

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

I. EXECUTIVE SUMMARY

Date of Incident:	January 13, 2016
Time of Incident:	7:00 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	March 13, 2016
Time of COPA Notification:	3:49 PM

On January 13, 2016, the complainant, [REDACTED] was arrested for possession of a controlled substance. [REDACTED] alleged that Officer [REDACTED] said he did not “give a fuck” [REDACTED] has a disability and threw him to the ground. [REDACTED] further alleged that Officer [REDACTED] and Detective [REDACTED] planted drugs on [REDACTED] and arrested him without justification.<sup>2</sup> COPA’s findings are discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star [REDACTED] Employee ID [REDACTED] Date of Appointment: [REDACTED] 2004, Police Officer, Unit [REDACTED] (Narcotics Division), Date of Birth: [REDACTED] 1981, Male, White
Involved Officer #2:	[REDACTED] Star [REDACTED], Employee ID [REDACTED], Date of Appointment: [REDACTED] 2005, Police Officer as Detective, [REDACTED] (Bureau of Detectives – Area Central), Date of Birth: [REDACTED] 1976, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1974, 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> Detective [REDACTED] was a police officer at the time of [REDACTED] January 13, 2016 arrest.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer ██████	1. Told ██████ he did not “give a fuck” that he has a disability, in violation of Rule 6 and Rule 8.  2. Threw ██████ to the ground, in violation of Rule 6 and Rule 9.  3. Planted evidence on ██████ in the form of crack-cocaine, in violation of Rule 14.  4. Arrested ██████ without justification, in violation of Rule 1.	Not Sustained  Not Sustained  Not Sustained  Not Sustained
Detective ██████	1. Planted evidence on ██████ in the form of crack-cocaine, in violation of Rule 14  2. Arrested ██████ without justification, in violation of Rule 1.	Not Sustained  Not Sustained

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. **Rule 1:** Prohibits violation of any law or ordinance.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
5. **Rule 14:** Prohibits making a false report, written or oral.

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General Orders

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1. **G02-01:** Human Rights and Human Resources.<sup>3</sup>

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<sup>3</sup> The Human Rights and Human Resources policy referenced in this report was effective from July 3, 1993 until October 5, 2017 (See Att. 36).

2. G03-02-02: Force Options.<sup>4</sup>

## Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION<sup>5</sup>

## a. Interviews

IPRA interviewed the complainant, [REDACTED] on March 17, 2016.<sup>6</sup> [REDACTED] related that on January 13, 2016, he was the subject of a CPD raid at [REDACTED] Apt. 1, and was wrongfully arrested. Per [REDACTED] the officers forced their way into the apartment. [REDACTED] was in the front room and a police officer told [REDACTED] to freeze, which he did. When [REDACTED] related he has a disability, an officer told [REDACTED] he did not “give a fuck.”<sup>7 8</sup> [REDACTED] was then grabbed and slammed to the ground. [REDACTED] believed the officer who did this was shorter than 5’11” with a brown or red beard (identified as Officer [REDACTED] learned this was the arresting officer once he was at the police station. The officers were all male and either Hispanic or white. [REDACTED] stated he was falsely arrested because he went to court and his case was thrown out. [REDACTED] alleged that drugs were planted by the police officers and denied he had drugs on his person.

[REDACTED] related no one else was arrested, but three people were in the basement apartment. [REDACTED] stated that these people did not witness the officers’ actions because they were brought into the first-floor unit from the basement after the fact. [REDACTED] did not know their names. [REDACTED] also stated that an older male was present in the first-floor apartment during the arrest, but he was in the back of the unit, could not have seen anything, and has bad hearing. [REDACTED] declined to provide this older male’s name or contact information. [REDACTED] stated this was not his residence. He was at this residence to get his cousin’s social security card and other belongings because his cousin previously lived there. [REDACTED] cousin was not present.

[REDACTED] further alleged that once at Homan Square, Officer [REDACTED] tried to “trick” him. [REDACTED] elaborated that he did not know what he was arrested for. Officer [REDACTED] told [REDACTED] that if he told the officer about a gun, the officer would let [REDACTED] go. [REDACTED] did not tell the officer about a gun because he thought Officer [REDACTED] would then plant it on [REDACTED] reported he never had any problems with the police prior to this.

**Detective [REDACTED]** was interviewed by COPA on August 7, 2018.<sup>9</sup> Detective [REDACTED] related that on January 13, 2016, he was assisting on a search warrant at [REDACTED]

<sup>4</sup> The Force Options policy referenced in this report was effective from January 1, 2016 until October 16, 2017 (See Att. 37).

<sup>5</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>6</sup> Att. 17

<sup>7</sup> [REDACTED] told IPRA he has a spinal cord injury that effects his legs.

<sup>8</sup> Approximately 7:14 minute mark of Att. 17.

<sup>9</sup> Att. 24

Park. Detective ██████ did not recall hearing or observing that a civilian at this location was disabled. Detective ██████ denied seeing a Department member, including Officer ██████ throw a civilian to the ground. Detective ██████ recalled finding narcotics in a front bedroom. Detective ██████ denied planting crack-cocaine on ██████

COPA interviewed Officer ██████ on August 15, 2018.<sup>10</sup> On January 13, 2016, he executed a search warrant at ██████ after this location was identified by a confidential informant (CI). Prior to the search warrant, Officer ██████ and Officer ██████ surveilled this address and observed suspected narcotics transactions. At the time of the warrant, the officers knocked on the door, waited approximately 15 – 20 seconds, and made forced entry. Officer ██████ had a “vague” recollection of speaking with ██████<sup>11</sup> Officer ██████ did not independently recall where in the home ██████ was located or who detained ██████ Officer ██████ did not remember having any physical contact with ██████ Officer ██████ did not recall saying he was disabled, nor did he recall observing a disability. Officer ██████ denied telling ██████ he did not “give a fuck” ██████ was disabled. Officer ██████ did not recall throwing ██████ to the ground and asserted he would have completed a Tactical Response Report if he had. Per Officer ██████ narcotics were recovered in a front bedroom and no drugs were found on ██████ person. Officer ██████ also recovered suspect crack-cocaine through his CI prior to the warrant’s execution. Pre-recorded funds from this prior CI transaction were recovered from ██████ Officer ██████ denied that either he or Detective ██████ planted drugs. Officer ██████ “vaguely recalled debriefing” ██████ at the police station.<sup>12</sup> Officer ██████ may have asked ██████ to provide information about guns. Per Officer ██████ related that he “use[s] drugs as a means to the guns and the violence.”<sup>13</sup> Officer ██████ did not recall going to court for this criminal case. Officer ██████ speculated that, due to the recovered narcotics amount being under a gram, the preliminary courts may have “tossed” ██████ charges.<sup>14</sup>

#### b. Digital Evidence

Scene photographs were taken of ██████.<sup>15</sup> Nothing notable was identified in these photographs pertaining to the present investigation.

#### c. Physical Evidence

No physical evidence was obtained pertaining to the present investigation.

#### d. Documentary Evidence

██████ Arrest Report was obtained from January 13, 2016 with ██████  
██████ was arrested for possessing an amount of a controlled substance at an apartment located at ██████  
██████ 1<sup>st</sup> Floor. ██████ was the target of search warrant ██████ The

<sup>10</sup> Att. 29

<sup>11</sup> Approximately 8:47 minute mark of Att. 29.

<sup>12</sup> Approximately 14:40 minute mark of Att. 29.

<sup>13</sup> Approximately 15:25 minute mark of Att. 29.

<sup>14</sup> Approximately 16:00 minute mark of Att. 29.

<sup>15</sup> Att. 11

<sup>16</sup> Att. 5

arresting officers knocked on the door and made forced entry when there was no answer. [REDACTED] was detained in the front room and a “systematic search” was performed. Detective [REDACTED] located three baggies that each held “a white rock like substance” believed to be “crack cocaine.” Officer [REDACTED] “conducted a custodial search” of [REDACTED] and found \$528.

An **Original Case Incident Report** was located for [REDACTED] that contained no additional, relevant content.<sup>17</sup>

Details for **Search Warrant** [REDACTED] were obtained.<sup>18</sup> Per these documents, Officer [REDACTED] was the affiant. Officers [REDACTED] and [REDACTED] were breach. The entry team members included Officers [REDACTED] [REDACTED] was the supervisor. Officers [REDACTED] were perimeter officers. [REDACTED] was provided as the subject of the search warrant, with an address of [REDACTED]. The object of the warrant was crack-cocaine.

A **Search Warrant Packet** was also obtained for [REDACTED] January 13, 2016 arrest.<sup>19</sup> Judge [REDACTED] approved Search Warrant [REDACTED] on July 11, 2016 at approximately 12:40 PM. Prior to the search warrant. Officer [REDACTED] and Officer [REDACTED] made “a controlled buy out of [REDACTED]. The officers gave a CI pre-record money. The CI then entered [REDACTED] and when the CI returned to the officers, he/she provided a “white rock like substance” to Officer [REDACTED]. The officers then executed their search warrant. The officers approached [REDACTED] [REDACTED] announced themselves, then “made force entry through the front first floor door.” [REDACTED] was detained in the first-floor apartment. The officers searched the first floor and basement, and suspect crack-cocaine was found. [REDACTED] was arrested, and Officer [REDACTED] recovered the pre-recorded funds during a custodial search. Two additional individuals were present, but not arrested. The search warrant authorized the officers to search the first floor and seize crack-cocaine, paraphernalia, proof of residency, and currency.

The Complaint for Search Warrant related that on January 5, 2016, Officers [REDACTED] and [REDACTED] surveilled [REDACTED] and observed more than 6 “unknown males and females walk down the south gangway of the building and then enter through the side door. The unknown citizens were observed exiting the same door way [sic] a short amount of time later.” Officer [REDACTED] then spoke with a CI who related he/she “had purchased crack-cocaine from [REDACTED] and “some buyers were allowed to smoke their crack cocaine in the basement apartment [...]” Officer [REDACTED] then engaged in the controlled crack-cocaine purchase detailed above.

**Inventory Sheets** were located from [REDACTED] January 13, 2016 arrest under [REDACTED]. Included in the inventory was the search warrant packet, baggies containing suspect crack-cocaine, personal affects, \$528 in United States currency, and \$30 with matching serial numbers for CPD pre-recorded cash (1505 funds).

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<sup>17</sup> Att. 6

<sup>18</sup> Att. 7

<sup>19</sup> Att. 35

<sup>20</sup> Att. 8

An **Office of Emergency Management and Communications Event Query** was obtained related to [REDACTED] January 13, 2016 arrest.<sup>21</sup> A search warrant was initiated at about 6:59 PM at [REDACTED]. The event was closed at about 12:22 AM on January 14, 2016.

#### e. Additional Evidence

A docket for **Case Number** [REDACTED] was obtained from the Cook County Clerk of Courts, for the criminal charges stemming from [REDACTED] January 13, 2016 arrest.<sup>22</sup> [REDACTED] was charged with felony possession of a controlled substance on January 14, 2016. A judgement of nolle prosequi was entered on February 3, 2016.

### VI. ANALYSIS

COPA finds that Allegation 3 against Officer [REDACTED] and Allegation 1 against Detective [REDACTED] that the Officers planted evidence on [REDACTED] is **Not Sustained**. Additionally, COPA finds Allegation 4 against Officer [REDACTED] and Allegation 2 against Detective [REDACTED] that the officers arrested [REDACTED] without justification, is **Not Sustained**.

The evidence in this case suggests that the officers followed all required protocol in obtaining and executing a search warrant, and there is no evidence affirmatively showing that their statements to COPA were untruthful. On the other hand, parts of [REDACTED] statement were demonstrably false; specifically, he stated that he lived at [REDACTED], however, per the Cook County Assessor, Google Maps, and general internet listings, [REDACTED] has been a government-owned vacant lot since at least November 2015.<sup>23</sup>

Ultimately, however, there is no independent evidence to corroborate the officers' statements. The officers obtained a search warrant based on a confidential informant; thus, COPA has no way of determining the validity of that search warrant and whether the officers had probable cause to believe [REDACTED] was committing the crime of possession of a controlled substance with the intent to deliver. There is also no way of verifying whether the officers actually recovered CPD pre-recorded funds from [REDACTED] as the documents pertaining to the recovery of those funds were authored by the officers. In sum, based on the lack of independent corroborating evidence, the allegations against Officer [REDACTED] and Detective [REDACTED] must be **Not Sustained**.

Allegations 1 and 2 against Officer [REDACTED] that he told [REDACTED] he did not "give a fuck" that he has a disability and threw [REDACTED] to the ground are also **Not Sustained**. Officer [REDACTED] denied both allegations. However, COPA does not have the benefit of video evidence or an impartial third party to corroborate or refute the allegations. Therefore, the allegations must be **Not Sustained**.

### VII. CONCLUSION

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

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<sup>21</sup> Att. 9

<sup>22</sup> Att. 10

<sup>23</sup> Att. 38

Officer	Allegation	Finding
Officer [REDACTED]	1. Told [REDACTED] he did not “give a fuck” that he has a disability, in violation of Rule 6 and Rule 8. 2. Threw [REDACTED] to the ground, in violation of Rule 6 and Rule 9. 3. Planted evidence on [REDACTED] in the form of crack-cocaine, in violation of Rule 14. 4. Arrested [REDACTED] without justification, in violation of Rule 1.	Not Sustained  Not Sustained  Not Sustained  Not Sustained
Detective [REDACTED]	1. Planted evidence on [REDACTED] in the form of crack-cocaine, in violation of Rule 14 2. Arrested [REDACTED] without justification, in violation of Rule 1.	Not Sustained  Not Sustained

Approved:


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 Deputy Chief Administrator – Chief Investigator

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 Date

**Appendix A**

Assigned Investigative Staff

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