

**ALLEGATIONS:**

The Complainant, Subject 1, telephoned the Independent Police Review Authority (IPRA) on 6 February 2014, and filed a complaint with Intake Aide A. Subject 1 alleges that on 3 February 2014, at approximately 1430 hours, while in the vicinity of XXXX S. Hamlin Avenue, Unknown Officers (Now known to be Accused Officers A, Star # XXXXX, B, Star # XXXXX, and C, Star # XXXXX) committed misconduct. A Case Report implied that Officers D, Star # XXXXX and E, Star # XXXXX, were also present on 3 February 2014, at approximately 1430 hours, at XXXX S. Hamlin, when the alleged misconduct occurred. As a result, Investigator A included Officers D and E as accused.

Complainant, **Subject 1** has alleged that **Officers A, B, and C**, and Investigator A further alleged that **Officers D and E**:

1. Entered and searched Subject 1's residence at XXXX S. Hamlin Ave., basement apartment, without a search warrant or an exception to the search warrant requirement as outlined in the Fourth Amendment: Violation of Rule 1;
2. Grabbed Subject 1 and slammed her against a wall: Violation of Rule 8;
3. Handcuffed Subject 1 in a rough manner and too tightly: Violation of Rule 8; and
4. Unreasonably seized items belonging to **Subjects 2 and 3** during an illegal search as outlined in the Fourth Amendment: Violation of Rule 1 and Rule 11.

It is further alleged that Officers A, B and C:

5. During their respective statements at IPRA, on 10 September 2014, when they stated that they waited for Sergeant A to arrive before entering and conducting a search of Subject 1's residence and when they stated that they waited for Sergeant A to get Subject 1's signature for Consent to Search form before they searched the residence: Violation of Rule 14.

It is further alleged that **Sergeant A**:

1. Entered and searched XXXX S. Hamlin Ave., basement apartment, without a search warrant or an exception to the search warrant requirement: Violation of Rule 1;
2. Coerced Subject 1 by threatening to arrest/prosecute her if she did not cooperate with the illegal search by signing a Consent to Search form: Violation of Rule 2;
3. Failed to have a participating member in the search attired in the prescribed seasonal field uniform as outlined in Special Order 4-19-01: Violation of Rule 6;

4. Failed to ensure that the Consent to Search form specifically indicated the scope of the search (e.g. individual, specific contraband or items) as outlined in Special Order 4-19-01: Violation of Rule 6;
5. Failed to ensure that Subject 1 had authority to give consent to search her adult son's (Subject 2 's) bedroom: Violation of Rule 3;
6. Failed to supervise the entire consent to search incident: Violation of Rule 6; and Rule 5 and
7. Approved an Original Case Incident Report (RD# HX137834) documenting information that he was knew was false in that the Case Report indicated that Officers D and E were present during the search, but the investigation reveals that they were not present: Violation of Rule 14.

### **SUMMARY:**

The Complainant, Subject 1, filed a complaint where she alleged that the police came to her residence, cornered her, pried her keys from her hand, and illegally entered her residence. Once the officers located contraband belonging to her adult son, they called for a supervisor. The supervisor came and demanded that Subject 1 sign a Consent to Search form, even though the search had already taken place. Then the supervisor and the officers entered and conducted additional search activities within the residence. Subject 1's son and his girlfriend were not home and did not give consent to the search of their bedroom. The officers and the supervisor provided erroneous information concerning the time of the search. In addition, the information the involved officers provided in their reports does not match the GPS data, the Chicago Police Department's Unit Query, the Contact Card they completed and the Chicago Police Department's Attendance and Assignment Sheets. As a result, Subject 1's account of the incident was credible and this case will be sustained.

### **APPLICABLE RULES AND LAW**

**Rule 1: Prohibits any violation of law or ordinance.**

**Rule 2: Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.**

**Rule 3: Prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.**

**Rule 6: Prohibits disobedience of an order or directive, whether written or oral.**

**Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.**

**Rule 11: Prohibits incompetency or inefficiency in the performance of duty.**

**Rule 14: Prohibits making a false report, written or oral.**

### **CPD Special Order 04-19-01:**

**Section II, A and B:** "A sworn member of the rank of sergeant or above is required to perform the functions of the on-scene supervisor for every consent to search incident as

defined by this directive. For each consent to search incident, at least one participating member will be attired in the prescribed seasonal field uniform.”

Section III, D-1: Note: When completing a Consent to Search Form, Department members are reminded to specifically indicate the scope of the search (e.g. a named individual, specific contraband or items).

Section III, F-1: The on-scene supervisor will: ensure the citizen giving consent to search has authority to give consent to search.

Section III, F-4: The on-scene supervisor will: supervise the entire consent to search incident up to and including the inventory of the Consent to search form and any recoveries made subsequent to the search.

Section III, F-5: The on-scene supervisor will supervise the entire consent to search incident up to and including the inventory of the Consent to Search form and any recoveries made subsequent to the search.

### **Special Order 03-13-01**

Section III, A-5: Department reports provide an accurate record of the official actions of Department members concerning matters of police concern.”

Section III, A-6: Department reports provide protection against groundless accusations against Department members.

Section II, C-1: Detailed instructions for the completion of a case report are listed in the Field Reporting Manual. Members will follow these instructions when completing any case report

### **CPD Field Case Reporting Training Manual, CPD 63.450, Part C: “Purpose of Reports**

Reports are needed to record the official actions of the Department concerning an incident, including the time the police arrived, the time the assignment was completed and any action taken; furnish necessary information to affected Department members and other authorized agencies to allow for successful completing of investigations; provide data to enable efficient distribution and assignment of personnel; enable supervisors to evaluate work performance and provide direction to subordinates; evaluate law enforcement effectiveness and determine crime conditions; protect the Department and the officer handling the investigation from unwarranted accusations that improper police action was taken or that no service was rendered; act as the basis for crime statistical analyses; record the loss or injury to victims when police service is rendered and respond to court orders and subpoenas in civil and criminal court proceedings.” (Att. #s 80, 82-84).

### **INVESTIGATION:**

The Complainant, Subject 1, provided **an interview at IPRA on 6 February 2014**. Subject 1 stated that on 3 February 2014, she was at home, at XXXX S. Hamlin, when she realized that she threw out a receipt. She decided to put on a lightweight jacket and

leave her apartment to go to the alley to look through a garbage can. Three casually-dressed officers; later identified as Officers A, B and C, pulled up in a vehicle. Subject 1 stated that the officers exited their squad car and asked her what she was doing. Subject 1 told them she was looking for something she mistakenly threw away. The officers responded with statements such as, "Oh, yeah, right. You're waiting on somebody." The officers left and drove around the block.

As Subject 1 entered her gate, an unknown young man descended the back porch stairs of her apartment building and exited through the rear gate. The officers stopped and spoke to the young man and let him go. Subject 1 approached her basement apartment door with her keys in her hand. Three officers rushed to the back gate at her residence and said, "Come here. Hey, what are you doing?" According to Subject 1, one of the officers grabbed Subject 1 and handcuffed her, in a rough manner, by raising her arms high behind her back. The same officer slammed her against a wall while another officer pinned her against a wall.

Subject 1 described one officer as white male/casually dressed, with black hair, 6 feet tall, 160 pounds, with a small to medium frame. She stated that he twisted her arms and pulled up on the handcuffs. Subject 1 stated that a second officer was a white male and or a white Hispanic male, casually dressed, approximately 30 years old and that this officer made a motion as if he was going to discharge a Taser at her when they converged on her and handcuffed her too tightly. Subject 1 described the third officer as a white male/white Hispanic male, 5' 7" tall, approximately 20 years old, 180-200 pounds, "big boned," and she believed that he was the one who slammed her against the wall, and handcuffed her too tightly and in a rough manner. Subject 1 sustained a cut to her finger and swollen wrists. It is unknown as to whether or not Officers A, B and C knew Subject 2 prior to the incident. (Att. #s 4, 12).

Officers A, B and C demanded that she hand over her keys. Subject 1 asked Officers A, B and C what did they want with her keys. Subject 1 told them that they had no right to go into her home without a search warrant. Officers A, B and C asked her if she was trying to hide something. She told them "no...that's the law." Officers A, B and C converged on Subject 1, and they "tussled" with her by twisting her arms and prying her keys from her hands. One of the officers (later identified as Officer A) used Subject 1's keys to open her door and enter her apartment, while Officers B and C stood outside the door with Subject 1. Subject 1 was not allowed to enter her apartment at this time. Subject 1 could not elaborate on how Officer A searched her apartment, but she did state that Officer A was casually dressed and there were no uniformed officers present during the first search of her residence. Subject 1 did not attribute each allegation, such as grabbing/slamming her against a wall and handcuffing her too tightly, to a specific officer.

According to Subject 1, Officer A exited her apartment approximately 15 to 20 minutes later and told Officers B and C that it was time to "make a phone call." Subject 1 stated that she heard one of the officers making a phone call. Within a few minutes of the officers making the phone call, a supervisor responded to Subject 1's residence. Subject

1 described the supervisor, who was later identified as Sergeant A, as a white male, 5' 8" tall, dressed in casual clothes. According to Subject 1, Sergeant A coerced her into signing a Consent to Search Form by telling her, "I'm gonna tell you right now. I want you to sign this consent for us to search your apartment." Subject 1 responded, "You already searched it. What do I have to sign a paper for?"<sup>1</sup> Sergeant A said, "Because right now I can take you to jail and you know how many years you will spend at...penitentiary?" Subject 1 told Sergeant A that she did not want her home searched. Subject 1 told Sergeant A that a search could cause her to lose her Section 8 voucher (a document that allows Subject 1 to obtain discounted rental rates). Sergeant A responded, "No, you not gonna lose anything." and "I'm not gonna play any games with you." Subject 1 stated that she eventually signed the form. Once Subject 1 signed the consent to search form, Officers A, B and C continued to search Subject 1's entire basement apartment, including Subject 2 and Subject 3's bedroom. Subject 1 did not provide any other details concerning the second search,<sup>2</sup> nor did she provide a detailed layout of her apartment or state which bedrooms were locked if any. Subject 1 stated that one of the bedrooms is hers and the front bedroom belongs to her son, Subject 2, and her daughter in law, Subject 3. Subjects 2 and 3 were not at home during the search to give consent to the search of Subject 2's bedroom. Only Subject 1, Officer A, Officer B, Officer C and Sergeant A were present inside the apartment while the search was being conducted.

Sergeant A told Subject 1 that Officer A had located six guns in Subject 2's front bedroom, but Subject 1 only saw two guns in Officer A's hands. Subject 1 stated that she saw a duffle bag "full of stuff" that, according to Officer A, had been located inside Subject 2's bedroom.

Subject 1 did not state whether or not Subject 2 and Ms. Dalton had exclusive access to the front bedroom or whether or not they paid rent. Subject 1 was the lease holder for the Section 8 voucher.

On 29 and 30 October 2014, the **R/I made a personal visit to XXXX S. Hamlin and XXXX** to locate the unknown male who descended the back stairs of this multi-unit apartment building when the incident occurred; and to identify and speak with any persons who may have witnessed the incident. The R/I spoke with the second floor resident of XXXX S. Hamlin, Civilian 1, who stated that the first floor apartment at XXXX S. Hamlin was vacant. Civilian 1 stated that she was not a witness to the incident. The R/I spoke to Civilian 2 who resides at XXXX, on the first floor. She stated that she had not witnessed the incident. The R/I rang all the bells at that location and left business cards at units where there was no answer. (Att. # 43).

According to a Google **weather history** search for 3 February 2014, the weather in Chicago, IL was 8 degrees Fahrenheit.<sup>3</sup>

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<sup>1</sup> Subject 1 did not know at this point exactly where Officer A searched, but she knew Officer A had entered her apartment to search it while Officers B and C kept her outside her door.

<sup>2</sup> The second search occurred after Sergeant A arrived and Subject 1 signed a Consent to Search Form.

<sup>3</sup> According to Subject 1, it was very cold outside and she left her apartment in a lightweight jacket to search through the trash for a receipt. This lends to credibility.

Officers A and C prepared **Contact card # ACC001420666** that indicates on 3 February 2014, at approximately 1420 hours, Officers A and C stopped a citizen named Civilian 3 at XXXX S. Hamlin. The report states that the officers observed Civilian 3<sup>4</sup> loitering in a narcotic sales area. The officers conducted a field interview and Civilian 3's name check was clear. (Att. # 71).

**Attempts** were made to **contact Civilian 3** and obtain his interview.<sup>5</sup> A certified letter was sent to Civilian 3 on 9 January 2015, but the letter was returned and marked, "unable to forward." The R/I visited Civilian 3's last known address and left some cards at the residence, located at XXXX S. Hamlin. Civilian 3 could not be located and he did not contact IPRA. (Att. #s 76-78, 86).

**A CPD Consent to Search and a Consent to Search Data Sheet** indicate that on 3 February 2014, at 1445 hours, Officers A and B procured Subject 1's signature on the Consent to Search Form, with Sergeant A approving the reports. Officer B and Officer C were also listed on the Consent to Search Data Sheet as being on scene. The Consent to Search Data Sheet indicates that Subject 1's apartment had one closet; one bath room; two storage areas; one bedroom in the rear of the apartment, near the kitchen; and another bedroom adjacent to the living room. According to the sketch of Subject 1's apartment, Officer A located two rifles and one hand gun in between the mattresses of a bed located in bedroom #1 (the front bedroom belonging to Subject 2). The data sheet also states that Officer A located two hand guns; live ammunition in two shoe boxes on the floor, near a bed in Subject 2's room; and proof of residence documents believed to be associated with Subject 2. (Att. # 44, 45).

According to **CPD Case Report # HX137834 and CB# 18842505**, Officer B prepared the Original Case Report 3 February 2014, at 1804 hours; it was approved by Sergeant A at 1954 hours. The Case Report states that Officers A, B, C, D and E arrived at the location of XXXX S. Hamlin at 1445 hours on 3 February 2014, after receiving information that narcotics and guns were at that location. The officers knocked on the rear basement door. Subject 1 answered the door and stated that she resided there with her son, Subject 2, and her daughter-in-law, Subject 3. The officers told Subject 1 that possible narcotics were "coming from her residence." Subject 1 replied, "If there is get it outta here I don't want in my house."<sup>6</sup> The officers notified Sergeant A. Sergeant A arrived and had a conversation with Subject 1. Subject 1 stated that Subject 2 sleeps in the front bedroom with Subject 3 and then she pointed to the bedroom. Officer A searched Subject 2's bedroom and located two loaded .223 caliber rifles; three loaded semi-automatic handguns; some live ammunition rounds; and various personal documents with Subject 2's name on them. According to the Case Report, once Sergeant A told Subject 1 about the recovered items, Subject 1's responded, "He (Subject 2) is in

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<sup>4</sup> According to Officer A he had received a tip that a black/male, in his twenties, was selling narcotics at XXXX S. Hamlin. Civilian 3 was 45 years old at the time of the incident.

<sup>5</sup> Subject 1 stated that only she, Sergeant A and Officers A, B and C were present during the search of XXXX S. Hamlin, but Civilian 3 may have witnessed what occurred outside.

<sup>6</sup> Attachment #10, page 3

and out of trouble all the time and I told him not to bring that stuff in my house.” Further investigation revealed that Subject 2 is a convicted felon and did not have a valid F.O.I.D. card

The **Supplementary Case Report** was prepared by Detective A, Star # XXXXX. The narrative portion of the report states “the arresting unit did not notify the Area therefore a Det. was not assigned. R/D was assigned this case through the A/C CMO and does not have any knowledge of this case.” The report states on 27 February 2014, Detective A received a Supplemental Report stating that on 24 February 2014, Subject 2 turned himself in to the 1<sup>st</sup> District Tactical Team and Area Central Gun Team after learning that there was an investigative alert for him. The alert was issued once the Central Gun Team officers recovered three hand guns, two assault rifles and an assortment of ammunition from Subject 2’s bedroom. Detective A requested that the case be closed.

Subject 2’s **Arrest Report (RD...** indicates that as a result of the search, Subject 2 turned himself in to the police on 24 February 2014, at 0930 hours, and he was charged with Weapons Violation/Unlawful Possession of a Handgun. There is no information regarding Subject 2’s account of the incident. There is no information of whether or not he admitted guilt. The Case Report states that the officers arrived at Subject 1’s residence and told her that they had information that “guns and drugs were coming from her residence.” The Property Inventory Receipts associated with Subject 2’s arrest indicate that five firearms, magazines and ammunition were obtained from his residence at XXXX S. Hamlin. (Att. #s 10, 14-16).

The **Attendance and Assignment records** of Unit 211 for 3 February 2014, document the following Beat and car assignments (Att. #s 13 and 85).

Beat #	Car #	Assigned Member(s)
4171D	4247	Officer A Officer B Officer C
4171	4255	Sergeant A
4171C	3883	Officer D Officer E
4171B	3989	Officer F Officer G

The **GPS Data** shows that only two CPD vehicles, Car # 4247 and Car # 3989, came within 1000 feet of the residence at XXXX S. Hamlin on the afternoon of 3 February 2014 and stopped at or near the residence.<sup>7</sup> According to the GPS information. CPD Car # 4247, which was assigned to Beat 4171D, arrived in the area near XXXX S. Hamlin at approximately 14:13:33 hours and traveled around the neighborhood before coming to a

<sup>7</sup> A third vehicle, car # 7479 traveled through the area at approximately 14:29, but, based on the GPS information, did not stop.

stop at approximately 14:17:52 hours. The GPS information shows that Car # 4247 remained stationary within the area near XXXX S. Hamlin until approximately 15:28:55 hours.<sup>8</sup>

As outlined above, CPD Car # 4255 was assigned to Beat 4171, which was Sergeant A's Beat number. According to the GPS information, Car # 4255 was not recorded as being within 1,000 feet of XXXX S. Hamlin at any time between 14:00:00 hours and 15:30:00 hours. However, Car # 3989 was recorded within 1000 feet of XXXX S. Hamlin within this time period. More specifically, Car # 3989 first arrived within the area at approximately 15:16:27 and remained stationary within the area for approximately 12 minutes, from approximately 15:16:55 to 15:28:51 when it resumed motion, then left the area. As outlined above, according to the Attendance and Assignment Records, CPD Car # 3989 was assigned to Officers F and G for that shift. The vehicle assigned to Beat 4171C, Officers D and E, was equipped with GPS and also was not recorded being within 1,000 feet of XXXX S. Hamlin at any time between 14:00:00 hours and 15:30:00 hours on the date and time of the incident.<sup>9</sup> (Att. # 11).

The **Unit Query** for Beat 4171D documents that Beat 4171D (Officers A, B and C) conducted a name check of Civilian 3 at 14:21:47 hours. The Unit Query then shows no other entries until 18:00:57 hours when Beat 4171D was noted as "CLEAR." The Unit Query for Beat 4171 (Sergeant A) shows that the unit went out of service on a search at approximately 14:44:52 hours. The Unit Query shows Beat 4171 as "CLEAR" at approximately 18:04:02 hours.

The A&A computerized records show that Sergeant A modified the records related to 03 February 2014, the next day at approximately 16:29 hours. Even after this modification by the Sergeant, the records continue to identify Sergeant A as assigned Beat 4171, using CPD Car #4255, while showing that Officers F and G were assigned Beat 4171B using CPD Car # 3989.

**In Accused Officer A's To/From Subject Report** dated \_\_\_\_\_, he stated that on 3 February 2014, he went to XXXX S. Hamlin, along with Officers A and C. They knocked on the rear basement door at that location. Subject 1 answered the door and had a conversation with the officers. Officer A stated that Sergeant A responded and also had a conversation with Subject 1, but Officer A's report did not provide any details. Officer A reported that Subject 1 gave verbal consent to search and signed a consent form authorizing the search Subject 2's bedroom. According to Officer A's report, prior to the incident Officer A had never met, or had previous contact with Subject 1. Officer A denied witnessing or committing any misconduct. (Att. # 36).

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<sup>8</sup> 1 hour and 10 minutes later.

<sup>9</sup> Officer B prepared the Case Report; which indicated that Officers D and E were at XXXX S. Hamlin and Sergeant A approved the Case Report.



**Accused Officer A** provided an interview at IPRA, on 3 December 2014. Officer A stated that he and Officers B and C went to XXXX S. Hamlin. Officer A had obtained information from a registered informant that a black male, in his twenties, was selling heroin and guns from the basement apartment at that location. Officer A observed a black male enter the rear residence yard and appear to go to the rear basement apartment door. Less than a minute later, at approximately 1420 hours, the black male emerged from the yard. Officers A, B and C had only a partial view of the basement door. Officers A, B and C stopped the black male (now known as Civilian 3). Civilian 3 told the officers he was visiting a friend, but the friend was not at home. Civilian 3 could not give the officers the name of the person who lived in the basement apartment. A protective pat-down search was performed, but “no bulges” were found in Civilian 3’s outer garments. The officers completed a Contact Card and Civilian 3 was allowed to leave. This portion of the incident took about five minutes. Officer A stated that his suspicions were raised and he had a five minute conversation with Officers B and C about it. Officer A added, “All three of us came to the decision that we would do basically a knock and talk to see who actually lived at the apartment.”<sup>10</sup> Officers A, B and C did not observe anyone else outside. They knocked on the door of the basement apartment. Officers A, B and C had a five minute conversation with Subject 1 and she told them that it was her house and she lived there with Subjects 2 and 3. Subject 1 stated that Subjects 2 and 3 were in and out at different times. Officer A told Subject 1 that he had received information that someone was selling heroin and had a gun. When Subject 1 told Officer A how old Subject 2 was, Officer A told Subject 1 that Subject 2’s age matched the description given by the informant. Subject 1 told Officer A that there were no illegal items inside her home. Officer A asked Subject 1 if they could look inside and Subject 1 responded she didn’t have a problem with them looking. Subject 1 also said if there was something illegal in her apartment she wanted the officers to take it out. Upon inquiry, Officer A stated there was no uniformed officer present when this conversation took place.

Approximately 15 to 20 minutes after they arrived at XXXX S. Hamlin, Officer A called for a supervisor (Sergeant A). Officer A could not explain why it took 15 to 20 to call Sergeant A. Sergeant A arrived five minutes later. Approximately 15 to 20 minutes after Sergeant A arrived, he told Officers A, B and C that Subject 1 signed a Consent to Search form and that they had Subject 1’s permission to search the residence. Officer A did not state why it took 20 to 25 minutes for Sergeant A to get Subject 1 to sign the Consent to Search form. Officer A stated that he and Officers B and C did not enter the residence prior to Sergeant A’s arrival. Once Subject 1 consented to the search, she pointed out Subject 2’s bedroom and Officer A believed that Subject 2’s bedroom was the scope of the search.<sup>11</sup> Officer A stated that the completion of the Consent to Search form was Sergeant A’s responsibility.

Officer A stated that he could not recall if he prepared or approved the Case Report. Officer A stated that he and Officers B and C discovered all of the contraband. Officers D and E were listed on the Case Report because Sergeant A determined that they would

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<sup>10</sup> Transcript of Officer A’s statement, attachment 1, page 11, lines 2-4.

<sup>11</sup> There was no language on the Consent to Search Form regarding the scope of the search. See attachments 44 and 45.

assist in the preservation of evidence. Officer A stated that Sergeant A contacted Officers D and E by phone and told them to pick up some boxes at Homan Square, which would be used to preserve the contraband. When asked, Officer A could not describe the nature or scope of the search nor could he provide details concerning where the rifles, guns and ammunition were found. Officer A did not describe what Sergeant A was doing during the search. Officer A denied witnessing or committing any misconduct. Officer A described himself as being thirty-nine years old. (Att. #s 47 and 63).

In **Accused Officer C's** To/From Subject Report, he reported that on 3 February 2014, he and Officers A and B and Sergeant A had a conversation with Subject 1. Subject 1 gave verbal consent and signed a written consent form authorizing the search of Subject 2's bedroom. Officer C reported that he had never met Subject 1 prior to the incident. Officer C denied witnessing or committing any misconduct. (Att. # 40).

**Accused Officer C** provided an interview at IPRA on 3 December 2014. Officer C stated that Officer A told him that he received information that drugs were being sold out of the basement apartment at XXXX S. Hamlin and they were "gunned up." As they arrived, Officer C observed a male (now known as Civilian 3) enter the back gate and "enter..." or go" to the basement apartment door.<sup>12</sup> A minute later Civilian 3 exited the basement apartment area. The officers stopped Civilian 3 for a field interview. Civilian 3 told the officers that he was there to visit a friend. A protective pat-down search was performed and Civilian 3 was released.

Officers A, B and C went to the basement door at XXXX S. Hamlin, and Officer C knocked on the door. Subject 1 answered. Officer A questioned Subject 1 and asked her who lived there. Subject 1 told the officers that she lived there with Subjects 2 and 3. Officer A told Subject 1 that he had received information that there were drugs being sold there and that there was a gun in her apartment. Subject 1 denied this. Officers A, B and C were at Subject 1's residence for approximately 10 to 15 minutes before Officer A called Sergeant A. Officer A told Sergeant A that he wanted to search Subject 1's residence and Sergeant A needed to be on the scene. Officer C did not explain why it took 10-15 minutes to call Sergeant A. Approximately five minutes later, Sergeant A arrived. Sergeant A had a conversation with Subject 1, but Officer C was unable to recall what was said. Officer C stated that Subject 1 never told Sergeant A that she did not want to sign the Consent to Search form. Officer C saw Subject 1 sign the Consent to Search form, in the presence of Sergeant A, Officer A and Officer B.

When asked, Officer C stated that he never saw Subject 1 outside of her residence. Officer C said that Civilian 3 was the only person who was stopped and questioned. Officer C stated that he only had Subject 1's word regarding who resided at XXXX S. Hamlin. When asked, Officer C could not provide details of the nature and scope of the search, nor did he provide details concerning where the guns, rifles and ammunition were found. Officer C stated that he believed that Officers D and E were listed on the Case Report because they assisted with processing, but added that they didn't arrive on scene.

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<sup>12</sup> According to Civilian 3's Contact Card, Officer C would have seen Civilian 3 at approximately 1420 hours. See attachment 71

Officer C did not describe what Sergeant A was doing during the search. Officer C denied witnessing any misconduct and denied committing any. (Att. # 64).

In **Accused Officer B's** To/From Subject Report he reported that on 3 February 2014, he was assigned to Beat 4171D and was working with Officers A and C. Officer B reported that he and Officers A and C went to XXXX S. Hamlin Ave., knocked on the rear basement door and had a conversation with Subject 1. Officer B observed Sergeant A have a conversation with Subject 1. Officer B denied witnessing any Department member make physical contact with Subject 1. Officer B reported that he had no prior knowledge or previous encounters with Subject 1. Subject 1 was presented with a consent to search form and during the search of her home, numerous firearms were recovered. (Att. # 25).

**Accused Officer B** provided an interview at IPRA on 3 December 2014. In Officer B's interview, he stated on or about 3 February 2014, Officer A received information regarding a male black in his twenties, who was selling heroin, and "gunned up" inside the basement apartment of XXXX S. Hamlin. Officers A, B and C did not verify the information they obtained from the unknown black male. At approximately 1420 hours, Officers A, B and C went to XXXX S. Hamlin. At some point they observed an older male black (identified as Civilian 3) enter the side gate, walk toward the basement apartment and exit a minute later. Officers A, B and C conducted a field interview of Civilian 3, who told the officers that he was visiting a friend, but he could not state the person's name. Officer B stated that following a field interview and pat-down search of Civilian 3; a contact card was completed and Civilian 3 was allowed to leave. Officers A, B and C proceeded to XXXX S. Hamlin, and knocked on the basement door. Subject 1 came to the door. Officer A spoke to her and Subject 1 told them that she lived there with her son, Subject 2, and her daughter-in-law, Subject 3. Officers A, B and C told Subject 1 that they learned narcotics and guns were in her basement. Subject 1 responded, "If it is in here, get it out of my house."

Officer B stated that he and Officers A and C were at XXXX S. Hamlin approximately "20-25 minutes" before they contacted Sergeant A to tell him that Subject 1 had given them permission to remove any guns or narcotics from her home. Officers A, B and C waited approximately "five minutes" longer for Sergeant A to arrive. Officer B stated that it was determined that Subject 1 had authority sign a Consent to Search form and to give permission to search Subject 2's room. No other requirements (such as whether or not Subject 2 paid rent or if Subject 2's bedroom was locked) were taken into consideration. When Officer B was asked to describe the scope of the search, he stated that the scope was "the bedroom of Subject 2." When asked to explain why the Consent to Search form did not specify where the officers would be searching, Officer B said that the question should be asked of Sergeant A.

When asked, Officer B stated that he prepared the Original Case Report that indicated Officers D and E were present at XXXX S. Homen. Officer B stated Officer D and E were needed to go to Homan Square and retrieve rifle boxes so he listed their names on the Case Report. When asked, Officer B reported that he had not seen Subject 1

outside prior to entering her home. When asked, Officer B stated that he and his partners did not tell Subject 1 she would be evicted if guns or drugs were found in her apartment. When asked, Officer B could not provide details of the nature and scope of the search, nor did he provide details concerning where the guns, rifles and ammunition were found. When asked, Officer B said there was no indication that the officers needed to get consent from anyone else besides Subject 1. Officer B did not describe what Sergeant A was doing during the search. Officer B denied witnessing and/or committing any misconduct. (Att. # 65).

**Accused Officers D and E** provided essentially the same account of the incident in their To/From Subject Reports. The accused reported that while working as partners, they never went to XXXX S. Hamlin and they denied the allegations made against them. (Att. #s 29, 32).

**Accused Sergeant A** provided a **To/From Subject Report**, and an interview at IPRA on 15 December 2014, Sergeant A stated that on 3 February 2014, he was assigned to Beat 4171. Officer A contacted Sergeant A and told him that he (Officer A) had obtained information that guns and narcotics were at XXXX S. Hamlin. Officer A requested Sergeant A to respond to XXXX S. Hamlin for a Consent to Search incident. Officer A did not tell Sergeant A any details concerning the scope of the search. At approximately 1445 hours, Sergeant A responded to XXXX S. Hamlin.

Sergeant A observed Subject 1 and Officers A, B and C standing outside Subject 1's basement door. Subject 1 was not in handcuffs and she did not complain to Sergeant A that she had been physically mistreated. Sergeant A told Subject 1 that the officers received information that guns and/or narcotics were inside her apartment, and Subject 1 responded, "That stuff is in there. I want it out of my house." Sergeant A asked Subject 1 who the leaseholder was and she said she was. Sergeant A asked Subject 1 who else stayed in the apartment and she told him that Subjects 2 and 3 stayed there, but that they were "in and out of here all the time." Sergeant A explained the Consent to Search form, and Subject 1 agreed to sign it. Officers A, B and C went on to search Subject 2's bedroom. Sergeant A and Subject 1 sat at the kitchen table during the search. Sergeant A stated that he saw Officers A, B and C remove two rifles, two hand guns, some ammunition, some narcotics packaging and some items of mail to prove residency.

Sergeant A was asked if he failed to have a participating member in the search attired in the prescribed seasonal field uniform, Sergeant A responded, "Yes I did." Sergeant A stated that he made the decision not to have a uniformed officer present because of he was told that there were guns and/or narcotics in the apartment and he did not want to unreasonably endanger the officers. He deemed this to be exigent circumstances. Sergeant A stated that. Sergeant A was asked if he failed to ensure that a Consent to Search form specifically indicated the scope of the search; example a name, individual, specified contraband and/or items, Sergeant A responded that he did specify the location (XXXX S. Hamlin), but did not specify the exact location (e.g. Subject 2's bedroom). Sergeant A was asked if he coerced Subject 1 and he responded, "No." Sergeant A was asked if he specified in the Consent to Search form, what the officers were supposed to

be looking for, and he responded, “I failed to specifically write the object of the search.”<sup>13</sup> Sergeant A was asked if he prepared and/or approved the Original Case Report, RD# HX137834, and he responded that he did approve the report. Sergeant A did not state exactly when the search began. Sergeant A did not state in his interview whether he asked Subject 1 additional questions to clarify if she could provide consent to the search of Subject 2’s bedroom, nor did he state whether or not the bedroom was locked. (Att. #s 21 and 69).

### CONCLUSION:

Based on the GPS report, A&A reports, and the Unit Query, the following timeline of events took place:

<b>Time</b>	<b>Event</b>
14:13	Car 4247 arrived in the area and traveled around the area
14:17	Car 4247 remained stationary in the area for approximately 1 hour and 11 minutes
14:21	Unit Query shows a check of Civilian 3
15:16	Car 3989 arrived in the area and remained stationary for approximately 12 minutes
15:28	Both Car 4247 and Car 3989 leave the area

However, the narrative of events offered by the involved officers in their reports and statements is as follows:

<b>Time</b> (Approximate)	<b>Event</b>	<b>Information Source</b>
14:15	Officers A, B and C arrive at XXXX S. Hamlin	Case Report RD# HX137834
14:20	Officers A, B and C have contact with Civilian 3	Contact Card
14:35- 14:40	Officers A, B and C call for Sergeant A	Officer statements and reports
14:45	Sergeant A arrives	Sergeant A Unit query officer reports and statements
14:45	Subject 1 signs the consent to search form	Consent to search form

A comparison of these timelines shows that the officers’ reports and statements are inconsistent with the verifiable data regarding their locations on the date in question.

<sup>13</sup> Attachment 69, page 9, line 12 and 13.

More specifically, according to the officers' reports and the consent to search forms, Sergeant A was present for the signing of the consent to search forms at 14:45 hours. However, according to the GPS information, the car that Sergeant A was assigned was not in the vicinity of the search residence during the timeframe in question. The only other CPD vehicle that was in the vicinity and remained stationary within the vicinity that afternoon was Car # 3989, which had been assigned Officers F and G. Sergeant A makes no mention of arriving at the search location via transport other than an official CPD vehicle. Based on this information, the evidence shows that Sergeant A used Car # 3989 to travel to and from the search location at XXXX S Hamlin. However, the GPS information shows that, if Sergeant A did arrive at the search location via Car # 3989, he did not arrive until approximately 15:16 hours. Based on all the facts, there is a preponderance of evidence that Sergeant A did not arrive to secure the consent to search until approximately 15:16 hours, which is inconsistent with the consent to search forms and the officers' reports. The GPS and A&A information corroborates Subject 1's account of the events, that the three officers she first encountered, began conducting the search prior to the arrival of Sergeant A.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation # 1** that on 3 February 2014, at approximately 1430 hours, Officers A, B and C entered and searched of Subject 1's residence at XXXX S. Hamlin Ave., basement apartment, without a search warrant or an exception to the search warrant requirement as outlined in the Fourth Amendment, in violation of Rule 1. The information obtained by these officers from their confidential informant was not sufficient to establish probable cause to engage in a search. These officers should have obtained a search warrant to enter the property. They had a confidential informant with information that they could have further investigated and brought to a judge. In all likelihood their scant evidence was not sufficient to obtain a warrant and thus they proceeded with the improperly obtained consent to search. Given the lack of details relating to this confidential informant, the information he provided is more akin to an anonymous tip; and in general, anonymous tips are insufficient to provide reasonable suspicion. *Colbert v. Willingham*, 13-CV-2397, 2015 WL 3397035, at \*6 (N.D. Ill. May 26, 2015) citing *Florida v. J.L.*, 529 U.S. 266, 270 (2000). The officers could have taken steps to investigate their confidential informant's information without violating any of Subject 1's rights. They could have shown their confidential informant photos of individuals to obtain a name and details of the person at that location engaging in criminal activity, verify the location the criminal activity is happening such as the specific address and apartment number and then running that address in a police database to inquire as to any criminal activity there and cross referencing individuals associated with that activity. *Guzman v. City of Chicago*, 05 CV 6617, 2008 WL 4542963, at \*4-5 (N.D. Ill. Apr. 8, 2008) citing *United States v. White*, 416 F.3d 634 635. (7th Cir. 2005). These officers took no such steps despite their ample ability to do so.

Furthermore, there is sufficient evidence to establish by a preponderance that the consent to search was improperly obtained. The Case Reports states that the responding officers arrived at 14:45, the same time that the consent to search form was executed. This is not possible, as all involved officers state that they had interacted with Subject 1 for a period

of time before calling for a sergeant, and that the sergeant took at least 5 minutes to arrive after they placed the call. Moreover, the GPS information shows that the first three officers actually arrived at approximately 14:17 hours. Given this, none of the officers offered an explanation for what occurred between the time of their arrival and the time of the initiation of the search, other than the stop of Civilian 3. Officer C said in his interview that he was with Subject 1 for approximately ten to fifteen minutes before Officer A contacted Sergeant A. None of the officers could explain why it took 15-20 minutes for them to contact Sergeant A.

Officers A, B and C could not explain what was going on during this time, but Subject 1 contends that, during this time, Officers A, B and C approached her, cornered her, pinned her against a wall and took her keys. One of the officers (later identified via the Arrest and Case Report as Officer A) entered her apartment and searched it. Once Officer A exited Subject 1's apartment, he told Officers B and C that it was time to make a call (presumably this was the call he made to Sergeant A). Sergeant A stated in his interview that he arrived at approximately 1445 hours. GPS says Sergeant A arrived at 1515 hours. Sergeant A left XXXX S. Hamlin 12 minutes later (according to GPS data). Sergeant A said in his interview that, when he arrived, Subject 1 was outside with Officers A, B and C. It is uncontested that the consent to search was signed by Subject 1 after Sergeant A arrived. Moreover, it is uncontested that Sergeant A had a conversation with Subject 1. However, none of the accused could articulate what was discussed during the conversation nor could they explain why it took so long for Subject 1 to sign the form. The evidence clearly suggests that the officers were detaining Subject 1 while they illegally searched the residence at XXXX S. Hamlin. Because the verifiable evidence is wholly inconsistent with the officers' accounts of the events, Subject 1's account of the incident is the more credible version. As a result, this **Allegation #1 is Sustained**.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation # 2** that Officers A, B and C grabbed Subject 1 and slammed her against a wall, in violation of Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty. Subject 1's version of the incident is more credible than the versions provided by the officers. Officers A, B and C's lack of professionalism in the search of XXXX S. Hamlin; the erroneous information they included on CPD reports and the false reports that they presented to IPRA significantly undermines the officers' credibility, therefore, Subject 1 account is given more weight and **Allegation #2 is Sustained**.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation # 3**, that on 10 September 2014, at XXXX S. Hamlin, Officers A, B and C handcuffed Subject 1 in a rough manner and too tightly. Officers A, B and C's lack of professionalism in the search of XXXX S. Hamlin; the erroneous information they included on CPD reports and the false reports that they presented to IPRA significantly undermines the officers' credibility, therefore, Subject 1 account is given more weight and **Allegation #3 is Sustained**.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation # 4**, that on 10 September 2014, at IPRA, Officers A, B and C unreasonably seized items

belonging to Subject 2 and 3, in violation of Rule 1, Rule 6 and Rule 11. The search was illegal; therefore, the items that were confiscated during the search were unreasonably seized.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #5**, that Officers A, B and C submitted a false report to IPRA on 10 September 2014, when they stated that they waited for Sergeant A to arrive before entering Subject 1's residence and before conducting a search of her residence. They also stated that they waited for Sergeant A to get Subject 1 to sign a Consent to Search form before they searched the residence. Based upon the GPS evidence, as addressed above, it is more likely than not that Officers A, B and C entered Subject 1's residence prior to obtaining a properly and voluntarily executed Consent to Search form. These officers failed to truthfully report the sequence of events in giving their statement to IPRA. Therefore, **Allegation #5 is Sustained.**

The Reporting Investigator recommends a finding of **Unfounded** for **Allegations #1-4**, that on 3 February 2014, at approximately 1430 hours, Officers D and E committed misconduct during a search of the residence at XXXX S. Hamlin. Officers D and E were listed on the Case Report as present during the incident, so Investigator A included them as accused. Subject 1 stated that there were three officers who searched Subject 2's bedroom. Officers D and E submitted To/From Subject Reports stating that they were not at XXXX S. Hamlin, which was verified by Officer C and the GPS data. They reported that they were not witnesses to the incident, nor did they commit any misconduct. As a result these **allegations will be Unfounded.**

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #1** that on 3 February 2014, at approximately 1430 hours, Sergeant A entered and searched XXXX S. Hamlin Ave., basement apartment, without a search warrant or an exception to the search warrant requirement. Subject 1's version of the incident explains why Sergeant A would allow erroneous information, such as the time of the search, to be placed on the Consent to Search form and the Case Report. The evidence suggests that Sergeant A arrived at XXXX S. Hamlin and likely realized that the search had begun without the Consent to Search form having been signed. The evidence also suggests that Sergeant A then coerced Subject 1 to sign a Consent to Search form to cover up the illegal search. This is also the likely explanation for Sergeant A's failure to have a uniformed officer present, who could be a witness to the search, failure to place an accurate time on the Consent to Search form, and finally failure to ensure that Officer B included accurate information on the Case Report. As a result this **Allegation #1 is Sustained.**

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #2**, that on 3 February 2014, at approximately 1430 hours, at XXXX S. Hamlin, Sergeant A coerced Subject 1 by threatening to arrest/prosecute her if she did not cooperate with the illegal search by signing a Consent to Search form. Sergeant A denies the allegations, stating that he did have permission to conduct the search; and that he did not coerce Subject 1 into signing the Consent to Search form. Nonetheless, there is a preponderance of evidence showing that Sergeant A tried to rectify the misconduct on the part of



Officers A, B and C, by coercing Subject 1, and by making verbal threats, until she signed the form (even though Officer A had already searched XXXX S. Hamlin). The complainant contends that the incident occurred as alleged and her account of the incident is more consistent with the verifiable evidence, which shows that the Officers arrived at 1447 hours and Sergeant A arrived at 1515 hours. The Consent to Search form's time was 1445 hours, which was thirty minutes before Sergeant A's arrival. As a result, this **Allegation #2 is Sustained**.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #3**, that on 3 February 2014, at approximately 1430 hours, Sergeant A failed to have a participating member in the search attired in the prescribed seasonal field uniform. Sergeant A violated Special Order 04-19-01, II, B, which states, "For each consent to search incident, at least one participating member will be attired in the prescribed seasonal field uniform." Sergeant A and the involved officers were dressed in casual clothing. Officers A, B and C and Sergeant A provided To/From Subject Reports and interviews stating that they were the only officers at the scene. In Sergeant A's interview at IPRA, he admitted that he failed to have a uniformed officer present. The OEMC printout supports this. The Consent to Search Data Sheet only lists the same officers. Subject 1 stated that the officers were dressed in casual clothes. It is clear that Sergeant A was in charge of the search, but he failed to have an officer present, who was in full uniform. As a result, his conduct was in violation of this Order and **Allegation #3 is Sustained**.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #4** that Sergeant A failed to ensure that the Consent to Search form specifically indicated the scope of the search (e.g. individual, specific contraband or items), Special Order 04-19-01, III, D, 1 states, "When completing a Consent to Search form, Department members are reminded to specifically indicate the scope of the search (e.g. a named individual, specific contraband or items). The Consent to Search form did not indicate what kind of contraband the officers were looking for or exactly where they were to search (e.g. Subject 2's bedroom). In Sergeant A's interview at IPRA, he admitted that he failed to indicate the scope of the search and gave no explanation for that failure. Therefore, there is more than a preponderance of evidence showing that Sergeant A was in charge of the search, but he failed to ensure that the scope of the search was outlined in the Consent to Search form. As a result, his conduct was in violation of this Order and **Allegation #4 is Sustained**.

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #5**, that on 3 February 2014, at approximately 1430 hours; Sergeant A failed to ensure that Subject 1 had authority to consent to the search. Sergeant A did not review Subject 1's lease. Sergeant A clearly violated Rule 10, "Inattention to Duty" and Rule 11, "Incompetency or ineffectiveness in the performance of duty" in that he did not take sufficient steps to assess whether Subject 1 was authorized to give consent to search her adult son's room. For example, Sergeant A conducted no inquiry regarding whether the son paid rent. Sergeant A did not ascertain what access Subject 1 had to the room. The only way for Sergeant A to ensure that Subject 1 had authority to offer consent to the

search her adult son's room was to make those inquiries. There are numerous rulings that state a parent must actually use or have regular access to the adult child's room to give permission for a search.<sup>14</sup> Sergeant A did not sufficiently investigate who had access to the room nor did he specifically establish the parameters of Subject 1 access to the room. Additionally, some or all of the confiscated evidence was in containers for which consent to search should have been specifically authorized based on the scope of the consent to search that had been granted. According Sergeant A, he believed Subject 1 was authorized to provide consent to search her son's room based on her representation that he lived there at times. As an experienced supervising officer, Sergeant A should have been aware that his representation was an insufficient basis for consent. Based on the preponderance of the evidence, the **Allegation #5 is Sustained**.

The Reporting Investigator recommends that **Allegation #6** that Sergeant A failed to supervise the entire search, in violation of Rule 11, be **Sustained**. GPS Data shows that Officers A, B and C stopped at XXXX S. Hamlin at 14:17:52 hours, which gives credibility to Subject 1 chain of events. Subject 1 stated that while she was detained, a man descended her apartment building's stairs and was stopped and detained. The Contact Information Card on Civilian 3 documented that he was stopped at 14:20 hours, and the Unit Query for Beat 4171D (Officer B signed on as Beat 4171D) documents that a name check was made on Civilian 3 at 14:21:47 hours. After the street stop of Civilian 3, Subject 1 stated that an officer (1) entered her apartment and searched it without her permission for 15-20 minutes. Officer A stated he was at XXXX S. Hamlin 15-20 minutes before he called Sergeant A. Officer C stated that it was approximately 10-15 minutes before Sergeant A was notified. When the officer searching her apartment exited it, he told his partner to make a phone call. Sergeant A stated that Officer A called him. Sergeant A reported the search to OEMC at 14:44:52 hours; 27 minutes after Officers A, B and C arrived. At approximately the same time, the preponderance of evidence shows that Sergeant A obtained the vehicle used by the departing officers, Officers F and G. That vehicle (Vehicle #3989) which the evidence suggests was actually driven by Sergeant A, arrived at 15:15:55 hours; approximately 30 minutes after he was called. There is no GPS Data confirming that Sergeant A was at XXXX S. Hamlin at 14:45 hours (the time entered on the Consent to Search form). Sergeant A arrived a half hour later. Although Sergeant A stated he was on location for as much as an hour, the GPS evidence shows that Sergeant A was present at XXXX S. Hamlin for only 12 minutes; departing at 15:27:40 hours. Furthermore, Sergeant A stated he was sitting at the kitchen table with Subject 1 during the entire search. Subject 1 stated the officers searched three bedrooms, two storage closets, a utility room, and a boiler room. It was not possible for Sergeant A to supervise the search of the entire apartment, while seated in the kitchen for 12 minutes. Officers A, B and C were at XXXX S. Hamlin for 1 hour and 10 minutes. Based on the preponderance of the evidence, the Allegation #6 is Sustained.

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<sup>14</sup> *U.S. v. Corley*, 342 F. Supp. 2d 776, 779-80 (N.D. Ind. 2004) citing *United States v. Rith*, 164 F.3d 1323, 1328 (10th Cir.1999); See also *Illinois v. Rodriguez*, 497 U.S. 177, 184-86 (1990)

The Reporting Investigator recommends that **Allegation #7**, that Sergeant A approved an Original Case Incident Report (RD #HX137834) documenting information he knew was false, which is a violation of Rule 14, “making a false report, written or oral” **be Sustained**. The Consent to Search form clearly was not signed at 1445 hours as indicated on the form itself, because Sergeant A did not arrive at the scene or call in to report his location until 1445 hours. Sergeant A disobeyed Department Special Order (D.S.O.) 03-13-01, Department Reports and Letters of Clearance, D.S.O. 03-13-01, Section A-5 reads “Department reports provide protection against groundless accusations against Department members.” Because the Case Report approved by Sergeant A listed the names of Officers D and E, they received allegations that they were present and participated in the use of excessive force against Subject 1 and in the unlawful entry/search of her apartment. Officers D and E provided reports which stated that they were never present at XXXX S. Hamlin. D.S.O. 03-13-01, Section C-1 directs “Detailed instructions for the completion of a case report are listed in the Field Reporting Manual. Members will follow these instructions when completing any case report.” The Field Reporting Manual, Section P-3, Narrative Section, directs “Include the name, star/badge or employee number and unit of assignment of all other Department members directly involved in any specific action.” Officers D and E were not directly involved in the search of Subject 1’s apartment. The weapons were inventoried at Area South, 5101 S. Wentworth. According to Officers A and B, Beat 4171C, Officers D and E simply picked up boxes at Homan Square and took them to Area South. Officer C stated that Officers D and E were not at the scene of the incident. Officers D and E performed an errand by delivering empty boxes to Area South. Sergeant A violated D.S.O. 03-13-01 by approving the Case Report listing their names. Based on the preponderance of the evidence, the **Allegation #7 is Sustained**.

**FINDINGS:**

Accused Officers: D, Star # XXXXX and E, Star # XXXXX:

**Allegations #1-4-----Unfounded.**

Accused Officers A, Star # XXXXX, B, Star # XXXXX and C, Star # XXXXX:

**Allegation #1-----Sustained**-Violation of Rule 1, “Violation of any law or ordinance” in that on 3 February 2014, at approximately 1430 hours, at XXXX S. Hamlin, Officers A, B and C entered and searched of Subject 1’s residence at XXXX S. Hamlin Ave., basement apartment, without a search warrant or an exception to the search warrant requirement as outlined in the Fourth Amendment

**Allegation #2-----Sustained**-Violation of Rule 8, “Disrespect to or maltreatment of any person, while on or off duty.” in that on 3 February 2014, at approximately 1430 hours, at the location of XXXX S. Hamlin, Officers A, B and C grabbed Subject 1 and slammed her against a wall

**Allegation #3-----Sustained**-Violation of Rule 8, “Disrespect to or maltreatment of any person, while on or off duty.” in that on 3 February 2014, at approximately 1430 hours, while at XXXX S. Hamlin, Officers A, B and C handcuffed Subject 1 in a rough manner and too tightly.

**Allegation #4-----COUNT 1-Sustained**-Violation of Rule 3, “Any failure to promote the Department’s efforts to implement its policy and accomplish its goals” in that on 3 February 2014, at approximately 1430 hours, while at XXXX S. Hamlin, Officers A, B and C unreasonably seized items belonging to Subjects 2 and 3 during an illegal search of that location.

**Allegation #4-----COUNT 2- Sustained**-Violation of Rule 11, “Incompetency or inefficiency in the performance of duty” In that on 3 February 2014, at approximately 1430 hours, while at XXXX S. Hamlin, Officers A, B and C did not develop a plan to set up surveillance at Subject 1’s residence while waiting to obtain a search warrant.

**Allegation #5-----Sustained**-Violation of Rule 14, “Making a false report, written or oral” in that Officers A, B and C submitted a false report to IPRA on 10 September 2014, when they stated that they waited for Sergeant A to arrive before entering Subject 1’s residence. They also gave a false report when they stated that they waited for Subject 1 to sign a Consent to Search form before entering XXXX S. Hamlin.

Accused Officer Sergeant A, Star # XXXX:

**Allegation #1-----Sustained**-Violation of Rule 1, “Violation of any law or ordinance” in that on 3 February 2014, at 1430 hours, at the location of XXXX S. Hamlin, Sergeant A entered and searched Subject 1 residence. Sergeant A was the supervisor in this case and he violated Rule 1 by sanctioning and attempting to cover up the illegal search made by Officers A, B and C, where they searched Subject 1’s residence without a search warrant or an exception to the search warrant requirement, as outlined in the Fourth Amendment.

**Allegation #2-----Sustained**-Violation of Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department” in that on 3 February 2014, at approximately 1430 hours, at the location of XXXX S. Hamlin, Sergeant A coerced and threatened to arrest/prosecute Subject 1 if she did not cooperate with him and sign a Consent to Search form.

**Allegation #3-----Sustained**-Violation of Rule 6, “Disobedience of an order or directive” in that on 3 February 2014, at approximately 1430 hours, during the search of Subject 1’s residence, at XXXX S. Hamlin, Sergeant A failed to have a participating member in the search attired in the prescribed seasonal field uniform as outlined in S. O. 09-19-01.

**Allegation #4-----Sustained**-Violation of Rule 6, “Disobedience of an order or directive” in that on 3 February 2014, at approximately 1430 hours, while at XXXX S.

Hamlin, Sergeant A failed to ensure that the Consent to Search form specifically indicated the scope of the search as outlined in S. O. 04-19-01.

**Allegation #5-----Sustained**-Violation of Rule 3, “Any failure to promote the Department’s efforts to implement its policy and accomplish its goals” in that on 3 February 2014, at approximately 1430 hours, while at XXXX S. Hamlin, Sergeant A failed to ensure that Subject 1 had authority to give consent to search her adult son’s (Subject 2’s) bedroom.

**Allegation #6-----Sustained**-Violation of Rule 6, “Disobedience of an order or directive,”(Specifically Section III, F-4: The on-scene supervisor will: supervise the entire consent to search incident up to and including the inventory of the Consent to search form and any recoveries made subsequent to the search.) and Rule 5, “Failure to perform any duty,” in that on 3 February 2014, at approximately 1430 hours, while at XXXX S. Hamlin, Sergeant A failed to supervise the entire search incident, which is a violation of Special Order 04-19-01, Section II, A and B which state, “A sworn member of the rank of sergeant or above is required to perform the functions of the on-scene supervisor for every consent to search incident as defined by this directive.”

**Allegation #7-----Sustained**-Violation of Rule 14, “Making a false report, written or oral” in that on 3 February 2014, Sergeant A approved an Original Case Report documenting information that he knew was false. Sergeant A approved the Case Report which stated that Officers D and E were present during the search at XXXX S. Hamlin, but they were not.