

**SUMMARY OF INCIDENT:**

On 01 Nov 2013 at approximately 2000 hours, several officers arrived at a bar, known as XXXXX Place, located at XXXX S. Hoyne. It was reported that they responded to that location to investigate reports of under-age drinking.

Upon entering that establishment, the officer encountered Subject 1, who was setting up her sound equipment. The officers approached Subject 1 and asked her to produce identification. When she complied, several officers on the scene accused her of presenting them with a fake ID<sup>1</sup> and threatened her with arrest. They asked why her ID had a female name. When she explained that she is transgender and recently started undergoing a change of gender, according to Subject 1, the officers laughed and joked about her sexual orientation. Subject 1 also alleged that one of the white, male officers stated, "Whatever your fucking name is, get the fuck out of here." Subject 1 claimed that she was ordered to leave the establishment by the officers and as she was walking out the door an unknown officer pushed her from behind.

**ALLEGATIONS:**

On 02 Nov 2013, alleged victim Subject 1 called the Independent Police Review Authority and registered a complaint. It is alleged that while responding to a disturbance call at XXXXX Place on 01 Nov 2013 at approximately 2000 hours at XXX S. Hoyne, the accused, **Officer A:**

1. threatened the alleged victim with arrest for allegedly having a false ID, in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."
2. laughed and made jokes about her sexual orientation in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."
3. addressed her in a profane manner when the accused stated, "Whatever your fucking name is, get the fuck out of here" and further without justification ordered her to leave her place of employment in violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

It was further alleged that the accused:

4. pushed the alleged victim from behind as she was exiting the establishment, in violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

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<sup>1</sup> Photo identification card Subject 1 produced was a United States of America Employment Authorization Card.

It is alleged that accused, **Officer B**:

1. threatened the alleged victim with arrest for allegedly have a false ID, in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."
2. laughed and made jokes about her sexual orientation in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."
3. addressed her in a profane manner when the accused stated, "Whatever your fucking name is, get the fuck out of here" and further without justification ordered her to leave her place of employment in violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

It was further alleged that the accused:

4. pushed the alleged victim from behind as she was exiting the establishment, in violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

It is alleged that accused, **Officer C**:

1. threatened the alleged victim with arrest for allegedly having a false ID, in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."
2. laughed and made jokes about her sexual orientation in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."
3. without justification ordered her to leave her place of employment in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."
4. pushed the alleged victim from behind as she was exiting the establishment, in violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

It is alleged that accused, **Officer D**:

1. threatened the alleged victim with arrest for allegedly having a false ID, in violation of Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."

2. laughed and made jokes about her sexual orientation in violation of Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”
3. without justification ordered her to leave her place of employment in violation of Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”
4. pushed the alleged victim from behind as she was exiting the establishment, in violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”

### INVESTIGATION:

In the interview of **victim Subject 1** on 04 November 2013, she stated that she is a transgender person and that she was formerly a male. At the time of this incident on 01 November 2013, Subject 1 was employed as a disc jockey (DJ) at a bar, known as XXXXX Place which was located at XXXX S. Hoyne. Subject 1 stated that on the date and time of the incident, she was busy setting of the DJ booth when several uniformed officers entered the bar and asked her to come down from the DJ booth. She stated that the officers asked her for identification and proceeded to search her. Subject 1 stated the officers passed her ID around and told her that it was a fake ID. She stated that one of the officers stated, “Where did you get this? 26<sup>th</sup> Street?” and they laughed. One of the two Hispanic male officers stated, “I can lock you up for a fake ID and send you to jail for a year” and they asked, “Why does the ID have female’s name?” According to Subject 1, she explained that she was a transgender and had stated undergoing the change in gender. The officers laughed and made jokes about her sexual orientation. She stated that one of the male white officers stated, “Whatever your fucking name is, get the fuck out of here.” They ordered her to leave and as Subject 1 was walking out of the bar, one of the officers pushed her from behind. Subject 1 further stated that there were six officers and four of them laughed at her sexual orientation, accused her of having a fake ID, and ordered her to leave the establishment. Subject 1 described one of the accused officers as being a Hispanic male uniformed officer, 5’8” medium build, in his mid 30s. The other Hispanic male uniformed officer was 4’6”, heavy set, in his late 30s or early 40s. The third officer was a white male uniformed officer, 6’0” tall, thin build, in his early 30s and the fourth officer was a white male uniformed officer, 6’0” tall, medium build, possibly 40 years old. Subject 1 stated that the other two officers on the scene were two female uniformed officers. (Att. 8)

Department Records revealed that on the date and time of this incident, there were (4) four **Contact Cards** completed. Cards were completed on Witness 1, Witness 2, Witness 3, and Witness 4. IPRA attempted to reach those individuals to arrange for an interview but were only successful in speaking with Witness 3. (Atts. 12,13,14,15)

In the interview of **Witness 3** on 05 February 2016, Witness 3 acknowledged that he was a patron of XXXXX Place on 01 Nov 2013 at XXXX S. Hoyne. He recalled that while

inside that establishment on 01 Nov 2013, there had been a fight, which is why the police was called to that location. He stated that while on the premises, the police were checking ID's for underage drinkers. Witness 3 related that he didn't know anyone by the name of Subject 1 nor did he see the police make contact with a person that may have worked as the establishment's disc jockey. Witness 3 stated that he was approached by the police officers on the scene and once he provided his ID to them, he left the bar and went home. He did not recall how many officers came on the scene but described of the officers as being male white or Hispanic. Witness 3 did not recall seeing any female officers on the scene nor did he recall any video cameras on the premises of the bar at the time of the incident. Witness 3 who was the subject of a contact card completed by officers on the scene did not know Witness 1 or Witness 2 who were also the subjects of completed contact cards. (Att. 23)

It should be noted that letters were issued to Witness 1, Witness 2, and Witness 4 and Witness 3 on 02 December 2015, requesting that contact be made with this investigator. Other than Witness 3, none of the other individuals responded to the letters. (Att. 12,13,14,15)

In a report completed on 10 May 2016 by **accused Officer A**, he acknowledged that on the date and time of the incident, he responded to XXXX S. Hoyne, regarding a call of underage drinking at the XXXXX Bar. He reported that this is a liquor establishment that is known for gang activity involving the "Two-six Damenville" gang members. Officer A reported that when he entered the liquor premise, the bartender was informed of a call that underage drinking was occurring in the basement of the XXXXX Bar. She informed him that there was no basement to the building. Officer A reported that he approached a young male Hispanic sitting near the dance floor and requested proof of age and the complainant handed him an Employment Authorization Card with picture of a female. Officer A reported that he informed the complainant that he needed his identification and he again responded that the picture on the ID was him. Officer A related that he checked the age on the card and handed the EAC back to the young man and continued his investigation on underage drinkers. Officer A reported that at no time did he threaten, make jokes regarding his sexual orientation, direct profanities, or push the complainant. Officer A reported that Subject 1 was not setting up a DJ booth, nor did he ever identify himself as a transgender or that he was undergoing the change. (Att. 44)

In a report completed on 15 May 2016 by **accused Officer B**, he reported that due to the time elapsed between 01 Nov 2013 and 15 May 2016, he could not recall the incident in question. Officer B did not recall any interaction with an individual named Subject 1 or being part of any allegations made against him. (Att. 49)

In a report completed on 10 May 2016 by **accused Officer C**, he related that on the date and time of the incident in question, he was assigned to Beat XXXX along with his partner, Officer A. He reported that they responded to the XXXXX Bar at XXXX S. Hoyne to check for underage drinking. When they entered that liquor establishment, they

interviewed the bartender regarding the call for service. Officer C related that at no time did have any verbal or physical contact with the complainant on 01 Nov 2013. (Att. 39)

In a report completed on 10 May 2016 by **accused Officer D**, he reported that on the date and time of the incident he and his partner, Officer B was assigned to Beat XXXX. He reported that they responded to a call to the XXXXX Bar, located at XXXXX S Hoyne to check for underage drinking. Officer D reported that when they entered that location, they conducted a systematic search of the general area to see if there where any underage persons hiding inside the bar. He related that at no time did he have any verbal or physical contact with the complainant on 01 Nov 2013. (Att. 56)

In a report completed on 08 May 2016 by witness **Officer E**, reported that she was working Beat XXX on 01 Nov 2013 at approximately 2000 hours. She reported that she did not recall what brought her to XXXXX Bar and did not recall what occurred inside that establishment after her arrival. Officer E reported that she not recall which officer if any ordered Subject 1 to leave the bar and does not recall any officer pushing Subject 1. (Att. 34)

In a report completed on 18 May 2016 by witness **Officer F**, she reported that she was assigned to Beat XXX on 01 Nov 2013 at 2000 hours and was on patrol when she responded to the "XXXXX Bar" at XXXXX S Hoyne for a under age drinking complaint. She reported that she does not recall who she came into contact with on that date. Officer F reported that she never threatened Subject 1 with arrest, nor did she recall any other officer threaten Subject 1 with arrest. Officer F reported that she never questioned Subject 1 about her sexual orientation nor did she hear anyone else officer question her about her sexual orientation. Officer F reported that she never addressed Subject 1 in a profane manner nor did ask Subject 1 to leave her employment. Officer F reported that she did not hear any officer address Subject 1 in a profane manner nor did she hear any other officers on the scene ask her to leave. Officer F denied pushing Subject 1 and did not witness any other officer push Subject 1 from behind. (Att. 51)

In a report completed on 07 May 2016 by **witness Sergeant A**, he reported that he learned through the Attendance & Assignment Record that on the date and time in question, he was assigned to Beat XXX; however, he had no independent recollection of the facts of this incident involving Subject 1 due to the length of time that has past. (Att. 32)

**CONCLUSION:****Accused: Officer A**

The reporting investigator recommends that **Allegation #1** be **Not Sustained**, in that, the accused threatened the alleged victim with arrest for allegedly having a false ID. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #2** be **Not Sustained**, in that, the accused laughed and made jokes about the alleged victim's sexual orientation. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #3** be **Not Sustained**, in that, the accused addressed the alleged victim in a profane manner when the accused stated, "Whatever your fucking name is, get the fuck out of here" and further without justification ordered the alleged victim to leave her place of employment. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #4** be **Not Sustained**, in that, the accused pushed the alleged victim from behind as the alleged victim was exiting the establishment. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

**Accused: Officer B**

The reporting investigator recommends that **Allegation #1** be **Not Sustained**, in that, the accused threatened the alleged victim with arrest for allegedly having a false ID. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #2** be **Not Sustained**, in that, the accused laughed and made jokes about the alleged victim's sexual orientation. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #3** be **Not Sustained**, in that, the accused addressed the alleged victim in a profane manner when the accused stated, "Whatever your fucking name is, get the fuck out of here" and further without justification ordered the alleged victim to leave her place of employment. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #4** be **Not Sustained**, in that, the accused pushed the alleged victim from behind as the alleged victim was exiting the establishment. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

**Accused: Officer C**

The reporting investigator recommends that **Allegation #1** be **Not Sustained**, in that, the accused threatened the alleged victim with arrest for allegedly having a false ID. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #2** be **Not Sustained**, in that, the accused laughed and made jokes about the alleged victim's sexual orientation. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #3** be **Not Sustained**, in that, the accused addressed the alleged victim in a profane manner when the accused without justification ordered the alleged victim to leave her place of employment. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #4** be **Not Sustained**, in that, the accused pushed the alleged victim from behind as the alleged victim was exiting the establishment. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

**Accused: Officer D**

The reporting investigator recommends that **Allegation #1** be **Not Sustained**, in that, the accused threatened the alleged victim with arrest for allegedly having a false ID. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #2** be **Not Sustained**, in that, the accused laughed and made jokes about the alleged victim's sexual orientation. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #3** be **Not Sustained**, in that, the accused addressed the alleged victim in a profane manner when the accused without justification ordered the alleged victim to leave her place of employment. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #4** be **Not Sustained**, in that, the accused pushed the alleged victim from behind as the alleged victim was exiting the establishment. There were no available witness to corroborate the alleged victim's account of this incident, therefore, there is insufficient evidence to prove or disprove this allegation.