

SUMMARY OF INCIDENT

On October 30, 2017 at approximately 7:30 PM, twelve Chicago Police Department (CPD) Officers executed a search warrant (#XXXXXXX) at a single-family residence at XXXX W 82nd Street in Chicago. The targets of the warrant were a subject by the name of Subject 1, who was wanted for Unlawful Possession of Cannabis, as well as the entire premises of the home.¹

The complainant, Civilian 1, and several other individuals (including minor children) were present in the home at the time the warrant was executed. Subject 1 was not present. Civilian 1 contacted COPA on November 7, 2017 alleging that the Chicago Police Officers who executed the warrant did not properly knock or announce their office when entering the home. She also alleged that several of the officers pointed their firearms directly at the children.

ALLEGATIONS

It is alleged by the complainant that while on duty and executing the search warrant, Officer A, Officer B, and Sergeant A:²

1. Forcibly entered the residence at XXXX W 82nd Street without first knocking and announcing their office; and
2. Pointed firearms at family members of Civilian 1, including five children.

It is further alleged by Civilian 1 that Officer C and Officer D:³

1. Pointed firearms at family members of Civilian 1, including 5 children.

APPLICABLE RULES AND LAWS

Rules and Regulations of the Chicago Police Department

Rule **38** prohibits, “Unlawful or unnecessary use or display of a weapon.”

Rule **5** prohibits, “Failure to perform any duty.”

Rule **6** prohibits, “Disobedience of an order or directive, whether written or oral.”

Chicago Police Department General Order S04-19 (Search Warrants)

¹ This information was verified by a copy of the Search Warrant obtained by the COPA Investigator.

² These officers were identified by the Body Worn Camera footage and were the first 3 officers to enter the home.

³ These officers were identified by the Body Worn Camera footage as well as physical descriptions provided by the complainant.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
LOG #1087351

“At the time of the search warrant execution, the search team Supervisor will ensure the Department members executing the search warrant adhere to the Knock and Announce Rule and 725 ILCS 5/108-9 and, when applicable, announce their presence and provide the residents a reasonable opportunity to allow entry.”

Illinois State Statute 725 ILCS 5/108-9, Sec 108-9

Detention and search of persons on premises.

“In the execution of the warrant the person executing the same may reasonably detain to search any person in the place at the time:

- (a) To protect himself from attack, or
- (b) To prevent the disposal or concealment of any instruments, articles or things particularly described in the warrant.”

INVESTIGATION

Interview of Victim Civilian 1

In her electronically recorded interview at COPA on November 7, 2017, Civilian 1 stated that she was sitting in the living room with her nieces Civilian 2, Civilian 3, Civilian 4 and her son Civilian 5, when they heard someone pulling at the front door handle. Civilian 5 went to the door and asked “who is it?” Civilian 1 then heard muzzled voices saying, “Open the door, open the door.” She instructed her son to sit down because they did not know who it was. She then heard, “Open the door, open the door. It’s the police.” Her son again went to the door and replied, “Who?” The officers then knocked down the door, causing her son to fly backwards and hit a wall. Approximately twenty officers entered with really big guns and demanded that everyone put their phones down.

Civilian 1 reported that at least eight officers had “long guns” and pointed them directly at the individuals present in the home for approximately fifteen seconds. She allowed the officers to search the entire home, but insisted that Subject 1 did not live there. However, she confirmed that Subject 1 was her nephew and visited her there approximately two or three times a week, because he has friends in the area.

Civilian 1 stated in her interview that due to the execution of this warrant and the Chicago Police Department posting the firearm on their Facebook page, her business has suffered and she has lost clients. Civilian 1 denied that the officers knocked on the door prior to forcing it open. (Att 6)

Documentary Evidence

The **General Case Incident Report** indicated that a total of twelve Chicago Police Officers executing the warrant, including an Evidence Officer and Supervising Sergeant. This report and the **Inventory Logs** reflected that a Springfield Armory M1a, 9 caliber firearm was recovered.

According to Civilian 1, this firearm was registered to her childrens’ father, Civilian 6, who was present on the premises at the time of the warrant. Other items recovered and inventoried included ammunition, several baggies of a substance suspected to be Cannabis, and other drug paraphernalia. A document identified as a D-Bond for Subject 1 with that home’s address on it was also recovered. (Atts 8, 14 & 16)

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The **Search Warrant** documented that Officer Officer E received a complaint from an anonymous source that Subject 1 was selling drugs out of the home. The warrant indicated Subject 1 as the subject of the search, but also encompassed a full exploration of the premises. This warrant was also seen on Sergeant A's Body Worn Camera video. (Att 15)

Body Worn Camera Footage obtained by the COPA Investigator showed Officer B, Officer A, and Sergeant A as the first three officers to approach and enter the home. These officers were shown visibly and audibly knocking on the front door of the home in succession a total of at least four times. Simultaneously, several officers were audibly heard on tape announcing that they were Chicago Police and instructing the occupants to "open the door" and "hold the dog" a total of at least four times. The officers used a battering ram to enter the home approximately 30 seconds after first approaching. The video footage also showed officers interacting with the individuals in the home, including young children, for over an hour after first entering. At no time during the footage are any of the officers shown pointing their weapons directly at anyone in the home. All officers' firearms are only seen in low-ready positions at all times, including the additional officers specifically accused by the complainant (Officer D and Officer E). Also, no officer present was shown with a rifle as a firearm except for Sergeant A. This rifle was positioned at low-ready at all times depicted. (Att 13)

ANALYSIS AND CONCLUSION

COPA's investigation determined that the accusations by Civilian 1 against the involved officers did not occur as alleged. Based on the totality of circumstances and the evidence directly refuting the complainant's claims of misconduct by the CPD Officers, COPA recommends that **Allegation #1** made against Officer A, Officer B, and Sergeant A be **UNFOUNDED**. The Body Worn Camera footage clearly shows the officers knocking and announcing their office.

COPA also recommends that **Allegation #2** made against Officer A, Officer B, and Sergeant A be **UNFOUNDED**. The Body Worn Camera depicts the officers handling their firearms in accordance with department policy.

Lastly, COPA recommends that **Allegation #1** made against Officer C and Officer D be **UNFOUNDED**. The Body Worn Camera depicts the officers handling their firearms in accordance with department policy.