

INTRODUCTION:

On 09 May 2015, at approximately 1800 hours, Subject 1, his brother, Civilian 1 and his friend, Civilian 2, were stopped by Officers A and B in the vicinity of XXXX S. Woodlawn. Subject 1 was driving at the time of the traffic stop, and the officers informed them that they were stopped, because of a broken tail light. The officers then proceeded to search the vehicle, because they smelled marijuana emitting from the vehicle. During the search, the officers found a small amount of marijuana inside of Subject 1's vehicle. Subject 1's vehicle was subsequently impounded. During the traffic stop, the occupants alleged that the officers were rude and unprofessional in that they called them an "asshole," "idiot," and directed the word fuck at them. The victims and the witnesses reported that one of the officers referred to Subject 1, a "drug dealer."

On 12 May 2015, at approximately 1600 hours, Subject 1 and his mother, Subject 2, went to the XXXXX District Police Station to retrieve Subject 1's keys for his vehicle that was in the impound. Upon arrival, Subject 2 explained the situation to two female officers at the front desk, which turned into an argument between Subject 2 and the officers. At this time, Officer C approached them and stated, "You want me to arrest this bitch?" Subject 1 and Subject 2 left the XXXXX District and waited in their car, in front of the XXXXX District Police Station. Officer C then pulled up near them and issued them a ticket for parking in a no parking area. During the course of this second interaction, it is alleged that Officer C bent Subject 1's wrist, and handcuffed him too tightly.

ALLEGATIONS:

On 13 May 2015, at 0813 hours, the complainant, Subject 2, registered a complaint with Independent Police Review Authority¹ (IPRA) Supervisor A. The complainant alleged that 09 May 2015, at approximately 1800 hours, in the vicinity of XXXX S. Woodlawn Ave., **Officer A #XXXXX and Officer B #XXXXX**:

- 1) Stopped, searched, and impounded Subject 1's vehicle without justification, in violation of Rule 1 – Violation of any law or ordinance; and
- 2) Directed profane and inappropriate language at Subject 1, Civilian 1, and Civilian 2, in that they were called a "drug dealer," "asshole," "idiot" and directed the word "fuck" at them, in violation of Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.

It is alleged that on 12 May 2016, at approximately 1600 hours, while at the location of XXXX E. 103rd Street (XXXXX District Police Station), **Officer C, #XXXXX**:

¹ 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 recommendations set forth herein are the recommendation of COPA.

- 1) Called Subject 2 a “bitch,” in violation of Rule 8 – Disrespect to or maltreatment of any person, while on or off duty;
- 2) Got into a verbal altercation with Subject 1, in violation of Rule 8 – Disrespect to or maltreatment of any person, while on or off duty;
- 3) Handcuffed Subject 1 too tightly, in violation of Rule 8 – Disrespect to or maltreatment of any person, while on or off duty;
- 4) Bent Subject 1’s wrist, in violation of Rule 8 – Disrespect to or maltreatment of any person, while on or off duty; and
- 5) Falsely wrote Subject 1 a parking ticket, in 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.

It is alleged that on 12 May 2015, at approximately 1600 hours, while at the location of XXXX E. 103rd (XXXXX District Police Station), **Sergeant A, #XXXX**:

- 1) Refused to register a complaint on behalf of Subject B and Subject 1, related to them being verbally abused, in violation of Rule 1 – Violation of any law or ordinance.

APPLICABLE LAW and RULES:

Rule 1: Violation of any law or ordinance.

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: Prohibits disrespect to or maltreatment of any person, while on or off duty

INVESTIGATION:

In a statement to IPRA on 15 May 2015, the **complainant, Subject 2**, related that on 09 May 2015, she received a call from her son, Subject 1, who indicated that he was pulled over, handcuffed, and detained by Chicago Police Officers. Subject 1 informed Subject 2, that Sergeant A and Officer B were on the scene and that the vehicle Subject 1 was driving would be impounded.

After Subject B indicated that she called the XXXXX District and spoke with a Sergeant B, who told her that Subject 1's vehicle was impounded. Sergeant B informed Subject B that he could not provide any additional information.

On 12 May 2015, Subject B and Subject 1 went to pick up their impounded vehicle on 103rd and XXXX. Upon arrival, Subject B was told that they did not have her car keys and that she needed to contact the Chicago Police Department. At this time, Subject B called the XXXXX District Police Station and requested to speak with a sergeant. After being placed on hold for an extended period, Subject B and Subject 1 drove to the XXXXX District Police Station. Subject B entered the XXXXX District Police Station, spoke with an Officer D and asked to speak with a sergeant. As Subject B and Officer D are talking; an unknown officer (Female, NFI) enters the discussion. According to Subject B, Officer D, and the unknown officer began to cause a scene, and Subject B and Subject 1 began to leave the station.

At this time, Officer C approached Subject B and Subject 1 and said, "You want me to arrest this bitch?" Subject 1 and Officer C exchanged words, and Subject 1 and Subject B exited the station and drove off. Subject B proceeded to leave the XXXXX District Police Station, during which time she called the XXXXX District and asked to speak to a sergeant. The unknown person Subject B was speaking with informed her to return to the police station and wait outside for a "white shirt." As they were waiting for a supervisor, Officer C approached the vehicle and told Subject 1 to exit the vehicle. Subject 1 initially refused to exit the vehicle, but he eventually complied. Officer C then placed Subject 1 in handcuffs and took him inside the XXXXX District Police Station. Subject 1 was eventually released, and the officers returned Subject B's the keys to the impounded vehicle. (Att. #7)

In a statement to IPRA on 15 May 2015, the victim, **Subject 1**, related that on 09 May 2015 he and his brother, Civilian 1, and their friend, Civilian 2, was at his grandmother's house on XXXX S. Woodlawn. Subject 1 explained that they were dropping off food for mother's day when they observed a squad car parked at the end of the block. Subject 1 indicated that they did not pay attention to the police vehicle because they had not done anything wrong. When they completed dropping off the food, they entered their vehicle and drove off. Subject 1, who was driving, observed the officers following behind them. The officers followed them for a couple of blocks and finally stopped them in the vicinity of XXXX S. Avalon.

According to Subject 1, the officers (Now known as Officer B and A) approached the vehicle and said, "it smells like marijuana, get out the car." Subject 1 asked the officers why they were being stopped, but the officers ignored them. They exited the vehicle, and the officers placed them in handcuffs. Subject 1 and Civilian 2 were placed inside the officers marked SUV, and Civilian 1 remained outside of the vehicle in handcuffs. The officers told Subject 1 that they were stopped because they had a broken right tail light. Subject 1 agreed that the vehicle did have a broken tail light, but he did not believe the officers would have seen it because there was another vehicle blocking their view. The officers searched the vehicle and found a small amount of rolled up marijuana, which Subject 1 referred to as a "duck." Subject 1 related that the marijuana the officers found in the vehicle was old and that no one inside of the vehicle smelled like marijuana.

Subject 1 related that during the search of his vehicle, he and Officer B² exchanged words. According to Subject 1, Officer B said that the vehicle they were in looked like a drug dealer's car, he also called them "assholes" and said, "fuck you." Eventually, a sergeant (unknown identity) arrived on the scene and informed the officers that they could not arrest Subject 1, Civilian 1 and Civilian 2 for anything. Subsequently, the officers decided to impound their vehicle, because of the marijuana that was found. The officers allowed them to take their personal belongings out of the vehicle with no further incident and the officers left the scene with Subject 1's vehicle.

Subject 1 related that on 12 May 2015, he and his mother, Subject 2 went to the impound facility to retrieve their vehicle. Upon arrival, they were told that the keys to the vehicle were not there. Subject 1 and his mother went to the XXXXX District Police Station (103rd and XXXXXX) in an attempt to retrieve the keys. While they were at the police station, they approached the front desk and attempted to speak to two Hispanic female officers. According to Subject 1, his mother explained the situation to the officers, but they didn't appear to be interested in helping them. At this time, Subject B got into a verbal altercation with the officers. Subject 1 indicated that an officer now known to be Officer C approached them and stated, "Let me lock the bitch up, I have nothing better to do." Subject 1 and Officer C exchange words briefly, at which time he and his mother left the police station.

Subject 1 and his mother began driving to his home when his mother decided to call "OPS."³ The person she was speaking with told her to go back to the XXXXX District, and they will have a sergeant come to them. Subject 1 and his mother went back to the police station and waited in front of the building. At this time, they observed Officer C exit the police station, enter his squad car and pulled up behind them. Officer C approached their vehicle and asked for Subject 1's license and insurance. Subject 1 asked the officer why he needed his license and insurance since he was not moving. Officer C opened the door, grabbed him by the right wrist and bent his hand and wrist.

During this time, several officers exited the police station, including a sergeant (NFI). Subject 1 attempted to pull away from the officer because he was trying to hurt

² Subject 1 described the exchange of words as directing nonspecific belligerent language at each other.

³ Subject 1 related that his mother called "OPS" (IPRA), but he did not know who she spoke to at the time.

him. Subject 1 said out loud, "You're breaking my wrist." Officer C placed two sets of handcuffs on his wrists and placed him in an interview room inside the police station. The sergeant came and spoke to Subject 1 and asked him about the incident that occurred on the 09 May 2015. Subject 1 told him what had occurred and the sergeant left the room and returned with the keys. Subject 1 was uncuffed and released without being charged, and the sergeant returned the keys to him.

Subject 1 reported that he had cuts on his wrist from the officer's fingernails and swelling and redness to his wrists from the handcuffs. Subject 1 did not seek any medical treatment. (Att. #21)

In a statement to IPRA on 15 May 2015, the **witness, Civilian 1**, related that on 09 May 2015 he was in a vehicle with his brother, Subject 1, and his friend, Civilian 2, when they were pulled over by two white male officers, now known as Officers A and B. Civilian 1 said the stop occurred in the vicinity of XXXX S. Avalon. Civilian 1 indicated that the officers had followed them from his grandmother house on XXXX S. Woodlawn. The officers approached the car and ordered them to exit the vehicle. Civilian 1 related that they exited the vehicle, at which time they were placed in handcuffs. They asked the officers why they were being handcuffed, and the officers informed them that they smelled weed emitting from the vehicle. The officers informed them that they were stopped because the vehicle had a broken tail light. The officers searched the vehicle and found a small portion of marijuana inside of the vehicle.

Civilian 1 related that during the incident, the officers were disrespectful in that they called them "idiots," "stupid," and said they were driving a drug dealer's type of car. The officers called for assistance, and a sergeant (NFI) arrived on the scene. Civilian 1 was placed in the backseat of the sergeant's vehicle, as the officers decided what they were going to do. The officers eventually decided to impound the vehicle, but they allowed them to get their personal belongings out of the vehicle. The officers allowed all three of them to leave the scene with no further incident. (Att. #21)

In a statement to IPRA on 15 May 2015, the **witness, Civilian 2**, provided a similar account of the incident as Subject 1 and Civilian 1. Civilian 2 further indicated that during the traffic stop the officers, now known as Officers A and B, searched Civilian 2, and Subject 1 and Civilian 1 and then placed Civilian 2 in the back of the squad car. They asked the officers why were they stopped and the officers initially indicated, because of a broken tail light and then said they smelled something coming from the car. Civilian 2 further added that during the traffic stop the called him, and Subject 1 and Civilian 1 "fucking idiots." Civilian 2 further related that the officers made inappropriate comments to them in that they said, "they had nothing better to do with their lives, they aren't going to do anything with their life and drug dealers drive cars with rims like the ones on Subject 1 had on his car, which made them look suspicious driving through the area." The officers then wrote Subject 1 a ticket, at which time the officers allowed them to take their personal belongings out of the vehicle and the officers took the vehicle with no further incident. (Att. #26)

The **City of Chicago Violation Notice (XXXXXXXXXX)** was issued on 12 May 2015, at 1655 hours, for a vehicle with license plate #XXXXXXX, by Officer C #XXXXXX, for Park/Stand Prohibited Anytime. (Att. #10)

The **Property Inventory Sheet (XXXXXXXXXX)** which was completed by Officers A and B, on 09 May 2015, indicated that they recovered a brown rolled paper containing suspect cannabis from Subject 1. The officers inventoried the cannabis test kit (Positive Results), and a cannabis test kit affidavit. The officers also inventoried a key and a fob. (Att. #71)

The **photographs** provided by Subject 1 and Subject 2, depicted pictures of Subject 1's wrists. The photographs depicted linear raised marks on Subject 1 wrist that appeared to be from Subject 1 getting handcuffed. There were no cuts or bruises from the handcuffs. (Att. #11 – 16)

Subject 1 also provided a photograph of the right side of his face. Subject 1 never alleged he was physically abused about the face. (Att. #36)

In a To - From Report to IPRA dated 04 March 2016, the **accused, Officer A** related that on 09 May 2015, he and Officer B curbed Subject 1's vehicle for a traffic violation, in the vicinity of XXXX S. Woodlawn. Officer A reported that during the search of Subject 1's vehicle and the arresting officers found cannabis. Officer A denied searching and impounding the vehicle without justification. Officer A also denied calling Subject 1 a "drug dealer," "asshole," "idiot," or directing the word "fuck" at him. Officer A did not recall having any verbal contact with Subject 1. (Att. #44)

In a To – From Report to IPRA dated 04 March 2016, the **accused, Officer B** related that on 09 May 2015, he and Officer A, curbed Subject 1 for a minor traffic violation around the location of XXth and Woodlawn. Officer B related that he did not recall the specific verbal contact he had with Subject 1, but he felt that he had legal justification to search the Subject 1's vehicle in that Officer B smelled burnt cannabis emitting from inside the vehicle. Officer B indicated that they found cannabis in the vehicle. Therefore, Officer B had legal justification for impounding the vehicle. Officer B and his partner issued Subject 1 an ANOV #XXXXXXXXXX for cannabis possession. Officer B did not recall calling Subject 1 a "drug dealer," "asshole," "idiot," or direct the word "fuck" at him. (Att. #49)

In a To – From Report to IPRA dated 10 April 2016, the **witness, Officer D**, indicated that on 12 May 2015, she was assigned to beat XXXX. Officer D reported that she did not recall having any contact with Subject 2 or Subject 1. Officer D did not recall nor had direct knowledge of the verbal and physical interaction between Officer C and Subject 1 and Subject 2. Officer D could not provide any information related to the incident. (Att. #60)

During an interview with IPRA on 17 May 2016, the **witness, Officer E**, related that she was working as security officer outside of the XXXXX District Police Station.

While she was parked and seated inside of her vehicle, she observed a vehicle parked in front of the police station in a no parking zone. During this time, Officer C pulled up along the side of them, and Officer E believed that he was writing a ticket. Officer E indicated that a male occupant (now known as Subject 1) exited the vehicle, at which time he and Officer C appeared to have a verbal altercation. Officer E related that a female (now known as Subject 2) was also inside of the vehicle.

Officer E could not hear the conversation between Officer C and Subject 1, but she exited her vehicle to assist Officer C. As Officer E approached Officer C and Subject 1, Sergeant B exited the XXXXX District Police Station. Sergeant B approached Officer C and Subject 1, and he appeared to have the situation under control. Officer E walked back to her vehicle and remained inside. Subject 1 appeared to be irate (moving around a lot and loud); at which time she believed Officer C placed him in handcuffs. Officer E did not hear Officer C call Subject B a “bitch,” and never observed Officer C bend Subject 1’s wrist and handcuff him too tightly. (Att. #56)

During an interview with IPRA on 21 July 2016, the **accused, Sergeant A** indicated that on 12 May 2015, at approximately 1600 hours, he was in full uniform and assigned to beat XXXX. Sergeant A related that he was assigned 10 Sector on 12 May 2016. Sergeant A explained that 10 Sector is associated with a particular area within the XXXXX District. According to Sergeant A, the XXXXX District Police Station was not part of 10 Sector. Sergeant A reported that he does not recall having any contact with Subject 2 and Subject 1. Sergeant A related that if Subject 2 and Subject 1 had asked him to register a complaint about verbal abuse, he would have done it. (Atts. #69, 70)

During an interview with IPRA on 18 May 2016, the **witness, Sergeant B** indicated that on 12 May 2015, at approximately 1600 hours, he believed he was working as the desk sergeant. Sergeant B related that he doesn’t have any direct recollection of Subject 2 and Subject 1. Sergeant B further reported that he does not recall any situation where Officer C got into a verbal altercation with anyone. Sergeant B also did not recall anyone complaining about a ticket that Officer C wrote. Sergeant B did indicate that Officer C is a “prolific” ticket writer, meaning he writes tickets often and efficiently. Sergeant B did not recall observing any interaction between Officer C and Subject 2 and Subject 1. Sergeant B indicated that the front area of the XXXXX District is a no parking zone. (Att. #58)

During an interview with IPRA on 15 March 2016, the **accused, Officer C**, related that he did not recall the events that led him to write the citation dated 12 May 2015, to Subject 1 and Subject 2. Officer C confirmed that he wrote the citation, but he did not remember the specific details about the incident. Officer C indicated that he remembers an incident that occurred inside the XXXXX District near the front desk, but he did not recall the exact date and time. According to Officer C, the incident involved one black female (Believed to Subject 2) and one black male (Believed to Subject 1).

Officer C related that Subject 2 and Subject 1 were swearing and yelling at the officers working at the front counter. He believed it was related to a ticket that one of them

had received and they were asking about keys to their vehicle. Officer C was not working inside the district at the time; he just happened to be at the police station when the incident occurred. Officer C indicated that he told Subject 2 and Subject 1 that they had to leave the station. Officer C indicated that he did not have any physical contact with either Subject 2 or Subject 1 and they left the police station on their own.

Officer C was asked several questions related to him writing the ticket, but he did not recall any of the circumstances which led to him writing the tickets. He also did not recall if he wrote the ticket on the same day the incident inside the XXXXX District occurred. Officer C did not recall handcuffing Subject 1. Officer C related that he did not believe he called Subject 2 a “bitch.” When Officer C was asked if was possible that he might have called Subject 2 a “bitch,” he replied, “Anything is possible.” Officer C did not recall bending Subject 1 wrist. Officer C denied having any direct recollection of the incident. (Atts. #53 – 54)

Officer A - Allegation #1:

The R/I recommends a finding of **Unfounded** for allegation #1 against Officer A, that he stopped, searched, and impounded Subject 1's vehicle without justification. The purpose of a *Terry* stop is to conduct a brief investigation to confirm or deny that the suspect is involved in criminal activity. *Terry v. Ohio*, 392 U.S. 1 (1968). Police may initiate a *Terry* stop when the officer suspects that an individual is committing, has committed, or is about to commit a crime, but probable cause does not yet exist to arrest and the officer wants to "stop" the suspect and investigate.⁴

Based on the information provided by the Officer A, Officer A believed that he had enough reasonable suspicion to justify a *Terry* stop of Subject 1. The officers informed Subject 1 that he was stopped because one of the tail lights was broken. Subject 1 confirmed that one of the tail lights was broken, but he did not believe the officers were in a position to see the damage. Once Subject 1 and the other occupants were stopped, Officers A and B informed them that they smelled marijuana emitting from the vehicle. The officers searched the vehicle and found a small amount of marijuana. Subject 1 never discounted that the marijuana belonged to him. Subject 1 did relate that neither he nor the other occupants smelled of marijuana at that time of the incident. Although there was not enough marijuana to arrest Subject 1, the officers had legal rights to impound his vehicle. Furthermore, Officer A documented in his reports that Subject 1 was stopped for a minor traffic violation. This information provided by Officer A appears to provide sufficient justification to conduct a *Terry* stop and ask questions.

The witnesses, Civilian 1 and Civilian 2, provided essentially the same information as Subject 1. There is no evidence provided that would discount Officer A version of the incident.

Terry stops further instructs that, if the stop does not result in probable cause, then there is no arrest and the suspect should be released. Based on the information gathered, no one was arrested, and Subject 1 and Civilian 1 and Civilian 2 were allowed to leave.

Allegation #2:

The R/I recommends a finding of **Not Sustained** for allegation #2 against Officer A, that he directed profane and inappropriate language at Subject 1 and Civilian 1 and Civilian 2, in that they were called "drug dealers," "asshole," "idiot," and directed the word "fuck" at them. Subject 1 and Civilian 1 and Civilian 2 all provided essentially the same account of the incident, which supports the accusation that the officers directed inappropriate language at them. Civilian 1 and Civilian 2 did not know which officer was verbally abusive. Subject 1 named Officer B as the officer that verbally abused him. Officer A denied that he called them a "drug dealer," "asshole," and "idiot." He further

⁴ A lawful *Terry* stop must be based on "reasonable suspicion," which has been defined as "articulable facts that would lead a reasonable officer to conclude that criminal activity is afoot. More than an unsupported hunch but less than probable cause and even less than a preponderance of the evidence." *U.S. v. Sokolow*, 490 U.S. 1 (1989).

denied that he directed the word “fuck” at them. Furthermore, no one specifically identified Officer A as the accused. Based on the evidence provided, there is not enough evidence to substantiate the allegations. Therefore the R/I recommends a finding of **Unfounded**.

Officer B – Allegation #1

The R/I recommends a finding of **Unfounded** for allegation #1 against Officer B, that he stopped, searched, and impounded Subject 1’s vehicle without justification. The purpose of a *Terry* stop is to conduct a brief investigation to confirm or deny that the suspect is involved in criminal activity. *Terry v. Ohio*, 392 U.S. 1 (1968). Police may initiate a *Terry* stop when the officer suspects that an individual is committing, has committed, or is about to commit a crime, but probable cause does not yet exist to arrest and the officer wants to “stop” the suspect and investigate.

Based on the information provided by the Officer B, Officer B believed that he had enough reasonable suspicion to justify a *Terry* stop of Subject 1. The officers informed Subject 1 that he was stopped because one of the tail lights was broken. Subject 1 confirmed that one of the tail lights was broken, but he did not believe the officers were in a position to see the damage. Once Subject 1 and the other occupants were stopped, Officers B and A informed them that they smelled marijuana emitting from the vehicle. The officers searched the vehicle and found a small amount of marijuana. Subject 1 never discounted that the marijuana belonged to him. Subject 1 did relate that neither he nor the other occupants smelled of marijuana at that time of the incident. Although there was not enough marijuana to arrest Subject 1, the officers had legal rights to impound his vehicle. Furthermore, Officer B documented in his reports that Subject 1 was stopped for a minor traffic violation. This information provided by Officer B appears to provide sufficient justification to conduct a *Terry* stop and ask questions.

The witnesses, Civilian 1 and Civilian 2, provided essentially the same information as Subject 1. There is no evidence provided that would discount Officer B version of the incident.

Terry stops further instructs that, if the stop does not result in probable cause, then there is no arrest and the suspect should be released. Based on the information gathered, no one was arrested, and Subject 1 and Civilian 1 and Civilian 2 were allowed to leave.

Allegation #2

The R/I recommends a finding of **Not Sustained** for allegation #2 against Officer B, that he directed profane and inappropriate language at Subject 1 and Civilian 1 and Civilian 2, in that they were called “drug dealers,” “asshole,” “idiot,” and directed the word “fuck” at them. Subject 1 and Civilian 1 and Civilian 2 all provided essentially the same account of the incident, which supports the accusation that the officers directed profane and inappropriate language at them. Civilian 1 and Civilian 2 did not specifically identify which officer was verbally abusive. Subject 1 named Officer B as the officer that verbally abused him. Officer B did not recall if he called them a “drug dealer,” “asshole,” and

“idiot.” Nor did Officer B recall if he directed the word “fuck” at them. Officer B did not recall the specific verbal contact he had with Subject 1. Since Officer B did not recall the verbal contact with Subject 1, it is reasonable to believe that the events occurred as Subject 1 stated. Without independent witnesses and substantial evidence, there is no other way to determine that the incident occurred as alleged by Subject 1. Due to the lack of evidence to either prove or disprove the allegations R/I recommends a finding of **Not Sustained**.

Officer C – Allegation #1

The R/I recommends a finding of **Not Sustained** for allegation #1 against Officer C that he called Subject 2 a “bitch.” Subject 2 indicated that while she was having a verbal dispute with officers at the front desk of the XXXXX District, Officer C said words to the effect of, “You want to arrest this bitch?” According to Subject 1, Officer C said words to the effect of “Let me lock the bitch up. I got nothing better to do.” Officer C did not recall the contact that he had with Subject 2 or Subject 1.

Officer C did recall an incident that occurred inside the XXXXX District Police Station, but he did not recall the date and time of the incident or the name of the individuals involved. Officer C also did not recall if the incident occurred on the same date he wrote the ticket to Subject 1. According to Officer C, he observed an older black female and young black male cursing and yelling at the officers assigned to the front desk. Officer C reported that he told the couple to leave the station, and he believed that they left with no further incident. Officer C could not provide any further details about the incident. More than likely, Officer C was describing Subject 2 and Subject 1.

Furthermore, Officer C could not discount that the incident did not occur as alleged, based on his vague recollection of the incident. Notwithstanding, the lack of independent evidence (physical evidence or audio/video of the encounter) or unrelated third party witnesses to the incident, to determine by a preponderance that the misconduct occurred as alleged. Due to the lack of evidence to either prove or disprove the allegations, the R/I recommends a finding of **Not Sustained**.

The R/I recommends a finding of **Not Sustained** for allegation #2 against Officer C that he got into a verbal altercation with Subject 1. During Subject 1’s interview, he never specified what the officer said during the altercation. Officer C did not recall his interaction with Subject 1. There was no evidence to substantiate the allegation. Based on the totality of the incident, it is reasonable to believe that incident occurred, but with no additional evidence, the allegation must be classified as **Not Sustained**.

The R/I recommends a finding of **Not Sustained** for allegations #3 – 4 against Officer C that he handcuffed Subject 1 too tightly and bent his wrist. Officer C had no direct recollection of the incident. Officer E indicated that she observed the interaction from afar, but she did not observe the specific allegations. Subject 1 provided photographs of his wrists, which depicted linear raised red marks on his wrist. The photographs are consistent with him being handcuffed, but not necessarily too tight. The photographs did not depict any injuries consistent with his wrist being bent. Subject 1 did not seek any

medical treatment. Although it's reasonable to believe that the incident occurred, there is not enough evidence to support the allegations.

The R/I recommends a finding of **Unfounded** for allegation #5 against Officer C that he wrote Subject 2 and Subject 1 a false parking ticket. Both Subject 2 and Subject 1 reported that they were allegedly told via phone to park in front of the XXXXX District Police Station, by someone from the XXXXX District. Officer C acknowledged that he wrote the parking the ticket, but he did not recall the circumstances that lead to him writing the ticket. Officer E indicated that she observed Subject 2 and Subject 1 parked in a no-parking zone in front of the XXXXX District. Sergeant B did not recall the incident, but he acknowledged that the front area of the XXXXX District is a no parking zone. Based on the provided information, Officer C did not write Subject 2 and Subject 1 a false ticket.

Sergeant A – Allegation #1

The R/I recommends a finding of **Unfounded** for allegation #1 against Sergeant A that he refused to register Subject 2's complaint about being verbally abused. When Subject 2 initially registered her complaint, she reported to IPRA staff that Sergeant A refused to register her complaint on her behalf. During Subject 2's interview with IPRA, she never accused Sergeant A of not registering her complaint, she only mentioned him being present during the traffic stop of Subject 1 on 09 May 2015. There is no record that Sergeant A had any contact with Subject 2 or Subject 1. Sergeant A did not recall coming into contact with Subject 2 or Subject 1. Sergeant A related that if Subject 2 would have requested to register a complaint, he would have complied with her demands.