

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

Date of Incident:	December 9, 2018
Time of Incident:	10:51 a.m.
Location of Incident:	3151 W Harrison Street - 011 th District Lockup
Date of COPA Notification:	December 17, 2018
Time of COPA Notification:	3:56 p.m.

On December 9, 2018, the subject, ██████████ was arrested and brought into the 011th District Police Station. In the 11th District Lockup Ar, Detention Aide Keith Spurlin searched ██████████ who became upset due to missing money. ██████████ threatened and attempted to hurt himself against the lockup bars. Detention Aide Spurlin grabbed ██████████ who fell onto the ground, then dragged him along the ground into a holding cell.

II. INVOLVED PARTIES

Involved Detention Aide:	Spurlin, Keith ; Employee # ██████████; Date of Appointment: 8/1/94; Rank: Detention Aide; Unit: 011; Date of Birth: ██████████/65; Male; Black.
Subject:	██████████ Date of Birth: ██████████/74; Male; Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Detention Aide Keith Spurlin	It is alleged that on or about December 9, 2018, at or about 10:13 a.m., at or near 3151 West Harrison Street, Chicago, IL, Detention Aide Keith Spurlin committed misconduct through the following acts or omissions by:	
	1. Pushing ██████████ to the ground without justification;	Unfounded
	2. Dragging ██████████ along the ground without justification; and	Not Sustained
	3. Failing to complete a Tactical Response Report (TRR)	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
3. Rule 10: Inattention to duty.

General Orders

1. G03-02-01: Force Options, Effective October 16, 2017.
2. G03-02-02: Incidents Requiring the Completion of a Tactical Response Report, Effective October 16, 2017.

State Laws and Regulations

1. Ill. Admin Code tit. 20 – Corrections, Criminal Justice, and Law Enforcement § 120 – Rules of Conduct
2. Ill. Admin Code tit. 20 § 120.30 – Conduct of Individuals
3. Ill. Admin Code tit. 20 § 120.40 – Compliance with Laws and Regulations
4. Ill. Admin Code tit. 20 § 120.100 – Violations of Rules
5. Ill. Admin Code tit. 20 § 720 – Municipal Jail and Lockup Standards
6. Ill. Admin Code tit. 20 § 720.140 – Use of Force

V. INVESTIGATION

a. Interviews

i. Complainant [REDACTED]

[REDACTED] declined COPA's request for an interview through a letter sent by his attorney, Chris Nolan, of the Cook County Public Defender, signed April 8, 2019.¹

¹ Attachment #26 – Refusal to Talk with Civilian Office of Police Accountability (COPA).

ii. Accused Detention Aide Keith Spurlin

COPA interviewed Detention Aide Spurlin on June 28, 2022. Detention Aide Spurlin stated that he was working at the 011th District lockup on December 9, 2018, when an officer escorted ██████████ into the lockup facility. ██████████ had been arrested and charged with a drug-related offense. Detention Aide Spurlin had just finished working out and was out of uniform at the time.

Detention Aide Spurlin ordered ██████████ to remove his jacket, shoes, and socks, before he frisked ██████████ to check for weapons and contraband. Detention Aide Spurlin gave ██████████ his jacket back after searching it. ██████████ became upset with Detention Aide Spurlin because he believed Detention Aide Spurlin had not returned his money. Detention Aide Spurlin explained to ██████████ that the arresting officers will seize money that they believe is related to the sale of drugs.

██████████ became upset and demanded that Detention Aide Spurlin bring the arresting officer back and to explain what happened to ██████████ money. Detention Aide Spurlin refused to do so. ██████████ said that he would hurt himself by throwing himself against the lockup bars and would say that Detention Aide Spurlin abused him. Detention Aide Spurlin walked towards ██████████ to prevent him from hurting himself when ██████████ pretended to fall onto the bars. Detention Aide Spurlin tried to grab ██████████ but he went limp and fell to the ground.

Detention Aide Spurlin then dragged ██████████ along the ground into the cell by his jacket. Detention Aide Spurlin explained that he was alone—the other detention aide had gone to the bathroom—and that the floor was slippery. Detention Aide Spurlin felt that he could drag ██████████ into the cell without risking injury to himself or ██████████. Once Detention Aide Spurlin drug ██████████ into the cell, he shut the door and called the supervising sergeant.

Detention Aide Spurlin stated that he did not complete a TRR because he believed he was unable to access CLEAR to submit a TRR. He stated he could not recall who the desk sergeant was at the time of the incident, but he was not told that he needed to complete a TRR. He believed that he could not initiate a TRR at the time of the incident because he did not have access and a sergeant would have to complete it.

b. Digital Evidence²

COPA reviewed the 011th District's lockup entrance camera and holding cell camera footage. The video footage does not include audio.

At approximately 10:08 a.m., an officer or another detention aide escorts ██████████ into the lockup entrance. Detention Aide Spurlin appears on camera wearing a sweatshirt and looks to give ██████████ instructions. ██████████ removes his jacket and places it on a desk. Detention Aide Spurlin then puts on latex gloves, and ██████████ removes his shoes and socks. Detention Aide Spurlin searches ██████████ jacket and then searches ██████████. Detention Aide Spurlin walks behind the desk and ██████████ puts on his shoes and socks. ██████████ gestures and appears to speak with Detention Aide

² Att. #12

Spurlin, who is not visible on camera. ██████ puts on his jacket and continues to gesture at Detention Aide Spurlin, appearing upset.

█████ begins to walk towards the bars of the lockup entrance door while looking towards Detention Aide Spurlin. Detention Aide Spurlin walks towards ██████ who moves away from Detention Aide Spurlin. ██████ walks towards the lockup bars and appears to flop forward slightly, while Detention Aide Spurlin reaches towards him. Detention Aide Spurlin then grabs ██████. It is unclear whether ██████ then falls forward or whether Detention Aide Spurlin pushes ██████ to the ground. Detention Aide Spurlin grabs the back of ██████ jacket and drags him along the floor into the open holding cell door. Detention Aide Spurlin shuts and locks the door, before walking off camera.

c. Documentary Evidence

i. Arrest Report and Original Case Incident Report³

The Arrest report documented that ██████ was placed into custody after he tendered two pink tinted zip lock bags each containing suspect heroin to an undercover officer (UFO) in exchange for CPD pre-recorded funds. The Original Case Incident Report documented that Detention Aide Spurlin searched ██████ who complained and became belligerent about missing money. ██████ banged his head against the jail bars in the lockup front entrance and then fell on the ground. Detention Aide Spurlin put ██████ in the holding room and called for Sgt. Lasch to speak with ██████

█████ started flooding the holding room with toilet water, then punched and broke the holding room camera. ██████ wrapped the video camera wires around his neck and tried to hang himself while Sgt. Lasch was trying to talk to him. Sgt. Lasch proceeded to cut the wire, placed ██████ in handcuffs, and called for assistance and an ambulance. A Chicago Fire Department (CFD) ambulance transported ██████ to Mount Sinai Hospital.

LEGAL STANDARDS

For each Allegation COPA must make one of the following findings:

1. Sustained - where COPA determines the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where COPA determines there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where COPA determines by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where COPA determines by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

³ Att. #3 & 5

An allegation is supported by a preponderance of the evidence when “it is more likely than not” that the facts alleged occurred.⁴ COPA must sustain such an allegation. Conversely, COPA cannot sustain an allegation when it is more likely than not that the facts alleged did not occur.⁵

The clear and convincing evidence standard is a higher burden of proof than a preponderance of the evidence.⁶ However, clear and convincing evidence is a lower burden of proof than the “proof beyond a reasonable doubt” required for a criminal conviction.⁷

VI. ANALYSIS

a. Use of Force

Detention aides must follow both CPD General Orders and Ill. Admin Code tit. 20 - for purposes of use of force analysis. Both sources require detention aides to refrain from using force unless doing so is necessary and to use the minimum appropriate force.⁸

General Order G03-02-01 explains when force is authorized. “Department members’ use of force must be objectively reasonable, necessary, and proportional to” a subject’s “threat, actions, and level of resistance.”⁹ Department members must continuously assess situations to determine if force is necessary, and—if so—what level of force necessary under the totality of the circumstances.¹⁰

Department members must base their level of force based on subjects’ actions or changes in circumstances and de-escalate if resistance decreases.¹¹ Department members must use less force against subjects offering less resistance.¹² General Order G03-02-01 defines and categorizes subjects based on resistance and explains the maximum force authorized against subjects when necessary.

Resisters are subjects who are uncooperative with officers.¹³ Passive resisters do not comply with officers’ directions by refusing to move.¹⁴ Department members may use multiple techniques—including holding and compliance techniques—to gain passive resisters’ compliance.¹⁵

⁴ See, e.g., *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (“a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not”).

⁵ See *id.*

⁶ See, e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁷ See *id.*; for further analysis of burdens of proof see also, *Sawyer v. Whitley*, 505 U.S. 333 (1992).

⁸ See generally Ill. Admin Code tit. 20 Corrections, Criminal Justice, and Law Enforcement § 720.140; See also G03-02-01.

⁹ G03-02-01 II (C).

¹⁰ *Id.*, F (1), (2).

¹¹ *Id.*, (4).

¹² *Id.*, (G).

¹³ *Id.*, (IV) (B).

¹⁴ *Id.* (B) (1).

¹⁵ *Id.*

Assailants are subjects who use or threaten force likely to cause physical injury against themselves or others.¹⁶ G03-02-01 authorizes more aggressive force options against assailants when necessary, including direct mechanical techniques – “such as punching and kicking, or focused pressure strikes”.¹⁷

Ill. Admin Code tit. 20 §720.140 (b) allows detention aides to use force “as a last resort or when other means are unavailable or inadequate”. Detention aides may use force “only to the degree reasonably necessary to achieve a permitted purpose.”¹⁸ Subparagraph (a) authorizes force (1) in self-defense, (2) to prevent escape, (3) to prevent serious injury or damage to persons or property, (4) to quell disturbances, (5) to effect detention, or (6) to establish control.

i. Detention Aide Spurlin did not use unjustified force.

Detention Aide Spurlin stated that he tried to grab ██████ but he went limp and fell to the ground. Video shows ██████ appeared to throw himself against the lockup bars. While it is unclear whether Detention Aide Spurlin grabbed ██████ as he fell to the ground or pushed ██████ to the ground, Detention Aide Spurlin would have been justified in using force to prevent ██████ from harming himself. ██████ an assailant under G03-02-01 by attempting to use force to harm himself by throwing himself against the lockup bars. Detention Aide Spurlin was authorized to use force—including punches, kicks, and pressure strikes—to prevent ██████ from seriously injuring himself. Based on the available evidence, COPA recommends a finding of **Unfounded for Allegation 1**.

ii. It is unclear if Detention Aide Spurlin was justified in dragging ██████ into the holding cell.

██████ became a passive resister once he was on the ground, meaning Detention Aide Spurlin was authorized to use holding and compliance techniques. Detention Aide Spurlin dragged ██████ along the concrete floor into the holding cell. Detention Aide Spurlin explained that the floor was slippery, and he believed dragging ██████ was the safest way to move him into the holding cell. Video shows that the floor is smooth, as the ceiling lights are visible in the floor’s reflection. ██████ was wearing a jacket, protecting his arms from potential friction burns. ██████ had attempted to harm himself, and Detention Aide Spurlin was alone at the time; however, Detention Aide ██████ failed to document his encounter with ██████. Therefore, COPA recommends a finding of **Not Sustained for Allegation 2**.

b. Tactical Response Report

General Order G03-02-02: *Incidents Requiring the Completion of a Tactical Response Report* explains when CPD members and detention aides must complete TRRs.¹⁹ Department members must complete TRRs after use of force incidents in which subjects become injured or

¹⁶ *Id* (C)

¹⁷ *Id* (1).

¹⁸ *Id*.

¹⁹ Effective October 16, 2017 – February 28, 2020.

allege injury from the use of force.²⁰ Detention aides must also submit TRRs after all use of force incidents involving “the active resistance of a subject.”²¹

Here, Detention Aide Spurlin used force against [REDACTED] by either grabbing him or pushing him to the ground. Detention Aide Spurlin also used force against [REDACTED] by dragging him along the ground into the holding cell. [REDACTED] was an assailant when he attempted to throw himself against the lockup bars, suggesting that he actively resisted Detention Aide Spurlin.

Detention Aide Spurlin was still required to submit a TRR documenting his use of force with [REDACTED]. Detention Aide Spurlin believed that he did not have the necessary access to submit a TRR; however, it was his responsibility to ensure that a TRR was complete. Therefore, COPA recommends a finding of **Sustained for Allegation 3**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATION

a. Detention Aide Keith Spurlin

i. Complimentary and Disciplinary History

1 Complimentary Letter. 2 Honorable Mentions. No disciplinary history.

i. Recommended Penalty, by Allegation

Detention Aide Spurlin failed to complete a TRR. Detention Aide Spurlin appeared to genuinely believe that he could not submit TRRs. While this is a mistake, it suggests that he did not willfully fail to do so. COPA recognizes that this incident occurred more than three and a half years ago and finds that significant discipline is unwarranted. COPA recommends that Detention Aide Spurlin receive **remedial training** on General Order G03-02-02 and on how to submit a TRR.

Approved:



11-9-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date

²⁰ G03-02-02 III (A)(1).

²¹ *Id* (b).