birth: [REDACTED], 1979, Female, Black |

<sup>1</sup> The associated OEMC Event Query lists beats 368 (Sgt. Brown), 341, 363D, 363A (Officers Teryka Powell and Shaun Jaudon), 372 and 363C (Officers Mari Medina and Regan Allen). Of the witness officers interviewed, Officer Powell authored [REDACTED] ISR and Officers Medina and Allen authored or attested to the additional six ISRs completed in conjunction with the initial street stop at 1700 E. 71<sup>st</sup> Street/7053 S. Chappel Ave. Officers Medina and Allen were the primary beat on the initial street stop with the remaining beats listed as "assist." COPA interviewed Officer Jaudon as he was Officer Powell's partner on the incident date. (See Attachments 14, 18, 30 and 45).

<sup>2</sup> See Attachments 29 and 45.

Witness Officer #3: Officer Mari Medina, star #13176, employee # [REDACTED], unit 003, Date of Appointment: July 31, 2006, Police Officer, Date of Birth: [REDACTED], 1981, Female, Hispanic

Witness Officer #4: Officer Regan J. Allen, star #15090, employee # [REDACTED], unit 003, Date of Appointment: October 27, 2003, Police Officer, Date of Birth: [REDACTED], 1970, Male, Black

Witness Officer #5: Officer Shaun Jaudon, star #12119, employee # [REDACTED], unit 003, Date of Appointment: August 1, 2012, Police Officer, Date of Birth: [REDACTED], 1984, Male, Black

Subject #1: [REDACTED] Male, Black, Date of Birth: [REDACTED], 1973<sup>3</sup>

### III. ALLEGATIONS

| Officer              | Allegation  | Finding   |
|----------------------|---|-----------|
| Sgt. Cornelius Brown | It is alleged that on September 19, 2017, at approximately 7:55 p.m., at 7042 S. Chappel Ave, Chicago, IL, 60649, while on duty, you: |           |
|                      | 1. Threw [REDACTED] against a wall, in violation of Rule 9;   | Unfounded |
|                      | 2. Handcuffed [REDACTED] too tightly resulting in injury to his left wrist, in violation of Rule 8;                                   | Unfounded |
|                      | 3. Threw [REDACTED] personal effects on the ground, in violation of Rule 8; and   | Unfounded |
|                      | 4. Did not give [REDACTED] your name despite his request to do so, in violation of Rule 37.   | Unfounded |

<sup>3</sup> Date of birth provided to COPA by [REDACTED] (See Attachment 10).

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  2. **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
  3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
  4. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
  5. **Rule 37:** Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.
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#### V. INVESTIGATION

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

##### a. Interviews

##### i. [REDACTED]

On September 27, 2017, COPA interviewed [REDACTED]. In summary, [REDACTED] told COPA investigators that on September 19, 2017, officers had stopped some of his friends for approximately thirty minutes. During this stop, [REDACTED] indicated that he was on the sidewalk and his friends<sup>4</sup> were in the street getting checked by officers. As [REDACTED] approached the stop, an unidentified officer, now identified as Sgt. Brown and hereafter referred to as such, told [REDACTED] that he couldn't be in the area. Additionally, [REDACTED] friends told him to walk away. [REDACTED] walked off towards City Sports.<sup>5</sup>

A few minutes later, Sgt. Brown approached [REDACTED] again and asked him to move. [REDACTED] then told Sgt. Brown that he would not go anywhere, because he had a city permit.<sup>6</sup> Next, Sgt. Brown threw [REDACTED] against the wall, put handcuffs on him, which was followed by a verbal argument between the two of them. [REDACTED] told investigators that Sgt. Brown proceed

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<sup>4</sup> [REDACTED] did not provide any names or contact information of other civilians on scene.

<sup>5</sup> City Sports is located at 2024 E. 71<sup>st</sup> Street, Chicago, IL 60649.

<sup>6</sup> Here, [REDACTED] is referring to a city peddler's license. (See Attachment 10).

to raise the handcuffs up on the left side of his wrist. [REDACTED] and Sgt. Brown continued their argument, which is when [REDACTED] started calling Sgt. Brown names. Sgt. Brown asked [REDACTED] for his identification ("ID"). [REDACTED] responded that his ID was in his wallet. Searching through [REDACTED] wallet for the ID, Sgt. Brown threw the contents of the wallet onto the ground. Similarly, Sgt. Brown grabbed [REDACTED] phone from his right-side pocket and threw it onto the ground too. Approximately three minutes later, [REDACTED] was placed into a paddy-wagon by unidentified officers, only to be released approximately five minutes later.

During his interaction with Sgt. Brown, [REDACTED] received an investigatory stop receipt. [REDACTED] also asked Sgt. Brown several times for his name. In response, Sgt. Brown told [REDACTED] that his name would be given to him on the report. In total, [REDACTED] estimated 10 additional officers were on scene during the incident, but he did not have any interaction with them.<sup>7</sup>

Finally, [REDACTED] told investigators he suffered an injury during the incident to his left wrist in the form of swelling and skin abrasions.<sup>8</sup> Be that as it may, [REDACTED] never told Sgt. Brown that the handcuffs were too tight.<sup>9</sup>

## ii. Witness Officer Shaun Jaudon

COPA interviewed Officer Jaudon on January 29, 2018. In summary, Officer Jaudon stated that on September 19, 2017, he and his partner assisted other officers on a street stop. After the stop was over, Officer Jaudon heard from other officers, no one specific, that [REDACTED] interfered with the stop. Officer Jaudon did not observe what events led to an investigatory stop on [REDACTED] but he did observe when the stop ended. Besides [REDACTED] cursing and appearing belligerent and upset, the interaction between Sgt. Brown and [REDACTED] appeared normal.

He stated that Sgt. Brown explained to [REDACTED] why he was being stopped. Although he didn't recall the exact language used by Sgt. Brown, he recalled him being very descriptive. He didn't recall if [REDACTED] was handcuffed. When asked to describe how Sgt. Brown behaved with [REDACTED] he described him as professional. Officer Jaudon approximated that Sgt. Brown's stop of [REDACTED] lasted three to five minutes, possibly longer. When asked if [REDACTED] had been placed in a paddy wagon, he replied no. Officer Jaudon did not recall if Sgt. Brown had slammed or otherwise directed [REDACTED] face into a wall.<sup>10</sup>

<sup>7</sup> In his statement to COPA, [REDACTED] stated that Sgt. Brown told him he was being recorded. COPA's investigation revealed that the 3rd District did not have body worn cameras ("BWC") on the date of the incident. [REDACTED] also identified City Sports as having cameras near the incident location. A COPA Investigator reached out to City Sports regarding possible video surveillance and ultimately was told no cameras had outside view of the incident location. (See Attachments 10 and 28).

<sup>8</sup> On September 21, 2017, A Chicago Police Department ("CPD") Evidence Technician ("ET") took photographs of [REDACTED] right and left wrists at the request of COPA. [REDACTED] told investigators that he did not seek professional medical attention for his injuries, but rather provided self-care at home. (Attachments 7 and 28).

<sup>9</sup> See Attachment 10.

<sup>10</sup> COPA asked Officer Jaudon if he saw [REDACTED] up against a wall, he responded yes. When asked under what circumstance he had seen [REDACTED] up against a wall, Officer Jaudon replied that it was the point when Sgt. Brown went back and explained to [REDACTED] why he was being stopped. (See Attachment 42).

COPA further asked if he observed Sgt. Brown remove any items from [REDACTED] person. Officer Jaudon replied yes, but that he didn't recall the items, but that they might have been some papers. Additionally, he observed Sgt. Brown remove [REDACTED] wallet. When asked if Sgt. Brown threw the wallet on the ground, Officer Jaudon stated that he remembered him placing the wallet on the ground. He stated that he did not see Sgt. Brown throw a cell phone on the ground. He did not remember Sgt. Brown telling [REDACTED] he was being recorded. He believed [REDACTED] asked for Sgt. Brown's name and/or identification, and he thought Sgt. Brown provided [REDACTED] with this information. Officer Jaudon estimated that he was fifteen to twenty feet away, maybe a little further, when he observed the interaction between [REDACTED] and Sgt. Brown.<sup>11</sup>

### iii. Witness Officer Regan Allen

On January 29, 2018, COPA interviewed Officer Allen. In summary, Officer Allen stated that on the date of the incident he and Officer Medina conducted a street stop on a large group of people, during which he asked for assisting units. Initially, Sgt. Brown was not on scene, but arrived later. As Officer Allen and assisting units conducted the street stop, a crowd gathered. Later, he stated there was an issue with [REDACTED] and that he was aware that [REDACTED] showed up at some point. Officer Allen was familiar with [REDACTED] through the course of his past police duties and that he saw him frequently. He elaborated that [REDACTED] has a way of inserting himself into police situations and recording them. Officer Allen stated that [REDACTED] did not particularly interfere with his stop on the date of the incident. When asked if [REDACTED] interacted with Sgt. Brown, Officer Allen replied that he knew they exchanged words because it was pretty loud, but that he could not speak to specific words. Officer Allen's observation of the interaction between them was such that [REDACTED] could have been arrested, but wasn't. Officer Allen caveated that he did not have a vivid recollection, and that there was a lot of people and commotion on scene.

When asked if he ever saw [REDACTED] up against a wall, Officer Allen believed at some point [REDACTED] was against a wall, standing there arguing with someone. Officer Allen responded no when questioned if he ever saw (1) [REDACTED] slammed up against a wall, (2) [REDACTED] face against a wall, (3) Sgt. Brown press or move [REDACTED] in some way against a wall, (4) Sgt. Brown remove items from [REDACTED] person, (5) Sgt. Brown throw [REDACTED] cell phone on the ground, and (6) Sgt. Brown throw his wallet on the ground. In addition, he did not recall over hearing Sgt. Brown tell [REDACTED] that he was recording him, nor did he recall if Sgt. Brown directed profanity at [REDACTED].<sup>12</sup>

### iv. Accused Sgt. Cornelius Brown

On February 13, 2018, COPA interviewed accused Sgt. Brown. In summary, Sgt. Brown stated that on the incident date, he arrived at the location and observed beat 363C conducting an investigatory stop on several known gang members. When he arrived, initially he supervised the situation and did not get directly involved at all.

Regarding [REDACTED] Sgt. Brown observed him approach the officers and interject himself in the street stop. Sgt. Brown characterized [REDACTED] as unprofessional, belligerent, cursing, and

<sup>11</sup> See Attachment 42.

<sup>12</sup> See Attachments 41 and 53.

telling the officers, not verbatim, to leave the gang members alone because they were not doing anything, and that the officers had no right to be there and messing with them. At this point, Sgt. Brown estimated [REDACTED] to be less than fifteen feet from the officers. Sgt. Brown then approached [REDACTED] to introduce himself as the supervisor on scene and to explain why he and the officers were present. He told [REDACTED] that he was free to observe, but that he could not interfere. In response, [REDACTED] reiterated to Sgt. Brown that the officers had no reason to stop the known gang members, adding that he didn't want the officers to be there as he abruptly walked off.

Minutes later, Sgt. Brown saw [REDACTED] walk back down the street towards the officers as he stared at them. [REDACTED] hands were in his pockets. These actions by [REDACTED] were alarming to Sgt. Brown and they immediately drew his attention. As [REDACTED] approached, Sgt. Brown instructed him to remove his hands from his pockets and [REDACTED] refused to do so. Sgt. Brown again told [REDACTED] that he couldn't interject himself in the stop and requested that [REDACTED] come to him. Sgt. Brown then escorted [REDACTED] to a wall and asked him if he had any weapons on his person. After a protective pat down, Sgt. Brown concluded that [REDACTED] did not have any weapons on him. But, when Sgt. Brown felt [REDACTED] right pocket, he felt something hard and removed the item, which turned out to be a wallet filled with assorted papers, cards, and business cards. Sgt. Brown then placed, not dropped nor threw, the wallet on the ground and completed his search of [REDACTED]. Once he concluded the protective pat down, Sgt. Brown unhandcuffed [REDACTED] and returned his wallet to him. Additionally, Sgt. Brown explained to [REDACTED] who he was, what brought the police there that day, and that the officers were just doing their jobs. [REDACTED] asked Sgt. Brown for his name and star number, which Sgt. Brown provided. Subsequently, he instructed [REDACTED] to wait for his investigatory stop receipt. Sgt. Brown stated that both himself and Officer Powell provided [REDACTED] with two different ISR receipts, which he indicated was not required.<sup>13</sup> [REDACTED] then left the scene and did not return.

Sgt. Brown recalled handcuffing [REDACTED] prior to performing the protective pat down. After handcuffing [REDACTED] but prior to the protective pat down, he made sure that the handcuffs were safe, secure and comfortable. During this time [REDACTED] was compliant, although still upset and insisting that the police were just messing with the known gang members. [REDACTED] tone was loud and elevated with Sgt. Brown, but not to the level of yelling. Sgt. Brown did not get loud or yell at [REDACTED] nor did they argue. In total, [REDACTED] was handcuffed for approximately less than two minutes. When handcuffing, Sgt. Brown usually inserts his middle finger between the wrist and the handcuff to ensure space and a level of comfort, and he also verbally confirms the comfort level with the individual. Sgt. Brown asserted that he did this middle finger maneuver with [REDACTED]. Furthermore, [REDACTED] did not complain of the handcuffs being too tight or uncomfortable, nor did he complain of any injuries.

Although he conducted the investigatory stop near the wall of a building, Sgt. Brown stated that neither [REDACTED] person nor face touched the wall. When asked if [REDACTED] was more

<sup>13</sup> COPA reached out to [REDACTED] to determine what officer's name is listed on the investigatory stop receipt that he received on the incident date. [REDACTED] informed COPA that his investigatory stop receipt listed Officer Powell. An attempt to contact [REDACTED] after he provided said information, aimed at inquiring whether he received additional investigatory stop receipts, proved unsuccessful in that he did not return the phone call. (See attachment 55).

than a foot or less than a foot from the building, he stated more than a foot. Sgt. Brown did not recall [REDACTED] having a cell phone on his body. Other than the wallet, Sgt. Brown did not remove any other items from [REDACTED]. He continued that [REDACTED] never got physical with him. Sgt. Brown said that [REDACTED] was never placed in a paddy wagon and that one was not on scene. Sgt. Brown recalled Officer Powell and her partner, identified as Officer Jaudon, being closest to him when he conducted the investigatory stop of [REDACTED]. Sgt. Brown stated he never directly interacted with [REDACTED] prior to the incident date, but that he had seen him around the neighborhood. He denied recording [REDACTED] or telling him that he was recording him.

Sgt. Brown denied all allegations against him. He asserted that he provided [REDACTED] with his name, star number, and information twice – once when he first encountered him and again when he wrote it on an investigatory stop receipt.<sup>14</sup>

**b. Digital Evidence**

**i. Photographs of [REDACTED] taken by CPD<sup>15</sup>**

At the request of COPA, a CPD ET took photographs of [REDACTED] on September 21, 2017. The associated crime scene processing report indicate that the ET took frontal photographs of [REDACTED] and his right and left wrists.<sup>16</sup> To follow are selected photographs of [REDACTED] right and left wrists.



(Right Wrist)

<sup>14</sup> See Attachment 50.

<sup>15</sup> See Attachment 28.

<sup>16</sup> See Attachment 7.





(Left Wrist)

In addition to the preceding photographs of [REDACTED] wrists, frontal photographs of [REDACTED] did not reveal any apparent injury to his face.<sup>17</sup>

**c. Documentary Evidence**

**i. Investigatory Stop Report ("ISR")**

The ISR's narrative documented the stop on [REDACTED] as follows:

In summary, subject interfered with a gang/narcotic enforcement street stop investigation, and told to leave by Sgt. Brown #2235. Subject became hostile and failed to obey a lawful order. Sgt. Brown conducted a field interview. A protective pat down was conducted due to subject's behavior and hard object in his right front pocket which was a bulk of miscellaneous cards.<sup>18</sup>

**VI. ANALYSIS**

**Allegations #1**

In his statement to COPA, [REDACTED] alleged that Sgt. Brown threw him against a wall prior to handcuffing him. Sgt. Brown denied the allegation, stating that although he handcuffed and performed a protective pat down of [REDACTED] near a building, which he estimated [REDACTED] to be more than a foot away from, [REDACTED] person nor face never contacted the wall of the building. Admittedly, neither Officer Allen nor Jaudon's attention was completely focused on the interaction between [REDACTED] and Sgt. Brown during the incident, however, neither recalled, based upon the part of the interaction they did observe, Sgt. Brown slamming [REDACTED] against a wall nor slamming or directing [REDACTED] face against a wall. Additionally, and perhaps most

<sup>17</sup> See Attachment 28.

<sup>18</sup> See Attachment 30.



compelling, was the lack of any documented injury to [REDACTED] resulting from a forceful push into a wall. In fact, frontal photographs taken of [REDACTED] within days of the incident revealed no apparent injury to [REDACTED] face. Based upon these findings of fact, COPA finds it is more likely than not that Sgt. Brown did not throw [REDACTED] into a wall. Accordingly, COPA recommend a finding of Unfounded for allegation 1.

### **Allegation #2**

[REDACTED] alleged that Sgt. Brown handcuffed him too tightly. In reviewing the ET photographs, injuries (skin abrasions and bruising) were visible to the left and right wrists of [REDACTED]. However, the photographs were taken two days after the alleged incident, allowing for the small possibility that these injuries occurred independent of the handcuffing. In spite of this possibility, COPA finds that it is more likely than not the injuries to [REDACTED] wrists did occur as a result of the handcuffing by Sgt. Brown: (1) the injuries were consistent with those which could have resulted from tight handcuffs and (2) COPA has no reason to doubt [REDACTED] assertion that the injuries to his wrists resulted from the handcuffs.

During his interview, Sgt. Brown stated that he did not double-lock the handcuffs. Once double locked, handcuffs are configured in such a manner which would prevent additional tightening. Consequently, independent of Sgt. Brown the handcuffs could have continued to tighten beyond the comfort level checked for by Sgt. Brown. When discussed during their respective interviews, both Sgt. Brown and [REDACTED] agreed that [REDACTED] never complained to Sgt. Brown about the comfort of handcuffs during his detention. This fact becomes even more surprising when considering that [REDACTED] by all accounts, was openly complaining to Sgt. Brown about police action and conduct throughout the incident. In fact, [REDACTED] initially intervened to complain. Finally, handcuffs are not designed nor intended to fit with comfort – their sole function is physical constraint. With this in mind, COPA recognizes minor abrasions and/or bruising may occur not only through the independent movements of the cuffed individual, but generally as a result of a proper cuffing.

Based upon these findings of fact, COPA finds it is more likely than not that Sgt. Brown did not handcuff [REDACTED] with the intent to cause pain and discomfort. Accordingly, COPA recommends a finding of Unfounded for allegation 2.

### **Allegation #3**

[REDACTED] further alleged that after responding to Sgt. Brown's request for his ID by telling him it was in his wallet, Sgt. Brown then threw each card from his wallet onto the ground and also threw his cell phone on the ground. Officer Jaudon clearly recalled Sgt. Brown placing [REDACTED] wallet on the ground. This independent verification by Officer Jaudon corroborated Sgt. Brown's statement that he placed the wallet on the ground rather than throwing the contains as alleged. Based upon these findings of fact, COPA finds it is more likely than not that Sgt. Brown did not throw [REDACTED] personal effects onto the ground. Accordingly, COPA recommends a finding of Unfounded for allegation 3.

**Allegation #4:**

Like the previous allegations, COPA finds that a preponderance of the evidence does not support [REDACTED] allegation that Sgt. Brown did not provide his name when requested by [REDACTED]


Sgt. Brown did not deny that [REDACTED] asked him for his identification. Similarly, Officer Jaudon recalled the same and believed that he overheard Sgt. Brown provided his name to [REDACTED]. Furthermore, Sgt. Brown maintained that he verbally told [REDACTED] his name. Sgt. Brown further maintained that he also provided his name by including it on an investigatory stop receipt (in addition to the one provided to [REDACTED] by Officer Powell) given to [REDACTED]. [REDACTED] did confirm to COPA that he received an investigatory stop receipt bearing Officer Powell's name; however, follow-up phone calls to inquire if [REDACTED] received additional paper work proved unsuccessful. Conversely, [REDACTED] maintained that instead of verbally giving his name, Sgt. Brown told him it would be given to him on the report.

In sum, COPA finds that the corroboration of Sgt. Brown's account by Officer Jaudon pushes the available evidence to a point where it is more likely than not that the allegation did not occur as alleged by [REDACTED]. Accordingly, COPA recommends a finding of Unfounded for allegation 4.

**VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

| Officer              | Allegation  | Finding   |
|----------------------|---|-----------|
| Sgt. Cornelius Brown | It is alleged that on September 19, 2017, at approximately 7:55 p.m., at 7042 S. Chappel Ave, Chicago, IL, 60649, while on duty, you: |           |
|                      | 1. Threw [REDACTED] against a wall;   | Unfounded |
|                      | 2. Handcuffed [REDACTED] too tightly resulting in injury to his left wrist;   | Unfounded |
|                      | 3. Threw [REDACTED] personal effects on the ground; and   | Unfounded |
|                      | 4. Did not give [REDACTED] your name despite his request to do so.  | Unfounded |

Approved: 

Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

Date

6/5/18

Appendix A

## Assigned Investigative Staff

|                                    |                 |
|------------------------------------|-----------------|
| <b>Squad#:</b>                     | 3               |
| <b>Investigator:</b>               | Genevieve Olimb |
| <b>Supervising Investigator:</b>   | Matthew Haynam  |
| <b>Deputy Chief Administrator:</b> | Andrea Kersten  |