

INTRODUCTION

On October 14, 2017, at 5:30 a.m. the Chicago Police Department arrested Subject 1 and transported him to the 15th District Station, located at 1501 W Madison Ave. While in the station, it is alleged that Subject 1 was struck about the head without justification by Field Training Officer ("FTO") Officer 1, Star #XXX.

ALLEGATIONS

It is alleged that on October 14, 2017 at approximately 5:30 a.m., at the lockup in the 15th District, 1501 W. Madison Ave., Field Training Officer A, Star #XXX:

- 1) Struck Subject 1 about the head two times without justification.

APPLICABLE LAW AND RULES

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

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

General Order G03-02-01-IV

INVESTIGATION

An **Initiation Report** completed by Lt. 2, Star XXX documented that Subject 1 related that while in the 15th District processing room he was struck by Officer 1 two times. (Att. 4)

An **Arrest Report under RD#XXX** documented Subject 1's arrest for Retail Theft, and subsequent charges for Resting/Obstruction of a Police Officer. (Att. 5)

A **Tactical Response Report** and **Officer's Battery Report** completed by FTO Officer 1 documented that Subject 1 became combative and struck FTO Officer 1 with his knee and foot. The report also documents that Subject 1 became uncooperative and belligerent towards Lt. 2. (Atts. 6,13)

Video footage was obtained from the 15th District lock-up processing area and did not capture the incident. (Att. 7)

A **Canvass** was made by COPA on December 13, 2017, of the 15th District Police Station and determined that no camera existed that captures footage in the area in which the incident occurred. (Att. 22)

Body-Worn Camera video obtained from FTO Officer 1 documented the arrest and transport of Subject 1. The video captured the incident. (Att. 8)

Medical Records were obtained from Loretto Hospital for Subject 1 that document an abrasion to the left wrist. (Att. 15)

In a **Recorded Statement** to COPA on December 21, 2017, FTO Officer 1 stated that upon entry of the processing area, Subject 1 refused to enter a cell. FTO Officer 1 stated that as he approached, Subject 1 threw himself to the ground. FTO Officer 1 denied that he pushed Subject 1 to the floor. FTO Officer 1 stated he and Probationary Police Officer ("PPO") PPO 3, Star XXX, pulled Subject 1 into the cell and he

performed a safety pat down on Subject 1 and removed items from his pockets. FTO Officer 1 stated that they gave him verbal directions to stay and sit in the cell. FTO Officer 1 stated that Subject 1 ignored their orders and attempted to force his way out of the cell. FTO Officer 1 stated that as they were attempting to secure Subject 1 to the wall of the cell, he kicked and kneed FTO Officer 1 and PPO 3. In response, FTO Officer 1 stated that he administered two open hand strikes. FTO Officer 1 stated that Subject 1 was intoxicated and arguing with himself and PPO 3. FTO Officer 1 stated that he believed Subject 1 was intoxicated due to his slurred speech and demeanor. FTO Officer 1 stated that as they were securing Subject 1 to the wall Subject 1 continued to knee and kick him in the leg. FTO Officer 1 stated that a third strike to the head was precipitated by a direct knee strike and kick to his leg by Subject 1. FTO Officer 1 stated that he notified his Lieutenant (Lt. 2) of the incident, Subject 1's complaint of injury, and subsequently completed a TRR. FTO Officer 1 stated that Lt. 2 advised him to have no further contact with Subject 1 and had other officers process Subject 1. FTO Officer 1 stated that he later discovered that Subject 1 requested medical attention for his wrist and was taken to the hospital sometime after processing.

COPA made multiple attempts to contact Subject 1, but had no success. (Att. 22)

CONCLUSION

COPA recommends that **Allegation #1** against FTO Officer A #XXX, that he struck Subject 1 about the head two times without justification, be **EXONERATED**.

According to Lt. 2's comments on FTO Officer 1's TRR, he reviewed the body worn camera and was unable to determine how the offender fell to the ground or what precipitated one of the open hand strikes. According to FTO Officer 1, Subject 1 threw himself to the floor and refused to enter the holding cell. There was no video footage discovered that depicts FTO Officer 1 pushed Subject 1 to the ground. FTO Officer 1 denies pushing Subject 1, and upon review of the video, it appears FTO Officer 1 was holding onto Subject 1's outer garment in an attempt to lead him into the cell and not in a position to push him to the floor. After FTO Officer 1 and PPO 3 have Subject 1 seated on the bench, Subject 1 is depicted swinging his legs in the direction of the officers which is followed by an open hand strike administered by FTO Officer 1. The video depicts officers and Subject 1 continued struggle and FTO Officer 1 is repeatedly heard ordering Subject 1 to stop resisting, and to stop kicking and kneeing them. According to FTO Officer 1, the last two strikes directly followed Subject 1's kicks. In applying the use of force policy, Subject 1 graduated from a passive resister, to an active resister, then to an assailant. FTO Officer 1's level of force precipitated Subject 1's actions in compliance with the order, and even after becoming an assailant, FTO Officer 1 chose a stunning technique on Subject 1 to gain compliance which is a lesser amount of force allowed by the guidelines.

Based on the totality of the circumstances and the lack of cooperation from Subject 1, there is sufficient evidence to exonerate the above allegation and terminate this investigation without requesting additional reports or performing further interviews.

Investigator 4

Supervising Investigator 5