

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

|                                   |                          |
|-----------------------------------|--------------------------|
| Date of Alleged Incident:         | November 5, 2016         |
| Time of Alleged Incident:         | 11:42 a.m.               |
| Location of Alleged Incident:     | XXXX, Chicago, Illinois  |
| Date / Time of COPA Notification: | March 3, 2017, 4:52 p.m. |

Complainant, Subject 1, alleges that an officer injured him by closing the door of a CPD vehicle onto his left hand or wrist during his arrest and that CPD members then failed to transport him for medical treatment despite his request that they do so. However, this investigation reviewed evidence showing that Subject 1 sustained his injury in an accident on the day preceding his arrest. No evidence supports Subject 1’s claim that he sought medical transport by the CPD or that CPD members ignored a such a request.

**II. INVOLVED PARTIES**

|                     |  |
|---------------------|--|
| Involved Member #1: | Unidentified Members                               |
| Subject #1:         | Subject 1, d.o.b January 21, 1967 (51 y.o.a.), M/B |

**III. ALLEGATIONS**

| <b>Officer</b>       | <b>Allegation</b>  | <b>Finding</b> |
|----------------------|--|----------------|
| Unidentified Members | 1. The Complainant, Subject 1, alleges that an officer closed the door of a CPD vehicle onto Subject 1’s left hand or wrist, causing injury, and that CPD subsequently denied him medical attention. | UNFOUNDED      |

**IV. APPLICABLE RULES AND LAWS**

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| Municipal Ordinances  |
| 1. Municipal Code of Chicago, §2-78-110   |
| Rules   |
| 1. Rule 8, Chicago Police Department Rules of Conduct (prohibiting maltreatment). |

## V. INVESTIGATION<sup>1</sup>

This investigation was triggered by a February 16, 2017 letter from Complainant to the Independent Police Review Authority [“IPRA”].<sup>2</sup> On March 22, 2017, IPRA determined that the Complainant’s letter did not allege intentional excessive force, but that, instead, it alleged mere neglect. Thus, IPRA transferred this matter to the CPD’s Bureau of Internal Affairs [“BIA”]. On December 7, 2017, BIA arranged for the investigation to be transferred back to the Civilian Office of Police Accountability [“COPA”], which had replaced IPRA as CPD’s civilian oversight agency on September 15, 2017. The following analysis and conclusions are based on the evidence gathered by IPRA, BIA, and COPA.

### a. Interviews

**Complainant, Subject 1**, gave **Digitally Recorded Interviews** on December 4, 2017, and on January 30, 2018.<sup>3</sup> In his December 4, 2017 interview with BIA, Subject 1 stated that, after his arrest, a uniformed CPD officer closed the door of a CPD vehicle on his left hand. Subject 1 stated that he did not know whether the officer did so intentionally or unintentionally.

Subject 1 also stated that, while in custody, he repeatedly informed CPD members that he had injured his hand and that he needed medical treatment, but that CPD members failed to arrange such treatment. During his BIA interview, Subject 1 denied that his left hand was bandaged at any time while he was in custody. When confronted with the suggestion that his hand was already bandaged when he was arrested, Subject 1 stated that he had removed a carpal tunnel brace from his right wrist and then placed it on his left wrist while in custody. When shown a booking photograph showing a bandaged left hand, Subject 1 stated that, while in custody, he had moved the bandage from his right hand to his left hand. Subject 1 denied that he injured his left hand prior to his arrest. Among other things, he said, “I would have to go a hospital. I don’t have hospital records. I don’t have insurance. Ok, if I had any thing I had to go through emergency.” In response to the question, “So you were never treated at a hospital or a doctor’s office prior to your arrest?” Subject 1 responded: “Never.”

In his January 30, 2018 interview with COPA, Subject 1 initially denied having received treatment at West Suburban Medical Center [“WSMC”], but Subject 1 then acknowledged that he had, in fact, gone to WSMC for a sprain prior to his arrest. Subject 1 then provided COPA with a written authorization permitting WSMC to release his medical records. During the interview, Subject 1 maintained that his injury was caused by a CPD car door having been slammed on his hand, and not from any previous incident.

**CPD Sgt. A** (Star #XXXX) gave a **Digitally Recorded Statement**<sup>4</sup> on May 2, 2017. Sgt. A stated that he was the supervisor of the officers who arrested Subject 1. In that capacity, he

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<sup>1</sup>COPA and the CPD’s Bureau of Internal Affairs conducted a thorough and complete investigation. The following is a summary of the material evidence gathered by COPA and BIA and relied upon by COPA in its analysis.

<sup>2</sup>Attachment #4.

<sup>3</sup> Attachments # 62 and 72.

<sup>4</sup>Attachment #26.

observed Subject 1 at CPD's Homan Square facility after his arrest and saw a bandage on Subject 1's wrist. Arresting officers told Sgt. A that, after his arrest, Subject 1 informed them that he had recently sustained a wrist fracture in an automobile accident for which he was treated at WSMC. Sgt. A denied that Subject 1 requested medical treatment or that CPD members had ignored any such request.<sup>5</sup>

### b. Digital Evidence

A **Photograph**<sup>6</sup> of Subject 1's lower left arm taken at Unit 011 Male Lockup on November 5, 2016, at 2:26 p.m. shows the presence of an elastic wrapped bandage, extending from his forearm through mid-fingers.

### c. Documentary Evidence

An **Arrest Report** dated November 5, 2016,<sup>7</sup> reveals that CPD members arrested Subject 1 on November 5, 2016, at 11:42 a.m. during an undercover narcotics operation. The report documents that Subject 1 was received at the Unit 011 Male Lockup at 2:17 p.m. and that he was released on November 6, 2016, at 8:23 a.m. The Lockup Keeper Processing section records that Subject 1 showed obvious pain or injury and that his left wrist was bandaged.<sup>8</sup> The document makes no reference to Subject 1 requesting medical attention.

In a written **Witness Statement** dated May 19, 2017,<sup>9</sup> **Detention Aide 1** informed the BIA, that, at the time of Subject 1's admission to the Unit 011 Male Lockup, he observed Subject 1 wearing a "cast" on his left hand. Detention Aide 1 described Subject 1's left hand as "professionally bandaged." Detention Aide 1 further stated that he was unaware of Subject 1 requesting medical treatment while he was in custody.

**Medical Records of the West Suburban Medical Center**, Oak Park, Illinois,<sup>10</sup> reveal that on November 4, 2016, at 7:25 p.m., Subject 1 presented, claiming to have been involved in an automobile accident in which he had been riding a bicycle. According to those records, Subject 1 complained of "[e]xcruciating pain (Pain Scale 10/10)" to his left arm, which made him unable to lift it. The records show that WSMC staff treated Subject 1 with an injection to his upper left arm and ordered X-rays of Subject 1's left shoulder, elbow, wrist, forearm, and hand. The records also show that Subject 1 refused to submit to the X-rays or further treatment and left WSMC against medical advice at approximately 9:00 p.m.

## VI. ANALYSIS

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<sup>5</sup>The CPD's BIA interviewed three CPD officers whose names appear on Subject 1's arrest report. See Attachments # 35, 49, and 52. Each of the interviewed officers denied having any knowledge of Subject 1's injury or its cause.

<sup>6</sup>Attachment #6.

<sup>7</sup>Attachment #5.

<sup>8</sup>*Id.* at 4.

<sup>9</sup>Attachment #40 (Transcribed statement of Detention Aide 1).

<sup>10</sup>Attachment #77. COPA obtained these documents on February 6, 2018, through utilizing a written authorization provided by Subject 1 to COPA.

Applying a preponderance of the evidence standard, COPA has determined that Subject 1’s allegations of misconduct are unfounded. WSMC medical records show that Subject 1 injured his arm on the day before his arrest. While those records do not preclude the possibility that CPD personnel may have aggravated this injury, Subject 1 made no such claim. Instead, Subject 1 repeatedly denied having suffered or been treated for such an injury prior to his arrest until he was confronted by conflicting information. Subject 1 also denied that his left hand was bandaged at the time of his arrest and while he was in custody, only to acknowledge that it was after being confronted with the truth. Further, Subject 1’s arrest report and the statements of Sgt. A and Detention Aide 1 refute Subject 1’s claim that he requested (but was denied) medical transport. Detention Aide 1 noted the documentation of the pre-existing injury in the Arrest Report and he denied that Subject 1 requested medical treatment. Likewise, Sgt. A recalled the bandage on Subject 1’s arm when he arrived at lockup. COPA can posit no reason to disbelieve the CPD members or to conclude that anyone ignored Subject 1’s request for medical treatment. Therefore, COPA recommends a finding of UNFOUNDED as to Subject 1’s allegations.

**VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

| <b>Allegation</b>  | <b>Finding</b> |
|--|----------------|
| 1. The Complainant, Subject 1, alleges that an officer closed the door of a CPD vehicle onto Subject 1’s left hand or wrist, causing injury, and that CPD subsequently denied him medical attention. | UNFOUNDED      |

Approved:

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*Deputy Chief Administrator,  
 Chief of Investigations*

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 Date

Appendix A

Assigned Investigative Staff

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|------------------------------------|----------------------------|
| <b>Squad#:</b>                     | Squad #X                   |
| <b>Investigator:</b>               | Investigator 1             |
| <b>Supervising Investigator:</b>   | Supervising Investigator 1 |
| <b>Deputy Chief Administrator:</b> | Deputy Chief 1             |