

Case Summary

Civilian Review Board
April 8, 2014



Summary of Facts

- On July 18, 2013, Reporting Party was stopped for suspicion of driving under the influence. Officer A responded to the stop to assist.
- Officer A administered field sobriety tests. Reporting Party had trouble following directions and appeared to be distracted by her cell phone ringing.
- Following the tests, Officer A took Reporting Party into custody for DUII. Officer A took the Reporting Party to the jail's intoxilyzer room.
- Reporting Party was cooperative but argumentative during the stop.
- When they arrived at the jail, the ICV captured audio of Officer A saying "Stop trying to kick me". Reporting Party said, "Beat me up some more [expletive]."
- Reporting Party complained to the Auditor's Office that Officer A used excessive force against her in the booking room at the jail.



Summary of Facts

- Reporting Party stated that she stood up from a bench and was asking questions about the DUII tests and Officer A told her to sit down; she stated that she did not sit down right away and the officer shoved his arm and knee into her and hit her head on the wall.
- There is no video of this area of the jail.
- Officer A stated in his report that the Reporting Party stood up when he was filling out paperwork and began walking toward the exit of the jail. He ordered her to sit and she refused and tried to continue to the door. He stated in his report that he grabbed her right arm and pushed her into a seated position; he stated that she then kicked him in the shin and tried to continue kicking him.
- Officer A stated that he delivered a knee strike and held the Reporting Party against the wall. He then radioed for assistance from jail staff. He stated that he continued to hold her against the wall and tell her to stop resisting until deputies responded and took her into the jail.



Summary of Facts

- Reporting Party denied trying to hit or kick Officer A.
- No other officers or witnesses were in the area.
- Photos taken at the jail showed the following injuries:
 - Reporting Party had a red area on the back of her head.
 - Officer A had an abrasion on one elbow, a scratch on his forearm, and an abrasion on his left shin.
- Photos taken at intake showed bruises on Reporting Party's shoulder, knee, and lower back.
- Reporting Party filed a complaint with our office a few days after the arrest.



Allegations

1. **Use of Force** – that Officer A used excessive force when processing the Reporting Party at the jail.



Recommended Adjudication

1. Use of Force

- Supervising Sergeant: Within Policy
- Supervising Lieutenant (AIC): Within Policy
- Supervising Captain (AIC): Within Policy
- Police Auditor: Within Policy
- **Chief of Police: Within Policy**



Issues for CRB Discussion

- Complaint Intake and Classification
 - Walk-in complaint at Auditor's Office
 - Classification: Allegation of Misconduct
- Complaint Investigation and Monitoring
- Relevant Department Policies and Practices
 - 901.1 Use of Force
- Policy and/or Training Considerations
- Adjudication Recommendations
- Additional Comments/Concerns
 - Reporting Party requested CRB review

