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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of June – 2024

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Trexler v. City of Belvidere, et al., Case No. 3:20-cv-50113, 2024 WL 554304, February 12, 2024.

THE CASE: An Officer stopped Trexler for a suspected curfew violation. When Trexler failed to obey the Officer's commands, the Officer kicked Trexler and ordered his K-9 to attack. Should a jury decide whether or not the Officer and his City employer should be held liable for the damages caused by the Officer's conduct?

FACTS: On the day in question, at 12:51 AM, Tyler Trexler (twenty-four years old) and his girlfriend (twenty-six years old) were walking on the sidewalk of a City street when they were noticed by the arresting Officer. According to the Officer, he believed that the two might be under the age of 18 years and, consequently, committing a curfew violation. To investigate this potential curfew violation, he made a U-turn to drive by them, turned into the entrance of a driveway, and parked with his car, blocking the sidewalk. As the Officer parked, Trexler looked around and slowed down to walk behind his girlfriend. In the words of the district court, "To confront these alleged curfew violators, (the Officer) exited his car with his K-9, Monti."

According to the district court, the following occurred. "As he (the Officer) approached Mr. Trexler and (the girlfriend), (the Officer) opened with, "You guys look a little young to be out," followed by several commands for Mr. Trexler to take his hands out of his pockets. Mr. Trexler initially refused; then, after he removed his hands from his pockets, he cupped his hands behind (the girlfriend's back), leaving (the Officer) unable to see if Mr. Trexler was holding anything. (The Officer), raising his voice, then ordered Mr. Trexler to not move. Mr. Trexler lowered his hands slightly, but otherwise did not move. At the same time, (the Officer), holding Monti in one hand and a flashlight in the other, walked around (the girlfriend). Without warning, he lifted his right leg and kicked Mr. Trexler, his foot connecting with Mr. Trexler's right side and pushed Mr. Trexler away. As he put his foot down and while Mr. Trexler sailed through the air, (the Officer) yelled, "Fuck, don't move!" (the Officer) also screamed both "Don't move!" and "Get on the ground!" Mr. Trexler "pushed and pulled away from (the Officer)," and they "[b]oth fell to the ground when [Mr.] Trexler struck Officer Parker." During the scuffle, Mr. Trexler opened his hands, revealing a controlled substance.

Four seconds after kicking Mr. Trexler, (the Officer) then commanded Monti to bite Mr. Trexler. After the second time (The Officer) yelled the command, Mr. Trexler said, "Alright, I'm down." Officer Parker then yelled, "Get on the ground!" Mr. Trexler exclaimed "I'm down" five more times before (the Officer) commanded Monti to disengage, fourteen seconds after the initial command to engage. (the Officer) continued ordering Mr. Trexler to not move while Mr. Trexler repeatedly replied with "I'm down" for another eight seconds before (the Officer) gave a second command to Monti to disengage.

The Officer used his knee to hold Mr. Trexler on the ground while keeping Monti away with one hand. After another officer arrived at the scene, (the Officer) instructed Mr. Trexler to roll around. As Mr. Trexler raised his body to roll over as ordered, Monti started toward him for another bite (without a command this time). (The Officer) repeatedly ordered Mr. Trexler to stay on the ground and roll around. The other officer stayed with Mr. Trexler as (the Officer) then took Monti back to his car. After that, Mr. Trexler remained at the scene for over ten minutes before being taken to the hospital by ambulance. During this time, (the Officer) debriefed the incident to the shift supervisor. The following is the district court's description of this report. " 'Pow, fucking kicked him!' (the Officer) recounted to his supervisor. Then, after explaining how he and Tyler Trexler ended up in the street, (the Officer) continued, "I got the dog here, I'm like, get it! Stellen!" He laughed as he said that, drawing out the last syllable of the Dutch command that he used to sic his K-9 on Mr. Trexler. As he finished his recap of what happened, an ambulance finally took Mr. Trexler away from the scene."

Thereafter, Trexler sued the Officer and his City employer, asserting Fourth Amendment claims for unlawful stop, excessive force, and for the City's liability. The City and the Officers filed a motion to dismiss Trexler's case against them.

ISSUE #1: Was the detention of Trexler illegal?

DISTRICT COURT'S CONCLUSIONS AND REASONING: Trexler abandoned any allegation that his original stop was illegal. Therefore, the District Court granted the defendants' motion to dismiss.

ISSUE #2: Did the Officer use excessive force?

A: The Kick. Both sides argued they were entitled to summary judgment on the kick, so the Court concluded that it must examine the situation from both angles. To resolve this issue, the Court had to determine what a reasonable jury could find in light of the facts.

CONCLUSIONS AND REASONING: Starting with the facts in a light most favorable to the defendants, the District Court declared that “the kick” survived Trexler's summary judgment motion. According to the Court, Trexler failed to show that no reasonable jury could find a need for the Officer to physically separate Trexler from his girlfriend based on the facts in the record. Further, Trexler had repeatedly refused to comply with the Officer's commands as he hid behind his girlfriend with his hands cupped around something that the Officer could not see. The Court also noted that the parties disputed whether Trexler moved his hands as he hid them; making reasonable inferences in the Defendants’ favor. The Court held that it was possible to conclude that Trexler posed a threat. The Court also held that this issue came down to an interpretation of the facts, and summary judgment should be granted sparingly in excessive force cases because “the Graham reasonableness inquiry ‘nearly always requires a jury to sift through disputed factual contentions.’ ” Conversely, the Court held that Trexler came close to turning this into “a pure question of law” in his favor, but Trexler's summary judgment motion was denied, primarily because of the facts required to be taken as true under Federal Rules.

On the flip side, looking at the facts in a light most favorable to Trexler, the Court held that a reasonable jury could easily find that the Officer used excessive force. According to the Court, although Trexler had repeatedly refused to comply with commands and stood behind his girlfriend holding an unknown object, he didn't pose any physical threat to the Officer or the girlfriend before the kick. Further, the Court noted that the stop was allegedly for the insignificant offense of violating curfew. The alleged scuffle and strike happened after the kick—by the time of the kick, Trexler had removed his hands from his pockets, and he was standing still. The Court concluded that the defendants fixated on the slight movement of Trexler’s hands, which was almost undetectable on the video recording. However, the Court also concluded that a reasonable jury could find that movement was more akin to blinking or breathing rather than an indication of physically resisting the Officer. The Court held that a reasonable jury could also find no indication that the girlfriend was in any distress when she and Trexler were walking down the sidewalk, and so there was no need to separate Trexler from the girlfriend with such a forceful kick. Since neither side convinced the district court to grant their motion for summary judgment, a jury must decide whether the kick constituted excessive force.

B: The use of Monti. Again, both sides argued they were entitled to summary judgment on the use of Monti, so the Court again concluded that it must examine the situation from both angles. To resolve this issue, the Court had to determine what a reasonable jury could find in light of the facts.

CONCLUSIONS AND REASONING: The Court noted that after the Officer kicked Trexler, the latter “pushed and pulled away” and they fell when Trexler struck Officer Parker. However, according to the district court, that amount of resistance did not mean that no reasonable jury could find the use of the dog as excessive. The Court held that when the Officer commanded Monti to engage, he and Mr. Trexler were scuffling on the ground. Trexler can be heard on the video repeatedly saying “I'm down” when Monti was engaged. The Court held that it would be a reasonable inference to conclude that Trexler was on the ground when Monti bit him because of the Officer's command. Accordingly, the Court concluded that a reasonable jury could find that the Officer needlessly commanded Monti to bite a fallen man and that the length of time Monti was engaged was excessive. Consequently, again a jury must decide whether the Officer and the City would be held liable.

ISSUE #3: Could the City be held liable? Trexler used the two classic arguments to attempted to prove that the City could reasonably be held liable. Failure to Train and Failure to Supervise.

CONCLUSIONS AND REASONING: Concerning Trexler’s argument that the City should be held liable for its failure to properly train the Officer, the Court noted that the City did, in fact, offer significant training for K-9 Officers. Consequently, since Trexler failed to support his claim of failing to train, the Court granted the City’s motion to dismiss on this count.

However, concerning Trexler’s argument concerning the failure to supervise, the Court found that Trexler was on firmer ground. The Court concluded that Trexler offered sufficient facts to require a jury to decide whether the City should be liable for failing to properly supervise its K-9 Officers.

CONCLUSION: The District Court denied all of Trexler’s motions for summary judgment and granted the City’s motion to dismiss the Failure to Train allegation. However, the Court denied granting summary judgment on Trexler’s Use of Force allegations and his complaint that the City failed to properly supervise its K-9 Officers.

QUIZ QUESTIONS FOR THE MONTH OF JUNE – 2024

Trexler v. City of Belvidere, et al., Case No. 3:20-cv-50113, 2024 WL 554304, February 12, 2024.

1. If an Officer, while engaged in performing his or her duties, deprives any person of their federal constitutional rights, a federal civil rights action may be brought against that Officer.
 - a. True.
 - b. False.

2. In this case, the Officer suspected that Trexler and his girlfriend might be violating curfew. In such cases, Illinois law requires Officers to specifically ask the age of the suspect and explain why they are in a public place before the Officer may take any enforcement action.
 - a. True.
 - b. False.

3. In this case, Trexler argued that a jury could reasonably have found that the Officer's act of kicking him was unreasonable and excessive. Did the District Court agree with this argument?
 - a. Yes.
 - b. No.

4. In this case, did the district court find that the City that employed the Officer may be held liable for failing to properly train the Officer?
 - a. Yes.
 - b. No.

QUIZ QUESTIONS AND ANSWERS FOR THE MONTH OF JUNE – 2024

Trexler v. City of Belvidere, et al., Case No. 3:20-cv-50113, 2024 WL 554304, February 12, 2024.

1. If an Officer, while engaged in performing his or her duties, deprives any person of their federal constitutional rights, a federal civil rights action may be brought against that Officer.

a. True. As this Court held, “Title 42 U.S.C. § 1983 provides a cause of action against any person who, under color of a state’s “statute, ordinance, regulation, custom, or usage” deprives any person of a right secured by the federal Constitution. 42 U.S.C. § 1983.

2. In this case, the Officer suspected that Trexler and his girlfriend might be violating curfew. In such cases, Illinois law requires Officers to specifically ask the age of the suspect and explain why they are in a public place before the Officer may take any enforcement action.

a. True. Section (c) of the Illinois Curfew provisions (720 ILCS 5/12C-60) provides, “Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (b) is present.”

3. In this case, Trexler argued that a jury could reasonably have found that the Officer’s act of kicking him was unreasonable and excessive. Did the District Court agree with this argument?

a. Yes. The Court held that a “(g)enuine dispute of material fact existed as to whether officer used excessive force by kicking detainee to separate him from girlfriend, whom he was standing behind, during stop for potential curfew violations, in response to detainee's failure to comply with officer's commands and holding unknown object in hands while behind girlfriend, precluding summary judgment in detainee's § 1983 action.”

4. In this case, did the district court find that the City that employed the Officer may be held liable for failing to properly train the Officer?

b. No. The district court concluded that no reasonable jury could have found that the City failed to properly train the Officer. However, the Court did hold that a jury could reasonably find that the City failed to properly supervise the Officer.