#### **TYPE** DATE OF REPORT SUMMARY REPORT DIGEST 1084260 CR 14-DEC-2017 Civilian Office of Police Accountability INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION. DEPUTY CHIEF ADMINISTRATOR, TO: CHIEF. Civilian Office of Police Accountability **BUREAU OF INTERNAL AFFAIRS** FROM - INVESTIGATOR'S NAME RANK STAR NO EMPLOYEE NO UNIT ASSIGNED UNIT DETAILED SCHAAF, GARRETT 9181 113 80 REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION) INCIDENT ADDRESS: 541 W. LAKE ST, CHICAGO, IL 60661 **DATE / TIME:2**8-FEB-2017 11:02 **BEAT: 121 ACCUSED** NAME RANK STAR NO EMP NO UNIT UNIT DOB **APPOINTED** SWORN SEX/RACE ON ASSIGNED DETAILED DATE DUTY? JACOB, MICHAEL J 9161 5478 001 M / WHI 1973 24-JAN-2000 YES YES HANSEN, BRIAN J 9161 18276 001 376 M / WHI 1966 07-DEC-1992 YES YES DEL TORO, GERMAN S 9161 001 1969 12501 M/S 13-SEP-1999 YES YES MATOSKA, STAN 9161 5093 001 M / WHI 1966 13-DEC-1993 YES YES REPORTING PARTY NAME ADDRESS\* CITY STATE **TELEPHONE** SEX / RACE DOB / AGE M / WHI 1984 / 33 **VICTIMS** NAME ADDRESS\* CITY STATE **TELEPHONE** SEX / RACE DOB / AGE M / WHI 1984 / 33 **WITNESSES** ADDRESS\* NAME CITY STATE **TELEPHONE** SEX / RACE DOB / AGE \* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX. **ALLEGATIONS**

SEE REPORT STARTING ON PAGE 3

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINU

# Summary of Incident:1

On February 28, 2017, at approximately 1125 am, Mr. attempted to enter the Chicago Transit Authority (CTA) Green Line Clinton Station, located at 541 W. Lake Street, Chicago, IL 60661, when he engaged a CTA employee in a verbal argument. The CTA employee contacted the Chicago Police Department (CPD) for assistance.

At approximately 1138 am, two plain-clothed CPD officers arrived at the station. Upon arrival, the officers contacted the CTA employee, who informed the officers that Mr. was blocking the handicap turnstile and refusing requests to leave the station.

The officers asked Mr. to leave the station. When he refused, they placed Mr. in handcuffs and arrested him for trespassing. A brief time later, two uniformed CPD Officers arrived and transported Mr. to the 001st District Lockup.

Officers placed Mr. In the rear seat of a marked CPD vehicle to transport him to the 001st District Lockup. While en route, Mr. began kicking the rear door of the vehicle. Upon arrival, Mr. was processed at which time the plain-clothed officers again took control of Mr. and completed the booking process.

# Allegations:

It is alleged that on February 28, 2017, at approximately 1138 hours, in the vicinity of 541 W. Lake Street, Chicago Illinois, 60661, that **Officer Brian Hansen #18276**:<sup>2</sup>

- 1. Handcuffed Mr. too tightly and refused to loosen the handcuffs upon request, in violation of Rule 6; and
- 2. Threatened to beat Mr. in violation of Rule 9.

It is alleged that on February 28, 2017, at approximately 1138 hours, in the vicinity of 541 W. Lake Street, Chicago Illinois, 60661, that Officer Stan Matoska #5093:

- 1. Intentionally slammed on the brakes of the transport CPD SUV causing Mr. to strike the left side of his head against the metal divider, in violation of Rule 9; and
- 2. Threatened to beat Mr. in violation of Rule 9.

It is alleged that on February 28, 2017, at approximately 1138 hours, in the vicinity of 001st CPD District Station, located at 1718 S. State Street, Chicago Illinois, 60616, that **Officer German Del Toro** #12501:

1. Failed to seek medical treatment for Mr. despite Mr. despite Mr. seek seek for medical treatment, in violation of Rule 6.

<sup>&</sup>lt;sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>&</sup>lt;sup>2</sup> Officer Hansen was not interviewed during this investigation due to safety concerns related to an incident that come to COPA's attention on November 28, 2017.

It is alleged that on February 28, 2017, at approximately 1138 hours, in the vicinity of 001st CPD District Station, located at 1718 S. State Street, Chicago Illinois, 60616, that Officer Michael Jacob #5478:

1. Failed to seek medical treatment for Mr. despite Mr. McGuinn's requests for medical treatment, in violation of Rule 6.

# Applicable Rules and Law:

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 9: Engaging in any unjustified verbal or physical altercation, while on or off duty.

General Order – G06-01-01 – IX – effective November 12, 2015.

General Order – G06-01-02 – effective January 1, 2016.

### Investigation:

#### **Testimonial Evidence**

# Complainant Interview

In a **statement to IRPA**<sup>3</sup> on March 30, 2017, **Mr.**advised, that on February 28, 2017, he was at a CTA Green Line station when he engaged in a verbal altercation with a female CTA Employee about paying his fare. After the verbal altercation ended, two CPD Officers, later identified as German Del Toro #12501 and Jacob Michael #5478, arrived and ordered Mr. to leave the CTA station. Approximately fifteen minutes after being ordered to leave the CTA station, Mr. was taken into custody and placed in handcuffs, that were too tight, by Officer Brain Hansen #18276. Mr. informed Officer Hansen that the handcuffs were too tight but Officer Hansen did not take any action to loosen the handcuffed, Mr. was placed in a marked CPD SUV and transported to the

After being handcuffed, Mr. was placed in a marked CPD SUV and transported to the 001st District Station. While en route to the station, Mr. kicked the rear door of the CPD SUV to get the attention of Officer Hansen and Officer Stan Matoska #5093, when Officer Matoska "slammed" on the breaks of the CPD SUV causing Mr. to strike the metal partition with the left side of his face. Both Officers Matoska and Hansen then threatened to beat Mr. if he did not stop kicking the CPD SVU door.

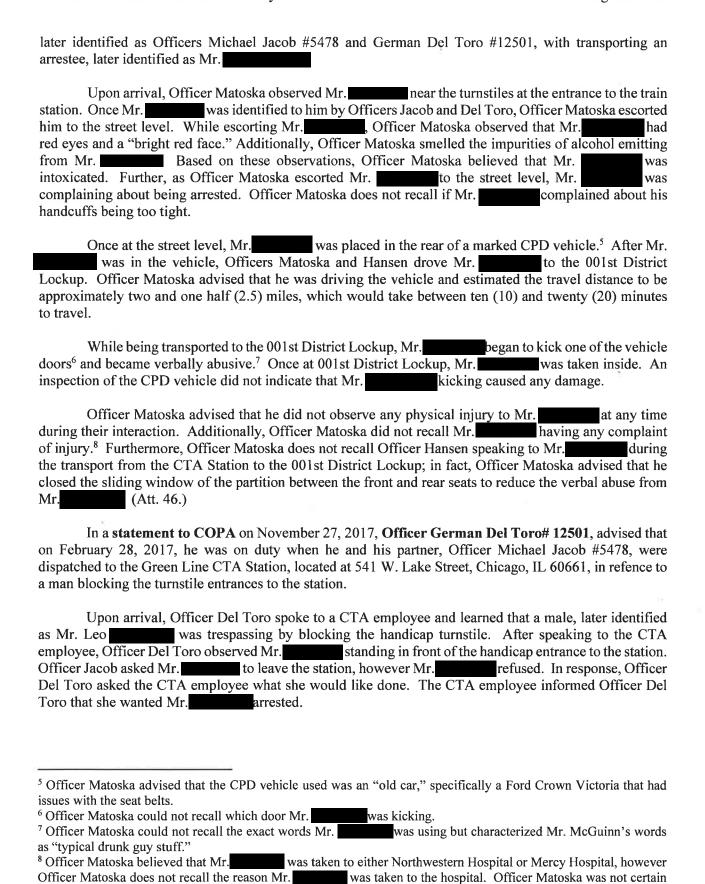
Upon arrival at the 001st District Station, Mr informed Officers Jacob and Del Toro that he needed medical attention for injuries to his lower left ear and bruising to the left side of his face. Officers Jacob and Del Toro ignored Mr. request. Ultimately, Mr. presented for medical treatment on March 6, 2017, at Housing Forward Medical Clinic after he was released from custody. (Att. 15.)

#### **Accused Officer Interviews**

In a statement to COPA<sup>4</sup> on November 27, 2017, Officer Stan Matoska #5093, advised that on February 28, 2017, he was on duty when he and his partner, Officer Brian Hansen #18276, responded to the Green Line CTA Station located at 541 W. Lake Street, Chicago IL 60661, to assist Tactical Officers,

<sup>&</sup>lt;sup>3</sup> Mr. declined to provide a recorded statement.

<sup>&</sup>lt;sup>4</sup> Officer Matoska elected to waive his right to counsel and provided his statement without representation. (Att. 45.)

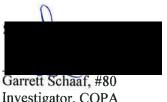


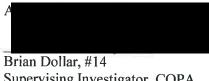
was taken to the hospital for treatment.

Upon learning that the CTA employee wanted Mr. arrested, Officer Jacob placed Mr. in handcuffs, while Officer Del Toro completed his investigation. Shortly after being placed in handcuffs, Beat 174F, later identified as Officers Stan Matoska #5093 and Brian Hansen #18276, arrived and transported Mr. to the 001st District Lockup. Officers Del Toro and Jacob responded to the 001st District Lockup and completed processing Mr.
Officer Del Toro did not observe any indication of injury during his interaction with Mr.  Additionally, Officer Del Toro did not observe any indication that Mr.  was intoxicated. Further, once at the 001st District Lockup, Mr.  never requested medical treatment from Officer Del Toro.  Finally, Officer Del Toro could not recall Mr.  expressing any issue with his arrest or handcuffs after being placed under arrest. (Att. 57.)
In a <b>statement to COPA</b> on December 6, 2017, <b>Officer Michael Jacob #5478</b> advised, that on February 28, 2017, he was on duty when he and his partner, Officer German Del Toro #12501, were dispatched to the Green Line Clinton CTA Station, located at 541 W. Lake Street, Chicago, IL 60661, for a disturbance where a male was blocking the turnstiles.
Upon arrival, Officers Jacob and Del Toro spoke to the female CTA employee who advised that a male, later identified as Mr. was blocking the handicap turnstile. After speaking to the CTA employee, Officers Jacob and Del Toro spoke to Mr. and requested that he leave the station. Mr. did not respond to their request. After Mr. failed to respond, Officers Jacob and Del Toro asked the CTA employee if she would like Mr. arrested. The CTA employee advised that she did.
Once confirming that the CTA employee wanted Mr. arrested, Officers Jacob and Del Toro took him into custody. Officer Jacob could not recall who placed Mr. in handcuffs. Once Mr. was in handcuffs, Officers Jacob and Del Toro requested assistance with transporting Mr. to the 001st District Lockup. Beat 174F, later identified as Officers Stan Matoska #5093 and Brian Hansen #18276, arrived and transported Mr. to 001st District Lockup. Officers Jacob and Del Toro left the CTA station and drove to 001st District Lockup. Upon arrival at 001st District Lockup, Officers Jacob and Del Toro searched Mr. handcuffed him to a stationary ring, and completed the arrest processing.
During all of Officer Jacob's interactions with Mr. Officer Jacob did not observe any indication of injury to Mr. However, Officer Jacob did observe that Mr. had the odor of alcohol impurities emitting from his person. Once at the 001st District Lockup, Mr. never requested medical treatment. Finally, Officer Jacob did not recall Mr. expressing any concerns over his arrest or the positioning of the handcuffs. (Att. 63.)
CPD Reports  Documentary Evidence
An Initiation Report dated February 28, 2017, from Lieutenant Stephanie Stuart, #330, details that on February 28, 2017, Mr. entered the 001st District and alleged that he was verbally threatened and handcuffed too tightly. Additionally, Mr. alleged that while he was being transported, the driver of the vehicle "slammed on the breaks" causing Mr. to cut his car. Further, Mr. alleged that he was denied medical treatment. The report does not detail any visible injuries to Mr. (Att. 2.)

<sup>&</sup>lt;sup>9</sup> Officers Del Toro and Jacob both advised that they did not follow the transport vehicle to the 001 District Lockup. <sup>10</sup> Officer Jacob explained that while Mr. smelled of alcohol, he was not "falling down" drunk.

An Arrest Report dated February 28, 2017, for CB 19444359, details the arrest of Mr. by Officers Michael Jacob, #5478 and German Del Toro #12501, on a signed complaint of trespassing at the Chicago Transit Authority (CTA) train station located at 541 W. Lake Street, Chicago IL 60661. Mr. was transported to 001st District Lockup. Additionally, the Arrest Report lists Officers Stan Matoska #5093 and Brain Hansen #18276 as assisting officers. Finally, the booking photograph of Mr.
does not depict any injuries to the left side of his face or left ear. (Att. 4, 18.)
Medical Records
Medical Treatment Records for Mr. revealed, that on Monday, March 6, 2017, he presented at Housing Forward Medical Clinic with complaints of injuries to the left side of his face. Mr. advised that on "Saturday," he was struck on the "front of his head" while "on [the] street" and his left eye was injured. The Physician's Notes detail that Mr. had swelling to his right eye but there was no indication of lasting damage. Mr. was prescribed ice and ibuprofen. Additionally, when answering the Mental Health History question of "[h]ave you been hit, kicked, physically hurt or sexually abused by anyone within the past year?" Mr. circled yes and wrote "hit, Sunday." There is no indication that Mr. received additional treatment following his February 28 interaction with CPD. (Att. 22.)
CTA Surveillance Footage
Surveillance Footage from the CTA Station, located at 451 W. Lake Street, shows Mr approach the turnstiles to enter the station. Once at the turnstiles, he swipes a farecard over the reader and attempts to open the handicap gate; however, a CTA employee prevents him from entering the station. Mr. engages in a conversation with two different CTA employees for several minutes, during which time he is blocking access to the handicap turnstile. Additionally, Mr. passing CTA customers.
After thirty (30) minutes, two plain clothes CPD Officers, later identified as German Del Toro <sup>14</sup> and Michael Jacob, <sup>15</sup> arrive at the station and approach Mr. and the CTA employee. The officers engage Mr. and the CTA employee in conversation. After speaking to both Mr. and the CTA employee, Officers Del Toro and Jacob place Mr. in handcuffs. The footage depicts Mr. standing in handcuffs. Additionally, the footage depicts Officer Del Toro speaking to the CTA employee and taking notes.
After nine (9) minutes, Officers Del Toro and Jacob escort Mr. from the view of the camera. The footage does not depict Mr. interacting with Officers Matoska or Hansen. (Att. 47.)
11 It is presumed that the "Saturday" referenced was March 4, 2017, which is the Saturday immediately prior to Mr.  12 It is presumed that the "Sunday" referenced was March 5, 2017, which is the Sunday immediately prior to Mr.
treatment.  13 A review of Mr. arrest history, revealed that on March 5, 2017, he was arrested in the 015th District under RD. The arrest report indicates that when CPD Officers encountered Mr. he had "an open wound/laceration" on the "left side of his face below the left eye from a previous unknown incident." Additionally, the report details that Mr. was taken to a hospital for treatment of his injuries. The photograph of Mr. taken during the booking process documents the injuries. (Att. 65.)  14 Officer Del Toro is wearing dark pants, dark shirt, tactical vest, dark jacket and a baseball hat with a white front. (Att. 56.)  15 Officer Jacob is wearing dark pants, dark shirt, tactical vest, dark jacket and a dark baseball hat. (Att. 56.)





mivestigator, COFA	Supervising investigator, COPA
Analysis:	
The burden of proof COPA must reach for a findir evidence standard. During its investigation, COPA obtain showed that Officer Brian Hansen never placed Mr Del Toro and Jacob confirmed during their statements that	ed CTA Surveillance Footage that conclusively in handcuffs. Additionally, both Officers
Based on the evidence, COPA determined that of handcuffs, and therefore could not have placed the handcu	
During its investigation, COPA learned that while Lockup, based on his own admission and the statement of of the CPD transport vehicle. However, COPA was una allegation that Officer Matoska "intentionally causing Mr." to strike the metal divider. Addition	Officer Matoska, he kicked one of the rear doors able to locate any evidence to corroborate Mr. slammed" on the brakes of the transport vehicle nally, the booking photograph of Mr.
does not depict any injuries to his person. Further, Mr. left side of his face and his admissions during treatme Specifically, Mr. informed the medical provider his interaction with Officers Matoska and Hansen.	medical records detail injuries to the nt cast doubt on when the injuries occurred.
Based on the evidence, COPA determined that the Mr. allegation that Officer Matoska "intention vehicle causing Mr. to strike the metal divider.	ere is insufficient evidence to support or refute nally slammed" on the breaks of the transport
During its investigation, COPA was unable to local allegation that Officers Matoska and Hansen threatened to the 001st District Lockup. COPA did learn from Officer was verbally aggressive, which caused Officer Matoska	"beat" him while he was being transported to er Matoska that, while being transported, Mr.
Based on the evidence, COPA determined that the Mr. allegations that Officers Matoska and Harhis transport to the 001st District Lockup.	ere is insufficient evidence to support or refute usen threatened to "beat" Mr. during
During its investigation, COPA was unable to local allegation that Officers Del Toro and Jacob failed to seek requests. Additionally, COPA learned through the states February 28, 2017 booking photograph that Mr. Further, COPA learned through the statements of Officers express any need for medical treatment.	nedical treatment for Mr. despite his ments of Officers Del Toro and Jacob and the lid not appear to have any injuries to his person.

Based on the evidence, COPA determined that there is insufficient evidence to support or refute Mr. allegations that Officers Del Toro and Jacob failed to seek medical treatment for Mr. despite his requests.

#### Conclusion:

COPA recommends the finding of **Unfounded** for Allegation 1, against Officer Brian Hansen #18276, that on February 28, 2017, he placed handcuffs too tightly on Mr.

COPA recommends the finding of **Not Sustained** for Allegation 2, against Officer Brian Hansen #18276, that on February 28, 2017, he threatened to beat Mr.

COPA recommends the finding of **Not Sustained** for Allegations 1 and 2 against Officer Stan Matoska #5093, that on February 28, 2017, he intentionally slammed on the brakes causing Mr. to strike the left side of his head against the metal divider; and threatened to beat Mr.

COPA recommends the finding of **Not Sustained** for Allegation 1 made against Officer German Del Toro #12501, that on February 28, 2017, he failed to seek medical treatment for Mr. despite Mr. request for medical treatment.

COPA recommends the finding of **Not Sustained** for Allegation 1 made against Officer Michael Jacob #5478, that on February 28, 2017, he failed to seek medical treatment of Mr. despite Mr. request for medical treatment.

Josh Hunt, #5 Deputy Chief Administrator, COPA

### Findings:

#### Officer Brian Hansen #18276

Allegation 1 – Unfounded Allegation 2 – Not Sustained

### Officer Stan Matoska #5093

Allegation 1 – Not Sustained Allegation 2 – Not Sustained

#### Officer German Del Toro #12501

Allegation 1 – Not Sustained

### Officer Michael Jacob #5478

Allegation 1 – Not Sustained

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