

INTRODUCTION

On 26 January 2016, Complainant and her 4-year-old son came out of her residential building and joined her mother, Civilian 1, who was waiting in the driveway to drive them to their destination. A vehicle was parked directly in front of Civilian 1's car, blocking the driveway's egress to the street and the driver was not present. Civilian 1 drove on the sidewalk to get to the street. Officer A approached Civilian 1 and told her that she may not drive her vehicle on the sidewalk. Complainant exited the vehicle and exchanged a few words with Officer A. During this time, Officer A told Complainant and Civilian 1, "Why don't you just go back to the fucking ghetto."

ALLEGATIONS

On 26 January 2016, at 2017 hours, Reporting Party Victim, Complainant, contacted the Independent Police Review Authority and filed a complaint online. The complaint was registered by Intake Aide IPRA Staff A. Complainant alleged that on 26 January 2016, at approximately 0656 hours, at XXX N. Dearborn Street, Officer A #XXXXXX, Unit XXX:

- 1) Stated to Complainant and Civilian 1, "Why don't you just go back to the fucking ghetto," in violation of Rules 2 and 9.
- 2) Refused to provide his name to Complainant upon request, in violation of Rule 2
- 3) Failed to document his contact with Complainant and Civilian 1, in violation of Rule 6 and S04-13-09(III) (C).

APPLICABLE RULES AND LAWS

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

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Special Order S04-13-09(III)(C), Investigatory Stop System: Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.

INVESTIGATION

In a statement with IPRA on 28 January 2016, **Complainant** related that she and her mother, Civilian 1, were in her car, in the driveway of her residential building, attempting to exit onto the street. There was a car parked in front of them and there was no driver in the car. Complainant stated that the desk attendant was also not present. Complainant stated that her mother attempted to drive around the parked car obstructing them, over the sidewalk. Complainant stated that Officer A #XXXXXX stepped in front of their car. Complainant stated that Officer A engaged them in an argument and initially stood in front of their vehicle to prevent them from driving over the sidewalk. Officer A stated words to the effect of, “what are you doing, you can’t drive over the sidewalk.” Officer A approached the driver’s side of their vehicle. Complainant stated that she was, “going back and forth” with Officer A in an attempt to explain that they had no other option but to drive over the sidewalk in order to exit the driveway. Complainant stated that during the argument, Officer A told her and her mother, “Why don’t you just go back to the fucking ghetto.”

Complainant stated that she was unsure that she had heard Officer A correctly, so she exited her vehicle and asked him to repeat what he had just said. Complainant stated that Officer A would not repeat his comment, and again reiterated that they could not drive on the sidewalk. Complainant stated that she asked Officer A for his name, but he refused to give it to her. Complainant stated that she read Officer A’s name from the front of his uniform. (Att. #10, 11& 41)

In a statement with IPRA on 28 January 2016, **Civilian 1** provided a similar account of this event as did Complainant. Civilian 1 stated that she picked up her daughter, Complainant, at the driveway of XXX N. Dearborn Street. As she drove her vehicle over the curb to get onto the street, she stopped to allow a pedestrian and the police officer, now known as Officer A, to cross in front of her vehicle. Civilian 1 stated that Officer A stopped in front of her vehicle and stated to her and Complainant, “You need to go back to the ghetto.” Complainant then exited the vehicle and asked Officer A for his badge number. In response, he said nothing, but moved his clothing to display his badge. Civilian 1 reported that her daughter took pictures of the scene. (Att. #15, 16 & 40)

Attendance and Assignment Reports documented that Officer A started work at 0530 hours on 26 January 2016. He was assigned to Beat XXXX along with Officer B. (Att. #21)

Security Cameras - On 29 January 2016, IPRA contacted the management of XXX N. Dearborn Street regarding security cameras in front of the property. According to Property Manager Civilian 2, the property does not have any exterior cameras. IPRA was informed that an incident report was made out by Security Officer A on behalf of Complainant. (Att. #17 & 19)

The **Incident Report** prepared by Security Officer A, documented that on 28 January 2016, at approximately 1645 hours, Complainant approached the front desk of XXX N. Dearborn Street and informed Security Officer A about an incident that occurred on 26 January 2016 at approximately 0655 hours. Complainant reported that she and her mother, Civilian 1, were in their vehicle attempting to exit the driveway via the sidewalk when an officer approached their vehicle. The officer, now known as Officer A, told Complainant and Civilian 1 that they could not exit the driveway via the sidewalk. Complainant explained to Officer A that the car in front of her vehicle was blocking their exit. Officer A again told Complainant that, “she couldn’t drive out on the sidewalk and that they needed to return to the ghetto.” Complainant and Officer A

continued to exchange words at which time Complainant and Civilian 1 told Officer A that they would be filing a complaint against him. (Att. #18)

In a 04 February 2016 telephone conversation with IPRA, **Security Officer A** stated that she did not witness the incident and she only completed an incident report after Complainant informed her about the incident at approximately 1700 hours. (Att. #20)

In a **To-From-Subject-Report** dated 18 February 2016, **Accused Officer A** reported that he was working in uniform and was walking on the sidewalk at XXX N. Dearborn Street when he observed a vehicle driving on the sidewalk. Officer A stated that he stopped the vehicle and asked the driver, Civilian 1, why she was driving on the sidewalk. Officer A stated that he attempted to explain to Complainant and Civilian 1 that it was unsafe to drive on the sidewalk due to pedestrian traffic. Complainant became confrontational and stated, "We do this all the time, and why can't we do this." Officer A stated that Complainant then exited the vehicle and asked for his name and star number. Complainant then returned to her vehicle and drove off. Officer A denied the allegation made against him and added that Officer B was not present at the time of incident. (Att. #27)

In a subsequent statement with the Independent Police Review Authority on 10 November 2016, **Accused Officer A**, stated that, on 26 January 2016, he was on foot patrol downtown along with his partner Officer B #XXXX. Officer A stated that he was walking on the sidewalk of XXX N. Dearborn Street and observed a vehicle driving right at him on the sidewalk, between the curb and a small driveway. The driveway was small and there was a parked car blocking it. Officer A observed two women, now known as Civilian 1 and Complainant, in the vehicle. Officer A approached the driver, Civilian 1 and asked why she was driving on the sidewalk. In response, Complainant exited the vehicle and stated, "We do it all the time, why can't we do it now." Officer A attempted to explain to Civilian 1 and Complainant that it was unsafe to drive on the sidewalk because people were walking around. Complainant asked Officer A for his name and star number. Officer A stated that he provided his name and star number that was visible on his coat to Complainant and walked away.

Officer A stated that he did not recall being told that there was a vehicle parked in the driveway blocking their exit. Officer A added that Complainant was confrontational by talking to him in a louder tone. Officer A denied the allegations made against him and stated that he had no idea why Complainant and Civilian 1 would make such allegations against him. Officer A stated that his partner, Officer B was not present at the scene at the time. Officer A stated that he did not issue Civilian 1 a citation because the situation did not warrant it. Officer A continued that he did not complete any contact card regarding his contact with Complainant and Civilian 1 because he was basically telling Civilian 1 that she cannot drive on the sidewalk, and he was not conducting an investigation or detaining them. (Att. #38 & 39)

In a **To-From-Subject-Report** dated 17 February 2016, **Witness Officer B**, stated that he was working with Officer A on the date in question, but had no knowledge of the incident involving Officer A, Complainant and Civilian 1. (Att. #28)

CONCLUSION

IPRA recommends a finding of **Sustained** for **Allegation #1** that **Officer A #XXXXX, Unit XXX**, stated to Complainant and Civilian 1, “Why don’t you just go back to the fucking ghetto” in violation of Rules 2 and 9. Complainant’s actions following the incident were congruent with a citizen who was disturbed by a slur from a Chicago police officer: she made a complaint to IPRA on the date of occurrence and reported the incident to her building manager. Although there were no independent witnesses to this incident, Civilian 1 also reported that she heard Officer A tell them, “You need to go back to the ghetto.” Complainant provided consistent descriptions of the incident to IPRA and building management. Officer A denied the allegation, but otherwise provided a similar description of the incident. Notably, Complainant’s complaint is not motivated by retaliation, because neither she nor Civilian 1 were arrested or received citations during the incident. It is more probable that this incident occurred as alleged by Complainant, than that she and Civilian 1 fabricated an allegation, and then took the time to make reports and provide statements about the incident. The preponderance of the evidence indicates that the misconduct occurred as alleged. Therefore, the allegation should be **Sustained**.

IPRA recommends a finding of **Unfounded** for **Allegation #2** that **Officer A #XXXXX**, refused to provide his name upon request, in violation of Rule 2. Despite making this allegation, when she filed her internet complaint with IPRA, Complainant provided Officer A’s name and star number. The evidence established that even though Officer A did not respond verbally with his name, he displayed his name and star number on his jacket for Complainant to view; therefore this allegation should be **Unfounded**.

IPRA recommends a finding of **Unfounded** for **Allegation #3** that **Officer A #XXXXX**, failed to document his contact with Complainant and Civilian 1, in violation of Rule 6. Complainant reported that she engaged in an argument with Officer A for approximately three minutes. She reported that he initially stood in front of their car, but then moved to the driver’s side of the vehicle to continue their argument. All parties agree that Complainant exited the car to continue the conversation with Officer A.

Officer A confirmed that he did not document his encounter with Civilian 1 and Complainant. He reported that his conversation with Civilian 1 and Complainant did not require a field contact card because he was not investigating a crime, did not detain Complainant or Civilian 1, and did not ask for their identification. He further explained that he only engaged in the conversation to tell them that they could not drive on the sidewalk because of pedestrian safety. Based on the description of the incident, the evidence established that Officer A was not required to document the interaction because his purpose was not investigating a crime; therefore this allegation should be **Unfounded**.

FINDINGS**Accused #1: Officer A #XXXXXX**

Allegation #1: **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 26 January 2016 at approximately 06:56 hours, while in the vicinity of XXX N. Dearborn Street, **Officer A #XXXXXX** while on duty, stated to Complainant and Civilian 1, “Why don't you just go back to the fucking ghetto.”

Sustained – Violation of Rule 9, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in that on 26 January 2016 at approximately 06:56 hours, while in the vicinity of XXX N. Dearborn Street, **Officer A #XXXXXX** while on duty, stated to Complainant and Civilian 1, “Why don't you just go back to the fucking ghetto.”

Allegations #2-3 Unfounded