

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 28, 2017
Time of Incident:	3:00am
Location of Incident:	XXXX S. Emerald Ave.
Date of COPA Notification:	July 31, 2017
Time of COPA Notification:	10:00am

On July 28, 2017, at approximately 3:00am, multiple Chicago Police Officers were called to the address of XXXX S. Emerald Ave, for a noise disturbance due to a backyard party. While standing with in the neighboring alley, with numerous police officers, Probationary Officer A #XXXXXX, observed through a wrought iron fence, the butt of a handgun in the front right pocket of Involved Civilian 2, a patron of the party. Officer A informed Sergeant A #XXX of the handgun and Sergeant A ordered Officer A along with the other on scene officers to go onto the property and retrieve the gun from Involved Civilian 2. While attempting to arrest Involved Civilian 2, Involved Civilian 1 was pushed by Officer B #XXXXXX, causing her to break her leg. COPA’s investigation determined the allegations for against the involved officers to be Exonerated.

**II. INVOLVED PARTIES**

Accused Sergeant #1:	Sergeant A, star # XXX, employee ID#XXXXX, Date of Appointment: XXXXXXXX XX, 1993, Sergeant, Date of Birth: XXXXXXXX X, 1968, Male, White
Accused Officer #1:	Officer A, star #XXXXX, employee ID#XXXXXX, Date of Appointment: XXXXXXXX XX, 2016, Police Officer, Date of Birth: XXXXXXXX X, 1988, Male, White
Accused Officer #2:	Officer B, star #XXXXX, employee ID#XXXXX, Date of Appointment: XXXXX X, 2015, Police Officer, Date of Birth: XXXXXXXX XX, 1990, Male, White
Accused Officer #3:	

<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.

Accused Officer #4:	Officer C, star #XXXX, employee ID#XXXXXX, Date of Appointment: XXXXXXXX XX, 2006, Police Officer, Date of Birth: XXXXX XX, 1983, Male, White
Accused Officer #5:	Officer D, star #XXXX, employee ID#XXXXXX, Date of Appointment: XXXXX XX, 2016, Police Officer, Date of Birth: XXXXXXXX XX, 1990, Male, White
Accused Officer #6:	Officer E, star #XXXXX, employee ID#XXXXXX, Date of Appointment: XXXX XX, 2013, Police Officer, Date of Birth: XXX XX, 1989, Male, White
Subject #1:	Officer F, star #XXXXX, employee ID#XXXXXX, Date of Appointment: XXXXX XX, 2014, Police Officer, Date of Birth: XXXXXXXX XX, 1984, Male, White
	Involved Civilian 1, Date of Birth: XXXXXXXX XX, 1986. Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant A #XXX	COPA alleges that on July 28, 2017, Sergeant A violated the 4 <sup>th</sup> Amendment by allowing officers to enter the backyard residence of XXXX S. Emerald Ave, without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
Officer B #XXXXX	On July 28, 2017, at approximately 3:30am, engaged in an unjustified altercation with Involved Civilian 1, by pushing her to the ground causing her tibia bone to break. In Chicago Police Rule 9.	Exonerated
	On July 28, 2017, Police Officer B violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
Probationary Officer A, star #XXXXX	On July 28, 2017, Police Officer A violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or	Exonerated

	reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	
Officer C # XXXX	On July 28, 2017, Police Officer C violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
Officer D #XXXX	On July 28, 2017, Police Officer D violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
Officer E #XXXXX	On July 28, 2017, Police Officer E violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
Officer F # XXXXX	On July 28, 2017, Police Officer F violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated

**IV. APPLICABLE RULES AND LAWS**

Rules

1.Chicago Police Rule 6: Prohibits Disobedience of an order or directive, whether written or oral.

2.Chicago Police Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. General Order: G02-02: The First Amendment & Police Actions.
2. General Order: G03-02-01: The Use of Force Model

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Federal Laws

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1. Fourth Amendment

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**V. INVESTIGATION<sup>2</sup>**

**a. Interviews**

In an interview with COPA on July 31, 2017, **Complainant Involved Civilian 1** stated that on the July 28, 2017 she arrived in the backyard residence of her cousin's apartment complex for a party at approximately 12:00 am. She met her boyfriend, Involved Civilian 2, who was at the party and had arrived before her. Involved Civilian 1 stated that the backyard of the residence faced an alley where multiple cars were parked. Involved Civilian 1 also stated that there were numerous people in and out of the backyard and the alley during the party. Involved Civilian 1 testified that there were numerous police officers standing in the alley right outside of the backyard gate. Involved Civilian 1 related that she was standing on private property with a bottle of Remy Martin in one hand and her cell phone in her other hand when she noticed approximately five white male uniformed Chicago Police Officers aggressively push their way through the backyard gate from the alley. Involved Civilian 1 stated that the officers did not say anything and surrounded her while she was standing in front of Involved Civilian 2. Involved Civilian 1 remembers that an officer standing by her side pushed her, and that she fell forward to the ground. Once she was on the ground she noticed that the officers tackled Involved Civilian 2 and she could hear him screaming at the officers that his wrists were in pain. Involved Civilian 1 next stated that she could not move her leg and begged a Sergeant to call for an ambulance which he ultimately did. Involved Civilian 1 stated that the Sergeant told her that she interfered with an arrest, to which Involved Civilian 1 protested that she was never a physical threat. Involved Civilian 1 stated that she could not make out the names or the faces of the officers that entered the backyard and pushed her since everything happened so fast. Involved Civilian 1 remembered being transported to Hospital where she was diagnosed with having a broken fibula in her right leg. Involved Civilian 1 added that on July 17, 2016, she broke her femur in the same leg.<sup>3</sup>

In an interview with COPA on February 20, 2018, **Sergeant A** stated that on the date in question he and his officers were called to the address of XXXX S. Emerald on three separate occasions for noise reports. In two of these instances Sergeant A stated that he and the responding officers were able to calm the party goes down and convince them to turn off the music.

Sergeant A stated that during the third call for police at about 2:55 am he instructed the DJ to turn the music off. While speaking with the DJ, Sergeant A stated that Officer A came up to him and told him that he saw someone in the backyard with a gun in their pocket. Sergeant A stated

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<sup>2</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>3</sup> Attachment 7

that getting a search warrant would have been unreasonable so he ordered the officers to enter the backyard to procure the gun. Sergeant A stated that since the gun was not concealed, and was unholstered the gun possessed a danger to the citizens in the yard as well as the officers. Sergeant A testified that he did not know anything about Involved Civilian 2 before July 28, 2017. Sergeant A related that he did not see the gun before giving the order to enter the yard and that he relied solely on Officer A's observation.<sup>4</sup>

In an interview with COPA on March 14, 2018, **Officer A** stated that on the date in question he responded to XXXX S. Emerald three times for various noise and traffic disturbances. Officer A related that the third time he was called to the location was approximately three O'clock in the morning and was instructed to shut down the party for loud music and because of people were openly drinking in the public way and being a disturbance to the neighborhood.

Officer A stated that while he was standing in an alleyway watching the party goers in the back yard through a wrought iron fence he noticed Involved Civilian 2. Officer A related that Involved Civilian 2 initially drew his attention because he was walking in circles around the people in the back yard, which Officer A thought was peculiar. Officer A stated that it was dark outside so he flashed his light in the back yard through the fence so that he could have better sight into the backyard, at which point he observed a handle of a gun sticking out of Involved Civilian 2's right front pocket. Officer A stated that Involved Civilian 2 appeared to be intoxicated. Officer A then stated that he informed the two other officers that were standing next to him, which were Officers E and D. These officers agreed with Officer A's assessment that the handle sticking out of Involved Civilian 2's pocket was of a gun and advised him to speak with Sergeant A. Officer A next stated that when he informed the Sergeant that someone in the backyard had a gun in their pocket, Sergeant A told him to go and retrieve the gun.

Officer A recalled that as he and other officers entered the yard he gave verbal directions for the people in the yard to move out of the way from Involved Civilian 2 and for Involved Civilian 2 to keep his hands up. Officer A stated that as he and other officers approached Involved Civilian 2, he bladed his body up against a car that was parked in a backyard. As Involved Civilian 2 leaned up against the vehicle he had his hands up and Officer A drew his weapon, pointed it at Involved Civilian 2 and stated that he repeatedly told Involved Civilian 2 to keep his hands up and not reach for the gun. Officer A next related that there was a female and two other males that were shielding Involved Civilian 2 from the officers. Officer A stated that Involved Civilian 2 lowered his arms grabbed the gun out of his pocket, and quickly threw it on the ground, under a car and then went to the ground. Since the gun was thrown under the car Officer A stated that he went to secure the gun by putting his foot over the weapon because the scene was not secure because people were still walking around the backyard. Officer A stated that Involved Civilian 2 was then placed in custody without incident. Officer A added that while at the police station he attempted to read Involved Civilian 2 his Miranda rights and that Involved Civilian 2 still seemed highly intoxicated during that process.<sup>5</sup>

In an interview with COPA on February 20, 2018, **Officer D** stated that he had been to XXXX S. Emerald numerous times throughout the night. He stated that at the time of the incident

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<sup>4</sup> Att. 16

<sup>5</sup> Att 15

he was standing in the alley looking into the backyard of the residence through a wrought iron fence, when he along with other officers observed a handle of a handgun sticking out of Involved Civilian 2's right front pocket. Officer D stated that he informed Sergeant A that there was someone with a gun in the backyard. Officer D then stated that he along with other officers entered the yard to conduct an investigation as to why Involved Civilian 2 had a weapon and were met with resistance. Officer D stated that when he entered the yard he saw Involved Civilian 2 standing by a parked car and conversing with others. Officer D stated that the scene inside the yard was chaotic, and that non-police members made the scene chaotic. Officer D could not articulate what the chaos was or what he was doing during the chaos. Officer D answered many of these questions by stating that he helped "make the scene safe" but could not articulate how he made the scene safe or what steps he took to "make the scene safe". Officer D could not explain what he did after entering the yard other than by stating again and again that he made the scene safe and that he made the weapon safe.<sup>6</sup>

In an interview with COPA on February 20, 2018, **Officer E** stated that on the date in question he was in full uniform standing in the neighboring alley of XXXX S. Emerald with his fellow officers and was looking through a wrought iron fence at a party that they were called to shut down. Officer E stated that he along with two other officers saw the butt of a gun in the right pants pocket of a partygoer. Officer E stated that he alerted the other officers around him about the gun and that he then alerted Sergeant A

Officer E stated that he entered the yard with a group of the officers on scene and that he was in the middle of the pack of officers. Officer E stated that he entered the yard with the officers to attempt to interview Involved Civilian 2 to ask him why he had a gun in his pocket. Officer E then related that before he could attempt to get to Involved Civilian 2 for an interview, Involved Civilian 2's girlfriend Involved Civilian 1 obstructed the officers. Officer E stated that an officer pushed Involved Civilian 1 to the side to get to Involved Civilian 2 who put his back against a parked car and started to slide down to the ground and refused verbal commands to put his hands behind his back. Officer E then stated that Involved Civilian 2's arms were placed behind his back and he was taken into custody. Officer E did not believe that he touched Involved Civilian 2. When asked by COPA why he filled out a Tactical Response Report when he testified to not touching Involved Civilian 2 Officer E stated that he could not remember.<sup>7</sup>

In an interview with COPA on February 16, 2018, **Officer B** stated that on the date in question he was standing in the alley behind XXXX S. Emerald. Officer B stated that an unknown officer saw Involved Civilian 2 with a firearm on his side, and that he then observed numerous police officers make entry to into the backyard of the residence. Officer B stated that he followed the officers into the backyard as back up. While in the backyard Officer B stated that he noticed Involved Civilian 1 in front of Involved Civilian 2. Officer B related that he attempted to escort Involved Civilian 1 away from Involved Civilian 2 because other officers were trying to detain Involved Civilian 2. Officer B stated that Involved Civilian 1 was intoxicated and aggressive and that when he grabbed Involved Civilian 1 she pulled away so he then pushed her out of the way so

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<sup>6</sup> Att. 22

<sup>7</sup> Att 25

that he could assist in the arrest of Involved Civilian 2. Officer B explained he filled out a Tactical Response Report to memorialize his actions.<sup>8</sup>

In an interview with COPA on February 20, 2018, **Officer C** stated in summary that while standing in the alley with a group of officers he overheard some of his fellow officers say that they observed someone with a handle of a handgun protruding from their pocket. Officer C stated that he watched as these officers informed Sergeant A of their discoveries. Officer C recalled Sergeant A giving the order to go into the back of the yard and retrieve the gun. Officer C related that he did not see the gun before he went into the backyard. Officer C recalled entering the backyard through an opening in the fence based on Sergeant A's order. Officer C testified that when he entered the backyard the partygoers were reluctant to get out of his way because they seemed to be intoxicated. Officer C stated that Involved Civilian 2's girlfriend tried to shield him away from other officers and there was a co-arrestee that interfered in the arrest of Involved Civilian 2. Officer C stated that Officer A saw Involved Civilian 2 take the gun out of his pocket and throw it to the ground. When this occurred Officer C went to the gun and ultimately recovered and removed the weapon from the scene.<sup>9</sup>

In an interview with COPA on February 16, 2018, **Officer F** gave a similar statement to that of Officers C and E. Officer F was standing outside of the wrought iron fence and overheard other officers speaking about seeing a gun in the pocket of a patron. Officer F stated that he entered the backyard along with his fellow officers to attempt to retrieve the weapon on Sergeant A's order. Officer F stated that when he entered the yard many of the partygoers seem intoxicated and ignored the officers verbal commands. Officer F stated that he witnessed Involved Civilian 1 being pushed out of the way because she was trying to prevent officers from getting to Involved Civilian 2. Officer F related that Involved Civilian 2 was then arrested without incident and a gun was recovered from the scene.<sup>10</sup>

#### **b. Physical Evidence**

The **Chicago Fire Department Run Report** provides that paramedics were dispatched at 3:07am for a call of an injured person. Paramedic A noted that Involved Civilian 1 complained of being pushed while standing. The CFD personnel noted that there was no obvious swelling or deformity noted at the scene. The run report notes that Involved Civilian 1 leg was splinted and that she was transported to Hospital.<sup>11</sup>

The **Medical Records of Involved Civilian 1** document that she came to Hospital via a CFD ambulance and was seen by Doctor A at approximately 3:46am. The medical staff at Hospital performed an X-Ray on Involved Civilian 1 leg, and informed her that had a subtle plateau fracture. Doctor A noted that that Involved Civilian 1 was inappropriately belligerent and was hostile and cursing toward hospital staff. Doctor A noted that Involved Civilian 1 seemed to be intoxicated,

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<sup>8</sup> Att 18

<sup>9</sup> Att 20

<sup>10</sup> Att 24

<sup>11</sup> Att. 6

highly irrational. The medical staff at Hospital provided Involved Civilian 1 with a long post mold around her right leg and gave her 325 milligrams of Tylenol.<sup>12</sup>

### c. Digital Evidence

COPA Investigators reviewed more than **25 body worn videos cameras** associated with this event. When watched together the videos depict a clear picture of the what transpired the night of July 28, 2017. The relevant portion of the video cameras depict about 40 to 60 people gathered in the backyard residence of XXXX S. Emerald Ave. The patrons of the party walked in and out of the back yard through an opening in the wrought iron fence. With the exception of one security guard that seemed to be assisting the officers with the party goers, all of the attendees of the party appear to be intoxicated. Sergeant A stood at the entrance of the wrought iron fence and attempted to tell the DJ to stop playing music and leave the party. Approximately ten police officers stood behind Sergeant A. Involved Civilian 1 can be seen and heard cursing at the officers and attempting to close the entrance from the back yard from the officers. Sergeant A can be seen preventing the gate from closing and telling the DJ to leave the premises. Officer A, who stood a few feet to the right of Sergeant A is seen shining a light through the wrought iron fence into the backyard. A handle is visible in the right pocket of Involved Civilian 2. Officer A can be heard asking Officer D “is that a gun” while pointing in the direction of Involved Civilian 2. Officer D agreed with Officer A’s assessment. Officer A then informed Sergeant A about the gun. Sergeant A told Officer A to go get it. Officers A and D were the first officers to enter the yard followed by all the other officers that were standing around Sergeant A. Sergeant A gave verbal commands for the people in the backyard to move back. The officers immediately went to Involved Civilian 2 who was standing next to a parked car. As the officer attempted to arrest Involved Civilian 2, he fell down and simultaneously Involved Civilian 1 is seen with a large liquor bottle in her hand, yelling at officers and standing in between the officers and Involved Civilian 2. Officers are heard telling Involved Civilian 2 and Involved Civilian 1 to put their hands up. Involved Civilian 1 fell down and was then grabbed up by an unknown officer and pushed into the direction of Officer B. Officer B is seen pushing Involved Civilian 1 to the side. Officer B then attempted to assist other officers in the arrest of Involved Civilian 2. Subsequently, Involved Civilian 3 attempted to get between the officers in what appears to be an effort to prevent the officers from arresting Involved Civilian 2. He is quickly taken down and arrested.<sup>13</sup>

### d. Documentary Evidence

The **Tactical Response Report of Officer E** provides that Involved Civilian 2 failed to follow Officer E’s verbal direction.<sup>14</sup>

The **Tactical Response Report of Officer B** documents that he believed Involved Civilian 1 was an active assailant with a large glass bottle and that after making unspecified verbal commands he pushed Involved Civilian 1. Lieutenant A commented that after viewing the body worn camera. Involved Civilian 1 was an active resister in that she was purposely obstructing

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<sup>12</sup> Att 8

<sup>13</sup> Att. 26

<sup>14</sup> Att 9



Officer B from making a lawful U UW arrest by putting her body in between officers and the offender Involved Civilian 2.<sup>15</sup>

The **Arrest Report of Involved Civilian 2** dictates that at approximately 2:59am at XXXX S. Emerald Ave, Involved Civilian 2 was arrested for aggravated unlawful use of a weapon, which was approved as a felony. He was detained at the X<sup>th</sup> District lockup facility and then transported to the Cook County courthouse for central booking procedures on July 29, 2017.<sup>16</sup>

The **Arrest Report of Involved Civilian 3** shows that at approximately 2:59am at XXXX S. Emerald, Involved Civilian 3 was arrested for resisting an arrest as well as obstructing an arrest by a police officer, a misdemeanor. He was detained at the X<sup>th</sup> District lockup and attended central booking court on July 29, 2017.<sup>17</sup>

The **Original Case Incident Report** notes that approximately 12 officers were called to XXXX S. Emerald Ave., to assist a supervisor to disburse an illegal and loud party at approximately 2:49 am on July 28, 2017. The report dictates that officers A, D, and E observed the handle of a handgun protruding from the right front pants pocket of Involved Civilian 2. The report goes on to provide that the three officers alerted the other officers and entered the yard through a gate to place Involved Civilian 2 in custody. The report notes that they gave Involved Civilian 2 verbal directions to put his hands up. The report provides that when the officers entered the rear yard and approached Involved Civilian 2 Involved Civilian 1 placed her body in front of Involved Civilian 2, while brandishing a large glass bottle at the officers, thereby blocking the officers from their attempt to place Involved Civilian 2 into custody. The report notes that Involved Civilian 1 was then pushed to the side because she was obstructing the officers arrest of Involved Civilian 2. The report then dictates that Officer A witnessed Involved Civilian 2 take a gun out of his pocket and throw it to the ground. The report notes that after throwing the weapon to the ground, Involved Civilian 3 ran into the group of officers and attempted to defeat the officers arrest of Involved Civilian 2. The report then goes on to provide that Involved Civilian 3 was immediately taken down and placed into custody along with Involved Civilian 2. The report credits Officer C for recovering the weapon.<sup>18</sup>

## VI. ANALYSIS

COPA recommends a finding of **Exonerated** for Sergeant A who is alleged to have violated the 4<sup>th</sup> Amendment by allowing officers to enter the backyard residence of XXXX S. Emerald Ave, without a warrant or reasonable suspicion of criminal activity. Moreover, COPA recommends a finding of **Exonerated** for the remaining officers who are alleged to have violated the 4<sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave., without a warrant or reasonable suspicion of criminal activity.

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<sup>15</sup> Att 10

<sup>16</sup> Att 4

<sup>17</sup> Att 3

<sup>18</sup> Att 5

The United States and Illinois Constitutions guarantee citizens the right against unreasonable searches and seizures. U.S. Const., amends. IV, XIV; Ill. Const. 1970, art. I, § 6. "Reasonableness under the fourth amendment generally requires a warrant supported by probable cause." People v. Sanders, 2013 IL App (1st) 102696. 12, 369 Ill. Dec. 165,986 N.E.2d 114. However, our supreme court has recognized three types of police-citizen encounters that do not constitute an unreasonable seizure. People v. Luedemann, 222 Ill.2d 530, 544-45 (2006). These encounters are: (1) arrests, which must be supported by probable cause; (2) a brief investigative stop, also known as a Terry stop; and (3) encounters that do not involve coercion or detention and therefore do not implicate fourth amendment interests. Luedemann, 222 Ill.2d at 544.

Due to the totality of circumstances the police officers' intrusion onto the property of XXXX S. Emerald was supported by probable cause. In Illinois, probable cause exists when an arresting officer has knowledge of facts and circumstances that would have led a reasonable person to conclude that the defendant committed or is committing a crime. People v. Jones, 215 Ill.2d 261, 273-274 (2005).

Here, Sergeant A stated that he ordered his officers into the backyard residence of XXXX S. Emerald, because Officer A informed him that Involved Civilian 2 had a gun, which was not concealed and was sticking out of his pocket which could have placed the officers at risk as well as the people in the party. Furthermore, Officer A articulated that Involved Civilian 2 appeared to be intoxicated while he had the handle of the gun sticking out of his pocket. Under the Illinois Firearm Concealed Carry Act, individuals are not allowed to carry or operate handguns if they are intoxicated. Section 430 ILCS 66/70(d) provides:

(d) A licensee shall not carry a concealed firearm while under the influence of alcohol, other drug or drugs, intoxicating compound or combination of compounds, or any combination thereof, under the standards set forth in subsection. 430 ILCS 66/70(d)

Since Officer A observed Involved Civilian 2 carrying an improperly concealed handgun while intoxicated, COPA finds that the officers had sufficient probable cause to enter the property located at XXXX S. Emerald Ave., as well as to detain Involved Civilian 2 while they investigated whether he was lawfully permitted to carry his handgun. Therefore, these actions were within Chicago Police policy and did not violate the Fourth Amendment. COPA finds that there was a lawful basis for these actions and therefore the allegations are **Exonerated**.

COPA recommends a finding of **Exonerated** for **Allegation 2** against Officer B. Involved Civilian 1 alleged that three officers pushed their way into the back yard, said nothing to her and then pushed her down causing her leg to break. Officer B admitted in his interview with COPA that he pushed Involved Civilian 1 to the side because she was blocking the officers from arresting Involved Civilian 2. Officer B also wrote a TRR report documenting his reasons for pushing Involved Civilian 1, which mirrored his statement to COPA. Officer B's body worn video camera clearly shows that while officers were attempting to arrest Involved Civilian 2, Involved Civilian 1 placed herself in between Involved Civilian 2 and the officers thereby obstructing the arrest. Involved Civilian 1 can be seen with a very large bottle in her righthand yelling at the officers to not arrest Involved Civilian 2. The video shows that when an officer tried to pull Involved Civilian 1's arm away from Involved Civilian 2, Involved Civilian 1 fell backwards onto Involved Civilian 2. Involved Civilian 1 then gets pulled back onto her feet by an unidentified officer and is pushed

into the direction of Officer B. Officer B then pushed / shoved Involved Civilian 1 to the ground, before attempting to assist his fellow officers in the arrest of Involved Civilian 2. Officer B doesn't deny pushing Involved Civilian 1. It can be seen in the body camera that Involved Civilian 1 was very clearly preventing officers from arresting Involved Civilian 2. Involved Civilian 1 wielding of a large glass bottle could be reasonably be construed as an assailant as defined by the Use of force Model under G03-02-01, as such Officer B was allowed to use force on Involved Civilian 1 including direct mechanical strikes and up to using an impact weapon such as a baton. Officer B's actions in pushing Involved Civilian 1 were necessary to assist in a lawful arrest and justified given Involved Civilian 1 actions as seen on the BWC. Therefore, COPA recommends a finding of **Exonerated** for Officer B.

**VII. CONCLUSION**

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

<b>Allegation</b>	<b>Finding</b>
<b>Officer Sergeant A</b>	
COPA alleges that on July 28, 2017, Sergeant A violated the 4 <sup>th</sup> Amendment by allowing officers to enter the backyard residence of XXXX S. Emerald Ave, without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
<b>Officer B</b>	
On July 28, 2017, at approximately 3:30am, engaged in an unjustified altercation with Involved Civilian 1, by pushing her to the ground causing her tibia bone to break. In Chicago Police Rule 9.	Exonerated
On July 28, 2017, Police Officer B violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
<b>Officer A</b>	
On July 28, 2017, Police Officer A violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
<b>Officer C</b>	
On July 28, 2017, Police Officer C violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a	Exonerated

warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	
<b>Officer D</b>	
On July 28, 2017, Police Officer D violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
<b>Officer E</b>	
On July 28, 2017, Police Officer E violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated
<b>Officer F</b>	
On July 28, 2017, Police Officer F violated the 4 <sup>th</sup> Amendment by entering the backyard residence of XXXX S. Emerald Ave. without a warrant or reasonable suspicion of criminal activity. In violation of Chicago Police Rule 6.	Exonerated

Approved:

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 COPA Deputy Chief Administrator  
 Deputy Chief Administrator

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 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	X
<b>Investigator:</b>	COPA Investigator
<b>Supervising Investigator:</b>	COPA Supervising Investigator
<b>Deputy Chief Administrator:</b>	COPA Deputy Chief Administrator