

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY  
E.O./LOG #1075655

29 November 2017

TO: Chief Administrator  
Civilian Office of Police Accountability

FROM: Inv. Wilbert Neal, #42

SUBJECT: Log #1075655  
Extraordinary Occurrence  
Name: ██████████  
Incident Location: 2255 E. 103<sup>rd</sup> Street (004<sup>th</sup> District Lock-up)  
Date/Time: 13 June 2015, at approximately 0420 hours.

**SUMMARY OF FACTS:**

On 13 June 2015, at approximately 0100 hours, ██████████ was placed under arrest for a burglary at the location of 7717 S. East End. Mr. ██████████ was transported to the 004<sup>th</sup> District station for processing by Officers White and Rogers. When Officers White and Rogers completed the processing, Mr. ██████████ was taken to the lock-up by Officer White. While in the lock-up, Mr. ██████████ was given specific demands and asked a series of questions, which he initially complied to and answered. According to Mr. ██████████ he was asked to remove his underwear, at which point he refused to do so. Mr. ██████████ clenched his fist and walked toward Detention Aide Jeremy Brady in an aggressive manner. D.A. Brady, D.A. Raehl, and Officer King grabbed Mr. ██████████ arms, conducted an open hand strikes and performed an emergency takedown. Mr. ██████████ was immediately taken to a cell where the lock – up personnel completed the search. Mr. ██████████ was taken to South Shore Hospital and then Stroger Hospital during the 2<sup>nd</sup> Watch where he learned he sustained a broken orbital to the left eye area.

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**SUMMARY OF EVIDENCE:**

The **Report of Extraordinary or Unusual Occurrences/ Initiation Report** indicated that on 13 June 2015, at 0420 hours, while at the 004<sup>th</sup> District lock-up, ██████ became uncooperative and struggled with the lockup personnel who were attempting to process Mr. ██████ Mr. ██████ who appeared to be intoxicated, attempted to punch the lockup personnel. The lockup personnel then used takedown and emergency handcuffing procedures to subdue Mr. ██████ Sgt. Dolan reported that Mr. ██████ sustained a small cut above his left eye during the struggle. Mr. ██████ refused to be interviewed by Lt. Oakes. Lt. Oakes described Mr. ██████ as belligerent and responded with obscenities. Lt. Oakes instructed Sgt. Dolan to have the arrestee examined at South Shore Hospital. The examination revealed that Mr. ██████ had sustained a fractured left eye orbital and a fractured nose. Mr. ██████ was transferred to Stroger Hospital for a surgical procedure to repair his eye orbital.

The Initiation report completed by Sgt. Michael Rafferty #1956, indicated that he responded to South Shore Hospital and interviewed Mr. ██████ Mr. ██████ reported that on 13 June 2015, while in the 004<sup>th</sup> District lock-up, he was told to remove his underwear, which he refused. According to Mr. ██████ one of the staff members in the lock-up placed Mr. ██████ in a choke hold, and another officer punched him in the right side of his face. Mr. ██████ fell down and one of the officers kicked Mr. ██████ on the side of the body. When Mr. ██████ was asked to give a description of the incident, he said "I don't remember things too clearly, because I was drunk." Mr. ██████ was treated at South Shore Hospital for a fractured eye and nose. (Att. #4, 28).

The **Civil Suit** (██████████) submitted by Mr. ██████ attorney, Blake Horwitz, indicated that Mr. ██████ alleged that on 13 June 2015, he was stripped search, placed in a "head – lock," and kicked by Officer White. The civil suit also outlined that several officers were present during the incident and they failed to intervene. Mr. ██████ sustained inoperable broken bones in his face, laceration on or about his eye, and broken blood vessels behind his left eye. Mr. ██████ received medical treatment at South Shore Hospital and Stroger Hospital. (Att. #29)

On 13 June 2015, Inv. Prieto attempted to interview Mr. ██████ at Stroger Hospital, but he wanted to speak with an attorney before providing an interview. On 17 June 2015, Inv. Goldston spoke with Mr. ██████ attorney, Sara Garber, who related that Mr. ██████ would not provide an interview until his criminal case was completed. On 21 March 2016, Inv. Neal spoke to Sara Garber and she indicated that Mr. ██████ did not want to provide an interview. On 23 February 2017, Inv. Neal called Mr. ██████ new attorney, Blake Horowitz, and no one answered phone and a voicemail message was left for Mr. Horowitz to call Inv. Neal. After several attempts, Mr. ██████ never provided an interview or signed a Sworn Affidavit specific to this investigation. (Att. #17)

The **Fifteen Minute Watch Log** depicted that the lock-up personnel documented that they conducted checks of the arrestees every fifteen minutes. Mr. ██████ was not in a cell when the

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incident occurred. (Att. #15)

The **original case and arrest report of** [REDACTED] indicated that he was arrested for burglary by Officers White and Rogers. The narrative of the report indicated that Mr. [REDACTED] was observed burglarizing a vehicle parked in a garage at the location 7717 S. East End. Mr. [REDACTED] removed several items from the vehicle and was in the process of removing car radio before he was placed under arrest. (Att. #5, 6, 46, 47)

The **Tactical Response Report completed by Detention Aide Jeremy Brady for** [REDACTED] indicated that Mr. [REDACTED] did not follow direction, stiffened, pulled away, balled his fist and threatened the staff, and imminent threat of battery. Detention Aide Brady responded with member presence, verbal commands, escort holds, wristlock, armbar, open hand strike, and take down/emergency handcuffing.

The Lieutenant or Above/OCIC Review indicated that Mr. [REDACTED] became belligerent and responded with obscenities when Lt. Kevin Oakes attempted to interview him. (Att. #7)

The **Tactical Response Report completed by Officer Johnny King for** [REDACTED] indicated that Mr. [REDACTED] did not follow direction, stiffened, pulled away, threw punches, and imminent threat of battery. Officer King responded with member presence, verbal commands, escort holds, wristlock, armbar, open hand strike, and take down/emergency handcuffing.

The Lieutenant or Above/OCIC Review indicated that Mr. [REDACTED] became belligerent and responded with obscenities when Lt. Kevin Oakes attempted to interview him. (Att. #9)

The **Tactical Response Report completed by Detention Aide George Raehl for** [REDACTED] indicated that Mr. [REDACTED] did not follow direction, stiffened, pulled away, threw punches and threatened the staff, and imminent threat of battery. Detention Aide Raehl responded with member presence, verbal commands, escort holds, wristlock, armbar, open hand strikes, and take down/emergency handcuffing.

The Lieutenant or Above/OCIC Review indicated that Mr. [REDACTED] became belligerent and responded with obscenities when Lt. Kevin Oakes attempted to interview him. (Att. #11)

The **Evidence Technician photographs of Mr.** [REDACTED] depicted swelling and a cut to his left eye. (Att. #23)

**Medical Records** obtained from South Shore Hospital indicated that Mr. [REDACTED] is a 46-year-old male who was brought to the emergency room by Chicago Police Officers. Mr. [REDACTED] had a swollen left eye contusion and dry blood to his nostrils. The left side of Mr. [REDACTED] face was swollen. Mr. [REDACTED] complained of pain to the left eye, vision difficulty, and pain to the right leg.

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Mr. [REDACTED] told the hospital staff that he was assaulted by Chicago Police Officers. Mr. [REDACTED] also had abrasions to the left leg. The CT scan of Mr. [REDACTED] indicated that he had a blowout fracture involving left orbital floor, with air fluid level in the left maxillary antrum. Mr. [REDACTED] further sustained Pneumo – Orbit on the left, fracture involving bilateral nasal bone and deformity involving medial walls of both orbits. (Att. #19)

**Medical Records** obtained from Stroger Hospital indicated that Mr. [REDACTED] had a right orbital fracture after an altercation with the police. Mr. [REDACTED] was punched in the right eye by a police officer while they were arresting him for attempted burglary. The secondary survey remarkable for periorbital ecchymosis and TTP over inferior orbital rim. Mr. [REDACTED] also depicted signs of diplopia with inferior lateral ROM of left eye. The CT from OSH reveals blow out fracture of the left medial and inferior orbital walls with air tracking from the ethmoid sinus and nasal bone fracture and TTP in left popliteal fossa. The CT scan depicted a medial and inferior orbital wall fracture, no evidence of muscular involvement, intraorbital and intraconal air; retina and lens intact. The diagnosis was a blunt head injury, and orbital floor fracture. (Att. #30)

According to the **Involved Member, Detention Aide Jeremy Brady**, in a statement to COPA on 16 December 2016, on 13 June 2015, at approximately 0330 to 0400 hours, he was assigned to the lock - up along with Officer King and Detention Aide Raehl. D. A. Brady indicated that he believed that Officer White was also in the lock – up with the arrestee, [REDACTED]. During this time, Mr. [REDACTED] was asked his name by D.A. Raehl, but Mr. [REDACTED] was aggressive and he directed profanity at D.A. Raehl. Mr. [REDACTED] was then asked to remove a clothing item, possibly a jacket or shoes, but Mr. [REDACTED] refused. Mr. [REDACTED] removed his glasses, threw them to the ground, clenched his fist and came toward D.A. Brady. D.A. Brady stated that he immediately grabbed Mr. [REDACTED] arms to stop him from attacking. D.A. Brady described Mr. [REDACTED] as having his hands up as if he was going to punch him. D.A. Brady and Mr. [REDACTED] began to wrestle, at which time Officer King and D.A. Raehl came to assist.

D.A. Brady describe the wrestling as Mr. [REDACTED] flailing his arms and D.A. Brady attempting to hold his arms down and conduct an emergency takedown. D.A. Brady to struggled to get Mr. [REDACTED] to the floor, so he performed one open strike to the upper body of Mr. [REDACTED]. D.A. Brady could not articulate which part of the body Mr. [REDACTED] was struck. D.A. Brady indicated that with the assistance of Officer King and D.A. Raehl, they were able to get Mr. [REDACTED] to the floor. D.A. Brady said Mr. [REDACTED] hit the floor very hard, but he was not sure which part of Mr. [REDACTED] body struck the floor first. Once Mr. [REDACTED] was on the floor, they gained control of Mr. [REDACTED] and he was immediately taken to a cell. Once Mr. [REDACTED] was placed in the cell, D.A. Brady did a custodial search and removed Mr. [REDACTED] shoes, socks and jacket. After Mr. [REDACTED] was secured in the cell, they immediately notified the supervisor, believed to be Sgt. Dolan. D.A. Brady indicated that he never observed any injuries to Mr. [REDACTED] and he never complained of any injuries. D.A. Brady related that he was told the following day that Mr. [REDACTED] was taken to the hospital for an eye injury. D.A. Brady did not know at which point of the incident Mr. [REDACTED] could have sustained the injury.

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D.A. Brady never observed Officer White kick Mr. [REDACTED] (Att. #34)

According to the **Involved Member, Detention Aide George Raehl**, in a statement to COPA on 23 February 2017, on 13 June 2015, at approximately 0400 hours, he was assigned to the 004<sup>th</sup> District lock – up as the lock – up keeper. Officer King and D.A. Brady were also detailed to the lock – up. D.A. Raehl was at the computer, when Officer White came into the lock – up with his arrestee, [REDACTED]. During this time, D.A. Raehl questioned Mr. [REDACTED] as D.A. Brady began the search process. D.A. Raehl asked Mr. [REDACTED] for his name and he stated, “Fuck you.” D.A. Raehl asked for his name a second time and he stated again, “Man fuck you.” D.A. Raehl said Mr. [REDACTED] appeared to be irrational at this point, so he began checking “No” on Mr. [REDACTED] arrest report, via computer.

As D.A. Raehl was looking at the computer, a scuffle ensued between D.A. Brady and Mr. [REDACTED]. D.A. Raehl describe the scuffle as arms flailing and bodies moving around a lot. D.A. Raehl approached the incident to assist in the detainment Mr. [REDACTED]. As D.A. Raehl got close to the incident, Mr. [REDACTED] kicked him in the mid – section (Between his knees and chest area). D.A. Raehl swiped at Mr. [REDACTED] feet to move his legs out the way, to help control Mr. [REDACTED]. D.A. Raehl indicated that D.A. Brady and Officer King were kneeling next to Mr. [REDACTED] trying to hold him down. D.A. Brady could not describe Officer King and D.A. Brady’s actions, because his focus was on Mr. [REDACTED]. Officer White did not assist in the detainment Mr. [REDACTED]. Once they got Mr. [REDACTED] under control, they stood him up to his feet and escorted him to a cell. D.A. Raehl said Mr. [REDACTED] continued to resist (Pulling away and moving around) them as he was being taken into the cell.

D.A. Raehl stated that he did not recall any injuries to Mr. [REDACTED]. D.A. Raehl viewed the evidence technician photographs of Mr. [REDACTED] and D.A. Raehl did not know how Mr. [REDACTED] sustained the injury to his left eye. Mr. [REDACTED] was taken to the hospital for a fractured eye, after their tour of duty. D. A. Raehl never witnessed how the scuffle started between Mr. [REDACTED] and D.A. Brady. (Att. #35)

According to the **Involved Member, Officer Johnny King**, in a statement to COPA on 23 February 2017, on 13 June 2015, at approximately 0400 hours, he was assigned to the 004<sup>th</sup> along with Detention Aides Raehl and Brady. Officer King indicated that Officer White was also in the lock – up with his arrestee, [REDACTED]. Officer King said that Mr. [REDACTED] appeared to be agitated and uncooperative, because he was not engaging with them and he was talking under his breath (Very low). D.A. Raehl asked Mr. [REDACTED] for his last name and Mr. [REDACTED] replied, “Fuck you.” At this time, Officer King, who standing by the fingerprint machine, realized that they were going bypass the rest of the interview questions and just take Mr. [REDACTED] straight to the cell. D.A. Brady attempted to search Mr. [REDACTED] at which time Mr. [REDACTED] removed his glasses and got in a fighting stance (Hands and arms up in front of his body in a ready position).

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D.A. Brady grabbed Mr. [REDACTED] arms in attempt to gain control of Mr. [REDACTED] Mr. [REDACTED] pulled away from D.A. Brady and took a swing at him. According to Officer King, the punch thrown by Mr. [REDACTED] never touched D.A. Brady. Officer King and D.A. Raehl assisted D.A. Brady in gaining control of Mr. [REDACTED] by grabbing his arms. Officer King further indicated that he struck Mr. [REDACTED] about the face with an open hand, but he did not recall how many times, or which area of the face that he struck Mr. [REDACTED] on. Officer King stated that he did not know exactly what the other Department members were doing at the time of the struggle, other than grabbing Mr. [REDACTED] Officer King and the other Department members attempted to take Mr. [REDACTED] to the ground, but they were only able to get him down to his knees. Once Mr. [REDACTED] was on his knees, Mr. [REDACTED] became cooperative and they could escort him to the cell. Officer King said Officer White assisted in getting Mr. [REDACTED] under control and placing him in the cell, but he could not recall exactly what physical contact Officer White had with Mr. [REDACTED]

Officer King never observed any injuries to Mr. [REDACTED] and Mr. [REDACTED] never complained of any injuries. Officer King related that he never observed the injuries depicted on Mr. [REDACTED] evidence technician photographs. Officer King indicated that Mr. [REDACTED] was searched before they left him in the cell, which consisted of him removing certain articles of clothing. Officer King did not recall who conducted the search. Officer King denied that Mr. [REDACTED] was stripped searched. Officer King said they notified Sgt. Dolan, immediately after the incident. Officer King indicated that Mr. [REDACTED] was taken to the hospital by Department members from the 2<sup>nd</sup> Watch. Officer King was told that Mr. [REDACTED] sustained an injury to his eye by Department members from the 2<sup>nd</sup> Watch. (Att. #36)

According to the **Involved Member, Officer Nicolas White**, in a statement to COPA on 19 October 2017, on 13 June 2015, at 0100 hours, he and his partner, Officer Rogers, responded to a call of a burglary to a vehicle. When they arrived on the scene, a sergeant (Did not recall his name) was already present and Mr. [REDACTED] could be seen inside of the vehicle on the passenger side. They approached the vehicle and told Mr. [REDACTED] to exit, in which he complied. Officer Nicolas indicated that Mr. [REDACTED] was initially cooperative, but he was unsure if Mr. [REDACTED] had been drinking. Mr. [REDACTED] was arrested and placed in the vehicle with him and Officer Rogers.

During the drive to the station, Mr. [REDACTED] spoke aggressively to Officer Rogers and himself, in that he was cursing. Officer White could not recall exactly what Mr. [REDACTED] had stated to them. When they arrived at the station and began Mr. [REDACTED] processing, he began asking to use the bathroom. Mr. [REDACTED] said he had a pre-existing condition that caused him to use the bathroom frequently. Officer White took Mr. [REDACTED] to the bathroom four (4) times and Mr. [REDACTED] used the bathroom each time. According to Officer White, the last time Mr. [REDACTED] was taken to the bathroom, he was acting suspiciously, in that he was looking at the exits as if he was trying to escape. At that time, Officer White handcuffed Mr. [REDACTED] to prevent him from trying to escape. Officer White related that it took over two hours to process Mr. [REDACTED] because of all the bathroom breaks.

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When they finished processing Mr. [REDACTED] Officer White took him to lock – up. Once they got into the lock – up, Officer White removed the handcuffs from Mr. [REDACTED] and made him stand near the front desk so the lock – up personnel could process him. One of the detention aides (Officer White did not recall his name, but he described him as a tall white male), began asking a series of questions, which Mr. [REDACTED] was reluctant to answer. The same detention aide asked him to remove certain articles of clothing and Mr. [REDACTED] remained resistant to the request, but eventually complied. Mr. [REDACTED] who Officer White believes was just in his underwear during this time, was asked to squat down so they could make sure Mr. [REDACTED] did not have any contraband hidden in his rectum. At this time, Mr. [REDACTED] stated, “I ain’t doing that shit.” Mr. [REDACTED] then proceeded to ball up his fist and stepped toward the detention aide. Officer White indicated that the detention aide struck Mr. [REDACTED] once on the left side of the face with an open hand strike. The detention aide then attempted to take Mr. [REDACTED] down to the floor, during which time the other detention aide and the officer assigned to the lock – up, assisted in taking Mr. [REDACTED] down to floor. Once Mr. [REDACTED] was on the floor, they gained control of Mr. [REDACTED] and he was immediately taken to a cell.

Officer White could not describe what the lock – up personnel’s actions while they were on the floor, because they were blocking his view. Officer White indicated that when Mr. [REDACTED] was being taken to a cell, he observed a cut to his left eye. Officer White believed Mr. [REDACTED] sustained his injury from the open hand strike performed by the white detention aide. Officer White indicated that he did not assist in the detainment of Mr. [REDACTED] in any form or fashion. Officer White related that he was told that Mr. [REDACTED] was taken to the hospital by Department members on the 2<sup>nd</sup> watch. (Att. #41)

According to the witness, **Officer Donna Rogers**, in a statement to COPA on 01 November 2017, on 13 June 2015, at 0100 hours, she and her partner, Officer Nicholas White, responded to call for an assist, by Sgt. Rashin (Phonetically), in a burglary in progress, at the location of 7712 S. East End. When they arrived at the scene, Mr. [REDACTED] was burglarizing a vehicle located in the garage, which could only be accessed through the alley. Officer Rogers, Officer White and Sgt. Rashin were standing outside of the garage and they ordered Mr. [REDACTED] to step out of the vehicle. Mr. [REDACTED] briefly hesitated, but then eventually exited the vehicle. Officer Rogers described Mr. [REDACTED] as antsy and fidgety and did not comply to verbal commands. Mr. [REDACTED] was arrested, placed in the squad car and driven to the 004<sup>th</sup> District. According to Officer Rogers, while on their way to the 004<sup>th</sup> District station, Mr. [REDACTED] was very talkative and he made disrespectful comments toward Officer Rogers. Officer Rogers did not recall exactly what Mr. [REDACTED] had said to her. Once they arrived at the 004<sup>th</sup> District Station, Officer Rogers did not recall the remainder of her interaction with Mr. [REDACTED] Officer Rogers stated that she was not present when the incident occurred in the lock-up. (Att. #48)

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**CONCLUSION:**

The arresting officers, Officers Rogers and White, indicated that Mr. [REDACTED] was uncooperative during their initial contact with him and during processing. Officer Rogers specifically indicated that Mr. [REDACTED] made disrespectful comments to her and was hesitant when he was given certain verbal commands. Officer White recalled Mr. [REDACTED] talking aggressively to Officer Rogers and himself during drive to the 004<sup>th</sup> District and during processing he acted as if he was going to try and escape. Detention Aides Raehl and Brady, and Officers King and White all agreed that Mr. [REDACTED] refused to comply with the directives of the lockup personnel. It was further corroborated that Mr. [REDACTED] got in a fight stance during the search procedure.

Detention Aide Brady and Officer King admitted and documented that they used open hand strikes during their detainment of Mr. [REDACTED] D.A. Brady was not sure which part of the body that he struck Mr. [REDACTED] on, but he believed it was in area of the chest and face. Officer King said that he struck Mr. [REDACTED] on the face, but he did not recall how many times or which area of face. According to the Initiation Report, Mr. [REDACTED] was placed in a headlock, punched on the face, thrown to the ground and kicked on the side of the body. Mr. [REDACTED] never provided an account of the incident and he stated to the initiation report that he did not recall exactly what occurred, because he was intoxicated. Although Mr. [REDACTED] suffered significant injury to his left eye, the Department members actions were within policy based off the accounts provided and the Department reports.

This investigation revealed no violations of Department Rules and Regulations or the General Orders on the part of any Department member.

[REDACTED]  
Inv. Wilbert Neal, #42

[REDACTED]  
Supervisor Robert Coleman