

SUMMARY OF INCIDENT:

On 14 June 2014, at approximately 1440 hours, XXXX District Tactical Officers observed minors Subject 1 and Subject 2 engaging in what appeared to be "gang activity" at the location of XXXX South Escanaba. Because they are minors, Subject 1 and Subject 2 were transported to their residence, located at XXXX South Exchange, to be released to a parent or guardian. Upon arrival at the location of XXXX South Exchange, the officers were met by a group of citizens, who were gathered on the front porch and sidewalk area. The officers attempted to conduct field interviews with several known members of both the Latin Kings and Slaughter Town Black P Stones gangs but were unsuccessful, and additional units were requested. Beat XXXX, Officers A #XXXX and Officer B #XXXX arrived on scene and were approached by Subject 3.

Subject 3 approached Officers A and B in a hostile manner, and stated, "I will fuck you up. I hate fucking cops. You killed my brother and I don't like you." Officer B attempted to place Subject 3 in custody for assault. At this time, Subject 3, with a clenched right fist, pulled away and engaged in body movements to resist his arrest. Officer B administered a closed hand strike (punch) to Subject 3's side to gain control and successfully affected the arrest. Subject 3 was taken into custody and placed into a Department vehicle, where he apologized for his actions. Subject 3 was then transported to the XXXX District without further incident.

ALLEGATIONS

It is alleged that on 14 June 2014, at 1445 hours, at the location of XXXX South Exchange Avenue, while on-duty, **Officer A #XXXX**, Unit 004:

- 1) Grabbed Subject 3 by the neck, in violation of Rule 8;
- 2) Pushed Subject 3's head against a Department vehicle, in violation of Rule 8;
- 3) Twisted Subject 3's arm while handcuffing him, in violation of Rule 8;
- 4) Pushed Subject 3's into the back seat of a Department vehicle, in violation of Rule 8;
- 5) Directed profanities towards Subject 3, in violation of Rule 9; and
- 6) Directed derogatory language towards Subject 3, in violation of Rule 9.

It is further alleged that on 14 June 2014, at 1445 hours, at the location of XXXX South Exchange Avenue, while on-duty, **Officer B #XXXX**, Unit XXX:

- 1) Punched Subject 3 about the body, in violation of Rule 8.

APPLICABLE RULES AND LAWS

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

Rule 9: Engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

- G03-02** Use of Force Guidelines
- G03-02-01** The Use of Force Model
- G03-02-02** Force Options
- G03-02-04** CLEAR Automated Tactical Response Report
- G03-02-05** Incidents Requiring the Completion of a Tactical Response

Illinois Compiled Statute Chapter 720, Article 5, Section 7-5, states in part: "A peace officer ... need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest."

INVESTIGATION

Reporting Party Third Party Subject 4 did not witness the incident. (Att.1)

In an **interview with IPRA** on June 14, 2014, **Complainant Subject 3** stated that on the date of this incident, at approximately 1700 hours, he was meeting his friends on the corner of his street, to go to the movies. Subject 3 identified his friends as Subject 2, Subject 1, Subject 5 (a.k.a."XXXX"), Civilian 2, and Civilian 3. While the group was waiting at the corner, a "Detective" car, which Subject 3 described as an unmarked grey Department SUV, pulled up and detained Subject 2, Subject 1, and Subject 5.¹ Subject 2, Subject 1 and Subject 5 were then placed in the rear of the SUV. The group was informed that that the police were transporting Subject 2, Subject 1, and Subject 5 to their residence at XXXX South Exchange. Subject 3 and his friends who were not detained followed to XXXX South Exchange. While at the location of XXXX South Exchange, one of the officers began yelling at one of Subject 3's friends who was seated in the rear of the Department vehicle. Subject 3 told Civilian 1 to start recording, because the police were starting to get "real aggressive with them," referring to his friends in the back seat of the patrol car. Civilian 1 took out his phone and began recording. At some point, Civilian 1 told Subject 3 that he needed to go inside the house and handed his phone to Subject 3, who continued recording the incident.

One of the officers, now known to be Officer A, who was speaking with Subject 2's mother, stopped and asked Subject 3 what he was doing. Subject 3 replied that he was ensuring that the police did not hurt his friend. When Officer A finished speaking with Subject 2's mother, he began asking Subject 3 questions. Officer A asked Subject 3 if he lived at the residence to which Subject 3 replied that he did not. Officer A told Subject 3 and Civilian 2 that he wanted to speak with them. Subject 3 and Civilian 2 complied. Officer A asked Subject 3 again why he was recording. Subject 3 told Officer A that he was recording because he did not want the officer to get too aggressive with his friend and hurt him. Officer A asked Subject 3 why he and his friends were always on the porch when he drove past. Subject 3 replied that this was the place he and his friends hang out. Officer A asked Subject 3 why he and his friends went into the house every time the Officers drove past, and inquired if he and his friend had a problem with the

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A CLEAR search revealed contact cards were generated for Subject 2, Subject 1 and Subject 5. (Atts. 44-46).

police. Subject 3 told Officer A that he really didn't like Chicago Police because they killed his brother.² Subject 3 explained to Officer A that he didn't hate the police, he just didn't like them. At that point, Officer A stated words to the effect of: "So you don't like us, well guess what, you're going to jail." One of the officers then turned Subject 3, grabbed him by the back of his neck and pushed him against the police vehicle. Subject 3's hands were pulled up behind his back and an officer, now known to be Officer B, told him to "stop resisting." Subject 3 replied that he was not resisting at which time Officer B punched Subject 3 in the ribs. When Subject 3 asked Officer B why he punched him in the ribs, Officer B replied, "Shut up, you're under arrest." Officer A grabbed Subject 3's arm and twisted it behind his back. Officer A then pushed Subject 3 into the rear of the police vehicle and said, "Get the fuck in the car." Officer A then told Subject 3, "I'm going to talk to you man-to-man but what I should be doing now is punching you in the f'n mouth you retard." When Officer A asked Subject 3 why he talks to police the way he does, Subject 3 replied, "Because I don't like Chicago police." Officer A told Subject 3 he was going to jail and proceeded to drive Subject 3 to the station. Subject 3 was processed at the XXXth District and then transported to another police facility, where his mother and aunt picked him up.

As a result of this incident, Subject 3 sustained soreness to his ribs, where he was punched. Subject 3 did not require and/or receive medical attention for the soreness to his ribs.

Subject 3 denied clenching his fist or directing any profanities towards the officers. Subject 3 stated that Civilian 1 had possession of the video footage of his physical maltreatment. (Atts. 13, 25)

In an **interview with IPRA** on June 14, 2014, **Witness Civilian 2** stated that on the date and time of this incident he was outside on the front porch of XXXX South Exchange with his relatives and friends, Subject 3 and Civilian 1. Civilian 2 identified the location of XXXX South Exchange as the residence of his "Civilian 3" (NFI) and his two cousins Subject 1 and Subject 2. According to Civilian 2, two white male officers driving an unmarked police vehicle pulled up to the residence and asked if his "Civilian 3" was home. Civilian 2 observed his two cousins, Subject 1 and Subject 2 in the back of the vehicle. At this point, one of Civilian 2's family members contacted "Civilian 3," who was at the store, and told her that she needed to return home because her sons were in the rear of a police vehicle.

According to Civilian 2, a second police vehicle arrived on scene as "Civilian 3" arrived. The driver of the second police vehicle, who Civilian 2 identified as Officer A, exited the vehicle and spoke with "Civilian 3." Subject 2 and Subject 1 were released and "Civilian 3," Subject 2, and Subject 1 entered the residence.

Officer A observed Subject 3 holding up his cell phone, recording the incident. Officer A said, "Stop fucking recording," to Subject 3. According to Civilian 2, Subject 3 was not recording. Officer A told Subject 3, "Get your ass downstairs. Don't make me get your ass or it'll be worse." Subject 3 and Civilian 2 stepped down from the porch and

² A CLEAR search revealed that the victim/subject in Log 1009675/U07-31 was the brother of Subject 3.

approached Officer A and his partner, who Civilian 2 identified as a white male officer.³ Subject 3 and Civilian 2 were placed on the hood of a squad car and searched by Officer A and Officer B. Civilian 2 stated that a third black male officer was standing nearby.⁴ During the search, Officer A stated words to the effect of: "You always have to be a tough guy. Why don't you like us?" to which Subject 3 replied, "Cops killed my brother." Officer A said, "You want to be a smart motherfucker?" and grabbed Subject 3 by the shirt, pushed him against the police vehicle, twisted his arm, handcuffed him and told him he was under arrest. Civilian 2 heard Officer B tell Subject 3, "Stop resisting," as he punched Subject 3 one time on the right side of his body. Subject 3 was then placed in the squad car and transported from the scene.

Civilian 2 stated that Civilian 1 began recording this incident when he and Subject 3 initially approached Officers B and A and that Civilian 1 has the only recording of this incident. (Atts. 17, 19, 26)

In an **interview with IPRA** on June 14, 2014, **witness Civilian 1** stated that on the date and time of this incident, he was on a porch on XXXX and Exchange with his cousins Civilian 4 and Subject 2 and friends Subject 3 and Civilian 2, when two (2) unmarked police vehicles pulled up. Civilian 1 observed a grey Ford Crown Victoria with two (2) black male officers in civilian dress. A black male officer and Officer A were in the second vehicle, a grey Chevy Tahoe. Both officers were in civilian dress.⁵ They stopped in the vicinity of the residence. According to Civilian 1, Officer A instructed Subject 3, who was recording the police presence at the residence, to "come down off the porch or it will be worse," to which Subject 3 complied.

Civilian 1 remained on the porch where he observed Officer A grab Subject 3, choke Subject 3, place Subject 3 on the vehicle, and tell Subject 3 that he could not record the officers. Civilian 1, who recorded the incident from the porch, did not hear Subject 3 engage in any conversation with the officers on the scene and did not hear the officers on the scene direct profanities towards Subject 3.

Civilian 1, who has known Subject 3 for approximately one (1) year at the time of this incident, reported that Subject 3 does not have any Gang affiliation. Civilian 1 also reported that none of the subjects present have or have had any Gang affiliation.

During the course of his statement, Civilian 1 stated that he would provide a copy of the footage of the incident he recorded to IPRA.⁶ (Att. 21)

Attempts to contact and/or interview **Subject 2 and Subject 1** were met with negative results. (Atts. 32, 33, 38, 39, 47)

Attempts to contact and/or interview **Civilian 5 and Civilian 6** were met with negative results.⁶ (Atts. 34, 35, 37, 40, 41, case log)

³The Attendance and Assignment Records for the date and time of this incident, indicate that Officer A's partner on the date of this incident was Officer B. Officer B is identified as a Hispanic male in the Department Records.

The Department reports establish the identity of the third officer as Officer C XXXXX.

⁵Civilian 1 established the identity Officer A based on a previous encounter where Civilian 1 was arrested.

⁶Multiple attempts were made to obtain the footage of the incident from Civilian 1. As of the date of this report, Civilian 1 has not provided IPRA with the footage of the incident. (Case Log)

The **Office of Emergency Management and Communications (OEMC) Event Query 1416509413** indicates that on 14 June 2014, at 1419 hours, Beats XXXX and XXXX were at the location of XXXX South Exchange relative to a Gang disturbance. (Att. 23)

The related **Department Reports (Arrest Report of Subject 3 XXXXXX and General Offense Case Report XXXXXX)** document that on 14 June 2014, at the location of XXXX South Exchange at 1444 hours, Subject 3 was arrested and charged with Simple Assault and Resisting/Obstructing with the victim identified as Officer B #XXXX. According to the Department Reports, Beat XXXX, Officers B and A, arrived at the location of XXXX South Exchange to assist Beat XXXX with a Gang related investigation. Several field interviews were conducted with members of both the Latin Kings and Slaughter Town Black P Stones gangs. While the field interviews were being conducted, Subject 3 approached the officers (A and B) and stated, "I will fuck you up. I hate fucking cops. You killed my brother. I don't like you." When Officers B and A attempted to place Subject 3 under arrest for assault, Subject 3 pulled away with a clenched right fist and attempted to resist arrest with body movements. Officer B attempted to perform a control hold but Subject 3's momentum almost caused Officer B to lose control of his handcuffs. Officer B performed one strike to Subject 3's body while giving verbal direction and placed Subject 3 into custody. When Subject 3 was placed into the police vehicle he stated, "I'm sorry officer, my grandmother just died and I am very emotional." Subject 3 was transported to the XXXX District where he was processed accordingly. (Atts. 4, 5)

The **Tactical Response Report (TRR) and Officer's Battery Report (OBR)** of Officer B indicate that Subject 3 was initially a Passive Resister (did not follow verbal direction), who became an Active Resister (pulled away and clenched fists) and escalated to art Assailant: Assault (imminent threat of battery) when he stated, "I will fuck you up." Officer B utilized a member presence, verbal commands, escort holds, wrist lock, emergency cuffing and closed hand strike/punch to subdue Subject 3. In his OBR, Officer B identified Subject 3's manner of attack as verbal threats and did not sustain any injuries. (Atts. 8, 9)

Contact Cards XXXXX (Subject 1), XXXXX (Subject 2) and XXXXX (Subject 5) were obtained and incorporated into this investigation. The Contact Cards indicate that the reason for contact was relative to a gang investigation. Beat XXXX observed Subject 1 coming from the rear of the building at XXXX South Escanaba and then going behind the building in an attempt to conceal himself from the officers, which led the officers to believe that he was acting as a "lookout." As the officers approached Subject 1 for an interview, Subject 1 looked in the direction of the officers and began walking the other way. The officers were able to conduct an interview with Subject 1. During the interview of Subject 1, Subject 2 and Subject 5 walked on scene in an aggressive manner. Subject 2 and Subject 5 attempted to interfere with the interview, refusing to disperse upon request. Subject 1 was transported to his residence for proper confirmation of his identity. (Atts. 44-46)

⁷ It was reported that Civilian 6 had footage of the incident. Attempts to obtain the footage were met with negative results. (Att. 35, 37,41 case log)

⁸ The Central Booking Photographs of Subject 3 do not depict any visible injuries. (Ails. 8,9)

Police Observation Device (POD) #XXX, a Phase XXX Pod, located at XXXX South Exchange was obtained and viewed relative to the allegations as indicated in the Allegations Section of this report. No images or activity relative to the alleged physical maltreatment of a citizen or misconduct by a Department Member was observed. (Atts. 30, 39)

The **In-Car Camera footage** was requested for all units assigned to officers, who were present at the location of incident, on the date and time of this incident. No footage relative to this incident was located. (Atts. 24, 29)

In an **interview with IPRA** on June 2, 2016, Witness **Officer C #XXXX** provided an account of the incident which was consistent with the related Department Reports. On the date of this incident, Officer C was working Beat XXXX, in civilian dress and believed that he was working with his partner, Officer D #XXXXX.⁹ Officer C recalled going to the location of XXXX South Exchange at the request of Beat XXXX, Officers A and B, who requested an assist car. Officer C further recalled a large group of males on the porch and in front of the residence of XXXX South Exchange, an area which is known for high gang and narcotic activity.

According to Officer C, the large group of males was yelling gang slogans to vehicles passing by the location. Officer C observed Officers B and A attempt to conduct a field interview with Subject 3. As Subject 3 was being placed into custody, he attempted to pull away from the officers and yelled words to the effect of: "Fuck the police, I hate fucking cops, you killed my brother." Officer C described Subject 3 as being aggressive, argumentative, upset and loud during his interaction with Officers B and A. Officer C stated that he and Officer Caldwell were conducting "crowd control" at this time, as the crowd was becoming aggressive as well. Officers C explained that "crowd control" was necessary for both officer and civilian safety. Officer C stated that he did not observe Officer B and/or A physically or verbally mistreat Subject 3. Officer C said that, because his priority was crowd control, his attention was focused on the crowd, and not on Officers B and A (Att. 49).

In an **interview with IPRA** on June 6, 2016, Witness **Officer D #XXXX** provided an account of the incident which was consistent with the related Department Reports. On the date and time of this incident, Officer D, who was working Beat XXXX in civilian dress, recalled being at the location of XXXX South Exchange. Officer E stated that, prior to his being at the location of XXXX South Exchange, he was at the location of XXXX South Escanaba, a known gang location. At the location of XXXX South Escanaba, he observed Subject 1 coming from the rear of the building and then returning to the rear of the building in an attempt to conceal himself. Subject 1's actions led Officer D to believe that Subject 1 was acting as a "lookout." Officer D cited his professional opinion as the basis which led him to believe Subject 1's actions were that of a "gang lookout."

Attempts to conduct a field interview with Subject 1 were met with negative results. Subject 1 was transported to the address he provided as his residence (XXXX South Exchange). Officer D recalled that he knocked on the door of the residence and spoke to a person, who confirmed that Subject 1 did in fact

⁹The Attendance and Assignment Sheets for 14 June 2014 indicate that Officer F was not working and carried DOCU (day off comp used). In his statement with IPRA on 10 June 2016, Officer F confirmed he was not working on 14 June 2014.

reside there. Once it was confirmed that Subject 1 was a resident at XXXX South Exchange, Subject 1 was released to an adult. Officer D recalled Officers B and A at the location of XXXX South Exchange. Officer D did not recall the point at which Officer A and B arrived at the location and/or any specifics relative to their interaction at the location. Officer D remained on scene as "back up" for Officers B and A, as a large group gathered at the location. He used member presence. Officer D was shown the Arrest Report of Subject 3 (Att. 4) and Officer D confirmed that Subject 3 was a member of the group of males at the location of XXXX South Exchange. Officer D observed Officers B and A place Subject 3 in custody. Officer D did not observe either Officer B and/or or Officer A engage in excessive force and/or any violations of the Department's Rules and Regulations and stated that he would have reported any such activities. (Att. 52)

In an **interview with IPRA** on June 3, 2016, **Accused Officer A #XXXX**, provided an account of the incident which was consistent with the related Department Reports.¹⁰ Officer A, who was working Beat XXXX, in civilian dress, stated that a gang disturbance was the reason he was at the location of XXXX South Exchange. Officer A and his partner, Officer B, observed a large group of people (approximately 15-20) blocking traffic and preventing vehicles from passing. Officer A does not specifically recall how he and Officer B came to be at the location but added that the location is known for Latin King Gang activity. Officers B and A exited their vehicle and attempted to disperse the crowd by member presence and verbal command.

Officers B and A attempted to conduct field interviews and were immediately approached by Subject 3. Subject 3's demeanor was combative and he took an aggressive stance with his fists clenched while speaking with Officers B and A. Subject 3 yelled profanities at the police to the effect of: "You guys killed my brother." Officers B and A attempted to place Subject 3 under arrest for assault and he (Subject 3) immediately stiffened. Officer A recalled that he asked Subject 3 who killed his brother and Subject 3 replied, "The police." Officer A called for assist unit(s) as the situation became tense. At some point, Subject 3 elbowed or made some contact with Officer B. Officer A did not see the physical contact between Officer B and Subject 3. Officer A recalled that Officers F and C arrived on the scene, but did not recall seeing Officers E or D on scene. Officer A attention was focused on the large number of people on scene. After being taken into custody, Subject 3 was transported to the XXXX District Station for processing.

At the XXXX District Station, Subject 3 and Officer A had a conversation. Officer A asked Subject 3 why he acted in that manner. Subject 3, who was apologetic, replied that he was upset about his brother being killed and that he reacted to the crowd "pumping him up." Officer A told Subject 2 that he shouldn't listen to the crowd. Officer A stated that he knew of Subject 3 prior to this incident, and had knowledge of Subject 3's family members' gang affiliations. When asked about his reaction to being videotaped during this incident, Officer A replied that he did not have any reaction because he is videotaped by citizens on a daily basis.

¹⁰ Officer A provided his height as 6' and his weight as 225 pounds.

According to Officer A, the physical contact he had with Subject 3 was limited and minimal: he grabbed the shirt collar of Subject 3 in an attempt to calm him, assisted Officer B in handcuffing Subject 3, and placed him in the rear of the Department vehicle. Officer A denied directing profanities (i.e. fuck and dumb ass mother fucker) and/or derogatory language (i.e. retard) towards Subject 3.

Officer A observed Subject 3 since this incident and has interacted with him. Officer A stated that he and Subject 3 have had a good rapport since this incident, despite his belief that Subject 3 is a gang member (Att. 51).

In an **interview with IPRA** on June 7, 2016, **Accused Officer B #XXXX** stated that an account of the incident consistent with the related Department Reports.¹¹ Officer B was assigned to Beat XXXX with his regular partner at the time of this incident, Officer A. Officer B recalled responding to XXXX South Exchange relative to a gang disturbance. Upon arriving, he observed six to twelve (6-12) citizens on the sidewalk and porch area. Officer B stated that this area is the "territory" of multiple gangs which are always at odds. Officer B recalled Subject 3 approaching the area where he and Officer A were gathering information from civilians and attempting to disperse the crowd. Subject 3 approached Officer B with clenched fists as he yelled profanities in Spanish. Subject 3 then stated words to the effect of: "I hate fucking cops. I will fuck you up. You killed my brother. I don't like you." At this point, Officer B attempted to place Subject 3 into custody for assault. As Officer B attempted to handcuff Subject 3, he pulled away attempting to defeat his arrest. Officer B administered a closed hand strike (punch) to Subject 3's side to subdue him. Officer B stated that he struck Subject 3 one time, on the side of his body, with his right fist. Officer B then utilized an emergency handcuffing technique to complete the handcuffing of Subject 3. Subject 3 was placed into the rear of a Department vehicle and transported to the XXXX District without further incident. While at the XXXX District Station, Subject 3 apologized for his actions.

Officer B was provided the opportunity to review the Arrest Report of Subject 3, which he authored. Officer B confirmed the information contained in the Arrest Report was true and accurate (Att.4). Officer B was provided the opportunity to review the Tactical Response Report (TRR) and Officers Battery Report (OBR) he generated as a result of his physical contact with Subject 3. Officer B confirmed the information contained in both his TRR and OBR were true and accurate.¹² Officer B did not observe Officer A physically or verbally maltreat Subject 3. Officer B admitted that he administered a closed hand strike (punch) to Subject 3's side body mass to subdue him. (Att. 54)

¹¹ Officer B provided his height as 5'8" and weight as 225 pounds.

¹² The TRR and OBR of Officer B are identified as Attachments 7 and 8, respectively.

CONCLUSION/ANALYSIS:

IPRA recommends that **Allegation #1**, that **Officer A** grabbed Subject 3 by the neck, in violation of Rule 8, be **not sustained**. This investigation revealed insufficient evidence to corroborate or refute this allegation. Subject 3 alleged that he was grabbed by the neck while Civilian 2 reported Officer A grabbed Subject 3 by the shirt. Civilian 1 reported that Officer A grabbed Subject 3 but did not provide specifics. Officer C did not observe the interaction between Officer A and Subject 3 as he was conducting crowd control. Officer D did not observe Officer A engage in any excessive force relative to the arrest of Subject 3. Officer A stated that that he grabbed Subject 3 by the collar in an attempt to calm him. Civilian 1 and/or Civilian 6 failed to provide IPRA with the copy of the footage of Subject 3's initial interaction with Officers B and A and subsequent arrest, which could possibly establish the true account of what occurred. Based on the available evidence, there is no manner in which to positively confirm or disprove whether or not Officer A grabbed Subject 3 by the neck, therefore this allegation must be Not Sustained.

IPRA recommends that **Allegation #2**, that **Officer A** pushed Subject 3's head against a Department Vehicle, in violation of a Rule 8, be **not sustained**. Subject 3 alleged that Officer A pushed his head against a vehicle while Civilian 2, who was in the closest proximity to Subject 3, did not observe what Subject 3 alleged. Civilian 1 did not include that he observed Subject 3's head being pushed against the squad car in his account. Officer A denied the allegation. Officer C was conducting crowd control. Officers B and D did not observe Officer A engage in any excessive force relative to the arrest of Subject 3. Without footage of Subject 3's interaction with Officers A and B, the evidence needed to establish the true account of what occurred is lacking. Based on the available evidence, it cannot be established whether or not Officer A pushed Subject 3's head against the Department vehicle, therefore this allegation must be Not Sustained.

IPRA recommends that **Allegation #3**, that **Officer A** twisted Subject 3's arm, in violation of a Rule 8, be **not sustained** based on the evidence cited for Allegations #1 and 2. The accounts of the civilian witnesses and the Department members did not establish consistent accounts as to what occurred, making the footage of Subject 3's interaction with Officers B and A prior to, during, and following his arrest essential in establishing the true account of what occurred. Based on the available evidence, there is no way to determine if Officer A did or did not twist Subject 3's arm, therefore this allegation must be Not Sustained.

IPRA recommends that **Allegation #4**, that **Officer A** pushed Subject 3 into the backseat of a Department vehicle, in violation of Rule 8, be **not sustained** based on the evidence cited for Allegations #1, 2 and 3. Again, without the footage of Subject 3's interaction with Officers B and A, the evidence needed to establish the events is not present. Based on the available evidence, there is no way to determine if Officer A did or did not push Subject 3 into the backseat of the Department vehicle, therefore this allegation must be Not Sustained.

IPRA recommends that **Allegation 45**, that **Officer A** directed profanities towards Subject 3, in violation of Rule 9, be **not sustained**. This investigation revealed insufficient evidence to substantiate or disprove this allegation. While Subject 3 reported that Officer A repeatedly

used profanities during their interaction, Officer A denied using profanities in his interaction with Subject 3, stating that it was Subject 3 who used profanities repeatedly. Civilian 2 heard Officer A call Subject 3 "a motherfucker," yet Civilian 1 related that he did not hear Subject 3 or any officer on the scene use any profanity. Based on the available evidence, there is nothing to definitively confirm or disprove if Officer A directed profanities, therefore this allegation must be Not Sustained.

IPRA recommends that **Allegation #6**, that **Officer A** directed derogatory language towards Subject 3, in violation of Rule 9 be **not sustained**. This investigation revealed insufficient evidence to substantiate or refute this allegation. Subject 3 alleged that Officer A referred to him as "a retard." Civilian 2, who was the closest in proximity to Subject 3, did not report hearing Officer A use the term "retard" during his conversation with Subject 3. Officer B stated that he did not hear Officer A called Subject 3 "a retard." Officer A denied that he called Subject 3 "a retard" and went on to explain that he does not use the term because of its negative connotations. Without evidence to decisively prove that the term was used, this allegation must be Not Sustained.

IPRA recommends that **Allegation #1**, that **Officer B** punched Subject 3 about the body, in Violation of Rule 8, be **not sustained**. Officer B admitted that he administered a closed hand strike/punch to Subject 3 and documented his actions in his Tactical Response Report (TRR). During the course of his statement with IPRA, Officer B articulated the reason(s) for the physical contact he had with Subject 3 as well as the manner in which Subject 3 escalated from an Active Resister to the level of Assailant: Assault. The key piece of evidence relative to this investigation, the footage of the incident was not provided to IPRA by the CPD, Civilian 1 or Civilian 6. Based on the evidence found, this allegation must be not sustained.