

Officer	Allegation	Finding / Recommendation
Officer Craig Hammermeister	<p>1. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near ██████████ Officer Craig Hammermeister seized the FOID card and the Employee Registration card that belonged to ██████████ without justification.</p> <p>2. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near ██████████ Officer Craig Hammermeister seized a 9mm Glock handgun, holster, magazine and ammunition that belonged to ██████████ without justification.</p> <p>3. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near ██████████ Officer Craig Hammermeister seized \$2,550.00 USC that belonged to ██████████ without justification.</p>	<p>SUSTAINED</p> <p>EXONERATED</p> <p>EXONERATED</p>
Officer Adam Wallace	<p>1. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near ██████████ Officer Adam Wallace seized \$505.00 USC that belonged to ██████████ without justification.</p>	EXONERATED
Officer Dorothy Cade	<p>1. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near ██████████ Officer Dorothy Cade failed to properly photograph the premises and the evidence during the execution of a search warrant.</p>	SUSTAINED
Sergeant Nichelle Fraction	<p>1. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near ██████████ Sergeant Nichelle Fraction failed to adequately supervise police officers in that she permitted the seizure of item(s) beyond the scope of the warrant.</p>	SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2-Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings about discredit upon the Department.
 2. Rule 6-Disobedience of an order or directive, whether written or oral.
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Special Orders

1. S04-19 *Search Warrants*
 2. S06-05-03 *Illinois Firearm Owner's Identification Card or Concealed Carry License Revocation*
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General Orders

1. G01-09 *Supervisory Responsibilities*
 2. G01-03 *Department Directives System*
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Federal Laws

1. *Fourth Amendment of the United States Constitution*
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State Laws

1. 430 ILCS 65/2-8(n), 9.5-*Firearm Owners Identification Card Act.*
2. 720 ILCS 5/24-1.1-*Unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections.*
3. 725 ILCS 150/7-*Drug Asset Forfeiture Procedure Act-Presumptions and Inferences.*

V. INVESTIGATION³

a. Interviews

██████████
██████████ gave a recorded statement at COPA on February 1, 2020, at approximately 11:17 am, regarding an incident that occurred at her home at ██████████ on February 5, 2020. Ms. ██████████ was in the upstairs portion of her home with her children, aged 9 and 4, located downstairs on the living room couch.⁴ At approximately 7:30 pm, Chicago Police officers, dressed in street clothes, forced open her front door and entered the townhome. When Ms. ██████████ heard the loud noise, she relocated to the living room area where she found approximately ten Chicago Police officers with their guns drawn.⁵ Officer Hammermeister seemed to be the officer in charge.⁶ The officers said they had a search warrant and asked Ms. ██████████ about the location of ██████████ the non-resident father of her children. She responded that he had not been in the home for approximately an hour. The officers claimed, however, that they saw him there approximately five minutes earlier.

The officers proceeded to search her home. During the search, the officers scared her children, ramshackled her home, and seized her work-related firearm, ammunition, magazine, a lockbox, baggies, her FOID and PERC card, her PEN card from work, and the \$3,000.00 USD she had saved for a trip to Disneyworld.⁷ The officers did not find any drugs. It was also reported the officers damaged the front door and a dresser drawer. Ms. ██████████ an armed security guard, also mentioned that she found it odd the officers took her firearm but did not arrest her, and that they involved a person that was not mentioned on the search warrant, referring to herself. Neither Ms. ██████████ nor her children were searched or handcuffed.

At some point, Ms. ██████████ had some interaction with one of two female officers, later determined to be Sergeant Fraction, whom she described as aggressive.⁸ The Sergeant threatened to take her kids and refused to answer Ms. ██████████ questions about what the officers were doing and how to get her belongings back. Ms. ██████████ explained that she was an armed security guard and needed her firearm and credentials.

When asked if any of the officers said they were recording on BWC, Ms. ██████████ responded that she thought Officer Hammermeister did.⁹

Officer Craig Hammermeister

Officer Hammermeister gave a recorded statement at COPA on April 7, 2021, at approximately 11:36 am, regarding an incident that occurred at ██████████ on February 5, 2020. Officer Hammermeister was the affiant of a search warrant for the

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Att. 9 at 05:00.

⁵ Att. 9 at 03:00.

⁶ Att. 9 at 07:00.

⁷ Att. 9 at 03:50 and 13:30.

⁸ Att. 9 at 17:14.

⁹ Att. 9 at 25:25.

aforementioned address, based on information that he received from a J. Doe informant. He was not part of the breach team or the evidence officer, but he did ensure the safety of the officers, cleared the scene, and performed the search. The target of the search warrant, ██████████ was not in the residence at the time the search warrant was executed. However, once they entered the home they found the rear door in the kitchen ajar, open cabinet doors, white powder suspect narcotics in the cabinets, and foot and tire prints in the freshly fallen snow.¹⁰

A woman, now known as ██████████ and at least two children were in the residence when the officers entered. She was upstairs when they first breached the door but told the officers something to the effect that “he wasn’t there” once she came downstairs. He did not recall if Ms. ██████████ was ever handcuffed. Although Officer Hammermeister had little contact with Ms. ██████████ he was able to determine Mr. ██████████ and Ms. ██████████ were in some sort of relationship, but it was unknown exactly what it was, and Ms. ██████████ was employed as a security guard. As Officer Hammermeister described the layout of the residence, he stated that he noticed both male and female clothing in the upstairs bedroom closet.¹¹ He believed narcotics were found in the kitchen and possibly also a small amount was found in the bedroom, possibly a white powder, and some cannabis.¹²

Records show that during the search, Officer Hammermeister discovered the \$2550 in USD, Ms. ██████████ FOID card and Employee Registration Card in the living room, and the firearm along with its accoutrements in the bedroom.

According to Officer Hammermeister, he discovered the USD, inside the wide-open bedroom closet, inside of or on top of a blue bin full of clothes, but he did not remember if the top of the bin was on or off.¹³ He said the USD was either partially hidden by clothes, or laying on top of the clothes, but it was in plain sight at least partially.¹⁴ When asked if he took the USD out of the bin and placed it on a nightstand, where it appeared to have been photographed by the evidence officer, he answered in the negative, and stated that when he reported it to the evidence officer, it was in the closet.¹⁵

When Officer Hammermeister was asked why he recovered the USD, which was not enumerated on the search warrant, he stated that the CPD has what he called a “failsafe built in to CPD policy” regarding the collection of USD.¹⁶ He explained that even though it may be “inconvenient”, CPD officers will collect USD during a drug related search, even if not listed as an item to be seized on the search warrant, under the assumption that it is possibly part of a drug enterprise. He went on to say that once back at the station, a canine sniff analysis would be conducted and should it test negative, the subject claiming ownership of the USD, which would have been turned over to the asset unit in or near Homan Square, would have to somehow prove ownership (e.g., by using pay stubs or bank withdrawal receipts) in order to have the USD returned

¹⁰ Att. 5 at 07:10.

¹¹ Att. 5 at 11:10.

¹² Att. 5 at 10:33.

¹³ Att. 5 at 22:50.

¹⁴ Att. 5 at 23:50.

¹⁵ Att. 5 at 26:00.

¹⁶ Att. 5 at 19:30-22:10.

via a court appearance.¹⁷ It was confirmed that a canine unit was not called to the scene to test the USD before it was recovered.

Officer Hammermeister asked that Ms. [REDACTED] FOID card and Employee Registration card, discovered somewhere in the living room, also be seized. Although it was unknown as to whether or not she mentioned she was an armed security guard, he asked for them to be seized because some of the statutes or policies regarding having a firearm prohibits firearms being in the home of a convicted felon, referring to Mr. [REDACTED] or in the presence of narcotics, which were presumably found in the home, and in extension prohibits possession of a FOID card. It is allegedly routine to seize a person's FOID card under these conditions, then turn it over to another unit near the Homan station who can determine whether or not it is or should be revoked.¹⁸ If it is not, they can return the FOID card to the owner. When asked if he checked to see whether the FOID card was valid, he responded that he did not know, but as far as he is concerned, whether the FOID card is valid or not, under similar circumstances, he is taking the card.¹⁹ Officer Hammermeister also stated that he did not send the FOID card to the State with the proper form.²⁰

The firearm and ammunition were discovered inside a dresser/nightstand drawer, and the holster, magazine and other related items were discovered nearby.

Although it was known that she was a resident of the location named in the search warrant, [REDACTED] was not arrested because she was not the target of the search warrant and Officer Hammermeister did not consider her liable for the presence of the alleged narcotics that were found.²¹

Officer Adam Wallace

Officer Wallace gave a recorded statement at COPA on March 11, 2021 at approximately 9:55 am, regarding an incident that occurred at [REDACTED] on February 5, 2020. The COPA investigator gave Officer Wallace Exhibit A, a copy of the Search Warrant Packet and Exhibit B, copies of the Search Warrant Photos to use to refresh his memory of the event in question.

Officer Wallace stated that the officers breached the dwelling listed on the search warrant after one of the officers saw who he believed to be [REDACTED]. It was assumed that Mr. [REDACTED] the target of the search warrant, ran out the back door of the dwelling before the officers were able to enter. Officer Wallace attempted to follow the footsteps in the fresh snow, that he believed belonged to Mr. [REDACTED] which led to a parking lot where they discovered vehicle tracks.²² It was believed the footsteps belonged to Mr. [REDACTED] because when the officers first entered the residence, the occupant immediately called out that he, referring to Mr. [REDACTED] was not there.

¹⁷ Att. 5 at 33:40.

¹⁸ Att. 5 at 30:35.

¹⁹ Att. 5 at 32:20.

²⁰ Att. 5 at 33:28.

²¹ Att. 5 at 40:45.

²² Att. 8 at 01:40

When he returned to the residence, Officer Wallace assisted the other officers with the search, during which he discovered a sum of USC in the bedroom and reported it to the evidence officer.²³ The COPA investigator pointed out that cash was not listed as an item to be seized on the search warrant, and Officer Wallace stated the cash was seized because it was suspected narcotics proceeds.²⁴ Once back at the station, a police dog sniff test was conducted and produced a positive result for the presence of narcotics.

Officer Dorothy Cade

Officer Cade gave a recorded statement at COPA on June 14, 2021 at approximately 9:52 am, regarding an incident that occurred at [REDACTED] on February 5, 2020. Dorothy Cade acted as the evidence officer, without any training on either procedure regarding evidence collection or on operating the camera other than turning it on, during the execution of a search warrant at this address. She also acted as the evidence officer five or six times earlier.²⁵

Officer Cade explained that she took photos of the scene before the search, to include things like the front door, rear door, and each room, similar photos after the actual search was completed, and also took photos of the items that were recovered as directed by other officers.²⁶ She stated items that are recovered are normally not moved from the place it was found before the photo is taken.²⁷ After taking a photo of the evidence, it is recovered by the evidence officer and placed in the proper evidence receptacle, documented in the evidence log, taken back to the station, and then inventoried.²⁸

The COPA interviewer then began a query about the collection of the two bundles of USC found at the scene.²⁹ Officer Cade was asked to look at photos marked as #16 and #23 of Exhibit B.³⁰ The officer looked at the photos and stated that she believed them to be the same photo with the cash in one photo being a bundle, and then spread out in the other, however she was not sure why the photos would have been taken that way, but claimed everything in the photos was the same.³¹ The investigator then pointed out that the photos were not, in fact, the same in that the items on the table were different from one photo to the other. Page 13 of Exhibit A stated that the \$2550.00 bundle of USC was found in the closet of the bedroom in a bin, rather than on the nightstand, which is what photos marked #16 and #23 captured.³² The investigator then pointed out that either one of the previously mentioned photos captured the bundle of USC amounting to \$2550.00, and the other the bundle of USC amounting to \$505.00, and one of the bundles was moved, or there was no photo of the bundle of USC amounting to \$2550.00. Officer Cade was unable to recall or explain the discrepancies and stated that she did not witness any other officer move the USC. She did say, however, there may have been an issue with the equipment, but did not check to be sure if all the photos that were taken during that date were uploaded.

²³ Att. 8 at 03:19.

²⁴ Att. 8 at 07:10.

²⁵ Att. 25 at 07:00.

²⁶ Att. 25 at 09:09.

²⁷ Att. 25 at 12:55.

²⁸ Att. 25 at 13:18.

²⁹ Att. 25 at 15:50.

³⁰ Att. 28.

³¹ Att. 25 at 17:25.

³² Att. 27.

The interview then moved on to the photos of the alleged FOID card and Employee Registration card, both of which belonged to Ms. [REDACTED]. The first thing that was addressed was the fact that the photo showed three cards, and only two cards were recovered and inventoried. When asked what the third card was, Officer Cade was unable to recall what it was, and the photo was not clear enough to tell what it was.³³ Officer Cade was also unsure as to why Ms. [REDACTED] work ID was seized.

Sergeant Nichelle Fraction

Sergeant Fraction gave a recorded statement at COPA on March 18, 2021 at approximately 10:16 am, regarding an incident that occurred at [REDACTED] on February 5, 2020. She was the supervising sergeant at the scene.

Prior to the execution of the search warrant, the other officers performed surveillance on the target location of the warrant in an attempt to verify the information provided to them.³⁴ The officers and Sergeant Fraction then relocated to further prepare for the execution of the search warrant, to include assigning which duties each officer would have. It was explained that Sergeant Fraction had a copy of the search warrant, but is not necessarily consulted as to what should or should not be seized during the search, but she was aware of what was recovered at the end of the search based on the evidence log. And, although she was in the vicinity of Ms. [REDACTED] and her children during the search, she did not recall if she or anyone else performed a search on Ms. [REDACTED] herself.

Ms. [REDACTED] believed that the cash, the firearm and its accoutrements, the FOID card and the Employee Registration card were unjustly seized because they belonged to her and not the target of the search warrant, [REDACTED]. Sergeant Fraction believed the seizure of those items was lawful because of the presence of illegal narcotics and cannabis, but did not know if they were in plain view when discovered.³⁵ It was her understanding the possession and/or use of narcotics or cannabis disqualified Ms. [REDACTED] from possessing a firearm or FOID card, which allowed for the seizure of these items. Officer Fraction also mentioned that she could go through a process in order to get her items returned. It was unknown whether any of the officers checked the validity of the FOID card at any time, or whether Ms. [REDACTED] was, in fact, the owner of the firearm.

The COPA investigator asked the sergeant why, based on the presence of suspect narcotics and a firearm, Ms. [REDACTED] was not arrested. Sergeant Fraction responded by saying that it was because she was not the target of the warrant, the items that were located in residence did not rise to the level of necessitating an arrest, she had two small children in the house, and the sergeant was trying to give her a break.³⁶

³³ Att. 25 at 24:30.

³⁴ Att. 6 at 04:40.

³⁵ Att. 6 at 15:45 and 16:40.

³⁶ Att. 6 at 17:50.

b. Digital Evidence

Search Warrant Photos

1. Kitchen/Pre-Search



2. Recovered Jar (With suspect narcotics)



3. Adult Bedroom/Pre-Search



4. Firearm Recovered from Adult Bedroom



5. Holster and Magazine Recovered from Adult Bedroom



6. Alleged FOID Card, Employee ID and Unidentified card



7. Cash Recovered from Adult Bedroom



8. Cash Recovered from Adult Bedroom



9. Blurry Photo



10. Photos of Medicine Bottles for [REDACTED] Recovered from Bedroom



Body Worn Camera footage

Uniformed Officers Christian Neyland and Justin Englert entered the resident at [REDACTED] and for the most part stood by the open front door. Initially, Ms. [REDACTED] and her children were located in the living room.

A female voice believed to be Ms. ██████ said that she “smoked the weed.”³⁷ Another female voice, believed to be Sergeant Fraction, stated that you cannot have a FOID card if you smoke marijuana, and that it was grounds to seize the card.³⁸ A short time later it appeared as though Sergeant Fraction handed something to Evidence Officer Cade who then took the item(s) over to a different location and took a photo of the item(s), without using the flash in a semi-dark room.³⁹ The items are believed to be the FOID card and Employee Registration card.

A short time later, Ms. ██████ and her children, wrapped in blankets, relocate to another room. The officers then searched the living room, to include the couch.⁴⁰ BWC captured Evidence Officer Cade in the living room placing evidence, likely the box of baggies and the glass jar discovered in the kitchen, into evidence bags.⁴¹

Later in the video there is a heated conversation in the living room between what sounded to be at least one male and one female officer and Ms. ██████ but it is unclear exactly who they are. Apparently, the officers wanted Ms. ██████ to call ██████ back to the house.⁴² One of the female officers who seemingly spoke to Ms. ██████ said, “Ok, you sayin out loud you got your kids around, cuz you’re a veteran, you got your kids around dope? That’s a good parent?”⁴³

c. Documentary Evidence

Search Warrant # ██████

Search Warrant issued on February 5, 2020, target address ██████ target person ██████ Items to be seized: cocaine, paraphernalia used in weighing, cutting, mixing, and packaging of illegal drugs, any documents of items sowing residence and any money records detailing illegal drug activity.

The complaint for the search warrant, drafted by Officer Hammermeister stated, inter alia, that a J. Doe informant purchased cocaine from ██████ while at the target address on a number of occasions.

Narcotic’s Division Supplementary Report

This report mentioned that target ██████ a convicted felon, was not present and was not taken into custody. It also included a list of seized evidence:

Inv.# 14653637	Bundle of USC \$2,550.00
Inv.# 14653639	Bundle of USC \$ 505.00
Inv.# 14653405	Glock 9mm Firearm
Inv.# 14653423	Clear Glass Jar containing suspect crack/Cocaine
Inv.# 14653422	Clear plastic bag containing suspect cannabis
Inv.# 14653434	(2) Magazines for Glock

³⁷ Att. 23 at 04:40.

³⁸ Att. 22 at 05:17, Att. 23 at 04:55.

³⁹ Att. 23 at 08:20.

⁴⁰ Att. 23 at 22:00.

⁴¹ Att. 23 at 26:30.

⁴² Att. 23 at 30:18.

⁴³ Att. 23 at 31:30.

Inv.# 14653420 (1) Box of 9mm Ammo
 Inv.# 14653433 (1) Black Glock Case
 Inv.# 14653419 (1) Black Gun Holster
 Inv.# 14653418 (1) Narcotics Packaging
 Inv.# 14653444 (1) FOID Card and
 (1) Employee Registration Card belonging to [REDACTED]
 Inv.# 14653415 (1) Original Search Warrant [REDACTED]
 (1) Evidence Recovery Log [REDACTED]
 (1) Digital Photos
 Inv.# 14653417 (2) Prescription Bottles issued to [REDACTED]
 Inv.# 14653416 (1) Piece of Mail addressed to [REDACTED]

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 reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

VII. ANALYSIS

Officer Craig Hammermeister

COPA finds **Allegation #1**, that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] Officer Craig Hammermeister seized the FOID card and the

Employee Registration card that belonged to ██████████ without justification, is supported by a preponderance of the evidence and is **Sustained**.

The Department member preparing the Complaint for Search Warrant and Search Warrant will ensure that both the Complaint for Search Warrant and the Search Warrant accurately and specifically describe the person who is the subject of the search warrant, the location to be searched, and the articles to be seized. *Special Order S04-19*. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. *Fourth Amendment of the United States Constitution*.

The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act, inter alia, the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance is a person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or federal law, or has been *convicted* of possession of a controlled substance, cannabis or methamphetamine within the last year. *430 ILCS 65/2-8(n), Section 1.1(1)-Firearm Owners Identification Card Act*. The Circuit Court Clerk shall, in the form and manner required by the Supreme Court, notify the Department of State Police of all final dispositions of cases for which the Department has received information reported to it under Sections 2.1 and 2.2 of the Criminal Identification Act. *430 ILCS 65/8.1(a), Section 1.1(1)-Firearm Owners Identification Card Act*.⁴⁴ The Illinois State Police is authorized to issue a FOID revocation notice requiring the person receiving the notification to complete an Illinois State Police Disposition Record and surrender both the form and the FOID card to the local law enforcement agency within 48 hours of receiving the notification. *S06-05-03 (II A)*. Department members will not inventory the surrendered FOID cards. *S06-05-03 (II C)*. The district desk personnel receiving a revoked FOID card will accept the card, ensure the Illinois State Police Disposition Record is filled out with a copy to the person surrendering their card, and then send it to the Illinois State Police. *S06-05-03 (III A)*. The observation of a Firearm Owner's Identification Card in the possession of a person whose Firearm Owners Identification Card has been revoked constitutes a sufficient basis for the arrest of that person for violation of this section. *430 ILCS 65/9.5 (e)-Firearm Owners Identification Card Act*.

Ms. ██████████ Employee Registration card was not listed as a recoverable item under Search Warrant # ██████████. Furthermore, Officer Hammermeister never offered COPA investigators any reasonable explanation as to why he instructed the evidence officer to collect and inventory this item, in fact he told COPA investigators that she was not a target of the search warrant. This item was simply the personal property of Ms. ██████████ and was completely unrelated to this case.

⁴⁴ 20 ILCS 2630/2.2 stated, inter alia, that the circuit court clerk shall include notification and a copy of the written determination in a report of the conviction to the Department of State Police Firearm Owner's Identification Card office to enable the office to perform its duties under Sections 4 and 8 of the Firearm Owner's Identification Card Act with the determination described to be included in the defendant's record of arrest and conviction in the manner and form prescribed by the Department of State Police.

Ms. [REDACTED] FOID card was also not listed as a recoverable item under Search Warrant # [REDACTED] which it could not have been under these circumstances. Officer Hammermeister is incorrect in relation to his understanding of Illinois statute and CPD policy. No police officer or unit of the CPD has the authority to revoke, or even seize a FOID card without prior direction from the Illinois State Police. The only time the Illinois State Police would authorize the seizure of a FOID card is if they have been notified by the circuit court that the party had been *convicted* of a crime necessitating the revocation or suspension of the FOID card, or if the Illinois State Police had an alternative reason for warranting the FOID card's seizure, such as an enumerated authority found the person to be a clear and present danger to himself or others. Not only was there no evidence Officer Hammermeister believed Ms. [REDACTED] card to be revoked or even checked its status, the officers chose not to arrest Ms. [REDACTED] on this particular evening, and there is no indication that she had any prior actionable convictions.

Because Officer Hammermeister had no reason to seize Ms. [REDACTED] Employee Registration card and no legal authority to seize Ms. [REDACTED] FOID card, this allegation is Sustained.

COPA finds **Allegation #2**, that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] Officer Craig Hammermeister seized a 9mm Glock handgun, holster, magazine, and ammunition that belonged to [REDACTED] without justification, is not supported by the evidence and is **Exonerated**.

It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited by this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other Jurisdiction. *720 ILCS 5/24-1.1-Unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections*

[REDACTED] was convicted on February 1, 2017 under 720-5/24-1(A)(4)-Unlawful Use of a Weapon, a felony. Evidence suggested that Mr. [REDACTED] more likely than not lived at the address contained in the search warrant. The firearm seized was allegedly found next to [REDACTED] driver's license in an upstairs bedroom, which suggested he had access to the firearm. Based on this conviction, Officer Hammermeister was justified in seizing the firearm, and this allegation is Exonerated.

COPA finds **Allegation #3**, that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] Officer Craig Hammermeister seized \$2,550.00 USC that belonged to [REDACTED] without justification, is not supported by the evidence and is **Exonerated**.

The following situation shall give rise to a presumption that the property described therein was furnished or intended to be furnished in exchange for a substance in violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, or is the proceeds of such an exchange, and therefore forfeitable under this act, such presumptions rebuttable by a preponderance of the evidence: All moneys, coin or currency found in close proximity to any substances manufactured, distributed, dispensed, or

possessed in violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, to forfeitable drug manufacturing or distributing paraphernalia, or to forfeitable records of the importation, manufacture or distribution of substances. 725 ILCS 150/7-*Drug Asset Forfeiture Procedure Act-Presumptions and Inferences*.

The suspect crack cocaine was discovered in the kitchen of the residence, and a clear plastic bag containing suspect cannabis was found in the upstairs bedroom on the nightstand. The USD was discovered on top of the upstairs bedroom nightstand and/or in a bin in the bedroom closet.⁴⁵ Based on the totality of the circumstances, the proximity of the cash to the suspect crack cocaine and cannabis is close enough to suggest a reasonable nexus between the drugs and the USD. Therefore, seizure was reasonable, and this allegation is Exonerated.

Officer Adam Wallace

COPA finds **Allegation #1**, that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] Officer Adam Wallace seized \$505.00 USC that belonged to [REDACTED] without justification, is not supported by the evidence and is **Exonerated**.

The analysis for this allegation is consistent with Allegation #3 for Officer Craig Hammermeister.

Officer Dorothy Cade

COPA finds **Allegation #1**, that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] Officer Dorothy Cade failed to properly photograph the premises and the evidence during the execution of a search warrant, is supported by a preponderance of the evidence and is **Sustained**.

Prior to serving a search warrant, the search team supervisor will designate a search-team member that has received Department training in the use of digital cameras and uploading images to photograph images consistent with the photographing procedures outlined in item IX-E-6 of this directive. Any such unit that does not have access to a department-issued digital camera or a department member trained in its use will request the services of an evidence technician. The designated evidence officer will photograph the interior of the premises after it is secured and before it is searched, articles seized while serving the search warrant and when feasible, articles will be photographed in the locations where they were discovered prior to recovery, and the premises after the search is completed. The evidence officer will ensure the correct date and time stamp is added to all digital images. S04-19 *Search Warrants*. Individual members of the Department will be knowledgeable concerning all Department and unit-level directives which apply to their positions, duties and responsibilities. As a guideline: a) with respect to General Orders, members need to maintain a level of knowledge that is sufficient for them to immediately recall and apply the key policy and procedural elements of these directives, b) with respect to all other Department and unit-level directives, members need to maintain a level of knowledge that is sufficient for them to appropriately perform their assigned duties. G01-03 *Department Directives System*.

⁴⁵ There is some dispute as to where the cash was actually discovered. See allegation for Officer Dorothy Cade.

The first issue is with the photographs of the USD. Officer Hammermeister stated in his interview, and it is recorded on the Narcotics' Division Supplementary Report, that the \$2,550.00 USD that he discovered in the upstairs bedroom was in or on a bin in the closet. However, there is no photograph that captured any amount of USD in this. When Officer Cade was asked about it in her interview with COPA, she could not account for this discrepancy. When investigators suggested that either photo numbered 7 or 8 in the evidence section above was a photo of the \$2,550.00, and that the evidence had been moved before it was photographed, Officer Cade stated that she did not move any of the evidence before photographing it, and she seemed certain photographs numbered 7 and 8 were the same photograph, only with the money spread out in photograph 7.⁴⁶ She also could not explain why the other objects on the nightstand were completely different in photographs 7 and 8, which more reasonably suggested that items were moved during the search before the photographs were taken. It is COPA's stance that either Officer Cade failed to photograph the \$2,550.00 at all, or it was moved before it was photographed and is likely the USC captured in photograph 8.⁴⁷

Photograph 2 located in the evidence section is allegedly of a glass jar containing a white powdered substance, suspect crack cocaine. The photograph is of the quality where no white substance can be seen and does not represent the evidence as described in the Narcotics' Division Supplementary Report. Furthermore, there are no photos of white powder included with the evidence photos provided by the CPD.

Photograph 6 located in the evidence section captured what appeared to be three cards, one reported to be Ms. ██████████ FOID card, and one her Employee Registration. In addition to the photographs being of such poor quality they cannot be read, and it cannot be determined if the FOID card is real or fake, and it cannot be determined if one of the three cards is actually Ms. ██████████ Employee Registration card. Furthermore, Officer Cade was unable to recall what the third card was.⁴⁸

BWC captured Sergeant Fraction hand Evidence Officer Cade what is believed to be the FOID card and Employee Registration cards. The cards were originally seen lying on what appeared to be a fish tank but were moved to a table before they were photographed.

Lastly, in addition to there being some photos that are so blurry that any possible evidence would be impossible to make out, the living room, the second bedroom, the laundry area, and the kitchen only appear to have a before photo.⁴⁹ And, there are no date/time stamps on the photos.

Officer Cade admitted that she had no training on how to use the digital camera provided her, other than to turn it on and off, despite the fact that the order covering search warrants clearly stated that if there was no member available who was trained in the operation of the digital camera, an evidence technician should have been called. This failure has left us with an inadequate record

⁴⁶ Interestingly, Officer Hammermeister suggested the same thing in his COPA interview-Att. 5 at 24:30.

⁴⁷ Photographs 7 and 8 in this report correspond to photographs 16 and 23 of Exhibit B.

⁴⁸ In the photograph, the FOID card appears to be printed in black and white which is inconsistent with the yellow and white FOID cards issued by the State of Illinois, and there was not mention of or evidence of a possible temporary FOID card.

⁴⁹ There was a total of 29 photos submitted to COPA by the CPD.

of what this residence looked like after the search, and an inadequate record of the evidence that was recovered. At the very least, Officer Cade did not maintain or acquire sufficient knowledge of the Search Warrants special order to perform her duties as the evidence officer because she did not acquire the required training in the use of the digital camera, therefore this allegation is Sustained.

Sergeant Nichelle Fraction

COPA finds **Allegation #1**, that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] Sergeant Nichelle Fraction failed to adequately supervise police officers in that she permitted seizure of item(s) beyond the scope of the warrant, is supported by a preponderance of the evidence and is **Sustained**.

Department supervisors will be knowledgeable concerning the law, Department policies, and unit-level directives which apply to their positions, duties and responsibilities, as to be a resource for other Department members. Supervisors of all ranks are accountable for the performance of subordinate members directly observed or under their direct command. Immediate supervisors of all ranks are responsible for supervising, managing and overseeing, as appropriate, day-to-day work activities of members under their direct command. G01-09 *Supervisory Responsibilities*.

Sergeant Nichelle Fraction was the supervisory sergeant during the execution of the search warrant at [REDACTED] on February 5, 2020. During the search, Officer Hammermeister seized the FOID card and the Employee Registration card belonging to Ms. [REDACTED] without legal authority or justification as outlined in the analysis section for Allegation #1 for Officer Hammermeister. Sergeant Fraction approved the evidence recovery log at the end of the search, a copy of which was given to Ms. [REDACTED]

Sergeant Fraction was responsible for overseeing the officers under her and was accountable for their performance. And, because she was responsible for knowing the laws and policies regarding the execution of a search warrant, she should have known the CPD had no legal authority to seize Ms. [REDACTED] FOID card, and should have known there was no reasonable justification for the seizure of Ms. [REDACTED] Employee Registration card. Therefore, this allegation is Sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Craig Hammerstein

i. Complimentary and Disciplinary History

a. The following is a summary of disciplinary incidents for Officer Hammerstein:⁵⁰ No disciplinary history, as of July 15, 2021.

⁵⁰ Att. 34

b. The following is a summary of the complimentary history of Officer Hammerstein.⁵¹

1. 2009 Crime Reduction Award (1); 2. 2019 Crime reduction Award (1); 3. Annual Bureau Award of Recognition (1); 4. Arnold Mireles Special Partner (1); 5. Attendance Recognition Award (2); 6. Complimentary Letter (6); 7. Department Commendation (3); 8. Emblem of Recognition – Physical Fitness (12); 9. Honorable Mention (78); 10. Joint Operations Award (1); 11. Nato Summit Service Award (1); 12. Police Officer of the Month Award (1); 13. Presidential Election Deployment Award 2008 (1); 14. Special Commendation (1); and 15. Top Gun Arrest Award (1), as of July 15, 2021.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1: Reprimand and Retraining on Search and Seizure

b. Officer Dorothy Cade

i. Complimentary and Disciplinary History

a. The following is a summary of disciplinary incidents for Officer Cade⁵²: No disciplinary History, as of July 15, 2021.

b. The following is a summary of the complimentary history of Officer Cade⁵³:

1. 2019 Crime Reduction Award (1); 2. Attendance Recognition Award (3); 3. Complimentary Letter (1); 4. Department Commendation (2); 5. Emblem of Recognition – Physical Fitness (6); 6. Honorable Mention (62); 7. Joint Operations Award (2); 8. Life Saving Award (1); 9. Nato Summit Service Award (1); and 10. Unit Meritorious Performance Award (1), as of July 15, 2021.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1: Violation Noted and Required Evidence Technician Application/Training per Employee Resource E05-09

⁵¹ Att. 33

⁵² Att. 34

⁵³ Att. 33

	<p>holster, magazine and ammunition that belonged to [REDACTED] without justification.</p> <p>3. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] [REDACTED] Officer Craig Hammermeister seized \$2,550.00 USC that belonged to [REDACTED] [REDACTED] without justification.</p>	<p>EXONERATED</p>
<p>Officer Adam Wallace</p>	<p>1. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] [REDACTED] Officer Adam Wallace seized \$505.00 USC that belonged to [REDACTED] without justification.</p>	<p>EXONERATED</p>
<p>Officer Dorothy Cade</p>	<p>1. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] [REDACTED] Officer Dorothy Cade failed to properly photograph the premises and the evidence during the execution of a search warrant.</p>	<p>SUSTAINED/Violation Noted</p>
<p>Sergeant Nichelle Fraction</p>	<p>1. It is alleged that on or about February 5, 2020, at approximately 7:30 pm, at or near [REDACTED] [REDACTED] Sergeant Nichelle Fraction failed to adequately supervise police officers in that she permitted the seizure of item(s) beyond the scope of the warrant.</p>	<p>SUSTAINED/Violation Noted</p>

Approved:

[REDACTED]

2-16-2022

 Angela Hearts-Glass
 Deputy Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

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