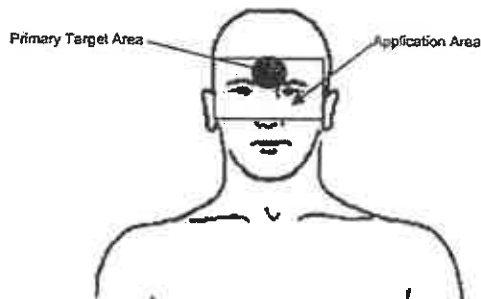


**ARLINGTON HEIGHTS POLICE DEPARTMENT**  
**RESPONSE TO RESISTANCE - SUPERVISOR'S INVESTIGATION REPORT**

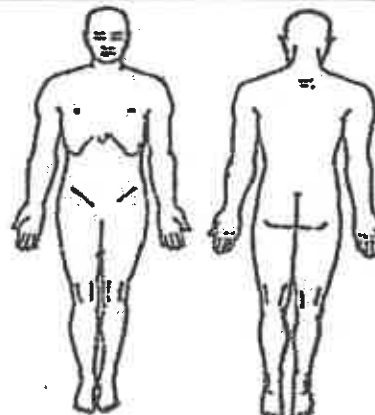
Date <b>04/03/20</b> <b>24</b>	Time <b>1800 hrs</b>	Location <b>Private Information</b>	Beat <b>1112</b>	Case Report No. <b>24-006427</b>		
Subject's Name <b>Personal information within</b>		DOB <b>Personal</b>	Height <b>5'10"</b>	Weight <b>210 lbs</b>	Sex <b>M</b>	Race <b>W</b>
Subject/s Address (Number, Street, City, State, Zip) <b>Private Information</b>					Phone No. (Include area code) <b>Private Information</b>	
<b>REASON FOR RESPONSE (CHECK ALL THAT APPLY):</b>						
<div style="display: flex; flex-wrap: wrap;"><div style="width: 50%;"><input checked="" type="checkbox"/> To Effect an Arrest</div><div style="width: 50%;"><input type="checkbox"/> To Defend another Officer</div><div style="width: 50%;"><input type="checkbox"/> To Prevent a Violent Felony</div><div style="width: 50%;"><input type="checkbox"/> Field Force Operation</div><div style="width: 50%;"><input checked="" type="checkbox"/> To Defend Self</div><div style="width: 50%;"><input type="checkbox"/> To Defend another Person</div><div style="width: 50%;"><input type="checkbox"/> To Restrain for Subject's Safety</div><div style="width: 50%;"><input type="checkbox"/> Other:</div></div>						
No. Subjects that Resisted: <b>1</b>		No. Officers Present: <b>4</b>			Supervisor Notified/Time: <b>Commander Jasper at 1805 hrs</b>	
<b>AT THE TIME OF ARREST, THE OFFICER STATED THEY REASONABLY BELIEVED THE SUBJECT WAS:</b>						
<div style="display: flex; flex-wrap: wrap;"><div style="width: 50%;"><input type="checkbox"/> Under the Influence of Alcohol or Drugs</div><div style="width: 50%;"><input checked="" type="checkbox"/> Mentally Impaired</div><div style="width: 50%;"><input type="checkbox"/> Suspected Under the Influence of Alcohol or Drugs</div><div style="width: 50%;"><input type="checkbox"/> Other:</div></div>						
<b>LEVELS OF RESISTANCE:</b>						
<input type="checkbox"/> Psychological Intimidation (Explain): (Non-verbal cues indicating the subject's attitude or physical readiness)						
<input checked="" type="checkbox"/> Verbal Non-Compliance (Explain): (Verbal responses or threats of non-compliance to officer's directions) <b>Made statements that he was not going to be handcuffed and he was not going to go with officers.</b>						
<input checked="" type="checkbox"/> Passive Resistance (Explain): (Dead weight or clinging to objects in an attempt to prevent the officer from gaining control) <b>Initially laying in his bed under the sheets.</b>						
<input checked="" type="checkbox"/> Active Resistance (Explain): (Pushing or pulling away from the officer to avoid control, however, not attempting to harm the officer) <b>Pulling his arms away when officers attempted to handcuff him.</b>						
<input checked="" type="checkbox"/> Active Aggression (Explain): (Physical actions of assault) <b>Lowered his left shoulder and bumped into Officer Montella's body. Used his right leg to kick Officer Yusypyuk's left hand.</b>						
<input type="checkbox"/> Aggravated Active Aggression (Explain): (Assaults with the intent & apparent ability to cause death or great bodily harm)						
<b>RESPONSE TO RESISTANCE TECHNIQUES UTILIZED:</b>						
<input checked="" type="checkbox"/> Verbal Direction Response to Resistance (Explain): (Commands of direction or of arrest) <b>Officers asked multiple times for the subject to comply and place his hands behind his back.</b>						
<input type="checkbox"/> Active Pointing (Explain):						
<input checked="" type="checkbox"/> Empty Hand Control (Explain): <b>Officers grabbed suspect's arms and placed both hands behind his back and into handcuffs. Officer nullled suspect to the ground by his arms after he kicked an officer.</b>						
Location: <b>Living room</b>						
<input type="checkbox"/> Intermediate Weapons (Explain):						
(Check all appropriate) <input type="checkbox"/> OC Spray <input type="checkbox"/> Primary Impact Weapon (ASP) <input type="checkbox"/> Conducted Energy Weapon <input type="checkbox"/> Less Lethal Impact Munitions <input type="checkbox"/> Other:						
<b>RESTRAINT METHOD USED:</b>						

☒ Handcuffs      ☐ Flex Cuffs      ☐ Hobble  
☐ Leg Restraints      ☐ Spit Shield      ☐ Other:

## OC SPRAY TARGET AREA



☐ LESS LETHAL MUNITIONS IMPACT AREAS  
☐ CONDUCTED ENERGY WEAPON



Circle impact areas for less lethal munitions or conducted energy weapon on diagram

## EFFECTS OF OC SPRAY:

What effect did OC spray have:

Were further control methods needed:

☐ Yes ☐ No

Number of times sprayed:

Approximate distance from subject (ft):

Eyes:

☐ Closure ☐ Tears ☐ No effect

Skin:

☐ Redness ☐ Burning ☐ No effect

Nose:

☐ Discharge ☐ Irritation ☐ No effect

Chest:

☐ Coughing ☐ Labored breathing  
☐ No effect

## EFFECT OF LESS LETHAL MUNITIONS OR CONDUCTED ENERGY WEAPON DEPLOYMENT:

Effective:

☐ Yes ☐ No

Were further control methods needed:

☐ Yes ☐ No

No. of times conducted:

Serial No. of fired Energy cartridge:

Energy Weapon Used:

No. of L.L. rounds deployed:

No. Hits:

No. Misses:

Approximate distance from subject (ft):

No. of L.L. munitions recovered and collected as evidence:

## POST INCIDENT OBSERVATION OF PHYSICAL AND MENTAL CONDITION OF SUBJECT:

Immediately following final control technique:

Agitated and verbally abusive towards officers

15 minutes following final control technique: Calm, in back seat of squad car, being transported back to AHPD

30 minutes following final control technique: Calm, sitting in lock-up waiting to be processed

Was subject injured?

☒ Yes ☐ No

Transported by:

Refused

Destination:

N/A

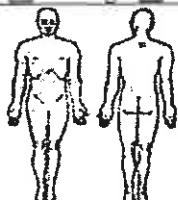
Attending physician's name:

☐ Admitted ☐ Treated & Released

Photos taken by:

Officer Williams #368

## SUBJECT'S INJURIES (CHECK ALL THAT APPLY):

☐ Bruising ☐ Unconsciousness ☒ Other Minor ☐ Other major ☐ Death


Describe the extent of subject's injuries and circle location on the diagram:

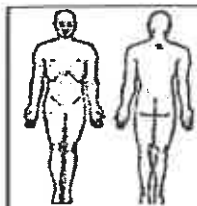
Right wrist sustained red marks and a small laceration.

Left wrist sustained red marks.

Both wrists sustained these minor injuries as a result of handcuffing.

 WAS OFFICER INJURED? \* ☒ Yes ☐ No If yes, complete diagram below

Officer Name (s): N/A



Describe the extent of officer's injuries and circle location on the diagram:

Officer Montella sustained a skinned/scraped left knee in the course of the arrest.

## SUPERVISOR'S RESPONSE TO RESISTANCE-CONTINUED

Case Report No. AHP24-006427

WITNESS OR PERSON WITH KNOWLEDGE	ADDRESS	PHONE OR CONTACT NO.
1) Officer Joshua White #380	200 E Sigwalt St, Arlington Hts, IL 60005	847-368-5300
2) Officer Matthew Williams #368	200 E Sigwalt St, Arlington Hts, IL 60005	847-368-5300
3) Officer Oleh Yusypyuk #340	200 E Sigwalt St, Arlington Hts, IL 60005	847-368-5300
4) Officer Carlo Montella #355	200 E Sigwalt St, Arlington Hts, IL 60005	847-368-5300

SUPERVISOR'S SYNOPSIS OF FINDINGS		Number Of Officers Applying Response:
1-Officer applying response (name): Officer White #380	2-Officer applying response (name): Officer Williams #368	
Did the officer follow Departmental policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Did the officer follow Departmental policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Was officer response appropriate to incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Was officer response appropriate to incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3-Officer applying response (name): Officer Yusypyuk #340	4-Officer applying response (name): Officer Montella #355	
Did the officer follow Departmental policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Did the officer follow Departmental policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Was officer response appropriate to incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Was officer response appropriate to incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Supervisor's Synopsis of Investigative Findings:  
I find all officers acted within Department policy, and all levels of force utilized by all officers was appropriate to the level of resistance offered by the offender. See supplemental narrative for complete investigative summary.

Private Information

Signature: Sgt. [Redacted] 578 Date: 04-04-2024

REVIEWING BUREAU COMMANDER N/A ☐

Remarks:

I CONCUR WITH SGT. GACEK'S CONCLUSION.

Signature: [Redacted] 640 Date: 04-04-24

REVIEWING DIVISION DEPUTY CHIEF

Remarks: THERE IS A LONG-STANDING ACCEPTANCE FOR THE USE OF OPEN HAND CONTROL TECHNIQUES IN RESPONSE TO ACTIVE RESISTANCE. THE OFFICERS FOLLOWED DEPARTMENT POLICY AND THEIR RESPONSE WAS APPROPRIATE GIVEN THE LEVEL OF RESISTANCE OFFERED.

Signature: [Redacted] JOSEPH A. PINNELLO Date: 04/08/2024

CHIEF OF POLICE

☒ Received

After final review, forward to [Redacted]

Signature: [Redacted] Date: 4/20/2024

## ADDITIONAL WITNESS:

Section 7(1)(d)(iv) Exemption (Protection of Witnesses and Confidential Sources)

## NARRATIVE CONTINUATION (SPECIFY SECTION):

On 04-03-2024, Commander Jasper notified me of a Response to Resistance incident involving officers arresting [Personal information within public records]. The arrestee was found to have an abrasion on one wrist and a small laceration on his other wrist, as a result of being handcuffed. I conducted an investigation into this matter. I interviewed all involved officers. I reviewed all CAD and police reports, and I reviewed all applicable body-worn camera footage capturing this incident and arrest. I attempted to interview the arrestee, but after being administered his Miranda warnings, he declined to make any statements. The following are the details of my findings:

On Wednesday 04-03-2024 at approximately 1747 hours, Officer White and Officer Williams responded to [Person]. [Personal information within public records] They were armed with two (2) arrest warrants for the resident there. [Personal information] The first warrant was a bond forfeiture warrant with an original charge of Domestic Battery. This first warrant was issued by Cook County Circuit Court. The second warrant was also a bond forfeiture warrant with an original charge Battery. This second warrant was also issued by the Cook County Circuit Court. Officers were also armed with the knowledge that [Personal information within public records] home address. This knowledge was gathered from previous calls for domestic disturbances at this location, along with [Person] previous arrests at this location.

Officer White and Officer Williams knocked on the door and were met by [Personal information within public records]. Officers explained they had a warrant for [Person's] arrest. Officers entered the apartment after [Person] and located [Person] inside. Officer Williams recognized [Person] and addressed him as [Personal information]. [Person] stated "No, I'm Mr. Flintstone" and walked away into a bedroom. Officer Williams followed [Person] into a bedroom and found him laying on the bed under the sheets. Officer Williams and Officer White explained the process of the arrest warrant but [Person] refused to get out of the bed. Officer White requested additional units and Officer Montella arrived shortly thereafter. [Person] was also in the bedroom and attempted to persuade [Person] cooperate with officers.

At one point, [Person] got out of bed and stated "how about you go fuck yourself." Officer White told [Person] to put his hands behind his back and [Person] stated "No, you said I can go with you." Officer White told [Person] they had to handcuff him. While Officer White gave verbal commands, Officer Williams stood behind [Person] and grabbed [Person] left arm with his hands. [Person] told officers they were not handcuffing him, and then pulled his arms away from Officer Williams. [Person] was still in the room, attempting to hold onto [Person's] right arm.

Officer Montella arrived at this point and assisted Officer White and Officer Williams. All three officers attempted to grab [Person] arms and place them behind his back. [Person] continued to pull his arms away and move them towards the front of his body. Officers were eventually able to physically move [Person] arms behind his back and place his hands into handcuffs. Officers accomplished this with open hand control tactics. No blows, strikes or weapons were used to effect this arrest.

After [Person] was placed into handcuffs, Officer Williams attempted to explain the process of the arrest warrant to him. Officer Williams asked [Person] if they could get him a pair of shoes and he accepted. Officer Williams asked if the shoes in the room were the right ones and [Person] stated "No, move out of my way please." Officer Montella was standing to the left of [Person] at this time, between [Person] and the hallway. [Person] lowered his left shoulder and bumped into Officer Montella. Officer Montella and Officer Williams grabbed [Person] by his arms and pushed him against the bedroom wall in an effort to control him. After officers pulled [Person] off the wall, he turned to Officer Montella and repeated "you fat fuck" and "you dirty immigrant."

Officer Williams asked [Person] to put his shoes on but [Person] stated he couldn't. [Person] then told officers to just get him out without his shoes. Officer Montella and Officer Williams walked [Person] into his living room, where [Person]

tried to put **Personals** shoes on **Personal** again lowered his left shoulder and attempted to lunge towards Officer Montella, however, there was no contact between the two this time.

Officer Montella and Officer Williams began escorting **Pers** out through the living room, but he stopped and tensed up. Officer Yusypyuk stood in front of **Perso** when he stopped in the living room. **Persona** raised his right leg and kicked Officer Yusypyuk. During the kick, **Person's** right foot struck Officer Yusypyuk's left hand. Officer Yusypyuk was not injured as a result of this kick.

After kicking Officer Yusypyuk, Officer Williams and Officer Montella brought **Person** to the ground by utilizing open hand control tactics and pulling **Person** down. In the course of bringing **Perso** to the ground, Officer Montella's left knee struck the floor, skinning Officer Montella's left knee. While **Person** was laying on the ground, **Perso** was able to put his shoes on. Officers then brought **Perso** back to his feet and walked him outside to their squad cars.

Once outside, officers walked **Person** to the rear passenger door of squad 3186. **Perso** refused to get into the back seat, so Officer Yusypyuk and Officer Williams pushed Joseph into the back seat and applied his seat belt. Officer Montella then transported **Perso** back to the Arlington Heights Police Department and brought him into the lock-up area.

Once in lock-up, Officer Williams removed the handcuffs from **Person** arms, and in the process, Officer Williams observed a small laceration to the top of **Personals** right wrist. Officer Williams further inspected **Personals** wrists. Officer Williams asked **Person** if he felt any pain to which **Pers** replied "no." Officer Williams subsequently asked **Person** if he needed an ambulance, to which **Person** replied "no." **Person** was subsequently processed and placed into cell number 1 to await a detention hearing.

On 04-03-2024 at 2209 hours, I went into lock-up and read **Person** his Miranda rights from a pre-printed AHPD Advise of Rights waiver form. I asked **Person** if he wanted to speak with me regarding what happened and he stated he did not. My interaction and Miranda administration were captured on my body-worn camera.

Based on the aforementioned investigation, I found all officer's level of force were appropriate and within Department policy. I found the level of force used by all officers never rose above the level of open hand control tactics. At no point, were any strikes or blows delivered, nor were any intermediate or deadly weapons used. Per Department policy, the sole use of open hand control tactics does not necessarily warrant of Response to Resistance investigation. The sole reason for this investigation and report was the observation of a very minor abrasion to **Persona** left wrist and a very minor laceration to **Persona** right wrist, both of which **Perso** denied any pain from.

This concludes my investigation into this Response to Resistance investigation.

# Redaction Log

Reason	Page (# of occurrences)	Description
Personal information within public records	1 (2) 5 (41) 6 (28)	This information is personal, and if disclosed would constitute a clearly unwarranted invasion of personal privacy. Exempt per 5 ILCS 140/7(1)(c).
Private Information	1 (3) 4 (4) 5 (1)	This information contains unique identifiers. It is exempt per 5 ILCS 140/7(1)(b).
Section 7(1)(d)(iv) Exemption (Protection of Witnesses and Confidential Sources)	5 (1)	The identity of a confidential informant and/or confidential information furnished to law enforcement are exempt from disclosure.