

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	May 21, 2015 / 2:35 pm / [REDACTED] [REDACTED]
Date/Time of IPRA Notification:	May 21, 2015 / 7:06 pm
Involved Officer #1:	[REDACTED] # [REDACTED] Employee # [REDACTED] Date of Appointment [REDACTED], 2009, Police Officer, Unit [REDACTED] Date of Birth [REDACTED], 1979, Male, White
Involved Officer #2:	[REDACTED] Employee # [REDACTED] Date of Appointment [REDACTED], 1994, Police Officer, Date of Birth [REDACTED], 1961, Male, White ²
Involved Individual #1:	[REDACTED], 1983, Male, White
Case Type:	Failure to Search

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that Officer [REDACTED] violated General Order G06-01-01 in that he failed to thoroughly search [REDACTED]	Unfounded
Officer [REDACTED]	1. It is alleged that Officer [REDACTED] violated Special Order S06-01-02 in that he failed to search [REDACTED]	Unfounded

II. SUMMARY OF EVIDENCE³

On May 21, 2015, [REDACTED] used a string to attempt to hang himself in a bullpen in the processing area of the [REDACTED] District. Officer [REDACTED] who was in the process of completing Mr. [REDACTED] paperwork at the time, immediately discovered Mr. [REDACTED] attempted suicide and removed the ligature from his neck. There are no video recordings of the specific section of the [REDACTED] District station where this incident took place, but [REDACTED] another arrestee, was in the same bullpen at the time and confirmed Mr. [REDACTED] attempt using the string and Officer [REDACTED] immediate response. Mr. [REDACTED] who did not cooperate with

¹ 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. Therefore, 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.

² Officer [REDACTED] retired from CPD in January 2017.

³ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

this investigation, told medical staff at Mt. Sinai Hospital that he attempted to hang himself with a string from a pair of shorts because he was going through heroin withdrawal. Mr. ██████████ tested positive for cocaine, opiates, and barbiturates but did not have any injuries related to the suicide attempt. Officer ██████████ acknowledged to IPRA that he missed the string on Mr. ██████████ but stated that he did the same search of an arrestee that he does before bringing them to lockup, which includes removing shoelaces and belts. Officer ██████████ who was assigned to lockup at the time of this incident, reported that the incident occurred before Mr. ██████████ arrived in lockup and that he did not have any contact with Mr. ██████████ prior to the suicide attempt.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

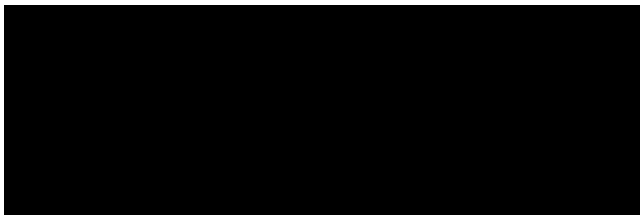
IV. ANALYSIS AND CONCLUSION

IPRA served allegations to Officer ██████████ and Officer ██████████ that they failed to properly search Mr. ██████████. Officer ██████████ reported that he conducted a search of Mr. ██████████ and that he removed any shoelaces and belts in preparation for bringing Mr. ██████████ to lockup. General Order G06-01-01: Field Arrest Procedures, which is the order that was referenced in Officer ██████████ allegation, requires in part that "[m]embers will be responsible for the safety and

security of the arrestee. A thorough search of persons taken into custody will be conducted in accordance with established Department procedures.”⁴ This directive and related General Order G06-01-02: Restraining Arrestees specifically refer to searching for weapons or contraband. COPA notes that the only CPD directive that references “shoelaces” is Special Order S07-01-01: Inventorying Arrestees’ Personal Property, which says “[a]n arrestee’s shoelaces, tie, belt, scarf, or anything that could be used as a ligature will be taken from the arrestee upon entry *in the lockup* and secured in the polyethylene Personal Property Envelope.”⁵ While it is commendable that Officer [REDACTED] performed a search himself, it is the lockup staff’s responsibility to remove potential ligatures from arrestees prior to entering lockup. As this incident occurred in the processing area outside of lockup, such a thorough search was not necessary at this time. COPA notes that Officer [REDACTED] immediately and appropriately responded to Mr. [REDACTED] suicide attempt, which he prevented from being successful. Based on the totality of the circumstances, COPA finds that Officer [REDACTED] was not required to perform a more thorough search than he did; therefore, the allegation against him is **Unfounded**.

Additionally, COPA finds that Officer [REDACTED] did not have any contact with Mr. [REDACTED] prior to the suicide attempt and bears no responsibility in this matter. The allegation against Officer [REDACTED] is therefore **Unfounded**.

Approved:



Deputy Chief Administrator – Chief Investigator

5/31/19

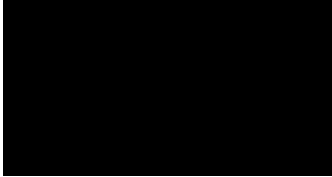
Date

⁴ G06-01-01 II. A. Effective December 19, 2012-November 12, 2015.

⁵ S07-01-01 II. C. Effective May 1, 2014-December 4, 2015. Emphasis added.

Appendix A

Assigned Investigative Staff

Squad#:	1
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	