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INDEPENDENT POLICE REVIEW AUTHORITY

Log #1083390

**ALLEGATIONS:**

On 16 December 2016, at approximately 1804 hours, the complainant, Subject 1, called IPRA and filed this complaint with IPRA Investigator A. Subject 1 alleged that on 13 December 2016, at approximately 1030 hours, in the vicinity of XXXX W. Medill Avenue, Sergeant A, Unit XXX:

- 1) Told Subject 1, I'm going to fuck you up;
- 2) Pulled Subject 1 out of his vehicle
- 3) Threw Subject 1 to the ground; and,
- 4) Put his knee on Subject 1's neck.

**APPLICABLE RULE:**

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

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

Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.

**INTRODUCTION:**

On 13 December 2016, at approximately 1030 hours, the complainant, Subject 1, was driving his vehicle north on Harlem Avenue. When Subject 1 reached the light at XXXXXX XXXXXX and XXXXX XXXXXX, he stopped directly behind the Sergeant A, who was stopped in front of him. Subject 1 released his foot from the brake and struck Sergeant A on the rear of his vehicle. The two exited their vehicles and assessed the damages. After determining that neither vehicle sustained any damage and nobody was injured, Sergeant A told Subject 1, "I'm going to fuck you up." Sergeant A told Subject 1 to follow him to the XXXXX parking lot on the northeast corner of XXXXX XXXXXX and XXXXXX XXXXXX. Subject 1 agreed to follow but instead continued driving north on Harlem Avenue. Subject 1 eventually pulled his car over near XXXX W. Medill Avenue. As Subject 1 was opening his door, Sergeant A pulled him out of the car, threw him to the ground, and placed his knee on his neck. A Chicago police officer responded, and after listening to both parties, determined that the accident report should be completed by XXX XXXX police. The three, Subject 1, Sergeant A, and the Chicago police officer, drove to XXX XXXX, Illinois, back to the corner of XXXXX XXXXXX and XXXXXX XXXXXX, where an XXX XXXX officer met them. Subject 1 had a suspended license and was subsequently arrested. On 16 December 2016, Subject 1 decided to file a complaint against Sergeant A because he developed pain on his head, neck and back.

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### INVESTIGATION:

In a statement to IPRA on 16 December 2016, **Subject 1** stated that he was driving his vehicle north on Harlem Avenue and reached the light at North Avenue where he stopped behind another civilian vehicle. Subject 1 took his foot off the brake and struck the vehicle in front of him. Subject 1 and the driver of the other vehicle, now known to be Sergeant A, exited their cars and inspected them for any damages. After determining that there were no visible damages, Sergeant A told Subject 1, "I'm going to fuck you up," and instructed him to follow him to the XXXXX parking lot on the northeast corner of XXXXXX and XXXXX XXXXXX. Sergeant A drove to the parking lot but Subject 1 continued driving north on Harlem Avenue. Sergeant A then followed Subject 1. Subject 1 ultimately stopped his vehicle near XXXX W. Medill Avenue. At that point, Subject 1 attempted to exit his vehicle but Sergeant A pulled him out, threw him to the ground, and put a knee on his neck. As Sergeant A had Subject 1 on the ground, two unknown City of Chicago Streets and Sanitation garbage truck employees were pulling out of the mouth of a nearby alley and told Subject 1 that he should contact the police. Sergeant A responded, "I am the police." An unknown white female stated that she called for an ambulance. An ambulance came and so did a Chicago police white male uniformed officer. The CFD did not examine nor speak to Subject 1 and left. Subject 1 did not request medical attention or make any statements regarding Sergeant A to the officer, who instructed Subject 1 and Sergeant A to drive back to XXX XXXX, Illinois, where the accident occurred. When they arrived, they met **an** male XXX XXXX police officer. The officer conducted a Driver's License check on Subject 1 and determined that Subject 1 was driving with a suspended license. **Subject 1 was subsequently**. On 16 December 2016, Subject 1 decided to go to XXXX XXX XXXX Hospital for pain to his head, neck and back. The staff determined that Subject 1 was sore and gave him pain medication to ease the pain. (Att. 10)

**Photographs** of Subject 1 were taken by IPRA Investigator B, shortly after his recorded statement on 16 December 2016. The photographs depicted Subject 1 to have some swelling to his lower lip and some abrasions to his knuckles on both of his hands. (Att. 5)

The **Arrest Report** for Subject 1 indicated that XXX XXXX police officers responded to a traffic accident call at XXXXXX and XXXXX Avenue. The responding officer performed a LEADS check of the driver, Subject 1, which revealed a suspended Illinois Driver's License. Subject 1 was also unable to produce proof of insurance for the vehicle. Subject 1 was subsequently arrested. (Att. 4)

The **Office of Emergency Management and Communication ("OEMC") PCAD Event Query Printout** indicated that a male caller, now known to be Sergeant A, reported a vehicle that just crashed into his vehicle, and that the driver of the vehicle that struck him, now known to be Subject 1, attempted to leave the scene. (Att. 6)

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**Citations YE-236-477 & YE-236-478** indicated that Subject 1 was issued citations for Driving while license suspended and for no proof of insurance. (Att. 14)

The **Attendance & Assignment Sheets** for the XX District for the date of 13 December 2016, XX Watch, indicated that Officer A was assigned to Beat XXXX, which was the unit that responded to the vicinity of XXXX W. Medill Avenue. (Att. 15)

**In-Car & Body Worn Camera** was requested for Beat XXXX and Officer A, but no recordings were available. (Att. 17)

A **Personnel Action Report (PAR form)** was obtained for Sergeant A, which showed that he retired from the Chicago Police Department on 16 November 2014. (Att. 19)

**CONCLUSION:**

Sergeant A

The Reporting Investigator recommends a finding of **Unfounded** for **Allegations #1-4**; that Retired Sergeant A told Subject 1 that he was going to fuck him up; that he pulled Subject 1 out of his vehicle; that he threw Subject 1 to the ground; and, that he put his knee on Subject 1's neck. Retired Sergeant A has not been a Department member since 16 November 2014; therefore, no allegations can be attributed to him. The Reporting Investigator recommends that this investigation be closed in accordance with the provisions Special Order 08-01-01, Addendum 2, Section C, Part 10.