

**INVESTIGATION**

**NUMBER:** Log #1063961

**INVOLVED**

**OFFICER #1:** “Officer A” (Chicago Police Officer); Male/Black; 47 years old; On-Duty; In-Uniform; Year of Appointment – 1994

**OFFICER #1’s  
INJURIES:** None reported

**INVOLVED**

**OFFICER #2:** “Detention Aide A” (Chicago Police Officer); Male/Black; 47 years old; On-Duty; In Uniform; Year of Appointment – 1991

**OFFICER #2’s  
INJURIES:** None reported.

**SUBJECT:** “Subject 1”; Male/Black; 49 years old

**SUBJECT’S  
INJURIES:** Left orbital fracture

**LOCATION:** 3151 W. Harrison St, Chicago, Illinois

**DATE/TIME:** 01 August 2013/16:00 hours

**INTRODUCTION:**

On 1 August 2013, Subject 1 was in police custody within the 11<sup>th</sup> District Lockup, when he was struck multiple times about the face and body by Detention Aide A. Officer A was aware of the misconduct and failed to take the appropriate action.

**ALLEGATIONS:**

On 01 August 2013, **Sergeant A** telephoned the Independent Police Review Authority and initiated a complaint log number with Intake Aide A that included the following allegations:

On 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street, (011<sup>th</sup> District), **Detention Aide A,:**

1. Punched the victim, Subject 1, about his face without justification, in violation of the Rules and Regulations of the Chicago Police Department (CPD). Specifically, Rule 8, which prohibits disrespect or maltreatment of any person, while on or off duty. Also Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Kicked Subject 1 about his body without justification in violation of the Rules and Regulations of CPD. Specifically, Rule 8, which prohibits disrespect or maltreatment of any person, while on or off duty. Also Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or bring discredit upon the Department.
3. Failed to complete any and all documents regarding his contact with Subject 1 in a timely manner, contrary to Special Order (SO) S06-01-07, which mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports, in violation of the Rules and Regulations of CPD. Specifically, Rule 10, which prohibits inattention to duty.
4. Failed to render medical assistance to Subject 1, contrary to SO S06-01-02, which mandates that the Department member will refer medical matters to the district station supervisor, in violation of the Rules and Regulations of CPD. Specifically, Rule 10, which prohibits inattention to duty.
5. Allowed Subject 1 to bond out without making proper Notification, contrary to SO S06-01-07, which mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports; this in violation of the Rules and Regulations of CPD. Specifically, Rule 10, which prohibits inattention to duty.

On 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street, (011<sup>th</sup> District), **Officer A, #XXXX:**

1. Observed misconduct and failed to make proper notifications, contrary to Special Order (SO) S06-01-07, which mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports; this is in violation of the Rules and Regulations of CPD. Specifically, Rule 10, which prohibits inattention to duty.
2. Failed to complete any and all documents regarding the incident involving Subject 1 and Detention Aide A in a timely manner, contrary to Special Order (SO) S06-01-07, which mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports; this is in violation of the Rules and Regulations of CPD. Specifically, Rule 10, which prohibits inattention to duty.
3. Failed to render medical assistance to Subject 1, contrary to SO S06-01-02, which mandates that the Department member will refer medical matters to the district station supervisor; this is in violation of the Rules and Regulations of CPD. Specifically, Rule 10, which prohibits inattention to duty.
4. Allowed Subject 1 to bond out without making proper Notification, contrary to SO S06-01-07, which mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports; this is in violation of the Rules and Regulations of CPD. Specifically, Rule 10, which prohibits inattention to duty.

On 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street, (011<sup>th</sup> District), **an unidentified officer(s):**

1. Stated words to the effect of, "If you get up and walk out of this holding cell now, I will get you released on an I-Bond. If you don't, I will start processing paperwork for battery." This is in violation of the Rules and Regulations of CPD, specifically, Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

#### **INVESTIGATION:**

In his **Initiation Report**, **Sergeant A** reported that he monitored a call over the police radio of a "man beaten" in front of the 011<sup>th</sup> District. Sergeant A responded and discovered Subject 1 outside of the District, in apparent physical distress with a swollen and discolored left eye and a small amount of blood on his left cheek. Subject 1 informed Sergeant A that he was beaten while inside the 011<sup>th</sup> District Station. Subject 1 informed Sergeant A that while he was inside the 011<sup>th</sup> District Lockup he had requested medical attention for his manic depression, informing the officers that he had not taken his

prescribed medication. Subject 1 was taken out of the holding cell with other arrestees and placed into a separate single cell. Subject 1 stated that he spat on Detention Aide A after he was told that he would have to wait to be bonded before seeking medical attention. Subject 1 related that Detention Aide A then struck him approximately 20 times about his face and torso. Sergeant A observed Subject 1 to have a swollen and discolored left eye and a small amount of blood on his left cheek.

Sergeant A reported that he spoke with Detention Aide A, who related that after transporting Subject 1 into a single cell he was spat on by Subject 1. Detention Aide A related that he responded with a single open hand strike to stop Subject 1's actions. Detention Aide A related that Officer A was a witness to the incident. A tactical response report was subsequently prepared, as was a general case report to document the battery. Subject 1 was transported to Mt. Sinai Hospital by an ambulance. An Evidence Technician was requested to photograph Subject 1 and Detention Aide A. (Att. #4)

In his **statement to IPRA on 01 August 2013, Subject 1** stated that while he was in the 011<sup>th</sup> District Lockup he was "shouting, hollering and beating" on the cell door, requesting medication for his mental condition.

Subject 1 related that Detention Aide A entered the cell. Subject 1 admitted that he spat on Detention Aide A and in response Detention Aide A struck him several times about his face and kicked him about his body. Subject 1 stated that he was struck approximately fifteen (15) times, with at least eight (8) of those punches being to his head and face. Subject 1 stated that as he lay on the ground, Detention Aide A kicked him in his back and in his side several times. Subject 1 was removed from the holding cell and separated from the other prisoners. Subject 1 related that he continued to demand medical treatment, as he suffers from several mental illnesses, and needed his medication. Subject 1 stated that he has been diagnosed as being bipolar and schizophrenic. Subject 1 related that an officer, whom he did not describe beyond the observation that this officer was in a CPD uniform, informed him that if he "walked out of the holding cell" then he would be released on an I-Bond. Subject 1 was further told that if he did not comply, then the unidentified officer would process paperwork for battery against Detention Aide A. Subject 1 sustained a bruised eye, cuts and bruises to his face.<sup>1</sup>

Subject 1 stated that he left the 11<sup>th</sup> district and collapsed against the wall outside the building. Subject 1 stated that a heavyset black female walked past him and he asked her to call an ambulance for him, which she did.

During a **deposition on 03 February 2015 relative to the civil suit filed by Subject 1**, Subject 1 related that on the date and time of the incident he requested to be transported to the hospital for medication regarding his mental illness. Subject 1 stated that his requests were ignored by lockup personnel. Subject 1 related that Detention Aide A threatened him with bodily harm if he continued striking the cell bars. Subject 1 related that he continued to strike the cell bars after he was instructed not to do so.

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<sup>1</sup> After the statement was concluded, Subject 1 informed an IPRA investigator that his ribs "hurt" as a result of the incident.

Subject 1 stated that at some point, Detention Aide A and a second unidentified lockup keeper came to his cell. Subject 1 related that Detention Aide A unlocked the cell door and entered the cell. Subject 1 stated he attempted to prevent Detention Aide A from entering the cell by holding on to the handle of the cell door.

Subject 1 related that he then laid on the bed inside the cell. Detention Aide A entered the cell, "pushed" Subject 1 onto the floor, and proceeded punch Subject 1 about his body. Subject 1 stated that he was struck approximately fifteen (15) times, with at least eight (8) of those punches being to his head and face. Subject 1 related that the additional unidentified officer pulled Detention Aide A away and offered to release Subject 1 on an I-Bond if he did not seek medical attention. Subject 1 sustained an orbital fracture and pain to his body as a result of this incident. (Att. #8, 10, 63)

According to the **Arrest and Case Reports** Subject 1 was arrested on 01 August 2013, at 0848 hours, at 4330 W. Washington Blvd and charged with Criminal Trespass to Vehicles. The arresting officers were Witness Officer B and Witness Officer C. The assisting arresting officers were Witness Officers D and E. According to the Lockup Screening Log, Subject 1 did not have any obvious pain and/or injuries. Subject 1 appeared to be under the influence of alcohol or drugs, and was listed as presently taking medication for mental problems. Subject 1 had his fingerprints taken at 1049 hours, was found to be clear of any additional wants or warrants, was given an I-Bond at 1700 hours, and released from Lockup at 1710 hours.<sup>2</sup> (Att. #11, 14, 15)

According to the **Report of Extraordinary or Unusual Occurrences**, on the date, time and location of the incident Subject 1 alleged that Detention Aide A struck him after he spat on Detention Aide A. Subject 1 sustained bruising and swelling to his left eye area. (Att. #19, 20)

According to the **Tactical Response Report (TRR)** completed by Detention Aide A, Subject 1 attacked him without a weapon. Detention Aide A responded with member presence and an open hand strike. (Att. #21)

According to the **Chicago Police Department Event Query**, a call was made to 911 regarding a male sitting in front of the police station, who appeared to have been "beaten very badly." Beat 1120 and Ambulance 34 responded to the scene. The male, now known as Subject 1, was transported to Mount Sinai Hospital by Ambulance 34. (Att. #24 – 26)

According to the **Chicago Fire Department Run Sheet**, CFD Unit A34 responded to 3151 W. Harrison Street on 01 August 2013, at 1737 hours regarding a call of a person down. Upon arrival, EMS observed Subject 1 sitting outside, against the wall of the 011<sup>th</sup> District Station. Subject 1 related that while inside the 011<sup>th</sup> District Lockup he was punched, kicked and thrown to the floor by an officer working in the lockup. Subject 1 complained of pain to his head and lower back. EMS observed swelling with

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<sup>2</sup> Officer A, being assigned as the Lock-Up keeper at the time of this event, was responsible for the processing of detainees pursuant to SO S06-01-07.

bruising and minor bleeding under Subject 1's left eye. EMS transported Subject 1 to Mt. Sinai Hospital. (Att. #60)

According to the **Medical Records from Mt. Sinai Hospital**, Subject 1 was admitted to the emergency room on 01 August 2013 with a complaint of being assaulted at the police station. Subject 1 was diagnosed with a fracture to his left orbital area. (Att. #36)

The **Evidence Technician Photographs** of Subject 1, taken on 01 August 2013 at approximately 1930 hours, while at Mt. Sinai Hospital, depict swelling and bruising to Subject 1's left eye area. The photographs also depict blood on the left side Subject 1's face. (Att. #34)

The **Evidence Technician Photographs** of Detention Aide A, taken on 02 August 2013,<sup>3</sup> depict what appears to be a laceration to his right middle finger. (Att. #35)

According to **Civil Suit 14-CV-03911**, filed on 28 May 2014, Detention Aide A repeatedly punched and beat Subject 1 in the presence of several Chicago Police Officers, to include Officer A. The suit also alleges that Witness Officer F and Witness Detention Aide B were working in the Lockup on the date and time of the incident, and were therefore responsible for Subject 1's well being. The suit does not include direct allegations against Officer F and/or Detention Aide B. The narrative in the complaint does not include the fact that Subject 1 spit upon Detention Aide A. (Att. #37)

In his statement to IPRA on 10 September 2014, **Witness Officer F #XXXX**, related that on the date and time of the incident he was assigned to the "radio room" at the 011<sup>th</sup> District Station. Officer F explained his responsibilities and added that he also signed bond slips when he had available time to do so. After reviewing Evidence Technician photographs of Subject 1, Officer F related that he did not recall seeing Subject 1. Officer F stated that he did not recall observing any injuries to Subject 1. Officer F denied observing Detention Aide A commit the acts alleged against him. Officer F denied observing Officer A commit the acts alleged against him. (Att. #41)

In his statement to IPRA on 11 September 2014, **Witness Officer G, #XXXX**, related that on the date and time of the incident he was assigned to the 011<sup>th</sup> District Male Lockup, along with Officers A, H and Detention Aide A. Officer G stated that he was in charge of booking and processing arrestees as they entered the lockup. Officer G related that he did not recall having any contact with Subject 1. After reviewing the Evidence Technician photographs of Subject 1, Officer G stated that he did not recall seeing Subject 1 on the date and time of the incident. Officer G denied observing Detention Aide A commit the acts alleged against him. Officer G denied observing Officer A commit the acts alleged against him. (Att. #42)

In his statement to IPRA on 11 September 2014, **Witness Sergeant A, #XXXX**, related that on the date and time of the incident he was assigned to the Beat 1120.

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<sup>3</sup> The photograph log does not indicate what time the pictures were taken.

Sergeant A stated that on the date and time of the incident he had monitored a call on the radio of a man down in front of the police station, along with a call for an ambulance. Sergeant A related that when he arrived at the scene he spoke with Subject 1. Sergeant A described Subject 1's initial behavior as being fearful of the police and afraid to communicate with Sergeant A. Sergeant A related that Subject 1 eventually informed him that while he was inside the 011<sup>th</sup> District Lockup a lockup keeper had punched him about his face and body.

Sergeant A stated Subject 1 informed him that prior to the incident, he had requested medical attention for his depression and was denied on several occasions. Subject 1 further informed Sergeant A that he spat on Detention Aide A. Sergeant A related that Subject 1 stated that after he spat on Detention Aide A, Detention Aide A punched him several times about his face and battered him about his body. Sergeant A stated that he observed dried blood on Subject 1's face, numerous lumps on his face and redness to his rib cage area.

Sergeant A related that he did not recall Subject 1 informing him that another Department member stated words to the effect of, "If you don't request medical attention, you will be bonded out; if you do, then you will be charged."

Sergeant A stated that he next spoke with Detention Aide A. Detention Aide A stated that Subject 1 spat on him and that he struck Subject 1 once on his face with an open hand. Sergeant A related that he asked Detention Aide A if he understood that an Extraordinary Occurrence form was supposed to be completed and Detention Aide A replied, "Yes." Sergeant A also asked Detention Aide A if he had completed a Tactical Response Report and a case report regarding the battery. Detention Aide A admitted that he had not completed the proper paperwork; he could not provide a reasonable explanation as to why he had not. Sergeant A then initiated the complaint log number.

Sergeant A related that after he spoke with Detention Aide A, he spoke with Officer A. Sergeant A stated that Officer A was cooperative and forthcoming as Sergeant A explained to him that this situation required that certain protocol be followed. Sergeant A stated that Officer A indicated that, in hindsight, he understood how and why these steps should have been completed. (Att. #43)

In his statement to IPRA on 15 September 2014, **Witness Officer H, #XXXX**, related that on the date and time of the incident he was assigned to the 011<sup>th</sup> District Male Lockup, along with Officer A and Detention Aide A. Officer H related that normally he was responsible for inputting data in the computer system while inside the lockup. After reviewing Department reports and Evidence Technician photographs of Subject 1, Officer H stated that he did not observe Detention Aide A commit the acts alleged against him. Officer H denied observing Officer A commit the acts alleged against him. (Att. #44)

In his statement to IPRA on 16 September 2014, **Accused Officer A, #XXXX**, related that on the date and time of the incident he was assigned to the 011<sup>th</sup> District Male

Lockup along with Officers H and G, and Detention Aide A. Officer A related that he was the assigned Lockup Keeper on the date and time of the incident. Officer A stated that at some time during his tour of duty, he heard Subject 1 making noise while inside of his cell. Officer A related that Detention Aide A walked to the cell block to check on Subject 1.

Officer A stated that a short time later he heard Subject 1 and Detention Aide A involved in a verbal argument, though he could not specifically hear the details. Officer A related that he responded to Subject 1's cell, and arrived to observe Detention Aide A "duck" and throw a strike at Subject 1. Officer A stated he did not observe where Detention Aide A's strike landed on Subject 1's person, indicating his view was obstructed as Detention Aide A was positioned between him and Subject 1. Officer A related that Detention Aide A stepped back and Officer A closed the cell door.

Officer A denied observing Detention Aide A strike Subject 1 multiple times. Detention Aide A told Officer A that as he was taking Subject 1's shoes, Subject 1 spat on him. Detention Aide A informed Officer A that, in response to being spat on, he struck Subject 1. Officer A related that Subject 1 informed him that he was not injured. Officer A stated that he did not observe Subject 1 spit on Detention Aide A. Officer A also denied hearing Subject 1 threaten to spit on Detention Aide A.

Officer A related that he did not complete any Department reports regarding the incident because Detention Aide A and Subject 1 both stated that they were "fine." Officer A stated that he did not believe that this incident would have been categorized as an extraordinary or unusual occurrence, as similar incidents have occurred in the 011<sup>th</sup> District Lockup and not been documented.

In his statement to IPRA on 17 September 2014, **Accused Detention Aide A** related that on the date and time of the incident he was assigned to the 011<sup>th</sup> District Male Lockup along with Officers H, G and A. Detention Aide A related that he did not have any specific duties inside the male lockup on the date and time in question. Detention Aide A related that while in the lockup his duties may include processing fingerprints, searching prisoners, feeding prisoners and maintaining the lockup area.

Detention Aide A related that on the date and time of the incident he came in contact with Subject 1. Detention Aide A described Subject 1 as being loud, confrontational, and agitated while inside the 011<sup>th</sup> District. Detention Aide A overheard Subject 1 indicating that he needed medical attention. Detention Aide A related that while Subject 1 was in the "bull pen" with other arrestees, he heard Subject 1 making a lot of noise. Detention Aide A related that he also heard an unidentified arrestee state words to the effect of, "Ya'll better get him before he gets hurt up in here." Detention Aide A stated that he removed Subject 1 from the "bull pen" and placed him in a cell by himself, for his safety.

Detention Aide A stated that once he placed Subject 1 into a single cell, Subject 1 began striking the cell bars and yelling. Detention Aide A walked back to the cell to

check on Subject 1. Detention Aide A related that in order to keep Subject 1 from kicking the cell walls, he asked Subject 1 to remove his shoes and give them to him. Detention Aide A stated that Subject 1 removed his shoes, leaving them on the floor, and moved back away from the shoes. Detention Aide A related that as he reached down to pick up Subject 1's shoes he observed "something coming towards (him)." Detention Aide A explained that Subject 1 was thrusting towards him, and that he reacted by rising from his crouched position, extending his arm upward and striking Subject 1 once on the left side of his face with an open hand. Detention Aide A stated that after he struck Subject 1, he realized that Subject 1's sudden motion towards him was Subject 1 spitting at him. Detention Aide A made this determination after seeing that Subject 1 had spat at him, striking him on his right shoulder.

Detention Aide A related that after he struck Subject 1 he stepped out of the cell, and found that Officer A was now standing near the cell door. Detention Aide A could not recall if he, or Officer A, closed the cell door. Detention Aide A related that Officer A directed him to leave the cell block.

Detention Aide A related that Subject 1 never threatened to spit on him. Detention Aide A added that he and Subject 1 did not have a verbal altercation. Detention Aide A related that he never had an opportunity to maneuver away from Subject 1's attempt to spit on him. Detention Aide A stated that he had no further contact with Subject 1.

Detention Aide A related that he did not see Subject 1's injuries prior to him leaving the lockup. After viewing photographs of Subject 1, Detention Aide A confirmed that Subject 1 may have sustained his injuries as a result of the open hand strike that he gave to Subject 1. Detention Aide A stated that the laceration on his right middle knuckle was not a result of his contact with Subject 1.

Detention Aide A stated that immediately after the incident there were no reports completed regarding his contact with Subject 1. Detention Aide A could not give an explanation as to why reports regarding the force used against Subject 1 were not generated.

Detention Aide A denied "punching" Subject 1 in his face, though he did admit to delivering an open hand strike. Detention Aide A denied failing to render medical attention to Subject 1. Detention Aide A admitted that he failed to complete the required department reports following his contact with Subject 1. Detention Aide A denied kicking Subject 1 about his body. Detention Aide A denied allowing Subject 1 to bond out without making proper notification, stating that he does not make the decision for an inmate's bond.

## CONCLUSION:

The R/I recommends a finding of **Sustained** for **Allegation #1**, that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup),

**Detention Aide A, Employee #XXXX** punched the victim, Subject 1, about his face without justification, in violation of: Rule 8, which prohibits disrespect or maltreatment of any person, while on or off duty; and Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or bring discredit upon the Department.

During his statement to IPRA, Subject 1 stated that he had been requesting to go to the hospital because he needed medication for his mental illness. Subject 1 related that he became involved in a verbal altercation with Detention Aide A and threatened to spit on Detention Aide A. Subject 1 admitted that when Detention Aide A entered the cell he spat at Detention Aide A. Subject 1 stated that Detention Aide A punched him multiple times about his face and kicked him about his body. The witness Department members, along with Accused Officer A, denied observing Detention Aide A commit the acts alleged against him.

Subject 1's account of this event is credible. The evidence supports his version of events, in that he was struck (at least once) by Detention Aide A, and then ushered from the Lock-Up, and sent outside the 011<sup>th</sup> District. In his statement, Sergeant A reported that he found Subject 1 to be forthcoming, cooperative, and honest. Subject 1 freely admits that he spat upon Detention Aide A, an admission against his own self-interest, which further bolsters his credibility.

In his statement to IPRA, Detention Aide A denied that he punched Subject 1 multiple times, although he did admit to striking Subject 1 once with an open hand. Detention Aide A denied having a verbal altercation with Subject 1. According to Detention Aide A, he observed "something" coming towards him while picking up Subject 1's shoes. In reaction to receiving a possible battery, Detention Aide A rose from his crouched position, extended his arm upward and struck Subject 1 once on the left side of his face with an open hand.

According to the medical reports from Mt. Sinai Hospital, Subject 1 was diagnosed with an orbital fracture to his left eye. The Evidence Technician Photographs depict swelling and bruising to Subject 1's left eye. The photographs also depict blood, and a visible laceration under Subject 1's left eye. There are photographs of Subject 1's ribcage, torso, and back. The photographs do not clearly depict bruising or injury, though some discoloration is visible. Based on the medical reports and photographic evidence it is clear that Subject 1 was struck multiple times on his face, and may have been struck about his body as he has alleged, contrary to the assertion made by Detention Aide A stated that he struck Subject 1 only once with an open hand.

In his statement to IPRA, Detention Aide A provided an explanation for his use of force against Subject 1. Chicago Police Department General Order GO 03-02-01 defines the use of force model and General Order 03-02-02 defines the Use of Force options. The orders provide that Subject 1's action of spitting upon Detention Aide A, as well as his being verbally combative, equates to the actions – at the minimum - of an active resister,

while his action of moving towards Detention Aide A may have equated to the actions of an assailant. Under the aforementioned General Order, and with Detention Aide A's articulation, it may have been therefore appropriate for Detention Aide A to use an open hand strike.

In this particular instance, Detention Aide A's explanation for his conduct lacks credibility. The evidence suggests that Detention Aide A's use of force against Subject 1 was intended as retribution for the spitting, not to gain control over him as an assailant. Detention Aide A had options other than the use of physical force to avoid Subject 1's spitting, including just walking away. The evidence also suggests that Detention Aide A took measures to conceal his use of force after the fact. Subject 1 was essentially ushered from the lockup after this event. Had Sergeant A not intervened, this event may not have been reported at all. In his statement to IPRA, Detention Aide A stated that he observed no injury to Subject 1. While it is noted that bruising may take some time to appear, the laceration and blood about Subject 1's face would have been immediately visible. The evidence technician photographs and Sergeant A's observations support this fact.

Additionally, while Detention Aide A states that he struck Subject 1 only once, the preponderance of the evidence suggests that Subject 1 was struck multiple times and that the strike or strikes causing Subject 1's injuries were made with a fist, rather than an open hand. This fact disputes the account given Detention Aide A, thereby discounting his assertion that the amount of force he used with reasonable under the circumstances.

Subject 1 asserts that excessive and unwarranted force was used against him; the preponderance of the evidence shows that this allegation must be **Sustained**.

The R/I recommends a finding of **Sustained** for **Allegation #2**, that, on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **Detention Aide A, Employee #XXXX** kicked Subject 1 about his body without justification, in violation of: Rule 8, which prohibits disrespect or maltreatment of any person, while on or off duty; and Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or bring discredit upon the Department.

During his statement to IPRA, Subject 1 stated that, after Detention Aide A punched him several times about his face he then kicked him about his body. Accused Officer A denied observing Detention Aide A commit the acts alleged against him. The medical records do not indicate abrasions or contusions elsewhere on Subject 1's person, although the lack of such injuries is not necessarily definitive as to whether or not Detention Aide A did, in fact, kick Subject 1. It is noted that photographs taken of Subject 1 at Mt. Sinai Hospital depict his ribcage, torso, and back. The photographs do not clearly depict bruising or injury, although some discoloration is visible. Subject 1 did not specifically inform Sergeant A that he was kicked, he did report to being struck multiple times. Even without being advised of the alleged kicks, Sergeant A still noted that Subject 1 had redness to his ribs.

Although Detention Aide A denied kicking Subject 1, his denials lack credibility based on his lack of truthfulness about other facts related to the incident and his failure to report the altercation. For the reasons set forth in the findings for Allegation #1, the R/I finds that Subject 1's account is credible, and supported by fact. Detention Aide A lacks credibility. It is more likely than not that the physical contact detailed in this particular allegation occurred. The R/I therefore recommends that this allegation be Sustained.

The R/I recommends a finding of **Sustained** for **Allegation #3** that, on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **Detention Aide A, Employee #XXXX** failed to complete any and all required reports regarding his physical contact with Subject 1 in a timely manner in violation of Rule 10, which prohibits inattention to duty; and specifically, in violation of Special Order (SO) S06-01-07, which mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports. In his statement to IPRA, Detention Aide A admitted that he did not make the required notifications, nor did he complete any Department reports regarding his contact immediately following the incident. In fact, the preponderance of the evidence suggests that, had Sergeant A not intervened, this event may not have been reported at all. This act violates Special Order S06-01-02, which mandates that after an extraordinary or unusual occurrence happens, the Department member will ensure immediate notification and submit proper case reports.

The R/I recommends a finding of **Sustained** for **Allegation #4** that, on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **Detention Aide A, Employee #XXXX** failed to render medical assistance to Subject 1, in violation of Rule 10 and specifically, General Order 03-02-02 which clearly establishes that, following a use of force incident, the involved department member must "seek medical attention for an arrestee that has injuries."<sup>4</sup> According to Detention Aide A, after the incident, he did not see Subject 1. Detention Aide A stated he was not aware of any injuries to Subject 1. While it is noted that bruising may take some time to appear, the laceration and blood about Subject 1's face would have been immediately visible. The evidence technician photographs and Sergeant A's observations support this fact.

Detention Aide A's claim of ignorance regarding Subject 1's condition, which itself lacks credibility, does not excuse him from rendering medical assistance for Subject 1. Detention Aide A used force against Subject 1, and is therefore responsible for ensuring for Subject 1's well being after the fact.<sup>5,6</sup>

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<sup>4</sup> CPD General Order 03-02-02, POST-USE OF FORCE POSITIONING AND MONITORING.

<sup>5</sup> CPD General Order 03-02-02, POST-USE OF FORCE POSITIONING AND MONITORING.

<sup>6</sup> IPRA did not present allegations relative Subject 1's initial requests for medical attention which appear to have gone ignored. However, these initial requests, coupled with Subject 1's conduct while in lock-up, as described by both Subject 1 and Detention Aide A, suggests that Subject 1 was indeed having a mental health crisis prior Detention Aide A's use of force. Although mental health concerns among incarcerated individuals is not an uncommon occurrence, the fact Subject 1's mental issues were documented upon his arrest, verbally communicated, and physically manifested highlights the need to identify and address mental health concerns in a timely manner.

The R/I recommends a finding of **Sustained** for **Allegation #5** that, on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **Detention Aide A, Employee #XXXX** allowed Subject 1 to bond out without making proper notification. The specific notifications, in this instance, pertain to the use of force against Subject 1 and his subsequent injuries. CPD General Order 03-02-02 clearly establishes that in a post-use of force incident, that the involved department member must “seek medical attention for an arrestee that has injuries.” Additionally, Special Order 06-01-07 mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports.

In his statement to IPRA, Detention Aide A claimed that he did not have any control over the bond process of Subject 1.<sup>7</sup> However, had Detention Aide A made the required notifications regarding his contact with Subject 1 as he should have, Subject 1 would not have been released from the 011<sup>th</sup> District Lockup. As Detention Aide A had used force against Subject 1, he is subsequently responsible for ensuring that all procedure and protocol is followed from that point forward.

Subject 1 stated that he was given a bond, and released, in return for remaining quiet regarding the force used against him. The preponderance of the evidence and the manner in which Subject 1 was ushered from the district without the proper paperwork and medical attention makes it more likely than not that this occurred as alleged. Detention Aide A did not initially complete the appropriate paperwork, a fact which lends to the possibility that the officers’ intention was to conceal the fact that force was used against Subject 1.

The R/I recommends a finding of **Sustained** for **Allegation #1** that, on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **Officer A, #XXXX** observed misconduct and failed to make proper notification after witnessing Detention Aide A punch Subject 1 on his face in violation of Rule 10 and Special Order (SO) S06-01-07, which mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports. In his statement to IPRA Officer A related that he observed Detention Aide A duck out of the way and then throw a strike in Subject 1’s direction.

The preponderance of the evidence in this investigation shows that Detention Aide A’s use of force was unreasonable, and therefore amounted to misconduct. Officer A admitted to being present when Detention Aide A struck Subject 1. Furthermore, Officer A was responsible for the events that occurred in the Lock-up, the allegation that Officer A observed misconduct and failed to make proper notification is supported. This finding is further bolstered by the fact that no paperwork was initially completed, no medical attention sought, and Subject 1 was ushered from the 11<sup>th</sup> District Lock-up. It is only when Sergeant A intervened that the proper procedures are initiated. Prior to that, as the Lock-Up Keeper, Officer A was responsible for adhering to the rules and regulations as outlined in SO 06-01-07.

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<sup>7</sup> Officer A, being assigned as the Lock-Up keeper at the time of this event, is ultimately responsible for the processing of detainees pursuant to SO S06-01-07.

The R/I recommends a finding of **Sustained** for **Allegation #2** that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **Officer A, #XXXX** failed to complete any and all documents regarding the incident involving the victim, Subject 1, and Detention Aide A in a timely manner in violation of Rule 10 and SO 06-01-02. In his statement to IPRA, Officer A admitted that he witnessed Detention Aide A throw a strike at Subject 1. Officer A admitted that he did not ensure that proper notifications were made, and admitted that he did not complete any Department reports immediately following the incident. This act violated Special Order S06-01-02, which mandates that after an extraordinary or unusual occurrence happens, the Department member will ensure immediate notification and submit proper case reports.

The R/I recommends a finding of **Sustained** for **Allegation #3** that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **Officer A, #XXXX**, failed to render medical assistance to Subject 1 in violation of Rule 10. Officer A stated that he never heard Subject 1 request medical assistance. Although Officer A denied observing any injuries to Subject 1, the Evidence Technician photographs of Subject 1 collected in this investigation clearly show that Subject 1 was visibly injured. As the responsible lockup keeper, and a witness to the use of force, it was incumbent upon Officer A to ensure Subject 1's well being. Officer A's claim of ignorance regarding Subject 1's injuries does not excuse him from rendering medical assistance to Subject 1. CPD General Order 03-02-02 clearly establishes that in a post-use of force incident, that the involved department member "seek medical attention for an arrestee that has injuries."<sup>8</sup> Additionally, Special Order 06-01-07 mandates that after an extraordinary unusual occurrence happens the Department member will ensure immediate notification and submit proper case reports.

The R/I recommends a finding of **Sustained** for **Allegation #4** that, on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **Officer A, #XXXX** allowed Subject 1 to bond out without making proper notification in violation of Rule 10 and [cite general order/special order about bonding out].<sup>9</sup> In his statement to IPRA, Officer A related that he did not know if Subject 1 was released from lockup prior to any notifications being made regarding the incident. Evidence clearly shows that the incident was not reported by Officer A or Detention Aide A. Instead, Subject 1 informed Sergeant A about the incident after his release while outside the 11<sup>th</sup> District. Officer A never made any efforts to make notification to any of the commanding officers regarding the incident that occurred between Subject 1 and Detention Aide A prior to Subject 1 exiting the 011<sup>th</sup> District Lockup.

The R/I recommends a finding of **Not Sustained** for **Allegation #1** that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), **an unidentified officer** stated words to the effect of, "If you get up and walk

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<sup>8</sup> CPD General Order 03-02-02, POST- USE OF FORCE POSITIONING AND MONITORING.

<sup>9</sup> Officer A, being assigned as the Lock-Up keeper at the time of this event, is ultimately responsible for the processing of detainees pursuant to SO S06-01-07.

out of this holding cell now, I will get you released on an I-Bond. If you don't, I will start processing paperwork for a battery against this officer." The accused and witness Department members denied observing any Department member commit the act. Subject 1 does not allege that this statement was made by either Detention Aide A or Officer A. Without being able to identify the officer that may have made this statement, there is insufficient evidence to prove or disprove the allegation.

**FINDINGS:**

- Accused #1:** **Detention Aide A, Emp. #XXXX**
- Allegation #1:** **Sustained – Violation of Rule 8**, “disrespect or maltreatment of any person, while on or off duty” **and Rule 2**, which “prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty; **Detention Aide A, Emp. #XXXX**, punched the victim, Subject 1, about his face without justification.
- Allegation #2:** **Sustained - Violation of Rule 8**, “disrespect or maltreatment of any person, while on or off duty” **and Rule 2**, which “prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty; **Detention Aide A, Emp. #XXXX**, kicked Subject 1 about his body without justification
- Allegation #3:** **Sustained – Violation of Rule 10**, “Inattention to duty,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty; **Detention Aide A, Emp. #XXXX**, failed to complete any and all documents regarding his contact with Subject 1 in a timely manner.

**Allegation #4:** **Sustained – Violation of Rule 10**, “Inattention to duty,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty, **Detention Aide A, Emp. #XXXX**, failed to render medical assistance to Subject 1.

**Allegation #5:** **Sustained – Violation of Rule 10**, “Inattention to duty,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty; **Detention Aide A, Emp. #XXXX**, allowed Subject 1 to bond out without making proper notification.

**Accused #2:** **Officer A, #XXXX**

**Allegation #1:** **Sustained Violation of Rule 10**, “Inattention to duty,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty; **Officer A, #XXXX**, observed misconduct and failed to make proper notifications.

**Allegation #2:** **Sustained – Violation of Rule 10**, “Inattention to duty,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty; **Officer A, #XXXX**, failed to complete any and all documents regarding the incident involving the victim, Subject 1, and Detention Aide A in a timely manner.

**Allegation #3:** **Sustained – Violation of Rule 10**, “Inattention to duty,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty, **Officer A, #XXXX**, failed to render medical assistance to Subject 1.

**Allegation #4:**        **Sustained – Violation of Rule 10**, “Inattention to duty,” in that on 01 August 2013, at approximately 1600 hours, at 3151 W. Harrison Street (011<sup>th</sup> District Lockup), while on duty; **Officer A**, # **XXXX**, allowed Subject 1 to bond out without making proper notification.