

ALLEGATIONS:

On 15 APRIL 2015 at 1623 hours, the Subject 1 registered this complaint with Investigator 1. Subject 1 alleges on 22 DECEMBER 2014 at 1900 hours at XXXX South Throop Street, **accused Officer A, #XXXX, Unit XXX: 1)** Grabbed her about her neck; **2)** pushed her against a wall; **3)** choked her, and **4)** referred to her in derogatory terms.

INVESTIGATION:

In a statement to IPRA, Subject 1 related she heard noise outside of her residence. Subject 1 opened the front door of her residence and observed her fiancé, Witness 1, on the porch with several police officers. Immediately after opening the door, officers attempted to enter Subject 1's residence. Subject 1 stood in the doorway with her arm extended in front of her body. Subject 1 asked the officers for a warrant. The officers related to Subject 1 they observed an unknown individual flee into the residence and they did not need a warrant. An unknown officer pushed Subject 1 aside. Another officer identified as Officer A, grabbed Subject 1 by her neck, pushed her against the foyer wall, and choked her. Officers searched Subject 1's home for the unknown individual. The officers were unsuccessful in locating the unknown individual.

Thereafter, Witness 1 was taken into custody. Subject 1 called 911 and requested a supervisor report to the scene. Subject 1 wanted to file a complaint against Officer A. When the supervisor arrived at the scene, Officer A informed the supervisor that Subject 1 was being taken into custody for Battery against a Police Officer. During her transport to the district station, Subject 1 stated that Officer A referred to her as a "little bitch." Subject 1 stated that she attempted to stop the officers from entering her home without a warrant. Subject 1 did not sustain any obvious physical injury as a result of this incident. Subject 1 provided the names of witnesses to this incident. (Att. #6, 8).

In a statement to IPRA, Witness 1 stated that he was at home when his friend Witness 2 knocked on his front door. When Witness 1 opened the door, he observed an individual he knows as "Civilian 1" running through the gangway of his residence. Simultaneously, an unmarked police vehicle approached the scene. Two white male officers exited the vehicle in foot-pursuit of "Civilian 1." Two black male officers approached the scene in an unmarked vehicle. The two black male officers approached Witness 1 and Witness 2 and placed them in custody. The officers in foot-pursuit of "Civilian 1" returned to Witness 1's porch a short time later. The officers asked Witness 1, "Where are the drugs?" Witness 1 told the officers he did not have any drugs.

Witness 1's fiancé, Subject 1, opened the front door of the residence. The two white officers rushed inside the residence. Subject 1 asked the officers if they had a search warrant. One of the officers choked Subject 1 as the other officer entered the residence. Witness 1 made a sudden movement, and one of the officers pointed their gun in Witness 1's direction and commanded him not to move. Witness 1 complied with the officer's command. The officers searched Witness 1's residence and then searched the front lawn of the residence. Officers found

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several bags of cannabis in the lawn. Thereafter, Witness 1, Witness 2, and Subject 1 were taken into custody. Witness 1 did not sustain any physical injury as a result of this incident. (Att. #11, 13).

In a statement to IPRA, Witness 2 related he stopped to visit his friend, Witness 1, at XXX S. Throop Street. Witness 1 stepped onto the front porch to speak with Witness 2. After a brief talk, Witness 2 continued on his way and Witness 1 went inside his home. As Witness 2 exited the front yard, an unmarked police SUV approached him. Officers exited the SUV and placed Witness 2 in custody. Witness 2 was placed inside the SUV. Moments later, Witness 2 observed several officers run through Witness 1's gangway and inside his residence. A short time later, officers escorted Witness 1 and Subject 1 from their residence and placed them in an unmarked SUV.

Witness 2 related he overheard via police radio, the officers were looking for an unknown individual. Witness 2 stated he did not observe anyone flee into Witness 1's residence. Witness 2 did not witness what occurred inside Witness 1's residence, as he was inside the SUV. Witness 2 did not sustain any physical injury as a result of his arrest. (Att. #29, 31).

In a statement to IPRA, Witness 3 related, he was sitting in the living room of the residence (XXXX S. Throop) which is shared with Witness 3 and Subject 1. Witness 3 is not related to Witness 1 or Subject 1. Witness 3 observed Officer A enter the residence behind Witness 1. Officer A placed his right hand on Subject 1's neck, pushed her against the foyer wall, and told her to get out of his way. Subject 1 told Officer A he could not come into the house, and asked why he had done so. Officer A did not respond to Subject 1.

Officer A questioned Witness 1 about the unknown individual who supposedly fled into the residence. The officers' search for the unknown individual was unsuccessful. Witness 3 denied that anyone fled into the residence. Officers escorted Witness 1 from the residence, and searched the front yard. Thereafter, Witness 1 and his friend Witness 2 were placed in custody. The following day, Subject 1 told Witness 3 that she was experiencing pain to her neck. Witness 3 observed redness to Subject 1's neck. (Att. #21, 23).

In a statement to IPRA, Witness 4 stated that he was present at the residence when several officers entered, looking for an unknown individual. Witness 4 had no knowledge of an unknown individual fleeing inside the residence. Witness 4 stated that when Subject 1 questioned Officer A as to why the officers were in the residence, Officer A choked Subject 1 with both hands. The officers exited the residence and searched the front yard. The officers placed Witness 1 in custody and left the scene. The following day, Witness 4 stated that he observed redness to Subject 1's neck. (Att. #25, 27).

Subject 1's Arrest Report states Subject 1 was charged with Resisting/Obstruction of a Peace Officer, and Battery. Officer A is listed as the victim in the arrest report. The narrative of the arrest report stated that during surveillance, Officer B observed several male blacks engaging in what he believed to be drug transactions. Officer B provided the enforcement team with a description of the offenders, their actions and location. As the enforcement team approached the offenders, one of the offenders grabbed the waistband of

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his pants and fled into the residence at XXXX S. Throop. Officers entered the residence in pursuit of the offender. Upon entering the residence, Subject 1 forcibly grabbed Officer A by his arm. Subject 1 held onto Officer A in an attempt to allow the offender to flee. Officer A released himself from Subject 1's grasp and searched the house for the offender. After realizing the offender made good on his escape, officers placed Subject 1 in custody. Per the Visual Check of Arrestee, there was no obvious or physical injury to Subject 1. (Att. #14).

Witness 1's Arrest Report states Witness 1 was charged with Manufacture/Delivery of Cannabis and Violation of Bail Bond. The narrative states that during surveillance in an area known for cannabis sales, (XXXX S. Throop), officers observed Witness 1 and co-arrestee Witness 2 standing on the porch of the aforementioned address. Witness 2 was observed yelling "Weed" to several passing vehicles. Several vehicles parked and an occupant from the vehicle would approach the aforementioned address. Witness 1 would walk down the porch stairs to a section of the front lawn. Witness 1 would raise a section of the grass and remove small packaged items from the area. Witness 1 would then conduct a hand-to-hand transaction with the occupants of the vehicle in exchange for USC. Witness 1 was observed conducting these transactions several times. Officer B radioed for assistance as he believed Witness 1 was conducting narcotic sales. Officer B placed Witness 1 into custody. Officer B directed Officer A to the area of the lawn where Witness 1 was allegedly retrieving narcotics. Officer A recovered seven plastic bags containing what they believed to be cannabis. Per the Visual Check of Arrestee, there was no obvious pain or physical injury to Witness 1. (Att. #15).

Witness 2's Arrest Report states Witness 2 was charged with Soliciting Unlawful Business. The narrative states Witness 2 was observed at XXXX S. Throop yelling "Weed, Weed" and flagging down multiple vehicles. Thereafter, Witness 2 was placed into custody. Per the Visual Check of Arrestee, there was no obvious physical injury to Witness 2. (Att. #16).

The **Original Case Incident Report** essentially relates the narratives of the aforementioned Arrest Reports. (Att. #17).

In a **Tactical Response Report**, Officer A identified Subject 1 as an Assailant/Battery, in that Subject 1 forcibly grabbed and pulled Officer A. Officer A's responses to Subject 1's actions were member presence and verbal commands. Officer A stated that he pushed Subject 1 away from him to pursue a fleeing subject; who made good on his escape due to Subject 1's actions against him. (Att. #18).

In an **Officer's Battery Report**, Officer A stated that he was in uniform at the time of incident. He did not sustain any physical injury. Subject 1 battered Officer A with her fists. (Att. #19).

In a **To-From Report, Witness Officer B, #XXXX**, stated a similar account of the incident as depicted in Subject 1's arrest report. In addition, Officer B stated that he remained hidden in an abandoned building as his position was that of surveilling officer, and he never entered Subject 1's residence. Officer B has no knowledge of the interaction between Officer A and Subject 1. Officer B stated that he had no verbal or physical interaction with Subject 1. (Att. #33).

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In a **To-From Report, Witness Officer C, #XXXX**, stated that he was working in a enforcement car during a narcotics surveillance. Officer C helped detain the subjects who were involved in narcotics transactions. Officer C did not have any verbal or physical interaction with Subject 1. Officer C heard Subject 1 yelling at officers, but he did not observe any physical interaction between Subject 1 and officers at the scene. Officer C did not enter Subject 1's residence during this incident. (Att. #34).

In a **To-From Report, Witness Officer D** stated that he was working as an enforcement officer on a narcotics surveillance team. A flash message was given of an offender wanted for possible "Unlawful Use of Weapon." Upon arriving at XXXX S. Throop, Officer D observed an individual fitting the description of the offender, flee into XXXX S. Throop. Believing occupants in the residence may be in danger, Officer D immediately pursued the offender into the residence. Upon entering the residence, Subject 1 forcibly grabbed Officer A by his arm in an attempt to defeat the arrest of the fleeing offender. Officer D did not observe Officer A physically maltreat Subject 1 in any manner. Officer D stated that he observed Officer A attempt to calm Subject 1 and explain to her why they entered the residence. Officer D described Subject 1's demeanor as extremely aggressive and irate. (Att. #32).

In a **statement to IPRA, Accused Officer A** stated that he was working in uniform as an enforcement officer on a narcotics surveillance team. Officer B provided the enforcement team a description of the offender, his actions and location. As the enforcement team approached the offenders, Officer A observed one of the offenders grab the waistband of his pants and flee into the front door of the residence at XXXX S. Throop. Upon entering the residence, Officer A came into contact with Subject 1. As Officer A attempted to pursue the offender, Subject 1 impeded Officer A's pursuit by grabbing Officer A by his sweater on his left arm. Officer A grabbed Subject 1 by her arm and **pulled** her grasp from his sweater. Subject 1 grabbed Officer A again by his arm and spun Officer A around. Officer A grabbed Subject 1 with both hands and pushed Subject 1 away from him. Officer A did not recall on what part of Subject 1's body he pushed her. Officer A resumed his pursuit of the offender; however the offender made good on his escape. Officer A returned to Subject 1's residence and placed Subject 1 into custody.

Officer A described Subject 1's behavior as belligerent and profanity-laced. Officer A had no recollection of any other officer having contact with Subject 1. Officer A denied the allegations against him. (Att. #38).

According to Subject 1's Arrest Report, Subject 1 is 5'6, and weighs 135lbs. According to CLEAR Personnel Check, Officer A is 6'3, and weighs 210lbs.

CONCLUSION:

IPRA recommends a finding of **Not Sustained** for **Allegation #1**, that Officer A grabbed Subject 1 about her neck. Officer A admitted he pushed Subject 1 during this incident, but denied grabbing Subject 1 about her neck. Officer D supported Officers A's account. Subject 1's witnesses supported her account. Although witnesses 4 and 3 related they observed redness to Subject 1's neck the following day, there is no documented

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evidence (medical records, photographs) to support the claim. It is essentially the word of Officers A and D against the word of Subject 1 and her witnesses. There is insufficient evidence to either prove or disprove this allegation.

IPRA recommends a finding of **Exonerated** for **Allegation #2**, that Officer A pushed Subject 1 against a wall. Subject 1 admitted that she attempted to stop the officers from entering her residence by extending her arm forward. Officer A stated that when Subject 1 grabbed him a second time, to impede his pursuit of the fleeing offender, he grabbed Subject 1 with both hands and pushed Subject 1 away from him. Based on Subject 1's actions toward Officer A, Officers A was justified in his actions. Officer A documented his actions in Department reports, and Subject 1 was arrested and charged with Resisting/Obstruction of a Peace Officer, and Battery/make physical contact.

IPRA recommends a finding of **Not Sustained** for **Allegation #3**, that Officer A choked Subject 1. Officer A denied this allegation and Officer D corroborated Officers A's account. Subject 1's witnesses supported her account. It is essentially the word of Officers A and D against the word of Subject 1 and her witnesses. There is insufficient evidence to either prove or disprove this allegation.

IPRA recommends a finding of **Not Sustained** for **Allegation #4**, that Officer A referred to Subject 1 in derogatory terms. Officer A denied this allegation. There is insufficient evidence to either prove or disprove this allegation.