

**ALLEGATIONS:**

On 02 December 2014, at 1722 hours, the reporting party, Subject 1, telephoned the Independent Police Review Authority and registered a complaint with Intake Aide A. The complainant alleged that during a traffic stop in the vicinity of XXXX S. Halsted on 30 November 2014, at approximately 1545 hours, **the accused officer, Officer A:**

- 1) referred and spoke to Subject 1 in a profane and racist manner when she made the statement, "I don't know who these little niggers think they are,"
- 2) broke a window and damaged the audio system while searching Subject 1's vehicle, and
- 3) while searching his vehicle, they found \$6200 of USC in an envelope and failed to inventory it and failed to return it to Subject 1 upon his release.

**Officer B:**

- 1) issued five traffic citations without justification.
- 2) while searching the his vehicle, broke a window and damaged the audio system, and
- 3) while searching his vehicle, they found \$6200 of USC in an envelope and failed to inventory it and failed to return it to Subject 1 upon his release.

**Officer C:**

- 1) addressed Subject 1 in a profane and threatening manner when he made the statement "Get your ass out of the vehicle."

**INVESTIGATION:**

In an interview with the Independent Police Review Authority on 04 December 2014, **Subject 1** stated that on the day of the incident he was in his vehicle alone and was driving northbound on Ashland. He observed a police vehicle driving in the opposite direction occupied by two unknown female officers, now known as Officer A and **Officer B. As he passed the police vehicle, the vehicle made a U-turn at XXXX and Ashland and then activated the emergency lights.** Subject 1 pulled **into a** parking lot of Murray's Auto Zone. One of the female officers approached the driver's side and Subject 1 rolled down the rear driver's side window because his front driver's side window was inoperable. Subject 1 asked the officer why he was being stopped, and he was told that his plates were expired. Subject 1 related that he told the officer that his plates were not expired and then questioned how they could see that the plates were expired when they were passing him in the opposite direction. Subject 1 stated that the officer told him to exit the car, but refused. Subject 1 related that he and the officer argued because he did not want to exit his vehicle. Subject 1 learned that his plates were expired the night before because he had been stopped by another officer and was issued a citation. Subject 1 stated that he tried to show

the officer the citation that he received the night before along with his driver's license but she would not take them. Subject 1 then asked her to call for a "white shirt." At this point, the other female officer approached the vehicle and told him to exit the vehicle, and again, he refused. The officers then radioed for backup and made a request for a supervisor. According to Subject 1, the officer known as Officer A, stated "I don't know who these lil niggers think they are." Subject 1 waited for a supervisor to arrive in order to explain what was happening. A short time later, other officers arrived at the scene. Subject 1 related that he closed his door, as the female officer tried to grab it, but his door handle was broken. One of the officers, who had just arrived, opened the driver's rear door, put his hand on his gun and told him to get his "ass" out of the vehicle. Without warning, Subject 1 was handcuffed by an unknown officer, now known as Officer C. Subject 1 was escorted to the vehicle and searched. Moments later, a supervisor arrived on the scene and began talking to the officers before talking with him. Subject 1 stated that the two female officers on the scene began searching his vehicle and damaged it as they began pulling things apart. He stated that one of the officers broke his window when his door was slammed. Subject 1 further stated that his audio system was damaged as well during the search. Subject 1 also stated that during the search, an envelope containing \$6200 had been taken and was never returned to him upon his release from custody. (Att. 17)

The **POD** footage was of no evidentiary value. Subject 1 stated that he pulled his vehicle into the parking lot of an Auto Zone automotive store. The POD camera did not have a view of the location where he parked his vehicle. (Atts. 40, 41)

In a **To/From Report** completed by **accused Officer A**, she reported that she was working in uniform, in a marked unit. Officer A related that she came in contact with Subject 1 when she made a u-turn, and curbed the vehicle driven by Subject 1. Officer A reported that when she approached Subject 1, she asked him for his driver's license and proof of insurance and he stated that he had neither. Officer A reported that she asked Subject 1 to exit the vehicle because he was not in possession of a driver's license, but he refused. She reported that Subject 1 was agitated and argumentative and refused the officer's order. Officer A related that she immediately notified OEMC that the driver was refusing to exit his vehicle. Officer A noted that the officers searched the vehicle for weapons for their safety, and never damaged any the vehicle's windows or audio system. Officer A reported that while engaged in a verbal conversation with Subject 1, she does not recall making any profane or racist statements. Officer A further reported that during the search of Subject 1's vehicle, the officers found no illegal items or contraband. (Att. 27)

In a **To/From Report** completed by **accused Officer B**, she reported that she was working in uniform in a marked squad car. Officer B reported that she came in contact with Subject 1 after a traffic stop. Officer B approached Subject 1 on the passenger side of his vehicle, and made no statement at the time. According to Officer B, Subject 1 stated that she told her partner that he had no driver's license and he refused to exit his vehicle. Officer B reported that she had no idea why Subject 1 refused to exit his vehicle. Officer B reported that she never heard her partner make any statements of a profane or racist nature directed at Subject 1. According to Officer B, the officers did not damage any property while searching Subject 1's vehicle. Officer B noted that she never told Subject 1 that he embarrassed her partner and never told him that she was going to teach him a lesson. Officer B reported that while searching Subject 1's vehicle she never came across any envelope or any currency of any form. Officer B reported that she issued Subject 1 traffic citations for the violations that she observed at the time of the traffic stop. (Att. 39)

In a **To/From Report** completed by **accused Officer C**, he reported that while on duty on 30 November 2014 at approximately 1545 hours, he responded to assist beat 723 in the vicinity of XXXX S. Hasted Street. Upon arrival, Officer C stood at the rear passenger door of the vehicle that Subject 1 was driving. When Subject 1 exited his vehicle, Officer C assisted in placing handcuffs on Subject 1. Officer C related that he does not recall having any verbal interaction with Subject 1. (Att. 34)

In a **To/From Report** completed by **witness Officer D**, he documented that he was on duty on 30 November 2014. Upon arrival at the traffic stop, Officer D ordered Subject 1 out of his vehicle. Officer D reported that he does not recall any conversation between Subject 1 and Officer C. After Subject 1 exited his vehicle, Officer D placed him in custody. Officer D related that he placed the handcuffs on Subject 1. (Att. 29)

## **CONCLUSION:**

### **Accused: Officer A #XXXX**

The reporting investigator recommends that **Allegation #1** be **Not Sustained**, in that she directed profane and racist remarks at the victim. There were no available witnesses to substantiate the victim's claims. At this time, there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #2** be **Not Sustained**, in that the accused broke a window and damaged the audio system of his vehicle. The victim did not provide any proof documenting damages to his vehicle. Based on this there is insufficient evidence to prove or disprove this allegation.

The reporting investigator recommends that **Allegation #3** be **Not Sustained**, in that the accused found an envelope containing \$6200 USC while searching the victim's vehicle and failed to return it. There was no evidence to substantiate that the victim was in possession of that sum of currency. Based on this, there is insufficient evidence to prove or disprove this allegation.

### **Accused: Officer B #XXXX**

The reporting investigator recommends that **Allegation #1** be **Exonerated**, in that the accused issued five traffic citations without justification. The victim admitted that he was issued a citation the previous evening for driving his vehicle with expired plates. When his vehicle was curbed the next day by the accused officers, he became argumentative and confrontational while denying that his plates were expired. He refused to exit his vehicle and refused to produce a driver's license and proof of insurance. Given the circumstances, the accused officer's actions were appropriate and lawful.

The reporting investigator recommends that **Allegation #2** be **Not Sustained**, in that, the accused broke a window and damaged the audio system while searching his vehicle. The victim never provided any documentation regarding the alleged damages to his vehicle or any evidence to substantiate his claims.

The reporting investigator recommends that **Allegation #3** be **Not Sustained**, in that the accused found an envelope containing \$6200 USC while searching the victim's vehicle and failed to return it. There was no evidence to substantiate that the victim was in possession of

that sum of currency. Based on this, there is insufficient evidence to prove or disprove this allegation.

**Accused:      Officer C #XXXX**

The reporting investigator recommends that **Allegation #1** be **Not Sustained**, in that, the accused addressed the victim in a profane and threatening manner. There were no available witnesses to corroborate the victim's claim, therefore, there is insufficient evidence to prove or disprove this allegation.