

**ALLEGATIONS:**

On 08 July 2016, at 1111 hours, Subject 1 registered a complaint via telephone with IPRA Investigator A. Subject 1 alleged that on 24 June 2016, at approximately 1800 hours, at the location of XXXXX S. Torrence Avenue, Chicago, IL, **Officer A #XXXXX**;

- 1) Pointed her firearm at her without justification;
- 2) Handcuffed her and detained her for 30-40 minutes; and
- 3) Was rude and unprofessional when speaking with her.

**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 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 11: Incompetency or inefficiency in the performance of duty.

**INVESTIGATION:**

In a statement with IPRA on 11 July 2016, **Complainant Subject 1** stated that she was driving with her two children when she was pulled over by two uniformed police officers. A female officer, now known as Officer A, #XXXXX, approached the driver's side door and made contact with Subject 1. A male officer, now known as Officer B #XXXXX, stood by the passenger's side of the vehicle. Officer A instructed Subject 1 to place her hands on the steering wheel, hand over her license, and step out of the vehicle. Subject 1 reached into her purse to obtain her driver's license. As she did this, Officer A unholstered her firearm and pointed it at Subject 1's chest and told her not to reach in her purse. Subject 1 then asked Officer A to reach over and unbuckle her seat belt because she did not want to die. Subject 1 exited the vehicle and was placed in handcuffs. Subject 1 was then told by one of the officers that the vehicle was reported stolen. Subject 1 told the officers that the vehicle was a loaner car from the XXXX dealership. Subject 1 stated that she was detained for approximately 30 to 40 minutes while the officers ran her driver's license and confirmed with the dealership that the vehicle was not stolen. The officers then released Subject 1 and explained that it was a mistake made by the dealership and they never notified the police that the vehicle had been recovered. Subject 1 alleged that Officer A was very aggressive in her actions. (Atts. #8, 9)

The **Department Reports (Investigatory Street Stop #ISRXXXXXXXXXX)** document that Subject 1 was stopped on 24 June 2016 at 1756 hours at XXXX E. 100<sup>th</sup> Street. The narrative states that Officers B and A were traveling behind a vehicle and ran the vehicle's license plates through LEADS on their PDT. The LEADS response revealed the vehicle to be stolen. Officers B and A then confirmed with OEMC that the vehicle was in fact stolen. Officers B and A curbed the vehicle and approached on foot. Officers B and A then instructed the driver, Subject 1, to place her hands on the steering wheel. Officer A then directed Subject 1 to step out

of the vehicle, at which point Subject 1 “quickly moved her right hand off of the steering wheel and reached down to the right, to where Officer A could no longer see Subject 1’s hand.”

Officer A asked Subject 1 what she was doing. Subject 1 placed her right hand back on the steering wheel. Subject 1 stated that the vehicle was a rental car and Officer A responded that the vehicle was reported stolen. Subject 1 stated that the paperwork for the vehicle was in the glove box, in which Officer B then retrieved. Officer A told Subject 1 to step out of the vehicle several times, though she refused to comply and refused to take her seat belt off. Officer A removed Subject 1’s seatbelt and assisted her out of the vehicle. Subject 1 was then detained.

Officer A then inquired about Subject 1’s driver’s license, to which Subject 1 responded that it was in her purse. Officer A searched and retrieved Subject 1’s driver’s license from her purse. Officer B called the XXXX dealership and confirmed that the car was reported stolen the day prior, as the previous renter had not returned it.

Officer B learned that the vehicle was later returned, though the dealership failed to notify the police. A representative from XXXX dealership confirmed that Subject 1 was authorized to be driving the vehicle. Subject 1 was then released. (Att. #10).

A search for **PODS (Police Observation Devices)** revealed that there were no PODS in the vicinity of where the incident took place (Att. #15).

Video from **Beat XXX (In Car Camera)** was requested and obtained. The video, which included audio recordings, documents the entire incident. Beat XXX followed a white Volkswagen sedan for several blocks. Beat XXX activated its emergency equipment and the microphones began to capture the OEMC radio transmissions. A female dispatcher broadcast, “Hot car. 2016 VW. Stolen from dealership.” Beat XXX conducted a traffic stop of the vehicle just before a railroad crossing. A female uniformed officer, now known to be Officer A, walked towards the front driver’s side door. Officer A had her firearm in her left hand, close by her left leg, pointed to the pavement. A male uniformed officer, now known to be Officer B, approached the passenger side of the vehicle and began broadcasting their location over the radio. It was unclear as to the conversation Officer A had with the driver, Subject 1, due to the microphone picking up Officer B’s radio transmission. Children’s voices were heard coming from inside the vehicle.

Officer A holstered her weapon and opened the driver’s side door and instructed Subject 1 to step out of the vehicle. Officer A then stated, “What are you doing?” Officer A unholstered her firearm and placed it at the low ready position. It was unclear as to what Subject 1 said in response to Officer A, but Officer A replied, “Okay, well let me know what you are doing.” Subject 1 then screamed, “I’m sorry ma’am.” Officer B walked around the front of the vehicle and relocated to the driver’s side front door. Officer A then holstered her weapon. Officer B stated, “Just step out of the car. We need to figure something out.” Subject 1 replied, “This is a rental car.” Officer A asked, “This is a rental car?” Subject 1 replied, “Yes, from the dealership.”

Officer A then stated, "Okay, it came back stolen." Subject 1 then stated, "The paperwork is in the car."

Officer B moved to the front passenger side door where he obtained the paperwork. Subject 1 exited the vehicle, visibly upset and Officer A placed her in handcuffs. Officer B went over the radio and told the dispatcher to give responding units a "slow down." Officer B then stated "We're going to figure this out." Officer A then told Subject 1 to relax, that the car was reported stolen, and that she was going to search for her driver's license. Officer A looked into the driver's area of the vehicle and was heard stating in a calm manner to the children, "I'm looking for her I.D. I'm looking for her I.D., okay?" At this time, several marked and unmarked units arrived on the scene and several plainclothes and uniformed officers entered the frame. The children began to inquire about why Subject 1 was upset and Officer A responded, "She's okay. We're not doing anything." Officer B talked to another officer in which they discussed that they needed to confirm the status of the vehicle with the dealership. Subject 1 was still upset and stated, "I just got it today!"

Subject 1 was walked to the front of Beat XXX. The children were still located inside the white Volkswagen sedan with officers observing them. Several minutes passed. During this time, multiple officers interacted with the children and Subject 1 in a calm and professional manner. Officer B was on the telephone talking with the dealership in an effort to obtain the status of the vehicle. An unknown male officer, who was out of view from the camera, was heard trying to explain the whole situation to Subject 1. Subject 1 became upset, stating "Children been traumatized. They're traumatized by the police." An unknown uniformed female officer standing by the front passenger side door stated, "No they're not," several times to Subject 1. The unknown female officer then stated, "They are just playing."

Officer B confirmed with the dealership that the vehicle was reported stolen the previous day. However, the vehicle was returned to the dealership later in the day and it was never reported that it was recovered. It was further confirmed that Subject 1 was authorized to be in possession of the vehicle. Subject 1 was taken out of the handcuffs and walked back towards the white Volkswagen sedan. Subject 1 yelled out, "I'm an educated black!" Subject 1 was seen yelling at her children and slamming the doors to the vehicle. Subject 1 then stated, "Treated me like shit! I'm reporting you!" A male officer stated, "We don't discriminate."

Subject 1 entered the front driver's seat of the vehicle and closed the door. Officer B was heard talking with Officer A that the vehicle was never removed from the "Hot file." Subject 1 then exited the vehicle and began writing on a piece of paper on the roof of the vehicle. Subject 1 then made a gesture to the officers with her hand that she was watching them. Subject 1 returned to the front driver's seat of the vehicle. The incident lasted approximately 20 minutes. (Atts. #19, 21)

**CONCLUSION:**

The Reporting Investigator recommends a finding of **Unfounded** for **Allegations #1-3** against **Officer A #XXXXX** in connection to this case in accordance with the S.O. 08-01-01, Section II, item C-12, which states that an investigation should be terminated “when it is determined at any time that the complaint is unfounded or the member exonerated” and that no Department members address any allegations in any way or clearly exonerated.

As to **Allegation #1**, that Officer A pointed her firearm at Subject 1 without justification, The R/I recommends a finding of **Unfounded**. The available video evidence shows that Officer A had her firearm drawn, at the low ready position, but at no time did she point her weapon at or in the direction of Subject 1 or any of the passengers in her vehicle. The Chicago Police Department’s Recruit Firearms Manual defines the Low Ready position as having the firearm “held approximately at the belt line with the muzzle pointing down at a 45 degree angle.” The training manual further provides that this position is appropriate for “maintaining safety if your partner or other non-adversary steps in front of you...(and) can be utilized for searching.”<sup>1</sup>

In car camera footage from Beat XXX captured the entire incident. Officer A instructed Subject 1 to exit the vehicle, at which point Subject 1 did not follow her directions. During the video it was unclear what movements Subject 1 made, however, the Investigatory Street Stop report related that she “quickly moved her right hand off of the steering wheel and reached down to the right, to where Officer A could no longer see Subject 1’s hand.” Officer A reacted by asking, “Okay what are you doing,” and then unholstered her firearm and placed it at the low ready position. At no time did Officer A point her firearm at Subject 1. Officer A responded in a reasonable manner, which an officer with similar training would do.

The actions of Officer A were in accordance with CPD Training and do not surmount to misconduct.

As to **Allegation #2**, that Officer A handcuffed her and detained Subject 1 for 30-40 minutes; and as to **Allegation #3**, that Officer A was rude and unprofessional when speaking with Subject 1, the R/I recommends that both allegations be **Unfounded**.

Subject 1 was detained for no longer than 20 minutes. During this time, Subject 1 was told several times why she was pulled over and why she was being detained. At no time, throughout the entire video was Officer A rude or unprofessional to Subject 1. Officer A explained their reasoning for stopping her twice and treated Subject 1 in a professional manner. Officer A did not raise her voice and instructed Subject 1 to “relax” while they conducted their investigation. Throughout the entire video, all of the officers on the scene acted in a polite and professional manner and treated Subject 1 and her children fairly. Department reports

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<sup>1</sup> CPD Recruit Firearms Manual, pg 33.

corroborate in car camera video from Beat XXX. The alleged misconduct by Officer A will not be further addressed as the investigation proved that the complainants' allegations lack credibility and are in no way supported by the evidence.