

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	November 21, 2014
Time of Incident:	4:12 p.m.
Location of Incident:	XXXX N. Springfield, Chicago, IL
Date of COPA Notification:	July 7, 2015
Time of COPA Notification:	2:35 p.m.

On November 21, 2014 in the vicinity of XXXX N. Springfield, Officers A and B, arrested Subject 1 for Manufacture/Delivery of Heroin (720 ILCS 570.0/407-B-1), after Subject 1 had delivered suspected heroin to undercover Officer C during a narcotics investigation. Subject 1 subsequently alleged that during his arrest, he was physically abused and subjected to a strip search. COPA's administrative investigation determined that there was insufficient evidence to prove or disprove the allegations against Officer A and Officer B, which were Not Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, #XXXX, Emp. #XXXX, Date of Appointment: XX XX, 2002; Chicago Police Officer, Date of Birth: XX XX, 1980; Black male
Involved Officer #2:	Officer B, #XX, Emp. #XX, Date of Appointment: XX XX, 2006; Chicago Police Officer, Date of Birth: XX XX, 1981; White male
Involved Civilian #1:	Subject 1, Date of Birth: XX XX, 1982, Black male

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. Pulled Subject 1 and caused him to strike his head against an iron gate.	Not Sustained

<sup>1</sup> 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.

Officer B	2. Stated words to the effect of, "Shut the XXXX up."	Not Sustained
	3. Conducted a strip search of Subject 1.	Not Sustained
	4. Struck Subject 1 about his face, head and ears.	Not Sustained
	1. Pulled Subject 1 and caused him to strike his head against an iron gate.	Not Sustained
	2. Stated words to the effect of, "Shut the XXXX up."	Not Sustained
	3. Conducted a strip search of Subject 1.	Not Sustained

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Prohibits any disobedience of an order or directive, whether written or oral.
3. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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General Orders

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1. G06-01-03, Conducting Strip Searches

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Federal Laws

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1. 4<sup>th</sup> Amendment of the US constitution

## V. INVESTIGATION

### a. Interviews

#### 1. Victim Subject 1

In his interview with IPRA on 26 August 2015 and in Civil Suit 15CVXXXX **Subject 1** stated that on November 21, 2014 around 4:00 pm he was standing inside the fence located at his residence at XXXX N. Springfield Ave. when the arresting officers approached him and stated words to the effect of, “What do you have on you?” Subject 1 stated that he was immediately handcuffed and searched by Officer A. Subject 1 stated that Officer A proceeded to pull him towards the front of the yard by the links of the handcuffs and Officer B held on to Subject 1’s shoulder. Subject 1 added that as he was being lead out of the yard he tripped over a tree stump and struck his head against a steel fence.

Subject 1 stated that he lost consciousness after he struck his head. Subject 1 attested that when he regained consciousness the officers were attempting to place him inside the police vehicle. Subject 1 stated that while inside the back of the police vehicle he asked the arresting officers why he had been arrested. Subject 1 stated that the arresting officers stated words to the effect of, “Shut the XXXX up.” Subject 1 related that he continued to ask the question and Officer A turned around and struck him about his face, head and ears.

Mr. Subject 1 stated that when he arrived at the Homan Square Lockup, the arresting officers conducted a strip search of his person. Subject 1 related that he sustained a busted lip and a permanent knot to the back lower right side of his head. Subject 1 did not obtain any medical treatment for his injuries.<sup>2</sup>

#### 2. Police Statements

In a **To/From Subject Report** dated November 25, 2015, **Accused Officer B, #XXXX**, described Subject 1 as being highly uncooperative during his arrest. Officer B reported that after Subject 1 was placed in custody (while handcuffed) he opened the rear door of the R/O’s police vehicle and fled running into the front door at XXXX N. Springfield. Subject 1 was detained inside the common front hallway at XXXX N. Springfield and escorted again to the police vehicle.

While being escorted, Subject 1 attempted to, but was unsuccessful at striking his head against the front gate/fence at XXXX N. Springfield. Officer B denied pulling Subject 1 and causing him to strike his head against an iron gate. Officer B denied observing Officer A commit

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<sup>2</sup> Attachments 5, 7, 8, 29

the aforementioned act. Officer B denied stating words to the effect of, “Shut the XXXX up.” Officer B denied observing Officer A commit the aforementioned act. Officer B denied observing Officer A physically abuse Subject 1. Officer B denied conducting a strip search of Subject 1’s person. Officer B denied observing Officer A commit the aforementioned act.<sup>3</sup>

In a **To/From Subject Report** dated November 25, 2015, **Accused Officer A, #XXXX**, described Subject 1 as very uncooperative during his arrest. Officer A reported that Subject 1 was taken into custody after he was positively identified as the subject who delivered .4 grams of suspect heroin to Under Cover Officer C. Officer A handcuffed Subject 1 and placed him in the rear passenger seat of the unmarked police vehicle without incident. As Officer A compared the serial numbers from the currency provided to the undercover officer with those recovered from Subject 1, Subject 1 opened the rear passenger door of the unmarked police vehicle and fled, running to XXXX N. Springfield. Subject 1 entered the hallway with his hands still handcuffed behind his back.

Officer A pursued Subject 1 into the hallway and regained control of Subject 1. Officers A and B escorted/pulled Subject 1 back to the unmarked police vehicle. In the process of escorting Subject 1 to the vehicle, Subject 1 began to swing his body from side to side in an apparent attempt to sling his body and head against everything, including but not limited to the front gate of the property. Officer A reported that despite Subject 1’s efforts to cause injury to himself, he was unsuccessful. Officer A denied pulling Subject 1 and causing him to strike his head against an iron gate. Officer A denied observing Officer B commit the aforementioned act. Officer A denied stating words to the effect of, “Shut the XXXX up.” Officer A denied observing Officer B commit the aforementioned act. Officer A denied striking Subject 1 about his face, head and ears. Officer A denied conducting a strip search of Subject 1’s person. Officer A denied observing Officer B commit the aforementioned act.<sup>4</sup>

#### **b. Documentary Evidence**

The **Original Incident Case Report, Vice Supplementary Report and Arrest Report for RD #HX51XXXX** document that on November 21, 2014, at approximately 4:12 p.m. Subject 1 was arrested after was positively identified as the individual who delivered a white powdered substance, which was believed to be heroin, to an undercover Chicago police officer, Officer C, #XXXX, in exchange for money. According to the lockup screening log, and the arrest report, Subject 1 did not have obvious pain and/or injury.<sup>5</sup>

## **VI. ANALYSIS**

### **1. Officer A, #XXXX Allegations #1 – 4: Not Sustained**

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<sup>3</sup> Attachment #19, 31, 32

<sup>4</sup> Attachment #24, 33, 34

<sup>5</sup> Attachments 12, 25 – 27

COPA recommends a finding of **Not Sustained** for **Allegation #1** that Officer A pulled Subject 1 and caused him to strike his head against an iron gate. Subject 1 stated that the arresting officers pulled him by the links of the handcuffs and his shoulder. Subject 1 added that as he was pulled by the arresting officers he tripped over a tree stump and struck his head against an iron gate. There are no medical reports to support Subject 1's allegations. Officers A and B reported that as they were escorting Subject 1 to the police vehicle a second time, Subject 1 attempted to swing his head and body in efforts to injure himself. Officers A and B reported that Subject 1 was unsuccessful in injuring himself. Officer A denied observing Officer B pulling Subject 1 causing Subject 1 to strike his head against an iron gate. Officer B denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #2** that Officer A stated words to the effect of, "Shut the XXXX up." Officer B denied hearing Officer A make the statements as alleged against him. Officer A denied observing any Department member commit the acts alleged by Subject 1. Officer A denied making the statements as alleged against him. No independent evidence exists that supports or refutes the allegations. There is insufficient evidence to prove or disprove the allegations.

COPA recommends a finding of **Not Sustained** for **Allegation #3** that Officer A conducted a strip search of Subject 1. Subject 1 stated that Officer A conducted a strip search of his person. There were no witnesses regarding this allegation. Officer B denied observing Officer A commit the act alleged against him. Officer A denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #4** that Officer A struck Subject 1 about his face. There are no medical reports to support Subject 1's allegations. Additionally, Subject 1's booking photos from the time of arrest do not show any visible injuries to his face. Officer B denied observing Officer A commit the act alleged against him. Officer A denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

## 2. **Officer B**

### **Allegations #1 – 3: Not Sustained**

COPA recommends a finding of **Not Sustained** for **Allegation #1**, that Officer B pulled Subject 1 and caused him to strike his head against an iron gate. Subject 1 stated that the arresting officers pulled him by the links of the handcuffs and his shoulder. Subject 1 added that as he was pulled by the arresting officers he tripped over a tree stump and struck his head against an iron gate. There are no medical reports to support Subject 1's allegations. Officers A and B reported that as they were escorting Subject 1 to the police vehicle, Subject 1 attempted to swing his head and body in efforts to injure himself. Officers A and B reported that Subject 1 was unsuccessful in injuring himself. Officer A denied observing Officer B pulling Subject 1 causing Subject 1 to strike his head against an iron gate. Officer B denied committing the act alleged against him. No

independent evidence exists that supports or refutes the allegations. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #2**, that Officer B stated words to the effect of, “Shut the XXXX up.” Subject 1 stated that while inside the police vehicle he asked the officers why he was being arrested. Subject 1 stated that one of the arresting officers stated words to the effect of, “Shut the XXXX up.” There were no witnesses regarding this allegation. Officer A denied observing Officer B commit the act alleged against him. Officer B denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #3** that Officer B conducted a strip search of Subject 1’s person. Subject 1 stated that Officer B conducted a strip search of his person. There are no independent witnesses regarding this allegation. Officer A denied observing Officer B commit the act alleged against him. Officer B denied committing the act alleged against him. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer A	1. Pulled Subject 1 and caused him to strike his head against an iron gate, in violation of Rule 8.	Not Sustained
	2. Stated words to the effect of, “Shut the XXXX up,” in violation of Rule 9.	Not Sustained
	3. Conducted a strip search of Subject 1, in violation of Rule 6; G.O. 06-01-03.	Not Sustained
	4. Struck Subject 1 about his face, head and ears, in violation of Rule 8.	Not Sustained
Officer B	1. Pulled Subject 1 and caused him to strike his head against an iron gate, in violation of Rule 8.	Not Sustained
	2. Stated words to the effect of, “Shut the XXXX up,” in violation of Rule 9.	Not Sustained
		Not Sustained

	3. Conducted a strip search of Subject 1, in violation of Rule 6; G.O. 06-01-03.	
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Approved:

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Deputy Chief Administrator A  
*Deputy Chief Administrator – Chief Investigator*

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#: X</b>	
<b>Investigator:</b>	COPA Investigator A
<b>Supervising Investigator:</b>	COPA Supervising Investigator A
<b>Deputy Chief Administrator:</b>	Deputy Chief Administrator A