

**INTRODUCTION:**

This investigation, regarding allegations of derogatory language, resulted from an incident that occurred on 15 February 2016, at approximately 1830 hours, at XX W. Randolph Street when an unidentified police officer referred to the complainant, Subject 1, as a “nigger.”

**ALLEGATIONS:**

On 15 February 2016, at approximately 1945 hours, the complainant, Subject 1, went to Unit XXX (X<sup>st</sup> District) and registered a complaint with Sergeant A, #XXXX. Sergeant A registered the complaint with the Independent Police Review Authority (IPRA). Subject 1 alleged that on 15 February 2016, at approximately 1830 hours, at XX W. Randolph Street, **an unknown officer:**

- 1) Referred to him as a “nigger,”
- 2) Refused to identify himself upon request, and
- 3) “Snatched” Subject 1’s driver’s license from his hand.

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

**Rule 37:** Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

**INVESTIGATION:**

In his Initiation Report, Sergeant A, #XXXX, indicated that Subject 1 related to him that he was illegally parked on Randolph, west of State Street, waiting to pick up a client. A white male officer in a marked SUV approached Subject 1’s vehicle and told him to move. Subject 1 said that he began to plead his case when the officer called him a “nigger” several times and shouted at him in a disrespectful tone. Subject 1 told Sergeant A that the officer covered his name tag when Subject 1 demanded his name. Subject 1 remembered that the officer’s last name began with a “K.” Sergeant A noted that there were no 3<sup>rd</sup> watch officers assigned to Unit XXX with last name beginning with “K” on the date of the incident. (Att. #4)

In a statement to IPRA on 19 February 2016, complainant Subject 1 said that on 15 February 2016, at approximately 1830 hours, at XX W. Randolph Street, he parked at the curbside to wait for a customer. Subject 1 is a driver for Lyft. A marked Tahoe police vehicle pulled up behind Subject 1’s vehicle with lights and siren activated. Subject 1 pulled his vehicle forward. The officer(s) activated the siren again and Subject 1 pulled his car up again. At this

time, a white male officer in uniform approached Subject 1's vehicle and told Subject 1 that he was illegally parked and had to move. The officer was the passenger officer in a marked police Tahoe SUV. There was another officer on the driver's side, but that officer never exited the police vehicle. Subject 1 informed the officer that he was a driver for Lyft and was waiting for a client. The officer then asked Subject 1 for his driver's license. Subject 1 produced his license and the officer "snatched" the license from Subject 1's hand and said, "You niggers, I just don't understand it." The officer went to his vehicle and shortly returned to Subject 1's vehicle. Upon returning to Subject 1's vehicle, Subject 1 said that the officer continued to direct derogatory language at him, such as "all you niggers think you're on something." Shortly thereafter, Subject 1 left the scene, never picking up his client.<sup>1</sup>

**Attempts to identify the accused officer** via an OEMC video, In-car camera,<sup>2</sup> Attendance and Assignment sheets (A&A'S), GPS reports, OEMC Event Query, and Log Scan report met with negative results. The only officer who stopped in the vicinity of XX W. Randolph Street at approximately 1830 hours was Officer A, assigned to Beat XXX. (Att. #26)

### CONCLUSION:

The reporting investigator recommends a finding of **Not Sustained** for **Allegations #1-#3**, against an **unidentified officer** that he referred to Subject 1 as a "nigger," refused to identify himself upon request, and "snatched" Subject 1's driver's license from his hand. All attempts to identify the involved officer have been exhausted. The Log Scan Query shows that no officer ran Subject 1's information on the date and time of incident.

The available GPS information shows that the only other police officer within a two block radius was involved in an unrelated call at the time this event is alleged to have occurred. This officer, Officer A, was assigned to Beat XXX. The dash cam footage obtained from Officer A's squad car does not depict any contact with Subject 1. Also, Officer A was driving a Ford Interceptor (Explorer), whereas the accused officer, according to Subject 1, was driving a Chevy Tahoe.

Subject 1 also provided that the accused officer's last name started with a "K," which is not consistent with Officer A, or any other officer working in the district on that date and time.

There is no independent evidence or witnesses that would aid in the identification of the accused. Thus, the accused officer's identity remains unknown at this time. Without further information, to include the identity of the accused, there is insufficient evidence available to prove or disprove that the misconduct alleged occurred. Thus, the reporting investigator recommends a finding of Not Sustained.

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<sup>1</sup> Subject 1 said that he never had contact with his client and, therefore, she was not a witness to the incident.

<sup>2</sup> Officer A was assigned a 2014 Ford Interceptor on the date of the incident.