

## SUMMARY OF INCIDENT

On June 6, 2017 at approximately 7:03 AM, police officers responded to a domestic issue between two sets of neighbors in an apartment building located at XXXX N. Troy Street. The complainant, Subject 1, was arrested for misdemeanor battery. Subject 1 alleged that he was arrested without justification and handcuffed too tightly.

## ALLEGATIONS

The complainant, Subject 1, went to the 17<sup>th</sup> District Chicago Police Department (CPD) station on June 6, 2017 at approximately 4:00 PM. The Independent Police Review Authority (IPRA) was then contacted by CPD regarding Subject 1's complaint.<sup>1</sup> (Att. 4)

It is alleged that on June 6, 2017 at approximately 7:03 AM near XXXX N. Troy Street, **Sergeant A, Star #XXXX** while on duty:

1. Arrested Subject 1 without justification in violation of Rule 2 and Rule 6 in relation to the Fourth Amendment of the United States Constitution.
2. Applied handcuffs too tightly on Subject 1 in violation of 2, Rule 6 in relation to General Order G03-02, Rule 8, and Rule 9.

## APPLICABLE RULES AND LAWS

**Rule 2:** prohibits, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."

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

**Rule 8:** prohibits, "Disrespect to or maltreatment of any person, while on or off duty."

**Rule 9:** prohibits, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

**Chicago Police Department Directive, General Order G03-02, Use of Force Guidelines:**<sup>2</sup> "When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances."

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<sup>1</sup> 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.

<sup>2</sup> The Use of Force policy noted in this report was effective from October 1, 2002 until October 16, 2017.

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“Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.”

**Fourth Amendment to the United States Constitution:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

## INVESTIGATION

### Department Reports and Records

Subject 1’s arrest report from June 6, 2017 was obtained with RD #JAXXXXXX. Per this report, Subject 1 was arrested on a sidewalk outside of XXXX N. Troy Street at approximately 7:03 AM. Subject 1 was arrested for battery against his upstairs neighbor, Civilian 1. Subject 1 reportedly pushed Civilian 1, “in the chest with two open hands causing her to fall against a wall.” It was reported that Subject 1 had “obvious pain or injury,” in the form of “minor scrapes on right side of forehead and on right elbow.” A Detective Supplementary Report was also found for RD #JAXXXXXX that contained similar information. (Atts. 6, 51)

Office of Emergency Management and Communications (OEMC) communications were obtained regarding Subject 1’s allegations from June 6, 2017. Multiple units responded to a domestic dispute at XXXX N. Troy Street, including the following Beats: XXXX (Officers A and B), XXXX (Officer C), XXXX (Officer D), XXXXX (Officer E), XXXX (Officer F), and XXXX (Sergeant A). At approximately, 7:52 PM, a CPD Evidence Technician took photos of Subject 1’s wrists. (Atts, 12, 13, 14, 15)

In audio from calls placed to 911 on June 6, 2017 at 6:35 AM, Civilian 2, the daughter of Subject 1’s girlfriend, reported that the neighbors from the second floor were hitting her parents. The girl stated that her step-father (identified as Subject 1) was being held in headlock. A call was placed at 6:38 AM by Civilian 1 stating that her downstairs neighbor (identified as Subject 1) came upstairs and started a fight with the Civilian 1 family. Civilian 1 related that Subject 1 was complaining about the Civilian 1 family leaving doors open. Civilian 1 further related that Subject 1 was screaming, pushed Civilian 1, and Civilian 1 came out. Civilian 1 stated that her hand was injured but she did not need an ambulance.

At 7:04 AM, Subject 1’s girlfriend, Civilian 3, called 911 stating she was “violated” by police officers. Civilian 3 stated Subject 1 was being arrested for no reason and she wanted to “call the cops on the cops” because the situation was unfair. Civilian 3 related that she was hit and wanted an ambulance. The call was transferred to the fire department but Civilian 3 told them she did not want ambulance. Civilian 3 was upset and “distracted” during this phone call. Civilian 3 also related that someone “assaulted” her but the police would not press charges. (Att. 10)

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No relevant body-worn camera (BWC) video footage was identified as the 17<sup>th</sup> District did not have BWC at the time of this incident.<sup>3</sup>

A crime scene processing report was obtained that included photos of Subject 1's wrists after his June 6, 2017 arrest. A sampling of photos of Subject 1's wrists taken by a CPD Evidence Technician can be seen below. (Atts. 17, 48)



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<sup>3</sup> Source: <http://chicago.cbslocal.com/2017/12/10/cpd-body-camera-expansion-completed/>

### **Complainant Interview, Subject 1**

Subject 1 related that on June 6, 2017, he was having an issue with his upstairs neighbors (the Civilian 1 family) because they were leaving doors open in the apartment building located at XXXX N. Troy Street. Subject 1 stated that he and Civilian 4 were in a verbal argument and Civilian 1 “jumped in the middle.” Subject 1 stated that Civilian 1 pretended to walk away and then “sucker punched” Subject 1. Subject 1 stated he tried to defend himself, but multiple members of the Civilian 1 family joined in. Subject 1 related that his girlfriend, Civilian 3, and her daughter, Civilian 2, came into the stairwell. Civilian 1 then walked down the stairs and struck Civilian 3. Subject 1 eventually broke free and re-entered his apartment.

According to Subject 1, when the police arrived, he and Civilian 3 tried to give the officers their statements, but the officers went straight to the Civilian 1’ apartment. Subject 1 believed the officers took the Civilian 1’ statement but no officers took a statement from Subject 1 or Civilian 3. An officer in a white shirt (identified as Sergeant A) approached and reportedly told Subject 1 that he was going to write a report and the two families could “handle it in court.” Subject 1 stated it was “bullshit” no one was being arrested and told the sergeant he was going to file a civil lawsuit. Subject 1 stated he had no intention of filing a lawsuit but was “mad and frustrated at the time.” Sergeant A responded to Subject 1’s comment by “forcefully” saying “here you want to see somebody get arrested,” before turning Subject 1 around and aggressively placing the complainant in handcuffs. Subject 1 denied that he ever battered Civilian 1 and claimed that he was the one who was attacked. Subject 1 complained that his handcuffs were placed too tightly to the point where he was unable to turn his wrists. Subject 1 believed that Sergeant A was angry at him. Subject 1 was put into a CPD vehicle by Sergeant A and told he was being arrested for trespassing. Subject 1 started apologizing to the officers but was transported to the police station. Subject 1 stated that once at the station, an officer loosened his handcuffs. Subject 1 also stated that his wrists were swollen from the handcuffs. (Att. 26, 30)

### **Witness Interview, Civilian 3**

Subject 1’s girlfriend and household member, Civilian 3, related that on June 6, 2017, she and Subject 1 had an altercation with the upstairs neighbors (identified as the Civilian 1 family). Civilian 3 stated it began by reminding the Civilian 1 family to close the basement door but “words got out of hand,” the Civilian 1 family was upset, and the Civilian 1 family “resorted to violence.” Civilian 3 stated that Mr. and Mrs. Civilian 1 “made the first move to hit” Subject 1. Civilian 4 reportedly hit Subject 1 and a fight started between the two men which included “pushing and punching.” Civilian 3 maintained that Subject 1 was defending himself and trying to extract himself from a headlock. Civilian 3 stated that she heard screaming while in the shower and went out to the porch while wearing a towel. Civilian 3 then saw Civilian 4 and Subject 1 fighting. Civilian 3 stated that additional members of the Civilian 1 family were arriving and “jumping” on Subject 1. Mrs. Civilian 1 was reportedly keeping Civilian 3 from helping Subject 1 and tried fighting Civilian 3. Civilian 3’s daughter (identified as Civilian 2) approached and Civilian 3 told her to call 911 so the police could assist. Eventually Subject 1 broke free and he and Civilian 3 went back into their apartment to wait for the police.

Civilian 3 stated that when the police arrived, members of the Civilian 1 family approached and Civilian 3 told them they could not talk to the police first. Civilian 3 related that she saw the officers going to the Civilian 1' apartment and giving the Civilian 1 family a piece of paper, but the officers did not get a statement from Civilian 3. Civilian 3 was asked to stay in her apartment, and she complied. Civilian 3 reported that everyone from both households was on the porch and she was talking to Subject 1 about how no one was being arrested. Civilian 3 stated she told the officers she wanted to press charges against Civilian 1, but the officers would not listen to Civilian 3. Civilian 3 said that officers handed someone in the Civilian 1 family a piece of paper and as soon as she and Subject 1 complained that no one was being arrested, Subject 1 was placed in handcuffs. Civilian 3 alleged that an officer in a white shirt (identified as Sergeant A) turned to Subject 1, stated, "you want to see someone get arrested, alright," and arrested Subject 1. Civilian 3 then called 911 because she felt she was treated unfairly and did not like "the set of cops" that initially responded. Subject 1 was reportedly asking the officers why he was being arrested and was told it was for fighting. Civilian 3 stated that she asked the transport officers (identified as Officer A and Officer B) why Subject 1 was arrested and Officer B told her that he was just following directions. Civilian 3 stated she did not hear Subject 1 complaining about the handcuffs being too tight. Civilian 3 speculated that Subject 1 was arrested for being outspoken and complaining with Civilian 3 that the situation was unfair. Civilian 3 stated that the officers did not do their job in protecting her as a victim in this situation. (Att. 22, 29)

#### **Accused Interview, Sergeant A**

Sergeant A stated that on June 6, 2017, he was working as a Beat Sergeant in the 17<sup>th</sup> District when he responded to a call at XXXX N. Troy Street and encountered Subject 1. The Sergeant related that Beat XXXX (Officer A and Officer B) responded to a domestic disturbance and requested backup, so Sergeant A responded. When Sergeant A arrived, he learned that there was a domestic disturbance at this address between two sets of neighbors. Sergeant A stated that it seemed like both parties were mutually combative. After talking to Civilian 1 and the building's landlord, Sergeant A determined Subject 1 was the aggressor and he was arrested. Civilian 1 had also signed a complaint against Subject 1. According to Civilian 1, Subject 1 "pounded" on the Civilian 1' door and began arguing with Civilian 1 when she opened the door. Civilian 4 then got involved and Subject 1 reportedly shoved Civilian 1 to get to Civilian 4.

Sergeant A stated that Subject 1 and members of his family were given the opportunity to tell officers their version of events. Sergeant A determined that Subject 1 was the primary aggressor. The Sergeant related that no members of the Civilian 1 family were arrested because Subject 1 instigated the situation. The sergeant denied that he told Subject 1 something to the effect of, "do you want see someone get arrested" and immediately placed Subject 1 into handcuffs. Sergeant A stated that once he told Subject 1 he was being arrested for battery, Subject 1 complied. Subject 1 was reportedly complaining but did not resist being handcuffed. (Att. 34)

#### **Witness Interview, Officer B**

Officer B reported that on June 6, 2017, he was working as a Field Training Officer (FTO) in the 17<sup>th</sup> District and partnered with Probationary Police Officer (PPO) A. Officer B recalled Subject 1 and being present at XXXX N. Troy Street. Officer B related that he and Officer A

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responded to a call for service of a battery in progress. Officer B and Officer A were the first officers on scene. Officer B described the scene when he arrived as, “mass confusion, mass chaos” with “adults and children on the front lawn” and front porch. Officer B immediately called for backup because the two families needed to be separated and the scene was too chaotic for Officer B to manage. Officer B recalled that there was a dispute involving a couple on the first floor (Civilian 3 and Subject 1) and a couple on the second floor (the Civilian 1 family).

Officer B stated that once backup arrived, the two families were separated. After all the involved parties were interviewed, it was determined that Subject 1 had committed a battery against his upstairs neighbor (identified as Civilian 1). Civilian 1 alleged that Subject 1 committed a battery and she also had injuries. Officer B stated that he personally spoke to “everybody” on scene. Officer B reported that Subject 1 told him that “he didn’t do anything.” Subject 1 was complaining about the Civilian 1 family creating a bedroom in the back porch. Officer B believed a dispute about the back porch prompted the altercation between Subject 1 and the Civilian 1 family. The Civilian 1 family alleged that Subject 1 “came upstairs screaming” and pushed Civilian 1. Officer B believed Mrs. Civilian 1 had cancer, which caused her to have a weakened physical state and her hand was injured when she was pushed. Civilian 4 saw Subject 1 push Civilian 1 and a fight ensued with Subject 1. Eventually, Civilian 3 arrived, creating a “four-person fight.”

Officer B stated he saw Sergeant A interviewing people on scene. The Sergeant determined Subject 1 was the primary aggressor. Civilian 1 signed a complaint, so Sergeant A placed Subject 1 into custody. Officer B stated he was standing next to Subject 1 and the sergeant when Subject 1 was arrested. The Sergeant told Subject 1 to place his hands behind his back. Subject 1 complied and was placed into handcuffs. Officer B denied hearing Sergeant A make a comment to the effect of “you want to see someone get arrested?” before placing Subject 1 into handcuffs. Subject 1 was then transported by Officers B and A. Officer B related that Subject 1 did not complain about the tightness of the handcuffs. Officer B stated that he was the one who removed Subject 1’s handcuffs once they arrived at the police station. (Att. 32)

### **Witness Interview, Officer A**

Officer A reported that on June 6, 2017, she was working as a PPO and partnered with FTO B. According to Officer A, she and Officer B were dispatched to a call at XXXX N. Troy Street and encountered Subject 1. Officer A recalled that there was a disturbance between tenants at this address and that the scene was “chaotic.” Officer B called for backup and multiple squad cars responded. Officer A stated that she was attempting to “collect information from both sides.” The officer related there was an ongoing dispute between the two sets of neighbors. Officer A related that she spoke to Civilian 3 and took her information and also spoke with Civilian 1. Officer A recalled that Subject 1 was agitated. Officer A stated that she saw Sergeant A speaking with Subject 1, but she did not see Subject 1 being handcuffed. Officer A stated that when Subject 1 was in the squad car with her, he asked to speak with the sergeant because he had to go to work. Officer A stated that she remained quiet while Subject 1 was speaking to her. Officer A believed Subject 1 was arrested on a signed complaint. (Att. 39)

### **Witness Interview, Officer D**

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According to Officer D, on June 6, 2017, she responded to an incident in an assistance capacity and was working without a partner. After reviewing relevant Department records, Officer D recalled Subject 1 and being at XXXX N. Troy Street. Officer D believed there was a call related to someone breaking into the rear of a home, but she was not certain. Officer D recalled that she stood outside the home on the sidewalk. She did not recall speaking with anyone on scene. Officer D related that there were a lot of officers and civilians on scene and there was a “commotion.” Officer D recalled Sergeant A placing Subject 1 into handcuffs but she did not know why Subject 1 was arrested. Officer D stated that she did not see anything unusual when Subject 1 was handcuffed. (Att. 44)

### **Witness Interview, Officer C**

Officer C reported that on June 6, 2017, he on duty and was not working with a partner. Per Officer C, he recalled being at XXXX N. Troy Street after reviewing Subject 1’s arrest report from June 6, 2017. Officer C responded to a call for an assist unit regarding a dispute between two sets of neighbors. The officer recalled “a lot of people” were outside and arguing in front of the building. Officer C stated that there were two groups of people and he tried to keep the two groups separate. Officer C recalled that everyone on scene was “yelling and arguing,” but he did not specifically recall Subject 1’s behavior. Officer C reported that he was approximately 10 feet away from Sergeant A when he handcuffed Subject 1. Officer C did not hear Subject 1 complain the handcuffs were too tight. Officer C did not hear Sergeant A say something to the effect of “Do you want to see someone get arrested?” before placing Subject 1 into handcuffs. Officer C stated that the Sergeant was professional during this incident. (Att. 45)

### **Witness Interview, Officer E**

Officer E stated that he was on-duty in the 17<sup>th</sup> District as a Problem Buildings Officer and without a partner. On June 6, 2017, Officer E responded to a call for additional officers related to a dispute between neighbors at XXXX N. Troy Street. Officer E described the scene as chaotic. Officer E stated that while Officer B conducted a preliminary investigation, Officer E was standing with Subject 1. Officer E recalled that Subject 1 wanted Civilian 4 to be arrested. Subject 1 “appeared to be provoking” Civilian 4. Officer E went with Civilian 4 to the second-floor apartment where the officer saw a curtain hung, making the back porch into a bedroom. Civilian 4 related that Subject 1 came through this rear bedroom space and knocked on the Civilian 1’ door. Civilian 4 was reportedly in the bathroom when Subject 1 knocked, but Civilian 4 heard an argument, came to the door, and got in the fight with Subject 1. Officer E did not recall any interactions between Subject 1 and Sergeant A. Officer E believed Subject 1 was the “aggressor in the situation” and he had gone through the Civilian 1’ personal space. Officer E stated Subject 1 provoked a physical altercation with the Civilian 1 family and was the cause of the problem. (Att. 50)

### **Witness Interview, Officer F**

Officer F did not recall any details from June 6, 2017. After reviewing Attendance and Assignment sheets from this day, Officer F related that he was on-duty and he believed he did not have a partner on this date. Officer F did not remember Subject 1, the Civilian 1 family, the incident

in question, or being at XXXX N. Troy Street. Officer F described Sergeant A as a “very professional supervisor.” (Att. 41)

**Attempted Witness Statements**

Civilian 5 was identified as Subject 1’s neighbor who went with Subject 1 to the police station to make a complaint. A telephone call was placed to Civilian 5 in which he related that Subject 1 and Civilian 3 were not treated fairly by the police. Civilian 5 stated that Subject 1 and Civilian 3 were very upset and he perceived CPD as disregarding the couple because they were “over emotional.” Civilian 5 did not believe the officers accurately assessed who “did the attacking” in this situation. Civilian 5 also believed that the officers unfairly reacted to the couple because they are young and because of their ethnicities. Civilian 5 also thought it was inappropriate that the officers were handling the situation outside. Civilian 5 described the situation as a “mishandling of justice” for Subject 1 and Civilian 3 because both of them were hit by members of the Civilian 1 family. Civilian 5 related that Subject 1 asked the Civilian 1 family to close their door and the Civilian 1 family responded by fighting Subject 1. Civilian 5 further related that he believes CPD protects “gang-bangers” and that officers from the 17<sup>th</sup> District tend to be negative and defensive. Attempts to bring Civilian 5 in for an interview were unsuccessful. (Att. 52)

Attempts to contact Civilian 1 for an interview were unsuccessful. (Att. 53)

**Cook County Circuit Court**

A docket was obtained for the criminal charges stemming from Subject 1’s June 6, 2017 arrest with Case Number XXXXXXXXXXXX. Subject 1 was charged with misdemeanor battery – make physical contact. On July 6, 2017, Subject 1 was ordered into the deferred prosecution program. On October 18, 2017, the case was stricken off with leave to reinstate. (Att. 54)

*Approved:*

*Submitted:*

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Supervising Investigator 1

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Investigator 1



## ANALYSIS AND CONCLUSION

COPA recommends a finding that **allegation #1**, that **Sergeant Sergeant A** arrested Subject 1 without justification, be **Unfounded**.

COPA recommends a finding that **allegation #2**, that **Sergeant Sergeant A** applied handcuffs too tightly on Subject 1, be **Unfounded**.

The available evidence shows that Subject 1 approached the Civilian 1' home and confronted Mrs. And Mr. Civilian 1. A physical altercation ensued and police were called by both parties. CPD members recalled that the scene was chaotic and the involved civilians were emotional. The parties were separated and officers recalled having contact with both sides. Civilian 3 and Subject 1 alleged they were not given the opportunity to tell officers their version of events. However, multiple officers on scene related that they spoke with Subject 1 and Civilian 3 and the couple was given the opportunity to tell their side of the story. Ultimately, after investigation, Sergeant A believed that Subject 1 pushed Civilian 1 leading to his arrest. Subject 1 choose to enter the Civilian 1' private space and physically engage Civilian 1. Subject 1 denied that he battered Civilian 1 however, under the circumstances Sergeant A determined Subject 1 pushed Civilian 1 and thus had probable cause to arrest Subject 1 for battery.

Finally, it is not believed that Sergeant A applied Subject 1's handcuffs to tightly. There were no major injuries and Subject 1 did not need medical treatment as a result of the handcuffs. Crime scene processing photos of Subject 1's wrists after his June 6, 2017 arrest show minor scrapes and redness. However, these marks do not appear to be significant or indicative of excessive force. By design, handcuffs are uncomfortable and can be unpleasant to wear. Further, none of the witness officers believed Sergeant A was excessive or inappropriate in how he placed Subject 1 into handcuffs.

*Approved:*

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Deputy Chief Administrator

**FINDINGS**

**Accused 1:**                **Sergeant A, Star #XXXX**

**Allegation 1-2:**        **Unfounded**