

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
SERGEANT SEAN F. TULLY,) **No. 17 PB 2938**
STAR No. 1090, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 1078329)**
RESPONDENT.)

FINDINGS AND DECISION

On September 19, 2017, the Superintendent of Police¹ filed with the Police Board of the City of Chicago charges against Sergeant Sean F. Tully, Star No. 1090 (hereinafter sometimes referred to as “Respondent”), recommending the Respondent be suspended from the Chicago Police Department for 120 days for violating several Rules of Conduct, which set forth expressly prohibited acts.

In October 2017, the Superintendent and the Respondent filed with the Police Board a Joint Motion to Stay Proceedings Before the Board, requesting that the Board stay these proceedings pending the outcome of a court case where the issue was whether the Board has jurisdiction to hear cases of recommended suspensions of sergeants in excess of 30 days. The Board granted this motion. In December 2018, the Board lifted the stay after the Illinois Appellate Court ruled that the Board has exclusive jurisdiction to hear suspension cases.²

¹Following an investigation by the City’s Independent Police Review Authority (IPRA), the Chief Administrator of IPRA recommended that Sergeant Sean F. Tully be suspended from the Chicago Police Department for 120 days. The Superintendent objected to this recommendation and recommended that Sergeant Tully be suspended for 28 days. Pursuant to §2-57-060(c) of the Municipal Code of Chicago, this disagreement was referred to a panel of three members of the Police Board. In January 2017, the review panel ruled that the Superintendent’s objection did not meet the burden of overcoming the Chief Administrator’s recommendation for discipline and that an evidentiary hearing before the Police Board is necessary to determine whether Sergeant Tully violated any of the Police Department’s Rules of Conduct. As a result of this ruling, the Superintendent was required by the Municipal Code to file charges with the Police Board.

²*Policeman’s Benevolent & Protective Association of Illinois, Unit 156A—Sergeants v. City of Chicago*, 2018 IL App (1st) 171089-U.

A hearing on the charges against the Respondent took place before Hearing Officer Allison L. Wood on August 15 and 16, 2019. Following this evidentiary hearing, the members of the Police Board³ read and reviewed the record of the proceedings, viewed the video-recording of the entire evidentiary hearing, and read the Hearing Officer's Report and the parties' responses to this report.⁴

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 sergeant of police 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.

³ Board Member Michael Eaddy recused himself from this case as required by §2-57-060(c) of the Municipal Code of Chicago because he was a member of the review panel that ruled on the disagreement between the Chief Administrator and the Superintendent (see note 1 above).

⁴On October 30, 2019, the Superintendent filed a Motion to Strike Portions of Respondent's Response to the Hearing Officer's Report. The report sets forth the evidence presented at the hearing and includes information on witness credibility. The report is not meant to be a comprehensive statement of the evidence, but rather only a summary. The responses to the report submitted by the parties are limited to addressing any material omissions or inaccuracies in the report. (Police Board Rules of Procedure, Section III-G.) The Board does not consider portions of the responses that do not comply with its Rules of Procedure. After reviewing the record of the proceedings, the video-recording of the entire evidentiary hearing, and the Hearing Officer's Report and the responses, the Board considered this case in executive session on October 17, 2019. Hearing Officer Wood ruled that the Superintendent's Motion is therefore moot.

Introduction

4. Respondent has been with the Chicago Police Department since 1998. On November 1, 2012, Respondent was promoted to sergeant and assigned to the 5th District, which is in the Pullman and Roseland neighborhoods in Chicago. The charges against Respondent arise out of a series of events that led to the apprehension of Philip Coleman on December 12, 2012, near 118th and South Morgan Street, which is in the 5th District. There had been an allegation that Philip Coleman had assaulted his mother, Lina Coleman, in their home located at 12828 South Morgan Street. Officer Charita Edwards and Officer Lee Caldwell responded to the call. When the officers arrived at the scene, Philip Coleman was not there. With the help of Philip Coleman's father, Percy Coleman, the officers found Philip Coleman a block away from the Coleman home. They observed Philip Coleman acting strangely, erratically and screaming obscenities. Philip Coleman was unresponsive to their commands to stop moving. The officers were able to bring Philip Coleman to the ground and handcuff him. Philip Coleman was spitting up blood as he was being handcuffed. The officers called for a supervisor and a police wagon.

Respondent was the supervisor who responded to the call, while Officer James Delisle arrived in the police wagon. Officer Delisle placed shackles on Philip Coleman's ankles. Philip Coleman was brought to his feet and escorted to the police wagon by Respondent and Officer Delisle. Philip Coleman spat blood on to Officer Delisle's shirt, at which point Officer Delisle stepped back and Respondent took Officer Delisle's place in escorting Philip Coleman to the police wagon. Philip Coleman also spat blood on Respondent, but Respondent continued to escort Philip Coleman to the police wagon. Percy Coleman was also walking next to Respondent at the time and asked Respondent to take his son to Jackson Park Hospital because he thought his son was having a mental breakdown. Respondent had the authority to decide whether Philip

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Coleman would be taken to the hospital or to jail, but when requested to do so, stated that the police do not “do hospitals.” Instead, Respondent decided that Philip Coleman was to be taken to jail. Philip Coleman died the next day.⁵

The Superintendent has the burden to prove by a preponderance of the evidence that Respondent knew or should have known that Philip Coleman needed medical and/or mental health treatment and refused and/or failed to make such treatment available to him.

The Superintendent also has the burden to prove that Respondent stated, “we don’t do hospitals, we do jail,” or words to that effect, in response to a request by Percy Coleman that Philip Coleman be transported to Jackson Park Hospital and/or receive medical attention, or words to that effect.

The Superintendent presented testimony of Percy Coleman (father of Philip Coleman); Deborah Weston (long-time friend of the family who grew up across the street from the Coleman home and who was present at the scene); Mark Bowen (neighbor and long-time friend of the family who was present at the scene); and Sergeant Tully (as an adverse witness). The Superintendent presented the following exhibits: General Order 06-01-01 (*Field Arrest Procedures*); Special Order 04-20-01(*Handling Arrestees in Need of Mental Treatment*); Special Order 06-08 (*Approved Medical Facilities*); photographs of Sergeant Tully with blood on his shirt taken on the date of the incident; and photographs of Officer James Delisle with blood on his shirt taken on the date of the incident.

Respondent testified on his own behalf. He also presented the testimony of Officer Charita Edwards and Officer James Delisle. Respondent presented Lieutenant Stanley Petraitis

⁵ In reaching its decision on the merits of this case, the Board gave no weight to the fact that Philip Coleman died.

and Captain Raymond Doherty as mitigation witnesses.

For the reasons set forth below, the Board finds Respondent guilty of the charges brought against him by the Superintendent.

Charges Against the Respondent

5. The Respondent, Sergeant Sean F. Tully, Star No. 1090, charged herein, is **guilty** of violating Rule 2, Rule 3, Rule 5, Rule 6, and Rule 8 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about December 12, 2012, at or near 12828 South Morgan Street, Chicago, Sergeant Sean F. Tully knew or should have known that Philip Coleman needed medical and/or mental health treatment and refused and/or failed to make such treatment available to him. Sergeant Tully 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 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 5, which prohibits any failure to perform any duty;
- d. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order G06-01-01 ("Field Arrest Procedures"), effective August 22, 2012, which requires, in part, that an arrestee requiring immediate medical care "will be transported to the nearest approved emergency room, as delineated by Department directive entitled 'Approved Medical Facilities,' prior to any further arrest processing";
- e. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying Special Order S04-20-01 ("Handling Arrestees in Need of Mental Treatment"), effective May 6, 2004, which requires, in part, that arrestees charged with any offense requiring a judge's bond and in need of mental health evaluation, treatment, or hospitalization be processed and will be transported to the nearest designated mental health intake facility for evaluation; and/or
- f. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty.

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See the findings set forth in paragraph no. 4, which are incorporated herein by reference.

It is undisputed that on December 12, 2012, Philip Coleman was not acting like himself. The collective testimony presented at the hearing made that clear. First, Percy Coleman stated that Phillip Coleman was not wearing a coat even though it was cold that day and that Philip Coleman did not recognize his own father. Next, Officer Edwards, one of the officers on scene, testified that Percy Coleman told her that his son had gone crazy, and that he needed help. She also testified that when the officers reached the alley, they found Philip Coleman acting erratically, screaming obscenities, and rolling around in the grass. Last, friends of the Coleman family who were also at the scene, Mark Bowen and Deborah Weston, credibly testified that Philip Coleman was acting strangely and completely out of character.

Indeed, Phillip Coleman's behavior was so erratic as to warrant calling a supervisor to the scene. Officer Edwards testified that Philip Coleman was not responsive to the commands by the officers to stop moving, that he had to be brought to the ground in order to be handcuffed, and that as they were handcuffing him, he was spitting up blood. The officers thus called for a supervisor and for a police wagon.

It was also evident that after Respondent arrived, Phillip Coleman continued to demonstrate his need for medical attention. Ms. Weston credibly testified that when Philip Coleman was brought to his feet (after Respondent arrived), he was "disheveled," "bloody around the face and mouth," and looked like he was "possessed." In addition, Percy Coleman credibly testified that he told Respondent that his son had never before acted like this and that he thought his son was having a mental breakdown. And Percy testified that he specifically asked Respondent to direct that his son be taken to Jackson Park Hospital because he knew that

hospital provided mental health treatment. Respondent heard Percy's statements, as he responded, "we don't do hospitals, we do jails."⁶

Based on the credible testimony described above, including Respondent's own admissions,⁷ the Board finds the following:

- At the time Respondent arrived at the scene, Respondent observed (or should have observed) several indicators making it readily apparent that Phillip Coleman was in need of medical assistance, including exhibiting erratic behavior and visible signs of bleeding. The Board makes this finding based on the fact that, by all accounts, Phillip Coleman was acting so erratically as to have been impossible to ignore. The fact that Respondent knew Phillip Coleman was bleeding was further corroborated by the fact that there was blood on his own shirt at the time he arrived at the police station and his own admission that Phillip had spit blood

⁶The fact that Respondent made this statement was corroborated by the other Coleman family friends present at the scene and who testified at the hearing.

⁷Respondent's testimony at the hearing regarding the events was not credible, in large part because he made multiple inconsistent statements. Admissions made when he was called as an adverse witness (or that were made in previous statements he gave about the matter), later became denials or something else entirely when he testified in his case in chief. Some examples include the following. Respondent initially testified that when he arrived at the scene, Philip Coleman was being escorted to the police wagon. Later he testified that when he arrived at the scene, he observed Philip Coleman on the ground in handcuffs. Respondent initially testified that he observed blood coming out of Philip Coleman's mouth, and that he saw Philip Coleman spit blood at Officer Delisle and on himself. Later, he testified that he did not see blood coming from Philip Coleman, and that he did not realize that when Philip Coleman spat on him there was blood in the spit. Respondent initially testified that he never considered taking Philip Coleman to the hospital for treatment or for a mental health evaluation. Later, he testified that he made an assessment that Philip Coleman was not in need of immediate medical care because his injury was not a significant one. Respondent then compared Philip Coleman's injury to the kind of injury one might get from an elbow in the mouth during a basketball game as further support for his decision.

The Board finds Respondent's initial statements to be credible, whereas his testimony at the hearing on these issues was not. Therefore, the Board credits Respondent's admissions that Percy Coleman told him his son was having a mental breakdown and that he wanted his son to be taken to Jackson Park Hospital for treatment; that Respondent saw blood in the mouth of Philip Coleman; and that Respondent was aware that Philip Coleman was spitting up blood.

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on him;

- Respondent was made aware by Percy Coleman that he wished for his son to receive medical attention and why;
- The Board infers that Respondent's fellow officers on scene informed him of Phillip Coleman's erratic behavior exhibited prior to the time Respondent was called to the scene. Conversely, the Board finds that Respondent had a duty to request that information from the officers and therefore at least should have known the facts that occurred before he arrived; and
- When requested by Percy Coleman to provide Phillip Coleman medical attention, Respondent stated words to the effect, "we don't do hospitals, we do jail."

The above findings prove Respondent's guilt as to the above charge.

The Board addresses Respondent's defense that he was a new sergeant and that he had not received mental health intervention training. While Respondent was a new sergeant, he was elevated to that position for the purpose of exhibiting leadership. As such, he was required to be familiar with the directives and policies of the Department and the underlying principle to serve and protect. Further, the facts of this situation would have made it evident to any bystander that medical treatment was required. And while the Board agrees that mental health training for officers is imperative, the fact that Phillip Coleman was not only bleeding, but his father specifically requested assistance, would have put any officer on notice that medical treatment was necessary.

This situation required Respondent to assume leadership in making decisions that complied with the directives and policies of the Department. Pursuant to General Order 06-01-01, Respondent was required to transport an arrestee who requires immediate medical care to the

nearest approved emergency room as listed by the Department at an approved medical facility. Pursuant to Special Order 06-08, Jackson Park Hospital was an approved medical facility. That much of Philip Coleman's conduct occurred before Respondent arrived on the scene does not relieve the Respondent of his responsibility as a supervisor to acquire a full understanding of the situation and make decisions consistent with these Orders. Simply put, Respondent failed in his duties as a supervisor and did not follow the directives and policies of the Department.

6. The Respondent, Sergeant Sean F. Tully, Star No. 1090, charged herein, is **guilty** of violating Rule 2 in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about December 12, 2012, at or near 12828 South Morgan Street, Chicago, Sergeant Sean F. Tully stated "we don't do hospitals, we do jail," or words to that effect, in response to a request by Percy Coleman that Philip Coleman be transported to Jackson Park Hospital and/or receive medical attention, or words to that effect. Sergeant Tully 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.

See the findings set forth in paragraph nos. 4 and 5 above, which are incorporated herein by reference. Percy Coleman credibly testified that when he asked Respondent to take his son to the hospital, Respondent replied with words to the effect that, "we don't do hospitals, we do jail." Debra Weston and Mark Bowen, who were also at the scene, both credibly testified that they heard Respondent make this statement. Such a statement is disrespectful and contrary to the Department's policies to serve people. Respondent's denial was not credible, whereas his making of the statement was consistent with the fact that Respondent failed to make medical and/or mental health treatment available to Philip Coleman.

Penalty

7. The Police Board has considered the facts and circumstances of the conduct of which it has found the Respondent guilty and the evidence the Respondent presented in defense and mitigation.

Sergeant Tully failed in his duty to make mental health treatment available to Philip Coleman, and made matters worse by making an unwarranted and disrespectful comment to Philip Coleman's father, Percy Coleman. Such conduct brings discredit upon the Department and diminishes the public trust in police officers that is essential for effective law enforcement. Chicago police officers are expected to treat all individuals with professionalism and respect. This is especially true of supervisors, who have a responsibility to provide leadership and an example to officers under their command. Sergeant Tully failed in this regard, and his conduct warrants a severe penalty.

After taking into account Sergeant Tully's conduct on the night in question, his extensive complimentary record (110 total awards, including 1 special commendation, 10 Department commendations, and 79 honorable mentions), his having no sustained complaints on his disciplinary history, and the positive evaluations of two of his supervisors who testified on his behalf, the Board finds that the recommended 120-day suspension is reasonable on the facts of this particular case.

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POLICE BOARD DECISION

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of proceedings, viewed the video-recording of the entire evidentiary hearing, and received the report of the Hearing Officer. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 7 in favor (Ghian Foreman, Paula Wolff, Matthew C. Crowl, Eva-Dina Delgado, Steve Flores, John P. O'Malley Jr., and Andrea L. Zopp) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2, Rule 3, Rule 5, Rule 6, and Rule 8, as set forth in paragraph nos. 5 and 6 above.

As a result of the foregoing, the Board, by a vote of 6 in favor (Foreman, Wolff, Crowl, Delgado, Flores, and Zopp) to 1 opposed (O'Malley), hereby determines that cause exists for suspending the Respondent from his position as a sergeant with the Department of Police and from the services of the City of Chicago for a period of 120 days.

NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Sergeant Sean F. Tully, Star No. 1090, as a result of having been found **guilty** of all charges in Police Board Case No. 17 PB 2938, be and hereby is **suspended** from his position as a sergeant with the Department of Police and from the services of the City of Chicago for a period of 120 days.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Matthew C. Crowl, Eva-Dina Delgado, Steve Flores, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY OF NOVEMBER, 2019.

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Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

I agree with the majority that the Respondent is guilty of the charges, but I dissent with regard to the penalty. Based on the specific facts of this case, the Respondent's extensive complimentary record, and there being no sustained complaints on his disciplinary history, I find that a 60-day suspension is a more appropriate penalty.

/s/ JOHN P. O'MALLEY JR.

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THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2019.

EDDIE T. JOHNSON
Superintendent of Police