



September 3, 2020

Dear Glendale Heights Residents:

Out of a sincere desire to ensure transparency and accountability of the circumstances around the arrest that took place on June 1, 2020, the Village of Glendale Heights hired Hillard Heintze to conduct an independent review.

The completed report finds the Glendale Heights Police Department acted within policy at all times during the arrest. The report also makes several references to the Police Department's commitment to adhering to policies consistent with the high standards set forth by being an accredited agency with the Commission on Accreditation for Law Enforcement Agencies, nationally recognized as one of the highest forms of accreditation for police agencies.

While the report's findings were clear, that our police department acted well within the scope of its policies, the Village is also aware that the arrest itself caused concern with community members. Our Police Department has deep-rooted relationships with the residents of Glendale Heights and is proud of our connectivity, but we never rest on the present and always look for ways to grow even stronger ties with the community we serve. To that end, the Police Department will carefully review the additional recommendations contained within the Hillard Heintze report to determine if there are appropriate measures to implement.

While our police department meets and, in some cases, exceeds the very best of standards, our commitment remains steadfast—to be the best agency possible.

Even as standards and expectations of law enforcement agencies continue to evolve across the country, the Glendale Heights community should take comfort in knowing that they have a police department committed to delivering the best possible service to our residents, businesses, and visitors.

Sincerely,

A handwritten signature in black ink that reads "Linda Jackson". The signature is written in a cursive style.

Linda Jackson
Village President

An Administrative Review of the Encounter
with Ms. Tyler Russell on June 1, 2020

GLENDALE HEIGHTS POLICE DEPARTMENT

Final Report

August 7, 2020

Confidential and Proprietary

A photograph of the Glendale Heights Village Hall building. The building is a modern, multi-story structure with large windows and a stone base. In front of the building, there are three tall flagpoles with flags flying. The sky is blue with some clouds. The stone base of the building has the words "GLENDALE HEIGHTS VILLAGE HALL" engraved on it.

GLENDALE HEIGHTS
VILLAGE HALL

HILLARD  HEINTZE®
A JENSEN HUGHES COMPANY



August 7, 2020

Chief Douglas R. Flint
Glendale Heights Police Department
300 Civic Center Plaza
Glendale Heights, Illinois 60139

Dear Chief Flint:

We are providing the results of our administrative review conducted on the behalf of the Glendale Heights Police Department (GHPD) regarding an officer's use of force during an interaction with a member of the public. The complaint was that GHPD Officer Mark Guerrero struck Ms. Tyler Russell with his fist on June 1, 2020 at approximately 9:43 a.m.

As part of our work, we conducted a professional standards investigation of the incident and met with key stakeholders and parties with relevant information, reviewed written and video evidence and assessed the policies of GHPD and the officer's adherence to these policies during the incident. Our findings are contained in this report.

We also conducted a policy review of GHPD's use of force policy and how it compares to national practices and standards. GHPD is to be commended for being a Commission on Accreditation for Law Enforcement Agencies accredited agency as it reflects your organizational commitment to police professionalism. As part of our review, we identified some areas for your consideration for potential policy improvements with a goal of reflecting evolving national standards and ensuring training consistent with these standards.

Your commitment to an independent investigation of the incident is commended. As with any of our reports of this nature, Hillard Heintze stands behind these findings as (1) objectively determined; (2) accurately reported; (3) legally acquired; (4) compliant with all relevant laws, policies, procedures and regulations; (5) comprehensive in scope to the best of our ability; and (6) collected with discretion, investigative diligence and professional respect - for GHPD, its employees, the involved parties and the stakeholders, including their privacy, interests and relationships.

Thank you for your trust in our team.

Sincerely,
HILLARD HEINTZE LLC



Debra Kirby
Senior Vice President, Operations



Table of Contents

ADMINISTRATIVE INVESTIGATION	5
01 Introduction	5
Documents Reviewed.....	5
Interviews Conducted.....	5
Investigative Actions.....	6
02 Summary of the Incident.....	8
03 Summary of Findings.....	12
Finding 1	12
Finding 2	14
Finding 3	15
USE OF FORCE POLICY REVIEW.....	16
Chokeholds, CAROTID RESTRAINT AND NECK RESTRAINTS.....	16
De-Escalation.....	17
Additional Use of Force Policy Considerations under CALEA.....	18
Additional Policy Recommendations.....	18
Positional Asphyxiation	18
Sanctity of Life.....	20
Duty to Intervene	20
Scene Management.....	20
Summary.....	21
APPENDICES.....	22
Appendix A: Reports, Squad Car Camera Footage, Pole Camera Footage, Photographs and Records Regarding the Russell Incident	
Appendix B: GHPD Use of Force Policies	
Appendix C: Use of Force Training Records	
Appendix D: Mobile Telephone Video Footage and Social Media Video Footage	
Appendix E: ACDC Phone Audio, Radio Audio and Record	



GLENDALE HEIGHTS POLICE DEPARTMENT
Administrative Investigation into the Incident Occurring on June 1, 2020

- Appendix F: Interview of [REDACTED]
- Appendix G: Interview of [REDACTED]
- Appendix H: Interview of [REDACTED]
- Appendix I: Interview of [REDACTED]
- Appendix J: Interview of [REDACTED]
- Appendix K: Transcript of Interview of GHPD Officer Rigoberto Bernal
- Appendix L: Transcript of Interview of GHPD Detective Nathan Szewcyk
- Appendix M: Transcript of Interview of GHPD Officer Bradley Lautner
- Appendix N: Transcript of Interview of GHPD Officer Matthew Brieschke
- Appendix O: Transcript of Interview of GHPD Detective Tashya Polites
- Appendix P: Transcript of Interview of GHPD Officer Mark Guerrero
- Appendix Q: Interview of [REDACTED]
- Appendix R: Interview of [REDACTED]
- Appendix S: Interview of [REDACTED]
- Appendix T: Interview of BFD Paramedic [REDACTED]
- Appendix U: Interview of Tyler Russell
- Appendix V: Laboratory Report
- Appendix W: Matrix
- Appendix X: Video Links Provided by [REDACTED]



Administrative Investigation

01 INTRODUCTION

On June 1, 2020, the Glendale Heights Police Department (GHPD) engaged Hillard Heintze to conduct an independent, third-party administrative review of an officer's use of force during an interaction with Ms. Tyler Russell on June 1, 2020. GHPD leadership asked Hillard Heintze to provide a written report summarizing the review and the subsequent findings. Director Mark Giuffre led the investigation with support, as needed, from Vice President Marcia Thompson, Investigator Shirley Colvin and the broader Hillard Heintze team. Hillard Heintze Senior Vice President Debra Kirby provided management oversight for this engagement.

Documents Reviewed

GHPD provided Hillard Heintze with the following.

- Various reports, squad car camera footage, pole camera footage, photos and records relevant to the incident involving Russell (**Appendix A**)
- GHPD use of force policies and procedures (**Appendix B**)
- Use of force training records (**Appendix C**)
- Cell phone video footage, social media video footage and the transcripts of the footage (**Appendix D**)
- Addison Consolidated Dispatch Center (ACDC) phone audio, radio audio and log sheet (**Appendix E**)

Interviews Conducted

We reviewed the materials and formulated an investigative plan. Subsequently, we interviewed the following individuals.

June 8, 2020

- [REDACTED] (**Appendix F**)
- [REDACTED] (**Appendix G**)
- [REDACTED] (**Appendix H**)

June 9, 2020

- [REDACTED] (**Appendix I**)

June 10, 2020

- [REDACTED] (**Appendix J**)



June 11, 2020

- GHPD Officer Rigoberto Bernal (**Appendix K**)
- GHPD Detective Nathan Szewczyk (**Appendix L**)
- GHPD Officer Bradley Lautner (**Appendix M**)
- GHPD Officer Matthew Brieschke (**Appendix N**)
- GHPD Officer Tashya Polites (**Appendix O**)
- GHPD Officer Mark Guerrero (**Appendix P**)

June 12, 2020

- ██████████ (**Appendix Q**)
- ██████████ (**Appendix R**)
- ██████████ (**Appendix S**)

June 19, 2020

- Bloomindale Fire Department Paramedic ██████████ (**Appendix T**)

July 23, 2020

Tyler Russell (**Appendix U**)

Investigative Actions

On June 6, 2020, Giuffre and Colvin canvassed for witnesses near the location where the event occurred, which included three buildings: 508, 510 and 512 Gregory Avenue in Glendale Heights, Illinois. Giuffre and Colvin knocked on all of the apartment doors in these buildings, identified themselves as investigators with Hillard Heintze, and stated they were conducting an independent investigation regarding GHPD incident. They asked residents if they observed any part of the incident on June 1, 2020 and whether they would be willing to be interviewed. Giuffre and Colvin left contact information with the residents with whom they spoke and requested they have anyone who witnessed the incident contact them.

During the canvass, six residents stated they witnessed part or all of the incident and would be willing to be interviewed: Mr. ██████████, Mr. ██████████, Mr. ██████████, Ms. ██████████, ██████████, Mr. ██████████ and Ms. ██████████. These individuals provided their phone numbers and were subsequently interviewed by the Hillard Heintze team.¹

¹ These interviews are contained in Appendices F through J and S.



On July 8, 2020, Attorney [REDACTED] who represents Ms. Russell, provided Giuffre with the videos in her possession, noting that most were previously posted on the Facebook page (**Appendix X**). On July 14, 2020, Ms. [REDACTED] provided Giuffre with the names of two witnesses to the arrest of Ms. Russell, [REDACTED] and [REDACTED] and stated that they could both be reached at phone number [REDACTED]. Ms. [REDACTED] also provided a link to a YouTube interview of three men who said they were present during Ms. Russell's arrest (**Appendix X**).

On July 8, 2020, Giuffre reviewed the videos provided by Ms. [REDACTED]. On July 14, 2020, he reviewed the YouTube interview provided by Ms. [REDACTED] and discovered it contained interviews with four individuals identified by first name only. On July 14, 16 and 18, 2020, Giuffre called the phone number for [REDACTED] and [REDACTED] that Ms. [REDACTED] provided. The phone call went to voicemail. Giuffre left messages requesting them to contact him for an interview.

During their review of GHPD records and open-source social media content, Giuffre and Colvin identified additional people who may have been present during the June 1, 2020 incident: Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED], Ms. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED]. The Hillard Heintze team interviewed Mr. [REDACTED] and Ms. [REDACTED]. The remaining individuals were not available for interviews, as described below.

- On June 12 and 15, 2020, Giuffre called Mr. [REDACTED] but did not receive an answer. Giuffre left a voicemail message. On June 15, 2020, Giuffre sent a certified and registered letter to Mr. [REDACTED] requesting an interview but did not receive a response.
- On June 13, 2020, Colvin spoke with a woman who identified herself as [REDACTED]. Colvin asked her to deliver a message to Mr. [REDACTED] to contact Colvin. The woman agreed to do so. On June 15, Giuffre sent a certified and registered letter to Mr. [REDACTED] requesting an interview, but no response was received.
- On June 13, 2020, Colvin called Mr. [REDACTED] on a phone number believed to be Mr. [REDACTED]. The person who answered said it was the wrong number. On June 15, 2020, Giuffre sent a certified and registered letter to Mr. [REDACTED] at his address requesting an interview but did not receive a response.
- On June 15, 17 and 19, 2020, Giuffre called Mr. [REDACTED] and did not receive an answer. He could not locate an additional phone number or address.

On June 11, 2020, Giuffre requested GHPD produce the Laboratory Report of the analysis of the urine sample Ms. Russell provided June 1, 2020. Chief Flint provided the Laboratory Report on June 29, 2020. According to the report, [REDACTED] and [REDACTED] were detected in the urine sample. (**Appendix V**).



02 SUMMARY OF THE INCIDENT

The following is a summary of the reports of the incident and our review of squad car cameras, dispatch center audio recordings, pole camera recordings, photos, cell phone video recordings and the statements from the parties, both civilian and sworn, interviewed. This summary includes the documents and records identified. It does not include information from other records, unless otherwise cited. All time references are approximate. We describe the factors leading to the use of force incident, the key actions regarding the officer's use of force and the applicable policy and law.

On June 1, 2020, at approximately 9:36 a.m., GHPD Officers Mark Guerrero and Matthew Brieschke were dispatched to 512 Gregory Avenue in Glendale Heights, Illinois in response to a call about a "verbal domestic." The Addison Consolidated Dispatch Center (ACDC) reported: "Your caller advised that outside in the back there's a male and female possibly verbally arguing with each other." Officers Guerrero and Brieschke acknowledged the dispatch. Dispatch further reported: "Your caller advised they can just hear arguing, do not see a couple outside." Officer Bradley Lautner announced he would respond to assist. Dispatch acknowledged. The officers recognized this address as being known for a high number of prior disturbance calls to which GHPD officers have responded over the past several months.

Officers Guerrero and Brieschke arrived within three-and-a-half minutes at the parking lot behind 512 Gregory Avenue, parked and exited their squad cars. Officers Guerrero and Brieschke observed several people standing outside the buildings and people looking out an apartment window. The people standing outside the buildings and the people looking out the apartment window directed their attention to a blue Chrysler Town and Country minivan and told them the people fighting were in it. The van was parked to the right of the entrance of 510 Gregory Avenue, with the front of the van facing the building. The van had Illinois license plate [REDACTED] and is registered to Tyler Russell.

Officer Brieschke approached the passenger side and observed a Modelo beer can on the roof, an empty Modelo beer can on the ground next to the passenger side and a third crushed Modelo beer can on the sidewalk in front of the van. [REDACTED] was standing outside the van near the open front passenger door. Officer Brieschke told [REDACTED] that GHPD received a call about someone yelling from the van. Russell, who was seated in the driver seat of the van, said, "Everything is okay" and gave Officer Brieschke a thumbs up. She wiped her eye and, according to the statement by Officer Brieschke, appeared as though she had been crying.

Officer Guerrero approached the driver side of the van and observed that the front driver's side window was down, and Russell was seated in the driver's seat. Officer Guerrero also observed a can of Modelo beer on the roof and an open can of beer inside the van in the front cup holder. Officer Guerrero sought to separate Russell from [REDACTED] given the original call of a domestic disturbance, and speak with her away from him, which is standard operating procedure in domestic disputes. Officer Guerrero asked Russell to exit the van. Russell did not answer Guerrero or exit the van. According to Russell, she was standing approximately five feet away from the van on the grass in front of the apartment building when Officer Guerrero first approached her. Four civilian witnesses stated Russell was seated in the van when Officer Guerrero first approached her.



Officer Brieschke spoke with [REDACTED] about the argument that was reported. [REDACTED] said they did not have a problem, and everything was okay. Officer Guerrero asked Russell to exit the vehicle a second time. Russell opened the door, stepped out of the van and held onto the door. Officer Guerrero stepped back to the rear side of the van as Russell exited. Russell looked at Officer Guerrero, and he observed that Russell's eyes were red and glassy. Officer Guerrero directed Russell to step back to the rear of the van. She looked down toward the pavement and walked away from Officer Guerrero toward the front of the van. As Russell walked away from the vehicle, she staggered and had difficulty maintaining her balance. Russell walked toward the entrance to 508 Gregory Avenue. Officer Guerrero told Russell to stop. Russell yelled, "f [REDACTED] off," and continued walking away.

Officer Guerrero saw Russell in the driver seat of a vehicle containing an open alcohol container, observed she displayed some signs of intoxication, could not determine if she was 21 years old and attempted to detain her for further investigation. Officer Guerrero stepped in front of Russell, told her to stop and asked her several times for identification or to give him her name. Russell continued to loudly yell, "f [REDACTED] you," several times at Officer Guerrero. Russell pushed her shoulder into Officer Guerrero, attempting to move past him down the stairway of 508 Gregory Avenue. Officer Guerrero stopped Russell with his hands and asked her again for some identification or to give him her name. Russell continued screaming at Officer Guerrero. Russell's breath smelled strongly of alcohol. Officer Guerrero asked Russell if she had been drinking alcohol. Russell continued to scream, "f [REDACTED] you," at Officer Guerrero.

[REDACTED] told Officer Brieschke they did not want to speak with the police and the officers should leave. He yelled at Officer Guerrero to leave Russell alone and walked toward Officer Guerrero.

Russell turned away from Officer Guerrero and started to walk back toward the van. Officer Guerrero followed Russell. Officer Guerrero did not want Russell to get back into the driver seat of the van. Before Russell reached the van, Officer Guerrero grabbed her arm, pushed her back and turned her toward a white Jeep parked next to the van. Officer Guerrero pushed Russell, facing away from him, up against the Jeep and again asked her for her name. Russell replied, "I got no ID." Officer Guerrero asked Russell if she would agree to perform field sobriety tests. Russell screamed, "But I was not driving," while she turned her body around toward Officer Guerrero and pulled her hands away from him toward the front of her. Officer Guerrero told her several times to stop. According to Russell, she turned her body toward Officer Guerrero and pulled away from him after she felt Officer Guerrero

[REDACTED] screamed at Officer Brieschke and tried approaching Officer Guerrero and Russell from behind. Officer Brieschke moved in front of [REDACTED] and told him to "please stand back." [REDACTED] kept trying to walk past Officer Brieschke. [REDACTED] who was not engaged in the incident or in the vehicle, walked toward Officer Guerrero and Russell. Officer Lautner stood between [REDACTED] Officer Guerrero and Russell. [REDACTED] raised his hands and protested Officer Guerrero's detention of Russell.

Officer Guerrero told Russell that he was arresting her for driving under the influence (DUI). Russell was screaming and continued to pull away as Officer Guerrero pushed her against the Jeep. A struggle ensued. Russell turned toward Officer Guerrero and her head or forearm hit Officer Guerrero's mouth,



causing an abrasion on the inside of his mouth. Officer Guerrero told Russell several times that she was under arrest. Russell asked, "What am I under arrest for?" Officer Guerrero responded, "DUI." Russell tugged against, pulled away from and pushed into Officer Guerrero. She shouted several times, "I was not driving."

Officer Lautner, also on scene, began to assist Officer Guerrero and held onto Russell's left wrist. Officer Guerrero held onto her right arm. Officer Lautner handcuffed Russell's left wrist. Officer Guerrero saw Officer Lautner place a handcuff on her left wrist. Officer Guerrero pulled Russell's right arm behind her back toward the handcuffs, while Russell struggled and pulled her arm in the opposite direction to pull out of Officer Guerrero's grip. Officer Guerrero pulled Russell forward and bent her upper body down by placing his right hand across her front onto her left shoulder and pushing his left hand from behind her down on her back shoulder. Based on our review of the video, Officer Guerrero's right arm was near Russell's neck, and his right and left hands briefly connected, but whether he made contact with her neck cannot be determined. While Officer Guerrero did this, Russell screamed, "Why, why, why are they doing this to me?" According to Russell, at no time did Officer Guerrero make contact with her neck, apply pressure to her neck area, restrict the air or blood flow to her neck, or place her in any kind of "chokehold."

Officer Lautner handcuffed Russell's right wrist behind her back. Officer Lautner was not able to double lock the handcuffs and check for proper fit as Russell pulled her body and moved away from him at that moment. Officer Guerrero, who had again been approached by [REDACTED] and was speaking with him, did not see the handcuff placed on Russell's right wrist by Officer Lautner and did not know that Officer Lautner had fully handcuffed Russell.

[REDACTED] continued trying to approach Officer Guerrero and Russell. Officer Brieschke said, "Stop approaching my officer" several times. Officer Brieschke contacted dispatch requesting backup. [REDACTED] approached Officer Brieschke and [REDACTED]. Other onlookers stood close by and some were using their cell phones to record or take pictures of the activity. [REDACTED] approached [REDACTED] and pulled him away from Officer Brieschke. [REDACTED] shoved [REDACTED] away. [REDACTED] faced Officer Brieschke. Officer Brieschke told him, "I need you to stand back." [REDACTED] jumped up and down, threw his arms in the air, yelled and again tried to walk past Officer Brieschke toward Officer Guerrero, [REDACTED] and Officer Lautner. Officer Brieschke stood in front of [REDACTED] holding [REDACTED] back from interfering with the arrest and saying, "Stay back." [REDACTED] pushed Officer Brieschke's arm away.

Officer Lautner held onto Russell's left arm. Officer Guerrero held her right side. Russell continued to resist by pushing in, pulling away, dropping her body weight and trying to walk away. [REDACTED] walked up to Officer Guerrero and Russell and reached his hand toward Officer Guerrero. Officer Guerrero pushed [REDACTED] hand away. Russell's [REDACTED] [REDACTED] said Russell's [REDACTED] [REDACTED] reached in and pulled up Russell's shirt to cover [REDACTED]. Russell protested loudly three more times, "I wasn't driving!" Russell shouted, "Why, why are they pulling me?" [REDACTED] asked, "What did she do?" Russell again asked what she was being arrested for and Officer Guerrero told her for DUI. Russell pushed, pulled and shook her body against officers while trying to walk away from them. Both of Russell's [REDACTED] [REDACTED] reached in and pulled up her shirt [REDACTED] a second time.



Russell pulled her right side away from Officer Guerrero. Officer Guerrero reached with his right hand over Russell's shoulder to pull her forward and control her. Based on our review of the video, Officer Guerrero's right arm appeared to be near Russell's neck area. [REDACTED] stood next to Officer Guerrero, Russell and Officer Lautner. Officer Lautner pushed Russell's left arm forward.

During this struggle, Officer Guerrero's right bicep appeared to be near Russell's neck area. Russell leaned toward Officer Guerrero's right bicep and bit down into his right bicep through his uniform, tearing the uniform, and held the bite. According to Russell, Officer Guerrero's arm blocked her mouth and nose, and she had difficulty breathing, so she bit Officer Guerrero. Officer Guerrero felt burning pain on his right bicep. Officer Guerrero tried to free his arm from Russell's closed bite on his bicep by pulling his arm and stated he heard his uniform rip. Russell pulled back from Officer Guerrero's bicep. [REDACTED] stood next to Officer Guerrero protesting. According to Russell, during the struggle, Officer Guerrero did not make contact with her neck, apply any pressure to her neck area, restrict air or blood flow to her neck, or place her in any kind of "chokehold."

After being bitten, Officer Guerrero punched Russell with his closed right fist once in the face, causing a cut on her lip and bleeding. Officer Guerrero immediately raised his right arm, turned it to the side and looked at his bicep. While one witness stated Guerrero struck Russell twice, Russell stated she was only certain of one strike, and three witnesses reported he struck her once. The video documents one strike, and Officer Guerrero stated he struck her once.

Russell was bleeding from her lip, dropped to the ground and rolled over on her stomach. Officer Guerrero held Russell down to the ground, and at one point placed his knee on her back. He observed that both of her wrists were handcuffed. Officer Guerrero also observed that she was bleeding and sat Russell upright. The bite removed skin, caused reddening and swelling, and left clear teeth impressions.

Officer Brieschke placed his hand on [REDACTED] chest to keep him away from Officer Guerrero, Officer Lautner and Russell. [REDACTED] made fists with both of his hands and shoved Officer Brieschke hard in the chest with both hands. At this time, [REDACTED] ran away. Officer Brieschke started to chase [REDACTED] and tripped, then continued chasing him again but ended his pursuit to return and assist Officer Guerrero. Officer Lautner also chased [REDACTED] but [REDACTED] successfully exited the scene.

After [REDACTED] ran away, Officers Brieschke and Lautner returned to assist Officer Guerrero. A group of 10 to 15 people were standing nearby, shouting at the officers and telling them to stop. Officers Brieschke and Lautner told the people who were approaching Officer Guerrero and [REDACTED] to "please stay away from my officer." Officer Brieschke ordered these subjects who kept advancing to "stay back."

Officer Lautner radioed dispatch to send paramedics. Other officers arrived on the scene. Officer Robin Lambert retrieved medical equipment from her squad car and provided first aid to Russell on the ground with assistance from Guerrero. Russell kicked her legs wildly and screamed loudly while Officer Lambert gave first aid to the cut on her lip. Officer Brieschke told Russell to stop kicking. Someone nearby yelled, "She can't breathe." Russell said, "I can't breathe." Officer Lambert observed



that Russell did not appear to be in physical distress. Officer Lambert removed the bandages she had pressed against a cut on Russell's upper lip and observed that the bleeding had slowed.

At approximately 9:53 am, the Bloomindale Fire Department (BFD) paramedics were on the scene to treat and transport Russell to the Adventist Glen Oaks hospital. Officer Guerrero departed the scene, transporting himself to the same hospital for treatment. Russell and Officer Guerrero were both treated and released from the hospital.

Chief Flint contacted the DuPage County State's Attorney with details regarding the arrest and use of force. State's Attorney Robert Berlin informed Chief Flint that based on the information provided, none of the conduct described would give rise to criminal charges against Officer Guerrero.

03 SUMMARY OF FINDINGS

Finding 1

The first issue is whether GHPD Officer Guerrero used excessive force against Russell. On June 1, 2020, Officer Guerrero was on duty with GHPD and engaged with Russell as the result of an assignment to a verbal domestic incident. A vehicle, as identified by witnesses at the scene, was located at the scene of the assignment. Russell was in the driver's side seat of the vehicle. Their interaction lasted from approximately 9:39 a.m. to 9:44 a.m. During this incident, Officer Guerrero attempted to gain Russell's compliance with his commands to exit her vehicle, speak with him at the rear of the van, stop, provide identification, identify her name and submit to arrest. The officers believed Russell was under the influence of alcohol. Russell screamed, "F[REDACTED] you," at Officer Guerrero several times, did not provide her name when requested and did not provide identification when requested.

Russell was told she was under arrest. Russell was non-compliant and resisted the officers to avoid arrest. While Officers Guerrero and Lautner tried to control Russell, she bit down into Officer Guerrero's right bicep through his uniform, tearing the uniform, and held the bite. The bite removed skin, caused reddening and swelling, and left clear teeth impressions. Officer Guerrero felt burning pain on his right bicep. Officer Guerrero tried to free his arm from Russell's closed bite on his bicep and heard his uniform tear.

After biting him, Russell pulled back from Officer Guerrero's bicep. Officer Guerrero hit Russell with his closed right fist one time in the face, causing a cut on her lip and bleeding. During the incident, Officer Brieschke placed his hands on [REDACTED] chest to keep him away from making contact with Officer Guerrero, Officer Lautner and Russell and interfering with the arrest.

Also reviewed under this issue is whether GHPD Officer Guerrero blocked or restricted the carotid neck arteries of Russell (i.e., carotid chokehold) during the multiple times he appeared to have his arm near her neck area. Based on our interviews of Russell and Officer Guerrero and our review of the videos, we found that at no point in time did Officer Guerrero use a chokehold or block or restrict Russell's neck.



Although we did not find a policy violation, the attempts to engage Russell and her description of the way she bit Officer Guerrero should be reviewed, along with all use of force reports, on how GHPD Officers are trained to engage active assailants, civilians who resist and civilians under the influence so that training supports the most common encounters.

The issue of whether GHPD Officer Guerrero's placement of his knee on Russell's back violated GHPD Use of Force policies was also reviewed. GHPD policy does not specifically address this action by the officer. Injury to Russell was not noted as a result of this action and Russell was later heard talking during the time in which the officer was attempting to gain control of her. Therefore, we do not find a policy violation in Officer Guerrero's actions in this regard, however we discuss the policy issue further elsewhere in our submission

Administrative Review

The use of force by Officer Guerrero in striking Russell with a closed fist, was compliant with GHPD guidelines relevant to General Order # 120 Use of Force Policy, 1.5 Peace Officer's Use of Force in Making Arrest - Statutory Provisions, .20 Use of Non-Deadly Force, .25 Use of Force Guidelines, Paragraph A, B, C, D.

When Officer Guerrero had his arm near Russell's neck area, he did not violate GHPD guidelines relevant to General Order # 120 Use of Force Policy, .25 Use of Force Guidelines, D, 1 (a). Concern regarding the clarity of this policy is addressed in our policy review document.

When Officer Guerrero placed his knee on Russell's back he did not violate GHPD guidelines relevant to General Order 120 Use of Force Policy.

Determination

GHPD policy and procedure acknowledge that circumstances occur in which individuals do not comply with police officer commands and different levels of force may have to be applied to gain their compliance or protect an officer's safety. Officer Guerrero attempted to gain Russell's compliance by using a slow approach of officer presence, verbal commands and restraint with handcuffs. Russell continued to resist Officers Guerrero and Lautner even after she was handcuffed. In response to Russell's continued resistance, Officer Guerrero tried to physically control Russell's movements. While trying to control Russell as she was handcuffed, Officer Guerrero's arm appeared to be near Russell's neck area. Russell stated that his arm never made contact with or caused pressure to her neck, and it did not restrict air or blood flow on her neck. Officer Guerrero's arm appeared to be near Russell's neck area a second time, just before Russell bit his bicep. Russell stated that his arm never made contact with or caused pressure on her neck, and it did not restrict air or blood flow on her neck. Russell stated that she bit Guerrero because his arm was blocking her mouth and nose, causing her to have difficulty breathing. The video is inconclusive regarding this.

When Russell bit Officer Guerrero, causing injury to him, she became an aggressive assailant under GHPD use of force policy. An aggressive assailant is defined under GHPD policy as "an agitated/combatative subject whose actions or behavior demonstrate an actual or potential likelihood to cause injury." GHPD Use of Force Continuum identifies "Punches/Kicks/Strikes" as officer tactics allowed by officers in response to aggressive assailants for defensive action by the officer and to



effect an arrest. Officer Guerrero's use of force complied with this policy. Officer Guerrero stated that he struck Russell with a closed fist one time as a stunning technique to prevent Russell from biting him again. Officer Guerrero said he used what he believed to be only that level of force necessary to avoid further injury and defend himself from Russell's bites during the arrest.

No officer body-worn camera footage of the incident exists. Our review of cell phone video footage taken by a witness corroborates Russell's face is at Officer Guerrero's bicep before she is struck once by Officer Guerrero, who then inspects his bicep. Photographs taken at the hospital document bite marks on Officer Guerrero's bicep and a cut on Russell's upper lip.

When Officer Guerrero's placed his knee on Russell's back he did not violate GHPD Use of Force policies so, we do not find a policy violation in Officer Guerrero's actions in this regard.

As part of our review of the use of force incident involving Officer Guerrero, we did not identify actions of other officers on the scene that warrant separate review

Finding 2

The second issue is whether Officer Guerrero complied with GHPD policies relative to obtaining medical aid for an injured subject. On June 1, 2020, GHPD Officer Guerrero used force, striking Russell with a closed fist. Russell suffered a cut to her lip and bleeding as a result of the use of force. Immediately after the incident, Officer Brieschke requested paramedics respond to the scene. Officer Lambert used GHPD-issued medical equipment to administer first aid to Russell. Officer Guerrero remained with Russell until aid arrived, before transporting himself to the hospital for medical treatment. BFD paramedics responded to the scene and transported Russell to Adventist Glen Oaks hospital where she was treated with four stitches to her lip and released.

Administrative Review

Officer Guerrero's actions were compliant with GHPD guidelines relevant to Use of Force .30 Medical Attention After Use of Force Incidents and Injuries During Apprehension, Paragraph A, B, C, D.

Determination

GHPD policy and procedure requires that after any use of force application, officers seek immediate medical attention for injured subjects. Medical aid had already been requested to the scene by Brieschke in compliance with the policy. Further, Officer Lambert provided direct medical assistance while on scene. Finally, Officer Guerrero remained with Russell until aid arrived. The officers on the scene requested paramedics from dispatch, administered first aid, ensured paramedics arrived to receive Russell and accompanied Russell to the hospital where she was treated.



Finding 3

Issue

The third issue is whether Officers Guerrero, Lautner and Brieschke received training in the use of force and whether their actions complied with that training. On June 1, 2020, Officer Guerrero used force by striking Russell with a closed fist. Officer Lautner held on to Russell and forcibly handcuffed her. Officer Brieschke held back [REDACTED] who was trying to interfere with the arrest. According to GHPD records, Officer Guerrero received training on use of force on January 23, 2019. Sergeant Michael Pentecost conducted this training. The records reflect that Officers Lautner and Brieschke completed this same training on December 7, 2018. This training included laws and GHPD policies governing the use of force. Specifically, the training identifies authority to use force when the officer reasonably believes it to be necessary to defend himself or another from bodily harm while making an arrest. As with most policies and training in law enforcement, this is a response to force action, commensurate with the force being used. The bite from Russell would not be considered lethal force. Her actions in attempting to overcome the arrest would classify Russell as an active assailant. GHPD training identifies that the non-lethal force options available to officers to use in these situations include punches, kicks and striking techniques. A punch to the face of an aggressive assailant during arrest was within the training guidelines outlines by GHPD for an active assailant who bites an officer.

Administrative Review

The use of force by Officers Guerrero, Lautner and Brieschke was compliant with GHPD guidelines relevant to General Order # 120 Use of Force, Section .60 Issuance of Order and Training. This policy requires that officers be provided training in use of force and the department's use of force policy, and a record of the training shall be documented and maintained.

Determination

GHPD policy and procedure require that officers be trained in use of force. Officers Guerrero, Lautner and Brieschke received training in use of force, as required by the department and consistent with GHPD policy.



Use of Force Policy Review

The Glendale Heights Police Department (GHPD) has been accredited through the Commission on the Accreditation for Law Enforcement Agencies (CALEA) since 2008. They were most recently re-accredited in 2017. This is a high standard for a law enforcement agency to achieve. As an accredited law enforcement agency, the CALEA reviews their policies on a regular basis as part of their accreditation. In addition to that, GHPD also has an internal accreditation coordinator who is designated to help keep policies and procedures in compliance with CALEA and other evolving law enforcement policy guidance.

As part of our overall assessment of the incident on June 1, 2020, we reviewed the Use of Force Policy (General Order 120) and related orders for GHPD and assess the policy as it related to the incident reviewed in this report. Our policy review includes general feedback on the policy as currently written and how it reflects national best practices and standards within the profession as it relates to use of force.

We reviewed the policy in comparison to the most recent CALEA standards found in Chapter 4. We organized this review based on the CALEA-required components for a use of force policy. GHPD General Order (GO) 120 and related orders are compliant with CALEA standards.

CHOKEHOLDS, CAROTID RESTRAINT AND NECK RESTRAINTS

Pressure to the neck area has the potential to result in a lethal outcome, which by definition, is deadly force. Increasingly, law enforcement agencies are moving to prohibit chokeholds and the carotid restraint, unless the use of deadly force is authorized. Law enforcement agencies are assessing the use of such practices in light of ongoing concerns about the potential for significant harm, including death.

GHPD policy, General Order 120 Use of Force, prohibits the intentional use of a chokehold and is compliant with Illinois law. Illinois statute, 720 ILCS 5/7-5.5 (c), defines a chokehold narrowly. Any holding involving contact with the neck that is not intended to reduce the intake of air is not a chokehold.

Law enforcement agencies continue to refine their policies and expand the prohibitions. For example, the San Francisco Police Department prohibits both carotid restraint and the chokehold.² The City of Houston recently enacted an executive ordinance that prohibits neck restraints or carotid artery holds absent an objectively reasonable belief of serious bodily harm or death, and prohibits the placement of an officer's knee, foot or body weight on the neck of a suspect.³ The Seattle Police Department

² [https://www.sanfranciscopolice.org/sites/default/files/Documents/PoliceDocuments/DepartmentGeneralOrders/DGO%205.01%20Use%20of%20Force%20\(Rov.%202012-21-16\)_0.pdf](https://www.sanfranciscopolice.org/sites/default/files/Documents/PoliceDocuments/DepartmentGeneralOrders/DGO%205.01%20Use%20of%20Force%20(Rov.%202012-21-16)_0.pdf)

³ <https://www.houstontx.gov/execorders/1-67.pdf>



prohibits any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal area of the neck with the purpose or intent or effect of controlling a subject's movement or rendering a subject unconscious by blocking the passage of air through the windpipe.⁴ We expect this trend to continue to grow.

GHPD would be well served to review its training for officers when engaging assailants and other subjects to ensure ongoing and appropriate guidance is given to the potential lethality when officers engage with the neck area of subjects and tactics to avoid such encounters.

DE-ESCALATION

De-escalation to help avoid a potential use of force option is a growing national best practice. Beginning in 2014, the implementation of de-escalation statutes, policy and training have grown, following several highly publicized use of force incidents, particularly officer-involved shootings. De-escalation training as a response to force in the use of force policy is also a CALEA recommendation. In Chapter 4.1.1. of CALEA's Law Enforcement Standards Manual, in the commentary section for the standard, CALEA specifically recommends that agencies train on de-escalation and that departmental policies include language about de-escalation as it relates to use of force.

GHPD addresses de-escalation in Operating Procedure (OP) 1927. However, the use of force policy, (GO 120), while identifying verbal persuasion, does not specifically reference de-escalation as part of one use of force decision framework. GHPD GO 120 should cross reference to OP 1927 regarding the policy on de-escalation and GHPD should consider including the requirements for de-escalation within the use of force policy GO 120.

GHPD has engaged in training on de-escalation, which is another good practice. In our review of training materials GHPD provided, de-escalation is covered in two courses: "De-Escalation and Smarter Policing for Changing Times" and "De-Escalation Tactics for Safe Street Encounters." In addition, officers are provided Crisis Intervention Training (CIT) where de-escalation techniques are emphasized.

GHPD is to be commended for its training and focus on de-escalation. As it continues to develop and deliver training, GHPD should consider integrating de-escalation training into the use of force training to allow officers to fully integrate the goal of using intervention skills and, ideally, decrease their need for use of force.

Integrating conflict resolution and de-escalation into use of force training and policy has been validated through research as an effective way to avoid use of force incidents and build better community relations. De-escalation has been advanced by other professional law enforcement organizations such as the Police Executive Research Forum (PERF) and the International Association of

⁴ <http://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>



Chiefs of Police (IACP). De-escalation was prominently highlighted in the final report from the 21st Century Policing Taskforce, which was established to provide uniform guidance on police best practices.⁵ It is increasingly seen in legislation and supported by public safety agencies.

ADDITIONAL USE OF FORCE POLICY CONSIDERATIONS UNDER CALEA

GHPD policies related to less lethal weapons, authorized weapons, weapons proficiency and training, and operational assignments should an officer-involved death occur are located in orders separate from the GO 120 use of force policy. GHPD should consider ensuring that all use of force-related policies be cross-referenced for clarity across the organization.

GHPD meets CALEA standards. Our policy review includes the CALEA requirements under Chapter 4 and how they align with GHPD policies.

Please see **Appendix W**, which contains the matrix that highlights where each department policy is located that aligns with CALEA.

ADDITIONAL POLICY RECOMMENDATIONS

Other emerging national standards and practices, while present in other GHPD orders, are not part of the GO 120. As GHPD reviews this report, leadership should consider including the concepts identified below within GO 120 to provide one decision framework for use of force. These were identified as policies that may have assisted with the incident on June 1, 2020.

Positional Asphyxiation

Awareness of positional asphyxiation and the types of techniques to avoid this outcome and how officers can safely use them to subdue, restrain and handcuff a suspect are important standards to establish in a use of force policy and to provide officers with training. Strong policies that contain specific language defining positional asphyxiation and how an officer's actions or that of a subject can result in such an outcome are key to avoiding a tragic consequence of positional asphyxiation.

GHPD addresses positional asphyxiation in GO 3100. GHPD also trains its officers on preventing positional asphyxiation. In the incident on June 1, 2020, the officer kneeled on the back of the subject for a period of time. She was perceived as under the influence and by review of the video, was also potentially unconscious for a period of time. Though we did not establish any further harm to Russell as a result of the officer's actions, the potential was present and the policy and training for GHPD officers are silent on this issue.

⁵ https://cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf



Agencies are now increasingly prohibiting such actions by police officers. For example, as previously mentioned, the City of Houston executive order prohibits placing a knee on a subject's back and the New Orleans Police Department prohibits holding a subject by placing a knee or other object to a subject's back.⁶

The risk factors and how officers can mitigate the likelihood of positional asphyxiation from occurring should be contained within GO 120. Sample language and factors departments should include, at a minimum, in their use of force policies and training are readily available.⁷ Such practices are supported by research and progressive law enforcement training and policies.

Police Magazine's Take on Positional Asphyxiation

Multiple cases of death by positional asphyxia have been associated with the hog tied or prone restraint position. The risk of positional asphyxia is further compounded when a suspect with predisposing medical conditions becomes involved in a violent struggle with an officer. This is especially true when the physical restraint includes the use of behind-the-back handcuffing combined with placing the individual in a stomach down position. Many law enforcement and health personnel are now taught to avoid restraining people face-down or to do so only for a very short period of time.

Other aspects of how the subject is restrained can also increase the risk of positional asphyxia death. Placing a knee or weight on the subject and particularly any type of restraint hold around the subject's neck can be problematic. Research measuring the effect of restraint positions on lung function suggests that restraint that involves bending the restrained person or placing body weight on them has a greater effect on breathing than face-down positioning alone.

Source: <https://www.policemag.com/524139/how-to-prevent-positional-asphyxia>

⁶ <https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-1-3-Use-of-Force.pdf/>

⁷ <https://www.ncjrs.gov/pdffiles/posasph.pdf>



Sanctity of Life

GHPD policy is silent as to the concept of the sanctity of life, an emerging practice for public safety agencies in both training and policy. Departments across the country are establishing sanctity of life as a guiding principle or value statement in their use of force policies. These policies establish the agency's value of human life, the sanctity of life and the need to consider this guiding principle when an officer has to resort to use of force in an encounter with a member of the communities they serve. GHPD should consider implementing a value statement in its use of force policies on this emerging national standard.

Duty to Intervene

As a result of emerging national issues, the duty to intervene is gaining traction in use of force policies for public safety agencies. The duty to intervene is centered on supervisors and fellow officers being responsible for addressing officer and civilian safety by intervening in another officers' actions if that officer has violated policy or someone's constitutional rights, or is simply placing themselves or the department in jeopardy. GHPD General Order 1350, Code of Conduct, Sections .217 and .218 cover the duty to intervene by requiring officers to immediately act to stop dangerous situations to the public and immediately report any violations committed by other officers. Though the policy includes the duty to intervene, it does not directly link it to officer use of force.

This was not an issue in the incident giving rise to this review. However, as GHPD reviews its use of force policy, consideration should be given to directly linking the duty to intervene with use of force by including it in the use of force policy itself so that officers are able to make the clear connection. The goal is to include the concepts of duty to intervene, de-escalation and use of force into one decision framework for use of force. This concept of duty to intervene, especially when included in policy and supported by training, promotes ethical policing, accountability, and police officer and community safety.

Scene Management

Though not a policy violation or omission in regard to the incident on June 1, 2020, the issue of scene management was a factor. Officers called to the scene were attempting to address multiple issues at one time, and crowd management and scene control impacted their ability to control the suspect, as well as maintain space and distance between them and parties that were attempting to intervene with the arrest of the suspect.

GHPD should assess the video for the event and determine whether they provide sufficient guidance and training for officers in responding to complex scenes. The idea of cover officers and control of scene should be reinforced with officers as a matter of personal safety and ensuring sufficient focus and attention on engaging suspects. Several civilians were in close proximity to the officers and attempting to interfere with the officers' actions. The control of this scene did not result in harm to either, but the potential was there. Training on how to manage such scenes is important to limiting the need for use of force and for ensuring the safety of officers.



SUMMARY

The current GHPD Use of Force Policy, GO 120, prohibits the use of a carotid chokehold. However, the policy would better guide officers by including specific standards for engaging in the neck area of a subject. GHPD addresses positional asphyxiation, duty to intervene and de-escalation in other policies, but they are not linked within the overall use of force training and guidance in GHPD GO 120.

Including these concepts as part of the force options policy and training would provide a comprehensive framework to guide an officer's decision on the use of force. The policy cohesion should also be supported by training that treats the concepts of use of force, positional asphyxiation, de-escalation and the duty to intervene to a connected decision framework.

We are in a time of change as it relates to law enforcement standards. GHPD has adopted critical standards including de-escalation and training on asphyxiation and crisis intervention. Ideally, the department continues to review the evolving standards for use of force incidents ensure that GHPD policies are reviewed and updated as necessary to help reduce the frequency of use of force incidents and their severity.

The training in place represents GHPD's awareness of the complexities and challenges that face officers when responding to crisis incidents and addressing use of force decisions. We recommend a comprehensive training approach to use of force. GHPD should consider integrating de-escalation, crisis intervention and use of force training to ensure that GHPD officers are able to react to such incidents consistent with the goals of GHPD policies. Additionally, GHPD should review use of force reports and how GHPD officers are trained on engaging with active assailants, civilians who resist, civilians who are uncooperative and civilians who may be under the influence of substances to ensure that training supports the most common encounters.

Finally, as it relates to this incident, GHPD may consider further training on scene management, including cover and control, as several uninvolved parties were within close proximity to the officers throughout the incident.



Appendices

APPENDIX A: REPORTS, SQUAD CAR CAMERA FOOTAGE, POLE CAMERA FOOTAGE, PHOTOGRAPHS AND RECORDS REGARDING THE RUSSELL INCIDENT

APPENDIX B: GHPD USE OF FORCE POLICIES

APPENDIX C: USE OF FORCE TRAINING RECORDS

APPENDIX D: MOBILE TELEPHONE VIDEO FOOTAGE AND SOCIAL MEDIA VIDEO FOOTAGE

APPENDIX E: ACDC PHONE AUDIO, RADIO AUDIO AND RECORD

APPENDIX F: INTERVIEW OF [REDACTED]

APPENDIX G: INTERVIEW OF [REDACTED]

APPENDIX H: INTERVIEW OF [REDACTED]

APPENDIX I: INTERVIEW OF [REDACTED]

APPENDIX J: INTERVIEW OF [REDACTED]

APPENDIX K: TRANSCRIPT OF INTERVIEW OF GHPD OFFICER RIGOBERTO BERNAL

APPENDIX L: TRANSCRIPT OF INTERVIEW OF GHPD DETECTIVE NATHAN SZEWCYK

APPENDIX M: TRANSCRIPT OF INTERVIEW OF GHPD OFFICER BRADLEY LAUTNER

APPENDIX N: TRANSCRIPT OF INTERVIEW OF GHPD OFFICER MATTHEW BRIESCHKE

APPENDIX O: TRANSCRIPT OF INTERVIEW OF GHPD DETECTIVE TASHYA POLITES

APPENDIX P: TRANSCRIPT OF INTERVIEW OF GHPD OFFICER MARK GUERRERO

APPENDIX Q: INTERVIEW OF [REDACTED]



APPENDIX R: INTERVIEW OF [REDACTED]

APPENDIX S: INTERVIEW OF [REDACTED]

APPENDIX T: INTERVIEW OF BFD PARAMEDIC [REDACTED]

APPENDIX U: INTERVIEW OF TYLER RUSSELL

APPENDIX V: LABORATORY REPORT

APPENDIX W: MATRIX

APPENDIX X: VIDEO LINKS PROVIDED BY [REDACTED]