

**SUMMARY OF THE INCIDENT:**

On January 27, 2015, Officer A initiated a traffic stop of Subject 1 during which he made threatening remarks and removed his vest. Additionally, he is alleged to have made disparaging comments during the course of Subject 1's arrest.

**ALLEGATIONS:**

On January 27, 2015 **Complainant Subject 2** telephoned the Independent Police Review Authority and registered a complaint with Intake Aide A. It is alleged that on January 27, 2015, at approximately 7:35 pm, in the vicinity of 1144 N. Laramie Avenue.; **Officer A, Star XXXX;**

- 1) **Threatened the victim, Subject 1, by removing his vest and stating words to the effect of, "I will kick your ass," in violation of, Rule 9 and Rule 2.**
  - 2) **Stated words to the effect of, "Stop bitching," in violation of Rule 9 and Rule 2.**
  - 3) **Stated words to the effect of, "Tell your bitch to be quiet," in violation of Rule 9 and Rule 2.**
  - 4) **Grabbed Subject 1 and threw him to the ground, in violation of Rule 8 and Rule 2.**
  - 5) **Pushed Subject 1's face down on the ground, in violation of Rule 8 and Rule 2. It is also alleged that on the same date, time and location, Officer B, Star XXXX;**
- 1) **Observed misconduct, when Officer A threatened the victim, Subject 1, by removing his vest and stating words to the effect of, "I will kick your ass," and failed to report the same, in violation of Rule 6; G.O. 08-01-02.**

**APPLICABLE RULES AND LAWS:**

- Rule 2:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
- Rule 8:** Prohibits disrespect or maltreatment of any person, while on or off duty.
- Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, on or off duty.

**General Order 08-01-02;**

Section II, A, 5, which mandates that members who have knowledge of circumstance relating to misconduct will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct. The report will include the incident Log

Number, if available, and all facts relating to the incident known or reported to the member. The supervisor will forward one copy each of any such report or document, without unnecessary delay to IPRA and the BIA. A letter or transmittal or cover report is not required when such reports or documents are forwarded.

Section II, B, 1, which mandates when misconduct is observed or an allegation of misconduct is received by a non-supervisory member, the member will immediately notify a supervisory member and prepare a written report to their unit commanding officer containing the information received, observations made, and any action taken. in violation of the Rules and Regulations of CPD.

## INVESTIGATION:

In his interview with IPRA on January 27, 2015 **Complainant Subject 2** stated that as he was driving in the vicinity of XXXX N. Laramie Avenue he observed a Chicago Police marked Tahoe pull a white Pontiac over to the side of the road. Subject 2 stated that as the accused officer, now known as Officer A, walked away from the white Pontiac he stated words to the effect of, "You better tell your bitch to be quiet" to the male Hispanic driver, now known as Subject 1.

Subject 2 related that words were exchanged between Subject 1 and Officer A. Subject 2 stated that Officer A grabbed Subject 1 and threw him to the ground. As Officer A attempted to handcuff Subject 1, Subject 1 pulled away and moved his hands. Subject 1 also attempted to get up from the ground. Subject 2 related that Officer A pushed Subject 1's face onto the concrete. Subject 2 stated that an additional officer (NFI) assisted Officer A with handcuffing Subject 1. Subject 2 stated that he was unaware as to whether Subject 1 had sustained any injuries. (Att. 5, 8, 54)

In his interview with IPRA on 06 July 2016 **Victim Subject 1** stated that on January 27, 2015, at approximately 7:35 pm he, his girlfriend, Civilian 1, and Civilian 1's brother, Civilian 2, were inside his vehicle traveling south on XXXX Avenue. Subject 1 explained that he was the driver, Civilian 1 was the front passenger and Civilian 2 was the rear passenger. Subject 1 noticed that a marked police vehicle had been following his vehicle for approximately two miles. Subject 1 stated that after he passed the intersection of XXXX Avenue and XXXX Street, the officer activated his emergency equipment and Subject 1 pulled over to the right curb.

Subject 1 stated that an Indian male uniformed officer, now known as Officer A, approached the driver door of his vehicle. Subject 1 described Officer A as being 5'8", dark complexion, stocky build and dressed in uniform. Subject 1 described the second officer, now known as Officer B, as being a white male, uniformed and approximately 6'0". Subject 1 stated that he asked Officer A why had he been pulled over and Officer A failed to give him an explanation. Subject 1 explained that moments later Officer A instructed Subject 1 to exit his vehicle and Subject 1 complied.

Subject 1 stated that Officers A and B instructed Civilian 2 and Civilian 1 to exit the vehicle as well and they complied. Subject 1 explained that Officer A took his identification along with Civilian 2 and Civilian 1 identification prior to walking to his marked vehicle. Subject 1 stated that when Officer A returned from his vehicle, he handed everyone their identification back. Officer A also handed Subject 1 several traffic citations. Subject 1 added that during the entire process of the traffic stop, Civilian 2 complained about the traffic stop and informed the officers that he was aware of his rights.

Subject 1 explained that as Officers A and B walked away, Officer A stated words to the effect of, "Stop being a bitch." Subject 1 stated that he asked Officer A why he was being disrespectful. Subject 1 explained

that Officer A stated words to the effect, "you too," as to say that the aforementioned comment was directed at Subject 1 as well. Subject 1 stated that he told Officer A that he (Officer A) was nothing without his badge and gun. Officer A then removed his vest, placed it on the marked vehicle and walked in Subject 1's direction. Subject 1 removed his hooded sweater and took a fighting stance.

Subject 1 stated that Officer A retreated and called for assistance on his radio. Subject 1 explained that Officers A and B approached him and attempted to grab his arms. Subject 1 refused to allow the officers to take hold of him and handcuff him by moving his arms back and forth and away from the officers' grasp. Subject 1 stated that the incident took place in the middle of XXXX Avenue. Subject 1 explained that he refused to be handcuffed because he did not feel as though he was at fault. Subject 1 added that when additional officers arrived at the scene he was handcuffed without incident.

Upon inquiry, Subject 1 denied having been thrown to the ground or having his face pushed down on the ground. Subject 1 stated that when the additional officers arrived he was placed against his vehicle and handcuffed. Subject 1 denied having sustained any pain or injuries as a result of this incident. Upon inquiry, Subject 1 denied having been otherwise physically abused and/or maltreated during the course of his arrest. Upon inquiry, Subject 1 stated that he heard Officer A state words to the effect of, "I will kick your ass." Subject 1 stated that he did not hear Officer A and/or any Department member state words to the effect of, "Tell your bitch to be quiet." (Att. 33, 55)

In her interview with IPRA on 06 July 2016 **Witness Civilian 1** stated that on January 27, 2015, at approximately 7:35 pm she, her boyfriend, Subject 1 and her brother, Civilian 2, were inside Subject 1's vehicle traveling south on XXXX Ave. Civilian 1 explained that she was the front passenger, Subject 1 was the driver and Civilian 2 was the rear passenger. Civilian 1 stated that Subject 1 informed her that a marked police vehicle had been following his vehicle for several miles. Civilian 1 activated her camera and began recording the activity. Civilian 1 stated that after Subject 1 drove past the intersection of XXXX and Division, the officer activated his emergency equipment and Subject 1 pulled over to the right curb.

Civilian 1 stated that an Indian male uniformed officer, now known as Officer A, approached the driver side of Subject 1's vehicle. Civilian 1 described Officer A as being 5'7", "chunky", and dressed in uniform. Civilian 1 described the second officer, now known as Officer B, as being a white male, uniformed and approximately 6'0". Civilian 1 stated that when Subject 1 asked Officer A why he had been pulled over, Officer A refused to give him an explanation. Several moments later, Officer A instructed everyone to exit the vehicle and everyone complied.

Civilian 1 stated that Officer A obtained everyone's identification and walked to the marked vehicle. Civilian 1 added that Civilian 2 continued to complain to Officer B that the traffic stop was wrong. Civilian 2 stated that eventually Officer A returned to Subject 1's vehicle, handed everyone their identification and gave Subject 1 several traffic citations. Civilian 1 explained that as she, Subject 1 and Civilian 1 were entering Subject 1's vehicle, Officer A stated words to the effect of, "snitch bitch," referring to Civilian 1.

Civilian 1 stated that Subject 1 became upset, exited his vehicle, remained at the driver's door and asked Officer A why was he so disrespectful. Civilian 1 stated that she asked Subject 1 to get inside the car and ignore Officer A. Subject 1 told Officer A that he was "nothing without his badge and gun." Civilian 1 stated that Officer A removed his vest and walked toward Subject 1. Civilian 1 added that Subject 1 removed his hooded sweater and stood at the driver's door. Civilian 1 stated that she and Civilian 2 exited the vehicle and told Subject 1 to get inside the vehicle.

Civilian 1 stated that Officer A retreated and called for assistance via his radio. Civilian 1 added that Officers A and B approached Subject 1 and attempted to grab his arms. Subject 1 pulled his arms back and refused to allow the officers to grab hold of his arms. Civilian 1 stated that when the additional officers arrived at the scene, she and Civilian 2 were told to move back onto the sidewalk. Civilian 1 did not observe which officers handcuffed Subject 1.

Civilian 1 stated that she never observed Subject 1 on the ground during the course of his arrest. Civilian 1 explained that when Subject 1 was released she observed bruises and scrapes on his ribs, face and arms. Civilian 1 stated that she believed that the injuries were result of Subject 1's contact with the police. Upon inquiry, Civilian 1 stated that she heard Officer A state words to the effect of "I will kick your ass," and "Tell your bitch to be quiet." Civilian 1 stated that she never observed any Department member physically abuse Subject 1. (Att. 37, 56)

Attempts were made to interview the possible witness, Civilian 2, via letter and phone calls. As of 13 July 2017, Civilian 2 has not contacted the Independent Police Review Authority. (Att. 65, 66, 67)

According to **Department Reports** Subject 1 was arrested on January 27, 2015, at 7:35 pm, at XXXX N. Laramie and charged with Possession of Controlled Substance, Aggravated Assault to Peace Officer, Resisting and Reckless Conduct. The arresting officers are Officers B and A. The assisting officer was Officer C, Star XXXX. It is reported that the arresting officers observed Subject 1 following too close to a vehicle and curbed his vehicle. During the traffic stop the arresting officers observed Subject 1 with his right hand securing his waist band area and the rear seat passenger with both of his hands underneath the seat.

It is reported that for the arresting officers' safety, the arresting officers asked all of the occupants to exit the vehicle. When Subject 1 exited the vehicle he began to act hostile and directed profanities at the arresting officers. The arresting officers conducted a protective pat down and an immediate search of the vehicle. The arresting officers cited Subject 1 and informed him that he was free to leave.

Subject 1 became hostile and stated words to the effect of, "Fuck you, you ain't shit bitch without that badge and gun, take that shit off and I'll kick yo fucking ass motherfucker" while having a clinched fist. The arresting officers approached Subject 1 and Subject 1 moved his arms side to side, pulled away and stiffened his body. The arresting officers attempted to place Subject 1 into custody by conducting an emergency handcuffing takedown, but were unsuccessful. After several unsuccessful attempts to place Subject 1 into custody, Officer A called for assisting units. With the assistance of the assisting officers, Subject 1 was placed in custody. According to the Lockup Screening Log, Subject 1 did not sustain any pain or injuries. (Att. 9, 15)

According to the **Tactical Response Report** completed by Officer A, Subject 1 did not follow direction, stiffened, fled, pulled away and was an imminent threat of battery. Officer A responded with member presence, verbal commands and emergency handcuffing, no take down. According to the comments section, Subject 1 was calm during an interview and stated words to the effect of, "I know it was stupid, it was just tickets anyway." Subject 1 did not claim of injuries and did he have any visible injuries. Subject 1 did not make any allegations of misconduct against the arresting officers. (Att. 11)

According to the **Officer's Battery Report** completed by Officer A, during a traffic stop, Subject 1 made verbal threats to use his hands/fists and feet. Officer A did not sustain any injuries. (Att. 12)

According to the **Tactical Response Report** completed by Officer B, Subject 1 did not follow verbal direction, stiffened, pulled away and was an imminent threat of battery. Officer B responded with member presence, verbal commands, escort holds, wristlock, armbar and emergency handcuffing, no take down. According to the comments section, Subject 1 was calm during an interview and stated words to the effect of, "I know it was stupid, it was just tickets anyway. Subject 1 did not claim of injuries and did he have any visible injuries. Subject 1 did not make any allegations of misconduct against the arresting officers. (Att. 13)

According to the **Officer's Battery Report** completed by Officer B, during a traffic stop, Ramos made verbal threats and pushed/dragged Officer B in traffic. Officer B did not sustain any injuries. (Att. #14)

**In-Car Camera footage and audio** was not timely requested by IPRA and therefore we do not have the benefit of additional video or audio that would possibly shed additional light on the allegations in this case.

**Cell Phone video** footage was obtained from Civilian 1 on July 6, 2016, regarding Subject 1's arrest. The video is broken into two files. The first depicts the beginning of the traffic stop conducted by Officer A and Officer B. The second video depicts Subject 1 after he removed his hooded sweater and Officer A and B attempting to place Subject 1 in cuffs. The Officer A does not have his vest on and later is seen putting on his protective vest. The footage does not capture the interaction where Officer A removes his vest and Subject 1 takes a fighting stance. Additionally, none of the alleged statements can be heard on the video. It appears that the specific incidents alleged in this complaint happened after the first video ended and just before the second was started. (Att. 63, 64)

In his **To/From Subject Report Witness Officer C, Star XXXX**, reported that he dressed in plain clothes and assigned to an unmarked vehicle on the date and time of the alleged incident, along with Officer D. Officer C further reported that he responded to a call of an outside unit calling for an assist. Officer C did not recall Subject 1's behavior during his arrest. Officer C reported that he was informed that Ramos was being arrested for traffic violations and assault to a police officer. Officer C recovered Subject 1's keys that contained a grey metal cylinder containing suspect narcotics. Officer C gave the metal cylinder to one of the arresting officers. Officer C did not recall having any contact with Subject 1. Officer C did not recall the physical interaction between Subject 1 and the arresting officers.

During his interview with IPRA on October 4, 2016, **Witness Officer C** stated that he stood by his report that he submitted to IPRA in November 2015. Officer C added that when he arrived to the scene, he observed a handcuffed individual standing outside of a marked squad car. Officer C could not recall Subject 1's behavior. Officer C stated that he could not recall the physical and verbal interaction between Subject 1 and the arresting officers. Officer C stated that he could not recall hearing Officer A state words to the effect of, "Tell your bitch to be quiet" and "I will kick your ass." Officer C could not recall observing Officer A grab Subject 1, throw him to the ground and push his face on the ground. Officer C could not recall observing Officer A remove his vest from his person and approach Subject 1. Officer C stated that he could not recall if Officer A was engaged in a verbal altercation with Subject 1. (Att. 23, 43, 57)

In his **To/From Subject Report Witness Officer D, Star XXXX**, reported that he dressed in plain clothes and assigned to an unmarked vehicle on the date and time of the alleged incident, along with Officer C. Officer D further reported that he responded to a call of an outside unit calling for an assist. Officer D described Subject 1 belligerent and yelling curse words at the officers on scene. Officer D reported that he was informed that Subject 1 was being arrested for traffic violations. Officer D did not recall

having any contact with Subject 1. Officer D did not recall the physical interaction between Subject 1 and the arresting officers.

During his interview with IPRA on October 4, 2016, **Witness Officer D** stated that he stood by his report that he submitted to IPRA in November 2015. Officer D added that when he arrived at the scene he observed a Hispanic male (now known as Subject 1) in handcuffs standing next to a vehicle acting belligerently and yelling curse words at the officers on scene. Officer D could not recall the curse words that Subject 1 used. Officer D did not recall having physical contact with Subject 1. Officer D stated that he did not recall hearing Officer A state words to the effect of, "Tell your bitch to be quiet" and "I will kick your ass." Officer D stated that he did not observe Officer A grab Subject 1, throw Subject 1 to the ground and push Subject 1's face on the ground. Officer D did recall observing Officer Subject 1 remove his vest and approach Subject 1. Officer D did not recall observing Officer A engage in a verbal altercation with Subject 1. (Att. 25, 42, 58)

During his interview with IPRA on 01 December 2016, **Witness Sergeant A** stated that he was not at XXXX N. Laramie Avenue at the time of Subject 1 arrest. Sergeant A denied having been notified that Officer A had removed his protective vest during the course of Subject 1's arrest. Sergeant A also denied having any knowledge of any misconduct alleged against Officer Ali regarding Subject 1's arrest. (Att. 53, 61)

In his **To/From Subject Report Witness Officer B** described Subject 1 as being uncooperative, hostile, verbally and physically combative. Officer B related that he performed a wrist lock and emergency handcuffing to arrest Subject 1. Officer B reported that he did not recall hearing any Department member state words to the effect of, "Tell your bitch to be quiet and I will kick your ass." Officer B denied observing any Department member throw Subject 1 to the ground. Officer B also denied observing any Department member push Subject 1's face to the ground.

During his interview with IPRA on 14 September 2016, **Accused Officer B** stated that he stood by his report that he submitted to IPRA in November 2015. Officer B added that Subject 1's vehicle had been curbed due to a traffic violation. Officer B stated that he approached the passenger side of the vehicle driven by Subject 1 and Officer A approached the driver's side. Officer B stated that he and Officer A observed Subject 1 place his hand underneath his leg. Officer B explained that he and Officer A were in fear of their safety and directed the occupants to exit the vehicle. Officer A conducted a search of the vehicle in check for weapons. Officer A stated that Subject 1 was verbally abusive to him and Officer A. Upon inquiry, Officer B could not recall the specific words used by Subject 1.

After Officer A conducted the brief search, Officer A walked to the assigned vehicle and issued several traffic citations. Officer A walked up to Subject 1 and handed him the citations. Officer B stated that Subject 1 continued to verbally abuse Officer A stating that he was going to kick Officer A's ass and telling Officer A that he wasn't shit. Officer B stated that Subject 1's fists were clenched while he was threatening Officer A. Officer A and Officer B decided to arrest Subject 1 and approached Subject 1. Officer B asked Subject 1 to place his hands behind his back but Subject 1 failed to comply.

Officer B stated that Subject 1 pushed against him as he attempted to place Subject 1 in custody. Officer B stated that Officer A called for assistance and several officers arrived at the scene to assist with the arrest. Officer B had no independent recollection of the names of the additional officers. Upon inquiry, Officer B stated that he did not recall Officer A stating words to the effect of, "Tell your bitch to be quiet" and "I will kick your ass." Officer B explained that he could recall what Ramos stated because he was focused on Subject 1 and Subject 1's statements were recorded on the Department reports. Officer B confirmed that there had been a verbal altercation between Officer A and Subject 1. Officer B added that he

did not observe Officer A remove his vest from his person, but noticed Officer A putting on his vest at some point while at the scene. Officer B claimed that during the processing of Subject 1, he reported to Sergeant A that Officer A was involved in a verbal altercation with Subject 1. Officer B denied observing misconduct and failing to report the same. (Att. 21, 47, 59)

In his **To/From Subject Report Witness Officer A, Star XXXX**, described Subject 1's behavior as being verbally abusive in a threatening manner. Officer A reported that Subject 1 was the driver of the vehicle that was curbed for a traffic violation. Officer A observed Subject 1 place his right hand on his waist band area and the rear passenger place both of his hands underneath the seat. Officer A reported that all occupants were asked to exit the vehicle as Officer A feared that there may have been a weapon in the vehicle.

After Subject 1 was given his traffic citations Subject 1 began to act hostile and stated words to the effect of, "Fuck you, you ain't shit bitch without that badge and gun, take that shit off, and I'll kick your fucking ass motherfucker." Subject 1 made several verbal threats against Officer A. Officer A was fear of receiving a battery and attempted to place Subject 1 into custody. Officer A was unsuccessful because Subject 1 was resisting arrest by pulling away. Officer A reported that Subject 1 pushed Officer B into on-coming traffic. Officer A requested the assistance of additional officers via the Department radio.

Officer A reported that he did not recall hearing any Department member state words to the effect of, "Tell your bitch to be quiet" and "I will kick your ass." Officer A also reported that he did not recall observing any Department member throw Subject 1 to the ground nor did he recall observing any Department member push Subject 1's face to the ground.

During his interview with IPRA on 25 October 2016, **Accused Officer A** stated that he stood by his by initial witness report that he submitted to IPRA. Officer A added that on the date and time of the incident, he curbed Subject 1's vehicle after he observed Subject 1 following behind another vehicle too closely. Officer A stated that he approached the driver's side of the vehicle and observed three occupants inside the vehicle. Officer A related that he observed one person on the rear seat of the vehicle with his hands underneath the front seats. Officer A continued that he directed all occupants out of the vehicle as he was in fear of his safety and the safety of Officer B.

Officer A stated that he believed that Subject 1 may have been in possession of a weapon. Officer A he conducted a pat down of Subject 1's person and did not find a weapon. Officer A related that he walked to his assigned vehicle conducted a check of Subject 1's driver's license and issued several traffic citations. Officer A approached Subject 1, handed Subject 1 the traffic citations and informed Subject 1 that he was free to leave the location.

Officer A stated that Subject 1 became irate and began yelling profanities towards him. Officer A added that Subject 1 stated words to the effect of, "Take off that fucking badge and gun I'm gonna kick your fucking ass." Officer A explained that he was standing approximately 30 to 45 feet away from Subject 1 and removed his vest in an attempt to de-escalate the situation. Officer A contended that he did not remove his vest to invite Subject 1 into a physical altercation.

Officer A stated that Subject 1 refused to calm down and continued to threaten him with bodily harm. Officer A related that he and Officer B approached Subject 1 to arrest him. Officer A stated that Subject 1 pulled away and pushed Officer B in the direction of on-coming traffic. Officer A requested assistance of additional officers via his department radio. Officer A stated that after additional officer arrived, Subject 1 complied with being handcuffed and was transported to the police station for processing.

Officer A stated that he did not recall stating words to the effect of "Stop bitching, tell your bitch to be quiet and I will kick your ass." Officer A added that if he had made the statements, it would have been in response to the language in which Subject 1 used against him. Officer A admitted that he removed his vest from his person, but contended that he removed his vest to de-escalate the situation. Officer A stated that he did not recall throwing Subject 1 to the ground and pushing Subject 1's face down on the ground.

Upon inquiry, Officer A stated that when he completed the To/From Subject Report as a witness, he did not review the Department reports regarding Subject 1's arrest and answered the questions based on his memory alone. Officer Ali stated that during his interview at IPRA, he had an opportunity to review Department reports to assist with his recollection of the circumstances regarding Subject 1 's' arrest. (Att. 27, 51, 60)

## CONCLUSION:

**Accused 1:               Officer A, Star XXXX**  
**Allegation 1— 3:       Sustained**  
**Allegation 4 & 5:       Unfounded**

As to **Allegation #1** that Officer A threatened the victim, Subject 1, by removing his vest and stating words to the effect of, "I will kick your ass," in violation of Rule 9 and Rule 2 of the Chicago Police Department Rules and Regulations, IPRA recommends a finding of **Sustained**. It is clear from the video footage that Officer A removed his vest and then put it back on just prior to attempting to cuff Subject 1. It is further undisputed that Officer A and Subject 1 had a verbal altercation where Subject 1 stated words to the effect of "You ain't nothing without that gun and badge." Officer A explanation of the incident is inconsistent with the evidence obtained through this investigation and therefore not credible. In contrast, Subject 1 and Civilian 1 provided statements consistent with the video evidence.

The video footage obtained from Civilian 1's cellular device depicts Officer Ali putting on his vest prior to attempting to place Subject 1 in custody. In their statements to IPRA, Subject 1, Civilian 1, Officers A and B all assert that Subject 1 stated words to the effect of "You ain't nothing without that gun and badge." According to Civilian 1 and Subject 1, Officer A responded with words to the effect of, "I'll kick your ass," as he removed his vest from his person at which time Subject 1 removed his sweatshirt and took a fighting stance. According to both Civilian 1 and Subject 1, it was after Subject 1 removed his sweater that Officer A put the vest back on and attempted to arrest Subject 1. While the removal of the vest is not visible in the video, Civilian 1 can be heard yelling at Officer A that he was escalating the situation by removing his vest and inviting Subject 1 to engage. At the same time, both Civilian 1 and a male voice plead with Subject 1 not to engage. The audio and the video evidence corroborate the witness statements, strongly indicating that Officer A escalated the situation by removing his vest.



In contrast, in his interview with IPRA, Officer A attempted to justify his actions towards Subject 1 by stating that he removed his protective vest from his person to de-escalate the situation. The notion he would remove protective gear in response to being asked to remove his gun and badge in an effort to de-escalate the situation is unconvincing. Moreover, aspects of Officer A account of the incident are contradicted by the video. For example, Department reports as well as Officer A statements allege Subject 1 was taken from the vehicle after he was observed with his hands in his waist area. The video depicts Subject 1 with his left hand outside the car window, while his right hand is not visible he can be seen retrieving his license with Officer A in full view of the driver window. Additionally, Officer A stated that when he asked Subject 1 for his identification, he observed the rear passenger seated with his hands underneath the front seat. Officer A added that he could not see Subject 1's hands and based on those observations immediately asked all occupants to exit the vehicle. However, the video evidence depicts Officer A asking Subject 1 for his identification and Subject 1 complying. Immediately afterwards, Officer A asked Subject 1 to exit his vehicle, leaving Civilian 1 and Civilian 2 inside the vehicle for approximately 45 seconds before asking them to exit the vehicle.

In sum, Officer A accounts of the incident are inconsistent with both the video evidence and the statements given by Subject 1 and Civilian 1. More importantly, the statements given by Subject 1 and Civilian 1, along with the video evidence contradicts Officer A reasoning for removing his protective vest. Based on the available evidence, it is more likely than not that Officer A removed his vest as an invitation to an unjustified physical altercation and made the statement "I'll kick your ass," which impedes the Department's efforts to achieve its policy and goals and brings discredit upon the Department.

As to **Allegation 2** that Officer A stated words to the effect of, "Stop bitching," in violation of Rule 9 and Rule 2 of the Chicago Police Department Rules and Regulations, IPRA recommends a finding of **Sustained**. In his interview to IPRA, Subject 1 stated that he heard Officer A state words to the effect of, "Stop being a bitch" toward Civilian 2 and Officer A added "you too," referring to Subject 1. Civilian 1 explained that as she, Subject 1 and Civilian 1 were entering Subject 1's vehicle, she heard Officer A state words to the effect of, "snitch bitch," referring to Civilian 2. In contrast, Officer A offers a tacit denial stating he could not recall stating those words, but stated that if he had made the statements it was in response to the statements that were made towards him. Subject 1 added that in response to Officer A statement he said, "You ain't nothing without that gun and badge." Subsequently, Officer A removed his vest, Subject 1 removed his hooded sweatshirt and got into a fighting stance.

As argued above, the testimony by all parties as well as the context from the video evidence supports the notion that Subject 1 and Officer A had a verbal altercation that turned into the two facing off in preparation for a physical fight. Unfortunately, the video fails to capture the moments specifically alleged in this complaint. However, Civilian 1 and Subject 1 both provide accounts that depict Officer A as willfully engaging in the verbal altercation. While the words cannot be heard on the video, Subject 1 offers a credible account of the incident that is consistent with the video. In contrast, Officer A explanation for his actions lacks credibility. Moreover, Officer A never denies using that language. Based on the testimony of two credible witnesses and a lack of denial by Officer A, it is more likely than not that Officer A stated words to the effect of, "Stop bitching," which impedes the Department's efforts to achieve its policy and goals and brings discredit upon the Department.

As to **Allegation 3** that Officer A stated words to the effect of, "Tell your bitch to be quiet," in violation of Rule 9 and Rule 2 of the Chicago Police Department Rules and Regulations, IPRA recommends a finding of **Sustained**. In their interview to IPRA, Civilian 1 and Subject 2 stated that Officer A said words to the effect of, "Tell your bitch to be quiet." Officer A could not recall stating those words, but stated that if he had made the statements it was in response to the statements that were made towards him. For the reasons

articulated above, and based on the statements of two witnesses, it is more likely than not that Officer A stated words to the effect of, "Tell your bitch to be quiet," which impedes the Department's efforts to achieve its policy and goals and brings discredit upon the Department.

As to **Allegation 4** that Officer A grabbed Subject 1 and threw him to the ground, IPRA recommends a finding of **Unfounded**. In his interview to IPRA, Subject 1 stated that he was never on the ground during the course of his arrest. The video footage never depicted Subject 1 on the ground during the course of his arrest.

As to **Allegation 5** that Officer A pushed Subject 1's face down on the ground, IPRA recommends a finding of **Unfounded**. In his interview to IPRA, Subject 1 stated that he was never on the ground during the course of his arrest. The video footage never depicted Subject 1 on the ground during the course of his arrest.

**Accused 2:                   Officer B, Star XXXX**  
**Allegation 1:               Sustained**

As to **Allegation 1** that Officer B observed misconduct, when Officer A threatened Subject 1, by removing his vest and stating words to the effect of, "I will kick your ass," and failed to report the same, in violation of Rule 6 of the Chicago Police Department Rules and Regulations, IPRA recommends a finding of **Sustained**. Officer B was in the immediate area of the incident. The video footage depicts Officer B standing next to Officer A as he was putting his vest on. Officer B stated that he did not recall Officer A committing the acts alleged against him. Officer B stated that he was focused on the actions of Subject 1 and the occupants of the vehicle. Officer B stated that he verbally informed Sergeant A of Officer A's actions and Subject 1's actions while at the district station. Sergeant A stated that Officer B did not inform him of Officer A's actions. According to Department General Order, Officer B was supposed to report the misconduct and complete a To/From Subject Report. Based on the available evidence, it is more likely than not that Officer B failed to report Officer A's conduct.

**FINDINGS:****Accused 1:****Officer A, Star XXXX****Allegation 1:**

**Sustained — Violation of Rule 9**, "Prohibits engaging in any unjustified verbal or physical altercation with any person on or off duty," in that on January 27, 2015, at approximately 7:35 pm, in the vicinity of XXXX N. Laramie Avenue, while on-duty, **Officer A Star XXXX**, threatened the victim, Subject 1, by removing his vest and stating words to the effect of, "I will kick your ass."

**Additional Rule Violation:**

**Sustained — Violation of Rule 2**, "Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in that on January 27, 2015, at approximately 7:35 pm, in the vicinity of XXXX N. Laramie Avenue, while on-duty, **Officer A, Star XXXX**, threatened the victim, Subject 1, by removing his vest and stating words to the effect of, "I will kick your ass."

**Allegation 2:**

**Sustained — Violation of Rule 9**, "Prohibits engaging in any unjustified verbal or physical altercation with any person on or off duty," in that on January 27, 2015, at approximately 7:35 pm, in the vicinity of XXXX N. Laramie Avenue, while on-duty, **Officer A, Star XXXX**, stated words to the effect of, "Stop bitching."

**Additional Rule Violation:**

**Sustained — Violation of Rule 2**, "Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in that on January 27, 2015, at approximately 7:35 pm, in the vicinity of XXXX N. Laramie Avenue, while on-duty, **Officer A, Star XXXX**, stated words to the effect of, "Stop bitching."

**Allegation 3:**

**Sustained — Violation of Rule 9**, "Prohibits engaging in any unjustified verbal or physical altercation with any person on or off duty," in that on January 27, 2015, at approximately 7:35 pm, in the vicinity of XXXX N. Laramie Avenue, while on-duty, **Officer A, Star XXXX**, stated words to the effect of, "Tell your bitch to be quiet."

**Sustained — Violation of Rule 2**, "Prohibits any action or conduct which impedes the Department's efforts to achieve

**Additional Rule Violation:**

its policy and goals or brings discredit upon the Department," in that on January 27, 2015, at approximately 7:35 pm, in the vicinity of XXXX N. Laramie Avenue, while on-duty, **Officer A, Star XXXX**, stated words to the effect of, "Tell your bitch to be quiet."

**Allegation 4:**

**Unfounded**

**Allegation 5:**

**Unfounded**

**Accused 2:**

**Officer B, Star XXXX**

**Allegation 1:**

**Sustained — Violation of Rule 6**, "Prohibits disobedience of an order or directive, whether written or oral." **General Order 08-01-02, Section II, A, 5 and Section II, B, 1**, in that on January 27, 2015, at approximately 7:35 pm, in the vicinity of XXXX N. Laramie Avenue, while on-duty, **Officer Nicholas B, Star XXXX**, observed misconduct, when Officer A threatened the victim, Subject 1, by removing his vest and stating words to the effect of, "I will kick your ass," and failed to report the same.