

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	June 17, 2018
Time of Incident:	10:30 pm
Location of Incident:	██████████
Date of COPA Notification:	November 13, 2018
Time of COPA Notification:	5:43 pm

On June 17, 2018, complainant ██████████ became involved in an alleged domestic dispute with ██████████ after a day at the beach and dinner. It was reported that Ms. ██████████ intoxicated when she and Mr. ██████████ got into a verbal altercation. During the altercation Ms. ██████████ called another man, later described as her boyfriend and a police officer, at which time things became heated.

According to Mr. ██████████, Ms. ██████████ attempted to hit him. When Mr. ██████████ put his hand up to block her, Ms. ██████████ dropped her cell phone, which is when the screen cracked. Ms. ██████████, on the other hand, reported that Mr. ██████████ pushed her to the ground and threw her iPhone, causing the damage. The police were called, Ms. ██████████ signed a complaint, and Mr. ██████████ was arrested.

On November 13, 2018, Mr. ██████████ filed a complaint with COPA during which he alleged, among other things, that he was falsely arrested, and that his diabetes medical equipment was taken from him in error.

**II. INVOLVED PARTIES**

Involved Officer #1:	Frank Beltran, star # 12127, employee ID# ██████████, Date of Appointment January 23, 2006, PO, Unit of Assignment 20th, DOB ██████████ 1976, Male, Hispanic.
Involved Officer #2:	Rocio Salgado, star # 17337, employee ID#, Date of Appointment, rank, Unit of Assignment, DOB, Female, Hispanic.
Involved Sergeant #1:	Timothy Karpriel, star # 1357, employee ID# ██████████, Date of Appointment March 18, 1996, Sergeant, Unit of Assignment 20th, DOB ██████████, 1971, Male, White.
Involved Detention Aid #1:	Kenneth Felker, employee ID# ██████████, Date of Appointment, May 1, 1995, Detention Aid, Unit of Assignment 20th, DOB ██████████, 1965, Male, Black.
Involved Individual #1:	██████████, DOB ██████████, 1975, Male, White.
Involved Individual #2:	██████████ DOB ██████████, 1985, Female, White.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Frank Beltran	<p>1. It is alleged that on June 17, 2018, at or near [REDACTED], Officer Frank Beltran arrested [REDACTED] without justification in violation of Rule 2, The Fourth Amendment to the United States Constitution, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Frank Beltran confiscated [REDACTED]'s cell phone monitor and an insulin pump device in violation of Rule 2, S06-01-02 (III-IV), and S07-01-01.</p> <p>3. It is alleged that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Frank Beltran refused to allow [REDACTED] to speak with a Station Supervisor related to his medical device and his cell phone in violation of Rule 2.</p>	<p>EXONERATED</p> <p>EXONERATED</p> <p>UNFOUNDED</p>
Officer Rocio Salgado	<p>1. It is alleged that on June 17, 2018, at or near [REDACTED], Officer Rocio Salgado arrested [REDACTED] without justification in violation of Rule 2, The Fourth Amendment to the United States Constitution, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Rocio Salgado improperly described the complainant, [REDACTED], as [REDACTED]'s girlfriend on the Arrest Report in violation of Rule 2.</p>	<p>EXONERATED</p> <p>EXONERATED</p>
Sergeant Timothy Karpel	<p>1. It is alleged that on June 17, 2018, at or near [REDACTED], Sergeant Timothy Karpel arrested [REDACTED] without justification in violation of Rule 2, The Fourth Amendment to the United</p>	<p>EXONERATED</p>

	<p>States Constitution, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on June 17, 2018, at or near [REDACTED], Sergeant Karpel instructed two officers to arrest Mr. [REDACTED] for Battery and Destruction of Property without justification in violation of Rule 2.</p>	<p>EXONERATED</p>
<p>Detention Aid Kenneth Felker</p>	<p>1. It is alleged that on June 18, 2018, at or near 5400 N. Lincoln Ave., Lock-Up Keeper Kenneth Felker failed to provide [REDACTED] with a mattress when he was detained in a holding cell in violation of Rule 5 and S06-01-02.</p> <p>2. 1. It is alleged that on June 18, 2018, at or near 5400 N. Lincoln Ave., Lock-Up Keeper Kenneth Felker accepted [REDACTED] into lock-up in violation of policy, because lock-up personnel should not accept any arrestee into lockup who has injuries or illnesses that may require hospitalization or the immediate attention of a healthcare professional, in violation of Rule 2.</p>	<p>UNFOUNDED</p> <p>UNFOUNDED</p>

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 5: Failure to perform any duty.

Special Orders

1. S06-01-02 (III-IV): Detention Facilities General Procedures and Responsibilities
2. S07-01-01: Inventorying Arrestees’ Personal Property

Federal Laws

1. The Fourth Amendment to the United States Constitution

State Laws

1. 720 ILCS 5/12-3.2-A-2: Domestic Battery
2. 750 ILCS 60/103-6: Definitions
3. Section 6 of the Illinois Constitution

## INVESTIGATION<sup>1</sup>

### a. Interviews

██████████<sup>2</sup>

Mr. ██████████ appeared for an interview at COPA on, November 14, 2018, accompanied by a service dog. During the interview, he related that shortly before noon, on the date in question, he and Ms. ██████████, whom he met online, went to the beach and then to a restaurant where they ate dinner and drank with friends. Mr. ██████████ said he had little to drink, but Ms. ██████████ drank quite a bit over the entire day, and he described her as drunk. When they were finished, Mr. ██████████ drove Ms. ██████████'s car back to his home and parked it in the parking garage of his building. Once they got into the garage and were pulling up to his space, Ms. ██████████ opened her door and vomited.

Mr. ██████████ and Ms. ██████████ started to go up to his apartment so she could retrieve a bag that she had left there. However, he then told Ms. ██████████ that he did not want to go any further because she was intoxicated, and because she was apparently still involved with a married, Oak Park police officer, whom she had been texting all evening. She did not react, but was stumbling as she tried to walk. He told her she was too drunk to drive, that he was going to drive her out of his parking garage, and then from there she was on her own. Ms. ██████████ became irate and called the ex-boyfriend and had a conversation over the speaker. Ms. ██████████, with the phone in her hand, attempted to hit Mr. ██████████. Mr. ██████████ put his hand up and Ms. ██████████ dropped her phone after her arm hit his arm.<sup>3</sup> Soon after, some of Mr. ██████████'s neighbors came and Mr. ██████████ asked them to call the police. Later, he had picked up the phone off the tile floor, noticed the screen was cracked, and put the phone in the pocket of Ms. ██████████'s purse.

Mr. ██████████ and Ms. ██████████ went back to the foyer of his building and the police came shortly thereafter. Mr. ██████████ spoke with two uniformed, likely Caucasian or Hispanic officers, one male and one female, and explained what happened and how he knew her. The officers told him they were recording with their body worn cameras, and Mr. ██████████ mentioned there were security cameras in the building as well, which the officers declined to review on scene.<sup>4,5</sup> Mr. ██████████ told the officers he wanted them to escort her out of the building and remove her car, then Ms. ██████████ gave the male officer her keys.

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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.

<sup>2</sup> Att. 6.

<sup>3</sup> Att. 6 at 11:05.

<sup>4</sup> Att. 6 at 01:09:40. See footnote 35.

<sup>5</sup> COPA did not obtain the building security camera footage because the content would not have added to the investigation into the allegations made. Mr. ██████████ was arrested based on a signed and sworn complaint, and the charges therein were properly referred to a court of law and its presiding judge. The officers on scene were neither equipped nor required to make any determination of guilt or innocence regarding either party.

Ms. ██████'s ex-boyfriend, described as Hispanic, soon arrived on scene. A sergeant, described as white and obese, also arrived and eventually went into the building. The sergeant never asked Mr. ██████ what happened, but spoke with Ms. ██████ and her ex-boyfriend. The sergeant then came into the building and told Mr. ██████ that he was being arrested for battery and destruction of property.<sup>6</sup> According to Mr. ██████, the sergeant handcuffed him without asking him for his side of the story. Mr. ██████ told the sergeant that he did not hit Ms. ██████ or damage her phone, and the sergeant told him he could tell that to the judge. He also told the sergeant that there were security cameras that recorded the incident.

The first two officers drove Mr. ██████ to the police station in the 20<sup>th</sup> District, where he was put into a holding cell that had a glass door and window. Mr. ██████ had difficulty remembering what happened when he first got to the police station, but he did remember someone, likely by the male officer that transported him to the station, taking his keys, wallet, and other property. Mr. ██████ explained that he was a diabetic and insulin dependent.<sup>7</sup> There were two devices attached to his body to assist in the delivery of insulin. One contained insulin and was activated by a device called a personal diabetes manager. This device and Mr. ██████'s cell phone, which was also necessary for monitoring his glucose level, were taken from him.<sup>8</sup> He told this officer that he was diabetic and needed the devices. Mr. ██████ stated that the officer told him not to worry about it, and that he would talk to a supervisor later.<sup>9</sup> Mr. ██████ asked the same officer multiple times to speak with a supervisor, and was told the supervisor was busy.<sup>10</sup>

An hour or two after his arrest, Mr. ██████ told the officer he was not feeling well and needed to go to the hospital.<sup>11</sup> He was taken to the hospital where he was examined and released. Mr. ██████ was returned to the police station and then transported to bond court at around 6:00 am.

At some point later, there was a discussion with a supervisor about the policy concerning taking a medical device away from an arrestee. He was referred to a Special Order, called something like "processing of people in detention", which could be found on-line. Although Mr. ██████ was unable to find the Special Order, he did say the supervisor told him, for example, if someone was there with crutches, he would not take them.<sup>12</sup> He also claimed that before he was transported to the county jail, a lock-up person told him, with some ambiguity, they should not have taken the medical items away from him, and they actually have orders not to take medical devices.<sup>13</sup> This person also explained that there are two ways to handle personal property, some goes with the arrestee when they go to County Jail, and the rest stays at the station.<sup>14</sup> Shortly before Mr. ██████ was transported to the County Jail, the personal diabetes manager device, but not the cell phone, was returned to him. But, only after the person who returned them spoke to

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<sup>6</sup> Att. 6 at 26:24.

<sup>7</sup> Att. 6 at 25:50.

<sup>8</sup> Att. 6 at 33:20.

<sup>9</sup> Att. 6 at 37:38.

<sup>10</sup> Att. 6 at 38:10.

<sup>11</sup> Att. 6 at 41:05.

<sup>12</sup> Att. 6 at 50:30.

<sup>13</sup> Att. 6 at 53:50 and 01:00:00.

<sup>14</sup> Att. 6 at 01:00:00.

someone else about it first.<sup>15</sup> As it turned out, the cell phone, which was also needed for the medical system to work, was not returned to Mr. [REDACTED] until after his court hearing.<sup>16</sup>

Reference was made to another order which allegedly stated that between 10:00 pm and 6:00 am, you are supposed to be given a pad. He was never given one. However, Mr. [REDACTED] himself expressed this was a petty grievance, that he would not have needed one, and would not have been able to sleep anyway.<sup>17</sup> He admitted he spent most of his time in the hospital, but was in the holding cell for one to two hours before he went to the hospital, and for about one hour when he returned. There was no request for a pad.

Mr. [REDACTED] also claimed that he found a Special Order that said you should not lock someone up who might require hospitalization or immediate care.<sup>18</sup> Based on this he felt he should not have been locked-up. Furthermore, he mentioned that he took issue with Ms. [REDACTED] being described as Mr. [REDACTED]'s girlfriend in police reports because, as he believed, it led to him being charged with domestic battery.<sup>19</sup> This was not his girlfriend, and he had just met her, in person, that day. They had, however, exchanged messages and pictures online before this day. He also divulged that he and Ms. [REDACTED] had a sexual encounter between the time they left the beach and the time they went to the restaurant with friends.<sup>20</sup>

#### **b. Digital Evidence<sup>21</sup>**

##### **BWC Officer Frank Beltran**

When Officer Beltran arrived on the scene, the female victim, now known as Ms. [REDACTED], was sitting in the lobby of a residential building. She was crying and attempting to speak with Officer Salgado. The officer soon located the complainant, Mr. [REDACTED], standing a few yards away. Mr. [REDACTED] told the officer that Ms. [REDACTED] was very drunk, and when he asked her to leave, she refused to do so. Apparently, Ms. [REDACTED] was very intoxicated and vomited in the garage, in her vehicle, and on herself as they first entered the garage. Mr. [REDACTED] said he no longer wanted her there, and just wanted her to leave the building. It was Mr. [REDACTED]'s intention to drive the car, and her, out of the garage, and park it somewhere on the street, after which she was to be left on her own devices.

Apparently, he and Ms. [REDACTED] started talking about a month ago, but met in person just that day.<sup>22</sup> During the time they were together, Mr. [REDACTED] learned that she was dating a man named [REDACTED], who was allegedly an Oak Park police officer. Mr. [REDACTED] overheard phone conversations Ms. [REDACTED] was having with Mr. [REDACTED] over speaker phone. It sounded like Mr. [REDACTED] was married to someone else but dating Ms. [REDACTED].

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<sup>15</sup> Att. 6 at 59:26-01:02:50.

<sup>16</sup> Att. 6 at 01:30:10.

<sup>17</sup> Att. 6 at 55:43.

<sup>18</sup> Att. 6 at 57:50.

<sup>19</sup> Att. 6 at 01:04:46.

<sup>20</sup> Att. 6 at 01:35:15.

<sup>21</sup> Att. 17.

<sup>22</sup> Att. 17 Beltran at 03:00.

The officer commented that based on what was said, Mr. [REDACTED] had some sort of relationship with her. He did not *just meet her* that day. He had taken her out and bought her drinks, she was his guest, and he could see what was going on, in reference to her condition.<sup>23</sup> Mr. [REDACTED] responded that he offered to drive her home, but he did not feel it was safe for her to try to drive out of the garage. Officer Beltran agreed to move the vehicle, and while he and Mr. [REDACTED] were walking to the garage, he made mention that maybe when Mr. [REDACTED] heard Ms. [REDACTED] talking on the phone to her boyfriend, things escalated.<sup>24</sup> When asked about the phone, Mr. [REDACTED] said she had tried to hit him, and when he put his arm up, she dropped it and then fell on the floor.<sup>25</sup> He then grabbed her and lifted her up off the of the floor. He reiterated this same thing to Officer Salgado when he reentered the lobby of the building.

Eventually, the subject of security cameras was discussed. Both Mr. [REDACTED] and Ms. [REDACTED] expressed that the security cameras would support their own version of the facts.<sup>26</sup> Ms. [REDACTED] said Mr. [REDACTED] threw her phone, causing the screen to shatter, and he said he did not. Mr. [REDACTED] said the camera would show that she hit him.

Officer Beltran then walked outside and was told by a white male Sergeant to get a complaint and have Ms. [REDACTED] sign it.<sup>27</sup> Ms. [REDACTED] and a male, likely her boyfriend, started the process of signing the complaint. Ms. [REDACTED] confirmed she wanted Mr. [REDACTED] to go to jail because he pushed her twice, with two hands, and threw her phone.<sup>28</sup> Mr. [REDACTED] was mad that she was texting [REDACTED], her boyfriend. She signed the complaint and refused medical attention.

### **BWC Officer Rocio Salgado**

Officer Salgado entered the building in question and located Ms. [REDACTED], the victim. She was sitting in the lobby crying, but declined an ambulance. Ms. [REDACTED] told the officer that although she went out with Mr. [REDACTED], he was not her boyfriend. The only reason she went out with him was because she was mad at her actual boyfriend, a Chicago Police officer.<sup>29</sup> Mr. [REDACTED] allegedly threw Ms. [REDACTED] onto the ground, then threw and broke her phone.<sup>30</sup> Ms. [REDACTED], who just recently moved to Oak Park, spoke to someone named [REDACTED] on the phone, who apparently was coming to pick her up. She told the officer she had been drinking at a bar, and that Mr. [REDACTED] drove her to the location in question. Ms. [REDACTED] then began to yell that Mr. [REDACTED] was lying to the officer he was speaking to about the incident. Mr. [REDACTED] brought up that the building had cameras and that they caught everything that happened. Ms. [REDACTED] responded that she hoped there were cameras.<sup>31</sup>

Officer Beltran offered to drive her vehicle out of the building parking lot. Ms. [REDACTED] gave the officer her keys and then said she wanted to press charges.<sup>32</sup> Ms. [REDACTED]'s boyfriend

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<sup>23</sup> Att. 17 Beltran at 07:35.

<sup>24</sup> Att. 17 Beltran at 12:45.

<sup>25</sup> Att. 17 Beltran at 14:05.

<sup>26</sup> Att. 17 Beltran at 09:10.

<sup>27</sup> Att. 17 Beltran at 19:25.

<sup>28</sup> Att. 17 Beltran at 20:20.

<sup>29</sup> Att. 17 Salgado at 02:00.

<sup>30</sup> Att. 17 Salgado at 02:25 and 09:00.

<sup>31</sup> Att. 17 Salgado at 06:50.

<sup>32</sup> Att. 17 Salgado at 10:55-11:55 and 15:10.

eventually arrived, at which time she told him Mr. ██████ threw her on the floor in the lobby, took her out to the garage, threw her down again, and then threw her phone, causing it to break.<sup>33</sup> Ms. ██████ and ██████ went outside to speak with a supervisor. Officer Salgado asked Mr. ██████ about the cameras and he told her she would have to call the board to get the video footage, which he believed was kept for seven days.<sup>34</sup>

Officer Salgado asked Mr. ██████ for his side of the story.<sup>35</sup> It was alleged that when Ms. ██████ tried to hit Mr. ██████, he put his arm up to block her, and Ms. ██████, who was intoxicated, fell on the ground. According to Mr. ██████, she tried to hit him as he was talking to Ms. ██████'s boyfriend on *her* phone. Apparently, he was telling the boyfriend that because he was married, what he was doing with Ms. ██████ was inappropriate. At that point, Ms. ██████ tried to hit him, but not punch him as she was fairly weak, and claimed he told her to get away from him as he made an arm gesture that looked like a swing.<sup>36</sup> Because it was hard for her to keep her balance, she fell. He then "pulled her up" and she fell once again when he attempted to take her to her vehicle, which was parked in the garage. He helped her up again, led her to the car, and told her to get into the back seat. He told her she could not drive out of the garage herself because she was too drunk, and that she could do whatever she wanted once he drove her out of the garage. It was also alleged that Ms. ██████ dropped her phone when she fell, which caused it to break.

Mr. ██████'s neighbors were present for at least part of the incident. He asked them to call the police, which they did. Mr. ██████ also mentioned that he needed to check his blood sugar level and possibly get something to eat. The sergeant on the scene said that he would do that at the hospital, and that he was under arrest for pushing Ms. ██████ and breaking her phone.<sup>37</sup> Mr. ██████ was taken to a police vehicle for transport.

### **BWC Sergeant Timothy Karpziel**

At the beginning of this video, Ms. ██████ explained that she was with Mr. ██████ and friends at the beach. At some point Ms. ██████ explained that even though Mr. ██████ was not her boyfriend, and while they were at a bar, he got mad because she was texting ██████ the whole time. Mr. ██████ allegedly pushed her down, and then threw her phone in the lobby of the building in question, and then he pushed her down again in the parking lot in front of the witnesses who called the police. Sergeant Karpziel asked if she wanted him arrested, and she responded yes. She was advised that she would have to sign a complaint. Sergeant Karpziel went and spoke with Officer Beltran, and instructed him to assist Ms. ██████.<sup>38</sup> Sergeant Karpziel went back into the building. The ongoing conversation between Mr. ██████ and Officer Salgado is consistent with Officer Salgado's BWC.

Once Sergeant Karpziel was advised the complaint was signed, he arrested Mr. ██████ for criminal damage and battery. Mr. ██████ explained that he was insulin dependent, and needed to

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<sup>33</sup> Att. 17 Salgado at 14:10-15:30.

<sup>34</sup> Att. 17 Salgado at 20:35. See footnote 6.

<sup>35</sup> Att. 17 Salgado at 17:08-19:52.

<sup>36</sup> Att. 17 Salgado at 21:11-21:52.

<sup>37</sup> Att. 17 Salgado at 22:42-24:13.

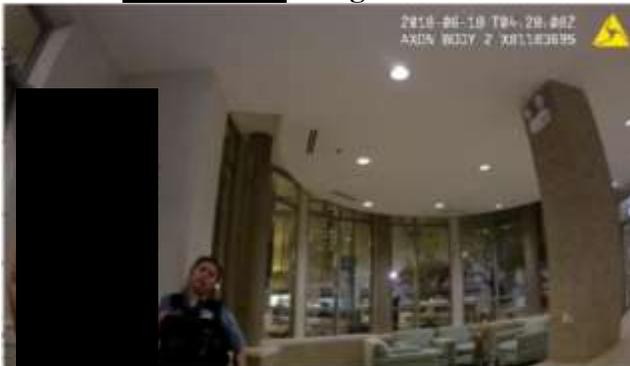
<sup>38</sup> Att. 17 Karpziel at 01:35.

check his levels and possibly eat something. Sergeant Karpel told Mr. [REDACTED] that he would have his insulin taken care of at the hospital.<sup>39</sup>

**Photos of [REDACTED] and Medical Devices (taken at COPA)<sup>40</sup>**



**Photo of [REDACTED]'s Right Arm at scene.**



**Photo of [REDACTED]'s broken phone<sup>41</sup>**



**c. Documentary Evidence**

**Original Case Incident Report<sup>42</sup>**

The Original Case Incident Report, drafted by Officer Frank Beltran, stated that on June 17, 2018 at about 11:00 pm, officers responded to a domestic call at [REDACTED]. The

<sup>39</sup> Att. 17 Karpel at 07:00.

<sup>40</sup> Att. 16.

<sup>41</sup> Att. 24.

<sup>42</sup> Att. 10.

Victim/Complainant, [REDACTED], returned to the address in question from a date with [REDACTED], after having dinner and drinks. Mr. [REDACTED], the offender, got into a verbal altercation with Ms. [REDACTED] and asked her to leave his residence after she vomited. Ms. [REDACTED] reported that Mr. [REDACTED] pushed her, with both hands, which caused her to fall to the ground and her iPhone 7 screen to shatter. Mr. [REDACTED] was taken into custody on signed complaints, and transported to the 20<sup>th</sup> District for processing. Ms. [REDACTED] refused medical attention.

### Arrest Report<sup>43</sup>

[REDACTED] was arrested on June 17, 2018 at approximately 23:30. The charges on this report are Domestic Battery-Physical Contact (720 ILCS 5.0/12-3.2-A.2), and Criminal Damage to Property under \$300 (720 ILCS 5.0/21-1-A-1). Mr. [REDACTED], referred to as the ex-boyfriend, was arrested on signed complaints after a verbal altercation with the victim. It was reported that Mr. [REDACTED] pushed Ms. [REDACTED], the victim, with both hands causing her to fall to the ground. There were no visible injuries on Ms. [REDACTED]. She also stated that Mr. [REDACTED] threw her iPhone 7 onto the ground causing the screen to shatter. The victim refused medical attention according to this report, which was drafted by Officer Salgado.

The arrest report also indicated that Mr. [REDACTED] had serious medical problems, and was taking medication for Diabetes, which was “next due as needed.” Arrestee was taken to the hospital for Diabetes medication, which Mr. [REDACTED] takes through an insulin pump. It was reported that Mr. [REDACTED] claimed to feel unwell at approximately 01:48 on June 18, 2018, at which time he was taken to Swedish Covenant Hospital. He returned to the District 20 Lockup at 05:43, went to his bail hearing, and was released from lockup at 07:14.

### Court Case Summary (Case No. 18DV7369001)<sup>44</sup>

[REDACTED] was charged with Domestic Battery, Physical Contact and Criminal Damage to Property, under \$300. On June 18, 2018 [REDACTED] was appointed a public defender and granted bail after the court found probable cause to detain. On July 2, 2018, both charges were disposed of as Stricken Off-Leave to reinstate when the complaining witness did not appear for court.

### Medical Records<sup>45</sup>

At 01:56 on June 18, 2018, [REDACTED], who had been previously diagnosed with, among other things, Type 1 Diabetes, was admitted into the Swedish Covenant Hospital emergency room. He complained of feeling weak and anxious while in lockup. Mr. [REDACTED] was given a round of tests and examined by hospital staff. The physician instructions were to continue management of his diabetes and return to the emergency department if symptoms worsened. There was no indication that any sort of medication was administered during this visit. Mr. [REDACTED] was discharged into the custody of the CPD on June 18, 2018 at 05:27.

### Inventory Forms<sup>46</sup>

Inv No 14197263-Prisoner Personal Property-Other: Black Colored Omni Pod

Inv No 14197228-Prisoner Personal Property-Other: Brown Color Wallet Containing Misc. Items

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<sup>43</sup> Att. 11.

<sup>44</sup> Att. 21.

<sup>45</sup> Att. 20.

<sup>46</sup> Att. 22.

-Prisoner Personal Property-Other: Black iPhone Cell Phone  
Inv No 14197225-Prisoner Jewelry: White Color Metal Ring with a Copper Color Stripe  
-Prisoner Jewelry: Black iPhone Watch  
All items are marked, "Property Available for Return to Owner"

### OEMC Event Queries<sup>47</sup>

Event # [REDACTED]-on June 17, 2018 at 23:00:45, OEMC received a call from phone number [REDACTED] to report a Domestic Disturbance at the address in question. The caller saw a white male trying to get his girlfriend, a white female, into a car inside a garage building. It was unknown whether a gun or other weapon was present. No further information.

Event # [REDACTED]- on June 17, 2018 at 23:03:22, OEMC received a call from phone number [REDACTED] to report a Domestic Disturbance at the address in question. The caller saw a white male trying to get his girlfriend, a white female, into a car inside a garage building. It was unknown whether a gun or other weapon was present. No further information.

## I. 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.

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<sup>47</sup> Att. 10.

## VII. ANALYSIS

The burden of proof COPA must satisfy to support the findings for the allegations discussed below is clear and convincing evidence.

### Officer Frank Beltran

COPA finds **Allegation #1** against Officer Frank Beltran, that on June 17, 2018, at or near [REDACTED], Officer Frank Beltran arrested [REDACTED] without justification in violation of Rule 2, the Fourth Amendment to the United States Constitution, and Section 6 of the Illinois Constitution, is not supported by the evidence and is **EXONERATED**.

Prosecutions of misdemeanors may be by indictment, information or complaint. 725 ILCS 5/111-2. As defined in the Illinois Compiled Statutes, a “Complaint” is a verified written statement other than an information or an indictment, presented to a court, which charges the commission of an offense. 725 ILCS 5/102-9. A complaint shall be sworn to and signed by the complainant. 725 ILCS 5/111-3(b).

When Sergeant Karpel arrived on the scene, he spoke with Ms. [REDACTED] in the presence of her boyfriend, [REDACTED]. Ms. [REDACTED] gave her account of what happened, which was consistent to that given to Officer Salgado. Sergeant Karpel listened to what she had to say, and asked her if she wanted to press charges, to which she responded in the affirmative.

Sergeant Karpel asked Officer Beltran to locate a complaint form, then have it completed and signed by Ms. [REDACTED] so that the matter could be moved to the court system for adjudication. Once completed, Sergeant Karpel arrested Mr. [REDACTED], in the lobby of the address in question, for battery and criminal damage.

Because there was probable cause to believe a crime may have been committed, as evidenced by the allegations made by both parties and the broken cell phone, the complaint and subsequent arrest of Mr. [REDACTED] was within policy, and Officer Beltran is exonerated regarding this allegation.

COPA finds **Allegation #2** against Officer Frank Beltran, that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Frank Beltran confiscated [REDACTED]’s cell phone monitor and his personal diabetes manager in violation of Rule 2, S06-01-02 (III-IV), and S07-01-01, is not supported by the evidence and is **EXONERATED**.

Arresting/assisting officers will inventory in eTrack all personnel property in possession of the arrestee except, “necessary medical items directly related to the treatment of a medical condition (e.g., slings, bandages, prosthetics) unless there is a risk of safety or security.<sup>48</sup> Arrestees will **NOT** be allowed to keep drugs or medication with them while in custody.<sup>49</sup> District Station Supervisor will ensure arrestees are transported to an approved medical facility in a timely manner in anticipation of the next dosage of prescription medication. S06-01-02 (30 November 2017).

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<sup>48</sup> S07-01-01 (30 November 2017).

<sup>49</sup> S06-01-02 (30 November 2017).

Officer Beltran was correct in collecting, and inventorying Mr. ██████'s cellphone and personal diabetes manager. Although policy stated that necessary medical items directly related to the treatment of a medical condition are not to be confiscated, for example slings, bandages or prosthetics, Mr. ██████'s medical devices were of a different sort. Mr. ██████ used a medical system which consisted of two devices attached to his body, one located on the upper portion of each arm. One device, used along with his cellphone, allowed him to monitor his glucose level. The other, used along with a personal diabetes manager, was used in the delivery of insulin.

The policy of the CPD did not allow for self-dosage of prescription medication, under any circumstances, while in custody, and the return of the medical devices would have allowed for this to happen, possibly creating an unsafe condition. Arrestees are taken to the hospital when they need medication, either upon request or according to a set schedule. During his arrest, Mr. ██████ apprised Sergeant Karpel that he was a diabetic and may need a dose of medication, at which time he was advised, as shown on body worn camera, that any dosage of insulin would be given at the hospital. Mr. ██████ was, in fact, taken to the hospital when he reported feeling weak and anxious. However, there is no indication made in the hospital records obtained that Mr. ██████ was given a dose of insulin, or any other medication, during this visit. Because Officer Beltran did not violate CPD policy, he is Exonerated regarding this allegation.

It must also be mentioned that Mr. ██████ reported that his personal diabetes manager was returned to him by lock-up personnel just before he was transported to the Cook County Courthouse for his bail hearing. They did not return his cell phone, which would have been necessary for him to check his glucose levels. It must also be noted that the photographs taken during his interview at COPA showed Mr. ██████ wearing a small white device attached to each of his upper arms. The larger of the two, being the device attached to his left arm. However, in body worn camera stills, it seemed Mr. ██████ is not wearing a device on his right arm, also making it unlikely he could have used the system while in custody. Lastly, in his COPA interview, it was mentioned that Mr. Gigov has a service animal, which was not present in any of the body worn camera footage, and was in his apartment at the time of the incident, according to Mr. ██████.

COPA finds **Allegation #3** against Officer Frank Beltran, that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Frank Beltran refused to allow ██████ to speak with a Station Supervisor related to his medical device and his cell phone in violation of Rule 2, is not supported by the evidence and is **UNFOUNDED**.

Although Mr. ██████ reported that he asked for a supervisor to speak with him about his medical equipment, he also stated that he was told the supervisor was busy. Based on this, it seemed more likely that instead of some type of refusal, there just wasn't an available supervisor at the time of the request. Furthermore, Mr. ██████ did speak with the Sergeant on the scene who had already explained to him that should he need insulin, he would be taken to the hospital to have it administered. And, lastly, there was no policy that required a supervisor to respond to any and all requests. Therefore, this allegation is Unfounded.

**Officer Rocio Salgado**

COPA finds **Allegation #1** against Officer Rocio Salgado, that on June 17, 2018, at or near [REDACTED], Officer Rocio Salgado arrested [REDACTED] without justification in violation of Rule 2, The Fourth Amendment to the United States Constitution, and Section 6 of the Illinois Constitution, is not supported by the evidence and is **EXONERATED**.

The analysis of this allegation is consistent with that of Allegation #1 for Officer Beltran. Therefore, Officer Beltran is Exonerated regarding this allegation.

COPA finds **Allegation #2** against Officer Rocio Salgado, that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Rocio Salgado improperly described the complainant, [REDACTED], as [REDACTED]'s girlfriend on the Arrest Report in violation of Rule 2, is not supported by the evidence and is **EXONERATED**.

A person commits domestic battery if he or she knowingly without legal justification by any means makes physical contact of an insulting or provoking nature with any family or house hold member. 720 ILCS 5/12-3.2. "Family or household members" include spouses, former spouses, parents, children stepchildren, and other persons...who have or have had a dating or engagement relationship. 750 ILCS 60/103(6). No proceeding to prevent a breach of peace shall be dismissed on account of any informality or insufficiency in the complaint, or any process or proceeding, but the complaint may be amended by order of the court, to conform with the facts of the case. 725 ILCS 5/110A-80. A complaint which charges the commission of an offense in accordance with Section 111-3 of this code shall not be dismissed and may be amended on motion by the State's Attorney or defendant at any time because of formal defects. 725 ILCS 5/111-5.

Officers Beltran and Salgado were dispatched by OEMC to [REDACTED] based on two separate phone calls they received from witnesses who saw a white male trying to get his girlfriend, a white female, into a car, inside a building garage. The call was described as a domestic incident, and it was unknown if a weapon was involved. This description was assigned before Officers Beltran and Salgado were even dispatched to the scene.

Although it is true that BWC footage made it clear, at least to someone who watched it after the incident, that neither Mr. [REDACTED] nor Ms. [REDACTED] considered the other a girlfriend or boyfriend, there was evidence that they had some sort of relationship. Mr. [REDACTED] stated in his interview that he and Ms. [REDACTED] had been talking for about a month, but had only met in person that day, during which they had a sexual encounter.

Based on the totality of the circumstances and the evidence, there was no violation of policy. The Arrest Report which did not, in fact, describe Ms. [REDACTED] as Mr. [REDACTED]'s girlfriend, described Mr. [REDACTED] as Ms. [REDACTED]'s ex-boyfriend. Furthermore, the dispatcher at OEMC could only report on and make judgments with whatever information they were given at the time, which to them, seemed to describe a domestic dispute.

The real issue, however, was that Mr. [REDACTED] was concerned this label caused him to be charged with Domestic Battery. Even if this was true, and the charge of Domestic Battery was inappropriate, the charge could have, and likely would have been amended had the case continued, to read Battery, which is ,a very similar crime under 720 ILCS 5/12-3, only with different players.

This crime, like Domestic Battery, is a class A Misdemeanor. And, it must be understood that the court is the final adjudicator as to which charges are correct, not the police officers or OEMC. For these reasons, Officer Salgado is Exonerated regarding this allegation.

### **Sergeant Timothy Karpziel**

COPA finds **Allegation #1** against Sergeant Timothy Karpziel, that on June 17, 2018, at or near [REDACTED], Sergeant Karpziel arrested [REDACTED] without justification in violation of Rule 2, The Fourth Amendment to the United States Constitution, and Section 6 of the Illinois Constitution, is not supported by the evidence and is **EXONERATED**.

The analysis of this allegation is consistent with that of Allegation #1 for Officer Beltran. Therefore, Sergeant Karpziel is Exonerated regarding this allegation.

COPA finds **Allegation #2** against Sergeant Timothy Karpziel, that on June 17, 2018, at or near [REDACTED], Sergeant Karpziel instructed two officers to arrest Mr. [REDACTED] for Battery and Destruction of property without justification in violation of Rule 2, is not supported by the evidence and is **EXONERATED**.

The analysis of this allegation is consistent with that of Allegation #1 for Officer Beltran. However, it is worthy of mention here that Ms. [REDACTED] believed she was the victim of a crime, and stated, at least twice, during her initial conversation with Officer Salgado, that she wanted to press charges. In order to proceed legally, the complaint needed to be signed. This action moved this matter into the purview of the court system, where the dispute would be heard and adjudicated.

There is no evidence that Sergeant Karpziel made this decision for Ms. [REDACTED], or improperly asked Officer Beltran to expedite the complaint. And, there was enough evidence that a crime may have been committed to justify the sworn complaint. Therefore, Sergeant Karpziel is Exonerated in regard to this allegation.

### **Detention Aid Kenneth Felker**

COPA finds **Allegation #1** against Detention Aid Kenneth Felker, that on June 18, 2018, at or near 5400 N. Lincoln Ave., Lock-Up Keeper Kenneth Felker failed to provide [REDACTED] with a mattress when he was detained in a holding cell in violation of Rule 5 and S06-01-02, is not supported by the evidence and is **UNFOUNDED**.

Lockup personnel will distribute mattress pads to the cells in time for arrestee use between the hours of 22:00 and 06:00. S06-01-02 (37).

Mr. [REDACTED] was arrested at approximately 11:30 in the evening on June 17, 2018, and taken to holding, at District 20, for processing. According to Mr. [REDACTED], he remained in holding until approximately 01:56 on June 18, 2018, which is when he was taken to the hospital to be examined in relation to his diabetes medication. He did not return to District 20 until 05:35, which is when he was received in Lockup, and was then transported to Bond Court at approximately 06:00. He was ultimately released from lockup at 07:14.

According to CPD policy, pads are distributed in lockup, not holding. Mr. [REDACTED] was only in lockup about 30 minutes to an hour, according to his calculations, before he was taken to court. By the time he returned, the time for pads had passed. Furthermore, Mr. [REDACTED] himself stated that he did not need the pad.

Because Mr. [REDACTED] only spent approximately 30 minutes to an hour in lockup before the 06:00 deadline for pads, and because Mr. [REDACTED] admittedly did not suffer any harm because he was not given a pad, there is no actionable violation of CPD policy. Therefore, the allegation is Unfounded.

COPA finds **Allegation #2** against Detention Aid Kenneth Felker, that on June 18, 2018, at or near 5400 N. Lincoln Ave., Lock-Up Keeper Kenneth Felker accepted [REDACTED] into lock-up in violation of policy, because lock-up personnel should not accept any arrestee into lockup who has injuries or illnesses that may require hospitalization or the immediate attention of a healthcare professional, is not supported by the evidence and is **UNFOUNDED**.

At some point after he was released from District 20, Mr. [REDACTED] was referred to S06-01-02, Detention Facilities General Procedures and Responsibilities, to help answer some of his questions regarding his arrest. He told investigators during his COPA interview that based on this policy, he should not have been locked up.

Mr. [REDACTED]'s illness, although serious, did not comport with the intention of S06-01-02 (B)(14), which stated, "Lockup personnel will not accept any arrestee into the lockup who has injuries or illnesses that may require hospitalization or the immediate attention of a healthcare professional." Mr. [REDACTED] did not report any immediate distress when he was first brought to holding, and did not enter lockup until after he had just spent nearly four hours at the hospital being examined, and then released into CPD custody. This suggested he had medical clearance to be placed in lockup. Therefore, this allegation is Unfounded.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding
Officer Frank Beltran	1. It is alleged that on June 17, 2018, at or near [REDACTED], Officer Frank Beltran arrested [REDACTED] without justification in violation of Rule 2, The Fourth Amendment to the United States Constitution, and Section 6 of the Illinois Constitution.	EXONERATED
	2. It is alleged that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Frank Beltran confiscated [REDACTED]'s cell phone monitor and an insulin pump device	EXONERATED

	<p>in violation of Rule 2, S06-01-02 (III-IV), and S07-01-01.</p> <p>3. It is alleged that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Frank Beltran refused to allow [REDACTED] to speak with a Station Supervisor related to his medical device and his cell phone in violation of Rule 2.</p>	UNFOUNDED
Officer Rocio Salgado	<p>1. It is alleged that on June 17, 2018, at or near [REDACTED], Officer Rocio Salgado arrested [REDACTED] without justification in violation of Rule 2, The Fourth Amendment to the United States Constitution, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on June 17, 2018, at or near 5400 N. Lincoln Ave., Officer Rocio Salgado improperly described the complainant, [REDACTED], as [REDACTED]'s girlfriend on the Arrest Report in violation of Rule 2.</p>	<p>EXONERATED</p> <p>EXONERATED</p>
Sergeant Timothy Karpel	<p>1. It is alleged that on June 17, 2018, at or near [REDACTED], Sergeant Timothy Karpel arrested [REDACTED] without justification in violation of Rule 2, The Fourth Amendment to the United States Constitution, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on June 17, 2018, at or near [REDACTED], Sergeant Karpel instructed two officers to arrest Mr. [REDACTED] for Battery and Destruction of property without justification in violation of Rule 2.</p>	<p>EXONERATED</p> <p>EXONERATED</p>
Detention Aid Kenneth Felker	<p>1. It is alleged that on June 18, 2018, at or near 5400 N. Lincoln Ave., Lock-Up Keeper Kenneth Felker failed to provide [REDACTED] with a mattress when he was detained in a holding cell in violation of Rule 5 and S06-01-02.</p>	UNFOUNDED

2. It is alleged that on June 18, 2018, at or near 5400 N. Lincoln Ave., Lock-Up Keeper Kenneth Felker accepted [REDACTED] into lock-up in violation of policy, because lock-up personnel should not accept any arrestee into lockup who has injuries or illnesses that may require hospitalization or the immediate attention of a healthcare professional, in violation of Rule 2. UNFOUNDED

Approved:

[REDACTED]

12-31-2020

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Angela Hearts-Glass  
Deputy Chief Investigator

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	12
<b>Investigator:</b>	Frances Lee
<b>Supervising Investigator:</b>	Andrew Dalkin
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass