

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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| Date of Incident: | ██████████ 2018 (street stop); ██████████ 2018 (search warrant) |
| Time of Incident: | ██████████ pm (street stop); ██████████ am (search warrant) |
| Location of Incident: | ██████████ Sangamon St. (street stop); ██████████ Justine St. (search warrant) |
| Date of COPA Notification: | ██████████ 2018 |
| Time of COPA Notification: | ██████████ pm |

██████████ (██████████) complained that Chicago Police Department (“CPD”) officers stopped him on the street for no reason, profiled him when they learned he was a parolee, and raided his apartment the next day after obtaining a search warrant under false pretenses. ██████████ also complained that the officers threatened him while executing the search warrant, used profanity, and exceeded the scope of the search warrant by searching a vehicle that belonged to his sister. The Civilian Office of Police Accountability (“COPA”) investigated ██████████ complaint and determined that there was insufficient evidence to prove or disprove ██████████ allegations.

II. INVOLVED PARTIES¹

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| Involved Officer #1: | ██████████ star # ██████████ employee ID# ██████████ Date of Appointment ██████████ 2013, Police Officer, Unit of Assignment ██████████ ² DOB ██████████ 1988, Male, White Hispanic |
| Involved Officer #2: | ██████████ star # ██████████ employee ID# ██████████, Date of Appointment ██████████ 2012, Police Officer, Unit of Assignment ██████████ ³ DOB ██████████ 1984, Male, White |
| Involved Officer #3: | ██████████ star # ██████████ employee ID# ██████████, Date of Appointment ██████████ 2006, Police Officer, Unit of Assignment ██████████, DOB ██████████ 1982, Male, White |

¹ At the time of the incident under investigation, all of the accused CPD members were assigned to Unit ██████████, Gang Enforcement – ██████████. The unit assignments listed in the table below reflect these members’ current assignments.

² As of ██████████ 2019, Officer ██████████ has been detailed from Unit ██████████ to Unit ██████████, the ██████████.

³ As of ██████████ 2019, Officer ██████████ has been detailed from Unit ██████████ to Unit ██████████.

Involved Officer #4: [REDACTED] star # [REDACTED] employee ID# [REDACTED], Date of Appointment [REDACTED] 2006, Police Officer, Unit of Assignment [REDACTED] DOB [REDACTED] 1983, Male, White

Involved Officer #5: [REDACTED] star # [REDACTED] employee ID# [REDACTED], Date of Appointment [REDACTED] 1996, Sergeant of Police, Unit of Assignment [REDACTED] DOB [REDACTED] 1970, Male, White

Involved Individual #1: [REDACTED] DOB [REDACTED] 1993, Male, Black

III. ALLEGATIONS

| Officer | Allegation | Finding |
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| Officer [REDACTED] | <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] pm, at or near [REDACTED] Sangamon Street, that Officer [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification; and 2. Searching [REDACTED] without justification. <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] am, at or near [REDACTED] Justine Street, [REDACTED] that Officer [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. Failing to knock and announce his presence prior to forcing entry to [REDACTED] apartment while executing a search warrant; 4. Searching [REDACTED] apartment with a search warrant obtained under false pretenses; 5. Threatening to shoot [REDACTED] without justification; | <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> |

⁴ At the time of the incident under investigation, Sgt. [REDACTED] star number was # [REDACTED].

⁵ As of March 19, 2017, Sgt. [REDACTED] has been detailed from Unit [REDACTED] to Unit [REDACTED].

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| | <p>6. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and</p> <p>7. Failing to provide his name and star number when requested by [REDACTED]</p> | <p>Not Sustained</p> <p>Not Sustained</p> |
| <p>Officer [REDACTED]</p> | <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] pm, at or near [REDACTED] Sangamon Street, that Officer [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification; and 2. Searching [REDACTED] without justification. <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] am, at or near [REDACTED] Justine Street, [REDACTED] that Officer [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. Failing to knock and announce his presence prior to forcing entry to [REDACTED] apartment while executing a search warrant; 4. Searching [REDACTED] apartment with a search warrant obtained under false pretenses; 5. Threatening to shoot [REDACTED] without justification; 6. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and 7. Failing to provide his name and star number when requested by [REDACTED] | <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>Officer [REDACTED]</p> | <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] pm, at or near [REDACTED] Sangamon Street, that Officer [REDACTED]</p> | |

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| | <p>██████#██████ committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Detaining ██████ without justification; and 2. Searching ██████ without justification. <p>It is alleged by ██████ that on or about ██████ 2018, at approximately ██████ am, at or near ██████ Justine Street, ██████ that Officer ██████#██████ committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. Failing to knock and announce his presence prior to forcing entry to ██████ apartment while executing a search warrant; 4. Searching ██████ apartment with a search warrant obtained under false pretenses; 5. Threatening to shoot ██████ without justification; 6. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and 7. Failing to provide his name and star number when requested by ██████ | <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>Officer ██████ ██████</p> | <p>It is alleged by ██████ that on or about ██████ 2018, at approximately ██████ am, at or near ██████ Justine Street, ██████ that Officer ██████#██████ committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Failing to knock and announce his presence prior to forcing entry to ██████ apartment while executing a search warrant; 2. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and | <p>Not Sustained</p> <p>Not Sustained</p> |

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| | 3. Failing to provide his name and star number when requested by [REDACTED] | Not Sustained |
| Sergeant [REDACTED] | <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] am, at or near [REDACTED] Justine Street, [REDACTED] that Sergeant [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to knock and announce his presence prior to forcing entry to [REDACTED] apartment while executing a search warrant;</p> <p>2. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and</p> <p>3. Failing to provide his name and star number when requested by [REDACTED]</p> | <p>Not Sustained</p> <p>Not Sustained</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 efforts to achieve its policy and goals or brings discredit upon the Department.
3. **Rule 3:** Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. **Rule 6:** Disobedience of an order or directive, whether written or oral.
5. **Rule 14:** Making a false report, written or oral.

Special Orders

1. **S04-19 Search Warrants** (effective September 3, 2015)

Federal Laws

1. The Fourth Amendment to the United States Constitution

V. INVESTIGATION

a. Interviews

Complainant ██████████ was interviewed by COPA investigators on ██████████ 2018, with a follow-up interview on ██████████ 2018.⁶ ██████████ told investigators the following: Two days prior, on ██████████ at approximately ██████████ pm, ██████████ was driving with a female companion. ██████████ saw what he believed to be an unmarked police vehicle parked nearby. ██████████ and his companion parked at the corner of ██████████ and Sangamon, exited their vehicle, and began walking towards a corner convenience store. The unmarked police vehicle pulled up, and officers exited the vehicle and detained ██████████. ██████████ was placed against his vehicle and patted down. ██████████ described the two officers who stopped him as a bald, white male and a Hispanic male. While patting him down, the officers discovered that ██████████ was wearing an ankle monitor, and he admitted that he was on parole for unlawful use of a weapon (“UUW”). The officers wrote down his name and address and let him go after failing to find any weapons or contraband.

The next morning, ██████████ was sleeping in his bedroom at ██████████ Justine Street, ██████████ young nephews⁷ apparently heard loud noises, and they woke ██████████ up. ██████████ heard banging, but he believed his neighbors may have been having a domestic dispute, so he walked his nephews back towards their bedroom. Then, the door to his apartment broke open, and police entered. The officers gave conflicting commands, with some ordering him to the ground while others ordered him not to move. An officer said, “You move again, I’m gonna shoot you in your shit,” and ██████████ noted that it was the same bald, white officer who had stopped him the day before.⁸ The officer told ██████████ that they had a search warrant but refused to allow ██████████ to examine the warrant until the officers completed their search of the apartment. ██████████ also asked for the officers’ names and star numbers, but they all refused to provide this information, and none of them had their name or star displayed on their clothing. One officer told ██████████ to call him ██████████” ██████████ did not believe that ██████████ was one of the officers who had stopped him the day before. During the search of ██████████ apartment, ██████████ heard what he believed to be the police breaking into the apartment above his, on the third floor. An officer also took ██████████ phone, but returned it after searching for photos of guns. ██████████ also asserted that the police took his sister’s keys and used them to unlock and search her car, which was parked on the street immediately in front of their apartment. ██████████ did not see the police searching the car, but his sister’s boyfriend, ██████████ was seated near the window and could see the police searching the car. ██████████ had also viewed a video surveillance recording from his landlord’s camera system that showed the police searching the car. The police found nothing, and they left a copy of the warrant on the coffee table as they exited. ██████████ also alleged that the police took his photo identification during the search and never returned it.

⁶ Attachments 5, 13. ██████████ signed an affidavit in support of his allegations, but the affidavit was not notarized because ██████████ lacked identification. Attachment 6.

⁷ ██████████ stated that the nephews were ages 5 and 7, and that an additional child, an infant, was also present. ██████████ sister, ██████████ was the leaseholder for the apartment, but she was not home during the execution of the warrant. ██████████ boyfriend, ██████████ was in the apartment during the execution of the warrant, and he was also interviewed by COPA, *infra*.

⁸ ██████████ did not see the male Hispanic officer from the stop when the police searched his apartment the next day.

Witness ██████ (█████ was interviewed by COPA investigators on ██████, 2018.⁹ ██████ who lived in the same apartment as ██████ provided an account of the search-warrant execution of ██████ 2018, that was consistent with ██████ account, except as follows: ██████ was in his bedroom on the morning of ██████ when he heard loud noises coming from the apartment upstairs. ██████ later learned that the police had broken down the door to the upstairs apartment, which was vacant. ██████ then heard the police knocking down the door to his apartment, and he exited his bedroom. ██████ did not hear any police officer threaten ██████ and did not see the police searching ██████ car.¹⁰

COPA investigators interviewed the supervising sergeant and four police officers who were involved in executing the ██████ 2018 search warrant at ██████ Justine Street: Officer ██████ was interviewed on ██████ 2019,¹¹ Officer ██████ was interviewed on January 31, 2019,¹² Officer ██████ was interviewed on January 31, 2019,¹³ Officer ██████ was interviewed on ██████ 2019,¹⁴ and Sergeant ██████ was interviewed on ██████ 2019.¹⁵ Each officer provided an account of executing the search warrant that is consistent with the associated police reports. Additionally, the officers all recounted being confused by the layout of the building at ██████ Justine Street and accidentally forcing entry into a vacant apartment on the third floor prior to executing the warrant on ██████ second-floor apartment. The officers all asserted that someone on their team knocked and announced their presence before forcing entry to ██████ apartment. The officers denied hearing any threats made towards ██████ and denied that ██████ vehicle was searched.

Officer ██████ the affiant for the search warrant, recounted how a registered informant¹⁶ told him that ██████ a convicted felon, was in possession of a handgun at ██████ Justine Street, ██████ On the afternoon of ██████ 2018, ██████ and his partners, Officers ██████ and ██████ saw ██████ in a vehicle near ██████ and South Sangamon, and they stopped the vehicle after witnessing a minor traffic violation. Their encounter with ██████ was coincidental – they just happened to recognize him while on patrol because they had previously obtained his rap sheet photographs after speaking with their informant – but they took the

⁹ Attachment 12. ██████ signed an affidavit in support of his statement, but the affidavit was not notarized because ██████ did not have identification. Attachment 27. Based on CPD records, it is possible that the person who identified himself as ██████ to COPA investigators is, in fact, ██████ ██████ who appears to share an address and birthdate with ██████ Attachment 53.

¹⁰ ██████ did note that the keys to ██████ car were moved while the police were in their apartment. ██████ also noted that the doors to ██████ car were unlocked and open after the police left, where the doors had been closed and locked previously.

¹¹ Attachment 34.

¹² Attachment 35.

¹³ Attachments 36, 37.

¹⁴ Attachment 48.

¹⁵ Attachment 38.

¹⁶ Officer ██████ explained that the informant was registered through the FBI – not through CPD – and that an FBI special agent was working with Officer ██████ gang enforcement team. Additionally, an FBI agent, along with another CPD officer who was assigned to a federal task force, were also present on ██████ 2018 during the execution of the search warrant. A CPD Search Warrant Data Report (Attachment 21) lists FBI Special Agent ██████ and CPD Police Officer ██████ # ██████ (assigned to Unit ██████ the ██████ Division) as present during the execution of the search warrant on ██████ 2018.

opportunity to verify [REDACTED] identity. Officer [REDACTED] explained that he remained in the patrol vehicle during the entire interaction, attempting (unsuccessfully) to get their police data terminal (“PDT”) working. Officer [REDACTED] and [REDACTED] detained [REDACTED] briefly in order to verify his identification and his current address. Based on the information provided by his informant, Officer [REDACTED] prepared an affidavit and obtained a search warrant for [REDACTED] residence, which they executed the next day. Ultimately, no weapons or other contraband were found in [REDACTED] residence, and [REDACTED] was provided with a copy of the search warrant and allowed to go about his business. Officer [REDACTED] also recalled that immediately after completing the search, his supervisor, Sgt. [REDACTED] met with the apartment building landlord, who had arrived on scene, and provided her with a form to use to seek reimbursement for damage done to the vacant third-floor apartment.

Officer [REDACTED] contradicted one aspect of Officer [REDACTED] account: Officer [REDACTED] told COPA investigators that on [REDACTED] 2018, their team was specifically searching for [REDACTED] and knew where [REDACTED] would be based on information provided by their informant. The traffic stop was planned for the purpose of verifying [REDACTED] identity. Officer [REDACTED] remembered that he was working in a 3-officer car with Officers [REDACTED] and [REDACTED] on [REDACTED] 2018, and Sgt. [REDACTED] also recalled that Officers [REDACTED] and [REDACTED] were working together that day.

b. Digital Evidence¹⁷

Global Positioning System (“GPS”) data¹⁸ obtained from the Office of Emergency Management and Communication (“OEMC”) indicates that CPD vehicle [REDACTED] assigned to Beat [REDACTED], stopped near the corner of South Morgan Street and [REDACTED] Street (one block west of South Sangamon Street) at 12:33 pm on [REDACTED] 2018. Another vehicle assigned to the Area South Gang Enforcement team (vehicle [REDACTED] assigned to Beat [REDACTED] was also driving slowly near the intersection of South Sangamon Street and [REDACTED] Street at approximately [REDACTED] pm that day.¹⁹

¹⁷ In addition to the digital evidence described below, COPA also obtained body-worn-camera recordings and in-car-camera video recordings from CPD in response to a request for such recordings. However, none of the recordings produced by CPD appear to depict the officers, complainant, or address involved in this investigation. The recordings produced by CPD appear to be related to an extraneous beat number that COPA investigators inadvertently included in their request. Attachments 26, 30. COPA also notes that the accused officers, as members of a gang-enforcement unit, were not issued body-worn cameras. COPA also obtained a recording of CPD radio transmissions for Zone [REDACTED], covering Districts [REDACTED] and [REDACTED], between noon and [REDACTED] pm on [REDACTED] 2018, but none of the radio transmissions appear to be relevant to the incident under investigation. Attachment 33.

¹⁸ Attachment 15.

¹⁹ COPA notes that discrepancies exist between the GPS data and CPD records: First, CPD Attendance and Assignment records (Attachment 29) indicate that vehicle [REDACTED] was assigned to Beat [REDACTED] (Officers [REDACTED] and [REDACTED] on [REDACTED] while the GPS data indicates vehicle [REDACTED] was assigned to Beat [REDACTED], with officer [REDACTED] signed on to the vehicles PDT; second, the Attendance and Assignment records do not list vehicle [REDACTED] while the GPS data indicates that vehicle [REDACTED] was assigned to Beat [REDACTED] with Officer [REDACTED] signed on to the vehicles PDT; and third, the same Attendance and Assignment records indicate that Officer [REDACTED] was assigned to Beat [REDACTED] but with vehicle [REDACTED] which does not appear in the GPS data. Both the GPS data and the Attendance and Assignment records are contradicted by the statements of Sergeant [REDACTED] Officer [REDACTED] and Officer [REDACTED] who all agree that Officers [REDACTED] and [REDACTED] were working together, in the same vehicle, on [REDACTED] COPA also attempted to obtain third-party surveillance video from businesses located near the corner of [REDACTED] and South Sangamon, but no video recordings depicting the encounter were located. Attachment 8. A search for OEMC-recorded events within one mile of [REDACTED] South Sangamon Street, between [REDACTED] am and 2:00 pm on [REDACTED] 2018, did not reveal any documented contact between

CPD photographs²⁰ taken on [REDACTED] 2018, depict the front entrance to the apartment building at [REDACTED] Justine Street, the entrance door to [REDACTED] and the interior of [REDACTED] prior to officers beginning their search. The CPD photographs also depict [REDACTED] Illinois identification and his social security card, along with [REDACTED] mother's Illinois identification. A photograph of the search warrant, placed on a coffee table, is also included.

Photographs provided by [REDACTED] depict the interior of [REDACTED] at [REDACTED] Justine Street after the CPD search conducted on [REDACTED] 2018. Photographs also depict damage to the door of the vacant third-floor apartment and damage to the building exterior door. A set of still frames, apparently from the apartment building's surveillance video-recording system, were also provided to COPA by [REDACTED]. Six of the still frames, captured between [REDACTED] am and [REDACTED] am, depict a group of seven police officers on the sidewalk at the west entrance to the apartment building. The officers are dressed in plain clothes but are wearing vests with the word "POLICE" across the back. To the extent that the officers' chests are visible to the camera, they appear to be displaying embroidered CPD stars and name tapes. One wheel of a vehicle parked on the street in front of the building is visible, but the doors and interior of the vehicle are outside of the camera's view. Two additional still frames, captured between [REDACTED] am and [REDACTED] am, depict two uniformed police officers²² standing at the rear (northeast) entrance in an alley, apparently performing perimeter security.

Police Observation Device ("POD") video²³ from a camera located at the corner of [REDACTED] and South Sangamon Street, recorded on [REDACTED] 2018, between [REDACTED] am and [REDACTED] pm was obtained by COPA. At [REDACTED] am, a marked CPD vehicle drives north through the intersection. The recording also shows a gray, unmarked Ford Explorer turning south on Sangamon from [REDACTED] at [REDACTED] am. At [REDACTED] pm, a small gray car heading east on [REDACTED] stops, reverses, and parks on the south side of the street just west of Sangamon. The gray car remains parked for approximately 4-and-a-half minutes, and flashing blue lights are visible reflecting off of the car. Due to the angle and focus of the POD camera, the occupants of the gray car are not visible, and it is not possible to see behind the gray vehicle to determine if police are present. No

the accused officers and [REDACTED] Attachment 54. The encounter between the accused officers and [REDACTED] was also not documented in an Investigatory Stop Report. Attachment 55.

²⁰ Attachment 31.

²¹ Attachment 32. COPA investigators met with leaseholder [REDACTED] and also corresponded by telephone with landlord [REDACTED] on multiple occasions in [REDACTED] and [REDACTED] of 2018 in order to obtain copies of relevant surveillance video recordings from [REDACTED] Justine Street. No additional video recordings or still frames were produced. COPA contacted [REDACTED] again in [REDACTED] of 2020, and [REDACTED] reported that she had never copied the recordings and that all recordings from [REDACTED] 2018, have long since been deleted. Attachment 59. Google Street View images captured in [REDACTED] of 2018 appear to show only two security cameras on the west (street) side of [REDACTED] Justine Street. One camera is mounted on the northwest corner of the building and appears to be pointed at the northwest entrance; this appears to be the camera that captured the still-frame images produced to COPA by [REDACTED]. The second camera is mounted on the far southwest corner of the building and appears to be pointed at the southwest entrance. It is unlikely that the southwest camera could have captured images of the police at the northwest entrance or images depicting the alleged search of [REDACTED] vehicle, also parked at the north end of the block. Attachment 56.

²² The Original Case Incident Report indicates that Officers [REDACTED] and [REDACTED] Beat [REDACTED], assisted during the execution of the search warrant. Attachment 11.

²³ Attachment 58.

interaction between the occupants of the gray car and the police is visible on the recording. At [REDACTED] pm, one person appears to walk away from the gray car, heading south, but only the lower half of the person's body is visible. The gray car drives away, heading east on [REDACTED], at [REDACTED] pm. No other police activity is visible on the remainder of the POD video recording.

c. Documentary Evidence

COPA obtained a copy of a **Complaint for Search Warrant**²⁴ signed by Officer [REDACTED] and dated [REDACTED] 2018, at [REDACTED] am, when Officer [REDACTED] swore to the complaint in front of Judge [REDACTED]. The complaint states that Officer [REDACTED] met with a registered confidential informant on [REDACTED] 2018. The informant told Officer [REDACTED] that he had seen [REDACTED] within the past two days, with a handgun inside apartment [REDACTED] at [REDACTED] Justine Street. The informant had also been inside the apartment on other occasions within the last month and had seen [REDACTED] with the handgun each time. Officer [REDACTED] also averred that the same informant had provided reliable information on several prior occasions, leading to the recovery of illegal firearms from different offenders. Officer [REDACTED] described visiting the target apartment building with the informant to verify the location, and Officer [REDACTED] verified the address by using the Cook County Assessor's Office website to obtain a photograph of the building. Officer [REDACTED] also obtained a photograph of [REDACTED] from CPD computerized records, and the informant positively identified the person in the CPD photograph as [REDACTED]. Officer [REDACTED] also obtained [REDACTED] criminal history, which revealed [REDACTED] to be a convicted felon currently paroled to the Justine Street address. The **Search Warrant**²⁵ was signed by Judge [REDACTED] at [REDACTED] am on [REDACTED] 2018. Notes written vertically in the margin of the complaint and the margin of the search warrant indicate that it was reviewed by Assistant State's Attorney [REDACTED] on [REDACTED] 2018, at [REDACTED] pm. Officer [REDACTED] # [REDACTED] is listed as the complainant. A **CPD Search Warrant Data Report**²⁶ documents the issuance and execution of the search warrant.

An **Original Case Incident Report**²⁷ authored by Officer [REDACTED] documents that a search warrant was executed on [REDACTED] 2018, at [REDACTED] Justine Street, [REDACTED] by [REDACTED] Gang Enforcement and Organized Crime Division Gang Intelligence teams, targeting [REDACTED]. Per the report, the officers knocked on the door to the apartment and announced their presence. After waiting a reasonable amount of time and receiving no response, they forced the door open using a ram. The officers then detained the apartment's occupants, [REDACTED] and [REDACTED] and also noted the presence of two children. The officers searched the apartment but did not find any weapons. They then released [REDACTED] and [REDACTED] leaving a copy of the search warrant with [REDACTED].

An **OEMC Event Query Report**²⁸ documents that Officer [REDACTED] ran [REDACTED] name and birthdate through a police database at [REDACTED] pm on [REDACTED] 2018. The inquiry

²⁴ Attachment 25.

²⁵ *Id.*

²⁶ Attachment 21.

²⁷ Attachment 11. The search was also documented on an OEMC Event Query Report and a detective Supplemental Report, which are consistent with the incident report. Attachments 52, 57.

²⁸ Attachment 19.

²⁹ The Event Query Report identifies Officer [REDACTED] based on his PC number being signed on to the PDT in a police vehicle associated with Beat [REDACTED].

is associated with an apparently unrelated traffic stop that was conducted at [REDACTED] pm at [REDACTED] Halsted.

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 reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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. 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.* ¶ 28.

VII. ANALYSIS

[REDACTED] alleges that the police stopped him without justification on [REDACTED] 2018, as he exited a vehicle and walked towards a convenience store. [REDACTED] acknowledges that the vehicle was in motion immediately prior to his encounter with the police, and [REDACTED] saw the police parked on a corner while his vehicle was still in motion. The accused officers contend that [REDACTED] vehicle was stopped after they observed a minor traffic violation and that they briefly detained [REDACTED] as part of an ongoing investigation based on information received from an FBI registered confidential informant. The officers, at the time of their COPA interviews, did not recall the nature of the minor traffic violation that led to the initial stop. COPA does not have access to the FBI’s confidential informant file and cannot independently verify the informant’s identity or the information that was purportedly conveyed by the informant to the officers. COPA was also unable to obtain surveillance video recordings or other independent evidence to confirm or contradict either [REDACTED] or the officers’ versions of events.

Without additional evidence, COPA cannot determine if a traffic violation occurred or if the officers received information from an informant that would justify detaining ██████ or patting him down for weapons. COPA also cannot determine, with any level of confidence, which officers interacted with ██████ on ██████. ██████ recalled only two officers being present, but CPD records and the statements of the involved officers indicate that more than two officers may have been present. COPA therefore finds that **Allegations 1 and 2 against Officer ██████ are Not Sustained, Allegations 1 and 2 against Officer ██████ are Not Sustained, and Allegations 1 and 2 against Officer ██████ are Not Sustained.**

There are also substantial reasons to doubt both ██████ and the accused officers' accounts of the search that occurred on ██████ 2018, at ██████ Justine Street. ██████ has alleged that the police forcibly entered his apartment without first knocking and announcing their presence, but ██████ also admits that he was asleep when the police first arrived and that he heard loud noises before the police entered. The only other civilian witness, ██████ was also in his bedroom when the police arrived and was alerted to their presence when he heard loud noises, which he later attributed to the police forcing entry to the apartment above his. The accused officers admit that they initially forced entry to the wrong apartment but insist that they knocked and announced their presence when they relocated to the correct apartment. It is easy to imagine that the officers were concerned they had alerted their second-floor target to their presence because of the noise they made on the third floor and that they consequently dispensed with knocking and announcing when they reached the second floor. But supposition is not fact, and COPA cannot determine if the officers knocked and announced their presence without additional evidence, particularly in light of both ██████ and ██████ admitting that they were in their bedrooms when the police arrived and admitting that they heard loud noises before the police forced entry. COPA therefore finds that **Allegation 3 against Officer ██████ is Not Sustained, Allegation 3 against Officer ██████ is Not Sustained, Allegation 3 against Officer ██████ is Not Sustained, Allegation 1 against Officer ██████ is Not Sustained, and Allegation 1 against Sgt. ██████ is Not Sustained.**

The complainant has no first-hand knowledge regarding the accused officers' interaction with their informant and cannot directly dispute what was told to the officers by the informant. But the complainant denies possessing a firearm in the apartment at ██████ Justine Street, effectively asserting that the information the police allege they received from the informant was false. COPA does not have access to the informant file or to the federal agent who purportedly placed the CPD officers in contact with the informant, so COPA cannot determine whether the informant actually met with the officers and cannot determine what information, if any, was provided. There are, however, reasons to be suspicious of the officers' accounts: First, in his Complaint for Search Warrant, Officer ██████ provided considerable detail of the investigation that he conducted in order to confirm his informant's tip: Officer ██████ documented that he met with the informant, went to ██████ Justine Street with the informant to identify the building, confirmed the address of the building using the Cook County Assessor's Office website, obtained a photograph of ██████ and had the informant positively identify ██████ from the photograph, and searched for ██████ criminal history in a police database. But notably, Officer ██████ does not mention in the Complaint that he and his partners stopped ██████ – in person, that day – and

³⁰ See *supra* note 19 and accompanying text.

verified [REDACTED] identity as part of their investigation. Second, the officers did not document stopping [REDACTED] the day before they executed the search warrant. There is no evidence that they announced the stop over the police radio and no evidence that they completed any paperwork referencing the stop. Third, when asked about the stop by COPA investigators, Officer [REDACTED] described his [REDACTED] encounter with [REDACTED] as a happy coincidence while his partner, Officer [REDACTED] described the encounter as a deliberate step in their investigation.

Separately and in combination, the omissions and inconsistencies discussed above could suggest that the accused officers stopped [REDACTED] without justification and fabricated the facts alleged in the Complaint for Search Warrant after learning that [REDACTED] was on parole for UUW. Without further evidence and without access to the confidential informant, COPA cannot adequately assess the credibility of the accused officers or the credibility of [REDACTED]. COPA therefore finds that **Allegation 4 against Officer [REDACTED] is Not Sustained, Allegation 4 against Officer [REDACTED] is Not Sustained, and Allegation 4 against Officer [REDACTED] is Not Sustained.**

[REDACTED] alleged that an officer threatened to shoot him, without justification, during the execution of the search warrant. None of the officers interviewed by COPA admitted to making such a threat, and none of the officers interviewed by COPA remembered hearing such a threat. The only other adult present in the apartment, [REDACTED] also told COPA that he did not hear the threat. There is no other available evidence that would corroborate or refute this allegation, and the identity of the officer who allegedly issued the threat remains in question. COPA therefore finds that **Allegation 5 against Officer [REDACTED] is Not Sustained, Allegation 5 against Officer [REDACTED] is Not Sustained, and Allegation 5 against Officer [REDACTED] is Not Sustained.**

[REDACTED] alleged that unknown officers exceeded the scope of the search warrant by seizing his sister's keys and searching her car. All of the CPD members interviewed by COPA deny any knowledge of a car being searched during the execution of the search warrant. [REDACTED] who admits he did not personally witness the officers searching the car, cited two pieces of evidence to support his allegation: First, he alleged that [REDACTED] had witnessed the officers searching the car, and second, he alleged that the search had been captured on the apartment building's video-surveillance system. When interviewed by COPA, [REDACTED] denied personally witnessing the search. Instead, [REDACTED] told investigators that he later found the car with the doors open and was told by neighborhood residents that police had searched the car. COPA was unable to obtain the surveillance video recordings described by [REDACTED] and the still-frame captures that [REDACTED] provided to COPA do not depict the search. However, [REDACTED] claims he saw the officers take the key from the house and there is circumstantial evidence that the car was searched. However, COPA was unable to obtain evidence as to which officer conducted the search. Therefore while COPA believes a search was likely conducted, there is insufficient evidence to prove or disprove who participated in the search, and COPA finds that **Allegation 6 against Officer [REDACTED] is Not Sustained, Allegation 6 against Officer [REDACTED] is Not Sustained, Allegation 6 against Officer [REDACTED] is Not Sustained, Allegation 2 against Officer [REDACTED] is Not Sustained, and Allegation 2 against Sgt. [REDACTED] is Not Sustained.**

Finally, [REDACTED] alleged that the officers who executed the search warrant covered their names and star numbers and refused to provide this information when asked. None of the accused officers interviewed by COPA recall being asked for their name or star number. The still-frame

captures that [REDACTED] provided to COPA from the apartment building video-surveillance system tend to undermine this claim. To the extent that the officer’s chests are visible immediately before they enter the apartment building, the embroidered stars and nametapes on the front of their vests are visible. Also, the copy of the search warrant that the officers left with [REDACTED] provides Officer [REDACTED] name and star number. No other evidence was discovered that would tend to corroborate or refute [REDACTED] allegations regarding his verbal interactions with the officers inside his apartment, and the identities of the individual officers who interacted with [REDACTED] remain in question. COPA therefore finds that **Allegation 7 against Officer [REDACTED] is Not Sustained, Allegation 7 against Officer [REDACTED] is Not Sustained, Allegation 7 against Officer [REDACTED] is Not Sustained, Allegation 3 against Officer [REDACTED] is Not Sustained, and Allegation 3 against Sgt. [REDACTED] is Not Sustained.**

VIII. CONCLUSION

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

| Officer | Allegation | Finding |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Officer [REDACTED] | <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] pm, at or near [REDACTED] Sangamon Street, that Officer [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification; and 2. Searching [REDACTED] without justification. <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] am, at or near [REDACTED] Justine Street, [REDACTED] that Officer [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. Failing to knock and announce his presence prior to forcing entry to [REDACTED] apartment while executing a search warrant; 4. Searching [REDACTED] apartment with a search warrant obtained under false pretenses; 5. Threatening to shoot [REDACTED] without justification; | <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> |

| | | |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| | <p>6. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and</p> <p>7. Failing to provide his name and star number when requested by [REDACTED]</p> | <p>Not Sustained</p> <p>Not Sustained</p> |
| <p>Officer [REDACTED]</p> | <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] pm, at or near [REDACTED] Sangamon Street, that Officer [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification; and 2. Searching [REDACTED] without justification. <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] am, at or near [REDACTED] Justine Street, [REDACTED] that Officer [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. Failing to knock and announce his presence prior to forcing entry to [REDACTED] apartment while executing a search warrant; 4. Searching [REDACTED] apartment with a search warrant obtained under false pretenses; 5. Threatening to shoot [REDACTED] without justification; 6. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and 7. Failing to provide his name and star number when requested by [REDACTED] | <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>Officer [REDACTED]</p> | <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] pm, at or near [REDACTED] Sangamon Street, that Officer [REDACTED]</p> | |

| | | |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| | <p>██████#██████ committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Detaining ██████ without justification; and 2. Searching ██████ without justification. <p>It is alleged by ██████ that on or about ██████ 2018, at approximately ██████ am, at or near ██████ Justine Street, ██████ that Officer ██████#██████ committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. Failing to knock and announce his presence prior to forcing entry to ██████ apartment while executing a search warrant; 4. Searching ██████ apartment with a search warrant obtained under false pretenses; 5. Threatening to shoot ██████ without justification; 6. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and 7. Failing to provide his name and star number when requested by ██████ | <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>Officer ██████ ██████</p> | <p>It is alleged by ██████ that on or about ██████ 2018, at approximately ██████ am, at or near ██████ Justine Street, ██████ that Officer ██████#██████ committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Failing to knock and announce his presence prior to forcing entry to ██████ apartment while executing a search warrant; | <p>Not Sustained</p> <p>Not Sustained</p> |

| | | |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| | <p>2. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and</p> <p>3. Failing to provide his name and star number when requested by [REDACTED]</p> | <p>Not Sustained</p> |
| <p>Sergeant [REDACTED]</p> | <p>It is alleged by [REDACTED] that on or about [REDACTED] 2018, at approximately [REDACTED] am, at or near [REDACTED] Justine Street, [REDACTED] that Sergeant [REDACTED] # [REDACTED] committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to knock and announce his presence prior to forcing entry to [REDACTED] apartment while executing a search warrant;</p> <p>2. Exceeding the scope of a search warrant by searching a parked vehicle without consent or lawful authority; and</p> <p>3. Failing to provide his name and star number when requested by [REDACTED]</p> | <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> |

Approved:

[REDACTED]

February 28, 2020

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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