

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	November 21, 2016; December 10, 2016; March 26, 2017
Time of Incident:	8:10 p.m.; 2:00 p.m.; unknown times
Location of Incident:	5430 N. Olcott Avenue (Oriole Park); vicinity of Harlem and Foster Avenues; telephone messages
Date of COPA Notification:	March 27, 2017
Time of COPA Notification:	2:26 p.m.

The complainant, ██████████ filed a complaint on March 27, 2017, alleging that on November 21, 2016, he was sitting on a bench at Oriole Park when a group of white male teenagers approached him and yelled profanities at him. ██████████ told them to leave him alone and the teenagers began throwing objects at him. When the teenagers heard a police siren, they ran away. Upon arrival, one officer pointed his firearm at ██████████ then grabbed him and slammed his head against the hood of the police vehicle. A second officer also arrived and pointed his firearm at ██████████. The officers told ██████████ that somebody had called 911 about a gun. The officers then completed a report and left without attempting to look for the offenders. COPA’s investigation regarding this incident concluded with an Unfounded finding against Unknown Officers #1 and #2.

██████████ further alleged that on December 10, 2016, he was walking in an alley in the vicinity of Foster and Harlem, when a white male, who identified himself as a CPD officer, pointed his firearm at ██████████ and made profane remarks to ██████████. In addition, ██████████ alleged that on March 26, 2017, he received two voicemail messages from a blocked number, stating that he was wanted for homicide and sexual assault and that he should turn himself in. After review, COPA determined that the allegations be Not Sustained against Unknown Officers #3 and #4.

**II. INVOLVED PARTIES**

Involved Officer #1:	One Unknown Male officer (No further information provided)
Involved Officer #2:	One Unknown Male officer (No further information provided)
Involved Officer #3:	One Unknown Male officer (No further information provided)

<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.

Involved Officer #4: One Unknown Male officer  
(No further information provided)

Reporting Party Victim: ██████████ 1989; Male; White Hispanic

**III. ALLEGATIONS**

Officer	Allegation	Finding
Unknown Officer #1	<ol style="list-style-type: none"> <li>1. Pointed his firearm at ██████████ without justification, in violation of Rules 8 and 38.</li> <li>2. Grabbed ██████████ and slammed his head against the hood of a squad car, in violation of Rules 8 and 9.</li> <li>3. Stated to ██████████ “Stop bullshitting me,” in violation of Rule 9.</li> <li>4. Failed to conduct a proper and adequate investigation of an assault, in violation of Rules 2, 3 and 5.</li> </ol>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Unknown Officer #2	<ol style="list-style-type: none"> <li>1. Pointed his firearm at ██████████ without justification, in violation of Rules 8 and 38.</li> <li>2. Stated to ██████████ “Don’t tell me you’re one of those fucking Black Lives Matter, Jesus fucking Christ,” in violation of Rule 9.</li> <li>3. Failed to conduct a proper and adequate investigation of an assault, in violation of Rules 2, 3 and 5.</li> </ol>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Unknown Officer #3	<ol style="list-style-type: none"> <li>1. Pointed his firearm at ██████████ without justification, in violation of Rules 8 and 38.</li> <li>2. Stated to ██████████ “Don’t you motherfuckers show up,” “I want you people out of this goddamn neighborhood,” and “If you show up here, I’m going to be a lot less fucking nice. You understand me, boy?” in violation of Rule 9.</li> </ol>	<p>Not Sustained</p> <p>Not Sustained</p>

Unknown Officer #4	1. Falsely accused ██████████ of being a prime suspect for homicide and sexual assault, in violation of Rules 2, 3 and 8.	Not Sustained
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#### 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 3 – Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
3. Rule 5 – Failure to perform any duty.
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.
6. Rule 38 – Unlawful or unnecessary display of a weapon.

#### V. INVESTIGATION<sup>2</sup>

##### a. Interviews

In a **statement to IPRA** on March 27, 2017, the **complainant**, ██████████ stated that on November 21, 2016,<sup>3</sup> at approximately 8:10 p.m., he was sitting on a bench in Oriole Park, when a group of white teenagers approached him and told him, “You don’t fucking belong here, spic.” ██████████ told them to leave him alone. The teenagers also called him a “fucking nigger lover.” ██████████ explained the teenagers must have known from his Facebook page that he has an African-American girlfriend and that they may have seen him give speeches about Black Lives Matter at the park. The teenagers took objects from a trash can and threw at ██████████ became “frightened” and picked up a stick. He then walked to an alley to get away from the teenagers, who followed him. ██████████ soon heard police sirens and the teenagers fled. ██████████ stated that he believed that unknown neighbors, who were outside on their front porch, must have called the police because of the yelling. One uniformed officer arrived, drew his weapon and pointed it weapon at ██████████. The officer ordered him to put his hands up and ██████████ complied. The officer grabbed ██████████ and slammed his face on the hood of the vehicle. An older white male officer, who also pointed his firearm at ██████████ asked if he had been arrested and ██████████ replied that he had been arrested for protesting. The first officer said, “Stop bullshitting me.” The older white male officer

<sup>2</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>3</sup> A CLEAR Data Warehouse Victim Check for ██████████ did not reveal any reported incidents for this date; hence, it is more likely that ██████████ is referring to the incident on December 3, 2016. (Att. #7)

replied, “Don’t tell me you’re one of those fucking Black Lives Matter, Jesus fucking Christ.” The officers told ██████ that neighbors had called claiming to have seen someone with a gun. The officers searched the area for the gun and looked inside the trash can. The officers then completed a report and told ██████ that he was free to go. ██████ stated that the officers did not appear concerned about looking for the offenders and told him, “We’ll look into it, 9 out of 10 we probably not going to catch them.” ██████ then walked home.

██████ also stated that on December 10, 2016, at approximately 1:00 p.m., he was walking in an alley in the vicinity of the Federal Credit Union near Harlem and Foster, when he observed a white male in civilian dress exit a back yard and ask ██████ “What the hell are you doing here?” As ██████ was about to explain, the white male pulled out a gun and pointed it at him. The white male identified himself as a Chicago Police officer and told ██████ “Don’t you motherfuckers show up,” “I want you fucking people out of this goddamn neighborhood,” and “If you show up here, I’m going to be a lot less fucking nice. You understand me, boy?” ██████ calmly raised his arms, turned away and walked home.

Finally, ██████ stated that on March 26, 2017, he received two “mysterious” calls on his iPhone from a blocked number. The caller identified himself as a police officer from the ██████ District Station and provided a star number. The caller stated that ██████ is a prime suspect for homicide and sexual assault and that he had 24 hours to turn himself in.<sup>4</sup> ██████ stated that he believed that he was being targeted for being a Black Lives Matter activist. ██████ stated that he would provide the voicemails to IPRA.<sup>5</sup>

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

The **Original Case Incident Report under RD# ██████** reflects that on December 3, 2016, at approximately 8:30 p.m., Officers ██████ ██████ and ██████ responded to an assault in progress. Upon arrival, the officers met ██████ who stated that three white male juveniles had confronted him in the area of Oriole Park. The juveniles told ██████ “Get out of the park, you don’t belong over here, and if you don’t leave, we’re gonna kick your ass.” In fear of receiving a battery, ██████ fled south from the park and called 911 in the area of Oketo and Foster. Sergeant ██████ and Officer ██████ stopped several juvenile individuals at 5511 N. Oketo who matched the description of the offenders. Officers ██████ and ██████ went to that location with ██████ for a show-up with the juvenile subjects. ██████ positively identified ██████ and ██████ as two of the three offenders who assaulted him earlier at Oriole Park. ██████ and ██████ were then placed under arrest and transported to the ██████ District for processing.<sup>6</sup>

The **Arrest Reports** for ██████ ██████ and ██████ ██████ for simple assault against ██████ essentially provide the same information as reported in the Original Case Incident Report.<sup>7</sup>

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<sup>4</sup> A Data Warehouse Suspect Check conducted on March 30, 2017, indicates that ██████ was a suspect only in one incident, which occurred on July 9, 2016 and was recorded under RD# ██████ ██████ was arrested for reckless conduct at a Black Lives Matter protest. (Att. #8)

<sup>5</sup> Att. #'s 13-14. Attempts to Contact ██████ in order to obtain additional information regarding the three alleged incidents, including the March 26 voicemails he referenced, were unsuccessful. (Att. #'s 15, 22)

<sup>6</sup> Att. #4

<sup>7</sup> Att. #'s 20-21.

An OEMC Event Query Report under Event# [REDACTED] indicates that a person listed as [REDACTED] called 911 from telephone number [REDACTED]<sup>8</sup> at approximately 8:04 p.m. The caller related that two white males were following him and throwing garbage and glass bottles, before fleeing northbound. The event query indicates that the incident was recorded under RD# [REDACTED] and that Beat [REDACTED] transported two individuals to the [REDACTED] District Station.<sup>9</sup>

## VI. ANALYSIS

COPA recommends a finding of **Unfounded** for **Allegations #1-4** against **Unknown Officer #1** and for **Allegations #1-3** against **Unknown Officer #2**. [REDACTED] stated that he was attacked by a group of teenagers and CPD officers responded, apparently after a neighbor called. However, a CPD Event Query indicates that it was [REDACTED] who called 911 and reported the assault, resulting in a response by the officers. According to [REDACTED] when the officers responded, they allegedly pointed their firearms at him without justification, slammed him against the hood of the squad car, used profanities toward him and failed to conduct a proper and adequate investigation of an assault against him. In fact, Department records indicate that two CPD officers responded to [REDACTED] location and [REDACTED] provided a description of the offenders, which was communicated over the police radio. A second CPD unit encountered a group of teenagers that matched the offenders' description and detained them. The first responding officers, together with [REDACTED] proceeded to this new location. [REDACTED] positively identified two of the teenagers as his assailants and they were promptly arrested and charged with simple assault against [REDACTED]. The evidence of the arrests of the two offenders undercuts the veracity of [REDACTED] allegations against the two officers. Contrary to his allegations, [REDACTED] cooperated with the officers; in fact, [REDACTED] cooperation resulted in the offenders' arrest, which would have been unlikely without it. Consequently, based on the information collected, COPA determined that the allegations said to have occurred on December 3, 2016 have no factual basis and no officer needs to provide a statement regarding this incident. COPA recommends a finding of **Unfounded** for the Allegations against **Unknown Officers #1 and #2**.

COPA recommends a finding of **Not Sustained** for **Allegations #1-2** against **Unknown Officer #3** and for **Allegation #1** against **Unknown Officer #4**. Based on the information that [REDACTED] provided for this investigation, there is insufficient evidence to identify either officer in these two alleged incidents. [REDACTED] did not provide the voicemails as he had indicated in his statement to IPRA and did not respond to further attempts by COPA to provide additional information. As a result, there is insufficient evidence to prove or disprove these allegations and, therefore, COPA recommends a finding of **Not Sustained** for the Allegations against **Unknown Officers #3 and #4**.

## VII. CONCLUSION

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

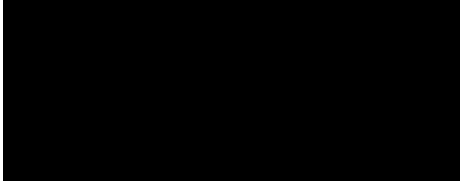
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<sup>8</sup> [REDACTED] identified this as his personal cell phone number.

<sup>9</sup> Att. #5

Officer	Allegation	Finding
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Unknown Officer #2	<ol style="list-style-type: none"> <li>1. Pointed his firearm at ██████████ without justification, in violation of Rules 8 and 38.</li> <li>2. Stated to ██████████ “Don’t tell me you’re one of those fucking Black Lives Matter, Jesus fucking Christ,” in violation of Rule 9.</li> <li>3. Failed to conduct a proper and adequate investigation of an assault, in violation of Rules 2, 3 and 5.</li> </ol>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
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Unknown Officer #4	<ol style="list-style-type: none"> <li>1. Falsely accused ██████████ of being a prime suspect for homicide and sexual assault, in violation of Rules 2, 3 and 8.</li> </ol>	<p>Not Sustained</p>

Approved:



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*Andrea Kersten*  
*Deputy Chief Administrator – Chief Investigator*

January 29, 2019

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Major Case Specialist:</b>	████████████████████
<b>Supervising Investigator:</b>	████████████████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten #7