

ALLEGATIONS: 1

On 27 May 2014, at approximately 1650 hours, Subject 1 called the Independent Police Review Authority (IPRA) and registered a complaint with Investigator A. Subject 1 alleged that on 11 May 2014, at approximately 2330 hours, at XXXX S. Gilbert Court, **Officer A, #XXXXX, Unit XXX:**

- 1) Struck him about the legs with his baton;
- 2) choked him; and
- 3) failed to complete a Tactical Response Report (TRR) documenting his physical contact with Subject 1.

It is further alleged on the same date and location of incident, **Officer B, #XXXXX, Unit XXX:**

1) was aware of misconduct involving Officer A and failed to report it to a supervisor or IPRA in a timely manner.

INVESTIGATION:

In a statement to IPRA, Subject 1 stated that on the date and time of the incident, he was walking to the gas station with his cousins and friend when a marked police vehicle pulled up alongside of them. A black male officer, now known as Officer A, instructed the group to get off the corner. Subject 1's cousin told Officer A that they were not on the corner. Officer A turned the police vehicle around, parked, and exited it. Subject 1 stated that Officer A approached him, struck him on his back and left eye with a baton and then he attempted to choke Subject 1. As a reaction, Subject 1 moved Officer A's hand away and Officer A accused Subject 1 of resisting. Officer A's partner, now known as Officer B, stood by the squad car yelling at Subject 1 to stop resisting. Officer A placed Subject 1 under arrest and transported him to the station. Subject 1 stated that he repeatedly asked Officer A what he had done but did not get a reason for his arrest. Subject 1 stated that he sustained a bruise to his left eye and swelling to his left cheek. Subject 1's mother, who is a nurse, looked at his injuries. (Atts. #7, 9)

Two photographs of Subject 1 depict redness and discoloration under his left eye and redness to his back. (Att. #18)

In a statement to IPRA, **witness Civilian 1**, stated that she was in the vicinity of XXXX S. Gilbert Court with her boyfriend and a friend. Civilian 1 observed a marked SUV stop and Officer A instructed Subject 1 to get out of the corner. Civilian 1 stated that Subject 1 was with a male who she knows as "Civilian 2." Civilian 1 stated that one of the males, now known as Subject 1, was singing a song when Officer A instructed them to get out of the corner. Officer A had a female partner. Civilian 1 stated "Civilian 2's" mother, now known as Chicago Police Officer C, arrived and drove away with "Civilian 2." At that time, Officer A stopped, approached Subject 1, and struck him with a baton for no reason. Officer A then grabbed Subject 1 by the neck and choked him. Subject 1 told Officer A

that he knew his rights and at that point, Officer A arrested Subject 1. Civilian 1 stated that she did not observe Subject 1 resist Officer A in anyway. (Att. #21)

A **canvass** of the location of incident did not reveal any additional witnesses to the incident. (Att. #23)

The **Arrest and Original Case Incident Report** of Subject 1 indicates that Subject 1 was placed in custody on a signed complaint regarding refusal to disperse from the corner of Vincennes and Gilbert Court. Subject 1 was surly and unruly inciting others not to obey the directives given by Officer A. Officer A placed Subject 1 into custody and transported him to the XXXth District Station for processing. (Atts. #12, 13)

In a **statement to IPRA, witness Officer C, #XXXX** stated that on the date and location of incident she was driving in the vicinity of XXXX S. Gilbert Court going home when she observed a marked Tahoe SUV police vehicle driving alongside four males. Civilian 2, Officer C's son, was one of the males. Officer C stopped behind the police vehicle and spoke to her son. Officer C was upset that Civilian 2 was smoking a cigar and she instructed him to get in her car. Officer C asked Civilian 2 if the police spoke to them and he stated that they did not. Officer C then drove away with Civilian 2. Officer C did not see the officers inside the Tahoe and stated she does not know what occurred with the other three males and the officers. (Att. #27)

In a **statement to IPRA, accused Officer B** stated that on the date and time of the incident she and Officer A were in the area of XXXX S. Gilbert Court. Officer A, who was the driver of their police vehicle, drove alongside of approximately four males or five males and instructed them to get away from the corner. The males said something to Officer A but Officer B does not recall what they said. As Officer A began to drive away, the males said something else, and Officer A slammed the brakes and exited out of the police vehicle. Officer B stated that she did not understand why Officer A stopped so abruptly and exited the car. When Officer B exited the squad car to see what the problem was, Officer A had a male, now known as Subject 1, pinned against the wall. Officer A handcuffed Subject 1 and they transported him to the police station. Officer B did not observe any other physical contact between Officer A and Subject 1. Furthermore, Officer B stated that she was not aware of any misconduct by Officer A. (Att. #29)

Officer A retired from the Chicago Police Department on 10 October 2014 and no statement from taken from him. (Att. #31)

Approved:

Major Case Specialist A
Major Case Specialist

Supervising Investigator A
Supervising Investigator

CONCLUSION:

COPA recommends a finding of **Not Sustained for Allegations #1, #2 and #3** against **Officer A** that he struck Subject 1 about the legs with his baton, choked him, and failed to complete a Tactical Response Report (TRR). Subject 1 alleged Officer A physically mistreated him, however, no witnesses credibly corroborate his account. Although Civilian 1's statement seems to support Subject 1's account, her statement does not provide information regarding the relationship between Civilian 1 and Subject 1. Civilian 1 failed to provide the names of the two individuals that were with her during the incident, which could have corroborated her account. The other witnesses who were with Subject 1 at the time of the incident were not interviewed. Officer B stated that she saw that Officer A had Subject 1 pinned against the wall, but she did not observe Officer A strike Subject 1 during the incident. Officer A did not give a statement regarding the incident because he retired from the Chicago Police Department prior to the conclusion of the investigation. Thus, Officer A's account of the incident is unknown. Therefore, there is insufficient evidence to prove or disprove the allegations under a preponderance standard.

COPA recommends a finding of **Not Sustained for Allegation #1** against **Officer B** that she was aware of misconduct by Officer A and failed to report it to a supervisor or IPRA. Officer B stated that the only physical contact she observed between Officer A and Subject 1 was when Officer A had Subject 1 pinned a wall. Officer A handcuffed Subject 1 and transported him to the police station. Officer B stated that she was not aware of any misconduct by Officer A. Thus, there was no misconduct to report to the department.

Deputy Chief Administrator A
Deputy Chief Administrator