

SUMMARY OF INCIDENT

On the evening of November 23, 2016, the complainant, Subject 1, encountered several police officers while walking near his home at XXth and Hermitage. Subject 1 provided a digitally recorded statement to IPRA the next day and alleged that two of the officers he interacted with acted inappropriately. Subject 1 was not arrested. The identities of the officers (names, badge numbers, etc.) were not provided by Subject 1 and were not confirmed by IPRA/COPA.¹

ALLEGATIONS²

It was alleged that on the evening of November 23, 2016, **Officer #1**, while on duty:

- 1) Put his hand to Subject 1's chest without cause and also slapped a cigarette out of the complainant's mouth;
- 2) Improperly seized Subject 1's cell phone from his coat pocket without consent;
- 3) Threw Subject 1's cell phone to the ground, damaging it; and
- 4) Failed to fill out an Investigatory Stop Report after Subject 1's involuntary encounter with the officer.

It was further alleged that on the same evening, **Officer #2**, while on duty:

- 1) Improperly seized Subject 1's cell phone from his pocket;
- 2) Threw Subject 1's cell phone to the ground, damaging it; and
- 3) Failed to fill out an Investigatory Stop Report after Subject 1's involuntary encounter with the officer.

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 recommendation(s) set forth herein are the recommendation(s) of COPA.

² The only descriptions for the accused officers provided by the complainant were that the officers were black males dressed in plain clothes. These officers are referred to as Officer #1 and Officer #2 below. The complainant interacted with Officer #1 in the alley on foot, then Officer #2 several seconds later in a police vehicle.

APPLICABLE RULES AND LAWS

Rules and Regulations of the Chicago Police Department

Rule 5 prohibits, “Failure to perform any duty.”

Rule 6 prohibits, “Disobedience of an order or directive, whether written or oral.”

Rule 8 prohibits, “Disrespect to or maltreatment of any person, while on or off duty.”

Chicago Police Department Special Order S04-13-09, Investigatory Stop System

“An Investigatory Stop is not a voluntary contact. A voluntary contact is a consensual encounter between an officer and a person during which the person must feel free to leave the officer's presence. An officer may approach any person at any time for any reason on any basis. However, absent reasonable suspicion or probable cause, that person must be free to walk away at any time. An officer's ability to articulate that no factors existed that would make a reasonable person perceive they were not free to leave is important.”

“Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.”

The Fourth Amendment to the Constitution of the United States

“The Fourth Amendment to the Constitution of the United States guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.”

INVESTIGATION

Interview of Complainant Subject 1

In his interview to IPRA, Subject 1 stated that he was leaving his home at XXth & Hermitage when he started walking through an alley toward XXXXXXXX & Marshfield. He encountered a black, male, plain-clothed officer standing at the entrance of the alley who told Subject 1 to “come here” and asked where he had just come from. After a few moments of conversation, Subject 1 stated the parties heard two gunshots coming from just east of where they were standing. He then saw several civilians running toward him and the officer, and these civilians then split up running in different directions.

Immediately after this occurred, Subject 1 stated the officer became agitated, put his hand to Subject 1's chest as if to feel his heart rate, and asked him why he was running. At some point during the interaction with the officer, Subject 1 stated he received a phone call to his cell phone, which was in his coat pocket. Subject 1 stated the officer grabbed his phone out of his pocket when

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it rang, then threw the phone on the ground and instructed Subject 1 to “go that direction,” meaning back toward XXth Street.

After Subject 1 walked away and reached the corner of XXXXXXXX Street, he stated an unmarked police car pulled up to him from behind. He then stated that another male, black, plain-clothed officer jumped out of the vehicle and walked toward him, wanting to question him about where he had just come from. Shortly after the officer spoke to him, Subject 1 heard a call come in over the police dispatch radio from the vehicle; the officer left to assist with the call and let Subject 1 leave. Sometime during this interaction, Subject 1 alleged that this second officer also grabbed his phone and then tossed it back to him, causing it to drop to the ground and possibly causing the damage.

Subject 1 mentioned that he then went home and was standing outside on his porch when two different officers walked by and asked him what he saw. No allegations were made against these officers by Subject 1, and no descriptions were given in his statement. (Atts. 4-7)

Other Evidence

The OEMC Event Queries were pulled for that date of occurrence, and the only event populated reflected ‘No Police Service.’ (Att. 11). Since there was no arrest involved, no case reports were generated. (Atts. 8-10, 12-14)

Various attempts were made by IPRA/COPA to identify the specific officers that Subject 1 interacted with, but these attempts were unsuccessful. (Att. 15)

ANALYSIS & CONCLUSION

Due to the lack of detail provided by the complainant to identify the involved officers and the lack of information available in the reports that were ran, COPA recommends that all allegations against **Officers #1 and #2** be **NOT SUSTAINED**. There is insufficient evidence in this case to support or refute the allegations against the accused officers, as the identity of the accused officers remains unknown.