

INTRODUCTION

On 02 August 2015 in the area XXXX South Western Ave., Subject 1 walked into a Laundromat in an attempt to locate a friend. Officers on the scene instructed Subject 1 to leave the area. Subject 1 refused and as the officers approached him he became combative and one of the officers on the scene discharged a taser striking Subject 1 about the body.

ALLEGATIONS

On 03 August 2015, at 1255 hours, reporting party, Citizen 1, who did not witness the incident, contacted the Independent Police Review Authority, via telephone and registered a complaint with Investigator A. It is reported that on 02 August 2015, at XXXX S. Western Avenue, at approximately 1956 hours, the accused Officer A #XXXXXX:

1. Excessively discharged a taser at Subject 1 during his arrest.

APPLICABLE RULES AND LAW

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

INVESTIGATION

In an **audio-recorded interview** taken on 02 September and 8 September 2015, at IPRA the subject, **Subject 1**, stated on 02 August 2015, he walked to ABC Liquors, located at XXXX S. Western Avenue. Subject 1 encountered a young woman¹ from the neighborhood who was going to the laundromat located near the liquor store. Subject 1 offered to assist the young woman with carrying her laundry home when she was ready to leave the area. Subject 1 returned home, sat on his porch and began drinking.

Sometime later, Subject 1 returned to the laundromat with the intent of helping the young woman he encountered earlier. Three police officers, now known as Officer A, Officer B, and Officer C, told Subject 1 to leave the area. Subject 1 walked into the laundromat looking for the young woman, but she was not there. When Subject 1 exited the laundromat, Officer B and Officer C approached Subject 1 and instructed him to leave and not to return. Subject 1 stated, “I’m not up here doing nothing. You don’t see me hanging up here, so why is you even approaching me? It’s guys standing all out there that’s probably been there for hours.” Subject 1 began to walk away from the officers and stated, “Would you please find you some crime to fight?” Subject 1 heard one of the male officers say, “Taser him.” Subject 1 felt the prongs strike him on the right side of torso, buttocks and the right leg. Subject 1 fell face down and he did not get up from the ground. Subject 1 said he urinated on himself and lost consciousness. As he lay on the ground, the officers handcuffed him. Subject 1 stated that as CFD personnel placed him inside an ambulance, he regained consciousness.

Subject 1 stated that Officer A did not say anything before or after she deployed her taser on him. Subject 1 stated that someone from the area taped the incident and that ABC Liquors had cameras on their building.

Subject 1 stated that after he was released from the hospital people in the area informed him that someone had taped the encounter with police. Subject 1 looked for the person that taped the encounter and located a young male black only known to him as

¹ Subject 1 did not have a proper name or personal information to identify the young woman.

“Citizen 2.” and “Citizen 2” showed him the video. When questioned, Subject 1 stated that he did not know Citizen 2 or what happened to the video. Subject 1 also stated that he did not know Citizen 3. (Att # 59, 68)

In an **audio-recorded interview** taken on 03 August 2015, the witness, **Citizen 2**² stated that on 02 August 2015, he was working at a laundromat located at XXXX South Western Avenue and witnessed the arrest of Subject 1. Citizen 2 stated that Subject 1’s stepdaughter was washing clothes at the laundromat and Subject 1 was assisting her with the clothes. There were three uniformed officers patrolling the shopping center. Citizen 2 stated that Officer A was a female Hispanic, now identified as Officer A; and two male officers, now identified as Officer B and Officer C. While inside the laundromat, Officer A and one of the male officers approached Subject 1, accused him of loitering and ordered him to leave the area. Subject 1 attempted to explain his presence, but the officers guided him out. Subject 1 placed his hands up and walked out. As Subject 1 walked out, Officer A and male officer placed Subject 1 in a headlock and attempted to force him to the ground, but Subject 1 broke loose. Officer A deployed her taser twice before Subject 1 fell to the ground. All three officers placed their knees against Subject 1’s back and neck and struck him with their elbows. Then Officer A, and the male officer, deployed a taser a third time. Citizen 2 showed IPRA investigators images from his mobile telephone that captured three officers struggling on the ground with a black male. There was a sound of consistent to that of a Taser deployed in the video. Citizen 2 stated that he would email the video to IPRA, but had difficulty due to size of the images. (Att #37)

In an **audio-recorded interview** taken on 03 August 2015, at XXXX South Kedzie the reporting party, **Citizen 1** stated that she did not witness her son’s arrest. She stated she received numerous telephone calls from witnesses of her son’s arrest.³ Citizen 1 said she called 911 to request a supervisor to respond to her residence numerous times after the incident. Citizen 1 stated that she called 911 while at the location of XXXX S. Artesian, for a supervisor at approximately 0030 hours, and again at approximately 0130 hours, but a supervisor failed to show up. At approximately 0400 hours, Citizen 3 called OEMC and spoke with a supervisor. Citizen 1 informed the supervisor that a supervisor failed to respond to her residence. The OEMC supervisor informed Citizen 1 that the records indicated that a supervisor responded the location of incident. (Att #36)

During a **canvass** of the location of incident, on 03 August 2015, investigators spoke with the owner of ABC Liquors, Citizen 4, stated that he had a new camera installed on the front of his building facing the parking lot. On 04 August 2015, Citizen 4 provided a copy of the video images to IPRA investigators.

IPRA investigators did not observe any additional surveillance cameras in the area that may have captured the incident. (Att #29)

Surveillance images from a camera located at XXXX S. Western, ABC Liquors depicted a large parking lot of a strip mall. There is a female Hispanic uniformed officer, now identified as Officer A, and one male white uniformed officer now identified as Officer C, and one Hispanic uniformed officer, now identified as Officer B, standing in

² The witness Citizen 2 was found during a canvass of the location of incident.

³ Citizen 1 did not clarify or provide names of the people whom contacted her with information involving her son’s arrest.

front of parked blue and white police vehicle. The officers appear to be in conversation. There are several patrons either walking or driving in and out of the parking lot.

Subject 1 and his companion, a male black, come into view. Subject 1 is wearing a white t-shirt, blue jean shorts and no shoes. The companion was wearing a white t-shirt, green and white shorts and tennis shoes. The two men walk casually toward the officers. As Subject 1 approached the officers, Officer A appeared to engage him in a conversation. Subject 1 and his companion walked out of frame. Moments later, Officer A appeared to make a hand gesture toward the men to return to her. Subject 1's companion walked toward Officer A and they appeared to have a conversation, then he suddenly walked away. Officer A walked out of the frame.

Moments later, Subject 1 walked into the frame with his hands in the air followed by the officers. Officer A drew her taser and placed it at her side. Officer B appeared to give Subject 1 instructions. Subject 1 placed his hands behind his back. Officer A stepped to the right of Subject 1 took hold of his right forearm and Officer B and Officer C attempted to place Subject 1 face forward against the parked police vehicle. Officer A appeared to stand somewhat behind Subject 1 with her taser in hand. As he stood against the vehicle, Subject 1 snatched his arm away and turned toward the officers. Subject 1 appeared very animated in that he moved his body away from the officers and attempted to turn toward them. An unknown black male entered the parking lot, gestured and attempted to calm Subject 1's behavior. A second unknown black male in a white t-shirt approached the scene stood in view. Subject 1 turned snatched his arm away, and pulled back from Officer B and Officer C as they attempted take hold of him by his arms. Subject 1 swung his arms and Officer A deployed her taser at Subject 1. Subject 1 fell to the ground and the officers moved to downward positions by Subject 1, with Officer B by his feet and Officer C by his head and mid-torso. Officer A leaned over Subject 1 from the side and assisted as Officer B handcuffs Subject 1. (Att #63, 77)

Chicago Fire Department EMS Run Report documented that upon their arrival to the scene, the paramedics observed Subject 1 seated on the ground with his hands handcuffed behind his back. Subject 1 appeared to be agitated and uncooperative. CFD personnel located three Taser barbs; the barbs were located on the outer right shin, outer right thigh and the left hip area. The barbs did not appear to penetrate the clothing. Subject 1 also a small abrasion on the right shoulder. When asked if he fell, Subject 1 denied falling to the ground. Crews were unable to locate a fourth Taser barb. CFD personnel placed Subject 1 onto a stretcher and placed him inside the ambulance for transport. The Taser barbs were secured and intact upon arrival to Holy Cross. (Att #39)

Medical records obtained from **Holy Cross Hospital** document that Chicago Police officers brought Subject 1 into the emergency room. Subject 1 reported to hospital staff that Chicago Police Officers tasered him several times. Subject 1 complained of pain in the arms and cramps in the legs. Subject 1 stated that he may have loss consciousness and fell. Subject 1 reported that he had "three gin drinks at home that night." Doctors note that Subject 1 presented with acute alcohol intoxication, a Taser injury, and he tested positive for cannabis. Further examination revealed Subject 1 had no signs of neck or head trauma. X-Rays of right wrist depicts no signs of acute abnormality. Doctors removed taser barbs from Subject 1's right shin, left buttock, and left flank. Subject 1's diagnosis was intoxication and electrocution caused by Taser. (Att#s 56, 60)

The **Evidence Technician** photographs taken of Subject 1 on 03 August 2015 at Holy Cross Hospital depict no visible signs of injury. (Att #40)

The **OEMC event query** printouts and the **OEMC transmissions** reflect that on 03 August 2015, at approximately 1925 hours, Beat XXXX (Officers A and C) radioed in and made notification of taser deployment. At 1956 hours it is reported that Beat XXXX had one in custody and requested a slow down of additional cars on the scene.

On 03 August 2015, at approximately 2005 hours, OEMC received a call from a female who identified herself as Citizen 3. Citizen 3 requested a supervisor at XXXX South Western Avenue. Citizen 3 reported, "She observed a man who was doing nothing but getting his daughters clothes from the laundromat when he got tasered four times." At 2021 hours, Citizen 3 called again and stated that, "she was not happy with the service as well as the sergeants on the scene." (Att #12, 13)

Additional OEMC records document that on 03 August 2015, at 0048 hours, the reporting party Citizen 1 called 911 and stated that she requested a supervisor to her residence to report police misconduct. (Att # 41, 72)

The **General Case and Arrest Reports** document that on 03 August 2015 Officers A, B, and C had previous knowledge from property owners that loitering was an ongoing problem in the area of XXXX South Western Avenue. While on patrol, the officers observed Subject 1 in the area with no business to conduct, barefoot and highly intoxicated. Officers gave Subject 1 instructions to leave the area, but he refused and he walked into a laundromat. As the officers attempted to place Subject 1 into custody, he pulled away and resisted the officers. Officer A discharged her taser and deployed the prongs striking Subject 1, who fell to the ground. Subject 1 rose to his feet and Officer A deployed the taser a second time. Officers A, B, and C were able to gain control of Subject 1 and placed him into custody. Officers made notifications, requested supervisors as well as an ambulance to the scene. (Att #5, 12)

The **Taser International download Report** documents that on 02 August 2015, at 1956 hours, the taser assigned to Officer A was discharged three times between 1956:00 hours to 1956:16 hours. (Att #7)

A **Tactical Response Report** submitted by Officer A, #XXXXXX, documents that Subject 1 failed to follow verbal commands, stiffened and pulled away from the officers. Officer A utilized department-approved techniques such as take down/emergency handcuffing and the use of her taser (probe discharge and Contact Stun). Notifications that were made to OEMC and Supervisors were noted. (Att #6)

A **Tactical Response Report** submitted by Officer B and Officer C document that Subject 1 failed to follow verbal commands, stiffened and pulled away from the officers. The officers responded with their presence, verbal commands and escort holds.

In an **audio-recorded interview** taken on 18 December 2015, at IPRA, **Officer B** stated the area had problems with people loitering in the area and using the area to purchase narcotics. Thirty minutes prior to the incident, Subject 1 had been harassing the workers who were installing a camera system at ABC Liquors. The officers instructed Subject 1 to leave the workers alone. Subject 1 walked away from the area.

Subject 1 returned to area and he appeared to be intoxicated, disheveled, and he was not wearing shoes. The officers observed Subject 1 walking towards a laundromat. The officers approached and asked him if he had business inside. Subject 1 stated that he did not have business there, and he went inside. The officers informed him that he did not

have shoes on, and a sign clearly stated that he needed to have shoes on. The officers repeatedly instructed Subject 1 to leave the premises, but again he refused. The officers informed Subject 1 that if he did not leave they would arrest him. Officer B attempted to grab Subject 1, but he threw his hands in the air, yelled, "Don't touch me" and walked toward the exit and out the door. The officers informed Subject 1 that he was under arrest. Officer B instructed Subject 1 to place his hands behind his back. Subject 1 stated, "I'm not gonna do it!" Officer B and Officer C stood on each side of Subject 1, took hold of him, and escorted him to the passenger side of their police vehicle parked in the lot. Officer A stood slightly behind the officers. Officer B thought he and Officer C had control of Subject 1. He repeatedly instructed Subject 1 to place his hands behind his back, and again, Subject 1 refused. Subject 1 began to stiffen his body and pulled away from the officer's grip. Subject 1 created distance between him and the officers. Officer A then deployed her taser. Subject 1 fell to the ground, but quickly came up on his feet, and Officer A pulled the trigger on the taser a second time and deployed the taser. Subject 1 fell to the ground, and the officers were able to gain control of Subject 1 and place him in handcuffs. (Att #70)

In an **audio-recorded interview** taken on 30 December 2015, at IPRA, **Officer C** stated that Subject 1 had been harassing the workers who were installing a camera system at ABC Liquors. The officers instructed Subject 1 to leave the workers alone and he walked away from the area.

Subject 1 returned to area and he appeared to be intoxicated, disheveled, and he was not wearing shoes. The officers observed Subject 1 walking towards a laundromat. The officers approached and asked him if he had business inside. Subject 1 stated that he did not have business there, and he went inside. The officers informed him that he did not have shoes on, and a sign clearly stated that he needed to have shoes on. The officers repeatedly instructed Subject 1 to leave the premises, but again he refused. The officers informed Subject 1 that if he did not leave they would arrest him. Officer C stated that Officer B attempted to grab Subject 1, but he threw his hands in the air, yelled, "Don't touch me" and walked toward the exit and out the door. The officers informed Subject 1 that he was under arrest. Officer C and Officer B instructed Subject 1 to place his hands behind his back. Subject 1 stated, "I'm not gonna do it!" Officer B and Officer C stood on each side of Subject 1, took hold of him, and escorted him to the passenger side of their police vehicle parked in the lot. Officer A stood slightly behind the officers. Officer C thought he and Officer B had control of Subject 1. Officer B repeatedly instructed Subject 1 to place his hands behind his back, and again, Subject 1 refused. Subject 1 began to stiffen his body and pulled away from the officer's grip. Subject 1 created distance between him and the officers. Officer A then deployed her taser. Subject 1 fell to the ground, but quickly came up on his feet, and Officer A pulled the trigger on the taser a second time and deployed the taser. Subject 1 fell to the ground, and the officers were able to gain control of Subject 1 and place him in handcuffs. (Att #71)

In an **audio-recorded interview** taken on 22 January 2016, at IPRA, **Officer A** stated that the owner of ABC Liquors informed them that workers were placing a camera on the top of the building. The officers spoke with the workers who stated that someone in the area was harassing them by asking the workers who told them to install the camera and trying to climb the ladder. At that point, Subject 1 walked by and the workers identified Subject 1 as the person involved. Subject 1 walked by and admitted that he

tried to climb the ladder. The officers asked why he attempted to climb the ladder and Subject 1 told the officers that he wanted a job and walked away from the area.

Approximately one hour later, Subject 1 returned to the area barefoot and he attempted to enter the laundromat. The officers informed Subject 1 that he could not enter the laundromat without shoes and instructed him to leave, but he failed to comply with the officers orders. The officers informed Subject 1 that he was under arrest, he walked toward the exit and as he exited, he struck the window or door of the laundromat. The officers took hold of Subject 1 and placed him against their police vehicle. The officers attempted to handcuff Subject 1, but he refused to place his hands behind his back and he began to stiffen his arms and body. The officers gave Subject 1 instructions several times to place his hands behind his back but Subject 1 refused to comply. Subject 1 somehow got loose from the officers and he attempted to flee. Officer A removed her taser from her holster and deployed the charge. Subject 1 fell to the ground and immediately came to his feet. At that point, Officer A ascertained the prongs and current had no affect on Subject 1, so she deployed a second cartridge and the prongs struck Subject 1 on the legs. Subject 1 fell to the ground. As he lay on the ground, he began to yell profanities and struggle with Officer B and C as they handcuffed him. Officer A stated that at no time did she utilize her Taser with the drive stun technique⁴ against Subject 1.

Officer A stated that she discharged her taser two times. However the Taser download report reflects that she made three deployments. Officer A stated that she only pulled the trigger on the taser twice. Once a cartridge is deployed and activated, if you pull the trigger a second time there is no electric current sent through the wires. Officer A stated that she might have pressed the side button on the taser as she holstered the weapon.⁵ (Att #75)

CONCLUSION

The reporting investigator recommends that **Allegation #1** against Officer A, #XXXXXX that she excessively discharged her taser at Subject 1 during his arrest, be **EXONERATED**. Officer A was within policy to sue the taser. In submitted reports, the officers documented that they had instructed Subject 1 several times during the day to leave the area. Subject 1 failed to comply with the officers orders that he leave the area, he stiffened his body in an effort to defeat arrest and attempted to flee the area. The video evidence showed Subject 1 to be uncooperative in that as the officers attempted to have him placed his hands behind his back Subject 1 snatched his arm away, swung his arms, twist his body from the officers and attempt to flee from the officers. According to Officer A, the first charge had no effect and Subject 1 continued to pose a threat, so Officer A for her safety and her partners deployed a second cartridge in an effort to gain control of Subject 1. In addition, the video evidence depicts that Officer A deployed the taser from a distance. The video footage did not capture Officer A utilize the drive stun contact on Subject 1.

⁴ A drive stun is utilized when a Taser, with or without a cartridge attached, is held against the subject and energy is applied.

⁵ If pressed, the ARC switch delivers additional cycles.

Due to Subject 1's actions, which reached a level likely to cause physical harm to the officers and citizens, Officer A used the force necessary to subdue him.