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## ***LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH***

**By Don Hays**

Month of January – 2023 – ALTERNATIVE

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## LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of January – 2023 - ALTERNATIVE

Melissa Haligas v. City of Chicago, No. 22 C 313, 2022 WL 2340878, June 29, 2022.

Haligas' ex-husband complained that she was interfering with his child visitation rights. The defendant officers arrested her. Should the Officers be held liable for her arrest?

**FACTS:** Following their divorce, Haligas and her ex-husband shared joint custody of their three-year-old child. On the day in question, the husband arrived to pick up the child. Haligas explained that the child was sick and sleeping and that the husband must wait in the lobby of her apartment building until the child wakes. Dissatisfied with this response, the father called the police and complained that the defendant was interfering with his custody of the child. What followed was the basis of this case.

The following events occurred, according to the Haligas. When the Officers arrived, the father showed Officer One a document on his cell phone that he claimed supported his accusation. Officer One found the document "confusing," but he declined the father's offer to email the document to him to review. The Officers proceeded to Haligas's apartment, where they accused her of violating the court order and threatened to arrest her and bring her to jail. Haligas asked the Officers to keep their voices down, explaining that her son was sick and was asleep. They refused and continued to threaten her loudly, even as she showed the Officers her son's bag, packed and ready to go to his father's home, and offered to show them the order to prove that allowing her son to awaken naturally before releasing him to his father was not inconsistent with its terms. The Officers declined her offer to produce a copy of the order and continued to threaten her with arrest and jail. Feeling threatened, Haligas asked the Officers to leave her apartment and told them she was going to call 911. Officer One then tried to grab Haligas's cell phone from her, striking her hand in the process. Officer One advanced toward Haligas as she backed away, then handcuffed her and pulled her to the floor, where she screamed in fear and pain. The Officers then grabbed Haligas's wrists and arms, pulling her to her feet as she shouted that they were hurting her. With Haligas handcuffed in her apartment, Officer Two brought the child downstairs to his father, allowing the two of them to leave.

Officer One led Haligas out of her apartment building and into a squad car, where she remained for hours in her nightgown. When the Officers' supervisor arrived on the scene and learned what had happened, he expressed shock, asked the Officers if their body cameras were rolling, then turned his own body camera off. Haligas was ultimately released without booking or charge. Thereafter, Haligas sued the Officers alleging false arrest, excessive force, and failure to intervene against the Officers. The Officers moved to dismiss the suit.

**ISSUE:** Should Haligas' case against the Officers proceed to a jury?

**SUB-ISSUE #1:** Could the District Court consider the digital recordings of the Officer's body cameras in considering whether to grant their motion to dismiss? The Officers argued that the Court should consider the body camera records in making its decision; Haligas disagreed and argued that the footage should not be considered.

**FINDINGS:** The District Court held that it would consider the video footage from the Officers' body-worn cameras (BWC), which the Officers submitted in moving to dismiss Haligas's claims. Specifically, the Court held that the footage largely supported, rather than discredited, Haligas's allegations.

**SUB-ISSUE #2:** Should Haligas' allegation that the Officers lacked probable cause to place her under arrest be dismissed? The Court held that it should not.

**FINDINGS:** The Court determined that Haligas adequately alleged a lack of probable cause for purposes of the false arrest claims against the two Officers. The Court reasoned that the statements made by both Haligas and her son's father, which were recorded by the officers' body-worn cameras (BWC), suggested that arrestee and her son's

father, who had made the complaint, had a contentious relationship. According to the Court, it was reasonable to conclude that a prudent officer hearing those statements should have investigated further before making an arrest based entirely on father's interpretation of Haligas' conduct and a cursory review of the document the father claimed was a custody order, especially after Haligas offered to provide a copy of order to establish her compliance.

Further, the Court held that Haligas' complaint against the two Officers who arrested her and the video footage from the officers' body-worn cameras (BWC) did not establish that the officers had probable cause to arrest Haligas for resisting arrest and thus her false arrest claim against them could proceed beyond motion to dismiss stage. According to the Court, the footage showed Haligas explaining that the custody order allowed her to wait for her son to awaken from a nap before releasing him to his father, after which the footage showed Haligas asking the officers to leave while they continued to threaten her with arrest, flinching after one officer hit her hand, and the officers forcefully and aggressively handcuffing Haligas while threatening to take her to jail. The Court concluded that this evidence was sufficient to show that Haligas was not resisting the Officers.

**SUB-ISSUE #3:** Should Haligas' allegation that the Officers used excessive force against her be dismissed? Again, the Court held that it should not.

**FINDINGS:** The Court concluded that the body-worn camera (BWC) footage of Officers' arrest of Haligas after responding to complaint from her son's father that she was violating child custody order raised a plausible claim for excessive force, and thus Haligas' excessive force claim in § 1983 action against officers and city could proceed beyond motion to dismiss stage. The Court held that the footage showed the Officers advancing on Haligas while threatening to send her to jail and striking her hand when she indicated that she was going to call 911, after which the Officers forcefully restrained Haligas when she recoiled from their show of force and continued to restrain her as she screamed in pain and pleaded with them to release her. This was, the Court concluded, sufficient to allow a jury to decide whether the Officers used excessive force against Haligas.

**SUB-ISSUE #4:** Haligas attempted to hold the Officer's employer, the City of Chicago, liable for the actions of its Officers. To do so, Haligas attempted to use a Department of Justice report to support her claim. Should Haligas be allowed to use this report against the City? The Court held that she could.

**FINDINGS:** According to the Court, the DOJ report documented a widespread practice of unnecessarily escalating encounters with suspects, including in circumstances analogous to Haligas' case, and the BWC footage showed the Officers threatening to arrest Haligas and put her in jail soon after entering her apartment, which turned out to be empty threats given that Haligas was subsequently released without booking or charge, indicating that the threats were unnecessary and served only to escalate encounter.

**SUB-ISSUE #5:** Finally, Haligas argued that the Chicago Police Department should be held liable for failing to train its Officers to handle situations such as this. Should this "failure to train" complaint be dismissed? Against, the Court held that it should not.

**FINDINGS:** The Court determined that Haligas alleged that at time of her arrest, the city inadequately trained its officers to handle child custody disputes between co-parents, that given the highly contentious nature of such disputes, the city policymakers were aware of a recurring, obvious risk that the city police officers would be called upon to enforce rights of parties subject to child custody orders, and that officers were inadequately trained to manage and deescalate highly emotional situations in which unarmed, non-violent individuals became upset when called to resolve such disputes. This argument, according to the Court, was sufficient to support Haligas' claim against the City.

**CONCLUSION:** The Court therefore found that in this case, Haligas sufficiently alleged facts to support her claims against the Officers and their employer, the City. Consequently, the Court denied the Officers' motions to dismiss and ordered that a jury must decide whether the conduct of the Officers and the City justified their liability.

**QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2023 - ALTERNATIVE**

**Melissa Haligas v. City of Chicago, No. 22 C 313, 2022 WL 2340878, June 29, 2022.**

1. Haligas sued the Officers for false arrest. In order to win such an action, Haligas had to show that the Officers lacked probable cause to place her under arrest.
  - a. True.
  - b. False.
  
2. The Officers alleged that the body camera footage they took when they spoke with Haligas' ex-husband proved that probable cause existed to place Haligas under arrest. Did the District Court agree with this argument?
  - a. Yes.
  - b. No.
  
3. The Officers argued that Haligas was properly placed under arrest because she resisted their attempts to detain her. Did the district court disagree with this argument?
  - a. Yes.
  - b. No.
  
4. The body camera footage taken by the Officers in this case was used by the District Court in making its findings. By the year 2025, every police agency in Illinois must be using body cameras.
  - a. True.
  - b. False.

## QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF JANUARY – 2023 - ALTERNATIVE

### Melissa Haligas v. City of Chicago, No. 22 C 313, 2022 WL 2340878, June 29, 2022.

1. Haligas sued the Officers for false arrest. In order to win such an action, Haligas had to show that the Officers lacked probable cause to place her under arrest.
  - a. **True.** As the Court held, “To prevail on a false arrest claim under § 1983, a plaintiff must show that there was no probable cause for her arrest.”
2. The Officers alleged that the body camera footage they took when they spoke with Haligas’ ex-husband proved that probable cause existed to place Haligas under arrest. Did the District Court agree with this argument?
  - b. **No.** The Court declared: “Here, a prudent officer would arguably have investigated further before handcuffing plaintiff and threatening her with jail time.”
3. The Officers argued that Haligas was properly placed under arrest because she resisted their attempts to detain her. Did the district court disagree with this argument?
  - a. **Yes.** The Court concluded “In short, the complaint and video footage do not establish as a matter of law that the Officers had probable cause to arrest plaintiff based on her reaction to their threats and aggression.”
4. The body camera footage taken by the Officers in this case was used by the District Court in making its findings. By the year 2025, every police agency in Illinois must be using body cameras.
  - a. **True.** That is what the Illinois Legislature has decreed.