

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 14, 2019
Time of Incident:	2:41 p.m.
Location of Incident:	██
Date of COPA Notification:	February 20, 2019
Time of COPA Notification:	2:05 p.m.

On February 14, 2019, officers executed a search warrant looking for ██████████ at his residence. During the search, ██████████ alleged officers improperly searched his person and made the racist comment, “He had chicken and corn bread, that’s what he is.” COPA conducted a thorough investigation that resulted in Not Sustained findings. A detailed analysis of COPA’s findings is discussed below.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ star # ██████, employee ID# ██████, Date of Appointment: ██████, 2013, PO, Unit ██████, DOB: ██████, 1987, Male, White
Involved Officer #2:	██████████ star # ██████, employee ID# ██████, Date of Appointment: ██████, 2006, PO, Unit ██████, DOB: ██████, 1981, Male, White
Involved Individual #1:	██████████ DOB: ██████, 1989, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████	It is alleged by ██████ ██████ that on or about February 14, 2019 at approximately 2:41 p.m. at or near ██████████, Officer ██████████ star # ██████, committed misconduct through the following acts or omissions by:	

	1. improperly searching [REDACTED] and	Not Sustained
	2. stating words to the effect of “He had chicken and corn bread, that’s what he is.”	Not Sustained
Officer [REDACTED]	It is alleged by [REDACTED] that on or about February 14, 2019 at approximately 2:41 p.m. at or near [REDACTED], Officer [REDACTED] star # [REDACTED], committed misconduct through the following acts or omissions by:	
	1. improperly searching [REDACTED] and	Not Sustained
	2. stating words to the effect of “He had chicken and corn bread, that’s what he is.”	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Special Orders

1. Special Order S04-19 Search Warrants
2. Special Order S06-01 Processing Persons Under Department Control

V. INVESTIGATION¹

a. Interviews

In an **interview with COPA**, on February 25, 2019, [REDACTED] ([REDACTED]) stated he was playing video games in his room, when he heard officers yelling and screaming. [REDACTED] exited his room and was confronted by Officer [REDACTED] pointing a gun at him and asking who he was. Officer [REDACTED] escorted him to the living room, where another officer placed him in handcuffs, took his ID and went outside for approximately twenty minutes. At first, no one gave him the search warrant and said they could do anything because he is a convicted felon.³ An

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Identified per [REDACTED] description of male, Caucasian, about 35 years old, 5’7” or 5’8”.

³ [REDACTED] admitted he was arrested as a juvenile, but not as an adult.

officer⁴ did a full search of ██████ including inside his underwear. ██████ felt uncomfortable and believed it was a homosexual act. The officer also made racial slurs towards ██████ including saying “He had chicken and corn bread, that’s what he is.”

The officers were reckless and ransacked his apartment, by kicking in doors⁵ and pouring out his grits into the sink.⁶ ██████ was not arrested, no officer asked whether he had a weapon, and no weapon was recovered. The officers confiscated marijuana that was located in ██████ room under the bed and left ██████ with a copy of the search warrant.⁷

In an **interview with COPA**, on October 25, 2019, **Sergeant ██████ star #█████**, (Sgt. ██████) stated on February 19, 2019, his team executed a search warrant where officers were looking for a firearm. Sgt. ██████ and his team knocked on the rear door multiple times, announced their office and no one answered. After a reasonable amount of time, officers forced entry into the home.⁸ Sgt. ██████ did not recall a lot of details from this incident because it was uneventful. Sgt. ██████ described the apartment as small. The officers entered into the kitchen, then there was a front room, and a hallway with two bedrooms and a bathroom.

According to the paperwork, Officer ██████ and Officer ██████ were the first to enter the apartment, and likely would have been the officers to make first contact with ██████ ██████ was found in a bedroom. Sgt. ██████ did not see any officer search ██████ but stated ██████ would have been searched for weapons. Sgt. ██████ handed ██████ a copy of the search warrant. Sgt. ██████ spoke with ██████ who he described as nonchalant or calm, and did not recall ██████ making any complaints about the search or how he was treated. ██████ was handcuffed and seated in a chair in the front room while officers searched the apartment. Sgt. ██████ from his position in the kitchen, could see and hear ██████ while the officers searched the apartment. Neither he nor did he hear any officer say, “He had chicken and corn bread, that’s what he is.” Additionally, Sgt. ██████ stated he has worked with these officers for at least two years and they have been complimented many times by civilians and supervisors for their professionalism. Sgt. ██████ did not believe any of his officers would have said such a comment.⁹

In an **interview with COPA**, on October 25, 2019, ██████ ██████ star #█████ (Officer ██████) provided a consistent statement with Sgt. ██████ with following additional details. Officer ██████ stated he entered the apartment with his firearm out and in the low ready position as he cleared¹⁰ the apartment. Officer ██████ did not recall which officer found ██████ but did not believe it was him. Officer ██████ searched the front living room area. Officer ██████ did not recall

⁴ ██████ described the officer as a male, Caucasian or Hispanic, taller, and 35-37 years old. Based on ██████ description, COPA provided allegations to Officers ██████ and ██████

⁵ ██████ was upset that officers damaged his doors and did not provide him with a form to repair. However, ██████ stated he called and was told a form was being mailed to him.

⁶ No officer recalled pouring out the container of grits into the sink or seeing another officer pour out the grits, however, the officers admitted they would have poured out the grits if they believed a weapon or contraband was hidden inside. See Attachments 33, 34, 37, 40.

⁷ Attachment 4.

⁸ Sgt. ██████ acknowledged forced entry normally causes damage to the door damage, but did not recall any further damage to the premises.

⁹ Attachment 33.

¹⁰ Officer ██████ explained clearing an apartment means going from room to room to confirm no one is inside the room.

seeing an officer search ██████████ he believed an officer would have conducted a custodial search¹¹ of ██████████

In an **interview with COPA**, on November 27, 2019, ██████████ star # ██████████ (Officer ██████████) provided a consistent statement with Sgt. ██████████ and Officer ██████████ with following additional details. Officer ██████████ denied the allegations. Officer ██████████ did not recall whether he searched ██████████ but if he did search ██████████ it would have been a protective pat down search in accordance with Department policy. Officer ██████████ denied saying, “He had chicken and corn bread, that’s what he is.”¹²

In an **interview with COPA**, on January 7, 2020, ██████████ star # ██████████ (Officer ██████████) provided a consistent statement with Sgt. ██████████ and Officers ██████████ and ██████████ with following additional details. Officer ██████████ did not recall this incident with specificity, but indicated in his role as affiant, he would have spoken to ██████████ telling him the officers were looking for a firearm and asking whether ██████████ had one at the home. Officer ██████████ believed ██████████ said there was nothing in the house. Officer ██████████ did not recall searching ██████████ and stated he would never have said, “He had chicken and corn bread, that’s what he is.” Officer ██████████ believed the comment was inappropriate because he did not even understand what it meant and did not believe any other officer said it. Officer ██████████ denied the allegations.¹³

b. Digital Evidence

POD video located at approximately ██████████ shows someone took control of the camera at approximately 2:43 p.m. and moved the camera to face the incident location. The camera zoomed in toward the location, but the incident was not captured.¹⁴

There was no **body worn camera (BWC)** that captured this incident.¹⁵

c. Documentary Evidence

A **Search Warrant** was issued on February 14, 2019 to search the apartment located at ██████████ for one black semi-automatic handgun, any ammunition, and any documents or evidence of residency for ██████████¹⁶

According to **Department Reports**, while executing a search warrant, Area North Gang Enforcement team knocked on the rear door while yelling, “police search warrant.” After no response, and waiting a reasonable amount of time, officers made forced entry. Officers detained ██████████ inside Bedroom Number █. Sgt. ██████████ presented ██████████ with a copy of the search warrant and took pre-search photographs. Officers conducted a search of the residence and

¹¹ Although ██████████ was not arrested, Officer ██████████ believed a custodial search was done because ██████████ was the target of the search warrant.

¹² Attachment 37.

¹³ Attachment 40.

¹⁴ Attachment 17.

¹⁵ The search warrant was executed by the Area Gang Enforcement unit, which has not been issued BWC. *See* Attachments 7, 30, 33, 34, 37, 40.

¹⁶ Attachments 6, 12, 30.

took post-search photographs. Officers recovered a zip lock bag containing suspect cannabis, a digital scale, and two Com Ed bills.¹⁷

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.

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.

VI. ANALYSIS

COPA finds allegation 1 against both officers, that the officers improperly searched ██████████ is **Not Sustained**. When executing a search warrant, an officer must ensure any searches of persons present at the location are conducted in accordance with the Department directive, "Processing Persons Under Department Control."¹⁸ This case presents issues of fact that cannot be resolved one way or another. ██████████ alleged an officer conducted a full search of his person, including going inside his underwear. While Department policy allows officers to conduct a search of an individual present during the execution of a search warrant, neither Officer ██████████ nor Officer ██████████ recalled searching ██████████. None of the officers interviewed knew who searched ██████████ or how that search was conducted. There are no independent witness statements or video evidence to corroborate the incident as described by ██████████ or the officers. COPA finds

¹⁷ Attachments 7-9, 30.

¹⁸ Special Order S04-19 VIII.D.1.d.

Officer [redacted] and Officer [redacted] to be equally credible. Therefore, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer [redacted] or Officer [redacted] improperly searched [redacted] and there is insufficient evidence to determine, by clear and convincing evidence, that Officer [redacted] or Officer [redacted] did not improperly search [redacted]. Thus, this allegation is **Not Sustained**.

COPA finds allegation 2 against both officers, that the officers stated words to the effect of “He had chicken and corn bread, that’s what he is” is **Not Sustained**. [redacted] stated an officer made racial slurs towards him, saying “He had chicken and corn bread, that’s what he is.” Officers [redacted] and [redacted] denied making the statement or using such language. No officer interviewed heard this statement or believed any officer present would have said such a statement. As discussed above, there are no independent witness statements or video evidence to corroborate the incident as described by [redacted] or the officers, and COPA finds all parties to be equally credible. Therefore, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer [redacted] or Officer [redacted] stated words to the effect of “He had chicken and corn bread, that’s what he is,” and there is insufficient evidence to determine, by clear and convincing evidence, that Officer [redacted] or Officer [redacted] did not state words to the effect of “He had chicken and corn bread, that’s what he is.” Thus, this allegation is **Not Sustained**.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer [redacted]	It is alleged by [redacted] that on or about February 14, 2019 at approximately 2:41 p.m. at or near [redacted], Officer [redacted] star # [redacted], committed misconduct through the following acts or omissions by: 1. improperly searching [redacted] and 2. stating words to the effect of “He had chicken and corn bread, that’s what he is.”	Not Sustained Not Sustained
Officer [redacted]	It is alleged by [redacted] that on or about February 14, 2019 at approximately 2:41 p.m. at or near [redacted], Officer [redacted] star # [redacted], committed misconduct through the following acts or omissions by: 1. improperly searching [redacted] and 2. stating words to the effect of “He had chicken and corn bread, that’s what he is.”	Not Sustained Not Sustained

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

4-28-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass