

INTRODUCTION¹

On 21 October 2015, off-duty Sergeant A identified Subject 1 as one of three offenders of a residential burglary that took place at XXXX S. Monitor. On-duty Officer A arrested Subject 1 for the burglary. Subject 1 alleged that during his arrest, Officer A physically and verbally abused him and failed to provide him with medical treatment.

ALLEGATIONS

Subject 1 alleged that on 21 October 2015, at approximately 10:45–10:55 a.m., at XXXX S. Kilpatrick, **Officer A:**

1. Grabbed Subject 1 by the shirt/chest area, and pulled him out of a vehicle, in violation of Rule 8;
2. Slammed Subject 1 down onto the ground, in violation of Rule 8;
3. Kneed Subject 1 about the body, in violation of Rule 8;
4. Grabbed and twisted Subject 1's arms and wrists behind him, in violation of Rule 8;
5. Dragged Subject 1 while on the ground to the squad car, in violation of Rule 8;
6. Directed profanities at Subject 1 and called him a "Motherfucker," in violation of Rule 9;
7. Directed derogatory names at Subject 1 and called him a "nigger," in violation of Rule 9;

Subject 1 further alleged that after his arrest on the same date, **Officer A:**

8. Failed to provide Subject 1 with medical attention, in violation of Rule 10.

APPLICABLE RULES AND LAWS

Rule 8 – Prohibits disrespect to or maltreatment of any person, while on or off-duty.

Rule 9 – Prohibits engaging in any unjustified verbal or physical altercation with a person, while on or off duty.

Rule 10 – Prohibits inattention to Duty.

INVESTIGATION

In an interview with COPA on 21 June 2016, **Subject 1** stated that he was in a minivan with his friends, Civilian 1 (driver) and Civilian 2 (passenger). Civilian 1 stopped the vehicle and ran out of the vehicle with Civilian 2. Subject 1 was left behind in the rear passenger seat. A Hispanic officer (now known to be accused Officer A²) approached the minivan, opened the door, grabbed Subject 1 by the shirt/chest area and pulled him out of the vehicle. Officer A slammed Subject 1 to the ground and twisted his arms and wrists. Subject 1 stated that he heard his right

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² Officer A was the only Hispanic officer on the scene of this incident.

wrist “pop” during the twisting and that he later learned his wrist was fractured. Subject 1 stated that Officer A and another Hispanic officer kned him about his head, back, and rib area. The two officers dragged Subject 1 toward the squad car while he was face down on the ground. The same two officers repeatedly called him a “mother fucker” and directed profanities at him. According to Subject 1, one of the Hispanic officers grabbed him tightly by the side of his body and called him a “nigger.” Subject 1 stated that upon reaching the police station, he requested medical attention, but none was given.

Subject 1 stated that upon reaching Jail A, he informed the Jail officers about the injuries caused by Chicago Police officers and requested medical treatment. Subject 1 stated that Jail officers photographed his injuries³ and documented his complaint. Subject 1 received medical treatment at Hospital A. Subject 1 stated that he was not involved in the home burglary and did not resist arrest. Subject 1 stated that he sustained abrasions to his leg, knees and the right side of his body, and a fractured right wrist. He also indicated that Civilian 1 and Civilian 2 were not witnesses to his arrest or treatment by the police, but that they were also arrested. (Att. 19, 29)

Medical Records from Hospital B document that Subject 1 was admitted on 22 October 2015 and that he complained about an injury caused during his arrest the day before. Subject 1 reported to hospital personnel that he fell and had his left wrist twisted behind his back. The medical records also documented that Subject 1 had pain to his left wrist and abrasions to his finger and the right side of his hip area. X-Rays of Subject 1’s wrist revealed distal ulnar joint instability⁴ but no evidence of acute fracture. Subject 1 was diagnosed with left wrist discomfort. (Att. 28)

Subject 1’s **Arrest Report** documents that he was arrested for Residential Burglary. A witness (later identified as off-duty Sergeant A) positively identified Subject 1, Civilian 1, and Civilian 2 as the offenders of a burglary at XXXX S. Monitor. Sergeant A observed Subject 1 and Civilian 2 carrying a television from the house at that address to a van. On-duty officers followed the van to XXXX S. Cicero and observed the three arrestees flee from the van on foot. Officers B and C⁵ located Subject 1 on a nearby porch and took him into custody. The officers found a remote control belonging to the television in the van in Subject 1’s pocket. Officers A and D arrested Civilian 2 and Civilian 1.

The Lockup Keeper’s Processing section of the arrest report documented that Subject 1 complained of pain to his leg, and that Subject 1 had scratches to his waist and a finger. According

³ COPA Investigator A telephoned Cook County Sheriff’s Office and spoke with Supervisor A regarding Subject 1 and his allegations. Per Supervisor A, there are no photographs of Subject 1’s injuries and no documentation that he made any allegations against Chicago Police officers.

⁴ Distal radioulnar joint instability means that this joint doesn’t function properly and the hand does not have full range of motion (<http://www.uwmedicine.org/health-library/Pages/distal-radioulnar-joint-instability-drui.aspx>, accessed on 17 January 2018).

⁵ CPD records indicate that Officers B and C are white males.

to the report, Subject 1 said that he hurt his leg while avoiding apprehension. Subject 1 denied medical treatment. (Att. 5)

General Case Report RD# XXXXXXXX documented essentially the same information as the Arrest Report of Subject 1. It further documented that off-duty CPD Sergeant A positively identified all three arrestees as the offenders who entered the residence and carried out a flat screen TV before fleeing the scene. (Att. 37)

The **Supplementary Reports** documented some of the same information as the Arrest and Case Reports detailing the events of the incident, but it also incorporated interviews conducted of the involved subjects. The reports documented that Subject 1 was placed under arrest at XXXX S. Keating, not XXXX S. Cicero as he alleged. Further, the Supplementary Reports did not document any allegations of mistreatment toward Subject 1 from the involved officers or complaints of pain or injuries from Subject 1. Subject 1 admitted to the interviewing detectives that he ran from the van prior to his arrest. (Att. 7, 8)

In an interview with COPA on 26 June 2017, **Accused Officer A** stated that he and his partner, Officer D, heard the radio call for an assist regarding a burglary that occurred near XXX Street and XXXXXX. They located the van described in the radio call near XXX Street and XXXXX Avenue. Their squad car was having transmission problems which prevented them from going above 20-22 miles per hour, but they were able to provide the van's direction of travel over the radio. Officers finally located the van near XXXXX Street and XXXXXX Avenue. The van had what appeared to be a flat tire and was stopped on the curb near the sidewalk. Officers A and D observed three black males (Subject 1, Civilian 2, and Civilian 1) exit the minivan and run north to XXX Street. A marked police unit arrived on the scene and continued after the individuals in their vehicle. Officer A stopped his squad car. He and Officer D ran after Civilian 2 and Civilian 1. Officer A caught Civilian 1 while Officer D ran after Civilian 2. Officer A told Officer D to guard Civilian 1 as she was out of breath and he proceeded to go after Civilian 2. Officer A located Civilian 2 hiding in a nearby garage and placed him under arrest without incident.

According to Officer A, officers in Beat XXXX (Officers B and C) located Subject 1 on the front porch of XXXX S. Keating. Officer A stated that he did not assist in the actual arrest of Subject 1 as he was handling Civilian 1 and Civilian 2. Officer A stated that he did not have any physical contact with Subject 1, and that the only verbal conversation he had with Subject 1 was to obtain information to complete the Department Reports.

Officer A denied all the allegations made against him. Officer A further added that he did not observe any injuries to Subject 1 nor did Subject 1 complain to him of any pain or injuries. Further, Officer A related that Subject 1 never asked him for medical attention and he did not hear him ask any other officer while at the scene or the police station for any medical attention. (Att. 35)

In an interview with COPA on 24 October 2017, **Witness Officer C** stated that he and his partner, Officer B, responded to assist on a burglary in progress call near the vicinity of XXX Street and XXXXXX. He heard a report over the radio that the offender had fled from a vehicle. Officer C stated that they were looking for the offender near XXX and XXXXXXXX when he saw a black male (now identified as Subject 1) sitting on a porch. Subject 1 matched the description that was provided over the radio. A citizen in the area shook his head at Officer C to indicate that Subject 1 did not live there. After Subject 1 confirmed that he did not live there, Officer C placed him under arrest. Officer C stated that he handcuffed Subject 1 behind his back without incident. Another officer who had been chasing Subject 1 (possibly Officer A) identified him as the offender who ran from the vehicle. Officer C also stated that neither he nor Officer B used excessive force on Subject 1 during his arrest, nor did they direct any profanities, derogatory names, or racial comments at Subject 1. Further, Officer C stated he did not observe any other officer at the scene commit the alleged misconduct. Officer C continued that Subject 1 did not complain of any pain or injury and he did not observe any injury to Subject 1 during or after his arrest. (Att. 41)

In an interview with COPA on 17 November 2017, **Witness Officer B** provided essentially the same information about the incident as Officer C. Officer B denied seeing any officer commit any of the alleged acts during Subject 1's arrest. (Att. 44)

CONCLUSION

COPA recommends that **Allegations #1-5** against Officer A, that he grabbed Subject 1 by the shirt/chest area, and pulled him out of a vehicle, slammed Subject 1 down onto the ground, kned Subject 1 about the body, grabbed and twisted Subject 1's arms and wrists behind him roughly, and dragged Subject 1 while on the ground to the squad car, be closed with a finding of **UNFOUNDED**. The related Department reports documented that Subject 1 was arrested at XXXX S. Keating by Officers C and B, and not pulled out of a vehicle by Officer A at XXX and XXXXXXXX as Subject 1 alleged. Further, Officer A stated that he did not have physical contact with Subject 1 as he was involved in the arrest of Civilian 1 and Civilian 2 at a different location. Officers C and B placed Subject 1 under arrest without incident. Officer A stated that he completed the arrest reports for all three arrestees. OEMC radio transmissions corroborate this assertion by documenting the flight path that Officer A and Officer D reported. Finally, the officers that placed Subject 1 under arrest were not Hispanic and their physical description did not match the description given by Subject 1.

COPA recommends that **Allegations #6-7** against Officer A, that he directed profanities at Subject 1 and called him a "motherfucker," and called him a "nigger," be closed with a finding of **UNFOUNDED**. Officer A stated that the only verbal contact he had with Subject 1 was at the station and it was enough conversation to complete the Department reports. There are no witnesses and no other facts to support this allegation and Officer A denied the allegation made against him. Officers C and B denied hearing any officers on the scene verbally abuse Subject 1.

COPA recommends that **Allegation #8** against Officer A, that he failed to provide Subject 1 with medical attention, be closed with a finding of **UNFOUNDED**. Although Subject 1 sought medical treatment upon being transferred to Jail A, Officer A stated that he was never made aware by Subject 1 that he needed or wanted medical treatment. Officer A stated that he never heard Subject 1 ask him or anyone else at the scene or the station for medical treatment. Further, Officer A stated that he did not observe any injuries to Subject 1 nor heard him complain of any pain or injuries. The Arrest Report of Subject 1 documented that Subject 1 complained of pain to his leg, and it was noted in the Lockup Screening Log that Subject 1 had scratches to his waist and a finger. The reports documented that Subject 1 informed the Lockup personnel that he hurt his leg while avoiding apprehension, and that he refused medical treatment. The medical record documented that Subject 1 sustained abrasions to his right hip area and to a finger, and that Subject 1 complained of pain to the left wrist. However, the medical records also documented that Subject 1 did not have any fractures to his wrist as alleged. The records did not note any complaints against Chicago Police officers. As noted above, Subject 1's statement regarding his arrest was found to be untruthful. Based on the totality of the circumstances and his lack of credibility, it is more likely than not that the officers did not refuse to provide medical attention to him.