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

### 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		
Mr. went to the hos	d Brown spital and rs, COPA nalysis po	-	and slapped his face. ving available records	
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,	
III. ALLEGATIO	ONS			
Officer	Allegati	ion	Finding/ Recommendation	
Officer David Brown	Complainthe Accu	used) about his body multiple times with fist causing injury, in violation of Rule	Sustained	

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

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

#### IV. APPLICABLE RULES AND LAWS

### Rules

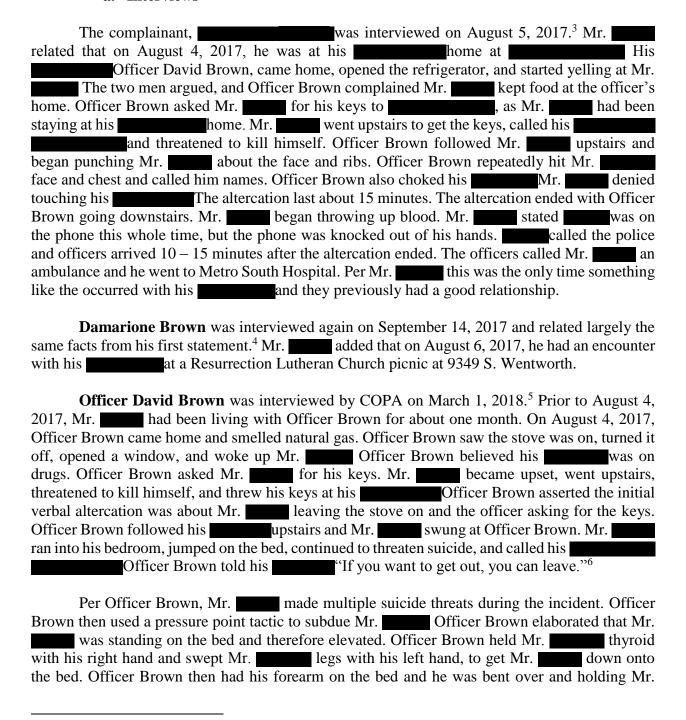
- 1. **Rule 1**: Prohibits violation of any law or ordinance.
- 2. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

### State Laws

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

### V. INVESTIGATION<sup>2</sup>

#### a. Interviews



<sup>&</sup>lt;sup>2</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>&</sup>lt;sup>3</sup> Att. 4

<sup>&</sup>lt;sup>4</sup> Att. 20

<sup>&</sup>lt;sup>5</sup> Atts. 31, 54

<sup>&</sup>lt;sup>6</sup> 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. According to on August 4, 2017, her (Mr. called her. Mr. was at Officer Brown's home. and Officer Brown are had too much food in the home. could hear Officer Brown stating, "c'mon mother fucker," in the background. It 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 <b>Officer Horace Jackson</b> on February 14, 2018. 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.
<b>Officer Mario Cicena</b> was interviewed by COPA on February 14, 2018. On August 4, 2017, Officer Cicena was dispatched was battered. 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.

<sup>&</sup>lt;sup>7</sup> Att. 37

<sup>8</sup> Approximately 3:15 minute mark of Att. 37.

<sup>9</sup> Att. 32

<sup>10</sup> Att. 33

### b. Digital Evidence

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

**Evidence Technician photos** were taken of Mr. on August 5, 2017.<sup>12</sup> The photos included photos of Mr. left side and face. There appear to be marks, possibly bruises, on Mr. torso, an example of which is included below.



### c. Physical Evidence

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

#### d. Documentary Evidence

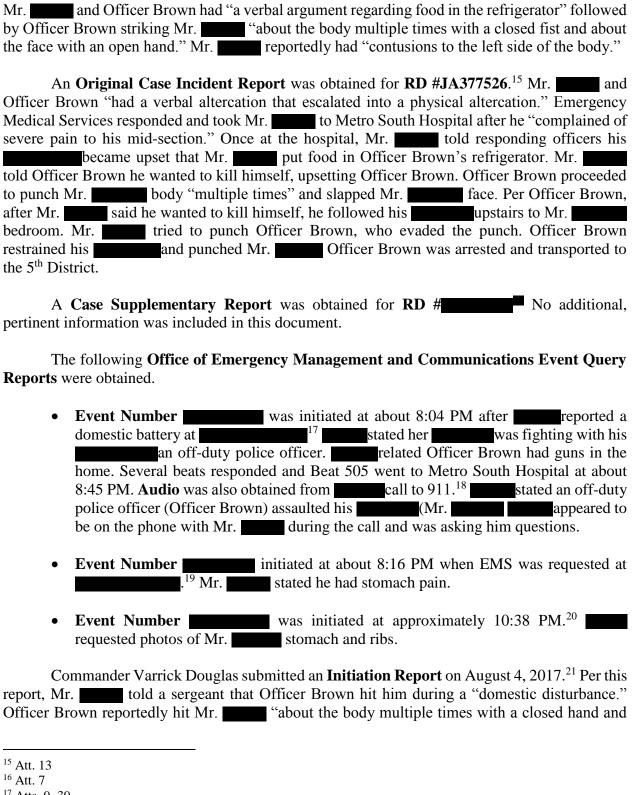
Officer Brown's **Arrest Report** from August 4, 2017 was obtained with **RD** # Officer Brown was arrested for misdemeanor domestic battery – physical contact. Per this report,

<sup>&</sup>lt;sup>11</sup> Atts. 43, 46

<sup>&</sup>lt;sup>12</sup> Att. 26

<sup>&</sup>lt;sup>13</sup> Att. 19

<sup>&</sup>lt;sup>14</sup> Att. 8



<sup>&</sup>lt;sup>17</sup> Atts. 9, 39

<sup>&</sup>lt;sup>18</sup> Att. 51

<sup>&</sup>lt;sup>19</sup> Att. 38

<sup>&</sup>lt;sup>20</sup> Att. 10

<sup>&</sup>lt;sup>21</sup> Att. 14

struck the complainant multiple times about the face with an opened hand, causing pain." Mr. wanted to "pursue charges and sign complaints for domestic battery." Mr. told a sergeant that Mr. "had previous injuries to his ribs from a previous fall."
A <b>Bureau of Internal Affairs (BIA) Synoptic Report</b> was completed for Officer Brown's arrest. <sup>22</sup> Sergeant Jesse Carreno spoke with Mr. Mr. Mr. Mr. told the sergeant "that after having a verbal dispute with his 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. 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 <b>Notification of Duty Restrictions</b> for Officer Brown on August 5, 2017. <sup>23</sup> 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 <b>Equipment Transaction Receipt</b> was provided for Officer Brown. <sup>24</sup> 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 <b>Case Number 17DV</b> . 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. about his body multiple times with a closed fist causing injury and about his face with an open hand causing pain, are both <b>Sustained</b> .
Officer Brown acknowledged he punched Mr. was swinging at his while the officer held Mr. down. Officer Brown also stated he slapped Mr. face to prevent Mr. from spitting on the officer. However, prior to this part of the incident, Mr. walked away from his Instead of ending the argument, Officer Brown followed his upstairs and physical detained him by grabbing his throat, sweeping his legs, and holding him down. Officer Brown intentionally engaged Mr. by entering his room, sweeping his leg, using pressure points and punching Mr. Therefore, the allegations are sustained.

<sup>&</sup>lt;sup>22</sup> Att. 17 <sup>23</sup> Att. 12 <sup>24</sup> Att. 18 <sup>25</sup> 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 went into his room, Officer Brown pursued him, swept his leg, applied a pressure point to his neck and punched Mr. in his body. Officer Brown offered that he did so because Mr. was jumping on the bed threatening to kill himself. Regardless of the motives, Officer Brown was not justified in using corporal punishment on his while COPA acknowledges that when the argument began, by both accounts, Mr. was mutually combative. However, it is uncontested that Mr. 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.

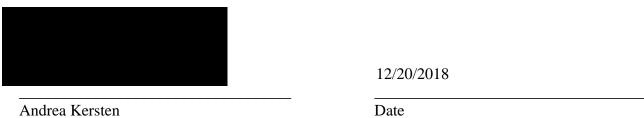
#### VIII. CONCLUSION

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

Officer Allegation		Finding Recommendation	/	
Officer Brown	David	1. 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	

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

Approved:



Andrea Kersten

Deputy Chief Administrator – Chief Investigator

# Appendix A

Assigned Investigative Staff

Squad#:FourInvestigator:Kelsey Fitzpatrick, #61Supervising Investigator:James Murphy-Aguilu, #19

**Deputy Chief Administrator:** Andrea Kersten, #7