

INDEPENDENT POLICE REVIEW AUTHORITY

25 NOV 2014  
Log #1058981  
EO #12-39

TO: Chief Administrator  
Independent Police Review Authority

FROM: Investigator 3

SUBJECT: Extraordinary Occurrence #12-39  
Name: Subject 1  
Incident Location: 45 W. 111<sup>th</sup> Street  
Roseland Community Hospital  
Date/Time: 13 December 2012, approximately 0819 hours

**Facts:**

On 12 December 2012, at approximately 1930 hours, Subject 1 was arrested and charged with Domestic Battery and two counts of Aggravated Battery against a Police Officer. It is reported that Subject 1 kicked his mother, Citizen 2, pushed her to the floor, and repeatedly punched her in the face. Citizen 2 struck Subject 1 in the mouth with an unknown object, causing his mouth to bleed, and fled to safety at a neighbor's residence. Subject 1 then exited the residence and kicked out the driver's side window of a vehicle belonging to his father, Citizen 3. Officers F, G, and eight assisting officers arrived on scene. Subject 1 was combative and officers performed a Take Down and placed him in custody. Subject 1 spit blood at officers as they placed him in the police wagon. (Att. 4, 5)

On 13 December 2012, as officers prepared to transport Subject 1 to court, he became aggressive toward officers in the lockup. Officer A deployed his Taser and Subject 1 was transported to Roseland Hospital. While at the hospital, Subject 1 jumped off the gurney and aggressively charged at Officer D and Officer E. In fear of his safety, Officer D deployed his Taser. Subject 1 jumped to his feet and tried to disarm Officer D stating, "Give me that Taser." Subject 1 simultaneously grabbed and twisted Officer D's right wrist. Officer E then struck Subject 1 on the legs with a baton. When Chicago Fire Department (CFD) employees Paramedic 2 and Paramedic 1 tried to help subdue Subject 1, he spat on them. Security Guard 4 of Roseland Hospital came to assist and was also spat on by Subject 1. Paramedic 2, Paramedic 1, Security Guard 4, CPD Officers L and J, and Sgt. C held Subject 1 on the floor until hospital staff could administer Subject 1 a sedative. Subject 1 died a short time later. (Att. 16, 193)

**Summary of Evidence:**

On 13 December 2012 at approximately 0931 hours, **Sgt. A** contacted the Independent Police Review Authority (IPRA) and notified Intake Aide of a Taser Deployment. Sgt. A reported Subject 1 was uncooperative with efforts to remove him from his cell to

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transport him to court. Officer A deployed his Taser when Subject 1 became aggressive toward officers. Subject 1 was transported to Roseland Hospital, where he jumped off a gurney and aggressively charged at the officers. Officer D deployed his Taser and Officer E utilized his baton to subdue Subject 1. Hospital staff administered Subject 1 a sedative. Subject 1 later expired at 1747 hours. (Att. 1)

The following activity was observed via the **ERI equipment** in the 005<sup>th</sup> District lockup: On 13 December 2012 at approximately 0726 hours, Subject 1 is seen sitting on the bench in the cell. Seconds later, multiple officers enter the cell and appear to engage in conversation with Subject 1. This continues for approximately two minutes, at which time Subject 1 makes some sort of movement. An officer, now known as Officer A, is seen displaying a Taser and Subject 1 is apparently tased. The officers then converge on Subject 1 and it is difficult to decipher what is happening aside from a lot of movement. At approximately 0729 hours, the officers drag Subject 1 out of the cell. (Att. 125)

**Tactical Response Reports** document that on 13 December 2012, at approximately 0730 hours, at 727 E. 111<sup>th</sup> Street, the 005<sup>th</sup> District Station, Subject 1 was an Assailant. He reportedly pulled away, stood and advanced, kicked, and attempted to spit blood. Officer B performed a Take Down/ Emergency Handcuffing; Sgt. C performed a Take Down/ Emergency Handcuffing and held Subject 1's leg; Officer C utilized an Open Hand Strike and performed a Take Down/ Emergency Handcuffing; Detention Aide A performed a Take Down/ Emergency Handcuffing and restrained Subject 1's leg; Sgt. A held Subject 1's arms; and Officer A deployed his Taser. Officer A targeted the laser and discharged the probes. (Att. 17, 19, 21, 23-25)

**Tactical Response Reports** document that on 13 December 2012, at approximately 0819 hours, at 45 W. 111<sup>th</sup> Street, Roseland Hospital, Subject 1 was an Active Resister who pulled away. Officer K responded with a shoulder restraint; Officer L responded with escort holds; Officer J held Subject 1's right arm; and Sgt. C performed a Take Down/ Emergency Handcuffing and restrained Subject 1's legs. (Att. 26-27, 32-33)

**Officer E's Tactical Response Report** documents that while at Roseland Hospital, Subject 1 posed an imminent threat of battery and attacked without a weapon. Officer E used his baton to subdue Subject 1. (Att. 28)

**Officer D's Tactical Response Report** documents that Subject 1 pulled away, posed an imminent threat of battery, and attacked without a weapon. Officer D deployed his Taser in response. Officer D discharged probes from the Taser and made contact stuns. (Att. 30)

**Officer's Battery Reports** document that Subject 1 made verbal threats and attacked with his hands, fists, feet, and mouth. Officer E and Officer D sustained minor injury. (Att. 29, 31)

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In a report, **Sgt. A** documented that Officer A deployed Taser #X00-555356 in the 005<sup>th</sup> District lockup on 13 December 2012 at 0734 hours; Officer D deployed Taser #X00-062358 at Roseland Hospital at 0820 hours. (Att. 37)

The **Taser Download Report** documents that the trigger on Officer A's Taser was pulled three times at five second intervals. (Att. 38)

The **Taser Download Report** documents that the trigger on Officer D's Taser was pulled thirteen times at variations totaling approximately 81 seconds. (Att. 39)

The **Watch Incident Log** documents that as Department personnel prepared to transport Subject 1 to court he refused to leave the cell and became combative. A Taser was deployed at 0734 hours. Subject 1 was taken to Roseland Hospital, where he became combative, got off the gurney, rushed at officers and paramedics, and spit on hospital security officers. A Taser was deployed at 0819 hours and Subject 1 was sedated. (Att. 41)

The **Report of Extraordinary or Unusual Occurrences** documents that Subject 1 refused to allow personnel to handcuff him so he could be transported to court. Subject 1 was tased after he attempted to kick and spit on officers. (Att. 42)

The **Case Supplementary Report** documents that as officers attempted to transport Subject 1 to his scheduled court appearance, he refused to follow verbal direction. He subsequently became an active resister and was tased by Officer A inside the 005<sup>th</sup> District station. A Fire Department Ambulance responded to the 005<sup>th</sup> District and transported Subject 1 to Roseland Hospital for medical assistance. Upon arrival, Subject 1 became extremely combative, spewing obscenities, and spitting at the paramedics and hospital security. Subject 1 then attacked the police and Fire Department personnel with his hands and feet. In fear of sustaining serious injury, Officer D deployed his Taser at Subject 1. Subject 1 continued his attempts to kick and strike the officers and paramedics. A nurse injected a sedative in Subject 1, and the officers and paramedics were able to subdue him. (Att. 211)

A **Personal Visit to Roseland Hospital** revealed that there are no video cameras in the hospital's Emergency Room. Security Guard 1 of Roseland Hospital, was identified as a witness; and Doctor 1 was identified as Subject 1's attending physician at the time of admission. (Att. 43)

An attempt to interview **Citizen 3 and Citizen 2**, the parents of Subject 1, on 16 December 2012 was unsuccessful. Citizen 3 advised IPRA he and Citizen 2 had secured an attorney. (Att. 46)

A **Civil Suit** filed by Citizen 3, Subject 1's father, alleges that Chicago Police Officers violated Subject 1's civil rights, failed to provide Subject 1 medical treatment for

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physical injuries and mental health issues, and used excessive force against him. (Att. 64, 140)

In a statement to IPRA on 19 December 2012, **Security Guard 1** stated she received a call from her supervisor, Security Guard 2, who requested that she come to the Emergency Room (ER). When she arrived, she saw three police officers and her co-worker, Security Guard 4, struggling to hold Subject 1 down on the floor. Security Guard 1 described Subject 1 as combative and stated that he pushed the officers off him, kicked at them, and repeatedly tried to stand up. Security Guard 1 stated Officer D, of the Chicago Police Department, tased Subject 1 and Officer E, also of the CPD, struck Subject 1 with a baton. They also gave him verbal commands to be still and stay down, but Subject 1 did not comply. Other officers arrived to help subdue Subject 1. Subject 1 did not calm down until after a nurse gave him a sedative. (Att. 69-70)

In a statement to IPRA on 19 December 2012, **Security Guard 2** of Roseland Hospital stated that he was sitting at the front desk when he received an urgent phone call from Security Guard 3 requesting security in the ER. Security Guard 2 approached Room 11 in the ER and observed the police and an Emergency Medical Technician (EMT) with a patient, Subject 1. Security Guard 2 and members of his security staff, Security Guard 3 and Security Guard 5, attempted to enter Room 11 but Officer E, who was in Room 11, told them to step back. As Security Guard 2 stood in the ER hallway, Subject 1 broke through the door and Officer E grabbed him, took him to the floor and struck him with a baton. Security Guard 2 returned to the front desk and left two of his Security Guards, Security Guard 4 and 1, with Subject 1, the police and the EMT. (Att. 73-74)

In a statement to IPRA on 19 December 2012, **Doctor 1** of Roseland Hospital stated that on the date of incident, Chicago Police Officers and paramedics brought a patient, Subject 1, through the back entrance of the ER. As the group passed Doctor 1, Subject 1 was ranting and verbally abusive. Five to ten minutes later, Doctor 1 heard a commotion in the back. Someone told Doctor 1 that a patient broke loose and was fighting with officers and hospital staff. When Doctor 1 came to the back, Subject 1 was fighting with the officers, paramedics and medical staff. The officers held Subject 1 down on the floor. Subject 1 moved around and tried to get up. He also spat at the officers. Doctor 1 ordered the nurses to give Subject 1 Haldol and Ativan to sedate him. Doctor 1 stated that approximately fifteen minutes later, he was notified that Subject 1 coded. Doctor 1 performed CPR and stabilized Subject 1. Doctor 1's shift ended at 2:00 p.m. and Doctor 2 relieved him. When Doctor 1 returned to work two days later, he learned that Subject 1 passed away. (Att. 77-78)

In a statement to IPRA on 19 December 2012, **Security Guard 4** stated that he received a call from a co-worker, Security Guard 3, telling him to report to Bed 11 as soon as possible. As Security Guard 4 neared Room 11, he heard a "big scuffle" and the sound of a Taser being deployed. Security Guard 4 approached the room and saw two police officers, who he now knows as Officer E and Officer D, and two EMS workers in the room trying to restrain Subject 1. Officer E ordered Subject 1 to get down and stop

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resisting. Subject 1, who was handcuffed in the front and had shackles on his ankle, flipped over a gurney and fell to the floor. Subject 1 jumped up and “snatched” the Taser prongs out of his body, and then tried to disarm Officer D of his Taser. Subject 1 then looked at Officer E, who was standing in the doorway, and said, “Here I come.” Subject 1 then charged at Officer E. The tussle spilled out of Room 11 and into the hallway near Room 8. Subject 1 was resilient and kept fighting. He swung his arms while Security Guard 4 and the officers tried to get him down. Officer E struck Subject 1 on his legs with a baton but Subject 1 refused to go down. It took approximately five people to get Subject 1 to the floor, yet Subject 1 kept fighting. Subject 1 spit blood onto Security Guard 4’s vest and neck. Officer D performed a Drive Stun with the Taser. More CPD officers arrived and subdued Subject 1. A nurse administered a shot to Subject 1; shortly thereafter, Subject 1 stopped struggling. (Att. 83, 149-150)

In a statement to IPRA on 19 December 2012, **Nurse 1 of Roseland Hospital** provided an account consistent with that given by other hospital staff. Additionally, she stated that once CFD paramedics and CPD brought Subject 1 to Room 11, they asked Subject 1 to move from the gurney to the bed but he did not comply. When the officers tried to escort Subject 1 from the gurney to the bed, he became loud and aggressive. The officers and paramedics unsuccessfully tried to calm Subject 1. Subject 1 was “combative and ...aggressive toward the officers... He was out of control. I imagine him to be The Hulk at that point because his strength was... overwhelming and he was getting the best of... the whole situation. He had total control.”<sup>1</sup> Subject 1 then asked Officer E if he was ready because he (Subject 1) was coming. Officer E told the hospital staff in the area to move back. Nurse 1 stated they scattered in fear of being attacked. (Att. 86-87)

In a statement to IPRA on 19 December 2012, **Nurse 2** of Roseland Hospital provided an account consistent with that given by other hospital staff. Additionally, Nurse 2 stated that Subject 1 rushed or ran into Officer E with his head and shoulders. She stated Subject 1’s behavior was scary and she ran to the other side of the ER. (Att. 90-91)

In a statement to IPRA on 27 December 2012, **Doctor 2 of Roseland Hospital** stated that he started work at 1400 hours on 13 December 2012 and relieved Doctor 1 in the ER. When Doctor 2’s shift started, Subject 1 was already on life support; he died a short time later. (Att. 94, 96)

In a statement to IPRA on 27 December 2012, **Nurse 3 of Roseland Hospital** provided an account consistent with other hospital staff. She added that as the police and paramedics wheeled Subject 1 into Room 11, he was enraged and made references to the devil. Subject 1 fought with the officers and “threw” a 400 pound security guard “like he was a size two.”<sup>2</sup> Subject 1 came toward Nurse 3 and she and a couple other nurses ran into the mailroom. The doctor told the nurses to get some medication for Subject 1. Nurse 3 stayed in the mailroom for approximately two minutes. When she came out of

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<sup>1</sup> Transcribed statement of Nurse 1. (Attachment #87, page 5, lines 11-17).

<sup>2</sup> Transcribed statement of Nurse 3. (Attachment #100, page 6, line 15).

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the mailroom, Subject 1 was still fighting and wrestling with the officers. Nurse 4 administered the medication to Subject 1. Approximately four to five minutes after receiving the medication, Subject 1 stopped struggling. (Att. 98, 100)

In a statement to IPRA on 27 December 2012, **Nurse 5 of Roseland Hospital** related essentially the same information as relayed by other hospital staff. Additionally, Nurse 5 described Subject 1 as erratic and irate, and stated “he was strong as a bull.”<sup>3</sup> Nurse 5 stated “...thank God for the police because if we didn’t have the police... we probably would have been dead.”<sup>4</sup> She added, “I was in—just—I think most of the nurses were afraid and feared for their life so we went into the mailroom.”<sup>5</sup> Nurse 5 stated that the hospital security staff assisted the police and paramedics, but Subject 1 overpowered them. She stated that they were not strong enough to handle Subject 1, and they too were afraid. (Att. 102-103)

In a statement to IPRA on 27 December 2012, **Nurse 6** of Roseland Hospital stated that on the date of incident, a nursing supervisor paged her to come to the ER. When Nurse 6 arrived to the ER, the police were kneeling on the floor next to Subject 1 and everything was under control. A short time later, the police picked Subject 1 up and took him to Room 4. Nurse 6 stated that she did not witness much else of substance. (Att. 106-107)

In a statement to IPRA on 27 December 2012, **Security Guard 5** of Roseland Hospital stated that he was patrolling the parking lot when he received a call requesting his help in the ER. When Security Guard 5 arrived at the ER, the police had Subject 1 detained on the floor outside a treatment room. Security Guard 5 stated he did not witness any other contact between the police and Subject 1. (Att. 110-111)

In a statement to IPRA on 27 December 2012, **Emergency Room Technician 1** of Roseland Hospital described Subject 1 as belligerent and resistant to the paramedics and police officers. He stated that the officers wrestled with Subject 1 after he refused to move from the gurney to the bed in Room 11. One officer struck Subject 1 with a baton, and another officer tased Subject 1 but neither action affected Subject 1. ER Tech 1 stated that Subject 1 was “on some super charge energy. And he was not going to go down for nothing.”<sup>6</sup> ER Tech 1 added that the police and paramedics were out of breath from trying to subdue Subject 1. (Att. 114-115)

In a statement to IPRA on 27 December 2012, **Nurse 4 of Roseland Hospital** provided an account consistent with that given by other hospital staff. Additionally, she described Subject 1 as violent, a threat, and stated that he had an unbelievable amount of strength. Nurse 4 stated an officer struck Subject 1 with a baton, but that did not stop him so a doctor gave the order to medicate Subject 1. Nurse 4 administered the medication, Ativan, Haldol, and Benadryl, via intramuscular injection. The officers held Subject 1

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<sup>3</sup> Transcribed statement of Nurse 5. (Attachment #103, page 6, line 8).

<sup>4</sup> *Ibid*, page 8, lines 19-22.

<sup>5</sup> *Ibid*, page 16, lines 17-19.

<sup>6</sup> Transcribed statement of ER Tech 1. (Attachment #115, page 8, lines 12-14).

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down on the floor for approximately twenty minutes before the medicine took affect and he calmed down. Subject 1 was then brought to Room 4. (Att. 118-119)

In a statement to IPRA on 27 December 2012, **Security Guard Security Guard 3 of Roseland Hospital** stated that he had just finished his shift and was walking through the ER to leave when he observed the police and Fire Department personnel bring Subject 1 in on a gurney. He stated Subject 1 yelled obscene language and was very combative; he thrashed around and tried to get off the gurney. Security Guard 3 picked up the phone and called his superiors to the ER. The police and Fire Department took Subject 1 to Room 11. Security Guard 3 heard a commotion but could not see inside the room. Once Security Guard 2 and Security Guard 4 arrived, Security Guard 3 stepped away and went to Security Guard 2's post at the main entrance to relieve him until he returned. (Att. 122-123)

In a statement to IPRA on 02 May 2013, **Citizen 3** stated that which is alleged in the Civil Suit. (Att. 130-131)

In a statement to IPRA on 14 January 2013, **Paramedic 2, Chicago Fire Department (CFD)**, stated that he and his partner, Paramedic 1, responded to the 005<sup>th</sup> District station for a Taser victim, Subject 1. Paramedic 2 and Paramedic 1 performed the initial assessment and then placed Subject 1 into the ambulance without incident. A police officer, now known as Officer D, rode with Subject 1 in the back of the ambulance. Officer D's partner, Officer E, also accompanied them to the hospital. As the paramedics and police brought Subject 1 to treatment Room 11 in the ER, Subject 1, who was handcuffed, shackled, and strapped to the gurney rose up off the stretcher. Once in Room 11, Paramedic 1 removed the gurney straps from Subject 1 to transfer him to the bed. Subject 1 then leaned forward and tried to escape from the room. Paramedic 1 and Officer E tried to restrain Subject 1 but he broke loose. Officer D tried to tase Subject 1, but Subject 1 charged at him and backed him into a corner. Officer D tried to tase Subject 1 again but yelled out that the Taser was not working.

Paramedic 1 pulled Subject 1 off of Officer D and Paramedic 1 and Subject 1 fell on top of the gurney. Officer E pulled out his night stick and told Subject 1 to stop moving. Subject 1 kept moving and Officer E swung his night stick at Subject 1's legs. Officer E blocked the doorway to Room 11 and told Subject 1 to stop moving. Subject 1 then charged past Officer E and ran out into the hallway. Officer D, Officer E, and Paramedic 1 subdued Subject 1 and held him down until backup officers arrived. (Att. 133)

In a statement to IPRA on 14 January 2013, **Paramedic 1, Chicago Fire Department (CFD)**, stated essentially the same information as Paramedic 2. Paramedic 1 added that Subject 1 was compliant until they turned the corner in the ER toward Room 11, at which time Subject 1 raised up off the gurney and said "I rebuke you Satan."<sup>7</sup> Once in Room 11, Subject 1 spat at Paramedic 1 and the others and lunged off the gurney, causing it to

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<sup>7</sup> Transcribed statement of Paramedic 1. (Attachment 136, page 5, line 8).

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tip over. Subject 1 lunged at Officer D and backed Officer D into a corner. Officer D pulled out his Taser and attempted to tase Subject 1 but the Taser did not work. Paramedic 1 heard the Taser cycling repeatedly but it still did not work. Officer D pulled the trigger a third time and announced that the Taser was not working. Subject 1 kept fighting. Paramedic 1 stated, "I'm 280 (pounds) and he's throwing me around like a rag doll."<sup>8</sup> Officer Hart's partner, Officer E, struck Subject 1 with his nightstick but Subject 1 kept fighting. Paramedic 1 stated, "...we're in there fighting; we are all fighting for our lives now."<sup>9</sup> Subject 1, still shackled and handcuffed, charged past Officer E and ran into the main ER. Officer E called for backup while Paramedic 1, Paramedic 2, Officer D and Roseland security staff held Subject 1 down. Subject 1 remained combative until a nurse gave him a sedative. Paramedic 1 and the others held Subject 1 down for several minutes until the medication took effect. (Att. 135-136)

The **CFD Ambulance Run Report** documents that on 13 December 2012, at approximately 0736 hours, CFD was dispatched to the 005<sup>th</sup> District station for a Taser incident. Paramedics 2 and 1 arrived on scene at 0749 hours and found Subject 1 lying on his side, unconscious but breathing. It is noted that upon arrival to the hospital, Subject 1 verbally and physically assaulted the police and ambulance crew by punching and spitting at them. (Att. 138)

The **Postmortem Examination Report** documents that Subject 1 had multiple bruises and abrasions about his body. The Medical Examiner ruled that Subject 1 died of Neuroleptic Malignant Syndrome<sup>10</sup> due to Haloperidol (Haldol)<sup>11</sup> administration. The manner of death was ruled an accident. Toxicology Reports revealed the presence of Diphenhydramine (Benadryl) in Subject 1's system. Aside from that, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance. (Att. 139)

The **Fire Department Case Report** is consistent with the statements given by Paramedics 1 and 2. The report described Subject 1 as enraged, combative, and verbally and physically abusive toward the police and ambulance crew. (Att. 146)

The **CPD Event Query** documents that OEMC was notified of Officer D's Taser deployment. (Att. 151)

**Evidence Technician and Morgue photographs** depict various bruises and abrasions about Subject 1's body. (Att. 158, 161)

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<sup>8</sup> *Ibid*, page 6, line 5.

<sup>9</sup> *Ibid*, page 6, lines 16-17.

<sup>10</sup> A life-threatening neurological disorder most often caused by an adverse reaction to neuroleptic or antipsychotic drugs. *The National Institute of Neurological Disorders*. ([www.nih.gov](http://www.nih.gov)).

<sup>11</sup> An antipsychotic medication. *Ibid*.

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**Evidence Technician photographs** depict a torn pocket on Officer D's vest; a laceration to Officer E's right index finger; and a bandage and what appears to be a puncture wound on Officer E's left hand. (Att. 159)

Statements were obtained from **Sgt. B and Officer I**, both of whom responded to the initial Domestic Battery call and completed TRR's relative to Subject 1's arrest. Additional statements were obtained from supervisory Department members who approved Arrest, Case, and/or TRR Reports relative to Subject 1's arrest. (Att. 183, 185, 187, 189)

In a statement to IPRA on 20 May 2014, **Officer A** stated that he and his partner, Officer C, went to the 005<sup>th</sup> District lockup to transport Subject 1 and other prisoners to court. When Officer A and Officer C arrived, they met with Sgt. A, Sgt. C, Officer B, and Detention Aide A. Sgt. A told Officer A and Officer C Subject 1 might pose a problem because he battered his mother the night before and was combative with police during his arrest. Sgt. A went to Subject 1's cell alone to tell him it was time to go to court. When Sgt. A returned, he informed the group of officers that Subject 1 was uncooperative. Officer A, his partner, and the rest of the group then accompanied Sgt. A to the cell. Subject 1 was initially lying down in the cell ranting satanic quotes, but he sat up when he saw the officers. The officers entered the cell and Sgt. A repeatedly told Subject 1 it was time to go to court. Subject 1 was noncompliant and continued his rant about Satan. Officer A targeted his Taser light at Subject 1 as a warning. Subject 1 then clinched his fists and made a movement toward the officers, at which time Officer A deployed the Taser. When the other officers tried to subdue Subject 1, he kicked and flailed his arms. Subject 1 eventually surrendered. The officers then brought Subject 1 out of the lockup and requested an ambulance. (Att. 190-191)

In a statement to IPRA on 10 July 2014, **Officer C** provided an account that was consistent with Officer A's account. Officer C added that Subject 1 stiffened and pulled away when the officers tried to handcuff him. (Att. 208-209)

In a statement to IPRA on 21 May 2014, **Officer B** provided an account that was consistent with Officer A's statement. Officer B added he was the Lockup Keeper that day and was the first person to ask Subject 1 to come out of the cell to go to court. Subject 1 did not budge and appeared to be in a daze. Detention Aide A arrived at work and also asked Subject 1 to come out of the cell; Subject 1 ignored him and would not exit the cell. Detention Aide A apprised Sgt. A of the situation, after which Sgt. A, Officer B, and the aforementioned officers went to the cell together to convince Subject 1 to go to court. Officer B said Subject 1 jumped up from the bench in an aggressive manner, and was subsequently tased. (Att. 196-197)

In a statement to IPRA on 22 May 2014, **Detention Aide A** provided essentially the same information as Officer A. Additionally, he stated that when he, the two sergeants and the officers entered the cell and asked Subject 1 to get ready for court, Subject 1 lunged forward and the officers subdued him. (Att. 198-199)

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In a statement to IPRA on 27 May 2014, **Sgt. C** stated essentially the same information as Officer A. Additionally, Sgt. C stated that when they arrived at Subject 1's cell, Sgt. A gave Subject 1 verbal direction to stand up and place his hands on the wall so he could go to court; Subject 1 remained seated on the bench and did not comply. As Subject 1 sat on the bench, he moved his jaws as if he was going to spit. He then clenched his fist and took an aggressive stance. Officer A deployed a Taser and Sgt. C grabbed his legs to shackle him. After a brief struggle, Subject 1 was subdued.

Sgt. C stated that he later went to Roseland Hospital for an officer assistance request. When he arrived at the ER, he observed some CPD officers,<sup>12</sup> paramedics, and Roseland Security on the floor in a struggle with Subject 1. Sgt. C held Subject 1's legs and assisted the officers in restraining him until Roseland medical staff administered Subject 1 a shot. Subject 1 was subsequently placed on a gurney and provided further medical care. (Att. 200-201)

A Personnel Action Request (PAR) form documents that **Sgt. A** retired from the police department effective 07 February 2014. Since he retired prior to the completion of this investigation and is no longer a Department member, no formal statement was obtained. (Att. 181)

In a statement to IPRA on 21 May 2014, **Officer E** provided an account consistent with paramedics, Roseland Hospital staff, and Department reports. He added that he first encountered Subject 1 after Sgt. A called him to the station to accompany the paramedics and Officer D to transport a combative prisoner to Roseland Hospital. When Officer E arrived at the station, Subject 1 was laying on a gurney, handcuffed and shackled. Officer D rode in the ambulance with Subject 1, and Officer E followed in his vehicle. When they arrived at the hospital, ER staff told the paramedics to bring Subject 1 to Room 11. As they walked through the ER, Subject 1 started ranting and quoting religious excerpts. When they entered Room 11, Subject 1, still shackled and handcuffed in the front, started kicking and flailing his arms. As the officers tried to subdue Subject 1, the gurney flipped over. Officer D deployed his Taser at Subject 1. Subject 1 paused briefly, but then ran toward Officer D and tried to disarm him of the Taser. Officer E struck Subject 1 on the legs with his baton. Officers E and D tried to subdue Subject 1 on the floor but he kept getting up. As Officer E blocked the doorway of Room 11, Subject 1 looked at him and said, "Here I come."<sup>13</sup> Subject 1 then ran past Officer E and into the hallway. Officer E struck Subject 1 with his baton several more times. Once Subject 1 went down, Officer E stepped on Subject 1's shackles to prevent him from getting up. The officers, paramedics and hospital security held Subject 1 on the floor. Subject 1 yelled excerpts from the bible and kept trying to get loose. Officer E said Subject 1 "was like a raging bull."<sup>14</sup> A nurse eventually gave Subject 1 a sedative. When other officers

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<sup>12</sup> Beyond Officers D and E, Sgt. C could not recall what other officer/s were present.

<sup>13</sup> Transcribed statement of Officer E. (Attachment 193, page 11, line 20).

<sup>14</sup> *Ibid*, page 12, lines 3-4.

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arrived, Officer E sought medical attention for his knuckle which was injured during the struggle. (Att. 192-193)

In a statement to IPRA on 29 May 2014, **Officer D** provided an account that was consistent with paramedics, Roseland Hospital staff, Officer E, and Department reports. Officer D added that after he tased Subject 1, Subject 1 looked at him and said, "I'm going to kill you. I'm going to get you."<sup>15</sup> Subject 1 then jumped up, broke the Taser prongs and tried to take the Taser from Officer D. As Officer D and Subject 1 struggled over the Taser, Officer D repeatedly squeezed the Taser's trigger, but once Subject 1 broke the prongs, the Taser malfunctioned and had no effect. Subject 1 remained combative until hospital staff administered him a sedative. (Att. 202-203)

In a statement to IPRA on 21 May 2014, **Officer K** stated that he responded to a 10-1 request for officer assistance at Roseland Hospital. When he arrived, he observed Sgt. C, two police officers whose names he did not know, and Fire Department personnel restraining Subject 1 on the floor. Subject 1 flinched as he lay on the floor. Officer K relieved Sgt. C by placing his hand on Subject 1's shoulder to help the other two officers hold Subject 1 down. A nurse administered a sedative and Subject 1 eventually stopped moving. A short time later, Officer K urged the doctor to take a look at Subject 1. Hospital staff then placed Subject 1 on a gurney, and brought him to a treatment room. (Att. 194-195)

In a statement to IPRA on 06 June 2014, **Officer L** stated essentially the same information as Officer K. Once he arrived at the hospital, he assisted Sgt. C and the other officers in restraining Subject 1 on the floor. (Att. 204-205)

In a statement to IPRA on 17 June 2014, **Officer J** stated that once he arrived at Roseland Hospital in response to a request for officer assistance, the situation was mostly under control. Subject 1 was on the floor squirming and trying to get up; he was being restrained by two paramedics. Officers D and E were present but were standing away from Subject 1. Officer J assisted the paramedics in restraining Subject 1. Once Subject 1 stopped struggling, he was placed on a gurney and hospital security applied their restraints. Officer J left the hospital once Subject 1 was brought to a treatment room. (Att. 206-207)

**Conclusion:**

Based on the available evidence, there are no allegations of police misconduct or maltreatment of Subject 1. The Medical Examiner ruled that Subject 1 died of Neuroleptic Malignant Syndrome due to the administration of Haldol. The manner of death was ruled an accident. This investigation revealed no violations of Department Rules and Regulations or the General Orders by any Department members. While the Taser Download Report indicates that Officer D's Taser was depressed thirteen times at

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<sup>15</sup> Transcribed statement of Officer D. (Attachment 203, page 11, lines 12-13).

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variations totaling approximately 81 seconds, this investigation revealed that Officer D's Taser malfunctioned after Subject 1 pulled out the prongs. Officer D clearly articulated the malfunction in his statement to IPRA, and there are multiple consistent witnesses who described the Taser malfunction and heard Officer D yell that the Taser was not working. Furthermore, the subsequent postmortem investigation did not reveal that Subject 1 had been Tased multiple times, which is consistent with Officer D saying that he and Subject 1 were wrestling over the Taser. Moreover, the postmortem investigation did not provide any indication that tasing was a contributing factor in Subject 1's death. Based on the above, the R/I recommends that this investigation be closed and that no Department member address any allegations of misconduct.