

INTRODUCTION

The Reporting Party Victim, Subject, registered this complaint with IPRA on 05 January 2016, regarding separate traffic stops conducted on 04 January 2016 by the accused officers, Officer A #XXXXXX and Officer B #XXXX. Subject alleged that during the traffic stops of his vehicle and the vehicle of his mother, Civilian, the accused officers verbally abused him and directed profanities at Civilian. After the accused officers issued traffic citations to Subject and Civilian, Subject headed to the 011th District Station in order to obtain a report regarding a missing license plate sticker. While at the District Station, the accused officers asked Subject for his driver's license because they had neglected to retain it earlier during the traffic stop. Subject then informed an unknown officer that he would like to file a complaint against the Officer A and Officer B. The unknown officer refused and directed Subject to the City of Chicago Public Safety Headquarters.

ALLEGATIONS

It is alleged that on 04 January 2016, at approximately 1725 hours, in the vicinity of XXX S. St. Louis Avenue, **Accused Officer #1, Officer B #XXXX:**

- 1. Stated words to the effect of, "I don't want to see that shit," to Civilian;
- 2. Referred to Subject as a "black asshole";
- 3. Stated words to the effect of, "Get your black ass back. We are conducting an investigation," to Subject; and
- 4. Referred to Subject as a "real silly asshole."

It is further alleged that on 04 January 2016, at approximately 1745 hours, in the vicinity of XXXX W. Harrison Street, **Accused Officer #1, Officer B #XXXX:**

- 5. Stated words to the effect of, "Shut up bitch and get back in the truck," to Civilian;
- 6. Stated words to the effect of, "Put the fucking phone down on the dashboard," to Subject;
- 7. Stated words to the effect of, "Asshole, have a good day," to Subject;
- 8. Pointed his weapon at Subject without justification; and
- 9. Refused to provide his badge number upon Subject's request.

It is further alleged that on 04 January 2016, at the 011th District Station, **Accused Officer #1, Officer B #XXXX:**

- 10. Stated words to the effect of, "You lil' black asshole, I forgot to take your license," to Subject; and
- 11. Stated words to the effect of, "You better not try and leave again or we gonna beat your black ass" to Subject.

It is alleged that on 04 January 2016, at approximately 1725 hours, in the vicinity of XXX S. St. Louis Avenue, **Accused Officer #2, Officer A #XXXXXX:**

1. Stated words to the effect of, "Get the fuck away from the investigation," to Subject; and
2. Stated words to the effect of, "It's none of your fucking business," to Subject.

It is further alleged that on 04 January 2016, at approximately 1745 hours, in the vicinity of XXXX W. Harrison Street, **Accused Officer #2, Officer A #XXXXX:**

3. Pointed his weapon at Subject without justification;
4. Stated words to the effect of, "Now get your black ass out," to Subject; and
5. Refused to provide his badge number upon Subject's request.

It is further alleged that on 04 January 2016, at the 011th District Station, **Accused Officer #2, Officer A #XXXXX:**

6. Stated words to the effect of, "You lil' black asshole, I forgot to take your license," to Subject; and
7. Stated words to the effect of, "You better not try and leave again or we gonna beat your black ass," to Subject.

It is also alleged that on 04 January 2016, at the 011th District Station, **Accused Officer #3, an Unknown Officer:**

1. Failed to register a complaint on Subject's behalf

APPLICABLE RULES AND LAWS

Rule 8 — Disrespect to or maltreatment of any person, while on or off duty.

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

Rule 22 — Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 38 — Unlawful or unnecessary use or display of a weapon.

INVESTIGATION

In his **statement to IPRA** on 05 January 2016, the **Reporting Party Victim, Subject**, stated that on 04 January 2016, he was driving his vehicle and following the vehicle of his mother, Civilian, when she was stopped by two officers in front of XXX S. St. Louis Avenue. Subject stated that the officers, now known as Officers A and B, talked with his mother for approximately ten minutes. Subject then exited his vehicle and approached his mother's vehicle and asked Officer B if everything was all right. Officer B replied that everything was fine; at the same time, Officer A interrupted and stated words to the effect of, "Get the fuck away from the investigation," to Subject. Subject backed away from the officers and began

recording the traffic stop on his telephone. The officers issued three traffic citations to Civilian and left the area.

As Subject walked back to his vehicle, he saw Officer A and Officer B drive around the block and stop at his car. The officers then issued Subject a ticket for not having a city sticker and left the area. Subject entered his vehicle and drove toward Homan Avenue, with his mother following him in her vehicle. As Subject drove down Homan Avenue, he was stopped again by the same officers at the corner of Congress Parkway and Homan Avenue. Subject took out his cell phone to record the encounter. Officer A and Officer B approached the vehicle with their weapons drawn and pointed them at Subject. Officer B then stated words to the effect of, "Put your fucking phone down on the dashboard," to Subject. The officers explained that they stopped him because he did not use his left turn signal when he turned the corner. Subject provided his driver's license and the officers returned to their vehicle. The officers then issued Subject two citations and gave him his license back. Subject then asked the officers for their badge numbers, which the officers refused to provide. The two officers then left the area.

Subject drove to the 011th District Station and his mother followed him. Subject entered the station, while Civilian waited outside, and spoke to an unknown officer working behind the front desk. Subject asked to file a complaint against Officer A and Officer B, but the unknown officer said that he could not file a complaint at that location and that Subject needed to go to police headquarters at 35th Street to file a complaint. Before he left the district station, Subject was approached by Officer A and Officer B, who informed him that they needed his driver's license, because they forgot to take it during the traffic stop. Subject asked what would happen if he didn't give them his driver's license. The officers replied that they would follow him until he gave them his license. Subject handed his driver's license to the officers who then left the station.

During his statement, Subject changed his account and related that Officer A stated words to the effect of, "It's none of your fucking business," when the officers first encountered him. Subject further added that the video recording from his cell phone does not capture the officers' pointing their weapons and yelling profanities at him, but only recorded the officers issuing traffic citations to Civilian.' (Att. #'s 15-16)

In her **statement to IPRA** on 05 January 2016, the **witness, Civilian**, provided in essence the same information as Subject. Civilian stated that when she was stopped, when Subject inquired about the traffic stop the officers told Subject to, "get your black ass back. We conducting an investigation." The officers informed Civilian that they stopped her because she did not have a registration sticker on her rear license plate. Civilian told the officers that the vehicle was registered and she was about to show them the paperwork when Officer B stated words to the effect of, "I don't want to see that shit." Officer B and Officer A then issued Civilian three citations² and left the area. Subject walked back to his vehicle and Civilian observed the officers drive around the corner and approach Subject. Officer B then stated words to the effect of, "You black asshole," to Subject. Subject entered his vehicle and began following Civilian in her vehicle down the street. Officer A and Officer B then stopped Subject.

¹ IPRA Investigator A provided the email address for Subject to send his video recording; however, Subject failed to email the video recording from his cell phone.

² Subject received citations for failure to wear a seatbelt, double parking and no registration sticker on rear license plate.

Officer A and Officer B approached Subject's vehicle with their firearms drawn. Civilian observed the officers talk to Subject. Subject repeatedly refused to provide his identification because he was afraid that the officers would shoot him when he reached for his wallet in his rear pants pocket. Officer B then referred to Subject as a "real silly asshole" and opened the driver's side door of Subject's vehicle. Officer A then stated words to the effect of, "Now get your black ass out," to Subject. The officers ran Subject's name; when it came back clear, the officers let him go and left the area.

Subject re-entered his vehicle and drove to the 011th District Station, while Civilian followed in her vehicle. Approximately a half block later, Officer A and Officer B stopped Subject again on Homan Avenue. The officers again approached his vehicle with their firearms drawn. Civilian called out from her vehicle, "Please don't hurt my son. Please don't hurt 'em." Officer B then stated words to the effect of, "Shut up bitch and get back in the truck" to Civilian. Officer A and Officer B issued Subject two traffic citations for not having valid insurance and for not using a turn signal. Officer B handed the tickets and driver's license to Subject and then stated words to the effect of, "Asshole, have a good day."

Subject and Civilian drove their vehicle to the 011th District Station and Subject entered the building, while Civilian remained in her vehicle. Civilian stated that she was on her cell phone with her son and could hear his conversation with an unknown officer at the front desk. Civilian could not see inside the station, but heard Officer A and Officer B approach Subject and state words to the effect of, "You lil' black asshole. I forgot to take your license." Subject told the officers that his driver's license was inside his vehicle. The officers then stated to the effect of, "You better not try and leave again or we gonna beat your black ass." Subject retrieved his driver's license from the vehicle and handed it to the officers. (Att. #'s 8, 9)

The related **OEMC Event Query** documented a traffic stop at XXXX W. Harrison Street by Beat 6246A on 04 January 2016 at 1745 hours. Beat 6246A cleared from the traffic stop at 2016 hours. (Att. #20)

Several **Traffic Citations** document that Officer A and Officer B issued these citations to Subject and Civilian on the date and time of the incident under investigation. (Att. #17)

The **Attendance and Assignment Sheets** for 04 January 2016, 3rd Watch of Unit 189 was retrieved and made part of this file. The sheets indicate that Officer A and Officer B were partnered together and assigned to Beat 6246A in Vehicle #7072. (Att. #25)

A **Search for an In-Car Video Recordings** was conducted with negative results. (Att. #23)

A **Citrix Search** of the accused officers' vehicle, Vehicle #7072, indicated that the vehicle is not equipped with in-car camera video surveillance. (Att. #21)

In a **Subject/To/From Report**, the **accused Officer B #XXXX** stated that he was on duty with Officer A. Officer B came into contact with Civilian after he curbed her vehicle for having an expired registration sticker. Civilian's demeanor was friendly and pleasant throughout the incident. Officer B came into contact with Subject when Subject approached Civilian's vehicle during the traffic stop. Officer B added that he also came into contact with Subject, when the officers were issuing a parking citation to a vehicle belonging to Subject, and when conducting a

traffic stop on a vehicle being driven by Subject. Officer B further stated that he came into contact with Subject a final time at the 011th District Station when he requested Subject's driver's license. During each encounter, Subject was very upset and yelled profanities at the officers and referred to them as "bitches." Officer B denied committing any of the allegations. In addition, Officer B stated that he was mistaken and was supposed to keep Subject's driver's license as a form of bond, instead of having him sign the traffic citations. Officer B approached Subject inside the 011th District Station, informed him of the mistake and retrieved the driver's license. Officer B had no knowledge of any department member failing to register a complaint on Subject's behalf inside the 011th District Station. Officer B did not observe Officer A commit any of the allegations brought against him. (Att. #30)

In a **Subject/To/From Report**, the **accused, Officer A #XXXXX** stated in essence the same information as Officer B. Officer A denied committing any of the allegations against him. Officer A added that he mistakenly allowed Subject to sign a traffic citation as a bond in a situation where Subject's driver's license should have been retained as bond. Officer A realized this error while inside the 011th District Station and explained to him that his driver's license should have been retained. Officer A apologized for the confusion and requested that Subject provide his driver's license at that time. Officer A had no knowledge **of any** department member failing to register a complaint on Subject's behalf inside the 011th District Station. Officer A did not observe Officer B commit any of the alleged actions. (Att. #35)

CONCLUSION

Accused #1 Officer B #XXXX

Allegations #1-11: Not Sustained - The Reporting Investigator recommends a finding of Not Sustained for Officer B #XXXX for Allegations #1-11. There were no independent witnesses to corroborate Subject's allegations. Though he initially made allegations of verbal mistreatment in his intake complaint to IPRA, in his formal interview Subject failed to say that Officer B stated any of the verbal allegations. Subject's and Civilian' statements both contradicted each other. For example, while Civilian alleged that Officer B addressed her son as "black asshole," Subject never made such an allegation. In addition, when Subject approached the officers to inquire about his mother's traffic stop, Subject alleged that the officers stated, "It's none of your fucking business;" however, Civilian alleged that the officers stated to Subject, "Get your black ass back." Further, Civilian was never inside the 011th District Station when Subject had contact with Officer B, hence she did not see Officer B engage in such behavior. Finally, although Subject stated that he recorded the incident with his cell phone, he admitted that the cell phone only captured the officers' issuing citations to Civilian and never provided a copy of the recording to IPRA. Officer B provided his name and star number on the traffic citations that were issued to Subject and Civilian. Officer B denied committing all the allegations against him and his account was corroborated by Officer A.

Accused #2 Officer A #XXXXX

Allegations #1-7: Not Sustained - The Reporting Investigator recommends a finding of Not Sustained for Officer A #XXXXX for Allegations #1-7. There were no independent

witnesses to corroborate Subject's allegations. Subject contradicted himself throughout his statement. At first, Subject stated that Officer A said, "Get the fuck away from the investigation." Later, when asked about the same event, Subject stated that Officer A stated, "It's none of your fucking business." Further, Subject's and Civilian' statements both contradict each other. Subject never related in his statement that Officer A stated words to the effect of, "Now get your black ass out," "You lil' black asshole. I forgot to take your license," and "You better not try and leave again or we gonna beat your black ass." Further, Civilian was not inside the 011th District when Subject had contact with Officer A, hence she did not see Officer A engage in such behavior. Officer A provided his name and star number on the traffic citations that were issued to Subject and Civilian. Officer A denied committing the alleged actions and his account was corroborated by Officer B.

Accused #3 Unknown Officer

Allegation #1: Not Sustained - The Reporting Investigator recommends a finding of Unfounded for Allegation #1 against an Unknown Officer in connection to this case in accordance with Special Order S08-01-01, II, C, 10, which states that an investigation should be terminated "when it is determined at any time the complaint is unfounded or the member is clearly exonerated." There were no witnesses to substantiate the allegation that an Unknown Officer failed to register Subject's complaint. Further, Subject failed to provide any details about the officer in his statement. The alleged misconduct by an unknown officer will not be further addressed as the investigation proved that the complainants' allegations lack credibility.