

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 16, 2018
Time of Incident:	12:02 a.m.
Location of Incident:	5101 S. Wentworth (002 nd District Station Lock-Up)
Date of COPA Notification:	April 16, 2018
Time of COPA Notification:	2:41 a.m.

On April 16, 2018, at approximately 12:02a.m., inside the female lockup at the 002nd District Station, a disturbance occurred involving an arrestee named [REDACTED] ([REDACTED]) repeatedly placed her foot/feet between the cell door opening, preventing the lock-up personnel, identified as Detention Aide Catonia Quinn, (D/A Quinn), Detention Aide Sharese Love, (D/A Love), Detention Aide David McGee, (D/A McGee),¹ and Detention Aide Robert Wilson, (D/A Wilson), from securely closing the door. D/A Wilson used physical force against [REDACTED] without justification and threatened [REDACTED] by motioning toward [REDACTED] foot/feet with a pocketknife, resulting in [REDACTED] moving her foot/feet away from the opening and D/A Wilson securely closing the cell door. D/A Quinn, D/A Love, and D/A McGee witnessed the excessive force surrounding the physical contact that Wilson had with [REDACTED] and failed to intervene and/or report the misconduct.

D/A Wilson submitted a Tactical Response Report (TRR) in which he made, adopted one or more false, misleading, inaccurate and/or inconsistent statements regarding his use of force against [REDACTED]. D/A Quinn submitted a TRR in which she adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on her TRR relating to Detention Aide Robert Wilson's use of force against [REDACTED] within the lockup. Lieutenant Michael Dougherty (Lt. Dougherty) and Sgt. Michael Heard (Sgt. Heard) made, adopted one of more false, misleading, inaccurate and/or inconsistent statements on the TRR regarding D/A Wilson's use of force against [REDACTED] and also failed to properly report an incident of excessive force by D/A Wilson. The incident was recorded via a POD camera that was in the 002nd District Station lock-up.

¹ D/A McGee resigned from the Chicago Police Department while this investigation was underway, so he was not interviewed, Att. #27.

II. INVOLVED PARTIES

Involved Officer #1:	Detention Aide Robert Wilson, Employee # [REDACTED] Date of Appointment: April 2, 2012, Rank: Detention Aide, Unit of Assignment: 002/Detailed to 022, DOB: [REDACTED], 1966, Gender: Male, Race: Black
Involved Officer #2:	Detention Aide Catonia Quinn, Employee # [REDACTED] Date of Appointment: May 1, 1992, Rank: Detention Aide, Unit of Assignment 002, DOB: [REDACTED], 1966, Gender: Female, Race: Black
Involved Officer #3:	Detention Aide Sharese Love, Employee # [REDACTED] Date of Appointment: April 18, 1995, Rank: Detention Aide, Unit of assignment: 002, DOB: [REDACTED], 1974, Gender: Female, Race: Black
Involved Officer #4:	Detention Aide David McGee, Employee # [REDACTED] Rank: Detention Aide, Unit of Assignment: 002, Gender: Male, Race: Black
Involved Officer #5:	Sergeant David Heard, Star #871, Employee # [REDACTED] Date of Appointment: August 27, 1990, Rank: Sergeant, Unit of Assignment: 701, DOB: [REDACTED] 1967, Gender: Male, Race: Black
Involved Officer #6:	Lieutenant Michael Dougherty, Employee # [REDACTED] Date of Appointment: September 6, 1994, Rank: Lieutenant, Unit of Assignment: 002, DOB: [REDACTED], 1963, Gender: Male, Race: White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1995, Gender: Female, Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Detention Aide Robert Wilson	It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Detention Aide Robert Wilson committed misconduct through the following acts or omissions: 1.Used physical force against [REDACTED] without justification within the lockup. 2.Made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to his use of force against [REDACTED] within the lockup 3.Was in possession of a weapon within the lockup. 4.Threatened and/or used a weapon against [REDACTED] within the lockup.	Sustained Sustained Sustained Sustained
Detention Aide Catonia Quinn	It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Detention Aide Catonia Quinn committed misconduct through the following acts or omissions: 1.Witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct. 2. Made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on her Tactical Response Report relating to Detention Aide Robert Wilson's use of force against [REDACTED] within the lockup.	Sustained Sustained
Detention Aide Sharese Love	It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Detention Aide Sharese Love	

Detention Aide David McGee	committed misconduct through the following acts or omissions: 1.Witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct. It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Detention Aide David McGee Quinn committed misconduct through the following acts or omissions: 1.Witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct.	Sustained Sustained
Sergeant David Heard	It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Sergeant David Heard committed misconduct through the following acts or omissions: 1.Made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to Detention Aide Robert Wilson's use of force against [REDACTED] 2.Failed to report an incident of excessive force by Detention Aide Robert Wilson.	Sustained Sustained
Lt. Michael Dougherty	It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Lieutenant Michael Dougherty committed misconduct through the following acts or omissions: 1.Made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to Detention	Sustained

Aide Robert Wilson's use of force against [REDACTED]	
2. Failed to report an incident of excessive force by Detention Aide Robert Wilson.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
4. Rule 5: Failure to perform any duty.
5. Rule 6: Disobedience of an order or directive, whether written or oral.
6. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
7. Rule 9: Engaging in any unjustified verbal or physical altercation, with any person, while on or off duty.
8. Rule 10: Inattention to duty.
9. Rule 11: Incompetency or inefficiency in the performance of duty.
10. Rule 14: Making a false report, written or oral.
11. Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.
12. Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.
13. Rule 38: Unlawful or unnecessary use or display of a weapon.

General Orders²

1. General Order G03-02 – Use of Force (Eff. Oct. 16, 2017 – Feb. 29, 2020)

² Department general and special orders, also known as directives, "are official documents establishing, defining, and communicating Department-wide policy, procedures, or programs issued in the name of the Superintendent of Police." Department Directives System, General Order G01-03; *see also* Chicago Police Department Directives System, *available at* <http://directives.chicagopolice.org/#directive> (last accessed Nov. 20, 2022).

2. General Order G03-02-01 – Force Options (Eff. Oct. 16, 2017 – Feb. 29, 2020)
3. General Order G03-02-02 – Incidents Requiring the Completion of a Tactical Response Report (Eff. Oct. 16, 2017 – Feb. 29, 2020)
4. General Order G08-01-02 – Specific Responsibilities Regarding Allegations of Misconduct (Eff. Mar. 17, 2013 – May 4, 2018)

Special Orders

1. Special Order S06-01-02 – Detention Facilities General Procedures and Responsibilities (Eff. Nov. 30, 2017)
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State Laws

1. 720 ILCS 5/12-1. Assault
2. 720 ILCS 5/12-3. Battery

V. INVESTIGATION³

a. Interviews

Sgt. David Heard

During an audio recorded statement at COPA, **Sgt. David Heard** stated that he was assigned as the 002nd District Station Supervisor for the 001st Watch. His immediate supervisor was Lt. Michael Dougherty. Sgt. Heard stated that sometime during his tour of duty, one of the Detention Aides, whose identity he could not recall, exited the lock-up and told him that there was an incident that required his attention. Sgt. Heard entered the lock-up and was told that after a female arrestee (██████) refused to enter her cell, force was used to place ██████ inside her cell and securely close the cell door. Sgt. Heard did not recall which Detention Aide told him this. After being apprised of what occurred, Sgt. Heard observed that ██████ was securely inside a cell and then talked with D/A Wilson, D/A McGee, D/A Quinn and D/A Love regarding their contact with ██████. Sgt. Heard determined that D/A Wilson, D/A McGee and D/A Quinn would submit TRRs because they were the individuals who used force to place ██████ inside her cell. Once D/A Wilson, D/A McGee and D/A Quinn finished their reports, Sgt. Heard affirmed the accuracy and completeness of the TRRs, based solely upon the information that D/A Wilson, D/A McGee and D/A Quinn documented. Sgt. Heard stated that he did not compare the video footage to the information that was documented in the related TRRs though he watched the lock-up video prior to the end of his tour of duty.

Sgt Heard stated that he did make, adopt one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on the TRR relating to D/A Wilson's use of force against ██████ specifically referring to an area in narrative section of D/A Wilson's report, wherein it was documented that ██████ repeatedly struck D/A Wilson about the body before D/A

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

Wilson placed her in her cell. Sgt. Heard stated that the sequence of events as documented in D/A Wilson's TRR was inaccurate. Sgt. Heard stated that according to the video footage, [REDACTED] repeatedly struck D/A Wilson after he placed her inside the cell. Sgt. Heard stated that he was responsible for the overall accuracy of the TRRs prior to Lt. Dougherty approving them. Sgt. Heard stated that he should have paid more attention to the information that was documented before he affirmed that the reports were accurate and complete and gave them to Lt. Dougherty for Lt. Dougherty's approval.

Sgt. Heard stated that he did not fail to report an incident of excessive force by D/A Wilson. Sgt. Heard stated that he learned that D/A Wilson was in possession of a pocketknife inside the lock-up when he watched the slow-motion lock-up video footage at COPA during his statement. Sgt. Heard stated that it is a violation of Department policy for weapons to be in the lock-up and that D/A Wilson's use of a pocketknife against an arrestee inside the lock-up was a use of force. Sgt. Heard stated that had he known at the time of the incident that D/A Wilson was in possession of a pocketknife inside the lock-up, he would have initiated a complaint against D/A Wilson.⁴

Lt. Michael Dougherty

During an audio recorded statement at COPA, **Lt. Michael Dougherty**⁵ stated that he was assigned as the 002nd District Station Operations Lieutenant, responsible for the overall management of the 001st Watch personnel, including approving all 001st Watch TRRs. Lt. Dougherty stated that he became aware of the incident when Sgt. Heard told him that [REDACTED] resisted being placed inside her cell and that the lock-up personnel submitted TRRs documenting their contact with [REDACTED] to place her in her cell.

The Reporting Investigator questioned Lt. Dougherty specifically regarding D/A Wilson's TRR. Lt. Dougherty stated that Sgt. Heard would have initially reviewed D/A Wilson's TRR and would then have given the TRR to him for his approval. Lt. Dougherty stated that he approved the TRRs based solely on the information that Sgt. Heard relayed to him, though he watched the lock-up video himself after he was informed of the incident.

Lt. Dougherty was shown the lock-up video in real time and in slow motion during his COPA statement. When questioned regarding D/A Wilson's actions, Lt. Dougherty stated that he observed D/A Wilson drag [REDACTED] to the rear of the cell and push her down to keep her down. Lt. Dougherty acknowledged that he then observed [REDACTED] head move in a backward motion and appear to strike the cell wall. When asked what caused [REDACTED] head to move in such a manner, Lt. Dougherty stated that he did not know. Lt. Dougherty stated the actual push or [REDACTED] loss of momentum could have caused her head to move in a backward motion and appear to strike the cell wall.

Lt. Dougherty stated that D/A Wilson's TRR was factually incorrect and he acknowledged several errors and inaccuracies that were documented in D/A Wilson's TRR. Lt. Dougherty acknowledged that several boxes regarding D/A Wilson's actions against [REDACTED] should have been

⁴ Att. #49, #50.

⁵ Lt. Dougherty resigned from the Chicago Police Department on October 16, 2020, Att. #73.

checked on D/A Wilson's TRR, but they were not. When questioned regarding each box that was not checked but should have been checked, Lt. Dougherty's repeated response was, "I don't know."

Lt. Dougherty acknowledged that in addition to D/A Wilson failing to check the related boxes regarding his physical contact with [REDACTED] D/A Wilson inaccurately documented the sequence of events in the narrative section of his TRR. Lt. Dougherty acknowledged that the narrative section of D/A Wilson's TRR should have reflected that D/A Wilson had physical contact with [REDACTED] at the rear of the cell before [REDACTED] struck D/A Wilson about the body. Lt. Dougherty also acknowledged that D/A Wilson omitted from his TRR pertinent parts regarding his physical interaction with [REDACTED] specifically the physical interaction that he had with [REDACTED] at the rear of the cell.

Lt. Dougherty confirmed that when he interviewed [REDACTED] to get her account, [REDACTED] told Lt. Dougherty that she struck Detention Aide Wilson first and that D/A Wilson threw her inside her cell. Lt. Dougherty stated that he did not initiate a complaint log number against D/A Wilson because when he watched the lock-up video, he did not observe D/A Wilson pick [REDACTED] up and throw [REDACTED] inside her cell. Lt. Dougherty stated that he observed D/A Wilson pick [REDACTED] up and pull her to the far end of the cell to get [REDACTED] away from the cell door opening. Lt. Dougherty stated that he made a subjective decision not to initiate a complaint log number against D/A Wilson because, in his opinion, the tactics that he observed D/A Wilson use to place [REDACTED] in her cell did not constitute misconduct.

Lt. Dougherty stated that he determined that D/A Wilson's use of force against [REDACTED] during the incident conformed with Department policy as it pertained to an assailant. Lt. Dougherty stated that he recommended additional Force Mitigation Training for D/A Quinn, D/A Love, D/A McGee and D/A Wilson because the Detention Aides could have handled the incident more efficiently. Lt. Dougherty stated that the Detention Aides did not communicate well with each other and did not seek assistance by triggering the alarm which would have brought additional personnel, including the District Station Supervisor, from the front desk to the lock-up.

Lt. Dougherty stated that he was ultimately responsible for returning D/A Wilson's TRR for corrections. Lt. Dougherty stated that his approval of D/A Wilson's TRR with the errors, inaccuracies and omissions was not willful and wanton. Lt. Dougherty stated that he conducted a poor investigation and was inattentive to duty.

Lt. Dougherty stated that weapons are not allowed inside the lockup and that he was unaware that D/A Wilson was in possession of a pocketknife while working in the lock-up. Lt. Dougherty was asked to describe the object that D/A Wilson removed from his pant pocket, after he viewed the lock-up video in real time and in slow motion at COPA. Lt. Dougherty described the object as a dark [ink] pen like object, not as a pocketknife.⁶

Detention Aide Robert Wilson

⁶ Att. #30-#34.

During an audio recorded statement at COPA, **Detention Aide Robert Wilson** stated that he was in his seventh year working as a Detention Aide on the 001st Watch, at the 002nd District Station when the incident occurred. D/A Wilson stated that he was working with D/A David McGee, who has since left the Department and is currently a Cook County Sheriff's Officer. D/A Wilson stated that he was aware that cameras were regularly recording the lock-up activity.

D/A Wilson stated that on the date and time of the incident, he was in possession of a small pocketknife with a 4" blade. D/A Wilson stated that it was common practice for him to carry a pocketknife and that those he worked with, specifically D/A McGee, D/A Love, and D/A Quinn were aware that he regularly carried a pocketknife while working in the lockup.

D/A Wilson stated that he and D/A McGee had finished processing a male arrestee, which included D/A Wilson using the pocketknife to cut the strings from the male arrestee's clothing, when they heard a loud noise on the female side of the lockup.⁷ D/A Wilson stated that he placed the pocketknife in his pant pocket in an open position⁸ and then he and D/A McGee went to the female side of the lockup to investigate the loud noise.

D/A Wilson stated that upon entering the female lock-up, he heard D/A Quinn and D/A Love repeatedly tell ██████ to get off the floor and go inside her cell. D/A Wilson stated that he observed ██████ repeatedly pull away from D/A Quinn and D/A Love as they attempted to place ██████ inside her cell. D/A Wilson stated that once ██████ was inside her cell, he observed ██████ prevent the cell door from closing by placing her foot between the cell door opening.

D/A Wilson stated that he and D/A McGee attempted to assist. They presumed that ██████ would cooperate with them because they were males but ██████ did not cooperate with them. D/A Wilson stated that ██████ actively pushed back and away from him during which time he and ██████ engaged in a physical altercation. D/A Wilson stated that he used justified force against ██████ in that he pushed ██████ to a corner at the rear of the cell, near the toilet, to keep ██████ inside the cell. D/A Wilson stated that before he could turn around to exit the cell, ██████ had moved back to the cell entry.

The Reporting Investigator asked D/A Wilson about the order of events regarding his physical contact with ██████ as they were documented in the narrative section of his TRR. D/A Wilson acknowledged that the sequence of events was incorrect. D/A Wilson stated that before ██████ struck him about the body, he pulled ██████ to the rear of the cell. He then pushed ██████ on the chest/upper shoulder area with his open hands, in effort to keep ██████ on the floor, in a seated position. D/A Wilson stated that the force of the push caused ██████ head to move in a backward motion and appeared to strike the wall behind her. D/A Wilson stated he backed away to exit the cell and as he did so, ██████ got up from the floor and approached him. D/A Wilson acknowledged that he stopped backing away to exit the cell and assumed a defensive stance. D/A

⁷ D/A Wilson stated that it was common practice for him to carry a pocketknife while working in the lockup to cut the strings from arrestees' clothing during processing and to also cut down arrestees whenever they were discovered attempting to hang themselves.

⁸ D/A Wilson stated that after the date and time of the incident, for personal reasons, he stopped carrying the pocketknife while working in the lockup.

Wilson stated it was at that time that ██████ struck him about the head and back area with her hands. D/A Wilson acknowledged that he exited the cell when D/A Love grabbed him by his sweatshirt and pulled him from the cell.

D/A Wilson acknowledged that he erroneously documented in his TRR that ██████ struck him first when she did not. When asked by the Reporting Investigator why he wrote the narrative section out of sequence, D/A Wilson stated that he documented the events according to what came to his mind first.

D/A Wilson stated that after he exited the cell, ██████ continued to prevent the cell door from closing with her foot. D/A Wilson stated that at that time, he felt the blade of the pocketknife that was inside his pocket. D/A Wilson stated that because he did not want to be cut by the exposed blade, he removed the pocketknife from his pant pocket and lowered the pocketknife towards ██████ foot. D/A Wilson stated that ██████ removed her foot from the cell door opening and the cell door was securely closed. When asked by the Reporting Investigator why he motioned towards ██████ foot while holding the pocketknife, D/A Wilson stated that he was attempting to pull the cell door closed with the same hand that he was using to hold the pocketknife. D/A Wilson stated it was not his intention to threaten ██████ with the pocketknife. D/A Wilson acknowledged that it was reasonable for ██████ to move her foot from the cell door opening, believing that he was going to harm her with the pocketknife.

D/A Wilson stated that he had no intention of submitting a TRR until Lt. Dougherty told him to do so and asked him if any weapons were used. D/A Wilson stated that he told Lt. Dougherty that his handcuffs fell off his person during the scuffle with ██████ and that ██████ threw the handcuffs at him. D/A Wilson stated that he forgot to tell Lt. Dougherty that he displayed a pocketknife during the incident.

D/A Wilson acknowledged that he made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on his TRR relating to his use of force against ██████ D/A Wilson acknowledged that ██████ posed an imminent threat of battery by repeatedly swinging his handcuffs at him after they fell during the scuffle, but he did not document this action in his TRR. D/A Wilson acknowledged that ██████ physically attacked him with hand/arm/elbow strike, knee/leg strikes, push/shove/pull, and grab/hold restrain tactics, but he did not document this action in his TRR. D/A Wilson acknowledged that he took ██████ down and kicked her feet back inside the cell, but he did not document this action in his TRR. D/A Wilson stated that he never punched ██████ D/A Wilson stated that “Other/DNA,” regarding his response with a weapon, could have been in reference to the pocketknife that he displayed. When the Reporting Investigator asked D/A Wilson why he submitted his TRR as it was, D/A Wilson stated he did so because he was inattentive to duty.⁹

Detention Aide Catonia Quinn

During an audio recorded statement at COPA, **D/A Catonia Quinn** stated that she was in her twenty eighth year working as a Detention Aide on the 001st Watch, at the 002nd District Station

⁹ Att. #54.

when the incident occurred. D/A Quinn stated that she was working the female lock-up with D/A Sharese Love and was aware that cameras were regularly recording the lock-up activity.

D/A Quinn stated that she and D/A Love allowed [REDACTED] to use the telephone during her processing. [REDACTED] became angry with whomever she was talking, threw the telephone to the floor and walked away. D/A Quinn stated that she and D/A Love tried to talk with [REDACTED] to calm her down, as they escorted [REDACTED] to her cell. [REDACTED] refused to enter her cell by pushing against D/A Quinn and D/A Love and by using her feet and hands to avoid entering the cell.

D/A Quinn stated that she presumed that D/A Wilson and D/A McGee entered the female lock-up to assist after they heard the telephone being thrown to the floor. D/A Quinn stated that she observed D/A Wilson try to place [REDACTED] inside the cell to give her and D/A Love time to close the cell door. D/A Quinn stated that because her attention was focused on [REDACTED] trying to ensure that the cell door was not closed on [REDACTED] foot, she did not observe everything that happened when D/A Wilson got involved.

D/A Quinn stated that she and D/A Wilson worked four days a week together, on opposite sides of the 002nd District lock-up. D/A Quinn stated that at no time, on the date and time of the incident, did she observe D/A Wilson pull anything from his pant pocket and that at no time ever, including the date and time of the incident, has she observed or had knowledge of D/A Wilson being in possession of a pocketknife while working in the lock-up.

D/A Quinn stated that she knew that Department General Orders prevented weapons from being allowed in the lock-up. Despite having this knowledge, D/A Quinn stated that it was not against Department policy for Detention Aides to use a pocketknife in the lock-up to cut laces from arrestees' clothing and/or to prevent arrestees from hanging themselves.

D/A Quinn stated that she did not recall watching the lock-up video in its entirety prior to watching the footage in real time and in slow motion during her statement at COPA. The Reporting Investigator asked D/A Quinn to state what she observed after watching the footage at COPA. D/A Quinn stated that she observed D/A Wilson pull [REDACTED] and throw [REDACTED] inside her cell. D/A Quinn stated that during the time that D/A Wilson was attempting to secure [REDACTED] inside her cell, she observed D/A Wilson and [REDACTED] engage in an exchange of hand throws. D/A Quinn stated that she also observed, for the first time, D/A Wilson pull an object from his pant pocket and appear to poke or jab [REDACTED] with the object.

D/A Quinn stated that prior to watching the footage, she did not recall how the cell door was securely closed. D/A Quinn acknowledged, after watching the footage, that it was reasonable that D/A Wilson's poking/jabbing actions with the object that he pulled from his pant pocket caused [REDACTED] to move her foot from the cell door opening, allowing for the cell door to be securely closed.

D/A Quinn stated that following the incident, she told Lt. Dougherty and Sgt. Heard that they had a hard time getting [REDACTED] inside her cell and suggested that they watch the lockup video. D/A Quinn stated that after watching the footage, Lt. Dougherty told her to submit a TRR because the footage depicted [REDACTED] pushing D/A Quinn. D/A Quinn stated she was unaware that [REDACTED]

had pushed her. D/A Quinn stated that D/A Wilson and D/A McGee were also told to submit TRRs.

D/A Quinn stated that based upon her observations of the footage, [REDACTED] was aggressively fighting with D/A Wilson and because she did not observe [REDACTED] with any visible injuries, she did not witness any excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and thereafter she did not fail to intervene and/or report it. D/A Quinn stated that the TRR she submitted on the date and time of the incident was true and accurate. D/A Quinn stated that she did not make, adopt one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on her TRR relating to D/A Wilson's use of force against [REDACTED] within the lock-up.¹⁰

Detention Aide Sharese Love

During a statement at COPA, **Detention Aide Sharese Love** stated that she was in her eighth year working as a Detention Aide on the 001st Watch, at the 002nd District Station when the incident occurred. D/A Love stated that she was working with D/A Quinn in the female lock-up and that D/A Wilson and D/A McGee were working in the male lock-up.

D/A Love state she did not have any independent recollection of the incident. The Reporting Investigator showed D/A Quinn the related video in real time and in slow motion and questioned her based on her observations. D/A Love stated that she and D/A Quinn were trying to place [REDACTED] in a cell when D/A Wilson and D/A McGee assisted them. D/A Love stated that she tried to talk to [REDACTED] as [REDACTED] repeatedly attempted to back out of the cell.

When the Reporting Investigator asked D/A Love to describe the physical contact that she observed between D/A Wilson and [REDACTED] D/A Quinn stated that she observed D/A Wilson try to pick [REDACTED] up to place her inside her cell but [REDACTED] kept grabbing onto D/A Wilson. D/A Love went on to say that while at the rear of the cell, it appeared that [REDACTED] fell to the floor and when [REDACTED] tried to get up, D/A Wilson pushed [REDACTED] down to make sure that she remained on the floor.

D/A Love stated that she did not recall observing D/A Wilson strike or punch or attempt to strike or punch [REDACTED] during the incident. D/A Love stated that prior to watching the video, she never observed or had any knowledge of D/A Wilson ever being in possession of a pocketknife while working in the lock-up. D/A Love stated that had she known that D/A Wilson was in possession of a pocketknife while working in the lock-up, she would have reported D/A Wilson to a Supervisor. D/A Love stated that her understanding regarding weapons being in the lock-up was that no weapons are allowed in the lock-up unless there is an emergency and Department members are entering the lock-up to assist.

D/A Love stated that she was unaware of the circumstances that led to [REDACTED] removing her foot from the cell door opening and the cell door being securely closed. D/A Love stated that she did not witness excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and fail to intervene and/or report the misconduct. D/A Love stated that she did not make,

¹⁰ Att. #58.

adopt one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on her TRR relating to D/A Wilson's use of force against [REDACTED] within the lock-up.¹¹

b. Digital Evidence

The **lockup video** does not contain any audio. The lock-up video depicts [REDACTED] walking through the female lock-up area, accompanied by D/A Love¹² and D/A Quinn¹³, who are walking behind her. D/A McGee approaches the area. D/A Love appears to be talking to [REDACTED] while making a gesture with her hands for [REDACTED] to enter the cell. D/A Love and D/A Quinn take [REDACTED] by her arms and escort her inside the cell. [REDACTED] stands between the cell opening and pushes against D/A Love and D/A Quinn. D/A McGee approaches the cell as D/A Love and D/A Quinn attempt to close the cell door. [REDACTED] holds on to the cell bars, places her foot between the cell door opening, and continues to push against D/A Love and D/A Quinn. D/A Quinn tries to push [REDACTED] inside the cell. D/A McGee attempts to remove [REDACTED] fingers from the cell bars. D/A Wilson approaches the area. [REDACTED] pushes against D/A Love and D/A Quinn and sits on the floor, between the cell opening. D/A Wilson attempts to pick [REDACTED] up from the floor and place her further inside the cell. While still sitting on the floor, [REDACTED] grabs and maintains a hold of D/A Wilson's legs. D/A Wilson breaks free from [REDACTED] grasp, exits the cell and attempts to close the cell door. [REDACTED] places her legs/feet between the cell door opening, preventing the cell door from securely closing.

D/A Wilson pulls the cell door against [REDACTED] legs and unsuccessfully attempts to push/kick [REDACTED] legs/feet back inside the cell. [REDACTED] kicks D/A Wilson. D/A Wilson pushes the cell door open and pulls [REDACTED] toward the rear of the cell by her arm. Noonan continues to kick D/A Wilson. Once at the rear of the cell, [REDACTED] attempts to get up from the floor. D/A Wilson pushes [REDACTED] on her upper body, causing her head to move in a backward motion and appears to strike the wall. [REDACTED] gets up from the floor and approaches D/A Wilson as he backs out of the cell. D/A Wilson assumes a defensive stance. D/A Love pulls D/A Wilson from the cell and D/A Wilson stands between the cell door opening. [REDACTED] places her right foot between the cell door opening and repeatedly strikes D/A Wilson on the face with her open hands. D/A Wilson pushes [REDACTED] back inside the cell and enters the cell. [REDACTED] grabs the cell bars and pushes D/A Wilson. D/A Wilson applies what appears to be an armbar maneuver on [REDACTED] and pushes [REDACTED] onto the cell bench. [REDACTED] continues to kick D/A Wilson. The view of what is taking place inside the cell at this time is blocked by D/A Quinn, D/A Love and D/A McGee because they are standing in front of the cell looking on.

D/A Wilson pulls [REDACTED] off the cell bench by her legs. [REDACTED] throws a pair of handcuffs that fell from D/A Wilson's person in D/A Wilson's direction. D/A McGee enters the cell to assist. The view of what is taking place inside the cell at this time is blocked by D/A Quinn and D/A Love because they are standing in front of the cell looking on.

¹¹ Att. #65, #66.

¹² D/A Love has her hair in a ponytail style.

¹³ D/A Quinn has her hair in a braided style.

D/A Wilson and D/A McGee detain ██████ on the floor. D/A Wilson and ██████ each lose a shoe during the scuffle. D/A Wilson backs out of the cell to put his shoe on. D/A McGee is still on the floor, inside the cell, attempting to control ██████. The view of what is taking place inside the cell at this time is blocked by D/A Quinn, D/A Love and D/A Wilson because they are standing in front of the cell looking on.

D/A McGee exits the cell and attempts to close the cell door. ██████ sits on the opposite cell bench and places her right foot between the cell door opening, preventing the cell door from securely closing. D/A McGee enters the cell, appears to talk to ██████ and then backs out of the cell and attempts to close the cell door.

██████ places both of her feet in the opening, preventing the cell door from securely closing. D/A Wilson pulls the cell door against ██████ feet and attempts to kick ██████ feet back inside the cell. D/A Love, D/A Quinn and D/A McGee look on.

██████ continues to block the cell opening with her bare left foot. D/A Love appears to be talking to ██████ and bends down and attempts to remove ██████ foot from the opening. The view of how D/A Love is trying to remove ██████ foot from the opening is blocked by D/A Quinn because she is standing in front of the cell looking on.

D/A Wilson reaches between the cell bars with his right arm, extends his right hand/arm inside the cell towards ██████ and ██████ head moves in a backward motion. There is no visible contact between D/A Wilson and ██████. It is unknown what caused ██████ head to move in a backward motion.

D/A Wilson removes a pocketknife from his right pant pocket, appears to flick it open and motions toward ██████ feet with the same hand that he's using to hold the pocketknife. ██████ moves her feet from the cell door opening and D/A Wilson securely closes the cell door. D/A Wilson, D/A McGee and D/A Quinn walk away. D/A Love appears to momentarily engage in a verbal exchange with ██████ before she also walks away.

██████ does not appear to be injured. ██████ sits on the cell bench and appears to play with her hair. ██████ stands up and appears to be looking for something inside her cell. ██████ puts on the shoe that came off during the scuffle. ██████ then sits down on the cell bench and appears to be talking to someone who cannot be seen in the video.¹⁴

c. Physical Evidence

Still photos from the lockup video depict ██████ foot between the cell door opening, preventing the cell door from securely closing. D/A Wilson is depicted retrieving a pocketknife from his pant pocket and motioning with the pocketknife towards ██████ foot.¹⁵

d. Documentary Evidence

¹⁴ Att. #22.

¹⁵ Att. #29.

The related **Arrest Report, CB#19630076**, documents that [REDACTED] was arrested for traffic violations, Battery & Resisting, and warrants. [REDACTED] entered the 002nd District lockup without incident, using an alias. Fingerprint results revealed that [REDACTED] was [REDACTED] real name. The Arrest Report documents that necessary force was used after [REDACTED] became combative and refused to enter her cell. The Arrest Report further documents that D/A Wilson was the victim of Battery & Resisting by [REDACTED] and that D/A McGee and D/A Quinn were the victims of Resisting by [REDACTED]. TRRs were submitted by D/A Wilson, D/A McGee and D/A Quinn to document their actions and to document [REDACTED] actions.¹⁶

The related **Case and Supplementary Reports, RD#JB225418**, document that D/A Quinn escorted [REDACTED] to a female cell after [REDACTED] became upset when she could not continue to use the phone and threw the phone to the floor. D/A Quinn verbally directed [REDACTED] to enter the cell. [REDACTED] refused to comply, pulled away from D/A Quinn, sat on the floor in front of the cell door, and stiffened her body. D/A Wilson and D/A McGee physically attempted to place [REDACTED] inside the cell but [REDACTED] continued to stiffen her body. [REDACTED] swung her arms, struck D/A Wilson about the face with her hands and kicked D/A Wilson. [REDACTED] also grabbed D/A Wilson and D/A McGee by their legs and placed her leg and arms in the cell door opening, preventing the cell door from being securely closed.¹⁷

The **Subject's Actions section of the TRR completed by D/A Wilson** documents that [REDACTED] did not follow verbal direction, verbally threatened D/A Wilson, pulled away, and committed an assault against D/A Wilson. The Member's Response section of the TRR documents that D/A Wilson responded with his presence, verbal direction/control techniques, tactical positioning, additional unit members, escort holds, wristlock and "other" response with weapons.

The Narrative section of the TRR documents that D/A Wilson and D/A McGee went to the female side of the lockup after hearing a loud noise and observed D/A Quinn and D/A Love make several unsuccessful attempts to place [REDACTED] in a cell. When D/A Wilson assisted, [REDACTED] repeatedly kicked and slapped D/A Wilson across the head and back area. D/A Wilson placed [REDACTED] in the cell furthest away from the door. [REDACTED] placed her hands and feet between the cell door opening and repeatedly attempted to exit the cell.

The Reviewing Supervisor section; the Witness section; and the Reviewing Supervisor Comments section of the TRR respectively document that [REDACTED] had no apparent injuries; that that D/A Love observed [REDACTED] push back against D/A Wilson as she refused to enter the cell and observed [REDACTED] strike D/A Wilson on the head with an open hand; and that D/A Wilson used tactics that were consistent with the City of Chicago Police Department Use of Force Policy along with the tactics of Force Mitigation. The Lieutenant or Above/Incident Commander Review section of the TRR documents that [REDACTED] told Lt. Dougherty that she refused to enter her cell; that she hit D/A Wilson first; that D/A Wilson picked her up and threw her and that the two were twisted up together. [REDACTED] told Lt. Dougherty that she resisted but did not batter D/A Wilson.¹⁸

¹⁶ Att. #13.

¹⁷ Att. #11, Att. #12.

¹⁸ [REDACTED] had no visible injuries but complained to Lt. Dougherty of anxiety and back pain.

The Lieutenant or Above/Incident Commander Comments section of the TRR documents that Lt. Dougherty was informed by Sgt. Heard that ██████ resisted being placed in her cell and that Lt. Dougherty watched the related lockup POD video. Lt. Dougherty documented that during his viewing of the video, he observed D/A Quinn and D/A Love escort ██████ to a cell and attempt to convince ██████ to enter the cell. D/A Quinn attempted to place ██████ in the cell but ██████ resisted. D/A Wilson and D/A McGee entered the lockup to assist. ██████ grabbed D/A Wilson by the legs and continued to resist being placed inside the cell. D/A Wilson picked ██████ up, placed her in the cell and attempted to exit the cell so that the cell door could be securely closed. A struggle ensued between D/A Wilson and ██████ wherein ██████ struck D/A Wilson on the head. D/A McGee attempted to secure ██████ in the cell, but ██████ grabbed D/A McGee by his legs. ██████ was eventually pushed inside the cell and the cell door was closed. D/A Wilson did not report any injuries.¹⁹

The **Tactical Response Report completed by D/A Quinn** documents that ██████ did not follow verbal direction, stiffened, pulled away, hand/arm/elbow strike, push/shove/pull, and grab/hold/restrain. D/A Quinn responded with her presence, verbal direction/control techniques, tactical positioning, additional unit members, escort holds, wristlock and armbar. The Narrative Section of the TRR documents that ██████ kicked and used open hand slaps to attack D/A Wilson before all members were able to secure ██████ inside the cell.²⁰

The **Tactical Response Report completed by D/A McGee** documents that ██████ did not follow verbal direction, verbal threats, stiffened, and pulled away. D/A McGee responded with his presence, verbal direction/control techniques, tactical positioning, escort holds, armbar, hold down and other response with a weapon. The Narrative Section of the TRR documents that D/A McGee assisted with holding ██████ inside the cell after other Department members placed her in the cell.²¹

The **Medical Records** from Mercy Hospital document that ██████ entered the triage on April 16, 2018, at approximately 5:20am, in police custody. CPD personnel told the medical personnel that ██████ attempted to escape police custody. ██████ told the medical personnel that approximately two hours prior to her arrival at the hospital, “I was minding my own business and the police jumped me.” ██████ complained to the medical personnel of right upper leg/inguinal (right side groin) pain, chest pain, lower back pain, left thumb pain, and a mild headache as a result of her contact with the police. ██████ was diagnosed with a back strain and a right groin strain and was given Tylenol and Motrin for the pain. ██████ was released by the medical personnel in stable condition.²²

¹⁹ Att. #16.

²⁰ Att. #14.

²¹ Att. #15. The Narrative Section of D/A McGee’s TRR did not provide an inaccurate or inconsistent account of the incident.

²² Att. #19.

VI. LEGAL STANDARD

a. Standard of Proof

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.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.²³ For example, 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.²⁴ 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.”²⁵

VII. ANALYSIS

a. Allegations Against Detention Aide Robert Wilson

- i. **Allegation #1, that D/A Wilson used physical force against [REDACTED] without justification within the lockup, is Sustained.**

COPA finds by a preponderance of the evidence that many of D/A Wilson’s attempts to subdue [REDACTED] involved the use of force that was unjustified, inappropriate, or excessive. **Allegation #1 against D/A Wilson is Sustained.**

Specifically, the evidence shows various instances when D/A Wilson used force that was objectively unreasonable. For instance, D/A Wilson dragged [REDACTED] to the back wall of the cell

²³ 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.”).

²⁴ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

²⁵ *Id.* at ¶ 28.

by her arms and flung her into the wall, then he pushed ██████ upper chest, more likely than not causing her head to hit the wall as ██████ attempted to get off the ground.²⁶ COPA finds by a preponderance of the evidence that D/A Wilson's actions in flinging ██████ and pushing her could best be characterized as direct mechanical techniques.²⁷ Direct mechanical techniques "are forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures."²⁸ ██████ did not pose an imminent threat to D/A Wilson at the time, as she was unarmed, inside the cell, and seated on the ground in a vulnerable position. She was, at most, an active resister. An "active resister" is a person who attempts to create distance between themselves and the member with the intent to avoid physical control and/or defeat arrest.²⁹ This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running.³⁰ Department Policy does not permit direct mechanical techniques against an active resister. Nevertheless, D/A Wilson used such techniques against ██████ in violation of Department policy.

In addition, the evidence shows that while ██████ was in this vulnerable position on the ground, D/A Wilson had an opportunity to de-escalate³¹ and conclude the encounter. Specifically, he had a chance to exit the cell and allow D/A Love to secure the cell door. Instead, D/A Wilson escalated the encounter at every step. D/A Wilson continued to argue with ██████ while standing in the doorway of the cell, giving ██████ the chance to once more block the door with her foot.

D/A Wilson then continued to argue with ██████ while he stood in the doorway. After further unsuccessful struggle to persuade ██████ to pull her foot from the doorway, ██████ appeared to slap D/A Wilson's face with an open hand. D/A Wilson then re-entered the cell, pushed ██████ further into the cell and placed his left forearm on ██████ upper chest and neck. With an armbar maneuver, he then forcefully pushed ██████ backwards until she lost her footing and fell onto the bench inside the cell. D/A Wilson used his right elbow to push into ██████ upper chest and neck. D/A Wilson then grabbed ██████ legs and pulled her off the bench. He then appeared to kick or stomp on ██████ while she lay on the ground.³² COPA finds by a preponderance of the evidence that D/A Wilson's use of force against ██████ who was vulnerable on the ground, was retaliatory and excessive.

At one point, during a further attempt to get ██████ away from the cell door, D/A Wilson reached between the cell bars with his right arm, extending his right hand/arm inside the cell, toward ██████ and then ██████ head immediately moved in a backward motion.³³ COPA finds it more likely than not that D/A Wilson made physical contact with ██████ with this action, thus committing battery. Battery is defined as knowingly causing bodily harm to an individual or the

²⁶ Att. 22 at 18:50 minutes.

²⁷ G03-02-01(IV)(C)(1)(a)(1) ("Direct mechanical techniques are forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.")

²⁸ G03-02-01(IV)(C)(1)(a)(1)

²⁹ G03-02-01(IV)(B)(2).

³⁰ G03-02-01(IV)(B)(2)(a).

³¹ G03-02-01(II)(B)

³² Att. 22 at 19:20 minutes.

³³ Att. 22 at 22:56 minutes.

making of physical contact of an insulting or provoking nature with an individual without justification.³⁴ At the very least, D/A Wilson committed an assault by placing ██████ in reasonable apprehension of a battery. At this time, D/A Wilson was on the other side of the cell door and ██████ posed no imminent risk to him or anyone else. His attempt to hit ██████ constituted excessive force. Moreover, D/A Wilson was physically larger than Nooner³⁵ and had three lockup keepers available for back-up. His actions were objectively unreasonable, disproportional, and unnecessary.

Further supporting the conclusion that D/A Wilson's use of force was objectively unreasonable is evidence that whenever ██████ placed her foot in the cell's doorway, D/A Wilson forcefully pulled the "heavy metal"³⁶ cell door against ██████ feet.³⁷ At one point, D/A Wilson kicked ██████ bare foot to push it back inside the cell.³⁸ D/A Wilson admitted that he heard ██████ "hollering, 'My foot. My foot,'" and indicating that she could not move or pull her foot back³⁹ while he squeezed it between the heavy metal door and the door frame. The evidence therefore indicates that D/A Wilson's use of the heavy metal door to squeeze ██████ foot or feet between the opening was excessive. Moreover, D/A Wilson's action in closing the door on ██████ foot was counterproductive, since it prevented ██████ from extricating her foot and complying with D/A Wilson's orders.

Finally, although D/A Wilson claimed that ██████ attempted to hit him with his own handcuffs – that she "swung" the handcuffs at him "three times" but "didn't hit" him, COPA has found no corroboration for his claim.⁴⁰ There is no evidence on the cell POD footage to indicate that ██████ used D/A Wilson's handcuffs against him. Rather, the cell POD footage showed the handcuffs apparently being thrown and landing in the opposite corner of the room near the sink and toilet. Likewise, none of D/A Wilson's three colleagues present during the encounter referenced observing ██████ attacking D/A Wilson with his handcuffs. Although D/A Quinn indicated she focused more on ██████ actions during the incident than on D/A Wilson's actions,⁴¹ she did not mention during her interview that ██████ used D/A Wilson's handcuffs in any manner to attack him. D/A Love also made no mention of handcuffs during her interview.⁴² Overall, based on the totality of the circumstances, COPA finds by a preponderance of the evidence that D/A Wilson's use of force was objectively unreasonable, retaliatory, and excessive and violated Department policy. **Allegation #1** against **D/A Wilson** is therefore Sustained.

ii. Allegation #2, that D/A Wilson made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical

³⁴ 720 ILCS 5/12-3.

³⁵ Att. 13, Arrest Report of ██████ a/k/a ██████ (Indicating ██████ was 5'02" and 118 pounds); Att. 71 at p. 54, lines 15-16 (D/A Wilson described himself as 5'07" and approximately 190 pounds).

³⁶ Att. 71 at p. 16, line 21.

³⁷ Att. 22 at 21:00 minutes.

³⁸ Att. 22 at 22:00 minutes.

³⁹ Att. 71 at p. 17, lines 21-24; and Att. 71 at p. 42, lines 18-24; and Att. 71 at p. 43, lines 1-4.

⁴⁰ Att. 71 at p. 27

⁴¹ Att. 69 at p. 18, lines 19-23.

⁴² See generally Att. 70.

**Response Report relating to his use of force against [REDACTED]
within the lockup, is Sustained.**

COPA finds by a preponderance of the evidence that D/A Wilson made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to his use of force against [REDACTED] within the lock-up in violation of Department policy. Department policy provides that members are “responsible, at all times, for truthfully and completely describing the facts and circumstances concerning any incident involving the use of force by Department members.”⁴³ The involved member is “required to complete the “Narrative” section of the TRR, describing with specificity, the use of force incident, the subject’s actions, and the involved member’s response, including force mitigation efforts and specific types and amount of force used.”⁴⁴ The member is required to review the TRR for completeness and accuracy.⁴⁵ Here, the totality of the evidence, including the cell POD footage and D/A Wilson’s own admissions, support the finding that D/A Wilson made one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on his TRR.⁴⁶ COPA therefore finds by a preponderance of the evidence that D/A Wilson violated Department policy. **Allegation #2** is therefore **Sustained**.

While some statements recorded on his TRR by D/A Wilson regarding the incident are corroborated by the lockup POD footage, many material facts recorded on his TRR are contradicted by the evidence. D/A Wilson’s account of the incident as provided on his TRR is riddled with so many inaccuracies, omissions and minimization of his misconduct that it can only be characterized as intentionally false. The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In making its findings, COPA reviewed the statements of D/A Wilson during his interview and in his TRR, reviewed the pertinent footage, and evaluated his credibility. The POD video footage directly contradicts D/A Wilson’s account of the incident, drawing his truthfulness into question. COPA finds that a preponderance of the evidence demonstrates that D/A Wilson’s account of the incident, as recorded on his TRR, was contradicted by the totality of the circumstances and false.

First, the preponderance of the evidence shows that D/A Wilson’s statements and sequence of events on his TRR are misleading and false. Specifically, D/A Wilson indicated on his TRR that [REDACTED] struck him about the body first. Specifically, he reported that [REDACTED] “began kicking and slapping and kicking [him] across the head and back area” after which D/A Wilson “placed [REDACTED] in cell farthest away from door as subject repeatedly placed her hands and feet between doors as she made several attempts to exit cell.”⁴⁷ The sequence of events recorded by D/A Wilson is contradicted by the POD footage. The POD footage shows that [REDACTED] did not kick or slap D/A Wilson until *after* he had dragged her into the farthest corner of the cell and slammed her on the ground so that her head appeared to hit the back wall. D/A Wilson’s account was false. D/A Wilson

⁴³ G03-02-02 (Eff. Oct. 16, 2017)

⁴⁴ G03-02-02.IV.B.1.c

⁴⁵ G03-02-02.IV.B.2

⁴⁶ Att. 71, p. 116, lines 1-7.

⁴⁷ Att. 16 at p. 2.

admitted to providing this false statement.⁴⁸ D/A Wilson explained that he documented the sequence of events in his TRR according to what came to his mind first. However, COPA finds by a preponderance of the evidence that his documentation of the events was intentionally designed to create the impression that ██████ initiated the physical interactions between herself and D/A Wilson. The video footage of the incident shows that she did not.

Second, D/A Wilson failed to accurately record whether and how ██████ posed a threat and failed to specify the various uses of force he had employed against ██████. D/A Wilson stated that although ██████ posed an imminent threat of harm to him, he did not check that box on the TRR.⁴⁹ Specifically, D/A Wilson stated that ██████ repeatedly swung his handcuffs at him after they fell from his person during the scuffle. D/A Wilson specified that ██████ “swung” the handcuffs at him “three times” but “didn’t hit” him.⁵⁰ D/A Wilson could not explain why he had failed to check this box on the TRR and COPA has found no evidence to corroborate his account.⁵¹

Moreover, although he admitted to using a take-down on ██████ and to kicking her,⁵² D/A Wilson admitted that he failed to check these uses of force on his TRR.⁵³ He explained that he was likely just doing it too quickly and failed to check all appropriate boxes⁵⁴ and claimed that he was not familiar with TRRs because he completed them very infrequently in his assignment.⁵⁵ COPA finds neither explanation persuasive. Rather, COPA finds by a preponderance of the evidence that D/A Wilson demonstrated a willful disregard for the truth when filling out the TRR. COPA finds it unlikely that an 8-year veteran of the Department was unfamiliar with how to properly fill out the TRR. However, had he been confused regarding how to fill it out, he could have asked his supervisor.⁵⁶ The manner in which D/A Wilson completed his TRR demonstrates an intentional obfuscation and omission of unfavorable information.

For example, D/A Wilson did not report on his TRR that he used the knife during the encounter.⁵⁷ When questioned regarding this material omission, D/A Wilson provided two inconsistent explanations. First, D/A Wilson explained that he did not believe it was necessary to disclose his use of the knife since he did not go into the lockup with the knife out and intending to use it or harm ██████ with it.⁵⁸ Second, D/A Wilson indicated that he had not reported the use of his knife to Lt. Dougherty because he had forgotten about it.⁵⁹ Neither explanation rings true. Rather, based on the totality of the circumstances, COPA finds that D/A Wilson willfully omitted from his TRR the fact that he used a knife during the incident. D/A Wilson’s motivation to mislead the reader was clear. He minimized his use of force throughout his TRR, intentionally

⁴⁸ Att. 71, p. 49, lines 4-9.

⁴⁹ Att. 71 at p. 28, lines 21-24.

⁵⁰ Att. 71 at p. 27.

⁵¹ Att. 71 at p. 27, lines 13-23.

⁵² Att. 71 at p. 38, lines 12-23; p. 39, lines 4-22.

⁵³ Att. 71 at p. 38, lines 12-23; p. 39, lines 4-22.

⁵⁴ Att. 71 at p. 27, lines 19-21; p.32, lines 1, 15, 17.

⁵⁵ Att. 71 at p. 30, lines 9-14.

⁵⁶ Att. 71, p. 25, lines 23-24; p. 26, line 1 (D/A Wilson indicating that his sergeant or lieutenant “was standing there with me as I did the TRR.”)

⁵⁷ Att. 16; Att. 71 at pp. 35-36.

⁵⁸ Att. 71 at p.36, lines 11-24 and p. 37, lines 1-22.

⁵⁹ Att. 71 at p. 70, lines 20-24 (stating he “didn’t remember the pocketknife.”)

misrepresented [REDACTED] actions and when they occurred, and falsely failed to state that he had used a weapon during the incident.

Thus, the totality of the circumstances indicate that D/A Wilson made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on his TRR in violation of Department policy and Rule 14. **Allegation #2 against D/A Wilson is therefore Sustained.**

iii. Allegation #3, that D/A Wilson was in possession of a weapon within the lockup, is Sustained.

Department policy prohibits the lockup personnel from carrying or keeping of any weapons within the lockup.⁶⁰ Nevertheless, D/A Wilson carried a pocketknife with a 4” blade on his person.⁶¹ D/A Wilson admitted to having the knife during the incident also admitted to regularly carrying the pocketknife in lockup.⁶² COPA finds by a preponderance of the evidence that D/A Wilson’s conduct was in direct contravention of Department policy. **Allegation #3 against D/A Wilson is therefore Sustained.**

iv. Allegation #4, that D/A Wilson threatened to use and/or used a weapon against [REDACTED] within the lockup, is Sustained.

COPA finds by a preponderance of the evidence that D/A Wilson unlawfully and unnecessarily used or displayed a weapon against [REDACTED] within the lockup. Specifically, D/A Wilson used a pocketknife against [REDACTED] or threatened [REDACTED] with the pocketknife. **Allegation #4 against D/A Wilson is Sustained.** The preponderance of the evidence shows that D/A Wilson removed the pocketknife from his pants pocket and lowered the pocketknife towards [REDACTED] foot twice. As soon as D/A Wilson did so the second time, [REDACTED] removed her foot from the cell door opening, allowing the lockup keepers to securely close the door.

Based on the totality of the circumstances, COPA finds by a preponderance of the evidence that D/A Wilson committed an assault against [REDACTED] “A person commits an assault when, without lawful authority, he or she knowingly engages in conduct which places another in reasonable apprehension of receiving a battery.”⁶³ Here, as previously discussed, D/A Wilson was in unlawful possession of the knife in the lockup. D/A Wilson had no lawful authority or necessity to use the knife against [REDACTED] as she was an unarmed resister inside of the cell. Moreover, COPA finds by a preponderance of the evidence that [REDACTED] reaction to D/A Wilson’s use of the knife indicated that she was in fear of being battered with the knife.

Moreover, COPA finds by a preponderance of the evidence that D/A Wilson used the knife against [REDACTED] knowingly and intentionally. D/A Wilson took the knife out of his pocket after several minutes of being unable to convince [REDACTED] to retract her foot from the doorway of the

⁶⁰ S06-01-02(III)(B)(9) (Eff. Nov. 30, 2017) (“Lockup personnel will neither carry or keep any weapons within the lockup.”).

⁶¹ Att. 71, p. 19, lines 10-12, 21-21.

⁶² Att. 71, p. 20, lines 14-20.

⁶³ 720 ILCS 5/12-1(a)

cell. He appeared to open the knife and then lowered it towards ██████ foot, which was blocking the doorway. As soon as he lowered the knife towards ██████ foot, ██████ retracted her foot. Although D/A Wilson claimed that it was not his intent to threaten ██████ with the knife, COPA finds that the video footage of the incident contradicts his claim. In fact, the evidence shows that D/A Wilson moved the knife towards ██████ foot two times, indicating that the first time was not accidental. Rather, the totality of the circumstances indicate that D/A Wilson's actions were intentional.

Specifically, the record indicates that D/A Wilson reached his right hand into the pocket that contained the knife approximately two minutes⁶⁴ prior to taking the knife out of his pocket and using it against ██████⁶⁵ When he first reached into his pocket, D/A Wilson could have pulled the knife out and closed it if he were concerned about the knife causing him injury. At the time, D/A Wilson was standing outside of the cell and D/A McGee was attempting to subdue ██████ D/A Wilson thus had time to secure the knife so that it would not injure himself or anyone else. D/A Wilson, however, did not take action to secure the knife. Instead, he took it out and twice lowered it towards ██████ foot to scare her into retracting her foot. Thus, the record contradicts D/A Wilson's claim that he only took the knife out of his pocket because he was concerned about its open blade hurting him or that he did not intend to threaten or use the knife against ██████ Rather, D/A Wilson's actions were intentional. **Allegation #4 against D/A Wilson is therefore Sustained.**

b. Allegations against D/A Catonia Quinn

i. Allegation #1, that D/A Quinn witnessed the excessive force surrounding the physical contact that D/A Wilson had with ██████ ██████ and failed to intervene and/or report the misconduct, is Sustained.

COPA finds Allegation #1 against **D/A Quinn Sustained.** Based on the totality of the evidence, COPA concludes that although D/A Quinn witnessed the excessive force surrounding the physical contact that D/A Wilson had with ██████ she failed to intervene and/or report the misconduct. Department policy in effect at the time required all Department members to "ensure compliance by themselves and other members with Department regulations, policies, and the law."⁶⁶ Department policy also provided that any Department member who "directly observes a use of force that is excessive [. . .] will contact a supervisor as soon as practicable" and, "[e]xcept in extraordinary circumstances, [. . .] will act to intervene on the subject's behalf."⁶⁷ The policy further provided that the member's intervention "will include, but is not limited to, verbally intervening to try to stop the violation."⁶⁸ Department members with knowledge of misconduct were also required to "submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct."⁶⁹

⁶⁴ Att. 22 at 20:56 minutes.

⁶⁵ Att. 22 at 23:16 minutes.

⁶⁶ G03-02.VII.A (Eff. Oct 16, 2017)

⁶⁷ G03-02.VII.B

⁶⁸ G03-02.VII.B

⁶⁹ G08-01-02.A.5 (Eff. Mar. 17, 2013)

First, D/A Quinn denied that D/A Wilson's use of force was excessive.⁷⁰ D/A Quinn explained that although she observed D/A Wilson on video throwing ██████ she chalked it up to the two mutually fighting by exchanging "hand throws."⁷¹ D/A Quinn further explained that she did not believe that the force used by D/A Wilson was excessive because she did not observe any visible injuries on ██████⁷² Contrary to D/A Quinn's claim, the evidence plainly shows that the physical contact that D/A Wilson had with ██████ was excessive. The digital evidence depicts D/A Quinn looking on and failing to intervene, as D/A Wilson engaged in excessive physical contact with ██████ Although D/A Quinn explained that she reported to Sgt. Heard that she and the other detention aides had a "hard time" placing ██████ in the cell and recommended that he review the POD footage,⁷³ there is no evidence that she informed Sgt. Heard or Lt. Dougherty of D/A Wilson's use of excessive force, or that she submitted a written report as required by Department policy. Therefore, **Allegation #1** against **D/A Quinn** is **Sustained**.

- ii. **Allegation #2, that D/A Quinn made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on her Tactical Response Report relating to Detention Aide Robert Wilson's use of force against ██████ within the lockup, is Sustained.**

COPA finds that Allegation #2 against **D/A Quinn** is Sustained. D/A Quinn made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on her TRR relating to D/A Wilson's use of force against ██████ within the lock-up. Department policy provides that members are "responsible, at all times, for truthfully and completely describing the facts and circumstances concerning any incident involving the use of force by Department members."⁷⁴ D/A Quinn documented in her TRR that ██████ kicked and used open hand slaps to attack D/A Wilson before all members were able to secure ██████ in her cell.⁷⁵ D/A Quinn omitted from her TRR D/A Wilson's physical actions against ██████ that prompted ██████ to kick and use open hand slaps to attack D/A Wilson.

D/A Quinn explained that she did not include D/A Wilson's actions on her TRR because she did not observe D/A Wilson's actions. Specifically, D/A Quinn stated that she was not focused on D/A Wilson's actions, but rather was focused on ██████ conduct during the incident.⁷⁶ COPA finds D/A Quinn's explanation disingenuous. The cell POD footage shows that D/A Quinn stood just feet away from D/A Wilson and ██████ D/A Quinn also admitted that she watched ██████ closely during the incident.⁷⁷ D/A Wilson and ██████ were in close contact throughout the incident, and COPA finds it difficult to believe that a person could observe ██████ without also

⁷⁰ Att. 69 at pp. 26, lines 10-23. D/A Quinn had no independent recollection of the events and based her conclusions on the cell POD footage.

⁷¹ Att. 69 at p. 27, lines 16-18.

⁷² Att. 69, p. 27, lines 1-6.

⁷³ Att. 69, p. 28, lines 9-24.

⁷⁴ G03-02-02 (Eff. Oct. 16, 2017)

⁷⁵ Att. 14, p. 1.

⁷⁶ Att. 69 at p. 17, lines 15-16.

⁷⁷ Att. 69 at p. 17, lines 15-16.

observing D/A Wilson and the effect that D/A Wilson's conduct had on [REDACTED]. Thus, D/A Quinn's proximity to the incident and self-proclaimed observation of [REDACTED] show by a preponderance of the evidence that D/A Quinn did observe D/A Wilson's actions but failed to truthfully and completely record them on her TRR.

Significantly, D/A Quinn explained that she was so focused on ensuring that she and the other detention aides did not close the door on [REDACTED] foot that she did not pay attention to what D/A Wilson was doing.⁷⁸ However, COPA finds by a preponderance of the evidence that if D/A Quinn kept a close watch on [REDACTED] foot, then she likely observed D/A Wilson using the knife to induce [REDACTED] to retract her foot from the doorway. Based on the totality of the circumstances, COPA finds that **Allegation #2** against **D/A Quinn** is **Sustained**.

c. Allegations against D/A Sharese Love

- i. Allegation #1, that D/A Love witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct, is Sustained.**

COPA finds **Allegation #1** against **D/A Love Sustained**. Although D/A Love had no independent recollection of the incident, she stated that her review of the cell POD footage showed⁷⁹ that [REDACTED] fell to the floor and when [REDACTED] tried to get up, D/A Wilson pushed [REDACTED] down to make sure she remained on the floor. The evidence garnered during this investigation indicates that the physical contact that D/A Wilson had with [REDACTED] was excessive. The digital evidence depicts D/A Love looking on and failing to intervene as D/A Wilson engaged in excessive physical contact with [REDACTED]. Specifically, D/A Love looked on several times as D/A Wilson slammed the cell door onto [REDACTED] feet and legs. In addition, D/A Love can be seen on the cell POD video observing D/A Wilson as he dragged [REDACTED] towards the back wall and slammed her head against the wall. D/A Love was also in the best position to observe D/A Wilson extending his hand through the bars in an attempt to punch or slap [REDACTED]. D/A Love was also in the closest proximity to D/A Wilson and [REDACTED] and in the best position to observe D/A Wilson holding the knife and using it against [REDACTED].⁸⁰ (See Figures 1 and 2).

⁷⁸ Att. 69 at p. 17, lines 18-22.

⁷⁹ D/A Love had no independent recollection of the incident. See Att. 70 at p. 12, lines 19-22.

⁸⁰ See Att. 28; see also Figure 1.



Figure 1. Screenshot depicting positioning of D/A McGee (gray arrow), D/A Love (yellow arrow) and D/A Quinn (black arrow) in relation to D/A Wilson (green arrow) while D/A Wilson had a knife in his right hand and was shutting the cell door.⁸¹



Figure 2. Screenshot depicting positioning of D/A Love (yellow arrow) and D/A Quinn (black arrow) in relation to D/A Wilson (green arrow) while D/A Wilson had a knife in his right hand (circled in red) and was shutting the cell door.⁸²

⁸¹ Screenshot of Att. 22 at approximately 23:21 minutes.

⁸² Screenshot of Att. 22 at approximately 23:23 minutes.

COPA finds by a preponderance of the evidence that D/A Love likely observed D/A Wilson's use of excessive force but failed to intervene and/or report his misconduct. Based on the totality of the circumstances, COPA finds that **Allegation #1** against **D/A Love Sustained**.

d. Allegations against D/A David McGee

i. Allegation #1, that D/A McGee witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct, is Sustained.

The cell POD video footage shows that D/A McGee witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct. The digital evidence depicts D/A McGee assisting D/A Wilson at times and at other times D/A Wilson was looking on and failing to intervene, as D/A Wilson engaged in excessive physical contact with [REDACTED]. Specifically, D/A McGee could be seen observing as D/A Wilson slammed [REDACTED] against the back wall of the cell.⁸³ (See Figure 3). D/A McGee did not intervene. D/A McGee was also present inside of the cell with D/A Wilson when D/A Wilson appeared to be kicking [REDACTED] while she lay on the ground.⁸⁴ Again, D/A McGee failed to intervene. D/A McGee was also present when D/A Wilson kicked [REDACTED] bare foot with his work boots but did nothing.⁸⁵ Based on the totality of the circumstances, COPA finds by a preponderance of the evidence that D/A McGee witnessed the excessive force used by D/A Wilson but did not intervene or report the misconduct. **Allegation #1** against **D/A McGee** is therefore **Sustained**.

⁸³ Att. 22 at 18:45 minutes.

⁸⁴ Att. 22 at 19:20 minutes.

⁸⁵ Att. 22 at 22:18 minutes.



Figure 3. Screenshot depicting positioning of D/A McGee (gray arrow), D/A Love (yellow arrow) and D/A Quinn (black arrow) in relation to D/A Wilson (green arrow) while D/A Wilson can be seen dragging [REDACTED] towards the back of the cell and slamming her against the wall.⁸⁶

e. Allegations against Sgt. David Heard

- i. Allegation #1, that Sgt. Heard made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on the Tactical Response Report relating to Detention Aide Robert Wilson’s use of force against [REDACTED] within the lockup, is Sustained.**

COPA finds **Allegation #1** against **Sgt. Heard Sustained**. Sgt. Heard made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on his TRR relating to D/A Wilson’s use of force against [REDACTED] within the lock-up. Department policy provides that members are “responsible, at all times, for truthfully and completely describing the facts and circumstances concerning any incident involving the use of force by Department members.”⁸⁷ A Department member can only be charged with a violation of Rule 14 if the Department member “willfully made a false statement and the false statement was made about a

⁸⁶ Screenshot of Att. 22 at approximately 18:49 minutes.

⁸⁷ G03-02-02 (Eff. Oct. 16, 2017)

fact that was material to the investigation.”⁸⁸ Here, COPA finds by a preponderance of the evidence that Sgt. Heard violated Rule 14.

Department policy provides that following the submission of a TRR by an involved member, a reviewing supervisor will review the portion of the TRR completed by the involved member, including reviewing each instance where “Other” has been selected as the “Subject’s Actions,” and returning the TRR to the involved member if it is incomplete or insufficient.⁸⁹ If appropriate, the reviewing member will “attest to the completeness and legibility of the report and inform the Approving Supervisor that it has been reviewed and is ready for review and approval.”⁹⁰

Here, Sgt. Heard attested that he complied with his duties under this Department policy. The evidence, however, shows that he did not. For instance, Sgt. Heard affirmed on D/A Wilson’s TRR that D/A Wilson “used tactics that are consistent with the City of Chicago Police Department use of force policy along with the tactics of force mitigation.”⁹¹ However, the cell POD video contradicted Sgt. Heard’s determination. As previously discussed, D/A Wilson’s use of force against [REDACTED] was excessive and was depicted on the cell POD video. Sgt. Heard indicated that he had watched the cell POD footage. COPA, however, finds it difficult to believe that this is true. Had Sgt. Heard reviewed the cell POD video, he would have observed D/A Wilson’s use of excessive force against [REDACTED]. In addition, had Sgt. Heard compared the video footage to D/A Wilson’s TRR, he would have noted the inaccuracies, falsities, and misstatements that riddled the report.

COPA finds by a preponderance of the evidence that had Sgt. Heard reviewed D/A Wilson’s TRR per Department policy as he attested, he would have been obligated to return the TRR for corrections to D/A Wilson. In fact, Sgt. Heard admitted that the sequence of events as documented in D/A Wilson’s TRR was inaccurate.⁹² COPA further finds that Sgt. Heard failed to investigate each instance where “Other” had been selected as the “Subject’s Actions.”⁹³ Specifically, D/A Wilson indicated on his TRR that [REDACTED] committed an assault or battery against him, but indicated the manner of attack as “Other.”⁹⁴ In the narrative, D/A Wilson indicated that [REDACTED] had had kicked and slapped him.⁹⁵ Based on this description, D/A Wilson was required to mark “Struck/Blunt Force (Including Attempt)”, instead of or in addition to “Other.” Sgt. Heard admitted that he did not compare the TRR to the cell POD footage.⁹⁶ It is also clear that Sgt. Heard failed to ensure that the TRR was internally consistent. Nevertheless, despite the glaring inaccuracies, he falsely attested that D/A Wilson’s TRR was complete and accurate.⁹⁷

⁸⁸ Agreement between the Fraternal Order of Police Chicago Lodge No. 7 and the City of Chicago, eff. July 1, 2012, [file:///C:/Users/445624/Downloads/contract_12-17%20\(1\).pdf](file:///C:/Users/445624/Downloads/contract_12-17%20(1).pdf) (last accessed 11/18/2022).

⁸⁹ G03-02-02.V.A

⁹⁰ G03-02-02.V.A

⁹¹ Att. 16 at p. 2.

⁹² Att. 71, p. 57, lines 18-22.

⁹³ G03-02-02.V.A

⁹⁴ Att. 16 at pg. 1.

⁹⁵ Att. 16 at p. 2.

⁹⁶ Att. 68, p. 12, lines 2-5.

⁹⁷ Att. 16 at p. 2.

Moreover, Sgt. Heard stated that he believed ██████'s own decision to remove her foot from between the cell door allowed D/A Wilson to finally secure the door. However, COPA finds that had Sgt. Heard watched the video footage of the incident, he would have seen that it was D/A Wilson's conduct that caused ██████'s foot to retract. ██████'s refusal to enter the cell and allow the detention aides to close the door lasted nearly seven minutes. No amount of D/A Wilson's kicks to ██████'s bare foot, slamming of the cell door on her knees, legs and feet, pleading from D/A Quinn and D/A Love, or D/A McGee's involvement helped. Sgt. Heard's suggestion that ██████ finally allowed the detention aides to secure the door of her own volition is incredible, especially in light of the video footage. The video footage depicts ██████ pulling her foot out of the cell door immediately before D/A Wilson pulled an object from his pants and lowered it to her foot twice. Even if Sgt. Heard had not seen what was in D/A Wilson's hand at the time he lowered his arm towards ██████'s foot, he would have been able to view the blade in D/A Wilson's right hand while he closed the cell door. However, even if he had not somehow been able to see the knife, D/A Wilson's actions right before ██████ pulled out her foot would have given Sgt. Heard sufficient notice that D/A Wilson took something out of his pocket and used it to induce ██████ to retract her foot. Sgt. Heard would have been required to investigate further. COPA finds it incredible that a reasonable supervisor in Sgt. Heard's position would not have been prompted to investigate the cause further. COPA finds by a preponderance of the evidence that Sgt. Heard failed to review the TRR for accuracy and completeness and willfully affirmed false statements, material omissions, and inaccuracies.

In addition, Sgt. Heard acknowledged that he made, adopted one or more incomplete, inaccurate and/or inconsistent statements on the TRR relating to D/A Wilson's use of force against ██████.⁹⁸ Sgt. Heard acknowledged that he was responsible for the overall accuracy of the TRRs prior to Lt. Dougherty approving them. Sgt. Heard also admitted that he should have paid more attention to the information that was documented before he affirmed that the reports were accurate and complete before giving them to Lt. Dougherty for approval. Sgt. Heard knew better. He joined the Department on August 27, 1990⁹⁹ and had more than 25 years of experience under his belt when he became a sergeant. COPA finds it difficult to believe that an experienced member would overlook such glaring internal inconsistencies, omissions, and false statements on a TRR he is tasked with reviewing. COPA therefore finds by a preponderance of the evidence that Sgt. Heard's approval of material falsities, misstatements, and omissions on D/A Wilson's TRR was willful. Based on the totality of the evidence, COPA finds **Allegation #1** against **Sgt. Heard** is therefore **Sustained**.

ii. Allegation #2, that Sgt. Heard failed to report an incident of excessive force by D/A Wilson, is Sustained.

COPA finds that **Allegation #2** against **Sgt. Heard** is **Sustained**. The preponderance of the evidence shows that Sgt. Heard failed to report an incident of excessive force by D/A Wilson.¹⁰⁰ Department policy mandates that if the reviewing member during their investigation observes

⁹⁸ Att. 68, p. 35, lines 5-6.

⁹⁹ Att. 68, p. 3, lines 13-15.

¹⁰⁰ G03-02-02.V.A

misconduct, he or she is required to make the appropriate notifications to COPA to obtain a log number.¹⁰¹

Sgt. Heard admitted that he did not initiate a CR number for the violation of Department rules¹⁰² even though he acknowledged that D/A Wilson's use of a pocketknife inside the lock-up was a violation of Department rules. The initiation report for which a log number was obtained in connection to this incident related that a detention aide had been "punched in the head by an arrestee in the 002nd District's lock up."¹⁰³ COPA finds by a preponderance of the evidence that this statement does not notify it of the use of excessive force by D/A Wilson. Based on a totality of the circumstances, COPA finds that **Allegation #2** against **Sgt. Heard** is **Sustained**.

f. Allegations against Lt. Michael Dougherty

- i. Allegation #1, that Lt. Dougherty made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on the Tactical Response Report relating to Detention Aide Robert Wilson's use of force against [REDACTED] is Sustained.**

COPA finds that **Allegation #1** against **Lt. Dougherty** is **Sustained**. Department policy provides that an Approving Supervisor will investigate the use of force incident by, *inter alia*, interviewing the subject of the use of force, reviewing all Department-recorded video, including lockup facility cameras, documenting any allegations of excessive force, determining if a notification to COPA is required for an allegation of excessive force, and ensuring that the reviewing supervisor's portion of the TRR was complete.¹⁰⁴ Lt. Dougherty acknowledged several errors and inaccuracies that were documented in D/A Wilson's TRR, stating that D/A Wilson's TRR was factually incorrect.¹⁰⁵ Nevertheless, he approved the TRR.

Although Lt. Dougherty admitted that he was familiar with his duties as an Approving Supervisor, he had failed to fulfill them.¹⁰⁶ While Lt. Dougherty admitted that there were numerous inaccuracies on D/A Wilson's TRR, he stated that his failure to correct them stemmed not from willfulness but rather from his "inexperience"¹⁰⁷ as a lieutenant. COPA finds this claim by Lt. Dougherty incredible. Lt. Dougherty had been a member of CPD since September 6, 1994,¹⁰⁸ became a sergeant on June 1, 2001,¹⁰⁹ and then rose to the rank of lieutenant on February 1, 2017.¹¹⁰ Lt. Dougherty had been a lieutenant in the 2nd District for more than 14 months at the time he reviewed and approved the TRR at issue. By this time, he had served in a supervisory capacity that would have required him to review and approve TRRs as either a sergeant or a

¹⁰¹ G03-02-02.V.A

¹⁰² Att. 68, p. 33 at lines 5-11.

¹⁰³ Att. 7.

¹⁰⁴ G03-02-02.V.C.

¹⁰⁵ Att. 67, p. 37, line 24; p. 38, lines 1-2.; p. 43.

¹⁰⁶ Att. 67, p. 10, lines 3-17.

¹⁰⁷ Att. 67, p. 45, line 23.

¹⁰⁸ Att. 67, p. 63, lines 17-19.

¹⁰⁹ Att. 67, p. 4, lines 9-20.

¹¹⁰ Att. 67, p. 3, lines 20-23.

lieutenant for approximately 19 years.¹¹¹ Although he could not provide an estimate of how many TRRs he had reviewed in his nearly two decades as a supervisor, he agreed that it had been more than five.¹¹²

COPA finds by a preponderance of the evidence that Lt. Dougherty did not lack experience reviewing TRRs or otherwise. To the contrary, he had significant experience as an officer and a supervisor. For him to claim otherwise is disingenuous. COPA therefore finds by a preponderance of the evidence that Lt. Dougherty's approval of material falsities, misstatements, and omissions on D/A Wilson's TRR was willful.

COPA finds that Allegation #1 against **Lt. Dougherty** be Sustained. Lt. Dougherty made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on his TRR relating to D/A Wilson's use of force against [REDACTED] within the lock-up

ii. Allegation #2, that Lt. Dougherty failed to report an incident of excessive force by D/A Wilson, is Sustained.

COPA finds **Allegation #2** against **Lt. Dougherty Sustained**. Lt. Dougherty failed to report an incident of excessive force by D/A Wilson. Lt. Dougherty stated that he determined that D/A Wilson's use of force against [REDACTED] during the incident conformed with Department policy as it pertained to an assailant. The evidence garnered during this investigation indicates that the physical contact that D/A Wilson had with [REDACTED] was excessive. In addition, Lt. Dougherty interviewed [REDACTED] and noted that she informed him that D/A Wilson picked her up and "threw" her.¹¹³ [REDACTED] statement to Lt. Dougherty was more than sufficient to constitute an allegation of excessive force. Nevertheless, Lt. Dougherty did not notify COPA as required by Department policy. Lt. Dougherty stated that his decision was justified because he did not observe D/A Wilson literally pick [REDACTED] up and throw her when he watched the lock-up video. Nevertheless, based on the totality of the circumstances, it was Lt. Dougherty's responsibility to register [REDACTED] complaint. Allegation #2 against Lt. Dougherty is Sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Detention Aide Robert Wilson

i. Complimentary and Disciplinary History

1 Complimentary Letter. Disciplinary history included (1) Reprimand.

ii. Recommended Penalty, by Allegation

¹¹¹ Att. 67, p. 16, lines 15-24.

¹¹² Att. 67, p. 16, lines 15-24.

¹¹³ Att. 16 at p. 3.

D/A Wilson used physical force against [REDACTED] without justification within the lockup, made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the TRR relating to his use of force against [REDACTED] within the lockup, was in possession of a weapon within the lockup, and threatened and/or used a weapon against [REDACTED] within the lockup. It is for these reasons that COPA recommends a penalty of **Separation**.

b. Detention Aide Catonia Quinn

i. Complimentary and Disciplinary History

1 Complimentary Letter. No disciplinary history.

ii. Recommended Penalty, by Allegation

D/A Quinn witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct and made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent. It is for these reasons that COPA recommends a penalty of **Separation**.

c. Detention Aide Sharese Love

i. Complimentary and Disciplinary History

2 Complimentary Letters. No disciplinary history.

ii. Recommended Penalty, by Allegation

D/A Love witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct. It is for these reasons that COPA recommends a penalty of **29-day suspension**.

d. Detention Aide David McGee

D/A McGee witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct. **D/A McGee resigned from CPD.**

e. Sergeant David Heard

i. Complimentary and Disciplinary History

21 Honorable Mentions. 6 Complimentary Letters. 2 Problem Solving Awards. 1 Special Service Award. No disciplinary history.

ii. Recommended Penalty, by Allegation

Sgt. Heard made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to Detention Aide Robert Wilson's use of force against [REDACTED] and failed to report an incident of excessive force by Detention Aide Robert Wilson. It is for these reasons that COPA recommends a penalty of **Separation**.

f. Lieutenant Michael Dougherty

Lt. Dougherty made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to Detention Aide Robert Wilson's use of force against [REDACTED] and failed to report an incident of excessive force by Detention Aide Robert Wilson. **Lt. Dougherty resigned from CPD.**

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Detention Aide Robert Wilson	It is alleged that on or about April 16, 2018, at the 002 nd District Station, located at 5101 S. Wentworth, Detention Aide Robert Wilson committed misconduct through the following acts or omissions:	
	1.Used physical force against [REDACTED] without justification within the lockup.	Sustained
	2.Made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to his use of force against [REDACTED] within the lockup.	Sustained
	3.Was in possession of a weapon within the lockup.	Sustained
	4.Threatened and/or used a weapon against [REDACTED] within the lockup.	Sustained
Detention Aide Catonia Quinn	It is alleged that on or about April 16, 2018, at the 002 nd District Station, located at 5101 S. Wentworth, Detention Aide Catonia Quinn committed misconduct through the following acts or omissions:	

Detention Aide Sharese Love	1. Witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct. 2. Made, adopted one or more false, misleading, incomplete, inaccurate and/or inconsistent statements on her Tactical Response Report relating to Detention Aide Robert Wilson's use of force against [REDACTED] within the lockup. It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Detention Aide Sharese Love committed misconduct through the following acts or omissions:	Sustained
Detention Aide David McGee	1. Witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct. It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Detention Aide David McGee committed misconduct through the following acts or omissions:	Sustained
Sergeant David Heard	1. Witnessed the excessive force surrounding the physical contact that D/A Wilson had with [REDACTED] and failed to intervene and/or report the misconduct. It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Sergeant David Heard committed misconduct through the following acts or omissions:	Sustained
	1. Made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to Detention Aide Robert Wilson's use of force against [REDACTED]	Sustained

Lieutenant Michael Dougherty	2.Failed to report an incident of excessive force by Detention Aide Robert Wilson. It is alleged that on or about April 16, 2018, at the 002nd District Station, located at 5101 S. Wentworth, Sergeant David Heard committed misconduct through the following acts or omissions: 1.Made, adopted one or more false, misleading, inaccurate, and/or inconsistent statements on the Tactical Response Report relating to Detention Aide Robert Wilson's use of force against [REDACTED] 2.Failed to report an incident of excessive force by Detention Aide Robert Wilson.	Sustained Sustained Sustained
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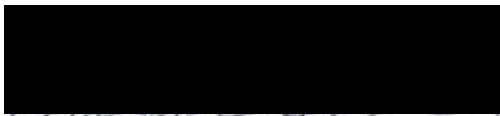
Approved:



12-21-2022

Angela Hearts-Glass
Deputy Chief Administrator

Date



12-21-2022

Andrea Kersten
Chief Administrator

Date