

INTRODUCTION:

On 30 July 2014 Subject A was sitting in a vehicle with Subject B in the vicinity of XXXX W. 34th Place, while talking with his friend, Subject C, who was standing outside of the vehicle. Officers A, B, C, D, and E, pointed their weapons at Subject A and Subject B and falsely arrested Subject A and Subject B. Subject A and Subject B also stated that several unidentified officers punched Civilian A about his body, choked Subject C, stuck a pen down Subject C's throat, and referred to Subject B as a "bitch."

ALLEGATIONS:

On 16 December 2014, Subject A registered a complaint with the Independent Police Review Authority via letter. It is alleged that on 30 July 2014, at approximately 1425 hours, in the vicinity of 1142 W. 34th Place, **Officer A, #XXXXX; Officer B, #XXXXX; Officer C, #XXXXX; Officer D, #XXXXX and Officer E, #XXXXX;**

- 1) Pointed their weapons at Subject A and Subject B without justification, in violation of Rule 38.
- 2) Falsely arrested Subject A and Subject B, in violation of Rule 6 and General Order G04-01.

It is further alleged that on the same date, time and location; **several unidentified officers;**

- 1) Punched Subject C about his body, in violation of Rule 8.
- 2) Choked Subject C, in violation of Rule 8.
- 3) Stuck a pen down Subject C throat, in violation of Rule 8.
- 4) Referred to Subject B as a "bitch," in violation of Rule 9.

APPLICABLE LAW AND RULES:

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

Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

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

G04-01: Preliminary Investigations

INVESTIGATION:**Citizen Statements**

According to **Reporting Party Subject A** in a letter to IPRA dated 24 November 2014, on 30 July 2014, Subject B drove him to XXXX W. 34th Place so

that he could speak with his friend "Roger," now known to be Subject C. When they arrived there, Subject C walked up to the passenger side of the vehicle, showed Subject A a PlayStation game, and said that he needed a charger for it. Subject A took the game from Subject C and told him that he would check to see if he had a charger. According to Subject A, as he and Subject C were preparing to leave, multiple officers approached Subject B's vehicle with their weapons drawn. Subject A stated that some of the officers choked and punched Subject C. Officer E questioned Subject A and Subject B about narcotics and searched them and Subject C. The officers then arrested Subject A and Subject B and released Subject C. Subject A denied that either he or Subject B had any narcotics in their possession or that he was driving a vehicle. (Att. #4)

In his statement to IPRA on 24 November 2015 **Subject A** related essentially the same account of the incident that he provided in his letter to IPRA. Subject A further explained that, the officers pointed guns in his and Subject B's direction as they approached the vehicle. The officers then directed Subject A and Subject B to exit the vehicle. As they did, several unidentified officers punched Subject C, choked Subject C, and put a pen down his throat. The officers searched Subject A and Subject B and transported to the police station for processing. Subject C was released. According to Subject A, he and Subject B were charged with crimes that they never committed. Subject A added that he pled guilty to the charge of driving on a revoked license because he did not want to go to trial and also so that he could have less time to serve in prison. Subject A did not sustain any injuries as a result of this incident. Subject A did not observe any injuries to Subject B. Subject A did not have any additional contact with Subject C after the incident. (Att. #18, 23)

According to **Victim Subject B** in her statement to IPRA on 23 December 2014, on the date and time of the incident, she drove Subject A to meet with Subject B regarding a PlayStation game. While they were there, several officers approached her vehicle with their weapons drawn and pointed in their direction. One of the officers approached the driver's side of the vehicle and directed her to exit the vehicle. Another officer approached the passenger side of the vehicle and directed Subject A to exit the vehicle. Subject B and Subject A exited the vehicle without incident. According to Subject B, as they did, some of the officers approached Subject C, punched him about his body, choked him, and stuck a pen down his throat. Subject B stated that she could not hear what the officers were saying to Subject C.

The officers then questioned Subject B and Subject A about narcotics. Subject B gave the officers permission to search her and the vehicle. One of the officers referred to her as a "bitch" during the questioning. According to Subject B, an officer told her that he found a half of a marijuana blunt on Subject A. The same officer told Subject A that he found a half of a marijuana blunt on Subject B. Subject B denied having marijuana in her possession at the time of this incident and did not know where the marijuana came from. A female officer arrived at the scene and searched Subject B. Officers then transported Subject B and Subject A to the police station for processing. According to Subject B, she and Subject A were falsely charged.

Subject B did not sustain any injuries as a result of this incident and did not observe any injuries to Subject A. Subject B stated that she did not see Subject C after his contact with the police. (Att. #10, 12)

Attempts to interview **Victim Subject C** were unsuccessful. Subject C scheduled to come to IPRA on 13 July 2015 and failed to call or show. As of 15 August 2016, Subject C has not contacted IPRA. (Att. #13, 14, 51)

CPD Reports

According to the **Arrest and Case Reports recorded under RD #X-XX-XXXXXX**, Officers E, B, C, and D were conducting a narcotics investigation at the time of this incident. Officer B, who was operating an undercover vehicle, observed Subject A driving the vehicle eastbound on 49th at Racine. The officers had prior contact with Subject A and knew that his driver's license was revoked. Officer B followed Subject A's vehicle to the 1142 W. 34th Place and observed what appeared to be a narcotics transaction when Subject C gave Subject A money and Subject A gave Subject C a small item. Officer B then provided the information to the other officers over the radio. As the officers approached Subject C, he put the item in his mouth and swallowed it. According to the reports, Officer B observed Subject A give Subject B a brown paper cigar. The cigar was recovered and found to contain suspect cannabis. Officers placed Subject A and Subject B into custody and transported them to the 009th District for processing. Officer F was listed as an assisting arresting officer on the Arrest Reports and she transported Subject B to the 009th District station. Subject B and Subject A were both charged with Possession of Cannabis, and Subject A was also charged with Driving on a Revoked License. (Att. #5, 6, 7)

According to the **Chicago Police Event Query**, Beat XXXX and Beat XXXX conducted a street stop at XXXX W. 34 Place on 30 July 2014, at 1421 hours. Beat XXXX and Beat XXXX reported that they were traveling to the XXX District with an arrest at 1452 hours. (Att. #22)

CPD Statements

According to **Accused Officer B** in his statement to IPRA on 26 May 2016, on 30 July 2014, he followed Subject A from 49th Place and Racine to XXXX W. 34th Place. According to Officer B, he followed Subject A because Officer E received information² that the vehicle driven by Subject A was known for delivering crack cocaine. When Subject A arrived at the 34th Place location, Officer

¹ Although Attendance and Assignment records list Officer A as being assigned to Beat XXXX with Officer E on 30 July 2014, he was not listed on the Case Report or Arrest Reports as being involved with this incident. The Arrest Reports list Officer B, who was listed as being assigned to Beat XXXX on the Attendance and Assignment records, as being assigned to Beat XXXX with Officer E.

² This information came from an unknown person during a prior incident.

B observed him conduct what he believed to be a narcotics transaction with a Hispanic male, now known as Subject C. Officer B relayed the information and description to the enforcement officers via Department radio. When the other officers arrived, Officer B approached Subject A, who was seated in the driver's seat of the vehicle. Officer E approached Subject C, who was outside of the vehicle. According to Officer B, he observed Subject A give the passenger, now known as Subject B, a round paper wrapped cigar containing marijuana. Officer B asked Subject A to exit the vehicle because he knew that Subject A's driver's license was revoked.³ Officer B stated that officers also directed Subject B to exit the vehicle because she was in possession of marijuana.

According to Officer B, he did not observe any Department member commit the acts alleged by Subject B and Subject A. Officer B denied that he falsely arrested Subject A and Subject B. Officer B did not recall if he pointed his weapon as he approached the vehicle. (Att. #40, 47)

According to **Accused Officer E** in his statement to IPRA on 20 May 2016, he was a part of a surveillance team at the time of this incident. Officer B reported to the rest of the team that he observed Subject A conduct what he believed to be a narcotics transaction with Subject C. Officer B gave a description of Subject C via the Department radio. When Officer E arrived at the scene, he observed Subject A in the driver's seat of a vehicle and Subject B in the passenger seat. Officer E stated that Subject C was not inside the vehicle, but he could not recall where Subject C was standing when he observed Subject C.

According to Officer E, he approached Subject C to conduct a field interview and a protective pat down. Officer E did not find any narcotics on Subject C, so the officers released Subject C. Officer E did not observe any Department member punch Subject C, choke him, or stick a pen down his throat. The only physical contact Officer E had with Subject C was to conduct the protective pat down. Officer E denied that he falsely arrested Subject A and Subject B. According to Officer E, he did not observe any Department member commit the acts alleged by Subject A and Subject B. Officer E stated that he did not recall if he pointed his weapon at anyone during the incident. (Att. #36, 48)

According to **Accused Officer D** in his statement to IPRA on 17 May 2016, he and several other Department members were conducting surveillance while Officer B was assigned to a covert vehicle. Officer B informed the other officers that he observed Subject A conduct what he believed to be a narcotics transaction with a Hispanic male, now known as Subject C. Officer B provided Subject A's description and location over the radio. Officer D went to the location, exited his vehicle, and approached Subject A's vehicle. Officer D could not recall which side of the vehicle he approached. Officer D explained that Subject A was seated on the driver's side and a black female, now known as Subject B, was seated on the passenger side of the vehicle. Officers instructed Subject A and Subject B to exit

³ Officer B did not say how he knew Subject A's driver's license was revoked.

the vehicle. Officer D stated that officers discovered marijuana inside the vehicle. Officer D could not recall who discovered the marijuana or where the marijuana was located inside the vehicle. According to Officer D, Subject C was released because the officers did not find any narcotics on him.

According to Officer D, he did not observe any Department member have physical contact with Subject C. He also denied observing any Department member commit the acts alleged by Subject A and Subject B. Officer D did not recall if he pointed his weapon as he approached the vehicle. Officer D denied that he falsely arrested Subject A and Subject B. (Att. #27, 45)

According to **Accused Officer C** in his statement to IPRA on 07 June 2016, he learned from Officer B that a narcotics transaction had taken place. Officer C stated that when he arrived at the location of the transaction, he observed Officer B approach the driver's side of the vehicle and Officer E was on the passenger side of the vehicle. Officer C had no independent recollection of where Subject A was seated inside the vehicle but noted that, according to Department reports, Subject A was in the driver's seat. Officer C stated that he did not recall Subject B being present during this incident. According to Officer C, he had no independent recollection of the incident in its entirety. Officer C denied observing the Department members commit the acts alleged by Subject A and Subject B. Officer C denied committing the acts alleged against him. (Att. #44, 50)

According to **Accused Officer A** in his statement to IPRA on 20 May 2016, he was not present at the location of Subject A and Subject B' arrest, despite Officer E being his normal partner. Officer A could not give a specific reason why he was not present during their arrests. Officer A denied observing any Department member commit the acts alleged by Subject A and Subject B. Officer A also denied committing the acts alleged against him as he was not at the location of the incident. (Att. #32, 46)

According to **Witness Officer F** in her statement to IPRA on 18 May 2016, she did not observe the initial stop involving Subject A and Subject B. Officer F responded to a request for a female officer to conduct a custodial search of a female arrestee (Subject B). Subject B was standing outside of the vehicle when Officer F arrived at the location of arrest. Officer J did not find any narcotics or weapons on Subject B during the search. Officer F did not observe any Department member commit the acts alleged by Subject A and Subject B. Officer F added she transported Subject B to the XXX District Station after she conducted the custodial search. (Att. #28, 49)

CONCLUSION:

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1** against **Officers B, E, C, and D**, that they pointed their weapons at Subject A and Subject B without justification. In their statements to IPRA, Subject A and Subject B both

said that several officers pointed guns in their direction as the officers approached their vehicle. According to Subject A and Subject B, they were only in their area to retrieve a PlayStation game from Subject C. According to the officers, however, Subject A and Subject C were involved in a narcotics transaction. The officers reported that they did not recall whether they had their guns drawn when they arrived on the scene. Even if they had, this investigation did not reveal enough evidence to prove or disprove whether they would have been justified in doing so. Subject C did not cooperate with this investigation, despite numerous attempts to interview him. Without his account of the incident, there is insufficient evidence to determine what was happening when the officers arrived.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #2** against **Officers Joshua B, E, C, and D**, that they arrested Subject A and Subject B without justification. In their statements to IPRA Subject A and Subject B denied committing any crimes or having any marijuana in their possession. According to Subject A and Subject B, Subject B was the one who was driving at the time of this incident. Subject A explained that he pled guilty in court to avoid a trial and to potentially serve a lesser penalty. According to the accused officers, however, they observed Subject A give Subject B an object that they contend was a cigar filled with marijuana. The officers also reported that they saw Subject A, who they knew to have a revoked driver's license, driving the vehicle and seated in the driver's seat. Due to Subject C's lack of cooperation with this investigation, there is no independent account to help prove or disprove the allegation of false arrest.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegations #1 and 2** against **Officer A** that he pointed his weapon at Subject A and Subject B without justification and arrested Subject A and Subject B without justification. Although Attendance and Assignment records indicate that Officer A was assigned to Beat XXXX with Officer E, Subject A and Subject B's Arrest Reports list Officer B as Officer E's partner for the day. Officer A was not included on any Department Reports related to this incident and appears to not have been present for or involved in the arrests.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegations #1-3**, that an **Unidentified Officer** punched Subject C about his body, choked Subject C, and stuck a pen down Subject C's throat. Subject A and Subject B made these allegations in their statements to IPRA but did not identify which of the officers were involved in physically abusing Subject C. Subject C failed to cooperate with the investigation. The Department members who were at the scene of the incident denied observing any Department member commit the acts alleged by Subject A and Subject B. The available evidence is insufficient to prove or disprove the allegations.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #4** against the **Unidentified Officer**. In their statements to IPRA, Subject A and Subject B stated that during the process of their arrest an unidentified officer referred to Subject B as a "bitch," but they were unable to identify which of the officers did this. The Department members who were at the scene of the incident denied observing any Department member direct this language at Subject B during the incident. The available evidence is insufficient to prove or disprove the allegation.