

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	October 08, 2019
Time of Incident:	Approximately 9:30 A.M.
Location of Incident:	████████████████████, Chicago, Illinois 60624
Date of COPA Notification:	December 17, 2019
Time of COPA Notification:	1:15 P.M.

On October 08, 2019, a team of fourteen 10<sup>th</sup> District police officers executed a search warrant for firearms and ammunition at the apartment of ██████████. The officers recovered large quantities of suspected methamphetamine or ecstasy, for which Mr. ██████████ was arrested and charged. During the search warrant operation, some of the officers also conducted a series of searches of Mr. ██████████’ Infiniti sedan located in the parking lot behind his residence, finding two firearms in the trunk. Soon after, in the 010<sup>th</sup> District police station, Sergeant (Sgt.) Juan Perez attempted to obtain Mr. ██████████’ consent to search the vehicle, recording the conversation on body worn camera. Following Mr. ██████████’ refusal to give consent, officers returned to his residence and seized the firearms from the vehicle.

Lieutenant (Lt.) Jeffery Schaaf justified the vehicle search by claiming that, during the search of the residence, he encountered a “concerned citizen who wishes to remain anonymous.”<sup>1</sup> The citizen allegedly pointed at the Infiniti sedan in the parking lot and informed Lt. Schaaf that Mr. ██████████ kept firearms in the trunk of the vehicle. COPA’s investigation determined this conversation did not occur, and Lt. Schaaf provided a false statement to investigators.

**II. INVOLVED PARTIES**

Involved Lieutenant #1:	Jeffery Schaaf, Star # 516, Employee ID # ██████████, Date of Appointment: May 02, 1994, Rank: Lieutenant, Unit of Assignment: 010/193, DOB: ██████████, 1966, Male, White
Involved Sergeant #1:	Juan Perez, Star # 902, Employee ID # ██████████, Date of Appointment: October 29, 2001, Rank: Sergeant, Unit of Assignment: 010/610, DOB: ██████████, 1979, Male, Hispanic
Involved Officer #1:	Jaime Acosta, Star # 16462, Employee ID # ██████████, Date of Appointment: December 14, 2015, Rank: Police Officer, Unit of Assignment: 010, DOB: ██████████, 1990, Male, White Hispanic

<sup>1</sup> Att. 3, pg. 5.

Involved Officer #2: Brian Collins, Star # 16773, Employee ID # [REDACTED], Date of Appointment: November 24, 2014, Rank: PO, Unit of Assignment: 010, DOB: [REDACTED], 1991, Male, White

Involved Individual #1: [REDACTED], DOB: [REDACTED], 1994, Male, Black

**III. ALLEGATIONS<sup>2</sup>**

<b>Officer</b>	<b>Allegation</b>	<b>Finding/ Recommendation</b>
Lieutenant Jeffery Schaaf	1. It is alleged by [REDACTED] that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Lt. Jeffrey Schaaf Star No. 516 committed misconduct by searching [REDACTED]' vehicle without justification.	Sustained/ Separation
	2. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Lt. Jeffrey Schaaf Star No. 516 committed misconduct by seizing contents of [REDACTED]' vehicle without justification.	Sustained/ Separation
	3. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Lt. Jeffrey Schaaf Star No. 516 committed misconduct by failing to comply with Special Order S03-14 by failing to activate his body worn camera.	Unfounded
	4. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019 at approximately 9:30 A.M. at or near [REDACTED] Lt. Jeffrey Schaaf Star No. 516 committed misconduct by directing a scheme to search [REDACTED]' vehicle and seize contents therein without justification.	Sustained/ Separation
	5. It is alleged by the Civilian Office of Police Accountability that on or about January 13, 2021, at approximately 12:12 P.M., at or near 1615 W. Chicago Avenue, Lt. Jeffrey Schaaf Star No. 516 made a false,	Sustained/ Separation

<sup>2</sup> For formatting purposes complete version of allegations 5 and 6 against Lt Schaaf do not appear in this section.

Sergeant Juan Perez

incomplete, inaccurate, and/or misleading statement to the Civilian Office of Police Accountability.

6. It is alleged by the Civilian Office of Police Accountability that on or about January 13, 2021, at approximately 12:12 P.M., at or near 1615 W. Chicago Avenue, Lt. Jeffrey Schaaf Star No. 516 made a false, incomplete, inaccurate, and/or misleading statement to the Civilian Office of Police Accountability.

Sustained/  
Separation

1. It is alleged by [REDACTED] that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Sgt. Juan Perez Star No. 902 committed misconduct by searching [REDACTED]' vehicle without justification.

Sustained/  
Separation

2. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Sgt. Juan Perez Star No. 902 committed misconduct by seizing contents of [REDACTED]' vehicle without justification.

Sustained/  
Separation

3. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Sgt. Juan Perez Star No. 902 committed misconduct by misusing body worn camera in furtherance of a scheme to search [REDACTED]' vehicle and seize contents therein without justification.

Sustained/  
Separation

4. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Sgt. Juan Perez Star No. 902 committed misconduct by directing a scheme to search [REDACTED]' vehicle and seize contents therein without justification.

Not Sustained

Officer Jaime Acosta

1. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Officer Jaime Acosta committed misconduct by failing to comply with Special Order S03-14 by deactivating his body worn camera.

Sustained/10-day  
suspension

	<p>2. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Officer Jaime Acosta committed misconduct by searching [REDACTED]' vehicle without justification.</p>	<p>Not Sustained</p>
<p>Officer Brian Collins</p>	<p>3. It is alleged by the Civilian Office of Police Accountability that on or about October 28, 2020, at approximately 3:00 P.M., at or near 1615 W. Chicago Avenue, Officer Jaime Acosta Star No. 16462 committed misconduct by making a false report to the Civilian Office of Police Accountability.</p>	<p>Not Sustained</p>
	<p>1. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Officer Brian Collins Star No. 16773 committed misconduct by failing to comply with Special Order S03-14 by deactivating his body worn camera.</p>	<p>Not Sustained</p>
	<p>2. It is alleged by the Civilian Office of Police Accountability that on or about October 08, 2019, at approximately 9:30 A.M., at or near [REDACTED], Officer Brian Collins Star No. 16773 committed misconduct by searching [REDACTED]' vehicle without justification.</p>	<p>Not Sustained</p>

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy or goals or brings discredit upon the Department.
  2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
  3. Rule 5: Failure to perform any duty.
  4. Rule 6: Disobedience of an order or directive, whether written or oral.
  5. Rule 14: Making a false report, written or oral.
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General Orders

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1. G02-01: Human Rights and Human Resources
  2. G02-03: Community Relations Strategy
  3. G08-01-01: Department Member's Bill of Rights
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**Special Orders**

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1. S03-14: Body Worn Cameras
  2. S04-19: Search Warrants
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**State Laws**

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1. Constitution of the State of Illinois, Article 1, Section 6
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**Federal Laws**

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1. Constitution of the United States, Fourth Amendment

**V. INVESTIGATION****a. Civilian Interviews**

**In an interview with COPA on December 17, 2019, Mr. ██████████<sup>3</sup>** stated at approximately 9:00 A.M. on October 08, 2019, a group of 10<sup>th</sup> District police officers executed a search warrant on his residence, looking for guns, ammunition, and proof of residence. According to Mr. ██████████, the police did not knock on his front door or announce their office; instead, the officers kicked in the back door, ran in the apartment, entered his bedroom, and handcuffed him on the floor. Mr. ██████████ heard one officer tell his partners to find Mr. ██████████' keys. The officers detained Mr. ██████████, his mother ██████████, and his sister's boyfriend, ██████████, in the front room of the apartment as the officers conducted their search. Sgt. Perez told Mr. ██████████ he was being arrested for narcotics, and Mr. ██████████ replied the powder the officers found was not drugs, but coloring used for making paint and pastels. Officers arrested Mr. ██████████ and transported him to the 010<sup>th</sup> District police station, where Sgt. Perez turned on his body worn camera (BWC) and asked Mr. ██████████ for permission to search his vehicle. Mr. ██████████ repeatedly refused, as the search warrant did not list his vehicle. Sgt. Perez spoke with his lieutenant via cell phone and, upon ending the call, said to Mr. ██████████, "[As a] matter of fact, I don't need you anyway—we're going to search your car."<sup>4</sup>

Mr. ██████████ was in jail from October 08, 2019 until November 13, 2019, but he was released when his case was dismissed due to the powdered substance testing negative for drugs. Mr. ██████████ returned home to find that his vehicle had been damaged by the officers, who had also taken the keys.

**In an interview with COPA on December 26, 2020, Ms. ██████████<sup>5</sup>** stated on the morning of October 08, 2019, she heard a knock on her apartment door. Before she was able to answer the door, a group of police officers kicked it in and announced they had a search warrant. The officers kept Ms. ██████████, her son, and her daughter's boyfriend seated on the couch in the front room. The officers searched her residence completely, and once they were done, told Ms.

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<sup>3</sup> Att. 1.

<sup>4</sup> Att. 1 at 13:45 minutes.

<sup>5</sup> Att. 45.

██████ she was free to go to work. As Ms. ██████ was leaving, she saw approximately four officers standing in the rear parking lot near her son's vehicle, a dark colored Infiniti.

Ms. ██████ stated that when she returned home from work, she saw that the vehicle had been damaged. Ms. ██████ and her daughter also found that money was missing from their residence. They proceeded to the 010<sup>th</sup> District police station to file a complaint, where a Hispanic officer, now identified as Sgt. Juan Perez, denied that he or his officers took money from the residence or damaged the vehicle. Sgt. Perez told Ms. ██████ they found something in Mr. ██████' vehicle, but they did not charge him for it because the officers did not have a search warrant for the vehicle.

#### **b. Officer Interviews**

**In an interview with COPA on October 01, 2020, Officer Anthony Fosco<sup>6</sup>** stated he wrote the search warrant for Mr. ██████' residence based on information he received from a "John Doe" confidential informant. Officer Fosco explained that Mr. ██████ is a convicted felon who does not have a valid Firearms Owner Identification card, and the confidential informant indicated Mr. ██████ kept a black semi-automatic pistol in the rear bedroom of his apartment. Officer Fosco wrote the warrant only for Mr. ██████' second-floor apartment and did not include any vehicles. He stated that, toward the end of the execution, Sgt. Perez informed him that a neighbor who did not want to be identified said Mr. ██████ had put two big guns and drugs in the trunk of his vehicle. Officer Fosco stated he did not participate in any search of Mr. ██████' vehicle, did not witness any other officers searching the vehicle, and did not know what parts of the vehicle were searched.

After Officer Fosco returned to the 010 District station, he completed the Original Case Incident Report based on information contained in the evidence log and provided by other members of the search team. Officers Carrera and Garcia, who completed the Inventory reports, provided Officer Fosco with the makes and models of the recovered weapons, but Officer Fosco did not know why they were recovered or who recovered them. He stated Lt. Schaaf likely told him the account of the concerned citizen who provided information on the contents of Mr. ██████' vehicle. Officer Fosco confirmed that Mr. ██████ was not charged with possession of the weapons.

**In an interview with COPA on January 13, 2021, Sgt. Juan Perez<sup>7</sup>** stated on the morning of October 8, 2019, he and a team of 10<sup>th</sup> District officers executed a search warrant for firearms on the residence of Mr. ██████. Lt. Schaaf was in charge of the operation, Sgt. Perez was second-in-command, and Officer Fosco was the affiant officer. Sgt. Perez stated that, following the breach, he stayed in the living room with Mr. ██████, his mother ██████, and another gentleman, now known to be ██████. As they waited, Officer Collins approached Sgt. Perez and told him Lt. Schaaf wanted to speak to him. Sgt. Perez walked onto the

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<sup>6</sup> Att. 24.

<sup>7</sup> Atts. 33-34.

rear porch and deactivated his BWC at Lt. Schaaf's direction.<sup>8</sup> Lt. Schaaf told Sgt. Perez that a concerned citizen had approached him and stated Mr. ██████ was a killer who kept guns and drugs in the trunk of his vehicle, and sold dope in front of his house. Lt. Schaaf related that he asked the concerned citizen to go see a judge with him in order to obtain a warrant, but the citizen responded, "Hell no. ██████'s going to kill me."<sup>9</sup> According to Sgt. Perez, Lt. Schaaf had already obtained the vehicle keys from a bedroom, but he did not tell the sergeant whether he had already looked in the trunk of Mr. ██████' vehicle following his encounter with the concerned citizen. Sgt. Perez and Lt. Schaaf then walked to the vehicle, where Lt. Schaaf opened the trunk and showed him two guns in the trunk.

Sgt. Perez went back inside and asked Mr. ██████, "Hey, [Mr. ██████], I believe that there's [sic] guns in the car. I'm going to go get a search warrant. Can we take the guns out of the car?"<sup>10</sup> Mr. ██████ refused to give his consent for the officers to enter or search his vehicle. Sgt. Perez asked again, reiterating that he knew Mr. ██████ kept guns in the trunk. Mr. ██████, however, continued to refuse consent to search the vehicle, and officers transported him to the 010<sup>th</sup> District station while the search team finished executing the warrant at his residence. Sgt. Perez instructed Officers Garcia and Carrera to remain at the residence to guard Mr. ██████' vehicle for public safety.

Sgt. Perez stated that, back at the 10th District station, he again attempted to obtain Mr. ██████' consent to search, which Mr. ██████ again refused. As Sgt. Perez spoke to Mr. ██████, another officer called the Cook County State's Attorney's Office (CCSAO) and was told, "If you don't have the gentleman that told you that the guns are in the trunk, we're not going to give you the search warrant."<sup>11</sup> CCSAO further advised that a positive hit by a canine unit would also be insufficient for a warrant. Sgt. Perez informed Lt. Schaaf they were unable to obtain either Mr. ██████' consent or a warrant to search the vehicle. Lt. Schaaf made the decision to return to the residence and recover the weapons, stating, "We can't leave the guns out there. We got to go get them for public safety."<sup>12</sup> Sgt. Perez and other officers returned to Mr. ██████' vehicle, where Lt. Schaaf opened the trunk and recovered the guns. Sgt. Perez could not recall how times the vehicle was searched, or whether he personally participated in any of the searches. He stated that after the weapons were seized, no officers went back into the vehicle, and no officers caused damage to the vehicle.

Sgt. Perez explained that Mr. ██████ was never charged with possession of the weapons found in his trunk because the officers did not have a search warrant or Mr. ██████' consent to search the vehicle. Sgt. Perez could not recall whether he told his subordinate officers they had justification for searching the vehicle. He denied he ever personally saw or spoke with the concerned citizen.

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<sup>8</sup> Sgt. Perez acknowledged he also deactivated his BWC several other times during the operation, which he claimed was necessary so that the officers could have confidential discussions regarding the information provided by the "John Doe" and the concerned citizen.

<sup>9</sup> Att. 34, pg. 24, lines 8-9.

<sup>10</sup> Att. 34, pg. 19, lines 10-13.

<sup>11</sup> Att. 34, pg. 20, lines 10-12.

<sup>12</sup> Att. 34, pg. 20, lines 18-19. Sgt. Perez told COPA he had "good intentions" in following Lt. Schaaf's directions, stating, "I did not want those firearms out in the street. There's kids dying. This guy's a convicted felon. He's already been convicted of shooting somebody. It was—it was all in good intent." Att. 34, pg. 49, lines 16-20.

In interviews with COPA on October 28, 2020<sup>13</sup> and February 05, 2021<sup>14</sup>, Officer Jaime Acosta stated on the date and time of the incident, he and the other officers performed a systematic search of Mr. ██████' residence, locating large quantities of narcotics and associated packaging. During Officer Acosta's first COPA interview, he recounted that, near the end of the operation, he went outside and observed Lt. Schaaf near his vehicle in the alley. An African American male approached on foot, walking from east to west in the alley. According to Officer Acosta, as the man walked by, "he kind of gave us some information on the vehicle of Mr. ██████."<sup>15</sup> Officer Acosta could not recall what the man looked like, including his height, weight, clothing, or hairstyle; however, he identified the man as the same individual whom the Original Case Incident Report refers to as the "concerned citizen who wishes to remain anonymous."<sup>16</sup> Lt. Schaaf spoke to the man, who pointed at Mr. ██████' vehicle and reported that Mr. ██████ sold narcotics and firearms from the vehicle. Officer Acosta confirmed he was personally present for the conversation but did not recall the specifics of what was said. He stated the officers intended to ask the concerned citizen to help them obtain a search warrant to search Mr. ██████' vehicle, but the man departed before they could ask. Officer Acosta denied he was present when the vehicle was searched.

During Officer Acosta's second COPA interview, he clarified his factual account of the operation. He stated that after searching the residence, he went outside onto the rear porch and deactivated his BWC, as his portion of the search was complete. From his vantagepoint on the porch, Officer Acosta viewed a man standing in the alley near Lt. Schaaf's vehicle. Soon thereafter, Officer Acosta observed either Sgt. Perez or Officer Collins look through the windows of an Infiniti sedan in the rear parking lot. Officer Acosta believed they might have seen something in the vehicle for which they would want a warrant, so he descended the stairs to join the other officers in the parking lot. At that time, Officer Acosta overheard Sgt. Perez instruct several other officers who remained on the porch to go inside. Lt. Schaaf approached Officer Acosta and informed him, "There was a gentleman who was out by my car earlier who was pointing at Mr. ██████' vehicle, and related that he had some sort of contraband."<sup>17</sup> Lt. Schaaf did not tell Officer Acosta who the man was, nor did he describe him. Officer Acosta assumed—incorrectly—that the man he observed from the porch near Lt. Schaaf's vehicle was the concerned citizen who gave Lt. Schaaf the information about Mr. ██████' vehicle. Officer Acosta did not inquire further because he did not want to overstep his role by questioning the lieutenant. He recalled that Lt. Schaaf suggested they might be able to obtain a search warrant for the vehicle or Mr. ██████' consent to search, and he also discussed the possibility of requesting a canine unit to obtain probable cause for a warrant.

After Sgt. Perez and Lt. Schaaf went back into the residence, Officer Acosta remained outside on the porch. As he was sitting on the porch, he saw the man whom he had previously seen near Lt. Schaaf's vehicle leaving the area. Officer Acosta did not attempt to stop the man or notify the officers who were more directly involved in the operation, as he did not believe it was his

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<sup>13</sup> Atts. 30-31, 40.

<sup>14</sup> Atts. 32, 41.

<sup>15</sup> Att. 40, pg. 17, lines 22-23.

<sup>16</sup> Att. 3, pg. 5.

<sup>17</sup> Att. 41, pg. 23, lines 8-11.

responsibility. Officer Acosta later returned to the 010 District station, where other officers informed him about the concerned citizen and that weapons had been recovered from Mr. [REDACTED]' vehicle. However, Officer Acosta still assumed the concerned citizen to be the man he had seen near Lt. Schaaf's vehicle.

During Officer Acosta's second COPA interview, he attempted to explain some of the discrepancies in his statements. According to Officer Acosta, at the time he provided his first COPA statement, his memory was severely affected by several personal issues. In particular, Officer Acosta pointed to head trauma due to a car accident in June 2020, stress related to prior military service, and the high number of arrests and search warrants he had been involved in since the incident. Additionally, Officer Acosta stated that during his first COPA interview, he believed the COPA investigator was asking him to describe what occurred during the operation as a whole, not from his own, individual perspective. Officer Acosta clarified that when he told COPA, "there was a gentleman who was in the back who was walking by and kind of gave us information,"<sup>18</sup> he was speaking about an encounter by the team of officers, collectively. He was not suggesting he received the information directly from the concerned citizen. Officer Acosta pointed out that in his previous statement, he used pronouns such as, "us," "they," and "them" in his responses, indicating the actions of the team of officers as a whole.

Officer Acosta further explained that he told COPA he was personally present for the report from the concerned citizen because he recalled seeing a man in the alley near Lt. Schaaf's vehicle, and, "at the time, I believed that I was present for the actual conversation or whatever I believed that they were talking about."<sup>19</sup> Officer Acosta later clarified that he was not personally present during Lt. Schaaf's conversation with the concerned citizen, and he merely assumed the man he observed in the alley was the concerned citizen. After Officer Acosta reviewed the BWC footage from the incident, he concluded, "I can now tell you that, without a doubt, I believe that the person that I saw, and the person that I assumed to be the concerned citizen, could not have been the concerned citizen."<sup>20</sup> He reached this conclusion after watching Sgt. Perez's BWC video, which captures Sgt. Perez and Lt. Schaaf searching Mr. [REDACTED]' trunk *before* Officer Acosta observed the man walking in the alley. Officer Acosta stated that when he joined Lt. Schaaf, Sgt. Perez, and Officer Collins in the parking lot, he did not know that Sgt. Perez and Lt. Schaaf had already searched the vehicle, and they did not tell him that there were guns in the trunk.

**In interviews with COPA on January 13, 2021<sup>21</sup> and February 05, 2021,<sup>22</sup> Lt. Jeffery Schaaf** stated that following the breach, he began searching through rooms in Mr. [REDACTED]' residence. In his first interview, Lt. Schaaf related that, after searching the kitchen, he exited the rear of the residence and walked outside, where, "I was encountered by a—a male gentleman who I had a conversation with. After this conversation, I went back into the apartment, and I located a key fob for a vehicle that I got information on from this person. And I popped the trunk and looked in there, and I seen [sic] there were two firearms, which the gentleman had told me were in

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<sup>18</sup> Att. 41, pg. 19, lines 17-18.

<sup>19</sup> Att. 41, pg. 40, lines 3-5.

<sup>20</sup> Att. 41, pg. 26, lines 7-11.

<sup>21</sup> Atts. 35, 42.

<sup>22</sup> Atts. 36, 43. For a concise summary of Lt. Schaaf's account, see Att. 44, "Abstract of Lt. Jeffery Schaaf's Stated Account of the Search Warrant Execution Operation and Vehicle Searches at the Residence of [REDACTED]."

there.”<sup>23</sup> The man Lt. Schaaf spoke to (the concerned citizen) referred to Mr. [REDACTED] by his nickname “[REDACTED],” and stated Mr. [REDACTED] sold pills and stored two machine guns in a black bag in the trunk of his vehicle. According to Lt. Schaaf, the concerned citizen said he observed Mr. [REDACTED] and another individual test firing the weapons in the alley the week before the incident. Lt. Schaaf asked the concerned citizen to accompany him to see a judge in order to obtain a warrant for the vehicle, but the citizen adamantly refused, stating he feared for his life. Lt. Schaaf estimated his conversation with the concerned citizen lasted “probably four or five minutes,”<sup>24</sup> after which he proceeded directly to his own vehicle to run the license plate number of the vehicle the citizen had pointed to—which came back as belonging to Mr. [REDACTED]. Lt. Schaaf then went back into the apartment and located the key fob for the vehicle. He walked back outside, opened the trunk, and saw the two firearms in the trunk. At that point, Lt. Schaaf asked another officer to get Sgt. Perez.

In Lt. Schaaf’s first interview, he confirmed that when Sgt. Perez met him on the back porch, he gestured toward Sgt. Perez with his left hand to indicate the sergeant should deactivate his BWC. Lt. Schaaf explained he was “concerned that the citizen would still be out there,”<sup>25</sup> and he wanted to preserve the citizen’s confidentiality by ensuring he would not be recorded on camera. Lt. Schaaf approached Mr. [REDACTED]’ vehicle with Sgt. Perez and showed him the guns in the trunk. Sgt. Perez then went back inside to try to obtain Mr. [REDACTED]’ consent to search the vehicle. Lt. Schaaf returned to his own vehicle, remaining there for an unknown amount of time with the keys to Mr. [REDACTED]’ vehicle.

Lt. Schaaf acknowledged that Officer Garcia’s BWC video, recorded from the rear porch of the residence, shows Lt. Schaaf, Sgt. Perez, Officer Acosta, and Officer Collins standing near Mr. [REDACTED]’ vehicle at approximately 9:43 A.M. He also agreed the video captures a male voice instructing the other officers standing on the porch to go inside, but he could not recall who directed the officers into the residence or what occurred after they left.

Lt. Schaaf also addressed his actions inside the residence, as captured on other officers’ BWC videos. He acknowledged that, approximately seven minutes after the officers on the porch were sent inside, he and Sgt. Perez reentered the apartment. Sgt. Perez asked Ms. [REDACTED] about the keys to the Infiniti, then began to look for the keys with the other officers. Lt. Schaaf entered Mr. [REDACTED]’ bedroom and announced, “They’re right here,” as he appeared to locate the keys on a small table. Lt. Schaaf stated that although he had the keys the entire time, he did not tell that to Sgt. Perez because, “It didn’t come up.”<sup>26</sup> Lt. Schaaf explained he wanted another officer to photograph the keys where Lt. Schaaf had found them—on the table in [REDACTED]’ bedroom.

Lt. Schaaf stated that, back at the station, an officer called the Felony Review Unit of CCSAO for feedback on what to do about the weapons in the vehicle. Felony Review told the officer that if the concerned citizen would not help them, they would not be able to obtain a warrant. Despite this, Lt. Schaaf returned to Mr. [REDACTED]’ vehicle with Sgt. Perez and other officers, opened the trunk, and recovered the weapons. Lt. Schaaf stated his basis for searching the

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<sup>23</sup> Att. 42, pg. 14, lines 8-15.

<sup>24</sup> Att. 42, pg. 20, line 12.

<sup>25</sup> Att. 42, pg. 31, lines 14-15.

<sup>26</sup> Att. 42, pg. 43, line 7.

vehicle was the information he received from the concerned citizen and, to his knowledge, no other Department members saw or spoke to the concerned citizen. Lt. Schaaf conceded that Mr. [REDACTED] was not charged with possession of the weapons because, despite the information from the concerned citizen, the officers did not have a warrant to search the vehicle. He justified the seizure of the weapons for reasons of public safety, noting that “somebody could get injured or killed with those.”<sup>27</sup>

Regarding the Original Case Incident Report completed by Officer Fosco, Lt. Schaaf confirmed that the narrative section was accurate, including the following information:

*“The citizen pointed to a black Infiniti, owner plate [REDACTED]. Lt. Schaaf ran the plate via LEADS, which revealed the vehicle being registered to the [target] [REDACTED]... Lt. Schaaf went inside and retrieved on the dresser inside the...target’s bedroom, a set of keys, which included a Planet Fitness key tag and an Infiniti key fob. Lt. Schaaf opened the trunk using that fob and recovered inside a black bag containing a .22 caliber ATI GSG-5PK, .22 caliber semi-automatic with an extended magazine loaded with an unknown number of rounds...”<sup>28</sup>*

Lt. Schaaf stated that Officer Fosco was able to write the narrative section about Lt. Schaaf’s encounter with the concerned citizen because, back at the 010<sup>th</sup> District Station, Lt. Schaaf approached Officer Fosco while he was preparing the report and provided him with the information.

During Lt. Schaaf’s second COPA interview, he acknowledged that some portions of his previous statement were “out of sequence.”<sup>29</sup> Lt. Schaaf clarified that he encountered the concerned citizen when he left Mr. [REDACTED]’ residence from approximately 9:00 A.M. until 9:01 A.M. to put his raid jacket in his vehicle. He spoke to the concerned citizen on his way back inside, and the man told him about the weapons in the trunk of Mr. [REDACTED]’ vehicle. Lt. Schaaf stated he initially estimated the conversation lasted 4-5 minutes, but upon reviewing the BWC videos, he realized the conversation was more brief and lasted only 30-40 seconds.

Additionally, Lt. Schaaf acknowledged that his initial statement to COPA was inaccurate in that, “I said previously that after I talked to the citizen, I went to my car to run the plate. I know now that I didn’t do that. I went back inside the residence.”<sup>30</sup> Lt. Schaaf allegedly spoke with the concerned citizen at approximately 9:01 A.M., but he did not run Mr. [REDACTED]’ plates through LEADS until approximately 9:36 A.M. He accounted for the 35-minute gap by claiming he was inside the residence during this time. However, Lt. Schaaf admitted he searched Mr. [REDACTED]’ vehicle two times between 9:01 A.M. and 9:36 A.M. He acknowledged his previous statement that he searched the vehicle only after running the plates through LEADS was inaccurate.

**In an interview with COPA on January 26, 2021, Officer Brian Collins<sup>31</sup> stated the execution of the search warrant took approximately one hour, after which officers arrested Mr.**

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<sup>27</sup> Att. 42, pg. 56, lines 5-6.

<sup>28</sup> Att. 42, pg. 18, line 14 – pg. 19, line 11 (quoting Att. 3, pg. 5).

<sup>29</sup> Att. 43, pg. 20, line 14.

<sup>30</sup> Att. 43, pg. 39, lines 18-21.

<sup>31</sup> Atts. 37, 44.

██████████ and transported him to the station. Officer Collins recalled he searched Mr. ██████████'s bedroom but did not remember any other areas he searched.

Officer Collins stated that, near the end of the operation, he walked outside onto the rear porch and observed Sgt. Perez in the parking lot near Mr. ██████████'s vehicle. Sgt. Perez instructed Officer Collins to come downstairs and deactivate his BWC, and the officer complied. Officer Collins did not recall the exact reason Sgt. Perez told him to turn off his camera, though he believed it might have been because the search warrant execution was over or because Sgt. Perez wanted to relay some information about the "John Doe" who served as the confidential informant in the search warrant. Officer Collins did not remember what he and Sgt. Perez discussed as they stood next to Mr. ██████████'s vehicle, nor could he recall any conversation that followed. Additionally, Officer Collins could not recall if he or any other officers searched the vehicle, or if he ever observed any guns or bags inside the vehicle. Finally, Officer Collins did not recall whether he had any communications with the concerned citizen, or whether any officer told him about the concerned citizen during the incident.

**In interviews with COPA on October 06, 2020 and January 14, 2021, Officers Jesus Garcia<sup>32</sup> and Jose Carrera<sup>33</sup>** stated they assisted in the execution of the warrant at Mr. ██████████'s residence. Neither officer independently recalled who told them to go inside when they were on the rear porch, but Officer Garcia indicated the voice on the BWC video sounded like Sgt. Perez. The officers stated that, following the search of the residence, either Sgt. Perez or Lt. Schaaf informed them a concerned citizen had approached an officer and provided information that Mr. ██████████ kept guns in the trunk of his vehicle. Officers Garcia and Carrera remained at the residence to guard Mr. ██████████'s vehicle while the other officers returned to the District station.

At approximately 11:36 A.M., Sgt. Perez returned to the scene and recovered the weapons from the trunk. Officers Garcia and Carrera were instructed to inventory the weapons, and they complied. Both officers stated their participation was based on instructions they received from Sgt. Perez or Lt. Schaaf, and neither officer knew whether Mr. ██████████ had consented to the search of his vehicle. Officer Carrera confirmed they were "just following orders."<sup>34</sup>

### c. Digital Evidence

**The Body Worn Camera (BWC) videos from the incident<sup>35</sup>** capture nearly all of the search warrant execution, including the actions of Lt. Schaaf, who was not assigned a BWC. Based on the videos, COPA can account for Lt. Schaaf's whereabouts and activities between 8:55 A.M. (the time of the breach) and 9:24 A.M. (the first search of Mr. ██████████'s vehicle), with the exception of a one-minute gap between 9:00 A.M. and 9:01 A.M.<sup>36</sup> The following is a detailed description of the incident, as captured in the BWC videos.

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<sup>32</sup> Atts. 26-27.

<sup>33</sup> Atts. 28-29.

<sup>34</sup> Att. 29, pg. 25, line 24.

<sup>35</sup> Atts. 10(a) – 23, BWC videos of Sgt. Juan Perez and Officers Jaime Acosta, Brian Collins, Anthony Fosco, Jose Carrera, Jesus Garcia, Kenneth Moranz, Jacob Garza, Michael Carreon, Richard Waszak, Yezenia Jimenez, Paul Yoo, Adam Bourdosis, and George Gill. For a detailed timeline of the BWC videos, see Att. 120.

<sup>36</sup> Notably, this is the period when Lt. Schaaf claimed he spoke to the concerned citizen. See Att. 43, page 32, line 17 – page 33, line 11.

At 8:55 A.M., the videos show the search team breaching the rear entrance to the second-floor apartment.<sup>37</sup> As the officers walk through the parking lot and approach the stairs leading to the apartment, the videos capture a dark colored Infiniti sedan parked behind the unit, bearing license plate number [REDACTED].<sup>38</sup> After the breach, the team of officers move from room to room securing the residence as Lt. Schaaf stands in the rear doorway, looking into the apartment.<sup>39</sup> The residence is oriented from north to south, with the living room and kitchen on the north end, and a long hallway leading to the rear (south) entrance. On the east side of the hallway are the north bedroom, the middle bedroom, a small bathroom, and the south bedroom with an en suite bathroom. The videos show the officers locating Mr. [REDACTED] in the middle bedroom, where they order him to the floor, secure him in handcuffs, and walk him to the living room. They also encounter Mr. [REDACTED]' mother and another individual, now known to be [REDACTED]. Within minutes, the officers find large bags of red and blue powder in Mr. [REDACTED]' bedroom, as well as a suspected pill press and other narcotics paraphernalia.<sup>40</sup>

Sgt. Perez spends much of the first half hour of the operation in the living room area with Mr. [REDACTED], the two other civilians, and Officers Fosco and Bourdosis. As other officers search the residence, Sgt. Perez repeatedly asks Mr. [REDACTED] if he will tell him where any drugs or guns are located so the officers will not have to "flip the house." Sgt. Perez also walks from room to room, supervising other officers, and aiding in the search.<sup>41</sup>

Following the breach, Lt. Schaaf first proceeds to the south bedroom,<sup>42</sup> then to the kitchen.<sup>43</sup> At approximately 9:00 A.M., Lt. Schaaf, who is wearing a blue CPD "raid jacket," walks through the hallway<sup>44</sup> and onto the rear porch, then descends the rear stairway.<sup>45</sup> At approximately 9:01 A.M., Lt. Schaaf reenters the residence—no longer wearing the blue jacket—and converses with Officers Jimenez and Yoo in the hallway.<sup>46</sup> He then enters the south bedroom and begins searching the room before Sgt. Perez enters and the two briefly converse.<sup>47</sup> Lt. Schaaf remains in the south bedroom and en suite bathroom for the next three minutes and fifty seconds.<sup>48</sup>

Officers also search Mr. [REDACTED]' middle bedroom, where Officer Collins points to a set of keys on a small, black table near the bed. Officer Moranz takes a photo of the keys with his cell phone.<sup>49</sup> As Officer Waszak exits the residence carrying a large rifle, the video captures Lt. Schaaf

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<sup>37</sup> Atts. 10(a), 11-12, 13(a), 14-16, 17(a), 19-21.

<sup>38</sup> Now known to belong to Complainant [REDACTED].

<sup>39</sup> Att. 10(a), Sgt. Perez BWC at 13:56:32 – 13:56:42.

<sup>40</sup> Att. 21, PO Waszak BWC at 13:57:15 – 13:58:00.

<sup>41</sup> Att. 10(a), Sgt. Perez BWC.

<sup>42</sup> Att. 15, PO Collins BWC at 13:57:21 – 13:57:29.

<sup>43</sup> Att. 14, PO Garcia BWC at 13:58:16 – 13:59:25.

<sup>44</sup> Att. 23, PO Jimenez BWC at 13:59:42 – 13:59:47.

<sup>45</sup> Att. 22, PO Yoo BWC at 13:59:51 – 13:59:59.

<sup>46</sup> Att. 23, PO Jimenez BWC at 14:01:05 – 14:01:50 & Att. 22, PO Yoo at 14:01:09 – 14:01:50.

<sup>47</sup> Att. 10(a), Sgt. Perez BWC at 14:02:00 – 14:02:10.

<sup>48</sup> Att. 23, PO Jimenez BWC at 14:02:15 – 14:04:00, 14:05:37 – 14:05:50; Att. 22, PO Yoo BWC at 14:02:15 – 14:04:00; Att. 21, PO Waszak BWC at 14:04:10 – 14:05:30; Att. 14, PO Garcia BWC at 14:04:10 – 14:05:30, 14:06:00 – 14:06:10.

<sup>49</sup> Att. 16, PO Moranz BWC at 14:03:40 – 14:03:50. See also Att. 47, Photographs of Mr. [REDACTED]' keys .

in the hallway near the south bedroom.<sup>50</sup> The Lieutenant then proceeds to the kitchen and nearby hallway, where he remains for approximately three and a half minutes.<sup>51</sup> Back in Mr. ██████' bedroom, as Officers Collins, Garza, Moranz, and Waszak continue their search, Officer Garza picks up the set of keys from the small, black table and states, "For his Infiniti," then sets them back down on the table.<sup>52</sup>

Lt. Schaaf walks from the kitchen into the north bedroom, where other officers are searching the room.<sup>53</sup> He relocates to the hallway and tells Officer Waszak he just searched the kitchen,<sup>54</sup> then briefly enters Mr. ██████' bedroom, where Officers Garza and Collins are searching<sup>55</sup> and the set of keys are still visible on the small, black table.<sup>56</sup> Lt. Schaaf converses with Officer Waszak in the hallway, then discusses transporting Mr. ██████ with Sgt. Perez.<sup>57</sup> He remains in the hallway for approximately twenty-five seconds<sup>58</sup> before walking onto the rear porch with Sgt. Perez.<sup>59</sup> Back in the middle bedroom, the set of keys remain visible on the table.<sup>60</sup> Lt. Schaaf stands on the rear porch for approximately one minute and forty seconds,<sup>61</sup> then walks back inside the apartment.<sup>62</sup>

Lt. Schaaf reenters the middle bedroom and begins looking around the room,<sup>63</sup> with the set of keys still visible on the table behind him.<sup>64</sup> As another officer enters the bedroom, the sound of keys jingling is overheard, and Lt. Schaaf exits the middle bedroom.<sup>65</sup> He is captured walking out of Mr. ██████' bedroom with a set of keys in hand. Lt. Schaaf then walks onto the back porch, where Officers Carrera and Acosta are standing. Lt. Schaaf looks down into the rear parking lot, then looks at the keys in his hand. Officers Carrera and Acosta look at Lt. Schaaf, then go back inside.<sup>66</sup> Approximately two minutes later, Officer Acosta returns to the rear doorway. His BWC video captures the dark colored Infiniti in the rear parking lot with the front and rear driver's side doors open. An individual, now known to be Lt. Schaaf, is leaning into the rear driver's side door. Officer Acosta walks back inside and reenters the middle bedroom, where the keys are no longer visible on the table.<sup>67</sup> Officer Garza points at the small, black table and asks, "Did you guys grab the car keys? That were sitting there?" Officers Collins and Moranz say no, and Officer Garza responds, "Someone took them...They were right there." Officer Moranz comments, "[They] should still be there."<sup>68</sup>

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<sup>50</sup> Att. 21, PO Waszak BWC at 14:07:15 – 14:08:10.

<sup>51</sup> Att. 19, PO Bourdosis BWC, Att. 10(a), Sgt. Perez BWC, & Att. 13(a), PO Fosco BWC at 14:08:37 – 14:12:45.

<sup>52</sup> Att. 15, PO Collins BWC & Att. 20, PO Garza BWC at 14:12:15 – 14:12:24.

<sup>53</sup> Att. 11, PO Acosta BWC at 14:13:28 – 14:14:30.

<sup>54</sup> Att. 21, PO Waszak BWC at 14:14:35 – 14:14:47.

<sup>55</sup> Att. 20, PO Garza BWC & Att. 15, PO Collins BWC at 14:14:45 – 14:15:40.

<sup>56</sup> Att. 20, PO Garza BWC at 14:16:40 – 14:16:44.

<sup>57</sup> Att. 21, PO Waszak BWC & Att. 10(a), Sgt. Perez BWC at 14:16:47 – 14:17:54.

<sup>58</sup> Att. 11, PO Acosta BWC at 14:17:55 – 14:18:20.

<sup>59</sup> Att. 10(a), Sgt. Perez BWC at 14:18:40 – 14:19:20.

<sup>60</sup> Att. 20, PO Garza BWC at 14:18:40 – 14:19:30.

<sup>61</sup> Att. 23, PO Jimenez BWC at 14:19:38 – 14:19:45.

<sup>62</sup> Att. 16, PO Moranz BWC at 14:20:20 – 14:20:50.

<sup>63</sup> Att. 15, PO Collins BWC & Att. 20, PO Garza BWC at 14:20:50 – 14:21:47.

<sup>64</sup> Att. 20, PO Garza BWC at 14:21:30 – 14:21:40.

<sup>65</sup> Att. 20, PO Garza BWC & Att. 15, PO Collins BWC at 14:21:45 – 14:21:51.

<sup>66</sup> Att. 12, PO Carrera BWC at 14:21:52 - 14:22:15 & Att. 11, PO Acosta BWC at 14:22:00 – 14:22:18.

<sup>67</sup> Att. 20, PO Garza BWC at 14:24:50 – 14:25:00.

<sup>68</sup> Att. 20, PO Garza BWC; Att. 15, PO Collins BWC; & Att. 16, PO Moranz BWC at 14:25:30 – 14:25:48.

Approximately thirty seconds later, Lt. Schaaf is back inside the residence, standing in the hallway.<sup>69</sup> He instructs Officer Collins to get Sgt. Perez, and Officer Collins informs the Sergeant that Lt. Schaaf is asking for him. Officer Carrera relays that the Lieutenant is outside,<sup>70</sup> and Sgt. Perez and Officer Yoo exit through the back door and approach Lt. Schaaf on the porch. Lt. Schaaf appears to point toward Sgt. Perez without saying anything, and Sgt. Perez turns off his BWC. The two begin conversing on the back porch as Officer Yoo returns inside.<sup>71</sup>

As this is occurring, Mr. [REDACTED] asks if the officers in the living room if they have to look through his mother's room. Officer Collins responds, "If there's anything you wanna tell us about so we can get out of here, we could do that." Mr. [REDACTED] indicates he will talk to Sgt. Perez but not Officer Collins. Officer Collins walks back down the hallway, where Officer Moranz relates that Sgt. Perez is outside talking to the Lieutenant.<sup>72</sup> Officer Collins steps onto the back porch and locates Sgt. Perez talking to Lt. Schaaf, alone. Officer Collins relates that Mr. [REDACTED] wants to tell Sgt. Perez where something is located. Lt. Schaaf tells Sgt. Perez to go ahead. As Sgt. Perez walks past Lt. Schaaf, he says, "Hey, we'll think about it, okay?" Lt. Schaaf replies, "Yeah."<sup>73</sup>

Sgt. Perez returns to the living room and implores Mr. [REDACTED] to provide them with information, saying he is going to obtain another search warrant and tow Mr. [REDACTED]' vehicle. Mr. [REDACTED] refuses, and Sgt. Perez exits to the hallway.<sup>74</sup> Lt. Schaaf, who has just returned from Mr. [REDACTED]' vehicle,<sup>75</sup> meets Sgt. Perez in the hallway. Sgt. Perez points to the rear exit and states, "I'll talk to you outside." Lt. Schaaf says okay, and Sgt. Perez walks toward the exit and deactivates his BWC.<sup>76</sup>

Approximately forty-five seconds later, Sgt. Perez's BWC video captures Sgt. Perez and Lt. Schaaf walking down the stairs from the second-floor porch, through the building's rear gate, and to the Infiniti parked in the rear parking lot. The first one minute and sixteen seconds of the video do not contain audio. Sgt. Perez and Lt. Schaaf walk to the rear of the vehicle, where Lt. Schaaf looks around, then opens the trunk. The two men look inside and Lt. Schaaf goes through the contents of the trunk with his hands for approximately fifteen seconds. The officers do not appear to remove anything from the vehicle and Lt. Schaaf closes the trunk.<sup>77</sup>

Lt. Schaaf then walks toward the alley where his own vehicle is parked, and Sgt. Perez returns to the Infiniti and peers through the passenger's side windows. Sgt. Perez turns and touches his BWC, causing the audio to begin recording. He then walks through the gate and up the rear stairway, where he again deactivates his BWC.<sup>78</sup> At the top of the stairway, Officer Carrera informs

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<sup>69</sup> Att. 12, PO Carrera BWC at 14:25:59 – 14:26:25.

<sup>70</sup> Att. 10(a), Sgt. Perez BWC at 14:26:25 – 14:26:35.

<sup>71</sup> Att. 10(b), Sgt. Perez BWC at 14:26:40 – 14:26:46 & Att. 22, PO Yoo BWC at 14:26:40 – 14:26:53.

<sup>72</sup> Att. 15, PO Collins BWC & Att. 16, PO Moranz BWC at 14:27:25 – 14:27:35.

<sup>73</sup> Att. 15, PO Collins BWC at 14:27:38 - 14:27:53.

<sup>74</sup> Att. 10(b), Sgt. Perez BWC at 14:28:00 – 14:30:20.

<sup>75</sup> Att. 16, PO Moranz BWC at 14:29:25 – 14:29:35.

<sup>76</sup> Att. 10(b), Sgt. Perez BWC at 14:30:48 – 14:30:58.

<sup>77</sup> Att. 10(c), Sgt. Perez BWC at 14:31:44 – 14:32:58.

<sup>78</sup> Id.

Sgt. Perez a transport vehicle has arrived.<sup>79</sup> Sgt. Perez reactivates his BWC as Officers Bourdosis, Garcia, and Carrera escort Mr. [REDACTED] from his apartment to the transport vehicle in front of the building.<sup>80</sup> Back inside, Sgt. Perez tells Officer Fosco that Mr. [REDACTED] had been trying to keep him away from the rear of the unit. He says, "Take a walk real quick?" and deactivates his BWC.<sup>81</sup>

Approximately twenty seconds later, Officer Acosta walks onto the rear porch with his BWC facing the parking lot, alley, and Spaulding Avenue.<sup>82</sup> He engages in conversation with the other officers for several minutes. As Officer Acosta stands on the porch, his BWC video shows Lt. Schaaf in and around his vehicle by Spaulding Avenue.<sup>83</sup> A silver sedan driving southbound on Spaulding Avenue pulls up and parks near the rear of Lt. Schaaf's vehicle, and a car horn is audible.<sup>84</sup> Near the silver sedan, a male wearing a red shirt, jeans, and a baseball cap walks from around a nearby building carrying a bag of trash. He places the bag in a garbage can near Lt. Schaaf's vehicle, gets into the silver sedan, and drives away. Lt. Schaaf then briefly walks toward the parking lot, looks in the direction of Mr. [REDACTED]'s vehicle, and reenters his own vehicle.<sup>85</sup>

Inside, Sgt. Perez walks through the hallway toward the rear exit and again deactivates his BWC.<sup>86</sup> It takes him approximately thirty seconds to walk from the rear exit to the parking lot and alley, where he speaks with Lt. Schaaf for approximately one minute and fifty seconds.<sup>87</sup> Sgt. Perez returns to the parking lot and calls up to the second-floor porch, stating, "Hey Collins, come off and come over here." Sgt. Perez gestures toward his own BWC and tells Officer Collins, "Go off real quick."<sup>88</sup> Officer Collins then descends the stairway, deactivating his BWC. Officer Acosta, who is still conversing with another officer on the rear porch, also deactivates his BWC. After Officer Collins joins Sgt. Perez in the parking lot, the two stand next to Mr. [REDACTED]'s Infiniti, looking at the vehicle and conversing; Sgt. Perez gestures at the vehicle.<sup>89</sup> During this period, Lt. Schaaf remains near his vehicle in the alley, alone.<sup>90</sup>

Approximately three minutes and fifteen seconds after Officer Collins deactivates his BWC, another officer's BWC captures Officer Collins standing in the parking lot, looking into the Infiniti's windows.<sup>91</sup> Officer Acosta looks down from the porch at the officers in the parking lot and states, "They probably see something. But, I think, if they see something, they're probably gonna want to get a warrant for it. In case there is something in there. Which there probably is."<sup>92</sup> Officer Acosta then walks down to the parking lot, and a male voice is heard calling up to the

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<sup>79</sup> Att. 12, PO Carrera BWC at 14:32:50 - 14:33:15 & Att. 10(d), Sgt. Perez BWC at 14:32:50 - 14:33:07.

<sup>80</sup> Att. 10(d), Sgt. Perez BWC at 14:33:37 - 14:34:00; Att. 19, PO Bourdosis BWC, Att. 14, PO Garcia BWC, & Att. 12, PO Carrera BWC at 14:33:40 - 14:35:23.

<sup>81</sup> Att. 10(d), Sgt. Perez BWC & Att. 13(a), PO Fosco BWC at 14:34:00-14:34:12.

<sup>82</sup> Att. 11, PO Acosta BWC at 14:34:35.

<sup>83</sup> Att. 11, PO Acosta BWC at 14:35:00 - 14:38:41.

<sup>84</sup> Att. 11, PO Acosta BWC at 14:35:15 - 14:35:32.

<sup>85</sup> Att. 11, PO Acosta BWC at 14:36:15 - 14:37:30.

<sup>86</sup> Att. 10(e), Sgt. Perez BWC at 14:36:30 - 14:36:34.

<sup>87</sup> Att. 11, PO Acosta BWC at 14:36:38 - 14:38:20.

<sup>88</sup> Att. 11, PO Acosta BWC, Att. 12, PO Carrera BWC, Att. 15, PO Collins BWC, & Att. 14, PO Garcia BWC at 14:38:20 - 14:38:41.

<sup>89</sup> Att. 12, PO Carrera BWC at 14:38:40 - 14:38:53.

<sup>90</sup> Att. 13(b), PO Fosco BWC at 14:39:12 - 14:39:15 & Att. 12, PO Carrera BWC at 14:41:06 - 14:41:55.

<sup>91</sup> Att. 12, PO Carrera BWC at 14:41:55 - 14:42:04.

<sup>92</sup> Att. 12, PO Carrera BWC & Att. 14, PO Garcia BWC at 14:42:38 - 14:42:50.

officers still standing on the porch, “You guys go inside.”<sup>93</sup> The officers on the porch immediately turn and go inside the apartment.<sup>94</sup> Sgt. Perez, Lt. Schaaf, Officer Acosta, and Officer Collins remain in the parking lot, surrounding Mr. [REDACTED]’ vehicle on three sides.

During the approximately seven-minute period that follows, the rear door of the apartment remains fully or partially closed. Inside the apartment are Officers Bourdosis, Carrera, Garcia, Fosco, Garza, Jimenez, Yoo, Moranz, and Waszak. Outside the apartment are Lt. Schaaf, Sgt. Perez, Officer Acosta, and Officer Collins.<sup>95</sup> Approximately four minutes into this period, Officer Moranz briefly steps onto the back porch, then goes back inside. As he turns, his BWC video shows Sgt. Perez, Lt. Schaaf, Officer Collins, and Officer Acosta standing at the rear of Mr. [REDACTED]’ vehicle, appearing to converse.<sup>96</sup> About ten seconds later, Officer Waszak walks from the hallway toward the back door and states, “Alright. I’m walking out. Killin’ it.” Officer Carreon tells him, “Serg said stay in here,” and Officer Waszak remains inside.<sup>97</sup>

Approximately two and a half minutes later, as Sgt. Perez reactivates his BWC, Lt. Schaaf and Sgt. Perez are seen ascending the rear stairway. Sgt. Perez turns around and appears to converse with Officers Acosta and Collins, who are walking through the rear gate toward the stairs. The video does not show anyone else in the parking lot or surrounding areas.<sup>98</sup> Lt. Schaaf and Sgt. Perez reenter the apartment, and Lt. Schaaf states, “If you have a conversation—about the cars.” Sgt. Perez responds, “I’ll go ask her,” and proceeds to the living room.<sup>99</sup> Officers Collins and Acosta begin conversing on the rear porch, where Officer Acosta sits down on the stairs.<sup>100</sup>

As Sgt. Perez enters the living room, he picks up a set of keys near the couch and asks [REDACTED] if she knows where the keys to [REDACTED]’ Infiniti are located.<sup>101</sup> Sgt. Perez then returns to the hallway and calls to the other officers, “Alright, we need keys. We need his keys for the Infiniti in the back. Okay, I mean, we’re gonna need keys.”<sup>102</sup> Lt. Schaaf enters Mr. [REDACTED]’ bedroom, followed by Sgt. Perez and Officer Moranz. Officer Moranz states, “They were, uh. . .,” then yells, “Who took the keys out of here?” Lt. Schaaf, standing over the small black table in the bedroom, responds, “They’re right here.” Lt. Schaaf directs Officer Moranz to take a picture of the keys, and Officer Moranz responds he already did. Sgt. Perez then matches one of the keys with the back door to the residence.<sup>103</sup>

As Sgt. Perez confirms the key works, Officer Acosta, who is sitting on the porch stairs, says, “Serg. That guy left.” Sgt. Perez looks up and replies, “He did?” Officer Acosta states, “I

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<sup>93</sup> Now known to be the voice of Sgt. Perez. Att. 14, PO Garcia BWC & Att 12, PO Carrera BWC at 14:43:00 – 14:43:15; Att. 16, PO Moranz BWC, Att. 17(b), PO Carreon BWC, & Att. 21, PO Waszak BWC at 14:47:10 – 14:47:20; Att. 27; Att. 32.

<sup>94</sup> Att. 14, PO Garcia BWC & Att. 12, PO Carrera BWC at 14:43:00 – 14:43:15.

<sup>95</sup> Att. 12, PO Carrera BWC & Multiple BWC at 14:43:10 – 14:50:06.

<sup>96</sup> Att. 16, PO Moranz BWC at 14:47:05.

<sup>97</sup> Att. 16, PO Moranz BWC, Att. 17(b), PO Carreon BWC, Att. 21, PO Waszak BWC at 14:47:10 – 14:47:20.

<sup>98</sup> Att. 10(f), Sgt. Perez BWC at 14:50:03 – 14:50:17.

<sup>99</sup> Att. 16, PO Moranz BWC at 14:50:06-14:50:30 & Sgt. Perez BWC, 14:50:03-14:50:43.

<sup>100</sup> Att. 14, PO Garcia BWC, Att. 12, PO Carrera BWC, Att. 21, PO Waszak BWC & Att. 13(b), PO Fosco BWC at 14:50:38 – 14:54:04.

<sup>101</sup> Att. 10(f), Sgt. Perez BWC at 14:50:44 – 14:51:20 & Att. 19, PO Bourdosis BWC at 14:50:44 – 14:51:20.

<sup>102</sup> Att. 10(f), Sgt. Perez BWC & Att. 16, PO Moranz BWC at 14:51:30 – 14:51:38.

<sup>103</sup> Att. 10(f), Sgt. Perez BWC, Att. 13(b), PO Fosco BWC & Att. 16, PO Moranz BWC at 14:51:38 – 14:52:40.

think he just got spooked.” Sgt. Perez then returns to the living room.<sup>104</sup> Approximately forty-five seconds later, Lt. Schaaf walks onto the porch, where Officer Acosta repeats, “That guy left. The guy who was out here telling us about the car.”<sup>105</sup> Lt. Schaaf states, partially inaudibly, “...the trunk?” Officer Acosta responds, “yeah,” and asks, “alert on the car?” He then comments that Officer Fosco should write it up, but says he will also help. Officer Acosta pauses and says, “team player,” laughing.<sup>106</sup>

In the living room, Officer Moranz and Sgt. Perez review the search warrant seizure inventory with [REDACTED]. Sgt. Perez begins leaving the residence and deactivates his BWC.<sup>107</sup> Officer Moranz finishes taking photos of the residence and exits the rear door with Officer Bourdosis. As Officer Moranz descends the stairs and deactivates his BWC, his video captures ten officers standing in the parking lot, surrounding Mr. [REDACTED]’ vehicle at 9:58 A.M.<sup>108</sup> Approximately twenty-nine minutes later, at 10:27 A.M., Sgt. Perez reactivates his BWC in a 010<sup>th</sup> District cell with Mr. [REDACTED] handcuffed to a steel mount on the wall. Sgt. Perez asks Mr. [REDACTED] for consent to search his vehicle. Sgt. Perez says there is “brush of weed” visible on the floor inside the vehicle, drug dogs are on the way to the residence, and they are going to get a warrant to search the vehicle. Mr. [REDACTED] refuses to give consent to search,<sup>109</sup> and Sgt. Perez deactivates his BWC at 10:35 A.M.

Approximately one hour later, Sgt. Perez reactivates his BWC as he returns to Mr. [REDACTED]’ residence. Lt. Schaaf and Officers Carrera, Garcia, Carreon, and Bourdosis are also present, standing at the rear of Mr. [REDACTED]’ Infiniti. Lt. Schaaf opens and searches the trunk, removes a black bag, closes the trunk, and sets the bag on top of the trunk. He then removes two firearms and other items from the black bag. Lt. Schaaf and Officer Carrera then return the weapons to the bag, and Sgt. Perez deactivates his BWC for the final time.<sup>110</sup>

#### d. Documentary Evidence

An **Arrest Report**<sup>111</sup> dated October 8, 2019 bearing RD# [REDACTED] documents the arrest of [REDACTED] during the search warrant execution at [REDACTED]. Mr. [REDACTED] was charged with one count of Methamphetamine Manufacturing 900+ Grams, a Class X Felony. The report states the officers recovered approximately 4,214 grams of a suspected controlled substance with an estimated street value of \$1,390,000.00.

An **Original Case Incident Report**<sup>112</sup> documents the search warrant execution at [REDACTED]. The narrative section of the report states, in relevant part:

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<sup>104</sup> Att. 10(f), Sgt. Perez BWC at 14:52:27 – 14:52:35.

<sup>105</sup> During Officer Acosta’s second COPA statement, he clarified that he was referring to the man he saw taking out the trash, whom he mistakenly assumed was the concerned citizen. See Att. 41, pgs. 74-75.

<sup>106</sup> Att. 13(b), PO Fosco BWC at 14:53:15 – 14:54:00.

<sup>107</sup> Att. 16, PO Moranz BWC & Att. 10(f), Sgt. Perez BWC at 14:54:00 – 14:56:28.

<sup>108</sup> Att. 16, PO Moranz BWC at 14:54:00 – 14:58:24.

<sup>109</sup> Att. 10(g), Sgt. Perez BWC at 15:27:25 – 15:35:10.

<sup>110</sup> Att. 10(h), Sgt. Perez BWC at 16:35:50 – 16:39:38 & Att. 17(c), PO Carreon BWC at 16:36:35 – 16:39:39.

<sup>111</sup> Att. 2.

<sup>112</sup> Att. 3.

*“A concerned citizen who wishes to remain anonymous [sic] approached Lt Schaaf #516 who was standing in the rear of the location and related you have the right guy he’s a big drug dealer and he stores drugs and guns in the trunk of that car. The citizen pointed to a black Infiniti IL Plate [REDACTED]. Lt Schaaf ran the plate via leads which revealed the vehicle being registered to the target [sic] ([REDACTED][sic]). Lt Schaaf went inside and retrieved on the dresser inside the target [sic] bedroom; a set of keys, which included a planet fitness key tag and an Infiniti key fob. Lt Schaaf opened the trunk using that fob and recovered [sic] inside a black bag; (1) ATI GSG-5PK .22 cal semi auto with an extended magazine loaded with an unk number of rounds (INV # [REDACTED]) and 2 boxes of .22cal live rounds (INV # [REDACTED]). Lt Schaaf also recovered from a black bag with 3M in red letters on it; (1) .22 cal Umarex IWI-Israel Semi Automatic machine pistol loaded with an unk amount of live rounds (INV # [REDACTED])...”<sup>113</sup>*

A **Case Supplementary Report**<sup>114</sup> dated October 8, 2019 documents a weapons violation for unlawful possession of a firearm at [REDACTED]. The report identifies [REDACTED] as the offender and the involved vehicle as a black 4-door Infiniti sedan owned by Mr. [REDACTED], with license plate number [REDACTED]. The report documents various recovered property, all listing Mr. [REDACTED] as the owner.

A **Search Warrant in the Circuit Court of Cook County, Illinois**<sup>115</sup> bearing search warrant number [REDACTED] and dated October 7, 2019, commands Affiant Officer Fosco and the 010<sup>th</sup> District tactical unit to search [REDACTED] and the 2<sup>nd</sup> floor apartment at [REDACTED]. The warrant directs the officers to seize any firearms, ammunition, paraphernalia for maintaining firearms, and proof of residence used in the commission of or constituting evidence of the offense of “Unlawful use or possession of weapons by felon 720 ILCS 5/24-1.1.” The warrant is signed illegibly by a Judge with Judge’s No. [REDACTED].

A **Complaint for Search Warrant**<sup>116</sup> in the Circuit Court of Cook County dated October 7, 2019, details the probable cause that Affiant Officer Fosco had to believe that firearms, ammunition, and firearms paraphernalia were located at [REDACTED], in the possession of [REDACTED]. The Complaint documents that on October 7, 2019, Officer Fosco “had a conversation with an individual whom for reasons of personal safety and fear of reprisal will be referred to as J. Doe...”<sup>117</sup> The J. Doe told Officer Fosco that while he was at [REDACTED]’ residence at [REDACTED], Mr. [REDACTED] showed him a black semi-automatic weapon he had retrieved from the rear bedroom. The J. Doe also related he had observed the same firearm in Mr. [REDACTED]’ residence several times in the past year. The Complaint states that the J. Doe identified [REDACTED] as the same individual shown in a RAP sheet bearing IR # [REDACTED], [REDACTED]’ IR number.

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<sup>113</sup> Att. 3, pg. 5.

<sup>114</sup> Att. 4.

<sup>115</sup> Att. 5.

<sup>116</sup> Att. 7.

<sup>117</sup> Att. 7, pg. 2.

The **CPD Inventory Sheets**<sup>118</sup> document the property and evidence recovered during the search warrant execution. The recovered evidence includes a semi-automatic Umarex IWI-Israel .22 caliber firearm, a black magazine with an unknown amount of bullets, an ATI GSG-5PK .22 caliber semi-automatic firearm, a black extended magazine with an unknown amount of live rounds, two plastic bags containing red and blue powdery substances, various narcotics/drug equipment, a pill press, a set of house keys, two black bags, \$953.00 U.S. currency, a copy of [REDACTED] driver's license, and various proofs of residency. Other items include the search warrant, evidence recovery log, a sketch of the residence, and photographs from the operation.

**CPD Digital Photographs**<sup>119</sup> show Mr. [REDACTED] driver's license and a set of keys on a keyring, with a key fob and a black and yellow Planet Fitness tag, sitting on a black table.<sup>120</sup>

**Digital Photographs submitted to COPA by [REDACTED]**<sup>121</sup> show interior damage to his vehicle, including damage to the rear seat armrest and center console.

An **Office of Emergency Management & Communications Event Query Report**<sup>122</sup> dated October 8, 2019 at 8:56 A.M. documents the search warrant execution at [REDACTED]. The report shows that Officer Gill searched the names of [REDACTED] and [REDACTED] at 9:03 A.M. and 9:04 A.M., respectively.

**PMDT Log Scan Records**<sup>123</sup> document all CPD searches for the name [REDACTED] and the license plate number [REDACTED] on October 8, 2019, between 7:00 A.M. and 12:00 P.M. The records show Lt. Schaaf ran a search for the license plate number at 9:35 A.M. and 9:36 A.M., and Officer Garza ran a search for [REDACTED] name at 10:13 A.M.

## 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.

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<sup>118</sup> Atts. 8(a) – 8(s).

<sup>119</sup> Att. 47. See also Att. 48 for comparison of Mr. [REDACTED] keys and a stock image of a Planet Fitness key tag.

<sup>120</sup> This photograph is now known to have been taken by Officer Moranz inside Mr. [REDACTED] bedroom at approximately 9:03 A.M. on October 8, 2019. See Att. 16, PO Moranz BWC video.

<sup>121</sup> Atts. 67-77, 867.

<sup>122</sup> Att. 9.

<sup>123</sup> Att. 46.

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 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 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 (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. LEGAL ANALYSIS AND CONCLUSIONS

### A. Allegations Against Lt. Jeffery Schaaf

#### 1. Lt. Schaaf searched Mr. ██████’ vehicle without justification.

COPA finds that Lt. Jeffery Schaaf searched ██████’ vehicle without justification. Lt. Schaaf admitted he searched the trunk of Mr. ██████’ vehicle multiple times without either a search warrant or consent from Mr. ██████. Additionally, BWC evidence confirms Lt. Schaaf searched Mr. ██████’ Infiniti at approximately 9:23 A.M., 9:32 A.M., and 11:36 A.M., with an additional search likely to have occurred sometime between 9:43 A.M. and 9:50 A.M.

COPA finds Lt. Schaaf’s explanation for the searches not credible, as extensive video and documentary evidence contradicts his account. Lt. Schaaf stated his basis for searching the vehicle was that a “concerned citizen” told him there were guns and/or drugs in the trunk, and the LEADS search results verified the Infiniti belonged to Mr. ██████. While such information might have constituted probable cause to apply for and obtain a search warrant for the vehicle, it would not have been sufficient to justify searching the vehicle and its trunk without first obtaining a warrant or Mr. ██████’ consent. Additionally, extensive BWC evidence reveals Lt. Schaaf had no opportunity to have the purported conversation with the concerned citizen prior to his first two searches of the vehicle,<sup>124</sup> and PMDT Log Scan records document he did not conduct a LEADS search of the Infiniti’s license plate number until after the second vehicle search. For these reasons, COPA finds Lt. Schaaf’s searches of the vehicle were not justified, and he violated Rules 1, 2, 3 and 6 of the Rules and Regulations of the Chicago Police Department. Therefore, Allegation 1 against Lt. Schaaf is **sustained**.

#### 2. Lt. Schaaf seized firearms from Mr. ██████’ vehicle without justification.

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<sup>124</sup> See Att. 120, Entries 4 – 17, 19 – 20, 22 – 24, 26 – 28, 30 – 31, 33 – 37, 40 – 45, 48, 50 – 52; see also Att. 38, “*Lt. Jeffery Schaaf Search Warrant Operation Activities Chronology*,” Entries 1 – 26.

COPA finds that Lt. Schaaf seized the contents of Mr. ██████' vehicle without justification. Lt. Schaaf admitted he seized two firearms from the vehicle without a warrant. COPA finds Lt. Schaaf's explanation of the seizure not credible because extensive video and documentary evidence contradicts his account. He stated he searched the vehicle's trunk based on information he received from the concerned citizen and the LEADS search results, and once he found the firearms, he seized them out of concern for public safety. While information from the concerned citizen, if provided, might have been probable cause to apply for and obtain a search warrant for the vehicle, such information would not have been sufficient to justify searching the vehicle and its trunk without first obtaining a warrant or Mr. ██████' consent. Lt. Schaaf's public safety concerns, while valid, were not sufficient to seize the weapons without a warrant or consent to search. Therefore, COPA finds Lt. Schaaf's seizure of the weapons was not justified, and he violated Rules 1, 2, 3, and 6 of the Rules and Regulations of the Chicago Police Department. As a result, Allegation 2 against Lt. Schaaf is **sustained**.

**3. Lt. Schaaf did not fail to activate his BWC because he was not equipped with a BWC on the date of the incident.**

COPA finds the allegation that Lt. Schaaf failed to comply with Special Order S03-14 by failing to activate his BWC is unfounded. Special Order S03-14 states that Department members "will activate the system to event mode at the beginning of an incident and record the entire incident for all law-enforcement-related activities."<sup>125</sup> Lt. Schaaf told COPA he did not wear a BWC during the operation because he was never issued a camera. COPA has access to Evidence.com records showing whether an officer has an assigned BWC. These records confirmed Lt. Schaaf has never been issued a BWC.<sup>126</sup> As a result, COPA finds there is clear and convincing evidence that Lt. Schaaf did not fail to comply with Special Order S03-14, and the allegation is **unfounded**.

**4. Lt. Schaaf directed a scheme to search and seize the contents of Mr. ██████' vehicle.**

COPA finds that Lt. Schaaf directed a scheme to search Mr. ██████' vehicle and seize the contents therein without justification. Following Lt. Schaaf's first illegal search of the vehicle, he began orchestrating an effort to conduct additional unlawful vehicle searches and weapons seizures undetected, beginning when he directed Officer Collins to tell Sgt. Perez to meet him in the rear of the residence. Lt. Schaaf's next direction was to Sgt. Perez, indicating he should deactivate his BWC prior to their discussion on the porch. Sgt. Perez then attempted and failed to secure Mr. ██████' consent to search his vehicle. Despite this, the two supervisors conducted yet another illegal search of the vehicle at 9:32 A.M., and Lt. Schaaf retained the vehicle keys and remained outside until 9:50 A.M. At that point, the BWC evidence captured Lt. Schaaf tell Sgt. Perez to "have a conversation—about the cars," and Sgt. Perez immediately asked Ms. ██████ about the location of the keys to the Infiniti. Sgt. Perez also instructed the other officers inside the residence to locate the keys.

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<sup>125</sup> Special Order S03-14 (III)(A)(2).

<sup>126</sup> Att. 90.

Lt. Schaaf, who had had the keys the entire time, then staged his 9:51 A.M. ‘discovery’ of the keys on Mr. ██████’ bedroom table, and instructed Officer Moranz to take a photo of the keys on the table. In fact, the BWC videos show that Lt. Schaaf first took the keys from the bedroom table at 9:21 A.M., prior to his first illegal search of the vehicle, and he retained them for the entirety of that thirty-minute period. Lt. Schaaf’s direction to Sgt. Perez to stage the conversation with Ms. ██████ and the subsequent search that culminated in Lt. Schaaf’s ‘discovery’ of the keys appears calculated to mislead Ms. ██████, other officers, and/or subsequent reviewers of the BWC videos. After seizing the weapons at 11:36 A.M., Lt. Schaaf told Officer Fosco about the “concerned citizen” for purposes of the Original Case Incident Report.

Lt. Schaaf told COPA he met Sgt. Perez in the rear of the residence because he wanted to tell Sgt. Perez what he had learned from the concerned citizen and what he had discovered in Mr. ██████’ trunk.<sup>127</sup> Lt. Schaaf stated he directed Sgt. Perez to deactivate his BWC during that conversation because he was concerned the concerned citizen might come back, and he wanted to protect the citizen’s confidentiality. He further stated that, upon Sgt. Perez’s apparent search for Mr. ██████’ keys, he did not tell Sgt. Perez that he already had the keys because, “It didn’t come up.”<sup>128</sup> However, given the extensive BWC evidence to the contrary, and the false statements Lt. Schaaf made regarding the concerned citizen and his justification for searching the vehicle,<sup>129</sup> COPA does not find Lt. Schaaf’s explanations credible.

It is clear that Lt. Schaaf attempted to orchestrate the actions of, at a minimum, Officer Collins and Sgt. Perez, including by directing them to deactivate their BWCs, engage in furtive conversations, and conduct illegal searches and seizures. The BWC videos also demonstrate that Lt. Schaaf orchestrated the staged ‘search’ for and ‘discovery’ of Mr. ██████’ keys at 9:51 A.M. For these reasons, COPA finds Lt. Schaaf directed a scheme to search Mr. ██████’ vehicle and seize its contents without justification. In so doing, Lt. Schaaf violated Rules 2 and 3 of the Rules and Regulations of the Chicago Police Department, and Allegation 4 is **sustained**.

**5. Lt. Schaaf willfully provided a false statement to COPA when he claimed he received information from a “concerned citizen”**

Allegations 5 and 6 against Lt. Schaaf allege he violated Rule 14 by making false, incomplete, inaccurate, and/or misleading statements during his COPA statement on January 13, 2021. Pursuant to General Order G08-01-01, the Department Member’s Bill of Rights, a member will not be charged with a Rule 14 violation “unless the Department member willfully made a false statement and the false statement was made about a fact relevant to the investigation.”<sup>130</sup> COPA’s analysis addresses each of these factors below.

**i. Lt. Schaaf’s statement that a “concerned citizen” provided him information was false.**

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<sup>127</sup> See Att. 42, pg. 31, lines 2-15 and pg. 32, lines 6-9.

<sup>128</sup> See Att. 42, pg. 43 line 7.

<sup>129</sup> See analysis for Allegations 5 & 6, below.

<sup>130</sup> G08-01-01(II)(N).

Allegation 5 against Lt. Schaaf alleges that he provided a false statement to COPA when he stated the following:

*“At one point during the search warrant, I walked outside... and I was encountered by a— a male gentleman who I had a conversation with. After this conversation, I went back into the apartment, and I located a key fob for a vehicle that I got information on from this person. And I popped the trunk and looked in there, and I seen there were two firearms, which the gentleman had told me were in there.”*

*And:*

*Q. “Okay. What was your basis for this search?”*

*A. The information I received from the citizen.”*

Lt. Schaaf stated he encountered the concerned citizen when he got hot and went outside during the execution of the search warrant. He described the “concerned citizen” as black male in his mid to late fifties, approximately 5’10 tall, 250 lbs., and wearing a white and blue collared shirt, blue jeans, and a baseball hat.<sup>131</sup> According to Lt. Schaaf, he engaged in a “back and forth”<sup>132</sup> conversation with the concerned citizen, who approached him on foot in the alley. The concerned citizen reportedly told Lt. Schaaf that Mr. ██████ (aka “█████”) stored two machine guns in a black bag in the trunk of the Infiniti, and he had observed Mr. ██████ test firing the weapons in the alley earlier in the week. Lt. Schaaf then asked the concerned citizen to provide the same information to a judge in order to obtain a warrant for Mr. ██████’ vehicle, but the citizen refused to do so.

During his first COPA interview, Lt. Schaaf did not specify when he had this conversation with the concerned citizen. During his second COPA interview, Lt. Schaaf stated the conversation occurred when he stepped outside to put his raid jacket in his vehicle, between approximately 9:00 A.M. and 9:01 A.M.<sup>133</sup> Conveniently, this is also the only period of time between the breach at 8:55 A.M. and the first vehicle search at 9:24 A.M. that COPA cannot account for Lt. Schaaf’s whereabouts on BWC. Despite this, COPA finds there is no evidence Lt. Schaaf spoke with any “concerned citizen” during the one minute gap between 9:00 A.M. and 9:01 A.M. Lt. Schaaf’s vehicle was located down the rear stairway, through the rear gate, and across the parking lot by Spaulding Avenue. By comparison, BWC video from later that morning shows it took Sgt. Perez approximately thirty seconds to walk the same distance from the rear porch to Lt. Schaaf’s vehicle.<sup>134</sup> Lt. Schaaf’s claim that he had a detailed “four or five minute” conversation with the concerned citizen—as well as the approximately sixty seconds of transit time to and from his vehicle to the residence—all in the space of an approximately one-minute-long period of time is patently impossible. Additionally, no other officers reported they observed the concerned citizen during the incident or saw Lt. Schaaf speaking with any civilians in the alley.

Lt. Schaaf also told COPA that after his conversation with the concerned citizen, he went back into the apartment and located a key fob to Mr. ██████’ vehicle, then returned to the parking

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<sup>131</sup> See Att. 42, page 19, lines 19-22.

<sup>132</sup> See Att. 42, page 22, line 6.

<sup>133</sup> See Att. 43, page 32, line 17 – page 33, line 11.

<sup>134</sup> Att. 11, PO Acosta BWC at 14:36:40 – 14:37:20.

lot and opened the vehicle's trunk. The BWC evidence, however, reveals that Lt. Schaaf took Mr. ██████' keys from his bedroom at 9:21 A.M., approximately twenty minutes after he claimed to have spoken with the concerned citizen. During that twenty-minute period, Lt. Schaaf moved from the south bedroom and bathroom to the hallway, kitchen, and north bedroom, the middle bedroom, the rear porch, into the hallway again, and finally into Mr. ██████' bedroom.<sup>135</sup> The BWC videos do not capture Lt. Schaaf mentioning the alleged conversation with the concerned citizen to any other officers, including Sgt. Perez, whom he spoke to in the south bedroom. Lt. Schaaf also did not search for or ask any other officers about the location of Mr. ██████' keys during that time period. The implication that Lt. Schaaf waited twenty minutes after the conversation before retrieving Mr. ██████' keys, making no mention of the encounter or the keys to any other officer, is not plausible. For these reasons, COPA finds the preponderance of the evidence establishes that Lt. Schaaf's statements regarding his conversation with the concerned citizen were false.

**ii. Lt. Schaaf provided the false statement willfully.**

Lt. Schaaf's statements regarding the information provided by the concerned citizen are contradicted by extensive body worn evidence and the statements of other officers. Based on the preponderance of the evidence standard, COPA finds the alleged conversation between Lt. Schaaf and the concerned citizen did not occur. Lt. Schaaf fabricated the existence of the concerned citizen in a misguided attempt to justify his illegal searches of Mr. ██████' vehicle. His wholesale invention of the concerned citizen can only be characterized as a deliberate, calculated, and willfully false statement.

**iii. Lt. Schaaf's false statement was material to the investigation.**

Finally, COPA finds that Lt. Schaaf's false statement was made about a fact relevant to the investigation. Lt. Schaaf stated his primary justification for searching Mr. ██████' vehicle was the conversation he had with the concerned citizen, which COPA has found did not occur. Lt. Schaaf provided this false information in an effort to mislead COPA and his own superiors, and to avoid accountability for his illegal vehicle searches. Therefore, COPA finds Lt. Schaaf's false statements were material to the investigation.

Based on the foregoing, COPA finds that Lt. Schaaf made a false, incomplete, inaccurate, and/or misleading statement to COPA when he described his alleged encounter with the concerned citizen. In so doing, Lt. Schaaf violated Rules 2, 3, 6, and 14 of the Rules and Regulations of the Chicago Police Department, and Allegation 5 is **sustained**.

**6. Lt. Schaaf willfully provided a false statement to COPA when he stated he ran the license plate number on Mr. ██████' vehicle prior to searching the vehicle.**

COPA also finds that Lt. Schaaf provided a false, incomplete, inaccurate, and/or misleading statement to COPA when he stated he ran the Infiniti's license plate number through

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<sup>135</sup> See Att. 38, "Lt. Jeffery Schaaf Search Warrant Operation Activities Chronology," Entries 7-17.

LEADS immediately after he spoke to the concerned citizen, and prior to searching the vehicle. Specifically, Allegation 6 alleges that Lt. Schaaf falsely stated words to the effect of:

*Q. "Okay. Right after the concerned citizen departs, did you go straight to your vehicle, or did you go inside first?"*

*A. I went to my vehicle and ran the plate."*

*And:*

*Q. "For the record, the Case Report Attachment 3 reads in relevant part, if you'll follow along, on page 5, the narrative section about two-thirds of the way down, if you look all the way to the right, the sentence beginning with the word 'A,' that continues, 'a concerned citizen.' 'The citizen pointed to a black Infiniti, owner plate [REDACTED]. Lt. Schaaf ran the plate via LEADS, which revealed the vehicle being registered to the' – it says target, I think it means target, [REDACTED]. 'Lt. Schaaf went inside and retrieved on the dresser inside the, again, target's bedroom, a set of keys, which included a Planet Fitness key tag and an Infiniti key fob. Lt. Schaaf opened the trunk using that fob and recovered inside a black bag containing a .22 caliber ATI GSG-5PK, .22 caliber semi-automatic with an extended magazine loaded with an unknown number of rounds...'"*

*Q. "Do you agree with everything in the portion of the narrative that I just read as being accurate?"*

*A. Yes."*

As an initial matter, COPA finds Lt. Schaaf's statement is material to the investigation, as he told COPA one of the reasons he searched the Infiniti was that the LEADS results confirmed Mr. [REDACTED] owned the vehicle. Lt. Schaaf offered this information in an attempt to avoid accountability for the illegal vehicle searches, but like his statements regarding the concerned citizen, COPA finds the information was false. Lt. Schaaf claimed he spoke to the concerned citizen between 9:00 A.M. and 9:01 A.M., and BWC evidence establishes the first vehicle search occurred at approximately 9:24 A.M. However, PMDT Log Scan records show Lt. Schaaf did not run the Infiniti's license plate number until 9:35 A.M. and 9:36 A.M. These results are consistent with BWC video showing Lt. Schaaf seated in his vehicle at 9:35 A.M. (after his second search of the Infiniti), then briefly walking into the parking lot and looking toward the rear of Mr. [REDACTED]' vehicle before returning to his own vehicle.<sup>136</sup> In his second statement to COPA, Lt. Schaaf admitted his account was "out of sequence," and he confirmed he ran the plates at approximately 9:35 A.M. As a result, COPA finds Lt. Schaaf's statement regarding when he ran the Infiniti's license plates was both material to the investigation and false.

COPA also finds Lt. Schaaf provided this false statement willfully. Although it is possible Lt. Schaaf simply made a mistake in the order of events, it is more likely the error was intentional. Lt. Schaaf repeatedly told COPA that one of the reasons he initially searched the Infiniti was the LEADS results confirmed Mr. [REDACTED] owned the vehicle. Lt. Schaaf offered this false information in an attempt to justify his actions, exposing a clear motivation to mislead COPA. Additionally, although Lt. Schaaf reversed himself during his second statement, he did so only after confronted with evidence proving he did not run Infiniti's license plates through LEADS

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<sup>136</sup> Att. 11, PO Acosta BWC 14:36:15 - 14:37:30.

before he searched the vehicle. For these reasons, COPA finds the preponderance of the evidence establishes that Lt. Schaaf willfully provided false information to COPA during his first statement.

COPA finds that Lt. Schaaf made a false, incomplete, inaccurate, and/or misleading statement to COPA regarding when he stated he ran the Infiniti's license plates through LEADS prior to searching Mr. ██████' vehicle. In so doing, Lt. Schaaf violated Rules 2, 3, 6, and 14 of the Rules and Regulations of the Chicago Police Department, and Allegation 6 is **sustained**.

## **B. Allegations Against Sgt. Juan Perez**

### **1. Sgt. Perez searched Mr. ██████' vehicle without justification.**

COPA finds that Sgt. Juan Perez searched ██████' vehicle without justification. BWC evidence shows Sgt. Perez participating in at least two searches of Mr. ██████' vehicle, one at 9:32 A.M. and another at 11:36 A.M. Sgt. Perez admitted to COPA that, after Lt. Schaaf told him about the information from the concerned citizen, the two supervisors proceeded to Mr. ██████' vehicle, where Lt. Schaaf opened the trunk and showed him two guns.

Even if Lt. Schaaf had received the information he claimed to have learned from the concerned citizen and then relayed that information to Sgt. Perez, such information alone would not have been sufficient justification to search the trunk of the vehicle. Instead, the information might have constituted sufficient probable cause to apply for a search warrant, the granting of which would have provided legal justification for entering the trunk. However, neither Sgt. Perez nor any other members of the search team applied for or obtained a search warrant for the vehicle. Additionally, Sgt. Perez admitted Mr. ██████ repeatedly refused to consent to the search of his vehicle. Lacking a warrant or consent, Sgt. Perez's participation in the search of Mr. ██████' vehicle was not justified, and he violated Rules 1, 2, 3 and 6 of the Rules and Regulations of the Chicago Police Department. Therefore, Allegation 1 against Sgt. Perez is **sustained**.

### **2. Sgt. Perez seized weapons from Mr. ██████' vehicle without justification.**

COPA finds that Sgt. Perez seized the contents of ██████' vehicle without justification. BWC evidence shows Sgt. Perez participated in the seizure of weapons from Mr. ██████' trunk at 11:36 A.M. Following the same analysis set forth under Allegation 1, COPA finds Sgt. Perez participated in the seizure without justification. Sgt. Perez's actions violated Rules 1, 2, 3 and 6 of the Rules and Regulations of the Chicago Police Department, and Allegation 2 is **sustained**.

### **3. Sgt. Perez misused BWC in furtherance of a scheme to search Mr. ██████' vehicle without justification.**

COPA finds that Sgt. Perez misused BWC in furtherance of a scheme to search Mr. ██████' vehicle and seize its contents without justification. Following the breach, Sgt. Perez deactivated and reactivated his BWC no fewer than seven times, five of which occurred during the initial execution of the warrant, prior to Sgt. Perez's return to the 010<sup>th</sup> District station. Sgt. Perez's

BWC video shows that following his 9:26 A.M. off-camera conversation with Lt. Schaaf on the rear porch, Sgt. Perez reactivated his BWC at 9:28 A.M. and attempted to obtain Mr. ██████' consent to search his vehicle. When Mr. ██████ refused to cooperate, Sgt. Perez met Lt. Schaaf in the hallway, stated, "I'll talk to you outside," then deactivated his camera again at 9:31 A.M. Approximately forty-five seconds later, Sgt. Perez's BWC video captured Sgt. Perez and Lt. Schaaf proceeding down the rear stairway to the parking lot and searching Mr. ██████' trunk. That video—Sgt. Perez's third—is one minute and twenty-three seconds long and has no audio for the first one-minute and sixteen seconds, until Sgt. Perez pressed his camera's event mode activation button at 9:33:00 A.M. He then deactivated his BWC seven seconds later. The fact that this video of the unjustified search has no audio for the first one-minute and sixteen seconds indicates that the silent segment was captured in the BWC's "look back" period, when a BWC in buffering mode is activated to event mode and the camera's memory automatically saves the preceding 30 to 120 seconds of video without audio. As such, it is evident Sgt. Perez did not intend to record the video showing him and Lt. Schaaf conducting the illegal search, but intended to conduct that search off-camera—as supported by the fact that Sgt. Perez deactivated his BWC just before he approached the vehicle.

Approximately six minutes later, at 9:38 A.M., Sgt. Perez directed Officer Collins to deactivate his own BWC and join him in the parking lot, where the two members stood near Mr. ██████' vehicle and Officer Collins peered through the vehicle's windows. At 9:43 A.M., Sgt. Perez ordered several officers with BWCs to leave the rear porch and return inside the residence, stating, "You guys go inside." Sgt. Perez, Lt. Schaaf, Officer Collins, and Officer Acosta remained in the parking lot, all without activated BWCs. The evidence surrounding the approximately seven-minute period that followed indicates that an additional vehicle search likely occurred during this time. At 9:50 A.M., Sgt. Perez reactivated his BWC and proceeded to stage a video-recorded 'search' for and 'discovery' of the vehicle keys with Lt. Schaaf, who already had the keys. Lt. Schaaf admitted he retained the vehicle keys following the 9:32 A.M. vehicle search that Sgt. Perez accidentally recorded in the silent "look back" period of his BWC.

After Sgt. Perez left Mr. ██████' residence, he reactivated his BWC at 10:27 A.M., in a 10<sup>th</sup> District cell where Mr. ██████ was being held. Sgt. Perez again attempted to obtain Mr. ██████' consent to search his vehicle, telling him a "brush of weed" was visible on the floor of his vehicle and that a canine unit was being dispatched to his residence. Mr. ██████ continued to refuse to give his consent, and Sgt. Perez again deactivated his camera before returning to Mr. ██████' residence for the 11:36 A.M. weapons seizure.

Sgt. Perez's repeated BWC deactivations and reactivations, his order that Officer Collins deactivate his own BWC, and his order that other officers with BWCs go back inside the residence evidence Sgt. Perez's egregious manipulation of the cameras. At a minimum, Sgt. Perez's decision to deactivate his camera immediately prior to the 9:32 A.M. vehicle search with Lt. Schaaf, as well as his attempt to obtain Mr. ██████' BWC-recorded consent to search the vehicle *after* the vehicle had already been searched, constitute clear misconduct. Sgt. Perez claimed he deactivated his camera at 9:31 A.M. in order to discuss a confidential informant, but Special Order S03-14 does

not authorize BWC deactivations for this reason.<sup>137</sup> Additionally, consent to search a vehicle must be obtained prior to the vehicle being searched in order to justify the search. The absence of any weapons charges on Mr. ██████' Arrest Report and Sgt. Perez's own admissions to COPA reveal he knew the vehicle searches and weapons seizures were unlawful at the time he participated in them.

The preponderance of the evidence shows Sgt. Perez intentionally used his BWC, and the BWCs of his subordinates, to hide misconduct and attempt to fabricate video evidence to falsely justify the vehicle searches. This was not a one-time, inadvertent BWC violation, but a repeated and calculated effort to engineer what portions of the incident were captured on video. Therefore, COPA finds that Sgt. Perez misused BWC in furtherance of a scheme to search Mr. ██████' vehicle and seize its contents without justification. In so doing, Sgt. Perez violated Rules 2, 3, 5, and 6 of the Rules and Regulations of the Chicago Police Department. As a result, COPA finds Allegation 4 against Sgt. Perez is **sustained**.

**4. There is insufficient evidence to prove or disprove that Sgt. Perez directed a scheme to search and seize the contents of Mr. ██████' vehicle without justification.**

COPA finds the allegation that Sgt. Perez directed a scheme to search ██████' vehicle and seize its contents without justification is not sustained. Sgt. Perez stated Lt. Schaaf was in charge of the operation that morning, and he was simply following the lieutenant's directions. Both supervisors also confirmed that Lt. Schaaf informed Sgt. Perez he had received information on the vehicle's contents from a "concerned citizen" before they searched the vehicle at 9:32 A.M. Furthermore, Sgt. Perez stated that after he relocated to the 010<sup>th</sup> District station and unsuccessfully attempted to obtain Mr. ██████' consent, it was Lt. Schaaf—not Sgt. Perez—who made the decision to return to Mr. ██████' residence and recover the weapons for public safety. Sgt. Perez also stated he did not tell Officer Fosco to write the account of the "concerned citizen" found in the Original Case Incident Report, but only approved the report based on the information Lt. Schaaf had provided him. Without clear evidence to the contrary, COPA cannot determine if Sgt. Perez played a more direct role in these parts of the scheme. Therefore, based on the preponderance of the evidence standard, COPA finds there is insufficient evidence to prove or disprove that Sgt. Perez *directed* a scheme to search Mr. ██████' vehicle and seize its contents without justification, and Allegation 4 is **not sustained**.

**C. Allegations Against Officer Jaime Acosta**

**1. Officer Acosta untimely deactivated his BWC.**

COPA finds that Officer Acosta failed to comply with Special Order S03-14 by untimely deactivating his BWC. Special Order S03-14 requires officers to activate their BWCs at the beginning of an incident, and continue to record the entire incident for all law enforcement-related activities, which include but are not limited to: searches, including searches of people, items,

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<sup>137</sup> Special Order S03-14(III)(B)(1)(d) authorizes officers to deactivate their BWCs when "the officer is interacting with a confidential informant." The policy does not permit officers to deactivate their cameras to discuss a confidential informant, or the information provided by an informant, as Sgt. Perez maintained.

vehicles, buildings, and places; seizure of evidence; and any other instance when enforcing the law.<sup>138</sup>

Officer Acosta stated he deactivated his BWC at 9:38 A.M. because his individual responsibilities in searching the residence were complete. Although COPA finds his explanation credible, Special Order S03-14 does not permit Department members to deactivate their BWCs when they believe they have completed their individual duties at a scene; it states they will “record the entire incident for all law-enforcement-related activities.”<sup>139</sup> Approximately twenty more minutes—about one-third of the total operation—remained after Officer Acosta deactivated his BWC. During this period, the search team completed significant aspects of the warrant execution and undertook obvious investigatory steps directly in front of Officer Acosta, some of which he participated in. As a result, COPA finds Officer Acosta failed to comply with Special Order S03-14 by untimely deactivating his BWC, in violation of Rules 2,3, and 6 of the Rules and Regulations of the Chicago Police Department. Therefore, Allegation 1 against Officer Acosta is **sustained**.

**2. There is insufficient evidence to prove or disprove that Officer Acosta searched Mr. ██████’ vehicle.**

COPA finds the allegation that Officer Acosta searched ██████’ vehicle without justification is not sustained. Although circumstantial evidence exists that an additional illegal search occurred after Officer Acosta joined Lt. Schaaf, Sgt. Perez, and Officer Collins near Mr. ██████’ vehicle, and Sgt. Perez ordered the remaining officers to go inside, the vast majority of the seven minutes of activity that followed were not recorded. Additionally, none of the four members who remained outside acknowledged a search took place. Absent such an admission, the evidence remains incomplete. As a result, COPA finds there is insufficient evidence to prove or disprove that Officer Acosta searched Mr. ██████’ vehicle by a preponderance of the evidence, and Allegation 2 is **not sustained**.

**3. There is insufficient evidence to prove or disprove that Officer Acosta made a false statement to COPA regarding the “concerned citizen.”**

The third allegation against Officer Acosta alleges he made a false, incomplete, inaccurate, and/or misleading statement to COPA, by stating words to the effect of, “There was a gentlemen who was in the back who was walking by and kind of gave us some information on the vehicle of Mr. ██████...saying the car that he was pointing at was the vehicle of Mr. ██████ and there was—he sells narcotics and has firearms in his car.” For the same reasons detailed in the analysis of Allegation 5 against Lt. Schaaf, COPA finds Officer Acosta’s statement was both false and material to the investigation. However, as to the third element of a Rule 14 allegation, COPA finds there is insufficient evidence to prove Officer Acosta made the false statement willfully.

On October 28, 2020, Officer Acosta told COPA he observed the concerned citizen during the incident and was “personally present” when that individual provided information to Lt. Schaaf. Officer Acosta was subsequently provided an opportunity to review the BWC videos from the incident, and he revised his account significantly. On February 05, 2021, Officer Acosta told

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<sup>138</sup> Special Order S03-14 (III)(A)(2).

<sup>139</sup> Id.

COPA that after he searched Mr. ██████' residence, he walked onto the rear porch and observed a man standing in the alley near Lt. Schaaf's vehicle, where Lt. Schaaf was also located. Officer Acosta walked down to the parking lot, and Lt. Schaaf informed him that a concerned citizen had provided information about the contents of Mr. ██████' vehicle. Officer Acosta assumed—incorrectly—that Lt. Schaaf was referring to the same man that he had observed from the porch.

Officer Acosta's BWC video does show that a man wearing a red shirt, jeans, and a baseball cap walked past Lt. Schaaf's vehicle while Lt. Schaaf was nearby. That individual, however, proceeded directly to a nearby garbage can, where he deposited a bag of trash. He then entered a silver sedan in the alley and drove away. The BWC video only captures the man for approximately forty seconds, and at no point does he appear to interact with Lt. Schaaf in any way. During Officer Acosta's second COPA interview, he identified the man in the video as the person he assumed to be the concerned citizen. He stated he did not realize his assumption was incorrect until he watched Sgt. Perez's BWC video, which shows Sgt. Perez and Lt. Schaaf searching Mr. ██████' trunk *before* Officer Acosta walked onto the porch and observed the man taking out the trash.

Officer Acosta offered a variety of other explanations for the discrepancies in his statements, including memory problems caused by head trauma from a car accident and stress from prior military experience. He also insisted that, during his first COPA statement, he believed the investigator was asking questions about what occurred during the operation as a whole—not from his own, individual perspective—and so he gave an account of what happened during the team's operation, collectively. As evidence, Officer Acosta pointed out that he sometimes used collective pronouns, such as "us," "they," and "them," during his first statement. Additionally, Officer Acosta stated he believed he had provided a truthful answer when he told COPA he was "personally present" for Lt. Schaaf's conversation with the concerned citizen, because he was located on the rear porch in view of what he later assumed to have been the purported conversation.

Due to the substantial evidence contradicting Officer Acosta's explanations, COPA finds his account not fully credible. Officer Acosta's statement that he assumed the man taking out the trash was the concerned citizen is less than convincing, as is his purported belief that the COPA investigator was asking for an overall account of the operation rather than Officer Acosta's individual recollection. Nonetheless, COPA is unable to determine precisely what Officer Acosta observed and heard while he was on the porch, or what he believed and assumed was taking place across the parking lot. Similar evidentiary limitations extend to Officer Acosta's beliefs and assumptions about the scope of COPA's questions during his first statement. Officer Acosta offers technically plausible explanations for his actions and statements, even as those explanations bring into question his attentiveness and competence in the performance of his duties. COPA finds there is insufficient evidence to conclude that Officer Acosta's statements were willful, and, therefore, cannot prove the third element necessary to sustain this Rule 14 allegation. As a result, Allegation 3 against Officer Acosta is **not sustained**.

#### **D. Allegations Against Officer Brian Collins**

##### **1. Officer Collins deactivated his BWC at the direction of Sgt. Perez.**

COPA finds the allegation that Officer Brian Collins failed to comply with Special Order S03-14 by deactivating his BWC is not sustained. Special Order S03-14 states, in relevant part, that Department members “will activate the system to event mode at the beginning of an incident and record the entire incident for all law-enforcement-related activities.”<sup>140</sup> Officer Collins stated he deactivated his BWC at 9:38 A.M. because his direct supervisor, Sgt. Perez, ordered him to do so. Special Order S03-14 does not include a superior officer’s order as one of the four situations justifying BWC deactivations.<sup>141</sup> However, had Officer Collins refused to deactivate his BWC upon Sgt. Perez’s order, he might have violated Rule 6, which prohibits the disobedience of an order or directive, whether written or oral. This contradiction between Directives should be addressed and resolved by the Department. In this situation, because Officer Collins deactivated his BWC in response to Sgt. Perez’s order, and there is no evidence that Officer Collins knew Sgt. Perez’s order was unlawful or improper at the time, COPA finds the allegation is **not sustained**.<sup>142</sup>

**2. There is insufficient evidence to prove or disprove that Officer Collins searched Mr. ██████’ vehicle.**

COPA finds the allegation that Officer Collins committed misconduct by searching ██████’ vehicle without justification is not sustained. The analysis of this allegation is substantially the same as the analysis of Allegation 2 against Officer Acosta, above. There is no video showing Officer Collins searching Mr. ██████’ vehicle, and neither Officer Collins nor any of the other members present acknowledged that Officer Collins participated in any searches of the vehicle. COPA, therefore, lacks sufficient evidence to prove or disprove that Officer Collins searched Mr. ██████’ vehicle by a preponderance of the evidence. As a result, COPA finds Allegation 2 against Officer Collins is **not sustained**.

## **VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

### **Lt. Jeffery Schaaf**

COPA has reviewed and considered Lt. Schaaf’s complimentary, disciplinary, and training history when recommending discipline. Lt. Schaaf has received 93 awards, including one Special Commendation. He has no sustained disciplinary history in the past five years.

COPA has found that Lt. Schaaf searched Mr. ██████’ vehicle at least three times and seized weapons from the trunk without obtaining either a warrant or Mr. ██████’ consent, violating both the U.S. and Illinois Constitutions, as well as clearly stated Department policy. COPA’s investigation determined that Lt. Schaaf directed a scheme to search Mr. ██████’ vehicle, which involved gaining and coordinating other officers’ participation, engaging in furtive conversations, ensuring the deactivation of body worn cameras, orchestrating a staged ‘search’ for and ‘discovery’ of Mr. ██████’ keys, and placing false information in the Original Case Incident

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<sup>140</sup> Special Order S03-14 (III)(A)(2).

<sup>141</sup> Special Order S03-14 (III)(B)(1) specifies that members will not deactivate their BWCs unless: (a) the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity; (b) requested by a victim of a crime; (c) requested by a witness of a crime or a community member who wishes to report a crime; or (d) the officer is interacting with a confidential informant.

<sup>142</sup> Because Special Order S03-14 does not identify a supervisor’s direct order as an authorized reason for BWC deactivation, COPA finds there is not clear and convincing evidence to exonerate Officer Collins.

Report. Lt. Schaaf then proceeded to make intentionally false statements to COPA about the operation and his bases for searching Mr. [REDACTED]' vehicle, including fabricating the existence of the "concerned citizen." Lt. Schaaf's scheme violated Mr. [REDACTED]' right to be secure against unreasonable and warrantless searches, and it was contrary to the City's interest in police officers conducting their operations lawfully, with transparency and accountability. Additionally, his false statements were in direct violation of the Department's Rules and Regulations and its interest in employing honest and trustworthy officers. Lt. Schaaf's conduct constituted a grave breach of public trust and confidence, made worse by the fact that it was carried out by someone of the lieutenant's rank, position, and authority. As a result, COPA recommends Lt. Schaaf be **separated** from the Chicago Police Department.

### **Sgt. Juan Perez**

COPA has reviewed and considered Sgt. Perez's complimentary, disciplinary, and training history when recommending discipline. Sgt. Perez has received 177 awards, including two Special Commendations and two Superintendent's Awards. He has no sustained disciplinary history in the past five years.

COPA has found that Sgt. Perez searched Mr. [REDACTED]' vehicle at least two times and the seized weapons from the trunk without obtaining either a warrant or Mr. [REDACTED]' consent, violating both the U.S. and Illinois Constitutions, as well as clearly stated Department policy. Worse still, Sgt. Perez misused BWCs in a scheme to conduct the illegal searches and seizures undetected. BWC videos are an official record of police activities and conduct. Intentional manipulation of the cameras to hide misconduct and fabricate video evidence in an attempt to falsely justify unlawful searches is every bit as unconscionable as writing deliberately false police reports, and it constitutes a severe breach of duty and trust. Such misconduct is particularly egregious when carried out by someone of the sergeant's rank, position, and authority. Sgt. Perez's actions were contrary to the Department's policies with regard to the use of BWCs, contrary to the City's interest in maintaining a police force staffed by trustworthy supervisors, and contrary to the public's interest in transparency and accountability in police operations. As a result, COPA recommends Sgt. Perez be **separated** from the Chicago Police Department.

### **Officer Jaime Acosta**

COPA has reviewed and considered Officer Acosta's complimentary, disciplinary, and training history when recommending discipline. Officer Acosta has received 203 awards since his appointment to the Department in December 2015. He has no sustained CRs and three SPARs, including two reprimands for court appearance violations and one reprimand for a preventable traffic accident.

COPA has found that Officer Acosta deactivated his BWC while the search of Mr. [REDACTED]' residence was ongoing, and as obvious investigatory steps were taking place directly in front of him. Officer Acosta's deactivation violated Special Order S03-14, and it undermined the Department's and the City's interest in recording police operations to ensure violations are not hidden from scrutiny behind lapses of unrecorded time. Officer Acosta's actions were also contrary to the public's interest in transparency and police accountability. As a result, COPA recommends Officer Acosta receive a **10-day suspension** for this violation.

Approved:



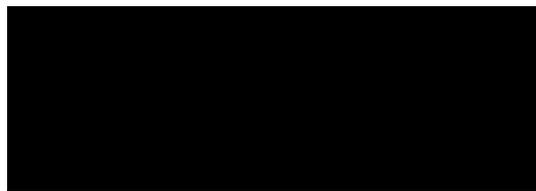
6/7/2021

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Matthew Haynam  
Deputy Chief Administrator

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Date



6/7/2021

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Andrea Kersten  
Interim Chief Administrator

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	Six
<b>Investigator:</b>	Daniel Thetford
<b>Supervising Investigator:</b>	Steffany Hreno
<b>Deputy Chief Administrator:</b>	Matthew Haynam

**Appendix B:****Search Warrant Operation & Warrantless Vehicle Searches Chronology**

**Date:** October 08, 2019

**Time:** 8:55 A.M. – 11:39 A.M.

**Location:** [REDACTED], Chicago, Illinois (011<sup>th</sup> District)

**Involved Officers:** Lt. Jeffery Schaaf #516, Sgt. Juan Perez #902, PO Jaime Acosta #16462, PO Brian Collins #16773, PO Anthony Fosco #15727, PO Jose Carrera #12997, PO Jesus Garcia #11044, PO Kenneth Moranz #5687, PO Jacob Garza #9349, PO Michael Carreon #14301, PO Richard Waszak #5131, PO Yezenia Jimenez #10390, PO Paul Yoo #4337, PO Adam Bourdosis #12015, PO George Gill #15900

**Note:** *The following chronology documents involved police officers' activities and movements relevant to the Search Warrant execution operation as a whole and a series of warrantless searches of Complainant [REDACTED]' Infiniti sedan (License Plate No. [REDACTED]) located in the rear parking lot of the residence. Each entry cites which officers' body worn cameras capture an activity, including the time of the activity. All times are approximate. All times are given in Greenwich Mean Time (or "Zulu Time") based on body worn camera time stamps.*

1. **13:55:45** Breach. [Multiple BWC videos 13:55:45].
2. **13:56:32 – 13:56:42** Following breach, Lt. Schaaf stands in the rear doorway, looking into apartment. [Perez 13:56:32 – 13:56:42].
3. **13:57:15 – 13:58:00** Officers find suspect methamphetamine, pill press, and paraphernalia [Waszak 13:57:15 – 13:58:00].
4. **13:57:21 – 13:57:29** Lt. Schaaf located in the south bedroom. [Collins 13:57:21 – 13:57:29].
5. **13:58:16 – 13:59:25** Lt. Schaaf stands in the kitchen. [Garcia & Perez 13:58:15 – 13:59:30].
6. **13:59:42 – 13:59:47** Lt. Schaaf walks through the hallway. [Jimenez 13:59:42 – 13:59:47].
7. **13:59:51 – 13:59:59** Lt. Schaaf exits to the rear porch and descends the stairway toward rear of the residence, wearing a blue CPD "raid jacket." [Yoo 13:59:51 – 13:59:59].
8. **14:01:05 – 14:01:20** Lt. Schaaf reenters the residence and converses with PO Jimenez and PO Yoo, no longer wearing a blue CPD "raid jacket." [Jimenez 14:01:05 – 14:01:20; Yoo 14:01:09 – 14:01:20].

9. **14:01:05 – 14:01:50** Lt. Schaaf is located in the hallway conversing with other officers, then enters the south bedroom. [Jimenez & Yoo 14:01:05 – 14:01:50].
10. **14:02:00 – 14:02:10** Lt. Schaaf searches the south bedroom and converses briefly with Sgt. Perez. [Perez 14:02:00 – 14:02:10].
11. **14:02:10 – 14:06:00** Lt. Schaaf remains in the south bedroom and en suite bathroom. [Multiple - See Entries 12 – 17 below].
12. **14:02:10 – 14:06:00** Lt. Schaaf is captured on no other officer's body worn camera in any other part of the residence, including officers in the hallway. [Multiple BWC videos 14:02:10 – 14:06:00]
13. **14:02:15 – 14:04:00** Following Lt. Schaaf & Sgt. Perez conversing in the south bedroom, PO Jimenez & Yoo remain in and/or immediately outside of that bedroom. At no point is Lt. Schaaf seen exiting the bedroom. [Jimenez & Yoo 14:02:15 – 14:04:00].
14. **14:03:35 – 14:03:38** An officer, likely Lt. Schaaf, is partially seen in the en suite bathroom of the south bedroom. All other involved officers' locations are accounted for on body worn camera. [Yoo 14:03:35 – 14:03:38].
15. **14:04:10 – 14:05:30** PO Waszak walks to the rear parking lot; Lt. Schaaf is not present and no "Concerned Citizen" is seen; PO Waszak encounters Officer Garcia. [Waszak 14:04:00 – 14:04:52; Garcia 14:04:50 – 14:05:10].
16. **14:05:37 – 14:05:50** PO Jimenez searches through the south bedroom closet and finds a green and white ID with a blue lanyard; she says to another officer [likely Lt. Schaaf] standing next to the bed, "That's him, right?" A male officer sounding like Lt. Schaaf replies, "Yeah." PO Jimenez hands the ID off to the officer. [Jimenez 14:05:37 – 14:05:50].
17. **14:06:00 – 14:06:10** Twenty seconds after PO Jimenez hands the ID off to the other officer, Lt. Schaaf is captured in the bedroom searching through items on the bed, with the green & white ID with blue lanyard next to him on the bed. [Garcia 14:06:00 – 14:06:10].
18. **14:03:40 – 14:03:50** Officers search [REDACTED] bedroom. PO Collins points to a set of keys on a table/nightstand, stating, "House keys, also." PO Moranz takes a cell phone picture of the keys. [Moranz 14:03:40 – 14:03:50].
19. **14:07:15 – 14:08:10** Lt. Schaaf is in the hallway as PO Waszak goes to the rear parking lot; no "concerned citizen" is seen in the parking lot. [Waszak 14:07:15 – 14:08:10].
20. **14:08:37 – 14:12:45** Lt. Schaaf located in and near the kitchen. [Bourdosis, Perez, Fosco 14:08:37 – 14:12:45].

21. **14:12:15 – 14:12:24** PO Collins, PO Garza, PO Moranz, and PO Waszak search [REDACTED] [REDACTED] bedroom (middle bedroom). PO Garza picks up keys from table/nightstand and says, “For his Infiniti,” and sets them back down on the table. [Collins & Garza 14:12:15 – 14:12:24].
22. **14:13:28 – 14:14:30** Lt. Schaaf located in north bedroom [Acosta 14:13:28 – 14:14:30].
23. **14:14:35 – 14:14:47** Lt. Schaaf in the hallway tells PO Waszak he’s recently searched the kitchen. [Waszak 14:14:35 – 14:14:47].
24. **14:14:45 – 14:15:40** Lt. Schaaf located in the middle bedroom with PO Garza and PO Collins. [Garza & Collins 14:14:45 – 14:15:40].
25. **14:16:40 – 14:16:44** Keys are visible on the small table in the middle bedroom. [Garza 14:16:40 – 14:16:44]
26. **14:16:47 – 14:17:54** Lt. Schaaf briefly converses in the hallway with PO Waszak, then discusses transporting Mr. [REDACTED] with Sgt. Perez. [Waszak & Perez 14:16:47 – 14:17:54].
27. **14:17:55 – 14:18:20** Lt. Schaaf located in the hallway. [Acosta 14:17:55 – 14:18:20].
28. **14:18:40 – 14:19:20** Lt. Schaaf located on the back porch with Sgt. Perez. [Perez 14:18:40 – 14:19:20].
29. **14:18:40 – 14:19:30** Keys are visible on the small table in the middle bedroom. [Garza 14:18:40 – 14:19:30].
30. **14:19:38 – 14:19:45** Lt. Schaaf stands on the back porch. [Jimenez 14:19:38 – 14:19:45].
31. **14:20:20 – 14:20:50** Lt. Schaaf located in the hallway. [Moranz 14:20:20 – 14:20:50].
32. **14:20:30 – 14:20:42** Keys are visible on the small table in the middle bedroom. [Garza 14:20:30 – 14:20:42].
33. **14:20:50 – 14:21:47** Lt. Schaaf enters the middle bedroom, begins looking around. [Collins & Garza 14:20:50 – 14:21:47].
34. **14:21:30 – 14:21:40** Keys are visible on the table behind Lt. Schaaf in the middle bedroom. [Garza 14:21:30 – 14:21:40].
35. **14:21:45 – 14:21:51** PO Moranz enters the middle bedroom, keys are heard jingling, and Lt. Schaaf leaves the middle bedroom. [Moranz, Garza, & Collins 14:21:45 – 14:21:51].
36. **14:21:52 – 14:22:18** Lt. Schaaf walks out of the middle bedroom with keys in hand. He exits the back door to the back porch, with PO Carrera and PO Acosta present. Lt. Schaaf looks down into the rear parking lot, then looks down at the keys. PO Carrera and PO

- Acosta look at Lt. Schaaf, then go back inside. [Carrera 14:21:52 – 14:22:15; Acosta 14:22:00 – 14:22:18].
37. **14:24:20 – 14:24:40** After walking around the apartment and the north bedroom, PO Acosta returns to the rear doorway. The Infiniti sedan is seen with the front and rear driver's side doors open. An individual is seen leaning in the rear driver's side door, then stands up. PO Acosta returns inside and walks back down the hallway. [Acosta 14:24:20 – 14:24:40].
38. **14:24:50 – 14:25:00** In the middle bedroom, keys are no longer visible on the table. [Garza 14:24:50 – 14:25:00].
39. **14:25:30 – 14:25:48** In the middle bedroom, PO Garza says, "Did you guys grab the car keys? That were sitting there?" pointing at the small table/nightstand. PO Collins and PO Moranz say "No." Officer Moranz, the Evidence Officer, says, "I took a picture of them." PO Garza says, "Someone took them [. . .]. They were right there." Officer Moranz states, "[They] should still be there." [Garza, Collins, & Moranz 14:25:30 – 14:25:48].
40. **14:25:59 – 14:26:25** Lt. Schaaf is back inside the residence, standing in the hallway. [Carrera 14:25:59 – 14:26:25].
41. **14:26:00 – 14:26:08** Officer Collins exits the middle bedroom into the hallway and turns to walk toward the living room. [Collins & Carrera 14:26:00 – 14:26:08].
42. **14:26:05 – 14:26:15** Lt. Schaaf says, "Hey Brian." PO Collins says, "Boss?" Lt. Schaaf says, "Go up there and—if the Serg[eant] is up there—stand up there and take his place and tell him to come back [here] for me?" PO Collins replies, "Yep," then heads toward the living room. [Collins & Carrera 14:26:05 – 14:26:15].
43. **14:26:18 - 14:26:25** In the living room/kitchen, PO Collins taps Sgt. Perez on the arm and says, "Uh, Lieu[tenant]'s asking for you." Sgt. Perez says, "Alright," then gestures toward Mr. [REDACTED] and walks toward the hallway. [Collins & Perez 14:26:18 - 14:26:25].
44. **14:26:25 – 14:26:35** As Sgt. Perez walks through the hallway toward the rear of the apartment; Officer Carrera says, "He's outside." [Perez 14:26:25 – 14:26:35].
45. **14:26:40 – 14:26:53** Officer Perez exits the hallway through the back door, along with Officer Yoo, and approaches Lt. Schaaf who is standing on the back porch. Sgt. Perez says, "Yo." Lt. Schaaf appears to point toward Sgt. Perez without saying anything, and Sgt. Perez turns off his body worn camera and the two begin to converse on the back porch. Officer Yoo returns inside. [Perez 14:26:40 – 14:26:46; Yoo 14:26:40 – 14:26:53].
46. **14:26:55 – 14:27:20** As Officer Collins remains in the living room/kitchen area with Mr. [REDACTED], Mr. [REDACTED] asks if the officers have to look through his mother's room, too. Collins replies, "If there's anything you wanna tell us about so we can get out of here, we could do that," then says, "You wanna tell us anything so we don't gotta go through your

- mom's stuff, mess up her room or anything like that?" Mr. [REDACTED] says, "Yeah." Collins says, "What do you want to tell us?" Mr. [REDACTED] says he will tell the Sgt., but not PO Collins. PO Collins says, "Alright," then heads back down the hallway. [Collins 14:26:55 – 14:27:20].
47. **14:27:25 – 14:27:35** In the hallway, PO Collins calls for Sgt. Perez and PO Moranz tells him Sgt. Perez is outside talking to the lieutenant. [Collins & Moranz 14:27:25 – 14:27:35].
48. **14:27:38 - 14:27:53** PO Collins steps out onto the back porch. Sgt. Perez and Lt. Schaaf are alone on the porch talking. PO Collins tells them Mr. [REDACTED] wants to talk to Sgt. Perez to tell him where something is located. Lt. Schaaf tells Sgt. Perez "Go ahead." Sgt. Perez walks past Lt. Schaaf and says, "Hey, we'll think about it, okay?" Lt. Schaaf says, "Yeah." [Collins 14:27:38 - 14:27:53].
49. **14:28:00 – 14:30:20** Sgt. Perez walks back down the hall to the living room and speaks with Mr. [REDACTED]. Sgt. Perez tells him "He—they said you had something to tell me," then says he is going to tow Mr. [REDACTED]'s vehicles and get search warrants for them, saying, "Just like someone told on you [. . .] I'm not telling you to do that, but [. . .] [REDACTED], you're on paper, my man," likely referring to Mr. [REDACTED]'s status as a parolee. Mr. [REDACTED] doesn't give him information. Sgt. Perez says, "You got something to tell me, or no? Then I'm going to go about my business. I'm over here trying to work," gesturing toward the rear of the residence. Mr. [REDACTED] still does not give him information. Sgt. Perez exits to the hallway. [Perez 14:28:00 – 14:30:20].
50. **14:29:28** PO Moranz steps briefly onto the back porch. Lt. Schaaf is seen standing by Mr. [REDACTED]'s vehicle. No "concerned citizen" is in view. [Moranz 14:29:25 – 14:29:35].
51. **14:30:48 – 14:30:58** Sgt. Perez meets Lt. Schaaf in the hallway and says, "He says he [. . .] wanted to talk. [. . .] I tell him I'm [. . .]." Sgt. Perez points to the rear exit and says, "I'll talk to you outside." Lt. Schaaf says, "Yeah. Okay." Sgt. Perez begins walking toward the exits and deactivates his body worn camera. [Perez 14:30:48 – 14:30:58].
52. **14:31:44 - 14:32:58** A 1 minute and 23 second video with no audio captures Sgt. Perez and Lt. Schaaf walking down the stairs from [REDACTED]'s second-floor back porch, through the building's rear gate and to the dark colored Infiniti parked in the rear parking lot. As they walk, they appear to be conversing. They walk to the rear of the vehicle, Lt. Schaaf looks around, then opens the trunk. The two officers look inside and Lt. Schaaf appears to go through the contents of the trunk with his hands for approximately 15 seconds. The officers do not appear to remove any contents from the vehicle and Lt. Schaaf closes the trunk. The vehicle's license plate number is [REDACTED]. Appearing to continue conversing, the officers walk away from the vehicle toward the back of the lot. Lt. Schaaf continues walking west toward the alley; Sgt. Perez returns to the vehicle and peers into the passenger compartment through the passenger's side front and rear windows. [Perez 14:31:44 – 14:32:58].

53. **14:32:50 - 14:33:15** Sgt. Perez turns and walks through the gate and back up the stairway toward the second-floor apartment. He encounters PO Carrera standing on the back porch and deactivates his body worn camera. Officer Carrera informs Sgt. Perez that the transport vehicle, or “the wagon,” has arrived. [Carrera 14:32:50 - 14:33:15; Perez 14:32:50 - 14:33:07].
54. **14:33:17 – 14:33:24** Sgt. Perez walks through the hallway and encounters PO Moranz and PO Acosta. PO Moranz asks Sgt. Perez about the status of the operation, saying, “What’s going on, are they taking him out or are we done? We still going strong?” Sgt. Perez responds, “No, we’re—he’s gotta go,” pointing toward the living room where Mr. [REDACTED] is located. [Moranz & Acosta 14:33:17 – 14:33:24].
55. **14:33:37 – 14:35:23** Sgt. Perez reactivates his body worn camera as PO Bourdosis, PO Garcia, and PO Carrera begin escorting Mr. [REDACTED] from the residence. They walk Mr. [REDACTED] outside, around to the front of the building, and into a waiting transport vehicle. [Perez 14:33:37 – 14:34:00; Bourdosis 14:33:40 – 14:35:23; Garcia 14:33:40 – 14:35:23; Carrera 14:33:40 – 14:35:23].
56. **14:34:00 – 14:34:28** In the alley by Spaulding Avenue, the front driver’s side door of Lt. Schaaf’s police SUV is open, with Lt. Schaaf likely inside. [Carrera 14:34:00 – 14:34:28; Garcia 14:34:05 – 14:34:17; Bourdosis 14:34:17 – 14:34:20].
57. **14:34:00 – 14:34:12** In the hallway, Sgt. Perez tells PO Fosco he believes Mr. [REDACTED] had been attempting to get him away from the rear of the unit to stay in the front of the unit. Sgt. Perez then says, “Take a walk real quick?” Both officers deactivate their body worn cameras. [Perez & Fosco 14:34:00 – 14:34:12].
58. **14:34:35** PO Acosta exits to the back porch with his body worn camera facing the parking lot, alley, and Spaulding Avenue, and begins conversing for several minutes with other officers [Acosta 14:34:35].
59. **14:34:49 – 14:36:00** Sgt. Perez reactivates his body worn camera in the North Bedroom, walks to the hallway telling PO Fosco, “Keep on looking,” then walks to the living room and asks [REDACTED] which car she drives and which car Mr. [REDACTED] drives. [Perez 14:34:49 – 14:36:00].
60. **14:35:00 – 14:38:41** Lt. Schaaf is located in and around his vehicle parked on the west end of the alley by Spaulding Avenue. [Acosta 14:35:00 - 14:38:41].
61. **14:35:15 – 14:35:32** A silver sedan pulls up driving southbound on Spaulding Avenue, parking on the street near the rear of Lt. Schaaf’s vehicle parked in the alley. A car horn is heard. [Acosta 14:35:15 – 14:35:32].
62. **14:36:00 – 14:36:15** Sgt. Perez leaves the living room, walks through the hallway, briefly looking in a closet. [Perez 14:36:00 – 14:36:15].
63. **14:36:15 - 14:37:30** A male wearing a red shirt, jeans, and a baseball cap walks from around a nearby building carrying a bag of trash. He places the trash in a trash can near

- Lt. Schaaf's vehicle, walks to the silver sedan that recently arrived, enters the sedan, and the vehicle drives away southbound. Lt. Schaaf is seen exiting and then reentering his vehicle. [Acosta 14:36:15 - 14:37:30].
64. **14:36:30 – 14:36:34** Sgt. Perez walks through the hallway toward the rear exit and deactivates his body worn camera. [Perez 14:36:30 – 14:36:34].
65. **14:36:38 – 14:38:20** Sgt. Perez exits the apartment and walks down to the parking area, speaking with Lt. Schaaf for approximately 1 minutes and 50 seconds. [Acosta 14:36:38 – 14:38:20].
66. **14:38:20 – 14:38:41** Sgt. Perez walks from Lt. Schaaf back into the rear parking lot and calls up to the second-floor unit for PO Collins, stating, "Hey Collins. Come off and come over here [ . . .]," then, gesturing toward his own BWC, states to PO Collins, "Go off real quick." Officer Collins begins descending the stairway and deactivates his body worn camera. Officer Acosta deactivates his body worn camera, as well. [Acosta, Carrera, Collins, Garcia 14:38:20 – 14:38:41].
67. **14:38:40 – 14:38:53** Once PO Collins descends the stairway and joins Sgt. Perez, the two stand in the parking lot next to Mr. ██████' Infiniti looking at the vehicle and talking. [Carrera 14:38:40 – 14:38:53].
68. **14:39:12 – 14:39:15** Lt. Schaaf is located near his vehicle parked in the alley, alone. [Fosco 14:39:12 – 14:39:15].
69. **14:41:06 – 14:41:55** Lt. Schaaf is located near his vehicle parked in the alley, alone. [Carrera 14:41:06 – 14:41:55].
70. **14:41:55 - 14:42:04** PO Collins is located in the parking lot looking into the Infiniti's windows. [Carrera 14:41:55 - 14:42:04].
71. **14:42:38 – 14:42:50** PO Acosta, standing on the porch with other officers and looking down at the officers in the parking lot states, "They probably see something. But, I think, if they see something, they're probably gonna want to get a warrant for it. In case there is something in there. Which there probably is." PO Acosta then heads down the stairs to the parking lot. [Garcia & Carrera 14:42:38 – 14:42:50].
72. **14:43:00 – 14:43:15** Sgt. Perez is heard calling up to the officers standing on the porch, stating, "You guys go inside." The officers on the porch then immediately turn and go inside the apartment, with Sgt. Perez, Lt. Schaaf, PO Acosta, and PO Collins remaining next to the vehicle. Upon the order, PO Jesus Garcia immediately states, "Inside - let's go! Come on." Another officer (likely PO Carreon) asks something inaudible to which PO Garcia replies, "Yeah, come inside." The officer (likely PO Carreon) states, "I'm off, though," (appearing to refer to his deactivated body worn camera), to which PO Carrera replies, "It don't matter, bro," and PO Garcia replies, "Get your ass inside, bro, damn!" The officers proceed to the living room area of the apartment. [Garcia & Carrera 14:43:00 – 14:43:15].

73. **14:43:10 – 14:50:06** During this approx. 7-minute period, the door leading to the back porch and parking lot remains fully or partially closed. Inside the apartment are Officers Bourdosis, Carrera, Garcia, Fosco, Garza, Jimenez, Yoo, Moranz, and Waszak. Outside the apartment are Lt. Schaaf, Sgt. Perez, PO Acosta, and PO Collins. [Carrera & Multiple at 14:43:10 – 14:50:06].
74. **14:47:05** PO Moranz steps very briefly out of the hallway to the back porch, then steps back inside. As he turns, Sgt. Perez, Lt. Schaaf, PO Collins, PO Acosta (right to left) are seen standing to the rear of vehicle, appearing to converse. [Moranz 14:47:05].
75. **14:47:10 – 14:47:20** PO Waszak, standing in the hallway with other officers, walks toward the back door and states, “Alright. I’m walking out. Killin’ it,” to which PO Carreon replies, “Serg[eant] said stay in here.” PO Waszak replies, “Huh?” PO Carreon states again, “He said stay in here.” PO Waszak remains in the hallway. [Moranz, Carreon, Waszak, 14:47:10 – 14:47:20].
76. **14:50:03 – 14:50:17** As Sgt. Perez reactivates his body worn camera, Lt. Schaaf and Sgt. Perez are seen ascending the stairway. Sgt. Perez turns around and speaks with PO Acosta and PO Collins who are walking through the gate from the parking lot toward the stairs. No “concerned citizen” is seen in the parking lot or surrounding areas. [Perez 14:50:03 – 14:50:17].
77. **14:50:03 – 14:50:43** Lt. Schaaf and Sgt. Perez re-enter the apartment from the rear entrance. Lt. Schaaf stands in front of Mr. ██████’ bedroom. As Sgt. Perez walks past, Lt. Schaaf states, “If you have a conversation—about the cars.” Sgt. Perez responds, “I’ll go ask her” and proceeds to the living room. [Moranz 14:50:06 – 14:50:30; Perez 14:50:03 – 14:50:43].
78. **14:50:38 – 14:51:00** PO Collins stands on the back porch speaking with another officer, likely PO Acosta. [Carreon 14:50:38 – 14:51:00].
79. **14:50:42-14:50:50** PO Acosta is seen speaking with PO Collins on the back porch. PO Acosta sits down on the stairway on the back porch. [Garcia 14:50:42-14:50:50].
80. **14:50:57 – 14:54:04** PO Acosta remains seated on the stairway of the back porch. [Garcia, Carrera, Waszak, Fosco 14:50:57 – 14:54:04].
81. **14:50:44 – 14:51:20** Sgt. Perez proceeds to the living room, looking at a set of keys and asking ██████ if she knows where the keys to ██████’ Infiniti are located. [Perez 14:50:44 – 14:51:20; Bourdosis 14:50:44 – 14:51:20].
82. **14:51:30 – 14:51:38** Sgt. Perez returns to the hallway and calls to the other officers, “Alright, we need keys. We need his keys for the Infiniti in the back. Okay, I mean, we’re gonna need keys.” [Perez & Moranz, 14:51:30 – 14:51:38].
83. **14:51:38 – 14:52:40** Lt. Schaaf enters Mr. ██████’ bedroom (Middle Bedroom) and Sgt. Perez follows. Officer Moranz follows and states, “They were, uh [ . . . ],” then yells, “Who took the keys out of here?” Lt. Schaaf, inside the bedroom, states, “They’re right

- here.” Lt. Schaaf, Sgt. Perez, and Officer Moranz confirm they are the correct keys. Officer Moranz states, “They were there.” Lt. Schaaf directs Officer Moranz to take a picture of the keys. Officer Moranz states he had already done so. Sgt. Perez then confirms that another key on the key ring opens the back door to the residence. [Perez, Fosco, & Moranz, 14:51:38 – 14:52:40].
84. **14:52:27 – 14:52:35** PO Acosta, sitting on the stairway on the back porch says to Sgt. Perez in the rear doorway, “Serge[ant]. That guy left.” Sgt. Perez replies, “He did?” PO Acosta states, “I think he just got spooked.” [Perez 14:52:27 – 14:52:35].
85. **14:53:15 – 14:54:00** Lt. Schaaf exits the hallway and stands with several officers who are standing and sitting on the rear porch and stairway. Officer Acosta states to Lt. Schaaf, “That guy left. The guy who was out here telling us about the car.” Lt. Schaaf states, “[. . .] the trunk?” Officer Acosta states, “Yeah.” Lt. Schaaf states, “Nice guy.” Officer Acosta then says something inaudible. Officer Acosta then says, “Alert on the car?” Officer Fosco says, “Write it up, then?” Officer Acosta states, “You’re writing it up. I don’t want Jose or fuckin’ Chuy to write it up.” Officer Acosta pauses then says, “But I’ll help.” He pauses again and says, “Team player.” [Fosco 14:53:15 – 14:54:00].
86. **14:54:00 – 14:56:28** PO Moranz reviews warrant Inventory with [REDACTED]. Sgt. Perez begins leaving the residence, stating, “I’m clear,” and deactivates his body worn camera. [Moranz & Perez 14:54:00 – 14:56:28].
87. **14:56:00 – 14:58:24** PO Moranz takes exit photographs of the rooms in the residence, exits the rear exit with PO Bourdosis, closes the door, begins descending the stairs, and deactivates his body worn camera, capturing ten officers standing in the parking lot, surrounding [REDACTED]’ vehicle. [Moranz 14:54:00 – 14:58:24].
88. **15:27:25 – 15:35:10** Approximately twenty-nine minutes later, Sgt. Perez reactivates his BWC in a 010<sup>th</sup> District cell with [REDACTED] handcuffed to a mount on the cell wall. Sgt. Perez asks Mr. [REDACTED] to provide consent to search his vehicle, stating that drug dogs are on the way to the apartment and that they are going to get a warrant to search the vehicle. He states there is “brush of weed” visible on the floor inside the passenger compartment. Mr. [REDACTED] refuses to give consent to search. [Perez 15:27:25 – 15:35:10].
89. **16:35:50 – 16:39:39** Sgt. Perez arrives back at Mr. [REDACTED]’ residence with Lt. Schaaf, Officer Carrera, Officer Garcia, and Officer Bourdosis also present. The officers stand at the rear of Mr. [REDACTED]’ Infiniti as body worn camera audio activates. Officer Garcia asks Sgt. Perez, “You got it?” Perez states, “Yeah, I got it.” Lt. Schaaf opens the trunk and searches through the contents of the trunk, removing a black bag, closing the trunk, and setting the bag on top of the trunk. Lt. Schaaf removes two firearms and other items. He and Officer Carrera place the weapons back in the black bag, which Lt. Schaaf begins carrying from the vehicle as Sgt. Perez deactivates his body worn camera for the final time. [Perez 16:35:50 – 16:39:38; Carreon 16:36:35 – 16:39:39].