

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 25, 2015
Time of Incident:	7:45 a.m.
Location of Incident:	720 S. Cicero – CTA Platform
Date of COPA Notification:	January 4, 2018
Time of COPA Notification:	5:43 p.m.

██████████ was riding the CTA Blue line train and upon reaching the Cicero stop, he was approached by Sergeant Dolan, Officers Finnegan and Bertrand. ██████ was accused of indecent exposure and was placed under arrest. During the arrest, Officer Finnegan handcuffed, and searched ██████. Sergeant Dolan assisted with the pat down. ██████ alleged that Sergeant Dolan struck his groin area when patting him down. ██████ also accused Sergeant Dolan of pushing him onto the ground and falsely arrested him. ██████ alleged that Officers Bertrand and Finnegan falsely arrested him and pushed him onto the ground as well. ██████ alleged that while being process in the lockup area, Detention Aide Roundtree punched him in the groin and pushed him inside a cell. A female black officer by the last name of Thomas was present near the door of the lockup facility and did not do or say anything according to ██████.

II. INVOLVED PARTIES

Involved Sergeant #1:	Robert Dolan Star #2451, Employee # ██████, Sergeant, Unit - 015, Male / White
Involved Officer #1:	Jeffrey Bertrand Star #15716, Employee # ██████ Date of Appointment: April 28, 2003 PO, Unit - 015 Date of Birth: ██████, 1967 Male / White
Involved Officer#2:	Brian Finnegan Star #12926, Employee # ██████ Date of Appointment: November 18, 1991 PO, Unit - 050 Date of Birth: ██████, 1970 Male / White
Involved Detention Aide #1:	Horace Roundtree Star #15716, Employee # ██████

Involved Individual #1:

Detention Aide, Unit - 015,
Male / Black

Date of Birth: [REDACTED], 1981
Male / Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Robert Dolan	1. Falsely arrested [REDACTED] 2. Struck [REDACTED] in the groin area during a pat down.	Exonerated Not Sustained
Officer Jeffrey Bertrand	1. Falsely arrested [REDACTED] 2. Pushed [REDACTED] to the ground.	Exonerated Unfounded
Officer Brian J. Finnegan	1. Falsely arrested [REDACTED] 2. Pushed [REDACTED] to the ground	Exonerated Unfounded
Detention Aide Horace Roundtree	1. Punched [REDACTED] in his genitals during a search. 2. Pushed [REDACTED] into a cell.	Not Sustained Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
3. Rule 8: Prohibits disrespect of maltreatment of any person, while on or off duty.

Federal Laws

1. United States Constitution, Amendment IV

V. INVESTIGATION¹

a. Interviews

In a statement to COPA on June 28, 2018, ██████████ said he was riding the CTA Blue line train on his way to a court appointment. Upon reaching the Cicero stop he was approached by two uniformed officers, one identified as Sergeant Dolan. When the officers informed him that he was under arrest, he asked for what. The officers told him for indecent exposure, at which time, ██████████ said he handed them his Burberry bag that contained a CD/DVD player, DVDs and CDs which was never returned to him. He also had a plastic cup he used for panhandling that contained coins were knocked over onto the train station floor. Sergeant Dolan picked up some of the coins that had spilled onto the floor and placed them into his Burberry bag but failed to pick up all the money.

██████████ accused the officers (now identified as Officers Bertrand and Finnegan) of pushing him down onto the ground, but he could not recall if he tripped on his own or if he were pushed by the officers as they escorted him out of the CTA platform. ██████████ was picked up from the ground and taken into a squad car. While at the station, a black male identified as “Crabtree”³ punched him in the groin area and a black female uniformed officer with the last name of “Thomas” was a witness. ██████████ said complained of scratching his knees from when he fell and pain to the groin area. However, he did not seek medical treatment. ██████████ denied exposing himself but admitted to panhandling.

In his **deposition** taken on August 3, 2018, ██████████ stated that while riding the CTA Blue line train westbound to Cicero, he was seated next to an Asian female, but they did not converse. After arriving at the Cicero train stop, he exited the train and was immediately stopped by now known Sergeant Dolan. A male CTA worker approached Sergeant Dolan and the other officer at the scene and told them that a female passenger accused ██████████ of flashing himself to her⁴. ██████████ denied the accusation.

In their statements to COPA on September 13, 2018, **Eric Weathers**⁵ (CTA conductor) and **Charisse Davis**⁶ (Booth Ticket Agent) stated that they could not recall ██████████ or the incident. Weathers and Davis indicated that they did not know of any witnesses to the incident and did not complete any paperwork.

In a statement to COPA on February 22, 2019, **Officer Jeffrey Bertrand**⁷ stated that on June 25, 2015, he responded to a call at the Cicero CTA platform regarding an indecent exposure incident with now known ██████████. Officer Bertrand entered the station and met Sergeant Dolan as he escorted ██████████. Officer Bertrand saw ██████████ throw himself inside one of the train car’s and he

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 13.

³ Although ██████████ used the name Crabtree as the accused officer’s name working in the lockup facility, the correct name is Horace Roundtree, a Detention Aide no longer working for the Chicago Police Department.

⁴ Att. 30, page 40, lines 10 – 24, page 41, lines 1 – 12.

⁵ Att. 17.

⁶ Att. 21.

⁷ Att. 60.

took Sergeant Dolan down to the ground with him. Officer Bertrand assisted Sergeant Dolan and [REDACTED] up from the ground. Sergeant Dolan returned to the train to pick up change from a cup [REDACTED] was holding, simultaneously [REDACTED] jumped to his feet without assistance. Officer Bertrand denied pushing [REDACTED] into the train or down onto the ground. Officer Bertrand denied seeing any Department member commit the alleged misconduct. Officer Bertrand believes [REDACTED] threw himself to the ground as a form of resistance. There were no injuries observed and [REDACTED] did not complain of any injuries or pain.

In a statement to COPA on February 14, 2019, **Officer Brian Finnegan**⁸ stated a similar account as Officer Bertrand. Officer Finnegan handcuffed and searched [REDACTED] for weapons then talked to CTA Conductor Weathers who approached him and Sergeant Dolan while they were talking to [REDACTED] Conductor Weathers identified [REDACTED] as the offender and told Officer Finnegan that there was a witness in the first train car. Officer Finnegan left [REDACTED] with Sergeant Dolan and followed Conductor Weathers to the first train car to speak with the witness. The witness was a female Asian passenger who refused to provide her name or contact information but stated that [REDACTED] exposed himself and repeatedly touched and rubbed his genitals while riding the train. Officer Finnegan was not a witness to [REDACTED] actions after he left him with Sergeant Dolan and was not a witness to any physical contact between [REDACTED] Sergeant Dolan, and Officer Bertrand. Officer Finnegan denied pushing [REDACTED] onto the ground and stated that he was not escorting [REDACTED] when the incident happened. Officer Finnegan denied seeing Officer Bertrand or Sergeant Dolan commit any of the alleged misconduct made against them.

Department Members **Sergeant Robert Dolan**,⁹ **Detention Aide Horace Roundtree**,¹⁰ and **Officer Darlene Thomas**.¹¹

b. Digital Evidence

The **CTA surveillance videos**¹² captured [REDACTED] when he entered the train, his actions during the train ride and his arrest at the Cicero stop. During the train ride and prior to his arrival to the Cicero stop, [REDACTED] sat next to an Asian female and is seen discarding the lid off his cup towards the train doors. Upon reaching the next CTA stop, people are seen standing up in the train waiting to exit. After the passengers exited the train, the conductor, now known to be Eric Weathers exited the first train car and opened the train car door. He motioned towards [REDACTED] as he stood outside on the train platform and motioned with his hand outside of the train car.¹³ [REDACTED] does not move. Weathers motioned with his hand again towards [REDACTED] and then outside the train of the train and [REDACTED] did not move. Weathers motioned a third time towards [REDACTED] still [REDACTED] did not move.

⁸ Att. 53.

⁹ Att. 41. Par Summary for Sgt. Dolan. Retired from CPD November 15, 2017, and was not interviewed.

¹⁰ Att. 36. Par Summary for Detention Aide Horace Roundtree. Retired from CPD April 17, 2018, and was not interviewed.

¹¹ Att. 61. Par Form of Officer Thomas. Retired from CPD July 16, 2016. [REDACTED] identified a black female officer with the last name of Thomas as a witness to the incident in the lockup area. Officer Darlene Thomas was the only female officer working at the time, but the Attendance and Assignment Record showed her to be assigned to the school security team working public schools and not to be working in lockup facility. She was not interviewed.

¹² Att. 42, has three videos.

¹³ Att. 42, video 1, at 7:38 seconds.

Weathers re-enters the train car and appears to talk on his radio.¹⁴ The train continues, and █████ sat back with his hands no longer visible.¹⁵ Several stops later, █████ exited the train and was stopped by Officer Finnegan and Sergeant Dolan.¹⁶ Conductor Weathers exited the first train car and approached Officer Finnegan and Sergeant Dolan. The footage captured Sergeant Dolan searching █████ front shirt pocket while talking to him and Officer Finnegan patting down █████ He searched his pants pockets, then handcuffed █████ as he held onto a clear cup without incident.¹⁷ Conductor Weathers was observed approaching Sergeant Dolan and Officer Finnegan. Ticket agent Clarisse Davis, then approached the group.

Conductor Weathers was observed walking with Officer Finnegan to the first train car as Sergeant Dolan walked away with █████ down the CTA platform¹⁸. The footage captured █████ lunging to the left into the open door of the last train car, landing on the floor.¹⁹ Sergeant Dolan is seen falling with █████ Officer Bertrand is seen coming down the ramp and assists █████ and Sergeant Dolan off the ground. █████ is seen sitting up with his legs extended in front of him and in what appears to be one motion, jumps to his feet without assistance²⁰.

Sergeant Dolan and Officer Bertrand then escort █████ down the CTA platform. The footage captured what appeared to be █████ throwing himself to the ground a second time.²¹

c. Documentary Evidence

In **Civil Suit #16-CV-11442**²² it documents that Sergeant Dolan, Officer Bertrand and Officer Finnegan falsely arrested █████ and violated his Fourth Amendment rights. The civil suit also documented that Detention Aide Roundtree used unnecessary force when searching █████ and accused Detention Aide Roundtree of punching █████ in his genital area and pushing him into a cell.

The **Arrest Report**²³ of █████ documented that he was arrested for Indecent Exposure and Resisting/Obstructing a Police Officer. The report documented that █████ was observed exposing his penis to other passengers on the train who complained to the train conductor Weathers. Upon the officers' arrival, they were met by CTA Conductor Weathers, who identified █████ as the person accused of exposing himself to various passengers. An Asian female, who refused to give her information, related that █████ sat next to her and was repeatedly touching, rubbing, and pulling his genitals through his pants. As Sergeant Dolan and Officer Bertrand escorted █████ out of the station, he pulled away and threw himself inside a train car through the open door of the train car then dropped himself to the ground. █████ immediately got up and again dropped himself to the

¹⁴ Att. 42, video 1 at 7:56 seconds.

¹⁵ Att. 42, video 1, at 9:47 seconds.

¹⁶ Att. 42, Video 2, at 35 seconds of █████ exiting the CTA train he was stopped by Sgt. Dolan and PO Finnegan.

¹⁷ Att. 42, video 2, at 1:30 seconds. Conductor Weathers approaches the officers and ticket agent Davis observed standing nearby.

¹⁸ Att. 42, video 2, at 2:13 seconds. Davis followed Sgt. Dolan and █████

¹⁹ Att. 42, video 3, at 15 seconds.

²⁰ Att. 42, video 3, at 50 seconds.

²¹ Att. 42, at 1:50 seconds, near the ramp that leads passengers up to the street level.

²² Att. 5.

²³ Att. 6.

ground a second time as he was being escorted up the CTA ramp., This time, ██████ went limped as dead weight and had to be lifted to his feet by the officers. According to the Arrest Report, ██████ was transported to the station at 8:18 am, received into the lockup facility at 10:41 am, fingerprinted by 10:43 am, and photographed by 10:53 am.

The **General Case** and **Detective Supplementary Reports**²⁴ documented a similar account as the arrest report of ██████. The reports further documented that ██████ repeatedly and aggressively pulled away from Officer Bertrand and Sergeant Dolan when he was escorted out of the CTA platform. ██████ threw himself into the open door of the train car, then dropped himself onto the ground. ██████ got up, took a few steps then dropped himself to the ground a second time where he went limp and had to be picked up by the officers. Security video from CTA was obtained from where ██████ got on the train until he exited the train at the Cicero stop.

The **Supervisor Log**²⁵ for June 25, 2015, for Sergeant Brian Kane of the 015th District, documented that Officer Darlene Thomas was working Beat 1542 with Officer Rodney Pickett. The Log documented that Officer Thomas responded to a call of a person with a knife at 5652 W. Washington at 10:25 am. A search for 015th District arrest reports did not locate an arrest made by Officer Thomas or her partner between the hours of 7:00 am through 12:00 pm. ██████ was received in the lock-up facility at 10:41 am. In a conversation with Sergeant Miura #1157 of the 015th District, according to the Attendance and Assignment Record for June 25, 2015, Officer Thomas was assigned the rapid response car and was patrolling the streets, due to school being out, and was not in the station.

d. Additional Evidence

In the **Court Interrogatories**²⁶ each involved member and ██████ was asked a set of questions by the plaintiff and the following are the summaries from each involved Department member which mirrors statement given to COPA, except for Detention Aide Roundtree who did not provide a statement due to retirement.

- On March 23, 2018, **Detention Aide Roundtree** stated he did not participate or was a witness to ██████ arrest. Detention Aide Roundtree stated he searched ██████ while in the lockup facility and that Officer Shannon Smith and Detention Aide Darrin Dantzler were present. Roundtree could not recall who placed ██████ in the cell and denied being a witness to the use of force against ██████

- e. **Court Deposition**²⁷ dated August 3, 2018, of Brand ██████ 44 pages. ██████ v. City of Chicago, et al v.

VI. LEGAL STANDARD

²⁴ Atts. 7-8.

²⁵ Att. 62.

²⁶ Atts. 32 -35.

²⁷ Att. 30.

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. *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 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. 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

COPA finds Allegation #1 against Sergeant Dolan, Officer Jeffrey Bertrand and Officer Brian Finnegan as EXONERATED. An officer must have probable cause to arrest a subject. "Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest."

In this incident, the Officers statements, Arrest Report and OMEC Event Query showed that Sergeant Dolan, Officer Bertrand and Officer Finnegan responded to a call for indecent exposure. The CTA videos do not clearly show ██████ exposing his genitals, possibly due to the video angle and quality of the video. The CTA video does capture an unknown individual talking to the conductor before the conductor requests ██████ off of the train.

The CTA videos shows what appears to be ██████ refusal to exit the train when the conductor motions with his hand towards ██████ he then points outside of the train. The conductor is also seen talking to officers at the Cicero train stop. Sergeant Dolan, Officer Bertrand and Officer Finnegan was within policy and had probable cause to arrest ██████ after he was identified by CTA train conductor and a passenger that complained to him.

COPA finds Allegation #2 against Sergeant Dolan as UNFOUNDED. The CTA video footage shows Sergeant Dolan search [REDACTED] front shirt pocket while talking to him, as Officer Finnegan patted down [REDACTED] lower body, searched his pant pockets, then handcuffed [REDACTED] as he held a cup in his hand without incident. In [REDACTED] court deposition he stated the officer frisked him and “hit him in the crotch twice” causing him to fall to the ground.²⁸ There is no verifiable articulable evidence to support the allegation.

COPA finds Allegation #2 against Officers Bertrand and Finnegan is UNFOUNDED. The CTA video footage captures [REDACTED] handcuffed behind his back holding onto a clear plastic cup being escorted down the train platform. As they approach the last train car, [REDACTED] lunges into the train car and fall onto the floor, causing officers to fall with him. When officers pull [REDACTED] out of the train car, he jumps to his feet without assistance. Officers then proceed to escort him down the train platform and [REDACTED] drops onto the platform. There is no verifiable articulable evidence to support the allegation.

COPA finds Allegations #1 - 2 against Detention Aide Roundtree as NOT SUSTAINED. There is no verifiable articulable evidence to prove or disprove these allegations. Insufficient evidence to support the allegations made by [REDACTED]

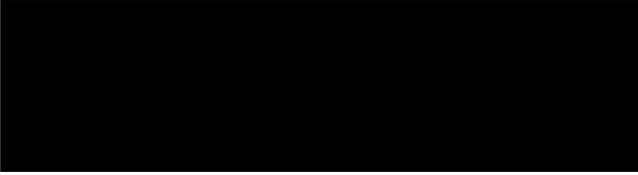
VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sergeant Robert Dolan	1. Falsely arrested [REDACTED]	Exonerated
	2. Struck [REDACTED] in the groin area during a pat down.	Unfounded
Officer Jeffrey J. Bertrand	1. Falsely arrested [REDACTED]	Exonerated
	2. Pushed [REDACTED] to the ground.	Unfounded
Officer Brian J. Finnegan	1. Falsely arrested [REDACTED]	Exonerated
	2. Pushed [REDACTED] to the ground	Unfounded
Detention Aide Horace Roundtree	1. Punched [REDACTED] in his genitals during a search.	Not Sustained
	2. Pushed [REDACTED] into a cell.	Not Sustained

²⁸ Att. 30, p.18, line 17-18.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

6-23-2022

Date