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# COMMUNITY POLICE REVIEW OFFICE 2026 CASE SUMMARY REPORT

Prepared by: Community Police Review Office (CPRO)

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Report Type: **CONFIDENTIAL** - Privacy-Redacted, For CPRB Use

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## Executive Summary

This report contains the current 2025 citizen complaints reviewed by the Community Police Review Office (CPRO). The summary includes allegations, investigative findings, applicable South Bend Police Department (SBPD) policy references, evidence reviewed, and formal CPRO recommendations. All personally identifiable information (PII) has been redacted. The report is intended for formal review by the Community Police Review Board (CPRB) and relevant city officials.

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## Key Questions for CPRB Board Members to Consider

1. Are the allegations well-founded based on the preponderance of evidence?
  2. Were departmental policies and legal standards followed in each case?
  3. What recommendations should the board consider regarding training or policy changes to enhance SBPD and minimize incidents of misconduct?
  4. Are there common themes in the complaints that indicate patterns of police misconduct?
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## Case Disposition Definitions (For SBPD classification of dispositions, please refer to Policy 1007.6.4)

**Sustained:** The investigation determined that the officer's actions violated department policy or procedures.

**Not Sustained:** The investigation could not determine whether the alleged misconduct occurred. There is insufficient evidence to prove or disprove the allegation.

**Unfounded:** *The investigation determined that the alleged incident did not occur.*

*THIS OUTCOME NEEDS TO BE ADDED TO THE DETERMINED OUTCOMES TO BE ALIGNED WITH THE SBPD.*

**Exonerated:** The investigation found that the incident did occur, but the officer's actions were lawful and within policy. Or the investigation found the complaint to be false or unfounded.

**Withdrawn:** The complainant voluntarily requested that no further action be taken.

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# COMMUNITY POLICE REVIEW OFFICE

## Case Summary Report

**Complaint Type:** Use of Force / Alleged Officer Misconduct

**Case Number:** CPRB2025.012

**SBPD Outcome:** Exonerated

**CPRO Recommendation:** Exonerated

### Incident Overview

On August 15, 2025, an SBPD Officer responded to a 911 call reporting a disturbance at a restaurant. Within minutes of arrival, the Officer engaged a person outside the restaurant. After a brief verbal exchange, he restrained the person on the ground, holding her with her head positioned over the curb. The teen was later transported home.

The incident was recorded on a body-worn camera (BWC) and partially captured on a bystander's viral video.

### Sequence of Events

1. **911 Call:** Restaurant manager reported a person causing a disturbance and refusing to leave while demanding a refund.
2. **Initial Contact:** The officer stopped the complainant outside.
3. **Physical Struggle:** The officer restrained the person on the ground. The complainant yelled out, "I didn't do anything." The officer stated, "Stop hitting me." A civilian (not an officer) assisted with the restraint, as shown in the video reviewed.
4. **Detention:** The subject was placed in a squad car, repeatedly requested her phone to call her mother, and asked for the officer's badge number.
5. **Conflicting Accounts:**
  - **Manager:** Claimed threats and refusal to leave.
  - **Subject:** Denied being told to leave; denied resisting.
  - **Witness:** Reported the subject was only seeking a refund over unsanitary food conditions and was not disruptive before the call.
6. **Aftermath:** The officer transported the subject home and spoke with guardians. No criminal charges were filed.

## **Policy Review**

### **Relevant SBPD Policies (2023 Manual):**

#### **1. Use of Force (Policy 300):**

- Must be objectively reasonable, necessary, and proportional.
- Requires de-escalation when feasible.
- Prohibits airway/neck restraints.
- Requires supervisor notification and prompt reporting.
- Mandates medical evaluation if injury is suspected.

#### **2. Handcuffing & Restraints (Policy 301):**

- Restraint cannot be used as punishment or a show of force.
- Officers must consider age/health in restraint decisions.
- Requires monitoring to avoid airway/breathing compromise.

#### **3. Contacts & Temporary Detentions (Policy 420):**

- Officers must use the least coercive means available.
- Handcuffing during detention must be supported by articulable safety/flight-risk concerns.

#### **4. Body-Worn Cameras (Policy 424):**

- Must be activated for all enforcement contacts.
- Continuous recording is required until contact ends.
- Two-year retention requirement triggered when a complaint is filed.

## **Questions for Review**

- Was the use of restraint against an unarmed 14-year-old objectively reasonable and proportional?
- Did the Officer attempt de-escalation before using force?
- Was there any airway/neck contact, contrary to Policy 300?
- Were medical assessments, documentation, and supervisor notifications completed?
- Were restraints used as a control measure or as a punitive/show of authority response?
- Was BWC continuous and compliant with Policy 424?
- Did the department meet its obligations to release or preserve all video evidence, including restaurant surveillance?

## **Evidence Requests**

### **To complete the review, CPRB should obtain:**

1. All BWC footage from initial contact through transport, including deactivation statements (Policy 424.6).
2. CAD/911 call audio and dispatch notes.
3. Internal Affairs/OPS intake documents for this incident.

## Policy Framework – Key Provisions

### 1. Use of Force – Policy 300

- **300.2 Policy Statement:** Officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances.
- **300.3.1 De-escalation:** When safe and feasible, officers shall use de-escalation techniques to reduce the need for force.
- **300.3.4 Prohibited Uses of Force:** “Any hold that restricts the airway or prevents breathing is prohibited.”
- **300.5 Reporting Requirements:** Officers must document any use of force promptly and entirely in a report.
- **300.5.1 Supervisor Notification:** A supervisor shall be notified as soon as practicable of all force incidents involving complaints of injury, visible injury, or strike to the head/neck.
- **300.6 Medical Consideration:** Officers shall ensure subjects receive a medical assessment and, if necessary, emergency treatment after force is used.

### 2. Handcuffing & Restraints – Policy 301

- **301.3.1 Restraints as Control, Not Punishment:** Restraints shall not be used to punish, to display authority, or as a show of force.
- **301.7 Monitoring After Use of Restraints:** Officers must continually monitor restrained individuals, mainly to prevent airway or breathing compromise, and document the restraint even when no arrest occurs.

### 3. Contacts & Temporary Detentions – Policy 420

- **420.2 Policy Statement:** Officers should use the least coercive means available to detain a person.
- **420.4.6 Use of Force During Detention:** Officers may only use the amount of non-deadly force reasonably necessary to effect the detention.
- **420.4.7 Handcuffing:** May be used during a detention only if the officer can articulate safety concerns or risk of flight.

### 4. Temporary Custody of Juveniles – Policy 901

- **901.5.2 Juvenile Secure Custody Limitations:** Juveniles 14+ may only be placed in secure custody under limited conditions and with supervisory approval.
- **901.7 Monitoring Juveniles:** Officers must monitor juveniles in custody to ensure safety, health, and welfare.

## Application to Case

- Prone restraint and airway risk SBPD **Policy 300.3.4** (prohibits airway restraints).
- De-escalation opportunities appear limited; policy requires attempt where feasible (**300.3.1**).
- Supervisor notification and documentation must be confirmed per **300.5/300.5.1**.
- Juvenile status heightens scrutiny; policy demands special monitoring (**901.7**).
- Restraints may only be used to control, not punish (**301.3.1**).
- Least coercive means to be employed (**420.2**).

## Conclusion

This case raises policy questions for Use of Force (300), Restraints (301), and Contacts (420) policies, regarding de-escalation, proportionality, and the treatment of juveniles. The CPRB will need to review this summary to assess whether the Officer's actions aligned with SBPD policy and whether corrective recommendations are warranted.

## News Report

On August 15, 2025, South Bend Police Officer detained a person outside a restaurant after an employee called 911. The incident gained significant attention after a bystander's video went viral, prompting the South Bend Police Department to release body camera footage and hold a press conference.

Here's a breakdown of the incident based on the police department's released body camera footage:

- **The 911 call:** The incident began with a 911 call from a restaurant employee who claimed a person was being aggressive and threatening staff over a refund.
- **The initial stop:** the SBPD Officer arrived and encountered the person outside the restaurant. After a brief verbal exchange, the subject appeared to attempt to walk past the officer, at which point the interaction became physical.
- **The use of force:** The body camera footage shows the person allegedly attempting to hit the officer twice, according to the SBPD officer. The officer then took the person to the ground, holding the subject down.
- **Bystander intervention:** A civilian, who was not a police officer, assisted the officer in subduing the subject.
- **Police justification:** The SBPD stated that the officer acted in accordance with department policy, citing the subject's actions as "active resistance". The department defines active resistance as a physical action that prevents an officer from performing their duties.
- **Community response:** The incident sparked public outrage and protests, with residents and community leaders expressing frustration over the officer's use of force against a minor. A complaint was also filed against the officer with the South Bend Police Review Board.

## **The Family's Statement**

On the afternoon of August 15, a person was violently taken to the ground and abused by a South Bend, Indiana, police officer. As shown in the video, according to the family, the person did not do anything to justify the officer's actions and use of force.

**How would you like to see this complaint resolved?** The family would like the Community Police Review Board to do an independent and comprehensive investigation into the actions and use of force of the SBPD Officer on August 15, 2025. We request that the Community Police Review Board assess this use of force and recommend any potential violations of the South Bend, Indiana Police Department's use-of-force policies. Based on this review, the family wants to ensure the officer is held accountable for his actions and that the South Bend Police Department takes steps to prevent this from happening to anyone else in the community. The family is also requesting the public release of all reports and video evidence related to this case, including surveillance video from the restaurant.

# Appendix B: Considerations Regarding Legal Protections and Limitations on Information Disclosure

The legal protections outlined below define the information boundaries within which the Community Police Review Office (CPRO) may share information with the Community Police Review Board (CPRB) or the public. These guidelines are based on state statutes, collective bargaining agreements, legal precedents, and department policies, and we are committed to following them while promoting transparency and collaboration.

1. Collective Bargaining Agreement (Working Agreement)
  - Information in the Office of Professional Standards is confidential in the personnel file (CBA, p. 14).
  - The Board of Public Safety (BPS) may not read or view such a file until it is introduced into evidence (CBA, p. 15). While the CBA does not explicitly reference CPRB, the South Bend Police Department applies the same limitation to CPRB review access.
  - Office of Professional Standards files shall not be made available for inspection except as provided in the agreement, by court order, or if the employee consents (CBA, p. 15).
2. Access to Public Records Act (APRA) – Indiana Code § 5-14-3-4(b)(8)
  - Personnel files are exempt from disclosure except for the following:
    - a) Name, compensation, job title, business address and phone number, job description, education and training, prior work history, and dates of employment.
    - b) Status of formal charges, if any, against the employee.
    - c) The factual basis for a disciplinary action in which final action has been taken and that resulted in suspension, demotion, or discharge.
3. South Bend Police Department Policy
  - In accordance with Indiana Code § 5-14-3-4(b)(8), SBPD only discloses records identified in the statute.
  - Witness statements are not disclosed to the officer under investigation or the CPRB members.
4. Indiana State Law – Indiana Code § 36-8.2-1-5(5)
  - There is no legal requirement to disclose the complainant's identity to the officer involved in the complaint.

5. Garrity Statement – Garrity v. New Jersey, 385 U.S. 493 (1967)
  - Officers may be compelled to answer questions from the Office of Professional Standards under threat of termination.
  - These statements, known as Garrity-protected statements, are not considered public records and are not accessible to the CPRB or the public.

The following provisions explain why the Review Office may refrain from sharing detailed investigative information, even if such data is in internal records. These limitations strike a balance between transparency and the essential legal obligations of privacy, fairness, and due process.