

INTRODUCTION:

Subject 1 alleged that he was punched in the ribs during the course of his arrest. This investigation shows that injuries incurred by Subject 1 were not the result of his interaction with the members of the Chicago Police Department. Subject 1 son, Witness 1, who witnessed the incident, stated that the officers were professional and did not physically maltreat Subject 1 at any time during this incident.

ALLEGATIONS:

On 07 March 2016, at 0800 hours, Sergeant A, #XXXX contacted the Independent Police Review Authority and registered a complaint on behalf of Subject 1. It is reported that on 07 March 2016, at approximately 0147 hours, the **Accused Officer A, #XXXXX**:

- 1) Punched Subject 1 in the ribs.

APPLICABLE RULES AND LAWS:

Rule #8 of the Chicago Police Department, which prohibits “Disrespect to or maltreatment of any person, while on or off duty.”

Special Order 08-01-01, II, B10¹

SUMMARY:

On 07 March 2016, Officer A responded to a domestic violence call at XXXX N. Nora Avenue. Upon arrival Officer A spoke with Witness 1, who stated that he and his father, Subject 1, were involved in a physical altercation. Witness 1 stated that he and his friends, Civilian 1 and Civilian 2 were hanging out in the garage when his father, Subject 1, chased his friends out of the garage with a broom stick. Subject 1 then confronted Witness 1 by pushing and grabbing him by his sweatshirt. Witness 1 subsequently called for police assistance.

INVESTIGATION:

The **Initiation Report** written by Sergeant A #XXXX, indicated that Subject 1 was placed into custody on signed complaints by his son, Witness 1, for Domestic Battery. After processing, Subject 1 was taken to X Hospital for an injury to his hand and psoriasis. While at the hospital Subject 1 complained of rib pain to Registered Nurse 1.

Subject 1 told the nursing staff that he was punched and kicked by the police and “did not want to talk about it.” Sergeant A arrived at the hospital and spoke with the

¹ Special Order 08-01-01, II, B10 was rescinded on 23 May 2016 and replaced with Special Order 08-01-01, II, C12 on 24 June 2016.

officers on guard detail who stated that Subject 1 told them that his son, Witness 1, hit him with a bat and injured his ribs. Sergeant A instructed the officers to complete a Supplementary Report on the conversation they had with Subject 1.

Sergeant A spoke with Subject 1 who stated that he did not make allegations against the police. Subject 1 stated his son, Witness 1, hit him with a broom and bat. Subject 1 could not explain how he sustained the injury to his ribs but stated that his ribs were hurting when the police arrested him. According to Sergeant A, when asked how the officers conducted themselves, Subject 1 stated that the arresting officers were “fine.”²

Sergeant A spoke with the attending Physician, Doctor 1, who stated Subject 1, told him that his injuries were sustained during an altercation with his son. (Att. #4)

The **Original Case Incident Report** and **Arrest Report** of **Subject 1** indicate that he was arrested for Domestic Battery. The arresting officers were flagged down by Witness 1. Witness 1 stated that his father, Subject 1, was upset that he and his friends were hanging out in the garage. Subject 1 chased his friends, Civilian 1 and Civilian 2, out of the garage by swinging a broom stick at them. Subject 1 then pushed and grabbed Witness 1 by his sweatshirt several times.

Civilian 1 and Civilian 2 spoke with the arresting officers and corroborated Witness 1 version of the events. The witnesses further stated that they stood between Subject 1 and Witness 1 to prevent the physical altercation from escalating. Civilian 1 stated that Subject 1 punched the garage wall causing a cut to his left hand. The Reporting Officer observed an abrasion to Subject 1’s left hand. All parties refused medical attention. Subject 1 was transported to the XXXth District for processing. (Att. #5-6)

The **Supplementary Report** documents that Officer B, #XXXX and Officer C, #XXXX were assigned to transport Subject 1 to Resurrection North Hospital for an open wound on his hand due to psoriasis. While at the hospital, Subject 1 complained of pain to his ribs. Subject 1 was given an x-ray which revealed a broken rib. Subject 1 stated he sustained his injury when his son hit him with a baseball³ earlier in the evening. (Att. #7)

CPD Event Query #XXXXXXXXXX documents that on 07 March 2016 Witness 1 telephoned 911 at 2:20:30 hours and stated he wanted his father, who was intoxicated, removed from the house. (Att. #9)

CPD Event Query Event #XXXXXXXXXX documents that on 07 March 2016 Subject 1 telephoned 911 at 3:00:13 hours and stated his son hit him twice with a baseball bat. Subject 1 stated that his son was drunk. Subject 1 further stated that he would not come out to speak with the officers because “they are there for his son and won’t listen to (him)” (Att. #9)

² Initiation Report by Sergeant A, Att. #4, P. 2

³ Though this report indicates Subject 1 was hit with a “baseball,” Subject 1 stated he was hit with a “baseball bat” as indicated in other reports.

Medical Records from Presence Resurrection Medical Center document that Subject 1 was seen while in police custody for bleeding to his left hand and a leg rash caused by psoriasis. Subject 1 further indicated that he was experiencing pain on his right side by his ribs. Subject 1 stated to Registered Nurse 1, that he was kicked and punched by “those guys,” while motioning toward police officers.

Subject 1 was diagnosed by Doctor 1 with multiple rib fractures to his right side, a laceration on his left hand, chest pain, rash, and nicotine dependence. Subject 1 told Doctor 1 that he received the injury to the right side of his ribs during an altercation with his son. Subject 1 was treated and released back into police custody. Subject 1 denied having a physical altercation with the police. (Att. #26)

Attempts to Contact Civilian 1 and Civilian 2 met with negative results. The R/I conducted a personal visit to both Civilian 1 and Civilian 2 on 18 April 2016. To date the R/I has not been contacted by Civilian 1 or Civilian 2. (Att. #16, 18, 24-25)

Evidence Technician Photos of Subject 1 depict slight redness to his stomach area, his face, and abrasions to his left hand. (Att. #19)

CIVILIAN WITNESSES

In a statement to IPRA on 07 March 2016, **Subject 1** stated that he was in bed sleeping when his wife woke him up and said people were walking in the gangway. Subject 1 went outside to investigate and observed his son, Witness 1, with his friends, drinking and “smoking dope” inside the garage. Subject 1 stated that he and Witness 1 got into an argument and a physical altercation when he told them to leave.

Subject 1 went inside his house and turned off the electricity to the garage. Subject 1 went back outside and again told everyone to leave. Witness 1 shoved Subject 1, hit him with a broom, and threatened to call the police. Subject 1 went back inside the house and moments later the police rang the doorbell. A male Hispanic officer came in and handcuffed Subject 1 behind his back and escorted him outside through the gangway. Subject 1 stated at that time he was punched on his right side. Subject 1 did not see who punched him but stated it had to be the officer or his son, Witness 1.

Subject 1 was placed inside the squad car and transported to the XXXth District for processing. Subject 1 complained of pain to his right side and was transported to Resurrection Hospital for treatment. Subject 1 was asked about his injuries by hospital personnel but stated that he did not want to talk about it in the presence of the police. Subject 1 stated at that point hospital personnel assumed he was injured by the police. Subject 1 stated he does not remember telling hospital personnel that his injuries were caused by the police.

Subject 1 stated that he initially spoke with a sergeant who came to the hospital to interview him, but that he refused to talk any further and terminated the interview.

Sergeant A asked Subject 1 how the police conducted themselves at the scene. Subject 1 responded, "Fine."⁴ (Att. #13, 15)

In a statement to IPRA on 18 April 2016, **Witness 1** stated that he and his father, Subject 1, got into an argument that ultimately led to a physical altercation. Witness 1 stated that he was outside in the backyard with his friends, Civilian 2 and "Civilian 1," when his father, Subject 1, who was intoxicated, came outside and started yelling and fighting with him. Subject 1 pushed and threw Witness 1 to the ground and threatened to call the police. Witness 1 stated that he pushed his father, Subject 1, but did not punch him.

The police arrived and tried to speak with Subject 1 but he told them, to "Get the fuck out of here. This is my house. No, I don't want you people here."⁵ Witness 1 stated the police officers asked Subject 1 politely to talk and he again refused and pushed his way past Witness 1 and the officers.

Witness 1 stated he observed the officer "gently" place Subject 1 on the ground. Subject 1 was yelling and calling the officers "assholes." The officer "gently" picked Subject 1 up off the ground and escorted him to the squad car.

Witness 1 stated his mom and his friend, Civilian 1, told him that his father, Subject 1, fractured his rib earlier in the week when he tripped and fell while trying to start a fire in the fire pit. Witness 1 stated his father was drunk at the time.

Witness 1 stated that at no time did he observe any officer physically maltreat his father, Subject 1. Witness 1 further stated that at no time was his father, Subject 1, punched, kicked, or pushed by any officer on scene.
(Att. 20-21)

CONCLUSION:

Officer A, #XXXXX

Allegation #1: **Unfounded**

The Reporting Investigator recommends a finding of **Unfounded** in accordance with **Special Order 08-01-01, II, B10** for **Allegation #1** that Officer A punched Subject 1 in the ribs.

Subject 1 stated that he was punched in his ribs by an unknown person, while being escorted to a CPD squad car. Subject 1 related that the only people present when he was struck were his son, Witness 1, and a male Hispanic officer, identified through this investigation as being Officer A. Subject 1 stated that he has no idea who actually struck

⁴ Initiation Report by Sergeant A, Att. #4, P. 2

⁵ Statement of Witness 1, Att. 21, P.6, Lines 11-12

him. In his statement to IPRA, Subject 1 stated that he was unsure if he had been struck by the officer, or by his son, Witness 1.

Subject 1 provided inconsistent information as to how he sustained the injury to his ribs. Subject 1 told the officers who were guarding him that the injuries to his ribs were caused by his son. Subject 1 told Doctor 1 that he sustained the injury to his ribs during a physical altercation with his son and denied having a physical altercation with the police.

Subject 1 told Sergeant A that he did not make an allegation against the police. Sergeant A asked Subject 1 how the police conducted themselves at the scene, to which Subject 1 responded, "Fine."

Witness 1, who witnessed this incident, stated at no time did any officer punch, kick, push, or physically maltreat Subject 1. Witness 1 stated that it was his understanding that Subject 1 sustained the injury earlier in the week before this incident occurred, when he tripped and fell in the backyard of their home.

Chicago Police Department Special Order 08-01-01, II, B10 states that IPRA will "terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated." The preponderance of the evidence, in addition to the account provided by Subject 1's own son, Witness 1, shows that no misconduct on the part of Officer A occurred. The allegation is therefore **Unfounded**. It is recommended that this investigation be terminated at this time without conducting further investigation.