

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 29, 2017
Time of Incident:	11:00 PM
Location of Incident:	██ and 836 West Wellington Avenue (Illinois Masonic Hospital)
Date of COPA Notification:	November 9, 2017
Time of COPA Notification:	2:46 PM

Officer Sergio Martinez (Officer Martinez) and Officer Balkar Singh (Officer Singh) responded to a domestic disturbance call and found the complainant, ██████████ engaged in an argument with his sister, ██████████. The officers escorted ██████████ to the front lobby of the apartment building so she could spend the night at a friend’s house while ██████████ calmed down. ██████████ followed ██████████ and the officers to the front lobby and yelled at the officers to leave the property. The officers went to their police vehicle and ██████████ stood in front of their vehicle and shouted for the officers to kill him. The officers exited their vehicle, handcuffed ██████████ and called for an ambulance to take him to the hospital for a mental health evaluation. The officers assigned to the prisoner transport vehicle brought ██████████ ██████████ to Illinois Masonic Hospital, where he was admitted for a mental health evaluation. ██████████ ██████████ was combative at the hospital and hospital staff administered medication to sedate him. ██████████ tested positive for alcohol and cocaine at the hospital.

**II. INVOLVED PARTIES**

Involved Officer #1:	Sergio Martinez, #9849, Employee ID # ██████████, Police Officer, Assigned to 24 <sup>th</sup> District, DOB: ██████████ 1979, Male, Hispanic
Involved Officer #2:	Balkar Singh, #10901, Employee ID # ██████████ Police Officer, Assigned to 24 <sup>th</sup> District, DOB: ██████████ 1981, Male, Asian/Pacific Islander
Involved Individual #1:	██ 1960, Male, white

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Martinez	1. ██████████ alleged that Officer Martinez beat him about the body.	Unfounded

Officer Singh	1. ██████████ alleged that Officer Singh beat him about the body.	Unfounded
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#### IV. APPLICABLE RULES AND LAWS

##### Rules

1. Rule 8 - Disrespect to or maltreatment of any person, while on or off duty.

##### General Orders

1. General Order 03-02-02 – Force Options (01 January 2016 version)

#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

In a statement with COPA<sup>2</sup>, the complainant ██████████ stated that at the time of the incident, he was getting ready to leave for California the next day when he argued with his sister, ██████████ locked herself in her bedroom and called police due to the argument. Police officers arrived and eventually asked ██████████ to leave the apartment at ██████████ request. ██████████ was unclear about the circumstances that led to him being downstairs. ██████████ stated that he does not recall why officers handcuffed him and put him in a police vehicle to take him to the hospital. ██████████ did state that he may have been resisting arrest but that he wasn't punching anyone. At the hospital, between two and four officers struck ██████████ about the body until the hospital staff gave him medication. ██████████ stated that he had been drinking during the argument and that he also tested positive for cocaine. ██████████ stated that he had bruising as a result of the officers beating him.

In a statement with COPA<sup>3</sup>, ██████████ stated that her brother, ██████████ had barricaded her in her bedroom during an argument. ██████████ called the doorman for her building and asked him to call the police. Police officers arrived and ██████████ was able to exit her bedroom to open the door for them. ██████████ was agitated and had been drinking during the incident. ██████████ told the officers that they did not have a right to be there and that they had to leave. Officers escorted ██████████ to the front of her building so she could leave the premises and stay with a friend. After ██████████ left, officers contacted her to inform her that they were going to take her brother to the hospital for a psychiatric evaluation. ██████████ returned to the scene and officers drove her to Illinois Masonic Hospital. ██████████ did not see officers interact with her brother at the hospital. ██████████ stated that she learned that her brother tested positive for cocaine at the hospital and that he had been diagnosed as having bipolar disorder.

<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.

<sup>2</sup> Attachment 19

<sup>3</sup> Attachment 15

### b. Digital Evidence

In Car Camera evidence does not depict any contact between the complainant and any Chicago Police Department member. In car camera depicts ██████████ in the rear of a police vehicle providing an account of the incident, as well as an account of ██████████ recent behavior, that is consistent with the statement she provided to COPA.<sup>4</sup>

### c. Physical Evidence

Medical Records<sup>5</sup> from Illinois Masonic Hospital indicate that police officers brought ██████████ to the emergency department at Illinois Masonic Hospital. Emergency Department personnel described ██████████ as “labile and irritable” and that he was verbally and physically aggressive with the staff. Hospital personnel placed ██████████ in restraints and sedated him so that he could receive treatment. Emergency Department personnel did not observe any physical injuries to ██████████. Emergency Department personnel diagnosed ██████████ as having a manic episode as a result of having bipolar disorder and was admitted to the psychiatric unit. ██████████ tested positive for cocaine and his blood alcohol content was 145mg/dL.

### d. Documentary Evidence

An Incident Report<sup>6</sup> from the ██████████, which is at the location of incident, indicated that ██████████ demonstrated signs of intoxication when he spoke with the front desk security guard prior to the incident. The security officer, ██████████ stated that they asked ██████████ to leave the lobby after he had been shouting and “causing a scene”. ██████████ called the front desk and asked ██████████ to call police because her brother had barricaded her into her bedroom. ██████████ also asked ██████████ to allow officers to enter the apartment with the spare key that was kept at the front desk. When officers arrived, they went upstairs with another building employee. Approximately 30-45 minutes later, the officers came back downstairs with ██████████. The officers stated that they were not arresting anyone because no one had broken any laws. About 5-10 minutes after that, ██████████ came to the lobby and began yelling at the officers to leave the building. The officers left and got into their vehicle. ██████████ stood in front of the officers’ vehicle and, when they attempted to get him to move, he punched one of the officers. The officers handcuffed ██████████ and assisting units arrived and eventually were able to lift ██████████ into a police wagon to transport him to the hospital. ██████████ accompanied the officers to the hospital.

A Hospitalization Case Report<sup>7</sup> indicates that Officer Singh and Officer Martinez responded to a domestic disturbance and attempted to deescalate the situation by having ██████████ leave for the night. ██████████ followed them to the lobby and began yelling at the

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<sup>4</sup> The accused officers were assigned to the 24<sup>th</sup> District. Body worn cameras were not assigned to officers in the 24<sup>th</sup> District until after this incident occurred. As such, no body worn camera video of the incident exists.

<sup>5</sup> Attachment 29

<sup>6</sup> Attachment 13

<sup>7</sup> Attachment 5

officers. The officers got into their squad car and ██████ stood in front of the vehicle and shouted, "Kill me you motherfuckers, just kill me." The officers exited their vehicle, due to ██████ behavior, and attempted to gain control of him. ██████ pulled away, stiffened his body and screamed at the officers. The officers used emergency handcuffing techniques and brought ██████ into control. Officer Martinez sustained abrasions to his right hand and pain to his left leg and abdomen while trying to control ██████. The officers requested an ambulance, but ██████ became erratic and delusional and officers assigned to Beat 2071R transported ██████ to Illinois Masonic Hospital for a mental evaluation. ██████ petitioned ██████ into Illinois Masonic. ██████ became combative in the hospital with Hospital Public Safety officers and a nurse gave him medication to calm him down.

Officer Martinez and Officer Singh completed Tactical Response Reports<sup>8</sup> in which they described ██████ as an active resister in that he pulled away from the officers. The officers responded with escort holds and emergency handcuffing. The TRR indicate that ██████ was under the influence, hospitalized and that he did not allege any injury.

## 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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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.

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<sup>8</sup> Attachment 9&10

**VII. ANALYSIS**

COPA finds that Allegation #1 against Officer Martinez and Officer Singh, did not occur as stated by [REDACTED]. The statement from the officers, the medical record from Illinois Masonic Hospital, and the contemporaneous Department reports all provide clear and convincing evidence that the misconduct as alleged by [REDACTED] did not occur. [REDACTED] statement is deemed to lack credibility, given his behavior as documented in his medical record, as well as the fact that his blood alcohol content indicated that he was legally intoxicated and that he tested positive for cocaine. Therefore, COPA finds that the allegations against Officer Martinez and Singh, Unfounded.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Martinez	1. [REDACTED] alleged that Officer Martinez beat him about the body.	Unfounded
Officer Singh	1. [REDACTED] alleged that Officer Singh beat him about the body.	Unfounded

Approved:

[REDACTED SIGNATURE]

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 Angela Hearts-Glass  
 Deputy Chief Administrator – Chief Investigator

8-14-2020

\_\_\_\_\_  
 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	6
<b>Investigator:</b>	Daniel Kobel, #67
<b>Supervising Investigator:</b>	Elaine Tarver
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass