

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 22, 2018
Time of Incident:	Approximately 6:56 p.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	October 11, 2018
Time of COPA Notification:	10:05 a.m.

On September 22, 2018, at approximately 5:50 p.m., [REDACTED] ([REDACTED]) called the police because her brother, [REDACTED] ([REDACTED]) began threatening her after she requested him to remove his gun from the bathroom. Chicago Police Department (“CPD”) Officers [REDACTED] (“Officer [REDACTED]” and [REDACTED] (“Officer [REDACTED]” arrived and spoke with [REDACTED]. Soon thereafter, CPD Sergeant [REDACTED] (“Sgt. [REDACTED]” arrived and also spoke with [REDACTED]. [REDACTED] told the CPD officers and sergeant that [REDACTED] was calling her names and she felt in fear for her safety. Sgt. [REDACTED] explained to [REDACTED] that [REDACTED] remarks were not a crime, but the officers could write a report to document that [REDACTED] was in fear for her safety. The officer then left.

Approximately an hour later, [REDACTED] and [REDACTED] father, [REDACTED] ([REDACTED]) both called the police on multiple occasions alleging the other party had a weapon. Responding officers met with [REDACTED] who advised them that [REDACTED] suffered from mental health issues which impair her judgment, and that she had neglected to take her corrective medication. [REDACTED] agreed to complete a petition/paperwork to admit [REDACTED] to the hospital. [REDACTED] was placed in handcuffs and transported to Northwestern Hospital for treatment.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED], 2017, PPO, [REDACTED] DOB: [REDACTED] 1991, Male, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED], 2016, PO, [REDACTED] DOB: [REDACTED] 1985, Male, Hispanic
Involved Sergeant #1:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED], 1996, SGT, [REDACTED] DOB: [REDACTED] [REDACTED] 1970, Male, White

Involved Sergeant #2 | ██████████ Star # ██████ Employee ID# ██████ Date of Appointment: ██████ 2000, SGT, ██████ DOB: ██████, 1968, Male, White

Involved Individual #1: | ██████████ DOB: ██████, 1982, Female, Black

Involved Individual #2: | ██████████ Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer ██████████	<p>It is alleged that on or about September 22, 2018 at approximately 6:56 p.m., in the vicinity of ██████████ S ██████████ ██████████, Officer ██████████ committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Failed to activate your body worn camera in accordance with department directives.</li> <li>2. Threw ██████████ against the wall.</li> <li>3. Took ██████████ to the hospital and held her there against her will.</li> <li>4. Threw and/or shoved ██████████ into the squad car.</li> </ol>	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Officer ██████████ ██████████	<p>It is alleged that on or about September 22, 2018 at approximately 6:56 p.m., in the vicinity of ██████████ ██████████ ██████████, Officer ██████████ committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Failed to activate your body worn camera in accordance with department directives.</li> <li>2. Threw ██████████ against the wall.</li> <li>3. Took ██████████ to the hospital and held her there against her will.</li> <li>4. Threw and/or shoved ██████████ into the squad car.</li> </ol>	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

#### IV. APPLICABLE RULES AND LAWS

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##### Special Orders

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1. Persons Subject to Involuntary or Voluntary Admission Non-Arrestees, S04-20-02 (Effective May 7, 2004)
  2. Body Worn Cameras, S03-14 (Effective April 30, 2018)
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#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

██████████

On October 11, 2018, COPA interviewed ██████████. In summary, ██████████ told investigators that on September 22, 2018, at approximately 5:15 p.m., ██████████ saw a gun laying in the bathroom and yelled for ██████████ her brother, to come and retrieve the gun. ██████████ then threatened her, called her names, and pounded his fist. ██████████ father, ██████████ asked ██████████ to stop and then went outside and sat in his van. ██████████ decided to call the police because she felt unsafe.

When two officers arrived, one of the officers, a Hispanic male, now known as Officer ██████████ was difficult with ██████████ and repeatedly questioned ██████████ about the threats ██████████ made. A supervisor was called to the scene who instructed the officers to complete a report and provide ██████████ with a copy. The officers then left.

After the officers left, ██████████ began cursing at ██████████ for calling the police, so ██████████ went to her room. ██████████ followed ██████████ and continued to curse, telling her he was going to take her son away from her, call the Department of Children and Family Services on her, and put her back in the “crazy house.” ██████████ eventually called the police again. ██████████ stated that another Hispanic officer arrived. ██████████ told the officer that she wanted her father removed from the home. The officer instructed ██████████ to stay in her room until she could obtain an Order of Protection, and that her father would have to formally be evicted. The police once again left.

After the officer left for a second time, ██████████ told investigators that ██████████ came past her room and threw a knife on her bed. ██████████ then picked up the knife and her father videotaped ██████████ with the knife in her hand. ██████████ called the police for the third time. ██████████ also called the police.

Arriving officers were met by ██████████ on the front porch. When ██████████ tried to speak with the officers, an officer told her to go back inside the house. After approximately 20 minutes

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

passed, [REDACTED] went back outside and attempted to speak with a supervisor. A supervisor approached [REDACTED]. The supervisor and other officers then threw [REDACTED] against the wall.<sup>2</sup> [REDACTED] began yelling and screaming and the officers placed [REDACTED] in handcuffs, tightly. [REDACTED] repeatedly asked if she was under arrest, and if so, what for. The officers told [REDACTED] she was going to the hospital because her father stated she was “crazy.” [REDACTED] denied that she was crazy, but the officers still shoved her into the squad car.

[REDACTED] was transported to Northwestern Hospital. [REDACTED] and [REDACTED] son arrived at the hospital and requested that [REDACTED] be admitted. [REDACTED] was then admitted until her discharge 7 days later.<sup>3, 4</sup>

*Police Officer [REDACTED]*

On January 16, 2019, COPA interviewed PO [REDACTED]. In summary, PO [REDACTED] told investigators that he initially responded, along with his partner PO [REDACTED] to [REDACTED] residence around 6 p.m. on September 22, 2018 in response to an altercation [REDACTED] had with her brother, [REDACTED]. A sergeant was called to the scene, and the officers were advised to generate a report and to provide [REDACTED] with information regarding domestic violence, an Order of Protection, and eviction.

Later that same day, the officers responded to the residence again, because [REDACTED] father, [REDACTED] had called 911 to report [REDACTED] was walking around with a knife. Dispatched advised the officer that [REDACTED] and [REDACTED] were calling 911 on each other. Once they arrived, they initially met [REDACTED] on the front steps. [REDACTED] told the officers that [REDACTED] was walking around the house threatening him with a knife, and that [REDACTED] suffered from a condition that affected her judgment.

Sgt. [REDACTED] arrived on scene and was informed of the current situation by the responding officers. Specifically, the officers informed Sgt. [REDACTED] that [REDACTED] stated that he would sign for [REDACTED] to be admitted into the hospital if they agreed to transport her.<sup>6</sup> Sgt. [REDACTED] handcuffed [REDACTED] who became hysterical. Although [REDACTED] was hysterical, she was physically compliant and successfully handcuffed, without a need for an emergency handcuffing or placing [REDACTED] against a wall. [REDACTED] was then placed into the police vehicle.

Officer [REDACTED] stated that [REDACTED] neither received any injuries during the encounter, nor did she complain of any injuries. [REDACTED] was transported to Northwestern Hospital for an evaluation.

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<sup>2</sup> Later in her statement [REDACTED] stated that this action caused her to sustain bruises/abrasions injuries to her face. However, [REDACTED] did not realize that these injuries occurred until after she was released from the hospital 7 days later.

<sup>3</sup> Attachment 5.

<sup>4</sup> [REDACTED] initially signed a release for medical records when she provided her statement; however, [REDACTED] subsequently withdrew her consent for the release of her medical records. Therefore, [REDACTED] medical records were not obtained in this case.

<sup>5</sup> Attachment 29.

<sup>6</sup> Officer [REDACTED] stated that he is familiar with Ms. [REDACTED] from previous similar encounters and prior transports to the Hospital.

*Police Officer* ██████████

On January 16, 2019, COPA interviewed Officer ██████████ Officer ██████████ account of the incident was substantially similar to Officer ██████████ account.

## **b. Digital Evidence**

*Body Worn Camera (“BWC”)*<sup>8</sup>

Officers’ ██████████ and ██████████ BWCs captured the officers speaking with both ██████████ and her father ██████████ advised the officers that she was in fear of receiving a battery. This fear resulted from her brother’s mannerisms and his remarks regarding ██████████ poor personal hygiene. ██████████ was not satisfied with Officer ██████████ explanation that ██████████ remarks were not a crime, so the officer called for a sergeant to respond. Sgt. ██████████ responds to the location, and after speaking with ██████████ Sgt. ██████████ asked the responding officers to write a report documenting the incident, but no arrests were made.

Subsequent BWC footage captured Officers ██████████ and ██████████ responding a second time to the residence. This time, the officers initially speak with ██████████ who conveys he is upset that ██████████ constantly calls the police. ██████████ and the officers further discuss having ██████████ admitting to the hospital for an evaluation. Officer ██████████ requests that a sergeant to respond to the location. Sgt. ██████████ responds for a second time and both officers’ BWCs stop recording as the officers speak with Sgt. ██████████

The BWCs of Officers ██████████ and ██████████ begin recording again as the officers re-approach the front porch of the residence where ██████████ is standing. Sgt. ██████████ begins to handcuff ██████████ and she starts to scream and yell. ██████████ initially tells the officer that she does not want to go anywhere. The officers try to calm ██████████ as they place her in handcuffs and explain that she is not under arrest but will be transported to the hospital. ██████████ willingly got into the officers’ vehicle without any resistance. During the transport to the hospital, ██████████ continually asks why she was arrested, why she is in handcuffs, and denies being crazy. Officers ██████████ and ██████████ calmly advise ██████████ she is not under arrest and that she is being transported to Northwestern Hospital for an evaluation. Once at the hospital, ██████████ is taken from the squad car and placed into a wheel chair. The recording stops.

## **VI. 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;

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<sup>7</sup> Attachment 33.

<sup>8</sup> Attachments 23, 24 and 46 through 51.

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.

## VII. ANALYSIS

After reviewing all the evidence in this case, particularly the BWC footage, COPA determined that Officers ██████████ and ██████████ transport of ██████████ to Northwestern Hospital was permitted under CPD policy.

CPD Special Order, S04-20-02, *Persons Subject to Involuntary or Voluntary Admission Non-Arrestees*, provides that, "Department members may provide a transport to a person in need of mental treatment with a supervisors approval when a relative or third party is willing to sign the petition and the person consents to being transported." First, the evidence showed that ██████████ father, ██████████ clearly expressed an intent to have ██████████ admitted to the hospital for mental health treatment and that he was willing to complete the required paperwork to do so. Additionally, ██████████ intent was expressed in the presents of a CPD supervisor, Sgt. ██████████. Second, we find that the evidence showed that none of the involved CPD members had any reason to question ██████████ request for ██████████ admittance for mental health treatment. In fact, one of the involved officers had prior similar encounters with ██████████ and both officers only reached their conclusion to transfer ██████████ after a preliminary investigation that involved speaking with both ██████████ and ██████████. Finally, although ██████████ became hysterical, denied being "Crazy," and initially did not want to leave her home, she eventually walked to and then got into the officers' police vehicle without resistance. Therefore, we find that ██████████ consented to her transport.

For these reasons, and because we believe that officers acted in good faith under the direction of their supervisor, we reached a finding of exonerated for allegation 3 against both officers.

As to allegation 1, the incident was in fact recorded by Officers ██████████ and ██████████ BWCs, and that there decisions as to when to activate and de-activate their BWCs were

in substantial compliance with CPD policy.<sup>9</sup> Therefore, COPA reached a finding of exonerated for allegation 1.

Finally, we reached a finding of unfounded for Allegations 2 and 4 against both officers. Although the quality of the reviewed BWC footage suffered at times due to poor lighting conditions, at no time did it appear that [REDACTED] was thrown against a wall, nor did the BWC audio capture [REDACTED] complaining of such an act. Similarly, we find that the BWC footage showed [REDACTED] willfully entering the police car not in response any physical force by the officers.

**VIII. CONCLUSION**

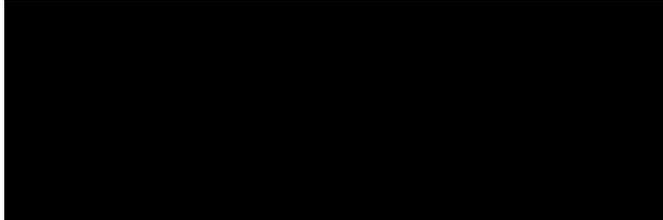
Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	<p>It is alleged that on or about September 22, 2018 at approximately 6:56 p.m., in the vicinity of [REDACTED], Officer [REDACTED] committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Failed to activate your body worn camera in accordance with department directives.</li> <li>2. Threw [REDACTED] against the wall.</li> <li>3. Took [REDACTED] to the hospital and held her there against her will.</li> <li>4. Threw and/or shoved [REDACTED] into the squad car.</li> </ol>	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Officer [REDACTED] [REDACTED]	<p>It is alleged that on or about September 22, 2018 at approximately 6:56 p.m., in the vicinity of [REDACTED], Officer [REDACTED] committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Failed to activate your body worn camera in accordance with department directives.</li> <li>2. Threw [REDACTED] against the wall.</li> </ol>	<p>Exonerated</p> <p>Unfounded</p>

<sup>9</sup> Body Worn Cameras, Special Order S01-14 (Effective April 30, 2018).

- |   |           |
|---|-----------|
| 3. Took [REDACTED] to the hospital and held her there against her will. | Unfounded |
| 4. Threw and/or shoved [REDACTED] into the squad car.                   | Unfounded |

Approved:



*Deputy Chief Administrator – Chief Investigator*

March 28, 2019

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	3
<b>Investigator:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	