

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER TIFFANY M. BROWN,) **No. 09 PB 2704**
STAR No. 7418, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
)
RESPONDENT) **(CR No. 315452)**

FINDINGS AND DECISION

On January 27, 2009, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Tiffany M. Brown, Star No. 7418 (hereinafter sometimes referred to as "Respondent"), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- 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 6:** Disobedience of an order or directive, whether written or oral.

The Police Board caused a hearing on these charges against Police Officer Tiffany M. Brown to be had before Thomas E. Johnson, Hearing Officer of the Police Board, on July 23, 2010.

Following the hearing, the members of the Police Board read and reviewed the record of proceedings. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date, and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent was represented by legal counsel. The Respondent elected to not appear at the hearing.

4. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count I: On or about August 31, 2006, at the Chicago Patrolmen's Credit Union, at or about 1359 West Washington Boulevard, Chicago, the Respondent knowingly attempted to obtain or exert unauthorized control over the property of another, in that she deposited a fraudulent check in the amount of \$1,000,000.00 into her personal account, in violation of Illinois Compiled Statutes Chapter 720, Sections 5/8-4 and 5/16-1(a)(1).

The Respondent did not dispute that the check was fraudulent or that she attempted to deposit the check. The issue is whether she had knowledge that the check was fraudulent when she attempted to deposit it. The Board finds that she did have such knowledge, as the check identified was obviously fraudulent in that it had inadequate digits in the routing number, three instead of two sets of routing numbers, lines between the numbers, and the check does not appear to be a corporate check. The purported court document entitled "Money Beneficiaries to the Court Ruling of Abeni I. Brown" was obviously a fake. Moreover, the check was in the amount of \$1,000,000 and it was purportedly from a lawsuit brought by the Respondent's sister (Abeni Brown) who had a history of scamming everyone according to the Respondent's cousin (Amhad

Murphy), which included defrauding the Respondent on at least two occasions. The Respondent's decision to try to negotiate this check, without any attempt to verify its legitimacy, betrays her knowledge that it was fraudulent. Finally, the Board credits the testimony of Samara Galvin, the teller, that the Respondent asked if the teller needed to speak with her (the Respondent's) lawyer who was on the phone, when in fact the Respondent had no lawyer and there was no lawyer on the phone. Such a statement by the Respondent further demonstrates that she was seeking to negotiate the fraudulent check, knowing it to be a fraud. The Respondent is a police officer and a college graduate. She could not have reasonably believed that the check was real, given the circumstances presented to her. She nonetheless presented it for deposit.

5. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count II: On or about August 31, 2006, at the Chicago Patrolmen's Credit Union, at or about 1359 West Washington Boulevard, Chicago, the Respondent knowingly attempted to obtain by deception control over the property of another, in that she deposited a fraudulent check in the amount of \$1,000,000.00 into her personal account, in violation of Illinois Compiled Statutes Chapter 720, Sections 5/8-4 and 5/16-1(a)(2).

See the reasons set forth in Finding No. 4 above.

6. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count III: On or about August 25, 2006, the Respondent, with intent to defraud, made or altered, or caused to be made or altered, any document apparently capable of defrauding

another in such manner that it purports to have been made by another or by authority of one who did not give such authority, in that the Respondent forged a check in the amount of \$1,000,000.00, which she deposited into her personal account at the Chicago Patrolmen's Credit Union on August 31, 2006, in violation of Illinois Compiled Statutes Chapter 720, Section 5/17-3(a)(1).

While the Respondent testified that her sister Abeni Brown concocted the fraudulent check at issue, along with the fake court order entitled "Money Beneficiaries to the Court Ruling of Abeni I. Brown," and further that the Respondent's mother told her about the court case and gave her the check, neither Abeni Brown nor the Respondent's mother testified. They could have corroborated the Respondent's story, but they did not. As a result, the Board believes that the Respondent acted alone in preparing the fraudulent check and court order. Indeed, her actions were so brazen in presenting the check for deposit, when it was obvious the check was forged, that the Board finds that she, in fact, committed the forgery.

7. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that:

Count IV: On or about August 31, 2006, at the Chicago Patrolmen's Credit Union, at or about 1359 West Washington Boulevard, Chicago, the Respondent, with intent to defraud, issued or caused to be issued or delivered any document apparently capable of defrauding another in such manner that it purports to have been made by another or by authority of one who did not give such authority, knowing it to have been thus made or altered, in that on August 31, 2006, she deposited a fraudulent check in the amount of \$1,000,000.00 into her personal account, in violation of Illinois Compiled Statutes Chapter 720, Section 5/17-3(a)(2).

See the reasons set forth in Finding Nos. 4 and 6 above.

8. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count I: On or about August 31, 2006, at the Chicago Patrolmen's Credit Union, at or about 1359 West Washington Boulevard, Chicago, the Respondent deposited a fraudulent check in the amount of \$1,000,000.00 into her personal account, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the reasons set forth in Finding No. 4 above.

9. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count II: On or about December 12, 2006, the Respondent was criminally indicted in the Circuit Court of Cook County, Illinois, on two counts of forgery and one count of attempted theft, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

It is undisputed that the Respondent was indicted for forgery and attempted theft, and the Board finds that the evidence supports her guilt on these charges. See the reasons set forth in Finding Nos. 4 and 6 above.

10. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

Count III: On or about February 25, 2008, during her statement to the Internal Affairs Division, the Respondent refused to answer questions from Sergeant Joseph Stehlik, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

It is undisputed that the Respondent refused to answer questions from Sergeant Stehlik after being ordered to do so during her IAD interview, claiming her constitutional right not to incriminate herself. She had no right to invoke constitutional protection under *Garrity v. New Jersey*, 385 U.S. 493 (1967) and its progeny. It is well established that police officers must answer questions put to them during a disciplinary investigation, and their answers cannot be used against them in criminal court. The Respondent was advised of this requirement in the Administrative Proceedings Rights form she was given before being asked for her statement. Her refusal to answer the questions put to her was therefore improper.

11. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count I: On or about February 25, 2008, during her statement to the Internal Affairs Division, the Respondent refused to answer questions from Sergeant Joseph Stehlik, thereby failing to cooperate with the Internal Affairs Division, in violation of General Order 93-03-02B, Section II-A-2.

See the reasons set forth in Finding No. 10 above.

12. The Respondent, Police Officer Tiffany M. Brown, Star No. 7418, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count II: On or about February 25, 2008, during her statement to the Internal Affairs Division, the Respondent refused to answer questions from Sergeant Joseph Stehlik, although Sergeant Stehlik told her he was giving her a direct order to answer questions, thereby disobeying a direct order.

See the reasons set forth in Finding No. 10 above.

13. The Police Board has considered the facts and circumstances of the Respondent's conduct, and the evidence presented in defense and mitigation. The Police Board finds that the conduct of which the Board has found the Respondent guilty (including but not limited to committing felony attempted theft and felony forgery) is sufficiently serious to constitute a substantial shortcoming that renders the Respondent's continuance in her office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something which the law recognizes as good cause for the Respondent no longer occupying her office.

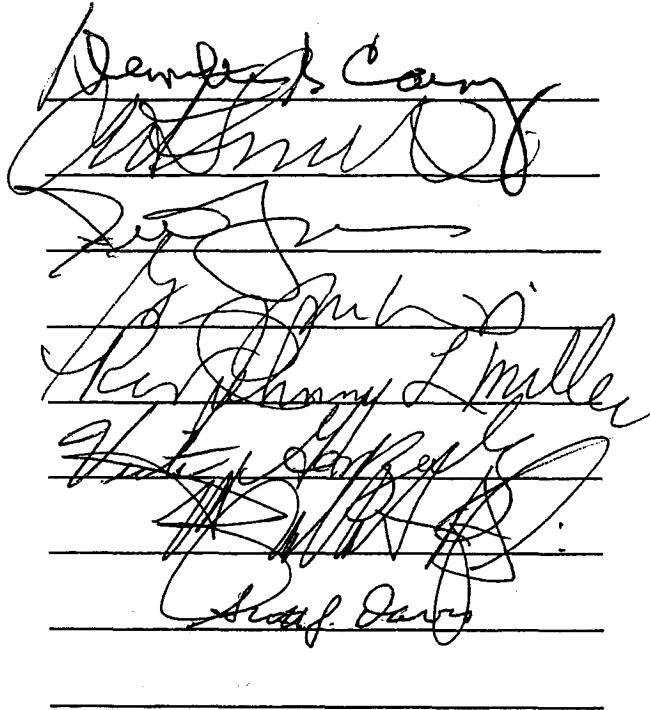
BY REASON OF THE FINDINGS set forth herein, cause exists for the discharge of the Respondent, Police Officer Tiffany M. Brown, Star No. 7418, from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

POLICE BOARD DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having received the oral report of the Hearing Officer, Thomas E. Johnson, and having conferred with the Hearing Officer on the credibility of the evidence, hereby adopts all findings herein; and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Tiffany M. Brown, Star No. 7418, as a result of having been found **guilty** of charges in Police Board Case No. 09 PB 2704, be and hereby is **discharged** from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF AUGUST, 2010.



A series of seven horizontal lines with handwritten signatures in black ink. The signatures are: 1. A large, stylized signature starting with 'D'. 2. A signature starting with 'T'. 3. A signature starting with 'R'. 4. A signature starting with 'K'. 5. A signature starting with 'H'. 6. A signature starting with 'M'. 7. A signature starting with 'S'.

Attested by:

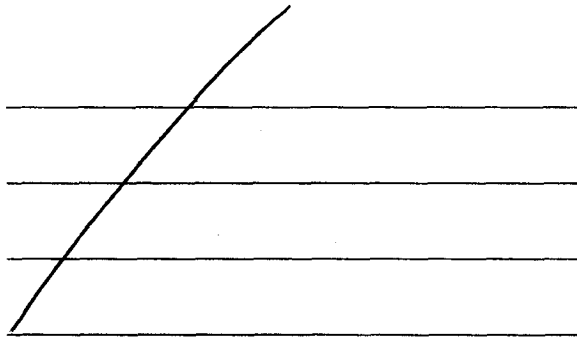


A handwritten signature in black ink, appearing to read 'M. A. Caproni'.

Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the Decision of the majority of the Board.



RECEIVED A COPY OF
THE FOREGOING COMMUNICATION
THIS _____ DAY OF _____, 2010.

SUPERINTENDENT OF POLICE

Chicago Police Department Personnel Division



Information Services Division
Data Warehouse
Produced by: PC0N601

Complimentary History

Name	Title	Star	Unit	Detail Unit	Emp.
BROWN, TIFFANY M	9161	7418	005	376	18607

Achievements

Total No.

COMPLIMENTARY LETTER	4
HONORABLE MENTION	1
EMBLEM OF RECOGNITION - PHYSICAL FITNESS	1



CR# 315452



CR# 315452

Attachment# ~~31434~~ 4

Page 1 of 1

INTERNAL AFFAIRS DIVISION

17 MARCH 2008

RECORDS SECTION

TO: COMMANDING OFFICER OF UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

<u>BROWN TIFFANY</u>	<u>7418</u>	<u>005/376</u>
NAME (LAST, FIRST, M.I.)	STAR	UNIT

<u>F</u>	<u>BLK</u>	<u>18607</u>
SEX	RACE	EMP.#

REFERENCE: COMPLAINT REGISTER NUMBER (S) 315 452

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

<u>SGT. J. STEHLIK</u>	<u>1945</u>	<u>37437</u>	<u>121</u>
RANK NAME	STAR	EMP#	UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCE COMPLAINT REGISTER NUMBER.

THE RECORD SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION (S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

FOR: S.D.E.O. Patricia JOHNSON
COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

CR# 315452

Attachment# 3844

No CR History
No SPAR History

ISSUED FOR USE IN CR ONLY



City of Chicago
Richard M. Daley, Mayor

Police Board

Demetrius E. Carney
President

Scott J. Davis
Vice President

Melissa M. Ballate
Ghian Foreman
Rita A. Fry
Victor M. Gonzalez
Rev. Johnny L. Miller
Arthur J. Smith Sr.
George M. Velcich

Max A. Caproni
Executive Director

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Re: Case No. 09 PB 2704, Tiffany M. Brown

NOTICE

Under Illinois law, a party to a matter before the Police Board has the right to appeal the Board's decision by filing a petition for administrative review in the Circuit Court of Cook County, County Department, Chancery Division.

In accordance with 735 Illinois Compiled Statutes 5/3-103, the time limit for filing an appeal is 35 days from the date the Board personally serves a party with a copy of the decision, or 35 days from the postmark of the date the Board mails a copy of the decision to a party. Filing an appeal after this time limit may result in the dismissal of the case.



CHARGES

Police Officer Tiffany M. Brown, Star Number 7418, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- 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 6: Disobedience of an order or directive, whether written or oral.

SPECIFICATIONS

1. Police Officer Tiffany M. Brown, Star Number 7418, is charged with violating Rule 1, "Violation of any law or ordinance," in one or more of the following instances:
 - Count I: On or about August 31, 2006, at the Chicago Patrolmen's Credit Union at or about 1359 W. Washington, Chicago, Illinois, Officer Tiffany M. Brown knowingly attempted to obtain or exert unauthorized control over the property of another, in that she deposited a fraudulent check in the amount of \$1,000,000.00 into her personal account, in violation of 720 ILCS 5/8-4 and 720 ILCS 5/16-1(a)(1).
 - Count II: On or about August 31, 2006, at the Chicago Patrolmen's Credit Union at or about 1359 W. Washington, Chicago, Illinois, Officer Tiffany M. Brown knowingly attempted to obtain by deception control over the property of another, in that she deposited a fraudulent check in the amount of \$1,000,000.00 into her personal account, in violation of 720 ILCS 5/8-4 and 720 ILCS 5/16-1(a)(2).
 - Count III: On or about August 25, 2006, Officer Tiffany M. Brown, with intent to defraud, made or altered or caused to be made or altered any document apparently capable of defrauding another in such manner that it purports to have been made by another, or by authority of one who did not give such authority, in that she forged a check in the amount of \$1,000,000.00 which she deposited into her personal account at the Chicago Patrolmen's Credit Union on August 31, 2006, in violation of 720 ILCS 5/17-3(a)(1).

Count IV: On or about August 31, 2006, at the Chicago Patrolmen's Credit Union, at or about 1359 W. Washington, Chicago, Illinois, Officer Tiffany M. Brown, with intent to defraud, issued or caused to be issued or delivered any document apparently capable of defrauding another in such manner that it purports to have been made by another or by authority of one who did not give such authority, knowing it to have been thus made or altered, in that on August 31, 2006, she deposited a fraudulent check in the amount of \$1,000,000.00 into her personal account in violation of 720 ILCS 5/17-3(a)(2).

2. Police Officer Tiffany M. Brown, Star Number 7418, is charged with 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," in one or more of the following instances:

Count I: On or about August 31, 2006, at the Chicago Patrolmen's Credit Union, at or about 1359 W. Washington, Chicago, Illinois, Officer Tiffany M. Brown deposited a fraudulent check in the amount of \$1,000,000.00 into her personal account, thereby bringing discredit upon the Department and impeding its efforts to achieve its policy and goals.

Count II: On or about December 12, 2006, Officer Tiffany M. Brown was criminally indicted in the Circuit Court of Cook County, Illinois, including on two counts of forgery and one count of attempted theft, thereby bringing discredit upon the Department and impeding its efforts to achieve its policy and goals.

Count III: On or about February 25, 2008, during her statement to the Internal Affairs Division, Officer Tiffany M. Brown refused to answer questions from Sergeant Joseph Stehlik, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

3. Police Officer Tiffany M. Brown, Star Number 7418, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in one or more of the following instances:

Count I: On or about February 25, 2008, during her statement to the Internal Affairs Division, Officer Tiffany M. Brown refused to answer questions from Sergeant Joseph Stehlik, thereby failing to cooperate with the Internal Affairs Division, in violation of General Order 93-03-02B-II-A-2.

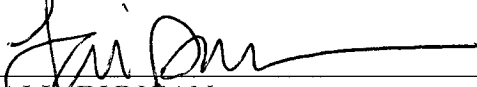
Count II: On or about February 25, 2008, during her statement to the Internal Affairs Division, Officer Tiffany M. Brown refused to answer questions from Sergeant Joseph Stehlik, although Sergeant Stehlik told her he was giving her a direct order to answer questions, thereby disobeying a direct order.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Tiffany M. Brown, Star Number 7418, be discharged from the Chicago Police Department.



JODY P. WEIS
Superintendent of Police

APPROVED AS TO FORM



TAI L. DUNCAN
Assistant Corporation Counsel
Labor Division

P. B. CASE # FILED

09 - 2704 JAN 27 2009

CHICAGO POLICE BOARD