

**BEFORE A MEMBER OF THE POLICE BOARD  
OF THE CITY OF CHICAGO**

<b>IN THE MATTER OF THE</b>	)	
<b>RECOMMENDATIONS FOR DISCIPLINE OF</b>	)	
	)	
<b>POLICE OFFICER BRIAN POSTRELKO,</b>	)	<b>No. 17 RR 03</b>
<b>STAR No. 12624, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO,</b>	)	
	)	
<b>POLICE OFFICER MICHAEL E. TORRES,</b>	)	<b>No. 17 RR 04</b>
<b>STAR No. 13888, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO,</b>	)	
	)	
<b>AND</b>	)	
	)	
<b>POLICE OFFICER NELSON CRESPO,</b>	)	<b>No. 17 RR 05</b>
<b>STAR No. 10914, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO.</b>	)	<b>(CR No. 1033714)</b>

**OPINION**

On June 30, 2017, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Independent Police Review Authority (“IPRA”) a request for review of IPRA’s recommendations for discipline of Police Officer Brian Postrelko, Star No. 12624, Police Officer Michael E. Torres, Star No. 13888, and Police Officer Nelson Crespo, Star No. 10914, arising out of the investigation of Complaint Register No. 1033714 (“Request for Review”).

**Chief Administrator’s Recommendations.** The Chief Administrator recommended that the following allegations against Police Officers Postrelko, Torres, and Crespo be *Sustained*:

Allegation No. 1: On February 7, 2010, at approximately 0315 hours, while in the vicinity of 2001 North Western Avenue, Police Officers Postrelko, Torres, and Crespo failed to conduct a thorough and accurate investigation into the battery of [M.C.] and [G.M.], thereby violating 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 5, “Failure to perform any duty,” and Rule 6, “Disobedience of an order or directive, whether written or oral” (General Order

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04-03, *Preliminary Investigations*, Section III-B-1).

Allegation No. 2: On February 7, 2010, at approximately 0315 hours, while in the vicinity of 2001 North Western Avenue, Police Officers Postrelko, Torres, and Crespo failed to convey a sense of concern and general interest to [M.C.] and [G.M.], thereby violating Rule 2, Rule 5, and Rule 6 (General Order 04-03, *Preliminary Investigations*, Section III-B-2).

Allegation No. 3: On February 7, 2010, at approximately 0315 hours, while in the vicinity of 2001 North Western Avenue, Police Officers Postrelko, Torres, and Crespo failed to document the altercation between [M.C.], [G.M.], and their assailants, thereby violating Rule 2, Rule 5, and Rule 6 (General Order 04-03, *Preliminary Investigations*, Section III-B-3).

Allegation No. 4: On February 7, 2010, at approximately 0315 hours, while in the vicinity of 2001 North Western Avenue, Police Officers Postrelko, Torres, and Crespo failed to render aid to [M.C.] and [G.M.], thereby violating Rule 2, Rule 5, and Rule 6 (General Order 04-03, *Preliminary Investigations*, Section IV-A-1).

Allegation No. 5: On February 7, 2010, at approximately 0315 hours, while in the vicinity of 2001 North Western Avenue, Police Officers Postrelko, Torres, and Crespo allowed the alleged assailants to leave the scene of a battery without obtaining their identities, thereby violating Rule 2 and Rule 5.

Allegation No. 6: On February 7, 2010, at approximately 0315 hours, while in the vicinity of 2001 North Western Avenue, Police Officers Postrelko, Torres, and Crespo allowed visibly intoxicated assailants/witnesses to operate a motor vehicle to leave the scene of a battery, thereby violating Rule 2, Rule 5, and Rule 6 (General Order 04-08, *Driving While Under the Influence—Implied Consent*, Section IV-A).

Allegation No. 7: On February 7, 2010, at approximately 0315 hours, while in the vicinity of 2001 North Western Avenue, Police Officers Postrelko, Torres, and Crespo failed to arrest the assailants of [M.C.] and [G.M.], thereby violating Rule 2, Rule 5, and Rule 6 (General Order 04-03, *Preliminary Investigations*, Section IV-A-4).

Allegation No. 8: On February 7, 2010, at approximately 0315 hours, while in the vicinity of 2001 North Western Avenue, Police Officers Postrelko, Torres, and Crespo failed to locate, identify, and interview the complainants/witnesses, thereby violating Rule 2, Rule 5, and Rule 6 (General Order 04-03, *Preliminary Investigations*, Section IV-A-6).

The Chief Administrator recommended that Police Officers Postrelko, Torres, and Crespo be suspended from the Chicago Police Department for a period of forty (40) days.

**Superintendent's Response.** The Superintendent concurred with the Chief Administrator's recommendations that Allegation No. 3 against Police Officers Postrelko,

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Torres, and Crespo be classified as *Sustained*. The Superintendent objected to the remainder of the Chief Administrator's recommendations. The Superintendent recommended that Allegation Nos. 1-2 and 4-8 against Police Officers Postrelko, Torres, and Crespo be classified as *Not Sustained*, and recommended that Police Officers Postrelko, Torres, and Crespo be suspended from the Chicago Police Department for a period of twenty (20) days.

According to the Certificate of Meeting and of Service submitted by the Chief Administrator: (1) the Chief Administrator's designee met with the Superintendent and/or his designees to discuss the matter on June 16, 2017, a discussion which continued during the following week, ending on June 22, 2017, with no agreement on the recommendations for discipline; and (2) the Request for Review was sent via e-mail to the Executive Director of the Police Board on June 29, 2017.

The Executive Director of the Police Board sent the Request for Review to Rita A. Fry, the member of the Police Board who was selected on a random basis pursuant to the Police Board's *Rules of Procedure* ("Reviewing Member"). The Reviewing Member considered the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's *Rules of Procedure*.

In the opinion of the Reviewing Member, the response of the Superintendent of Police does not meet the burden of overcoming the Chief Administrator's recommendations for discipline. Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator's recommendations for discipline of Police Officer Brian Postrelko, Star No. 12624, Police Officer Michael E. Torres, Star No. 13888, and Police Officer Nelson Crespo, Star No. 10914, shall be deemed accepted by the Superintendent of Police.

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DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20<sup>th</sup> DAY  
OF JULY, 2017.

/s/ RITA A. FRY

Attested by:

/s/ MAX A. CAPRONI  
Executive Director  
Police Board