

INTRODUCTION

On 24 November 2015, at approximately 2300 hours, in the vicinity of XXX E. Roosevelt Road, during a protest, **Probationary Police Officer A** physically mistreated an unknown person; pushed his bike several times against the leg of the complainant, Subject 1; and verbally abused Subject 1.

ALLEGATIONS

On 30 November 2015, at 1235 hours, the reporting party, Subject 1, telephoned the Independent Police Review Authority, and spoke with IPRA Investigator A. Subject 1 alleged that on 24 November 2015, at approximately 2300 hours, in the vicinity of XXX E. Roosevelt Road, **Probationary Police Officer A:**

- 1) forcefully pushed an unknown person, a violation of Rule 8;
- 2) forcefully pushed his bike into Subject 1's leg several times, a violation of Rule 8; and
- 3) stated to Subject 1, words to the effect: "I don't give a fuck who you are, get the fuck back" in violation of Rule 9

APPLICABLE RULES AND LAW

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

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

INVESTIGATION

On 01 December 2015, the complainant, **Subject 1, forwarded a video** to the IPRA email. The Quick Time video was nine seconds in length and it included audio. In the video, a crowd of civilians moved around and shouted. Several police officers stood in front of the crowd and yelled, "Move back, move back!" A black male officer is seen with his left arm extended toward a white male as the officer simultaneously told the crowd, "Move back, move back." A female voice is then heard saying, "Ow, fuck."

In a statement to IPRA on 01 December 2015, the Complainant, **Subject 1**, stated that she works for the Chicago affiliate of XXX News, Channel X News, as an editor/field producer. On 24 November 2015, at approximately 2200 hours, she was on an assignment to cover a protest in the vicinity of XXX East Roosevelt Road. Subject 1 stood within a crowd of protestors when there was a struggle between the protestors and Chicago police officers. Subject 1 was swallowed into the crowd, essentially stuck between protestors and police officers. Subject 1 witnessed an officer, now known as Probationary Police Officer A, trying to move protesters back. Subject 1 added she noticed the officer's name tag with the name "Probationary Police Officer A." According to Subject 1, Probationary Police Officer A used his hands, arms, and his Chicago Police Department-issued bicycle to push the crowd back. The crowd then shifted toward Subject 1. While Subject 1 held a cell phone in each of her hands, she lost her footing and she stumbled backward but still maintained her balance. Probationary Police Officer A then shifted his bicycle and again yelled at the crowd "Move back, move back!"¹

¹ Subject 1 stated she was using each cell phone to take pictures and to film the protests.

Subject 1 told Probationary Police Officer A that she could not move. Probationary Police Officer A then said, "Move back" and Probationary Police Officer A then "rammed" his bicycle against Subject 1, striking her left calf. Subject 1 stated that a part of the bicycle or bike pedal was digging into her left calf and she yelled out that she was hurt. Subject 1 stated she told Probationary Police Officer A she was a member of the media and she was not a protestor. Probationary Police Officer A told her he "didn't give a fuck" who she was and to "get the fuck back." Subject 1 was not sure if Probationary Police Officer A could hear her or if he just wasn't listening. Subject 1 added Probationary Police Officer A continued to yell and scream and use the word "fuck." When someone in the crowd threw some water, Probationary Police Officer A's attention shifted in the other direction and Subject 1 was able to back out of the crowd. Subject 1 and her cameraman became separated within the crowd. She added that she did not know anyone else in the crowd. Subject 1 stated that she obtained the officer's name from his name tag. Subject 1 sustained some scratches and bruising as a result of the incident, but she did not seek medical attention.

Subject 1 added she did not realize she had "captured anything" as she filmed the protest. She stated she watched the clip later which showed the officer hitting or pushing a taller white male in the face with his hands or arms. Subject 1 said she did not actually see the incident as it was captured on her phone.

The R/I contacted Subject 1 by telephone to obtain additional information. Subject 1 stated that the protestors were walking south on the northbound lanes of Michigan Avenue at Roosevelt Road. Subject 1 recalled seeing large bronze statues located in the park behind her.² Subject 1 did not recall how the struggle between the police officers and the protestors began. Nor did she recall why the protesters were forced back by the police officers. Also, Subject 1 did not see if the accused officer made any physical contact toward the unknown white male protestor. (Att #18, 22)

IPRA Investigators A and B conducted a **canvass** of the area of XXX E. Roosevelt Road. The investigators observed a security camera affixed to a building located on Indiana Avenue, and a half a block south of Roosevelt Road. The investigators met with that building's management to access the surveillance system. The video footage was of poor quality and it did not appear to have captured this incident. (Att. #19)

IPRA personnel requested several **videos from OEMC**. The R/I viewed the video from POD #6655, located at XXX S. Michigan Avenue. The video panned the intersection of the surrounding area and images of police officers and protestors were observed walking in the area. The R/I did not observe any images on the video relevant to this investigation.

The R/I also viewed video from POD #6658, located at XXX S. Michigan. The video captured the surrounding area along with images of police officers on foot, and on bicycles, with many protestors gathering at the intersection of 12th & Michigan. There were no images on the video relevant to this investigation. (Atts. #23 & 24)

² This location is the south end of Grant Park.

The R/I viewed **video** taken on 24 November 2015 by CPD of another protest that occurred in the vicinity of 500 S. Wells. A group of protestors were observed gathering in the immediate area, along with police officers and media personnel. After the R/I viewed this video, it was determined that the location of the protest was not relevant to this investigation. (Atts. #25-28)

On 01 December 2015, IPRA received two **emails** sent by Subject 1. These emails were viewed by IPRA Supervisor A. IPRA Supervisor A documented that the emails contained a Quick Time video along with five photographic images attached. The photographic images appear to be of Subject 1's injury but they are not dated, nor do the photos indicate who took the photos. The photos depict what appears to be scratches and bruises to Subject 1's leg, (Atts. #9-15)

On 08 January 2016, while at IPRA's offices, located at 1615 W Chicago Avenue, Subject 1 **viewed a photo array** of Department members in an attempt to identify the officer involved in the alleged conduct. After viewing the photos, Subject 1 was unable to make a positive identification. (Atts. #31-32)

In a telephone conversation with Sergeant A of Unit XXX, Bike Unit, he stated that all officer candidates are given a two-day police officer bicycle training at the police academy as part of the basic training. When officers are assigned to Unit XXX, they are given an additional two-day training for crowd control. CPD personnel records show that Probationary Police Officer A both the basic training and the supplemental Bike Unit training. In addition, according to Sergeant A, on 24 November 2015, Probationary Police Officer A and the other officers assigned to Unit XXX received an additional on-location training on how to utilize their bicycles when dealing with protesters. According to Sergeant A, he is unaware of any training that directs officers to use their bicycles as a tool for crowd control. Based on Sergeant A's training and experience, officers are taught to stand in a "ready stance" position with their bikes positioned sideways in front of them and lined up next to each other so the protestors could not pass or occupy the officers' space. Officers are instructed not to engage in any conversation other than to say, "Move back. Get back." Sergeant A was unaware of the term "check them" in connection with an officer using their bicycle for crowd control; it is not a term that is used or taught. (Att. #38)

In his statement to IPRA, Probationary Police Officer A, stated that on 24 November 15, he was assigned to the bike unit in the downtown area. Probationary Police Officer A's assignment for that day was to report to the location of Roosevelt and Michigan because protestors were gathering in that area. Probationary Police Officer A and other officers rode their bikes into the crowd but were unable to get through. At a standstill, the officers positioned themselves with their bikes and instructed the crowd to "move back." The crowd became unruly and a lot of commotion was going on. Probationary Police Officer A heard people yelling, people taking pictures, media people around. Probationary Police Officer A added at times, the crowd tried to take the officers bikes from them. Probationary Police Officer A did not recall a female identifying herself as being a member of the media or telling him that he was hurting her with his bike. Probationary Police Officer A stated that a lot of people were yelling and pushing. Probationary Police Officer A said that at one point, a white male was trying to go "over him"

and the man got very close in Probationary Police Officer A's personal space. Probationary Police Officer A said he just moved him out of his personal space by extending his left hand out and held the man's shirt collar as he pushed him to the side. Probationary Police Officer A stated that he did not hear the male say anything to him or anyone else. The crowd then shifted in a different direction and Probationary Police Officer A focused his attention on the crowd again. Probationary Police Officer A stated that his instructions were to keep the crowds from reaching the "highway" and not to give up his bike to anyone.

Probationary Police Officer A explained that during the crowd control training, the officers were instructed not to engage in any conversation with anyone other than telling them to "get back." The officers were also trained to step in front of the crowd, line up next to each other, turn their bikes sideways, and to hold their bikes in place by placing one hand on the handlebars, and the other hand on the seat. As the people began to walk towards the officers, the officers were to remain standing still. In the event the protestors got too close to the officers' personal space, or if they got aggressive, the officers were able to use the bike to "check them." That term "check them" basically means to push the crowd back with the bicycle and make repeated commands of "move back, move back." Probationary Police Officer A explained this tactic is not to hurt anyone, but to basically get the people out of your space and to create room.

Probationary Police Officer A viewed the video that Subject 1 provided to IPRA. Probationary Police Officer A identified himself on the video as the officer with the glasses. Probationary Police Officer A also identified the white male as the person that Probationary Police Officer A pushed to remove him from his personal space. Probationary Police Officer A described the contact as placing his hand on his collar and pushing him out of his personal space. Probationary Police Officer A had no further contact with the male, and he did not know what happened to the man. Probationary Police Officer A denied that he forcefully pushed his bike into Subject 1's leg several times and denied that he verbally abused Subject 1. (Att. #36-37)

CONCLUSION

The reporting investigator recommends that **Allegation #1** that Probationary Police Officer A forcefully pushed an unknown person be closed with a finding of **Not Sustained**. Probationary Police Officer A stated that when a crowd of protestors began pushing and shoving each other causing the crowd to move in toward the officers, he observed a white male trying to go over him to pass. Probationary Police Officer A stated that he did extend his arm out and grabbed the male by his collar and pushed him to the side to remove him from the officer's space. No further physical contact occurred. According to Probationary Police Officer A, his instructions were not to allow any subject to come into his space and to keep all individuals back using the training that he received. Probationary Police Officer A made physical contact with the unknown person only to prevent him from going over him. Given the identity of the male protestor could not be determined, there is insufficient evidence to support or disprove this allegation.

The reporting investigator recommends that **Allegation #2** that Probationary Police Officer A forcefully pushed his bike into Subject 1's leg several times be closed with a finding of **Not Sustained**. Probationary Police Officer A stated that during the crowd control training, the

officers were instructed to step in front of the crowd, line up next to each other, turn their bikes sideways, and to hold their bikes up as a barrier. The officers were further instructed to repeatedly give the command, "Move back, move back." Sergeant A of Unit XXX/Bike Unit explained that officers are taught to stand in a "ready stance" position with their bikes positioned sideways in front of them and lined up next to each other so the protestors could not pass or occupy the officers' space. The officers are also instructed not to engage in any conversation with anyone. Probationary Police Officer A stated when the crowd began moving towards the officers, Probationary Police Officer A used his bike as he was trained to do. Probationary Police Officer A denied the allegation, and there is insufficient evidence to indicate that Probationary Police Officer A was doing anything other than trained crowd control tactics. Since there were no witnesses identified or located, there is insufficient evidence to support or disprove this allegation.

The reporting investigator recommends that **Allegation #3** that Probationary Police Officer A stated to Subject 1, words to the effect of, "I don't give a fuck who you are, get the fuck back," a violation of Rule 9, be closed with a finding of **Not Sustained**. Probationary Police Officer A denied the allegation made against him, and the video clip provided by Subject 1 only includes audio of an officer instructing the crowd to "get back." As such and since there were no witnesses identified or located, there is insufficient evidence, facts or witnesses to support or disprove the allegation.