

INTRODUCTION

On April 25, 2017 at approximately 6:40PM, Police Officer ("PO") Officer A, Star #XXXX, and Officer B, Star #XXXX, were on routine patrol when they completed a traffic stop of Subject 1 at XXXX N. Luna Avenue. During the stop, Subject 1 alleges that Officer A pulled her out of her vehicle, threw her against her vehicle, threw her cell phone, and used profanity. Subject 1 was arrested for driving on a suspended license.

ALLEGATIONS

It is alleged that on April 25, 2017 at approximately 6:40PM, at XXXX N. Luna Avenue, the accused, Officer A, Star # XXXX:

1. Aggressively grabbed and pulled Subject 1 out of her vehicle;
2. Threw her against her vehicle;
3. Grabbed her phone out of her lap and threw it inside her vehicle;
4. Used profanity in saying "didn't I fucking say the plates were expired?"; and
5. Approached Subject 1's vehicle with his weapon drawn.

APPLICABLE RULES AND LAWS

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- 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.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

- 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

INVESTIGATION

In an in-person statement to IPRA, complainant Subject 1 stated that on April 25, 2017, she was driving on North Avenue and made a left turn onto Luna Avenue when she

began to be followed by an unmarked police vehicle. Subject 1 recalled being followed by this vehicle for approximately one block. When Subject 1 turned left onto Linder Street, she recalled seeing the police lights from the police vehicle turn on; she then pulled over to the right side of the street. Subject 1 recalled at that point four civilian dressed POs approached her vehicle, two on the driver's side of the vehicle and two on the passenger's side. Subject 1 recalled that the PO on the front driver's side and the PO on the front passenger side had their guns drawn as they approached Subject 1's vehicle. Subject 1 stated that when she saw the POs approaching with their guns she rolled down all four of her windows and placed her hands on the steering wheel. Subject 1 recalled that the PO on the driver's side asked her if she knew her temporary license plate was suspended. Subject 1 then proceeded to explain to the PO that the license plate was not expired yet and that she had received her new plates in the mail and they were currently located in her trunk. Subject 1 stated that she intended to put the new plates on her vehicle when she arrived at her family members' home. The PO on the driver's side then said to Subject 1, "Didn't I flicking say that the plates were expired." Subject 1 then responded by saying, "Yes sir, I am not being argumentative, I just indicated that the plates were not expired".

Subject 1 recalled that shortly after approaching her vehicle, the POs on the passenger side put their guns away, got into another car and drove away. Subject 1 recalled that at one point, one of the remaining POs took her license to scan it and when he came back he told her that she was under arrest and asked her to step out of the vehicle. As Subject 1 unbuckled her seat belt, she recalled the PO grabbing her cell phone out of her lap and throwing it into her vehicle. Subject 1 then stated that the PO "assisted" her out of her vehicle by grabbing her left arm and "rapidly and aggressively" pulling her out of the vehicle. As she was pulled from the vehicle, Subject 1 alleged Officer A took her phone from her lap and threw it inside her vehicle.

Subject 1 recalled the PO asking her if she had any drugs or weapons on her person to which she responded that she did not. Subject 1 stated that at this time the PO "threw her against the vehicle and took her left arm and bent it upwards "as far as it could go" and then took her right forearm and handcuffed her. The PO then went to the front of Subject 1's vehicle and indicated that one of her front lights was out. Subject 1 recalled that the PO again reiterated that her plate was expired to which Subject 1 stated again that her plate was not expired. The PO told Subject 1 that she was to not be verbally combative [with him] and Subject 1 stated that she was not being combative but was just informing the PO that to her knowledge, her plates were not expired. At this time, Subject 1 recalled the PO placing Subject 1 in the police vehicle which was where the PO told Subject 1 that her driver's license was suspended. Subject 1 then informed the PO that she did not have any knowledge of her license being suspended. Subject 1 also informed the PO where her insurance and registration were located in her vehicle. She also told him that she purchased her vehicle less than 60 days prior to the incident and did not know her driver's license was suspended. At this time, the PO told Subject 1 that she was being arrested and was going to jail. Subject 1 also recalled that the other PO drove her vehicle to the police station and the original PO drove her to the police station in a squad car.

Once Subject 1 arrived at the police station she was put into a room where she was handcuffed to a bench for two and a half hours. Subject 1 stated that while she was in lockup, she was not told that she had the right to ask for a supervisor. Subject 1 stated that she sustained bruising to the upper inner part of her left arm from the PO pulling her out of her vehicle.

As a result of being thrown against her vehicle, Subject 1 stated that her body was "sore and aching" for a week. Subject 1 stated that she did not seek any medical attention and that no photographs exist of her injuries.

In an **in-person statement to IPRA, accused Officer A, Star No. XXXX, Unit XXX**, stated that on the date and time of the incident he was on-duty with his partner Officer B driving an unmarked grey Ford Crown Victoria police vehicle. Officer A stated that the traffic stop he conducted on Luna Avenue was for a driver's side headlight that was defective. Officer A stated that after pulling over the vehicle, he approached the driver's side of the vehicle and his partner, Officer B, approached the passenger side. Officer A did not recall whether he asked for Subject 1's driver's license first or if he told Subject 1 why she was being stopped first, but Officer A stated that it is his general procedure to explain why the driver was being stopped and then ask for the drivers' license.

Officer A recalled that Subject 1 then produced her driver's license. Officer A stated that after he received Subject 1's driver's license he went back to his car to run the license and upon doing so he discovered that her license was suspended. Officer A then recalled realizing an arrest must be made so he walked back to Subject 1's car and informed her of her suspended license and asked her to step out of her vehicle. Officer A vaguely remembered an encounter with Subject 1 at this time in which Subject 1 stated that her license was not suspended, to which Officer A recalled replying that indeed, the license was suspended. Officer A stated that Subject 1 then exited her vehicle on her own and turned around in preparation to be handcuffed. Officer A stated that he did not push Subject 1 against her vehicle at any time and did not recall Officer B getting involved in gaining compliance of Subject 1 during her arrest. Officer A recalled that Subject 1 was compliant and the arrest itself was "without incident." Officer A did recall that Subject 1 was upset due to her arrest and he knew this because she was crying in the backseat of the police vehicle on the way to the police station. Officer A did not recall Subject 1 saying anything during her arrest other than that she did not think her license was suspended. Officer A also recalled Subject 1 expressing concern for the belongings in her car because she was leaving town the next morning. Therefore, Officer A was able to get the belongings out of her car and remembered that this action calmed Subject 1 down. Officer A recalled Subject 1 calling one of her friends while she was at the station to come and pick up her belongings. Officer A also stated that he did not have his weapon out at any time during this encounter.

In an **in-person statement to IPRA, witness Officer B, Star No. XXXX, Unit 213** stated that on the date and time of the incident he was on-duty with his partner Officer A in plain clothes driving in an unmarked grey Ford Crown Victoria police vehicle. Officer B stated that he was the passenger of the police vehicle during a traffic stop of a Dodge Charger due to an inoperative headlight. Officer B indicated that the officers curbed the vehicle and he approached the vehicle on the passenger's side. Officer B explained that he was the guard officer at this time and that his duty was to stand on the passenger's side of the vehicle. Officer B explained that this is for safety purposes to watch the incident and the occupants of the vehicle while the other officer, in this case Officer A, was interacting with the driver. Officer B recalled that Subject 1 was alone in the vehicle during this stop and that Officer B did not have any direct conversation with Subject 1. Officer B also stated that he could not hear most of the conversation that took place between Officer A and Subject 1. Officer B

stated that both POs went back to the police vehicle to run Subject 1's driver's license through a name check inside the police vehicle. Officer B did not recall who ran Subject 1's name, but generally Officer B would have done it. Officer B did not recall saying anything to Subject 1 during her arrest. Officer B did not recall the wording used when Officer A asked Subject 1 to step out of her vehicle, but Subject 1 did step out of her vehicle of her own volition. Officer B recalled hearing Officer A saying, "please put your hands behind your back," while Subject 1 was being handcuffed. Officer B stated that Subject 1 continuously demanded to know why her license was suspended and why she was being arrested during this incident which led Officer B to believe that Subject 1 was upset. Officer B also recalled seeing Subject 1 crying at the station and she appeared to not want to talk, which furthered his belief that she was upset. Officer B recalled Subject 1 being slightly belligerent due to the abundance of questions she was asking but overall Officer B recalled Subject 1 as being mostly upset. Officer B recalled a friend of Subject 1's coming to pick up Subject 1's belongings out of her vehicle. Officer B stated that he did not at any time un-holster or display his weapon.

The **Arrest Report of Subject 1, CB # XXXXXXXX**, documents that on April 25, 2017 at 8:13 PM at XXXX N. Luna Avenue, Subject 1 was pulled over for operating a Black Dodge Charger with a malfunctioning driver's side headlight. During the traffic stop, Reporting POs conducted a name check and found that Subject 1's license was suspended. Subject 1 was placed in custody and transported to the 25th District for processing. Subject 1 was arrested for Driving on a Suspended License and Headlight violations. The arresting POs were Officer A # XXXX and Officer B# XXXX. Subject 1's vehicle was impounded.

The **Traffic Citations** issued to Subject 1 show Subject 1 was cited for 9-76-050(B), Headlight Two Required Motor Vehicle and 625 ILCS 5.0/6-303-A, Driving on a Suspended License.

The **Impound Report** shows that Subject 1's 2015 black Dodge Charger was impounded on April 25, 2017 in beat XXXX. The narrative reports the vehicle was stopped for 9-76-050(B), a malfunctioning headlight. The driver was found to have a suspended license and placed into custody and transported to 25th District for processing.

The **Office of Emergency Management and Communications (OEMC) Event Query 1711514393** indicates that on April 25, 2017 at 8:14 PM, Beat 4370B was at XXXX N. Luna Avenue for a traffic stop.

The **Assignment and Attendance Sheets** for April 25, 2017 show Officer A # XXXX and Officer B # XXXX assigned to beat 4370B in car # XXXX.

The **GPS for car # 4150** shows the vehicle at 8:13 PM, at the location of XXXX N. Luna Avenue.

No body-worn camera or in-car camera video was found associated with this incident. IPRA requested this information on July 7, 2017 and received a "no response found" on July 13, 2017.¹

CONCLUSION/ANALYSIS:

IPRA's burden of proof is based on the preponderance of evidence standard. As such, IPRA recommends that **Allegations #1 through 4**, that Officer A aggressively grabbed and pulled Subject 1 out of her vehicle, threw her against her vehicle, grabbed her phone out of her lap and threw it inside her vehicle, used profanity in saying "didn't I fucking say the plates were expired?", be **Not Sustained**. This investigation did not reveal evidence to prove that is more likely than not that the allegations brought against Officer A occurred. Subject 1's statements are contradictory to those of Officer A and Officer B. Moreover, there is no video or photographic evidence available from this incident to corroborate the officers' or Subject 1's version of events. Furthermore, despite Subject 1's assertions of injuries, she did not seek medical treatment. For all of these reasons, IPRA cannot prove or disprove Allegations #1 through #4.

IPRA recommends that **Allegation #5**, that Officer A approached Subject 1's vehicle with his weapon drawn be **Not Sustained**. In her interview with IPRA, Subject 1 reported that "four officers approached her vehicle with their weapons drawn". She then reported that the two officers to the rear of her vehicle holstered their weapons and left soon after the stop. The officer at the driver's side of Subject 1's vehicle was later identified as Officer A. Subject 1 did not specifically recall the direction Officer A's weapon was facing or the manner in which he had it drawn. Though CPD policy allows for officers to approach vehicles in traffic stops with their weapons drawn in certain circumstances, Officer A reported he did not have his weapon drawn. For all these reasons, IPRA recommends Allegation #5 be not sustained.

The officer at the Subject 1's passenger's side window was later identified as Officer B. No allegations were brought against Officer B because Subject 1 did not specifically recall the direction Officer B's the officer's weapon was facing or the way in which he had it drawn. CPD policy allows for officers to approach vehicles in traffic stops with their weapons drawn in certain circumstances. Furthermore, Subject 1's report conflicts with Officer B's report of the incident in that Officer B reported he did not have his weapon drawn. For this reason, no allegations were brought against Officer B.

¹The unmarked police vehicle operated by the officers in this incident is not equipped with an in-car camera; the officers involved in this event had not, at the time, been issued body worn cameras.

