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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of February – 2023

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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Braun v. Village of Palatine, No. 20-3227, 2022 WL 17985707, December 29, 2022.

CASE: Braun suffered a seizure and crashed his car. Officers believed he was DUI and arrested him. Tests proved that Braun had no trace of alcohol or illegal drugs in his system. Were the Officers liable for false arrest and failing to provide Braun with medical treatment?

FACTS: Braun was living in Chicago and working as an overnight pharmacist in suburban Cook County. He had a complicated medical history, including traumatic brain injury, seizures, anxiety, depression, and attention-deficit/hyperactivity disorder. After completing his seventh consecutive ten-hour overnight shift, Braun left to drive home to Chicago. The next thing Braun remembered was waking up to two police officers shining flashlights into his car. He had crashed into a telephone pole. Although he would later discover that a seizure caused the accident, at the time he could not describe how the crash had happened. Officer One, the first officer to respond, opened the door to check on Braun. Initially Braun told the officer that he did not feel well and that he “need[ed] medical attention.” But a few minutes later, he said he was “fine.” Officer One did not smell alcohol during this interaction, but Braun’s behavior and appearance caused him to suspect that Braun was intoxicated. The officer observed that Braun was confused, slurred his speech, struggled with balance, and had bloodshot and glassy eyes. Braun made the odd statements that he was “not in an accident” and that he “live[d] in Chicago-Miami.” And he told the officers that he had consumed “one beer with [his brother] Scott” earlier that evening.

The Officer did not carry a portable Breathalyzer device, so he administered standardized field sobriety tests. Officer Two, who arrived shortly after Officer One, asked Braun to recite the alphabet without singing. Officer One reported that Braun failed all these tests. The officers at the scene asked Braun if he was injured, needed medical care, or had any medical conditions. He replied “no” to all three questions and told them that he was “fine.” Braun neither informed the officers of his various medical conditions nor wore a medical bracelet or other indicator of his conditions. And although he was confused, struggled with balance, and had bloodshot eyes, Braun did not exhibit any physical injuries. As a result, Officer Licari concluded that he did not require medical assistance, so the officers waved off an ambulance that had been dispatched to the scene. After the field sobriety tests, Officer One arrested Braun and took him to the police station for a Breathalyzer test. The test results did not show the presence of alcohol; the device registered 0.000. But based on the other signs of intoxication, Officer One took Braun to a Hospital for a “DUI kit,” which uses blood and urine samples to test for the presence of “volatiles” (like alcohol) and drugs. A nurse asked Braun if he had any injuries or needed to see a doctor; he said “no” to both questions.

After the samples were collected, Officer One took Braun back to the station to finish the booking process. Braun was released from custody when booking was completed, but he suffered another seizure while still at the station and was rushed to the hospital. The test results from the DUI kit came in months later. They showed that at the time of his arrest, Braun had no alcohol or drugs in his system other than diphenhydramine, which is a central nervous system depressant. The charges against Braun were subsequently dismissed. Braun sued the Officers and their City asserting claims for malicious prosecution, false arrest, and failure to provide necessary medical care. The District Court entered summary judgment in favor of the Officers. Braun then brought this appeal.

ARGUMENT: Braun argued that the District Court erred in finding in favor of the Officers.

THE LAW: Braun had the burden to produce evidence sufficient to show “at least a triable issue on each element” of his claims; if he failed to do so, summary judgment for the defendants was appropriate.

ISSUE #1: False-Arrest Claims:

A. Did the Officers have probable cause to arrest Braun?

THE LAW: To prevail on a Fourth Amendment false-arrest claim, “a plaintiff must show that there was no probable cause for his arrest.” Put slightly differently, “[t]he existence of probable cause to arrest is an absolute defense to any § 1983 claim against a police officer for false arrest.” The existence of probable cause also defeats a false-arrest claim under Illinois law, so the Court analyzes these claims together. Probable cause to arrest exists “when the facts and circumstances that are

known to [the officer] reasonably support a belief that the individual has committed, is committing, or is about to commit a crime.” This is a “common-sense inquiry requiring only a probability of criminal activity”; probable cause exists “whenever an officer ... has enough information to warrant a prudent person to believe criminal conduct has occurred.”

FINDINGS: Applying this common-sense standard, the Court held that Braun's behavior and the circumstances of his accident easily provided probable cause to believe that he had committed the offense of driving under the influence of alcohol, drugs, or some combination of intoxicating substances. Officer One responded to a single-car accident that occurred late at night. Braun, the driver, was confused, slurred his speech, had bloodshot and glassy eyes, and had difficulty balancing. He also struggled with multiple field sobriety tests and made several bizarre statements, including that he was “not in an accident” and that he lived in “Chicago-Miami.” Moreover, he told the officer that he had consumed a beer earlier in the evening. These facts and circumstances, considered together, gave Officer Licari probable cause to believe that Braun was under the influence of alcohol or another intoxicant when he crashed his car.

Alternatively, the Court held that was probable cause was not eliminated because an innocent explanation for the crash and Braun's behavior emerged later. The Court held that there is no requirement that “the officer's belief be correct or even more likely true than false, so long as it is reasonable.” And “the fact that the officer later discovers additional evidence unknown to [him] at the time of the arrest is irrelevant to whether probable cause existed at the crucial time.” Here, Officer One encountered a man who was in a single-car accident at about midnight, was confused and slurred his words, had bloodshot eyes and difficulty balancing, and struggled with several sobriety tests. The officer did not need to eliminate every innocent explanation for a situation that had many hallmarks of a DUI crash. The Court held that this was especially true because Braun gave the officers no reason to think that a medical problem had caused the accident. Although he initially suggested otherwise, he quickly changed course and told the officers that he was “fine.” He also responded “no” when they asked if he needed medical care or had any medical conditions. And he did not wear a medical bracelet or other indicator “that would have alerted the [o]fficers to his medical condition” as a potential explanation for the crash and his behavior.

B. Was the Duration of Braun's Arrest Unlawfully Extended: Braun also argues that even if probable cause existed at the time of his initial arrest, his later 0.000 Breathalyzer result extinguished it and rendered the arrest unlawful.

FINDINGS: The Court held that “[t]he probable cause analysis is an ex ante test,” so the discovery of subsequent information that was unknown to Officer One at the time of the arrest does not speak to whether he had probable cause to arrest Braun. In assessing the legality of Braun's arrest at the scene of the crash, what matters was what Officer One knew then—not what he found out later. To the extent Braun contended that his continued detention after he blew a 0.000 was unlawful, that argument also falls short. The Breathalyzer result did not instantly negate the clear indications of intoxication that Officer One and the other officers observed at the crash scene. The undisputed signs of intoxication could have stemmed from alcohol, drugs, or other intoxicating substances, which explains why Officer One took Braun to the hospital for more comprehensive DUI blood and urine testing.

Put another way, the Court held that even if it were to assume that the Breathalyzer result should have informed Officer One that Braun had no alcohol in his system, there was still probable cause to believe that Braun had committed the crime of driving under the influence of drugs or another intoxicating substance that “render[ed] [him] incapable of driving safely.” § 5/11-501(a)(3)–(4). The Court concluded that probable cause persisted throughout Braun's limited detention after the Breathalyzer test, and that detention did not become unlawful merely because Officer One's arrest report stated that he arrested Braun for driving under the influence of alcohol rather than some other intoxicating substance.

ISSUE #2: Failure to Provide Medical Care. Braun also challenged the judge's rejection of his § 1983 medical-care claim. He argued that Officer One deprived him of his right to medical care at the scene of the accident.

FINDINGS: The Court held that in cases such as this, the “ultimate inquiry” is whether the officer's conduct “was objectively reasonable under the circumstances.” Braun said he was not injured, did not suffer from any medical conditions, and did not need medical assistance. And his appearance and behavior were entirely consistent with intoxication. Under these circumstances, the Court held that Officer One lacked notice that Braun needed medical care. His response was therefore objectively reasonable.

CONCLUSION: The Court concluded that given Braun's behavior and the circumstances of his accident, Officer One reasonably believed that he had committed DUI. The existence of probable cause defeats both the § 1983 false-arrest claim and the state-law false-arrest claim. Further, Officer One acted reasonably in failing to provide Braun with medical care. Therefore, the Court of Appeals affirmed to District Court's order granting summary judgment to the Officers.

QUIZ QUESTIONS FOR THE MONTH OF FEBRUARY – 2023

Braun v. Village of Palatine, No. 20-3227, 2022 WL 17985707, December 29, 2022.

1. Probable cause to arrest exists whenever officer has enough information to warrant prudent person to believe criminal conduct has occurred.
 - a. True.
 - b. False.

2. Did the Officers in this case have sufficient probable cause to arrest Braun for DUI?
 - a. Yes.
 - b. No.

3. After placing Braun under arrest, the police learned that he was subject to seizures. Did this knowledge eliminate the probable cause the police may have had to justify the arrest of Braun?
 - a. Yes.
 - b. No.

4. The Officers in this case failed to obtain medical assistance for Braun prior to and following his arrest. The appellate court conducted that the Officers would not be held liable for this failure.
 - a. True.
 - b. False.

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF FEBRUARY – 2023

Braun v. Village of Palatine, No. 20-3227, 2022 WL 17985707, December 29, 2022.

1. Probable cause to arrest exists whenever officer has enough information to warrant prudent person to believe criminal conduct has occurred.
 - a. **True.** Probable cause to arrest exists “when the facts and circumstances that are known to [the officer] reasonably support a belief that the individual has committed, is committing, or is about to commit a crime.” Holmes v. Village of Hoffman Estates, 511 F.3d 673, 679 (7th Cir. 2007).
2. Did the Officers in this case have sufficient probable cause to arrest Braun for DUI?
 - a. **Yes.** The Court declared: “These facts and circumstances, considered together, gave (the Officer) probable cause to believe that Braun was under the influence of alcohol or another intoxicant when he crashed his car.”
3. After placing Braun under arrest, the police learned that he was subject to seizures. Did this knowledge eliminate the probable cause the police may have had to justify the arrest of Braun?
 - b. **No.** The Court held: “Nor was probable cause eliminated because an innocent explanation for the crash and Braun's behavior emerged later. There is no requirement that “the officer's belief be correct or even more likely true than false, so long as it is reasonable.” Qian v. Kautz, 168 F.3d 949, 953 (7th Cir. 1999). And “the fact that the officer later discovers additional evidence unknown to [him] at the time of the arrest is irrelevant to whether probable cause existed at the crucial time.” Bailey v. City of Chicago, 779 F.3d 689, 695 (7th Cir. 2015) (quoting Qian, 168 F.3d at 953–54).
4. The Officers in this case failed to obtain medical assistance for Braun prior to and following his arrest. The appellate court conducted that the Officers would not be held liable for this failure.
 - a. **True.** The Court concluded: “Braun said he was not injured, did not suffer from any medical conditions, and did not need medical assistance. And his appearance and behavior were entirely consistent with intoxication. Under these circumstances, (the Officer) lacked notice that Braun needed medical care. His response was therefore objectively reasonable.”