

INTRODUCTION:

On 20 JUL 2015, at 1700 hours, at XXXX N. Ridgeway, Officer A, #XXX,¹ and several other officers were on patrol and conducted a traffic stop of a vehicle at the location of this incident. Subject 1, the complainant, subsequently approached the same vehicle and engaged Officer A. Officer A placed Subject 1 in custody, with the assistance of Officer B, #XXX, as a result of their interaction.

ALLEGATIONS:

On 23 JUL 2016, Subject 1, the complainant, registered this complaint with IPRA via electronic mail/internet. Subject 1 alleged that on the aforementioned date, time and location of this incident, **Officer A, #XXX, assigned to Unit XX/XXX:**

1. Punched her on the face, in violation of the Rules and Regulations of the Chicago Police Department, Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty;
2. Pushed her into a gate, in violation of the Rules and Regulations of the Chicago Police Department, Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty; and
3. Verbally abused her by calling her a, "Black Bitch," in violation of the Rules and Regulations of the Chicago Police Department, Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty;

Subject 1 Further alleged that during the course of the same incident, an **Unidentified Officer:**

1. Took and failed to return \$741.00 from her, in violation of the Rules and Regulations of the Chicago Police Department, Rule 10: Inattention to Duty.

INVESTIGATION:

Attempts to secure a statement from **Subject 1**, the complainant, were unsuccessful. (Atts. #15, 60)

In his statement to IPRA on 05 AUG 2015, **Civilian 1**, a witness, stated that on the date of this incident, at approximately 1660 hours, Civilian 2, the mother of his children, had moved her car into the east end of an alley as it had a flat tire. A moment later, a marked police passenger van turned off of Division Street onto Ridgeway Avenue

1. Officer A was a Probationary Police Officer on the date of this incident and assigned to Unit XXX (Training Academy) but Detailed to Unit XXX. His probationary period expired on 18 AUG 2015. As of the date of this report, he was assigned to the Xth District Station.

and the emergency equipment was immediately activated. Civilian 2, however, had moved her vehicle to the opposite end of the same alley and came to a stop at that location. Upon inquiry, Civilian 1 indicated that the alley in which Civilian 2 had stopped her vehicle was that which linked Ridgeway Avenue to Hamlin Street, and was south of but ran parallel to Division Street. Civilian 2 stopped her vehicle at the west end of the alley where it met Hamlin Street. Civilian 1 added that he observed approximately 16 officers in the van.

Four uniformed officers, three males and a female, subsequently exited from the police vehicle. Subject 1, Civilian 1's sister who had been speaking with Civilian 2 when she initially moved her car into the alley, then walked in the direction of the police vehicle. The officers instructed Subject 1 to stand back as they were going to check Civilian 2's driver's license and insurance. Subject 1 moved back approximately five feet. The same female officer that exited the van then pushed Subject 1 backwards and told her that she was not involved in this matter. Subject 1 subsequently stumbled backwards, at which time a male officer struck her one time on the right side of her face with a closed fist. After Subject 1 had been struck, a crowd started to gather around the police. Upon inquiry, Civilian 1 indicated that Subject 1 moved towards Civilian 2's vehicle to inform the police of their relationship and ensure that Civilian 2 was not going to be injured. Additionally, Civilian 1 stated that he was standing approximately fifteen feet from Subject 1 when the officer struck her.

As the crowd gathered, they began yelling at the officers. Approximately ten minutes later, a supervisor arrived on the scene, and Civilian 1 and the others with him argued about the officers striking Subject 1. Sometime later, Subject 1 was taken from the scene. Civilian 1 attended Subject 1's bond hearing the following morning and observed minor swelling to the right side of her face, but she was otherwise uninjured. Upon inquiry, Civilian 1 indicated that he did not observe Subject 1 kick, strike, or spit on any of the officers. He added that he heard the accused officer use the word "nigger" during the course of this incident but the term was not specifically directed at him or any other person on scene. (Atts. #21, 26)

In his statement to IPRA on 05 AUG 2015, **Civilian 3**, a witness, stated that on the late afternoon of 20 JUL 2015, he was sitting on a concrete slab just north of an alley that ran east/west between Ridgeway Avenue and Hamlin Street. Subject 1, his cousin, was standing near a vehicle that had stopped at the edge of the same alley where it intersected with Ridgeway Avenue. At that time, a large, marked police passenger van turned off of Division Street on to Ridgeway Avenue. Upon seeing the van, Subject 1 told the driver of the vehicle to move so that the automobile was not blocking the way of the van. She also told the driver to drive the car around the block and park it on Ridgeway Avenue. The unidentified driver subsequently drove the vehicle to the opposite end of the same alley and stopped where it intersected with Hamlin Street. The police van followed the automobile into the alley and Subject 1 subsequently followed both vehicles

to the same location. Upon inquiry, Civilian 3 stated that he did not know the identity of the driver of the vehicle but believed it to be a relative of Subject 1. He added that he observed eight to twelve subjects in the police van when it turned onto Ridgeway Avenue.

As the police van came to a stop, Subject 1 walked into the alley to see what was happening. Three or four male officers exited the van as Subject 1 moved towards them. The same officers instructed Subject 1 not to come any closer but she attempted to move around them to get near the front of the vehicle. An unidentified male officer subsequently reached out in an attempt to grab Subject 1 and restrain her. Subject 1, however, started backtracking but the officer moved towards her and grabbed her. The unidentified officer and Subject 1 began tussling as she attempted to get him off of her. At this time, Civilian 3 approached the scene and observed the same officer strike Subject 1 one time on the left cheek/back of the jaw area with a closed fist. Civilian 3 then ran towards the officers but one of them stepped in front of him. Upon inquiry, Civilian 3 indicated that Subject 1 was struggling with the officer when he struck her. He stated that Subject 1 was not fighting with the police but only trying to get away from the officer. Civilian 3 added that he did not witness any officer push or have any physical contact with Subject 1 prior to the officer striking her.

After the officer struck Subject 1, Civilian 3 and several other unidentified officers became involved in an argument as additional family members approached the scene. The officers subsequently formed a line around Subject 1 and instructed Civilian 3 and the others to move out of the alley. A few minutes later, additional units and a supervisor arrived at the scene and the crowd eventually stepped out of the alley. The officers then handcuffed and took Subject 1 from the scene, and Civilian 3 returned to her family residence located on Ridgeway Avenue. Upon inquiry, Civilian 3 stated that some of the officers on the scene were holding batons in their hands but none of them used the instrument to strike anyone. He added that the officer who struck Subject 1 was not the same individual who eventually handcuffed her. (Atts. #24, 27)

Attempts to identify, locate, and interview any witness(es) identified by Subject 1, Civilian 1, and/or Civilian 3, were unsuccessful. (Atts. #42 – 44)

A **Canvass and Personal Visits** to residences near the location of this incident did not produce any additional witnesses or video of such. (Atts. #28, 29, 42)

Subject 1 supplied **video** of the incident, recorded on the cellular telephone belonging to an unidentified individual, shortly after she filed her complaint. She viewed the video with the R/I and provided the names and contact information of the civilian individuals on the scene to the best of her knowledge. The video shows five uniformed police officers standing behind a full-sized, marked police van. An unidentified black male officer and a Hispanic or white officer are standing directly behind the same vehicle

but in front of a small crowd of civilians that had gathered around them. A white female officer is holding a baton in her right hand while two civilian individuals are standing near her and the other officers. A white female officer and Hispanic male officer were holding Subject 1 by the arms but she was not handcuffed. The individuals who were standing by the officers were yelling at them while the officers were giving them verbal instructions to step back from the scene. The civilian individuals on the scene refused to adhere to the verbal commands the officers issued, but the video then ended as Subject 1 was being placed in handcuffs. Subject 1 noted that the video began after the accused officer allegedly struck her. (Atts. #18, 19)

The **Arrest and Case Reports** for Subject 1 document that Officer A and his partner observed a vehicle missing its front license plate. During a subsequent traffic stop, Subject 1 ran towards him and his partners while swinging her hands in a violent manner towards Officer A's face. Officer A subsequently ordered Subject 1 to back away from him and the other officers, but she refused to and continued swinging her hands. Subject 1 then struck Officer A with open hands on his face, neck, and right arm causing injury to those areas. Officer A utilized Emergency Handcuffing procedures, and was assisted by Officer B, #XXX, in restraining Subject 1. Subject 1, however, spat on Officer C, #XXX, while verbally abusing her and threatening to spit on her a second time. While being escorted to a police vehicle for transport to the district station, Subject 1 kicked Officer D, #XXX, on the left knee. She was subsequently transported to the Xth District Station for processing. Subject 1 had \$741.00 on her person and but due to the fact that she gave conflicting accounts of how she received it, the currency was inventoried after a positive hit from a canine sniff. **Inventory Sheet #XXXXXX** documents that the aforementioned currency was inventoried by Officer C, #XXX. The Lock-up Keeper Processing section documents that Subject 1 did not enter the lock-up with any visible sign of injury. The **Central Booking Photographs** depict Subject 1 without any sign of visible injury. (Atts. #4, 12)

A **Tactical Response Report** completed by Officer A documents that Subject 1 was an Assailant. In response, he utilized elbow and knee strikes, closed hand strikes, and kicks in order to place her under arrest. The Subject's Statement Regarding the Use of Force section documents that Subject 1 stated that she struck Officer A after he stopped her from approaching the traffic stop and instructed her to leave the scene. She indicated that she did not scratch the officer but her wristwatch made contact with him when she flailed her arms. (Atts. #5, 6)

A **Tactical Response Report** completed by Officer B documents that Subject 1 was an Active Resister in that she pulled away from her. In response, Officer B utilized open hand strikes, Emergency Handcuffing/takedown procedures, and pressure to sensitive areas. (Atts #11)

A **Tactical Response Report** completed by Officer C, #XXX, documents that Subject 1 was an Assailant and battered her by spitting on her. In response, Officer C utilized only verbal commands to place her in custody. (Atts. #7, 8)

A **Tactical Response Report** completed by Officer D, #XXX, documents that Subject 1 was an Assailant in that she battered him by kicking him on the right leg while he was escorting her to a police vehicle. In response, he utilized verbal commands and escorts holds. (Atts. #9, 10)

An **In-Car Camera** request was returned as negative for any vehicle(s) involved in this incident. (Att #39)

A **POD** was situated near the location of this incident. The video recording from such showed the marked police van of the involved officers in the alley. Additionally, it recorded several unidentified civilians near the scene as well as the arrival additional marked and unmarked units. The POD, however, did not capture any of the contact between Subject 1 and the involved officers. (Atts. #41, 42)

Evidence Technician Photographs of Subject 1 depict her without any sign of obvious injury. The same photographs depict Officer A with prominent scratches on the left side of his left cheek and neck, as well as his right arm. It should be noted that the E.T. photographs also depict Subject 1 with long fingernails on both hands.

In his statement to IPRA on 29 OCT 2015, **Officer D #XXX**, a witness, stated that on the date of this incident, he was on-duty and dressed in a uniform. He was assigned to Beat XXX but did not recall the identity of his partner. Officer D stated that during his shift, units at the location of this incident sent out a radio request for assistance and for a caged vehicle to come to their location. Upon arrival, Officer D observed other officers on the scene and the offender, whom he identified as Subject 1, had already been placed in handcuffs. The officer holding Subject 1, whom he identified as the accused, turned her over to him and his partner in order for her to be placed in the caged squad car. As Officer D and his partner were taking Subject 1 their police vehicle, she leaned forward causing Officer D to lose his grip of her. She subsequently "mule kicked" him one time on the left knee. Officer D quickly regained his hold on Subject 1 and moved her towards his squad car. He and his partner were able to place Subject 1 in the squad car and transported her to the Xth District Station without incident. Upon inquiry, Officer D stated that Officer A and Subject 1 were standing in the alley when he approached them to take custody of Subject 1. At that time, Subject 1 was upset, in that she was yelling and screaming as Officer A held her by the arm. He added that he was standing on Subject 1's right side when he lost his grip of her. He indicated that even though his partner retained his grip on Subject 1, her leaning forward provided her sufficient space to extend her leg and kick him. Subject 1's action, however, did not cause Officer D to fall to the ground and did not seriously injury him. Once Subject 1 was secured in the

squad car, Officer D and his partner transported her to the district station without incident. He had no further contact with her once she was brought in to the facility.

Upon arrival at the Xth District Station, Officer D completed a Tactical Response Report of his own accord. While at the same police facility, he spoke with Officer A regarding Subject 1's arrest. Officer A told him that Subject 1 had emerged from a crowd, approached him, and he had to restrain and ultimately arrest her. Officer A added that Subject 1 was not part of the initial traffic stop and while attempting to restrain her, Subject 1 scratched him on the face. Officer D noted that he did not witness any of the events leading up to Subject 1's arrest or have direct knowledge of the events leading to this incident. Furthermore, he added that he did not witness any officer strike, kick, or punch Subject 1, nor did he observe her spit on any of the arresting and/or responding officers. He did, however, notice scratch marks on the left side of Officer A's face.

Officer D indicated that Sergeant A, his supervisor, reviewed his Tactical Response Report but did not instruct him change it or offer suggestions on how it should be completed. He added that he did not assist any of the officers involved in this incident in completing any of their reports relative to Subject 1's arrest. (Atts. #49, 50)

In her statement to IPRA on 29 OCT 2015, **Officer C, #XXX**, a witness, stated that on the date of this incident, she was on-duty and dressed in full uniform. She was assigned to Unit XXX, with Officer A as her partner, but she did not recall her beat assignment. Officer C was riding in a marked police van with several other officers. She indicated that Officer A was not driving the van but she did not recall, however, who was doing so. On the date of this incident, at 1700 hours, she and the officers in the same police vehicle were heading north on Hamlin Avenue. While on patrol, an officer observed an automobile missing its front bumper while it was parked in an alley. One of the officers stated that a stop of the vehicle should be conducted, and Officer C and those in the police van decided to conduct a traffic stop. The police vehicle traveled around the block and subsequently stopped behind the vehicle missing its front bumper. Upon inquiry, Officer C stated that she did not know if the vehicle missing its front bumper was stationary when it was first noticed by one of the other officers.

The marked police van came to a stop behind the vehicle missing its front bumper. As Officer C was exiting from that vehicle, she observed a female subject, whom she identified as Subject 1, running towards her and the other officers. Subject 1 ran towards the officers, who were standing by the back of the police van, and began screaming at them. Officer A, who was standing in front of Officer C, issued verbal commands to Subject 1 to stay back as he and the other officers were in the midst of conducting a traffic stop. Subject 1, however, refused to adhere to his commands and quickly began closing the distance between herself and the same officer. Officer A subsequently grabbed Subject 1 by the arms and placed her against a wooden fence bordering the alley. Subject 1, however, continued flailing her arms and was escalating

the situation by her actions. Officer B, who initially approached the vehicle missing the front bumper to help facilitate the traffic stop, moved to Officer A's location in order to assist him if needed. Upon inquiry, Officer C stated that Subject 1 was initially beyond Officer A's reach when he was giving her verbal commands not to approach the scene. She added that because a small crowd was starting to gather behind the police van, she moved towards those individuals and thus, did not observe any physical contact Officer B may have had with Subject 1.

As Officer A was attempting to restrain Subject 1, approximately seven to nine unidentified individuals approached the scene while yelling at the officers. Officer C subsequently pulled her baton in order to control the situation. At some point, Officer C noticed that Officer A was having difficulty in restraining Subject 1 and moved to his location to determine if he needed assistance. At that time, Subject 1 spat at Officer A but the spit, however, missed him and struck Officer C. Upon being struck by Subject 1's spit, Officer C confronted her about her actions, to which Subject 1 responded by calling her a "bitch." Upon inquiry, Officer C stated that while Subject 1 was swinging her arms, she scratched Officer A on the face. She indicated that she did not actually witness Subject 1 scratch Officer A, but she observed scratch marks on the same area after Subject 1 had been placed in custody. Officer C added that she observed Officer A utilize an emergency takedown against Subject 1 but upon further questioning, she indicated that she did not recall seeing Subject 1 on the ground while being placed into custody.

One of the officers at the scene called for back-up and assisting units arrived quickly thereafter. Upon arrival of the additional officers, the small crowd that had gathered behind the marked police van broke up and the individuals left the scene. Officer C indicated that she did not know who handcuffed Subject 1 and/or if Subject 1 was handcuffed prior to the arrival of the additional officers. She added that she later learned that Subject 1 had kicked Officer D while being taken from the scene but she did not witness this physical contact between them. Officer C reiterated that she pulled and extended her retractable baton but she did not use it against any of the individuals in the crowd that had gathered.

Following Subject 1's arrest, Officer C went to the Xth District Station where Sergeant A instructed her to complete a Tactical Response Report. Sergeant A instructed her do so as Subject 1 had spat on her while being placed into custody. Officer C indicated that Sergeant A did not instruct her to check any specific boxes on her Tactical Response Report regarding what actions she took or did not take against Subject 1. Upon inquiry, Officer C indicated that her Tactical Response Report is accurate and she did not have any physical contact with Subject 1 during the course of this incident. Officer C concluded her statement by indicating that she did not observe Officers A and/or B hit, kick, or otherwise strike Subject 1. (Att #47, 48)

In her statement to IPRA on 02 SEP 2015, **Officer B, #XXX**, a witness, stated that on 20 July 2015, she was on-duty, working Third Watch, with Officer E as her partner for the day. She was dressed in a uniform and assigned to a marked passenger van with multiple officers. Officer A was driving the vehicle and the group of officers was assigned to a patrol box; the boundaries of which included the location of this incident. While en route to drop off the other officers at their assigned Foot Patrol Post, Officer F noticed a car in alley south of Division Street that was missing its front license plate. Officer A drove the police vehicle around the block so as to pull behind the automobile Officer F had noticed. Upon inquiry, Officer B indicated that the vehicle Officer F initially identified was situated at the west end of the alley between Hamlin Street and Ridgeway Avenue, parked immediately in front of the sidewalk. When Officer B noticed the same vehicle, she observed that it was missing its entire front bumper. Officer B stated that the automobile did not move from the time she first saw it until Officer A pulled the police vehicle behind it.

Once Officer A pulled the police van behind the vehicle, he activated the emergency equipment. He and Officer G exited police van in order to investigate why it was missing its bumper. At that time, Subject 1 came sprinting towards the officers from the east end of the same alley. Officer A initially moved toward her but she continued running toward him even though he had placed his arms upwards and in front of his torso. Subject 1 then started screaming that her sister was in the vehicle that the police had stopped and started pushing Officer A. At that time, Officer B exited the police van in order to assist Officer A. Upon inquiry, Officer B indicated that just after Officer A exited the police vehicle, she turned around to see at whom he was looking and observed Subject 1 running at him. As Subject 1 was moving toward Officer A, she was using profanity and closing the distance between them very quickly. In response, Officer A put his arms up and in front of him to block Subject 1 and keep her at arm's length from him.

Once Officer B exited from the van, she noticed that Subject 1 had scratched Officer A's face. Subject 1 subsequently pushed Officer A, but he pushed her back in order to put space between them. Officer B then grabbed Subject 1's left arm while Officer A grabbed her right arm. The two officers attempted to restrain Subject 1 but had difficulty doing so as she was thrashing about, making her difficult to control. The same officers subsequently pushed Subject 1 against a fence to use as a prop to keep her from moving. Subject 1, however, turned her head and spat on Officer A. She then attempted to spit on Officer B, but missed her and spat on Officer C who was standing behind them. Officer B and Officer A were able to quickly handcuff Subject 1 and moved her toward a marked squad car that had just arrived on the scene. While trying to place Subject 1 in the back seat of that vehicle, she kicked an unidentified officer. Once Subject 1 was securely in the squad car, Officer B returned to the police van as a crowd of unidentified males had started to gather. Upon inquiry, Officer B stated that Officer A was standing towards the rear, passenger side of the vehicle when Subject 1 approached him. Simultaneously, Officer G had moved toward the vehicle that was the subject of the initial traffic stop.

Officer B indicated that at no point during this incident did any officers beyond herself and Officer A have physical contact with Subject 1 during this incident.

The crowd that had gathered by the police van began throwing large rocks at the officers and their vehicle. In response, Officer B and the other officers formed a line, and she and Officer C pulled their batons. One of the officers subsequently called for additional officers to come to the scene and once those individuals arrived, the crowd of approximately 15-20 males started to disburse. Officer B then returned to a police facility to complete the necessary reports regarding Subject 1's arrest. Upon inquiry, Officer B indicated that the crowd gathered at the eastern end of the alley, behind where the police van was parked. She stated that neither she nor any of her fellow officers were struck by the rocks that were thrown at them. Officer B noted that although she and Officer C pulled out their batons, they did not strike anyone with them despite the threats the crowd directed towards them. She further indicated that there was no supervisor or Field Training Officer in the police van with her prior to this incident.

Officer B indicated that she completed a Tactical Response Report and confirmed that she accurately documented Subject 1's actions. She indicated, however, that she did not utilize some of the actions she marked on the same report. Officer B stated that she utilized a wrist lock and an arm bar on Subject 1, which were successful in overcoming her resistance. She noted that other boxes on her Tactical Response Report were checked based upon the direction given to her by Sergeant A, her supervisor. Officer B stated that following this incident, she spoke with Sergeant A about this incident. During their conversation, she had difficulty recalling what specific actions she took against Subject 1 as the incident unfolded very quickly. The boxes indicating that she struck Subject 1 with an open hand and utilized a Takedown were checked as Sergeant A wanted to ensure that she did not lie about what actions they took while placing Subject 1 into custody. Upon inquiry, Officer B stated that she did not knowingly or intentionally apply pressure to sensitive areas, utilize an open hand strike, and/or take Subject 1 to the ground during her arrest. Additionally, she did not observe Officer A punch, kick, or strike Subject 1 in any fashion. (Atts #37, 38)

In his statement to IPRA on 19 AUG 2015, **Accused Officer Police Officer A, #XXX**, stated that on 20 JUL 2015, he was on duty, assigned to Unit XX/Training Academy but detailed to Unit XXX. He was working Beat XXX, driving a marked vehicle – a large passenger patrol van with full emergency equipment. Seven officers were in the van with him while he was on duty including Officers B and C, as well as, Officer E, #XXX, Officer F, #XXX; Officer G, #XXX, and Officer H #XXX. Upon inquiry, Officer A stated that Officer G is his normal partner but he has previously worked with the other officers who were riding in the van with him on the date of this incident. Officer A indicated that there were no supervising officers or Field Training Officers in the van with him and his colleagues when this incident occurred.

Officer A stated that this incident began while he was driving the patrol van north on Hamlin Street. At the alley that ran east/west between Hamlin Street and Ridgeway Avenue but south of Division Street, Officer F noticed a car parked in the mouth of the east end of the same alley that was missing a front license plate. He drove the patrol van east on Division Street and then south on Ridgeway Avenue in order to approach the same vehicle. He stopped the police vehicle behind the same car in order to run a check of its rear license plate. At that time, however, the vehicle started moving west, towards the opposite end of the alley prior to the results of the license plate check being returned. Officer A then activated the van's emergency equipment and the same vehicle stopped in the mouth at the west end of the alley, where it intersects with Hamlin Street. Upon inquiry, Officer A indicated that Officer F was sitting directly behind him while they were in the patrol van. Officer A, however, did not notice the vehicle or missing license plate that Officer F observed. He added that when he initially stopped the patrol van behind the vehicle parked in the mouth of the alley, he noticed four or five individuals standing by the driver's side of that vehicle, one of whom was Subject 1. Once those individuals noticed the patrol van, they stepped away from the vehicle and began walking south on Ridgeway Avenue. Officer A indicated that he did not give any attention to those who had walked away from the vehicle parked in the mouth of the alley as they were not acting suspiciously.

Once the vehicle stopped at the west mouth of the alley, he, and Officers F and G exited the van. Officer G approached car in order to conduct the traffic stop. At that time, Officer A heard Subject 1 screaming, and then turned around and observed her running towards him and his partners. Subject 1 was yelling about why the officers had stopped the vehicle that was parked in the west end of the same alley. Officer A ordered Subject 1 to stop and not come any closer towards the scene. Subject 1, however, refused and rapidly closed the distance between herself and him. She continued yelling and moving towards the officers despite a second command given to her to stop. At that time, Officer A extended his right hand in order to prevent Subject 1 from coming any closer to the scene. Subject 1, however, began flailing her arms and pointing her finger, ultimately putting her finger in his face. Officer A subsequently reached out with his right hand in an attempt to grab Subject 1 by the left arm in order to escort her away from the scene. Subject 1 subsequently slapped Officer A's hand away and pushed him on the chest in order to move him away from her. Upon inquiry, Officer A indicated that he was standing by the rear, driver's side of the van when he initially heard Subject 1. She was approximately 30-40 feet away when he saw her and closed the distance between them in three to four seconds.

Upon being pushed by Subject 1, Officer A took a step backwards. He attempted to grab Subject 1 but she attempted to strike him with an open hand. Subject 1's hand and/or fingers missed Officer A, but her fingernails grazed his face which resulted in minor abrasions to the same. At that time, Officer A pushed Subject 1 against the gate of a wood fence/gate immediately behind her. Subject 1 continued flailing her arms and

again attempted to push Officer A away from her, but he pushed her back against the wood gate in order to restrain her. At that time, Officer B came to the aid of Officer A as he was attempting to handcuff Subject 1. Officer A was able to place a handcuff around Subject 1's right wrist while Officer B pushed Subject 1's left arm towards Officer A. Subject 1, however, was able to turn around and spat on Officer A's forehead. With Officer B's assistance, Officer A was able to handcuff Subject 1. After Subject 1 was handcuffed, a small crowd started to gather as six unidentified individuals ran towards the officers. Upon inquiry, Officer A indicated that he was taking caution not to injure Subject 1 when he was attempting to restrain her. He noted that Subject 1 was of a substantially smaller frame than he and thus, was careful as so not to harm her. Officer A stated that as he was attempting to restrain Subject 1, they moved from the driver's side of the van to the passenger's side of the vehicle.

At that time, some of the officers pulled their batons and formed a skirmish line as they became concerned that the individuals who had gathered were going to pull Subject 1 away from them. The small crowd that had gathered around the officers began shouting profanity and making threats of bodily harm to them. Shortly thereafter, Officer D and his partner arrived on the scene and took custody of Subject 1. As Officer D was moving Subject 1 to a squad car, the crowd began throwing rocks at the officers and their patrol van. An unidentified sergeant and tactical team officers then arrived at the scene and dispersed the crowd. Officer A subsequently returned to his unit's location, and completed the applicable reports and had no further contact with Subject 1. He indicated that while completing his reports, he was photographed by an evidence technician.

Officer A stated that he completed a Tactical Response Report relative to Subject 1's arrest. He noted that he documented that he utilized elbow, knee, and closed hand strikes as well as kicks while attempting to restrain Subject 1. Upon further questioning, however, Officer A indicated that he did not actually apply or utilize the aforementioned tactics. He stated that following the incident, he subsequently spoke with his supervising sergeant, Sergeant A, #XXX, regarding Subject 1's actions and arrest. Sergeant A told Officer A that given his contact and proximity with Subject 1, as well as her resistance and dynamics of the struggles, he, Officer A, may have accidentally or unknowingly struck Subject 1 with a knee or elbow. Sergeant A subsequently instructed Officer A to mark the previously mentioned boxes on his Tactical Response Report as it was preferable to not doing so. Upon inquiry, Officer A indicated that he did not knowingly or intentionally strike or kick Subject 1 in any manner during the course of her arrest. He added that he has completed other Tactical Response Reports relative to other arrests he has made, but his use of force was limited to only emergency handcuffing and twice discharging a taser. Officer A concluded his statement by denying the allegations made against him. (Atts. #34, 35)

In his statement to IPRA on 26 JAN 2016, **Sergeant A #XXX**, the witness, stated that on the date of this incident, he was working on Operation Impact and assigned to the

work in Xth District. He indicated that he was dressed in a uniform, assigned to an unmarked vehicle, and did not have a partner. Sergeant A did not recall, however, his beat and/or the times he started and ended his shift. He noted that he was not physically on the scene of Subject 1's arrest.

Following Subject 1's arrest, Sergeant A was at the Xth District Station. Officer A subsequently told him that during a routine traffic stop, Subject 1 approached him in a violent manner as she was waiving her arms and refusing to adhere to orders to step away from the scene. At some point during her arrest, Subject 1 struck and scratched Officer A and spat on Officer B. Officer C indicated that he would be completing a Tactical Response Report which Sergeant A reviewed once it was finished. Upon inquiry, Sergeant A did not recall if the boxes Officer A checked on his Tactical Response Report regarding his use of force against Subject 1 were the actual actions he took against her. He added that he did not know if the checked boxes on the same report were accurate as he did not recall what Officer A told him regarding his specific use of force against Subject 1.

Sergeant A stated that he always advises officers under his immediate supervision to check boxes on a Tactical Response Report if they believe they may have taken action(s) against an arrestee rather than leave it blank. He indicated that he provides this direction to officers because based on his experience, in the heat of the moment, an officer may not be able to remember exactly what actions s/he took against an offender. Thus, it is better to check a box than not doing so, because if an officer took an action against an offender and did not recall doing, their actions would still be documented. Likewise, if an officer failed document actions s/he actually took but did not recall doing so, it may have negative consequence for her/him in the future. Sergeant A stated that his directions are a means for officers to cover themselves if needed. Upon inquiry, Sergeant A indicated that he did not recall instructing either Officer A or Officer B to check any specific boxes on their respective Tactical Response Reports.

Sergeant A indicated that he observed scratches on both sides of Officer A's face following her arrest. He added that he did not speak with Subject 1 about this incident and once he reviewed and approved the Tactical Response Reports completed relative to this incident, he turned them over to his Watch Commander for further action. Sergeant A did not know if his superiors and/or the Watch Commander spoke with Officers A and/or B regarding this incident. (Atts. #56-58)

CONCLUSION:

The R/I recommends a finding of **UNFOUNDED** for the allegations that Officer A punched Subject 1 on the face and verbally abused her by calling her a "black bitch." The R/I recommends a finding of **EXNORATED** for the allegation that Officer A pushed Subject 1 into a gate. This investigation revealed evidence documenting that

Officer A did not engage in certain misconduct as alleged, and took certain actions that were necessary and proper given the circumstances. The R/I recommends a finding of **UNFOUNDED** for the allegation that an Unidentified Officer took and failed to return \$741.00 from her.

The accounts of the two civilian witnesses are vastly different in describing the actions of Subject 1 after Officer A and his partners arrived on the scene. Civilian 1 stated that an unidentified female officer and Officer A initiated the physical contact with Subject 1. He added that during such contact, Officer A struck her with a closed fist on the right side of the face. Civilian 3, however, noted that Subject 1 approached the officers despite being instructed not to do so, and Officer A struck her on the right cheek during a minor struggle. Given these discrepancies, the accounts of these witnesses are not completely reliable.

Although Subject 1 did not provide a formal statement relative to her allegations, the Tactical Response Reports document that she stated that she approached the scene despite being given directions to the contrary but did not mean to strike Officer A. Additionally, her watch came into contact with Officer A while she was flailing her arms. Subject 1's statements are consistent with the Arrest and Case Reports that reflect she was uncooperative with the officers, and refused to adhere to Officer A's commands. Furthermore, Subject 1's claim that her watch came into contact with Officer A while she was flailing her arms clearly show she was actively resisting his efforts to retain control over her and the scene. Officer D noted that even after Subject 1 was handcuffed, she continued to struggle with the officers as she was able to kick him while being transported to the police vehicle.

Officer A and his partners all stated that Subject 1 approached the scene in an aggressive manner and ultimately scratched him. The Evidence Technician photographs not only depict Subject 1 with long fingernails but also show multiple scratches to Officer A's face and neck area. Officer A's injuries are consistent with the accounts of all of the officers who provided a statement relative to this incident. Given that Subject 1 was actively resisting the efforts of the officers to control her and the scene, Officer A pushing her into a fence as a means to curtail her actions was reasonable given the circumstances. Furthermore, there is no evidence indicating that Subject 1 was injured as a result of Officer A's actions, thus it is reasonable to believe his use of force was not excessive. Although Officer A's Tactical Response Report is inaccurate in that it over reports the actual actions and force he utilized during this incident, he explained that the reason for such was based on the advice and direction of his supervisor. Despite this issue, it does not in any way diminish the appropriateness of his actions.

The Case Report and an Inventory Slip note that \$741.00 Subject 1 had on her person at the time of her arrest was inventoried by Officer C. The same reports note that

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Subject 1 was unable to provide an explanation as to its origin and a canine sniff was positive. Thus, the money was seized.