

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 5, 2017
Time of Incident:	8:52 pm
Location of Incident:	XXXX N. Lawndale Avenue, Chicago, IL 60647
Date of COPA Notification:	October 24, 2017
Time of COPA Notification:	1:20 pm

The complainant, Subject 1 was arrested by Chicago Police Officers A, B, and C (collectively “the Officers”) on August 5, 2017, for drinking alcohol on a public way. Subject 1 alleges that he was not drinking and was arrested unlawfully.

II. INVOLVED PARTIES

Involved Sergeant #1:	Sergeant A Star #XXXX / Employee ID #XXXXXX Appointed XXX, 2005 Unit XXX Born XXX, 1973 Male / Hispanic
Involved Officer #1:	Police Officer A Star #XXXXXX / Employee ID #XXXXXX Appointed XXX, 2013 Unit XXX Born XXX, 1985 Male / Hispanic
Involved Officer #2:	Police Officer B Star #XXXXXX / Employee ID #XXXXXX Appointed XXX, 2013 Unit XXX Born XXX, 1977 Male / White
Involved Officer #3:	Police Officer C Star #XXXX / Employee ID #XXXXXX Appointed XXX, 2006 Unit XXX Born XXX, 1973 Male / Hispanic

Subject #1:

Subject 1 Born XXX, 1969 Male / Black

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant A	1. Ordered the arrest of Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer A	1. Arrested Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer B	1. Arrested Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer C	1. Arrested Subject 1 for drinking on the public way without probable cause, in violation of Rule 1.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits the violation of any law or ordinance.

United States Constitutional Provisions

1. United States Constitution, Amendment IV

V. INVESTIGATION¹

a. Interviews²

In a **statement to COPA**,³ on October 24, 2017, **Subject 1**, stated that he and three acquaintances were walking on the sidewalk when they were stopped by several officers in plainclothes and arrested for drinking on the public way. Subject 1 was insistent that he was not in possession of or consuming alcohol.

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

² Civilian 1, Civilian 2, and Civilian 3 did not respond to any of COPA's requests for statements.

³ Att. 4.

In a **statement to COPA**⁴ on April 25, 2018, **Accused Sergeant A**, stated that he was patrolling the area when he observed Subject 1 and three other males consuming Stella Artois beer on the public way. Based on his observations, Sergeant A stopped his vehicle and ordered Officers A, B, and C to go to the location and arrest Subject 1. Sergeant A recalled observing numerous bottles of beer on the sidewalk, grass, curb, and on top of a vehicle in the immediate area around Subject 1. Sergeant A confirmed that drinking on the public way is an offense where arrest is permitted.⁵

In a **statement to COPA**,⁶ on January 22, 2018, **Accused Officer A**, stated his partners, Officers B and C, and he met with Sergeant A near the intersection of Central Park Ave. and North Ave. At the intersection, Sergeant A informed them he observed Subject 1 and three other males drinking on the public way. Sergeant A ordered the Officers to follow him to N. Lawndale Ave. and arrest Subject 1 and the other males. Upon arrival, Officer A observed several empty, partially empty, and full bottles of Stella Artois beer in the immediate area. Some of the bottles were located on the hood of a parked vehicle, the grass, sidewalk, and curb. The Officers arrested Subject 1 and the other males. The Officers requested assistance in transporting the arrestees to the XXX District for processing. Officer A did not observe any indications that Subject 1 was impaired, however he described Subject 1 as belligerent.

In a **statement to COPA**,⁷ on January 26, 2018, **Accused Officer B**, stated essentially the same information as Officer A.

In a **statement to COPA**,⁸ on March 6, 2018, **Accused Officer C**, stated essentially the same information as Officers A and B.

In a **statement to COPA**,⁹ on November 21, 2017, **Witness Officer D**, stated that his partner, Officer E, and he responded to assist the accused officers with transporting Subject 1. Upon arrival, Officer D observed Subject 1 in handcuffs but did not observe any evidence that Subject 1 was drinking on the public way. Subject 1 was placed in Officer D's vehicle and transported to XXX District. During his interactions with Subject 1, Officer D did not detect any signs of impairment.

In a **statement to COPA**,¹⁰ on November 21, 2017, **Witness Officer E**, stated essentially the same information as Officer D.

b. Documentary Evidence¹¹

⁴ Att. 73.

⁵ Chicago Municipal Code §8-40-030 codifies Drinking on the Public Way.

⁶ Att. 49.

⁷ Att. 53.

⁸ Att. 68.

⁹ Att. 29.

¹⁰ Att. 30.

¹¹ COPA received In-Car Camera Footage from Beat XXX, the Beat of Officer D and Officer E, however footage showed that Subject 1 and others were already under arrest upon the arrival of the vehicle. Att. 37. The XXX District did not have body-worn cameras at the time of this incident.

Subject 1’s Arrest Report¹² details that Subject 1 was arrested, after being observed drinking Stella Artois beer on the public way near XXXX N. Lawndale Avenue.

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for the all allegations. A peace officer may arrest a person when he has reasonable grounds to believe that the person has committed an offense.¹³

Here, Sergeant A observed Subject 1 consuming Stella Artois beer on the public way and issued an order to the Officers arrest Subject 1. The Officers arrested Subject 1 based on that order.¹⁴ Further, Sergeant A and the Officers observed several empty, partially empty, and sealed containers of alcohol in the immediate area of Subject 1. Based on this information Sergeant A’s belief the Subject 1 had committed an offense – specifically drinking on the public way – was reasonable; therefore, Sergeant A’s order and the ultimate arrest of Subject 1 was reasonable and lawful.

VII. CONCLUSION

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

Officer	Allegation	Finding
Sergeant A	1. Ordered the arrest of Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer A	1. Arrested Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer B	1. Arrested Subject 1 for drinking alcohol on the public way without probable cause, in violation of Rule 1.	Unfounded
Officer C	1. Arrested Subject 1 for drinking on the public way without probable cause, in violation of Rule 1.	Unfounded

Approved:

¹² Att. 15.

¹³ 725 ILCS 5/107-2(1)(c)

¹⁴ CPD Rules and Regulations require that Department members obey lawful orders or directives of a superior officer.

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

Date

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Acting Deputy Chief Administrator:	Acting Deputy Chief Administrator-Chief Investigator A