

EXHIBIT 84

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

**IN THE MATTER OF THE)
RECOMMENDATIONS FOR DISCIPLINE OF)
)
POLICE OFFICER ROBERT GONZALEZ, STAR No. 12152,) No. 23 RR 12
)
POLICE OFFICER MANUEL LEANO, STAR No. 4303,) No. 23 RR 13
)
POLICE OFFICER BRIAN BOLTON, STAR No. 15903,) No. 23 RR 14
 AND)
DETECTIVE DOUGLAS NICHOLS, STAR No. 21406,) No. 23 RR 15
)
DEPARTMENT OF POLICE,) (CR No. 1085254)
CITY OF CHICAGO.)**

REQUEST FOR REVIEW

On November 27, 2023, the Executive Director 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 the Chief Administrator's recommendations for discipline of Police Officer Robert Gonzalez, Star No. 12152, Police Officer Manuel Leano, Star No. 4303, Police Officer Brian Bolton, Star No. 15903, and Detective Douglas Nichols, Star No. 21406, arising out of the investigation of Complaint Register No. 1085254 ("Request for Review").

The investigation stems from the arrest of Lionel White Sr. by Sergeant Ronald Watts and Police Officer Alvin Jones on April 24, 2006, and a reverse sting operation later that day which resulted in the arrests of eleven people by a tactical team supervised by Sergeant Watts that included Officers Gonzalez, Leano, Bolton, and Nichols.¹ According to the summary report of the investigation, in 2016, Mr. White's petition to vacate his conviction related to his April 2006 arrest was granted and a Certificate of Innocence was issued by the Circuit Court of Cook

¹When this incident occurred Douglas Nichols held the rank of police officer.

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County. In 2017, Mr. White filed a federal civil rights suit against various team members and Police Department supervisors. In March 2017, the City's Office of Inspector General (OIG) began investigating misconduct related to Mr. White's arrest. In July 2017, OIG transferred its investigative file to the Independent Police Review Authority (IPRA). COPA assumed investigative responsibility in September 2017 after it replaced IPRA. Following the conclusion of the investigation, the Chief Administrator issued recommendations for discipline of Officers Gonzalez, Leano, Bolton, and Nichols. The Superintendent of Police did not agree with the Chief Administrator's recommendations and proposed action different from that recommended by the Chief Administrator.

Police Officer Robert Gonzalez

The Chief Administrator recommended that the following allegations against Officer Gonzalez be *Sustained*:

2. On April 24, 2006, Officer Gonzalez knowingly made a false written report when he attested to Arrest Report CB# 16515545, which falsely indicated that John Pierce attempted to purchase heroin at 575 East Browning Avenue in Chicago.
3. On April 24, 2006, Officer Gonzalez knowingly made a false written report when he attested to Arrest Report CB# 16515552, which falsely indicated that Timothy Brown attempted to purchase heroin at 575 East Browning Avenue in Chicago.
4. On April 24, 2006, Officer Gonzalez knowingly made a false written report when he attested to Arrest Report CB# 16515560, which falsely indicated that Thomas Mitchell attempted to purchase heroin at 575 East Browning Avenue in Chicago.
5. On or about April 24, 2006, Officer Gonzalez became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested George Green without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Gonzalez failed to report such misconduct.
6. On or about April 24, 2006, Officer Gonzalez became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested

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Teresa Butler without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Gonzalez failed to report such misconduct.

7. On April 24, 2006, Officer Gonzalez knowingly made a false written report when he attested to Arrest Report CB# 16515534, which falsely indicated that Lynn Howard attempted to purchase heroin at 575 East Browning Avenue in Chicago.

The Chief Administrator recommended that Officer Gonzalez be discharged from the Chicago Police Department.

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of Officer Gonzalez in that the Superintendent stated that the above allegations were not proven by a preponderance of the evidence and proposed that they not be sustained.

Police Officer Manuel Leano

The Chief Administrator recommended that the following allegations against Officer Leano be *Sustained*:

2. On April 24, 2006, Officer Leano knowingly made a false written report when he attested to Arrest Report CB# 16515558, which falsely indicated that George Green attempted to purchase heroin at 575 East Browning Avenue in Chicago.
3. On April 24, 2006, Officer Leano knowingly made a false written report when he attested to Arrest Report CB# 16515547, which falsely indicated that Teresa Butler attempted to purchase heroin at 575 East Browning Avenue in Chicago.
4. On or about April 24, 2006, Officer Leano became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested John Pierce without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Leano failed to report such misconduct.
5. On or about April 24, 2006, Officer Leano became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Timothy Brown without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Leano failed to report such misconduct.
6. On or about April 24, 2006, Officer Leano became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested

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Thomas Mitchell without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Leano failed to report such misconduct.

7. On or about April 24, 2006, Officer Leano became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Lynn Howard without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Leano failed to report such misconduct.

The Chief Administrator recommended that Officer Leano be discharged from the Chicago Police Department.

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of Officer Leano in that the Superintendent stated that the above allegations were not proven by a preponderance of the evidence and proposed that they not be sustained.

Police Officer Brian Bolton

The Chief Administrator recommended that the following allegations against Officer Bolton be *Sustained*:

2. On or about April 24, 2006, Officer Bolton became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested John Pierce without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Bolton failed to report such misconduct.
3. On or about April 24, 2006, Officer Bolton became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Timothy Brown without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Bolton failed to report such misconduct.
4. On or about April 24, 2006, Officer Bolton became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested George Green without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Bolton failed to report such misconduct.
5. On or about April 24, 2006, Officer Bolton became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Teresa Butler without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Bolton failed to report such misconduct.

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6. On or about April 24, 2006, Officer Bolton became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Thomas Mitchell without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Bolton failed to report such misconduct.
7. On or about April 24, 2006, Officer Bolton became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Lynn Howard without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and Officer Bolton failed to report such misconduct.

The Chief Administrator recommended that Officer Bolton be discharged from the Chicago Police Department.

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of Officer Bolton in that the Superintendent stated that the above allegations were not proven by a preponderance of the evidence and proposed that they not be sustained.

Detective Douglas Nichols

The Chief Administrator recommended that the following allegations against then-Officer Nichols be *Sustained*:

2. On or about April 24, 2006, then-Officer Nichols became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested John Pierce without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and then-Officer Nichols failed to report such misconduct.
3. On or about April 24, 2006, then-Officer Nichols became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Timothy Brown without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and then-Officer Nichols failed to report such misconduct.
4. On or about April 24, 2006, then-Officer Nichols became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested George Green without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and then-Officer Nichols failed to report such misconduct.
5. On or about April 24, 2006, then-Officer Nichols became aware that Sergeant Ronald

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Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Teresa Butler without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and then-Officer Nichols failed to report such misconduct.

6. On or about April 24, 2006, then-Officer Nichols became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Thomas Mitchell without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and then-Officer Nichols failed to report such misconduct.
7. On or about April 24, 2006, then-Officer Nichols became aware that Sergeant Ronald Watts and/or Chicago Police Department members under Sergeant Watts's supervision arrested Lynn Howard without justification on April 24, 2006, at 575 East Browning Avenue in Chicago, and then-Officer Nichols failed to report such misconduct.

The Chief Administrator recommended that then-Officer Nichols be discharged from the

Chicago Police Department.

The Superintendent disagreed with the Chief Administrator's recommendation for discipline of then-Officer Nichols in that the Superintendent stated that the above allegations were not proven by a preponderance of the evidence and proposed that they not be sustained.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendations for discipline on December 30, 2022; (2) the Chief Administrator received the Superintendent's written response on March 28, 2023; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on November 21, 2023; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on November 27, 2023.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Paula Wolff, 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"). On December 9, 2023, Reviewing Member completed her review of the Request for Review

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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

This is a decision about a dispute between the Superintendent of the Chicago Police Department and the Chief Administrator of the Civilian Office of Police Accountability (COPA) concerning discipline of four members of the Police Department: now-Detective Nichols and Officers Gonzalez, Leano and Bolton.

This is NOT a decision about the guilt or innocence of the officers. It is a decision about whether the Superintendent has met the affirmative burden of overcoming COPA's findings and recommendations in this case and whether the recommendations and evidence should be heard by the Police Board.

The disagreement between the Superintendent and COPA Chief Administrator revolves around the question of whether COPA has presented sufficient evidence to prove that the four officers were aware of some arrests made without justification and failed to report that misconduct and whether two officers (Gonzalez and Leano) made false written reports about the facts involved in a series of arrests.

More than seventeen years ago, Sergeant Ronald Watts and members of his tactical team conducted a “reverse sting” in the Ida B. Wells housing complex. Beginning in 2016, ten years after the incident, many people filed motions for new trials based on claims that the conduct and corruption of Sergeant Watts and his team resulted in their being wrongfully convicted. COPA presents data on how many of the overturned cases included the four subjects of this disagreement case. The officer accused in the fewest overturned cases is named in 26 cases; the

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one accused in the most overturned cases is named in 52 cases.

The COPA investigation was initiated in 2017 and includes evidence intended to prove (1) that there was “egregious misconduct” involved in arrests made in 2006 and subsequent evidence proved that the arrests were not justified--- which these officers allegedly knew and did not report, and (2) that two officers signed false reports concerning six individuals arrested in a reverse sting that happened in the building that day. That evidence includes (1) interviews of those present at the time of the arrests about the alleged misconduct and whether the officers would have known about it, and (2) written reports that COPA argues are false, based on the fact that they were pre-typed with identical quotes from three arrestees and provided a blank to fill in the amount of money allegedly seized as evidence.

The Superintendent argues that COPA has not provided “conclusive evidence” that the four officers were physically present in the precise location of the unlawful arrests. COPA argues that there is sufficient evidence and, citing *Rodriguez v. Weis*, that the overwhelming circumstantial evidence their investigation has presented can be considered by the Police Board to support COPA’s recommendations for discharge.

The Superintendent also argues that COPA relies on the fact that the officers do not all describe the reverse sting in the same way and COPA uses that to impugn their credibility. According to the Superintendent, this is not sufficient evidence since they conducted many stings, and this was very long ago, and it is understandable that their descriptions might vary.

The Superintendent further argues that these four officers were not present when people were allegedly purchasing drugs and had to rely on the information provided by the other officers who were posing as drug dealers to make arrests and fill out the forms. He says this was common practice, and COPA is using the benefit of hindsight to review the facts. Additionally,

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he posits that none of the people interviewed identified these four officers as people at the scene of the false arrests.

COPA's evidence includes interviews with seven individuals present at the time of the incidents whose testimony addresses the question of the officers' presence and ability to see the activity of the reverse sting.

It is my opinion that, based on a thorough review of the Request for Review material, the Superintendent did not meet the burden of overcoming the Chief Administrator's recommendation for discipline. Based on the facts and circumstances of this matter, the amount of evidence at issue, and the many credibility determinations that must be made, a full evidentiary hearing before the Police Board is necessary to determine whether the officers violated any of the Chicago Police Department's Rules of Conduct and, if so, the appropriate disciplinary action.

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 Robert Gonzalez, Star No. 12152, Police Officer Manuel Leano, Star No. 4303, Police Officer Brian Bolton, Star No. 15903, and Detective Douglas Nichols, Star No. 21406, shall be deemed accepted by the Superintendent.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 12th DAY OF DECEMBER, 2023.

/s/ PAULA WOLFF
Vice President
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board