

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 18, 2018
Time of Incident:	2:36am
Location of Incident:	████████████████████
Date of COPA Notification:	April 20, 2018
Time of COPA Notification:	5:12pm

Complainant, ██████ called 911 to report that he and his wife had an argument and she would not let him leave the residence. Officers responded, but ██████ objected to their entering his house. The officers informed ██████ that they had to investigate due to the nature of the call and instructed him to wait outside while they spoke with his wife. ██████ maintained his objections, refused to remain outside, and became confrontational with the officers. Officers arrested him, charging him with Domestic Battery, Obstruction, and Resisting Arrest.<sup>1</sup> ██████ complained to COPA that the officers cuffed him too tightly and that they damaged a door in his house as well as some of his personal belongings.

II. INVOLVED PARTIES

Involved Officer #1:	Brandon Ellison, Star #12599, Employee ID # ██████ DOA Oct. 31, 2012, Police Officer, Unit 004, DOB ██████, 1983, Male, Black
Involved Officer #2:	Harold White, Star #19795, Employee ID # ██████ DOA Apr. 12, 2017, Probationary Police Officer, Unit 044, DOB ██████ 1988, Male, Hispanic
Involved Individual #1:	████████████████████ 1963, Male, Black
Involved Individual #2:	█████ ██████████, 1971, Female, Black

<sup>1</sup> The State’s Attorney declined to prosecute ██████ for Domestic Battery and the Court ordered him to participate in the Cook County Deferred Prosecution Program for his Resisting Arrest and Obstruction charges.

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Ellison	1. The complainant, Mr. ██████████ alleged that on April 18, 2018, at approximately 2:38am, at ██████████ the accused utilized excessive force during his arrest in Violation of Rule 8.	Unfounded
	2. The complainant, Mr. ██████████ alleged that on April 18, 2018, at approximately 2:38am, at ██████████ the accused intentionally damaged his personal property in Violation of Rule 2.	Unfounded
Officer White	1. The complainant, ██████████ alleged that on April 18, 2018, at approximately 2:38am, at ██████████ the accused utilized excessive force during the course of his arrest in Violation of Rule 8.	Unfounded
	2. The complainant, ██████████ alleged that on April 18, 2018, at approximately 2:38am, at ██████████ the accused intentionally damaged his personal property in Violation of Rule 2.	Unfounded

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.
2. Rule 2 - Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

## V. INVESTIGATION

### a. Interviews

In his April 20, 2018 statement to COPA, **Complainant** ██████ stated that on the date and time of the incident, he and his wife, ██████ had a verbal altercation in which he told her to leave the home because he no longer wanted to be with her. She refused, prompting him to leave. However, every time he tried to leave the house, his wife blocked him, prompting him to call the police. ██████ managed to leave the house and entered his vehicle as two CPD members arrived. ██████ told them that he had called for police service and they instructed him to remain on the scene while they investigated.

As ██████ was speaking with the officers, he observed two more officers arrive and enter his home to talk to his wife. ██████ stated that he did not want the officers inside his home, referencing a previous bad experience he had with CPD.<sup>3</sup> He exited his vehicle and entered the house to tell the officers to leave and that they should talk to his wife on the porch. The officers responded that they were not leaving because they had to investigate. ██████ called 911 again and reported that officers were inside his home and refused to leave. One of the male Black officers accused ██████ of striking him and told him that he was under arrest.<sup>4</sup> The officer grabbed ██████ left arm and tried to place it behind his back to handcuff him. The officer's partner approached to assist with the handcuffing. A struggle ensued and the officers and ██████ fell into a closet door and ██████ was slammed against a wall. The officers managed to place two pairs of handcuffs on his wrists. At the squad car, the officers forcibly pushed his shoulders down, twisted his arms upward, and placed him inside the squad car.

██████ was transferred to Bond Court at 555 West Harrison later that morning but was not accepted because he was injured. He said that the transport officers took him to South Shore Hospital for treatment for his swollen wrists.

After his arrest, ██████ discovered that his cell phone and car key were damaged. He did not know when they were damaged, but he insisted that the arresting officers were responsible.

In her June 22, 2018 statement to COPA, **Witness** ██████ (“█████”) related that on the date and time in question, while at the marital residence, she and ██████ were arguing. Although he wanted to leave, she would not let him because he had not answered her questions about infidelity. ██████ said that he called the police and then left. A female officer responded and entered the house with three other officers. ██████ entered the house and told the officers to leave. The officers told him that they were conducting an investigation. An argument ensued, which escalated into a physical confrontation between ██████ and the officers.

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<sup>2</sup> Att. 5

<sup>3</sup> ██████ claimed that the Black officer who accused ██████ of striking him here had responded to his home on a previous occasion and had ransacked his house. ██████ did not provide any more details on this claim.

<sup>4</sup> COPA's investigation identified the arresting officers, who are the Accused in this investigation.

<sup>5</sup> Att. 17

████████ stated that the four officers surrounded ██████████ grabbed him by the arm, and tried to place his hands behind his back. During the struggle, she saw the officers push him against a wall. She also stated that she could not see the entire struggle because multiple officers surrounded ██████████ admitted that her husband did not comply with the officers' orders in that he refused to follow their instructions and he continuously told the officers to leave his home. She tried unsuccessfully to calm him down. The female officer led ██████████ away as the other officers struggled with ██████████ on the front porch.

████████ related that after the officers escorted ██████████ to the police car, she heard him scream out as if he was in pain and say something about this wrist. Although she did not know if he was injured at the time of the incident, one of their neighbors later told her that ██████████ went to the hospital while in police custody. ██████████ related that she believed that all of the force used against ██████████ was excessive and that one of the officers slammed ██████████ new phone on the ground. ██████████ told the COPA investigator that, although ██████████ did push her, the bruises on her body that she described to the officers were not the result of her contact with him that night.

### b. Digital Evidence

This investigation obtained and reviewed **Body Worn Camera Footage** of the responding officers.<sup>6</sup> The following is a summary of the pertinent parts of the BWC footage. Officers from the first responding beat arrived and spoke to ██████████ in front of his house. He related that his wife, ██████████ accused him of cheating and tried to prevent him from leaving the house, prompting him to call the police. One of the officers asked him why ██████████ said she had a bruise and he responded that he did not know and suggested the officers ask her. The officers told ██████████ that he could not leave the scene and they needed to speak to ██████████ to make sure she was okay.

As ██████████ waited in his truck, he observed a female sergeant enter his home. He exits his vehicle and walks towards his house while screaming words to the effect of, "Come out of my house! If you want to talk to her, come out of my house! You are trespassing, and I will make a report!" An officer who was on the porch told him to stay outside while the other officers spoke to ██████████. Ignoring the instruction, ██████████ entered the house and repeatedly told the officers to leave his "domicile." One of the officers told him that they were not leaving because they needed to investigate and asked him to step outside. ██████████ called 911 on his cell phone, reporting that the officers refused to leave his home and requested additional units to his home. When one of the officers tried to walk past him, ██████████ blocked the officer's path with his body. When two officers attempted to handcuff ██████████ a struggle ensued resulting in the officers and ██████████ crashing against a closet door. ██████████ is heard yelling: "You then broke my goddamn door again you motherfuckers," and then: "I didn't hit you yet," in response to an inaudible comment from one of the officers.

As they struggled, ██████████ and the officers moved from the house onto the porch where they attempted to handcuff him. The officers and ██████████ repeatedly told him to calm down and stop resisting. ██████████ accused the officers of breaking his cell phone.<sup>7</sup> After the officers handcuffed ██████████ and escorted him to the transport vehicle, he began moaning loudly. ██████████ accused the

<sup>6</sup> Att. 26, 28

<sup>7</sup> The footage does not show when and how ██████████ cell phone was damaged

officers of breaking his wrists as they removed a pair of handcuffs while leaving a pair on. Moments later, he asked one of the transport officers to loosen the handcuffs. The officer promptly repositioned them and ██████ told him that it felt better.

The footage covering the officers' interactions with ██████ shows her opening the door and allowing the officers enter the home. She related that she is still married to ██████ and resides at the marital home. She stated that although she was gradually moving her belongings out of the house, she had returned to salvage the relationship. ██████ reported that during her conversation with ██████ she accused him of being at the Motel 6 the night before. As he attempted to leave the home, ██████ blocked him. She told the officers that he pushed her against the door resulting in her sustaining a bruise on her rear end. She pointed to the part of her body that was bruised but did not show the actual bruise to the officers, given its location on her right buttock.

According to **OEMC recordings**, a male caller, who identified himself as ██████ requested police service to ██████ at 2:16am. He reported that he was being held against his will by his wife and that he was trying to leave the home before someone gets physically hurt. A woman's voice is heard in the background stating words to the effect of, "I am already physically hurt. I have bruises."

During his second 911 call, at approximately 2:30 am, ██████ reported that he wanted the police out of his home. This call is seen on the BWC for this incident.<sup>8</sup>

### c. Documentary Evidence

According to **Department Reports**, Officers Ellison and White responded to a domestic disturbance at the ██████ residence. ██████ informed them that he and his wife had a verbal disagreement and she refused to let him leave the house.

Officers spoke with ██████ who informed them that ██████ had pushed her into the bedroom door, bruising her right buttock. ██████ interrupted the officers' interview of ██████ instructing them to exit the house and to continue the interview with his wife on the porch. Officers informed ██████ that he "should not impede/obstruct the investigation." ██████ refused to comply and became "verbally combative" to the officers. Officers then attempted to put ██████ under arrest, he pulled away, and they used "emergency handcuffing" and "escort holds" to assist ██████ to the squad car. Officers noted that ██████ refused to sign complaints due to her "fear of violent retaliation from [██████]"<sup>9</sup>

Officers Ellison and White prepared **TRR reports** for this incident.<sup>10</sup> The TRRs note that escort holds and emergency handcuffing control tactics were used. The narrative portion of each TRR is consistent with the Arrest Report, the General Offense Case Report, and BWC footage. The Lieutenant's comments section of Officer White's TRR notes that ██████ informed the officers

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<sup>8</sup> Att. 27

<sup>9</sup> Att. 23, General Offense Case Report; Att. 6, Arrest Report

<sup>10</sup> Att. 7, 8

that he has “been diagnosed with violent-explosive disorder and he can easily be pushed to the limit to set it off and that’s what she did tonight.”<sup>11</sup>

According to **medical records** obtained from South Shore Hospital,<sup>12</sup> on April 18, 2018, [REDACTED] was examined while in police custody. After being received in the emergency room at 11:03am, [REDACTED] complained of pain to his wrists from being handcuffed by the police. The records note that his wrists showed slight bruising and soft tissue tenderness. They also note that [REDACTED] wrists demonstrated a normal range of motion and that he could move his arms and hand easily. X-rays of [REDACTED] wrists and hands revealed no fractures. Evidence of a healed fracture was observed in the X-ray of [REDACTED] left finger. He was diagnosed with contusions of the left and right wrist and discharged.

#### d. Physical Evidence

When [REDACTED] arrived at COPA for his interview two days after the incident, **Evidence Technician Photographs** were taken of him, a broken Toyota car key, and a shattered phone screen. The photographs of his wrists do not depict any obvious bruising.<sup>13</sup>

## VI. ANALYSIS

COPA recommends a finding of **Unfounded** for Allegations #1 and 2 that Officers Ellison and White used excessive force and damaged property during [REDACTED] arrest.

As to [REDACTED] allegation that the arresting officers used excessive force, the BWC shows that, as the officers investigated a domestic disturbance that [REDACTED] called in, [REDACTED] became increasingly irate and told the officers to leave his house. Officers repeatedly instructed him to wait on the porch while they finished speaking with his wife. [REDACTED] did not do so and continued shouting at the officers that they should leave. BWC footage supports the officers’ written accounts of the incident -- namely that [REDACTED] resisted arrest, failed to comply with their orders, and displayed aggressive behavior. The footage shows the officers calmly and repeatedly telling him they had to complete their investigating before they could leave. As [REDACTED] became more hostile, officers attempted to handcuff him. He struggled so much that the officers needed to use two pairs of handcuffs to restrain him.<sup>14</sup> Officers Ellison and White completed TRRs documenting their use of emergency handcuffing techniques and escort holds. Although [REDACTED] opined that the force used was excessive, she also acknowledged that she could not calm [REDACTED] down and he did not comply with the officers. The BWC footage showing the struggle between the officers and [REDACTED] confirms the officers’ conclusion that he was an active resister and the appropriate level of force was utilized to effect his arrest.

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<sup>11</sup> Att. 7

<sup>12</sup> Att. 24

<sup>13</sup> Att. 18

<sup>14</sup> The notes in the Lieutenant Review section of Officer White’s TRR notes that [REDACTED] told the Lieutenant after his arrest that he had been diagnosed with “violent-explosive disorder.” Att. 7.

As part of the excessive force allegation, [REDACTED] also claims that he was cuffed too tightly. Although his medical records document contusions, photos taken of his wrists two days later do not show any markings consistent with excessively tight handcuffs. In fact, the BWC footage shows one of the officers readjusting [REDACTED] cuffs in response to his complaint that they were too tight. None of the evidence reviewed in this investigation supports the allegation of excessive force. Thus, there is no factual basis for this allegation.

Likewise, there is also no factual basis to [REDACTED] allegation that the officers damaged his property during his arrest, namely his car key and his phone. The BWC footage shows that [REDACTED] had his phone in his hand during the struggle prior to his arrest. Two days later, [REDACTED] showed COPA a phone with a cracked screen. Given [REDACTED] resistance to the officers, it is reasonable that the phone may have been damaged during his arrest. In his interview, [REDACTED] was unable to specify when he thought his items were damaged. The same analysis applies to [REDACTED] broken key – although it was not visible on BWC footage, there is nothing indicating that the arresting officers intentionally broke the key. Thus, COPA finds no factual basis for [REDACTED] allegation of property damage.

Accordingly, COPA recommends this investigation be closed in accordance with Special Order S08-01-01, Sec. F, 13 titled “Conduct of Complaint Investigations,” which states that “The member assigned to investigate a Log Number will terminate the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated.”

**VII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Ellison	1. The complainant, Mr. [REDACTED] alleged that on April 18, 2018, at approximately 2:38am, at the location of [REDACTED] the accused utilized excessive force during the course of his arrest in Violation of Rule 8.  2. The complainant, Mr. [REDACTED] alleged that on April 18, 2018, at approximately 2:38am, at the location of [REDACTED] intentionally damaged his personal property in Violation of Rule 2.	Unfounded  Unfounded
Officer White	1. The complainant, Mr. [REDACTED] alleged that on April 18, 2018, at approximately 2:38am, at the location of [REDACTED] the accused utilized	Unfounded

excessive force during the course of his arrest in Violation of Rule 8.

2. The complainant, Mr. [REDACTED] alleged that on April 18, 2018, at approximately 2:38am, at the location of [REDACTED] intentionally damaged his personal property in Violation of Rule 2.

Unfounded

Approved:

[REDACTED]

9-4-18

Angela Hearts-Glass  
Deputy Chief Administrator

Date



Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	11
<b>Investigator:</b>	Shykela Carter
<b>Supervising Investigator:</b>	Brian Dollar
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass