

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 2, 2018
Time of Incident:	1:52 AM
Location of Incident:	[REDACTED]
Date of COPA Notification:	April 25, 2018
Time of COPA Notification:	4:50 PM

On March 2, 2018, at or about 12:33 AM, Judge [REDACTED] issued a search warrant for the address [REDACTED]. It demanded officers search [REDACTED] and seize any cannabis or related cash and paraphernalia.<sup>1</sup> According the OEMC Event Query, officers executed the search warrant at or about 1:52 AM.

COPA received a communication written by Mr. [REDACTED] dated March 2, 2018, in which he claimed the search in question was performed without having the search warrant in his name. He also claimed that, among other things, the gun that was recovered from his bedroom<sup>2</sup> was planted.

On July 1, 2019, Mr. [REDACTED] pleaded guilty to possession of a firearm without a valid FOID card and was sentenced to three years in prison.

**II. INVOLVED PARTIES**

Accused Sergeant #1:	Raymond Boyd, star # 1429, employee ID# [REDACTED], Date of Appointment- April 26, 2004, rank Sergeant, Unit of Assignment 006, DOB [REDACTED], 1981, Male, Asian American and Pacific Islander.
Accused Officer #1:	Sean Lynch, star # 18495, employee ID# [REDACTED], Date of Appointment-November 24, 2014, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1987, Male, White.
Accused Officer #2:	John McBroom, star # 14409, employee ID# [REDACTED], Date of Appointment- October 31, 2012, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1987, Male, White.
Accused Officer #3:	Constantino Martinez, star # 12428, employee ID# [REDACTED], Date of Appointment-April 6, 2015, rank Police Officer,

<sup>1</sup> [REDACTED] is also known as [REDACTED].

<sup>2</sup> Proof of residence for Mr. [REDACTED] was located in this room.

Unit of Assignment 002 Gang Enforcement, DOB [REDACTED], 1992, Male, White.

Involved Sergeant #1: Devinn Jones, star # 1179, employee ID# [REDACTED], Date of Appointment- October 4, 1999, rank Sergeant, Unit of Assignment 620, DOB [REDACTED], 1975, Male, Black.

Involved Officer #1: Clara Cinta, star # 16577, employee ID# [REDACTED], Date of Appointment- May 27, 2014, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1987, Female, White/White Hispanic.

Involved Officer #2: Robert Gleich, star # 14432, employee ID# [REDACTED], Date of Appointment- August 31, 2015, rank Police Officer, Unit of Assignment 006, DOB [REDACTED] 1986, Male, White.

Involved Officer #3: Nicholas Nesis, star # 3329, employee ID# [REDACTED], Date of Appointment- February 23, 2015, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1991, Male, White.

Involved Officer #4: Michelle Gaona, star # 10300, employee ID# [REDACTED], Date of Appointment- April 25, 2016, rank Police Officer, Unit of Assignment 006, DOB [REDACTED] 1978, Female, White.

Involved Officer #5: Gabriel Rodriguez, star # 12737, employee ID# [REDACTED], Date of Appointment- April 6, 2015, rank Police Officer, Unit of Assignment 005, DOB [REDACTED], 1991, Male, White/White Hispanic.

Involved Officer #6: Danielle Deering, star # 13716, employee ID# [REDACTED], Date of Appointment- November 30, 2012, rank Police Officer, Unit of Assignment 006, DOB [REDACTED] 1986, Female, White.

Involved Officer #7: Nancy Castellano, star # 17028, employee ID# [REDACTED], Date of Appointment- September 29, 2017, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1989, Female, White.

Involved Officer #8: Piotr Opacian, star # 8729, employee ID# [REDACTED], Date of Appointment- August 29, 2016, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1990, Male, White.

Involved Officer #9: Richard Rodriguez, star #19096, employee ID# [REDACTED], Date of Appointment-April 28, 2014, rank Police Officer (currently FTO), Unit of Assignment 12<sup>th</sup> District, DOB [REDACTED], 1981, Male, White.

Involved Officer #10: Carlie Casasanto (now Bandyk), star # 14350, employee ID # [REDACTED], Date of Appointment August 31, 2015, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1990, Female, White.

Involved Officer #11: Officer Renee Gardner star # 16385, employee ID# [REDACTED], Date of Appointment- August 25, 2014, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1990, Female, Black.

Involved Officer #12: Officer Jose L. Gutierrez star # 18968, employee ID# [REDACTED], Date of Appointment- December 2, 2013, rank Police Officer, Unit of Assignment 006, DOB [REDACTED] 1984, Male, White.

Involved Officer #13: James Hunt star # 11442, employee ID# [REDACTED], Date of Appointment- June 3, 2013, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1984, Male, White.

Involved Officer #14: Joseph Malek star # 17438, employee ID# [REDACTED], Date of Appointment- September 1, 2010, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1982, Male, White.

Involved Officer #15: Shadi Sweiss star # 20849, employee ID# [REDACTED], Date of Appointment- April 1, 2013, rank Police Officer (currently assigned as Detective), Unit of Assignment 640 Detectives Area 4, DOB [REDACTED], 1982, Male, White.

Involved Officer #16: Artiom Podgurschi star # 15086, employee ID# [REDACTED], Date of Appointment- August 31, 2012, rank Police Officer, Unit of Assignment 003, DOB [REDACTED], 1977, Male, White.

Involved Civilian #1: [REDACTED] [REDACTED] (aka [REDACTED]), DOB [REDACTED], 1987, Male, Black.

Civilian Witness #1: [REDACTED] DOB [REDACTED], 1988, Male, Black.<sup>3</sup>

<sup>3</sup> An attempt to interview Mr. [REDACTED] was made, however, his attorney, [REDACTED], stated she wanted to speak with him first as he was mid a criminal proceeding. We never heard back from him or his attorney about doing an

III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Constantino Martinez	1. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near the west alley of 5942 S, Paulina, Officer Constantino Martinez used excessive force when he bent ██████████ ██████████ thumb back after he was handcuffed.	Not Sustained
Officer Sean Lynch	1. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near the west alley of 5942 S, Paulina, Officer Sean Lynch planted evidence on ██████████ ██████████ when he placed a silver and black scale in ██████████ front pocket.	Unfounded
	2. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near ██████████ ██████████ Ave., Officer Sean Lynch removed sixty-eight dollars (\$68), in paper money and coinage, from ██████████ Dillard’s front pocket, which was mixed in with confiscated cash and never returned.	Not Sustained
	3. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near ██████████ ██████████ Ave., Officer Sean Lynch damaged the front door during breach of that residence.	Not Sustained
	4. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near ██████████ S. ██████████ Ave., Officer Sean Lynch did not announce there was a search warrant before entering residence at that address.	Unfounded

interview but determined it was not necessary because we were able to secure a complete copy of the search warrant, and we were able to determine, using body worn camera footage, that Mr. ██████████ opened the door for the officers after they announced they were police and had a search warrant.

Officer John McBroom	1. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near [REDACTED] Ave., Officer John McBroom planted a gun.	Unfounded
Sergeant Raymond Boyd	1. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near [REDACTED] Ave., CPD Officers searched his residence without a search warrant in his name.	Unfounded

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 14: Making a false report, written or oral.

General Orders

1.G03-02(III)(B)-USE OF FORCE

Special Orders

1.S04-19 (VIII) (D)(b)-SEARCH WARRANTS

**V. INVESTIGATION<sup>4</sup>**

**a. Interviews**

[REDACTED] (aka [REDACTED])<sup>5</sup>

On May 1, 2018, [REDACTED] gave a recorded interview at 1615 W. Chicago Ave. He stated that on the date in question he and his friend and roommate, [REDACTED] [REDACTED] heard 7-8 loud slams on the front door.<sup>6</sup> There was no announcement that the people outside were the police or that there was a search warrant.<sup>7</sup> Mr. [REDACTED] was afraid someone might shoot through the door and

<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>5</sup> Attachment 15.

<sup>6</sup> Attachment 15 at 06:00.

<sup>7</sup> Attachment 16 at 06:05.

ran upstairs. When he got to the room by the bathroom, he climbed out the window onto a roof, jumped down to street level, and ran out of fear.<sup>8</sup> At the time there were no officers outside the house or on the porch, and he claimed he did not know the police were inside his house. As Mr. ██████ got to alley at 59<sup>th</sup> and Paulina, someone said to stop, or he would shoot.<sup>9</sup>

At that point Mr. ██████ knew it was a police officer. Mr. ██████ put his hands up, got down onto the ground, and put his hands behind his back as directed by a police officer. The officer cuffed him, and then grabbed his left thumb and bent it back, causing it to pop.<sup>10</sup> Mr. ██████ then stated that an officer put his knee in ██████'s back then placed something steel into Mr. ██████'s hand and then took it out, but he does not know what it was. He also claimed a young white officer picked him off the ground and planted a black and silver scale in his pocket.<sup>11</sup> He told the officer the scale was not his. Later another officer took the scale away from him. Mr. ██████ was placed into a police car which took him to 59<sup>th</sup> and Marshfield.

Mr. ██████ told investigators he overheard officers talking about which gun they were going to put on him and saw an officer walking with a chrome gun with something black over the handle. He walked toward his house and handed another officer the chrome gun at which time they walked to the alley. Mr. ██████ asked an officer what they were going to charge him with, and he responded, fleeing and eluding, a scale, and a gram of ecstasy. ██████ asked the officer to adjust the handcuff, which he did.

Officers on scene asked Mr. ██████ if he threw anything onto a roof, and ██████ responded, no. Mr. ██████ then reported an officer went into right pocket and took out his state ID, credit cards, \$65 in cash and \$3 in change.<sup>12</sup> He asked officer to leave money in his pocket, but the officer took the money. Mr. ██████ claimed that money was never returned to him, and that the officers mixed his money with money that belonged to Mr. ██████<sup>13</sup>

While still at the scene, Mr. ██████ told a detective his thumb really hurt, and according to Mr. ██████ the detective asked if he wanted to go to the hospital. Although it is unclear, it seemed Mr. ██████ said the detective then told him that if he went to the hospital, he would put more charges on him. He then told Mr. ██████ he was going to charge him with a gun, fleeing and eluding, the scale, and a little ecstasy, which Mr. ██████ claimed was actually Fruit Loops.

Mr. ██████ also expressed concern regarding several other things, including the search warrant. After he was released from lock-up, Mr. ██████ told him that when he asked the officers about the search warrant, the officers said it was coming.<sup>14</sup> He also claimed that he asked the officers about the search warrant when they were in the police vehicle, but was not given any information.<sup>15</sup> Mr. ██████ ultimately alleged the officers never had a search warrant in his name.<sup>16</sup>

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<sup>8</sup> Attachment 15 at 06:35.

<sup>9</sup> Attachment 15 at 07:57.

<sup>10</sup> Attachment 15 at 08:20.

<sup>11</sup> Attachment 15 at 08:50.

<sup>12</sup> Attachment 15 at 14:00.

<sup>13</sup> Attachment 15 at 14:40.

<sup>14</sup> Attachment 15 at 15:30.

<sup>15</sup> Attachment 15 at 15:40.

<sup>16</sup> Attachment 15 at 21:44.

He also alleged that when the officers entered the house, they used a ram to get into the house which damaged the outside, metal front door, they were not let in by [REDACTED], as was claimed. Mr. [REDACTED] also explained that if he had known there were police there, he would have stayed in the house because he had nothing to hide. He did not do anything illegal and did not sell drugs. In fact, he was unaware there was a gun in the house. Mr. [REDACTED] also pointed out he did not live in the room where the gun was found, and claimed it was Mr. [REDACTED] son's room. His mail and clothes were in there only for safe keeping. Lastly, Mr. [REDACTED] said nobody read him his rights, although an officer claimed that he did, and said it was captured on camera.<sup>17</sup>

### Officer Sean Lynch<sup>18</sup>

On July 15, 2020, Officer Sean Lynch gave a recorded interview at 1615 W. Chicago Ave. Officer Lynch stated that on the date in question, he and a group of other officers went to the location in question to execute a search warrant. He was the affiant. When they arrived on scene, the officers announced their presence and prepared to force entry. They used a "Chicago Bar" and a striking tool to attempt to open the screen door. However, a resident, now known as [REDACTED] appeared, and opened both the screen door and the inside door, after which the officers entered the residence. Officer Lynch did not recall seeing or being told there was damage on the screen door caused by the "Chicago Bar" and believed that since the door was opened by Mr. [REDACTED] and not the "Chicago Bar", it is likely there was no damage done.<sup>19</sup>

The officers first performed a sweep of the residence to locate and detain any additional occupants. After photographs were taken of all rooms, and the officers conducted a systematic search of the residence and seized all relevant evidence. During the search, one of the defendants, now known as [REDACTED] made his way onto a roof, jumped from the roof to the sidewalk and fled on foot.<sup>20</sup> After a short foot pursuit, he was detained and placed into custody, based on the location of cannabis in the residence prior to the chase. Officer Lynch performed a custodial search and located a digital scale in Mr. [REDACTED] pants pocket.<sup>21</sup> He was then relocated to the address in question.

When Investigators asked Officer Lynch if Mr. [REDACTED] ever accused him or anyone else of planting the scale on him, Officer Lynch responded that Mr. [REDACTED] told him that all he had on him at the time was the scale.<sup>22</sup> Officer Lynch stated he did not plant the scale on Mr. [REDACTED]

Another custodial search was performed by Officer Lynch before Mr. [REDACTED] was placed into the transport vehicle. During the search, Officer Lynch recovered miscellaneous cards, papers and US currency.<sup>23</sup> Officer Lynch did not recall what his mindset was at the time, but he said he

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<sup>17</sup> Attachment 15 at 18:10.

<sup>18</sup> Attachment 33.

<sup>19</sup> Attachment 33 at 15:10.

<sup>20</sup> Attachment 33 at 06:30.

<sup>21</sup> Attachment 33 at 17:53.

<sup>22</sup> Attachment 33 at 18:40.

<sup>23</sup> Attachment 33 at 19:40-25:24.

removed the cards and currency from Mr. [REDACTED] pockets at the scene, possibly because the search warrant allowed for the seizure of currency likely involved in narcotics sales, or possibly as a courtesy to Mr. [REDACTED] who at one point agreed to the removal and relocation of the currency to the residence. It must be noted, however, Mr. [REDACTED] at some point in the conversation, objected to the officer doing so.

Based on the video footage, it appeared he laid the currency on the kitchen counter, as discussed with Mr. [REDACTED]. Although Officer Lynch was not sure about his reason for taking control of the currency, he stated that if he had intended it to be evidence, he would have notified his supervisor and the officer in charge of currency collection, and he would have handed the currency over to them rather than lay it on the kitchen counter. Officer Lynch did not know if someone picked up the currency after he left the location in question, but believed that had it been picked up, it would have been inventoried, with a notation as to the location it was recovered from.

### **Officer Constantino Martinez<sup>24</sup>**

On July 15, 2020, Officer Constantino Martinez gave a recorded interview at 1615 W. Chicago Ave. On the date in question, Officer Martinez was at the location in question to execute a search warrant. After they entered the residence, the target of the search warrant jumped out of a second-floor window and fled. He was later apprehended in an alley by Officer Nesis. Officer Martinez stated, after reviewing his body worn camera footage, it appeared that he handcuffed Mr. [REDACTED]<sup>25</sup>. At the time, Mr. [REDACTED] was a flight risk, and behaving as an active resistor.

Mr. [REDACTED] alleged that excessive force was used after he was handcuffed when his thumb was bent back.<sup>26</sup> Officer Martinez stated that based on the body worn camera, it looked like he bent Mr. Dillard's thumb in an effort to control his arm and handcuff him.<sup>27</sup> Neither Mr. [REDACTED] nor anyone else ever mentioned that Mr. [REDACTED] was in any pain, or that there were any other issues regarding his thumb.

### **Officer Nicholas Nesis**

On August 21, 2020, Officer Nicholas Nesis gave a recorded interview at 1615 W. Chicago Ave. Before the interview Officer Nesis was asked to view parts of his body worn camera footage, and parts of the body worn camera footage for Officers Lynch and Boyd. When investigators failed to get a clear enough view of the intended footage from Officer Lynch's BWC, a screen shot, marked as Exhibit A, was made of the image at 22:49. Officer Nesis identified the items on the kitchen counter as currency. And, in an effort to refresh the officer's recollection as to what

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<sup>24</sup> Attachment 35.

<sup>25</sup> Attachment 33 at 10:00.

<sup>26</sup> Attachment 35 at 10:50.

<sup>27</sup> Attachment 35 at 11:35.

his role was in the search, he was allowed to review Attachment 31, marked as Exhibit B, and Attachment 32, marked as Exhibit C. Based on these documents, Officer Nesis was able to determine that he was assigned the role of evidence officer for this search.

Officer Nesis was at the location in question to execute a search warrant and he was responsible for handling the evidence recovered at the scene. During the search of the location in question, Officer Nesis became involved in the foot chase of Mr. ██████████ and eventually apprehended him. He then relocated back to the location in question and participated in the systematic search of the residence. He did not recall removing any currency from the kitchen island, but stated that had he done so, it would have been inventoried separately from the currency seized from the upstairs bedroom.

## **b. Digital Evidence**

### **BODY WORN CAMERA<sup>28</sup>**

#### **Sergeant Raymond Boyd**

At the beginning of the video, something blocked the camera lens, but the sound of banging, metal on metal, and males shouting “Chicago Police” and “Search Warrant” are clear.<sup>29</sup> After the breach, Sergeant Boyd entered the house, and soon after called out it was clear in the basement, and that he smelled weed.<sup>30</sup> Soon after someone yelled, “out the front” and Sergeant Boyd with other visible officers started to run, apparently back toward the front door.<sup>31</sup> Sergeant Boyd stopped in the front living room and asked the man on the black couch for his name, to which he responded, “██████████, sir.”<sup>32</sup> Mr. ██████████ asked Sergeant Boyd what was going on. Sergeant Boyd explained that the officers were executing a search warrant and advised Mr. ██████████ that he would tell him more when things were secure.<sup>33</sup> He also mentioned that the officer who obtained the search warrant would give him a copy of the search warrant at some point.<sup>34</sup>

Sergeant Boyd learned a second male subject, now known as ██████████ jumped off the roof near the front of the house and attempted to run. There was a radio transmission that said the offender could possibly be armed<sup>35</sup>. Soon after it was announced Mr. ██████████ was caught.<sup>36</sup>

██████████ ██████████ told Sergeant Boyd that there was no firearm in the house, but there was a couple of ounces of marijuana.<sup>37</sup> Sergeant Boyd told some of the officers that were now in the house that there was marijuana upstairs. Soon after, he went upstairs where an officer was

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<sup>28</sup> Attachment 24. This is all of the body worn camera videos related to this case. The video entries for officers with multiple entries, and that are numbered, may seem out of sequence. They were sent in random order and were downloaded and named before they were viewed.

<sup>29</sup> Attachment 24 Boyd at 06:52.

<sup>30</sup> Attachment 24 Boyd at 01:38.

<sup>31</sup> Attachment 24 Boyd at 02:25.

<sup>32</sup> Attachment 24 Boyd at 02:43.

<sup>33</sup> Attachment 24 Boyd at 03:21.

<sup>34</sup> Attachment 24 Boyd at 06:04.

<sup>35</sup> Attachment 24 Boyd at 04:33.

<sup>36</sup> Attachment 24 Boyd at 05:24.

<sup>37</sup> Attachment 24 Boyd at 05:06.

searching a bedroom, painted green. The officer reported that there was cash found, which was later put into a box. Sergeant Boyd said they would seize it. There was also an amount of marijuana in plain view, and a bunch of plastic baggies that were recovered. Sergeant Boyd took Mr. ██████ upstairs to direct him to the remaining marijuana. Mr. ██████ said that the marijuana they already found was all he had. Officers also found mail with ██████'s name on it. An officer then came into the green bedroom and told Sergeant Boyd that they found a gun under the bed in the next room.<sup>38</sup>

#### **Officer Carlie Casasanto-2**

Officer Casasanto was the rear passenger in a three-man police vehicle. When the officers exited the vehicle at the location in question, the breach team yelled, "Chicago Police, search warrant, open the door."<sup>39</sup> Casasanto and the other officer entered the house and began to search. Shortly thereafter, another officer then yelled, "going out the front, white tee shirt."<sup>40</sup> Officer Casasanto and other officers started running down the stairs, and then out the front door of the house. Casasanto ran down the streets in search of the suspect until he was apprehended by other officers.<sup>41</sup>

#### **Officer Carlie Casasanto-1**

Officer Casasanto searched in several areas of the house. While in the white bedroom, she located a bag with some marijuana in it and a large quantity of small plastic baggies. She eventually relocated to the green bedroom to continue the search and recovered a wad of cash in the pocket of what appears to be a pair of sweatpants. She took the cash out of the pockets and placed it in a box that already contained cash found earlier in a different location.<sup>42</sup>

#### **Officer Nancy Castellano**

Officer Castellano arrived at the location in question and walked down the side of the house toward the back yard. She looked around for a short time and then then walked back toward the front of the house. Shortly after she entered the house, someone yelled, "running," and Officer Castellano ran out the front door with other officers. She ran after the suspect through neighboring yards then down a street a short distance away. Soon, a radio message announced the male subject had been caught.<sup>43</sup>

Castellano joined the search at the location in question and stayed until the search was over.

#### **Officer Clara Cinta**

Officer Cinta pulled up to the address in question along with a partner. They approached and entered the location in question after it had already been breached. Officer Cinta, like other officers, ran out of the house after someone yelled, "running."<sup>44</sup> Once the subject was apprehended, Officer Cinta joined the search of the house and recovered a quantity of what

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<sup>38</sup> Attachment 24 Boyd at 17:39.

<sup>39</sup> Attachment 24 Casasanto 2 at 01:25.

<sup>40</sup> Attachment 24 Casasanto 2 at 02:57.

<sup>41</sup> Attachment 24 Casasanto 2 at 05:57.

<sup>42</sup> Attachment 24 Casasanto 2 at 25:32.

<sup>43</sup> Attachment 24 Castellano at 03:30.

<sup>44</sup> Attachment 24 Cinta at 02:39.

appeared to be an orange powder in a small, knotted baggie, which was located in the white bedroom.<sup>45</sup>

### **Officer Michelle Gaona**

Officer Gaona pulled up in the alley behind the location in question. She walked to the side of the garage so she, with another officer, could see the back of the house. When it was announced that someone ran, Gaona said she was going to stay there and watch the house. The male officer stayed with her. After the subject was apprehended, Officer Gaona looked around the yard with flashlight, and stayed in the back yard until her camera was deactivated.

### **Officer Renee Gardner**

Officer Gardner entered the location in question, cleared the basement, and joined the foot pursuit of the suspect. After the suspect was apprehended, she returned to the search at the location in question. When Officer Gardner walked through the kitchen, the cash and cards Officer Lynch recovered from Mr. ██████ is visibly lying on the center island in the kitchen.<sup>46</sup>

### **Officer Robert Gleich**

Officer Gleich arrived at the location in question. Officers started banging on the front door in an attempt to gain entry and Officer Gleich ran to the back of the house with two other officers and found the back door secured with an iron gate. Officer Gleich participated in the pursuit of the suspect and the search of the grounds between the location in question and the place where the suspect was apprehended, in search of something the suspect may have tossed.

### **Officer Jose Gutierrez 3**

Officer Gutierrez arrived at the location in question along with several other officers. Once the breach was completed, Officer Gutierrez went to basement, which he and other officers found to be clear. Officer Gutierrez participated in the foot pursuit of the suspect until a radio transmission announced that they had him, and then searched a nearby vacant lot and alley. Gutierrez arrived back at the location in question and walked over to the transport vehicle meant for Mr. ██████<sup>47</sup> Another officer adjusted Mr. ██████'s handcuffs and put Mr. ██████ back into the vehicle. The officer who drove the vehicle said she was going to turn some heat on for Mr. ██████<sup>48</sup> The driver and Officer Gutierrez both got into the transport vehicle. Mr. ██████ asked about the \$65 an officer took out of his pocket and was told the same officer would talk to him about it later<sup>49</sup>. Then, one of the two officers asked Mr. ██████ if he had any injuries, to which he answered, no.<sup>50</sup>

### **Officer Jose Gutierrez 2**

Officer Gutierrez arrived at the open house and encountered Mr. ██████ other officers in the living room. Camera was turned off at 00:46.

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<sup>45</sup> Attachment 24 Cinta at 22:20.

<sup>46</sup> Attachment 24 Gardner at 13:51.

<sup>47</sup> Attachment 24 Gutierrez 3 at 10:50.

<sup>48</sup> Attachment 24 Gutierrez 3 at 13:34.

<sup>49</sup> Attachment 24 Gutierrez 3 at 15:30.

<sup>50</sup> Attachment 24 Gutierrez 3 at 15:57.

**Officer Jose Gutierrez 1**

Officer Gutierrez exited out of the passenger side front seat of the police vehicle and went around to the driver's side. Mr. ██████ got out of the back seat and the driving officer adjusted his handcuffs.<sup>51</sup> He expressed concern that someone may be able to get into his home while he and Mr. ██████ were away, but an officer assured him that they would take care of it and secure things. Mr. ██████ was transported to the 79<sup>th</sup> St. and Halsted.

**Officer James Hunt**

Officer Hunt arrived at the location in question and entered. After the foot pursuit of Mr. ██████ commenced, he told dispatch, over the radio, to use caution because the person who ran may be armed.<sup>52</sup> Officer Hunt walked upstairs and looked around. Everything seemed to be neat, and it looked as though it had not been searched yet. Once inside the pink bedroom, he mentioned that he could smell cannabis. The other officer in the room looked under the bed and discovered a firearm.<sup>53</sup> Officer Hunt and the other officer started to search.<sup>54</sup> Soon after, Officer Hunt relocated to the green bedroom and reported to other officers that the Sargent opened a safe and found a lot of cash.<sup>55</sup> Officer Hunt then told the evidence officer the pistol was under the bed.<sup>56</sup>

**Sergeant Devinn Jones**

Sergeant Jones was present for the breach of the location in question and the pursuit of Mr. ██████. He returned to the location in question, went upstairs to the green bedroom, and recovered baggies and a large amount of cash stored in an open safe.<sup>57</sup>

**Officer Sean Lynch**

Officer Lynch approached the location in question, walked up to the front door and knocked on it with some sort of long metal tool. He yelled, "Chicago police, search warrant," and a man came to the door and opened it.<sup>58</sup> The officers entered the location in question and had the man step outside. One officer called out, "Chicago police, search warrant," as they cleared the first floor. As officers spread out through the house, one officer yelled, "going out the front-white t-shirt," and several officers, including Officer Lynch, ran downstairs from the second floor and out the front door.<sup>59</sup> Officer Lynch got into an unmarked car and drove until someone said something to the effect that they were in an alley, and that they got him. He then drove to the location in the alley where the subject was apprehended and handcuffed while face down on the ground. The officers stood the subject up and Officer Lynch performed a pat own. He said, "scale" after searching the subject's (now known as ██████) right front pocket.<sup>60</sup> The officers then put Mr. ██████ in Officer Lynch's vehicle.

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<sup>51</sup> Attachment 24 Gutierrez 1 at 00:32.

<sup>52</sup> Attachment 24 Hunt at 01:03.

<sup>53</sup> Attachment 24 Hunt at 03:26.

<sup>54</sup> Attachment 24 Hunt at 06:36.

<sup>55</sup> Attachment 24 Hunt at 08:33.

<sup>56</sup> Attachment 24 Hunt at 09:43.

<sup>57</sup> Attachment 24 Jones at 12:29.

<sup>58</sup> Attachment 24 Lynch at 00:39.

<sup>59</sup> Attachment 24 Lynch at 02:28.

<sup>60</sup> Attachment 24 Lynch at 04:08.

As they were driving back to the location in question, the officer sitting in the back of the vehicle yelled at the subject to stop moving, and Mr. ██████ said something unintelligible about the scale.<sup>61</sup> Officer Lynch stopped and took the Mr. ██████ out of the vehicle. Officer Lynch mentioned that he had jumped out of the window and asked if he was injured and needed an ambulance. The subject replied he was all right but complained that the cuffs were too tight.<sup>62</sup> Officer Lynch loosened the cuff on his right arm. Soon after he asked Mr. ██████ where he threw the gun. He responded that he did not have a gun, he did not have any weed, and that all he had was a scale in his pocket.<sup>63</sup> Officer Lynch took his state ID and a bunch of cards out of his pockets, including some cash, and told the subject he would leave it in the house. This way he didn't have to go to Homan to pick it up.<sup>64</sup> Mr. ██████ asked Officer Lynch to give it back to him, but then agreed to let Officer Lynch put the money and cards on the countertop in the kitchen.<sup>65</sup> Mr. ██████ then asked if he was going to get his money back and Officer Lynch said that they were going to keep it with them for now. Mr. ██████ asked Officer Lynch to put the money back in his pocket again, and Lynch said that they were going to figure it out. Lynch took the cash and the cards and went into the location in question. He made his way to the kitchen and laid everything, to include the cash, change and cards, on the kitchen counter.<sup>66</sup>

Officer Lynch went back upstairs and pounded open a portable safe and continued to search the second floor. When Officer Lynch left the location in question, the case and cards that belonged to Mr. ██████ were still on the kitchen counter.<sup>67</sup>

#### **Officer Joseph Malek**

Officer Malek arrived and entered the location in question with the other officers. He told Mr. ██████ they had a search warrant for this address and assured Mr. ██████ that he did not mean to imply he did anything.<sup>68</sup> Officer Malek went into the house and was in the living room with Mr. ██████ when someone yelled, "running."<sup>69</sup> Officer Malek ran out of the house and engaged in a foot pursuit of the subject. He eventually stopped and directed other officers to the alley. Shortly thereafter an officer radioed the subject has been detained. Officer Malek walked over to the alley and met-up with the subject and the officers that apprehended him. He got into the back seat of an unmarked police vehicle with the subject. After they began to drive away, Officer Malek yelled at the subject to stop moving. The police vehicle stopped, everyone got out, and Officer Malek took the subject to a marked police vehicle.

#### **Officer Constantino Martinez**

Officer Martinez entered the location in question with the other officers and began to search. He went to downstairs with other officers and cleared the basement. Shortly thereafter, he went upstairs to the second floor to search, someone yelled "go out the front" and "white t-

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<sup>61</sup> Attachment 24 Lynch at 05:27.

<sup>62</sup> Attachment 24 Lynch at 05:50.

<sup>63</sup> Attachment 24 Lynch at 08:45.

<sup>64</sup> Attachment 24 Lynch at 09:50.

<sup>65</sup> Attachment 24 Lynch at 10:05.

<sup>66</sup> Attachment 24 Lynch at 12:46.

<sup>67</sup> Attachment 24 Lynch at 47:08.

<sup>68</sup> Attachment 24 Malek at 00:32.

<sup>69</sup> Attachment 24 Malek at 01:30.

shirt.”<sup>70</sup> Officer Martinez ran out through the front door and engaged in the foot pursuit of the subject who fled. Officer Martinez caught up with the subject and another officer.<sup>71</sup> Both officers yell at the subject to get on the ground and Officer Martinez placed handcuffs on the subject.<sup>72</sup> Officer Martinez and the other officers helped the subject on his feet, and officers walked the subject to an unmarked police vehicle. After a short search, Officer Martinez returned to the location in question and joined the search of the second floor. As he walked through the kitchen to leave, Mr. ██████’s cash, change and cards are captured sitting on the kitchen counter.<sup>73</sup>

### **Officer John McBroom**

Officer McBroom searched the second floor to see if anyone else was in the house. A second officer, standing in the pink bedroom yelled out, “he’s here, he’s going out the front.”<sup>74</sup> Officer McBroom stood near the window in said bedroom. Part of a roof and what seem to be police officers running across the street were visible. The second officer, who was with Officer McBroom in the pink bedroom, said he heard the subject, looked out the window, and saw the subject “hopping down the fucking thing.”<sup>75</sup> The second officer also said that he saw the subject jump from the corner of the roof. Officer McBroom said when he opened the door to the pink bedroom, he could hear plastic that was attached to the window.<sup>76</sup> There were plastic blinds and a sheet of plastic attached to the window, which appeared to be open. Officer McBroom went back upstairs to participate with the search of the house. While in the pink bedroom, he checked under the bed and said, “there it is,” and commented that the subject put the gun under the bed rather than under the mattress. Officer McBroom and the second officer searched the pink bedroom and found a quantity of mail with the name ██████ ██████. Later, another officer came into the pink bedroom and recovered the gun.<sup>77</sup> Officers continued the search of this room but did not find anything else that was substantive.

### **Officer Nicholas Nesis**

Officer Nesis arrived at the location in question with a log metal bar in hand. He walked up to the front door and hit it with the metal bar. Another officer yelled, “police, search warrant,” and a man came to the door and opened it. When he stepped out of the house, a police officer handcuffed him. The man said his name was ██████ ██████

Officer Nesis told Mr. ██████ that they had a search warrant for that address.<sup>78</sup> Mr. ██████ told the officer his son and ██████ were in the house. Shortly thereafter, Officer Nesis walked toward the front door and noticed a person running away from the house. Officer Nesis shouted, “running” and embarked in a foot pursuit.<sup>79</sup> He yelled to the suspect to stop, that he was Chicago Police, and that if he did not stop running, he would shoot.<sup>80</sup> Officer Nesis slowed down

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<sup>70</sup> Attachment 24 Martinez at 02:04.

<sup>71</sup> Attachment 24 Martinez at 02:55.

<sup>72</sup> Attachment 24 Martinez at 03:08.

<sup>73</sup> Attachment 24 Martinez at 14:09.

<sup>74</sup> Attachment 24 McBroom at 00:57.

<sup>75</sup> Attachment 24 McBroom at 02:21.

<sup>76</sup> Attachment 24 McBroom at 02:30.

<sup>77</sup> Attachment 24 McBroom at 14:59.

<sup>78</sup> Attachment 24 Nesis at 01:32.

<sup>79</sup> Attachment 24 Nesis at 02:35.

<sup>80</sup> Attachment 24 Nesis at 02:47.

and told the suspect again to stop running or he would shoot. He directed his flashlight in front of him and walked toward a male subject wearing green pants and a light-colored shirt.<sup>81</sup> The subject held his hands up, faced the officer, and got down on the ground.

Officers then handcuffed the subject and helped the subject to his feet.<sup>82</sup> Officer Nesis walked back to the location in question and mentioned to another officer that he did not think the suspect threw anything. Officer Nesis took photos of the inside of the house. While upstairs in the pink bedroom, Officer Nesis took a photo of the gun that was located under the bed.<sup>83</sup> Soon after, he began to collect evidence from the pink bedroom, to include the gun, which he cleared and placed in a manila envelope.<sup>84</sup> Officer Nesis continued to collect evidence and assisted in the search.<sup>85</sup> Eventually, Officer Nesis went into the green bedroom and asked a female officer if someone grabbed the cash, and she replied that the sergeant took it.<sup>86</sup>

### **Officer Piotr Opacian 2**

Officer Opacian exited a vehicle in an alley behind the location in question. He walked down a gangway to the back yard, and then back into the alley where he and his female partner searched with flashlights. An officer near the location in question yelled someone was running. Officer Opacian and his partner stayed in the back yard for about 14 minutes and then he turned his BWC off. (see BWC-Opacian 1)

### **Officer Piotr Opacian 1**

Officer Opacian assisted in the search of the location in question.

### **Officer Gabriel Rodriguez 2**

Officer Rodriguez arrived at the location in question and helped to clear the house. He then assisted in the foot pursuit of the subject who ran until he was apprehended.

### **Officer Gabriel Rodriguez 1**

Officer Rodriguez searched on the first floor, including the kitchen. This BWC captured Mr. ██████'s cash, change and cards on the island counter.<sup>87</sup>

### **Officer Richard Rodriguez 2**

Officer Rodriguez arrived and entered the location in question. He then joined the foot pursuit of the subject who ran from the house. Once the subject was caught, Officer Rodriguez performed a search of the surrounding area. When Officer Rodriguez returned to the location in question, Mr. ██████ and two other officers stood outside of Officer Rodriguez's police vehicle. An officer wearing a stocking hat took objects out of Mr. ██████'s pockets. He asked the officer to allow him to keep his money, but the officer said they would figure it out. (see BWC for Officer

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<sup>81</sup> Attachment 24 Nesis at 03:30.

<sup>82</sup> Attachment 24 Nesis at 03:32.

<sup>83</sup> Attachment 24 Nesis at 10:43.

<sup>84</sup> Attachment 24 Nesis at 16:21.

<sup>85</sup> Attachment 24 Nesis at 16:21.

<sup>86</sup> Attachment 24 Nesis at 46:24.

<sup>87</sup> Attachment 24 G. Rodriguez 1 at 01:30.

Lynch.) Officer Rodriguez asked [REDACTED] how his feet and legs were, and [REDACTED] replied he was alright.<sup>88</sup>

### **Officer Richard Rodriguez 1**

Officer Rodriguez and Mr. [REDACTED] exited police vehicle. Once outside, Officer Rodriguez adjusted Mr. [REDACTED]'s handcuffs and then put him back into the police vehicle. When they arrived, Officer Rodriguez and another officer took Mr. [REDACTED] into the station, put him into a holding room, and removed his handcuffs. Mr. [REDACTED] removed his belt and his shoelaces. Mr. [REDACTED] mentioned the \$68 again and said it was not drug money, but the remainder of his social security check. Rodriguez searched [REDACTED] then cuffed him to bench.<sup>89</sup> [REDACTED] asked another officer what he was being charged with, and the officer replied probably the scale, running from police and anything else that they found in the house during the search. [REDACTED] without prompting, stated then that he didn't own a weapon.<sup>90</sup> Rodriguez left the room and put [REDACTED] belt and shoelaces on the floor next to the doorway to the holding room. He told [REDACTED] again that he didn't know what he was being charged with, and that his role was to look after him. Mr. [REDACTED] mentioned that when he got caught and was on the ground, an officer bent his thumb back. Rodriguez asked him if he wanted to go get it checked out, but [REDACTED] said no, "I'm good."<sup>91</sup>

### **Officer Shadi Sweiss**

Officer Sweiss entered the location in question, with gun in hand, and proceeded to search the house. He then joined the foot pursuit of the subject who fled from the location in question. When it was relayed, the subject was caught, Officer Sweiss searched a lot and yard with his flashlight. He made his way back to the location in question and assisted with the continued search.

### **IN-CAR CAMERA<sup>92</sup>**

#### **Officer Artiom Podgurschi 4<sup>93</sup>**

Mr. [REDACTED] is put in the back of a police vehicle. There is some discussion between Mr. [REDACTED] and the officers about another officer taking \$65 out of his pocket. An officer asked Mr. [REDACTED] if he had any injuries, and he responded he was all right. An officer told Mr. [REDACTED] he was in the back of the car because a search warrant was being executed on his home. Mr. [REDACTED] also asked about who was named on the search warrant, and an officer told him the officer that searched him had that information. An officer asked if Mr. [REDACTED] he was alright, and Mr. [REDACTED] responded that the handcuff was crooked and bothering him. Mr. [REDACTED] was let out of the vehicle and the cuff was adjusted<sup>94</sup>. Mr. [REDACTED] expressed concern about people being able to get into the location in question but was assured his house would be secured when the officers left.

### **PHOTOS<sup>95</sup>**

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<sup>88</sup> Attachment 24 R. Rodriguez 2 at 15:31.

<sup>89</sup> Attachment 24 R. Rodriguez 1 at 14:21.

<sup>90</sup> Attachment 24 R. Rodriguez 1 at 18:12.

<sup>91</sup> Attachment 24 R. Rodriguez 1 at 20:30.

<sup>92</sup> Attachment 24.

<sup>93</sup> Attachment 24 Podgurschi 4-the view of this video is into the back seat. Officer R. Rodriguez is the driver.

<sup>94</sup> Attachment 24 Podgurschi 4 at 46:17 and 47:28.

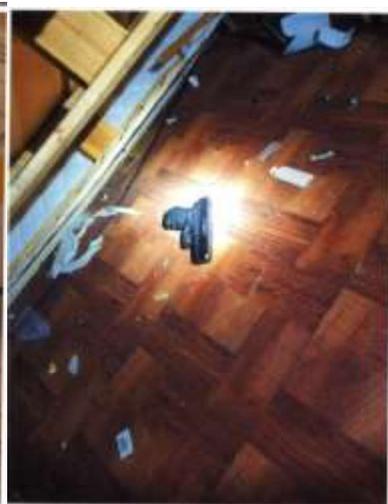
<sup>95</sup> Attachment 23.



A. Proof of Residency- [REDACTED]



B. Proof of Residency- [REDACTED]



C. Firearm found under bed in room from which [REDACTED] escaped



D. Kitchen view at beginning of Search.



E. Kitchen view mid-search.



F. Suspect Ecstasy



G. Suspect Cannabis



H. Suspect Cannabis



I. Suspect Cannabis



J. Found Cash

K. Recovered Cash

### c. Documentary Evidence

#### LETTER FROM [REDACTED]

In a letter dated March 2, 2018, [REDACTED] described his experience on the date in question when Chicago Police Officers executed a search warrant on his home. He alleged the officers searched his home for two hours without presenting the search warrant, planted a scale on his person, and told him they were going to charge him for “Ecstasy”, but then did not. Mr. [REDACTED] also alleged, among other things, the officers planted the gun that was recovered from under a bed.

#### SEARCH WARRANT (18SW [REDACTED])<sup>97</sup>

On March 2, 2018, at approximately 12:33 am, Judge [REDACTED] signed and issued a search warrant that commanded the Chicago Police 006<sup>th</sup> District Tactical Team to search [REDACTED] and the entire structure of the premises located at [REDACTED] S. [REDACTED] Ave. The search warrant ordered that Cannabis and any documents showing residency, any paraphernalia used in weighing, cutting or mixing illegal drugs, and any money or records detailing illegal drug transactions, which have been used in the commission of the offense of Manufacture and Delivery of Cannabis, be seized. The complaint stated that the informant, who swore to the contents of the search warrant, was presented to the judge to be questioned. The complaint was signed by Judge [REDACTED], Officer Lynch and the informant.

#### ARREST REPORT ([REDACTED]) [REDACTED]

On March 2, 2018, at approximately 1:56 am, [REDACTED] was arrested at [REDACTED] S. [REDACTED] Ave. when Chicago Police officers entered the home described on a Search Warrant. When the officer arrived at the location in question, they were allowed entry into the home by resident [REDACTED]. During a systematic search of the residence, an officer observed Mr. [REDACTED] on a rooftop outside a second story bedroom window, and then observed him fleeing on foot. Mr. [REDACTED] was placed into custody after a brief foot pursuit.

<sup>96</sup> Attachment 6.

<sup>97</sup> Attachment 26.

<sup>98</sup> Attachment 4.

A search of Mr. [REDACTED] bedroom uncovered a Blue Steel Glock 36 .45 caliber handgun, located under a bed, along with proof of Mr. [REDACTED] residency. Mr. [REDACTED] was transported to the 006<sup>th</sup> District for processing and was mirandized by Officer Lynch in the presence of Officer Cinta. He made no statements.

### ORIGINAL CASE INCIDENT REPORT<sup>99</sup>

On March 2, 2018, at approximately 1:52 am, Tactical Teams 664 and 661 executed a search warrant at [REDACTED] Ave. After the officers were allowed entry into the residence by [REDACTED] officers observed [REDACTED] the subject of the search warrant, on a second story roof. Mr. [REDACTED] jumped from the roof and fled but was apprehended and detained after a short foot pursuit. During the search, officers recovered, among other things, suspect cannabis, suspect Ecstasy, \$6,054.00 USC, and a Semi-Automatic Glock handgun. Both [REDACTED] and [REDACTED] were arrested.

### QUIT CLAIM DEED<sup>100</sup>

This document established that the location in question is owned by Ms. [REDACTED], a/k/a Ms. [REDACTED]

### COOK COUNTY CIRCUIT COURT CASE SUMMARY FOR [REDACTED]

This summary established that Mr. [REDACTED] plead guilty to Possession of a Firearm without a valid FOID card.

## VI. LEGAL STANDARD

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

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

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

<sup>99</sup> Attachment 22.

<sup>100</sup> Attachment 29.

<sup>101</sup> Attachment 28.

investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

## VI. ANALYSIS

### Officer Constantino Martinez

COPA finds **Allegation #1**, that on March 2, 2018, at approximately 01:52 am, at or near the west alley of 5942 S, Paulina, Officer Constantino Martinez used excessive force when he handcuffed Mr. ██████ in violation of Rule 2 and G03-02(III)(B), is not supported by enough evidence to sufficiently prove or disprove Mr. ██████'s account of the event and is **NOT SUSTAINED**.

The Chicago Police Department General Order G03-02 (III)(B) outlined the policy regarding use of force by police officers and stated, among other things, that the main issue in evaluating every use of force is whether the amount of force used by the officer was objectively reasonable in light of the totality of the circumstances faced by the officer on the scene. In this case, based on the BWC footage of Officers Nesis and Martinez, and Officer Martinez's statement, the capture and arrest of Mr. ██████ seemed objectively reasonable.

After Mr. ██████ fled from the location in question, Officers Nesis and Martinez managed to apprehend him after a brief foot pursuit. Mr. ██████ got face-down on the ground as instructed, and Officer Martinez handcuffed him without any apparent incident. This allegation arose from Mr. ██████ complaint that Officer Martinez bent his thumb back after he was handcuffed, causing it to "pop". In fact, Mr. ██████ complained to more than one officer about having pain in his thumb, which was captured on BWC. However, when asked if he needed medical attention, each time he responded that he did not. It is also worth mentioning that BWC did not capture any comment made by Mr. ██████ about his thumb, at the time he was handcuffed.

Officer Martinez stated in his interview that while he did not recall this part of the incident, BWC appeared to capture him bending Mr. ██████'s thumb back in an effort to control his arm so he could be handcuffed. While there may have been some minor trauma to his thumb during this time, that would not be surprising given the circumstances. And based on BWC and the officer's statement, the officer's actions did not appear to amount to a use of excessive force. Without more, there is not enough evidence to support Mr. ██████'s claim, and this allegation is Not Sustained.

**Officer Sean Lynch**

COPA finds **Allegation #1**, that on March 2, 2018, at approximately 01:52 am, at or near the west alley of 5942 S, Paulina, Officer Sean Lynch planted evidence on him when he placed a silver and black scale in his front pocket in violation of Rule 1, 2 and 14, is false based on the evidence and is **UNFOUNDED**.

After Mr. █████ fled and was subsequently apprehended after a short foot chase, Officer Lynch performed a custodial search of Mr. █████ which was captured on BWC. He indicated he found a scale in Mr. █████'s right front pocket. Later on, as captured on Officer Lynch's BWC, Mr. █████ admitted to possessing a scale, but there is no evidence that Mr. █████ reported the scale was planted until he filed a complaint with COPA.

Further review of the BWC for Officers Lynch, Nesis and Martinez failed to uncover footage that suggested anything was planted on Mr. █████'s person from the time he was first apprehended to the time he was placed in Officer Lynch's police vehicle. This coupled with Mr. █████'s earlier admission to possessing a scale is clear and convincing proof that Mr. █████'s claim is false. Therefore, this allegation is **UNFOUNDED**.

COPA finds **Allegation #2**, that on March 2, 2018, at approximately 01:52 am, at or near █████ S. █████ Ave., Officer Lynch removed \$65 cash and \$3 in change from his front pocket that was mixed in with confiscated cash and never returned in violation of Rule 2, is not supported by enough evidence to sufficiently prove or disprove Mr. █████'s account of the event and is **NOT SUSTAINED**.

During his interview with COPA, Mr. █████ alleged that the approximately \$68.00 in cash, recovered from his pocket by Officer Lynch, was never returned to him. He also claimed that the \$68.00 in cash that belonged to him was mixed in with the approximately \$6,064.00 in cash recovered from an upstairs bedroom, which belonged to █████ █████

BWC footage captured the exchange between Mr. █████ and Officer Lynch when the \$68.00 removed from Mr. █████'s pocket. BWC footage also strongly suggested Officer Lynch placed the cash, consisting of both bills and change, along with a handful of credit/business cards, on top of the kitchen counter as discussed with Mr. █████ Evidence also suggested the said cash and credit/business cards remained on said counter throughout the search. Because Officer Lynch did not turn the \$68 over to the sergeant or the evidence officer on the scene, and because there is no additional inventory form for this amount of currency, it is reasonable to believe it was not seized by the police.

Therefore, without more, there is not enough evidence to support Mr. █████'s claim and the allegation is **NOT SUSTAINED**.

COPA finds **Allegation #3**, that on March 2, 2018, at approximately 01:52 am, at or near █████ Ave., Officer Lynch damaged front door during breach of the residence in violation of Rule 2 and S04-19, is false based on the evidence and is **NOT SUSTAINED**.

At the beginning of Officer Lynch's BWC footage, you can see Officer Lynch carrying a long metal bar, which he referred to as a "Chicago Bar" in his statement with COPA. And even though you can hear loud banging in the BWC, he did not use the bar to force open the door because Mr. ██████ opened the both the inside and metal outside front doors, after which the officers entered the residence.

A review of all related BWC footage failed to reveal any indication of damage to the metal door. And, there was no known complaint about damage to the door reported by either Mr. ██████ or Ms. ██████ n/k/a ██████, the owner of the location in question. Therefore, without more, there is not enough evidence to support Mr. ██████'s claim and the allegation is **NOT SUSTAINED**.

COPA finds **Allegation #4**, that on March 2, 2018, at approximately 01:52 am, at or near ██████ Ave., Officer Lynch did not announce there was a search warrant before entering residence in violation of Rule 2 and S04-19 (VIII) (D)(b), is false based on the evidence and is **UNFOUNDED**.

BWC captured officers announcing their office and stating that they had a search warrant before entering the location in question. Therefore, there is clear and convincing evidence Mr. ██████'s claim is false, and this allegation is **UNFOUNDED**.

#### **Officer John McBroom**

COPA finds **Allegation #1**, that on March 2, 2018, at approximately 01:52 am, at or near ██████ Ave., Officer John McBroom planted a gun in violation of Rules 1, 2 and 14, is false based on the evidence and is **UNFOUNDED**.

BWC submitted by Officers McBroom and Nesis captured the discovery and recovery of the handgun found under the bed in the pink bedroom. Furthermore, there is documentary evidence that Mr. ██████ plead guilty to possessing a firearm without a valid FOID card. Therefore, there is clear and convincing evidence Mr. Dillard's claim is false, and this allegation is **UNFOUNDED**.

#### **Sergeant Raymond Boyd**

COPA finds **Allegation #1**, that on March 2, 2018, at approximately 01:52 am, at or near ██████ Ave., CPD Officers searched his residence without a search warrant in his name in violation of Rule 2 and S04-19, is false based on the evidence and is **UNFOUNDED**.

Attachment 26 is the search warrant issued by Judge ██████ at approximately 12:33 am on March 2, 2018. The affiant was Officer Lynch. As indicated above, the search warrant commanded that ██████ and the entire structure of the premises located at ██████ Ave. be searched. Furthermore, the search warrant is signed by not only Judge

██████████, but by Officer Lynch and his “John Doe” informant. Therefore, there is clear and convincing evidence Mr. ██████████ claim is false, and this allegation is **UNFOUNDED**.<sup>102</sup>

**VII. CONCLUSION**

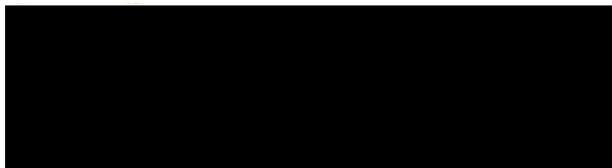
Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding/ Recommendation
Officer Constantino Martinez	1. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near the west alley of 5942 S, Paulina, Officer Constantino Martinez used excessive force when bent Mr. ██████████ thumb back after he was handcuffed in violation of Rule 2 and G03-02(III)(B).	Not Sustained
Officer Sean Lynch	1. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near the west alley of 5942 S, Paulina, Officer Sean Lynch planted evidence on him when he placed a silver and black scale in his front pocket in violation of Rule 1, 2 and 14.	Unfounded
	2. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near ██████████ Ave., Officer Lynch removed \$65 cash and \$3 in change from his front pocket that was mixed in with confiscated cash and never returned in violation of Rule 2.	Not Sustained
	3. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near ██████████ Ave., Officer Lynch damaged front door during breach of the residence in violation of Rule 2 and S04-19.	Not Sustained

<sup>102</sup> Although Mr. ██████████ also objected to the fact Mr. ██████████ was not shown the search warrant by Sergeant Boyd upon request, there is no reason to believe Officer Lynch did not have the search warrant on scene. BWC confirmed that Officer Lynch was simply working to clear the location in question upon breach, and then very shortly thereafter became involved in the foot chase of Mr. ██████████

	4. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near [REDACTED] Ave., Officer Lynch did not announce there was a search warrant before entering residence in violation of Rule 2 and S04-19 (VIII) (D)(b).	Unfounded
Officer John McBroom	1. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near [REDACTED] Ave., Officer John McBroom planted a gun in violation of Rule 1, 2 and 14.	Unfounded
Sergeant Raymond Boyd	1. It is alleged that on March 2, 2018, at approximately 01:52 am, at or near [REDACTED] Ave., CPD Officers searched his residence without a search warrant in his name in violation of Rule 2 and S04-19.	Unfounded

Approved:



Angela Hearts-Glass  
 Deputy Chief Investigator

9-30-2021

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	16
<b>Investigator:</b>	Frances Lee
<b>Supervising Investigator:</b>	Deborah Talbert
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass