

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



MEMORANDUM

TO: LT Yohnka
FROM: SGT Ramseyer
DATE: March 9, 2012
SUBJECT: Complaint 2011-18

On March 8th I received an email from LT Yohnka instructing me to locate a complaint packet in the South District Office. Inside was a note from DC Swenson instructing me to contact the two witnesses in this case, [REDACTED]

At 1935 I spoke to [REDACTED] on the phone. She remembered the incident and told me the following:

[REDACTED] had an attitude with the Cop", when the Officer pointed the flashlight at [REDACTED] face he cussed and said something like "get that out of my face". She said, "he had a real attitude with the Cops". "I felt like I was watching an episode of Cops at home". He was "refusing to do what they said, and wouldn't listen".

She couldn't remember exactly how it happened but she remembers the Officers "taking him ([REDACTED]) to the ground". "they told him several times, but he wouldn't cooperate". He was "acting bigger than the Cops".

She said that [REDACTED] then refused to get up so he had to be carried, with his feet dragging, to the Police car.

She didn't remember [REDACTED] being sprayed with OC. She also didn't remember hearing anything about a wallet.

She concluded by saying that this wasn't "real long or drawn out, he was just real combative".

At 1945 I spoke to [REDACTED] on the phone. He also remembered the incident and told me the following:

[REDACTED] was there earlier and left before the police showed up". [REDACTED] came back and called me a bitch". That is when "the officer who was posted on the corner came down". [REDACTED] was told to calm down but refused. [REDACTED] was getting crazy". "He kept walking up on the Cops". "They (Police) warned him 3 or 4 times, but he kept getting in their face". "They (Police) tried to be patient because they didn't know what was going on, but they kept telling him to stop". That is when "they put him on the ground". I asked

BR

him to explain what he meant and he replied, "it wasn't nothing huge they just grabbed him and put him on the ground".

██████████ said that ██████████ still wouldn't cooperate and had to be picked up and carried to the Police car. ██████████ said that nobody was sprayed with OC that night.

██████████ doesn't remember hearing about a wallet.

Nothing further.

BR



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

July 3, 2012

[REDACTED]
[REDACTED]

Champaign, IL 61820

Dear [REDACTED],

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

You alleged that officers did not have legal justification to arrest you. Our investigation revealed that the involved officers established probable cause for your arrest. That portion of your complaint is unfounded.

You also alleged that the arresting officers used an unreasonable amount of force in arresting you. Our investigation revealed that the officers' use of force was reasonable under the circumstances. That portion of your complaint is also unfounded.

You also alleged that the arresting officers lost your wallet. None of the officers involved recall you being in possession of a wallet, and neither of the witnesses to your arrest ever saw you in possession of a wallet. Since there is no credible evidence to suggest that you possessed your wallet at the time of your arrest, that portion of your complaint is also unfounded.

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

Champaign Police Department employee(s) information (if known):

Employee's name: Off. Rush	Badge or ID #: 7114
Employee's name:	Badge or ID #:

If the name(s) of the officer(s) or employee(s) is/are not known, please provide description(s).

Witness information:

Last name, first name: Neighbors	Street Address, City, State: [REDACTED]	Phone number: [REDACTED]
Last name, first name:	Street Address, City, State:	Phone number:

Evidence information:

Occasionally, citizens have evidence or documentation that supports their complaint allegations. If so, please indicate what evidence or documentation you have, and be willing to provide a copy to the Police Department so that a thorough investigation can be completed.

Verification of complaint allegations: (REQUIRED)

Allegations of police employee misconduct are serious, and you are asked to verify that the information you have provided is true and correct, to the best of your knowledge.

By placing a checkmark (✓) in this box,

"I hereby certify that the information in this complaint is true and correct, to the best of my knowledge and belief."

Signature (Required) _____
[REDACTED]

Date: 9 / 4 / 2011
MM DD YYYY

Mail completed form to:	Champaign Police Department Attn: Professional Standards Unit 82 East University Avenue Champaign, IL 61820
(OR)	
Drop completed form off at:	Location 1: Champaign Police Dept. (same address as above) (OR) Location 2: Community Relations Office, 102 North Nell Street, Champaign

Champaign Police Department
Employee Conduct Form – Use for a Complaint or Commendation

Please complete each section. If you need assistance in completing the form, please contact Champaign Police Department Professional Standards at (217) 403-6913 or City of Champaign Community Relations Office at (217) 403-8830.

- If you have been arrested, you are strongly encouraged to discuss your charges with an attorney.
- If information requires clarification, we will contact you.
- If you are filing a formal complaint, we need to be able to contact you, and you may be asked to meet with us in person.
- Please refer to the Form Instructions for completing this form.

Is this a complaint or a commendation? Check one box: Complaint
 Commendation

PLEASE PRINT CLEARLY:

Your information:

Last name: (Required) [REDACTED]		First name: (Required) [REDACTED]		Middle name or initial: (Required) D.
Home Address – Street Address: (Required) [REDACTED]		City: (Required) Champaign	State and Zip Code: (Required) IL, 61820	
Home phone: [REDACTED]	Work phone: () -	Cell phone: () -	Email address: [REDACTED]	
Other contact info:		Age: (Required for statistical data) 25	Race: (Required for statistical data) Blk	

Incident information: (Required)

Date of incident: MM/DD/YYYY 09/04/2011	Time of occurrence: 11:30 pm - 12:00 am	Address where incident occurred: [REDACTED]	Location (i.e. Business Name) MY house
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Description of incident: (Required)

Please describe what you believe the officer/employee did properly or improperly, and explain how you were personally involved in this incident. Attach another sheet, if necessary.

reed

911 call to [REDACTED] Ave. Chrap., they use excessive force. Slammed me to the ground maced me, punched me in ribs four times. then after in cuffs (custody) they banged my head on cop car for no reason, while making the other party look like the victims. (911 call to [REDACTED] the police arrived then left to park a block away then they heard arguing the flashed a light approached us asked the other party to sit down a took a statement and the lost my wallet containing Debit card Bus Pass MTD, work ID card, and other important cards, and wasn't in my possession upon release. Ofc RUSH #7114 says they might have left it upon squad car when leaving the scene

CHAMPAIGN POLICE DEPARTMENT



Page 1 of 5

INCIDENT DETAIL

A	Officer Number 7114	METCAD Event # 112470434	Shift 3	Case Number CC1108874
Occurred 09/04/2011	22:39	DOW Sunday		
Reported 09/04/2011	22:39	DOW Sunday	Time Dispatched 22:39	Time Arrived 22:39
Incident Adr. [REDACTED]			Loc Type 311. ROADS-OTHER	GEO 57310
Related Officer Numbers MCLEARIN 7110 — REDDY 771				

OFFENSE

Offense Crime Code/Description	CSA	Act	# Pr.	Force	Clrc.	Weapon	Blas
9996 USE OF FORCE BY OFFICER			000	NO		99	88
0560 ASSAULT			000	NO		99	88
2890 DISORDERLY CONDUCT-ALL OTHER			000	NO		99	88
3710 RESISTING/OBSTRUCTING OFFICER			000	NO		99	88

SYNOPSIS

Officers were dispatched for a report of a fight. Upon arriving, Officers observed several people yelling in the street. Offender became combative, refused Officers commands and was taken to jail.

VICTIM

Name MCLEARIN, DAVID M		Address 82 UNIVERSITY E CHAMPAIGN, IL 61821			Telephone (217)351-4545				
Emp Code Y	Employer/School Name CHAMPAIGN POLICE DEPARTMENT			Emp. Address 82 UNIVERSITY E CHAMPAIGN, IL			Emp. Tel. Unknown		
DOB [REDACTED]	Age (when occurred) 36	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 [REDACTED]		Address [REDACTED]			Telephone [REDACTED]				
Emp Code Y	Employer/School Name WALMART			Emp. Address SAVOY, IL 61874			Emp. Tel. Unknown		
DOB [REDACTED]	Age (when occurred) 30	Race W	Sex F	Ht. 506	Wt. 200	Hair BRO	Eye BRO	SSN 000-00-0000	DL# [REDACTED]
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

OTHER

Name [REDACTED]	Address [REDACTED]	Telephone [REDACTED]
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Reporting Officer: **RUSH, MATT R**

officer's initials **MR**

approved **BR**

OTHER CONTD.

RT

OTHER CONTD.

Emp Code N	Employer/School Name UNEMPLOYED	Emp. Address CHAMPAIGN, IL	Emp. Tel. Unknown
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D	Age (when occurred) 20	Race B	Sex M	Ht. 600	Wt. 276	Hair BLK	Eye BRO	SSN [REDACTED]	DL# IL [REDACTED]
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Injury Code N	Victim Code I	Hospitalized NO	Treated by
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ARRESTEE/OFFENDER

Name [REDACTED]	Address CHAMPAIGN, IL 61821	Telephone [REDACTED]
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Emp Code Y	Employer/School Name [REDACTED]	Emp. Address [REDACTED]	Emp. Tel. [REDACTED]
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DOB [REDACTED]	Age (when occurred) 25	Race B	Sex M	Ht. 510	Wt. 150	Hair BLK	Eye BRO	SSN [REDACTED]	DL# [REDACTED]
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Injury Code M	Victim Code I	Hospitalized NO	Treated by CARLE
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Show Up: Date/Time 00/00/0000	Show Up Location	Conducting Officer	Arrest Date/Time 09/04/2011 22:45
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Arresting Officer RUSH	Arrest Location [REDACTED]	Transporting Officer RUSH	Dispo/Type CCSO T
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Miranda NO	Miranda Officer	Miranda Date/Time 00/00/0000	Arrest Numbers All- 9862 9863 9864
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RELATION MATRIX

Offense	Victim	Relation Code	Offender
3710	SOCIETY	ST	[REDACTED]
0560	MCLEARIN, DAVID M	ST	[REDACTED]
2890	STEWART, HEATHER LEIGH	AQ	[REDACTED]
9996	SOCIETY	ST	[REDACTED]

NARRATIVE

On 09/04/2011, at approximately 2239 hrs, I was wearing a Champaign Police Department Class "B" uniform and operating a fully marked squad car. I was near the [REDACTED], Champaign IL, due to a reported fight that had occurred approximately 15 minutes prior.

I was in my squad car parked along the curb on Randolph Street just south of Ells. I could hear screaming coming from the west. I exited my squad car and could see three subjects yelling in the middle of the street. As I approached, I use my flashlight to illuminate the group. A black male, later identified as [REDACTED] immediately became hostile. [REDACTED] screamed at me "stop hitting

Reporting Officer: RUSH, MATT R

officer's initials MR approved BR

NARRATIVE CONTD.

NARRATIVE CONTD.

me with that light mother fucker". I informed [REDACTED] that he did not determine how I use to flashlight and instructed him to explain to me why he was screaming.

[REDACTED] was extremely agitated, continued to place his hands in his pockets after being told not to, and continued to curse at me. [REDACTED] used derogatory terms towards police officers and continued telling me to stop "shining that fucking light". At this time, Officer Mclearin and Officer Reddy arrived on scene. I instructed them to stand by with [REDACTED] while I spoke with the other parties in the argument, identified as [REDACTED] and [REDACTED].

As I walked towards [REDACTED] and [REDACTED], I heard a commotion behind me. I looked behind me and saw [REDACTED] with his hands clinched walking towards Officer Mclearin and Officer Reddy. [REDACTED] was instructed to step back towards the curb which he refused. I observed Officer Mclearin grab [REDACTED] by his arm and at this time, I moved to assist Officer Mclearin.

[REDACTED] was attempting to pull away from Officers, as Officer Mclearin and myself attempted to place him in handcuffs. Officers initially grabbed onto [REDACTED] in the street, however, during the course of the struggle, we moved into the grass near the curb. [REDACTED] continued pulling away and we again moved towards the road. [REDACTED] lost his balance while negotiating the curb that lines the north side of Ells Street.

Once [REDACTED] was on the ground, he tried pulling his arms under his body. Officer Mclearin and myself continued pulling [REDACTED] arms behind him but were unsuccessful in securing him in hand cuffs. Officer Reddy advised [REDACTED] that if he did not stop he would be sprayed with OC spray. [REDACTED] continued to fight with Officers and at this time, I delivered a short burst of OC spray to the right side of [REDACTED]'s face. [REDACTED] immediately stopped fighting and was secured in double locked

NARRATIVE CONTD.

hand cuffs.

While escorting [REDACTED] to a squad car, I noticed that he had blood on his face. I stopped, used my flashlight and observed a small cut near [REDACTED]'s left eye. I placed [REDACTED] into my squad car and told him that if he calmed down, I could use a Sudecon wipe to ease the effects of the OC Spray. [REDACTED] refused and stated "Just fucking take me to some water!" It should be noted, that while I was securing [REDACTED] in my squad car, Officer Reddy spoke with [REDACTED] and [REDACTED] in regards to the fight. See his supplemental report for further detail.

I then cleared the scene and transported [REDACTED] to Carle hospital for decontamination to his face and for medical assessment of the cut on his eye. Upon reaching Carle, it was necessary for Carle security to transport him to the emergency room in a wheel chair. [REDACTED] was screaming obscenities at the top of his lungs and cursing at the nurses assigned to treat him.

[REDACTED] received damp towels for his face and the on call emergency room doctor examined the cut on his eye. [REDACTED] continued to scream at nurses, the ER doctor and myself. [REDACTED] received a small band aid to contain the bleeding and was cleared for transport to the Champaign County Sheriff's Department Satellite Jail.

I transported [REDACTED] to jail, upon arrival, he continued to scream at correctional officers and threaten me. [REDACTED] stated that "I better not see him on the streets". [REDACTED] was then released into the custody of the on duty correctional officer.

I have no further information regarding this investigation.

Reporting Officer: RUSH, MATT R

officer's initials approved

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #s			
Signature of Reporting Officer	date	APPROVED (Supervisor)	date
<i>[Signature]</i> 2114	09/09/2011	<i>[Signature]</i> 936	9/9/11
No secondary dissemination without consent from Champaign Police Dept.			

Reporting Officer: RUSH, MATT R officer's Initials *[Signature]* approved *[Signature]*



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



Page 1 of 2

SUPPLEMENTAL DETAIL

Case Number CC1108874	Officer Number 7110	Date Entered 09/05/2011	Date/Time of Orig. Rpt. 09/04/2011 22:39
Incident Address 206 W ELLS CHAMPAIGN			Title of Report: Dis Con/Resisting PO

NARRATIVE

On 09/04/11 I was assigned to routine patrol. I was wearing full CPD uniform and driving a fully marked squad car. At 2222 hrs I copied radio traffic about a fight in the area of Ells/Randolph. That call was cleared by officers. At 2239 hrs I copied radio traffic from Ofc. Rush that subjects were fighting in the area of 200 W Ells. I responded to the area.

Upon arrival, Ofc. Rush was talking to a subject [REDACTED] in the street. A male and a female sitting on the north curb in front of [REDACTED]. I could hear [REDACTED] yelling obscenities at Ofc. Rush and stating that he was being picked on because he was black. As [REDACTED] was talking, he was walking around. I exited my squad car and stood behind [REDACTED]. [REDACTED] immediately turned to me and said, "don't you fucking stand behind me." I did not respond.

Ofc. Rush continued to try and speak to [REDACTED] about the incident. [REDACTED] said that he had nothing to say and Ofc. Rush needed to talk to the other people. About this time, Ofc. Reddy was arriving on scene. Ofc. Rush then went and began speaking to the subjects who were sitting on the curb.

As Ofc. Rush spoke to the other subjects, I tried to speak to [REDACTED]. [REDACTED] complained that police were picking on him. I explained to [REDACTED] that if he would calm down a little bit and speak to me instead of yelling, police would finish their investigation sooner and he would be able to get on with his night.

This made [REDACTED] even more agitated and he balled up his fists and took a step towards me. I put up an open right hand and told [REDACTED] not to step towards me. [REDACTED] immediately stepped

Reporting Officer: MCLEARIN, DAVID M

officer's initials DM approved RR

NARRATIVE CONTD.

NARRATIVE CONTD.

towards me again with his fists still balled into fists as if he was going to strike me. I again used my open right hand to keep [redacted] back. [redacted] then said "fuck all you white mother fuckers", and turned to walk away. I grabbed [redacted]'s arm to keep him from leaving.

[redacted] tensed his arm and pulled it away from me. I ordered [redacted] to put his hands behind his back because he was under arrest. [redacted] continued try and pull away from me. Ofc. Rush then assisted me in trying to handcuff [redacted]. At this point, [redacted] was in the grass boulevard.

As we struggled with [redacted], he tripped over the curb and fell onto the ground. Once on the ground, [redacted] continued to pull his arms away from Ofc. Rush and me. Ofc. Reddy ordered [redacted] to stop resisting or he would be pepper sprayed. [redacted] continued to struggle to get his arms free. Ofc. Rush delivered a burst of his department issued OC Spray to [redacted]'s face.

after being sprayed with OC Spray, [redacted] immediately complied and was placed in double locked handcuffs that were checked for fit. While searching [redacted] incident to arrest, I noted [redacted] had a small amount of blood on his face.

For further information see reports from Ofc. Rush and Ofc. Reddy. I have nothing further at this time.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #s			
Signature of Reporting Officer <i>David M. McClearin</i>	date 9/5/11	APPROVED (Supervisor) <i>B 936</i>	date 9/5/11
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: MCLEARIN, DAVID M		officer's initials <i>DM</i>	approved <i>A</i>

CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT

Page 1 of 2



SUPPLEMENTAL DETAIL

Case Number CC1108874	Officer Number 7771	Date Entered 09/05/2011	Date/Time of Orig. Rpt. 09/04/2011 22:39
Incident Address CHAMPAIGN		Title of Report: Dis. Con.; Res/Obs PO	

VICTIM

Name [REDACTED]		Address [REDACTED] CHAMPAIGN, IL 61820		Telephone [REDACTED]	
Emp Code Y	Employer/School Name WALMART	Emp. Address SAVOY, IL 61874		Emp. Tel. (217)000-0000	
DOB [REDACTED]	Age (when occurred) 30	Race W	Sex F	Ht. 506	Wt. 200
		Hair BRO	Eye BRO	SSN 000-00-0000	DL# [REDACTED]
Injury Code N	Victim Code I	Hospitalized NO	Treated by		

WITNESS

Name [REDACTED]		Address [REDACTED]		Telephone [REDACTED]	
Emp Code N	Employer/School Name NONE	Emp. Address CHAMPAIGN, IL		Emp. Tel. Unknown	
DOB [REDACTED]	Age (when occurred) 20	Race B	Sex M	Ht. 600	Wt. 276
		Hair BLK	Eye BRO	SSN [REDACTED]	DL# [REDACTED]
Injury Code N	Victim Code I	Hospitalized NO	Treated by		

NARRATIVE

This is a supplemental report to Ofc. Rush's original report.

On 09/04/11 at approximately 2239 HRS I responded to the area of 200 Ells for the report of a fight. Upon arrival I noted Ofc. Rush and Ofc. McLearin speaking with a subject in the street, later identified as [REDACTED]. I also noted that [REDACTED] was attempting to walk away from the officers. I walked up and stood behind [REDACTED] and he appeared to stop moving. [REDACTED] refused to provide any information about the incident and stated we should talk to the other people. Ofc. Rush went to speak with [REDACTED].

[REDACTED] Ofc. McLearin continued to try and reason with [REDACTED] [REDACTED] moved forward towards Ofc. McLearin. Ofc. McLearin stopped him with an open hand and told him not to step up on him. [REDACTED] again moved towards Ofc. McLearin. Ofc. McLearin pushed [REDACTED]

Reporting Officer: REDDY, GANESH K

Officer's initials GR

approved DR

NARRATIVE CONTD.

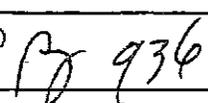
NARRATIVE CONTD.

back with an open hand. [redacted] continued to be very vocal about the incident and asked if he had to stay there. [redacted] was told that he could not leave until we sorted things out. [redacted] decided that he did not have anything to provide and attempted to walk away. Ofc. McLearin and Ofc. Rush attempted to place [redacted] in handcuffs. [redacted] refused to comply with directions to place his hands behind his back and attempted pull away. He was taken to the ground and I advised him that if he did not stop resisting he would be sprayed. [redacted] continued to resist and Ofc. Rush deployed a short burst of pepper spray into [redacted]s face. Myself and Ofc. McLearin placed [redacted] in handcuffs. I then went to speak with [redacted] and [redacted].

[redacted] told me that he was at the house, [redacted], with [redacted] when [redacted] arrived and started being disrespectful. [redacted] told [redacted] that he was being disrespectful and he should leave. There was a verbal dispute as police arrived on scene.

[redacted] told me that [redacted] had been trying "get with her" and she did not want anything to do with him. [redacted] came by and started again to "get with her" while she was outside with [redacted]. He became more aggressive and was coming up into "her space" so she admits that she grabbed his arms. She did this because she felt that she might get hit if she did not grab [redacted] arms. At that point, [redacted] stepped in and tried to get [redacted] to leave. A verbal dispute started and police arrived soon afterwards.

I have no further information at this time.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #'s			
Signature of Reporting Officer: 	date 9/5/11	APPROVED (Supervisor)  936	date 9/5/11
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: REDDY, GANESH K		officer's initials 	approved 

From: Brad Yohnka
To: Ramseyer, Bruce
Date: 3/6/2012 3:52 PM
Subject: complaint 2011-18

Bruce I placed this packet in the south district closet with some specific instructions from ADC Swenson. return to me when completed thanks