



Log # 2024-0003120

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 27, 2024, the Civilian Office of Police Accountability (COPA) received an initiation report of a complaint from [REDACTED] reporting alleged misconduct by members of the Chicago Police Department (CPD). [REDACTED] alleged that on March 27, 2024, Officer Gino Garcia searched the vehicle he was driving without justification and that Probationary Police Officer Sylvester Brooks Jr squeezed his arm, causing injury.² Upon review of the evidence, COPA served additional allegations that Officer Garcia and PPO Brooks failed to provide [REDACTED] with an Investigatory Stop Receipt and that Officer Garcia patted down [REDACTED] without justification. Officer Garcia resigned from CPD during the pendency of this investigation.³ COPA reached sustained findings regarding the allegation against PPO Brooks that he failed to provide [REDACTED] with an Investigatory Stop Receipt and not sustained findings that he inappropriately used force in detaining [REDACTED].

II. SUMMARY OF EVIDENCE⁴

On March 27, 2024, at approximately 12:56 am, Officer Garcia and PPO Brooks were on patrol when they observed [REDACTED] driving a vehicle with inoperable taillights.⁵ The officers stopped the vehicle that [REDACTED] was driving. Officer Garcia advised [REDACTED] that the vehicle's rear lights weren't working and then asked [REDACTED] for [REDACTED] driver's license and insurance.⁶ As [REDACTED] was looking for his driver's license and insurance, Officer Garcia

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ Att. 20 and 27. COPA was unable to serve allegations on Officer Garcia due to his leave of absence and subsequent resignation. Thus, this log is in a close hold status with respect to him. Should he return, COPA would serve allegations against him.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, ICC footage, police reports, a civilian interview ([REDACTED]) and an officer interview (Brooks).

⁵ Att. 2.

⁶ Att. 15 at 00:56:58.

asked ██████████ if he had FOID or CCL.⁷ ██████████ mumbled, and Officer Garcia asked him what he said; ██████████ responded, “No nothing.”⁸ ██████████ gave Officer Garcia his driver’s license and Officer Garcia asked him again if he had a FOID or CCL.⁹ ██████████ responded, “Yes this is my address.” Officer Garcia asked once more and ██████████ looked confused and stated, “Sorry I don’t speak English.”¹⁰ Officer Garcia proceeded to ask ██████████ if he had any firearms with him, but ██████████ appeared to be confused.¹¹

Officer Garcia directed ██████████ to step out of the car and Hernandez complied. Officer Garcia patted down ██████████ and PPO Brooks handcuffed him.¹² According to PPO Brooks, ██████████ was handcuffed, “For our safety and his safety because he was being detained.”¹³

While Officer Garcia searched the vehicle that ██████████ had been driving,¹⁴ PPO Brooks was at the back of the vehicle holding onto ██████████ left arm.¹⁵ ██████████ did not complain of any pain while PPO Brooks’ was holding his arm.¹⁶ After the search of the vehicle was conducted, ██████████ was released and did not receive any citations nor a stop receipt from the officers.

After the traffic stop, ██████████ went to the 8th District to file a complaint against both officers. ██████████ spoke with a Spanish speaking officer¹⁷ and that officer related the information to a sergeant who initiated the complaint against the Officer Garcia and PPO Brooks. The initiation report completed that evening includes an allegation that “PPO Brooks...had a firm hold on the complainant’s left bicep area which caused pain and redness.”¹⁸ ██████████ was given an ISR receipt at the station by the Spanish-speaking officer.¹⁹

⁷ Att. 15 at 00:57:10.

⁸ Att. 15 at 00:57:13.

⁹ Att. 15 at 00:57:22.

¹⁰ Att. 15 at 00:57:23.

¹¹ Att. 15 at 00:57:32.

¹² Att. 15 starting at 00:57:40.

¹³ Att. 26 at p. 20, lns. 2 to 3.

¹⁴ Att. 15 at 00:57:59.

¹⁵ Att. 18 at 3:00.

¹⁶ Att. 26, pg. 14, lns. 10 to 17.

¹⁷ Officer A. Garcia #17566 from the 8th District.

¹⁸ Att. 1.

¹⁹ Att. 13, pg. 5.

III. ALLEGATIONS

Officer Sylvester Brooks Jr

- Squeezing ██████████ arm hard causing injury.
 - **Not Sustained**
- Failing to provide ██████████ with an Investigatory Stop Receipt.
 - **Sustained**, Violation of Rule 6.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In this case, the statement PPO Brooks provided to COPA largely matched the events depicted on the body worn camera (BWC) footage and on the in-car camera footage. As a result, COPA finds that the CPD member provided generally credible statements. Similarly, ██████████ statements about the incident in his interview with COPA were also consistent with the events depicted on video, and did not reveal any discrepancy that caused COPA to question his credibility.

V. ANALYSIS²⁰

a. Use of force against ██████████ was not reasonable or necessary.

COPA finds the allegation that PPO Brooks squeezed ██████████ arm hard causing injury, is **not sustained**. CPD policy defines force as *any* physical contact by a CPD member, either directly or through the use of equipment, to compel a person's compliance.²¹ CPD members may only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances.²²

²⁰ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²¹ Att. 29, G03-02, (III)(A), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

²² Att. 29, G03-02, (III)(B)(1)-(3).

After [REDACTED] was ordered from the vehicle, PPO Brooks held onto [REDACTED] arm during the traffic stop. According to the ICC, PPO Brooks appears to be holding the inner bicep of [REDACTED] arm, just above the elbow. During his interview with COPA, PPO Brooks stated that [REDACTED] did not complain of any pain or injury at the time²³ and [REDACTED] confirmed this in his interview with COPA, indicating that he did not wish to exacerbate the encounter with the police, which he was at a loss to understand from the outset.²⁴

Although [REDACTED] did not communicate with PPO Brooks that PPO Brooks was causing him pain, he provided COPA with photos depicting red marks on his left arm²⁵ and provided testimony that PPO Brooks hold on his arm caused him pain.²⁶ However, the photographs depict redness to the front part of the left arm, rather than the inner bicep. Thus, there is insufficient evidence to prove that PPO Brooks squeezed [REDACTED] arm causing injury and the allegation is Not Sustained.

b. ISR Receipt

COPA finds the allegation that PPO Brooks failed to provide [REDACTED] with an ISR receipt, is **sustained**. CPD policy provides that, “Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt.”²⁷

Although [REDACTED] subsequently received an ISR receipt at the 8th District from another officer, after he proceeded on his own volition to the police station to file a complaint against Officer Garcia and PPO Brooks, neither Officer Garcia nor PPO Brooks provided [REDACTED] with a receipt at the conclusion of the stop as is required.²⁸

²³ Att. 26, pg. 14, lns. 10 to 17.

²⁴ Att. 13.

²⁵ Att. 16; Att. 17. The red marks are evidence of some injury, no matter that does not appear to have been a significant injury.

²⁶ Att. 13 (“So when Officer Brooks released me, they let me go, but at that moment, my arm was aching, because he had been holding me hard, so when I looked -- I took my jumper off, because I was wearing a jumper -- I had bruises. I even took photos immediately so that I could have evidence, and right away I went to the police station, which is about five minutes away from my aunt’s address, and I made the report.”)

²⁷ Att. 28, S04-13-09 VIII(A)(3) Investigatory Stop System (effective July 10, 2017, to present).

²⁸ Att. 15 at 01:02:43 to 01:02:47.

VI. DISCIPLINARY RECOMMENDATION

a. Probationary Police Officer Sylvester Brooks Jr

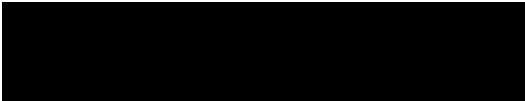
i. Complimentary and Disciplinary History²⁹

At the time of the incident, PPO Brooks had been an officer for 11 months. According to records dated October 15, 2024 provided by CPD’s Bureau of Internal Affairs, PPO Brooks had not received any awards, had not had any instances of summary discipline (SPARs), nor had any sustained allegations of misconduct against him.

ii. Recommended Discipline

COPA has reviewed his lack of complimentary and disciplinary history. COPA has considered the PPO Brooks was a PPO at the time of the incident. COPA recommends a violation noted.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

November 27, 2024

Date

²⁹ Att. 30.

Appendix A**Case Details**

Date/Time/Location of Incident:	March 27, 2024 / 12:56 am / 6300 S. Francisco Avenue, Chicago, IL 60629
Date/Time of COPA Notification:	March 27, 2024 / 10:25 am
Involved Member #1:	Sylvester Brooks Jr., Star #19428, Employee ID# [REDACTED], DOA: April 3, 2023, Unit of Assignment:044, Male, Black
Involved Member #2:	Gino Garcia., Star #17854, Employee ID# [REDACTED], DOA: June 27, 2016, Unit of Assignment:008, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Hispanic

Applicable 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.
- 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 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- U.S. Const. amend. IV.
- Illinois Constitution, art. I, sec. 6.
- 720 ILCS 5/12-3.05, Aggravated Battery
- S04-13-09: Investigatory Stop System (Effective July 10, 2017, to present)
- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023)

- G03-02-01: Response to Resistance and Force Options (Effective Date: June 28, 2023)

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.³⁰ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”³¹

³⁰ 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 is found to be more probably true than not).

³¹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation