

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1081167

INTRODUCTION:

The complainant, Subject 1, was parked on the street when he was approached by an officer in a black, unmarked squad car. Subject 1 stated he did not know the occupant(s) of the vehicle was a police officer, so he fled the area and drove approximately two blocks before realizing it was the police. Subject 1 was briefly detained and then released without being charged or issued citations.

ALLEGATIONS:

On 27 June 2016, at approximately 2008 hours, the complainant, Subject 1, contacted the Independent Police Review Authority (IPRA) and registered this complaint with Intake Aide A. It is alleged that on 27 June 2016, at approximately 1438 hours, at X Whipple Street, **Officer A, #XXXX**:

- 1) pointed a firearm at Subject 1, in violation of Rule 38: “Unlawful or unnecessary use or display of a weapon,”
- 2) pushed him to the ground, in violation of Rule 8: “Disrespect to or maltreatment of any person, while on or off duty,”
- 3) pushed him against a vehicle, in violation of Rule 8: “Disrespect to or maltreatment of any person, while on or off duty,”
- 4) told him to “shut the fuck up,” in violation of Rule 8: “Disrespect to or maltreatment of any person, while on or off duty,”
- 5) told him to “stop bullshitting around,” in violation of Rule 8: “Disrespect to or maltreatment of any person, while on or off duty,” and,
- 6) told him, “you don’t need a rosary, it’s not going to help,” 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.

Rule 38: Prohibits unlawful or unnecessary use or display of a weapon.

INVESTIGATION:

In a statement to IPRA on 27 June 2016, **Subject 1** stated that he drove to a store located at X Archer Ave. Subject 1 was parked on the street along the side of the building when he noticed a black car drive by slowly. Subject 1 then observed the vehicle reverse in his direction. Believing the occupants of the vehicle might be gang members who would shoot or harm him, Subject 1 quickly fled the area. He drove approximately two blocks before several unmarked squad cars¹ arrived with their emergency lights on. Subject 1 stopped his vehicle once he realized they were the police. The officer in the black unmarked vehicle exited the car with his firearm pointed at

¹ Department records document that there was only one squad car occupied by three officers on scene.

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Subject 1 and told him to get out of the car. Subject 1 put his hands in the air as the accused officer approached him.

Subject 1 exited the vehicle and the accused officer put his gun away. Subject 1 stated that the accused officer either pushed him to the ground, or he got on the ground by himself.² After Subject 1 was handcuffed, the accused officer stood Subject 1 up and pushed him against the vehicle. The officer performed a pat down on Subject 1 and placed him in the backseat of the black vehicle. The accused officer ran Subject 1's name and questioned him about drugs. The officer swore at Subject 1 and told him to "shut the fuck up" and "stop bullshitting around" because the officer assumed Subject 1 knew they were cops and purposely tried to drive away from the officers. Subject 1 told the officer he was on his way to buy a rosary at the church goods store. Officer A told Subject 1, "You don't need a rosary; it's not going to help." Subject 1 was released approximately 15-20 minutes after the stop.

Subject 1 stated that the Officer A is the only officer that had physical contact with him, and that he did not see any other officers in the black unmarked car. The other five to seven officers that arrived on scene later just stood around the car and asked Subject 1 random questions. Subject 1 described the accused officer. Subject 1 stated that immediately following the incident he had red marks on his wrists; however, the marks had dissipated by the time of his interview with IPRA. Subject 1 stated he did not sustain any injuries during the incident. (Att. 6)

The **Investigatory Stop Report** documents that Officer A, #X, and Officer B, #XXXX, attempted to curb Subject 1's Vehicle, for a minor traffic violation. Subject 1 initially refused to stop but the vehicle was eventually curbed at X Whipple Street. Due to Subject 1's reluctance to pull over, he was removed from the vehicle and the officers performed a protective pat down. The officers did not locate any weapons. (Att. 9)

A search for **Police Observation Devices (PODs)** in close proximity to the location of incident met with negative results. (Att. 10)

The squad car was not equipped with an **in-car camera**. (Att. 11)

The **Attendance and Assignment Records** document that Officers A, B, and C were assigned to beat X, vehicle #X on the date and time of this incident. (Att. 16) **Department records** document that vehicle #X is a black 2011 Ford Crown Victoria. (Att. 11)

The **Chicago Police Department Event Query** documents that the involved officers notified the dispatcher of the traffic stop at 14:35:57 hours. At 14:38:31 hours, an officer with Logon Identification #X, assigned to Officer A, ran Subject 1's name and license plate. The officers cleared the assignment at 14:47:35 hours. (Att. 12, 29)

² Subject 1 could not remember which action occurred because the incident transpired so quickly.

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GPS Records do not place any other CPD vehicles at the scene of the alleged incident. (Att. 15)

A **canvass** of the vicinity of the alleged incident produced no additional information. (Att. 26)

In a report, **Officer A** stated that he and his partners, Officers B and C³, were investigating a “person with a gun” call in the vicinity of X Pope John Paul II Drive. A Hispanic male seated in an older model vehicle reportedly handed a gun to another Hispanic male who fled eastbound on XXrd Street from Sacramento with a gun in his pocket. As the officers toured the area, they observed Subject 1 seated in a parked car at approximately X Sacramento Ave. As the officers pulled alongside Subject 1 to ask if he saw anyone who fit the description of the person with a gun, Subject 1 made eye contact with the officers and sped off southbound on Sacramento at a high rate of speed. When the officers activated the squad car’s lights and sirens, Subject 1 disregarded the officers and made a right turn onto Pope John Paul II Drive without signaling. Subject 1 subsequently stopped his vehicle in the middle of the street. As Officer A approached the vehicle from the passenger side, Subject 1 made a furtive movement to the passenger seat. Due to the nature of the call, the evasive driving of Subject 1, and his furtive movements, Officer A believed this to be a high risk traffic stop.

Believing that Subject 1 might be armed, Officer A drew his weapon and kept it in a safe direction toward the ground. Subject 1 ignored Officer A’s verbal commands and was ultimately removed from the vehicle, placed in a prone position on the ground, handcuffed, and detained for officer safety. A search for a weapon in the immediate area where the furtive movement occurred met with negative results. Officer A verified Subject 1’s personal information, issued him a verbal warning, and gave him an Investigatory Stop Report receipt. Officer A used his discretion and opted not to issue Subject 1 any citations. Officer A denied committing any of the acts attributed to him in the allegations section of this report. Officer A acknowledged that his weapon was drawn, but stated he did not point it at Subject 1. Additionally, Officer A stated that he did not push Subject 1 to the ground; however, he asked Subject 1 to get on the ground for officer safety based on Subject 1’s actions and Officer A’s belief that Subject 1 might be armed. Officer A described himself similarly to Subject 1’s description in his complaint. (Att. 21)

In a report, **Officer B** provided an account of the incident that was consistent with Officer A’s. Officer B denied observing Officer A commit any of the acts attributed to him in the allegations section of this report. Officer B did, however, hear Officer A give Subject 1 verbal direction to get on the ground. (Att. 23)

In a report, **Officer C** provided an account that was consistent with the information provided by Officers A and B. Additionally, Officer C stated that he approached the driver side of the vehicle behind Officer B while Officer A approached

³ Officer A was the front passenger, Officer C was the rear passenger, and Officer B was the driver of the squad car.

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the passenger side. Officer C denied observing Officer A commit any of the alleged acts. Officer C stated Officer A told Subject 1 to get on the ground but did not push him to the ground. Officer C reported that he also ordered Subject 1 out of the car and to the ground, handcuffed him, and conducted a protective pat down. (Att. 25)

A **Service Call Search** documents that on XX June 2016 at approximately 1350 hours, it was reported that a Hispanic male in an older model vehicle, possibly a Honda, handed a gun to a Hispanic male juvenile on a bike, and then fled on Sacramento to Archer Avenue. The juvenile reportedly fled eastbound on XXrd Street from Sacramento Avenue with a gun in his pocket. (Att. 32)

CONCLUSION:

IPRA recommends a finding of **Not Sustained** for **Allegations #1 and 3-6** against **Officer A**, that he pointed a firearm at the Subject 1, pushed him against a vehicle, told him to “shut the fuck up,” told him to “stop bullshitting around,” and told him, “you don’t need a rosary, it’s not going to help.” Subject 1 stated he was parked in his vehicle preparing to go in a church goods store when an unknown individual drove past slowly and then reversed in his direction. Subject 1 stated he did not know the individual was the police, and fled the area in fear that someone would shoot or harm him. Subject 1 stated after he drove two blocks, he then realized it was the police.

Officer A stated he and his partners were investigating a report of a person with a gun. Upon encountering Subject 1, he immediately fled the area and committed a traffic violation. Officer A stated he believed this was a high risk stop and drew his weapon based on the nature of the call he was investigating, and because Subject 1 fled from the officers and made a furtive movement as Officer A approached his vehicle. The Investigatory Stop Report does not reference the “person with a gun call,” but does indicate that Subject 1 fled when officers attempted to curb his vehicle for a traffic violation.

Officer A contends that he kept his weapon in a safe direction toward the ground and did not point his weapon at Subject 1. Officer A denied committing any of the alleged acts, and the witness officers denied observing the same. Subject 1 did not sustain any injury during this incident. He was alone at the time of the incident and there were no independent witnesses identified. Additionally, there were no PODs or in-car video. Without any independent information, there is insufficient evidence to prove or disprove the allegations.

IPRA recommends a finding of **Unfounded** for **Allegation #2** against **Officer A**, that he pushed Subject 1 to the ground. While Subject 1 alleged that Officer A pushed him to the ground, he also allowed for the possibility that he got on the ground himself. Officer A denied pushing Subject 1 to the ground and stated that he asked Subject 1 to get on the ground. Based on Subject 1’s inability to confirm that the action occurred, IPRA recommends that the allegation be classified as Unfounded.