

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	February 5, 2019, approximately 00:05 a.m.; Various locations
Date/Time of COPA Notification:	February 5, 2019, at 07:47 a.m.
Involved Department Member #1:	Mary Ruglic, Employee # [REDACTED] DOA: April 1,2012. Detention Aide; Unit 384; DOB: [REDACTED], 1978; Female; White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1975; Male; Hispanic.
Case Type:	Domestic Violence

I. ALLEGATIONS

Department Member	Allegation	Finding
Detention Aide Mary Ruglic	1. It is alleged that on February 5, 2019, at approximately 00:05 a.m., in the vicinity of Cullerton and Damen (2000 S. Damen), the accused engaged in an unjustified physical altercation.	Not Sustained
	2. It is alleged that on February 5, 2019, at approximately 00:05 a.m., in the vicinity of Cullerton and Damen (2000 S. Damen), the accused was intoxicated.	Not Sustained
	3. It is alleged that on February 5, 2019, at approximately 00:15 a.m., at an unspecified location, the accused refused to allow [REDACTED] to exit her vehicle and seek medical treatment at Stroger Hospital.	Not Sustained
	4. It is alleged that on February 5, 2019, at approximately 00:20 a.m., in the vicinity of Carroll and Damen, the accused struck [REDACTED] about the head and body with a closed fist; and	Not Sustained
	5. It is alleged that on February 5, 2019, at approximately 00:20 a.m., in the vicinity of	Not

	Carroll and Damen, the accused took [REDACTED] [REDACTED] sweater, which she did not return to him.	Sustained
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II. SUMMARY OF EVIDENCE¹

This complaint was initiated by Lieutenant Mike Rigol, #235, after review of the Case Report for Domestic Battery, RD #JC-140609, in which Detention Aide Mary Ruglic was listed as the offender and [REDACTED] was the victim. On February 5, 2019, Officers Genghis Harris and Nayeli Jimenez (Beath 1223R) responded to a domestic battery in progress. [REDACTED] told Officers Harris and Jimenez that Ruglic, his [REDACTED] with whom he has a [REDACTED], took his phone from him while inside her vehicle and refused to give it back to him. [REDACTED] also alleged that Ruglic punched him about the head and body, [REDACTED] related that two police officers, now known as Officers Michael Headley and John Norwood (Beat 1262B), observed the altercation with Ruglic and intervened. According to the report, Officers Headley and Norwood confirmed that they viewed a disturbance at Cullerton and Damen, where both parties appeared to be under the influence of alcohol as they pushed and shoved each other over a cell phone. Ruglic entered her vehicle, a 2011 Honda Pilot, while [REDACTED] walked backwards from the car. [REDACTED] fell into a flower bed and appeared to injure his left arm. Officers Headley and Norwood cleared the scene. [REDACTED] walked Northbound on Damen Avenue as Ruglic followed him in her car.

[REDACTED] reported that he later entered Ruglic's vehicle after she offered to take him to the hospital for treatment. However, she did not stop at the hospital, and he decided to exit her vehicle near the intersection of Carroll and Damen. Ruglic followed [REDACTED] onto the street and stuck Villarreal about the face and head with her fists. Ruglic also took his sweater and retained possession of it. [REDACTED] stated onlookers called 911, and Ruglic fled in her vehicle prior to the arrival of officers at Carroll and Damen. [REDACTED] was transported to Stroger Hospital for a left arm injury. The case report was classified as "Exc. Cleared Closed (Comp. Refused to Prosecute)" after [REDACTED] told detectives that "everything is fine"² and declined to pursue criminal charges against Ruglic.³

All attempts by COPA to obtain the statement of [REDACTED] were unsuccessful. Cavasses conducted were met with negative results. An internet search for [REDACTED] produced his obituary, which reported that he died on January 4, 2020.⁴

The BWC recordings from Officers Norwood and Headley at the location of Cullerton and Damen on February 4, 2019, at approximately 11:56:35 p.m., depicted the officers encountering an agitated [REDACTED] wearing a zippered hooded sweatshirt, walking away from the officers. [REDACTED] is agitated and verbally abusive as he walks backwards away from the officers. Villarreal then accidentally fell backwards into a raised, cement flowerbed and yelled

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

² Att. 7, Pg. 3.

³ Atts. 4,5,6,7.

⁴ Atts. 19, 33, 34, 35, 41, 70.

that his arm was broken. Additional police units arrived and Officers Norwood and Headley told them that ██████ had been pushing the female, now known as Ruglic, when they stopped to intervene. Officers Norwood and Headley asked ██████ if he wanted an ambulance. ██████ replied that he did but then rose out of the flowerbed and became verbally abusive toward Ruglic and the officers, who repeatedly implored him to calm down. Ruglic gave ██████ his phone, and he walked North on Damen away from the officers and Ruglic before the ambulance arrived.⁵

The Event Query documented that Beat 1262B logged an on-view disturbance at 23:56:34 p.m. on February 4, 2019, and ended the call at 00:07:58 a.m. on February 5, 2019, with a classification of “19P,” for “peace restored -- other police service.”⁶

The Event Queries and OEMC recordings documented that ██████ called 911 on February 5, 2019, at 00:22:28 am to report that he had been attacked, that “they” broke something in his arm, which had “popped,” and he now couldn’t move his arm.⁷ ██████ was unsure of his location but thought he was on Damen. ██████ also remarked that he was cold because all he had was a sweater, as his jacket had been ripped off him during the attack. At 00:00:41 seconds into the call, ██████ became unintelligible while screaming. It is unclear who he screamed at, and the person, or persons, is not heard on the recording. The screaming ceased at 01:10:00 a.m. ██████ stated that he was at Carroll and Damen and that the people who did this to him had run away. ██████ was instructed to remain on the scene for help to arrive. This call ended, and ██████ made an additional 911 call at 00:26:52 a.m. to report that he was still waiting for help. A Service Calls Search revealed that ██████ from Metra called 911⁸ on February 5, 2019, at 00:27:10 and reported that two men were fighting while the female involved ran off.⁹

Beat 1262B, now known as Officers Norwood and Headley, were on scene with ██████ when Beat 1223R, now known as Officers Harris, Englert and Jimenez, arrived. Body Worn Camera (BWC) from Officers Harris, Englert and Jimenez at the location of Carroll and Damen documented that an ambulance was on scene. ██████ is not seen on their BWC at the location of Cullerton and Damen, because he was being treated inside the ambulance. However, ██████ is heard talking to Officers Headley and Norwood as they arrive on scene. Officer Headley informed Beat 1262B of their earlier encounter with ██████ whom they described as being intoxicated, adding that he did not want a report but an ambulance. Officer Harris stated that a report would be generated at the hospital. A Metra Police Officer, now known as ██████ approached Beat 1262B to report that he heard fighting and then observed a short, heavysset female run east down Carroll. Officer ██████ stated that he just came from Wood and Carroll and did not see the female. Officer ██████ also stated that he heard the fighting from inside a building and suggested that the Chicago Police investigate inside the building to make sure no one was injured. Beat 1233R stated that the female was driving a black Kia and walked over to investigate a car driving past, which was not a black Kia.

⁵ Att. 73.

⁶ Att. 46.

⁷ Att. 20, 00:00:16 seconds.

⁸ The 911 recording from this call was not available and was not provided in the COPA request made to OEMC.

⁹ Atts. 9,20,21,22,46,49,76, 77, 78

The BWC footage recorded the ride of Officers Harris, Englert, and Jimenez to Stroger Hospital where they encountered ██████ in the lobby of Stroger with a sling on his left arm. ██████ who is seen pacing with his phone in his right hand, stated that he wanted to make a police report against Ruglic because she had caused the whole incident. ██████ stated that she caused him to go after her to get his phone, which caused him to break his arm walking backwards from the police at Cullerton and Damen. ██████ stated that he got in her car later, when she stopped and offered to take him to the hospital. Ruglic did not take him to the hospital and dropped him off at Carroll and Damen. While on the phone with 911, ██████ said that Ruglic attacked him. Officer Headley is seen entering the lobby as ██████ is taken into the Emergency Room for treatment. Officer Headley is heard saying that he found Ruglic driving and that she went home after providing her information.¹⁰

Ambulance #45 responded to Damen and Cullerton at 00:28:18 am, where ██████ walked to them in “mild distress.” ██████ told them that he had tripped, fallen, and now had left elbow pain that was sharp and worse upon movement. ██████ had his left arm placed in a sling and was transferred to the Emergency Department of Stroger Hospital at 00:36:54 am. ██████ was diagnosed with a fracture to the bones in his left elbow. The medical records documented that ██████ did not mention being battered and reported that he had fallen on his elbow while on the street.¹¹

Investigation revealed that ██████ was the Metra Dispatcher who contacted 911 on behalf of Metra Officer ██████ who reported at 00:25:29 a.m. on February 5, 2019, that two males, possible females, went east on Carroll from Damen. Officer ██████ was assigned with Officer Thomas McInerney.¹²

In an interview with COPA on June 23, 2020, Officer ██████ stated that he was patrolling the elevated railroad tracks in the vicinity of 400 N. Damen when he heard a fight between two men in the empty warehouse next to the tracks. He heard two men yelling and breaking glass, then observed a male and female exit the warehouse from behind the board. The male, now known as ██████ stumbled and the female assisted him. Officer ██████ did not see them fighting but observed that ██████ appeared hurt and clenched his side. The female, who was white and heavyset, left ██████ on the corner of Carroll and Damen before running eastbound on Carroll. Officer ██████ lost sight of the female at Wood and Carroll. By the time Officer ██████ whom was in his Metra vehicle, returned to Carroll and Damen, ██████ was walking toward the ambulance. Officer ██████ then spoke with the officers on the scene.¹³

In an interview with COPA on June 1, 2020, Metra Officer McInerney recalled nothing of this incident, adding that he and Officer ██████ were not physically together and patrolling different geographic regions in separate vehicles while assigned as partners. Officer McInerney stated that he did not see what Officer ██████ saw.¹⁴

¹⁰ Att. 39.

¹¹ Atts. 15, 55, 56,

¹² Atts. 60, 61.

¹³ Att. 62,

¹⁴ Att. 66.

In an interview with COPA on June 26, 2019, Officer Norwood essentially provided the same account as the case report and BWC, but denied that he saw Ruglic push [REDACTED]. Rather, he observed [REDACTED] push Ruglic. Furthermore, he added that he smelled alcohol on [REDACTED] at Cullerton and Damen. Norwood stated that he and Headley responded to a call at Carroll and Damen where they recognized [REDACTED] from earlier. In an interview with COPA also on June 26, 2019, Officer Headley essentially provided the same account as the case report and BWC, adding that Ruglic did not appear intoxicated to him and that he did not complete the case report. Officer Headley saw Ruglic and [REDACTED] pushing each other.¹⁵

In an interview with COPA on April 5, 2019, Officer Harris essentially provided the same account as the case report and BWC, adding that [REDACTED] was intoxicated, sweating, and had bloodshot eyes. Officer Harris also identified himself as a Field Training Officer (FTO) who was training Officers Englert and Jimenez.¹⁶

In an interview with COPA on April 23, 2019, Officer Englert essentially provided the same account as the case report and BWC recordings, adding that he smelled alcohol on [REDACTED] breath but had no personal interaction with him. Officer Englert also stated that their beat completed the case report.¹⁷

In an interview with COPA on July 23, 2020, Officer Jimenez essentially stated the same as the case report and BWC recordings, adding that she did not know who told her that both [REDACTED] and Ruglic were intoxicated. She recalled [REDACTED] being intoxicated but had no idea about Ruglic because she did not encounter her at all.¹⁸

In an interview with COPA on July 22, 2020, Detention Aide Ruglic stated that [REDACTED] was her [REDACTED] from 2003 through 2006, and that they had [REDACTED] [REDACTED]. After the end of their [REDACTED], [REDACTED] traveled around the county as a welder and remained in regular contact with both Ruglic and [REDACTED]. By 2016, [REDACTED] had moved back to the Chicago area full-time after developing a heroin addiction. In August 2018, [REDACTED] came to stay with Ruglic as he took part in a Drug Treatment Program. By February of 2019, [REDACTED] was on methadone maintenance while drinking and abusing anti-anxiety medications, which made him agitated and combative in conjunction with his mental illnesses: bi-polar disorder and borderline personality disorder.

On February 4, 2019, Ruglic stated that she was driving an intoxicated [REDACTED] to the home of his aunt located at [REDACTED] [REDACTED]. While in transit, they had a verbal disagreement and [REDACTED] tried to open the car door while the car was still moving. Ruglic stated that she grabbed his phone until she pulled over. Once stopped, [REDACTED] jumped out of the car. Ruglic grabbed his phone out of the console in the car, while [REDACTED] attempted to snatch the phone out of her hand. Ruglic described him as highly agitated as she tried to coax him back into the car with the promise of his phone. Ruglic exited her vehicle. [REDACTED] pushed Ruglic, who

¹⁵ Atts. 50, 51.

¹⁶ Att. 36.

¹⁷ Att. 40.

¹⁸ Att. 72.

stated that she did not know how hard she was pushed. The police, now known as Officers Norwood and Headley, stopped and told ██████ not to push her.

Ruglic stated that ██████ became even more agitated. ██████ walked backwards away from the officers and fell over a cement flower planter. ██████ yelled profanities and took off down Damen on foot. Ruglic drove down Damen and saw him. She pulled over and asked him to get into the car so she could take him to the hospital. ██████ refused. Ruglic did not know where she stopped on Damen but did not think it was as far as Carroll and Damen. ██████ was on the phone with an unknown person when Ruglic stopped. Ruglic stated that she had enough and went home. A few hours later, ██████ called her, and she picked him up from Stroger. Ruglic stated that she told ██████ that he was no longer welcome to stay by her and she dropped him off at his aunt's home.

Ruglic denied the allegations made against her, stating that she was not drinking and not intoxicated and described the account provided by ██████ as fabricated. Ruglic stated that ██████ had improved and was working again by August 2019 when he came to stay with her and ██████ again. Ruglic related that she was unaware that ██████ was using maintenance amounts of heroin until he overdosed while fixing her car on January 4, 2020. Ruglic stated that she thought she had text messages from ██████ apologizing for the incident and stating that he had made up the allegations. However, at the time of this report, Ruglic had not submitted these text messages to COPA.¹⁹

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 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.

¹⁹ Atts. 71, 74.

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.

IV. ANALYSIS AND CONCLUSION

COPA finds that **Allegations #1, 4, and 5**, that Detention Aide Mary Ruglic engaged in an unjustified physical altercation with ██████████ struck ██████████ about the head and body with a closed fist; and took his sweater, which she did not return to him are Not Sustained. ██████████ did not cooperate with this investigation prior to his death in January 2020. Officers Norwood and Headley intervened on the street at Cullerton and Damen, when they observed ██████████ and Ruglic. Officer Headley stated he observed them pushing each other, while Officer Norwood only observed ██████████ pushing Ruglic. ██████████ was agitated and confrontational in the BWC recordings, hurling verbal abuse and profanities at Ruglic and the officers. Ruglic denied the allegations, stating that she was attempting to get ██████████ back into the car when he pushed her.

██████████ also reported being punched and repeatedly told officers that Ruglic had attacked him on Carroll and Damen. However, medical records did not document that ██████████ reported any physical abuse, and ██████████ had no visible injuries to his head and face. Ruglic denied this allegation, stating that she headed home after ██████████ declined to enter her vehicle and have her take him to the hospital when she encountered him on Damen. However, BWC recordings documented Officer Headley entering the lobby of Stroger Hospital stating that he had just encountered Ruglic driving and provided her information for the report. The location of where Ruglic was encountered was not provided. Given the short window of fourteen minutes between Cullerton and Damen and the 911 call, it is not unreasonable for Ruglic to have still been in the area without having struck ██████████ on the street at Cullerton and Damen. Metra Officer ██████████ stated that he saw Villarreal exit an abandoned warehouse near 400 N. Damen with an unknown female after hearing a fight between males inside. ██████████ saw the female run down Carroll while ██████████ stayed at the corner of Carroll and Damen. ██████████ reported that ██████████ walked to the ambulance when he arrived back at Carroll and Damen. Ruglic was not on scene. It is unknown if Ruglic was the unknown female who exited the warehouse with ██████████. The different accounts, as well as the lack of witnesses for periods of time within this incident, when coupled with ██████████ inaccurate account to 911 and intoxication, indicates that COPA cannot determine if these allegations occurred as alleged.

Thus, there is insufficient evidence to determine whether the incident occurred as alleged, and there is no clear and convincing evidence to refute the allegations. Thus, Allegations 1, 4 and 5 are Not Sustained.

COPA finds that **Allegation #2**, that on February 5, 2019, at approximately 00:05 a.m., in the vicinity of Cullerton and Damen, Ruglic was intoxicated is Not Sustained. Officers Headley

