

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	November 2, 2013
Time of Incident:	Approximately 5:15 P.M.
Location of Incident:	3430 South Wentworth
Date of COPA Notification:	November 2, 2013
Time of COPA Notification:	Approximately 7:27 P.M.

On November 2, 2013, around 4:15 P.M., Officers Eugene Posey and Jonas Dodoo, assigned to the Chicago Police Department Mass Transit Unit, observed ██████ cross between "L" cars on the Red Line. Officers Posey and Dodoo placed ██████ under their custody, at which point Officer Posey conducted a safety pat-down of ██████ was then transported via "L" train to the 35<sup>th</sup> Street Red Line stop, where officers had left their citation book. As ██████ was being issued an Administrative Notice of Violation, a name check revealed ██████ had two outstanding warrants. Sgt. Eddie Perez directed Officers Timothy Hansen and Dale Borchardt to bring ██████ to a nearby CPD vehicle. Sgt. Perez also called for a female officer to search ██████ While officers waited for the female officer to arrive, ██████ remained handcuffed and seated in the rear of the CPD vehicle. As ██████ sat in the vehicle, she removed a handgun from her clothes. That handgun discharged, hitting ██████ in the stomach. ██████ was brought to Northwestern Hospital for treatment and this investigation ensued.

**II. INVOLVED PARTIES**

Involved Officer #1:	Eugene Posey; Employee # ██████; No Longer on Force
Involved Officer #2:	Jonas Dodoo; Star #13259; Employee # ██████; 8 Years on Force; Police Officer; Assigned to Unit 701, Detailed to Unit 704; DOB: ██████, 1984; Male Black
Involved Officer #3:	Timothy Hansen; Star #3833; Employee # ██████; 12 Years on Force; Police Officer; Assigned to Unit 701, Detailed to Unit 704; DOB: ██████, 1982; Male White
Involved Officer #4:	Dale Borchardt; Star #16806; Employee # ██████; 20 Years on Force; Police Officer; Assigned to Unit 701, Detailed to Unit 704; DOB ██████, 1972; Male White
Involved Officer #5:	Eddie Perez; Star #2287; Employee # ██████; 27 Years on Force; Sergeant; Assigned to Unit 701; DOB ██████, 1962; Male Hispanic

Subject #1: [REDACTED] DOB [REDACTED], 1993; Female Black

### III. ALLEGATIONS

Officer	Allegation	Finding
Officer Posey	<p>1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Eugene Posey failed to conduct a preliminary pat down of [REDACTED] and failed to ensure that she was properly searched by an assisting officer before being placed inside a police vehicle, in violation of Rule 10 and Rule 11.</p>	<p>1. Sustained</p>
Officer Dodoo	<p>1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Jonas Dodoo failed to conduct a preliminary pat down of [REDACTED] and failed to ensure that she was properly searched by an assisting officer before being placed inside a police vehicle, in violation of Rule 10 and Rule 11.</p>	<p>1. Sustained</p>
Officer Hansen	<p>1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen verbally abused [REDACTED] in that he called her a "stupid bitch," in violation of Rule 2 and Rule 8;</p> <p>2. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen kicked [REDACTED] while she was handcuffed on the ground, in violation of Rule 2 and Rule 8;</p> <p>3. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Dodoo, in violation of Rule 10 and Rule 11; and,</p>	<p>1. Not Sustained</p> <p>2. Not Sustained</p> <p>3. Sustained</p>

Officer Hansen	4. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.	4. Not Sustained
Officer Borchardt	<p>1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Dale Borchardt failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Dodoo, in violation of Rule 10 and Rule 11; and,</p> <p>2. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Dale Borchardt failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.</p>	<p>1. Sustained</p> <p>2. Not Sustained</p>
Sergeant Perez	<p>1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Sergeant Eddie Perez failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Dodoo, in violation of Rule 10 and Rule 11; and,</p> <p>2. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Sergeant Eddie Perez failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.</p>	<p>1. Sustained</p> <p>2. Not Sustained</p>

#### 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.
- Rule 10:** Inattention to duty.
- Rule 11:** Incompetency or inefficiency in the performance of duty.
- 

##### General Orders

---

1. **Chicago Police Department General Order G06-01-01, "Field Arrest Procedures," Effective 19 December 2012 through 12 November 2015:**

"II. Responsibilities

- A. Department members taking an individual into custody or accepting custody from other members will follow procedures outlined in the Department directive entitled 'Restraining Arrestees.' Members will be responsible for the safety and security of the arrestee. A thorough search of persons taken into custody will be conducted in accordance with established Department procedures.
- B. Members will transport an arrestee in a vehicle equipped with a protective divider or request a squadrol as soon as possible for transportation to the district of arrest or, with prior approval of their supervisor, the appropriate holding facility unless circumstances would make this unreasonable or impractical
- C. Transporting officers will immediately transport the arrestee to the district of arrest or, with prior approval of their supervisor, the appropriate holding facility and turn the arrestee over to the arresting officer(s). [...]
- D. As soon as the situation allows, the arresting officer(s) will:
  - 1. Proceed to the district of arrest or appropriate holding facility,
  - 2. Immediately notify the station supervisor that an arrestee has been brought into the facility and report the name of the arrestee, the circumstances of the arrest, and the probable charges,
  - 3. Accept custody of the arrestee, if applicable, and

4. Ensure all the required arrest documentation is properly completed and presented to the station supervisor of the district of arrest. [...]

2. **Chicago Police Department General Order G06-01-02, "Restraining Arrestees," Effective 22 February 2012 through 01 January 2016:**

"IV. Custodial Searches Involving Arrestees

- A. Sworn members taking persons into custody or accepting custody from other officers will be responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury. [...]

V. Use of Restraining Devices

B. Arrestee Transport

1. When an arrestee is to be transported to another location (hospital, court facility, etc.) by other than prisoner transfer van personnel, the responsible member will comply with Item V-B of this directive.<sup>1</sup>
  - a. An arrestee will not normally be transported in a passenger vehicle not equipped with a protective divider.
  - b. Two officers will be assigned when transporting an arrestee."

3. **Chicago Police Department Special Order S04-13-09, "Contact Information System," Effective 23 February 2012 through 03 April 2014:**

"III. Contact Categories [...]

- B. Investigatory Street Stop—A contact in which the sworn member has articulable reasonable suspicion that the person is committing, is about to commit, or has committed a crime; consequently, the sworn member has momentarily restricted the person's freedom of movement. The contact should last only as long as necessary to determine if probable cause to arrest exists. Additionally, if the sworn member has reasonable articulable suspicion to believe that the person is armed with a weapon or dangerous instrument, the investigatory street stop may include a pat-down of the out clothing for weapons consistent with the Department directive entitled 'Interrogations: Field and Custodial.'"

---

<sup>1</sup> *Removal From Secured Facility-Additional Restraint*, Chicago Police Department Special Order S04-13-09(V)(B).

## V. INVESTIGATION

To fully investigate the allegations forming the basis of this log number, a series of evidentiary steps were taken by the Independent Police Review Authority (IPRA) —now the Civilian Office of Police Accountability (COPA) —investigators.<sup>2</sup> These evidentiary steps are detailed as follows:

On November 2, 2013, IPRA was notified by the Chicago Police Department of an **extraordinary occurrence incident** that took place earlier in the day. To obtain preliminary information on the relevant events and actors, IPRA investigators traveled to Area Central and spoke with Commander James Roussell. Commander Roussell said the incident occurred as several officers attempted to detain ██████ who had been observed by officers while patrolling a CTA platform. Officers Posey and Dodoo proceeded to issue ██████ an Administrative Notice of Violation. At that time, the officers learned ██████ had outstanding warrants. ██████ was placed into custody and given a preliminary pat-down. Thereafter, Officers Tim Hansen, Dale Borchart, and Sgt. Eddie Perez arrived on scene. While Sgt. Perez called for a female officer to conduct a custodial search, ██████ was placed inside a squad car. Commander Roussell did not know whether ██████ was handcuffed at the time. While ██████ sat inside the car, officers heard a loud pop noise. That sound was later understood to be the sound of ██████ shooting herself in the abdomen. ██████ was then transported to Northwestern Hospital. During transport, ██████ told officers she accidentally discharging the handgun while trying to hide it.<sup>3</sup>

### a. Interviews

#### ***SUBJECT INTERVIEWS***

On June 25, 2014, IPRA received a telephone call from an individual identifying herself as ██████. While ██████ agreed to come in for an interview, she also offered details of the November 2, 2013. Specifically, ██████ noted that on that date, at approximately 4:00 p.m., she was on the Red Line crossing between “L” cars. Thereafter, ██████ was stopped by two plain-clothed Chicago Police officers. The officers handcuffed ██████ and indicated they would issue her a citation. The three individuals then rode the “L” to 95<sup>th</sup> Street and boarded a northbound train. They exited the train at 35<sup>th</sup> Street. While at the 35<sup>th</sup> Street station, the “dark skinned” partner sat on the platform with ██████ while the “light skinned” partner walked away for approximately ten minutes.

Upon returning to ██████ and his partner, the “light skinned” officer noted ██████ was the subject of an outstanding warrant. Two white, plain-clothed officers then arrived at the station, and ██████ was placed in the rear of their vehicle. As ██████ had a handgun in the right pocket of her outer jacket, she attempted to remove the weapon and hide it inside the police vehicle. However, the handgun discharged and struck ██████ in the abdomen. In response, one of the white officers pulled ██████ from the vehicle, put his knee on her back, and yelled “bitch get down” and “stupid

---

<sup>2</sup> On September 15, 2017, COPA replaced 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 recommendations set forth herein are the recommendations of COPA.

<sup>3</sup> Attachment 6

bitch.” That officer, who [REDACTED] described as being tall, stocky built with light brown hair, also kicked [REDACTED] in the back. According to [REDACTED] she was never pat down by any of the officers.<sup>4</sup>

On July 26, 2014, [REDACTED] came to IPRA headquarters to provide a statement regarding the November 2, 2013 incident. According to [REDACTED] she was walking between “L” cars on the Red Line, when two plain clothed officers approached her and asked for identification. The officers placed [REDACTED] in handcuffs, directed her to a northbound Red Line train, and ran a search of her name. At 35<sup>th</sup> Street, all three individuals exited the train; [REDACTED] and a dark-skinned officer sat on the platform, while the lighter-skinned officer walked to their police vehicle. After about 15-20 minutes, approximately three police officers exited another “L” train, then approached [REDACTED] and the dark-skinned officer. Two white officers remained on the platform near [REDACTED] while the third new officer left the scene. Eventually the light-skinned partner came back to the platform, at which point he indicated [REDACTED] was the subject of two outstanding warrants. [REDACTED] was taken from the platform to street level, then escorted into the rear of a Chicago Police vehicle. None of the officers asked [REDACTED] whether she had any weapons on her.

While [REDACTED] waited inside the vehicle, the four officers stood behind the vehicle and searched [REDACTED] backpack. Knowing she had a handgun in the front right pocket of her jacket, [REDACTED] attempted to remove the weapon and hide it. Concerned the gun would get traced back to her, [REDACTED] changed her mind and decided to give the gun to the officers. To do this, [REDACTED] reached her hands around from her back to the side of her jacket to access the pocket. [REDACTED] also noted the handgun “wasn’t real big so it wasn’t noticeable.” However, as [REDACTED] attempted to remove the handgun, it discharged and struck [REDACTED] attracting the attention of the officers. A tall, stocky white officer pulled [REDACTED] from the vehicle, placed his knee in [REDACTED] back, and attempted to search [REDACTED]. As this happened, [REDACTED] attempted to reach for her cellphone, which was in her pocket. [REDACTED] also attempted to get to her feet; in reaction to these developments, the same officer kicked [REDACTED] back to the ground, then said “bitch get down” and “bitch, why would you shoot yourself.” After what felt like 10-15 minutes, an ambulance arrived and took [REDACTED] to the hospital.<sup>5</sup>

### ***INVOLVED OFFICER INTERVIEWS***

On May 14, 2015, **Officer Jonas Dodoo** came into IPRA headquarters to provide an **accused officer statement** regarding the November 2, 2013 incident. At the time of the incident, Officer Dodoo was working plainclothes transit detail with his partner, Officer Eugene Posey. While patrolling the southbound Red Line train between 87<sup>th</sup> and 95<sup>th</sup>, Officer Dodoo observed [REDACTED] walk between “L” cars. Officer Dodoo then stopped [REDACTED] and informed her of the municipal code violation<sup>6</sup>, at which point he observed [REDACTED] wearing several layers of

---

<sup>4</sup> Attachment 11

<sup>5</sup> Attachment 18

<sup>6</sup> Municipal Code of Chicago 10-8-526 Enforcement of Chicago Transit Authority Ordinance.

(a) The members of the Chicago Police Department shall have authority to enforce the provisions of Chicago Transit Authority Ordinance No. 98-126 (“A Comprehensive Ordinance Establishing Rules of Conduct to Promote Health, Safety and Welfare on Property Owned, Operated or Maintained by the Chicago Transit Authority”), as passed by the Chicago Transit Board on November 12, 1998, or as subsequently amended.

(b) Any person who violates the above referenced ordinance shall be subject to a fine not to exceed \$500.00 and shall be subject to an order requiring the violator to pay restitution when the violation involves damage to property.

clothes and baggy pants. However, given [REDACTED] cooperative disposition, neither Officer Dodoo or his partner saw reason to conduct a protective pat-down of [REDACTED]. At 95<sup>th</sup> Street, an individual was observed smoking marijuana, so the two officers directed that individual and [REDACTED] onto a northbound Red Line train, at which point the four traveled to 35<sup>th</sup> Street to collect an ANOV book. In explaining why he did not have the ANOV book on him, Officer Dodoo noted he and his partner preferred to travel light. While on the northbound "L" train, Officer Dodoo remained with his detainee near the north doors of the car, while Officer Posey remained with [REDACTED] near the south doors of the car.

Once at 35<sup>th</sup> Street, all four individuals exited the "L" train, whereupon Officer Posey went to fetch his citation book; Officer Dodoo and the two detainees waited on the platform for Officer Posey's return. As the three waited, another "L" train pulled into the station, at which time Sgt. Perez and officers Borchardt and Hansen exited the train. While the four officers supervised the detainees, Officer Posey returned and indicated that [REDACTED] was the subject of an outstanding warrant. Upon receipt of this information, Sgt. Perez directed Officers Borchardt and Hansen to take [REDACTED] to a CPD vehicle on 35<sup>th</sup> Street. Officers Dodoo and Posey remained on the platform with the other detainee to finish processing his ANOV. After concluding that task, the two officers walked over to their police vehicle, where Officer Dodoo observed [REDACTED] lying on the ground, with Officer Hansen next to her. Officer Dodoo learned [REDACTED] had shot herself, using a gun that was concealed in her clothing. When asked, Officer Dodoo indicated he did not hear Officer Hansen call [REDACTED] a bitch, nor did Officer Dodoo observe Officer Hansen kick [REDACTED]. Officer Dodoo also noted he did not pat-down [REDACTED] but he was unsure if his partner had done so while on the the northbound "L" car.<sup>7</sup>

On May 14, 2015, **Officer Eugene Posey came into IPRA headquarters to provide an accused officer statement** regarding the November 2, 2013 incident. At the time of the incident, Officer Posey was conducting a surveillance operation on the Red Line "L" train, accompanied by his partner Officer Dodoo. While traveling between 87<sup>th</sup> and 95<sup>th</sup>, Officer Posey observed [REDACTED] cross between the "L" cars, at which point the officers approached [REDACTED]. Officer Posey explained to [REDACTED] that she violated the municipal ordinance, then asked her to step out of the train at 95<sup>th</sup> Street. As the three individuals exited the train, Officer Posey asked [REDACTED] if she had any weapons on her; [REDACTED] responded that she did not. Officer Dodoo then walked away from Officer Posey and [REDACTED] to effectuate the detention of another individual. Once outside of the train, Officer Posey conducted what he described as a "light protective pat down." After running his hands over the outer layer of [REDACTED] clothing, Officer Posey did not identify anything that might be used as a weapon. Based on Officer Posey's recollection, [REDACTED] was wearing several layers of clothing, including two jackets. Given [REDACTED] gender, Officer Posey did not conduct a full search, as this would typically be done by a female officer. Then, Officer Posey also conducted a brief search of [REDACTED] backpack, which did not appear to contain weapons.

---

(c) In addition to any other means authorized by law, the city may enforce this section by instituting an action with the department of administrative hearings. (Added Coun. J. 12-13-95, p. 13843; Amend Coun. J. 4-21-99, p. 93319, § 1) J. 4-21-99, p. 93319, § 1)

Chicago Transit Authority Ordinance 006-75, Section 2: It is a violation of this ordinance for any person: 2.6 Unsafe Conduct "(a) to cross between the cars of a train unless there is an emergency and one has received direct instructions and authorization from an agent of the CTA."

<sup>7</sup> Attachment 62



Officer Posey then asked [REDACTED] to board the northbound Red Line "L" train, so that he could fetch his ANOV book at 35<sup>th</sup> Street. At this time, Officer Dodoo and his detainee also boarded the "L" train car, but the officers and their respective detainees sat on opposite ends of the "L" car. Although [REDACTED] was cooperative with the request to travel north, Officer Posey decided to handcuff [REDACTED] between 47<sup>th</sup> and 35<sup>th</sup> Streets, so that she would not flee upon disembarking. Once off the train at 35<sup>th</sup> Street, Officer Dodoo sat on the platform with [REDACTED] and the other detainee, while Officer Posey walked to his car to get an ANOV book. While getting the citations, Officer Posey also radioed in [REDACTED] identification information, which resulted in Officer Posey learning that [REDACTED] was the subject of outstanding warrants. When Officer Posey returned to the platform, Sgt. Perez and two other officers had joined Officer Dodoo and the two detainees. Officer Posey related the warrant information to his sergeant, who recommended that [REDACTED] be brought upstairs to the squad car. Sgt. Perez and the two new officers, Hansen and Borchardt, then escorted [REDACTED] from the platform.

Once [REDACTED] was off the platform, Officer Posey and Officer Dodoo completed an ANOV for the other detainee, during which time Officer Posey heard Sgt. Perez call over the radio "for a search." Minutes later, Officer Posey heard a subsequent message come over the radio, this time indicating that an incident had occurred and that the officers should come upstairs. In response to this message, Officers Posey and Dodoo ran to their car, where Officer Posey observed officers removing [REDACTED] from the CPD vehicle. Officer Posey indicated that he did not hear Officer Hansen call [REDACTED] a bitch, nor did he observe Officer Hansen kick [REDACTED]<sup>8</sup>

On October 28, 2015, **Officer Timothy Hansen came into IPRA headquarters to provide an accused officer statement** regarding the November 2, 2013 incident. At the time of the incident, Officer Hansen was working undercover on the CTA Red Line, alongside his partner Officer Dale Borchardt. While on transit patrol, the officers met up with their supervisor, Sgt. Perez, then exited the "L" train at 35<sup>th</sup> Street. On the station platform, Officer Hansen observed Officers Dodoo and Posey, as well as [REDACTED]. According to Officer Hansen, Officer Dodoo was sitting with [REDACTED] on a bench, while Officer Posey was issuing an ANOV to another detainee. After running a name check on [REDACTED] Officer Posey indicated that [REDACTED] was the subject of an outstanding warrant. As such, Sgt. Perez instructed Officer Hansen and his partner to bring [REDACTED] up to street level, toward a parked CPD vehicle. Sgt. Perez then radioed in for a female officer to search [REDACTED]

Due to worsening weather conditions, Officer Hansen placed [REDACTED] in the rear of the vehicle, leaving the rear passenger-side door open. The three officers remained standing outside the passenger side of the vehicle, with Officer Borchardt near the trunk, to search [REDACTED] backpack. As the officers waited for the female officer, Officer Hansen heard a small popping sound go off, followed by a groan and [REDACTED] stating, "I think I'm shot." Officer Hansen and Sgt. Perez then pulled [REDACTED] from the vehicle, checking to see if she still had a weapon on her. An ambulance was requested, and after approximately five minutes the female officer arrived on scene. The gun used by [REDACTED] was recovered from the rear seat of the vehicle. When asked, Officer Hansen denied calling [REDACTED] a "bitch" and kicking [REDACTED] in the back.<sup>9</sup>

---

<sup>8</sup> Attachment 35

<sup>9</sup> Attachment 61

Officer Hansen was **recalled to IPRA headquarters on September 28, 2016 to address additional allegations filed against him.** Officer Hansen stood by his previous statement, then provided a brief synopsis of the incident that reiterated the facts provided in his October 28, 2015 statement.<sup>10</sup>

On October 28, 2015, **Officer Dale Borchardt came into IPRA headquarters to provide a witness statement** regarding the November 2, 2013 incident. At the time of the incident, Officer Borchardt was on transit detail with Officer Hansen and Sgt. Perez, who were riding the Red Line in plain-clothes. While the officers were on patrol, Sgt. Perez received a call from Officers Posey and Dodoo, who indicated that they had two subjects in their custody. Sgt. Perez and his two officers then responded to 35<sup>th</sup> Street to assist Officers Posey and Dodoo with the detainees. Once at the station, Officer Borchardt observed Officer Dodoo with two handcuffed individuals; Officer Dodoo indicated that his partner had gone off to run a name check on the detainees. After a couple of minutes, Officer Posey returned to the platform, but realized that he failed to check the history of the female detainee, [REDACTED]. The name check revealed that [REDACTED] was the subject of an outstanding warrant, so Officer Borchardt, Officer Hansen and Sgt. Perez escorted her out of the train station, toward a parked CPD vehicle. According to Officer Borchardt, Officers Dodoo and Posey had indicated that they conducted a protective pat-down of [REDACTED] when they first detained her; however, as [REDACTED] was a female, Sgt. Perez called for a female officer to conduct a full search.

While awaiting the female officer, the weather began to worsen, so [REDACTED] was allowed to sit in the back of the parked CPD vehicle. As [REDACTED] sat in the vehicle, Officer Borchardt stood at the rear of the vehicle and conducted a search of [REDACTED] bag, while Officer Hansen left the rear passenger side door open so as to keep an eye on [REDACTED]. During this search, Officer Borchardt heard Officer Hansen say, “whaddya doing,” followed by a popping sound and Officer Hansen asking, “fuck, you know did, did you shoot yourself.” Officer Hansen and Sgt. Perez then pulled [REDACTED] from the vehicle, while Officer Borchardt pulled the rear seat up to see if a weapon had been hidden. Beneath the rear passenger seat, positioned on the metal framework below, Officer Borchardt observed a .25 caliber handgun. An ambulance and backup officers were then called to the scene. When asked whether he heard Officer Hansen refer to [REDACTED] as a “bitch,” Officer Borchardt indicated that he did not. Officer Borchardt also emphasized that Officer Hansen’s use of “fuck” had been an exclamation of surprise, as opposed to a profanity directed toward [REDACTED].

Officer Dale Borchardt was **recalled to IPRA headquarters on September 28, 2016 to give a statement as an accused officer.** Officer Borchardt’s statement at that time reiterated the facts provided in his October 28, 2015 statement.<sup>12</sup>

On May 7, 2015, **Sgt. Eddie Perez came into IPRA headquarters to provide a witness statement** regarding the November 2, 2013 incident. At the time of the incident, Sgt. Perez was working transit detail on the Red Line L, accompanied by Officers Dale Borchardt and Timothy Hansen. While on patrol, Sgt. Perez received a cell phone call from either Officer Posey or Officer Dodoo, who indicated that they were traveling to 35<sup>th</sup> Street with two detainees. In

---

<sup>10</sup> Attachment 88

<sup>11</sup> Attachment 60

<sup>12</sup> Attachment 89

response to this call, Sgt. Perez and his two officers traveled to 35<sup>th</sup> Street, where they encountered Officers Posey and Dodoo, as well as the two detainees. Sgt. Perez requested that Officer Posey run a name check of the female detainee, ██████████ which Officer Posey conducted via radio. After running this name check, Sgt. Perez became aware that ██████████ was the subject of an outstanding warrant, so Sgt. Perez instructed Officers Hansen and Borchardt to bring ██████████ to a CPD vehicle upstairs. Officers Posey and Dodoo remained on the platform, issuing an ANOV to another individual.

At street level, ██████████ was escorted to the passenger seat of a CPD vehicle, at which time Sgt. Perez radioed for a female officer to conduct a search of ██████████. Based on Sgt. Perez's recollection, Officers Posey and Dodoo had already conducted a protective pat-down of ██████████ but a female officer was needed for a thorough custodial search. However, ██████████ had been placed in handcuffs before Sgt. Perez arrived at 35<sup>th</sup> Street, and she remained cuffed while seated in the CPD vehicle. While waiting for the female officer to arrive, Sgt. Perez and the two officers stood about 3-4 feet from the vehicle, with one of the passenger doors open. Sgt. Perez then heard a popping sound come from the vehicle, so he and one of the officers pulled ██████████ from the passenger seat. Once ██████████ was outside the vehicle, Sgt. Perez could see that ██████████ was bleeding and that a gun was sitting inside the CPD vehicle. In response to these observations, Sgt. Perez radioed for an ambulance; Officers Posey and Dodoo also arrived on scene subsequent to the gunshot. When asked, Sgt. Perez indicated that he had no recollection of any officer calling ██████████ a bitch or kicking her.<sup>13</sup>

Sgt. Perez was **recalled to IPRA headquarters on September 28, 2016 to give a statement as an accused officer.** Sgt. Perez indicated that he would stand by his previous statement, then provided a brief synopsis of the incident that reiterated the facts provided in his May 7, 2015 statement. When asked about search protocol, Sgt. Perez emphasized that ██████████ was an arrestee at the time he dealt with her, and that he called for a female officer to conduct a custodial search.<sup>14</sup>

#### **b. Documentary Evidence**

##### ***Arrest Report*** ██████████

On November 2, 2013, ██████████ was arrested under CB #18777934, pertaining to RD #HW518123. Location of arrest recorded as 15 West 95<sup>th</sup> Street, charges recorded as aggravated unlawful use of a weapon, reckless discharge of a firearm, issuance of warrant, and crossing between CTA cars. According to the incident narrative, Officers Posey and Dodoo observed ██████████ crossing between "L" cars, at which time ██████████ was placed in custody and given a light protective pat-down. ██████████ was then transported to 35<sup>th</sup> Street, where arresting officers proceeded to issue her an ANOV. A name check on ██████████ indicated that she was the subject of two outstanding warrants<sup>15</sup>; in consideration thereof, ██████████ was escorted from the 35<sup>th</sup> Street platform by Sgt. Perez and Officers Borchardt and Hansen. ██████████ was taken to a CPD vehicle located at 3440 South Wentworth, whereupon officers placed her in the passenger seat, then requested a female officer to conduct a custodial search of ██████████. After approximately two minutes, ██████████

<sup>13</sup> Attachment 45

<sup>14</sup> Attachment 87

<sup>15</sup> Arrest Report CB #18777934 lists these two warrants as "██████████ and ██████████"

discharged a firearm into her abdomen; arresting officers then called in for paramedic support. A loaded .25 caliber handgun with two-inch barrel was recovered from the rear of the CPD vehicle.<sup>16</sup>

***Original Case Incident Report RD #HW518123***

On November 2, 2013, incident report RD #HW518123 was created with regard to an unlawful use of handgun at 3430 South Wentworth. Witnesses listed as Officers Eugene Posey, Jonas Dodoo, Timothy Hansen, Dale Borchardt, and Sergeant Eddie Perez. ██████████ is listed as the Suspect. Firearm used is listed as a .25 caliber Browning pistol, barrel length "2," owner ██████████. The weapon is recorded to have contained two live rounds, with one spent cartridge recovered from the scene.<sup>17</sup>

***Case Supplementary Report RD #HW518123***

December 26, 2013 update to Original Case Incident Report. Manner/motive recorded as "offender, ██████████ while sitting handcuffed in the backseat of an Unmarked Police vehicle shot herself in the right midsection with a handgun that had been on her person/Accidental discharge while attempting to discard gun in vehicle."

The Supplementary Report also recorded information responding detectives learned at the scene of the incident, as well as interviews of the involved parties. Specifically, a Mass Transit Unit had been issuing ██████████ an ANOV at the 35<sup>th</sup> Street Red Line "L" Station, during which time it was discovered that ██████████ was the subject of an outstanding warrant. Upon learning this information, the sergeant on scene directed ██████████ to a nearby CPD vehicle, at which time a female officer was requested to search ██████████. While waiting for the female officer, ██████████ sat in the rear of the CPD vehicle, her hands cuffed behind her back. Responding CPD officers remained standing outside the vehicle. ██████████ was able to access a gun that had been on her person, then shot herself in the stomach with said gun. After this incident, ██████████ was transported to Northwestern Hospital via ambulance.

Detectives then interviewed Sgt. Eddie Perez, who indicated that prior to the incident, he had been patrolling the Red Line "L" train with Officers Borchardt and Hansen. While on patrol, Sgt. Perez received a cell phone call from Officer Posey, who asked for assistance at the 35<sup>th</sup> Street Red Line "L" station. Once Sgt. Perez and his officers arrived at the station, Sgt. Perez observed Officer Posey's partner, Officer Dodoo, with two detainees. One of these detainees was ██████████. Officer Posey then returned to the scene with an ANOV book, so that the detainees could be ticketed and released. However, a name check on ██████████ revealed that she was the subject of an outstanding warrant. Upon receipt of this information, Sgt. Perez and Officers Hansen and Borchardt escorted ██████████ to a nearby CPD vehicle. As ██████████ sat inside the rear of the police vehicle, Sgt. Perez heard a popping sound, at which time the officers realized ██████████ had been shot.

From the account of Officer Hansen, additional information was related regarding the incident. Prior to the incident, Officer Hansen and his partner, Officer Borchardt, had been patrolling the Red Line "L" train with their sergeant, Eddie Perez. While on patrol, Sgt. Perez

---

<sup>16</sup> Attachment 4

<sup>17</sup> Attachment 5

was contacted by Officers Posey and Dodoo, who requested assistance at the 35<sup>th</sup> Street Station. Upon arrival at the station, Officer Hansen observed Officer Dodoo with two detainees, one of whom was [REDACTED]. Officer Posey returned to the scene to write ANOVs for the detainees, during which time it was revealed that [REDACTED] was the subject of an outstanding warrant. In response to this information, Sgt. Perez instructed Officers Hansen and Borchardt to escort [REDACTED] to a nearby CPD vehicle. Officers Posey and Dodoo remained on the platform at this time. Once at the CPD vehicle, [REDACTED] was placed in the rear seat, while Sgt. Perez radioed for a female officer to search [REDACTED]. As [REDACTED] sat inside the vehicle, Officer Hansen heard a popping noise, prompting him and Sgt. Perez to remove [REDACTED] from the vehicle. Realizing that [REDACTED] had shot herself, an ambulance was requested. Officer Borchardt's account of the incident was essentially the same as that of Officer Hansen.

The two officers who originally detained [REDACTED] were also interviewed by reporting detectives. According to Officer Dodoo, he and his partner, Officer Posey, had been patrolling the Red Line "L" train prior to the incident. At approximately 87<sup>th</sup> Street, the officers observed [REDACTED] walking between the "L" cars, after which point the officers approached her and escorted her from the train at 95<sup>th</sup> Street. On the 95<sup>th</sup> Street platform, Officer Dodoo observed an individual smoking, so he departed from Officer Posey and [REDACTED] to detain this individual. The two officers and two detainees then boarded a northbound Red Line "L" train, heading to 35<sup>th</sup> Street. Once at 35<sup>th</sup> Street, Officer Dodoo waited on the platform with the two detainees, while Officer Posey went to their squad car to pick up an ANOV book. As Officer Dodoo waited, Sgt. Perez and Officers Hansen and Borchardt exited another Red Line "L" train, then approached Officer Dodoo. At this point, Officer Posey returned with the ANOVs, but a name check revealed that [REDACTED] was the subject of an outstanding warrant. In consideration thereof, Sgt. Perez instructed Officers Hansen and Borchardt to take [REDACTED] to the CPD vehicle, while Officers Dodoo and Posey remained on the platform with their other detainee. Once the detainee's ANOV was finished, Officers Dodoo and Posey returned to their vehicle, where they learned that [REDACTED] had shot herself. While Officer Dodoo rode in the ambulance with [REDACTED] she indicated that she had attempted to "pitch" the gun, at which point it went off.

According to Officer Posey, he and his partner, Officer Dodoo, had been on patrol in the Red Line "L" train, when they observed [REDACTED] cross between "L" train cars. Officer Posey stopped [REDACTED] identified himself as a police officer, then asked [REDACTED] for identification. Subsequently, Officer Posey asked [REDACTED] if she had any weapons, which she denied, and conducted a pat-down of [REDACTED] outer garments. The two officers and [REDACTED] then exited the "L" train at 95<sup>th</sup> Street, whereupon Officer Dodoo walked away to detain another individual. All four individuals then boarded a northbound Red Line "L" train, with the purpose of disembarking at 35<sup>th</sup> Street. While on the "L" train car, Officer Dodoo sat on one end of the car with the other detainee, while Officer Posey sat on the opposite end with [REDACTED]. During the ride to 35<sup>th</sup> Street, Officer Posey telephoned Sgt. Perez, who recommended that [REDACTED] be issued an ANOV.

The four individuals then exited at 35<sup>th</sup> Street, with Officer Posey heading to his CPD vehicle to fetch an ANOV book, and Officer Dodoo remaining on the platform with the two detainees. Upon his return to the platform, Officer Posey saw that Officers Borchardt and Hansen and Sgt. Perez had arrived on scene, joining Officer Dodoo and the two detainees. Officer Posey then ran a name check of [REDACTED] which revealed that she was the subject of outstanding warrants. With this information, Sgt. Perez directed that [REDACTED] be taken from the

platform. From Officer Posey's recollection, Sgt. Perez also radioed for a female officer to search [REDACTED]. Officer Posey and his partner remained on the platform with the other detainee to finish issuing his ANOV. Once this task was complete, the two officers returned to their vehicle, where Officer Posey learned that [REDACTED] had shot herself.<sup>18</sup>

February 10, 2014 update to Original Case Incident Report, including results of ISP forensic testing on inventoried handgun, magazine, and cartridges. The forensic testing found no latent impressions suitable for comparison.<sup>19</sup>

### ***Chicago Police Department Crime Scene Processing Reports, Inventory Sheets***

Report #238081, pertaining to RD #HW518123. Date of service recorded as November 16, 2013, address of service recorded as 257 East Huron, address of incident recorded as 3430 South Wentworth. One surgically removed fired bullet was recovered by a CPD Evidence Technician from Northwestern Hospital. Report #237121, pertaining to RD #HW518123. Date of service recorded as November 2, 2013, address of service and incident recorded as 3430 South Wentworth. Among the inventoried items included one Browning pistol with two-inch barrel, a cartridge from the chamber of said Browning handgun, the magazine of said Browning handgun, a cartridge from said magazine, an expended cartridge casing, and clothing. This clothing was recorded as a size XL jacket, size L shirt sleeve shirt, size S shirt, size W38/L32 jean pants, thermal underwear, underwear, and boots.<sup>20</sup>

### ***Patient Information for [REDACTED]***

Northwestern Hospital records indicate that [REDACTED] was admitted on November 2, 2013, after suffering a self-inflicted gunshot wound. According to police, [REDACTED] was arrested after crossing between train cars. While waiting for a female officer to search [REDACTED] shot herself with a gun that had been hidden beneath multiple layers of clothes. (Attachment 56)

On November 7, 2013, [REDACTED] was transported to Stroger Hospital, after being admitted to Northwestern Hospital on November 2, 2013. [REDACTED] was admitted to Northwestern on that date after suffering a self-inflicted gunshot wound, which transpired in the back of a police vehicle.<sup>21</sup>

---

<sup>18</sup> Attachment 30

<sup>19</sup> Attachment 24

<sup>20</sup> Attachments 22, 23

<sup>21</sup> Attachment 20

***Chicago Police Department Evidence Technician Photographs***

A series of photographs depicting the scene of the incident were taken by Chicago Police Evidence Technicians. Among these photographs include images of [REDACTED] handgun, as well as images of the handgun in the place of recovery, namely the rear seat of a Chicago Police vehicle.<sup>22</sup>



*Ex. 1: [REDACTED] Browning handgun, 2" Barrel. Recorded under RD # [REDACTED].*

***Footage from Chicago Transit Authority Red Line***

Footage from the time of the incident was recovered from the Chicago Transit Authority, which included video from a Red Line "L" train and the 35<sup>th</sup> Street station. The only video relevant to the incident shows three officers exiting the 35<sup>th</sup> Street station, escorting an individual matching the description of Tiara Paul.<sup>23</sup>

***OEMC Dispatch Radio Communications***

Given the involved officers' regular use of department-issued radio devices around the time of the incident, radio communications relevant to the incident were obtained from OEMC. At approximately 4:50 P.M., Unit 7391A ran a name check on [REDACTED] which resulted in [REDACTED] identification as the subject of outstanding warrants. A call was then placed for a female officer to search [REDACTED] at 3330 South Wentworth. From Dispatch, Unit 914 was being sent to the scene. Thereafter, Unit 7391 indicated that there was an emergency and an ambulance was needed. Dispatch responded by confirming support was on the way.<sup>24</sup>

---

<sup>22</sup> Attachments 57-59

<sup>23</sup> Attachment 67

<sup>24</sup> Attachment 68

## VI. ANALYSIS

This investigation involves allegations against five members of the Chicago Police Department, with one allegation against Officer Posey, Officer Dodoo, and Sgt. Perez; two allegations against Officer Borchardt; and four allegations against Officer Hansen. COPA's recommended finding on each allegation follows, along with COPA's basis for reaching each recommended finding.

### A. Accused Officer Eugene Posey

- 1. Allegation #1: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Eugene Posey failed to conduct a preliminary pat down of [REDACTED] and failed to ensure that she was properly searched by an assist before being placed inside a police vehicle, in violation of Rule 10 and Rule 11.**

Regarding Allegation #1, COPA recommends a finding of **Sustained**. In his May 14, 2015 statement, Officer Posey indicated that upon detaining [REDACTED] on November 2, 2013, he asked [REDACTED] whether she had any weapons on her person; [REDACTED] responded that she did not. After escorting [REDACTED] from the southbound Red Line "L" train, Officer Posey also conducted a "light protective pat down" of [REDACTED] outer garments. Officer Posey went on to describe [REDACTED] attire on the day of the incident as containing several layers, a description that is corroborated by all officers who interacted with [REDACTED] as well as the evidence inventory sheets pertaining to [REDACTED] clothing. Prior to boarding a northbound Red Line "L" train with [REDACTED] Officer Posey conducted a brief search of [REDACTED] backpack. In consideration of [REDACTED] cooperative and non-aggressive attitude toward Officer Posey, Officer Posey did not consider his interaction with [REDACTED] to rise to the level of an arrest. Pairing this perception with the fact that [REDACTED] was the opposite gender of all officers on scene, Officer Posey did not find a comprehensive search to be warranted.

Under circumstances where an officer has "articulable reasonable suspicion that the person is committing, is about to commit, or has committed a crime," the officer may "momentarily [restrict] the person's freedom of movement" by way of an Investigatory Street Stop.<sup>25</sup> The basis for this CPD Special Order derives from the seminal 1968 United States Supreme Court case *Terry v. Ohio*, allowing officers to conduct street stops based on reasonable articulable suspicion. Within the scope of *Terry*, an officer who observes conduct

"which leads him reasonably to conclude in light of his experience that criminal activity may be afoot and that the persons with whom he is dealing may be armed and presently dangerous, where, in the course of investigating this behavior, he identifies himself as a policeman and makes reasonable inquiries, and where nothing in the initial stages of the encounter serves to dispel his reasonable fear for his own or others' safety, he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him." (*Terry v. Ohio* 392 U.S. 1 at 30 (1968)).

The guidance of *Terry* regarding weapons searches is included within Special Order S04-13-09, in situations where "the sworn member has reasonable articulable suspicion to believe

---

<sup>25</sup> S04-13-09(III)(B) (Effective February 23, 2012)



that the person is armed with a weapon or dangerous instrument, the investigatory street stop may include a pat-down of the outer clothing for weapons.”<sup>26</sup>

In this case, however, it is quite evident that the nature of Officer Posey’s encounter with █████ exceeds the scope of *Terry* and Special Order S04-13-09. Despite Officer Posey’s contention that █████ was a cooperative subject, Officer Posey effectuated an arrest based on probable cause that █████ had violated the law. The fact that an arrest occurred is further supported by the arrest report for CB# 18777934, which indicates on November 2, 2013, █████ was arrested by Officer Posey at 15 West 95<sup>th</sup> Street. Officer Posey’s interaction with █████ would therefore have been governed by Chicago Police Department General Order G06-01-02, “Restraining Arrestees.”

Under this directive, “sworn members taking persons into custody or accepting custody from other officers will be responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury.”<sup>27</sup> G06-01-02 was revised on January 1, 2016, at which point a clause was added to the directive, delineating an officer’s responsibilities when detaining an individual of the opposite gender. Specifically, this revision states that “custodial searches will be conducted by a member who is the same gender as the arrestee; however, if a member of the same gender is not immediately available and officer or citizen safety is compromised absent an immediate search, members will not endanger themselves or the public to comply with this requirement”<sup>28</sup> However, it should be emphasized that the directive relevant to this incident, effective from February 22, 2012 through January 1, 2016, does not include a provision for searching detainees of the opposite gender. As such, on November 2, 2013, any officer taking an individual into custody, or accepting transfer custody from another officer, would have been responsible for conducting a thorough custodial search of that arrestee.<sup>29</sup>

Much of Officer Posey’s statement revolves around the presumption that during his interaction with █████ was not a detainee but rather a cooperative subject. On the date of the incident, Officer Posey observed █████ crossing between “L” train cars, a violation of the municipal code. Once Officer Posey and his partner, Officer Dodoo, came into contact with █████ the officers had probable cause to believe that █████ had violated the law. At this point, the interaction constituted more than an investigatory stop. Of course, there are situations where an officer may observe criminal conduct and decline to arrest an individual; such situations may be handled with the issuance of an Administrative Notice of Violation, whereby a suspect need only be detained for the time it takes an officer to write a ticket.

---

<sup>26</sup> S04-13-09(III)(B) (Effective February 23, 2012).

<sup>27</sup> G06-01-02(IV)(A) (Effective February 22, 2012).

<sup>28</sup> G06-01-02(IV)(C) (Effective January 1, 2016).

<sup>29</sup> The December 31, 2015 revision of General Order G06-01-02, “Restraining Arrestees,” includes a provision defining custodial search as “a warrantless search of a person under arrest with or without probable cause to believe there is any contraband or evidence subject to seizure on the person. This type of search is justified by the need to keep contraband and weapons out of jail, to preserve any possible evidence, and to protect the officer.” [*Chimel v. California*, 395 U.S. 752 (1969); *New York v. Belton*, 453 U.S. 454 (1981)]. (G06-01-02, 31 December 2015). Although the precursory iteration of G06-01-02 (22 February 2012) did not include this definition, the involved officers in 2013 would still have been bound by the parameters of a custodial search as defined by precedent established in *Chimel* and *Belton*.

However, the circumstances underlying this incident do not appear to fall within the normal ANOV parameters. Typically, an officer would have a citation book on his person, so that an ANOV can be issued on the spot, alleviating the need for an individual to be placed in custody. In this circumstance, Officer Posey's citation book was nearly eight miles away from the point he initially came into contact with █████ necessitating he take █████ from 95<sup>th</sup> Street to 35<sup>th</sup> Street to issue an ANOV. On that date, █████ a twenty-year-old female riding the "L" train alone, was approached by two plain clothed men who identified themselves as officers. While Officer Posey claims that █████ agreed to ride back to 35<sup>th</sup> Street with the officers to collect a citation book, it is difficult to believe that █████ would have felt she had any alternative under such circumstances. Moreover, Officer Posey notes that he conducted a pat-down search of █████ a search of █████ backpack, and placed █████ in handcuffs all before reaching 35<sup>th</sup> Street.

While Officer Posey attempts to underline █████ cooperative state throughout their interaction, it is outside the scope of reason to argue that █████ was not in Officer Posey's custody on November 2, 2013. For all intents and purposes, █████ was in Officer Posey's custody on November 2, 2013, and should have been subjected to "a thorough search" by CPD officers. From Officer Posey's own statement, it is clear that such a search did not occur, and instead only a "light pat-down" was conducted. Due to the limited nature of Officer Posey's search, █████ was afforded the opportunity to keep concealed, within her coat pocket, a live firearm that injured █████ and could have injured officers or civilians. In consideration thereof, Officer Posey did not comport with the 2012 iteration of G06-01-02, and the allegation against Officer Posey should be **Sustained**.

Assuming, *arguendo*, that Officer Posey was subjected to the updated, 2016 iteration of G06-01-02, Officer Posey's actions would still have been out of policy. Despite Officer Posey's contention, the evidence suggests that █████ was placed in custody at 95<sup>th</sup> Street. According to the revised directive, a detainee is to be searched by a member of the same gender, unless "a member of the same gender is not immediately available and officer or citizen safety is compromised absent an immediate search."<sup>30</sup> In light of these requirements, Officer Posey offers no indication that he attempted to call for a female officer at 95<sup>th</sup> Street. Moreover, the circumstances surrounding █████ arrest suggest that Officer Posey would have been responsible for conducting a search, rather than waiting for a female officer to arrive. Specifically, █████ was detained on the 10<sup>th</sup> busiest "L" station in the entire CTA system, then transported on the CTA's most heavily utilized "L" line.<sup>31</sup> While it is economical for CPD transit officers to ride the "L," the utilization of mass transit for arrestee transport presents an obvious concern regarding public safety.

---

<sup>30</sup> G06-01-02(IV)(C) (Effective January 1, 2016).

<sup>31</sup> November 2013 Chicago Transit Authority Monthly Ridership Report.

**B. Accused Officer Jonas Dodoo, Star #13259**

1. **Allegation #1: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Jonas Dodoo failed to conduct a preliminary pat down of [REDACTED] and failed to ensure that she was properly searched by an assist before being placed inside a police vehicle, in violation of Rule 10 and Rule 11.**

Regarding Allegation #1, COPA recommends a finding of **Sustained**. In his May 14, 2015 statement, Officer Dodoo indicated that on November 2, 2013, he and Officer Posey observed [REDACTED] cross between Red Line “L” cars. In reaction to this observation, he and Officer Posey approached [REDACTED] at which point they identified themselves as Chicago Police officers and informed [REDACTED] of her violation. The officers then escorted [REDACTED] out of the “L” train, at which point Officer Dodoo walked away to detain another individual. Officer Dodoo did not come into contact with [REDACTED] again until 35<sup>th</sup> Street, where he monitored the handcuffed [REDACTED] for several minutes, his partner having left to fetch a citation book. From his statement, Officer Dodoo noted that he did not search [REDACTED] while she was under his supervision, nor did he know whether Officer Posey had searched [REDACTED].

As indicated *supra*, the custodial search procedures on November 2, 2013 would have been governed by G06-01-02. Although Officer Posey handled much of the initial contact with [REDACTED] at 95<sup>th</sup> Street, Officer Posey ultimately left [REDACTED] in the care of Officer Dodoo at 35<sup>th</sup> Street. Under G06-01-02, “sworn members taking persons into custody *or accepting custody from other officers* will be responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury.”<sup>32</sup> (Emphasis added.) Thus, while Officer Dodoo monitored [REDACTED] on the 35<sup>th</sup> Street platform, the CPD directives would have obligated Officer Dodoo to conduct a thorough search of [REDACTED]. This requirement would have been underlined by several factors, including Officer Dodoo’s lack of knowledge as to whether [REDACTED] had been searched by Officer Posey, the fact that [REDACTED] had been in Officer Posey’s care until 35<sup>th</sup> Street, and that Officer Dodoo was the only officer monitoring [REDACTED] while on the 35<sup>th</sup> Street platform. Nevertheless, Officer Dodoo indicated in his own statement that he did not search [REDACTED] violating G06-01-02. Due to the limited nature of Officer Posey’s search, [REDACTED] was afforded the opportunity to keep concealed, within her coat pocket, a live firearm that injured [REDACTED] and could have injured officers or civilians. In consideration thereof, Officer Dodoo did not comport with the iteration of G06-01-02, and the allegation against Officer Dodoo should be **Sustained**.

Assuming, *arguendo*, that Officer Dodoo was subjected to the updated, 2016 iteration of G06-01-02, Officer Dodoo’s actions would still have been out of policy. According to the revised directive, a detainee is to be searched by a member of the same gender, unless “a member of the same gender is not immediately available and officer or citizen safety is compromised absent an immediate search.”<sup>33</sup> In light of these requirements, Officer Dodoo

---

<sup>32</sup> G06-01-02(IV)(A) (Effective February 22, 2012).

<sup>33</sup> G06-01-02(IV)(C) (Effective January 1, 2016). This directive retains the provision that sworn members “accepting custody from other officers will be responsible for conducting a thorough search.”

offers no indication that he attempted to call for a female officer at 35<sup>th</sup> Street. Moreover, the circumstances surrounding [REDACTED] arrest suggest that Officer Dodoo would have been responsible for conducting a search, rather than waiting for a female officer to arrive. Specifically, Officer Dodoo took [REDACTED] into his custody at an “L” station that handles an average daily ridership of 4000 passengers.<sup>34</sup> During the course of this transfer of custody and detention, the high likelihood of [REDACTED] coming into contact with members of the public—and potentially compromising citizen safety—presents a clear concern.

### C. Accused Officer Timothy Hansen, Star #3833

1. **Allegation #1: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen verbally abused [REDACTED] in that he called her a “stupid bitch,” in violation of Rule 2 and Rule 8.**

Regarding Allegation #1, COPA recommends a finding of **Not Sustained**. The account of [REDACTED] was not memorialized by IPRA investigators until June 2014, over seven months after the incident in question. At that time, an IPRA investigator was telephoned by [REDACTED] [REDACTED] provided an account of the November 2, 2013 incident. According to [REDACTED] an officer pulled her from the CPD vehicle after she was shot, at which time the officer said, “bitch, get down.” This officer then called [REDACTED] a “stupid bitch.” A month after this phone conversation, [REDACTED] came into IPRA headquarters to give a recorded statement. This statement closely followed the account provided via telephone. Further investigation identified Officer Hansen as the officer who pulled [REDACTED] from the CPD vehicle.

Despite these consistencies in [REDACTED] statements to IPRA, no independent witnesses were available to corroborate [REDACTED] account. In contrast, all five involved officers stated to IPRA that they did not hear Officer Hansen call [REDACTED] a bitch. As a general matter, the only evidence available regarding this allegation derives from opposing statements made by [REDACTED] and the involved officers. Given the limited evidence available beyond the opposing statements, COPA is unable to reach a preponderance of the evidence to determine whether or not the alleged conduct actually occurred. As such, this allegation should be **Not Sustained**.

2. **Allegation #2: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen Kicked [REDACTED] while she was handcuffed on the ground, in violation of Rule 2 and Rule 8.**

With regard to Allegation #2, COPA recommends a finding of **Not Sustained**. The account of [REDACTED] was not memorialized by IPRA investigators until June 2014, over seven months after the incident in question. At that time, an IPRA investigator was telephoned by someone identifying herself as [REDACTED] this person then provided an account of the November 2, 2013 incident. According to [REDACTED] an officer pulled her from the CPD vehicle after she was shot, at which time the officer kicked [REDACTED] in the back. A month after this phone conversation, [REDACTED] came into IPRA headquarters to give a recorded statement. This statement closely followed the account provided via telephone. Further investigation identified Officer Hansen as the officer who pulled [REDACTED] from the CPD vehicle.

---

<sup>34</sup> November 2013 Chicago Transit Authority Monthly Ridership Report.

Despite these consistencies in [REDACTED] statements to IPRA, no independent witnesses were available to corroborate [REDACTED] account. In contrast, all five involved officers stated to IPRA that they did not see Officer Hansen kick [REDACTED] in the back. Importantly, Officer Hansen was able to provide some detail on removing [REDACTED] from the vehicle, during which time it was necessary to restrain [REDACTED] to prevent further injury. Sgt. Perez and Officer Borchardt were able to corroborate this account, noting that [REDACTED] had to be held to the ground until she was searched for weapons. As a general matter, the only evidence available regarding this allegation derives from opposing statements made by [REDACTED] and the involved officers. Given the limited evidence available beyond the opposing statements, COPA is unable to reach a preponderance of the evidence to determine whether or not the alleged conduct actually occurred. As such, this allegation should be **Not Sustained**.

**3. Allegation #3: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Dodoo, in violation of Rule 10 and Rule 11.**

With regard to Allegation #3, COPA recommends a finding of **Sustained**. In his October 28, 2015 statement, Officer Hansen described his involvement in the November 2, 2013 incident. While on the 35<sup>th</sup> Street platform, Officer Hansen heard Officer Posey indicate that [REDACTED] was the subject of an outstanding warrant. At that time, Sgt. Perez instructed Officer Hansen and his partner, Officer Borchardt, to bring [REDACTED] to a waiting CPD vehicle. Beyond this point, all parties accept that [REDACTED] was placed in custody. In consideration of these circumstances, a female officer was requested to fully search [REDACTED]

As indicated *supra*, the custodial search procedures on November 2, 2013 would have been governed by G06-01-02. Under G06-01-02, “sworn members taking persons into custody or accepting custody from other officers will be responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury.”<sup>35</sup> (Emphasis added.) No part of the applicable directive includes a provision for searching detainees of the opposite gender. As such, on November 2, 2013, any officer taking an individual into custody, or accepting transfer custody from another officer, would have been responsible for conducting a thorough search of that detainee. It is uncontroverted that such a search did not occur once [REDACTED] was in the custody of Officer Hansen.

Additional evidence shows that throughout her detention, [REDACTED] was only subjected to a “light pat-down” by Officer Posey, and not searched at all by Officer Hansen. Due to the limited nature of this search, [REDACTED] was afforded the opportunity to keep concealed, within her coat pocket, a live firearm that injured [REDACTED] and could have injured officers or civilians. In consideration thereof, Officer Hansen did not comport with the 2012 iteration of G06-01-02, and the allegation against Officer Hansen should be **Sustained**

Assuming, *arguendo*, that Officer Hansen was subjected to the updated, 2016 iteration of G06-01-02, Officer Hansen’s actions would still have been out of policy. The 2016 directive does include a provision for female detainees to be searched by female officers, which Officer

---

<sup>35</sup> G06-01-02(IV)(A) (Effective February 22, 2012).

Hansen sought to accommodate with [REDACTED]. However, the provision was not designed to restrict a male officer from searching a female detainee under all circumstances. According to the revised directive, a detainee is to be searched by a member of the same gender, unless “a member of the same gender is not immediately available and officer or citizen safety is compromised absent an immediate search.”<sup>36</sup> Based on this exception, the circumstances surrounding [REDACTED] arrest suggest that Officer Hansen would have been responsible for conducting a search, rather than waiting for a female officer to arrive. Specifically, Officer Hansen took [REDACTED] into his custody at an “L” station that handles an average daily ridership of 4000 passengers.<sup>37</sup> During the course of this arrest and transport, the high likelihood of [REDACTED] coming into contact with members of the public—and potentially compromising citizen safety—presents a clear concern.

- 4. Allegation #4: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.**

With regard to Allegation #4, COPA recommends a finding of **Not Sustained**. In his October 28, 2015 statement, Officer Hansen described how [REDACTED] was brought into CPD custody. Once [REDACTED] was at the CPD vehicle on Wentworth, officers placed her in the rear seat, then left the rear passenger side door open to monitor [REDACTED]. From Officer Hansen’s recollection, he remained standing outside this open door with Sgt. Perez, waiting for a female officer to arrive and search [REDACTED]. During this time, Officer Hansen was able to see [REDACTED] moving about, but he did not consider such movements to be out of the ordinary for a detainee. [REDACTED] remained in handcuffs as she sat in the rear of the CPD vehicle. Considering Officer Hansen’s statement regarding his dutiful observation of [REDACTED] as well as the general lack of evidence to establish whether Officer Hansen continuously monitored [REDACTED] throughout her custody, this allegation should be **Not Sustained**.

#### **D. Accused Officer Dale Borchardt, Star #16806**

- 1. Allegation #1: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Dale Borchardt failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Dodoo, in violation of Rule 10 and Rule 11.**

With regard to Allegation #1, COPA recommends a finding of **Sustained**. In his October 28, 2015 statement, Officer Borchardt described his involvement in the November 2, 2013 incident. While on the 35<sup>th</sup> Street platform, Officer Hansen heard Officer Posey indicate that [REDACTED] was the subject of an outstanding warrant. At that time, Sgt. Perez instructed Officer Borchardt and his partner, Officer Hansen, to bring [REDACTED] to a waiting CPD vehicle. Beyond this point, all parties accept that [REDACTED] was being placed in custody. In consideration of these circumstances, a female officer was requested to fully search [REDACTED].

---

<sup>36</sup> G06-01-02(IV)(C) (Effective January 1, 2016).

<sup>37</sup> November 2013 Chicago Transit Authority Monthly Ridership Report.

As indicated *supra*, the custodial search procedures on November 2, 2013 would have been governed by G06-01-02. Under G06-01-02, “sworn members taking persons into custody or accepting custody from other officers will be responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury.”<sup>38</sup> (Emphasis added.) No part of the applicable directive includes a provision for searching detainees of the opposite gender. As such, on November 2, 2013, any officer taking an individual into custody, or accepting transfer custody from another officer, would have been responsible for conducting a thorough search of that detainee. It is uncontroverted that such a search did not occur once [REDACTED] was in the custody of Officer Borchardt.

Additional evidence shows that throughout her detention, [REDACTED] was only subjected to a “light pat-down” by Officer Posey, and not searched at all by Officer Borchardt. Due to the limited nature of this search, [REDACTED] was afforded the opportunity to keep concealed, within her coat pocket, a live firearm that injured [REDACTED] and could have injured officers or civilians. In consideration thereof, Officer Borchardt did not comport with the 2012 iteration of G06-01-02, and the allegation against Officer Borchardt should be **Sustained**.

Assuming, *arguendo*, that Officer Borchardt was subjected to the updated, 2016 iteration of G06-01-02, Officer Borchardt’s actions would still have been out of policy. The 2016 directive does include a provision for female detainees to be searched by female officers, which Officer Borchardt sought to accommodate with [REDACTED]. However, the provision was not designed to restrict a male officer from searching a female detainee under all circumstances. According to the revised directive, a detainee is to be searched by a member of the same gender, unless “a member of the same gender is not immediately available and officer or citizen safety is compromised absent an immediate search.”<sup>39</sup> Based on this exception, the circumstances surrounding [REDACTED] arrest suggest that Officer Borchardt would have been responsible for conducting a search, rather than waiting for a female officer to arrive. Specifically, Officer Borchardt took [REDACTED] into his custody at an “L” station that handles an average daily ridership of 4000 passengers.<sup>40</sup> During the course of this arrest and transport, the high likelihood of [REDACTED] coming into contact with members of the public—and potentially compromising citizen safety—presents a clear concern.

**2. Allegation #2: On November 2, 2013, at approximately 5:15 P.M., in the vicinity or 3430 South Wentworth, accused Officer Dale Borchardt failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.**

With regard to Allegation #2, COPA recommends a finding of **Not Sustained**. In his October 28, 2015 statement, Officer Borchardt described how [REDACTED] was brought into CPD custody. Once [REDACTED] was at the CPD vehicle on Wentworth, officers placed her in the rear seat, then left the rear passenger side door open so as to monitor [REDACTED]. From Officer Borchardt’s recollection, he remained standing near the rear of the vehicle, using the vehicle trunk as a tabletop upon which to search [REDACTED] backpack. As Officer Borchardt searched the bag, Officer Hansen and Sgt. Perez stood near the open passenger door, waiting for the female officer to

<sup>38</sup> G06-01-02(IV)(A) (Effective February 22, 2012).

<sup>39</sup> G06-01-02(IV)(C) (Effective January 1, 2016).

<sup>40</sup> November 2013 Chicago Transit Authority Monthly Ridership Report.

arrive. [REDACTED] remained in handcuffs as she sat in the rear of the CPD vehicle. Considering Officer Borchardt's statement regarding time spent searching [REDACTED] bag, as well as the general lack of evidence to establish whether Officer Borchardt continuously monitored [REDACTED] throughout her custody, this allegation should be **Not Sustained**.

#### **E. Accused Sergeant Eddie Perez, Star #2287**

- 1. Allegation #1: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Sergeant Eddie Perez failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Dodoo, in violation of Rule 10 and Rule 11.**

With regard to Allegation #1, COPA recommends a finding of **Sustained**. In his May 7, 2015 statement, Sgt. Perez described his involvement in the November 2, 2013 incident. While on the 35<sup>th</sup> Street platform, Sgt. Perez heard Officer Posey indicate that [REDACTED] was the subject of an outstanding warrant. At that time, Sgt. Perez instructed Officers Borchardt and Hansen to bring [REDACTED] to a waiting CPD vehicle. Beyond this point, all parties accept that [REDACTED] was being placed in custody. In consideration of these circumstances, Sgt. Perez requested a female officer to fully search [REDACTED].

As indicated *supra*, the custodial search procedures on November 2, 2013 would have been governed by G06-01-02. Under G06-01-02, "sworn members taking persons into custody or accepting custody from other officers will be responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury."<sup>41</sup> (Emphasis added.) No part of the applicable directive includes a provision for searching detainees of the opposite gender. As such, on November 2, 2013, any officer taking an individual into custody, or accepting transfer custody from another officer, would have been responsible for conducting a thorough search of that detainee. It is uncontroverted that such a search did not occur once [REDACTED] was in the custody of Sgt. Perez.

Additional evidence shows that throughout her detention, [REDACTED] was only subjected to a "light pat-down" by Officer Posey, and not searched at all by Sgt. Perez. Due to the limited nature of this search, [REDACTED] was afforded the opportunity to keep concealed, within her coat pocket, a live firearm that injured [REDACTED] and could have injured officers or civilians. In consideration thereof, Sgt. Perez did not comport with the 2012 iteration of G06-01-02, and the allegation against Sgt. Perez should be **Sustained**.

Assuming, *arguendo*, that Sgt. Perez was subjected to the updated, 2016 iteration of G06-01-02, Sgt. Perez's actions would still have been out of policy. The 2016 directive does include a provision for female detainees to be searched by female officers, which Sgt. Perez sought to accommodate with [REDACTED]. However, the provision was not designed to restrict a male officer from searching a female detainee under all circumstances. According to the revised directive, a detainee is to be searched by a member of the same gender, unless "a member of the same gender is not immediately available and officer or citizen safety is compromised absent an

---

<sup>41</sup> G06-01-02(IV)(A) (Effective February 22, 2012).



immediate search.”<sup>42</sup> Based on this exception, the circumstances surrounding [REDACTED] arrest suggest that Sgt. Perez would have been responsible for conducting a search, rather than waiting for a female officer to arrive. Specifically, Sgt. Perez took [REDACTED] into his custody at an “L” station that handles an average daily ridership of 4000 passengers.<sup>43</sup> During the course of this arrest and transport, the high likelihood of [REDACTED] coming into contact with members of the public—and potentially compromising citizen safety—presents a clear concern.

- 2. Allegation #2: On November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Sergeant Eddie Perez failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.**

With regard to Allegation #2, COPA recommends a finding of **Not Sustained**. In his May 7, 2015 statement, Sgt. Perez described how [REDACTED] was brought into CPD custody. Once [REDACTED] was at the CPD vehicle on Wentworth, officers placed her in the rear seat, then left the rear passenger side door open so as to monitor [REDACTED]. From Sgt. Perez’s recollection, he remained standing outside this open door with another officer, waiting for a female officer to arrive and search [REDACTED]. During this time, Sgt. Perez was able to see [REDACTED] moving about, but he did not consider such movements to be out of the ordinary for a detainee. [REDACTED] remained in handcuffs as she sat in the rear of the CPD vehicle. Considering Sgt. Perez’s statement regarding his dutiful observation of [REDACTED] as well as the general lack of evidence to establish whether Sgt. Perez continuously monitored [REDACTED] throughout her custody, this allegation should be **Not Sustained**.

## VII. CONCLUSION

Officer	Allegation	Finding
Officer Posey	1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Eugene Posey failed to conduct a preliminary pat down of [REDACTED] and failed to ensure that she was properly searched by an assisting officer before being placed inside a police vehicle, in violation of Rule 10 and Rule 11.	1. Sustained
Officer Dodoo	1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Jonas Dodoo failed to conduct a preliminary pat down of [REDACTED] and failed to ensure that she was properly searched by an assisting officer before being placed inside a police vehicle, in violation of Rule 10 and Rule 11.	1. Sustained

<sup>42</sup> G06-01-02(IV)(C) (Effective January 1, 2016).

<sup>43</sup> November 2013 Chicago Transit Authority Monthly Ridership Report.

Officer Hansen	<ol style="list-style-type: none"> <li>1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen verbally abused [REDACTED] in that he called her a "stupid bitch," in violation of Rule 2 and Rule 8;</li> <li>2. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen kicked [REDACTED] while she was handcuffed on the ground, in violation of Rule 2 and Rule 8;</li> <li>3. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Dodoo, in violation of Rule 10 and Rule 11; and,</li> <li>4. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Timothy Hansen failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.</li> </ol>	<ol style="list-style-type: none"> <li>1. Not Sustained</li> <li>2. Not Sustained</li> <li>3. Sustained</li> <li>4. Not Sustained</li> </ol>
Officer Borchardt	<ol style="list-style-type: none"> <li>1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Dale Borchardt failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Dodoo, in violation of Rule 10 and Rule 11; and,</li> <li>2. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Officer Dale Borchardt failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.</li> </ol>	<ol style="list-style-type: none"> <li>1. Sustained</li> <li>2. Not Sustained</li> </ol>

<p>Sergeant Perez</p>	<p>1. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Sergeant Eddie Perez failed to conduct a protective pat-down of [REDACTED] prior to placing her inside a police vehicle after receiving her from Officers Posey and Doodoo, in violation of Rule 10 and Rule 11; and,</p> <p>2. It is alleged that on November 2, 2013, at approximately 5:15 P.M., in the vicinity of 3430 South Wentworth, accused Sergeant Eddie Perez failed to watch [REDACTED] while awaiting the arrival of a female officer to conduct a custodial search, in violation of Rule 10 and 11.</p>	<p>1. Sustained</p> <p>2. Not Sustained</p>
-----------------------	---	---

Approved:

[REDACTED]

4/24/18

Jay Westensee

Date

*Deputy Chief Administrator – Chief Investigator*

Appendix A

Assigned Investigative Staff

---

<b>Squad#:</b>	Fifteen
<b>Investigator:</b>	Rohrer
<b>Supervising Investigator:</b>	Becknek
<b>Deputy Chief Administrator:</b>	Westensee