

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 13, 2019/ 10:40 AM/ 6727 S. California Avenue
Date/Time of COPA Notification:	March 19, 2019/ 1:00 PM
Involved Officer #1:	Michael Cooney ¹ , #2227; Employee # [REDACTED]; Date of Appointment: June 5, 1995; Sergeant; Unit of Assignment: 008; DOB: [REDACTED], 1962; Male, White
Involved Officer #2:	Manuel Ruiz III, #12036; Employee # [REDACTED]; Date of Appointment: April 17, 2017; Police Officer; Unit of Assignment: 008; DOB: [REDACTED], 1983; Male, Hispanic
Involved Officer #3:	Rene Ortiz, #11696; Employee # [REDACTED]; Date of Appointment: April 17, 2017; Police Officer; Unit of Assignment: 008; DOB: [REDACTED], 1984; Male, Hispanic
Involved Officer #4:	Michael Villa ² , #9693; Employee # [REDACTED]; Date of Appointment: August 1, 1994; Police Officer; Unit of Assignment 008; DOB: [REDACTED], 1965; Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1973; Male, Hispanic
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 2003; Female, Hispanic
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Sergeant (Sgt.) Cooney & Officer Ruiz	It is alleged that on or about March 13, 2019, at approximately 10:40 AM, in the vicinity of 6727 S. California, the accused committed misconduct through the following acts or omissions, by:	
	1. Handcuffing [REDACTED] without justification.	Exonerated
	2. Handcuffing [REDACTED] too tightly.	Unfounded
	3. Failing to complete any documentation regarding physical contact with [REDACTED]	Exonerated

¹ Sgt. Cooney retired from CPD effective July 31, 2020. Att. #37.

² Officer Villa retired from CPD effective August 16, 2020. Att. #38.

<p>Officer Ortiz & Officer Villa</p>	<p>It is alleged that on or about March 13, 2019, at approximately 10:40 AM, in the vicinity of 6727 S. California, the accused committed misconduct through the following acts or omissions by:</p> <ol style="list-style-type: none"> 1. Handcuffing ██████████ without justification. 2. Handcuffing ██████████ too tightly. 3. Failing to complete any documentation regarding physical contact with ██████████ 	<p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p>
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II. SUMMARY OF EVIDENCE

On March 19, 2019, Complainant ██████████ contacted the Civilian Office of Police Accountability via email and registered a complaint on behalf of his 15-year-old daughter, ██████████. In the complaint, ██████████ alleged that CPD members handcuffed ██████████ too tightly and without justification.

During her interview with COPA on March 28, 2019, ██████████ stated she is a student at Catalyst Maria School, where she has an Individualized Education Program (IEP) plan related to her destructive mood disorder. On the date and time of the incident, she walked to the school’s office to discuss her math grade. While in the office, she became upset with a staff member. ██████████ related that the principal, ██████████, directed a teacher, ██████████, to call the police because ██████████ behavior was inappropriate.

██████████ stated that four uniformed police officers and two paramedics arrived at the school and spoke to her and ██████████ for approximately fifteen minutes. At some point, the officers and a paramedic picked her up, placed her on the stretcher, and handcuffed her. ██████████ stated that she “blacked out”⁵ and could not remember how many officers had physical contact with her. However, she acknowledged pulling away from, kicking at, and fighting with the officers and paramedics. She refused to go to the hospital because she wanted to wait for her parents to arrive at the school. ██████████ related that she sustained pain and injuries to her wrists as a result of her contact with the officers.

On March 21, 2019, COPA investigators traveled to Catalyst Maria School and spoke with the Director of Specialized Services, ██████████.⁶ ██████████ related that ██████████ began attending Catalyst Maria School in September 2018 and has been diagnosed with Disruptive Mood Dysregulation Disorder and Bipolar Disorder. According to ██████████, on the date and time of the incident, ██████████ arrived at the school and appeared to be angry because she had received

³ ██████████ reported that he did not personally witness the incident.

⁴ Atts. #5, 6.

⁵ Att. #5 at approximately 10:15 & 12:15 minutes.

⁶ Att. #2. The Student/Visitor Incident/Injury Report from the Catalyst Schools essentially relates the same information given by ██████████ Att. #12.

an “F” in math. ██████ began yelling expletives at the school staff and was unable to be redirected. ██████ mother, ██████ was unable to immediately pick up her daughter from school, causing ██████ to become increasingly angry. When ██████ attempted to leave the building without an adult escort, the principal, ██████ directed ██████ to call the police for assistance.

██████ related that one uniformed sergeant and three uniformed officers arrived at the school and attempted, unsuccessfully, to calm ██████ down. The officers then called for an ambulance to transport ██████ to the hospital.⁷ When the ambulance arrived, however, ██████ refused to follow instructions and became combative, fighting with and attempting to bite one of the officers. ██████ stated that the officers restrained ██████ to a “chair,” and she was transported via ambulance to Holy Cross Hospital. ██████ and one of the uniformed officers rode in the ambulance with ██████ stated that no school staff members requested a case report from the CPD members, and they did not provide one.

According to the Chicago Fire Department (CFD) Ambulance Report⁸ and medical records from Holy Cross Hospital⁹, the ambulance arrived at 6947 S. Artesian at 10:44 AM. School staff informed the CFD members that ██████ was very disruptive, loud, swearing, and had become combative. Upon assessment, ██████ was uncooperative and did not follow the CFD members’ verbal directions. After several failed attempts to calm and reassure ██████ the CFD members restrained her with soft restraints on her lower extremities and both hands were handcuffed to the stretcher. ██████ was transported to Holy Cross Hospital, where she was admitted to the emergency room for aggressive behavior. ██████ and her parents received information regarding support resources for her conduct disorder, and she was discharged from the hospital the same day.

The video footage obtained from Catalyst Maria School¹⁰ and the Body Worn Cameras (BWCs)¹¹ of the involved CPD members depicts essentially the same information regarding ██████ actions. The footage shows the school staff members, CPD members, and CFD members all attempting to gain ██████ voluntary compliance. They repeatedly ask her to walk into the ambulance, and they reassure her that her mother will be able to pick her up from the hospital. ██████ responds that she does not want to go to the hospital, and she refuses verbal commands to sit on the chair and stretcher provided by the CFD members. After several minutes, Sgt. Cooney and Officers Ruiz, Ortiz, and Villa grab ██████ and place her onto the stretcher.¹² During this time, ██████ pulls away, stiffens her body, and kicks at the CFD and CPD members. CFD members restrain ██████ legs to the stretcher and Officer Ruiz handcuffs her arms to the stretcher.¹³ ██████ continues to move her arms and legs on the stretcher, attempting to pull out of the restraints, as she yells for the officers to return her phone.¹⁴ She also complains the handcuffs are too tight. A CFD member checks the handcuffs by

⁷ This is also reflected in the OEMC radio transmissions. See Att. # 34 at approximately 20:00 minutes.

⁸ Att. #20.

⁹ Atts. #14, 31.

¹⁰ Atts. #35, 36.

¹¹ Atts. # 39, 40, 41.

¹² Att. #40, BWC of Officer Ortiz at approximately 5:15 minutes.

¹³ Att. #40, BWC of Officer Ortiz at approximately 9:45 minutes.

¹⁴ Att. #39, BWC of Officer Ruiz at approximately 14:30 – 15:30 minutes.

placing a finger between the handcuff and [REDACTED] wrist, then informs her the handcuffs are not too tight.¹⁵ Approximately 30 seconds later, as [REDACTED] continues to complain of pain, Officer Ruiz loosens her left handcuff inside the ambulance. She then immediately attempts to pull her wrist out of the handcuff.¹⁶ Once inside the emergency room, Officer Ruiz approaches [REDACTED] and loosens her right handcuff while medical staff attempt to calm her.¹⁷

Statements from the involved members were not obtained as the available evidence did not support the allegations. Furthermore, Sgt. Cooney and Officer Villa have retired from the Chicago Police Department.¹⁸

III. ANALYSIS AND CONCLUSION

COPA finds that **Allegation #1** against **Sgt. Cooney and Officer Ruiz** is **Exonerated**. The complainant, [REDACTED] who did not witness the incident, alleged that the CPD members handcuffed his daughter without justification. During her statement to COPA, [REDACTED] acknowledged she was disruptive and verbally abusive towards school staff members. When CPD members arrived at the school, the video evidence shows they attempted to de-escalate the situation and gain [REDACTED] voluntary compliance in entering the ambulance, but she refused to follow their verbal direction. [REDACTED] admitted she then kicked at, fought with, and pulled away from the CFD and CPD members as they struggled to secure her on the stretcher. Sgt. Cooney initially used two pairs of handcuffs to restrain [REDACTED] wrists above her head.¹⁹ Once inside the ambulance, CFD members restrained [REDACTED] legs and Officer Ruiz handcuffed each arm to the stretcher.

Under these circumstances, COPA finds that Sgt. Cooney's and Officer Ruiz's actions were objectively reasonable and complied with Department policy. The CPD members initially attempted to use de-escalation techniques, but once [REDACTED] learned she was going to the hospital, she presented a level of physical resistance akin to that of an adult female. Given this resistance, placing [REDACTED] in restraints was necessary for the safety of the CPD members, CFD members, school staff members, and [REDACTED] herself. For these reasons, COPA finds there is clear and convincing evidence that Sgt. Cooney's and Officer Ruiz's decision to handcuff [REDACTED] complied with CPD policy.

COPA finds that **Allegation #2** against **Sgt. Cooney and Officer Ruiz** is **Unfounded**. [REDACTED] and her father alleged the CPD members handcuffed her too tightly, causing pain and injury to her wrists. However, the BWC videos show that after [REDACTED] was handcuffed, she continued to move her arms around in a pulling motion. When she complained the handcuffs were too tight, a CFD member checked them by placing a finger between the handcuffs and her wrists. The CFD member then informed [REDACTED] that the handcuffs were not too tight and advised her to stop moving. Despite the CFD member's assurances, Officer Ruiz loosened [REDACTED] left handcuff inside the ambulance, then loosened her right handcuff inside the hospital less than two minutes later. For these reasons, COPA finds the BWC videos

¹⁵ Att. #39, BWC of Officer Ruiz at approximately 16:17 minutes.

¹⁶ Att. #39, BWC of Officer Ruiz at approximately 16:45 – 17:15 minutes.

¹⁷ Att. #39, BWC of Officer Ruiz at approximately 18:15 minutes.

¹⁸ Atts. #37, 38.

¹⁹ Att. #40, BWC of Officer Ortiz at approximately 5:50 minutes.

constitute clear and convincing evidence that Sgt. Cooney and Officer Ruiz did not handcuff [REDACTED] too tightly.

COPA finds that **Allegations #1 and 2** against **Officers Ortiz and Villa** are **Unfounded**. The BWC footage conclusively shows that the only CPD members who handcuffed [REDACTED] were Sgt. Cooney and Officer Ruiz. Although Officer Ortiz provided Sgt. Cooney with his handcuffs, neither he nor Officer Villa physically placed the cuffs on [REDACTED]. Therefore, COPA finds there is clear and convincing evidence that Officers Ortiz and Villa did not handcuff [REDACTED] too tightly or without justification.

COPA finds that **Allegation #3** against **Sgt. Cooney and Officers Ruiz, Ortiz, and Villa** is **Exonerated**. [REDACTED] alleged the CPD members failed to complete any documentation regarding their contact with [REDACTED]. Notwithstanding if CPD policy required members to complete a case report, in this case, BWC video captured Sgt. Cooney informing the officers and school staff members that a police report was not required for a mental health transport.²⁰ The officers complied with their sergeant’s instructions and did not complete any reports regarding the incident. For these reasons, COPA finds the officers’ failure to complete a report was justified under the circumstances. COPA would have addressed this issue with Sgt. Cooney, but he retired from the Department in July 2020.

Approved:

[REDACTED]

6/27/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

²⁰ Att. #41, BWC of Sgt. Cooney at approximately 14:25 minutes.