

SUMMARY OF INCIDENT:

On 24 January 2015, at approximately 2030 hours, he was in the vicinity of 66th and Justine, when a squad car pulled up along the side of him. One of the officers asked Subject 1 about his bike and he explained to the officer that the bike belonged to his little sister. One of the officers, now known to be Officer A, exited the vehicle and approached Subject 1. Subject 1 became scared and fled from Officer A on the bike. Subject 1 fled because he had marijuana in his possession. Officer A pursued Subject 1 on foot to an alley located in the vicinity of XXth and Marshfield Avenue. During the foot pursuit Subject 1 threw the marijuana onto the ground.

Subject 1 continued to flee Officer A on the bike and as he got closer to his home, he got off the bike and attempted to kneel down onto the ground. At this time, Officer A ran toward Subject 1, grabbed him and threw him face down to the ground, causing his teeth to hit a speed bump. Officer A then put his knee on Subject 1's neck and back area. Subject 1 attempted to get up and two additional officers began punching him on the sides of the body. Subject 1 was handcuffed and placed into custody.

ALLEGATIONS:

On 24 January 2015, at 2149 hours, the complainant, Subject 2, registered a complaint with IPRA Investigator. It is alleged that on 24 January 2015, at approximately 2030 hours, while in the alley of XXXX S. Marshfield Avenue, **Officer A #XXXXX:**

- 1) Grabbed Subject 1 and threw him face down to the ground in violation of Rule 9 — Engaging in any unjustified verbal or physical altercation with any person, while on or off duty; and
- 2) Excessively kned him on the neck in violation of Rule 9 — Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

It is alleged that on the same date and time in question, **Officer B #XXXX:**

- 1) Pushed Subject 1's face onto the ground, causing injury to his face in violation of Rule 9 — Engaging in any unjustified verbal or physical altercation with any person, while on or off duty; and
- 2) Struck Subject 1 with a closed fist on the side of the body in violation of Rule 9 — Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

INVESTIGATION:

In the **Initiation Report** completed by Sergeant, Subject 1 stated he was kicked and punched about the head and body, and was dragged across a speed bump by Chicago Police Officers. Sergeant observed abrasions to Subject 1's face and neck. Sergeant related Subject 1 did not make a complaint when he was initially arrested. Subject 1 never told the hospital staff what happened. Subject 1 stated that he never said anything to the hospital staff because the police were present. (Att. #14)

According to the **Victim, Subject 1** in statement to IPRA on 24 January 2015, he was coming from the store when a squad car pulled up next him in the vicinity of XXth and Justine near an alley. At this time, one of the officers inside of the squad car stated, "Where did you get the girl's bike from?" Subject 1 informed the officers that the bike belonged to his little sister and that he was in a rush to get home.

At this time, one of the officers, now known as Officer A, exited the vehicle and approached Subject 1. Subject 1 related that he became scared and sped off on the bike. Subject 1 fled from the officers because he had marijuana in his possession. Officer A pursued Subject 1 on foot and chased him to the alley of his home, near XXth and Marshfield Avenue. As Officer A chased Subject 1 he reached into his pocket and threw the marijuana onto the ground.

Subject 1 continued riding the bike, and as he got closer to his home, he got off the bike and put his other belongings (two grocery bags) on the ground. Subject 1 began to kneel down when Officer A ran toward him, grabbed him in an aggressive manner, and threw him face down to the ground, causing his teeth to hit the speed bump. Officer A then put his knee on Subject 1's neck and back area. Subject 1 related he covered his mouth to prevent further damage to his teeth. Subject 1 described Officer A's actions as "unnecessarily holding him down until the other officers arrived." Subject 1 attempted to get up and two additional officers began punching him on the sides of the body (lower rib cage). Subject 1 began calling for his mother, during which time Subject 1 stated he blacked out.

Subject 1 was then handcuffed, picked up to his feet and placed in the backseat of a squad car. Subject 1 was transported to the police station for processing. Subject 1 indicated that he sustained headaches, pain to his teeth, bruises to his head and soreness and abrasions to his face. Subject 1 received medical treatment while in police custody. The doctors asked Subject 1 what happened, but he told the doctor "nothing." (Att. #6)

In statement to IPRA on 27 January 2015 **witness Civilian 1** stated that on 24 January 2015, she was at home with her boyfriend, Subject 1, when he left to go to the store. Civilian 1 was inside the home when she heard Subject 1 shouting outside. Civilian 1 came outside and observed a Hispanic male officer, now known as Officer A, holding Subject 1 down with his knee. According to Civilian 1,

Subject 1 and Officer A were in the alley. During this time, Officer A punched Subject 1 three times on the face. Officer A lifted Subject 1 up and handcuffed him. Civilian 1 related that she never observed Subject 1 resisting the accused officer. Civilian 1 indicated she observed Subject 1 bleeding from his eye prior to him being placed in the backseat of the squad car. (Att. #10)

Attempts to interview witnesses Civilian 2, Subject 2, Civilian 3, Civilian 4, Civilian 5, Civilian 6, and Civilian 7 were met with negative results. (Att. #18)

The **arrest report of Subject 1 and the General Offense Case Report** indicated that he was arrested for riding a bicycle on the sidewalk, reckless conduct, resisting a police officer, and possession of cannabis by Officers A and B. The narrative of the report indicates that the arresting officers observed Subject 1 riding his bike on the sidewalk. The officers approached Subject 1 for a field interview and he fled the scene. A foot pursuit ensued and Officer A exited the vehicle and chased Subject 1. Officer B followed in the squad car.

During the foot pursuit Officer A observed Subject 1 throw clear plastic bags to the ground in the vicinity XXXX S. Marshfield Avenue, in the alley. Officer A apprehended Subject 1 in the vicinity of XXXX S. Marshfield Avenue in the alley. Officer A used an emergency takedown technique while Subject 1 was on his bicycle. Subject 1 fell off his bicycle, and hit the right side of the face on a speed bump. Subject 1 resisted verbal commands and continued to be an active resistor. Officer A used emergency cuffing technique to place Subject 1 in custody. Officer A recovered the marijuana thrown to the ground by Subject 1. The officers asked Subject 1 why he fled from them and he stated, "Cuz I had some weed on me." Subject 1 was taken to Hospital for his injuries. (Att. #16, 17)

The **Tactical Response Report** completed by Officer A for Subject 1 indicated that he "did not follow verbal direction," "fled," and "pulled away." Officer A responded with "member presence," "verbal commands," and "take down/emergency handcuffing." (Att. #19)

Subject 1's **mug shot photographs and evidence technician photographs** depicted abrasions to his chin, to the right side of the face near the cheek bone area, to the right side of the face near the eye and temple area. Subject 1 also had small scratches to the left side of the face, and neck. (Acts. #20, 35)

The **medical records** from Hospital for Subject 1 indicated that he was brought to the hospital by the police for facial injuries and pain to the right side of the face. Subject 1 also complained of pain to his right forearm. Subject 1 told the hospital staff that he sustained his injuries when he fled from the police and fell off his bicycle and hit his face on the concrete. The CT scan conducted on Subject 1

did not depict any fractures to his facial area. Subject 1 was diagnosed with facial contusions. {Att. #39)

The canvass conducted in the vicinity of XXXX S. Marshfield Avenue did not produce any additional witnesses. (Att. #32)

The **property inventory reports** indicated that clear Ziplock baggies with green leafy substance suspect cannabis, was inventoried as part Subject 1's property. (Atts. #21, 22)

According to the **Accused, Officer A** in a statement to IPRA on 30 October 2015, on 24 January 2015, he and his partner, Officer B, were in the vicinity of 67th and Marquette when they observed Subject 1 riding a small bicycle on the sidewalk. Officer B attempted to get Subject 1's attention, at which time he fled on the bike. Officer A exited the vehicle and chased Subject 1 on foot. Officer A ordered Subject 1 to stop running, but he ignored the commands. Officer B remained in the vehicle and pursued Subject 1 in the vehicle.

Officer A related that he followed Subject 1 northbound on Justine and then westbound on Marquette. Officer A then followed Subject 1 southbound into the west alley of Ashland. During this time, Subject 1 tossed what appeared to be narcotics on the ground. Subject 1 continued riding the bike until he hit a speed bump and loss control of the bike. Officer A was able to catch up to Subject 1 and then conducted an emergency takedown, which caused both of them to fall on the ground. Officer A indicated that he was alone at this time and Officer B had not yet arrived to the scene. While on the ground, Subject 1 began screaming and stated, "Get the fuck off me." Officer A attempted to gain control of Subject 1's hands, but he was resisting in that he tried to elbow Officer A and kick him.

Officer A gave Subject 1 verbal commands to stop resisting, but he ignored him. Officer A attempted emergency handcuffing, but he was unable to succeed. At this time, Officer A called over the radio for assistance. Officer A continued to keep his body on top of Subject 1's body until the assisting officers arrived. When the assist officers, Officers C and B, arrived on the scene they were able to handcuff Subject 1 and place him into custody. Officer A indicated that he retraced his steps and located the narcotics Subject 1 dropped. Subject 1 was then placed in the squad car and transported to the hospital for injuries to his face. Officer A related that he believed Subject 1 sustained the injuries from falling to the ground. Officer A denied the allegations made him. (AU. #45)

According to the **Accused, Officer B** in a statement to IPRA on 03 November 2015 related in essence the same information as Officer A. Officer B further related that once Officer A exited the vehicle to pursue Subject 1,

he backed the vehicle up and went southbound on Justine in an attempt to cut off Subject 1. Officer B indicated he lost sight of Subject 1 and Officer A. Officer B was able to track them down, because Officer A was giving Subject 1's direction of the flight over the radio. Officer B indicated that when he finally caught up with Officer A and Subject 1, he (Subject 1) was already in custody. According to Officer B, Subject 1 was in handcuffs and was in the process of being placed in the squad car. Officer B indicated that he never saw the struggle between Officer A and Subject 1. Officer B denied having any physical contact with Subject 1. Subject 1 denied observing Subject 1 being physically abused by Officer A. (Att. #49)

In the to-from-Subject 1 reports dated **10** November 2015, the **witnesses, Officers C and D**, stated that when they arrived to the location XXXX S. Marshfield Avenue (Alley), Officer A was on the ground with Subject 1 trying to place him into custody. Subject 1 was resisting arrest by ignoring his verbal commands and flailing his arms and legs and pulling away from Officer A. The officers indicated that the only physical contact he had with Subject 1 was holding his hand to help Officer A place offender into custody. The officers denied witnessing the allegations made against Officers A and B. (Att. #53, 54)

CONCLUSION:**ALLEGATIONS #1 — 2 (Officer A):**

The R/I recommends a finding of **Not Sustained** against Officer A for allegations #1 — 2. Officer A denied the allegations made against him. Officer A believed that Subject 1 sustained his injuries when he fell face down on the ground. Civilian 1 stated that she observed Officer A punch Subject 1 on the face. Subject 1 never stated that he was punched on the face. The witnesses provided by Subject 1 failed to cooperate with the investigation. Subject 1 sustained injuries to his face and received medical treatment at Hospital. Subject 1 injuries appeared to be abrasions that were caused by his face scrapping the ground or a hard surface. Due to the lack of evidence to either prove or disprove the allegations, the R/I recommends a finding of **Not Sustained**.

ALLEGATIONS #1 — 2 (Officer B):

The R/I recommends a finding of **Not Sustained** against Officer B for allegations #1 — 2. Officer B stated that by the time he arrived on the scene, Subject 1 was already in handcuffs and being placed in the squad car. Officer B denied having any physical contact with Subject 1. Officer A indicated Officer B assisted in the arrest Subject 1. Subject 1 could not describe who pushed his face down on the ground and punched on the sides of the body. Officers C and D indicated that they assisted with the arrest of Subject 1. There were no other witnesses to describe Officer B actions during the incident.