

INTRODUCTION:

This investigation concerns juvenile Subject 1 and Officer A. On April 25, 2017, Subject 1 was a student at George H. Corliss High School. At approximately 12:30 p.m. Subject 1 was out of class and roaming the halls. Officer A attempted to escort Subject 1 out of the building or to in-school suspension, as requested by Corliss High School administrative staff. Subject 1 refused to cooperate with staff or police, so Officer A touched her elbow to escort her to a Dean's office. Once Officer A touched her, Subject 1 swung her arm backwards toward Officer A's face. Officer A used a stunning technique against Subject 1 to regain control, which caused Subject 1 to fall to the floor. Officer A then handcuffed her. Officer B and Officer C arrived and transported Subject 1 to the 5th District. Reporting Party Third Party Civilian 1, mother of Subject 1, alleges that Officer A used excessive force by striking Subject 1 with a closed hand and pushing her to the floor.

ALLEGATIONS:

Complainant Civilian 1 alleges that on April 25, 2017, at approximately 12:30 p.m., at Corliss High School, XXX East 103rd Street, **Accused Officer A, #XXXX, Unit XXX:**

- 1) Struck Subject 1 with a closed hand in violation of Rules 8 and 9; and
- 2) Pushed Subject 1 to the ground, in violation of Rules 8 and 9.

APPLICABLE RULES AND LAW:

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

Rule 9: Prohibits engaging in any unjustified physical or verbal altercation with any person, while on or off duty.

General Order G-03-02-02: Force Options

INVESTIGATION:

After the initial complaint from Civilian 1, **several attempts** were made by phone and letter to schedule a statement with Subject 1. Civilian 1 made an appointment to appear with Subject 1 at COPA's office on April 28, 2017 to provide a statement, but failed to keep that appointment. All further efforts to obtain a signed affidavit were unsuccessful. COPA obtained an **affidavit override** from the Bureau of Internal Affairs to proceed with this investigation. (Atts. #13, 14, & 17)

The **Arrest Report and Original Case Incident Report under RD #XXXXXXXXXX** indicated that on April 25, 2017, Subject 1 was arrested for the Aggravated Battery of a Peace Officer. Officer B and Officer C responded to a battery at Corliss High School. Officer A informed the arresting officers that he and school officials told Subject 1 several times to go to class and stop lingering in the halls after the school bell rang. Subject 1 did not comply and continued to stay in the hallway. Principle 1 and Dean 1 told Officer A that Subject 1 needed to leave Corliss High School. Officer A escorted Subject 1 to the door. The reports indicate that when they got there, Subject 1 turned around and struck Officer A on his

lower face with her open hand. Officer A then used an open hand and struck Subject 1 on her face. Officer A placed Subject 1 in custody. Officer B and Officer C brought her to the 5th District for processing. (Atts. #7-8)

In a **Tactical Response Report**, Officer A identified Subject 1 as an Assailant/Battery. The report indicates that Subject 1 did not follow verbal direction, pulled away, was an imminent threat of committing battery, and attacked Officer A without a weapon. Officer A's response to Subject 1 was member presence, verbal commands, and an open hand strike. Reviewing Lieutenant A interviewed Subject 1 while Subject 1 was in custody at the 5th District. According to Lieutenant A, Subject 1 admitted that she struck Officer A while he was escorting her from school. (Att. #11)

Officer A's Officer Battery Report states that he was struck with hands/fists but did not sustain an injury. (Att. #10)

Chicago Police Department Evidence Technician photographs taken on April 26, 2017 show minor swelling to Subject 1's upper lip and red marks on her upper and lower lips. There is also a faint red mark on her shoulder. (Att. #15).

The Chicago Public Schools Misconduct Report recounts that on April 25, 2017, Subject 1 was defiant and cursed at a Dean after she was repeatedly asked to go to class. Dean 1 called Civilian 1 and informed her that Subject 1 would go to in-school suspension for the rest of the day. After finishing the phone call, Dean 1 told Subject 1 to go to in-school suspension. Subject 1 did not go to in-school suspension, and instead ran around the second floor. Dean 1 requested assistance from the in-school police officers. Subject 1 continued to say that she would not go to in-school suspension. The report indicates that Subject 1 then went to her locker to gather her things, as she intended to leave school. Officer A attempted to reason with her and asked Subject 1 to go to in-school suspension. Subject 1 told him she was not going to go to in-school suspension. When Officer A attempted to escort Subject 1 to in-school suspension, she pushed him on his face. The report notes that Subject 1 admitted to Dean 1, Witness Officer C, and school security Officer D that she pushed Officer A. The report also reflects that Subject 1 received a three day out-of-school suspension because her attendance presented an imminent endangerment to the students or staff. (Att. #12)

Surveillance Footage from Corliss High School from April 25, 2017 depicts the north-facing multi-story atrium of Corliss High School. The footage was captured from a distance and is backlit by bright sunlight. At 12:30:30 p.m. Officer A approached Subject 1. The beginning of their encounter is obscured by a banner hanging from the ceiling. At 12:30:50 p.m. Subject 1 began to walk away from Officer A. Officer A reached out and touched Subject 1. Subject 1 immediately turned around and swung an arm towards Officer A, although it is unclear from the footage whether she made physical contact with him. Officer A then made physical contact with Subject 1 and she fell to the floor. The exact physical contact is not clear on the video but the movement is consistent with an open hand strike. Officer A immediately brought Subject 1 to her feet and placed her in handcuffs. During this encounter, Witness Officer C can be seen descending a staircase on the other side of the atrium. She was facing away from Officer A and Subject 1 during their physical contact. Once she arrived on the first floor, she approached Officer A as he handcuffed Subject 1. Officer C then escorted Subject 1 away from the atrium. (Att. #16)

In a statement to COPA on September 6, 2017, **Witness Officer C** stated that on April 25, 2017 she was partnered with Officer A at Corliss High School. Dean 1 asked Officer C to de-escalate a situation involving Subject 1, who was acting out and refusing to listen to school security. Dean 1 informed Officer C that Subject 1 was upset because she had argued with her boyfriend. Subject 1 was told to go to in-school suspension but refused to go. Dean 1 asked Officer C to speak with Subject 1 to get her to cooperate. Subject 1 refused to go to in-school suspension, directed profanity towards the school staff, and stated that she would “leave this fucking school.” Officer C asked Dean 1 what was going to happen. Dean 1 told her that Subject 1 either needed to leave the building or go to in-school suspension. Dean 1 also indicated that Subject 1 could not roam the halls because of her disruptive behavior, telling Officer C, “Don’t let her walk through this school.”

While Officer C was consulting with Dean 1 about how she wanted to proceed, Subject 1 ran down the stairs and Officer A followed. Officer C heard Officer A say something along the lines of, “You put your hands on me.” She then heard Subject 1 scream and curse at Officer A. Officer C descended the south-facing stairs. Officer C did not see Officer A strike or knock down Subject 1. Once she arrived on the first floor and turned north, Officer C saw Officer A attempting to handcuff Subject 1 by a door. Officer C walked up to Officer A and helped him handcuff Subject 1. Officer C did not observe any injuries on Subject 1 and stated that Subject 1 did not request medical attention. Subject 1 continued to be disrespectful towards the officers and use profanity after the officers handcuffed her.

A few days after the incident, Subject 1 came into Officer C’s office at school, apologized, and gave Officer C a hug. Officer C said, “Subject 1, you know better than to hit somebody,” and Subject 1 responded, “I’m sorry, but he (Officer A) made me mad.” Subject 1 then apologized to Officer A and gave him a hug. (Att. #23)

In a statement to COPA on September 6, 2017, **Accused Officer A** stated that he had been assigned as a school patrol officer at Corliss High School for ten years. On April 25, 2017, Officer A was near the bathrooms on the second floor of Corliss High School when he heard Subject 1 screaming and cursing near the freshmen lockers. Officer A headed towards Subject 1 and found Dean 1 telling her to “cut it out” and go to class. Subject 1 continued to act belligerently and curse at Dean 1. Officer A intervened by asking Subject 1 to calm down and go to class. She responded with profanity. Officer A stated that he was surprised at Subject 1’s behavior, because they had previously had a friendly relationship at school. The only disciplinary issues Subject 1 had prior to April 25 were related to loitering in the halls and not going to class on time.

At this point, Subject 1 walked away from Officer A. Dean 1 asked Officer A to make sure that Subject 1 did not roam the halls. Officer A followed Subject 1 and repeatedly asked her to calm down and go to Dean 1’s office. Subject 1 cursed at Officer A as she walked downstairs to the atrium area. Officer A continued following Subject 1 and asked her to go to upstairs with him. Once they arrived in the atrium, Subject 1 started looking past Officer A and demanded to know the whereabouts of her boyfriend. Officer A told Subject 1 that she could not roam the halls cursing and looking for her boyfriend.

Officer A walked up to Subject 1 and touched her right elbow to escort her to the Dean’s office. Subject 1 told Officer A to get his “motherfucking hands off” her, and then swung around and struck Officer A with a backhanded blow across his jaw. Officer A stated that he felt it was necessary to regain control of the situation, so he stunned Subject 1 with an open hand strike. Officer A learned the open hand

strike stunning technique at the police academy as a means of gaining control over someone. He related that this technique involves pushing someone away very quickly. Officer A said that he intended to strike Subject 1 on her chest during the stun, however he believed that his fingers may have grazed the lower portion of her face. Subject 1 fell to the floor. Officer A immediately brought Subject 1 to her feet and placed her in handcuffs. Officer C arrived as Officer A was handcuffing Subject 1. Officer A did not see any injuries on Subject 1 and did not hear her complain of injury or ask for medical attention.

Once Subject 1 was in custody, Officer A and Officer C brought her upstairs to see Dean 1. Dean 1 asked Subject 1 why she struck Officer A, and Subject 1 responded that Officer A should not have touched her. Another officer was called to transport Subject 1 to the police station for processing.

A few days after this incident, a meeting was held with Principal 1, Dean 1, Officer C, Officer A, and Civilian 1 and Subject 1. Officer A stated that during this meeting Subject 1 admitted striking him. Officer A denied striking Subject 1 with a closed hand. He did admit to knocking her down, but also explained that it was a part of the open hand strike stunning technique he used to gain control over Subject 1 after she struck him across the face. (Att. #28)

CONCLUSION:

COPA recommends a finding of **UNFOUNDED** for Allegation #1 that Officer A struck Subject 1 with a closed hand. Civilian 1 stated during a phone call to COPA that Officer A struck her daughter Subject 1 with a closed hand. Civilian 1 was not present at Corliss High School to witness the altercation between her daughter and Officer A. Civilian 1 also did not cooperate with this investigation, despite repeated attempts to speak with her and Subject 1. This investigation was conducted without a formal statement from Subject 1 due to the affidavit override that COPA obtained.

In addition, the related police reports are consistent with Officer A's COPA statement. Officer A readily admitted striking Subject 1, albeit with an open hand and as part of a stunning technique used to gain control over her after she struck him. The only evidence to support the allegation that Officer A struck Subject 1 with a closed hand came from a third party who did not witness the event in question. Considering the evidence gathered during this investigation, there is insufficient evidence to prove by a preponderance of the evidence that Officer A struck Subject 1 with a closed hand.

COPA recommends a finding of **EXONERATED** for Allegation #2 that Officer A pushed Subject 1 to the ground. The CPS Misconduct Report reveals that on April 25, 2017, Subject 1 was belligerent, disobeyed school staff, and refused to go to class. The school administration requested assistance from Officer A and Officer C, instructing them that Subject 1 could not roam the hallways due to her disruptive behavior. Officer A's and Officer C's statements to COPA show that Officer A attempted to de-escalate the situation with Subject 1 by following her around the school and asking her repeatedly to calm down and go to the Dean's office. Statements from multiple sources and surveillance footage indicate that Subject 1 struck, or at least attempted to strike, Officer A prior to his use of the stun technique. Subject 1 herself admitted to multiple witnesses that she battered Officer A, stating that she struck him because he touched her, which "made her mad."

Officer A used the necessary force to regain control and place Subject 1 in custody. His use of an open hand strike as a stunning technique was appropriate under CPD's Use of Force Policy. CPD defines

the stunning technique as a, “diffused-pressure striking or slapping and is an attempt to increase control by disorienting the subject and interfering with the subject’s ability to resist.”¹ Officer A identified Subject 1 as an Assailant/Battery in his Tactical Response Report. According to CPD, this level of assailant is defined as someone whose actions will likely cause physical injury.² Subject 1 became an assailant once she struck Officer A. Officers are permitted to use the stunning technique on active resisters and assailants.³ Therefore, in light of the evidence showing that Subject 1 battered Officer A prior to his use of an open hand strike as a stunning technique, Officer A was acting within CPD’s Use of Force Policy.

¹ CPD General Order G-03-02-02 (IV) (B) (2) (a)

² CPD General Order G-03-02-02 (IV) (C) (2)

³ *Id.*