

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	July 7, 2018/ 9:13 PM / 6300 S. Stony Island Ave
Date/Time of COPA Notification:	July 13, 2018/1:07 PM
Involved Officer #1:	Cornelius Brown, star # 2235, employee ID# 29664, Date of Appointment 8/1/94, SGT, Unit of Assignment: 003, DOB: [REDACTED]/69, gender: Male, race: Black
Involved Officer #2:	Emilio De Leon, star # 16360, employee ID# [REDACTED] Date of Appointment 8/24/14, PO, Unit of Assignment: 003, DOB: [REDACTED]/93, gender: Male, race: WHH
Involved Officer #3:	David Alvarez, Jr., star # 16131, employee ID# [REDACTED] Date of Appointment 8/24/14, PO, Unit of Assignment: 003, DOB: [REDACTED]/80, gender: Male, race: WHH
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1975; Male; Black
Case Type:	Unlawful Detention

I. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Cornelius Brown ¹	1. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 11:13 PM at or near 6300 S. Stony Island Ave that Sergeant Cornelius Brown, Star Number 2235, committed misconduct through the following acts or omissions: Detaining [REDACTED] without justification in violation of Rules 1 and 6.	Exonerated
	2. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 11:13 PM at or near 6300 S. Stony Island Ave that Sergeant Cornelius Brown, Star Number 2235, committed misconduct through the following acts or omissions: Handcuffing [REDACTED] and placing [REDACTED] into a police	Exonerated

¹ During his interview, Sergeant Brown noted that the time of the incident was at 9:00 PM. He is correct. However, this was not changed on his allegations.

	<p>vehicle without justification in violation of Rules 1 and 6.</p> <p>3. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 11:13 PM at or near 6300 S. Stony Island Ave that Sergeant Cornelius Brown, Star Number 2235, committed misconduct through the following acts or omissions: Failing to complete an Investigatory Stop Report in violation of Rule 6.</p>	<p>Sustained/ Violation Noted</p>
<p>Officer Emilio DeLeon</p>	<p>1. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 9:00 PM at or near 6300 S. Stony Island Ave that Officer Emilio De Leon, Star Number 16360, committed misconduct through the following acts or omissions: Detaining [REDACTED] without justification in violation of Rules 1 and 6.</p> <p>2. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 9:00 PM at or near 6300 S. Stony Island Ave that Officer Emilio De Leon, Star Number 16360, committed misconduct through the following acts or omissions: Handcuffing [REDACTED] and placing [REDACTED] into a police vehicle without justification in violation of Rules 1 and 6.</p> <p>3. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 9:00 PM at or near 6300 S. Stony Island Ave that Officer Emilio De Leon, Star Number 16360, committed misconduct through the following acts or omissions: Failing to complete an Investigatory Stop Report in violation of Rule 6.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Sustained/ Violation Noted</p>
<p>Officer David Alvarez, Jr.</p>	<p>1. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 9:00 PM at or near 6300 S. Stony Island Ave that Officer David Alvarez, Jr., Star Number 16131, committed misconduct through the following acts or omissions: Detaining [REDACTED] without justification in violation of Rules 1 and 6.</p> <p>2. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 9:00 PM at or near 6300 S. Stony Island Ave that Officer David Alvarez, Jr., Star Number 16131, committed misconduct through the following acts or omissions: Handcuffing [REDACTED] and placing [REDACTED] into a police</p>	<p>Exonerated</p> <p>Exonerated</p>

	<p>vehicle without justification in violation of Rules 1 and 6.</p> <p>3. It is alleged by [REDACTED] on or about July 7, 2018 at approximately 9:00 PM at or near 6300 S. Stony Island Ave that Officer David Alvarez, Jr., Star Number 16131, committed misconduct through the following acts or omissions: Failing to complete an Investigatory Stop Report in violation of Rule 6.</p>	<p>Sustained/ Violation Noted</p>
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II. SUMMARY OF EVIDENCE²

According to Mr. [REDACTED] statement³ to COPA, on July 7, 2018 at 9:00 PM he was leaving a barbeque with his 12-year-old son. Mr. [REDACTED] moved his car to 63rd and Stony Island to load his grill and other items into his vehicle. Mr. [REDACTED] pulled into a bus stop zone and left his vehicle with its blinkers on. When he returned to the vehicle with his son, he encountered a police officer who was in the process of writing him a ticket. The officer informed him the tow truck was on its way. The officer (now known as Sergeant Brown), whom Mr. [REDACTED] identified as wearing a white shirt, asked for Mr. [REDACTED] license. The officer then ordered Mr. [REDACTED] out of his car. When Mr. [REDACTED] complied, he was placed in handcuffs. When Mr. [REDACTED] asked why he was being arrested, the officer responded that he was being arrested for Driving Under the Influence. Mr. [REDACTED] was handcuffed and placed in a police vehicle, while another officer ran his license. A woman from the crowd, unknown to Mr. [REDACTED] intervened with the police and convinced them to release Mr. [REDACTED] without charges. Mr. [REDACTED] admitted that he had two to three drinks but insisted that he was not intoxicated during the encounter and told the officers he would submit to a breathalyzer but was never given one.

The statements of Sergeant Brown⁴ and Officers DeLeon⁵ and Alvarez⁶ corroborate most of Mr. [REDACTED] account of the events. Sergeant Brown stated that he approached Mr. [REDACTED] because Mr. [REDACTED] vehicle was blocking a bus stop and impeding traffic. Upon speaking with Mr. [REDACTED] Sergeant Brown said he smelled alcohol emanating from Mr. [REDACTED] and observed him to have slurred speech and bloodshot eyes. He detained Mr. [REDACTED] in order to conduct a sobriety test. Before he could conduct the test, a woman identifying herself as a Chicago Police Officer, approached and asked Sergeant Brown to release Mr. [REDACTED]. Due to the level of traffic backing up on the street, Sergeant Brown agreed to release Mr. [REDACTED] if the woman would drive him home, which she agreed to do.⁷ Neither Sergeant Brown nor either of the other two officers could recall the woman’s name. Officer

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

³ Att. 12

⁴ Att. 7

⁵ Att. 9 & 10

⁶ Att. 11

⁷ It should be noted that Mr. [REDACTED] did not relate that he was driven home by this woman.

Alvarez also stated that he smelled alcohol on Mr. [REDACTED] when he helped Sergeant Brown put him in the police car. All three officers confirmed that they did not write an Investigatory Stop Report about the incident. A copy of the ticket that was drafted for Mr. [REDACTED] was provided to COPA.⁸

Officer Alvarez's body worn camera confirms that Officer Alvarez ran Mr. [REDACTED] driver's license through the PDT.⁹ Mr. [REDACTED] is seen in handcuffs and heard repeatedly telling the officers that he is not drunk and offering to be tested to prove that he is not intoxicated. Also, the woman mentioned by Sergeant Brown is briefly captured. However, she is not captured identifying herself to the offices as a police officer or giving them her name.

III. ANALYSIS AND CONCLUSION

Allegation 1: [REDACTED] was detained without justification.

It is alleged that Sergeant Brown and Officer DeLeon and Alvarez detained Mr. [REDACTED] without justification. It is clear from the body worn camera and the statements of all involved parties that Sergeant Brown along with Officers DeLeon and Alvarez handcuffed Mr. [REDACTED] and placed him in the back of a police vehicle while they investigated whether Mr. [REDACTED] was intoxicated. As Mr. [REDACTED] was not yet under arrest but was not free to leave, Mr. [REDACTED] was being detained for an investigatory stop. Sergeant Brown initially approached Mr. [REDACTED] because he was parked illegally. By Mr. [REDACTED] own admission, his vehicle was blocking a bus lane. Sergeant Brown alleges that when spoke with Mr. [REDACTED] he detected the odor of alcohol and noticed slurred speech and bloodshot eyes. Officer Alvarez also stated that he smelled alcohol emitting from Mr. [REDACTED]. This caused the officers to suspect Mr. [REDACTED] was intoxicated. Mr. [REDACTED] denies being intoxicated that evening but admits to consuming alcohol, and the brief conversation the officers have on body cam shows no obvious signs of slurred speech.

Based on the totality of the evidence, COPA concludes its more likely than not that Sergeant Brown and Officer Alvarez did smell alcohol on Mr. [REDACTED] that evening. Therefore, a reasonable articulable suspicion existed that Mr. [REDACTED] may have been intoxicated and the fact that he was in the process of loading up his car to leave would lead a reasonable officer to believe he was about to drive. Sergeant Brown and his accompanying officer were justified in detaining Mr. [REDACTED] while they investigated. Thus, based on a clear and convincing evidence Allegation 1 against Sergeant Cornelius Brown, Officer Emilio DeLeon and Officer David Alvarez Jr. is Exonerated.

Allegation 2: [REDACTED] was handcuffed and placed in a police vehicle without justification.

It is alleged that Sergeant Brown and Officer DeLeon and Alvarez handcuffed Mr. [REDACTED] and placed him in a police vehicle without justification. There is no question whether Mr. [REDACTED] was handcuffed and placed in a police vehicle, as this was admitted by the officers and captured on body worn camera. As discussed above, Sergeant Brown and his officers were

⁸ Att. 13

⁹ Att. 17

justified in conducting an investigatory stop of Mr. [REDACTED]. In his statement to COPA, Mr. [REDACTED] expressed he felt the handcuffing was an unnecessary embarrassment, particularly when he was with his son. Officers have discretion about whether to handcuff a detainee. In this case, Officer Alvarez stated he handcuffed and placed Mr. [REDACTED] in the back of a police vehicle because the investigation took place in the middle of a busy street and they wanted to protect Mr. [REDACTED] from the danger of oncoming traffic. Given the circumstances this was a reasonable precaution on the part of the officers. As Mr. [REDACTED] was not handcuffed for an unreasonable length of time, the officers were within their discretion to handcuff him and place him in a police vehicle. Therefore, based on clear and convincing evidence Allegation 2 against Sergeant Cornelius Brown, Officer Emilio DeLeon and Officer David Alvarez Jr. is Exonerated.

Allegation 3: The Officers failed to complete and Investigatory Stop Report.

It is alleged that Sergeant Brown and Officer DeLeon and Alvarez failed to complete an Investigatory Stop Report. Under Special Order S04-13-09 officers who conduct an investigatory stop are required to complete an Investigatory Stop Report. As stated above, though Mr. [REDACTED] was released before the officers could conduct a sobriety test, he was detained for a short period of time. Mr. [REDACTED] was not free to leave, though he was not under arrest. As such, this incident was an investigatory stop. Neither Sergeant Brown, Officer DeLeon, nor Officer Alvarez completed an investigatory stop report to document the incident. While it may be this was a mere oversight, due to the hectic environment and large crowds that night, the report was required, and they failed to complete it. Therefore, based on a preponderance of the evidence Allegation 3 against Sergeant Cornelius Brown, Officer Emilio DeLeon and Officer David Alvarez Jr., is Sustained.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Cornelius Brown

i. Complimentary and Disciplinary History

- 1. Complimentary:** 1 Democratic National Convention Award, 1 Other Awards, 3 Attendance Recognition Awards, 1 Presidential Election Deployment Award 2008, 2 Special Commendation, 2 Crime Reduction Ribbons, 70 Honorable Mentions, 14 Department Commendations, 7 Complimentary Letters, 1 Honorable Mention Ribbon Award, 1 NATO Summit Service Award, 2 Unit Meritorious Performance Awards
- 2. Disciplinary:** 3 Reprimands (2018 Inventory Procedures)

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 3:** Violation Noted

b. Officer Emilio DeLeon

i. Complimentary and Disciplinary History

- 1. Complimentary:** 2 Department Commendations, 47 Honorable Mentions, 1 Complimentary Letter, 1 Unit Meritorious Performance Award
- 2. Disciplinary:** None

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 3:** Violation Noted

c. Officer David Alvarez

i. Complimentary and Disciplinary History

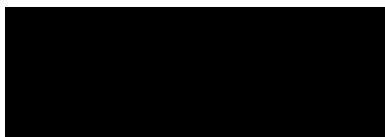
- 1. Complimentary:** 1 Attendance Award, 54 Honorable Mentions, 2 Department Commendations, 2 Complimentary Letters, 1 Honorable Mention Ribbon Award, 2 Life Saving Awards
- 2. Disciplinary:** 1 Reprimand (2018 Preventable Accident)

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 3:** Violation Noted

COPA has considered the allegation and the complimentary and disciplinary history of all the officers. COPA recommends a Violation Noted.

Approved:



Andrea Kersten
Deputy Chief Administrator – Chief Investigator

February 28, 2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	Ryan McPhail
Supervising Investigator:	Sharday Jackson
Deputy Chief Administrator:	Andrea Kersten