

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 22, 2015
Time of Incident:	Approximately 2:36 a.m.
Location of Incident:	XXXX W. 47 th Street, Chicago, IL 60632
Date of IPRA Notification:	June 22, 2015
Time of IPRA Notification:	Approximately 2:25 p.m.

On June 22, 2015, at approximately 2:36 a.m., Officer A (“Officer A”) and Officer B (“Officer B”) conducted an investigatory stop on Subject 1 (“Subject 1”). Officers A and B issued citations to Subject 1 and completed a contact card documenting the stop.

Following the stop, Subject 1 made allegations of misconduct against the officer who conducted the stop, as well as two unknown and unidentified Hispanic male officers. In the course of its investigation, The Civilian Office of Police Accountability (“COPA”) served allegations to Officers A and B. COPA was unable to positively identify the two additional officers described by Subject 1 nor corroborated their presence during the stop on Subject 1.

II. INVOLVED PARTIES

Accused Officer #1:	Officer A, star #XXXX, employee #XXXX, unit XX, Date of Appointment: XX XX, 2004, Date of Birth: XX XX, 1979, Male, Caucasian
Accused Officer #2	Officer B, star #XXXX, employee #XXXX, unit XX, detailed to unit XX, Date of Appointment: XX XX, 2004, Date of Birth: XX XX, 1978, Male, Caucasian
Subject #1:	Subject 1, Date of Birth: XX XX, 1986, African-American, Male

III. ALLEGATIONS

¹ On September 15, 2017, COPA replaced 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.

Officer	Allegation	Finding
Officer A	<p>It is alleged that on June 22, 2015, at approximately 2:36 a.m., near XXXX W. 47th St., Chicago, IL 60632, while on duty, Officer A:</p> <ol style="list-style-type: none"> 1. Searched Subject 1's vehicle without probable cause; 2. Placed Subject 1 in handcuffs without justification; 3. Poured liquid in Subject 1's vehicle; 4. Called Subject 1 a "nigger" – a racial slur; and 5. Made racially charged statements in Subject 1's presence. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
Officer B	<p>It is alleged that on June 22, 2015, at approximately 2:36 a.m., near XXXX W. 47th St., Chicago, IL 60632, while on duty, Officer B:</p> <ol style="list-style-type: none"> 1. Searched Subject 1's vehicle without probable cause; 2. Placed Subject 1 in handcuffs without justification; and 3. Made racially charged statements in Subject 1's presence. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Violation of any law or ordinance.
2. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

3. **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 4. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
 5. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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V. INVESTIGATION

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

a. Interviews

i. Subject 1²

In summary, Subject 1 stated that on June 22, 2015, he had been driving down 47th St. He then drove into an alley to beat a traffic light, which is when he encountered a police vehicle head-on. Two officers exited their vehicle and told Subject 1 to put his hands up. The officers approached Subject 1's vehicle and asked him what he was doing to which he responded that he was driving through the alley. After showing the officers his license and insurance, they instructed Subject 1 to exit his vehicle.

Now out of his vehicle, the officers handcuffed Subject 1 and proceeded to search the vehicle. As this occurred, the officers asked Subject 1 what he was doing in the area, and further accused him of being a drug dealer or a robber of pimps, notwithstanding the fact that they just met for the first time. Officer A asked Subject 1 about a water bottle, which Subject 1 stated contained liquor, in the vehicle and poured it out on the street. Subject 1 characterized Officer A as the main instigator towards him; whereas Officer A's partner, identified by COPA as Officer B, just spoke to him without provocation.

A second police car with two Hispanic male officers arrived. When they arrived, one of the Hispanic officers placed Subject 1 in handcuffs, and then into the back of a police vehicle. A Hispanic officer explained to Subject 1 the he could be arrested for having liquor in his vehicle. During this time, Officer A and the other Hispanic officer searched Subject 1's vehicle a second time.

While in the back of the police car, two officers, Officer B and the second Hispanic officer, continued to provoke him. Subject 1 told the officers that he has a lawyer to which the officers asked if his lawyer was Jewish. Subject 1 replied no, his lawyer is black. The officers replied that

² Throughout his statement to IPRA, Subject 1 frequently paused and did not or could not provide specific details, particularly regarding the statements made by the on-scene officers and the events that occurred. In several instances, Subject 1 does not clearly identify the officers responsible for certain actions. (*See* Attachment 7).

Subject 1's response sounded racist, which is when Officer B told the Hispanic officer that blacks are more racist than anyone. Subject 1 tried to laugh off the officer's response, attempting to not make the situation worse. However, the officers continued and speculated that Subject 1 probably had a black panther tattoo and that he was the bottom of the barrel.

After Officer A returned from searching Subject 1's vehicle and wrote Subject 1 a ticket, the officers' racial comments continued. Officer A told Subject 1 that blacks are some of the biggest homosexuals. The officers' comments continued as Subject 1 continued to laugh them off. This was nonstop until the officers let Subject 1 out of the rear of the police vehicle and uncuffed him. Subject 1 then walked back to his vehicle.

Inside his vehicle Subject 1 observed empty drink bottles, orange pop/soda spilled on his driver's seat, and water spilled on the back seat of the vehicle. He also noticed scratches on his driver's side door and the ceiling of the vehicle. And later the next day, Subject 1 discovered that approximately \$200 was missing from the center console of his vehicle. Subject 1 also found the compartment under his passenger seat to be damaged/broken.³ When asked by investigators whether he saw the officers directly pour the liquid in his car, Subject 1 said that he could see it from a distance, but that he couldn't see the scratches being made as he indicated there was a lot of movement. Before he drove away from the scene, Subject 1 stated Officer A, while standing behind Subject 1's vehicle, said to him, "alright nigger, see you later."^{4 5 6 7}

ii. Accused Officer B
Statement Date: April 23, 2018

After reviewing Subject 1's contact card, the citation provided by Subject 1 and the associated Office of Emergency Management and Communications ("OEMC") Event Query, Officer B did not recall the stop or any details. (See Attachments 10, 11 and 14). He did not recollect Subject 1, then or now.

In reviewing the associated OEMC Event Query, he replied that based on his reading of the event query, him and Officer A were the only dispatched unit with beat/unit XXX being the desk unit, which would not have been on scene. In asking Officer B about specific acts or statements Subject 1 made in his statement to IPRA, none sounded familiar nor refreshed his

³ Subject 1 provided two undated images to IPRA that he related captured the damage he alleged the officers made to his vehicles. (See Attachment 18).

⁴ See Attachment 7.

⁵ In his initial complaint to IPRA, Subject 1 alleged that his watch had been damaged during the traffic stop. When asked about this allegation during his statement, Subject 1 explained that as he was handcuffed and walked to the police vehicle in which he ultimately was placed, his watch broke off his wrist. Subject 1 told IPRA it had to be due to being handcuffed tightly. After the watch fell off, Officer A made statements that he broke Subject 1's watch, and so what, and that Subject 1 has money and that it's no problem. Based on the facts presented by Subject 1, namely that the watch broke off on its own, COPA did not make an allegation regarding the watch against either officer. (See Attachment 7).

⁶ Subject 1 described all four officers as male and being in plainclothes driving unmarked SUVs. He recalled one of the Hispanic (officers being short - around 5'7", with low cut hair and a big tattoo with roses in it on his left forearm. The second Hispanic officer's height was also about 5'7", and he had a goatee and mustache with full hair. Subject 1 said the officer with the tattoo with roses made the comment about him having a black panther tattoo.

⁷ See Attachment 7.

recollection. Officer B responded to all allegations in that he has no recollection of Subject 1's stop, but that if he had searched his vehicle it would have been with cause, if Subject 1 was placed in handcuffs it was for cause, and that he know with 100% certainty that he would not have made racially charged statements in Subject 1 or anyone's presence.

iii. Accused Officer A
Statement Date: May 1, 2018

Like Officer B, Officer A did not recall the stop, nor did he recollect Subject 1, then or now. Further, a review of the available reports did not refresh Officer A's recollection. He affirmed Officer B's statement that beat XXX indicated a desk unit and not a beat car. Officer A answered affirmatively that more likely than not if an additional unit had been on scene and assisted in the stop, he would have notated that in the contact card. As with Officer B, COPA referenced statements made by Subject 1 to IPRA to which Officer A stated that he would not make such statements.

Officer A denied all the allegations made against him such that he did not recall the stop; nevertheless, had he searched Subject 1's vehicle it would have been with probable cause, if he places someone in handcuffs it is justified, he does not pour liquids into people's vehicles, and he does not speak in the manner alleged in the allegations.

b. Documentary Evidence

i. Contact Card

The contact card⁸ lists the contact type between Officers A and B as an "investigatory stop." The narrative under "reason for contact" states:

Above was observed sitting in a parked vehicle at above address. Above stated he was just trying to beat the light on Western Ave. Above became very obnoxious and began to call P.O.'s⁹ names. Above stated that police are scumbags and are not that tough. Above was issued two citations. Above Clear. (092). While leaving said stop above stated fuck the white police then immediately left and went on his way.¹⁰

ii. Citation Issued to Subject 1

Subject 1 provided IPRA with a copy of citation #0065XXXX issued to him by Officer A on the incident date at approximately 3:00 a.m. The listed violation is 9-76-180(a) with no seat belt written in the description.¹¹

VI. ANALYSIS

⁸ Officer A and Officer B were listed as the first and second preparing officer respectively. (See Attachment 14).

⁹ P.O. is an abbreviation for police officer.

¹⁰ See Attachment 14.

¹¹ See Attachment 10.

COPA recommends a finding of **Not Sustained** for all allegations served against Officers A and B. A finding of not sustained is recommended where there is insufficient evidence to prove by a preponderance of the evidence whether an officer’s behavior is reasonable or unreasonable relative to the totality of the circumstances. The instant case is a prime example of such a situation. Here, the officers - interviewed three years after the alleged incident - had no recollection of the traffic stop. Subject 1 related the presence of two Hispanic officers that COPA could not identify or even verify their presence on scene. Images provided by Subject 1 to IPRA did not prove compelling. There is no audio or video evidence to corroborate or refute either account. Simply put, the available evidence is lacking even by a preponderance standard. Unable to prove or disprove Subject 1’s allegations, a finding of not sustained is appropriate.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	<p><i>It is alleged that on June 22, 2015, at approximately 2:36 a.m., near XXXX W. 47th St., Chicago, IL 60632, while on duty, Officer A:</i></p> <ul style="list-style-type: none"> 6. Searched Subject 1’s vehicle without probable cause; 7. Placed Subject 1 in handcuffs without justification; 8. Poured liquid in Subject 1’s vehicle; 9. Called Subject 1 a “nigger” – a racial slur; and 10. Made racially charged statements in Subject 1’s presence. 	<ul style="list-style-type: none"> Not Sustained Not Sustained Not Sustained Not Sustained Not Sustained
Officer B	<p><i>It is alleged that on June 22, 2015, at approximately 2:36 a.m., near XXXX W. 47th St., Chicago, IL 60632, while on duty, Officer B:</i></p> <ul style="list-style-type: none"> 1. Searched Subject 1’s vehicle without probable cause; 2. Placed Subject 1 in handcuffs without justification; and 	<ul style="list-style-type: none"> Not Sustained Not Sustained

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|--|---------------|
| 3. Made racially charged statements in Subject 1's presence. | Not Sustained |
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Approved:

COPA Personnel A
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	COPA Investigator A
Supervising Investigator:	COPA Supervising Investigator A
Deputy Chief Administrator:	COPA Deputy Chief A