

SUMMARY REPORT DIGEST-
 COMPLAINT REGISTER INVESTIGATION NO.:
 CHICAGO POLICE DEPARTMENT

272894

DATE OF REPORT (DAY-MO.-YEAR)
 08 February 2002

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
 SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
 ATTENTION ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
 ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME Inv. Wilbert Neal Jr.		RANK INV	STAR NO. 290	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 113	
ADDRESS OF INCIDENT 3618 S. State			DATE OF INCIDENT - TIME 09 July 2001 1348	BEAT OF INCIDENT 0211	LOCATION CODE* 17		
ACCUSED	NAME 1. SMITH, Robert		RANK PO	STAR NO. 19314	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 153
	2. PIWNIKI, Raymond		PO	7858	[REDACTED]	[REDACTED]	153
	SEX/RACE 1. M/W [REDACTED] 72	DATE OF APPOINTMENT 02 DEC 96	DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		PHYS. COND. CODE 01
	2. M/W [REDACTED] 72	08 JUN 98	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		01
	IF APPLICABLE - DATE ARRESTED INDICATED 1.		CHARGES		COURT BRANCH	DISPOSITION & DATE	
2.							
COMPLAINANTS	NAME [REDACTED]		ADDRESS [REDACTED]		TELEPHONE No Phone	SEX/RACE M/B	PHYS. COND. CODE 03
	[REDACTED]		[REDACTED]				
VICTIMS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE
WITNESSES	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE

SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS	See Report						

I.A.D. LOCATION CODES*

- | | |
|----------------------------------|--|
| 01 Food Sales/Restaurant | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store | 12 Park District Property |
| 03 Other Business Establishment | 13 Airport |
| 04 Police Building | 14 Public Property - Other |
| 05 Lockup Facility | 15 Other Private Premise |
| 06 Police Maintenance Facility | 16 Expressway/Interstate System |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other |
| 08 Other Police Property | 18 Waterway, Incl. Park District |
| 09 Police Communications System | 19 Private Residence |
| 10 Court Room | |

I.A.D. PHYSICAL CONDITION CODES

- | |
|---|
| 01 No Visible Injury - Apparently Normal |
| 02 No Visible Injury - Under Influence |
| 03 Injured, Not Hospitalized |
| 04 Injured, Not Hospitalized - Under Influence |
| 05 Injured, Hospitalized |
| 06 Injured, Hospitalized - Under Influence |
| 07 Injured, Refused Medical Aid |
| 08 Injured, Refused Medical Aid - Under Influence |
| 09 Deceased |
| 10 Deceased - Under Influence |

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegations(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

See Report

ATTACHMENTS

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

1, 7

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

17, 19

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

11, 12

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

20

FINDINGS-RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS

Accused #1: Robert Smith, #19314, Unit 153

Allegation #1: Unfounded

Accused #2: Raymond Piwniki, #7858, Unit 153

Allegation #1-3: Not Sustained

Approved:

[Signature]
O.P.S. Supervisor

DATE INITIATED 09 JULY 01
(DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)

DATE COMPLETED 08 February 2002
(DATE OF THIS REPORT)

ELAPSED TIME
(TOTAL TIME, EXPRESSED IN DAYS) 212 Days

Investigator will initiate the Command Channel Review for by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE *[Signature]* #290

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

ALLEGATIONS:

On 09 July 2001, at 1505 hours, Sgt. Walter Gaskew, #2470, telephoned the Office of Professional Standard, on behalf of [REDACTED] and initiated a complaint with Civilian Alice Springfield, [REDACTED]. It is alleged that on 09 July 2001, at approximately 1348 hours, in the vicinity of 3618 S. State, **Officer Robert Smith, #19314:**

- 1) Struck him with the squad car.

It is alleged that on the same date and time, **Officer Raymond Piwniki, #7858:**

- 1) Struck him with the squad car
- 2) Pushed his head into the grass
- 3) Struck him twice on the head with the back of his hand

INVESTIGATION:

In the Initiation Report prepared by Sgt. Walter Gaskew, #2470, it was reported by [REDACTED] that on 09 July 2001, he was minding his own business while riding his bicycle across the field, when out of nowhere, a squad car strikes him. [REDACTED] then related that an officer, now known as Officer Piwnicki, exited the squad car and began striking him with his fist. It was further reported that [REDACTED] was injured after claiming to have been struck by the squad car. [REDACTED] was taken to Mercy Hospital, while in custody, where Dr. Kelkar treated him. Dr. Kelkar related that the complainant had no injuries and was treated and released into police custody. There were no signs of damage to either the squad car nor the bicycle.

In the in person interview of [REDACTED] taken by Isis Figueroa, #298, he stated that he was riding his bicycle across a field on 3618 S. State. At this time officers (P.O. Smith & P.O. Piwnicki) driving a marked squad car struck him and his bicycle and pushed him against a fence that separated the field from the building next to it. [REDACTED] related that when the car hit him and the bicycle, his left leg was caught under the passenger side of the police car door. [REDACTED] stated that the rest of his body was "wrapped" inside the fence. According to [REDACTED] the officers that arrested him used metal "cutters" to free him from the fence wrapped around him.

[REDACTED] related that once the officers struck his bicycle and exited their vehicle, Officer Piwnicki rubbed [REDACTED] head into the grass and dirt and struck him twice on the back of the head with the back of his hand.

[REDACTED] sustained swelling in his right leg and right arm and his ribs were sore. He further sustained scratches to both legs. [REDACTED] stated that he did not have any drugs or drug

paraphernalia during the arrest. [REDACTED] related that he was charged with Possession of Heroin.

The Arrest Report and Case Report indicated that [REDACTED] was arrested for Possession of a Controlled Substance by Officer Piwncki and Officer Smith. The narrative indicated that the arresting officers observed [REDACTED] conducting what was believed to be a suspect narcotics transaction. The arresting officers attempted to apprehend [REDACTED] at which time he fled the scene on his bicycle. [REDACTED] was placed into custody at the said location after he ran the bicycle into a snow fence. Two packets of suspect heroin was found on [REDACTED] person during a custodial search.

In the Medical Reports, [REDACTED] indicated that he was riding a bike and a police vehicle pushed his bike into a fence. The diagnosis indicated that he had right knee abrasion and right arm contusion.

The E.T. photographs did not depict any damages to the squad car or the bicycle.

In his To-From-Report, P.O. Robert Smith, #19314, stated he had physical contact with [REDACTED] while placing him into custody after a short bike car chase following a suspected drug deal. Officer Smith reported that Officer Piwniki was driving the squad car and did not strike him with the vehicle.

Officer Smith denied allegations against him and Officer Piwniki.

In his To-From-Report, P.O. Raymond Piwniki, #7858, related in essence the same information as Officer Smith. He further stated that he was the driver of the vehicle. Officer Piwniki denied all allegations against him and Officer Smith.

CONCLUSION:

Due to the fact that Officer Piwniki was driving during the incident the reporting investigator recommends that allegation #1 against Officer Smith, be classified as Unfounded.

Due to the lack of evidence to either prove or disprove allegations against Officer Piwniki, the reporting investigator recommends that allegations #1-3, be classified as Not Sustained.