

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 21, 2015
Time of Incident:	12:03 PM
Location of Incident:	████████████████████
Date of COPA Notification:	November 22, 2015
Time of COPA Notification:	11:26 AM

On November 22, 2015, ██████████ (“██████████”) contacted the Independent Police Review Authority (“IPRA”) on behalf of her minor son, ██████████¹ She alleged that, during her son’s arrest on November 21, 2015, Officers Daniel Castillo #12726 and Robert Lobianco #16764 used a racial slur against him by referring to him as a “Nigger boy.” ██████████ did not witness ██████████ arrest but informed IPRA that the basis of her allegation came from a conversation between ██████████ and his two friends who were present during his arrest. COPA reviewed the allegations and reached an Unfounded finding.

II. INVOLVED PARTIES

Involved Officer #1:	Daniel Castillo, Star#12726, Employee # ██████████, DOA: October 31, 2005, Police Officer, District 004, DOB: ██████████ 1970, Male, Hispanic
Involved Officer #2	Robert Lobianco, Star#16764, Employee # ██████████, DOA: March 25, 2002, Police Officer, District 004 DOB: ██████████ 1974, Male, White ²
Complainant #1:	██████████ on behalf of her ██████████, ██████████ DOB: ██████████, 2001, Male, Black

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.

² Officer Lobianco is currently in a non-active status.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Daniel Castillo	1. Used a racial slur against Minor █	Unfounded
Officer Robert Lobianco	1. Used a racial slur against Minor █	Unfounded

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 8:** Disrespect to or maltreatment of any person, while on or off duty.

Special Order

08-01-01 Conduct of Complaint Investigations

V. INVESTIGATION³

a. Interviews

On December 1, 2015, █. gave a statement to IPRA in the presence of his mother, █. reported that on November 21, 2015, he and his two juvenile friends, █. and █. were walking down the street when they observed a police vehicle occupied by two police officers drive past them.⁴ Within a few moments, the officers circled the block, approached the group, and conducted an investigatory stop of the three of them. After placing them all in the police vehicle and collecting their information, █. and █. were released. However, █. was told to stay in the vehicle and was ultimately arrested and charged with possession of cannabis and drug paraphernalia.

█. stated that, after his release, █. told him that one of the arresting officers referred to him as the “black one.”⁵ However, during the statement to IPRA, █. interjected by stating that, after █. release, he told her that the had officers used the racial epithet, “Nigger

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ █., and █. were all juveniles at the time of incident. █. is an African-American male and █. and █. are Hispanic males.

⁵ IPRA was unsuccessful in its attempts to contact █. and █.

boy” to refer to him. Nevertheless, [REDACTED] remained firm with his account and denied telling his mother that a racial slur was used.⁶

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for the **Allegations** against **Officers Castillo and Lobianco**. [REDACTED] account directly contradicts the allegations that [REDACTED] now presented to IPRA on his behalf. Here, neither [REDACTED] nor [REDACTED] had firsthand knowledge of the remark allegedly made by the officers, which was relayed to [REDACTED] by his friend, [REDACTED]. The information presented was based on hearsay and does not support the allegation set forth. Although, IPRA and COPA were unable to obtain a statement from [REDACTED] COPA gives [REDACTED] testimony more weight than his mother’s allegation (which is based on double hearsay), given that he is the best source of the contents of his conversation with [REDACTED]. Thus, COPA finds that the allegations against Officers Castillo and Lobianco are Unfounded.⁷

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Castillo	1. Used a racial slur against [REDACTED]	Unfounded
Officer Lobianco	1. Used a racial slur against [REDACTED]	Unfounded

Approved:

[REDACTED]

Joshua Hunt
Deputy Chief Administrator – Chief Investigator

12 APR 2018

Date

⁶ Attachment 11

⁷ Pursuant to Special Order 08-01-01, “The member assigned to investigate a Log number will terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated .

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Chantelle Hill
Supervising Investigator:	Brian Dollar
Deputy Chief Administrator:	Joshua Hunt