

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1065507TYPE
CRDATE OF REPORT
23-MAY-2014

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR, INDEPENDENT POLICE REVIEW AUTHORITY

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
COSEY, ROBERT	9181	111	[REDACTED]	113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 440 N. ASHLAND AVE, CHICAGO, IL 60622	DATE / TIME: 07-SEP-2013 03:09	BEAT: 1215
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
VITERI, ANGELICA	9161	14342	[REDACTED]	012		F / S	[REDACTED]-1971	05-DEC-2005	YES	YES
KRIV, JEFFREY B	9161	19265	[REDACTED]	012		M / WHI	[REDACTED]-1966	05-AUG-1996	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	CHICAGO, IL		M / WWH	[REDACTED]-1985 / 29

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	CHICAGO, IL		M / WWH	[REDACTED]-1985 / 29

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
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* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

See Report

SUMMARY

See Report

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
1,15-20,24,27,32	4,8,31,36	0	37

FINDINGS - RECOMMENDATIONS

ACCUSED: Officer Angelica Viteri #14342

Allegations #1 thru 4: Exonerated

ACCUSED: Officer Jeffrey Kriv #19265

Allegation #1 thre 3: Exonerated

APPROVED:

 2/24

IPRA Supervisor

DATE INITIATED
(Date incident was received for investigation)

24-OCT-2013

DATE COMPLETED (Date of this report)

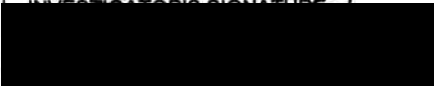
23-MAY-2014

ELAPSED TIME
(Total time expressed in days)

211

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

INVESTIGATOR'S SIGNATURE

 #111

ALLEGATIONS:

On 14 October 2013, at 1042 hours, the reporting party victim, [REDACTED], telephoned the Independent Police Review Authority and registered a complaint with Police Aide Lorraine Heard. It was alleged that on 440 N. Ashland Ave, Chicago, IL, on 07 September 2013, at approximately 0300 hours, the accused Officers Angelica Viteri:

- (1) stopped him in his vehicle for no apparent reason.
- (2) physically abused him by discharging pepper spray in his eyes and face.
- (3) falsely arrested him for resisting.
- (4) falsely arrested him for DUI.

It was further alleged that during same incident, accused Officer Jeffrey Kriv:

- (1) stopped him in his vehicle for no apparent reason.
- (2) falsely arrested him for resisting.
- (3) falsely arrested him for DUI.

INVESTIGATION:

In an **in-person interview** on 22 October 2013, at 1530 hours, conducted by Inv. Oscar Nufio, victim [REDACTED] stated that on the day of the incident he was at a party and drank two cocktails which consisted of coke and rum. [REDACTED] drove to Grand Bar nightclub located on Grand Ave and Ashland Ave where he observed a few people standing outside on the sidewalk that he met earlier that day. He stopped his car and doubled parked, when a marked car flashed its lights signaling him to move. About a block away, the same squad car activated its lights to stop him.

[REDACTED] pulled over, and a Hispanic male and female, now identified as Officer Viteri and Officer Kriv, approached him. Officer Viteri asked [REDACTED] if he had been drinking, and he acknowledged to her that he had been drinking. The aforementioned officers told him that he was incapable of driving home, and asked who the owner of the vehicle was. [REDACTED] said that the vehicle belonged to his mother. The officers asked [REDACTED] if he could call his mother to come and pick him up because they were giving him a break.

He asked the officers to give him a breathalyzer test to prove that he was not under the influence of alcohol. [REDACTED] called his mother and she agreed to pick him up. Officer Viteri then spoke over the phone with [REDACTED]'s mother and she agreed to come and pickup her son. He then called his mother again and told her not to come

because he was ok and that he will convince the officers that he was fine to drive. The officers refused to let him drive but [REDACTED] insisted. At that point Officer Kriv told [REDACTED] to stand against the wall. [REDACTED] continued to plead that he was ok to drive, and more officers arrived at the scene. [REDACTED] got upset and asked "Am I under arrest?" but the officers did not answer.

Approximately 8-10 officers were on the scene standing between him and his vehicle. [REDACTED] lifted his hand up and stated "Ok, if I am not arrested I am going to walk to my car and drive home." When he took one step forward, several officers threw him to the ground and one officer discharged OC spray into his face. He was taken to St. Mary of Nazareth Hospital where staff washed the OC spray off his face. He was then transported to the station where he asked to submit a breathalyzer but he refused. [REDACTED] stated that he never clenched his fist and did not take an aggressive stance or move toward any of the officers. (Att 18)

The arrest report CB #:18740325 related that on the day of the incident [REDACTED] was double parked at 448 N. Ashland Ave, when Bt #1233R told him to move the vehicle. [REDACTED] started moving his car forward, when he slammed on the brake as he almost struck a parked vehicle. At this point, Bt #1233R activated its emergency lights and [REDACTED] stopped his vehicle. The officer asked him for his driver's license and proof of insurance. It was then a strong odor of alcohol was detected on his breath. When asked how much he had to drink, he stated "a little." The officer also observed [REDACTED] having bloodshot eyes and a slurred speech. The officers had to ask [REDACTED] to repeat himself several times to be understood. When the officers asked him to step outside the vehicle, [REDACTED] stumbled. [REDACTED] was placed under arrest after he became combative and aggressive and attempted to defeat his arrest. It was at this time that OC spray was discharged to bring [REDACTED] under control. [REDACTED] was charged with IVS-Driving Under the Influence of Alcohol and Resisting/PC Off/Corr Emp. He was also issued a traffic citation for Double Parking/No Standing. (Att. 4)

In a To/From report completed by Officer Angelica Viteri, she reported that she was working beat 1233R on the day of the incident and when she observed a vehicle double parked in the vicinity of 448 N. Ashland Ave. she instructed the driver now known as [REDACTED] to move his vehicle. As the driver was moving forward he nearly struck a parked car. Officer Viteri stopped the car and asked [REDACTED] for his driver's license and proof of insurance, but he said nothing. She asked [REDACTED] if he had been drinking, and he stated, "a little." Officer Viteri reported that she observed blood shot eyes, slurred speech, a strong odor of alcohol on [REDACTED]'s breath, and he stumbled upon exiting his vehicle. It was noted that [REDACTED] mood changed from being cooperative to being uncooperative and he then became combative and aggressive. This caused Officer Viteri to be in fear of receiving a battery. [REDACTED] crossed his arms, clenching his fists and stiffened his body to avoid arrest. [REDACTED] did not listen to

verbal commands and refused to give his hands. Officer Viteri completed TRR¹ and it was approved. (Att. 31)

In a **To/From report** provided by **Officer Jeffrey Kriv** indicates that all allegations made against him are unfounded. Officer Kriv notes that he did not stop [REDACTED] nor was he even one of the officers who stopped the vehicle. He also stated that he was not one of the original officers who initially made the stop or arrested him. Officer Kriv reported that he arrived on the scene to assist with the DUI charge against [REDACTED] and that he was already in custody and was being transported to St. Mary's Hospital, after OC spray was discharged in his face. At the hospital, Officer Kriv observed a very strong odor of alcohol in his breath, and he was excited and combative. [REDACTED] also had blood shot eyes. Officer Kriv was called to assist with the investigation of DUI, and concluded that [REDACTED] was under the influence of alcohol. Officer Kriv requested a DUI Kit to be done to [REDACTED] but he refused to take one. Officer Kriv was the first arresting officer on the arrest report as the DUI charge was investigated by him. (Att 36)

The **Medical Records** from **St. Mary of Nazareth Hospital** documented a final diagnosis of chemical burn. His eyes were rinsed. (Att. 24)

CONCLUSION:

Accused: Officer Angelica Viteri #14342

The investigator recommends that **Allegations #1 thru 4 be Exonerated**. Given that [REDACTED] was driving his vehicle erratically, the officers on the scene made a lawful stop and the arrest was also lawful when [REDACTED] failed to follow verbal directions which led to pepper spray being discharged in his eyes when he became combative and aggressive. Furthermore, [REDACTED] admitted that he had been drinking and later refused a breathalyzer test resulting in the DUI charge. The officer's actions were lawful and the charges against [REDACTED] that followed were appropriate.

Accused: Officer Jeffrey Kriv #19265

The investigator recommends that **Allegations #1 thru 3 be Exonerated**. Given that [REDACTED] was driving his vehicle erratically, the officers on the scene made a lawful stop and the arrest was also lawful when [REDACTED] failed to follow verbal directions which led to pepper spray being discharged in his eyes when he became combative and aggressive. Furthermore, [REDACTED] admitted that he had been drinking and later refused a breathalyzer test resulting in the DUI charge. The officer's actions were lawful and the charges against [REDACTED] that followed were appropriate.

¹ It is noted in Officer Viteri's TRR, that she discharge her OC spray to bring [REDACTED] under control. after he resisted arrest and became combative and aggressive toward officers on the scene.