

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	June 29, 2020 / 7:38 am / 4346 N. Kimball Avenue
Date/Time of COPA Notification:	June 29, 2020 / 9:32 am
Involved Officer #1:	Arthur Billingsley <sup>1</sup> , Star #6122, Employee ID # [REDACTED], Date of Appointment: December 02, 1991, Rank: Police Officer, Unit of Assignment: 017, DOB: [REDACTED], 1963, Male, Black
Involved Officer #2:	Stephen Findysz, Star #17730, Employee ID # [REDACTED], Date of Appointment: October 13, 1998, Rank: Police Officer, Unit of Assignment: 017, DOB: [REDACTED], 1969, Male, White
Involved Officer #3:	David Lopez, Star #6774, Employee ID # [REDACTED], Date of Appointment: November 29, 2004, Rank: Police Officer, Unit of Assignment: 017, DOB: [REDACTED], 1967, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1975, Female, White
Case Type:	Excessive Force

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Arthur Billingsley	It is alleged by [REDACTED] that on or about June 29, 2020, at approximately 7:38 am, at or near 4346 N. Kimball Avenue, Officer Billingsley Star #6122, committed misconduct through the following acts or omissions, by:  1. using excessive force against [REDACTED] without justification.	<b>EXONERATED</b>
Officer Stephen Findysz	It is alleged by [REDACTED] that on or about June 29, 2020, at approximately 7:38 am, at or near 4346 N. Kimball Avenue, Officer Findysz Star #17730,	

<sup>1</sup> Officer Billingsley retired from the Department effective January 15, 2021. See Attachment #21, PAR form.

	<p>committed misconduct through the following acts or omissions, by:</p> <p>1. using excessive force against [REDACTED] without justification.</p>	<p><b>EXONERATED</b></p>
<p>Officer David Lopez</p>	<p>It is alleged by [REDACTED] that on or about June 29, 2020, at approximately 7:38 am, at or near 4346 N. Kimball Avenue, Officer Lopez Star #6774, committed misconduct through the following acts or omissions, by:</p> <p>1. using excessive force against [REDACTED] without justification.</p>	<p><b>EXONERATED</b></p>

**II. SUMMARY OF EVIDENCE**

On June 29, 2020, at approximately 7:38 am, Chicago Police Department Officers Arthur Billingsley, Stephen Findysz, and David Lopez responded to a call for service involving a disturbance at the 7-11 store located at 4346 N. Kimball Avenue. The caller reported that a white female, now identified as [REDACTED] was opening bottles inside the store and appeared to be suffering from a mental illness. When the officers arrived at the 7-11, the clerk alerted them that [REDACTED] was attempting to exit the store with a hand basket containing items she had not purchased. Officer Findysz took the basket from [REDACTED] as she walked out of the store and [REDACTED] ignored the officer’s verbal commands to come back. The officers then observed [REDACTED] walking along Montrose Avenue and attempted to stop her. [REDACTED] was speaking incoherently and displaying signs of anxiety and possible drug use. She disregarded the officers’ directions and attempted to walk into traffic before Officer Findysz grabbed her arm and redirected her to the sidewalk. Officers Billingsley, Findysz, and Lopez struggled to restrain [REDACTED] who stiffened her body, tried to pull away, and kicked and scratched the officers. Complainant [REDACTED] was driving on Montrose Avenue at the time of the incident and witnessed the commotion on the sidewalk. [REDACTED] filed a web complaint with COPA alleging the officers used excessive force against a civilian.

The **Body Worn Camera (BWC) videos**<sup>2</sup> of Officers Billingsley, Findysz and Lopez capture their interaction with [REDACTED]. At 7:46 am, Officer Findysz enters the 7-11 store and approaches [REDACTED] who walks past him carrying a shopping basket with several items and heads toward the door. Officer Findysz takes the basket from [REDACTED] as she exits the store and walks away, ignoring the officer’s verbal commands to come here. The store clerk then informs Officer Findysz that [REDACTED] shoplifted additional items and displayed a large knife, and Officers Findysz, Billingsley, and Lopez canvass the area looking for her.

At approximately 7:50 am, Officer Findysz locates [REDACTED] walking on the sidewalk and tells her to stop, warning that she could go to jail. [REDACTED] continues walking toward Officer

<sup>2</sup> Attachments #3-5, BWC videos of Officers Billingsley, Findysz and Lopez.

Findysz and mutters an incoherent response. She then attempts to evade the officer's verbal directions by walking into the street and oncoming traffic. Officers Lopez and Findysz each take hold of one of [REDACTED] arms and attempt to restrain her, but they struggle to place her in handcuffs. [REDACTED] turns her body and attempts to pull her arms away from the officers as they implore her to stop fighting. Officer Billingsley holds [REDACTED] from behind by placing his arms around her body, and the officers perform an emergency takedown, gently lowering [REDACTED] onto the sidewalk. As the officers stand over [REDACTED] struggling to handcuff her, the videos show [REDACTED] scratching and kicking at the officers, as well as grabbing Officer Findysz's radio cord. Her speech is incomprehensible, and approximately two minutes after the takedown, the officers radio for an ambulance instead of a wagon.<sup>3</sup>

Throughout the incident, the officers continually try to deescalate the situation by verbally communicating with [REDACTED] speaking to her in a calm tone of voice, and telling her an ambulance is going to take her to a hospital. One of the officers pulls a long knife from [REDACTED] bag and tosses it out of reach as she flails on the ground in handcuffs, and at one point appears to bang her head against the sidewalk. [REDACTED] continues to display signs of behavioral and mental health problems until the ambulance arrives at 7:59 am, and officers place her onto the stretcher.

The **Tactical Response Report (TRR)**<sup>4</sup> completed by Officer Billingsley documents his response to the mental health disturbance at the 7-11 store. Officer Billingsley reports that [REDACTED] disregarded verbal directions, kicked him in the legs and chest, attempted to pull away, and appeared mentally unstable and possibly high on drugs. The TRRs of Officers Findysz and Lopez are similar, noting the need to secure [REDACTED] for the safety of both [REDACTED] and the officers.

The **Department Case Reports (Original Incident Case Report**<sup>5</sup> **and Case Supplementary Report**<sup>6</sup>) classify the incident as a non-criminal/mental health transport. The Original Case Incident Report relates essentially the same narrative of the incident as captured in the officers' BWC videos. Additionally, the report states the officers recovered three butcher knives<sup>7</sup> from [REDACTED] bag, as well as the headphones and sunglasses she shoplifted from the 7-11 store. The officers informed 7-11 of the situation, and the store "agreed not to pursue charges of [REDACTED] (offender) because of her mental condition."<sup>8</sup> Paramedics transported [REDACTED] to Swedish Covenant Hospital for a psychological evaluation, but ETs were not allowed to photograph her because she was heavily sedated and not in police custody. However, the ETs photographed the officers' injuries, including a contusion to Officer Billingsley's left leg and numerous scratches to Officers Findysz's and Lopez's arms.<sup>9</sup>

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<sup>3</sup> See also Attachment #2, OEMC Event Query, which documents that Beat 1722 requested an ambulance for a female psych patient at 7:54 am.

<sup>4</sup> Attachment # 14-16, TRR reports of Officers Billingsley, Findysz and Lopez.

<sup>5</sup> Attachment #18, Original Case Incident Report.

<sup>6</sup> Attachment #1, Case Supplementary Report.

<sup>7</sup> See Attachment #19, Inventory Sheets.

<sup>8</sup> Attachment #18, pg. 4, Original Case Incident Report.

<sup>9</sup> See also Attachment #20, Crime Scene Processing Report, and Attachment #12, Injury on Duty (IOD) Reports.

III. ANALYSIS AND CONCLUSION

The Department’s Use of Force policy prohibits the use of excessive, unwarranted, or unlawful force by a Department member.<sup>10</sup> All uses of force must be objectively reasonable, necessary, and proportional. Department members may not use force against a person who is secured and restrained with handcuffs unless such force is necessary to prevent injury to the member, the restrained individual, or another person.<sup>11</sup> Additionally, if an officer is responding to an incident involving a person in need of mental health treatment, the officer will act in accordance with the directive “Responding to Incidents Involving Persons In Need of Mental Health Treatment.”<sup>12</sup> That order requires officers to assess the situation, isolate and contain the subject, determine if the subject is in possession of a dangerous weapon, and establish weapons control. It further provides that officers must use every possible means to verbally de-escalate the situation before resorting to physical restraints or other force options, listen and speak in a calm and controlled tone of voice, and allow the subject time to process what is being said.<sup>13</sup>

In this case, the complainant alleged that Officers Billingsley, Findysz and Lopez used excessive force without proper justification. After examining the available BWC videos, Department reports, and the complainant’s web complaint, COPA finds the officers’ response to [REDACTED] mental health crisis was proportional to her actions and behavior. The officers’ BWC videos captured [REDACTED] actions as she escalated from a non-compliant active resister to an assailant. [REDACTED] was noncooperative and physically aggressive as she struggled with the responding officers. Her movements to avoid physical control by the officers included attempts to pull away, stiffen her body, and flee. In the course of the incident, [REDACTED] also battered the officers by scratching and kicking them, causing all three officers to sustain injuries.

After careful consideration of all the facts, COPA finds the BWC footage constitutes clear and convincing evidence that the officers’ actions were objectively reasonable, necessary, and proportional under the totality of the circumstances, in order to ensure the safety of [REDACTED] the officers, and the public. Additionally, the officers’ actions were consistent with the procedures established by Department policy. Accordingly, COPA finds their use of force was justified, and the allegation against Officers Billingsley, Findysz and Lopez is **EXONERATED**.

Approved:

[REDACTED]

7/21/2021

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Mathew Haynam  
Deputy Chief Administrator

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Date

<sup>10</sup> Attachment #23, General Order G03-02(III)(B)(5)(a) (effective February 29, 2020 – April 14, 2021).

<sup>11</sup> Attachment #22, General Order G03-02-01(II)(H) (effective February 29, 2020 – April 14, 2021).

<sup>12</sup> Attachment #24, Special Order S04-20-01 (effective December 13, 2016 – present).

<sup>13</sup> *Id.* at (IV)(B).

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	6
<b>Investigator:</b>	Emmily Stokes
<b>Supervising Investigator:</b>	Steffany Hreno
<b>Deputy Chief Administrator:</b>	Matthew Haynam