

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	August 2, 2017
Time of Incident:	11:30 am to 1:10 pm
Location of Incident:	XXXX S Bishop St., Chicago, IL
Date of COPA Notification:	August 4, 2017
Time of COPA Notification:	1:00 pm

On August 2<sup>nd</sup>, 2017, at approximately 1 pm, U.S. Marshal/Inspector A and Chicago Police Officer A, went to the address of XXXX S. Bishop St., Chicago, IL, in search of Subject. Subject 1 had an outstanding warrant from XXXXXXXXXXXX for Aggravated Battery. Officer A and Marshal A were conducting surveillance outside XXXX S. Bishop St., when they observed Subject 1 exit a vehicle and enter XXXX S. Bishop St. Marshal A approached the residence, while Officer A ran around the house to the back door. As Marshal A was trying to make entry in the front of the residence, Officer A made entry through the rear by breaking open the rear door. While inside the residence, Officer A observed Subject 2<sup>2</sup> pulling on Marshal A in an attempt to break Subject 1 free from Marshal A. Officer A and Marshal A were able to gain control of Subject 1 and Subject 2, and placed both into custody. Subject 3<sup>3</sup> made a complaint to COPA alleging Officer A’s actions were unnecessary.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, Star # XXXX, Employee ID # XXXXXX, Date of Appointment: XX/XX/2007, Police Officer, Unit XXX – Central Investigations Division, DOB: XX/XX/1974, Male, Black
Subject #1:	Subject 1, DOB: 10/XX/1986, Male, Black
Subject #2:	Subject 2, DOB: 04/XX/1969, Male, Black
Subject #3:	Subject 3, DOB: 07/XX/1936, Male, Black

<sup>1</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. Therefore, 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.

<sup>2</sup> Subject 2 is Subject 1’s father.

<sup>3</sup> Subject 3 Sr. is the father of Subject 2, and grandfather of Subject 1.

### III. ALLEGATIONS

Officer	Allegation	Finding
Police Officer A	1. It is alleged that on August 2nd, 2017, between approximately 11:30 A.M. and 1:10 P.M., XXXX S. Bishop St., Chicago IL, PO Officer A forced entry through the rear porch door of Subject 2's residence, causing property damage in violation of Rule 2 and Rule 8 of the Chicago Police Department Rules of Conduct.	1. Exonerated
Police Officer A	2. It is alleged that on August 2nd, 2017, between approximately 11:30 A.M. and 1:10 P.M., XXXX S. Bishop St., Chicago IL, PO Officer A forced entry through the kitchen door of Subject 2's residence, causing property damage in violation of Rule 2 and Rule 8 of the Chicago Police Department Rules of Conduct.	2. Exonerated
Police Officer A	3. It is alleged that on August 2nd, 2017, between approximately 11:30 A.M. and 1:10 P.M., XXXX S. Bishop St., Chicago IL, PO Officer A pointed his firearm at Subject 2's family members in violation of Rule 38 of the Chicago Police Department Rules of Conduct.	3. Not Sustained

### IV. APPLICABLE RULES AND LAWS

#### Rules

1. **Rule 2** – Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 8** – Disrespect to or maltreatment of any person, while on or off duty.
3. **Rule 38** – Unlawful or unnecessary use or display of a weapon.

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General Orders

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1. **GO 01-01 Mission Statement and Core Values**
  2. **GO 03-02 Use of Force**
  3. **GO 03-02-01 Force Options**
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## V. INVESTIGATION<sup>4</sup>

### a. Interviews

Subject 3 gave a **Digitally Recorded Interview** to COPA on March 13<sup>th</sup>, 2018. In his statement, Subject 3 stated that on August 2<sup>nd</sup>, 2017, he was recovering from a hip surgery and resided at his home at XXXX S. Bishop St., Chicago, IL. Subject 3 stated he was in his bedroom when his grandson, Subject 1, came running into the house to Subject 3 stated Subject 1 was in Chicago visiting from XXXXXXXXXX. Subject 3 stated Subject 1 came up to the house with a baby in his arm, placed the baby down, and was arrested by a U.S. Marshal outside on the porch in front of the residence. Subject 3 stated that Subject 1 had an outstanding warrant for his arrest. Subject 3 stated he then heard a noise coming from the rear of his home. Subject 3 then stated an officer kicked in his back door, then kicked in his kitchen door, then came into the living room with his firearm drawn, raised at shoulder level. Subject 3 stated he did not hear any officers announce their office. Subject 3 stated that he came out of his bedroom to find out what was happening, and when he did so he saw his wife, Subject 4, and his son, Subject 2, in the living room with Officer A, whose firearm was still drawn and pointed at Subject 2 and Subject 4. Subject 3 stated that at this point Subject 1 was in the front of the house with the U.S. Marshal. Subject 3 stated that after making entry into his home, Officer A and the U.S. Marshal arrested Subject 2 for no reason. Subject 3 stated he asked why Subject 2 was being arrested, to which the officers did not answer. Subject 3 stated Subject 2 was arrested inside the house, near the front door. Subject 3 stated he never saw Subject 2 touch the U.S. Marshal or any officers. Subject 3 also stated the front door was never locked.<sup>5</sup>

Subject 5 gave a **Digitally Recorded Interview** to COPA on March 13<sup>th</sup>, 2018. In her statement, Subject 5 stated that on August 2<sup>nd</sup>, 2017, she was sitting on the porch of XXXX S. Bishop St. with her nine-year old son. Subject 5 stated her nephew, Subject 1, pulled up to the house in a car with his girlfriend and his child. Subject 5 stated she noticed Subject 1 was looking behind him, when an unmarked vehicle pulled up going the wrong way down the street. Subject 5 stated a man got out of the vehicle, had his badge visible, and shouted for Subject 1. Subject 5 stated Subject 1 told the man he would drop his baby off in the house. Subject 5 stated the man ran up to the porch, and she and her son got off the porch and walked over to her neighbor's yard at XXXX S. Bishop St. Subject 5 stated the front door was open. Subject 5 stated Subject 1 put the baby in the house, and the man was talking to Subject 1 and explaining who he was. Subject 5 stated that while the man and Subject 1 were talking, Officer A arrived and ran to the back of the

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<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>5</sup> Attachment 26

house. Subject 5 stated Officer A began kicking at the back door, and she yelled at Officer A telling him that Subject 1 was in custody in the front of the house. Subject 5 then stated Officer A kicked in the kitchen door, and rushed into the front room. Subject 5 stated the rear door and kitchen door were both locked. Subject 5 stated she could not see inside the house after Officer A entered the home. Subject 5 stated that Officer A had his firearm drawn when she saw him outside of the house, but she did not see him inside the house with his firearm drawn or pointed at anyone. Subject 5 stated Subject 2 and the Marshal “were having words” but she did not see Subject 2 touch the Marshal. Subject 4 stated she saw Subject 2 and the Marshal “tussling” and pushing each other.<sup>6</sup>

Police Officer A gave a Digitally Recorded Interview to COPA on March 27th, 2018. In his statement, Officer A stated he was on duty on August 2<sup>nd</sup>, 2017. Officer A stated he received a call from a U.S. Marshal, U.S. Marshal/Inspector A, assigned to his fugitive apprehension task force, and had an individual wanted from out of state for a warrant, now known as Subject 1. He stated U.S. Marshal/Inspector A believed Subject 1 was at XXXX S. Bishop St. Officer A then stated Marshal A was in his own vehicle and observed Subject 1 exit a vehicle and enter the home of XXXX S. Bishop St. Officer A stated at this point, he and the Marshal could not wait for back up, U.S. Marshal/Inspector A told Officer A, “That’s our target,” and both he and U.S. Marshal/Inspector A approached Subject 1. Officer A stated it was only U.S. Marshal/Inspector A and himself executing the arrest warrant for Subject 1. Officer A then stated Subject 1 ran into the home with a child in his arms. Officer A stated both he and U.S. Marshal/Inspector A announced their office and instructed Subject 1 to stop. Officer A stated that when Subject 1 ran into the home and closed the door, he ran to the back of the house. Officer A stated Subject 1 brought the child into the home. Officer A stated U.S. Marshal/Inspector A told Officer A that Subject 1 was wanted for either attempted murder or aggravated battery, and Officer A was aware of this when Subject 1 ran into the house with the child in his arms.

Officer A stated he was worried Subject 1 may turn violent or the situation may escalate into a hostage/barricaded gunman situation. Officer A stated he forced entry into the rear door with his foot and he announced his office upon entering the home. Officer A stated he entered the home with his firearm drawn, as he did not know if Subject 1 would grab a weapon. Officer A stated he did not point his firearm at anyone in the home, and he had his firearm at the ready position. Officer A stated he did not hear anyone telling him anything prior to making entry into the home, and he was never told Subject 1 was already in custody prior to entering the home. Officer A stated that once he made entry in the home, he made his way through the house to the front door. Officer A stated he did not recall forcing entry through any other door in the home. Officer A stated that in the home he observed a scuffle between U.S. Marshal/Inspector A, Subject 1, and Subject 2. Officer A stated Subject 2 was pulling on U.S. Marshal/Inspector A to get him off of Subject 1 and stop him from placing Subject 1 into custody. Officer A stated he placed Subject 2 into handcuffs. After both Subject 2 and Subject 1 were placed into handcuffs, Subject 1 was placed into a police vehicle and Subject 2 was placed into another vehicle.<sup>7</sup>

## **b. Digital Evidence**

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<sup>6</sup> Attachment 27

<sup>7</sup> Attachment 32

COPA requested **Body Worn and In-car Camera** footage regarding the alleged incident and the arrest of Subject 1 and Subject 2. Three officers' body worn camera footage was obtained from CPD. The Officers' body worn camera footage did not capture the alleged incident.<sup>8</sup>

COPA requested and received **Digital Photographs** of damage to a door labeled kitchen door and another door labeled rear door.<sup>9</sup>

### c. Documentary Evidence

An **Arrest Report** for Subject 1, CB #XXXXXXXXXX, states the following,

This is a fugitive apprehension unit arrest, in summary on the above date and time A/O's went to the address of XXXX S. Bishop in search of Subject 1 IR XXXXXXXX armed with Iclear photo and warrant XXX XXXXXXXXXXXX from XXXXXXXXXXXX for aggravated battery, while conducting surveillance on said residence A/O's observed Subject 1 exit a vehicle and begin to enter the said residence. At which times R/Os approached and announced our office. When Subject 1 enter the residence and proceed to lock the front door. At this time Officer A entered the residence from the rear. Subject 1 was subsequently placed into custody on said warrant, transported to the 006<sup>th</sup> Dist for further processing . .

The offense cited on the arrest report is 725 ILCS 225.0/13, fugitive from justice – out of state warrant Class Z. The arresting officers are listed as Officer A and Officer D. The arrest date is 02 August, 2017 and the time is listed as 13:10 hours.<sup>10</sup>

An **Arrest Report** for Subject 2, CB #XXXXXXXXXX, states the following,

This is a fugitive apprehension unit arrest, in summary on the above date and time A/O's went to the address of XXXX S. Bishop in search of Subject 1 IR XXXXXXXX armed with Iclear photo and warrant XXX XXXXXXXXXXXX from Wisconsin for aggravated battery, while conducting surveillance on said residence A/O's observed Subject 1 exit a vehicle and begin to enter the said residence. At which times R/Os approached and announced our office. When Subject 1 enter the residence and proceed to lock the front door. At this time Officer A entered the residence from the rear. As Officer A ascended to the front door, a commotion or struggle could be heard. Officer A observed Subject 2 (Offender) pulling on U.S. Marshall/Inspector (U.S. Marshal Service) A arm in an attempt to break Subject 1 free from being placed into custody and attempting to defeat the arrest. Once R/O's were able to gain control of Subject 1 and place him into a secure vehicle, Subject 2 as subsequently placed into custody . . .

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<sup>8</sup> COPA received Officer B body worn camera footage, it only captures Officer B and Officer C transporting Subject 2 to the 6<sup>th</sup> District Police Station. Officer B body worn camera footage does not capture the alleged incident. Officer C body worn camera footage captures Subject 2 being placed into his squad car for transport to the 6<sup>th</sup> District Station. Officer C's camera does not capture the alleged incident. COPA also obtained Officer E body worn camera footage, but it does not capture the alleged incident. Attachment 33, 34, 35.

<sup>9</sup> On April 18, 2018, Subject 5 emailed COPA two digital photographs labeled rear door and four digital photographs labeled kitchen door. Attachment 36.

<sup>10</sup> Attachment 5

The offenses cited on the arrest report are 720 ILCS 5.0/32-10-A and 720 ILCS 5.0/31-1-A. The victim and complainant is listed as U.S. Marshal/Inspector A, an inspector for the U.S. Marshals Service. The arresting officers are listed as Officer A and Officer F. The arrest date is 02 August, 2017 and the time is listed as 13:10 hours.<sup>11</sup>

## VI. ANALYSIS

It is alleged that Officer G, while executing a valid search warrant, forced entry through the rear back door and in the process, caused property damage. The general touchstone of reasonableness that governs any Fourth Amendment analysis also governs the method of execution of a warrant. Thus, excessive or unnecessary damage to property through the course of executing a warrant may violate the Fourth Amendment. As always, the analysis hinges on the reasonableness of the officer's conduct under the circumstances. Given that it is virtually impossible to know what an officer may encounter when executing a warrant, it is generally left to the officer's discretion to determine how to proceed. When executing an arrest warrant, the "knock and announce" requirement serves to protect the safety of officers and the occupants of the location, prevent the destruction of property by giving occupants an opportunity to avoid forced entry, and protect "those elements of privacy and dignity that can be destroyed by a sudden entrance." *Hudson v. Michigan*, 547 U.S. 586 (2006).

In this instance, Officer A admitted to kicking in the rear porch door and announcing his office as he made entry. Officer A believed that Subject 1 was wanted for aggravated battery or attempted murder. It was Officer A's belief that the situation may become escalated and turn violent. Officer A stated he saw Subject 1 run into the home with a baby, and was worried for the child's safety. Therefore, according to Officer A, he forced entry into the rear door with his foot. Because Officer A entered at the rear of the home, it is plausible that he was unaware of the situation confronted by U.S. Marshal/Inspector A when U.S. Marshal/Inspector A entered the home through the front door. In addition, Officer A would not have known how many people were in the home or if Subject 1 was immediately compliant. Finally, Subject 5 provided COPA with digital photographs of the rear and kitchen doors, showing minimal damage to both doors. Because of the type of crime Subject 1 was wanted for coupled with the fact that Officer A believed the situation might turn violent and the unknown variables associated with entering a home through the rear, Officer A's forced entry into the home was objectively reasonable. Therefore, the allegation that Officer A forced entry into the home and caused property damage is **Exonerated**.<sup>12</sup>

For the reasons articulated above, the allegation that Officer A forced entry through the kitchen door, causing property damage is **Exonerated**.

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<sup>11</sup> Attachment 6

<sup>12</sup> While a question of fact remains whether Officer A appropriately "knocked and announced," the allegation was not specifically made and thus not addressed during his statement. Further, COPA is unaware if the warrant was specifically a no "knock and announce" warrant. Finally, even if the knock and announce requirement was not adhered to, extenuating or exigent circumstances during the execution of the warrant may negate the requirement. Officer A articulated that he believed the situation potentially could have escalated and turned violent, thus possibly meeting an exigent circumstance that would not require the "knock and announce."

Finally, it is alleged that Officer A pointed his firearm at the occupants in the home. Officer A admits to having his firearm drawn while entering the home. He stated that his firearm was only at the ready position and he never pointed it any of the occupants. Officer A drew his firearm because he was unaware if the target of the arrest warrant had a weapon. Subject 2 stated that Officer A had his firearm drawn when he was outside the house, but she did not see Officer A with his firearm drawn inside the house or pointed at anyone. Subject 1 stated that Officer A came into the home with this weapon drawn and raised at shoulder level. Based on the available evidence in the record, COPA cannot prove or disprove that Officer A pointed is weapon at the occupants of the home. Therefore, the allegation is **Not Sustained**.

**VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Allegation</b>	<b>Finding</b>
Officer A	
1. It is alleged that on August 2nd, 2017, between approximately 11:30 A.M. and 1:10 P.M., XXXX S. Bishop St., Chicago IL, PO Officer A forced entry through the rear porch door of Subject 2’s residence, causing property damage.	Exonerated
2. It is alleged that on August 2nd, 2017, between approximately 11:30 A.M. and 1:10 P.M., XXXX S. Bishop St., Chicago IL, PO Officer A forced entry through the kitchen door of Subject 2’s residence, causing property damage.	Exonerated
3. It is alleged that on August 2nd, 2017, between approximately 11:30 A.M. and 1:10 P.M., XXXX S. Bishop St., Chicago IL, PO Officer A pointed his firearm at Subject 2’s family members	Not Sustained

Approved:

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*Acting Deputy Chief Administrator A*

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 Date

**Appendix A**

Assigned Investigative Staff

<b>Squad #:</b>	XX
<b>Investigator:</b>	Investigator A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Acting Deputy Chief Administrator:</b>	Acting Deputy Chief Administrator A
<b>Attorney:</b>	Attorney A