

SUMMARY OF INCIDENT:

On July 24, 2015, complainant Subject 1, was arrested for criminal trespass to residence at XXXX N. Mango Avenue. Subject 1 alleges that officers used excessive force in removing him from the property, failed to tell him why he was being arrested and used disrespectful language during the course of the arrest.

ALLEGATIONS:

On July 25, 2015, at 3:37 a.m., Complainant Subject 1 filed a complaint with Sergeant A, Star XXXX at the 016th District Station. Subject 1 alleged that on July 24, 2015 at 8:58 p.m., at XXXX N. Mango Avenue, **Sergeant B, Star XXXX:**

- 1) **Failed to state to Subject 1 why he was being arrested, in violation of Rule 10.**
- 2) **Pushed Subject 1 down the stairs, in violation of Rule 8.**

Subject 1 further alleged that on the same date and time and location, **Officer C, Star XXXX:**

- 1) **Stated words to the effect of, “Why don’t you shut the hell up,” towards Subject 1, in violation of Rule 9.**
- 2) **Pulled Subject 1 out of his chair, causing him to hit the wall and sustain redness about his right eye, in violation of Rule 8.**

APPLICABLE RULES AND LAWS:

Rule 8: Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or bring discredit upon the Department.

Rule 9: Prohibits disrespect to or maltreatment of any person, while on or off duty.

Rule 10: Prohibits inattention to duty.

INVESTIGATION:

In an **Initiation Report** dated July 25, 2015, Sergeant A, Star XXXX, documented that he spoke with Subject 1 who related that during his arrest, an unknown sergeant¹ pushed Subject 1 to the ground causing redness and swelling to his right eye, redness to his right elbow, and a scrape to his right knee. Subject 1 further alleged that an unknown officer dragged him from the dining room to the kitchen. (Att. 4)

In an audio recorded interview with IPRA on July 31, 2015, Complainant **Subject 1**, related that he was sitting at the dining room table with his friend, now known to be Civilian 2, at her residence located at XXXX N. Mango Avenue when they heard someone knocking on the back door. Civilian 2 opened the back door and several police officers walked into the apartment. An

¹ Through the investigation it was determined that Sergeant B, Star XXXX, responded to the location where Subject 1 was arrested.

officer, now known to be Officer C, Star XXXX², approached Subject 1 and told him that it was time to leave because he was trespassing. Officer C then grabbed Subject 1 by his shirt and pulled him out of the chair, in which Subject 1 hit his hands, elbow and face on the wall. Subject 1 asked the officers several times why he was being arrested and Sergeant B informed him that someone called saying that he was trespassing on the property. Subject 1 continued to ask why he was being arrested and Officer C stated words to the effect of, "Why don't you shut the hell up." Subject 1 further alleged that Sergeant B pushed him while he was walking down the stairs, but he did not fall down. Subject 1 related that he "knelt down on one knee to support" himself from falling down the stairs. Subject 1 stated that he sustained redness and swelling to his right eye, scrapes to his right elbow and knee as a result of this incident. Subject 1 did not obtain any medical treatment. (Att. 10, 11)

The related **Department Reports** documents that on July 24, 2015, at 8:58 p.m., Subject 1 was arrested for criminal trespassing to a residence located at XXXX N. Mango Avenue. The narrative documented that Subject 1 was intoxicated and refused to leave the residence when asked. Officer C, Star XXXX and Officer D, Star XXXXX, placed Subject 1 under arrest on signed complaints from the victim, now known as Civilian 1³. Subject 1 was transported and processed at the 016th District Station. It was noted in the arrest report that Subject 1 had minor scratches and redness on his right knee, elbow and eye. Subject 1 also had a small cut on his nose, which Subject 1 related that he sustained during his arrest. Subject 1 refused medical treatment. (Att. 23)

The **Evidence Technician Photographs** depicted redness about Subject 1's right eye and abrasion on his right knee and elbow. (Att. 23)

In a telephone interview on August 5, 2015, **Witness Civilian 1** related that on July 24, 2015, she called 911 to have Subject 1 removed from her residence because he was intoxicated and refused to leave the property after she requested him to do so. Earlier in the day, an elderly resident fell outside and the Chicago Police Department and Fire Department responded to the location. Subject 1 was on the street filming the incident and was in the way of the emergency responders. Civilian 1 approached Subject 1 on the street and asked Subject 1 not to film her. Civilian 1 related that Subject 1's erratic behavior continued later into the evening to the point that he began arguing and yelling at her. Civilian 1 called 911 to have Subject 1 removed from the property. Civilian 1 related that when the responding officers arrived, Subject 1 began yelling and screaming at the responding officers and stating that he was going to sue them. (Att. 21)

In a telephone interview on August 19, 2015, **Witness Civilian 2** related that on July 24, 2015, the police were called to her residence due to a disturbance caused by her son, now known as Civilian 3. During this time, Subject 1 arrived at the residence and began filming the interaction between Civilian 3 and the police officers with his cellular phone. Civilian 2 along with the police officers asked Subject 1 to stop filming, but he refused. Civilian 3 was transported to Lutheran General Hospital by the police officers. Subject 1 then entered her residence, while Civilian 2

² The complainant related in his statement that it was a male officer and not a sergeant who approached him. Through the investigation it was determined that Officer C, Star XXXX, was the only other male officer in on the scene.

³ Through the investigation it was determined that the information provided in the Department reports was incorrect. The victim's correct name is Civilian 1.

stayed in the backyard. Approximately twenty minutes later, the police returned, entered Civilian 2's residence and arrested Subject 1 for trespassing. Civilian 2 was not inside the residence when Subject 1 was arrested. Civilian 2 related that the police officers were professional and did not mistreat Subject 1. Civilian 2 also related that Subject 1 did not complain of any injuries or the way he was being treated while at the scene. (Att. 22)

In a **To/From Subject Report, Witness Officers Officer E, Star XXXX and Officer F, Star XXXXX**, stated that were assigned to Beat 1622 on the date and time of the incident. Officers E and F responded to the location of the incident regarding a call of disturbance. Officers E and F described Subject 1 as "cocky" and "arrogant." Subject 1 stated that he had done nothing wrong and that he had permission to be at the location of the incident. Officers E and F reported that Subject 1 was arrested on signed complaints of trespassing from the victim. Officers E and F reported that Subject 1 did not resist arrest and was transported to the 016th District Station without incident.

Officers E and F relate that Sergeant B did not have any physical contact with Subject 1. Officers E and F has no knowledge of Officer C stating words to the effect of, "Why don't you shut the hell up," toward Subject 1. Officers E and F had no knowledge of Officer C grabbing Subject 1 by his shirt, pulling him out of a chair causing him to hit a wall. Officers E and F did not know how Subject 1 sustained the injury about his eye. Officers E and F further related that the injury about Subject 1's eye was already there when they first made contact with Subject 1. (Att. 25, 27)

In a **To/From Subject Report, Witness Officer D, Star XXXX** related that she was assigned to Beat XXXXX along with Officer C, Star XXXX, and responded to XXXX N. Mango Avenue for the second time that evening. Upon arrival, Officer D observed Subject 1 to be intoxicated and agitated. Subject 1 was then arrested on signed complaints for being disrespectful and refusing to leave the location when asked to do so. Officer D related that Sergeant B, Star XXXX, repeatedly explained to Subject 1 why he was being arrested. Officer D did not observe Sergeant B push or use any physical force against Subject 1. Officer D did not hear Officer C state words to the effect of, "why don't you shut the hell up," towards Subject 1. Officer D did not observe Officer C grab or make any other type of physical interaction or contact with Subject 1. Officer D did not know how Subject 1 sustained the injury to his right eye. (Att. 29)

In a **To/From Subject Report, Accused Sergeant B, Star XXXX**, related that earlier on July 24, 2015, he responded to XXXX N. Mango Avenue regarding a domestic battery call involving an 83 year-old female and mentally disturbed individual. Upon arrival Sergeant B encountered Subject 1 who was confrontational and actively tried to interfere with responding officers and paramedics from rendering air to the 83 year-old female. Sergeant B and responding officers repeatedly told Subject 1 to leave the scene, but he refused. Sergeant B and responding officers then left the scene to transport the mentally unstable individual to the hospital. Sergeant B related that Subject 1 again interfered and tried to block the responding units from leaving the scene. Later during his shift, Sergeant B responded to a call at XXXX N. Mango Avenue regarding Subject 1 refusal to leave the premises.

Upon arrival, Subject 1 was told to leave the scene, but he refused. Subject 1 was then arrested on signed complaints for trespassing. Sergeant B related that Subject 1 did not resist

arrest, but was very vocal and was repeatedly given verbal commands. Sergeant B denied pushing or using any physical force against Subject 1. Sergeant B did not know how Subject 1 sustained the injury to his right eye. The mark above Subject 1's eye was already there when Sergeant B arrived on the scene. Sergeant B did not observe Officer C commit any of the acts alleged against him. (Att. 31)

In a **To/From Subject Report, Accused Officer C, Star XXXX**, related that on the date and time of the alleged incident he was assigned to Beat XXXX. Officer C reported that he assisted the units assigned to the call at the location regarding disturbance involving Subject 1. Officer C related that Subject 1 appeared to be intoxicated and agitated. It is also reported that Subject 1 was arrested on signed complaints of Subject 1 being disrespectful and refusing to leave the premises. Officer C related that Subject 1 was in custody when he arrived to the scene.

Officer C reported that Sergeant B repeatedly explained to Subject 1 why he was being arrested. Officer C denied observing Sergeant B commit the acts alleged against him. Officer C denied committing the acts alleged against him. Officer C reported that he did not know how Subject 1 sustained his injuries. Officer C related that Subject 1 was cooperative and followed verbal directions during the arrest process. (Att. 37)

CONCLUSION:

Accused 1:	Sergeant B, Star XXXX
Allegation 1:	Unfounded
Allegation 2:	Not Sustained

As to **Allegation 1** that Sergeant B failed to Subject 1 the reason he was being arrested, IPRA recommends a finding of **Unfounded**. In his interview with IPRA, Subject 1 stated that Sergeant B informed him that Civilian 1 called the police and stated that Subject 1 was trespassing on the property. During a telephone interview with IPRA, Civilian 1 added that she and Subject 1 were involved in a verbal altercation and she called the police to have him removed from the premises. Civilian 1 described Subject 1 as being intoxicated. Responding officers also described Subject 1 as being intoxicated and agitated. Both Civilian 2 and Civilian 1 stated that they did not witness the officers take Subject 1 into custody. However, Civilian 2 added that the department members were professional and she never observed any department member mistreat Subject 1 in any manner. The witness officers reported that Sergeant B informed Subject 1 that he was being arrested for trespassing. Finally, Sergeant B denied committing the acts alleged against him. Based on the evidence, it is more likely than not that Sergeant B informed Subject 1 why he was being arrested.

As to **Allegation 2** that Sergeant B pushed Subject 1 down the stairs, IPRA recommends a finding of **Not Sustained**. There were no witnesses to corroborate Subject 1's allegation. In his interview with IPRA, Subject 1 stated that Civilian 2 was inside the apartment with him when the police arrived. Subject 1 claimed that Civilian 2 opened the kitchen door for the responding officers. During her telephone interview with IPRA, Civilian 2 stated that she was sitting in the backyard when the responding officers arrived and arrested Subject 1. Civilian 2 stated that she did not witness Subject 1's arrest. Civilian 2 added that the responding officers were professional

and did not mistreat Subject 1 at any time. Civilian 1 and the involved officers described Subject 1 as being intoxicated.

In his interview with IPRA, Subject 1 stated that he was pushed while walking down the stairs. Subject 1 added that he did not fall, but knelt down on one knee for support. The witness Department members denied observing Sergeant B commit the alleged act. Sergeant B denied committing the alleged act. The involved officers had no knowledge as to how Subject 1 sustained the injuries to his face. Sergeant B, Office E and Officer F reported having seen the injury upon arrival. Lastly, Subject 1 refused medical treatment and did not obtain medical treatment once he was release from police custody.

There are various inconsistencies in Subject 1's interview with IPRA and there are no witnesses to corroborate Subject 1's claim. The involved officers submitted To/From Subject Reports denying the alleged physical contact alleged to Subject 1. There is insufficient evidence to prove or disprove the allegation that Sergeant B pushed Subject 1 while he was walking down the stairs.

Accused 2: Officer C, Star XXXX
Allegations 1 & 2: Not Sustained

As to **Allegation 1** that Officer C stated words to the effect of, "Why don't you shut the hell up," towards Subject 1, IPRA recommends a finding of **Not Sustained**. There were no witnesses to corroborate Subject 1's allegation. In his interview with IPRA, Subject 1 stated that Civilian 2 was inside the apartment with him when the police arrived. Subject 1 claimed that Civilian 2 opened the kitchen door for the responding officers. During her telephone interview with IPRA, Civilian 2 stated that she was sitting in the backyard when the responding officers arrived and arrested Subject 1. Civilian 2 stated she did not witness Subject 1's arrest. Civilian 2 added that the responding officers were professional and did not mistreat Subject 1 at any time. Civilian 1 and the involved officers described Subject 1 as being intoxicated.

In his interview with IPRA, Subject 1 stated that Officer C stated words to the effect of "Why don't you shut the hell up? The witness Department members denied hearing Officer C commit the alleged act. Officer C denied committing the alleged act. There are various inconsistencies in Subject 1's statement to IPRA and there are no witnesses to corroborate Subject 1's claim. The involved officers submitted To/From Subject Reports denying the alleged verbal content alleged by Subject 1. There is insufficient evidence to prove or disprove the allegation that Officer C stated words to the effect of "Why don't you shut the hell up?"

As to **Allegation 2** that Officer C pulled Subject 1 out of the chair, causing him to hit the wall and sustain redness about his right eye, IPRA recommends a finding of **Not Sustained**. There were no witnesses to corroborate Subject 1's allegation. In his interview with IPRA, Subject 1 stated that Civilian 2 was inside the apartment with him when the police arrived. Subject 1 claimed that Civilian 2 opened the kitchen door for the responding officers. During her telephone interview with IPRA, Civilian 2 stated that she was sitting in the backyard when the responding officers arrived and arrested Subject 1. Civilian 2 stated that she did not witness Subject 1's arrest. Civilian 2 added that the responding officers were professional and did not mistreat Subject 1 at any time. Civilian 1 and the involved officers described Subject 1 as being intoxicated.

In his interview with IPRA, Subject 1 stated that Officer C pulled him out of his chair, causing him to hit the wall and sustained redness about his right eye. The witness Department members denied observing Officer C commit the alleged act. Officer C denied committing the alleged act. The involved does not know how Subject 1 sustained the injuries to his face. Sergeant B, Officer E and Officer F reported having seen the injury upon arrival. Lastly, Subject 1 refused medical treatment and did not obtain medical treatment once he was release from police custody.

There are various inconsistencies in Subject 1's interview with IPRA and there are no witnesses to corroborate Subject 1's claim. The involved officers submitted To/From Subject Reports denying the alleged physical contact alleged to Subject 1. There is insufficient evidence to prove or disprove the allegation that Office C pulled Subject 1 out of his chair, causing him to hit the wall and sustain redness about the right eye.

FINDINGS:

Accused 1: Sergeant B, Star XXXX

Allegation 1: Unfounded

Allegation 2: Not Sustained

Accused 2: Officer C, Star XXXX

Allegations 1 & 2: Not Sustained