

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 5, 2018
Time of Incident:	9:26 pm
Location of Incident:	██████████, Chicago, IL 60636
Date of COPA Notification:	December 7, 2018
Time of COPA Notification:	2:36 pm

On December 5, 2018, the C3 Team of the Narcotics Division executed a search warrant (18SW10480) on ██████████ and ██████████ that authorized the search of ██████████ and the residence for cannabis and narcotics related contraband. During the search cannabis, Ecstasy, United States Currency, a firearm, and numerous rounds live ammunition were recovered.

During her statement to COPA, Ms. ██████████ made the allegations detailed below. During COPA’s investigation it was determined that those allegations were **exonerated** or **not sustained**.

II. INVOLVED PARTIES

Involved Sergeant #1:	Sergeant Federico Andaverde / Star #2530 / Employee ID# ██████████ / DOA: August 4, 1997 / Unit: 189 / DOB: ██████████, 1970 / Male / Hispanic.
Involved Officer #1:	Officer Baneond Chinchilla / Star #9445 / Employee ID# ██████████ / DOA: August 25, 2003 / Unit: 189 / DOB: ██████████, 1973 / Male / Hispanic.
Involved Officer #2:	Officer James Echols / Star #12329 / Employee ID# ██████████ / DOA: May 5, 1997 / Unit: 189 / DOB: ██████████, 1966 / Male / Black.
Involved Officer #3:	Officer Craig Hammermeister / Star #4831 / Employee ID# ██████████2007 / Unit: 189 / DOB: ██████████, 1982 / Male / White.
Involved Officer #4:	Officer Adam Wallace / Star #14953 / Employee ID# ██████████ / DOA: July 31, 2006 / Unit: 189 / DOB: ██████████, 1980 / Male / White.
Involved Individual #1:	██████████ / DOB: ██████████ 1978 / Female / Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Federico Andaverde	1. Seizing ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
	2. Directing the seizure of ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
Officer Baneond Chinchilla	1. Seizing United States Currency during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
	2. Directing the seizure of United States Currency during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
	3. Failing to accurately inventory all of the United States Currency seized during the execution of Search Warrant 18SW10480, in violation of Rule 40.	Not Sustained
Officer James Echols	1. Seizing a firearm during the execution of Search Warrant 18SW10480, in violation of Rule 6.	Exonerated.
	2. Seizing United States Currency during the execution of Search Warrant 18SW10480, in violation of Rule 6.	Exonerated.
	3. Failing to accurately inventory all of the United States Currency seized during the execution of Search Warrant 18SW10480, in violation of Rule 40.	Not Sustained.
Officer Craig Hammermeister	1. Seizing ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
	2. Directing the seizure of ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
Officer Adam Wallace	1. Seizing a firearm during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.

	<p>2. Directing the seizure of a firearm during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p>	<p>Exonerated.</p>
	<p>3. Seizing ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p>	<p>Exonerated.</p>
	<p>4. Directing the seizure of ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p>	<p>Exonerated.</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Prohibits violation of any order or directive, whether written or oral.
2. Rule 40: Failure to inventory and process recovered property in conformance with Department Policy

General Orders

1. S04-19 – Search Warrants – effective September 3, 2015 to current.
2. S07-01-02 – Inventorying Money – effective April 14, 2015 to current.

V. INVESTIGATION¹

a. Interviews

In a **statement to COPA²** on December 14, 2018, Ms. ██████ stated that the accused served a search warrant at her residence. During the search the accused seized her 9mm Glock and \$1615.00. ██████ recounted that the seized currency was wrapped in ATM receipts, banded with rubber bands, and located in her purse. ██████ explained that she informed the accused that the firearm belonged to her and was lawfully possessed, and that the money was from cashed Social Security Checks. ██████ added that an officer, known only as B, told her that she would lose the gun unless she could provide information about the December 1 shooting that occurred at the residence.

██████ did not dispute the validity of the search warrant and acknowledged that ██████ is her son (██████). Additionally, ██████ admitted that the presence of cannabis in the residence prior to the search. ██████ provided COPA with the ATM receipts she said were wrapped around the

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

² Att. 6.

seized currency,³ she also provided proof of purchase for the firearm⁴ and benefits statements from the Social Security Administration.⁵ [REDACTED] also relayed that [REDACTED] [REDACTED] was present during the search warrant.

In a **statement to COPA**⁶ on May 9, 2019, **Mr. [REDACTED]** stated since two shootings, that occurred on November 30 and December 1, he has resided at [REDACTED] to assist in ensuring the safety of [REDACTED] and his children (to include [REDACTED]).⁷ On December 5, 2018, [REDACTED] was in the upstairs spare bedroom smoking cannabis when his juvenile daughter came and asked him for the key to the front security gate to allow someone in. [REDACTED] provided her the key and a short time later he was approached by the accused. The accused announced their office, handcuffed, searched [REDACTED] and escorted him down stairs. Once downstairs [REDACTED] was individually questioned by “officer B” and asked about the shootings, firearms, and drugs. [REDACTED] informed “officer B” that the only firearm in the house was [REDACTED]. “Officer B” informed [REDACTED] they had already located and seized [REDACTED] firearm. [REDACTED] added that he never told any accused that he was a convicted felon.⁸

[REDACTED] was clear that he knows that [REDACTED] owns a firearm, the manner it is stored and where it is kept. [REDACTED] explained that on December 5, 2018, he did not touch or possess the firearm but has touched the firearm in the past. [REDACTED] admitted that he was consuming and in possession of cannabis – which was recovered when the accused searched him. Additionally, [REDACTED] explained that [REDACTED] was in possession of approximately \$780.00 that he authorized her to withdraw from his account.⁹ He added that [REDACTED] was in possession of additional money from a withdraw from [REDACTED] account but was not certain of the amount; however, he relayed that [REDACTED] receives at least \$200.00 per month. [REDACTED] explained that [REDACTED] rent is \$1100 per month and they were anticipating using the seized money to pay for the rent. [REDACTED] was uncertain how much money was seized but explained that [REDACTED] had receipts for it. [REDACTED] added that he was convicted felon and sentenced to time in prison. Finally, [REDACTED] was clear he was not arrested and has had no interaction with any the accused since the service of the search warrant.¹⁰

In a **statement to COPA**¹¹ on August 20, 2019, **Accused Officer James Echols** stated he was the Evidence Officer during the execution of the search warrant. After making entry into the residence, Officer Echols took pre-search photographs. As the searching occurred, Officer Echols was instructed by the other accused to collect the various items listed on the evidence recovery log. Officer Echols explained that he did not assist in the searching of the residence. Officer Echols

³ The receipts detail that on November 30, 2018 at 5:32 pm, \$750.00 was withdrawn form a checking account ending in [REDACTED] and that after the withdrawal there was a balance of \$0.97. An additional receipt details that on November 30, 2018 at 5:33 pm, \$240.00 was withdrawn from a checking account ending in [REDACTED] and that after the withdrawal there was a balance of \$12.87. The total amount of currency detailed by the ATM Receipts is \$990.00. Att. 9, pgs. 1 and 2.

⁴ Att. 9, pgs. 3 and 4.

⁵ The statement details that [REDACTED] is entitled to \$255.00 per month to care for a disabled family member. The records show that she last received payment in August of 2018. Att. 9, pgs. 6 to 11.

⁶ Att. 38.

⁷ [REDACTED] advised that [REDACTED] is referred to as [REDACTED].

⁸ [REDACTED] was convicted on a felony on February 26, 1996. Att. 30, pgs. 1 and 2.

⁹ [REDACTED] advised that these funds were detailed in the receipts provided by [REDACTED].

¹⁰ During his statement [REDACTED] relayed that a third shooting occurred on January 1, 2019. COPA confirmed the shooting was documented under JC10038; however, there is no indication that this shooting is related to COPA’s investigation.

¹¹ Att. 76.

confirmed that the cannabis and firearm were all recovered in the same room within or under the same piece of furniture, and that Ecstasy, ammunition and United States Currency were located in the same room as the cannabis and firearm.¹² Officer Echols explained that the firearm and ammunition were seized because of its proximity to the narcotics and that a resident (██████) was a convicted felon. Officer Echols added that when he observed and collected the currency, he placed it into a bulk currency bag, without counting the money, and that when he packaged the currency there were no records, to include ATM receipts, with the currency.¹³ Once the search was completed, Officer Echols presented the Evidence Recovery Log to ██████ and reviewed each item being seized, the location the item was found, and the officer who located the items. Officer Echols explained that ██████ was clam, jovial, and never voiced opposition to the seizure of any items. Finally, Officer Echols was clear that at no time did he count the currency.¹⁴

In a **statement to COPA**¹⁵ on July 30, 2019, **Accused Sergeant Federico Andaverde** stated that once the residence was secured, he assisted in searching. During his search he located ammunition. Sgt. Andaverde explained he collected the ammunition because ██████ was a convicted felon. Sgt. Andaverde added that the decision to seize the firearm was made because ██████ is a convicted felon and the proximity to narcotics. Further, Sgt. Andaverde added that it is his practice that currency seized during a search warrant be placed in a bulk currency bag and inventoried without recording the amount of currency seized on the inventory sheet counting.¹⁶

In a **statement to COPA**¹⁷ on July 26, 2019, **Accused Officer Baneond Chinchilla** stated upon entering the residence, he heard movement on the second floor, and went to the second floor to locate any individuals that were upstairs. Once upstairs, Officer Chinchilla observed the front bedroom door closing. Officer Chinchilla entered the front bedroom and observed ██████ concealing an item under a night stand. ██████ was secured and taken downstairs, during which time ██████ informed Officer Chinchilla that he had spent seven years in prison.¹⁸ Once all occupants of the residence were secured, Officer Chinchilla assisted in searching. During his search he located cannabis and a bundle of United States Currency in the same room. Officer Chinchilla explained that he instructed Officer Echols to seize both items, because cannabis was listed in the warrant and that in his experience currency is often connected to the illegal narcotics trade. Finally, Officer Chinchilla, explained that he did not count the currency and that it was his understanding it was placed in a bulk currency bag.

In a **statement to COPA**¹⁹ on July 26, 2019, **Accused Officer Adam Wallace** stated once the residence was secured, he assisted in searching of the residence. During the search he located a firearm inside a box under a night stand in the front bedroom and ammunition in the dining room. Officer Wallace explained that the firearm and ammunition was seized because a resident, ██████

¹² Officer Echols could not recall if the currency was in the same piece of furniture as the narcotics.

¹³ Officer Echols was clear he would have inventoried any records that were packaged with the currency.

¹⁴ Officer Echols explained that when currency is over \$1000 it is packaged in a bulk currency bag and secured in evidence. Officer Echols recalled Sgt. Andaverde determined the currency was in excess of \$1000.00.

¹⁵ Att. 65.

¹⁶ Sgt. Andaverde explained he uses this as measure to reduce the chance that anyone on his team will be disciplined for inaccurately counting seized currency, which has occurred in the past.

¹⁷ Att. 53.

¹⁸ Officer Chinchilla explained that any person who has served more than one year in prison is a convicted felon.

¹⁹ Att. 57.

was a convicted felon and its proximity to narcotics. Officer Wallace also recalled locating a spent shell casing in the rear porch on the first floor. Officer Wallace was clear that he did not have an independent recollection of his actions.

In a **statement to COPA**²⁰ on July 26, 2019, **Accused Officer Craig Hammermeister** stated once the residence was secured, he assisted in the searching of the residence. During the search he located a bag containing Ecstasy and a box of live ammunition in a dresser in the front bedroom. Officer Hammermeister explained that ammunition was seized because a resident, [REDACTED] was a convicted felon and its proximity to narcotics.

b. Digital Evidence

Photographs from 18SW10480²¹ depict the recovered firearm, various gun magazines and ammunition, cannabis, Ecstasy, United States Currency, and proof of [REDACTED] residency.

c. Documentary Evidence²²

A **Complaint for Search Warrant**²³ and **18SW10480**²⁴ detail that Officer Chinchilla met with an informant (Doe) and learned that a medium complexion black male described as between 25-30 years of age, standing between 5'7" and 5'10", weighting between 170 – 190 pounds, with brown eyes, black hair known as [REDACTED] was in possession of cannabis at [REDACTED]²⁵ The search warrant was authorized by Judge O'Hara at 7:46 pm on December 5, 2018, and authorized a search of [REDACTED] and the residence at [REDACTED] for cannabis; paraphernalia used in the weighting, cutting, mixing, and packing of illegal drugs; any money records detailing illegal drug activity; and items showing proof for residence.²⁶

A **Narcotics Division Supplemental Report**²⁷ and **Narcotics Raid Activity Summary Report**²⁸ related to JB541849 and 18SW10480 detail upon arrival at [REDACTED] the accused knocked and announced their presence, [REDACTED] opened the door, the accused announced they had a search warrant and entered the residence. Upon entering the residence, the accused heard running upstairs. Members proceeded upstairs and observed a bedroom door closing. The accused entered the bedroom and observed a male ([REDACTED]) placing an unknown item under the night stand. [REDACTED] was detained and asked what he was concealing. [REDACTED] shrugged his shoulders and did not provide an answer. The accused proceeded to secure the remaining occupants of the location and then began a search. During the search Officer Wallace located the firearm detailed on the

²⁰ Att. 61.

²¹ Att. 12.

²² COPA notes that on December 1, 2018, a shooting, that ultimately resulted in a death, occurred at [REDACTED]. During that criminal investigation both 9mm and .45 caliber shell casings were recovered inside and outside of the residence. The recovered shell casings are of the same caliber of the seized firearm and ammunition from this incident. Further all the accused recalled being aware of a shooting at or near the residence but did not recall any specifics of the shooting. Atts. 17 to 20.

²³ Att. 22.

²⁴ Att. 23.

²⁵ Att. 22, pgs. 2 and 3.

²⁶ Att. 23, pg. 1.

²⁷ Att. 21.

²⁸ Att. 68.

Evidence Recovery Log. After the firearm was located, Officer Chinchilla asked [REDACTED] who owned the firearm, and was informed that it belonged to [REDACTED] wife ([REDACTED] Officer Chinchilla asked [REDACTED] if the firearm was the item he was concealing when they located him in the bedroom. [REDACTED] admitted that he was concealing the firearm because he was holding it when the accused announced themselves at the front door. Additionally, [REDACTED] informed Officer Chinchilla that he was convicted felony and had served 7-years in prisons for armed robbery. The accused also recovered the items detailed in the Evidence Recovery Log and Inventory Sheets. Finally, the reports detail that \$1,170 in United States Currency was recovered during the search warrant.²⁹

An **Evidence Recovery Log**³⁰ and **Inventory Sheets**³¹ from JB541849 and 18SW10480 detail that during the execution the search warrant, in the front bedroom Officer Adam Wallace located a 9mm Glock bearing serial number BFBP576,³² Officer Chinchilla located a bundle of United States Currency,³³ and cannabis,³⁴ Officer Hammermeister located a box of live ammunition³⁵ and a bag containing Ecstasy.³⁶ Additionally, the records detail that additional ammunition,³⁷ a shell casing,³⁸ and proof of residency for [REDACTED] were recovered the accused.

VI. ANALYSIS

a. Seizure Allegations

COPA finds that Allegations # 1 and 2 against all the accused and additionally Allegations # 3 and 4 against Officer Wallace are **exonerated**. Peace Officers may seize an object without a warrant provided they (a) are lawfully in the position to view the object (b) have right to access the object; and (c) the incriminating character of the object is immediately apparent.⁴⁰ Additionally, persons convicted of a felony are not permitted to possess, on their person, land or dwelling, firearms or ammunition.⁴¹

Here, a valid search warrant authorized the search of [REDACTED] When the accused executed the search warrant, they were in a lawful position to view and had the right to access the United States Currency, firearm, and ammunition that were seized. Additionally, the United States Currency was in the same room within the same piece of furniture as narcotics and was not packaged with any records to show how or when it was obtained. COPA determined that it was reasonable for the accused to identify the incriminating character of the currency based on its proximity to narcotics and the lack of indications about its source. Further, it is undisputed that

²⁹ Att. 68.

³⁰ Att. 24, pg. 1.

³¹ Atts. 16; Att. 24, pgs. 2 to 11.

³² Atts. 24, pgs. 1 and 3; Att. 16, pg. 5.

³³ Att. 24, pgs. 1 and 3; Att. 16, pg. 3.

³⁴ Att. 24, pgs. 1 and 4; Att. 16, pg. 7.

³⁵ Att. 24, pgs. 1 and 11; Att. 16, pg. 11.

³⁶ Att. 24, pgs. 1 and 5; Att. 16 pg. 9.

³⁷ Att. 24, pgs. 1, 8, and 10; Att. 16, pgs. 5, 15 and 22.

³⁸ Att. 24, pgs. 1 and 7; Att. 16, pg. 13

³⁹ Att. 24, pgs. 1 and 9; Att.16, pg. 17.

⁴⁰ *People v. Jones*, 215 Ill. 2d 261, 830 N.E.2d 541 (2005).

⁴¹ 720 ILCS 5/24-1.1(a).

█████ is a convicted felon, which prevents him from being in possession of a firearm or ammunition, thus the incriminating character of the firearm was immediately apparent to the accused and the seizure of the firearm was proper.⁴²

b. Inventory Allegations

COPA finds that Allegations #3 against Officers Chinchilla and Echols are **not sustained**. Here COPA was unable to determine how much currency was seized from the residence. █████ claimed it was \$1615.00; however, she only provided records showing she was in possession of \$990.00. █████ claimed that the amount was between \$800.00 and \$1100.00. Department records indicate the amount was between \$1090.00 and \$1,170.00. Since COPA was unable to determine the actual amount of currency seized, it is unable to determine if the currency was accurately inventoried or not.

VII. CONCLUSION

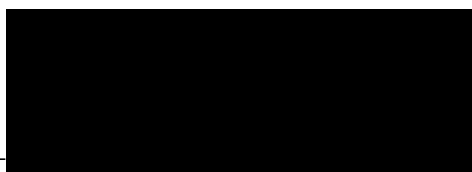
Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Sergeant Federico Andaverde	1. Seizing ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
	2. Directing the seizure of ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
Officer Baneond Chinchilla	1. Seizing United States Currency during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
	2. Directing the seizure of United States Currency during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.	Exonerated.
	3. Failing to accurately inventory all of the United States Currency seized during the execution of Search Warrant 18SW10480, in violation of Rule 40.	Not Sustained

⁴² Even if the accused did not learn that █████ was a convicted felon until after the firearm was physically collected, COPA acknowledges that an unattended loaded firearm presents an immediate safety issue, and it is reasonable to secure the firearm until the conclusion of the law enforcement activity. Therefore; COPA determined it is irrelevant if the firearm was collected prior to or after the determination that █████ was a convicted felon.

Officer James Echols	<p>1. Seizing a firearm during the execution of Search Warrant 18SW10480, in violation of Rule 6.</p> <p>2. Seizing United States Currency during the execution of Search Warrant 18SW10480, in violation of Rule 6.</p> <p>3. Failing to accurately inventory all of the United States Currency seized during the execution of Search Warrant 18SW10480, in violation of Rule 40.</p>	<p>Exonerated.</p> <p>Exonerated.</p> <p>Not Sustained.</p>
Officer Craig Hammermeister	<p>1. Seizing ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p> <p>2. Directing the seizure of ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p>	<p>Exonerated.</p> <p>Exonerated.</p>
Officer Adam Wallace	<p>1. Seizing a firearm during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p> <p>2. Directing the seizure of a firearm during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p> <p>3. Seizing ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p> <p>4. Directing the seizure of ammunition during the execution of Search Warrant 18SW10480, without justification, in violation of Rule 6.</p>	<p>Exonerated.</p> <p>Exonerated.</p> <p>Exonerated.</p> <p>Exonerated.</p>

Ap



James Murphy-Aguilu
 Deputy Chief Administrator – Chief Investigator

9/30/20

Date

Appendix A

Assigned Investigative Staff

Squad#:	5
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	James Murphy-Aguilu