

INTRODUCTION

On May 31, 2015, Officers A and B responded to the vicinity of XXXX N. Laramie Avenue regarding a trapped motorist involved in an unrelated traffic accident. Complainant Subject works for a towing company and also went to the traffic accident location to see if he could solicit business for the towing company. Officers A and B directed Subject to leave the immediate area of the accident. After Subject refused to leave, the officers placed him under arrest. Subject alleges that during the course of his arrest inappropriate force was used against him.

ALLEGATIONS

Complainant Subject alleged that on May 31, 2015, at approximately 7:00 am, while in the vicinity of XXXX N. Laramie Avenue, **Officer A, #XXXXXX:**

- 1) Grabbed Subject by his neck and pushed his head against the rear seat, in violation of Rule 8.

APPLICABLE LAW AND RULES

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

INVESTIGATION

In an **Initiation Report** dated May 31, 2015, **Sergeant** stated that Complainant Subject, requested a supervisor to allege that he had been placed in the rear of a squad car for no apparent reason. Upon Sergeant arriving at Subject's location, Subject also reported that Accused Officer A grabbed Subject by the neck and pushed his head against the rear seat of the squad car as he placed inside of it. Sergeant stated that a Chicago Fire Department ambulance was on scene for investigation of a traffic crash that Officer A was investigating. The paramedics checked Subject for any injuries. Sergeant reported that Subject told the paramedics that he did not have injuries and was just wasting Officer A's time. (Att. #4)

In an **interview with IPRA** on June 2, 2015 **Complainant Subject** stated that he works for a towing company by listening to police transmissions and going to accident scenes in an attempt to solicit business for the company. On May 31, 2015, he went to an accident near XXXX N. Laramie Avenue and saw two police officers trying to free a driver who appeared to be trapped in the vehicle. As Subject stood near the officers, one of them (Officer A) asked him what he was doing. Subject told the officer that he was watching. Officer A told Subject to leave the area, which he refused to do. Subject then refused to give Officer A his name.

Officer A grabbed Subject by his arm, escorted him to the police vehicle, and placed in the rear of the vehicle without reason. Subject then telephoned 911 and requested a supervisor. Prior to the supervisor's arrival, Officer A opened the door of the police vehicle, grabbed Subject by his throat, and pushed his head against the seat. Officer A then took Subject's phone, handcuffed him, and returned to the accident site to free the trapped driver.

Officer A then asked if Subject was injured. When Subject said that he was "dying," Officer A directed him to the paramedics who were on the scene for the accident. Subject told the paramedics that he was not injured and that he was "just wasting [the officer's] time." Subject stated that he did not sustain any physical injuries as a result of the incident. (Atts. #12, 16)

According to **Subject's Arrest Report and the Case Report recorded under RD #HYXXXXXX**, Subject was charged with Obstruction of an Officer after he was verbally instructed to leave the immediate area and refused. Subject was standing behind Officer A and refusal to leave the immediate area, which caused concern for the officers on the scene. According to the lockup screening log Subject did not have any obvious signs of injury. (Atts. #5, 6)

According to the **Chicago Fire Department EMS** there were no records of Subject receiving treatment. (Atts. #17, 18, 27)

In a **statement to IPRA** on November 16, 2015 **Accused Officer A** stated that on the date and time of the incident, he and Officer B were tending to a civilian who was trapped inside a vehicle. Officer A stated that Subject approached the scene and stood behind him and Officer B. Officer A stated that he asked Subject if he could help him and Subject stated that he was just watching. Officer A stated that he informed Subject that there was nothing to see and asked Subject to leave the immediate area. Officer A stated that he gave Subject the same instructions several times and Subject refused to leave. Officer A stated that he then led Subject to his vehicle, conducted a protective pat down and sat him inside the rear of his assigned vehicle. Officer A stated that he then proceeded to assist Officer B with the trapped driver. Officer A stated that moments later he heard the call for a supervisor regarding Subject. Officer A stated that when Sergeant arrived on scene, he and Sergeant spoke with Subject. Officer A stated that while the on scene paramedics were tending to Subject, he heard Subject state, "I am not injured, I am just wasting his time." Officer A denied committing any acts alleged against him. (Att. #35)

In a **statement to IPRA** on May 19, 2016, **Witness Officer B** stated that he could not recall his beat of assignment on the date and time in question, but recalled being in the vicinity of the alleged incident. Officer B stated that he believed that he responded to the scene as an assist to Officer A regarding a traffic accident. Officer B recalled having seen Subject in the immediate area of the vehicle that was involved in the accident. Officer B stated that he and Officer A directed Subject to leave the immediate area and Subject refused. Officer B remained at the vehicle while Officer A walked over to Subject. Officer B stated that he observed Officer A handcuff Subject and place him inside the rear of his assigned vehicle. Officer B denied having any physical contact with Subject. Officer B denied having any additional dialogue with Subject. Officer B denied observing Officer A commit the acts alleged against him. (Att. #37)

CONCLUSION

Accused #1: **Officer A, #XXXXXX**
Allegation #1: **Not Sustained**

There is insufficient evidence to prove or disprove that on May 31, 2015, at approximately 0700 hours, in the vicinity of XXXX N. Laramie Avenue that Officer A grabbed Subject by his neck and pushed his head against the rear seat. There are no witnesses, injuries or medical records to support Subject's allegations. Officer B denied observing Officer A commit the act alleged against him. Officer A denied committing the act alleged against him. Based on the available evidence, IPRA recommends a finding of **Not Sustained** for the allegation against Officer A.