

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	August 15, 2020 / 5:12 pm / 100 E. Wacker Dr., Chicago, IL 60601.
Date/Time of COPA Notification:	June 16, 2021 / 3:49 pm.
Involved Officer #1:	Officer Patrick Halloran / Star #8245 / Employee ID # [REDACTED] / DOA: August 29, 2016 / Unit: 009 / Male / White
Involved Individual #1:	Unidentified / White / Female
Case Type:	05E - Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Halloran	1. Striking an unidentified female citizen with your baton, without justification.	Sustained
	2. Failing to activate your Body Worn Camera.	Sustained
	3. Failing to document your baton use in required Departmental reports.	Sustained
	4. Failing to notify OEMC of your baton use.	Sustained
	5. Failing to request a supervisor to the scene of your baton use.	Sustained

II. SUMMARY OF EVIDENCE¹

Officer Patrick Halloran was one of many Department members assigned to crowd control during a preplanned instance of civil unrest. While assisting with crowd control, Officer Halloran was placed at the front of the Department line, directly facing a large group of citizens. To assist in his efforts to control the crowd, Officer Halloran held his baton parallel to the ground with each end grasped in his hands. While standing on the control line, unidentified citizen began pelting members with various objects, some of which struck Officer Halloran. Additionally, an unidentified citizen, attempted to pull an unidentified member across the control line into the crowd of citizen.² After this occurred, orders were issued to move the crowd back. As members began to push the crowd back, the crowd began to push towards the members. Officer Halloran, and many other members, used their batons as control instruments to push the crowd back by holding the baton parallel to the ground and thrusting forward at chest level while ordering the

¹ The Department declared a Mass Arrest Incident on *date* for this incident. Att. 17.

² Att. 2 at 42:51.

crowd to step back. During one of the trusts Officer Halloran's baton contacted a bicycle helmet worn by an unidentified white female.³ Eventually the crowd was moved, and the civil unrest subsided. At no time did the unidentified white female allege injury nor did she have any visible injuries.

During his statement to COPA, Officer Halloran described his use of his baton as a control instrument and not as an impact weapon. Additionally, Officer Halloran relayed that he did not notify OEMC of his baton use out of a desire to keep the radio traffic at a minimum to allow other members to request assistance in various civil unrest locations. Further, Officer Halloran explained that he did not request a supervisor to the scene of his baton use because he was flanked by several members of supervision, to include a Deputy Chief. Additionally, Officer Halloran explained that he did not complete any reports for this incident because it was his understanding that a Departmentwide Tactical Response Report (TRR) would be completed for any use of force related to the civil unrest and that he believed his use of a baton as a control instrument did not require a TRR. Finally, Officer Halloran relayed that he did not activate his BWC because he did not know how long a BWC battery would last and was concerned the would be in a situation that would require his BWC to record.⁴

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.⁵ 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

³ *Id.*, at 43:02.

⁴ Officer Halloran did acknowledge that based on policy, he should have activated his BWC while responding to the civil unrest.

⁵ *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).

offense.⁶ 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.”⁷

IV. ANALYSIS AND CONCLUSION

COPA finds that Allegations #s 1, 3, 4, and 5 against Officer Halloran are **sustained**. Department members are permitted to use force to overcome resistance.⁸ When members encounter a citizen who fails to comply with verbal or other direction, that citizen is a passive resister.⁹ Members are permitted to respond to passive resistance with presence; verbal directions; holding and compliance techniques; control instruments; and deployment of oleoresin capsicum but are not permitted to use an impact weapon.¹⁰ Additionally, members are permitted to use batons as control instruments in response to passive or active resistance; however the use is limited to non-impact pressure.¹¹ Finally, when members deploy a baton as a impact weapon they are required to complete a TRR and Original Incident Case Report, while informing OEMC of their baton use and requesting a supervisor to respond to the use of force.¹²

Here, when the crowd of citizens, to include the unidentified white female, refused orders to move back they were passive resisters. Since the crowd was passive resisters towards members, to include Officer Halloran, the use of a baton as a control instrument was permissible if non-impact pressure was applied. However, in this instance, Officer Halloran thrusts the baton forward were akin to impact use and in fact he impacted the helmet on unidentified female’s head. While Officer Halloran described he intent to use the baton as a control instrument, he in fact deployed it as an impact weapon, in violation of Department policy and Rules 2, 3 and 6. Additionally, since Officer Halloran deployed the baton as an impact weapon, he was required to notify OEMC of his baton use, request a supervisor to the scene and complete a TRR and Original Case Incident report. These failures violated Department policy and Rule 2, 3 and 6.

COPA finds that Allegation #2 against Officer Halloran is **sustained**. Department Members are required to activate BWC “at the beginning of” or “as soon as practical” for “all law-enforcement-related activities.”¹³ Here, it is undisputed that Officer Halloran did not activate his BWC despite policy requiring the activation. Officer Halloran’s failure violated Department policy and Rules 2, 3, and 6.

⁶ *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁷ *Id.* at ¶ 28.

⁸ See G03-02-01 generally.

⁹ G03-02-01 IV(B)(1), Response to Resistance and Force Options.

¹⁰ G03-02-01 IV(B)(1)(a-d).

¹¹ G03-02-07 II(C)(2), Baton Use Incidents.

¹² G03-02-07 III(B), IV(A)(1),(3)and(4).

¹³ “Law-enforcement-related activities include but are not limited to:” “calls for service; investigatory stops; traffic stops; traffic control; foot and vehicle pursuits; arrest; use of force incidents; seizure of evidence; interrogations; searches, including searches of people, items, vehicle, buildings, and places; statements made by individuals in the course of an investigation; requests for consent to search; emergency driving situations; emergency vehicle responses where fleeing suspects or vehicle may be captured on video leaving the crime scene; high-risk situations; any encounter with the police that becomes adversarial after the initial contact; arrestee transports; any other instance when enforcing the law.” S03-14 III(A)(2)(a-r), Body Worn Cameras (effective April 30, 2018 to current).

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Halloran

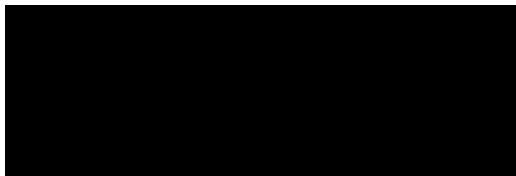
i. Complimentary and Disciplinary History

Officer Halloran has received 22 various awards. Additionally, in August of 2021, Officer Halloran received two SPARs, one for being absent from duty and one for a preventable accident.¹⁴

ii. Recommended Penalty

It is undisputed that Officer Halloran failed to activate his BWC. Additionally, Officer Halloran deployed his baton as an impact weapon, impacting the head of civilian, without justification. Such lapses in officers use of force may give rise to serious injuries and discredits the department. Accordingly, COPA recommends a **60-day suspension**.

Approved:



Matthew Haynam
Deputy Chief Investigator

2/16/2022

Date

¹⁴ Att. 16, pg. 3.