

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

I. EXECUTIVE SUMMARY

Date of Incident:	February 28, 2013
Time of Incident:	12:10 P.M.
Location of Incident:	Bronzeville Scholastic Academy, located at 4900 S. Wabash Avenue
Date of IPRA Notification:	February 28, 2013
Time of IPRA Notification:	4:53 P.M.

On February 28, 2013, [REDACTED] was a student at Bronzeville Scholastic Institute, and Officer Robert Brown Jr. was a Chicago Public Schools (CPS) security guard at the same school as well as a sworn member of the Chicago Police Department. On the date of the incident at approximately 11:44A.M., two female students took [REDACTED] cell phone and ran into a female restroom. [REDACTED] chased the female students, but did not enter the restroom. Officer Brown Jr. observed this interaction and directed [REDACTED] not to go into the restroom after the female students and to go down to the main office. [REDACTED] refused and told Officer Brown Jr., “[C]ould you give me my fuckin’ phone.” Officer Brown Jr. then grabbed [REDACTED] by his collar and began escorting him down to the office. When they reached the first-floor hallway, Officer Brown Jr. slammed [REDACTED] up against a wall. Officer Brown Jr. then picked [REDACTED] up by his neck and threw him onto the floor. CPS also conducted an investigation into this situation and CPS concluded that credible evidence existed to support the allegation of physical abuse to [REDACTED] by Officer Brown Jr. COPA further finds that Officer Brown Jr. used excessive force against [REDACTED] and brought discredit upon the department during the above incident.

II. INVOLVED PARTIES

Involved Officer #1:	Robert Brown Jr., Star# 9239, Emp.# [REDACTED], October 29, 2001, Officer, [REDACTED] 1973, Male, Black
Involved Officer #2:	Nina Robinson, Star#9553, Emp.# [REDACTED], May 10, 1999, Officer, [REDACTED] 1972, Female, Black
Involved Officer #3:	Don Crayton, Star#17959, Emp.# [REDACTED], August 27, 1990, Officer, [REDACTED] 1963, Male, Black

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Involved Person #1:

██████████ May 27, 1995, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Robert Brown Jr.	<ol style="list-style-type: none"> <li>1. Forcefully grabbed the collar of ██████████ shirt and yanked his body back and forth;</li> <li>2. Slapped/pushed ██████████ on the head;</li> <li>3. Grabbed and lifted ██████████ by his neck;</li> <li>4. Slammed ██████████ face and left shoulder against a wall;</li> <li>5. Threw ██████████ to the floor;</li> <li>6. Failed to complete a Tactical Response Report (TRR) for the physical contact he utilized on ██████████ during the incident on February 28, 2013;</li> <li>7. Forcefully grabbed ██████████ by the collar of his shirt and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder against a wall; and threw him to the floor, in the presence of school personnel, thereby bringing discredit upon the Department.</li> </ol>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
Officer Nina Robinson	<ol style="list-style-type: none"> <li>1. Disobeyed G08-01-02 in that she failed to immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and any action taken during her tour of duty regarding misconduct on the part of Officer Robert Brown Jr. on February 28, 2013, at approximately 11:44A.M., at Bronzeville Scholastic Academy, when Officer Brown Jr. forcefully grabbed ██████████ by the collar and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder against a wall; and threw him to the floor in the presence of school personnel.</li> </ol>	<p>Not Sustained</p>

Officer Don Crayton	1. Failed to complete a Battery Case Report naming Officer Brown Jr. as the victim and naming [REDACTED] as the offender.	Not Sustained
	2. Disobeyed G08-01-02 in that he failed to immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and any action taken during his tour of duty regarding misconduct on the part of Officer Robert Brown Jr. on February 28, 2013, at approximately 11:44A.M., at Bronzeville Scholastic Academy, when Officer Brown Jr. forcefully grabbed [REDACTED] by the collar and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder against a wall; and threw him to the floor in the presence of school personnel.	Not Sustained

**IV. APPLICABLE RULES AND LAWS**

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.<sup>2</sup>

Rule 5: Failure to perform any duty.

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.<sup>3</sup>

<sup>2</sup> This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

<sup>3</sup> Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

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**General Orders**

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**General Order G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct:**

- A. Individual Responsibilities:
- B.

All Department members will perform the duties and assume the obligations of their rank and/or position in the investigation of complaints or allegations of misconduct against any Department member.<sup>4</sup>

**General Order G03-02-01, The Use of Force Model:****II. Department Policy**

The Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The Use of Force Model employs the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. Such response may progress from the member's actual presence at the scene to the application of deadly force.

- A. The primary objective of the use of force is to ensure control of a subject with the reasonable force necessary based on the totality of circumstances.
- C. When force is applied, a member will escalate or de-escalate to the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control.

**General Order G03-02-02, Force Options**

This directive explains the Various levels of force options in the Use of Force Model that are appropriate for Department members' use when interacting with cooperative subjects, resistive subjects ("resisters"), and assailants.

**III. Level of Force Response Options Guidelines**

- B. Resister: a person who is uncooperative. Resisters are further subdivided into two categories:

- 1. Passive resister: a person who fails to comply (non-movement) with verbal or other direction. In addition to the response options listed in Item III-A, the following response options are appropriate when dealing with a passive resister:

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<sup>4</sup> The General Orders referenced above are the General Orders effective at the time of the incident.

a. Holding Techniques: Holding consists of techniques such as a firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds that are not elevated to pain compliance techniques), as well as any combination of the above. Holding may result in conforming behavior.

2. Active Resister: a person whose actions attempt to create distance between that person and the member's reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes gestures ranging from evasive movement of the arm, through flailing arms, to full flight by running. In addition to the response options listed in Item III-A and III-B-1, the following response options are appropriate when dealing with a passive resister:

a. Stunning: Stunning is diffused-pressure striking or slapping and is an attempt to increase control by disorienting the subject and interfering with the subject's ability to resist.

**General Order G03-02-05, Incidents Requiring the Completion of a Tactical Response Report**

II. The Tactical Response Report will be used to document the following incident:

2. all incidents which involve a subject fitting the definition of an active resister except for incidents in which:
    - a. the subject's only action of resisting is fleeing; and,
    - b. the member's actions did not extend beyond verbal commands and/or control holds utilized in conjunction with handcuffing and searching techniques which do not result in injury or allegations of injury.
  3. incidents involving a subject fitting the definition of a passive resister or a cooperative subject when the subject is injured or alleges injury resulting from the member's use of a force option.
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## V. INVESTIGATION<sup>5</sup>

### a. Interviews

#### Civilian Interviews

IPRA interviewed complainant [REDACTED] (17 years old), in the presence of his mother ([REDACTED]) on March 1, 2013 at 12:30P.M. at the IPRA offices. According to [REDACTED] the February 28, 2013 incident, at Bronzeville Scholastic Academy, began on the second floor of the school and continued to the first floor of the school. The incident began when some fellow female students took his cell phone and ran into the female restroom. [REDACTED] started chasing after the female students and ran to the restroom door. Officer Brown Jr. approached [REDACTED] and told him that if he went into the restroom he would be arrested. [REDACTED] asked Officer Brown Jr. if Officer Brown Jr. could go into the restroom and get his phone. Officer Brown Jr. repeated that he would arrest [REDACTED] if he went into the restroom. [REDACTED] got upset and stated to Officer Brown Jr., “[C]ould you give me my fuckin’ phone.” At that point, Officer Brown Jr. grabbed [REDACTED] collar and started swinging him around the hallway into several lockers. Officer Brown Jr. also pushed and slapped [REDACTED] in the head.

Officer Brown Jr. took [REDACTED] downstairs to the first floor of the school. As they were going down the stairs, Officer Brown Jr. kept swinging [REDACTED] and pushing his head. When they got to the end of the hallway by the main office, Officer Brown Jr. grabbed the side of [REDACTED] neck and picked him up off the ground and slammed him into the wall. Officer Brown Jr. also slammed [REDACTED] shoulder and face into the wall. After that [REDACTED] blacked out and the next thing he remembers is standing up. [REDACTED] then crouched over to catch his breath. Dean of Students [REDACTED] and another security officer were standing nearby telling [REDACTED] that he was wrong for disrespecting Officer Brown Jr. and that the officer had the right to do that.

[REDACTED] later went to [REDACTED] and complained that his shoulder was in pain. The principal, [REDACTED] called [REDACTED] mother to come pick him up from school. [REDACTED] mother picked him up and took him to the hospital. At the hospital, [REDACTED] was diagnosed with a sprained shoulder and minor concussion.<sup>6</sup>

#### Officer Interviews

IPRA interviewed Officer Robert Brown Jr. on May 5, 2015 at the IPRA offices. On the date of the incident, Officer Brown Jr. was off duty & working as a security officer at DuSable High School. At the time of incident, Officer Brown Jr. was working in the Bronzeville Scholastic part of the high school. Officer Brown Jr. was standing in the vicinity of room number 221 or 223, when a female student ran towards him yelling and screaming “security, security he’s trying to hit me; he’s trying to hit me.” The female student then ran into the female restroom. [REDACTED] was chasing behind the female student and he was yelling and screaming,

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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> atts. 8, 14

“Bitch give me my fuckin’ phone before I beat your ass.” [REDACTED] then opened the female restroom door. Officer Brown Jr. told [REDACTED] not to go into the restroom after the female student.

[REDACTED] kept using profanity towards Officer Brown Jr., telling Officer Brown Jr. “to get his fuckin’ phone back from her.” Officer Brown Jr. calmly explained to [REDACTED] to go down to the office and let them know what happened. [REDACTED] refused and after repeated attempts to tell [REDACTED] to go down to the office, Officer Brown Jr. escorted [REDACTED] to the office. Officer Brown Jr. escorted [REDACTED] down to the office by holding the back of his shirt while walking with him.

As Officer Brown Jr. walked [REDACTED] down the stairs, [REDACTED] said, “Let me the fuck go, get your hands off me; I am not fuckin’ going to the office.” Officer Brown Jr. used his phone to call 911 or to call the office because he did not have a police radio. While walking down the stairs, [REDACTED] flailed his arms, hitting Officer Brown Jr., and knocking the phone out of his hand. Officer Brown Jr. let [REDACTED] go as they were going to the main office, at that time [REDACTED] made the comment “let me the fuck go before I do what [REDACTED] did to your ass.” Officer Brown Jr. perceived [REDACTED] comment as being a threat because Officer Brown Jr. recalled being involved in an incident with a student named [REDACTED] (nicknamed “[REDACTED]” that resulted in Officer Brown Jr. receiving six stitches and a concussion. According to Officer Brown Jr. he tried to get [REDACTED] away from him and pinned him against the wall. Officer Brown Jr. let [REDACTED] go when another on-duty security officer came to the scene to see what was going on.

Officer Brown Jr. informed the officer and Dean [REDACTED] of the events that transpired and at that point [REDACTED] admitted that he was wrong and apologized to Officer Brown Jr., the other on-duty officer and the Dean. Officer Brown Jr. accepted [REDACTED] apology but told the Dean that he wanted a case report filled out and wanted the school to document what [REDACTED] did. Officer Brown Jr. said he never filed a case report but that he told the officer that was present that he wanted to file a case report. Officer Brown Jr. was suspended with pay pending a CPS investigation. Officer Brown Jr. did not know what happened with the CPS investigation, but indicated that he resigned from the position two weeks later. Officer Brown Jr. denied all allegations made against him.<sup>7</sup>

IPRA interviewed Officer Brown Jr. a second time on June 21, 2016 at the IPRA offices. Officer Brown Jr. viewed video from the first-floor hallway camera located at the school that captured a portion of the incident. In this statement Officer Brown Jr. stated that he had [REDACTED] by the back of his shirt and that he yanked [REDACTED] back and forth because he was getting away from him. Officer Brown Jr. immediately clarified his remarks relating to his use of force and stated that he did not yank [REDACTED] but rather [REDACTED] was trying to pull away from him at the same time he was trying to grab his shirt. Officer Brown Jr. denied pushing or slapping [REDACTED] on the head. Officer Brown Jr. denied grabbing [REDACTED] by his neck. Officer Brown Jr. also denied slamming [REDACTED] face against a wall. According to Officer Brown Jr., he restrained [REDACTED] against the wall in a defensive manner so that [REDACTED] would not cause bodily harm to him. Officer Brown Jr. said that [REDACTED] tried to turn toward him and lost his balance as Officer Brown Jr. let him go. Officer Brown Jr. stated his use of force on [REDACTED]

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<sup>7</sup> atts. 33, 42

was justified because he was being battered and assaulted by [REDACTED] Officer Brown Jr. did not press charges against [REDACTED] because [REDACTED] apologized and the Dean talked him out of pressing charges.<sup>8</sup>

IPRA interviewed **Officer Don Crayton** as a witness on July 21, 2016 at the IPRA offices. On the date of the incident, Officer Crayton saw Officer Brown Jr. in a physical confrontation with a student. The two were struggling as if they were fighting and he went to assist and try to “dissolve” the situation. Officer Crayton was standing at the desk and he did not see how the confrontation started. Officer Crayton said that he went to assist when he saw Officer Brown Jr. with his hands on [REDACTED] forcing him to the ground.

Officer Crayton viewed the video from the school’s first-floor hallway camera and identified himself and his partner, Officer Nina Robinson.<sup>9</sup>

IPRA interviewed **Officer Don Crayton** as an accused on August 4, 2016, at the IPRA offices. Prior to the incident, Officer Crayton was on the first-floor by the security desk talking to other school employees, including Officer Robinson. Officer Crayton stated that, while at the security desk, his view of the hallway in which the incident occurred was blocked by a wall. Officer Crayton specified that, although view of the hallway is block, noise and commotion from the hallway can still be heard. On the date of the incident, Officer Crayton heard two people exchanging words so he stepped from behind the desk and started walking down the hallway. When Officer Crayton stepped from behind the desk, he saw Officer Brown Jr. take [REDACTED] to the ground. Officer Crayton described [REDACTED] as being thrown to the ground by Officer Brown Jr. Officer Crayton asked Officer Brown Jr. if he wanted to make a report. Officer Brown Jr. responded no, and indicated that he wanted to allow the school to handle the situation according to CPS policy.<sup>10</sup>

IPRA interviewed **Officer Nina Robinson** on July 28, 2016, at the IPRA offices. On the date of the incident, Officer Robinson stepped from behind the desk when she saw her partner, Officer Crayton, walk towards some commotion. Officer Robinson saw a group gathered and a student on the ground. Officer Robinson said that she did not see any of the incident because she was sitting at the desk.<sup>11</sup>

## **b. Digital Evidence**

### **1. Video footage obtained from DuSable High School**

The relevant portion of the video begins at 11:44:00A.M. and depicts the first-floor hallway of the school. Before Officer Brown Jr. and [REDACTED] come into the frame, Dean [REDACTED] is seen speaking with another person at 11:44:00A.M. Dean [REDACTED] is present throughout the duration of the incident. Officer Brown Jr. and [REDACTED] come into frame in the middle of the hallway at 11:44:06A.M. Officer Brown Jr. appears to be holding onto [REDACTED] and forcing him

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<sup>8</sup> atts. 51, 54

<sup>9</sup> atts. 63, 74

<sup>10</sup> atts. 76, 79

<sup>11</sup> atts. 72, 78



in the same direction as they are walking into frame at 11:44:06A.M. to 11:44:08A.M. Officer Brown Jr. is seen holding the collar/back of [REDACTED] shirt and holding [REDACTED] against the wall at 11:44:08A.M. with some level of force. At 11:44:09 A.M., Officer Brown Jr. appears to elevate [REDACTED] with his hands on [REDACTED] neck and head area against the wall. [REDACTED] face is pressed against the wall and his feet appear to be dangling above the floor between 11:44:09A.M. to 11:44:13A.M. Seconds thereafter, Officer Brown Jr. turns [REDACTED] body around and [REDACTED] falls to the ground at 11:44:14A.M. Finally, two uniformed officers, a male<sup>12</sup> and a female,<sup>13</sup> approach the area where [REDACTED] and Officer Brown Jr. are located.<sup>14</sup>

### **c. Physical Evidence**

#### **1. Medical Records**

[REDACTED] was admitted to the emergency room on February 28, 2013 at 4:04P.M. [REDACTED] medical records indicate he had a concussion/head injury and a cervical sprain and strain.<sup>15</sup>

### **d. Documentary Evidence**

#### **1. Original Case Incident Report ([REDACTED])**

This case report refers to the incident between [REDACTED] (“[REDACTED]”) and Officer Brown Jr. The report lists Officer Brown Jr. as the victim and [REDACTED] as the offender. The incident occurred at DuSable High School on October 26, 2012. According to the narrative, the incident occurred at Bronzeville Scholastic Institute when Officer Brown Jr. attempted to separate [REDACTED] and a female student who were engaged in a verbal altercation. As Officer Brown Jr. grabbed [REDACTED] Officer Brown Jr. slipped to the floor with [REDACTED] on top of him. Officer Brown Jr. suffered a laceration to the back of the head requiring stitches.<sup>16</sup>

#### **2. Civil Court Case (13 CV 0[REDACTED])**

[REDACTED] ([REDACTED] mother) brought a civil lawsuit against the City of Chicago, Officer Brown Jr. and the Board of Education (CPS). The suit was filed on June 13, 2013, and terminated on November 20, 2013, pursuant to a settlement.<sup>17</sup>

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<sup>12</sup> Now known as Crayton

<sup>13</sup> Now known as Robinson

<sup>14</sup> att. 17

<sup>15</sup> att. 24

<sup>16</sup> att. 34

<sup>17</sup> atts. 25, 26, and 58

## e. Additional Evidence

### 1. Chicago Public Schools (CPS) Investigative Memo

This document summarizes CPS's investigation of the February 28, 2013 incident involving [REDACTED] and off-duty Officer Brown Jr. CPS initiated the investigation pursuant to an allegation of physical abuse reported by the principal of the school, [REDACTED]. The incident was witnessed by [REDACTED] the Dean of Students.

[REDACTED] was interviewed and stated that a female student took [REDACTED] phone while on the second floor and he attempted to get it back. At that time, Officer Brown Jr. asked what was going on and then directed [REDACTED] to leave the area. [REDACTED] told Officer Brown Jr. to "get my fucking phone," at which time Officer Brown Jr. grabbed [REDACTED] and told him he was taking him to the Dean's office. Once they got to the first floor, Officer Brown Jr. grabbed [REDACTED] by the back of the neck and lifted him off the ground and put his face into the wall. He then turned [REDACTED] around and threw [REDACTED] to the floor.

A CPS investigator also interviewed the Dean of Students [REDACTED] who related information consistent with that of [REDACTED]. [REDACTED] also described [REDACTED] as a good student with no history of discipline problems.

A CPS investigator also interviewed [REDACTED] whose statement was consistent with [REDACTED] and the video. However, [REDACTED] did not remember being thrown to the floor. [REDACTED] mother was called to the school by the principal and she took [REDACTED] to the hospital. [REDACTED] was told that he had a minor concussion and sprained shoulder.

Officer Brown Jr. was also interviewed by a CPS investigator. Officer Brown Jr. told the investigator that two female students took [REDACTED] phone and [REDACTED] attempted to get it back by attempting to chase after the students and enter the female restroom. [REDACTED] opened the restroom door but did not enter the restroom. At that time Officer Brown Jr. directed [REDACTED] to leave the area. [REDACTED] refused and told Officer Brown Jr., "[F]uck you, they got my phone, I'm not going anywhere until I get my phone," at which time Officer Brown Jr. grabbed [REDACTED] by the back of the collar to escort him to the main office. [REDACTED] swung his arms and attempted to pull away. When they got to the first floor, [REDACTED] told Officer Brown Jr., "[L]et me go or I'll do what [REDACTED] did to your ass." Brown had a prior altercation with a student named [REDACTED] earlier in the year that resulted in an injury to Officer Brown Jr. Officer Brown Jr. took [REDACTED] comment as a threat and temporarily restrained [REDACTED] against the wall. When he let [REDACTED] go, [REDACTED] fell to the floor. Officer Brown Jr. denied punching, slapping, kicking and throwing [REDACTED] to the ground. Officer Brown Jr. stated that [REDACTED] was not arrested because [REDACTED] apologized to him.

CPS concluded that credible evidence existed to support the allegation of physical abuse to [REDACTED] by Officer Brown Jr.<sup>18</sup>

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<sup>18</sup> att. 18

## VI. ANALYSIS

### A. Accused Officer Robert Brown Jr., Star #9239

Allegation #1: On February 28, 2013, at approximately 11:44A.M., at the Bronzeville Scholastic Academy, DuSable High School, Officer Brown Jr., forcefully grabbed the collar of [REDACTED] shirt and yanked his body back and forth, in violation of Rule 2, 8 and 9.

COPA recommends a finding of **Not Sustained**. According to General Order G03-02-01, the Chicago Police Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The primary objective of the use of force is to ensure control of a subject with the reasonable force necessary based on the totality of the circumstances. Department members must escalate or de-escalate the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control over the subject.

G03-02-02, Force Options, further explains the various level of force options that are appropriate for Department members to use when interacting with cooperative subjects, resistive subjects ("resisters"), and assailants. A passive resister is defined as a person who fails to comply, by non-movement, to verbal and other direction. An active resister is defined by action taken, including evasive movement of the arm, to create distance between the individual and the department member in an attempt to avoid physical control.

The lawful purpose for Officer Brown Jr. to use any force upon [REDACTED] was to remove any potential threat of [REDACTED] entering the female restroom, or accelerating his verbally threatening behavior towards Officer Brown Jr. into a physical action that would have characterized [REDACTED] as an assailant. [REDACTED] had already directed Officer Brown Jr. to "get my fucking phone," to which he admitted. He was also heard yelling "bitch give me my fucking phone before I beat your ass," presumably to the female in the restroom that possessed his phone. In either situation, [REDACTED] appears to be attempting to threaten multiple parties in order to retrieve physical property, thus allowing the officer the ability to exert some level of force to de-escalate the situation.

At this initial stage of the altercation, it is unclear whether [REDACTED] was in fact a passive or an active resister. Officer Brown Jr. stated during an interview with IPRA on June 21, 2016, that he yanked [REDACTED] back and forth because he ([REDACTED] was getting away from him. Although Officer Brown Jr. fails to identify exactly what actions that [REDACTED] was taking to get away from him, this statement alone could be characterized as an action on the part of [REDACTED] to create distance between himself and Officer Brown Jr. which would characterize [REDACTED] as an active resister and potentially allow Officer Brown Jr. to use a greater level of force, including and up to stunning the subject with strikes. Officer Brown Jr. further stated during his interview that he did not yank [REDACTED] but rather [REDACTED] was trying to pull away from him at the same time that Officer Brown Jr. was attempting to grab his shirt. Again, this action could be classified as that of an active resister attempting to pull away and create distance between himself and the officer in order to avoid custody. Finally, during a CPS interview with Officer

Brown Jr. he indicated that [REDACTED] swung his arms and attempted to pull away. [REDACTED] on the other hand denies attempting to get away from Officer Brown Jr., indicating only that Officer Brown Jr. grabbed [REDACTED] collar and started swinging him around the hallway into several lockers outside of the female bathroom where the incident started.

Unfortunately, there is no independent evidence or video identifying the beginning of this incident between Officer Brown Jr. and [REDACTED] outside of the female restroom. Our only video is that of the first-floor hallway, which is addressed in detail below. The video from the first floor hallway does show Officer Brown Jr. with his hand on the back of [REDACTED] collar and pushing him forward with force, but does not show the type of yanking described by [REDACTED]. However, it does not show [REDACTED] in any way resisting. Considering the lack of independent video evidence and the differing accounts between Officer Brown Jr. and [REDACTED] with regard to the initial use of force and whether [REDACTED] pulled away from Officer Brown Jr. near the restroom making him an active resister instead of that of a passive resister, the allegation should be **Not Sustained**.

Allegation #2: On February 28, 2013, at approximately 11:44A.M., at the Bronzeville Scholastic Academy, DuSable High School, Officer Brown Jr., slapped/pushed [REDACTED] on the head, in violation of Rule 2, 8 and 9.

COPA recommends a finding of **Not Sustained**. [REDACTED] stated that Officer Brown Jr. was pushing and slapping him in the head. [REDACTED] further stated that as he and Officer Brown Jr. were going down the stairs, Officer Brown Jr. was pushing his head. Officer Brown Jr. denied pushing and slapping [REDACTED] in the head. While there is independent video footage of this incident, the video only captures what occurred on the first floor and not what occurred on the second floor or in the stairway leading down to the first floor. Since there is no independent evidence to prove or disprove the allegation, the allegation should be **Not Sustained**.

Allegation #3: On February 28, 2013, at approximately 11:44A.M., at the Bronzeville Scholastic Academy, DuSable High School, Officer Brown Jr., grabbed and lifted ██████ by his neck, in violation of Rule 2, 8, and 9.

COPA recommends a finding of **Sustained**. In this instance, ██████ was not resisting and Officer Brown Jr. had control of the situation. In an interview to IPRA, ██████ stated that Officer Brown Jr. grabbed him by the neck and picked him up off the ground. In a recorded statement to IPRA, Officer Brown Jr. denied grabbing ██████ by the neck. However, the independent video taken from the school clearly shows Officer Brown Jr. grabbing ██████ by the neck area and lifting ██████ up off the ground. ██████ feet can be seen dangling in the air in the video footage. Medical records also indicate that ██████ had a concussion/head injury and a cervical sprain and strain. Here, Officer Brown Jr. had no justification for such force as it is clear from the independent video that ██████ is under control by the officer and is not resisting. As such, this allegation should be **Sustained**.



Allegation #4: On February 28, 2013, at approximately 11:44A.M., at the Bronzeville Scholastic Academy, DuSable High School, Officer Brown Jr., slammed ██████ face and left shoulder against a wall, in violation of Rule 2, 8, and 9.

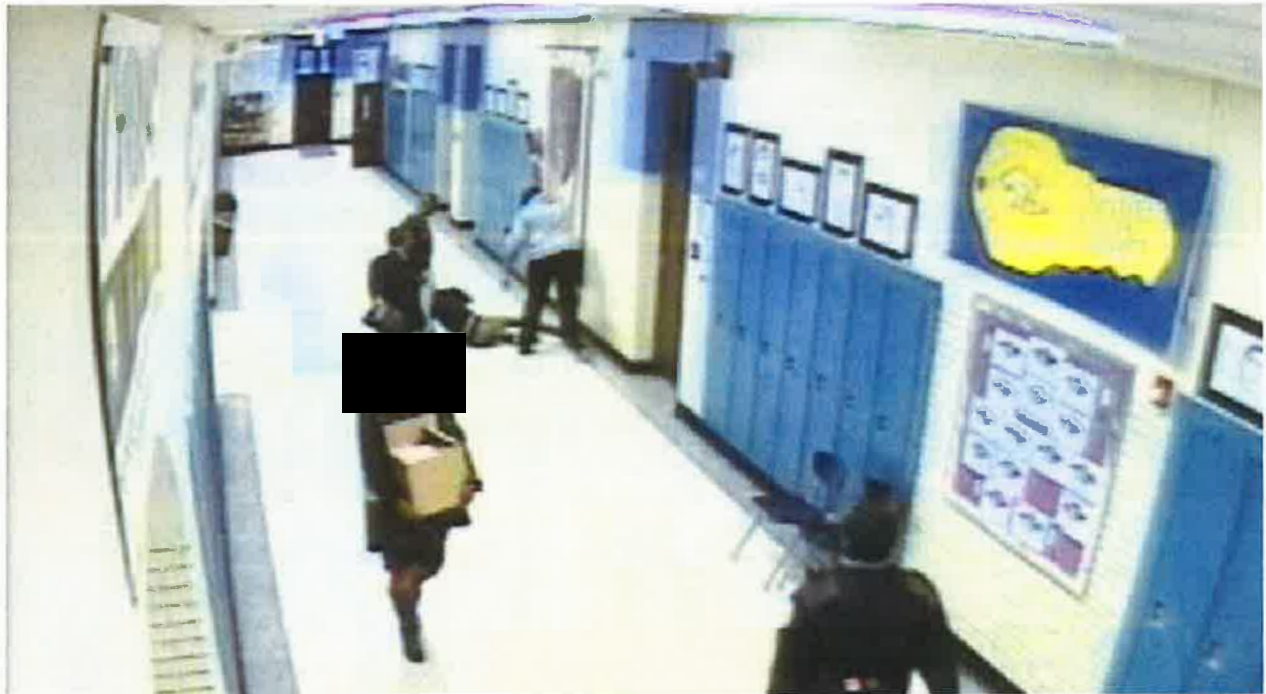
COPA recommends a finding of **Sustained**. In this instance, ██████ was not resisting and Officer Brown Jr. had control of the situation. ██████ stated that when he and Officer Brown Jr. were in first-floor the hallway by the main office, Officer Brown Jr. slammed his face and shoulder up against a wall. Officer Brown Jr. denied slamming ██████ face against a wall. According to Officer Brown Jr., he restrained ██████ against the wall in a defensive manner so he could not cause bodily harm to him. However, the independent video footage obtained from the school clearly shows Officer Brown Jr. slamming ██████ face and shoulder

up against a wall. The video does not show ██████ resisting. Nor would the statement by ██████ towards Officer Brown Jr. that “let me the fuck go before I do what ██████ did to your ass” be enough of a threat to use the force displayed on the video as Officer Brown Jr. is in control and the words alone of ██████ do not in themselves lift him to that of an active resister. Officer Brown Jr. did not simply restrain ██████ he slammed his face and shoulder into the wall as ██████ back was to Officer Brown Jr. Medical records also indicate that ██████ had a concussion/head injury and a cervical sprain and strain. As such, this allegation should be **Sustained.**



Allegation #5: On February 28, 2013, at approximately 11:44A.M., at the Bronzeville Scholastic Academy, DuSable High School, Officer Brown Jr., threw ██████ to the floor, in violation of Rule 2, 8, and 9.

COPA recommends a finding of **Sustained**. At this moment of the encounter between ██████ and Officer Brown Jr., ██████ was again not resisting and Officer Brown Jr. had control of the situation. Further, in a recorded statement provided to IPRA by Officer Crayton, he states that he saw Officer Brown Jr. with his hands on ██████ and forcing him to the ground. There is also independent video evidence taken from the school that clearly depicts Officer Brown Jr. throwing ██████ to the floor and ██████ was not resisting. Medical records also indicate that ██████ had a concussion/head injury and a cervical sprain and strain. As such, this allegation should be **Sustained**.



Allegation #6: On February 28, 2013, at approximately 11:44A.M., at the Bronzeville Scholastic Academy, DuSable High School, Officer Brown Jr., failed to complete a TRR for the physical contact he utilized on ██████ during the incident on February 28, 2013, in violation of Rule 5.

COPA recommends a finding of **Sustained**. According to the CPD General Order G03-02-05, a TRR will be used to document the following incidents: all incidents which involve a subject fitting the definition of an active resister or incidents involving a subject fitting the definition of a passive resister or a cooperative subject when the subject is injured or alleges injury resulting from the member's use of a force option. While ██████ could be classified as being a passive resister, he was injured during the encounter with Officer Brown Jr. Medical records indicate that ██████ had a concussion/head injury and a cervical sprain and strain.

Further, even if [REDACTED] were classified as an active resister, Officer Brown Jr would still be mandated to complete a TRR, which he did not. Officer Brown Jr. stated that he restrained [REDACTED] against a wall in a defensive manner so he could not cause bodily harm to him. Officer Brown Jr. also admitted that he did not complete a TRR regarding the incident. Given that Officer Brown Jr. admitted to having physical contact with [REDACTED] and also admitted that he did not document this encounter on a TRR report, this allegation should be **Sustained**.

Allegation #7: On February 28, 2013, at approximately 11:44A.M., at the Bronzeville Scholastic Academy, DuSable High School, Officer Brown Jr., forcefully grabbed [REDACTED] by the collar of his shirt and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder against a wall; and threw him to the floor, in the presence of school personnel, thereby bringing discredit upon the Department, in violation of Rule 2.

Regarding to allegation #7, COPA recommends a finding of **Sustained**. Based on the independent video taken from the school which depicts the above-mentioned behavior and depicts the Dean of the school present during the entire incident. This incident took place in a public high school hallway during the middle of the school day in the presence of school staff and possibly students. Medical records also indicate that [REDACTED] had a concussion/head injury and a cervical sprain and strain. Officer Brown's conduct clearly brought discredit upon the agency as his use of force was excessive and outside the boundaries of the General Order. As such, this allegation should be **Sustained**.



#### **B. Accused Officer Nina Robinson, Star #9553**

Allegation #1: On February 28, 2013, Officer Nina Robinson disobeyed G08-01-02 in that she failed to immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and



any action taken during her tour of duty regarding the misconduct on the part of Officer Robert Brown Jr. on February 28, 2013, at approximately 11:44A.M., at Bronzeville Scholastic Academy, when Officer Brown Jr. forcefully grabbed [REDACTED] by the collar and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder against a wall; and threw him to the floor in the presence of school personnel, in violation of Rule 5.

COPA recommends a finding of **Not Sustained**. According to G08-01-02, all Department members will perform the duties and assume the obligations of their rank and/or position in the investigation of complaints or allegations of misconduct against any Department member. Officer Robinson stated that she did not see any of the incident because she was sitting at the desk while the incident occurred. Officer Robinson also lacked knowledge of the conduct of both [REDACTED] and Officer Brown Jr leading up to the use of force, therefore she was not in a position to assess whether Officer Brown Jr.'s use of force was reasonable or unreasonable. Furthermore, we lack sufficient independent evidence to challenge her version of events. As such, this allegation should be **Not Sustained**.

### C. Accused Officer Don Crayton, Star #17959

Allegation #1: On February 28, 2013, Officer Don Crayton, failed to complete a Battery Case Report naming Officer Brown Jr. as the victim and naming [REDACTED] as the offender, in violation of Rule 5 and 10.

COPA recommends a finding of **Not Sustained**. Officer Brown Jr. stated that he never filed a case report but that he told the officer that was present that he wanted to file a case report. Officer Crayton admitted being at the scene on the date of the incident but said that he asked Officer Brown Jr. if he wanted to make a report and Officer Brown Jr. responded no, noting that he wanted to allow the school to handle the situation. Since there is no independent evidence to prove or disprove the allegation, the allegation should be **Not Sustained**.

Allegation #2: It is alleged that on February 28, 2013, Officer Don Crayton disobeyed G08-01-02 in that he failed to immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and any action taken during his tour of duty regarding the misconduct on the part of Officer Robert Brown Jr. on February 28, 2013, at approximately 11:44A.M., at Bronzeville Scholastic Academy, when Officer Brown Jr. forcefully grabbed [REDACTED] by the collar and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder against a wall; and threw him to the floor in the presence of school personnel, in violation of Rule 5.

COPA recommends a finding of **Not Sustained**. According to G08-01-02, all Department members will perform the duties and assume the obligations of their rank and/or position in the investigation of complaints or allegations of misconduct against any Department member. Officer Crayton stated that he was standing at the desk and did not see how the confrontation between Officer Brown Jr. and [REDACTED] started. Officer Crayton saw Officer

Brown Jr. with his hands on [REDACTED] forcing him to the ground. Officer Crayton said that he could not see down the hallway from where he was position at the security desk because there is a wall blocking the view. Even though Officer Crayton saw Officer Brown Jr. force [REDACTED] to the ground, Officer Crayton's impression was that Officer Brown Jr. was conducting an emergency takedown. Since Officer Crayton did not see the beginning of the incident he lacked knowledge of the conduct of both [REDACTED] and Brown leading up to the use of force. Crayton was not in a position to assess whether Office Brown Jr.'s use of force appeared reasonable or unreasonable. Furthermore, we lack sufficient independent evidence to challenge Officer Crayton's version of events. As such, the allegation should be **Not Sustained**.

## **VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

### **a. Officer Robert Brown Jr.**

#### **i. Complimentary and Disciplinary History**

Officer Brown Jr. has no previous disciplinary history. Nor does Officer Brown Jr. have any significant complimentary history.

#### **ii. Recommended Penalty, by Allegation**

##### **1. Allegation No. 3**

Although we are unsure of exactly what transpired prior to the video surveillance capturing the activity on the first floor, we are clearly aware of the actions that Officer Brown Jr. took against a juvenile caught on video. Officer Brown Jr. is in control of juvenile [REDACTED] as he walks into frame. Although in control of his subject, to which we do not deny was potentially necessary based on [REDACTED] comments towards Officer Brown Jr., Officer Brown Jr. nonetheless still grabbed and lifted [REDACTED] by his neck. Although we concede it likely that the juvenile [REDACTED] stated utterings that were insensitive and potentially even threatening against Officer Brown Jr., Officer Brown Jr. failed to take accountability for his actions.

##### **2. Allegation No. 4**

As noted above, Officer Brown Jr. was in control of juvenile [REDACTED] but still slammed [REDACTED] face and left shoulder against a wall. When questioned by CPS and IPRA, Officer Brown Jr. failed to take accountability for his actions.

##### **3. Allegation No. 5**

During the incident, [REDACTED] was helpless, severely outweighed by Officer Brown Jr., and not struggling or resisting. Officer Brown Jr. finalized his excessive contact with [REDACTED] by forcefully throwing him to the floor. All of this caught on video, leaving Officer Brown Jr. without excuse or a reasonable objective articulated reason for why such force was necessary.

**4. Allegation No. 6**

Officer Brown Jr. has been on the force since 2001 and was aware of the requirement to complete a TRR when physical contact is used, however he failed to complete a TRR in this situation.

**5. Allegation No. 7**

Officer Brown Jr.'s conduct, although not premeditated, was excessive and without justification. Though Officer Brown Jr. had control over ██████ the use of force displayed on video camera was excessive. Of significant concern is the location in which this incident occurred; the hallway of a public high school where school staff observed it. The incident could have also been easily observed by other students. Officer Brown Jr.'s conduct was clearly unacceptable and brought discredit upon the Chicago Police Department. As a result of his actions, COPA recommends a suspension of 15 days.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding/Recommendation
Officer Robert Brown Jr.	1. Forcefully grabbed the collar of ██████ shirt and yanked his body back and forth;	Not Sustained
	2. Slapped/pushed ██████ on the head;	Not Sustained
	3. Grabbed and lifted ██████ by his neck;	Sustained- 15-day suspension
	4. Slammed ██████ face and left shoulder against a wall;	Sustained- 15-day suspension
	5. Threw ██████ to the floor;	Sustained- 15-day suspension
	6. Failed to complete a Tactical Response Report (TRR) for the physical contact he utilized on ██████ during the incident on February 28, 2013;	Sustained- 15-day suspension
	7. Forcefully grabbed ██████ by the collar of his shirt and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder	Sustained- 15-day suspension

	<p>against a wall; and threw him to the floor, in the presence of school personnel, thereby bringing discredit upon the Department.</p>	
<p>Officer Nina Robinson</p>	<p>1. Disobeyed G08-01-02 in that she failed to immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and any action taken during her tour of duty regarding misconduct on the part of Officer Robert Brown Jr. on February 28, 2013, at approximately 11:44A.M., at Bronzeville Scholastic Academy, when Officer Brown Jr. forcefully grabbed [REDACTED] by the collar and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder against a wall; and threw him to the floor in the presence of school personnel.</p>	<p>Not Sustained</p>
<p>Officer Don Crayton</p>	<p>1. Failed to complete a Battery Case Report naming Officer Brown Jr. as the victim and naming [REDACTED] as the offender.</p> <p>2. Disobeyed G08-01-02 in that he failed to immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and any action taken during his tour of duty regarding misconduct on the part of Officer Robert Brown Jr. on February 28, 2013, at approximately 11:44A.M., at Bronzeville Scholastic Academy, when Officer Brown Jr. forcefully grabbed [REDACTED] by the collar and yanked his body back and forth; slapped/pushed him on the head, grabbed and lifted him by his neck; slammed his face and left shoulder against a wall; and threw him to the floor in the presence of school personnel.</p>	<p>Not Sustained</p> <p>Not Sustained</p>

Approved:



Jay Westensee  
*Deputy Chief Administrator – Chief Investigator*

8/23/18

Date