SUMMARY REPORT OF INVESTIGATION[1]

I.   EXECUTIVE SUMMARY

Date of Incident:	May 31, 2017
Time of Incident:	9:45 p.m.
Location of Incident:	XXXX S. Ridgeland Ave, Chicago, IL
Date of COPA Notification:	June 6, 2017
Time of COPA Notification:	9:58 a.m.

On May 31, 2017 Subject 1 attempted to deliver furniture to his niece, who had recently moved into XXXX S. East End Ave. Around 9:45 p.m., Subject 1 mistakenly pulled his SUV into the alleyway behind XXXX. S. Ridgeland Ave, located one block east of East End Ave. At the same time, off-duty Police Officer A was attempting to drive his car out of his garage at XXXX S. Ridgeland Ave. Subject 1's SUV blocked Officer A, who was unable to leave. Officer A and Subject 1 engaged in a verbal exchange. Both men called 911. While Subject 1 was on the phone with 911, he asked Officer A for his name and Officer A refused to provide it. Subject 1 was arrested and charged with simple assault, and received tickets for parking in an alley and having an open container in his vehicle.

II.   INVOLVED PARTIES

Involved Officer #1:	Officer A, #XXXXX, Employee #XXXXX, DOA XX/XX/2004, Officer, Unit XXX, DOB XX/XX/1970, male, Black
Subject #1:	Subject 1, DOB May XX, 1961, male, Black

III.   ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that Officer A pushed Subject 1 on his chest, in violation of Rule 8 and 9.	Exonerated
	2. It is alleged that Officer A caused Subject 1 to be falsely arrested, in violation of Rule 6.	Not Sustained

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[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.

3. It is alleged that Officer A refused to provide his name when requested by Subject 1, in violation of Rule 37.	Sustained

IV.   APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.

2. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

3. Rule 9: Engaging in any unjustified physical or verbal altercation with any person, while on or off duty.

4. Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.

General Orders

1. G04-01 Preliminary Investigations

V.   INVESTIGATION[2]

a.   Interviews

In his June 12, 2017 **statement to COPA,**[3] Subject 1 stated that on May 31, 2017 around 9:45 p.m. he was delivering furniture to his niece Civilian 1, who had recently moved into XXXX S. East End Ave. He drove down what he thought was the correct alley and searched for house number XXXX. A car pulled into the garage in the alley behind XXXX S. Ridgeland Ave and Subject 1 asked the man who exited the vehicle (now known to be Officer A) if they were at XXXX. Officer A confirmed that they were. Subject 1 got out of his SUV, opened the back hatch and waited for his niece to arrive. Officer A repeatedly told Subject 1 to move his SUV to the front of the house to unload. Subject 1 responded that the alley was the appropriate place to unload furniture.

Officer A retrieved a ticket book from his car. Officer A wrote down Subject 1's license plate and Subject 1 asked Officer A why he was doing that. Officer A responded, "Because you're going to get a ticket." Subject 1 told Officer A he would just fight the ticket in court and moved to the back of his SUV to wait for his niece. Officer A approached Subject 1, shoved him on his

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[2] COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.
[3] Attachment 6

chest,[4] told him something to the effect of "get the hell out of here", and tried to close the SUV's hatch. Subject 1 told Officer A to get his hands off his SUV and then called 911 to report that Officer A assaulted him. Subject 1 walked away from his SUV while Officer A also called 911. Numerous police officers arrived in the alley. An officer arrested Subject 1 and wrote him tickets. Civilian 1 arrived as the police placed Subject 1 into handcuffs. She was permitted to drive Subject 1's SUV away from the scene, while Subject 1 spent the night in jail.

In his November 1, 2017 **statement to COPA**,[5] **Witness Officer B** stated that on May 31, 2017, he and his partner, Officer C, were on routine patrol in the 4th District. They heard an OEMC dispatch for "assist police officer" and headed towards XXXX S. Ridgeland Ave, although they were not the beat assigned to the call. Officer B stated that they do not respond to every call, however they responded to this particular call because it was a police officer requesting assistance. At the time of the dispatch, Officer B did not know which officer was requesting assistance and he did not recognize the address.

When Officers B and C arrived in the alley, there were already officers on scene. Officer B observed two African-African males; one standing by a garage, and the other by an SUV blocking the garage. Officer B eventually recognized Officer A as the man standing by the garage. Officer B noted that the other officers on scene appeared to be standing around and not doing much, so he and his partner took control of the situation.

Officer C spoke with Officer A, who was adamant about signing a criminal complaint against Subject 1. Officer B spoke with Subject 1, who told him he was moving furniture. Officer B noted that Subject 1 seemed intoxicated, based on his bloodshot eyes, slurred speech, and the smell of alcohol Officer B detected on him. Officer B also noted that Subject 1 was belligerent and swearing, claiming repeatedly that he was going to sue Officer A. Officer B asked Subject 1 repeatedly why he wouldn't just move his car, and Subject 1 responded that he didn't have to move his car because he was moving furniture. However, Officer B also noted that Subject 1 was cordial to him and his partner while they processed him later at the station.

In his November 1, 2017 **statement to COPA**,[6] **Witness Officer C** provided essentially the same account as Officer B.

In his November 13, 2017 **statement to COPA**,[7] **Accused Officer A,** stated that on May 31, 2017 he discovered Subject 1's SUV blocking his garage, which prevented Officer A from leaving. Officer A asked Subject 1 to move his SUV. Subject 1 refused to move and told Officer

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[4] Subject 1 also claimed that he experienced shoulder pain after the incident with Officer A. Upon further questioning, he revealed that he had surgery on that shoulder approximately five years earlier and experienced shoulder pain prior to May 31, 2017.
[5] Attachment 30
[6] Attachment 28
[7] Attachments 38 and 39. Officer A provided a second, clarifying statement on February 20, 2018. See attachments 50 and 51.

A that he was moving furniture to that address. Officer A told Subject 1 he owned the house at that address and that Subject 1 was at the wrong location. Subject 1 insisted he was at the correct address and again refused to move. Officer A asked him repeatedly to move his SUV, telling Subject 1 he didn't want the situation to escalate. Subject 1 became agitated and told Officer A that he "wasn't moving shit". Officer A called 911 to request assistance. Officer A again asked Subject 1 to move, and Subject 1 responded by getting out of his SUV and saying that Officer A didn't know what Subject 1 was capable of, and that Subject 1 would "fuck Officer A up." Subject 1 approached Officer A with a closed fist. Officer A believed Subject 1 might hit him, so Officer A called 911 again to request assistance.

Subject 1 got back in his SUV and a few minutes later a few squad cars arrived. Some officers approached Officer A to discuss what happened. Officer A told the officers he wanted to sign complaints against Subject 1 because he threatened to hit Officer A, which he considered to be an assault. When asked why he refused to identify himself when Subject 1 asked, Officer A explained that he refused to give Subject 1 his name because he had already identified himself to the 911 operator. Officer A further stated that Subject 1 was standing close enough that he should have heard Officer A stating his name over the phone. Officer A denied having Subject 1 falsely arrested. Officer A also denied pushing Subject 1 on his chest, but offered that there had been some incidental contact when Subject 1 approached Officer A and Officer A put up his hands in self-defense.

b. Digital Evidence

OEMC Event Query 1715116708[8] memorializes Officer A's first call to 911 at 9:45:07 p.m. Officer A identified himself to the dispatcher as an off-duty police officer and provided his name and star number when requested. He related that someone was blocking his driveway, refused to move, and threatened him. The dispatcher asked Officer A if he wanted the call to be a 10-1, but Officer A stated that a 10-1 wasn't necessary.[9]

Subject 1 called 911 at 9:45:21 p.m. which was captured in **OEMC Event Query 1715116766**.[10] During his call to 911, Subject 1 told the dispatcher that he was trying to deliver some furniture to his niece and someone was writing him a ticket. At one point during the call, Subject 1 addressed Officer A directly. Officer A can be heard in the background responding. Subject 1 requested Officer A's name, which Officer A refused to provide. The relevant portion of the call is as follows:

Subject 1 (00:53)	(To Officer A) What's your, what's your name?
Officer A (00:55)	I don't have to tell you anything.

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[8] Attachments 15 and 16
[9] 10-1 is code for "officer needs assistance".
[10] Attachments 19 and 20

Subject 1 (00:57)	OK, like I said, what's your name?
Officer A (00:58)	Get out of my face! Back up, and get out of my face!
Subject 1 (1:01)	You just pushed me! (To dispatcher) I have an assault. Please call the police. I'm right here between Ridgeland and, uh, I don't even know what this address is. I'm in the alley. This dude just put his hands on me and he's an off-duty policeman.

Officer A called 911 a second time at 9:47:03 p.m. (**OEMC Event Query 1715116723**)[11] and again requested police assistance. He told the dispatcher that a man was blocking his garage, refused to move, had just gotten in his face and threatened him.

CPD Radio Transmissions[12] reveal that at 9:47:25 p.m. a dispatcher announced that an off-duty police officer at XXXX S. Ridgeland Ave had requested assistance because someone was blocking his garage, refused to move and threatened him. Beat XXX was dispatched to the scene at 9:47:50 p.m. At 9:52:40 p.m. Beat XXXXX (Officers Officer B and Officer C) radioed in to say they would be responding to the scene as well. At 9:53:20 p.m. a dispatcher announced that a supervisor had been requested on scene. At 9:54:25 p.m. a dispatcher related that Subject 1 requested a supervisor.

Body worn camera footage[13] from various police officers who arrived on scene after the incident depicts the alleyway behind XXXX S. Ridgeland Ave. Subject 1 is visible during his arrest, as is his white SUV packed with furniture. An officer addresses Officer A directly and asks him if he wants to sign a complaint; Officer A says yes. Civilian 1 arrives on scene towards the end of the footage and asks what's going on, stating she could hear her uncle's voice while she was standing behind her house one street over Subject 1's SUV blocks two vehicles into Officer A's garage, which is depicted below:[14]

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[11] Attachments 17 and 18

[12] Attachment 21

[13] Attachment 22

[14] Subject 1 stated that Officer A had just pulled into his garage when the incident began, while Officer A testified that he was trying to leave but was blocked by Subject 1's SUV. This discrepancy is clarified by the body worn camera footage, which reveals that Officer A's garage was completely blocked by Subject 1 SUV. It is unlikely then that he pulled into his garage before engaging with Subject 1.

c. Documentary Evidence

The **Arrest and Case Reports recorded under RD #XXXXXXXX**[15] indicate that Subject 1 was arrested for simple assault on May 21, 2017 at 9:52 p.m. Off-duty police Officer A called 911 to complain that someone was blocking his garage and refused to move. After Officer A told him to move four or five times, Subject 1 became belligerent. Subject 1 exited his SUV, walked towards Officer A with a closed fist and stated, "You don't know what I'm capable of, I will hurt

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[15] Attachments 3 and 14

you." Officer A stated he feared that Subject 1 would batter him. Officer A signed a complaint against Subject 1, who was then arrested and charged with simple assault.

Administrative Notice of Ordinance Violation XXXXXXXXXX[16] cites Subject 1 for violating Chicago Ordinance §8-4-030, which prohibits drinking alcohol in a motor vehicle. **City of Chicago Violation Notice XXXXXXXXXX** cites Subject 1 for parking in an alley.

VI.   ANALYSIS

COPA recommends a finding of **EXONERATED** for Allegation 1 against Officer A. Subject 1 alleged that Officer A pushed him on his chest. While Officer A denied pushing Subject 1, he did state that there may have been incidental contact between them when Officer A raised his arms as Subject 1 approached him. The 911 recording offers a live narration of what happened; namely, Subject 1 was upset and approached Officer A, Officer A raised his voice and warned Subject 1 to back up, and then Subject 1 exclaimed that Officer A pushed him. It is more likely than not that Subject 1 approached Officer A during a heated exchange, and that Officer A made contact with Subject 1 after warning him to get back. Both men sound excited during this exchange. Whatever contact occurred between Officer A and Subject 1 was likely a matter of self-defense, since it is clear that Subject 1 was approaching Officer A and Officer A repeatedly told him to back away.

COPA recommends a finding of **NOT SUSTAINED** for Allegation 2 against Officer A. Subject 1 claimed that Officer A caused him to be falsely arrested, while Officer A denied it. Because they were the only two people present at the time of their interaction and there is no independent corroboration, there is insufficient evidence to prove or disprove by a preponderance of the evidence that Officer A caused Subject 1 to be falsely arrested.

COPA recommends a finding of **SUSTAINED** for Allegation 3 against Officer A. The 911 recording captures the relevant exchange between Subject 1 and Officer A. Subject 1 asked for Officer A's name, and Officer A refused to provide it. Officer A did not deny this refusal, and stated that he did not feel obligated to state his name because Subject 1 should have already heard him say it when Officer A was on the phone with 911. However, Rule 37 requires officers to correctly identify themselves by giving their name, rank, and star number when so requested by a private citizen. Here, Officer A refused to provide his name when requested by a private citizen, so Allegation 3 is therefore sustained.

VII.   CONCLUSION

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

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[16] Attachment 11

Officer	Allegation	Finding
Officer A	1. It is alleged that Officer A pushed Subject 1 on his chest, in violation of Rule 8 and 9.	Exonerated
	2. It is alleged that Officer A caused Subject 1 to be falsely arrested, in violation of Rule 6.	Not Sustained
	3. It is alleged that Officer A refused to provide his name when requested by Subject 1, in violation of Rule 37.	Sustained

Approved:

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Date

Deputy Chief Administrator – Chief Investigator A

Appendix A

Assigned Investigative Staff

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