

**SUMMARY OF INCIDENT:**

It was alleged by victim, Subject 1 that while urinating behind a gas station XXXX S. Western on 18 October 2015 at approximately 2130 hours, he encountered a civilian dressed officer who ordered him to lie on the ground and while he laid on his stomach on the pavement, the accused officer stomped him once on his back.

**ALLEGATIONS:**

It was alleged by victim Subject 1 that while in the vicinity of XXXX S. Western on 18 October 2015 at approximately 2130 hours, **accused Officer A:**

1. physically maltreated Subject 1, in that, while he laid prone on the pavement, Officer A stomped him on his back with his foot.

**INVESTIGATION:**

In his **statement to IPRA** on 27 November 2015, victim **Subject 1** stated that he and two friends stopped at a Shell gas station at XXXX S Western Ave. He stated that he went inside to purchase a few items and while there he asked the station attendant if he could use the bathroom and he was told that he couldn't. Subject 1 stated that he left the station and went to the rear of the station to urinate and while doing so, an unmarked police squad car arrived on the scene. An officer instructed him to walk over to the vehicle once he was done urinating. Subject 1 stated that instead of walking over to the police vehicle, he fled and ran to a vacant lot on the other side of the gas station and found himself at a dead end. He ran back to where he was and just gave himself up to the officer that pursued him. The accused officer grabbed him and ordered him to lie on the ground. Subject 1 stated that he laid on his stomach and at that moment the same officer placed him foot on his back and at one point stomped him once on his back. He stated that the other two officers in the vehicle had already exited the police vehicle and were around the back of the gas station and appeared to be searching for something. Subject 1 stated that his witnesses Civilian 1 and Civilian 2 had approached to video record the actions of the accused officer but they were warned by the accused officer that if they video recorded anything, they will make it worse on Subject 1. Subject 1 stated that he was transported into the police station and while in the lockup, the accused officer repeatedly visited him and asked him information on guns and drugs. Subject 1 stated that as a result of his contact with the accused officer, he sustained pain and soreness to his left side. Subject 1 further stated that after being released from custody, he sought treatment for his injuries at Holy Cross Hospital and follow-up treatment at Stroger Hospital.

The **Arrest Report** documents that Subject 1 was observed urinating on the public way and he then attempted to flee on foot but failed to escape. He was placed in custody and transported to the 8<sup>th</sup> District for processing where he was charged with urinating on the public way.

IPRA attempted to obtain security video from the Shell gas station where the arrest took place, but was informed by the Shell station that the video is only retained for one week.

And, the Shell station had reviewed their system and confirmed that there was no recording of the events in question.

The **Medical Records** from **XX Hospital (XX affiliate)** documents that Subject 1 arrived at XX Hospital on 19 Oct 2015 at 1207 hours. He complained of pain to his ribs on the left side. The report noted bruising to his left side. He was instructed to follow-up with his primary physician.

The **Medical Records** from **XX Hospital** documents that Subject 1 arrived at XX Hospital on 29 Oct 2015 at 1543 hours with complaints of rib cage pain radiating to the back after an incident with the police one week before. Subject 1 stated that the pain started when the police stomped him with his foot on his back. It was noted that Subject 1 was seen for the same reason at XX (XX) ER on 19 Oct 2015. He was told at that time to follow up if pain persists longer than a week. It was noted that the pain had gradually improved such that he had pain only with breathing or lying on his left side. The final diagnosis was chest wall pain.

It should be noted that witnesses, **Civilian 1** and **Civilian 2 (LNU)** did not cooperate with this investigation. Witness Civilian 2 reportedly moved to Iowa and Subject 1 no longer had contact information for this individual. After numerous attempts to speak with Civilian 1, Subject 1 informed IPRA that Civilian 1 would not cooperate and give a statement.

In his statement to IPRA, witness **Officer B** stated that 18 October 2015 at 2130 hours, he and his partners, Officer A and Officer C were on patrol in a designated violence zone. They were traveling in an unmarked vehicle northbound on Artesian Ave. When they observed an individual, known as Subject 1 urinating behind a gas station located at XXXX S. Western Ave. Officer B stated that they approached Subject 1 and told him that when he finished urinating, he was to walk over to their vehicle. Subject 1 finished urinating but proceeded to flee. He fled to the other side of the gas station at which time they drove the vehicle to the other side of the station and observed Subject 1 fleeing toward XX<sup>1</sup>" & Western. Officer B stated that at that moment, Officer A exited the vehicle to pursue Subject 1 and was able to catch Subject 1 when he had fallen to the pavement. He stated that he and Officer C had exited their vehicle and began searching the area around the gas station to determine whether or not Subject 1 could have possibly tossed a gun or drugs the brief moment he was out of their sight when he fled. When they came back, Subject 1 was in handcuffs and he assisted Officer A in picking him up off the pavement. Officer B stated that other than handcuffing Subject 1 he never saw Officer A with a foot on Subject 1's back, nor did he see Officer A stomp Subject 1 about his back with his foot. He stated that Subject 1 did not have any obvious injuries and while processing him in the station Subject 1 did not complain of being injured nor did he ask to be taken to the hospital. Officer B also stated that while at the scene of arrest, he did not see anyone with Subject 1, nor did anyone approach to video record the arrest.

In his statement to IPRA, witness Sgt. Officer C provided essentially the same account of the arrest as provided by Officer B with the exception that he could not recall some of the details of Subject 1's arrest. Sergeant Officer C stated that he was the driver of the police vehicle and when Subject 1 fled his attention was drawn to maneuvering the vehicle through pedestrian and vehicle traffic. He remembered that when Subject 1 fled to the other side of the gas station, he doubled back and when he appeared again, Officer A had exited their vehicle and chased him. Sergeant Officer C stated that when his attention was again focused on Subject 1, Officer A had him in custody. He did not see Subject 1 being taken into custody by Officer A nor did he ever see Officer A stomp Subject 1 on his back. Sergeant Officer C did not observe any obvious injuries to Subject 1's person and he never had any direct conversation with Subject 1 at the scene or in the station and did not have any knowledge of any complaints of injuries or request for medical attention. Also, while at the scene, Sergeant Officer C did not recall any one attempting to approach to video record Subject 1's arrest.

In his statement to IPRA, accused **Officer A** stated that he and his partners were on routine patrol when they observed Subject 1 walking to the rear of a gas station. As they approached, they would see Subject 1 urinating at the rear of the station. Officer A stated that he told Subject 1 that when he finished he was to walk over to the vehicle. When he finished, Subject 1 zipped up his pants and fled southbound behind the station. They drove to the front of the gas station. Officer A stated that if he had walked over to their vehicle, they were looking to issue an Administrative Notice of Violation (ANOV) but given that they were in a designated violence zone, when he fled, their suspicions were that there might be something of a more serious nature. They then observed Subject 1 running south into Marquette Rd. (XX<sup>th</sup> St.) and when they drove onto Marquette Rd. Subject 1 doubled back and ran through the gas station. Officer A stated that at that time, he exited the vehicle to pursue Subject 1 on foot. He stated that as he gained ground on Subject 1, Subject 1 kept looking back and stumbled and fell, into a fence of a Car dealership. At that point, Officer A was able to take Subject 1 into custody and place him into custody and handcuff him as he lay on the ground. Officer A denied ever placing a foot on Subject 1 or stomping him on his back. Officer A did not recall any friend of Subject 1's approaching the scene and denies warning anyone that if the arrest was video recorded, it would be worst for Subject 1.

#### CONCLUSION:

The reporting investigator recommends that **Allegation #1 be Not Sustained**, in that, the accused physically maltreated the victim Subject 1 when he allegedly placed his foot on Subject 1's back and stomped him as he laid prone on the pavement. It should be noted that the accused partners did not witness any physical maltreatment of Subject 1 during his arrest. It should be further noted that the witnesses named by Subject 1 did not cooperate with this investigation. Based on this, there is insufficient evidence to prove or disprove the allegation.