

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	July 23, 2017/4:50 a.m./6700 S Crandon Avenue
Date/Time of COPA Notification:	August 28, 2018
Involved Lieutenant #1:	Michael Murzyn, Star No.183, Employee ID No. [REDACTED], Date of Appointment: November 4, 1996, Lieutenant, Unit of Assignment 003, DOB: [REDACTED], 1972, male, White
Involved Officer #1:	Christopher Walkosz, Star No.14439, Employee ID No. [REDACTED], Date of Appointment: February 2, 2015, PO, Unit of Assignment 003, DOB: [REDACTED], 1981, male, White
Involved Officer #2:	Marina Jannes, Star No. 5511, Employee ID No. [REDACTED], Date of Appointment: October 13, 2016, PO, Unit of Assignment 014, DOB: [REDACTED], 1986, female, White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1980, female, White
Case Type:	Excessive Force/ Unjustified Detention/Unjustified Property Seizure

I. ALLEGATIONS

Officer	Allegation	Finding
Lieutenant Michael Murzyn	It is alleged that on or about July 23, 2017, in the vicinity of 6700 S. Crandon Avenue, Lieutenant Michael Murzyn committed misconduct by:	
	1. Detaining [REDACTED] without justification.	Exonerated
	2. Hitting [REDACTED] head against the concrete, without justification.	Unfounded
	3. Forcing [REDACTED] to the ground, without justification.	Unfounded
	4. Denying [REDACTED] counsel, without justification.	Unfounded

<p>Officer Christopher Walkosz</p>	<p>It is alleged that on or about July 23, 2017, in the vicinity of 6700 S. Crandon Avenue, Officer Christopher Walkosz committed misconduct by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification. 2. Hitting [REDACTED] head against the concrete, without justification. 3. Forcing [REDACTED] to the ground, without justification. 4. Denying [REDACTED] counsel, without justification. 5. Taking the property of [REDACTED] without justification. 	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Officer Marina Jannes</p>	<p>It is alleged that on or about July 23, 2017, in the vicinity of 6700 S. Crandon Avenue, Officer Marina Jannes committed misconduct by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification. 2. Hitting [REDACTED] head against the concrete, without justification. 3. Forcing [REDACTED] to the ground, without justification. 4. Denying [REDACTED] counsel, without justification. 5. Taking the property of [REDACTED] without justification. 	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

II. SUMMARY OF EVIDENCE¹

On July 23, 2017, Chicago Police Department (“Department”) members were at the scene of a Hostage-Barricade Terrorist (“HBT”) incident near the 6800 block of South East End Ave.² Complainant, ██████████ (██████████) approached the scene and Lieutenant Michael Murzyn (“Lieutenant Murzyn”) requested multiple times that ██████████ step away from the scene. ██████████ did not comply. Lieutenant Murzyn then escorted ██████████ away from the scene after which, according to Department reports, ██████████ spat on Lieutenant Murzyn’s arm.³ ██████████ was placed in custody for battery by Lieutenant Murzyn. Officer Marina Jannes (“Officer Jannes”) and Officer Christopher Walkosz (“Officer Walkosz”) arrived on scene and transported ██████████ to District 003 station for processing. Approximately four hours later, Officers Jannes and Walkosz took ██████████ to St. Bernard Hospital for a ██████████. ██████████ was later taken to Jackson Park Hospital, where she was discharged without charges and sent home at 2:00 p.m.⁴ ██████████ filed a complaint with Sergeant Tippi Rogan-Stennis of District 003 on August 28, 2018, and Sergeant Rogan-Stennis notified COPA of the complaint on the same day.

██████████ provided a statement to COPA at COPA offices on August 31, 2018.⁵ In her statement, she alleged that at the scene, five officers knocked her down from behind and in so doing, slammed her head and body into the cement ground. She further alleged that she “blacked-out” in the squad car due to pain and that once she reached the station, an officer banged her head against a concrete wall when ██████████ refused to tell officers her name. ██████████ claimed that the banging caused her head to bleed from the front and back. ██████████ stated that when officers asked for her name, she asked for an attorney and officers denied her request. The day after the incident, ██████████ stated that she admitted herself to the University of Chicago Hospital because of the assault by the police. When asked by COPA investigators about other interactions with the police, ██████████ stated that, after this incident, she had a positive interaction when officers helped her with a damaged tire. ██████████ also stated that she delayed reporting the incident because she was afraid of retaliation from the police.

Officer Walkosz and Officer Jannes provided statements at COPA offices on February 25, 2022, and March 1, 2022, respectively.⁶ Lieutenant Murzyn provided a statement at COPA offices on May 18, 2022. The Department members’ independent recollections regarding this incident were limited but were consistent with each other. None of the members had body worn camera at the time of the incident. The Department members’ statements are collectively summarized here.

When Lieutenant Murzyn arrived on the scene of the HBT, multiple SWAT and marked patrol cars were present, a recollection supported by relevant event queries.⁷ ██████████ wandered onto the

¹COPA 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 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.

² Att. 20. and Att. 21.

³ Att. 15 and Att. 16.

⁴ Att. 31.

⁵ Att. 9.

⁶ Att. 39 and Att. 43.

⁷ Att. 20 and Att. 21.

scene on foot. Lieutenant Murzyn recalled that [REDACTED] was speaking loudly, yelling at cars, and walking in between SWAT vehicles. He yelled at [REDACTED] from a distance to leave the area, but [REDACTED] did not comply. Lieutenant Murzyn stated that at one point, [REDACTED] attempted to board a SWAT vehicle by climbing the steps at the back of the vehicle, at which time he walked over to [REDACTED] and directed her again to leave the scene. When [REDACTED] did not comply, Lieutenant Murzyn escorted [REDACTED] east where other officers were located. He did not recall whether he had to touch [REDACTED] to escort her but stated that he did not use any force on [REDACTED] at any time. As Lieutenant Murzyn was walking away from escorting [REDACTED] spit on him. Lieutenant Murzyn believed he then called an officer to assist him in putting [REDACTED] in custody but could not recall who assisted. [REDACTED] was handcuffed and Lieutenant Murzyn called for a transport unit to take [REDACTED] into custody. He did not recall taking [REDACTED] to the ground or recall any other officer taking [REDACTED] to the ground. Lieutenant Murzyn also stated that [REDACTED] refused to provide her identity and did not ask him for an attorney. Lieutenant Murzyn met Officer Walkosz and Officer Jannes when they arrived on scene and related to them what occurred with [REDACTED] prior to their arrival. When escorting [REDACTED] to the transport car, Officer Jannes used what she described as an escort hold and indicated that she held [REDACTED] by the mid-forearm. Officer Jannes did not recall [REDACTED] complaining of pain on scene or during transport. Lieutenant Murzyn did not see [REDACTED] again after she was transported.

No accused member recalled seeing any injuries on [REDACTED] and Officer Jannes recalled that [REDACTED] refused medical attention. All accused members stated that [REDACTED] was conscious throughout their interactions with her. Lieutenant Murzyn and Officer Walkosz stated [REDACTED] was intoxicated and they could smell alcohol on her. Lieutenant Murzyn added that he believed [REDACTED] to be intoxicated because [REDACTED] was not walking straight, was slurring her words, and was yelling a lot. This recollection is supported by [REDACTED] medical records from Jackson Park Hospital which record blood alcohol at levels that indicate that [REDACTED] was intoxicated.⁸ The records also note that [REDACTED] self-reported substance misuse, stating that she had “4 shots of vodka every night.”⁹

Officer Walkosz and Officer Jannes stated that [REDACTED] was compliant with respect to entering the transport vehicle but was uncooperative in that she refused to provide any identifying information including her name, date of birth and address. Officer Jannes said that [REDACTED] reasoning for not providing identifying information was that she should not be in custody. Both officers noted that [REDACTED] did not appear to be in her right state of mind. Officer Jannes remembered [REDACTED] being erratic, upset, agitated and rambling. At District 003, [REDACTED] exited the transport car on her own volition and was escorted to the processing room by Officer Jannes and Officer Walkosz. [REDACTED] was placed on a bench to which she was handcuffed by one of her hands. She told the officers that she was going to get a lawyer and sue them because they were making an illegal arrest.

Both officers stated that they were the only people with [REDACTED] in the processing room, although Officer Jannes recalled that a sergeant may have come in later to assist in identifying [REDACTED]. Neither Officer Walkosz nor Officer Jannes recalled [REDACTED] asking for an attorney. Both officers stated they never used force on [REDACTED]. Officer Jannes stated at no point did any officer hit [REDACTED] head against the wall nor did [REDACTED] hit her own head against the wall. With respect to the

⁸ Att. 31, p. 18. [REDACTED] ETOH levels, which record blood alcohol concentration, were 83 mg/dl, indicating that [REDACTED] was intoxicated.

⁹ Att. 31, p. 14.

possibility of self-injury, Officer Jannes recalled that ██████ wanted to make noise so she was rattling her handcuff against the metal bolt to which it was attached. Officer Jannes stated that if the rattling is done hard-enough, it might result in bruising around the wrist, but Officer Jannes did not notice any injuries on ██████ at the station.

Officer Jannes authored the case report and Officer Walkosz authored the arrest report. The information in the reports reflect what occurred prior to the officers' arrival on scene and was acquired from Lieutenant Murzyn. Officer Jannes stated that a preliminary inventory sheet was started for ██████ items.¹⁰ The inventory indicated that there was an iPhone and another item that Officer Jannes could not recall. Officer Jannes believed that the items went with ██████ to the hospital once it was decided that ██████ was going to be released without charges. This recollection is consistent with notes in ██████ medical records from Jackson Park Hospital.¹¹

A Tactical Response Report ("TRR")¹² dated July 24, 2017 and submitted by Lieutenant Murzyn, states that ██████ (as Jane Doe) did not follow verbal direction and that Lieutenant Murzyn responded with "member presence and with verbal commands." Lieutenant Murzyn told COPA that he was required to complete a TRR because ██████ battered him by spitting on him. The commander comments indicate that Lieutenant Murzyn complied with Department procedures and rules in his interaction with ██████. The narrative in the TRR is consistent with Lieutenant Murzyn's statement to COPA. An Officer's Battery Report¹³ completed by Lieutenant Murzyn notes that ██████ showed signs of mental illness and was taken to Jackson Park Hospital for evaluation.

COPA reviewed ██████ medical records from St. Bernard Hospital and Jackson Park Hospital from the date of the incident as well as medical records from the University of Chicago Hospital from a visit that occurred on July 24, 2017. In relevant part, the records from St. Bernard Hospital¹⁴ state that ██████ was admitted on July 23, 2017, at 8:19 a.m. for aggressive behavior and for a psychiatric evaluation. A Petition for Involuntary Admission that was partially completed by Officer Walkosz states in support,

"Unable to provide first and last name, D.O.B., individual is [sic] haze, smashing her handcuff hand against metal bench, kicking punching walls and doors."¹⁵

¹⁰ Per COPA Evidence Specialist, checks for Inventory Sheets created by both involved officers for 23-31 July 2017 and checks for Inventory Sheet created by the 003 District for 23 July 2017 revealed no Inventory Sheet created in the Third District that matched the RD listed in the relevant Department documents.

¹¹ Att. 31. In relevant part, the notes state that at 10:10 a.m., "Belongings have been inventoried, hospital attire provided..." At 10:20 a.m. the notes state that, "Valuables locked up." At 2:00 p.m. the notes state that "Valuable [sic] have been returned to the patient. Bus pass has been issued."

¹² Att. 32.

¹³ Att. 33.

¹⁴ Att. 22.

¹⁵ Att. 22, p. 8.

Notes in the St. Bernard Hospital record indicate that at admission, ██████ recorded pain rating was “0” on a scale of 1-10.¹⁶ As part of a suicide risk assessment, ██████ thought process was noted to be “disorganized,” her impulse control as “poor,” and it was noted that ██████ had “paranoid ideation.”¹⁷ The notes also state that PO Walkosz stated ██████ was in custody and that a sergeant informed the charge nurse that officers were taking ██████ to Jackson Park Hospital. They also stated ██████ left with three police officers.¹⁸

Medical records from Jackson Park Hospital¹⁹ state that ██████ was brought into the emergency room at 10:00 a.m. by CPD for violent behavior but that ██████ was not under arrest and that no petition had been completed. ██████ pain rating at Jackson Park Hospital was “3” on a scale of 1-10.²⁰ The records also states, “CPD states patient was interfering with a crime scene investigation. Patient denies that happened. Patient denies SI/HI²¹ at this time. Patient is calm and cooperative.”²² It is further recorded that “patient is complaining of left arm pain, stating that during her being detained, police were excessive. Patient has multiple bruises on her body.”²³

On July 24, 2017, ██████ admitted herself to University of Chicago Hospital where her medical records indicate that ██████ presented for domestic violence and with a report of sexual assault.²⁴ The record states that ██████ stated that on the day of the incident, she was standing in front of her apartment when she was attacked and dragged on the floor by an unknown person. ██████ also stated that when she was pushed to the ground, her head struck the ground. ██████ told medical personnel that she passed out for a while and was concerned she might have been raped. ██████ stated that she did not want the police involved and endorsed “generalized pain in her joints.” The medical record also indicated multiple areas of bruising on arms and knees. ██████ pain rating upon discharge was recorded as “4” out of “10.”²⁵

In addition to bruising on her arms, ██████ reported bruising on her thighs. The notes further state,

“Patient states as an afterthought that she was slammed into the concrete several times so she does not remember a period of time. States she has pain to the occipital region of her head. There is no trauma to the area.”²⁶

On September 2, 2017, officers brought ██████ to Jackson Park Hospital again when she, per officers, “exhibited violent behavior and grandiose delusions and danger to herself” after calling police about a flat tire. ██████ was sedated during the visit “due to attempted elopement and hostile

¹⁶ Att. 22, p. 15.

¹⁷ Att. 22, p.15.

¹⁸ Att. 22. P. 16.

¹⁹ Att. 31.

²⁰ Att. 31, p. 12.

²¹ Suicidal ideation/ Homicidal ideation.

²² Att. 31, p.14.

²³ Att.31, p. 14.

²⁴ Att. 28 at 11.

²⁵ Att. 28 at 15.

²⁶ Att. 28 at 40.

behavior.”²⁷ ██████ told COPA investigators that her only contact with police after the July 23, 2017, incident occurred when she asked officers to look at her tire. ██████ stated nothing else occurred during this interaction.

III. ANALYSIS AND CONCLUSION

Based on the totality of the evidence, COPA concludes that an adverse credibility determination must be applied to ██████ statements. ██████ version of events is not supported by the record, and, in fact, the record indicates that ██████ was dishonest with COPA investigators about her later interaction with police. Also, available evidence indicates that ██████ was intoxicated during the incident. Although that fact is not determinative of her credibility, it does cast doubt on the quality of her recollection. Moreover, the erratic behavior as reported in the police documents and as stated by Lieutenant Murzyn, Officer Walkosz and Officer Jannes are consistent with ██████ being intoxicated.

Detaining ██████ without justification would be a violation of the Fourth Amendment of the U.S. Constitution and Department Rule 1, Rule 2, and Rule 6. “The fourth amendment guarantees: ‘The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause.’ U.S. Const., amend. IV; accord Ill. Const. 1970, art. I, § 6.” Probable cause, as defined in Department policy, is “where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it.”²⁸

Here, ██████ walked into an active HBT scene, an inherently dangerous situation. Under the circumstances, Lieutenant Murzyn properly escorted ██████ out of the area for her own safety and the safety of others after she did not heed his direction to clear the scene. He was similarly justified in detaining her for unlawful battery if she spat on him. Due to the adverse credibility determination, as well as clear and convincing evidence that ██████ improperly walked through an HBT scene, COPA is inclined to favor Lieutenant Murzyn’s account of what occurred, including ██████ battery of him. ██████ detention by Lieutenant Murzyn, Officer Walkosz, and Officer Jannes was justified due to the battery. COPA, therefore, finds all members to be **Exonerated** with respect to the allegation that ██████ was detained, without justification.

Forcing ██████ to the ground, without justification, would be an act of excessive force that would violate Rule 8. Here, however, there is insufficient evidence to support that ██████ was taken down at all. ██████ credibility is limited and none of the accused members recall ██████ being taken to the ground. Also, no verifiable video evidence of ██████ being taken into custody is available. Moreover, although ██████ medical records indicate bruising, there is no information that indicates the age of the bruises. COPA, therefore, finds ██████ allegation that members forced her to the ground, without justification, to be **Unfounded** with respect to Lieutenant Murzyn based

²⁷ Att. 31, p. 27.

²⁸ S04-13-09(II)(D).

on COPA's aforementioned credibility determinations and **Unfounded** with respect to Officer Jannes and Officer Walkosz, who arrived on scene after ██████ was already in custody.

Also, clear and convincing evidence shows that ██████ claims that a Department member forced her head into concrete several times is false. None of the medical records obtained note any injury to ██████ head despite her claim that her head was bleeding from the front and back. And, despite ██████ claims to COPA that she "blacked-out" from pain because of being forced to the ground and hitting her head on concrete, ██████ pain assessments from St. Bernard Hospital, Jackson Park Hospital and the University of Chicago Hospital were 0, 3 and 4, respectively, on a scale of 0-10. Further, records from the University of Chicago Hospital found no head trauma where ██████ indicated she had pain from being slammed on the concrete. COPA finds ██████ allegations that members hit her head on the concrete, without justification are **Unfounded**.

COPA further finds that ██████ claim that she was denied counsel to be without merit. Officers do not have an obligation to provide uncharged individuals an attorney under the Sixth Amendment, because the Sixth Amendment right to counsel does not attach until the individual has been formally charged.²⁹ Moreover, although under the Fifth Amendment, uncharged individuals have the right to not be subjected to custodial interrogation after they have requested counsel, "routine booking questions," such as asking an individual's name, date of birth, and address, do not constitute interrogation and do not implicate the Fifth Amendment.³⁰ Thus, assuming that ██████ did request counsel, she was not unjustly denied. ██████ was never formally charged, and the questions posed to ██████ were routine booking questions relating to her identity. In any event, in light of ██████ compromised credibility COPA concludes that clear and convincing evidence supports that this allegation is false. COPA finds this allegation to be **Unfounded**.

Last, the evidence indicates that ██████ property was not taken from her, without justification. To seize ██████ property without justification would be a violation of ██████ Fourth Amendment rights and a violation of Rule 1 and Rule 6. Here, ██████ items were temporarily separated from her because of a justified detention. Although no inventory records were found by COPA, evidence in the form of contemporaneous hospital records support Officer Jannes' assertion that ██████ items went with her to the hospital and show that the items were returned to her before she left the hospital. COPA finds this allegation to **Unfounded**.

²⁹ *People v. Garrett*, 179 Ill. 2d 239, 247 (1997) ("The Supreme Court has held that the sixth amendment right to counsel attaches at or after the initiation of adversarial judicial proceedings-whether by way of a formal charge, preliminary hearing, indictment, information, or arraignment.").

³⁰ *Pennsylvania v. Muniz*, 496 U.S. 582, 601-02 (1990) (questions asked for "record keeping purposes" which are "reasonably related to the police's administrative concerns" fall outside of the protections of *Miranda*).

Approved:



Sharday Jackson

Deputy Chief Administrator – Chief Investigator

July 29, 2022

Date