

Officers could smell the odor of an alcoholic beverage coming from AP and she had glossy eyes. AP was determined to be under the age of 21. Squad 122 arrived with a PBT. AP was arrested for Assault and Underage Consumption and placed in the booking van.

Summary of Supplement #3 (Officer Chamberlain #1075):

Officer Chamberlain was assigned to Squad 122 when he heard Officer 13.43 request a PBT so he went to assist. Officer Chamberlain had a PBT which has a passive test mode with passive cups for uncooperative individuals. Officer Chamberlain said that he was advised by Officer 13.43 that AP was uncooperative. He noticed from the computer that AP was under 21 years of age.

As soon as Officer Chamberlain opened the rear squad door of Squad 112 he could smell a strong odor of alcohol coming from AP. He also noticed her eyes were watery and bloodshot and that her makeup was smeared. AP was talkative and "indignant about her actions and boisterous". When AP observed the PBT she said she was not going to do that "shit" until she got a lawyer. He stated her words were slurred and that she swayed her body back and forth.

Officer Chamberlain held the PBT in front of AP's face and she butted her head toward his hand. He pushed her head away from him and held the PBT near her mouth. The PBT registered a positive sample. AP pushed her leg out of the squad doors towards him and he pushed it back inside before closing the door.

VisiNet

According to VisiNet (tab #11) Officers 13.43 - Person 13.43 were assigned to Squad 112. Officer Chamberlain was assigned to Squad 149.

Digital Squad Video

Officer 13.43 13.43 and 13.43 13.43 activated the digital recording system while on the scene of this incident. The squad number and P# were supplied in the complaint e-mail (tab#3). The digital squad video starts recording at 0116:26 and stops recording at 0148:31. Certified copies (#381 and #382-tab#14) of the video were provided by the B of I. Below is a summary of the video.

- A female (herein referred to as AP) is observed seated in the rear of the squad and she appears to be in handcuffs. As she speaks she rambles on and her speech seems some what slurred.
- Officer Chamberlain arrives and with a PBT. AP immediately states that she wants a lawyer and in fact mentions a lawyer at least four times during the almost five minute interaction with Officer Chamberlain.
- Officer Chamberlain attempts to place the PBT up towards AP's facial area on two occasions each time AP either turning her head away and/or verbally

objecting. At one point AP tells Officer Chamberlain to "Get the fuck out of here with that bullshit".

- During one of the verbal exchanges in which AP told Officer Chamberlain that she wanted a lawyer Officer Chamberlain told AP that she was being "snippy" and to "shut up". At other points during the interaction Officer Chamberlain uses the words "shit" and "fucking".
- Officer Chamberlain also refused to give his name upon request by AP and told her that it would be in the arrest report.
- Officer Chamberlain appeared to push AP (who was still in handcuffs) on her right shoulder onto her left side. He then got inside the squad and appeared to put part of his body on top of the AP. He appeared to manipulate the PBT and then put it near AP's face. Officer Chamberlain also appeared to look toward the front of the squad on two different occasions.
- Officer Chamberlain then got off of AP and she sat up. Officer Chamberlain informed AP that the test was positive and she failed. He orders AP to get her "fat fucking leg in the car" and closed the car door. It appeared that AP's leg was in the car but that her thigh may have been sticking out some.
- AP is later transferred to the booking van.

Officer 13.43 13.43

On 12-19-11 a formal interview (tab #6) was conducted with Officer 13.43 at the IAU. Below is a summary of the interview.

- Officer 13.43 was assigned to squad 112 on the night of the incident and was working with Officer 13.43. They were in a marked squad car and wearing full uniform.
- They were flagged down by bouncers related to AP assaulting a bouncer. Security was holding AP and she was uncooperative. She (Officer 13.43) put AP in handcuffs and placed her in the rear of the squad.
- There was a strong odor of an alcoholic beverage coming from AP and she appeared to be under the influence. AP was determined to be underage. AP was belligerent and uncooperative.
- Officer Chamberlain arrived with the PBT.
- She (Officer 13.43) was seated in the front seat while Officer Chamberlain was speaking with AP. She heard Officer Chamberlain say he was going to give AP a PBT. AP had a confrontational attitude towards Officer Chamberlain and asked him questions.

- She heard AP say she was not going to take the PBT, ask for a lawyer, and ask Officer Chamberlain for his name.
- She heard Officer Chamberlain say that he did not have to give AP his name and Officer Chamberlain swearing at AP.
- She did not see Officer Chamberlain push AP over to her side, lay on top of AP, or Officer Chamberlain put the PBT up to AP's mouth.
- She reported the incident to her supervisor as she did not agree with Officer Chamberlain's actions
- AP was booked for assault 5 and underage drinking.

Officer 13.43 13.43

On 12-20-11 a formal interview (tab#7) was conducted with Officer 13.43 at the IAU. Below is a summary of the interview:

- He identified the male voice at 0116 as being his.
- He was working the night of the incident in a marked squad, wearing full uniform, and with Officer 13.43. They (Officer 13.43 and he) were on patrol and flagged down by security who said a female had assaulted a security officer. They arrested the female and placed her in the rear of the squad.
- AP was belligerent, verbally abusive, and her behavior was the reason he turned on the squad camera. AP smelled of alcohol and refused to answer questions.
- He called for a PBT and Officer Chamberlain arrived. He observed Officer Chamberlain standing outside the squad car but was dealing with security during most of the incident.
- He did not hear Officer Chamberlain ask AP to take a PBT or that she did not want to take a PBT. He did not hear AP ask for a lawyer or ask Officer Chamberlain for his name.
- He did hear Officer Chamberlain say that he did not have to give his name.
- He did hear Officer Chamberlain swear at AP. He believed that Officer Chamberlain said "I do not have to give you my fucking name".
- He did not see Officer Chamberlain push AP over to her left side or see Officer Chamberlain put the PBT up to AP's mouth.
- Officer 13.43 stayed in the squad.

Officer John Chamberlain

On 01-12-12 I a formal interview (tab #8) was conducted with Officer Chamberlain at the IAU. Below is a summary of the interview:

- Officer Chamberlain was in a marked squad and full uniform the night of the incident. He arrived at the request of Officer 13.43 and 13.43 to assist with a PBT. He was informed by officers that AP was under arrest for assault and underage consumption. His first contact with AP was while she was seated in the rear of Officer 13.43 and 13.43 squad. He could smell the odor of an alcoholic beverage coming from AP as he opened the squad door. AP's eyes were watery, bloodshot, and she was very talkative. AP appeared to be chemically impaired due to alcohol or drugs. AP seemed familiar with the PBT and as soon as he approached her AP stated she wasn't going to take the..."my bullshit" or similar words.
- He was trained to use PBT which has a device that can manually capture a test sample. (You do not have to make physical contact with a person to get a reading but you do have to be within relatively close proximity to their mouth)
- He did not think he ever had the opportunity to ask AP to take a PBT.
- He does recall AP objecting to taking the PBT. AP displayed actions such as turning her head away and moving forward that he said indicated she did not want to take the PBT.
- He does recall AP asking for a lawyer.
- The legal authority he thought he had to force AP to take a PBT for medical reason.
- He pushed AP over while she was seated in the back of the squad and held the PBT up to her mouth area was because he wanted to confirm that AP's impairment was due to alcohol and not something else and he wanted to determine if she needed an ambulance or detox. Also, AP was an assault suspect and evidence was deteriorating. He at first stated he was not physically putting pressure on AP but later said he "could have been". He said he was "over" AP and believed he was putting his body pressure on her legs or somewhere. He does not believe the mouthpiece was up against AP's mouth but was within close proximity.
- He stated a "Class A" is a "very very rude person".
- He recalled saying "Welcome to the real fucking world".
- He recalled using the word "shit" but stated he used some "rough language" after AP used some "rough language" with him.

- He recalled telling AP that he did not have to give AP his name and swearing at her but did tell her his name would be on the arrest report.
- He said if he could do it over again he would give AP his name upon request.
- He recalled calling AP “Miss Lee” and “Miss Wilmer” but denied it being a reflection of her race. He recalled AP’s race being a white. He didn’t remember AP’s name but did recall briefly glancing at it in the remarks of the call which other officers had added.
- He does not recall telling AP to “get your fat fucking leg in the car” but stated he was not going to say that he didn’t say it (he was offered a chance to have that portion of the video played for him but he declined). He stated AP moved her leg out in what appeared to be an act of force. He does not recall how he got her leg back in the squad.

CASE SUMMARY

Officer **13.43** and **13.43** came into contact with AP after being flagged down security/bouncers. AP was placed in handcuffs and in the rear of their squad as she was reported to have assaulted a security officer at a nightclub. Officer **13.43** and **13.43** stated that AP was uncooperative and Officer **13.43** stated AP was belligerent. AP showed signs that she had consumed alcohol and was determined to be underage. Based upon AP’s behavior he turned the squad digital video recorder. Officer Chamberlain arrived to with a PBT

The audio and video recording of the interaction between the AP and officers was recorded. AP is seated in the rear of the squad car with her arms behind her back. AP objects to taking the PBT both verbally and physically as well as asks for a lawyer. Officer Chamberlain held the PBT up towards AP’s face and she turned her head away. Officer Chamberlain pushed a handcuffed AP over to her left side, got into the rear of the squad, was either on top of or over the top of AP, and put the PBT near her face. Officer Chamberlain stated that he believed he had the authority to force the AP to take the PBT for medical reasons.

AP can be heard using some foul language towards Officer Chamberlain (which included the words fuck and bullshit). Officer Chamberlain is heard telling AP to “shut up”, calling the AP “sweetie pie”, referring to AP’s leg as being “fat”, and using foul language such as “shit and fucking”. Officer Chamberlain stated he used some “rough language” towards AP after AP used some “rough language” towards him. Officer Chamberlain also refused to give his name upon request and stated if he could do it over again he would provide his name.

Respectfully submitted
Sgt. Jon Hoff
Internal Affairs Unit