

## I. INTRODUCTION

On March 30, 2014, around 3:30 A.M., complainant Subject 1 was escorted out of Nightclub A by Nightclub Employee 1, a member of club security. Once outside of the club, Subject 1 encountered her cousin Civilian 1, who was being arrested by members of the Chicago Police Department for battery of Nightclub Employee 1. Subject 1 was then accosted by four white males, all of whom were dressed in civilian attire. According to Subject 1, these men punched her in the face, pulled her by the hair, and sat on her. A female security guard then approached Subject 1, informing her that the four men were “off duty police officers.” Once the incident was over, Subject 1 boarded a “party bus” and left the scene. The next day, Subject 1 came in to IPRA to report her involvement in the incident. The following investigation was commenced based on her allegations.

## II. ALLEGATIONS

It is alleged that on March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South XXXX, four unknown individuals:

- 1) punched Subject 1 in the face, in violation of Rules 2, 8, and 9;
- 2) dragged Subject 1 by her hair, in violation of Rules 2, 8, and 9;
- 3) sat on Subject 1’s back, in violation of Rules 2, 8, and 9; and,
- 4) called Subject 1 a bitch, in violation of Rules 2, 8, and 9.

## III. 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 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.

## IV. INVESTIGATION

In order to establish whether the March 30, 2014 incident, as alleged by Subject 1, was perpetrated by members of the Chicago Police Department, a series of evidentiary steps were taken. These steps are detailed as follows.

### A. IPRA Interview of Complainant:

On March 30, 2014, at approximately 1:01 P.M., IPRA received notice of a complaint filed by Subject 1, recorded under Log #1068288. During her initial report, Subject 1 alleged that

“several ‘off-duty officers’ in casual dress, struck her on the face, dragged her, sat on her back and stated ‘Beat that bitch ass.’” An interview with Subject 1 was scheduled for the next day, March 31, 2014 at noon.

Subject 1 arrived at the IPRA offices on March 31, 2014, at which point an audio recorded interview was conducted. During this interview, Subject 1 elaborated on the details of the March 30, 2014 incident. On that date, at approximately 3:00 A.M., Subject 1 attempted to collect her coat from the coat check at Nightclub A. Subject 1 was informed that her coat had gone missing, at which point an altercation broke out between Subject 1 and Nightclub A staff. During this altercation, Subject 1 was escorted out of the club by an individual she described as a husky, 6’1” black male, who was wearing security clothing. Once outside of the club, Subject 1 encountered her cousin, Civilian 1, who appeared to have been injured. When Subject 1 asked her cousin what happened, Civilian 1 indicated that he had been “jumped” by the police. Subsequent to this conversation, Subject 1 was accosted by four white males, all of whom were dressed in “casual clothes” and not security uniforms.

According to Subject 1, one of these men punched her in the face, while the others jumped on her and dragged her by the hair. One of the men also sat on Subject 1. During this encounter, one of the officers instructed the others to “beat that bitch ass.” At some point during the morning of the incident, Subject 1 also observed these men place Civilian 1 in a marked police vehicle. After this occurred, a female security official informed Subject 1 that the four men were off duty police officers. Subject 1 also claims to have observed these men escort Civilian 1 into a marked Chicago Police Department vehicle, but she did not see any of the four men driving a police vehicle. Additionally, Subject 1 had no memory of any of the four men wearing a police star or nametag, nor did she recall any of the men identifying themselves as police officers. However, Subject 1 herself was not placed under arrest, and instead left the scene via a “party bus.” As a result of the incident, Subject 1 suffered a broken lip, bump to her forehead, as well as several bruises and scratches. Subject 1 sought treatment for these injuries at Hospital A; the medical records pertaining to this visit are discussed *infra*. (Attachment 9).

## **B. IPRA Interviews of Witnesses:**

### **1. Nightclub Manager 1**

On July 23, 2014, IPRA made contact with one Nightclub Manager 1, a manager at Nightclub A. According to Nightclub Manager 1, the cameras outside of the club would have been non-functional at the time of the March 30, 2014 incident, and cameras inside the club are limited by a 10-day retention period. Nightclub Manager 1 was able to verify that Subject 1 was escorted out of the club by Nightclub Employee 1, who was working as a club security official that evening. Club security staff would be identifiable by their uniform shirts, which Nightclub Manager 1 indicated have the words “security” and “staff” prominently displayed. Additionally, Nightclub Manager 1 noted that Nightclub Employee 1 was not an employee of the Chicago Police Department. With regard to activities that took place outside of the club, Nightclub Manager 1 noted that the club parking area is managed by Parking Service A. (Attachment 33)

## **2. Parking Service Owner 1**

As the parking area outside of Nightclub A is overseen by Parking Service A, IPRA made contact with the owner of this agency on July 20, 2014. At that time, Parking Service Owner 1 indicated that his company is responsible for the maintenance of Nightclub A's parking lot, and that he does not have law enforcement officers working at that location. Parking Service Owner 1 also noted that the security cameras for this lot were nonfunctional at the time of the March 30, 2014 incident. (Attachment 33)

## **3. Officer A**

In the Original Case Incident Report for RD #XXXXXXXX, Beat XXXX was recorded as responding to a call for service at Nightclub A, as well as conducting the arrest of Civilian 1. To determine whether the officers from Beat XXXX witnessed the alleged misconduct, these officers were brought in for interviews. On November 17, 2017, Officer A was interviewed, at which time he indicated that he did not recall arresting Civilian 1. Importantly, Officer A noted that while working in District 005, he had responded to calls for service at Nightclub A more than 100 times. While some arrestees stood out in Officer A's memory, Officer A could not recall anything specific about Civilian 1. When asked whether he recalled interacting with Subject 1 at the time of the alleged incident, Officer A indicated that he did not.

With regard to the security staff at Nightclub A, Officer A noted that these employees always wore uniforms with the word "security" prominently displayed. According to Officer A, there were times when such staff would assist with arrests, but he did not know if off-duty police officers worked as club security. Moreover, when asked whether he recalled seeing four white off-duty officers at the time of the incident, Officer A could not recall seeing more than one or two white officers during any of the arrests he had ever conducted at Nightclub A. As Officer A mentioned that he had never seen an initiation report regarding this incident, Officer A was afforded an opportunity to read this report. Considering the allegations made by Subject 1, Officer A suggested that he would have remembered such a remarkable incident, but that he had no memory of a woman being beaten outside of Nightclub A. Officer A also emphasized that had he observed officers involved in such an incident, he would have attempted to stop it and reported the incident to a supervisor. (Attachment 31)

## **4. Officer B**

During his November 17, 2017 interview, Officer A confirmed that he responded to Nightclub A on March 30, 2014, accompanied by his partner Officer B. On December 8, 2017, Officer B came into COPA headquarters to recount his involvement in the March 30, 2014 incident. Officer B was able to recall having responded to Nightclub A over 100 times during his service in the 5<sup>th</sup> District, but he did not specifically recall having arrested Civilian 1. On some evenings, Officer B would respond to Nightclub A several different times, often for battery and assault related charges. During his responses to Nightclub A, Officer B would typically interact with members of club security, who would be identifiable by their security clothing. However, Officer B emphasized that he and his partner, Officer A, would not involve club security in effectuating arrests.

Officer B did acknowledge that Nightclub A was a regular stop for “party buses,” which he described as charter vehicles holding 20-30 passengers at a time. As Nightclub A was a BYOB establishment, these buses would typically carry alcohol on board. When asked, Officer B indicated that he had no recollection of interacting with Subject 1, nor did he recall four white officers at Nightclub A on March 30, 2014. Upon review of the initiation report concerning this complaint, Officer B maintained that he did not recall interacting with Subject 1, nor did he recall discussing the incident with the author of the initiation report. While Officer B could not recall Subject 1 complaining about police treatment, he indicated that he would have requested for a supervisor to handle such a complaint. (Attachment 32)

### **C. Documentary Evidence**

#### **1. Initiation Report for Log #1068288**

On March 30, 2014, Sergeant A of District 010 drafted an initiation report regarding an incident that occurred at Nightclub A, involving complainant Subject 1. According to this report, this incident took place on March 30, 2014 at approximately 3:30 A.M. At that time, Chicago Police officers were on scene to arrest Civilian 1, recorded under RD #XXXXXXX. While Civilian 1 was being arrested, Subject 1 alleged that she was beat up by four male, civilian dressed, off duty officers. Specifically, one of the men hit Subject 1 in the face, one dragged her six feet, one handcuffed her, and one sat on her. At some point during this encounter, one of the men shouted “beat that bitch ass!” Sergeant A reported that Beats XXXX, XXX, and XXXX were on scene for the arrest of Civilian 1. (Attachment 4)

#### **2. Chicago Police Department Arrest Report CB #XXXXXXX**

According to Subject 1, her cousin Civilian 1 was arrested by Chicago Police officers on the evening of the incident. This arrest is recorded under CB #XXXXXXX, relevant to RD #XXXXXXX. This report notes that Civilian 1 was placed under arrest on March 30, 2014, at approximately 3:00 A.M; basis of arrest is listed as the battery of Nightclub Employee 1. From the narrative of this report, Civilian 1 punched Nightclub Employee 1 in the back of the head while exiting Nightclub A. Civilian 1 was then held by security until police were able to arrive on scene. Arresting officers, from Beat XXXX, are listed as Officer B and Officer A. (Attachment 5)

#### **3. Original Case Incident Report for RD #XXXXXXX**

An Original Case Incident Report was drafted in relation to a battery that occurred at Nightclub A on March 30, 2014. According to this report, Nightclub Employee 1, a security guard at Nightclub A, was attempting to break up a fight on site, during which time he was punched in the head by Civilian 1. Nightclub Employee 1 then detained Civilian 1 until officers were able to report to the scene. (Attachment 6)

#### **4. Chicago Police Department Event Query for Event #1408901851**

Call to OEMC on March 30, 2014 at 3:04 A.M; report of three males being held by security for battery at XXXXX South Doty. Beat XXXX was dispatched to the scene, with Beat XXXX assigned to assist; no mention of Beat XXX is made. RD #XXXXXXXX was registered to the incident. (Attachment 7)

#### **5. Hospital A Medical Records of Subject 1**

The afternoon subsequent to the March 30, 2014 incident outside of Nightclub A, Subject 1 traveled to Hospital A for treatment of “swollen lip and lump on forehead.” According to Subject 1, she suffered these injuries after “she was beat up by police last night during a scuffle with her cousin and the police.” Subject 1 was diagnosed with a contusion to lower lip and forehead, with instructions to take ibuprofen. (Attachment 17)

#### **6. Photographs of Subject 1 taken by Evidence Technician A**

In relation to Subject 1’s allegations under Log 1068288, Chicago Police Department Evidence Technician A documented Subject 1’s injuries on March 30, 2014. These photographs show Subject 1 with a broken lower lip, as well as a bump on her forehead. (Attachment 18)

#### **7. Response from Chicago Police Department Regarding In-Car Camera**

Given that Beat XXXX conducted the arrest of Civilian 1, reported under RD #XXXXXXXX, relevant in-car camera footage from this beat was requested. The Chicago Police Department responded to this request on April 3, 2014, noting that such footage was not found. (Attachment 26)

#### **8. Attendance and Assignment Sheets for District 005 on March 30, 2014**

To determine the identities of officers that were assigned to assist with Event 1408901851, the relevant attendance and assignment sheets for District 005 were obtained. These records indicate that Beat XXXX, which conducted the arrest of Civilian 1, was operated by Officer A and Officer B. Assisting Beat XXXX was operated by Sergeant B, who at the time would have been the uniformed beat sergeant for Officers A and B. (Attachment 27)

#### **9. Alpha Star Query Regarding Arresting Officers**

In her statement to IPRA, Subject 1 indicated that she was attacked by four white men, who assisted with the arrest of her cousin, Civilian 1. To determine whether the officers who arrested Civilian 1 matched this description, Alpha Star reports were run on both arresting officers of record. Based on these reports, both Officers B and A are black males, not white males. (Attachment 30)

### **10. Attempt to Contact Nightclub Employee 1**

In an effort to obtain a statement from Nightclub Employee 1, identified as club security during the March 30, 2014 incident, IPRA reached out to Nightclub Employee 1 on several separate occasions. On June 4, 2014, IPRA correspondence was delivered to the last known address of Nightclub Employee 1, which was not answered. A call to Nightclub Employee 1's last known telephone number was placed on June 15, 2014; no response was recorded. Finally, IPRA investigators traveled to Nightclub A on July 12, 2014, with the purpose of speaking to Nightclub Employee 1. As Nightclub Employee 1 was not at the club that date, business cards were left with club personnel. A return call from the manager of Nightclub A was received on July 23, 2014; this call is detailed earlier in the report. (Attachment 33).

### **11. Attempt to Identify Beat Listed in Initiation Report**

In the initiation report pertaining to this investigation, Beat XXXX, XXXX, and XXX are mentioned as responding to the scene. Evidence included with this report identifies the officers that worked Beats XXXX and XXXX; this evidence did not include any indication that a Beat XXX was working at the time of the incident. Specifically, the CPD Dispatch records pertaining to the arrest of Civilian 1 indicate that XXXX and XXXX were dispatched to the scene of the incident. No other beats are recorded as being dispatched to the scene. Attendance and Assignment sheets pulled for the 5<sup>th</sup> District, May 30, 2014, show that XXXX and XXX were working the evening of the incident; these records do not show Beat XXX working at that time. In want of independent evidence suggesting that Beat XXX responded to Nightclub A on March 30, 2014, it is not possible to verify whether the "XXX" mentioned in the initiation report was present. (Attachment 7, 27).

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Investigator

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Supervising Investigator

## V. ANALYSIS AND FINDINGS

From the interview of complainant Subject 1, four allegations arose regarding the conduct of four unknown individuals on March 30, 2014. COPA's recommended finding on these allegations follows, along with COPA's basis for reaching these findings.

- Allegation #1:** It is alleged that on March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South Doty, four unknown individuals punched Subject 1 in the face;
- Allegation #2:** It is alleged that on March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South Doty, four unknown individuals dragged Subject 1 by her hair;
- Allegation #3:** It is alleged that on March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South Doty, four unknown individuals sat on Subject 1's back;
- Allegation #4:** It is alleged that on March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South Doty, four unknown individuals called Subject 1 a bitch.

With regard to Allegations 1-4, COPA recommends a finding of **Not Sustained**. On March 31, 2014, complainant Subject 1 provided detail regarding an incident that she became involved with on March 30, 2014, around 3:30 A.M. at Nightclub A. According to Subject 1, she engaged in a verbal altercation with several employees at the club, resulting in club security escorting Subject 1 from the club. Subject 1 described this individual as a stocky, 6'1" black male, who was wearing clothing that displayed the word "Security." Upon consultation with club management, it was determined that this security official was Nightclub Employee 1; management also indicated that Nightclub Employee 1 was not employed by the Chicago Police Department. This statement was verified after consulting CPD employment records for one Nightclub Employee 1, which produced no results. Club management also confirmed that all security staff at Nightclub A wore clothing specific to their employment, with the words "security" and "staff" prominently displayed. Moreover, club management noted that the parking area adjacent to the club is managed by a separate entity, Parking Service A.

Once outside of the club, Subject 1 encountered her cousin Civilian 1, who appeared to have been physically injured. When Subject 1 asked her cousin how he had been injured, Subject 1 indicated that he had been "jumped" by the police. Subject 1 was then confronted by four white men, all of whom were dressed in civilian clothing, and none of whom were wearing clothing with "security" markings. According to Subject 1, one of these men punched her in the face, another dragged her by the hair, and one of the men sat on her. In identifying these four individuals, several facts must be taken into consideration. Club management indicated that their security staff wear specific clothing, which Subject 1 observed on the man who escorted her from the club. Management also affirms that this individual, Nightclub Employee 1, is an employee of the club.

## CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG #1068288

Subject 1 goes on to note that she encountered four people outside the club, none of whom were wearing security clothing. It is therefore unlikely that these men were employed by the club. According to the management of Nightclub A, the area outside of the club is operated by Valor Parking Service. Upon contacting the owner of Parking Service A, it was learned that Parking Service A does not employ law enforcement officers at the lot adjacent to Nightclub A. Thus, even if these four men were employed by Parking Service A as security, they would not have been members of the Chicago Police Department.

While Chicago Police officers were on scene to effectuate the arrest of Civilian 1, it should be noted that these arresting officers do not match the physical description of the four men who attacked Subject 1. In her interview, Subject 1 emphasizes that all four men were white males. Subject 1 also indicates that these men were involved in the arrest of her cousin, Civilian 1. Looking to the arrest report of Civilian 1, as well as the relevant case report and OEMC dispatch records, Civilian 1 was arrested by Officers B and A. However, records in the Alpha Star Query indicate that both arresting officers are black males. No assisting officers are referenced within the arrest report or original case incident report. Moreover, in interviewing the two Chicago Police officers who effectuated the arrest of Civilian 1, neither officer had any recollection of encountering Subject 1 at the time of the incident, nor did either officer recall seeing four white plain-clothed officers that night.

Importantly, it should be emphasized that Subject 1 did not see any identification on these men that would indicate they are Chicago Police officers, nor did any of the men identify themselves as such. While Subject 1 claims to have seen these men walk her cousin to a marked Chicago Police vehicle, it would not be beyond the scope of reason for a security official to assist police while conducting an arrest; mere proximity to marked police vehicles should not become confused with correlation. The only information related to Subject 1 about these four men came from an unknown female security guard, who indicated that they are off duty police officers. However, Subject 1 was unable to provide any detail regarding who this female security officer was, or if the purported officers were members of the Chicago Police Department. By Subject 1's own admission, she had been intoxicated on the evening of the incident, and was unable to recall specific details. In want of independent evidence relating to the employment of these four men, hearsay that Subject 1 learned while in a state of inebriation is insufficient for purposes of identification. In consideration of the lack of evidence to suggest that Subject 1's allegations were perpetrated by Chicago Police officers, these allegations must be **Not Sustained**.



## CONCLUSION

### Four accused unknown individuals:

**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 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 March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South Doty, four unknown individuals punched Subject 1 in the face.

**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 March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South Doty, four unknown individuals dragged Subject 1 by her hair.

**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 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 March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South Doty, four unknown individuals sat on Subject 1’s back.

**Allegation #4: 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 March 30, 2014, at approximately 3:30 A.M., in the vicinity of XXXXX South Doty, four unknown individuals called Subject 1 a bitch.

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Deputy Chief Investigator