

**INTRODUCTION:**

On 11 March 2015, at approximately 1150 hours, the complainant attended a funeral at Church A located at XXXX W. Columbus. During the funeral, a large fight erupted inside of the church and Complainant attempted to break up the fight. Complainant and several other people pushed the people involved in the fight outside of the church. During this time, several police officers arrived on the scene. As Complainant attempted to keep one of the offenders at the scene, one of the officers allegedly struck him on the left eye. The officer was holding a pair of handcuffs in his hand when he struck Complainant. Complainant sustained an injury to his left eye, which included a detached retina.

**ALLEGATIONS:**

On 21 July 2015, at 1442 hours, the complainant registered a complaint with IPRA. The complainant alleged that on 11 March 2015, at approximately 1150 hours, while at the location of XXXX W. Columbus Ave., (Parking Lot of Church A), **Officer A, #XXXXXX**:

- 1) Struck Complainant on the eye with handcuffs in violation of Rule 8 – disrespect to or maltreatment of any person, while on or off duty.

It is further alleged that on the same date and time in question, **Officer A, #XXXXXX**:

- 2) Failed to complete any reports related to his contact with Complainant in violation of Rule 10 – Inattention to duty; and,
- 3) Failed to provide medical treatment for Complainant in violation of violation of Rule 10 – Inattention to duty.

**APPLICABLE LAW AND RULES**

**Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.

**Rule 10:** Prohibits inattention to duty.

**INVESTIGATION:**

According to the **Reporting Party, Complainant**, in a statement to IPRA on 28 July 2015, on 11 March 2015, at approximately 1150 hours, he was at Church A, located on XXXX W. Columbus Avenue attending a funeral. During the funeral services, a fight ensued. Complainant and several other people helped push the people that were fighting out of the church. Complainant indicated that he was not involved in the fight and was not struck by anyone at that time. Once everyone was outside of the church, the fight continued, during which time an unknown person struck another unknown person with a bat.

According to Complainant, the individual who had the bat attempted to leave the scene. Complainant and other people from the funeral blocked his path to keep him from fleeing the scene. Complainant explained that he never got into a physical confrontation with the individual with the bat. At this time, Complainant related that an officer (White/ male, 6'1", approximately 180 – 200 lbs., sandy grey hair, about 56 YOA), punched him on the left eye once. Complainant did not know he was about to be punched, but when he looked at the officer he had a pair handcuffs "balled" up in his hand. Based on that observation, Complainant believed he was punched with the handcuffs. The officer went after Complainant a second time, but the other people in the area separated them and told the officer that Complainant was not part of the fight. Complainant asked the officer's partner why the officer hit him. The partner said that Complainant was okay. An unknown group of people eventually pulled Complainant away from the scene. Complainant indicated that he was not arrested and left the scene with his fiancée. Complainant explained that he did not initially go the hospital because he did not think the injury was that bad. Complainant indicated that when he woke up the next day, the injury appeared to get worse. According to Complainant, he sought medical treatment at Hospital A, where he subsequently transferred to Hospital B on 12 March 2016. Complainant sustained pain and swelling to the left eye. Complainant further related that he had damage to his retina, which required two eye surgeries. (Atts. #05 – 06)

**Several attempts** were made via letters and personal visits **to contact witnesses** Civilian 1, Civilian 2, and Civilian 3, but they did not call IPRA to schedule an interview. Civilian 4 and Civilian 5 told IPRA that they did not witness the portion of the incident that Complainant complained about. Complainant indicated that his friends Civilian 6 and a person he only knows by his nickname, "Civilian 7," witnessed the incident. Civilian 6 never called IPRA and "Civilian 7's" telephone number was no longer in service. An attempt to identify further witnesses from Church A was unsuccessful. (Atts. #30 – 34, 35, 36, 37, 38, 39, 40, 41, 42, 57, 58, 78)

On 02 September 2015, Complainant **viewed photographs** of officers that responded to the fight on XXXX W. Columbus Ave., which fit the description provided by Complainant. Upon viewing the photographs Complainant positively identified Officer A as the officer that struck him on the left eye with a pair of handcuffs. (Atts. #21&23)

The **Arrest and Case Reports recorded under RD#s HY-XXXXXX and HY-XXXXXX** indicated that Civilian 4, Civilian 2, Civilian 1, Civilian 5, Civilian 3, were arrested for Reckless Conduct/Bodily Harm, by Officers B and A. Officers C, D, Sergeant A, E, F, G, and Sergeant B assisted in the arrest. The narratives of the reports indicated that the arrestees were placed under arrest for being involved in a large physical altercation during a funeral. Complainant was not identified on any of the Department reports. (Atts. #12, 13, 14, 15, 16, 17, 18)

The **photos** provided by Complainant via e-mail, depicted Complainant with an eye bandage over his left eye. (Atts. #09 – 10)

The **medical records** of Complainant from Hospital B, dated 13 March 2015, indicated that he told hospital staff that he was at a funeral and was punched in the left eye with an unknown object on 11 March 2015. Complainant had blurred vision, discoloration and swelling. The nurse's notes described Complainant as alert and oriented with periorbital edema and ecchymotic (swelling and discoloration around the eyes), conjunctiva red (redness to the eyes), and his pupil was not reactive to light. Complainant was diagnosed with acute vision loss and traumatic iritis. (Att. #19)

According to **Accused Officer A** in a statement to IPRA on 05 November 2015, on 11 March 2015, he was on routine patrol when he received a call of an officer in need of assistance at the location of XXXX W. Columbus. Officer A responded to the location, and upon arrival he observed a large group of people fighting. Officer A observed a man (now known to be Civilian 2) holding a bat and subsequently placed Civilian 2 under arrest.

According to Officer A, he did not recall having any contact with anyone outside of the people he arrested. Officer A viewed photographs of Complainant and did not recall having any contact with him at the time of the incident. Officer A further related that he did not recall having handcuffs in his hands when he arrived on the scene. Officer A did not recall having anything specifically in his hands when arrived on the scene. Officer A indicated that he gave the people at the scene verbal commands to leave the area, but he did not recall using any physical force to disburse the crowd. Officer A related that the only person he is aware of being injured at the scene was the person that was struck with the bat. Officer A denied striking Complainant with handcuffs. Officer A further denied the allegations of not providing medical treatment for Complainant and failing to complete any paperwork related to his contact with Complainant. (Atts. #28, 29)

According to **Witness Officer B** in a statement to IPRA on 19 May 2016, on 11 March 2015, he and his partner, Officer A responded to a call of a large fight in progress during a funeral. Officer B indicated that when they arrived on the scene they observed 50 to 100 people fighting in the church parking lot. One of the individuals on the scene (now known to be Civilian 2) was holding a bat. Officers B and A immediately placed him under arrest. According to Officer B, they placed Civilian 2 in the backseat of their squad car and continued to assist with the other arrest. Officer B related that Officer A was near him the entire time and never left his sight. Officer B viewed photographs of Complainant and indicated that he did not recall observing him on the scene. Officer B denied witnessing Officer A or any Department member striking Complainant with a pair of handcuffs. (Att. 66)

In separate statements to IPRA, the **witnesses, Officer C, Officer D, Officer F, Sergeant B, and Officer G**, indicated that on 11 March 2015, they were at the location of XXXX W. Columbus, responding to a call of a large fight. The officers indicated that upon their arrival, they attempted disburse the crowd and conducted arrest. None of the officers recalled observing Officer A having any contact with anyone on the scene. The officers viewed the photographs of Complainant and no one recalled seeing Complainant at the time of the incident. The witness officers denied witnessing the allegations made against Officer A. (Atts. #62, 63, 64, 65, 67)

## CONCLUSION:

IPRA recommends a finding of **Not Sustained** for allegation #1 against Officer A, that he struck Complainant in the eye with handcuffs. Complainant reported in his interview that during a large fight, he was struck on the eye by an officer who had a pair of handcuffs wrapped around his hand. Complainant viewed a photo array of officers who were present during the incident and identified Officer A as the accused officer. Complainant related that after he was struck on the eye, he asked Officer A's partner why Officer A hit him. The partner said that Complainant was okay. Complainant then left the scene with no further incident. Photographs and medical records reveal that Complainant sustained an injury to his eye. Complainant sought medical treatment for his injury and indicated to hospital personnel that he sustained the injury after he was punched in the left eye at a funeral by an unknown object. However, there is no indication in the medical records that Complainant informed medical personnel that he was struck by a police officer.

Officer A denied the allegation and did not recall having any contact with Complainant. The other responding officers<sup>1</sup> also did not recall see Complainant on the scene. Additionally, there are no Department reports or documentation showing that Officer A had physical or verbal contact with Complainant. Neither the witnesses Complainant named, nor any of the arrestees cooperated with this investigation. Without witness accounts, there is insufficient evidence to prove or disprove the allegation that Officer A struck Complainant with handcuffs.

IPRA recommends a finding of **Not Sustained** for allegation #2 against Officer A, that he failed to complete any reports related to his contact with Complainant. Officer A did not recall coming into contact with Complainant at the time of the incident. Officer A made several arrests, which were documented in the Department reports. Although Complainant alleged that he asked Officer A's partner why Officer A struck him, none of the officers on the scene recalled seeing Complainant at the time of the incident. There is insufficient evidence to prove whether or not there was contact that would necessitate the completion of reports.

IPRA recommends a finding of **Unfounded** for allegation #3 against Officer A, that he failed to provide medical treatment for Complainant. Complainant admitted that he left the scene without asking for medical attention telling anyone that he was injured. Complainant himself did not realize that he needed medical attention until two days later when his injury became worse. Officer A and the other responding officers did not recall observing Complainant on the scene. The only person the officers observed in need of medical attention was the person who had been beaten by a baseball bat. There was no other evidence available to support that Complainant was in need of medical attention at the time and that Officer A failed to provide that treatment.

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<sup>1</sup> Officer C, Officer D, Officer F, Sergeant B, and Officer G, were the responding officers.