



Involved Officer #4:

**Sergeant of Police Abel Orozco**; Star #1674; Employee ID # [REDACTED] Appointed on January 24, 2000; Seniority Date June 15, 2014; Date of Birth [REDACTED] 1974; Male; Spanish [REDACTED] Date of Birth [REDACTED] 1993; Male; Black

Subject #1:

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Edward S. Brooks	<p>It is alleged that on July 2, 2017, at approximately 12:45 A.M., near [REDACTED] that Officer Brooks:</p> <ol style="list-style-type: none"> <li>1. Did not record a law-enforcement-related encounter with [REDACTED] by activating his body-worn camera, in violation of Rules 2, 3, and 10, and;</li> <li>2. Engaged in an unjustified physical altercation with [REDACTED] by pushing [REDACTED] in violation of Rules 1, 2, 3, 6, 8, and 9, and;</li> <li>3. Engaged in an unjustified verbal altercation with [REDACTED] by saying words to the effect of "That's how you know you ain't on shit," in violation of Rules 2, 3, 8, and 9, and;</li> <li>4. Did not identify himself by providing his star number when requested by a private citizen, [REDACTED] in violation of Rules 2, 3, and 37.</li> </ol>	<p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Sustained</p>
Officer Mohammad Baker	<p>It is alleged that on July 2, 2017, at approximately 12:45 A.M., near [REDACTED] that Officer Baker:</p> <ol style="list-style-type: none"> <li>1. Did not fully record a law-enforcement-related encounter with [REDACTED] when he did not activate his body-worn-camera at the beginning of the encounter and when he deactivated his body-worn-camera without capturing the entire encounter, in violation of Rules 2, 3, and 10, and;</li> <li>2. Did not notify a supervisory member or prepare a written report to his unit commanding officer when he observed Police Officer Edward Brooks engage in misconduct when Officer Brooks pushed</li> </ol>	<p>Sustained</p> <p>Sustained</p>

Officer Jackson	Solodine	<p>██████████ without justification, in violation of Rules 2, 3, 5, 6, 10, and 22, and;</p> <p>3. Engaged in an unjustified verbal altercation with ██████████ by saying words to the effect of “You talking to me like you’re gonna do something; do something,” and “You ain’t on shit, man,” in violations of Rules 2, 3, 8, and 9.</p>	Sustained	
		<p>It is alleged that on July 2, 2017, at approximately 12:45 A.M., near ██████████ that Officer Jackson:</p> <p>1. Did not fully record a law-enforcement-related encounter with ██████████ when he did not activate his body-worn-camera at the beginning of the encounter and he deactivated his body-worn-camera without capturing the entire encounter, in violation of Rules 2, 3, and 10, and;</p> <p>2. Did not notify a supervisory member or prepare a written report to his unit commanding officer when he observed Police Officer Edward Brooks engage in misconduct when Officer Brooks pushed ██████████ without justification, in violation of Rules 2, 3, 5, 6, 10, and 22, and;</p> <p>3. Did not identify himself by providing his star number when requested by a private citizen, ██████████ in violation of Rules 2, 3, and 37.</p>		Sustained
		Sustained		
Sergeant Abel Orozco		<p>It is alleged that on July 2, 2017, at approximately 1:00 a.m., while on duty in the Fourth District, that Sgt. Orozco:</p> <p>1. Did not document statements made to him by Police Officer Edward Brooks related to Officer Brooks’s misconduct while he was conducting the preliminary investigation regarding the initiation of Lot Number 1085783, in violation of Rules 2, 3, 5, 10, and 11, and;</p> <p>2. Did not direct Police Officer Edward Brooks to document the force that he used against ██████████ after Officer Brooks told Sgt. Orozco that he had pushed ██████████ in violation of Rules 2, 3, 5, and 10, and;</p>	Sustained	
		Sustained		

<p>3. Did not document statements to him by Police Officer Solodine Jackson related to Officer Jackson’s observations of Police Officer Edward Brooks’s misconduct while Sgt. Orozco was conducting the preliminary investigation regarding the initiation of Log Number 1085783, in violation of Rules 2, 3, 5, 10, and 11, and;</p>	<p>Sustained</p>
<p>4. Did not direct Police Officer Solodine Jackson to prepare a written report regarding Officer Jackson’s knowledge of the circumstances relating to the misconduct of Police Officer Edward Brooks after Officer Jackson told Sgt. Orozco that he had witnessed the misconduct of Officer Brooks, in violation of Rules 2, 3, 5, and 10, and;</p>	<p>Sustained</p>
<p>5. Did not document statements made to him by Police Officer Mohammed Baker related to Officer Baker’s observations of Police Officer Edward Brooks’s misconduct while Sgt. Orozco was conducting the preliminary investigation regarding the initiation of Log Number 1085783, in violation of Rules 2, 3, 5, 10, and 11, and;</p>	<p>Sustained</p>
<p>6. Did not direct Police Officer Mohammad Baker to prepare a written report regarding Officer Baker’s knowledge of the circumstances relating to the misconduct of Police Officer Edward Brooks after Officer Baker told Sgt. Orozco that he had witnessed the misconduct of Officer Brooks, in violation of Rules 2, 3, 5, and 10.</p>	<p>Sustained</p>

**IV. APPLICABLE RULES AND LAWS<sup>2</sup>**

**Rules**

Rule 1: Violation of any law or ordinance.

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> Additional relevant excerpts from the text of the applicable rules and laws are presented in Appendix B of this report.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 5: Failure to perform any duty.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 10: Inattention to duty.

Rule 11: Incompetency or inefficiency in the performance of duty.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

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#### General Orders

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1. General Order G03-02, Use of Force Guidelines<sup>3</sup>
  2. General Order G03-02-02, Force Options<sup>4</sup>
  3. General Order G08-01-02, Specific Responsibilities Regarding Allegations of Misconduct<sup>5</sup>
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#### Special Orders

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1. Special Order S03-14, Body Worn Cameras<sup>6</sup>
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#### State Laws

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1. 50 ILCS 706/10, Law Enforcement Officer-Worn Body Camera Act

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<sup>3</sup> This order was issued on September 23, 2002, and was in effect on the date of the incident under investigation.

<sup>4</sup> This order was issued on January 1, 2016, and was in effect on the date of the incident under investigation.

<sup>5</sup> This order was issued on March 11, 2013, and was in effect on the date of the incident under investigation.

<sup>6</sup> This order was issued on June 9, 2017, and was in effect on the date of the incident under investigation.

## V. INVESTIGATION<sup>7</sup>

### a. Interviews

#### 1. Statement of Complainant [REDACTED]

[REDACTED] was interviewed by IPRA on July 5, 2017. [REDACTED] said that on the morning of July 2, 2017, at about 12:40 a.m., he was sitting on the porch of his residence at [REDACTED]. [REDACTED] said that he was alone, waiting for his girlfriend to return home. [REDACTED] saw "some dudes from the across the street" running south on Escanaba towards 91<sup>st</sup> Street. [REDACTED] said that he doesn't know the dudes' names, but they are frequently outside at night drinking. Shortly after, several police cars drove out of the alley from behind his residence onto Escanaba Avenue. [REDACTED] began to walk up the stairs of the porch to go back inside, but a male Hispanic officer shouted "come here." Several officers approached [REDACTED] and one of them frisked him and took his identification from his pocket. Other officers began searching the yard behind [REDACTED] residence and entered the lobby of the residence through the front door, which was propped open. The Hispanic officer returned [REDACTED] identification, and [REDACTED] asked if he was free to go. The officer said "not yet," and [REDACTED] sat back down.

[REDACTED] said that he recognized the Hispanic officer from the neighborhood, although he didn't know the officer's name, and they had a conversation. [REDACTED] said that he and the Hispanic officer have sometimes argued in a playful manner, and they did so during the encounter on the morning of July 2. A Black male officer overheard the conversation between [REDACTED] and the Hispanic officer, and [REDACTED] said that he believes the Black officer mistakenly thought that [REDACTED] and the Hispanic officer were arguing in earnest. The Black officer then came to the Hispanic officer's defense and called [REDACTED] a "lowlife motherfucker." [REDACTED] responded by calling the Black officer "bald head," and the officer became angry. The officer said, "You ain't gonna do shit" to [REDACTED] and [REDACTED] started laughing. [REDACTED] asked again if he was free to go, and one of the officers said "yeah," so [REDACTED] got up. The Black officer then walked up the porch stairs towards [REDACTED] and grabbed [REDACTED] by the neck. The officer threw [REDACTED] backwards "with force." [REDACTED] who believed he was initially standing on the third step from the bottom, began to fall backwards and tripped over the fourth step. [REDACTED] continued to fall, and his head struck the concrete stairs. The Black officer walked away, and other officers told the Black officer to hurry up and get in the car.

[REDACTED] quickly stood up and walked towards the police car, and he asked the Black officer, who was sitting in the rear seat, for his badge number. The officer did not respond, so [REDACTED] asked two other officers, who were seated in the front driver and passenger seats, for the Black officer's badge number. Both officers in the front seats were Hispanic, and one was the same Hispanic officer that [REDACTED] had interacted with moments earlier. When neither of those officers replied, [REDACTED] asked both for their badge numbers. [REDACTED] then saw the officers turn on their body-worn cameras, and one of the officers then told [REDACTED] that if he approached the car he would be arrested. [REDACTED] said that he did not believe any of the officers were recording the incident before that moment, as that was the first time he saw the red lights on the body-worn cameras flashing. [REDACTED]

<sup>7</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>8</sup> Attachments 5, 86.

again asked for the officers' badge numbers, and an officer responded, "You ain't getting nothing." [REDACTED] then walked back into his residence and told his mother, [REDACTED] [REDACTED] what had just happened. [REDACTED] said that he believed he would recognize all three officers if he saw them again. [REDACTED] also said that he believed neighbors across the street witnessed the incident, but [REDACTED] did not know their names.<sup>9</sup>

After [REDACTED] went back inside he was feeling dizzy; his mother called an ambulance, and [REDACTED] was transported by CFD ambulance to the emergency room at Trinity Hospital. At the hospital, [REDACTED] head was scanned and he was told that he might have a concussion. [REDACTED] also met with CPD Sgt. Orozco at the hospital, and [REDACTED] told the sergeant that he was assaulted by an officer. [REDACTED] said that Sgt. Orozco apologized for what happened. [REDACTED] was released from the hospital that morning, but [REDACTED] told investigators that he has been having headaches in the days since the incident.

## 2. Statement of Accused Police Officer Edward Brooks<sup>10</sup>

COPA interviewed Officer Brooks on December 8, 2017. Officer Brooks said that on July 2, 2017, he was working in the Fourth District on the first watch, assigned to Beat 461A as the third officer in an unmarked, three-man car. Officer Brooks was equipped with a body-worn camera, which he had been issued approximately one year prior to this incident. Officer Brooks' partners were Officer Solodine Jackson and Officer Mohammad Baker.

At about 12:45 a.m., Officer Brooks and his partners responded to a call of "shots fired" near [REDACTED]. Officer Brooks remembered that the OEMC dispatcher provided a physical description of the shooter as well as a location where the shooter was last seen. When Beat 461A arrived on South Escanaba, other CPD members were on scene, and those members had detained a person later identified as [REDACTED]. Officer Brooks assisted in searching the area for a gun after other members frisked [REDACTED] and determined that he was not armed.

As the officers' investigation of the "shots fired" call was winding down, Officer Brooks noticed that one of his partners was talking "back and forth" with [REDACTED] and that [REDACTED] was using profanity and gesturing with his hands. Officer Brooks then engaged [REDACTED] and Officer Brooks recounted the following events:

He was getting out of pocket. I walked up to him, I mean, I approached him, really it would be like, calm, calm down, like what's your problem? I got up on him, and his hands are still in his pockets. I pushed him. I got back; I backed up off him. He got up, and ran in my face and he was still trying to get me to verbally go there with him. . . . At this point, the damage was done. I turned around, and got in the car, because I didn't want him to go no further than what it was.

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<sup>9</sup> IPRA investigators conducted a canvass of the properties surrounding [REDACTED] on July 14, 2017, and attempted to locate witnesses to this incident. No witnesses were identified. (Attachment 15)

<sup>10</sup> Attachments 78, 89.

He was telling us all kinds of crazy things. Now, at the time . . . it was a bad week. I admit I shouldn't have got that close to him, but . . . you approach sometimes when people are just yelling and screaming on the street.

You approach the guy, like, dude, calm your ass; excuse my language. Calm down. . . . I'm talking like sometimes I talk on the street vernacular with these guys. And, you know, the whole howdy doody sometimes won't work, because sometimes you got to go, hey, listen, now calm your ass down, or . . . you'll go to jail.

Officer Brooks further explained that he pushed [REDACTED] only once, and that his hands contacted [REDACTED] upper chest area. [REDACTED] then fell backwards: "I think he fell on his butt, and jumped up." Officer Brooks said that he did not believe that [REDACTED] hit his head when he fell, and that [REDACTED] caught himself using his hands to cushion his fall. Officer Brooks did not believe that [REDACTED] was injured by the fall.

Officer Brooks watched Officer Jackson's body-worn camera video recording from the night of the incident, and Officer Brooks identified himself, [REDACTED] Officer Jackson, and Officer Baker. Officer Brooks specifically identified himself as the person who said, "That's how you know you ain't on shit" to [REDACTED] Officer Brooks explained that he used profanity deliberately, in furtherance of his investigation, hoping to elicit an incriminating statement from [REDACTED]

[S]ometimes you might agitate him to say, well, yeah, well I am on – you know, you, it's well, he might say, yeah, I am on shit. That's why you ain't going to find the gun, because the gun is in the house, or something like that. Sometimes you might get them to make a statement.

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[Y]ou'd be surprised how stupid people are. Sometimes they might just say, yeah, I do, I do have a gun, and that's why you ain't going to find it, because it's in the house, and you ain't got a warrant. I've had a guy tell me that.

After pushing [REDACTED] Officer Brooks decided that he would go back into the patrol vehicle because he wanted to remove himself from the situation and prevent any further escalation. Officer Brooks said that he did not remember [REDACTED] asking him for his badge number: "I tuned him out. . . . The situation was taking an awkward turn, I tuned him out. I got in the car, and I was like, let's go." Officer Brooks said that he did not provide his badge number to [REDACTED] Officer Brooks acknowledged that CPD members are required to identify themselves by badge number when requested to do so by a citizen.

When the encounter with [REDACTED] ended, Officer Brooks said that Officer Baker suggested that they should report the incident to their supervisor, Sgt. Orozco. Officers Brooks, Baker, and Jackson immediately drove to meet with Sgt. Orozco, and Officer Brooks told Sgt. Orozco about his altercation with [REDACTED] recounting "the story about what happened." Officer Brooks said that he never prepared a written report about what had happened, and that Sgt. Orozco never told him to prepare a written report.



Officer Brooks said that he did not activate his body-worn camera during this incident. Officer Brooks explained that he did not activate his camera because he was concentrating on the “shots fired” call, and he simply forgot to activate his camera. Officer Brooks acknowledged that CPD directives required him to activate his camera for this type of assignment. When confronted with the allegation that he did not record a law-enforcement-related encounter with [REDACTED] Officer Brooks replied, “That’s true.”

When confronted with the allegation that he engaged in an unjustified physical altercation with [REDACTED] by pushing [REDACTED] Officer Brooks replied, “Yes. Yes, I did.”

When confronted with the allegation that he engaged in an unjustified verbal altercation with [REDACTED] by saying words to the effect of “that’s how you know you ain’t on shit,” Officer Brooks replied, “I’m going to say no to that. . . . That’s how you get information. That’s how you elicit information sometimes. So, I’m going to say no to that.”

When confronted with the allegation that he did not identify himself by providing his star number when requested to do so, Officer Brooks replied, “I had tunnel vision. After watching the video, I see that he did ask me, so I did not respond when he – but I tuned him out . . . .”

### 3. Statement of Accused Police Officer Solodine Jackson<sup>11</sup>

COPA interviewed Officer Jackson on December 4, 2017. Officer Jackson said that on July 2, 2017, he was working in the Fourth District, assigned to Beat 461A. Officer Jackson’s shift began at 8:00 p.m. on July 1, 2017, and he was working with his regular partner, Officer Baker, along with a third officer who was assigned to their beat that day, Officer Brooks. Officer Jackson was the driver of Beat 461A’s patrol vehicle on that day. Officer Jackson was in uniform and was equipped with a body-worn camera, which he was first issued in December of 2016.

At about 12:45 a.m., Officer Jackson and his partners responded to a call of a man with a gun near [REDACTED]. The OEMC dispatcher also informed the officers that the armed man had “fired off a round.” When Beat 461A received this assignment, they were near 90<sup>th</sup> Street and Commercial Avenue, approximately one-and-a-half blocks away from [REDACTED]. Because they were so close, and because of the nature of the call, Officer Jackson did not activate the patrol vehicle’s lights or siren, and they arrived on Escanaba very quickly. When they arrived, they saw a man matching the description of the reported shooter running up the porch stairs towards the front entrance door of [REDACTED]. The man, later identified as [REDACTED] was in the process of opening the door when Officer Baker and Officer Brooks stopped him and performed a protective pat-down, searching his waistband area and his legs. The officers did not find any weapons.

Officer Jackson acknowledged that CPD members equipped with body-worn cameras are required to activate their camera upon being dispatched to a call, and he acknowledged that he did not activate his camera upon being dispatched to this call. But Officer Jackson also pointed to an exception that excuses CPD members from immediately activating their cameras when they are faced with exigent circumstances. Officer Jackson explained that exigent circumstances existed in

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<sup>11</sup> Attachments 66, 67, 87, 88.

this case because he was so close to the location of the reported shooter when he received the call and because he and his partners immediately confronted a subject matching the shooter's description when they arrived.

Officer Jackson watched his body-worn camera video recordings<sup>12</sup> from the incident, and Officer Jackson identified himself, his partners, and [REDACTED]. After watching the first recording, Officer Jackson recalled that he searched behind the residence at [REDACTED] attempting to find a gun. Officer Jackson remembered checking his camera to be sure that he was recording the search, as the video-recording would be useful evidence if the search yielded a weapon. Officer Jackson then discovered that his camera was not on, and he immediately turned it on to comply with Department directives. Officer Jackson further explained that he turned his camera off when he was walking back to his patrol vehicle, believing that the incident was over. When Officer Jackson realized that [REDACTED] was continuing his attempts to confront Officer Brooks, Officer Jackson turned his camera back on, creating a second recording.

Based on the first video recording, Officer Jackson identified Officer Brooks as the person who pushed [REDACTED]. While this event was captured by Officer Jackson's body-worn camera, Officer Jackson said that he did not actually witness Officer Brooks pushing [REDACTED]. Officer Jackson explained that he had turned his head and begun walking back towards his patrol vehicle at the exact moment of the push, so his chest – where the camera was mounted – was still facing Officer Brooks and [REDACTED] but his eyes were not looking in that direction. Officer Jackson acknowledges, however, that he became aware of the push almost immediately based on hearing statements made by Officer Brooks, Officer Baker, and [REDACTED]. Officer Jackson said that he did not observe anything that would justify the push, and Officer Brooks immediately apologized to both of his partners for losing his temper while dealing with [REDACTED].

After watching the second video recording, Officer Jackson acknowledged that [REDACTED] asked him for his badge number. Officer Jackson said that he responded to this request by saying, "You can read, can't you," and by pointing to his vest, where his name and star number were embroidered. When confronted with the text of Rule 37 of the Rules and Regulations of the Chicago Police Department, Officer Jackson said that he complied with the Rule by visually showing [REDACTED] his name and badge number on his vest.

When the encounter with [REDACTED] was over, both Officer Jackson and Officer Baker advised Officer Brooks that he should tell their supervisor, Sgt. Orozco, what had happened. The officers then drove to meet Sgt. Orozco, and they told Sgt. Orozco "exactly what happened." Officer Jackson recalled asking Sgt. Orozco if the sergeant needed the officers "to do any To/From's . . . or any other forms. He told us, 'Not at this time.'" After reviewing CPD General Order G08-01-02, Officer Jackson acknowledged that the order requires CPD members who observe misconduct to both immediately notify a supervisory member and to prepare a written report to their unit's commanding officer. Officer Jackson explained that he was not very familiar with this general order and that he relied on Sgt. Orozco's instruction not to immediately document his observations: "He said, 'At a later date, I'll have you do To/From's,' but at that night, he told us, no." Officer Jackson said that the "later date" never came, and he never completed a written report regarding what he observed.

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<sup>12</sup> Attachment 31.

When confronted with the allegation that he did not fully record a law-enforcement-related encounter with [REDACTED] Officer Jackson responded that he activated his body-worn camera as quickly as he could, taking the circumstances of the incident and officer-safety factors into account. Officer Jackson also reiterated that he deactivated the camera when he believed the incident was over, and that he immediately re-activated the camera when he perceived that the incident was continuing.

When confronted with the allegation that he did not notify a supervisor or prepare a written report to his unit commanding officer after observing Officer Brooks' misconduct, Officer Jackson responded that he did, in fact, immediately notify Sgt. Orozco. Officer Jackson also reiterated that he asked Sgt. Orozco if he needed to prepare a written report, and Sgt. Orozco told him, "Not at this time. I'll let you know when you'll have to prepare the documents."

When confronted with the allegation that he did not identify himself by providing his star number upon the complainant's request, Officer Jackson provided the following response:

Due to the hostile nature of the subject, and also other individuals across the street, that were yelling, uh, CPDK at us, and threatening us, we tried to leave the scene, as soon as possible. So, I visually showed Mr. [REDACTED] my star and my name, and badge on my vest.

#### **4. Statement of Accused Police Officer Mohammad Baker<sup>13</sup>**

COPA interviewed Officer Baker on December 7, 2017. Officer Baker said that on July 2, 2017, he was working in the Fourth District, assigned to Beat 461A. Officer Baker was working with his regular partner, Officer Jackson, along with a third officer who was assigned to their beat that day, Officer Brooks. Officer Baker recalled that he was wearing civilian clothing that day, but he was wearing his police vest and was equipped with a body-worn camera, which he was first issued in mid-2016.

At about 12:45 a.m., Officer Baker and his partners responded to a call of a man with a gun near [REDACTED]. The OEMC dispatcher gave a physical description of the suspect and informed the officers that the armed man was "shooting in the alley." When Beat 461A heard the radio call, they were within a block-and-a-half of the Escanaba location, and they arrived very quickly. When they arrived, they saw a man matching the description of the reported shooter coming out of an alley and walking up the stairs towards the front entrance door of [REDACTED]. The man, later identified as [REDACTED] was in the process of opening the door when Officer Baker stopped him and performed a protective pat-down of [REDACTED] outer clothing. Officer Baker did not find any weapons, so he left [REDACTED] with another officer while he entered the vestibule of the residence at [REDACTED] to see if [REDACTED] had tossed a weapon inside. After confirming that there were no weapons in the vestibule, Officer Baker exited the residence.

Officer Baker acknowledged that CPD directives require officers to activate their body-worn cameras "as soon as [the officer is] assigned a job." Officer Baker explained that in this incident, Beat 461A was not assigned to the job by the dispatcher, but heard the call and responded

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<sup>13</sup> Attachments 71, 90.

because they were so close to the reported location. Officer Baker explained that he attempted to turn on his camera when he arrived on South Escanaba, but he may have missed the button that turns the camera on because he was concentrating on [REDACTED] who matched the description of the reported gunman. Shortly after arriving on scene – after patting down [REDACTED] – Officer Baker checked his camera to make sure he was recording. At that time, he discovered the camera was not on, so he activated it.

After concluding his search for a gun and after checking and returning [REDACTED] identification, Officer Baker prepared to end the call and leave the area. Speaking of [REDACTED] Officer Baker explained:

He was free to leave. But, he stayed there and started, he began to taunt us, almost . . . like he was trying to get a reaction, to get everybody, you know, pumped up for no reason. He made comments like fuck 12, pigs, you're all thirsty. You're all not going to find what you're looking for. You're not going to find it. He kept going on about us not being able to find what we were looking for, which is the gun.

The back-and-forth with [REDACTED] continued, and Officer Baker explained:

Yeah, we were talking. It was almost . . . like consensual . . . because he had his ID. He was free to go. He stood there, and he says, "What's up?" Based on my experience . . . that's a street term, slang term for "are you going to do something or what?" Almost like . . . asking for a fight. I remember making a comment – the comment I made was something along the lines, if you're talking to me like you're going to do something, do something. You ain't on shit. I made that comment, what I really meant to say was, if you're threatening me, or trying to threaten me, it's probably not a good idea. But, it came out that way. I spoke in slang terms, excuse me, I spoke in street term lingo.

Officer Baker admitted that the phrase, "if you're talking to me like you're going to do something, do something," could be interpreted as a challenge to fight. But Officer Baker denied intending to challenge [REDACTED] and Officer Baker did not believe that [REDACTED] interpreted his language as a challenge or a provocation.

Officer Baker watched his body-worn camera video recording from the incident. After watching the recording, Officer Baker said that he also watched the recording immediately after receiving the allegations in this investigation "to figure out what we did wrong." Officer Baker explained:

[W]hen this first happened, I remember right away intervening, I remember saying, "Brooks stop." I remember meeting with my sergeant right after, and telling him what happened. I remember my sergeant telling me okay. Thank you for reporting it. You guys are fine. You guys did nothing wrong, I'll take care of it. And that was it. I didn't think I was in trouble.

Officer Baker described the interaction that he observed between Officer Brooks and [REDACTED] was directing profanity at Officer Brooks, and Officer Brooks reacted by pushing [REDACTED] once. Officer Baker did not believe there was any justification for the push: “No, it wasn’t justified, it was completely wrong.”

Officer Baker also explained that he turned his body-worn camera off when he believed the encounter was ending, but he re-activated the camera immediately after Officer Brooks pushed [REDACTED] as Officer Baker attempted to video-record the event. Officer Baker also described ordering [REDACTED] to “back away” from the patrol vehicle because Officer Baker believed that [REDACTED] might try to open the vehicle’s door and confront Officer Brooks, who by that time was sitting in the rear seat. Officer Baker did not remember hearing [REDACTED] ask for Officer Brooks’ badge number, but acknowledged that this happened after viewing his body-worn camera video recording. Officer Baker also explained that at the time, he was concentrating on a group of people who had gathered across the street from [REDACTED] because that area was a known hangout for criminal gang members. Officer Baker said that he de-activated his camera for the second time after he got in the patrol car. At the time Officer Baker de-activated his camera, however, Officer Jackson was still outside of the vehicle interacting with [REDACTED]

When all the Beat 461A officers were back in their patrol vehicle, they used their PDT to find Sgt. Orozco’s location. They discovered that Sgt. Orozco was on a traffic stop, so they drove to meet him there. Officer Baker remembered that both he and Officer Jackson then got out of their vehicle and spoke with Sgt. Orozco, telling Sgt. Orozco what happened. Sgt. Orozco then instructed the officers to return to the police station, where they again met with the sergeant. At that time, Sgt. Orozco took the officers’ body-worn cameras and reviewed their recordings. Officer Baker asked Sgt. Orozco if any reports needed to be completed, but Sgt. Orozco said “no.” Officer Baker remembered Sgt. Orozco saying that the incident had been captured on the video recordings and that Sgt. Orozco would take care of the paperwork. Officer Baker also remembered Sgt. Orozco telling him not to worry about any reports because Sgt. Orozco was documenting the whole incident. Officer Baker did not speak with Sgt. Orozco about the incident again until several months later, when Sgt. Orozco presented Officer Baker with the notification of allegations sent by COPA.

When confronted with the allegation that he did not fully record his encounter with [REDACTED] using his body-worn camera, Officer Baker responded that he believed he had turned the camera on at the beginning of the incident, but later discovered that he had delayed turning the camera on while he was focused with “tunnel vision” on the possible man with a gun. Officer Baker also reiterated that he turned off his camera after he believed the encounter had ended, after returning [REDACTED] identification and letting [REDACTED] know that he was free to go. When Officer Baker realized the incident was not over, he turned his camera back on and did not deactivate the camera until he was back inside the patrol vehicle.

When confronted with the allegation that he did not notify a supervisor or prepare a written report to his unit commanding officer documenting the misconduct that he observed, Officer Baker responded that he met with his sergeant immediately after the incident, and he believed the “face to face” notification was sufficient. Officer Baker acknowledged, however, “I guess I made a – the

only mistake I see here is that I should have done a to/from, but like I said, I was told not to worry about the to/from at that moment. And I – and I didn't."

When confronted with the allegation that he engaged in an unjustified verbal altercation with [REDACTED] Officer Baker responded, in part: "I see how it sounds. It sounds funny, but I didn't mean anything by it other than giving him a heads up that hey, if you're going to start threatening, or making threatening gestures, it's probably not a good idea." Concluding, Officer Baker made the following statement:

For the record, . . . me and my partner thought what we did was right. We told that to the supervisor right away. We immediately, what we saw we knew was wrong right off the bat. Like I said, when we saw these allegations; I'm still shocked. . . . We didn't, if anything, I thought we were going to be witnesses and it looks like here, I don't, you know, I just don't think it's fair to get in trouble for doing what's right.

#### **5. Statement of Accused Sergeant of Police Abel Orozco<sup>14</sup>**

COPA interviewed Sgt. Orozco on January 16, 2018. Sgt. Orozco said that on July 2, 2017, he was working in the Fourth District on Beat 461 as a tactical unit supervisor. While Sgt. Orozco was conducting a traffic stop, three officers under his supervision – Officers Baker, Jackson, and Brooks – arrived at his location and told him that they had just finished a call at [REDACTED] and a person at that address now wanted to speak with a supervisor. Sgt. Orozco did not recall exactly what the three officers told him on the night of the incident, but he recalled that all three of the officers exited their patrol vehicle and approached him. Sgt. Orozco did not recall which of the three officers spoke with him, or if all three officers spoke with him. Sgt. Orozco also did not recall any details about what he was told, other than that a person at [REDACTED] wanted to speak with a supervisor.

Sgt. Orozco checked his PDT and discovered that a "request for supervisor" call was pending at the Escanaba address. Sgt. Orozco finished his traffic stop and drove to [REDACTED]. When the sergeant arrived there, he was told that the complainant went to the hospital. Sgt. Orozco then went to Trinity Hospital, where he met with [REDACTED] and took [REDACTED] complaint. Sgt. Orozco prepared his initiation report based on [REDACTED] statement; [REDACTED] told the sergeant that he got into a verbal argument with an officer and had called the officer a "pig." The officer then shoved [REDACTED] causing him to fall backwards. Sgt. Orozco did not recall observing any obvious injuries to [REDACTED].

After taking [REDACTED] complaint, Sgt. Orozco drove back to the Fourth District to prepare his initiation report. At the district, Sgt. Orozco viewed the involved officers' body-worn-camera video recordings. Sgt. Orozco recalled that he watched recordings from Officer Jackson and Officer Baker, but could not recall watching any recordings from Officer Brooks. Sgt. Orozco did not recall speaking to any of the involved officers while at the district, and any subsequent conversations with them consisted only of Sgt. Orozco telling the officers that he had filed an initiation report.

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<sup>14</sup> Attachments 84, 85, 91, 92.

Sgt. Orozco agreed that CPD General Order G08-01-02 required Officer Baker and Officer Jackson to (1) immediately report any misconduct that they observed to their supervisor, and (2) to prepare a written report to their unit commanding officer documenting their observations. While Sgt. Orozco did not recall exactly what Officers Baker and Jackson told him on the night of this incident, Sgt. Orozco believed that the officers met their first obligation under the general order. Sgt. Orozco said that he did not know if either of the officers prepared a written report, as those reports would have been turned in to the unit commander and not to Sgt. Orozco. Sgt. Orozco recalled that he never specifically instructed the officers to file written reports, and did not recall telling the officers that they might have to prepare written reports later.

Sgt. Orozco also agreed that CPD General Order G08-01-02 required him, upon receiving an allegation of misconduct, to “initiate a complete and comprehensive investigation” and to “record all information available, at the time the allegation was received, in statement or report form.” When asked if he had recorded all the information available regarding [REDACTED] complaint in the initiation report, Sgt. Orozco replied, “I believe I did.” But Sgt. Orozco also conceded that his report did not contain any information regarding statements made to Sgt. Orozco by any of the three involved officers. Sgt. Orozco also agreed that each allegation against him accurately described his actions, and he replied, “That’s correct,” when confronted with each allegation. But Sgt. Orozco offered the following explanation for his omissions after saying he believed that documenting the officers’ statements would have tainted the subsequent investigation:

I felt there was enough to get a log number to start the investigation, and I know they’re investigating . . . deeply, or further by IAD,<sup>15</sup> COPA, or whatever other agency might investigate. So, I just felt that I had done to initiate that. You know, to get enough information to get the investigation going, and that I didn’t want to mess up something, you know, IAD’s or COPA’s investigation down the line, or what have you.

. . . [A]lthough I did not give them an order, or order them to write anything, document the incident, . . . I believe they didn’t tell me anything where I needed to order them, or have them write anything like that, or for me to document it. . . . I also believe I fulfilled the requirements for Department directives to initiate a complaint log number, for allegations of misconduct.

## **b. Digital Evidence**

### **1. Office of Emergency Management Communications (“OEMC”) Recordings**

#### **i. Anonymous<sup>16</sup> 911 Call, Event No. 1718300670**

At 12:32 a.m. on July 2, 2017, an anonymous male caller reported that a man was firing a gun near [REDACTED]. The caller reported that he saw the gunman run into the

<sup>15</sup> The initials “IAD” were historically used within the CPD to refer to the Internal Affairs Division. This unit is now known as the Bureau of Internal Affairs.

<sup>16</sup> Upon further investigation, COPA determined that the anonymous 911 caller was the complainant, [REDACTED] as explained in section V.b.3.i of this summary report.

alley. The caller described the gunman as a dark-skinned Black male wearing gray jogging pants and a white t-shirt.<sup>17</sup>

**ii. [REDACTED] 911 Call, Event No. 1718301035**

At 12:50 a.m. on July 2, 2017, a woman identifying herself as [REDACTED] called 911 and asked for a police supervisor to respond to her residence at [REDACTED]. [REDACTED] told the call-taker that her son was sitting on their porch when police officers harassed him and threw him to the ground, causing his head to hit the ground. [REDACTED] also told the call-taker that her building was equipped with surveillance cameras.<sup>18</sup>

**iii. [REDACTED] 911 Call, Event No. 1718301136**

At 12:56 a.m. on July 2, 2017, a woman identifying herself as [REDACTED] called 911 and requested an ambulance at [REDACTED]. [REDACTED] told the call-taker that her son was thrown to the ground by police and that he had hit his head on the stairs.<sup>19</sup>

**iv. OEMC Zone Eight CPD Radio Transmissions**

Recordings of CPD radio transmissions from OEMC Zone 8, which encompasses CPD's Fourth District, were obtained by COPA. The recordings show that Beat 423R was dispatched to the "person with a gun" call on South Escanaba at 12:36 a.m. on July 2, 2017. About fifty seconds later, Beat 461A contacts the dispatcher by radio and asks to be added to the call.<sup>20</sup>

**2. Body-Worn Camera<sup>21</sup> and In-Car Camera Video Recordings**

**i. Beat 423R In-Car Camera Video Recording**

An in-car camera video recording was reviewed and made part of this investigation. The recording is three minutes and sixteen seconds long and shows Beat 423R's patrol vehicle driving to the "shots fired" call at [REDACTED]. The time-stamp at the beginning of the recording is 12:28:02 a.m., July 2, 2017. [REDACTED] does not appear in the recording, and the recording ends before Beat 423R arrives at the Escanaba address. CPD Attendance and Assignment records indicate that Officers Brandon Ellison and Joseph Reyes were assigned to Beat 423R for the First Watch on July 2, 2017.<sup>22</sup>

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<sup>17</sup> Attachment 49.

<sup>18</sup> Attachment 50.

<sup>19</sup> Attachment 51.

<sup>20</sup> Attachment 53. The OEMC Event Query Report for this incident is consistent with the recorded radio transmissions, and shows that Beat 461A was added to the incident at 12:37:26 a.m., acknowledged the assignment two seconds later, and had arrived on scene and used their PDT to perform a name check on [REDACTED] within four minutes. (Attachment 20).

<sup>21</sup> CPD's body-worn camera system time-stamps video recordings in Universal Standard Time ("UST"). All time-stamps referenced in this summary report have been corrected to Central Daylight Time ("CDT").

<sup>22</sup> Attachments 13, 28. COPA did not interview Officer Ellison or Officer Reyes as witnesses to this incident because the available video-recorded evidence, discussed below, along with the admissions made by the accused CPD members made it unnecessary to interview additional witness officers.



**ii. Body-Worn Camera Video Recordings, Officer Brandon Ellison<sup>23</sup>**

COPA obtained two body-worn camera video recordings from Officer Ellison's camera:

**(1) July 2, 2017, 12:41 a.m.**

Officer Ellison's body-worn camera captured a two-minute and five-second recording beginning at 12:41 a.m. on July 2, 2017. The recording begins with Officer Ellison sitting in the front passenger seat of a CPD patrol vehicle. The vehicle stops in the street in front of [REDACTED] and Officer Ellison steps out. [REDACTED] is sitting on the porch stairs in front of [REDACTED]. Another vehicle, an unmarked Ford Explorer, is parked facing west at the mouth of the alley on the north side of that residence. Officer Ellison walks north in the street and approaches another male, uniformed police officer. Officer Ellison asks, "Where'd you guys see him at?" The other officer tells Officer Ellison that [REDACTED] was just standing on the porch when they arrived. The officers discuss the fact that multiple unfounded calls have been received over the past weeks regarding gang disturbances and gang fights at this location. As Officer Ellison continues his conversation, he turns towards the porch and [REDACTED] remains seated on the stairs. Five uniformed officers stand and walk about on the sidewalk in front of [REDACTED]. PO Ellison turns off his camera and the recording ends.

**(2) July 2, 2017, 12:44 a.m.**

Officer Ellison's body-worn camera captured a second recording, two minutes and sixteen seconds in length, beginning at 12:44 a.m. on July 2, 2017. The recording begins with Officer Ellison standing on the sidewalk in front of [REDACTED] is standing on the first step from the bottom of the porch, adjacent to the sidewalk. A uniformed male officer with a beard walks in front of PO Ellison, heading north on the sidewalk. Officer Ellison then turns to his left and walks south on the sidewalk, away from the porch. Officer Ellison turns to his right and looks into the side yard on the south side of [REDACTED] through an open gate. A uniformed male police officer walks east in the yard along the side of the residence, approaching Officer Ellison. As the other officer reaches the gate, Officer Ellison turns to his left, facing south towards 91<sup>st</sup> Street. Officer Ellison walks to the south, briefly walks into the parking lot on the north side of 2869 East 91<sup>st</sup> Street, and then turns around and walks north on the sidewalk towards [REDACTED]. As Officer Ellison walks towards [REDACTED] steps from the sidewalk onto the porch stairs while three uniformed, male police officers stand on the sidewalk in front of [REDACTED].

[REDACTED] and the officers appear to be speaking, and the words "you hid it too good" are audible. Officer Ellison stops at the gate and turns to face west, away from [REDACTED] and the group of officers. The conversation between [REDACTED] and the officers becomes louder, and the words "shut your bald head ass up" are audible. Officer Ellison then walks west into the side yard, further from

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<sup>23</sup> Attachment 29. In addition to the two video recordings described below, the CPD Records Division also provided COPA with two recordings from Officer Ellison's body-worn camera from 12:22 a.m. and 12:55 a.m. on July 2, 2017. These recordings depict calls for service at other locations and do not appear to be relevant to this investigation. See attachments 27 and 29.

██████████ and the group of officers. As Officer Ellison walks towards the rear yard, the words “you a bitch, nigger” are audible, but much of the conversation is obscured by sound from Officer Ellison’s police radio. Officer Ellison walks into the rear yard, briefly turns on his flashlight, and then turns around and begins walking back out towards the street. Officer Ellison meets another uniformed male officer at the gate, and the words “what’s your badge number” can be heard in the background from an off-camera source. Officer Ellison then turns and walks towards a marked police vehicle parked further south on South Escanaba, and the recording ends.

**iii. Body-Worn Camera Video Recordings, Officer Mohammad Baker<sup>24</sup>**

COPA obtained two body-worn camera video recordings from Officer Baker’s camera:

**(1) July 2, 2017, 12:41 a.m.**

Officer Baker’s body-worn camera captured a two-minute and twenty-three second recording beginning at 12:41 a.m. on July 2, 2017. The recording begins with Officer Baker standing inside the entrance lobby at ██████████. Officer Baker opens a door to his right, leading from the common lobby into the stairs for the building’s second-floor apartment. Officer Baker looks inside, but does not enter. He then pushes open a door to his left, leading into the building’s first-floor apartment. Officer Baker looks inside, but does not enter. Officer Baker then turns around and walks out of the lobby onto the building’s front porch.

Officer Baker walks down the porch stairs and onto the sidewalk. ██████████ is sitting on the stairs and two uniformed police officers are standing on the sidewalk in front of ██████████. Officer Baker walks south on the sidewalk until he reaches a gate leading to the rear yard of ██████████. He pushes the gate open and walks east into the yard and uses his flashlight to search the exterior space on the south side of the residence before walking back out to the sidewalk. Officer Baker walks north on the sidewalk and steps into an unmarked Ford Explorer parked at the mouth of the alley on the north side of ██████████. Officer Baker types on the keyboard of the vehicle’s Police Data Terminal (“PDT”).

After completing his work on the PDT, Officer Baker exits the vehicle. The recording shows three uniformed police officers standing in the street in front of ██████████, four additional uniformed officers standing on the sidewalk, and ██████████ sitting on the porch stairs. Officer Baker walks towards ██████████ but then turns around and walks out to the street. Officer Baker turns off his camera and the recording ends.

**(2) July 2, 2017, 12:46 a.m.**

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<sup>24</sup> Attachment 30. In addition to the two video recordings described below, the CPD Records Division also provided COPA with a recording from PO Baker’s body-worn camera that begins at 12:14 a.m. on July 2, 2017. That recording depicts a call for service at a different location and does not appear to be relevant to this investigation. See attachments 27 and 30.

Officer Baker's body-worn camera captured a second recording, fifty-one seconds in length, beginning at 12:46 a.m. on July 2, 2017. The recording begins with Officer Baker standing on the sidewalk at the base of the porch stairs at [REDACTED] [REDACTED] walks down the stairs onto the sidewalk, passing Officer Baker. Officer Baker briefly grabs [REDACTED] right arm, but [REDACTED] continues to walk forward and Officer Baker lets go. [REDACTED] walks towards Officer Brooks, and Officer Brooks walks towards the unmarked Ford Explorer parked at the mouth of the alley. Officer Brooks walks around the Explorer and enters the vehicle through the rear passenger-side door. [REDACTED] stands outside of the vehicle and appears to be pointing at Officer Brooks. Officer Baker approaches [REDACTED] and stands face-to-face with [REDACTED] at the side of the vehicle.

The first thirty seconds of the video recording are silent. The audio recording begins at the 30-second mark while Officer Baker and [REDACTED] are speaking at the side of the vehicle. Officer Baker tells [REDACTED] to back away as [REDACTED] remarks that the "whole thing is on camera" and asks for Officer Brooks' badge number. Officer Baker repeats the order to back away, and [REDACTED] walks towards the sidewalk. Officer Baker opens the front passenger-side door of the vehicle and gets inside, closing the door behind him. [REDACTED] continues to speak with Officer Jackson on the sidewalk. Officer Baker then turns off his camera and the recording ends.

**iv. Body-Worn Camera Video Recordings, Officer Solodine Jackson<sup>25</sup>**

COPA obtained two body-worn camera video recordings from Officer Jackson's camera:

**(1) July 2, 2017, 12:43 a.m.**

Officer Jackson's body-worn camera captured a two-minute and thirty-nine second recording beginning at 12:43 a.m. on July 2, 2017. The recording begins with Officer Jackson standing on the parkway in front of [REDACTED] wearing dark jogging pants and a white t-shirt, is sitting on the front porch stairs of his residence. Officer Jackson walks through a gate on the south side of the residence and walks west along the side of the residence and into the rear yard. Officer Jackson uses his flashlight and directs the beam around the yard; he also opens and appears to look inside of two barbecue grills. Officer Jackson then walks west along the side of the residence, back out to the sidewalk, where he turns and walks north towards the front porch of the residence. An unmarked Ford Explorer with its headlights on is parked facing west at the entrance to the alley on the north side of [REDACTED]

As Officer Jackson approaches the porch, [REDACTED] is seen standing on the second step from the bottom. [REDACTED] is facing two uniformed male police officers, Officer Baker and Officer Brooks, who are standing on the sidewalk. [REDACTED] steps down to the first step; his hands are folded at his waist he is holding a cellular telephone in his left hand. Officer Baker says, "You talking to me like you're gonna do something; do something." [REDACTED] says, "whatever," waves his hands dismissively, turns to the side, and steps down to the sidewalk in front of Officer Jackson. Officer Baker says, "You ain't on shit, man." [REDACTED] replies, "No, you ain't on shit," and "y'all

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<sup>25</sup> Attachment 31.

niggas ain't find shit – y'all ain't gonna find shit.” As this conversation continues, Officer Reyes walks out of the alley and stands on the sidewalk next to Officer Brooks.

█ turns and walks back up the porch stairs. Officer Jackson says, “You hid it too good; you hid it too good for us, huh?” – apparently referring to the gun that was the object of the officers’ search. Officer Brooks says, “That’s how you know you ain’t on shit,” and laughs. █ now standing on the second step from the bottom, replies, “Shut your bald head ass up.” Officer Brooks says “what” and █ repeats, “Shut your bald head ass up” as Officer Brooks walks forward towards █. Officer Brooks steps onto the first step from the bottom and stands face-to-face with █. █ says, “Shut your bald head ass up” for a third time, and Officer Brooks places both of his hands on █ upper chest or neck and pushes █ backwards. █ falls backwards as Officer Jackson turns to his right. Because Officer Jackson turns away, █ is out of Officer Jackson’s camera’s field of view, and the end of his fall is not recorded.

█ says “police brutality” twice and walks back into the camera’s view. Officer Brooks walks towards the unmarked Ford Explorer. █ now standing on the sidewalk, says, “You a bitch, nigger, you a bitch – that’s what you is, nigger” to Officer Brooks. Officer Brooks continues walking in front of the Ford Explorer towards the passenger side. █ follows, calling Officer Brooks a “goofy-ass nigger.” As Officer Brooks approaches the passenger side of the vehicle, Officer Jackson turns off his body-worn camera and the recording ends.

**(2) July 2, 2017, 12:45 a.m.**

Officer Jackson’s body-worn camera captured a second recording, one minute and seven seconds in length, beginning at 12:45 a.m. on July 2, 2017. The recording begins with Officer Jackson standing in front of █. Officer Jackson walks towards the unmarked Ford Explorer that is parked at the mouth of the alley on the north side of █. █ stands on the passenger side of the Explorer and appears to be speaking with Officer Baker, who is also standing outside of the Explorer.<sup>26</sup> When the audio recording begins, █ says, “. . . whole thing on camera,” and Officer Baker replies, “back away.” █ asks, “What’s his badge number?” Officer Baker orders █ to back away again, and █ turns and starts to walk away from the Explorer.

As █ walks back towards the sidewalk, he asks “What’s your badge number?” several more times. Officer Jackson says, “Get up outta here,” and █ replies, “You ain’t gonna give me his badge number?” Officer Jackson answers, “Nope. Get up outta here.” █ then asks Officer Jackson for his badge number, and Officer Jackson replies, “You got eyes. You can see.” █ stands on the sidewalk as Officer Jackson opens the front driver-side door of the Explorer. As Officer Jackson enters the vehicle, he says, “Run up on our squad car and we’re gonna get you for assault.” Also, as Officer Jackson enters the vehicle, his camera shows Officer Baker sitting in the front passenger seat. Officer Jackson sits in the driver’s seat and closes his door. Officer

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<sup>26</sup> The first 30 seconds of the video recording are silent. The audio recording begins 30 seconds after the start of the video recording.

Jackson then says, “I was waiting for him to say ‘CPDK’<sup>27</sup> or something” as he begins to drive away. Officer Jackson then turns off his camera and the recording ends.

### 3. Third-Party Surveillance Video – [REDACTED]

Surveillance video and audio recordings from three cameras installed by the landlord at [REDACTED] were obtained by COPA pursuant to a subpoena.<sup>29</sup> The recordings begin at time-stamp 00:19:54 on July 2, 2017, and end at time-stamp 01:45:00 on the same day.

#### i. Camera 1 – front porch and stairs<sup>30</sup>

[REDACTED] walks up the stairs from the sidewalk to the front entrance of [REDACTED] at 00:25:55 and enters the building. At 00:36:26, [REDACTED] steps back out from the building’s lobby onto the stairs and appears to be speaking on his cellular telephone. [REDACTED] sits on the far north side of the stairs, partially out of the camera’s view, until 00:40:48, when he stands up and walks down the stairs towards the sidewalk. [REDACTED] walks out of the camera’s view when he reaches the sidewalk. At 00:41:16, two loud reports, possibly gunshots, are audible. At 00:43:46, [REDACTED] walks back into the camera’s view, walks up the stairs, and sits on the top step, still speaking on his phone. [REDACTED] can be heard placing the 911 telephone call associated with Event No. 1718300670 describing the gunman in the alley.<sup>31</sup> The physical description that [REDACTED] provides to the 911 call-taker matches [REDACTED] own appearance. [REDACTED] phone call ends at 00:44:32, and [REDACTED] stands up and walks to the bottom of the stairs, standing or sitting partially out of the camera’s view to the north of the porch. At 00:45:16, [REDACTED] walks south on the sidewalk, past the porch, and out of the camera’s view to the south. At 00:46:48, [REDACTED] walks back into view, walking north on the sidewalk towards the porch and then sitting on the bottom or next-to-bottom step.

At 00:51:05, [REDACTED] stands up and begins walking up the stairs towards the front entrance door. An engine can be heard revving, and a beam of light shines onto [REDACTED] from a position out of the camera’s view. [REDACTED] walks down the stairs to the sidewalk and begins walking south on the sidewalk. Two uniformed police officers walk into view from the north and approach [REDACTED]. One of the officers takes hold of [REDACTED] left arm and appears to guide [REDACTED] to stand with his back to the officer, leaning against the low wall at the bottom of the porch. A third uniformed officer walks into view as the officer holding [REDACTED] appears to frisk [REDACTED] clothing. Other officers walk in front of the residence and shine flashlights at [REDACTED] and at the ground. At 00:51:55, an officer pulls open the front door of [REDACTED] and walks into the common lobby. [REDACTED] sits

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<sup>27</sup> “CPDK” is an abbreviation commonly used on the street for “Chicago Police Department Killer.” See, e.g., *Chicagoans Join Protests Against Police Brutality Post-Ferguson*, CHI. TRIB. (Oct. 12, 2014), <http://www.chicagotribune.com/redeye/redeye-chicago-joins-ferguson-protests-20141012-story.html>; *Near Riot Erupts at Vigil for Teen Killed by Police; Teen’s Mom Charged*, DNA INFO (Aug. 27, 2014), <https://www.dnainfo.com/chicago/20140827/chatham/near-riot-erupts-at-vigil-for-man-slain-by-cops-mans-mom-5-more-charged> (“People threw branches, bottles and other debris from the street while yelling ‘CPDK,’ which stands for ‘Chicago Police Department Killer,’ officials said.”).

<sup>28</sup> Attachment 40.

<sup>29</sup> Attachments 35 through 39.

<sup>30</sup> This camera is mounted on the exterior of the building to the north of the front entry stairs. The camera faces down and is angled towards the southeast to view the stairs and the adjacent sidewalk.

<sup>31</sup> See § V.b.1.i of this summary report and Attachment 49.

on the porch stairs and two uniformed officers stand on the sidewalk in front of him. A conversation appears to be taking place, but music and street noise render the words unintelligible. At 00:52:26, the officer who entered the residence opens the front door and walks out onto the porch. ██████ remains seated on the second-to-bottom step as multiple officers walk up and down the stairs and the sidewalk.

At 00:55:52, ██████ stands up and faces the sidewalk. One uniformed officer can be seen standing on the sidewalk in front of ██████ slightly to ██████ right. The context of the conversation and the body movements of ██████ and the visible officer indicate that an additional officer or officers are standing on the sidewalk to ██████ left, but these officers are not visible due to the camera angle. The conversation captured on Officer Jackson's body-worn camera and summarized in section V.b.2.iv of this report begins, and Officer Jackson walks into view at 00:56:31. At 00:57:07, Officer Brooks walks into view from the north, steps up to face ██████ and shoves ██████ backwards. ██████ falls, landing on his back at the top of the stairs, and immediately stands back up. Due to the camera angle and the poor quality of the video, it is not possible to determine if ██████ head strikes the stairs or the side of the porch. At 00:57:21, all the officers walk to the north, out of the camera's view, and ██████ follows. ██████ can be heard asking for the officers' badge numbers. At 00:58:22, an engine can be heard starting and the conversation ends.

At 00:59:32, ██████ walks back into view, ascends the stairs, and enters the lobby of the residence. ██████ exits and re-enters the residence, and at 01:07:38, a woman steps out to the porch with ██████ and can be heard placing the 911 call requesting an ambulance associated with Event No. 1718301136 and described above. At 01:14:40, the ambulance siren is audible, and at 01:15:49 ██████ walks down the stairs and out to the street – out of the camera's view – presumably to meet the CFD ambulance personnel. Flashing lights and the sound of a diesel engine continue through time-stamp 01:22:39, when the ambulance apparently drives away. A woman's voice can be heard engaging in an apparent telephone conversation. The woman says that her son woke her up and told her that he had been harassed and assaulted by police. The woman continues, recounting that her son told her that police stopped some "homeboys" who ran. The police then stopped her son and called him a "lowlife" before throwing him down on the porch. The woman also says that her son asked the police for their badge numbers, and the officers refused to answer. Her son also said that his head hurt, and she said that she advised her son to seek medical attention. Further describing the incident, the woman says, "He said it was a lot of people out here, and they pulled up and started harassing people. But they got the wrong one today."

At 01:25:12, the woman says that the police have arrived. A conversation between the woman and a police officer is partially audible. The woman confirms that she called for a supervisor, and she tells the unseen officer that her son has already been taken to Trinity Hospital. The conversation takes place out of the camera's view and is mostly inaudible due to distance and street sounds. The conversation with the officer ends, and the woman continues having telephone conversations telling an unknown person or people what she believes happened to her son. The recording ends at time-stamp 01:45:00.

#### 1. Camera 2 – front entrance vestibule<sup>32</sup>

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<sup>32</sup> This camera is mounted inside the building on the south side of the vestibule, angled towards the northeast to view the interior of the lobby and the front entry door. The front entry door and side lights are transparent glass or plastic,

The camera inside the front entrance vestibule records [REDACTED] entering and exiting the building at the times listed above. This camera also records PO Baker entering the lobby as described above. Movement outside on the porch can be detected, but the video is not clear. Some of the conversations described above can also be heard, but the sound is muffled and muted.

An unmarked Ford Explorer can be seen driving into the camera's view and parking at the mouth of the alley on the north side of [REDACTED] at time-stamp 0051:12. The front driver's and passenger's doors open, as well as the rear passenger-side door. The occupants of the Explorer can be seen walking towards the porch.

Motion can be seen on the porch at the time-stamp where the exterior camera recorded PO Brooks pushing [REDACTED] and [REDACTED] can be seen moving backwards, but the push is not clearly visible from the vestibule camera. Between time-stamps 00:57:20 and 00:58:25, [REDACTED] can be heard repeatedly asking "what's your badge number" and "what's his badge number?" No responsive answers are audible. At 00:58:27, the unmarked Ford Explorer drives away, heading west into the alley on the north side of [REDACTED]

## 2. Camera 3 – side yard, south of [REDACTED]

The camera in the side yard records police officers walking through the yard, shining their flashlights and apparently searching for something. The video footage captured by this camera is consistent with the body-worn camera recordings from POs Jackson, Baker, and Ellison described above.

### c. Physical Evidence – Medical Report<sup>34</sup>

COPA obtained copies of medical records related to [REDACTED] treatment at Advocate Trinity Hospital. The records indicate that [REDACTED] was admitted to the hospital's emergency department at 1:24 a.m. on July 2, 2017. Notes from the emergency department triage nurse state, in part, "The patient was thrown to the ground by his throat by the police after an argument. The patient states that he didn't lose consciousness but he is dizzy and his scalp is tender." [REDACTED] was examined by an emergency room physician, and a computerized tomography ("CT") scan was performed on his head. The physician's notes on the physical exam of [REDACTED] head state, "Normocephalic, atraumatic, slight tenderness to the right temporal scalp area without any lacerations or hematomas." [REDACTED] CT scan was normal. [REDACTED] diagnoses are listed as "acute head trauma," "assault," and "closed head injury without LOC [loss of consciousness]." [REDACTED]

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and limited motion can be seen on the stairs, sidewalk, and street. The view to the exterior is partially obscured by reflections, signs posted on the glass, and generally poor lighting and picture quality.

<sup>33</sup> This camera is mounted on the south exterior wall of [REDACTED]. The camera faces east and records activity in the side yard, with a limited view of the sidewalk and street. The front porch and stairs are not visible.

<sup>34</sup> Attachment 46.

was discharged from the emergency department without being admitted to the hospital, and he was given instructions to contact his personal physician within one to two days.

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

##### **1. Initiation Report – Sgt. Abel Orozco<sup>35</sup>**

Sgt. Abel Orozco filed an initiation report on July 2, 2017. Sgt. Orozco documented meeting with [REDACTED] after responding to a request for a CPD supervisor. [REDACTED] told Sgt. Orozco that [REDACTED] and an unknown Black male police officer became involved in a verbal disagreement while police were conducting an investigation at [REDACTED]. [REDACTED] said that after he called the officer a “pig,” the officer shoved him, causing him to fall backwards.

Sgt. Orozco documented that he viewed available body-worn camera footage, and PO Solodine Jackson’s recording showed that PO Edward Brooks was possibly the officer who shoved [REDACTED]. Sgt. Orozco also documented that [REDACTED] was transported to Trinity Hospital for evaluation after [REDACTED] complained of a possible head injury.

##### **2. Investigatory Stop Report<sup>36</sup>**

Officer Jackson and Officer Baker completed an Investigatory Stop Report, ISR000280576, documenting an investigatory stop of [REDACTED] at 12:37 a.m. on July 2, 2017, at [REDACTED]. The report documents that officers responded to a call of a person with a gun in the alley at [REDACTED]. The description given by the caller was a Black male with a dark complexion wearing a white t-shirt and gray jogging pants. When the officers arrived in the area they saw a person, later identified as [REDACTED] matching this description outside of [REDACTED] “quickly attempted to walk up the stairs and into the residence,” but the officers stopped him and conducted a protective pat-down. No weapon was found. The officers conducted a name check and [REDACTED] returned clear.

##### **3. Chicago Fire Department (“CFD”) Ambulance Run Sheet<sup>37</sup>**

A CFD ambulance run sheet documents that paramedics arrived at [REDACTED] at 1:04 a.m. on July 2, 2017, and attended to patient [REDACTED]. The run sheet documents that [REDACTED] complained of a headache “after being ‘grabbed by the neck’ and ‘thrown to ground’ where he hit his head.” The paramedics encouraged [REDACTED] to be evaluated by a doctor at the emergency room, and [REDACTED] agreed to be transported. The report also documents that [REDACTED] told the paramedics that he was suffering from dizziness and blurred vision. The ambulance departed from the address on Escanaba at 1:10 a.m. and arrived at the hospital at 1:14 a.m.

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<sup>35</sup> Attachment 4.

<sup>36</sup> Attachment 34.

<sup>37</sup> Attachment 46.



## VI. ANALYSIS

**1. Officer Brooks admits that he engaged in an unjustified physical altercation with [REDACTED] when he pushed Mr. [REDACTED] and that he did not provide his star number when Mr. [REDACTED] requested it.**

CPD members are expected to maintain a professional demeanor and to avoid unjustified physical and verbal altercations when dealing with members of the public.<sup>38</sup> In this incident, the available video recordings as well as the statements of the complainant, the witness officers, and Officer Brooks himself demonstrate both that Officer Brooks pushed [REDACTED] and that there was no justification for the push. Even if Mr. [REDACTED] intentionally caused the police to respond to his location by placing a 911 call reporting a man with a gun and providing his own description to the 911 call-taker, and even if Mr. [REDACTED] was being intentionally provocative, Officer Brooks should have shown better judgment and maturity. Officer Brooks candidly admitted that he engaged in an unjustified physical altercation with [REDACTED] and COPA recommends that **Allegation #2 against Officer Brooks be Sustained.**

Per Rule 37, CPD members are also required to identify themselves by providing their name, rank and star number when requested by a private citizen. It is uncontroverted that [REDACTED] asked Officer Baker for his badge number multiple times and that Officer Baker did not respond. The video and audio recordings of this incident show that Mr. [REDACTED] was within a few feet of Officer Brooks when he made his repeated requests and that Mr. [REDACTED] was speaking very loudly. Officer Brooks told investigators that he had “tuned out” Mr. [REDACTED] as Officer Brooks was attempting to extricate himself from the confrontation, but Officer Brooks’ decision to “tune out” Mr. [REDACTED] cannot excuse the officer’s failure to conform to Rule 37’s requirements. Therefore, COPA recommends that **Allegation #4 against Officer Brooks be Sustained.**

The available video recordings also show that Officer Jackson did not provide his star number when [REDACTED] requested it. Officer Jackson admitted that he heard [REDACTED] ask for his star number, and admitted that he responded by pointing to his vest and saying, “You can read, can’t you.” The fact that Officer Jackson had time to say, “You can read, can’t you,” demonstrates that he also had time to say his star number. The clear intent of Rule 37 is for CPD members to provide their star number verbally when requested, and pointing to writing on a vest, especially during a fraught encounter taking place on the street at night, is not a reasonable substitute for simply saying the number. COPA therefore recommends that **Allegation #3 against Officer Jackson be Sustained.**

**2. While Officer Brooks used profanity during his interaction with [REDACTED] the profanity was not demeaning to [REDACTED] and the profanity was calculated to serve a legitimate investigatory purpose by potentially eliciting an incriminating statement.**

CPD members are required to maintain a courteous and professional demeanor when dealing with the public.<sup>39</sup> While CPD members may face situations where forceful commands are

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<sup>38</sup> See generally RULES AND REGULATIONS OF THE CHICAGO POLICE DEPARTMENT, Rules 8 and 9, and General Order G03-02 § III.A.

<sup>39</sup> General Order G03-02-02, § II.D.

more appropriate than respectful queries,<sup>40</sup> the use of profanity is almost never appropriate. But *almost* never does not mean never. For example, it would certainly be appropriate for an officer interviewing a crime victim to repeat profanity allegedly used by the perpetrator to verify the exact language that was used. In the incident under investigation, Officer Brooks said that he used the phrase, “That’s how you know you ain’t on shit,” in order to elicit a potentially incriminating statement from [REDACTED]. Officer Brooks also explained that he has successfully used this technique before, eliciting statements from suspects that led to the recovery of guns. The available video recordings of this incident demonstrate that Officer Brooks was speaking in a calm and conversational tone when he made this statement to [REDACTED] and that [REDACTED] had already directed profanity at the involved officers. In this context, it is apparent that Officer Brooks’ remark was not intended to insult or demean [REDACTED] and Officer Brooks’ explanation of the purpose for his remark is credible. COPA therefore recommends that **Allegation #3 against Officer Brooks be Exonerated.**

**3. CPD members equipped with body-worn cameras must record the entirety of each law-enforcement-related encounter. Here, each of the involved officers failed to do so, either by not activating their camera at all, or by de-activating their cameras before the encounter had ended.**

Under Special Order S03-14, CPD members must activate their body-worn cameras at the beginning of a law-enforcement-related encounter, and they must record the entire incident. Per the order, a law-enforcement-related encounter is over when the CPD member has cleared the assignment or has left the scene of the incident. The order does provide, however, that “members will not unreasonably endanger themselves . . . to conform to the provisions of this directive.”<sup>41</sup> The order also anticipates that situations may arise where a member cannot activate their camera at the beginning of an encounter, and provides that the member should then activate their camera as soon as practical.<sup>42</sup>

All of the Beat 461A officers were equipped with body-worn cameras on the night of this incident, and each of them agreed that their encounter with [REDACTED] was a law-enforcement-related encounter that they were required to record. But the officers also provided a consistent and uncontroverted account of being less than two blocks away from the location of the incident when they heard the OEMC dispatch, and they recounted arriving at the location and immediately encountering [REDACTED] who matched the description of the reported gunman. Under these circumstances, it was reasonable for the officers to concentrate their entire attention on [REDACTED]. The fact that they did not immediately activate their cameras can be excused because taking the time to activate the cameras could, in fact, have placed the officers in danger.

The time-stamps on Officer Jackson and Officer Baker’s recordings demonstrate that they activated their cameras a few minutes after arriving at the Escanaba location, corroborating their accounts of checking their cameras, realizing that the cameras were not on, and rectifying the situation by turning the cameras on. Officer Brooks, in contrast, never turned his camera on, and he later admitted that he neglected to turn on the camera. While Officer Brooks may be excused

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<sup>40</sup> See *id.* § III.D.3.

<sup>41</sup> General Order S03-14, § II.A.

<sup>42</sup> *Id.* § II.A.2.

from turning on his camera immediately, he cannot be excused for failing to turn it on later. Once [REDACTED] was detained and found not to be in possession of a gun, the immediate danger was over. The available recordings from other CPD members and from the 3<sup>rd</sup>-party surveillance video demonstrate that Officer Brooks had ample opportunity to activate his camera during the six- to seven-minute long period between arriving on scene and pushing [REDACTED]. Therefore, COPA recommends that **Allegation #1 against Officer Brooks be sustained.**

As discussed above, it was reasonable for Officers Jackson and Baker not to have recorded the beginning of their encounter with [REDACTED]. But once they began recording, it was not reasonable for them to turn their cameras off prior to the end of the encounter. Officer Jackson told investigators that he turned his camera off when he began walking back to his patrol vehicle, thinking the encounter was over. Officer Baker also explained that he turned his camera off when he believed the encounter was ending. The recordings make it clear, however, that both officers turned off their cameras prematurely – before they cleared the assignment or left the scene. As circumstances developed, it became clear that the encounter had not, in fact, ended, and both officers had to re-activate their cameras. This would not have been necessary if they waited until clearing the assignment or leaving the scene, as required by Special Order S03-14, to turn off their cameras. COPA therefore recommends that **Allegation #1 against Officer Jackson and Allegation #1 against Officer Baker be Sustained.**

**4. There was no justifiable reason for Officer Baker to say, “You talking to me like you’re gonna do something; do something,” to [REDACTED]**

CPD members must maintain a courteous and professional demeanor when dealing with the public, and must de-escalate and use force mitigation principles whenever possible and appropriate.<sup>43</sup> Officer Baker’s use of the phrase, “You ain’t on shit, man,” could possibly be excused for the same reason, discussed above, that Officer Brooks’ use of a similar phrase was excused. But Officer Baker also said, “You talking to me like you’re gonna do something; do something,” to [REDACTED]. Based on [REDACTED] increasingly agitated manner, Officer Baker’s words seemed calculated to further excite [REDACTED] and to provoke a physical confrontation. When questioned by investigators, Officer Baker admitted that his use of this phrase “sounds funny,” and Officer Baker explained that he intended his words simply as a warning to [REDACTED]. But whatever Officer Baker intended, the words he actually used were inappropriate and had the tendency to escalate, rather than de-escalate, the situation. COPA therefore recommends that **Allegation #3 against Officer Baker be Sustained.**

**5. It is uncontested that Officer Baker and Officer Jackson witnessed Officer Brooks’ misconduct and that neither Officer Baker nor Officer Jackson documented their observations in writing.**

Under General Order G08-01-02, a CPD member who observes misconduct has distinct obligations to both notify a supervisory member and prepare a written report to their unit commanding officer containing their observations.<sup>44</sup> Officer Baker and Officer Jackson were both aware that Officer Brooks pushed [REDACTED] without justification, and both Officer Baker

<sup>43</sup> General Order G03-02-02, § II.C-D.

<sup>44</sup> General Order G08-01-02, § II.B.1.

and Officer Jackson immediately recognized that they witnessed misconduct. This investigation ultimately revealed that Officer Baker and Officer Jackson had, in fact, verbally reported the misconduct to their supervisor, Sgt. Orozco, immediately after the misconduct occurred. This fact was not known earlier because Sgt. Orozco's initiation report, as discussed below, omitted any mention of the sergeant's meeting with the officers. But while each officer met his obligation to report the misconduct to his supervisor, neither officer met his separate obligation to document his observations in a written report to his unit's commanding officer. And while Sgt. Orozco's failure to direct the officers to complete written reports may mitigate the officers' fault, the officers were still independently responsible for knowing and conforming with the general order. Therefore, COPA recommends that **Allegation #2 against Officer Baker** and **Allegation #2 against Officer Jackson** be Sustained.

**6. Sergeant Orozco's initial investigation of the allegations against Officer Brooks was insufficient because Sgt. Orozco failed to document relevant statements made to him by Officer Brooks, Officer Jackson, and Officer Baker.**

CPD policy requires a supervisory member who receives allegations of misconduct to "initiate a complete and comprehensive investigation . . ." and, when the alleged misconduct is subject to the Log Number process, to "record **all information available at the time the allegations was received** in statement or report form . . ."<sup>45</sup> Officers Brooks, Jackson, and Baker provided consistent statements where they recounted meeting with Sgt. Orozco immediately after their encounter with [REDACTED] and reporting Officer Brooks' misconduct. And while Sgt. Orozco said that he did not recall the details of his conversations with the officers, Sgt. Orozco admitted that the meeting took place and that some statements were made.

Sgt. Orozco's initiation report<sup>46</sup> does not include any mention of the sergeant's meeting with the involved officers, and does not record any statements made by the officers. The initiation report does identify Officer Brooks as the accused, but the narrative of the report, in its entirety, only records the following:

R/S responded to a request for supervisor call. Complainant related that while police officers were conducting an investigation at above location he and unknown male black officer became involved in a verbal disagreement. Complainant further related that after he called the unknown officer a "pig" the officer shoved complainant causing complainant to fall backwards. R/S viewed available BWC footage and observed on P.O. Jackson #14851 body camera possible incident. Complainant was relocated to Trinity Hospital for evaluation after complainant related he had hit his head.

Sgt. Orozco attempted to explain omitting any mention of the officers' statements, arguing that including the statements could have "tainted" the future investigation of [REDACTED] allegations by the BIA or COPA. But there is no reason to believe that including contemporaneous statements made by officers who participated in the incident would "taint" an investigation. Making a record of these statements could be nothing but helpful to the investigation, as these statements would be

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<sup>45</sup> See General Order G08-01-02 § II.B.2-3 (emphasis added).

<sup>46</sup> Attachment 4.

the freshest evidence of the officers’ observations and their states of mind on the very night of the incident.

As a supervisor, Sgt. Orozco should have been familiar with the requirements of General Order G08-01-02, and the sergeant should have instructed the officers under his supervision to complete written reports documenting their actions and their observations. As discussed above, these written reports are unambiguously required by the order, and Sgt. Orozco was obligated to “provide leadership, supervision and continuing training and example” to the officers.<sup>47</sup> And while the officers were responsible, independent from Sgt. Orozco’s direction, to know the requirements of the general order and to follow it, Sgt. Orozco could have saved the officers from further allegations of misconduct if he had provided appropriate direction. Based on each of the officers’ accounts of their statements to Sgt. Orozco on the night of the incident, there is substantial evidence to show it is more likely than not that the officers told Sgt. Orozco about their encounter with ██████████ and provided Sgt. Orozco with relevant details about the encounter. Sgt. Orozco should have included these statements in his initiation report, and Sgt. Orozco should have directed the officers to prepare written reports addressed to their unit commander explaining the officers’ actions and observations. Because he did not, COPA recommends that **Allegations #1, 2, 3, 4, 5, and 6 against Sgt. Orozco be Sustained.**

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer Edward S. Brooks	<p>It is alleged that on July 2, 2017, at approximately 12:45 A.M., near ██████████ that Officer Brooks:</p> <ol style="list-style-type: none"> <li>1. Did not record a law-enforcement-related encounter with ██████████ by activating his body-worn camera, in violation of Rules 2, 3, and 10, and;</li> <li>2. Engaged in an unjustified physical altercation with ██████████ by pushing ██████████ in violation of Rules 1, 2, 3, 6, 8, and 9, and;</li> <li>3. Engaged in an unjustified verbal altercation with ██████████ by saying words to the effect of “That’s how you know you ain’t on shit,” in violation of Rules 2, 3, 8, and 9, and;</li> </ol>	<p>Sustained</p> <p>Sustained</p> <p>Exonerated</p>

<sup>47</sup> See RULES AND REGULATIONS OF THE CHICAGO POLICE DEPARTMENT art. IV.B.

Officer Baker	Mohammad	<p>4. Did not identify himself by providing his star number when requested by a private citizen, ██████████ in violation of Rules 2, 3, and 37.</p>	Sustained
		<p>It is alleged that on July 2, 2017, at approximately 12:45 A.M., near ██████████ that Officer Baker:</p>	
		<p>1. Did not fully record a law-enforcement-related encounter with ██████████ when he did not activate his body-worn-camera at the beginning of the encounter and when he deactivated his body-worn-camera without capturing the entire encounter, in violation of Rules 2, 3, and 10, and;</p>	Sustained
		<p>2. Did not notify a supervisory member or prepare a written report to his unit commanding officer when he observed Police Officer Edward Brooks engage in misconduct when Officer Brooks pushed ██████████ without justification, in violation of Rules 2, 3, 5, 6, 10, and 22, and;</p>	Sustained
		<p>3. Engaged in an unjustified verbal altercation with ██████████ by saying words to the effect of “You talking to me like you’re gonna do something; do something,” and “You ain’t on shit, man,” in violations of Rules 2, 3, 8, and 9.</p>	Sustained
Officer Jackson	Solodine	<p>It is alleged that on July 2, 2017, at approximately 12:45 A.M., near ██████████ that Officer Jackson:</p>	
		<p>1. Did not fully record a law-enforcement-related encounter with ██████████ when he did not activate his body-worn-camera at the beginning of the encounter and he deactivated his body-worn-camera without capturing the entire encounter, in violation of Rules 2, 3, and 10, and;</p>	Sustained
		<p>2. Did not notify a supervisory member or prepare a written report to his unit commanding officer when he observed Police Officer Edward Brooks engage in misconduct when Officer Brooks pushed ██████████ without justification, in violation of Rules 2, 3, 5, 6, 10, and 22, and;</p>	Sustained

Sergeant Abel Orozco	<p>3. Did not identify himself by providing his star number when requested by a private citizen, ██████████ in violation of Rules 2, 3, and 37.</p>	Sustained
	<p>It is alleged that on July 2, 2017, at approximately 1:00 a.m., while on duty in the Fourth District, that Sgt. Orozco:</p>	
	<p>1. Did not document statements made to him by Police Officer Edward Brooks related to Officer Brooks’s misconduct while he was conducting the preliminary investigation regarding the initiation of Lot Number 1085783, in violation of Rules 2, 3, 5, 10, and 11, and;</p>	Sustained
	<p>2. Did not direct Police Officer Edward Brooks to document the force that he used against ██████████ after Officer Brooks told Sgt. Orozco that he had pushed ██████████ in violation of Rules 2, 3, 5, and 10, and;</p>	Sustained
	<p>3. Did not document statements to him by Police Officer Solodine Jackson related to Officer Jackson’s observations of Police Officer Edward Brooks’s misconduct while Sgt. Orozco was conducting the preliminary investigation regarding the initiation of log Number 1085783, in violation of Rules 2, 3, 5, 10, and 11, and;</p>	Sustained
	<p>4. Did not direct Police Officer Solodine Jackson to prepare a written report regarding Officer Jackson’s knowledge of the circumstances relating to the misconduct of Police Officer Edward Brooks after Officer Jackson told Sgt. Orozco that he had witnessed the misconduct of Officer Brooks, in violation of Rules 2, 3, 5, and 10, and;</p>	Sustained
<p>5. Did not document statements made to him by Police Officer Mohammed Baker related to Officer Baker’s observations of Police Officer Edward Brooks’s misconduct while Sgt. Orozco was conducting the preliminary investigation regarding the initiation of Log Number 1085783, in violation of Rules 2, 3, 5, 10, and 11, and;</p>	Sustained	
<p>6. Did not direct Police Officer Mohammad Baker to prepare a written report regarding Officer Baker’s</p>		

knowledge of the circumstances relating to the misconduct of Police Officer Edward Brooks after Officer Baker told Sgt. Orozco that he had witnessed the misconduct of Officer Brooks, in violation of Rules 2, 3, 5, and 10.	Sustained
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Approved:



Erica Sangster  
*Acting Deputy Chief Administrator*

Date

8/13/2018



Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	15
<b>Investigator:</b>	Greg Masters
<b>Supervising Investigator:</b>	Anthony Becknek
<b>Acting Deputy Chief Administrator:</b>	Erica Sangster

**Appendix B**

## Applicable Rules and Law

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**Rules**

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**1. Rules and Regulations of the Chicago Police Department**

**Article IV, titled, “Regulations Establishing the Duties of Members,” of the Rules and Regulations of the Chicago Police Department provides the following requirements for supervisory members:**

Supervisory members will be responsible for adherence to the Department’s Rules, Regulations, Policies, Orders and Procedures. They are responsible and accountable for the maintenance of discipline and will provide leadership, supervision and continuing training and example to ensure the efficiency of unit operations. They have the responsibility to influence subordinate members and to motivate them to perform at a high level of efficiency. They have the responsibility for the performance of all subordinates placed under them and while they can delegate authority and functions to subordinates, they cannot delegate responsibility. They remain answerable and accountable for failures or inadequacies on the part of their subordinates.

**Article V, titled, “Rules of Conduct,” of the Rules and Regulations of the Chicago Police Department lists the following prohibited acts:**

Rule 1: Violation of any law or ordinance.

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Comment: 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 Department 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 of 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.

Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.

Comment: 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.

Rule 5: Failure to perform any duty.

Rule 6: Disobedience of an order or directive, whether written or oral.

Comment: 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.

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.

Comment: 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.

Rule 10: Inattention to duty.

Rule 11: Incompetency or inefficiency in the performance of duty.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

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## General Orders

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### **1. General Order G03-02, Use of Force Guidelines**

Section III.A of this order provides, in part: "When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances . . . ."

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

Section II.D of this order provides: "Members will maintain a courteous and professional demeanor when dealing with the public."

**3. General Order G08-01-02, Specific Responsibilities Regarding Allegations of Misconduct**

Section II.B.1 of this order provides: "When misconduct is observed or an allegation of misconduct is received by a non-supervisory member, the member will immediately notify a supervisory member and prepare a written report to their unit commanding officer containing the information received, observations made, and any action taken."

Section II.B.2 of this order provides: "When misconduct is observed or an allegation of misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation in accordance with this and other directives without looking to higher authority for such action."

Section II.B.3 of this order provides:

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 COPA, 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).

NOTE: This does not apply to transgressions for which summary punishment may be administered.

b. record 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.

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**Special Orders**

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**1. Special Order S03-14, Body Worn Cameras**

Section II.A.1 of this order provides: "The decision to electronically record a law-enforcement-related-encounter is mandatory, not discretionary, except where specifically indicated."

Section II.A.2 of this order provides, in part: "The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-

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enforcement related activities. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical.”

A bold-face note at the bottom of Section II.A states, “Sworn members will not unreasonably endanger themselves or another person to conform to the provisions of this directive.”

Section II.B.1.a of this order provides, in part:

The Department member will not deactivate event mode unless:

a. the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity;

For the purpose of deactivation of BWCs, the Department has identified the following circumstances as the conclusion of a law-enforcement-related activity:

(1) the member has cleared the assignment;

(2) the member leaves the scene of the incident; . . . .

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State Laws

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### **1. 50 ILCS 706/10, Law Enforcement Officer-Worn Body Camera Act**

Section 10-20(a)(3) of this statute provides, in part, the following requirements for activation of officer-worn body cameras:

Cameras must be turned on at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity, that occurs while the officer is on duty.

(A) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

(B) Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera; however, the officer must turn on the camera upon exiting the patrol vehicle for law enforcement-related encounters.