

ABSTRACTS OF SUSTAINED CASES

NOVEMBER 2009

Log/C.R. No. 1020082

On 17 September 2008, a complaint was registered with the Independent Police Review Authority, regarding an incident occurring in the 11th District. It was alleged that an off-duty Chicago Police Department officer forced the complainant to the ground without justification; excessively twisted the arm of the complainant without justification, causing injury; placed excessive pressure on the complainant's left arm with his knee without justification, causing injury; threw the complainant's cell phone across the pavement without justification; and failed to complete a Tactical Response Report regarding his contact with the complainant. Based on witness statements, IPRA recommended to **"SUSTAIN"** the allegation that the accused officer forced the complainant to the ground without justification. IPRA recommended to **"NOT SUSTAIN"** the allegations that the accused officer excessively twisted the arm of the complainant without justification, causing injury and placed excessive pressure on the complainant's left arm with his knee without justification, because there was no corroborating evidence. Finally, IPRA recommended a finding of **"EXONERATED"** for the allegation that the accused officer failed to complete a Tactical Response Report regarding his contact with the complainant, because the standing order requiring completion of this report only applies to physical contact with an active resistor or cooperative subject, neither of which was applicable to the complainant in this alleged incident. IPRA recommended a **five (5) day suspension for the accused officer.**

Log/C.R. No. 309019

On 09 October 2005, a complaint was registered with the Independent Police Review Authority (f/k/a The Office of Professional Standards), regarding an incident occurring outside the City of Chicago. It was alleged that an off-duty Chicago Police Department officer was intoxicated; engaged in an unjustified physical altercation with a victim; conspired with a family member to give a false account to the Responding Officers of how the victim was injured; was arrested and charged with Assault Causing Serious Injury. It was further alleged that at a subsequent date, the accused officer provided inaccurate information in his testimony to the District Court located in the jurisdiction in which the incident occurred; and was found guilty of Assault Causing Serious Injury, a Class D Felony, at the conclusion of that court's criminal proceeding. Based on statements from the accused member and reports from the Police Department located in the jurisdiction in which the incident occurred, IPRA recommended to **"SUSTAIN"** the allegation that the accused officer was intoxicated. Because there was no corroborating evidence, IPRA recommended to **"NOT SUSTAIN"** the allegation that the accused officer engaged in an unjustified physical altercation with the victim. Based on statements and testimony by the accused member, his relative, and the Responding Officers, IPRA recommended to **"SUSTAIN"** the allegation that the accused officer conspired with a family member to provide a false account to the Responding Officers of how the victim was injured. Based on the arrest reports of the accused member, IPRA recommended to **"SUSTAIN"** the allegation that the accused officer was arrested and charged with Assault Causing Serious Injury.

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IPRA recommended a finding of **"UNFOUNDED"** for the allegation that the accused provided inaccurate testimony in court based on the transcript of the proceedings and the interview of the accused. Because the accused officer's conviction was overturned on appeal, IPRA recommended a finding of **"UNFOUNDED"** for the allegation that the accused officer was found guilty of Assault Causing Serious Injury, a Class D Felony. Lastly, IPRA recommended to **"SUSTAIN"** two subsequent allegations that the accused member brought discredit and/or disrepute to the Department because of his actions in this alleged incident. IPRA recommended a penalty of **ninety (90) days suspension for the accused officer.**

Log/C.R. No. 313165

On 24 May 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 20th District. It was alleged that an off-duty Chicago Police Department sergeant struck the complainant on his head with a gun; slapped the complainant; pushed the complainant; directed profanity at the complainant; entered complainant's residence without justification; threatened to kill the complainant; and was intoxicated. It was further alleged that a second on-duty Chicago Police Department sergeant failed to conduct a complete and comprehensive investigation relative to misconduct of the first accused sergeant. In addition, it was alleged that an on-duty Chicago Police Department captain failed to ensure that an evidence technician be requested to inventory the handgun used to strike the victim; failed to ensure that the assigned evidence technician hand-carry the inventoried item to the Forensic Services Section; and that he failed to notify and provide IPRA (f/k/a OPS) with applicable inventory numbers. Based on corroborating witness statements and physical evidence IPRA recommended to **"SUSTAIN"** the allegations that the first accused sergeant struck the complainant on his head with a gun; slapped the complainant; pushed the complainant; directed profanity at the complainant; entered complainant's residence without justification; and threatened to kill the complainant. IPRA recommended to **"NOT SUSTAIN"** the allegation that the first accused sergeant was intoxicated as there was no corroborating evidence. In addition, IPRA recommended to **"SUSTAIN"** a subsequent allegation that the first accused sergeant provided a false statement to IPRA, in that he denied all of the facts of this incident, which were proven to be accurate. IPRA recommended to **"SUSTAIN"** the allegation that the second accused sergeant failed to conduct a complete and comprehensive investigation relative to the misconduct of the first accused sergeant, based on witness statements, physical evidence, and the statements of the second accused sergeant. Lastly, IPRA recommended to **"SUSTAIN"** the allegations against the accused captain that failed to ensure that an evidence technician be requested to inventory the handgun used to strike the victim; failed to ensure that the assigned evidence technician hand-carry the inventoried item to the Forensic Services Section; and that he failed to notify and provide IPRA (f/k/a OPS) with applicable inventory numbers, based on the fact that the accused captain failed to comply with a Department

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order requiring such actions to be taken. IPRA recommended **separation for the first accused sergeant, a fourteen (14) day suspension for the second accused sergeant, and a ten (10) day suspension for the accused captain.**