

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1082119

ALLEGATIONS:

On 05 September 2016, at approximately 0049 hours, Sgt. A, telephoned Chicago Police Department's Operations Command and registered this complaint with Officer A on behalf of the Complainant 1. It is alleged that on 04 September 2016, at approximately 2214 hours, at XXX Lake Shore Drive, Officers B, and Officer C:

- 1) Failed to provide proper police service regarding an intoxicated female involved in a traffic accident;
- 2) Refused to provide their star numbers upon inquiry.

It is also alleged that during the same incident Officer B:

- 3) Referred to Complainant 1 as "counsel" in a derogatory way;
- 4) Threatened to arrest Complainant 1 for making a false report;
- 5) Threatened to arrest Complainant 1 for public intoxication;
- 6) Called Complainant 1 a "faggoty asshole;" and
- 7) Called Complainant 1 a "fucking asshole."

APPLICABLE RULE:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

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.

INTRODUCTION:

On 04 September 2016, at approximately 2214 hours, Complainant 1 and his friend and neighbor, Civilian 1, were walking their dogs outside their building when they witnessed what appeared to be an intoxicated female involved in accident with her motor scooter. Neither Complainant 1 nor Civilian 1 knew the identity of the female subject involved in the motor-scooter accident. Complainant 1 called 911 and reported the incident. Complainant 1 insisted that the responding officers, Officers C and B, generate a police report and became irate when they explained

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that they could not because the identity of offender, who had left the scene and whose whereabouts were unknown, was not known. The officers also explained that there were no complaining victims and no evidence of any property damage. Complainant 1 subsequently reported the aforementioned allegations to Sgt. A, who initiated this complaint.

INVESTIGATION:

In his Initiation Report, **Sgt. A** stated that he responded to a call for a supervisor at XXX Lake Shore Drive where he spoke with the Complainant 1, Complainant 1, and the witness, Civilian 1. It was alleged that Officers B and C failed to provide service in regards to a 911 call regarding an intoxicated female who crashed her scooter into a boulder. It was reported that the officers parked their marked police vehicle at XXX Lake Shore Drive and sat there for twenty minutes and did not attempt to investigate the incident or make contact with the involved parties, and refused to provide their star numbers upon request. Furthermore, Complainant 1 alleged that Officer B was sarcastic and derogatory when referring to the Complainant 1 as “counsel;” threatened to arrest the Complainant 1 for making a false police report and for being intoxicated in public; and called the Complainant 1 a “faggoty asshole” and a “fucking asshole.” (Att. 4)

In a statement to IPRA on 15 September 2016, **Complainant 1** stated that he was walking his dog when he saw an unknown female who appeared to be lying unconscious underneath a motor scooter on the driveway in front of his apartment building. Complainant 1 approached her, saw that she was conscious, and helped her up by lifting the motor scooter off of her. Complainant 1 recognized her as one of his neighbors, though he does not know her name or where specifically she lives. Complainant 1 stated that he could smell alcohol on her breath. Complainant 1 stated that the unknown woman was unsteady on her feet, got onto to her motor scooter and attempted to drive away, but fell two times and then crashed into a brick column in front of the building. The unknown female subject then accelerated and attempted to quickly drive on the half-circle driveway in front of the building, but she crashed into a boulder and fell to the ground again. At this time Civilian 1 exited the building and ran over to the unknown woman, who got to her feet and appeared to be injured. Complainant 1 heard the unknown woman say that she was intoxicated. Several other unknown citizens also approached and one of those people removed the motor scooter’s key from the ignition. Civilian 1 used her cell phone and dialed 911 and then handed the phone to Complainant 1 so he could speak with the 911 call-taker. The unknown female subject then pushed her motor scooter into the parking garage belonging to the apartment complex. While Complainant 1 was speaking to the 911 call-taker, another unknown person approached him and told him that the unknown female struck two vehicles in the parking garage, causing damage.

A short time later paramedics arrived and walked around the building, looking for the woman though they were unsuccessful. When they were unable to locate the unknown female subject, the paramedics left. Complainant 1 and Civilian 1 proceeded to walk their dogs when he

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saw the marked SUV parked on the west side of Lake Shore Drive, near the corner in front of their building. Complainant 1 and Civilian 1 walked over to the officers and spoke with Officers B and C.

Complainant 1 stated that he mostly spoke to Officer B, who essentially told him there was nothing they could do regarding the unknown female subject whose whereabouts were still unknown. Complainant 1 stated that during the interaction he asked the officers for their names and badge numbers, but the officers would only provide their names. Complainant 1 stated that Officer B was rude and sarcastic by referring to him as “counsel” after he informed Officer B that he is an attorney.

Officer B also repeatedly threatened to arrest Complainant 1 for making a false police report and public intoxication. Complainant 1 stated Officer B called him a “faggoty asshole” and a “fucking asshole.” The officers then drove away without ever exiting the police vehicle. After the officers left, Complainant 1 telephoned 911 and requested a sergeant, and subsequently registered this complaint. (Atts. 9, 10)

In a statement to IPRA on 15 September 2016, witness **Civilian 1** stated that she and Complainant 1 were walking their dogs when she saw an unknown female subject lying underneath a motor scooter. Civilian 1 stated that the unknown female subject appeared to be under the influence of alcohol or drugs. The female subject got up and drove away on her motor scooter, striking the apartment building and two parked cars before leaving the scene. Complainant 1 contacted 911 and was advised that EMS and the police would be dispatched. Approximately 30 to 45 minutes later EMS arrived and the paramedics unsuccessfully attempted to locate the female subject. Approximately 15 minutes after the paramedics left the scene Complainant 1 approached a marked Chicago Police SUV which was parked along Lake Shore Drive. Civilian 1 stated that the passenger officer, Officer B, was dismissive and rude as he explained to Complainant 1 that the call was low priority. Complainant 1 took issue with Officer B’s comments and attempted to obtain the officers’ identification. Officer B became irate and yelled at Complainant 1 as the officers drove away. Civilian 1 did not hear what Officer B yelled. (Atts. 13, 14)

The **Office of Emergency Management and Communication (“OEMC”) PCAD Event Query Printout** of Complainant 1’s 911 call captured that he reported an intoxicated female that resides in the building had hit a boulder and a wall, picked up the scooter, and went into the garage. Complainant 1 stated that he had the key to the scooter and requested an ambulance for the intoxicated female. (Att. 5)

A search for related **Calls for Service Search** in the CLEAR Data Warehouse did not result in any additional 911 calls relative to this investigation. (Att. 15)

In a statement to IPRA on 28 November 2016, **Officer C** stated he and Officer B responded to the call of the motor vehicle accident, but when they arrived they did not observe an accident. Officer C explained that there was not any victim or offender on the scene. Officer C stated that he and Officer B sat in their parked marked SUV and waited to see if any accident victim(s) approached. Several minutes later Complainant 1 and Civilian 1 approached them and told them

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that they witnessed an unknown female subject, driving a motor scooter, collide into a boulder in front of the apartment building and then drive away from the scene. Complainant 1 also stated that the unknown female appeared to be intoxicated. Complainant 1 insisted that the officers generate a report and obtain a warrant to arrest the unknown female subject. Complainant 1 became upset when the officers explained to him that because the identity and location of the offender was not known, and there were no identified victims, no report(s) could be generated. Complainant 1 began to yell at the officers and demanded their names and star numbers, saying he would handle the situation on his own. Officer C stated that Complainant 1 was provided with their names and stars numbers when he requested them. Officer C denied the allegations that Officer B verbally maltreated Complainant 1 during the encounter. Officer C also stated that it appeared that Complainant 1 was intoxicated, adding that he smelled alcohol on Complainant 1's breath. (Atts. 24, 32)

In a statement to IPRA on 30 November 2016, **Officer B** stated that on the night of the incident he and his partner, Officer C, were dispatched to a call regarding a vehicle accident involving a drunk person. Officer B stated that when they arrived they were unable to locate the accident. Officer B explained that they did not see any vehicles that appeared to have been damaged in a collision. Officer B stated that they were unable to locate any offender(s) or victim(s) involved in a motor vehicle accident. A short time later Complainant 1 approached them and told them that he witnessed an unknown female subject, who appeared to be intoxicated, crash her motor scooter into a decorative boulder in front of the apartment building. The unknown female then drove away from the scene. Complainant 1 also told the officers that he believed the unknown female subject lived in one of the surrounding apartment complexes and insisted that the officers generate a report. Officer B explained to Complainant 1 that without an offender or a victim he could not generate a report. Complainant 1 became upset and told the officers that he was an attorney and demanded that the officers generate a report and obtain a search warrant to go into the apartment complex and arrest the unknown female subject. When the officers again explained that they could not do that Complainant 1 demanded their names and badge numbers. Officer B stated that he wrote his name and star number on a piece of paper and handed it to Complainant 1. Officer B also stated that Officer C provided his information to Complainant 1. Officer B stated that he and Officer C then drove away from the scene.

Officer B denied the allegations, adding that he never verbally maltreated Complainant 1. Officer B stated that he did refer to Complainant 1 as "counsel" because Complainant 1 identified himself as an attorney. Officer B added that he meant no disrespect toward Complainant 1. (Atts. 28, 33)

CONCLUSION:

Officer C

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The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #1**; that Officer C failed to provide proper police service regarding an intoxicated female involved in a traffic accident. Both Complainant 1 and Civilian 1 separately stated that the unknown intoxicated female involved in the motor scooter accident left the scene before Officers C and B arrived. Complainant 1 and Civilian 1 did not know the unknown woman's current location or any of her personal identifiers. Officers B and C added that while on the scene they found no evidence of a motor vehicle accident. Officers B and C were also unable to identify a victim, or an offender, regarding the motor vehicle accident. This investigation revealed that Officers B and C did not fail to provide proper police service due to the fact that key information such as the identities of the offender and victim(s) was unknown, as well as a lack of any property damage.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #2**; that Officer C refused to provide his star number upon inquiry. During his interview with IPRA, Complainant 1 alleged that Officer C refused to provide his star number when he asked him for it. The witness, Civilian 1, did not hear Complainant 1 ask Officer C for his star number, and she did not hear Officer C refuse to provide it. Officer B stated that he and Officer C provided their names and star number to Complainant 1 when he asked for them.

Officer B

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #1**; that Officer B failed to provide proper police service regarding an intoxicated female involved in a traffic accident. Complainant 1 and Civilian 1 separately stated that the unknown intoxicated female involved in the motor-scooter accident left the scene before Officers C and B arrived. Complainant 1 and Civilian 1 did not know the unknown woman's current location or any of her personal identifiers. Officers B and C added that while on the scene they found no evidence of a motor-vehicle vehicle. Officer B and C were also unable to identify a victim, or an offender, regarding the motor-vehicle accident. This investigation revealed that Officers B and C did not fail to provide proper police service due to the fact that key information such as the identities of the offender and victim(s) was unknown and a lack of any property damage.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #2**; that Officer B refused to provide his star number upon inquiry. During his interview with IPRA, Complainant 1 alleged that Officer B refused to provide his star number when he asked him for it. The witness, Civilian 1, did not hear Complainant 1 ask Officer B for his star number, and she did not hear Officer B refuse to provide it. Officer B stated that he and Officer C provided their names and star numbers to Complainant 1 when he asked for them. Officer B added that he wrote his name and star number on a piece of paper and handed it to Complainant 1.

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The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #3**; that Officer B referred to Complainant 1 as “counsel” in a derogatory way. The witness, Civilian 1, did not hear Officer B refer to Complainant 1 as “counsel.” Officer B stated that he did refer to Complainant 1 as “counsel” because Complainant 1 identified himself as an attorney. Officer B denied that he meant the comment in a derogatory way. This investigation revealed insufficient evidence to support or refute the allegation.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #4**; that Officer B threatened to arrest Complainant 1 for making a false report. Complainant 1 alleged that during the encounter with the officers, Officer B threatened to arrest him after he repeatedly asked the officers for their names and star numbers. Complainant 1’s friend, Civilian 1, was present but did not hear what was said between Officer B and Complainant 1. Officer C stated that Officer B never threatened Complainant 1. Officer B denied the allegation, adding that he never threatened Complainant 1 in any way during the encounter.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #5**; that Officer B Threatened to arrest Complainant 1 for public intoxication. Complainant 1 alleged that during the encounter with the officers, Officer B threatened to arrest him after he repeatedly asked the officers for their names and star numbers. Complainant 1’s friend, Civilian 1, was present but did not hear what was said between Officer B and Complainant 1. Officer C stated that Officer B never threatened Complainant 1. Officer B denied the allegation, adding that he never threatened Complainant 1 in any way during the encounter.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #6**; that Officer B called Complainant 1 a “faggoty asshole.” Complainant 1 alleged that during the encounter with the officers, Officer B became irate with him and called him a “faggoty asshole.” Complainant 1’s friend, Civilian 1, stated that Officer B, who was dismissive and rude to Complainant 1, became irate and yelled at him as they drove away. Civilian 1 did not hear what Officer B said or yelled to Complainant 1. Officer C stated that Officer B never called Complainant 1 any names. Officer B denied the allegation, adding that he never verbally maltreated Complainant 1 in any way during the encounter.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #7**; that Officer B called Complainant 1 a “fucking asshole.” Complainant 1 alleged that during the encounter with the officers, Officer B became irate with him and called him a “fucking asshole.” Complainant 1’s friend, Civilian 1, stated that Officer B, who was dismissive and rude to Complainant 1, became irate and yelled at him as they drove away. Civilian 1 did not hear what Officer B said or yelled to Complainant 1. Officer C stated that Officer B never called Complainant 1 any names. Officer B denied the allegation, adding that he never verbally maltreated Complainant 1 in any way during the encounter.