

**IRVING POLICE DEPARTMENT
USE OF FORCE REPORT**

INCIDENT

AR# 13-1995 Call Type Traffic Stop Beat 43
Address/Location of Incident: Northgate and Pleasant Run
Date: 1/26/2013 Time: 19:47 Supervisor Responded Yes No

SUSPECT

Suspect Name: ELIZABETH MCDANIEL Sex Female Race W-White D. O. B. [REDACTED]
Observed Behavior(s) (List All) Highly Agitated, Visibly Upset, Erratic
Suspect Impairment (List All)
Level of Resistance Defensive Resistance , Resisted Arrest
Weapon(s) Used None
How Used Push/Pull
Injury No Injury Treatment None
Hospital N/A Ambulance N/A Supervisor Who Contacted SGT BEYER
Location N/A Time
Charges: 1) RESISTING ARREST 2) NO LP LIGHT 3) 4)

OFFICER(S) INVOLVED

OFFICER #1

Badge 1045 Last Name KRUEGER First Name MATT
Division Patrol Unit/Platoon North B2
Injury No Injury Treatment None
Hospital N/A Ambulance N/A
Level of Force Softy Empty Hand Type of Force Hands/Arm-Take Down
Effective Yes No Discharge Weapon Data N/A
Weapon Serial Number N/A

OFFICER #2

Badge 1067 Last Name WILLIAMS First Name ADAM
Division Patrol Unit/Platoon North B2
Injury No Injury Treatment None
Hospital N/A Ambulance N/A
Level of Force TASER Type of Force Taser-Exhibit
Effective Yes No Discharge Weapon Data N/A
Weapon Serial Number X00-605276

OFFICER #3

Badge Last Name First Name
Division Unit/Platoon
Injury Treatment
Hospital Ambulance
Level of Force Type of Force
Effective Yes No Discharge Weapon Data

Weapon Serial Number

Narrative:

Defendant was being arrested for traffic offense. She resisted arrested by trying to pull away from Officer Krueger as he was trying to place her into handcuffs. Officer Krueger performed an arm bar take down and took the Defendant to the ground. I had arrived to assist and the Defendant was still trying to pull away from Officer Krueger and would not let him get control of her hands. I thought Officer Krueger had advised that the Defendant was biting him (he actually advised that she was fighting him) therefore I drew my Taser X26 and placed it against the Defendant's back. I instructed the Defendant and to stop moving or she would be tased. The Defendant complied and was taken into custody.

Prepared by: A. Williams #1067

Date Prepared: 1/26/2013

CHECK SPELLING

SUPERVISOR REVIEW

SERGEANT: J. Beyer #955

COMMENTS: A review of the video revealed that Officer Krueger informed Ms. McDaniels she was under arrest. Officer Krueger received permission from me to arrest her for the traffic offense because of her history and furtive movements with her hands in her pants. It was thought she may have concealed an illegal substance in her pants. She had a wrist brace on her arm. Officer Krueger was considering using flex cuffs to accommodate her brace. She started to pull away from Officer Krueger. He utilized soft empty hand technique to put her on the ground to control her. He removed her wrist brace and applied regular handcuffs because she was pulling away. The other prisoner and passenger of Ms. McDaniels car that was already handcuffed in the back of the squad car, was yelling at Ms. McDaniels to not fight with the officers. The use of soft empty hand force was objectively reasonable because she was using force against Officer Krueger as he was arresting her. The display of the TASER was objectively reasonable because Ms. McDaniels was using force against Officer Krueger as he was arresting her.

I went to the jail and interviewed Ms. McDaniels. She stated that she was willing to be arrested but she wanted to take her shoes off first and then Officer Krueger threw her to the ground for no reason. The video does not support this story. She does not mention her shoes. Officer Krueger tells her to stop several times. Mr. Raines, the other arrestee, is yelling in the car for Ms. McDaniels to stop fighting (20:54.15).

LIEUTENANT: John Mitchell #655

COMMENTS: The officer's actions were objectively reasonable and within policy.

CAPTAIN: J. Rodriguez #568

COMMENTS: The force used was objectively reasonable.

ASSISTANT: Dave Coulon

COMMENTS: The use of force was justified.

OFFICE OF THE CHIEF: Lt M. Goff

COMMENTS: Reviewed

