

SUMMARY OF INCIDENT

On October 19, 2017, at approximately 7:46 PM, the complainant Subject 1 (“Subject 1”) and witness Civilian 1 (“Civilian 1”) were on the street near the apartment buildings at XXXX W. Madison Ave., Chicago, Illinois. Subject 1 alleges the unknown officer or officers, now identified as Officer A (“Officer A”), Star no. XXXXX, and Officer B (“Officer B”), Star no. XXXX, falsely accused him of giving Civilian 1 drugs in exchange for money in a hand-to-hand transaction. Subject 1 alleges this resulted in him being falsely arrested on drug charges.

ALLEGATIONS

It is alleged that on October 19, 2017, in front of XXXX W. Madison St., at approximately 7:46 PM, **Officer A, Star no. XXXXX:**

- 1) unnecessarily stopped Subject 1 resulting in an illegal arrest.

It is alleged that on October 19, 2017, in front of XXXX W. Madison St., at approximately 7:46 PM, **Officer B, Star no. XXXX:**

- 1) unnecessarily stopped Subject 1 resulting in an illegal arrest.

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 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.

INVESTIGATION

On November 7, 2017, **complainant Subject 1** (“Subject 1”) gave COPA an audio recorded interview. Subject 1 stated on October 19, 2017, he was walking to the gas station on W. Madison St., between XXXXXXX Ave. and XXXXXXX Ave. to purchase cigarettes. Subject 1 stated when he got to the middle of the block, he “noticed a large gathering of people in the project area.” Subject 1 stated that he saw “a particular lady,” identified as **witness Civilian 1 (“Civilian 1”)**, coming out of that crowd of people, and approaching the sidewalk where he was walking. Subject 1 stated he spoke to Civilian 1 and she spoke to him. Subject 1 stated once he got approximately thirty yards passed Civilian 1, police officers “jumped out of their car and grabbed her,” and started going through her pockets, and then started calling to him. Subject 1 stated an officer turned towards him and said, “you come back here.” Subject 1 stated he looked at the officer and said, “Who are you talking to?” Subject 1 stated the officer said, “I’m talking to you, come back here.” Subject 1 stated he walked back towards the officer. Subject 1 stated he went back and said to the officer, “What do you want?” Subject 1 stated the officer told him

to turn around and began to search him. Subject 1 stated he said to the officer, "What the fuck are you doing?" Subject 1 stated the officer told him to "shut up" and continued searching him. Subject 1 stated the officer asked him his name and he told him. Subject 1 stated the officer asked him where he was going, and he said to get cigarettes.

Subject 1 stated the officer threw his two cigarettes and wallet on the ground, and five dollars he had to purchase cigarettes. Subject 1 stated the officer said, "You sold her some crack cocaine." Subject 1 stated he replied, "I sold her nothing. I just saw her and walked passed her, I never gave her anything." Subject 1 stated the officer said, "You going to tell me what I saw?" Subject 1 stated he replied, "Yeah." Subject 1 stated the officer was so close, whom he described as "the tall one," (now known as Officer B, Star no. XXXX), that he could smell alcohol on his breath. Subject 1 stated that Civilian 1 had said to the officer that he did not give her anything. Subject 1 stated the officer said, "You can't tell me what I saw," and proceeded to handcuff him. Subject 1 stated he said to the officer, "Man, why would sit here and tell this lie like that, you're making this shit up." Subject 1 replied the officer said, "I know what I saw." Subject 1 stated that the officer then called for transport. Subject 1 stated he asked the officer for his name, but the officer did not provide it and said it would be on the arrest report. Subject 1 stated to the officer he "did not give her [Civilian 1] anything." Subject 1 stated he knew Civilian 1 from the same apartment building they lived in, but did not know her name. Subject 1 stated that he walked passed Civilian 1, acknowledged her, but did not stop walking. Subject 1 stated he did not shake her hand and that there was no physical contact. Subject 1 stated the officers said they recovered a rock of cocaine from Civilian 1 but he never saw it.

On December 29, 2017, **witness Civilian 1 ("Civilian 1")** gave COPA an audio recorded interview in the jury room of Room 504, of the Cook County Circuit Court, 2650 S. California Ave., Chicago, IL. Civilian 1 stated on October 17, 2017, she and the complainant, Subject 1 ("Subject 1") were walking on the street near XXXX W. Madison Ave. Civilian 1 stated she knew Subject 1 because they were neighbors in the same residential building. Civilian 1 stated she was headed home from the XXXXX Apartments ("XXXXX Apartments"), located at XXXX W. Madison Ave., Chicago, IL. Civilian 1 stated she had gone to the "second or third" unknown residential building at XXXXX Apartments to purchase a rock of cocaine. Civilian 1 stated she and Subject 1 were walking from XXXXX Apartments, when uniformed CPD officers approached, exited their vehicle and verbally told them to stop. Civilian 1 stated the officers were driving either a marked or unmarked CPD truck.

Civilian 1 stated one officer asked what she had in her hand. Civilian 1 stated she told the officer, "Nothing." Civilian 1 stated the officer took the rock cocaine out of her hand and that she and Subject 1 were placed in handcuffs. Civilian 1 stated that on the date of arrest, an officer said he saw Subject 1 passing the rock cocaine to her. Civilian 1 stated to COPA that Subject 1 did pass the rock cocaine to her because she had let him see it. Civilian 1 stated Subject 1 did not sell her the rock of cocaine. Civilian 1 stated she did not say to the officers

where she purchased the rock cocaine, or that she bought it from Subject 1. Civilian 1 stated Subject 1 said to the officers “the rock of cocaine was not his.”

On January 9, 2018, **accused Officer A (“Officer A”), Star no. XXXXX**, gave COPA an audio recorded interview. Officer A stated on October 19, 2017, he and his partner, Officer B, were working Beat XXXX, a tactical assignment. Officer A stated both officers were in plainclothes and riding in an unmarked Ford Explorer. Officer A stated at approximately 7:46 PM, he and Officer B were patrolling the area of W. Madison St., between XXXXX and XXXXX. Officer A stated the area is known for “high narcotics [activity], in terms of high volume and trafficking.” Officer A stated there is public housing in the area on both sides of W. Madison St. between XXXXX and XXXXX. Officer A stated at that time, he and Officer B were proceeding west on W. Madison St. Officer A stated that Officer B was driving and that he was the passenger in the unmarked Ford Explorer. Officer B stated he observed “dope boys,” i.e., people known that sell drugs, standing outside of the housing project, now known as XXXXX Apartments (“XXXXX Apartments”). Officer A stated he observed a male and female, identified as Subject 1 and Civilian 1, “walking away from the complex from where the drug dealers were outside.” Officer A stated Subject 1 and Civilian 1 were both walking westbound from the parking lot and onto Madison away from the XXXXX Apartments. Officer A stated he kept “his eyes on them [Subject 1 and Civilian 1].” Officer A stated he and Officer B were driving parallel to Subject 1 and Civilian 1. Officer A stated he was approximately ten to fifteen feet away when he saw Subject 1 look in his and Officer B’s direction and immediately give “a small item, suspect narcotics, to Civilian 1.” Officer A stated he immediately exited the vehicle and grabbed Civilian 1’s left hand. Officer A stated he recovered from Civilian 1’s left hand one small ziploc baggie containing suspected rock cocaine.

Officer A stated while it was dark outside, “you had the streetlights so I could see them [Subject 1 and Civilian 1] good.” Officer A stated his view was unobstructed and he could see clearly. Officer A stated while investigating Civilian 1, Subject 1 was still walking westbound on Madison St. Officer A stated after recovering the suspected narcotics from Civilian 1, he told Officer B, “Hey stop him [Subject 1], he just gave her this rock.” Officer A stated Officer B stopped Subject 1. Officer A stated he briefly spoke with Subject 1, but mostly interacted with Civilian 1 and Officer B dealt with Subject 1. Officer A stated he could not hear the conversation between Officer B and Subject 1, but he does recall Subject 1 being very loud and rude. Officer A does not recall Subject 1 asking for his name, star number or a business card. Officer A stated testified at a preliminary hearing for Subject 1, but that the judge “found no probable cause based on weight,” and the case was dismissed. Officer A stated while talking to Civilian 1 at the 11th District’s female lockup area, she stated to him that Subject 1 “give her the rock.”

On January 9, 2018, **accused Officer B (“Officer B”), Star no. XXXX**, gave COPA an audio recorded interview. Officer B stated on October 19, 2017, he and his partner, Officer A,

were working Beat XXXX, a tactical assignment. Officer B stated both officers were in plainclothes and riding in an unmarked Ford Explorer. Officer B stated at approximately 7:46 PM, he and Officer A were patrolling the area of W. Madison St., between XXXXX and XXXX. Officer B said on Madison St., from XXXXX to XXXXX, there are “project buildings there, and those buildings, from being familiar with the area, and we are familiar with the area, due to the high-level of narcotic activity, specifically from those buildings.” Officer B stated he observed Subject 1 and Civilian 1 walking side-by-side together. Officer B stated he recalls Subject 1 and Civilian 1 were “the only two individuals on the sidewalk walking west.” Officer B stated he saw Subject 1 and Civilian 1 holding a small conversation and “walking shoulder-to-shoulder as if they knew each other.” Officer B stated he was driving “either parallel or slightly behind” two individuals later identified as Subject 1 and Civilian 1. Officer B stated it was Officer A’s observations that drew his attention to Subject 1 and Civilian 1. Officer B stated Officer A said to him, “Stop, stop the car. He [Subject 1] just served her.” Officer B stated “serving” is the “street terminology for the selling of narcotics or distribution of narcotics.” Officer B stated he stopped the car, with Officer A quickly exited the vehicle and approaching Civilian 1. Officer B stated Officer A, recovered from Civilian 1’s clenched left hand, one item, a ziploc bag of crack cocaine. Officer B stated he was walking towards Officer A to assist him with Civilian 1. Officer B stated that once Officer A recovered the crack cocaine, he quickly told Officer B to “grab the guy [Subject 1].” Officer B stated he walked over to Subject 1, “who was now ten to twelve feet west of the female [Civilian 1] because he was trying to walk away quickly from the incident.” Officer B stated he then took hold of Subject 1 and placed him into custody.

Officer B stated he knew there were no exchange of funds at the time of the suspected hand-to-hand transaction. Officer B stated he and Officer A were not charging Subject 1 and Civilian 1 for “the selling narcotics, it was more for the delivery.” Officer B stated he recalled Subject 1 claiming, “he couldn’t have given the female [Civilian 1] any drugs because he didn’t receive any money.” Officer B stated he never accused Subject 1 of the exchange of money. Officer B stated, “It is very common for people to share drugs and people to give the drugs to each other.” Officer B stated that could have been what was occurring or Subject 1, having seen him and Officer A, was attempting to get rid of the drugs. Officer B stated Subject 1’s demeanor was “agitated, he was intoxicated, and admitted to drinking that night and being drunk.” Officer B stated because the 11th District is “very busy,” he remembered waiting about fifteen minutes for a transport vehicle for Subject 1 and Civilian 1. Officer B stated Subject 1 was “literally the whole time badgering me,” possibly calling Officer B a racist, and “why was he [Officer B] harassing him, that he was going to sue me, take my job, just badgering me literally the whole time I was waiting [for a transport vehicle].” Officer B stated Subject 1 asked him for a business card but he said to Subject 1, “he didn’t have any.” Officer B stated he is not issued business cards, and that he told Subject 1 he “didn’t have one, and wasn’t going to give him one [a business card.]” Officer B stated he told Subject 1 “his information [Officer B] would be on the arrest report and on the case report.”

The BWC camera video of Officer A taken on October 19, 2017, depicts a 22m 13sec event on the street at XXXX W. Madison St. Officer A is seen conducting a street investigation of Civilian 1 (Att. 31).

The BWC video of Officer B taken on October 19, 2017, depicts a 22m 10sec event on the street at XXXX W. Madison St. Officer B is seen conducting a street investigation of Subject 1 (Att. 32).

The Original CPD Case Incident Report completed on October 19, 2017, by Officer A, states Officers Officer A and Officer B, while on routine patrol, observed a subject, now known as Subject 1 (offender), tender a small item of suspect narcotics to Civilian 1 (offender) who immediately placed said item on her left hand and clenched her left hand. Officers Officer A and Officer B exited the vehicle and approached Civilian 1, at which time subject opened her left hand and observed (1) ziploc baggie containing a rock like substance of suspected crack cocaine, evidence on property inventory no. XXXXXXXX (Att. 15), recovered by Officer A. Both Subject 1 and Civilian 1 were placed in custody and transported to the 11th District for processing. The incident was recorded on BWC and reviewed by the arresting officers (Att. 6).

The CPD Arrest Report for complainant Subject 1 completed on October 19, 2017, by Officer B states the arresting officers, were on routine patrol near apartment buildings at XXXX W. Madison, now known as XXXXX Apartments, an area known for distribution of crack cocaine. Officers Officer A and Officer B observed the offender, now known as Subject 1, tender a small item to co-offender, now known as Civilian 1. Civilian 1 clenched said item into her left hand. Believing to have witness a narcotic transaction, Officer A performed a field interview. Civilian 1 opened her left hand and displayed one ziploc baggie containing a white rock like substance of suspect crack cocaine (Att. 15). Officer A recovered said item. Subject 1 was place in custody. The transaction occurred within 1000 feet of XXXXX Park. Subject 1 was transported to the 11th District for processing by Beat XXXX. The incident was recorded on BWC and reviewed by the arresting officers (Att. 4).

The CPD Arrest Report for witness Civilian 1 completed on October 19, 2017, by Officer B states the arresting officers, i.e., Officers Officer A and Officer B, were on routine patrol near apartment buildings at XXXX W. Madison, now known as XXXXX Apartments, an area known for distribution of crack cocaine. Officers Officer A and Officer B observed the offender, now known as Subject 1, tender a small item to co-offender, now known as Civilian 1. Civilian 1 clenched said item into her left hand. Believing to have witness a narcotic transaction, Officer A performed a field interview. Civilian 1 opened her left hand and displayed one ziploc baggie containing a white rock like substance of suspect crack cocaine (Att. 15). Officer A recovered said item. Subject 1 was place in custody. The transaction occurred within 1000 feet of Garfield Park. Subject 1 was transported to the 11th District for processing by Beat XXXX. The incident was recorded on BWC and reviewed by the arresting officers (Att. 5).

ANALYSIS

Special Order S04-13-09, Investigatory Stop System, of the Chicago Police Department Directives, defines Reasonable Articulate Suspicion (RAS) as

an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. RAS depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. RAS can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

Officer A and Officer B were on routine patrol in the area of XXXX W. Madison St., the XXXXX Apartments, described by both officers as a known area for the sale of narcotics. Officer A and Officer B observed Subject 1 and Civilian 1 walking westbound from the XXXXX Apartments, with Officer A seeing Subject 1 make a hand-to-hand transaction with Civilian 1. This activity created the reasonable articulable suspicion and the basis for the investigatory stop of Subject 1 and Civilian 1, resulting in the recovery by Officer A of the ziploc bag containing one rock of suspected cocaine. The reasonable articulable suspicion, even though the officers did not know for certain at the time, was confirmed from the statement of Civilian 1 when she told COPA that Subject 1 in fact gave her the suspected rock cocaine. The observations Officer A, and the subsequent recovery of the suspected rock cocaine provided the probable cause to arrest not only Civilian 1, but Subject 1 as well.

CONCLUSION

Based on these factors, the Civilian Office of Police Accountability recommends that Allegation #1, that Officer A unnecessarily stopped Subject 1 resulting in an illegal arrest be **Exonerated**. It is also recommended that Allegation #1, that Officer B unnecessarily stopped Subject 1 resulting in an illegal arrest be **Exonerated**.

Investigator

Sup. Investigator

Deputy Chief