

ALLEGATIONS:

On 08 September 2015, at approximately 1416 hours, Reporting Third Party Complainant 1, contacted the Independent Police Review Authority via telephone and registered a complaint on behalf of Complainant 2 with IPRA Investigator A #XXX. It is alleged that on 04 September 2015, at 1620 hours, at the location of XXXX S. Drexel Avenue, **Officer A #XXXXX**;

- 1) Stated words to the effect of, "What the fuck you say?," towards Complainant 2,
- 2) Stated words to the effect of, "Since you wanna act like a nigger, I'm going to treat you like one," towards Complainant 2, and
- 3) Slammed Complainant 2 to the floor causing an injury to her lip.

It is further alleged that on the same date and time and at the same location, **Unknown Officers**;

- 1) Stated words to the effect of, "Get the fuck on the ground," towards Complainant 2,
- 2) Pulled Civilian 1 by her hair and stood her up, and
- 3) Stated words to the effect of, "Oh, that's why she's a smart ass, because she comes from the Complainant 2 family. We gonna kill them," towards Complainant 2.

INVESTIGATION:

In an audio recorded statement with IPRA on 08 September 2015, **Complainant Complainant 2** related that on 04 September 2015, she and her friend, Civilian 1, were sleeping at Civilian 1's apartment located at XXXX S. Drexel Avenue. At approximately 1800 hours, Complainant 2 heard banging from the apartment's front door and a voice state, "Get the fuck on the floor." Complainant 2 and Civilian 1 both laid down on the floor. An unknown plainclothes officer entered the apartment with his gun drawn and fired his weapon twice, shooting a dog. Complainant 2 related she was in the other room and did not observe the officer enter the apartment. Two plainclothes officers entered the room and pointed their weapons at Complainant 2 and Civilian 1. Complainant 2 related Civilian 1 was panicking and she began talking to Civilian 1 in an effort to calm her down. An officer, now known to be Officer A #XXXXX, stated "What the fuck you say?" towards Complainant 2. Complainant 2 responded by stating, "I'm not talking to you. I'm talking to my friend."¹ Officer A responded by stating, "Since you wanna act like a nigger, I'm gonna treat you like one." Officer A then instructed Complainant 2 to stand up. Complainant 2 slowly began to stand up. Officer A grabbed Complainant 2 by her arms, stood her up and then slammed her to the floor causing her face to hit the floor and her upper lip began to bleed. An unknown officer approached Civilian 1, grabbed her hair, picked her up from the floor and handcuffed her. Complainant 2 and Civilian 1 then sat on the couch while several officers searched the apartment. During this time, Complainant 2 and Civilian 1 were shown the search warrant for the property. An unknown

¹ Complainant 2, Page 13, Lines 8-9

female officer approached Complainant 2 and asked her for her name. When Complainant 2 stated her name, an unknown officer stated, "Oh, that's why she's a smart ass, because she comes from the Complainant 2 family. We gonna kill them." Eventually, Complainant 2 and Civilian 1 were released and taken out of the apartment. Complainant 2 further related that she received medical treatment at Hospital A where she received stitches to her top lip. (Atts. 10, 11)

An attempt was made to interview **Witness Civilian 1**. On 01 November 2015, IPRA Investigator B #XXX spoke with Civilian 1's mother, Civilian 2 who related that her attorney, Complainant 1, advised her not to come to IPRA or allow Civilian 1 to speak with anyone from IPRA. (Att. 47)

Medical Records from **Hospital A** document that on 04 September 2015 Complainant 2 sought treatment for swelling to her face. Complainant 2 was seen by Doctor A and was diagnosed with a laceration to her lip. Complainant 2 was prescribed ibuprofen and given an injection of lidocaine. Complainant 2 was discharged on 04 September 2015 at 2235 hours. (Att. 26)

The related **O.E.M.C Event Queries** document a search warrant being served by Beat XXXX at XXXX S. Drexel Avenue on 04 September 2015 at 1814 hours. Beat XXXX reported shots fired and a dog destroyed. (Att. 20)

The **Department Reports** (RD #HY410677; Search Warrant #15SW7214) document that Officer B #XXXXXX received information on 01 September 2015, from a confidential informant, that Civilian 3, also known as "Civilian 3," was in possession of large plastic bags containing crack cocaine at XXXX S. Drexel Avenue, X Floor. On 03 September 2015, Officer B obtained a search warrant for XXXX S. Drexel Avenue, X Floor. On 04 September 2015 at 1814 hours, members of the Organized Crime Division Narcotics Section Team XX approached the target residence. An officer knocked on the door and waited ample time without receiving a response. Officers then made forced entry into the apartment. The occupants inside the apartment were detained at the time of the execution. Officers conducted a systematic search of the apartment and recovered one (1) plastic box containing .40 caliber bullets, one (1) plastic bag containing multiple .22 caliber bullets, and four (4) items that contained proof of residence. Civilian 3 was not present at the time of the execution of the search warrant. A copy of the search warrant was left at the residence. (Att. 28)

Search Warrant Photographs document the entry to and search of the 1st floor apartment at XXXX S. Drexel Avenue. (Att. 18)

A **Tactical Response Report** for Officer C #XXXX, documents that on 04 September 2015, he was making entry into XXXX Drexel Avenue, X Floor Apartment, when he observed a dog charge in his direction. In an attempt to stop the dog, Officer C discharged his weapon one

(1) time and shot the dog. Further investigation revealed that Officer C discharged his weapon to protect himself and the members of his team. Log #1077002 was obtained and documented this incident. Lieutenant A concluded that Officer C's actions were in compliance with Department procedures and directives. (Att. 19)

Log #1077002 was generated on 04 September 2015 by IPRA Investigator C #XXX. Information from Log #1077002 was made part of this file. (Att. 24)

In a Subject To/From Report, **Witness Officers D #XXXX** and **B #XXXXX**, related in essence the same information. Officers D and B were assigned to Team XXXX and executed a search warrant at XXXX S. Drexel Avenue. Officers D and B did not know Complainant 2 and did not recall any specifics about her. Officers D and B did not hear Officer A state, "What the fuck you say?" and "Since you want to act like a nigger, I'm going to treat you like one," towards Complainant 2. Officers D and B did not observe Officer A slam Complainant 2 to the floor causing an injury to her upper lip nor did they have knowledge of how Complainant 2 sustained the injury to her upper lip. Officers D and B did not hear any Department member state, "Get the fuck on the ground." Officers D and B did not observe any Department member pull Civilian 1 by her hair and stand her up. Officer D and B did not hear any Department member state, "Oh, that's why she's a smart ass, because she comes from the Complainant 2 family. We gonna kill them." (Atts. 40, 42)

In a Subject To/From Report, **Witness Officers E #XXXX** and **F #XXXX**, related in essence the same information. Officers E and F were assigned to Team XXX and executed a search warrant at XXXX S. Drexel Avenue. Officers E and F did not have any contact with Complainant 2. Officers E and F did not hear Officer A state, "Since you want to act like a nigger, I'm going to treat you like one," towards Complainant 2 nor did they observe Officer A slam Complainant 2 to the floor. Officers E and F did not have any knowledge of any lacerations Complainant 2 may have had on her lip and they did not recall anyone requesting medical attention. Officers E and F did not hear any Department member state, "Get the fuck on the ground," towards Complainant 2 or Civilian 1. Officers E and F did not observe any Department member pull Civilian 1 by her hair and stand her up. Officer E and F did not hear any Department member state, "Oh, that's why she's a smart ass, because she comes from the Complainant 2 family. We gonna kill them." (Atts. 36, 38)

In a Subject To/From Report, **Witness Officers G #XXXX** and **H #XXXXX**, related in essence the same information. Officers G and H were assigned to Team XXXX and executed a search warrant at XXXX S. Drexel Avenue. Officers G and H did not have any contact with Complainant 2. Officers G and H did not hear Officer A state, "What the fuck you say?" and "Since you want to act like a nigger, I'm going to treat you like one," towards Complainant 2. Officers G and H did not observe Officer A slam Complainant 2 to the floor causing an injury to her upper lip nor did they have knowledge of how Complainant 2 sustained an injury to her

upper lip. Officers G and H did not hear any Department member state, "Get the fuck on the ground." Officers G and H did not observe any Department member pull Civilian 1 by her hair and stand her up. Officer G and H did not hear any Department member state, "Oh, that's why she's a smart ass, because she comes from the Complainant 2 family. We gonna kill them." (Atts. 30, 32)

In a Subject To/From Report, **Witness Officer C #XXXX**, related he was assigned to Team XXXX and executed a search warrant at XXXX S. Drexel Avenue. Officer C related that Complainant 2's demeanor was argumentative and verbally abusive towards him and other Department members. Officer C did not recall Officer A or any Department member state, "What the fuck you say?," and "Since you want to act like a nigger, I'm going to treat you like one," towards Complainant 2. Officer C did not observe Officer A or any Department members slam Complainant 2 to the floor. Officer C did not observe Complainant 2 complaining of, or requesting any medical assistance for any lacerations to her lip. Officer C did not hear any Department member state, "Get the fuck on the ground," towards Complainant 2 or Civilian 1. Officer C did not observe any Department members pull Civilian 1 by her hair and stand her up. Officer C did not make or hear any Department member state, "Oh, that's why she's a smart ass, because she comes from the Complainant 2 family. We gonna kill them." (Att. 34)

In a Subject To/From Report, **Witness Sergeant A #XXXX**, related he was supervising Team XXXX that executed a search warrant at XXXX S. Drexel Avenue. Sergeant A related that Complainant 2 was on the scene, but he did not remember having any specific contact with her. Sergeant A did not hear Officer A state, "What the fuck you say?," and "Since you want to act like a nigger, I'm going to treat you like one," towards Complainant 2. Sergeant A did not observe Officer A slam Complainant 2 to the floor causing an injury to her upper lip. Sergeant A did not hear any Department member state, "Get the fuck on the ground," towards Complainant 2 or Civilian 1. Sergeant A did not observe any Department members pull Civilian 1 by her hair and stand her up. Sergeant A did not make or hear any Department member state, "Oh, that's why she's a smart ass, because she comes from the Complainant 2 family. We gonna kill them." (Att. 44)

In a Subject To/From Report, **Accused Officer A #XXXXX**, related he was assigned to Team XXXX and executed a search warrant at XXXX S. Drexel Avenue. Officer A related that Complainant 2 was uncooperative and verbally abusive towards him. Officer A denied stating, "What the fuck you say?," and "Since you wanna act like a nigger, I'm going to treat you like one," towards Complainant 2. Officer A denied slamming Complainant 2 to the floor causing an injury to her upper lip and did not know how she sustained such injury. Officer A did not hear any Department member state, "Get the fuck on the ground," to Complainant 2. Officer A did not observe any Department member pull Civilian 1 by her hair and stand her up. Officer A did not hear any Department member state, "Oh, that's why she's a smart ass, because she comes

from the Complainant 2 family. We gonna kill them.” (Att. 46)

CONCLUSION:

The Reporting Investigator recommends a finding of **Not Sustained** for **Officer A #XXXXX** for **Allegations #1-3**. There were no independent witnesses to corroborate Complainant 2’s allegations. Efforts to obtain a statement from Civilian 1 were unsuccessful. The medical records from Hospital A did not document how Complainant sustained the laceration to her lip. The Department Reports did not document any individuals detained at the scene, nor did it document any injuries to any of those individuals. Officer A denied committing all the allegations against him and his account was corroborated by several witness officers.

The Reporting Investigator recommends a finding of **Not Sustained** for **Unknown Officers** for **Allegations #1-3**. There were no independent witnesses to corroborate Complainant 2’s allegations. Efforts to obtain a statement from Civilian 1 were unsuccessful. Complainant 2 was not able to identify the officer who stated, “Get the fuck on the floor,” since the officer was behind a closed door. Further, Complainant 2 could not describe the officer who pulled Civilian 1 by her hair and stood her up, and Civilian 1 failed to provide IPRA with a statement. Finally, Complainant 2 could not describe the officer that stated, “Oh, that’s why she’s a smart ass, because she comes from the Complainant 2 family. We gonna kill them.” Officers on the scene denied committing and/or observing any allegations occur on the scene.