

Introduction:

On October 19, 2015, Officer A, #XXXX, and Officer B, #XXXX, were assigned to Beat XXX. At approximately 5:59 p.m., the officers pulled over Subject 1 for failing to stop at a stop sign in the area of 532 E. 64th Street. After a brief verbal exchange between the officers and Subject 1, the officers issued Subject 1 two (2) parking citations, one for a missing rear or front plate and the other for no displayed city sticker. After the citations were issued, Subject 1 drove away and the officers left a shortly thereafter. .

Allegations:

On October 19, 2015, at approximately 6:40 p.m., Sergeant A, #XXXX, called the Civilian Office of Police Accountability (COPA)¹ and spoke with Intake Aide A, #XXXX, to report this complaint. It is alleged that on October 19, 2015, at approximately 5:59 p.m., at 532 E. 64th Street, during a routine traffic stop, **Officer A, #XXXX, Unit XXX:**

1. Used derogatory language directed at Mr. Subject 1 by stating to him, “that’s going to be you next nigger;” and,
2. Failed to return Subject 1’s driver’s license.

It is further alleged that on October 19, 2015, at approximately 5:59 p.m., at 532 E. 64th Street, during a routine traffic stop, **Officer B, #XXXX, Unit XXX:**

1. Failed to return Subject 1’s driver’s license.

Applicable Rules and Laws:

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.

Investigation:

In a statement to COPA, the **complainant, Subject 1** stated in essence, but not verbatim, that on the date, time and location of incident, he was pulled and officers informed him that he had run a stop sign. After Subject 1 gave the officers his license and insurance, the officers took several minutes to return to his vehicle. When the officers returned, they gave Subject 1 two tickets, neither of which were for running the stop sign. When Subject 1 asked the officers why he received these tickets, the officers Subject 1, “Don’t worry about it” and the white officer, now known as Officer A, told Subject 1, “Just shut up.” The black officer, now known as Officer B, said something along the lines of, “I can give you another ticket.” Officer A, said something along the lines of, “Don’t be next, nigger.” Subject 1 was frustrated, so he “said a few things back.” The officers continued to be dismissive of Subject 1 and failed to give back his license. (Atts. 8, 10, 11)

¹ Formerly the Independent Police Review Authority (IPRA)

Department Reports

The Department records in this case consist of: **Initiation Report, Traffic Violations and Contact Card, #XXXXXXXX**. These records document the same or substantially the same information that Subject 1 provided in his interview. Additionally, the contact card documents that Subject 1 made several derogatory comments towards the officers. (Att. 4, 5, 19)

Video

The **In-Car Camera footage** from the date and time of incident depicts the encounter between the Officers and Subject 1. After Subject 1 pulls over, Officer B and Officer A are observed walking up to Subject 1's vehicle. Officer B approaches the driver's side door and it appears that he and Subject 1 engage in a verbal exchange (no audio). Officer A is standing near the passenger side door. The video depicts an exchange of documents between Subject 1 and Officer B. The officers return to their squad car. Officer B is depicted returning to Subject 1's driver's side door in which he hands Subject 1 unknown documents/materials. As Officer B and Officer A begin to return to their police vehicle, yelling can be heard in which appears to be coming from Subject 1's vehicle. While inside of the police vehicle, Officer B asks his partner if he gave Subject 1 his driver's license back. Officer A states "I don't know." A few seconds later, both officers again exit their vehicle and both approach Subject 1's driver's side door. It appears that Officer B hands back an item or document to Subject 1. Both officers then appear to engage in a verbal argument with Subject 1, but the specific words and/or language used cannot be heard. Subject 1 drives away. (Att. 15, 16)

Officer Statements

In Subject 1's statements to COPA, the **Officer A, #XXXX and Officer B, #XXXX** gave consistent and substantially similar accounts of the incident. In summary, the officers stated that on the date, time and location of incident, they pulled over Subject 1 for a traffic violation. Officer A went to the passenger side of the vehicle while Officer B went to the driver's side. Subject 1 was agitated and he made comment about the race of the officers. After obtaining Subject 1's license and insurance, the officers went back into their police vehicle. The officers issued Subject 1 two traffic violations. The officers then went to Subject 1's vehicle. Officer B gave Subject 1 the two traffic violations, his driver's license, and his insurance. Subject 1 continued to be "irritated" and was very angry. Subject 1 shouted "racial references" and swore at the officers. The officers deny making an inappropriate response. Officer A denied making any racial remarks or threatening remarks towards Subject 1. Officer B did not recall failing to give Subject 1 his license. (Att. 26, 27, 30)

CONCLUSION:

This investigation,² did not reveal sufficient evidence to prove or disprove the above allegations. Subject 1 and officers accuse each other of making derogatory and racial statements. Even though in-car camera video with audio exists, most of the verbal exchange between Subject

² This investigation initiated under the former Independent Police Review Authority and has since transitioned to COPA.

1 and both officers are inaudible. The audio that is heard from inside of the police car has no evidentiary value to the specific allegations themselves.

Furthermore, it is clear on the video that there is an exchange of items and/or documents between Subject 1 and Officer B. Although, Officer B is heard asking his partner if he returned Subject 1's driver's license, Officer B then returned to Subject 1s vehicle with an item in his hand. Nonetheless, it cannot be proven if this was his driver's license or not.

Based on the totality of the circumstances, COPA recommends a finding of **NOT SUSTAINED** for all allegations against both involved officers.

Approved:

Supervising Investigator