

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 26, 2013
Time of Incident:	1:15 am
Location of Incident:	Oakley
Date of COPA Notification:	May 3, 2017
Time of COPA Notification:	11:56 pm

Subject 1 was pulled over for driving a vehicle without a city sticker, or any license plates. Subject 1 did not have a driver's license or insurance. Subject 1's is member of the Moorish religion and does not believe that he has to abide by the state and municipal laws. After a disagreement with members of Chicago Police Department about the validity of state and municipal laws, Subject 1's car door was opened, and he was taken out of the vehicle, and placed into police custody.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, star XXXX, employee ID# XXXXXX, Date of Appointment – XX/XX 2012, Police Officer, Unit of Assignment – 25 th District, Date of Birth – XX/XX 1979, male, Hispanic
Involved Officers #2:	Multiple Unknown White Male Officers

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Violated Subject 1's Constitutional Rights by pulling him over without reason justification in violation of Chicago Police Rule number 6;	Unfounded

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. Therefore, 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.

Unknown White Male Officer	1. Pulled Subject 1 out of his vehicle and threw him to the ground, placed a knee on the back of his neck, and handcuffed him too tightly in violation of Chicago Police Rules 2, and 8.	Not Sustained
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IV. APPLICABLE RULES AND LAWS

Rules

Rule 2 prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

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.

General Orders

1.G02-02-01

Federal Laws

1. First Amendment

V. INVESTIGATION²

a. Interviews

In an interview with IPRA on May 3, 2017, **Subject 1**, related that on the date in question he was driving a 2001 Ford Explorer, with a female companion on his way to his home, when he

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

was pulled over by members of the Chicago Police Department³. Subject 1 spoke with Officer A who started asking him questions about where he was going, and why did he not have any license plates on his vehicle.

Subject 1 testified that he told the officer his name and where he was going. When asked for his license, Subject 1 informed the officer that the vehicle was his own personal private property, and that he was heading home. Subject 1 stated that he told Officer A that he maintained the rights to his own personal property when asked about his license plate status. During the interview, Subject 1 disagreed with the Officer's assertions that he was violating the law and based on Subject 1's religious beliefs he was not subject to the laws of the United States.

Subject 1 stated that after the disagreement Officer A called for back-up. Subject 1 related that Officer A engaged in an unlawful seizure and arrest of him. Subject 1 testified that the officers that came blocked him in with their cars preventing him from driving off. Subject 1 stated that Officer A was aggressive, patronizing, and angry in speaking to him. Subject 1 stated that after the additional officers came, Officer A told him to get out of the vehicle. Subject 1 stated that he told him he was in a wheel chair, and it was in the trunk. Subject 1 stated that he told Officer A that he had suffered from gunshot wounds years prior. Subject 1 then stated that Officer A and two other officers pulled him out of the vehicle by his arms and placed him down to the concrete. Subject 1 stated that he was holding on to the driver steering wheel asking them to stop. Subject 1 stated that he was resisting them pulling him out of the car to prevent further injury. Subject 1 stated that officers pulled him out of the vehicle and slammed him on his face causing him to bleed. Subject 1 stated that while on his stomach, a uniformed white male officer with a military style buzz cut and an accent, put a knee to the back of him and applied pressure using the officer's thumb to his right ear. Subject 1 then stated that the handcuffs were so tight that they were ripping into his skin. Subject 1 testified that after he was on the ground the officers noticed that he wasn't moving his feet. Officers then went to the backseat of the Ford Explorer and retrieved his wheel chair. Subject 1 related that Officers then picked him off the ground and sat him in the wheelchair handcuffed him while his pants were down. Subject 1 stated that he was humiliated in front of his female companion. Subject 1 was then transported to the hospital. (Att. 7)

In an interview with IPRA on July 25, 2017, **Officer A**, related that on the date in question he was working foot patrol in full uniform in the 8th District. Officer A stated that he was working with at least one other officer. Officer A stated that he and this other officer were in a marked squad car. Officer A stated that Subject 1's SUV turned in front of his squad car and he noticed that the vehicle did not have license plates or a city sticker. He then turned his lights on and curbed the vehicle.

³ Subject 1 stated that his female companion's name was Civilian 1. Subject 1 also stated that Civilian 1 is currently married and he has not spoken to Civilian 1 in over a year. Subject 1 was unable to provide a phone number or address of Civilian 1.

Officer A stated that as he attempted to ask Subject 1 basic questions, Subject 1 kept saying that he was a sovereign citizen and did not need to obey the laws. Officer A saw a large bamboo like stick wedged between the center console and the passenger side seat of Subject 1's vehicle as well as a wheel chair in the back seat. Officer A related that he asked Subject 1 if he was paralyzed to which Subject 1 replied 'I use it sometimes when my back hurts'.

After 10 minutes of going back and forth with Subject 1, Officer A called for a Sergeant. Multiple officers arrived. He stated that when the Sergeant arrived Subject 1 continued to give the same responses. Officers then gave verbal commands for Subject 1 to get out of the car and that Subject 1 refused. Officer A stated that an unknown officer opened the door.

Once the door opened, Subject 1 stated, "I can't walk". Four to five unknown officers grabbed Subject 1 and took him out of the car and tried to hold him up against the car. When Subject 1 was unable to stand up on his own they then placed him on the ground gently. Officer A related that while on the ground, Subject 1 was flailing his arms, jerking his hands and fighting with officers. Officer A related that he believed other officers may have then turned him from his back to his stomach while on the ground. Officer A, stated that he helped another officer cuff Subject 1 by guiding his hand to the cuff. Officer A stated that other officers placed Subject 1 in his wheelchair and wheeled him away. Officer A could not remember the names of which officers touched Subject 1. Officer A stated that he was instructed to perform the Tactical Response Report by the Sergeant. (Att. 25)

In an interview with IPRA on August 10, 2017, **Officer B**, recalled that on the day in question she was working with Officer A on foot patrol and in full uniform. She stated they were still probationary officers. She testified that they curbed Subject 1's vehicle because they noticed that it was driving with no license's plates or any identifying markings. Officer A approached the driver's side window and Officer B approached on the passenger's side. She recalled there being a female in the car and that she spent most of her time with the female passenger. Officer B recalled Subject 1 repeatedly saying that the rules of the government did not apply to him. Officer B Subject 1 refused to give his name. She stated that Officer A spoke with Subject 1 for about 10 minutes before they made the decision to call for a Sergeant.

Officer B related that when the Sergeant arrived he was very calm and attempted to de-escalate the situation Officer B recalled about four or five other officers and a Sergeant all responded to assist. While the officers were at the driver's side door speaking with Subject 1, she ordered the female out of the car. Officer B stated that she did not recall who opened Subject 1's driver's side door or who pulled him out of the car. Officer B remembers multiple officers trying to handcuff Subject 1 but could not recall where Officer A was during the handcuffing. Officer B stated that after the car was searched officers discovered Subject 1's wheel chair. Officer B then stated that officers called for a specialty transportation vehicle for Subject 1. Officer B stated that once she got back to the District officers ran his criminal history and discovered he was a convicted felon and had been arrested numerous times. Officer B did not see any control tactics being used

on Subject 1 nor did she hear Subject 1 complain about the handcuffs. Officer B also testified that she remembers an unknown officer un-holstered his Tazer but did not deploy it due to the surrounding officers. (Att. 27)

In an interview with IPRA on August 10, 2017, **Officer C**, recalled that on the date in question he was working in full uniform on routine patrol. He stated that he was unsure of how he initially got the call to the scene. Officer C related that when he arrived on scene he observed four probationary officers two on each side of the vehicle. Officer C did not remember if he spoke to Subject 1 or not. Officer C stated that he did not remember if he touched Subject 1 or not. Officer C testified that he may have assisted in the handcuffing of Subject 1 but he was not sure. Officer C did not recall any of the officers that were on scene. Officer C does remember Subject 1 being loud, pulling away, and struggling from being handcuffed. Officer C does not remember if he helped pull Subject 1 out of the car or not. Officer C remembers that after Subject 1 was handcuffed he waited for a specialty vehicle to transport him but he could not remember who made the call. (Att. 26)

In an interview with IPRA on August 21, 2017, **Officer D**, related that he was on routine patrol in uniform when he heard a call over the police radio that an officer needed assistance with a traffic stop. Officer D related that when he arrived on scene he observed Officer A, and Officer B speaking with Subject 1. Officer D remembered that Subject 1 was uncooperative and agitated and refused to give his name or furnish his driver's license.

Officer D remembered officers using verbal commands to get Subject 1 out of the car and Subject 1 refusing to leave his vehicle. Officer D stated that he does not remember who gave the command to order Subject 1 out of his car but an officer opened the car door and several other officers pulled Subject 1 out of the car. Officer D testified that he believed that the officers placed Subject 1 directly to the ground.

Officer D remembered that once Subject 1 was on the ground he started to stiffen his arms, pull away, and began being very loud and verbally abusive to the officers on scene. Officer D could not remember what specific abusive language Subject 1 used. Officer D then stated that Subject 1 was eventually handcuffed and that multiple officers assisted in the handcuffing. Officer D said that he could not remember where he was standing when all this occurred, nor could he remember where any other officers were standing. Officer D could not remember if he assisted in the handcuffing of Subject 1. Officer D then testified that the officers likely called for an ambulance but could not remember which officer did so. Officer D did not hear Subject 1 complain about the handcuffs being too tight, nor did he see anyone use excessive force against Subject 1. (Att. 28)

In an interview with IPRA on August 24, 2017, **Officer E**, related that because this happened so long ago, and because he was only an assisting officer, he was not sure if he could provide details about the event. Officer E stated that on the date in question he was on a foot patrol

unit and he may have been working with a Officer D in full uniform. He did not remember if he was on foot or in a vehicle. Officer E did not know how he came to the scene. Officer E stated that when he arrived, he witnessed multiple officers on scene already. He noticed Subject 1 in the car with one other person that he believes was a female. He observed conversations Subject 1 had with officers trying to obtain his driver's license. Officer E did not remember which officers were speaking to Subject 1. Officer E was also unsure whether he assisted in the handcuffing of Subject 1 or not. Officer E did not remember searching the car and does not remember anything Subject 1 was saying. Officer E remembers Subject 1 getting pulled out of the car but does not remember who removed him. Officer E remembered there being a struggle but cannot remember it in any detail. He does not remember who did the initial handcuffing or if anyone put a knee to the back of Subject 1. (Att. 29)

b. Physical Evidence

Photographs obtained by IPRA on May 9, 2017, depict a cut above Subject 1's eye, a bruise found under his ear, another bruise on his wrist, his knee, and above his eye. Subject 1 stated that the eight photographs given to IPRA were taken by him shortly after the incident. The photos are zoomed in pictures that show cuts and bruises on Subject 1's body therefore it is difficult to make what side of the face and which hand the cuts and bruises appear on. (Att. 22)

The **Medical Records** for Subject 1 document that he was admitted August 26, 2013, because he was feeling pain all over. The triage registered nurse, Civilian 2, reported a small cut above Subject 1's eye and noted no other signs of trauma. Civilian 2 also reported that Subject 1 told him that he was arrested for driving while black, and that he was exercising his right to travel and that he is being kept a slave by the corporation that is the Chicago Police Department. Civilian 2 further noted that Subject 1 gave misleading answers to direct questions and despite being a paraplegic Subject 1 stated that he felt pain everywhere, including his legs. Subject 1 was discharged the same day. (Att. 21)

c. Documentary Evidence

The **Tactical Response Report** of Officer A documents that on August 26, 2013, Subject 1 did not follow verbal direction, stiffened, pulled away, and that Officer A performed verbal commands and handcuffed Subject 1. (Att. 13)

The **Tactical Response Report** written by Officer C on August 26, 2013, documents that he performed a wristlock on Subject 1 and then used emergency handcuffing procedures. Officer C could not remember specifics of the handcuffing or the wristlock during his interview with IPRA. (Att. 14)

The **Tactical Response Report** of Officer D documents that on the day in question, Subject 1 was a passive resister, and then became an active resister. Officer D created the report and

documented that he first used pressure sensitive control tactics then performed an emergency handcuffing procedure. During his interview when asked specifically what pressure sensitive control tactic was used against Subject 1 during his interaction with him, Officer D could not remember but stated that it was likely him taking Subject 1's arm back so other officers could handcuff him. (Att. 15)

The **Tactical Response Report** of Officer E documents that on August 26, 2013, Subject 1 did not follow verbal direction, stiffened, pulled away, and that Officer E performed verbal commands and handcuffed Subject 1, when asked about this report during his interview Officer E stated that due to this event being four years ago he could not remember. (Att. 16)

The **Arrest Report** of Subject 1 was written by Officer D, and documents that Subject 1 was pulled over while driving a white Ford Explorer for not having any license plates on his vehicle. The Arrest Report documents that Subject 1 was driving the vehicle and failed to produce a driver's license or insurance. The report provides that Subject 1 responded to officers by saying he did not have a license, due to the fact that he was Moor, and he could travel the land as he pleases, and that he did not enter into a contract with the government. The Arrest Report articulates that Subject 1 never told officers he was a paraplegic and refused to tell him his name. The document provides that officers ordered Subject 1 out of the vehicle and he refused to get out. The report further provides that officers pulled Subject 1 out of the car while his arms flailed, and placed him on the ground and handcuffed him. The report states that the officers then found a wheelchair in the car while they were searching the vehicle. An ambulance had been called and Subject 1 was transported to Holy Cross Hospital. (Att. 8)

The **Original Case Incident Report** was written by Officer A and the narrative section is seemingly a copy and paste of the Arrest Report narrative. (Att. 11)

The **Run Report** from the Chicago Fire Department documents that Ambulance 8 retrieved Subject 1 and transported him to Holy Cross Hospital without any incident. The narrative from the report documents that Subject 1 was removed from his vehicle due to being a paraplegic and that Subject 1 complained of experiencing pain all over. The paramedics were on scene for approximately ten minutes and reported no obvious trauma.

VI. ANALYSIS

Accused 1: Officer A,
Allegations 1: Unfounded

COPA recommends a finding of **Unfounded** for Allegation 1, against Officer A. Subject 1 alleges that Officer A violated his Constitutional Rights' by pulling him over without justification, which is a violation of Chicago Police Rule number 6. A police officer can stop a motor vehicle whenever the officer has specific and articulable facts, which, when taken together

with reasonable inferences from those facts, reasonably warrant the intrusion. However, the officer must have probable cause to stop a vehicle.

Here, Officer A and Officer B, both articulated that the basis for their stop of Subject 1 was that they saw him driving a vehicle that had no license plates, and that he was taken out of the vehicle for his failure to provide officers a driver's license. Subject 1 does not deny that he was driving a car without license plates, nor does he deny that he was operating a car without a license. Subject 1 cited his status as a sovereign citizen, and his religious beliefs as a Moor, as the reason he did not need a driver's license or vehicle registration.

In summary, Subject 1 argues that the state and city's vehicle and registration laws act as an unconstitutional burden on his free exercise of his religion, and therefore these laws violate his First Amendment right to exercise his religion freely. However, the United States Supreme Court analyzes free exercise of religion claims under the rational basis test. Under this test, a rationally based, neutral law, that is generally applied to all people, does not violate the free exercise of religion clause of the Constitution, even though the law incidentally burdens a particular religious belief or practice, *Employment Division v. Smith*, 494 U.S, 872, 110 S.Ct.1595 (1990).

The Court further explained that "The government's ability to enforce generally applicable prohibitions of socially harmful conduct, like its ability to carry out other aspects of public policy, cannot depend on measuring the effects of a governmental action on a religious objector's spiritual development" *Id.* at 885, 110 S.Ct. 1595.

The Illinois motor vehicle laws, as well as the city's vehicle registration laws are rational to meet a legitimate government objective, and are neutrally applied since all motorist must abide by them in order to drive and operate their motor vehicles. Thus, the laws are valid, and that by operating a vehicle without license plates, Subject 1 was in commission of committing a traffic violation, which gave Chicago police officers probable cause to pull him over and perform an investigatory traffic stop. Since Officer A had probable cause and justification to pull Subject 1 over, his allegation that the stop violated his Constitutional Rights are **Unfounded**.

Accused 2: Unknown White Male Officers

Allegations 1: Not sustained

COPA recommends a finding of **Not Sustained** for Allegation 1 against unknown white male officers that pulled Subject 1 out of his vehicle, threw him to the ground, placed his knee on the back of his neck, and handcuffed him too tightly. During his interview Subject 1 did not give enough details for investigators to positively identify the officers that purportedly committed the acts against him. The officers that were interviewed each stated that because this event happened four years ago it was difficult to recall the specifics of what happened. There are no private video cameras, body worn cameras, or in car cameras that recorded this incident. Even if the event happened as alleged, the officers would have been in their right to physically remove Subject 1

from his vehicle since he admitted in his interview with investigators that he resisted leaving his vehicle. Thus, due to all the reasons stated above this allegation is found **Not Sustained**.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	1. Violated Subject 1’s Constitutional Rights by pulling him over without reason justification in violation of Chicago Police Rule number 6;	Unfounded
Unknown White Male Officers	1. Pulled Subject 1 out of his vehicle and threw him to the ground, placed a knee on the back of his neck, and handcuffed him too tightly in violation of Chicago Police Rules 2, and 8.	Not sustained

Approved:

Deputy Chief Administrator A

 Date

Appendix A

Assigned Investigative Staff

Squad#:	X
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A