

## INTRODUCTION

Subject 1 was involved in a hit and run accident and the person (Civilian 1) who struck her vehicle left the scene. Subject 1 located the other vehicle the following day and called the police. She alleged that Officer A, who responded to her call, was verbally abusive to her. Officer A arrested Subject 1 based on a signed complaint that Civilian 1 made against her. Subject 1 alleged that Officer A and the transport officers (Officers B and C) failed to place a seat belt on her in the squadrol, and that Officers B and C physically abused her during transport.

## ALLEGATIONS

It is alleged that on January 8, 2016, at approximately 1151 hours, at XXXX W. Grenshaw, **Officer A, #XXXX:**

1. Failed to secure Subject 1 in a seat belt in a squad/squadrol, in violation of Rule 10; and
2. Stated to her "sit your ass down, you are not the fucking police", in violation of Rule 8.

It is further alleged that on the above date, time and location, **Officers B #XXXXX and C, #XXXXX:**

1. Failed to secure Subject 1 in a seat belt in a squad/squadrol, in violation of Rule 10; and
2. Pulled her by the arms, in violation of Rule 9; and
3. Pushed her back in the squadrol, in violation of Rule 9

## APPLICABLE RULES AND LAW

- Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.  
Rule 9: Prohibits engaging in any unjustified or verbal or physical altercation with any person while on or off duty.  
Rule 10: Prohibits inattention to duty

## INVESTIGATION

In an interview with IPRA on January 10, 2016, **Complainant Subject 1** stated that she was involved in a hit and run accident on January 7, 2016 with Civilian 1, who struck her vehicle and left the scene. Subject 1 stated that she was able to identify the vehicle because she followed it, and her son recorded the license plate number. Subject 1 stated that on January 8, 2016, she located the vehicle that struck her and called the police. She was instructed to go to the location and wait for the police. According to Subject 1, Officer A was very rude, condescending, and verbally abusive to her when he arrived on the scene. Officer A told Subject 1 that her vehicle

did not look like it was involved in a hit and run. Subject 1 stated that she exited her vehicle and showed Officer A the damage to her vehicle and the paint marks on her vehicle that matched the vehicle that fled the scene. Officer A stated to Subject 1 "sit your ass down, you are not the fucking police." He then returned to his vehicle to prepare the paper work for Civilian 1's vehicle to be towed, and instructed Subject 1 to return to her vehicle.

Within a few minutes, Civilian 1 appeared on the scene and began talking to Officer A. Civilian 1 told Officer A that Subject 1 slashed her tires and that she had a witness who saw it. Officer A walked over to Subject 1's vehicle and informed her that she was going to be arrested for slashing Civilian 1's tires. Civilian 1 was also placed under arrest for not having a valid drivers' license. After Subject 1 entered the squadrol, neither Officer A nor the transporting officers (Accused Officers B and C) placed her in a seat belt. Subject 1 stated that while she was in the squadrol, the driver made a sharp turn, causing her to fall. When the driver officer stopped and opened the door, he grabbed her by the arms, lifted her up, and pushed her to the floor of the squadrol. Subject 1 maintained that during the remainder of the transport she slid back and forth across the seat causing her arm and shoulder to hit the walls of the squadrol. As a result of the incident, Subject 1 sustained a muscle strain to her left arm. Subject 1 was transported to XX Hospital for medical attention. (Atts. 6, 23)

The **Medical Records** from XX Hospital indicated Subject 1 reported to hospital personnel that she was placed in a police van but not secured. When the van made a sharp right turn, she was flung onto the stairs, striking her head and right shoulder on a metal step bracket. She further complained of left side head pain, and shoulder pain which radiated down her left arm. Subject 1 was diagnosed with a shoulder injury (unspecified) and a muscle strain. (Atts. 14, 15)

**Photographs** taken of Subject 1 show what appeared to be bruising about her arms. (Atts. 20, 21, 22)

The **Arrest and Original Case Incident Reports recorded under RD #HZXXXXXX** indicated that Officer A responded to assist a citizen (Subject 1) who was involved in a hit and run auto accident. Subject 1 called the non-emergency line to report that she found the car and was told to go to the location where an officer would be dispatched. Officer A located the car and Subject 1. She explained what occurred. As Officer A looked over the vehicle which allegedly fled, he observed two flat tires. Officer A started preparing the paperwork. While he was doing this, Civilian 1 appeared on the scene and Subject 1 identified her as the party involved in the hit and run. Officer A spoke with Civilian 1 and confirmed that she was involved in an auto accident with Subject 1, and that she left the scene before the police arrived. Civilian 1 stated that she left the scene because her drivers' license was suspended. Civilian 1 informed Officer A that she had a witness who saw Subject 1 slash her two drivers' side tires. The witness, Civilian 2, told Officer A that he saw Subject 1 slash the tires. Subject 1 was placed into custody on signed complaints. Subject 1 and Civilian 1 were transported to the 011<sup>th</sup> District Police Station separately. The reports note that on the way to the station, Subject 1 injured herself by

hitting the inside of the squadrol. Subject 1 was taken to XX Hospital where she was treated and released. (Atts. 10, 11)

The **Chicago Police Department Event Query** revealed that Subject 1's vehicle was struck by a silver Mercury which was parked at XXXX W. Grenshaw Street. The Query indicated that Subject 1 was sitting in her burgundy Dodge Avenger waiting for the police to arrive. It further stated that both women involved became offenders and were placed into custody. One of the offenders (Subject 1) was kicking the back door of the squadrol and banging her head. (Att.12)

**POD XXX** showed images of a gray vehicle being secured on a red and white flatbed tow truck. The images also depict a marked SUV following behind the tow truck which was exiting the block of Grenshaw. (Atts. 16, 17, 18, 19)

The **in-car camera** from car #XXXX on the date of the incident was assigned to Officer A #XXXX. The images showed Officer A and other unknown officers on the scene. It further showed Officer A talking with Subject 1, followed by Civilian 1 and Civilian 2. Several minutes later, it showed both Subject 1 and Civilian 1 being placed into custody and transported to the police station. It also showed the gray vehicle being towed and Subject 1's burgundy vehicle being driven away by one of the unknown officers. (Atts. 24, 25, 26, 27)

In a **written statement to IPRA** dated February 13, 2016, **Accused Officer A** on February 13, 2016, Officer A reported that he was assigned to investigate a hit-and-run accident on January 8, 2016. Subject 1 approached Officer A and stated that she was the victim of a hit and run the previous day. While at XXXX W. Grenshaw, Subject 1 claimed to have found the vehicle that hit her car the day earlier. Subject 1 stated that she was told by department personnel that the responding officer could tow the car involved in the hit and run. Officer A stated that during his conversation with Subject 1, he noticed the vehicle to have two flat tires. After preparing the tow report, Officer A told Subject 1 that she was free to go, but she did not leave. After a few minutes, Civilian 1, the person who allegedly hit Subject 1, appeared.

Subject 1 demanded that Civilian 1 be arrested. Officer A stated that he did not yet evaluate the reports or information in order to make an informed decision. Subject 1 became angry. After interviewing Civilian 1, Officer A learned that Civilian 1 believed that Subject 1 was the offender that slashed her tires. At this point, Subject 1 wanted to leave, but Officer A did not yet complete his investigation. Civilian 1 presented a witness who alleges that he saw Subject 1 slash Civilian 1's tires. Officer A attempted to place Subject 1 into custody and told her that she could not leave. Thereafter, Officer A discovered that Civilian 1 had a suspended Illinois driver's license. Both parties were placed into custody and transported to the XXX District Police Station. Officer A called for a car to assist and transport Subject 1, who he alleges was very difficult to control and screaming. This incident was captured on an in-car camera. Officer A did not transport Subject 1. Officer A denied all allegations of misconduct. (Att. 31)

In a written statement to IPRA dated February 13, 2016, **Accused Officer B** reported that he and Officer C responded to a request for transport for Officer A from XXXX W. Grenshaw. Officer B stated that he placed Subject 1 into a seat in the squadrol and secured her in a seat belt. Officer B explained to Subject 1 why she was arrested. While being placed in the squadrol, Subject 1 became aggravated and raised her voice. En route to the XXX District Police Station, Subject 1 slipped out of the seat belt. Officer B stopped the squadrol, opened the door and assisted Subject 1 back to her seat. He attempted to refasten the seat belt, but Subject 1 refused to comply with directions to remain seated. Subject 1 did not allow the officer to refasten her seat belt. Officer A continued to the XXX District Police Station, where Subject 1 became combative by hitting her head on the squadrol door. Officer B maintained that his only physical contact with Subject 1 was escorting her to the wagon and helping her off the floor of the squadrol when she slipped out of the seat belt. Upon arrival at the XXX District Police Station, Subject 1 stated that she wanted to go to the hospital and was transported to XX Hospital by Beat XXXX in a patrol vehicle. (Att. 36)

In a written statement to IPRA dated February 13, 2016, **Accused Officer C** reported that he and Officer B responded to a request for transport for Officer A from XXXX W. Grenshaw. Officer C stated that he did not have any conversation with Subject 1 while on the scene. Subject 1 was angry and raised her voice after she was told that she was being arrested. Officer C observed Officer B place Subject 1 into the squadrol where she was seated and secured in a seat belt. Officer C stated that he followed the squadrol into the XXX District Police Station by driving the vehicle operated by Subject 1. While in transit, Officer C observed Officer B stop the squadrol, open the door and assist Subject 1 back into her seat and attempt to refasten the seat belt. Subject 1 refused to comply with the direction provided by Officer B and did not allow him to refasten the seat belt. Subject 1 sat forward and slid onto the floor. Officer C continued to follow the squadrol operated by Officer B into the 011th District Police Station. Officer C denied all allegations of misconduct. (Att. 41)

## **CONCLUSION:**

IPRA recommends a finding of **Unfounded** for **Allegation #1** against Officer A, that he failed to secure Subject 1 in a seat belt in a squad/squadrol. Officer B admitted that he was the officer who placed Subject 1 into the squadrol and belted her in. Officer C maintained that he observed Officer B place Subject 1 into the squadrol where she was seated and secured in a seat belt. Officer C stated that he followed the squadrol into the XXX District Police Station by driving the vehicle operated by Subject 1. Officer C observed Officer B stop the squadrol, open the door and assist Subject 1 back into her seat and attempt to refasten the seat belt. Subject 1 refused to comply with the direction provided by Officer B and did not allow him to refasten the seat belt. Subject 1 sat forward and slid onto the floor. Officer A's only contact with Subject 1 was while handcuffing her.

IPRA recommends a finding of **Not Sustained** for **Allegation #2** against Officer A which alleges that he stated to Subject 1 "sit your ass down, you are not the flicking police." There were no witnesses or other available evidence. In addition, this investigation revealed insufficient evidence to either prove or disprove the allegation.

IPRA recommends a finding of **Not Sustained for Allegation #1** against Officer B, that he failed to secure Subject 1 in a seat belt in a squad/squadrol. Officer B admitted that he placed Subject 1 into the squadrol and stated that he secured her in a seat belt. After he explained to her why she was arrested, she became aggravated and raised her voice. While in transit to the police station Subject 1 slipped out of the seat belt. When he stopped the squadrol, opened the door and attempted to place Subject 1 back into her seat she refused to comply with his directions to remain seated and allow him to refasten her seat belt. Subject 1 pushed forward and slipped down to a seated position on the floor of the squadrol. Officer B continued on to the police station. It is documented on the event query that Subject 1 was kicking the back door of the squadrol and trying to get out of the seat belt. Based on this information it is highly possible that Subject 1 could have sustained a muscle strain while in transit to the police station. However, there were no witnesses and no other available evidence to determine whether the officer driving the van was responsible for her injuries.

IPRA recommends a finding of **Not Sustained for Allegation #2** against Officer B, that he pulled Subject 1 by the arms. Officer B admitted that he placed Subject 1 into a squadrol and secured her in a seat belt. While in transit to the police station Subject 1 slipped out of the seat. When Officer B stopped the squadrol, opened the door and attempted to place Subject 1 back in her seat she refused to comply with his directions to remain seated and allow him to refasten her seat belt. It is reasonable to believe that Officer B would pull Subject 1 by the arms to prevent her from further incident due to the fact that she refused to comply with his directions. It is also reasonable to believe that his actions were reactionary and not excessive. Furthermore, there were no witnesses and no other available evidence to determine whether the officer driving the van was responsible for her injuries.

IPRA recommends a finding of **Not Sustained for Allegation #3** against Officer B, that he pushed Subject 1 back in the squadrol. Based on the above information and the fact that due to her refusal to comply with his directions and attempt to refasten her seat belt he would push her back into the squadrol in attempt to prevent her from further incident. There were no witnesses and no other available evidence to refute this finding.

IPRA recommends a finding of **Unfounded for Allegations #1-3** against Officer C, that he failed to secure Subject 1 in a seat belt in a squad/squadrol, pulled her by the arms, and pushed her back in the squadrol. Officer B admitted that he was the one who placed Subject 1 into the squadrol and drove her to the XXX District station. Officer C followed the squadrol in Subject 1's own vehicle and did not have any contact with her throughout this incident.