

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 19, 2018
Time of Incident:	6:44 pm
Location of Incident:	7101 S. Jeffrey Blvd.
Date of COPA Notification:	January 7, 2019
Time of COPA Notification:	9:12 am

During a street protest, officers attempted to place Mr. ██████ (“█████”) into custody after he ignored officers’ warnings not to block traffic. ██████ refused to move after Chicago Police Department (“Department”) officers requested that he do so multiple times. When officers moved to bring ██████ into custody, Mr. ██████ (“█████”) intervened. A physical altercation between ██████ and officers ensued, and ██████ was struck in the head multiple times by Officer Jeffery Shafer (“Officer Shafer”). During the altercation, ██████ resisted being taken into custody and laid on the ground in the immediate vicinity of the fight. Both ██████ and ██████ were eventually handcuffed and placed in a Department transport vehicle. In the vehicle, ██████ and ██████ were handcuffed by the wrist to a bar at the top of the vehicle, causing the men to remain standing the entire time they were inside the transport vehicle. ██████ and ██████ requested medical attention while in the transport vehicle. They were driven to the 3rd District Station for processing and later taken separately to the University of Chicago Hospital for treatment.

COPA’s investigation combined two complaints regarding this incident. The first was a complaint that ██████ submitted to COPA. In the second instance, COPA was notified after ██████ filed a civil suit against the City of Chicago and the involved officers. In his civil suit, ██████ alleged that officers used excessive force against him and/or failed to intervene when excessive force was used, failed to provide him with timely medical attention, and interfered when medical treatment was provided.<sup>1</sup> Despite multiple efforts to reach ██████ did not provide a statement to COPA, depriving the investigation of any details ██████ might have shared with respect to his allegations.<sup>2</sup> The civil suit was settled for \$95,000 and dismissed on May 25, 2021.<sup>3</sup>

COPA contacted counsel for Officer Shafer multiple times to schedule a statement but was unsuccessful in securing Officer Shafer’s statement. As of the date of this report, Officer Shafer is on an extended leave of absence from the Department due to an unrelated criminal matter.<sup>4</sup>

<sup>1</sup> Att. 23.

<sup>2</sup> Atts. 11 and 74.

<sup>3</sup> Att. 5.

<sup>4</sup> Atts. 73 and 76.

**II. INVOLVED PARTIES**

Involved Commander #1	Rodney Hill, Star No. 225, Employee No. [REDACTED], Date of Appointment: November 18, 1991; Commander, Unit of Assignment: 007, DOB: [REDACTED], 1968; male, Black.
Involved Sergeant #1:	Cornelius Brown, Star No. 2235, Employee No. [REDACTED], Date of Appointment: August 1, 1994; Sergeant, Unit of Assignment: 146, DOB: [REDACTED], 1969; male, Black.
Involved Officer #1:	David Alvarez, Star No. 16131, Employee No., [REDACTED], Date of Appointment: August 25, 2014; PO, Unit of Assignment; 003, DOB: [REDACTED], 1980; male, Hispanic.
Involved Officer #2:	Emilio DeLeon, Star No. 16360, Employee No. [REDACTED], Date of Appointment: August 25, 2014; PO, Unit of Assignment: 003, DOB: [REDACTED], 1993; male, Hispanic.
Involved Officer #3:	Marvin Lofton, Star No. 7868, Employee No. [REDACTED], Date of Appointment: July 30, 2001; PO, Unit of Assignment: 011, DOB: [REDACTED], 1969; male, Black.
Involved Officer #4	Jeffery Shafer, Employee No. [REDACTED], Date of Appointment: February 18, 2014; PO, Unit of Assignment: 376, DOB: [REDACTED], 1986; male, White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1986; male, Black.
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1967; male, Black.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Commander Rodney Hill	1. Failing to request timely medical assistance for [REDACTED]	Not Sustained
	2. Failing to ensure the safety and security of [REDACTED] after his arrest.	Not Sustained
	3. Failing to ensure the safety and security of [REDACTED] after his arrest.	Not Sustained

Sergeant Cornelius Brown	<p>1. Failing to ensure the safety and security of [REDACTED] after his arrest.</p> <p>2. Handcuffing [REDACTED] to a part of the squadrol.</p> <p>3. Failing to identify himself when requested by [REDACTED]</p> <p>4. Striking [REDACTED] about the body, and/or jumping on the abdominal area of [REDACTED] and/or twisting [REDACTED] arm behind his back, without justification.</p> <p>5. Handcuffing [REDACTED] without justification.</p> <p>6. Handcuffing [REDACTED] too tightly.</p> <p>7. Failing to request timely medical assistance to [REDACTED]</p> <p>8. Failing to request timely medical assistance for [REDACTED]</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
Officer David Alvarez	<p>1. Striking [REDACTED] about the body, and /or twisting [REDACTED] arms behind his back, without justification.</p> <p>2. Handcuffing [REDACTED] too tightly.</p> <p>3. Handcuffing [REDACTED] without justification.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p>
Officer Emilio DeLeon	<p>1. Failing to ensure the safety and security of [REDACTED] after his arrest.</p> <p>2. Handcuffing [REDACTED] to a part of the squadrol.</p> <p>3. Striking [REDACTED] about the body, without justification.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
Officer Marvin Lofton	<p>1. Failing to ensure the safety and security of [REDACTED] after his arrest.</p> <p>2. Failing to ensure the safety and security of [REDACTED] after his arrest.</p>	<p>Not Sustained</p> <p>Not Sustained</p>

Officer Jeffery Shafer	1. Striking ██████████ about the head and or body, without justification.	Close Hold
	2. Failing to provide timely medical attention to ██████████	Close Hold

**IV. APPLICABLE RULES AND LAWS**

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Rules

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 5: Failure to perform any duty.
4. Rule 6: Disobedience of an order or directive, whether written or oral.
5. Rule 8: Disrespect or maltreatment of any person, while on or off duty.
6. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
7. Rule 10: Inattention to duty.
8. 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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General Orders

1. GO-01-01 Mission Statement and Core Values (effective March 1, 2011, through May 20, 2019).
2. G03-02 Use of Force (effective October 16, 2017 – February 29, 2020).
3. G03-02-01 Force Options (effective October 16, 2017 – February 29, 2020).
4. G06-01-02 Restraining Arrestees (effective December 8, 2017).

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Special Orders

1. S03-06 Squadrol Operating Procedures (effective November 15, 2017).

**V. INVESTIGATION**<sup>5</sup>**a. Interviews**<sup>6</sup>

██████████ provided a statement to COPA on July 24, 2018, at COPA's office.<sup>7</sup> The following is a summary of his statement.

██████████ was at the location of the incident participating in a protest regarding police misconduct. ██████████ stated that the protesters wanted attention and so they stayed on the main street and at one point they may have been blocking traffic. ██████████ heard one warning from the police, who stated words to the effect of, "I'm giving one warning. If you block traffic, it's going to be a problem,"<sup>8</sup> which ██████████ understood to mean get arrested. Officers handcuffed ██████████ and once handcuffed, he was escorted across the street. ██████████ then sat on the ground. ██████████ stated initially that he did not resist but refused to walk or stand. ██████████ later stated that he resisted arrest. ██████████ was arrested for obstruction of traffic and resisting arrest. After ██████████ was placed in custody, officers attempted to arrest ██████████ at which point the officers inadvertently trampled ██████████ causing injury to his face and stomach area. ██████████ was then placed in a police vehicle with ██████████ and another man, ██████████ ("██████████" stated that he sat in the vehicle for significant period of time<sup>9</sup> without air conditioning, on a day with at least 80 degrees temperatures. ██████████ stated that it was hot in the truck and that he could not breathe. He further stated that the engine was not running and there was no air in the vehicle until it started moving.

According to ██████████ both he and ██████████ demanded medical attention. ██████████ has Chron's disease and a condition that causes fluctuations in his potassium and creatin levels. ██████████ said he did not have any issues before the incident, but once in the vehicle, due to low potassium levels, his heart was beating fast and was possibly seizing up for a heart attack. ██████████ specifically requested medical treatment from a black, short, stocky sergeant, now identified as Sergeant Brown. ██████████ was transported to the 3rd District Station but refused to be placed in a cell. Chicago Fire Department paramedics arrived and transported ██████████ to the University of Chicago Hospital. ██████████ stated that Department members refused to provide him timely medical attention and were not concerned with his health. He estimated that the ride to the station took about ten minutes.

**Commander Rodney Hill** provided a statement on September 15, 2022, at COPA's office.<sup>10</sup> The following is a summary of his statement.

Commander Rodney Hill was the highest-ranking member on scene and served as Incident Commander after receiving information that there would be a protest at 71st Street and Jeffrey Boulevard. As Incident Commander, Commander Hill believed that his role was to ensure the safety of everyone in the area. Commander Hill was working with Sergeant Brown the day of the incident.

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<sup>5</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>6</sup> COPA sought to obtain a statement from ██████████ but was unsuccessful in its efforts.

<sup>7</sup> Att. 33.

<sup>8</sup> Att. 33 at 19 minutes and 21 seconds.

<sup>9</sup> ██████████ estimated the period of time to be approximately twenty minutes.

<sup>10</sup> Att. 51 (transcript), Att. 69 (audio).

Sergeant Brown and Commander Hill met with [REDACTED] prior to the protest. Commander Hill was familiar with [REDACTED] because, during Commander Hill's time in the 3rd District, [REDACTED] had organized several protests. [REDACTED] and Commander Hill discussed what would be required from [REDACTED] as a leader of the protest. They discussed that [REDACTED] could not obstruct vehicular or pedestrian traffic. There was a mutual agreement that [REDACTED] would not violate these rules and that each time he violated the rules, he would be warned by Commander Hill and a timestamp would be obtained from OEMC. At the time of the incident, [REDACTED] waited for people to arrive and then started the protest. [REDACTED] violated the obstruction of traffic rule and was warned by Commander Hill. Commander Hill did not give the same warnings to [REDACTED]. Commander Hill stated that [REDACTED] also violated several rules and warnings against obstructing traffic and that in a short period of time, the protestors had violated the agreement not to block the flow of vehicular and pedestrian traffic. [REDACTED] was arrested for blocking the northbound traffic on Jeffery Boulevard at 71<sup>st</sup> Street. [REDACTED] was arrested because he battered Officer Shafer and tried to interrupt the arrest of [REDACTED].

Commander Hill observed Officer Schafer strike [REDACTED] around [REDACTED] head or shoulders with a closed fist. Commander Hill stated that Officer Shafer did that because he was punched by [REDACTED]. Commander Hill did not observe this firsthand but saw it on POD footage from the scene on the day of the incident. [REDACTED] and [REDACTED] were combative with officers, were placed into custody, and put in a transport vehicle. [REDACTED] had to be carried to the transport vehicle by multiple officers.

Commander Hill recalled [REDACTED] stating that he was having a heart attack. Commander Hill did not recall responding to that statement but did recall Sergeant Brown stating that he would get medical attention for [REDACTED]. Commander Hill said that the transport vehicle was on the scene for a short period of time and that it was a two to three-minute ride from the scene of the incident to the 3rd District Station. Commander Hill stated that an ambulance was not called to the scene because the area was chaotic, and he believed it best for everyone involved to clear the area and take everyone to the station. Commander Hill did not recall if the air conditioning was on in the transport vehicle but recalled that the door was open. Commander Hill also did not know why [REDACTED] and [REDACTED] were handcuffed to the top rail of the transport vehicle or whether doing so was proper.<sup>11</sup> Commander Hill denied all allegations made against him.

**Sergeant Cornelius Brown** provided a statement to COPA on Tuesday, September 27, 2022, at COPA's office.<sup>12</sup> The following is a summary of his statement.

On the day of the incident, Sergeant Brown was in uniform and working with Commander Hill. Sergeant Brown was at the location of the incident because of an organized protest. He arrived on the scene and presented ground rules for the protest. The ground rules were that the protesters would remain on the sidewalk and not obstruct traffic. Sergeant Brown identified [REDACTED]

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<sup>11</sup> COPA showed Commander Hill orders in place at the time of the incident relating to Squadrol Operating Procedure and Restraining Arrestees. Commander Hill's attorney argued that the vehicle involved in the incident was not a squadrol but a transport vehicle. Commander Hill did not know if the same rules applied to transport vehicles and squadrols.

<sup>12</sup> Att. 52 (transcript) Att. 68 (audio).

██████ as the leader of the protest and stated he was familiar with ██████ from other protests. During the protest, Sergeant Brown observed the protestors obstructing traffic. The protestors were given three warnings to cease obstructing traffic. When it was determined that the protestors were not going to cease obstructing traffic, officers moved in to make arrests. Three arrests were made, and the arrestees were transported to the 3rd District Station for processing.

In addition to obstructing traffic, Sergeant Brown stated that protestors engaged in aggravated battery to the police and resisted arrest. ██████ was arrested for obstructing traffic and resisting arrest, and ██████ was arrested for obstructing ██████ arrest, assault and battery of a police officer, and resisting arrest. Sergeant Brown stated that ██████ stepped between ██████ and arresting officers and then grabbed several officers to defeat ██████ arrest. ██████ was then observed striking Officer Alvarez. Officers Shafer and Alvarez then used force on ██████ by striking and handcuffing ██████. Sergeant Brown stated that he did not use any force on ██████ but restrained ██████ to assist with his handcuffing. Sergeant Brown also directed ██████ to stop resisting.

Sergeant Brown stated that ██████ was placed in a prison transport vehicle.<sup>13</sup> Sergeant Brown did not know if it was typical to handcuff arrestees to the top of the bars of a transport vehicle, nor did he know if the bars were intended for handcuffing. Sergeant Brown also did not know why ██████ and ██████ were handcuffed standing up or who made the decision to do so.

Sergeant Brown recalled ██████ asking for medical attention and believed that ██████ received it immediately and expeditiously. Sergeant Brown stated that ██████ was given medical attention at the station but was not sure who made the decision to not provide medical attention to ██████ and ██████ at the scene. He did not know if the air conditioning was on in the transport vehicle, but stated that the distance between the location of the incident and the station was less than a mile. Sergeant Brown could not recall who called for medical attention for ██████ but knew that it was provided because he saw the ambulances at the 3rd District Station.

Sergeant Brown did not recall whether ██████ asked Sergeant Brown to identify himself. Sergeant Brown was wearing his identifying information under his vest but did not know if it was visible to the public. He then corrected himself and stated that his star and star number were on his vest and were visible to the public. Sergeant Brown denied all allegations made against him.

**Officer Jeffery Shafer** (“Officer Shafer”) is currently on extended leave from the Department for an unrelated criminal matter<sup>14</sup> that resulted in Officer Shafer being placed in a no-pay status. Thus, Officer Shafer declined, via his attorney, to provide COPA with a statement.<sup>15</sup>

**Officer Marvin Lofton** provided a statement to COPA on October 20, 2022, at COPA’s office.<sup>16</sup> The following is a summary of his statement.

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<sup>13</sup> He described the prisoner transport vehicle as a bigger version of a squadrol.

<sup>14</sup> Atts. 73 and 76.

<sup>15</sup> Atts. 74 and 75.

<sup>16</sup> Att. 65 (audio).

Officer Lofton stated that he is currently detailed to Unit 171, Central Detention, and was assigned to that unit at the time of the incident. Officer Lofton's primary duties are to drive to different police districts to pick up prisoners and transport them to court hearings. Officer Lofton described the vehicle he drives as a prisoner transport van ("PTV") and believed he was driving van number 6917 at the time of the incident. Officer Lofton stated that a PTV is a Ford F650, with a regular and extended cabin, with a prisoner section in the rear. Officer Lofton stated that the PTV differs from a squadrol in that the newer squadrols have two different compartments, seatbelts, and, he believed, seats. In a PTV, there are only benches where the prisoners sit during transport, and they are allowed to reposition themselves. Officer Lofton stated that there are two rails at the top of the PTV, and the purpose of the rails is to provide prisoners something to hold when standing up. Initially, Officer Lofton stated that prisoners are not handcuffed to the rails. Officer Lofton later stated that it was uncommon for prisoners to be handcuffed to the rail on top of the PTV, but that it did happen.

On the day of the incident, Officer Lofton was assigned to the protest with his partner, Officer Robert Dearth.<sup>17</sup> Officer Lofton recalled that there were people protesting and that he was parked near 71st Street and Jeffery Boulevard. Officer Lofton stated he played no role in putting detainees into the PTV or taking them out of the PTV on the day of the incident. Officer Lofton also stated that he had no physical or verbal contact with the detainees, and his only role was to drive the vehicle, open the door, and close the door. Officer Lofton further stated that in mass arrest situations like this incident, his responsibilities to the prisoners as the driver of the PTV are to pull up to the locations indicated by officers on scene, open the doors, and let the officers place the prisoners in the vehicles. Officer Lofton then drives the prisoners to the district and often the same officers that put the prisoners in the PTV, take them out of the PTV. Officer Lofton does not have responsibility for putting the prisoners in or taking them out of the vehicle. He stated that the prisoner cabin of the PTV is air conditioned, but he could not recall if the air conditioning was on at the time of the incident. Officer Lofton recalled that the transport ride to the 3rd District Station from the incident location was approximately five to seven minutes.

Officer Lofton stated that the directives relating to the PTV do not dictate anything different than a regular squadrol, to the extent that it is possible to apply them. Officer Lofton denied all allegations against him.

**Officer Emilio DeLeon** provided a statement to COPA on October 20, 2022, at COPA's office.<sup>18</sup> The following is a summary of his statement.

Officer DeLeon was on duty and partnered with Officer Alvarez at the time of the incident. Officer DeLeon stated that he was given an order to detain [REDACTED]. Officer DeLeon handcuffed [REDACTED] and [REDACTED] initially did not resist. Officers DeLeon and Alvarez then moved [REDACTED] off the railroad tracks and [REDACTED] began resisting by becoming deadweight, not listening to officer commands, and falling to the ground. Officer DeLeon also stated that [REDACTED] moved his body

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<sup>17</sup> COPA investigators played a portion of the BWC video of PO Alvarez for Officer Lofton so that he could identify the officer who appeared to be his partner on the date of the incident. Officer Lofton recognized the man, and after a break to call the district station, identified him as Officer Robert Dearth. COPA subsequently learned that Officer Dearth retired on February 16, 2020, and obtained his PAR form included in the file as Att. 64.

<sup>18</sup> Att. 66 (audio).



toward the crowd in a deliberate effort to injure himself. Officer DeLeon believed that [REDACTED] was trying to injure himself because Officer DeLeon immediately attempted to pick [REDACTED] up, but [REDACTED] refused to sit up.

As soon as [REDACTED] fell to the ground and moved his head toward the crowd, the crowd behind Officer DeLeon became agitated due to a scuffle. Officer DeLeon did not see what happened as he was focused on [REDACTED]. Officer DeLeon turned and saw officers trying to grab [REDACTED] and [REDACTED] resisting by trying to pull away. Officer DeLeon stated he had no physical contact with [REDACTED] and did not strike [REDACTED].

Officer DeLeon stated that [REDACTED] did not get off the ground under his own power, but that he and another officer picked [REDACTED] off the ground and escorted him to a police vehicle. [REDACTED] was screaming about medical attention, but Officer DeLeon did not ask [REDACTED] what he was referencing. Officer DeLeon did not observe any visible injuries on [REDACTED] and saw no signs of visible discomfort. Once [REDACTED] was in the transport vehicle, Officer DeLeon had no further contact with him. Officer DeLeon stated that he did not handcuff [REDACTED] in the vehicle and did not see who handcuffed [REDACTED]. He removed the handcuffs from [REDACTED] once [REDACTED] arrived at the 3rd District Station. Officer DeLeon denied all allegations made against him.

**Officer David Alvarez** provided a statement to COPA on October 20, 2022, at COPA's office.<sup>19</sup> The following is a summary of his statement.

Officer Alvarez was on duty and partnered with Officer DeLeon at the time of the incident. Officer Alvarez stated that Commander Hill gave several warnings to the protestors because they were impeding the flow of vehicular traffic. After the warnings were given, Officer Alvarez was instructed to place offenders in custody, and he and Officer DeLeon placed [REDACTED] in custody. [REDACTED] was handcuffed and escorted to the corner to wait for a transport vehicle. [REDACTED] was not cooperative because he was trying not to walk. [REDACTED] fell when the commotion behind them started, and Officer Alvarez believed that [REDACTED] intentionally dropped himself to the ground.

Officer Alvarez felt a punch to his shoulder, and that was when officers went to place [REDACTED] in custody. Officer Alvarez saw Officer Shafer attempting to put [REDACTED] in custody. Officer Alvarez assisted Officer Shafer by grabbing [REDACTED] arm and his hands and putting handcuffs on him. Officer Alvarez stated that he did not strike [REDACTED] nor did he see anyone else strike [REDACTED]. During the statement, Officer Alvarez reviewed a copy of his Tactical Response Report ("TRR"), and he explained that he completed the report because he performed escort holds, a wrist lock, and emergency handcuffing. The verbal command Officer Alvarez gave to [REDACTED] was to stop resisting.

Officer Alvarez stated that [REDACTED] may have complained about the handcuffs being too tight once in the 3rd District Station. Officer Alvarez did not check the handcuffs because Sergeant Brown uncuffed [REDACTED] and put one handcuff in the air. [REDACTED] was carried into the transport vehicle by Officer Alvarez, Sergeant Brown, and other officers. Officer Alvarez stated that [REDACTED] asked for medical attention in the transport vehicle, and Sergeant Brown informed [REDACTED] that he would receive medical attention. [REDACTED] again asked for medical attention when he

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<sup>19</sup> Att. 67 (audio).

arrived at the 3rd District Station, and he was asked to comply so that an ambulance could be called. Officer Alvarez stated that [REDACTED] did not comply because he would not get out of the transport vehicle. During his statement, Officer Alvarez asked to look at his BWC to determine if there were any additional complaints about handcuffing. After reviewing the video, Officer Alvarez stated that none of the arrestees complained about their handcuffs. Officer Alvarez also stated that [REDACTED] did not complain of injuries resulting from his fall, and Officer Alvarez did not observe any injuries to [REDACTED]. Officer Alvarez denied all allegations against him.

#### b. Digital Evidence

**Body-worn camera (BWC) video** recorded in the vicinity of 7101 S. Jeffrey Blvd. and at the 3rd District Station show police contact with [REDACTED] and [REDACTED].<sup>20</sup>

##### Activity at 7101 S. Jeffrey Blvd.

A line of people walk in a circle at the intersection of 71st Street and Jeffrey Boulevard chanting protest slogans. [REDACTED] is at the front of the line with [REDACTED] following closely behind. Several Department members, including Commander Hill, Sergeant Brown, Officer DeLeon, Officer Alvarez, and Officer Shafer, observe the group and direct traffic around the group. The group crosses the intersection against the flow of traffic multiple times. An unidentified Department member can be heard stating, "Still don't have the light."<sup>21</sup> Commander Hill approaches the group as it crosses the west side of the intersection. When Commander Hill reaches the group, [REDACTED] crosses against the light at the north side of the intersection. Seconds later, a voice can be heard over OEMC radio stating, "Warning number 2, give me a time," and dispatch responds, "18:42 is the time for them blocking the street."<sup>22</sup> [REDACTED] then crosses against the light at the eastside of the intersection and walks in front of a bus.<sup>23</sup>

Sergeant Brown and Officer Alvarez approach [REDACTED] and place him in custody. Sergeant Brown states that [REDACTED] had been given two lawful warnings and is now under arrest for obstruction of traffic. [REDACTED] protests [REDACTED] being taken into custody. Sergeant Brown states, "Sir, let go," in the direction of where [REDACTED] and another protestor are standing. [REDACTED] is escorted to the southeast corner of the intersection by Officers Alvarez and DeLeon, and he is repeatedly told to stop resisting.<sup>24</sup> [REDACTED] follows behind them while recording on his phone. As he holds his camera with his left hand, he appears to touch Officer DeLeon on the left shoulder with his right hand.<sup>25</sup> Seconds later, Officer Shafer spins [REDACTED] around and pushes [REDACTED] with his right arm.<sup>26</sup> [REDACTED] moves back and simultaneously pushes Officer Shafer's right arm away with his left arm, directing words to the effect of, "Don't touch me," toward Officer Shafer.<sup>27</sup>

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<sup>20</sup> This section provides a summarized narrative of what the BWCs captured collectively. It references the BWC of Sergeant Brown (Atts. 35 and 36), Sergeant Coffey (Att. 43), Officer Alvarez (Att. 35), Officer DeLeon (Att. 38 and Att. 40), Officer Shaffer (Att. 41), Officer Jeremy Arrington (Att. 70), and Officer Vanessa Delahuerta (Att. 71).

<sup>21</sup> Att. 37, T23:41:38Z.

<sup>22</sup> Att. 38, T23:42:24Z.

<sup>23</sup> Att. 38, T23:42:79Z.

<sup>24</sup> Att. 38, T23:43:24Z.

<sup>25</sup> Att. 37, T23:43:29Z.

<sup>26</sup> Att. 37, T23:43:33Z.

<sup>27</sup> Att. 41, T23:43:33Z.

Officer Shafer grabs ██████ by his right arm, at which point an altercation ensues involving ██████ and several officers.<sup>28</sup> Officer Alvarez turns away from ██████ to assist with placing ██████ in custody, and he holds ██████ left wrist while Sergeant ██████ holds ██████ left forearm. ██████ then appears to swing his right arm to strike Officer Alvarez.<sup>29</sup> Around this time, ██████ strikes Officer Shafer and is also arrested.<sup>30</sup>

████████ is handcuffed by Sergeant Brown with the assistance of other officers. Officer Alvarez holds ██████ left arm and places a handcuff on his wrist.<sup>31</sup> Sergeant Brown repeatedly states, “Stop resisting,” while holding the chain between ██████ handcuffs.<sup>32</sup> Sergeant Brown also directs ██████ to sit down. ██████ is taken to the ground with Officer Shafer kneeling on his right side and Sergeant Brown standing near ██████ middle section. While ██████ is on the ground, Sergeant Brown lifts his right foot and, in the next moment, his right foot can be seen on ██████.<sup>33</sup> Sergeant Brown then moves his foot from ██████ midsection to his left arm.<sup>34</sup> Officer Shafer places his hand on the left side of ██████ face and Commander Hill pulls Officer Shafer’s hand off ██████ face.<sup>35</sup> ██████ states repeatedly that he cannot breathe, and Sergeant Brown responds by repeatedly stating, “Stop resisting.”<sup>36</sup>

Officer DeLeon holds ██████ by his left arm as Officer Alvarez holds ██████ right arm. ██████ then drops to the ground while the altercation involving ██████ occurs nearby. Officer DeLeon grabs ██████ by his left upper arm<sup>37</sup> and repeatedly attempts to lift ██████ off the ground. Officer DeLeon directs ██████ to “get up” when ██████ leans toward the ground after each of Officer DeLeon’s attempts to lift him.<sup>38</sup> Department members ask ██████ to get off the ground and ultimately lift a handcuffed ██████ from the ground.

Sergeant Brown lifts ██████ up by his left arm, and Officer Alvarez takes ██████ by the right arm. Once ██████ is standing, Officer Shafer takes ██████ left arm and Sergeant Brown pulls ██████ by the shirt toward the direction of the transport vehicle. Officers Lofton and Dearth open the back of the transport vehicle and Sergeant Brown escorts ██████ inside the vehicle. Officers also place ██████ and ██████ in the transport vehicle. Officer Alvarez follows and begins to search ██████ pants leg while Sergeant Brown holds ██████ by the right shoulder. ██████ shouts that he cannot breathe and that he has asthma. Sergeant Brown and Officer Alvarez then stand ██████ up, and Sergeant Brown states that he will get ██████ medical attention. Sergeant Brown then handcuffs ██████ left wrist to a bar at the top of the transport vehicle while Officer Alvarez holds ██████ right forearm.<sup>39</sup>

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<sup>28</sup> Att. 37, T23:43:35Z.

<sup>29</sup> Att. 38, T23:43:47Z.

<sup>30</sup> Att. 43, T23:43:50Z.

<sup>31</sup> Att. 35, T23:43:57Z.

<sup>32</sup> Att. 37, T23:44:26Z.

<sup>33</sup> Att. 41, T23:44:42Z.

<sup>34</sup> Att. 41, T23:44:50Z.

<sup>35</sup> Att. 37, T23:44:47Z.

<sup>36</sup> Att. 37, T23:44:55Z.

<sup>37</sup> Att. 38, T23:43:55Z.

<sup>38</sup> Att. 38, T23:43:56Z.

<sup>39</sup> Att. 37, T23:46:56Z.

██████████ right wrist is also handcuffed to the top of the transport vehicle by an officer. ██████████ can be heard repeatedly asking for his phone and other belongings, and he is told they will be inventoried. ██████████ directs expletives at the officers. ██████████ is sitting handcuffed in the transport vehicle, but he is not handcuffed to the bar at the top of the vehicle. A female supervisor approaches Sergeant Brown and, referring to the occupants of the vehicle, asks, "Do we not get them out of here? Sergeant Brown states words to the effect of, "We got more to go."<sup>40</sup>

When Sergeant Brown exits the transport vehicle, he is stopped by a man with a camera who tells him that someone in the transport vehicle has asthma and needs medical attention. Sergeant Brown states that he understands but he has to clear the street first. Shortly thereafter, Officer Lofton opens the back of the vehicle. Sergeant Brown and Commander Hill are standing at the back with Officer Lofton. Commander Hill steps into the back of the vehicle. ██████████ states that there is no air in the back of the vehicle and continues to ask for medical attention.<sup>41</sup> ██████████ also states that his heart is bothering him and that he is having a heart attack.<sup>42</sup> Commander Hill exits, and Sergeant Brown enters and tells ██████████ that he is going to get him medical attention as soon as possible. Sergeant Brown also asks ██████████ if he can breathe.<sup>43</sup> Sergeant Brown then performs pat downs of ██████████ and ██████████. Sergeant ██████████ exits, and Officer Lofton locks the back of the transport vehicle.

#### Activity at the 3rd District Station

The transport vehicle is parked at the 3rd District Station and the doors are opened. ██████████ and ██████████ are visible standing inside the vehicle, each with a wrist handcuffed to a bar on the ceiling of the vehicle.<sup>44</sup> Officer DeLeon enters the vehicle and unhandcuffs ██████████ from the bar. ██████████ again states that he needs medical attention. Officer DeLeon passes the handcuffed ██████████ to another officer to be escorted inside the station. Officer DeLeon then returns to the vehicle to remove ██████████ but ██████████ states that he wants an "officer of color" to take him out of the vehicle. Eventually, a female officer unhandcuffs ██████████ from the bar and escorts him inside the station. Both ██████████ and ██████████ are later placed in ambulances and transported to the hospital.<sup>45</sup> While in the ambulance, ██████████ complains of physical injuries caused by officers including discoloration in his hands.<sup>46</sup>

**City of Chicago Police Observation Device ("POD") Video** shows the intersection of 71st and Jeffrey Boulevard immediately prior to and during the incident.<sup>47</sup> The POD captures ██████████ and approximately twelve other protestors gathering at the southeast corner of the intersection.<sup>48</sup> The protestors march through the intersection against the light multiple times.<sup>49</sup> ██████████ can be seen exchanging words with Commander Hill and/or Sergeant Brown after they

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<sup>40</sup> Att. 41, T23:49:56Z.

<sup>41</sup> Att. 37, T23:55:00Z.

<sup>42</sup> Att. 36, T23:54:26Z

<sup>43</sup> Att. 36, T23:54:42Z.

<sup>44</sup> Att. 40, T00:09:11Z.

<sup>45</sup> Att. 70 and Att. 71.

<sup>46</sup> Att. 70, T00:59:59Z.

<sup>47</sup> Att. 53.

<sup>48</sup> Att. 53 at 6:37:50.

<sup>49</sup> Att. 53 at 6:40:49.

walk against the light on two occasions.<sup>50</sup> With respect to the altercation involving ██████ as well as the arrest of ██████ the POD video is consistent with what was captured by officers' BWC videos. In addition, the POD captures Officer Shafer striking ██████ multiple times in the head with his right fist.<sup>51</sup> It also shows Commander Hill, and then another officer, reaching out and grabbing Officer Shafer's right arm.<sup>52</sup>

Several officers can also be seen talking to ██████ who is seated on the southeast corner of the intersection. Once the altercation with ██████ begins, ██████ appears to fall toward the right and lay directly behind Sergeant Brown's feet.<sup>53</sup> Officers attempt to pull ██████ out of the way of the altercation.<sup>54</sup> Multiple officers then appear to attempt to pull ██████ to his feet while he resists.<sup>55</sup> Both ██████ and ██████ are then placed into the transport vehicle.

A **Facebook video**<sup>56</sup> recorded by ██████ prior to the protest shows ██████ recording an interaction between unidentified civilians and officers in a gray unmarked vehicle. Commander Hill and Sergeant Brown drive through the area where the interaction is occurring in a blue unmarked car.<sup>57</sup> Minutes later, ██████ approaches Commander Hill and Sergeant ██████ now on foot, as they speak to the motorist. ██████ walks up to Sergeant Brown, whose badge number and name are not visible on his vest, and asks for Sergeant Brown's name and identifiers.<sup>58</sup> Sergeant Brown responds by directing words to the effect of, "Mr. ██████ you're in my personal space," in the direction of ██████<sup>59</sup> ██████ backs up and again asks Sergeant Brown to identify himself. Sergeant Brown does not respond and walks away.

**Photographs**<sup>60</sup> of ██████ and ██████ were taken on July 19, 2018. One photograph shows a laceration to ██████ left elbow. Other photographs show lacerations and bruises to ██████ left hand, left wrist, and the right side of his head. ██████ right hand is wrapped and in a sling.

### c. Physical Evidence

**Chicago Fire Department EMT Report for ██████** documents that an ambulance was dispatched to the 3rd District Station on July 19, 2018, at 7:15 pm, because ██████ was experiencing chest pain. ██████ complained that he was "kicked by his colostomy bag," and that he was experiencing discomfort in that area.<sup>62</sup> The report lists ██████ preexisting conditions as "DM, Colostomy and Crohn's Disease." ██████ was transported to University of Chicago Hospital.

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<sup>50</sup> Att. 53 at 6:41:27 and 6:42:03.

<sup>51</sup> Att. 53 at 6:43:50.

<sup>52</sup> Att. 53 at 6:43:51 and Att. 53 at 6:43:54.

<sup>53</sup> Att. 53 at 6:43:44.

<sup>54</sup> Att. 53 at 6:43:57.

<sup>55</sup> Att. 53 at 6:44: 35.

<sup>56</sup> Att. 31.

<sup>57</sup> Commander Hill and Sergeant Brown identify themselves in statements to COPA.

<sup>58</sup> Att. 3, minutes 3:25 through 6:26 of the video.

<sup>59</sup> Att. 31

<sup>60</sup> Att. 29.

<sup>61</sup> Att. 54.

<sup>62</sup> Att. 54, p. 2.

**Chicago Fire Department EMT Report for [REDACTED]** documents that an ambulance was dispatched to the 3rd District Station on July 19, 2018, at 7:39 pm. [REDACTED] complained of abdominal pain and stated that he was beaten by the police, struck all over his body, choked by an officer, and another officer put his knees against his abdomen. [REDACTED] was transported to University of Chicago Hospital.

**Medical Records for [REDACTED]** from the University of Chicago Hospital document that [REDACTED] was admitted on July 19, 2018, at 7:44 pm. [REDACTED] arrived in the emergency room complaining that he got kicked in the abdomen near his colostomy bag. [REDACTED] also reported being kicked in the jaw and “increased output from ostomy.”<sup>65</sup> Doctor’s notes record “concerns for abnormal labs including low K and elevated Cr.”<sup>66</sup> [REDACTED] was diagnosed with jaw pain and hypokalemia. He was discharged against medical advice on July 20, 2018.

**Medical Records for [REDACTED]** from the University of Chicago Hospital document that he was admitted on July 19, 2018, at 8:38 pm. The report states that [REDACTED] reported head, abdominal, and hand pain.<sup>68</sup> [REDACTED] told medical professionals that he was “struck in the head, thrown to the ground with [second] impact to head, stomped on, and handcuffed tightly.” [REDACTED] was diagnosed with acute pain in his right wrist. He was discharged into police custody on July 20, 2018.

#### **d. Documentary Evidence**

The **Arrest Reports for [REDACTED] and [REDACTED]** document that [REDACTED] was charged with obstructing traffic and resisting arrest, and [REDACTED] was charged with resisting arrest, aggravated battery, and obstruction of traffic. [REDACTED] Arrest Report details that the arresting officers were given orders not to allow citizens to impede the flow of traffic. The arresting officers observed [REDACTED] crossing the intersection while using his phone. Commander Hill gave [REDACTED] “verbal direction and warning to exit the roadway at 1739 hrs, 1841 hrs, and 1842 hrs, at which point subject continued to walk southbound on Jeffrey Boulevard, impeding the flow of traffic a third time.”<sup>71</sup> Arresting officers were then given a direct order to arrest [REDACTED]. As [REDACTED] was being walked to a transport vehicle, he became dead weight by tensing his body and refusing to stand on his own power. [REDACTED] was given multiple warnings to stop resisting and was subsequently carried to the transport vehicle by assisting officers.

The Arrest Report for [REDACTED] details that he crossed a busy intersection numerous times, causing traffic to stop abruptly. Prior to and during the protest, Commander Hill gave a warning to [REDACTED] and the other protestors not to impede traffic. The narrative further states that [REDACTED] was taken into custody because he “intentionally and defiantly interfered with the lawful arrest of

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<sup>63</sup> Att. 7, p. 39.

<sup>64</sup> Att. 32.

<sup>65</sup> Att. 32.

<sup>66</sup> Cr is the abbreviation for Creatinine. Att. 32.

<sup>67</sup> Att. 7.

<sup>68</sup> Att. 7, p. 6.

<sup>69</sup> Att. 24.

<sup>70</sup> Att. 28.

<sup>71</sup> Att. 24, p. 2.

██████████ by yelling obstinacies at arresting officers, stepping in front of and following arresting officers.”<sup>72</sup> Officer Shafer attempted to intervene by placing himself between ██████████ and the arresting officers. The narrative states,

Officer Shafer put his hands up and orders Mr. ██████████ to stop. Assailant ██████████ slaps his hand away and continued to advance on Arresting Officers. Officer Shafer then attempted to place the Assailant ██████████ in custody at which point Assailant ██████████ began flailing his arms and ripping his arms away from Arresting Officers. The offender continued to resist arrest. He pulled his right hand away and pushed Officer Shafer away. Assailant ██████████ then struck Officer Alvarez once in the left shoulder in an attempt to defeat his lawful arrest. Officer Shafer then struck the Assailant ██████████ (3) three times with a closed fist about the head in an attempt to gain physical control of him. He was subsequently placed in custody.<sup>73</sup>

The arrest report further documents that ██████████ was transported to the 3rd District Station for processing, at which point, “Emergency Medical Services were requested for Arrestee ██████████ and Arrestee ██████████<sup>74</sup> ██████████ complained of injury caused by handcuffs and a headache. ██████████ complained of chest pains. Both were transported to University of Chicago Hospital.

An **Original Case Incident Report (“OCIR”)**<sup>75</sup> provides the same account documented in ██████████ and ██████████ Arrest Reports.

A **Tactical Response Report (“TRR”) submitted by Officer Shafer**<sup>76</sup> for ██████████ indicates that ██████████ did not follow verbal directions, stiffened, pulled away from members, posed an imminent threat of battery, physically attacked a Department member without a weapon, used hand/arm/elbow strikes, and flailed his arms with a balled fist. In response, Officer Shafer employed the force mitigation tactics of member presence, verbal direction, tactical positioning, and additional unit members. Officer Shafer’s control tactics included escort holds, wristlocks, armbar, and emergency handcuffing. He also responded with a closed hand strike/punch three times to ██████████ head. The reasons provided for Officer Shafer’s response are defense of self, defense of a Department member, and to overcome resistance/ aggression.

A **TRR submitted by Officer Alvarez**<sup>77</sup> for ██████████ is consistent with the TRR submitted by Officer Shafer with respect to ██████████ actions, except it does not list that ██████████ flailed his arms with a balled fist. In response, Officer Alvarez employed the force mitigation tactics of member presence, verbal direction, movement to avoid attack, tactical positioning, and additional unit members. Officer Alvarez’s control tactics included escort holds, wristlocks, and emergency handcuffing.

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<sup>72</sup> Att. 28, p. 3.

<sup>73</sup> Att. 28, p. 3.

<sup>74</sup> Att. 28, p. 3.

<sup>75</sup> Att. 20.

<sup>76</sup> Att. 18.

<sup>77</sup> Att. 21.

## 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.<sup>78</sup> 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. 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.”<sup>79</sup>

## VII. ANALYSIS

### a. **There is insufficient basis to find that Department members failed to ensure the safety and security of [REDACTED] and [REDACTED]**

The Department directives that were effective at the time of the incident provide that members are responsible for the safety and security of arrestees.<sup>80</sup> This includes ensuring that arrestees “are appropriately restrained to prevent escape or injury.”<sup>81</sup> Additional directives for Squadrol Operating Procedures specify that “squadrol officers are responsible for the safety security and care of persons . . . under their control,”<sup>82</sup> and that handcuffing an arrestee to any part of the squadrol is prohibited.<sup>83</sup> Failure to follow these directives would be a violation of Rule 6.

<sup>78</sup> 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).

<sup>79</sup> See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>80</sup> General Order G06-01-01 (II)(B).

<sup>81</sup> General Order G06-01-02 (IV)(B).

<sup>82</sup> Special Order S03-06 (IV)(A).

<sup>83</sup> Special Order S03-06(IV)(D).



Here, [REDACTED] and [REDACTED] were handcuffed to the top railing of the transport vehicle and were left that way as they were transported to the 3rd District. Officer Lofton, who for eight years has been exclusively driving the type of vehicle used in the incident, described the vehicle as a PTV.<sup>84</sup> He also stated that the directives applicable to squadrols are applicable to PTVs to the extent any application is possible.

However, the Squadrol Operating Procedures directive does not explicitly state that it applies to all transport vehicles. Therefore, its application here is ambiguous and a reasonable officer may not have believed that the prohibitions contained in the directive applied in this instance. Moreover, neither [REDACTED] nor [REDACTED] sustained serious injuries and their time in the transport vehicle was limited. Thus, COPA finds that **Allegations 2 and 3** against Commander Hill, **Allegation 1** against Sergeant [REDACTED], **Allegation 1** against Officer De Leon, and **Allegations 1 and 2** against Officer Lofton relating to the safety and security of [REDACTED] and [REDACTED] in the transport vehicle are **Not Sustained**.

**b. There is insufficient basis to find that Department Members committed misconduct by handcuffing [REDACTED] and [REDACTED] to the parts of the Squadrol.**

For the reasons stated above, COPA similarly finds that **Allegation 2** against Sergeant Brown and Officer DeLeon, relating to [REDACTED] and [REDACTED] being improperly handcuffed to the squadrol, is also **Not Sustained**. The prohibition against handcuffing detainees to parts of a vehicle only appears in the Department directives relating to transportation in a squadrol. The applicability of the that prohibition here, therefore, is ambiguous and does not provide sufficient evidentiary support to sustain the allegation.

**c. There is insufficient basis to find that Officer Alvarez or Officer DeLeon struck [REDACTED] on the body, or that Officer Alvarez twisted [REDACTED] arms without justification.**

Here, verifiable video evidence shows [REDACTED] was actively resisting being taken into custody. Several officers assisted in placing [REDACTED] in custody, resulting in an altercation between [REDACTED] and the police. Additionally, while several officers visibly placed their hands on [REDACTED] during the altercation, there is no evidence that Officer Alvarez or Officer DeLeon struck [REDACTED]. Moreover, because [REDACTED] was an active resister, officers were authorized to use holding techniques that might result in an incidental twist to [REDACTED] arm. Officer Alvarez's TRR acknowledges that he used holding techniques and emergency handcuffing on [REDACTED] due to [REDACTED] active resistance. Officer Alvarez and Officer DeLeon denied they struck [REDACTED] and the video of the altercation does not show either officer using such force. Moreover, there is insufficient evidence in the record indicating that their denials are not credible. Finally, as [REDACTED] did not provide a statement to COPA, it is unclear at what point [REDACTED] believes the misconduct occurred. Based on the available evidence, therefore, COPA finds that **Allegation 1** against Officer Alvarez and **Allegation 3** against Officer DeLeon, that they struck [REDACTED] without justification,

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<sup>84</sup> COPA initially believed the transport vehicle to be a squadrol based on its similar appearance. The allegations served reflect this belief.

are **Not Sustained**. Based on the evidence in the record, COPA also finds that the allegation that Officer Alvarez twisted [REDACTED] arm without justification is **Not Sustained**.

**d. Sergeant Brown jumped on the abdominal area of [REDACTED] without justification.**

However, the available evidence shows that Sergeant Brown used excessive force against [REDACTED] by jumping on or near [REDACTED] abdomen, in violation of Department Rules 2, 3, 6, 8, and 9.

BWC video shows Sergeant Brown holding [REDACTED] arms, and then later placing a knee on his arm, which are actions consistent with restraining a resister. At the time Sergeant Brown made these movements, [REDACTED] was still actively resisting and holding techniques were authorized under Department directives.<sup>85</sup> However, the video also shows Sergeant Brown lift his left leg and bring it down, with force, near [REDACTED] midsection, at a time when [REDACTED] is on the ground and handcuffed. Although Sergeant Brown's face does not appear in Officer Shafer's BWC video when this conduct is captured, viewed in context with other videos, it is clear Sergeant Brown performed this action. While lying on the ground handcuffed, [REDACTED] was not an assailant and Sergeant Brown was therefore no longer authorized to perform direct mechanical strikes to [REDACTED] body.<sup>86</sup> Stomping on [REDACTED] a forceful striking movement, was prohibited by Department policy. For these reasons, COPA finds that **Allegation 4** against Sergeant Brown is **Sustained**.

**e. Sergeant Brown and Officer Alvarez had justification to handcuff [REDACTED]**

Clear and convincing evidence supports that handcuffing [REDACTED] was justified. Multiple videos captured [REDACTED] violating traffic signals during the incident. In addition, the evidence shows that when approached by officers, [REDACTED] responded in an aggressive manner, thus supporting that handcuffing was necessary as a matter of officer safety. For these reasons, COPA finds **Allegation 5** against Sergeant Brown and **Allegation 3** against Officer Alvarez are **Exonerated**.

**f. There is insufficient basis to find that Officer Alvarez or Sergeant Brown handcuffed [REDACTED] too tightly.**

Here, [REDACTED] reported discoloration and tingling in his fingers, and his medical records document a rash and tenderness in the wrist area. Although this evidence indicates some injury to [REDACTED] wrists occurred, it is insufficient to determine that the handcuffing by Sergeant Brown or Officer Alvarez was the cause of any injury. First, [REDACTED] was actively resisting arrest before and after he was handcuffed. The damage to his wrist, therefore, could have been caused by [REDACTED] own actions while resisting. Second, while Officer Alvarez was the first officer to place handcuffs on [REDACTED] those handcuffs were removed once [REDACTED] was in the transport vehicle. At that point, Sergeant Brown handcuffed [REDACTED] a second time. Therefore, even assuming tight handcuffing by a Department member caused [REDACTED] injuries, COPA cannot determine

<sup>85</sup> General Order G03-02-01 (IV)(B)(2)(c).

<sup>86</sup> General Order G03-02-01 (IV)(B)(2).

whether it was Sergeant Brown or Officer Alvarez who was responsible. For these reasons, COPA finds **Allegation 6** against Sergeant Brown and **Allegation 2** against Officer Alvarez are **Not Sustained**.

**g. Sergeant Brown violated Department policy when he failed to identify himself upon request by [REDACTED]**

Rule 37 requires Department members to identify themselves by name, rank, and star number upon request by a private citizen. Here, Sergeant Brown's denials notwithstanding, verifiable evidence shows that [REDACTED] asked Sergeant Brown to identify himself more than once, and Sergeant Brown turned and walked away without providing the required information. Therefore, COPA finds **Allegation 3** against Sergeant Brown is **Sustained** as a violation of Rules 2, 3, 5, 6, and 37.

**h. There is insufficient evidence that Commander Hill and Sergeant Brown violated Department policy by failing to request timely medical assistance for [REDACTED]**

General Order 03-02 requires that, once a scene is safe and as soon as practicable, when a person requests medical attention, Department members will request appropriate medical aid,<sup>87</sup> and may provide appropriate medical care consistent with their training.<sup>88</sup> This may include providing first aid and/or arranging for transportation to an emergency medical facility.<sup>89</sup>

Here, Commander Hill and Sergeant Brown stated that an ambulance was not called to the scene because it was not safe or secure, and the area remained chaotic. However, Sergeant Brown did talk to [REDACTED] and ask if he could breathe. Further, although evidence shows that [REDACTED] had very low potassium levels, which [REDACTED] identified as a symptom of Chron's disease, [REDACTED] did not disclose his Chron's disease diagnosis and its symptoms to any Department members, though he had ample opportunity to do so. For these reasons, COPA finds that **Allegation 1** against Commander Hill and **Allegation 8** against Sergeant Brown are **Not Sustained**.

**i. There is insufficient basis to find that Sergeant Brown failed to request or provide timely medical assistance to [REDACTED]**

[REDACTED] like [REDACTED] requested medical attention and stated that he had difficulty breathing. However, unlike [REDACTED] delayed the rendering of his own medical care by refusing to exit the transport vehicle because of the race of the officer who initially approached him. This suggests that [REDACTED] was not experiencing an acute health emergency. Once [REDACTED] complied and left the vehicle, an ambulance transported him to the hospital from the 3rd District Station. Due to the fact that he delayed his own medical care, and an ambulance was dispatched for him within an hour of his arrest, COPA finds **Allegation 7** against Sergeant Brown is **Not Sustained**.

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<sup>87</sup> General Order G03-02 (4)(A)(1).

<sup>88</sup> General Order G03-02 (4)(A)(2).

<sup>89</sup> Id.

**j. COPA is not making a determination about Officer Shafer’s allegations.**

Since COPA was unable to obtain a statement from Officer Shafer, COPA is not analyzing his actions in any way.

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Sergeant Cornelius Brown**

**i. Complimentary and Disciplinary History**

Sergeant Brown has received 121 awards, including 81 Honorable Mentions, eight Complimentary Letters, fifteen Department Commendations, one Special Commendation, one Honorable Mention Ribbon Award, and one Chicago Police Leadership Award. Sergeant Brown received one Reprimand for conduct unbecoming that occurred in June 2020, and one Reprimand for failing to comply with Department procedures that occurred in July 2018.

**i. Recommended Penalty**

COPA has found that Sergeant Brown violated Rules 2, 3, 5, 6, 8, 9, and 37 when he jumped on [REDACTED] abdominal area without justification and failed to identify himself upon request. Sergeant Brown’s misconduct, which was captured on video, constituted a flagrant violation of policy that brought discredit to the Department. His actions were particularly inexcusable for someone of the sergeant’s rank, position, authority, and decades of experience as a police officer. However, this incident is over four years old; therefore, COPA recommends Sergeant Brown receive a **29-day suspension**.

Approved:

[REDACTED] #13  
\_\_\_\_\_  
Steffany Hreno  
*Director of Investigations*

12/29/2022  
\_\_\_\_\_  
Date