

Handcuffs as a De-escalation Tool

Description

On a number of occasions, we have reviewed cases where the court was determining the moment at which an arrest took place. As we know, our interactions with citizens run on a spectrum from a typical voluntary citizen contact through an Investigative Detention to a full-blown arrest. At each step in the process, as the citizen's liberty is further restricted, officers are required to have a higher level of information. Our case today, *United States vs Eatman*^[1], involves a Domestic Violence incident out of the City of Chicago where officers handcuffed a suspect during the course of the investigative detention and prior to having probable cause. Did the act of handcuffing the suspect turn an otherwise legitimate Investigative Detention into an arrest? Let's see what the 7th Circuit had to say about this case.

FACTS

Chicago Police were dispatched to an apartment building on the report of a Domestic Violence incident. A security guard called police and reported that a female tenant in the building called him, stating that her boyfriend had hit her and was trying to gain entry into the apartment. The security guard also informed the call taker that the male suspect may be armed with a handgun.

As officers walked out of the elevator, they observed the defendant – Mikah Eatman – pounding on the apartment door and demanding that he be let in. Officers ordered Eatman to move away from the door and put his hands on the wall. During a subsequent frisk, officers secured a handgun that the defendant was carrying in his waistband. The officers then handcuffed Eatman to control him while they spoke with the female caller.

Eatman's girlfriend refused to sign a criminal complaint and officers returned to Eatman to inquire about the gun. Eatman admitted he did not possess a Firearm Owners Identification Card or a Conceal-and-Carry License. Eatman was arrested and transported to detention where he was turned over to federal authorities to face federal gun possession charges.

Eatman filed a motion to suppress claiming that the officers lacked reasonable suspicion to conduct the stop and frisk and that at the time he was handcuffed, officers lacked probable cause to make an arrest. Noting that the incident took place in a high-crime area and the fact that dealing with a domestic violence call is fraught with danger, the court denied the motion. This appeal followed.

7th Circuit Findings

On appeal, Eatman abandoned his claim that the officers lacked reasonable suspicion to conduct a frisk. However, Eatman argued that at the moment officers handcuffed him they turned an investigative detention into arrest and lacked the probable cause to support the arrest. Citing their earlier decision in *United States v Glenna*, 878 F.2d 967 (7th Cir. 1989) the court affirmed that "police officers may use reasonable means to effectuate an investigatory stop, including but not limited to the use of handcuffs."

The court looked at a number of factors to support its conclusion. First, Eatman was observed engaging in the type of violent conduct that was initially reported to dispatch. Additionally, the officers were told

Eatman may be armed and had just assaulted his girlfriend. Eatman argued that the officers had already secured the gun at the time he was arrested, there were four officers present, he had not acted violently towards the officers, and his girlfriend was safe behind the locked door. The court was not persuaded finding that the “use of handcuffs was not an arrest but rather a method to de-escalate the situation and allow the officers to investigate”. The court then affirmed the lower court ruling.

WRAP UP

Interestingly, the 7th Circuit agreed with the district court that officers arguably had probable cause to arrest Eatman for Disturbing the Peace or Domestic Violence based on the information given by the security guard and the officers' observations of Eatman banging on the apartment door when they exited the elevator.

Courts are willing to give officers the benefit of the doubt and refrain from second- guessing officer conduct when officers are able to provide an accurate and reasonable explanation for their actions. Certainly, professional and thorough testimony comes from a thorough and complete police report.

1. *United States v. Eatman*, 942 F.3d 344 (7th Cir. 2019) [?](#)

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