

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 19, 2017
Time of Incident:	4:47 p.m.
Location of Incident:	343 S. Dearborn Street
Date of COPA Notification:	November 19, 2017
Time of COPA Notification:	9:54 p.m.

The Involved Individual, [REDACTED] was arrested at a 7-Eleven store after the store clerk accused him of stealing a pack of cookies. The store clerk requested that the two Involved Officers, Officers Timothy Hansen #3833 and Dale Borchardt #16806, who were already present at the store, arrest [REDACTED]. The Involved Officers placed [REDACTED] in custody and two other officers, in a marked vehicle, transported [REDACTED] to the 1<sup>st</sup> District Station. As [REDACTED] was being processed, the Involved Officers received a call from the store clerk, who informed the officers that, after viewing the store surveillance cameras, it was confirmed that [REDACTED] had paid for the cookies. Thereafter, [REDACTED] was released without charging. [REDACTED] alleged that during his arrest, the Involved Officers choked and stuck him with an unknown object on his finger, infecting him with AIDS.

II. INVOLVED PARTIES

Involved Officer #1:	HANSEN, Timothy; Star #3833; Employee # [REDACTED]; Date of Appointment: September 26, 2005; Police Officer; Unit of Assignment: Public Transportation/Transit Security Unit, (Units 701/704); DOB: [REDACTED], 1982; Male; White.
Involved Officer #2:	BORCHARDT, Dale; Star #16806; Employee # [REDACTED]; Date of Appointment: July 7, 1997; Police Officer; Unit of Assignment: Public Transportation/Transit Security Unit, (Units 701/704); DOB: [REDACTED], 1972; Male; White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1989, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Timothy Hansen	1. It is alleged that Officer Hansen choked Mr. [REDACTED]	Unfounded

	2. It is alleged that Officer Hansen stuck Mr. ██████ finger with an unknown object, infecting him with AIDS.	Unfounded
Officer Dale Borchardt	1. It is alleged that Officer Borchardt choked ██████	Unfounded
	2. It is alleged that Officer Borchardt stuck Mr. ██████ finger with an unknown object, infecting him with AIDS.	Unfounded

**IV. APPLICABLE RULES AND LAWS**

Rules

**RULE – 2** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

**RULE – 8** Disrespect to or maltreatment of any person, while on or off duty.

**V. INVESTIGATION**

**a. Interviews**

In his **statement** to COPA, the, ██████ related he was at a 7-Eleven where he had purchased a pizza and a bag of cookies. As he was waiting for his pizza to be cooked, Mr. ██████ opened the bag of cookies. A clerk asked ██████ to pay for the cookies. Mr. ██████ told the clerk that he had already paid for the cookies, and he was not paying for them again. The clerk informed two officers, in civilian dress, that ██████ did not pay for the cookies. ██████ responded that he had paid for the cookies with his LINK Card. The officers asked the clerk if he wanted ██████ arrested and the clerk said yes. ██████ was handcuffed and escorted out of the 7-Eleven. ██████ alleged that during his arrest, the arresting officers choked and stuck him with an unknown object and told him that he now had AIDS. Upon being released from custody, ██████ received medical attention at Northwestern Hospital.

██████ stated that he believed this incident was about his assassination because the Illuminati, not the police, have been studying him. ██████ claimed similar incidents have happened to him at least thirty times, where the Illuminati remove his clothes, molest him, and feel on his rear end allegedly looking for drugs.

A complete audio statement was taken of ██████. However, the interview was not recorded in its entirety. The technical malfunction for this audio statement is unknown.<sup>1</sup>

<sup>1</sup> Att. 15

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**b. Digital Evidence**

Surveillance video from 7-Eleven documented an Involved Officer escorting [REDACTED] from the store and the officer holding a bookbag in his hand. [REDACTED] and the Involved Officer appeared standing outside the store while the second officer was still inside the store and appeared to be completing paperwork. Minutes later, two uniformed officers arrived at the store in a marked vehicle, placed [REDACTED] inside their vehicle, and drove away<sup>2</sup>.

**c. Physical Evidence**

**Medical Records** from Northwestern Hospital indicated that [REDACTED] primary complaint was that “the cops rubbed blood on my hand and said they gave me AIDS.”<sup>3</sup> Mr. [REDACTED] also complained of right wrist pain, right hand numbness and neck pain. [REDACTED] informed hospital personnel that he was handcuffed and pushed against a wall during his arrest. [REDACTED] was diagnosed with a neck strain and minimal abrasion to his right hand. [REDACTED] denied that his hand came into contact with anyone’s mouth. According to the medical records, the small amount of blood [REDACTED] had on his hand appeared to be from his own abrasion and [REDACTED] had no critical exposure or known exposure to HIV positive blood. Mr. [REDACTED] wound was treated with normal saline.<sup>4</sup>

**d. Documentary Evidence**

In an **Initiation Report**, Sergeant Carris Crawford, #2518 related she responded to Northwestern Hospital to interview [REDACTED] related he was arrested for allegedly stealing cookies from 7-Eleven. [REDACTED] alleged the two civilian dressed officers beat him as they placed him in custody. [REDACTED] sustained a laceration to his finger and soreness to his wrists and neck. [REDACTED] further alleged that one of the officers stuck his finger with an unknown object and stated, “You now have AIDS.” Sergeant Crawford recorded the interview of [REDACTED] on her Body Worn Camera (BWC)<sup>5</sup>.

Per [REDACTED] **Arrest Report**, the Involved Officers were present at 7-Eleven when the store clerk accused [REDACTED] of eating cookies without paying for them. [REDACTED] told the clerk that he paid for the cookies and to stop harassing him. [REDACTED] refused to show his receipt to the clerk. The clerk informed the Involved Officers that he wanted [REDACTED] arrested for retail theft. The Involved Officers, who were in civilian dress, announced their office, and placed [REDACTED] in custody. At the 1<sup>st</sup> District Station, the Involved Officers received a telephone call from the clerk. The clerk informed the Involved Officers that after viewing the store surveillance cameras, it was confirmed that [REDACTED] had paid for the cookies. Thereafter, per the District Commander, [REDACTED] was released without charging. Upon his release, [REDACTED] complained of injury and was transported to Northwestern Hospital by Beat 171.<sup>6</sup>

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<sup>2</sup> Att. 19

<sup>3</sup> Att. 18, Page 4.

<sup>4</sup> Att. 18

<sup>5</sup> Att. 5

<sup>6</sup> Att. 6

Involved Officer Dale Borchardt completed a **Tactical Response Reports (TRR)** regarding the arrest of ██████████. Per the report, ██████████ did not follow verbal direction, stiffened his body, and pulled away. Officer Borchardt actions were member presence, verbal direction/control techniques, tactical positioning and escort holds. Lieutenant Stephanie Stuart #330 commented that she observed a small cut to ██████████ right hand between his index and middle fingers, and reported that ██████████ stated, “The officers just jumped on me and cuffed me for no reason. They broke my hand.”<sup>7</sup>

## VI. 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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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 makes a finding of **Unfounded** for **Allegation #1**, that Officers Timothy Hansen #3833 and Dale Borchardt #16806 choked ██████████. The surveillance video from 7-Eleven does not show any maltreatment to ██████████ by the Involved Officers. Officer Borchardt completed a TRR regarding ██████████ arrest that described ██████████ as not following verbal direction, stiffening his body and pulling away. Officer Borchardt responded with member presence, verbal

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<sup>7</sup> Att. 7

direction/control techniques, tactical positioning and escort holds. [REDACTED] informed medical personnel that the officers handcuffed him and pushed him against a wall during his arrest. There is no notation in the medical records of [REDACTED] informing medical personnel that the officers choked him during his arrest. As a result, there is sufficient evidence to disprove this allegation. Based on the aforementioned finding, the Involved Members were not interviewed.

COPA makes a finding of **Unfounded** for **Allegation #2**, that Officers Timothy Hansen #3833 and Dale Borchardt #16806 stuck [REDACTED] finger with an unknown object, infecting Mr. [REDACTED] with AIDS. [REDACTED] alleged to hospital personnel that the officers rubbed blood on his hand; however, [REDACTED] did not mention that the officers allegedly stuck his finger with an unknown object. Moreover, [REDACTED] medical records documented that the small amount of blood [REDACTED] had on his hand appeared to be from his own abrasion and that [REDACTED] had no critical exposure or known exposure to HIV positive blood. Based on the aforementioned findings, the Involved Members were not interviewed.

**VIII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Timothy Hansen	1. It is alleged that Officer Hansen choked Mr. [REDACTED]  2. It is alleged that Officer Hansen stuck Mr. [REDACTED] finger with an unknown object, infecting him with AIDS.	Unfounded  Unfounded
Officer Dale Borchardt	1. It is alleged that Officer Borchardt choked [REDACTED].  2. It is alleged that Officer Borchardt stuck Mr. [REDACTED] finger with an unknown object, infecting him with AIDS.	Unfounded  Unfounded

Approved:

[REDACTED]

9-25-2021

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 Angela Hearts-Glass  
 Deputy Chief Investigator

\_\_\_\_\_  
 Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	12
<b>Major Case Specialist:</b>	Tom Kalantzis
<b>Supervising Investigator:</b>	Andrew Dalkin
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass