

## ABSTRACTS OF SUSTAINED CASES

OCTOBER 2009

### *Log/C.R. No. 306849*

On 09 July 2005, a complaint was registered with the Independent Police Review Authority (f/k/a The Office of Professional Standards), regarding an incident occurring in the 17th District. It was alleged that an on-duty Chicago Police Department sergeant of police verbally abused a complainant by referring to him in a derogatory term; grabbed him by the neck and threw him against the broken glass of the complainant's vehicle and pushed and pinned his face/head against the broken glass; slapped the complainant about the face, causing the complainant to hit his head against the wall; and further that the accused sergeant verbally abused another victim by calling her a derogatory term in Spanish. It is further alleged that an on-duty unidentified Chicago Police Department Officer kned the complainant in the thigh area. It was also alleged that an on-duty Chicago Police Department Officer disobeyed a direct order by handing out the property (i.e. car keys) of a prisoner and that he verbally abused his superior officer in that he directed profanity at the superior. IPRA recommended to **"SUSTAIN"** the allegation that the accused sergeant verbally abused a complainant by referring to him in a derogatory term based on witness accounts. IPRA recommended a finding of **"UNFOUNDED"** for the allegation that the accused sergeant grabbed the complainant by the neck and threw the complainant against the broken glass of the his vehicle and pushed and pinned his face/head against the broken glass, as witness statements indicated that the accused sergeant used reasonable force to affect the arrest of the complainant who was resisting at the time. Based on corroborating witness statements, IPRA recommended to **"SUSTAIN"** the allegation that the accused sergeant slapped the complainant about the face, causing the complainant to hit his head against the wall. Further, IPRA recommended to **"SUSTAIN"** the allegation that the accused sergeant verbally abused another victim by calling her a derogatory term in Spanish, based on corroborating witness statements. Because there was no corroborating evidence and the complainant could not provide a description of an unidentified officer, IPRA recommended a finding of **"NOT SUSTAINED"** for the allegation that on-duty unidentified Chicago Police Department Officer kned the complainant in the thigh area. IPRA recommended a finding of **"UNFOUNDED"** for the allegation that the accused on-duty officer disobeyed a direct order by handing out the property (i.e. car keys) of a prisoner, in that the officer was not directed not to do so at that time the property was disbursed. Lastly, IPRA recommended to **"SUSTAIN"** the allegation that the accused officer verbally abused his superior officer (the accused sergeant) in that he directed profanity at the superior based on the accused officer's own admissions. IPRA recommended a penalty of **fifteen (15) days suspension for the accused sergeant and a two (2) days suspension for the accused officer.**

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### *Log/C.R. No. 1022566*

On 19 December 2008, a complaint was registered with the Independent Police Review Authority, regarding an incident occurring in the 1st District. It was alleged that an off-duty Chicago Police Department officer was inattentive to duty in that he accidentally discharged his weapon without justification and that he failed to maintain control of his weapon in that he allowed a civilian to hold it. IPRA recommended to **"SUSTAIN"** the allegation that the accused officer was inattentive to duty in that he discharged his weapon without justification based on corroborating evidence and the accused member's own admissions. IPRA recommended a finding of **"EXONERATED"** for the allegation that the accused member failed to maintain control of his weapon in that he allowed a civilian to hold it, based on corroborating evidence of the accused member's account that he gave the weapon to a civilian because the accused officer had no way of safely and properly re-holstering his weapon while he was affecting an arrest. IPRA recommended a penalty of **reprimand for the accused officer**.

### *Log/C.R. No. 1022441*

On 13 December 2008, a complaint was registered with the Independent Police Review Authority, regarding an incident occurring in the 11th District. It was alleged that an on-duty Chicago Police Department officer accidentally discharged his weapon without justification. Based on corroborating evidence that the accused member's weapon was in firing condition and functioning properly and based on the member's statements, IPRA recommended to **"SUSTAIN"** the allegation that the accused member discharged his weapon without justification. IPRA recommended a penalty of **reprimand for the accused officer**.

### *Log/C.R. No. 311881*

On 24 March 2006, a complaint was registered with the Independent Police Review Authority (f/k/a The Office of Professional Standards), regarding an incident occurring in the 16th District. It was alleged that an off-duty Chicago Police Department officer pointed his weapon, without justification at a victim; threatened to kill the victim; punched the victim about the head and body; directed profanities at the victim; failed to take proper police action; failed to report an incident to a supervisor and/or the Department; failed to complete and submit a Tactical Response Report; and provided a false report. Further it was alleged that a second off-duty Chicago Police Department officer punched the victim about the head and body; kicked the victim about the head and body; directed profanities at the victim; failed to take proper police action; failed to report an incident to a supervisor and/or the Department; and provided a false report. It is also alleged that a third off-duty Chicago Police Department officer was in violation of the

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Department's medical roll policy; punched the victim about the head and body; directed profanities at the victim; failed to take proper police action; failed to report an incident to a supervisor and/or the Department; failed to submit a report to a supervisor containing all the facts observed by and/or reported to the third accused officer; failed to complete and submit a Tactical Response Report; and provided a false report. It is further alleged that a fourth on-duty Chicago Police Department officer placed three victims in custody without justification and had knowledge of misconduct on the part of a Department member and failed to report it. It was also alleged against a fifth on-duty Chicago Police Officer that he had knowledge of misconduct on the part of a Department member and failed to report it and impeded the investigation by going to the location of a potential witness and questioning that witness. It was alleged against a sixth on-duty Chicago Police Department member that he placed three victims in custody without justification and had knowledge of misconduct on the part of a Department member and failed to report it. Further it was alleged against an on-duty seventh Chicago Police Department officer that he had knowledge of misconduct on the part of a Department member and failed to report it. It was also alleged against an eighth on-duty Chicago Police Department officer that she had knowledge of misconduct on the part of a Department member and failed to report it. Lastly, it was also alleged against an on-duty Chicago Police Department sergeant that he failed to conduct a thorough preliminary investigation; failed to initiate a Complaint Register; and had knowledge of misconduct on the part of a Department member and failed to report it. IPRA recommended to **"SUSTAIN"** the allegations that the first off-duty accused officer pointed his weapon without justification at a victim; and punched the victim about the head and body, based on physical evidence, videotaped evidence, and corroborating witness statements. Because of conflicting evidence, IPRA recommended to **"NOT SUSTAIN"** the allegations that the first accused officer threatened to kill the victim and directed profanities at the victim. Based on the first accused officer's admissions, IPRA recommended to **"SUSTAIN"** the allegations that the accused first officer failed to take proper police action; failed to report an incident to a supervisor and/or the Department; and failed to complete and submit a Tactical Response Report. Based on material evidence that contradicted the statements provided by the first accused officer, IPRA recommended to **"SUSTAIN"** the allegation that this accused provided a false report. Based on witness statements, videotaped evidence, and physical evidence, IPRA recommended to **"SUSTAIN"** the allegations that the second and third accused officers punched the victim about the head and body and kicked the victim about the head and body. IPRA recommended to **"NOT SUSTAIN"** the allegation that the second and third accused officers directed profanities at the victim, as there was no sufficient corroborating

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evidence. Based on admissions made by the second and third accused officers, IPRA recommended to **"SUSTAIN"** the allegations that they failed to take proper police action; failed to report an incident to a supervisor and/or the Department; failed to complete and submit a Tactical Response Report; and provided a false report. Based on Department records, IPRA recommended a finding of **"UNFOUNDED"** for the allegation that the third accused officer was in violation of the Department's medical roll policy. Because there was no corroborating evidence, IPRA recommended to **"NOT SUSTAIN"** the allegation against the fourth, fifth, sixth, seventh and eighth accused officers that they had knowledge of misconduct on the part of a Department member and failed to report it. Based on corroborating witness statements, IPRA recommended a finding of **"UNFOUNDED"** for the allegation that the fifth accused officer impeded the investigation by going to location of a potential witness and questioning that witness. Because there was no corroborating evidence, IPRA recommended to **"NOT SUSTAIN"** the allegation against the fourth and sixth accused officers that they that placed three victims in custody without justification. Based on corroborating statements, IPRA recommended to **"SUSTAIN"** the allegation that the accused sergeant failed to conduct a thorough preliminary investigation. Based on Department records, statements and videotaped evidence, IPRA recommended to **"NOT SUSTAIN"** the allegations that the accused sergeant of police failed to initiate a Complaint Register and had knowledge of misconduct on the part of a Department member and failed to report it. IPRA recommended **separation for the first, second and third accused officers, and a sixty (60) day suspension for the accused sergeant.**

### ***Log/C.R. No. 310439***

On 03 January 2006, a complaint was registered with the Independent Police Review Authority, (f/k/a The Office of Professional Standards), regarding an incident occurring in the 11<sup>th</sup> District. It was alleged that an on-duty Chicago Police Department lieutenant was inattentive to duty in that she entered the wrong apartment during the execution of a search warrant and failed to ensure the proper execution of the search warrant. It was further alleged that an on-duty Chicago Police Department sergeant was inattentive to duty in that he entered the wrong apartment during the execution of a search warrant; failed to ensure the proper execution of a search warrant; and failed to conduct a thorough preliminary investigation of misconduct. It was also alleged against twelve other on-duty Chicago Police Department officers that they were inattentive to duty in that they entered the wrong apartment during the execution of a search warrant. Further, it was alleged against ten of the twelve accused officers that they kicked a victim; pushed the victim's head into the floor; and verbally abused the victim. Based on department records and witness and accused statements that verified that

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the wrong apartment was entered in the execution of the search warrant, IPRA recommended to **"SUSTAIN"** the allegation that the accused lieutenant, sergeant and six other accused officers were inattentive to duty in that they entered the wrong apartment during the execution of a search warrant. Also, because there was no corroborating evidence, IPRA recommended a finding of **"NOT SUSTAINED"** for the allegation that those accused six officers who entered the wrong apartment, kicked a victim; pushed the victim's head into the floor; and verbally abused the victim. Based on department records and witness and accused statements, IPRA recommended to **"SUSTAIN"** the allegation that the accused lieutenant and sergeant failed to ensure the proper execution of the search warrant. Also, based on corroborating department records and witness statements, IPRA recommended to **"SUSTAIN"** the allegation that the accused sergeant failed to conduct a thorough preliminary investigation of misconduct. For the other six of the accused officers, IPRA recommended a finding of **"UNFOUNDED"** for the allegation that these officers were inattentive to duty in that they entered the wrong apartment during the execution of a search warrant, as corroborating statements and reports indicated that these accused officers did not enter the residence. Additionally, IPRA recommended a finding of **"UNFOUNDED"** for the allegation that four of these accused officers kicked a victim; pushed the victim's head into the floor; and verbally abused the victim as it was already established that these officers never entered the residence in order to engage in such acts. IPRA recommended **a seven (7) day suspension for the accused lieutenant and sergeant; a three (3) day suspension for the first accused officer; and a reprimand for the other five accused officers who entered the wrong residence.**

### ***Log/C.R. No. 1021407***

On November 5, 2008, a complaint was registered with the Independent Police Review Authority (IPRA), regarding an incident occurring in the 22<sup>nd</sup> District. It was alleged that an off-duty officer was inattentive to duty in that he mishandled and discharged his weapon while cleaning it in his residence. Based on the statement of the accused, witness reports, medical records, photographs and reports, IPRA recommended a **"violation noted" for the accused member.**