

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1078195

INTRODUCTION

On 24 November 2015, at approximately 1830 hours, Subject 1 was walking on the XXXX block of west 71st Street when an unmarked grey SUV, traveling eastbound, pulled up. Four officers wearing dark-colored jumpsuits exited the SUV. The two officers that exited from the passenger-side of the vehicle had their guns drawn and pointed at Subject 1. The two officers that exited the driver-side of the vehicle pointed their guns at Subject 1 from over the vehicle's roof. One of the officers repeatedly asked Subject 1 if he had a gun. Subject 1 answered that he did not have a gun. The officers then told Subject 1 to go about his business. They re-entered the SUV and the vehicle sped away onto 71st Street toward Troy Street. Subject 1 then walked to his grandmother's house, located at the XXXX block of west 71st Street, where he telephoned his mother and reported the incident to her.

APPLICABLE RULES AND LAW

Rule 2 – Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 38 – Unlawful or unnecessary use or display of a weapon.

ALLEGATIONS

On 24 November 2015, at 1923 hours, 8th District Sergeant A, #XXXX notified the Independent Police Review Authority and registered a complaint on behalf of Citizen 1, who alleged that on 24 November 2015, at 1830 hours, at XXXX West 71st Street, four unidentified white and Hispanic male officers, in uniform:

1. stopped her son, Subject 1, without justification, in violation of Rule 2; and
2. pointed their weapons at Subject 1, in violation of Rule 38.

INVESTIGATION

In his Initiation Report, **Sergeant A, #XXXX** reported that Subject 1 said he was walking home from basketball practice when, near the intersection of 71st Street and Kedzie Avenue, a grey sport utility vehicle pulled up and stopped near Subject 1. Four uniformed officers then exited the vehicle. Two of those four officers stood on the curb side of the vehicle while the other two officers stood on the vehicle's step rail on the street side of the vehicle. All four officers pointed their weapons at Subject 1 and yelled at him several times, asking, "Where is the gun?" All four male officers were about 5'10" in height and appeared to be either white or Hispanic. It was further reported that none of the officers touched Subject 1, or took anything from him. Then the officers re-entered the grey vehicle and sped off, proceeding southbound on Troy Avenue. (Attachment 5)

In a statement to IPRA, conducted on 07 December 2015, **Subject 1** said that on 24 November 2015, at approximately 1830 hours, he was walking to a relative's house following basketball practice. While he walked Subject 1 heard a siren. He then saw an unmarked Tahoe, grey in color pull over and stop. The passenger side of the vehicle faced Subject 1. Two of the officers exited the passenger side of the vehicle and pointed their guns at Subject 1. Two other officers exited the driver's side and stood on the vehicle's running board. The latter two officers pointed their guns at Subject 1 from over the roof of the SUV. Subject 1 said that one of the officers asked him at least six times, "Where is the gun?" Each time Subject 1 replied, "I don't have a gun."

Subject 1 said that the officers did not use profanity when they addressed him. Subject 1

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said following this exchange, the officers told him to go about his business. The officers then re-entered their vehicle and sped away onto Troy Street. Subject 1 said he was unable to read the vehicle's license plate.

Subject 1 said each of the officers were wearing a dark-colored jumpsuit-style uniform. He said three of the officers were white, but the officer in the rear passenger seat appeared to be Hispanic. All of the officers had very short hair. Subject 1 said that none of the officers touched him. He added he did not sustain any injury from the encounter with the officers. He said he did not observe anyone else at the scene. He further stated the whole incident lasted for approximately a minute and a half. When Subject 1 left the scene he walked to his grandmother's house. It was from his grandmother's house that Subject 1 then telephoned his mother and told her about the incident. (Attachments 12, 14, 32)

Subject 1's mother, Citizen 1, did not witness the incident. Citizen 1 essentially reiterated what her son reported to Sergeant A. Citizen 1 added that her son told her the officers did not search him. (Attachment 6)

On 9 December 2015, IPRA Investigator A contacted the manager of XXXXXXXX Food and Liquor, which is located at XXXX W. 71st Street, regarding any surveillance video. The manager stated the retention period for his surveillance system video is 24 hours. (Attachment 7)

The following investigative steps were taken in an effort to determine the identity of those alleged to have engaged in the misconduct as reported by Subject 1:

A **POD Map** was generated indicating no Police Observation Devices were located near the scene of the incident. (Attachment 17)

Event Query Reports that were obtained via PCAD furnished little relevant information regarding this incident, though an "Assist Citizen" event report fit the time and location of the incident. **Unit Query Reports** were then generated for beats listed in the "Assist Citizen" report and in other Event Query Reports. A report of a possible person with a gun in a white Chevrolet Impala and another possible person with a gun in a burgundy colored SUV were also noted in the vicinity of XXXX South Oakley Avenue. This report, however, was made thirty minutes after the encounter between police and Subject 1 was reported to have occurred. (Attachment 24)

A **Service Call Detail Report** was generated for the "Assist Citizen" event that was revealed in the PCAD event query. Hispanic female Officer A, #XXXX responded to the request for assistance. The call and response did not appear to be in any way related to the incident reported by Subject 1. (Attachment 15)

A general search for any **Field Contact Cards** relevant to this incident produced no result. (Attachment 30)

A **GPS Report** was produced to identify vehicles in the vicinity at the time of the incident. This report would then form the basis for conducting a CITRIX vehicle search, which would in turn identify the actual description of each vehicle number displayed in the GPS Report. (Attachment 18)

An **Attendance and Assignment Record** was generated for the district and watch of occurrence to assist in identifying officers assigned to vehicles reported by the GPS Report to have been in the vicinity of the incident, in the event that any of those vehicles matched the description provided by Subject 1. (Attachment 16)

A detailed **CITRIX Header Report** of vehicles in the vicinity of the incident was generated. The report was based on vehicles noted in the P-CAD and GPS reports. The CITRIX Header Report was analyzed to reveal any vehicle matching the description provided by the

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alleged victim. No vehicle matched the description provided by the alleged victim. Nevertheless, requests for In-Car camera recordings were still made for all vehicles. (Attachments 22, 23)

A report of the availability of **In-Car Camera** recordings indicated that only one recording was available. That recording was viewed and contained no visual data relevant to this investigation (Attachments 25, 27, 28)

A **private security service** operating in the vicinity of the incident, XXXXXXXXX XXXX Security, was contacted, based on the peculiarity of uniform attire worn by the accused as reported by Subject 1. Information gained from that security service eliminated members of that agency from consideration in this investigation. (Attachments 21, 26)

CONCLUSION:

Accused: Four Unknown Officers

Allegation 1: Not Sustained

With regard to Allegation 1 that Subject 1 was stopped without justification, a thorough search failed to indicate that Chicago police officers stopped or detained any citizen; or that police officers were present, on that date, time and location. Thus, there is a lack of evidence to support or disprove that this alleged action that four Chicago police officers stopped Subject 1 without justification.

Allegation 2: Not Sustained

With regard to Allegation 2 that officers pointed their firearms at Subject 1, the same extensive search failed to establish the identification of Chicago police officers accused of pointing their firearms on any citizen on that date, time and location. Thus there is a lack of sufficient evidence to support or disprove the allegation that four Chicago police officers pointed their firearms at Subject 1.