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Cop's efforts to aid student didn't violate rights

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In the fall of 2010, Danielle Dunne, a 17-year-old studentat Addison Trail High School, told Anthony Reda, an Addison police officer and the school's resource officer, that her ex-boyfriend was harassing her and had sexually assaulted her several months earlier.

When Reda confronted the ex-boyfriend, he contended it was Dunne who initiated the contact.

In December 2010, Reda observed Dunne at school, apparently intoxicated, and escorted her to the dean's office, where he took her cellphone and saw a text message she was composing which read, "I tried to OD on pills."

After Dunne admitted to smoking marijuana, drinking tequila and taking pills, Reda had paramedics transport Dunne to a nearby hospital, where she was seen by a psychiatrist and discharged.

In February 2011, Dunne, who was now attending a different school, met with Reda at the Addison Police Department to report that the ex-boyfriend was still contacting her. Once again, the ex-boyfriend told Reda that his only contacts with Dunne were in response to her efforts to contact him. When Reda relayed that information to Dunne, she said, essentially, that no one cared about her and even shooting herself wouldn't matter.

When Reda cautioned Dunne about the seriousness of that statement, Dunne said she was "talking out of my butt" and wouldn't even know where to find a gun.

Reda then told Dunne she was not free to leave and had her taken to a nearby hospital over her objections. Dunne was then assessed by medical personnel and released a few hours

later. Dunne was billed approximately $4,000 by Alexian Brothers Medical Center and another $850 by the Addison Fire Department.

Dunne and her father, James, sued Reda, contending that he seized her without probable cause in violation of her Fourth Amendment rights. Reda moved for summary judgment, contending he acted appropriately and with probable cause. U.S. District Judge Thomas M. Durkin agreed in *Dunne, et al. v. Reda, et al.*, No. 12-00872.

In doing so, Durkin initially set forth the governing law:

"A seizure made to effectuate an involuntary hospitalization is analyzed under the Fourth Amendment's 'probable cause' standard. *Fitzgerald v. Santoro*, No. 12-1487, 2013 WL 452446, at *5 (7th Cir. Feb. 7, 2013). Probable cause exists 'only if there are reasonable grounds for believing that the person seized is subject to seizure under the governing legal standard.' Id. (quoting *Villanova v. Abrams*, 972 F.2d 792, 795 (7th Cir. 1992)). 405 ILCS 5/3-504(b) provides that:

'A peace officer may take a minor into custody and transport the minor to a mental health facility when, as a result of his personal observation, the peace officer has reasonable grounds to believe that the minor is eligible for admission under Section 3-503 and is in a condition that immediate hospitalization is necessary in order to protect the minor or others from physical harm.

'A minor is eligible for admission under Section 3-503 if the facility director finds that the minor "has a mental illness or emotional disturbance of such severity that hospitalization is necessary and that the minor is likely to benefit from inpatient treatment."' 405 ILCS 5/3-503 (a)."

In light of those standards, Durkin concluded probable cause existed:

"There is no dispute that when Reda called the paramedics on Feb. 7, 2011, he knew that: 1) Dunne had been sexually assaulted by her ex-boyfriend the winter before or at least that Dunne made that claim; 2) less than two months before, Dunne showed up at school under the influence of marijuana, alcohol and pills and texted a friend that she 'tried to OD on pills'; 3) Dunne was recently suspended from school; and 4) Dunne had just made a statement to the effect of, 'No one (expletive) cares about me; if I put a gun to my head, it wouldn't even matter.' These undisputed facts provided reasonable grounds for Reda to believe that Dunne presented an immediate danger to herself and that seeking an evaluation from a trained medical professional was warranted."

Durkin rejected Dunne's contention that Reda lacked probable cause because she backed off her threat:

"Reda did know Dunne, including her apparent overdose attempt less than two months before. Based on the totality of the circumstances known to Reda, he was not required to

disregard Dunne's statement simply because she claimed she was joking. Most people facing involuntary hospitalization deny that they need medical attention; if a simple denial were enough, probable cause would never exist. Reda is not a mental health professional qualified to make an ultimate determination about the seriousness of Dunne's threat. He decided that Dunne should be evaluated by a professional and had probable cause to do so."

Finally, Durkin rejected Dunne's contention that Reda acted in retaliation for her criticism of his response to her harassment complaints about her ex-boyfriend:

"'[T]he probable cause inquiry is an objective one.' Fitzgerald, 2013 WL 452446, at *5. … Thus, in Fitzgerald, the 7th [U.S.] Circuit [Court of Appeals] rejected as irrelevant an argument that a police officer acted out of animus instead of a genuine concern for the plaintiff. Id. The same result is warranted here. Regardless of Reda's motivations, he had objectively reasonable grounds for believing that Dunne needed a mental health evaluation."

The plaintiff's attorney was Joanie Rae Wimmer of the Law Offices of Joanie Rae Wimmer in Downers Grove.

The defendants' attorneys were Theresa Bresnahan-Coleman, John A. Masters and Thomas R. Weiler of Langhenry, Gillen, Lundquist & Johnson LLC.