

ALLEGATIONS:

On 27 JAN 16, at approximately 2045 hours, IPRA Investigator A registered a complaint with the Independent Police Review Authority (IPRA) on behalf of Complainant 1 regarding Complainant 2. It is alleged that on 27 JAN 16, at approximately 1730 hours, at XXX N. Michigan, on the street, **the accused, PO Officer A, #XXXXXX, Unit XXX:** 1) kned Complainant 2 without justification.

INVESTIGATION:

This investigation concerns allegations of excessive force during the issuance of a traffic citation. The investigation was conducted in the following manner:

In a web complaint, Complainant 1 stated on 27 JAN 16, at approximately 1730 hours, at the corner of Michigan & Wacker, while walking home, he observed an officer, now known as the accused, PO Officer A, screaming at a taxi driver, now known as Complainant 2, who was visibly upset that he was getting a ticket. PO Officer A accused Complainant 2 of running over her foot. Complainant 2 refused to sign the ticket. PO Officer A instructed Complainant 2 to exit the taxi. When e complied, PO Officer A pushed Complainant 2 against the taxi and handcuffed him. Other officers arrived and the situation stabilized. Though angry, Complainant 2 never physically assaulted PO Officer A. Attempts to obtain a Sworn Affidavit and statement from Complainant 1 were unsuccessful. (Att. #1, #4).

During an audio recorded statement, Complainant 2 stated that on 27 JAN 16, at approximately 1730 hours, at XXX N. Michigan, he stopped his taxi to drop off a fare and pick up another fare, when he was approached by PO Officer A and her partner. PO Officer A accused Complainant 2 of blocking traffic and issued him a ticket for obstructing traffic. Complainant 2 signed the ticket. The two had a brief conversation regarding Complainant 2 wearing his seat belt and Complainant 2 drove away. PO Officer A stopped Complainant 2 a second time and accused him of nearly driving over her feet. Complainant 2 exited his taxi, refused to sign the second ticket and accused PO Officer A of trying to meet a ticket quota. PO Officer A threatened to arrest Complainant 2 and attempted to take control of his arms. Complainant 2 resisted by moving around and refused to allow PO Officer A to handcuff him. PO Officer A kned Complainant 2 in the groin. Complainant 2 pushed PO Officer A away from him. Other officers arrived and intervned and Complainant 2 was handcuffed. Complainant 2 signed the ticket and was released. Complainant 2 stated that had other officers not been present, "I would have attacked her." Complainant 2 sustained soreness to his groin but did not seek medical attention. (Att. #8, #9).

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Traffic Citation #XXXXXXXXXX XX documents that Complainant 2 was cited because he was staging, "For Hire" with a clear meter in a "No Park/No Stand Zone," blocking traffic. **Traffic Citation #XXXXXXXXXX XX** documents that Complainant was cited for driving off after rejecting a previous ticket without being told to do so and nearly running over the officer's foot. (Att. #11, #12).

The related **Case Report, RD#HZ-130973, Battery – Aggravated to PO**, documents that POs Officer A and Officer B, #XXXXX, Unit XXX, pulled Complainant 2 over for a traffic violation. Complainant 2 was issued an Administrative Ordinance violation which required his signature. Complainant 2 was belligerent and yelling that he was not going to sign the ticket. POs Officer A and Officer B explained to Complainant 2 that he would be arrested if he did not sign the ticket. Complainant 2 screamed, "Then arrest me," exited his taxi, and then turned to face his vehicle. PO Officer A took hold of Complainant 2's right arm and attempted to handcuff him. Complainant 2 turned around and grabbed PO Officer A's arm to prevent her from handcuffing him. In fear of receiving a battery, PO Officer A kned Complainant 2 on the thigh at which time he released his grasp of her. Other officers arrived. Complainant 2 was handcuffed and given another opportunity to sign the ANOV. Complainant 2 signed the ticket and was released without charging. (Att. #15).

The related **Tactical Response Report (TRR)** documents that Complainant 2 was an assailant who grabbed PO Officer A's arm. PO Officer A responded with her presence, verbal commands, and a knee strike. The Lieutenant/OCIC review documents that Complainant 2 was issued an ANOV and sent on his way. Lieutenant A concluded that PO Officer A's actions were in compliance with Department procedures and directives. (Att. #16).

The related **Officer's Battery Report** documents that PO Officer A did not sustain any apparent injuries as a result of her contact with Complainant 2. (Att. #17).

The **Police Observation Device (POD)** did not capture the incident. (Att. #23, #24, #25).

CONCLUSION:

The R/I recommends that this investigation be terminated and that the allegations contained therein be **Unfounded** in accordance with Special Order S08-01-01, Section II., B-10, which documents that the Investigator is to "terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated." In this case, PO Officer A's actions against Complainant 2 are clearly Exonerated. Complainant 2 stated that he resisted arrest and that PO Officer A kned him after he resisted arrest. Complainant 2 stated that he pushed PO Officer A after she kned and that had other officers not been present at the scene, "I would have attacked

her.” PO Officer A documented in her TRR that Complainant 2 was an assailant who grabbed her arms and that she responded with her presence, verbal commands and knee strike. Based upon the totality of the circumstances, PO Officer A did not knee Complainant 2 without justification. The allegations made by Complainant 2 are clearly Unfounded.

