

INTRODUCTION

Complainant initiated this complaint on September 20, 2016, and informed IPRA that about fourteen months earlier, he was involved in a vehicle crash and alleged that he was beaten up by a Chicago Police Officer at some point immediately following the crash.

ALLEGATIONS

Complainant alleged that on July 19, 2015 at approximately 0026 hours, at the location of XXXX S. Racine Avenue, an **Unknown Officer**:

- 1) Beat him up, in violation of Rule 9.

APPLICABLE RULES AND LAWS

Rule 9 – Engaged in an unjustified verbal or physical altercation, while on or off duty.

S.O. 08-01-01(I)(B)(10), The member assigned to a Log Number will terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated.

INVESTIGATION

In his **interview with IPRA** on October 20, 2016, **Complainant** said that he suffered a seizure while driving and got into an auto accident on July 19, 2015. Complainant did not remember what happened after the accident but recalled seeing police officers on the scene. Complainant recalled directing profanities at a black officer who attempted to remove him from the car, but he did not know whether that officer beat him up.

Complainant does not remember being transported to the hospital, but he recalled waking up in the hospital handcuffed to a bed. Complainant was told by the doctors at the hospital that he smelled like alcohol, but he initially informed IPRA, that he did not drink that day. Later in the interview, he acknowledged having one glass of wine, and then amended that recollection to say that it was, “no more than one or two glasses of wine” and smoked some marijuana that day.

Complainant does not remember how he sustained his injuries, including a severely swollen face, but believes officers caused it. Complainant claimed that he was told by a third party that he was beaten by the police. Complainant explained that his sister has a friend who was told by a friend of one of the victims of the car crash that the police had beaten him up.¹ (Atts. 33, 34)

¹ Complainant identified his sister as Civilian 1, but did not provide a telephone number for her.

The **Police Reports** documented that Complainant was arrested and charged with Criminal Trespassing to a Vehicle, Failure to Reduce Speed and Driving Under the Influence of Alcohol.²

The reports indicate that three witnesses observed Complainant swerving in and out of the lane while driving at a high rate of speed. Witness Civilian 2 reported that Complainant was traveling northbound on the opposite side of the street when he struck a parked vehicle and then swerved crashing into a building.

Inside the parked vehicle was Civilian 3 (4 yoa) covered in blood and unresponsive; he was rushed to the hospital by a friend. Civilian 3 sustained a fractured orbital, sinus, cheekbones and a laceration to the lower forehead and nose. (Atts. 5, 8)

In a handwritten statement, **Witness Civilian 2** reported that after he crashed his vehicle into the building, “[Complainant] attempted to exit the vehicle through passenger side door & fell to the ground...[Complainant] laid there until the ambulance arrived.” (Att. 8)

Chicago Fire Department Ambulance Report documented that Complainant was discovered outside of the vehicle that collided into a building. Complainant had an odor of alcohol, was unresponsive, and was found lying next to the vehicle. Complainant had a large laceration above his right eye and multiple abrasions to his arms and legs and a possible depressed skull fracture. The vehicle driven by Complainant had severe damage to the front driver side and the airbag was deployed. Complainant remained unresponsive for the duration of his emergency medical care and transport to the hospital. (Att. 24).

CONCLUSION

IPRA recommends that **Allegation #1** against **Unknown Officer**, that on June 19, 2015, he beat up Complainant in violation of Rule 9 be closed with a finding of **Unfounded**. Complainant made this allegation fourteen months after the incident. During the interview, Complainant said that he did not remember the accident and did not recall any police officer physically abuse him, but instead reported he learned through multiple levels of hearsay that he was beaten by police. However, independent Witness Civilian 2’s report disproved the allegation. The evidence established that Complainant sustained his injuries during the multiple times he crashed his vehicle, and that he did not have contact with police officers. Therefore, this allegation should be closed Unfounded in accordance with S.O. 08-01-01, Section II, item B-10, which states, “terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated.”

² Complainant has 10 pending felony counts of Aggravated DUI/Accident/Bodily Harm resulting from this incident. (Att. 50).