

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 10, 2018
Time of Incident:	Approximately 4:30 p.m.
Location of Incident:	████████████████████ Chicago, IL 60647
Date of COPA Notification:	October 15, 2018
Time of COPA Notification:	11:18 a.m.

On October 10, 2018, Chicago’s Office of Emergency Management and Communications (“OEMC”) received multiple calls reporting activities at ██████████. One of these calls received by OEMC at approximately 10:56 a.m. concerned a Hispanic male by the name of ██████████ (██████████). The caller indicated that ██████████ was on the second floor armed with a .38 caliber gun and attempting to shoot him. This call for service was closed out by responding officers.

At approximately 4:31 p.m. OEMC received another call reporting that armed thieves were inside the residence located at ██████████. Aware of both calls, Officers ██████████ (██████████) and Officer ██████████ (██████████) responded to ██████████. The officers made their way up to the second floor, knocked on the door, and were met by ██████████. The officers determined no one was in the apartment with a gun and advised ██████████ why they responded to his residence. ██████████ wanted to check on his mother who lived in the downstairs apartment. Officers followed ██████████ downstairs where it was determined that ██████████ mother’s boyfriend, ██████████ (██████████) who suffered from hallucinations due to alcohol withdraw, had made the calls to OEMC.

Following this interaction with the police, ██████████ alleged that officers refused to identify themselves, pointed their weapons at his face, entered his residence, pointed their weapons at his children's faces, and informed ██████████ they were responding to a hostage situation at his residence. The Civilian Office of Police Accountability (COPA) investigated these allegations by ██████████ and determined that the allegations were unfounded by a preponderance of the evidence.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star # ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2018, PPO, Unit of Assignment: ██████████ detailed to ██████████ DOB: ██████████ 1978, M, Black
Involved Officer #2:	██████████ Star # ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2001, PO/FTO, Unit of Assignment: ██████████ DOB: ██████████ 1973, M, Hispanic
Involved Individual #1:	██████████ DOB: ██████████ 1973, M, Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. On or about October 10, 2018 at approximately 4:30 p.m., in the vicinity of [REDACTED] Chicago, IL 60647, Officer [REDACTED] knocked on [REDACTED] door, refused to identify himself, pointed his weapon in [REDACTED] face, entered [REDACTED] residence, and pointed his weapon in [REDACTED] children's faces, and informed [REDACTED] he was responding to a call of a hostage situation at [REDACTED] residence.	Unfounded
Officer [REDACTED]	1. On or about October 10, 2018 at approximately 4:30 p.m., in the vicinity of [REDACTED] Chicago, IL 60647, Officer [REDACTED] knocked on [REDACTED] door, refused to identify himself, pointed his weapon in [REDACTED] face, entered [REDACTED] residence, and pointed his weapon in [REDACTED] children's faces, and informed [REDACTED] he was responding to a call of a hostage situation at [REDACTED] residence.	Unfounded

IV. INVESTIGATION

a. Interviews

[REDACTED]

COPA interviewed [REDACTED] on October 15, 2018. In summary, [REDACTED] told investigators that on October 10, 2018 he was sitting on his couch watching television when he heard a knock on the door. He asked who was at the door, but there was no response. He then went and opened the door. Initially, as he opened the door [REDACTED] had his head down. But when he looked up, a barrel of a gun was pointed at his head and two men stood before him screaming, “Get your hands up, Get your hands up!” The two men wore trench coats and [REDACTED] did not recognize them as Chicago Police Officers, which led [REDACTED] to initially believe he was being robbed.¹

[REDACTED] told the officers they could check inside his apartment. The officers stepped into the apartment to ensure that everything was okay. [REDACTED] explained to [REDACTED] that they responded to a 911 call reporting armed individuals with a hostage in [REDACTED] apartment. [REDACTED] explained that there was no hostage and that it was only him, his wife, and their two kids in the

¹ Later during the interview [REDACTED] told investigators he saw the officers’ Chicago Police uniforms underneath their trench coats.

apartment.² [REDACTED] stated that after approximately 7 minutes the officers left his apartment. [REDACTED] then went downstairs to check on his mom, and the officers followed him.³

b. Digital Evidence

The Body Worn Cameras (BWCs) of Officers [REDACTED] and [REDACTED]

Collectively, Officers [REDACTED]'s and [REDACTED]'s BWCs captured the relevant part of the officers' encounter with [REDACTED]. The BWC footage begins both with officers walking past houses as [REDACTED] confirms the address of the service call, [REDACTED]. The OEMC dispatcher indicates that officers responded to the same location earlier in the day, and that the caller provided dispatch with the name [REDACTED] described as a Hispanic male on the second floor armed with a .38 caliber handgun.⁴

Both officers enter the building at [REDACTED] with their guns drawn, and proceed to the upstairs apartment. [REDACTED] answers the door and immediately steps back with his hands up. [REDACTED] asks [REDACTED] if everyone is okay and explains that the officers are responding to a report of an individual with a gun at [REDACTED] apartment. [REDACTED] denies the existence of a gun in the apartment. [REDACTED] then tells the officers that he is home with his wife and kids, and that the officers are free to look around inside the apartment. [REDACTED] steps inside the doorway and looks inside, puts his gun away, and explains to [REDACTED] why his weapon had been drawn.

[REDACTED] suggests to the officers that they should also check on his mother who lives in the downstairs apartment. All three then go downstairs to [REDACTED] mothers' apartment. Translating for his mother who only speaks Spanish, [REDACTED] explains to the officers that his mother's boyfriend, [REDACTED] has stopped drinking alcohol and is delusional. [REDACTED] and his mother believe that it was [REDACTED] who probably called, but he since left the apartment out the back door towards the alley. The mother gestures for officers to come inside, and [REDACTED] along with the officers, walks through the apartment and out the back door to the alley. The officers and [REDACTED] walk to the end of the alley where [REDACTED] cancels the service call before both officers turn off their BWCs.⁵

c. Documentary Evidence

OEMC Event Query

OEMC Event Query documents indicate that a call was received from [REDACTED] on October 10, 2018 at 4:31 p.m. reporting that armed thieves were inside a home at [REDACTED]. Additionally, there was a previous call received from the same phone number on the same date at 10:56 a.m. reporting that a Hispanic Male, named [REDACTED] armed with a .38 caliber gun, was inside the [REDACTED] at [REDACTED].

² [REDACTED] stated that his wife was down in his mother's apartment later in his statement, and stated she came up about 2 to 3 minutes after the officers arrived.

³ Attachment 9

⁴ Attachment 19, at approximately 1:00

⁵ Attachment 18-19

Another call came in from [REDACTED] on October 10, 2018 at 5:29 p.m., and the caller identified herself as [REDACTED]. The remarks made on the call are as follows:

“caller states a male by the name of [REDACTED] asked her to call stating he was just robbed...no injuries offenders are 3 m/h’s...they robbed him by gun point they were driving a red veh...victim states the red car the offenders were in is parked across the street from loc...unsure where the offenders are nfi.”⁶

The **Original Case Incident Report and Case Supplementary Report** document that officers (two of which are officers [REDACTED] and [REDACTED]) responded to a robbery call at [REDACTED] Chicago, IL. Upon arrival they met with [REDACTED] who informed officers that several unknown males entered his home located at [REDACTED] and attempted to kill him. [REDACTED] fled and ended up at his current location, somewhere near [REDACTED] where the unknown males caught up to [REDACTED] and took his shoes and wallet. The officers determined that [REDACTED] story was fabricated, and that [REDACTED] suffered from an undiagnosed mental condition. Officers spoke with [REDACTED] girlfriend. The girlfriend indicated that [REDACTED] was a recovering alcoholic who stopped drinking six weeks ago and was hallucinating. Mr. [REDACTED] was transported to the hospital for a mental health evaluation.⁷

V. ANALYSIS

[REDACTED] alleged that officers [REDACTED] and [REDACTED] committed misconduct by entering his residence, pointing guns in [REDACTED] and [REDACTED] children's faces, and informing [REDACTED] they were responding to a call of a hostage situation at [REDACTED] residence. The BWCs worn by officers [REDACTED] and [REDACTED] captured decisive evidence which refutes [REDACTED] allegations of misconduct. Upon our review of the officers' BWCs, we find [REDACTED] allegations of misconduct to be unfounded.

Admittedly, BWC footage shows officers [REDACTED] and [REDACTED] approach [REDACTED] apartment and enter the residence with their guns drawn. This showing of force – displaying their weapons – by both officers was reasonable in the context of the circumstances under which they encountered [REDACTED].

First, we find the officers' response proportional to the information they received prior to encountering [REDACTED] – that a possible robber/individual with a gun was inside [REDACTED] apartment. With good reason to suspect a possible encounter with an armed individual, the officers' decision to ready their weapons as they approached [REDACTED] apartment became objectively reasonable.

Second, [REDACTED] alleged that the officers enter his apartment, which is true. However, upon our review of the BWCs, we find that [REDACTED] consented to both officers entering his apartment.

⁶ Attachment 22

⁷ Attachment 22-23

Third, some of [REDACTED] allegations are not factually true as alleged. The BWCs, captured the officers acting professionally during this incident. This professionalism started with the officers immediately confirming [REDACTED] safety. After which, the officers explained why they responded to [REDACTED] apartment and why they had drawn their guns, which they re-holstered once [REDACTED] confirmed his safety. After this initial conversation with [REDACTED] the officers continued to investigate and ultimately determined that [REDACTED] was most likely responsible for false reports to 911/OEMC of an armed robber and/or individual in [REDACTED] apartment.⁸ The video does not support the claims that the officers committed misconduct by refusing to identify themselves, pointing their guns at [REDACTED] face or his children’s faces, or that they told [REDACTED] they were responding to a hostage situation.

In conclusion, we find that the officers were reasonable in having drawn their weapons, and that the incident did not occur as alleged by [REDACTED] therefore, COPA finds the allegations against Officers [REDACTED] and [REDACTED] to be unfounded.

VI. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED] [REDACTED]	1. On or about October 10, 2018 at approximately 4:30 p.m., in the vicinity of [REDACTED] Chicago, IL 60647, Officer [REDACTED] knocked on [REDACTED] door, refused to identify himself, pointed his weapon in [REDACTED] face, entered [REDACTED] residence, and pointed his weapon in [REDACTED] children's faces, and informed [REDACTED] he was responding to a call of a hostage situation at [REDACTED] residence.	Unfounded
Officer [REDACTED]	1. On or about October 10, 2018 at approximately 4:30 p.m., in the vicinity of [REDACTED] Chicago, IL 60647, Officer [REDACTED] knocked on [REDACTED] door, refused to identify himself, pointed his weapon in [REDACTED] face, entered [REDACTED] residence, and pointed his weapon in [REDACTED] children's faces, and informed [REDACTED] he was responding to a call of a hostage situation at [REDACTED] residence.	Unfounded

⁸ The officers returned later to apprehend [REDACTED]

Approved:



January 16, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	████████████████████
Deputy Chief Administrator:	Andrea Kersten