

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

IN THE MATTER OF THE)	
RECOMMENDATIONS FOR DISCIPLINE OF)	
)	
POLICE OFFICER DANIEL R. BROWN,)	No. 18 RR 05
STAR No. 7571, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
AND)	
)	
POLICE OFFICER MIGUEL DELGADO JR.,)	No. 18 RR 06
STAR No. 18560, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO.)	(CR No. 1088342)

REQUEST FOR REVIEW

On September 11, 2018, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of COPA’s recommendations for discipline of Police Officer Daniel R. Brown, Star No. 7571, and Police Officer Miguel Delgado Jr., Star No. 18560, arising out of the investigation of Complaint Register No. 1088342 (“Request for Review”).

The Chief Administrator recommended that the following allegations against Officers Brown and Delgado be *Sustained*:

Allegation No. 1: On or around February 1, 2018, in front of 7700 South Phillips Avenue, Chicago, at approximately 1:30 p.m., Officers Brown and Delgado failed to inform Theodore Dear of the purpose of his traffic, in violation of Rule 1, Rule 2, and Rule 11.

Allegation No. 2: On or around February 1, 2018, in front of 7700 South Phillips Avenue, Chicago, at approximately 1:30 p.m., Officers Brown and Delgado improperly conducted a search of Theodore Dear’s vehicle, in violation of Rule 1, Rule 2, and Rule 11.

The Chief Administrator recommended that Officers Brown and Delgado each be suspended for two (2) days.

The Superintendent objected to the Chief Administrator's recommendations. The Superintendent recommended that Allegation No. 2 for each officer be classified as *Exonerated*. The Superintendent concurred with the recommendation that Allegation No. 1 for each officer be classified as *Sustained*, and recommended entry of "Sustained—Violation Noted, No Disciplinary Action" on each officer's disciplinary record.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued to the Superintendent the recommendation of discipline on June 18, 2018; (2) the Chief Administrator received the Superintendent's written response on August 17, 2018; (3) the Chief Administrator's designees met with the Superintendent's designees via telephone and discussed this matter on August 31, 2018; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on September 10, 2018.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to John P. O'Malley Jr., the member of the Police Board who was selected on a random basis, pursuant to Article VI of 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.

OPINION

After a thorough review of the Chief Administrator's and Superintendent's recommendations and the body-worn-camera footage of both Officers Brown and Delgado, I agree with the Superintendent's response that based on the totality of the entire situation, including the nervous behavior of Mr. Dear at the beginning of the traffic stop up until the

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issuance of the Investigatory Stop Receipt, the officers had reasonable suspicion to do a pat down search and cursory search of the area around where Mr. Dear was sitting in his vehicle. The officers' experience and the fact that any reasonable experienced officer would have taken the same actions based on the situation brings me to believe that both officers should be exonerated on Allegation #2.

For these reasons, it is my opinion that the Superintendent has met the burden of overcoming the Chief Administrator's recommendation for discipline. Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent's response—that Allegation No. 2 be classified as *Exonerated*, that Allegation No. 1 be classified as *Sustained*, and that "Sustained—Violation Noted, No Disciplinary Action" be entered on each officer's disciplinary record—shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 24th DAY OF SEPTEMBER, 2018.

/s/ JOHN P. O'MALLEY JR.
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board