

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1078482

INTRODUCTION:

The complainant, Subject 1, dialed 911 and reported that her boyfriend battered her and pulled a gun on her. Police officers responded to the scene and ultimately arrested Subject 1 after she reportedly became uncooperative and assaulted one of the responding officers.

ALLEGATIONS:

On 16 December 2015, at 2207 hours, Investigator S registered a web complaint with the Independent Police Review Authority (IPRA) on behalf of the complainant, Subject 1. Subject 1 alleged that on 06 October 2015, at approximately 2338 hours, at or about XXXX N. Ridgeland Boulevard, **Officer A, #XXXX, and Officer B, #XXXX:**

- 1) called Subject 1, “white trash,” in violation of Rule 2: “Action or conduct which impedes department policy or brings discredit upon the department;”
- 2) punched Subject 1 on the face, in violation of Rule 8: “Disrespect to or maltreatment of any person, while on or off duty;”
- 3) scratched Subject 1, in violation of Rule 8: “Disrespect to or maltreatment of any person, while on or off duty;”
- 4) restrained Subject 1 while another Department member struck her, in violation of Rule 8: “Disrespect to or maltreatment of any person, while on or off duty;” and
- 5) had Subject 1’s vehicle impounded without justification, in violation of Rule 2: “Action or conduct which impedes department policy or brings discredit upon the department.”

APPLICABLE RULES AND LAW:

Rule 2: Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

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

INVESTIGATION:

In a **web complaint**, Subject 1 stated she and two CPD officers engaged in a verbal exchange, where racist comments were made. The officers then approached Subject 1’s vehicle and repeatedly punched and scratched her in the face. Three more CPD officers assisted, alleging she was resisting arrest. Subject 1 stated she sustained bruises and scratches on her arms and face, and black eyes. (Att. 4)

In an **interview** with IPRA on 18 December 2015, Complainant Subject 1 stated she was at home drinking with a friend when he became violent and refused to leave her home. Subject 1 called the police for assistance and met them at the rear of her building. Subject 1’s friend left before the police arrived.

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Subject 1 stated that three marked police cars with six officers responded. There were two white male officers in one squad car and two black female officers in another. Subject 1 could not provide the gender or race of the officers in the third squad car because they left the scene almost immediately after arriving and were not present when the alleged misconduct occurred. The officers ran Subject 1's name and saw that she was involved in prior domestic incidents. The officers told Subject 1 she was "playing games" and was "not new to the game." Subject 1 told the officers she did not need their assistance. Subject 1 then walked to her car and sat in the driver's seat. One of the black female officers told Subject 1 she was "drunk white trash." Subject 1 told the officer she was just a "fucking nigger." The same officer then punched Subject 1 multiple times in the face and scratched her while the officer's partner, also a black female, held Subject 1 down. Subject 1 tried to escape through the passenger side of her vehicle. One of the two white male officers on scene opened the passenger side door of Subject 1's car, held her arms and told her she was resisting. Subject 1 fell unconscious at some point and woke up handcuffed inside a squad car. The female officers repeatedly called Subject 1 "white trash." Subject 1 was transported to the station. The officers had Subject 1's vehicle, which was in her designated parking spot, impounded. Subject 1 stated she took photographs of the injuries she sustained, and agreed to email them to IPRA. Subject 1 did not seek medical attention. (Att. 27)

The **Arrest and Case Reports** document that Subject 1 was arrested and charged with Battery and Assault against Officer A; and Assault against Officer B. It is reported that Officers B and A¹ responded to a Domestic Disturbance in the alley located at XXXX N. Ridge Boulevard. Upon arrival, Beat XXXXX (Officers C, #XXXXX, D, #XXXXX, and E, #XXXXX)² and Beat XXXXX (Officers F and G) were on scene attempting to interview Subject 1. Subject 1 was uncooperative and refused to provide her name. When the officers repeatedly attempted to obtain Subject 1's personal information, she became irate and refused police service. As Officers A and B, and Officers F and G returned to their squad cars, Subject 1 instructed Officers A and B to stop their vehicle. The officers stopped their vehicle and exited, believing that Subject 1 still required their service. Subject 1 then yelled to Officer A words to the effect of, "I refuse black service fucking nigger, fucking nigger. I'mma fuck you up. Stop." Subject 1's actions reportedly placed Officer A in fear of receiving a battery. The officers approached Subject 1 to place her into custody. Subject 1 grabbed and pulled Officer A's vest. The officers performed an Emergency Take Down and delivered several open-hand strikes to defeat the attack and gain control of Subject 1. Subject 1 was placed into custody and transported to the XXX District for processing. The Lockup Keeper processing remarks indicate that Subject 1 was under the influence of alcohol/drugs, and admitted to drinking earlier that day. (Att. 12, 13)

¹ Officers A and B were assigned to Beat XXXXX, vehicle #XXXX. (Att. 19)

² The Attendance and Assignment Records document that Officer C was on-duty, working Beat XXXXX, assigned to vehicle #XXXX, at the time of this incident; Officer D was on-duty, working Beat XXXX, assigned to vehicle #XXXX, at the time of incident; and Officer E was on-duty, working Beat XXXXX, and assigned to vehicle #XXXX at the time of the incident. (Att. 41)

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The **Chicago Police Department Event Query** documents that on 06 October 2015, at 23:23:47 hours, a caller who identified herself as “Subject 1” reported that her boyfriend beat her up and pulled a gun on her. Subject 1 provided a physical description of her boyfriend, and stated he had been drinking and doing drugs. The Event Query documents that Beat XXXXX (Officers C, D and E) arrived on scene at 2334 hours but were cleared from the job at 2337 hours. (Att. 14)

A **Tactical Response Report** completed by Officer B documents that Subject 1 did not follow verbal direction, stiffened, pulled away and was an assailant who posed an imminent threat of battery. Officer B responded with verbal commands, escort holds, an open hand strike, and take down/ emergency handcuffing. Additionally, the report says in an attempt to defeat the attack to Officer A, Officer B utilized several open hand strikes, escort holds, and emergency handcuffing to assist in the arrest of Subject 1. (Att. 15)

An **Officer’s Battery Report** completed by Officer B documents that Subject 1 made verbal threats and attacked with her hands and fists. Officer B did not sustain any injury. (Att. 16)

A **Tactical Response Report** completed by Officer A documents that Subject 1 did not follow verbal direction, stiffened, pulled away, posed an imminent threat of battery, and was an assailant who attacked without a weapon. Officer A responded with verbal commands, escort holds, an open hand strike, and take down/ emergency handcuffing. The comments section of the report notes that Officer A performed several open hand strikes, a take down, and emergency handcuffing in order to defeat the attack and gain control of Subject 1. (Att. 17)

An **Officer’s Battery Report** completed by Officer A documents that Subject 1 used her hands/fists to strike Officer A. Officer A did not sustain any injury. (Att. 18)

A search for **Police Observation Devices (PODs)** met with negative results. (Att. 23)

The **In-Car Video** from Officer A and B’s vehicle was obtained. The video did not capture the alleged incident. No other video was found.³ (Att. 26, 47)

A **canvass** of the vicinity of the alleged incident produced no additional information. (Att. 49)

Court records document that Subject 1 was found not guilty of Aggravated Battery to a Police Officer on 01 June 2016. (Att. 57)

³ Generally speaking, In-Car Video is not available more than 30 days post incident, unless it was archived or had an extended hold placed on it. This complaint was filed more than 60 days after the alleged incident occurred.

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The **photographs** Subject 1 emailed to IPRA depict what appears to be redness to her left wrist, bruising to her right eye, and red marks on her face. (Att. 52)

The **Vehicle Tow Report** documents that Subject 1's vehicle was towed because it was illegally parked⁴. (Att. 56)

In a statement to IPRA on 17 February 2016, **Officer A** stated she and her partner, Officer B, were dispatched to a call of a domestic battery wherein the caller, Subject 1, stated her boyfriend pulled a gun on her. When Officers A and B arrived at the location, there was a marked and an unmarked squad car already there. Unknown officers from the unmarked car, a white male and white female officer either from the Tactical team or an outside unit, were interviewing Subject 1. Officers F and G were in the marked squad car, on scene to provide assistance if necessary. Subject 1's vehicle was parked in the middle of the alley with the engine running. The perpetrator had fled the scene and the officers interviewed Subject 1 to obtain information so they could generate a report. Subject 1 was uncooperative and refused to give her name or any additional information. Subject 1 then said she did not want police service. The officers in the unmarked unit said they would close out the call and they left the scene.

Subject 1 said she did not want service, and she especially did not want any "black service." Officers A and B went to their car. Subject 1 got in her car and started moving it toward her building but then jumped out and started yelling, cursing, and using racial epithets, while flagging down the officers to stop. Officer A and Officer B exited their vehicle, at which time Subject 1 said, "Fuck you. Fuck you black nigger. I'll fuck you up nigger."⁵ Officer A approached Subject 1 to arrest her for assault, at which time Subject 1 grabbed Officer A's vest. Subject 1 then ran inside her vehicle. Officer A tried to handcuff Subject 1 but Subject 1 struggled and pulled away. Officer A said she delivered open-hand strikes to Subject 1's arm and upper shoulder in an effort to gain control and handcuff her. Officers B and F assisted and tried to get Subject 1 out of the car. Officer F pushed Subject 1 toward Officer A and Officer A escorted Subject 1 to the squad car. Officers F and G transported Subject 1 to the station as Officer B and Officer A's vehicle did not have a cage. Officer A said they towed Subject 1's vehicle because it was considered arrestee property and it was part of the incident because Subject 1 retreated to her vehicle after she grabbed Officer A's vest. Officer A added that Subject 1's vehicle was not properly pulled into a parking spot; it was off on an angle. Officer A denied that she or Officer B committed the acts attributed to them in the allegations section of this report. Officer A also said that Subject 1 was conscious throughout the entire incident, and she did not observe any injuries to her. (Att. 33)

In a statement to IPRA on 17 February 2016, **Officer B** stated when she and her partner, Officer A, responded to the domestic battery they observed "Officer E" and two unknown officers from an outside unit interviewing the caller, Subject 1. Officers F and G also responded but just observed from the alley. It appeared that Subject 1 had consumed alcohol. Subject 1 was uncooperative and refused to answer questions being

⁴ The tow slip indicates that the vehicle was recovered from XXXX N. Clark; this appears to be an error.

⁵ Transcribed statement of Officer A. (Att. 39, page 12, lines 17-18.)

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posed to her. When Officer B intervened, Subject 1 raised the palm of her hand toward Officer B. Officer Brady and the two unknown officers left after Subject 1 refused to cooperate. As Officers B, A, F and G got in their cars to leave, Subject 1 began yelling obscenities at Officer A. Subject 1 told the officers to stop, as if she wanted to give them more information. When Officers B and A exited the vehicle, Subject 1 said she refuses “black service” and made the racial remarks as listed in the arrest report. Officer A approached Subject 1, at which time Subject 1 said, “I’m gonna fuck you up,”⁶ and then grabbed Officer A’s vest and pulled it toward her.

Officer A and Subject 1, who were both standing by the driver’s side door of Subject 1 vehicle, fell into the driver’s seat of Subject 1’s vehicle. Subject 1 kept moving and tried to fight Officer A. Officer A delivered open-hand strikes to Subject 1’s body; Officer B could not remember where, specifically, Officer A struck her. Officer B went to the rear driver’s side of the vehicle and grabbed Subject 1’s arm so they could handcuff her. Officer F stood at the passenger’s side of the vehicle. Officer B said she used holding techniques and open-hand strikes on Subject 1 to stop her when she was trying to fight Officer A. Officer B did not remember to which part of Subject 1’s body she applied the open hand strikes. Officer B denied committing any of the acts attributed to her in the allegations section of this report and she denied observing Officer A commit any of the alleged acts. Officer B said Subject 1’s vehicle was towed because it was her personal property and they could not leave it unattended; it was improperly parked; and it was possibly in a tow zone, although Officer B said she could not remember the specifics. (Att. 38)

In a statement to IPRA on 05 April 2016, **Officer G** stated that upon his and Officer F’s arrival to the scene, officers in an unmarked squad car issued a flash message containing information about the alleged offender. After issuing the flash message, the officers in the unmarked squad car handed the call over to Officers B and A, who were assigned the call, and left the scene. Officer B tried to interview Subject 1, but Subject 1 became angry, yelled and refused police service. When Officers F, G, A and Subject 1 entered their squad cars to leave, Subject 1 yelled, “I don’t need black service. I’mma fuck you niggers up.” Officers A and B exited their vehicle, at which time Subject 1 grabbed Officer A’s vest and pulled her. Subject 1 then entered the driver’s seat of her vehicle. Officer A grabbed Subject 1’s hand in an effort to place her in custody. Officers B and F helped Officer A place Subject 1 into custody. Subject 1’s vehicle, which was in the alley and not in a parking space, was towed. Officer G denied observing or hearing Officer B or Officer A commit any of the acts attributed to them in the allegations section of this report. Additionally, Officer G stated he did not observe any injuries to Subject 1. (Att. 46)

In a statement to IPRA on 05 April 2016, **Officer F** stated when he and Officer G arrived at the location, three unknown officers, possibly from the Tactical team, were interviewing Subject 1. Officers A and B joined those officers, at which time Subject 1 became irate and uncooperative. Subject 1 yelled and swore at the officers, and told them she no longer wanted police service. The officers in the unmarked vehicle left the area.

⁶ Transcribed statement of Officer B. (Att. 40, page 16, lines 10-11).

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As Officers F, G, A and B prepared to leave, Subject 1 flagged down the officers to stop. Subject 1 then stated to Officers A and B words to the effect of, "I don't want any of your black nigger service."

Officers A and B exited their squad car, and Subject 1 said words to the effect of, "I'm gonna fuck you niggers up." As Officer A went to place Subject 1 into custody for assault, Subject 1 grabbed Officer A's vest. Subject 1 then retreated to the driver's seat of her vehicle. Officer A reached in the front driver's side to place Subject 1 into custody. Officers B and F assisted with placing Subject 1 into custody. Officer F stated he did not hear or observe Officer A or Officer B commit any of the acts attributed to them in the allegations section of this report. Additionally, Officer F said Subject 1 was not unconscious at any time; and he did not observe any injuries to her. (Att. 53)

CONCLUSION:

The Independent Police Review Authority (IPRA) recommends a finding of **Not Sustained** for **Allegation #1** against **Officer A**, that she called Subject 1 "white trash." Subject 1 stated that it was only after Officer A called her "white trash" that she called her a "fucking nigger." Officer A denied calling Subject 1 "white trash." Officers B, F and G stated Subject 1 directed racial slurs at Officers A and B, but they denied hearing Officer A call Subject 1 "white trash." As there is no independent witness or other available information, there is insufficient evidence to meet the preponderance standard required in this administrative investigation.

IPRA recommends a finding of **Unfounded** for **Allegation #2** against **Officer A**, that she punched Subject 1 on the face, and for **Allegation # 3** against Officer A, that she scratched Subject 1. There is no question that Officers A and B used force against Subject 1 during her arrest. That fact is documented in the Arrest, Case and Tactical Response Reports. Officer A stated Subject 1 was an assailant and Officer A utilized open hand strikes, escort holds, a take down and emergency handcuffing to gain control of Subject 1.

The photographs Subject 1 sent to IPRA depict red marks to her face and bruising near her eye. It is possible that Subject 1 could have sustained these injuries as a result of the documented contact Officer A had with Subject 1, though it is noted that Subject 1 reported to 911 that her boyfriend "beat her up" and had a gun, which was the reason the officers responded. The statements of the involved officers were all consistent in the way they laid out the events. Officer A denied committing any of the acts attributed to her in the allegations section of this report. The other officers on scene also denied observing Officer A commit the alleged acts. Subject 1 initiated this complaint more than two months after the alleged incident occurred. Attempts to locate witnesses or video evidence were unsuccessful. At this time there is no independent information or physical evidence to substantiate the allegations.

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IPRA recommends a finding of **Unfounded** for **Allegation #4** against **Officer A**, that she restrained Subject 1 while another Department member struck her. This investigation revealed that Officer A is the officer who first had contact with Subject 1 and attempted to take her into custody for Battery and Assault. Officer A had the majority of the physical contact with Subject 1, as is evident by Subject 1's interview, Department reports, and statements of the involved officers. Within the parameters of this particular allegation, Officer A would be the officer who struck Subject 1, not the officer who allegedly restrained her while she was being struck.

IPRA recommends a finding of **Exonerated** for **Allegation #5** against **Officer A**, that she had Subject 1's vehicle impounded without justification. Officer A explained that Subject 1's vehicle was towed incident to her arrest as it was illegally parked. The Vehicle Tow Report, completed by the Chicago Police Department, also documents that the vehicle was towed because it was illegally parked. CPD General Order G07-03; Section G; Subsection 1 provides that an arrestee's vehicle "can be towed if the vehicle cannot be legally, securely, and continuously parked at the scene of the arrest."

IPRA recommends a finding of **Not Sustained** for **Allegation #1** against **Officer B**, that she called Subject 1 "white trash." Subject 1 said after she was placed into custody, Officers B and A called her "white trash." The accused and witness officers denied that either officer made the remark. As there is no independent witness or other available information, there is insufficient evidence to meet the preponderance standard required in this administrative investigation.

IPRA recommends a finding of **Unfounded** for **Allegations #2-3** against **Officer B**, that she punched Subject 1 on the face and scratched her. Based on Subject 1's description of the incident, coupled with Department reports and statements from the involved officers, Subject 1 attributes the excessive force allegations to Officer A; and states that Officer B merely restrained her while Officer A physically maltreated her. Based on the above, IPRA recommends that these allegations be classified as Unfounded.

IPRA recommends a finding of **Unfounded** for **Allegation #4** against **Officer B**, that she restrained Subject 1 while another Department member struck her. Subject 1 alleged that Officer B held her down while Officer A physically maltreated her. Tactical Response Reports document that when the officers attempted to place Subject 1 into custody for Battery and Assault, Subject 1 stiffened, pulled away, posed an imminent threat of battery, and was an assailant. In her statement, Subject 1 admitted to trying to escape the officers, so the force the officers used against Subject 1 was warranted. Officer B acknowledged that she helped Officer A restrain Subject 1 so they could place her in custody, but said she did not specifically restrain Subject 1 for the purpose of allowing Officer A to strike her.

IPRA recommends a finding of **Exonerated** for **Allegation #5** against **Officer B**, that she had Subject 1's vehicle impounded without justification. Subject 1 contends that her vehicle was legally parked and there was no basis for the officers to impound or tow her vehicle. The accused and witness officers denied that the alleged misconduct

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occurred, and assert that they had reasonable basis to tow Subject 1's vehicle. Officer B explained that Subject 1's vehicle was towed as it was Subject 1's personal property, and they could not leave it unattended. Officer B further explained that the vehicle was improperly parked. CPD General Order G07-03; Section G; Subsection 1 provides that an arrestee's vehicle "can be towed if the vehicle cannot be legally, securely, and continuously parked at the scene of the arrest."