

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1082960

### ALLEGATIONS:

On 11 November 2016, at approximately 2349 hours, Sgt. A, #XXX, Unit XXX, telephoned Chicago Police Department's Operations Command and registered this complaint with Officer A. It is alleged that on 30 October 2016, at approximately 0530 hours, in the vicinity of 10300 S. Western Ave, an Unknown Officer:

- 1) Struck the victim, Subject A, on the left side of his abdomen after an altercation.

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

### INTRODUCTION:

On 30 October 2016, at approximately 0530 hours, the victim, Subject A, was at the XX gas station, and had an altercation with a taxi driver. An unknown male officer became involved and punched Subject A on the abdomen. Subject A went home and told his wife, Civilian A, what occurred. On 08 November 2016, Subject A felt abdominal pain and went to the XX Hospital for treatment. On 10 November 2016, the staff at the hospital performed surgery on Subject A, but he died. Subject A was suffering from kidney failure, heart disease, end stage renal disease, and internal bleeding. The autopsy report indicated that Subject A died of hypertensive cardiovascular disease. Chronic ethanolism was a significant factor. The manner of death was ruled natural. The autopsy report also indicated that no blunt force trauma was found on Subject A.

### INVESTIGATION:

In his Initiation Report, Sgt. A reported that Beat XXX responded to the XX Hospital for a death investigation. Beat XXX was notified by the hospital staff that, prior to his death, Subject A alleged that he was struck by an officer, which caused him abdominal pain and prompted him to go to the hospital. Hospital records showed that Subject A died from cardiac arrest during surgery. PCAD search conducted by Sgt. A yielded no results. (Att. 4)

In a telephone call on 14 November 2016, Subject A's spouse, **Civilian A**, stated that she and Subject A were home on 30 October 2016. At approximately 0530 hours, Subject A left the residence, located at XXXXX Walden Parkway, Chicago, and walked to the nearby XX gas station

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at XXXXX S. Western Avenue to get some gas for their vehicle. Civilian A stated that when Subject A returned, he told her that he was involved in a verbal altercation with an unknown taxi driver, and that unknown police officers responded. One of the officers punched Subject A on the abdomen and threw him into the back of a squad car. The officers drove Subject A somewhere between 95<sup>th</sup> and 97<sup>th</sup> Street and Kedzie Avenue. Subject A then took a bus home. Civilian A stated two days later, Subject A complained of stomach pain. A few days later, Subject A went to the XX Hospital, where they determined that he had internal bleeding. On 10 November 2016, the staff performed surgery on Subject A, but he died of complications. Subject A suffered from kidney and heart diseases and was a dialysis patient. The staff told Civilian A that Subject A died of natural causes. (Att. 14)

The **Original Case Incident Report** indicated that on 10 November 2016, at approximately 1416 hours, officers assigned to Beat XXXX responded to the XX Hospital for a death investigation report. Upon arrival, the officers were informed that Subject A checked himself in on 08 November 2016 complaining of abdominal pain. On 10 November 2016, during a surgical procedure, Subject A went into cardiac arrest. The cause of death was heart failure, hypoxia and internal bleeding. Subject A had a history of heart failure. (Att. 5)

**Medical Records** from the XX Hospital for Subject A indicated that he was admitted on 08 November 2016, at 2131 hours. The staff notes indicated that Subject A was admitted for unstable gastrointestinal bleeding from multiple possible sources and for abdominal pain after being punched in the stomach by a police officer on 30 October 2016. Subject A was admitted to the MICU and supported with blood products overnight. Subject A underwent upper GI endoscopy for further evaluation and experienced PEA cardiac arrest during the procedure. ACLS was performed for over an hour without success. Subject A was not a candidate for advanced options, rues, or ecmo. Subject A suffered from end stage heart failure, and end stage renal disease with hemodialysis. (Att. 7)

A **canvass** and a visit to the XX gas station were conducted **but** no witnesses were found. (Att. 13)

**GPS** reports were obtained **but** they did not yield any results relevant to this investigation. (Att. 8)

A recording from **POD #7056** was obtained for 30 October 2016, from 0430 hours to 0630 hours, but it did not depict any activity relevant to this investigation. (Att. 20)

Recordings from the **City of Chicago Department of Transportation Speed Cameras #154 & 165** were obtained for 30 October 2016, from 0450 hours to 0900 hours, but did not depict any activity relevant to this investigation. (Att. 22)

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The Medical Examiner's **Report of Postmortem Examination** indicated that Subject A died of hypertensive cardiovascular disease. Chronic ethanolism was a significant factor. No blunt force trauma was found on Subject A's body. The manner of death was ruled natural. (Att. 18)

The **Office of Emergency Management and Communication (OEMC) Transmissions** for Zone 6 did not have any relevant transmissions to this investigation. (Att. 23-24)

**Telephone Call Records** from T-Mobile and Metro PCS that were obtained through a subpoena revealed that Subject A and his wife, Civilian A, did not call the police or any taxi cab company on the date of this incident. (Att. 34)

The **XX gas station clerk, Civilian B**, who worked on 30 October 2016, at approximately 0530 hours, stated that he did not witness the alleged incident. Civilian B stated that he did not witness any altercation between any cab driver and any black male. Civilian B also stated that he did not witness any interaction between any Department member and any black male. (Att. 15)

**CONCLUSION:**

Unknown Officer

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1**; that an unknown officer struck the victim, Subject A, on the left side of his abdomen after an altercation. There is no documented evidence of Subject A having any encounter with any Department member. The report of postmortem examination did not indicate any blunt force trauma and indicated that the cause of death was hypertensive cardiovascular disease and the manner of death was ruled natural. The medical records from the XX Hospital also did not indicate that Subject A sustained any blunt force trauma, and further indicated that Subject A underwent upper GI endoscopy for further evaluation and experienced PEA cardiac arrest during the procedure. The only employee for the XX gas station working on 30 October 2016, at approximately 0530 hours, did not witness any activities outside of the XX gas station between any black male and any Department member or a taxi driver. The videos obtained also did not show any interactions between any black male and any police or taxi driver. There is insufficient evidence to prove or disprove the allegation, or that this encounter occurred as alleged.