

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

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER DARIUS ALEXANDER,** ) **No. 18 PB 2948**  
**STAR No. 7727, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1054346)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On August 28, 2018, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Darius Alexander, Star No. 7727 (hereinafter sometimes referred to as “Respondent”), recommending the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct, which set forth expressly prohibited acts:

- 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 4: Any conduct or action taken to use the official position for personal gain or influence.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 10: Inattention to duty.

A hearing on these charges against the Respondent took place before Hearing Officer Thomas E. Johnson on February 19 and February 20, 2019. Following this evidentiary hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the entire evidentiary hearing. 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. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon the Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

### **Introduction**

4. On May 24, 2012, Officer Darius Alexander and his partner, Officer Edgar Brown, stopped a vehicle containing Jane Doe<sup>1</sup>, Megan Berry, Thomas Wilcox, and Eric Blanco, after observing a hand-to-hand drug transaction. The stop occurred at 699 South Laramie Avenue, in the Austin neighborhood of Chicago. Messrs. Wilcox and Blanco were charged with drug offenses and the vehicle (which belonged to Ms. Doe's mother) was impounded by Officers Alexander and Brown. Officer Brown then transported the two young women to the police station in Austin, but they were without the use of their car. (Officer Brown had no further involvement with the women.) Ms. Doe was seventeen years old at the time, and Ms. Berry was eighteen years old, both from the Crystal Lake area of Illinois.

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<sup>1</sup>One of the complainants in this case was an underage female at the time of this incident and, in accordance with the order of February 10, 2019, entered in this case, she was referred to at the hearing and will be referred to in this decision by the pseudonym of Jane Doe rather than her actual name.

Jane Doe credibly testified that while at the police station (at about 5:51 p.m.), Officer Alexander approached her and offered to help get her mother's car released from the pound. Officer Alexander then took Ms. Doe's identification, put his phone number into her cell phone and called her phone so they would be able to communicate by phone. The Board finds that Officer Alexander should have known that he was dealing with an underage girl, as Ms. Doe appeared young when she testified at the hearing in this case nearly seven years after the incident, and thus must have appeared quite young at the time of the incident, and Officer Alexander had access to her identification to determine her age. Moreover, the Board credits Ms. Doe's testimony that she told Officer Alexander she was only seventeen.

Officer Alexander told the two young girls to walk to a nearby McDonald's restaurant and wait for him there. They did so, and a photo from the McDonald's security camera (Superintendent's Ex. No. 9) confirms their presence there. Officer Alexander never went to the McDonald's to meet with the two young women, but began communicating with Ms. Doe by text while she waited at the restaurant. As more fully set forth in paragraph no. 6 below, the Board finds that Officer Alexander entered into these communications with Ms. Doe in order to solicit sexual favors from her, and he followed up on his texts by arranging to meet with her the next day.

### **Charges Against the Respondent**

5. The Respondent, Police Officer Darius Alexander, Star No. 7727, charged herein, is **guilty** of violating Rule 2, Rule 3, Rule 6, and Rule 10 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about May 24, 2012, Officer Alexander failed to document either one of two individuals who were detained during an investigatory street stop, in the vicinity of 699 South Laramie Avenue, Chicago, on a contact information card or any other official police report. Officer

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Alexander thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, in that Officer Alexander disobeyed Department Special Order S04-13-09, section IV(B) (effective February 23, 2012); and
- d. Rule 10, which prohibits inattention to duty.

See the findings set forth in paragraph no. 4 above, which are incorporated herein by reference. After stopping Ms. Doe's vehicle, it is undisputed that Officer Alexander never completed a contact information card to document his interaction with her or Ms. Berry. Nor did Officer Alexander mention their identities in the incident report he admits he prepared on the stop, or in the arrest reports he admitted authoring related to the arrest of the women's friends. The Board finds that this decision to eliminate any paper trail pertaining to Officer Alexander's contact with the young women was not inadvertent but part of a larger plan by Officer Alexander to prevent anyone from knowing about his interaction with these young women. This larger plan included deleting from Ms. Doe's phone texts that he had exchanged with Ms. Doe on the evening of May 24, 2012, as more fully described in paragraph no. 6 below.

Because of Officer Alexander's failure to complete a contact information card in violation of Department Special Order S04-13-09 (Superintendent's Ex. No. 1), he pleaded guilty to the Rule 6 violation set out in specification 1(c) of the charges. His failure to document his interaction with the young women (on a contact information card or in the police reports he authored)—both on May 24, 2012, and continuing thereafter on May 25, 2012—is undisputed. The Board finds that this failure also clearly violates Rules 2, 3, and 10, as Officer Alexander's conduct impeded the

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Department's ability to achieve its goal of documenting contact with citizens, including after they are detained. Such policy is clearly spelled out in Department Special Order S04-13-09. It also fails to promote the Department's effort to implement its written policy, and represents a serious inattention to duty on the part of Officer Alexander, particularly where his failure to document his contacts was part of a larger plan to secure sexual favors from a vulnerable young woman.

6. The Respondent, Police Officer Darius Alexander, Star No. 7727, charged herein, is **guilty** of violating Rule 2 and Rule 4 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about May 25, 2012, sometime between approximately 10:00 a.m. to 3:00 p.m. in the vicinity of 1949 West Augusta Avenue, Chicago, while off duty, Officer Alexander met with and solicited sexual favors from one or more individuals, one of whom was a minor, in exchange for releasing an impounded car and/or assisting an arrestee. Officer Alexander discussed sexual favors and boundaries, including "anal," with one or more of the individuals and/or asked what they were offering or used words to that effect. Officer Alexander thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 4, which prohibits any conduct or action taken to use the official position for personal gain or influence.

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated herein by reference. The Board finds the testimony of Jane Doe to be particularly compelling based on the credible and detailed manner in which she testified, as well as the corroboration of her testimony through the recordings of the conversations she made. The Board credits her testimony that on the evening of May 24, 2012, Officer Alexander and she exchanged forty-seven texts as well as calls between 5:51 p.m. and 9:21 p.m., and that in these texts and calls (Superintendent's Ex. No. 2), Officer Alexander came on to Ms. Doe in a sexual fashion, discussed why she needed to find a

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different boyfriend, and suggested that Officer Alexander should be with her as a boyfriend. Most of the communication was by text.

Officer Alexander contends that his contact with Ms. Doe on the night of May 24, 2012, was aimed at trying to determine the identity of the individual(s) who sold the drugs found on her male friends. He says he was a young, aggressive officer, looking for leads on drug dealers in the Austin neighborhood, and “played” Ms. Doe with small talk and a promise to help get her mother’s car out of the pound. He says that Ms. Doe claimed to have information about the drug dealers.

Officer Alexander continued to maintain throughout the hearing that his actions were about discovering the identity of drug dealers while the evidence that this contention is patently untrue is incontrovertible. The Board specifically disbelieves Officer Alexander’s account of his conversations with Ms. Doe for several reasons. First, in evidence is a recording of Officer Alexander’s discussion with Ms. Doe the next day, where he is plainly seeking sexual favors in exchange for help with her car, and includes no mention of drug dealers or transactions. Second, the Board believes Ms. Doe’s testimony that the next day Officer Alexander took her phone and deleted their text exchanges, strongly suggesting that these texts were not about drug dealers but rather about sex. Third, Officer Alexander admits that he and his partner were contacted by the Department’s Bureau of Internal Affairs (BIA) a few days after Ms. Doe and her friends were stopped, and he admits that he had the texts on his phone at that time. Officer Alexander testified that he had never been involved with Internal Affairs before. BIA pulled Officer Alexander and his partner off the street, and Officer Alexander knew at the time that BIA was looking into his and his partner’s contact with the two young women. If the texts were exculpatory, i.e., about following up on the identity of drug dealers, Officer Alexander had every reason to preserve those texts, but he did not do so, confirming that damning nature of the texts.

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On May 25, 2012, Officer Alexander again reached out to Jane Doe at 10:18 a.m., and arranged to meet her and Ms. Berry near Augusta and Damen Avenues in Chicago while on his day off. Officer Alexander claims he was still pursuing the identity of the drug dealers that sold the women's friends drugs. Nevertheless, he meets with them without a weapon or badge, without ever alerting anyone else in the Department (including his partner) about what he is doing, and on his day off (without ever requesting overtime for this police work while he was off-duty). His own partner, Officer Brown, cast doubt on Officer Alexander's claim that he was pursuing an investigation. Officer Brown testified that only the Narcotics and Vice units of the Department contracted with confidential informants; that Brown obtained information from unofficial informants but only persons who lived in the District, with whom he had a relationship; that Brown never met with people seeking information on his day off; and that Brown would have informed his sergeant if he was undertaking his own investigation of a drug dealer, both for safety reasons and because "you can't trust... everybody." Officer Alexander's conduct is entirely inconsistent with the practice his own partner followed.

Even without Officer Brown's testimony, however, it is clear that Officer Alexander was not looking for drug dealers on May 25, 2012, but rather soliciting sex in exchange for helping Ms. Doe recover her mother's car. The Board believes Ms. Doe that on May 25, 2012, when she met with Officer Alexander, he took her phone and deleted the texts they exchanged on the previous day. This prompted Ms. Doe to secretly record her conversation on May 25, 2012, with Officer Alexander, using her phone's video application. These recordings are Superintendent's Ex. Nos. 3-6, and they confirm, without question, that Officer Alexander was soliciting Ms. Doe and Ms. Berry for sex, including talking about Ms. Doe's sexual boundaries and her experience with anal sex, as well as discussing what Ms. Doe would do in order to secure Officer Alexander's help with

the car. There is no discussion whatsoever about drug transactions or dealers in these recorded conversations.

Even after this encounter with Ms. Doe, Officer Alexander continued to call her later on May 25, 2012. Ms. Doe, however, took the train back to Crystal Lake. Her mother discovered the recorded conversations between Ms. Doe and Officer Alexander on her phone, and reported Officer Alexander's conduct to the Crystal Lake police on May 29, 2012. The Crystal Lake police then contacted the Chicago police, which led to the filing of the present charges.

There is no question that Officer Alexander's conduct violates Rules 2 and 4. He abused his office in order to take advantage of a vulnerable young woman.

#### **Penalty**

7. The Police Board has considered the facts and circumstances of the conduct of which it has found Officer Alexander guilty, and the evidence presented in defense and mitigation, including his complimentary and disciplinary histories.

The Board has considered thoroughly the evidence Officer Alexander offered in mitigation, which includes the testimony of Lemuel Washington. In addition, Officer Alexander, who joined the Police Department in August of 2006, has an extensive complimentary history of 96 total awards, including one Life Saving Award, two Department commendations, 83 honorable mentions, and three attendance recognition awards; he has no sustained complaints on his disciplinary history.

Nevertheless, after considering Officer Alexander's service as a police officer and the lack of prior disciplinary history, the Board finds that his misconduct is incompatible with continued service as a police officer. Officer Alexander used his official position to meet with and solicit



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sexual favors from a teenage female who was a minor at the time; in addition, he attempted to conceal his inappropriate behavior by failing to document his contact with the two young women, actively deleting texts from Ms. Doe's phone, and failing to preserve texts on his own phone. He exhibited a significant lack of integrity and brought discredit upon the Chicago Police Department, thereby undermining public confidence in the judgment of its officers. Officer Alexander's actions warrant his discharge from the Chicago Police Department. Permitting him to continue to serve as a Chicago police officer would impair the Department's mission. Effective law enforcement depends upon a high degree of cooperation between the police department and the public it serves. Conduct such as the Officer Alexander's fosters public distrust and a lack of confidence in police officers, thereby impeding the Department's efforts to achieve the important goals of preventing crime, preserving the public peace, identifying and arresting those who commit crimes, and promoting respect and cooperation of all Chicagoans for the law and those sworn to enforce it.

The Board finds that Officer Alexander's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for him to no longer occupy his office.

As the Board has noted in several of its recent decisions, the length of time for disciplinary cases to reach the Board is excessive. The Board continues to be deeply troubled by cases such as this, in which the charges were filed more than six years after an incident occurs. In this case, the impact was particularly serious on the victim, who had been deeply affected by the actions of Officer Alexander and had left the state, was enrolled in higher education, and was reluctant to

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return to testify because she wanted to put the troubling incident behind her.<sup>2</sup> While the delay has no effect on the Board's decisions as to the facts or outcome of this case, it is noted for the purpose of providing another example of excessive delay to help ensure that keeping delays to a minimum continues to be a priority in resolving allegations of misconduct.

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<sup>2</sup> There is no evidence in this case that the delay prejudiced Officer Alexander.

**POLICE BOARD DECISION**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the entire evidentiary hearing, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By votes of 9 in favor (Ghian Foreman, Paula Wolff, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., John H. Simpson, Rhoda D. Sweeney, and Andrea L. Zopp) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2, Rule 3, Rule 4, Rule 6, and Rule 10, as set forth in paragraph nos. 5 and 6 above.

As a result of the foregoing, the Board, by a vote of 9 in favor (Foreman, Wolff, Delgado, Eaddy, Flores, O'Malley, Simpson, Sweeney, and Zopp) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Darius Alexander, Star No. 7727, as a result of having been found **guilty** of all charges in Police Board Case No. 18 PB 2948, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., John H. Simpson, Rhoda D. Sweeney, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16<sup>th</sup> DAY OF MAY, 2019.

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Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director

**DISSENT**

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

[None]

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THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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EDDIE T. JOHNSON  
Superintendent of Police