

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	July 13, 2020 / 11:00 a.m. / [REDACTED]
Date/Time of COPA Notification:	September 9, 2020 / 4:19 p.m.
Involved Officer #1:	Victor Montes, Star #17683, Employee ID# [REDACTED], Date of Appointment April 25, 2016, Rank Police Officer, Unit of Assignment 020, DOB [REDACTED], 1991, Male, WWH
Involved Officer #2:	Lester Tojong, Star #6859, Employee ID# [REDACTED], Date of Appointment December 13, 1999, Rank Police Officer, Unit of Assignment 020, DOB [REDACTED], 1969, Male, API
Involved Officer #3:	Jason Lieblick, Star # 1557, Employee ID# [REDACTED], Date of Appointment March 08, 1999, Rank Sergeant of Police, Unit 025, DOB [REDACTED], 1972, Male, WHI
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1994, Male, White
Case Type:	4 th Amendment – unlawful seizure and transport to hospital for mental health evaluation.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Victor Montes	<p>It is alleged by [REDACTED] that on or about July 13, 2020, at approximately 11:10 a.m., at or near [REDACTED] Officer Victor Montes, Star #17683, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. detaining [REDACTED] without justification, and 2. transporting [REDACTED] to a hospital for a mental health evaluation against his will. 	<p>EXONERATED</p> <p>EXONERATED</p>
Officer Lester Tojong	<p>It is alleged by [REDACTED] that on or about July 13, 2020, at approximately 11:10 a.m., at or near [REDACTED] Officer Lester Tojong, Star #6859, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. detaining [REDACTED] without justification, and 	<p>EXONERATED</p>

	2. transporting ██████████ to a hospital for a mental health evaluation against his will.	EXONERATED
Sergeant Jason Lieblick	<p>It is alleged by ██████████ that on or about July 13, 2020, at approximately 11:10 a.m., at or near ██████████ ██████████ Sergeant Jason Lieblick, Star # 1557, committed misconduct through the following acts or omissions, by:</p> <p>1. detaining ██████████ without justification, and</p> <p>2. transporting ██████████ to a hospital for a mental health evaluation against his will.</p>	<p>EXONERATED</p> <p>EXONERATED</p>

II. SUMMARY OF EVIDENCE¹

On July 13, 2020, at approximately 11:00 a.m., Sergeant Jason Lieblick and Officers Victor Montes and Lester Tojong responded to an **OEMC notification²** of a domestic disturbance at ██████████. Upon arrival the officers initially met with the 911 caller, ██████████ and investigated his allegations of a domestic battery. After speaking with ██████████ roommates and observing his behavior, the officers placed ██████████ in handcuffs and transported him to Swedish Covenant Hospital for a mental health evaluation. ██████████ contacted the Civilian Office of Police Accountability (COPA) alleging the officers committed misconduct by unlawfully detaining him and transporting him to the hospital against his will.

█████████ provided a **complainant statement to COPA³** on September 11, 2020. In the audio recorded interview, ██████████ described the officers’ actions and their refusal to take his complaint against one of his roommates. ██████████ stated the officers chased him, cut him off, and cornered him before they placed handcuffs on him. He also alleged the officers failed to read him his Miranda rights, and they transported him to an unknown hospital against his will after he continually refused medical assistance. At the hospital, ██████████ recalled that people dressed in civilian clothes, not hospital uniforms, asked him questions about harming himself or others. ██████████ was released two hours later following a psychological evaluation.

During ██████████ interview, he appeared distressed when COPA investigators asked about his current mental health and his condition on the date of the incident. ██████████ revealed he had been under a doctor’s care for ten months with a mental health diagnosed, but he stopped taking his medication because it was too strong. He explained that he feels “antsy”⁴ when asked about his medication or his health because it is a private matter between himself and his doctor.

¹ COPA conducted a preliminary investigation of this matter, including the interview of the complainant and the collection and review of digital and documentary evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

² Attachment 11.

³ See Attachment 8.

⁴ Attachment 8 at 22:11 minutes.

The **body worn camera (BWC) videos**⁵ of Officers Montes and Tojong capture the officers' interactions with ██████. Upon arrival at the residence, ██████ informs the officers that he and one of his roommates, ██████, got into a physical altercation over dirty dishes. The officers then speak to ██████ three roommates, who state ██████ was the aggressor and "sucker-punched"⁶ ██████, who responded in self-defense. The roommates also describe prior altercations with ██████ that ended in ██████ involuntary mental health commitment. The roommates state they feel unsafe with ██████ in their shared apartment and the officers advise them to seek an order of protection. The officers then exit the apartment and ask ██████ if he has ever been hospitalized or takes any drugs or prescription medications. ██████ refuses to answer the officers, insisting it is inappropriate for them to ask about his mental health history because he is the victim.

During the investigation, ██████ abruptly walks away from the officers and the apartment. The officers and Sergeant Lieblick follow ██████ in their vehicles and reapproach him on the sidewalk. ██████ who is on his cell phone, states he does not know the officers and informs them, "I have to call the White House."⁷ Sergeant Lieblick places a handcuff on ██████ wrist as Officers Montes and Tojong bring ██████ arms behind his back. ██████ appears fearful of the officers as he screams and calls out for help. Sergeant Lieblick tells ██████ he is not under arrest, they are there to help him, and they are going to take him to the hospital to get psychiatric help. ██████ continually states that he refuses medical care and treatment. The officers escort ██████ to their vehicle, then discuss how to complete the paperwork for the incident. Sergeant Lieblick tells Officer Montes that ██████ is not under arrest because he is "not fit for custody."⁸ Officer Tojong then transports ██████ to Swedish Hospital without incident.

The **Original Case Incident Report**⁹ completed by Officer Montes documents that during the investigation, ██████ reported he scratched ██████ in self-defense after ██████ punched him in the face with a closed fist. Roommates ██████ and ██████ witnessed the altercation and informed the officers that, on at least one prior occasion, police had taken ██████ to the hospital for a mental health evaluation. The roommates also stated ██████ takes prescription medications but they were unsure of his diagnosis. Officer Montes then returned to speak with ██████ and realized he was in a manic mental state, making claims like "he was going to call the White House, and that his name was not ██████"¹⁰ After observing the noted behavior, the officers transported ██████ to Swedish Hospital for further evaluation. The simple domestic battery charge was suspended.

The **Original Case Incident Report for RD # ██████**¹¹ documents that on July 18, 2020, ██████ reported that he obtained an order of protection that needed to be served on ██████. Responding officers advised ██████ of the conditions of the order, including that he have no contact with ██████ and stay away from ██████. ██████ willingly left the location with responding officers.

⁵ See Attachment 6 & 7.

⁶ Attachment 6 at 9:22 minutes.

⁷ Attachment 6 at 30:15 minutes.

⁸ Attachment 6 at 32:27 minutes.

⁹ See Attachment 3.

¹⁰ Attachment 3, pg. 3.

¹¹ See Attachment 2.

III. ANALYSIS AND CONCLUSION

The complainant alleged that Sergeant Lieblick and Officers Montes and Tojong unlawfully detained and transported him to the hospital in violation of his Constitutional rights. The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantee individuals' right to be free from unreasonable searches and seizures. However, police officers are authorized to temporarily detain an individual when they have reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed a criminal offense.¹² The investigatory stop is not a voluntary contact, and the detained individual is not free to leave the officer's presence.

In this case, although ██████ called 911 for assistance, the officers questioned all parties and came to the conclusion that ██████ was the victim and ██████ was the offender. Based on the roommate's narrative of the events, ██████ previous hospitalization for a mental health evaluation, and ██████ behavior and emotional state, the officers believed he was experiencing a mental health problem. ██████ appeared to be agitated and anxious during the investigation and stated he was calling the White House for help. His statements and behavior led the officers to believe they needed to act quickly to transport ██████ to a hospital for psychiatric evaluation.¹³

Department policy authorizes officers to take a person into protective custody and transport him or her to a mental health facility for involuntary admission when the officer has reasonable grounds, based on the officer's personal observations, to believe that the person is in need of an immediate mental health evaluation to protect such person or others from physical harm.¹⁴ In this case, the BWC videos and Department reports support the officers' conclusion that ██████ was in need of a mental health evaluation. Accordingly, the officers opted to seek medical intervention and suspend the domestic battery charge in lieu of an arrest.¹⁵ Despite ██████ refusal of medical attention, COPA finds the officers followed Department directives when they transported him as a non-offender, involuntarily, to a medical facility for evaluation. Additionally, COPA notes that the officers treated ██████ with dignity and respect throughout the incident.

After careful consideration of all the facts, COPA finds that Sergeant Lieblick and Officers Montes and Tojong acted within the scope of their authority when they detained and transported ██████ to the hospital for a mental health evaluation. Accordingly, the allegations against all three members are **Exonerated**.

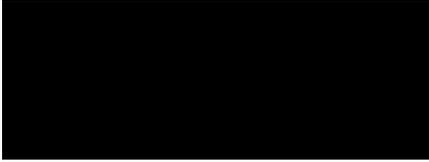
¹² 725 ILCS 5/107-14(a) delineates the authority for conducting an investigatory stop.

¹³ Department policy identifies numerous verbal, behavioral, and environmental cues that could suggest an individual is in need of mental health treatment. The BWC videos capture ██████ displaying several of these cues, including statements of false, fixed beliefs (delusions), unusual demeanor and body movements, lack of awareness of surroundings, and extreme emotional responses. See Special Order S04-2002(V)(A)(1)-(2), Recognizing and Responding to Individuals in Crisis (effective April 25, 2018 – December 30, 2020).

¹⁴ Special Order S04-20-02(V)(A)(4), Persons Subject To Involuntary Or Voluntary Admission Non-Arrestees (effective May 7, 2004 – December 30, 2020).

¹⁵ ██████ alleged the officers did not read him his Miranda rights; however, COPA finds ██████ was in protective custody, not custodial arrest, and the officers did not question ██████ in the context of a custodial interrogation. Therefore, Miranda rights were not required.

Approved:



9/21/2020

Matthew Haynam
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Emmily Stokes
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam