

Summary of Incident:¹

On February 28, 2017, at approximately 1125 am, Subject 1 attempted to enter the Chicago Transit Authority (CTA) Station A, located at XXXX W. Lake Street, Chicago, IL 60661, when he engaged a CTA employee in a verbal argument. The CTA employee contacted the Chicago Police Department (CPD) for assistance.

At approximately 1138 am, two plain-clothed CPD officers arrived at the station. Upon arrival, the officers contacted the CTA employee, who informed the officers that Subject 1 was blocking the handicap turnstile and refusing requests to leave the station.

The officers asked Subject 1 to leave the station. When he refused, they placed Subject 1 in handcuffs and arrested him for trespassing. A brief time later, two uniformed CPD Officers arrived and transported Subject 1 to the 001st District Lockup.

Officers placed Subject 1 in the rear seat of a marked CPD vehicle to transport him to the 001st District Lockup. While en route, Subject 1 began kicking the rear door of the vehicle. Upon arrival, Subject 1 was processed at which time the plain-clothed officers again took control of Subject 1 and completed the booking process.

Allegations:

It is alleged that on February 28, 2017, at approximately 1138 hours, in the vicinity of XXX W. Lake Street, Chicago Illinois, 60661, that **Officer A #XXXX**:²

1. Handcuffed Subject 1 too tightly and refused to loosen the handcuffs upon request, in violation of Rule 6; and
2. Threatened to beat Subject 1, in violation of Rule 9.

It is alleged that on February 28, 2017, at approximately 1138 hours, in the vicinity of XXX W. Lake Street, Chicago Illinois, 60661, that **Officer B #XXXX**:

1. Intentionally slammed on the brakes of the transport CPD SUV causing Subject 1 to strike the left side of his head against the metal divider, in violation of Rule 9; and
2. Threatened to beat Subject 1, in violation of Rule 9.

It is alleged that on February 28, 2017, at approximately 1138 hours, in the vicinity of 001st CPD District Station, located at 1718 S. State Street, Chicago Illinois, 60616, that **Officer C #XXXXX**:

1. Failed to seek medical treatment for Subject 1, despite Subject 1's requests for medical treatment, in violation of Rule 6.

It is alleged that on February 28, 2017, at approximately 1138 hours, in the vicinity of 001st CPD District Station, located at 1718 S. State Street, Chicago Illinois, 60616, that **Officer D #XXXX**:

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² Officer A was not interviewed during this investigation due to safety concerns related to an incident that came to COPA's attention on November 28, 2017.

1. Failed to seek medical treatment for Subject 1, despite Subject 1's requests for medical treatment, in violation of Rule 6.

Applicable Rules and Law:

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

Rule 9: Engaging in any unjustified verbal or physical altercation, while on or off duty.

General Order – G06-01-01 – IX – effective November 12, 2015.

General Order – G06-01-02 – effective January 1, 2016.

Investigation:

Testimonial Evidence

Complainant Interview

In a **statement to IRPA**³ on March 30, 2017, **Subject 1** advised, that on February 28, 2017, he was at CTA Station A when he engaged in a verbal altercation with a female CTA Employee about paying his fare. After the verbal altercation ended, two CPD Officers, later identified as Officer C #XXXXXX and Officer D #XXXX, arrived and ordered Subject 1 to leave the CTA station. Approximately fifteen minutes after being ordered to leave the CTA station, Subject 1 was taken into custody and placed in handcuffs, that were too tight, by Officer A #XXXXXX. Subject 1 informed Officer A that the handcuffs were too tight but Officer A did not take any action to loosen the handcuffs.

After being handcuffed, Subject 1 was placed in a marked CPD SUV and transported to the 001st District Station. While en route to the station, Subject 1 kicked the rear door of the CPD SUV to get the attention of Officer A and Officer B #XXXX, when Officer B “slammed” on the breaks of the CPD SUV causing Subject 1 to strike the metal partition with the left side of his face. Both Officers B and A then threatened to beat Subject 1 if he did not stop kicking the CPD SVU door.

Upon arrival at the 001st District Station, Subject 1 informed Officers D and C that he needed medical attention for injuries to his lower left ear and bruising to the left side of his face. Officers D and C ignored Subject 1's request. Ultimately, Subject 1 presented for medical treatment on March 6, 2017, at Medical Clinic A after he was released from custody. (Att. 15.)

Accused Officer Interviews

In a **statement to COPA**⁴ on November 27, 2017, **Officer B #XXXX**, advised that on February 28, 2017, he was on duty when he and his partner, Officer A #XXXXXX, responded to the CTA Station A located at XXX W. Lake Street, Chicago IL 60661, to assist Tactical Officers, later identified as Officer D #XXXXXX and Officer C #XXXXXX, with transporting an arrestee, later identified as Subject 1.

Upon arrival, Officer B observed Subject 1 near the turnstiles at the entrance to the train station. Once Subject 1 was identified to him by Officers D and C, Officer B escorted him to the street level. While escorting Subject 1, Officer B observed that Subject 1 had red eyes and a “bright red face.” Additionally, Officer B smelled the impurities of alcohol emitting from Subject 1. Based on these observations, Officer

³ Subject 1 declined to provide a recorded statement.

⁴ Officer B elected to waive his right to counsel and provided his statement without representation. (Att. 45.)

B believed that Subject 1 was intoxicated. Further, as Officer B escorted Subject 1 to the street level, Subject 1 was complaining about being arrested. Officer B does not recall if Subject 1 complained about his handcuffs being too tight.

Once at the street level, Subject 1 was placed in the rear of a marked CPD vehicle.⁵ After Subject 1 was in the vehicle, Officers B and A drove Subject 1 to the 001st District Lockup. Officer B advised that he was driving the vehicle and estimated the travel distance to be approximately two and one half (2.5) miles, which would take between ten (10) and twenty (20) minutes to travel.

While being transported to the 001st District Lockup, Subject 1 began to kick one of the vehicle doors⁶ and became verbally abusive.⁷ Once at 001st District Lockup, Subject 1 was taken inside. An inspection of the CPD vehicle did not indicate that Subject 1's kicking caused any damage.

Officer B advised that he did not observe any physical injury to Subject 1 at any time during their interaction. Additionally, Officer B did not recall Subject 1 having any complaint of injury.⁸ Furthermore, Officer B does not recall Officer A speaking to Subject 1 during the transport from the CTA Station to the 001st District Lockup; in fact, Officer B advised that he closed the sliding window of the partition between the front and rear seats to reduce the verbal abuse from Subject 1. (Att. 46.)

Commented [CS1]: It says in the footnote that the Officer believed the Subject was taken to Northwestern or Mercy, however, the Subject never says he went to those hospitals and the investigator did not obtain any records or send a subpoena to either hospital so I did not redact their names, as it does not appear anything ever occurred at either place.

In a **statement to COPA** on November 27, 2017, **Officer C #XXXXX**, advised that on February 28, 2017, he was on duty when he and his partner, Officer D #XXXX, were dispatched to CTA Station, A located at XXX W. Lake Street, Chicago, IL 60661, in refence to a man blocking the turnstile entrances to the station.

Upon arrival, Officer C spoke to a CTA employee and learned that a male, later identified as Subject 1, was trespassing by blocking the handicap turnstile. After speaking to the CTA employee, Officer C observed Subject 1 standing in front of the handicap entrance to the station. Officer D asked Subject 1 to leave the station, however Subject 1 refused. In response, Officer C asked the CTA employee what she would like done. The CTA employee informed Officer C that she wanted Subject 1 arrested.

Upon learning that the CTA employee wanted Subject 1 arrested, Officer D placed Subject 1 in handcuffs, while Officer C completed his investigation. Shortly after being placed in handcuffs, Beat XXXX, later identified as Officer B #XXXX and Officer A #XXXXX, arrived and transported Subject 1 to the 001st District Lockup. Officers C and D responded to the 001st District Lockup and completed processing Subject 1's arrest.

Officer C did not observe any indication of injury during his interaction with Subject 1. Additionally, Officer C did not observe any indication that Subject 1 was intoxicated. Further, once at the 001st District Lockup, Subject 1 never requested medical treatment from Officer C. Finally, Officer C could not recall Subject 1 expressing any issue with his arrest or handcuffs after being placed under arrest. (Att. 57.)

⁵ Officer B advised that the CPD vehicle used was an "old car," specifically a Ford Crown Victoria that had issues with the seat belts.

⁶ Officer B could not recall which door Subject 1 was kicking.

⁷ Officer B could not recall the exact words Subject 1 was using but characterized Subject 1's words as "typical drunk guy stuff."

⁸ Officer B believed that Subject 1 was taken to either Northwestern Hospital or Mercy Hospital, however Officer B does not recall the reason Subject 1 was taken to the hospital. Officer B was not certain that Subject 1 was taken to the hospital for treatment.

In a **statement to COPA** on December 6, 2017, **Officer D #XXXX** advised, that on February 28, 2017, he was on duty when he and his partner, Officer C #XXXXXX, were dispatched to the CTA Station A, located at XXX W. Lake Street, Chicago, IL 60661, for a disturbance where a male was blocking the turnstiles.

Upon arrival, Officers D and C spoke to the female CTA employee who advised that a male, later identified as Subject 1, was blocking the handicap turnstile. After speaking to the CTA employee, Officers D and C spoke to Subject 1 and requested that he leave the station. Subject 1 did not respond to their request. After Subject 1 failed to respond, Officers D and C asked the CTA employee if she would like Subject 1 arrested. The CTA employee advised that she did.

Once confirming that the CTA employee wanted Subject 1 arrested, Officers D and C took him into custody. Officer D could not recall who placed Subject 1 in handcuffs. Once Subject 1 was in handcuffs, Officers D and C requested assistance with transporting Subject 1 to the 001st District Lockup. Beat XXXX, later identified as Officer B #XXXX and Officer A #XXXXX, arrived and transported Subject 1 to 001st District Lockup. Officers D and C left the CTA station and drove to 001st District Lockup.⁹ Upon arrival at 001st District Lockup, Officers D and C searched Subject 1, handcuffed him to a stationary ring, and completed the arrest processing.

During all of Officer D's interactions with Subject 1, Officer D did not observe any indication of injury to Subject 1. However, Officer D did observe that Subject 1 had the odor of alcohol impurities emitting from his person.¹⁰ Once at the 001st District Lockup, Subject 1 never requested medical treatment. Finally, Officer D did not recall Subject 1 expressing any concerns over his arrest or the positioning of the handcuffs. (Att. 63.)

Documentary Evidence

CPD Reports

An **Initiation Report dated February 28, 2017**, from Lieutenant A, #XXXX, details that on February 28, 2017, Subject 1 entered the 001st District and alleged that he was verbally threatened and handcuffed too tightly. Additionally, Subject 1 alleged that while he was being transported, the driver of the vehicle "slammed on the breaks" causing Subject 1 to cut his ear. Further, Subject 1 alleged that he was denied medical treatment. The report does not detail any visible injuries to Subject 1. (Att. 2.)

An **Arrest Report dated February 28, 2017, for CB XXXXXX**, details the arrest of Subject 1 by Officer D, #XXXX and Officer C #XXXXX, on a signed complaint of trespassing at the Chicago Transit Authority (CTA) train station located at XXX W. Lake Street, Chicago IL 60661. Subject 1 was transported to 001st District Lockup. Additionally, the Arrest Report lists Officer B #XXXX and Officer A #XXXXX as assisting officers. Finally, the booking photograph of Subject 1 does not depict any injuries to the left side of his face or left ear. (Att. 4, 18.)

Medical Records

Medical Treatment Records for Subject 1 revealed, that on Monday, March 6, 2017, he presented at Medical Clinic A with complaints of injuries to the left side of his face. Subject 1 advised that on "Saturday,"¹¹ he was struck on the "front of his head" while "on [the] street" and his left eye was injured.

⁹ Officers C and D both advised that they did not follow the transport vehicle to the 001 District Lockup.

¹⁰ Officer D explained that while Subject 1 smelled of alcohol, he was not "falling down" drunk.

¹¹ It is presumed that the "Saturday" referenced was March 4, 2017, which is the Saturday immediately prior to Subject 1's treatment.

The Physician’s Notes detail that Subject 1 had swelling to his right eye but there was no indication of lasting damage. Subject 1 was prescribed ice and ibuprofen. Additionally, when answering the Mental Health History question of “[h]ave you been hit, kicked, physically hurt or sexually abused by anyone within the past year?” Subject 1 circled yes and wrote “hit, Sunday.”¹² There is no indication that Subject 1 received additional treatment following his February 28 interaction with CPD.¹³ (Att. 22.)

CTA Surveillance Footage

Surveillance Footage from the CTA Station, located at XXXX W. Lake Street, shows Subject 1 approach the turnstiles to enter the station. Once at the turnstiles, he swipes a farecard over the reader and attempts to open the handicap gate; however, a CTA employee prevents him from entering the station. Subject 1 engages in a conversation with two different CTA employees for several minutes, during which time he is blocking access to the handicap turnstile. Additionally, Subject 1 is depicted speaking to passing CTA customers.

After thirty (30) minutes, two plain clothes CPD Officers, later identified as Officer C¹⁴ and Officer D,¹⁵ arrive at the station and approach Subject 1 and the CTA employee. The officers engage Subject 1 and the CTA employee in conversation. After speaking to both Subject 1 and the CTA employee, Officers C and D place Subject 1 in handcuffs. The footage depicts Subject 1 standing in handcuffs. Additionally, the footage depicts Officer C speaking to the CTA employee and taking notes.

After nine (9) minutes, Officers C and D escort Subject 1 from the view of the camera. The footage does not depict Subject 1 interacting with Officers B or A. (Att. 47.)

Submitted by:

Approved:

Investigator, COPA

Supervising Investigator, COPA

Analysis:

The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard. During its investigation, COPA obtained CTA Surveillance Footage that conclusively showed that Officer A never placed Subject 1 in handcuffs. Additionally, both Officers C and D confirmed during their statements that they had placed Subject 1 in handcuffs.

Based on the evidence, COPA determined that Officer A did not place Subject 1 in handcuffs, and therefore could not have placed the handcuffs too tightly on Subject 1’s wrists.

¹² It is presumed that the “Sunday” referenced was March 5, 2017, which is the Sunday immediately prior to Subject 1’s treatment.

¹³ A review of Subject 1’s arrest history, revealed that on March 5, 2017, he was arrested in the 015th District under RD XXXXXXXXXX / CB XXXXXXXXXX. The arrest report indicates that when CPD Officers encountered Subject 1 he had “an open wound/laceration” on the “left side of his face below the left eye from a previous unknown incident.” Additionally, the report details that Subject 1 was taken to a hospital for treatment of his injuries. The photograph of Subject 1 taken during the booking process documents the injuries. (Att. 65.)

¹⁴ Officer C is wearing dark pants, dark shirt, tactical vest, dark jacket and a baseball hat with a white front. (Att. 56.)

¹⁵ Officer D is wearing dark pants, dark shirt, tactical vest, dark jacket and a dark baseball hat. (Att. 56.)

During its investigation, COPA learned that while Subject 1 was transported to 001st District Lockup, based on his own admission and the statement of Officer B, he kicked one of the rear doors of the CPD transport vehicle. However, COPA was unable to locate any evidence to corroborate Subject 1's allegation that Officer B "intentionally slammed" on the brakes of the transport vehicle causing Subject 1 to strike the metal divider. Additionally, the booking photograph of Subject 1 does not depict any injuries to his person. Further, Subject 1's medical records detail injuries to the left side of his face and his admissions during treatment cast doubt on when the injuries occurred. Specifically, Subject 1 informed the medical provider that he received the injuries several days after his interaction with Officers B and A.

Based on the evidence, COPA determined that there is insufficient evidence to support or refute Subject 1's allegation that Officer B "intentionally slammed" on the breaks of the transport vehicle causing Subject 1 to strike the metal divider.

During its investigation, COPA was unable to locate any evidence to corroborate Subject 1's allegation that Officers B and A threatened to "beat" him while he was being transported to the 001st District Lockup. COPA did learn from Officer B that, while being transported, Subject 1 was verbally aggressive, which caused Officer B to close the window in the metal divider.

Based on the evidence, COPA determined that there is insufficient evidence to support or refute Subject 1's allegations that Officers B and A threatened to "beat" Subject 1 during his transport to the 001st District Lockup.

During its investigation, COPA was unable to locate any evidence to corroborate Subject 1's allegation that Officers C and D failed to seek medical treatment for Subject 1, despite his requests. Additionally, COPA learned through the statements of Officers C and D and the February 28, 2017 booking photograph that Subject 1 did not appear to have any injuries to his person. Further, COPA learned through the statements of Officers C and D that Subject 1 did not express any need for medical treatment.

Based on the evidence, COPA determined that there is insufficient evidence to support or refute Subject 1's allegations that Officers C and D failed to seek medical treatment for Subject 1, despite his requests.

Conclusion:

COPA recommends the finding of **Unfounded** for Allegation 1, against Officer A #XXXXXX, that on February 28, 2017, he placed handcuffs too tightly on Subject 1.

COPA recommends the finding of **Not Sustained** for Allegation 2, against Officer A #XXXXXX, that on February 28, 2017, he threatened to beat Subject 1.

COPA recommends the finding of **Not Sustained** for Allegations 1 and 2 against Officer B #XXXX, that on February 28, 2017, he intentionally slammed on the brakes causing Subject 1 to strike the left side of his head against the metal divider; and threatened to beat Subject 1.

COPA recommends the finding of **Not Sustained** for Allegation 1 made against Officer C #XXXX, that on February 28, 2017, he failed to seek medical treatment for Subject 1, despite Subject 1's request for medical treatment.

COPA recommends the finding of **Not Sustained** for Allegation 1 made against Officer D #XXXX, that on February 28, 2017, he failed to seek medical treatment of Subject 1, despite Subject 1's request for medical treatment.

Deputy Chief Administrator, COPA

Findings:

Officer A #XXXXXX

Allegation 1 – Unfounded
Allegation 2 – Not Sustained

Officer B #XXXXXX

Allegation 1 – Not Sustained
Allegation 2 – Not Sustained

Officer C #XXXXXX

Allegation 1 – Not Sustained

Officer D #XXXX

Allegation 1 – Not Sustained