

## SUMMARY OF INCIDENT

On March 9, 2015, while at a residence located at XXXX S. Merrion Ave., the complainant, Subject 1, was arrested for aggravated criminal sexual assault with a weapon and robbery with a firearm. Subject 1 was arrested by Sergeant A and Sergeant B of the Chicago Police Department (CPD) Fugitive Apprehension Unit. At the same time as Subject 1's arrest, officers from the XXX District were executing a search warrant against Citizen 1, a resident at XXXX S. Merrion, an associate of Subject 1. Subject 1 was transported to Area XXXX where he was questioned by Area XXXX Detectives Sergeant C and Detective A.

## ALLEGATIONS

The complainant, Subject 1, filed a federal civil lawsuit against the City of Chicago, Sergeant C, Detective A, Sergeant A, and Sergeant B on February 21, 2017.<sup>1</sup> Subject 1 was then contacted by IPRA and an interview was conducted.<sup>2</sup>

It is alleged that on March 9, 2015 at or near XXXX S. Merrion Ave. at approximately 10:30 PM, accused **Officer A, Star #XXXXX**, while on duty:

1. Hit Subject 1 on the forehead with a carbine, in violation of Rule 6 in relation to General Orders G03-02 and U04-02-05, Rule 8, and Rule 9.
2. Threw Subject 1 to the ground, in violation of Rule 6 in relation to General Orders G03-02 and U04-02-05, Rule 8, and Rule 9.
3. Handcuffed Subject 1 while the officer had his foot on the back of Subject 1's shoulders, in violation of Rule 6 in relation to General Orders G03-02 and U04-02-05, Rule 8, and Rule 9.
4. Kept Subject 1's upper body in a puddle of water, in violation of Rule 6 in relation to General Orders G03-02 and U04-02-05, Rule 8, and Rule 9.

It is alleged that on March 9, 2015 at or near XXXX S. Merrion Ave. at approximately 10:30 PM, accused **Sergeant B, Star #XXXX**, while on duty:

1. Arrested Subject 1 without justification in violation of Rule 6 in relation to the Fourth Amendment to the United States Constitution.

It is alleged that on March 9, 2015 at or near XXXX S. Merrion Ave. at approximately 10:30 PM, accused **Sergeant A, Star #XXXX**, while on duty:

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<sup>1</sup> Sergeant C was a Detective and Sergeants B and A were a Police Officers at the time of Subject 1's arrest on March 9, 2015.

<sup>2</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

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1. Arrested Subject 1 without justification in violation of Rule 6 in relation to the Fourth Amendment to the United States Constitution.

It is alleged that on March 9, 2015 at or near XXX E. 111<sup>th</sup> St./CPD Area XXXX at approximately 10:30 PM, accused **Sergeant A, Star #XXXX**, while on duty:

2. Denied Subject 1 water, dry clothes, food, or use of the bathroom in violation of Rule 2, Rule 6 in relation to General Order G02-01, and Rule 8.

It is alleged that on March 9, 2015 at or near XXX E. 111<sup>th</sup> St./ CPD Area XXXX. at approximately 10:30 PM, accused **Sergeant C, Star #XXXX**, while on duty:

1. Arrested Subject 1 without justification, in violation of Rule 6 in relation to the Fourth Amendment to the United States Constitution.
2. Kept Subject 1 detained in inhumane conditions, including the denial of dry clothing, the denial of a phone call, and being held for an excessive amount of time in violation of Rule 2, Rule 6 in relation to General Orders G06-01 and G02-01, and Rule 8
3. Threatened Subject 1 in violation of Rule 6 in relation to General Order G06-01 and Rule 9.
4. Grabbed Subject 1 by his shirt collar in an aggressive manner in violation of Rule 6 in relation to General Order G03-02, Rule 8, and Rule 9.
5. Fabricated a statement from Subject 1, in violation of Rule 2 and Rule 14.

It is alleged that on March 9, 2015 at or near XXX E. 111<sup>th</sup> St./ CPD Area XXXX at approximately 10:30 PM, accused **Detective A, Star #XXXXX**, while on duty:

1. Arrested Subject 1 without justification, in violation of Rule 6 in relation to the Fourth Amendment to the United States Constitution and General Order G06-01.
2. Kept Subject 1 detained in inhumane conditions, including the denial of dry clothing, the denial of a phone call, and being held for an excessive amount of time in violation of Rule 2, Rule 6 in relation to General Orders G06-01 and G02-01, and Rule 8
3. Threatened Subject 1 in violation of Rule 6 in relation to General Order G06-01 and Rule 9.
4. Fabricated a statement from Subject 1, in violation of Rule 2 and Rule 14.

**APPLICABLE RULES AND LAWS**

**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 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 9:** prohibits, “Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.”

**Rule 14:** prohibits, “Making a false report, written or oral.”

**Chicago Police Department Directive, General Order G02-01, Human Rights and Resources:**<sup>3</sup> “Department members will respect and protect each person's human rights and comply with all laws relating to human rights.”

“In addition to respect for those human rights prescribed by law, Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.”

**Chicago Police Department Directive, General Order G03-02, Use of Force Guidelines:**<sup>4</sup> “When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances.”

“Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.”

**Chicago Police Department Directive, General Order G06-01, Processing Persons Under Department Control,** “Department personnel will, at all times, be aware of each arrestee's rights and will [...] expedite all processing so that the arrestee will not be detained longer than necessary” and “never use force or coercion in seeking confessions or admissions.”

“Arrested persons will be booked, charged, and made eligible for bond in that order. This process will be completed without unnecessary or unreasonable delay. Investigation or interrogation of an arrestee will not delay the booking process. Care must be taken to ensure that persons in custody are released on bond or brought before a judge at the earliest opportunity after the booking process has been completed consistent with the guidelines established in this and related directives.”

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<sup>3</sup> The Human Rights and Resources policy referenced in this report was effective from July 3, 1992 until October 5, 2017.

<sup>4</sup> The Use of Force policy noted in this report was effective from October 1, 2002 until October 16, 2017.

“The Department's justification for the detention of any arrested person will be included in the Arrest Report (CPD-11.420). The arresting officer is required to set forth in the Arrest Report sufficient information (probable cause to arrest) to substantiate all charges placed against an arrestee.”

**Chicago Police Department Directive, U04-02-05, Police Carbine Operator Program,** “Members are expected to exercise the same high level of judgment as they would with their handguns and be mindful of public perception.”

“Members will make every reasonable effort to avoid making physical contact with an offender while carrying a carbine. Members carrying carbines will act in a cover-officer capacity whenever possible.”

**Fourth Amendment to the United States Constitution:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

## INVESTIGATION

### **Federal Civil Lawsuit XX-CV-XXXXXX** <sup>5</sup>

On February 21, 2017, Subject 1 filed a complaint in the United States District Court Northern District of Illinois against the City of Chicago, the Chicago Police Department, Sergeant A, Sergeant B, Sergeant C, Detective A, and other Department members. Subject 1 alleged that on March 9, 2015, he was at XXXX S. Merrian Ave. while a search warrant was executed on the address's resident, Citizen 1. Subject 1 alleged that he was outside of the residence “working on a car,” when officers arrived. Subject 1 was handcuffed in the driveway along with Citizen 1. Subject 1 further alleged that before being placed in handcuffs, he was hit in the forehead with a carbine by an officer (identified as Officer A) before being thrown face down into a puddle. Subject 1 stated that while he was being handcuffed, Sergeant B had his foot on Subject 1's back. Subject 1 and Citizen 1 were subsequently brought into the residence.

Subject 1 related that after the search warrant was finished, his handcuffs were removed and he was “free to leave.” However, Subject 1 was stopped by Sergeant A while exiting the home, who placed Subject 1 in handcuffs. Subject 1 claimed that Sergeant A never told Subject 1 why he was being detained, despite Subject 1 asking multiple times. Subject 1 stated that Sergeant A told Subject 1 he did not know why Subject 1 was being arrested and he was following orders. Subject 1 stated he was not observed in the commission of a crime, nor was “there any other articulable circumstances that constituted probable cause to believe I had committed any [...] crime.” Subject 1 also stated that there was not a warrant against him, nor was there an investigative alert. Subject 1 was transported from XXXX S. Merrian Ave. to the XXX District/Area XXXX. Once at the XXX District, Subject 1 was questioned by Area XXXX detectives, Sergeant C and Detective A.

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<sup>5</sup> Additional documents pertaining to XX-CV-XXXXXX can be found in Atts. 4 - 5.

Subject 1 alleged that while at the XXX District, his clothing was wet and cold from being in a puddle and he was placed in a small room at the police station with Sergeant A. According to Subject 1, Sergeant A was on a computer while Subject 1 was handcuffed to a wall. Subject 1 stated that Sergeant A denied his requests for dry clothes and ignored Subject 1's questions as to why he was arrested. Subject 1 alleged that he was handcuffed to the wall for "hours" and was never "asked or provided with any food or dry clothes." Subject 1 also stated that he was unable to lay down or use the bathroom. Subject 1 related that after an unspecified number of hours, he was taken to another small room and handcuffed to the wall again. Subject 1 alleged that he was again kept waiting for "hours" before Detective A and Sergeant C "entered the room and started to make threats and intimidating statements." Subject 1 further alleged that Sergeant C "attempted to do physical harm to me." Subject 1 related that both Sergeant C and Detective A refused Subject 1 a phone call or dry clothing until Subject 1 told the officers why Subject 1's "number was in contact with some females off backpage.com." Subject 1 related that Sergeant C and Detective A put Subject 1 in fear for his life and attempted to physically harm the complainant. Subject 1 also related that it was illegal for him to be kept "at the police station for over 48 hours without a probable cause hearing." (Att. 6)

### **Interview of Complainant, Subject 1**

Subject 1 was interviewed on April 13, 2017 while he was an inmate in Jail A. Subject 1 related that on March 9, 2015, he was working on a vehicle in the driveway at his friend Citizen 1's house, located at XXXX S. Merrion, when approximately five unmarked police vehicles arrived. Subject 1 related that police "started rushing the driveway." A "big tall officer" (identified as Officer A) allegedly hit Subject 1 with the butt of a carbine and threw the complainant to the ground into a puddle before handcuffing Subject 1. Subject 1 also related that Officer A had his foot on Subject 1's back. Subject 1 clarified that Officer A hit Subject 1 with the carbine using an "elbow move." According to Subject 1, this caused Subject 1 immediate pain and swelling but no lasting or severe injuries. Subject 1 was in a puddle from the neck to his feet and all his clothing was wet. Subject 1 also related that in addition to himself and Citizen 1, there was an unidentified female outside. Eventually, Officer A turned Subject 1 over and sat Subject 1 in the driveway for about five minutes before Subject 1 was brought into the home. Subject 1 stated that after some time, the officers executing the search warrant told him he was free to leave and Subject 1 was unhandcuffed. While Subject 1 was attempting to exit the home, he was "immediately arrested by [an] undercover officer" (identified as Sergeant A). Sergeant A brought Subject 1 outside, escorted him to a transport vehicle, and brought him to the XXX District.

Once at the XXX District, Subject 1 was in a small room with Sergeant A and handcuffed to the wall. Subject 1 claimed he asked the officer for dry clothing multiple times but was denied. After an unknown amount of time, Subject 1 was then taken upstairs and handcuffed to a wall in a second room. Subject 1 stated that his clothing was still cold and wet. Sergeant C and Detective A arrived and began questioning Subject 1. Subject 1 alleged that he asked these officers for dry clothing but they did not acquiesce. Subject 1 stated that Sergeant C and Detective A threatened Subject 1 and said they were going to charge him with crimes "they know [Subject 1] didn't commit." Subject 1 also alleged that Sergeant C grabbed Subject 1 by the shirt collar and told Subject 1 to "start talking." Subject 1 described Sergeant C as "very aggressive" with "his body

language,” because Sergeant C was intimidating Subject 1 and pointing at Subject 1’s face. Subject 1 stated that Detective A “just sat there and smiled.” Subject 1 did not “fully cooperate” with Sergeant C and Detective A and the officers “ended up typing and writing their own fabricated statements that [Subject 1] never read and [Subject 1] never signed.” (Atts. 15, 21)

### **Witness Interview, Citizen 1**

According to Citizen 1, he and Subject 1 have been friends for approximately 10 years. Citizen 1 was aware that Subject 1 is currently incarcerated. Citizen 1 stated that he has not communicated with Subject 1, aside from seeing him at court proceedings related to Subject 1’s March 9, 2015 arrest.

Citizen 1 recalled being at home while a search warrant was executed. Citizen 1, Subject 1, and Citizen 1’s then-girlfriend Citizen 2 were outside of Citizen 1’s home putting a battery in a car when “10 to 15 police cars” arrived. Officers told them to get on the ground, which he described as wet and muddy. Citizen 1 described the officers as “aggressive.” According to Citizen 1, Subject 1 was “moving slow” so a black, male officer with a “big gun” (identified as Officer A) pushed Subject 1 down. Citizen 1 stated that Subject 1’s body was wet/muddy from his thighs through his torso. Citizen 1 claimed that Subject 1 was wearing a different jacket in his mugshot and speculated that the officers had Subject 1 change clothes. Citizen 1 did not observe any officer hitting Subject 1 with a carbine. However, Citizen 1 reported that Officer A had his carbine pressed to Subject 1’s back. Citizen 1 related that officers kept him, Subject 1, and Citizen 2 outside on the ground for approximately 10 minutes. Once a search of the home was completed, Citizen 1, Subject 1, and Citizen 2 were brought into Citizen 1’s house. Citizen 1 stated that “two separate cops” came into the home, grabbed Subject 1 by the collar, “slammed” him against the wall, and dragged Subject 1 out of the residence. (Att. 95)

### **Department Reports and Records**

Subject 1’s CPD Arrest Report was obtained from March 9, 2015 with RD #XXXXXXX. Subject 1 was arrested on charges of aggravated criminal sexual assault with a weapon and two counts of armed robbery with a firearm. Subject 1 was identified as an offender from a January 2, 2015 incident in which he took property from three female victims and sexually assaulted two of the women while armed with a handgun. Additional, unrelated officers were on scene on March 9, 2015 executing a search warrant.<sup>6</sup> Subject 1’s arresting officers, Sergeant A and Sergeant B, saw Subject 1 in the residence, placed him into custody, and brought Subject 1 to Area XXXX.<sup>7</sup> (Att. 7)

Detective Case Supplementary Reports were found for RD #XXXXXXX. Subject 1 reportedly found a telephone number for a female escort. This woman and two additional women arrived at the address of a vacant house, which Subject 1 had provided. Subject 1 proceeded to brandish a handgun, rob the three women, and sexually assault two of the women. Detectives

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<sup>6</sup> Records pertaining to the search warrant for Citizen 1, as well as Citizen 1’s arrest and subsequent case reports can be found in Atts. 18, 23, 29.

<sup>7</sup> A CPD General Case Incident Report was located for RD #XXXXXX and can be found in Att. 9. Office of Emergency Management Communications (OEMC) communications were also located in relation to Subject 1’s arrest on March 9, 2015, which can be found in Att. 17.

identified Subject 1 as a suspect through telephone records and a photo array. A judicial determination of probable cause was received from Cook County Circuit Court Judge A on March 11, 2015. (Atts. 10, 16)

### **Accused Interview, Officer A**

Officer A stated that on March 9, 2015, he was involved in the execution of a search warrant at XXXX S. Merrion. Officer A confirmed that he was the only officer on the search warrant team with a carbine. Per Officer A, his carbine is approximately three feet in length and has a steel barrel with a plastic butt.

The officer recalled that when he arrived at XXXX S. Merrion, there were between two to four people outside. Officer A recalled a puddle of water near the driveway. Officer A pointed his weapon towards the people on scene and believed he said something to the effect of “get on the ground.” Officer A could not recall if these civilians complied in this particular instance. The officer stated that he kept the scene covered while other officers approached and handcuffed the individuals. Officer A elaborated that he cannot handcuff or otherwise put hands on individuals while he has the carbine for safety reasons.<sup>8</sup> Officer A did not recall who handcuffed Subject 1, but related he would not have done so due to the carbine. Officer A denied that he hit Subject 1 on the forehead with the carbine. According to Officer A, he is large and his carbine weighs roughly 30 – 35 pounds. The officer speculated that if he hit someone with his carbine, it would cause bleeding. Officer A further denied that he threw anyone to the ground. Officer A claimed he did not put anyone in a puddle.

Officer A related that once the outside was secure, he went inside the residence. Officer A recalled he went back outside after securing the house and stood outside with additional officers. Officer A stated that when he went back outside, he moved his carbine to his back to get it “out of the way.” After the officer moved his weapon, an individual (believed to be Subject 1) said, “I’m in the water.” Officer A helped him move as Subject 1 was handcuffed. The officer could not recall exactly how much of this individual was in water. Officer A stated that half of Subject 1’s pants were wet when the officer helped him move, but he was not face down in the water. Officer A recalled that Subject 1 was “yelling and screaming profanities.”

Officer A stated that additional officers arrived looking for Subject 1. Officer A reported that he had no contact with the outside unit, but learned that the Fugitive Apprehension Unit sought Subject 1 for rape allegations. Officer A did not see any contact between Subject 1 and the outside unit, nor did he see what happened to Subject 1 after he helped Subject 1 move. (Att. 37, 38, 39)

### **Witness Interview, Sergeant D**

Sergeant D reported that on March 9, 2015, he was involved in a search warrant at XXXX S. Merrion, along with additional members of the CPD XXX Tactical Team. Sergeant D confirmed that Officer A was armed with a carbine during the search. The sergeant reported that when he arrived at the residence, there were at least two individuals outside near a vehicle (believed to be

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<sup>8</sup> A Training Matrix was obtained regarding Officer A’s carbine training. Officer A first qualified for his carbine on September 19, 2009. His last date of qualification prior to the incident with Subject 1 was on November 20, 2014. He qualified again shortly after the incident on March 17, 2015. (Att. 24)

Subject 1 and Citizen 1). Sergeant D reportedly did not see Officer A strike Subject 1. Sergeant D denied seeing anyone thrown into a puddle or seeing a puddle in the driveway.

Subject 1 and Citizen 1 were brought to the home's living room, along with additional civilians present at the home.<sup>9</sup> The sergeant recalled that while the search warrant was being executed, Fugitive Apprehension officers arrived. Sergeant D related that Subject 1 was not the target of the search warrant, so the Fugitive Apprehension officers were allowed to enter. The sergeant observed Fugitive Apprehension officers walking Subject 1 out of the home in handcuffs. (Att. 25, 26)

### **Witness Interview, Officer B**

Officer B stated that on March 9, 2015, he was working as a tactical officer in the XXX District as part of a team executing a search warrant at XXXX S. Merrion Ave. Officer B believed there was an unknown number of people of the driveway when CPD arrived. The officer walked into the house and did not interact with anyone in the driveway. Officer B did not know which officers conducted business with the civilians in the driveway. Officer B believed there were approximately five people inside of the house. The officer could not recall many details, since he was not the affiant for the search warrant and he was inside the home most of the time. Officer B believed someone on his team had a carbine and he believed it was Officer A. Officer B recalled that members of Fugitive Apprehension Unit arrived and were looking for an individual in the home. Officer B believed the two units being on scene at the same time was a coincidence. Officer B did not recall Subject 1. Officer B did not observe an officer striking anyone with a carbine. Officer B did not see Officer A interacting with any civilians. Officer B reported that he did not observe any interactions between civilians and the Fugitive Apprehension Unit, nor did he see any Fugitive Apprehension Unit members placing anyone into custody. (Att. 61)

### **Witness Interview, Officer C**

Officer C reported that she was working on March 9, 2015, but could not recall being at XXXX S. Merrion Ave. After reviewing Citizen 1's arrest report (Att. 29), she identified that she was an assisting arresting officer for Citizen 1's arrest. Officer C related that beat cars can be requested when executing search warrants, so it is possible that she was the requested beat car for this incident. Officer C also stated that she likely would have stayed outside during the search. Officer C did not recall Citizen 1 or Subject 1. (Att. 65)

### **Witness Interview, Officer D**

Officer D reported that on March 9, 2015, he was in-uniform, operating a marked CPD vehicle, and partnered with Officer C. Officer D recalled being at XXXX S. Merrion on this date. According to Officer D, he and his partner were assisting a tactical team in their executive of a search warrant on Citizen 1. Officer D could not specifically recall what his role was during this incident, but he thought his beat car could have been used to establish a perimeter. Officer D did not recall entering the residence but he recovered narcotics from a vehicle after Citizen 1 was detained. Officer D could not recall if anyone else was outside and elaborated that Citizen 1 was

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<sup>9</sup> CPD Contact Cards for the civilians present during this search warrant can be found in Atts. 30 – 35.

not near the vehicle when the officer found the narcotics. Officer D did not recall Subject 1. (Att. 79)

**Witness Interview, Officer E**

After reviewing Department records (Atts. 7, 23, 29) Officer E stated that on March 9, 2015, he was working as a beat officer in the XXX District and partnered with Officer F. Officer E could not recall being at XXXX S. Merrion but assumed he was working due to the police reports he reviewed. Officer E was not a member of a search warrant team on this date. Officer E related that he was an assisting arresting officer who may have been serving in a transportation function or assisting at the station. Officer E did not recall Subject 1. (Att. 69)

**Witness Interview, Officer F**

Officer F stated that on March 9, 2015, he was partnered with Officer E. Officer F did not recall being at XXXX S. Merrion on March 9, 2015. After reviewing Subject 1's arrest report (Att. 7) Officer F identified that he was an assisting arresting officer and therefore must have been present at this residence on this date. Officer F does not work with Fugitive Apprehension and believed he was a transport officer. Officer F did not recall a search warrant being executed at this location and he did not remember Subject 1. (Att. 63)

**Witness Interview, Officer G**

According to Officer G, on March 9, 2015, he was working on a tact team in the XXX District and partnered with Officer H. Officer G was part of a team executing a search warrant. Officer G identified that he was an entry member of the search team after reviewing the search warrant (Att. 23). Officer G stated that as a member of the entry team, he would have been securing the home. Officer G said that when he arrived on scene, it was dark and there was a car in the driveway. Officer G could not recall if anyone was outside. Officer G stated that he was inside during the search. Officer G was informed that a second unit arrived after the search warrant and believed this unit took a black male on scene into custody. However, Officer G did not specifically recall Subject 1. (Att. 67)

**Witness Interview, Officer H**

Officer H related that on March 9, 2015, he was working on a tactical team, partnered with Officer G, and assigned to execute a search warrant at XXXX S. Merrion. Officer H reported that when he arrived at this location, there were “a few” individuals outside in a driveway. Officer H stated that it was muddy in the home’s front lawn, but he did not recall any puddles. Officer H did not interact with the civilians outside and continued going into the home, where more civilians were located. Officer H recalled that all civilians were brought into the living room, including the people from outside. Officer H stated that everyone but Citizen 1 was uncuffed after the search was complete. Officer H could not specifically recall what Officer A did in this situation, but related that the carbine-armed officer is usually the first to make entry during a search warrant. Officer H reported that Fugitive Apprehension arrived toward the end of the search warrant and he did not know who Subject 1 was until members of Fugitive Apprehension arrived on scene. Officer H recalled that Subject 1 was calm and everyone on scene had dry clothing. (Att. 71)

**Witness Interview, Officer I**

Officer I related that on March 9, 2015, she was a member of a tactical team executing a search warrant and partnered with Officer J. Officer I recalled that upon arrival at XXXX S. Merrion, there was at least one African-American male outside the home. Officer I reported that she was entry for the search warrant and remained in the residence during the search warrant. Officer I remembered Officer A was armed with a carbine for the search warrant but could not recall if Officer A was inside or outside the home. Officer I did not recall Subject 1, nor was she aware members of the Fugitive Apprehension Unit were on scene. (Att. 73)

**Witness Interview, Officer J**

Per Officer J, on March 9, 2015, he was on-duty and executing a search warrant at XXXX S. Merrion. Officer J was involved in entry during the search warrant while other officers maintained security outside. Upon arrival, Officer J recalled that at least one civilian was outside near the driveway. Officer J was unable to recall which officers approached the individual(s) outside or which officers remained outside. Officer J stated that the civilians were unhandcuffed when the tactical team was getting ready to leave. Members from the Fugitive Apprehension Unit arrived while the tactical team was finishing up and they also arrested an offender (identified as Subject 1). Officer J did not recall any hostility, complaints, or arguments from anyone on scene. (Att. 75)

**Witness Interview, Officer K**

Officer K stated that on March 9, 2015, he was working on a XXX District tactical team, partnered with Officer L, and at XXXX S. Merrion executing a search warrant. Officer K served a breach function during the search warrant. Officer K entered the home and saw several civilians, who were subsequently handcuffed and detained. Officer K related that his attention was on the front door and he did not observe any officers who may have approached civilians outside. Officer K recalled that there was an unknown number civilians outside near the driveway and he believed other officers detained these civilians. Officer K did not observe what Officer A was doing during

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the search warrant. Officer K recalled that it was dry on this date. Officer K described the civilians on scene as cooperative and calm. (Att. 77)

### **Witness Interview, Officer L**

According to Officer L, on March 9, 2015 she was full-duty and on patrol in the XXX District. Officer L recalled being at XXXX S. Merrion while a search warrant was conducted and her role was taking photos. Officer L recalled one male who was outside and detained by one or more officer. Officer L related that Officer A had a carbine for this search warrant, but she did not see him strike anyone with it. Officer L did not recall Subject 1 and related there were multiple civilians present. Officer L denied seeing any officers striking a civilian, any civilians thrown to the ground, or any civilians face down in the driveway. Officer L did not recall any civilians with wet clothing. (Att. 93)

### **Witness Interview, Officer M**

Officer M stated that on March 9, 2015, he was executing a search warrant related to weapons and drugs and partnered with Officer N. Officer M observed Citizen 1 standing outside near a grey car but could not recall if anyone else was outside. Officer M “went directly” to Citizen 1 and detained him. Officer M recalled that Officer N was with him when he detained Citizen 1 and Citizen 1 complied with being handcuffed. Officer M related that Citizen 1 was face down on the ground when he was detained. According to Officer M, Citizen 1 willingly got on the ground and was not thrown. Citizen 1 was detained outside until the inside of the home was secured. Officer M did not recall Subject 1. Officer M stated that Officer A was not with him while detaining Citizen 1 and Officer M could not recall where Officer A was. Officer M related that “eventually” everyone on scene was inside the home, including Officer A. Officer M was aware members of the Fugitive Apprehension Unit arrived on scene, but he did not interact with the outside unit, nor did he see the outside unit detaining anyone. Officer M did not observe anyone with injuries, anyone with wet clothing, Officer A striking anyone, or any officer hitting a civilian with a carbine. (Att. 88)

### **Witness Interview, Officer N**

According to Officer N, on March 9, 2015, he was partnered with Officer M and working in the XXX District on a tactical team. Officer N recalled being at XXXX S. Merrion on this date and executing a search warrant targeting Citizen 1. After reviewing Citizen 1’s arrest report (Att. 29), Officer N related that Citizen 1 was found outside the residence and detained. Officer N did not independently recalling seeing Citizen 1 or anyone else outside the home. Officer N recalled Officer A had a carbine during the search warrant. Officer N also recalled seeing members of the Fugitive Apprehension Unit, but he did not interact with them or see anyone in custody with the outside unit. Officer N was unable to recall Subject 1 and related there were multiple civilians present. Officer N denied seeing anyone with injuries, anyone with wet clothing, anyone face down outside, anyone thrown to the ground, Officer A interacting with civilians, or Officer A hitting anyone with a carbine. Officer N believed Officer A was outside the residence while the search warrant was conducted. (Att. 91)

### **Witness Interview, Officer O**

Officer O reported that on March 9, 2015, he was working in the XXX District and possibly partnered with Officer A. Officer O recalled being at XXXX S. Merrion for a search warrant. Officer O believed there were individuals outside when he first arrived but he went straight to the front door and did not approach them. Officer O did not know which officers had detained the civilians outside. Officer O did not know what Officer A did upon arrival at the home. Officer O did not personally interact with members of the Fugitive Apprehension Unit, but he was aware they were present. Officer O recalled that it was during wintertime and warming up, but he did not specifically recall any puddles outside. Officer O did not recall interacting with Subject 1 and he reported that there were several civilians at the home. Officer O saw someone in custody with the Fugitive Apprehension Unit, but he did not see any injuries on that person or wet clothing. Officer O denied seeing an officer hit anyone with a carbine. (Att. 87)

### **Attempted Witness Interview, Citizen 2**

Attempts to interview Citizen 2 were unsuccessful. (Att. 100)

### **Accused Interview, Sergeant B**

According to Sergeant B, on March 9, 2015 he was involved in an arrest as a member of the Fugitive Apprehension Unit at XXXX S. Merrion. Sergeant B stated that his partner, Sergeant A, was assigned to apprehend Subject 1. Sergeant A had obtained information that Subject 1 frequented this home, but Sergeant B did not know how his partner gathered this information. Per Sergeant B, there were three or four unmarked CPD vehicles and several officers on scene when he and Sergeant A arrived. Sergeant B observed Sergeant A place Subject 1 in handcuffs and led out him of the house. Sergeant B believed there was a conversation between Sergeant A and Subject 1, but was unaware what the content of that conversation was. Sergeant B recalled that Subject 1's demeanor was "plain," "non-confrontational," and "compliant." Sergeant B related that he and Sergeant A transported Subject 1 in their vehicle.

Sergeant B stated that once they brought Subject 1 to the police station, he escorted Subject 1 upstairs. Sergeant B did not recall what Subject 1 was wearing and did not recall Subject 1's clothing being wet. Sergeant B did not recall Subject 1 asking for water, food, or dry clothing. Sergeant B denied interacting with Subject 1 after they arrived at the police station. (Att. 41)

### **Accused Interview, Sergeant A**

Sergeant A stated that on March 9, 2015, he was working in the Fugitive Apprehension Unit and partnered with Sergeant B. Sergeant A recalled being at XXXX S. Merrion Ave. The sergeant related that when he arrived, there were several unmarked police cars present. Sergeant A was at this home because it was listed on one of Subject 1's associate's contact cards. Sergeant A denied knowing there was going to be a team executing a search warrant at the same time. Sergeant A stated that Sergeant C informed him that Subject 1 was wanted for armed robbery and sexual assault and Sergeant A had told Sergeant B why they were arresting Subject 1. Sergeant A stated that when he first saw Subject 1, the complainant was inside the home, unhandcuffed, and seated on a chair. Sergeant A asked Subject 1 to stand up, told Subject 1 he was under arrest, and handcuffed Subject 1. Sergeant A elaborated that once outside the home, he told Subject 1 why he was being arrested. Sergeant A stated that a beat car brought Subject 1 to the police station.

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Sergeant A saw no injuries on Subject 1 and did not observe that Subject 1's clothing was wet. Sergeant A stated Subject 1 did not ask him for food, water, or dry clothing.

After Subject 1 was taken to Area XXXX, Sergeant A brought Subject 1 into a processing room. The sergeant then brought Subject 1 to lock-up after completing Subject 1's arrest report. Sergeant A related that he was in the processing room with Subject 1 for roughly 30 minutes to an hour. Sergeant B was in and out of the processing room and Subject 1 was handcuffed to a wall. Sergeant A was uncertain if Subject 1 would have been able to lay down at this time. Sergeant A stated Subject 1 did not ask for water, food, or medical treatment. Sergeant A also stated that Subject 1 should have been given a phone call after leaving the processing room. Sergeant A claimed that he always asks arrestees if they need to use the bathroom and Subject 1 did not tell Sergeant A he needed to. According to Sergeant A, he did not see Subject 1 after he took Subject 1 to lock-up, aside from court proceedings. (Att. 56)

### **Accused Interview, Sergeant C**

Sergeant C stated that on March 9, 2015, he was assigned as a violent crimes detective and partnered with Detective A. Sergeant C remembered Subject 1 and stated there was probable cause to arrested Subject 1. The detectives were investigating allegations of sexual assault and Subject 1 matched the description of the suspect, lived near the location of the assault, fled towards the direction of his home after the assault, and Subject 1's telephone number was found through one of the victim's phone records. Sergeant C contacted the Fugitive Apprehension Unit to arrest Subject 1 and provided an address of where Subject 1 might be located. On March 9, 2015, the Fugitive Apprehension Unit informed Sergeant C that Subject 1 was arrested. Sergeant C did not interview Subject 1 on March 9, 2015 because he and Detective A were assisting with a homicide investigation and because he wanted the victims in Subject 1's case to come to the station for a line-up before interviewing Subject 1. Sergeant C stated that he first saw Subject 1 and read the complainant his Miranda Rights on March 10, 2015 at approximately 6:00 PM. Sergeant C stated that a warrant was not required in addition to the probable cause and that Subject 1's arrest was lawful. Sergeant C estimated that Subject 1 was detained for approximately 20 hours before the detectives began questioning him. Sergeant C related that Subject 1 may have been handcuffed to a wall during processing but he would not have been handcuffed in the XXX District lockup. The sergeant stated that Subject 1 was not handcuffed to a wall when he saw Subject 1.

Sergeant C reported that he took Subject 1 out of lockup in handcuffs and brought him to an interview room where Subject 1 was unhandcuffed. Sergeant C denied that Subject 1's clothing was wet. Sergeant C reported that Subject 1 did not ask for clean/dry clothing, but Subject 1 was offered water, food, and use of the bathroom. Sergeant C did not recall Subject 1 asking for a phone call. Sergeant C denied that food, water, clothes, a phone call, etc. was refused from Subject 1 until he answered the detectives' questions. Sergeant C stated that he was in and out of the room with his partner, and sometimes with Assistant State's Attorney A. Sergeant C said he personally told Subject 1 why he had been arrested. Sergeant C related that Subject 1 provided a "partial admission" and two victims gave video statements. Sergeant C related that Subject 1 gave a statement willingly. Sergeant C denied that he or Detective A threatened Subject 1 or had any physical contact with Subject 1, aside from handcuffing and uncuffing Subject 1. Sergeant C specifically denied pulling Subject 1 by his shirt collar. Sergeant C recalled that Subject 1 was agitated regarding the allegations against but was "cooperative and talkative." Sergeant C denied

being aggressive as an interrogation technique, aside from challenging Subject 1's denials and confronting Subject 1 with the evidence.

Subject 1 returned to lockup once the detectives were done with the interrogation. Sergeant C recalled that Subject 1 was kept at the police station for 48 hours because they attempted to contact additional victims. Then on March 11, 2017, there was a judicial determination of probable cause, which Subject 1 did not attend. Subject 1 was held until the next morning for a bus to the Cook County Jail for his bond hearing. (Att. 46)

### **Accused Interview, Detective A**

Detective A stated that on March 9, 2015, he was assigned as a Violent Crimes Detective in Area XXXX and partnered with Sergeant C. Detective A recalled Subject 1 and that he and his partner had been investigating a "pattern of criminal sexual assaults." Detective A and Sergeant C established probable cause to arrest Subject 1 through three factors. First, the officers subpoenaed one of the victim's phone records and identified Subject 1's number. The officers were also able to locate a photo of Subject 1, which matched descriptions given by the victims. Lastly, the officers determined that the direction Subject 1 fled after the assault was also the direction of Subject 1's residence. Detective A believed that Fugitive Apprehension was in the area of XXXX S. Merrion when a search warrant was being executed and Subject 1 was coincidentally found in the home.

According to Detective A, he and his partner did not see Subject 1 until the day after Subject 1's arrest. Detective A clarified that on March 9, 2017, he and Sergeant C were investigating a homicide when they received a call that Subject 1 was in custody. The officers placed "hold papers" on Subject 1 so they could interview him the next day. Detective A elaborated that hold papers are used to keep an offender in custody while waiting for a victim, or another form of evidence. Detective A stated that Subject 1's victims were in Milwaukee, WI and the officers needed time to get the victims to Chicago for a lineup. Detective A stated that after around 40 hours of Subject 1 being detained, the detectives went to a judge for a probable cause hearing. Detective A acknowledged there was a delay caused by his homicide investigation and trying to coordinate with Subject 1's victims.

Detective A knew Subject 1 was in the XXX District Lockup and denied that Subject 1 would have been handcuffed to a wall. Subject 1 would not have gotten a change of clothes unless the clothes were needed for evidence or Subject 1 was suicidal. Detective A believed Subject 1 should have gotten food and water, as well as had the ability to use the bathroom. Detective A stated a warrant was not needed to detain Subject 1. Subject 1 was in lockup for approximately 21 hours before Detective A and his partner interrogated Subject 1. Detective A recalled that he and Sergeant C provided Subject 1 with McDonald's fast-food. Subject 1 was not handcuffed while the detectives questioned him. Detective A denied that Subject 1's clothing was wet. Later, Detective A and Assistant State's Attorney A interrogated Subject 1. Detective A did not recall Subject 1 asking for a phone call. Detective A denied that Subject 1 was refused requests for food, water, clothing, etc. until Subject 1 answered the detectives' questions. Detective A related that Subject 1 was told why he was at the police station. Detective A said that Subject 1 gave a statement willingly and neither of the detectives threatened or had any physical contact with Subject 1. Detective A denied that Sergeant C grabbed Subject 1 by the collar. Detective A reported that, at first, Subject 1's demeanor was "cold" but eventually he started talking and trying to justify

his actions pertaining to his arrest. Detective A denied that either he or his partner were threatening Subject 1 to elicit a confession or as an interrogation technique. Detective A denied fabricating a statement from Subject 1. (Att. 51)

*Approved:*

*Submitted:*

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Supervising Investigator

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Investigator

## ANALYSIS AND CONCLUSION

COPA recommends a finding that **allegation #1**, that **Officer A** hit Subject 1 on the forehead with a carbine, be **Unfounded**.

COPA recommends a finding that **allegation #2**, that **Officer A** threw Subject 1 to the ground, be **Unfounded**

COPA recommends a finding that **allegation #3**, that **Officer A** handcuffed Subject 1 while the officer had his foot on the back of Subject 1's shoulders, be **Not Sustained**.

COPA recommends a finding that **allegation #4**, that **Officer A** kept Subject 1's upper body in a puddle of water, be **Exonerated**.

The allegations made by Subject 1 that Officer A struck him in the head with carbine is not believable. No witness officers, or Citizen 1, observed Officer A doing so, including officers who placed themselves outside when Citizen 1 was detained. The lack of injuries sustained by Subject 1 related to this claim indicate it never occurred. Subject 1 had no marks, scrapes, or redness in his photo taken following his arrest. Further, Subject 1 did not need medical treatment. It is unlikely a large officer with a carbine would not cause injuries serious enough to require hospitalization if Subject 1's allegations occurred. Therefore, the allegation the Officer A hit Subject 1 on the forehead with a carbine is Unfounded.

With regards to Officer A putting his foot on Subject 1's shoulders, it is possible this occurred, but there is not enough information to make a conclusive determination. Parts of Subject 1's narrative are consistent other witness testimony. Specifically, Subject 1 stated that after being face down on the ground, Officer A turned Subject 1 over and sat Subject 1 up. Citizen 1 stated that he never saw Officer A hit Subject 1 with the carbine however when Subject 1 did not get down fast enough Officer A pushed him to the ground. Officer A denied the actions. Based on the conflicting statements this allegation is Not Sustained due to a lack of evidence.

The fact that Subject 1 was on the ground in a puddle of water/mud is uncontested. However, this action does not rise to the level of misconduct and it is not believed that Officer A put Subject 1 into a puddle. Officer A acknowledged there was a puddle of water outside XXXX S. Merrion.

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Further, it was asserted by Citizen 1 and Officer A that Subject 1 got on the ground willingly, whether he laid down in a puddle or not. In fact, witness officers related that civilians on scene were compliant and went onto the ground on their own accords. Moreover, several witnesses agree that Officer A helped Subject 1 sit up and get out of the puddle. Therefore, based on the available evidence Subject 1 was not intentionally or purposefully put or left in a puddle by Officer A.

COPA recommends a finding that **allegation #1**, that **Sergeant B** arrested Subject 1 without justification, be **Unfounded**.

COPA recommends a finding that **allegation #1**, that **Sergeant A** arrested Subject 1 without justification, be **Unfounded**.

COPA recommends a finding that **allegation #1**, that **Sergeant C** arrested Subject 1 without justification, be **Unfounded**.

COPA recommends a finding that **allegation #1**, that **Detective A** arrested Subject 1 without justification, be **Unfounded**.

Subject 1's arrest on March 9, 2015 was justified. Sergeant A and Sergeant B arrested Subject 1 on probable cause established by Sergeant C. Sergeant C and Detective A related that probable cause was formed because: Subject 1 matched the suspect's description, Subject 1's direction of flight after the assault, and because Subject 1's telephone number was linked to the assault. Therefore, the allegation that Subject 1 was arrested without justification is Unfounded.

COPA recommends a finding that **allegation #2**, that **Sergeant A** denied Subject 1 water, dry clothes, food, or use of the bathroom, be **Not Sustained**.

COPA recommends a finding that **allegation #2**, that **Sergeant C** kept Subject 1 detained in inhumane conditions, including the denial of dry clothing, the denial of a phone call, and being held for an excessive amount of time, be **Not Sustained**.

COPA recommends a finding that **allegation #2**, that **Detective A** kept Subject 1 detained in inhumane conditions, including the denial of dry clothing, the denial of a phone call, and being held for an excessive amount of time, be **Not Sustained**.

For allegation #2 against Sergeant A, Sergeant C, and Detective A, it is the officers' statements against Subject 1's. Since these allegations are under circumstances where no one would have been present besides the accused Department members and Subject 1, there is not enough information to determine whether these allegations occurred. That being said, portions of Subject 1's allegations seem exaggerated if they did actually occur. For example, Subject 1 alleged that Sergeant A, Sergeant C, and Detective A had Subject 1 detained for multiple hours in wet clothing. Presumably, if Subject 1 was in a warm and dry location, his clothing would have dried eventually. Sergeant A denied that Subject 1 asked him for water, food, or dry clothing and he stated that he always asks arrestees if they need to use the bathroom. Similarly, Sergeant C and Detective A both related that Subject 1 was offered food, water, and use of the bathroom, and that Subject 1 was not denied anything he asked for.

Sergeant C and Detective A both stated that on March 9, 2015, they were assisting in a homicide investigation and needed the victims in Subject 1's case to come to Chicago for a line-

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up. Therefore, Sergeant C and Detective A did not interview Subject 1 until March 10, 2015. Department records indicated Subject 1 was arrested at approximately 10:20 PM on March 9, 2017. On March 11, 2015 at approximately 6:00 PM, a judicial determination of probable cause was made by Cook County Judge A. Subject 1 was held in lock-up until March 12, 2017, awaiting a bus to the Cook County Jail. Since less than 48 passed between Subject 1's arrest and a judicial determination of probable cause, Subject 1 was not detained for an unreasonable amount of time.

COPA recommends a finding that **allegation #3**, that **Sergeant C** threatened Subject 1, be **Not Sustained**.

COPA recommends a finding that **allegation #3**, that **Detective A** threatened Subject 1, be **Not Sustained**.

There is insufficient evidence to prove or disprove allegation #3 against Detective A and Sergeant C. Again, this allegation would have occurred in a situation where no one was present but Subject 1 and the officers. However, Subject 1's claim that Sergeant C and Detective A threatened to charge Subject 1 with crimes they knew Subject 1 was not guilty of is not believable. The officers were able to articulate what crimes Subject 1 was accused of, as well as explain the evidence against him. Therefore it seems unlikely that officers would threaten Subject 1 of crimes when they had a solid case establishing his guilt.

COPA recommends a finding that **allegation #4**, that **Sergeant C** grabbed Subject 1 by his shirt collar in an aggressive manner, be **Not Sustained**.

There is insufficient evidence to prove or disprove whether Sergeant C grabbed Subject 1 by his shirt collar in an aggressive manner. Sergeant C and Detective A denied that Sergeant C did this. However, there is not enough information to make a determination that it did not occur.

COPA recommends a finding that **allegation #5**, that **Sergeant C** fabricated a statement from Subject 1, be **Unfounded**.

COPA recommends a finding that **allegation #4**, that **Detective A** fabricated a statement from Subject 1, be **Unfounded**.

Subject 1 alleged that Sergeant C, and Detective A wrote a statement that Subject 1 "never read and [...] never signed." Sergeant C related that Subject 1 gave a "partial admission" and did so willingly. Detective A denied fabricating Subject 1's statement. Additionally, Assistant State's Attorney A was present for portions of Subject 1's interrogation. It is unlikely that Assistant State's Attorney A would have approved charges from fabricated statements.

*Approved:*

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Deputy Chief Administrator



**FINDINGS**

<b>Accused 1:</b>	<b>Officer A</b>
<b>Allegation 1-2:</b>	<b>Unfounded</b>
<b>Allegation 3:</b>	<b>Not Sustained</b>
<b>Allegation 4:</b>	<b>Exonerated</b>
<b>Accused 2:</b>	<b>Sergeant B</b>
<b>Allegation 1:</b>	<b>Unfounded</b>
<b>Accused 3:</b>	<b>Sergeant A</b>
<b>Allegation 1:</b>	<b>Unfounded</b>
<b>Allegation 2:</b>	<b>Not Sustained</b>
<b>Accused 4:</b>	<b>Sergeant C</b>
<b>Allegation 1, 5:</b>	<b>Unfounded</b>
<b>Allegation 2-4:</b>	<b>Not Sustained</b>
<b>Accused 4:</b>	<b>Detective A</b>
<b>Allegation 1,4:</b>	<b>Unfounded</b>
<b>Allegation 2-3:</b>	<b>Not Sustained</b>