

INTRODUCTION

On December 25, 2016, at approximately 02:17 hours, near XXXXXXXX XXXX, which is located at XXXX XX XXXXXXX X, Subject 1 was pulled over by Officer A and Officer B, because she had been driving through XXXXXXXX XXXX after it was closed. Officers detained Subject 1, and transported her to the XXXXX District Station.

ALLEGATIONS

It is alleged that on December 25, 2016, at approximately 02:17 hours, at XXXX XX XXXXXXX X, XXXXXXXX XXXXXXXXXXX XXXXX, on the street, **accused Officer A:**

1. Pulled Subject 1 from her vehicle by her legs, in violation of Rules 2, 3, 6, 8, 9, and 10.

APPLICABLE RULES AND LAW

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.¹

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.²

Rule 6: Disobedience of an order or directive, whether written or oral.³

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

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while

¹ This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

² This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department or fail to report to the Department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

³ This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

on or off duty.⁴

Rule 10: Inattention to duty.

Fourth Amendment to the United States Constitution: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...

Article 1, Section 6 of the Illinois State Constitution: The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means...

Chicago Police Department General Order G03-02: Use of Force Guidelines⁵

Chicago Police Department General Order G03-02-01: Use of Force Model⁶

720 Ill. Comp. Stat. Ann. 5/7-5: [A peace officer] is justified in the use of any force which he reasonably believes to be necessary to effect 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

IPRA obtained relevant documentary evidence associated with this incident. Additionally, IPRA interviewed both complainant Subject 1 and accused Officer A, as well as witness Officer B. A summary of this evidence follows.

Arrest Report

The Arrest Report **stated that Officer A** and Officer B conducted a traffic stop for driving in **XXXXXXXX XXXX** during closed hours.⁷ The driver, **Subject 1**, was asked by the officers to provide her license and insurance, which she would not do. The officers attempted to place Subject 1 into custody, and in do so, Subject 1 resisted the officers' attempts by pulling

⁴ Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

⁵ Relevant sections of this General Order will be discussed as necessary in the analysis and conclusion section of this Summary Report.

⁶ The analysis and conclusion section of this Summary Report will apply this General Order as necessary to the facts of this case.

⁷ The POD Map shows the area that the incident occurred near XXXXXXXX XXXX. (Attachments 13 & 14)

away and holding onto the steering wheel. The officers used increased force to place Subject 1 in custody.⁸ Subject 1 refused medical attention.⁹ (Attachment 10)

Body-Worn Camera (BWC)

Body-Worn Camera (BWC) Footage was requested from Police Officers (POs) that responded to the scene. IPRA received nine video clips.¹⁰ The most relevant BWC footage is detailed below.

OFFICER A 2 BWC

This BWC captured all physical contact between Subject 1 and Officer A. Officer A walked to the driver's side of a vehicle that was parked on a residential street. Officer A asked the occupant, Subject 1, for her license and registration, explaining that she was being asked because she drove through the park after it was closed. Officer A told Subject 1 that if she did not show him her credentials, he would forcibly remove her from the vehicle and place her in custody. He then proceeded to ask her how old she was, to which she responded that she did not have to tell him. Officer A asked again for her license and registration, which she refused. Subject 1 asked Officer A what authority he had to demand that she comply with his orders. Officer A did not respond. Officer A then opened up the driver's side door and instructed Subject 1 to exit the vehicle. At that point Officer A radioed for an additional car.

Subject 1 could be heard stating, "You don't have the right to do this." Officer A radioed for a female officer. He informed Subject 1 that she was resisting arrest, instructed Subject 1 to exit the vehicle, and again asked for her license. Subject 1 told Officer A, "No," and as Officer A took hold of Subject 1's left hand to place a handcuff on it, Subject 1 said, "Okay, I'll do that but let me go." Officer A continued to handcuff Subject 1's left wrist, informing her that she was under arrest. Subject 1 continued to say, "You don't have the right to do this," and, "No, no, no." Officer A took hold of Subject 1's left arm, and as he tried to remove Subject 1, she remained seated in the vehicle, causing her lower body to remain in the car while the upper body was outside. Subject 1 fell out of the car onto her back. Subject 1 stood to her feet, unassisted, and had both hands handcuffed. Officer A brought Subject 1 to the rear of his vehicle to be searched by a female officer. Subject 1 continued to protest her arrest. Officer A radioed for a supervisor. Officer A escorted Subject 1 to a police vehicle and seated her inside of it. (Attachments 16 & 17)

Interview of Complainant Subject 1

In a statement to IPRA on December 27, 2016, Complainant Subject 1 stated that on December 25, 2016, at approximately 02:17 hours, at XXXX XX XXXXXX X, she was stopped by the police for driving through XXXXXXXX XXXXX XXXX after it was closed. Subject 1 stated that

⁸ The Traffic Citations issued to Subject 1 were for a suspended license and for failure to produce a driver's license. (Attachment 11)

⁹ In-Car Video was requested but not found. (Attachments 12 & 15)

¹⁰ Three of the nine clips are unrelated to the incident.

she got lost and drove through XXXXXXXX XXXXX XXXX. She stopped to calibrate her GPS and noticed a police vehicle approaching her. A black male police officer, in uniform, exited the vehicle and approached her car, asking for her driver's license and proof of insurance. Subject 1 refused to comply with the officer, asking him why that was necessary. The officer asked her roughly five more times for the documents, all of which Subject 1 challenged. Then, the officer opened her front driver's side door and instructed Subject 1 to exit. Subject 1 refused the officer again, at which point the officer undid her seatbelt. He then, according to Subject 1, grabbed her by the ankles and pulled her out of the vehicle, making Subject 1 land on her buttocks and fall on her back. Subject 1 was then handcuffed and taken to the XXXXX District Station. Later on that day, she was released. Subject 1 indicated that she sustained pain to her buttocks from the incident but did not seek medical attention. (Attachments 4 to 9)

Interview of Witness Officer B

In a statement to IPRA on June 15, 2017, Officer B stated that on December 25, 2016, at approximately 02:17 hours, he and his partner, accused Officer A, were on patrol when they observed the complainant, Subject 1, driving through XXXXXXXX XXXX after closing hours. The officers and Subject 1 were driving in different directions, so Officer B, who was driving the marked police vehicle, turned their car around and began following Subject 1. Subject 1 parked her vehicle just outside the gates of the park. Officer B pulled up behind Subject 1's vehicle. Officer A exited the police vehicle and approach Subject 1's car on the driver's side, asking Subject 1 for her license and proof of insurance. During their exchange, Officer B walked up and approached the passenger's side of the vehicle. Officer A asked Subject 1 for her documents multiple times and Subject 1 continually refused. Officer B then approached the driver's side of the vehicle and observed Officer A grab the handle of the driver's door to see if it was unlocked. Officer A opened the door and grabbed Subject 1 by her arm attempting to remove her from the vehicle. As Subject 1 held onto the steering wheel, Officer B stated that there was a sort of "tug of war" between Subject 1 and Officer A. Subject 1 lost her grip on the wheel and Officer A pulled her out of the vehicle. Subject 1 landed on her buttocks when she came out of the car, but she did not complain of pain or injury. Subject 1 was transported to the XXXXX District Station. Officer B stated that he never observed Officer A grab Subject 1 by her legs. (Attachments 19, 28, & 30)

Interview of Accused Officer A

In a statement to IPRA on June 17, 2017, Accused Officer A stated that on December 25, 2016, at approximately 02:17 hours, he and his partner, Officer B, were on patrol when they observed the complainant, Subject 1, driving through XXXXXXXX XXXX after closing hours. Officer A gave essentially the same account of the incident as his partner, Officer B. Officer A added that he warned Subject 1 that he would physically remove her from the vehicle if she did not cooperate. He also stated that Subject 1 fell out of the car onto her buttocks, but did not complain of injury. Officer A stated that at no time did he grab Subject 1 by her legs. (Attachments 18, 22 to 27, & 29)

ANALYSIS AND CONCLUSION

IPRA recommends that **Allegation #1** against the accused **Officer A**, be **Unfounded**. The allegation stated that Officer A pulled Subject 1 from her vehicle by her legs. This allegation was directly refuted by the body-worn camera footage, which showed Subject 1 being removed from her vehicle by her arms. This allegation was also refuted by the POs statements, which were both consistent with what the body-worn camera showed. IPRA notes that it would perhaps behoove officers to give civilians a bit more time to comply with orders before resorting to physical contact. There was not, however, anything about Officer A's conduct that was against law or policy.

FINDINGS

<u>ACCUSED</u>	Officer A
Allegation 1	Unfounded