

INDEPENDENT POLICE REVIEW AUTHORITY

Log 1069929 / EO# 14-40

INTRODUCTION

This Log Number was initiated after a video surveillance system at the 10th District Station at XXXX W. Ogden Avenue, captured Detention Aide A slapping and pushing an arrestee, now known as Subject 1, on 21 June 2014, at approximately 0311 hours. The initiation report also includes Detention Aide B, Officer A and Officer B as witnesses to this incident. The Reporting Investigator later converted these witnesses to accused members based on the video recording.

ALLEGATIONS

On 21 June 2014, at approximately 0430 hours, Sergeant A #XXXX of Unit XXX contacted the Deployment Operations Center (CPIC), Unit XXX, and registered this complaint with Officer C #XXXXX. It is alleged that on 21 June 2014, at approximately 0311 hours, inside the 10th District Station Lockup, the accused, **Detention Aide A¹**, Employee #XXXXX:

- 1) Slapped Subject 1 about the head, in violation of Rule 8; and
- 2) Pushed Subject 1 to the floor, in violation of Rule 8.

It is further alleged that on the above date and time, and at the above location, the accused, **Officer A #XXXX**, **Officer B #XXXXX** and **Detention Aide B**, Employee #XXXXXX:

- 1) Failed to intervene and/or ensure Subject 1's safety during a confrontation between Detention Aide A and Subject 1, in violation of Rule 5, in that they failed to intervene and/or ensure Subject 1's safety during a confrontation between Detention Aide A and Subject 1.

APPLICABLE RULES AND LAWS

Rule 5 – Failure to perform any duty

Rule 8 – Disrespect to or maltreatment of any person, while on or off duty

INVESTIGATION

In his **Initiation Report**, Sergeant A stated that Officers A and B brought Subject 1 to the 10th District Lockup. Subject 1 did not follow the verbal directions given by Detention Aide A and he also verbally threatened Detention Aide A. Detention Aide A then delivered an open-handed strike to the right side of Subject 1's face. Subject 1 continued to ignore Detention Aide A's orders and to verbally threaten Detention Aide A. At one point, Subject 1 approached Detention Aide A, who then delivered an open-handed push on the face of Subject 1. Subject 1 was then placed in a holding cell. (Att. #4)

On 31 May 2016, at approximately 1229 hours, at the IPRA office, the Reporting Investigator obtained the **interview of Subject 1**. Subject 1 stated that on 21 June 2014, he was arrested in the vicinity of 31st and Komensky for obstructing traffic. Subject 1, his girlfriend, and her cousins were walking across the street when he “got into it with some neighborhood guys” that were inside a vehicle. Subject 1 admitted that he drank two 40-ounce bottles of beer

¹ Henceforth abbreviated as “D.A.”

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during the night, and that he was intoxicated. Two white male officers arrived on the scene and ordered Subject 1 to the back of the police vehicle. When one of the officers tried to push Subject 1's pregnant girlfriend away, Subject 1 reached toward the officer and the officer slammed him against the police vehicle. Subject 1 then pushed back against the officer, and he and the officers "got into it."

The officers transported Subject 1 to the 10th District Lockup, where one black male officer and one Hispanic officer were working.² The transporting officers then left the lockup area. Subject 1 stated that the Hispanic detention aide, now known as Detention Aide B, was sitting behind a desk, and the black detention aide, now known as Detention Aide A, was about to fingerprint him. Subject 1 described Detention Aide A as bald, slender, weighing approximately 200 pounds, between 35 and 50 years of age. Detention Aide A was holding Subject 1's hand on the fingerprinting machine with his left hand. Subject 1 said he was "mad," "belligerent," and "frustrated" for getting arrested, but was not upset with the detention aides. Subject 1 added that he had been previously processed three or four times by Detention Aide A without any incident.³ Subject 1 thought that the detention aide may have believed that Subject 1 was "tensing" his hand up. Detention Aide A then released Subject 1's left hand, cocked his right arm and punched him on the left side of the face, knocking him to the floor. Subject 1 then began calling Detention Aide A a "nigger" and "bitch ass motherfucker" and threatened to "kick his ass." Subject 1 stated that he did not use these racial slurs or threats against Detention Aide A before the detention aide struck him. Detention Aide B came around from his desk and escorted him to an individual cell where Subject 1 then fell asleep. When Subject 1 woke up, he was finally processed and transported to court. Subject 1 was not certain who processed him in the morning. Subject 1 stated that he recalled the incident clearly because it was the only time that he had been struck inside a station. Upon inquiry, Subject 1 stated that he did not go to the hospital and he did not receive any medical treatment after he was punched.⁴ (Att. #'s 77, 88)

In his **written witness report**⁵ dated 21 June 2014, **Officer B** reported that Detention Aide A asked Subject 1 to step over to the fingerprinting area several times. Subject 1 refused, shouting threats and racial slurs at Detention Aide A, such as, "Fucking nigger, I'll beat your ass," and "You ain't gonna do shit, nigger." At one point Detention Aide A struck Subject 1 on the face with an open hand slap. Subject 1 then fell to the ground. When Subject 1 got back up from the ground, Subject 1 continued to voice verbal insults at Detention Aide A, who then pushed Subject 1 on the face with an open hand. Subject 1 again fell to the ground. Officer B, together with Officer A, then placed Subject 1 in a holding cell and notified Lieutenant A of the incident. (Att. #12)

In his **written witness report** dated 21 June 2014, **Officer A** reiterated the contents of

² Although Subject 1 referred to them as "officers," he described Detention Aides 1 and 2.

³ A CLEAR Data Warehouse Arrestee Name Check from XXXX to XXXX revealed that Subject 1 had been processed on XX December, XXXX and X May, XXXX at the 10th District Station; however, he was searched on both occasions by Detention Aide B. Attendance and Assignments sheets revealed that Detention Aide A did not work on the above dates.

⁴ Although Subject 1 denied seeking medical treatment on the night of the incident, he was transported to St. Anthony Hospital in police custody. (See Att. #34)

⁵ Officers B and A and Detention Aide B were first listed as witnesses in CLEAR; however, based on the video recording, the Reporting Investigator converted their status to "Accused".

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the report submitted by Officer B. (Att. #13)

In his **written witness report** dated 21 June 2014, **Detention Aide B** reported that Subject 1 was brought to the processing area with officers covering his mouth with a t-shirt because he had been spitting at officers. Detention Aides 2 and 1 requested Sergeant B to approve Subject 1 being taken to holding cell C. From there, Subject 1 shouted racial slurs at Detention Aide A, and threatened to batter him as soon as he emerged from the cell for fingerprinting. Subject 1 continued to shout threats and slurs at Detention Aide A for approximately one or two hours before it was his turn to be fingerprinted. While he was being fingerprinted by Detention Aide A, Subject 1 continued to shout threats and slurs at Detention Aide A, at a physical proximity that could result in a battery to Detention Aide A. Detention Aide B, who was at that time updating the arrestee property log, “heard a strike” and saw Subject 1 on the floor. Detention Aide B did not see where Subject 1 had been struck. Subject 1 was then taken to Holding Cell 13 until he became sufficiently calm in order to be processed. (Att. #14)

Subject 1’s Arrest Report and Original Case Incident Report (RD#XXXXXXXX) indicate that Officers D #XXXX and E #XXXXX were on routine patrol westbound on 31st Street from Pulaski Road, when they observed several males and one female in the middle of 31st Street, obstructing the flow of traffic and yelling at passing cars. The officers observed Subject 1 slam his fists into the hood of a passing vehicle, which then sped away. The officers stopped the three males and the one female for a field interview. As Subject 1 approached the officers’ vehicle, he clenched his fists and slammed them on the hood of the vehicle, causing large dents. Officer E attempted to place Subject 1 into custody, when Subject 1 jerked away and turned and spit in the face of Officer E. Officer E then used several open hand strikes and an emergency takedown in order to control Subject 1. Subject 1 again spit in Officer E’s face and Officer E again used an open hand strike and an emergency takedown on Subject 1. Subject 1 was able to raise his head and spit on Officer E’s pants. As Officer E was placing Subject 1 inside a police vehicle, Subject 1 kicked Officer E several times in the chest with both feet. The other two males and the one female were placed into custody without incident. All four individuals were then transported to the 10th District Station for processing. (Att. #'s 15-16)

Officer E’s Tactical Response Report and Officer’s Battery Report indicate that Subject 1 spat at Officer E several times and Officer E responded with open-hand strikes and knee strikes. (Att. #'s 29-30)

An **Original Case Incident Report (RD#XXXXXXXX)** was issued listing Detention Aide A as the victim. The narrative indicates that Detention Aide A “was attempting to control an aggressive prisoner when he felt pain in the left shoulder.” The detention aide was transported to Mt. Sinai Hospital for treatment at the time of this report. (Att. #62)

Detention Aide A’s Tactical Response Report (TRR) and Officer’s Battery Report indicate that Subject 1 made an imminent threat of battery to Detention Aide A and the detention aide responded with an open-hand strike. Detention Aide A provided in the “Additional Information” section of the TRR that Subject 1 “was stating that he was going to kick Detention Aide A’s ass when he got out of the cell” and added “I felt threaten (sic).” Box #XX of

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Detention Aide A's TRR asks whether subject was armed and Detention Aide A responded "No;" however, Detention Aide A added "verbal threat (assault), mouth (spit, bite, etc.)". (Att. #'s 17, 19)

Evidence Technician photographs of an unmarked Chevrolet Tahoe indicate dents on the hood of the vehicle, allegedly caused by Subject 1 at the time and location of his arrest. (Att. #'s 55-56)

Medical Records from St. Anthony Hospital reflect that Subject 1 was admitted to the hospital on 21 June 2014, at approximately 0628 hours, after arriving in police custody. Subject 1 complained of chest pain and soreness on his face. Subject 1 informed hospital personnel that he was punched in the face and right upper chest. Hospital personnel diagnosed Subject 1 with a chest contusion and multiple abrasions to the right shoulder, right cheek, right forehead and left knee. (Att. #34)

A **Video Recording** from the 10th District Station Lockup for 21 June 2014, begins at 02:59:59 hours and ends at 03:19:44 hours. The video recording is not equipped with audio. The video recording depicts the screening area which comprises of the lockup desk and the fingerprinting and photographing stations. There are two holding cells on the right of the screen and a corridor that leads to the individual cells in the background.

At 03:10:20 hours, an arrestee, now known as the victim, Subject 1, enters the lockup screening area from one of the holding cells on the right of the screen. Subject 1 is shirtless and shoeless. A detention aide, now known as the accused, Detention Aide B, leaves the lockup desk and walks to where Subject 1 has entered the lockup screening area. Detention Aide B points at Subject 1 and two plainclothes officers, now known as the accused Officers A and B, and appears to give verbal directions. Detention Aide B then walks over to Subject 1, looks at his back, gestures to the officers, and then returns to his seat at the lockup desk. Subject 1, with his back to the camera, appears to be gesturing and talking.

At 03:11:07 hours, a second detention aide, now known as the accused Detention Aide A, who has been standing at the fingerprinting station with his back toward Subject 1, suddenly turns and strikes the right side of Subject 1's face with his left hand. Subject 1 staggers back several steps and out of the camera frame, while Detention Aide A bends forward, grasping his left elbow with his right hand, and walks over to the lockup desk, still holding his elbow. Detention Aide B looks up from the surface of the desk to look briefly at Detention Aide A. Officers A and B are standing near Subject 1; at one point, Officer A, who is closer to Subject 1, appears to address him. Detention Aide A then returns to the fingerprinting station. Subject 1 stands up, points at Detention Aide A and appears to be shouting. Subject 1 walks behind Detention Aide A, clapping his hands and shouting. Subject 1 walks to the Detention Aide A's right side, continuing to shout and to point at Detention Aide A. Officer A is standing near Subject 1 and Officer B is standing a littler farther away.

At 03:12:00 hours, Officer B appears to speak to Subject 1 who then points at and speaks to Officers B and A. Subject 1 also turns to address Detention Aide B. Subject 1 then turns to Detention Aide A, who is at the fingerprinting station, and Subject 1 walks up to Detention Aide

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A, holding his hands behind his back and extending his chin toward Detention Aide A.

At 03:12:37 hours, Officer A placed himself between Subject 1 and Detention Aide A, while Detention Aide A reached out with his open right hand, placed it over Subject 1's face and pushes Subject 1. Subject 1 then takes two steps back and falls to the ground. Subject 1 returns to his feet and again approaches Detention Aide A, continuing to gesture and shout at him, while Officer A stands on Subject 1's left side, extending his right arm in front of Subject 1, while Detention Aide A holds his right hand, palm outward, toward Subject 1, waving the hand back and forth.

At 03:13:10 hours, Detention Aide A points at the two officers, walks away from the fingerprinting station, and points to the door of a holding cell at the right of the camera frame. Detention Aide A then slides the holding cell door open. Subject 1 approaches the open cell doorway, stops, faces Detention Aide A and continues to talk intensely to the Detention Aide A. Subject 1 then enters the cell and Detention Aide A slides the cell door closed, and returns to the fingerprinting station. Detention Aide B leaves the lockup desk and opens the cell door, releasing Subject 1. Both detention aides enter the cell. Detention Aide A exits first and then Detention Aide B follows, accompanying Subject 1. Detention Aide B then walks Subject 1 down the corridor, followed by Detention Aide A and Officers A and B. The detention aides place Subject 1 in a cell at the far end of the corridor. Once Subject 1 is situated in the cell, the officers leave the lockup and the detention aides return to the lockup desk.

On 29 December 2015, at approximately 0645 hours, at the IPRA office, Investigator A #XXX obtained the **witness statement of Detention Aide B**. Detention Aide B stated that on 21 June 2014, he was working with Detention Aide A at the 10th District Station Lockup. Arresting officers had escorted Subject 1 to a holding cell and had informed the detention aides that Subject 1 had jumped on a squad car and had spat at officers during his arrest. While Subject 1 was inside the holding cell, he yelled at other arrestees, asking them what gang they belonged to. Detention Aide B believed that, based on Subject 1's behavior, Subject 1 was "under the influence of some kind of drug." When the detention aides and two plainclothes officers, now known as Officers A and B, released Subject 1 from the holding cell for fingerprinting and photographs, Subject 1 began to yell at them. Subject 1 began to call Detention Aide A the "n-word"⁶ and "bitch," and threatened to "beat" Detention Aide A. Detention Aide B described Subject 1 as refusing to follow directions to be fingerprinted and refusing to answer questions from Detention Aide B regarding his well-being. As Detention Aide A prepared to fingerprint and photograph Subject 1, Detention Aide B sat at the desk, completing a property receipt. Detention Aide B described Subject 1 as "moving around" and "flinging around his hands." As Detention Aide B was completing the property receipt, he heard a slapping sound; when he looked away from his desk, Detention Aide B observed Subject 1 on the floor and Detention Aide A holding his shoulder. Detention Aide B stated:

Page 17, Line 23

Q: Did he appear about to strike? Did it seem he was ready to tackle someone, head butt someone, kick someone, grab someone, punch someone?

A: No, no.

⁶ A term commonly used to refer to the racial slur "nigger."

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Page 23, Line 9

Q: So, in other words, was it a response to or direct prevention of something that looked imminent?

A: Well no, it was more of the response of what the arrestee was saying towards my partner.

Q: So once again there was no real physical – he wasn't – was he approaching him? Were his fists balled up? Did it look like he was about to lunge at him?

A: Ah, no, no, no, no.

Detention Aide B stated that Officers B and A were “just standing there” next to Subject 1 and did not intervene. After viewing the video recording depicting Detention Aide A placing his hand on Subject 1's face and pushing him to the floor, Detention Aide B stated that he did not observe this action, but recalled observing Subject 1 on the floor. (Att. #'s 47-48)

On 27 April 2016, at approximately 1528 hours, at the IPRA office, the Reporting Investigator obtained the **accused statement of Officer A**. Officer A stated that on 21 June 2014, he was working with Officers B, E and D in one police vehicle and responded to the vicinity of 31st Street and Kedvale in order to assist in the arrest of Subject 1. At the scene, Officer A observed Subject 1 spitting at some officers and flailing his legs as he was placed inside a marked police vehicle. Officer A did not assist in placing Subject 1 into custody and he did not transport Subject 1 to the 10th District Station. Officer A did not recall which officers transported Subject 1 to the station.

Officer A and his partners returned to the 10th District Station to complete arrest and case reports. Officer A learned that the transporting officers escorted Subject 1 directly to a holding cell in the lockup because he had been acting aggressively toward the officers. After their reports were complete, Officers A and B proceeded to the lockup in order for Subject 1 to be fingerprinted and photographed, actions that were necessary to complete Subject 1's processing. The two officers and Detention Aide A entered the holding cell and roused Subject 1 from his sleep. As Subject 1 exited the holding cell, he began to yell at Detention Aide A, calling him “nigger” and threatening to “kick his ass.” Officer A placed himself behind Subject 1 and Officer B positioned himself on the other side from Subject 1. While Subject 1 was yelling at Detention Aide A, Detention Aide A suddenly slapped Subject 1, knocking him to the floor. Officer A stated:

Page 11, Line 2

A: ...but Subject 1, uh, made various statements towards Detention Aide A. Uh, not verbatim, that, uh, he used the word, nigger. He stated, not verbatim, that he was gonna kick his ass, uh, *when he got out of county* (italics added). Uh, and at that point in time, uh, Detention Aide A swung him and struck him, I believe in the face, knocking Subject 1 to the ground.

Officer A stated that he was “shocked” by Detention Aide A's action. Officer A helped Subject 1 to his feet and Subject 1 continued to yell at the detention aide. Officer A stated that he just wanted the processing to finish and instructed Subject 1 to comply. Subject 1 then approached Detention Aide A who placed his hand on Subject 1's face and pushed him to the floor. Officer A assessed that the situation was getting out of hand and decided that Subject 1 be placed back in

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the holding cell until he had calmed down. The detention aides eventually placed Subject 1 inside an individual cell and Officers A and B left the lockup area and informed Lieutenant A of what had occurred.

In response to the allegation that he failed to intervene and/or ensure Subject 1's safety, Officer A denied that he failed to intervene. Officer A added that he was shocked at Detention Aide A's slap and he was not close enough to intervene before the slap. When Detention Aide A pushed Subject 1, Officer A intervened after deciding that the final processing would not be taking place and suggested that Subject 1 be placed inside a holding cell until he had calmed down. Upon viewing the video recording from the lockup, Officer A confirmed that he was in disbelief after Detention Aide A slapped Subject 1 and that he attempted to get between Subject 1 and Detention Aide A when the latter pushed the former to the floor. (Att. #'s 66, 70)

On 27 April 2016, at approximately 1653 hours, at the IPRA office, the Reporting Investigator obtained the **accused statement of Officer B**. The officer stated that on 21 June 2014, he was working with his partner, Officer A, and responded to assist in the arrest of Subject 1 for aggravated battery to a police officer; however, Officer B did not recall which officer was battered by Subject 1. Officers A and B then returned to the 10th District Station to assist in the processing of Subject 1. Officer B did not recall who transported Subject 1 to the station. Officer B next observed Subject 1 in the processing area and then an unknown officer escorted Subject 1 to the lockup. When it was time for Subject 1 to be fingerprinted and photographed, Officers B and A proceeded to the lockup. Officer B stated that both officers went to the lockup because Subject 1 had been "hostile" toward other officers and they "went back there to keep him under control." The officers and Detention Aide A escorted Subject 1 out of the holding cell where he had been sleeping. Officer B stood to one side of Subject 1 and Officer A stood behind him. Subject 1 then called Detention Aide A a "fucking nigger" and Detention Aide A struck Subject 1 on the face. Officer B added that it took him a minute to "soak it in" and by that time, Detention Aide A pushed Subject 1 down again.

In response to the allegation that he failed to intervene and/or ensure Subject 1's safety, Officer B replied that he did not think that he did anything wrong and that as soon as he had observed wrongdoing, he reported it to the watch commander and wrote a to/from report. Officer B added that "no one could've known that [Subject 1] would've been hit the first time." Officer B described that it took a minute to soak it in and, by that time, Detention Aide A had pushed Subject 1 down again. Subject 1 then got back on his feet and the officers separated him by placing him in a holding cell. The officers then reported the incident to the watch commander and wrote To/From reports. Upon viewing the video recording, Officer B confirmed that he did not do anything wrong. Officer B noted that after Detention Aide A slapped Subject 1, Subject 1 appears addressing the two officers; Officer B stated that at that point he told Subject 1, "Put your hands on the machine, and let's get this over with, and we'll deal with the incident afterwards." (Att. #'s 67, 71)

On 26 May 2016, at approximately 0650 hours, at the IPRA office, the Reporting Investigator obtained the **accused statement of Detention Aide A**. Detention Aide A related that on 21 June 2014, he was working at the 10th District Station Lockup, from 2130 hours to 0530 hours. Detention Aide A worked with his regular partner, Detention Aide B. Detention

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Aide A stated that he and Detention Aide B had processed about twenty arrestees and the victim, Subject 1, was the last arrestee of the night to be processed. Detention Aide A related that unknown supervisors and officers had brought Subject 1 into the lockup and had placed him inside a holding cell, because he had been “disturbing” other arrestees by throwing up gang signs and disrupting the processing area. Detention Aide A also learned that Subject 1 had been combative during his arrest, kicking and spitting at the arresting officers. Subject 1 remained in the holding cell for approximately two hours, while the two detention aides fingerprinted and photographed other arrestees. Detention Aide A related that two officers, now known as the accused Officers A and B, entered the lockup and told the detention aides that a sergeant wanted Subject 1 to be fingerprinted and photographed so Subject 1 could be transported to a hospital for injuries that he had sustained prior to entering the lockup. Detention Aide A did not recall which sergeant made that request. As the two officers escorted Subject 1 out of the holding cell, Detention Aide A went to the “TEN” printer, where the fingerprinting of the arrestees takes place, and began asking Subject 1 for information to be input into the system. Detention Aide B, who was seated at the desk, would handle the property inventory for Subject 1. Detention Aide A described Subject 1 as “combative,” “talking loud,” “moving around” when he was talking, and “not following instructions;” Detention Aide A asked Subject 1 several times to approach the printer to have his fingerprints taken. Subject 1 called Detention Aide A the “n-word” and threatened to “kick his ass.” Subject 1 was approximately four to five feet away from Detention Aide A. Detention Aide A turned around away from the “TEN” printer and “felt” Subject 1 coming toward him, and saw him moving his hands. According to Detention Aide A, he felt threatened, so he then struck Subject 1 with an open hand. Detention Aide A added that he had felt threatened even before Subject 1 was released from the holding cell based on Subject 1’s behavior toward other arrestees and the two detention aides. Subject 1 fell to the floor and Detention Aide A went toward the desk, because the strike caused his left shoulder to dislocate. Detention Aide A “popped” his shoulder back in place. Detention Aide A then returned to the printer and asked Subject 1 again to be fingerprinted. Subject 1 began to walk around the lockup and neither officer attempted to “control” him. Subject 1 approached the printer and “got into” Detention Aide A’s face, continuing to talk loudly. Detention Aide A felt “slobber” coming out and placed his hand between his face and Subject 1’s face, in order to block Subject 1 from talking and spitting on Detention Aide A. According to Detention Aide A, then Subject 1 “flopped” and fell to the floor. Detention Aide A did not remember pushing Subject 1. Detention Aide B came from the desk and he and Detention Aide A walked Subject 1 to an individual cell. Detention Aide A decided not to complete the processing because he determined that Subject 1 was not cooperative. Officer A and B left the lockup and apparently informed Sergeant C of what had occurred, because when Detention Aide A left the lockup area for the front desk, the sergeant instructed him to complete a Tactical Response Report. Detention Aide A proceeded to Mt. Sinai Hospital where he discovered that he had sustained a torn rotator cuff. Upon viewing the video recording, Detention Aide A admitted that he touched Subject 1’s face and pushed Subject 1, but maintained that he did not use so much force as to cause Subject 1 to fall to the floor. (Att. #'s 83, 87)

On 09 June 2016, at approximately 0615 hours, at the IPRA office, the Reporting Investigator obtained the **accused statement of Detention Aide B**. Detention Aide B confirmed his witness statement given to IPRA on 29 December 2015. In response to the allegation that he failed to intervene and/or ensure the safety of Subject 1, Detention Aide B stated that he was

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shocked at his partner's reaction and that he did not intervene because Officers A and B were present. Detention Aide B stated that he did not observe Detention Aide A's slap because he was looking at a computer screen on his desk. When presented with the video recording depicting him looking in the direction of Subject 1, Detention Aide B replied that he was looking at a second computer screen to his right. Detention Aide B did not observe Detention Aide A's push because he was looking away from the fingerprinting station and was not aware of its occurrence until he observed the video recording. On page 24, Detention Aide B added that Detention Aide A admitted to him that Subject 1 "got the best of me." (Att. #'s 83, 89)

CONCLUSION

Accused# 1 Detention Aide A

Allegation #1: Sustained — With regard to the allegation that Detention Aide A delivered an open hand strike to the face of Subject 1, all available evidence served to indicate that such action was indeed performed by Detention Aide A and that said action constituted an inappropriate response to the behavior exhibited by Subject 1, in violation of Rule 8. According to the video recording, Subject 1 was approximately four to five feet away from Detention Aide A and was flanked by Officers A and B. The detention aides and the officers stated that Subject 1 called Detention Aide A "nigger" and threatened to "kick his ass." However, Subject 1's language was not accompanied by any threatening body language. Moreover, in his accused statement, Detention Aide B added that Detention Aide A admitted to him that Subject 1 "got the best of me." In addition, both Officers B and A stated that Subject 1 was only yelling at Detention Aide A when Detention Aide A suddenly turned and struck Subject 1. Contrary to Detention Aide A's perception that Subject 1 was about to strike him, Subject 1 was animated and belligerent, but his actions did not rise to a level of a threat that would necessitate an open-hand strike from the detention aide. As a result, based on the totality of the evidence, the Reporting Investigator recommends that this allegation against Detention Aide A be **Sustained**.

Allegation #2: Sustained — With regard to the allegation that Detention Aide A pushed Subject 1 to the floor, Detention Aide A stated that Subject 1 approached him and put his face very close to the detention aide's. Detention Aide A added that he put his hand up because he believed that Subject 1 was about to spit on him. The video recording captured Subject 1 approaching Detention Aide A with his hands behind his back and extending his chin toward Detention Aide A; Detention Aide A is then captured placing his hand on Subject 1's face and pushing Subject 1, causing Subject 1 fall to the floor. Upon viewing the video recording, Detention Aide A admitted that he pushed Subject 1, but denied that his push caused Subject 1 to fall; Detention Aide A maintained Subject 1 "flopped." Officers A and B stated that Subject 1 approached Detention Aide A and the detention aide pushed him to the floor. Detention Aide A stated that he had been informed that Subject 1 had spat on officers during his arrest and feared that Subject 1 was about to spit on him. As a result, Detention Aide A placed his hand on Subject 1's face and pushed him away. On the other hand, in contrast to Detention Aide A's perception, it appears more likely that Subject 1 placed his hands behind his back and extended his chin toward the detention aide not for the purpose of spitting on him, but as a provocation for Detention Aide A to strike Subject 1 again. Based on the totality of the evidence, Detention Aide A may have reasonably believed that Subject 1's proximity to him could have resulted in

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spittle coming toward him and he could have used his hand to block any attempts at spitting by Subject 1; however, Detention Aide A appears to have used excessive force in pushing Subject 1 to the floor consequently, there is sufficient evidence that Detention Aide A was justified in pushing Subject 1 away from him and the Reporting Investigator recommends that this allegation be **Sustained**.

Accused #2 Detention Aide B

Allegation #1: Sustained — With regard to the allegation that Detention Aide B failed to intervene and/or ensure the safety of Subject 1 during a confrontation with Detention Aide A, Detention Aide B stated he was shocked that his partner struck Subject 1. He added he did not intervene because Officers A and B were present during Detention Aide A's attempt to fingerprint Subject 1. Detention Aide B added he had never seen Detention Aide A mistreat an arrestee. Detention Aide B stated whenever he and Detention Aide A work together, they work out their responsibilities as such: Detention Aide B carries out the duty of inventorying the arrestees' property and Detention Aide A handles the fingerprinting and photographing of the arrestees. When it appeared from his confrontation with Detention Aide A that Subject 1 was too combative to be processed, Detention Aide B left the processing desk and escorted Subject 1 to an individual cell. Detention Aide B admitted that lockup personnel are responsible for the well-being of the arrestees and that he should have anticipated that Detention Aide A would eventually react negatively to Subject 1's racial verbal abuse and threats. Therefore, there is sufficient evidence to prove the above allegation and the Reporting Investigator recommends that this allegation be **Sustained** against Detention Aide B.

Accused #3 Officer A

Allegation #1: Unfounded — With regard to the allegation that he failed to intervene and/or ensure the safety of Subject 1, Officer A stated he was in the lockup in order to control Subject 1, after Subject 1 had been combative with the officers that arrested Subject 1. Officer A heard Subject 1 call Detention Aide A "nigger" and Officer A observed Detention Aide A slap Subject 1. Officer A described himself as "shocked" after Detention Aide A had struck Subject 1. He added that he was not close enough to intervene. When Detention Aide A then pushed Subject 1 to the floor, Officer A realized that the final processing would not be taking place and suggested that Subject 1 be placed inside a holding cell until he had calmed down. Officer A then reported the incident to the watch commander and completed a witness report. Based on all available evidence, it appears that Officer A intervened after Detention Aide A pushed Subject 1 and interrupted the processing until Subject 1 had calmed down. As a result, the Reporting Investigator recommends that the above allegation be **Unfounded**.

Accused #4 Officer B

Allegation #1: Unfounded — The Reporting Investigator recommends that the above allegation against Officer B be **Unfounded**, for the same reasons as presented for Allegation #1 against Officer A.