

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1079400

INTRODUCTION

On February 23, 2016, Officer ("PO") Officer A performed Park duties. Officers assigned to patrol Chicago Park District parks in cars are required to sign a log book at each park they patrol and obtain an event number from the dispatcher. Sergeant ("Sgt.") A supervised officers assigned to parks in her area on this date. On this date, Sergeant A noticed that PO A remained "clear" for approximately two hours and only visited one park. Sergeant A sent a message to Officer A via in-car Portable Data Terminal ("PDT") asking if he obtained event numbers for the parks he visited. Officer A did not respond. Sergeant A eventually called over the radio demanding a meeting with Officer A. When the two met, Sergeant A asked Officer A if he failed to respond to messages because of a PDT malfunction. Sergeant A also asked if Officer A obtained event numbers for the parks he visited. Officer A denied getting the messages and complained that the event number requirement was petty. Officer A became frustrated and said something along the lines of, "I am a worker, not like these White Jack Offs."

ALLEGATIONS

It is alleged that on February 23, 2016, at approximately 19:55 hours, at XXXX W. Barry Avenue, Chicago, IL 60657, **accused Officer Officer A#XXXX, employee #XXXXX, unit XXX,** while on duty:

1. Stated to Sergeant A, #XXXX, something to the effect of: "I'm not like these White jack-offs," in violation of Rules 2, 3, 8, and 9.

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.¹

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.²

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

¹ This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

² This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules regulations, orders and directives of the Department or fail to report to the department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

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Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.³

INVESTIGATION

IPRA gathered relevant documentary evidence associated with this incident. In addition, IPRA obtained statements from both complainant Sergeant A and accused Officer A. Summaries of this evidence follow.

Written Complaint

Sergeant A wrote a "To/From" Report, a type of memo, to Commander A on February 26, 2016, outlining her allegations against Officer A. In summary, Sergeant A stated that, while on 3rd watch on the date of the incident with Officer A, she noticed that Officer A remained "clear" for a period of time. She explained that she reached out to him over the PDT to make sure he obtained event numbers when he visited parks. After Officer A did not reply to her messages, she reached out to him over the radio to arrange to meet at XXXX W. Barry Avenue, Chicago, IL 60657. When they met, she again asked him if he obtained event numbers when he visited parks. She wrote that Officer A replied with a grievance about the park duty administrative tasks—Officer A believed these tasks were "petty." Sergeant A wrote that Officer A also stated at some point during the conversation, "I'm a worker, not like those White Jack-offs." Sergeant A responded that race played no role in the Park assignment duties. (Attachment 4)

Portable Data Terminal (PDT) Messages

PDT messages for Sergeant A and Officer A were obtained for the date of the incident.

On February 23, 2016 at approximately 19:27 hours, Sergeant A messaged Officer A: "Hello, r u logged onto the camera and do the mics work... can I get your vehicle # and any ticket # please...thanks."

At approximately 19:39 hours, Officer A responded via message "Veh. 8742, logged on camera and mics working."

At 19:40 hours, Sergeant A sent another message stating, "Thank u....r u getting event #s for each park?"

At approximately 19:46 hours, she sent another message to Officer A stating, "Location for a meet." (Attachment 6)

³ Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

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Interview of Complainant Sergeant A

On March 21, 2016, investigators A and B interviewed Sergeant A. Sergeant A statement mirrored in relevant part her written complaint to Commander A. Sergeant A elaborated the interaction she had with Officer A when they met at XXXX W. Barry Avenue on February 23, 2016.

She stated that when they met, she again asked him if he received event numbers for visiting the parks, and he responded, "Oh, come on...that's petty." She said that Officer A asked her why he had to do that. She said that Officer A asserted that other districts did not require the same tasks of Park assigned officers or at least officers did not complete the same tasks. Sergeant A advised Officer A that she didn't care what supervisors in other districts required. She described Officer A as having his voice raised and being angry; and she further stated that he never spoke to her that way before. Sergeant A then stated that, at one point, Officer A said, "Listen, I'm a worker, I'm not like these White jack-offs." She clarified that he said "jack-off" not "jag-off" She stated that she confronted him about the situation not being racial, and that she clarified that getting event numbers is part of that assignment.

Sergeant A then stated that she explained to Officer A which parks needed event numbers and why event numbers were needed in addition to signing the logs. She stated that Officer A then calmed down and apologized, obtained event numbers, and returned to duty. (Attachments 11 & 22)

Interview of Accused PO Officer A

On April 12, 2016, IPRA investigators interviewed Officer A at 1615 W. Chicago Ave., Chicago, IL, 60622. Counsel A accompanied Officer A. Officer A affirmed the basic facts as articulated by Sergeant A in both her written complaint and IPRA statement. Officer A, however, had a slightly different perspective on some of the details of his interaction with Sergeant A on February 23, 2016.

Officer A stated that as Sergeant A questioned him about obtaining event numbers when they met at XXXX W. Barry Avenue, she seemed angry and her anger seemed to escalate as she spoke. He described her behavior as "terse" and "accusatory." He then stated that her anger prompted him to say something to the effect of: "why don't you go hassle these white jack-offs instead of me?" Officer A stated that he said this to get Sergeant A off of his back, and that when he saw that she remained angry he had to "reverse himself" and affirm her desire for him to perform the administrative park car duties. Officer A stated that he apologized to Sergeant A for making the racial statement. He stated that Sergeant A then explained to him how she wanted him to close the parks at the end of the day, and their interaction ended.

Finally, the following exchange occurred during Officer A's interview:

o• So for clarification, I am just typing to rile you tan specific allegation- On The 23rd
of February 2016, at approximately 1955 hours, at XXXX West Barry on the

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street, were you in violation of Rule 2 by making a racial comment to Sergeant A by stating, "I'm a worker, I'm not like those white jack-offs."

Officer A's Answer: I did say that. (Attachments 21 & 23)

ANALYSIS AND CONCLUSION

The investigation revealed that Officer A made the racial statement which gave rise to this log number. Officer A affirmed that he said something like, "I'm a worker, I'm not like those white jack-offs." Although Officer A stated during his interview that he made the comment during a moment of frustration with Sergeant A, and that he apologized to Sergeant A, Officer A's apology does not cure the problem with making this comment. The comment in itself remains unprofessional and racially driven. Derogatory references to race must not be tolerated amongst the professionals of the Chicago Police Department.

Therefore, Investigator Sanders recommends a finding of **Sustained** for **Allegation #1** against Officer A, in that Officer A stated something like, "I'm a worker, I'm not like those white jack-offs," as alleged by Sergeant A in violation of Rules 2, 3, 8, and 9. According to the Rules and Regulations of the Chicago Police Department, section IV, C-7, sworn members will maintain a courteous and respectful attitude towards all persons. Officer A failed to meet this standard on February 23, 2016. Allegation #1 is sustained.

FINDINGS

ACCUSED

Officer A, Star #XXXX, Employee #XXXXXX, Unit #XXX

Allegation 1

Sustained

Count 1

Violation of Rule 2, "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 February 23, 2016, Officer Officer A#XXXX, stated to Sergeant A something to the effect of: "I'm not like these white jack-offs."

Count 2

Violation of Rule 3, "Any failure to promote the Department's efforts to implement its policy or accomplish its goals," in that on February 23, 2016, Officer Officer A#XXXX, stated to Sergeant A something to the effect of: "I'm not like these white jack-offs."

Count 3

Violation of Rule 8, "Disrespect to or maltreatment of any person, while on or off duty," in that on February 23, 2016, Officer Officer A#XXXX, stated to Sergeant A something to the effect of: "I'm not like these white jack-offs."

Count 4

Violation of Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty," in that on February 23,

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2016, Officer Officer A #XXXX, stated to Sergeant A something to the effect of: "I'm not like these white jack-offs."