

**ALLEGATIONS:**

On 02 October 2015, at 1910 hours, the reporting party, Complainant, contacted the Independent Police Review Authority and registered a complaint with Investigator A. It is reported that on 02 October 2015, at approximately 1545 hours, at XXXX S. St. Louis Ave, Officer A, #XXXX:

1. Pulled, grabbed, and twisted Subject 1's arm while being handcuffed.

**INVESTIGATION:**

The **Initiation Report** written by Sgt. Sean Tully #1090, indicated that Complainant stated that Officer A #XXXX was "too aggressive" when he grabbed and pulled Subject 1's arm during her arrest. The Complainant was not on scene during the time of this incident. (Att. #4)

In a statement to IPRA on 06 October 2015, **Subject 1** stated that she was pulled over by Officer A, and attempted to walk away from her vehicle, as she did not have a driver's license or proof of insurance. Subject A alleged that Officer A attempted to stop her and "search her for drugs." Subject 1 objected, requesting that Officer A call for a female officer. Subject 1 stated that she began to "move from side to side," in order to prevent Officer A from patting her down. Officer A warned Subject 1 to "stop resisting," and that he would "tase" her if she did not comply with his directions.

Subject 1 stated that she was then handcuffed, though she continued to move "from side to side," to keep Officer A from patting down her clothing. Subject 1 again stated that she was uncomfortable with a male officer patting her down. Subject 1 stated that as she was being escorted to Officer A's police vehicle, Officer A twisted up on her wrist. Subject 1 stated that she told Officer A that it was uncomfortable, and that Officer A responded that he "didn't care." Officer A then placed Subject 1 in the rear of his police vehicle.

Subject 1 stated that as a result of this incident, her wrist was "swollen" for several days. (Atts. #18, 19)

In a statement to IPRA on 06 October 2015, **Witness 1** stated that Officer A was "aggressive" and that he was attempting to "grab" Subject 1 near "her breast." Witness 1 stated that Subject 1 was attempting to pull away from Officer A, as she did not want to be "searched." (Atts. #5,10)

The **Original Case Incident Report** and **Arrest Report** of **Subject 1** indicated that she was arrested for resisting and obstruction. Officer A related that he was waved down by several female students who related that the occupants in a vehicle had threatened them and wanted to "jump them." Officer A curbed the vehicle driven by Subject 1. Officer A observed Subject 1 climb over the passenger seat and exit the vehicle. Officer A instructed Subject 1 to get back inside the vehicle. Subject 1 remained

outside and refused to get back into her vehicle. Subject 1 then stepped away from the vehicle and proceeded to walk away. Officer A grabbed Subject 1 by the wrist at which time Subject 1 pulled away from Officer A and stated “you have no right to touch me,”<sup>1</sup> and began to flail her arms. Officer A asked her to turn around but she refused and kept turning her body away from Officer A. Officer A was finally able to grab a hold of Subject 1’s wrist and placed her into custody. Beat XXX arrived on scene to search Subject 1 and transport her into the XXX District. (Atts. #21, 23)

The **Tactical Response Report** submitted by **Officer Jose A** reflects that Subject 1 did not follow verbal direction, stiffened, pulled away, and flailed her arms. Officer A responded with member presence, verbal commands, escort holds, wristlock, and armbar. (Att. #24)

The **Attendance and Assignment Record** was obtained and indicated that Officer A, was working 3<sup>rd</sup> watch from 1400 hours- 2300 hours. Officer A was assigned to work Beat XXX. (Att. #25)

#### **Officer Jose A, #XXXX; Allegation #1: Exonerated**

The Reporting Investigator recommends a finding of **Exonerated** for **Allegation #1** that Officer A pulled, grabbed, and twisted Subject 1’s arm while being handcuffed.

Subject 1 admitted during her statement that she was moving from side-to-side, in order to prevent Officer A from patting her down. Subject 1 also stated that Officer A “twisted” her wrist as she was being guided to the rear of Officer A’s squad car. The contact described by Subject 1 surmounts to a control hold, or escort hold.

Officer A reported in his Tactical Response Report that Subject 1 did not follow verbal direction, stiffened, pulled away, and flailed her arms. Officer A responded with member presence, verbal commands, escort holds, wristlock, and armbar.

The physical contact between Officer A and Ms. Subject 1 was necessary and not excessive. Officer A did not violate the Department’s Use of Force policy, given that Subject 1’s actions precipitated Officer A’s use of force. By her own description of her actions, Subject 1 was, at a minimum, a passive resister, in that she employed variable positioning efforts to prevent Officer A from gaining control of her person.

The physical contact reported by Subject 1 is similarly reflected and documented in Officer A’s report and TRR.

Therefore, it is recommended that this investigation be terminated at this time without conducting further interviews.

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<sup>1</sup> Arrest Report, Att. #23, Page 3, Incident Narrative Section