



Case Summary for Appeal Hearing

2021-C-0056

February 2, 2022

INVESTIGATION OVERVIEW

Involved Persons

Appellant
Officer A
Officer B
Officer C
Detective D
Detective E

Allegations

No.	Allegation Summary	Category	Finding
1	Officer A used inappropriate force in the course of arresting Appellant	(FORCE) Directive 1010.00 - Use of Force	Not Sustained
2	Officer A carried Appellant in a careless manner.	(CONTROL) (Directive 870.20 - Custody and Transportation of Subjects)	Not Sustained
3	Officer B used inappropriate force in the course of arresting Appellant	(FORCE) Directive 1010.00 - Use of Force	Not Sustained
4	Officer B carried Appellant in a careless manner	(CONTROL) (Directive 870.20 - Custody and Transportation of Subjects)	Not Sustained



5	Officer C carried Appellant in a careless manner	(CONTROL) (Directive 870.20 - Custody and Transportation of Subjects)	Not Sustained
6	Detective D inappropriately processed and/or inventoried Appellant's property.	(PROCEDURE) Directive 660.10 - Property and Evidence Procedure	Not Sustained

Complaint Received: 4/6/2021
Investigation Completed: 9/7/2021
Findings Completed: 9/27/2021
Appeal Received: 10/14/2021

Incident/Complaint Summary

On September 28, 2020 Appellant was taken into custody by PPB Officers A, B, and C during a protest event. Appellant passively resisted and officers had to carry him to the Field Arrest Team (FAT) for processing. Detective D completed the custody and processing. Appellant filed a tort claim notice on March 26, 2021 alleging that officers used inappropriate force during his arrest and that \$30.00 was stolen from his property during the arrest. PPB Internal Affairs conducted the investigation, and the Detective's bureau conducted an investigation into the criminal allegations that a bureau member stole money or property from the appellant.

Summary of Interviews

The investigator interviewed the four involved bureau members, one witness member, and reviewed the interview completed by the intake investigator.

Interviewees stated the carrying of appellant uneventful and nothing noticeable happened up until the point where appellant stood and walked to the van on his own. None of the interviewees recalled that force was used or noted that Appellant had sustained any injury during his arrest, that Appellant complained of injury or was injured at the time he was taken into custody.

Interview Summaries

Appellant

Appellant indicated while attending the protest he was tackled by RRT members and arrested for no reason. Appellant explained how he passively resisted the arrest by refusing to walk. He said when the officers carried him, they dropped him onto the curb and he almost hit his head. Lastly, Appellant alleged when he picked up his property \$30.00 was missing.

Officer A

Off. A said they carried Appellant to the van and never dropped Appellant. He could not recall searching Appellant or what property he had. He said FAT typically conducts the inventory search and handles the property. When discussing Appellant's allegation of theft, Off. A said he did not have knowledge of an officer stealing money nor did he steal any money.

Officer B

Off. B could not specially remember which body party he carried but said, *"I know that we had one person on each arm and one person had the legs because that's how we're taught to carry people and to make sure that we're not hurting them."*

Off. B said he, Off. A and Off. C did not carry Appellant in a careless manner, and they did not drop him. Off. B said he did not steal money from Appellant, nor did he have knowledge that money was taken from Appellant.

Officer C

Off. C said he did not witness or have knowledge that Off. A or Off. B tackled Appellant during the arrest. He also said they did not drop Appellant. Off. C said he, Off. A and Off. B did not carry Appellant in a careless manner. Lastly, Off. C said he did not steal money from Appellant, nor did he have knowledge that money was taken from Appellant.

Detective D

Detective D was assigned to the Formal Arrest Team, on the day of this incident. He was physically located at Central precinct on the 13th floor and processed property. He could not recall Appellant or his property; although he concurred he processed it after review of the property receipt. Detective D said he did not steal \$30.00 from Appellant and said he has never committed a theft.

Detective E

Detective E said he received the custody of Appellant from Off. A. Detective E could not recall how Appellant was carried but he believed there were at least two more officers assisting Off. A. Detective E said Off. A told him the male was not injured, but refused to walk. Detective E could not recall observing injury to E said he did not witness the officers drop Appellant.

Review of Records

The investigator reviewed after-action reports completed after the Appellant was taken into custody; documentation noted there was no force event. Videos and photos were also reviewed, no capture of Appellant's arrest was found.

Findings and Definition of Findings

Finding: A determination of whether an allegation against a member is unfounded, exonerated, not sustained or sustained. These findings have the following meanings:

Unfounded: The allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.

Exonerated: The act occurred but was lawful and within policy.

Not Sustained: The evidence was insufficient to prove a violation of policy or procedure.

Sustained: The evidence was sufficient to prove a violation of policy or procedure.

Any of these findings could be accompanied by a debriefing, which would involve the superiors of an involved officer talking about the incident and providing instruction as to how the situation might have been handled better.

Options Available to the CRC

At the appeal, the CRC has the following options available to it:

1. The CRC can affirm the finding, meaning that it believes that a reasonable person can make the same decision based on the available information, **whether or not the committee agrees with the decision;** or
2. It can challenge the finding; meaning that the committee believes a reasonable person would have reached a different finding based on the available information. The CRC can recommend a debriefing as part of any challenged finding; or
3. It can refer the case to the Independent Police Review or Internal Affairs for further investigation.