

INTRODUCTION

On July 8, 2017, at 11:30 a.m., Subject 1 witnessed a traffic stop conducted by the Chicago Police Department at XXXX W 63rd St and began recording the interaction with his cell phone. Subject 1 claims that the officer was physically abusive towards the driver of that vehicle and wanted to record the incident. Subject 1 was subsequently arrested for obstruction and taken to the 7th District station. Subject 1 alleges he was verbally and physical abused by the officer while being held in an interview room at the station.

ALLEGATIONS

Subject 1 alleges that on July 8, 2017 at approximately 12:01 p.m. in the vicinity of XXXX W 63rd St., Officer A:

- 1) Called him, "a bitch ass nigger," in violation of Rule 2 and Rule 8; and
- 2) Repeatedly threatened to kill him, and threatened him with bodily harm by saying, "I'll catch your bitch ass on the street and fuck you up," in violation of Rule 2 and 8; and
- 3) Spat on him, and kicked him about the legs, in violation of Rule 8 and Rule 9; and
- 4) Placed his hands and fingers on or about his neck and choked him, in violation of Rule 8 and Rule 9; and
- 5) Repeatedly placed his index finger on or about his forehead and pushed his head backwards against the wall, in violation of Rule 8 and Rule 9.

APPLICABLE LAW AND RULES

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: Prohibits 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.

INVESTIGATION

COPA¹ obtained relevant documentary and video evidence associated with this incident, in addition to interviewing Subject 1, and Officers B and A. Summaries of this evidence follow.

In a **Recorded Statement** to IPRA on August 17, 2017, Subject 1 stated he was in the hardware store located at the corner of 63rd Street and XXXXXX Street. Subject 1 stated that he left the store and viewed an officer (later known as Officer A) pull over a young male (later identified as Civilian 1). Subject 1 stated that he knows the officer because he is known to harass other young males in the neighborhood. Subject 1 stated that he has seen the officer at least four other times prior to this incident. Subject 1 described Officer A as tall, dark skinned, bald, and wears glasses. Subject 1 stated that as he walked by Officer A and the vehicle, he could hear him ask the driver for his license and insurance. Subject 1 stated that the driver told the officer that he does not have a license, but has a permit. Subject 1 stated that the officer immediately grabbed the driver by the neck, placed handcuffs on him, then pulls him through window by the neck. Subject 1 stated he crossed the street and began to record the officer from the north side of 63rd Street on his cell phone. Subject 1 stated that Officer A attempted to cross the street but saw other officers driving towards them and waved down the vehicle. Subject 1 stated that he also waved down the same officers. Subject 1 stated that Officer A then told those officers to arrest him. Subject 1 stated those officers (later identified as Sergeant A and Officer C) placed him in handcuffs, took his phone, and placed him in the back of their vehicle. Subject 1 stated that he was able to lock the phone prior to it being taken away by the officers. Subject 1 stated that another officer (later identified as Officer B) arrived and transported him to the 7th District station in her vehicle. Subject 1 stated that Officer A arrived at the station approximately ten to twenty minutes later. Subject 1 stated that he was in a processing room for three hours. Subject 1 stated that Officer A entered the processing room approximately six or seven times to abuse him. Subject 1 stated that Officer A repeatedly placed his fingers in his face, and placed his index finger on his forehead, and called him a disgrace to his race. Subject 1 stated that Officer A called him, “a bitch ass nigger” repeatedly and threatened him by stating, “if I ever catch your bitch ass on the street”, and “I’ll fuck you up.” Subject 1 stated that Officer A kicked him in the left ankle once, and put his fingers around his neck and choked him. Subject 1 stated that Officer A threatened to kill him, spit on him, and pushed his head backwards into the wall. Subject 1 stated that as he was led to the lockup, Officer A grabbed his hands, and forced him around by pulling on his arm. Subject 1 stated that Officer A told him there are no cameras in this area of the processing room and challenged him to a fight. (Att. 13)

The **Recorded Statement of Officer B** was taken at COPA on October 17, 2017 in the presence of counsel. Officer B stated that she was assigned to Beat XXX on July 8, 2017. Officer B stated that Officer A asked for an assist car at approximately XXXX S Aberdeen St and she responded

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.

to dispatch that she would assist. Officer B stated that she placed Subject 1 into custody along with Sergeant A. Officer B stated that Subject 1 was then placed in her vehicle and he was transported back to the station. Officer B stated that she assisted Officer A in completing paper work for the arrest. Officer B confirmed that the incident was initiated from a traffic stop and believes Officer A issued the driver tickets. Officer B stated that her and Sergeant A led Subject 1 to a holding room inside the station and left him there, and had no further contact with him. Officer B stated that she was unable to view Subject 1 from her position in the processing room. Officer B stated that she did not witness Officer A threaten, kick, spit or grab Subject 1 by the neck at any time. Officer B stated that she was in the station for approximately an hour and then returned to the street. Officer B stated that she has only worked with Officer A for about a year. (Att. 26)

The **Recorded Statement of Officer A** was taken at COPA on November 16, 2017, in the presence of counsel. Officer A verified that this incident resulted from a traffic stop on 63rd Street. Officer A stated that Subject 1 was waking east and came around the back of the car and approached him from behind as he attempted to secure the occupant (Civilian 1) from the vehicle that he had pulled over for a traffic violation. Officer A stated that Subject 1 was videotaping him and came as close as an arm's length away. Officer A stated that Subject 1 was swearing at him and saying things to incite the driver of the vehicle to resist him. Officer A stated that he was alone and Civilian 1 became resistive to handcuffing. Officer A stated that he was forced to push Civilian 1 into the police vehicle and continue to order Subject 1 to back away from him. Officer A stated that he called for backup over the radio prompting Subject 1 to cross the street. Officer A stated that a tactical team car arrived and he pointed at Subject 1 to have them place him in custody, and other officers arrived to transport him. Officer A stated that Civilian 1 was only being detained for investigation from the traffic violations and checked for his license via the computer. Officer A stated that he returned to the station to finish the paperwork for the arrest. Officer A stated that Subject 1 did not have injuries and upon entering the lockup he only complained to the lockup keepers about being arrested. Officer A stated that he had no prior contact with Subject 1. (Att. 34)

An **Initiation Report** completed by Sergeant B was obtained and details the allegations provided by Subject 1. (Atts. 4, 8)

An **Arrest Report** for Subject 1 documented he was arrested at XXXX W 63rd St for Obstruction, under CB# XXXXXXXXX. (Att. 5)

A **Detective Supplementary Report and General Offense Case Report** was obtained and contains a similar narrative as the arrest report, under RD# XXXXXXXXX. (Atts. 6, 7)

A **Cell Phone Video** provided by Subject 1 is thirty-three seconds long and depicts Officer A in the street and Sergeant A and Officer C speaking with Subject 1. (Att. 15)

Body-Worn Camera video was obtained from Officer A depicting the traffic stop and interaction with Civilian 1 and Subject 1 in the processing room. (Atts. 20, 22, 23)

Body-Worn Camera video was obtained from Officer C and depicts him and Sergeant A responding to the scene and placing Subject 1 into custody. (Att. 21)

A **Canvass** was performed on September 6 and 25, 2017. COPA spoke with the aunt and mother of Civilian 1. (Att. 24)

Preprocessing #1 Camera video was obtained from the Bureau of Internal Affairs. The video is from 11:43 am to 2:26 pm and depicts the processing area and the room Subject 1 was being held. (Att. 29)

Preprocessing #2 and Secure Vestibule Cameras videos were obtained from the Bureau of Internal Affairs. The videos are from 2:21 pm to 2:26 pm and depict Subject 1 being taken from the holding room and being led to the rear door leading to the vestibule. The vestibule camera depicts Subject 1 walking into the lockup and Officer A leaving thereafter. (Att. 29)

CONCLUSION AND ANALYSIS

Accused: Officer A #XXXX

COPA recommends a finding of **NOT SUSTAINED** for **Allegations #1, #2, #3, #4, and #5** in that the officer called Subject 1 "a bitch ass nigger;" in that the officer repeatedly threatened to kill and threatened bodily harm by saying, "I'll catch your bitch ass on the street and fuck you up;" in that the officer spat on him, and kicked him about the legs; in that the officer placed his hands and fingers on or about his neck and choked him; in that the officer repeatedly placed his index finger on or about his forehead and pushed his head backwards against the wall.

Irrespective of Subject 1's claims that Officer A entered the holding room and verbally and physically abused him, there is no preponderance of evidence to prove or disprove the claims of abuse by the officer. COPA was unable to ascertain any additional subjects or officers that may have witnessed the alleged abuse. COPA made numerous attempts to reach Civilian 1 who was present during the time the allegations occurred. Officer B claims she did not witness the allegations. Officer A's body-worn camera video, nor the 7th District station video, captured the allegations. Officer A denies that the verbal and physical abuse occurred. COPA was unable to collect additional evidence that would prove or disprove the allegations.

COPA weighs not only evidence but the credibility of the complainant. COPA finds the complainant to be incredible due to evidence that conflicts with Subject 1's statement; Subject 1 stated that Officer A grabbed Civilian 1 by the neck and pulled him through the window. It is clear from Officer A's body-worn camera video that Officer A opens the door of the vehicle before Civilian 1 exits. Subject 1 also asserts that Officer A grabbed his hands and forced him around by pulling on his arm as he was being lead to the lockup. As depicted in the 7th District station video, Subject 1 is not handcuffed when he leaves the processing room, and is allowed to walk freely to the rear door leading to the lockup. The only contact visible is Officer A touching Subject 1's back

in a guiding motion. Once inside the secure vestibule the lockup door opens and Subject 1 is allowed to walk inside. Officer A is seen leaving the vestibule thereafter.

COPA Investigator

COPA Supervising Investigator