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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of October – 2024 - ALTERNATIVE

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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Vincenzo Tricoci v. Daniel Blackman, et al., Case No. 22 C 5445, 2024 WL 3950314, August 27, 2024.

THE CASE: Two Officers witnessed Tricoci commit several traffic violations while riding a Moped. When the Officers attempted to stop Tricoci, he sped away. After crashing his Moped, Tricoci fled on foot. An Officer tackled him in the middle of an intersection, handcuffed him, and then moved him to the side of the road. Did the Officers illegally detain Tricoci, and did they use excessive force against Tricoci?

FACTS: Two Officers saw Tricoci drive through an intersection on a moped. Believing that Tricoci was illegally operating the moped without a headlight at night and making illegal righthand turns through no-turn-on-red intersections, the Officers initiated a traffic stop. Tricoci decided to flee. The Officers gave chase. At some point during the officers' pursuit, Tricoci crashed his moped. After crashing, Tricoci fled on foot. The arresting Officer pursued Tricoci on foot while the second Officer remained with the police car. As Tricoci ran toward an intersection, the arresting Officer believed he observed Tricoci carrying a large, shiny metal object. [Tricoci denied he was not carrying anything.]

Cars were stopped at a red light when Tricoci entered the intersection on foot. As Tricoci ran near one of the cars, the arresting Officer caught up to him. The Officer explained that he believed that Tricoci was reaching toward a car stopped in the intersection; Tricoci asserted that he was merely running away, and that the car happened to be in his path. The arresting Officer, operating under the belief that Tricoci was carrying a metal object and reaching toward a car, administered an emergency takedown—he basically tackled Tricoci. As a result, Tricoci alleged, his face was slammed into the ground. The arresting Officer then placed Tricoci in handcuffs. No other officer helped the arresting Officer handcuff Tricoci, and no other officer besides the second Officer was on the scene at the time Tricoci was detained. At this point, Tricoci was lying in the middle of the street and was unable to move due to an injured leg. A short time later, several additional officers arrived at the scene. Though traffic could flow around Tricoci, a truck had been directed to the side of the road and was unable to leave with Tricoci in his current position. To permit the truck to leave, the arresting Officer moved Tricoci toward the curb by dragging him on the ground, as Tricoci could not stand. The Officer alleged that he moved Tricoci by grabbing underneath his arm and by his jacket. Tricoci alleged that Blackman dragged him by the handcuffs, resulting in his arms being wrenched above his head.

Throughout the incident, Tricoci complained of severe pain in his leg and that he had smacked his head on the ground during the emergency takedown. Accordingly, an ambulance was called and Tricoci was taken to a local hospital. A Third Officer rode in the ambulance with Tricoci; a fourth officer followed behind. These two Officers escorted Tricoci into the hospital. While entering the hospital, Tricoci says, the police officer who was pushing his wheelchair slammed Tricoci's injured leg into a wall. Tricoci could not identify this officer because the officer was behind him. Both Officers denied pushing Tricoci in a wheelchair and also denied pushing Tricoci into a wall. Tricoci sued the City of Chicago and several officers for (1) illegal seizure in violation of the Fourth Amendment; and (2) the use of excessive force when he was arrested and at the hospital. The Officers moved for summary judgment on all of Tricoci's claims.

ARGUMENTS: At a hearing on the Officers' motion for summary judgment, the Officers argued that they had reasonable suspicion to seize Tricoci and excessive force was not used against him.

ISSUE: Should the District Court grant the Officer's motion to dismiss the case against them.

SUB-ISSUE #1: Illegal Seizure Claim. Tricoci contended that the arresting Officer and the second Officer illegally seized him when they swerved their police car toward his moped and caused him to crash.

CONCLUSION: Tricoci was not illegally seized when the Officers "caused" Tricoci to crash his Moped. **REASONING:** The District Court reasoned that there is no evidence that Tricoci crashed as a result of being physically struck by the police car. And after crashing on the moped, Tricoci proceeded to run away—in other words, he did not yield to the officers' authority when they initially tried to pull him over. Accordingly, Tricoci was not seized at that time. Rather, Tricoci was first seized when the arresting Officer pursued him into the intersection and executed the emergency takedown. At that point, and not before, Tricoci's freedom of movement was restrained through intentional means. Further, the Court reasoned that even if Tricoci had been seized when he crashed his Moped, the Officers clearly had sufficient reasonable suspicion to justify his detention at that time. Specifically, the Court found that it was illegal to make a right turn on a red light at a

no-turn-on-red intersection under Illinois law. The Officers thus had reasonable suspicion that Tricoci had committed a traffic violation, which in turn was sufficient to permit them to stop him. Tricoci's subsequent flight from the crash site extended reasonable suspicion under the circumstances to prolong the stop and allow the arresting Officer to pursue and seize Tricoci. The Court held that no reasonable jury could find otherwise.

SUB-ISSUE #2: Excessive Force Claims. Tricoci argued that excessive force was used against him when he was first tackled, again when he was moved to the side of the road, and again when he was taken to the hospital.

A. Initial Takedown on the Street.

CONCLUSION: Excessive force was not used against Tricoci when the Officer first tackled him. **REASONING:** The District Court concluded that the depositions in this case and the bodycam footage show that no reasonable jury could find this use of force was unreasonable under the totality of the circumstances. Though the arresting Officer initiated the traffic stop for a relatively minor infraction, it was undisputed that, at the time, Tricoci was running away from the Officer and toward an intersection where several cars were stopped. The Officer stated that he observed Tricoci carrying a shiny metal object as he ran toward the intersection. Though Tricoci disputed this, the bodycam footage showed an object in Tricoci's hand. Because video footage clearly settles this factual issue, the District Court concluded that no reasonable jury could find otherwise, and there was no genuine dispute of material fact.

B. Removal of Tricoci to the side of the road.

(i). Did the Officers reasonably need to move Tricoci? After all, Tricoci was handcuffed and no longer posed a flight risk or threat to safety.

CONCLUSION: The movement of Tricoci to the side of the road was reasonable. **REASONING:** The District Court concluded that it was undisputed that a truck had pulled over to the side of the road when Tricoci was arrested in the intersection. Over the course of the arrest, the truck became wedged between parked cars, police cars that had arrived at the scene, and Tricoci, who was still lying in the middle of the road. An ambulance arrived accompanied by a fire truck; the ambulance had been called due to Tricoci's claimed injuries. Neither the ambulance nor the fire truck could approach the intersection given where the truck was positioned. To permit the truck to safely leave, the Officer had to move Tricoci out of the way. Though Tricoci contended otherwise, the Court noted that the Officer's bodycam footage clearly showed that Tricoci was in the truck's path and needed to be moved to safety. Again the Court concluded that no reasonable jury could find otherwise based on the bodycam footage.

(ii). Did the Officer use reasonable force in moving Tricoci to the side of the road?

CONCLUSION: Excessive force was not used against Tricoci when he was moved to safety. **REASONING:** The District Court noted that in the bodycam footage, the arresting Officer can be seen grabbing Tricoci from underneath the arm and by the sleeve of his jacket. Though the Officer did drag Tricoci several feet through the street, this was only after attempting unsuccessfully to bring Tricoci to his feet. Tricoci's own statements confirm that he was unable to stand. And the bodycam footage showed a flurry of activity, with numerous police cars blocking the truck and the ambulance and fire truck approaching the intersection. Thus the Officer's only option to move Tricoci to safety was to pull him while on the ground. Because the Officer used only the force necessary to move Tricoci out of the line of traffic to a safer location—which is supported by video from the Officer's bodycam, the Court concluded that no reasonable jury could find this use of force was unreasonable under the circumstances. The defendants were entitled to summary judgement regarding this use of force as well.

C. Smack-down at the hospital.

(i). Did the Officers use excessive force when they allegedly slammed Tricoci's leg against a wall at the hospital?

CONCLUSION: The District Court could not tell. **REASONING:** No body-cam footage recorded the incident. Therefore, a jury will have to decide who to believe. For this reason, summary judgment was denied concerning this issue.

RESULT: The District Court granted the Officer's motions for summary judgment against the Officers for detaining Tricoci, tackling him to the ground as he fled, and moving him to safety following his detention in the intersection. However, whether excessive force was used at the hospital will be decided by a jury.

QUIZ QUESTIONS FOR THE MONTH OF OCTOBER – 2024 - ALTERNATIVE

Vincenzo Tricoci v. Daniel Blackman, et al., Case No. 22 C 5445, 2024 WL 3950314, August 27, 2024.

1. To effectuate a legal seizure under the Fourth Amendment, an officer must have probable cause to detain an individual. In Illinois, must an Officer have probable cause to believe that a criminal offense has occurred or is occurring before a traffic stop can be legally made?
 - a. Yes.
 - b. No.

2. In this case, Tricoci argued that he was seized when the acts of the Officers caused him to crash his Moped. The Court rejected that argument by noting that no evidence was introduced to show that the Officers actually touched Tricoci or his Moped before it crashed. Can a suspect be “detained” simply by an Officer touching the suspect with the intent to detain him?
 - a. Yes.
 - b. No.

3. Tricoci argued that the Officer’s act of dragging him to the side of the road constituted excessive force. The District Court agreed with this argument.
 - a. True.
 - b. False.

4. The Officers asked the District Court to conclude that they did not use excessive force at the hospital. The District Court agreed with the request of the Officers.
 - a. True.
 - b. False.

QUIZ QUESTIONS AND ANSWERS FOR THE MONTH OF OCTOBER – 2024 - ALTERNATIVE

Vincenzo Tricoci v. Daniel Blackman, et al., Case No. 22 C 5445, 2024 WL 3950314, August 27, 2024.

1. To effectuate a legal seizure under the Fourth Amendment, an officer must have probable cause to detain an individual. In Illinois, must an Officer have probable cause to believe that a criminal offense has occurred or is occurring before a traffic stop can be legally made?

b. No. As this Court held, “Because traffic stops are typically brief detentions, more akin to Terry stops than formal arrests, they require only reasonable suspicion of a traffic violation—not probable cause.” United States v. Cole, 21 F.4th 421, 427 (7th Cir. 2021)

2. In this case, Tricoci argued that he was seized when the acts of the Officers caused him to crash his Moped. The Court rejected that argument by noting that no evidence was introduced to show that the Officers actually touched Tricoci or his Moped before it crashed. Can a suspect be “detained” simply by an Officer touching the suspect with the intent to detain him?

a. Yes. As the United States Supreme Court held “(w)hile a mere touch can be enough for a Fourth Amendment seizure, the amount of force remains pertinent in assessing the objective intent to restrain.” Torres v. Madrid, 592 U.S. 306, (2021), [State police officers, who shot a fleeing suspect in her vehicle as she drove away from them while they were attempting to execute an arrest warrant, “seized” the suspect under the Fourth Amendment for the instant that the bullets struck her, regardless of whether the suspect comprehended the governmental character of their actions, and despite the fact the suspect temporarily eluded capture.]

3. Tricoci argued that the Officer’s act of dragging him to the side of the road constituted excessive force. The District Court agreed with this argument.

b. False. The Court held that the bodycam footage established that the Officer acted reasonably by dragging Tricoci to safety.

4. The Officers asked the District Court to conclude that they did not use excessive force at the hospital. The District Court agreed with the request of the Officers.

b. False. The Court held that because no bodycam footage recorded the alleged incident, a jury must decide who is telling the truth concerning what occurred at the hospital.