

**SUMMARY OF INCIDENT:**

On 04 DEC 2015 at 1435 hours, the Reporting Party Victim, Subject 1, registered this complaint with Investigator A. Subject 1 alleges on 23 OCT 2015 at 0900 hours at XXXX W. Lake Street, **accused Officer A, XXXX, Unit XXXX:**

- 1) Slammed him against a vehicle;
- 2) Shoved him inside a Department vehicle; and
- 3) Lifted him by his legs in an attempt to throw him inside the backseat of a Department vehicle. Subject 1 further alleges on the aforementioned date, at an unknown time, at XXXX W. Madison Street (XXXth district station), accused Officer A:
- 4) Struck him on the back of his head

**INVESTIGATION**

In a **statement** to IPRA, **Subject 1** stated that his vehicle was curbed by a uniformed female officer.<sup>1</sup> Subject 1 was unable to produce a valid Driver's License or insurance for his vehicle. Beat XXXX arrived at the scene to assist Officer B. A uniformed male Hispanic officer searched and handcuffed Subject 1 without incident. A uniformed white male officer<sup>2</sup> threw Subject 1 onto the trunk of a Department vehicle and shoved Subject 1 inside. Thereafter, Subject 1 was transported to the district station for processing. At the district station, Officer A commanded Subject 1 to strip down to his underwear, and struck Subject 1 on the back of his head. (Atts. 9, 10).

Subject 1's **Arrest Report** states Subject 1 was charged with driving with a revoked license, and operating a motor vehicle without insurance. The narrative states that Officer B responded to a call of a suspicious person reaching into the window of a van. Upon arriving at the scene, Officer B observed Subject 1 enter a 1999 white Dodge Caravan and drive away. Officer B curbed Subject 1's vehicle. Subject 1 presented Officer B with an expired Illinois identification card, and an expired insurance card. Officer B conducted a LEADS check of Subject 1. The LEADS check revealed Subject 1's driver's license was revoked in 1996. Thereafter, Subject 1 was placed into custody and transported to the XXXth district station for processing. Subject 1 was searched by Beat XXXX. The Visual Check of Arrestee section states there was no obvious pain or injury to Subject 1. (Att. 4).

Subject 1 was issued citations for Driving with a Revoked/Suspended License (XX -XXX- XXX), and Operating an Uninsured Vehicle (XX-XXX-XXX). (Att. 5).

In a **To-From Witness Report, Field Training Officer C, XXXX**, stated that she was on compensation time on the date and time of incident (Att. 15).

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Now known to be Officer B, 13155. <sup>2</sup>

Now known to be Officer A.

**In a To-From Witness Report, Officer D, XXXX,** stated that he was working lock-up when Subject 1 was brought in for processing. Officer D stated that Subject 1 appeared to be upset about being arrested. Officer D did not witness Subject 1 remove his clothing, nor did he observe any maltreatment to Subject 1 by any Department member. Officer D had no recollection of the any verbal or physical interaction between Officer A and Subject 1. (Att. 16).

**In a To-From Witness Report, Detention Aide A** described Subject 1's demeanor as calm and cooperative. Detention Aide A had no knowledge of Subject 1 removing his pants while being processed, nor did he observe any maltreatment to Subject 1 by Officer A or any other Department member. Per Detention Aide A, Officer A was not present in lock-up when Subject 1 was being processed. (Att. 17).

**In a To-From Witness Report, Officer B's narrative** was similar to Subject 1's Arrest Report. In addition, Officer B stated that when she gave Subject 1 verbal commands to exit his vehicle for transport to the district station, Subject 1 was argumentative and slow to comply. When Officer B attempted to handcuff Subject 1, Subject 1 continued to be argumentative, non-compliant, and twisted his body in a manner to defeat being handcuffed. Officer A attempted to conduct a protective pat down of Subject 1 before placing Subject 1 in her vehicle for transport. Subject 1 twisted his body in a manner to defeat being searched. After performing a protective pat down of Subject 1, Officer A gave Subject 1 verbal commands to enter his marked Department vehicle. Subject 1 was argumentative and refused to comply.

After Subject 1 was seated in the vehicle, he refused to raise his feet and place them inside the vehicle. After Subject 1 was properly seated in the vehicle, Officer A transported Subject 1 to the district station, and performed a custodial search of him. The search consisted of Officer A instructing Subject 1 to remove his outer garments until he had on only one pair of pants and one shirt. Officer B did not observe any maltreatment to Subject 1 by Officer A or any other Department member. Officer B described Subject 1 as passive aggressive, argumentative, and slow to comply throughout his arrest. Officer B was present with Officer A and Subject 1 when they were in the processing/lock-up area. (Att. 14).

**In a To-From Report, accused Officer A** stated that he responded to a call to assist Officer B with a traffic stop; at which time he came into contact with Subject 1. Officer A did not recall if he or Officer B placed Subject 1 in handcuffs. Once Subject 1 was in custody, Officer A attempted to conduct a search of Subject 1, prior to transporting him. Officer A held Subject 1 by his arm to restrict his movement. Subject 1 refused to remain still and twisted his body away from Officer A. After twisting his arms/wrists in the handcuffs several times, Subject 1 complained that the handcuffs were hurting him. As Subject 1 leaned forward onto a Department vehicle, Officer A adjusted the handcuffs.

Thereafter, Officer A informed Subject 1 that he could not loosen the handcuffs any further, and that Subject 1 was causing pain to himself by twisting his arms and wrists.

Subject 1 was uncooperative, and refused to raise his feet to sit properly in the Department vehicle. Officer A continuously gave Subject 1 commands to stop twisting his arms and wrists and to place his feet inside the Department vehicle. Officer A attempted to assist Subject 1 in placing his feet inside the vehicle by lifting and guiding his feet, but Subject 1 resisted. With the assistance of Officer E, XXXX, Subject 1's feet were eventually placed inside the vehicle. Upon arriving at the XXXth district station, Officer A conducted a more thorough search of Subject 1. Subject 1 was wearing multiple layers of clothing. Officer A instructed Subject 1 to remove the outer layers of his clothing until he had on one pair of pants and one shirt. Officer A requested Subject 1 to remove his outer clothing so that he could be properly searched. Officer A described Subject 1 as passive aggressive as Subject 1, was stubborn, loud, and slow to cooperate with verbal directions. Officer A stated that although Subject 1's behavior was difficult, it did not meet the threshold of resistance, to incur additional criminal charges. Officer A denied the allegations against him. (Att. 21).

## CONCLUSION

IPRA recommends a finding of **Unfounded** for **Allegation 1**, that Officer A slammed Subject 1 against a vehicle. There is no evidence such as witnesses, injuries, or medical documentation, to support Subject 1's allegation. Officer A denied the allegation, and Officer B statement supports Officer A account.

IPRA recommends a finding of **Unfounded** for **Allegation 2**, that Officer A shoved Subject 1 inside a Department vehicle. Officer A stated that Subject 1 was uncooperative during his arrest, and refused to adhere to verbal commands. Subject 1 refused to place his feet inside the Department vehicle so that he could be transported. Officer A stated that with the assistance of Officer E, he lifted Subject 1's feet, and guided them into the Department vehicle. Officer B's statement supports Officer A's account. There is no evidence to support Subject 1's allegation.

IPRA recommends a finding of **Unfounded** for **Allegation 3**, that Officer A lifted Subject 1 by his legs in an attempt to throw him inside the backseat of a Department vehicle. Officer A stated that Subject 1 was uncooperative during his arrest, and refused his verbal commands. Subject 1 refused to place his feet inside the Department vehicle so he could be transported. Officer A stated that with the assistance of Officer E, he was able to lift Subject 1's feet, and guide them into the Department vehicle. Officer B's statement support Officer A's account. There is no evidence to support Subject 1's allegation.

IPRA recommends a finding of **Unfounded** for **Allegation 4**, that Officer A struck Subject 1 on the back of his head. Officer A denied the allegation, which was corroborated by Officer B, Officer D, and Detention Aide A. There is no evidence to support Subject 1's allegation.