

## INTRODUCTION

On October 4, 2015, Chicago police officers were called to a disturbance at a party being attended by Subject 1. Subject 1 and her sister, Witness 1, were both arrested for unrelated offenses. Subject 1 alleged that her arresting officers handcuffed her too tightly.

## ALLEGATIONS

Subject 1 alleges on October 4, 2015, at 12:20 a.m., at XXXXX South Eggleston Avenue, **Officers A, Unit XXX and B, Unit XXX:**

- 1) Handcuffed her too tightly, in violation of Rule 8; and
- 2) Failed to identify themselves upon her request, in violation of Rule 37.

Subject 1 further alleges on the aforementioned date, time and location **Sergeant 1, Unit XXX:**

- 1) Refused loosen her handcuffs, in violation of Rule 8, and
- 2) Refused to identify himself upon her request, in violation of Rule 37.

## APPLICABLE LAW AND RULES

- Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
- Rule 37:** Prohibits failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.

## INVESTIGATION

**In an interview with IPRA** on October 10, 2015, **Subject 1** stated that she was at a party when several guests accused her of stealing an iPod. A physical altercation ensued between Subject 1 and the other guests, during which they struck Subject 1 about her body with unknown objects. Subject 1's father called 911 for police service. Responding officers spoke to the involved parties. Thereafter, officers placed Subject 1 in custody. Subject 1 informed the arresting officers and a Supervisor, now known to be Sergeant 1, that she was handcuffed too tightly. No action was taken by the officers/Sergeant 1 in regards to Subject 1's statement. At some point during the incident, Subject 1 asked one of the officers<sup>1</sup> for his name. The officer told her not to worry about it.

At her request, Subject 1 was transported to XXXXXXXX XXXXXXXX for medical treatment. However, upon arriving at the hospital, Subject 1 refused medical attention. Subject 1 later sought medical attention at XXXXXX XXXXXXXX of XXXX XXXXXXXX after she was released from custody. As a result of the physical altercation at the party, Subject 1 sustained abrasions to her head and body.

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<sup>1</sup> Subject 1 could not recall which officer she asked for his name.

According to Subject 1, she also sustained swelling to her wrists from being handcuffed too tightly. Subject 1 stated her sister Witness 1, was also arrested, but Witness 1 did not witness the officers place her in custody. (Atts. 11, 12)

**Subject 1** provided **personal photographs** of her alleged injuries. The photographs show abrasions to Subject 1's left forearm, a scratch on her forehead, and bruising to her right hip area. Subject 1 did not say when the photographs were taken or who took the photographs. Also, there is no overall photograph or facial photograph confirming the photographs are actually of Subject 1. (Att. 29)

In an **interview with IPRA** on October 10, 2015, **Witness 1** related she did not witness the officers place Subject 1 in custody. At the district station, Witness 1 stated she overheard Subject 1 inform officers she was handcuffed too tightly. (Atts. 16, 17)

According to **Subject 1's Arrest Report, recorded under RD #HY-448736**, she was charged with Simple Assault. Civilian 1 informed officers Subject 1 threatened to kill her and spit at her. Subject 1 was placed into custody and transported to the district station for processing. Officers A, and B were the arresting officers; they were working Beat XXX. There was no obvious pain or injury to Subject 1. Subject 1 reported to lockup personnel that she was three months pregnant. (Att. 4)

According to **Witness 1's Arrest Report, recorded under RD #HY-448747**, she was charged with Carrying a Concealed Firearm/Under the Influence. Officers responded to a call in reference to homeowner Civilian 2 not allowing Witness 1 access to her home to retrieve her (Witness 1) gun. Upon arriving at the scene and speaking to Witness 1, officers observed Witness 1 to be intoxicated. Witness 1 informed officers someone at the party had removed her gun from her purse and she wanted the officers to retrieve it. Civilian 2 informed the officers that Witness 1 was intoxicated, attempting to fight guests, and that she instructed Witness 1 to leave her home. Civilian 2 allowed the officers to search her home. The officers recovered Witness 1's gun on the 3<sup>rd</sup> floor fire escape. Witness 1 identified the gun as belonging to her. Thereafter, Witness 1 was placed in custody. There was no obvious pain or injury to Witness 1. (Att. 13)

The **Case Incident Reports recorded under RD #HY-XXXXXX and HY-XXXXXX** contain essentially the same narrative as in the Arrest Reports. (Att. 5)

Subject 1's **medical records** from XXXXXX XXXXXXXX of XXXX XXXXXXXXXX show Subject 1 received medical treatment on October 4, 2015. Subject 1 informed medical personnel she was jumped on and struck about the head, face, and body by fists and a lock. Subject 1 complained of bruising and pain to her wrist and right hip area. Subject 1 was diagnosed with acute contusions of the arm and hip, and discharged in stable condition. Medical records state Subject 1 was not pregnant. There is no indication in the records that Subject 1 reported any interaction with the police. (Att. 34)

In a **written report to IPRA** dated November 6, 2015, Officer A stated he and his partner, Officer B, were assisting a unit on a call of a person with a gun. Officer A stated he was working in full uniform with his nametag and unit clearly visible on his vest. As Officer A and his partner were leaving the scene, Civilian 1 flagged them down and informed them Subject 1 spat on her and threatened to kill her. On a signed complaint from Civilian 1, Subject 1 was taken into custody. Per Officer A, Civilian 1 was not taken into custody because she did not commit any crime. Officer A related Subject 1 was very intoxicated, directed profanity toward Civilian 1, and was irate and belligerent toward him and citizens at the scene. Officer A did not recall Subject 1 complaining of being handcuffed too tightly at any time during her arrest or informing other officers she was handcuffed too tightly. Officer A could not recall the Sergeant on scene of the incident. Officer A did not observe any injury to Subject 1. Once Subject 1 informed officers she was pregnant, she was transported to X Hospital for precautionary reasons. Upon arriving at the hospital, Subject 1 refused medical attention. (Att. 28)

In a **written report to IPRA** dated November 5, 2015, **Officer B** essentially related the same account of the incident as Officer A. In addition, Officer B related Sergeant 1, was at the scene when Subject 1 was placed in custody. (Att. 24)

In a **written report to IPRA** dated December 18, 2015, **Sergeant 1** had no recollection of coming into contact with Subject 1 during her arrest. Therefore, Sergeant 1 related he could not address Subject 1's complaints and denied the allegations. (Att. 33)

In a **written report to IPRA** dated November 7, 2015, Witness **Officer C** stated that she was not at the scene when Subject 1 was placed in custody. Officer C initially came into contact with Subject 1 at the XXX district station, where she conducted a search of Subject 1. According to Officer C, Subject 1 never complained that she was handcuffed too tightly. Officer C related Subject 1 had a strong odor of alcohol emitting from her and appeared to be highly intoxicated. (Att. 20)

In a **written report to IPRA** dated November 9, 2015, Witness **Officer D** reported that he was not at the scene when Subject 1 was placed into custody. Officer D initially came into contact with Subject 1 at the XXX district station. Officer D assisted in processing Subject 1, but did not have any direct contact with her. (Att. 19)

## CONCLUSION

**IPRA recommends** a finding of **Unfounded** for **Allegation #1** against **Officers A and B**, that they handcuffed Subject 1 too tightly. Neither accused officer had any recollection of Subject 1 complaining of being handcuffed too tightly during her arrest. Officer A added that, if Subject 1 had made such a complaint, he would have checked the handcuffs and made the necessary adjustments. The photographs Subject 1 provided do not show any injury to her wrist. Furthermore, Subject 1 was involved in a physical altercation with several guests at a party and related her injuries came from such, and Subject 1 never related to medical personnel she was maltreated by the police. The officers and related CPD reports described Subject 1 as highly intoxicated during this incident. They also reveal that she told them she was pregnant, a fact that was refuted in her medical records. There is no evidence to support the allegation of Subject 1 being handcuffed too tightly.

**IPRA recommends** a finding of **Unfounded** for **Allegation #2** against **Officers A and B**, that they failed to identify themselves to Subject 1. In her statement to IPRA, Subject 1 said that she could not recall which officer on the scene she asked to identify himself. The officers denied the allegation and did not recall Subject 1 asking for their information. Both officers related they were working in full uniform and their nametags and unit were clearly visible on their outer vest covers. There is no evidence to support this allegation occurred as Subject 1 alleged.

**IPRA recommends** a finding of **Unfounded** for **Allegations #1-2**, that Sergeant 1 ignored Subject 1's request to loosen her handcuffs, and upon Subject 1's request he failed to identify himself. Sergeant 1 did not have any recollection of having any interaction with Subject 1 and he is not listed on the reports related to her arrest. Although he may have been present on the scene, there is no evidence to support these allegations occurred as alleged by Subject 1.