

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident 1:	January 7, 2019
Time of Incident 1:	7:40 p.m.
Location of Incident 1:	6700 S. Cottage Grove
Date of Incident 2:	January 7, 2019
Time of Incident 2:	8:00 p.m.
Location of Incident 2:	7040 S. Cottage Grove
Date of COPA Notification:	January 8, 2019
Time of COPA Notification:	2:59 p.m.

This investigation into the misconduct of the involved Department members began on January 7, 2019, when [REDACTED] initiated this complaint via the web.¹ [REDACTED] was at Citgo gas station when he observed Sgt. Cornelius Brown and members of his Tactical Team detaining two subjects. [REDACTED] began recording the incident on his cellphone. In response, Sgt. Brown and Officers DeLeon and Alvarez told [REDACTED] to leave the gas station premises. When [REDACTED] refused to stop recording and/or leave the gas station, the involved Department members handcuffed and detained [REDACTED] for purportedly trespassing on private property. COPA finds that the Department members' actions were improper and in violation of Department policy.

II. INVOLVED PARTIES

Involved Officer #1:	Cornelius Brown, star# 2235, employee ID# [REDACTED]; Date of Appointment: August 1, 1994; Sergeant; Unit of Assignment: 145; Male; Black
Involved Officer #2:	Emilio DeLeon, star# 16360, employee ID# [REDACTED]; Date of Appointment: August 25, 2014; Police Officer; Unit of Assignment: 003/189; Male; Hispanic
Involved Officer #3:	David Alvarez Jr., star# 16131, employee ID# [REDACTED]; Date of Appointment: August 25, 2014; Police Officer; Unit of Assignment: 003/189; Male; Hispanic
Involved Individual #1:	[REDACTED] Male; Black

¹ Attachment 14

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Cornelius Brown	It is alleged that on or about January 7, 2019, at approximately 7:40 p.m., in the vicinity of 6700 S. Cottage Grove, Sergeant Brown committed misconduct through the following acts or omissions by	
	1. Unlawfully stopping ██████████ from recording a public police interaction;	Sustained
	2. Detaining ██████████ without justification;	Sustained
	3. Bumping into ██████████	Sustained
	4. Failing to activate his Body Worn Camera during his encounter with ██████████ in violation of Special Order S03-14; and	Sustained
	5. Directing profanity at ██████████ in that he referred to him as a “motherfucker.”	Sustained
	<p style="text-align: center;"><u>Incident 2</u></p> It is alleged that on or about January 7, 2019, at approximately 8:00 p.m., in the vicinity of 7040 S. Cottage Grove, Sergeant Brown committed misconduct through the following acts or omissions by	
6. Failing to provide ██████████ with his name and star number upon request; and	Sustained	
7. Threatening to arrest ██████████ for trespassing without justification.	Sustained	
Officer Emilio DeLeon	It is alleged that on or about January 7, 2019, at approximately 7:40 p.m., in the vicinity of 6700 S. Cottage Grove, Officer DeLeon committed misconduct through the following acts or omissions by	
	1. Unlawfully stopping ██████████ from recording a public police interaction;	Sustained
	2. Detaining ██████████ without justification; and	Sustained
3. Failing to activate his Body Worn Camera during his encounter with ██████████ in violation of Special Order S03-14.	Unfounded	

Officer David Alvarez Jr.	It is alleged that on or about January 7, 2019, at approximately 7:40 p.m., in the vicinity of 6700 S. Cottage Grove, Officer Alvarez committed misconduct through the following acts or omissions by	
	1. unlawfully stopping [REDACTED] from recording a public police interaction;	Sustained
	2. Detaining [REDACTED] without justification; and	Sustained
	3. Failing to activate his Body Worn Camera during his encounter with [REDACTED] in violation of Special Order S03-14.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 3: Any failure to promote the Department’s efforts to implements its policy or accomplish its goals.
3. Rule 6: Disobedience of an order or directive, whether written or oral.
4. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
5. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
6. 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.

General Orders

1. G02-01: Human Rights and Human Resources (eff. October 5, 2017).

Special Orders

1. S03-14: Body Worn Cameras (eff. April 30, 2018).
2. S02-03-09: Trespass Affidavit Program (eff. April 18, 2016).
3. S04-13-09: Investigatory Stop System (eff. July 10, 2017).

Federal Laws

1. First Amendment to the United States Constitution: Guarantees the right to free speech and freedom of the press.
2. Fourth Amendment to the United States Constitution: Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

State Laws

1. Illinois Compiled Statute: 720 ILCS 5/14-2(e)

V. INVESTIGATION²

a. Interviews

In a statement to COPA³ on January 9, 2019, ██████████ said he was at Citgo gas station when multiple officers and a sergeant arrived and detained two men for presumably selling loose cigarettes. ██████████ began recording the interaction on his cellphone.⁴ He was approximately 75 – 100 feet from the officers and did not believe they noticed him. Moments later, an unmarked squad car occupied by two officers, now identified as Officers DeLeon and Alvarez, pulled into the gas station lot. Officers DeLeon and Alvarez exited the vehicle and told ██████████ he could not record and had to leave, adding that ██████████ was on private property and there was a trespassing complaint. ██████████ told the officers he was purchasing gas and his car was at the pump. The officers urged ██████████ to pump his gas and reiterated that he could not videotape. ██████████ replied that he could. The officers told ██████████ to leave or they would arrest him. ██████████ told the officers to call their sergeant. Sgt. Brown then approached ██████████ and told him he was on private property and had to leave. ██████████ told Sgt. Brown he was a paying customer, pointed out his car, and said he was only videotaping. Sgt. Brown told ██████████ to leave or be arrested. ██████████ repeated that his car was at the pump. Sgt. Brown told ██████████ he was under arrest and to place his hands behind his back. ██████████ complied and Officers DeLeon and Alvarez handcuffed him. Sgt. Brown bumped into ██████████ and accused ██████████ of bumping into him. ██████████ told Sgt. Brown it was impossible for him to bump into him (Sgt. Brown) as Officers DeLeon and Alvarez had control of ██████████.⁵ ██████████ asked Sgt. Brown if his Body Worn Camera was on; Sgt. Brown said it was.

The officers ran ██████████ name and searched him. They discovered that ██████████ had a Conceal Carry License and asked him if he was armed. ██████████ told the officers he was armed, and his firearm was in his front breast pocket. The officers retrieved and unloaded the weapon. An officer went into the gas station to get a signed complaint for trespassing, but the gas station attendant said he had no issues with ██████████. Sgt. Brown and the officers released ██████████ and returned his weapon. Shortly after his release, ██████████ went to the 71st Street police station⁶ to file a report. Sgt. Brown entered the lobby and ██████████ requested his badge number. Sgt. Brown refused to provide his badge number and told ██████████ he would arrest him for trespassing if he did not leave the station. ██████████ left, went home and later made a report.

In a statement to COPA⁷ on October 20, 2021, **Officer David Alvarez** said he received a dispatch call of a robbery at Citgo gas station. He and Officer DeLeon arrived at the location and observed other officers⁸ detaining possible offenders from the robbery. Officer Alvarez observed

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 Attachments 16, 49

⁴ ██████████ said he routinely records police interactions, specifically involving African American subjects, so there is a record if things go awry.

⁵ ██████████ asked Sgt. Brown if he was trying to trump up charges on him.

⁶ 003rd District

⁷ Attachments 28, 50

⁸ He did not remember who they were.

██████████ walking at a fast pace toward the officers and detainees. Officer Alvarez asked ██████████ to step back. ██████████ stopped walking and informed Officer Alvarez he was recording. Officer Alvarez told ██████████ to continue recording but step back. ██████████ replied that he was on public property. Sgt. Brown intervened and told ██████████ to step back. ██████████ refused and kept recording. Officer Alvarez said he, Officer DeLeon and Sgt. Brown gave ██████████ three orders to leave the lot and step onto the sidewalk because he was trespassing on private property. Officer Alvarez said no one at the gas station made a complaint specific to ██████████ however, the Citgo gas station is part of the Trespass Affidavit Program,⁹ and ██████████ was trespassing. The officers handcuffed ██████████ and completed an Investigatory Stop. ██████████ told the officers he was pumping gas, but they never saw him near a vehicle. Officer Alvarez said he did not recall himself, Officer DeLeon or Sgt. Brown telling ██████████ to stop recording.

Officer Alvarez said he attempted to activate his Body Worn Camera during this incident. He recalled tapping the camera to activate it and hearing a beep, but he never looked to confirm that it was on. He later realized the beep he heard was from Officer DeLeon's camera.

In a statement to COPA¹⁰ on October 21, 2021, **Officer Emilio DeLeon** said when he and Officer Alvarez arrived on scene, ██████████ was standing approximately 25 feet from the officers and detainees, at the north side of the gas station entrance. ██████████ was trying to get better video of the officers and detainees. Officer DeLeon said it appeared that the detainees were minors¹¹ and there is a good faith, unwritten policy where officers ask citizens not to record minors to protect their identity.¹² Officer DeLeon acknowledged that he had no contact with the detainees and had no information regarding their ages or date of birth. Officer DeLeon exited the squad car, told ██████████ to move back, and asked him to stop recording because the subjects were minors. Officer DeLeon wanted ██████████ to leave the gas station premises because other officers were conducting an investigation and he was concerned about officer safety. Once the officers released ██████████ Officer DeLeon located ██████████ vehicle at a gas pump and placed ██████████ firearm in the vehicle.¹³

In a statement to COPA¹⁴ on October 27, 2021, **Sergeant Cornelius Brown** said he and his Tactical Team responded to a call at Citgo.¹⁵ Sgt. Brown and members of his team detained two subjects for trespassing and narcotics. ██████████ exited the gas station and immediately whipped out his cellphone and began recording the incident. ██████████ initially walked east toward Cottage Grove, away from the officers, but then turned and walked toward the officers. According to Sgt. Brown, ██████████ was, "too close for comfort," which Sgt. Brown described as roughly a

⁹ "The Trespass Affidavit Program is a valuable tool to prevent, detect, and take necessary enforcement action regarding narcotics, prostitution, and other illegal activity occurring in lobbies, stairwells, basements, and other common areas of privately owned buildings. [...] The Criminal Trespass Affidavit is a document signed and sworn to by a private property owner that authorizes Chicago Police Department members to enter privately owned buildings to patrol common areas for trespassers and other criminal activity; eliminates the need for the property owner to sign a criminal complaint at the time of an arrest; and permits Chicago Police Department members to sign criminal complaints on behalf of a property owner." See Special Order S02-03-09. Attachment 53

¹⁰ Attachments 32, 51

¹¹ Officer DeLeon explained that the detainees looked young and were dressed like kids.

¹² The Case Report documents that the arrestees were 26 and 27 years old.

¹³ ██████████ has an Illinois Concealed Carry license and had his firearm in his jacket pocket.

¹⁴ Attachments 34, 35, 52

¹⁵ Sgt. Brown recalled that Officers Alvarez, DeLeon, Schaffer, and Holden responded to the incident.

car width away from the officers.¹⁶ Sgt. Brown asked ██████ to stop moving toward the officers. He told ██████ to give them space and he could film them from the sidewalk. Sgt. Brown informed ██████ that the gas station was private property and ██████ was trespassing on the gas station lot. ██████ backed up 15 – 20 feet but did not exit the lot. Officers Alvarez and DeLeon arrived on scene and asked ██████ to move back and give the officers space. ██████ refused. Sgt. Brown and the officers then handcuffed ██████ for loitering at the gas station. According to Sgt. Brown, he and the officers did not see ██████ at a car; ██████ never mentioned having a car;¹⁷ he did not tell the officers he was there to purchase gas;¹⁸ and he refused to leave. Sgt. Brown subsequently spoke with a security guard from the gas station, who said he did not call the police about ██████. The officers then released ██████.

Sgt. Brown did not recall telling ██████ to stop recording the incident or calling him a “motherfucker.” He also did not recall ██████ asking for his star number. Sgt. Brown denied bumping into ██████ and denied that ██████ requested his name. Sgt. Brown said he relocated to the 3rd district station following the incident but denied seeing ██████ there or threatening to arrest him if he did not leave the police station. Sgt. Brown added that he thought he activated his Body Worn Camera during the incident.

b. Digital Evidence

COPA reviewed ██████ cell phone video¹⁹ and CPD Body Worn Camera footage.²⁰ The footage depicts Sgt. Brown and four officers placing two black male subjects into custody.²¹ As Officers DeLeon and Alvarez arrive on scene and exit their squad car,²² Sgt. Brown looks toward ██████ and yells, “Sir, move!”²³ ██████ appears to be approximately two car lengths away from the officers who are effecting their arrest and replies that he is not interfering with the officers. ██████ is not yelling at the officers who are effecting the arrest of the two black males or otherwise approaching them. Officers DeLeon and Alvarez approach ██████ immediately upon exiting their vehicles. Officer DeLeon tells ██████ he cannot film minors.²⁴ Officer Alvarez tells ██████ to step away, citing signed complaints from the gas station.²⁵ ██████ tells Officer Alvarez he is getting gas and the complaint is not about him. Officer Alvarez asks ██████ where his vehicle is. ██████ tells the officers to call their sergeant. The officers summon Sgt. Brown. Sgt. Brown approaches and tells ██████ he is on private property and the owner signed complaints. ██████ points and says his car is over there.²⁶ Sgt. Brown tells ██████ to get in his car and leave.²⁷ ██████ looks confused. Two seconds later, Sgt. Brown tells ██████ to place his hands behind his back and handcuffs him.²⁸ Approximately, thirty-five

¹⁶ Attachment 52, page 16, lines 2-5

¹⁷ Attachment 52, page 30, lines 1-2

¹⁸ Attachment 52, page 26, lines 13-16

¹⁹ Attachment 24

²⁰ Attachments 22, 33

²¹ Attachment 24

²² Officer DeLeon exits the driver side and Officer Alvarez exits the passenger side.

²³ ██████ is recording the incident and is not visible in the frame.

²⁴ Attachment 33

²⁵ Attachment 24

²⁶ Officer DeLeon walks to ██████ car, which is parked at a gas pump. See Attachment 33 at T01:52:49Z

²⁷ There is no audible response from ██████

²⁸ ██████ cellphone recording terminates.

seconds elapses from the time the Officers DeLeon and Alvarez initially approach [REDACTED] until the time he is handcuffed.

As the officers walk a handcuffed [REDACTED] to their vehicle, Sgt. Brown accuses [REDACTED] of running into him. [REDACTED] replies, "He's pushing me [referencing an officer]. How am I running into you, and he pushed me?" Sgt. Brown replies, "Motherfucker keep acting stupid."²⁹ Officer DeLeon searches [REDACTED] Sgt. Brown tells [REDACTED] he gave him ample opportunity to leave and asks [REDACTED] if he wants him to tow his car. Sgt. Brown says, "I told you this was private property. The owner told us you were trespassing. He called on you guys." Sgt. Brown asks [REDACTED] what he does for a living. [REDACTED] replies that he is an [REDACTED] and a [REDACTED]. Sgt. Brown replies, "So why would you pick on us? We're doing our job."³⁰ [REDACTED] says he was merely videotaping, adding that anytime he sees black men stopped, he always brings out his camera because too many of "us" get killed. Sgt. Brown tells [REDACTED] he is allowed to film officers from the Public Way—not private property. [REDACTED] responds that "the man" never asked him to leave. Sgt. Brown replies, "There are signs. That's why we're here. He called us." Sgt. Brown tells [REDACTED] he was wrong for videotaping the officers and he should research the law.³¹

A search for **Body Worn Camera recordings** for Sgt. Brown and Officer Alvarez met with negative results.³²

A search for video from the **3rd District police station** met with negative results.³³

c. Documentary Evidence

The **Office of Emergency Management and Communications (OEMC) Event Query**³⁴ documents that on January 7, 2019, at 7:32 p.m., Citgo Gas Station personnel dialed 911 and reported that six black males refused to leave the location, and the incident was a continuous problem that police were aware of. The event was classified as a Criminal Trespass complaint.

The **Investigatory Stop Report**³⁵ completed by Officer DeLeon documents officers responded to a call of a robbery that just occurred at Citgo gas station. Responding officers observed [REDACTED] loitering and trespassing on private property with "No Trespassing" signs posted. The officers told [REDACTED] three times to exit the premises. [REDACTED] disregarded the officers' verbal commands and continued to record other officers who had two detainees from the robbery. The officers detained [REDACTED] to conduct a field investigation and learned he had a Conceal Carry License. The officers conducted a protective pat down of [REDACTED] and recovered a loaded Glock 43 pistol. The gas station owner refused to pursue legal action against [REDACTED]

²⁹ Attachment 33 at T01:40:35Z

³⁰ Attachment 33 at T01:45:42Z

³¹ Attachment 33 at T01:48:46Z

³² Attachment 56

³³ Attachment 8

³⁴ Attachment 19

³⁵ Attachment 10

The officers exercised discretion and released [REDACTED] and advised him to refrain from loitering on private property.³⁶

The **Case Report**³⁷ documents that officers responded to Citgo gas station regarding a Criminal Trespass to Property Call, resulting in two arrests.³⁸

Civil Suit # 1:20-cv-0[REDACTED]³⁹ alleges that [REDACTED] was unlawfully seized and retaliated against for recording police officers performing their public duties in a public forum.⁴⁰

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

³⁶ The report notes that officers were out of cards and therefore unable to give [REDACTED] an Investigatory Stop Receipt.

³⁷ Attachment 23

³⁸ The Case Report also documents that the Citgo is a participant in the District's Trespassing Affidavit Program.

³⁹ Attachment 27

⁴⁰ Per Corporation Counsel, the suit settled prior to depositions being taken.

a. Sgt. Brown and Officers DeLeon and Alvarez violated Department policy by unlawfully stopping ██████████ from recording a public police interaction.

Under Department policy, and according to law, no officer may hinder or prevent any non-officer from recording a law enforcement officer who is performing his or her duties in a public place or when the officer has no reasonable expectation of privacy. However, a member may take reasonable actions to enforce the law and perform their duties.⁴¹ An individual's right to record police officers in the performance of their duties is an extension of the First Amendment to the Constitution of the United States. Under Illinois State Law, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.⁴²

In the instant case, Sgt. Brown and other officers from his team responded to Citgo gas station for a Criminal Trespass to Property call. They identified and arrested two subjects who were reportedly involved. ██████████ stood a distance away from Sgt. Brown and the officers and never intervened or interfered with the performance of the officers' duties. ██████████ merely exercised his right under the law to record law enforcement officers performing their duties in a public place, where the officers had no reasonable expectation of privacy. Once Sgt. Brown discovered ██████████ was recording, he yelled at ██████████ to move and unreasonably accused him of trespassing. There had been no complaints of ██████████ trespassing. ██████████ even explained to Sgt. Brown and Officers DeLeon and Alvarez that he was there to get gas and his car was at the pump. Officer DeLeon further attempted to stop ██████████ from recording by telling him he could not film minors. Neither Department policy nor Illinois State Law preclude a member of the public from recording a public police interaction involving a minor. Even if such prohibition existed, it would not be applicable here as the two subjects that were detained and subsequently arrested were 26 and 27 years old. Officer DeLeon had no information to substantiate his claim that the individuals were minors. The actions of Sgt. Brown and Officers DeLeon and Alvarez were clearly motivated by the fact that ██████████ was recording the incident, and they intended to suppress his right to record. Sgt. Brown explicitly told ██████████ he could only film from the public way and not private property. Sgt. Brown scolded ██████████ for videotaping the officers on private property. The officers had no reasonable expectation of privacy on the gas station lot. Sgt. Brown and the officers' actions were unnecessary and unreasonable. For the reasons stated above, a preponderance of the evidence establishes that Sgt. Brown and Officers DeLeon and Alvarez acted to unlawfully stop ██████████ from recording a public police interaction. COPA finds that **Allegation #1 against Sgt. Brown, Officer DeLeon and Officer Alvarez is Sustained.**

b. Sgt. Brown and Officers DeLeon and Alvarez violated Department policy by detaining ██████████ without justification.

The Fourth Amendment to the Constitution of the United States guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.⁴³ The involved Department members seized ██████████ when they detained, handcuffed, and completed

⁴¹ S03-14, Body Worn Cameras (effective April 30, 2018).

⁴² Illinois Compiled Statute: 720 ILCS 5/14-2(e)

⁴³ G02-01, Human Rights and Human Resources (effective April 30, 2018).

an Investigatory Stop on him. Under Department policy,⁴⁴ an Investigatory Stop is the temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. This includes the temporary detention and questioning of a person for the purpose of enforcement of the Gang and Narcotics-Related Loitering Ordinances. The policy notes that Reasonable Articulate Suspicion should be founded on specific and objective facts or observations about how a suspect behaves, what the subject is seen or heard doing, and the circumstances or situation that is either witnessed or known by the officer. For Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.

In the instant case, Sgt. Brown and other officers had already placed the purported subjects of the Criminal Trespassing call in custody. Sgt. Brown only targeted [REDACTED] and ordered him to leave after he saw him recording, under the guise that [REDACTED] was trespassing on private property. While gas stations are private property, they are also places of public accommodation. [REDACTED] told Sgt. Brown he was a paying customer and his car was at the gas pump. Sgt. Brown in turn told [REDACTED] to get in his car and leave, and even threatened to tow [REDACTED] car. The involved members handcuffed and threatened [REDACTED] with arrest after merely seconds of approaching him as he kept recording and refused to leave. The involved members detainment and subsequent seizure of [REDACTED] was unreasonable under the circumstances. Sgt. Brown told [REDACTED] the owner said he was trespassing when in fact gas station personnel refused to sign complaints and said they had no issue with [REDACTED]. The involved members had no reasonable belief that [REDACTED] was committing, going to commit, or had committed a criminal offense. For the reasons stated above, a preponderance of the evidence establishes that Sgt. Brown and Officers DeLeon and Alvarez detained [REDACTED] without justification. COPA finds that **Allegation #2** against **Sgt. Brown, Officer DeLeon and Officer Alvarez** is **Sustained**.

c. Sgt. Brown violated Department policy by bumping into [REDACTED]

[REDACTED] alleged that Sgt. Brown bumped into him. [REDACTED] was handcuffed and under the officers' control when Sgt. Brown accused [REDACTED] of running into him. [REDACTED] immediately responded by telling Sgt. Brown an officer was pushing him and he could not have run into Sgt. Brown. While the video evidence does not depict Sgt. Brown bumping into [REDACTED] COPA finds [REDACTED] credible. [REDACTED] reported a truthful and thorough account of the incident. Many of the allegations [REDACTED] made are corroborated by cellphone and/or Body Worn Camera video. Sgt. Brown's insincerity and unprofessionalism throughout this incident diminishes his credibility. For the above reasons, a preponderance of the evidence establishes that Sgt. Brown bumped into [REDACTED]. COPA finds that **Allegation #3** against **Sgt. Brown** is **Sustained**.

d. Sgt. Brown and Officer Alvarez violated Department policy by failing to activate their Body Worn Cameras during their encounter with [REDACTED]

To increase transparency and improve the quality and reliability of investigations, Department policy requires law-enforcement-related encounters to be electronically recorded. Law-

⁴⁴ S04-13-09, Investigatory Stop System (effective July 10, 2017).

enforcement encounters include, but are not limited to, vehicle pursuits, traffic stops, investigatory stops, high risk situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene. The decision to record is mandatory, not discretionary. Members must activate at the beginning of an incident and record the entire incident. If there are circumstances preventing the member from activating of the Body Worn Camera at the beginning of the incident, Department policy provides that it shall be activated as soon as practical.⁴⁵

In the instant case, Sgt. Brown and Officer Alvarez responded to a Criminal Trespass to Property call resulting in two arrests and an Investigatory Stop. Neither of them activated their Body Worn Cameras. A preponderance of the evidence establishes that Sgt. Brown and Officer Alvarez failed to comply with Chicago Police Department Special Order S03-14 by failing to activate their Body Worn Cameras. COPA finds that **Allegation #4** against **Sgt. Brown** and **Allegation #3** against **Officer Alvarez** is **Sustained**. Conversely, a preponderance of the evidence establishes that Officer DeLeon did, in fact, activate his Body Worn Camera. Therefore, COPA finds that **Allegation #3** against **Officer DeLeon** is **Unfounded**.

e. Sgt. Brown violated Department policy by directing profanity at ██████████ in that he referred to him as a “motherfucker.”

While in his statement Sgt. Brown said he did not recall calling ██████████ a “motherfucker,” video clearly captures Sgt. Brown saying to ██████████ “Motherfucker keep acting stupid.” Sgt. Brown’s statement to ██████████ was disrespectful and unbecoming of a Chicago Police Sergeant. The Rules and Regulations of the Chicago Police Department expressly prohibit disrespect to or maltreat of any person, including verbal maltreatment, while on or off duty. Based on the above, a preponderance of the evidence establishes that Sgt. Brown directed profanity at ██████████ by referring to him as a “motherfucker.” COPA finds that **Allegation #5** against **Sgt. Brown** is **Sustained**.

f. Sgt. Brown violated Department policy by failing to provide ██████████ with his name and star number upon request and threatening to arrest him for trespassing without justification.

██████████ said after the incident he went to the police station to file a report, where Sgt. Brown refused to provide his star number and threatened to arrest ██████████. Upon being turned away, ██████████ subsequently went home and filed a web complaint within two hours of the incident.⁴⁶ While this portion of the incident occurred at a separate location and is not captured on video, COPA finds ██████████ credible. ██████████ reported a truthful and thorough account of the overall incident. Many of the allegations ██████████ made are corroborated by cellphone and/or Body Worn Camera video. While Sgt. Brown denied seeing or having contact with ██████████ at the 3rd District Station following the incident, his credibility is diminished by his overall actions and conduct. Based on the above, it is more probably true than not that Sgt. Brown failed to provide ██████████ with his star number upon request, and further threatened to arrest ██████████ for

⁴⁵ S03-14: Body Worn Cameras (eff. April 30, 2018).

⁴⁶ Submitted on January 7, 2019 at 9:51 p.m.

trespassing without justification. Therefore, COPA finds that **Allegations #6 - 7** against **Sgt. Brown** are **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sgt. Cornelius Brown

i. Complimentary and Disciplinary History

1. Complimentary: 1 Crime Reduction Ribbon (2004), 2 Crime Reduction Ribbon Awards (2009 & 2019), 4 Attendance Recognition Awards, 1 Chicago Police Leadership Award, 8 Complimentary Letters, 1 Democratic National Convention Award, 15 Department Commendations, 81 Honorable Mentions, 1 Honorable Mention Ribbon Award, 1 NATO Summit Service Award, 1 Other Award, 1 Presidential Election Deployment Award, 1 Special Commendation, 3 Unit Meritorious Performance Awards
2. Disciplinary: 3 Reprimands for Inventory Procedures (Log# 1090496 - 2018)

ii. Recommended Penalty

COPA has considered Sgt. Brown's complimentary history and disciplinary history. Sgt. Brown violated several Department policies, rules and regulations on the date of this incident. In under a minute of interacting with [REDACTED] he detained him without justification. [REDACTED] was not interfering in any officer actions or disrespecting the officers on scene. Furthermore, Sgt. Brown, as the ranking Department member, demonstrated poor leadership and set a poor example for the other officers. He was disrespectful to a member of the public by bumping into him, calling him a "motherfucker," failing to provide his star number, and unlawfully threatening to arrest him. Sgt. Brown took no accountability for his actions. His conduct erodes public trust in the Department and its members. Thus, COPA recommends a 45-day Suspension.

b. Officer Emilio DeLeon

i. Complimentary and Disciplinary History

1. 1 2019 Crime Reduction Award, 1 Attendance Recognition Award, 1 Complimentary Letters, 5 Department Commendations, 77 Honorable Mentions, 1 Honorable Mention Ribbon Award, 1 Superintendent Award of Valor, 2 Unit Meritorious Performance Award

ii. Recommended Penalty

COPA has considered Officer DeLeon's complimentary history and disciplinary history. Officer DeLeon detained [REDACTED] without justification and unlawfully stopped him from

recording a police interaction. He had no lawful authority for his actions and violated Department policy. Furthermore, he took no accountability for his actions. Thus, COPA recommends a 15-day Suspension.

c. Officer David Alvarez Jr.

i. Complimentary and Disciplinary History

- 1. Complimentary: 1 2019 Crime Reduction Award, 2 Attendance Recognition Awards, 2 Complimentary Letters, 5 Department Commendations, 89 Honorable Mentions, 1 Honorable Mention Ribbon Award, 2 Life Saving Awards, 1 Superintendent Award of Valor, 1 Unit Meritorious Performance Award
- 2. Disciplinary: None

ii. Recommended Penalty, by Allegation

COPA has considered Officer Alvarez’s complimentary history and disciplinary history. Officer Avlarez detained [REDACTED] without justification and unlawfully stopped him from recording a police interaction. He also failed to activate his BWC. He had no lawful authority for his actions and violated Department policy. Furthermore, he took no accountability for his actions. Thus, COPA recommends a 15-day Suspension.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

August 25, 2022

Date