

## I. INTRODUCTION<sup>1</sup>

On May 30, 2017, Subject 1's minor child tragically died. Based on the circumstances surrounding the child's death, Chicago Police Department (CPD) officers classified Subject 1 as a suspect in a possible homicide investigation. As a result, CPD barred Subject 1 from entering the hospital room to see her child's body. Subject 1 attempted to enter the room against this order and a physical altercation occurred. The ensuing struggle between Subject 1 and CPD officers gave rise to this log number.

## II. ALLEGATIONS

It is alleged that on May 3, 2017, at approximately 5:30 PM, at XXXX W. 64<sup>th</sup> Street, Chicago, IL 60621, accused Officer A, while on duty:

1. Grabbed Subject 1.
2. Threw Subject 1 to the ground.
3. Handcuffed Subject 1 too tightly.
4. Dragged Subject 1 through the grass/mud.
5. Took Subject 1's purse without justification.
6. Took Subject 1's cell phone without justification.
7. Called Subject 1 a "murderer."

It is alleged that on May 3, 2017, at approximately 5:30 PM, at XXXX W. 64<sup>th</sup> Street, Chicago, IL 60621, accused Officer B while on duty:

1. Grabbed Subject 1.
2. Threw Subject 1 to the ground.
3. Handcuffed Subject 1 too tightly.
4. Dragged Subject 1 through the grass/mud.
5. Took Subject 1's purse without justification.
6. Took Subject 1's cell phone without justification.
7. Called Subject 1 a "murderer."

It is alleged that on May 3, 2017, at approximately 5:30 PM, at XXXX W. 64<sup>th</sup> Street, Chicago, IL 60621, accused Officer C while on duty:

1. Grabbed Subject 1.
2. Threw Subject 1 to the ground.
3. Handcuffed Subject 1 too tightly.
4. Dragged Subject 1 through the grass/mud.
5. Took Subject 1's purse without justification.
6. Took Subject 1's cell phone without justification.

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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

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7. Called Subject 1 a “murderer.”

It is alleged that on May 3, 2017, at approximately 5:30 PM, at XXXX W. 64<sup>th</sup> Street, Chicago, IL 60621, accused Officer D while on duty:

1. Grabbed Subject 1.
2. Threw Subject 1 to the ground.
3. Handcuffed Subject 1 too tightly.
4. Dragged Subject 1 through the grass/mud.
5. Took Subject 1’s purse without justification.
6. Took Subject 1’s cell phone without justification.
7. Called Subject 1 a “murderer.”

It is alleged that on May 3, 2017, at approximately 5:30 PM, at XXXX W. 64<sup>th</sup> Street, Chicago, IL 60621, accused Sergeant A while on duty:

1. Grabbed Subject 1.
2. Threw Subject 1 to the ground.
3. Handcuffed Subject 1 too tightly.
4. Dragged Subject 1 through the grass/mud.
5. Took Subject 1’s purse without justification.
6. Took Subject 1’s cell phone without justification.
7. Called Subject 1 a “murderer.”

### III. INVESTIGATION

COPA gathered relevant documentary evidence associated with this incident. In addition, COPA obtained statements from both the complainant, Subject 1, and the accused officers. Summaries of this evidence follow.

#### A. Interview of Complainant Subject 1

On May 5, 2017, Investigator 1 and Investigator 2 interviewed Subject 1 at 1615 W. Chicago Ave., Chicago, IL. Subject 1 stated that she went to Hospital 1 on May 3, 2017 because her daughter stopped breathing.

Subject 1 stated that while she was at the hospital she was in a quiet room with her two daughters, XX and XX years old (the deceased child was in another room), and three officers came and spoke with her. Subject 1 stated that while the officers were questioning her, she asked if the officers could give her a moment but they refused and became rude. Subject 1 stated that the officers began calling her a “murderer.” Subject 1 stated that she gave her belongings to her daughters and left the room. Subject 1 stated that the officers<sup>2</sup> followed her, and grabbed her on her arm, shoulders, and throat.<sup>3</sup> Subject 1 stated that other officers came and began to restrain

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<sup>2</sup> Subject 1 described the officers as all white males, one shorter the other two tall, and one overweight and the other two fit.

<sup>3</sup> Subject 1 stated later in her statement that she was trying to enter the room where her deceased daughter was against officer orders.

and take her down for “no reason.” Subject 1 continued to state that during the interaction the officers were calling her a murderer, telling her she was going to be arrested and would not get her kids back.

Subject 1 stated that it took about 10 officers<sup>4</sup> to get her to the police vehicle which was outside the emergency room, and they dragged her in the mud. Subject 1 stated that once she was outside she saw her sister (Civilian 1), and Subject 1 calmed down. Subject 1 stated that the officers then brought her back into the hospital on a stretcher and hospital staff restrained her. Subject 1 stated that Sergeant A continued to “provoke” her, by telling Subject 1 that she was unfit and that she killed her daughter. Subject 1 stated that the nurse told her to calm down, and advised Subject 1 if she calmed down the restraints would come off.

Subject 1 stated that as a result of the incident she sustained bruising to her wrist and ankles. Subject 1 stated that she was also prescribed pain medication at the hospital because her back and hip were hurting from being “slammed to the ground.” Subject 1 emphasized that Sergeant A was responsible for everything because he wasn’t understanding her and continued provoking her. (Attachments 5-7, 19-21)

## **B. CPD Reports**

A copy of the Original Case Incident Report, Arrest Report, Tactical Response Reports (TRRs), Crime Scene Processing Report, and Inventory Sheet were obtained. The Arrest Report cited Subject 1 for Resisting/Obstructing a Peace Officer. The report documented that officers were investigating a death of a two-year-old at Hospital 1. As officers were interviewing Subject 1, she became uncooperative and disregarded verbal commands to not enter restricted areas in the hospital. As officers attempted to stop Subject 1, she swung her arms, turned and twisted her body, pulled away from officers, and sat on the ground. The report documented that an emergency takedown and handcuffing of Subject 1 was performed. Subject 1 was taken to Hospital 1 for a medical and mental health evaluation, and released without charging.<sup>5</sup> The Inventory Sheet documented that Subject 1’s purse, cell phone, clear plastic baggy with green leafy substance, and a Consent to Search form and Data Sheet were all inventoried. (Attachments 8-12, 16, & 70)

## **C. Interview of Witnesses**

IPRA interviewed Civilian 1, Subject 1’s sister and Hospital 1 Security Officer 1. Civilian 1 stated that when she arrived at Hospital 1 on May 3, 2017, Subject 1 was in handcuffs and being dragged by officers outside of the hospital. Civilian 1 stated that Subject 1 was telling the officers to stop dragging her and another officer came out and advised the officers to stop dragging Subject 1, at which point they picked Subject 1 up and brought her back into the hospital. Civilian 1 stated that Subject 1 was hysterical, and Civilian 1 attempted to talk with an

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<sup>4</sup> Subject 1 stated that it took so many officers to put her in the squad car because she was very upset and questioning why she was in handcuffs and being arrested. Subject 1 admitted that she was not cooperating.

<sup>5</sup> The Case Supplementary Report noted that the manner of death was ruled as Undetermined, and the case was closed non-criminal.

officer who would not provide any information other than Subject 1 was under arrest. Civilian 1 stated that the officers eventually came out to talk with Civilian 1 and stated that Subject 1 was a murderer.<sup>6</sup> Hospital 1 Security Officer 1<sup>7</sup> stated that Subject 1 was in the quiet room and ran to the room where the deceased child was. Security Officer 1 stated that Subject 1 was acting erratic, flailing her arms, and yelling, and CPD officers went to detain Subject 1. Security Officer 1 stated that Subject 1 was not cooperating, resisting, acting out, and dropping her weight while being escorted, and once she was outside by the police vehicle Subject 1 stated she was pregnant. Security Officer 1 stated that officers then brought Subject 1 back into the hospital on a stretcher and she was placed in hospital restraints. Security Officer 1 stated that none of the CPD officers said anything bad about Subject 1 or called her a “baby killer.” (Attachments 39-52)

#### **D. Body Worn Camera (BWC)<sup>8</sup>**

IPRA obtained BWC footage. There are several videos and angles of what transpired at Hospital 1 between Subject 1 and CPD personnel. The BWC footage depicts events that corroborate the reports generated and statements given by CPD personnel. The BWC footage captures events prior to and after the incident with Subject 1 at Hospital 1, and at no time is any officer heard calling Subject 1 a “murderer.” The video footage also depicts Subject 1 failing to follow verbal orders from officers as well as resisting officers as they are attempting to place handcuffs on her. On several occasions Subject 1 is seen dropping her weight, falling to the ground, and not cooperating with officers who are heard and seen negotiating and trying to de-escalate Subject 1’s behavior. Subject 1 drops her weight again while outside of the hospital next to the squadrol, and Officer C is seen still having a hold of her arm, attempting to pick her up and move her closer to the squadrol. The BWC footage also captures Subject 1 giving consent for detectives to search and photograph her car and residence. Sergeant B goes to the hospital room where Subject 1’s daughters are located with Officer A and Officer B, and Sergeant B asks if they have Subject 1’s purse which would contain her home and vehicle keys. When Officer A looks inside the purse for Subject 1’s keys, a green leafy substance in a clear plastic baggy is located and Officer A is advised to inventory the items. (Attachments 21 & 23)

#### **E. Medical Records for Subject 1**

The medical records document Subject 1 was “resisting arrest and stated that she was pregnant,” and officers wanted her medically cleared prior to taking her to the police district. Subject 1 was placed in restraints for her safety and the safety of others. The records document that Subject 1 had no complaints of pain. Later notes within the records document that Subject 1 was released from police custody and would be discharged. (Attachment 22)

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<sup>6</sup> Civilian 1 stated later in her statement that it was one officer that called her sister a murderer and that he signed her property receipt when Subject 1 went to the station the next day. She provided the name of Officer E, who is an Evidence Technician and not documented as being present during the incident, but Civilian 1 stated he looked like the officer that was present at the hospital.

<sup>7</sup> Sergeant C also provided a statement and prepared a Hospital 1 Security Report (Attachment 15) which provided substantially the same account of events as provided by Security Officer 1.

<sup>8</sup> There is video footage from the ambulance bay of Hospital 1 which catches a quick glimpse of the incident as officers and Subject 1 pass through the ambulance bay outside the emergency room doors. Subject 1 appears to be dropping her weight, and several officers are trying to escort her. A short time later Subject 1 is seen on a stretcher being brought back into the hospital by the officers and security staff. (Attachment 25)

**F. Interviews of Accused Officers**

Officer A, Officer B, Officer C, Officer D, and Sergeant A were all interviewed as accused. All the above gave substantially similar accounts of the incident which reflected what was documented in the Original Case Incident and Arrest Reports. In addition, they denied all allegations. (Attachments 53-68)

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Investigator 3

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Supervising Investigator 1

**IV. ANALYSIS AND CONCLUSION**

Subject 1's allegations were simply not consistent with the extensive video evidence reviewed in this case. The evidence showed that Subject 1 became uncooperative during the investigation into the death of her child, disregarded verbal orders given to her, and then resisted arrest when officers attempted to stop her from entering the room of her deceased child. Subject 1 continued to yell and resist as officers tried to escort her out of the hospital to a squadrol for transport. Witnesses as well as video evidence confirmed that Subject 1 was not called a "murderer," nor was she mistreated by officers. Furthermore, the video footage showed that officers attempted to de-escalate. As precaution after Subject 1 stated she was pregnant, officers released Subject 1 to the hospital to have her evaluated.

Therefore, COPA recommends a finding of **Exonerated** for **Allegation #1** against **Officer A, Officer B, Officer C, Officer D, and Sergeant A**, in that all these listed officers had hands on Subject 1 during the interaction as part of their official duties and within reason based on the circumstance.

COPA recommends a finding of **Unfounded** for **Allegation # 2** against **Officer A, Officer B, Officer C, Officer D, and Sergeant A**, in that Subject 1 resisted arrest after failing to follow verbal orders to not enter the room of the deceased child. An emergency takedown and handcuffing was utilized as a result of Subject 1's actions. In addition, Subject 1 continued to resist as she was being escorted and dropped her weight on numerous occasions, throwing her body to the ground.

COPA recommends a finding of **Not Sustained** for **Allegation #3** against **Officer C and Officer D**, in that they both assisted with the application of the handcuffs and neither officer could recall if the handcuffs were double-locked. Subject 1 did not complain during the incident that her handcuffs were too tight, and the medical records also did not indicate any abrasions to Subject 1's wrist. Photographs provided by Civilian 1 depicted redness around the wrist area of Subject 1, but there was no way to determine when these photos were taken. More importantly, the redness could have been caused by Subject 1's resisting.

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COPA recommends a finding of **Unfounded** for **Allegation #3** against **Officer A**, **Officer B**, and **Sergeant A**, in that they were not involved in the handcuffing process.

COPA recommends a finding of **Unfounded** for **Allegations #4-7** against **Officer A**, **Officer B**, **Officer C**, **Officer D**, and **Sergeant A**, in that Subject 1 dropped her weight and fell to the ground while being escorted, and Officer C attempted to pick her back up and continue towards the squadrol. In addition, Subject 1's purse and phone were taken for inventory after she consented to the officers searching her home and vehicle, a task only accomplished by securing the keys locted in her purse. Additionally, the items were inventoried after Subject 1 was placed into custody and the green leafy substance was located in plain view near the surface of Subject 1's purse. Finally, there was substantial video evidence and statements from witnesses which disproved that Subject 1 was called a "murderer."

In conclusion, COPA notes that this incident occurred during an incredibly difficult and emotional time for Subject 1. CPD personnel, however, followed all relevent rules, regulations and orders, as well as all relevant constitutional and statutory rights during their encounter with Subject 1.

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Deputy Chief Investigator 1