

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	November 6, 2018.
Time of Incident:	2:50 P.M.
Location of Incident:	1718 S. State St, Chicago, IL 60616.
Date of COPA Notification:	November 6, 2018.
Time of COPA Notification:	7:30 P.M.

On November 6, 2018, an Initiation Report, <sup>2</sup> was written by Sgt. Stanula #1163, regarding the use of excessive force by Detention Aide, John Jointer. Sgt. Stanula, explained, arrestee [REDACTED] was going to harm himself and a cell extraction was performed by Officer Hernandez, Detention Aide Melendez, Detention Aide Jointer and Sgt. Collins. During the extraction Detention Aide Jointer was observed performing multiple non-objective hand strikes on the back of arrestee, [REDACTED]

**II. INVOLVED PARTIES**

Involved Detention Aide #1:	John Jointer, Employee ID# [REDACTED], Date of Appointment: 12/05/2005, DA, Unit of Assignment:166, DOB:[REDACTED]/1975, Male, Black.
Involved Detention Aide #2:	John Melendez, Employee ID# [REDACTED], Date of Appointment:4/2/2012, DA, Unit of Assignment:171, DOB:[REDACTED]/1957, Male, White.
Involved Officer #3:	Mario Hernandez, Star #17949, Employee ID# [REDACTED], Date of Appointment:9/02/1997, DA, Unit of Assignment:171, DOB:[REDACTED]/1956, Male, Hispanic.
Involved Sgt. #4:	Phillip Collins, Star #1111, Employee ID # [REDACTED], Date of Appointment:4/24/1991, Sgt., Unit of Assignment:171, DOB:[REDACTED]/1964, Male, White.

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> Attachment #21.

Involved Lt. #5

Michael Casey, Star #191, Employee # [REDACTED], Date of appointment: 8/01/1994, Lt., Unit of Assignment: 001, DOB: [REDACTED]/1968, Male, White.

Involved Individual #1:

[REDACTED] DOB: [REDACTED]/1984, Male, Black.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Detention Aide John Jointer	<p>It is alleged that Detention Aide John Jointer on or about November 6, 2018, at or near 1718 S. State St at approximately 2:50 P.M. Detention Aide John Jointer committed misconduct by:</p> <p>1. Forcefully struck [REDACTED] on his back with his hand multiple times without lawful justification.</p>	<b>Exonerated.</b>

**IV. APPLICABLE RULES AND LAWS**

Rules

- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 8:** Disrespect or maltreatment of any person, while on or off duty.

**V. INVESTIGATION<sup>3</sup>**

**a. Interviews**

On February 4<sup>th</sup>, 2019, **Detention Aide, John Melendez**,<sup>4</sup> gave COPA an audio recorded interview as a witness. In the interview, he related he performed a cell check and realized the camera in cell #15, where [REDACTED] was being held, was blocked out by a tissue. He

<sup>3</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

<sup>4</sup> Attachment #7.

informed Sgt. Collins and continued with his other work tasks. Shortly after, he heard the arrestee, ██████ yell, "I am going to kill myself."<sup>5</sup> He again, let Sgt. Collins know what ██████ had just said. Sgt. Collins told him to move ██████ out of his cell and put him in a padded room. Detention Aide Jointer and Officer Hernandez both helped with the cell extraction. Once they approached ██████ cell, ██████ said, "If you guys come in here, we will be fighting."<sup>6</sup> ██████ was standing on a bench in the room, and they told him to come down. ██████ swatted Officer Hernandez's hand away. They conducted an emergency take down to control him. When he gained control of ██████ and looked up, he observed Detention Aide Jointer hit ██████ twice on the back.<sup>7</sup> They all carried ██████ out of the room and walked to place him in another padded cell. During the interview he stated this is the first time he observed Jointer swing and hit someone during the three years he and Jointer have worked together.<sup>8</sup>

On February 4<sup>th</sup>, 2019, **Officer Mario Hernandez**,<sup>9</sup> gave COPA an audio recorded interview as a witness. In the interview he related the same information as Detention Aide Melendez and added he was in the control booth when Detention Aide Jointer and his Sergeant told him that the person in the cell wanted to harm himself, so they were going to move him to a padded cell. As they approached the cell, ██████ was standing on the bench in the cell. They walked in and tried to control ██████ but with force he swiped his hand away. At that point all three of them conducted an emergency take down to gain control of him. He said, "I observed some strikes, yes, in the cell when we were gaining control and I could not see if it was open fist or closed fist. I saw a couple not more than four."<sup>10</sup>

On February 4, 2019, **Sgt. Phillip Collins**,<sup>11</sup> gave COPA an audio recorded interview as a witness. In the interview he related the same information as Detention Aide Melendez and Officer Hernandez and added he was the watch coordinator for the watch at the time. Arrestee ██████ said he wanted to harm himself, so they were going to move him to another cell. During the cell extraction, he heard a lot of commands such as; "give up your hands" and "stop" in a loud voice, to gain control of ██████. He stated, "I did observe Detention Aide Jointer deliver one or two strikes on the back of the subject for him to release his arms. I do recall seeing the arrestee kind of tucked in and holding his arms to his chest, preventing my officer and Detention Aide from getting a hold of him."<sup>12</sup> He helped get one arm free from the arrestee to gain control of the subject. They gained control of him and moved him to another cell and removed his shoes while he was still fighting. He stated he was an "active resister" before and after they got him in the padded cell. When he was in the padded cell, he was kicking on the cell door and still yelling. ██████ was sent to the hospital and returned back to the lock up early in the morning the next day.

On September 1<sup>st</sup>, 2021, **Accused Detention Aide, John Jointer**,<sup>13</sup> gave COPA an audio recorded interview. In the interview he related he did not recall the incident. Once he reviewed the

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<sup>5</sup> Attachment #7 at 4:50.

<sup>6</sup> Attachment #7 at 5:30.

<sup>7</sup> Attachment #7 at 7:00.

<sup>8</sup> Attachment #7 at 11:30.

<sup>9</sup> Attachment #6.

<sup>10</sup> Attachment #6 at 7:30.

<sup>11</sup> Attachment #5.

<sup>12</sup> Attachment #5 at 12:05.

<sup>13</sup> Attachment #19.

TRR he wrote, he stated in summary, that ██████████ said he was going to kill himself, Detention Aide Melendez, Officer Hernandez, Sgt. Collins, and himself performed a cell extraction of ██████████ swung at Officer Hernandez and became an active resister. They were trying to get a hold of ██████████ he was kicking, flailing, tensing his arms up and not releasing his arms. He performed several open hand strikes to ██████████ back until he released his arm. They all moved him to another cell by carrying him. He stated when ██████████ was tensing his arms, he was an “active resister.” When he was asked if he thought his use of force was within Department rules and regulations, he stated, “I think they were in that and I think they were necessary according to my narrative and what was happening at that time. Again, according to my narrative.”<sup>14</sup>

COPA tried to interview **Lt. Michael Casey #191**, as a witness to this incident since he made the decision to make Detention Aide John Jinters TRR not in compliance. However, since this incident Lt. Casey has resigned from CPD. His resignation date was on February 15, 2020.<sup>15</sup>

### **b. Digital Evidence**

The **POD video's**,<sup>16</sup> capture Detention Aide Jinter, Detention Aide Melendez, Officer Hernandez, and Sgt. Collins walking up to cell #15 to move the arrestee to another cell for the cell extraction. They all go into the cell, out of view of the camera. All four of them walk out of the cell and are carrying arrestee ██████████ by holding his arms and legs. They all walked to another cell and put the arrestee in the other cell.

### **c. Documentary Evidence**

The **Initiation Report**, written by Sgt. Stanula,<sup>17</sup> details the excessive force that Detention Aide John Jinter performed when he made multiple non-objective hand strikes to the back of arrestee ██████████

The **Tactical Response Report (TRR)**, of Detention Aide Jinter,<sup>18</sup> that is not in compliance, explains when trying to extract arrestee ██████████ out of the cell, he refused to get down and swung at Police Officer Hernandez with a closed fist. At that point all three of them; Detention Aide Jinter, Police Officer Hernandez, and Detention Aide Melendez performed an emergency take down. ██████████ continued to kick and flail his arms. He did not release his arms and, at that point, Detention Aide John Jinter performed several open hand strikes to ██████████ back to make him release his arms. ██████████ was carried to another cell. Lt. Casey marked Jinter's TRR as not in compliance as seen in the comments section he stated, he observed on surveillance Detention Aide John Jinter using hand strikes in a matter not needed which needed further review.

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<sup>14</sup> Attachment #19 at 18:00.

<sup>15</sup> See ICP notes.

<sup>16</sup> Attachment #8.

<sup>17</sup> Attachment #21.

<sup>18</sup> Attachment #24.

The **TRRs** of Officer Hernandez<sup>19</sup> and Detention Aide Melendez,<sup>20</sup> which are in compliance due to the emergency take down that was performed on arrestee [REDACTED]

The **Notification of Compliant Form**, for Detention Aide John Jinter,<sup>21</sup> was sent on November 08, 2018.

## 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.

## VII. ANALYSIS

1. *Detention Aide John Jinter forcefully struck [REDACTED] on his back with his hand multiple times without lawful justification.*

The Department's highest priority is the sanctity of human life. The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability,

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<sup>19</sup> Attachment #13.

<sup>20</sup> Attachment #14.

<sup>21</sup> Attachment #19.

national origin, ancestry, sexual orientation, marital status, parental status, military status, immigration status, homeless status, source of income, credit history, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>22</sup>

Detention Aide John Jointer stated in his COPA interview that he did strike Mr. [REDACTED] on the back multiple times with an open hand because he was an active resister at the time. He performed those open hand strikes to have [REDACTED] release his arms since he was tensing them. In the witness interviews; Detention Aide Melendez, Officer Hernandez, and Sgt. Collins, all stated they observed Detention Aide Jointer hit arrestee [REDACTED] multiple times with his hand and all concluded that [REDACTED] was an active resister by not letting Detention Aide John Jointer get control of his arm that he was tensing. The allegation occurred but was proper due to [REDACTED] actions since he was being an active resister. [REDACTED] action, by actively resisting, lead to the open hand strikes to be in Department rules and regulations. Which concludes, the allegation that Detention Aide John Jointer forcefully struck [REDACTED] on his back with his hand multiple times without lawful justification to be **EXONERATED**.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Detention Aide John Jointer	It is alleged that Detention Aide John Jointer on or about November 6, 2018, at or near 1718 S. State St at approximately 2:50 P.M. Detention Aide John Jointer committed misconduct by:  1. Forcefully struck [REDACTED] on his back with his hand multiple times without lawful justification.	<b>Exonerated.</b>

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<sup>22</sup> G03-02 DE-ESCALATION, RESPONSE TO RESISTANCE, AND USE OF FORCE- 11- Department Policy, A- Sanctity of human life.

Approved:



1-27-2022

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Angela Hearts-Glass  
*Deputy Chief Investigator*

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Date