

INTRODUCTION:

On 09 January 2016, Complainant was stopped and cited for traffic offenses. His driver's license was taken away as a result; Complainant exited his vehicle and began to protest, screaming at Officer A and his partner. The officers explained to Complainant the process of contesting the citation and retrieving his driver's license and walked away. As the officers attempted to drive away in their squad car, Complainant ran up to the squad car and kicked it with his foot, damaging the bumper of the squad car. The officers stopped, exited the squad car, and attempted to arrest Complainant. Complainant began to resist and Officer A performed a takedown of Complainant. Complainant was subsequently placed in custody. This incident was captured on the officers' squad car dashboard camera.

The in-car video recording captured the entirety of this event. The video evidence shows that the conduct reported by Complainant did not occur as alleged, or was in compliance with the CPD Use of Force Model; the allegations are therefore Exonerated and Unfounded.

ALLEGATIONS:

On 10 January 2016, at 1825 hours, Sergeant A #XXX, Unit XXX, contacted the Independent Police Review Authority (IPRA) and registered this complaint with IPRA Investigator A #XXX, on behalf of Complainant. Complainant alleged that on 09 January 2016, at approximately 0100 hours, at XXX E. XX Street, Officer A #XXXXXX, Unit XXX;

- 1) Grabbed Complainant by the left shoulder while he was handcuffed and slammed him to the ground in violation of Rule 8.
- 2) Never told Complainant why he received citations in violation of Rule 2
- 3) Bent Complainant's wrist after he was handcuffed in violation of Rule 8.
- 4) Called Complainant a "Smart Ass," in violation of Rule 9;

Officer B #XXXXXX, Unit XXX;

- 1) Pointed a taser at Complainant in violation of Rule 2
- 2) Never told Complainant why he received citations in violation of Rule 2.

APPLICABLE RULES AND LAWS

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

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 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Order 03-02-01: Use of Force Model.

Special Order S08-01- 01(II) (B) (10): The member assigned to investigate a Log Number will terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated.

INVESTIGATION:

In his **Initiation Report**, Sergeant A, #XXX, documented that Complainant stated that while he was being escorted to the squad car in handcuffs, Officer A caused him to fall to the ground striking the left side of his face on the ground causing swelling and bruises to his face. Sergeant A added that Complainant stated that he received treatment for his injury while in custody. (Att. #35)

In a statement with IPRA on 12 January 2016, **Complainant** stated that on 09 January 2016, at approximately 0100 hour, during a traffic stop, Officer A #XXXXXX, and his partner, Officer B #XXXXXX, approached his vehicle and demanded his driver's license, proof of insurance and registration. Complainant produced his driver's license to Officer A and was not able to produce his insurance and registration information because he did not have them on him. Officer A went to the squad car and ran the license plate of Complainant's vehicle. Officer A returned to Complainant and informed him that the plate did not match his vehicle. Officer A issued Complainant a ticket, retained his driver's license and asked to see the papers for the vehicle. Complainant began to question about the reason he was stopped because the officers did not tell him. Officer A explained to Complainant that his license plate did not match his vehicle and he did not have the car title and proof of insurance. Officer A then informed Complainant that if he wants his driver's license back, he could go to the station and pay \$200 USC or go to court. Complainant became angry and frustrated because the officers kept his driver's license. Complainant stated that he got out of his vehicle and as he was getting out of his vehicle, Officer A began to reach for his weapon while Officer B drew his taser pointing it at him and ordered Complainant to get back in his car and leave. Complainant stated that the officers got back in their squad car and began to drive off. Complainant stated that he was mad, lost his temper at that point and kicked the front bumper of the squad car.

The officers stopped and exited their squad car. Both officers grabbed Complainant and placed him against his vehicle, and handcuffed him. Complainant stated that Officer A bent his wrist after he was handcuffed. Complainant stated that as Officer A held him by the right shoulder and Officer B had him by the left wrist escorting him to the squad car, Officer A stated, "You resisting arrest," and slammed the left side of his face to the concrete ground. Complainant stated that the officers then picked him up from the ground and placed him in the squad car. Officer A then called Complainant a "Smart ass," and they transported him to the station. Complainant stated that he sustained abrasions and swelling to the left side of his face and sought medical treatment at Hospital A. Complainant added that he was alone and there were no witnesses to the incident. (Att.13, 33, 42)

Medical Records obtained from Hospital A indicate that Complainant came to the Emergency Room on 09 January 2016, at 0828 hours. Complainant complained of abrasions and

redness to the left side of his face. Complainant was diagnosed with acute facial contusion and was given Ibuprofen (Motrin) 600 MG. (Att. #32)

Evidence Technician Photographs taken of Complainant depict abrasions and swelling to the left side of his face. The photographs also depict damage to the left side of the bumper of the squad car bearing number "XXXX." (Att. #22).

Video footage from the **In-Car Camera** of Beat XXXXX captured the contact between Complainant and the arresting officers. After he was issued traffic citations, Complainant became angry and exited his vehicle, despite being told repeatedly to "Stay in the car." The passenger officer exited the police vehicle and repeatedly told Complainant to get "Back in the car"; after continued argument, the driver officer instructed Complainant that his actions would be taken as a threat. Complainant yelled, "Alright shoot me then," and the driver officer responded, "Why would I shoot you?"

Complainant began to unzip his jacket, while the driver officer backed away. The passenger officer unholstered his taser and asked Complainant, "where would you like it?" The driver officer instructed him instead to "Create distance." Complainant inquired of the passenger officer, "You going to tase me?" and the passenger officer replied, "Yes I will, sir." The driver officer stated that they were going to leave, while the passenger officer explained, "If you take another step towards me, I'm going to sh-, I'm going to tase you; I'm not going to shoot you, I'm going to tase you." Complainant repeatedly yelled, "I'm another Black statistic."

The officers backed away and entered their patrol vehicle; they told Complainant to "Have a good night," and the driver officer repeated, "Create distance." As their vehicle reversed, Complainant ran towards their car, and appeared to kick the front bumper. The officers then exited their vehicle and instructed Complainant to "Get down." Together the officers grabbed and turned Complainant toward his car and placed him face down on the trunk. Complainant again said, "I'm a Black statistic." The driver officer instructed him, "Stop resisting," and all three of them spun around. Each officer held one of Complainant's arms and took him to the ground while repeating, "Stop resisting." The left side of Complainant's face struck the ground during this maneuver. Once he was on the ground the officers handcuffed and searched him before placing him inside their vehicle. (Att. #23-28, 34)

Complainant was issued **Multiple Citations** for various traffic violations on 09 January 2016, at 0109 hours, at XXX E. XX Place by Officer A #XXXXXX, Unit XXX (Att. #36)

Department Reports, which included the Arrest Report, Original Case Incident Report, and Case Supplementary Report, documented that Complainant was arrested on 09 January 2016, at 0109 hours, at XXX E. XX Place, by Officer A #XXXXXX, and Officer B #XXXXX. Complainant was charged with two counts of Resisting/Obstructing a Police Officer; Aggravated Assault to a Police Officer; Criminal Damage To Property and multiple Traffic Offenses.

The narrative documented that officers observed Complainant's vehicle heading southbound on Cottage Grove Avenue. A check of his license plate revealed that it was not on file with the Illinois Secretary of State. The officers stopped Complainant and he could not produce insurance and proof of registration. The officers issued Complainant citations for traffic

violations and retained his driver's license. Complainant became upset, exited his vehicle and began to approach the officers stating that he needed his driver's license. Officer A explained to Complainant that his license may be returned to him on his scheduled court date or he could go into the police station to post a cash bond and receive his driver's license there.

The officers began walking back to their squad car. Complainant became irate and began to demand his driver's license. Officer A ordered Complainant to get back in his vehicle, though Complainant failed to comply. Officer A again explained to Complainant the process for getting his driver's license back. Complainant began to close distance on the officers yelling at them, "Shoot me, I am just another black statistic." The officers again advised Complainant to return to his vehicle and they returned to their squad car. Complainant again failed to comply, and as the officers attempted to drive away by reversing their squad car, Complainant walked towards the squad car at a quick pace and clenched his fists towards Officer A, whose vehicle window was rolled down, and kicked the squad car causing damage to the driver side lower bumper of the squad car.

At this point, the officers exited the squad car and Officer A attempted to place Complainant in handcuffs. Complainant began to pull away to defeat the arrest. Officer A then performed an emergency takedown of Complainant and was able to securely place him in handcuffs. Complainant suffered a laceration and abrasion to the left side of his face; Complainant refused medical treatment by the ambulance that responded to the station. (Atts. #4, 5 & 21)

The **Tactical Response Report** completed by Officer A #XXXXXX, documented that Complainant was an active resister and assailant who "did not follow verbal direction, pulled away, and was an imminent threat of battery" to Officer A. The "Officer's Response" section documented that the officers used "member's presence, verbal commands, and take down/emergency handcuffing" to control Complainant. (Att. #6)

Department Vehicle Traffic Crash or Damage Report documented that on 09 January 2016, at 0043 hours, at XXX E. XX Place, Complainant was upset after receiving a personal service citations for traffic violations. Complainant kicked the lower bumper/air defector of Squad car #XXXXX causing damage to the squad car. (Att. #14)

CONCLUSION:

IPRA recommends a finding of **Unfounded** for **Allegation #1** that **Officer A #XXXXX**, grabbed Complainant by the left shoulder while he was handcuffed and slammed him to the ground in violation of Rule 8. Complainant was confrontational and resisted arrest. Complainant admitted he could not produce his vehicle insurance and registration information. The officers issued Complainant citations and kept his driver's license. The officers made several attempts to leave the scene without arresting Complainant. They walked away telling Complainant to get back in his car and leave as Complainant was angry and frustrated screaming and yelling at the officers. Complainant admitted he lost his temper and ran towards the officers' squad car and kicked the front bumper. The Evidence Technician photographs shows damage to the left side of the bumper of the squad car and the In-Car video confirmed that Complainant ran towards the squad car and kicked it. It also captured Complainant struggling and resisting the officers' attempts to place him in custody causing three of them to spin around while each officer held one of Complainant's arms and took him to the ground and handcuffed him. Complainant was taken to the ground and then handcuffed; after he was handcuffed he was not subsequently taken back down to the ground. The allegation did not occur as Complainant alleged. Based on the evidence that has been gathered, the Reporting Investigator recommends that this investigation be terminated at this time in accordance with the provision of Special Order S08-01-01(II)(B)(10), without conducting further interview or obtaining a statement from Officer A or any officers; this allegation is therefore **Unfounded**.

IPRA recommends a finding of **Unfounded** for **Allegation #2**, that **Officer A #XXXXX**, never told Complainant why he received citations in violation of Rule 2. The video clearly captured Officer A explain the reason of the stop to Complainant and informed him on how to retrieve his driver's license. The evidence established that this allegation was false and did not occur as alleged. Therefore, IPRA recommends that the allegation be **Unfounded** in accordance with the provision of Special Order S08-01-01(II)(B)(10), and no statement be obtained from Officer A or any officers.

IPRA recommends a finding of **Unfounded** for **Allegation #3**, that **Officer A #XXXXX**, bent Complainant's wrist after he was handcuffed in violation of Rule 8. The video evidence showed Complainant kick the front bumper of the squad car and the officers exited their squad car and ordered Complainant to "Get Down." The officers grabbed and turned Complainant towards his car and placed him face down on the trunk to place him in custody. Complainant continued to struggle and resist, he and the officers spun around and the officers took Complainant to the ground and handcuffed him. The video evidence did not show Officer A bend Complainant's wrist as he alleged. Therefore, IPRA recommends that this investigation be terminated at this time in accordance with the provision of Special Order S08-01-01(II)(B)(10), without conducting further interview or obtaining a statement from any officers, and the finding be classified as **Unfounded**.

IPRA recommends a finding of **Unfounded** for **Allegation #4**, that **Officer A #XXXXX**, called Complainant a "Smart Ass," in violation of Rule 9. The officers could be heard loud and clear in the video and there was no time in the video that Officer A called Complainant a "Smart Ass" as Complainant alleged. There is no evidence to support this allegation. Therefore, IPRA

recommends that this investigation be terminated at this time in accordance with the provision of Special Order S08-01-01(II)(B)(10), without conducting further interview or obtaining a statement from any officers, and the finding be classified as **Unfounded**.

IPRA recommends a finding of **Exonerated** for **Allegation #1** that **Officer B #XXXXX**, pointed a taser at Complainant in violation of Rule 2. The video evidence confirmed that Officer B pointed, but did not discharge, his taser at Complainant in response to Complainant refusing to comply with the repeated instruction to get into his car and instead unzipping his jacket and approaching the officers. Therefore, Complainant's actions were consistent with that of an active resister/assailant, as defined by Chicago Police Department General Order 03-02-01. Accordingly, the Use of Force Model permits the use of tasers in response to Active Resisters or Assailants; therefore Officer B pointing a taser at Complainant was a permitted force option, and this allegation is **Exonerated**. Based on the totality of the circumstances surrounding this incident, along with the evidence that has been gathered, IPRA recommends that this investigation be terminated at this time in accordance with the provision of Special Order S08-01-01(II)(B)(10), without conducting further interview or obtaining a statement from any officers.

IPRA recommends a finding of **Unfounded** for **Allegation #2**, that **Officer B #XXXXX**, never told Complainant why he received citations in violation of Rule 2. Officer A repeatedly explained the reason of the stop to Complainant and informed him on how to retrieve his driver's license. The evidence established that this allegation was false and did not occur as alleged. Complainant disregarded the officers. Therefore, IPRA recommends that the allegation be **Unfounded** in accordance with the provision of Special Order S08-01-01(II)(B)(10), and no statement be obtained from Officer B or any officers.

It should be noted that the video also recorded Officer A repeatedly attempt to de-escalate the situation with Complainant. This use of de-escalation tactics is encouraged by IPRA.