

INTRODUCTION

On May 25, 2011, at approximately 15:00 hours, at XXXX N. Lawndale Avenue, Chicago, Illinois, a fist fight occurred between two boys, Victim 1 and a boy named Civilian 1. Three school security guards intervened in the fight. One of the security guards was an off-duty police officer, Officer A. Officer A, along with the other guards, Civilian 2 and Civilian 3, broke up the fight. After the fight, Civilian 4, who is Victim 1's father, came to the school to complain about his son's injuries.

ALLEGATIONS

It is alleged that on May 25, 2015, at approximately 15:00 hours, at XXXX N. Lawndale Avenue, Chicago, IL, on the street outside of a Chicago Public Elementary School, **accused Officer A**, while off-duty and working as a Security Officer:

1. Threw Victim 1 to the ground, in violation of Rules 2, 3, 6, 8, 9, and 10; and
2. Stated to the Civilian 4, "I slammed him [Victim 1] once and I'll slam him [Victim 1] again. Ain't nothing you can do about it," in violation of Rules 2, 3, 8, and 9.

APPLICABLE RULES AND LAW

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 6: Disobedience of an order or directive, whether written or oral.³

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.

³ This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

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.⁴

Rule 10: Inattention to duty.

Fourth Amendment to the United States Constitution: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...

Article 1, Section 6 of the Illinois State Constitution: The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means...

Chicago Police Department General Order G03-02: Use of Force Guidelines⁵

Chicago Police Department General Order G03-02-01: Use of Force Model⁶

720 Ill. Comp. Stat. Ann. 5/7-5: [A peace officer] is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest...

INVESTIGATION

IPRA gathered relevant physical and documentary evidence associated with this incident. In addition, IPRA obtained statements from several individuals including the complainant and accused officer. A summary of this evidence follows.

Initiation Report

In her Initiation Report, Sergeant A stated that she received a call in the 011th District from the complainant, Civilian 4, at approximately 16:00 hours on May 25, 2016. Civilian 4

⁴ 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.

⁵ Relevant sections of this General Order will be discussed as necessary in the analysis and conclusion section of this Summary Report.

⁶ The analysis and conclusion section of this Summary Report will apply this General Order as necessary to the facts of this case.

stated that an unknown person called him and told him that his son, Victim 1, was engaged in a physical fight with another person in front of a Chicago Public elementary school. The unknown caller told Civilian 4 that his son, Victim 1, was slammed to the ground by an unknown off-duty officer. According to the report, Civilian 4 further stated that he went to the school and Officer A told him that he would slam his son to the ground again if he needed to break up a fight. (Attachment 4)

School Incident Report

The School Incident Report from the school stated that no video surveillance of the incident was captured. It documented that Victim 1 was escorted off school grounds at the end of the school day, and that he returned to engage in a fight with another student. The fight was broken up by a security guard who was also an off-duty police officer, and Victim 1 left the school property. A short time later, Victim 1's father, Civilian 4, came to the school and confronted the security guard/off-duty police officer about how he broke up the fight. (Attachments 22 & 30)

Crime Scene Processing Report and Photographs

A Crime Scene Processing Report documented IPRA's request for an evidence technician to take photographs of Victim 1. Eleven (**11**) photographs were taken, included identification photos as well as photos of Victim 1's right elbow, left elbow, left shoulder, inner bottom lip, nose and left eye. The photographs showed Victim 1 with a swollen left eye and scraped elbows. (Attachments 17 & 43)

Interview of Civilian 4

In a statement to IPRA on May 26, 2016, Complainant Civilian 4 stated that on May 25, 2016, at approximately 15:00 hours, his son, Victim 1, was involved in a fight at school and was slammed to the ground by accused Officer A, who works as a security guard for the school. Civilian 4 did not witness the alleged incident, but received multiple phone calls from people who did, including a woman named Witness 1, his son's girlfriend, Witness 2, and an unidentified male. Civilian 4 then went to his son's school to speak with the principal about both the fight and the security guard that "slammed" his son. On his way to the school, Civilian 4 saw his son, Victim 1. According to Civilian 4, Victim 1's shirt was bloodied and his face was red and swollen. Victim 1 did not receive medical care for his injuries. When Civilian 4 got to the school, he walked into the principal's office. Civilian 5 was present when Officer A followed him into the office and stated words to the effect of, "I slammed him once and I'll slam him again. Ain't nothing you can do about it," to Civilian 4. Civilian 4 also said that during the previous school year, there was a prior incident involving Officer A in which he shoved Victim 1 into a wall at school while responding to a classroom disruption. (Attachments 5 & 9)

Interview of Victim 1

REDACTED to protect the privacy of a minor.

Interview of Witness Civilian 5

In a statement to IPRA on June 9, 2016, Civilian 5 stated that on May 25, 2016, at approximately 15:00 hours, he became aware of a fight on school property involving the victim 1 and a fellow student named Civilian 1.⁷ A short while after learning about the fight, Civilian 5 stated that he was inside the Main Office when he observed Civilian 4, the father of Victim 1, enter the office and engage in an argument with Officer A. Civilian 4 accused Officer A of putting his hands on Victim 1, stating that Officer A threw his son roughly to the ground. Civilian 4 requested to speak to the principal, but the principal was not in the office. Civilian 5 did not observe any physical contact between Officer A and Victim 1 because he was not present for the fight outside of the school. Furthermore, Civilian 5 stated that he did not hear Officer A state to Civilian 4, "I slammed him once and I'll slam him again. Ain't nothing you can do about it."

Civilian 5 clarified that he authored the school incident report (Attachment 30) based upon the information provided to him by the school's security personnel, Civilian 2, Civilian 3, and Officer A. He stated that the three security guards escorted Victim 1 off of school property, telling him to keep moving. However, Victim 1 returned and engaged in the fight. Civilian 2 and Officer A broke up the fight. Neither of the guards informed Civilian 5 of the specific physical contact they had with the students while breaking up the fight. (Attachments 21 & 32)

Interview of Witness Civilian 2

In a statement to IPRA on June 9, 2016, Witness Security Guard Civilian 2 stated that on May 25, 2016, at approximately 15:00 hours, he was standing in front of the elementary school with Officer A ushering the students off the property because school was over. Civilian 2 observed Victim 1 leave the property and then walk back towards the school. According to Civilian 2, Victim 1 approached another student, Civilian 1, and initiated a fight. Civilian 2 and Officer A approached the students that were fighting. Civilian 2 stated that Officer A stood between the two students and extended his hands outward to push them apart. Victim 1 and Civilian 1 continued to attempt to fight one another, even though Officer A was standing between them. Civilian 2 stated that he grabbed Victim 1 by the waist, and Victim 1 flailed his arms in an attempt to break free. Civilian 2 lost his grip on Victim 1 and Victim 1 fell to the ground on his hands and knees. While Victim 1 was on the ground, a sixth grader named Civilian 6⁸ kicked Victim 1 in the face and then ran away. Victim 1 and Civilian 1 were allowed to leave once the fight was broken up.

Civilian 2 did not observe any injury to Victim 1 when he left, but was later told that his face was bloodied due to being kicked. Civilian 2 did not observe any physical contact between

⁷ In a Personal Visit to the Residence of Civilian 1, a woman who identified herself as Civilian 1's Grandmother stated that Civilian 1 was not home. She related that Civilian 1 had told her about the fight at school, but that he did not witness the alleged incident because he had been escorted inside of the school immediately after the fight. (Attachment 45)

⁸ An Attempt to Contact and Interview Witness Civilian 6 was made, but a woman who identified herself as his mother refused to allow him to be interviewed. (Attachment 44)

Victim 1 and Officer A other than when Officer A separated the two boys. About twenty minutes after the fight ended, Civilian 2 was standing in the hallway with Officer A when he observed Civilian 4 enter the building. Civilian 4 accused Officer A of "slamming" his child. Officer A told Civilian 4 that he didn't know what he was talking about. Civilian 2 stated that both allegations against Officer A were false. In the days following the incident, Civilian 2 asked Victim 1 why he accused Officer A of throwing him on the ground, to which Victim 1 offered no response. (Attachments 25 & 33)

Interview of Witness Civilian 3

In a statement to IPRA on June 9, 2016, Witness Civilian 3 stated roughly the same version of the facts as articulated by Civilian 2. Specifically, Civilian 3 stated that Officer A grabbed Civilian 1 while Civilian 2 grabbed Victim 1. Victim 1 was "throwing his elbows" in an attempt to break free of Civilian 2, which he eventually did. As a result, Victim 1 fell to the ground and was kicked in the face by Civilian 6. Civilian 3 observed that Victim 1 was bleeding from his mouth due to the kick. Civilian 3 stated that his role was to observe the surroundings and make sure that none of the other students attempted to engage in the fight. Civilian 3 did not hear Victim 1 make any statement regarding abuse by one of the security guards. Approximately thirty minutes later, Civilian 4 arrived at the school and confronted Officer A. Civilian 3 stated that both allegations against Officer A were false. (Attachments 28 & 34)

Interview of Accused Officer A

In a statement to IPRA on June 24, 2016, Accused Officer A stated that on May 25, 2015, at approximately 15:00 hours, he was off-duty, working secondary employment as a Security Guard at a public elementary school. Officer A stated that he was working with two other security guards, Civilian 2 and Civilian 3. Officer A stated that he and the other security guards were standing outside at the time of the incident, ushering the children off of the school's property to go home for the day. Victim 1 was one of the students that Officer A told to go home that day. Initially, Victim 1 complied with Officer A's request and left the school property. However, Victim 1 returned to the school grounds and confronted another student, named Civilian 1. The two boys engaged in a hand to hand fight, resulting in Officer A and Civilian 2 intervening. Officer A stated that he stepped between the two boys, grabbing Civilian 1, and escorting him into the school. Officer A stated that he had no physical contact with Victim 1 that he was aware of and that he did not know what physical contact Civilian 2 had with Victim 1. Prior to escorting Civilian 1 into the school, Officer A did not observe injury to either Civilian 1 or Victim 1.

Officer A observed Victim 1's father, Civilian 4, in the hallway of the school as he was escorting Civilian 1 to the main office. Officer A was familiar with Civilian 4, stating that he had come to the school multiple times before regarding his son's behavior. Civilian 4 accused Officer A of slamming his son to the ground and stated that he was going to file a complaint. Officer A stated that he told Civilian 4 he did not have any physical contact with Victim 1. Once they arrived to the main office, Officer A stated that Civilian 4 "cursed the Civilian 5 out." The next day, a student named Civilian 6 informed Officer A that he had kicked Victim 1 in the face and was likely the cause of Victim 1's injuries. A day later, Victim 1 apologized to Officer A and told him that he never told Civilian 4 that Officer A had slammed him to the ground. Officer

A stated that he did not know about Victim 1 falling to the ground until after Civilian 3 told him. Officer A denied the allegations against him. (Attachments 35 to 42)

ANALYSIS AND CONCLUSION

IPRA recommends a finding of **Not Sustained** for **Allegation #1** against accused Officer A, which alleged that he threw Victim 1 to the ground. There is insufficient evidence to prove this allegation. The photographs of Victim 1 and the interviews of Victim 1 and Civilian 4 tend to support the allegations. The interviews of the involved security guards, including Officer A, tend to disprove the allegations. Based on conflicting witness testimonies, IPRA finds this allegation to be not sustained.

IPRA recommends a finding of **Not Sustained** for **Allegation #2** against accused Officer A, which alleged that he stated to Civilian 4, "I slammed [Victim 1] once and I'll slam him again. Ain't nothing you can do about it." There is insufficient evidence to prove this allegation. Based on inconsistent witness testimonies, IPRA finds this allegation to be not sustained.