

INTRODUCTION:

The complainant, Subject 1, was sentenced to fifty years in prison for multiple charges against him. Approximately two years after his sentence began, Subject 1 made allegations against the two detectives that arrested him, which include allegations of excessive force and false testimony in court.

ALLEGATIONS:

On 23 April 2015, the Independent Police Review Authority (IPRA) received a letter from Subject 1, alleging that on 27 October 2012, at approximately 0000 hours, at XXX N. Springfield Ave, **Detective A, #XXXXXX, Unit XXX:**

- 1) pushed him multiple times on the ground;
- 2) struck him on the back of his head before placing him inside of the squad car;
- 3) falsely arrested him; and
- 4) gave false testimony during Subject 1's trial between 23-25 March 2015.

Subject 1 also alleged that **Detective B, #XXXXXX, Unit XXX:**

- 1) struck him on the back of his head before placing him inside of the squad car;
- 2) falsely arrested him; and
- 3) gave false testimony during Subject 1's trial between 23-25 March 2015.

APPLICABLE RULES:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department

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

Rule 14: Making a false report, written or oral

INVESTIGATION:

In a **statement to IPRA, Subject 1** explained that on the date and time of the incident he was in the vicinity of the XXX block of North Springfield Ave looking for a parking spot. As he was walking, Detectives A and B falsely arrested him for allegedly shooting at a house at XXX N. Springfield Ave. Subject 1 denied any wrongdoing at the location of the incident. According to Subject 1, Detectives A and B physically abused him and then transported him to the police station. Subject 1 stated that during the trial, between 23 and 25 March 2015, Detectives A and B gave false testimony. Subject 1 provided IPRA with multiple court documents that were incomplete with missing pages.¹ The documents indicated that Subject 1 was found guilty by a jury and sentenced to fifty years in prison.² (Att. #35, 39)

¹ The court documents were from Subject 1's Preliminary Hearing and Jury Trial.

² Charges against Subject 1 include: Aggravated Discharge of a Firearm, Unlawful Use of a Weapon (felon poss.), and Armed Habitual Criminal. (See attachment 24)

Evidence Technician (E.T.) photographs of Subject 1 depict abrasions to his left knee. (Att. #27)

Department Reports related to RD #HVXXXXXX, including an Arrest Report, an Original Case Incident Report, and Supplemental Reports indicate that Detectives A and B were in the vicinity of XXX N. Springfield Ave investigating a shooting that had occurred on 26 October 2012, at approximately 1925 hours. As the detectives were approaching XXX N. Springfield Ave, they observed Subject 1 firing a handgun (approximately 3 times) at the residence at 729 N. Springfield Ave. Subject 1 then fled on foot and was subsequently placed in custody at 738 N. Springfield Ave. Subject 1's weapon was recovered. The supplemental reports indicate that Subject 1 confessed to being involved in the shooting on 27 October 2012 but denied any involvement in the previous shooting at the same location on 26 October 12.³ (Atts. #5-14)

In a **statement to IPRA, accused Detective A** essentially reiterated the same account of the incident as indicated in the department reports. Detective A added that he and Detective B did not physically abuse Subject 1 in any way during his arrest. Detective A said that Subject 1 fell to the ground while he was running at which time Detective A placed him into custody. Detective A or Detective B called for a transport car to the scene to take Subject 1 to the police station. Detective A said that Subject 1 tested positive for gunshot residue (GSR) on his hands. Detective A said that during Subject 1' jury trial, he mistakenly spoke about the amount of rounds that were in Subject 1's firearm but clarified his testimony on the stand. (Atts. #41-42)

In a **statement to IPRA, accused Detective B** essentially reiterated the same account of the incident as indicated in the department reports and as stated by Detective A in his statement to IPRA. Detective B denied physically abusing Subject 1 or giving false testimony during Subject 1's jury trial. (Atts. #47-48)

CONCLUSION:

The Reporting Investigator recommends a finding of **Unfounded** against for **Allegations #1-4 against Detective A and for Allegations #1-#3 against Detective B**. There is no available evidence that substantiates Subject 1's account of the incident. Subject 1 denied having any involvement in the shooting that occurred on 27 Oct 16 at approximately 0000 hours, though he confessed to the second shooting incident at the same location hours later.

The E.T. photographs indicate that Subject 1 had abrasions to his left knee, which most likely occurred when he fell to the ground after fleeing from the location of the incident. The ISP reports show Subject 1 tested positive for gunshot residue.

³ Subject 1 fit the physical description of the offender involved in the shooting of 26 Oct 12, at 1925 hours, at XXX N. Springfield Ave. The victim of this shooting was a 13 YOA boy who was shot on the front porch.

Though Subject 1 contends that he was falsely arrested and that the officers provided false testimony, it is noted that this evidence was scrutinized, weighed, and evaluated in a criminal trial – which resulted in a jury finding Subject 1 guilty beyond a reasonable doubt. Any allegations made in contrast to this evidence affect the overall credibility of Subject 1 and lead the R/I to submit that all of the allegations made by Subject 1 are therefore not credible.

It is more likely than not that the allegations made against both Detectives did not occur as alleged, and the R/I recommends that they be **Unfounded**.