

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	March 19, 2014
Time of Incident:	12:10 a.m.
Location of Incident:	644 N. Lake Shore Drive
Date of COPA Notification:	December 2, 2016
Time of COPA Notification:	11:04 a.m.

The Independent Police Review Authority was notified about this complaint upon receiving a Civil Suit, #16CVXXXX, filed by Attorney Civilian 1 on behalf of the complainant, Subject 1. The Civil Suit alleges that Subject 1 was treated aggressively and his civil rights were violated during his arrest on March 19, 2014. COPA's investigation determined that the allegations against the officer were Unfounded and/or Exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, star# XXXX, employee ID# XXXX, Date of Appointment: XX XX, 1991, Police Officer, Unit of Assignment: XXX, DOB: XX XX, 1962, male, black
Subject #1:	Subject 1, DOB: XX XX, 1975, male, black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that the accused arrested Subject 1 without justification.	Unfounded
	2. It is alleged that the accused seized \$529 USC from Subject 1 and failed to return it.	Exonerated
	3. It is alleged that the accused "tackled" Subject 1 to the ground and placed a knee on his back.	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.

IV. APPLICABLE RULES AND LAWS

Rules

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 8: Disrespect to or maltreatment of any person, while on or off duty.
 3. Rule 40: Failure to inventory and process recovered property in conformance with Department orders.
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Federal Laws

1. Fourth Amendment of the United States Constitution

V. INVESTIGATION²

a. Interviews

COPA has not received a sworn affidavit from the complainant, Subject 1. IPRA attempted to schedule an interview with Subject 1 through his attorney, Civilian 1; however, Attorney Civilian 1 failed to respond to IPRA's request.

On January 3, 2018, Subject 1 gave a **deposition** related to the Civil Suit and provided the following information: Subject 1 stated that his friend, Civilian 2, drove him to the W Hotel, where Civilian 2 had rented a room, and asked Subject 1 to pick up Civilian 2's package. Subject 1 went to the hotel room and called the front desk staff to bring him the package while Civilian 2 waited in his (Civilian 2's) vehicle. As Subject 1 exited the hotel and brought the package to Civilian 2's vehicle, Subject 1 was surrounded by numerous police officers. The officers had their guns drawn and told Subject 1 to get on the ground and put his hands up. Subject 1 stated that as he complied and went to the ground, officers "tackled" him to the ground and placed a knee on his back to handcuff him. According to Subject 1, he was "tackled down. I went down faster than what I was going to do myself. So I was helped to the ground."³ Subject 1 added that, "...really I don't know exactly how I went down so fast, but I was shoved into the back."⁴ Subject 1 stated that his head hit the ground while he was being handcuffed and he sustained a small knot/ scrape on his forehead. The officers then walked Subject 1 across the street from the hotel, searched him, and transported him to the police station. Subject 1 stated that he was arrested without justification because he did not know the package he picked up for Civilian 2 contained Cannabis. Subject 1 stated that Officer A interrogated him at the station and told him he was stupid for not knowing he was delivering Cannabis to Civilian 2. Officer A also told Subject 1 that his Firearm Owners Identification (FOID) card was fraudulent.⁵ Subject 1 felt that Officer A's comments were offensive.⁶

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 Transcribed statement of Subject 1, attachment 19, page 73, lines 13-15.

⁴ *Ibid*, page 74, lines 19-21.

⁵ The Supplementary Report documents that Subject 1 was in possession of a falsified Illinois FOID card.

⁶ Attachment 19.

b. Documentary Evidence

The **Arrest Report** documents that Subject 1 was arrested after he delivered a box that contained approximately 632 grams of Cannabis to Civilian 2. During a custodial search, officers recovered and seized \$529 from Subject 1. Officer A and Officer B, #XXXX were the first and second arresting officers, along with twelve assisting officers. Civilian 2 was arrested and charged with Possession of Cannabis⁷

The **Supplementary Report** documents that officers received information of a suspicious package delivered to the W Hotel addressed to Civilian 2. The officers relocated to the address and spoke with security officers. The officers requested that a CPD narcotic detection canine unit be brought to the location. The canine alerted the officers to the presence of narcotics coming from the closed box. The officers then performed surveillance at the hotel and waited for Civilian 2 to arrive.⁸ At approximately 11:00 p.m., Civilian 2 checked into the hotel and gave the room key to Subject 1, who was waiting in Civilian 2's vehicle. Subject 1 then went to the hotel room and waited for hotel staff to deliver the package. Subject 1 signed for the package and brought the package to Civilian 2's vehicle, placing the now open box in the front seat. Officers recovered the open box and found it to contain a vacuum sealed clear plastic bag containing a large quantity of suspect Cannabis.⁹

Subject 1's **mugshot photograph** does not depict any obvious signs of injury.¹⁰

Court records document that Subject 1 was found not guilty on December 15, 2015.¹¹

Inventory Records document that \$529 was properly inventoried, pursuant to Chicago Police Department Special Order S07-01-02(V)(b)(1).¹²

c. Additional Evidence

Civil Suit #16CVXXXX¹³ was filed on October 17, 2016. The suit alleges that Subject 1 was arrested unjustly, treated with excessive force, and had \$529 seized and never returned.¹⁴

The **Amended Complaint**, filed April 6, 2017, alleges that Officer A and the Chicago Police Department violated Subject 1's civil rights by malicious prosecution and wrongful imprisonment with criminal charges that were ultimately terminated.¹⁵

⁷ Attachments 5 and 7.

⁸ Security informed the officers that Civilian 2 had reserved a hotel room but had not yet checked in.

⁹ Attachment 16.

¹⁰ Attachment 6.

¹¹ Attachment 10.

¹² Attachments 11-12.

¹³ Subject 1 vs. Officer A and the Chicago Police Department.

¹⁴ Attachment 4.

¹⁵ Attachment 20.

Per the **Asset Forfeiture Unit of the Cook County State's Attorney's Office**, the \$529 USC seized from Subject 1 was forfeited on August 28, 2014.¹⁶

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for **Allegation 1** against **Officer A**, that he arrested Subject 1 without justification. However, the standard for obtaining sufficient probable cause to effectuate an arrest is relatively low. Probable cause exists where the officer has knowledge of facts and circumstances, which would lead a reasonable person to believe that a crime has occurred and that the defendant committed the crime. People v. Myrick, 274 Ill. App. 3d 983, 651 N.E. 2d 637, 643, 209 Ill. Dec. 459 (1st Dist. 1995). Furthermore, a lesser standard is required to support a finding of probable cause than would be necessary for a conviction. People v. McNair, 102 Ill. App. 3d 322, 429 N.E.2d 1233, 57 Ill. Dec. 870 (1st 1980). In the present case, Officer A and the assisting officers received a tip concerning a suspicious package. After receiving the tip, the officers received a positive hit from a canine officer, alerting the officers to the presence of narcotics in the package. Subject 1 signed for the package, and proceeded to exit the hotel with the suspect narcotics. While Subject 1 stated that he was unaware that the package contained narcotics, and the charges against Subject 1 were later dismissed, officers nonetheless had probable cause to make the arrest.

COPA recommends a finding of **Exonerated** for **Allegation 2** against **Officer A**, that he seized \$529 from Subject 1 and failed to return it. Officer A seized and inventoried the money recovered during Subject 1' arrest as part of the narcotics investigation. The money was properly inventoried, per CPD procedure and was later turned over to the Asset Forfeiture Unit of the Cook County State's Attorney's Office and out of CPD's jurisdiction. Therefore, CPD was not responsible for ensuring the return of Subject 1' money.

COPA recommends a finding of **Unfounded** for **Allegation 3** against **Officer A**, that he tackled Subject 1 to the ground and placed a knee on his back. Subject 1' description of the incident does not amount to excessive force. Subject 1 stated that the officers asked him to get on the ground and Subject 1 admitted that he was on his way to the ground when this contact took place. Subject 1 characterized the contact as being helped to the ground, and he went down faster than he would have on his own. Once on the ground, Subject 1 stated that an officer placed a knee on his back while handcuffing him to prevent him from moving. Subject 1 stated that his head hit the ground while he was being handcuffed and he sustained a knot on his forehead. Subject 1 was then helped up from the ground and brought across the street where he was searched. The mugshot photograph of Subject 1 does not depict any obvious signs of injury to Subject 1. There is no record that Subject 1 complained of any injury, and Subject 1 did not receive medical attention.

Based on the above evidence and investigatory findings, COPA recommends that the investigation be terminated without requesting statements from any of the involved officers in accordance with Special Order S08-01-01, Section II (F)(13).

¹⁶ Attachment 22.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. It is alleged that the accused arrested Subject 1 without justification.	Unfounded
	2. It is alleged that the accused seized \$529 USC from Subject 1 and failed to return it.	Exonerated
	3. It is alleged that the accused “tackled” Subject 1 to the ground and placed a knee on his back.	Unfounded

Approved:

 Deputy Chief Administrator A
Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#: 4

Investigator: COPA Investigator A

**Supervising Investigator:
COPA Supervising Investigator A**

**Deputy Chief Administrator:
Deputy Chief Administrator A**