

ILLINOIS PROSECUTOR SERVICES, LLC

PO Box 722, Carlinville, IL 62626
Phone: (217) 854-8041 Fax: (217) 854-5343
Website: www.ipsllonline.com
E-mail: don@ipsllonline.com



LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of June – 2023 - ALTERNATIVE

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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Justin Schimandle v. The Dekalb County Sherriff's Office, et al., Case No. 3:21-cv-50477, 2023 WL 3479184, May 16, 2022

THE CASE: Schimandle, a Dean of Students at a school, grabbed a student in a bear hug and wrestled him to the ground during a confrontation with the student over the student allegedly “smoking in the boy’s room.” [Actually, it was vaping.]. A police Detective investigated the incident and obtained an arrest warrant charging Schimandle with battery. After being found not guilty on those charges, Schimandle sued the Detective and his Sheriff’s Officer for violating his civil rights.

FACTS: Schimandle was the Dean of Students at an Education Consortium when he received a report that a minor student, C.G., was vaping in a school bathroom against school rules. Schimandle went to investigate and found a vape pen in C.G.’s bag. Schimandle spoke to C.G. about the vape and during their conversation, C.G. began acting aggressively towards Schimandle. [This alleged aggressive movant is not captured on the video, but the video does capture Schimandle push or shove C.G. into a partition as C.G. attempts to flee Schimandle.]. According to Schimandle, he feared that C.G. was going to hit him, so he “bear hugged” C.G. so that he could move C.G through a set of doors and into the school foyer, and during the process the two fell to the ground. Schimandle claimed that he knew he could use reasonable and necessary force in self-defense, so he restrained C.G. for his safety.

A police Detective was assigned to investigate the incident between C.G. and Schimandle. During his investigation, the Detective viewed a surveillance video of the incident, a cell phone video, interviewed multiple witnesses, and Schimandle. The Detective’s report noted that the witness statements were “consistent with what the surveillance video depicts.” After the Detective completed his investigation, he submitted four affidavits in support of an arrest warrant for Schimandle on three counts of battery in violation of Illinois law. Relying upon the Detective’s affidavits, a judge issued an arrest warrant for the battery charges. Schimandle turned himself in to the County Sherriff’s Office and was handcuffed and detained. Id. [Shortly after his arrest, Schimandle was placed on administrative leave and his employment was terminated, “because of the arrest and charges.”] After a bench trial, Schimandle was found not guilty on all counts.

Schimandle then sued the Detective for false arrest (Count I) and under Illinois state law, a claim for malicious prosecution (Count II). Schimandle also brought claims against the County Sheriff’s Office (Count III) and indemnification (Count IV). The Detective and the Sheriff’s Department (the defendants) moved to dismiss.

ARGUMENT: The defendants argued that that based on the pleadings—including the referenced video recordings—probable cause existed for the arrest, so Schimandle had no claims. The defendants also argued that the Detective was entitled to qualified immunity. Specifically, the Court noted that Schimandle claimed that he was falsely arrested in violation of his Fourth Amendment rights because the Detective knowingly caused him to be arrested and charged without probable cause. Schimandle argued that there was no probable cause to support an arrest warrant because the Detective “submitted an affidavit containing false statements and material omissions,” and he should have known that Schimandle had statutory authority under § 105 ILCS 5/24-24 of the Illinois School Code to defend himself and restrain C.G. To be precise, the Court noted that Schimandle alleged that the false statements, material omissions and/or “fabrication” were that the Detective found probable cause existed despite Schimandle’s assertion that his actions were legally justified under Illinois law. The Detective argued that Schimandle did not pled any claims that the Detective fabricated evidence or falsified the affidavits to the judge that issued the arrest warrant. The Detective also argued that Schimandle’s own admissions and allegations conclusively established the probable cause necessary to charge him with battery.

THE LAW: “The Fourth Amendment prohibits government officials from detaining a person in the absence of probable cause.” A claim for false arrest is based on detention without legal process. Claims for unlawful detention all fall under the Fourth Amendment. To prevail on a claim of false arrest, a plaintiff must plausibly allege that there was no probable cause for his arrest. A claim for false arrest can occur when “a judge’s probable-cause determination is predicated solely on a police officer’s false statements.” Probable cause only “requires that there is a probability or substantial chance that criminal activity exists; it does not require that the existence of criminal activity is more likely true than not true.” There is no requirement for probable cause to be evidence sufficient to support a conviction. The Seventh Circuit has consistently held that a report from even a single, credible eyewitness can provide the basis for probable cause. The existence of probable cause depends “on the elements of the predicate criminal offense(s) as defined by state law.” Here, Schimandle was arrested for battery. In Illinois, a battery occurs when a person “knowingly without any legal justification by any means (1) causes

bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual.” 720 ILCS 5/12-3(a).

ISSUE #1: § 1983 Claim – False Arrest. The District Court first noted that Schimandle claimed that there was no probable cause to support his arrest, and that even if there were, his “statutory justification vitiates probable cause.”

FINDINGS: The District Court noted that the defendants did not dispute that the Illinois School Code permitted Schimandle to use reasonable force for the purpose of self-defense, but they argued that the “[p]olice are entitled to leave to the criminal process the full examination of potential defenses,” and “[a] person's ability to explain away seemingly damning facts does not negate the existence of probable cause, even though it might provide a good defense should the case go to trial.” Further, the Court held that the defendants also correctly noted that legal justification (such as Schimandle’s reliance upon the Illinois School Code) was an affirmative defense for a battery charge.

The District Court held that the allegations in this case, taken in the light most favorable to Schimandle as well as the video recordings, overwhelmingly established the existence of probable cause. Indeed, the Court noted that Schimandle alleged that the two videos of the incident capture the incident, there were multiple eyewitnesses interviewed at the scene, and Schimandle admitted he put C.G. in a “bear hug”, which, according to the Court, satisfied the physical contact element of a battery under Illinois law. Taken together, the Court held that these allegations made clear that the Detective had probable cause to support an arrest warrant because Schimandle's complaint explicitly lays out the elements of a battery. Therefore, the Court determined that Schimandle raised no claim for false arrest because his own allegations showed that there was probable cause for an arrest. The Court held that this was particularly true when the video recordings presented to the Court establish probable cause. The Court declared that a plaintiff whose allegations show that there is an airtight defense has pleaded himself out of court, and the judge may dismiss the suit on the pleadings.

Schimandle maintained that the Detective submitted affidavits containing “false statements” and “material omissions” because the affidavits stated that Schimandle “knowingly and without authority made physical contact causing bodily harm with C.G.” Ignoring that legal authority is an affirmative defense to battery, Schimandle argued that the Detective “knew or should have known Mr. Schimandle did in fact have ‘authority’ to make physical contact to briefly restrain and remove C.G.” Responding to this argument, the District Court noted that apparently Schimandle believed that his version of events was the only acceptable interpretation of the incident with C.G., and because the Detective's affidavits did not unequivocally adopt Schimandle's version and defenses, the affidavits must have been based on fabrications. The Court declared that merely because Schimandle disagreed with the Detective's assessment of the incident did not support a claim that the Detective falsified his affidavits.

ISSUE #2: Should the Detective be entitled to Qualified Immunity: The Detective also argued that even if the Court were to find that no probable cause existed to support Schimandle’s arrest, the detective was still entitled to qualified immunity.

FINDINGS: The Court agreed with this argument and noted that a court not only can address qualified immunity based on the pleadings, but sometimes must grant qualified immunity at this stage of a case. Therefore, the Court held that even assuming that probable cause did not in fact exist, then *arguable* probable cause existed, which entitled the Detective to qualified immunity.

ISSUE #3: State Law Claims: Schimandle also brought a state law claim for malicious prosecution against the Detective, and state law claims against the County Sheriff’s Office for respondeat superior and indemnification.

FINDINGS: In response, the District Court noted that a finding of probable cause is a complete bar to a supplemental-state law claim of malicious prosecution. Therefore, because the Court had already found that probable cause existed in this case, in its discretion, the Court also entered judgment against Schimandle on that claim, also. Finally, because no claims exist against the Detective, there would be no basis for liability under respondeat superior or for indemnification against the Sheriff’s Office. Therefore, those claims were dismissed as well.

CONCLUSION: For the above reasons, the District Court granted the Defendants’ motion for judgment on the pleadings. Therefore, the civil case against the Detective and the Sheriff’s Department were terminated.

QUIZ QUESTIONS FOR THE MONTH OF JUNE – 2023 - ALTERNATIVE

Justin Schimandle v. The Dekalb County Sherriff's Office, et al., Case No. 3:21-cv-50477, 2023 WL 3479184, May 16, 2022

1. Schimandle, a teacher, was charged with battering a student. In Illinois, can a teacher be held criminally liable for battering a student?
 - a. Yes.
 - b. No.

2. Illinois law now allows the employees of public schools, in certain situations, to use force against students.
 - a. True.
 - b. False.

3. Schimandle argued that because Illinois law authorized his use of force against the student, the Detective must have falsified the affidavits he used to seek a warrant for Schimandle's arrest. Did the appellate court agree with this argument?
 - a. Yes.
 - b. No.

4. The Detective argued that even if the Court were to find that no probable cause actually existed to support his affidavits requesting the issuance of an arrest warrant, he, the Detective, would still be entitled to qualified immunity from any liability for the injuries suffered by Schimandle as a result of this incident. The District Court disagreed with this argument.
 - a. True.
 - b. False.

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF JUNE – 2023 - ALTERNATIVE

Justin Schimandle v. The Dekalb County Sherriff's Office, et al., Case No. 3:21-cv-50477, 2023 WL 3479184, May 16, 2022

1. Schimandle, a teacher, was charged with battering a student. In Illinois, can a teacher be held criminally liable for battering a student?
 - a. Yes.** Illinois law does not provide absolute immunity for teachers who are accused of illegal contact with the students they are teaching.
2. Illinois law now allows the employees of public schools, in certain situations, to use force against students.
 - a. True.** Section 24-24 of the Illinois School Code specifically provides that in certain circumstances a teacher, other certificated employee, and any other person, whether or not a certificated employee, providing a related service for or with respect to a student, may use reasonable force as needed to maintain safety for the other students, school personnel or persons or for the purpose of self-defense or the defense of property and allows such persons to remove a student from the classroom for disruptive behavior. 105 ILCS 5/24-24.
3. Schimandle argued that because Illinois law authorized his use of force against the student, the Detective must have falsified the affidavits he used to seek a warrant for Schimandle's arrest. Did the appellate court agree with this argument?
 - b. No.** The Court declared that merely because Schimandle disagreed with the Detective's assessment of the incident did not support a claim that the Detective must have submitted affidavits containing false statements and material omissions.
4. The Detective argued that even if the Court were to find that no probable cause actually existed to support his affidavits requesting the issuance of an arrest warrant, he, the Detective, would still be entitled to qualified immunity from any liability for the injuries suffered by Schimandle as a result of this incident. The District Court disagreed with this argument.
 - b. False.** The District Court concluded that even assuming actual probable cause did not exist to support the arrest of Schimandle (and the Court ruled that it did exist), then *arguable* probable cause existed, which entitled the Detective to qualified immunity.