

INTRODUCTION

On 25 April 2015, Subject 1 was arrested for domestic battery and transported to the XX District by Officer A and Officer B. According to Subject 1, while he was standing at the lockup area waiting to be processed, Subject 1 and Officer A got into a verbal argument. In connection with that argument, Officer A allegedly grabbed Subject 1's right fingers and left thumb and bent them backwards causing him to suffer a sprained right hand and left thumb. Officer A denied the allegation, and documented that he used verbal commands, escort holds and wristlock to restrain Subject 1 when Subject 1 became aggressive toward Officer A by grabbing and squeezing Officer A's right hand. Officer A also maintained that Subject 1 verbally threatened Officer A. Officer B, Officer A's partner, stated that he heard Subject 1 verbally threaten Officer A, and also heard Officer A repeatedly tell Subject 1 to, "Let go of my fingers."

ALLEGATION

On 26 August 2015, at 1004 hours, Subject 1 contacted the Independent Police Review Authority (IPRA), via phone, and registered this complaint with IPRA Investigator A. Subject 1 alleged that on 25 April 2015, at approximately 0613 hours, at XXX E. 111th Street, **Officer A #XXXX, Unit XXX:**

- 1) Bent Subject 1's four fingers and left thumb backwards causing him to suffer a sprained right hand and left thumb, in violation of Rule 8.

APPLICABLE RULES AND LAWS

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

INVESTIGATION

In a statement with IPRA on 12 November 2015, **Subject 1** stated that on 25 April 2015, at approximately 0545 hours, he was involved in a domestic dispute with his wife, Witness 1; his grandmother, Witness 2, called the police. Two officers, now identified as Officer A #XXXX, and Officer B #XXXXX, responded to the scene. Officer A immediately handcuffed Subject 1 and took him outside to the squad car. While in the squad car with Officer A, Officer B spoke with Witness 1 and Witness 2 and returned to the squad car. Then the officers took Subject 1 to the station. Subject 1 stated upon arrival at the station, he was immediately taken to the lockup area to be processed. While standing at the entrance door, below a video camera, waiting to gain entrance into the lockup area, Officer A immediately grabbed his right four fingers and bent them backwards. Subject 1 stated that he screamed in pain and asked Officer A why he bent his fingers. Officer A again grabbed Subject 1's left thumb and bent it backwards. Subject 1 screamed again in anger and began to exchange words with Officer A. Subject 1 could not recall what was being said. Subject 1 stated as he and Officer A were exchanging

words, the lockup personnel opened the door and Officer A took him inside and removed the handcuffs on Subject 1.

Subject 1 stated that Officer A then told the lockup personnel that he, Subject 1, had bent his fingers while escorting him to the lockup. Subject 1 denied doing so and told the lockup personnel that Officer A had bent his right four fingers and left thumb and he was in pain. They asked Subject 1 if he needed medical attention. Subject 1 responded "Yes," and was taken to Roseland Community Hospital. Subject 1 stated that he sustained a sprained right fingers and sprained left thumb and was given only Ibuprofen. Subject 1 stated that he was already in handcuffs and was cooperating with the officers when Officer A grabbed his four fingers and bent them. Subject 1 stated that he had no words with either one of the officers prior to being taking to the lockup. He said that only Officer B was present with him and Officer A when the incident occurred. Subject 1 added that there was a video camera above the entrance area of the lockup, and when he went to court, he learned that the video was destroyed within 30 days. (Atts. 19, 20, 39)

Medical Records from Roseland Community Hospital documented that Subject 1 was brought to the Emergency Room on 25 April 2015, at approximately 1244 hours for treatment. Subject 1 complained of injury and pain to both hands. Subject 1 was diagnosed with a strain to his right hand and a strain to his left hand. (Att. 28)

The **Chicago Police Department (CPD) Event Query #1511502816** indicated that a 911 Emergency call was made by Witness 2 on 25 April 2015, at 0542 hours. Witness 2 told the dispatcher that her son and his girlfriend were fighting in the house, and that the son was "beating up his girlfriend." It is also indicated that beat XXXX responded to the scene and generated a domestic battery case report, RD #HY-XXXXXX. At 0613 hours, Beat XXXX transported the arrestee to the 005th District Station. (Atts. 4, 5)

Department Reports, which included the Arrest Report, Original Case Incident Report, Tactical Response Report, and Case Supplementary Report, documented that Subject 1 was arrested on 25 April 2015, at 0547 hours, at XXXXX S. Peoria Street, by Officers A #XXXX, and B #XXXX. Subject 1 was charged with Domestic Battery, Assault and Battery. Witness 1 and Officer A were named as the victims in the incident. On 06 July 2015, the Domestic Battery charge against Subject 1 was stricken off with leave to reinstate; the Assault and Battery charges were dismissed *nolle prosequi* on 20 August 2015.

The narrative of the reports related that Officers A and B responded to a domestic disturbance call and met with Witness 2, who related that Subject 1 struck his girlfriend, Witness 1. Officers A and B met with Witness 1 and observed her nose to be swollen and blood leaking from her nostrils. Witness 1 then related to Officers A and B that Subject 1 began to beat on her after she finished the last of the alcohol.

Officers A and B placed Subject 1 into custody on signed complaints. Subject 1 stiffened and pulled away from Officer A on two occasions and then threatened them

verbally saying, "I'm gonna beat your Nigger bitch ass as soon as these motherfucking cuffs come off!" Subject 1 was transported to the station for processing. At the station, Subject 1 became very aggressive while being escorted into the lockup grabbing Officer A's fingers on his right hands and again saying, "I'm gonna beat your nigger bitch ass as soon as these mother fucking cuffs come off." While being processed, Subject 1 continued to make threats towards Officer A. The report also indicated that Subject 1 had no obvious pain or injury, and appeared to be under the influence of alcohol/drugs. Subject 1 was brought into lockup prior to being processed due to his combative behavior; he reportedly was received into lockup at 0630 hours, his prints were taken at 1112 hours, and at 1210 he was transported to Roseland hospital for hand pain.

The Tactical Response Report completed by Officer A #XXXX, documented that at 0620 hours at the XX district, Subject 1 grabbed his fingers, and therefore battered him, in addition to having not followed verbal direction, stiffened his body, pulled away, verbally threatened and posed an imminent threat of battery. The "Officer Response" section documented that Officer A used "member presence, verbal commands, escort holds, and wristlock," to restrain Subject 1. (Atts. 6, 7, 9, 23, 25)

Evidence Technician Photograph of Witness 1 depicted blood to her nose and mouth. It also depicted cuts and swelling to her lip. (Att. 38)

In a To-From Subject Report dated 29 January 2016, **Accused Officer A #XXXX, Unit XXX**, reiterated the account as contained in the department reports. Officer A denied bending Subject 1's four fingers and left thumb backwards causing him to suffer a sprained right hand and left thumb. Officer A related that after being summoned to a domestic disturbance call, he observed the victim, Witness 1, with a bloody nose and placed the offender, Subject 1, in custody. Officer A reported that as he placed Subject 1 in an escort hold, Subject 1 stiffened up and pulled away forcing him to apply a wristlock on Subject 1. After being transported into the station, Subject 1 became aggressive while Officer A attempted to secure a wristlock on him. Subject 1 grabbed Officer A's fingers on the right hand saying "When these mother fucking cuffs come off I'm gonna beat your nigger fucking ass."

Officer A stated that while processing Subject 1 at the lockup area, Subject 1 refused to follow verbal directions, stiffened up his body while pulling away and continued to make verbal threats towards Officer A. Officer A reported that the allegation that he bent Subject 1's four fingers and left thumb backwards are false. Officer A explained that it was Subject 1 who grabbed and squeezed the fingers on Officer A's right hand; Officer A continued to apply a wristlock while trying to defeat Subject 1's repeated attempts to grab his fingers while being escorted into the 005th District lockup.. Officer A stated that he did not observe any injury to Subject 1 and he did not observe any officer abuse Subject 1 in any manner. (Att. 34)

In a To-From Subject Report dated 24 January 2016, **Witness Officer B #XXXXX, Unit XXX**, provided a similar account as Officer A. Officer B added that he did not observe Officer A bend Subject 1's four fingers and left thumb backwards.

Officer B heard Subject 1 threaten Officer A that he was going to “beat P.O. A’s ass” and “kill” him throughout the drive to the station. As Officer A attempted to place Subject 1 in the holding cell, Subject 1 grabbed Officer A’s fingers and squeezed them. Officer B stated that he heard Officer A repeatedly tell Subject 1, “Let go of my fingers.” Subject 1 did not let go, at which time Officer A pried his hand from Subject 1’s grasp. Officer B stated that Subject 1 had to be taken directly to the lockup due to his aggressive demeanor and being uncooperative manner. (Att. 35)

CONCLUSION

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #1**, that **Officer A** bent Subject 1’s four fingers and left thumb backwards causing him to suffer a sprained right hand and left thumb in violation of Rule 8. Although Subject 1 reported that he only became argumentative and angry after Officer A painfully bent his fingers backwards, the officers’ version of events disputes Subject 1’s description. The officers explained in their reports that they transported Subject 1 directly to lockup because he was aggressive and uncooperative. This description is supported by The Lockup Keeper comments on the arrest report that Subject 1 appeared to be intoxicated. Additionally, Subject 1 had just been arrested for Domestic Battery and his girlfriend displayed a swollen, bloody nose. Based on all of these factors, the preponderance of the evidence supports the officers’ description that Subject 1 was combative and uncooperative prior to their arrival at lockup.

Subject 1 and Officer A’s descriptions of their physical interaction are in direct conflict because they both report that the other party initiated the altercation when he grabbed their hand. Officer A specifically denied that he bent Subject 1’s fingers backwards, but consistently reported that he used control holds, including a wristlock, in response to Subject 1’s verbal threats and refusal to release Officer A’s hand. Officer B reported hearing Subject 1 verbally threaten Officer A, who he heard repeatedly tell Subject 1, “Let go of my fingers.”

Subject 1 did not experience sprains as he alleged. Instead, he was diagnosed with strains to both of his hands, this diagnosis was based on Subject 1’s own description of the manner he received the injury and the pain he experienced. The strains to his hands are consistent with both Subject 1 and the officers’ description of the incident.

The totality of the circumstances supports Officer A’s explanation that he executed control holds, including a wristlock, in response to Subject 1’s combative and threatening behavior. Therefore, this allegation did not occur as alleged by Subject 1 and the Reporting Investigator recommends that the allegation be Unfounded.