SUMMARY REPORT DIGEST

LOG NO 1066296 TYPE CR

DATE OF REPORT 30-APR-2016

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR, INDEPENDENT POLICE REVIEW AUTHORITY

	WY/FIVE				
FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	
TROW-INVESTIGATORS WANTE	EVOLVE	SIMINIO	EMILEO LEE INO	OINT ASSIGNED	CIVIL DE L'AILED
JACKSON, ANGELA L.	9182	119		113	! I
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REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

[INCIDENT ADDRESS:		- A Pariner	DATE / TIME:25-NOV-2013 19:11	BEAT: 313
ı					1

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT	UNIT	SEX/RACE	DOB	APPOINTED	ON	SWORN
				ASSIGNED	DETAILED			DATE	DUTY?	?
HOMER, JUSTIN M	9161	10979		011	211	M / WHI	-1981	05-DEC-2005	YES	YES
BABICZ, ANTHONY M	9161	12652		011	211	M / WHI	-1980	27-SEP-2004	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
				M / BLK	1

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
	- Ammery			M/BLK	7

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
KINNANE, BRIAN	RANK: 9171,STAR N	NO: 1120,EMP NO:		M / WHI	1976 / 40
WRIGLEY, JOHN	RANK: 9161,STAR N	O: 7179,EMP NO:		M / WHI	1969 / 46
OKEEFE, JOHN	RANK: 9161,STAR N	O: 18418,EMP NO:		M / WHI	-1976 / 40

^{*} IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

(SEE PAGE 3)

ATTACHMENTS

INVESTIGATIVE REPORTS -	INVESTIGATIVE REPORTS -	PHYSICAL EVIDENCE	TOTAL NUMBER OF
SUPPORTING ALLEGATIONS LIST	SUPPORTING ACCUSED MEMBERS(S)	LIST ATTACHMENTS	ATTACHMENTS SUBMITTED
ATTACHMENTS NUMBER	LIST ATTACHMENTS NUMBER:	NUMBERS:	WITH THIS FILE:
6, 14, 19, 23	4-5, 7-8, 30, 35, 37, 39, 41-46	6, 20	51

FINDINGS - RECOMMENDATIONS

ACCUSED #1:

Officer Justin M. Homer #10979

ALLEGATIONS #1-6:

NOT SUSTAINED

ACCUSED #2:

Officer Anthony M. Babicz #12652

ALLEGATIONS #1-4:

NOT SUSTAINED

IPRA Supervisor Sherry Daun

DATE INITIATED (Date incident was received for investigation)

DATE COMPLETED (Date of this report)

ELAPSED TIME (Total time expressed in days)

03-DEC-2013

30-APR-2016

879

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

ALLEGATIONS:

On 26 November 2013, at approximately 0928 hours, Lt. David Blanco #794 registered this complaint on behalf of the Complainant with the Independent Police Review Authority Intake Aide Lorraine Heard. alleged that on 25 November 2013, at approximately 1955 hours, at Avenue, Officer Justin M. Homer #10979:

- 1) Slammed against a concrete wall;
- 2) Threw to the ground for no reason;
- 3) Kicked in the stomach;
- 4) Stepped on
- 5) Directed profanities at "Nigger"; and
- 6) Disrespected in which he referred to him as a "Boy."

It is further alleged that during the same above incident, Officer Anthony M. Babicz #12652:

- 1) Kicked while he was on the ground;
- 2) Stepped on
- 3) Directed profanities at "Nigger"; and
- 4) Disrespected in which he referred to him as a "Boy."

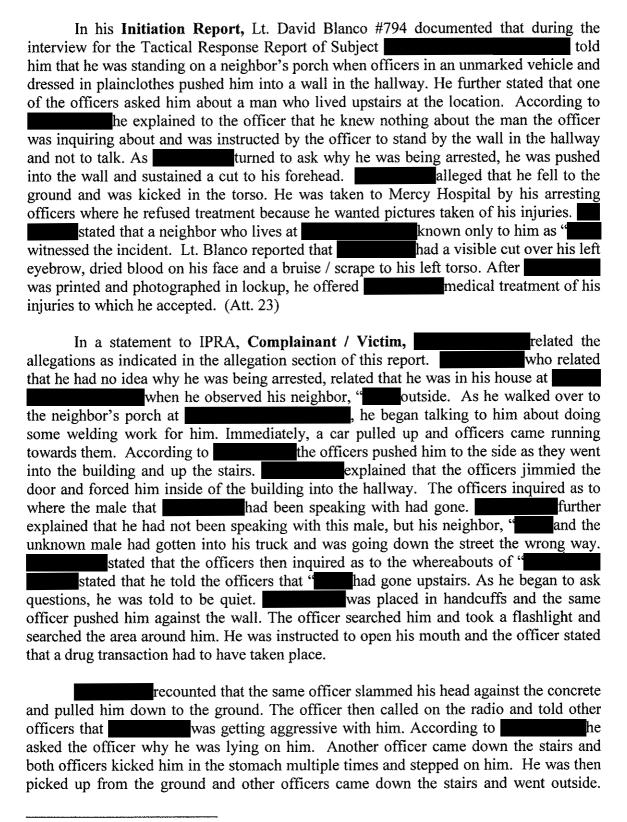
APPLICABLE RULES & LAW:

Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

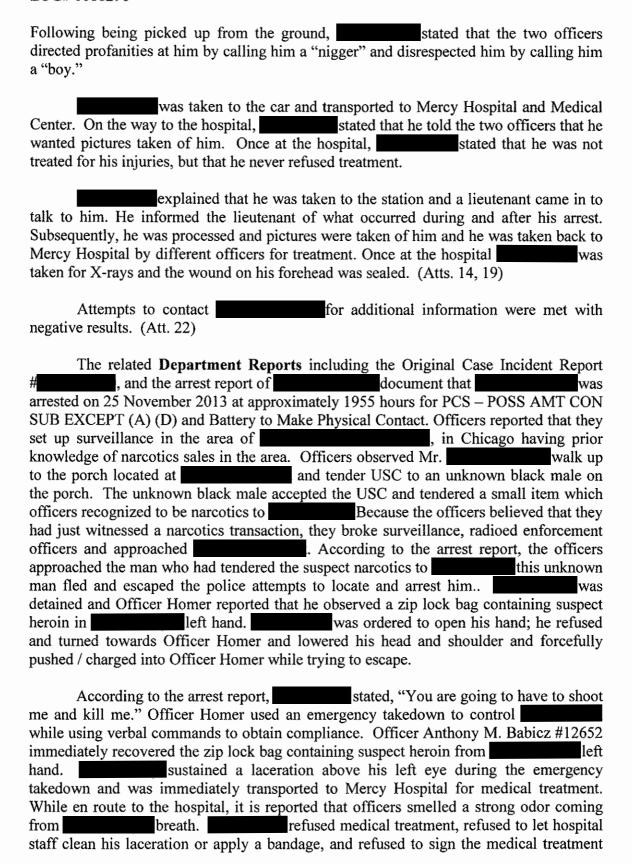
Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Order G02-01: Human Rights and Human Resources – prohibits department members from exhibiting any bias or prejudice against an individual or group because of race; prohibits members from exhibiting a condescending attitude; prohibits members from directing any derogatory terms toward any person in any manner.

INVESTIGATION:

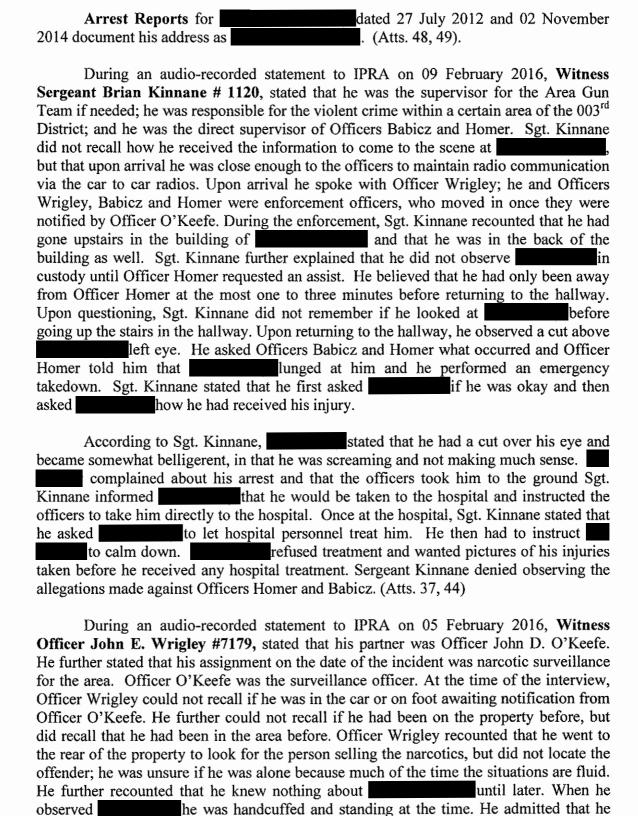


¹ The officers did not inquire about "The by this nickname."



refusal form. was then transported to Central Detention for processing. (Atts. 4, 5)The Tactical Response Report (TRR) of Officer Justin M. Homer #10979 as a passive resister (did not follow verbal direction); who became an active resister (pulled away); who lastly became an assailant of an assault and battery (imminent threat of battery and pushed / charged into officer). Officer Homer utilized member presence, verbal commands, and take down/emergency handcuffing to When was interviewed by the Watch Commander, Lt. subdue Blanco reported the same information as listed on his Initiation Report and found that this incident required further investigation based on the statements of Officer Homer and (Att. 7) The Officer's Battery Report (OBR) of Officer Justin Homer #10979 was consistent with the information he wrote in the arrest report, case report and TRR of except for the fact that he listed unknown when asked if the offender's activity was drug related. (Att. 8) Mugshot Photographs taken of depict injuries to his face. (Att. 6) Medical Records revealed that I was treated at Mercy Hospital and Medical Center for his injuries; his address was listed as denoted that 55 year old was brought to the emergency room in police custody the previous evening at which time he refused exams and medications. was discharged after refusing medical treatment and now had returned requesting medical treatment. Complained of a facial laceration to the left side of his face as well as pain to the left side of his rib. that he was beaten by the police officers on the previous shift who had arrested him. Records indicate that least stated that he was kicked in the head and chest and "having his chest him down." I was diagnosed as having bruising and tenderness to his left lower ribs and his chest X-rays show a minimally displaced eighth rib fracture on the left. pain was controlled by Norco; his Tetanus was updated; his wound was cleaned with Dermabond. (Att. 20) A **canvass** of the area produced negative results. The address of was described as a vacant, brown, brick 3-Flat. (Att. 21) The Court Disposition of Case # documented plead guilty to Count 2 (Battery); there was a finding of guilty on 02 that was sentenced to Cook County Jail for 55 days and given January 2014; credit for time served. There was a finding of No Probable Cause for Count 1, Possession. (Att. 47)

² Officer Homer submitted an Officer's Battery Report. Officer Homer did not sustain any injuries. (Att. 8)

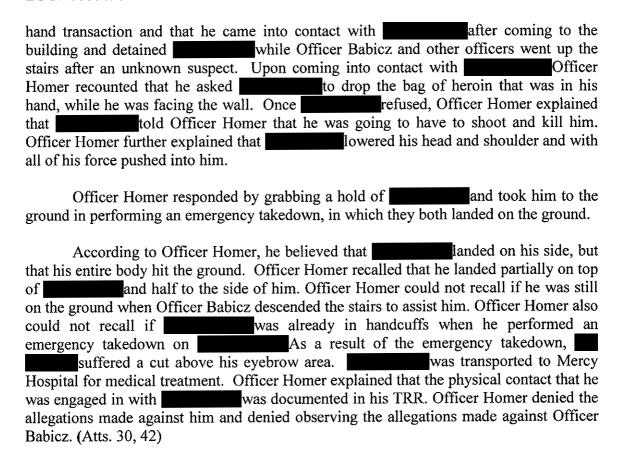


did remember seeing some type of injury on Officer Wrigley denied

observing or hearing the allegations made against Officers Babicz and Homer. (Atts. 39, 45)

During an audio-recorded statement to IPRA on 02 March 2016, Witness Officer John D. O'Keefe 19575, stated that he was partners with Officer John Wrigley. Officer O'Keefe explained that his assignment on the date of the incident was narcotic surveillance for the 003rd District in an area that was experiencing gang conflict, and this particular block had a flourishing illegal narcotics trade. According to Officer O'Keefe, he had prior knowledge of narcotics sales and they were at the beginning stages of developing information in the area. As the assigned surveillance officer, Officer O'Keefe recounted that he observed several hand to hand transactions before taking any actions at According to Officer O'Keefe, the main target of the investigation, now known as 3, fled into the building at and was not apprehended that day; he was arrested a few months later. Officer O'Keefe stated that he directed the enforcement officers to check the hallway and to ascertain if run out of the rear of the building. At some point, he heard Officer Homer request an assist. Later, Officer O'Keefe stated that he was informed that there was an altercation between Officer Homer and He further stated that Officer Homer had to perform an emergency takedown on in the hallway. Later on when Officer O'Keefe observed up close, he noticed that he had an injury above his eye was belligerent, but was told by Sgt. Kinnane that he would be taken to the hospital. (Atts. 40, 46) During an audio recorded statement to IPRA on 08 February 2016, Accused Officer Anthony M. Babicz #12652, stated that he was working with his partner Officer Justin Homer. He and Officer Homer were called by Officer O'Keefe and Officer Wrigley involving a narcotics investigation on 61st and Eberhart. Officer Babicz stated that he went in to the building and up the stairs. Upon questioning, Officer Babicz related that he walked past and did not look at Once Officer Homer stated that he needed help, he was the officer that came downstairs to assist Upon his approach back to the hallway on the main Officer Homer with already in handcuffs on the ground with Officer Homer level, he observed having one knee up and one knee on the ground. Officer Babicz stated that he observed his supervisor, Sgt. Kinnane after was placed under arrest. Officer Babicz denied the allegations made against him and denied observing the allegations made against Officer Homer. (Atts. 35, 43) During an audio recorded statement to IPRA on 08 February 2016, Accused Officer Justin M. Homer #10979, stated that he had previously been in the area but not to the specific address of incident. According to Officer Homer, he and his partner, Officer Babicz were working narcotics surveillance and were enforcement officers on the Once they were notified that there was a suspected hand to hand narcotics transaction and given a description of the suspects, he and Officer Babicz . Officer Homer admitted that he did not observe the hand to went to

³ Officer O'Keefe only knew by his personal description at the time, not his name.



CONCLUSION:

As documented by Lt. Blanco, alleged that he was pushed against the wall, fell to the ground and was then kicked in his torso. The medical records described reporting that he was beaten by police, including being kicked in his head. In his statement to IPRA, did not allege that he was kicked in the head and reported that he was thrown to the ground. Although consistently reported that he was beaten by police, his description of the specific actions by the officers lacked consistency.
reported to IPRA that he lived at visiting his neighbor when the incident with the police began; denied there had been any drug activity. This narrative is significantly different than documented in the Department reports, which reported that was observed engaging in a hand to hand narcotics transaction. Medical records from the day after the incident identified address as was address was documented as . When was arrested preceding and following this incident his address was documented as . During the canvass, the address of was described as a vacant building. The evidence established that was untruthful when he reported to IPRA that he resided at
Based on the discrepancies and contradictions explained above, credibility is diminished. reduced credibility is considered in the analysis of each allegation of misconduct he made against the accused officers.
Accused: OFFICER JUSTIN M. HOMER #10979
Allegations #1-6: The R/I recommends a finding of Not Sustained. There is no doubt that was injured by police during this incident, as documented in photographs, Department Reports and medical records. provided basically consistent descriptions of how he obtained his injuries to Lt. Blanco, medical personnel and IPRA. However, the injuries to his face and ribs that sustained are also consistent with the Emergency Takedown that Officer Homer documented in Department Reports and his statement to IPRA. Both and Officer Homer agreed that they were alone when Officer Homer took to the ground. Officer Homer denied that he slammed against a wall and maintained that obtained the injury to his face during the Emergency Takedown. Officer Homer denied that he kicked or stepped on and Officer Babicz denied that he observed this

Accused: OFFICER ANTHONY M. BABICZ #12652

