

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	November 29, 2017
Time of Incident:	5:55 pm
Location of Incident:	XXXX S. Laflin Street, Chicago, IL 60636
Date of COPA Notification:	November 29, 2017
Time of COPA Notification:	7:13 pm

Chicago Police Officers A and B (collectively “the Officers”) were patrolling the area referenced above looking for a wanted subject (Civilian 1), when an unidentified citizen stopped them. This citizen pointed towards a white vehicle and alleged that the occupant had threatened him. The Officers approached the vehicle and observed the complainant, Subject 1, sitting in the driver’s seat. Observing that Subject 1 matched Civilian 1’s description, the Officers requested Subject 1’s name. Subject 1 did not provide his name. During the encounter, the Officers handcuffed Subject 1. Once the Officers identified Subject 1, they released him without further incident. Later in the day, Subject 1 reported the incident to Sergeant A at the XXXth District. Subsequently, Subject 1 provided a statement to COPA, during which he made the allegations detailed below.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, Star #XXXX, Employee ID #XXXXXX, Police Officer, Unit XXX, Appointment Date: XXX, 2013, Birth Date: XXX, 1987, Male, Black.
Involved Officer #2:	Officer B, Star #XXXX, Employee ID #XXXXXX, Police Officer, Unit XXX, Appointment Date: XXX, 2013, Birth Date: XXX, Male, Hispanic.
Subject #1:	Subject 1, Birth Date: XXX, 1975, Male, Black.

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. Detained Subject 1 without justification, in violation of Rule 1.	Unfounded
	2. Directed profanities at Subject 1, in violation of Rule 8.	Not Sustained

	3. Failed to properly identify yourself to Subject 1 upon request, in violation of Rule 37.	Unfounded
	4. Failed to provide Subject 1 with an Investigatory Stop Receipt, in violation of Rule 6.	Not Sustained
Officer B	1. Detained Subject 1 without justification, in violation of Rule 1.	Unfounded
	2. Searched Subject 1 without justification, in violation of Rule 1.	Not Sustained
	3. Handcuffed Subject 1 too tightly, in violation of Rule 8.	Unfounded
	4. Failed to provide Subject 1 with an Investigatory Stop Receipt, in violation of Rule 6.	Not Sustained

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 1: Prohibits violation of any law or ordinance.
  2. Rule 6: Prohibits 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.
  3. Rule 37: Prohibits 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.
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##### Special Orders

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1. Special Order: S04-13-09 – Investigatory Stop System – effective July 10, 2017.
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##### United States Constitutional Provisions

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1. United States Constitution, Amendment IV: Prohibits unreasonable search and seizure.

#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews<sup>2</sup>

In a **statement to COPA**<sup>3</sup> on December 6, 2017, **Subject 1** made the above listed allegations. Additionally, Subject 1 admitted that he refused to provide his name to Officers A and

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Civilian 2 did not respond to request for a statement.

<sup>3</sup> Att. 4.

B, that he was verbally hostile, and that he used profane language during the interaction. Subject 1 stated that an unidentified female recorded the interaction and provided Civilian 2 a link to a Facebook video of the interaction.<sup>4</sup> Finally, Subject 1 stated that he only learned Officer A's name after speaking to the unidentified female.

In a **statement to COPA**<sup>5</sup> on April 19, 2018, **Officer A** stated that he and his partner, Officer B, were patrolling around XXXX S. Laflin St. looking for a wanted subject (Civilian 1), when an unidentified male approached them and claimed that Subject 1 had just assaulted him. While investigating the male's claim, the Officers observed Subject 1 sitting his vehicle and believed he matched the description of Civilian 1. The Officers requested Subject 1's name; however, Subject 1 never provided it. Instead, Subject 1 became hostile towards the Officers, began using profane language, and exited his vehicle. Based on Subject 1's hostility, the Officers detained Subject 1 in handcuffs. The Officers conducted a LEADS inquiry on the license plate attached to Subject 1's vehicle and were able to identify him. Once the Officers identified Subject 1, they released him.

Officer A was clear that he provided Subject 1 with his name and star number twice. Additionally, Officer A did not hear Subject 1 complain that his handcuffs were too tight or that he suffered any injury. Officer A did not interact with the unidentified female who allegedly recorded a video. Officer A denied directing profanities at Subject 1.

In a **statement to COPA**,<sup>6</sup> on April 19, 2018, **Officer B** provided essentially the same information as Officer A. Additionally, Officer B stated that he informed Subject 1 he was not under arrest as he placed Subject 1 in handcuffs. Further, Officer B stated that Subject 1 never claimed his handcuffs were too tight, nor did Officer B observe any injuries after removing the handcuffs. Officer B estimated that Subject 1 was handcuffed for two to three minutes. Officer B recalled that while he was speaking to an unidentified female, he heard Officer A provide his name and star number to Subject 1 twice. Officer B denied searching Subject 1.

#### **b. Documentary Evidence**<sup>7</sup>

**Sergeant. A's Initiation Report**,<sup>8</sup> details essentially the same information Subject 1 provided during his statement.

**Investigative Alert XXX**,<sup>9</sup> details that Civilian 1 was being sought for his involvement in a domestic battery and that Civilian 1 was known to frequent the area of XXX Street and S. Laflin Street. Civilian 1 was described as a bald, male, black, standing 5'9" tall and weighing 240 pounds.

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<sup>4</sup> Civilian 2 provided a link to the Facebook post; however, the link indicated the footage was private or had been removed from Facebook. Att. 18.

<sup>5</sup> Att. 33.

<sup>6</sup> Att. 37.

<sup>7</sup> CPD provided two files of In-Car Camera footage; however, neither file depicted the interaction between Subject 1 and the Officers. Att. 17.

<sup>8</sup> Att. 2.

<sup>9</sup> Att. 13.

**Civilian 1's Booking Photograph**,<sup>10</sup> depicts Civilian 1 as a heavy set, balding, male, black, with a beard and slight mustache.

**Subject 1's Investigatory Stop Report (ISR)**,<sup>11</sup> details essentially the same information provided by the Officers during their statements. The ISR also details Subject 1 as a heavy set, balding, male, black, standing 6'4" tall and weighing 250 pounds.

## VI. ANALYSIS

COPA recommends a finding of **Unfounded** for the allegations that Officers A and B detained Subject 1 without justification. Peace Officers are permitted to stop and detain subjects for a reasonable amount of time if the officer reasonably infers, from all the circumstances known to the officer, that the subject is about to commit, is committing, or has committed a criminal offense.<sup>12</sup>

Here, an unidentified male pointed to Subject 1's vehicle and alleged the occupant had assaulted him. As the Officers were investigating the allegation, they observed that Subject 1 matched the description of Civilian 1.<sup>13</sup> Based on the complaint from the unidentified male and their individual observations, it was reasonable for the Officers to infer that Subject 1 was engaged or had recently been engaged in criminal activity. Because Subject 1 refused to identify himself and was hostile toward the officers during their investigation of an alleged assault, which Subject 1 admitted in his statement to COPA, the officers placed him in handcuffs. Once the officers verified Subject 1's identity, they removed the handcuffs. Therefore, the Officers' actions were proper and lawful.

COPA recommends a finding of **Unfounded** for the allegation that Officer A failed to identify himself to Subject 1 upon request. Officer A stated that he provided Subject 1 with his name and star number twice. Officer B was clear that while he was interacting with the unidentified female, he heard Officer A state his name and star number twice to Subject 1. During his statement, Subject 1 stated that he only learned of the Officer A's name from the unknown female bystander. This claim is not credible because the unknown female had no interaction with Officer A. Based on the evidence, COPA determined that it is more likely than not that Officer A did identify himself to Subject 1.

COPA recommends a finding of **Unfounded** for the allegation that Officer B handcuffed Subject 1 too tightly. During his statement Subject 1 never claimed that he informed the Officers that his handcuffs were too tight and admitted that he did not seek medical treatment or document any injuries. Additionally, Officer B estimates that Subject 1 was only in handcuffs for two or three minutes. Further, neither Officer recalls Subject 1 claiming his handcuffs were too tight, or that he had suffered injuries. Finally, when Officer B removed the handcuffs from Subject 1, he did not observe any injuries. Based on the evidence, COPA determined that it is more likely than

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<sup>10</sup> Att. 11. This photograph was from Civilian 1's most recent arrest that occurred on XXX, 2015.

<sup>11</sup> Att. 9.

<sup>12</sup> 725 ILCS 5/107-14.

<sup>13</sup> Although Subject 1 is taller than Civilian 1, Subject 1 was sitting in a vehicle at the start of the interaction, which would make his height difficult to ascertain.

not that Subject 1's handcuffs were not too tight. Additionally, COPA believes that if the handcuffs were too tight, it is more likely than not that Officer B was never made aware of the tightness.

COPA recommends a finding **Not Sustained** for the allegation that Officer A directed profanities at Subject 1. Other than Subject 1's claim and Officer A's denial, COPA did not locate any evidence during its investigation to support or refute the allegation that Officer A directed profanities at him. Therefore, COPA is unable to determine if this conduct occurred.

COPA recommends a finding of **Not Sustained** for the allegations that Officer B searched Subject 1 without justification; and that Officers A and B failed to provide Subject 1 with an investigatory receipt. During this investigation, COPA did not locate any evidence to support or refute Subject 1's claim that Officer B searched him. Therefore, COPA is unable to determine if Subject 1 was searched. Since COPA cannot determine if Subject 1 was searched, COPA is also unable to determine if Subject 1 should have been provided an Investigatory Stop Receipt.<sup>14</sup>

## VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. Detained Subject 1 without justification, in violation of Rule 1.	Unfounded
	2. Directed profanities at Subject 1, in violation of Rule 8.	Not Sustained
	3. Failed to properly identify yourself to Subject 1 upon request, in violation of Rule 37.	Unfounded
	4. Failed to provide Subject 1 with an Investigatory Stop Receipt, in violation of Rule 6.	Not Sustained
Officer B	1. Detained Subject 1 without justification, in violation of Rule 1.	Unfounded
	2. Searched Subject 1 without justification, in violation of Rule 1.	Not Sustained
	3. Handcuffed Subject 1 too tightly, in violation of Rule 8.	Unfounded
	4. Failed to provide Subject 1 with an Investigatory Stop Receipt, in violation of Rule 6.	Not Sustained

Approved:

<sup>14</sup> S04-13-09 VIII(A)(3) requires officers to provide an Investigatory Stop Receipt when a subject is searched.

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Acting Deputy Chief Administrator A  
*Acting Deputy Chief Administrator*

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Date

Appendix A

Assigned Investigative Staff

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