

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER DANIEL JONES,** ) **No. 18 PB 2945**  
**STAR No. 16641, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1085935)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On April 17, 2018, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Daniel Jones, Star No. 16641 (hereinafter sometimes referred to as “Respondent”), recommending the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct, which set forth expressly prohibited acts:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

A hearing on these charges against the Respondent took place before Hearing Officer Thomas E. Johnson on January 22 and February 7, 2019. Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Johnson made an oral report to and conferred with the Police Board before it rendered its findings and decision.

## **POLICE BOARD FINDINGS**

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon the Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

### **Introduction**

4. Dr. Nathaniel Jones testified, without contradiction, that on July 12, 2017, a ten-month-old baby was brought to a clinic and was diagnosed as being malnourished to such a degree that the baby was in need of immediate care. The baby was transferred to the University of Chicago Comer Children's Hospital emergency room and then hospitalized that day at Comer, where Dr. Jones (a fourth-year medical resident physician) was caring for children across two floors of the hospital. The medical staff found low levels of calcium in the baby (which Dr. Jones testified can be fatal or cause brain damage). The child also was found to have bowed legs, which is a sign of malnutrition. The medical staff diagnosed the child as having "failure to thrive," which can be caused by organic problems or by inadequate parenting (in terms of not providing enough or the right kind of nutrients). The hospital staff undertook to determine the cause in this case, while providing care for the child, including providing calcium intravenously.

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Dr. Jones explained that it takes about three days to run the necessary tests to determine the cause of the “failure to thrive.”

The hospital permits parents to stay overnight with a child being treated, but requires visiting children under the age of 18 to go home after visiting hours are over at 9:00 p.m. Because the baby in this case was admitted to Comer late on the evening of July 12th, the hospital made an exception to the policy and let the family, including the older sibling, spend the night of July 12, 2017, at the hospital with the baby. Dr. Jones and Nurse Jennifer Levarre (formerly Bergslien) explained the reasons for this rule, which essentially allows the hospital the ability to treat patients efficiently without the interference or demands of sibling children. On the second night of the baby’s hospitalization (July 13, 2017), Nurse Levarre testified that hospital staff asked the family to make arrangements to take the sibling home, and the family resisted from approximately 9:00 p.m. and until about 11:30 p.m., at which point hospital security was called to the room. The Security Department at the hospital provides the first level of support for hospital staff, according to Public Safety Supervisor John Scharringhausen. A confrontation ensued, and the family indicated it wanted to leave with the baby or have the baby transferred immediately to another hospital. The University of Chicago police, as well as a hospital administrator, were then also called to the hospital floor. Under Chicago Police Department Special Order S12-01 (Superintendent’s Exhibit No. 5), the University of Chicago police have primary jurisdiction over law enforcement on the grounds of the University of Chicago, including at Comer Children’s Hospital.

Confronted with the hospital’s insistence that the older sibling leave, the father of the baby then called 911 and Officer Daniel Jones, together with his partner, Officer Pack Kim, responded to the call at the hospital. The testimony and body camera footage show that when the

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officers arrived, the hallway was already filled with University of Chicago police and University of Chicago security and hospital staff. Unbeknownst to anyone present at the time, Comer Children's Hospital had recently taken protective custody of Officer Jones's own children on grounds they were "failure to thrive" children, and he was upset about those events. (Officer Jones confided this information to Sergeant Elliot Musial after the July 14 incident.)

Upon his arrival on July 14, 2017, at about 12:30 a.m., the body camera footage, supported by the testimony of Mr. Scharringhausen, Nurse Levarre, and Dr. Jones, shows that Officer Jones spoke with the parents of the baby but made no meaningful inquiry of the University of Chicago security staff or police personnel on the scene as to what had transpired. Officer Jones also did not make any meaningful effort to speak with the hospital administrator or Dr. Jones to understand the condition of the baby or the medical situation at hand. Officer Jones insisted that the parents had the right to transfer or leave with the baby, and that the staff should unhook the baby's IV to allow that to happen, unless the staff has taken protective custody and DCFS had been called. When the staff did not comply, Officer Jones asked the father of the baby who he wanted arrested, and the father indicated that Dr. Jones should be arrested. It is clear from the body camera footage that Officer Jones had escalated the situation and created chaos on this hospital floor where children were being treated. While not raising his voice, his attitude, as clearly evidenced by the body camera footage, was abrupt, dismissive, entirely disrespectful of medical staff, and bullying.

Dr. Jones testified at the hearing that while the hospital has power to take protective custody of a baby that has failed to thrive, doctors regard this as a last option, in that taking the baby tends to damage the relationship between the medical providers and the family, which makes it difficult to effectively treat the child over the long-term. Dr. Jones stated that he

therefore did not want to exercise this legal right unless absolutely necessary. Indeed, he testified that he had never had to take protective custody of a child before this incident, and that such situations can usually be resolved by discussions with the parents. The law supports Dr. Jones on this point, as 325 ILCS 5/5 provides that a treating physician may take protective custody of a child without the consent of the parents if the doctor “has reason to believe that the child cannot be cared for at home or in the custody of the person responsible for the child’s welfare without endangering the child’s health or safety” and there is no time to apply for a court order under the Juvenile Court Act. Once having taken custody, the doctor must notify DCFS.

In addition, Dr. Jones testified, without contradiction, that it was virtually impossible to transfer the baby to another hospital in the middle of the night, as the other hospital would have had to accept the transfer, transportation would have had to be arranged, and other logistical concerns addressed.

Officer Jones ignored all of these problems and in a most disruptive manner insisted that the hospital staff release the baby with the parents or transfer the baby to another hospital at once. Dr. Jones tried to speak with Officer Jones in order to explain the situation, but was rebuffed. Dr. Jones then asked Officer Jones to speak with the attending physician, Dr. Fromie, on the phone, but Officer Jones refused to do so, saying he would only speak with her if she was physically present. Officer Jones then took out his handcuffs and pursued Dr. Jones down the hall in an effort to take him into custody. Officer Jones grabbed Dr. Jones while holding the handcuffs after telling him he would be arrested, but Dr. Jones broke free and fled down the hallway. When Officer Jones returned to the area of the parents’ room, still intent on arranging for their departure, his partner, Officer Kim, interceded and indicated that he had called for a supervisor to determine how best to proceed before any other action was taken. Officer Kim, in

our judgment wisely, stated something to the effect of “we’re not doing this.”

Sergeant Musial arrived on the scene and dismissed Officers Jones and Kim. He then tried to negotiate with the parents, which was very difficult after they had become emboldened by Officer Jones. At that juncture, the family would not even let the nurse take the vitals of the baby. The hospital was, in the judgment of the medical professionals present, left with no choice but to take protective custody of the baby. Sergeant Musial, with Lieutenant Hawkins, spent close to an hour before finally convincing the parents to leave the hospital with the sibling child, so that the medical staff could treat the baby.

### **Charges Against the Respondent**

5. The Respondent, Police Officer Daniel Jones, Star No. 16641, charged herein, is **guilty** of violating Rule 2 and Rule 8 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about July 14, 2017, at approximately 12:30 a.m., at or around 5721 South Maryland Avenue in Chicago (Comer Children’s Hospital), Police Officer Daniel Jones unlawfully and/or unjustifiably threatened to arrest medical staff at Comer Children’s Hospital, including Dr. Nathaniel Jones. Officer Jones thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference. The Board finds that Officer Jones’s body camera video footage, as well as the testimony of Mr. Scharringhausen, Nurse Levarre, and Dr. Jones, clearly establish that Officer Jones threatened to arrest Dr. Jones. This threat was entirely improper, as Chicago Police

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Department Special Order S12-01 grants the University of Chicago police jurisdiction over the Comer facility. In addition, Officer Jones made no effort to investigate the situation with hospital medical staff (including Dr. Jones and the attending physician), the hospital administrator, hospital security, or the University of Chicago police. No split-second decision was required here; there was time to sort out what the law allowed the hospital to do, and how best to accommodate the interests of the baby. Without question, as Officer Jones admitted in his testimony, he should have called for supervisory help to resolve the decision. Instead, Officer Jones, likely acting with subjective hostility to the hospital based on its prior decision to take protective custody of his children, immediately and dramatically escalated the situation by failing to listen to medical staff and threatening to arrest the doctor, including telling the baby's father that the baby's father was in charge, and the baby's father could determine who was arrested. Public Safety Supervisor Scharringhausen asked Officer Jones what charge the doctor was being arrested for, and Officer Jones told him either he did not know what the charges were or that there were no charges. Officer Jones corroborated this account by testifying he told Mr. Scharringhausen there were no charges. Thus, there was no basis to arrest Dr. Jones.

While Officer Jones now claims he had no intention of arresting Dr. Jones, his words, his actions (including brandishing his handcuffs), and his physical effort to restrain Dr. Jones entirely belie that testimony. Officer Jones's threat to arrest Dr. Jones without cause and the substantial disturbance it created brought discredit on the Department in the eyes of Dr. Jones, the Comer medical staff, the University of Chicago security department, the University of Chicago police department, and the other patients being treated by Dr. Jones on the two floors for which he was responsible. Officer Jones's conduct also sowed confusion in the minds of the parents of the baby, and could have jeopardized the health of the baby. The Board finds that

there was no basis to threaten the arrest of Dr. Jones, and that Officer Jones's conduct was entirely inappropriate and unjustified.

6. The Respondent, Police Officer Daniel Jones, Star No. 16641, charged herein, is **guilty** of violating Rule 2, Rule 8, and Rule 9 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about July 14, 2017, at approximately 12:30 a.m., at or around 5721 South Maryland Avenue in Chicago (Comer Children's Hospital), Police Officer Daniel Jones unlawfully and/or unjustifiably grabbed Dr. Nathaniel Jones. Officer Jones thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty; and
- c. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated here by reference. Dr. Jones testified convincingly that after the baby's father told Officer Jones to arrest the doctor, Officer Jones grabbed him under his collar and then by the arm, while brandishing his handcuffs. Dr. Jones's account is corroborated by Nurse Levarre and the body camera footage. While Officer Jones claims that he only made contact with Dr. Jones's clothing and not his body, the Board does not believe this testimony. The distinction between grabbing Dr. Jones's person or clothing, in any event, makes little difference, as either would show disrespect and maltreatment of Dr. Jones, and either would constitute a physical altercation and battery upon Dr. Jones. *See, People v Tiller, 61 Ill.2d 785, 795 (5th Dist. 1978)*. As explained earlier, Officer Jones's physical altercation with Dr. Jones was entirely unjustified and discredited the



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Department in the eyes of everyone on the scene. Had Dr. Jones acquiesced in Officer Jones's demands, on behalf of the father, the baby's health would have been endangered, as well as potentially the health of the other children on two floors at Comer, as the only other doctor on duty was an intern in her second week functioning as a doctor.

7. The Respondent, Police Officer Daniel Jones, Star No. 16641, charged herein, is **guilty** of violating Rule 2 and Rule 6 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about July 14, 2017, at approximately 12:30 a.m., at or around 5721 South Maryland Avenue in Chicago (Comer Children's Hospital), Police Officer Daniel Jones used force when such force was not reasonably necessary based on the totality of the circumstances, in that he grabbed Dr. Nathaniel Jones. Officer Jones thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, when he disobeyed Chicago Police Department General Order G03-02, Section III ("Use of Force Guidelines").

See the findings set forth in paragraph nos. 4-6 above, which are incorporated here by reference. Chicago Police Department General Order G03-02 sets forth the circumstances under which an officer may use force in connection with an arrest. It adopts the objective reasonableness standard announced by the U.S. Supreme Court in *Graham v Connor*, 490 U.S. 386 (1989). Officer Jones's use of force in an effort to arrest Dr. Jones while he was caring for sick children in the hospital was plainly unreasonable. He had no authority to make arrests on the University of Chicago property according to Chicago Police Department Special Order S12-01, and he proceeded to do so anyway, after the University of Chicago police had determined that an arrest was not warranted. Officer Jones made no meaningful effort to investigate the medical

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facts or circumstances at the scene with the University of Chicago police, the University of Chicago security staff, the University of Chicago administrator, or the medical staff. The Board finds that Officer Jones was swayed by his own personal hostility to the staff at Comer Hospital rather than a dispassionate assessment of the facts evident at the hospital. In doing so, he physically sought to arrest Dr. Jones when he knew there was no basis for the arrest, thereby compromising patient care at the hospital. Perhaps most seriously, Officer Jones's effort to arrest Dr. Jones was done in furtherance of a course of conduct that could have endangered the health of the baby whose father called Officer Jones to the scene. When supervisory staff were belatedly called to the scene, they determined there was no basis either to arrest the doctor or to allow the family to leave the hospital with their critically sick baby. As noted earlier, Officer Jones's actions brought significant discredit on the Department.

8. The Respondent, Police Officer Daniel Jones, Star No. 16641, charged herein, is **guilty** of violating Rule 1 and Rule 2 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about July 14, 2017, at approximately 12:30 a.m., at or around 5721 South Maryland Avenue in Chicago (Comer Children's Hospital), Police Officer Daniel Jones knowingly made physical contact with a citizen of an insulting or provoking nature, in that he knowingly, without legal justification, grabbed Dr. Nathaniel Jones. Officer Jones thereby violated:

- a. Rule 1, which prohibits violation of any law or ordinance, by violating 720 ILCS 5/12-3(a)(2) ("Battery"); and
- b. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

See the findings set forth in paragraph nos. 4-7 above, which are incorporated here by reference. As noted earlier, Officer Jones committed a battery on Dr. Jones in his unlawful and

unjustified attempt to arrest the doctor. That is the case whether Officer Jones made physical contact with Dr. Jones's body or just his clothes. This battery was improper and brought discredit on the Department.

### **Penalty**

9. The Police Board has considered the facts and circumstances of the conduct of which it has found the Respondent guilty, and the evidence presented in defense and mitigation, including the Respondent's complimentary and disciplinary histories.

The Board has considered thoroughly the evidence the Respondent offered in mitigation, which includes the testimony of James Butler and Nillion Rankin, as well as Officer Jones's admission that on reflection, he should have promptly called a supervisor to the scene rather than take action on his own. In addition, Officer Jones, who joined the Police Department in 2012, has a complimentary history of 12 total awards, including eight honorable mentions, one attendance recognition award, and two emblems of recognition for physical fitness; he has no sustained complaints on his disciplinary history.

After considering the context and nature of Officer Jones's conduct on July 14, 2017, and the evidence presented in mitigation, the Board finds that suspending Officer Jones without pay for a period of one year is the appropriate penalty in this particular case. While the consequences of Officer Jones's misconduct were serious, and a severe penalty is therefore warranted, the Board finds that with additional training Officer Jones can be an effective police officer. The situation to which Officer Jones was called was emotional and difficult, and the hospital administrator as well as the security staff also appeared somewhat confused as to how to proceed. In retrospect, it is abundantly clear that Officer Jones, given the situation and his prior traumatic experience at Comer's, should have promptly called for a supervisor to handle this

delicate situation, and he clearly understands now that his failure to do so was a mistake. The Board believes that with additional training and having learned an important lesson from his handling of this incident and the consequent penalty, he has the capacity to exercise better judgment and act respectfully and professionally when he encounters difficult and emotional situations in the future.

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**POLICE BOARD DECISION**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By votes of 6 in favor (Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., and John H. Simpson) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 1, Rule 2, Rule 6, Rule 8, and Rule 9, as set forth in paragraph nos. 5 through 8 above.

As a result of the foregoing, the Board, by a vote of 6 in favor (Foreman, Delgado, Eaddy, Flores, O'Malley, and Simpson) to 0 opposed, hereby determines that cause exists for suspending the Respondent from his position as a police officer with the Department of Police, and from the services of the City of Chicago, for a period of one (1) year.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Daniel Jones, Star No. 16641, as a result of having been found **guilty** of all charges in Police Board Case No. 18 PB 2945, be and hereby is **suspended** from his position as a police officer with the Department of Police, and from the services of the City of Chicago, from April 28, 2018, to and including April 27, 2019.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O'Malley Jr., and John H. Simpson.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>ST</sup> DAY OF MARCH, 2019.

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Attested by:

/s/ GHIAN FOREMAN  
President

/s/ MAX A. CAPRONI  
Executive Director

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**DISSENT**

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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EDDIE T. JOHNSON  
Superintendent of Police