

## INDEPENDENT POLICE REVIEW AUTHORITY

Log 1080321

### INTRODUCTION:

On 27 April 2016, CPD Officer A conducted a traffic stop on the Reporting Party, Complainant. Officer A initially stopped Complainant's vehicle because one of the headlights was out. When Officer A learned that Complainant's driver's license had been suspended, he placed Complainant under arrest for several traffic violations. Two additional officers arrived on the scene to transport Complainant to the XXX District station. The traffic stop, arrest, and transport were all recorded on the officers' in-car cameras, including audio recordings of their conversations.

### ALLEGATIONS:

On 29 April 2016, at 1326 hours, the reporting party, Complainant, telephoned the Independent Police Review Authority ("IPRA") and registered this complaint with IPRA Investigator A. Complainant alleged that on 27 April 2016, at approximately 1915 hours, in the vicinity of XXXXX S. Michigan Ave, **Officer A, #XXXX, Unit XXX: 1)** Handcuffed her too tightly, in violation of Rule 8, and **2)** Treated her in a rude and unprofessional manner, in violation of Rule 8.

Complainant also alleged that **Officer B, #XXXX, Unit XXX, and Officer B, #XXXXX, Unit XXX: 1)** Refused to loosen her handcuffs after she told them the handcuffs were too tight, in violation of Rule 8.

### APPLICABLE RULE:

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

### INVESTIGATION:

According to **Reporting Party Complainant** in a statement to IPRA on 29 April 2016, she was driving down the street with her daughter (Civilian 1, 20-years-old) and granddaughter (Civilian 2, 6-months-old) in the back seat. As she drove, a police officer (now known to be Accused Officer A) pulled her over. When Officer A got to Complainant's car, he told her to give him her license and insurance. Complainant asked why she was stopped. Officer A told Complainant that her headlight was missing. Complainant told Officer A that her lights automatically turn on when it is dark enough to require them, and said that none of the streetlights were on. Officer A told her that it appeared to be dark to him and repeated that one of her headlights was out. Officer A again asked for Complainant's license and insurance. Complainant gave her insurance card to Officer A and he walked to his police vehicle. Officer A returned to Complainant and told her to get out of the car. She asked why and he said that it was time to get out. As Complainant was getting ready to open the door, Officer A kept trying to open it from the outside. Complainant had her cell phone in her hand and tried to set it to record her interaction with Officer A. Officer A told her to hang up the phone, reached into the window, and tried to grab the phone out of Complainant's hand. Complainant pulled the phone away from him and passed it to Civilian 1 in the backseat. Complainant then opened the door and got out of the car. Officer A grabbed Complainant after she was out of the car. Complainant and Civilian 1

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both told Officer A not to touch Complainant. Complainant told Officer A that he had not read her Miranda rights to her. Officer A responded that Complainant did not have any rights. Officer A handcuffed Complainant very tightly. Two other officers (now known to be Officers C and B) were there, standing on either side of Complainant. One of those officers (Officer B) held Complainant's arm and told her to stop resisting as Officer A handcuffed her. Complainant denied that she was resisting them. Once the handcuffs were on, Complainant immediately complained that they were too tight. Officer A did not respond to her. Officers C and B put her in the back seat of their squad car without loosening the handcuffs. Complainant told the officers to give her car keys to Civilian 1, who has a valid driver's license. Instead, the officers told Civilian 1 that they could leave her and Civilian 2 there or drive them to the police station. Civilian 1 accepted the offer of a ride and one of the officers<sup>1</sup> drove them to the station in Complainant's car. Complainant told the officer who drove her to the police station that her handcuffs were too tight. The officer responded that he was not the one who put the handcuffs on her and that she would be okay. When they arrived at the station, one of the officers removed the handcuff from her left wrist and connected it to a steel bar. When they were at the station, Officer A explained that Complainant had been arrested because her driver's license was suspended. Complainant acknowledged that she knew her license was suspended and stated that she drove instead of Civilian 1 because Civilian 1 was taking care of Civilian 2, who was "irritated."<sup>2</sup> Complainant sustained a sprain and bruises to her right wrist from the handcuffs. (Attachments 8-9)

**Records from Hospital A** indicate that Complainant was treated in the Emergency Room on 28 April 2016 and received discharge instructions for a sprained wrist. (Attachment 11)

Complainant's **Arrest Report (recorded under CB #XXXXXXXXX)**, which was written by Officer A on 27 April 2016, reveals that she was charged with Driving on a Suspended License, Driver's License – Change of Address – Failure to Notify Secretary of State, and Headlight Two Required. According to the Report, Officer A's vehicle was in the vicinity of XXX Street and Michigan Avenue when he observed Complainant's vehicle traveling north on Michigan with the passenger side headlight not working. Officer A stopped Complainant's vehicle at XXXXX S. Michigan and asked for her driver's license and insurance card. When Complainant was unable to produce this information, Officer A searched the computer and learned that her driver's license had been suspended. He also learned that the address where she lives is different from the one that the secretary of state's office had on file. Officer A then placed Complainant under arrest and Beat XXX (Officers C and B) transported her to the XXX District station for processing. Officers gave Complainant's property to her daughter and drove the daughter and her infant child to the XXX District station as well. The lockup keeper processing section did not note any obvious injuries or pain. The report also noted that it was rainy and dark out at the time of this incident. The following times are listed on the report: the time of arrest was 1925 hours; Complainant was transported to the station at 1933 hours; Officer A finished the arrest report at 2027 hours; probable cause was approved at 2038 hours; arrived in lockup at 2049 hours; and she was released at 0014 hours on 28 April 2016. (Attachment 12)

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<sup>1</sup> Of Officers C and B, one of them drove Civilian 1 in Complainant's car and one of them drove Complainant in a CPD vehicle. Complainant's descriptions indicate that Officer B drove her, but the video evidence indicates that it was Officer C. It is not clear which officer did what.

<sup>2</sup> Attachment 8, page 17, line 21

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Complainant received three **Traffic Citations (recorded under TKXXXXXX, TKXXXXXX, and TKXXXXXX)** for Two Headlights Required, Driving on a Suspended or Revoked License, and Notice/Address/Name Change. Court records reveal that all three tickets are still being litigated in Traffic Court. (Attachment 27)

The **Vehicle Impoundment/Seizure Report** prepared by Officer A reveals that Complainant's vehicle was impounded because she was discovered to be driving on a suspended license. (Attachment 14)

**In-car camera recordings** from the vehicles used by Officer A and Officers C and B include both audio and video recording and cover the entire traffic stop, arrest, and transportation of Complainant to the XXX District station. The recording from Officer A's vehicle shows that streetlights are illuminated and it is raining at points. During the traffic stop, the recording from Officer A's vehicle shows that he introduced himself to Complainant and explained that he stopped her because her headlight was out. Officer A went to the front of the car to confirm that it was the light on the passenger side that was out. When Officers C and B arrived to assist Officer A in transporting Complainant and her vehicle, Officer A asked Complainant to get out of her car. She initially did not comply with his direction. Officer A opened the door and appeared to reach into the car, but stood back when Complainant told him not to touch her. Complainant exited the car on her own. Once she was out of her car and Officer A told her she was under arrest, Complainant again ignored his directions to put her hands behind her back and continued a conversation with a passenger in her car. The officers told Complainant to stop resisting them. Officer A had to repeatedly instruct Complainant to put her hands behind her back before he was able to handcuff her. Complainant then leaned her body away from the officers when they tried to escort her to the police car. After further discussion, she finally complied with them and walked to the car. She repeatedly complained that Officer A should not have stopped her in the first place and that the officers did not read her rights. Complainant did not appear to listen to Officer A when he told her that he was not required to do so. Officer A informed Complainant's daughter that they arrested Complainant because she was driving on a suspended license and offered to have someone drive her to the police station where she could wait for a ride. Complainant's daughter accepted this offer and one of the officers drove her away from the location in Complainant's vehicle.

The recording from Officer B and Officer C's vehicle is from the rear-facing camera that has a view of the backseat. It shows Complainant sitting in the backseat with her hands behind her back. Complainant moved her arms and body around throughout the drive to the XXX District station, which takes approximately five minutes. She complained about her arrest to the officer who drove her and referred to the officers as "full of shit" and "so fucking rude." The officer tried to explain the situation to Complainant but she continued to curse and complain. During the drive, Complainant complained several times that her handcuffs were "too fucking tight." Complainant had not previously complained about the tightness of the handcuffs on either of the recordings. The officer apologized for the tightness and repeatedly said that he would loosen them as soon as they arrived at the station. They arrived at the station at 1936 hours, approximately two minutes after Complainant first complained about the handcuffs. (Attachments 19-21)

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### CONCLUSION:

The investigation revealed that the incident did not occur as alleged. The recording from Officer A's vehicle captured the entirety of his interaction with Complainant during the traffic stop and refutes her account of the incident. Contrary to Complainant's description of the way that Officer A spoke to her, the recording shows that he had a polite and professional demeanor and that he explained what was happening at every step of the process, both to her and to her daughter. Officer A then offered transportation to Complainant's daughter so that she and her own daughter were not stranded. The recording from Officers B and C's vehicle showed that the officer who drove Complainant to the XXX District station also spoke to her in a professional manner. In fact, the only person who cursed or was rude during the incident was Complainant herself. Complainant said that she did not think that Officer A should have stopped her in the first place because she did not think that her headlights were necessary at the time. The video, however, shows that it was raining and dark enough for the streetlights to be on. While Complainant alleged that Officer A told her she did not have any rights when she complained that he had not read her Miranda rights to her, the recording reveals that Officer A merely explained that reading those rights was not necessary at that time; he did not say that Complainant did not have any such rights. Complainant also alleged that Officer A handcuffed her too tightly and that Officers B and C refused to loosen the handcuffs when she complained about them. Contrary to Complainant's assertion that she complained immediately about the tightness of the handcuffs, there is no indication of that complaint in the recording from Officer A's vehicle. The recording from Officers B and C's vehicle shows that Complainant did not actually complain about the handcuffs until the transporting officer was already in the process of driving her to the police station. Before she complained, Complainant moved around in the backseat of the police vehicle, an act which can cause handcuffs to tighten on their own. Officer B assured Complainant that he would loosen the handcuffs as soon as they got to the station, which occurred within two minutes of her first complaining that the handcuffs were too tight. Complainant stated that the officers removed only one of her handcuffs when they arrived at the station, leaving her other wrist handcuffed to a bar, which is in accordance with the normal procedure of processing arrestees. Complainant's arrest report indicates that she was brought to lockup once her paperwork was complete, which was a little more than an hour after she arrived at the station. This is not an unreasonable amount of time to remain with one wrist handcuffed.

Therefore, the Reporting Investigator recommends a finding of **Unfounded** for the allegations against **Officers A, B, and C** in connection to this case in accordance with Special Order 08-01-01, Section II, Item C-10, which states that an investigation should be terminated "when it is determined at any time that the complaint is unfounded or the member exonerated" and that no Department members address any allegations in any way.