



Log # 2020-5521

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 12, 2020, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the 011th District detailing a walk-in complaint from ██████████ (██████████) who reported alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on December 11, 2020, Officer Marcus Brown #6158 grabbed her by her hair and flung her to the ground without justification.² Upon review of the evidence, COPA served additional allegations that Officer Brown failed to complete a Tactical Response Report (TRR) detailing the use of force and directed profanity at a member of the public. Following its investigation, COPA did not sustain any allegations.

II. SUMMARY OF EVIDENCE³

None of the police officers present during this incident were assigned body worn cameras, but a Chicago Transit Authority (CTA) surveillance camera captured a video-only recording of the events as they transpired. On December 11, 2020, at approximately 8:49 pm, ██████████ entered the CTA train station at 530 W. Pulaski and briefly spoke with an attendant at the entrance. She then approached the turnstile and attempted to gain access to the boarding area without paying by climbing over the turnstile. Officer Brown, who was standing nearby, took notice of ██████████ unusual activity as she was in a crouched position with both feet perched on top of the turnstile. Officer Brown reached out with his left hand and grabbed ██████████ by what appeared to be either the back of her jacket or the strap of her purse, which caused her to fall backwards to the ground.⁴ ██████████ quickly stood up and appeared to speak with Officer Brown and two other officers for nearly a minute, although no audio recording of the conversation was captured.⁵ The CTA attendant eventually unlocked one of the turnstile barriers to allow ██████████ to pass through.⁶ She remained standing on the other side near Officer Brown, and they appeared to briefly speak to each other again before she turned and walked away.⁷

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including third-party video, police reports, civilian interviews, and officer interviews.

⁴ Att. 2, 1:03-1:07.

⁵ *Id.*, 1:08-1:54.

⁶ *Id.*, 2:05-2:26.

⁷ *Id.*, 2:52-3:01.

During her telephone interview with COPA, ██████ stated that just prior to this incident she had told the CTA attendant that she had been pickpocketed and consequently had no money to pay for her train fare. She said the attendant had given her permission to enter the boarding area without paying, and this was the reason why she felt she had a right to begin climbing over the turnstile directly beside Officer Brown.⁸ ██████ reported that Officer Brown grabbed her by her hair and forcefully threw her down to the ground, causing some of her hair to be pulled out in the process.⁹ She also asserted that after the incident Officer Brown spoke to her with profanity and threatened to arrest her if she did not get on a train right away.¹⁰ During COPA's review of the video, it was apparent that Officer Brown had not touched ██████ hair or the hood of her coat and had used a simple one-handed grabbing motion employing relatively little obvious effort while pulling her down from the turnstile.¹¹ As previously mentioned, no audio was captured by the surveillance camera, so COPA did not find evidence to confirm or deny ██████ account of the verbal interaction.

Officer Brown explained during his interview with COPA that during this incident he did not know why ██████ climbed the turnstile right in front of him, that he only pulled against the strap of her shoulder bag to stop what he had reason to believe was an illegal act, and that he tried to break her fall as she dropped down from the turnstile.¹² He stated that he did not consider this action to have been a use of force as he understood it, and said he believed his action was justifiable under the circumstances.¹³ He further explained that because no force was employed, he did not believe it was necessary to complete a Tactical Response Report in this situation.¹⁴ When asked about the verbal interaction he had with ██████ Officer Brown answered that he believed he only told her that all she needed to do was to ask the nearby CTA employee to let her through the gates.¹⁵ Finally, he stated that he had not used profanity toward ██████ had not threatened to arrest her, and had not observed the other officers present using profanity toward her or threatening her with arrest.¹⁶

III. ALLEGATIONS

Officer Marcus Brown:

1. It is alleged by ██████ that on or about December 11, 2020 at approximately 8:49 pm, at or near 530 W. Pulaski, Chicago, IL that you, Marcus Brown # 6158 committed misconduct through the following acts or omissions by:
 - Grabbing and or/dragging ██████ to the ground, without justification;
 - Exonerated.

⁸ Att. 12, pgs. 5-6.

⁹ *Id.*, pgs. 6-7.

¹⁰ *Id.*, pg. 9.

¹¹ Att. 2 at 1:05.

¹² Att. 6, 10:44-11:12.

¹³ *Id.*, 15:29-15:47.

¹⁴ *Id.*, 22:51-23:02.

¹⁵ *Id.*, 25:12-25:29.

¹⁶ *Id.*, 25:24-26:03.

2. It is alleged by COPA Deputy Chief Angela Hearts-Glass that on or about December 11, 2020 at approximately 8:49 PM, at or near 530 W. Pulaski, Chicago, IL that you, Marcus Brown # 6158 committed misconduct through the following acts or omissions by:
 - Failing to complete a Tactical Response Report detailing the use of force, as required by GO3-02-02;
 - Not Sustained.
 - Directing profanity at a member of the public, in violation of Rules 8 and 9.
 - Not Sustained.

IV. CREDIBILITY ASSESSMENT

COPA's review of the CTA surveillance video revealed a contradiction with the description of events that ██████ provided in her recorded statement. Specifically, the video evidence did not support her claim that she had been thrown down with force or that Officer Brown had pulled out some of her hair in the process. As a result, COPA determined that ██████ embellished the details of the incident, which diminished the credibility of her account.

V. ANALYSIS¹⁷

a. Regarding Officer Brown's grabbing action toward Ms. ██████

COPA found that Allegation #1 against Officer Brown, that of grabbing and/or dragging ██████ to the ground without justification, was **exonerated**. The video recording of the incident showed ██████ climbing the turnstile without first speaking to Officer Brown or indicating in any way that she had permission to go through the gates without paying. Under the circumstances, Officer Brown was acting within the scope of his authority by preventing ██████ from committing an unlawful act. Furthermore, the video showed Officer Brown employing what appeared to be minimal contact with her as he pulled with one hand on either her purse strap or the back of her coat near the purse strap, and then appeared to help her up after she fell. This, in COPA's assessment, was not an action that would have been intended to cause potential harm or injury and did not fall within the spectrum of reportable uses of force.

CPD members are trained to view the use of force according to whether the subject involved is a cooperative person, a passive resister, an active resister, or an assailant, with greater levels of force being permitted as the subject's behavior becomes more dangerous.¹⁸ In this case, however, the concept of force usage was not directly compatible with the situation, as ██████ was not a resisting subject in the usual sense. Ideally, the mere presence of a uniformed officer should have sufficed to encourage ██████ to behave in a way which was lawful both in substance and in appearance, yet in this scenario she acted as if she did not acknowledge Officer Brown's authority as he stood on guard at the station. Consequently, COPA found that Officer Brown was justified in responding to her apparent law-breaking, and that in his choice of action he correctly employed a minimal form of physical contact which was measured to match the level of her transgression.

¹⁷ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁸ GO3-02-01 (IV)(A-C), Force Options (effective February 29, 2020 – April 15, 2021).

b. Regarding Officer Brown’s responsibility to document the incident and his verbal conduct toward Ms. [REDACTED]

COPA found that Allegation #2 against Officer Brown, that of failing to complete a Tactical Response Report and of directing profanity at a member of the public, was **not sustained**. CPD members are required to complete a Tactical Response Report to document a variety of scenarios in which officers must use force against an actively resisting subject, and, in particular, whenever a resister is injured or alleges to have received an injury from an officer’s use of force.¹⁹ As previously stated, COPA found that this encounter between Officer Brown and [REDACTED] did not feature either an actively resisting subject or a use of force, and therefore falls outside of the usual standards used to judge such incidents. If [REDACTED] had been injured due to her fall, or had merely complained of an injury, Officer Brown would have been required to complete a TRR explaining how the injury occurred. However, due to the absence of recorded audio or other available witnesses to this incident, it is not possible for COPA to determine whether [REDACTED] had complained that she was injured to Officer Brown. Additionally, a review of the video evidence showed that she did not appear to be demonstrably hurt from the fall. While it is true that she later alleged to have been injured when she initiated her complaint, there is no evidence to suggest that Officer Brown was actually aware of any alleged injury.

The absence of an audio recording of the encounter is also a complicating factor with respect to [REDACTED] allegation that Officer Brown had used profanity when speaking to her. The video recording showed both individuals appearing to communicate both verbally and with hand gestures, but the substance of what was said is unknown. COPA has uncovered no objective verifiable evidence showing that Officer Brown disrespected or mistreated [REDACTED]. In any case, his culpability was not proven, and COPA therefore found Allegation #3 is not sustained.

Approved:

[REDACTED]

Sharday Jackson

Deputy Chief Administrator – Chief Investigator

April 27, 2023

Date

Appendix A

Case Details

Date/Time/Location of Incident:	December 11, 2020 / 8:49 PM / 530 S. Pulaski, Chicago, IL
Date/Time of COPA Notification:	December 12, 2020 / Exact time unknown

¹⁹ GO3-02-02 (III)(B) (1-4), Incidents Requiring the Completion of a Tactical Response Report (effective February 29, 2020 – April 15, 2021).

Involved Officer #1:

Officer Marcus Brown / Star #6158 / Employee ID # [REDACTED] / Date of Appointment: October 29, 2018 / Unit of Assignment: 017 / Male / Black

Involved Individual #1:

[REDACTED] / Female / Hispanic

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- GO3-02-01: Force Options (effective February 29, 2020 – April 15, 2021).
- GO3-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective February 29, 2020 – April 15, 2021).
- Rules and Regulations of the Chicago Police Department: Rules of Conduct (effective April 16, 2015 – present).

Appendix B

Definition of COPA's Findings and Standards of Proof

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 a proposition is proved.²⁰ For example, 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.”²¹

²⁰ 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 is found to be more probably true than not).

²¹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation