

## INTRODUCTION

On 12 August 2015, at approximately 1925 hours, in the vicinity of XXXX W. Grenshaw Street, Sergeant A used racially biased language during his encounter with Subject 1.

## APPLICABLE RULES AND LAW

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

## ALLEGATIONS

On 12 August 2015, at 2038 hours, the reporting party, Subject 1, telephoned the Independent Police Review Authority, and spoke with IPRA Investigator A. Subject 1 alleged that on 12 August 2015, at approximately 1925 hours, in the vicinity of XXXX W. Grenshaw St., **Sergeant A #XXXX:**

- 1) told her, "I (sic) be back tomorrow, I'm gonna get some of you niggers off the street," in violation of Rule 9.

## INVESTIGATION

**In an Initiation Report, Sergeant B #XXXX** stated that the complainant, Subject 1, came into the XX<sup>th</sup> District Station and told him that she felt Sergeant A made an inappropriate statement to her while she was standing in front of her mother's residence. Subject 1 stated that Sergeant A told her, "I'm going to get some of you all niggers locked up." (Att. 4)

**In a statement at IPRA** on 13 August 2015, the **Complainant, Subject 1**, stated that she stopped by her mother's house after leaving her job. Subject 1 was standing outside of the front gate when a white male sergeant, now known as Sergeant A, approached the house, entered the yard and approached Subject 1's aunt, Witness 1. Sergeant A told Witness 1 not to sell snow cones because she did not have a peddling license. Witness 1 told the sergeant that she spoke to "a commander" who told Witness 1 if she stayed inside her gate, it would be okay for her to sell the snow cones. Sergeant A then got on his phone and made a phone call. Sergeant A ended the call and he told Witness 1 "The commander (did not) know anything about it." Sergeant A then issued Witness 1 with a citation. Subject 1 told the sergeant that since Witness 1 received a citation, Witness 1 can now sell her snow cones. Sergeant A told Witness 1 that she could not sell anything to anyone. Sergeant A then said, "I (sic) be back tomorrow, I'm gonna get some of you niggers off the streets" and then called for backup. Sergeant A then walked across the street to talk to a group of young men. Subject 1 stated that her sister, Witness 2, her niece Witness 3, her nephew, Witness 4, and Witness 1 were outside but she was not sure if they heard any of the conversation between her and Sergeant A.

Shortly thereafter, Subject 1 went to the XX<sup>th</sup> District Station where she spoke with a sergeant regarding Sergeant A's comment. The sergeant filed a complaint on her behalf. Subject 1 said when she returned to her mother's house, Sergeant A was still on the block, but she did

not have any further contact with him. She left her mother's home later that evening.

In a follow-up telephone call to Subject 1, she stated that she initially provided IPRA with the name of her niece, Witness 3, as a possible witness. Subject 1 later found out that Witness 3 had already walked off the porch and left the scene. (Atts. 6, 9, 10, 21)

**In a telephone interview with Witness 1**, she stated that after the conversation with the officers in front of her residence, Witness 1 went inside to call IPRA. Witness 1 stated she was on the telephone when Subject 1 was outside talking with Sergeant A. Witness 1 said she did not hear the conversation between Subject 1 and Sergeant A. (Att. 20)

**OEMC Event # 1522414902** documented a call that was made from a wireless phone with the number XXX-XXX-XXXX,. The call was classified as No Police Service (NPS) at the address of XXXX W. Grenshaw St. According to the complainant, Subject 1, the number listed on the event query belongs to her sister, Witness 2. (Att. 13)

**Attempts to interview** Witness 2, Witness 4, and Witness 5, were unsuccessful. They did not cooperate in this investigation. (Atts. 14, 17, 19, 22, 23, 29, 30)

An **Administrative Notice of Ordinance Violation (ANOV #P00480141617)** was issued by Officer B #XXXXXX to Witness 1 for Food Dispenser License Required. (Att. 11)

**In a To/From Report, Witness Officer A #XXXXXX**, stated that on 12 Aug 15, he was assigned to Beat XXXXX, which was a fixed post on the XXXX-XXXX block of West Grenshaw. Officer stated at the time of the incident, 1925 hours, he may have been at lunch or returning from lunch. Officer A did recall seeing Sergeant A interact with a female who was selling food, chips, and other perishable items without a license at the location of XXXX W. Grenshaw. Officer A did not specifically recall Subject 1 being present. Officer A stated Sergeant A was at the XXXX-XXXX blocks of West Grenshaw for the entire tour of duty on 12 Aug 15. At no time did Officer A hear Sergeant A say the alleged statement or use any derogatory or demeaning language towards any individual. (Att. 40)

**In a To/From Report Witness Officer B #XXXXXX**, stated that on 12 Aug 15, she was assigned to Beat XXXXX, a fixed post which was on XXXX-XXXX block of W. Grenshaw. Officer B observed several individuals in a yard at XXXX W. Grenshaw where items were being sold without a license. Officer B did not specifically recall Subject 1's presence. Officer B stated that she did not hear Sergeant A say the alleged statement or use any derogatory or demeaning language towards any individuals. (Att. 44)

**In a To/From Report Witness Officer C #XXXXX**, stated that on 12 Aug 15, he was assigned to Beat XXXX and he was instructed to relieve Beat XXXXX for a lunch break. Officer C recalled that people were angry and complaining that Sergeant A would not allow the sale of snow cones on that block without a permit. Officer C did not recall seeing Sergeant A having a conversation with Subject 1. However, Officer C did recall that Sergeant A explained to the crowd that he was not allowing the sale of snow cones on the block due to the chronic gang and narcotics activity at that location. Officer C stated he did not hear did not hear Sergeant A say the alleged remark. (Att. 41)

**In a To/From Report, Witness Officer D #14006**, stated that on 12 Aug 15, he was assigned to Beat XXXX. He was requested to meet with Sergeant A at XXXX W. Grenshaw to relieve beat XXXXX from their detail. Sergeant A informed Officer D that he was to stay at that address because Witness 1 was observed selling snow cones, candy, and cookies without a license. In addition, Sergeant A directed Officer D that he was there to prevent any other illegal activities. Officer D observed Subject 1 at said location talking with Sergeant A but he did not hear what was being said between them. Officer D described Subject 1 as being belligerent towards the officers on the scene. Officer D stated that he did not hear Sergeant A say the alleged remark. (Att. 42)

**In his statement at IPRA on 13 May 16, Sergeant A #XXXX**, stated that on 12 Aug 15, he was assigned to Beat XXXX. Sergeant A stated there had been a major operation between the Chicago Police Department and federal law enforcement that shut down a narcotics market on the 3700 block of west Grenshaw. Sergeant A stated the district commander directed more attention to the XXXX and XXXX block of West Grenshaw to prevent the displacement of narcotics activity onto those blocks. Sergeant A said he interacted with many people on those blocks by engaging in foot patrol, by responding to 911 calls and by responding to chronic conditions. On several occasions, Sergeant A spoke with Witness 1 about her selling snow cones, candy, and other snacks to neighborhood residents without a license. Sergeant A added he even offered to take Witness 1 to the Department of Revenue to get a license, but she never responded.

During a conversation between Sergeant A and Witness 1, Witness 1 mentioned that she spoke with the (XX<sup>th</sup> district) Commander who in turn told her she could continue to sell her items. Sergeant A immediately called the Commander who told Sergeant A that was not the case. Sergeant A directed Witness 1 to stop selling the snacks and to close up, but Witness 1 refused. Sergeant A then instructed Officer A to issue a citation to Witness 1.

Sergeant A recalled that Subject 1 was standing on the sidewalk at the front gate during the conversation between Sergeant A and her mother.<sup>1</sup> Subject 1 asked Sergeant A why Witness 1 was not allowed to sell her items. When Sergeant A told Subject 1 the reason, Subject 1 told Sergeant A since Witness 1 had already been issued a citation, she should continue to sell her things. Sergeant A again explained to Subject 1 why Witness 1 could not sell items without a license and why Witness 1 was being issued a citation. No further conversation was had between Subject 1 and Sergeant A. Sergeant A did state that when he was on the scene with

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<sup>1</sup> Sergeant A incorrectly referred to Witness 1 as Subject 1's mother. Subject 1 described Witness 1's relationship to her as Witness 1 being her aunt.

Subject 1, she and other subjects on the block directed verbal profanities at him and other officers. Sergeant A stated that he might have said he “would be back on the block” but he denied the allegation made against him. (Atts. 35, 43)

## CONCLUSION

The reporting investigator recommends a finding of **Not Sustained** for **Allegation #1** that Sergeant A #XXXX told Subject 1, “I be back tomorrow, I’m gonna get some of you niggers off the street.”

Sergeant A acknowledged that he had a conversation with Subject 1 and Witness 1 regarding Witness 1 not having a license to sell snacks. Sergeant A denied that he made any racial comments towards Subject 1. Witness 1 admitted she was not present to hear the conversation between her niece Subject 1 and Sergeant A. There was no additional cooperation from the other persons that were identified as witnesses. As such, there is insufficient evidence to prove or disprove the allegation made against Sergeant A.