

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	January 9, 2020/ 10:00 p.m., [REDACTED] [REDACTED]
Date/Time of COPA Notification:	January 13, 2020/ 11:33 p.m.
Involved Officer #1:	Eric M. Killion , Star #11750, Employee ID # [REDACTED], Date of Appointment: February 5, 2001, Police Officer, 16 th District, DOB: [REDACTED] 1969, M, Caucasian.
Involved Officer #2:	Christoph L. Malenock , Star #7343, Employee ID # [REDACTED], Date of Appointment: September 30, 2002, Police Officer, 16 th District, DOB: [REDACTED], 1970, M, Caucasian.
Involved Officer #3:	Jason Ruiz , Star #14388, Employee ID # [REDACTED], Date of Appointment: January 17, 2017, Police Officer, 16 th District, DOB: [REDACTED] 1984, M, Hispanic.
Involved Officer #4:	Craig Castro , Star #16563, Employee ID # [REDACTED] Date of Appointment: October 27, 2003, Police Officer, 16 th District, DOB: [REDACTED], 1972, M, Hispanic
Involved Individual #1	Complainant-Victim , [REDACTED] 44, M, Hispanic, [REDACTED]
Involved Individual #2	Witness , [REDACTED] Age Unknown, F, Hispanic, [REDACTED]
Case Type:	Unjustified detention, unjustified physical contact.

I. ALLEGATIONS

Officer	Allegation	Finding
Police Officer Eric M. Killion	1. On or about January 9, 2020, at approximately 10:00 PM at or near ██████████ ██████████ accused officer Eric M. Killion unjustifiably detained ██████████	Exonerated.
	2. On or about January 9, 2020, at approximately 10:00 PM at or near ██████████ ██████████ accused officer Eric M. Killion unjustifiably assisted CFD paramedics transport ██████████ to Resurrection Hospital against his will.	Exonerated.
Police Officer Christoph Malenock	3. On or about January 9, 2020, at approximately 10:00 PM at or near ██████████ ██████████ accused officer Christopher Malenock unjustifiably detained ██████████	Exonerated.
	4. On or about January 9, 2020, at approximately 10:00 PM at or near ██████████ ██████████ accused officer Christopher Malenock unjustifiably assisted CFD paramedics transport ██████████ to Resurrection Hospital against his will.	Exonerated.
Police Officer Jason Ruiz	5. On or about January 9, 2020, at approximately 10:00 PM at or near ██████████ ██████████ accused officer Jason Ruiz unjustifiably detained ██████████	Exonerated.
	6. On or about January 9, 2020, at approximately 10:00 PM at or near ██████████ ██████████ accused officer Jason Ruiz unjustifiably assisted CFD paramedics transport ██████████ to Resurrection Hospital against his will.	Exonerated.
	7. On or about January 9, 2020, accused officer Jason Ruiz unjustifiably restrained ██████████ ██████████ to a CFD ambulance gurney against his will.	Unfounded.

<p>Police Officer Craig Castro</p>	<p>8. On or about January 9, 2020, accused officer Jason Ruiz unjustifiably restrained ██████████ ██████████ to a Resurrection Hospital bed, against his will.</p> <p>9. On or about January 9, 2020, at approximately 10:00 PM at or near ██████████ ██████████ accused officer Craig Castro unjustifiably detained ██████████ ██████████</p> <p>10. On or about January 9, 2020, at approximately 10:00 PM at or near ██████████ ██████████ accused officer Craig Castro unjustifiably assisted CFD paramedics transport ██████████ to Resurrection Hospital against his will.</p> <p>11. On or about January 9, 2020, accused officer Craig Castro unjustifiably restrained ██████████ ██████████ to a CFD ambulance gurney against his will.</p> <p>12. On or about January 9, 2020, accused officer Craig Castro unjustifiably restrained ██████████ ██████████ to a Resurrection Hospital bed, against his will.</p>	<p>Unfounded.</p> <p>Exonerated.</p> <p>Exonerated.</p> <p>Unfounded.</p> <p>Unfounded.</p>
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II. SUMMARY OF EVIDENCE^{1 2}

On January 9, 2020, at or about 10:47 p.m., ██████████ telephoned 911 reporting a drug overdose at her residence, ██████████. The 44-year-old male victim, her husband ██████████ was reportedly breathing, and conscious. OEMC dispatched CFD paramedics to the scene and multiple CPD assist units also responded. CFD records documented Mrs. ██████████ and her two young children were purportedly waiting outside the house when paramedics arrived. She purportedly told paramedics she called because her husband had earlier texted his son in California a photo of 9-10 Norco (hydrocodone bitartrate and acetaminophen) opioid tablets he purportedly ingested, and that he additionally made overtly suicidal statements to his two other young children, who were in the ██████████ home that evening. She related to paramedics that he had a history of making suicidal statements, and that the threats escalated that evening.

Recovered body-worn camera (“BWC”) footage depicted paramedics and multiple CPD officers speaking with both Mr. and Mrs. ██████████ about what occurred. While questioning Mr. ██████████ in the home’s kitchen, he admitted drinking several beers³ that evening and ingesting approximately eight Norco tablets because “[his ██████████ was] mean to [him].”⁴ Mr. ██████████ was standing and ambulatory but appeared to slur his words at times and behaved erratically and irrationally. He repeatedly refused the paramedics’ demands, he go with them to the hospital for examination and at one point walked away, into the basement. Police implored him to go to the hospital and after repeatedly refusing, he agreed to go if he would not be “charged” [monetarily] because he had too many medical bills and could not afford to go. When the police told him he would not be charged he agreed to go, but he later vacillated between agreeing to go to the hospital and refusing. Officers eventually told him that he would be handcuffed or strapped to a transport chair if he refused to go. After several minutes of arguing, Mr. ██████████ said he would go if he wasn’t charged, and he exited the home and walked with paramedics and officers into the ambulance. He permitted a cursory examination in the ambulance but refused additional tests.⁵ CFD paramedics requested a CPD officer ride with them to the hospital and Officer Ruiz did so. BWC captured the ride to Resurrection Hospital and entry into the ER. Mr. ██████████ refused paramedics’ demands to be wheeled into the ER, and he instead walked inside.⁶ Officers Ruiz and Castro thereafter left Mr. ██████████ in the ER and departed.⁷

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Officers were not interviewed for this investigation.

³ Attachment BWC #3, PO Malenock BWC, X81175018 at 2:15.

⁴ Id. at 2:31. [CFD Paramedic]: “Your ██████████ or this woman, said that you took a handful of Norco, and she showed me a picture of like somewhere around eight or so.” [Mr. ██████████ “Yep.” [Paramedic]: “OK why did you do that?” [Mr. ██████████ “Because she’s mean to me.” [Paramedic]: “OK, do you want to kill yourself today?” [Mr. ██████████ “I feel like I am not worthy in her eyes, and all I live for is to make her happy. And [...] every day I try harder and harder and all I get is abuse from her. And I can show you video.”

⁵ Id. at 13:35.

⁶ Attachment BWC #2, PO Ruiz BWC, X81175539 at 18:16.

⁷ Id. at 18:58.

Mr. ██████ subsequently filed a sworn complaint with COPA, and alleged police unjustifiably detained and took him to the hospital – including handcuffing him to a gurney inside the CFD ambulance and/or a bed in the hospital. He alleged that he never took the opioids to kill himself, that the offending text message was sent to his son in error, and that police wouldn't listen to him before taking him to the ambulance. He related that once admitted to the hospital, he told physicians and staff he did not consent to treatment and wanted to leave.⁸ A physician purportedly told him that if he did not cooperate and answer their questions, he would be kept overnight and have to wait for the next physician's shift the next morning to be evaluated.⁹ He also told him he could be sent to a psychiatric ward.¹⁰ Ultimately, he was kept overnight and a hospital security guard restrained or "handcuffed" him to the hospital bed.¹¹ and his clothes were removed. He related officer(s) told him they were taking his clothes as punishment.

Partial BWC footage of the initial interaction, the ambulance ride, and entry into to the hospital was recovered by CPD, however, in-car camera ("ICC") footage of the incident was not recovered.

COPA obtained and reviewed relevant reports, including OEMC reports, CFD records, and medical records.

III. ANALYSIS AND CONCLUSION

Most relevant facts presented in this case are either undisputed, or proven beyond a preponderance, primarily via the extensive video footage recovered depicting all or part of the incident(s), the recovered records, and Mr. ██████ sworn statement. It is undoubted that on the evening of January 9, 2020, ██████ called 911 for an ambulance, purportedly because she believed her ██████ ingested an overdose of prescription narcotics to commit suicide. Mrs. ██████ reported her husband had earlier texted an ominous message including a photo of the pills to their son in California – who was so alarmed he contacted ██████¹² Mr. ██████ likewise purportedly made dark statements to his two young children in Chicago about them missing him when he was gone, and the children then informed their mother.

After CPD officers and paramedics arrived at the home, BWC depicted Mr. ██████ admitted taking the overdose of medication because he was upset with his wife,¹³ but then repeatedly deny doing so. He then vacillated between agreeing to, and then refusing to go to the hospital – because of cost concerns.

⁸ Attachment 21, ██████ audio statement, at 45:30.

⁹ *Id.*, at 46:60, and 47:00.

¹⁰ *Id.*, at 47:07.

¹¹ *Id.*, at 48:48. "They had me undress, they took my clothes off, and they handcuffed me to the bed. Then locked the doors, turn off the light and left me there."

¹² Recovered Resurrection ER records documented Mr. ██████ reportedly sent two text messages to his ██████ including photos of multiple tablets and the message: "Fuck it, one dose" – a detail omitted by Mr. ██████ in his COPA statement. (See Attachment 27 p. 9, E. Petruzzi, crisis worker eval/notes.)

¹³ Attachment BWC #3, PO Malenock BWC, X81175018 at 2:31.

Officers and paramedics repeatedly told Mr. [REDACTED] he had to go to the hospital and that they were trying to help him. Officers ultimately told him that if he refused, he would be strapped to a transport chair and taken to the ambulance, regardless. Mr. [REDACTED] conceded and walked to the ambulance once he was told he would not be charged.

Mr. [REDACTED] was transported to the Resurrection Hospital ER, accompanied by Officer Ruiz, with Officer Castro arriving separately. After Mr. [REDACTED] was admitted to the ER, Officers Ruiz and Castro departed the hospital. BWC showed Mr. [REDACTED] was not handcuffed or forcibly restrained by CPD during any point visible on video. No criminal charges were issued, and no injuries were reported.

ER records recovered in this case documented Mrs. [REDACTED] signed the written consent for her [REDACTED] treatment. Mr. [REDACTED] blood alcohol level was high, 124 mg/dl (.12 BAL).¹⁴ The initial ED diagnosis by [REDACTED], MD was suicidal thoughts.¹⁵ Toxicology screens were positive for opioids, consistent with his suspected ingestion of Norco, as well as positive for cannabinoids, consistent with cannabis use.¹⁶ Records documented Mr. [REDACTED] was screaming at staff and security was called to the bedside.¹⁷ He was tranquilized with two doses of Haldol and Ativan and kept overnight for further psychiatric evaluation and determination whether further hospitalization was warranted.¹⁸

Mr. [REDACTED] was discharged home the following morning with a final diagnosis of alcohol intoxication.

ANALYSIS

All 4th Amendment-related allegations against the accused members in the instant case fail, warranting Exonerated or Unfounded findings because of specific, relevant issues of fact and law. To Wit:

A. [REDACTED] consent to be examined or admitted was not required for his emergency hospitalization, as a matter of law, and the Accused Officers' detention of, or their participation in the detention of Mr. [REDACTED] was not a violation of CPD policy, Illinois or Federal statute.

Both U.S. Constitution, amend. IV, and the Illinois Constitution guarantees the right of individuals to be free from unreasonable searches and seizures. Ill. Const. art I Sec. 6. Illinois law likewise holds that as a general matter, a patient has the right "to refuse generally accepted mental health services." Irvin v. S. Ill. Healthcare, 2019 Ill.App. 170466 (5th Dist.), 128 N.E. 3d 1149 at 1158, 431 Ill.Dec. 979 at 988, citing 405 ILCS 5/2-107(a) (West 2014). *However*, Illinois law

¹⁴ Mr. [REDACTED] related in his COPA statement he drank a 12-pack of beer the day of the incident, and admitted he was intoxicated. (See attachment 21 at 18:12.)

¹⁵ Attachment 27, pp. 8.

¹⁶ Id., pp. 14-15.

¹⁷ Id., at p. 12, ED notes by [REDACTED], RN.

¹⁸ Id., at p. 19, rx orders.

likewise holds that treatment may be performed upon an unwilling patient, when “necessary to prevent the [patient] from causing serious and *imminent* physical harm” to the patient or others. [Emphasis added and in original]. Per Illinois’ Mental Health and Developmental Disabilities Code, 405 ILCS 5/1, *et seq.*, a patient is subject to involuntary admission for evaluation on an emergency basis if immediate admission is necessary to protect the patient or others from imminent physical harm. *Id.* § 3-601(a). A patient who refuses to be evaluated may be detained for examination in a mental health facility – which can include any section of a licensed hospital that provides treatment for people with mental illnesses. 405 ILCS 5/1-113. The patient may be involuntarily held for evaluation for up to 24 hours, unless a petition for involuntary admission is filed with the receiving facility regarding the patient’s need for involuntary admission, and accompanied by a certificate by a physician, psychiatrist or other qualified examiner who examined the patient within the prior 72 hours -- in which case the patient can be held and treated for longer periods. *Id.* at § 5/3-602.¹⁹

In the instant case, the accused officers were dispatched following a 911-caller’s report of a drug overdose – inherently an exigent, potentially fatal event requiring quick action by first-responders. Upon their arrival, the medics and officers were told by Mrs. ██████ she called 911 to report her husband ingested a dangerously high dose of prescription narcotics and threatened to kill himself. When questioned, Mr. ██████ initially confirmed he had taken the pills²⁰ because he was upset with his wife. He also slurred his speech and acted irrationally and erratically. Given the foregoing, coupled with CPD’s primary, stated organizational directive,²¹ the accused officers thus had more than sufficient probable cause – regardless of Mr. ██████ protests otherwise – to aid paramedics’ attempts to save Mr. ██████ life by transporting him to a hospital as quickly as possible. Officers were equally, independently justified under the Mental Health Code to detain, or aid in the detention of Mr. ██████ once they reasonably believed he posed a danger to himself or others and potentially was at imminent risk of injury or death by poisoning. Given the gravity of Mr. ██████ having taken the pills (and also alcohol) -- or even his simply *threatening*, alluding to, or even joking about having done so -- officers were sufficiently justified to detain and transport Mr. ██████ to a hospital for an emergency evaluation, regardless of Mr. ██████ consent or stated monetary concerns.

¹⁹ CPD Directive S04-20, incorporating the provisions of the Mental Health Code, notes that “the Immunity Provision of the Mental Health and Developmental Disabilities Code 405 ILCS 5/6-103 (d) states ‘An act of omission or commission by a peace officer acting in good faith in rendering emergency assistance or otherwise enforcing this Code does not impose civil liability on the peace officer or his or her supervisor or employer unless the act is a result of willful or wanton misconduct.’” COPA notes that none of the evidence presented or acts alleged herein suggests willful or wanton misconduct by the accused officer(s).

²⁰ Attachment BWC #3, PO Malenock BWC, X81175018 at 2:31.

²¹ I.e., preserving human life and safety, as incorporated by CPD’s directive(s) that “In all aspects of their conduct members will act with the foremost regard for the preservation of human life and the safety of all persons involved.” (See CPD G03-02 Sec. II(A)).

B. CPD officers did not handcuff or otherwise forcibly restrain [REDACTED] during the January 9, 2020, encounter.

The records recovered in this case, and [REDACTED] COPA statement, showed, beyond a preponderance, that no CPD officers handcuffed or forcibly restrained Mr. [REDACTED] to a bed, stretcher or otherwise. Rather, Mr. [REDACTED] later related during his COPA statement, it was a hospital security guard he initially mistook for a CPD officer, who restrained him to his hospital bed.²²

In addition to the forgoing, recovered BWC showed, contrary to Mr. [REDACTED] sworn statement, that he was never handcuffed to a stretcher or gurney in the ambulance. Both his hands were clearly visible on Officer Ruiz' BWC and were not handcuffed. He was belted with a lap seatbelt in the ambulance, but he was not handcuffed.²³ The foregoing further diminished Mr. [REDACTED] credibility in this matter and vitiates the allegation.

1. For each of the multiple foregoing reasons, Allegation 1 and Allegation 2 against Officer Killion warrant findings of **EXONERATED**.
2. For each of the multiple foregoing reasons, Allegation 3 and Allegation 4 against Officer Malenock warrant findings of **EXONERATED**.
3. For each of the multiple foregoing reasons as set forth above, Allegations 5 and 6 against Officer Ruiz warrant findings of **EXONERATED**, and for Allegations 7 and 8, **UNFOUNDED**, respectively.
4. For each of the multiple foregoing reasons as set forth above, Allegations 9 and 10 against Officer Castro warrant findings of **EXONERATED**, and for Allegations 11 and 12, **UNFOUNDED**, respectively.

Approved:

[REDACTED]

8-29-2023

Date

²² Attachment 21, [REDACTED] audio statement, at 44:38. "There was another officer there [in the hospital room], but he was the hospital officer. I thought he was the City of Chicago police officer, you know [...] [but he was a hospital security guard, not a CPD officer.]"

²³ Attachment BWC #2, PO Ruiz BWC, X81175539 at 9:45, 10:35, 10:49 and 17:48.