

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	May 22, 2018
Time of Incident:	Between 3:00 and 4:00 PM
Location of Incident:	██████████
Date of COPA Notification:	May 22, 2018
Time of COPA Notification:	4:23 PM

On May 22, 2018 Chicago Police officers responded to a 911 call place by ██████████. According to an OEMC audio recording, she told the 911 dispatcher her boyfriend, ██████████ tried to hurt her and had a gun. Near the end of the recording ██████████ is heard screaming. Officers Brian Glim, Joseph Shanahan, Mahmoud Haleem and Arturo Villanueva arrived at the address in question as ██████████ stood outside the apartment building. BWC captured ██████████ as he appeared near and open window moments later. Officers spoke to ██████████ and tried to get him to come out of the apartment to talk to them, but he refused. Eventually, ██████████ agreed to allow one officer into his apartment to intervene while ██████████ collected her things. However, approximately five to seven officers entered the unit.

After some conflict with the officers, ██████████ was placed into handcuffs. As soon as things settled down, ██████████ was finally allowed to enter the apartment and remove her things. Once it was clear that ██████████ had left, ██████████ was let go and the officers left the apartment. No arrest was made, no police reports were filed, and no complaint was filed.

██████████ alleged that several officers entered his apartment when he only agreed to one, officers searched his apartment without justification, an officer confiscated his FOID card without justification, officers searched him without justification, and handcuffed him without justification.

**II. INVOLVED PARTIES**

Involved Officer #1:	Brian Glim, star # 15597, employee ID# ██████████, Date of Appointment March 27, 2006, Police Officer, Unit of Assignment 008, DOB ██████████, 1974, Male, White.
Involved Officer #2:	Joseph Shanahan, star # 14430, employee ID# ██████████, Date of Appointment February 2, 2015, Police Officer, Unit of Assignment 008, DOB ██████████, 1993, Male, White.

Involved Officer #3: Mahmoud Haleem, star # 14193, employee ID# [REDACTED], Date of Appointment May 5, 1997, Police Officer, Unit of Assignment 008, DOB [REDACTED], 1971, Male, Asian or Pacific Islander.

Involved Officer #4: Steven Sabatino, star # 2621, employee ID# [REDACTED], Date of Appointment May 29, 2001, Sergeant, Unit of Assignment 008, DOB [REDACTED], 1976, Male, White.

Involved Civilian #1: [REDACTED] DOB [REDACTED], 1995, Male, Black.

Involved Civilian #2: [REDACTED] DOB unknown, Female, Black.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Mahmoud Haleem	1. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he entered the apartment of [REDACTED] at [REDACTED] without justification.	EXONERATED
	2. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he handcuffed [REDACTED] without justification.	EXONERATED
	3. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he searched [REDACTED] without justification.	SUSTAINED/6 Days
	4. It is alleged by Inv. Frances Lee, #68 that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] or at a police	SUSTAINED/11 Days

	<p>station, Officer Mahmoud Haleem, #14193, committed misconduct when he failed to complete an Investigatory Stop Report without justification after [REDACTED] was detained and searched.</p>	
<p>Officer Brian Glim</p>	<p>1. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Brian Glim, #15597, committed misconduct when he entered the apartment of [REDACTED] at [REDACTED] without justification.</p> <p>2. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Brian Glim, #15597, committed misconduct when he searched the apartment of [REDACTED] at [REDACTED] without justification.</p>	<p>EXONERATED</p> <p>SUSTAINED/6 Days</p>
<p>Officer Joseph Shanahan</p>	<p>1. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Joseph Shanahan, #14430, committed misconduct when he entered the apartment of [REDACTED] at [REDACTED] without justification.</p> <p>2. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Joseph Shanahan, #14430, committed misconduct when he seized [REDACTED] Firearm Owners Identification Card (FOID).</p> <p>3. It is alleged by Inv. Frances Lee, #68 that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] or at a police station, Officer Joseph Shanahan,</p>	<p>EXONERATED</p> <p>SUSTAINED/Reprimand</p> <p>UNFOUNDED</p>

	<p>#14430, committed misconduct when he failed to inventory [REDACTED] [REDACTED] Firearm Owners Identification (FOID) card without justification.</p> <p>4. It is alleged by [REDACTED] [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Joseph Shanahan, #14430, committed misconduct when he searched the apartment of [REDACTED] at [REDACTED] without justification.</p> <p>5. It is alleged by Inv. Frances Lee, #68 that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] or at a police station, Officer Joseph Shanahan, #14430, committed misconduct when he failed to complete an Investigatory Stop Report after [REDACTED] [REDACTED] was detained and searched.</p>	<p>SUSTAINED/6 Days</p> <p>UNFOUNDED</p>
<p>Sergeant Steven Sabatino</p>	<p>1. It is alleged by COPA Investigator Frances Lee that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Sergeant Steven Sabatino, #2621, allowed subordinate officers to search the apartment of [REDACTED] [REDACTED] without justification.</p>	<p>SUSTAINED/3 Days</p>

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 2-Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 5-Failure to perform any duty.

Special Orders

1. Special Order S04-13-09-Investigatory Stop System
2. Special Order S06-05-03 Illinois Firearm Owner’s Identification Card or Concealed Carry License Revocation
3. Special Order S06-05-01 Person Determined to Pose A Clear and Present Danger

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General Orders

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1. General Order G04-04-Domestic Incidents

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Federal Laws

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1. 16 f. 3D 748-United States v. Betts

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State Laws

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1. 430 ILCS 65/1-Firearm Owners Identification Card Act
2. ISP 2-649 (1/14) Illinois State Police Person Determined to Pose a Clear and Present Danger Form
3. People v. Arnold-394 Ill. App. 3d 63, 71.

## V. INVESTIGATION<sup>1</sup>

### a. Interviews

██████████ gave an interview at COPA on May 24, 2018. He stated that he was asleep in the apartment that he shared with ██████████ the mother of his children, when she entered and tried to get one of his credit cards to purchase food. ██████████ denied her the use of his credit card and an altercation ensued. ██████████ asked for his keys and told ██████████ she needed to leave, at which time she tried to fight ██████████. As ██████████ tried to leave, ██████████ grabbed her arm to retrieve his keys. He said he did not say anything to threaten her. ██████████ who was very emotional, called the police and told them that he hit her and had a gun, which he denied.<sup>3</sup> In fact she knew from the beginning ██████████ did not have a gun.<sup>4</sup>

██████████ waited for the police outside. The police came, with guns drawn, and asked her if he had a gun. She responded, no. The officers asked ██████████ to come outside, but he refused. ██████████ spoke with the approximately seven officers and told them he legally possessed a gun. ██████████ wanted an officer to accompany her into the apartment to get her possessions, and ██████████ agreed to let one officer enter the apartment with her.<sup>5</sup>

When he opened his door, all seven officers entered. Officer Shanahan asked ██████████ to show him where her stuff was, which he did. Another Officer, who had a smart mouth, told ██████████ to stand near him and be quiet or he was going to be arrested. ██████████ asked why he was talking to him like that, and the officer, now known as Officer Haleem, said he needed to be quiet, or he was going to be arrested. ██████████ told Officer Haleem that he was in his house and he did nothing wrong. Officer Haleem told ██████████ he going to be

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<sup>1</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>2</sup> Att. 5.

<sup>3</sup> Att. 5 at 04:38.

<sup>4</sup> Att. 5 at 05:10.

<sup>5</sup> Att. 5 at 05:35-07:18.

arrested and attempted to handcuff him as [REDACTED] tried to go up against the refrigerator.<sup>6</sup> Officer Shanahan came and the officers successfully handcuffed [REDACTED]. The officers also searched [REDACTED].<sup>7</sup> It was more than a pat-down, according to [REDACTED] as the officer went into his pockets.

Officer Shanahan and two other officers put [REDACTED] near the back door in the kitchen while the other officers helped [REDACTED]. During this time, officers searched his apartment without consent. In fact, [REDACTED] saw an officer pick up the mattress off of the floor in the living room.<sup>8</sup> He also heard the officers open a creaky closet door in the living room, and believed they were looking for his gun which he told them he did not have. His [REDACTED] was in the trunk of his car, which was in the shop at J&S Auto Glass. The shop did not know the gun was in the trunk, however, he has 2 kids and did not want to keep the gun in the apartment.

Earlier, [REDACTED] handed officers his ID and FOID card, through the window, before they even came in.<sup>9</sup> Officer Haleem told Officer Shanahan to return his ID but hold on to the FOID card because they were going to recommend a psych evaluation.<sup>10</sup> [REDACTED] stated that he hit his head against the door twice and the officer told him to stop because they can take away his FOID card. [REDACTED] said he was angry, not crazy.<sup>11</sup> After [REDACTED] retrieved her belongings and left, the officers left.

The Police did not find a gun in the apartment and they did not arrest [REDACTED]. No Investigatory Stop Report receipt was provided. And, [REDACTED] mentioned that this was one of four or five times in the last year police were called to their apartment for domestic disturbances.

### **Officer Mahmoud Haleem<sup>12</sup>**

Officer Mahmoud Haleem gave an interview at COPA on June 21, 2018. Officer Haleem and his partner, Officer Shanahan, responded to a man with a gun call at the address in question. When he arrived at the address, there were already approximately four officers present. Officer Haleem met the female caller, now known as [REDACTED] outside the apartment building. When the officer asked if the male subject, her boyfriend [REDACTED] had a gun, she said she was not sure. She also relayed that the gun was possibly not there and was locked up. It was not specified where the gun was locked up or if it was on the premises. After Officer Haleem made contact with [REDACTED] through the window, he asked him to come outside to speak with the officers. He did not come outside, but [REDACTED] came down and let the officers into the building.

Before entering the apartment, [REDACTED] indicated that one officer could come into the apartment with [REDACTED] to retrieve her belongings. Officer Haleem explained that all

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<sup>6</sup> Att. 5 at 08:30.

<sup>7</sup> Att. 5 at 32:25.

<sup>8</sup> Att. 5 at 08:48-10:49.

<sup>9</sup> Att. 5 at 10:50.

<sup>10</sup> Att. 5 at 11:35.

<sup>11</sup> Att. 5 at 15:30-16:25.

<sup>12</sup> Att. 24.

of the officers went into the unit for safety reasons.<sup>13</sup> [REDACTED] had reported [REDACTED] had a gun, but at the time Officer Haleem did not know where the gun actually was. And, he argued, just because someone says there is no gun in the apartment does not necessarily mean that it is true. Furthermore, [REDACTED] already displayed aggressive behavior, which was another concern. However, despite his concerns, he did not ask [REDACTED] where his gun was before he entered the apartment.<sup>14</sup>

Later in the interview the investigator asked Officer Haleem why he handcuffed [REDACTED]. He said it was because he believed [REDACTED] had become aggressive with [REDACTED] and then became aggressive again during their conversation.<sup>15</sup> The investigator pointed out that [REDACTED] became upset when he interrupted a conversation between [REDACTED] and another officer. He responded that because [REDACTED] was a large person, and had already displayed aggressive behavior, he handcuffed him for safety reasons.<sup>16</sup>

In regard to the alleged search, Officer Haleem claimed that he put his hands into [REDACTED] pockets because he saw a bulge, even though there was a lot of commotion and [REDACTED] was moving around.<sup>17</sup> He did not do a pat-down first and he did not recall whether there was anything in the pockets. Furthermore, he did not see that he pulled anything out of his pocket upon review of his body worn camera footage.<sup>18</sup> He later stated that he thought [REDACTED] had some sort of narcotics in his pocket, for example PCP, and was concerned for officer safety should [REDACTED] be under the influence of some drug.

When [REDACTED] protested about the officers searching his apartment, Officer Haleem told [REDACTED] that nobody was searching his house.<sup>19</sup> He went on to say that despite Mr. [REDACTED] protest to the contrary, he did not believe officers were looking through Mr. [REDACTED] things, even though he could not see what was going on in the living room and did not check to see officers were searching. Officer Haleem said could not check because he was busy dealing with [REDACTED]. And, even when investigators showed Officer Haleem video of officers, for example, lifting a mattress up off the floor and shining a flashlight inside a closet, Officer Haleem maintained that he did not know what the officers were doing or if they were searching the apartment.<sup>20</sup> Officer Haleem then stated that if the officers were searching the house, there was justification because of the issue concerning [REDACTED] gun, and even though [REDACTED] had a valid FOID card.

Officer Haleem stated that he contacted the Illinois State Police regarding Mr. [REDACTED] FOID card on the date in question.<sup>21</sup> The FOID card was confiscated because of his behavior and someone at the Illinois State Police told him to simply put the FOID card into an

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<sup>13</sup> Att. 24 at 11:06.

<sup>14</sup> Att. 24 at 13:30.

<sup>15</sup> Att. 24 at 17:15.

<sup>16</sup> Att. 24 at 18:03.

<sup>17</sup> Att. 24 at 20:28.

<sup>18</sup> Att. 24 at 22:38.

<sup>19</sup> Att. 24 at 23:18.

<sup>20</sup> Att. 24 at 25:50.

<sup>21</sup> Att. 24 at 29:25.

envelope and mail it in. There was no documentation included in the envelope and there is no record of the transaction.

The Sergeant on scene did not issue any orders or offer any direction to the officers during this event. Officer Haleem admitted during his interview that he failed to fill out an ISR but believed he should have.<sup>22</sup>

### **Officer Brian Glim<sup>23</sup>**

Officer Brian Glim gave an interview at COPA on June 28, 2018. On the date in question Officer Glim and his partner, Officer Villanueva, responded to a domestic dispute involving a person with a gun. The girlfriend of [REDACTED] now known as [REDACTED] alleged he had a gun and was attacking her. At the scene the officers spoke to [REDACTED] who said that she and her boyfriend had a fight, he had been attacking her, and he had a gun in the apartment.<sup>24</sup> The officers tried to enter the building, but [REDACTED] did not answer. Eventually, [REDACTED] spoke to the officers and [REDACTED] through an open window.

[REDACTED] then opened up the door and let the officers in. Officer Glim followed the other officers into the apartment for officer safety. He mentioned that domestic calls are some of the most dangerous, and they routinely do not allow an officer to enter a home alone in these situations.<sup>25</sup> Officer safety takes precedent.<sup>26</sup>

Once inside the apartment he noticed [REDACTED] was talking to Officer Haleem. Because there was a lot of screaming and yelling, and because [REDACTED] was being irrational, for officer safety reasons, he immediately began to look around the apartment in “immediately accessible areas for a gun.”<sup>27</sup> A gun had been reported, however, it was unclear as to where or if the gun was in the apartment. Officer Glim mentioned that there was a mattress near the window through which [REDACTED] was communicating with the officers. At some point he lifted up the mattress, and also looked through piles of cloths, in the closet, and in a dresser drawer.<sup>28</sup> He related that because it was unclear as to where or if the gun was in the apartment, and because this was a domestic situation, for officer safety reasons he looked for the gun.

When Officer Glim was asked if he queried where the gun actually was on the date and time in question, and he said he did not. He did not ask [REDACTED] where the gun was when he said the gun was not there. Officer Halim was the business officer and was the only one speaking with [REDACTED] said it was locked-up, but he did not know what that meant and did not ask her.<sup>29</sup> He also reasoned that [REDACTED] could be lying about the location of the gun. Officer Glim explained that in Illinois, if you are convicted of a domestic violence charge, you can lose your FOID card, which would be a reason to lie.<sup>30</sup> Furthermore,

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<sup>22</sup> Att. 24 at 30:40.

<sup>23</sup> Att. 25.

<sup>24</sup> Att. 25 at 04:45.

<sup>25</sup> Att. 25 at 06:20 and 10:10.

<sup>26</sup> Att. 25 at 18:50.

<sup>27</sup> Att. 25 at 06:40-06:59.

<sup>28</sup> Att. 25 at 07:24-10:25.

<sup>29</sup> Att. 25 at 25:00-27:25.

<sup>30</sup> Att. 25 at 32:20.

they chose to wait until [REDACTED] calmed down and the situation came to a resolution before asking any further questions. Ultimately, they wanted to secure the area.

In addition, none of the officers searched the kitchen, which is where [REDACTED] was being detained. Officer Glim explained that Officer Halim and other officers were in the kitchen, and “he was already irritated that people were looking through his stuff”, and felt it would cause a bad reaction in [REDACTED] to ask any further questions.<sup>31</sup>

When asked if he sought the permission of the Sergeant on scene to search the apartment, Officer Glim explained that as far as he was concerned, a crime had already been committed. Furthermore, it was reported that there was a weapon involved, which needed to be found and secured.<sup>32</sup> Domestic Violence calls involving a gun, which are coded as a 1A, are the highest priority call, which gave them probable cause to enter and search the apartment because a crime was already alleged to have been committed.<sup>33</sup> Had they located the weapon, they would have secured it until [REDACTED] was finished collecting her belongings and would have returned it along with his FOID card.

#### **Officer Joseph Shanahan<sup>34</sup>**

Officer Joseph Shanahan gave an interview at COPA on June 21, 2018. On the date in question, a call came out about a person with a gun, which sounded like a domestic issue. The involved female, now known as [REDACTED] was standing outside when the officers arrived. She told the officers she had been grabbed by the neck and kicked. Despite the open wound and slight presence of blood, she did not want to do anything but get some of her belongings out of the apartment. She also refused an ambulance. [REDACTED] told officers she knew he had a gun, did not know what kind it was other than a handgun, but said it was locked up.<sup>35</sup>

The officers asked [REDACTED] the male involved in the incident, to come outside, but he refused to come out and let the officers in the apartment. Officer Shanahan stated he did not hear [REDACTED] or [REDACTED] state who would be allowed into the apartment. However, he did mention that there was a safety issue and they would not allow only one officer to enter the apartment alone.<sup>36</sup> There was the potential that there was a gun present and it had been reported that [REDACTED] allegedly battered [REDACTED]. Once inside the apartment Mr. [REDACTED] was put into handcuffs and the officers did a cursory search for a weapon because there was reason to believe a weapon was involved in the incident.<sup>37</sup> The fact [REDACTED] had a valid FOID card was irrelevant considering the circumstances.

When asked why he and other officers searched Mr. [REDACTED] apartment, Officer [REDACTED] responded that it was believed there could be a firearm present based on the nature of the assignment, and the coding of the assignment by OEMC as a 1A priority, which means there

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<sup>31</sup> Att. 25 at 34:00-35:00.

<sup>32</sup> Att. 25 at 43:00-45:50.

<sup>33</sup> Att. 25 at 49:25-52:41.

<sup>34</sup> Att. 23.

<sup>35</sup> Att. 23 at 00:00-00:50.

<sup>36</sup> Att. 23 at 07:00.

<sup>37</sup> Att. 23 at 11:55.

is a high probability someone has a gun.<sup>38</sup> There was also concern for officer safety. Furthermore, he was in an earlier violent altercation. However, Officer Shanahan never asked Mr. [REDACTED] where the gun was before he began the search.<sup>39</sup>

Officer Shanahan was in possession of Mr. [REDACTED] FOID card and determined [REDACTED] it was valid. He held on to the FOID card because he wanted to see if he violated any laws concerning having a FOID card.<sup>40</sup> Normally, according to other officers, the Illinois State Police (ISP) would be contacted in this type of a situation, but he has never dealt with the ISP personally. Officer Shanahan said he lost track of the FOID card at some point and did not know what happened to it after he got to the station and did not file any report or make a notification to the ISP.<sup>41</sup> He also did not fill out a “clear and present danger” form.<sup>42</sup> He did say, however, that it is normal to inventory seized property, but not if it was sent to ISP.<sup>43</sup>

### Sergeant Steven Sabatino<sup>44</sup>

Sergeant Steven Sabatino gave an interview at COPA on November 16, 2018. On the date in question, Sergeant Sabatino heard a call come over the air about a domestic violence incident that involved a firearm. Sergeant Sabatino explained that during a domestic violence call, especially if a firearm is implicated, it is customary to secure the individuals involved to limit any potential access to a firearm and keep things safe for all parties involved. Also, make sure it is not accessible to anyone.<sup>45</sup> As a sergeant, his duties are to ensure things are doing things the correct way, ensure the safety of all persons involved, and try to make things go as quickly and smoothly as possible.<sup>46</sup> If he were to witness an officer do something wrong, he would stop and have somebody else take over.<sup>47</sup>

On this day, he went over to the scene to make sure responding officers were safe. Soon after he arrived, he heard [REDACTED] yelling from inside his apartment. He briefly spoke with [REDACTED] about the nature of the call and then went inside. By the time he got inside the apartment, [REDACTED] was already handcuffed, and continued to be loud, belligerent and acted “a little crazy.”<sup>48</sup> He banged his head off a door in the kitchen, and then yelled he was not crazy. They did their best to calm him down so [REDACTED] could enter the apartment and recover her belongings. She did not want to sign a complaint to have [REDACTED] arrested. The officers kept [REDACTED] and [REDACTED] apart until she could safely recover her belongings and leave.

In this case, Sergeant Sabatino asked [REDACTED] where his gun was, to which he replied that it “wasn’t here.” He also asked [REDACTED] where the gun was and she responded that

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<sup>38</sup> Att. 23 at 30:00.

<sup>39</sup> Att. 23 at 31:20.

<sup>40</sup> Att. 23 at 24:05.

<sup>41</sup> Att. 23 at 25:50.

<sup>42</sup> Att. 23 at 27:17.

<sup>43</sup> Att. 23 at 27:56.

<sup>44</sup> Att. 26.

<sup>45</sup> Att. 26 at 07:38.

<sup>46</sup> Att. 26 at 08:55.

<sup>47</sup> Att. 26 at 09:22.

<sup>48</sup> Att. 26 at 04:15.

she did not know, and stated he did not use the gun during the argument. However, there was no follow-up question to determine the exact location of the gun.<sup>49</sup> It just did not cross his mind at the time and he only wanted to make sure the gun was not immediately accessible.<sup>50</sup>

During the incident, [REDACTED] protested that officers were illegally searching his apartment.<sup>51</sup> Sergeant replied to this comment and said that no one was searching anything. He explained that there was nobody in his view that was searching. However, when asked if at any point he saw a search, he replied he did not see anyone conduct a search but saw an officer in the living room secure the scene for a possible weapon. In essence they were doing a cursory look in the apartment to make sure no weapon was readily accessible. They were not looking for a weapon to arrest [REDACTED] because it was known he had a valid FOID card.<sup>52</sup> He went into a closet to secure it before [REDACTED] accessed it to recover her belongings, because there was always the concern, she too may access any available firearm. That was allegedly all he saw.

Sergeant Sabatino was also unaware of whether the kitchen, where [REDACTED] was being detained, was ever secured.<sup>53</sup> He said he did not ask if this was done because he would operate under the assumption that the officers knew their job and did it properly. Lastly, the investigator asked Sergeant Sabatino why [REDACTED] was not escorted by an officer when she went into the bedroom to get her belongings, especially if they were concerned, she may access a firearm. Sergeant Sabatino responded that he assumed the bedroom had already been cleared.

#### **b. Digital Evidence<sup>54</sup>**

##### **Body Worn Camera**

On the date in question, Officers Haleem, Glim, Shanahan, Villanueva and Sergeant Sabatino captured the incident in question on their BWC. The department members responded to a call concerning a domestic dispute at the address in question. When officers arrived, they met Ms. [REDACTED] the caller and victim, standing outside the apartment building, locked-out and without keys. Officer Haleem asked [REDACTED] if [REDACTED] had a gun, to which she replied that he did not have it with him, but had it “put up.”<sup>55</sup>

Shortly thereafter, [REDACTED] appeared at an open window and spoke with the officers and [REDACTED] and handed his FOID card and ID to an officer. After [REDACTED] and [REDACTED] began to argue, [REDACTED] said all she wanted to do was get her clothes out of the apartment. She also mentioned that when she was in the apartment, he strangled her during their fight. Officer Haleem asked [REDACTED] what she wanted to get out of the apartment and told Mr. [REDACTED] to open the door, to which he responded that “one” of the officers could come in.<sup>56</sup>

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<sup>49</sup> Att. 26 at 09:56.

<sup>50</sup> Att. 26 at 10:15.

<sup>51</sup> Att. 26 at 12:00.

<sup>52</sup> Att. 26 at 26:00.

<sup>53</sup> Att. 26 at 22:35.

<sup>54</sup> Att. 9.

<sup>55</sup> Att. 9 Villanueva at 00:32.

<sup>56</sup> Att. 9 Haleem at 01:34.

██████████ finally opened the front door, and Officer Haleem entered the apartment building along with ██████████ who stated, all of you do not need to come in, just me.<sup>57</sup> Over time, at least six to seven officers and one supervisor entered the apartment. ██████████ who was talking to someone on the phone at the time, asked if they all needed to enter, and Officer Haleem responded that it was for officer safety.<sup>58</sup> Shortly thereafter, ██████████ led Officer Haleem into the kitchen. As ██████████ spoke to another officer, Officer Haleem interrupted, frustrating the conversation.<sup>59</sup> When ██████████ protested the interruption, Officer Haleem handcuffed him, and said he was “locked up” because he did not listen.

Immediately thereafter, ██████████ became angry and uncooperative. In fact, ██████████ became enraged and began to scream, and eventually hit his head against the kitchen door.<sup>60</sup> One of the other officers said that they wanted Mr. ██████████ to be evaluated, to which ██████████ replied, “I’m not crazy, bro.” As Mr. ██████████ continued to yell and breath heavily, an officer asked him, “Where’s your gun at?”<sup>61</sup> Mr. ██████████ stated that it was not there. However, no follow up questions were asked to ascertain where the gun was, or if it was, in fact, not in the apartment at the time of the incident. Officer Haleem told another officer to make sure to keep his FOID card so they could send it to the state.<sup>62</sup> ██████████ asked why they were going to keep his FOID card, and Officer Haleem responded that, because of his behavior, they were going to have him evaluated.

The question of where the gun’s location came up again on Officer Glim’s BWC as he searched in a living room closet. Someone in the background said, “...he has it put away, that’s what she said”, referring to the location of the gun.<sup>63</sup> Officer Glim then asked, “Where does he put it away at?”<sup>64</sup> There was no answer, and again, there were no follow-up questions to ascertain the gun’s current location. Sergeant Sabatino also asked ██████████ where the gun was, to which she replied she did not know.

In regard to the search of ██████████ BWC captured Officer Haleem put his hand into his front jeans pocket as ██████████ screamed.<sup>65</sup> And, there was no evidence anything was pulled out or located. No pat-down was performed before the search of the pocket. Soon after, ██████████ protested that officers were illegally searching his house, to which both Officer Haleem and Sergeant Sabatino responded that nobody was searching.<sup>66, 67</sup> However, ██████████ told Officer Halim that he just saw someone pick his bed up, and BWC for officer Glim showed an officer lift a mattress up off of the floor.<sup>69</sup> Officers were also captured

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<sup>57</sup> Att. 9 Haleem at 02:50.

<sup>58</sup> Att. 9 Haleem at 03:14.

<sup>59</sup> Att. 9 Haleem at 03:58-6:05.

<sup>60</sup> Att. 9 Glim at 00:26.

<sup>61</sup> Att. 9 Glim at 01:23-1:25.

<sup>62</sup> Att. 9 Haleem at 16:00.

<sup>63</sup> Att. 9 Glim at 02:07.

<sup>64</sup> Att. 9 Glim at 02:10.

<sup>65</sup> Att. 9 Haleem at 04:51.

<sup>66</sup> Att. 9 Haleem at 08:44.

<sup>67</sup> Att. 9 Sabatino at 5:36.

searching a dresser in the bedroom, and in various places in the living room, including inside a closet, in bags on the floor, and in a cabinet under a flat screen TV.<sup>76</sup>

Once [REDACTED] was able to enter the apartment and collect her things, she left and the department members left. No arrest was made. [REDACTED] refused medical attention and declined to file a complaint.

### OEMC Dispatch Recording

At :44 dispatch calls for cars to go to [REDACTED] and reported a person with a gun. [REDACTED] said [REDACTED] is attacking her and has a gun inside the apartment. At 9:29 863D performs a FOID card check on [REDACTED] FOID card valid through 2026. At 37:51 dispatcher called 863D to find out what was happening at [REDACTED] [REDACTED]. The reply is unclear.

## 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 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.

## VII. ANALYSIS

### Officer Mahmoud Haleem

COPA finds **Allegation #1**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct

when he entered the apartment of [REDACTED] at [REDACTED] without justification, is not supported by the evidence and is **Exonerated**.

*United States v. Betts* 16 F.3d 748, 755 (7<sup>th</sup> Cir. 1993), citing *United States v. White* 617 F.2d 1131, 1134 (5<sup>th</sup> Cir. 1980) reasoned that once consent has been obtained from one with authority to give it, any expectation of privacy has been lost, and that entry of additional officers would not further diminish the consenters' expectation of privacy.

In this case, even though [REDACTED] gave verbal permission for only one of the officers to enter his apartment, entry of the other officers is considered acceptable. Therefore, the allegations is not supported by the evidence and is **Exonerated**.

COPA finds **Allegation #2**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he handcuffed [REDACTED] without justification, is not supported by the evidence and is **Exonerated**.

Based on *People v. Arnold*, the use of restraints is reasonably necessary for safety under specific facts of the case. In this case, there is no dispute that there was a domestic dispute that likely involved some sort of physical altercation. There is also no dispute that during the original 911 call, it was reported that the aggressor had a gun. Even though Officer Haleem's demeanor toward [REDACTED] likely contributed to his outburst after he was handcuffed, there was enough cause for concern, and Officer Haleem was justified in handcuffing [REDACTED]. Therefore, this allegation is **Exonerated**.

COPA finds **Allegation #3**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he searched [REDACTED] without justification, is supported by a preponderance of the evidence and is **Sustained**.

A limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons *for the protection of the sworn member (italics added)*. A Protective Pat Down is not a general exploratory search for evidence of criminal activity. During a Protective Pat Down of the outer clothing of the subject, the officer may not go into the pockets of the subject or reach underneath the outer surface of the garments. If during the Protective Pat Down of the outer clothing, the officer touches an object which the officer believes is a weapon, the officer may reach into that area of the clothing and retrieve the object. *S04-13-09-Investigatory Stop System*.

Officer Haleem first stated that the reason he went into [REDACTED] pocket was because he saw a bulge. However, at the time of the search, [REDACTED] and Officer Haleem were physically struggling, no pat down was done to confirm there was actually a bulge, and there was no bulge captured on BWC. Later in the interview, Officer Haleem then claimed he thought [REDACTED] had some sort of narcotics in his pocket, possibly PCP, and was concerned [REDACTED] was under the influence of drugs. However, there was no mention

or evidence of drugs either before, during or after the search. Nothing was found in Mr. [REDACTED] pocket.

Because it is more likely than not Officer Haleem went beyond a pat down without justification, when he put his hand into [REDACTED] pocket, this allegation is **Sustained**.

COPA finds **Allegation #4**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he failed to complete an Investigatory Stop Report without justification after [REDACTED] was detained and searched, is supported by a preponderance of the evidence and is **Sustained**.

Because [REDACTED] was detained, handcuffed and searched by Officer Haleem, an Investigatory Stop Report should have been submitted. Officer Haleem admitted in his interview with COPA that he failed to do so. Therefore, this allegation is **Sustained**.

### **Officer Brian Glim**

COPA finds **Allegation #1**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Brian Glim, #15597, committed misconduct when he entered the apartment of [REDACTED] at [REDACTED] without justification, is not supported by the evidence and is **Exonerated**.

The analysis for this allegation is consistent with that of Allegation #1 for Officer Haleem.

COPA finds **Allegation #2**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Brian Glim, #15597, committed misconduct when he searched the apartment of [REDACTED] at [REDACTED] without justification, is supported by a preponderance of the evidence and is **Sustained**.

There is no dispute that Officer Glim searched [REDACTED] home. The issue is [REDACTED] he did so without a warrant, consent or exigent circumstances. *People v. Arnold*. During his interview with COPA, Officer Glim offered several reasons why he believed the search was proper. For example, it was unclear where or if the gun was in the apartment, because it was a domestic situation, and for officer safety. None of these reasons are accepted exceptions to the search warrant requirements.

However, even though both [REDACTED] and [REDACTED] told the officers the gun was not used during the domestic dispute, and even though the officers were told the gun was not in the apartment at that time, neither Officer Glim nor any of the other officers asked Mr. [REDACTED] where the gun actually was at that particular time. And, it must be pointed out that there was no evidence that the officers ever searched the kitchen, which is where [REDACTED] was handcuffed and detained until [REDACTED] collected her things and left the apartment. A search of the kitchen may have been reasonable based on *Chimel v. California*, 395 U.S. 752. And, it begged the question, if they were so concerned about the presence of a gun, and about officer safety, why was the kitchen not searched? Department members never satisfactorily answered this question.

Furthermore, because it is more likely than not Mr. ██████████ consent did not extend to Officer Glim, he was not legally inside Mr. ██████████ apartment, and therefore had no standing to search it. For these reasons, this allegation is **Sustained**.

### **Officer Joseph Shanahan**

COPA finds **Allegation #1**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near ██████████ Officer Joseph Shanahan, #14430, committed misconduct when he entered the apartment of ██████████ at ██████████ without justification, is not supported by the evidence and is **Exonerated**.

The analysis for this allegation is consistent with Allegation #1 for Officer Haleem.

COPA finds **Allegation #2**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near ██████████ Officer Joseph Shanahan, #14430, committed misconduct when he seized ██████████ Firearm Owners Identification Card (FOID), is supported by a preponderance of the evidence and is **Sustained**.

No person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act. *43 ILCS 65/2, Section 2(a)(1)*. The Department of State Police has authority to deny and application for or to revoke and seize a Firearm Owner's Identification card previously issued under this act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance (inter alia): (f) a person whose mental condition is of such a nature that is poses a clear and present danger to the applicant, any other person or persons or the community. *430 ILCS 65/8, Sec. 8 (f)*.

There is no dispute that Officer Shanahan seized Mr. ██████████ FOID card, however, he had no legal authority to do so. State law is clear on this point. Only the State Police have authority to seize a valid FOID card once a determination has been made to revoke said card. Officers, if they suspect a card holder is a danger to himself or others, are to report any suspicions to the State Police for evaluation. There is no provision, however, for a suspicious police officer to unilaterally seize a FOID card. Therefore, this allegation is **Sustained**.

COPA finds **Allegation #3**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near ██████████ Officer Joseph Shanahan, #14430, committed misconduct when he failed to inventory ██████████'s Firearm Owners Identification (FOID) card without justification, is supported by a preponderance of the evidence and is **Unfounded**.

Through investigation it was found that Officer Haleem, at some point, took possession of the FOID card and mailed it back to the State Police. Therefore, this allegation is **Unfounded**.

COPA finds **Allegation #4**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near ██████████ Officer Joseph Shanahan, #14430, committed misconduct

when he searched the apartment of [REDACTED] at [REDACTED] without justification, is supported by a preponderance of the evidence and is **Sustained**.

The analysis for this allegation is consistent with Allegation #2 for Officer Brian Glim.

COPA finds **Allegation #5**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Joseph Shanahan, #14430, committed misconduct when he failed to complete an Investigatory Stop Report after [REDACTED] was detained and searched, is supported by a preponderance of the evidence and is **Unfounded**.

Because through investigation it was found Officer Haleem both detained and searched [REDACTED] it has been concluded Officer Haleem was responsible for completing the ISR in this case. Therefore, this allegation is **Unfounded**.

### **Sergeant Steven Sabatino**

COPA finds **Allegation #1**, that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Sergeant Steven Sabatino, #2621, allowed subordinate officers to search the apartment of [REDACTED] without justification, is supported by a preponderance of the evidence and is **Sustained**.

Sergeant Sabatino stated in his interview with COPA that although he did not see any of the officers' search Mr. [REDACTED] apartment, he did see an officer in the living room [REDACTED] the scene for a possible weapon, to make sure no weapon was readily accessible. He also admitted he saw an officer go into a closet but claimed he did so to check it for a weapon. And it is important to mention again that when [REDACTED] objected to officers searching his apartment, Sergeant Sabatino responded that officers were not searching.

Even if it were true the officers' only intentions were to clear the apartment for weapons, it is still a search. For example, in *Arizona v. Gant*, 129 S.Ct. 1710, the court wrote, "In *Chimel*, we held that a search incident to arrest may only include the "arrestee's person and the area withing his immediate control...the area from within he might gain possession of a weapon or destructible evidence." Furthermore, as mentioned earlier, the officers failed to search the kitchen, which was the area where [REDACTED] was being detained.

Because the actions of the officers did amount to a search, and because, among other things, they lacked an exception to the search warrant requirements, it is more likely than not Sergeant Sabatino allowed subordinate officers to search the apartment of [REDACTED] without justification, therefore, this allegation is **Sustained**.

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

### **i. Complimentary and Disciplinary History**

#### **a. Officer Mahmoud Haleem**

### **i. Complimentary and Disciplinary History**

**Complimentary**

Deployment Operations Center Award	1
Attendance Recognition Award	5
Presidential Election Deployment Award 2008	1
Emblem of Recognition-Physical Fitness	8
Department Commendation	18
Honorable Mention	322
2004 Crime Reduction Ribbon	1
Police Officer of the Month Award	4
2019 Crime Reduction Award	1
Complimentary Letter	2
Honorable Mention Ribbon Award	1
NATO Summit Service Award	1
Superintendents Award for Valor	4
2009 Crime Reduction Award	1

**Disciplinary**

SPAR Absent Without Permission 7/4/20 2 Days Off  
 SPAR Absent Without Permission 7/3/20 1 Day Off

**ii. Recommended Penalty, by Allegation**

1. Allegation No. 3/6 Days Suspension
2. Allegation No. 4/11 Days Suspension

**b. Officer Brian Glim**

**i. Complimentary and Disciplinary History**

**Complimentary**

Military Service Award	1
Emblem of Recognition-Physical Fitness	5
Attendance Recognition Award	2
Department Commendation	5
Honorable Mention	67
2019 Crime Reduction Award	1
Complimentary Letter	5
NATO Summit Service Award	1
2009 Crime Reduction Award	1

**Disciplinary**

No Disciplinary History

**ii. Recommended Penalty, by Allegation**

1. Allegation No. 2/6 Days

**c. Officer Joseph Shanahan**

**i. Complimentary and Disciplinary History**

**Complimentary**

Emblem of Recognition-Physical Fitness	3
Attendance Recognition Award	1
Department Commendation	5
Honorable Mention	36
2019 Crime Reduction Award	1

**Disciplinary**

No Disciplinary History

**ii. Recommended Penalty, by Allegation**

1. Allegation No. 2/Reprimand
2. Allegation No. 4/6 Days Suspension

**d. Sergeant Steven Sabatino**

**i. Complimentary and Disciplinary History**

**Complimentary**

Deployment Operations Center Award	1
Attendance Recognition Award	3
Other Awards	2
Presidential Election Deployment Award 2008	1
Emblem of Recognition-Physical Fitness	2
Honorable Mention	34
2004 Crime Reduction Ribbon	1
Police Officer of the Month Award	1
2019 Crime Reduction Award	1
Complimentary Letter	3
Military Service Award	1
Military Deployment Award	1
Unit Meritorious Performance Award	1
2009 Crime Reduction Award	1
NATO Summit Service Award	1

**Disciplinary**

SPAR Indebtedness to the City

Reprimand

**e. Recommended Penalty, by Allegation**

1. Allegation No. 1/3 Days Suspension

As part of the Disciplinary actions, all of the department members with Sustained Allegations should undergo retraining in relation to Search Warrants and their exceptions. Officers Haleem and Shanahan should also train or re-train on how to handle issues with holders of FOID cards.

**ii. CONCLUSION<sup>68</sup>**

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

Officer	Allegation	Finding
Officer Mahmoud Haleem	1. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he entered the apartment of [REDACTED] at [REDACTED] without justification.	EXONERATED
	2. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he handcuffed [REDACTED] [REDACTED] without justification.	EXONERATED
	3. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Mahmoud Haleem, #14193, committed misconduct when he searched [REDACTED] without justification.	SUSTAINED/6 Days
	4. It is alleged by Inv. Frances Lee, #68 that on or about May 22, 2018, at	SUSTAINED/11 Days

<sup>68</sup> Add additional rows for additional allegations and/or involved officers.

	<p>approximately 3:00 PM to 4:00 PM, at or near [REDACTED] or at a police station, Officer Mahmoud Haleem, #14193, committed misconduct when he failed to complete an Investigatory Stop Report without justification after [REDACTED] was detained and searched.</p>	
<p>Officer Brian Glim</p>	<p>1. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Brian Glim, #15597, committed misconduct when he entered the apartment of [REDACTED] at [REDACTED] without justification.</p> <p>2. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Brian Glim, #15597, committed misconduct when he searched the apartment of [REDACTED] at [REDACTED] without justification.</p>	<p>EXONERATED</p> <p>SUSTAINED/6 Days</p>
<p>Officer Joseph Shanahan</p>	<p>1. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Joseph Shanahan, #14430, committed misconduct when he entered the apartment of [REDACTED] at [REDACTED] without justification.</p> <p>2. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Joseph Shanahan, #14430, committed misconduct when he seized [REDACTED] Firearm Owners Identification Card (FOID).</p> <p>3. It is alleged by Inv. Frances Lee, #68 that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at</p>	<p>EXONERATED</p> <p>SUSTAINED/Reprimand</p> <p>UNFOUNDED</p>

	<p>or near [REDACTED] or at a police station, Officer Joseph Shanahan, #14430, committed misconduct when he failed to inventory [REDACTED] [REDACTED] Firearm Owners Identification (FOID) card without justification.</p> <p>4. It is alleged by [REDACTED] that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Officer Joseph Shanahan, #14430, committed misconduct when he searched the apartment of [REDACTED] at [REDACTED] without justification.</p> <p>5. It is alleged by Inv. Frances Lee, #68 that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] or at a police station, Officer Joseph Shanahan, #14430, committed misconduct when he failed to complete an Investigatory Stop Report after [REDACTED] [REDACTED] was detained and searched.</p>	<p>SUSTAINED/6 Days</p> <p>UNFOUNDED</p>
<p>Sergeant Steven Sabatino</p>	<p>1. It is alleged by COPA Investigator Frances Lee that on or about May 22, 2018, at approximately 3:00 PM to 4:00 PM, at or near [REDACTED] Sergeant Steven Sabatino, #2621, allowed subordinate officers to search the apartment of [REDACTED] [REDACTED] without justification.</p>	<p>SUSTAINED/3 Days</p>

Approved:

[REDACTED]

10-29-2021

Angela Hearts-Glass  
Deputy Chief Investigator

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