

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1069136

INTRODUCTION:

On 12 May 2014, at approximately 2115 hours, Subject 1 exited the CTA Redline Station located at 220 West Garfield Blvd. While Subject 1 stood on the sidewalk waiting for a CTA bus, a black unmarked Ford Explorer drove up and parked several feet west of the CTA Redline Station exit. Officer A was the driver and Officer B was the passenger. Shortly after Officer A parked the vehicle, Subject 1 spat in street behind the officer's parked vehicle. Officer B eventually exited the vehicle, handcuffed Subject 1 and placed Subject 1 into the back seat of the vehicle. After Officer B got back into the vehicle, Officer A drove away. Officer A and Officer B drove Subject 1 to McKinley Park which is located at 2210 West Pershing Road, which is approximately four miles from 220 West Garfield Blvd. When Officer A and Officer B arrived at McKinley Park, Officer B exited the vehicle and removed Subject 1 from the back seat of the vehicle. Officer A and Officer B drove away and left Subject 1 at McKinley Park. Subject 1 called 911 once from his cell phone to request a supervisor as he walked along Pershing Road and once from a business telephone at 3968 South Ashland Avenue. Subject 1 also called his mother, Civilian 1, once from his cell phone. Subject 1 eventually used public transportation to get home.

ALLEGATIONS:

On 13 May 2014, at approximately 1128 hours, complainant, **Subject 1** contacted the Independent Police Review Authority (IPRA) and registered this complaint with Intake Aide A. It is alleged that on 12 May 2014, at approximately 2200 hours, at 220 West Garfield Blvd (CTA Redline Station), **Officer B, Unit 701/704;**

- 1) Seized/arrested Subject 1 without justification in violation of Rule 1, Rule 2, Rule 3, Rule 8 and United States Constitution, Fourth Amendment;
- 2) Handcuffed Subject 1 too tightly in violation of Rule 8;
- 3) Told Subject 1, "Fuck you" when he asked you to loosen the handcuffs in violation of Rule 2, Rule 3 and Rule 8;
- 4) Failed to immediately transport Subject 1 to the district of arrest in violation of Rule 6 and Rule 10;
- 5) Transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road (McKinley Park) without justification in violation of Rule 1, Rule 2, Rule 3, Rule 8, Rule 36 and United States Constitution, Fourth Amendment;
- 6) Transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road (McKinley Park) against his will in violation of Rule 1, Rule 2, Rule 3, Rule 8, Rule 36 and United States Constitution, Fourth Amendment;

It is further alleged that on 12 May 2014, at approximately 2230 hours, at 2210 West Pershing Road, **Officer B, Unit 701/704;**

- 7) Slapped Subject 1 in violation of Rule 2, Rule 3, Rule 8 and Rule 9;

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- 8) Punched Subject 1 in violation of Rule 2, Rule 3, Rule 8 and Rule 9;
- 9) Abandoned/left Subject 1 at 2210 West Pershing Road in violation of Rule 1, Rule 2, Rule 3 and Rule 8;

It is further alleged by Inv. A that on 12 May 2014, during his tour of duty; **Officer B, Unit 701/704;**

- 10) Failed to complete a Contact Card documenting your contact with Subject 1 in violation of Rule 6, Rule 10 and Special Order S04-13-09, Contact Information System, section III, A, B, C & E.;
- 11) Failed to notify OEMC of an on-view incident you responded to involving Subject 1 in violation of Rule 6, Rule 10 and General Order, G03-01-01, Radio Communications, section II, H and L, a, b.;
- 12) Failed to notify OEMC of your change in availability status when you transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road in violation of Rule 6, Rule 10 and General Order, G03-01-01, Radio Communications, section II, H and L, a, b.;
- 13) Falsely reported your duty/work status to OEMC during your contact with Subject 1 in violation of Rule 2, Rule 3 and Rule 14;
- 14) Falsely reported your location to OEMC during your contact with Subject 1 in violation of Rule 2, Rule 3 and Rule 14;
- 15) Failed to notify your immediate supervisor of the reason(s) Subject 1 should be released without charging in violation of Rule 6 and Rule 10;
- 16) Failed to notify your unit commander of the reason(s) Subject 1 should be released without charging in violation of Rule 6 and Rule 10;
- 17) Failed to complete the necessary reports in relation to Subject 1 being released without charging in violation of Rule 6 and Rule 10; and
- 18) Failed to report misconduct committed by Officer A in relation to his contact with Subject 1 in violation of Rule 2, Rule 3, Rule 6, Rule 10 and Rule 22.

It is alleged that on 12 May 2014, at approximately 2200 hours, at 220 West Garfield Blvd (CTA Redline Station), **Officer A, Unit 701/704;**

- 1) Seized/arrested Subject 1 without justification in violation of Rule 1, Rule 2, Rule 3, Rule 8 and United States Constitution, Fourth Amendment;
- 2) Handcuffed Subject 1 too tightly in violation of Rule 8;
- 3) Failed to immediately transport Subject 1 to the district of arrest in violation of Rule 6 and Rule 10;
- 4) Transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road (McKinley Park) without justification in violation of Rule 1, Rule 2, Rule 3, Rule 8, Rule 36 and United States Constitution, Fourth Amendment;
- 5) Transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road (McKinley Park) against his will in violation of Rule 1, Rule 2, Rule 3, Rule 8, Rule 36 and United States Constitution, Fourth Amendment;

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It is further alleged that on 12 May 2014, at approximately 2230 hours, at 2210 West Pershing Road, **Officer A, Unit 701/704;**

- 6) Left Subject 1 at 2210 West Pershing Road in violation of Rule 1, Rule 2, Rule 3 and Rule 8;

It is further alleged by Investigator A that on 12 May 2014, during his tour of duty; **Officer A, Unit 701/704;**

- 7) Failed to complete a Contact Card documenting your contact with Subject 1 in violation of Rule 6, Rule 10 and Special Order S04-13-09, Contact Information System, section III, A, B, C & E.;
- 8) Failed to notify OEMC of an on-view incident you responded to involving Subject 1 in violation of Rule 6, Rule 10 and General Order, G03-01-01, Radio Communications, section II, H and L, a, b.;
- 9) Failed to notify OEMC of your change in availability status when you transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road in violation of Rule 6, Rule 10 and General Order, G03-01-01, Radio Communications, section II, H and L, a, b.;
- 10) Falsely reported your duty/work status to OEMC during your contact with Subject 1 in violation of Rule 2, Rule 3 and Rule 14;
- 11) Falsely reported your location to OEMC during your contact with Subject 1 in violation of Rule 2, Rule 3 and Rule 14;
- 12) Failed to notify your immediate supervisor of the reason(s) Subject 1 should be released without charging in violation of Rule 6 and Rule 10;
- 13) Failed to notify your unit commander of the reason(s) Subject 1 should be released without charging in violation of Rule 6 and Rule 10;
- 14) Failed to complete the necessary reports in relation to Subject 1 being released without charging in violation of Rule 6 and Rule 10; and
- 15) Failed to report misconduct committed by Officer B in relation to his contact with Subject 1 in violation of Rule 2, Rule 3, Rule 6, Rule 10 and Rule 22.

APPLICABLE RULES AND LAW:

Rule 1: Violation of any law or ordinance.

Rule 2: Prohibits 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 6: Disobedience of an order or directive, whether written or oral.

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

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

Rule 10: Inattention to duty.

Rule 14: Making a false report, written or oral.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the police, orders or directives of the Department.

Rule 36: Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized.

United States Constitution, Fourth Amendment: Prohibits the seizure of a person without probable cause. Probable cause exists if the totality of the facts and circumstances known to the officer at the time of the arrest or detention would warrant a reasonable, prudent person in believing that the arrestee had committed, was committing, or was about to commit a crime. *Abbott v. Sangamon County, Ill.*, 705 F.3d 706, 713-14 (7th Cir. 2013); *See Thayer v. Chiczewski*, 705 F.3d 237, 246 (7th Cir.2012); *see also Michigan v. DeFillippo*, 443 U.S. 31, 37 (1979); *Beck v. Ohio*, 379 U.S. 89, 91 (1964).

INVESTIGATION:

In an interview with IPRA on 14 May 2014, **victim, Subject 1** stated that he exited the CTA Redline train station at the 55th Garfield station, and a black unmarked police vehicle pulled up and parked in front of the station next to the exit doors. According to Subject 1, he stepped to the curb of the street to spit because he had a cold. As he stepped back, an officer, now known as Officer B, exited the vehicle and called him over. Subject 1 asked Officer B, "What is this all about?" According to Subject 1, Officer B replied, "Fuck me. You spit behind my car, that is saying fuck me. So it is fuck me, fuck you. I got something for you." Officer B then handcuffed Subject 1 tightly. When Subject 1 told the officer that the handcuffs were too tight, Officer B responded, "Fuck you." Subject 1 was placed into the backseat and when Officer B got into the vehicle, Officer B instructed his partner, now known as Officer A, to take Subject 1 to the basketball court.

According to Subject 1, Officer B never gave Officer A a street address for the basketball court, but Officer A drove directly to a basketball court near 39th and Damen Avenue. Officer B got out of the vehicle, opened Subject 1's door, and told Officer A to drive off and come back. When Officer A drove off, Officer B turned around, and while Subject 1 was handcuffed, Officer B slapped Subject 1 three times and punched him on his side four times. When Officer A returned, he and Officer B began searching Subject 1. According to Subject 1, when Officer B found Subject 1's security officer badge in his pocket, Officer B accused Subject 1 of impersonating a police officer. Subject 1 explained that he was a security officer and that his badge identified his employer as 'Morrison Security Agency.' After Officer B filled out a contact card, he and Officer A

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drove away. Subject 1 called 9-1-1, and requested a sergeant. Subject 1 stated he did not wait for the sergeant because after he called 9-1-1, he thought Officer B and Officer A would hear about his call and they would come back to get Subject 1. Subject 1 also called his mother. Subject 1 told his mother, "Mom, anything happen to me, Officer B did it" before his phone went dead. According to Subject 1, he continued walking until he came to a gas station near XXXX. Subject 1 approached a gas station employee and recounted the interaction between himself and the two officers to the employee, who then allowed Subject 1 to call 9-1-1 to request a sergeant. According to Subject 1, he waited approximately 25-30 minutes for a sergeant, but eventually left the gas station because the sergeant never showed up. (Atts. #6-8)

In an interview with IPRA on 04 August 2014, **witness, Civilian 1** stated on 12 May 2014 at approximately 2200 hours she received a telephone call from her son, Subject 1. During the telephone call, Subject 1 told her, "Momma, if anything happens to me, the police did it." Civilian 1 stated she was unable to respond to Subject 1 because his phone cut off. According to Civilian 1, she tried calling Subject 1 back but he did not answer his phone. Civilian 1 did not speak to Subject 1 again until approximately 0130 hours on 13 May 2014. During that telephone conversation, Subject 1 told her that the police had picked him up and dropped him off somewhere else. Civilian 1 did not remember where Subject 1 said the police officers dropped him off and she did not remember if Subject 1 told her the name or names of the involved police officers. (Atts. #47-48)

Attempts to interview **witness Civilian 2** were unsuccessful. Civilian 2 said that he did not want to give a statement or get involved because he did not want to testify in court. Civilian 2 said that he would give a statement if the R/I could promise him that he would not have to testify in court. The R/I informed Civilian 2 that the R/I's investigation is an administrative investigation but the R/I could not make that promise to him because the R/I has no control of any possible criminal or civil proceedings that may or may not happen that he could be called to testify as a witness.

Civilian 2 asked the R/I to give him a few days to think about giving a statement. He asked the R/I to give him a call the week of 03 November 2014. Civilian 2 gave the R/I his contact information¹ and the R/I gave Civilian 2 the R/I's contact information.

The R/I called Civilian 2 and left voice mail messages on 07, 09, 10 and 12 November 2014. However, Civilian 2 never contacted the R/I. (Atts. #50-51 & 91)

No **Contact Card**² was found documenting Officer A's and Officer B's contact with Subject 1 on 12 May 2014. (Atts. #26-28, 88)

Chicago Police Department (CPD) Event Query #1413217676 documents that on 12 May 2014 at 2155:56 hours, a person named Civilian 5 called 911 from telephone #XXX-XXX-XXXX requesting a supervisor to 3900 South Damen Avenue. The caller

¹ Civilian 2, XXXX West Coulter Street, telephone #XXX-XXX-XXXX. He also works XXXX at XXXX.

² Officer A and Officer B completed and submitted Contact Cards documenting their contact with Civilian 3 (Attachment #27) and Civilian 4 (Attachment #88) on 12 May 2014.

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wanted to speak to a supervisor regarding undercover officers who picked him up at a location, slapped him and dropped him off at 3900 South Damen Avenue. The caller stated he will be waiting on the corner for the police. (Att. #14)

CPD Event Query #1413217993 documents that on 12 May 2014 at 2212:34 hours, a person named Subject 1 called 911 from telephone #XXX-XXX-XXXX requesting a supervisor to 3968 S. Ashland Avenue. According to the caller, an undercover cop falsely arrested him and Officer “B” slapped him around. (Att. #14)

Medical records from Advocate Christ Medical Center document Subject 1’s treatment on 13 May 2014. Subject 1 was treated in the emergency room for right wrist and right rib pain. Subject 1 told the medical professionals who treated him that he was taken into police custody yesterday evening, and the police officer who arrested him had slapped him on the face, punched him and handcuffed him very tightly causing pain to the right wrist. Subject 1 complained of a headache, pain to the right side, pain to the right wrist and numbness and tingling in the hand and fingers. Subject 1’s x-rays were negative for any fractures to his wrist and ribs. Subject 1 was diagnosed with a rib contusion and a pinched nerve in his wrist. (Att. #41)

Assignment and Attendance Sheets (A & A’s) for Units #701³ and #704⁴ for 12 May 2014 document that Officer A and Officer B worked 1500-0000 hours and they were assigned to Beat #7391A, vehicle #4545. (Att. #24)

Department Vehicle Inventory Records document that vehicle #4545 is a 2014 Black Ford Explorer assigned to the Transit Security Unit. (Att. #25)

GPS Reports⁵ for 12 May 2014, documents vehicle #4545 travel routes between the times of 2100 hours to 2215 hours.

- Vehicle #4545 traveled northbound on Wentworth Avenue to the intersection of Wentworth Avenue and 55th Street/Garfield Blvd and made a left turn from Wentworth Avenue onto 55th Street/Garfield Blvd.
- Vehicle #4545 traveled westbound on 55th Street/Garfield Blvd and stopped at the CTA Red Line at 55th Street/Garfield and the Dan Ryan Expressway from approximately 2117:21 hours to approximately 2119:13 hours.
- Vehicle #4545 then traveled westbound on 55th Street/Garfield to the intersection of 55th Street/Garfield and Halsted Street and made a right turn onto Halsted Street and drove northbound.

³ Unit #701 is the Public Transportation Unit.

⁴ Unit #704 is the Transit Security Unit.

⁵ GPS Reports are attachments #22, #23 & #38 in the investigation.

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- Between the times of 2122:43 hours and 2123:13 hours, vehicle #4545 was recorded traveling northbound on Halsted Street in the vicinity of 47th Street and Halsted Street.⁶
- At the intersection of Halsted Street and Pershing Road/39th Street, vehicle #4545 made a left turn onto Pershing Road and traveled westbound on Pershing Road to Irving Avenue.
- Vehicle #4545 was recorded as being stopped at Pershing Blvd and Irving Avenue⁷ from approximately 2129:15 hours to approximately 2155:20 hours.
- At approximately 2155:20 hours, vehicle #4545 drove away and traveled westbound on Pershing Road and made a right turn at the intersection of Pershing Road and Western Avenue.
- Vehicle #4545 drove northbound on Western Avenue to the intersection of Western Avenue and Archer Avenue and made a right turn onto Archer Avenue.
- Vehicle #4545 drove northeast on Archer Avenue to the vicinity of 18th Street and Clark Street/Federal Street.⁸ (Atts. #22, 23 & 38)

According to **CPD Event Query** #1413216672, Beat #7391A notified OEMC at 2056:27 hours that they were on scene at 53rd Street and the CTA Redline. Beat #7391A later notified OEMC at 2056:33 hours that they were clear from 53rd Street and the CTA Redline. (Att. #65)

According to **CPD Event Query** #1413216812, Beat #7391A notified OEMC at 2104:11 hours that they were on scene at 69th Street and the CTA Redline. Beat #7391A later notified OEMC at 2123:06 hours that they were clear from 69th Street and the CTA Redline.⁹ (Att. #65)

Chicago Transit Authority (CTA) security video footage at the CTA Redline Station located at 220 West Garfield Blvd captured video footage related to this incident from three different cameras. At approximately 9:15:10 p.m.¹⁰ the video footage from camera #RL-Garfield-C09 located inside the terminal facing south toward the 55th Street/Garfield exit door, captured Subject 1 wearing a grey colored baseball cap, a light colored t-shirt,

⁶ It must be noted, according to the time on the GPS Report for vehicle #4545; Officers A and B were driving in the vicinity of 47th Street and Halsted Street at 2123:06 hours and not on scene at 69th Street and the CTA Redline as reported by Beat #7391A.

⁷ Irving Avenue is 2221 West on Pershing Blvd. and the listed address for McKinley Park is 2210 West Pershing Blvd.

⁸ The vicinity of 18th Street and Clark Street/Federal Street is the parking lot for the 1st District Police Station which also the address for the Transportation Section, Unit #701 and Unit #704.

⁹ It must be noted, according to the time on the GPS Report for vehicle #4545; Officers A and B were driving in the vicinity of 47th Street and Halsted Street at 2123:06 hours and not on scene at 69th Street and the CTA Redline as reported by Beat #7391A.

¹⁰ The video is time stamp using regular time not military time.

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blue jeans and black shoes walking south inside the CTA Terminal toward the exit doors located at 55th Street/Garfield.

At approximately 9:15:50 p.m., the video footage from camera #RL-Garfield-C20 located on the outside of the CTA Terminal at the 55th Street/Garfield exit door facing east captured Subject 1 walking around on the sidewalk. At approximately 9:16:26 p.m., the video footage captured a black unmarked Ford Explorer police vehicle driving northbound on Wentworth Avenue make a left turn westbound onto 55th Street/Garfield and slowly drive pass the CTA Terminal. The black Ford Explorer drove out of the view of this camera.

At approximately 9:15:32 p.m., the video footage from camera #RL-Garfield-C19 located on the outside of the CTA Terminal at the 55th Street/Garfield exit door facing west captured Subject 1 as he walked out of the CTA Terminal onto the sidewalk at the 55th Street/Garfield CTA Red Line Station. Subject 1 was observed lighting a cigar and walking around on the sidewalk. At approximately 9:16:45 p.m., a black unmarked Ford Explorer police vehicle was observed driving pass the CTA Terminal. The black Ford Explorer stopped/parked on 55th Street/Garfield west of the CTA Terminal doors. Subject 1 was observed walking toward the location of the black Ford Explorer. Subject 1 stopped and spit onto the street behind the black Ford Explorer. Subject 1 then walked and stood on the sidewalk next to a fence located west of the CTA Terminal doors, which was also directly across from where the black Ford Explorer was parked. At approximately 9:17:29 p.m., Subject 1 was observed walking from the fence toward the passenger side of the black Ford Explorer. The passenger side officer exited the vehicle, and both Subject 1 and the passenger side officer walked back toward the fence. A short time later, both Subject 1 and the passenger side officer, walked toward the black Ford Explorer. Both entered the black Ford Explorer, and at 9:19:10 p.m., the black Ford Explorer with Subject 1 inside, drove away and out of the view of the camera.¹¹ (Atts. #39 & 44)

City of Chicago Municipal Code 7-28-160 which pertained to spitting in public was repealed on 28 October 1997 (Att. #89).

In an interview with IPRA on 18 March 2015, **accused Officer B** stated that, on the day of the incident, he was on-duty, in plain clothes, in an unmarked squad car working with Officer A. Officer B stated that he and Officer A were assigned to monitor the CTA Redline stations and trains from Cermak to 95th Street for thefts and robberies. Officer B stated that he and Officer A arrived at the 55th Street/Garfield Blvd Red Line station to conduct a premises check in relation to their assignment. Officer A parked the squad car facing west on Garfield Blvd. Officer B was first to observe Subject 1 walking east on Garfield Blvd from Wentworth Avenue toward Officer B's squad car.¹² According to

¹¹ The CTA video did not capture any physical altercation between Subject 1 and Officers B and A. The video also did not capture Subject 1 being handcuffed.

¹² Officer B's statement contradicts Officer A's statement. Officer A stated he observed Subject 1 come up the escalator which also not true. The CTA security video shows that Subject 1 was already standing

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Officer B, Subject 1 was walking with a “lean” walk, “mean mugging” him and Officer A. Officer B stated Subject 1 was walking with a real bad walk like someone had pissed Subject 1 off. Officer B observed Subject 1 walk close to the squad car’s front passenger tire and spit on the ground near the front tire. According to Officer B, he asked Subject 1 “what is your problem?,” to which Subject 1 replied, “I don’t have no fuckin’ problem.” According to Officer B, he did not interpret Subject 1’s spitting on ground as a sign of disrespect to him and his partner as officers.¹³ Rather, Officer B was concerned about the attitude of Subject 1. Officer B stated he exited his vehicle to talk with Subject 1, but at some point he felt unsafe because of the way Subject 1 presented himself, and Officer B detained Subject 1. Officer B stated the reason why he detained Subject 1 was because he felt assaulted by Subject 1’s attitude, his walk, his aura and his facial expression. Officer B believed that Subject 1 was going to rush him and he didn’t feel safe.¹⁴ As a result of Officer B’s belief that Subject 1 presented an imminent risk of physical harm, he decided to arrest Subject 1. He then placed Subject 1 in handcuffs and placed him inside the squad car. Officer B stated that he told Officer A he was going to arrest Subject 1 and take Subject 1 to the 9th District Police Station. Officer B stated he did not remember which direction they drove to get to the station, but they ended up on 39th Street/Pershing Road.¹⁵ Officer B stated that he continued to talk to Subject 1 in the squad car while the officers were driving Subject 1 to the 9th District Police Station. Officer B stated that during their conversation he determined that Subject 1 was just having a bad day, so the officers decided just to drop Subject 1 off on Pershing Road. According to Officer B, Subject 1 said he was going west but Officer B did not remember the address or location where Subject 1 said he was going. Officer B stated that he and Subject 1 also had a discussion and agreed that the officers would drop Subject 1 off. Officer B stated he told Subject 1 the officers could only take Subject 1 as far as Western Avenue and Pershing Road and Subject 1 said he was okay with that. Officer B stated that when they arrived to area near Western Avenue and Pershing Road, Officer A parked the squad car on the north side of the street somewhere on 39th Street/Pershing Road before Western Avenue by a park.¹⁶ Once Officer B determined that he and Officer A were not going to arrest Subject 1, they let him out of the car, removed the handcuffs, got Subject 1’s information and completed a Contact Card. According to Officer B, when they released Subject 1, he said he was okay and walked away headed west on 39th Street/Pershing Road.

In relation to the allegations, according to Officer B, he arrested Subject 1 because of his expression, manner of walking, the way his eyes looked, and the motion he made toward Officer B. In sum, Subject 1’s demeanor led Officer B to believe he was going to be battered. Officer B did not recall if Subject 1 said anything about the handcuffs being too tight. Officer B denied saying “fuck you” when Subject 1 asked for the handcuffs to be loosened. According to Officer B, they did not take Subject 1 to the 9th District Police

outside the CTA Red Line Station terminal waiting for the bus when Officer A and Officer B arrived at the CTA Red Line Station.

¹³ Officer B’s statement contradicts Officer A’s statement. Officer A stated Officer B told Officer A that Subject 1 spitting was a sign of disrespect toward the officers. Subject 1 also stated Officer B said Subject 1 disrespected Officer B and Officer A by spitting on the ground.

¹⁴ Officer A stated he did not see or hear Subject 1 assault Officer B.

¹⁵ Officer A stated Officer B told Officer A to turn left onto 39th Street/Pershing Road from Halsted Street.

¹⁶ Officer A stated Officer B told Officer A to stop the vehicle at McKinley Park.

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Station because, on their way to the station, Officer B realized that Subject 1 wasn't a bad guy and was just having a bad day, so Officer B decided not to arrest Subject 1. According to Officer B, although he and Officer A ended up on 39th Street/Pershing Road together, he did not know why and he denied instructing Officer A to drive to the basketball court there. According to Officer B, they drove west was because Subject 1 asked to be taken to an address that was to the west. However, Officer B stated they were already driving on 39th Street/Pershing Road when he decided he was not going to arrest Subject 1. Officer B denied slapping or punching Subject 1. According to Officer B, he and Officer A left Subject 1 at 2210 West Pershing Road (McKinley Park) because that is where Subject 1 wanted to go. According to Officer B, he did complete a Contact Card for Subject 1 and he turned the Contact Card in to his Sergeant. As far as Officer B could recall, the only Contact Card he submitted that day was for Subject 1. Officer B admitted that he did not notify OEMC of the on view incident he and Officer A had with Subject 1. Officer B did not remember if he notified OEMC of his and Officer A's change in availability status when they transported Subject 1 from 220 West Garfield Blvd to 2210 West Pershing Road. Officer B denied that he falsely reported his work/duty status or location to OEMC during his contact with Subject 1. Officer B did not recall if he notified OEMC to clear his work/duty status or his change in location from 69th Street and the CTA Red Line prior to his contact with Subject 1. According to Officer B, officers are frequently cleared from jobs/assignments by OEMC dispatchers themselves even if the officer is still there on the job/assignment. Officer B denied that he cleared himself from 69th Street and the CTA Red Line while at 47th Street and Halsted Street in an attempt to cover up him transporting/taking Subject 1 to the park. Officer B stated that prior to the release of Subject 1, he did not notify his immediate supervisor or unit commander of why Subject 1 would be released without charging. Officer B admitted that he did not complete any reports related to Subject 1 being released without charging. Officer B denied that he failed to report misconduct committed by Officer A because there was no misconduct committed by his partner, Officer A or himself. (Atts. 87)

In an interview with IPRA on 18 March 2015, **accused, Officer A** stated that he and Officer B were conducting surveillance at the CTA Redline station when Officer A observed Subject 1 come up the escalator. Officer A stated as soon as Subject 1 came up the escalator, Subject 1 observed Officer A's squad car. According to Officer A, he and Officer B watched as Subject 1 walked around the vehicle, then walked to the front and walked to the back of the vehicle. According to Officer A, after Subject 1 looked into the vehicle and made eye contact with Officer B, he stepped back and spat on the ground near the front tire area of the vehicle. According to Officer A, Officer B said Subject 1's spitting was a form of disrespect directed at the officers. According to Officer A, in reaction to the spitting, Officer B jumped out of the vehicle and approached Subject 1. By the time Officer A got out of the vehicle, Officer A had already placed Subject 1 in handcuffs. Officer A observed Officer B and Subject 1 arguing about Subject 1 spitting, although Officer A did not recall specifically what was said. Officer A saw Officer B open the backdoor of the vehicle and put Subject 1 inside. According to Officer A, Officer B said he was going to take Subject 1 in and do a "long form" meaning Officer B was going to arrest Subject 1 for Disorderly Conduct. Officer A stated he saw Subject 1

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spit and spitting in the street is Disorderly Conduct for which Subject 1 could be arrested or issued a citation.¹⁷

According to Officer A, he proceeded to drive westbound on 55th Street/Garfield Blvd. When he got to the intersection of 55th Street/Garfield Blvd and Halsted Street, he made a right turn to proceed toward the police station. However, when they got to the intersection of 39th Street/Pershing Road and Halsted Street, Officer B directed Officer A to make a left turn onto 39th Street/Pershing Road. According to Officer A, Officer B told him, "I'm gonna talk to this guy some more. He seems pretty cool." When they got to 39th Street/Pershing Road and Damen Avenue, Officer B told Officer A to pull over so Officer B could talk to Subject 1.¹⁸ Officer B exited the vehicle and opened the door to let Subject 1 out of the car as well. When Officer A started to get out of the vehicle, Officer B told him, "No, no, no. Just wait right here and just sit in the car. I'll talk to him some more." Officer A stated two to three minutes later he got out the vehicle and asked Officer B, "What are going to do with this guy?" Officer B informed Officer A that he was going to let Subject 1 go. According to Officer A, he then asked Subject 1 if it was okay and Subject 1 said, "Yeah." Officer A and Officer B returned to their vehicle, made a U-turn and drove straight back to the expressway and then to the station. Officer A did not recall the conversations between Officer B and Subject 1. Officer A did not see Officer B slap or punch Subject 1 while inside the vehicle or outside the vehicle at McKinley Park.

In relation to the allegations, Officer A stated that the he did not know what transpired between Officer B and Subject 1 that lead to Subject 1's arrest. According to Officer A, Officer B planned to arrest Subject 1 for disorderly conduct, possibly assault. Officer A denied witnessing any assault of Officer B by Subject 1. Nor did Officer B mention anything about being assaulted by Subject 1. Regarding the conduct that warranted Subject 1's disorderly conduct arrest, Officer B gave no explanation and Officer A did not inquire. Officer A did not recall who handcuffed Subject 1. According to Officer A, he and Officer did not transport Subject 1 to the police district because Officer B decided not to arrest him. Officer A did not recall why they took Subject 1 to 2210 West Pershing Road (McKinley Park) stating that Subject 1 never asked the officers to take him there. According to Officer A, he asked Subject 1 several times if he was okay being left at that location and Subject 1 agreed he was. According to Officer A, he did not complete a Contact Card on Subject 1 because Officer B completed the Contact Card. Officer A also stated he did not remember if he and Officer B completed any other Contact Cards during their tour of duty. According to Officer A, Officer B was responsible for inputting any Contact Cards he completed. Officer A stated he did not notify OEMC of the on-view incident involving Subject 1. Nor did he notify OEMC of his or Officer B's change in availability/work status when they transported Subject 1 from 220 West Garfield Blvd to 2210 West Pershing Road (McKinley Park). In response to the allegations that Officer A

¹⁷ City of Chicago Municipal Code 7-28-160 which pertained to spitting in public was repealed on 28 October 1997 (Att. #89).

¹⁸ Subject 1 stated Officer B told Officer A that they were going to take Subject 1 to the basketball court and that Officer A drove directly to the basketball court without getting any directions or an address from Officer B.

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falsely reporting his duty/work status and location to OEMC during his contact with Subject 1, Officer A stated he did not recall if he or Officer B cleared from their assignment at 69th Street and the CTA Red Line while driving in the vicinity of 47th Street and Halsted Street. Officer A stated that, prior to him releasing Subject 1, he did not notify his immediate supervisor or unit commander of that Subject 1 would be released without charging. Officer A admitted that he did not complete any reports in relation to Subject 1 being released without charging. Officer A furthermore stated he did not fail to report misconduct committed by Officer B because he did not see anything to report. (Atts. 80)

CONCLUSION:

Accused: Officer B

Allegation #1: Sustained

The R/I recommends a finding of Sustained for Allegation #1 against Officer B in that Officer B seized/arrested Subject 1 without justification, in violation of Chicago Police Department Rule 1 and Subject 1's 4th Amendment Rights. Subject 1 stated Officer B seized/arrested him because Subject 1 disrespected Officer B and Officer A when Subject 1 spat on the ground near the officer's vehicle. Officer A stated Officer B told him, Subject 1 showing disrespect to Officer B and Officer A when Subject 1 spat on the ground near the officer's vehicle. Officer A stated Officer B said he was going to arrest Subject 1 for Disorderly Conduct after Subject 1 spat on the ground near the officer's vehicle. Officer B stated he arrested Subject 1 for Assault because of Subject 1's expression, his walk, the way his eyes looked and the motion he made toward Officer B which made Officer B feel like he was going to be battered, but Officer A stated he did not see or hear Subject 1 assault Officer B. Furthermore, Officer B and Officer A attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1 and when they failed to notify OEMC in relation to their contact with Subject 1. Based on this investigation, Subject 1 had not violated any law or ordinance that gave Officer B and Officer A probable cause to seize and arrest Subject 1 for disorderly conduct or spitting on the public way because City of Chicago Municipal Code 7-28-160 which pertained to spitting in public was repealed on 28 October 1997. The seizure and arrest of Subject 1 by Officers B and A was a clear violation of Chicago Police Department Rule 1 and Subject 1's 4th Amendment Rights. Therefore, Allegation #1 against Officer B must be Sustained.

Allegation #2: Sustained

The R/I recommends a finding of Sustained for Allegation #2 against Officer B in that Officer B handcuffed Subject 1 too tightly. Subject 1 stated he told Officer B the handcuffs were too tight and that Officer B did not loosen the handcuffs. Officer B stated he did not recall Subject 1 saying anything about the handcuffs being too tight. Medical records from Advocate Christ Medical Center for Subject 1 document that on 13 May

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2013, less than twenty-four hours after the incident, Subject 1 received medical treatment for pain to the right wrist and numbness and tingling in the hand and fingers. Subject 1 was diagnosed with a pinch nerve in his wrist. Based on this investigation, Subject 1's account of this incident is truthful and more consistent with the evidence than that of Officer B and Officer A. Furthermore, Officer B and Officer A have issues with their credibility since their statements are not consistent and they attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1 and when they failed to notify OEMC in relation to their contact with Subject 1. Therefore, Allegation #2 against Officer B must be Sustained.

Allegation #3: Sustained

The R/I recommends a finding of Sustained for Allegation #3 against Officer B in that Officer B told Subject 1, "Fuck you" when Subject 1 asked Officer B to loosen the handcuffs. Subject 1 stated he told Officer B the handcuffs were too tight and that Officer B did not loosen the handcuffs but instead told Subject 1 "Fuck you." Officer B stated he did not recall Subject 1 saying anything about the handcuffs being too tight and he definitely did not tell Subject 1 "Fuck you." Based on this investigation, Subject 1's account of this incident is truthful and more consistent with the evidence than that of Officer B and Officer A. Furthermore, Officer B and Officer A have issues with their credibility since their statements are not consistent and they attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1 and when they failed to notify OEMC in relation to their contact with Subject 1. Therefore, Allegation #3 against Officer B must be Sustained.

Allegation #4: Sustained

The R/I recommends a finding of Sustained for Allegation #4 against Officer B in that Officer B failed to immediately transport Subject 1 to the district of arrest, in violation of General Order 06-01-01, section II, C, Field Arrest Procedures. There is no dispute that Subject 1 was arrested. He was placed in handcuffs, placed in the back of the squad car. The officers then drove Subject 1 from the CTA Red Line Station located at 220 West Garfield Blvd to the basketball court at McKinley Park located at 2210 West Pershing Road. Although Officer B and Officer A claimed that they intended to transport Subject 1 to the 9th District Police Station located at 3120 South Halsted Street for processing, they never did so. Rather, Officer B directed Officer A to stop at McKinley Park. The GPS Report for Chicago Police Department vehicle #4545 which was assigned to Officer B and Officer A documents the path the officers drove when Officer B and Officer A drove Subject 1 to McKinley Park. Furthermore, Officer B and Officer A attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1 and when they failed to notify OEMC in relation to their contact with Subject 1. Based on the investigation, Subject 1 was handcuffed, arrested, put inside Officer B's and Officer A's vehicle and then driven away from 220 West Garfield Blvd. Subject 1 was clearly under arrest and should have been transported to the 9th District Police Station for processing which Officer B and Officer A failed to do. Officer B and Officer A failed to transport Subject 1 to the 9th District Police Station and thereby violating Chicago Police

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Department General Order 06-01-01, section II, C, Field Arrest Procedures. Therefore, Allegation #4 against Officer B must be Sustained.

Allegations #5-6: Sustained

The R/I recommends a finding of Sustained for Allegations #5-6 against Officer B in that Officer B violated Rule 1, Rule 2, Rule 3, Rule 8, Rule 36 and Subject 1's 4th Amendment Rights when Officer B transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road (McKinley Park) without justification and against his will. Subject 1 stated after Officer B put him inside the vehicle, Officer B stated to Officer A, "Take him to the basketball court." Subject 1 stated Officer B never gave a street to Officer A and Officer A knew exactly where the basketball court was. Officer B stated he was doing Subject 1 a favor when he drove Subject 1 to McKinley Park. Officer B stated after he decided not arrest Subject 1, Subject 1 told him and Officer A that he, Subject 1 was going west. Officer B stated he told Subject 1 they could only drive Subject 1 as far as Western Avenue. Officer A stated as he was driving on Halsted Street, Officer B him to turn left on 39th Street/Pershing Road. Officer A stated when he and Officer B got McKinley Park, Officer B told Officer A to pull over and stop. Officer A stated Subject 1 said he was okay with being left at McKinley as long as Officer B was not going to arrest him. However, Officer A stated he had no justification for driving Subject 1 to McKinley Park and Officer A stated Subject 1 did not ask him or Officer B to drive/take him to McKinley Park. Furthermore, Officer B and Officer A attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1 and when they failed to notify OEMC in relation to their contact with Subject 1. Based of this investigation, the evidence clearly indicates that Officer B and Officer A had no justification to drive/take Subject 1 to McKinley Park and that Officer B and Officer A clearly drove/took Subject 1 to McKinley Park against his will. Therefore, Allegations #5-6 must be Sustained.

Allegations #7-8: Sustained

The R/I recommends a finding of Sustained for Allegations #7-8 against Officer B in that Officer B violated Chicago Police Department Rule 2, Rule 3, Rule 8 and Rule 9 when Officer B slapped and punched Subject 1. Subject 1 stated Officer B slapped and punched him. After Subject 1 was released by Officer B and Officer A, Subject 1 immediately called 911 to report his incident with Officer B. Subject 1 asked for a supervisor and told the 911 dispatcher that Officer B slapped him. Subject 1 obtained medical treatment within twenty-four hours after the incident. Subject 1 told the medical professionals that treated him that he was taken into police custody and the police officer who arrested him had slapped him on the face and punched him. Subject 1 complained of a headache and pain to the right side. Subject 1 was diagnosed with a rib contusion. Officer B denied slapping and punching Subject 1 and Officer A denied seeing Officer B slap and punch Subject 1. However, based on this investigation, Subject 1's account of this incident is truthful and more consistent than that of Officer B and Officer A. Furthermore, Officer B

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and Officer A attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1 and when they failed to notify OEMC in relation to their contact with Subject 1. Therefore, Allegations #7-8 against Officer B must be Sustained.

Allegation #9: Sustained

The R/I recommends a finding of Sustained for Allegation #9 against Officer B in that Officer B abandoned/left Subject 1 at 2210 West Pershing Road, in violation of Chicago Police Department Rule 1, Rule 2, Rule 3, Rule 4 and Subject 1's 4th Amendment Rights. Officer B stated he and Officer B left Subject 1 at McKinley Park because after Officer B decided not to arrest Subject 1, Subject 1 said was going west. Officer B stated he told Subject 1 that he and Officer A could only take Subject 1 as far west as Western. Officer A admitted he had no justification for driving/taking Subject 1 to McKinley Park and that Subject 1 did not ask Officer B or Officer A to drive/take him to McKinley Park. Based on this investigation, Subject 1's account of this incident is truthful and more consistent than that of Officer B and Officer A. Furthermore, Officer B and Officer A attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1 and when they failed to notify OEMC in relation to their contact with Subject 1. Therefore, Allegation #9 against Officer B must be Sustained.

Allegation #10: Sustained

The R/I recommends a finding of Sustained for Allegation #10 against Officer B in that Officer B failed to complete a Contact Card documenting his contact with Subject 1, in violation of Special Order S04-13-09, Contact Information System, section III, A, B, C & E. Officer B stated he did complete a Contact Card documenting his and Officer A's contact with Subject 1. Officer B stated the completed Contact Card was turned in to his Sergeant. Officer A stated Officer B completed a Contact Card documenting their contact with Subject 1 and that it was Officer B's responsibility to turn in the Contact Card since he completed it. Subject 1 also stated Officer B wrote down Subject 1's information on a card. However, other Contact Cards completed by Officer B and Officer A during their tour on 12 May 2014 were entered into the system and approved by the Sergeant. If Officer B did complete a Contact Card, Officer B and Officer A did not submit the Contact Card to their Sergeant because submitting the Contact Card would have documented Officer B's and Officer A's contact with Subject 1. Furthermore, Officer B and Officer A attempted to cover-up their contact with Subject 1 when they failed to notify OEMC in relation to their contact with Subject 1. Based on the evidence, Officer B and Officer A failed to complete and submit a Contact Card documenting their contact with Subject 1 thereby violating Special Order S04-13-09, Contact Information System, section III, A, B, C & E. Therefore, Allegation #10 against Officer B must be Sustained.

Allegations #11-12: Sustained

The R/I recommends a finding of Sustained for Allegations #11-12 against Officer B in

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that Officer B failed to notify OEMC of an on-view incident he responded to involving Subject 1 and he failed to notify OEMC of his change in availability status when he transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road in violation of General Order, G03-01-01, Radio Communications, section II, H and L, a, b. Officer B stated he did not notify OEMC of the on-view incident he and Officer A responded to involving Subject 1 and he did not recall if he notified OEMC of his change in availability status when he and Officer A transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road. Officer A stated he did not notify OEMC of the on-view incident he and Officer B responded to involving Subject 1 and he did not notify OEMC of his change in availability status when he and Officer B transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road. This investigation showed that Officer B and Officer A attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1 and when they failed to notify OEMC in relation to their contact with Subject 1. Based on the evidence, Officer B and Officer A clearly violated General Order, G03-01-01, Radio Communications, section II, H and L, a, b. Therefore, Allegations #11-12 against Officer B must be Sustained.

Allegations #13-14: Sustained

The R/I recommends a finding of Sustained for Allegations #13-14 against Officer B in that Officer B falsely reported his duty/work status to OEMC during his contact with Subject 1 and he falsely reported his location to OEMC during his contact with Subject 1 in violation of Chicago Police Department Rule 14. Officer B and Officer A each gave different accounts in their statements to the allegations that they falsely reported their duty/work status to OEMC during their contact with Subject 1 and that they falsely reported their location to OEMC during their contact with Subject 1. Officer B stated he did not recall if he notified OEMC to clear his work/duty status or his change in location from 69th Street and the CTA Red Line Station prior to his contact with Subject 1. Officer B stated that officers are cleared quite often from their jobs/assignments by OEMC dispatchers themselves even if the officer is still there on the job/assignment. Officer A stated he did not recall clearing from 69th Street and the CTA Red Line Station while being at 47th Street and Halsted Street. Officer A stated that either he or Officer B did not clear while at 69th Street and the CTA Red Line Station and then while at 47th Street and Halsted Street either he or Officer B came over the radio and cleared. The GPS Records for vehicle #4545, show that Officer B and Officer A were driving in the vicinity of 47th Street and Halsted Street and not at the 69th Street CTA Red Line Station when they cleared themselves from a job/assignment at the 69th Street CTA Red Line Station. The GPS Records show that Officer B and Officer A were in fact driving Subject 1 to McKinley Park when they came over the radio and cleared themselves from their assignment at the 69th Street CTA Red Line Station. This investigation showed that Officer B and Officer A attempted to cover-up their contact with Subject 1 when they failed to document their contact with Subject 1. Furthermore, this investigation showed that Officer B and Officer A attempted to cover-up their contact with Subject 1 when they lied and falsely reported their duty/work status to OEMC during their contact with

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Subject 1 and they falsely reported their location to OEMC during his contact with Subject 1. Therefore, Allegations #13-14 against Officer B must be Sustained.

Allegations #15-17: Sustained

The R/I recommends a finding of Sustained for Allegations #15-17 against Officer B in that Officer B failed to notify his immediate supervisor of the reason(s) Subject 1 should be released without charging, failed to notify his unit commander of the reason(s) Subject 1 should be released without charging and failed to complete the necessary reports in relation to Subject 1 being released without charging in violation of Special Order, S06-01-01, section III, A, 1, 2, & 3, Releasing Arrestees without Charging. Officer B stated prior to releasing Subject 1 from custody, he did not notify his immediate supervisor or unit commander of the reason(s) why Subject 1 should be released without charging. Officer A stated prior to releasing Subject 1 from custody, he did not notify his immediate supervisor or unit commander of the reason(s) why Subject 1 should be released without charging. Furthermore, Officer B and Officer A never transported Subject 1 to the 9th Police District Station or any other Police District Station for processing in order to complete any of the required reports in relation to Subject 1 being released without charging. Based on this investigation, Officer B and Officer A clearly violated Special Order, S06-01-01, section III, A, 1, 2, & 3, Releasing Arrestees without Charging. Therefore, Allegations #15-17 against Officer B must be Sustained.

Allegation #18: Sustained

The R/I recommends a finding of Sustained for Allegation #18 against Officer B in that Officer B violated Chicago Police Department Rule 22 when Officer B failed to report misconduct committed by Officer A in relation to his contact with Subject 1. Officer B stated there was no misconduct committed by Officer A or himself. Officer A stated he did not see that Officer B did anything for him, Officer A to report. This investigation proved otherwise. The evidence clearly proved Officer B and Officer A committed the misconduct as alleged by Subject 1 and Inv. A. This investigation clearly proved Officer B and Officer A attempted to cover-up their misconduct. Based on this investigation, Officer B and Officer A failed to report the misconduct they witness each other commit. Therefore, Allegation #18 against Officer B must be Sustained.

Accused: Officer A

Allegation #1: Sustained

The R/I recommends a finding of Sustained for Allegation #1 against Officer A in that Officer A seized/arrested Subject 1 without justification. The reason(s) for the finding of Sustained are the same as stated in Allegation #1 against Officer B.

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Allegation #2: Unfounded

The R/I recommends a finding of Unfounded for Allegation #2 against Officer A in that Officer A handcuffed Subject 1 too tightly. Based on this investigation, it was determined Officer B handcuffed Subject 1. Therefore, Allegation #2 against Officer A must be Unfounded.

Allegation #3: Sustained

The R/I recommends a finding of Sustained for Allegation #3 against Officer A in that Officer A failed to immediately transport Subject 1 to the district of arrest. The reason(s) for the finding of Sustained are the same as stated in Allegation #4 against Officer B.

Allegations #4-5: Sustained

The R/I recommends a finding of Sustained for Allegations #4-5 against Officer A in that Officer A transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road (McKinley Park) without justification and against his will. The reason(s) for the finding of Sustained are the same as stated in Allegations #5-6 against Officer B.

Allegation #6: Sustained

The R/I recommends a finding of Sustained for Allegation #6 against Officer A in that Officer A left Subject 1 at 2210 West Pershing Road. The reason(s) for the finding of Sustained are the same as stated in Allegation #9 against Officer B.

Allegation #7: Sustained

The R/I recommends a finding of Sustained for Allegation #7 against Officer A in that Officer A failed to complete a Contact Card documenting his contact with Subject 1. The reason(s) for the finding of Sustained are the same as stated in Allegation #10 against Officer B.

Allegations #8-9: Sustained

The R/I recommends a finding of Sustained for Allegations #8-9 against Officer A in that Officer A failed to notify OEMC of an on-view incident he responded to involving Subject 1 and he failed to notify OEMC of his change in availability status when he transported Subject 1 via Department vehicle #4545 from 220 West Garfield Blvd to 2210 West Pershing Road. The reason(s) for the finding of Sustained are the same as stated in Allegations #11-12 against Officer B.

Allegations #10-11: Sustained

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The R/I recommends a finding of Sustained for Allegations #10-11 against Officer A in that Officer A falsely reported his duty/work status to OEMC during his contact with Subject 1 and he falsely reported his location to OEMC during his contact with Subject 1. The reason(s) for the finding of Sustained are the same as stated in Allegations #13-14 against Officer B.

Allegations #12-14: Sustained

The R/I recommends a finding of Sustained for Allegations #12-14 against Officer A in that Officer A failed to notify your immediate supervisor of the reason(s) Subject 1 should be released without charging, failed to notify your unit commander of the reason(s) Subject 1 should be released without charging and failed to complete the necessary reports in relation to Subject 1 being released without charging. The reason(s) for the finding of Sustained are the same as stated in Allegations #15-17 against Officer B.

Allegation #15: Sustained

The R/I recommends a finding of Sustained for Allegation #15 against Officer A in that Officer A failed to report misconduct committed by Officer B in relation to his contact with Subject 1. The reason(s) for the finding of Sustained are the same as stated in Allegation #18 against Officer B.