

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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| Date of Incident: | May 20, 2016 |
| Time of Incident: | 12:51 a.m. |
| Location of Incident: | 6651 W. 63 rd Street |
| Date of COPA Notification: | April 11, 2018 ¹ |
| Time of COPA Notification: | 5:46 p.m. |

On May 20, 2016, Officers Jean Lindgren and Sonia Almazan responded to a call of a battery at ██████████ ██████████ ██████████ reported to the officers that ██████████ had battered her and left the location of the incident. Officers Lindgren and Almazan toured the area in search of Mr. ██████████. Approximately twenty minutes later, Mr. ██████████ returned to the location of the incident and again battered Ms. ██████████. Ms. ██████████ again called the police. ██████████, ██████████, ██████████,³ and ██████████⁴ tackled Mr. ██████████ to the ground and held him until the police arrived. Officers William Guzman and Raul Cortez were the initial officers who responded to Ms. ██████████ second call to the police. Officers Guzman and Cortez observed that Mr. ██████████ had Mr. ██████████ in a chokehold, and they ordered him to release Mr. ██████████. Officer Guzman placed one handcuff on Mr. ██████████. At that time, Officers Lindgren and Almazan returned to the location of the incident. All four officers gave Mr. ██████████ verbal commands to stand up. Officer Lindgren then made derogatory and inappropriate comments about Mr. ██████████. Mr. ██████████ was not responsive, and the officers called for an ambulance. The ambulance arrived and transported Mr. ██████████ to MacNeal Hospital, where he was pronounced dead approximately thirty minutes after his arrival at the hospital. The Cook County Medical Examiner’s Report of the postmortem examination indicates that Mr. ██████████ died from asphyxiation due to a neck hold.

II. INVOLVED PARTIES

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| Involved Officer #1: | Jean Lindgren, Star #14791, Employee ID ██████████ Date of Appointment: October 23, 1995, Chicago Police Officer, Unit of Assignment: 008, DOB: ██████████ 1967, White Female. |
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¹ Neither the Civilian Office of Police Accountability (“COPA”) nor the Independent Police Review Authority, its predecessor agency that was in place at the time of this incident, received notice of this incident until April 11, 2018. On that date, CPD Deputy Chief Brendan Deenihan initiated this investigation into whether the officers on the scene requested an ambulance in a timely manner. He also registered related Log #1089064 regarding the in-custody death. On January 16, 2020, COPA combined the two investigations to continue under Log #1089063 and Administratively Closed Log #1089064. Some attachments from the closed investigation, including statements from the involved officers and Ms. ██████████ were incorporated into this investigation.

² ██████████ was dating ██████████ mother of ██████████ who was ██████████ boyfriend at the time of this incident.

³ ██████████ is a friend of ██████████

⁴ ██████████ is a neighbor of Ms. ██████████

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|-------------------------|---|
| Involved Officer #2: | Sonia Almazan, Star #5296, Employee ID [REDACTED] Date of Appointment: September 2, 1997, Chicago Police Officer, Unit of Assignment: 008, DOB: [REDACTED] 57, Hispanic Female. |
| Involved Officer #3: | William Guzman, Star #5894, Employee ID [REDACTED], Date of Appointment: July 30, 2007, Chicago Police Officer, Unit of Assignment: 008, DOB: [REDACTED] 76, Hispanic Male. |
| Involved Officer #4: | Raul Cortez, Star #14983, Employee ID [REDACTED] Date of Appointment: October 25, 2004, Chicago Police Officer, Unit of Assignment: 008, DOB: [REDACTED] 74, Hispanic Male. |
| Involved Individual #1: | [REDACTED] DOB: [REDACTED] 79, White male. |

III. ALLEGATIONS

| Officer | Allegation | Finding |
|------------------------|--|-----------|
| Officer Jean Lindgren | 1. It is alleged that the accused made derogatory and inappropriate comments regarding [REDACTED] in violation of Rule 8. | Sustained |
| | 2. It is alleged that the accused refused to provide medical assistance to [REDACTED] in violation of Rules 2, 8 and 10. | Sustained |
| | 3. It is alleged that the accused brought discredit upon the Department by her overall behavior during the incident, in violation of Rule 2. | Sustained |
| Officer William Guzman | 1. It is alleged that the accused failed to immediately request medical aid for [REDACTED] [REDACTED] in violation of Rules 8 and 10. | Sustained |
| Officer Raul Cortez | 1. It is alleged that the accused failed to immediately request medical aid for [REDACTED] [REDACTED] in violation of Rules 8 and 10. | 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 8:** Disrespect to or maltreatment of any person, while on or off duty.
3. **Rule 10:** Inattention to duty.

General Orders

1. **G.O. #01-01:** Vison, Mission Statement, and Core Values
2. **G.O. #06-01-01:** Field Arrest Procedures (effective November 12, 2015 – December 7, 2017)

V. INVESTIGATION⁵

a. Interviews⁶

In an interview with COPA on June 13, 2018, ██████████ stated that on May 20, 2016, she was at home at ██████████, when ██████████ arrived outside her apartment and began to throw rocks at the apartment window while yelling for his girlfriend, ██████████⁸ Ms. ██████████ stated that ██████████ was in the apartment in her bedroom with a man named ██████████ (now known to be ██████████).⁹ Ms. ██████████ went downstairs to talk to Mr. ██████████. As Ms. ██████████ attempted to tell Mr. ██████████ that Ms. ██████████ was sleeping, Mr. ██████████ began to punch her in the face. Ms. ██████████ punched Mr. ██████████ back and kicked him in the groin area. Ms. ██████████ neighbors ██████████ and ██████████¹⁰ came outside and Mr. ██████████ ran away. Ms. ██████████ called the police and two officers, later identified as Officers Lindgren and Almazan, arrived approximately fifteen minutes later. Ms. ██████████ also called her boyfriend, ██████████, and asked him to come home. Officers Lindgren and Almazan told Ms. ██████████ that they were going to tour the area for Mr. ██████████ and instructed her to call the police if he returned. Ms. ██████████ went upstairs to her apartment with Mr. ██████████ who had arrived while she was outside.

Approximately ten minutes later, Ms. ██████████ heard someone calling her name. She looked outside and saw that Mr. ██████████ and ██████████ had Mr. ██████████ on the ground. Ms. ██████████ called the police and reported that Mr. ██████████ returned. Mr. ██████████ and Ms. ██████████ ran downstairs to assist in detaining Mr. ██████████. Mr. ██████████ “ripped” out of Mr. ██████████ and ██████████ arms, quickly got up from the ground, and began to throw punches at the two men. Mr. ██████████ then attempted to charge

⁵ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁶ COPA did not learn of this incident until almost two years after it happened and, therefore, did not conduct interviews until a significant amount of time had elapsed.

⁷ Attachments #29, #30. Due to the length of time since the incident, Ms. ██████████ could not remember all the details that occurred on the night of incident. Some details in her statement differ from Department reports and the statements of the involved officers.

⁸ ██████████ is the mother of ██████████ then-boyfriend, ██████████. Ms. ██████████ was living with Ms. ██████████ and Mr. ██████████ at the time of the incident. At the time of her interview to COPA, Ms. ██████████ did not have any contact information for either of the ██████████

⁹ According to Ms. ██████████ Ms. ██████████ was “trashed” (*i.e.* drunk) in her bedroom and never came outside.

¹⁰ Last name unknown.

at Ms. [REDACTED] but Mr. [REDACTED] and Mr. [REDACTED] grabbed him and pushed him to the ground. Ms. [REDACTED] called the police and reported Mr. [REDACTED] return to the scene. Ms. [REDACTED] stated that Mr. [REDACTED] appeared to be on drugs because of how he quickly got up from the ground, the look of rage on his face, and his rapid breathing.¹¹ Mr. [REDACTED] attempted to get up from the ground, and Mr. [REDACTED] came outside and assisted in holding Mr. [REDACTED] on the ground. Mr. [REDACTED] grabbed Mr. [REDACTED] and placed his knee on his neck area while Mr. [REDACTED] and Mr. [REDACTED] held Mr. [REDACTED] legs down. Mr. [REDACTED] was facedown at this point. Ms. [REDACTED] asked Mr. [REDACTED] if Mr. [REDACTED] was breathing, because she thought he was having a hard time breathing. Mr. [REDACTED] then removed his knee from Mr. [REDACTED] neck area. Mr. [REDACTED] attempted to get up, and Mr. [REDACTED] placed his knee back on Mr. [REDACTED] neck area.¹² Mr. [REDACTED] released Mr. [REDACTED] legs and left Mr. [REDACTED] and Mr. [REDACTED] holding Mr. [REDACTED]

Ms. [REDACTED] stated that Mr. [REDACTED] began to breath very heavily and looked very tired. According to Ms. [REDACTED] two white female uniformed officers arrived at the scene.¹³ One officer was younger than the other and Ms. [REDACTED] did not recall the older officer getting out of the car at any point. The younger officer grabbed Mr. [REDACTED] by his arms and handcuffed him. Mr. [REDACTED] was still lying on his stomach and was breathing heavily. A second police car arrived.¹⁴ Officers attempted to lift Mr. [REDACTED] from the ground. However, Mr. [REDACTED] was numb and not moving. Ms. [REDACTED] recalled the officers bringing Mr. [REDACTED] to his feet, but his knees gave out and he fell to the ground again. Ms. [REDACTED] did not know if Mr. [REDACTED] had any injuries because she was more focused on her own injuries.¹⁵ An ambulance arrived and took Mr. [REDACTED]. The following day, an officer went to Ms. [REDACTED] apartment and informed her that Mr. [REDACTED] died of heart complications.

Upon questioning, Ms. [REDACTED] stated that she got a “really negative vibe” from the female officers regarding Mr. [REDACTED] hitting her, meaning that they were biased against Mr. [REDACTED] because of it. Ms. [REDACTED] said that one of the female officers thought Mr. [REDACTED] was faking because when the officer attempted to lift him up from the ground Mr. [REDACTED] would not move. The female officer then stated, “All right, I’m not going to deal with this bullshit.”¹⁶ The female officer was very upset about the incident in general.

In a statement to COPA on August 13, 2018,¹⁷ **Officer Sonia Almazan, #5296**, stated that on May 19, 2016, she and her partner Officer Jean Lindgren, were on-duty, in uniform, assigned to Beat 812R with a marked police vehicle. Officer Almazan and Officer Lindgren responded to [REDACTED] in response to Ms. [REDACTED] call for assistance. They completed a case report for the incident and drove around looking for Mr. [REDACTED] but were unable to find him.

When they returned to the vicinity of [REDACTED], Mr. [REDACTED] was on the ground lying on his back with one handcuff on his wrist. Mr. [REDACTED] was not moving or responding in any way. Officers Guzman and Cortez told Officers Almazan and Lindgren that they thought Mr. [REDACTED]

¹¹ Attachment #30, Pg. 25, lines 5-8.

¹² According to Ms. [REDACTED] Mr. [REDACTED] had his knee on Mr. [REDACTED] neck for approximately 15 minutes in total.

¹³ According to CPD records, Officers Guzman and Cortez were actually the first to respond to this second incident.

¹⁴ Ms. [REDACTED] recalled these officers to be a woman and a man.

¹⁵ Ms. [REDACTED] sustained scratches on her right arm, a bump under her right eye, and an injury to her left hand.

¹⁶ Attachment #30, Pg. 42, lines 6-17.

¹⁷ Attachments #51-52. Officer Almazan did not recall the entire incident and used the case reports (HZ271699 and HZ271744 – Attachments 6 and 7) to refresh her recollection.

was sleeping because it sounded like he was snoring. Officer Almazan noted Mr. [REDACTED] was not moving and did not think he was just sleeping. She requested an ambulance to the scene. Mr. [REDACTED] was transported to MacNeal Hospital and was pronounced dead approximately one hour after his arrival to the hospital. Officer Almazan stated that sometime after the incident, she learned from other Department members that Mr. [REDACTED] had died from a broken neck.¹⁸

In a second statement to COPA on October 19, 2018,¹⁹ Officer Almazan viewed the in-car camera recording from the vehicle she and Officer Lindgren used on May 20, 2016. She identified her voice and Officer Lindgren's voice in the video. After viewing the video, Officer Almazan said that, throughout the incident, Officer Lindgren thought that [REDACTED] [REDACTED] was "lying, that he was faking"²⁰ because he was trying to get out of going to jail. Officer Almazan did not know herself if Mr. [REDACTED] was faking, but she did not like the way he was not responding and/or getting up from the ground so she called an ambulance.

Officer Almazan agreed that Officer Lindgren was being unprofessional and insensitive when she told [REDACTED] [REDACTED] "It'll be easier paper,"²¹ referring to whether Mr. [REDACTED] died. Officer Almazan also agreed that Officer Lindgren used derogatory language and made inappropriate comments regarding Mr. [REDACTED] when she called him, "a mutt, shit head, crack head, piece of shit, fuckin shit, bull shitter, and idiot."²² Officer Almazan said she has never seen Officer Lindgren this upset and stated that Officer Lindgren normally does not use foul language. Officer Almazan said this was the first time she saw Officer Lindgren verbally upset about going to the hospital. In Officer Almazan's opinion, Officer Lindgren acted that way because she believed Mr. [REDACTED] was faking and a drug addict.

In a statement to COPA on August 9, 2018, **Officer William Guzman, #5894,**²³ stated that on May 20, 2016, he and his partner, Officer Raul Cortez, were on-duty, in uniform, assigned to Beat 814R with a marked police vehicle. Officer Guzman recalled assisting Officers Lindgren and Almazan on a call about someone holding an offender in a domestic incident. Officers Guzman and Cortez arrived first. Upon Officer Guzman's arrival to the location of the incident, Mr. [REDACTED] and a white male now known to be Mr. [REDACTED] were on the ground. Mr. [REDACTED] was lying on top of Mr. [REDACTED] with his back on Mr. [REDACTED] chest. Mr. [REDACTED] had his arms wrapped around Mr. [REDACTED] neck in a "chokehold."²⁴ Officer Guzman placed one handcuff on Mr. [REDACTED] wrist and told him to get off Mr. [REDACTED] Mr. [REDACTED] did not move, so Mr. [REDACTED] moved himself from underneath Mr. [REDACTED] Mr. [REDACTED] initially appeared to be alert but then appeared to fall asleep. Officer Guzman removed the handcuff when he saw Mr. [REDACTED] was "passed out."²⁵ Officer Guzman checked to see that Mr. [REDACTED] was breathing and heard what sounded like snoring. Officers

¹⁸ Officer Almazan does not recall specifically who in the Department told her that Mr. [REDACTED] died from a broken neck.

¹⁹ Attachments #37-38.

²⁰ Attachment 38, page 9, lines 8-9. Officer Almazan repeated this multiple times throughout her statement.

²¹ Attachment 38, page 19, line 10.

²² Attachment 38, page 22, lines 11-13. "Idiot" was incorrectly transcribed as "Indian." See Attachment 37, starting at 49:20.

²³ Attachments #47-48. Officer Guzman did not recall the entire incident and used case report (HZ271744 – Attachments 7) to refresh his recollection.

²⁴ Attachment 48, page 7, line 15.

²⁵ Attachment 48, page 21, lines 17-18.

Lindgren and Almazan arrived approximately five minutes after his arrival,²⁶ and one of the officers called for an ambulance. Officer Guzman could not recall which of the officers called but remembered Officer Almazan saying they should call an ambulance. Once the EMS personnel arrived, they transported Mr. ██████ to the hospital. Officer Guzman learned the following day from someone in the district, that Mr. ██████ had died from a broken neck. Officer Guzman assumed it was from Mr. ██████ placing Mr. ██████ in a chokehold.

In a subsequent statement on January 17, 2020, **Officer Guzman**²⁷ was served with an allegation of failing to immediately request the appropriate medical aid for ██████ ██████ Officer Guzman stood by his previous statement on August 9, 2018, and added that when he arrived at the scene, Mr. ██████ was moving but not saying anything. At one point, it sounded as if Mr. ██████ had fallen asleep because he was snoring. Officer Guzman did not call for an ambulance for Mr. ██████ because he did not appear to be in an immediate need of medical attention.

In a statement to COPA on August 10, 2018, **Officer Raul Cortez, #14983**,²⁸ provided essentially the same account of the incident as Officer Guzman. However, Officer Cortez did not recall who the male was that held Mr. ██████ on the ground or how the male was holding Mr. ██████ Officer Cortez remembered that one of the female officers requested an ambulance because Mr. ██████ was not verbally responding to them. Paramedics arrived and took Mr. ██████ from the scene.

In a subsequent statement on January 15, 2020, **Officer Cortez**²⁹ was served with an allegation of failing to immediately request the appropriate medical aid for ██████ ██████ Officer Cortez stated that stood by his previous statement on August 10, 2018. He explained that when he arrived at the scene, he did not call for an ambulance because Mr. ██████ did not appear to be in an immediate need of medical care. Officer Cortez explained that even though Mr. ██████ was being held by two individuals on the ground, he was not bleeding and showed no signs of injuries.

In statements to COPA on August 14, 2018,³⁰ and October 18, 2018,³¹ **Officer Jean Lindgren, #14791**, provided essentially the same account of the incident as in Officer Almazan's statement to COPA. She added that two males (Mr. ██████ and Mr. ██████) had Mr. ██████ on the ground when Officers Lindgren and Almazan returned to the scene. Officer Lindgren's understanding was the two men tackled Mr. ██████ to the ground. She saw Mr. ██████ holding Mr. ██████ feet which Mr. ██████ had Mr. ██████ in a "headlock."³² Several other officers arrived before them and one of the officers put one handcuff on Mr. ██████ prior to Officers Lindgren and Almazan's return. Mr. ██████ was lying on his back and refused to get up from the ground.³³ Officer Lindgren described him as having his eyes open and that he was breathing/snoring. Based on her

²⁶ Officer Guzman could not recall whether the female officers were on the scene when he removed Mr. ██████ handcuff.

²⁷ Attachments #61, 63.

²⁸ Attachment #49-50. Officer Cortez did not recall most of the details about the incident.

²⁹ Attachments #60, 62.

³⁰ Attachments #53, 54. In her interview, Officer Lindgren provided the information she recalled and relied on the related CPD reports to refresh her memory.

³¹ Attachments #35, 36.

³² Attachment #54, page 20, line 20.

³³ Officer Lindgren later clarified that he refused by ignoring the commands, meaning he was not responsive to them. See Attachment #54, page 42, lines 10-16.

experience and the information Ms. ██████ told her, Officer Lindgren believed Mr. ██████ to be a drug addict and thought he had fallen asleep because he was high. Officer Lindgren said that she did not check Mr. ██████ vitals but described him as “totally fine,” because he was breathing and making eye contact during the incident. Officer Almazan called for an ambulance because Mr. ██████ was in custody, and they knew he would have to go to a hospital. According to Officer Lindgren, there was no hesitation from any officer to call for an ambulance for Mr. ██████. The CFD personnel arrived and rendered aide to Mr. ██████. In her interview on August 14, 2018, Officer Lindgren stated that she and Officer Almazan turned their backs to the CFD personnel while they were rendering aid to Mr. ██████ out of respect for him and to prevent any of the witnesses from taking video of him.

During her October 18, 2018, statement Officer Lindgren identified her voice in the in-car camera footage for Beat 812R. When asked why she referred to Mr. ██████ in the video as a “mutt, shit head, crack head, piece of shit, fuckin’ shit, bull shitter and an idiot,”³⁴ Officer Lindgren acknowledged that she used derogatory language and made inappropriate comments regarding Mr. ██████. According to Officer Lindgren, she made the comments to the other officers, but Mr. ██████ did not hear what she said. Officer Lindgren did not recall if any other civilians were present at the time that she made the comments. Officer Lindgren referred to conversations between officers generally including derogatory terms, which she called “the nature of the beast,” and said was “not generally used in front of civilians.”³⁵ She explained that foul language is a very bad habit of hers. Officer Lindgren stated that it is unfortunate she talked the way she did at the scene and stated that she should not have said it, explaining that she was aggravated at the time she made the comments. She knew her in-car camera microphone was on and did not consider how her comments would be received.

When asked if her behavior in the video portrays how she generally treats civilians she encounters, Officer Lindgren stated, “this little display of foul language was not intended for anyone else to hear, it was between us four, as inappropriate as it was.”³⁶

When asked why she said, “It’ll be easier paper,” after ██████ ██████ said to her, “I don’t care what happens, as long as we don’t kill the guy,”³⁷ Officer Lindgren explained she said it to appease Mr. ██████ and to ease his tension and mind. What she said was not meant in any derogatory way towards Mr. ██████. Officer Lindgren stated it was an “off color joke”³⁸ that only Mr. ██████ and she knew. When asked to explain how making an inappropriate statement was appeasing Mr. ██████. Officer Lindgren explained, that she was putting Mr. ██████ fear at rest and making him feel that he was okay for saying that he did not care what happened to Mr. ██████ as long as he did not die.

Officer Lindgren could not specify where she was standing at the time she made the inappropriate comments and used the derogatory language regarding Mr. ██████. However, she believed Mr. ██████ did not hear her. Officer Lindgren went on to describe herself as professional

³⁴ Attachment #36, page 32, lines 14-16.

³⁵ Attachment #36, page 33, lines 14-16.

³⁶ Attachment #36, page 36, lines 20-22.

³⁷ Attachment #36, page 24, lines 8-12.

³⁸ Attachment #36, page 30, line 7.

and sensitive toward Mr. [REDACTED] and/or Mr. [REDACTED]. She stated that she absolutely showed Mr. [REDACTED] respect, because she kept him safe and sound on the ground.

When asked why she told Officer Almazan, “No, he’s fine, he’s a crack head, he’ll get tossed in the wagon”³⁹ after Officer Almazan told her that she was going to call an ambulance for Mr. [REDACTED] Officer Lindgren stated that she was not refusing to provide medical assistance to Mr. [REDACTED]. Officer Lindgren stated it was a disagreement about whether to call for an ambulance between herself and Officer Almazan. Officer Lindgren explained that she did not want to sit on a prisoner detail because she did not want to wait at the hospital for hours and when she and Officer Almazan had to complete department reports relative to the arrest. Additionally, Officer Lindgren said that she did not call for an ambulance because she firmly believed Mr. [REDACTED] was a “heroin addict”⁴⁰ who was simply refusing to go to jail. Officer Lindgren agreed that someone who is dope sick may require medical assistance, but the indicators of someone who is “dope sick”⁴¹ begin gradually and they do not immediately show signs of being sick.

b. Digital Evidence

The **in-car camera video footage for Beat 812R**⁴² depicts the squad car driving to the location of the incident. The squad car stops and is stationary throughout the video and the microphones of Officers Lindgren and Almazan are activated throughout. Upon Officers Almazan and Lindgren’s observation of [REDACTED] [REDACTED] Officer Almazan states that she is going to call for paramedics because Mr. [REDACTED] was not breathing properly. Officer Lindgren disagrees and states that Mr. [REDACTED] is fine and that he is pretending. Officers Lindgren and Almazan go back and forth about calling for an ambulance, but Officer Almazan ultimately calls. During the video, Officer Lindgren is heard calling Mr. [REDACTED] a “mutt,” “shit head,” “crack head,” “piece of shit,” “fuckin shit,” “bull shitter,” and “an idiot.”⁴³ Throughout the recording, Officer Lindgren continuously states that Mr. [REDACTED] is faking, lying, and trying to get out of going to jail. Paramedics arrive and treat Mr. [REDACTED] off camera.

Evidence Technician (ET) photographs⁴⁴ were taken of Ms. [REDACTED] while she was inside her apartment on the morning of May 20, 2016. In the photos, Ms. [REDACTED] has an abrasion on the right side of her neck and redness and swelling to her right cheek area.

Postmortem photographs⁴⁵ were taken of Mr. [REDACTED] at the Office of the Medical Examiner (ME). The photos depict Mr. [REDACTED] body during his autopsy.

Office of Emergency Management Communications (OEMC) records include multiple 911 calls and CPD and CFD radio transmissions.⁴⁶ The first call was at 12:07 a.m. and reported a

³⁹ Attachment #36, page 16, lines 11-12.

⁴⁰ Attachment #36, page 19, line 17.

⁴¹ Attachment #36, page 20, line 8.

⁴² Attachment #26. The video is 28:49 in length.

⁴³ Most of this language is 3:40-4:25 into the recording, when Officer Lindgren is also repeatedly telling Mr. [REDACTED] to get up from the ground.

⁴⁴ Attachments #15, #34.

⁴⁵ Attachment #39.

⁴⁶ Attachments #13-23.

male struck a woman and ran from the scene. EMS was not requested during this call. At 12:24 a.m., the dispatcher assigned this call to Beat 812R (Officers Lindgren and Almazan).

There were five additional calls at 12:50-12:54 a.m.:

- Male caller reported people were fighting outside.
- Male caller (same as the 12:07 call) said the male had returned and others were holding him for the police.
- Female caller (Ms. ██████) requested male officers to her residence before disconnecting the call.
- Female caller reported that two men repeatedly hit a third man and were standing on top of him while he was on the ground.
- Ms. ██████ called again and said her boyfriend had the person who battered her (Mr. ██████) “pinned” on the ground.⁴⁷ She wanted Mr. ██████ arrested.

At 12:51 a.m., the dispatcher notified Beat 812R about the additional calls for the battery at the vicinity of ██████ ██████. The dispatcher then reported additional calls coming in about the battery. Beat 814R (Officers Guzman and Cortez) said they would go to assist. A female officer assigned to Beat 812R (later identified as Officer Almazan) requested an ambulance to the scene. Following the request for the ambulance, another female officer (later identified as Officer Lindgren) said, “it’s for the offender and he’s playing like he’s unconscious.”⁴⁸

c. Physical Evidence

A **Chicago Fire Department (CFD) Ambulance Report**⁴⁹ documents that CFD personnel arrived at the scene at approximately 1:08 a.m., The report documents that upon arrival, CFD personnel found Mr. ██████ on the ground unresponsive and began to perform CPR. The report documents that Mr. ██████ was fighting with his girlfriend and neighbors held him to the ground prior to CFD’s arrival. The report also documents that Mr. ██████ was talking then stopped breathing just prior to CFD personnel’s arrival. Mr. ██████ was placed in the ambulance where CFD personnel continued CPR. Mr. ██████ was in cardiac arrest, had no pulse, and his lung sounds were diminished. CFD transported Mr. ██████ to MacNeal Hospital and left him in the care of emergency staff.

The **Report of Postmortem Examination**⁵⁰ of Mr. ██████ under #ME2106-02486, documents his date of examination as May 20, 2016. The report documents that Mr. ██████ manner of death was asphyxiation due to neck hold. Toxicology results were positive for Naloxone⁵¹ and marijuana.

⁴⁷ Attachment #19.

⁴⁸ Attachment #21, 7:37-8:00 into the recording. Based on the start time of this recording being 12:51:34, this is approximately 12:59:11-12:59:34 a.m.

⁴⁹ Attachment #40.

⁵⁰ Attachment #55.

⁵¹ Per page 9 of Att. 55, Naloxone is a narcotic antagonist used to diagnose and counter the effects of an opioid overdose.

d. Documentary Evidence

Original Case Incident Report for RD #HZ271699⁵² documents Ms. ██████ report that Mr. ██████ struck her before fleeing the location on foot. According to the report, Officers Lindgren and Almazan arrived on the scene on May 20, 2016, at approximately 12:10 am.

Original Case Incident Report for RD #HZ271744⁵³ documents Mr. ██████ returned to the location following the encounter described in the above case report HZ271699 and attacked Ms. ██████ again. Mr. ██████ and Mr. ██████ intervened and held Mr. ██████ in a defensive headlock for the police. Officers Guzman and Cortez arrived and observed Mr. ██████ holding Mr. ██████ in a headlock and Mr. ██████ holding Mr. ██████ legs. Officer Guzman placed one handcuff on Mr. ██████ to prevent him from fighting. Mr. ██████ did not fight and was not responsive to verbal commands. The officers attempted to lift Mr. ██████ from the ground, but he was not cooperating. The officers let Mr. ██████ stay on the ground and called for an ambulance. CFD personnel arrived and began CPR on Mr. ██████. CFD personnel placed Mr. ██████ in the ambulance and later transported him to MacNeal hospital, where he was pronounced dead at 1:52 a.m.

Detective Supplementary Reports for RD #HZ271699 and #HZ271744⁵⁴ essentially reiterates the same information regarding the incident as documented in COPA's investigation. CPD detectives also interviewed ██████, ██████, Tina ██████ and ██████. Mr. ██████ and Mr. ██████ explained the role they played in subduing Mr. ██████ and holding him for the police. Specifically, Mr. ██████ reported that he held Mr. ██████ in a headlock. Officers Guzman, Cortez, Lindgren, and Almazan provided essentially the same information to the detectives as they did in their statements to COPA. Officers Guzman and Cortez acknowledged they saw Mr. ██████ hold Mr. ██████ in a headlock as they arrived on the scene.

VI. LEGAL STANDARD

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

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

⁵² Attachment #64.

⁵³ Attachment #7.

⁵⁴ Attachments #10, #32

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy.⁵⁵ If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”⁵⁶

VII. ANALYSIS

Officer Jean Lindgren

COPA finds that Allegations #1 against Officer Lindgren is **Sustained**. Officer Lindgren demonstrated a total disrespect for Mr. [REDACTED] and a total disregard for Mr. [REDACTED] well-being. Officer Lindgren called Mr. [REDACTED] a, “mutt, shit head, crack head, piece of shit, fuckin shit, bull shitter and an idiot” and repeatedly stated Mr. [REDACTED] is faking, lying, and trying to get out of going to jail. This included her interjecting over the radio, immediately after her partner called for help that Mr. [REDACTED] was faking. Officer Lindgren acknowledged that she used derogatory language and made inappropriate comments regarding Mr. [REDACTED]. Officer Almazan also agreed that Officer Lindgren used derogatory language and made inappropriate comments regarding Mr. [REDACTED] when she called him, “a mut, shit head, crack head, piece of shit, fuckin shit, bull shitter, and idiot.” Furthermore, when [REDACTED] [REDACTED] told Officer Lindgren that he did not care what happens to Mr. [REDACTED] as long as “we don’t kill the guy,” Officer Lindgren responded that “It’ll be easier paper.” Officer Lindgren’s explanation that the statement was merely an “off color joke” and was not meant to be derogatory towards Mr. [REDACTED] is not credible. Officer Lindgren made these comments in public and in the performance of her official police duties.

COPA finds that Allegation #2 against Officer Lindgren is **Sustained**. Officer Lindgren stated that she did not refuse to provide medical assistance to [REDACTED] [REDACTED]. However, the video clearly shows that she refused to call an ambulance and argued with Officer Almazan who wanted to call an ambulance. Even after Officer Almazan called for help, she interjected over the radio to say that Mr. [REDACTED] was faking, which risked causing confusion amongst medical responders. Officer Lindgren said that she did not call for an ambulance, because she firmly believed Mr. [REDACTED] was faking and a “heroin addict” that was simply refusing to go to jail. Officer Lindgren’s interpretation was unreasonable in light of Mr. [REDACTED] conduct and her purported interpretation was clearly influenced by her admitted desire not to sit at the hospital for a long time with Mr. [REDACTED]. Indeed, Officer Almazan recognized that Mr. [REDACTED] was having difficulty breathing.

⁵⁵ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not).

⁵⁶ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

COPA finds that Allegation #3 against Officer Lindgren is **Sustained**. According to the Chicago Police Department's Core Values,⁵⁷ Department members are required to conduct themselves in a professional manner and treat civilians with respect, compassion, and dignity. Officer Lindgren clearly failed to abide by the core values of the Department. Officer Lindgren's behavior during the incident brought discredit upon the Department.

Officers William Guzman and Raul Cortez

COPA finds that Allegation #1 against Officers Guzman and Cortez is **Sustained**. The officers acknowledged that Mr. [REDACTED] was holding Mr. [REDACTED] in a headlock at the time the officers arrived on the scene. Officer Guzman even described it to be a "chokehold." After that, they reported Mr. [REDACTED] was nonresponsive to their commands and that he had passed out or fallen asleep. Although the officers said they did not think Mr. [REDACTED] was in need of medical treatment, given Mr. [REDACTED] physical position when the officers came upon him and his lack of response, and the fact that he appeared to have passed out, they should have immediately called an ambulance to verify that he was not in danger.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jean Lindgren

i. Complimentary and Disciplinary History

Officer Lindgren has been with CPD since October 23, 1995. In that time, she has received 64 honorable mentions, 6 complimentary letters, 2 department commendations, and 1 honorable mention ribbon award. In the last five years, she hasn't received any discipline.

ii. Recommended Penalty: Separation

Officer Lindgren mocked and belittled [REDACTED]. She proactively opposed medical assistance for [REDACTED] and verbally expressed a preference for [REDACTED] death. Such conduct is unconscionable for an individual sworn to serve and protect. Officer Lindgren is unfit to continue as an officer.

b. Officer William Guzman

i. Complimentary and Disciplinary History

Officer Guzman has been with CPD since July 30, 2007. In that time, he has received 53 honorable mentions, 4 department commendations, and 3 complimentary letters. In the last five years, he hasn't received any discipline.

⁵⁷ Vision, Mission, Statement, and Core Values, General Order 01-01, section IV (effective March 1, 2011 to May 21, 2019).

ii. **Recommended Penalty: Minimum 60-day Suspension**

█ initially present in such a manner that Officer Guzman should have immediately sought medical assistance without out delay.

c. **Officer Raul Cortez**

i. **Complimentary and Disciplinary History**

Officer Cortez has been with CPD since October 25, 2004. In that time, he has received 51 honorable mentions, 3 department commendations, and 2 complimentary letters. In the last five years, he hasn't received any discipline

ii. **Recommended Penalty: Minimum 60-day Suspension**

█ initially present in such a manner that Officer Cortez should have immediately sought medical assistance without out delay.

Approved:

█

7/11/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

█

7/11/2022

Andrea Kersten
Chief Administrator

Date