

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 29, 2017
Time of Incident:	8:34 a.m.
Location of Incident:	██████████ 2 <sup>nd</sup> floor
Date of COPA Notification:	October 31, 2017
Time of COPA Notification:	12:30 p.m.

On October 29, 2017, Sergeant Corey Walker and Officers Xavier Chism, Jonathan Dibiase and Jonathan Morlock executed a search warrant at ██████████, 1<sup>st</sup> floor apartment. In the process, they also entered and searched ██████████ 2<sup>nd</sup> floor apartment, without a warrant or consent, in search of ██████████ (the target named in the search warrant), who does not reside in the apartment. Further, Sergeant Walker and the accused officers failed to document their actions related to the 2<sup>nd</sup> floor apartment in any Department report. COPA conducted an investigation into these acts and concluded that the entry into ██████████ apartment was not authorized by the search warrant, and failing to document those actions was also improper.

II. INVOLVED PARTIES

Involved Sergeant #1:	Corey Walker, Star #1730, Employee # ██████████, Date of Appointment: September 5, 1995; Sergeant, Unit of Assignment: 008 / 376, DOB: ██████████, 1969; Male / Black
Involved Officer #1:	Xavier Chism, #12911, Employee # ██████████, Date of Appointment: September 26, 2005; PO, Unit of Assignment: 006 / 189, DOB: ██████████, 1979; Male / Black
Involved Officer #2;	Jonathan Dibiase, Star #14050, Employee # ██████████, Date of Appointment: November 30, 2012; PO, Unit of Assignment: 008 / 312, DOB: ██████████, 1984; Male / White
Involved Officer #3:	Jonathan Morlock, Star #15358, Employee # ██████████ Date of Appointment: September 1, 2010; PO, Unit of Assignment: 006 / 312, DOB: ██████████, 1985; Male / White
Involved Individual #1:	██████████ DOB: ██████████ 1987; Female / Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Corey Walker	1. It is alleged that 29 October 2017, at approximately 0835 hours, at [REDACTED] 2 <sup>nd</sup> floor, you searched [REDACTED] apartment without a search warrant or permission.	Sustained /
Officer Xavier Chism	1. It is alleged that 29 October 2017, at approximately 0835 hours, at [REDACTED] 2 <sup>nd</sup> floor, you searched [REDACTED] apartment without justification.  2. It is alleged that 29 October 2017, at approximately 0835 hours, at [REDACTED] 2 <sup>nd</sup> floor, you failed to document your over all actions at [REDACTED] at [REDACTED] - 2 <sup>nd</sup> floor.	Sustained /  Sustained /
Officer Jonathan Dibiase	1. It is alleged that 29 October 2017, at approximately 0835 hours, at [REDACTED] 2 <sup>nd</sup> floor, you searched [REDACTED] apartment without justification.  2. It is alleged that 29 October 2017, at approximately 0835 hours, at [REDACTED] [REDACTED] you failed to document your over all actions at [REDACTED] apartment at [REDACTED] - [REDACTED].	Sustained /  Not Sustained
Officer Jonathan Morlock	1. It is alleged that 29 October 2017, at approximately 0835 hours, at [REDACTED] 2 <sup>nd</sup> floor, you searched [REDACTED] apartment without justification.  2. It is alleged that 29 October 2017, at approximately 0835 hours, at [REDACTED] 2 <sup>nd</sup> Floor, you failed to document your over all actions at [REDACTED] apartment at [REDACTED] - 2 <sup>nd</sup> floor.	Sustained /  Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules
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1. Rule 6 – Disobedience of an order or directive, whether written or oral.

2. Rule 10 – Inattention to duty.

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Special Orders

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1. S04-19 – Search Warrants (eff. 9/3/15 – 1/2/20)

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Federal Laws

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1. United States Constitution, Amendment IV

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

### a. Interviews

In her statement to COPA on October 31, 2017, ██████████ stated that on October 29, 2017, she resided in the 2<sup>nd</sup> floor apartment at ██████████. She was not home when the execution of the warrant for the 1<sup>st</sup> floor apartment was conducted. ██████████ returned home after receiving a call from a neighbor,<sup>3</sup> but did not approach the officers and instead watched the officers from down the street. ██████████ returned home later to see that her front and back doors were left wide open, her apartment was in disarray, and no search warrant was left in her apartment. ██████████ went to the first floor and located a search warrant in that apartment. The following day, ██████████ called a sergeant (now known to be Sgt. Walker<sup>4</sup>) to complain of the incident and he apologized to her. ██████████ did not know the officers that came to her apartment.

In her statement to COPA on May 15, 2018, **witness Officer Christa Barton<sup>5</sup>** discussed her involvement in the search warrant being executed on October 29, 2017, at approximately 8:30 am, for the 1<sup>st</sup> floor apartment of the two-story building at ██████████. She stated that the warrant was for narcotics and an individual named ██████████. She was the perimeter officer on the team during the execution of the warrant. Officer Barton spoke with the tenant<sup>6</sup> in the ██████████ and he informed her that ██████████ did not sell drugs out of the building, but that he sells drugs a few houses down the street from their building. Officer Morlock was with Officer Barton during the conversation. The tenant did not provide any other information about ██████████ other than ██████████ lived above him and “just left.” Officer Barton did not see which officers entered or searched the 2<sup>nd</sup> floor apartment. However, she recalled Officer Chism stated that he went into the 2<sup>nd</sup> floor apartment in search of ██████████. Officer Barton later learned that Officer Chism and other officers entered the 2<sup>nd</sup> floor apartment because they believed ██████████ ran into the apartment. Officer Barton did not know who the other officers were that entered and searched that apartment with Officer Chism.

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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> ██████████ did not know the neighbor’s name.

<sup>4</sup> Although ██████████ did not know the sergeant’s name when she called to complain, during an interview with Sgt. Walker he admitted to COPA that he spoke with ██████████

<sup>5</sup> Atts. 40 (audio), 49 (transcript).

<sup>6</sup> An unknown White male individual, with no additional known information.

In his statement to COPA on May 14, 2018, **witness Officer Fortino Garibay**<sup>7</sup> stated that on October 29, 2017, he executed a search warrant for the 1<sup>st</sup> floor apartment at [REDACTED] with his team. He denied talking to any tenants or bystanders while at the scene. Officer Garibay denied entering or searching the 2<sup>nd</sup> floor apartment. Officer Garibay did not see any of the officers talking to the tenant in the [REDACTED] or to [REDACTED]. He denied knowing or being a witness to which officers on his team entered and searched the 2<sup>nd</sup> floor apartment.

In his statement to COPA on April 25, 2018, **accused Officer Jonathan Dibiase**<sup>8</sup> stated that on October 29, 2017, he was an entry officer and the inventory officer during the execution of a warrant for the 1<sup>st</sup> floor apartment at [REDACTED] that named [REDACTED]. Officer Dibiase had a pry-bar that he used to enter the main door to the building. While in the 1<sup>st</sup> floor apartment, he overheard several officers in the foyer of the building talking to the tenant of the [REDACTED], but he was unable to identify the officers. Officer Dibiase thinks that he heard the tenant say that the target of the search warrant was upstairs and owns the entire building. He did not know if the tenant was trying to say that the target ran upstairs, was currently upstairs or lived upstairs.<sup>9</sup> He heard a group of possibly five to six officers say that [REDACTED] was either upstairs, had run up the stairs, or lived upstairs. However, Officer Dibiase could not identify that group of officers because it happened so fast.<sup>10</sup> Officer Dibiase ran up the stairs to back up his partners and entered the 2<sup>nd</sup> floor apartment behind other officers. Officer Dibiase recalled that the officers that entered the apartment indicated that the door was unlocked and that they did not have to breach to go inside. They all entered and looked around for [REDACTED]. Officer Dibiase could not recall who the officers were that entered the 2<sup>nd</sup> floor apartment. [REDACTED] was not located in the 2<sup>nd</sup> floor apartment or in the building. Officer Dibiase stated no drugs, guns, contraband, or drug paraphernalia was recovered from either apartment. Officer Dibiase later heard Sergeant Walker and other officers say that the tenant of the 2<sup>nd</sup> floor showed up at the scene, however he did not see or speak with her. Officer Dibiase overheard Sergeant Walker and other officers state that [REDACTED] said that the guy ([REDACTED] who owns the building does sell drugs. Officer Dibiase stated that he did not document his entry into the 2<sup>nd</sup> floor apartment, and related that he did not know that he had to since it was negative.<sup>11</sup> Officer Dibiase also stated that usually the affiant for the search warrant is the person that documents in the case report any information related to the search warrant execution.<sup>12</sup> Officer Dibiase admitted that he entered the second-floor apartment following a group of officers (who he was unable to identify) who believed that [REDACTED] ran upstairs or was hiding upstairs, and he personally did not document in the case report that he entered the 2<sup>nd</sup> floor apartment.<sup>13</sup>

In his statement to COPA on May 30, 2018, **accused Officer Jonathan Morlock**<sup>14</sup> stated that on October 29, 2017, he was a breach officer with the battering ram for the execution of a search warrant for the 1<sup>st</sup> floor apartment of the two-story building at [REDACTED]. Officer Morlock stated that as they approached the block where the building was located, he observed

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<sup>7</sup> Atts. 39 (audio), 47 (transcript).

<sup>8</sup> Atts. 31 (audio), 48 (transcript).

<sup>9</sup> Att. 48, page 22, lines 12 – 18.

<sup>10</sup> Att. 48, page 21, lines 9 – 19.

<sup>11</sup> Att. 48, page 40, lines 8 – 13.

<sup>12</sup> Att. 48, page 40, lines 2 – 5.

<sup>13</sup> Att. 48, page 45, lines 2- 10.

<sup>14</sup> Atts. 44 (audio), 50 (transcript).

██████████ standing outside with other individuals. Upon arrival to the location, ██████████ was no longer outside. Officer Morlock recalled Officer Chism spoke to a white male in the ██████████ apartment and recalled Sergeant Walker was standing nearby. Officer Morlock did not speak with the white male, but was informed by Officer Chism that the tenant said that ██████████ was in the 2<sup>nd</sup> floor apartment. Officer Morlock relocated to the rear porch area of the building and searched the area, while other officers relocated to the 2<sup>nd</sup> floor apartment. However, Officer Morlock did not know with certainty which officers entered the 2<sup>nd</sup> floor apartment. By the time he arrived at the rear of the 2<sup>nd</sup> floor apartment, the rear door was open. He observed officers in the apartment and identified seeing Officer Chism inside. Officer Morlock could not recall seeing any other officers or Sergeant Walker in the apartment. Officer Morlock could not recall entering the second-floor apartment, but he believes that he did not enter the apartment.<sup>15</sup> Officer Morlock did not speak with the tenants of the building and did not see Sergeant Walker engaged in any conversation with any black females. Officer Morlock denied the allegations made against him and indicated that he did not document going into the 2<sup>nd</sup> floor apartment because he remained at the rear of the outside of the apartment. Officer Morlock concluded that he searched the stairwell and porch areas of the first and second floors which are considered community areas. Officer Morlock stated that since there were no actions taken by him, he was not required to document anything about the 2<sup>nd</sup> floor apartment.

In his statement to COPA on May 3, 2018, **accused Officer Xavier Chism**<sup>16</sup> stated that on October 29, 2017, he was going to execute a search warrant on the multi-unit building at ██████████ ██████████. Officer Chism was the affiant, who obtained the search warrant for the 1<sup>st</sup> floor apartment at that location. When they drove on ██████████ ██████████ to the location, he saw ██████████ outside the address. However, when they arrived, ██████████ was no longer outside. Officer Chism did not observe ██████████ running away.<sup>17</sup> He and his team forced entry into the building and the 1<sup>st</sup> floor apartment and executed the search warrant. Officer Chism went to the side entrance of the building and spoke with a white male tenant from the ██████████ apartment. Sgt. Walker was with Officer Chism, and there may have been other officers around them. However, Officer Chism could not recall the officers that may have been behind him or at close proximity during his conversation with the tenant in the ██████████. The tenant, whose name Officer Xavier did not know, informed him that ██████████ went up the stairs toward the 2<sup>nd</sup> floor apartment. The tenant did not tell Officer Xavier that ██████████ had a gun. Officer Chism and other officers went upstairs, found the apartment door was unlocked and not completely closed. The officers entered in search of ██████████ and looked through all the rooms, but neither ██████████ nor anyone else was in the apartment. Officer Chism stated that although they did not have a search warrant to enter and search the 2<sup>nd</sup> floor apartment, he feared that ██████████ may have entered the apartment and was holding the tenant(s) captive to avoid arrest. He based this belief on information he received from the ██████████ tenant. Officer Chism stated that he saw Sergeant Walker, Officer Dibiase and Officer Morlock in the apartment.<sup>18</sup> He and the other officers left the 2<sup>nd</sup> floor apartment and returned to the 1<sup>st</sup> floor apartment to continue the search. Officer Chism explained that everyone on the team sees the warrant and is informed about who and what to look for, and the circumstances surrounding the search prior to arrival to the location. Officer Chism further stated that he did not believe that

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<sup>15</sup> Att. 50, page 34, lines 17-19, and page 35, lines 15-18.

<sup>16</sup> Atts. 35 (audio), 46 (transcript).

<sup>17</sup> Att. 46, page 27, lines 4 – 10.

<sup>18</sup> Att. 46, page 35, lines 7 – 16.

anyone lived in the 2<sup>nd</sup> floor apartment since he recalled seeing clothes everywhere, a bed and a dresser and hardly any other furniture.

Officer Chism admitted that he did not document his conversation with the tenant or their actions in the 2<sup>nd</sup> floor apartment in any Department report because it was not a formal search, [REDACTED] was not inside, and the door was not locked. However, Officer Chism admitted that he did not see [REDACTED] go up the stairs and they were not in hot pursuit of [REDACTED]. He thought that he possessed a reasonable suspicion that [REDACTED] was in the 2<sup>nd</sup> floor apartment.<sup>19</sup>

In his statement to COPA<sup>20</sup> on April 18, 2018, **accused Sergeant Corey Walker** stated that on October 29, 2017, he was executing a search warrant at the 1<sup>st</sup> floor of [REDACTED] looking for [REDACTED] and narcotics. On the way to the building, they were driving on [REDACTED], and Sgt. Walker saw [REDACTED] and several other individuals standing in front of the building. Instead of turning the wrong way onto [REDACTED], they went around the block. When the officers came around, all of the individuals were gone. The building is a two-story brick residence with a basement apartment. While in the 1<sup>st</sup> floor, Officers Chism, Dibiase and Morlock learned from the tenant in the [REDACTED] that [REDACTED] had possibly ran up the stairs to the 2<sup>nd</sup> floor apartment. Officers Chism, Morlock and Dibiase went to the 2<sup>nd</sup> floor apartment to check for [REDACTED] and they all went inside the apartment. According to the officer, the 2<sup>nd</sup> floor apartment door was unlocked. They pushed the door open, went inside and searched the premises for [REDACTED]. However, [REDACTED] was not there nor was the 2<sup>nd</sup> floor tenant. Sgt. Walker went upstairs after the other officers and entered the apartment. He described the apartment as being dirty, with clothes on the floor, and food and dishes all over the kitchen. Sgt. Walker explained that he and his officers searched the 2<sup>nd</sup> floor apartment without a warrant or consent in search of [REDACTED] out of fear that the 2<sup>nd</sup> floor tenant was in danger, meaning that [REDACTED] could have been holding her against her will to avoid arrest.

Sgt. Walker said the 2<sup>nd</sup> floor tenant, [REDACTED] arrived and saw them in the apartment. She was upset because it had been the third time her apartment had been searched.<sup>21</sup> Sgt. Walker talked to [REDACTED] about [REDACTED] and learned that he did not live in the building, but that he sold drugs from a house down the street. No one was arrested. Sgt. Walker could not recall any other officer entering or searching the apartment. Sgt. Walker believed that the officers heard footsteps upstairs and after talking to the tenant in the [REDACTED] they felt they had enough to go after the target and enter the 2<sup>nd</sup> floor apartment without a warrant or consent. Sgt. Walker said that neither him or his officers documented the fact that they entered and searched the 2<sup>nd</sup> floor apartment because it was a negative search.

#### **b. Physical Evidence**

The **photographs**<sup>22</sup> taken during the search warrant execution depict the first-floor apartment and its condition.

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<sup>19</sup> Att. 46, page 51, lines 6 – 8.

<sup>20</sup> Atts. 22 (audio), 45 (transcript).

<sup>21</sup> Att. 45, page 21, lines 16 – 24.

<sup>22</sup> Att. 52.

### c. Documentary Evidence

The **Case Report**,<sup>23</sup> purportedly prepared by Officer Chism, documented the execution of search warrant at ██████████ 1<sup>st</sup> floor. It further documented that the officers breached the door, secured the scene, and conducted a systematic search which yielded negative results. The report documented that ██████████ (the target of the warrant) was not present, and no one was arrested.

The **Search Warrant, Complaint for Search Warrant**<sup>24</sup> and documents related to the execution of Search Warrant No. ██████████ show that a warrant to search the premises of ██████████ St, 1<sup>st</sup> floor apartment was authorized on October 28, 2017. The Complainants for the Search Warrant were Officer Chism and “J.Doe.” The warrant also permitted the search of ██████████ and the seizure of heroin, any and all items used for the mixing and weighing of illegal narcotics, any USA currency generated from the sales of illegal narcotics and proof of residency.

## 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.<sup>25</sup> 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.<sup>26</sup> 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.”<sup>27</sup>

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<sup>23</sup> Att. 17.

<sup>24</sup> Att. 54.

<sup>25</sup> 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.”).

<sup>26</sup> See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>27</sup> *Id.* at ¶ 28.

## VII. ANALYSIS

The Fourth Amendment to the United States Constitution guarantees: “[t]he 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.”<sup>28</sup> It is a basic principle of the Fourth Amendment that searches and seizures inside a home without a warrant are presumptively unreasonable.<sup>29</sup> That presumption can be overcome if “the exigencies of the situation [] make the needs of law enforcement so compelling that the warrantless search is objectively reasonable.”<sup>30</sup>

One exigency courts recognize is when police officers enter a residence when engaged in “hot pursuit” of a fleeing suspect.<sup>31</sup> Courts reason that “a suspect may not defeat an arrest that was set in motion in a public place by escaping into a private place.”<sup>32</sup>

As defined by courts, hot pursuit involves following an individual from a public place into a private place.<sup>33</sup> The doctrine applies “when the pursuit is immediate and fairly continuous from the scene of the crime.”<sup>34</sup> Hot pursuit also requires “some sort of chase . . . .”<sup>35</sup> Another court recognized exigency includes “the need to assist persons who are seriously injured or threatened with such injury.”<sup>36</sup> Known as the “emergency aid exception,” the exception permits law enforcement officers to enter a home without a warrant to protect an occupant from imminent injury.<sup>37</sup> It requires “an objectively reasonable basis for believing . . . that a person within [the dwelling] is in need of immediate aid.”<sup>38</sup>

COPA finds that Sergeant Walker and Officers Chism, Dibiase and Morlock all admitted to entering and searching [REDACTED] apartment without a warrant for the second-floor premises or that tenant’s consent. Officer Morlock told COPA that he could not recall if he did or not enter the second-floor apartment, as he recalled being at the rear of the apartment in the rear porch and stairwell areas. However, other members, including Sergeant Walker, placed Officer Morlock in the apartment. COPA therefore finds that Officer Morlock also entered the second-floor apartment without a warrant or consent. For the reasons stated below, COPA concludes that there is no evidence of exigent circumstances that permitted the involved officers to enter the second-floor apartment without a warrant.

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<sup>28</sup> U.S. Const., amend. IV; accord Ill. Const. 1970, art. I, § 6.

<sup>29</sup> *People v. Wear*, 229 Ill. 2d 545, 893 N.E.2d 631, 641-42 (2008).

<sup>30</sup> *Mincey v. Arizona*, 437 U.S. 385, 393-94 (1978); see also *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006); *Flippo v. W. Va.*, 528 U.S. 11, 13 (1999) (“[B]ecause the ultimate touchstone of the Fourth Amendment is ‘reasonableness,’ the warrant requirement is subject to certain exceptions.”).

<sup>31</sup> *United States v. Santana*, 427 U.S. 38, 42-43 (1976).

<sup>32</sup> *Wear*, 893 N.E.2d at 645 (citing *Santana*).

<sup>33</sup> *Santana*, 427 U.S. at 42-42.

<sup>34</sup> *Welsh v. Wisconsin*, 446 U.S. 740, 746 (1984).

<sup>35</sup> *Santana*, 27 U.S. at 43.

<sup>36</sup> *Brigham City v. Stuart*, 547 U.S. 398, 406 (2006).

<sup>37</sup> *Id.*

<sup>38</sup> *Michigan v. Fisher*, 558 U.S. 45, 47 (2009) (citing *Brigham City*, 547 U.S. at 406; *Mincey*, at 392) (citations omitted).

Sergeant Walker and the accused officers entered the apartment based on information they claim to have obtained from another tenant in the same building. No Department member documented their conversation with that tenant or even learned the tenant's name. Each officer provided a different description of what the tenant said. Department members variously believed that [REDACTED] was on the second-floor, could have fled to the second-floor, or that he could be holding tenants hostage. However, none of the accused officers or Sergeant Walker witnessed [REDACTED] in the building, let alone fleeing to the second-floor. They therefore could not have been in "hot pursuit" of [REDACTED]

They also had no concrete evidence that [REDACTED] was about to cause injury to anyone in the building. During their statements, none of the accused members stated that they heard any noises coming from the second-floor or heard anyone asking or screaming for help. There was, therefore, no objectively reasonable basis for them to believe that anyone in the dwelling needed aid.

For these reasons, , COPA finds that Allegation #1 against Sergeant Walker and Officers Chism, Dibiase and Morlock is **SUSTAINED**.

COPA finds that Allegation #2 against Officer Chism is **SUSTAINED**. In their statements to COPA, the officers admitted that they did not document in any of the Department reports, such as a Case Report, a Consent to Search Form or Data Sheet, their actions in [REDACTED] apartment. Department policy mandates that after the execution of a search warrant, whether or not the search led to the seizure of any items, the officer who obtained the warrant is to submit the case report and generate post-execution reports, including a sketch page.<sup>39</sup> Based on the policy, it was incumbent on Officer Chism, but not Officers Dibiase or Morlock, to complete the required records. Officer Chism did prepare an Original Case Incident Report regarding the execution of the search warrant. In that report, he failed to include any information about searching beyond the 1<sup>st</sup> floor apartment at [REDACTED], or any reason for doing so. Therefore, Officer Chism was inattentive to duty and did not follow Department policies to properly document their actions of entering and searching the second-floor apartment in the Case Report or any other report related to this initial search, even if the results were negative and they were only following a lead. The officers, whether the Affiant or the assisting officers, should have documented somewhere their actions and presence upstairs.

COPA finds that Allegation #2 against Officers Dibiase and Morlock is **NOT SUSTAINED**. As stated above, the onus to prepare a report was on Officer Chism. However, Officers Dibiase and Morlock are not prevented from authoring reports and ultimately did not do so. For the reasons stated here and for Allegation #2 against Officer Chism, this allegation is not sustained against Officers Dibiase and Morlock.

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

### **a. Sergeant Corey Walker**

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

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<sup>39</sup> Department Special Order, S04-19(VIII)(F).

Sergeant Walker has been a member of the Chicago Police Department since September 5, 1995. Since that time, he has received one Superintendent's Award of Valor; one Annual Bureau Award of Recognition; one Special Commendation; one Life Saving Award; seven Department Commendations; one Military Service Award; one Military Deployment Award; three Problem Solving Awards; two Honorable Mention Ribbon Awards; 192 Honorable Mentions; four Complimentary Letters; one Joint Operations Award; two Unit Meritorious Performance Awards; one Traffic Stop of the Month Award; three Attendance Recognition Awards; three Crime Reduction Awards and Ribbons (2004, 2009, and 2019); one NATO Summit Service Award; and one Democratic National Convention Award. Sergeant Walker was disciplined on or about May 17, 2020, for failing to properly direct / supervise subordinates ("Supervisory Responsibilities – Properly Direct Subordinate") occurring on December 30, 2018, for which he received a 4-day Suspension.

## ii. Recommended Penalty

COPA recommends that Sergeant Walker receive a **Reprimand** and Fourth Amendment training. COPA has considered complimentary and disciplinary histories, rank, length of time with the Department, training history.

### b. Officer Xavier Chism

#### i. Complimentary and Disciplinary History

Officer Chism has been a member of the Chicago Police Department since September 26, 2005. Since that time, he has received one Annual Bureau Award of Recognition; one Special Commendation; one Life Saving Award; one Police Officer of the Month Award; six Department Commendations; two Problem Solving Awards; one Honorable Mention Ribbon Award; 88 Honorable Mentions; eight Complimentary Letters; one Joint Operations Award; two Unit Meritorious Performance Awards; one Attendance Recognition Award; two Crime Reduction Awards (2009 and 2019); one NATO Summit Service Award; and one Presidential Election Deployment Award. Officer Chism received a SPAR on November 7, 2020 for an equipment violation occurring on October 25, 2020, resulting in a reprimand.

#### ii. Recommended Penalty

COPA recommends that Officer Chism receive a **Violation Noted** and Fourth Amendment training. COPA has considered complimentary and disciplinary histories, rank, length of time with the Department, training history.

### c. Officer Jonathan Dibiase

#### i. Complimentary and Disciplinary History

Officer Dibiase has been a member of the Chicago Police Department since November 30, 2012. Since that time, he has received one Annual Bureau Award of Recognition; one Special Commendation; one Life Saving Award; three Police Officer of the Month Awards; 15 Department Commendations; two Problem Solving Awards; three Honorable Mention Ribbon Awards; 208 Honorable Mentions; one Complimentary Letter; one Joint Operations Award; two Unit

Meritorious Performance Awards; three Traffic Stop of the Month Awards; three Top Gun Arrest Awards; two Attendance Recognition Awards; one Crime Reduction Award (2019); and five Emblems of Recognition – Physical Fitness. Officer Dibiase received a SPAR on February 16, 2021, for a court appearance violation occurring on October 19, 2020, resulting in a reprimand.

**ii. Recommended Penalty**

COPA recommends that Officer Dibiase receive a **Violation Noted**, and Fourth Amendment training. COPA has considered complimentary and disciplinary histories, rank, length of time with the Department, training history.

**d. Officer Jonathan Morlock**

**i. Complimentary and Disciplinary History**

Officer Morlock has been a member of the Chicago Police Department since September 1, 2010. Since that time, he has received one Superintendent’s Award of Tactical Excellence; one Annual Bureau Award of Recognition; one Special Commendation; one Police Officer of the Month Award; 10 Department Commendations; one Problem Solving Award; two Honorable Mention Ribbon Awards; 192 Honorable Mentions; four Complimentary Letters; one Joint Operations Award; two Unit Meritorious Performance Awards; two Traffic Stop of the Month Awards; one Top Gun Arrest Award; three Attendance Recognition Awards; one Crime Reduction Award; one NATO Summit Service Award; and six Emblems of Recognition – Physical Fitness. Officer Morlock does not have any history of sustained complaints or SPARs.

**ii. Recommended Penalty**

COPA recommends that Officer Morlock receive a **Violation Noted**, and Fourth Amendment training. COPA has considered complimentary and disciplinary histories, rank, length of time with the Department, training history.

**IX. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Sergeant Corey Walker	1. It is alleged that on October 29, 2017, at approximately 8:35 a.m., at [REDACTED] 2 <sup>nd</sup> Floor, you searched [REDACTED] apartment without a warrant or permission.	Sustained /
Officer Xavier Chism	1. It is alleged that on October 29, 2017, at approximately 8:35 a.m., at [REDACTED] 2 <sup>nd</sup> Floor, you searched [REDACTED] apartment without justification.	Sustained /  Sustained /

	<p>2. It is alleged that on October 29, 2017, at approximately 8:35 a.m., at [REDACTED] 2<sup>nd</sup> Floor, you failed to document your overall actions at [REDACTED] apartment at [REDACTED] - 2<sup>nd</sup> floor.</p>	
<p>Officer Jonathan Dibiase</p>	<p>1. It is alleged that on October 29, 2017, at approximately 8:35 a.m., at [REDACTED] 2<sup>nd</sup> Floor, you searched [REDACTED] apartment without justification.                  2. It is alleged that on October 29, 2017, at approximately 8:35 a.m., at [REDACTED] 2<sup>nd</sup> Floor, you failed to document your overall actions at [REDACTED] apartment at [REDACTED] - 2<sup>nd</sup> floor.</p>	<p>Sustained /  Not Sustained</p>
<p>Officer Jonathan Morlock</p>	<p>1. It is alleged that on October 29, 2017, at approximately 8:35 a.m., at [REDACTED] 2<sup>nd</sup> Floor, you searched [REDACTED] apartment without justification.                   2. It is alleged that on October 29, 2017, at approximately 8:35 a.m., at [REDACTED] 2<sup>nd</sup> Floor, you failed to document your overall actions at [REDACTED] apartment at [REDACTED] - 2<sup>nd</sup> floor.</p>	<p>Sustained /  Not Sustained</p>

Approved:

[REDACTED]

Angela Hearts-Glass  
 Deputy Chief Investigator

1-27.2022

Date