

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|--|
| Date of Incident: | January 3, 2020 |
| Time of Incident: | 11:18 AM |
| Location of Incident: | 5200 W Irving Park Rd. Chicago, IL – CTA Bus |
| Date of COPA Notification: | January 9, 2020 |
| Time of COPA Notification: | 10:15 AM |

Officers were requested by Ms. [REDACTED] and alerted by a CTA bus driver silent alarm. Officers that initially arrived were asked by [REDACTED] to arrest the CTA bus driver for discrimination against her many disabilities. Adamant that the bus driver be arrested, [REDACTED] began to experience a panic attack and CFD EMS was requested. [REDACTED] refused medical services from CFD paramedics and demanded to speak to various supervisors. Eventually, [REDACTED] exited the bus and was transported by CPD to her appointment at a local clinic. [REDACTED] contacted the 16th District to initiate a complaint but was told not to call back and the call was terminated.

[REDACTED] accused both Officer Robert Jancevich and Officer Pruszyńska of discriminating against her as a disabled person, which COPA finds those allegations are unfounded. Officer Jancevich was accused of threatening to arrest [REDACTED] which was found by COPA to be exonerated. COPA finds the allegation that Officer Pruszyńska acted unprofessionally towards [REDACTED] is not sustained. Officer Jancevich was accused of failing to provide his name, rank and star number to [REDACTED] upon request which COPA finds to be unfounded. Officer Michael Gadzinski's allegation that he refused to take [REDACTED] complaint when she contacted the 16th District is unfounded.

II. INVOLVED PARTIES

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|-------------------------|--|
| Involved Officer #1: | Officer Robert Jancevich / Star # 7446 / Employee ID # [REDACTED] / DOA: 2 Dec 1991 / Unit: 016 / DOB: [REDACTED] 1965 / Male / White |
| Involved Officer #2: | Officer Aneta Pruszyńska / Star # 19231 / Employee ID # [REDACTED] / DOA: 28 Sep 1998 / Unit: 016 / DOB: [REDACTED] 1974 / Female / White |
| Involved Officer #3: | Officer Michael Gadzinski / Star # 15618 / Employee ID # [REDACTED] / DOA: 17 Jan 2017 / Unit: 016 / DOB: [REDACTED] 1983 / Male / Unknown |
| Involved Individual #1: | [REDACTED] / DOB: [REDACTED] 1963 / Female / Hispanic |

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|---------|------------|--------------------------|
|---------|------------|--------------------------|

| | | |
|---------------------------|--|---------------|
| Officer Robert Jancevich | 1. Discriminating against disabled person, [REDACTED] | Unfounded |
| | 2. Threatening to arrest [REDACTED] | Exonerated |
| | 3. Failing to provide name, rank, and star number when requested by a private citizen. | Unfounded |
| Officer Aneta Pruszyńska | 1. Discriminating against disabled person, [REDACTED] | Unfounded |
| | 2. Acting unprofessionally towards [REDACTED] | Not Sustained |
| Officer Michael Gadzinski | 1. Refused to take a complaint from [REDACTED] | Unfounded |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6 – Disobedience of an order or directive, whether written or oral.
2. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
3. Rule 37 – Failure of a member to provide, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

General Orders

1. G02-01 Human Rights and Human Resources: IV. Individual Rights and The Law. E. – effective 5 Oct 2017
2. G01-01 Vision, Mission Statement, and Core Values: IV. Core Values. A. 1. – effective 21 May 2019
3. G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct: II. Responsibilities. B. 1. – effective 04 May 2019

V. INVESTIGATION¹

a. Interviews

COPA interviewed Marmol on January 9, 2020.² [REDACTED] explained that the entire incident began when a CTA bus driver continuously ignored her request to lower the wheelchair ramp so that she may more easily enter the bus. The ramp was lowered and when she got on the bus, the driver asked her to be seated. [REDACTED] refused to sit on the bus as she has OCD and an argument ensued. The CTA bus driver activated the silent alarm and [REDACTED] called 911. When CPD Officers Kelly, Ramirez, and Pruszyńska

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 Att. 7

arrived, [REDACTED] was actively having a panic attack. [REDACTED] fainted and was helped up by Officer Kelly and arriving CFD paramedics which were previously called by Officer Kelly. [REDACTED] refused transportation to a hospital and demanded to speak with a CTA supervisor about the bus driver's conduct. [REDACTED] wanted the bus driver arrested for discrimination against a person with disabilities.

While [REDACTED] waited for a CTA supervisor to arrive, Officer Jancevich and Officer Gonzalez arrived and Officers Ramirez and Kelly left the scene. Officer Pruszyńska remained at the scene. After [REDACTED] briefly spoke with the CTA supervisor, Officer Jancevich threatened [REDACTED] with arrest if she did not exit the bus. [REDACTED] began to exit the bus slowly and informed Officer Jancevich that she had PTSD. Officer Jancevich replied that "that shit is old, everyone uses that as an excuse".³ [REDACTED] accused Officer Pruszyńska of acting unprofessionally when in response to [REDACTED] statement that she had PTSD, Officer Pruszyńska replied "yeah, whatever, you have PTSD".⁴ Eventually, [REDACTED] exited the bus and accepted an offer to be driven to her clinic a short distance away. Officer Jancevich and Officer Gonzalez followed Officer Pruszyńska and brought [REDACTED] a wheelchair from the clinic upon their arrival. The three officers departed, leaving [REDACTED] in the lobby of the clinic. [REDACTED] believed that the three officers treated her nicely after she informed them that 16th District Lt. Garrido was a close friend. [REDACTED] alleged that when she called the 016th District to make a complaint, an Officer Gadzinski told her not to call again and hung up on her.

b. Digital Evidence

BWC for Officer Joseph Kelly was reviewed.⁵ The recorded footage captures the initial CPD response to the argument between [REDACTED] and the CTA bus driver. Officer Kelly requests an ambulance for [REDACTED] after becoming aware she was having a panic attack. Officer Kelly assists in picking up [REDACTED] after she fainted and fell to the ground. Officer Kelly assists with relocating bus passengers to another bus. Officer Kelly departs after Officers Jancevich, Gonzalez, and Pruszyńska take control of the scene.

BWC for Officer Joseph Ramirez was reviewed.⁶ Officer Ramirez's recorded footage captures a similar scene as Officer Kelly's BWC had. Officer Ramirez was Officer Kelly's partner when they arrived as the initial CPD response. Officer Ramirez briefly interacts with [REDACTED] to establish what the issue is. Before the CFD paramedics clear the scene, Officer Ramirez asks [REDACTED] several times whether she wants to go to the hospital which she refuses. Officer Ramirez assists with relocating passengers to another bus and departs with Officer Kelly.

BWC for Officer Pruszyńska was reviewed.⁷ Officer Pruszyńska's recorded footage captures her arriving shortly after Officer Kelly and Officer Ramirez began speaking with [REDACTED]. Officer Pruszyńska's BWC captures [REDACTED] fainting and Officer Kelly and an unknown CFD paramedic assisting her to her feet. [REDACTED] refuses transport to the hospital and wants to press charges against the CTA bus driver because he "treated me like shit".⁸ When a CTA supervisor arrives to speak with [REDACTED], she is heard speaking on her phone requesting WGN News respond to her location. Officer Pruszyńska gets [REDACTED] attention to speak with the CTA supervisor when she states that she has PTSD. While [REDACTED] is stating that she has PTSD, Officer Pruszyńska acknowledges "you have PTSD, I understand".⁹ [REDACTED] asks the CTA supervisor's information, the supervisor is then instructed to step away and stop engaging

³ Att. 7 at 38:35

⁴ Att. 7 at 52:32

⁵ Att. 1

⁶ Att. 3

⁷ Att. 4

⁸ Att. 4 at 11:42:22 AM

⁹ Att. 4 at 11:53:42 AM

with [REDACTED]. Officer Jancevich warns [REDACTED] is instructed to exit the bus and Officer Jancevich informs her that his next action would be to arrest her if she does not. [REDACTED] accuses Officer Jancevich of discrimination for threatening to arrest her. Officer Jancevich requests a sergeant to respond as [REDACTED] continues to accuse him of discrimination. Officer Jancevich responds that "I am tired of hearing your discrimination shit. That word is annoying at this point".¹⁰ Officer Pruszyńska goes to the back of the bus and speaks with the CTA driver about how the incident began. Officer Pruszyńska returns to the front entrance of the bus where Officer Jancevich asks her to take [REDACTED] to her clinic down the street.

Officer Pruszyńska transports [REDACTED] in her vehicle to her clinic with Officers Jancevich and Gonzalez following behind in their squadrol. The three officers drop [REDACTED] off with the clinic staff in the lobby and conclude the event.

BWC for Officer Jancevich was reviewed.¹¹ Officer Jancevich arrives on scene with his partner Officer Gonzalez and is briefed about the situation by Officer Pruszyńska. Officer Jancevich's recorded video captures [REDACTED] interaction with the CTA supervisor and his subsequent request for [REDACTED] to get off the bus. Officer Jancevich tells [REDACTED] that she cannot delay or stay on the bus any longer. [REDACTED] refuses and Officer Jancevich tells her that he is "about seconds away from putting you in cuffs".¹² Officer Jancevich is repeatedly accused by [REDACTED] of discrimination for threatening to arrest her. Officer Jancevich requests a sergeant to respond to the scene for further instructions on what to do. [REDACTED] demands that Officer Jancevich call Lt. Garrido which he declines. [REDACTED] begins to state that "this is going to change, discrimination towards -" and is cut off by Officer Jancevich saying "I am tired of hearing your discrimination shit, that word is annoying at this point."¹³ Officer Jancevich tells [REDACTED] that they just want to talk and to have her get off the bus so it can continue on its route. Officer Jancevich offers [REDACTED] a ride to her clinic which she accepts.

[REDACTED] requests Officer Jancevich's name and badge number which he provides.¹⁴ [REDACTED] wants to speak to a sergeant but gets in to Officer Pruszyńska's backseat before one arrives. As Officer Jancevich and Officer Gonzalez return to their squadrol to follow Officer Pruszyńska, Sergeant Philip Banaszkiewicz arrives. Officer Jancevich approaches the Sergeant's window and explains that he does not want [REDACTED] to see a white shirt because she will make complaints about everyone. Officer Jancevich explains that [REDACTED] "is not all there"¹⁵ and that they are dropping her off at a clinic down the street. All three officers assist with getting [REDACTED] into the clinic lobby and Officer Jancevich ends the event.

BWC for Sergeant Banaszkiewicz was reviewed.¹⁶ Sgt. Banaszkiewicz's BWC records his arrival at the scene and the brief conversation he has with Officer Jancevich about [REDACTED]. Sgt. Banaszkiewicz believes that he is familiar with [REDACTED] and determines the best course of action is for the Officers to transport [REDACTED] to her clinic.

BWC for Officer Gonzalez was reviewed.¹⁷ Recorded video is very similar to Officer Jancevich's BWC footage but from Officer Gonzalez's point of view. Officer Gonzalez does inform [REDACTED] that she is being recorded and points to his BWC.

¹⁰ Att. 4 from 11:26:55 to 11:57:02 AM

¹¹ Att. 5

¹² Att. 5 at 11:53:26 AM

¹³ Att. 5 from 11:54:57 to 11:55:06 AM

¹⁴ Att. 5 at 11:56:30 AM

¹⁵ Att. 5 at 12:02:50 PM

¹⁶ Att. 2

¹⁷ Att. 6

c. Documentary Evidence

An Attendance and Assignment sheet were reviewed for the incident date.¹⁸ It should be noted that accused Officer Michael Gadzinski was not on duty during the incident and was coded ("80") as being on his regular day off.

An OEMC Event Query Report was reviewed.¹⁹ EMS was requested by CPD 1663D for a female having a panic attack and CFD Ambulance 47 was dispatched to the scene.

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

COPA finds the allegation that Officer Jancevich and Officer Pruszynska discriminated against disabled person, [REDACTED], are unfounded. Rule 6 prohibits the disobedience of an order or directive, whether written or oral. The "Illinois Human Rights Act secures for all individuals within Illinois the freedom from discrimination because of his or her... physical or mental disability". [REDACTED] alleged that Officer Jancevich and Officer Pruszynska discriminated against her physical and mental disabilities during their interaction. BWC footage recorded the entirety of the officers' interaction with [REDACTED] and does not depict any form of discrimination against [REDACTED] by the officers. BWC footage records [REDACTED] repeatedly claim she is

¹⁸ Att. 18

¹⁹ Att. 16

being subjected to discriminatory actions by the CTA and its driver, further demanding the bus driver be arrested. While Officer Jancevich could have remained a little more patient with [REDACTED], none his actions or statements expressed any discrimination toward her. In fact, the officer offered to drive her to her clinic. COPA finds the allegation that Officer Jancevich and Officer Pruszyńska discriminated against disabled person, [REDACTED], is therefore **UNFOUNDED**.

COPA finds the allegation that Officer Jancevich threatened to arrest [REDACTED] is exonerated. Rule 9 prohibits members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Officer Jancevich sternly advised [REDACTED] of her options which were to go to the hospital via CFD ambulance or she would be placed in handcuffs, referring to her possible arrest. Officer Jancevich at that moment had justification to arrest [REDACTED] for trespassing on the CTA bus or allow her to be placed into the medical care of CFD for transport to a hospital. Officer Jancevich's stern tone of informing [REDACTED] of her options at that moment may have been unpleasant to hear but was consistent with his duties as a police officer under the circumstances. Officer Jancevich was within policy when he sternly advised [REDACTED] of the two outcomes that he believed to be remedies to the situation at that moment. COPA finds the allegation that Officer Jancevich threatened to arrest [REDACTED], is therefore **EXONERATED**.

COPA finds the allegation that Officer Jancevich failed to provide name, rank, and star number when requested by a private citizen ([REDACTED]), is unfounded. Rule 37 is violated when there is failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen. BWC records [REDACTED] taking notes of requested information from responding CPD officers and the CTA supervisor. Upon request from [REDACTED], Officer Jancevich provides the requested information verbally and displays his uniform as [REDACTED] takes notes. Officer Jancevich is asked again by [REDACTED] for his information a short time later but is not as accommodating as it appears to unjustifiably prolong the event. Officer Jancevich reasonably responds to [REDACTED] request for his information and does not intentionally prevent her from documenting his information. COPA finds the allegation that Officer Jancevich failed to provide name, rank, and star number when requested by a private citizen ([REDACTED]), is therefore **UNFOUNDED**.

COPA finds the allegation that Officer Pruszyńska acted unprofessionally towards [REDACTED], is not sustained. Members are required to conduct themselves in a manner consistent with professional standards for performance, both on duty and off duty. BWC footage records [REDACTED] repeatedly referencing her many disabilities to the officers as they attempt to conclude the event. BWC footage records [REDACTED] informing Officer Pruszyńska of her disabilities again and the officer responds by acknowledging to [REDACTED] that she is aware of her disabilities. Though Officer Pruszyńska's response may be interpreted by [REDACTED] as unprofessional or rude, COPA interpreted the response as disinterested when considering the totality of the circumstances. A disinterested response on Officer Pruszyńska's part, of her otherwise tolerant disposition, does not constitute a violation of professionalism. COPA finds the allegation that Officer Pruszyńska acted unprofessionally towards [REDACTED], is therefore **NOT SUSTAINED**.

COPA finds the allegation that Officer Gadzinski refused to take a complaint from [REDACTED], is unfounded. Rule 6 prohibits the disobedience of an order or directive, whether written or oral. When an allegation of misconduct is received by a non-supervisory member, the member will immediately notify a supervisory member and prepare a written report to his or her unit commanding officer before reporting off duty on the day the member becomes aware of the misconduct containing the information received, observations made, and any action taken. [REDACTED] specifically named Officer Gadzinski as the Department member she spoke to when she called the 16th District to make a complaint. Review of attendance records indicate that Officer Gadzinski was on his regular day off and was not on duty when [REDACTED] allegedly call the 16th District. Officer Gadzinski could not have initiated the intake of [REDACTED] complaint because he was not on duty January 3, 2020. Finally, COPA has no evidence, other than the statement of [REDACTED], to

corroborate [REDACTED] called to complain on January 3, 2020 or another day. Therefore, with respect to Officer Gadzinski, COPA finds the allegation **UNFOUNDED**.

VIII. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|---------------------------|--|--------------------------|
| Officer Robert Jancevich | 1. Discriminating against disabled person, [REDACTED]. | Unfounded |
| | 2. Threatening to arrest [REDACTED] | Exonerated |
| | 3. Failing to provide name, rank, and star number when requested by a private citizen. | Unfounded |
| Officer Aneta Pruszyńska | 1. Discriminating against disabled person, [REDACTED] | Unfounded |
| | 2. Acting unprofessionally towards [REDACTED] | Not Sustained |
| Officer Michael Gadzinski | 1. Refused to take a complaint from [REDACTED] | Unfounded |

App [REDACTED]

James Murphy-Aguilu
Deputy Chief Administrator – Chief Investigator

10/23/20
Date

Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|---------------------|
| Squad#: | 2 |
| Investigator: | [REDACTED] |
| Supervising Investigator: | [REDACTED] |
| Deputy Chief Administrator: | James Murphy-Aguilu |