

INTRODUCTION

On June 7th, 2017, Chicago police officers conducted a traffic stop involving the complainant Subject 1 , and subsequently took him into custody. Subject 1 alleges that he was detained without justification, and his arresting officer handcuffed him too tightly which resulted in bruising to his wrists and right arm.

ALLEGATIONS

It is alleged that on June 7th, 2017, at approximately 9:45 a.m., at XXXX South Avenue J, Officer A#XXXXXX:

- 1) Detained Subject 1 without justification.

It is alleged that on June 7th, 2017, at approximately 9:45 a.m., at XXXX South Avenue J, Officer B#XXXXXX:

- 2) Detained Subject 1 without justification.
- 3) Handcuffed Subject 1 too tightly, and refused to loosen the handcuffs.

APPLICABLE LAW AND RULES

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

INVESTIGATION

IPRA obtained relevant documentary and video evidence associated with this incident, in addition to interviewing Subject 1, and Officer A summaries of this evidence follow.

In a **Recorded Statement** to IPRA on June 8, 2017 Subject 1 stated that he was visiting his girlfriend (now known as Civilian 1) on Avenue J. He stated that he purposefully drove the wrong way on 99th Street upon exiting the alley, and then parked at approximately XXXX S. Avenue J. Subject 1 stated he believed that vehicles are allowed to drive the wrong direction "a half of a block" down a one-way street. Thereafter, two unknown officers in an unmarked maroon colored SUV, displaying Illinois Municipal Police plate XXXXXXXX pulled up behind him. At some point during the interaction with police Subject 1 stated he began recording video the incident on his personal cell phone.

Two plain-clothed officers; a white male (now known as Officer A#XXXXXX) and a Hispanic male officer (now known as Officer B#XXXXXX) approached him, and he was informed that he was "detained and under investigation." Subsequently, the male Hispanic officer placed Subject 1 into handcuffs and led him to a marked vehicle to be transported to the 4th District station. Subject 1 informed the arresting officer that he was handcuffed too tightly, and indicated that he made several requests for the handcuffs to be loosened, but his requests were ignored by officers.

Subject 1 was led into a room inside the police station and handcuffed to a bench. When the arresting officers arrived, Subject 1 was told he was detained because he “escalated it,” and was given no further explanation by the officers. At his request, an ambulance was called for his existing medical condition of seizures, and so that he could take pills he carried with him. As Subject 1 was being released from the 4th District, he was instructed to sign four citations for moving violations. He refused to sign the tickets and was told that they would be sent to him via the mail, and his driver’s license was not returned. Subject 1 indicated that he experienced swelling and bruising to his wrists and to his arm from contact with the male Hispanic officer. (Att. 6)

The **Recorded Statement of Officer B** was taken at IPRA on August 14, 2017 in the presence of counsel. Prior to the interview, Officer B and Officer A were allowed to view their respective body-worn videos in the presence of counsel and the investigators. Officer B stated Subject 1 was calm at first, but he became belligerent and stopped cooperating. Officer B stated Subject 1 was pulled over for a traffic violation and was not initially handcuffed, but the change in his demeanor, his refusal to follow orders, and the fact that Subject 1 was in possession of a utility knife prompted the handcuffing. Officer B stated he did not recall if he double locked the handcuffs. Officer B stated Subject 1 made several requests to loosen the handcuffs. Officer B checked for comfort by placing his finger in between Subject 1’s wrist and the handcuffs. Officer B stated it is at the officer’s discretion to handcuff someone and conduct further investigation. Officer B stated Subject 1 was taken into custody for further investigation, and taken to the station to issue traffic tickets. Officer B stated Subject 1 requested an ambulance while at the station, but did not address the alleged injuries to his wrists or arm, and refused to speak to the EMTs. Officer B stated he has made similar traffic stops in the area that have resulted in him being attacked. Officer B stated his vehicle lacked a cage and called for a marked unit to transport Subject 1. Officer B stated Subject 1 moved in a manner that appeared threatening, and attempted to reach into his pockets after being told not to do so. Officer B stated Subject 1 began to scream for someone to call the police, and due to the gang activity in the area, the incident became a safety concern for them to remain on the scene. (Att. 46)

The **Recorded Statement of Officer A** was taken at IPRA on August 14, 2017 in the presence of counsel. Prior to the interview, Officer B and A were allowed to view their perspective body-worn videos in the presence of counsel and IPRA. Officer A stated he observed Subject 1 commit a traffic violation in that he drove the wrong direction down a one-way street. Officer A stated Subject 1’s demeanor changed when he was questioned about prior arrests, and began “fidgiting” by his pockets. Officer A stated Subject 1 admitted to having a work knife on his person. Officer A stated he had similar incidents where people have become uncooperative during traffic stops in the area. Officer A stated Subject 1 was placed in handcuffs due to the traffic violations and they feared he would retrieve the weapon and use it against himself and Officer B. Subject 1 began yelling which made several people in area come towards the officers. A female then came from porch that identified Subject 1 as her husband. Officer A stated a transport vehicle took Subject 1 to the station. Officer A stated officers have discretion to take traffic violators to the station. Officer A stated when he and Officer B arrived at the station they were informed that Subject 1 requested medical attention. Officer A requested the ambulance and stated that when CFD arrived Subject 1 refused medical attention. Subject 1 then left the station without signing the tickets. Officer A stated he and Officer B brought Subject 1 into the station to de-escalate the situation due to Civilian 1 screaming, and officer safety became a concern. (Atts. 47, 48)

An **OEMC Event Query** for the date and location revealed Beat XXXX was placed on a street stop at the address of the alleged incident, with Beats XXX, XXX, and XXXX assisting. In the event chronology section, a name check request is reflected for the complainant, Subject 1 (Att. 10)

Attendance and Assignment Records for the 4th District, June 7, 2017, exhibit Officer A (“Officer A”), star XXXXX, was assigned to Beat XXXX; Officer B (“Officer B”) star XXXXX, was assigned to Beat XXXX; Officer C (“Officer C”), star XXXXX, was assigned to Beat XXX; Officer D (“Officer D”), star XXXXX, and Officer E (“Officer E d”), was assigned to Beat XXX. (Atts. 11, 12, 13)

In a **Telephone Contact** (Att. 33), on July 7, 2017, at approximately 11:30am, the complainant stated that he received two tickets in the mail, but the issuing officer’s name or star number was unintelligible. The tickets were verified through a **Mainframe Query** (Att. 37) and issued under Star #XXXXX. Subject 1 also stated that he and Civilian 1 (“Civilian 1”) recorded the incident with officers on their cell phones, and took personal pictures of his alleged injuries after his release from the police station. Subject 1 agreed to provide the investigator with the video and pictures. Subsequently, IPRA attempted to make **contact via telephone** with the complainant on July 11, 2017, July 13, 2017, July 17, 2017, and July 19, 2017 (Att.49) to arrange an interview with Civilian 1, and to collect the digital evidence. IPRA was unable to reach the complainant or witness during the length of this investigation.

A **Canvass** (Att. 34) was made on July 19, 2017, at XXXX S Avenue J. A locked gate and plywood board prevented IPRA from entering the front walkway of the property to make contact with any occupants. There was no door present at the rear of the building and the rear gate to the gangway was locked. IPRA attempted to contact Civilian 1 via telephone, to which there was no response.

Body-worn camera video (Att. 14) obtained from Officer E is 1:24 minutes long and contains audio that begins at 30 seconds and depicts the officer arriving to the scene. Subject 1 is shown handcuffed behind his back and being led to a marked police vehicle where he is placed inside by Officer B.

Body-worn camera video (Att. 15) obtained from Officer E is 15:07 minutes long and contains audio that begins at 30 seconds, and depicts the officer in the passenger seat of the police vehicle. Officer E removes the camera from his chest and faces it towards Subject 1 who is seated in the rear of the vehicle for the duration of the transport. Officer E continues recording him as he is being escorted into the police station and handcuffed to a bench.

Body-worn camera video (Att.17) obtained from Officer A is 9:25 minutes long and contains audio that begins at 30 seconds, and depicts the officer exiting his vehicle and questioning the complainant regarding a traffic violation. The alleged incident is captured.

Body-worn camera video (Att. 18) obtained from Officer D is 16:05 minutes long and contains audio that begins at 16 seconds, and depicts the officer driving the vehicle and captures the audio during the transport of Subject 1 to the 4th District. Officer D continues recording him as he is being escorted into the police station and handcuffed to a bench.

Body-worn camera video (Att. 19) obtained from Officer B is 9:16 minutes long and contains audio that begins at 30 seconds, and depicts the officer exiting the vehicle and captures the alleged incident.

A **Letter to Complainant** and a **Letter to Witness** (Atts. 35, 36) both dated 24 July 2017 were sent to the respective parties asking for a continuation of cooperation. IPRA did not receive a response from either party during the length of this investigation.

OEMC Transmissions (Att. 38) of Zone 8, from 0935 to 1035 hours, were obtained capturing the transmissions of Beat XXXX.

An **OEMC Event Query** (Att. 10) shows XXXX requested an ambulance. An **Ambulance Report** (Att. 39) was obtained from the Chicago Fire Department. The report shows CFD Ambulance XXX and Engine XXX responding to the 4th District on June 7, 2017 at 10:05 am.

CONCLUSION AND FINDING

IPRA recommends a finding of **EXONERATED** for **Allegations #1 and #2** that the officers detained Subject 1 without justification. Based on the preponderance of evidence standard, the officers were legally justified in approaching and detaining Subject 1. In Subject 1 e's statement he admittedly drove the wrong direction down a one-way street, which is corroborated in the traffic stop notification to OEMC, and the body-worn video of the officers. Officer A and Officer B are depicted informing Subject 1 of the traffic violation and Subject 1 admitted that he travelled the wrong way on the one-way street. In the officers' interviews, they stated they witnessed Subject 1 commit a traffic violation and initiated a traffic stop. The traffic violation constitutes reasonable suspicion for the officers to stop the vehicle, and then detain the driver for further investigation in accordance with Special Order S04-14-05 (Traffic Violators, Name Checks, and Bonding.)

Both officers also stated Subject 1's demeanor changed during questioning and officer safety became a concern. Officer A stated Subject 1 turned from him, no longer made eye contact and began fidgeting by his pockets. In the body-worn video Subject 1 is depicted becoming increasingly agitated and moving towards the driver side door of his vehicle. Subject 1 admits to having a knife after being asked if he was armed. Officer A ordered Subject 1 to not reach for the knife and to stay near the rear of the vehicle. Subject 1 attempts to reach into his pocket and is grabbed by the arm by Officer B, then placed into handcuffs. After being placed in handcuffs, Officer B informs Subject 1 that he was told to not move around and is acting suspicious. Subject 1 is yelling and asks Officer A why he was placed into handcuffs, Officer A informs him that he was told to stop moving around and that he possesses a knife. Subject 1 is captured stating that he does not like police officers. Officer A stated he feared Subject 1 would retrieve the weapon and use it against himself and Officer B.

In addition to the weapon, Subject 1 and Civilian 1 are continually screaming, drawing attention to the officers. This is evidenced by the body-worn camera footage. Both officers related that the area is frequented with gangs thus prompting the decision to de-escalate the situation by removing him from the area. Civilian 1 is depicted and heard screaming and arguing with Officer A for the remainder of the body-worn videos of both officers. Subsequently, Subject 1 was transported to the 4th District station and released after being given an opportunity to sign the traffic tickets. Given the circumstances, and what the officers knew at the time, Subject 1's detainment did not violate department policy. Additionally, his behavior supplied the officers with sufficient justification to do so.

IPRA recommends a finding of **UNFOUNDED** for **Allegation #3** against Officer B in that he handcuffed Subject 1 too tightly, and refused to loosen the handcuffs, which resulted in an injury to wrists and arm. The existence of an injury was not proven, and does not meet the preponderance of evidence standard. The use of force used by Officer B was not excessive and did not violate department policy.

According to Subject 1's statement and illustrations in the body-worn videos, Subject 1 makes several claims that the handcuffs are too tight and are hurting his wrists, and makes several requests for officers to loosen the handcuffs. During the initial handcuffing, Subject 1 tells Officer B that he is hurting his arm then smiles at Officer A. Subject 1 complains about the handcuffs and asks if they can be loosened. Officer B states, "yeah, are you going to relax?" Subject 1 replies, "I can't relax, I'm being harassed!" and continues to move around and pull away thus not giving Officer B the opportunity. Subject 1 is depicted pulling away from Officer B, trying to turn around, and attempting to reach into his left pocket. Officer B's hand is shown holding onto Subject 1's right arm above the elbow. Officer B stated he checked the handcuffs for comfort and loosening them further would risk Subject 1 from escape. At a minimum, Subject 1 becomes a passive resister, in that he moved from the rear of the vehicle towards the driver's side door and continually moved in manner that precipitated Officer B's use of force in accordance with General Order G03-02-02 (Force Options.)

As Subject 1 is being led to the marked SUV, he again becomes a passive resister by stiffening his body and refusing to get inside. Officer B continues to hold Subject 1 by the right arm and pushes him into the back of the SUV. When placed inside the SUV, one of the officers, either Officer D or Officer E, is heard asking Subject 1 if he wants the handcuffs loosened. Subject 1 did not answer the question and threatened to sue the officers. During transport, Subject 1 is depicted on video contorting his body and arms enough to bring his hand into view of the camera and make an obscene gesture; Subject 1 extends his middle finger. Subject 1 continues to move around and lay down in the rear of the SUV in and out of camera view.

At the 4th District station, Subject 1 is led into a room where his handcuffs were loosened and was then handcuffed by the left arm to a bench. Subject 1 then asks for water to take medication which he carries with him, then refuses a cup of water stating he will only drink from a sealed bottle due to anxiety. He requests an ambulance stating he will go into convulsions if he does not take his medication. Subject 1 failed to request medical attention for the alleged injuries to his wrists and arms when CFD personnel tended to him. According to the CFD summary reports, Subject 1 complained of anxiety and left the building without CFD personnel getting further information or a signed refusal of treatment. There was no mention of the alleged injuries in the CFD report, and there was no transport to the hospital. In a telephone conversation with IPRA, Subject 1 stated he did not seek treatment, but did take personal photographs of the alleged injuries after his release from the station. Subject 1 failed to provide pictures or video of the alleged injuries. Subject 1 and Civilian 1 failed to respond to repeated telephone calls and contact letters. Civilian 1 failed to provide a statement which corroborates Subject 1's claims.