

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 4, 2017
Time of Incident:	8:04 PM
Location of Incident:	██████████
Date of COPA Notification:	August 7, 2017
Time of COPA Notification:	2:42 PM

The complainant, ██████████ (Mr. ██████████) related that on August 4, 2017, his ██████████ Officer David Brown (Officer Brown), hit Mr. ██████████ body and slapped his face. Mr. ██████████ went to the hospital and Officer Brown was arrested. After reviewing available records and conducting interviews, COPA recommends the allegations be Sustained. The findings are further discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1:	David Brown, Star #8220, Employee ID # ██████████ Date of Appointment: December 22, 1986, Police Officer, Unit 169 (Police Documents Section), Date of Birth: ██████████ ██████████ 1962, Male, Black
Involved Individual #1:	██████████ Date of Birth: ██████████ ██████████ 1997, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer David Brown	1. On August 4, 2017 at approximately 8:04 PM at ██████████, Officer Brown struck the Complainant ██████████ (██████████ of the Accused) about his body multiple times with a closed fist causing injury, in violation of Rule 1 and Rule 9.	Sustained

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

2. Struck the Complainant about his face with an open hand causing pain, in violation of Rule 1 and Rule 9.	Sustained
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IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Prohibits violation of any law or ordinance.
 2. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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State Laws

1. **720 ILCS 5.0/12-3.2-A-2:** Domestic Battery – Physical Contact.

V. INVESTIGATION²

a. Interviews

The complainant, ██████████ was interviewed on August 5, 2017.³ Mr. ██████████ related that on August 4, 2017, he was at his ██████████ home at ██████████. His ██████████ Officer David Brown, came home, opened the refrigerator, and started yelling at Mr. ██████████. The two men argued, and Officer Brown complained Mr. ██████████ kept food at the officer's home. Officer Brown asked Mr. ██████████ for his keys to ██████████, as Mr. ██████████ had been staying at his ██████████ home. Mr. ██████████ went upstairs to get the keys, called his ██████████ and threatened to kill himself. Officer Brown followed Mr. ██████████ upstairs and began punching Mr. ██████████ about the face and ribs. Officer Brown repeatedly hit Mr. ██████████ face and chest and called him names. Officer Brown also choked his ██████████. Mr. ██████████ denied touching his ██████████. The altercation last about 15 minutes. The altercation ended with Officer Brown going downstairs. Mr. ██████████ began throwing up blood. Mr. ██████████ stated ██████████ was on the phone this whole time, but the phone was knocked out of his hands. ██████████ called the police and officers arrived 10 – 15 minutes after the altercation ended. The officers called Mr. ██████████ an ambulance and he went to Metro South Hospital. Per Mr. ██████████ this was the only time something like the occurred with his ██████████ and they previously had a good relationship.

Damarione Brown was interviewed again on September 14, 2017 and related largely the same facts from his first statement.⁴ Mr. ██████████ added that on August 6, 2017, he had an encounter with his ██████████ at a Resurrection Lutheran Church picnic at 9349 S. Wentworth.

Officer David Brown was interviewed by COPA on March 1, 2018.⁵ Prior to August 4, 2017, Mr. ██████████ had been living with Officer Brown for about one month. On August 4, 2017, Officer Brown came home and smelled natural gas. Officer Brown saw the stove was on, turned it off, opened a window, and woke up Mr. ██████████. Officer Brown believed his ██████████ was on drugs. Officer Brown asked Mr. ██████████ for his keys. Mr. ██████████ became upset, went upstairs, threatened to kill himself, and threw his keys at his ██████████. Officer Brown asserted the initial verbal altercation was about Mr. ██████████ leaving the stove on and the officer asking for the keys. Officer Brown followed his ██████████ upstairs and Mr. ██████████ swung at Officer Brown. Mr. ██████████ ran into his bedroom, jumped on the bed, continued to threaten suicide, and called his ██████████. Officer Brown told his ██████████ "If you want to get out, you can leave."⁶

Per Officer Brown, Mr. ██████████ made multiple suicide threats during the incident. Officer Brown then used a pressure point tactic to subdue Mr. ██████████. Officer Brown elaborated that Mr. ██████████ was standing on the bed and therefore elevated. Officer Brown held Mr. ██████████ thyroid with his right hand and swept Mr. ██████████ legs with his left hand, to get Mr. ██████████ down onto the bed. Officer Brown then had his forearm on the bed and he was bent over and holding Mr.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 4

⁴ Att. 20

⁵ Atts. 31, 54

⁶ Approximately 6:55 minute mark of Att. 31.

█████ down. Mr. █████ again started swinging at Officer Brown and trying to get loose. Mr. █████ was crying and telling his █████ to release him. Officer Brown punched Mr. █████ in the mid-section three or four times. Officer Brown related every time Mr. █████ swung at him, he swung back. Officer Brown hit Mr. █████ with his right hand and held him down with his left hand. Officer Brown released his █████ Mr. █████ then got ready to spit on Officer Brown, so the officer responded by open-hand slapping his █████ across his jawline. Mr. █████ spoke with his █████ and Officer Brown walked downstairs. Officer Brown estimated the incident lasted approximately three minutes. Officer Brown stated this was his first physical altercation with Mr. █████ Police arrived, and Mr. █████ went to the hospital. Officer Brown had never heard Mr. █████ express suicidal ideation prior to this incident. However, █████ had previously called Officer Brown because Mr. █████ threatened to kill himself.

COPA interviewed █████ on September 8, 2017.⁷ According to █████ on August 4, 2017, her █████ (Mr. █████ called her. Mr. █████ was at Officer Brown's home. █████ and Officer Brown are █████. Mr. █████ was hysterical and wanted someone to pick him up. Mr. █████ related Officer Brown was mad █████ had too much food in the home. █████ could hear Officer Brown stating, "c'mon mother fucker," in the background.⁸ █████ told her █████ to pack up his things and she would find someone to get him. Mr. █████ told █████ he wanted to die. Per █████ the background noise got worse and Officer Brown became more violent. █████ could hear punching noises through the phone and Officer Brown cussing. █████ went to the register at the store she was at and asked the clerks calls 911 while █████ was on speaker phone with Mr. █████ Mr. █████ did not speak for a while and █████ heard fighting. Mr. █████ eventually stated Officer Brown hit his chest and Mr. █████ was spitting up blood and bleeding from the mouth. When police arrived, they told Mr. █████ to hang up the phone and the call ended.

COPA interviewed **Officer Horace Jackson** on February 14, 2018.⁹ Officer Jackson responded to █████ on August 4, 2017, after a sergeant called for an assist car. A sergeant told the officers there was a domestic incident involving a police officer. A second sergeant was inside the residence. Officer Jackson spoke with Mr. █████ and asked if he needed medical care. Mr. █████ said yes, and the officers called for an ambulance. The officers followed the ambulance to the hospital. Once at the hospital, the officers asked Mr. █████ if wanted to sign complaints and he said yes. The sergeants then came to the hospital. Officer Jackson believed the sergeants also asked Mr. █████ if he wanted to sign complaints and Mr. █████ again said yes. The officers returned to █████ and placed Officer Brown in custody.

Officer Mario Cicena was interviewed by COPA on February 14, 2018.¹⁰ On August 4, 2017, Officer Cicena was dispatched █████. When he arrived, there were two sergeants present. EMS was called after Mr. █████ said he was battered. Officer Cicena, and the other Department members, followed the ambulance to the hospital and Officer Brown was left at his home. Once at the hospital, Mr. █████ wanted to sign complaints. The sergeants instructed Officer Cicena and his partner to return to █████ and arrest Officer Brown.

⁷ Att. 37

⁸ Approximately 3:15 minute mark of Att. 37.

⁹ Att. 32

¹⁰ Att. 33

b. Digital Evidence

Requests to CPD for relevant **Body Worn Camera** and **In Car Camera** footage was met with negative results.¹¹ Note that the 5th District was not assigned Body Worn Cameras until November 20, 2017.

Evidence Technician photos were taken of Mr. [REDACTED] on August 5, 2017.¹² The photos included photos of Mr. [REDACTED] left side and face. There appear to be marks, possibly bruises, on Mr. [REDACTED] torso, an example of which is included below.



c. Physical Evidence

Mr. [REDACTED] **Medical Records** were obtained from his August 4, 2017 treatment at Metro South Hospital.¹³ Mr. [REDACTED] was admitted at about 8:47 PM with a diagnosis of assault. Mr. [REDACTED] stated he was “hit in the face and ribs just prior to arrival with a fist.” Mr. [REDACTED] denied nausea and vomiting to medical staff. Rib tenderness and slight redness were reported. Mr. [REDACTED] was discharged on August 5, 2017 at about 12:16 AM, with prescriptions for a pain killer and a muscle relaxant. Mr. [REDACTED] discharge diagnosis was assault, contusion, and muscle strain.

d. Documentary Evidence

Officer Brown’s **Arrest Report** from August 4, 2017 was obtained with **RD #** [REDACTED]. Officer Brown was arrested for misdemeanor domestic battery – physical contact. Per this report,

¹¹ Atts. 43, 46

¹² Att. 26

¹³ Att. 19

¹⁴ Att. 8

Mr. [REDACTED] and Officer Brown had “a verbal argument regarding food in the refrigerator” followed by Officer Brown striking Mr. [REDACTED] “about the body multiple times with a closed fist and about the face with an open hand.” Mr. [REDACTED] reportedly had “contusions to the left side of the body.”

An **Original Case Incident Report** was obtained for **RD #JA377526**.¹⁵ Mr. [REDACTED] and Officer Brown “had a verbal altercation that escalated into a physical altercation.” Emergency Medical Services responded and took Mr. [REDACTED] to Metro South Hospital after he “complained of severe pain to his mid-section.” Once at the hospital, Mr. [REDACTED] told responding officers his [REDACTED] became upset that Mr. [REDACTED] put food in Officer Brown’s refrigerator. Mr. [REDACTED] told Officer Brown he wanted to kill himself, upsetting Officer Brown. Officer Brown proceeded to punch Mr. [REDACTED] body “multiple times” and slapped Mr. [REDACTED] face. Per Officer Brown, after Mr. [REDACTED] said he wanted to kill himself, he followed his [REDACTED] upstairs to Mr. [REDACTED] bedroom. Mr. [REDACTED] tried to punch Officer Brown, who evaded the punch. Officer Brown restrained his [REDACTED] and punched Mr. [REDACTED] Officer Brown was arrested and transported to the 5th District.

A **Case Supplementary Report** was obtained for **RD # [REDACTED]** No additional, pertinent information was included in this document.

The following **Office of Emergency Management and Communications Event Query Reports** were obtained.

- **Event Number [REDACTED]** was initiated at about 8:04 PM after [REDACTED] reported a domestic battery at [REDACTED].¹⁷ [REDACTED] stated her [REDACTED] was fighting with his [REDACTED] an off-duty police officer. [REDACTED] related Officer Brown had guns in the home. Several beats responded and Beat 505 went to Metro South Hospital at about 8:45 PM. **Audio** was also obtained from [REDACTED] call to 911.¹⁸ [REDACTED] stated an off-duty police officer (Officer Brown) assaulted his [REDACTED] (Mr. [REDACTED] [REDACTED] appeared to be on the phone with Mr. [REDACTED] during the call and was asking him questions.
- **Event Number [REDACTED]** initiated at about 8:16 PM when EMS was requested at [REDACTED].¹⁹ Mr. [REDACTED] stated he had stomach pain.
- **Event Number [REDACTED]** was initiated at approximately 10:38 PM.²⁰ [REDACTED] requested photos of Mr. [REDACTED] stomach and ribs.

Commander Varrick Douglas submitted an **Initiation Report** on August 4, 2017.²¹ Per this report, Mr. [REDACTED] told a sergeant that Officer Brown hit him during a “domestic disturbance.” Officer Brown reportedly hit Mr. [REDACTED] “about the body multiple times with a closed hand and

¹⁵ Att. 13

¹⁶ Att. 7

¹⁷ Atts. 9, 39

¹⁸ Att. 51

¹⁹ Att. 38

²⁰ Att. 10

²¹ Att. 14

struck the complainant multiple times about the face with an opened hand, causing pain.” Mr. [REDACTED] wanted to “pursue charges and sign complaints for domestic battery.” Mr. [REDACTED] [REDACTED] told a sergeant that Mr. [REDACTED] “had previous injuries to his ribs from a previous fall.”

A **Bureau of Internal Affairs (BIA) Synoptic Report** was completed for Officer Brown’s arrest.²² Sergeant Jesse Carreno spoke with Mr. [REDACTED] Mr. [REDACTED] told the sergeant “that after having a verbal dispute with his [REDACTED] Officer Brown “struck the complainant about his face with an open hand and punched him about his body with a closed hand causing pain to his body.” Mr. [REDACTED] received medical treatment at Metro South Hospital. Following this incident, Officer Brown was relieved “of his police powers, due to him being arrested.”

CPD completed a **Notification of Duty Restrictions** for Officer Brown on August 5, 2017.²³ Officer Brown was given several restrictions including to “not carry a firearm or any other weapon.” Officer Brown was also required to surrender his CPD star, shield, ID Card” to the BIA.

Similarly, an **Equipment Transaction Receipt** was provided for Officer Brown.²⁴ Officer Brown was ordered to present his temporary ID Card and shield to BIA on August 7, 2017.

A docket was obtained through the Cook County Clerk of the Circuit Court stemming from Officer Brown’s August 4, 2017 with **Case Number 17DV [REDACTED]**.²⁵ Officer Brown was charged with domestic battery physical on August 5, 2017. After a bench trial, Officer Brown pleaded and was found not guilty on August 24, 2018.

VI. ANALYSIS

Allegation 1 and 2 against Officer Brown, that he struck Mr. [REDACTED] about his body multiple times with a closed fist causing injury and about his face with an open hand causing pain, are both **Sustained**.

Officer Brown acknowledged he punched Mr. [REDACTED] torso and slapped his face. Officer Brown related he punched Mr. [REDACTED] because Mr. [REDACTED] was swinging at his [REDACTED] while the officer held Mr. [REDACTED] down. Officer Brown also stated he slapped Mr. [REDACTED] face to prevent Mr. [REDACTED] from spitting on the officer. However, prior to this part of the incident, Mr. [REDACTED] walked away from his [REDACTED] Instead of ending the argument, Officer Brown followed his [REDACTED] upstairs and physical detained him by grabbing his throat, sweeping his legs, and holding him down. Officer Brown intentionally engaged Mr. [REDACTED] by entering his room, sweeping his leg, using pressure points and punching Mr. [REDACTED] Therefore, the allegations are sustained.

²² Att. 17

²³ Att. 12

²⁴ Att. 18

²⁵ Att. 53

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Brown, Star No. 8220

i. Complimentary and Disciplinary History

COPA has reviewed and considered Officer Brown’s complimentary and disciplinary history.

Officer Brown’s complimentary history consists of the following: 1 Democratic National Convention Award; 2 Attendance Recognition Award; 1 Presidential Election Deployment Award 2008; 10 Emblem of Recognition – Physical Fitness; 1 2004 Crime Reduction Ribbon; 18 Honorable Mentions; 2 Complimentary Letters; 1 Nato Summit Service Award; 1 2009 Crime Reduction Award.

Officer Brown’s disciplinary history does not contain any sustained allegations of misconduct.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

Officer Brown admitted that after his [REDACTED] went into his room, Officer Brown pursued him, swept his leg, applied a pressure point to his neck and punched Mr. [REDACTED] in his body. Officer Brown offered that he did so because Mr. [REDACTED] was jumping on the bed threatening to kill himself. Regardless of the motives, Officer Brown was not justified in using corporal punishment on his [REDACTED] While COPA acknowledges that when the argument began, by both accounts, Mr. [REDACTED] was mutually combative. However, it is uncontested that Mr. [REDACTED] retreated to his room when the violence escalated. Based on the severity of the injury and the nature of the conduct COPA recommends a 15 day suspension.

2. Allegation No. 1

Allegation 2 is substantially similar and occurred in the same course of conduct as allegation 1. Based on the severity of the injury and the nature of the conduct COPA recommends a 15 day suspension.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer David Brown	1. Struck the Complainant [REDACTED] ([REDACTED] of the Accused) about his body multiple times with a closed fist causing injury, in violation of Rule 1 and Rule 9.	Sustained

	2. Struck the Complainant about his face with an open hand causing pain, in violation of Rule 1 and Rule 9.	Sustained
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Approved:



Andrea Kersten
Deputy Chief Administrator – Chief Investigator

12/20/2018

Date

Appendix A

Assigned Investigative Staff

Squad#:	Four
Investigator:	Kelsey Fitzpatrick, #61
Supervising Investigator:	James Murphy-Aguilu, #19
Deputy Chief Administrator:	Andrea Kersten, #7