

**INTRODUCTION:**

On 31 March 2014, at approximately 2100 hours, Officer A, #XXXXXX, Officer B, #XXXXXX, and Officer C, #XXXX, were assigned to a three man car, Beat 4112B, when they observed a vehicle containing two child occupants who were not restrained. Based on this observation, the officers conducted a street stop of the vehicle, at which time the officers learned that the driver of the vehicle, Subject 1, was operating an uninsured vehicle and driving with a revoked driver's license. While the officers were speaking with Subject 1, an adult passenger, Civilian 1, who was located in the rear seat of the vehicle, began to make furtive movements around her waistband. When Civilian 1 failed to follow verbal commands to show her hands, Officer C unholstered his weapon into a low ready position. Civilian 1 ultimately complied with the officers commands to show her hands and exit the vehicle, at which time Civilian 1 alerted the officers to a small amount of marijuana contained in her waistband. The officers then placed Subject 1 and Civilian 1 into custody by handcuffing them and escorting them to a squad car for transport to the 001<sup>st</sup> District. The child occupants remained on scene with another adult passenger in Subject 1's car, Civilian 2.

**ALLEGATIONS:**

On 01 April 2014, at 1134 hours, Sergeant A, #XXXX, registered this complaint on behalf of the Complainant, Subject 1, with Independent Police Review Authority Intake Aide A.

Subject 1 alleged that on 31 March 2014, at 2100 hours, at 5100 S. Wood Street, the accused, **Officer B, #XXXXX**, and **Officer C, #XXXX**:

- 1) Pointed a gun at Subject 1's children, in violation of Rule 38;
- 2) Handcuffed Subject 1 too tightly, in violation of Rule 9;
- 3) Grabbed Subject 1 by her arm, in violation of Rule 9;
- 4) Pushed Subject 1 against the side of a vehicle, in violation of Rule 9; and,
- 5) Pushed Subject 1 into the back of a squad car, in violation of Rule 9.

**APPLICABLE RULES<sup>1</sup>:**

- Rule 2: Prohibits any action of conduct which impedes the Department's efforts
- Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty
- Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 38: Unlawful or unnecessary use or display of a weapon.

General Order G03-02-01: The Use of Force Model

General Order S03-02-02: Force Options

**INVESTIGATION:**

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<sup>1</sup> It should be noted that the General Orders referenced in this investigation are the versions that were in effect at the date and time of the incident.

In her **Initiation Report, Sergeant A, #XXXX**, documented that on 31 March 2014, at 2100 hours, in the vicinity of XXXX S. Wood Street, Subject 1 said she was sitting in a car with her young cousins when two unknown male officers approached the vehicle. The officers asked for Subject 1's driver's license and directed her to exit the vehicle. After she exited the vehicle, Subject 1 stated one of the officers pointed his gun at the children and stated, "Don't move." At the same time, Subject 1 reported the officers told her to put her hands behind her back and that she was subsequently handcuffed. According to Subject 1, the handcuffs were tight, causing her hands and wrists to swell. Subject 1 further claims that her legs were bruised as she was placed in the squad car. Subject 1 reported a female officer found cannabis on an unknown female who was standing near the vehicle during the incident. (Att. 4)

In a 09 June 2014 **statement with IPRA**<sup>2</sup>, the **Complainant, Subject 1**, stated that, on 31 March 2014, at approximately 2045 hours, she was in her vehicle at XXXX S. Wood Street with her three year-old son, four year-old cousin, and two adult females, one of which was her cousin's mother, Civilian 2,<sup>3</sup> when she first noticed a police vehicle located at the intersection of 51<sup>st</sup> Street and Wood Street. Subject 1 had just received assistance with her vehicle from an individual she only knew as "Civilian 3,"<sup>4</sup> when two uniformed white male officers approached her vehicle. According to Subject 1, the officers immediately directed her to exit her vehicle, which she did. Once outside her vehicle, one of the male officers (Officer B), who Subject 1 described as a heavy-set white male in his upper 30's, approximately 5'8" to 5'9" tall, asked for her driver's license. Subject 1 then reached back into her vehicle to retrieve her license from the center console of her vehicle, at which time Officer B grabbed her left arm and pulled it behind her back, as if he was placing Subject 1 under arrest. Subject 1 stated Officer B then pushed her up against the back of her vehicle, while the other male officer (Officer C) began to search her vehicle. Subject 1 described Officer C as a white uniformed officer, approximately 35 to 36 years old, with a medium build and approximately 5'6" tall. As she continued to ask Officer B why he was arresting her, Subject 1 said the two small children in the back of her vehicle began to cry, and a crowd began to form in the immediate area of her vehicle. Subject 1 stated that the officers then instructed the other two adult females to exit her vehicle. According to Subject 1, a female officer, now know as Officer A, searched her, Civilian 2, and the other unidentified female passenger. Subject 1 noted that Officer A "found weed"<sup>5</sup> on the unidentified female. Subject 1 stated that she and the unidentified female were both put into the squad car and transported to a police station. According to Subject 1, she received a bruise on her upper left thigh from being pushed into the back of the squad car by Officer 1. However, Subject 1 did not seek medical attention for the bruise on her thigh. (Att. 28, 30, 57)

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<sup>2</sup> It should be noted that, pursuant to 50 ILCS 725/3.8, Subject 1 signed a Sworn Affidavit following her submission of this statement to IPRA, in which Subject 1 "swear[s] or affirm[s], under penalties provided by law" the information in the statement she provided "is true and accurate." (Att. 29)

<sup>3</sup> Although Subject 1 identified one of the adult female occupants of her vehicle as Civilian 2, she did not have contact information for Civilian 2, who resides in Nebraska. It should be further noted that Subject 1 did not identify the second adult female occupant of her vehicle during her to statement to IPRA on 09 June 2014.

<sup>4</sup> Attachment 57, Page 22, Line 13.

<sup>5</sup> *Id.* at Page 13, Line 7.

In a supplemental **statement to IPRA<sup>6</sup> on 08 October 2014, the Complainant, Subject 1**, stated that the person she identified in her previous statement as “Civilian 3” no longer lived in the area of the incident. Once she spotted the CPD vehicle at the intersection of 51<sup>st</sup> Street and Wood Street, Subject 1 stated that she began to move her vehicle into an alley because her vehicle had been angled across Wood Street while she was getting her car jumped by Civilian 3. Subject 1 said the male officers then stopped their vehicle directly in front of her vehicle. Subject 1 continued to clarify that Civilian 2 was seated in the front passenger seat of her vehicle, and the two young children were in the backseat of her vehicle. Subject 1 claimed that she only had one adult female in her vehicle. Subject 1 said the other female who was arrested, “Civilian 1,” was not in her vehicle at the time of Subject 1’s arrest, and that Civilian 1 was only arrested after she approached the scene. Subject 1 stated that she did not have any current contact information for Civilian 1, but she was aware that Civilian 1 had moved since the incident. Subject 1 further clarified that the white male officer that was the driver of the squad car was the same officer who had grabbed her left arm and that the white male officer who was in the passenger seat of the squad car was the same officer who pushed her against her car and into the squad car. Subject 1 contended she was not resisting arrest by either officer, but did state she repeatedly asked them why they were arresting her, while turning around to look at them. Subject 1 further confirmed that her driver’s license was suspended at the time of her arrest and that neither of the young children were wearing seatbelts, nor were they seated in any sort of child restraint seat. (Att. 34, 36, 58)

**Departmental Reports** related to RD# XXXXXXXX, including Arrest Reports authored by Officer C, #4443, on 31 March 2014, and an Original Case Incident Report authored by Officer C and Officer A, #XXXXX, the same day, indicate Officer B, #XXXXX, Officer C, and Officer B, were assigned to Beat 4112B on 31 March 2014 when they observed a vehicle containing children who were not properly restrained. The officers curbed the vehicle and asked the driver, Subject 1, for her driver’s license, which Subject 1 was unable to produce. While speaking with Subject 1, the officers noticed that one of the passengers, Civilian 1, making “a furtive movement into her waistband.”<sup>7</sup> The documents indicate that the officers then had the adult occupants exit the vehicle, for officer safety. As Officer A initiated a protective patdown of Civilian 1, Civilian 1 notified the officers that she had “a couple bags of weed.”<sup>8</sup> A computer check revealed Subject 1’s driver’s license was revoked. Both Subject 1 and Civilian 1 were handcuffed, and the handcuffs were checked for comfort, before both Subject 1 and Civilian 1 were searched and ultimately transported to the 001<sup>st</sup> District for processing. The juvenile occupants of the vehicle were relinquished by Subject 1 to her cousin, who was also present at the scene. Subject 1 was charged with one count of each of the following offenses: driving on a revoked license; child restraint violation; and, uninsured motor vehicle<sup>9</sup>. Civilian 1 was charged with one misdemeanor count of possession of cannabis. The Lockup Keeper Processing portion of Subject 1’s arrest report indicates Subject 1 did not report any medical problems upon arriving

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<sup>6</sup> It should be noted that, pursuant to 50 ILCS 725/3.8, Subject 1 signed a Sworn Affidavit following her submission of this statement to IPRA, in which Subject 1 “swear[s] or affirm[s], under penalties provided by law” the information in the statement she provided “is true and accurate.” (Att. 35)

<sup>7</sup> Attachment 9, Page 2.

<sup>8</sup> *Id.*

<sup>9</sup> It should be noted that on 29 May 2014, Subject 1 contested these charges in case 2014-M1-450252; however per the docket entry on 06 November 2015, Judge A entered judgment in favor of the City of Chicago. The docket further reflects there is no notice of appeal for this case. (Att. 66)

at lockup at approximately 2330 hours on 31 March 2014, nor did the Lockup Keeper note any signs of obvious pain or injury to Subject 1. (Att. 5, 7, 9)

A **LEADS Secretary of State** records search revealed that Subject 1's driver's license was revoked on 07 May 2005. (Att. 18, 24)

A **Vehicle Impoundment/Seizure Report** authored by Officer A on 31 March 2014 indicates Subject 1 was the driver and owner of a Pontiac Grand Prix that was impounded for the following violations: (1) unlawful drugs – MCC 7-24-225, 1 gram of Cannabis; and, (2) driving with a revoked license – MCCC 9-80-240. (Att. 31)

**Office of Emergency Management & Communication (OEMC)** communications, including event queries, 911 audio calls, and Dispatch radio transmissions retrieved from the date, time, and approximate location of this incident, show an unidentified caller reported that “a group of males pulled a gun on her and [boyfriend]”<sup>10</sup> at XXXX S. Wood Street on 31 March 2014, at approximately 2053 hours. At approximately 2119 hours, a Civilian 4 called 911, stating an officer “roughed up”<sup>11</sup> a female and that she was upset at the number of responding officers. Civilian 4 also requested a supervisor to respond to 51<sup>st</sup> Street and Wood Street.

Further event queries show that at approximately 2116 hours on the same day, in the vicinity of “1798 W. 51<sup>st</sup> Street / 5099 S. Wood Street,”<sup>12</sup> Beat 4112B, now known to be Officer B, #XXXXX, Officer C, #XXXX, and Officer A, #XXXXX, responded to a call for an assist with a street stop at the aforementioned location. Shortly after, Beat 4112B was assigned as the paper car to this incident and ran the following names: Civilian 1, Civilian 2, and Civilian 5. At approximately 2133 hours, Beat 935 indicated they were transporting two female arrestees to 17<sup>th</sup> Street and State Street for Beat 4112B.

Audio recording of the available OEMC inquiries indicate numerous officers<sup>13</sup> from the 009<sup>th</sup> District were responding to the area of XXXX South Wood in an attempt to locate subjects who were possibly armed. Beat 930 requested additional cars to respond to 51<sup>st</sup> Street and Wood Street to assist with “people coming out of the woodwork,”<sup>14</sup> and an OEMC operator confirmed several units were responding to the area. A few minutes later, Beat 930 gave a “disregard” for any additional assisting units to respond to 51<sup>st</sup> Street and Wood Street. Approximately two minutes later, Beat 4112B requested a cage car to transport female arrestees. Beat 935 responded that they would conduct the transport, and shortly thereafter reported to the OEMC operator that they were taking two females to 17<sup>th</sup> and State for Beat 4112B. Approximately three minutes later, Beat 4112B reported that they were headed to the first district to process the arrestees. (Att.14-16, 20-22, 37, 60)

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<sup>10</sup> Attachment 14.

<sup>11</sup> Attachment 16.

<sup>12</sup> Attachment 15, Page 1.

<sup>13</sup> In addition to the accused and witness officers identified in this investigation, additional responding officers and Beats include the following: Beat 901: Sergeant B, #XXXX; Beat 906B: Officer D, #XXXX, and Officer E #XXXXX; Beat 925: Officer F, #XXXXX, and Officer G., #XXXXX; Beat 930: Sergeant C, #XXXX; Beat 935: Officer H, #XXXXX, and Officer I, #XXXXX; and, Beat 4155A.

<sup>14</sup> Attachment 60, Page 2.

**Attendance and Assignment Sheets** related to the date and time of the reported incident show Officers A, B, and C started their shift at 1700 hours on 31 March 2014, and were assigned to work Beat 4112B in vehicle number 9801. The report further depicts that Sergeant B, #XXXX, was assigned to Beat 930 in vehicle number 8866, and Officer H, #XXXXX, and Officer I, #XXXXX, were assigned to Beat 935 in vehicle 8545.

**Multiple attempts to contact witnesses Civilian 4 and Civilian 5** were made in person, via telephone, and via certified mail, in an effort to obtain a witness statement. All attempts to make contact with the identified witnesses were unsuccessful. (Att. 24, 41, 42, 45)

A **Canvass** of the XXXX block of South Wood Street failed to produce any further witnesses to this reported incident. (Att. 40)

A search for **Police Observational Devices (PODs)** near the location of incident identified one POD, POD #3, located near the intersection of 51<sup>st</sup> Street and Wood Street. Video retrieved from POD #3 from 31 March 2014, from 2045 to 2145 hours, depicts multiple marked and unmarked CPD vehicles passing through an intersection; however, the quality of the video inhibits the observer's ability to identify the location of the intersection, the direction the POD is recording, and any identifying markers on the CPD vehicles. The video does not depict any interaction between Subject 1 and CPD officers. (Att. 17, 59, 61)

A response to a request for **In-car Video** for Beat 4112B indicated that there was no video available from the aforementioned unit on the date and time of the incident. The response further indicates there was available video from Beat 935 and Beat 930, which had started recording after the reported time of the incident; however, the video had been purged pursuant to CPD retention policies, prior to IPRA's request. (Att. 65)

**General Order G03-02-01, "The Use of Force Model"**, effective 16 May 2012, was referenced in the conclusions and findings of this investigation. The order indicates "[t]he Use of Force Model is a graphic representation of the guidelines for the appropriate use of force in relation to the actions of a subject."<sup>15</sup> The graphic representation of the Use of Force model depicts social control, presence of "Law Enforcement Representatives,"<sup>16</sup> and verbal control, Persuasion/Advice/Warning,<sup>17</sup> as adequate and acceptable responses to a "Passive Resister,"<sup>18</sup> in conjunction with "holding."<sup>19</sup>

**General Order G03-02-02, "Force Options"**, effective 16 May 2012, was also referenced in reaching the conclusions and findings of this investigation. The order states "members will select the appropriate level of force option based on a subject's actions and modify their selection of options after the subject offers less or greater resistance."<sup>20</sup> The order

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<sup>15</sup> Attachment 63, G03-02-01(III)(A).

<sup>16</sup> *Id.* at Page 2, Illustration No. 1.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Attachment 64, G03-02-02(II)(C).

defines a passive resister as a “person who fails to comply (non-movement) with verbal or other direction.”<sup>21</sup> The order further lists multiple appropriate response options to a passive resister, to include the use of “Holding Techniques”. The order elaborates that “[h]olding consists of techniques such as a firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds...), as well as any combination of the above.”<sup>22</sup> (Att. 64)

In a **Witness To/From Report, Officer A, #XXXXX**, documented that on 31 March 2014 she was assigned to work Beat 4112B along with Officer C, #XXXX, and Officer B, #XXXXX. Officer A indicated that she was in uniform and driving a marked police squad car on the date of the incident. Officer A reported that on the date of the incident, she and her partners came into contact with Subject 1 while conducting a street stop of Subject 1. Officer A described Subject 1 as being “loud and hostile”<sup>23</sup> during the incident, and noted that Subject 1’s demeanor and noncompliance with the officers caused a crowd to gather at the location of the incident. Officer A recalled Subject 1 was arrested for driving while her license was revoked. Officer A indicated that Officer C handcuffed Subject 1, and checked Subject 1’s handcuffs to ensure they were properly applied. Officer A further recalled Officer C escorted Subject 1 by her arm to the squad car, and continued to stand with Subject 1 next to the squad car while Subject 1 refused to enter the backseat of the squad car. Officer A indicated she did not recall Officer C grabbing Subject 1’s arm, pushing Subject 1 against the side of a car or into the backseat of a squad car, or handcuffing Subject 1 too tightly. Officer A further indicated that she did not recall any physical contact between Officer B and Subject 1, nor did she recall either Officer C or Officer B pointing a weapon at the children located in Subject 1’s car. Officer A further noted that she did not recall Subject 1 sustaining any injuries, or alleging that she had sustained any injuries, throughout the duration of her interaction with Subject 1. (Att. 46)

In an **Accused To/From Report, Officer B, #XXXXX**, documented that on 31 March 2014, at 2100 hours, he was working Beat 4112B with Officers A and C. Officer B noted that he was in the rear passenger seat of the marked vehicle when they conducted a traffic stop of a vehicle that was being driven by Subject 1. Officer B described Subject 1’s demeanor as hostile, and that her behavior caused a crowd to gather in the immediate area of the incident. Officer B indicated that he did not observe any interaction between Officers C and A and Subject 1 throughout the entirety of the incident, because he was “preoccupied with a large crowd”<sup>24</sup> that had gathered following the traffic stop of Subject 1. Officer B denied grabbing Subject 1’s arm, pushing Subject 1 into any vehicle, and handcuffing Subject 1. Officer B further denied pointing a weapon at Subject 1’s child. Officer B did not recall Subject 1 sustaining any injuries, or alleging she sustained any injuries, on the date and time of the traffic stop. (Att. 53)

In an **Accused To/From Report, Officer C, #XXXX**, documented he was working in full uniform and was assigned to Beat 4112B with Officers A and B on 31 March 2014. Officer C stated he was seated in the front passenger seat of a marked squad vehicle when he observed a child who was not restrained in Subject 1’s vehicle. Officer C indicated Subject 1’s demeanor

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<sup>21</sup> *Id.* at G03-02-02(III)(B)(1).

<sup>22</sup> *Id.* at G03-02-02(III)(B)(1)(a)

<sup>23</sup> Attachment 46.

<sup>24</sup> Attachment 53.

was “disruptive and verbally abusive”<sup>25</sup> at the time of the traffic stop. Officer C documented that as he approached Subject 1’s vehicle and was speaking with Subject 1, he observed Civilian 1, who was sitting in the rear passenger seat, reaching into the waistband area of her pants. Officer C directed Civilian 1 to show her hands, to which Civilian 1 did not immediately reply. Officer C indicated he then withdrew his weapon from his holster and held his weapon in a “low ready”<sup>26</sup> position, in response to Civilian 1’s noncompliance and disregard of his verbal directions; however, Officer C denied pointing his gun at Subject 1’s children. Officer C further reported that he handcuffed Subject 1 when he placed her into custody for driving with a revoked license. Officer C indicated he checked the handcuffs he had applied to Subject 1 to ensure they fit properly, and further noted he was able to fit his index finger between the handcuffs and Subject 1’s wrists. Officer C documented he escorted Subject 1 by the arm to a police vehicle for transport, and then stood with Subject 1 near the police vehicle as Subject 1 refused to enter the police vehicle. Officer C noted Officer A then spoke with Subject 1 and that Subject 1 eventually complied with entering the police vehicle. Officer C denied pushing Subject 1 against a vehicle. Officer C further denied seeing any physical contact between Subject 1 and Officer B. Officer C concluded his report by noting he did not believe Subject 1 sustained any injuries during the incident, and that, pursuant to a lockup keeper processing report related to Subject 1’s arrest, Subject 1 did not make any allegations of sustaining any injuries while she was being processed. (Att. 50)

#### CONCLUSION:

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #1** against **Officer B, #XXXXXX**, in that he pointed a gun at Subject 1’s children. Despite the fact that she provided two separate statements to IPRA, Subject 1 failed to make any allegations to IPRA regarding Officers B or C pointing their weapon at her child. Subject 1 twice signed an affidavit swearing that her account of the event which she provided to IPRA was “true and accurate.” Additionally, not only does Officer B deny pointing his weapon at Subject 1’s child, Officer A also noted she did not observe Officers B and C pointing their weapons at Subject 1’s child. This allegation, which was initially documented in Sergeant A.’s initiation report, was never formally brought forth by Subject 1 to IPRA; therefore, the allegation must be Unfounded.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #2** against **Officer B, #XXXXXX**, in that he handcuffed Subject 1 too tightly. Not only does Officer B deny any physical contact with Subject 1, both Officers A and C both reported that they did not observe any physical contact between Officer B and Subject 1. Additionally, Officer C verified that he was the officer who handcuffed Subject 1. Thus, the preponderance of the evidence clearly shows that it is Officer C who had contact with Subject 1, and not Officer B. Furthermore, despite the fact that Subject 1 provided two statements to IPRA, in neither interview did she make any allegations to IPRA regarding Officers B or C handcuffing her too tightly. Again, Subject 1 twice signed an affidavit swearing that her account of the event which she provided to IPRA was “true and accurate.” This allegation, which was initially documented

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<sup>25</sup> Attachment 50.

<sup>26</sup> *Id.*

in Sergeant A's initiation report, was never formally brought forth by Subject 1 to IPRA; therefore, the allegation must be Unfounded.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #3, 4, and 5** against **Officer B, #XXXXX**, in that he grabbed Subject 1 by her arm, pushed Subject 1 against the side of a vehicle, and pushed Subject 1 into the back of a squad car. While Subject 1 contends the incident occurred as alleged, Officer B denies any physical contact with Subject 1, which is supported by Officer A and Officer C's statements that they did not observe any physical contact between Officer B and Subject 1. Additionally, Officer C verified that he was the officer who handcuffed Subject 1, escorted Subject 1 to the squad car by her arm, and restrained Subject 1 next to the squad car while she refused to enter. The preponderance of the evidence clearly shows that it is Officer C who had contact with Subject 1, and not Officer B, thus these allegations must be Unfounded.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #1** against **Officer C, #XXXX**, in that he pointed a gun at Subject 1's children. Despite the fact that Subject 1 provided two statements to IPRA, in neither interview did she make any allegations to IPRA regarding Officers C or B pointing their weapon at her child. Subject 1 twice signed an affidavit swearing that her account of the event which she provided to IPRA was "true and accurate." Although Officer C denies pointing his weapon at Subject 1's children, he did acknowledge that he unholstered his weapon, when Civilian 1 failed to follow his verbal commands to show her hands. Officer C noted he maintained his weapon in a low ready position, until Civilian 1 complied by showing her hands and exiting the vehicle. Based on the totality of the circumstances surrounding this event, including but not limited to Subject 1's hostile and uncooperative demeanor, Civilian 1's disregard of the Officer's commands, and the large crowd that was forming in the immediate area, Officer C's actions as he described them were reasonable, and would not have surmounted to misconduct. Finally, this allegation was initially documented in Sergeant A's initiation report, but was never formally brought forth by Subject 1 to IPRA; therefore, the allegation must be Unfounded.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #2** against **Officer C, #XXXX**, in that he handcuffed Subject 1 too tightly. Despite the fact that Subject 1 provided two statements to IPRA, in neither interview did she make any allegations to IPRA regarding Officers C or B handcuffing her too tightly. Subject 1 twice signed an affidavit swearing that her account of the event which she provided to IPRA was "true and accurate." This allegation was initially documented in Sergeant A's initiation report, but was never formally brought by Subject 1; the allegation therefore must be Unfounded.

The Reporting Investigator recommends a finding of **Exonerated** for **Allegation #3, 4, and 5** against **Officer C, #4443**, in that he grabbed Subject 1 by her arm, pushed Subject 1 against the side of a vehicle, and pushed Subject 1 into the back of a squad car. Subject 1 contends she was not resisting the officer's attempts to place her into custody, though she does acknowledge she continuously turned to face the officers while they were attempting to take her into custody. Although Subject 1 does not interpret her movements as resisting arrest, her actions, by her own description, are consistent with that of a resistor as defined by Chicago Police Department General Order 03-02-01 and 03-02-02. Subject 1 failed to comply with verbal



direction given to her and, by her own description of her actions, was, at a minimum, a passive resister, in that she employed variable positioning efforts to prevent Officer C from gaining control of her person. The contact documented in departmental reports is consistent with Subject 1's account of the incident, in so much that the physical contact Subject 1 describes is consistent with typical arrest procedures. The physical contact between Officer C and Subject 1 was necessary, not excessive, and ultimately surmounts to proper control methods and techniques commonly correlated to the physical act of being taken into custody. Given that Officer C did not violate the Department's Use of Force policy, as Subject 1's actions precipitated his actions, these allegations must be Exonerated.

**FINDINGS:****Accused #1:           Officer B, #XXXXX****Allegation #1:       Unfounded****Allegation #2:       Unfounded****Allegation #3:       Unfounded****Allegation #4:       Unfounded****Allegation #5:       Unfounded****Accused #2:           Officer C, #XXXX****Allegation #1:       Unfounded****Allegation #2:       Unfounded****Allegation #3:       Exonerated****Allegation #4:       Exonerated****Allegation #5:       Exonerated**