

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	January 11, 2018
Time of Incident:	6:24pm
Location of Incident:	XXXX S. Union
Date of COPA Notification:	January 12, 2018
Time of COPA Notification:	2:56pm

Officer A and Officer B responding to a child abduction / domestic battery call where accused Officer C, Officer D, and Officer E, asked the complainant Officers to guard the front of the residence. After a few minutes Officer A and Officer B went into the residence where they observed the accused Officers questioning, Subject 2 about guns that he allegedly had in his bedroom. The accused Officer asked Subject 2 to show them the guns. Suspecting the search to be unlawful, Officer A and Officer B left the scene and requested a Sergeant to make an initiation report regarding the incident.

**II. INVOLVED PARTIES**

Accused Officer #1:	Officer C, star XXXX, employee ID# XXXX, Date of Appointment: XX XX, 2007, Date of Birth: XX XX, 1982, Police Officer, Male, White
Accused Officer #2:	Officer D, star XXXX, employee ID#XXXX, Date of Appointment: XX XX, 2007, Date of Birth: XX XX, 1984, Police Officer, Male, White
Accused Officer #3:	Officer E, star XXXX, employee ID#XXXX, Date of Appointment: XX XX, 2001, Date of Birth: XX XX, 1974, Police Officer, Male, White
Complainant Officer #1	Officer A, star XXXX, employee ID# XXXX, Date of Appointment: XX XX, 2015, Date of Birth: XX XX, 1988, Police Officer, Male, Black
Complainant Officer #2	Officer B, star XXXX, employee ID# XXXX, Date of Appointment: XX XX, 2017, Date of Birth: XX XX, 1988, Male, Asian
Subject #1:	Subject 1, 21, Female, Black

Subject #2:	Subject 2, 27, Male, Black
Subject#3:	Subject 3, 2, Female, Black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer C	It is alleged that on January 11, 2018, Officer C engaged in an unlawful search of Subject 2’s residence, XXXX S. Union, in violation of Chicago Police General Order 02-02, Rule 6 and the 4 <sup>th</sup> Amendment.	Unfounded
Officer D	It is alleged that on January 11, 2018, Officer D engaged in an unlawful search of Subject 2’s residence, XXXX S. Union, in violation of Chicago Police General Order 02-02, Rule 6 and the 4 <sup>th</sup> Amendment.	Unfounded
Officer E	It is alleged that on January 11, 2018, Officer E engaged in an unlawful search of Subject 2’s residence, XXXX S. Union, in violation of Chicago Police General Order 02-02, Rule 6 and the 4 <sup>th</sup> Amendment.	Unfounded

**IV. APPLICABLE RULES AND LAWS**

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Rules

1. 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.
2. Rule 6: Disobedience of an order or directive whether written or oral.

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General Orders

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1.The First Amendment and Police Actions General Order G02-02

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Special Orders

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1. Conduct of Complaint Investigations Special Order S08-01-01

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Federal Laws

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1.Fourth Amendment

## V. INVESTIGATION

### a. Digital Evidence

Officer A's first Body Worn Camera video is seventeen minutes and forty-eight seconds long<sup>1</sup>. The video depicts Officer A and Officer B exit their car and approach the front door of XXXX S. Union. As the officers walk to the door, Officer C tells Officer A and Officer B to watch the front while he goes through the back. Officer A stands near the front of the residence while Officer B stands to the side of the residence. After about two minutes, Officer B tells Officer A that someone is flashing lights on the second floor. Approximately seven minutes later, Officer A and Officer B walk through a gangway to the back porch of the residence and make their way on to the second floor. Once they arrive through the back door of the residence the two officers immediately make their entrance in the kitchen area, where Subject 2 is seated and speaking with Officer E, Officer D and Officer C. Subject 2 is not handcuffed and is sitting at his kitchen table. Officer E asked Subject 2 how many guns he has and Subject 2 says "two". Officer E asked to see the guns and Subject 2 stood up and escorted the officers out of view from Officer A's camera.

Officer A and Officer B stay in the kitchen area. Officer A can be heard whispering to Officer B "that's why they were here, guns". Officer E returned to the kitchen and starts speaking with Subject 1 about Subject 2s' FOID card. Either Officer A, or Officer B hand Officer E a criminal complaint form, which is used for processing an arrest. Officer A and Officer B leave shortly after advising Officer E to call them when it's time to transport Subject 2 to the district.

Officer A's second body worn video camera is nineteen minutes and fifty-six seconds. This video shows the transport of Subject 2 to the fifth district. (Attachment 12)

### b. Documentary Evidence

**Officer C, Officer D, and Officer E**, each wrote **To/From Reports** on January 11, 2018, describing the incident. Each Officer wrote that they were all working together as partners on beat XXXX when they received a Child Abduction call through OEMC. The officers responded to this call at the location of XXXX S. Union.

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<sup>1</sup> Officer B was a probationary police officer at the time of this incident and therefore did not have a body worn camera.

The Officers related that when they arrived on the scene they spoke with the victim, Subject 1. The Officers all relate that she got into a verbal argument with her child's father, Subject 2, and that Subject 2 punched her in the head and attempted to choke her. Subject 1 told the officers that after the attack, Subject 2 took their two-year old child, Subject 3, and locked himself and the two-year-old in the second-floor apartment. All the officers noted in their report that Subject 1 was even more afraid of the situation because Subject 2 has access to two handguns on the second floor.

Officer C reported that he saw beat #XXX arrive on scene and asked Officer A to watch the front of the residence to prevent a possible Subject 2 escape.

Officer D and Officer E documented that they went upstairs to speak with Subject 2. The Officers both wrote that Officer D spoke with the offender and asked him if he was in possession of any firearms, to which, Subject 2 responded that he had two handguns in the bedroom and that he is a licensed FOID card holder. The officers reported that Subject 2 then walked them to the bedroom, and that Officer D and Officer E "made the weapon safe." The officers next report that Subject 1 signed a Domestic Battery Complaint against Subject 2 and that Subject 2 was then placed into custody.<sup>2 3</sup>(Attachments 7, 8, and 9)

The **Arrest Report** and **General Case Incident Report** of Subject 2 documents that Officer D, and Officer C, responded to a child abduction call at XXXX S. Union. The report notes that the officers met with Subject 1 who related that her boyfriend, Subject 2, beat her up and took their two-year-old daughter into their residence, where he locked himself inside with their two-year-old daughter and refused to allow Subject 1 entry. The arrest report goes on to narrate that Subject 1 was in fear for her daughter's safety because he had two handguns inside the residence. The report goes on to note that Officer D and Officer C asked Subject 2 where the firearms were and that Subject 2 showed the officers the two handguns. The arrest report further notes that Subject 1 signed a domestic battery complaint and Subject 2 was arrested his weapons were inventoried. (Attachment 17 and 19)

**Complainant Officer A** and **Officer B** each wrote **To/From Reports** on January 11, 2018, describing the incident. The officers stated that they were working together when they were dispatched to a child abduction call. When they arrived on scene the officers stated they spoke to a member of beat #XXXX, who requested that the two officers stand in front of the location to prevent the offender from fleeing the scene. Both officers state in their To/ From Reports that due to poor communication after 5-10 minutes both the officers decided to walk to the rear of the residence and observed the victim outside on the back porch. The officers next documented that they went upstairs to the second floor of the residence where they saw, through a window, members of beat #XXXX speaking with Subject 2. Once the officers entered the backdoor of the apartment

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<sup>2</sup> Officer C, Officer D, and Officer E, each continue their To/From Reports by explaining an internal incident that occurred between themselves and Officer A. That incident is beyond the scope of COPA's investigating jurisdiction. This investigation is limited in scope as to whether Officer C, Officer D, and Officer E conducted an illegal search of Subject 2's bedroom under the Fourth Amendment.

<sup>3</sup> It is worth noting that Subject 2 was only charged with domestic battery and not for any weapons violations. Officers confiscated his weapons and inventoried them with his property. On January 18, 2018, Subject 2 retrieved his two firearms from CPD.

they were in the kitchen area. The officers reported that members of beat #XXXX instructed them to keep their eyes on the two-year-old, as the officers of beat #XXXX took Subject 2 into the living room. Both Officer A and Officer B stated that they did not feel comfortable with the officers of beat #XXXX searching Subject 2's residence, since the initial incident did not occur in the residence, and because the victim was not in the residence at the time of the incident. Officer A and Subject 2 both wrote that they believed that the officers of beat #XXXX were acting unlawfully in performing their search. After accessing the scene, Officer A and Officer B decided to leave. (Attachment 5 and 6)

## VI. ANALYSIS

COPA recommends a finding of **Unfounded** against all of the accused officers. Officer A and Officer B each allege that they suspected Officer C, Officer D, and Officer E were conducting an unlawful search of Subject 2's residence.

The United States Supreme Court articulated in Chimel v. California, 395 U.S. 752 (1969) that when a police officer makes a warrantless arrest of someone in their home, officers must limit their search to the person being arrested, and the immediate area where that person could reasonably get a weapon. The Court noted that the scope of the search must be reasonable.

In this case, the accused officers were dispatched to a child abduction call. Upon arriving to the scene, the victim made numerous allegations that Subject 2 struck her in the head multiple times. She also alleged that Subject 2 took their two-year-old child and locked himself in the second-floor apartment where he had two handguns. While in the kitchen, Officer D asked Subject 2 if he had any guns, to which Subject 2 voluntarily walked the officers to his bedroom and showed the officers his handguns. Furthermore, the Illinois Domestic Violence Act states that:

Whenever a law enforcement officer has reason to believe that a person has been abused, neglected, or exploited by a family or household member, the officer shall immediately use all reasonable means to prevent further abuse, neglect, or exploitation, including:

If there is probable cause to believe that particular weapons were used to commit the incident of abuse, subject to constitutional limitations, seizing and taking inventory of the weapons. 750 ILCS 60/304(a)(2)

The Illinois Domestic Violence Act is to be liberally construed to promote its goals. Here, Subject 1 made allegations that she was abused by Subject 2 and that she was worried when he took their child because he has two handguns their apartment. Therefore, the accused officer's decision to arrest Subject 2 for domestic battery and inventory his two handguns, were well within Chicago Police General Orders on domestic violence incidents, as well as the officer's discretion under the Illinois Domestic Violence Act. Thus, COPA finds that Officer A and Officer B's allegation that the accused officers conducted amounted into an unlawful search of Subject 2's residence is **Unfounded**.

## VII. CONCLUSION

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

<b>Allegation</b>	<b>Finding</b>
<b>Officer C</b>	
It is alleged that on January 11, 2018, you engaged in an unlawful search of Subject 2’s residence, XXXX S. Union, in violation of Chicago Police General Order 02-02, Rule 6 and the 4 <sup>th</sup> Amendment	Unfounded
<b>Officer D</b>	
It is alleged that on January 11, 2018, you engaged in an unlawful search of Subject 2’s residence, XXXX S. Union, in violation of Chicago Police General Order 02-02, Rule 6 and the 4 <sup>th</sup> Amendment	Unfounded
<b>Officer E</b>	
It is alleged that on January 11, 2018, you engaged in an unlawful search of Subject 2’s residence, XXXX S. Union, in violation of Chicago Police General Order 02-02, Rule 6 and the 4 <sup>th</sup> Amendment	Unfounded

Approved:

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*Deputy Chief Administrator*

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 Date

Appendix A

Assigned Investigative Staff

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