

ALLEGATIONS:

On 09 March 2015, Lieutenant A, #XXX, initiated this complaint, on behalf of Subject 1. Subject 1 alleged that on 09 March 2015, at approximately 2145 hours, at XXXX W. Harrison Street, inside the lock-up area at the XXXth district police station, **Officer A, #XXXXX:**

1. physically maltreated Subject 1 by slamming her chin on a bench and pushing her head down against a bench; in violation of Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty.

It is further alleged that on this same date, approximate time and location, **Detention Aide A #XXXXX:**

1. called Subject 1 a "bitch" and/or a "whore;" in violation of Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty.

APPLICABLE LAW/RULES

1. Rules and Regulations of the Chicago Police Department, Article V: Rules of Conduct, Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

INVESTIGATION:

During an **in-person statement with IPRA, Subject 1** also had her attorney, Attorney 1 present on speaker phone. According to Subject 1, on 09 March 2015, at XXXX W. Harrison Street, at the XXXth District police station, at approximately 2145 hours, she was brought into the police station, with her hands handcuffed behind her back, and placed into a holding cell². The holding cell was in the rear of the lock-up area. Officer A escorted Subject 1 to the holding cell. At this time, Subject 1 initiated a conversation with Officer A in an attempt to get her release Subject 1 from the handcuffs. Officer A left Subject 1 alone in the cell and returned approximately 20 to 25 minutes later with Lieutenant A and possibly two other unknown officers. While inside the cell, Officer A and an additional unknown female officer initiated a search of Subject 1. Subject 1 was standing and slightly bent over at the waist as the female officers were searching her back pockets. According to Subject 1, she was "loud" with the officers as she was upset, but did not use profanity. Subject 1 asked Officer A to "not be so rough." At that time, Officer A grabbed Subject 1 by the back of her neck, picked up her head, and "banged" her chin against the bench inside the holding cell. As a result, Subject 1

¹Attorney 1's address is X E. Wacker Drive, Suite XXX, Chicago, IL 60601 and phone number is XXX-XXX-XXXX.

² Subject 1 was arrested for traffic violations, Simple Assault, and Resisting/Obstructing an Officer.

sustained a laceration on her chin and began to bleed. Subject 1 stated that Officer A then pushed Subject 1's head down further, which caused her chin make contact with the bench again. Subject 1 reacted by attempting to lift her head up and Officer A responded to that by further pushing Subject 1's head against the bench. As this was taking place, the unknown female officer continued to remove Subject 1's shoes. Subject 1 stated that at the time of the incident, she had on both of her shoes with the laces tied.

Subject 1 explained that after her chin was injured, the officers removed her shoes, and as a result she got blood on her socks. Subject 1 stated that Lieutenant A observed the incident and did not intervene. Subject 1 was taken to X Hospital for medical treatment, where she received six stitches on her chin. Several hours later she returned to the same holding cell which had been cleaned of the blood. According to Subject 1, upon exiting her cell to be photographed and fingerprinted, a second unknown black female officer, who was with Officer A, called Subject 1 a "bitch" and a "whore." This unknown female was described as short, heavy-set, wearing glasses and with cornrows in her hair. Subject 1 did not provide the context in which this language was used nor did she explain the interaction between she and the unknown female officer.

Subject 1 stated that Officer A and the other unknown female officer who searched her accused Subject 1 of assaulting them. Subject 1 stated that she did not assault the officers as she was detained and handcuffed. According to Subject 1, her injuries included headaches, vomiting and pain to her entire jaw. After she was released from police custody, she followed up with medical treatment at X Hospital. (Att #25)

The **Arrest Report, RD# XXXXXXXX, CB #XXXXXXX**, documents that Subject 1 was driving westbound on Polk Street when she quickly made a left turn around a traffic island (median) into the eastbound lanes. Prior to making the left turn, she had veered into a parallel, westbound lane in which the Arresting Officers (A/O's), Officer B #XXXX and Officer C #XXXXX, were traveling in. She then parked in front of a residence and quickly exited the driver's side door. The officers turned their vehicle around at the next intersection while never losing sight of Subject 1's vehicle. The A/O's approached Subject 1 as she exited **her vehicle and told her to get** back inside, which she refused to do. Officer B attempted to detain Subject 1 at which time she resisted and attempted to break away while raising her right arm with a closed fist. At that time Officer B employed control holds against Subject 1 and placed her into custody.

A name check revealed Subject 1 had a suspended license and she was transported to the XXXth District for processing. While in transport, Subject 1 was able to free herself from the handcuffs and an assisting unit, Beat XXXX, Officer D #XXXX and Officer E #XXXXX, was called. While in lock-up, a custodial search was performed at which time Subject 1 attempted to kick Officer D #XXXX; as a result, Subject 1 slipped on her sock and hit her chin on a metal

bench which caused a laceration. Subject 1 was transported to X Hospital by Beat XXXX. Per Lieutenant A #XXX, CPIC was notified at 2340 hrs by Officer F #XXXX. (Att # 5)

An **Original Case Incident Report**, RD #XXXXXXXX, Event #XXXXXXXXXX, documents essentially the same information as the arrest report. In addition, it is documented that as Officer B and Officer C attempted to stop Subject 1 for questioning, she repeatedly attempted to walk away. Subject 1 told the officers that she was "at her home," and accused them of being racist. Subject 1 continued to make derogatory remarks towards the officers regarding their race and sexuality. Subject 1 began to enter the gate of the listed residence, at which time Officer B attempted to detain her and Subject 1 attempted to break away from Officer B while raising her right arm with a closed fist. Officer B used control holds to place Subject 1 in custody. (Att #11)

An **Officer's Battery Report** (OBR), completed by Officer D, documents that on 09 March 2015, at 2145 hours, while in the lock-up facility at XXXX W. Harrison Street, Subject 1 battered Officer D and her partner (name not provided). At the time of the battery, there were two other assisting officers (names not provided) present. Subject 1 battered Officer D and her partner with verbal threats and her feet. There were no apparent injuries sustained by any of the officers. (Att #8)

An **Officer's Battery Report** (OBR) completed by Officer B, documents that on 09 March 2015, at 2128 hours, while at XXXX W. Polk Street on the sidewalk, during a traffic stop, Subject 1 battered him with verbal threats and raising her arm with a closed fist. Officer B was with a partner (name not provided) during this encounter. Officer B did not sustain any apparent injury. (Att # 1 0)

The **Tactical Response Reports** (TRR) completed by Officer D and Officer B, document that Subject 1 did not follow verbal direction, stiffened her body, pulled away, and acted as an assailant in that she presented an imminent threat of battery. Officer D's incident with Subject 1 occurred indoors (at the district station) and Officer B's incident with Subject 1 occurred outdoors (at XXXX W. Polk Street). It is documented that both officers' actions consisted of member's presence, verbal commands and escort holds. In addition, Officer B performed a wristlock and an armbar. (Att #7, 9)

The narrative in Officer B's TRR documents that Lieutenant A attempted to interview Subject 1 in Cell block A-3, in the female lock-up. Subject 1 was uncooperative and when she was asked why she had pulled away and raised her arm at Officer B, she responded with, "you are all doing this because I'm black." Subject 1 made unintelligible comments while crying.

In the TRR of Officer D, it is documented in the narrative that after Subject 1 returned from Saint Anthony's Hospital, Lieutenant A attempted to interview Subject 1. Subject 1 refused to acknowledge Lieutenant A or give a statement. Furthermore,

it is documented that Lieutenant A was a witness when Subject 1 kicked at Officer D, in cell block A-3, and fell onto the lock-up bench and cut her chin. Lieutenant A reviewed all reports and concluded that the member's actions were in compliance with department directives. (Att #7, 9)

The **XXXth District Lock-up Inspection Log** for 3rd watch on 09 March 2015 and for 1st watch on 10 March 2015, documents that all lock-up activity was normal. (Att #24)

The **Illinois Department of Corrections Report of Extraordinary or Unusual Occurrences** documents that on 09 March 2015, at 2300 hours, while at the XXXth District police station, XXXX W. Harrison, Subject 1 sustained a laceration to her chin as a result of a "slip and fall." Officer D and Officer A were interviewed³. It is documented in the narrative that Subject 1 entered the lock-up area acting in an uncooperative manner. During processing, Subject 1 attempted to kick Officer D which resulted in Subject 1 slipping, falling and striking her chin on a bench. Subject 1 was treated and released from X Hospital. A recommendation was documented to include that in the future, lock-up personnel shall place an uncooperative offender in a cell until they calm down to be processed. (Att #13)

Medical Records obtained from X Hospital document that Subject 1 received medical treatment on 09 March 2015, at approximately 2323 hours, while in CPD custody. Her treatment was for a laceration to the right side of her chin. The size of the laceration was approximately 2 centimeters. It is documented that Subject 1 was loud, uncooperative, and refused to answer any questions asked by the triage nurse. Subject 1 demanded that only one female officer be present in the hospital room with her while her wound was treated. The records document that Subject 1's demands were met and she then allowed repair of the laceration to her chin, which consisted of 5 stitches. Subject 1 refused to specify how she sustained the laceration and stated that she "just wanted to get treated and get out of here." Furthermore, it was documented that the possible cause of the wound was a fall. (Att #28)

Medical Records obtained from X Hospital document that Subject 1 received medical treatment on 17 March 2015. Her treatment consisted of a suture (stitch) removal from a contusion on her chin. It is documented that Subject 1 stated to medical personnel that she was experiencing jaw pain, headaches, vomiting, and blurry vision as a result from being "hit by the police" (on 09 March 2015). Subject 1 stated to medical personnel that the police "slammed the back of [her] neck onto the steel bench" which caused her to hit her chin. Subject 1 was prescribed ibuprofen. (Att #27)

In a **To/From report to IPRA, Officer B** documented that on the date and approximate time of incident he was on-duty working 3rd watch and partnered with Officer C. Officer B documented that Subject 1 continuously berated the officers with comments related to his race and sexuality. Subject 1 further verbally

³ The IDOC report does not document who interviewed the officers. However, the reporting officer's name is documented as Sergeant A #XXXX.

degraded her family members, who were on scene when she was arrested. Officer B and Officer C transported Subject 1 to the XXXth district station and while in transport, Subject 1 was able to remove her left hand from her handcuffs and began to hit the inside of the squad car while yelling at both officers. Upon arrival to the district station, she was taken straight to the female lock-up. Officer B had no further contact with Subject 1. Officer B was later informed that Subject 1 attempted to kick Officer D during a search in the female lock-up, at which time Subject 1 fell, which resulted in a laceration to her chin. Officer B did not observe any contact between Subject 1 and Officer A. At no time was Officer B in the female lock-up area. At no time did Officer B observe any injuries to Subject 1. At no time did Officer B hear any officer or department member call Subject 1 a "bitch" and/or a "hoe." (Att #40)

In a **To/From report to IPRA, Officer C** documented that on the date and approximate time of incident, he was on-duty and partnered with Officer B, assigned to Beat XXXX, 3rd watch. Officer C assisted Officer B in placing Subject 1 into custody on scene. Officer C and B transported Subject 1 to the XXXth District Station. Upon arrival to the XXXth District Station, Officer C assisted XXXth District officers, including Officer A, in escorting Subject 1 into the female lock-up area. Officer C related that Subject 1 was aggressive and uncooperative. Officer C reported that Subject 1 made several derogatory statements regarding his race and sexuality. Officer C documented that he observed minimal contact between Officer A and Subject 1 once she was placed into the cell. Officer C was present in the lockup area as a custodial search was being conducted, however, Officer C did not maintain visual contact with Subject 1 at this time. Officer D and Officer A were present. Officer C documented that the on-duty watch commander, Lieutenant A, was in the lockup area as well. Officer C did not observe Officer A "slam" Subject 1's chin on a bench, nor "push" or "press" Subject 1's head against a bench. Officer C did not hear or observe any officer or department member call Subject 1 a "bitch" and/or "hoe." Officer C does not recall observing any injuries to Subject 1. Officer C observed a small amount of blood on the floor of the cell upon retrieving the handcuffs that were used to place Subject 1 in custody. Officer C was informed by Officer D that while conducting a custodial search in the cell, after Officer A removed Subject 1's right shoe in order to remove the shoe laces, Subject 1 attempted to kick Officer D with her left foot causing Subject 1 to slip and fall onto the bench inside of the cell, which caused a small laceration to her chin. Officer C does not recall the presence of civilian witnesses. Officer C's contact with Subject 1 was concluded upon retrieving the handcuffs. (Att #42)

In a **To/From report to IPRA, Officer E** documented that on the date and approximate time of incident, he was on-duty and partnered with Officer D working 3rd watch. Officer E documented that he was behind Subject 1 while escorting her to the lock-up room. Subject 1 was irate while walking into the lock-up area. According to Officer E, Subject 1 yelled, "I'm going to sue all of you!" Officer E documented that that he did not witness any contact between Subject 1

and Officer A, including Subject 1 being searched. Officer E further documented that he did not witness any officers slam Subject 1, nor push or press down on Subject 1's head. Officer E did not hear any officers call Subject 1 a "bitch" or "hoe." Officer E did not witness any injuries, but he was notified that Subject 1 attempted to kick Officer D during a search in the female lockup, at which time Subject 1 fell, causing a laceration to her chin. Officer E did not recall if any other officers and/or civilians were present during the incident. Officer E's contact with Subject 1 came to an end once she was in lockup. (Att #44)

In a **To/From report to IPRA, Lieutenant A** documented that on the date and approximate time of incident, he was on-duty and assigned to Beat XXXXX, 1st watch. Lieutenant A documented that he was informed that Subject 1 needed to be brought into the XXXth District female lock-up immediately, due to her unruly behavior. As the officers were bringing Subject 1 towards the lock-up area, Lieutenant A assisted by holding the doors open. Lieutenant A observed Subject 1 yelling obscenities and derogatory remarks toward all of the officers present. Subject 1 also stated that she did not deserve to be arrested because she was at her house at the time. In addition, she stated that she was only being arrested because she was black. Lieutenant A observed Officer D, Officer E, and Officer C escorting Subject 1 to the female section of the XXXth District lock-up. These officers then turned Subject 1 over to the custody of the XXXth District female lock-up keeper, Officer A. Officer D and Officer A were the only uniformed officers that remained to conduct a custodial search of Subject 1 in Cell Block A-3. Lieutenant A, while present during this entire incident, never had any physical contact with Subject 1 at any time.

Lieutenant A stated that Officer A began to perform the custodial search of Subject 1 with the assistance of Officer D. While conducting the custodial search, Officer A removed Subject 1's right shoe. Subject 1 was then standing with one shoe on and one shoe off. It was at this point that Subject 1 attempted to kick Officer D with her left foot, the foot that still had a shoe on. While Subject 1 attempted to kick Officer D with her left foot, she was standing with all her weight on her shoeless right foot which was only covered by a sock. Due to the fact that her weight was on her right foot as she kicked backwards, she slipped and fell forward onto the metal bench in the cell, thus sustaining a cut to her chin.

At no time did Lieutenant A observe Officer A, or any other officer, "slam" Subject 1's chin on a bench or "push" or "press" down Subject 1's head against a bench. Lieutenant A did not hear any officer or department member call Subject 1 a "bitch" and/or "hoe," or make any other derogatory remarks.

Lieutenant A notified CPIC and registered the incident with Officer F on 09 March 2015 at 2340 hours and obtained CL #1074111. In addition, Lieutenant A informed the District Station Supervisor, Sergeant A, of the incident. Sergeant A then initiated and completed an Illinois Department of Corrections Report of Extraordinary or

Unusual Occurrences. Lieutenant A completed an Initiation Report regarding this incident⁴. Subject 1 was immediately transported to the hospital to receive medical treatment for the cut to her chin. Upon returning to the XXXth District lock-up, her chin had a bandage on it. Lieutenant A's contact with Subject 1 concluded after she returned to the XXXth District lock-up. Lieutenant A needed to interview Subject 1 for the purpose of completing the Tactical Repose Report that was initiated when Subject 1 kicked Officer D. Lieutenant A asked Subject 1 several times if she wanted to make a statement. Subject 1 refused to acknowledge his presence and refused to make any statement. (Att #46)

In an **Interview with IPRA, Officer A #XXXXX** stated that on the date and approximate time of incident, she was on-duty, working in the lock-up area, and partnered with Detention Aide B.⁵ According to Officer A, Subject 1 was escorted into the female's lock-up area by Officer D, an unknown male officer, and Lieutenant A. According to Officer A, Subject 1 came straight from the processing room to the female lock-up. Therefore, Subject 1 still had her earrings, shoelaces, and other items on her person. Subject 1 demeanor continuously shifted from "tranquil" to "belligerent." Subject 1 used derogatory language towards Officer D and Officer A. Once inside the female's lock-up area, Subject 1 was escorted to cell block A-1 where she remained handcuffed due to her belligerent behavior. Officer A stated that she attempted to calm Subject 1. While inside of the cell, Subject 1 was facing a bunk that was along the left side wall. Officer A was standing on Subject 1's right side and Officer D was on Subject 1's left side. Officer A began to search Subject 1 and lifted Subject 1's right leg to remove her shoe. After Officer A removed Subject 1's shoe, she placed Subject 1's right foot back down to the floor. As Officer A began to remove the shoelaces from Subject 1's shoe, Subject 1 suddenly slipped on her right sock and fell forward which caused her to hit her chin on the bunk in front of her.

As Officer A did not know why she fell forward, she placed her hand on the back of Subject 1's right arm to hold Subject 1 in place. Subject 1 was bent forward on the bunk and her upper body was pressed against the bench. Officer A stated she looked at Officer D to make sure she was okay and then stood Subject 1 straight up. Officer A learned from Officer D that Subject 1 slipped and fell because she attempted to "mule kick" Officer D with her left foot. Once Subject 1 was standing up straight, it was at that time that Officer A observed blood on Subject 1's shirt. Lieutenant A and Detention Aide B were standing outside of cell block A-1 when the incident took place. Officer A does not recall the actions, if any, of Lieutenant A or Detention Aide B during the incident.

Officer A stated that after Subject 1 stood up straight, she remained upset. Subject 1's left shoe was removed the same way that the right shoe was removed. After her left shoe was removed, the officers stepped outside the cell and

~~The Initiation report by Lieutenant A~~ was not found on file by the XXXth District and therefore, was never provided to IPRA. Lieutenant A notified the R/I via telephone that he did complete an Initiation Report. According to Attendance and Assignment sheets for first, second and third watch between 09 March 2015 and 10 March 2015, Detention Aide B, employee #XXXXX, was not working.

locked the cell door. Lieutenant A went outside to get a car to take Subject 1 to X hospital for treatment. Beat XXXXX transported Subject 1 to the hospital. Officer A remained in the lock-up and wrote a To/From Report documenting what took place. Officer D completed a separate report. After approximately an hour, Subject 1 returned to XXXth District. Officer A described Subject 1's demeanor as being more relaxed and cooperative. Subject 1 was then processed and placed into one of the cell blocks. Officer A stated that either Detention Aide A, who arrived later that night, or Detention Aide B fingerprinted and photographed Subject 1.

Officer A stated that at no time did she slam Subject 1's chin against the bench, nor did she push her head or neck down towards the bench. Officer A stated that neither she nor Officer D use any physical force against Subject 1 that could have caused a laceration on her chin. Officer A stated that she did not hear anyone, at any time, refer to Subject 1 as a "bitch" or a "hoe" or use any derogatory language against Subject 1. Officer A stated that Subject 1 did not complain about how she was treated, nor did she complain about her injury. (Att #35, 36)

In an **Interview with IPRA, Officer D#XXXX**, stated that on the date and time of incident, she was on-duty, assigned to Beat XXXX, working 3rd watch, and partnered with Officer E. Officer D and E arrived to the XXXth District Police Station when they responded to a call to assist a unit who was transporting Subject 1 to the station. Shortly after their arrival to the station, Officer D and E went to meet Officer B and Officer C in order to escort Subject 1. Officer D described Subject 1 as combative, unruly, and intoxicated. Officer D, Officer E, Officer B, and Officer C escorted Subject 1 inside of the station.

Officer D stated that Subject 1 was resisting as she was "holding" and "pushing" back her body while being escorted. Once they arrived to the lock-up area they met with Officer A. Officer A then escorted Subject 1 to a cell within cell-block A inside of the female lock-up. While inside of the cell, Officer D stated that Subject 1 continued to be unruly and aggressive as she was screaming profanities. Subject 1 remained handcuffed as Officer A and Officer D initiated a search of her person. During the search, Subject 1 stood in front of a bench while Officer D stood behind Subject 1 and Officer A stood to the left of Subject 1.

Officer A picked up Subject 1's leg to pull off one of her shoes. Shortly thereafter, Subject 1 attempted to kick Officer D, in a backwards motion, with one of her feet. Subject 1 slipped, fell forward, and hit her chin on the bench as she attempted to kick. At no time did Subject 1's foot make contact with Officer D. Subject 1 then stood up and Officer D observed she was bleeding. A supervisor was notified and an ambulance was called for Subject 1. Officer D does not recall if Lieutenant A was present at the time of incident or if he ever had contact with Subject 1. Officer D stated that at no time did Officer A slam Subject 1's chin against the bench, grab Subject 1 from her head or neck, or push Subject 1's

head against the bench. Officer D does not recall hearing any derogatory language used against Subject 1 at any time. (Att #37, 38)

In an **Interview with IPRA, Detention Aide A #XXXXX** stated that on the date following the incident, 10 March 2015, she was on-duty, from approximately 0000 hours to 0600 hours, and was assigned to work the female lock-up area at the XXXth District. On this date, Detention Aide A worked with Officer A. Detention Aide A stated that upon her arrival to the female lock-up area, she was informed by Lt. Stuart and Officer A that Subject 1 was irate and combative. Detention Aide A was further informed that an altercation had taken place between Subject 1 and the arresting officers.

Between 0000 hours and 0345 hours, Detention Aide A maintained observation of Subject 1 every 15 minutes during the cell block checks. Detention Aide A described Subject 1 as upset and boisterous.

At approximately 0345 hours, Detention Aide A approached Subject 1 in her cell and asked her if she was ready to be fingerprinted to which Subject 1 complied. Detention Aide A's only contact with Subject 1 was to fingerprint her and take her photograph. Their verbal exchange during this time consisted of Subject 1 expressing she was upset that she was arrested. After Subject 1 was fingerprinted and photographed, Subject 1 was allowed to make a phone call and then was escorted back to her cell. Detention Aide A stated that at no time did she make any derogatory statements towards Subject 1 nor did Subject 1 make derogatory statements towards her. At no time did Detention Aide A call Subject 1 a "bitch" or a "whore." Detention Aide A did not recall hearing anyone else use any derogatory language towards Subject 1.

Detention Aide A had no independent recollection of any injuries sustained by Subject 1. It was not until the R/I showed Detention Aide A Subject 1's arrest that she recalled her injuries. Detention Aide A did not know how Subject 1's injuries were sustained. At no time did Subject 1 observe or become aware of an altercation between Officer A and Subject 1. Detention Aide A did not observe any physical contact between Subject 1 or any officers, to include Officer A. (Att. #52, 53)

CONCLUSION:

The R/I recommends a finding of **Not Sustained** for **Allegation #1** against **Officer A #XXXXX**, in that she physically maltreated Subject 1 by slamming her chin on a bench and pushing her head down against a bench; in violation of Rule 8, disrespect to or maltreatment of any person, while on or off duty.

Officer A admits that she had to use simple control holds to restrain Subject 1 against the bench, only after Subject 1 had attempted to kick Officer D and had subsequently fallen against the bench. Officer D and Lieutenant A both support

Officer A's account of this event. Though not identical, the physical contact as described by Officer A is similar to the allegations made by Subject 1. Officer A and Officer B documented Subject 1's aggressive and non-compliant demeanor in their reports and accompanying TRR's.

Additionally, Subject 1's demeanor was described as combative, aggressive and unruly by Officer A, Officer D, Officer B, Officer C and Lieutenant A. The independent information gathered from the medical records shows that there was not an immediate outcry of allegations of misconduct made by Subject 1. The same records also support the officers' description of Subject 1's demeanor on the date of incident. Medical records from X Hospital document that Subject 1's was "loud, uncooperative, and that she refused to answer any questions." The medical records further document that Subject 1 refused to explain to the medical professionals at the hospital how she sustained her injury. It was not until Subject 1 received treatment eight days later at X Hospital, at which time she reported to the medical staff that her injuries were sustained as a result from being "hit by the police."

Subject 1 denies that she attempted to kick the officer, and asserts that her account of this event is accurate and factual.

In her statement to IPRA, Subject 1 claims that there was blood on her socks as a result of her injury, and her subsequently bleeding from her injury. Subject 1 contends that her shoes were taken off after she suffered her injury, while the officers contend that her shoes were off at the time she sustained her injury. The evidence, if it in fact existed, was not preserved or documented and therefore cannot be significantly considered in this analysis.

In evaluating the investigation based on a preponderance of the evidence standard, the available information does not meet the burden of proof required to definitively substantiate, nor definitively refute, the allegation. The reporting investigator therefore recommends a finding of Not Sustained.

The R/I recommends a finding of **Not Sustained** for **Allegation #1** against **Detention Aide A #XXXXXX**, in that she called Subject 1 a "bitch" and/or a "whore" while inside of the lock-up area at the XXXth district on 09 March 2015 at approximately 2145 hours; in violation of Rule 8, disrespect to or maltreatment of any person, while on or off duty. Subject 1 stated that Detention Aide A used this language towards her upon her return to the station from the hospital. There are neither independent witnesses nor any officers to corroborate this allegation. Detention Aide A stated that at no time did she make such comment. Officer A, who was the lock-up keeper on the date of incident, stated that at no time did she hear any derogatory language used towards Subject 1. There is insufficient evidence that can be used to prove or disprove such allegation.

FINDINGS:

Accused #1 **Officer A, #XXXXX**

Allegations #1: Not Sustained

Accused #2 **Detention Aide A, #XXXXX**

Allegations #2: Not Sustained