

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 2, 2014
Time of Incident:	Approx. 11:00 a.m.
Location of Incident:	██████████ ██████████
Date of COPA Notification:	July 3, 2014
Time of COPA Notification:	11:28 AM

On June 22, 2014 Mr. ██████████ was shot while on his way to buy cigarettes. Once he was able to communicate with officers, he identified Mr. ██████████ as the shooter. Chicago Police Officers performed a records search revealing multiple addresses for Mr. ██████████. One of the addresses was ██████████ ██████████, the home of Ms. ██████████, Mr. ██████████ fiancée and mother to his children. Officers went to this address and upon knocking Ms. ██████████ opened the door and officers saw Mr. ██████████ standing in the apartment behind Ms. ██████████. Officers observing Mr. ██████████ attempt to flee into another room, entered the apartment to effect Mr. ██████████ arrest.

Mr. ██████████ claimed that he did not attempt to flee and that he attempted to cooperate with the officers. Nonetheless, he alleged that officers beat him using fists, elbows, an impact weapon, and a radio. During the incident, Mr. ██████████ suffered significant injuries to his face.

██████████ filed a complaint with IPRA alleging that Chicago Police Officers entered her home without a warrant, searched her home without a warrant, and hit Mr. ██████████ about the face and body during the arrest.³

II. INVOLVED PARTIES

Involved Officer #1:	██████████, star # ██████████, employee ID# ██████████, Date of Appointment October 23, 1995, Police Officer, Unit of Assignment ██████████, DOB ██████████, 1972, Male, White.
Involved Detective #2:	██████████, star # ██████████, employee ID# ██████████, Date of Appointment ██████████, 1998, Detective (currently Sergeant),

¹ 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.

² The address in question is known as ██████████. Both ██████████ and ██████████ are used intermittently.

³ ██████████ plead guilty and was convicted under 720 ILCS 5/8-4(a) Attempt Murder. He is serving a 31-year sentence in the IDOC.

Unit of Assignment currently [REDACTED], DOB [REDACTED], 1970, Male, White.

Involved Officer #3: [REDACTED] star # [REDACTED] employee ID# [REDACTED], Date of Appointment [REDACTED], 1986, Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED], 1960, Male, Hispanic.⁴

Involved Officer #4: [REDACTED], star # [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED], 1998, Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED], 1974, Male, Hispanic.

Involved Officer #5: [REDACTED], star # [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED], 1995, Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED], 1968, Male, Hispanic.

Involved Officer #6: [REDACTED], star # [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED], 1996, Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED], 1968, Male, White.

Involved Detective #7: [REDACTED], star # [REDACTED], employee ID# [REDACTED], Date of Appointment [REDACTED], 1996, Detective (currently Sergeant), Unit of Assignment [REDACTED], DOB [REDACTED], 1972, Male, White.

Involved Civilian #1: [REDACTED], DOB [REDACTED], 1989, Male, Black.

Civilian Witness#2: [REDACTED] DOB [REDACTED], 1993, Female, Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution. 2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] searched	EXONERATED NOT SUSTAINED

⁴ Officer [REDACTED] retired on January 16, 2017 according to his PAR.

Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.

3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.

EXONERATED

4. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a closed fist in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.

NOT SUSTAINED

5. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] stuck Mr. [REDACTED] on the face with his elbow in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.

NOT SUSTAINED

6. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a police radio in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.

NOT SUSTAINED

7. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a baton/ASP in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.

NOT SUSTAINED

8. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] slammed [REDACTED] face onto the floor in

NOT SUSTAINED

	violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.	
Detective [REDACTED]	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p>
Officer [REDACTED]	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] entered a private residence without an</p>	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p>

	<p>arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED]</p>	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p>

	<p>██████████ Officer ██████████ ██████████ entered a private residence without an arrest warrant to arrest Mr. ██████████ in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	
<p>Officer ██████████</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Officer ██████████ entered Ms. ██████████ residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Officer ██████████ searched Ms. ██████████ residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution in violation of.</p> <p>3. It is further alleged by ██████████ that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Officer ██████████ entered a private residence without an arrest warrant to arrest Mr. ██████████ in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>4. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Officer ██████████ struck Mr. ██████████ on the face with a closed fist in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p> <p>5. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Officer ██████████ stuck Mr. ██████████ on the face with his elbow in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>

	<p>6. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a police radio in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p> <p>7. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a baton/ASP in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p> <p>8. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] slammed [REDACTED] face onto the floor in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>
<p>Detective [REDACTED]</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at 3 [REDACTED] Detective [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution in violation of.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p>

<p>4. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] struck Mr. [REDACTED] on the face with a closed fist in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>
<p>5. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] stuck Mr. [REDACTED] on the face with his elbow in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>
<p>6. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] struck Mr. [REDACTED] on the face with a police radio in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>
<p>7. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] struck Mr. [REDACTED] on the face with a baton/ASP in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>
<p>8. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] slammed [REDACTED] face onto the floor in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1**-Violation of any law or ordinance.
2. **Rule 2**-Any action or conduct which impedes the Department’s effort to achieve its policy and goals or brings discredit upon the department.

COMMENT: This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only

all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

3. **Rule 6**-Disobedience of an order, whether written or oral.

COMMENT: This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

4. **Rule 8**-Disrespect or maltreatment of any person, while on or off duty.

5. **Rule 9**-Engaging in any unjustified verbal or physical altercation with any person, while on duty or off duty.

COMMENT: Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

6. **CPD-11.960(11/17)-Force Options Model:** *Subject's Actions/Active Resister*-Movement to avoid physical control. *Members Proportional Response*-Taser, Diffused Pressure Strikes, Emergency Takedowns, Control Instruments, OC Spray, Canine, LRAD, Communication, Members Presence.

General Orders

1. **G03-02-USE OF FORCE:** Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

Federal Laws

1. **Fourth Amendment of the United States Constitution** states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

State Laws

1. **Section 6 of the Illinois Constitution**, states, "The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized."

2. **725 ILCS 5/107-2 Arrest by Peace Officer:** (1) A peace officer may arrest a person when: (a) he has a warrant commanding that such person be arrested; or (b) He has reasonable grounds to believe that a warrant for the person's arrest has been issued in this State or in another jurisdiction; or (c) He has reasonable grounds to believe that the person is committing or has committed an offense.

3. **725 ILCS 5/108-1 Search without warrant:** (1) When a lawful arrest is effected a peace officer may reasonably search the person arrested and the area within such person's immediate presence for the purpose of: (a) protecting the officer from attack; or (b) preventing the person from escaping; or (c) discovering the fruits of the crime; or (d) discovering any instruments, articles or things which may have been used in the commission of, or which may constitute evidence of, an offense.

V. INVESTIGATION⁵

a. Interviews

██⁶
On July 3, 2014, IPRA Investigators interviewed Mr. ██████████ regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at ██████████. Mr. ██████████ stated that on the date in question, there was a knock on the door and Mr. ██████████ fiancée, ██████████, asked who was there.⁷ According to Mr. ██████████, someone responded by stating they were Chicago Police officers. Ms. ██████████ asked if they had a warrant. An officer replied that Ms. ██████████ should open the door, or he would bust the fucking door down. Mr. ██████████ said that when Ms. ██████████ did not open the door, the officers kicked the door in.

Mr. ██████████, who was in the bedroom at the time, ran into the living room when he heard a loud noise. An officer charged at Mr. ██████████ and Mr. ██████████ grabbed him, at which time other officers entered the apartment. Mr. ██████████ said the officers then threw him to the ground, and Mr. ██████████ told the officers he was not resisting. Mr. ██████████ said he believed the officer that took him to the ground was named ██████████ (phonetic)⁸. Mr. ██████████ said the officers put him in handcuffs and then beat him about his face and body as he asked them to stop. One officer, believed to be ██████████, had his knee on Mr. ██████████ and the other guy punched him. One officer, described as "real short" and slim, hit him with a black stick or baton, and told him not to fucking move. Another officer, described as 5'6" and chubby, hit Mr. ██████████ with a Walkie-Talkie. There were eight officers dressed in plain clothes, four of which were involved in the beating. Mr. ██████████ stated that he did not strike any of the officers. Mr. ██████████ was arrested in connection to the shooting of ██████████.⁹

⁵ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁶ Attachments 19 and 21.

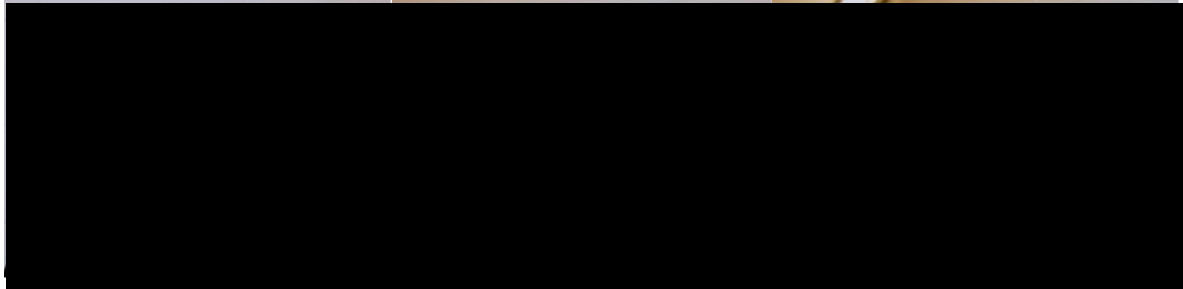
⁷ Mr. ██████████ mentioned in his statement that his cousin ██████████ (nka ██████████, as identified in Narcotic & Gang Supplemental Report, ██████████) was in the apartment at the time, however, attempts to contact him were unsuccessful.

⁸ Based upon the officers who were present, it is likely he is referring to Detective ██████████.

⁹ Mr. ██████████ later pleaded guilty of Attempted Murder.

According to Mr. [REDACTED], the officers then searched the house, found nothing and took him to [REDACTED] for medical treatment. Mr. [REDACTED] sustained injuries to the right side of his face and his ribs, however the x-rays taken at the hospital failed to reveal any evidence of broken or fractured bones. Mr. [REDACTED] was prescribed medicine and released to police custody.

Photographs of [REDACTED] Injuries (3 of 10) taken by Officer [REDACTED], # [REDACTED] on July 3, 2014.¹⁰



[REDACTED]¹¹

On January 10, 2015, IPRA Investigators interviewed Ms. [REDACTED] regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at [REDACTED]. Ms. [REDACTED] stated that on the date in question she heard loud banging on her door. Ms. [REDACTED] asked who was at the door, and someone answered that it was the police and to open the door. Ms. [REDACTED] stated that while asking if they had a warrant, she unlocked the door and cracked it open expecting the warrant. Ms. [REDACTED] stated that they never told her they had an arrest warrant or a search warrant.^{12,13} Ms. [REDACTED] said when she cracked the door open, the police officers pushed their way in. [REDACTED], who is the father of Ms. [REDACTED] daughter was a visitor in her home¹⁴, and was “standing right behind” her at the time.¹⁵ The officers ran into the apartment and attacked Mr. [REDACTED]. Ms. [REDACTED] said that he did not resist, and he did not run.

A total of six officers were in the apartment at one time or another. According to Ms. [REDACTED], two of the officers searched the apartment. Ms. [REDACTED] said that three officers pinned Mr. [REDACTED], slammed his head against the floor, and beat him with closed fists and elbows for half a minute. Ms. [REDACTED] also stated that the officers did not use anything except closed fists and elbows when they beat Mr. [REDACTED].¹⁶ However, later in her interview she said that one of the officers was using closed fists and his cell phone.¹⁷ Another officer allegedly slammed Mr.

¹⁰ Attachment 14.

¹¹ Attachments 49 and 50.

¹² See Pg. 27:10-15 of [REDACTED] interview transcript.

¹³ Later in her statement Ms. [REDACTED] claimed the officers said they had a warrant. She said that was the reason she answered the door, but the officers never showed it to her. (Pg. 27:10-18 of [REDACTED] interview transcript.)

¹⁴ [REDACTED] had been at the apartment since June 19, which is when Ms. [REDACTED] brother passed away.

¹⁵ Ms. [REDACTED] said a friend of Mr. [REDACTED] was also in the apartment, but she did not know his name.

¹⁶ See Pg. 7:10-13 of [REDACTED] interview transcript.

¹⁷ See Pg. 10:17-19 of [REDACTED] interview transcript.

████████ face onto the floor¹⁸ and the other two officers continued to beat him until they finally got Mr. ██████████ handcuffed. The officers never told Mr. ██████████ why he was being arrested.

After ██████████ was handcuffed, Ms. ██████████ stated the officers took photographs of Mr. ██████████ face. There was a lot of blood on Mr. ██████████ face which one of the officers attempted to wipe off. Mr. ██████████ was then taken away in handcuffs. Ms. ██████████ stated that one of the officers asked Mr. ██████████ where the gun was, and two officers searched the apartment. No gun was found.

OFFICER ██████████¹⁹

On March 19, 2015 IPRA Investigators interviewed Officer ██████████ regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at ██████████. Officer ██████████ stated that on this day, as part of a gang investigations team, he attempted to locate an offender wanted for aggravated battery with a handgun – ██████████. The officers learned through an address search that Mr. ██████████, may be living at the address in question and went to see if he was there. Mr. ██████████ was wanted for the June 22nd shooting of ██████████.²⁰

When officers arrived at Ms. ██████████ apartment, they knocked on her door and announced that they were the police. Ms. ██████████ opened the door to the apartment and right after stating that they were looking for ██████████ they saw him standing about ten feet behind her.²¹ The officers announced their office again and then yelled to Mr. ██████████ to get on the ground. He did not comply and fled toward an adjoining room to their left. Officer ██████████ advised they were not able to see inside this room and did not know what, if anything, was happening in the room; or if there was a window or door through which Mr. ██████████ could escape.

Officer ██████████ acknowledged that they entered Ms. ██████████ apartment without a search warrant or an arrest warrant. Officer ██████████ stated he pursued Mr. ██████████ as he fled and when he caught up with him he ordered Mr. ██████████ to put his hands behind his back and told him that he was under arrest. Mr. ██████████ did not comply with the order; instead he flailed his arms and refused to give up his arms to be handcuffed.

Officer ██████████ grabbed Mr. ██████████ wrist and forearm in an attempt to move his arm behind his back but Mr. ██████████ broke free. Officer ██████████ took him down to the ground and Mr. ██████████ attempted to get back up. Officer ██████████ administered simple open hand strikes²² to Mr. ██████████ head because he continued to try to get back up. At some point Mr. ██████████ ended up on top of Officer ██████████. Finally, a fourth officer²³ arrived and the officers were able to handcuff Mr. ██████████.

¹⁸ Ms. ██████████ said her wood floor was damaged as a result. She also stated that there were photos of the damage but IPRA did not receive any based on the file.

¹⁹ Attachments 77 and 115.

²⁰ Mr. ██████████ was shot multiple times in the groin and abdomen. He identified Mr. ██████████ by name and with the use of a photo array.

²¹ The officers had a photograph of Mr. ██████████.

²² The transcript of Officer ██████████ IPRA interview states, “simple (inaudible 00:13:17.1) strikes.” COPA investigator listened to the interview recording and determined that Officer ██████████ said “simple open hand strikes.” Officer ██████████ Tactical Response Report confirmed the use of open-handed strikes.

²³ Later identified as Officer ██████████.

Once Mr. [REDACTED] was in custody Officer [REDACTED] noticed that Mr. [REDACTED] was injured; he presented with swelling and blood on the right side of his face. Officer [REDACTED] stated he saw blood coming from Mr. [REDACTED] mouth. Mr. [REDACTED] was taken to [REDACTED].

During his interview, Officer [REDACTED] stated that he was not involved in any search of Ms. [REDACTED] home; that he did not slam Mr. [REDACTED] face into the floor; that he did not hit Mr. [REDACTED] in the face with a closed fist; that he did not strike Mr. [REDACTED] with his elbow; that he did not strike Mr. [REDACTED] with a police radio; and that he did not strike Mr. [REDACTED] with a baton or ASP.^{24, 25} Officer [REDACTED] also stated that he entered Ms. [REDACTED] apartment without a warrant. He said that he did not need one because he identified Mr. [REDACTED] as a wanted offender, who then attempted to flee when the officers announced their office and instructed him to get on the ground. Officer [REDACTED] visually identified Mr. [REDACTED] as the person wanted for the aggravated battery of [REDACTED].

DETECTIVE [REDACTED]²⁶

On March 19, 2015 IPRA Investigators interviewed Detective [REDACTED] regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at [REDACTED]. Detective [REDACTED] statement was consistent with that of Officer [REDACTED] in regard to why he and the other involved officers were at the above location, what occurred when the officers arrived at Ms. [REDACTED] apartment door, and why they did not need an arrest warrant.²⁷ Detective [REDACTED] also stated that Ms. [REDACTED] never asked him for a search warrant; and that there was no search warrant because they were not at Ms. [REDACTED] home to conduct a search.

Detective [REDACTED] stated that Officers [REDACTED] and [REDACTED] entered the apartment once Mr. [REDACTED] attempted to flee to the back of the apartment. Mr. [REDACTED] resisted arrest by flailing his arms. When Officer [REDACTED] could not control Mr. [REDACTED], Officer [REDACTED] took him to ground. Mr. [REDACTED] continued to resist by flailing his arms and attempting to stand up. Mr. [REDACTED] ended up on top of Officer [REDACTED] and Detective [REDACTED] attempted to take Mr. [REDACTED] into custody by grabbing his arms. Detective [REDACTED] applied open handed head-strikes to disorient Mr. [REDACTED] because he continued to flail his arms and resist arrest.²⁸ Eventually Mr. [REDACTED] was handcuffed by Officer [REDACTED].

Once Mr. [REDACTED] was in custody Detective [REDACTED] noticed that he was bleeding from his face. Detective [REDACTED] stated that although Mr. [REDACTED] initially refused treatment, he was taken to the hospital for examination.

During his interview, Detective [REDACTED] stated that he entered the apartment when he saw Mr. [REDACTED] because he was in plain view, he attempted to flee, he was known to be violent, and it was unknown whether or not Mr. [REDACTED] had a gun nearby, which created exigent circumstances. He also stated that he never searched the apartment, nor did he see any other officer search the apartment. Detective [REDACTED] denied all remaining allegations and stated that he did not see any other

²⁴ Nor did Officer [REDACTED] see any other officer commit any of these offenses.

²⁵ The word ASP (Armament Systems and Procedures) refers to a collapsible baton.

²⁶ Att. 113 and 114.

²⁷ Mr. [REDACTED] was in plain view and there were exigent circumstances. Mr. [REDACTED] was a known violent offender who had been identified by the victim of a shooting about nine days earlier.

²⁸ See Tactical Response Report for Detective [REDACTED].

officer strike Mr. [REDACTED] with a closed fist, with an elbow, with a police radio, with a baton, or with an ASP.

OFFICER [REDACTED]²⁹

On March 19, 2015 IPRA Investigators interviewed Officer [REDACTED] regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at [REDACTED]. Officer [REDACTED] statement was consistent with those of Officer [REDACTED] and Detective [REDACTED]. Officer [REDACTED] knocked on the door to Ms. [REDACTED] apartment and announced their office once she opened the door.³⁰ He also stated that he executed an emergency take down, during which both Mr. [REDACTED] and Officer [REDACTED] turned sideways and fell to the ground with Mr. [REDACTED] on top of him. When Mr. [REDACTED] attempted to get up, Officers [REDACTED], [REDACTED] and [REDACTED] assisted and finally handcuffed Mr. [REDACTED].

Officer [REDACTED] stated that he did not search the apartment. He explained that he did not need a warrant to enter Ms. [REDACTED] apartment, that he did not strike Mr. [REDACTED] with a closed fist, with an elbow, with a police radio, with a baton, or with an asp; nor did he see any other officer do so.

DETECTIVE [REDACTED]³¹

On March 20, 2015 IPRA Investigators interviewed Detective [REDACTED] regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at [REDACTED]. Detective [REDACTED] stated that he was at one of the other addresses uncovered in the search for Mr. [REDACTED] when he heard over the radio that Mr. [REDACTED] was at the [REDACTED] address. Detective [REDACTED] relocated to that address. While he was driving, he heard a radio transmission that someone was in a struggle with Mr. [REDACTED], and that Mr. [REDACTED] was trying to get away. By the time Detective [REDACTED] got to the apartment, six other officers were in Ms. [REDACTED] apartment, and Mr. [REDACTED] was already in custody. He was in Ms. [REDACTED] apartment for about ten seconds and left when he determined his assistance was not needed.

Detective [REDACTED] did not speak with Mr. [REDACTED] or Ms. [REDACTED] but noticed that Mr. [REDACTED] had some abrasions and blood on his face. He did not remember where the blood was coming from. He was not present when the struggle took place and did not see any officer strike Mr. [REDACTED] in any way.

Detective [REDACTED] stated that he entered the apartment without a warrant because there was probable cause to enter the apartment to arrest Mr. [REDACTED] for reasons consistent with those given by the other officers. He also stated that he did not engage in a search of the apartment nor did he see any other officer do so.

OFFICER [REDACTED]³²

On March 20, 2015 IPRA Investigators interviewed Officer [REDACTED] regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at [REDACTED]. Officer [REDACTED] stated

²⁹ Attachments 107 and 108.

³⁰ Officer [REDACTED] was unsure as to whether he announced their office before she opened the door.

³¹ Attachments 82, 83 and 84.

³² Attachments 89 and 90.

that on the date in question he and other officers were investigating a shooting perpetrated by a [REDACTED]. The offender's name was [REDACTED].

On the date in question Officer [REDACTED] was alone in a surveillance vehicle in the area. While Officer [REDACTED] was situated near [REDACTED] and [REDACTED], the officers were still not certain where Mr. [REDACTED] was. At some point Officer [REDACTED] responded to a call issued by Officer [REDACTED]³³ to relocate to [REDACTED]. By the time Officer [REDACTED] arrived at that address, he very briefly entered the apartment to find other team members were present, and Mr. [REDACTED] was already in handcuffs. He entered the apartment because it was his duty to assist the other officers. Officer [REDACTED] also said that a warrant was not necessary to enter the apartment because Mr. [REDACTED] was positively identified as the offender who was wanted for a shooting.

Officer [REDACTED] said that when he saw Mr. [REDACTED] he noticed some blood on his lip, but that was the extent of his observation. He did not speak to Ms. [REDACTED] or Mr. [REDACTED] while in the apartment. Officer [REDACTED] did not participate in a search of the apartment and did not see any other officers search the apartment.

OFFICER [REDACTED]³⁴

On March 20, 2015 IPRA Investigators interviewed Officer [REDACTED] regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at [REDACTED]. Officer [REDACTED] stated that on the date in question he and other officers were conducting an investigation which included looking for [REDACTED]. When he arrived at the address in question, he relocated to the alley and went to the dentist office next door to cover the back of the building.

At some point Officer [REDACTED] heard a woman screaming³⁵ and he relocated to the apartment. He did not arrive to Ms. [REDACTED] apartment until after Mr. [REDACTED] was already in custody. Officer [REDACTED] entered the apartment but left after a couple of seconds. Everyone was leaving by that time. Officer [REDACTED] never spoke with Ms. [REDACTED] or Mr. [REDACTED], however he noticed that Mr. [REDACTED] was bleeding from his mouth and noticed swelling to his face later in the mugshot photo.

Officer [REDACTED] stated that he entered the apartment because his partners needed help. They did not have a search warrant because they went there to interview Ms. [REDACTED], not to search the apartment. He did not search the apartment, nor did he see any other officer search the apartment. The officers neither had nor needed an arrest warrant because he was a named offender involved in a shooting.

OFFICER [REDACTED]³⁶

On March 20, 2015 IPRA Investigators interviewed Officer [REDACTED] regarding the incident that occurred on July 2, 2014, at about 11:00 a.m., at [REDACTED]. Officer [REDACTED] stated that he was on surveillance in the vicinity of [REDACTED] and [REDACTED] for the purpose of locating

³³ During the investigation, Officer [REDACTED] identified multiple addresses for [REDACTED].

³⁴ Attachments [REDACTED] and [REDACTED].

³⁵ Officer [REDACTED] could both see Ms. [REDACTED] through a window and hear her scream from his location on the rear stairwell of the dentist's office.

³⁶ Attachments 101 and 102.

Mr. [REDACTED]. He received a call on his [REDACTED] to go to the address in question. When he arrived at the address he proceeded to the back alley. Officer [REDACTED] heard another radio call from Officer [REDACTED] saying that there was a struggle in progress inside the apartment.

Officer [REDACTED] heard a lot of yelling and followed the commotion to Ms. [REDACTED] apartment. Three other officers were on the ground struggling with Mr. [REDACTED].³⁷ Officer [REDACTED] handcuffed Mr. [REDACTED] and noticed that there was some bleeding from his mouth. The officers left the apartment and placed Mr. [REDACTED] into the transport vehicle.

Officer [REDACTED] stated that he entered Ms. [REDACTED] apartment without a warrant and did not need one because he was there for officer safety, not to search the residence or to arrest Mr. [REDACTED]. He also stated that he did not see any officer slam Mr. [REDACTED] face into the floor, hit him in the face with a closed fist, strike Mr. [REDACTED] on the face with an elbow, or strike Mr. [REDACTED] with a police radio, baton or ASP.

b. Documentary Evidence

Arrest Report-[REDACTED]/RD# [REDACTED]

On July 2, 2014 at about 11:15 a.m., at [REDACTED], [REDACTED] was arrested under 720 ILCS 5.0/12-3.05-E-1 Aggravated Battery/Discharge of a Firearm, and 720 ILCS 5.0/31-1-A Resisting or Obstructing a Peace Officer, Firefighter, or Correctional Institution Employee. The incident narrative stated that [REDACTED] was identified by victim [REDACTED] as the person who shot him in the groin and abdomen areas days earlier.³⁸ Officers learned that Mr. [REDACTED] possibly lived at [REDACTED]. Officers knocked on the door at that location and [REDACTED] opened the door.

Officers saw Mr. [REDACTED] attempt to flee into an adjoining room. Officers entered the apartment and attempted to handcuff Mr. [REDACTED]. Mr. [REDACTED] failed to comply with verbal commands, and he continued to pull away and flail his arms in order to defeat arrest. An emergency take-down was executed, and Mr. [REDACTED] continued to resist and attempted to stand up. Open hand strikes and arm bars were performed, and Mr. [REDACTED] was successfully taken into custody. Mr. [REDACTED] refused medical attention but was taken to [REDACTED] where he was treated for minor abrasions and released. Mr. [REDACTED] was then transported to Area Central for processing.³⁹

Original Case Incident Report/RD# [REDACTED]⁴⁰

On June 22, 2014, at about 12:25 p.m., officers responded to a call of a person shot at [REDACTED].⁴¹ [REDACTED] is listed as the person who found victim [REDACTED] lying in the street bleeding. Ms. [REDACTED] drove Mr. [REDACTED] to [REDACTED]. Officers located an unknown female at the scene who related that she heard the shots and saw three M/1, referring to

³⁷ Officer [REDACTED], Officer [REDACTED] and Detective [REDACTED].

³⁸ A Case Supplementary Report for RD# [REDACTED] stated that a Dr. [REDACTED] told police that [REDACTED] suffered gunshot wounds to the right side of his chest, his right bicep, his left elbow, his groin area and his buttock area.

³⁹ Attachment 4, the Arrest Report narrative also mentions that there was no investigative alert.

⁴⁰ Attachment. 9.

⁴¹ The location of the occurrence is listed as [REDACTED], which is very close to [REDACTED].

black men, flee eastbound on foot. Five spent shell casings and blood were found at the scene. When officers arrived at [REDACTED] Mr. [REDACTED] was in surgery and unable to speak with them. Mr. [REDACTED] was treated for multiple gunshot wounds to the body. The suspect was only listed as a black male.

Original Case Incident Report/RD# [REDACTED]⁴²

On July 2, 2014, at about 11:15 a.m., officers were involved in an incident at [REDACTED]. [REDACTED] is listed as the suspect on this report. There is no narrative except a reference to a Gang Investigation Supplementary Report for further information.⁴³ That report is noted below.

Narcotic and Gang Investigation Section Supplementary Report RD# [REDACTED]/Related to RD# [REDACTED]⁴⁴

On July 2, 2014 officers learned that [REDACTED] was residing at [REDACTED], [REDACTED]. Officers located to this address and knocked on the door. [REDACTED] opened the door and officers observed Mr. [REDACTED] standing behind her. Officers announced their office and ordered Mr. [REDACTED] to get on the ground. Mr. [REDACTED] attempted to flee into the adjoining bedroom. Officers entered the apartment and attempted to handcuff Mr. [REDACTED] while giving him commands. Mr. [REDACTED] failed to comply and continued to pull away and flail his arms and legs while defeating arrest. Officer [REDACTED] executed an emergency takedown as Mr. [REDACTED] continued to flail his arms and legs and attempt to stand up to defeat arrest. Officer [REDACTED] initiated hand palm strikes, arm bars and wrist locks while giving commands to comply. Mr. [REDACTED] continued to resist arrest but was handcuffed and placed under arrest once assisting personnel arrived.

Tactical Response Report-Officer [REDACTED]⁴⁵

On July 2, 2014 at about 11:15 a.m. at [REDACTED], Officer [REDACTED] used wristlock and armbar techniques on Mr. [REDACTED] when he failed to follow verbal direction, stiffened, pulled away, flailed arms and legs, and attempted to flee. Subject [REDACTED] sustained injuries and was taken to [REDACTED] but was not hospitalized. Watch Commander [REDACTED] concluded that the officer's actions were consistent with department orders and were objectively reasonable.

Tactical Response Report-Officer [REDACTED]⁴⁶

On July 2, 2014 at about 11:15 a.m. at [REDACTED], Officer [REDACTED] used armbar techniques and performed an emergency take-down on Mr. [REDACTED] when he failed to follow verbal direction, pulled away, flailed arms and legs, and attempted to flee. Subject [REDACTED] sustained injuries and was taken to [REDACTED] but was not hospitalized. Watch Commander [REDACTED] concluded that the officer's actions were consistent with department orders and were objectively reasonable.⁴⁷

⁴² Attachment 10.

⁴³ Investigator searched the CLEAR Chris LV system for this report to no avail.

⁴⁴ Attachment 55.

⁴⁵ Attachment 8.

⁴⁶ Attachment 7.

⁴⁷ There was no Officer Battery Report in relation to this TRR.

Tactical Response Report-Officer [REDACTED]⁴⁸

On July 2, 2014 at about 11:15 a.m. at [REDACTED], Officer [REDACTED] used wristlock and armbar techniques and performed an open-hand strike on Mr. [REDACTED] when he failed to follow verbal direction, pulled away, flailed arms and legs, and attempted to flee. Subject [REDACTED] sustained injuries and was taken to [REDACTED] but was not hospitalized. Watch Commander [REDACTED] concluded that the officer's actions were consistent with department orders and were objectively reasonable.

Medical Records for [REDACTED]⁴⁹

On July 2, 2014 [REDACTED] visited [REDACTED] for treatment of swelling to the face. His initial comments at the hospital expressed that he had been beaten up: struck with fists to the face and his chest.⁵⁰ He felt dizzy, had photophobia⁵¹ in his right eye, and had an "old appearing right orbital floor fracture and dental caries."⁵² He had pain on the right side of his face and left chest wall. Facial fractures, intracranial hemorrhage, rib fractures were all ruled out. The injury to his mouth was not bleeding and did not need closure. Mr. [REDACTED] was prescribed Ibuprofen and Penicillin and was released into police custody.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

⁴⁸ Attachment 6.

⁴⁹ Attachment 29.

⁵⁰ On the SHS Emergency Department *Live* Assessment Data form, it was recorded that Mr. [REDACTED] fell on some stairs. And, on the SHS Emergency Department *Live* Patient Notes it says, "Patient states he fell."

⁵¹ Extreme sensitivity to light.

⁵² Dental caries are also referred to as cavities.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA concludes that the finding for **Allegation #1**, against all accused officers and detectives, that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a search warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution, is **EXONERATED**.

The court observed that a warrantless intrusion may be justified to prevent a suspect's escape, or if the risk of danger to the police or to other persons inside or outside the dwelling is a concern. 495 U.S. 91, 100, *Minnesota v. Olson* (1990). A warrantless entry into a dwelling may be lawful when there is a pressing need for the police to enter but no time for them to secure a warrant. Recognized exigencies include situations in which the occupant of a residence is injured or is in danger of imminent injury, when there is danger posed to others by the occupant of the dwelling, as when the occupant is armed and might shoot the police or other persons, when police are in "hot pursuit" of a fleeing suspect or there is a risk that the suspect may escape; and to prevent the imminent destruction of evidence. 751 F.3d 542 at 557, *Sutterfield v. City of Milwaukee* (2014).

The evidence demonstrated that the Chicago police officers entered Ms. [REDACTED] apartment without a search or an arrest warrant and without her verbal permission. However, federal and state law established that based on the totality of the circumstances the officers were acting within the law. Mr. [REDACTED] had been positively identified as the individual who shot Mr. [REDACTED] several days earlier. When Ms. [REDACTED] opened the front door to her apartment, officers recognized Mr. [REDACTED] who was standing behind her. It was reasonable for the officers to enter the apartment to effect the arrest of Mr. [REDACTED] not only because it appeared Mr. [REDACTED] was trying to flee, but because he was a known violent offender who had recently been positively identified as the prime suspect in an earlier shooting.⁵³ Furthermore, as Detective [REDACTED] mentioned in his interview with IPRA, it was unknown whether or not Mr. [REDACTED] had a gun or what was going to happen. This all amounted to exigent circumstances. Additionally, Mr. [REDACTED] physical attempts to avoid being handcuffed suggested that Mr. [REDACTED] intended to break free of the officers.

Accordingly, officers were lawfully authorized to enter Ms. [REDACTED] residence without a warrant for the purpose of arresting Mr. [REDACTED].

COPA concludes that the finding for **Allegation #2**, against all accused officers and detectives that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer

⁵³ Officers [REDACTED], [REDACTED] and Detective [REDACTED] were the first to enter the apartment. Officer [REDACTED] entered shortly thereafter after hearing screaming coming from the apartment and assisted with the handcuffing of Mr. [REDACTED]. Officers [REDACTED] and [REDACTED] and Detective [REDACTED] were instructed to come to Ms. [REDACTED] apartment but arrived after Mr. [REDACTED] was in handcuffs, and only occupied the apartment for a matter of seconds.

██████████ searched Ms. ██████████ residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution is **NOT SUSTAINED**.

When a lawful arrest is effected a peace officer may reasonably search the person arrested and the area within such person's immediate presence for the purpose of: (a) protecting the officer from attack; or (b) preventing the person from escaping; or (c) discovering the fruits of the crime; or (d) discovering any instruments, articles or things which may have been used in the commission of, or which may constitute evidence of, an offense. 725 ILCS 5/108-1

Despite Mr. ██████████ and Ms. ██████████ assertion that Chicago Police Officers searched her apartment when they arrested Mr. ██████████, all the police officers interviewed denied the allegation.

However, even if it were true that the officers searched Ms. ██████████ apartment, it would have been reasonable to do so based on the totality of the circumstances. According to the officers that were present, Mr. ██████████ made an attempt to flee to another room where the gun Mr. ██████████ was accused of using to shoot Mr. ██████████ could have been stored. Furthermore, because the police officers could not see into the room Mr. ██████████ was moving toward, there was a distinct possibility that there was some manner of egress from which Mr. ██████████ could have escaped.

COPA concludes that the finding for **Allegation #3**, against all accused officers and detectives, that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ they entered a private residence without an arrest warrant to arrest Mr. ██████████ is **EXONERATED**.

A peace officer may arrest a person when: (1) A peace officer may arrest a person when: (a) He has a warrant commanding that such person be arrested; or (b) He has reasonable grounds to believe that a warrant for the person's arrest has been issued in this State or in another jurisdiction; or (c) He has reasonable grounds to believe that the person is committing or has committed an offense. 725 ILCS 5/107-2.

Although the arresting officers did not have a warrant they had the positive identification of Mr. ██████████ provided to them by victim, ██████████, giving them reasonable grounds to arrest Mr. ██████████. As outlined in the analysis for Allegation 1, the officer's conduct was within department policy and applicable laws.

COPA concludes that the findings for **Allegations #4 through #8**, against Officer ██████████, Officer ██████████, and Detective ██████████, that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████, they struck Mr. ██████████ on the face with a closed fist, elbow, police radio, baton/ASP and slammed his face on the floor are **NOT SUSTAINED**.

There is no dispute that officers used force while apprehending and arresting Mr. ██████████, and that as a result he sustained facial injuries. At issue is both the degree of force used, and whether that force was within policy given Mr. ██████████ actions. The evidence is conflicted for both of these issues.

Mr. [REDACTED] and Ms. [REDACTED] allege that Mr. [REDACTED] was attacked and did not resist the officers. The officers however reported in multiple police reports and their statements to IPRA that Mr. [REDACTED] attempted to flee and then continued to struggle against multiple officers trying to take him into custody. The evidence does not conclusively establish which narrative is correct. According to the officers’ description, Mr. [REDACTED] was an active resistor who warranted force used against him. To accept Mr. [REDACTED] description of the incident, it must be believed that multiple officers simultaneously attacked a cooperative subject without provocation.

Also in dispute is the type and degree of force the officers used to apprehend and arrest Mr. [REDACTED]. He alleged that he was slammed face-down onto the floor and struck multiple times with closed fists, elbows, a radio and a baton/ASP. The officers deny that he was struck with objects and instead report that multiple officers struggled to bring him into compliance by using holds, an emergency takedown and open-hand strikes. Ms. [REDACTED] reported that officers used fists, elbows and a cellphone. Mr. [REDACTED] multiple facial injuries are consistent with an emergency takedown and multiple strikes to the head, but do not rule out the possibility of being struck with an object(s).

Given the conflicting descriptions of the incident, there is insufficient evidence to decide, with any certainty, whether Mr. [REDACTED] injuries were the result of excessive force, or if they were the result of an acknowledged struggle meted by reasonable force to take Mr. [REDACTED] into custody.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.	EXONERATED
	2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.	NOT SUSTAINED
	3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED]	EXONERATED

	<p>entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>4. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a closed fist in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p> <p>5. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] stuck Mr. [REDACTED] on the face with his elbow in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p> <p>6. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a police radio in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p> <p>7. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a baton/ASP in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p> <p>8. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] slammed [REDACTED] face onto the floor in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>
<p>Detective [REDACTED]</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Detective [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p>

	<p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>NOT SUSTAINED</p> <p>EXONERATED</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p>

	<p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>NOT SUSTAINED</p> <p>EXONERATED</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] searched Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p> <p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered Ms. [REDACTED] residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p>

<p>2. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] searched Ms. [REDACTED] sidence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution in violation of.</p>	<p>NOT SUSTAINED</p>
<p>3. It is further alleged by [REDACTED] that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] entered a private residence without an arrest warrant to arrest Mr. [REDACTED] in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution.</p>	<p>EXONERATED</p>
<p>4. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a closed fist in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>
<p>5. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] stuck Mr. [REDACTED] on the face with his elbow in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>
<p>6. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a police radio in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>
<p>7. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] [REDACTED] Officer [REDACTED] struck Mr. [REDACTED] on the face with a baton/ASP in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	<p>NOT SUSTAINED</p>
<p>8. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED]</p>	<p>NOT SUSTAINED</p>

	<p>██████████ Officer ██████████ slammed ██████████ face onto the floor in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.</p>	
<p>Detective ██████████</p>	<ol style="list-style-type: none"> <li data-bbox="532 338 1187 625">1. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Detective ██████████ entered Ms. ██████████ residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution. <li data-bbox="532 625 1187 913">2. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Detective ██████████ searched Ms. ██████████ residence without a Search Warrant in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution in violation of. <li data-bbox="532 913 1187 1201">3. It is further alleged by ██████████ that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Detective ██████████ entered a private residence without an arrest warrant to arrest Mr. ██████████ in violation of Rules 1 and 2, the Fourth Amendment of the United States, and Section 6 of the Illinois Constitution. <li data-bbox="532 1201 1187 1488">4. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Detective ██████████ struck Mr. ██████████ on the face with a closed fist in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force. <li data-bbox="532 1488 1187 1776">5. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Detective ██████████ stuck Mr. ██████████ on the face with his elbow in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force. <li data-bbox="532 1776 1187 1839">6. It is alleged that on July 2, 2014 at approximately 1100 hours at ██████████ ██████████ Detective ██████████ struck Mr. ██████████ on the face with a police radio in violation 	<p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>EXONERATED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>

of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.

7. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] struck Mr. [REDACTED] on the face with a baton/ASP in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.

NOT
SUSTAINED

8. It is alleged that on July 2, 2014 at approximately 1100 hours at [REDACTED] Detective [REDACTED] slammed [REDACTED] face onto the floor in violation of Rules 1, 2, 6, 8 and 9, and G03-02 Use of Force.

NOT
SUSTAINED

Approved:

[REDACTED]

March 21, 2019

[REDACTED]
Chief Administrator

Date

Appendix A

Assigned Investigative Staff

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