

SUMMARY OF INCIDENT

On 21 March 2016, at approximately 1035 hours, Officer A, # XXXX, Officer B, #XXXX and Officer C, #XXXXX, were on patrol in the vicinity of XXXX S. Emerald. The officers observed Subject 1 drinking a bottle of beer on the public way. The officers approached Subject 1, but he fled into the residence at XXXX S. Emerald. Officers A and B entered the residence to place Subject 1 into custody. When Subject 1 attempted to defeat his arrest, Officer A grabbed Subject 1's arms and placed him into custody. The officers charged Subject 1 with drinking on the public way.

Subject 1 alleged that the officers entered and searched his residence without permission or a warrant; damaged his property; as well as punched and kicked him about the body. Subject 1 also alleged that Officer A called him a "stupid motherfucker."

APPLICABLE RULES AND LAW

Rule 1: Violation of any law or ordinance

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in an unjustified verbal or physical altercation, while on or off duty.

ALLEGATIONS

On 21 March 2016, at approximately 1428 hours, the reporting witness, **Witness 1**, contacted the Independent Police Review Authority and registered a complaint with IPRA Supervisor A on behalf of Subject 1. It is alleged that on 21 March 2016, at XXXX South Emerald at approximately 1035 hours **Officer A, #7447:**

1. Entered the residence of Subject 1 without a warrant or permission, in violation of Rule 1;
2. searched Subject 1's residence without permission or a warrant, in violation of Rule 1;
3. damaged property inside Subject 1's residence, in violation of Rule 1;
4. Referred to Subject 1 as "stupid motherfucker," in violation of Rule 9;
5. punched Subject 1 about the body, in violation of Rule 8; and
6. kicked Subject 1 about the body in violation of Rule 8.

It is further alleged that on the same date, time, and location, **Officer C, #XXXXX:**

1. Entered the residence of Subject 1 without a warrant or permission, in violation of Rule 1;
2. searched Subject 1's residence without permission or a warrant, in violation of Rule 1;
3. damaged property inside Subject 1's residence, in violation of Rule 8;
4. punched Subject 1 about the body, in violation of Rule 8; and
5. kicked Subject 1 about the body, in violation of Rule 8;

It is also alleged that on the same date, time and location, **Officer B, # XXXX:**

1. Entered the residence of Subject 1 without a warrant or permission, in violation of Rule 1;
2. searched Subject 1's residence without permission or a warrant, in violation of Rule 1;
3. damaged property inside the residence, in violation of Rule 1;
4. punched Subject 1 about the body, in violation of Rule 8; and
5. kicked Subject 1 about the body, in violation of Rule 8

INVESTIGATION:

In an **audio-recorded interview** taken on 12 April 2016, at XXXX South Emerald Avenue, **Subject 1** stated that on 21 March 2016, he was outside on the sidewalk in front of his residence at XXXX South Emerald picking up trash and debris with a bottle of beer in his hand. Subject 1 heard a voice ask, "What's up?" as he ascended his front steps. Subject 1 turned back and observed a police SUV occupied by three white male officers. Subject 1 believed that the officers were harassing him and replied, "What's up?" As Subject 1 continued to walk up the stairs, he heard one of the officers state, "You better take your punk ass in the house" Subject 1 admitted that he told the officer, "Fuck you. Why are you harassing me?" One of the officers, now identified as Officer A, referred to Subject 1 as a "stupid motherfucker."¹ Subject 1 entered his residence, closed the front door and placed the bottle of beer on a table. Suddenly, two officers, Officer A and Officer B opened the front door and were inside the residence.² Subject 1 and the officers engaged in a verbal altercation. Subject 1 picked up the telephone and Officer A stated, "Let the phone go, you stupid motherfucker." Officer A then stated to Officer B, "Get that motherfucker" and both officers then kicked and punched Subject 1 about the body, face and back. In addition, Subject 1 alleged the officers knocked Subject 1 over a love seat. Subject 1 began to yell and he ran to a living room window. As Subject 1 attempted to jump out of the window, he yelled out to a neighbor on the street, Witness 1, "These motherfuckers are trying to kill me!" Officer A and Officer B handcuffed Subject 1 and escorted him out of the residence. The officers placed Subject 1 inside the rear of the police vehicle. As he sat in the rear of the police vehicle Officer C told Subject 1, "You're on camera. You see this? This camera." Subject 1 responded, "I don't give a fuck." Subject 1 was unable to recall if the camera was clipped onto Officer C's vest or in the vehicle.³ Subject 1 sustained scratches to the face. Subject 1 did not complain of any injuries, nor did he seek any medical attention. Officers transported Subject 1 to the^{XXX} District Station.

¹ Subject 1 described the accused as the shorter of the officers on the scene.

² Subject 1 makes reference to only two officers during his statement.

³ The R/I contacted the^{XXX} district Commander's secretary who verified that body cameras were not assigned to the XXX District officers at the time of the incident. (Att #42)

Subject 1 did not have a clear memory of the encounter with the police. Subject 1 stated that Witness 1 told him how many officers were inside the residence and which officer allegedly kicked him (Att #31, 34)

In an **audio-recorded interview** taken on 21 March 2016, at XXXX South Emerald Avenue, the witness, **Witness 1** stated that on the date of the incident, her daughter, Witness 2, ran into the house and informed her that the police were “beating up” Subject 1. Witness 1 ran across the street to XXXX S. Emerald. When Witness 1 reached the residence, she heard Subject 1 yelled, “Help! Help! Somebody please help me! Please help me!” Witness 1 asked, “Subject 1, what’s wrong? What’s wrong?” Subject 1 replied, “Well, shit, oh shit, they’re here beating on me!” Witness 1 ran into the residence and as she entered she first heard the officers stomping on Subject 1. When she entered the residence she then observed three plainclothes white male officers in the corner of the living room with Subject 1. Witness 1 observed Officer C kick Subject 1 about the body and Officer A and Officer B⁴ bent forward toward the floor and punching Subject 1 about the body. One of the officers yelled, “Get the fuck out,” but before she left the residence, Witness 1 observed the furniture turned over and a television flipped over. Witness 1 ran out of the residence to get neighbors, and she returned to Subject 1’s residence.⁵ She observed the officers bring Subject 1 to his feet, handcuff him and escort him out of the residence. Subject 1 yelled, “Y’all motherfucker racist bitches.” Y’all don’t have to jump on me like this.” The officers escorted Subject 1 out of the residence. As the officers, placed Subject 1 into the vehicle, the tall officer, now identified as Officer C, stated, “Now you speak up in the body camera⁶ and you tell them what happen.” Subject 1 stated, “Y’all motherfuckers just jumped on me. Look at my face.” (Att #18, 28)

In an **audio-recorded interview** taken on 21 March 2016, at 5240 S. Emerald, the witness, **Witness 3**, stated his daughter, Witness 2 asked him to come outside. Once outside, Witness 3 observed his girlfriend, Witness 1, standing outside of Subject 1’s residence. As Witness 3 approached the residence, he heard Subject 1 yell, “Help me! Help me! They are trying to kill me” Witness 3 walked to the top of the front porch stairs and observed Officer C exit the residence. The second officer exited the residence with Subject 1 and the third officer remained inside the residence and conducted a search of the residence. The third officer exited the residence and closed the door.

Witness 3 stated that he observed that the left side of Subject 1’s face was swollen and red. Witness 3 entered the residence and observed a television on the floor and a sofa turned over. Witness 3 did not observe the encounter between Subject 1 and the officers. (Att #12, 29)

⁴ Witness 1 provided physical description of the involved officers.

⁵ No length of time was provided.

⁶ Witness 1 described the camera as a silver camera on his vest. At the time of the incident there were no body cameras assigned to the XXX District police officers. Att #46

The **Arrest Report of Subject 1** reflects that officers observed Subject 1 standing on a city sidewalk “drinking from a 16 oz can of Icehouse beer.” When the officers approached the location, Subject 1 ran into the residence XXXX S. Emerald. Officer A and Officer B gave chase and followed Subject 1 inside the residence. The officers utilized the necessary physical force to subdue Subject 1 and place him into custody. Subject 1 entered the lock-up with no visible signs of pain or injury. (Att #5)

Central Booking photographs of Subject 1 depict no visible signs of injury. (Att #47)

Officer Chris A completed a **Tactical Response Report** which reflects that Subject 1 pulled away and fled from the officers on the scene. Officer A utilized techniques such as the armbar and escort holds to gain control of Subject 1.

In his interview with Lieutenant A, Subject 1 apologized for his behavior. He told the lieutenant he “said things that (he) should not have said and could have handled the situation in a better way.” Subject 1 also told Lieutenant A that he ran into the residence and attempted to jump out of the window. The officers put him on the ground and cuffed him. Subject 1 added that he does not trust the police.

In an **audio-recorded interview** taken on 16 August 2016, at the Independent Police Review Authority, **Officer A** stated that on 21 March 2016, at approximately 1035 hours, he and his partners, Officer B, #XXXX and Officer C, #XXXXX were assigned to Bt XXX and were in plainclothes. The officers were on patrol in the vicinity of XXXX south Emerald when they observed Subject 1 standing on the sidewalk drinking a beer. The driver of the police vehicle, now identified as Officer B pulled the vehicle to the curb and the officers remained seated. Officer A instructed Subject 1 to walk to the vehicle, but he refused and stated, “Fuck you. Motherfucker, I live here, you ain’t shit,” and proceeded to walk up the stairs of XXXX S. Emerald and into the residence. Officer A and Officer B exited the vehicle and followed Subject 1 inside the residence.

As Officer A and Officer B entered the residence, Officer B approached Subject 1 and attempted to handcuff him. Subject 1, however, pulled away, jumped over a sofa, knocked it on its side and headed toward a window. Office A went to assist and grabbed Subject 1 by the upper arms, and, using his body, pushed Subject 1 against a wall and Officer B and Officer A handcuffed Subject 1.

Officer A stated that he did not punch or kick Subject 1, nor did he or his partners search the residence or destroy the personal or physical property of Subject 1. Officer A denied that he referred to Subject 1 as a “stupid motherfucker” or words to that effect. Officer A stated that he and Officer B entered the residence because Subject 1 failed to follow a lawful verbal police order to come to their vehicle. The officers at the time did not know that Subject 1 lived in the residence and ascertained that information during the arrest.

Officer A further stated that Officer C did not enter the residence. Officer A documented his physical contact with Subject 1 on a submitted Tactical Response Report. (Att #40, 48)

In an **audio recorded interview** taken on 16 August 2016, at the Independent Police Review Authority, **Officer C** stated that on 21 March 2016, at approximately 1035 hours, he and his partners, Officer B and Officer A were assigned to Bt XXX and were in plain-clothes. The officers were on patrol in the area after the district received information from Central Area Detectives of a burglary suspect there. As the officers toured the area, they observed Subject 1 standing on the sidewalk drinking an alcoholic beverage, a 16 oz. beer bottle. Officer B pulled the vehicle to the curb and the officers remained seated inside the vehicle. Either Officer A or Officer B instructed Subject 1 to walk to the vehicle, but he refused and stated, "Fuck you. Fuck yourselves, you ain't shit, make some real arrest," and walked up the stairs of XXXX S. Emerald and into the residence. Officer A and Officer B exited the vehicle and followed Subject 1 inside the residence.

As Officer A and Officer B exited the vehicle to follow Subject 1 inside the residence, the driver's and front passenger's doors remained open. Officer C, due to his size, 6'3", had a difficult time exiting the vehicle. Once outside the vehicle, Officer C closed the doors and secured the vehicle.

Officer C stated that as he made it to the outside stairwell he heard a struggle and the officers gave Subject 1 instruction to place his hands behind his back. Officer C entered the main foyer of the residence and observed Officer B and Officer A escorting Subject 1 out of the residence. He did not observe the encounter inside the residence. He did not hear Officer A refer to Subject 1 as a "stupid motherfucker" or words to that effect. Officer C stated that he did not hear Subject 1 yelling.

Officer C stated that he did not punch or kick Subject 1, nor did he or his partners search the residence or destroy the personal or physical property of Subject 1. Officer C denied the allegations made against him.

Officer C stated that there were people in the area, but he had no conversation with anyone on the street and no one identified himself or herself a family member.

Officer C stated that the inside of the residence had items in disarray and little furniture. (Att #41, 49)

In an **audio-recorded interview** taken on 17 August 2016, at the Independent Police Review Authority **Officer B** stated that on 21 March 2016, at approximately 1035 hours, he and his partners, Officer A and Officer C, were assigned to Bt XXX and were in plain-clothes. Officer B was the driver of the vehicle. The officers were on patrol in the area after the district received information from Central Area Detectives of a burglary suspect in the area. As the officers toured the area, they observed Subject 1 standing on the sidewalk drinking an alcoholic beverage, a 16 ounce beer. Officer B pulled the

vehicle to the curb and the officers remained seated inside the vehicle. Officer A instructed Subject 1 to walk to the vehicle, but he refused and stated, "Fuck you. I don't have to come to the car," and turned away. Subject 1 walk quickly up the stairs of XXXX S. Emerald and entered the residence. Officer A and Officer B exited the vehicle and followed Subject 1 inside the residence.

As Officer A and Officer B entered the residence, Officer B, because of entering a residence and not knowing who may be inside, announced his office. No one responded to the announcement. As Officer B approached him, Subject 1 ran toward the living room, attempted to jump over a sofa and headed toward a window as if to jump out. Subject 1 climbed onto the windowsill. Office A grabbed Subject 1 from behind by the upper arms, and, using his body, pushed Subject 1 against a wall. He Officer B then handcuffed Subject 1. Officer B and Officer A escorted Subject 1 out of the residence, and as they exited, they told Officer C of the events inside the residence

Once outside, the officers closed and locked the front door. Officer B observed several people on the street, but had no conversation with anyone.

Officer B stated that he did not punch or kick Subject 1, nor did he or his partners search the residence or destroy the personal or physical property of Subject 1s. Officer A denied that he referred to Subject 1 as a "stupid motherfucker" or words to that effect. Officer B stated that he and Officer A entered the residence because Subject 1 failed to follow a lawful verbal police order to come to their vehicle. The officers at the time did not know that Subject 1 lived in the residence and ascertained that information during the arrest.

Officer B further stated that Officer C did not enter the residence. (Att #42, 50)

Fourth Amendment Analysis

As a preliminary matter, consuming alcohol or liquor on a public way is an offense pursuant to Chicago Municipal Code § 8-4-030.⁷ A violation of section § 8-4-030 is a minor offense. However, an ordinance violation can form a basis of probable cause to arrest. *See* 725 ILCS 5/107-2 (West 2011) “[a] peace officer may arrest a person when...he has reasonable grounds to believe that the person is committing or has committed an offense.” In this instance, according to the involved officers, they first observed Subject 1 standing on the street drinking a beer. At that point, the officers did not approach or initiate any contact with Subject 1 and instead drove around the block. When the officer returned to the block of XXXX S. Emerald, they observed Subject 1 drinking a beer on the sidewalk. The officers then instructed Subject 1 to walk to the vehicle; Subject 1 refused and entered his mother’s residence. The officers proceeded to follow Subject 1 into the home to effectuate the arrest for drinking on the public way. The officers did not have a warrant to enter the home and they did not have consent or permission of the home owner.

A warrantless entry into private residence is per se unreasonable. There are two situations in which courts have permitted officers to make a warrantless, nonconsensual entry into an area where an individual would have a reasonable expectation of privacy: exigent circumstances and hot pursuit. *See, e.g. Payton v. New York*, 445 U.S. 573, 576 (1980) (holding that absent exigent circumstances, police are prohibited from making a warrantless entry in order to effectuate a felony arrest). The guiding principle in determining if exigent circumstances justified a warrantless entry into the residence is the reasonableness of officers' actions; each case is based upon totality of circumstances known to officers at time of the entry. The general factors relevant to a determination of the existence of exigent circumstances include (1) the degree of urgency involved and the amount of time necessary to obtain a warrant; (2) the officers' reasonable belief that the contraband is about to be removed or destroyed; (3) the possibility of danger to police guarding the site; (4) information indicating the possessors of the contraband are aware that the police are on their trail; and (5) the ready destructibility of the contraband. *People v. Wimbley*, 314 Ill.App.3d 18, 24 (Ill. App. Ct. 1st Dist. 2000).

Courts have also employed the “hot pursuit” exception when a suspect who flees from a public place into his residence in order to defeat an arrest. *See, e.g., United States v. Santana*, 427 U.S. 38 (1976) (holding that a suspect may not defeat an arrest which has been set in motion in a public place by the expedient of escaping to a private place). If there is probable cause to arrest outside of the residence, the officer’s nonconsensual and warrantless entry may be excused, depending on the circumstances, under the “hot pursuit” doctrine. It is important to note that the existence of probable cause to arrest and the recentness of the offense alone are insufficient to justify a warrantless entry in the absence of a need for immediate police action. *People v. Foskey*, 136 Ill.2d 66 (1990).

⁷ “It shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way or in or about any motor vehicle upon a public way in the city... any person who violates this section shall be fined not less than \$100.00 nor more than \$500.00 or shall be punished by imprisonment for a period of six months or by both such fine and imprisonment for each offense”

The gravity of the underlying offense is a necessary and important factor in establishing a compelling need to enter a subject's home absent a warrant. Thus, courts have held that that an offense amounting to a mere ordinance violation does not give rise to the level of seriousness to justify a warrantless entry. *Wimbley*, 314 Ill.App.3d at 24-27; *People v. Brown*, 277 Ill.App.3d 989 (Ill. App. Ct. 1st. Dist. 1996).

In this instance, the officers entered the home not to effectuate a felony or misdemeanor arrest but instead to arrest Subject 1 for an ordinance violation. When applying the factors enumerated in *Wimbley*, (1) there was no degree of urgency involved in the situation as Subject 1 had only committed an ordinance violation; (2) there was no issue involving the possibility of evidence being removed or destroyed as the offense cited was drinking on a public way; and (3) there was absolutely no danger to the police arising from Subject 1's offense. Also, factors (4) and (5) further support that an exigent circumstance did not exist as Subject 1 did not commit an offense involving any contraband. Finally, the "hot pursuit" exigency does not apply in this instance. While Subject 1 technically moved from a public space (sidewalk) to a private residence, the seriousness of the underlying offense did not justify the entry into the home; the infraction was not sufficiently grave to require immediate police action. The lack of seriousness regarding the underlying offense is highlighted by the fact that the officers did not attempt to make contact with Subject 1 when they first observed him drinking in the street.

Based on the totality of the circumstances confronting the officers at the time of the entry, while there was probable cause to arrest the Subject 1, the officers lacked the sufficient exigent circumstances to justify the warrantless entry into the home and therefore their conduct was unreasonable given the circumstances.

CONCLUSION

The reporting investigator recommends that **Allegation #1** that Officer A entered the residence of Subject 1 without a warrant or permission, be **SUSTAINED**. The officers entered the residence not to make a felony arrest, but instead to arrest Subject 1 for an ordinance violation. Based on that factor alone, the entry into the residence was unreasonable. Additionally, in addressing the factors that there was no serious degree of urgency, Subject 1 committed a ordinance violation, there was no issue involving the contraband being removed or destroyed as Subject 1 was cited for drinking on a public way and there was no obvious physical danger to the officers. Finally, the "hot pursuit" exigency does not exist in this case. While Subject 1 technically moved from a public space (sidewalk) to a private residence, the seriousness of the underlying offense did not justify the entry into the residence.

The reporting investigator recommends that **Allegation #2** that Officer A searched the residence without a warrant or permission be **NOT SUSTAINED**. The accounts provided by witnesses are inconsistent with events as reported by Subject 1. Subject 1 stated that he did not have clear recollection of the incident. Ms. Brunch provided him with some details of what occurred inside the residence. Witness 1 stated

that all three officers exited the residence and Witness 3 stated that one of the officers remained behind and searched the residence. Subject 1 does not say that the officers searched his residence. Officer A stated that he did not conduct a search of the residence. There is no evidence to prove or disprove the allegations.

The reporting investigator recommends that **Allegation #3** that Officer A damaged property inside the residence, be **NOT SUSTAINED**. There is no evidence to prove or disprove the allegations. The officers reported that the residence was in disarray upon their entry. Subject 1 stated that he ran into the residence and attempted to defeat apprehension and or arrest. During the struggle inside the residence, Subject 1 stated that he jumped over a sofa, but stated that the officers knocked a television to the floor. In his statement to a supervisor at the 9th District Station Subject 1 made no complaints of the officer's conduct, but apologized for his behavior. The witnesses reported that when they entered the residence it was disarray but did not witness the encounter involving the officers.

The reporting investigator recommends that **Allegation #4** that Officer A referred to Subject 1 as stupid motherfucker or words to that affect be **NOT SUSTAINED**. There is no evidence to prove or disprove the allegation. Officer A denied the allegation made against him. Subject 1 made no complaints of verbal abuse to 9th District Stations supervisors. Officer B stated that at no time did he hear Officer A use profanity toward or at Subject 1.

The reporting investigator recommends that **Allegations #5-6** that Officer A punched and kicked Subject 1 about the body be **NOT SUSTAINED**. Subject 1 reported that there were three officers inside the residence at the time of the incident. Subject 1 stated the officers kicked and punched him about the face and body; however, Subject 1 sustained no visible injuries and sought no medical attention. The witness, Witness 1 stated that she observed the officers bent forward toward Subject 1 and she observed Officer C kick Subject 1 as he lay on the floor. However, Officer A and Officer B stated that there were no other persons inside the residence at the time of the arrest including Officer C. Subject 1 made no complaints to 9th District Station supervisors.

In statements to IPRA Officer A stated that when he attempted to handcuff Subject 1 he pulled away and attempted to jump out of a window. He grabbed Subject 1, using his body pushed Subject 1 against a wall, and he and Officer B handcuffed him. Officer A documented Subject 1's actions and his response to those actions in department reports. Officer denied the allegations.

The reporting investigator recommends that **Allegation #1** that Officer B entered the residence of Subject 1 without a warrant or permission, be **SUSTAINED**. Officer B observed Subject 1 commit a violation and when the officers called Subject 1 to the vehicle to talk and gather information, Subject 1 fled the officers' authority. The officers entered the residence not to make a felony arrest, but instead to arrest Subject 1 for an ordinance violation. Based on that factor alone, the entry into the residence was unreasonable. Additionally, in addressing the factors that there was no serious degree of

urgency, Subject 1 committed an ordinance violation, there was no issue involving the contraband being removed or destroyed as Subject 1 was cited for drinking on a public way and there was no obvious physical danger to the officers. Finally, the “hot pursuit” exigency does not exist in this case. While Subject 1 technically moved from a public space (sidewalk) to a private residence, the seriousness of the underlying offense did not justify the entry into the residence. The officers made lawful entry to pursue a person that violated the law.

The reporting investigator recommends that **Allegation #2** that Officer B searched the residence without a warrant or permission be **NOT SUSTAINED**. The accounts provided by witnesses are inconsistent with events as reported by Subject 1. Witness 1 stated that all three officers exited the residence and Witness 3 stated that one of the officers remained behind and searched the residence. Neither Subject 1 nor Witness 1 stated that the officers search the residence, only Witness 3 who stated that when he looked into the residence he observed one of the officers searching. There is no evidence to prove or disprove the allegations. Officer B denied the allegations made against him.

The reporting investigator recommends that **Allegation #3** that Officer B damaged property inside the residence, be **NOT SUSTAINED**. There is no evidence to prove or disprove the allegations. The officers reported that the residence was in disarray upon their entry. Subject 1 stated that he ran into the residence and attempted to defeat apprehension and or arrest. During the struggle inside the residence, Subject 1 stated that he jumped over a sofa, but stated that the officer knocked a television the floor. During his interview with 9th District Station supervisors, Subject 1 made no complaints or misconduct. The witnesses reported that when they entered the residence it was disarray but did not witness the encounter involving the officers.

The reporting investigator recommends that **Allegations #4-5** that **Officer B** punched and kicked Subject 1 about the body be **NOT SUSTAINED**. Subject 1 reported that there were three officers inside the residence at the time of the incident. Subject 1 stated the officers kicked and punched him about the face and body; however, Subject 1 sustained no visible injuries and sought no medical attention. The witness, Witness 1 stated that she observed the officers bent forward toward Subject 1 and she observed Officer C kick Subject 1 as he lay on the floor. However, Officer A and Officer B stated that there were no other persons inside the residence at the time of the arrest including Officer C.

In statements to IPRA Officer B stated that when he attempted to handcuff Subject 1 he ran toward a window and attempted to jump out of the window and Officer A took hold of Subject 1 in an attempt to handcuff him. Officer A grabbed Subject 1 and using his body pushed Subject 1 against a wall, and he and Officer A handcuffed Subject 1. Officer A documented Subject 1’s actions and his response to those actions in department reports. Officer B further stated that Officer C was not in the residence at the time of the incident. Officer B denied the allegations.

The reporting investigator recommends that **Allegations #1-5** that **Officer C**, entered the residence of Subject 1 without a warrant or permission, searched the residence without permission or a warrant, damaged property inside the residence and punched Subject 1 about the body kicked Subject 1 about the body be **UNFOUNDED**. Although, Subject 1 reported that there were three officers inside the residence at the time of his arrest, he also stated that he was unable to recall some of the details and the witness, Witness 1 provided him with some information pertaining to the events. Witness 1 reported that Officer C had a body camera on his chest, but at the time of the incident officers assigned the ^{XXX} District Station were not equipped with body cameras.

Officer A and Officer B in recorded interview stated that Officer C did not make entry into the residence during the arrest of Subject 1.

FINDING

Accused: Officer A, #XXXX

Accused: Officer B, #XXXX

Allegation #1 **SUSTAINED-** Violation of Rule #1, “Violation of any law Or ordinance” in that on 21 March 2016, at approximately 1035 hours, during the arrest of Subject 1, Officer A and Officer B violated Subject 1’s Fourth Amendment right in that they entered the residence without a warrant, permission or exigent circumstances that would deem entry lawful.