

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 4, 2019
Time of Incident:	12:50 p.m.
Location of Incident:	Chicago Police Department (CPD) 1 <sup>st</sup> District Processing Room, 1718 South State Street, Chicago, Illinois
Date of COPA Notification:	March 4, 2019
Time of COPA Notification:	3:42 p.m.

On March 4, 2019, at approximately 12:50 p.m., Beat # [REDACTED], CPD Officers [REDACTED], Star # [REDACTED], and [REDACTED], Star # [REDACTED], were processing arrestee [REDACTED], IR# [REDACTED], re CB# [REDACTED], in the CPD 1<sup>st</sup> District Processing Room located at 1718 South State Street, Chicago, Illinois. While Officers [REDACTED] and [REDACTED] were in close proximity to the arrestee during his initial processing, the arrestee, while handcuffed with one wrist to a secured bar, removed his belt from his trousers and placed the belt around his neck and began tightening it. Officers [REDACTED] and [REDACTED], with the assistance of CPD Sergeant [REDACTED], who was also present at the scene, were able to successfully remove the arrestee's belt from around the arrestee's neck. The arrestee was then subsequently transferred by Beat # [REDACTED] to [REDACTED], [REDACTED], [REDACTED], [REDACTED] for medical treatment and evaluation. The arrestee was subsequently admitted to [REDACTED] for a psychological evaluation at 6:05 p.m. No medical records were able to be obtained from [REDACTED] relative to this incident.

**II. INVOLVED PARTIES**

Accused Officer #1:	[REDACTED], Star # [REDACTED], Employee ID# [REDACTED], Date of Appointment: [REDACTED], 2007, Police Officer, Unit of Assignment: [REDACTED] (District [REDACTED]), DOB: [REDACTED], 1974, Female, Hispanic
Accused Officer #2:	[REDACTED], Star # [REDACTED], Employee ID# [REDACTED], Date of Appointment: [REDACTED], 2005, Police Officer, Unit of Assignment: [REDACTED] (District [REDACTED]), DOB: [REDACTED], 2005, Male, Black

Accused Officer #3: [REDACTED], Star # [REDACTED], Employee ID# [REDACTED], Date of Appointment: [REDACTED], 1988, Sergeant, Unit of Assignment: [REDACTED] (Central Detention Unit), DOB: [REDACTED], 1964, Male, White

Involved Individual #1: [REDACTED], DOB: [REDACTED], Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. On March 4, 2019, at approximately 12:50 p.m., Officer [REDACTED] failed to properly ensure that detainee, [REDACTED], was appropriately restrained to prevent injury, in violation of General Order G06-01-02.	Exonerated
Officer [REDACTED]	1. On March 4, 2019, at approximately 12:50 p.m., Officer [REDACTED] failed to properly ensure that detainee, [REDACTED], was appropriately restrained to prevent injury, in violation of General Order G06-01-02.	Exonerated

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule#10: Inattention to Duty

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**General Orders**

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1. General Order G06-01-02: Department members taking persons into custody from other Department members will be responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury.
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**V. INVESTIGATION<sup>1</sup>****a. Interviews<sup>2</sup>**

In his statement to COPA<sup>3</sup> on November 6, 2019, Officer ██████████ (Star # ██████████) confirmed that he was on duty on March 4, 2019 and that his partner that day was Officer ██████████ (Star # ██████████). ██████████ recalled the incident and that ██████████, whose photograph he identified<sup>4</sup>, had been transported to Processing Room #2 after being arrested at a ██████████ store in Chicago. Prior to being transported to the Central Detention Unit (CDU), ██████████ had been searched and handcuffed. Upon arrival at CDU, ██████████ attempted to escape, while in the parking lot, and remained combative throughout the incident. ██████████ was then transported to Processing Room #2 at CDU by Officers ██████████ and ██████████, who handcuffed one of ██████████ hands to a bar in the processing room. ██████████ other hand remained free. Officer ██████████ then began trying to remove ██████████ belt; however, ██████████ remained combative and Officer ██████████ was unable to remove ██████████ belt. At that time, a sergeant was summoned and the sergeant, whom ██████████ could not identify, told him to let ██████████ calm down and that he should start the paperwork relative to the arrest and transport of ██████████ to CDU. Officers ██████████ and ██████████ then exited the room and ██████████ was left alone in the room. Approximately 1-2 minutes later, Officer ██████████ checked on ██████████ and observed ██████████ with his belt around his neck. Officer ██████████ called for assistance and Officer ██████████ arrived. Once Officer ██████████ got his hand under the belt, which was around ██████████ neck, Officer ██████████ left to summon help. Several officers arrived and the belt was successfully removed from ██████████ neck and ██████████ was secured. Officer ██████████ did not observe any visible injuries to ██████████, who was subsequently transported to a hospital for medical evaluation. Officer ██████████ was then asked to respond to the allegation and Officer ██████████ asked for time to consult with his attorney. After consulting with his attorney during the break, Officer ██████████ denied the allegation.

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

2 Sergeant ██████████ (Star # ██████████) was scheduled for interview at COPA on January 3, 2019; however, COPA was notified by CPD on December 16, 2019 that ██████████ had retired. Attempts to locate and interview ██████████ were negative.

3 ATTACHMENT #78

4 ATTACHMENT #60

In her statement to COPA<sup>5</sup> on November 7, 2019, Officer ██████████ (Star # ██████████) confirmed that she was on duty on March 4, 2019 and that her partner that day was Officer ██████████ (Star # ██████████). Officer ██████████ stated that she recalled the incident and that ██████████ had been transported to the processing room of the CDU after ██████████ had been arrested for retail theft at a ██████████ store located at the intersection of Clark Street and Roosevelt Road in Chicago by herself and her partner. Officer ██████████ stated that prior to being transported to CDU, ██████████ had been searched and handcuffed. Upon arrival at CDU, ██████████ attempted to escape while he was in the Sally Port area and remained combative throughout the incident. ██████████ was then transported to Processing Room #2 by herself and Officer ██████████ and was handcuffed by one wrist to a metal bar. However, when the officers attempted to remove his belt, ██████████ became agitated and continued to be combative. At that time, a sergeant arrived at the room, observed what was happening, and told the officers to let ██████████ calm down and leave him in the processing room. Officer ██████████ understood this to mean for ██████████ and her partner to exit the processing room, leave ██████████ alone in the room to calm down, and for the officers to begin the paperwork associated with ██████████ arrest and transport. Officer ██████████ stated that the sergeant did not direct the officers to stay in the room with ██████████. The paperwork was done outside the confines of the processing room in the computer area.

Officer ██████████ did not recall the name of the sergeant, but stated that he had come from the lock-up area. Officer ██████████ described the sergeant as an older white male, having white hair, having a stocky build and approximately 6'3" in height. Officer ██████████ stated that while she was working at the computer located outside the room, she heard Officer ██████████ call for help from Processing Room #2. This had occurred only a minute or two after the officers had left ██████████ alone in the room. She then immediately went to help her partner, Officer ██████████, who was trying to remove ██████████ belt from around ██████████ neck. Once Officer ██████████ was able to get his hands under the belt, Officer ██████████ left the room to get additional help to secure ██████████. The belt was finally removed from ██████████ neck after additional officers had arrived to help secure ██████████; the sergeant arriving at the end of the event. Officer ██████████ stated that once the belt had been removed from around ██████████ neck, she noticed no injuries to ██████████. A vehicle was then called, and ██████████ was subsequently transported to a medical facility for treatment and evaluation. The allegation was then again read into the record and Officer ██████████ denied the allegation.

#### **b. Digital Evidence**

- CPD District 01 - Cam 17 - Central Detention Processing Area (March 4, 2019).<sup>6</sup> This video shows that ██████████ was not directly supervised in Processing Room #2 for approximately 90 seconds, in which the attempted suicide by hanging took place. This is consistent with the statements of both Officer ██████████ and Officer ██████████. A review of the

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<sup>5</sup> ATTACHMENTS #79 and #80

<sup>6</sup> ATTACHMENT #2

video of the exterior of Processing Room #2 at CPD Central Detention Unit on March 4, 2019, from approximately 12:43 p.m. to 1:12 p.m. shows that detainee, [REDACTED], at 12:43 p.m., is escorted inside of Processing Cell #2 by two (2) officers, [REDACTED] and [REDACTED], along with a sergeant, believed to be Sergeant [REDACTED]. At approximately 12:46 p.m., both officers and the sergeant exit the processing room without [REDACTED]. About 90 seconds later several officers are observed entering the processing room. At approximately 1:09 p.m., [REDACTED] is observed being escorted from the processing room under his own power. [REDACTED] does not appear to be injured or in distress. Thus, it appears that [REDACTED] was not supervised by CPD personnel in Processing Room #2 for approximately 90 seconds, in which the attempted suicide by hanging took place. This is consistent with the statements of both Officer [REDACTED] and Officer [REDACTED].<sup>7</sup>

- CPD District 01 - Cam 18 - Central Detention Entrance (March 4, 2019)<sup>8</sup>. Reviewed and negative for evidence.
- CPD District 01 - Cam 16 - Central Detention Holding Cell (March 4, 2019)<sup>9</sup>. Reviewed and negative for evidence.
- CPD District 01 - Cam 23 – Central Detention Office Entrance (March 4, 2019)<sup>10</sup>. Reviewed and negative for evidence.

#### c. Physical Evidence

- None

#### d. Documentary Evidence

- CPD Initiation Report dated March 4, 2019, from Sergeant [REDACTED], 1<sup>st</sup> District, to Commander [REDACTED], 1<sup>st</sup> District, detailing the events of March 4, 2019, wherein detainee, [REDACTED], attempted to hang himself while in custody.<sup>11</sup>
- CPD Arrest Report for [REDACTED], IR# [REDACTED], CB# [REDACTED], RD# [REDACTED], dated March 4, 2019 (11:28 a.m.)<sup>12</sup>
- CPD Original Case Incident Report (RD# J [REDACTED]) dated March 4, 2019 (11:37 a.m.) for arrestee [REDACTED]<sup>13</sup>
- Illinois Department of Corrections (IDOC) Report of Extraordinary or Unusual Occurrences, dated March 04, 2019, re Arrestee [REDACTED] (RD# [REDACTED]), which confirms the attempted suicide in custody of [REDACTED].<sup>14</sup>
- E-Mail from Sergeant [REDACTED], CPD Central Detention, advising of retirement of Sergeant [REDACTED]. This relates to why Sergeant [REDACTED] cannot be interviewed as an Accused Officer.<sup>15</sup>

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7 It should be noted that there is no video of the inside of the processing room, and, hence, no video of the attempted suicide of [REDACTED].

8 ATTACHMENT #4

9 ATTACHMENT #6

10 ATTACHMENT #8

11 ATTACHMENT #11

12 ATTACHMENT #9

13 ATTACHMENT #10

14 ATTACHMENT #12

15 ATTACHMENT #86

**e. Additional Evidence**

None

**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;
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**

Based upon the interviews of Officer [REDACTED] and Officer [REDACTED], whose accounts of the incident in question are similar, there is clear and convincing evidence that they were simply following the orders of a superior officer, Sergeant [REDACTED], as both had stated, to leave the detainee, [REDACTED], alone in the processing room in order to *cool down*. [REDACTED] had resisted the removal of his belt, which the officers had attempted to effectuate. Further, since Sergeant [REDACTED] has retired, and has not been interviewed in this matter, allegations against his conduct cannot be pursued.<sup>16</sup> Officer [REDACTED] account of the incident was straightforward and believable, as was Officer [REDACTED] account. Both had stated that [REDACTED] was only left alone for a short period of time, which is corroborated from a review of the video of the exterior of Processing

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<sup>16</sup> ATTACHMENT#86

Room #2. There is clear and convincing evidence that their actions were justified. As a result, they should be **EXONERATED** of the allegations.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. On March 4, 2019, at approximately 12:50 p.m., Officer [REDACTED] failed to properly ensure that detainee, [REDACTED], was appropriately restrained to prevent injury, in violation of General Order G06-01-02.	Exonerated
Officer [REDACTED]	1. On March 4, 2019, at approximately 12:50 p.m., Officer [REDACTED] failed to properly ensure that detainee, [REDACTED], was appropriately restrained to prevent injury, in violation of General Order G06-01-02.	Exonerated

Approved:

[REDACTED SIGNATURE]

2-25-2020

\_\_\_\_\_  
 Angela Hearts-Glass  
 Deputy Chief Administrator

\_\_\_\_\_  
 Date

Appendix A

Assigned Investigative Staff

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<p><b>Squad#:</b></p> <p><b>Investigator:</b> [REDACTED]</p> <p><b>Supervising Investigator:</b> [REDACTED]</p> <p><b>Deputy Chief Administrator:</b> Angela Hearts-Glass</p>	
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