

**Pre-Disciplinary Statement**  
**Officer Matthew Rush**  
**January 15, 2014**

DS: Lieutenant Dave Shaffer  
JS: Lieutenant Jon Swenson  
MR: Officer Matthew Rush

DS: All right today's date is Wednesday, January 15<sup>th</sup>, 2014; the time is approximately 11:04 a.m. For identification purposes my name is Lieutenant Dave Shaffer. Also present in the room at this time with me are Lieutenant Jon Swenson, Officer Matthew Rush and FOP Attorney Tamara Cummings. Officer Rush, before we get started I need to advise you that this interview is being recorded. I also need to advise you that you are hereby ordered to respond to all questions truthfully and fully that bear on your employment with the Champaign Police Department, do you understand that order?

MR: I do.

DS: Any admission made by you during the course of this interview may be used as evidence of misconduct and may form the basis for charges and seeking discipline against you up to and including termination, do you understand that?

MR: I do.

DS: You have a right to have legal represent, a legal representative of your choosing, do you understand that?

MR: I do.

DS: And you've elected to have Ms. Cummings serve as your legal representative?

MR: Yes.

DS: Very good. Did you respond to assist Officer Haugen with a traffic stop and subsequent foot pursuit on November 2<sup>nd</sup>, 2013?

MR: Yes.

DS: Can you describe for me when you arrived in the area, where did you go and what, exactly, did you do?

MR: Want me to start from when the call came out until the end of it?

DS: Sure.

MR: I was at uh, by Country Fair and Bradley when Officer Haugen advised that she was behind a stolen vehicle around McKinley and Bloomington. Immediately I started to proceed that way from Bradley north on Mattis. Tina was, or Officer Haugen was calling out the uh, the vehicle's path as I was responding north bound on Mattis. When I got to near Paula, I turned east and I saw her overhead lights in the distance. I believe it was at Garden Hills, I can't verify that because it was so far away but it went south, I proceeded that way. When I got to Paula and Garden Hills, I looked to the south, I saw her squad car parked with its lights on, driver's side door open, I observed an SUV, I don't remember what type it was on the train tracks and I pulled in behind Tina. I saw her running over the tracks, at which time I exit my car and started running south across the tracks. I saw Tina cross Hedge and go to the first house on the southeast corner and run through the east side of the yard and back. I stayed on Garden Hills and ran down the road as she was calling it out. I probably ran I guess two blocks or thereabouts . . . from Hedge, I can't think of the intersec . . . the next road south. Ran a block, headed to the backyards then I could hear rustling leaves, a chain link fence. I saw a black male running who I identified as [REDACTED], ordered him to stop, continued going, I jump the fence which is at [REDACTED]. Continue to chase him through the backyard on the east side of the house into the front yard where I finally caught him. At that time I tackled him on the ground, tried to place him in cuffs, I was absolutely exhausted from running, couldn't get his hands behind his back. I sprayed him, and at that time several of the officers arrived on scene and he was easily placed in handcuffs.

DS: All right, just for clarification, you were working in full uniform that night?

MR: Full uniform, yes. Driving squad 37 which is unmarked.

DS: Now you mention during the foot pursuit that you'd ordered him to stop?

MR: Right.

DS: Do you recall how many times you gave that verbal command?

MR: I would say once, twice maybe. Once for sure, but maybe twice.

DS: And did [REDACTED] give you any type of visual indicator that he heard that command or?

MR: He never stopped running.

DS: You mentioned that when you reached [REDACTED] that you'd tackled him to the ground?

MR: Yes.

DS: And that's when they, the process of trying to place him into custody took place. Can you describe the actual arrest and the physical portion of the arrest . . . ?

MR: . . . just near the front door of the house uh there's a gravel driveway that leads to a small sidewalk and the driveway to the door. And we landed like half in the grass and half on the sidewalk area.

DS: And that was at the moment that you tackled him?

MR: Right, correct.

DS: And how did he land on the ground?

MR: Uh, stomach first . . . I, coming from behind him, I wrapped him up from behind and drove down into the ground.

DS: Do you recall, did he brace his fall at all?

MR: I don't think he could. Because I wrapped him up in almost like a bear hug and drove straight down like that.

DS: So his arms were inside of yours?

MR: Inside my arms.

DS: Okay.

MR: I think we were both pretty tired from running. I don't know if he could brace himself if he wanted to.

DS: You mentioned that the arrest occurred on uh partial grass partial gravel surface?

MR: No, it was sidewalk.

DS: So basically . . .

MR: Yeah.

DS: . . . like concrete?

MR: Yeah.

DS: Okay grass and sidewalk?

MR: Yeah.

DS: Okay. Do you recall which portion of [REDACTED]'s body was on which surface?

MR: No. I'm sorry, I just, I don't remember that.

DS: How about, do you recall which direction his head was facing?

MR: He was facing to the west. The driveways to the east and he was facing to the west like he was gonna run back out towards Garden Hills from Williamsburg.

DS: So you mentioned that you had to restrain him after he was tackled, can you describe how he was restrained on the ground?

MR: Basically just my weight on top of him initially, trying to pull his arms out from under him. I was, like I said, extremely tired from running, uh, I know I didn't have my full strength, he didn't have his either, but I remember trying to pull his arms, maybe trying to roll on his side to get an arm out from under him, I couldn't do it, so I sprayed him at that time. But you, when I realized I couldn't get his arm, I kind of used my weight on top of him in a straddle across his back to hold him place.

DS: So you . . .

MR: But I could hear sirens I knew people were close.

DS: Were you laying on him or sitting on him?

MR: Initially I was laying on him, I pushed myself up and straddled him. Kind of more along his lower back area and his legs.

DS: You mentioned you had difficulty getting him handcuffed, was he actively resisting or . .

MR: He wasn't . . .

DS: . . . trying . . .

MR: . . . he wasn't trying to hurt me . . .

DS: Uh huh . . .

MR: . . . or trying to fight with me but he was trying to continue to get up and run.

DS: Can you explain why, how he was doing that?

MR: Well I could show you like pushing back with both palms on the ground, trying to roll side to side. But like I said he wasn't actively trying to hurt me, he was just trying to continue to flee.

DS: You made mention that your position immediately following tackling him was initially you laid on top of him and then moved yourself up to a sitting position?

MR: Correct.

DS: And that was across the lower back and . . .

MR: Lower back, yeah.

DS: . . . okay. Eventually other officers arrived and assisted you at the restrain or arrest of [REDACTED]. Can you name those officers that were present?

MR: I do remember, I mean, I think the entire shift was coming to the call, but I know Oberheim was the first one to get there to help me. Then I saw Rogers, Voges was on scene, immediately, Voges took custody of him after he was detained and maybe Krauel, Prosser had to of been there cause he was suffering from the effects of running through that cloud of spray. And I know other people arrived on scene but basically Oberheim and myself were the ones that got him in the cuffs.

DS: I want to jump back just to a follow up question here real quick. You said that you had difficulty handcuffing, that he was pushing upwards, that he was trying to get his arms . .

MR: . . .

DS: . . . underneath him and that was what prompted you to spray him. Was the prompting to spray because you felt like he was trying to hurt you or was the spray to stop him from fleeing more?

MR: It was to stop him from fleeing. Cause I knew if he got up and ran again I probably wouldn't have a whole lot left to chase.

DS: Can you describe how, let's start with Officer Oberheim, uh, how he assisted you and what was his position when [REDACTED] was on the ground?

MR: Uh, we each had an arm, I think, I would have been on his right side, had his right arm, Chris, yes, I believe I had his right arm, and Chris grabbed on to his left arm, then I don't remember if the other officers got there and jumped on the lower portion of [REDACTED] before we got him in cuffs, but the two of us were able to bring both of his arms down his back and get him in cuffs. I mean, if I remember correctly I didn't even put him in cuffs, I just pulled the arm back, put it in place and somebody in the dog pile put cuffs on him.

DS: Who handcuffed him?

MR: I don't remember. It would have been one of the four that I mentioned. Maybe Chris, I don't remem . . . like I said I was very tired. And as soon as he was cuffs, I fell off to the side and sat on the ground for a second to catch my breath.

DS: Once other officers arrived and assisted with the restraint and arrest of [REDACTED], did their arrival prompt you to move to a different position on Pickens' body?

MR: Yeah.

DS: Where did you go?

MR: I came from, I wasn't, I didn't straddle him anymore, once another officer got there, I went to the right side of his body.

DS: So you continued to straddle him up until the point that . . .

MR: . . . other officer got on scene, yes.

DS: . . . okay. And once it was Oberheim that arrived, you moved to the right side?

MR: Correct.

DS: Okay. Do you know who restrained or was at the foot, or feet of [REDACTED] during the arrest?

MR: I think it would have been Rogers or Voges. It had to have been one of those two. Cause I really don't remember anybody else being there immediately . . .

DS: Okay.

MR: . . . after that.

DS: You mentioned, you touched on this a little bit earlier, but did you use force in the restraint or arrest of Pickens?

MR: Yes.

DS: You mentioned OC?

MR: Yes.

DS: Any other technique . . .

MR: I used . . .

DS: . . . that was applied?

MR: . . . I used force in that I sprayed him, I pushed on him, on his chest . . . on his back, trying to hold him down. I pulled on his arms, trying to use like a wrist lock and bring it behind and that's all I used.

DS: According to your report and your statement this morning, OC was deployed by you during the arrest of [REDACTED]. Uh, was there any other reason other than his physical resistance that caused you to deploy, OC and did anyone else on scene deploy OC?

MR: I was the only one that deployed OC and the reason I did was because he was still trying to flee, or trying to get up off the ground. I knew if he did get up, there was a good chance he'd probably be able to outrun me. And no, no one else did use spray at all.

DS: And in your opinion once he was sprayed with, with OC, was it effective?

MR: It was, yeah, I mean, it was effective, I just still couldn't get him in cuffs but that kind of stopped his attempts to push off the ground and keep going.

DS: To your knowledge was any attempt to decor [REDACTED] of the OC exposure made while he was at the scene?

MR: I do not know. I can't answer that because as soon as he was cuffed, everybody, I mean, that, that pursuit was going for so long that everybody was able to get there and as soon as we got him to the ground, there was, you know, half the shift was on scene. I fell off to the side and [REDACTED] was immediately taken to a car and I think taken to Carle, I'm not sure. But I do not know if anybody offered decon but I would assume so since he was at Carle but it wouldn't have been immediate.

DS: Okay. Did other officers use force in the arrest of [REDACTED]?

MR: Other than trying to pull his arms behind his back, I didn't observe it, no.

DS: Are you right or left handed Matt?

MR: Left.

DS: At any time during this incident, did you strike [REDACTED]?

MR: No. With a, with a blow like a fist? No.

DS: Fist, knee strike?

MR: No.

DS: Anything?

MR: Other than, you know, like I said I told you I pushed and tried to pull, other than that, no.

DS: No punch?

MR: No punch.

DS: No kick?

MR: No kick.

DS: No knee strike?

MR: No knee strikes, no elbows.

DS: Did you observe any injury to [REDACTED] after he was secured and placed under arrest?

MR: I did not observe it but I did hear him say something about his mouth was bleeding or was cut and I mentioned that in my report. But like I said as soon as he was cuffed, he was pulled off the ground taken to a car. That ended my involvement with him.

DS: Did you observe [REDACTED] after he was led to the squad car?

MR: No.

DS: You made mention that [REDACTED] complained of having a cut on his mouth or in his mouth . . . or something.

MR: . . . remember something along, along the lines of – ah man my mouth's bleeding or it's cut.

DS: Any other complaint other than the, the mouth bleeding?

MR: That's all I heard.

DS: And...any indication of how his lip or mouth was cut or where it was cut?

MR: I didn't see it, no.

DS: So you didn't see the mouth laceration?

MR: No. I did not see it, I just, it was a verbal statement that he made as he was being walked away.

DS: Why was [REDACTED] transported to the hospital?

MR: OC exposure, I believe.

DS: Are you aware of any other reason?

MR: No.

DS: The booking photograph of [REDACTED] depicts minor facial injuries that are alleged to have occurred during his arrest.

MR: ...

DS: Can you explain how he received these injuries and offer any explanation as to how these injuries may have occurred?

MR: I'm not sure if they all happened during the arrest or if they happened when he crashed the car and jumped, ran through the back yards. I would presume that the one on his cheek, was when I tackled him. I'm almost positive they came from there, I just can't answer that a hundred percent. I can't say definitively all these came when he was tackled, I don't know, but I would presume that they did.

DS: Since most of his injuries were present on his head and facial area, at any point did you have a hand on the back of his head pushing his head on the ground or holding him down by his head?

MR: I don't remember that. I don't think so. I know I was pushing more towards like uh, center of his shoulder blades and neck than his head, trying to get, maintain control of him. But I... there's never a slamming his head off the ground or anything like that.

DS: Did you witness any other officer strike [REDACTED]?

MR: I did not.

DS: At any time after the arrest of [REDACTED], did you or have you learned of any information that's led you to believe that he was punched or struck by an officer of the Champaign Police Department?

MR: No.

DS: Did everyone that used force during the restraint or arrest of [REDACTED] complete a supplemental report documenting their actions?

MR: Like I answered before, I didn't observe anybody else used force and that, or they deliver strikes, deploy spray, I believe I'm the only one, according to policy needed to do a supp. I think other supps would have helped clear this up a little easier but um, I sprayed so I did the report myself, obviously.

DS: Is your report a complete and accurate description of the restraint and arrest of [REDACTED]?

MR: Correct, it is.

DS: Is there anything else or what else did you do to assist with the arrest?

MR: Uh, other than proceeding to where Tina was calling out and started the chase, uh, as soon as he was taken off the ground, put in a squad car, that ended my involvement in it completely.

DS: I have two or three questions I just want to elaborate on real briefly Matt.

MR: Sure.

DS: Um, during the time that you were in a foot pursuit with him?

MR: Yeah.

DS: Um, how long do you think the time that you were physically chasing him lasted, how long did the foot pursuit last?

MR: Uh, at parts, like I said, Garden Hills north of the tracks, I ran south across the tracks, across Hedge, down the street a block, through two backyards to Williamsburg, I don't, maybe 45 seconds, approximate maybe, a minute, at the most.

DS: And that ended with you tackling him in the front of [REDACTED]?

MR: Yes.

DS: And the time that you were alone with [REDACTED], struggling with him was roughly how long before another officer arrives?

MR: If I had to, if I had to guess, maybe 10-15 seconds at the most. It wasn't an extremely long time at all. Cause like I said most of the shift was coming to the call anyway and the vehicle portion of it lasted so long everybody was able to get close for the foot pursuit.

DS: Is there any other information that you can think of which would be relevant to this investigation?

MR: I can't think of anything else no.

DS: Lt. Swenson?

JS: Yeah, Matt, just a couple follow up questions. During the approximately 45 seconds that you were pursuing [REDACTED] Did he ever fall, did he have difficulty going over a fence?

MR: I don't know, I didn't see him. I was following Tina's radio traffic.

JS: Okay.

MR: That continued to say south bound, south bound.

JS: Okay.

MR: So I stayed closer to Garden Hills on the roadway where I had a clear path and was sprinting down the road and then she kept saying "south, south" and then that's when I heard the rustle in the backyard so I cut over and that's where we eventually got to Williamsburg.

JS: So the first time that you had visual contact with him, he was . . .

MR: Would have been actually . . .

JS: . . . in the yard at [REDACTED]

MR: . . . in the back yard, yes.

JS: And he ran around the side towards the front. So you only directly . . .

MR: That's the only time I saw him.

JS: . . . okay.

MR: Until I actually tackled him.

JS: And nothing occurred prior to your contact with him that you saw . . .

MR: I did not . . .

JS: . . .

MR: . . . I did not see him fall at all in the back yard.

JS: Okay.

MR: I saw him run from basically like, the, it was almost like he was trying to horseshoe around the house. From the back yard from the north to the east and then back west.

JS: Okay. When you tackled him to the ground, did his face ever come in contact with the sidewalk; do you believe he would have landed on the grass?

MR: I don't know if it was the sidewalk, I don't know. But I know his body; his head would have hit the ground when I tackled him. Just because the way I tackled him in a bear hug there's no way he could have braced himself.

JS: Okay. Do you believe he landed more like on his chest and your arms or more face first?

MR: It's kind of, almost like, when I, when I grabbed him, like threw him almost, I threw him under me so my weight kind of went over the top of him, does that make sense? Well it's like a football tackle I guess.

JS: Right. Would you think, his first point of contact would have been his upper torso or would he have landed . . .

MR: I think it would have been . . .

JS: . . . on his face?

MR: . . . it would have been more of his upper torso . . .

JS: Okay.

MR: . . . than his head.

JS: All right. (Coughs) Excuse me. And then during the ten, fifteen seconds that you were straddling his back attempting to control him, you describe your efforts to uh, to uh, I guess maintain control and leverage and that was the purpose of pushing him . . .

MR: Uh huh.

JS: . . . like between his shoulder blades and his back?

MR: . . . the shoulder blades and then on the neck.

JS: Right.

MR: Trying to hold him in place.

JS: And that was a leverage control thing as opposed to . . .

MR: Correct.

JS: . . . forcing him down . . .

MR: I mean, I, I, didn't gently place my hand on his neck . . .

JS: Right.

MR: . . . but I grabbed it, held him in place and that was the extent of it.

JS: Do you believe his body broke contact with the ground and then he was then pushed back down or . . .

MR: Oh, I'm sure that he did.

JS: Okay.

MR: But like I said it wasn't a strike . . .

JS: Right.

MR: . . . it was open handed, like you know, started grappling with his neck and hold it down.

JS: But he, he didn't get like all the way up to his palms and knees and then broke him back down to his . . .

MR: Not that far, no.

JS: Okay.

MR: Just maybe six inches or so off the ground, he pushed himself up.

JS: Okay.

MR: And I think I had maybe sixty, fifty pounds on him. He was kind of a smaller guy, but he was still pushing up.

JS: Okay. Did, do you know who transported him over to Carle Hospital?

MR: I think it was Mason Voges.

JS: Okay. Did you have any follow up discussion with Mason about the injuries that are depicted in his booking photo?

MR: Oh, I think the next morning, said his face looked kind of bad, but more, nothing more than that really.

JS: Okay.

MR: Cause I wasn't even aware that his face was cut. I just thought his mouth was cut cause as soon as he was in cuffs, like I said, he was picked up, I went, rolled off to the side and they took him to a car.

JS: Okay. And I'm assuming the information you learned that following day when you talked to Voges wasn't anything that caused you to rethink that you might have needed, put additional information in your report or write a supp? You were confident . . .

MR: No.

JS: . . . that your . . .

MR: I mean, I, I could see by looking at this it looks kind of vague, the dog pile isn't really explained very well . . .

JS: Right.

MR: . . . in the report. Um, but it was nothing I want to go back and change what I put down in my initial report, no.

JS: So you were comfortable that your original supplement summarized your actions . . .

MR: What actions, my actions, correct.

JS: . . . enough that you would . . .

MR: Yes.

JS: . . . so you didn't need to go back and supplement it?

MR: Right.

JS: Okay. That's all I have.

DS: Two, two follow up. One – were you injured as a result of this incident?

MR: I might have been, hand got hurt, this hand has been messed up obviously ever since I broke it. The feelings obviously not there but I kind of landed on top of it and my entire hand started to swell up and turn black, or purplish colored.

DS: With . . .

MR: I think it was more . . .

DS: . . . you're motioning with your right hand, is that the hand that was injured?

MR: Yes. Um, I think the discoloration was more because of the temperature than anything but obviously this . . . wrist has some problems so it doesn't take a whole lot to injure it.

DS: At one point during a review of the video about this incident, I believe it's Officer Rogers who makes a, or asks you a question about your hand?

MR: I don't, I don't remember.

DS: Okay. I guess my, my point was did you let a supervisor let somebody know that night that it was . . .

MR: Crane.

DS: . . . Sgt Crane?

MR: Yeah.

DS: That uh . . .

MR: I wasn't going to, but Mackey suggested I probably should.

DS: Okay.

MR: Crane looked at it and I refused, I told Matt that I didn't want to go to the hospital, I didn't want to do anything.

DS: That was my next question; did you seek medical treatment for that?

MR: Right.

DS: And you did document the injury in your report, correct?

MR: Yes.

JS: I think Officer Rogers' exact statement to you after Pickens had been taken into custody and you guys had a brief conversation was "Dude, I gotta ask, how's the hand?"

MR: Well he saw me, I'm sure he saw me favoring it.

JS: Okay, he, he wouldn't have seen you . . .

MR: Obviously he probably thought I punched the guy cause yeah, like you said, there's a, I've got a track record of striking people. But, that's not the case in this incidence. It hurts . . . it's hurt to punch things with this wrist. So I'm not going to actively seek out trying to do that. It's not anything I want to do, I've got pins holding my wrist together, I don't want to spend another four months on light duty cause I hurt it again. So I do not want to look to do something but that's not what happened in this incidence.

JS: So you're confident there wouldn't have been any observation on his part of your actions that would have prompted that questions, other than the fact that you were favoring your wrist?

MR: Right.

JS: That's all I have.

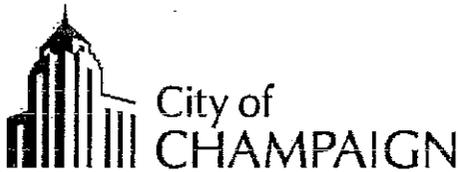
DS: Any other questions, Matt?

MR: I don't have any.

JS: Tamara. . . ?

TC: Nope, nope, think we're good.

DS: Okay, the time now is approximately 11:33 a.m. That will conclude the interview with Officer Matthew Rush.



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 David Shaffer 

Date: February 25, 2014

Re: [REDACTED] Investigation – 13-II09

### SUMMARY

On Friday, November 22, 2013 I was advised by Deputy Chief Gallo that concern had arisen with regard to the arrest of [REDACTED]. [REDACTED] was arrested by the Champaign Police Department on November 2, 2013 after fleeing from an officer in a stolen vehicle. [REDACTED] was subsequently apprehended, arrested, and charged by the Champaign County State's Attorney's Office with the following offenses:

1. Receipt / Possession / Sale of a Stolen Vehicle
2. Aggravated Fleeing & Eluding
3. Driving While License Suspended

On November 22, 2013, Chief Anthony Cobb was contacted by [REDACTED] who identified herself as the mother of [REDACTED]. [REDACTED] expressed concern with the force used against [REDACTED] given her belief that he had surrendered to police when it was apparent he would not be able to evade or escape apprehension.

[REDACTED] ultimately alleged that the force used by officers was excessive, and further claimed that an officer had "slammed" [REDACTED] head into the ground during the arrest. Due to the severity of the allegations, an internal investigation into the arrest of [REDACTED] was initiated.

### REVIEW OF INCIDENT REPORT C13-10495

A review of the incident report revealed that two officers prepared written reports concerning the incident. The first report was submitted by Officer Kristina Haugen, who initiated the traffic stop on the stolen vehicle driven by [REDACTED]. The second report was submitted by Officer Rush, who responded to assist Officer Haugen.

A review of both police reports disclosed the following information:

Officer Haugen attempted to stop a Honda SUV, later determined to be driven by [REDACTED] in the Garden Hills neighborhood. [REDACTED] fled from the attempted traffic stop and eventually drove onto the railroad tracks located at the dead end of Garden Hills, directly north of Hedge Road. When the vehicle became stuck on the tracks, [REDACTED] fled from the vehicle on foot.

Officer Rush responded to assist Officer Haugen and became involved in a foot pursuit with [REDACTED]. After a short foot pursuit, Officer Rush caught and tackled [REDACTED], taking him to the ground. [REDACTED] resisted Officer Rush's efforts to handcuff him, and as a result, Officer Rush sprayed [REDACTED] in the facial area with Oleoresin Capsicum (OC). Soon after, several other officers arrived to assist Officer Rush and [REDACTED] was subsequently handcuffed and arrested without further incident.

Once in custody, [REDACTED] was transported to Carle Hospital for treatment due to OC exposure. [REDACTED] was medically cleared and released by Carle medical staff and subsequently transported to the Champaign County Correctional Center (CCCC).

It should be noted that Officer Rush documented in his report that he sustained a minor injury to his right hand which did not require medical treatment.

### **CHAMPAIGN POLICE SQUAD CAR AUDIO / VIDEO REVIEWS**

A search of the MVR (Mobile Video Recording) System yielded the following videos. A synopsis of the video's content appears below:

- Officer Kristina Haugen - This video shows Officer Haugen conduct a traffic stop on the stolen vehicle, which flees from the stop. A vehicle pursuit ensues, and [REDACTED] is observed fleeing from the vehicle after abandoning the vehicle on the railroad tracks. Officer Haugen is observed pursuing [REDACTED] on foot, however the arrest was not captured on the audio / video. In addition, the video shows that the K-9 was not released during this incident.
- Officer Matthew Rush - This video shows Officer Rush responding to the scene of the abandoned vehicle and then joining in the foot pursuit of [REDACTED]. The arrest is not captured on Officer Rush's video. The audio is also not captured, presumably due to the distance involved between Officer Rush's squad car and the location of the arrest. However, radio traffic from Officer Mason Voges is captured on Officer Rush's audio, and it indicates the time at which [REDACTED] was taken into custody.
- Officer Katherine Thompson - This video first depicts Officer Thompson at the scene of an accident. Officer Thompson clears the accident at the onset of Officer Haugen's pursuit of the stolen vehicle, and at 00:49:25 hours Sergeant Coon is heard via radio asking, "739, what's your speed?" The video shows Officer Thompson's response to the area and her arrival on Williamsburg where [REDACTED] was taken into custody. By the time of Officer Thompson's arrival [REDACTED] was already in custody, therefore his arrest was not captured on video.
- Officer Jed Mackey - This video begins out of focus and in black and white. The video captures Officer Mackey's response to the scene as well as his arrival, when he parks behind a squad believed to have been driven by Officer Rush. Officer Mackey parks and then travels on foot in the last known direction of [REDACTED] flight. At 00:51:57 hours the connection with the transmitter is lost. At 00:58:14 the connection with the transmitter is re-established when Officer Mackey nears his vehicle. The arrest was also not captured on Officer Mackey's video.

- Officer Mason Voges – This video shows Officer Voges responding to the area and arriving at [REDACTED]. Officer Voges can be heard, via radio transmission to METCAD, indicating a subject is in custody. Officers Oberheim and Rogers appear on the video moments later escorting [REDACTED] past the (forward facing) camera of his Officer Voges' squad car.

Once [REDACTED] was secured in the vehicle, the rear facing camera began to capture [REDACTED] is continually captured during his transport to Carle Hospital. During the transport, [REDACTED] displays signs of OC exposure. It is possible that some swelling appears at/near [REDACTED] left eye, but the quality of the video makes it difficult to ascertain that with certainty.

A second video depicts the transport of [REDACTED] from Carle Hospital to the Champaign County Correctional Center. This footage is unremarkable.

- Sergeant Matt Crane - This video begins as Sgt. Crane responds to assist officers. At the time of his Sgt. Crane's response, radio traffic indicates the driver of the vehicle has already fled from Officer Haugen in the vehicle, abandoned the vehicle, and then fled on foot. Once Sgt. Crane arrives in the area it is reported that [REDACTED] is in custody. Sgt. Crane then proceeds to [REDACTED], where the arrest of [REDACTED] occurred. Sgt. Crane is heard on the audio / video asking is "everybody alright, everybody ok (?)" and then ensuring that an officer is present with the abandoned vehicle. Sgt. Crane also arranges for the securing of, and subsequent transport of [REDACTED] from the scene.

It should also be noted that during Sgt. Crane's response to the scene, his vehicle speed appears to be excessive. At one point during the video Sgt. Crane is depicted traveling at 86 mph along Bradley Avenue, and he also proceeded through the stop sign at the intersection of Bradley and McKinley at significant speed.

- Sergeant Geoff Coon – This video shows Sgt. Coon arriving on scene and proceeding into the yard at [REDACTED]. Sporadic audio captures Sgt. Coon checking on the officer(s) status and ensuring that officer(s) is present with the stolen vehicle. Sgt. Coon is heard commenting that he plans to respond to the location of the stolen vehicle and he also speaks briefly with Sgt. Crane.

## INTERVIEW OF [REDACTED]

On December 3, 2013, I responded to the Champaign County Correctional Center (CCCC) where I met with [REDACTED] for the purpose of conducting an interview pursuant to this investigation. After introducing myself and explaining the purpose of my visit, [REDACTED] informed me that he was not willing to speak with me without an attorney present.

[REDACTED] then stated he desired to make a complaint. I again informed him that the complaint was the reason for my visit and my request to speak with him. After giving the matter additional consideration, [REDACTED] again stated he would not speak to me without an attorney present. Our conversation concluded at that time and he was returned to the custody of CCCC staff.

## CHAMPAIGN COUNTY JAIL BOOKING VIDEO OF [REDACTED]

During the course of this investigation, I contacted the Champaign County Correctional Center and arranged to obtain a DVD copy of the booking / intake video from the date of [REDACTED] arrest. After reviewing the DVD, it contains footage of what appear to be a normal booking session, and the footage reveals no significant information.

The DVD copy is included with this administrative review.

### INTERVIEW OF OFFICER JED MACKEY

On December 4, 2013, at approximately 1715 hours, I met with Officer Mackey in my office at the Champaign Police Department. After explaining the purpose of our meeting, I asked Officer Mackey a series of questions regarding his involvement in this incident. Officer Mackey then provided me with the following information.

- Officer Mackey was on duty on the night of the arrest, and he responded to assist Officer Haugen as [REDACTED] fled from her in a vehicle during an attempted traffic stop.
- When Officer Mackey arrived, he parked his squad car behind several other squad cars on Garden Hills Drive, directly north of the railroad tracks.
- Officer Mackey ran in the direction of the fleeing subject, stopping briefly at the abandoned stolen vehicle to ensure that no others were present in the vehicle.
- After checking the vehicle, Officer Mackey continued in the direction of the foot pursuit. He eventually stopped at [REDACTED], where [REDACTED] was in custody.
- Officer Mackey stated that several officers were present at [REDACTED] at the time of his arrival, including Officer Prosser and Officer Rush. However, neither Officer Mackey nor Officer Prosser was involved in the arrest of [REDACTED].
- Officer Mackey did not assist with the arrest or physical restraint of [REDACTED].
- Officer Mackey could not recall with certainty whether or not he assisted [REDACTED] to a standing position, but his recollection was that [REDACTED] was already standing upright with other officers when he arrived.
- Officer Mackey stated he did not apply any force against [REDACTED] at any time during this incident.
- Officer Mackey believed that the officers likely to have been involved in the actual arrest of [REDACTED] were Officers Rush and Rogers. Although Officer Mackey ultimately observed a number of other officers on scene, he did not believe that any of them would have been present in time to have assisted with the arrest of [REDACTED].
- Officer Mackey could not specifically identify the other officers, but reiterated that neither he, nor Officer Prosser was involved in the arrest. Officers Mackey and Prosser assisted at the scene by retracing the [REDACTED] flight path in search of any discarded contraband.
- [REDACTED] was not actively resisting officers at the time of Officer Mackey's arrival, but [REDACTED] did appear to be "winded" from running.
- Officer Mackey never struck [REDACTED] nor did he observe another officer strike [REDACTED] during this incident.
- While on scene, Officer Mackey never heard [REDACTED] complain of pain, injury, or abuse and he did not observe any visible injury to [REDACTED]. (Note - Officer Mackey only recalled seeing [REDACTED] from the side and/or from behind).

- Officer Mackey was unsure as to why [REDACTED] was transported to the hospital, but he did recall someone mentioning that [REDACTED] had a minor facial laceration.
- Officer Rush did comment to Officer Mackey that his hand was swelling / swollen following [REDACTED] arrest. Officer Mackey suggested to Officer Rush that he have the hand examined, and also mentioned the injury to Sgt. Crane. Later following the incident, Officer Mackey assisted in providing ice for Officer Rush's hand to minimize the swelling.
- Officer Mackey did not complete a supplemental report because his involvement in the incident was minimal.
- Officer Mackey could offer no additional information regarding this incident.

At the conclusion of my interview with Officer Mackey I directed him not to discuss our interview with other officers and I asked him contact me if he later recalled additional information pertinent to this incident.

### **INTERVIEW OF OFFICER JUSTIN PROSSER**

On December 5, 2013, at approximately 0745 hours, I met with Officer Justin Prosser in my office at the Champaign Police Department. After explaining the purpose of our meeting, I asked Officer Prosser a series of questions regarding his involvement in this incident. Officer Prosser then provided me with the following information.

- Officer Prosser was on duty on November 2, 2013, and during his shift on that date he responded to assist Officer Haugen as the driver of a vehicle fled from her in the Garden Hills area.
- Upon his arrival, Officer Prosser parked his squad car north of the railroad tracks on Garden Hills Drive and joined in the foot pursuit of [REDACTED] (which was already in progress).
- Officer Prosser was in the backyard of a residence on Hedge Road when he heard Officer Rush yelling at someone to "get on the ground."
- Officer Prosser responded to the sound of Officer Rush's voice, but his arrival was delayed because he tripped over an unseen stump in a yard and had to climb over a fence.
- When Officer Prosser reached Officer Rush he observed "two or three" officers who had [REDACTED] detained on the ground.
- Officer Prosser was simultaneously exposed to residual OC spray in the air, which caused him to step backwards around the corner of the residence away from the arrest scene for relief.
- Officer Prosser identified the location of [REDACTED] arrest as being in front of the residence at [REDACTED].
- Officer Prosser was not certain whether the arrest of [REDACTED] took place on the sidewalk or in the grassy area in front of the residence.
- Officer Prosser was uncertain as to the identities of the officers assisting Officer Rush due to his exposure to residual OC. Officer Prosser added that the officers were huddled around [REDACTED], who was on the ground, which contributed to his inability to specifically identify those officers.
- Officer Prosser did not participate in the arrest of [REDACTED] and he denied using any force against [REDACTED] during this incident. Officer Prosser additionally stated that he had no physical contact whatsoever with [REDACTED].

- Officer Prosser did not recall whether or not [REDACTED] was actively resisting when he reached the location of the arrest, and also did not recall any specific statements made by [REDACTED] or any of the officers involved in his arrest.
- Officer Prosser specifically denied punching or striking [REDACTED] at any time during this incident.
- Officer Prosser did not observe other any officer strike or punch [REDACTED] during this incident.
- Officer Prosser did not observe any injury to [REDACTED], nor was he aware of any injury.
- Officer Prosser assumed that [REDACTED] transport to the hospital resulted either from his exposure to OC or the abrupt manner in which the stolen vehicle he was driving came to a stop on the railroad tracks.
- Officer Prosser has no knowledge of any officer having punched or struck [REDACTED] during this incident.
- Officer Prosser's actions at the scene primarily consisted of retracing [REDACTED] flight path for discarded contraband.
- Officer Prosser did not complete a supplemental report due to his limited involvement in the incident.
- Officer Prosser had no additional information of relevance to this investigation.

At the conclusion of my interview with Officer Prosser I directed him not to discuss our interview with other officers and I asked him contact me if he later recalled additional information pertinent to this incident.

#### **INTERVIEW OF OFFICER MASON VOGES**

On December 6, 2013, at approximately 0750 hours, I met with Officer Mason Voges in my office at the Champaign Police Department. After explaining the purpose of our meeting, I asked Officer Voges a series of questions regarding his involvement in this incident. Officer Voges then provided me with the following information:

- Officer Voges was on duty on November 2, 2013, and during his shift on that date he responded to assist Officer Haugen as she was in pursuit of a stolen vehicle that fled from a traffic stop.
- Upon arrival in the area, Officer Voges attempted to determine where he needed to go to assist in establishing a perimeter to contain [REDACTED] after he fled on foot from the stolen vehicle.
- Officer Voges proceeded to [REDACTED] and, upon arrival, observed that officers already had [REDACTED] in custody. Officer Voges then communicated the officers' status and the location of the arrest to METCAD.
- Officer Voges did not participate in the restraint or arrest of [REDACTED], and he did not apply any force against [REDACTED] at any time during this incident.
- Officer Voges could not specifically identify the officers who assisted with the arrest and/or restraint of [REDACTED] but when asked to provide the names of the officers who were at the scene of the arrest he named Officers Prosser, Rush, Mackey, and Rogers.
- When Officer Voges first observed [REDACTED] he had already been secured (handcuffed) by officers.
- Officer Voges denied punching or striking [REDACTED] during this incident.
- Officer Voges did not witness any other officer punch or strike [REDACTED] during this incident.

- Officer Voges' involvement in this incident was primarily limited to (a) assisting with a brief search for contraband that may have been discarded during the foot pursuit and (b) transporting ██████ to Carle Hospital and the Champaign County Correctional Center (CCCC).
- Officer Voges characterized ██████ as "agitated," "winded," and "complaining," following his placement in the back seat of his squad car. Officer Voges specifically recalled that ██████ was complaining about his eyes burning due to OC exposure.
- Officer Voges believes that one of ██████ eyes may have been swollen or starting to swell, and he also recalls blood being present on ██████' face.
- Officer Voges could not specifically recall the source of the blood on ██████' face.
- Officer Voges transported ██████ to Carle Hospital to obtain medical clearance before proceeding to the County Jail.
- Officer Voges did not recall hearing ██████ complain of any injury, only OC exposure.
- Upon arrival at Carle Hospital, ██████ became very loud and unruly in the triage area, creating such a commotion that a Carle Security officer was summoned, and upon his arrival directed ██████ to "quiet down." Officer Voges also recalled that ██████ was yelling and screaming and stripped down to his underwear for no apparent reason.
- While being triaged, ██████ reportedly told a nurse something to the effect of, "they beat my ass."
- Officer Voges then explained to medical personnel the circumstances leading to ██████ arrest. After ██████ was medically evaluated and cleared, he was transported to the Champaign County Jail.
- Officer Voges has no knowledge of any officer punching or striking ██████ during this incident.
- Due to his limited involvement in this incident Officer Voges did not complete a supplemental report.

At the conclusion of my interview with Officer Voges I directed him not to discuss our interview with other officers and I asked him contact me if he later recalled additional information pertinent to this incident.

## **INTERVIEW OF OFFICER KRISTINA HAUGEN**

On December 10, 2013, at approximately 1000 hours, I met with Officer Kristina Haugen in my office at the Champaign Police Department. After explaining the purpose of our meeting, I asked Officer Haugen a series of questions regarding her involvement in this incident. Officer Haugen then provided me with the following information:

- Officer Haugen was on duty and working on the date in question.
- During her shift on that date, she attempted to conduct a traffic stop on a suspected stolen vehicle in the Garden Hills neighborhood.
- Once the vehicle had stopped, Officer Haugen displayed her duty weapon and ordered the driver of the stolen vehicle to shut the vehicle off.
- The driver of the suspected stolen vehicle ignored her commands and ultimately sped away from the traffic stop.

- Officer Haugen followed and a short vehicle pursuit ensued. The pursuit ended when the stolen vehicle became immobilized on railroad tracks at the dead end of Garden Hills Drive.
- When the vehicle came to rest on the railroad tracks, Officer Haugen exited her vehicle and briefly pursued the sole occupant as he fled on foot.
- Officer Haugen followed the suspect in a southeasterly direction as he ran between several houses.
- As Officer Haugen pursued [REDACTED] she observed him encounter a tall chain link fence in the back yard of a residence off of Garden Hills Drive.
- Officer Haugen believes that [REDACTED] fell as he scaled this fence as he appeared to stop running momentarily and was then observed pulling his pants up as he resumed running.
- Officer Haugen also noted that after [REDACTED] went over the fence it was bent as if it had collapsed under [REDACTED] weight.
- Officer Haugen was unable to scale the fence and last observed [REDACTED] running onto Holly Hill Drive where he then continued running in a westerly direction. Officer Haugen relayed this information to the other responding officers.
- Once Officer Haugen lost sight of [REDACTED] she returned to the suspected stolen vehicle.
- Officer Haugen denied observing or participating in the arrest of [REDACTED].
- Officer Haugen was not present at [REDACTED] when the arrest occurred.
- Officer Haugen did not know which Champaign Police Department officers participated in the arrest of [REDACTED].
- Officer Haugen did not know whether [REDACTED] actively resisted efforts to place him in custody, but did learn from other officers that [REDACTED] was sprayed with OC.
- Officer Haugen denied punching or striking [REDACTED] during this incident.
- Officer Haugen did not observe [REDACTED] at any time following his arrest.
- Since Officer Haugen was not at the scene of [REDACTED] arrest she did not know if [REDACTED] complained of any injury, or had a visible injury, at the time of his arrest.
- Officer Haugen believed [REDACTED] was transported to the hospital because he was having difficulty breathing following his exposure to OC.
- Officer Haugen denied having any knowledge of any other Champaign Police Officer striking or punching [REDACTED] during this incident.
- Officer Haugen was aware that [REDACTED] was tackled during his arrest, but she was unaware of any additional force that may have been used against [REDACTED].
- Officer Haugen did not release her K-9 during this incident because other citizens were present on the south side of the railroad tracks. Those citizens were in the K-9's line of sight and would have presented an unsafe situation.
- Officer Haugen had no additional information of relevance to this investigation.

At the conclusion of my interview with Officer Haugen I directed her not to discuss our interview with other officers and I asked her contact me if she later recalled additional information pertinent to this incident.

## INTERVIEW OF OFFICER BRIAN ROGERS

On December 11, 2013, at approximately 0940 hours, I met with Officer Brian Rogers in my office at the Champaign Police Department.

After explaining the purpose of our meeting, I asked Officer Rogers a series of questions regarding his involvement in this incident. Officer Rogers then provided me with the following information:

- Officer Rogers was on duty on November 2, 2013, and during his shift, he responded to assist Officer Haugen after a stolen vehicle fled from her during a traffic stop in the Garden Hills neighborhood.
- When Officer Rogers arrived in the South Garden Hills area, he initially proceeded to the area of Garden Hills / Holly Hill / Williamsburg to assist with establishing a perimeter since the foot pursuit of [REDACTED] was still in progress.
- Officer Rogers later adjusted his position based upon the direction of the foot pursuit and he ultimately responded to the front yard at [REDACTED]
- Officer Rogers arrived and found [REDACTED] on his stomach with two to three officers present and engaged in efforts to restrain him.
- Officer Rogers could not recall if the arrest occurred on a grass or concrete surface.
- [REDACTED] was still actively resisting the officer's efforts to handcuff him when Officer Rogers arrived on scene.
- Officer Rogers heard officer's repeatedly direct [REDACTED] to place his hands behind his back.
- Officer Rogers then approached [REDACTED] and the officers, and when he did so he observed [REDACTED] moving his hand/arm out from underneath his body and place it palm side down on the ground. It was evident to Officer Rogers that [REDACTED] was attempting to push himself up off the ground, and that he was not submitting himself to handcuffing.
- Officer Rogers detected OC in the air as he approached, but he did not witness the deployment of OC spray to [REDACTED].
- Officer Rogers heard [REDACTED] comment that he was having difficulty breathe. Officer Rogers assumed that [REDACTED] difficulty breathing stemmed from the OC deployment.
- According to Officer Rogers' recollection, he positioned himself next to [REDACTED] along the right side of his body.
- Officer Rogers believes he then pushed [REDACTED]' shoulder downward to allow him to gain control of [REDACTED] right hand/arm and to move it into position for handcuffing.
- When Officer Rogers positioned [REDACTED] right hand behind his back another (unknown) officer on the opposite side moved [REDACTED] left hand into handcuffing position.
- Officer Rogers did not handcuff [REDACTED] but as [REDACTED] hands were positioned behind his back Officer Rogers asked "who has cuffs" and another officer (unknown) applied handcuffs to [REDACTED].
- After [REDACTED] was in custody Officer Rogers assisted [REDACTED] his feet, assisted in a search of [REDACTED] incident to arrest, and then escorted [REDACTED] to a waiting squad car along with Officer Oberheim.
- Officer Rogers recalled seeing Officer Rush, Officer Oberheim, and Officer Voges on scene.
- Officer Rogers did not strike or punch [REDACTED] at any time during the incident.
- Officer Rogers did not witness anyone else strike [REDACTED] during this incident.

- Officer Rogers' recalled seeing blood around the lip or mouth area of [REDACTED]. Officer Rogers believes the blood originated from a small laceration on [REDACTED]' lip.
- Officer Rogers did not observe any swelling or visible injury to [REDACTED]' eye, and nothing drew his attention to [REDACTED]' eye.
- Upon viewing [REDACTED]' booking photo, Officer Rogers believes he would have noticed an eye injury resembling the one displayed in [REDACTED]' booking photograph.
- The only complaint that [REDACTED] made in Officer Roger's presence was that he was having difficulty breathing due to the OC exposure.
- Since the date of [REDACTED]' arrest, Officer Rogers has not learned any information leading him to believe that any officer(s) hit, punched, or struck [REDACTED].
- During my audio / video review following [REDACTED] arrest, Officer Roger is heard stating to Officer Rush, "I have to ask; how's the hand?" Officer Rogers stated the comment was sarcastic in nature and stemmed from Officer Rush's previous duty-related hand injury.
- Officer Rogers denied having any information that suggested Officer Rush punched or struck [REDACTED] during this incident, and he stated that he had no knowledge that Officer Rush had injured his hand during the arrest of [REDACTED].
- Officer Rogers had no additional information of relevance to this investigation.

At the conclusion of my interview with Officer Rogers I directed him not to discuss our interview with other officers and I asked him contact me if he later recalled additional information pertinent to this incident.

## **INTERVIEW OF OFFICER CHRIS OBERHEIM**

On January 8, 2014, at approximately 0925 hours, I met with Officer Christopher Oberheim in my office at the Champaign Police Department. After explaining the purpose of our meeting, I asked Officer Oberheim a series of questions regarding his involvement in this incident. Officer Oberheim then provided me with the following information:

- Officer Oberheim was on duty on November 2, 2013, and during his shift he responded to assist Officer Haugen with a stolen vehicle that fled from her during a traffic stop.
- While en route to assist Officer Haugen, the driver of the stolen vehicle was involved in a minor crash. Following the accident, the driver of the vehicle then fled the scene on foot and was pursued by officers.
- As Officer Oberheim arrived in the area, he proceeded east on Hedge Road from Mattis Avenue and then turned right onto Garden Hills Drive. Officer Oberheim completed a u-turn and returned back to the intersection of Williamsburg and Garden Hills Drive.
- As Officer Oberheim reached that intersection, he observed officers with flashlights in the back yards of several residences. A short time later he observed [REDACTED] emerge from behind the residence at [REDACTED].
- As Officer Oberheim positioned his squad car on Williamsburg, facing east, he observed Officer Rush pursuing [REDACTED] on foot.
- Officer Oberheim then observed Officer Rush catch up to, and tackle [REDACTED] at the southeast corner of the residence located at 1510 Williamsburg.

- Officer Oberheim believed [REDACTED] landed face down, with Officer Rush on top of him, on a section of concrete where the driveway meets a walkway leading to the front door of the residence.
- Officer Oberheim then ran to assist Officer Rush in arresting [REDACTED].
- As Officer Oberheim ran to assist Officer Rush, he observed Officer Rush reach for and produce an OC canister from his duty belt. Officer Oberheim did not, however, observe Officer Rush deploy the OC.
- As Officer Oberheim neared Officer Rush and [REDACTED], it became apparent to him through the residual odor present that Officer Rush had deployed OC.
- Officer Oberheim then assisted Officer Rush with the restraint of [REDACTED] by grasping [REDACTED]' left hand and pulling it out from under his ([REDACTED]) body.
- Once Officer Oberheim gained control of [REDACTED] left hand, he placed it behind [REDACTED]' back to facilitate handcuffing.
- During attempts to handcuff him, [REDACTED] "tensed up" and "stiffened" his arms in an attempt to prevent attempts to handcuff him.
- Officer Oberheim classified [REDACTED]' behavior as "non-compliant." [REDACTED] also refused to obey several verbal commands.
- While [REDACTED] lay in a prone position on his stomach, Officer Oberheim took up a position on the left side of [REDACTED]' body. Although Officers Rush and Rogers were also present, Officer Oberheim does not recall their exact positioning in relation to [REDACTED]. (Officer Oberheim believes that Officer Rush may have been positioned on the right side of [REDACTED] body, but he was not certain of that).
- Officer Oberheim took control of [REDACTED] left hand to enable handcuffing but otherwise applied no force against [REDACTED] during his arrest.
- Officer Oberheim specifically denied striking or punching [REDACTED] at any time during this incident.
- Officer Oberheim also did not observe Officer Rush, Officer Rogers, or any other officer on scene punch or strike [REDACTED].
- Officer Oberheim described the arrest of [REDACTED] as uneventful, adding that [REDACTED] fled on foot after crashing a stolen vehicle, was tackled as he fled on foot, was sprayed with OC as he struggled with an officer, and then secured without further incident.
- Following his arrest, [REDACTED] was escorted by Officer Oberheim to a nearby squad car. During the escort Officer Oberheim did not observe any visible injury to [REDACTED].
- The only complaint that [REDACTED] voiced to Officer Oberheim was that he was having difficulty breathing due to the OC exposure. Officer Oberheim was not aware of any other complaint of injury, nor did he know why [REDACTED] was transported to the hospital.
- Since the date of this incident Officer Oberheim has not heard or learned of any information to suggest that anyone struck or punched [REDACTED] during this incident.
- Officer Oberheim did not complete a supplemental report given his minimal involvement in the incident and the fact that he did not use any force against [REDACTED].
- Officer Oberheim had no additional information relevant to this investigation.

At the conclusion of my interview with Officer Oberheim I directed him not to discuss our interview with other officers and I asked him contact me if he later recalled additional information pertinent to this incident.

## INTERVIEW OF OFFICER MATTHEW RUSH

On January 15, 2014, at approximately 1105 hours, Lieutenant Jon Swenson and I interviewed Officer Matthew Rush in a conference room located on the second floor of the Champaign Police Department. Officer Rush was represented by Ms. Tamara Cummings (FOP Legal counsel) during the interview. Officer Rush agreed to provide a taped statement during the interview.

Once the interview was initiated, I read an interview caveat to Officer Rush. I then asked him a series of questions regarding his involvement in this incident. A full account of the interview can be found in the interview transcript which is attached to this investigative report. A summary of the interview is provided below.

- Officer Rush advised he was on duty and working as a uniformed patrol officer on November 2, 2013.
- During his shift on that date, Officer Rush responded to assist Officer Haugen as she attempted to stop, and later pursued, a stolen vehicle in the Garden Hills neighborhood. The driver of the stolen vehicle ultimately crashed the vehicle on railroad tracks at the dead end of Garden Hills Drive.
- Officer Rush responded to the area, located the fleeing suspect (later identified as [REDACTED]), and tackled him to the ground in front of [REDACTED] Drive.
- After tackling [REDACTED], Officer Rush straddled his lower back. While on [REDACTED] lower back, Officer Rush pushed between [REDACTED] back / shoulder blade area to keep him pinned on the ground.
- In response to [REDACTED] resistance to efforts to handcuff him, Officer Rush delivered a burst OC spray to [REDACTED] facial area.
- Once other officers arrived, Officer Rush moved to the right side of [REDACTED] body and placed his [REDACTED] right arm behind his back. Another officer took control of [REDACTED] left arm and [REDACTED] was then handcuffed without further incident.
- Officer Rush denied using other type of force during this incident.
- Officer Rush denied striking, punching, or knee striking [REDACTED].

## INTERVIEW OF SERGEANT GEOFF COON

On December 12, 2013, at approximately 0750 hours, Lieutenant Jon Swenson and I met with Sergeant Geoff Coon in my office at the Champaign Police Department. After explaining the purpose of our meeting, I asked Sergeant Coon a series of questions regarding his involvement in this incident. Sgt. Coon then provided me with the following information:

- Sergeant Coon was on duty and working as a patrol supervisor on November 2, 2013.
- While on duty that day Sgt. Coon responded to assist Officer Haugen with the traffic stop of a stolen vehicle after hearing that the driver of the vehicle fled from the stop.
- While en route to assist, Sergeant Coon monitored the event. At one point, Sgt. Coon asked Officer Haugen about the speeds involved in the pursuit, but almost immediately thereafter the driver of the vehicle abandoned the vehicle and fled on foot.

- When Sergeant Coon arrived in the area he learned (via radio) that [REDACTED] was in custody so he proceeded to [REDACTED].
- Upon arrival, Sergeant Coon located [REDACTED] and several officers in the front yard of [REDACTED].
- Sergeant Coon observed Officers Rush, Oberheim, Rogers, and Sergeant Crane (who arrived shortly before him) to be present on scene.
- Sergeant Coon checked and confirmed that no one was seriously injured.
- Sergeant Coon found that [REDACTED] had already been secured upon his arrival. He also learned that [REDACTED] was suffering from the effects of the OC exposure.
- Sergeant Coon described the arrest and restraint of [REDACTED] as "orderly" and he did not observe a "pile" of officers on [REDACTED] at the time of his arrival.
- Sergeant Coon inquired as to which officer sprayed [REDACTED] and Officer Rush responded, "I did."
- Sergeant Coon did not assist with the arrest and/or restraint of [REDACTED] during this incident.
- Sergeant Coon didn't recall whether or not [REDACTED] was actively resisting when he arrived on scene. He also could not recall whether or not [REDACTED] was verbally non compliant.
- Sergeant Coon did not punch or strike [REDACTED] during this incident, nor did he observe any officer strike or punch [REDACTED] during this incident.
- Sergeant Coon briefly observed [REDACTED] as he was being led to a squad car in front of the residence and noted some visible injury to [REDACTED].
- Sergeant Coon described the "injury" as a wet facial appearance. Sgt. Coon also noted that [REDACTED] eyes were closed and he displayed a mucous discharge consistent with OC exposure.
- When asked, Sergeant Coon could not recall whether or not any officer made an attempt to decontaminate [REDACTED] at the scene.
- Sergeant Coon further recalled seeing blood "somewhere" on [REDACTED], but he could not recall any statements from [REDACTED] about being struck or otherwise injured by the officers who arrested him.
- Sergeant Coon recalled a brief conversation near the squad about [REDACTED] identity, but nothing else noteworthy.
- Sergeant Coon did not observe [REDACTED] close enough to determine if [REDACTED] had an injury to his right eye.
- Sgt. Coon noted no injury to [REDACTED] left eye.
- [REDACTED] was transported to the hospital because he was bleeding, which would have resulted in the Champaign County Correctional Center (CCCC) refusing admission until he ([REDACTED]) was medically cleared.
- Since the date of this incident Sergeant Coon has learned no additional information which would suggest that any officer struck or punched [REDACTED] during this incident.
- Sergeant Coon did observe any officer on scene use force.
- Sergeant Coon directed Officer Haugen to complete a crash report due to the fact that the railroad tracks appeared to have caused damage to the vehicle's undercarriage.
- Sergeant Coon had no additional information of relevance to this investigation.

At the conclusion of my interview with Sgt. Coon I directed him not to discuss our interview with other officers and I asked him contact me if he later recalled additional information pertinent to this incident.

## INTERVIEW OF SERGEANT MATTHEW CRANE

On January 16, 2014, at approximately 0800 hours, Lieutenant Jon Swenson and I met with Sergeant Matt Crane in my office at the Champaign Police Department. After explaining the purpose of our meeting, I asked Sergeant Crane a series of questions regarding his involvement in this incident. Sgt. Crane then provided me with the following information:

- Sergeant Crane was on duty on November 2, 2013, and working as a Midnight Shift supervisor.
- Sergeant Crane responded to assist Officer Haugen at approximately 0046 hours as a stolen vehicle fled from her as she attempted a traffic stop in the Garden Hills neighborhood.
- While en route to assist Officer Haugen, a foot pursuit developed after the suspect abandoned the vehicle on the railroad tracks on Garden Hills Drive.
- Sergeant Crane's first action upon reaching the area were to try to locate both the officers and the fleeing suspect as the responding officers were not sure of their exact location since the foot pursuit went through numerous back yards.
- [REDACTED] was tackled and taken into custody by Officer Rush, who was assisted by several other officers in front of [REDACTED].
- When Sgt. Crane arrived at the scene of the arrest, [REDACTED] was already secured in handcuffs and being assisted to his feet by officers.
- Sergeant Crane recalls Officers Rush, Prosser, Oberheim, Rogers, and Voges as being at the scene of [REDACTED]'s arrest.
- Officers Rush and Prosser were near the front entry door of the residence, and Officers Oberheim and Rogers were escorting [REDACTED] to the street.
- When Sergeant Crane initially observed Officer Rush on scene he was "out of breath." Officer Prosser had also been exposed to OC.
- Officer Rush commented to Sgt. Crane that his hand was swelling, so he spoke with Officer Rush to determine the extent of his injury and whether or not medical treatment was required.
- Sergeant Crane did not believe that Officer Rush had "injured" his hand, so no employee injury report was completed and/or submitted on behalf of Officer Rush.
- Sergeant Crane never asked Officer Rush how he hurt his hand.
- Sgt. Crane learned of no information on scene to indicate that Officer Rush punched or struck [REDACTED].
- Sergeant Crane did not assist with the arrest of [REDACTED] or use any force against [REDACTED] during his arrest.
- Sergeant Crane did not witness any officer use force against [REDACTED].
- Sergeant Crane did not observe any officer had punch, hit, or strike [REDACTED] while he was on scene.
- Sergeant Crane could not recall [REDACTED] having any visible injury. [REDACTED] was transported to the hospital due his OC exposure and to "cover the bases." Sgt. Crane also believed that correctional staff would require a medical release before they would admit [REDACTED] into the Champaign County Jail.
- Sergeant Crane was unaware [REDACTED] sustained an injury until he later observed viewed [REDACTED] booking photo.

- Sergeant Crane did not believe [REDACTED] was decontaminated for OC exposure at the scene, and he could not recall whether or not decon supplies were available on scene.
- Sergeant Crane did not recall [REDACTED] making any complaint of injury initially, but after being shown an excerpt of a squad video Sergeant Crane recalled [REDACTED] complaining that he was having difficulty breathing.
- Sgt. Crane had no recollection of [REDACTED] complaining that he had been struck or battered by officers.
- Sergeant Crane did not prepare a supplemental report due to his minimal involvement in this incident.
- Sergeant Crane did not ask officers if force was used while he was on the scene. Sergeant Crane added he did not ask Officer Rush what, if any force was applied during the apprehension, nor did he ask any officer on scene if they had used force during the incident.
- Sergeant Crane stated he conducted the audio / video review as part of the use of force review, and believed there to be no issue with the arrest of [REDACTED]
- Sergeant Crane did not inquire as to which officer used force, and he did not direct any officer(s) to complete a supplemental report.

At the conclusion of my interview with Sgt. Crane I directed him not to discuss our interview with other officers and I asked him contact me if he later recalled additional information pertinent to this incident.

#### **INTERVIEW OF CARLE SECURITY OFFICER – NATE LISTER**

On February 10, 2014, at approximately 1055 hours, I spoke with Carle Hospital Security Officer (S/O) Nate Lister via telephone. After explaining the purpose of my call, I asked Security Officer Lister a series of questions regarding his involvement in this incident. S/O Lister then provided me with the following information:

- S/O Lister is currently employed as a security officer for Carle Hospital.
- On November 2, 2013, S/O Lister was summoned to the Emergency Room to handle a “disturbance.”
- S/O Lister responded to the Emergency Room and found a Champaign Police Officer with an arrestee who was awaiting triage. The arrestee is identified as [REDACTED]
- S/O Lister learned that [REDACTED] was brought to the Emergency Room for treatment of a facial injury, OC exposure, and to secure a medical release for the jail.
- The disturbance that S/O Lister was summoned to the Emergency Room for involved [REDACTED], who was “yelling and cursing about being pepper sprayed.”
- [REDACTED] repeatedly complained of being “hot.”
- [REDACTED] was so agitated about being sprayed that he “wiggled out of his pants” and sat in his underwear.
- S/O Lister remembered [REDACTED] sole complaint as being that he had been sprayed.
- S/O Lister did not recall [REDACTED] as having voiced any other complaint.
- S/O Lister recalled no mention by or complaint from [REDACTED] that he had been tackled or punched.
- S/O Lister could not specifically recall the nature of [REDACTED]’ “facial injuries.” S/O Lister also did not recall seeing any facial injury to [REDACTED].
- Pickens did not appear as though he had been battered or “beaten up.”

- It was S/O Lister's belief that [REDACTED] didn't have any injury since he was treated and released within approximately 30 minutes.
- The officer (Voges) with [REDACTED] was quiet and conducted himself professionally.
- S/O Lister could offer no additional information of relevance to this investigation.

## **CHAMPAIGN POLICE DEPARTMENT POLICY AND PROCEDURE**

Champaign Police Department policy is intended to provide guidance to officers and outlines acceptable performance which is based in conjunction with department rules and, where appropriate, state law. There are several departmental policies pertinent to this incident and they appear below:

### **1.3.1 FORCE NECESSARY TO ACCOMPLISH LAWFUL OBJECTIVES**

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.
5. 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.

#### **1.3.4 USE OF LESS LETHAL WEAPONS**

A. Department members may respond to resistance or aggression by use of physical control tactics based upon reasonable belief that the tactics are necessary.

- 3 Use of Oleo Resin Capsicum (OC) Spray: The Use of OC Spray is intended to be used primarily against unarmed subjects who officers reasonably believe have indicated physically and/or verbally that they intend to resist arrest or assault an officer or other person.
  - a. OC Spray may used for animal control or attack prevention.
  - b. Officers must complete OC Spray training prior to carrying or using OC Spray. OC Spray Training and re-certification will be conducted as directed by the Department Training Unit.
  - c. Officers shall decontaminate or flush the eyes of a subject against whom OC has been deployed as soon as feasible following the deployment.
  - d. Only Department approved OC Spray may be carried and used.

#### **1.3.6 USE OF FORCE REPORTING**

A. The following shall be documented in an offense report any time an officer applies non-deadly or deadly force:

1. The facts and circumstances of the arrest, including the level and type of threat, passive or overt resistance, or violence directed against the officer or others that required the officer to employ defensive measures and / or use force in making an arrest and / or in defense of the officer or other persons.
2. A description of type of force used and any defensive tools employed.
3. The effectiveness of the force employed against the offender(s).
4. Any injury to the arrestee(s).
6. Any known pre-existing injuries to the arrestee.
6. Any verbal statements made by the offender.
7. All injuries to officers or others, whether minor or serious.
8. Any known consumption of alcohol or controlled substances by the arrestee.

9. The names and identifiers of any witnesses to the incident/arrest.
- B. It is the responsibility of the reviewing shift supervisor to ensure that all the above elements are included in the offense report(s).

### **1.3.7 REVIEWING USE OF FORCE INCIDENTS**

- A. Each police report involving the use of force shall have a "Use of Force Incident Report" cover sheet attached to it. The cover sheet will be completed by the reviewing supervisor, and a copy of the report and cover sheet will be forwarded to the appropriate Deputy Chief through the chain of command and reviewed at each step.
1. The report will be reviewed for any policy, training, weapon, or equipment issues related to the incident.
  2. A copy of all Use of Force Incident Reports will be retained for annual analysis.

### **ADMINISTRATIVE REVIEW SUMMARY**

As part of the normal procedure following a Use of Force incident involving a Champaign Police Department officer, the incident reports, audio/video recordings, and other available materials are reviewed to ensure that the force applied by officer(s) was consistent with departmental policy.

Sergeant Crane conducted the Use of Force review of this incident. His review encompassed a review of the submitted incident reports and the pertinent MVR recordings. At the conclusion of Sergeant Crane's review, he agreed with the officers' actions as detailed in the officer(s) report.

On or about November 21, 2013, the Use of Force review was forwarded to me for additional review as part of the normal review process. During my review of the incident, the report documenting the apprehension and use of force by Officer Rush appeared reasonable as it was presented in his report.

However, during the course of my review, I did prepare and submit a memorandum to Deputy Chief Gallo regarding a concern with Officer Haugen's vehicle pursuit and the absence of any documentation regarding that pursuit as required by departmental policy. (A copy of the memo is attached).

On November 22, 2013, I was notified by Deputy Chief Gallo that a concern was raised with Chief Cobb over the arrest [REDACTED] mother, [REDACTED], had reportedly contacted Chief Cobb and complained that [REDACTED] had surrendered to officers only to have them put their knees into his back, pull up on his head, and slam his head into the ground.

Furthermore, after receiving this information, Chief Cobb researched the report and viewed [REDACTED] booking photo. That photo showed evidence of minor facial injuries.

The photo and information from [REDACTED] suggested that [REDACTED] may have suffered facial injuries during his arrest, and despite the fact that [REDACTED] has yet to file a formal complaint or contact me, an administrative review of this incident was initiated and I was assigned to conduct it.

This incident began on November 2, 2013, at approximately 0046 hours, when Officer Kristina Haugen attempted a traffic stop on a stolen vehicle. The driver of the vehicle initially yielded to her emergency lights and stopped near the intersection of Paula Drive and Joanne Lane but then fled as Officer Haugen exited her squad car.

A short vehicle pursuit ensued and Officer Haugen pursued the vehicle westbound on Joanne Lane. Due to the fact that Officer Haugen had already identified the vehicle as a being stolen, several other officers were already en route to assist her as the driver of the vehicle fled.

The driver of the vehicle, later identified as [REDACTED], ultimately had a minor traffic accident on the railroad tracks. When the vehicle abruptly stopped and became immobilized on the railroad tracks, [REDACTED] fled on foot. [REDACTED] was apprehended a short time later following a foot pursuit with multiple officers.

[REDACTED] was ultimately caught and tackled by Officer Rush. Following a short but unsuccessful effort to handcuff [REDACTED], Officer Rush deployed Oleoresin Capsicum (OC) spray to the facial area of [REDACTED] in an effort to overcome his resistance and prevent further escape. Officer Rush was joined moments later by Officer Oberheim and Officer Rogers, and they assisted him in placing [REDACTED] in handcuffs.

As a result of the incident, [REDACTED] suffered minor facial injuries and was transported to Carle Hospital for treatment. After [REDACTED] received medical treatment, Officer Voges transported him to the Champaign County Correctional Center (CCCC) where [REDACTED] was processed, booked, and charged with the following offenses:

- Driving with a Suspended Drivers License
- Aggravated Fleeing and Eluding
- Possession of a Stolen Motor Vehicle

Following the initial arrest, Sgt. Crane conducted a Use of Force review and then forwarded it to me. I conducted a similar review and then forwarded the review to Deputy Chief Gallo. After receiving [REDACTED] complaint(s) via Chief Cobb, a more thorough investigation into this incident was conducted. The following information is noted pursuant to my investigation:

1. There is no evidence available at this point to suggest a violation of departmental policy occurred with regard to force used during the arrest of [REDACTED]. Since [REDACTED] did not speak with me, or contact the police department, we can only assume that his complaint would be an allegation of excessive force.

Based on the information currently available, there is no evidence to suggest an officer from the Champaign Police Department acted improperly with regard to his arrest. Furthermore, [REDACTED] is largely responsible for this event, having fled from the scene in a stolen vehicle and on foot from numerous police officers.

Although [REDACTED] did suffer minor injuries as a result of this incident, there is no evidence to suggest the injury occurred as a result of any action taken by a Champaign Police officer. It is equally impossible to know whether he sustained any of his injuries during the accident with the stolen vehicle or during attempts to evade officers on foot.

It should be noted that on January 10, 2014, ██████████ is pled guilty to Unlawful Possession of a Stolen Motor Vehicle, and was sentenced to three years in the Illinois Department of Corrections.

2. ██████████'s allegation that ██████████ surrendered to officers by lying on the ground and placing his hands behind his back is not supported by fact. Squad car footage clearly show ██████████ exiting the stolen vehicle and fleeing south across the tracks on foot. Radio traffic from the involved / responding officers also clearly supports the existence of a foot pursuit.

Information presented in an incident report from Officer Rush, and supported through numerous officer interviews, indicates that ██████████ did not surrender to authorities but instead continued his flight until he was tackled by Officer Rush.

Officer Rush stated in his incident report, and then in greater detail during his interview, that when ██████████ was tackled, he ██████████ was pushed forward and landed face/chest first on the ground. Furthermore, Officer Rush stated that during the tackle, he wrapped his arms around the torso of ██████████'s body, essentially trapping his arms inside, thereby limiting ██████████'s ability to break his fall. This may have resulted in ██████████ striking head / face on the ground during the tackle.

In addition, because ██████████ fled from the stolen vehicle immediately after it became immobilized as a result of the accident; it is impossible to know and/or determine whether or not ██████████ suffered any of these injuries during the traffic accident – such as by striking his head / face on the steering wheel when the vehicle bounced over the tracks and came to an abrupt stop.

There is also information to suggest that ██████████ climbed over several fences, and possibly fell while scaling one of them during his flight from police. At this point, without the benefit of an interview with ██████████, it is impossible to know exactly how ██████████ sustained his injuries.

3. Tiburon dispatch records indicate the foot pursuit between ██████████ and officers of the Champaign Police Department lasted approximately three minutes. Officer Rush indicates in his incident report and interview he sprayed ██████████ with OC because he was exhausted, and was attempting to stop ██████████ from resisting and/or fleeing from officers.

According to the circumstances described at the scene, in his incident report, and during his interview, Officer Rush's use of OC spray appears not only reasonable and appropriate under the circumstance but also consistent with Champaign Police Department policy.

Although there is no evidence to suggest ██████████ received decontamination at the scene, he ██████████ was transported to Carle Hospital immediately following his arrest where he could receive treatment for the OC exposure. At this point, I cannot confirm what treatment ██████████ actually received because I do not have a signed Patient Medical Authorization Form and ██████████ has to date declined to speak with me, or contact me regarding this incident.

Champaign Police Department policy states that officers shall provide decontaminate to the eyes and/or face of a subject as soon as it's feasibly possible. [REDACTED] was placed under arrest at approximately 0052 hours, and he was en route to Carle via Officer Voges at approximately 0056 hours. Based on the times associated with this event, [REDACTED] was transported to a medical facility in a reasonable amount of time where it is likely that he received treatment for his OC exposure.

As part of this investigation, I spoke with the Director of the Emergency Room for Carle Hospital, Allen Rinehart. Rinehart confirmed that, due to HIPAA regulations, without a signed Patient Medical Release Authorization Form medical staff was prohibited from discussing any patient treatment and/or information with me.

4. Based on currently available information, there is no information to support a claim that any officer punched or struck [REDACTED] or slammed his head into the ground.

It is possible, if not likely, that during handcuffing attempts that the pressure exerted on [REDACTED] back by officers in an attempt to keep [REDACTED] on the ground, may have caused [REDACTED] face to have inadvertent contact with the ground. Several officers were involved in the restraint and handcuffing of [REDACTED], and all involved appear to have acted reasonably and within policy.

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