

### **Summary of Incident:**

On August 22, 2017, the complainant, Subject 1, a cab driver for the XXXX Taxi Company, was involved in an accident with another vehicle while transporting two passengers. Subject 1 called the police and Officer A responded. Subject 1 wanted Officer A to file a traffic crash accident on the scene. However, Officer A informed him that if his cab was drivable, he should report the accident at the District Station. Subsequently, Subject 1 and Officer A began to argue and Subject 1 now alleges that Officer A targeted him with verbal abuse.

### **Allegations:**

On 22 Aug 17, this complaint was registered after Subject 1, filed a complaint via the IPRA<sup>1</sup> website. Subject 1, alleged that on August 21, 2017, at approximately 0900 hours, in the vicinity of XXX W. Irving Park Road, **Officer A, #XXXXXX, Unit XXX:**

- 1). Told him to shut up;
- 2). Directed profanities at him; and
- 3). Called him a racial slur.

### **Applicable 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: Disrespect to or maltreatment of any person, while on or off duty.

### **Investigation:**

#### **Testimonial Evidence**

### **Complainant Statement:**

In a statement to COPA on September 1, 2017, taxi driver, **Subject 1**, related that on August 21, 2017, at approximately 0730 hours, he called for police service after he was involved in a traffic accident in the vicinity of XXX W. Irving Park. While waiting for the police, Subject

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<sup>1</sup> 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.

I drove his vehicle to a nearby BP gas station as did the other vehicle involved in the crash. The police were slow to respond so Subject 1 walked to the corner, flagged down a police car, and reported the accident to the officer. The officer, now known to be Officer A, asked Subject 1 if his car was drivable and informed him that if it was drivable, he would have to go to the police station to obtain the report. Subject 1 told Officer A that his taxi was not drivable and insisted that Officer A interview his two passengers who were inside his taxi at the time of the accident. Officer A told Subject 1 that he was not going to take statements from his witnesses and stated words to the effect of, "You fucking have to go to the police station." Subject 1 returned to his cab and instructed his passengers to go to the police car to provide their accounts to Officer A. Officer A documented the information in his "diary" and Subject 1 called for another cab to transport them to their destination.

Once the passengers left the scene, Officer A called Subject 1 over to the police car to give him the report number. Subject 1 told the officer that he did not have to use abusive language, to which Officer A responded, "Shut up motherfucker. You're just another nigger. If you speak another word, I'll lock you up." Subject 1 stated that there were no witnesses to the verbal exchange between him and Officer A. He explained that his passengers had already left the scene and the driver of the vehicle that struck him was standing too far away to hear. Although Subject 1's taxi cab was equipped with a dash cam, it only captured the traffic accident. (Att. 9)

#### **Accused Officer Statement:**

In a statement to COPA on December 7, 2017, **accused Officer A #XXXXXX** related that on the date and time in question he was on duty, in uniform, and working beat XXXX without a partner when he responded to a traffic accident. Officer A, who was driving a marked vehicle equipped with a dash camera, stated that his lights and siren were not activated when he responded to the scene and he had not yet been issued a body worn camera. Upon arrival, Officer A spoke with both parties involved in the accident. He told Subject 1 that he would have to go to the police station to obtain the traffic crash report. Subject 1 insisted that his car was not drivable. Officer A responded that the car was drivable because he had driven it from the initial location of the accident to the BP gas station. However, due to Subject 1's insistence, Officer A obtained information from both drivers and Subject 1's two passengers at the time of the accident. Officer A denied Allegations 1 through 3, that he had verbally abused Subject 1. (Att. 31)

#### **Documentary Evidence**

According to **Illinois Traffic Crash Report XX-XXXXXX**, Subject 1 (Unit 1) struck another vehicle (Unit 2) as Unit 2 was attempting to change lanes. Both vehicles sustained minor damage. Contact information for two passengers/witnesses was listed on the report. (Att. 17)

As documented in the **Office of Emergency Management and Communications Event Query Report**, on August 21, 2017, at 0743 hours, Beat XXXX was dispatched to a traffic accident at the location of XXX W. Irving Park Road. (Att. 13)

According to **OEMC** records, Subject 1 placed two calls to 911 on the date of the incident. During the first call that was placed at approximately 0737 hours, Subject 1 requested police service to Irving Park and XXXXXXXX. Subject 1 reported that another vehicle stuck his cab while he had two passengers inside. He reported that no one was injured but his cab was damaged.

During the second call that he placed at approximately 0819 hours, Subject 1 reported that he was not pleased with the officer who responded to the traffic accident. Subject 1 reported that the police officer did not want to give him a report or speak to the two passengers that he was transporting. He further reported that the officer yelled at him, was rude, and threatened to give him a ticket or lock his “ass” up. (Att. 18-20)

Subject 1 submitted video footage obtained from the taxi cab’s dash camera. The footage captured only the traffic accident, but not the verbal exchange between Subject 1 and Officer A. (Att. 33, 35)

Officer A’s in-car camera did not capture the incident because he never activated his lights and siren. (Att. 33,34)

Submitted

by: Approved by:

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COPA Investigator A

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COPA Supervising Investigator A

### Conclusion and Analysis

COPA recommends a finding of **Not Sustained** for **Allegations 1 through 3**. Subject 1 alleges Officer A told him to shut up, directed profanities at him, and called him a racial slur. However, Officer A denied the allegations and Subject 1 stated that there were no additional witnesses to their exchange. Although Subject 1 submitted video footage from his taxi’s dash cam, it only captured his traffic accident and did not capture his interaction with Officer A. There is no video evidence from CPD because: (1) Officer A had not yet been assigned a body worn camera; and (2) Officer A did not engage his lights and siren when he responded to what appeared to be a routine traffic accident where both vehicles had already been moved from the public way. Thus, there are neither third-party witnesses nor video footage of the interaction and the only evidence of the event is the conflicting testimony of the complainant and Officer A. There is simply insufficient evidence here to either prove or disprove Subject 1’s allegations. Accordingly, COPA recommends findings of **Not Sustained** for each allegation.

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COPA Deputy Chief Administrator A

### Findings:

**Officer A #XXXXXX**

Allegation 1 – Not Sustained

Allegation 2 – Not Sustained

Allegation 3 – Not Sustained