

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	December 18, 2020 / 9:20 p.m. / ██████████ ██████████, Chicago, IL 60661.
Date/Time of COPA Notification:	December 20, 2020 / 11:50 a.m.
Involved Sergeant #1:	Sergeant Timothy Gilliland, Star #1895, Employee ID# ██████████, DOA: January 24, 2000, Unit: 012, Male, White.
Involved Officer #1:	Officer Michael Muldoon, Star #17658, Employee ID# ██████████, DOA: September 05, 1995, Unit: 012, Male, White.
Involved Officer #2:	Officer Muhammad Rasool, Star #18165, Employee ID# ██████████, DOA: July 16, 2019, Unit: 002, Male, Asian.
Involved Individual #1:	██████████, Female, White.
Case Type:	05A – Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Gilliland and Officers Muldoon and Rasool	1. Using excessive force when detaining ██████████, without justification. 2. Detaining ██████████, without justification.	Exonerated. Exonerated.

II. SUMMARY OF EVIDENCE

On December 18, 2020, Officers Michael Muldoon, and Muhammad Rasool (collectively “the Officers”) responded to reports of an individual, ██████████, who had cut her wrists while threatening death by suicide.¹ Upon arrival, the Officers made contact Chicago Fire Department personnel and ██████████. The Officers explained to ██████████ the reason for their presence. ██████████ offered for the Officers and CFD personnel to enter her apartment while she located her glasses. As ██████████ was searching for her glasses, she became agitated by the Officers’ presence and insisted that they needed to leave her apartment. The Officers explained to her that they were concerned for her safety and would gladly leave if she showed her wrists were uninjured. ██████████ refused this request. As the Officers, and CFD personnel spoke to ██████████, her demeanor cycled from anger to

¹ The reporting 911 caller informed the OEMC call taker that a ██████████ had threatened to commit death by suicide and provided photographs of her self-injuring.

uncontrollable crying.² As the Officers tried to talk █████ into compliance, CFD personnel informed Officer Muldoon that █████ was acting irrationally and appeared to need treatment, especially because she was unwilling to show her wrists.³ After approximately 20-minuts, Sgt. Timothy Gilliland arrived on scene.

Upon Sgt. Gilliland's arrival, he attempted to coax █████ in to cooperating with requests to show her wrists. █████ responded to these requests by standing on her bed and refusing to cooperate while crying in an uncontrolled manner.⁴ After several failed attempts to coax █████ into compliance, Sgt. Gilliland determined that █████ needed to be taken into custody and grabbed her right arm. █████ responded by pulling away from Sgt. Gilliland while screaming and collapsing on the bed.⁵ Eventually, █████ was restrained, secured on the CFD stair chair, and transported to Northwestern Hospital. Upon arrival at the hospital, █████ was involuntary admitted for a mental health evaluation.

III. 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.⁶ 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.⁷ Clear and Convincing can be defined as a "degree of proof, which, considering all the

² █████'s actions, comments, and general demeanor were consistent with that of a person experiencing an active mental health crisis.

³ Att. 6 at 13:07.

⁴ Sgt. Gilliland spoke to CFD personnel who informed him that █████ needed to be taken for a mental health evaluation. Att. 6 at 20:22.

⁵ Att. 6 at 21:09.

⁶ *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).

⁷ *People v. Coan*, 2016 IL App (2d) 151036 (2016).

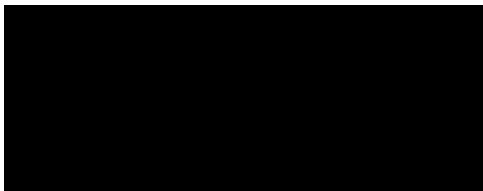
evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”⁸

IV. ANALYSIS AND CONCLUSION

COPA finds that Allegation #1 against all the members is **exonerated**. Department members are permitted to use force to overcome resistance. When a citizen fails to comply with verbal or other direction, they are passive resister.⁹ Members are permitted to respond to passive resistance with holding and control techniques, control instruments and deployment of oleoresin capsicum.¹⁰ Here, CFD personnel informed the members that ██████’s actions and demeanor were consistent with a person suffering mental health crisis and that unless she was willing to show that she did not self-injure her wrists they would not be able to leave her unattended. Since ██████ was refusing to dispel the legitimate concerns related to self-harm, the members were obligated to act to ensure her safety. ██████’s refusal to comply with the verbal requests of the members made her a passive resister. Since ██████ was a passive resister, the members were permitted to use control techniques to gain custodial compliance, which was done by merely grabbing ██████’s arms and securing her in handcuffs. Therefore, the members’ actions were reasonable and proper.

COPA finds that Allegation #2 against all the members is **exonerated**. A Department member may take a person into custody and transport them to a mental health facility when there are reasonable grounds to believe that the person is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect the person or others from physical harm.¹¹ Here, ██████’s demeanor and behavior combined with the credible reports of self-harm and the members’ and CFD personnel’s observations, all support a reasonable conclusion that ██████ was suffering from an active mental health crisis that caused her present an threat to her personal safety and required immediate treatment by a mental health professional. Therefore, the members’ decision to take ██████ in to custody for an involuntary mental health evaluation was reasonable and proper.

Approved:



11/19/2021

Matthew Haynam
Deputy Chief Administrator.

Date

⁸ *Id.* at ¶ 28.
⁹ G03-02-01 IV(B)(1).
¹⁰ G03-02-01 IV(B)(1)(a-d).
¹¹ S04-20-02 II(D).

Appendix A

Assigned Investigative Staff

Squad#:	14
Investigator:	Emmily Stokes
Supervising Investigator:	Garrett Schaaf
Deputy Chief Administrator:	Matthew Haynam