

INTRODUCTION:

This complaint is a result of misconduct alleged by Chicago Public School student Subject A against Chicago Police Officer and Chicago Public Schools Security Officer A¹ at School A, which is located inside of School B. According to Subject 1, he was checking his messages on his cell phone when Officer A asked for his cell phone and took him to the main office. Once inside of the main office, Subject A refused to relinquish his cell phone and therefore, he alleged that Officer A stood in his face and began to yell and point his finger in his face; and repeatedly directed profanities at him by stating words to the effect of “Ass, Fuck and Little Bitch.” Subject 1 further alleged that Officer A chest bumped him, grabbed him, choked him and pushed him with his hand, then reached for his Taser and threatened to Taser him.

During this investigation, it was learned that Principal Civilian 1 and Civilian 2 failed to follow the proper procedures in reporting this incident to CPS. Thus, CPS conducted an investigation and Officer A was relieved of his duties and suspended by the Board of Education of the City of Chicago Law Department for the Chicago Public Schools as a result of this incident, pending the results of his hearing. CPS later reinstated Officer A because he was acting in the capacity as a Chicago Police Officer and not as a security officer at the time of the incident.

ALLEGATIONS:

Sergeant A #XXX telephoned IPRA and registered this complaint with Intake Aide, IPRA Investigator A on behalf of Subject 2, who did not witness the incident, and 15 year old son, Subject 1. Subject 1 alleged that on 27 April 2012, at approximately 1415 hours inside of School A, located at XXXX S. Wabash Avenue, **Officer A #XXXX:**

- 1) Stood in Subject 1’s face and began to yell and point his finger in Subject 1’s face, thereby antagonizing him, in violation of Rule 2, and Rule 9;
- 2) Repeatedly directed profanities at him by stating words to the effect of, “Ass, Fuck and Little Bitch,” in violation of Rule 2, and Rule 9;
- 3) Chest bumped Subject 1, in violation of Rule 2, and Rule 9;
- 4) Choked him, in violation of Rule 2, and Rule 9;
- 5) Pushed Subject 1, in violation of Rule 2, and Rule 9; and
- 6) Reached for his Taser and made a verbal threat to tase him in violation of Rule 2, and Rule 9.

CPS Investigator A #XXX alleged that after the above incident, on 22 May 2012, **Officer A #XXXX:**

¹ Please note that Officer A retired from the Department on August 2, 2016.

- 7) Provided a false statement to a CPS Investigator regarding the above incident, in violation of Rule 2, and Rule 14.

APPLICABLE RULES AND LAWS:

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 14: Making a false report, written or oral.

SUMMARY OF INVESTIGATION:

In his **Initiation Report** on 27 April 2012, Sergeant A #XXX documented that during his preliminary investigation, Subject 2 alleged that on 27 April 2012, at approximately 1415 hours, Accused Officer A cursed at and choked her son, Subject 2² while he was being reprimanded for using his cell phone. The incident reportedly occurred at School A, which is housed inside of School B, located at XXXX S. Wabash Avenue. Principal Civilian 1 was identified as a witness to the incident. (Att. 4)

Juvenile content redacted.

The CPS School A Video reveals that the video footage was captured from 1410-1430 and 1520-1535 hours. It should be noted that the video recordings contain no audio. Both video recordings captured are from the East Main Office, and the incident occurs in the immediate entrance of the office. This office has a door which connects a conference room area that is not enclosed and Principal Civilian 1's office. Officer A and Subject 1 entered the main office and stopped at the counter. Officer A spoke with Civilian 2. Subject 1 was seen pacing back and forth. All of a sudden, Officer A backed Subject 1 into a corner and proceeded to point and move his finger back and forth into Subject 1's face. Subject 1 attempted to get around Officer A and leave the situation with Officer A, but to no avail.

Officer A appeared to be yelling and subsequently pushed Subject 1 into a corner and prevented him from leaving. In the video recordings, Officer A appeared as if he was "chest bumping" Subject 1. The video depicts Officer A raising his open hand toward Subject 1 and making momentary contact with his neck/chest area. Officer A then placed his hand on his Taser / or reached for his Taser and an unknown black female,³ at the

² Subject 1 is a student at School A.

³ This individual was subsequently identified as Principal Civilian 1.

counter said something to Officer A. Subject 1 left the office and so did Officer A. A short time later, other officers were seen leading Subject 1 back into the office and over into the conference room with a crowd of people following. Officer A returned to the office and continued to fill out paperwork at the counter. (Atts. 27 - 29, 76)

The School A **Misconduct Report #XXXXXX**, documented that on 27 April 2012, Officer A brought Subject 1 to the main office for cell phone use. Upon speaking to Civilian 2, Subject 1 refused to surrender his cell phone. Civilian 2 went to speak with Principal Civilian 1 about the situation, and while doing so, they could hear Subject 1 yelling. Principal Civilian 1 and Civilian 2 ran out of the office and observed Subject 1 and Officer A arguing. Principal Civilian 1 attempted to calm Subject 1 down, but he was not responding. Civilian 2 ran into the hallway to request assistance from the other police officers. Subject 1 ran out of the office into the hallway throwing the door open and storming down the hallway screaming. The police officers and Civilian 3 followed as Principal Civilian 1 and Civilian 2 attempted to clear the hallway of other students for their safety. Subject 1 was restrained by one of the officers and brought back into the office. Subject 1 was calmed down by Principal Civilian 1, Officer B, Officer C, and Civilian 3.

Further evidence revealed that there was a Teacher / Student / Parent / Res / Adm. Conference and Restorative Group Counseling in regards to the disciplinary action that was taken. This Report was completed by Civilian 2 and signed by Principal Civilian 1. (Att. 16)

The School A **Misconduct Event Detail Report #XXXXXX**, essentially related the same information, however it failed to note that Officer A reached for Subject 1's throat with his right hand and shoved him back into the Kronos clock. Officer A released Subject 1 and unbuckled his holster containing his Taser with his left hand.⁴ (Att. 25)

The School A **Discipline Referral** of student Subject 1 documented that on 27 April 2012, at approximately 1410 hours, Chicago Police Officer A #XXXX indicated that student Subject 1 had inappropriate behavior that was deemed disruptive in that he defied the authority of school personnel; was in possession and/or activation of electronic devices during school hours; used profane, obscene, indecent, immoral or seriously offensive language, gestures and behaviors; and had unauthorized activation/charging or the use of cellular telephones or other electronic devices. Officer A further described Subject 1 as having been outside of the classroom using his cell phone and when he was asked to give up his cell phone, Subject 1 refused.⁵ (Att.16)

The CPS Investigative Memorandum submitted to IPRA dated 05 June 2012 revealed that CPS Investigator B conducted an investigation on 18 May 2012, into the allegations of physical abuse against Officer A, who is a security officer, acting in his

⁴ A clearer copy of this report was received by IPRA upon subpoena of the final disposition of the CPS Investigation.

⁵ Legible copies of the misconduct report were submitted by the law department of CPS in their records, after their investigation was completed.

official capacity as a Chicago Police Officer.⁶ This investigation was initiated as a result of a complaint made to Civilian 4, Deputy General Counsel. On 17 May 2012, Witness 1⁷, a career coach, made this formal complaint in which he related that after he observed Officer A escorting Subject 1 from the main office and observed Clerk Civilian 5, crying, he inquired as to why she was crying. Civilian 5 informed him that Officer A choked Subject 1 in the front office and that Principal Civilian 1 made Subject 1 promise not to tell his parents what happened. DCFS was not notified.

According to the Event Detail Report #XXXXXX, submitted on Friday, 27 April 2012, by Lead Teacher, Civilian 2, Subject 1 was operating his cell phone inside of the school and when he was asked by the school security to relinquish his cell phone, he refused and was brought to the main office. While in the main office, Subject 1 continued to refuse to turn over his cell phone and engaged in a verbal exchange with Officer A. After trying to calm Subject 1 down, he ran out of the office and into the hallway, where he was restrained by others and “conducted a balanced and restorative justice strategy which satisfied all parties.” Subject 1’s mother arrived at the school and wanted to know the name of the security guard and explained that she wanted to make a complaint.

During the course of the CPS Investigation, it was suggested that Principal Civilian 1 contact DCFS. CPS Investigator B interviewed Principal Civilian 1, Civilian 2, Witness 1, Civilian 5, Subject 1, Subject 2, and Officer A. It was noted during the investigation that the amended Event Detail Report #XXXXXX omitted pertinent information, such as “Officer A reached for Subject 1’s throat with his right hand and shoved him back into the Kronos clock. Officer A then quickly released Subject 1 and unbuckled the holster containing his Taser with his left hand.”

Further CPS Investigative Findings indicated that credible evidence existed that Officer A grabbed Subject 1 by the neck and pushed him; repeatedly addressed him using profanity; and provided false information during the course of the investigation. (Att. 24)

In an email submitted to IPRA on 01 September 2015, **CPS Investigator C** explained his thoughts on why he believed that Officer A provided false information to him during his questioning of Officer A. CPS Investigator C noted irregularities in the internal reports about the incident, and evidence that the school personnel wanted to keep the incident within their school administration. He found statements by Civilian 5 and Subject 1 to be credible; Principal Civilian 1 and Civilian 2 saw Officer A “up on him’ with a grabbing by the throat pushing him.” CPS Investigator C explained that during his interview with Officer A, he found Officer A to be clever and thoughtful in his responses. According to CPS Investigator C, Officer A was quick to remember that student Subject 1 was disrespectful, and was clinching his fists and as the student was “leaving out,” Officer A pushed him back. CPS Investigator C further reported that the video evidence

⁶ Allegations of misconduct by Principal Civilian 1 and Civilian 2 were also investigated.

⁷ Witness 1 did not witness any the alleged events and at the time of the school visit, Witness 1 no longer worked there.

reflected that Officer A kept Subject 1 cornered and made contact with Subject 1 who was not at all “leaving out.” Officer A did not “recall” using profanity and did not “recall” reaching for his Taser. CPS Investigator C found that Officer A tailored his responses to limit his exposure. CPS Investigator C looked at all of the information he gathered when making this determination about Officer A and not just his brief interview. (Att. 73)

The City of Chicago Board of Education Department of Law found that Officer A was acting in the capacity of a Chicago Police Officer and not as a security officer with CPS, because the incident happened prior to his start time as a security officer, thereby he was off duty at the time. Officer A works as a “night stalker” at CPS in which his duty is to protect the property of CPS and he has no contact with CPS students or school personnel. It was further determined that at no time during the hearing of Officer A was there any evidence presented by CPD that his conduct was found to be inappropriate or worthy of disciplinary action; because Officer A had remained in the capacity of an officer assigned to School A, and no evidence was presented rebutting Officer A’s contentions that his actions were consistent with the Chicago Police Department’s Use of Force Model. It was also determined that the evidence established that Officer A used a hand strike in the area below Subject 1’s neck and just above his chest and did not choke Subject 1. Officer A was reimbursed for his lost wages during the time that he had been suspended without pay. (Att. 75)

In her witness statement to IPRA on 11 June 2013, **Principal Civilian 1** stated that at the time of the incident on 27 April 2012, she was in her office with two of her teachers; her desk was approximately twenty feet away from the counter in the main office. Civilian 2, who was a lead teacher at the time, informed Principal Civilian 1 that there was a situation going on with Subject 1 and Officer A regarding a cell phone. As Civilian 2 told her about the incident, she heard a loud commotion which sounded like arguing. She described the commotion as male voices, cursing loudly; however she could not make out exactly what was being said or who said it. As she left her office with Civilian 2, she heard Subject 1 state, “Even my mama don’t cuss at me.”⁸ She then heard Officer A use more expletives, but could not specify what words he used. Principal Civilian 1 stated that Subject 1 was cornered and tried to go around Officer A, but they were basically face to face at this point.

Principal Civilian 1 further stated that she told Subject 1 to be quiet and stop moving; at some point he replied that she sides with the officers. Subject 1 said something to Officer A and continued his attempt to get around Officer A, which Principal Civilian 1 could not recall. In response, Officer A “jolted out” and

pushed Subject 1 by the base of his neck with one hand.⁹ Subject 1 then went backward and bumped into the area near the Kronos Clock. Officer A reached for his yellow Taser

⁸ Transcript of Principal Civilian 1, Att. 44, Page 5, Line 7.

⁹ *Id.* at Lines 22-23.

and unlocked the buckle securing it; Principal Civilian 1 repeatedly told Officer A, "Please don't do that."¹⁰ Subject 1 then got around Officer A and exited the main office.

Principal Civilian 1 reported that Civilian 2 also witnessed the incident, but she did not remember where the two teachers she had been speaking with earlier were during the incident, but they were not in the main office during the incident. Although she did not notice it at the time, she later learned that Civilian 5 also witnessed the incident. Principal Civilian 1 further stated that she attempted to get Civilian 3, the Dean of Students to get Subject 1 before he encountered other officers. However, Officer B and possibly Officer C brought Subject 1 into the main office. Inside of the counseling suite, along with Officer B, Officer A and Principal Civilian 1, the staff was able to get Subject 1 to calm down. Principal Civilian 1 believed that Officer A wanted to arrest Subject 1 for not yielding to commands and because Officer A reported that Subject 1 had his fists balled up during the incident.

Principal Civilian 1 stated that she believed that the situation had been resolved because she heard Officer A state, "I am here to help you. I don't mean any harm towards you."¹¹ Afterwards, Principal Civilian 1 observed Officer A and Subject 1 shake hands. Principal Civilian 1 described Officer A as a little too aggressive with her students. (Atts. 42, 44)

In her witness statement to IPRA on 11 June 2013, **Assistant Principal and Lead Teacher, Civilian 2** stated that on 27 April 2012 at approximately 1415 hours, she was in the office when Officer A brought Subject 1 into the room for a cell phone violation. As she talked to Subject 1 about his cell phone, he refused to give her the cell phone and she instructed Officer A to begin writing him up. She related that she went to the principal's area of the office and heard a lot of arguing and commotion going back and forth. She and Principal Civilian 1 then ran into the main office and observed Officer A and Subject 1 arguing. Civilian 2 ran out the back door to get someone else to de-escalate the situation, while Principal Civilian 1 remained in the office. Subject 1 ran out into the hallway, screaming and yelling, "I hate the fucking police!"¹² Additional officers brought Subject 1 back into the office, everything calmed down, and Subject 1 and Officer A made peace with the situation.

When Civilian 2 was asked about Subject 1 and Officer A's contact with each other, she stated that she did not observe any physical contact between the two of them until she viewed the videotape at the school. She explained that she exited the office to get someone to de-escalate the situation. At the conclusion of the incident, she heard Subject 1 apologize for his actions after it was explained to him that he should have just given up his cell phone because it was the school policy anyway. Civilian 2 related that she has Post Traumatic Distress Disorder and everything happened so fast that she didn't witness what happened because it all happened so fast. (Atts. 37, 39)

¹⁰ *Id.* at P. 7, Lines 6, 13, 19-20.

¹¹ *Id.* at Page 11, Lines 19-20.

¹² Transcript of Civilian 2, Att. 39, P. Lines 7-8.

In her witness statement to IPRA on 11 June 2013, **School Clerk Civilian 5** stated that on 27 April 2012, she was working in the main office at the counter when she observed Civilian 2, Officer A and Subject 1. Civilian 5 related that Subject 1 is a very quiet student. She further related that Officer A came in the office with Subject 1 and stood by the counter and explained to Civilian 2 that Subject 1 would not turn in his phone. Civilian 2 went to tell Principal Civilian 1 that she was having a problem with Subject 1 and his cell phone again. Civilian 5 heard Officer A say some derogatory things to Subject 1 and Subject 1 started crying. Civilian 5 explained that she heard Officer A state words to the effect of, "I'm the police and you gonna do as I say do. Y'all going -- you nigger."¹³ Later in the conversation Subject 1 replied to Officer A by stating, "Just stop talking to me. Just stop talking to me. I'm not being disrespectful."¹⁴ Civilian 5 reported that Subject 1 did not use profanities toward Officer A.

Civilian 2 then came back out and gave Officer A a disciplinary report and Officer A began to complete the report. During this time, there was conversation back and forth between Subject 1 and Officer A. Civilian 5 explained that she believed that Subject 1 said something to Officer A about him not having anything to do with the cell phone because he is not an administrator. According to Civilian 5 all three of the schools have a cell phone policy however their school is really strict about the cell phone policy and their policy is enforced more than the other schools. Officer A then put Subject 1 in a chokehold with one hand around Subject 1's neck and pushed him towards the other side of the room by the time clock, into a corner. Principal Civilian 1 called out, "Officer [A], Officer [A], let him go, let him go."¹⁵ Subject 1 then stormed out of the office; he was crying and angry.

Officer B and Officer C followed behind Subject 1 and asked him to stop. Officer B explained to Subject 1 that if he did not stop then he would have to tase him. Principal Civilian 1 told Officer B not to tase Subject 1. Principal Civilian 1 was then able to get Subject 1 to come back in the office with her and sit down, however Subject 1 was "hyperventilating and out of it."¹⁶ Civilian 5 believed that Principal Civilian 1, Civilian 2, Civilian 3 and the three officers had a meeting in the office with Subject 1. According to Civilian 5, they tried to calm Subject 1 down, they spoke with him and he was then allowed to leave.

Civilian 5 stated the situation escalated really quickly considering that it began because of a cell phone. She explained that there are other students in the building that you have to get physical with, but for the most part, not at the School A Campus. (Atts. 32, 34)

¹³ Transcript of Civilian 5, Att. 34, Page 4, Lines 13-14.

¹⁴ *Id.* at Lines 21-22.

¹⁵ *Id.* at Page 6, Lines 8-9.

¹⁶ *Id.* at Page 7, Line 11.

In their statements to IPRA, **School Clerk Civilian 6**, **Physical Education Teacher Civilian 7**, and **Dean of Students Civilian 3**¹⁷ reported that they did not witness the incident between Officer A and Subject 1. Civilian 7 reported that although Subject 1 was generally a quiet kid who kept to himself, he had a temper. These individuals were identified by Principal Civilian 1. (Atts. 47, 49, 52, 54, 56, 57)

In his statement to IPRA on 17 June 2013, **Witness Officer B #XXXXX** stated that, on 27 April 2012, he was assigned to the X District school patrol and he was working as a school officer at School B. Officer C and Officer A were his partners and he has worked with Officer A for five years. At the time of the incident, Officer B stated that he and Officer C were outside of the School A office at the security desk which is located by the front door. They were summoned by Civilian 2 because there was a disturbance in the office. As he and Officer C walked toward the office, Subject 1 exited the office and appeared tense and upset. Officer B explained that he went to Subject 1 and asked him to come back to the office and inquired about what occurred. Subject 1 explained to him that he had gotten into an argument with the other police officer in the office.

After speaking with Subject 1, Officer B and Officer C escorted him to the main office where Officer A and Civilian 2 told him about the incident. Officer B learned that Officer A escorted Subject 1 down the hallway to the office for being on the telephone, and for refusing instructions to get off of the telephone. When they arrived in the office, Subject 1 became belligerent, raised his voice and used profanity towards Civilian 2. Officer A stepped in front of Subject 1 and instructed him to cease his actions. Officer A pushed Subject 1 backwards up against the wall. Principal Civilian 1 then exited her office. According to Officer B, Civilian 2 described the incident essentially the same way.

Officer B stated that he, along with Officer C, Officer A, Principal Civilian 1, Civilian 2 and Subject 1 proceeded into the conference room. At that time, Principal Civilian 1 explained to Officer A that Subject 1 was a good student, who had been there for four years, has never had any problems, was a senior about to graduate, and that he had many scholarships lined up. Principal Civilian 1 further explained to Officer A that it was his choice whether he wanted to arrest Subject 1 or not. In the meeting, Subject 1 alleged that Officer A choked him; Officer A said he just pushed Subject 1 against the wall. The meeting concluded with Subject 1 apologizing for using his phone and becoming belligerent with Civilian 2, and apologizing for using profanity and being aggressive towards Officer A. Officer B stated that Subject 1 alleged that Officer A had choked him. At the conclusion of the meeting, Officer A and Civilian 2 accepted Subject 1's apology.

¹⁷ On the date of his statement to IPRA, Civilian 3 was a Probationary Police Officer with the Chicago Police Department.

Upon inquiry, Officer B reported he had not viewed the video of the incident; he had knowledge of the video and stated that the school board disciplined Officer A. He was informed by Officer A that CPS did not have the right to discipline him for the incident with Subject 1 because he was not working in the capacity for CPS, however he was suspended. Officer B further stated that at the time of his statement, Officer A worked part-time for CPS at the School A. (Atts. 59, 60)

In her statement to IPRA on 25 June 2013, **Witness Officer C #XXXX** stated that she was asked by Principal Civilian 1 to bring Subject 1 back into the main office. So, she and Officer B walked in Subject 1's direction and asked him to come back with them to the office. According to Officer C, Subject 1 appeared upset and they asked him to calm down; he was loudly saying that he did not want to go back into the office. However Subject 1 complied and walked into the conference room with Principal Civilian 1. She and Officer B stayed in the conference room with Subject 1 because he was very upset and had possibly begun to cry. After Subject 1 calmed down, Officer C stated that she and Officer B left because Subject 1 never posed a threat to anyone. Officer C reported that she did not feel threatened by Subject 1, and did not hear him direct any profanities at anyone or act aggressively. After Officer C exited the conference room, Civilian 2 said that Subject 1 refused to give up his phone and Officer A assisted her. (Atts. 62, 63)

In his statement to IPRA on 11 December 2014, **Accused Officer A #XXXX**, stated that he is employed full time as a Chicago Police Officer, however he has part-time employment with the Chicago Public Schools. He explained that the encounter with Subject 1 began when he stepped out of his office and saw Subject 1 on his cell phone approximately two feet away. Officer A told Subject 1 to put his cell phone away, but Subject 1 did not immediately put his phone away. Officer A again asked Subject 1 to put his cell phone away. Officer A then decided to take Subject 1 to the office because the school has a policy of no cell phone use in the hallway. Officer A escorted Subject 1 to the office and Subject 1 did comply and walked behind him. Class was in session, so there was no one else in the hallway. On the way to the main office, Subject 1 told Officer A that he was only checking his messages, and Officer A responded that he was not supposed to have the phone anyway.

Officer A described Subject 1's demeanor as angry, and Subject 1 continued to deny that he was on his cell phone. Inside the office, Subject 1 became angrier when Assistant Principal (Lead Teacher) Civilian 2 asked him for his cell phone. Subject 1 refused to provide Civilian 2 his phone, so Civilian 2 provided Officer A with a referral sheet to explain what had occurred. According to Officer A, Subject 1 screamed, "He was lying!" and said disrespectful things to Civilian 2.¹⁸ Upon inquiry, Officer A described that it was disrespectful for Subject 1 to call him a liar and to refuse to give the phone to Civilian 2. Principal Civilian 1 came out of her office and talked to both Subject

¹⁸ Transcript of Officer A, Att. 71, Page 14, Line 18.

1 and Officer A, however Subject 1 was still very upset and Officer A related that he said, "Son, calm your ass down!"¹⁹

Officer A further related that Subject 1 hollered at him, "You don't curse at me; my momma-don't cuss at me. Who do you think you are cussing at me?"²⁰ Consequently, Officer A stepped closer to Subject 1 and told him, "I am a grown man. You don't tell me, what language to use when I talk."²¹ Officer A stated that there was a lot of back and forth between them and Subject 1 got very excited. Officer A stated "I got in his face, you know, and he clenched his fist like he was ready to fight, you know."²² Officer A challenged Subject 1, "Well, you about to hit me or something? You're going to hit me?"²³ Officer A explained that he placed his hand on his Taser and Subject 1 made a movement towards him and Officer A immediately pushed him with his open right hand high on Subject 1's chest. According to Officer A, he never cornered Subject 1 he only pushed him against the counter, after Subject 1 clenched his fists. Officer A explained that he and Subject 1 were in close proximity to one another and Subject 1's back struck the counter.

Officer A stated that after he pushed Subject 1 he stopped and realized, "this is going too much over a cell phone."²⁴ Subject 1 then hit Officer A's arm, pushed him back, and ran out of the office hollering and screaming. Officer A remained in the office and filled out the referral form. Everyone in the office was shocked by all of the screaming and cursing by Subject 1. Within a minute of Subject 1 leaving the office, Officer B escorted Subject 1 back into the office.

Officer A, along with Officer B, Principal Civilian 1, Assistant Principal Civilian 2 and Subject 1 had a conversation in the conference room about Subject 1's behavior. Officer A explained to Subject 1 that when he is confronted by the police, he is not to clench his fists because it can be taken as a threat. Officer A explained that he can interpret clenched fists as an assault, but told Subject 1 that he did not need to be arrested. Further, Officer A believed that everyone in the conference room had something to say to Subject 1, however he does not recall what was said. Nevertheless, at the conclusion of the meeting, Subject 1 eventually apologized for his actions and asked Principal Civilian 1 not to telephone his mother.

When asked whether he stood in Subject 1's face and yelled and pointed his finger in his face and antagonized him, Officer A admitted that he got in Subject 1's face, but did not remember whether he pointed in his face. Officer A admitted that he used the word "ass," but denied calling him a little bitch, and did not recall using additional profanity. Officer A did not recall chest bumping Subject 1, but agreed that they were

¹⁹ *Id.* at Page 16, Line 1.

²⁰ *Id.* at Lines 2-4.

²¹ *Id.* at Lines 5-7.

²² *Id.* at Lines 11-13.

²³ *Id.* at Lines 14-15.

²⁴ *Id.* at Page 17, Lines 9-10.

close. Officer A admitted that he pushed Subject 1, but denied that he choked him. He explained that the only physical contact he had was when he pushed Subject 1, and denied that the push was excessive. Officer A admitted that he reached for his Taser, but denied that he verbally threatened to tase Subject 1.

When asked about the CPS investigation, Officer A reported that he was suspended for six months while the Board of Education sought to terminate him. However, at arbitration Officer A was successful and he recouped the pay that he lost during his suspension. Officer A reported that he was currently employed part time by the Board of Education.

CONCLUSION:

The Reporting Investigator recommends that **Allegation #1** made against Officer A that he stood in Subject 1's face and began to yell and point his finger in Subject 1's face, thereby antagonizing him, is in violation of Rule 2, and Rule 9 be **SUSTAINED**.

Subject 1 alleged that Officer A stood in his face and began to yell and point his finger in Subject 1's face, thereby antagonizing him. Officer A admitted that he got in Subject 1's face and told Subject 1 that he was an adult. Officer A further stated that he did not recall whether he pointed his finger in Subject 1's face or not. The CPS video captured Officer A pointing his finger in Subject 1's face.

The Reporting Investigator recommends that **Allegation #2** made against **Officer A** that he repeatedly directed profanities at Subject 1 by stating words to the effect of "Ass," "Fuck" and Little "Bitch," is in violation of Rule 2, and Rule 9 be **SUSTAINED**. Subject 1 was consistent in his statements given to Sergeant A that Officer A cursed at him. Subject 1 elaborated further on the allegation in an interview with Investigator A stating that Officer A used words to the effect of, "Ass, Fuck, and Little Bitch."

In his statement to IPRA, Officer A admitted that he used the word "Ass" but denied stating any other profanities. However, Principal Civilian 1 and School Clerk Civilian 5 admitted to hearing derogatory language being used by Officer A and corroborated Subject 1's account that Officer A directed profanities towards Subject 1. As such, this allegation must be Sustained.

The Reporting Investigator recommends that **Allegation #3** made against **Officer A** that he chest bumped Subject 1, is in violation of Rule 2, and Rule 9 be **SUSTAINED**. Subject 1 alleged that Officer A chest bumped him. Officer A stated that he did not recall if he chest bumped Subject 1. However, according to Subject 1 and witnesses, Officer A was standing close to Subject 1, backed him into a corner and blocked his exit. Subject 1 maintains that he did not ball his fists, take an aggressive stance, or chest bump Officer A as alleged. The video supports Subject 1's account in that Officer A clearly thrust his chest into Subject 1's chest while backing him into a corner. Therefore this allegation must be Sustained.

The Reporting Investigator recommends that **Allegation #4** made against **Officer A** that he choked Subject 1, is not in violation of Rule 2, and Rule 9, and must be **NOT SUSTAINED**. Subject 1 alleged that he was choked by Officer A when Officer A grabbed him about the front of his neck with his hand. The CPS Video shows that Officer A pushed Subject 1 about his chest and neck with his hand as he attempted to prevent Subject 1 from walking past him, and did not choke him. Therefore there is insufficient evidence to prove that Officer A choked Subject 1. As such, this allegation must be Not Sustained.

The Reporting Investigator recommends that **Allegation #5** made against **Officer A** that he pushed Subject 1 with his hand, is in violation of Rule Rule 2, and Rule 9 be **SUSTAINED**. Officer A admitted that he pushed Subject 1 with his right hand about the chest and neck area. The CPS video confirms that Officer A pushed Subject 1 into a corner. Based on the overwhelming evidence that Officer A pushed Subject 1, this allegation must be Sustained.

The Reporting Investigator recommends that **Allegation #6** made against **Officer A** that he reached for his Taser and made a verbal threat to tase Subject 1, is in violation of Rule 2, and Rule 9 be **SUSTAINED**. Subject 1 stated that Officer A reached for his taser and made a verbal threat to tase Subject 1. In his statement with IPRA, Officer A stated that he did reach for his taser, but did not make a verbal threat to tase him. The CPS Video revealed that Officer A placed his hand on / reached for his taser. In addition, witness accounts of the incident indicate that there is credible evidence that Officer A reached for his Taser and threatened to taser Subject 1.

The Reporting Investigator recommends that **Allegation #7** made against **Officer A** that he provided a false statement on 22 May 2012 to a CPS Investigator regarding the incident with Subject 1, is not in violation of Rule 2, and Rule 14 and must be **UNFOUNDED**. Officer A did not remember if he spoke with a CPS Investigator in person, however he admitted that he did speak with one on the telephone. Officer A admitted that he was suspended for six months from CPS however he did not feel that it was fair because he was not on duty working for CPS at the time of the incident. Officer A is employed full time as a Chicago Police Officer, however he has part-time employment with the Chicago Public Schools.

CPS did not provide a sufficient reason to why Officer A provided a false statement to CPS as it relates to the IPRA investigation.

Officer A asserts that what he described was a true account of what actually occurred in his perception of the incident and there is insufficient evidence to disprove that assertion. Thereby, this allegation must be **Unfounded**.

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

Department. Subject 1's account of the incident is substantiated by the witness accounts of the incident; the CPS video which depicts Officer A reaching for his taser, pointing his finger in Subject 1's face, pushing Subject 1 and chest bumping Subject 1; and Officer A's admission as having used profanity towards Subject 1 and his admission of pushing Subject 1 with his hand.

FINDINGS:**ACCUSED: Officer A #XXXX, Unit XXX**

Allegation #1 Sustained - Violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty" in that on 27 April 2012, at approximately 1415 hours, inside of School A, located at XXXX S. Wabash Avenue, Officer A, #XXXX, stood in Subject 1's face and began to yell and point his finger in Subject 1's face, thereby antagonizing him.

Allegation #2 Sustained - Violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty" in that on 27 April 2012, at approximately 1415 hours, inside of School A, located at XXXX S. Wabash Avenue, Officer A, #XXXX, repeatedly directed profanities at him by stating words to the effect of, "Ass, Fuck and Little Bitch."

Allegation #3 Sustained - Violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty" in that on 27 April 2012, at approximately 1415 hours, inside of School A, located at XXXX S. Wabash Avenue, Officer A, #XXXX, chest bumped Subject 1.

Allegation #4 Unfounded

Allegation #5 Sustained - Violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty" in that on 27 April 2012, at approximately 1415 hours, inside of School A, located at XXXX S. Wabash Avenue, Officer A, #XXXX, pushed Subject 1 about the chest area with his hand.

Allegation #6 Sustained - Violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty" in that on 27 April 2012, at approximately 1415 hours, inside of School A, located at XXXX S. Wabash Avenue, Officer A, #XXXX, reached for his Taser and made a verbal threat to tase Subject 1.

Allegation #7 Unfounded

Other Violation: **Sustained - Violation of Rule 2,** “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department” in that on 27 April 2012, at approximately 1415 hours, inside of School A, located at XXXX S. Wabash Avenue, Officer A, #XXXX, brought discredit upon the department in that Officer A engaged in an unjustified verbal and physical altercation by using profanity toward Subject 1 and having a physical encounter with Subject 1 by pointing his finger in Subject 1’s face, chest bumping Subject 1, pushing Subject 1 in his chest with this hand, reaching for his taser and directing profanity towards Subject 1.

