

## **SUMMARY OF INCIDENT**

On April 12, 2017, at approximately 5:49 PM, Chicago Police officer A observed complainant Subject 1 selling Chicago Cubs tickets around the area of XXXX North Kenmore. In response to this observation, Officer A and his partner, Officer B, stopped Subject 1 to conduct a field interview. After determining that Subject 1 was selling tickets without proper licensing, Officer A issued Subject 1 an Administrative Notice of Ordinance Violation. During the course of Officer A's interaction with Subject 1, a dispute arose as to whether the detention of Subject 1 was justified. Subject 1 alleges that during this dispute, Officer A called him a "nigger" and asked Subject 1, "boy, you hear what I say?"

After the interaction between Officer A and Subject 1 was concluded, Subject 1 approached Sergeant A to file a complaint. According to Subject 1, he apprised Sergeant A of his interaction with Officers A and B, but Sergeant A failed to take any responsive remedial action. After these interactions with members of the Chicago Police Department, Subject 1 filed a complaint with the Independent Police Review Authority (IPRA) on April 19, 2017. An investigation into this complaint was commenced at that time. The results of this investigation are as follows.

## **ALLEGATIONS**

It is alleged that on April 12, 2017, at approximately 5:49 PM, in the vicinity of XXXX North Kenmore, Officer A, Star XXXX:

- 1) Stopped Subject 1 outside Wrigley Field without justification, in violation of Rule 2; and,
- 2) Called Subject 1 a "nigger" and said to him, "boy, you hear what I say?" in violation of Rules 2, 8 and 9.

It is alleged that on April 12, 2017, at approximately 6:00 PM, in the vicinity of XXXX West Waveland, Sergeant A, Star XXXX:

- 1) Failed to take any remedial action after Subject 1 apprised Sergeant A of the way Officers A and B acted towards him, in violation of Rules 2, 5 and 10;
- 2) Failed to create a CR number against Officers A and B after Subject 1 made his complaint, in violation of Rules 2, 5 and 10;
- 3) Failed to properly investigate Subject 1's complaints against Officers A and B, in violation of Rules 2, 5, 10 and 11; and,
- 4) Failed to ensure that Subject 1's civil rights were not violated after Subject 1 informed Sergeant A of the groundless stop, in violation of Rules 2, 5, and 10.

**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.
- Rule 5:** Failure to perform any duty.
- 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 10:** Inattention to duty.
- Rule 11:** Incompetency or inefficiency in the performance of duty.

**Citation front the City of Chicago Municipal Code:**

10-8-505 Selling tickets near a stadium or playing field.

(a) It shall be unlawful for any person, while located on the public way within 2,000 feet of a stadium or playing field, to sell, offer, or expose for sale, or solicit any other person to purchase tickets for any amusement produced or presented in that stadium or playing field.

(b) For purposes of this section, the following definitions shall apply:

"Stadium" or "playing field" shall mean a stadium or playing field which is not totally enclosed and contains more than 15,000 seats where any such seats are located within 100 feet of 200 or more dwelling units. The 100-foot distance shall be measured from the seat to the nearest point of the buildings in which the dwelling units are contained.

"Amusement" shall be defined as set forth in Section 4-156-010 of this Code.

"Dwelling unit" shall mean a room designed or used for sleeping accommodations, including hotel and dormitory rooms.

(c) Any person found guilty of violating this section shall be subject to a fine of not less than \$50.00 nor more than \$200.00.

**INVESTIGATION**

In order to fully investigate the allegations which form the basis of this log number, a series of evidentiary steps were taken by IPRA investigators. Importantly, interviews of the complainant, the accused CPD members, and the witness officer were conducted at IPRA headquarters. To provide context and clarity to these interviews, documents relevant to this log were identified and, if available, produced by the keepers of record. These evidentiary steps are detailed as follows.

**I. IPRA Intake Interview:**

On April 19, 2017 at approximately 1:05 PM, complainant Subject 1 telephoned the offices of the Independent Police Review Authority and initiated Log #XXXXXX. (Att. 1) During that call, Subject 1 alleged that he was subjected to Chicago Police misconduct on April 10, 2017, at approximately 5:00 PM and in the area of XXXX West Waveland. (*Id.*) Specifically, Subject 1 alleged that during the time in question, Officer A grabbed Subject 1, called him a "gang-banging nigger" and told Subject 1 "if I ever see you here again I'll fucking arrest you." (*Id.*) With regard to an unknown Chicago Police officer who was standing next to Officer A, Subject 1 alleged that the unknown officer told Subject 1, "you'd better listen to him, boy." (*Id.*) Subject 1 then informed IPRA intake that he spoke with an unknown sergeant about his interaction with the two accused officers. (*Id.*) With regard to this sergeant, Subject 1 alleged that the sergeant ignored Subject 1's complaint, failed to intervene on Subject 1's behalf, and did not register a complaint on Subject 1's behalf. (*Id.*) An interview with Subject 1 was scheduled for the next day, April 20, 2017 at noon. (*Id.*)

**II. IPRA In-Person Interviews:****a. Interview of Complainant Subject 1**

Subject 1 arrived at the IPRA offices on April 20, 2017, and an interview was conducted at approximately 12:45 PM. (Atts. 11, 12) During this interview, Subject 1 elaborated on the involvement of each officer's role in this incident. (Att. 12) Subject 1 indicated that on April 10, 2017, he was selling tickets outside Wrigley Field with two or three other men. (*Id.*) At around 5:00 PM, Subject 1 was approached by Officer A, who suggested that Subject 1 was selling Chicago Cubs tickets without proper permitting. (*Id.*) Officer A then wrote an Administrative Notice of Ordinance Violation against Subject 1, citing to 10-8-505 of the Municipal Code. (*Id.*) According to Subject 1, however, he was not actively selling tickets at the time Officer A approached him. (*Id.*) In consideration of this situation, Subject 1 informed Officer A that the detention was unjustified. (*Id.*) In response, Officer A called Subject 1 a nigger and told Subject 1, "boy, you hear what I say?" (*Id.*) The interaction between Officer A and Subject 1 concluded after approximately two minutes, at which point Subject 1 walked away from the scene. (*Id.*) Based on Subject 1's recollection, Officer A's partner did not become involved in this altercation. (*Id.*)

After walking away from the Chicago Police officers, Subject 1 approached Sergeant A of the XXX District. (Att. 12) Subject 1 indicated that he apprised Sergeant A about Officer A's actions, but Sergeant A failed to investigate Subject 1's complaint. (*Id.*) Moreover, Subject 1 alleged that Sergeant A failed to mitigate the situation, nor did Sergeant A create a log number regarding the incident. (*Id.*) During his interview, Subject 1 was able to produce an ANOV receipt, which he indicated was a copy of the ANOV issued by Officer A on April 10, 2017. (Att. 13) Subject 1 also indicated that he knows two or three men who might have seen the interaction between him and Officer A; Subject 1 was unable to provide their contact information at the time of the interview. (Att. 12)

**b. Attempted Interview of Third Party Civilian Witnesses**

As Subject 1 suggested in his statement that several other individuals were present when he was detained by Chicago Police, the reporting investigator reached out to Subject 1 to establish these identities. Subject 1 provided the names Civilian 1 and Civilian 2, as well as their relevant contact information. Despite several calls and voicemails left for Civilian 1, the reporting investigator was unable to establish contact with this person. After repeated calls to Civilian 2, an interview date of July 20, 2017 was scheduled for Civilian 2 to appear at the IPRA offices. Civilian 2 failed to appear at IPRA on that date, and Civilian 2 failed to respond IPRA's subsequent attempts at communication. Without further third party witnesses to the alleged incident, interviews with Officer A and Sergeant A were scheduled.

**c. Interview of Accused Officer A**

The interview of Officer A was scheduled for August 8, 2017 at 6:30 AM. (Att. 23) In his interview, Officer A affirmed that he was not working outside Wrigley Field on April 10, 2017, and that he was assigned to Wrigley Field on April 12, 2017. (Att. 27) When asked, Officer A was able to provide the name of his partner on April 12, 2017, one Officer B. (*Id.*) Officer A indicated that he and Officer B were both working as PPOs for Unit XXX, the special events unit, on April 12, 2017. (*Id.*) Officer A noted that officers working in Unit XXX were typically supervised by sergeants from Unit XXX, rather than sergeants from the district in which they were detailed. (*Id.*) As such, Officer A recalled working outside Wrigley Field with Sergeants B and C of Unit XXX, rather than any sergeants working in District 019. (*Id.*) When asked, Officer A stated that he has no recollection of working with a Sergeant A of XXXX. (*Id.*)

Officer A was able to recall interacting with Subject 1 twice on April 12, 2017. (Att. 27) The first interaction took place in the afternoon of April 12, 2017, when Officer A saw Subject 1 selling Cubs tickets just outside Wrigley Field. (*Id.*) At this point, Officer A decided to remedy the issue by giving Subject 1 a verbal warning. In response to this warning, Subject 1 walked away from Officer A. (*Id.*) Approximately an hour later, Officer A saw Subject 1 a second time. (*Id.*) Again, Subject 1 was observed selling Cubs tickets, this time around the intersection of XXXX and Kenmore. (*Id.*) As Officer A saw Subject 1 still in violation of section 10-8-505 of the City of Chicago Municipal Code, Officer A stopped Subject 1 and issued him an ANOV. (*Id.*) According to Officer A, Subject 1 objected to receiving the ANOV, indicating that he had not been selling tickets at that time. (*Id.*) Despite this divergence of opinion, Subject 1 took the ANOV and walked away from Officer A approximately two minutes after being stopped. (*Id.*) While Officer A could recall his partner, Officer B, being present during the second interaction with Subject 1, Officer A could not recall Officer B becoming involved in the interaction. (*Id.*)

**d. Interview of Accused Sergeant A**

The interview of Sergeant A was scheduled for August 15, 2017 at 3:00 PM. (Att. 28) In his interview, Sergeant A confirmed that he was the XXXX sergeant in charge of crowd control during events at Wrigley Field. (Att. 32) Sergeant A was also able to confirm that he was present for duty at Wrigley Field on April 12, 2017. (*Id.*) When asked, Sergeant A noted that he typically oversees eight officers during crowd control at XXXX, all of whom are assigned to District XXX. (*Id.*) According to Sergeant A, there are times when outside units offer support outside XXXX, but

these units are managed by their own command staff. (*Id.*) Thus, while there are times when officers from outside XXXX are detailed to Wrigley Field security operations, Sergeant A would not be involved in their supervision. Among these outside units, Sergeant A recalls Unit XXX officers being detailed to Wrigley Field in the past. (*Id.*)

Although Sergeant A had no memory of working with Officers A or B, he did recall interacting with Subject 1 on April 12, 2017. (Att. 32) On that date, Subject 1 approached Sergeant A and informed Sergeant A that his officers are racist. (*Id.*) In response to this complaint, Sergeant A inquired as to who the officers were, what was said, and when and where the interaction occurred. (*Id.*) According to Sergeant A, Subject 1 provided no detail whatsoever in response to these queries, instead only repeating the statement, "your officers are racist." (*Id.*) Seeing two officers in the direction from which Subject 1 had just walked, Sergeant A asked Subject 1 if they were the involved officers. (*Id.*) Subject 1 did not respond to this query and instead kept trying to walk away from Sergeant A. (*Id.*) Without receiving any input from Subject 1, Sergeant A asked Subject 1 if he wished to file a complaint. (*Id.*) In response, Subject 1 informed Sergeant A that he already had a complaint filed; at this point, Subject 1 walked away from Sergeant A. (*Id.*)

After concluding this interaction, Sergeant A walked up to the two officers he referenced with Subject 1. (Att. 32) Sergeant A inquired whether the officers had just interacted with Subject 1; the officers responded that they had not. (*Id.*) Sergeant A was unable to recall the identity of either of these officers. (*Id.*) During his interview, Sergeant A was asked what the minimum amount of information would be required to initiate a complaint. (*Id.*) In response, Sergeant A noted that he would need some kind of identifier as to who the officer was, which could include description, name or star number. (*Id.*) According to Sergeant A, information as to what occurred during an interaction between officer and civilian would also be required to create a complaint. (*Id.*) In want of any of this information, Sergeant A characterized his April 12, 2017 interaction with Subject 1 as a general criticism of the Chicago Police Department. (*Id.*)

#### **e. Interview of Witness Officer B**

The interview of Officer B was scheduled for August 17, 2017 at 6:30 AM. (Att. 33) In his interview, Officer B confirmed that on April 12, 2017, he was detailed to Unit XXX outside Wrigley Field. (*Id.*) On that date, Officer B was working as a PPO with his partner, PPO Officer A. (*Id.*) Officers B and A were assigned to work a post on Waveland, the north side of Wrigley Field, where they oversaw crowd control and responded to criminal activity. (*Id.*) Officer B was able to recall interacting with Subject 1 on April 12, 2017; on that date, Officer B observed Subject 1 selling Cubs tickets on Waveland, just outside Wrigley Field. (*Id.*) In response to this observation, Officer B's partner, Officer A, stopped Subject 1 and issued Subject 1 an ANOV. (*Id.*) Based on Officer B's recollection, Subject 1 contested whether he was in fact selling tickets. When asked for identification, Officer B remembers Subject 1 being reluctant to give up his ID card. (*Id.*) Officer B had no memory of Officer A using profanity during his interaction with Subject 1, and the entire interaction lasted approximately two minutes. (*Id.*)

When asked, Officer B indicated that he did not speak with Subject 1 during the interaction, but Officer B did show Subject 1 his star number after Subject 1 asked for identification. (Att. 33) At the conclusion of the interaction between Officers A and B and Subject

1, Subject 1 walked away. (*Id.*) Officer B had no memory of interacting with Subject 1 at any other point on April 12, 2017, nor did Officer B recall speaking with a supervisor about the interaction with Subject 1. (*Id.*) Like Officer A, Officer B indicated that officers detailed to Unit XXX are supervised by sergeants in Unit XXX, and not sergeants from the district they are sent to. (*Id.*) Thus, according to Officer B, the chain of command for a Unit XXX officer working Wrigley Field crowd control would come from Unit XXX, not XXX. (*Id.*) Officer B noted that he has no memory of ever working with a Sergeant A, nor did he interact with any XXX sergeants on April 12, 2017. (*Id.*)

### **III. Documentary Evidence**

#### **a. Attendance and Assignment Sheets**

To verify that Officer A and Sergeant A worked outside Wrigley Field on April 10, 2017, relevant Attendance and Assignment sheets were pulled. (Atts. 14, 34, 35) While Sergeant A was recorded as working outside Wrigley Field on April 10, 2017, Officer A was recorded as not present, day off on April 10, 2017. (Atts. 14, 35) Upon further examination of the ANOV receipt provided by Subject 1, it was noted that the date of issue was April 12, 2017, not April 10, 2017. (Att. 13) A&A sheets were then pulled for Officer A and Sergeant A regarding April 12, 2017; both CPD members were assigned to work outside Wrigley Field that day. (Att. 34) These A&A records were also consulted in order to establish who Officer A's partner would have been at the time of the incident. (*Id.*) However, due to Officer A's then-status as a probationary police officer (PPO) detailed to Cubs watch, Officer A shared a beat number with several other PPOs, making it difficult to determine who exactly was present for the interaction with Subject 1. (*Id.*)

#### **b. Video Evidence**

To see if the incident was given an event number, all events numbers recorded on April 10, 2017 within a 1000' radius of the incident were pulled. No events matching the interaction with Subject 1 were recovered. In order to locate independent evidence of Subject 1's claims, a search was conducted for POD video in the area of XXXX West Waveland. (Atts. 4, 5) Based on search results, no POD cameras were located on any portion of Waveland that abuts Wrigley Field. (Att. 4) A request for relevant video from the body worn cameras of Officer A and Sergeant A was also placed. (Atts. 6, 16) However, due to Officer A's status as PPO on April 12, 2017, he was not equipped with a body worn camera at the time of the incident. (Att. 27) Moreover, the district that Sergeant A is assigned to, XXX, was not outfitted with body worn cameras at the time of the alleged incident. (Att. 32) In car camera footage from the vehicle assigned to Sergeant A was also not recovered. (Att. 16) Contact was also made with Chicago Cubs security in an effort to locate footage from Wrigley Field security cameras. (Att. 36) While the Chicago Cubs do maintain cameras near the location of the incident, the retention period for such footage is only 30 days, and footage relevant to this incident had already been destroyed by the time of inquiry. (*Id.*) Furthermore, the rooftop bars nearest to the scene of the incident do not have security cameras on the exterior of their buildings. (*Id.*)

### **ANALYSIS**

This complaint register involves allegations against two members of the Chicago Police

Department, with two allegations against Officer A and four allegations against Sergeant A. IPRA's recommended finding on each allegation follows, along with IPRA's basis for reaching each recommended finding.

I. **Accused Officer A, Star #XXXX**

a. **Allegation #1: On April 12, 2017 at approximately 5:49 PM, Officer A stopped Subject 1 outside Wrigley Field without justification, in violation of Rule 2.**

With regard to Allegation #1, IPRA recommends a finding of **Unfounded**. From the statement of Officer A, Subject 1 was seen selling tickets outside Wrigley Field on April 12, 2017. Noting that Subject 1 was violating the City of Chicago Municipal Code, Officer A instructed Subject 1 to cease and vacate. While Subject 1 initially obeyed this order, approximately an hour later Officer A observed Subject 1 selling Cubs tickets outside Wrigley Field. Based on the statements of Officers A and B, Subject 1 was then stopped for selling Cubs tickets outside Wrigley field, a violation of the City of Chicago Municipal code. On that date, at approximately 5:49 PM, Officer B issued Subject 1 an ANOV citing to 10-8-505 of the Municipal Code.

Under 10-8-505, "it shall be unlawful for any person, while located on the public way within 2,000 feet of a stadium or playing field, to sell, offer or expose for sale, or solicit any other person to purchase tickets for any amusement produced or presented in that stadium or playing field." Based on the observations of Officers A and B, as well as the observations of Sergeant A, Subject 1 was seen selling Chicago Cubs tickets on Waveland Avenue, just outside Wrigley Field. As this commercial activity and location would fall within the parameters of 10-8-505, Officer A would have probable cause to stop Subject 1 and issue him an ANOV. While Subject 1 indicates that he was not engaged in the sale of Cubs tickets at the time he was stopped by Officer A, there is no independent source to verify this position as the individuals who he suggests witnessed the stop have not cooperated with this investigation.

Further diminishing Subject 1's position is the fact that he took a sworn statement claiming that the groundless stop took place on April 10, 2017. However, based on attendance logs from April 10, 2017, neither Officer A nor Officer B were working on that day. Moreover, the ANOV receipt provided by Subject 1 at the time of his statement indicates that he was cited on April 12, 2017. Attendance logs from April 12, 2017 verify that Officers A and B were detailed to Wrigley Field duty on that day. Where Subject 1 claims he was wrongly issued an ANOV by Officer A on April 10, 2017, attendance records and the ANOV itself make it clear that the interaction between Subject 1 and Officer A must have occurred on April 12, 2017.

Although Subject 1 claims he was not selling tickets at the time he was stopped, he has provided no evidence to support that position. In contrast, two members of the Chicago Police Department have stated that at approximately 5:49 PM on April 12, 2017, they witnessed Subject 1 selling Cubs tickets just outside Wrigley Field. As this is a violation of the City of Chicago Municipal Code, Officers A and B would have had probable cause to stop Subject 1 and issue an Administrative Notice of Ordinance Violation. Considering this disparity in evidence between the evidence provided by Subject 1 and the statements provided by Chicago Police officers, the allegation that Subject 1 was stopped without cause on April 12, 2017 is not supported. As such, the allegation should be **Unfounded**.

**b. Allegation #2: On April 12, 2017, Officer A called Subject 1 a "nigger" and said "boy, you hear what I say," in violation of Rules 2, 8, and 9.**

With regard to Allegation #2, IPRA recommends a finding of **Not Sustained**. During his interview, Officer A notes that he did not use any profane language while interacting with Subject 1 on April 12, 2017. Officer B also indicated that during Officer A's April 12, 2017 interaction with Subject 1, Officer A refrained from using profane language. According to Sergeant A, Subject 1 informed Sergeant A on April 12, 2017 that "his officers are racist," but Subject 1 failed to provide any additional detail as to who the officers in question were, or what was said.

Again, Subject 1's argument is diminished by a divergence of dates. In his sworn statement, Subject 1 claims that Officer A subjected him to profanities on April 10, 2017, the same date that he claims Officer A wrote the ANOV. However, attendance logs show that neither Officer A nor Officer B were working on April 10, 2017. The ANOV itself shows an issuance date of April 12, 2017. Additionally, while Subject 1 has provided the contact information of two people he claims witnessed his interaction with Officer A, neither of these individuals has cooperated with this investigation. Given the lack of evidence to support these allegations, as well as the amount of evidence refuting such allegations, it is not possible to determine whether Officer A directed profane language at Subject 1 on April 12, 2017. As such, the allegation should be **Not Sustained**.

**II. Accused Sergeant A, Star #XXXX**

**a. Allegation #1: On April 12, 2017, at approximately 6:00 PM, in the vicinity of XXXX West Waveland, Sergeant A, Star XXXX failed to take any remedial action after Subject 1 apprised Sergeant A of the way Officers A and B acted towards him, in violation of Rules 2, 3, 5 and 10.**

With regard to Allegation #1, IPRA recommends a finding of **Not Sustained**. Specifically, Subject 1 indicated that he apprised Sergeant A of his interaction with Officer A, including Officer A's profane language and the groundless stop. According to Subject 1, Sergeant A ignored these complaints and failed to take any remedial action whatsoever. As Officers A and B have no recollection of working with Sergeant A, and Subject 1's witnesses have failed to cooperate with this investigation, the only other available party to this interaction is Sergeant A.

Sergeant A was able to recall the interaction with Subject 1, but his recollection plays out differently. While Subject 1 did approach Sergeant A on April 12, 2017 with a complaint, Sergeant A can only recall Subject 1 saying "your officers are racist." Sergeant A attempted to investigate the complaint by asking Subject 1 a series of follow-up questions, including who the officers were, what they said, and when the interaction took place. According to Sergeant A, Subject 1 could provide no information whatsoever in response to these queries. Furthermore, when Sergeant A specifically asked Subject 1 if he wanted to pursue a complaint, Subject 1 indicated that he had already filed a complaint. Without any detail with which to generate a complaint log, let alone Subject 1's apparent lack of interest in actually filing a complaint, Sergeant A had insufficient reason to treat Subject 1's comment as more than a criticism of Chicago policing.

While Subject 1 claims to have apprised Sergeant A of his interaction with Officer A, Subject 1 also alleges that the events in question transpired on April 10, 2017. However, if this were true, it would not be possible for Subject 1 to complain about an interaction he just had with Officer A, as Officer A did not work on April 10, 2017. Additionally, Subject 1 would not have been able to complain on April 10, 2017 about being stopped for an ANOV that was issued April 12, 2017. Even with these discrepancies, Subject 1 suggests that his version of events is supported by two witnesses, whose contact information he provided. As these witnesses have been uncooperative in this investigation, Subject 1's version of events remains uncorroborated. With insufficient evidence to demonstrate that Subject 1 provided Sergeant A with detail concerning Subject 1's interaction with Officer A, it is not possible to determine whether Sergeant A's reaction was inadequate. As such, this allegation should be **Not Sustained**.

**b. Allegation #2, that on April 12, 2017, at approximately 6:00 PM, in the vicinity of 1000 West Waveland, Sergeant A failed to create a CR number against Officers A and B after Subject 1 made his complaint, in violation of Rules 2, 3, 5 and 10.**

With regard to Allegation #2, IPRA recommends a finding of **Not Sustained**. As stated above, Subject 1 claims to have informed Sergeant A of his interaction with Officer A, including allegations that Officer A stopped Subject 1 without justification and spoke to Subject 1 in profanities. However, Sergeant A indicates that when Subject 1 spoke to him on April 12, 2017, Subject 1 provided no detail concerning his interaction with members of the Chicago Police Department beyond "your officers are racist." When asked what would be the minimum amount of information required to create a complaint log, Sergeant A indicated that he would need at least a description of the officer and some kind of detail as to what happened. Again, as no third party witnesses to this interaction have cooperated with this investigation, the only evidence available are the statements of Subject 1 and Sergeant A. Without sufficient evidence to suggest that Subject 1 provided Sergeant A with such information, this allegation should be **Not Sustained**.

**c. Allegation #3, that on April 12, 2017, at approximately 6:00 PM, in the vicinity of XXXX West Waveland, Sergeant A failed to properly investigate Subject 1's complaints against Officers A and B, in violation of Rules 2, 3, 5, 10 and 11.**

With regard to Allegation #3, IPRA recommends a finding of **Not Sustained**. As stated above, while Subject 1 claims to have fully debriefed Sergeant A on his interaction with Officer A, Sergeant A claims that Subject 1 was unwilling to provide the information necessary to conduct an investigation. Again, as no third party witnesses to this interaction have cooperated with this investigation, the only evidence available are the statements of Subject 1 and Sergeant A. Without sufficient evidence to suggest that Subject 1 provided Sergeant A with such information, this allegation should be **Not Sustained**.

**d. Allegation #4, that on April 12, 2017, at approximately 6:00 PM, in the vicinity of XXXX West Waveland, Sergeant A failed to ensure that Subject 1's civil rights were not violated after Subject 1 informed Sergeant A of the groundless stop, in violation of Rules 2, 3, 5, 6 and 10;**

Lastly, with regard to Allegation #4, IPRA recommends a finding of **Unfounded**. As stated above, Subject 1 indicated that he was stopped by Officer A without justification.

However, both Officer A and Officer B note in their statements that on April 12, 2017, they observed Subject 1 selling tickets outside Wrigley Field. As this activity is a violation of the City of Chicago Municipal Code, Officer A had probable cause to stop Subject 1 and issue Subject 1 an Administrative Notice of Ordinance Violation. Based on his statement to IPRA, this is the same ANOV that Subject 1 complained about while speaking with Sergeant A.

Even assuming, *arguendo*, that Subject 1 provided Sergeant A with sufficient information regarding his interaction with Officer A, the evidence suggests that probable cause existed to stop Subject 1 and issue the ANOV. As such a stop would be justified under the United States constitution, Sergeant A would not have reason to believe that Subject 1's civil rights had been violated. Moreover, if Subject 1 provided Sergeant A with no detail concerning his interaction with Officer A, as is suggested in Sergeant A interview, Sergeant A would not have sufficient evidence to believe that Subject 1's civil rights had been violated. Given the amount of evidence to suggest that Subject 1 was lawfully detained, the allegation that Sergeant A failed to ensure that Subject 1's civil rights were not violated must be **Unfounded**.

**CONCLUSION**

**Accused #1:           Officer A, #XXXX**

**Allegation #1:       Unfounded.** 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 April 12, 2017, at approximately 5:49 PM, in the vicinity of XXXX North Kenmore, Officer A, Star XXXX, stopped Subject 1 outside Wrigley Field without justification.

**Allegation #2:       Not Sustained.** 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," Rule 8, "Disrespect to or maltreatment of any person, while on or off duty," and Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty," in that on April 12, 2017, at approximately 5:49 PM, in the vicinity of XXXX North Kenmore, Officer A, Star XXXX called Subject 1 a "nigger" and said to him, "boy, you hear what I say?".

**Accused #2:           Sergeant A, #XXXX**

**Allegation #1:       Not Sustained.** 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," Rule 5, "Failure to perform any duty," and Rule 10 "Inattention to duty," in that on April 12, 2017, at approximately 6:00 PM, in the vicinity of XXXX West Waveland, Sergeant A, Star XXXX failed to take any remedial action after Subject 1 apprised Sergeant A of the way Officers A and B acted towards him.

**Allegation #2:       Not Sustained.** 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," Rule 5, "Failure to perform any duty," and Rule 10 "Inattention to duty," in that on April 12, 2017, at approximately 6:00 PM, in the vicinity of XXXX West Waveland, Sergeant A, Star XXXX failed to create a CR number against Officers A and B after Subject 1 made his complaint.

**Allegation #3:       Not Sustained.** 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," Rule 5, "Failure to perform any duty," Rule 10, "Inattention to duty," and Rule 11 "Incompetency or inefficiency in the performance of duty," in that on April 12, 2017 at approximately 6:00 PM, in the vicinity of XXXX West Waveland, Sergeant A, Star XXXX failed to properly investigate Subject 1's complaints against Officers A and B.

**Allegation #4:       Unfounded.** Violation of Rule 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," Rule 5, "Failure to perform any duty," and Rule 10, "Inattention to duty," in that on April 12, 2017 at approximately 6:00 PM, in the vicinity of XXXX West Waveland, Sergeant A, Star 1492 failed to ensure that Subject 1's civil rights were not violated after Subject 1 informed Sergeant A of the groundless stop.