



Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 351-4545 • fax (217) 403-6924 • www.ci.champaign.il.us

November 13, 2012

[REDACTED]
[REDACTED]
Champaign, Illinois 61821

[REDACTED]
[REDACTED]
[REDACTED]

An investigation into your complaint alleging employee misconduct has been completed. Your complaint was investigated by a Lieutenant and then reviewed by a Deputy Chief, and me. The investigation resulted in the following conclusions:

In your complaint you alleged that officers arrested you without sufficient justification. Our investigation revealed that the officers had established probable cause prior to arresting you. Therefore, that portion of your complaint is unfounded.

In your complaint you also alleged that the officers used an unreasonable amount of force in arresting you. Our investigation revealed that the officers' use of force was within policy. Therefore, the officers are exonerated from that portion of your complaint.

You may request that the City Manager review my decision. This request must be made within 30 days. If you have questions, please call me at 217-403-6911.

I appreciate your concern in bringing this matter to my attention.

Respectfully,

Anthony Cobb
Chief of Police

12-14

CHAMPAIGN POLICE DEPARTMENT
CITIZEN'S COMPLAINT
INTAKE FORM

COMPLAINT # 12-14

Intent to File Date 9/21/12

DATE REPORTED 9/20/12

TIME 1330 HOURS

DATE of INCIDENT SEPTEMBER 15, 2012

TIME APP. 0200 HOURS

LOCATION OF INCIDENT EXTENDED STAY - 610 MARKETVIEW

NAME [REDACTED] PHONE [REDACTED] SEX M

LOCAL
ADDRESS [REDACTED] RACE B DOB [REDACTED]
CHAMPAIGN, IL 61821

NAME [REDACTED] PHONE [REDACTED] SEX [REDACTED]

PERMANENT
ADDRESS [REDACTED] RACE [REDACTED] DOB [REDACTED]

NAME [REDACTED] PHONE [REDACTED] SEX [REDACTED]

ADDRESS [REDACTED] RACE [REDACTED] DOB [REDACTED]

TYPE OF REPORT (CHECK ONE)

O-FILE C12-9198

IVC [REDACTED]

ACCIDENT [REDACTED]

CALL FOR SERVICE TICKET
NUMBER 122590109

OTHER [REDACTED]

PERSON TAKING REPORT/CALL: [Signature]



City of
CHAMPAIGN

Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 351-4545 • fax (217) 403-6904 • www.ci.champaign.il.us

To: Chief Anthony Cobb
Lt. Jon Swenson
From: Lt. Tod Myers *LT Myers 905*
Date: 10/30/12
Subject: Citizen Complaint #2012-14

SYNOPSIS:

During the early morning hours of Saturday September 15, 2012, officers were dispatched to the Extended Stay hotel located at 610 Marketview Drive. Champaign Fire Department (CFD) had requested the officers for "Illegal Activity." When officers arrived they found that the fire department had responded for a smoke activation and identified the source of the smoke to room #234 which was rented to [REDACTED].

During the course of evacuating the building, CFD had encountered an uncooperative male in room # 225 identified as [REDACTED]. [REDACTED] was described by CFD as belligerent and combative but ultimately evacuated the hotel per their request. All guests were allowed back into the building before the police were contacted.

[REDACTED] the general manager for the hotel, arrived and upon hearing the conduct of [REDACTED] and [REDACTED] wanted them both removed from the property. Champaign police were then contacted and Officer's McLearn and Rush responded. [REDACTED] and [REDACTED] work together. Since [REDACTED] couldn't go back to her room due to fire damage, she was currently in [REDACTED]'s room.

The officers made contact with [REDACTED] at his room. [REDACTED] was not cooperative with the officers who requested he gather his belongings and leave the property per the manager's request. The officers requested this from [REDACTED] also. [REDACTED] refused while taking a defensive posture telling the officer's they would have to drag him out. Officer McLearn told [REDACTED] he was under arrest and to place his hands behind his back while grabbing [REDACTED]'s wrist. [REDACTED] responded by punching Officer McLearn in the chest. Officer's McLearn and Rush then used physical force and ultimately oleoresin capsicum (OC) to affect the arrest.

[REDACTED] was taken into custody, decontaminated from the OC effects, and then transported to Champaign County Jail. Officer Rush was instructed to obtain a medical clearance for [REDACTED] due to swelling around his right eye prior to admittance into the jail. [REDACTED] was taken to Carle ER. The extent of [REDACTED] injury appear to be a right orbital blowout fracture. He was cleared by the emergency room physician and transported back to the county jail for admittance.

INTERVIEW WITH [REDACTED]

I was present when Lt. Swenson interviewed [REDACTED] initially. I had no further questions following that interview for him.

COMPLAINT ALLEGATIONS

1. Rule 5 (B)(1), Operations- Allegedly arrested Mr. Scruggs without probable cause.
2. Policy 1.3.1, Force Necessary to Accomplish Lawful Objectives- Alleged the officers used force against him for no reason.

INTERVIEW OF WITNESSES:

[REDACTED]:

On September 26, 2012 at around 1100 AM I went to the Extended Stay Hotel and spoke to the General Manager, [REDACTED]. [REDACTED] is listed in the original report as a witness. I asked [REDACTED] if he would describe the events of that morning that led to Champaign Police being called and subsequent arrest of [REDACTED]. [REDACTED] explained that he was not working when the incident began. He was called by another employee who had told him that the fire alarm was going off inside the building with some smoke developing. He then responded to the hotel and when he arrived, Champaign Fire (CFD) was already on scene. He saw that CFD had evacuated the building however were allowing people back inside. [REDACTED] said he learned from CFD that the occupant of room #234 ([REDACTED]) had apparently burnt some food on her stove which damaged the interior of the room. [REDACTED] was also told that [REDACTED] in room # 225 was uncooperative with CFD firefighters as they tried to evacuate the building in that he refused to leave his room while cursing at them. CFD asked [REDACTED] what, if anything, he wanted to do about [REDACTED] and [REDACTED]. [REDACTED] said he wanted them both to be removed from the property. CFD then notified CPD.

[REDACTED] explained that [REDACTED] was being asked to leave due to the damage she caused to her room. [REDACTED] was being asked to leave due to his demeanor and not being cooperative with CFD.

Once CPD arrived, [REDACTED] went to the second floor. He remained down the hallway while the officers interacted with [REDACTED]. He didn't witness any altercation or hear anything once the officers entered the room. He learned after the fact that OC was sprayed and [REDACTED] was arrested.

[REDACTED] said the following morning an officer came back to the hotel. (Sgt. Rath) Sgt. Rath entered room #225 then came back out a short time later. Sgt. Rath explained to him that [REDACTED] made the accusation that officers had removed \$1900 from him during a search and kept the money. Sgt. Rath told him that the room was in such disarray with [REDACTED] personal property that he wasn't going to look through everything. [REDACTED] was told that he could box up the belongings per his company policy so [REDACTED] could collect them at a later time. [REDACTED] said under normal conditions, the belongings would be inventoried by his staff then boxed. The property would be held for a period of time for a minimum of 30 days although he couldn't remember the exact time frame. [REDACTED] said once he heard about an accusation of stolen money he decided to put the room out of service. [REDACTED] explained that he immediately deactivated all key cards for the room preventing previous occupants from entering. He then told his entire staff that the room was not to be entered for any reason until [REDACTED] came back.

The next evening, Monday September 17th at around 10:30PM, [REDACTED] came back to get his belongings. He was allowed entry into the room and exited with two trash bags of property. He then came back the following evening and retrieved the rest of his belongings. [REDACTED] said [REDACTED] was cooperative and polite and made no mention of missing any money. [REDACTED] does not know where [REDACTED] or [REDACTED] went after leaving the hotel.

Lt. Jim Lievano- Champaign Fire Department:

On September 26, 2012 at about 12:30 PM I spoke to Lt. Lievano at Champaign Fire Station 1. Lt. Lievano explained that the fire department responded to the Extended Stay for a smoke activation. When they arrived, smoke was beginning to fill the first floor. The decision was made to evacuate the hotel while the source of the smoke could be identified. Lt. Lievano began to evacuate the first floor when he was notified by Lt. Walters (CFD) that a female on the second floor had her door locked and wouldn't open it. He responded to room 234 to meet with Lt. Walters. As he arrived, Lt. Walters was able to get the door open using a master key. The female occupant ([REDACTED]) "stumbled from wall to wall" making her way to the doorway. Lt. Lievano said it was apparent that [REDACTED] was intoxicated. [REDACTED] was told she needed to evacuate the hotel and she "stumbled" down the hallway towards the exit.

Once the source was located, the hotel guests were allowed back inside. Lt. Lievano was told by Lt. Walters (his statement is included) that in addition to the female not opening the door, the male in room 225 ([REDACTED]) was also not cooperative and described as combative. Lt. Lievano met with [REDACTED] and explained his findings for their response and the actions of [REDACTED] and [REDACTED]. [REDACTED] then told Lt. Lievano that he wanted both [REDACTED] and [REDACTED] removed from the property immediately. Lt. Lievano contacted METCAD for a police response.

When Officer Rush and Officer McLearn arrived, Lt. Lievano walked them to the second floor and showed them to [REDACTED]'s room. [REDACTED] was inside this room at this point. Lt. Lievano watched as the officers knocked on the door but got no response. The officers announced themselves then the door opened slightly. The officers told [REDACTED] that they needed to speak to him. [REDACTED] responded with something similar to "Fuck you leave me alone, I have to work in the morning." Lt. Lievano then walked in front of the doorway towards room 234 in order to see how the ventilation was going. When he turned back towards [REDACTED]'s room, the officers had entered. Lt. Lievano then heard what he thought was a struggle but couldn't be certain due to the exhaust fan ventilating [REDACTED]'s room.

He said the officers were in the room about 2 to 3 minutes before Officer McLearn exited with apparent exposure to OC spray. Lt. Lievano went back to [REDACTED] to assist Officer McLearn. When he reaches the doorway, he looks inside to find [REDACTED] in handcuffs on the bed. Lt. Lievano directs other firefighters to take Officer McLearn outside to decontaminate the OC effects. Officer Rush then walked [REDACTED] into the hallway and sat him down on the floor. Officer Rush went back into the room and asks [REDACTED] for her identification. Lt. Lievano described [REDACTED] as uncooperative and Officer Rush places her in handcuffs and walks her into the hallway also.

[REDACTED] is then led outside and given aid for OC exposure. Lt. Lievano did not hear [REDACTED] complain of any pain nor did he observe any injuries. [REDACTED] was ultimately allowed to gather her belongings and leave the hotel.

Lt. Steve Hopkins- Champaign Fire Department

On October 5, 2012 at about 9:00 AM I met with Lt. Hopkins at Champaign Fire station 1. Lt. Hopkins said his first contact with [REDACTED] and [REDACTED] was when they came up the stairs to the second floor after the hotel guests were allowed back inside. [REDACTED] walked towards her room (234) to enter but was stopped. She was told that she couldn't enter because the room was still being ventilated. He then heard [REDACTED] say something similar to "That's bullshit." Lt. Hopkins said [REDACTED] appeared "extremely intoxicated" and was asking why she couldn't go in despite being told why. When they attempted to explain the reason to her again, [REDACTED] began telling the fire personnel to "fuck off" and "fuck you." Lt. Hopkins described [REDACTED] demeanor as irrational. I asked him to explain. He said when [REDACTED] spoke it wasn't as if he was muttering the curse words under his breath. Each time he cursed, he positioned himself in a defensive type stance and "squared off" to the fireman. Lt. Hopkins said it was like he was "daring us" to come towards him. Lt. Hopkins said after a short time, [REDACTED] told [REDACTED] to come to his room since she couldn't go in her own which she did.

Lt. Hopkins said he then went downstairs to find Officer's Rush and McLearn. He said he spoke to both of them because he wanted to make sure they knew what [REDACTED]'s demeanor was. Lt. Hopkins said he knew if the officers had contact with [REDACTED] they (the officers) were going to have problems with him. Lt. Hopkins then cleared the scene.

Lt. Todd Walters- Champaign Fire Department

On October 5, 2012 at about 9:45 AM I met with Lt. Walters at Champaign Fire station 1. Lt. Walters said when he arrived at the hotel he responded to the second floor to begin evacuation procedures. As he walked down the hallway, he observed [REDACTED] standing in the doorway to room 225 with the door open. Lt. Walters told [REDACTED] he needed to go outside. [REDACTED] replied he doesn't have to go anywhere and why doesn't he (Lt. Walters) just shut the audible fire alarm off. Lt. Walters again told him to evacuate the building. Lt. Walters said [REDACTED] took a defensive posture by moving one leg in front of the other, described as a fighting stance, and telling Lt. Walters "Fuck you." Lt. Walters said he was certain that [REDACTED] would have struck him if he would have remained where he was so he backed away and told [REDACTED] very directly to get out of the building and ultimately [REDACTED] left.

Lt. Walters then went to [REDACTED]'s room and found the door locked with no answer. He had obtained a master key and opened the door. The interior locking hasp was closed preventing the door from opening all the way. Lt. Walters could see the room was filled with smoke and [REDACTED] coming out of the bathroom. She opened the door and was told to go outside which she did. The source of the smoke alarm activation was a pan of food that had burnt in [REDACTED]'s room. Lt. Walters had ventilation fans brought to his location in order to get the smoke out.

Once the source was located and the fire department deemed the building as safe, the hotel guests were allowed back inside. [REDACTED] and [REDACTED] walked back to the second floor together via the stairwell. [REDACTED] walked towards her room where Lt. Walters stopped her and told her that she couldn't return to the room yet due to the smoke. [REDACTED] told Lt. Walters that he couldn't stop her from returning to her own room. Lt. Walters said he didn't realize that [REDACTED] knew [REDACTED] so he told [REDACTED] to mind his own business. [REDACTED] replied "Fuck You" then he told [REDACTED] to come into his room which she did.

Lt Walters went back to [REDACTED]'s doorway when Officer Rush and McLearn arrived on the second floor. Lt. Walters said he stopped the officers to tell them about [REDACTED] demeanor. Lt. Walters said he knew [REDACTED] was not going to cooperate

with the officers given the way he had acted up to this point. Lt. Walters stood in the hallway as the officers knocked on [REDACTED] door. He could clearly hear [REDACTED] yelling profanities at the officers and he clearly heard the officers telling [REDACTED] that management wanted him to collect his belongings and leave the property. [REDACTED] continued to yell profanities as the officers entered the room. The door was now propped open with the interior locking hasp in the closed position situated between the door and door frame apparently done by one of the officers. Lt. Walters continued to listen as [REDACTED] yelled profanities like "Fuck you" and "I'm not fucking leaving." He also heard the officers giving [REDACTED] verbal direction on what he needed to do.

Lt. Walters then heard what sounded like a struggle within the room. Before he could get from [REDACTED] door to [REDACTED] doorway, Officer McLearn came out with obvious OC exposure. Officer McLearn saw Lt. Walters and asked him to stand by with Officer Rush. Lt. Walters looked in the room and saw [REDACTED] in handcuffs on the bed. Officer Rush then walked [REDACTED] out into the hallway. As [REDACTED] passed by Lt. Walters, [REDACTED] said "Can you believe they punched me in the face?" [REDACTED] was sat down in the hallway then taken outside to treat his OC exposure. [REDACTED] was also brought into the hallway by Officer Rush. She was ultimately released after gathering her belongings.

[REDACTED]

On October 4, 2012 I attempted to call [REDACTED]. I received her voice mail and left a message asking her to call me so we could discuss this incident. I did not receive a call back from her.

On Tuesday October 9, 2012, I called [REDACTED] a second time. I spoke to a female who identified herself as [REDACTED]. I told her who I was and my purpose for the phone call. I asked her if we could meet in order to discuss the incident. She explained that she was currently in Decatur shopping. She told me that she would get her weekly work schedule the following day (Wednesday.) After she got the schedule, she said she would call me to set up a meeting.

As of October 29, 2012 I have not received any calls from her. No further contact was attempted.

INTERVIEW OF OFFICERS RUSH AND MCLEARIN

I reviewed the police report submitted by both officers. The only follow up question I had was with Officer Rush. I met him in my office on October 8, 2012 at 4:00PM. I had a copy of the Arrest without Warrant listing the charges on that evening against [REDACTED]. I asked Officer Rush specifically about the charge of Assault. Officer Rush told me that charge was included due to the actions of [REDACTED] with Lt. Walters from the fire department prior to the officers arriving on scene. He said when he spoke to Lt. Walters, he felt the elements of Assault had been met.

I did not interview Officer McLearn.

REVIEW OF SQUAD CAR VIDEO

The only squad car video of this incident is the transport video from Officer Rush's squad car. During this transport there is no interaction between [REDACTED] and Officer Rush. In fact, [REDACTED] does not say anything during the entire ride.

MEDICAL RELEASE INFORMATION

██████████ did sign a medical release for his treatment at Carle ER on September 15, 2012. I have requested copies of the records and received them on October 29, 2012. They are attached to this report. The medical records do indicate a right orbital blowout fracture. There is no mention of ██████████s showing sign of intoxication.

COMPLAINT FINDING(S):

1. UNFOUNDED: Rule 5 (B) (1), Operations- Allegedly arrested ██████████ without probable cause.

Officer Rush and McLearn responded to the Extended Stay Hotel at the request of Champaign Fire Department personnel and hotel management. When they arrived, Officer Rush interviewed Lt. Walters from the Champaign Fire Department. He found Lt. Walters was dressed in fire personnel turnout gear and was at the hotel for a smoke alarm activation. It was evident by the Champaign Fire Department vehicle, and the attire of Lt. Walters that he was a fireman operating in his official capacity.

Lt. Walters was in the process of evacuating the hotel for safety reasons when he encountered ██████████. It is clear ██████████ recognized Lt. Walters as a fireman because upon seeing Lt. Walters, he told Lt. Walters to shut the fire alarm off.

Lt. Walters described the demeanor of ██████████ as aggressive, in that he ██████████ was verbally abusive towards him, while simultaneously posturing his body in a fighting type stance. Lt. Walters moved away from ██████████ to create distance between himself and ██████████, as he believed he was going to be physically assaulted and/or battered.

720 ILCS 5/12-1 says "A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery."

720 ILCS 5/12-2 (a)(6) further defines assault to include aggravating circumstances when "Knows the individual assaulted to be a fireman while the fireman is engaged in the execution of any of his official duties."

Lt. Walters stated that the body positioning of ██████████s and the close proximity of him led him to believe he was going to be assaulted or battered, so he created distance between himself and ██████████s. Furthermore, Lt. Walters was dressed in full turnout gear and clearly identifiable as fire personnel. Lt. Walters contacted ██████████s to notify him of the ongoing evacuation of the building due to the smoke alarm activation, and ██████████s seemingly recognizes him as a fireman, commenting that Lt. Walters should shut the audible alarm off.

On this date, Lt. Walters was operating in his official capacity and dressed accordingly as a City of Champaign Fire Department officer. His contact with ██████████ was part of his official duties, and it is evident based on the interview with Lt. Walters that he believed he was going to be assaulted, or battered by ██████████, which led to Lt. Walters backing away from ██████████.

These combined factors suggest probable cause did exist to arrest [REDACTED] for the offense of Aggravated Assault.

This allegation is therefore unfounded.

2. EXONERATED: Policy 1.3.1, Force Necessary to Accomplish Lawful Objectives- Alleged the officers used force against him for no reason.

When Officer Rush and McLearn arrived, they spoke with Lt. Walters from the Champaign Fire Department and hotel management. During these conversations, they learned of [REDACTED] behavior towards Lt. Walters, and that hotel management would like [REDACTED] to leave the property. As Officer Rush and McLearn initiated contact with [REDACTED] at his room, both officers noted [REDACTED] taking an aggressive stance, similar to what Lt. Walters had experienced earlier.

Officer Rush explained to [REDACTED] why police were called, and requested that [REDACTED] gather his belongings and leave the property, as the hotel manager had requested. [REDACTED] responded with profanity, and told officers they would have to drag him out. At this time, Officer McLearn told [REDACTED] he needed to leave or be arrested. When [REDACTED] refused, Officer McLearn reached for [REDACTED] right wrist, and instructed him to place his hands behind his back, and informed [REDACTED] he was under arrest.

[REDACTED] responded by punching Officer McLearn in the chest. Both Officer Rush and Officer McLearn reported that after [REDACTED] delivered the punch, Officer McLearn stumbled backwards, and both officers observed [REDACTED] advance towards Officer McLearn again.

Officer McLearn stated [REDACTED] had his right arm raised with a closed fist, and believed [REDACTED] was intending to punch him again. Officer McLearn responded by punching [REDACTED] in the face, which he described as having little to no effect. Simultaneously, Officer Rush "charged" at [REDACTED] and placed him in a "bear hug." [REDACTED] was then tackled onto the bed by both officers.

[REDACTED] continued to resist both officers' efforts to place him into custody, and continued to punch officers as they struggled on the bed. Officer McLearn stated he punched [REDACTED] again in the face, and Officer Rush delivered a punch to the right cheek area of [REDACTED]. These punches continued to have little effect as [REDACTED] continued to struggle with officers. Officer Rush was able to deploy his department issued Oleoresin Capsicum (OC), delivering a short burst of OC to the eyes and nose area of [REDACTED]. Officer Rush reported [REDACTED] appeared stunned by the OC, but continued his attempts to get off the bed.

Officer Rush stated [REDACTED] now pushed up from the bed while lying on his side. At this time, Officer Rush reports he struck [REDACTED] again in the side of his head with his fist. This strike was effective and Officer Rush was able to take custody of [REDACTED].

The officers involved used the proper level(s) of force in accordance with the Champaign Police Department Use of Force policy and Use of Force continuum. As indicated in departmental policy, those levels are identified as Verbal Persuasion, Non-Deadly Force, and Deadly Force. The involved officers interpreted the body language, demeanor, and actions of [REDACTED], while escalating and de-escalating the levels of force used until he was safely taken into custody.

According to the Champaign Police Department Use of Force Policy 1.3.1 - Force Necessary to Accomplish Lawful Objectives, section (A) and (B) state in part:

A. State law and the City of Champaign have entrusted its police officers with the unique powers and authority designated to assist them in performing their duties. Officers, under certain circumstances, have the right to apply force, including lethal force, on another human being. Such application will be based upon the reasonable belief that such force is warranted and justified based upon current laws and the policies of this Department.

B. Use of Force Principles.

1. An officer may use force in the performance of his duties under the following circumstances:
 - a. To prevent or terminate the commission of an offense.
 - b. In self defense or the defense of another.
 - c. To effect the arrest of an offender, including those resisting arrest or attempting to flee from arrest or custody.
 - d. To prevent a person from injuring themselves.
2. The use of force continuum, in order of escalation, is as follows:
 - a. Verbal Persuasion.
 - b. Non-Deadly Force.
 - c. Deadly Force.
3. Verbal Persuasion as a means of effecting custody.
 - a. The practice of courtesy and dialogue may encourage understanding and cooperation on the part of the public and those who are to be arrested.
 - b. Verbal commands which result in compliance are the desired method of gaining cooperation from the public, taking an offender to be arrested into custody, and defusing potentially violent situations. However, recognizing that not all persons will comply with lawful verbal commands and submit to arrest and/or cease aggressive or violent actions, the use of force by police may be necessary to effect an arrest and to protect the officer or others during the arrest process.
 - i. 720 ILCS 5 / 7-5, Peace Officer Use of Force in Making Arrest, sets out the following; (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only as permitted under Section 1.3.2.

4. It is not intended that any suspect or offender should ever be allowed to be the first to exercise force, thus allowing them to gain an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that an officer is required to resort to a lesser level of force to defend against a threat of violence that places the officer or others at greater risk or to engage in prolonged physical confrontation before resorting to a use of force that will more quickly and safely bring the arrestee under physical control.

In addition, Champaign Police Department Use of Force Policy 1.3.4- Use of Less Lethal Weapons, section (B) (3) states:

"The use of Oleo Resin Capsicum (OC) Spray: The use of OC spray is intended to be used primarily against unarmed subjects who officers reasonable believe have indicated physically and/or verbally that they intend to resist arrest or assault an officer or other person."

The officers attempted the use of Verbal Persuasion to gain voluntary compliance from [REDACTED]. In addition, officers verbalized to [REDACTED] he was under arrest, and instructed him to place his hands behind his back. [REDACTED] refused and battered the officer. Officers then utilized Non-Deadly force options as [REDACTED] continued to struggle and strike officers in an attempt to defeat the arrest, despite several punches from officers, which seemed to have little or no effect.

Oleoresin Capsicum (OC) was deployed to [REDACTED]'s facial area, and was noted to stun [REDACTED], but did not stop the struggle. An additional strike was delivered by Officer Rush which caused [REDACTED] to stop resisting /fighting officers, at which time [REDACTED] was secured in handcuffs.

The officer's actions are consistent with department policy and this allegation is exonerated.

Attachments: Dispatch Ticket #122590109
Champaign Police Offense report- C12-9198
Copy of Champaign Fire Department's report- incident number 12-0004533
Citizen complaint Intake Form
Original "Authorization to Release Patient Information" signed by [REDACTED]
[REDACTED]
Copy of medical records for [REDACTED]



City of
CHAMPAIGN

Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 403.7000 fax (217) 403-7022 • www.ci.champaign.il.us

To: Chief Anthony Cobb
From: Lieutenant Jon Swenson
Date: September 27, 2012
Re: Citizen Complaint

On September 21, 2012, [REDACTED] scheduled an appointment with me to file a citizen complaint concerning his arrest at the Extended Stay (610 Marketview) during the early morning hours of September 15, 2012. Our appointment was scheduled for 1300 hours on September 25, 2012.

[REDACTED] failed to show for his scheduled appointment on September 25, 2012.

On September 26, 2012, [REDACTED] contacted me at my office by telephone. [REDACTED] apologized for failing to show for his September 25, 2012 appointment with me, and he asked to re-schedule his appointment. At that time we scheduled a second appointment. The second appointment was scheduled for 1330 hours on September 27, 2012.

At 1330 hours on September 27, 2012, Lt. Myers and I met with [REDACTED] at the Champaign Police Department concerning his complaint. During that meeting, [REDACTED] provided us with the following information:

[REDACTED] is employed as a traveling Certified Dialysis Technician. [REDACTED] is temporarily living in the Champaign-Urbana area while he works for the C-U Dialysis Center. He permanently resides in South Yarmouth, Massachusetts. [REDACTED] has been in the C-U area for approximately 5 weeks, and he anticipates remaining here for approximately 4 more weeks.

After leaving work at approximately 2200 hours on September 14, 2012, [REDACTED] and a co-worker, [REDACTED], went to the American Legion on N. Hickory in Champaign for drinks. [REDACTED] and [REDACTED] remained at the Legion until approximately 0030 hours on September 15, 2012, and then departed for the Extended Stay. [REDACTED] stated that he had 3 mixed drinks while at the Legion.

Upon arriving at the Extended Stay, [REDACTED] went to his room and [REDACTED] went to her room. (Note - At that time [REDACTED] and [REDACTED] were both residing on the second floor, just down the hall from each other). Shortly after their return, there was a fire alarm at the Extended Stay. [REDACTED], [REDACTED], and several other occupants on the second floor were required to evacuate their rooms as a result of the fire alarm.

[REDACTED], and the other guests at Extended Stay proceeded downstairs and waited while Champaign Fire Department personnel checked the property. CFD personnel ultimately located a small electrical fire which was centered around the room directly below [REDACTED] room. After the fire was located and building was rendered safe, all guests were allowed to return to their rooms.

When [REDACTED] and [REDACTED] returned to the second floor, CFD personnel spoke with [REDACTED] and denied her entry into her room. [REDACTED] overheard this, and approached [REDACTED] to let her know she could stay in his room since she had to be to work early in the morning. [REDACTED] alleges that one of the CFD firefighters on scene told him to "mind his own business" when he made the offer to [REDACTED]. [REDACTED] admitted that he responded to that comment by telling the firefighter to "fuck off".

[REDACTED] and [REDACTED] then proceeded to and entered [REDACTED] room. A short time later there was a knock on [REDACTED] S' door. When [REDACTED] answered and opened the door, he observed two Champaign police officers. [REDACTED] admitted both officers into his room. Upon entering the room, both officers tackled [REDACTED] S onto the bed. After doing so they struck him in the face four times and sprayed him with pepper spray. [REDACTED] was then handcuffed, taken to the hospital for treatment, and then transported to a local hospital for treatment for a swollen eye.

[REDACTED] denied cursing at, squaring off with, or threatening either officer. He claims that force was applied against him for no reason, and he does not believe that the officers had probable cause to arrest him for any offense.

[REDACTED] has since been diagnosed with a facial fracture in the area of his right eye. There is no damage to [REDACTED] S eye, he is not currently receiving any additional medical treatment, and at this time it is believed that the fracture will heal on its own.

In the police report regarding [REDACTED] arrest, there is some information which indicates that on the date of his arrest [REDACTED] S claimed to have been missing approximately \$1,900.00 following his arrest. When questioned regarding the missing money, [REDACTED] indicated that he located the money when he returned to the Extended Stay immediately after bonding out of the county jail.

Witness Information

[REDACTED]
[REDACTED]



Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 351-4545 • fax (217) 403-8924 • www.ci.champaign.il.us

[REDACTED]
[REDACTED]
Champaign, Illinois 61821

November 13, 2012

[REDACTED]
[REDACTED]

Dear [REDACTED]

An investigation into your complaint alleging employee misconduct has been completed. Your complaint was investigated by a Lieutenant and then reviewed by a Deputy Chief, and me. The investigation resulted in the following conclusions:

In your complaint you alleged that officers arrested you without sufficient justification. Our investigation revealed that the officers had established probable cause prior to arresting you. Therefore, that portion of your complaint is unfounded.

In your complaint you also alleged that the officers used an unreasonable amount of force in arresting you. Our investigation revealed that the officers' use of force was within policy. Therefore, the officers are exonerated from that portion of your complaint.

You may request that the City Manager review my decision. This request must be made within 30 days. If you have questions, please call me at 217-403-6911.

I appreciate your concern in bringing this matter to my attention.

Respectfully,

Anthony Cobb
Chief of Police

Detailed History for Police Event #122590109 As of 9/28/2012 09:36:57

Priority:2 Type:ASSTFI - ASSIST FIRE

Location:EXTENDED STAY #130,CH at 610 W MARKETVIEW DR #130,CH

LocCross:btwn MORELAND BL and W ANTHONY DR

Created:	09/15/2012 03:17:47	DIS3	6637
Entered:	09/15/2012 03:17:47	DIS3	6637
Dispatch:	09/15/2012 03:19:02	DIS2	6627
Enroute:	09/15/2012 03:19:02	DIS2	6627
Onscene:	09/15/2012 03:27:19	DIS2	6627
Control:	09/15/2012 03:39:25	DIS2	6627
Transprt:	09/15/2012 04:00:04	DIS2	6627
Complete:	09/15/2012 04:13:04	DIS2	6627
Closed:	09/15/2012 11:39:58	DIS2	6620

PrimeUnit:7114 Dispo:RPT Type:ASSTFI - ASSIST FIRE

Name:TABITHA MILAM Phone:217/351-8681 RAddr:

Agency:CH DAREA:CH(CF) Beat:CHN(CF) RD:51610C(50155)

Case #:CH1209198

XREF::Fire Event:#122590091 Type:REG Agency:CF Detail

-
- 03:17:47 -CREATE Location:EXTENDED STAY #130,CH Type:REG Phone:217/351-8681 DAREA:CF RD/FD:50155 TypeDesc:REGULAR ALARM LocDesc:at 610 W MARKETVIEW DR #130,CH LocCross:btwn:MORELAND BL and W ANTHONY DR Priority:1 Response:REG Agency:CF LocType:C
 - 03:17:47 -ALI E911Phne:217/351-8681 E911Add:610 W MARKETVIEW DR #FLR1,CH E911Subs:EXTENDED STAYAMERICA E911Src:PBXB
 - 03:17:47 -ENTRY Comment:FIRE ALARM SOUNDING. STRONG ELECTRICAL ODOR
 - 03:17:47 -CHANGE Name:None-->TABITHA MILAM Comment:GETTING ANOTHER ALARM ON THE PANEL FOR ROOM 334. THERE IS SMOKE IN ROOM 130****
 - 03:17:47 -MISC E153 Comment:DEFINITE HAZE INSIDE, SMELLS LIKE FOOR ON STOVE
 - 03:17:47 -MISC E153 Comment:NEED COMPANY W/ FAN TOO ROOM #130
 - 03:17:47 -MISC L161 Comment:GO IN AND ASSIST W/ FAM ROOM #130
 - 03:17:47 -MISC E153 Comment:GETTING ALARM FOR #134 AT PANEL
 - 03:17:47 -MISC E153 Comment:#130 ROOM OF ORIGIN, #134 DETECTOR SOUNDING, OCCUPANTS TOOK DETECTOR OFF
 - 03:17:47 -MISC Comment:ADT CALLING IN THE ALARM NOW. 877-238-7739,
 - 03:17:47 -MISC E153 Comment:FURTHER ACTIVATIONS, GOING TO THIRD FLOOR, NEED ANOTHER COMPANY
 - 03:17:47 -MISC C110 Comment:S171 GO IN AND ASSIST
 - 03:17:47 -MISC E153 Comment:ANOTHER ALARM FROM #232
 - 03:17:47 -MISC E153 Comment:THIRD FLOOR CLEAR OTHER THAN TAMPER ALARMS, GOING DOWN TO SECOND FLOOR
 - 03:17:47 -MISC L161 Comment:ROOM OF ORIGIN #134
 - 03:17:47 COPY Type:REG-->ASSTFI DAREA:CF-->CH RD/FD:50155-->51610C TypeDesc:REGULAR ALARM-->ASSIST FIRE Priority:1-->2 Response:REG-->IPC Agency:CF-->CH Comment:REQ OFCR ASSIST FOR SOME SORT OF ILLEGAL ACTIVITY
 - 03:17:47 -ASSOC Service:F Event:#122590091 Type:REG Agency:CF
 - 03:17:47 -PREMIS Comment:FPR, KNOX
 - 03:18:49 SELECT
 - 03:19:02 DISPER 7114 Badge:7114 OperNames:RUSH,MATT R
 - 03:19:02 -PRIU 7114

03:19:25 BACKER 7110 UnitID:7114 Badge:7110 OperNames:MCLEARIN,DAVID M.
03:27:19 ONSCN 7114
03:27:25 ONSCN 7110
03:34:59 MISC 7114 Comment:95 1X*****
03:35:03 BACKER 742 UnitID:7110 Badge:7742 OperNames:MALONEY,JOHN B
03:35:12 BACKER 740 UnitID:742 Badge:7740 OperNames:KILLIN, WILLIAM
03:35:16 BACKER 765 UnitID:740 Badge:7765 OperNames:EPLING,NATE
03:35:36 BACKER 715 UnitID:765 Badge:7715 OperNames:CANALES,JEREMY J
03:37:04 ONSCN 7114 7110
03:38:24 ONSCN 742
03:38:50 ONSCN 765
03:39:08 ONSCN 740
03:39:25 OK 7114 740 742 765 7110
03:39:35 CLEAR 715
03:39:42 CLOS 7114 740 742 765 7110 Location:EXTENDED STAY #225,CH
03:39:49 MISC 7114 Comment:95 2X*****
03:51:01 CASE 740 Case#:CH1209198
03:51:28 CHGLOC 7110 Location:CPD,CH Comment:FOR CLEAN UP
03:51:43 CHGLOC 740 Location:CPD,CH
03:54:53 OK 7114 742 765
04:00:04 TRANSP 7114 Location:SAT JAIL Mileage:0.0
04:00:17 *CLEAR 765
04:01:16 OK 7110
04:01:59 PRMPT 742 Comment:Preempted and dispatched to call #122590114
04:13:04 CMPLT 7114 Mileage:5.6
04:13:10 OK 7114
04:20:21 TRANSP 7114 Location:CARLE ER,UR
04:22:48 CLEAR 740
04:23:13 CLEAR 7110
04:23:30 CMPLT 7114 Mileage:7.6
04:23:34 OK 7114
05:17:43 BACKOS 7110 UnitID:7114 Location:CARLE ER,UR Badge:7110 OperNames:MCLEARIN,DAVID M.
05:17:45 OK 7110
05:33:51 PRMPT 7110 Comment:Preempted and dispatched to call #
05:33:59 OK 7114
05:47:46 BACKER 740 UnitID:7114 Location:CARLE ER,UR Badge:7740 OperNames:KILLIN, WILLIAM
05:51:55 CHGLOC 740 Comment:WITH THE CAMERA
05:52:02 CHGLOC 740 Location:CARLE ER,UR
06:14:37 PRMPT 740 Comment:Preempted and dispatched to call #
07:16:01 BACKER 7109 UnitID:7114 Location:CARLE ER,UR Badge:7109
OperNames:THOMPSON,KATHERINE A
07:35:59 *ONSCN 7109
07:46:33 OK 7109
07:56:15 CLEAR 7114 Dispo:RPT
10:38:43 OK 7109
10:40:34 BACKER 938 UnitID:7109 Location:CARLE ER,UR Badge:7938 OperNames:RATH,NATHAN E
10:40:56 *ONSCN 938
10:50:09 OK 938
10:55:05 CLEAR 938
10:57:49 TRANSP 7109 Location:SAT JAIL,UR
11:03:44 CMPLT 7109 Mileage:2.0
11:03:45 OK 7109
11:39:58 PRMPT 7109 Comment:Preempted and dispatched to call #122590109
11:39:58 -CLOSE

A FDID CD131 * State IL * Incident Date 09 15 2012 Station 3 Incident Number 12-0004533 * Exposure 000 * Delete Change No Activity NFIRS -1 Basic

B Location* Check this box to Indicate that the address for this incident is provided on the Wildland Fire Module in Section B "Alternative Location Specification". Use only for Wildland fires. Census Tract 0008 - 00

Street address 610 W Marketview DR CH
 Number/Milepost Prefix Street or Highway Street Type Suffix

Intersection In front of Rear of Adjacent to Directions

Champaign IL 61820 -
 Apt./Suite/Room City State Zip Code

Cross street or directions, as applicable

C Incident Type *
113 Cooking fire, confined to
 Incident Type

E1 Date & Times Midnight is 0000
 Check boxes if dates are the same as Alarm ALARM always required
 Date: Alarm * 09 15 2012 02:34:05
 ARRIVAL required, unless canceled or did not arrive
 Arrival * 09 15 2012 02:38:18
 CONTROLLED Optional, Except for wildland fires
 Controlled
 LAST UNIT CLEARED, required except for wildland fires
 Last Unit 09 15 2012 04:03:00
 Cleared

E2 Shift & Alarms Local Option
2 01 CHC
 Shift or Alarms District Platoon

D Aid Given or Received*

1 Mutual aid received
 2 Automatic aid recv.
 3 Mutual aid given
 4 Automatic aid given
 5 Other aid given
 N None

Their FDID Their State
 Their Incident Number

E3 Special Studies Local Option
 Special Study ID# Special Study Value

F Actions Taken *

53 Evacuate area
 Primary Action Taken (1)

51 Ventilate
 Additional Action Taken (2)

Additional Action Taken (3)

G1 Resources *

Check this box and skip this section if an Apparatus or Personnel form is used.

Apparatus Personnel
 Suppression 0005 0013

EMS

Other

Check box if resource counts include aid received resources.

G2 Estimated Dollar Losses & Values

LOSSES: Required for all fires if known. Optional for non fires. None

Property \$, 001 , 000
 Contents \$, 001 , 000

PRE-INCIDENT VALUE: Optional

Property \$, 001 , 000
 Contents \$, 001 , 000

Completed Modules

Fire-2
 Structure-3
 Civil Fire Cas.-4
 Fire Serv. Cas.-5
 EMS-6
 HazMat-7
 Wildland Fire-8
 Apparatus-9
 Personnel-10
 Arson-11

H1* Casualties None
 Deaths Injuries
 Fire Service
 Civilian

H2 Detector Required for Confined Fires.
 1 Detector alerted occupants
 2 Detector did not alert them
 U Unknown

H3 Hazardous Materials Release

N None

1 Natural Gas: slow leak, no evacuation or HazMat actions
 2 Propane gas: <21 lb. tank (as in home BBQ grill)
 3 Gasoline: vehicle fuel tank or portable container
 4 Kerosene: fuel burning equipment or portable storage
 5 Diesel fuel/fuel oil: vehicle fuel tank or portable
 6 Household solvents: home/office spill, cleanup only
 7 Motor oil: from engine or portable container
 8 Paint: from paint cans totaling < 55 gallons
 0 Other: Special HazMat actions required or spill > 55gal., Please complete the HazMat form

I Mixed Use Property

NN Not Mixed
 10 Assembly use
 20 Education use
 33 Medical use
 40 Residential use
 51 Row of stores
 53 Enclosed mall
 58 Bus. & Residential
 59 Office use
 60 Industrial use
 63 Military use
 65 Farm use
 00 Other mixed use

J Property Use* Structures

131 Church, place of worship
 161 Restaurant or cafeteria
 162 Bar/Tavern or nightclub
 213 Elementary school or kindergarten
 215 High school or junior high
 241 College, adult education
 311 Care facility for the aged
 331 Hospital

341 Clinic, clinic type infirmary
 342 Doctor/dentist office
 361 Prison or jail, not juvenile
 419 1-or 2-family dwelling
 429 Multi-family dwelling
 439 Rooming/boarding house
 449 Commercial hotel or motel
 459 Residential, board and care
 464 Dormitory/barracks
 519 Food and beverage sales

539 Household goods, sales, repairs
 579 Motor vehicle/boat sales/repair
 571 Gas or service station
 599 Business office
 615 Electric generating plant
 629 Laboratory/science lab
 700 Manufacturing plant
 819 Livestock/poultry storage (barn)
 882 Non-residential parking garage
 891 Warehouse

Outside

124 Playground or park
 655 Crops or orchard
 669 Forest (timberland)
 807 Outdoor storage area
 919 Dump or sanitary landfill
 931 Open land or field

936 Vacant lot
 938 Graded/care for plot of land
 946 Lake, river, stream
 951 Railroad right of way
 960 Other street
 961 Highway/divided highway
 962 Residential street/driveway

981 Construction site
 984 Industrial plant yard

Lookup and enter a Property Use code only if you have NOT checked a Property Use box:
 Property Use 449
Hotel/motel, commercial
 NFIRS-1 Revision 03/11/99

K1 Person/Entity Involved Local Option Extended Stay America Business name (if applicable) - - Area Code Phone Number

Check This Box if same address as incident location. Then skip the three duplicate address lines.
 Josh Clements
Mr., Ms., Mrs. First Name MI Last Name Suffix
610 W Marketview DR CH
Number Prefix Street or Highway Street Type Suffix
 Champaign
Post Office Box Apt./Suite/Room City
IL 61820 -
State Zip Code

More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary

K2 Owner Same as person involved? Then check this box and skip the rest of this section.
 Local Option Extended Stay America Business name (if Applicable) 800 - 326 - 5621 Area Code Phone Number

Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name MI Last Name Suffix
 Suite 1100 450 E las Olas BLVD
Number Prefix Street or Highway Street Type Suffix
 Ft. Lauderdale
Post Office Box Apt./Suite/Room City
FL 33301 -
State Zip Code

L Remarks Local Option

METCAD Call Number: 122590091
CREATE - 02:32:49 - REG / EXTENDED STAY #130, CH
ALI - 02:32:49 - 217/351-8681 / 610 W MARKETVIEW DR #FLR1, CH / EXTENDED STAYAMERICA
ENTRY - 02:33:45 - FIRE ALARM SOUNDING. STRONG ELECTRICAL ODOR
PREMIS - 02:33:45 - KNOX
CASE - 02:34:07 - CF124533
MISC - 02:40:41 - E153 / DEFINITE HAZE INSIDE, SMELLS LIKE FOOR ON STOVE
MISC - 02:41:44 - E153 / NEED COMPANY W/ FAN TOO ROOM #130
MISC - 02:41:55 - L161 / GO IN AND ASSIST W/ FAM ROOM #130
MISC - 02:42:30 - E153 / GETTING AL
Dispatched to listed location for a fire alarm sounding and strong electrical odor, upon arrival we were met by desk staff who stated there was a haze and strong electrical odor on the ground floor emanating from room 130. 153U & 153A made our way to room 130 to investigate Engineer 153 assumed lobby. There was no audible alarm sounding upon arrival and no evacuation. Room 130 & 134 had a strong food on stove odor without visible evidence of cause. 110 arrived on scene command was passed to him along with a C.A.N. report. A pull station was activated and building was evacuation process begun. Lobby advised additional alarms on the third floor in room 334. 153 requested an additional unit for smoke evacuation on the ground floor room 134. 153's crew made the third floor and started a room by room search. 153 requested a third unit to assist with search. 161 was tasked with ground floor horizontal ventilation 171 was tasked with 2nd floor search and evacuation. 153 cleared the third floor and moved to the 2nd floor south hallway for search and evacuation. 171 handled 2nd floor north hallway search, 161 completed vent and moved to search of the north hallway. 153 moved to ground floor search and evacuated ground floor south hallway. 171 reported heavy smoke conditions in room 234 with an uncooperative room occupant. 153 made our way to

L Authorization

HUCKSTWA Huckstadt, Wayne A CPT 09 15 2012
Officer in charge ID Signature Position or rank Assignment Month Day Year
 Check Box if same as Officer in charge. LIEVANJ Lievano, Jim LT 09 15 2012
Member making report ID Signature Position or rank Assignment Month Day Year

CD131

FDID

IL

State *

MM

DD

YYYY

9

15

2012

Incident Date *

3

Station

12-0004533

Incident Number *

000

Exposure *

Complete
Narrative**Narrative:**

METCAD Call Number: 122590091

CREATE - 02:32:49 - REG / EXTENDED STAY #130,CH

ALI - 02:32:49 - 217/351-8681 / 610 W MARKETVIEW DR #FLR1,CH / EXTENDED STAYAMERICA

ENTRY - 02:33:45 - FIRE ALARM SOUNDING. STRONG ELECTRICAL ODOR

PREMIS - 02:33:45 - KNOX

CASE - 02:34:07 - CF124533

MISC - 02:40:41 - E153 / DEFINITE HAZE INSIDE, SMELLS LIKE FOOR ON STOVE

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09/15/2012 05:15:10 LIEVANJ

B Apparatus or * Resource	Date and Times					Sent <input type="checkbox"/>	Number of * People	Use Check ONE box for each apparatus to indicate its main use at the incident. <input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	Actions Taken	
	Check if same as alarm date Month Day Year Hour Min									
1 ID C110 Type 92	Dispatch <input type="checkbox"/>	9	15	2012	02:34	<input checked="" type="checkbox"/>	1	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>	9	15	2012	02:40	<input checked="" type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>	9	15	2012	03:18			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
2 ID E153 Type 11	Dispatch <input type="checkbox"/>	9	15	2012	02:34	<input checked="" type="checkbox"/>	3	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>	9	15	2012	02:38	<input checked="" type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>	9	15	2012	04:03			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
3 ID E155 Type 11	Dispatch <input type="checkbox"/>	9	15	2012	02:34	<input checked="" type="checkbox"/>	3	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>	9	15	2012	02:40	<input checked="" type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>	9	15	2012	03:15			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
4 ID L161 Type 13	Dispatch <input type="checkbox"/>	9	15	2012	02:34	<input checked="" type="checkbox"/>	3	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>	9	15	2012	02:41	<input checked="" type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>	9	15	2012	03:37			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
5 ID S171 Type 71	Dispatch <input type="checkbox"/>	9	15	2012	02:34	<input checked="" type="checkbox"/>	3	<input checked="" type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>	9	15	2012	02:46	<input checked="" type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>	9	15	2012	03:58			<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
6 ID Type	Dispatch <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
7 ID Type	Dispatch <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
8 ID Type	Dispatch <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
9 ID Type	Dispatch <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> Suppression	<input type="checkbox"/>	<input type="checkbox"/>
	Arrival <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> EMS	<input type="checkbox"/>	<input type="checkbox"/>
	Clear <input type="checkbox"/>					<input type="checkbox"/>		<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>

Type of Apparatus or Resources

- | | | |
|--|--|--|
| Ground Fire Suppression
11 Engine
12 Truck or aerial
13 Quint
14 Tanker & pumper combination
16 Brush truck
17 ARF (Aircraft Rescue and Firefighting)
10 Ground fire suppression, other
Heavy Ground Equipment
21 Dozer or plow
22 Tractor
24 Tanker or tender
20 Heavy equipment, other
Aircraft
41 Aircraft: fixed wing tanker
42 Helitanker
43 Helicopter
40 Aircraft, other | Marine Equipment
51 Fire boat with pump
52 Boat, no pump
50 Marine apparatus, other
Support Equipment
61 Breathing apparatus support
62 Light and air unit
60 Support apparatus, other
Medical & Rescue
71 Rescue unit
72 Urban Search & rescue unit
73 High angle rescue unit
75 BLS unit
76 ALS unit
70 Medical and rescue unit, other | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> More Apparatus?
 Use Additional
 Sheets </div>
Other
91 Mobile command post
92 Chief officer car
93 HazMat unit
94 Type 1 hand crew
95 Type 2 hand crew
99 Privately owned vehicle
00 Other apparatus/resource
NN None
UU Undetermined |
|--|--|--|

A FDID CD131 * State IL * Incident Date 9 15 2012 * Station 3 Incident Number 12-0004533 * Exposure 000 * Delete Change **NFIRS - 10 Personnel**

B Apparatus or Resource * Use codes listed below **Date and Times** Check if same as alarm date **Sent** **Number of * People** **Use** Check ONE box for each apparatus to indicate its main use at the incident. **Actions Taken** List up to 4 actions for each apparatus and each personnel.

1 ID C110 Dispatch 9 15 2012 02:34 Sent Arrival 9 15 2012 02:40 1 Suppression EMS Other Clear 9 15 2012 03:18

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
HUCKSTWA	Huckstadt, Wayne	CPT	X				

2 ID E153 Dispatch 9 15 2012 02:34 Sent Arrival 9 15 2012 02:38 3 Suppression EMS Other Clear 9 15 2012 04:03

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
FOWLERCJ	Fowler, Christopher	PFF	X				
LIEVANJ	Lievano, Jim	LT	X				
MCANDRKH	McAndrew, Kevin	ENG	X				

3 ID E155 Dispatch 9 15 2012 02:34 Sent Arrival 9 15 2012 02:40 3 Suppression EMS Other Clear 9 15 2012 03:15

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
QUALLSDA	Qualls, David	LT	X				
RECTORJP	Rector, Jason	FF	X				
WHITEHCD	Whitehouse, Carrol	FF	X				

A Delete Change **NFIRS - 10 Personnel**

FDID * State * Incident Date * Station Incident Number * Exposure *

B Apparatus or Resource * **Date and Times** **Sent** **Number of * People** **Use** **Actions Taken**

Use codes listed below Check if same as alarm date Check ONE box for each apparatus to indicate its main use at the incident. List up to 4 actions for each apparatus and each personnel.

Month Day Year Hours/mins

1 ID Dispatch Sent Suppression EMS Other

Type Arrival Clear

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
BLEICHWR	Bleich, William	ENG	X				
HOPKINSG	Hopkins, Steven	LT	X				
PRUITTRA	Pruitt, Ronald	FF	X				

2 ID Dispatch Sent Suppression EMS Other

Type Arrival Clear

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
PECKBC	Peck, Brad	FF	X				
SMITHBS	Smith, Brian	PFF	X				
WALTERRT	Walters, Todd	LT	X				

3 ID Dispatch Sent Suppression EMS Other

Type Arrival Clear

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				

CD131

FDID

IL

State

9

15

Incident Date

2012

3

Station

12-0004533

Incident Number

000

Exposure

Responding
Units/Personnel

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
C110 Car 110 (C10)	02:34:05	02:36:13	02:40:26	03:18:37

Staff ID\Staff Name	Activity	Rank	Position	Role
HUCKSTWA Huckstadt, Wayne A	Emergency	Captain		

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
E153 Engine 153 (13)	02:34:05	02:35:58	02:38:18	04:03:00

Staff ID\Staff Name	Activity	Rank	Position	Role
FOWLERCJ Fowler, Christopher J	Emergency	Probationar		
LIEVANJ Lievano, Jim	Emergency	Lieutenant		
MCANDRKH McAndrew, Kevin H	Emergency	Engineer		

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
E155 Engine 155 (15)	02:34:05	02:38:33	02:40:07	03:15:56

Staff ID\Staff Name	Activity	Rank	Position	Role
QUALLSDA Qualls, David A	Emergency	Lieutenant		
RECTORJP Rector, Jason P	Emergency	Firefighter		
WHITEHCD Whitehouse, Carrol D	Emergency	Firefighter		

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
L161 Ladder 161	02:34:05	02:36:13	02:41:08	03:37:12

Staff ID\Staff Name	Activity	Rank	Position	Role
BLEICHWR Bleich, William R	Emergency	Engineer		
HOPKINSG Hopkins, Steven G	Emergency	Lieutenant		
PRUITTRA Pruitt, Ronald A	Emergency	Firefighter		

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
S171 Squad 171 (R18)	02:34:05	02:36:13	02:46:06	03:58:08

Staff ID\Staff Name	Activity	Rank	Position	Role
PECKBC Peck, Brad	Emergency	Firefighter		
SMITHBS Smith, Brian S	Emergency	Probationar		
WALTERRT Walters, Todd T	Emergency	Lieutenant		

CD131 FDID *	IL State *	MM DD YYYY 9 15 2012 Incident Date *	3 Station	12-0004533 Incident Number *	000 Exposure *	Responding Personnel
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Staff ID\Staff Name	Unit	Activity	Position	Rank	PayScl	Hrs	HrsPd	Pts
HUCKSTWA Huckstadt, Wayne	C110	EM Emergency		CPT		0.74	0.74	0.00
FOWLERCJ Fowler,	E153	EM Emergency		PFF		1.48	1.48	0.00
LIEVANJ Lievano, Jim	E153	EM Emergency		LT		1.48	1.48	0.00
MCANDRKH McAndrew, Kevin	E153	EM Emergency		ENG		1.48	1.48	0.00
QUALLSDA Qualls, David A	E155	EM Emergency		LT		0.70	0.70	0.00
RECTORJP Rector, Jason P	E155	EM Emergency		FF		0.70	0.70	0.00
WHITEHCD Whitehouse,	E155	EM Emergency		FF		0.70	0.70	0.00
BLEICHWR Bleich, William	L161	EM Emergency		ENG		1.05	1.05	0.00
HOPKINSG Hopkins, Steven	L161	EM Emergency		LT		1.05	1.05	0.00
PRUITTRA Pruitt, Ronald A	L161	EM Emergency		FF		1.05	1.05	0.00
PECKBC Peck, Brad	S171	EM Emergency		FF		1.40	1.40	0.00
SMITHBS Smith, Brian S	S171	EM Emergency		PFF		1.40	1.40	0.00
WALTERRT Walters, Todd T	S171	EM Emergency		LT		1.40	1.40	0.00

Total Participants: 13

Total Personnel Hours: 14.63

An 'X' next to the unit denotes driver.

CD131	IL	9	15	2012	3	12-0004533	000	NFIRS - Involvement User Fields
FDID	State	Incident Date		Station	Incident Number	Exposure		

Involvement Name: Extended Stay America	Involvement Type:	Owner: X	Occupant:
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Involvement Name: 	Involvement Type:	Owner:	Occupant:
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Delete Change **Insurance and \$Loss**
A
 FDID * State * Incident Date * Station Incident Number * Exposure *

B Estimated Dollar Loss & Value

	Pre-Incident Value	Estimated Loss	Insured Amount	Settlement Amount
Buildings	\$1,000.00	\$1,000.00	\$0.00	\$0.00
Vehicles	\$0.00	\$0.00	\$0.00	\$0.00
Contents	\$1,000.00	\$1,000.00	\$0.00	\$0.00

C₁ Insurance Company

Business name if applicable Contact Name

 Street or highway

 Post office box City
 - - - -
 State Zip Code Phone Number

 Agent Name

 Policy Number

Buildings Vehicles Contents
 Policy Coverage



CHAMPAIGN POLICE DEPARTMENT



INCIDENT DETAIL

A	Officer Number 7114	METCAD Event # 122590109	Shift 1	Case Number CC1209198
Occurred 09/15/2012	03:17	DOW Saturday		
Reported 09/15/2012	03:17	DOW Saturday	Time Dispatched 03:19	Time Arrived 03:27
Incident Adr. 610 W MARKETVIEW DR Apt # 130 CHAMPAIGN			Loc Type	GEO 51610
Related Officer Numbers MCLEARIN 7110 — THOMPSON 7109				

OFFENSE

Offense Crime Code/Description	CSA	Act	# Pr.	Force	Circ.	Weapon	Bias
0410 BATTERY-AGGRAVATED			000	NO		99	88
0560 ASSAULT			000	NO		99	88
3710 RESIST/OBSTRUCT/DISARM AN OFFICER			000	NO		99	88
1330 TRESPASS TO LAND/REAL PROPERTY			000	NO		99	88
9996 USE OF FORCE BY OFFICER			000	NO		99	88

SYNOPSIS

Officers were dispatched for a reported disorderly subject. Offender battered Officers and was subsequently arrested.

VICTIM

Name EXTENDED STAY		Address 610 MARKETVIEW CHAMPAIGN, IL 61820			Telephone Unknown				
Victim Code B	Corporate/Owner Name		Corporate Address CHAMPAIGN IL						
Veh. Color1/Color2	Year 0000	Make	Model	Body	License Number/State	VIN	Person Was:		
Name MCLEARIN, DAVID M		Address 82 UNIVERSITY E CHAMPAIGN, IL 61820			Telephone (217)351-4545				
Emp Code Y	Employer/School Name CHAMPAIGN POLICE DEPARTMENT		Emp. Address 82 UNIVERSITY E CHAMPAIGN, IL 61820			Emp .Tel. (217)000-0000			
DOB [REDACTED]	Age (when occurred) 37	Race W	Sex M	Ht. 602	Wt. 200	Hair BRO	Eye BRO	SSN 000-00-0000	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by						
Name RUSH, MATT R		Address 82 UNIVERSITY E CHAMPAIGN, IL 61820			Telephone (217)351-4545				
Emp Code Y	Employer/School Name CHAMPAIGN POLICE DEPARTMENT		Emp. Address 82 UNIVERSITY E CHAMPAIGN, IL 61820			Emp .Tel. (217)000-0000			

Reporting Officer: RUSH,MATT R

officer's initials MR approved 77

VICTIM CONTD.

VICTIM CONTD.

DOB [REDACTED]	Age (when occurred) 27	Race W	Sex M	Ht. 603	Wt. 198	Hair RED	Eye BRO	SSN 000-00-0000	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

Name WALTERS, ROBERT	Address 307 RANDOLPH CHAMPAIGN, IL 61821	Telephone (217)403-2700
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Emp Code Y	Employer/School Name CHAMPAIGN FIRE DEPARTMENT	Emp. Address 307 RANDOLPH S CHAMPAIGN, IL 61821	Emp .Tel. Unknown
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DOB [REDACTED]	Age (when occurred) 43	Race W	Sex M	Ht. 600	Wt. 170	Hair BRO	Eye BLU	SSN 000-00-0000	DL# [REDACTED]
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

WITNESS

Name [REDACTED]	Address 610 MARETVIEW CHAMPAIGN, IL 61821	Telephone [REDACTED]
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Emp Code Y	Employer/School Name EXTENDED STAY	Emp. Address 610 MARKETVIEW CHAMPAIGN, IL 61821	Emp .Tel. (217)000-0000
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DOB [REDACTED]	Age (when occurred) 35	Race W	Sex M	Ht. 510	Wt. 180	Hair BRO	Eye BLU	SSN [REDACTED]	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

Name WALTERS, ROBERT	Address 307 RANDOLPH CHAMPAIGN, IL 61821	Telephone (217)403-2700
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Emp Code Y	Employer/School Name CHAMPAIGN FIRE DEPARTMENT	Emp. Address 307 RANDOLPH S CHAMPAIGN, IL 61821	Emp .Tel. Unknown
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DOB [REDACTED]	Age (when occurred) 43	Race W	Sex M	Ht. 600	Wt. 170	Hair BRO	Eye BLU	SSN 000-00-0000	DL# [REDACTED]
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

REPORTING

Name [REDACTED]	Address 610 MARETVIEW CHAMPAIGN, IL 61821	Telephone [REDACTED]
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Emp Code Y	Employer/School Name EXTENDED STAY	Emp. Address 610 MARKETVIEW CHAMPAIGN, IL 61821	Emp .Tel. (217)000-0000
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DOB [REDACTED]	Age (when occurred) 35	Race W	Sex M	Ht. 510	Wt. 180	Hair BRO	Eye BLU	SSN [REDACTED]	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

ARRESTEE/OFFENDER

Name [REDACTED] (arrestee)	Address [REDACTED]	Telephone [REDACTED]
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Emp Code	Employer/School Name	Emp. Address CHAMPAIGN, IL	Emp .Tel. Unknown
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Reporting Officer: RUSH, MATT R

officer's initials MR approved TT

ARRESTEE/OFFENDER CONTD.

ARRESTEE/OFFENDER CONTD.

DOB [REDACTED]	Age (when occurred) 52	Race B	Sex M	Ht. 604	Wt. 270	Hair BLK	Eye BRO	SSN [REDACTED]	DL# [REDACTED]
Injury Code B	Victim Code I	Hospitalized NO	Treated by						
Show Up: Date/Time 00/00/0000		Show Up Location			Conducting Officer			Arrest Date/Time 09/15/2012 03:34	
Arresting Officer RUSH		Arrest Location 610 MARKETVIEW CHAMPAIGN			Transporting Officer RUSH			Dispo/Type CCSO T	
Miranda NO	Miranda Officer		Miranda Date/Time 00/00/0000		Arrest Numbers				

Name [REDACTED]	Address [REDACTED]	Telephone [REDACTED]
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Emp Code	Employer/School Name	Emp. Address CHAMPAIGN, IL	Emp. Tel. Unknown
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DOB [REDACTED]	Age (when occurred) 40	Race B	Sex F	Ht. 510	Wt. 210	Hair BLK	Eye BRO	SSN 000-00-0000	DL# [REDACTED]
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

RELATION MATRIX

Offense	Victim	Relation Code	Offender
0410	MCLEARIN, DAVID M	ST	[REDACTED]
0410	RUSH, MATT R	ST	[REDACTED]
0560	WALTERS, ROBERT	ST	[REDACTED]
3710	SOCIETY	ST	[REDACTED]
1330	EXTENDED STAY	ST	[REDACTED]
9996	SOCIETY	ST	[REDACTED]
1330	EXTENDED STAY	ST	[REDACTED]

PROPERTY

Description Digital Memory Card			
Loss Recv Drug	Quantity Measure Value 1.000	Serial # Evidence? YES Property Code 498	Loc CPD EVIDENCE ROOM Disposition RETAIN UNTIL NO FURTHER V

NARRATIVE

On 09/15/2012, at approximately 0319 hrs, I was wearing a Champaign Police Department Class "B" uniform and operating a fully marked squad car. I was dispatched by METCAD to Extended Stay, 610 Marketview, Champaign IL, due to the fact that the Champaign Fire Department requested a police presence to investigate possible illegal activity! Champaign Fire personal advised the occupants of room #232 were responsible for the

Reporting Officer: RUSH, MATT R

officer's initials m approved TI

NARRATIVE CONTD.

NARRATIVE CONTD.

suspected illegal activity

Upon arrival, I was met at the front door, by the night manager, identified as [REDACTED]. I asked [REDACTED] to explain to me what he had observed. [REDACTED] informed me that the Extended Stay had received a fire alarm. [REDACTED] stated that the occupant of room #232, who was later identified as [REDACTED], had started a stove fire and refused to leave the room. [REDACTED] advised me that the room received extensive damage. [REDACTED] informed me that the fire department had to force entry into the room, even though the room was the source of the fire and that [REDACTED] was still inside the room. [REDACTED] stated that [REDACTED] refused to evacuate the building and entered room #225, which was later identified as belonging to [REDACTED].

I asked [REDACTED] what he would like me to do and [REDACTED] stated he wanted [REDACTED] removed from the property. I asked [REDACTED] if he would proceed with trespassing charges, to which he replied "YES". In addition, [REDACTED] stated that he wanted [REDACTED] removed from the property and would also pursue trespassing charges against [REDACTED] should he not voluntarily leave the property.

At this time, I proceeded to room #225 in order to speak with [REDACTED] and [REDACTED]. It should be noted, as I approached the door, I was flagged down by Robert, who is a Champaign Fire Department Firefighter. Robert advised me to be careful when dealing with [REDACTED]. I asked Robert why he would say that. Robert advised that after [REDACTED] entered room #225, he approached the door and instructed the occupants to evacuate the building. Robert stated that [REDACTED] shouted through the door "Fuck off" and refused to leave the room. Robert stated that [REDACTED] eventually opened the door, however, still refused to leave. Robert advised that [REDACTED], who is 6 feet 4 inches and weighs approximately 270 pounds, took an aggressive posture, in that he pushed out his chest and drew his hands behind his back in a manner consistent with preparing to deliver a punch. Robert advised he then backed away from the room and requested police

NARRATIVE CONTD.

assistance.

At this time, I knocked on the door and stated "Champaign Police, answer the door!" I initially did not receive a response. I again stated "Champaign Police, open the door!". At this time, I heard ██████ state something similar to "Who the fuck is it? Fuck you!". I grabbed the door knob in order to see if the door was unlocked. At this time, ██████ opened the door approximately 6 inches and stood in the door way.

As the door opened, I immediately could smell a intense odor of alcoholic beverage. I commanded ██████ to open the door to which he refused to comply. I placed both of my hands against the door in order to keep ██████ from shutting the door. At this time, ██████ stepped back enough to allow Officer Mclearin and myself to enter the residence. ██████ immediately became hostile, in that he took one step away from us and stood with one leg pivoted to the side, which would be consistent with stabilizing his base as if to prepare for a fight.

I informed ██████ and ██████, who was sitting in a chair, that both of them need to pack their belongings and leave the property. I informed them that management wanted them to leave the property. ██████ told Officer Mclearin to "get the fuck out" and the only way he would leave is if we "drag him out". At this time, Officer Mclearin grabbed ██████'s right arm, with the intent of arresting ██████ for trespass. I observed ██████ take a step back and punch Officer Mclearin directly in the chest. I observed Officer Mclearin to fall back and lose the grip he had on ██████'s wrist.

█████ took another step towards Officer Mclearin at which time, Officer Mclearin struck ██████ one (1) time in the face. This blow had little to no effect as ██████ began to walk towards Officer Mclearin. ██████ was obviously clinching his muscles tight and had both fist clinched. I charged into him and wrapped my arms around him from the side into a "bear hug". I was able to

NARRATIVE CONTD.

tackle [REDACTED] onto the bed, however, he continued to fight and resist. [REDACTED] was pushing off the bed and attempting to roll away from Officer Mclearin and myself. [REDACTED] was throwing his elbows back and swinging his arms behind him. It should be noted, I landed on top of [REDACTED], lying across his arms and upper chest and side. It appeared as though [REDACTED] was attempting to strike me in the upper torso and arm area, as this was the area of my body closest to him.

I was lying across [REDACTED]'s shoulder area while this was occurring, I delivered one (1) punch to [REDACTED]'s right cheek area, near his eye. This again had little to no effect on [REDACTED]'s hostilities. At this time, I positioned myself so that I could use my departmental issued O.C spray on [REDACTED]. I delivered a approximate two (2) second burst of spray to [REDACTED] face, which struck him in both eyes and the nose. The O.C. spray appeared to stun [REDACTED], however, he continued to try and get off the bed. [REDACTED] was laying on his side, pushing up with his left hand while facing me. I struck [REDACTED] one more time in the side of the head with a closed fist. This last punch was effective as [REDACTED] laid flat on his stomach across the bed, at which time Officer Mclearin advised I had inadvertently sprayed him. I was able to secure [REDACTED]'s left arm into handcuffs, which I held between my legs. I was then able to pull [REDACTED]'s right hand behind his back and properly secure [REDACTED] into hand cuffs. It should be noted, that [REDACTED] was yelling throughout the altercation, however, I cannot recall any specific statements.

Officer Mclearin left the room in order to decontaminate and several Champaign Fire Firefighters entered the room to assist me should I need it. I was able to remove [REDACTED] from the room and sat him in the hallway so he could receive fresh air. In addition, I had [REDACTED] sit next to [REDACTED]. Officer Killin and Officer Epling arrived on scene and took [REDACTED] outside, at which time, Officer Epling provided [REDACTED] with a Sudecon wipe. I then obtained identifying information from [REDACTED] [REDACTED] and Robert.

NARRATIVE CONTD.

It should be noted, that both [REDACTED] and [REDACTED] were highly intoxicated at the time of contact. [REDACTED] refused to provide me with any more identifying information other than her Tennessee drivers license.

I proceeded to my squad car and secured [REDACTED] in the rear passenger area. I opened both back windows to ensure proper ventilation. I transported [REDACTED] to the Champaign County Sheriff's Department Satellite Jail. Upon arrival, Correction Officer Hammel informed me I would need a medical release in order for [REDACTED] to be booked in. It should be noted, that [REDACTED] had significant swelling on his right eye. In addition, there was a small amount of blood coming from his nose. It should be noted that I asked [REDACTED] if he would like to speak with me, to which he refused and stated "only with a lawyer present". In addition, the transport was captured by my in car video recording system. This footage was submitted into evidence at the Champaign Police Department.

I proceeded to Carle Hospital in order to obtain the proper medical release. [REDACTED] underwent standard medical questions, then received a CAT scan due to the swelling on his face. I was later informed by the emergency room nurse, that it was possible that [REDACTED] had a orbital fracture and further testing would be required. I informed Sgt. Petrilli of the aforementioned information and he instructed me to photograph the injury. I used a digital shift camera to photograph [REDACTED] eye and nose. I later submitted the digital memory card into evidence at the Champaign Police Department.

At approximately 0745 hrs, Officer Thompson arrived at Carle Hospital in order to relieve me. (See Officer Thompson's supplemental report for further information).

It should be noted, that after returning to the Champaign Police Department, Sgt. Rath informed me that [REDACTED] had accused Officer Mclearin and myself of theft. [REDACTED] stated that he had \$1900.00

NARRATIVE CONTD.

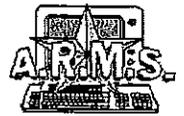
U.S.C taken from him during the arrest. It should be noted, that I did not locate any currency on his person during the search subsequent to arrest. In addition, I did not observe any currency in [redacted] room during my time inside. I only observed a money clip, that only contained [redacted] Massachusetts' drivers license, credit cards and various receipts. This was located on his night stand a long the east side of the room. The room was in total disarray, with clothing and garbage strewn everywhere.

I have no further information regarding this investigation.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #s			
Signature of Reporting Officer <i>[Signature]</i>	date <i>09/15/2012</i>	APPROVED (Supervisor) <i>[Signature]</i>	date <i>9-15-12</i>
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: RUSH, MATT R	officer's initials <i>MR</i>	approved <i>TP</i>	<i>939</i>



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



SUPPLEMENTAL DETAIL

Case Number CC1209198	Officer Number 7110	Date Entered 09/15/2012	Date/Time of Orig. Rpt. 09/15/2012 03:17
Incident Address 610 W MARKETVIEW DR Apt # 130 CHAMPAIGN		Title of Report: Trespass/Agg Batt/Resisting	

NARRATIVE

On 09/15/12 I was assigned to routine patrol. I was wearing full CPD uniform and driving a fully marked squad car. At 0319 hrs, I copied radio traffic that Ofc. Rush was being sent to 610 W Marketview, Extended Stay, to assist the fire department. METCAD advised that fire wanted police assistance due to "some sort of illegal activity". I went to back up Ofc. Rush.

Upon my arrival with Ofc. Rush, we were advised that there was a female, [REDACTED], on the second floor that had a fire in her room on the stove. The firemen could hear [REDACTED] walking around in the room, but she would not answer the door. The fire department finally had to force entry to the room. [REDACTED] initially refused to leave the room. When she finally left the room, she refused to evacuate the building and went to room 225 where [REDACTED] was staying. When the firemen made contact with [REDACTED], they told him that he and [REDACTED] needed to evacuate the hotel. [REDACTED] told them to "Fuck off!" and shut the door to his room. As I listened to the firemen, I observed that the white cabinets above the stove in the [REDACTED]'s room were black with soot from fire. I could also smell the odor of a fire.

Ofc. Rush then spoke to the manager from Extended Stay. The manager essentially told Ofc. Rush that he wanted both [REDACTED] and [REDACTED] to be ejected from the hotel. For a full summary of the above interviews, see Ofc. Rush's report.

Ofc. Rush and I then knocked on the door of room 225. I could hear a male voice yell, "who the fuck is it!?" Ofc. Rush advised that it was the police and we needed them to open the door so we could talk to them. The male said something like, "Fuck them. Fuck the police." Ofc. Rush again knocked on the door and said, "you need to open the door so we can talk to you."

NARRATIVE CONTD.

██████████ then opened the door. It should be noted that Myron is 6'04" and weighs 270 lbs. Both Ofc. Rush and I stepped into the room. ██████████ was seated on a chair in the room. It should be noted that ██████████ never left the chair when I was present. Ofc. Rush told ██████████ and ██████████ that due to their actions, the management of Extended Stay was kicking them out of hotel, so they needed to gather their belongings and leave. ██████████ told us to "get the fuck out". He also said that he was not going anywhere. I then told ██████████ that he needed to gather his belongings and leave the hotel. ██████████ said, "the only way I'm leaving is if you motherfuckers drag me out." I told ██████████ that if he did not leave, he would be arrested for trespassing. ██████████ again said that he was not leaving.

When ██████████ spoke, I could smell the odor of an alcoholic beverage on his breath. ██████████ also had red blood shot eyes. ██████████ seemed highly intoxicated.

I then used my right hand to grab ██████████'s right wrist as I told him to place his hands behind his back because he was under arrest. As I did this, I had intended to spin ██████████ around so that Ofc. Rush and I could secure him in handcuffs. As I was doing this, ██████████ planted his foot and punched me in the chest with a closed left fist. I was able to keep my balance because of the grip that I had on ██████████'s arm. I however lost my hold on his arm. ██████████ came at me with a raised clenched right fist. I believed that ██████████ was going to strike me again, so I used a closed right fist and punched him in the face. As I did this, Ofc. Rush was able to grab ██████████ and we were able to get him onto the bed. ██████████ was still throwing punches at us. When one of the punches went past my head, I struck ██████████ one more time with a closed fist in the face. This was the only target I had since I was on the bed also.

I was then able to get a hold of one of ██████████'s arms. He was still throwing punches with his other arm. The punches were

NARRATIVE CONTD.

striking us in the arms and lower body. At some point, Ofc. Rush used his departmental issued OC spray to spray [redacted] in the face. When Ofc. Rush did this, he also sprayed me in the eyes. We were then able to get [redacted] secured in double locked handcuffs that were checked for fit.

At that point, I opened the door to the room and asked for the help of the firefighters outside. Several of them came in to assist Ofc. Rush. One of the firefighters escorted me downstairs and outside. I decontaminated myself and then came to Post and further washed out my eyes and face.

The punches were somewhat effective in getting [redacted] onto the bed, but we were unable to take him into custody until OC spray was used. Once OC Spray was used, we were able to take Myron into custody.

At the time of the incident, I was unaware of any injury to [redacted]. I later learned that he had a fracture to his orbital socket. I do not know of any pre existing injuries to [redacted].

For further information see Ofc. Rush's report. I have nothing further regarding this incident at this time.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #'s			
Signature of Reporting Officer <i>David M. McClearin</i> 2110		APPROVED (Supervisor) <i>[Signature]</i> 939	
date 9/15/12		date 9/15/12	
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: MCLEARIN, DAVID M		officer's initials <i>DMM</i> approved <i>TR</i>	



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



Page 1 of 2

SUPPLEMENTAL DETAIL

Case Number CC1209198	Officer Number 7938	Date Entered 09/15/2012	Date/Time of Orig. Rpt. 09/15/2012 03:17
Incident Address 610 W MARKETVIEW DR Apt# 130 CHAMPAIGN			Title of Report:

NARRATIVE

Ofc. Thompson informed me that [REDACTED] was claiming that \$1900 was taken from his hotel room by officers at the time of his arrest. I requested Ofc. Thompson to try and obtain a recorded statement from [REDACTED] about what happened this morning and the alleged loss of his money. I brought a digital recorder to Ofc. Thompson at Carle. Ofc. Thompson contacted me a short time later and said that [REDACTED] requested an attorney and declined to make a statement.

I went to the hotels nearby The Extended Stay where this incident took place. It was believed that [REDACTED] had gone to another local hotel. I learned that she was not registered at any other close by hotel. Sgt. Petrilli called me and stated that he had spoken with First Assistant State's Attorney Ziegler about our right to enter [REDACTED]'s room. Mr. Ziegler told Sgt. Petrilli that we did have a legal right to enter the hotel room because [REDACTED] had been arrested for trespass, had been removed from his room, and told not to return by hotel management. I did make contact with [REDACTED] the manager at the Extended Stay, who allowed me entry into [REDACTED]'s room. I noticed that [REDACTED] had numerous personal items and it did appear that he had been staying there for some time. When I realized the amount of personal items [REDACTED] had, it was decided that we would leave it up to hotel management to handle [REDACTED]'s items. I also obtained a phone number for the company for which [REDACTED] works. I called the business and asked that [REDACTED] call me. A short time later [REDACTED] called me back.

[REDACTED] stated that she was at Carle hospital trying to find out information about [REDACTED]. I explained to [REDACTED] that Ofc. Thompson was at the hospital and could provide some information to her. I also asked [REDACTED] if she was willing to speak with

Reporting Officer: RATH, NATHAN

officer's initials _____ approved RP

NARRATIVE CONTD.

NARRATIVE CONTD.

Ofc. Thompson to gather additional details about what happened this morning. She said she would speak with Ofc. Thompson.

I explained to [redacted] that [redacted] would see a judge tomorrow. [redacted] said that he would box up [redacted]'s things so that [redacted] could pick them up later.

Ofc. Thompson later told me that [redacted] was not interested in giving a detailed statement to her.

Copied By:	Entered/Filed By:
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Miscellaneous/Leads #'s

Signature of Reporting Officer	date	APPROVED (Supervisor)	date
		<i>Rath</i> 938	12-15-12

No secondary dissemination without consent from Champaign Police Dept.

Reporting Officer: RATH, NATHAN

officer's initials _____ approved *(initials)*



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



Page 1 of 3

SUPPLEMENTAL DETAIL

Case Number CC1209198	Officer Number 7109	Date Entered 09/15/2012	Date/Time of Orig. Rpt. 09/15/2012 03:17
Incident Address 610 W MARKETVIEW DR Apt # 130 CHAMPAIGN		Title of Report: AGG BATT/RESISTING	

PROPERTY

Tag#	Desc. DISK WITH DIGITAL RECORDINGS	Recommended Action	
32129		RETAIN UNTIL NO EVID. VALUE	
Loss 1	Quantity 1.000	Serial #	Loc
Recv 6	Measure	Evidence? YES	Disposition
Drug	Value	Property Code 818	SECURED IN EVIDENCE

NARRATIVE

This is a supplemental to Officer Rush's (7114) original report.

On 09/15/2012, at approximately 0735 hours, I was instructed to relieve Officer Rush at Carle hospital Emergency Room. There was an arrestee being treated in the hospital and Officer Rush needed to return to the police department to complete his report.

I arrived at Carle and explained to [REDACTED] that I was there to remain with him until he was discharged. While I was sitting with [REDACTED] [REDACTED] asked me where his money was. I asked him what he was talking about. [REDACTED] stated that he had \$1900.00 cash in his pocket that he took with him when they were doing the "fire drill." I asked him if he wished to speak with someone regarding his missing money. [REDACTED] stated no and that "they took my money."

At that time, I notified Sergeant Rath of the [REDACTED] statement. He advised that we needed to obtain a statement from Myron regarding the incident. He then provided me with a digital recorder to record [REDACTED] statement.

At 0915 hours, I initiated a recorded statement with [REDACTED]. I began the recording and advised [REDACTED] of his Miranda rights. I asked [REDACTED] if he wished to speak with me and he stated no. [REDACTED] asked to speak with a lawyer before he spoke with me. I then ceased the recording.

Reporting Officer: THOMPSON, KATHERINE A

officer's initials

[Handwritten initials]

approved

[Handwritten signature]

NARRATIVE CONTD.

NARRATIVE CONTD.

At approximately 1010 hours, Sergeant Rath advised me that a witness, [REDACTED], was at the hospital and that we also needed a statement from her. I spoke with [REDACTED] in the consulate room of the Carle Hospital Emergency Department. I explained to [REDACTED] that I did not know about the incident and that I was told we needed her statement. I began a digitally recorded statement with [REDACTED] at 1017 hours. I advised [REDACTED] of her Miranda rights on the recording. I asked her if she understood and she said yes. I asked her if she agreed to talk to me and she stated yes. I asked [REDACTED] to tell me what happened.

[REDACTED] stated that she is a coworker of [REDACTED]. They have no dating relationship, and are from different states. They both work as traveling nurses. [REDACTED] stated that she and [REDACTED] went to eat and have drinks at Chili's in Champaign. They returned to their hotel after eating/drinking. I asked [REDACTED] if either of them were intoxicated. [REDACTED] stated that "legally intoxicated yes." I asked what happened next. [REDACTED] stated that they were evacuating the building due to a fire. She advised that she went to [REDACTED]'s room #225. She stated that the police came into the room aggressively. She advised that she asked one officer his name and badge number and she advised that he said it very fast. [REDACTED] advised that was all that happened and she had nothing further to say. I clarified with [REDACTED] and asked her if she was stating that she did not want to talk anymore and she stated yes. I ceased the conversation/recording with [REDACTED].

Both conversations were recorded on a department issued digital recorder #1 and will be transcribed at a later time. I copied the conversations to a disk which has been secured in evidence at the Champaign Police Department.

Myron was transported to the Champaign County Jail on charges of Assault, Aggravated Battery to a Peace Officer, Resisting/Obstructing a Peace Officer, and Criminal Trespass. He was released from Carle Hospital after treatment. A copy of the

NARRATIVE CONTD.

release/discharge paperwork is attached to this report. I released Myron to the Champaign County Jail staff and gave them copies of the appropriate paperwork.

No further information at this time.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #'s			
Signature of Reporting Officer <i>Katherine A. Thompson</i>		APPROVED (Supervisor) <i>Rash</i>	
7109 date 9/15/12		938 date 9-15-12	
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: THOMPSON, KATHERINE A		officer's initials <i>KT</i> approved <i>RE</i>	