

ALLEGATIONS:

On 10 October 2017, the complainant, Subject 1 registered this complaint with the Civilian Office of Police Accountability (COPA) to address the following allegations:

The complainant alleged that on October 5, 2017, at approximately 3:02pm, in the vicinity of XXXX W. Kamerling Avenue, Chicago, IL 60651 **Officer A, #XXXXX:**

1. Falsely arrested Mr. Subject 1 for criminal damage to vehicle.
2. Failed to advise Subject 1 of the reason for his arrest.
3. Grabbed and threw Mr. Subject 1 against a vehicle during his arrest.
4. Handcuffed Mr. Subject 1 too tightly during his arrest.

The complainant also alleged that on October 5, 2017, at approximately 3:02pm, in the vicinity of XXXX W. Kamerling Avenue, Chicago, IL 60651 **Officer B, #XXXXX:**

1. Falsely arrested Mr. Subject 1 for criminal damage to vehicle.
2. Failed to advise Subject 1 of the reason for his arrest.

APPLICABLE RULES AND LAWS:**4th Amendment of the United States Constitution**

Rule #1: Violation of any law or ordinance.

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

INVESTIGATION:

In a statement given to the Civilian Office of Police Accountability on 10 October 2017, **Complainant, Subject 1** stated the allegations as indicated in the Allegations section of this report. Subject 1 reported that on 05 October 2017 at the location of XXXX W. Kamerling Avenue, Chicago, IL; he was falsely arrested for criminal damage to a vehicle. He also alleged that he was grabbed and thrown against a van, handcuffed him too tightly, and was not told why he was arrested. Subject 1 admitted that he attempted to defeat the tow after Civilian 1 informed him that he was in possession of a tow order initiated by the City of Chicago and would be towing the vehicle. Subject 1 also confirmed that, after Civilian 1 informed him of the tow order, he entered the vehicle to be towed and held the brakes to make it more difficult to initiate the tow. In addition, Subject 1 informed COPA that he told Civilian 1 that, if he continued to hook up the vehicle to the tow truck, he would flatten his tires and that he walked to the trunk of his personal vehicle, returned to the tow truck, bent down, and pretended to slash the

tires and relayed the same in a written statement he provided to COPA at the time of his interview. (Att. 13, 15).

Further investigation revealed the identity of Arresting/Accused Officer A, #XXXXXX and **Officer B, Star# XXXXX**. In the Chicago Police Department (CPD) **Arrest Report (RD#JAXXXXXX)** of **Subject 1**, Officer A and Officer B stated that upon their arrival at XXXX W. Kamerling Avenue, Civilian 1 informed them that the subject, Subject 1, had knowingly damaged/slashed a front tire of the tow truck that he was operating with a knife. (Att.4). Consequently, the officers arrested Subject 1 on Civilian 1's signed complaint.

In the **Original Case Incident Report (RD#JAXXXXXX)**, Officer A and Officer B describe their response to a call regarding damage to property and met Complainant Civilian 1 who identified himself as an employee of C&E Recovery, working with the City of Chicago Streets and Sanitation Department. Civilian 1 informed them that he had arrived at XXXX W. Kamerling Ave. to tow a vehicle and that the subject was attempting to stop the tow. Civilian 1 also stated that the subject went to his vehicle, retrieved a knife, and began slashing the tires of the tow truck in support of these efforts. After Civilian 1 positively identified Subject 1, the officers took Subject 1 into custody. (Att. 5).

Furthermore, CPD **Property Inventory #XXXXXXXX** documents a knife belonging to Subject 1 collected by the officers at the scene. (Att. 7). Thus, Officer A and Officer B arrested Subject 1 based on a signed complaint that Subject 1 had committed criminal damage to a vehicle with a knife and documented Subject 1's possession of a knife on the scene.

In-Car Camera video (ICC) of vehicle #XXXX, which was assigned to Beat XXXX (Officer A and Officer B), shows Subject 1's arrest. In it, Subject 1 exits the driver's side of the towed vehicle, which was hooked to the tow truck, when the officers arrived. The footage shows the officers speaking to Civilian 1 regarding his account of the incident. Subsequently, the footage shows the officers handcuff Subject 1, take him into custody, and place him in the back of a police vehicle. The video neither depicts either of the officers throwing Subject 1 against a van. The video does however provide the conversation inside of the police vehicle between the officers and Subject 1 where they specifically discussed his involvement in the incident and the complaint of him slashing the tires of the tow truck. At no time during the conversation did Subject 1 mention to the officers that his handcuffs were too tight. In short, the ICC footage shows the entire encounter between the accused officers and Subject 1 and it does not depict an account of the incident as described by Subject 1. (Att. 17).

CONCLUSION:

The Reporting Investigator recommends a finding of **EXONERATED** for **Allegation #1-4** against **Officer A** and a finding of **EXONERATED** for **Allegation #1-2** against **Officer B** in connection to this investigation. The evidence reviewed during the course of this investigation directly contradicts the allegations presented to COPA by Subject 1. Moreover, the evidence does not support the allegations of: (1) false arrest for criminal damage

to a vehicle; (2) being subjected to unnecessary physical contact; (3) being handcuffed too tightly; and (4) not being advised of the reason for his arrest.

Based on the available evidence: (1) the observations that accused Officer A and Officer B documented in their reports; (2) Civilian 1's signed complaint provided to the accused officers; (3) CPD in-car camera footage; and (4) Subject 1's verbal and written statements provided to COPA, which include his admission of threatening Civilian 1 and attempting to flatten the tires of Civilian 1's tow truck, it is COPA's finding that the accused officers are **EXONERATED** from all allegations against them.

FINDINGS:

Accused #1:	Officer A
Allegation #1-4:	Exonerated
Accused #2:	Officer B
Allegation #1-2:	Exonerated

Investigator
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