

**CITY OF CHAMPAIGN
DENIAL OF FREEDOM OF INFORMATION ACT REQUEST**

TO: Brian Dolinar
ADDRESS: 303 W. Locust St., Urbana, IL 61801
EMAIL: briandolinar@gmail.com

FROM: Laura J. Hall, Assistant City Attorney, City of Champaign (*Laura Hall*)
Date: June 7, 2012

Your request dated 5/9/12 is denied
IN FULL IN PART

The detailed factual basis of the denial is as follows:

Personal and private information

The statutory exemption providing the basis for the denial is:

5 ILCS 140/7 Exemptions.

- (1) Private information. (5 ILCS 140/7(1)(b))
- (2) Personal information. (5 ICLS 140/7(1)(c))

You have a right to request review of this denial by the Illinois Public Access Counselor:

Public Access Bureau
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
(217) 558-0486
publicaccess@atg.state.il.us

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a).

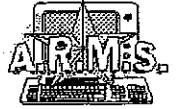
You may also file suit for injunctive or declaratory relief in the Circuit Court of Champaign County Illinois. (5 ILCS 140/11)

cc: City Clerk

j:\legword\foia\requests specific\dolinar\denial form - 6-6-12.doc



CHAMPAIGN POLICE DEPARTMENT



INCIDENT DETAIL

| | | | | | | | | | |
|-------------------------|-----------------------------|----------------|-----------|--------|-----------------|-------------|--------------|-------|-------|
| Officer Number | 7107 | METCAD Event # | 111560067 | Shift | 2 | Case Number | CC1105369 | | |
| Occurred | 06/05/2011 | 02:27 | DOW | Sunday | | | | | |
| Reported | 06/05/2011 | 02:27 | DOW | Sunday | Time Dispatched | 02:27 | Time Arrived | 02:27 | |
| Incident Adr. | FORTH X STR GREEN CHAMPAIGN | | | | Loc Type | 304. STREET | | GEO | 67403 |
| Related Officer Numbers | ASHELL 714 | | | | | | | | |

OFFENSE

| Offense Crime Code/Description | CSA | Act | # Pr. | Force | Circ. | Weapon | Bias |
|---|-----|-----|-------|-------|-------|--------|------|
| 3710 RESISTING/OBSTRUCTING OFFICER | | | 000 | NO | | 99 | 88 |
| 6701 OTHER TRAFFIC RELATED INCIDENTS | | | 000 | NO | | 99 | 88 |

SYNOPSIS

A subject resisted commands during traffic stop. An officer was injured while arresting the subject. The subject was taken to jail.

ARRESTEE/OFFENDER

| | | | | | | | | | | | | | | | | | | | |
|--------------------|----------------------------|----------------------|------------------|-----------------|----|-----|-------------------|----------------------|-------------|----------------|-----------|------------------|------------------|-----|-----|-----|-------------|-----|--|
| Name | WARD, BRANDON DG(arrestee) | | | | | | Address | | | | Telephone | Unknown | | | | | | | |
| Emp Code | S | Employer/School Name | | | | | Emp. Address | CHAMPAIGN, IL | | | Emp .Tel. | Unknown | | | | | | | |
| DOB | | Age (when occurred) | 19 | Race | B | Sex | M | Ht. | 508 | Wt. | 161 | Hair | BLK | Eye | BRO | SSN | 000-00-0000 | DL# | |
| Injury Code | N | Victim Code | I | Hospitalized | NO | | Treated by | | | | | | | | | | | | |
| Show Up: Date/Time | 00/00/0000 | | Show Up Location | | | | | Conducting Officer | | | | Arrest Date/Time | 06/05/2011 02:27 | | | | | | |
| Arresting Officer | SIMONS 71071 | | Arrest Location | FORTH CHAMPAIGN | | | | Transporting Officer | SIMONS 7107 | | | Dispo/Type | CCSO O | | | | | | |
| Miranda | NO | | Miranda Officer | | | | Miranda Date/Time | 00/00/0000 | | Arrest Numbers | A11-6494 | | | | | | | | |

RELATION MATRIX

| Offense | Victim | Relation Code | Offender |
|---------|---------|---------------|------------------|
| 3710 | SOCIETY | ST | WARD, BRANDON DG |
| 6701 | SOCIETY | ST | WARD, BRANDON DG |

PROPERTY

| | | | | | | | | | |
|------|----------|---------|-----------|-----------------|--|--------------------|-----------------------------|--|-------------|
| Tag# | 00143 | | Desc. | SQUAD CAR VIDEO | | Recommended Action | RETAIN UNTIL NO EVID. VALUE | | |
| Loss | Quantity | 1.000 | Serial # | | | Loc | SQUAD CAR SERVER | | Disposition |
| Recv | 6 | Measure | Evidence? | YES | | Property Code | 835 | | |
| Drug | Value | | | | | | | | |

NARRATIVE

Reporting Officer: SIMONS, PATRICK M

officer's initials AS approved 904

NARRATIVE CONTD.

lsh

NARRATIVE CONTD.

On 06/05/11, I was in the area of Green and Fifth Street for a reported fight in progress. I observed two officers walking behind a group that was yelling at the officers. I moved my camera to report the interaction and followed the group. The officers stopped walking behind the subjects and turned the other way.

I moved my camera back to the front and proceeded to the intersection of Forth and Green Street. I stopped for a red light and pedestrian traffic crossed north bound across Green Street. I observed a vehicle moving north bound stop suddenly and a second vehicle almost strike the vehicle from behind. I looked to see what caused the vehicles to stop abruptly on a green light and observed the same group that was yelling at the officers in the north cross walk traveling west bound. The stop signal was red and showing a "hand" which means do not walk.

I activated my overhead lights to prevent a traffic crash between the pedestrians and the other vehicles in traffic and moved into the intersection. I ordered the group to stop and gave commands for the subjects to move to the front of my vehicle. One subject, later identified as Brandon, looked in my direction and started to walk faster. I stopped Brandon by grabbing his arm and telling him to walk back to my squad car. Brandon tensed up and raised his arms to his chest. I raised my can of pepper spray at his face and told him to come with me. Brandon complied but again tried to pull away from my grip. I grabbed a hold of his left hand in a knife edge and walked him to my squad car. Officer Ashell approached to the side to assist me.

I felt Brandon shift his hand in one quick motion and slip almost completely free of my grasp. I would later learn the Brandon was a star high school wrestler and this is a skill commonly mastered by people who wrestle from any period of time. I sprayed Brandon in the face with my pepper spray and forced him onto the hood of the car. Brandon continued to move his hand in an attempt to break free from my grasp. Brandon was placed into handcuffs by

Reporting Officer: SIMONS, PATRICK M

officer's initials

approved

907

NARRATIVE CONTD.

NARRATIVE CONTD.

Officer Ashell and me. Two subjects attempted to approach us while were focused on handcuffing Brandon. I sprayed the two subjects in the face and they ran off. Brandon was moved to the back of my squad car and I scanned the crowd for the other subjects I attempted to stop.

I moved Brandon to the parking lot next to the post office. Brandon was screaming in the back seat of the squad car and refused to comply with my commands. Brandon advised that he would only listen to Officer Lack and would not let me decontaminate him with Sudecon wipes. I had Officer Prosser stage at the other door so he could extract Brandon when I distracted him. I moved into the rear seat and pushed Brandon's chest while Officer Prosser simultaneously opened the door and pulled him out. Brandon began screaming that I choked him due to incidental contact I made with his neck. I located Brandon's driver's license in his rear pocket and administered a Sudecon wipe to his face. Brandon was provided two more Sudecon wipes and two bottles of water over the next fifteen minutes. I learned that Officer Ashell was injured during the arrest and went to the emergency room.

I transported Brandon to the county jail and remanded him to the jail staff. I learned that Officer attempting to arrest of Brandon. Brandon was advised of the injury and advised the charge was upgraded to a felony. Brandon complained of no injuries while at the county jail. Officer

I reviewed the squad car footage and it contains the entire traffic stop. Evidence tags were printed for the footage.

No further comments.

Reporting Officer: SIMONS,PATRICK M

officer's initials

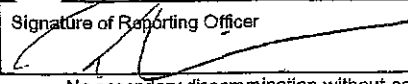
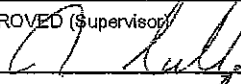
AS
7107

approved

904


| | |
|------------|-------------------|
| Copied By: | Entered/Filed By: |
|------------|-------------------|

| |
|-------------------|
| Incident/Leads #s |
|-------------------|

| | | | |
|--|----------|--|--------|
| Signature of Reporting Officer | date | APPROVED (Supervisor) | date |
|  | 06/05/11 |  904 | 6/5/11 |

No secondary dissemination without consent from Champaign Police Dept.

Reporting Officer: SIMONS, PATRICK M

officer's initials  approved 904



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



SUPPLEMENTAL DETAIL

| | | | |
|---|---------------------|--|--|
| Case Number CC1105369 | Officer Number 7714 | Date Entered 06/11/2011 | Date/Time of Orig. Rpt. 06/05/2011 02:27 |
| Incident Address FOURTH ST X STR GREEN ST CHAMPAIGN | | Title of Report: Resist/Obstruct Peace Officer | |

NARRATIVE

This is a supplemental report to Officer Simons' original report.

On 06/05/11, I was on patrol while dressed in a class B uniform and operating a marked squad car, number 44. At approximately 0227 hours, I was driving westbound on Green St. and passed the intersection at Fifth St. I then noticed that ahead of my location, at the intersection of Green St. and Fourth St., was Officer Simons in his squad car. I noticed that Officer Simons had activated his overhead emergency lights and had stopped on the west side of the intersection. I accelerated to his location and watched as he exited his squad car and began ordering a pedestrian to stop.

I parked and exited my squad car and approached the front of Officer Simons' squad car where he had a control hold on the pedestrian (identified as Brandon). I then observed as Brandon rotated his torso quickly and it appeared that he had broken free of Officer Simons' hold. I grabbed Brandon's right hand as Officer Simons discharged Oleum Capsicum into Brandon's face.

I began to handcuff Brandon, starting with his right wrist. Brandon was continuing to tighten his arms and twist his torso to break free from Officer Simons and I. At some point during the time that I placed the handcuffs on Brandon's right wrist to the point I placed the handcuffs on his left wrist, I felt

It should be noted that while Brandon was being placed into handcuffs, two additional subjects, who were presumably accompanying Brandon, attempted to approach Officer Simons and I

Reporting Officer: AHSELL, BRIAN J

officer's initials

BJA approved *J. Rea*

NARRATIVE CONTD.

RA

NARRATIVE CONTD.

while we were focused on handcuffing Brandon. I gave verbal commands for them to stay back, however, they continued to approach. Officer Simons was able to discharge Oleum Capsicum at the two subjects, and they both ran off.

Officer Simons took custody of Brandon while I maintained rear security for Officer Simons due to the small crowd who was yelling at us.

Officer Simons then transported Brandon away from the crowd. I located Sgt. Crane to inform him that my [redacted] had been injured during the arrest of Brandon. Sgt. Crane advised me to transport myself

I have nothing further to report at this time.

| | | | |
|--|--|-----------------------|--|
| Copied By: | | Entered/Filed By: | |
| Miscellaneous/Leads #s | | | |
| Signature of Reporting Officer <i>Brian J. Ashell</i> | | APPROVED (Supervisor) | |
| date #714 06/11/11 | | date 911 6-11-11 | |

No secondary dissemination without consent from Champaign Police Dept.

Reporting Officer: AHSELL, BRIAN J

officer's initials *BJA* approved *R. R.*

CHAMPAIGN POLICE DEPARTMENT CASE DISPOSITION SHEET

The information on this form will be used by the Champaign Police Department to provide quicker feedback to Officers and Investigators involved in the case. It will enable the Police Department to inform crime victims as to the disposition of their cases and aid department supervisors in identifying problem areas with reports.

PATROL INVESTIGATIONS

SUSPECT NAME: Brandon Ward

RACE: B SEX: M DOB: 9-7-91 AGE: 19

OFFENSE(S) Resisting/Obstructing officer/other traffic

CASE # 211-5369 ARREST: YES NO

PRIOR CONTACTS WITH JUVENILE/OFFENDER:

| DATE | OFFENSE | DISPOSITION |
|------|---------|-------------|
| | | |
| | | |
| | | |
| | | |

OFFICER/INVESTIGATOR: Simons DATE REFERRED 6-5-11

DISPOSITION

- PETITION/COMPLAINT FILED – STATES ATTORNEY CASE NUMBER 11-CF-889
- ADDED TO EXISTING/PENDING CASE (NUMBER) _____
- PETITION TO REVOKE PROBATION (NUMBER) _____
- WARRANT
- STATE'S ATTORNEY DECLINED, NO INTEREST IN PROSECUTION
- NO COMPLAINT FILED:
- STATION ADJUSTMENT RECOMMENDED WITNESS NOT CREDIBLE
- ASSIGNED TO INFORMAL SUPERVISION PROGRAM VICTIM NOT CREDIBLE
- VICTIM REFUSED PROSECUTION ADULT DIVERSION
- OTHER INSUFFICIENT INFO IN REPORT (PLEASE EXPLAIN BELOW)

EVIDENCE:

- Maintain custody
- Request evidence be sent to State Lab (Copy for Evidence)
- Evidence of no value – Return or Dispose of

REVIEWED BY: [Signature] DATE: 6/5/11

PM