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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of February – 2025 - ALTERNATIVE

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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Michael Carrasquillo v. Timothy Young et al., No. 22 CV 6272, 2024 WL 5168694, December 19, 2024.

THE CASE: Two Officers stopped and frisked a suspect. Could the Officers be held liable for their conduct?

FACTS: Around 6:30 p.m. on the evening in question, plaintiff Carrasquillo was out riding his bicycle with two friends near a house known as an active Latin King gang house. Officers Young and Piscopo were patrolling that area that evening. When the three bicyclists rolled through a stop sign, the officers got out of their car to conduct a stop. Immediately the Officers noticed that one of the suspects was wearing red and black, which are colors associated with the Latin King gang. Officer Young instructed Carrasquillo and the others to keep their hands where he could see them and asked what they were doing. They told Young they were riding their bikes to their friend's house to take him home. According to the Officers, Carrasquillo was acting nervous and was fidgeting with his waistband. Officer Young noticed that there was an item weighing down Carrasquillo's sweatshirt pocket, creating a bulge. The Officers then announced a pat-down search. Officer Piscopo patted down Carrasquillo's friends without incident. Officer Young went to pat down Carrasquillo, who said he was only carrying his keys and wallet in his side pocket. [He did not say that he was carrying his cell phone in his front sweatshirt pocket, which caused the bulge.] Officer Young claimed that Carrasquillo resisted. However, Carrasquillo stated that he did not resist. Officer Young then took Carrasquillo to the ground. Officer Piscopo then came over to help Young and grabbed Carrasquillo's right arm.

The Officers admitted that Officer Young punched Carrasquillo once, what they describe as a single strike to gain compliance. Carrasquillo and one of his friends stated that Young punched Carrasquillo multiple times, somewhere between four and twelve times. Carrasquillo also stated that Officer Young “elbowed [him] in the face to get me to lay on the side.” Carrasquillo said he did not try to put his hands up or protect himself. He said he was compliant during the entire interaction, and did not resist at any point. Carrasquillo was handcuffed, and officers found a vape pen that tested positive for cannabis under his body. Officers Young and Piscopo brought Carrasquillo to the Police Department, where he was charged with resisting a peace officer and violating a civil ordinance for possession of cannabis by a minor.

Carrasquillo filed a Civil Rights action against Officer Young for excessive use of force and unlawful search, seizure, and restraint in violation of the Fourth Amendment, and against Officer Piscopo for failure to intervene in violation of the Fourth Amendment. The Officers moved to dismiss the case against them.

ISSUE: Should the District Court grant the Officer’s motions to dismiss?

SUB-ISSUE #1: Did Officer Young violate Carrasquillo’s constitutional rights by using excessive force?

THE LAW - Constitutional Violation: The Fourth Amendment “guarantees citizens the right to be secure in their persons ... against unreasonable ... seizures of the person.” To determine what constitutes a “reasonable seizure” a reviewing court must examine the totality of the circumstances “from the perspective of a reasonable officer on the scene” paying “careful attention to the facts and circumstances of each case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” This is an objective analysis, where the court must “balanc[e] the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake.” An officer's subjective beliefs and motivations are irrelevant.

Qualified Immunity: Government actors performing discretionary functions are immune from any suit for damages so long “as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” A court asks whether the defendants violated a plaintiff’s constitutional right, and whether defendants should have known that they were violating plaintiff’s constitutional rights when they acted (i.e., was that right “clearly established?”) (although a court can decide which question to answer first).

ARGUMENT CONCERNING EXCESSIVE FORCE: Officer Young -- In this case, Officer Young argued that he did not violate Carrasquillo’s Fourth Amendment rights by using excessive force and, further, he was entitled to qualified immunity from any liability as a result of his use of force. Officer Young asked the District Court to dismiss that case against him because either he did not use excessive force, or he was entitled to qualified immunity from liability.

FINDINGS: The District Court noted that Officer Young alleged that he used reasonable force to overcome Carrasquillo's act of resisting arrest. However, the Court also noted that whether Carrasquillo actually resisted arrest was disputed by the evidence, so summary judgment was inappropriate on the excessive force claim. The Court noted that taking the facts in the light most favorable to Carrasquillo, he was compliant with Young's orders, was taken to the ground, and punched at least once—and, according to both Carrasquillo and his friend, punched at least four times. Depending on how it resolved the factual disputes, a jury could find that Young used excessive force.

SUB-ISSUE #2: Should Officer Young receive qualified immunity from liability if he did, in fact, use excessive force?

FINDINGS: The District Court concluded that due to the disputed issues of fact concerning whether Carrasquillo actively resisted arrest, Officer Young could not be granted qualified immunity at this stage of the case. That is, a jury must also decide this question.

SUB-ISSUE #3: Did Officer Piscopo use excessive force against Carrasquillo?

FINDINGS: The district court noted that Carrasquillo produced no separate facts showing Piscopo hit Carrasquillo, tackled him, or elbowed him. Therefore, the Court held that to the extent Carrasquillo claimed Piscopo engaged in separate excessive force, Piscopo was entitled to summary judgment.

SUB-ISSUE #4: Could Officer Piscopo be held liable for failing to intervene to stop Officer Young from using excessive force?

FINDINGS: In response to this issue, the District Court noted that “An officer who is present and fails to intervene to prevent other law enforcement officers from infringing the constitutional rights of citizens is liable under § 1983 if that officer had reason to know ... excessive force was being used, and the officer had a realistic opportunity to intervene to prevent the harm from occurring.” The Court noted that whether Officer Young used excessive force turned on whether Carrasquillo actively resisted arrest. As to Piscopo, “whether an officer had sufficient time to intervene or was capable of preventing the harm caused by the other officer is generally an issue for the trier of fact unless, considering all the evidence, a reasonable jury could not possibly conclude otherwise.” It is undisputed that Piscopo was watching Young, and ran towards Young as Young took Carrasquillo to the ground. Officer Piscopo helped Officer Young by grabbing Carrasquillo's right arm just before Young punched Carrasquillo. These undisputed facts show that Officer Piscopo was near Officer Young and Carrasquillo and held Carrasquillo's arm when Officer Young punched Carrasquillo. Therefore, the Court held that a jury would have to decide whether Piscopo knew of, and had an opportunity to prevent, excessive force from being used against Carrasquillo.

SUB-ISSUE #5: Could Officer Young be held liable for failing to intervene to stop himself from using excessive force? [Yes. Carrasquillo actually argued that Officer Young should have been liable for failing to intervene to stop himself.]

FINDINGS: The district court concluded that “Young's liability turns on his direct conduct against Carrasquillo; there is no room for (or doctrinal value in) failing to intervene with himself. Young was therefore entitled to summary judgment on the failure to intervene count filed against him.

SUB-ISSUE #6: Could Officers Young and Piscopo be held liable the illegal seizure of Carrasquillo?

FINDINGS: The District Court held that it was undisputed that Carrasquillo rolled through a stop sign. “Traffic laws apply to persons riding bicycles.” 625 ILCS 5/11-1502. Rolling through a stop sign provided probable cause for an arrest. Therefore the Officer were entitled to summary judgment on Carrasquillo's unlawful seizure and restraint claims.

SUB-ISSUE #7: Could Officer Young be held liable the illegal frisk of Carrasquillo?

FINDINGS: The Court held that because the facts in this case can support reasonable suspicion for a frisk, Officer Young had a “plausible reason to suspect” Carrasquillo was armed and dangerous. Therefore, his frisk was not illegal.

CONCLUSION: A jury must decide whether Officer Young used excessive force and whether Officer Piscopo failed to intervene to stop that use of excessive force. All other complaints against the Officers were dismissed.

QUIZ QUESTIONS FOR THE MONTH OF FEBRUARY – 2025 - ALTERNATIVE

Michael Carrasquillo v. Timothy Young et al., No. 22 CV 6272, 2024 WL 5168694, December 19, 2024.

1. The Fifth Amendment “guarantees citizens the right to be secure in their persons ... against unreasonable ... seizures of the person.”
 - a. True.
 - b. False.

2. With respect to determining whether excessive force has been used, an officer's subjective beliefs and motivations are very important and must be considered by the examining court.
 - a. True.
 - b. False.

3. In this case, Carrasquillo argued that Officer Young should be held liable for failing to intervene to stop excessive force from being used against him. Did the District Court agree with this argument?
 - a. Yes.
 - b. No.

4. Officer Young argued that he was entitled to qualified immunity from any liability resulting from his use of force against Carrasquillo. Did the District Court disagree with this argument?
 - a. Yes.
 - b. No.

QUIZ QUESTIONS FOR THE MONTH OF FEBRUARY – 2025 - ALTERNATIVE

Michael Carrasquillo v. Timothy Young et al., No. 22 CV 6272, 2024 WL 5168694, December 19, 2024.

1. The Fifth Amendment “guarantees citizens the right to be secure in their persons ... against unreasonable ... seizures of the person.”

b. False. It is the Fourth Amendment that provides these guarantees.
2. With respect to determining whether excessive force has been used, an officer's subjective beliefs and motivations are very important and must be considered by the examining court.

b. False. An officer's subjective beliefs and motivations are irrelevant. Horton v. Pobjecky, 883 F.3d 941, 950 (7th Cir. 2018).
3. In this case, Carrasquillo argued that Officer Young should be held liable for failing to intervene to stop excessive force from being used against him. Did the District Court agree with this argument?

b. No. The District Court concluded that since Officer Young was himself accused of using excessive force, he could not be held liable for failing to prevent himself for using that force.
4. Officer Young argued that he was entitled to qualified immunity from any liability resulting from his use of force against Carrasquillo. Did the District Court disagree with this argument?

a. Yes. The Court held that a jury must decide whether or not Carrasquillo actually resisted Officer Young’s attempt to frisk him. Therefore, Officer Young was not entitled to qualified immunity from liability for his conduct in detaining Carrasquillo.