

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1081363

### INTRODUCTION:

The complainant, Subject 1, was participating in a protest regarding the police shootings of two men when she encountered members of the Chicago Police Department.

### ALLEGATIONS:

Complainant Subject 1 initiated this complaint via the Internet. The complaint was subsequently registered with the Independent Police Review Authority (IPRA) on 08 July 2016 at approximately 1938 hours. It is alleged that on 07 July 2016, at approximately 1900 hours, at or about XXX North Michigan Avenue, **Sergeant A, #XXXX**:

- 1) jabbed Subject 1 on her stomach with the handle of his bicycle, in violation of Rule 8: "Disrespect to or maltreatment of any person, while on or off duty."

### APPLICABLE RULES AND LAW:

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

### INVESTIGATION:

In an **Internet Complaint**, Subject 1 reported that at the time of this incident, she was engaged in a peaceful protest in the vicinity of Madison and Michigan Avenue. Several Chicago Police Officers became agitated that protestors were blocking the street and pushed them. Sergeant A picked up his bicycle and forcefully "rammed" the handlebar into Subject 1's stomach causing pain. (Att. 4)

In a statement to IPRA on 12 July 2016, **Subject 1** stated that at the time of this incident, she was standing in the front line of a protest in downtown Chicago. Approximately two hours into the protest, police officers arrested two men. Subject 1 and other protestors began chanting, "Let them go." The officers told the protestors to move back. A white male uniformed officer, now known to Subject 1 as Sergeant A, picked up his bicycle and jabbed her in the stomach with the end of the handlebar. At the time the contact occurred, Sergeant A was holding the bike in front of him and across his body. Subject 1 was standing near the front wheel of the bicycle, perpendicular on the opposite side. Subject 1 experienced soreness to her stomach but did not sustain any visible marks or seek medical attention. Sergeant A did not say anything to Subject 1 prior to striking her with the handle of his bicycle. Subject 1's sister, Witness 1, and her friend, Witness 2, were present during the incident. Subject 1 stated that Witness 2 has video of the moments following the incident; however, she does not have video of the physical contact. (Att. 7)

Subject 1 provided a **photograph** to IPRA that depicts a Sergeant with the last name "A", star #XXXX. (Att. 10)

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In a statement to IPRA on 09 August 2016, **Witness 1** stated that she, her sister, Subject 1, and Subject 1's friend, Witness 2, were participating in a protest against police brutality. Witness 1 and company were standing in the street with a group of protestors when police officers told the group to leave the street or they would be arrested. The protestors refused to move. The leader of the protest remained in the street speaking on a megaphone. The officers asked the leader to move out of the street. When he refused, the officers placed him under arrest. Subject 1 moved in closer toward the leader of the protest, and she and Witness 1 yelled, "Let him go!" Witness 1 stated that the officers urged the protestors to move back and began to touch people. The protestors became more vocal. At this point, the accused, Sergeant A, lifted the front part of his bike off the ground and forcefully "rammed" it into Subject 1's stomach, striking her with the front wheel. Witness 1 ran up to Sergeant A and asked him why he touched her sister. Sergeant A denied making contact with Subject 1. Following the incident, Subject 1 told Witness 1 that she hit the officer in retaliation for him striking her with the bicycle; however, Witness 1's attention was diverted so she did not witness this contact. (Att. 17)

In a statement to IPRA on 09 August 2016, **Witness 2** stated that she, her friend Subject 1, and Subject 1's sister, Witness 1, were participating in a protest over two recent police shootings. Witness 2 briefly separated from her friends. When Witness 2 returned she observed Subject 1 and Witness 1 arguing with a police officer. Witness 2 did not witness what led up to the altercation and could not hear the verbal exchange, but she saw Subject 1 swing backwards at the officer. Subject 1 accused the officer of ramming his bicycle into her; however, Witness 2 did not witness the alleged action. (Att. 20)

Witness 2 provided IPRA a **copy of the footage** recorded on her camera during the protest. The video depicts numerous protestors gathered with police officers on scene. The camera pans back and forth and captures a male being arrested. A woman is heard screaming, "Don't you dare touch me!" Sergeant A is briefly captured on the video and he tells the crowd to move back and get off the street. The video does not show the interaction between Sergeant A and Subject 1. (Att. 35)

A search for **Investigatory Stop Reports** associated with the incident met with negative results. (Att. 11)

A search for a **Log Scan or Data Warehouse inquiry** on Subject 1 met with negative results. (Att. 13-14)

There were no **Police Observation Devices (PODs)** in the immediate area of 150 North Michigan Avenue. (Att. 12)

A request for video of the protest from **Chicago Police Forensic Services** met with negative results. (Att. 23)

**Department records** document that three protestors were arrested for obstructing traffic on the date and time of this incident. (Att. 32-34)

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In a statement to IPRA on 29 September 2016, **Sergeant A** stated that he and officers from the Bike Patrol Unit were assigned to crowd control during several protests that occurred near the Taste of Chicago around the date of this incident. Sergeant A stated that he did not recognize Subject 1 by name or face; and stated that he did not intentionally jab Subject 1 or any citizen with his bicycle. Sergeant A stated that he did not know whether any citizen was unintentionally jabbed or hit with the handle of his bicycle. He added that it is possible that someone may have inadvertently made contact with his bicycle as people push back and forth during protests; however, Sergeant A did not have any specific knowledge of that occurring during this particular incident. (Att. 31)

### CONCLUSION:

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1** against **Sergeant A**, that he jabbed Subject 1 on her stomach with the handle of his bicycle, in violation of Rule 8: “Disrespect to or maltreatment of any person, while on or off duty.” There is no physical evidence that Sergeant A committed the alleged act against Subject 1. Subject 1 did not have any visible signs of injury or seek medical attention. Additionally, there is an inconsistency in the description of the incident as described by Subject 1 and Witness 2. Subject 1 alleged that Sergeant A struck her on the stomach with the handle of his bicycle, while Witness 2 alleged that Sergeant A struck Subject 1 on the stomach with the front wheel of his bike. Witness 2 did not witness the alleged incident but she heard Subject 1 accuse Sergeant A of ramming his bicycle into her. Witness 1 stated that when she confronted Sergeant A about his actions, Sergeant A denied making contact with Subject 1. This raises questions as to whether Sergeant A committed the alleged act deliberately or was even aware that his bicycle made contact with Subject 1.

In his statement to IPRA, Sergeant A stated that he and other officers under his command from the Bike Patrol Unit were assigned to crowd control during several protests that occurred at or near the Taste of Chicago; however, Sergeant A did not remember Subject 1 or the incident in which she described. Sergeant A denied jabbing Subject 1 or any citizen with the handle of his bicycle. Sergeant A stated that it is possible someone inadvertently made contact with his bicycle as people push back and forth during protests; however, Sergeant A did not have any specific knowledge of that occurring during this incident.

This incident occurs during an arrest at a protest with a lot of people moving. Given that Subject 1 was on the front line of the protest and in close proximity to Sergeant A’ bike, any movement, intentional or unintentional, could result in a person being struck with or jabbed by a handlebar based on their positioning in the crowd—especially during a volatile situation such as an arrest. A woman is heard screaming in the video, “Don’t you dare touch me;” however, that alone is not conclusive evidence that Sergeant A jabbed Subject 1 with the handle of his bicycle or touched her in any way. Based on the available evidence, there is no way to establish the exact details of the

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contact between Sergeant A and Subject 1; therefore, the Reporting Investigator recommends that this allegation be classified as Not Sustained.