

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	September 24, 2021 / 1:30 PM / [REDACTED]
Date/Time of COPA Notification:	September 25, 2021 / 3:58 PM
Involved Officer #1:	Jorge Garcia/ Star: 14895/ Employee ID# [REDACTED]/ Date of Appointment: December 5, 2005/ Rank: PO/ Unit of Assignment: 18 th District/DOB: [REDACTED], 1981/ Gender: Male/ Race: Hispanic
Involved Officer #2:	Michael Vitellaro/ Star: 1957/ Employee ID#[REDACTED]/ Date of Appointment: September 11, 2000/ Rank: Sergeant/ Unit of Assignment: 18 th District/ DOB: [REDACTED], 1973/ Gender: Male/ Race: White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1995/ Gender: Female/ Race: White
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1993 Gender: Female/ Race: Black (Subject)
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Jorge Garcia	1. It is alleged that the accused used excessive force while transporting [REDACTED] to the hospital.	Exonerated
Sergeant Michael Vitellaro	1. It is alleged that the accused used an excessive force while transporting [REDACTED] to the hospital.	Exonerated

II. SUMMARY OF EVIDENCE

On September 24, 2021, at approximately 1:05 p.m., an employee from [REDACTED] contacted 911 and requested an ambulance with police escort for a patient (Ms. [REDACTED] expressing active suicidal ideation and in need of hospitalization. The employee specifically requested a police escort, noting to dispatch that Ms. [REDACTED] would not go to the hospital willingly.¹

Officer Jorge Garcia (Officer Garcia) was the first to arrive at [REDACTED] Upon his arrival, Officer Garcia met with [REDACTED] Officer Garcia explained to Ms. [REDACTED] his familiarity with Ms. [REDACTED] as he assisted in a mental health transport with her on a previous occasion. Shortly after that conversation, Sgt. Michael Vitellaro (Sgt. Viellaro), and CFD paramedics arrived

¹ Attachments 1 and 2

at [REDACTED] and were led to an office where Ms. [REDACTED] was seated. In the presence of [REDACTED] staff, Officer Garcia and the paramedics asked Ms. [REDACTED] to leave the [REDACTED] facility with them, but she refused. This continued for nearly twenty minutes. After listening to Ms. [REDACTED] Officer Garcia and the paramedics asked her to leave with them again. However, she refused and resisted their attempts to help her from the chair. Ms. [REDACTED] pulled her arms away, interlocked her arms with a chair and stiffened her body to prevent Officer Garcia, Sgt. Vitellaro, and the paramedics from removing her from the chair. When police and paramedics gained control over her, Ms. [REDACTED] was handcuffed.

Officer Garcia and a paramedic attempted to place Ms. [REDACTED] on a gurney, but she positioned herself against a wall and then slid to the floor. Officer Garcia, Sgt. Vitellaro and the paramedics then lifted her up and placed her on a gurney. While seated on the gurney, Ms. [REDACTED] flailed her legs to prevent officers and paramedics from securing her to the gurney. Once Ms. [REDACTED] was partially secured to the gurney, the paramedics reassessed their plan and decided to place Ms. [REDACTED] in a wheelchair instead of the gurney.

When Ms. [REDACTED] cried about having to wear handcuffs, [REDACTED] personnel [REDACTED] (Ms. [REDACTED] asked if they could be removed. Officer Garcia and Sgt. Vitellaro declined the request due to Ms. [REDACTED] uncooperative behavior. Once Ms. [REDACTED] was set in the wheelchair, Officer Garcia explained to Ms. [REDACTED] that Ms. [REDACTED] was not under arrest and once she arrived at the hospital, the handcuffs would be removed. Officer Garcia explained this to Ms. [REDACTED] a second time once Ms. [REDACTED] was relocated to the outside of the [REDACTED] facility.

Officer Garcia documented this incident, including the use of physical restraint, in a Crisis Intervention Report.²

It is alleged by [REDACTED] employee [REDACTED] that Officer Garcia and Sgt. Vitellaro used excessive force while transporting Ms. [REDACTED] to the hospital for an involuntary psychiatric admission. Ms. [REDACTED] related to COPA that she did not witness most of the incident and heard about it secondhand from co-workers.

III. ANALYSIS AND CONCLUSION

Based on a review of available evidence, COPA has determined that Officer Garcia's and Sgt. Vitellaro's actions were within policy and therefore, allegation #1 against Officer Garcia and allegation #1 against Sgt. Vitellaro are **exonerated**.

CPD Policy permits the use of restraints when a person is subject to involuntary admission, specifically if restraint is being used to prevent the person subject to involuntary admission from, "escape, harming themselves or others, or to facilitate the safe transportation of the person..."³ Here, Officer Garcia and Sgt. Vitellaro were met with a person who was actively suicidal and, according to her mental health providers, in need of immediate hospitalization. [REDACTED] staff also related that Ms. [REDACTED] would not go to the hospital willingly, based on past experience.

² Attachment 6

³ Special Order S04-20-02

Officer Garcia and Sgt. Vitellaro resorted to physical restraint only after spending approximately twenty minutes asking her to comply, all in the presence of [REDACTED] staff. In response to their repeated requests to go willingly, Ms. [REDACTED] became more upset and agitated. Since she was actively suicidal and clearly unwilling to go the hospital on her own accord, it was appropriate for Officer Garcia and Sgt. Vitellaro to use restraint to facilitate [REDACTED] safe transportation to the hospital. As such, COPA finds that the level of force used was reasonable, proportional, and necessary to control Ms. [REDACTED] and to prevent her from harming herself and others, and the allegations against Officer Garcia and Sgt. Vitellaro are **exonerated**.

Approved:

[REDACTED]

1-26-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date