

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 27, 2015
Time of Incident:	Approximately 9:30 p.m.
Location of Incident:	5700 S. Racine Ave., Chicago, IL 60636
Date of COPA Notification:	June 28, 2015
Time of COPA Notification:	Approximately 1:02 p.m.

On June 27, 2015 at approximately 9:30 p.m., [REDACTED] (“[REDACTED]” and [REDACTED] (“[REDACTED]” exited the Shariff Food & Liquor Store (“Liquor Store”), located at 5956 S. Racine Ave., Chicago, IL 60636. As they crossed the street near 5700 S. Racine Ave., [REDACTED] and [REDACTED] were stopped by Chicago Police Department (“CPD”) officers. At the time of the stop, [REDACTED] was obstructing traffic and refused move. Officers ran [REDACTED] and [REDACTED] names, which came back clear, and both were released.

After the officers left the location, [REDACTED] called 911 and requested a sergeant report to the scene. Sergeant Brown (“Sgt. Brown”) responded. Upon Sgt. Brown’s arrival, [REDACTED] informed him that officers injured him while he was detained, and the Liquor Store’s security cameras should have captured his interaction with the officers. After checking with the Liquor Store for video footage, Sgt. Brown returned to speak with [REDACTED] but was interrupted when [REDACTED] mother approached and asked Sgt. Brown to not speak with [REDACTED] or [REDACTED]. All parties then dispersed, and Sgt. Brown took no further action regarding [REDACTED] complaint.

II. INVOLVED PARTIES

Involved Officer #1:	Ryan Brown, Star #1836, Employee # [REDACTED], Date of Appointment: December 17, 2001, Sergeant of Police, 007th District, DOB: [REDACTED] 1979, Male, White
Involved Officer #2: ²	James Gochee, Star #1301, Employee # [REDACTED], Date of Appointment: February 24, 2003, Sergeant of Police, 022 nd District, DOB: [REDACTED], 1968, Male, White
Involved Officer #3:	Mark Mendez, Star #16044, Employee # [REDACTED], Date of Appointment: May 19, 2008, Police Officer, 008 th District, DOB: [REDACTED] 1984, Male, Hispanic

¹ 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.

² Officer Gochee, Star# 3909 (old star number), was promoted to the rank of Sergeant following this incident.

Involved Officer #4:	Carlos Delatorre Jr., Star #5284, Employee # [REDACTED], Date of Appointment: March 9, 2009, Police Officer, 008 th District, DOB: [REDACTED], 1985, Male, Hispanic
Involved Civilian #1:	[REDACTED] DOB: [REDACTED], 1997, Male, Black
Involved Civilian #2:	[REDACTED] DOB: unknown, Male, Black

III. ALLEGATIONS

It is alleged that on June 27, 2015, at approximately 9:30 p.m., at the location of 5700 S. Racine Ave., you;

Officer	Allegation	Finding
Sergeant Ryan Brown	1. Failed to initiate a complaint register number when informed of misconduct by a department member.	Sustained/Reprimand and Training
	2. Referred to [REDACTED] as a liar.	Sustained/Reprimand and Training
	3. Failed to initiate a complaint log number on behalf of [REDACTED] and report that information to IPRA within one hour after you received that information.	Sustained/Reprimand and Training
	4. Failed to record all of the information (Initiation Report) and forward the report to IPRA.	Sustained/Reprimand and Training
Officer James Gochee	1. Stated to [REDACTED] and [REDACTED] words to the effect of "What the fuck are your guys doing walking in the street, what did you say?"	Not Sustained
	2. Grabbed [REDACTED] cell phone and then stated words to the effect of, "I will wipe the black off yaw ass you black ass donkeys, gorillas."	Not Sustained
	3. Twisted [REDACTED] wrist.	Exonerated
	4. Squeezed [REDACTED] handcuffs tightening them.	Exonerated
	5. Stated to [REDACTED] words to the effect of, "Oh, you were trying to record, I don't give a fuck, we're not from around here anyway, this is our shit."	Not Sustained
	6. Removed a pair of handcuffs from [REDACTED] and did not return or inventory them.	Not Sustained

	7. Stated to [REDACTED] words to the effect of, "Shut the fuck up, I don't give a fuck."	Not Sustained
	8. Stated to [REDACTED] words to the effect of, "No, the fuck you're not" when an unknown person told you that [REDACTED] was a Cadet in the Chicago Police Fire Training Academy.	Not Sustained
	9. Detained [REDACTED] without probable cause and/or reasonable articulable suspicion.	Sustained/Reprimand and Training
	10. Searched and/or conducted a pat down of [REDACTED] without probable cause and/or reasonable articulable suspicion.	Sustained/Reprimand and Training
	11. Were involved in the temporary detention of [REDACTED] and [REDACTED] which did not result in an arrest, and failed to complete a contact card.	Not Sustained
Officer Carlos Delatorre Jr.	1. Detained [REDACTED] without probable cause and/or reasonable articulable suspicion.	Exonerated
	2. Searched and/or conducted a pat down of [REDACTED] without probable cause and/or reasonable articulable suspicion.	Not Sustained
	3. Was involved in the temporary detention of [REDACTED] and [REDACTED] which did not result in an arrest, and failed to complete a contact card.	Not Sustained
Officer Mark Mendez	1. Was involved in the temporary detention of [REDACTED] and [REDACTED] which did not result in an arrest, and failed to complete a contact card.	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 and brings discredit upon the Department.³

³ 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 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.

2. **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.⁴
3. **Rule 5:** Failure to perform any duty.
4. **Rule 6:** Disobedience of an order or directive, whether written or oral.⁵
5. **Rule 8:** Disrespect to 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.⁶
7. **Rule 10:** Inattention to duty.
8. **Rule 11:** Incompetency or inefficiency in the performance of duty.

General Orders

1. **G03-02:** Use of Force Guidelines
 2. **G04-03:** Interrogations: Field and Custodial
 3. **G08-01-02:** Specific Responsibilities Regarding Allegations of Misconduct
 4. **S04-13-09:** Contact Information System
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⁴ This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department or fail to report to the Department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

⁵ This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

⁶ 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.

V. INVESTIGATION

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

a. Interviews

IRPA interviewed ██████████ on July 14, 2015. The following is a summary of ██████████ interview. According to ██████████ on June 27, 2015, ██████████ walked out of the Liquor Store with ██████████ and was about to cross the street on a green light. At the same time, ██████████ saw police officers drive north on Racine Ave. through a red light without any lights and sirens activated. These same officers then slowed down and stated, “What the fuck are you guys doing walking in the street?”⁹ ██████████ responded that he was crossing the street on a green light and that neither him nor ██████████ wanted any problems. The officer, now known as Officer Carlos Delatorre Jr. (“Officer Delatorre”), grabbed ██████████ as ██████████ attempted to call ██████████ mother. Another officer, now known as Officer James Gochee (“Officer Gochee”), approached ██████████ grabbed his phone and shirt, and placed ██████████ against the officers’ police car.¹⁰ As Officer Gochee twisted ██████████ wrists, the officer took out his handcuffs and stated, “I will wipe the black off yaw [sic] ass, you black ass donkeys,” and tightly cuffed ██████████. Meanwhile, ██████████ was placed in handcuffs as well.

Officer Gochee then stated to ██████████ “You was tryin’ [sic] to record. I don’t give a fuck we’re not from around here anyways. This is our shit.” Officer Gochee then took ██████████ personal handcuffs — ██████████ worked as a Monterey Security Officer and carried handcuffs as part of his job — and threatened to arrest ██████████ for impersonating a police officer. ██████████ denied the accusation as Officer Gochee told ██████████ to “Shut the fuck up!” ██████████ then asked if he could retrieve his credentials out of his bag, which was located at the park with his aunt. Officer Gochee denied ██████████ request, stating, “no, I don’t give a fuck.”

Officer Mark Mendez (“Officer Mendez”) then asked ██████████ and ██████████ for their names. ██████████ asked Officer Mendez to tell Officer Gochee to loosen his handcuffs and stop twisting his wrists. Officer Mendez refused. Officer Mendez then acted as if he was “running” ██████████ and ██████████ names, but he really did not “run” anything. Officer Mendez then advised Officers Gochee and Delatorre that ██████████ and ██████████ were “good.” The officers then uncuffed ██████████ and ██████████ and instructed both to put their hands on top of the police car as the officers

⁷ On April 25, 2016, ██████████ spoke with IPRA investigator Linda Franko and advised that his mother-in-law, ██████████ (“█████████”) arrived on scene when the sergeant was present. ██████████ asked Sergeant Brown why he was there, when Sergeant Brown began to explain, ██████████ saw people gathering and decided not to speak with him and left with ██████████

⁸ ██████████ didn’t have ██████████ address or phone number to provide to investigators but indicated he would contact them in the near future with ██████████ information. Multiple attempts were made to interview ██████████ however, no statement could be obtained. (Attachments 24, 25 and 27)

⁹ ██████████ stated later in his statement that initially the officers were talking to ██████████

¹⁰ ██████████ described the officer later in his statement, but stated that he didn’t see a badge number or a name on Officer Gochee’s vest. ██████████ stated that he was scared and didn’t want to keep turning around because Officer Gochee told ██████████ he was resisting arrest.

got into the car. Before driving off, the officers instructed ██████ to recover his glasses and phone from the hood of the police car.

At this point, ██████ began to cry and called for a sergeant to respond. A 7th District sergeant, now known as Sergeant Brown (“Sgt. Brown”), responded and reviewed security cameras from the Liquor Store and advised ██████ that there was no sign of the officers twisting ██████ arm on the camera. In response, ██████ showed Sgt. Brown swelling to his wrists from the cuffs.¹¹

Finally, ██████ told investigators a crowd formed during the incident, and that someone from the crowd yelled out that ██████ was a cadet in the Chicago Police Fire Training Academy program, to which Officer Gochee replied, “no the fuck he’s not.” ██████ was unsure of who may have witnessed the incident; however, ██████ believed that a boy who goes by the name “█████” and an unknown male saw Officer Gochee twist ██████ wrist.^{12 13}

IPRA interviewed Officer Carlos Delatorre Jr. on March 9, 2017. Officer Delatorre was accompanied by counsel. The following is a summary of Officer Delatorre’s interview. According to Officer Delatorre, on the evening June 27, 2015, he worked an overtime initiative with Officers Mendez and Gochee in the 7th District. Their mission was to increase officer presence and help reduce violence in the area. All three officers worked out of a single vehicle. Officer Delatorre acknowledged that ██████ and ██████ names were run through a law enforcement database. He further explained that Officer Mendez ran the names after stopping two young men near a park. A disturbance precipitated the stop, in that there were individuals obstructing the flow of traffic near 5700 S. Racine Ave. Specifically, one young male, now known as ██████ refused to move. During the stop all three officers exited the vehicle and detained ██████. Meanwhile, another young male, now known as ██████, was located off street and near the sidewalk. Officer Gochee first approached and then spoke with ██████. Soon thereafter, Officer Gochee brought ██████ over to the officers’ police vehicle which was located close to the curb.

Officer Delatorre could not recall if ██████ or ██████ were handcuffed during the incident, which lasted between two to five minutes. Nor could he remember if anyone yelled out that ██████ was a cadet in the Chicago Police Fire Training Academy. After speaking with the officers, ██████ and ██████ were free to leave. Officer Delatorre had no recollection of ██████ complaining of any injuries, nor did he see any injuries on ██████.

Finally, Officer Delatorre was asked about each allegation against Officer Gochee. Officer Delatorre responded that he neither heard nor saw those allegations occur, and that he did not know Officer Gochee to use the type of language that was alleged.

COPA interviewed Officer Delatorre for a second time on March 7, 2018. Officer Delatorre was accompanied by counsel. The following is a summary of the Officer Delatorre’s second interview. First, Officer Delatorre stood by his previous statement. The officer confirmed

¹¹ During his interview, ██████ explained to investigators that a bone — located near the base of his thumb on his left hand — just popped back into place about a week prior to the interview.

¹² He had no further information on these individuals. A canvass at the location also yielded no witnesses.

¹³ Attachments 8, 23, and 41.

that [REDACTED] was detained for obstructing the flow of traffic. During the detention [REDACTED] name was run through the Law Enforcement database.

Officer Delatorre had no recollection of patting down or searching [REDACTED] but the officer did recall writing [REDACTED] information down on a contact card. According to Officer Delatorre, at the time of the incident, the process of submitting contact cards for review began by placing the cards into a bin. Next, a supervising sergeant would retrieve the contact cards to approve and sign them. Once approved and signed, the contact cards would be placed into another bin for an administrative officer to retrieve, who then enter the information contained on the cards into the "system." Officer Delatorre then explained that the contact card concerning this incident may have been lost through this approval and entry process, which has happened before.¹⁴

IRPA interviewed Officer James Gochee on November 16, 2016. Officer Gochee was accompanied by counsel. The following is a summary of Officer Gochee's interview. According to Officer Gochee, on the evening of June 27, 2015, he patrolled the 7th District, along with partner Officers Delatorre and Mendez, as part of a Violence Reduction Enforcement mission. He vaguely recalled a stop near a corner store and a park due to there being people out in the street. During the stop, someone, now known as [REDACTED] was standing in the street. At which point Officer Delatorre said something to [REDACTED] and [REDACTED] responded back. As Officer Delatorre spoke with [REDACTED] the officers' police vehicle was stopped in the middle of the street with [REDACTED] at the passenger side of the vehicle. At some point, Officer Delatorre exited the vehicle.

An individual, now known as [REDACTED] approached Officer Delatorre from behind. Officer Gochee exited the vehicle and approached [REDACTED] Officer Gochee then told [REDACTED] to leave several times, but [REDACTED] refused. He also asked [REDACTED] to move out of the street and onto the sidewalk, but [REDACTED] refused to move. Shortly thereafter, [REDACTED] and [REDACTED] were placed against the officers' police car and instructed to place their hands on the car. Officer Gochee then stood guard as Officer Mendez "ran" [REDACTED] and [REDACTED] names. [REDACTED] and [REDACTED] were then released. Officer Gochee could not recall if [REDACTED] and/or [REDACTED] were ever handcuffed.

Furthermore, Officer Gochee could not recall the conversation he had with [REDACTED] whether [REDACTED] had a cell phone or handcuffs on him, or if someone mentioned that [REDACTED] was attending The Chicago Fire Training Academy. Officer Gochee believed that himself and Officer Delatorre probably conducted a protective pat down of [REDACTED] and [REDACTED] for weapons because that would have been standard procedure. However, he could not recall or speculate that he had any other hands-on contact with [REDACTED]

In furtherance of their mission, Officer Gochee explained that the officers would stop individuals and then "run" their names. Afterwards, if no arrest was made, there would be no need to complete any paperwork. According to Officer Gochee, the officers would stop individuals who displayed actions indicative of an individual who possessed contraband or was possibly involved in a crime. Finally, Officer Gochee denied using the type of language alleged by [REDACTED]

¹⁴ Attachments 73-75.

¹⁵ Attachments 52-56.

COPA interviewed Officer Gochee for a second time on March 19, 2018. Officer Gochee was accompanied by counsel. The following is a summary of Officer Gochee's second interview. According to Officer Gochee, he did not stop [REDACTED]. Instead, it was [REDACTED] who engaged him. He further explained that [REDACTED] initially approached his partner, so he exited the vehicle and placed himself between [REDACTED] and his partner, advising [REDACTED] to "stay back." [REDACTED] refused to leave the scene as directed. [REDACTED] then made an action that was indicative of [REDACTED] having a weapon. However, despite remembering that [REDACTED] made such an action, Officer Gochee could not recall the specific action. He then conducted a protective pat down of [REDACTED] outer clothing.

Officer Gochee believed a contact card was generated regarding the stop, but does not recall who completed the contact card. He provided essentially the same explanation of the contact card process as provided by Officer Delatorre.

IPRA interviewed Officer Mark Mendez on March 9, 2017. Officer Mendez was accompanied by counsel. The following is a summary of Officer Mendez's interview. According to Officer Mendez, on the evening of June 27, 2015 he worked a Violence Reduction Mission with Officers Delatorre and Gochee. Officer Mendez confirmed that he ran a "name check" on [REDACTED] and [REDACTED] that evening. Continuing, Officer Mendez explain that the officers observed a group of individuals standing on the street near a park and the officers asked them to move along. One individual, now known as [REDACTED] refused to move and remained standing in the street. Another individual, now known as [REDACTED] stood nearby on the sidewalk.

The officers stopped their vehicle, exited, and Officer Delatorre approached [REDACTED] in the street. Meanwhile, Officer Gochee approached [REDACTED] on the sidewalk. When asked about Officer Gochee's interaction with [REDACTED], Officer Mendez explained that [REDACTED] was walking towards the officers' vehicle when Officer Gochee brought him over to the passenger side of the vehicle. Officer Mendez could not recall if [REDACTED] was handcuffed, the conversation between the officers and [REDACTED] and [REDACTED] or if [REDACTED] complained of an injury. The interaction lasted approximately five minutes and [REDACTED] and [REDACTED] were free to walk away afterwards. IPRA investigators never asked Officer Mendez if [REDACTED] or [REDACTED] were search.

COPA interviewed Officer Mendez for a second time on March 7, 2018. Officer Mendez was accompanied by counsel. The following is a summary of Officer Mendez's second interview. According to Officer Mendez, he was unsure why [REDACTED] was detained, but [REDACTED] was detained under the suspicion of stopping the flow of traffic. Officer Mendez could not recall if either [REDACTED] or [REDACTED] were patted down and or search. [REDACTED] and [REDACTED] names were checked against law enforcement databases to verify their information and to ensure they had no active warrants. Such a check was standard procedure during a detention. Officer Mendez had no recollection of a contact card being completed.

Officer Mendez then explained the contact card system. First, a paper contact card is completed. Second, the completed contact card is turned into a bin where a supervisory sergeant would retrieve them. Third, the sergeant would review and then sign-off on the contact card. Finally, a district secretary would then be responsible for entering the contact card into the "system." A contact card receipt would not have been provided to [REDACTED] or [REDACTED]

IPRA interviewed Sergeant Ryan Brown¹⁶ on September 7, 2016. Sgt. Brown was accompanied by counsel. The following is a summary of Sgt. Brown's interview. According to Sgt. Brown, on the evening of June 27, 2015, he received a call from dispatch requesting a supervisor at 5700 S. Racine Ave. He responded to the location and spoke with ██████████ told Sgt. Brown he was stopped by some plain clothed officers, pushed up against a squad car, roughed up, and slammed against the squad car. ██████████ only complaint regarding injury was that his arm hurt from being wrenched behind his back.

██████████ also believed the incident was captured by cameras located across the street at the Liquor Store. Sgt. Brown then relocated to the Liquor Store where he spoke with a male employee who advised him that ██████████ always hangs around outside the store where he sells loose cigarettes. Sgt. Brown then reviewed a video.¹⁷

The video showed an unmarked police car stop ██████████ who then spoke with an officer. Sgt. Brown described the recorded interaction between ██████████ and the officer as brief, perhaps two minutes in length.¹⁸ In his opinion, an officer gently placed ██████████ against the police car where the officer may have then handcuffed ██████████. Shortly thereafter ██████████ was released. Sgt. Brown didn't recall seeing ██████████ on the video.

After viewing the video, Sgt. Brown spoke with ██████████ to explain that the video did not show what ██████████ claimed. ██████████ replied, "I don't care what that video shows. I know what happened." Sgt. Brown accused ██████████ of lying, resulting in ██████████ becoming upset and unhappy with Sgt. Brown's opinion.

Meanwhile, as Sgt. Brown was talking with ██████████ a female crossed the street, approached Sgt. Brown and ██████████ and told Sgt. Brown to stop speaking with ██████████ then left with the female before Sgt. Brown could obtain ██████████ information.

In conclusion, Sgt. Brown explained that he investigated the allegations, reviewed the video footage, spoke to ██████████ and that the video directly contradicted ██████████ statement. Therefore, based on his training, Sgt. Brown did not believe he was responsible for generating a log number for an anonymous complainant that was directly controverted by video evidence.

b. Digital Evidence

An attempt to obtain **camera footage** from the Liquor Store was made on July 27, 2015. The video was only stored in the Liquor Store's video system for two weeks and was no longer available. The Liquor Store had multiple cameras views the of building and sidewalks directly surrounding the building.¹⁹

¹⁶ Sgt. Brown previously submitted a To/From report on October 2, 2015, in regards to the incident at the request of IPRA. His To/From report documented substantially the same information as the statement he provided to IPRA on September 7, 2016.

¹⁷ He stated later in his statement that he only viewed one video angle that captured the incident.

¹⁸ Sergeant Brown was unable to identify the officers in the video.

¹⁹ Attachment 36.

c. Physical Evidence

Medical Records for ██████ from The Little Company of Mary Hospital indicated that ██████ was treated on June 28, 2015. ██████ told medical staff that a police officer twisted his left arm, he heard a pop, and he thinks something is broken.²⁰ X-rays of ██████ left wrist showed no acute fracture or dislocation. ██████ left wrist was nontender with a slightly limited range of motion due to pain. ██████ was diagnosed with a sprained wrist, prescribed Norco and Naprosyn, and instructed to rest and ice his wrist.²¹

d. Documentary Evidence

An Office of Emergency Management and Communications **Unit Query Report**, indicated that on June 27, 2015 at 9:23 p.m., an individual named ██████ ██████ had their information run though CPD's PDT system. Approximately a minute later, a second individual named ██████ had their information run through CPD's PDT system.²²

An Office of Emergency Management and Communications **Event Query Report**, Event No. 1517817875, documented that a call was received on June 27, 2015 at 9:28 p.m. requesting a sergeant. The call came in from "██████" The caller reported to the dispatcher that he was slammed against a squad car by officers while at the park with his 13-year-old brother. The caller believed he broke a rib, but wanted to see a sergeant before going to the hospital. He then provided a description of himself.²³

e. Additional Evidence

A search was conducted on multiple dates for **Contact Cards** regarding any detonation of ██████ or ██████. No records were found.²⁴

VI. ANALYSIS

Allegations Against Sergeant Ryan Brown

A. Allegations 1, 2, 3 and 4

General Order G08-01-02 regulates the responsibilities of department members regarding allegations of misconduct. Specifically, section II, *Responsibilities*, delineates the individual responsibilities of CPD members when an allegation of misconduct comes to their attention. In the case at hand, Section II. B. 3. provides the follow guidance:

²⁰ The triage screening notes document ██████ reported that an officer put him in handcuffs, bending his left wrist which now hurt.

²¹ Attachment 30.

²² Attachment 20

²³ Attachment 21

²⁴ Attachment 35

II. B. 3. — When incidents regarding allegations of misconduct subject to the Log Number process are received, the supervisor or commanding officer who first receives information of the alleged misconduct will:

- a. Report the information to *IRPA*, by telephone, within one (1) hour after the information is received. If the notification occurs during non-business hours (2300-0700), members will contact the Crime Prevention Information Center (CPIC).
- b. Report all information available at the time the allegation was received in statement or report form and forward the original report to COPA **and** a copy to the BIA without unnecessary delay.

During his interview, Sgt. Brown acknowledged he was dispatched to 5700 S Racine. where he met [REDACTED] who alleged, among other things, that he was physically injured by officers. During his interview with IPRA, Sgt. Brown never disputed he met with [REDACTED] nor did he dispute that [REDACTED] made an allegation of misconduct. Instead, Sgt. Brown maintained that it was not his responsibility to report an allegation of misconduct that he felt was false, and in the alternative, he had insufficient information to properly report [REDACTED] claim. We will now discuss both of Sgt. Brown's explanations in turn.

One of the primary purposes of COPA and CPD's Bureau of Internal Affairs ("BIA") is to fully investigate allegations of misconduct by CPD members. Following a complete investigation, these two entities then make recommendations as to whether the alleged transgression occurred. Such investigations and recommendations are not within scope the of Sgt. Brown's responsibility. As provided above, when a supervisory member, such as Sgt. Brown, receives an allegation of misconduct, the member is required to report all available information regarding the allegation to IPRA (now COPA) and BIA. Additionally, the member is required to directly contact IPRA (COPA) or CPIC via the phone within one hour of receiving the complaint. More importantly, nothing contained in the general order above provides any discretion by Sgt. Brown. In other words, CPD policy is a direct mandate which required Sgt. Brown to report [REDACTED] allegation of misconduct to IPRA (COPA) and BIA regardless of his own beliefs as to whether [REDACTED] complaint was truthful.

In addition, COPA questions the diligence of Sgt. Brown's inquiry into [REDACTED] complaint. Specifically, Brown's conclusion that the Liquor Store's video exonerated the involved officers by providing video evidence which clearly diminished the veracity of [REDACTED] complaint. As described by Sgt. Brown, the video only showed one individual possibly handcuffed and placed against the police car. Conversely, Officers Delatorre, Mendez and Gochee, along with [REDACTED] all agreed that both [REDACTED] and [REDACTED] were placed against the car. Therefore, COPA finds it more likely than not that Sgt. Brown failed to review video which completely captured the incident.

Sgt. Brown also defended his actions by claiming he had insufficient information to formally report [REDACTED] allegation of misconduct. COPA finds this justification to be without merit. First, CPD policy provides no minimum threshold of required information before a complaint is taken

by a supervisory member and forwarded on to BIA or COPA. With that in mind, COPA finds Sgt. Brown's actions to be contrary to CPD policy — he should have forwarded the information he had, regardless of completeness, to COPA and BIA, i.e., the location of the incident, the video that captured part of the interaction, the statements to him by [REDACTED] and so on.

Second, COPA finds that Sgt. Brown could have done more to collect information regarding the complaint. IPRA Investigators easily obtained [REDACTED] and [REDACTED] name by making simple inquiries into CPD beat and PDT records, and Sgt. Brown could have just as easily done the same.

Finally, Sgt. Brown admitted in his statement to IPRA that he most likely called [REDACTED] a liar. CPD's standards of conduct, which are applicable to all CPD members, including Sgt. Brown, provides the following:

It is essential that public confidence be maintained in the ability of the Department to investigate and properly dispose of complaints against its members. Additionally, the Department has the responsibility to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. The rights of the member, as well as those of the public, must be preserved and any investigation arising from a complaint must be conducted fairly, impartially and efficiently, with the truth as its primary objective.

By calling [REDACTED] a liar, COPA finds that Sgt. Brown's conduct fell short of the standard. [REDACTED] requested a supervisor to report misconduct. In response, Sgt. Brown questioning the validity of [REDACTED] complaint prior to any proper and complete investigation. Arguably, such a response by Brown eroded [REDACTED] confidence in CPD to investigate and dispose of complaints properly.

For the above reasons, COPA therefore recommends a finding of sustained for allegations 1, 2, 3 and 4 alleged against Sgt. Brown.

Allegations Against Officer James Gochee

A. Allegations 1, 2, 5, 7 and 8

COPA recommends a finding of not sustained for allegations 1, 2, 5, 7 and 8 against Officer Gochee. There are no independent witnesses to corroborate these allegations. The other officers present during Officer Gochee's encounter with [REDACTED] lacked sufficient recall of the encounter to either confirm or deny that the alleged statements were made by Gochee. Additionally, a statement from [REDACTED] could not be obtained. In sum, COPA finds the evidence inadequate to determine if the alleged statements were, or were not, made by Officer Gochee.

B. Allegations 3 and 4

Sgt. Brown suggested that the Liquor Store's video probably showed [REDACTED] handcuffed. [REDACTED] remembered being handcuffed, but all three officers could not affirmatively recall whether [REDACTED] was handcuffed. Regardless, the issue is whether [REDACTED] wrists were twisted and/or if the handcuffs were squeezed or tighten excessively, which resulted in injury.

COPA determined by a preponderance of the evidence that [REDACTED] did not sustain an injury resulting from excessive force during handcuffing. [REDACTED] did seek medical attention the day after incident and was diagnosed with a sprained left wrist. However, the medical records indicated [REDACTED] left wrist was not dislocated and was free of fractures. Equally important, the records did not document any discoloration or bruising on [REDACTED] wrists, nor any abrasions. And, during his initial call to OEMC, [REDACTED] complained of injury to his ribs and not his wrist. Therefore, regardless if [REDACTED] was handcuff or not, COPA finds that [REDACTED] documented injuries do not support an allegation that Officer Gochee excessively twisted and/or squeezed [REDACTED] wrist during a handcuffing. Accordingly, COPA recommends a finding of exonerated for allegations 3 and 4 against Officer Gochee.

C. Allegations 6

Without an inventory slip, no statement from [REDACTED] and the officers' incomplete recollection of the interaction — specifically any facts concerning [REDACTED] personal handcuffs — there is insufficient proof that [REDACTED] even possessed handcuffs, let alone Officer Gochee seizing them and failing to properly inventory them. Additionally, [REDACTED] made no mention of the handcuffs during his initial complaint to Sergeant Brown. Accordingly, COPA recommends a finding of not sustained for allegation 6.

D. Allegation 11

It was undisputed that [REDACTED] and [REDACTED] were detained, which required the officers to complete a contact card regarding their detention. The officers interviewed during this investigation all indicated that contact cards were hand written and then placed into a bin for processing. The cards were review by a sergeant and then enter into the “system” by administrative staff. This archaic system of passing around paper cards not only lacks efficiency, but the ability to hold an individual accountable — there is no practical way to determine whether an officer failed to complete a contact card, or if some other individual simply lost the card during processing. Therefore, COPA recommends a finding of not sustained for allegation 11 against Officer Gochee.

E. Allegation 9 and 10

COPA recommends a finding of sustained for allegation 9 and 10 against Officer Gochee, in that he detained and conducted a pat down of [REDACTED] without probable cause and/or reasonable articulable suspicion. The CPD's General Order G04-03, *Interrogations: Field or Custodial*, outlines the authority for conducting an investigatory stop as follows:

[a] temporary questioning without arrest. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense [. . .]

Additionally, General Order G04-03 provides:

When an officer has detained subject based upon reasonable articulable suspicion that criminal activity is afoot and, during that detention, develops additional reasonable articulable suspicion that the subject is armed and dangerous or reasonably suspects that the person presents a danger of attack to the officer or another, the officer may conduct a Protective Pat Down of the outer clothing of the subject for hard objects that could be used as weapons.

Officer Gochee stated that [REDACTED] approach Officer Delatorre from behind as Officer Delatorre spoke with [REDACTED] in the street, and Officer Gochee asked [REDACTED] to back away. On the other hand, [REDACTED] and Officers Mendez and Delatorre recalled the interaction differently. All three generally indicated during their initial interviews that [REDACTED] was on the sidewalk and not on the street near Officer Delatorre and [REDACTED] and that it was Gochee who approached [REDACTED] on the sidewalk. Equally important, neither Officer Gochee, nor did Officers Mendez or Delatorre, provide any reasonable basis during any of their initial interviews to support any reasonable suspicion that [REDACTED] was committing, was about to commit or had committed a crime. Additionally, and only during his second interview, Officer Gochee describe [REDACTED] actions as indicative of someone who may have a weapon, which was why he detained [REDACTED]. Yet, Officer Gochee was unable to describe what those specific actions were. Therefore, COPA finds it more likely than not that [REDACTED] was on the sidewalk, not interfering with the officer’s stop, and not obstructing traffic when he was approached by Officer Gochee. Accordingly, COPA recommends a finding of sustained for allegation 9 against Officer Gochee.

Additionally, while Officers Mendez and Delatorre could not recall if [REDACTED] was patted down, Officer Gochee himself admitted during his interviews that he most likely patted down [REDACTED]. Therefore, COPA finds that it’s more likely than not the Officer Gochee patted down [REDACTED].

As provided above, G04-03 only permits an officer to perform a protective pat down on *detained* individuals who the officer has a reasonable belief may be armed or may attack. Being that the we determined Office Gochee lacked reasonable suspicion to detain [REDACTED] we now recommend a sustained finding for allegation 10 against officer Gochee.

Allegations Against Officer Delatorre

A. Allegation 1

[REDACTED] was in the street obstructing the flow of traffic. Initially, per [REDACTED] and [REDACTED] were crossing the street. However, after being advised to disperse by officer Delatorre — corroborated by Officers Delatorre and Mendez — [REDACTED] refused to get out of the street. At this point, a reasonable inference can be made that [REDACTED] may have committed a criminal violation by obstructing the flow of traffic. [REDACTED] was then detained as Officer Delatorre conducted an investigatory stop regarding [REDACTED] obstruction of traffic. Accordingly, COPA recommends a finding of exonerated for allegation 1 against Officer Delatorre.

B. Allegation 2

While Officer Gochee expressed a belief that Officer Delatorre patted down ██████ — he believed this because it would have been standard procedure during a traffic stop — Officers Mendez and Delatorre could not recall if ██████ was patted down. Furthermore, there was no confirmation from ██████ himself that he was patted down or searched. Therefore, COPA finds the evidence insufficient as to whether Officer Delatorre patted down ██████. Accordingly, COPA recommends a finding of not sustained for allegation 2 against Officer Delatorre.

C. Allegation 3

For the same reasons explained above in allegation 11 against Officer Gochee, we now find allegation 3 against Officer Delatorre not sustained.

Allegation Against Officer Mendez

A. Allegation 1

For the same reasons explained above in allegation 11 against Officer Gochee, we now find allegation 3 against Officer Delatorre not sustained.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Ryan Brown

i. Complimentary and Disciplinary History

Complimentary History: Deployment Operations Center Award, 1; Other Awards, 2, Attendance Recognition award, 4; Emblem of Recognition – Physical Fitness, 8; Presidential Election Deployment Award 2008, 1; Special Commendation, 1; Traffic Stop of the Month Award, 1; Department Commendation Award, 1; 2004 Crime Reduction Ribbon, 1; Honorable Mention, 74; Complimentary Letter, 8; Police Blue Star Award, 1; Life Saving Award, 1; Honorable Mention Ribbon Award, 1; NATO Summit Award of Valor, 1; Outside Governmental Agency Award, 1; 2009 Crime Reduction Award, 1; and a Unit Meritorious Performance Award, 1.

Disciplinary History: No past allegations of similar conduct within the past seven years.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1 — Reprimand/Training
2. Allegation No. 2 — Reprimand/Training
3. Allegation No. 3 — Reprimand/Training
4. Allegation No. 4 — Reprimand/Training

b. Officer Gochee

i. Complimentary and Disciplinary History

Complimentary History: Deployment Operations Center Award, 1; Superintendent’s Honorable Mention, 1; Presidential Election Deployment Award 2008, 1; Emblem of Recognition Physical Fitness, 1; Other Awards, 2; Honorable Mention, 95; Department Commendation, 5; 2004 Crime Reduction Ribbon, 1; Complimentary, 5; Police Officer of the Month Award, 1; NATO Summit Service Award, 1; Honorable Mention Ribbon Award, 2; Life Saving Award, 1; 2009 Crime Reduction Award, 1; and Unit Meritorious Performance Award, 2.

Disciplinary History:

- 1048834 Alleged detainment without justification / Not Sustained
- 1054009 Alleged disparaging language / Not Sustained
- 1064751 Alleged disparaging language / Not Sustained

ii. Recommended Penalty, by Allegation

1. Allegation No. 9 — Reprimand/Training
2. Allegation No. 10 — Reprimand/Training

VIII. CONCLUSION

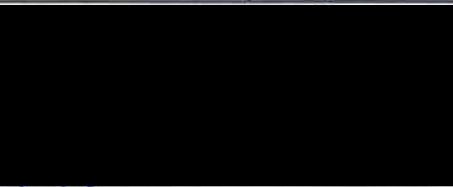
Based on the analysis set forth above, COPA makes the following findings:

It is alleged that on June 27, 2015, at approximately 9:00 p.m., in the vicinity of 5700 S. Racine Ave., you;

Officer	Allegation	Finding/ Recommendation
Sergeant Ryan Brown	1. Failed to initiate a complaint register number when informed of misconduct by a department member.	Sustained/Reprimand and Training
	2. Referred to [REDACTED] as a liar.	Sustained/Reprimand and Training
	3. Failed to initiate a complaint log number on behalf of [REDACTED] and report that information to IPRA within one hour after you received that information.	Sustained/Reprimand and Training
	4. Failed to record all of the information (Initiation Report) and forward the report to IPRA.	Sustained/Reprimand and Training

Officer James Gochee	1. Stated to [REDACTED] and [REDACTED] words to the effect of "What the fuck are your guys doing walking in the street, what did you say?"	Not Sustained
	2. Grabbed [REDACTED] cell phone and then stated words to the effect of, "I will wipe the black off yaw ass you black ass donkeys, gorillas."	Not Sustained
	3. Twisted [REDACTED] wrist.	Exonerated
	4. Squeezed [REDACTED] handcuffs tightening them.	Exonerated
	5. Stated to [REDACTED] words to the effect of, "Oh, you were trying to record, I don't give a fuck, we're not from around here anyway, this is our shit."	Not Sustained
	6. Removed a pair of handcuffs from [REDACTED] and did not return or inventory them.	Not Sustained
	7. Stated to [REDACTED] words to the effect of, "Shut the fuck up, I don't give a fuck."	Not Sustained
	8. Stated to [REDACTED] words to the effect of, "No, the fuck you're not" when an unknown person told you that [REDACTED] was a Cadet in the Chicago Police Fire Training Academy.	Not Sustained
	9. Detained [REDACTED] without probable cause and/or reasonable articulable suspicion.	Sustained/Reprimand and Training
	10. Searched and/or conducted a pat down of [REDACTED] without probable cause and/or reasonable articulable suspicion.	Sustained/Reprimand and Training
	11. Were involved in the temporary detention of [REDACTED] and [REDACTED] which did not result in an arrest, and failed to complete a contact card.	Not Sustained
Officer Carlos Delatorre Jr.	1. Detained [REDACTED] without probable cause and/or reasonable articulable suspicion.	Exonerated
	2. Searched and/or conducted a pat down of [REDACTED] without probable cause and/or reasonable articulable suspicion.	Not Sustained
	3. Were involved in the temporary detention of [REDACTED] and [REDACTED] which did not result in an arrest, and failed to complete a contact card.	Not Sustained

Officer Mark Mendez	1. Were involved in the temporary detention of [REDACTED] and [REDACTED] which did not result in an arrest, and failed to complete a contact card.	Not Sustained
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Appro 

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date 8/17/18