

INTRODUCTION:

Complainant was arrested for resisting arrest and for battery to a police officer following the traffic stop of his vehicle. Complainant made multiple allegations regarding the force used against him, language used towards him, and his treatment, or lack thereof, following his arrest. This investigation has resulted in the bulk of the allegations made against the involved officers to be found as Not Sustained and/or Unfounded.

ALLEGATIONS:

On 29 March 2016, at approximately 1104 hours, Reporting Party Victim Complainant, contacted the Independent Police Review Authority via telephone and registered a complaint with IPRA Investigator A. The complainant alleged that on 15 March 2016, at 1040 hours, at the location of XXXX W. XX Street, Chicago, IL, **Officer A #XXXX;**

- 1) Failed to state his reasoning for stopping him, violating Rule 05 of the Department's Rules and Regulations which prohibits "failure to perform any duty,"
- 2) Hit his left pinky finger with his handcuff, violating Rule 08 of the Department's Rules and Regulations which prohibits "disrespect to or maltreatment of any person, while on or off duty,"
- 3) Placed him in a chokehold, violating Rule 08 of the Department's Rules and Regulations which prohibits "disrespect to or maltreatment of any person, while on or off duty," and Rule 09 which prohibits "engaging in any unjustified verbal or physical altercation with any person, while on or off duty," and General Order G03-02-02 "Force Options,"
- 4) Slammed him to the ground, violating Rule 08 of the Department's Rules and Regulations which prohibits "disrespect to or maltreatment of any person, while on or off duty," and Rule 09 which prohibits "engaging in any unjustified verbal or physical altercation with any person, while on or off duty,"
- 5) Failed to call a supervisor after he requested to speak with one, violating Rule 02 of the Department's Rules and Regulations which prohibits "any action or conduct that impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,"
- 6) Stated words to the effect of, "This what happens when you fuck with us," towards him, violating Rule 02 of the Department's Rules and Regulations which prohibits "any action or conduct that impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 which prohibits "disrespect to or maltreatment of any person, while on or off duty," and
- 7) Failed to provide him with medical attention, violating Rule 06 of the Department's Rules and Regulations which prohibits "disobedience of an order or directive, whether written or oral," and General Order G06-01-01 "Field Arrest Procedures."

The complainant further alleged that on the same date and time, and at the same location, **Officer B #XXXXX;**

- 1) Failed to call for a supervisor after he requested to speak with one, violating Rule 02 of the Department's Rules and Regulations which prohibits "any action or conduct that

impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and

- 2) Failed to provide him with medical attention, violating Rule 06 of the Department's Rules and Regulations which prohibits "disobedience of an order or directive, whether written or oral," and General Order G06-01-01 "Field Arrest Procedures."

The complainant further alleged that on the same date and time, and at the same location, **Lieutenant A #XXX;**

- 1) Failed to register a complaint on his behalf, violating Rule 06 of the Department's Rules and Regulations which prohibits "disobedience of an order or directive, whether written or oral," and Rule 10 which prohibits "Inattention to duty," and General Order G08-01 "Complaint and Disciplinary Procedures," and
- 2) Failed to provide him with medical attention, violating Rule 06 of the Department's Rules and Regulations which prohibits "disobedience of an order or directive, whether written or oral," and General Order G06-01-01 "Field Arrest Procedures."

APPLICABLE RULES AND LAW

Rules

- **Rule 02:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- **Rule 05:** Failure to perform any duty.
- **Rule 06:** Disobedience of an order or directive, whether written or oral.
- **Rule 08:** Disrespect to or maltreatment of any person, while on or off duty.
- **Rule 09:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- **Rule 10:** Inattention to duty.

General Orders

- **G03-02-02:** Force Options
- **G06-01-01:** Field Arrest Procedures
- **G08-01:** Complaint and Disciplinary Procedures

INVESTIGATION:

In his statement to IPRA on 01 April 2016, **Complainant** stated that he was pulled over by Officer A at XXXX W. XX Street on 15 March 2016. Complainant stated that his driver's side window was inoperable and he was unable to roll it down, though he was able to roll down his vehicle's three other windows. Officer A approached and ordered Complainant to exit the vehicle without giving Complainant a reason why he stopped him. Complainant refused and asked to speak with a supervisor. A supervisor never responded to the scene. Officer A then opened the rear driver side door while his partner, Officer B, opened the rear passenger side

door. Complainant related that both officers attempted to enter the rear of the vehicle. When they did this, Complainant opened his door and exited his vehicle with his hands up. Officer A moved forward and began to detain Complainant. In the process of trying to place the handcuffs on Complainant, Officer A struck Complainant's left fractured pinky finger with the handcuffs at which time Complainant reacted by bending over. Complainant alleged that Officer A attempted to grab him from his ankles and tried to "body slam" him on the ground.

Officer A then put Complainant in a chokehold. Complainant stated that he was subjected to the chokehold for approximately 10 seconds, at which time assisting units arrived on the scene. Complainant stated that Officer A then forcefully slammed him to the ground, "for no reason." Officer A stated words to the effect of, "This what happens when you fuck with us." Officer A handcuffed Complainant and he was then placed into the rear of a squad car. Complainant attempted to request medical attention for his fractured finger, but the officers ignored him. Complainant was transported to the XXX District Station where he spoke with Lieutenant A #XXX. Complainant wanted to file a complaint against the arresting officers and he requested medical attention, but Lieutenant A refused to do either. (Atts. #9-10)

A search for **PODS** showed that there was a POD located in the vicinity of where the incident occurred; the POD was under repair and did not record any footage. (Att. #25)

The related **O.E.M.C Event Query** documents a traffic stop by Beat XXXX at XXXX S Winchester Avenue on 15 March 2016 at 1033 hours. (Att. #16)

The **Department Reports** (RD #HZXXXXXX, Event #XXXXXXXXXX) document that Officer A #XXXX and Officer B #XXXX pulled over Complainant's vehicle and asked him to produce his driver's license and proof of insurance. Complainant refused Officer A's requests. Officer A asked Complainant to exit the vehicle several times and he refused. Complainant eventually stepped out of the vehicle and the officers attempted to place Complainant into custody. Complainant turned towards Officer A and pushed him in the chest with both hands, causing Officer A to stumble back into traffic. Complainant then yelled out, "I ain't going!" Complainant then stiffened his body, flailed his arms and head butted Officer A in the torso with his head while ignoring several verbal commands. An emergency takedown was performed on Complainant and he was then taken into custody.

The Reporting Detectives spoke with Officer A, who related that he observed Complainant driving his vehicle while using his cell phone without utilizing a hands free device. Officer A pulled over the vehicle and approached Complainant and asked for his license and insurance. Complainant refused to comply with Officer A's requests. Complainant eventually exited the vehicle and Officer A told him that he was under arrest. As Officer A began to handcuff Complainant, Complainant began to pull, twist and move his arms away. Complainant then used both his hands and arms to push Officer A, causing him to lose his balance and stagger back into the street.

Officer A was then assisted by Officer B, who attempted to handcuff Complainant. During this time, Complainant lowered his torso and thrust his head into Officer A's torso. Officers A and B then performed an emergency takedown in order to take Complainant into custody. Complainant was processed into the XXX District Lockup without any injuries noted or any medical attention requested.

The Reporting Detectives interviewed Complainant, who denied pushing Officer A, but admitted to raising his arms above his head in an attempt to prevent Officer A from placing handcuffs on him. Complainant stated that he did not listen to Officer A's verbal directions because he believed he could not be placed into custody for failing to produce a driver's license and could resist any arrest he deemed "bogus." (Atts. #11-13)

A **Tactical Response Report** completed by Officer A #XXXX, documents that Complainant "did not follow verbal direction," "stiffened," "pulled away" and "attack[ed] without a weapon." Officer A responded with "member presence," "verbal commands," "wristlock," and "take down/emergency handcuffing." The narrative documents that Lieutenant A interviewed Complainant after his arrest. Complainant stated that he was pulled over and the officer demanded that he exit his vehicle and told him he was under arrest. Complainant stated that Officer A demanded that he exit the vehicle and that he was under arrest. Complainant admitted to Lieutenant A that he was on his cell phone while driving his vehicle, but did not state anything about fighting with the officer. (Att. #14)

The **Officer's Battery Report** for Officer A #XXXX, documents that he did not receive any injuries. (Att. #15)

In-Car Camera Video was obtained from Beats XXX, XXX, XXX and XXX. Each camera captured the response of the assisting officers arriving on the scene and Complainant being detained. None of the cameras captured the initial traffic stop and arrest of Complainant. Beat XXX captured Complainant being detained on the pavement, with his legs moving back and forth on the ground, as he is lying in front of an unmarked police SUV, and subsequently escorted to the rear of Beat XXX by several officers. While walking to the car, one of the officers can be heard telling Complainant that he can't "wrestle" with the police, to which Complainant responds, "I didn't." Beat XXX also had a cage camera, which captured Complainant being seated in the rear of Beat XXX for several minutes after the incident occurred. No injuries were observed. (Atts. #29-36)

In his To/From Report to IPRA dated 12 June 2016, **Officer A** stated that he and Officer B conducted a traffic stop on Complainant on 15 March 2016. Complainant's demeanor was very belligerent, contentious, and combative. Officer A requested Complainant to exit his vehicle more than four times. Officer A explained his reasoning for stopping Complainant. Officer A had no knowledge of hitting Complainant's left pinky finger with his handcuffs. Officer A reported that he did not place Complainant in a chokehold, but attempted to control Complainant by

grasping him around the upper shoulders and then implementing an emergency takedown. During the emergency handcuffing, Officer A performed an emergency takedown of Complainant, but did not slam him to the ground. Officer A denied stating words to the effect of, "This is what happens when you fuck with us." Officer A did not observe any visible injuries to Complainant and has no knowledge of Complainant requesting medical attention from him or Officer B. Officer A had no knowledge of Complainant requesting him to speak with a supervisor. (Atts. #41)

In her To/From Report to IPRA dated 12 June 2016, **Officer B** stated that she and Officer A came into contact with Complainant after he committed a minor traffic violation. Complainant's demeanor appeared to be angry, aggressive and combative. Officer A requested Complainant to exit the vehicle several times, and told Complainant that they stopped him because he was driving while using his cell phone. Officer A had no knowledge as to whether or not Complainant's left pinky finger was hit during the struggle to handcuff him. Officer A stated that Officer B did not place Complainant in a chokehold. Officer A performed an emergency takedown that was documented in his Tactical Response Report. Officer A did not state words to the effect of, "This what happens when you fuck with us," towards Complainant. Complainant did not request to speak with a supervisor. Complainant did not request any medical attention and there were no visible signs of injuries. (Att. #46)

In her To/From Report to IPRA dated 19 June 2016, **Lieutenant A** stated that she interviewed Complainant after his arrest. Lieutenant A described Complainant's demeanor as belligerent and argumentative. Complainant repeatedly insisted that he should "get a break" and "get cut loose" because his father, Civilian 1, was a retired Chicago Police Lieutenant and former Chief of Police for Gary, Indiana. Lieutenant A denied that she failed to register a complaint on Complainant's behalf. During their conversation, Complainant did not state that he wanted to file a complaint. Complainant admitted to Lieutenant A that he was talking on his cell phone while he was driving and kept insisting that he should be "cut loose." Lieutenant A denied that she failed to provide Complainant with medical attention. Lieutenant A did not observe any visible injuries to Complainant during the course of her interview. Complainant did not complain of any injuries nor did he request any medical attention. Lieutenant A believed that Complainant filed this complaint against her because she denied his demands to be "cut loose" and released due to the fact that his father was a former police officer. (Att. #51)

CONCLUSION:

Officer A #XXXX

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1** in that **Officer A #XXXX failed to state his reasoning for stopping Complainant, violating Rule 05 of the Department's Rules and Regulations which prohibits "failure to perform any duty."** There were no independent witnesses to corroborate Complainant's allegation.

Officer A stated that he explained to Complainant multiple times his reasoning for stopping him, which was corroborated by Officer B. Lieutenant A stated that Complainant later admitted that he was driving while using his cell phone, which was the purpose for the vehicle stop. Based on the preponderance of evidence, Allegation #1 is Not Sustained.

The Reporting Investigator recommends a finding of **Exonerated** for **Allegation #2** in that **Officer A #XXXX hit Complainant's pinky finger with his handcuff, violating Rule 08 of the Department's Rules and Regulations which prohibits "disrespect to or maltreatment of any person, while on or off duty."** There were no independent witnesses to corroborate Complainant's allegation. Officer A stated that he had no knowledge of making contact with Complainant's left pinky finger with his handcuff. Complainant had several opportunities to request medical attention at the scene and at the XXX District Station, but it was documented that he did not, nor did he relate that he was injured in any way. Further, Complainant did not seek medical attention on his own. Finally, at the time he was arrested, Complainant was combative and emergency handcuffing techniques were utilized. Had Complainant's finger been inadvertently struck by the handcuffs, it would surmount to reasonable contact given the dynamics of the situation, and not to misconduct. Based on the preponderance of evidence, Allegation #2 is Exonerated.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #3** in that **Officer A #XXXX placed Complainant in a chokehold, violating Rule 08 of the Department's Rules and Regulation which prohibits "disrespect to or maltreatment of any person, while on or off duty," and Rule 09 which prohibits "engaging in any unjustified verbal or physical altercation with any person, while on or off duty," and General Order G03-02-02 "Force Options."** There were no independent witnesses to corroborate Complainant's allegation. Officer A conducted an emergency takedown to affect the arrest of Complainant after Complainant became an active resister. Officer A's actions were documented in his Tactical Response Report. Officer A denied placing Complainant in a chokehold. Officer A's statement was corroborated by Officer B. Based on the preponderance of evidence, Allegation #3 is Not Sustained.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #4** in that **Officer A #XXX slammed Complainant to the ground, violating Rule 08 of the Department's Rules and Regulations which prohibits "disrespect to or maltreatment of any person, while on or off duty," and Rule 09 which prohibits "engaging in any unjustified verbal or physical altercation with any person, while on or off duty."** There were no independent witnesses to corroborate Complainant's allegation. Officer A admitted to conducting an emergency takedown after Complainant became an active resister. Beat XXX captured Complainant being detained on the pavement, but did not capture how Complainant ended up on the ground. The footage does depict Complainant kicking his legs back and forth, as he is apparently struggling against being taken into custody. Additionally, Complainant failed to relate what he meant by being "slammed" on the ground. Beat XXX cage camera did not

document any injuries to Complainant. Finally, Complainant did not request any medical attention nor did he relate that he was injured after being allegedly slammed to the ground. Based on the preponderance of the evidence, Allegation #4 is Unfounded.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #5** in that **Officer A #XXXX failed to call a supervisor after Complainant requested to speak with one, violating Rule 02 of the Department's Rules and Regulations which prohibits "any action or conduct that impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."** There is sufficient evidence to disprove this allegation. Officer A did not recall Complainant requesting to speak with a supervisor, though it is well documented that Complainant spoke with Lieutenant A. Based on the preponderance of the evidence, Allegation #5 is Unfounded.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #6** in that **Officer A #XXXX stated words to the effect of, "This what happens when you fuck with us," towards Complainant, violating Rule 02 of the Department's Rules and Regulations which prohibits "any action or conduct that impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," and Rule 08 which prohibits "disrespect to or maltreatment of any person, while on or off duty."** There were no independent witnesses to corroborate Complainant's allegations. Officer A denied making any such statement towards Complainant. Based on the preponderance of evidence, Allegation #6 is Not Sustained.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #7** in the **Officer A #XXXX failed to provide Complainant with medical attention, violating Rule 06 of the Department's Rules and Regulations which prohibits "disobedience of an order or directive, whether written or oral," and General Order G06-01-01 "Field Arrest Procedures."** There is sufficient evidence to disprove this allegation. Complainant was placed into the rear of a squad car which was equipped with an in car cage camera. The camera did not capture any injuries to Complainant. Complainant had several opportunities to request medical attention from Officers A and B and Lieutenant A. However, Officers A and B and Lieutenant A related that Complainant never requested medical attention in their presence. Further, the Department Reports documented that when Complainant was received in the XXX District Lockup, he related that he did not have any injuries and did not need any medical attention. Based on the preponderance of evidence, Allegation #7 is Unfounded.

Officer B #XXXXX

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #1** in that **Officer B #XXXXX failed to call for a supervisor after Complainant requested to speak with one, violating Rule 02 of the Department's Rules and Regulations which prohibits "any action or conduct that impedes the Department's efforts to achieve its policy and**

goals or brings discredit upon the Department.” Officer B had no knowledge of Complainant making a request to speak with a supervisor. Complainant spoke with Lieutenant A, which was documented in Officer A’s Tactical Response Report and Lieutenant A To/From Report. Based on the preponderance of the evidence, Allegation #1 is Unfounded.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #2** in that **Officer B #XXXXX failed to provide Complainant with medical attention, violating Rule 06 of the Department’s Rules and Regulations which prohibits “disobedience of an order or directive, whether written or oral,” and General Order G06-01-01 “Field Arrest Procedures.”** There is sufficient evidence to disprove this allegation. Complainant was placed into the rear of a squad car which was equipped with an in car cage camera. The camera did not capture any injuries to Complainant. Complainant had sufficient opportunity to request medical attention from Officer A, Officer B, and/or Lieutenant A. However, Officers A and B and Lieutenant A related that Complainant never requested medical attention in their presence. Further, the Department Reports documented that when Complainant was received in the XXX District Lockup, he related that he did not have any injuries and did not need any medical attention. Based on the preponderance of the evidence, Allegation #2 is Unfounded.

Lieutenant A #XXX

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1** in that **Lieutenant A #XXX failed to register a complaint on Complainant’s behalf, in that she violated Rule 06 of the Department’s Rules and Regulations which prohibits “disobedience of an order or directive, whether written or oral,” and Rule 10 which prohibits “Inattention to duty,” and General Order G08-01 “Complaint and Disciplinary Procedures.”** There were no independent witnesses to corroborate Complainant’s allegations. Lieutenant A spoke with Complainant, but denied that Complainant wanted to file a complaint against Officer A and Officer B. There were no officers to corroborate Lieutenant A interaction with Complainant. Based on the preponderance of evidence, Allegation #1 is Not Sustained.

The Reporting Investigator recommends a finding of **Unfounded** for **Allegation #2** in that **Lieutenant A #XXX failed to provide Complainant with medical attention, in that she violated Rule 06 of the Department’s Rules and Regulations which prohibits “disobedience of an order or directive, whether written or oral,” and General Order G06-01-01 “Field Arrest Procedures.”** There is sufficient evidence to disprove these allegations. Complainant was placed into the rear of a squad car which was equipped with an in car cage camera. The camera did not capture any injuries to Complainant. Complainant had sufficient opportunity to request medical attention from Officer A, Officer B, and/or Lieutenant A. However, Officers A and B and Lieutenant A related that Complainant never requested medical attention in their presence. Further, the Department Reports documented that when Complainant was received in the XXX District Lockup, he related that he did not have any injuries and did not need any medical attention. Based on the preponderance of evidence, Allegation #2 is Unfounded.

