

INTRODUCTION

On July 24, 2012 at 10:20 p.m., Chicago Police Department arrested Subject for selling loose cigarettes. Subject was transported to and held at District XXX Police Station in the male lockup area. While Subject was being transferred to a holding cell, CPD Officer A reported that Subject was intoxicated, refused to follow verbal commands, and threatened to “kick his (the officer’s) ass.” According to Officer A, a physical confrontation ensued after it appeared that Subject was going to strike Officer A.

After Officer A informed CPD Sergeant A that he needed to complete a Tactical Response Report for a prisoner who gave Officer A a difficult time, Sergeant A reviewed video of the District XXX lockup area for evidence of what took place. After his review of the video, Sergeant A initiated an excessive force complaint against Officer A. In Sergeant A’s complaint, he alleged that Officer A did not follow proper procedure and was the aggressor against prisoner Subject when he entered Subject’s cell and pushed and punched him.

ALLEGATIONS

As a result of the incident that took place on July 24, 2012, **Officer A, #XXXXX**, received the following allegations:

- 1) initiated an unjustified physical altercation with Subject, *in violation of Rule 9*,
- 2) physically maltreated Subject in that he repeatedly grabbed him,
- 3) physically maltreated Subject in that he threw him into multiple cells,
- 4) physically maltreated Subject in that he choked/ grabbed him by the throat,
- 5) physically maltreated Subject in that he slammed Subject’s face into a bench,
- 6) physically maltreated Subject in that he excessively twisted Subject’s wrist,
- 7) physically maltreated Subject in that he punched/ struck Subject about the body, *(allegations 2-7) in violation of Rules 6 and 8, and General Order G03-02*,
- 8) physically maltreated Subject in that he handcuffed him too tightly,
- 9) physically maltreated Subject in that he pulled him by the handcuffs, *(allegations 8-9) in violation of Rule 8*,
- 10) physically maltreated Subject in that he slammed Subject into a wall, *in violation of Rules 6 and 8, and General Order G03-02*,
- 11) physically maltreated Subject in that he left him handcuffed to the cell for several hours, *in violation of Rule 8*,
- 12) was inattentive to duty in that he failed to accurately document the circumstances of the incident on the Tactical Response Report (TRR), *in violation of Rule 10*,
- 13) failed to submit Subject’s fingerprints for clearance in a timely manner, *in violation of Rule 6 and Special Order S06-01¹*,
- 14) failed to notify the Station Supervisor of an unusual occurrence in the lockup, *in violation of Rule 6 and Special Order S06-01-02*,

¹ The order was incorrectly cited on the Notification of Allegations as General Order 06-02 B-2(a).

- 15) failed to immediately notify the Station Supervisor that Subject was perceived to be chemically impaired, *in violation of Rule 6 and Special Order S06-01-02*,
- 16) engaged in conduct unbecoming and brought discredit upon the Department by his overall actions, *in violation of Rule 2*.

It is also alleged that on or about July 25, 2012, while at the XXX District station located at XXX E. XXX Street, **Officer A, #XXXXXX**:

- 17) intentionally falsified a Department Report, in particular a Tactical Response Report (TRR), in that he failed to accurately document his physical contact with Subject, *in violation of Rules 2 and 14*.

It is further alleged that on November 6, 2014 at XXXX W. Chicago Avenue, **Officer A, #XXXXXX**:

- 18) provided a false statement to IPRA in that he asserted the TRR he completed was a true and accurate account of his physical contact with Subject, *in violation of Rules 2 and 14*.

APPLICABLE RULES AND LAW

Rules and Regulations of the Chicago Police Department:

- 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 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Prohibits inattention to duty.
- Rule 14:** Prohibits making a false report, written or oral.

Chicago Police Department General Orders:

- General Order G03-02:** Use of Force Guidelines (eff. 01 October 2002)
Special Order S06-01: Processing Persons Under Department Control
(eff. 23 February 2012)
Special Order S06-01-02: Detention Facilities General Procedures and Responsibilities
(eff. 23 February 2012)
Special Order S06-01-04: Arrestee Identification Process (eff. 17 July 2012)
Special Order S06-01-07: Required Lockup Standards and Reporting
(eff. 29 February 2012)

INVESTIGATION

In an **Initiation Report** dated July 25, 2012, Sergeant A, #XXXX, reported that Officer A requested to make a Tactical Response Report (TRR), at 12:23 a.m., for a prisoner in lockup, now known as Subject, who gave him a difficult time. Sergeant A reviewed the video footage for the male lockup and determined that proper procedures were not followed and that Officer A was the aggressor. Sergeant A alleged that Officer A pushed and punched Subject. Subject would not give any statements to Sergeant A when questioned about the incident. (Att. 4)

The **Illinois Department of Corrections Report of Extraordinary or Unusual Occurrences** documents that on July 24, 2012, at approximately 11:45 p.m., at XXX E. XXX Street at District XXX Police Station, Subject was brought into the police station intoxicated and escorted to a holding cell. Subject threatened to do harm to Officer A. Officer A entered the holding cell and a physical confrontation occurred between him and Subject. Subject sustained minor injuries to his arm and received treatment at Hospital A. Officer A did not sustain any injuries. (Att. 5)

The **Arrest Report** documents that Subject was arrested on July 24, 2012, at 10:20 p.m., at XXX W. XXX Street, and cited for Certain Transactions Prohibited. The arresting officers were Officer B, #XXXX, and Officer C, #XXXXX². It is reported that while Officer C was monitoring POD #XXX, located at XXX W. XXX Street, he observed Subject meet with several individuals on the public way exchanging loose cigarettes for unknown amounts of money. Officers B and C conducted a street stop and placed Subject into custody and transported him to the XXX District Station for processing.³ The Arrest Report further documents that Subject was intoxicated, irrational, and refused to follow verbal commands. Subject was initially escorted to (C) cell, but became irate and was moved to (L) cell. (Atts. 8, 30)

The **Original Case Incident Report**, RD# HZ-XXXXXX⁴, completed on July 25, 2012 by Officer D documents that Subject was intoxicated at the time of his arrest.

² Officer E is listed as an assisting arresting officer.

³ Subject was received in lockup on July 25, 2012 at 3:04 a.m. He was photographed at 3:46 a.m. and fingerprinted at 3:48 a.m. Subject was released on July 26, 2012 at 11:45 a.m.

⁴ There is no record in the Mainframe Court System regarding the RD# that was generated relative to this incident.

While being processed in District XXX Lockup, Subject complained about not receiving a mattress. Officer A told Subject to pay attention to verbal commands and to stop talking. Subject became upset and refused to follow Officer A's commands. Officer A then escorted Subject to the receiving cell. Subject reportedly threatened to "kick his (Officer A's) ass," thereby committing a simple assault on a police officer. Officer A entered the cell, and Subject became verbally abusive and appeared to move his hands in an aggressive manner. Officer A immediately grabbed Subject's hands and gave him verbal commands to place his hands behind his back. Officer A and Subject engaged in a struggle. During that time, Officer A's eyeglasses fell to the floor. As the struggle continued, Officer B and Detention Aide A arrived and assisted Officer A in handcuffing Subject. Subject was secured and escorted to a cell. Subject stated, "if I had these handcuffs off I'll kick your ass." Officer A was not injured. (Att. 6)

The Chicago Police Department Event Query, Event #XXXXXXXXXX, documents that RD# HZ-XXXXXX was generated on July 25, 2012, at approximately 4:05 a.m., at District XXX Police Station. (Att. 10)

On July 26, 2012, an **IPRA** representative physically observed abrasions on Subject's neck and swelling on his right wrist. Those observations took place as part of Subject's interview with IPRA and were documented in a **separate report**. During that observation, Subject told IPRA that officers took him to Hospital A, but he refused to be treated. (Att. 18)

A **TRR** completed by Officer A on July 25, 2012 and reviewed by CPD supervisors on August 3, 2012 documents that on July 24, 2012, at 11:55 p.m., at XXX E. XXX Street, District XXX Police Station, Subject was an assailant who did not follow verbal direction, stiffened, and posed an imminent threat of battery to Officer A. Officer A responded with member's presence, verbal commands, escort holds, and a wristlock. (Att. 61)

An **Officer's Battery Report** completed by Officer A documents that on July 24, 2012, at 11:55 p.m., at XXX E. XXX Street, District XXX Police Station, Officer A was on-duty when he came into contact with Subject in the lockup. Subject verbally threatened (assaulted) Officer A. Officer A did not sustain any injury. (Att. 62)

The **Central Booking photographs** depict redness to the right side of Subject's neck. (Att. 9)

The **Arrestee Property Log** documents that arrestees Civilian 1, Civilian 2, Civilian 3, Civilian 4, Civilian 5, Civilian 6, Civilian 7, Civilian 8, and Civilian 9 were in the lockup at the time the incident occurred. **Attempts to contact and interview** those arrestees were unsuccessful. (Atts. 31, 38-60, 63, 64, 68, 72)

The **Watch Incident Log** documents that Sergeant A initiated Complaint Register Log Number 1055807 for excessive force against Officer A. (Att. 32)

The **District Daily Assignment Log** documents that Officer A and Detention Aide A were assigned to the male lockup at the time of this incident. (Att. 33)

The **Evidence Technician photographs** depict redness and a scratch on the right side of Subject's neck. They also include a close-up view of Subject's left arm. It is unclear what those images depict. (Att. 37)

Medical records document that Subject arrived at the hospital in police custody on July 24, 2012 at 7:34 a.m. Subject told hospital personnel that he was assaulted and complained of pain to his right wrist and arm, left shoulder and arm, and the right side of his neck. At 8:45 a.m., Subject refused treatment and left the hospital against the advice of the attending physician. (Att. 66)

Video Footage⁵ from the District XXX Police Station depicts Officer A escorting Subject to a cell. Officer A stood outside the cell as Subject entered the cell. Subject appeared to be speaking. Moments later, Officer A entered the cell and approached Subject, whereby he and Subject stood face to face. Officer A and Subject appeared to exchange words. The video footage appears to show Officer A reaching towards Subject's neck area with one hand. Subject's hands went up in a vertical position, and Officer A released Subject's neck. Subject appeared to be bent forward with one of Officer A's hands on his back. Officer A drew his other hand back in a strike/punch position, but did not swing. Subject's arms were extended and appeared to keep distance between himself and Officer A. The video footage appears to show Officer A pulling his arm back and possibly striking Subject in his side. Officer A appeared to have a hold on the back of Subject's shirt. Officer A pushed Subject to what appeared to be the corner of the cell, which is out of camera view. Officer A and Subject then moved further into the cell and out of the camera's view. Thereafter, three Chicago Police Department Members⁶ entered the cell and observed what was occurring in a corner of the cell. Shortly afterward, all the Department members and Subject, who was escorted by Officer A, exited the cell and walked down the hallway out of camera view. (Att. 67)

⁵ The video footage is in color and depicted four areas of the X District Station. The incident is best viewed in camera views 2 and 3. The video footage did not contain audio or a visible time stamp, so the times referred coincide with the minutes of footage obtained, not the actual time.

⁶ Now identified as Officer E, Officer F, and Detention Aide A.

In an **interview with IPRA** on July 26, 2012, **Complainant Subject** said that he was arrested on July 24, 2012 for loitering and transported to District XXX Police Station for processing. While at the station, the arresting officers completed their paperwork and escorted him to the lockup area.

As he stood waiting by the fingerprinting machine, Subject asked for a mattress, because it was cold inside the lockup area. He was told that they did not have any mattresses, but Subject continued to ask about obtaining a mattress because he observed several nearby. In response, a dark complexion, black male officer who was approximately 6'2", 200 lbs., with glasses, now known as Officer A, told Subject, "man, You talk too much. Why don't you shut up?" Subject replied, "I'm just asking for a mattress." Officer A then said, "you know what, I'm tired of you, you talk too much," and then grabbed Subject and "threw" him in a cell. As this was taking place, Subject responded by asking Officer A when he was going to be fingerprinted, and Officer A told Subject that he was not going to be fingerprinted. Subject responded to Officer A handling of Subject by stating, "you ain't gotta throw me around like that." After Subject was in the cell, Officer A followed behind, balled up his fist and drew back his right arm as if he was about to punch Subject. Officer A then grabbed Subject's throat with his left hand and slammed him down on a steel bench, which resulted in Subject's face hitting the bench. According to Subject, one of his arresting officers and a bald headed, dark complexion, black male detention aide who was approximately 5'8" and 250 to 260 lbs., was present during the incident.

Subject further alleged that Officer A grabbed his right wrist and twisted it until Subject heard a "pop." Subject thought that Officer A broke his wrist. Officer A continued by punching Subject on the rib cage area and grabbing Subject's left arm and pulling it behind his back. Officer A pulled Subject's left arm so far up that Subject felt pain to his shoulder. Subject asked the arresting officer and detention aide who were present to help him, but they ignored him. Officer A then pulled Subject's right arm behind his back and handcuffed him too tightly. Officer A then grabbed Subject by the chain of the handcuffs, "yanked" the handcuffs up until Subject was able to stand on his feet and escorted him to cell farther back in the lockup area. Officer A "threw" Subject into that cell, slammed Subject's back against the wall, and made him sit down. Officer A then asked for another pair of handcuffs, which was provided by the arresting officer. Officer A attached the handcuffs to the bars of the jail cell and then attached the other end to the handcuffs that Subject was wearing. Subject remained handcuffed in that manner for four hours. Subject yelled for help the entire time he was remained handcuffed in the cell, until Officer A finally returned to fingerprint Subject.

Subject spoke to a sergeant later that morning and told him what happened. Shortly thereafter, an evidence technician took pictures of Subject's injuries. Subject complained to the sergeant of soreness to his rib cage area and both wrists. Subject was ultimately transported to hospital, but he refused medical treatment after the officer who brought him to the hospital made reference to his being able to bond out quicker if he refused medical treatment. Subject believed that he was in police custody longer than necessary because Officer A did not immediately submit his fingerprints for clearance (Att. 16)

In an **interview with IPRA** on April 8, 2013, **Sergeant A**, stated that on July 24, 2012, he was on duty as the acting district station supervisor at District XXX. On July 25, 2012 at approximately 12:30 a.m., Officer A came into Sergeant A's office and stated that he had a problem in the lockup area with a prisoner Subject. Officer A informed Sergeant A that Officer A needed to complete a TRR related to the incident. Sergeant A was working on a double shooting at the time and told Officer A that he would handle it upon his return to the lockup area.

At approximately 2:00 a.m. on July 25, 2012, Sergeant A completed his paperwork for the double shooting and watched the lockup video that captured some of what occurred between Officer A and Subject. Sergeant A looked at the video because Officer A had a difficult time explaining what occurred. Officer A told Sergeant A that the Subject threatened him as he attempted to move him to a different cell. Officer A explained that Subject touched Officer A in an aggressive manner. Sergeant A told Officer A that he reviewed the video and that, in Sergeant A's opinion, Officer A had no business going into the cell to move Subject. He continued by explaining to Officer A that Subject was already in a cell and his threats toward Officer A appeared to be non-threatening because Subject was behind bars and had no weapons. Sergeant A explained to Officer A that if Officer A believed that Subject was a problem, Officer A should have asked for assistance or called Sergeant A immediately. Sergeant A told Officer A that he thought that Officer A initiated the physical contact with Subject. Officer A tried to explain to Sergeant A that Subject threatened him and that he had to be moved to another cell. Sergeant A allowed Officer A to view the video of the incident. After doing so, Officer A still denied any culpability.

Sergeant A attempted to interview Subject, but Subject refused to speak to him. Sergeant A indicated that there were no eyewitnesses to the incident. Sergeant A observed in the video a police officer and detention aide near the front desk of the lockup when the physical contact was made. According to Sergeant A, the incident was over when the other officers arrived to assist. Sergeant A added that Subject was taken to Hospital A for evaluation. (Att. 84)

In an **interview with IPRA** on February 1, 2013, **Officer E** stated that on July 24, 2012, he worked X watch patrol in District XXX with partner Officers C and B but did not recall transporting Subject to the station. Officer E believes that he must have been doing paperwork at the station when Officer C and B brought in Subject.

Officer E described Subject as intoxicated but not combative. He first saw Subject at approximately 10:30 p.m. Officer E took Subject's booking information and escorted him to the detention area inside the lockup. Lockup personnel conducted a custodial search of Subject and had Subject sign receipts for inventory and money.

As Officer E stood approximately five feet away, Subject asked the lockup personnel about getting a mattress to sleep on. Lockup Officer A told Subject to pay attention. Subject continued to demand a mattress and became verbally abusive. Officer A told him to forget about the mattress and to pay attention. Subject then responded, "fuck you." Officer A pulled Subject by the shirt and escorted him to a cell. Officer E

observed Officer A pull Subject one way and Subject pulled the other way. Officer E followed Officer A and Subject; Officer E stated that it took approximately ten to fifteen seconds to walk from the processing area to the cell. Officer E stated that Subject then “got a lot more aggressive.” Officer A grabbed Subject and sat him on the bench inside the cell. Officer A tried to hold Subject down by the shoulders on the bench, but Subject kept “coming back up.” There was not enough room for Officer E so he remained outside the cell. Officer E observed Officer A’s glasses on the floor, picked them up and handed them to Officer A; Officer E did not recall how the glasses ended up on the floor. Officer E then left the lockup area.

Officer E did not observe Officer A throw Subject inside the cell and did not observe Officer A grab him by the throat or slam him against the bench. In addition, Officer E did not observe Officer A punch or strike Subject, grab and twist Subject’s wrists, hold Subject’s arms high behind his back, pull Subject by the handcuffs, or push him against a wall. Officer E did not observe any injuries to Subject and stated that Subject did not complain of any injuries. (Atts. 71, 73)

In an **interview with IPRA** on January 30, 2013, **Detention Aide (DA) A**, stated that on July 24, 2012, he was working in the lockup with Officer A. An unknown officer brought Subject into the lockup area, and another unknown officer escorted a second arrestee in. Detention Aide A described Subject as “highly intoxicated” because he smelled alcohol on Subject and Subject’s speech was slurred. Subject asked for a mattress, and Detention Aide A responded by telling Subject that the visible mattresses were scheduled to be destroyed. Subject cursed at Detention Aide A, who then searched Subject and escorted him to be fingerprinted and photographed by Officer A.

Detention Aide A turned away to complete paperwork for Subject’s inventory when he heard Subject state, “I want my fuckin’ mat.” Subject then refused to be processed if he did not receive a mattress. Officer A told Subject that he would take him to a holding cell to “cool off,” and escorted Subject around the corner. Detention Aide A then heard a struggle, which he described as, “tusslin’ and rumblin’.” Detention Aide A and other officers ran in the direction of where the struggle was taking place. When they arrived, Detention Aide A heard Officer A state, “Stop resisting.” Detention Aide A looked in the cell and observed Officer A and Subject “rollin’ back and forth” on the bench. Detention Aide A then went into the cell and grabbed one of Subject’s arms and pinned it on the bench, while Officer A held the other arm. Detention Aide A estimated that the struggle lasted ten seconds. Those who were present held Subject down for approximately one minute until he calmed down. One of the officers then handcuffed Subject. Detention Aide A was unable to recall which officer handcuffed him. Detention Aide A did not observe Officer A punch Subject and did not remember if Subject was handcuffed to the cell bars.

Detention Aide A told Sergeant A what he witnessed. Sergeant A came to the lockup and spoke to Detention Aide A, Officer A and Subject.

Approximately three to four hours after the struggle, Detention Aide A asked Subject if he was ready to be processed and Subject complied. Detention Aide A observed scratches on Subject's neck but no other visible injuries. (Atts. 70, 75)

In an **interview with IPRA** on February 19, 2013, **Officer F** stated that on July 24, 2012, he escorted an arrestee into the lockup area at approximately the same time as Subject. He recalled Subject as acting "belligerent" and verbally abusive toward lockup keeper Officer A. Officer F recalled that Subject was talking about a mattress and threatened to "kick his (Officer A's) ass." Subject was escorted to one holding cell by Officer A, but Subject continued to argue so Officer A escorted him to another cell. In connection with that move, Officer F heard something like a "tussel" and went around the corner and observed Officer A and Subject on the bench inside the cell. Officer A had one of Subject's arms in an arm bar. Officer F entered the cell and grabbed the other arm, which was tucked under Subject's body. Officer F described Subject as resisting because he was "still moving around as if he wanted to free himself." Officer F handcuffed Subject and then assisted Officer A in escorting Subject to another cell. Officer A finished processing Officer F's arrestee and Officer F left. Officer F did not observe Officer A pull Subject by the handcuffs, slam him against a wall, grab his throat, strike him, or observe any other physical contact between Officer A and Subject. Officer F did not observe any injuries to Subject. (Atts. 77, 78)

In an **interview with IPRA** on May 16, 2013, **Officer D** stated that he was on duty on July 25, 2012 when he received a call from either dispatch or the district station supervisor to complete a case report about an incident that occurred in lockup. Officer D spoke with Officer A who provided the information contained in the case report. Officer A told Officer D that Subject was uncooperative and refused to follow verbal commands so Officer A escorted Subject to a cell. Subject then threatened to "kick Officer A's ass" as Officer A entered the cell. Officer A then told Officer D that Subject moved his hands in an aggressive manner by clenching his fists. Officer A grabbed Subject's hands and gave a verbal command to place his hands behind his back. During the struggle, Officer A's glasses fell to the floor. Additional officers assisted Officer A in handcuffing Subject.

Officer D did not interview Subject or any additional Department members relative to this incident. Officer D did not observe any injuries to Officer A and did not observe or speak to Subject. Officer D stated that Officer A did not relate the specific physical contact he had with Subject or vice versa. Officer D completed the case report with the information provided to him by Officer A and did not have any additional information about the incident. (Atts. 85, 87)

In a **written report** dated February 28, 2013, **Officer C** conveyed that he did not recall Subject complaining of any injuries prior to turning him over to District XXX lockup personnel on July 24, 2012. Officer C's last contact with Subject was at approximately 10:30 p.m. that same evening. At approximately 10:55 p.m., when Subject was apparently taken to the detention area, Officer C remained in the tactical team office. Officer C was not present in the detention area at the same time as Subject.

Officer C stated that he did not recall anything “out of the ordinary” regarding Subject’s demeanor at District XXX. (Atts. 88, 89)

In a **written report** dated February 28, 2013, **Officer B** reported that he did not recall Subject having any complaint of injury prior to turning him over to lockup on July 24, 2012. Officer B was in the tactical office when the alleged incident occurred. Officer B did not recall Subject’s demeanor. (Atts. 88, 90)

In an **interview with IPRA** on November 6, 2014, **Officer A** indicated that on July 24, 2012, he was working in the lockup at District XXX Police Station. Detention Aide A was also assigned to the lockup that evening. Officer A recalled that the lockup was busy, and he was dealing with approximately sixteen arrestees when Subject was brought into the lockup by his arresting officer. As Subject was being brought into the lockup, he argued with his arresting officer about his arrest. The arresting officer explained to Subject that he was arrested for selling loose cigarettes.

Subject requested a mattress for his cell from Detention Aide A. Detention Aide A told Subject that they did not have any mattresses, and Subject responded by saying that he would not be processed if he was not given a mattresses. Officer A told Subject to be quiet because he was being disruptive. Subject continued to be uncooperative and confrontational with the police personnel in the lockup. At some point shortly thereafter, Officer A came from behind the desk and placed Subject in the bullpen to calm down while Officer A and Detention Aide A processed other arrestees.

As Officer A stood outside the bullpen, Subject told Officer A he would “beat” Officer A’s “ass.” Since Subject was continuing to be confrontational and uncooperative, Officer A decided to move Subject to Cell L Block.⁷ Officer A entered the bullpen, waved his finger at Subject and told him, “I’m a police officer, you don’t threaten me. Put your hands behind your back.” Subject’s hands “went up” in response as if he was going hit Officer A. Officer A grabbed Subject’s hands to counter Subject’s action and a struggle ensued. Officer A’s glasses fell off his head during the struggle. As the struggle continued, Officer A ordered Subject to put his hands behind his back. Detention Aide A and two police officers entered the cell to assist Officer A as Subject continued to struggle. The officers finally placed Subject’s hands behind his back and handcuffed him.

Officer A explained that Subject failed to follow verbal directions and stiffened as he escorted Subject to Cell L Block, which is when Officer A used wristlock and escort holds to control Subject. Officer A ultimately placed Subject in Cell L Block, and told Subject that he would finish processing him when he calmed down and was ready to cooperate.

After the incident, Officer A returned to the front desk in lockup and telephoned Sergeant A, but Officer A could not reach him. Officer A then processed another arrestee (Officer F), and walked to the front desk of the police station and notified Sergeant A

⁷ Officer A stated that prisoners are placed in Cell L Block when they refuse to cooperate and threaten lockup personnel.

about his incident with Subject. Sergeant A viewed the lockup video and showed Officer A a part of the video. On July 25, 2012 at approximately 12:45 a.m., Sergeant A went to the lockup area and spoke with Subject. Subject never told Sergeant A about the altercation. However, Officer A told Sergeant A that he still wanted to report the incident.

Officer A believed Subject was intoxicated because he smelled alcohol on him. There was no other indication or signs that Subject was intoxicated. The altercation occurred before he could notify Sergeant A that he suspected Subject was intoxicated. Officer A stated that Subject's behavior could have been due to him being upset that he was arrested, and not necessarily because Subject was intoxicated. Officer A insisted that Subject had to be removed from the bullpen to Cell L Block because Subject threatened him and was disruptive to other prisoners. Officer A reviewed a copy of the TRR and attested to the information that was on the report. (Att. 104)

In an **interview with IPRA** on November 12, 2014, **Officer A** was served with additional allegations that he intentionally falsified a Department Report, in particular his TRR, in that he failed to accurately document his physical contact with Subject; and that he provided a false statement to IPRA on November 6, 2014 when he asserted that the TRR he completed was a true and accurate account of his contact with Subject.

After being shown the video in full speed, slow motion, and frame by frame, Officer A stated that he stands by the statements he made in his November 6, interview with IPRA.

Officer A maintained that he only entered the bullpen because Subject threatened him, and he was going to take him Cell L Block for isolation. Officer A did not recall exactly what happened, but based on the video it appeared that he possibly punched Subject while trying to defend himself and grabbed Subject's throat as part of that defense.

Officer A stated that his TRR was incomplete as it should have reflected that he choked or grabbed Subject's neck and swung at Subject. Officer A indicated that he did not attempt to deceive the Department with the information contained in his TRR. According to Officer A, he initially did not recall everything that occurred at the time he authored his TRR, but viewing the video during this interview refreshed his memory. Officer A denied that he provided a false report during his November 6, 2014 interview with IPRA. (Att. 105)

CONCLUSION

The Independent Police Review Authority (IPRA) recommends a finding of **Sustained** for **Allegation #1** against **Officer A** that he initiated an unjustified physical altercation with Subject in violation of Rule 9. Sergeant A initiated this complaint against Officer A upon noticing a discrepancy between a TRR submitted by Officer A and the lockup video.

According to Officer A's TRR, Subject did not follow verbal direction, stiffened, and posed an imminent threat of battery to Officer A. Officer A reported that he

responded with his presence, verbal commands, escort holds, and a wristlock. Officer D, who did not witness the incident, was directed by either dispatch or the station supervisor to write a case report about the incident. According to that report, Officer A told Officer D that when Officer A entered the cell, Subject became verbally abusive and appeared to move his hands in an aggressive manner. In a statement to IPRA, Officer D added that Officer A told him that Subject clenched his fists.

In an interview with IPRA, Officer A stated that Subject had been uncooperative, disruptive, and confrontational with him and other police personnel; therefore, he placed Subject in the bullpen so he could calm down while Officer A and Detention Aide A finished processing other arrestees. According to Officer A, upon placing Subject in the bullpen, Subject threatened to “beat” his “ass.” Officer A continued that since Subject was still being uncooperative and confrontational, Officer A entered the bullpen to move Subject in Cell L Block.

The video footage of the incident clearly shows that Officer A was the aggressor in an unjustified physical altercation.

IPRA recommends a finding of **Sustained** for **Allegation #2** against **Officer A** that he physically maltreated Subject when he repeatedly grabbed him in violation of Rules 6, 8, and General Order G03-02. Subject reported that Officer A grabbed his neck, wrist and arm during the incident. The video showed that after Subject was in the bullpen, Officer A entered the cell and grabbed Subject’s neck and the back of his shirt. It also confirmed that Subject did not initiate contact, was not an imminent threat, and did not move his hands in an aggressive manner as described by Officer A. Even though Subject verbally threatened and taunted Officer A, Officer A should have deescalated the situation by closing the bullpen door and walking away. Officer A’s decision to enter the bullpen and grab or initiate any physical contact with Subject was not reasonable. As such, Officer A was unjustified in the actions he took against Subject when he repeatedly grabbed him in the cell.

IPRA recommends a finding of **Unfounded** for **Allegation #3** against **Officer A** that he physically maltreated Subject when he threw him into multiple cells. In the video, Subject is seen walking into the bullpen on his own and there is no evidence to support that he was forced or thrown into that cell. Subject alleged that when Officer A removed him from the bullpen, Officer A threw him into another cell, but there is no video evidence to suggest that happened and none of the witnesses corroborate Subject’s allegation.

IPRA recommends a finding of **Sustained** for **Allegation #4** against **Officer A** that he physically maltreated Subject when he grabbed Subject by the throat. The video indicates that Officer A grabbed in the direction of Subject’s throat. In addition, after reviewing the video, Officer A acknowledged that he attempted to grab Subject by the throat, but he was unable to specifically recall doing so. As such, it is more likely than not that Officer A grabbed Subject by the throat as alleged.

IPRA recommends a finding of **Unfounded** for **Allegation #5** against **Officer A** that he physically maltreated Subject when he slammed Subject's face into a bench. Subject reported that after Officer A grabbed his throat he slammed him onto a steel bench, which caused his face to strike the bench. Though the contact that occurred near the steel bench is not fully captured on video, the portion of bench that is visible does not support the possibility that it may have happened just outside that view. In addition and more importantly, evidence technician photographs do not depict any obvious signs of injury to Subject's face, and Subject did not complain of injury or pain to his face during his visit to the hospital or in his discussion with Sergeant A.

IPRA recommends a finding of **Not Sustained** for **Allegation #6** against **Officer A** that he physically maltreated Subject when he excessively twisted Subject's wrist. Subject alleged that Officer A twisted his wrist until he heard a "pop" and Subject believed that his wrist could have been broken. Subject told hospital personnel that he had pain to his right wrist, but Subject left the hospital prematurely before any doctor could assess and clearly document his injuries. Additionally, there are no corroborating witness statements or additional video evidence regarding whether or not Officer A excessively twisted Subject's wrists. While the evidence clearly established that Officer A was the aggressor in this incident and in violation of Department rules in connection with a number of the allegations made in this case, that alone does not provide sufficient evidence to confirm or deny this allegation.

IPRA recommends a finding of **Sustained** for **Allegation #7** against **Officer A** that he physically maltreated Subject when he struck Subject about the body, in violation of Rule 8: Disrespect to or maltreatment of any person, while on or off duty. Subject stated that Officer A balled up his fist and drew back his arm as if he was going to punch him. Subject stated that moments later, Officer A punched him in the rib cage area. In terms of this allegation, Subject's account of the incident is consistent with the video footage, and Officer A stated in his interview with IPRA that he may have thrown a punch at Subject.

IPRA recommends a finding of **Unfounded** for **Allegation #8** against **Officer A** that he physically maltreated Subject when he handcuffed him too tightly. In his statement to IPRA, witness Officer F confirmed that he was the officer who handcuffed Subject and then assisted Officer A in escorting Subject to the new cell.

IPRA recommends a finding of **Unfounded** for **Allegation #9** against **Officer A** that he physically maltreated Subject when he pulled Subject by the handcuffs. None of the video footage depicted Subject being pulled by his handcuffs, and there is no other evidence to support this allegation.

IPRA recommends a finding of **Not Sustained** for **Allegation #10** against **Officer A** that he physically maltreated Subject when he slammed Subject into a wall. According to Subject, this contact occurred after he was escorted from the bullpen to another cell. There are no witness statements or video evidence to corroborate this action taking place.

While it is clear that Officer A was the initial aggressor, that alone does not provide sufficient evidence to confirm or deny this allegation.

IPRA recommends a finding of **Sustained** for **Allegation #11** against **Officer A** that he physically maltreated Subject when he left him handcuffed to the cell for several hours. In his statement, Subject alleged that he was handcuffed to the “bars” for roughly four hours. When asked, Officer A admitted that he handcuffed Subject to the cell. Officer A’s reasoning was that Subject had continued to threaten him and made the threat that if the handcuffs were removed, he would “kick my (Officer A’s) ass.”

It does not appear that Subject informed Sergeant A of being handcuffed to the cell when Sergeant A attempted to take his statement. However, at the very least, Officer A’s decision to handcuff Subject to the cell was unwarranted. Officer A’s explanation that Subject continued to threaten to “kick” his “ass” once the handcuffs were removed does not justify his decision to handcuff Subject to the cell bars for any period of time. As shown in the surveillance video, a large member presence was used to escort Subject to the next cell; this fact alone makes it more probable than not that Subject was not an imminent threat to Officer A. Therefore, Officer A’s decision to handcuff Subject to the cell was unreasonable.

IPRA recommends a finding of **Sustained** for **Allegation #12** against **Officer A** that he was inattentive to duty when he failed to accurately document the circumstances of the incident on the Tactical Response Report (TRR). According to Officer A’s TRR, Subject refused to follow verbal direction, stiffened and posed an imminent threat of battery, which purportedly resulted in Officer A’s use of force against Subject. On the TRR, Officer A reported that he responded with his presence, verbal commands, escort holds, and a wristlock. Officer A asserted that his TRR was an accurate account of his physical contact with Subject. Officer A’s TRR is contradicted by video evidence. The video evidence confirmed that Officer A initiated physical contact with Subject and that Subject posed no immediate threat to the officer.

IPRA recommends a finding of **Unfounded** for **Allegation #13** against **Officer A** that he failed to submit Subject’s fingerprints for clearance in a timely manner. Subject was arrested on July 24, 2012 at 10:20 p.m. Subject was received in the lockup on July 25, 2012 at 3:04 a.m. and fingerprinted at 3:48 a.m. Subject was later taken to the hospital and ultimately released from lockup at 11:45 am on July 25, 2012. There was initially a delay in Subject’s processing due to his refusal to cooperate. By Subject’s own account, he told lockup personnel that he would not be processed until he received a mattress. There is no specific timeline as to when or how soon fingerprinting has to be completed or submitted for clearance. According to Special Order 06-01-02, section II (A)(29), “lockup personnel will fingerprint and photograph arrestees in compliance with Department directives.” Additionally, S06-01-04 III (A)(9) specifically states that an uncooperative arrestee will be bypassed. Any delay in Subject’s processing is attributable to Subject. Not only did Subject admit that he refused to be fingerprinted and processed until he received a mattress, Detention Aide A confirmed that Subject refused to be processed if he did not receive a mattress. Detention Aide A further confirmed that

Officer A took Subject to the holding cell to “cool off” prior to processing, which is specifically required by the S06-01-04.

IPRA recommends a finding of **Unfounded** for **Allegation #14** against **Officer A** that he failed to notify the Station Supervisor of an unusual occurrence in the lockup. Special Order S06-01-02, section II (A)(27) mandates that “lockup personnel will notify their station supervisor of any unusual occurrences in the lockup...” According to Officer A, he tried to notify Sergeant A immediately after the incident but was unable to reach him. Officer A stated that he then processed a prisoner, and later went to the front desk to notify Sergeant A. The incident occurred at 11:45 p.m., and Sergeant A stated that he was notified by Officer A between 12:15 and 12:30 a.m. regarding the incident with Subject. Though IPRA was unable to confirm whether Officer A attempted to reach Sergeant A by phone shortly after the incident, the investigation established that Sergeant A was aware of the incident within 30 minutes. As such, this allegation is unfounded because the notification took place and it was not unreasonably delayed.

IPRA recommends a finding of **Sustained** for **Allegation #15** against **Officer A** that he failed to immediately notify the Station Supervisor that Subject was perceived to be chemically impaired. Officer A stated that he smelled alcohol on Subject and also believed Subject was intoxicated. Additionally, Officer A completed the lockup keeper screening section of the Arrest Report, where he documented that Subject was intoxicated. Officer A claimed that the altercation between him and Subject occurred before he could notify Sergeant A that Subject was intoxicated. However, Officer A had contact with Subject well before the incident transpired. Special Order S06-01-02, section II (A)(8) states that if the screening process “indicates that the arrestee is perceived to be mentally/ chemically impaired or suicidal, the station supervisor will be notified immediately.” Officer A documented in the lockup keeper notes section of the Arrest Report and prior to the incident that Subject was intoxicated and therefore, Sergeant A should have been notified immediately.

IPRA recommends a finding of **Sustained** for **Allegation #16** against **Officer A** that he engaged in conduct unbecoming and brought discredit upon the Department by his overall actions in this matter, specifically as they relate to his unnecessary aggressive actions towards Subject.

IPRA recommends a finding of **Not Sustained** for **Allegation #17** against **Officer A** that he intentionally falsified a Department Report, in particular a Tactical Response Report (TRR), when he failed to accurately document his physical contact with Subject. Officer A’s reporting of this incident was obviously incomplete based on the available video evidence. The video shows that Officer A entered the cell and initiated physical contact with Subject. It did not capture Subject moving his hands in an aggressive manner, as Officer A suggested. Additionally, Officer A did not include information on the TRR that he punched Subject, and choked or grabbed Subject’s neck. After reviewing the video, Officer A acknowledged that it showed that he attempted to grab at Subject’s neck and possibly swung at him. Officer A stated that upon “watching the video it refreshed my recollection of events that occurred that day” and that he did not

intend to “deceive the Department.” Without additional evidence, IPRA is unable to establish that Officer A intentionally falsified the TRR.

IPRA recommends a finding of **Not Sustained** for **Allegation #18** against **Officer A** that he provided a false statement to IPRA when he asserted the TRR he completed was a true and accurate account of his physical contact with Subject. For the reasons noted above in the summary of Allegation 17, Officer A did not intentionally provide a false statement to IPRA. Additionally, as required by the Chicago Police Department’s Collective Bargaining Agreement § 6.2(J), an Officer who is not allowed to review video evidence prior to giving a statement cannot be charged with a Rule 14 violation unless the Officer has been presented with the video evidence and is given the opportunity to clarify and amend the Officer’s original statement. Ultimately, Officer A reviewed the video and admitted that it appeared that he attempted to grab Subject’s neck and swung at Subject. Officer A admitted that he did not remember what had occurred until given an opportunity to view the video. Without additional evidence, IPRA is unable to establish that Officer A provided a false statement to IPRA when he asserted the TRR was a true and accurate account of his physical contact with Subject.

FINDINGS

Accused #1: **Officer A, #XXXXXX**

Allegation #1: **Sustained – Violation of Rule 9**, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty,” in that on 24 July 2012, at approximately 2345 hours, at XXX E. XXX Street, while on duty, Officer A initiated an unjustified physical altercation with Subject.

Allegation #2: **Sustained – Violation of Rule 6**, “Disobedience of an order or directive, whether written or oral,” in that on 24 July 2012, at approximately 2345 hours, at XXX E. XXX Street, Officer A violated General Order G03-02 in that he repeatedly grabbed Subject.

Sustained – Violation of Rule 8, “Disrespect to or maltreatment of any person, while on or off duty,” in that on 24 July 2012, at approximately 2345 hours, at XXX E. XXX Street, while on duty, Officer A repeatedly grabbed Subject.

Allegation #3: **Unfounded**

Allegation #4: **Sustained – Violation of Rule 6**, “Disobedience of an order or directive, whether written or oral,” in that on July 24, 2012 at approximately 11:45 p.m., at XXX E. XXX Street, Officer A violated General Order G03-02 in that he choked/ grabbed Subject by the throat.

Sustained – Violation of Rule 8, “Disrespect to or maltreatment of any person, while on or off duty,” in that on July 24, 2012 at approximately 11:45 p.m., at XXX E. XXX Street, while on duty, Officer A choked/ grabbed Subject by the throat.

Allegation #5: **Unfounded**

Allegation #6: **Not Sustained**

Allegation #7: **Sustained – Violation of Rule 6**, “Disobedience of an order or directive, whether written or oral,” in that on July 24, 2012 at approximately 11:45 p.m., at XXX E. XXX Street, Officer A violated General Order G03-02 in that he punched/ struck Subject about the body.

Sustained – Violation of Rule 8, “Disrespect to or maltreatment of any person, while on or off duty,” in that on July 24, 2012 at

approximately 11:45 p.m., at XXX E. XXX Street, while on duty, Officer A punched/ struck Subject about the body.

Allegation #8: Unfounded

Allegation #9: Unfounded

Allegation #10: Not Sustained

Allegation #11: Sustained- Violation of Rule 8, “Disrespect to or maltreatment of any person, while on or off duty,” in that on July 24, 2012 at approximately 11:45 p.m., at XXX E. XXX Street, while on duty, Officer A left Subject handcuffed to the cell bars.

Allegation #12: Sustained – Violation of Rule 10, “Inattention to duty,” in that on July 24, 2012 at approximately 11:45 p.m., at XXX E. XXX Street, Officer A was inattentive to duty in that he failed to accurately document the circumstances of the incident on the Tactical Response Report (TRR).

Allegation #13: Unfounded

Allegation #14: Unfounded

Allegation #15: Sustained – Violation of Rule 6, “Disobedience of an order or directive, whether written or oral,” in that on July 24, 2012 at approximately 11:45 p.m., at XXX E. XXX Street, Officer A violated Special Order S06-01-02 in that he failed to immediately notify the Station Supervisor that Subject was perceived to be chemically impaired.

Allegation #16: Sustained – Violation of Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that on July 24, 2012 at approximately 11:45 p.m., at XXX E. XXX Street, Officer A, by his overall actions, engaged in conduct unbecoming and brought discredit upon the Department.

Allegation #17: Not Sustained

Allegation #18: Not Sustained

