

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

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| Date of Incident: | November 7, 2017 |
| Time of Incident: | 6:45 PM |
| Location of Incident: | [REDACTED], 2 nd FL |
| Date of COPA Notification: | November 28, 2018 |
| Time of COPA Notification: | 9:55 AM |

On November 7, 2017, Chicago Police Department (CPD) members executed a search warrant at the residence of [REDACTED] ("Mrs. [REDACTED]" ("Mr. [REDACTED] and their two juvenile sons. The [REDACTED] family filed a federal civil lawsuit, alleging that officers pointed guns at them and searched their home without justification. COPA served additional allegations, primarily related to the acquisition of the search warrant and a lack of proper documentation.

II. INVOLVED PARTIES

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| Involved Officer #1: | Joseph Cappello, Star #10626, Employee ID # [REDACTED], Date of Appointment: October 27, 2014, Police Officer, Unit 011/640 (Area 4 Detective Division), DOB: [REDACTED], 1988, Male, White |
| Involved Officer #2: | Michael Guzman, Star #15911, Employee ID # [REDACTED], Date of Appointment: September 29, 2014, Police Officer, Unit 189 (Narcotics and Vice Division), DOB: [REDACTED], 1987, Male, White Hispanic |
| Involved Officer #3: | Jose Hernandez, Star #15925, Employee ID # [REDACTED], Date of Appointment: September 29, 2014, Police Officer, Unit 011/193 (Gang Investigation Division), DOB: [REDACTED], 1990, Male, White Hispanic |
| Involved Officer #4: | Michael Donnelly, Star #13784, Employee ID # [REDACTED], Date of Appointment: November 4, 2013, Police Officer, Unit 018/715 (Critical Incident Response Team), DOB: [REDACTED], 1988, Male, White |
| Involved Officer #5 | Eric Sehner, Star #21837, Employee ID # [REDACTED], Date of Appointment: July 2, 2012, Police Officer as Detective, Unit 604 (Financial Crimes Section), DOB: [REDACTED], 1985, Male, White |

Involved Officer #6: Russell Egan, Star #998, Employee ID # [REDACTED], Date of Appointment: August 27, 1990, Sergeant, Unit 640 (Area 4 Detective Division), DOB: [REDACTED], 1969, Male, White

Involved Officer #7: Samuel Dari, Star #603, Employee ID # [REDACTED], Date of Appointment: June 5, 1995, Lieutenant, 11th District, DOB: [REDACTED], 1969, Male, Hispanic

Involved Individual #1: [REDACTED] DOB: [REDACTED], 1959, Male, Hispanic

Involved Individual #2: [REDACTED] DOB: [REDACTED], 1976, Female, Hispanic

Involved Individual #3: [REDACTED] DOB: [REDACTED], 2008, Male, Hispanic

Involved Individual #4: [REDACTED] DOB: [REDACTED], 2011, Male, Hispanic

III. ALLEGATIONS

| Officer | Allegation | Finding |
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| Officer Cappello | <p>It is alleged that on November 7, 2017, at approximately 6:45 PM, at or near [REDACTED] [REDACTED], 2nd FL, Officer Cappello committed misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none">1. Pointing a firearm at a member or members of the [REDACTED] family.2. Continuing to search the [REDACTED] family's residence after it became clear officers were in the wrong unit.3. Detaining the [REDACTED] family without justification.4. Failing to adequately verify and corroborate the information provided by J. Doe prior to acquiring and/or executing Search Warrant # [REDACTED]5. Failing to properly knock and/or announce before entering [REDACTED], 2nd FL.6. Failing to operate body worn camera ("BWC") in accordance with Chicago Police Department Special Order S03-14, "Body Worn Camera."7. Failing to complete an appropriate case report following the execution of Search Warrant # [REDACTED] as outlined in Special Order S04-19.8. Failing to inventory a copy of Search Warrant # [REDACTED] as outlined in Special Order S04-19. | <p>Not Sustained</p> <p>Unfounded</p> <p>Exonerated</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> |

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| | <p>9. Failing to inventory photographs taken during the execution of Search Warrant # [REDACTED] in accordance with Special Order S04-19.</p> <p>10. Failing to confiscate [REDACTED] cannabis.</p> | Exonerated |
| Officer Guzman | <p>It is alleged that on November 7, 2017, at approximately 6:45 PM, at or near [REDACTED] [REDACTED], 2nd FL, Officer Guzman committed misconduct through the following acts and/or omissions:</p> <p>1. Continuing to search the [REDACTED] family's residence after it became clear officers were in the wrong unit.</p> <p>2. Detaining the [REDACTED] family without justification.</p> <p>3. Pointing a firearm at a member or members of the [REDACTED] family.</p> <p>4. Failing to properly knock and/or announce before entering [REDACTED], 2nd FL.</p> <p>5. Failing to operate body worn camera ("BWC") in accordance with Chicago Police Department Special Order S03-14, "Body Worn Camera."</p> <p>6. Failed to confiscate [REDACTED] cannabis.</p> | Unfounded Exonerated Unfounded Sustained Sustained Exonerated |
| Officer Hernandez | <p>It is alleged that on November 7, 2017, at approximately 6:45 PM, at or near [REDACTED] [REDACTED], 2nd FL, Officer Hernandez committed misconduct through the following acts and/or omissions:</p> <p>1. Continuing to search the [REDACTED] family's residence after it became clear officers were in the wrong unit.</p> <p>2. Detaining the [REDACTED] family without justification.</p> <p>3. Pointing a firearm at a member or members of the [REDACTED] family.</p> <p>4. Failing to properly knock and/or announce before entering [REDACTED], 2nd FL.</p> <p>5. Failing to confiscate [REDACTED] cannabis.</p> | Unfounded Exonerated Unfounded Sustained Exonerated |
| Officer Donnelly | <p>It is alleged that on November 7, 2017, at approximately 6:45 PM, at or near [REDACTED]</p> | |

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| | <p>[REDACTED], 2nd FL, Officer Donnelly committed misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Continuing to search the [REDACTED] family's residence after it became clear officers were in the wrong unit. 2. Detaining the [REDACTED] family without justification. 3. Pointing a firearm at a member or members of the [REDACTED] family. 4. Failing to properly knock and/or announce before entering [REDACTED], 2nd FL. 5. Failing to confiscate [REDACTED] cannabis. | Unfounded Exonerated Unfounded Sustained Exonerated |
| Detective Sehner | <p>It is alleged that on November 7, 2017, at approximately 6:45 PM, at or near [REDACTED] [REDACTED], 2nd FL, Detective Sehner committed misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Told [REDACTED] words to the effect of, "get on the fucking ground." 2. Continuing to search the [REDACTED] family's residence after it became clear officers were in the wrong unit. 3. Handcuffing [REDACTED] without justification. 4. Detaining the [REDACTED] family without justification. 5. Pointing a firearm at a member or members of the [REDACTED] family. 6. Failing to properly knock and/or announce before entering [REDACTED], 2nd FL. 7. Failing to inventory photographs taken during the execution of Search Warrant # [REDACTED] in accordance with Special Order S04-19. 8. Failing to confiscate [REDACTED] cannabis. | Not Sustained Unfounded Exonerated Exonerated Unfounded Sustained Exonerated Exonerated |
| Sergeant Egan | <p>It is alleged that on November 7, 2017, at approximately 6:45 PM, at or near [REDACTED] [REDACTED], 2nd FL, Sergeant Egan committed misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Pointing a firearm at a member or members of the [REDACTED] family. | Unfounded |

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|-----------------|---|---|
| | <p>2. Continuing to search the [REDACTED] family's residence after it became clear officers were in the wrong unit.</p> <p>3. Detaining the [REDACTED] family without justification.</p> <p>4. Failing to properly knock and/or announce before entering [REDACTED], 2nd FL.</p> <p>5. Failing to ensure that Detective Eric Sehner (then Officer Eric Sehner) inventoried photographs taken during the execution of Search Warrant # [REDACTED] in accordance with Special Order S04-19.</p> <p>6. Failing to operate body worn camera ("BWC") in accordance with Chicago Police Department Special Order S03-14, "Body Worn Camera."</p> <p>7. Failed to ensure that Officer Joseph Cappello completed a thorough search warrant investigation.</p> <p>8. Failing to ensure that the search team adhered the Knock and Announce Rule and 725 ILCS5 5/108-8 in announcing their presence and providing the residents with a reasonable opportunity to allow entry.</p> <p>9. Failing to ensure that Officer Joseph Cappello completed an appropriate case report following the execution of Search Warrant # [REDACTED] as outlined in Special Order S04-19.</p> <p>10. Failing to confiscate [REDACTED] cannabis.</p> | Unfounded Exonerated Sustained Sustained Sustained Sustained Sustained Sustained Sustained Sustained |
| Lieutenant Dari | <p>It is alleged that on November 7, 2017, at approximately 6:45 PM, at or near [REDACTED] [REDACTED], 2nd FL, Lieutenant Dari committed misconduct through the following acts and/or omissions:</p> <p>1. Failed to ensure that Officer Joseph Cappello verified and corroborated the J. Doe's information by an independent investigation prior to approval of the Search Warrant # [REDACTED]</p> | Sustained |

IV. APPLICABLE RULES AND LAWS

Rules

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- Rule 2:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

2. **Rule 3:** Prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
3. **Rule 5:** Prohibits failure to perform any duty.
4. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
5. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
6. **Rule 21:** Prohibits failure to report promptly to the Department any information concerning any crime or other unlawful action.
7. **Rule 38:** Prohibits unlawful or unnecessary use or display of a weapon.
8. **Rule 40:** Prohibits failure to inventory and process recovered property in conformance with Department orders.

Special Orders

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

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.
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State Laws

1. **[REDACTED] Act:** Mandates certain curriculum for probationary police officers in Illinois, including "instruction in trauma-informed responses designed to ensure the physical safety and well-being of a child of an arrested parent or immediate family member [...]."³
2. **725 ILCS 5/108-8:** Use of force in the execution of a search warrant.⁴

V. INVESTIGATION

a. COPA Interviews⁵

Officer Joseph Cappello ("Officer Cappello")⁶

On January 26, 2021, COPA interviewed Officer Cappello. Officer Cappello stated that on November 6, 2017, he and Officer Michael Donnelly spoke to a J. Doe, who had been arrested for

¹ The body worn camera policy referenced in this report was effective October 17, 2017 – April 30, 2018 (Att. 107).

² The search warrant policy referenced in this report was effective September 3, 2015 - January 3, 2020 (Att. 29).

³ Att. 106.

⁴ Att. 105.

⁵ COPA contacted the [REDACTED] family's attorney with a request to interview his clients. As of the date of this report, COPA has not received a response.

⁶ Atts. 63 & 100.

narcotics. J. Doe provided information that [REDACTED] and [REDACTED] (collectively, the “targets”) kept large amounts of narcotics in the second-floor apartment at [REDACTED]. Officer Cappello prepared a search warrant, presented the warrant to the Cook County State’s Attorney, and brought J. Doe before a judge. Officer Cappello verified and corroborated J. Doe’s information by driving J. Doe past the location on at least two occasions, conducting database searches, and reviewing property records. However, Officer Cappello acknowledged none of the searches he ran confirmed the targets resided at [REDACTED]. He indicated that Sergeant Russell Egan may have conducted surveillance on the residence prior to the warrant’s execution, but he did not participate.

On November 7, 2017, CPD members arrived at [REDACTED] to execute the search warrant. As Officer Jose Hernandez breached the front door of the building, Officer Cappello saw a Hispanic female look out the second floor window. Officer Cappello announced, “Chicago Police! Search Warrant,”⁷ and CPD members entered the front vestibule of the building. Officer Cappello walked up the stairs, following J. Does’ instructions about the layout of building, and entered the second floor unit. He encountered Mr. [REDACTED] in the kitchen and ordered him to the ground. Officer Cappello held his rifle in the “low ready”⁸ position, and he denied he pointed it at anyone. Mrs. [REDACTED] announced that the targets lived upstairs, and shortly thereafter CPD members left the [REDACTED] apartment. Before departing, Officer Cappello smelled cannabis in the apartment, and Mr. [REDACTED] admitted to possessing a small amount. However, CPD members exercised their discretion and did not arrest Mr. [REDACTED].

Officer Cappello did not record this incident on body worn camera (BWC). He related this was his first search warrant, he was excited, he had previous technical issues with his camera, and BWCs were new at the time. Officer Cappello also stated he did not believe a case report was required due to the vague language in the Department policy in effect at the time; however, it was ultimately Sergeant Egan’s decision to forgo the report. Finally, Officer Cappello related that while the search warrant and photos were not formally inventoried, they were preserved.

Sergeant Russell Egan (“Sergeant Egan”)⁹

COPA interviewed Sergeant Egan on February 1, 2021. Throughout the interview, Sergeant Egan repeatedly answered questions by referring to his civil deposition,¹⁰ specifically when asked: how he verified and corroborated J. Doe’s information;¹¹ details about the team knocking and announcing;¹² his body worn camera (“BWC”);¹³ whether he saw someone at the window before entering;¹⁴ if his gun was drawn;¹⁵ why Mr. [REDACTED] was handcuffed;¹⁶ why the

⁷ Att. 100: Page 18, Line 3.

⁸ Att. 100: Page 23, Line 4.

⁹ Atts. 81, 82 & 103.

¹⁰ Att. 104, Page 19, Lines 2 – 18.

¹¹ Att. 103: Page 10, Lines 20 – 24; Page 25, Lines 13 – 21; Page 28, Lines 4 – 9; Page 29, Line 22 – Page 30, Line 5.

¹² Att. 103: Page 13, Line 20 – Page 14, Line 3.

¹³ Att. 103: Page 14, Line 7 – Page 15, Line 6.

¹⁴ Att. 103: Page 16, Line 7 – Page 18, Line 2.

¹⁵ Att. 103: Page 19, Lines 21 – 24.

¹⁶ Att. 103: Page 20, Lines 6 – 8.

[REDACTED] family was detained;¹⁷ and when CPD members realized they were not in the targets' unit.¹⁸

Sergeant Egan stated that after J. Doe was arrested on November 6, 2017, J. Doe told Officers Cappello and Donnelly information that became the basis for a search warrant. The following day, Sergeant Egan's team announced themselves and entered the main door of [REDACTED]. The team proceeded to the second-floor unit while continuing to announce themselves. Mr. [REDACTED] had a small amount of cannabis in the home, which was not confiscated under Sergeant Egan's discretion. Sergeant Egan decided to leave the residence once he realized the [REDACTED] family was not the right targets. He did not activate his BWC during the incident but was uncertain as to why.

Sergeant Egan acknowledged that no case or supplementary report was generated for this incident, as he misunderstood the directive and believed a post-execution search warrant data sheet was sufficient at the time. He could not recall why a copy of the search warrant was not inventoried. Because they had no RD number and there was no crime to document, Sergeant Egan saved the evidence photographs on a computer instead of inventorying them. Sergeant Egan confirmed that the photos were tendered as part of the civil lawsuit.

Officer Jose Hernandez (“Officer Hernandez”)¹⁹

COPA interviewed Officer Hernandez on January 21, 2021. Officer Hernandez stated he did not participate in the acquisition of the search warrant, aside from being present when J. Doe spoke with [REDACTED]. However, Officer Hernandez was a member of the search team that executed the warrant. When the team arrived at [REDACTED], Officer Hernandez approached the front entrance with a Chicago bar, as another officer announced that someone was watching them from a window. Officer Hernandez entered the main entrance door, breached a second interior door, and moved aside so his teammates could go up the stairs. Because the officers thought someone was watching them, they were concerned about evidence destruction and entered the apartment quickly. Officer Hernandez knocked on the door of the second-floor unit and his team announced themselves. Officer Hernandez had his gun out of the holster with the barrel pointed down when he first ended the [REDACTED] apartment. He denied having his finger on the trigger or pointing his gun at anyone.

Officer Michael Guzman (“Officer Guzman”)²⁰

COPA interviewed Officer Guzman on January 22, 2021. Officer Guzman stated that on November 7, 2017, he and other members of the search team arrived outside [REDACTED]. As they prepared to breach the building's exterior door, they “observed a Hispanic female peering out the [...] window of the second floor.”²¹ The officers announced themselves and quickly breached the door. Officer Guzman went up the stairs with a ram, announced his office, and used the ram to

¹⁷ Att. 103: Page 20, Lines 9 – 13.

¹⁸ Att. 103: Page 21, Lines 7 – 10.

¹⁹ Atts. 50 & 98.

²⁰ Atts. 56, 57 & 99.

²¹ Att. 99: Page 12, Lines 2 – 4.

breach the second-floor apartment door. Officer Guzman did not activate his BWC until he used the ram, as he did not have a free hand and the officers moved quickly once they saw someone looking at them through the window. Officer Guzman clarified that he did not see the woman looking out the window, and another officer relayed that information to him.

Officer Guzman denied he pointed his gun at anyone or had his finger on the trigger during the incident. Once he was inside the apartment, he immediately re-holstered his gun and handcuffed Mr. [REDACTED]. Officer Guzman later learned from his teammates that the targets actually lived on the third-floor. When asked why BWC shows Officer Guzman talking to Officer Hernandez about J. Doe's information and the building's windows, Officer Guzman stated he saw exterior photos of the home prior to executing the search warrant and thought the windows looked different. When asked why he told Officer Hernandez, "He gave us the wrong apartment. Remember the pictures I gave him? I think it's upstairs. I'm saying upstairs based on the windows in the picture,"²² Officer Guzman responded, "I really don't know what I meant by that,"²³ and was unable to elaborate further. Officer Guzman was not present when J. Doe pointed out the apartment to CPD members. He denied that he continued to search the residence once he realized the [REDACTED] family were not the targets. Officer Guzman smelled cannabis in the home, but never saw it.

Officer Michael Donnelly ("Officer Donnelly")²⁴

COPA interviewed Officer Donnelly on February 1, 2021. Officer Donnelly stated that J. Doe approached him with information that eventually became the basis for Officer Cappello's affidavit. Officers Cappello and Donnelly drove J. Doe past the location he provided for the targets, and J. Doe confirmed the address, providing additional information about the layout of the building and the target's second-floor unit. When the search team arrived at [REDACTED] on November 7, 2017, an officer saw Mrs. [REDACTED] looking at them from a window. The officers immediately announced themselves, and Officers Donnelly and Hernandez breached the front exterior door(s). The team proceeded upstairs, continuing to announce themselves, and entered the second-floor apartment. Officer Donnelly had his gun in the low ready position when he entered the apartment, and he denied aiming it at anyone or having his finger on the trigger. He conducted a brief search and could smell cannabis in the apartment.

Eventually, an officer handed Mrs. [REDACTED] a copy of the search warrant, and she immediately related the targets lived upstairs. After speaking with Mrs. [REDACTED], Officer Donnelly realized CPD was in the wrong unit. He apologized to the [REDACTED] family and left their dwelling. Mr. [REDACTED] was allowed to keep his cannabis out of officer discretion, but Officer Donnelly stated it was not his decision. Back at the police station, Officer Donnelly told J. Doe he gave CPD the wrong floor number. J. Doe began crying and asserted he gave correct information.

²² Att. 99: Page 17, Lines 7 – 10.

²³ Att. 99: Page 19, Line 1.

²⁴ Att. 92 & 104.

Detective Eric Sehner (“Officer Sehner”)²⁵

COPA interviewed Detective Sehner on January 27, 2021. Detective Sehner identified himself as the designated evidence officer during the incident. He observed officers breach the building’s main door but could not recall if they knocked or announced their office before the breach. While outside the building, Detective Sehner saw a Hispanic woman looking out the second-floor windows, after another team member pointed her out. Officers then proceeded into the building and up the stairs, and the second-floor apartment door was already opened when Detective Sehner reached the [REDACTED] unit. Detective Sehner believed he had his gun out of the holster when he entered the apartment, but he believed he holstered his weapon to handcuff Mr. [REDACTED]. Detective Sehner denied that he told Mr. [REDACTED] to “get on the fucking ground,” and he did not know which officer made that statement to Mr. [REDACTED]. Detective Sehner patted down Mr. [REDACTED] then took photos of the apartment.

Detective Sehner stated that CPD did not confiscate Mr. [REDACTED] cannabis because cannabis had been decriminalized, it was not what CPD was searching for, and CPD would have had to continue detaining the [REDACTED] family and searching the home in order to locate the cannabis. When Sergeant Egan determined the execution of the warrant was over, Detective Sehner uncuffed Mr. [REDACTED] and left the residence. He later tried to inventory the photos he had taken but could not because of the limitations of CLEAR. Detective Sehner elaborated, “We had a negative search warrant...there wasn’t anything to pull an RD for.”²⁶ Sergeant Egan had Detective Sehner save the photos on a computer desktop at the 11th District, and the photos were recovered as part of the civil litigation. Detective Sehner did not inventory the warrant for the same reasons.

Lieutenant Samuel Dari (“Lieutenant Dari”)²⁷

COPA interviewed Lieutenant Dari on January 26, 2021. Lieutenant Dari stated he was the watch commander in the 11th District at the time of the incident. On November 7, 2017, the 1106-team executed a search warrant, which Lieutenant Dari had signed; however, the lieutenant could not recall the specifics of the warrant and denied he participated in its execution. Lieutenant Dari stated that Officer Cappello and Sergeant Egan had presented the warrant to him for his approval. Lieutenant Dari ensured “that the information corroborates probable cause,” and read “the body of the search warrant for spelling errors, for making sure that the address match, that there’s a description of whatever [CPD is] searching for...just an overview of everything that they have and make sure that everything is correct.”²⁸ Lieutenant Dari could not recall what specific questions he asked Officer Cappello and Sergeant Egan in approving the warrant, or what details they provided.

²⁵ Atts. 70 & 101.

²⁶ Att. 109: Page 24, Lines 12 – 14.

²⁷ Atts. 76 & 102.

²⁸ Att. 102: Page 8, Line 21 – Page 9, Line 5.

i. Depositions for Federal Civil Lawsuit [REDACTED][REDACTED] (“Mrs. [REDACTED]³⁰ & [REDACTED] (“Mr. [REDACTED]³¹

Mrs. [REDACTED] was deposed on September 25, 2019, and Mr. [REDACTED] was deposed on September 26, 2019. Mrs. [REDACTED] testified that, on November 7, 2017, she looked out her apartment window and saw multiple men standing outside. At the same time, Mr. [REDACTED] was smoking cannabis on his back porch and saw a squad car drive down the alley. Once the men had entered the building and were in the hallway, Mr. and Mrs. [REDACTED] heard them identify themselves as CPD, but they did not expect the officers to enter their unit. However, their front door opened, and Sergeant Egan approached Mrs. [REDACTED] in the living room with his gun pointed at her and her two sons. Mr. [REDACTED] heard a boom, followed by instructions to get on the ground. Officer Cappello entered the living room with a rifle pointed at Mrs. [REDACTED] and her sons. When Mrs. [REDACTED] was shown the search warrant, she identified the targets as her upstairs neighbors. Sergeant Egan continued searching and officers asked her additional questions before they left. Mr. [REDACTED] told the officers he had a marijuana cigarette, but they were unconcerned. An officer removed Mr. [REDACTED] handcuffs as CPD was leaving the apartment. Per Mrs. [REDACTED] her unit’s front door and a closet door were damaged during the execution of the warrant.

[REDACTED] ([REDACTED]³² & [REDACTED] ([REDACTED]³³

[REDACTED] and [REDACTED] were deposed on February 19, 2020 and April 8, 2021, respectively. On November 7, 2017, [REDACTED] and [REDACTED] were at home with their family when their front door flew open. [REDACTED] denied that officers knocked first, but he heard them announce themselves as CPD. Mr. [REDACTED] got on floor, and officers shouted for the family to “get the [fuck] down.”³⁴ [REDACTED] and [REDACTED] saw an officer point a handgun at their father. They ran to their mother in the living room and all three got on the ground. [REDACTED] reported that Sergeant Egan pointed his gun at all three of them, but [REDACTED] reported an officer only pointed a gun at his brother and mother. [REDACTED] related that Officer Cappello then entered the living room with a rifle, which he pointed at [REDACTED] and Mrs. [REDACTED]. An officer brought Mr. [REDACTED] into the living room in handcuffs. [REDACTED] recalled that when Mrs. [REDACTED] was shown the warrant, she related that CPD was in the wrong apartment and an officer responded, “You better shut the [fuck] up if you know what’s good for you.”³⁵ [REDACTED] recalled that CPD was looking for “weapons and stolen money and stolen gold.”³⁶ He stated that officers asked if the [REDACTED] family was good guys or bad guys, and the family reported being good guys.

²⁹ Several portions of the transcribed depositions provided by the City of Chicago’s Department of Law were redacted before they were tendered to COPA.

³⁰ Atts. 45, 47, 48.

³¹ Atts. 46, 47, 48.

³² Att. 108.

³³ Att. 111.

³⁴ Att. 108, Page 17, Line 23.

³⁵ Att. 108, Page 42, Lines 5 – 6.

³⁶ Att. 111, Page 69, Lines 6 – 7.

Officer Joseph Cappello (“Officer Cappello”)³⁷

Officer Cappello was deposed on September 18, 2019. He testified that on November 6, 2017, J. Doe was arrested with a large amount of heroin, packaged for resale. Once at the 11th District, Officers Cappello and Donnelly spoke with J. Doe, who provided information that [REDACTED] kept large amounts of narcotics at his girlfriend’s apartment, located on the second floor of [REDACTED]. Officer Cappello was already aware of [REDACTED] and his involvement with narcotics sales in the 11th District. Once J. Doe provided [REDACTED] name, Officer Cappello found a photo of [REDACTED] in I-CLEAR, then searched for [REDACTED] co-arrestees in previous cases and located [REDACTED] name and I-CLEAR photo. J. Doe positively identified both targets, at which point Officer Cappello ran their names through LEADS and the CPD Data Warehouse in an attempt to verify they resided at the location J. Doe provided. However, neither target’s address history matched [REDACTED].³⁸

In response to questioning, Officer Cappello acknowledged that in attempting to verify the address, he did not: check with any utility companies to determine the account holders; research the building’s owner through the Cook County Recorder of Deeds or Secretary of State records; attempt to identify or contact the landlord or property manager, though Officer Cappello did go on multiple apartment rental websites to obtain photos of the building and information about its layout; search any additional databases, including Accurint and LexisNexis³⁹; speak to any 11th District narcotics officers to determine if they could verify [REDACTED] address; or contact the Cook County Probation Office to request [REDACTED] address at the time his probation ended, just four months prior to this incident.⁴⁰ He also did not save any of his notes or printouts from websites. Officer Cappello confirmed the LEADS and Data Warehouse searches were the only things he did to independently verify the address provided by J. Doe, stating, “The John Doe was very persistent on the address, and we went off what he was saying.”⁴¹

Although Officer Cappello could not independently confirm the address, he did ask J. Doe to point out [REDACTED] apartment, identify photographs of the property, and review a realty video of the building’s interior. J. Doe also described the inside of the apartment and how to access it, and he related that [REDACTED] and [REDACTED] lived with children. Officer Cappello also drove J. Doe past the address on at least two occasions, and J. Doe pointed out the middle unit. However, Officer Cappello did not conduct surveillance on the location prior to the warrant’s execution, noting his work hours, busy schedule, and the lack of available assets.⁴² On the afternoon of November 7,

³⁷ Att. 42.

³⁸ Officer Cappello noted that did not mean the targets did not reside there, as “typically, drug dealers are not going to have a home of record in the place where they’re selling and running a block of—where they’re selling narcotics.” Att. 42: Page 260.

³⁹ Accurint and LexisNexis are investigative tools used by law enforcement to search a comprehensive database of public records, thus expediting the identification of individuals, addresses, relatives, business associates, etc. Officer Cappello maintained he did not have access to Accurint or LexisNexis as a patrolman, and he was unaware of the existence of either database until after this incident.

⁴⁰ Officer Cappello provided this information during his COPA statement. See Att. 100: Pages 34 – 35, 47, 50 – 52.

⁴¹ Att. 42: Page 181.

⁴² Officer Cappello insisted that even if he had done any surveillance, he would not have been able to see which units people went into once they entered the building. However, upon questioning, he admitted he might have been able to determine a specific unit by observing people through the windows, on the back porch, or using the rear exterior stairs that lead directly to each unit.

2017, Officer Cappello, Sergeant Egan, and J. Doe appeared before [REDACTED] who approved the search warrant. Officers Hernandez, Guzman, and Donnelly also accompanied them but did not meet with the judge.

When the search team arrived at [REDACTED] they announced themselves but did not knock on the building's exterior door. Officers noticed Mrs. [REDACTED] looking out a window as they approached, and they initially thought Mrs. [REDACTED] was [REDACTED] one of the targets of the warrant. As a result, the officers made a "fast breach"⁴³ into the building. Officer Guzman entered the second-floor apartment first, followed by Officer Cappello, who was armed with a rifle. After entering the apartment, Officer Cappello saw Mr. [REDACTED] and ordered him to the ground. Officer Cappello denied swearing at Mr. [REDACTED] and he identified Detective Sehner as the person who told Mr. [REDACTED] to get on the "fucking" ground.⁴⁴ Officer Cappello stated he did not point his rifle at anyone and asserted it was "at the low ready at all times."⁴⁵

Officer Cappello testified that, while the [REDACTED] family was detained in the living room, he began searching the bedroom where J. Doe told him narcotics and money were located. When Officer Cappello did not find anything, it occurred to him he may have obtained bad information from J. Doe. Eventually, Mrs. [REDACTED] identified her upstairs neighbors as the correct targets and the officers left the [REDACTED] apartment. Officer Cappello added that Mr. [REDACTED] had marijuana and the apartment smelled like cannabis, but the officers choose not to locate it. Officer Cappello did not wear his BWC because it was his first search warrant, he was nervous and busy, and he forgot.

Sergeant Russell Egan ("Sergeant Egan")⁴⁶

Sergeant Egan was deposed on July 10, 2020. Sergeant Egan testified that he supervised Officer Cappello's search warrant investigation, including re-interviewing J. Doe after Officer Cappello spoke to him. He also advised Officer Cappello to drive J. Doe past the residence and confirm it was the correct location. Sergeant Egan testified he personally conducted 15 to 20 minutes of surveillance immediately prior to executing the warrant,⁴⁷ during the time that Officer Cappello was authoring the warrant. However, he could not recall if any CPD members verified [REDACTED] address though any means aside from J. Doe's report.⁴⁸ Sergeant Egan noted that a Cook County Assistant State's Attorney and judge approved and signed the warrant, followed by Lieutenant Dari.

When the search team arrived at [REDACTED] to execute the warrant, they announced themselves and immediately breached the exterior door. Sergeant Egan was not wearing his BWC but had no specific explanation this failure, aside from forgetting and the technology being new at

⁴³ Att. 42: Page 47, Lines 3 – 4.

⁴⁴ Att. 42: Pages 53 – 54.

⁴⁵ Att. 42: Page 50, Lines 9 – 10.

⁴⁶ Att. 110.

⁴⁷ However, the GPS data indicates Sergeant Egan's vehicle arrived on the [REDACTED] at approximately 6:48 PM, less than a minute before the breach. Att. 117.

⁴⁸ Officer Cappello testified that he showed Sergeant Egan his database search results and related the addresses did not match, but he did not recall Sergeant Egan making any suggestions about additional steps he could take to verify J. Doe's information. See Att. 42: Pages 211 – 214.

the time. Sergeant Egan agreed that the officers did not knock before entering, but he did not believe that was required by Department policy.⁴⁹ He explained that before they made entry, officers saw a woman looking out the second-floor window. This expedited the breach because officers “were worried that there was going to be somebody armed up and warned behind that door because this woman saw us making entry.”⁵⁰ When Sergeant Egan entered the [REDACTED] apartment, he saw Mrs. [REDACTED] and a child in the living room, followed by a second child who also entered the living room. Sergeant Egan saw Mr. [REDACTED] in handcuffs and instructed officers to also bring him into the living room. Sergeant Egan denied having his weapon unholstered at any time. Once Mrs. [REDACTED] was shown the warrant, she insisted that the targets lived in the third-floor apartment. Sergeant Egan stated, “I think we kind of all understood after the immediate—the initial entry and everything that the people we were looking for were not in this location.”⁵¹ Sergeant Egan announced to his team that the search was over, and the officers left the apartment. Sergeant Egan acknowledged that CPD had damaged the front entry door and he did not make any notifications related to the damage. He believed the execution of the warrant had negative results because J. Doe provided the wrong apartment number.

Officer Michael Donnelly (“Officer Donnelly”)⁵²

Officer Donnelly was deposed on October 3, 2019. He testified that J. Doe provided officers with [REDACTED] address, specified he lived in the second-floor apartment, and described the building’s layout. J. Doe also provided a physical description of [REDACTED] and identified photos of both [REDACTED] and [REDACTED]. Additionally, J. Doe informed the officers [REDACTED] had at least one small child. Prior to obtaining approval of the search warrant, Officers Donnelly, Cappello and Guzman drove J. Doe past [REDACTED] and J. Doe confirmed the unit. Officer Donnelly later transported J. Doe to a judge, who then issued the warrant. When the officers executed the warrant on November 7, 2017, Officer Donnelly kicked open the building’s exterior door without first knocking. Officer Donnelly had his handgun drawn when he entered the second-floor apartment, but he holstered it upon hearing children and he denied pointing it at anyone.

Officer Donnelly began searching the apartment, including the bedroom where J. Doe stated drugs were stored. While in the bedroom, Officer Cappello made a comment to Officer Donnelly suggesting they might have received bad information, but both officers continued their search. Officer Donnelly realized they were in the wrong location when Mrs. [REDACTED] reviewed the search warrant and immediately responded that [REDACTED] lived on the third floor of the building. Officer Donnelly also smelled cannabis in the apartment, and Mr. [REDACTED] admitted it belonged to him. Officer Donnelly did not look for the cannabis and Mr. [REDACTED] was not arrested or cited for it. After the execution of the warrant, Officer Donnelly spoke with J. Doe at the 11th District and told him the search was negative, and J. Doe began crying.

⁴⁹ Att. 110, Page 147, Lines 1 – 22 & Page 148, Lines 11 – 16.

⁵⁰ Att. 110, Page 260, Lines 2 – 5.

⁵¹ Att. 110, Page 206, Lines 14 – 17.

⁵² Att. 40.

Officer Michael Guzman (“Officer Guzman”)⁵³

Officer Guzman was deposed on September 27, 2019. Officer Guzman testified he was present during J. Doe’s arrest and later transported J. Doe to [REDACTED]. During the execution of the warrant, when CPD was still outside [REDACTED] Officer Guzman stated that a female saw the officers through a second-floor window. Fearing safety concerns and evidence destruction, officers immediately used a Chicago bar to pry open the exterior door. Officer Guzman then ran up the stairs and used a ram to open the second-floor apartment’s door. He acknowledged he did not turn on his BWC until after he entered the [REDACTED] apartment, explaining he was holding breach tools and his firearm. Officer Guzman had his gun at low ready and holstered it shortly after entering the apartment. He denied pointing his firearm at anyone.

Once inside the second-floor unit, Officer Guzman told Officer Hernandez the targets may live on the third floor, as he recalled “seeing pictures of the apartment and the apartment building and looking at the windows. It did not match, in my mind, what I had observed in like the pre, pre-search warrant preparations that we were given.”⁵⁴ As Officer Guzman searched the unit, his suspicions grew that they were in the wrong dwelling, and he lowered the intensity of his search to “more of a visual once over.”⁵⁵ Officer Guzman smelled burnt cannabis in the apartment but never saw any cannabis.

Officer Jose Hernandez (“Officer Hernandez”)⁵⁶

Officer Hernandez was deposed on September 24, 2019. Officer Hernandez denied participating in the search warrant investigation, aside from assisting in J. Doe’s arrest and accompanying Officer Cappello to meet [REDACTED]. Officer Hernandez confirmed they did not knock before entering [REDACTED] on November 7, 2017, and he used a Chicago bar to breach the exterior door of the dwelling. Officer Hernandez then searched the second-floor apartment and suspected they were in the wrong residence, based on the home’s contents. He had a brief conversation with Officer Guzman about the possibility they were in the wrong unit. After this conversation, Officer Hernandez acknowledged he continued to do a “very brief surface search”⁵⁷ of the residence. He stated the officers smelled burnt cannabis in the [REDACTED] unit but did not look for it. Officer Hernandez denied he pointed his gun at anyone during the incident.

Detective Eric Sehner (“Detective Sehner”)⁵⁸

Detective Sehner was deposed on October 1, 2019. Detective Sehner testified he had his firearm unholstered while approaching the second-floor apartment. He handcuffed Mr. [REDACTED] brought him to the living room, and began taking photographs. Detective Sehner denied telling Mr. [REDACTED] or anyone else to “get on the fucking ground.” He smelled marijuana in the [REDACTED] apartment but was not concerned, as cannabis was not the target of the warrant and Mr. [REDACTED]

⁵³ Att. 44.

⁵⁴ Att. 44: Page 75, Line 3 – 7.

⁵⁵ Att. 44: Page 89. Lines 20 – 21.

⁵⁶ Att. 43.

⁵⁷ Att. 43: Page 131, Lines 9 – 10.

⁵⁸ Att. 39.

was not arrested or cited. Once CPD learned the [REDACTED] family was not the intended targets, they stopped searching and Detective Sehner uncuffed Mr. [REDACTED]. Detective Sehner was unable to inventory the photographs via CLEAR's eTrack system because the incident did not have a records division ("RD") number or central booking ("CB") number, so he instead saved them on Sergeant Egan's computer.⁵⁹ ⁶⁰

Lieutenant Samuel Dari ("Lieutenant Dari")⁶¹

Lieutenant Dari was deposed on September 19, 2019. Lieutenant Dari testified that he approved the search warrant after Sergeant Egan and Officer Cappello presented it to the judge and the State's Attorney's Office. Lieutenant Dari believed the complaint for search warrant contained sufficient probable cause.⁶²

b. Digital Evidence

Body Worn Camera (BWC)⁶³

The BWC footage starts at approximately 6:49 PM, as Officer Hernandez uses a Chicago bar to pry open the exterior door of [REDACTED]. Officer Donnelly then kicks the door open, and the two officers enter the building's vestibule, where Officer Hernandez uses the Chicago bar to open the door to an ascending staircase. Officer Guzman is first up the stairs, holding a ram. As the audio begins, CPD members approach the second-floor unit and an officer announces, "Chicago Police! Search warrant!"⁶⁴ Officers reach the second-floor landing, then enter the [REDACTED] family's apartment. The videos show Officer Hernandez's gun is drawn while ascending the stairs, and Detective Sehner and Officer Donnelly also have their guns in hand when entering the apartment.

Once inside the apartment, the officers encounter Mrs. [REDACTED] in the living room with her two sons. An officer tells someone to "get on the fucking ground,"⁶⁵ and Detective Sehner handcuffs Mr. [REDACTED] in the kitchen. Officer Donnelly reassures the children and tells Mrs. [REDACTED] that the warrant could be due to a mix-up. Detective Sehner then proceeds to photograph the residence. Officers search the apartment, mostly at surface level, with Officer Cappello completing a deeper search in the master bedroom. At approximately 6:51 PM, Officer Guzman asks, "Is that [the] target?" and Officer Cappello answers, "I don't think so."⁶⁶ Several minutes later, Officer Hernandez questions Detective Sehner, "Is this a good warrant or is this gunna be a

⁵⁹ While the transcription reported Detective Sehner as saying "CV" number, COPA believes this is an error (see Att. 39: Page 162, Line 13 and Page 164, Line 10).

⁶⁰ Detective Sehner did not know if they were logged in with Sergeant Egan's login information when they uploaded the photographs.

⁶¹ Att. 41.

⁶² Officer Cappello testified he physically presented Lieutenant Dari with the entire search warrant package, but he could not recall if the lieutenant asked him any questions before he signed the warrant. Att. 42: Pages 216 – 220.

⁶³ Att. 24.

⁶⁴ Approximately 00:30 minute mark of Officer Hernandez's BWC.

⁶⁵ Approximately 00:40 minute mark of Detective Sehner's BWC.

⁶⁶ Approximately 1:27 minute mark of Officer Guzman's BWC.

bad warrant?"⁶⁷ Detective Sehner responds that he does not know. At approximately 6:56 PM, Officer Guzman tells Officer Hernandez, "He gave us the wrong fucking apartment. He gave us the wrong apartment. He gave us the wrong apartment. He said up the stairs, and it's the first door right there. He gave us the wrong apartment. Remember the pictures I gave him? I think it's upstairs...I'm saying upstairs based on the windows in the picture."⁶⁸ Officer Donnelly remarks that he can smell weed and asks where it is located: Mr. [REDACTED] responds it is on top of the refrigerator. Detective Sehner reassures Mr. [REDACTED] "We're not here for that."⁶⁹

As several of the officers wait with the family, they explain the search warrant is for the address, and Mr. and Mrs. [REDACTED] are not the targets of the warrant. Mrs. [REDACTED] repeatedly states the officers must be looking for either her upstairs or downstairs neighbors. Officer Donnelly joins Officer Cappello in the master bedroom, where they continue to search and briefly discuss the possibility they have bad information. At 6:59 PM, Mrs. [REDACTED] is handed a copy of the warrant and immediately exclaims, [REDACTED] They live upstairs! They live upstairs! That's the couple upstairs. He's on house arrest and all this other kind of bullshit."⁷⁰ Mrs. [REDACTED] then describes the targets with specific details confirmed by the officers. At approximately 7:00 PM, Sergeant Egan orders Mr. [REDACTED] out of handcuffs and apologizes to the family, along with Officer Donnelly and Detective Sehner. The CPD members then depart the residence. As Detective Sehner prepares to leave, he relates that the exterior door is damaged, and they are taking photos of it so the City can replace the door.

c. Documentary Evidence

CPD Documentation

The Complaint for Search Warrant was provided to COPA by the City of Chicago's Department of Law.⁷¹ On November 7, 2017, Officer Cappello sought a search warrant for the second-floor residence at [REDACTED] to seize narcotics, narcotics-related paraphernalia, money, proof of residency, and any records detailing illegal drug transactions. Per Officer Cappello, J. Doe informed him that [REDACTED] is a three flat multi-unit building, and [REDACTED] and [REDACTED] reside on the "entire second floor."⁷² J. Doe related that, on November 4, 2017, he was inside the residence and observed [REDACTED] storing narcotics in the bedroom, as well as drug paraphernalia used to package narcotics and large amounts of cash. J. Doe identified photos of [REDACTED] and [REDACTED] and he accompanied Officer Cappello to [REDACTED] on November 6, 2017. While there, J. Doe "pointed out the three flat brown brick building second floor where [REDACTED] resides and where he has observed large amounts of heroin and cocaine on (5) five previous occasions."⁷³ On November 7, 2017, [REDACTED] signed the search warrant for [REDACTED] and [REDACTED] at [REDACTED], 2nd FL, Chicago, IL. No property was recovered, and no arrests were made.

⁶⁷ Approximately 3:46 minute mark of Officer Hernandez's BWC.

⁶⁸ Approximately 5:50 minute mark of Officer Guzman's BWC.

⁶⁹ Approximately 08:30 minute mark of Detective Sehner's BWC.

⁷⁰ Approximately 10:10 minute mark of Detective Sehner's BWC. The BWC footage does not show any CPD members searching the residence after Mrs. [REDACTED] statement.

⁷¹ Att. 31. Portions of this document were redacted prior to COPA's receipt.

⁷² Att. 31: Page 1.

⁷³ Att. 31: Page 2.

Federal Civil Lawsuit – Case No. [REDACTED]

On August 15, 2018, the [REDACTED] family filed federal lawsuit [REDACTED] in the United States District Court. The suit alleges CPD entered and searched the [REDACTED] family's apartment with an inappropriate warrant, did not knock and announce before entering, pointed guns at the family members, and caused damage that was not repaired. As of the date of this report, the lawsuit is ongoing.

Officer Cappello reported, in his interrogatory responses⁷⁵, that he interviewed J. Doe for about an hour, including asking whether any children resided in the target residence. J. Doe related that on five separate occasions, as recently as November 4, 2017, he was inside the second-floor apartment at [REDACTED] and observed large quantities of suspect heroin and cocaine in the bedroom of [REDACTED] and [REDACTED]. Officer Cappello showed J. Doe photos of [REDACTED] and [REDACTED] as well as photos of the residence taken from Google, the Cook County Assessor's Office, and a real estate listing. J. Doe used these photos to positively identify the targets and their residence. According to Officer Cappello's interrogatory responses, when J. Doe saw the photos, he "again stated that the apartment was the door on the right up the first flight of stairs."⁷⁶ Officer Cappello then drove J. Doe past [REDACTED] several times, and J. Doe "pointed to the second floor of the three flat."⁷⁷ [REDACTED] also questioned J. Doe before issuing the warrant.

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.⁷⁸ If the evidence

⁷⁴ Atts. 7, 12, 13.

⁷⁵ Att. 33.

⁷⁶ Att. 33: Page 3.

⁷⁷ Att. 33: Page 3.

⁷⁸ 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).

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. 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.”⁷⁹

VII. ANALYSIS

a. *Pointing a firearm at a member or members of the [REDACTED] family*⁸⁰

COPA finds the allegation that Officer Guzman, Officer Hernandez, Officer Donnelley, Detective Sehner, and Sergeant Egan pointed firearms at members of the [REDACTED] family is unfounded. The allegation is not sustained for Officer Cappello.

It is reasonable for officers to have their weapons unholstered when making entry into and securing a dwelling during the execution of a search warrant. Here, the BWC videos confirm that all of the accused members, except for Sergeant Egan and Officer Guzman, had their firearms unholstered at the time of the breach. While the footage does not show Officer Guzman holding his firearm, he admitted to such in both his COPA interview and deposition testimony. However, Mrs. [REDACTED] and [REDACTED] specifically alleged that Sergeant Egan pointed his firearm at them. The BWC videos show Sergeant Egan was not holding his firearm at the time of the breach,⁸¹ and he is not captured holding a firearm at any other point during the incident. COPA recognizes that the presence of unholstered weapons during the unexpected arrival of police in one’s home could feel threatening, especially when it involves a rifle. The [REDACTED] family might have perceived that guns were pointed at them, but that was not reflected in the actions of Officer Guzman, Officer Hernandez, Officer Donnelley, Detective Sehner, and Sergeant Egan. Therefore, COPA finds the allegations against those members are unfounded.

The [REDACTED] family also alleged that Officer Cappello pointed his rifle at them. Officer Cappello denied this, maintaining that he held his rifle in the “low ready” position. Officer Cappello did not record this event on BWC, and there is not enough video of him to say by the clear and convincing standard that he never pointed his weapon at any members of the [REDACTED] family. BWC from Officer Donnelly shows Officer Cappello walking towards the living room, where Mrs. [REDACTED] and [REDACTED] are located.⁸² The moment capturing Officer Cappello is very brief, and the video is inconclusive as to whether he raised his rifle as he approached the entryway. Because there is not enough evidence to find that Officer Cappello did not point his firearm at any members of the [REDACTED] family, this allegation is not sustained.

⁷⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

⁸⁰ Allegation 1 against Officer Cappello and Sergeant Egan; Allegation 3 against Officers Guzman, Hernandez, and Donnelly; Allegation 5 against Detective Sehner.

⁸¹ Approximately 00:29 & 00:38 minutes of Officer Hernandez’s BWC.

⁸² Approximately 00:37 minutes of Officer Donnelly’s BWC.

b. Continuing to search the [REDACTED] family's residence after it became clear officers were in the wrong unit⁸³

The allegation that Officer Cappello, Officer Guzman, Officer Hernandez, Officer Donnelley, Detective Sehner, and Sergeant Egan continued searching the [REDACTED] family's residence after it became clear they were in the wrong unit is unfounded. The BWC footage confirms that CPD members realized the [REDACTED] family were not their targets within minutes of the breach, which occurred at 6:49 P.M. The videos capture conversation among the members about the possibility they had bad information at least four times between 6:51 PM and 6:57 PM. At approximately 6:59 P.M., Mrs. [REDACTED] reviewed the warrant and announced the targets lived upstairs. After Mrs. [REDACTED] statement, the BWC footage does not show any of the members continuing their search. Instead, they had a brief conversation with the [REDACTED] family and left the apartment at approximately 7:02 PM.

The CPD members had a valid search warrant, signed by a judge, based on information from J. Doe. After breaching the residence, the members began to realize that J. Doe's information was possibly inconsistent what they saw in the [REDACTED] family's home. It was reasonable for the members to perform a cursory search of the whole apartment and a more focused search in the master bedroom, in order to rule out the possibility that the [REDACTED] family was associated with the targets. Based on their initial search, it appears that at least some of the officers suspected they had bad information, and Mrs. [REDACTED] confirmed those suspicions when she announced [REDACTED] lived upstairs. Sergeant Egan responded by ordering Mr. [REDACTED] uncuffed, and all of the Department members left the [REDACTED] apartment. Because the members did not continue their search after Mrs. [REDACTED] announced that [REDACTED] lived upstairs, and the searches they did perform were reasonable and within the scope of the warrant, this allegation is unfounded.

c. Detaining the [REDACTED] family without justification⁸⁴

d. Handcuffing [REDACTED] without justification⁸⁵

The allegation that Officer Cappello, Officer Guzman, Officer Hernandez, Officer Donnelley, Detective Sehner, and Sergeant Egan detained the [REDACTED] family without justification is exonerated. Similarly, the allegation that Detective Sehner handcuffed Mr. [REDACTED] without justification is also exonerated.

At the time the CPD members executed the warrant and detained the [REDACTED] family, they were acting in good faith that J. Doe gave them accurate information, and that the warrant was approved by both a judge and an Assistant Cook County State's Attorney. Courts have uniformly held that the Fourth Amendment allows officers to detain a household's occupants while executing a valid search warrant.⁸⁶ Additionally, it is generally reasonable for officers to keep detainees in

⁸³ Allegation 2 against Officer Cappello and Sergeant Egan; Allegation 1 against Officers Guzman, Hernandez, and Donnelly; Allegation 2 against Detective Sehner.

⁸⁴ Allegation 3 against Officer Cappello and Sergeant Egan; Allegation 2 against Officers Guzman, Hernandez, and Donnelly; Allegation 4 against Detective Sehner.

⁸⁵ Allegation 3 against Detective Sehner.

⁸⁶ See, e.g., *People v. Edwards*, 144 Ill. 2d 108, 126 (1991) ("For fourth amendment purposes, a warrant to search for contraband founded on probable cause, implicitly carries with it the authority to detain occupants of the premises while the search is being conducted.") (citing *Michigan v. Summers*, 452 U.S. 692, 705 (1981)).

handcuffs as a safety precaution, especially when they believe they are in the home of a drug dealer.⁸⁷ In this case, CPD was only inside the [REDACTED] residence for approximately 13 minutes. Detective Sehner uncuffed Mr. [REDACTED] and the CPD members left the apartment as soon as Mrs. [REDACTED] announced that [REDACTED] lived on the third floor. COPA finds that the CPD members' actions were reasonable and conformed to Department policy; therefore, these allegations are exonerated.

- e. *Failed to adequately verify and corroborate the information provided by J. Doe prior to executing Search Warrant # [REDACTED]*
- f. *Failed to ensure that Officer Joseph Cappello completed a thorough search warrant investigation⁸⁹*
- g. *Failed to ensure that Officer Joseph Cappello verified and corroborated the J. Doe's information by an independent investigation prior to approval of the Search Warrant # [REDACTED]*

The allegation that Officer Cappello failed to adequately verify and corroborate the information provided by J. Doe prior to executing Search Warrant # [REDACTED] is sustained. Similarly, the allegations that Sergeant Egan and Lieutenant Dari failed to ensure Officer Cappello completed an adequate investigation are also sustained.

COPA finds that Officer Cappello's efforts to verify the information he relied on in support of his search warrant application did not satisfy normal standards of due diligence. Departmental policy provides that, when an officer relies on an unregistered, confidential informant in a search warrant application, he must conduct an investigation to verify whatever information the informant provides.⁹¹ According to Officer Cappello's own account, he failed to take several steps to investigate the most material piece of information J. Doe provided, which was the targets' connections to the second-floor apartment at [REDACTED]. Specifically, Officer Cappello:

1. Failed to search any databases other than LEADS and Data Warehouse;
2. Failed to contact any utility companies to determine the account holders for the apartment, and did not take any steps to identify the building's owner, property manager, or landlord by utilizing publicly available websites;
3. Failed to contact the Cook County Probation Office to acquire [REDACTED] listed address at the time his probation ended in July 2017, only four months prior to this incident;

⁸⁷ See, e.g., *Muehler v. Mena*, 544 U.S. 93, 98-99 (2004) (finding a resident's two to three hour detention in handcuffs during the execution of a search warrant was reasonable because the governmental interest in officer safety outweighed the intrusiveness of the cuffing); *People v. Conner*, 358 Ill.App.3d 945, 958 (1st Dist. 2005) (finding it reasonable for officers to handcuff three visitors for several minutes during the execution of a search warrant at a residence); see also *L.A. County v. Rettele*, 550 U.S. 609, 614 (2007) ("In executing a search warrant officers may take reasonable action to secure the premises and to ensure their own safety and the efficacy of the search.").

⁸⁸ Allegation 4 against Officer Cappello.

⁸⁹ Allegation 7 against Sergeant Egan.

⁹⁰ Allegation 1 against Lieutenant Dari.

⁹¹ Att. 49, Special Order S04-19(IV)(A)(1).

4. Failed to ask whether any narcotics officers from the 11th District could verify [REDACTED] residence or connection to [REDACTED] despite the fact that [REDACTED] “was a well-known drug dealer within the 11th District;”⁹² and
5. Chose not to conduct surveillance of the intended search site.

COPA acknowledges this was Officer Cappello’s first search warrant, and up to this point his experience in verifying addresses was limited to LEADS and Data Warehouse searches. Although it may not have been feasible for Officer Cappello to take all of the steps listed above, the fact remains he did not take any of them. Critically, when Officer Cappello’s two database searches failed to confirm the targets’ address, he did not seek advice from more experienced officers or ask Sergeant Egan for assistance. Instead, Officer Cappello relied on J. Doe to validate his own narrative. This incident, and the resulting trauma to the [REDACTED] family, likely would not have occurred had Officer Cappello confirmed [REDACTED] unit with a source other than J. Doe. Because Officer Cappello failed to verify and corroborate J. Doe’s information, and ended up executing a warrant based on bad information, this allegation is sustained as a violation of Rules 2, 3, 5, and 6.

Had Officer Cappello followed the proper sequence of steps outlined in Special Order S04-19, Lieutenant Dari would have seen the warrant application before it was submitted to an Assistant Cook County State’s attorney or judge. Part of Lieutenant Dari’s responsibility, per Special Order S04-19, was to determine the facts alleged in the complaint were “credible and reliable,” and “the investigation leading up to the need for a search warrant has been thoroughly conducted.”⁹³ The fact that Officer Cappello had the wrong unit for [REDACTED] reflects an insufficient investigation. If Lieutenant Dari had conducted an appropriate review of the warrant application, he would have returned it to Officer Cappello for additional investigation. However, by the time Lieutenant Dari reviewed the application, it had already been submitted to and approved by an Assistant Cook County State’s attorney and a judge, with Sergeant Egan’s full knowledge.

Lieutenant Dari and Sergeant Egan should have intervened and ensured that Officer Cappello followed Department policy and verified [REDACTED] address with an independent source. On this point, Sergeant Egan is particularly culpable; he was Officer Cappello’s direct supervisor, with vastly more experience acquiring and executing search warrants.⁹⁴ Officer Cappello credibly asserted that he told Sergeant Egan he was unable to verify the address J. Doe provided through LEADS and Data Warehouse searches. Despite this, Sergeant Egan took no steps to assist Officer Cappello in verifying the information, apart from allegedly arriving at the location 15 to 20 minutes early to conduct surveillance.⁹⁵ Sergeant Egan later acknowledged that the “information gleaned from the confidential source”⁹⁶ was the sole basis for his team’s belief that [REDACTED] resided in the second-floor apartment at [REDACTED]

⁹² Att. 100: Page 9, Lines 17 – 18.

⁹³ Att. 49, Special Order S04-19(VI)(B)(2).

⁹⁴ Sergeant Egan estimated he has served as the affiant in approximately 20 to 25 search warrants.

⁹⁵ As noted above, the GPS data indicates that Sergeant Egan’s vehicle arrived on the [REDACTED] at approximately 6:48 PM. Although this appears to contradict the sergeant’s testimony, gaps in the GPS data preclude COPA from making a finding of fact on this issue.

⁹⁶ Att. 110: Page 100.

The preponderance of the evidence shows that neither Sergeant Egan nor Lieutenant Dari ensured Officer Cappello adequately corroborated J. Doe's information, and they allowed the warrant application to proceed despite the fact that it did not meet Department requirements. Therefore, COPA finds the allegations against both supervisors are sustained as violations of Rules 2, 3, 5, and 6.

- h. Failing to properly knock and/or announce before entering [REDACTED], 2nd FL.⁹⁷*
- i. Failing to ensure that the search team adhered to the Knock and Announce Rule and 725 ILCS 5/108-8 in announcing their presence and providing the residents with a reasonable opportunity to allow entry⁹⁸*

The allegation that Officers Cappello, Guzman, Hernandez, Donnelly, and Detective Sehner failed to properly knock and announce themselves before entering the [REDACTED] residence, and that Sergeant Egan allowed them to do so, are sustained. Special Order S04-19 requires the search team supervisor to "ensure the Department members executing the search warrant adhere to the Knock and Announce Rule and 725 ILCS 5/108-8 and, when applicable, announce their presence and provide the residence a reasonable opportunity to allow entry."⁹⁹ The knock-and-announce rule emanates from the Fourth Amendment jurisprudence of the U.S. Supreme Court and provides that, before police officers use force to enter private residences, they must first knock, identify themselves, and provide occupants a reasonable opportunity to answer.¹⁰⁰ The rule is no mere formality: it protects substantive human interests by giving individuals "the opportunity to comply with the law and to avoid the destruction of property occasioned by a forcible entry."¹⁰¹

In determining precisely how long the interlude should last, courts have been generous to officers, and in some cases have held the period may be as brief as fifteen to twenty seconds.¹⁰² Shorter intervals, however, have often failed to withstand judicial scrutiny.¹⁰³ In this case, none of the accused members reported they waited *any* period of time before forcing entry. As they approached the building, Officer Cappello and Detective Sehner observed Mrs. [REDACTED] looking at them from her second-floor window. Fearful of the potential for evidence destruction, the members immediately breached the main exterior door, the main interior door, and the [REDACTED] second-floor apartment door. Officer Cappello testified that he continually announced "Chicago Police! Search warrant!" from the time the members breached the exterior door until they entered the second-floor apartment, and the BWC footage captured Officer Cappello and other members loudly announcing their presence after they entered the building. Although there is no audio from

⁹⁷ Allegation 5 against Officer Cappello; Allegation 4 against Officers Guzman, Hernandez, Donnelly and Sergeant Egan; Allegation 6 against Detective Sehner.

⁹⁸ Allegation 8 against Sergeant Egan.

⁹⁹ Att. 49, Special Order S04-09(VIII)(D)(1)(a).

¹⁰⁰ *Hudson v. Michigan*, 547 U.S. 586, 589-90 (2006); *see also People v. Glorioso*, 924 NE 2d 1153 (2010) (holding that the standards for evaluating knock-and-announce violations under the Illinois Constitution are in "lockstep" with federal jurisprudence).

¹⁰¹ *Hudson*, 547 U.S. at 594 (quoting *Richards v. Wisconsin*, 520 U.S. 385, 393, n. 5 (1997)).

¹⁰² *See United States v. Banks*, 540 U.S. 31 (2003).

¹⁰³ *See United States v. Vazquez*, No. 3:15-cr-00119 (MPS), doc. 69 at 24 (D. Conn. 2006) (holding that, during the execution of an arrest warrant, it was unreasonable for officers to breach the door less than ten seconds after knocking).

the initial breach, several of the members confirmed the announcements did not begin until they were entering or already inside the building.

COPA finds the members' actions violated the Knock and Announce Rule. The fact that they announced their presence as they entered the building is not sufficient to satisfy the rule; the members did not knock and failed to provide the [REDACTED] family a reasonable opportunity to answer the door.¹⁰⁴ As a result, they caused unnecessary property damage to both of the building's exterior doors, as well as the [REDACTED] family's apartment door. The members pointed to Mrs. [REDACTED] presence in the window as justification for their actions, claiming they feared potential evidence destruction. However, in *People v. Glorioso*, an Illinois appellate court considered a similar case in which the police arrived at a residence to execute a search warrant for drugs, knocked and announced their presence, observed someone looking out the window at them, and immediately forced entry. In that case, no more than three seconds passed between the time the officers knocked and announced their presence and the time they forcibly entered the residence. The court found such a short wait was unreasonable absent exigent circumstances, and the fact that police observed someone looking out the window at them did not create such exigency. The "glance out the window did not indicate that anyone would have attempted to resist the officers' entry, and the mere *possibility* of violence or the destruction of evidence created no emergency."¹⁰⁵ The same rationale is applicable here, except the members involved in this incident did not even wait three seconds. By the officers' own admissions, they announced their presence at the same time they breached the exterior door of the [REDACTED] apartment building.

For all these reasons, COPA finds the preponderance of the evidence shows that Officers Cappello, Guzman, Hernandez, Donnelly, and Detective Sehner failed to properly knock and announce themselves before entering the [REDACTED] residence, and Sergeant Egan improperly allowed them to do so. Therefore, these allegations are sustained as violations of Rules 2, 3, 5, 6, and 8.

j. Failing to operate body worn camera ("BWC") in accordance with Chicago Police Department Special Order S03-14, "Body Worn Camera"¹⁰⁶

The allegation that Officer Cappello, Officer Guzman, and Sergeant Egan failed to operate their BWCs in accordance with CPD policy is sustained for all three Department members. Special Order S03-14 requires officers to activate their BWCs at the beginning of an incident, and to "record the entire incident for all law-enforcement-related activities,"¹⁰⁷ including searches, evidence seizure, and any high-risk situations. Despite this policy, Officer Cappello and Sergeant Egan did not record this incident at all, and Officer Guzman began his recording after the incident had begun. Therefore, COPA finds these allegations are sustained as violations of Rules 2, 3, 5, and 6.

¹⁰⁴ See *United States v. Leichtnam*, 948 F.2d 370, 373 (7th Cir. 1991) ("A knock and announcement must be loud enough to be heard, and it must be followed by a pause long enough for someone to answer or come to the door. The police must be 'refused admittance.'")

¹⁰⁵ *People v. Glorioso*, 924 NE 2d at 1155.

¹⁰⁶ Allegation 6 against Officer Cappello and Sergeant Egan; Allegation 5 against Officer Guzman.

¹⁰⁷ Att. 107, Special Order S03-14(III)(A)(2).

k. Told [REDACTED] words to the effect of, “get on the fucking ground.”¹⁰⁸

The allegation that Detective Sehner told Mr. [REDACTED] to “get on the fucking ground” is not sustained. The video evidence is unclear as to who made this statement, and although Officer Cappello attributed it to Detective Sehner, Detective Sehner denied it was him. COPA finds there is insufficient evidence to prove or disprove the allegation against Detective Sehner by a preponderance of the evidence.

- l. Failing to complete an appropriate case report following the execution of Search Warrant # [REDACTED] as outlined in Special Order S04-19¹⁰⁹*
- m. Failing to ensure that Officer Joseph Cappello completed an appropriate case report following the execution of Search Warrant # [REDACTED] as outlined in Special Order S04-19¹¹⁰*

The allegations that Officer Cappello failed to complete the appropriate case report, and that Sergeant Egan failed to ensure Officer Cappello did so, are sustained. Per Special Order S04-19, Officer Cappello should have submitted “the appropriate case report...regardless of whether the search resulted in the seizure of property or contraband.”¹¹¹ The report is intended to “document that a Search Warrant was obtained and executed.”¹¹² Officer Cappello admitted he did not complete a case report, with the justification that the execution of the warrant did not result in any arrests or recovered contraband. Sergeant Egan echoed this justification, stating he was not aware a report was required. Considering this was Officer Cappello’s first search warrant and he was relying on his sergeant, Sergeant Egan should have better directed Officer Cappello. The fact that Department policy specifically requires a case report, even with negative warrant results, reveals both members’ lack of familiarity with the policy. Sergeant Egan’s apparent failure to review the Department’s search warrant policy before supervising the execution of a search warrant is particularly inexcusable. For these reasons, the allegations against Officer Cappello and Sergeant Egan are sustained as violations of Rules 3, 5, and 6.

- n. Failing to inventory a copy of Search Warrant # [REDACTED] as outlined in Special Order S04-19¹¹³*
- o. Failing to inventory photographs taken during the execution of Search Warrant # [REDACTED] in accordance with Special Order S04-19¹¹⁴*
- p. Failing to ensure that Detective Eric Sehner (then Officer Eric Sehner) inventoried photographs taken during the execution of Search Warrant # [REDACTED] in accordance with Special Order S04-19¹¹⁵*

¹⁰⁸ Allegation 1 against Detective Sehner.

¹⁰⁹ Allegation 7 against Officer Cappello.

¹¹⁰ Allegation 9 against Sergeant Egan.

¹¹¹ Att. 49, Special Order S04-19(VII)(F)(1)(a).

¹¹² *Id.*

¹¹³ Allegation 8 against Officer Cappello.

¹¹⁴ Allegation 9 against Officer Cappello and Allegation 7 against Detective Sehner.

¹¹⁵ Allegation 5 against Sergeant Egan.

The allegations that Officer Cappello failed to inventory a copy of the search warrant, and that Officer Cappello and Detective Sehner failed to inventory evidence photos, are exonerated. However, the allegation that Sergeant Egan failed to ensure the photos were inventoried is sustained.

Following the execution of the search warrant, Special Order S04-19 required Sergeant Egan to “ensure that the designated member inventories all digital images...utilizing the eTrack system,” including a “photocopy of the original search warrant.”¹¹⁶ All three Department members reported that they could not inventory the photos because they did not have an RD #, and they could not create an RD # because nothing was recovered during the execution of the search warrant. This is an erroneous interpretation of Department policy. As stated above, Department policy required the completion of a case report with an RD #, regardless of whether an arrest was made or contraband was found. It was Sergeant Egan’s responsibility to oversee the inventory process, and he provided his team with inappropriate guidance. Because Officer Cappello and Detective Sehner were following Sergeant Egan’s orders, the allegations against them are exonerated. Because Sergeant Egan was responsible for ensuring all evidence was inventoried, the allegation against him is sustained as a violation of Rules 3, 5, 6, and 40.

q. Failing to confiscate [REDACTED] cannabis¹¹⁷

The allegation that the accused failed to confiscate Mr. [REDACTED] cannabis is exonerated for Officers Cappello, Guzman, Hernandez, Donnelly, and Detective Sehner, and is sustained for Sergeant Egan. As the supervisor in charge of the scene, it was ultimately Sergeant Egan’s decision to allow Mr. [REDACTED] to keep his cannabis. On the date of the incident, recreational cannabis was not yet legal in Illinois, and Sergeant Egan had knowledge that a crime was occurring and the obligation to report it. Because Sergeant Egan’s failure to confiscate Mr. [REDACTED] cannabis violated Rules 3, 5 and 21, this allegation is sustained. Because the accused officers were acting under Sergeant Egan’s command, the allegation against them is exonerated.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

COPA’s disciplinary recommendations reflect several mitigating factors unique to this case. First, Officer Cappello’s insufficient investigation resulted from his lack of experience and training, not any intentional misconduct or recklessness. Second, the search team was inside the [REDACTED] residence for less than 13 minutes, and the members limited both the scope and duration of their search once they realized the warrant might be based on inaccurate information. They also attempted to minimize the trauma to the [REDACTED] children¹¹⁸ and treated the entire family with respect. Finally, the accused members largely admitted to and accepted responsibility for their actions, and they did not feign a lack of recall or provide misleading information during their COPA statements. These factors distinguish this case from other recent search warrant investigations conducted by COPA, and COPA has recommended discipline accordingly.

¹¹⁶ Att. 49, Special Order S04-19(VII)(F)(2)(d).

¹¹⁷ Allegation 10 against Officer Cappello and Sergeant Egan; Allegation 8 against Detective Sehner; Allegation 6 against Officer Guzman, and Allegation 5 against Officers Donnelly and Hernandez.

¹¹⁸ For example, Officer Donnelly reassured [REDACTED] and [REDACTED] “It’s okay. Your daddy’s okay,” when they began crying in response to seeing Mr. [REDACTED] in handcuffs. Additionally, as soon as Officer Capello cleared the residence, he went back outside and locked his rifle in a Department vehicle.

a. Officer Joseph Cappello

COPA has considered Officer Cappello's complimentary and disciplinary histories in recommending discipline for sustained findings.¹¹⁹ Officer Cappello has no sustained complaints and one SPAR, for which he received a reprimand following a preventable traffic accident in March 2020. Officer Cappello has received a total of 149 awards, including eight Department commendations, two police officer of the month awards, 133 honorable mentions, and various other awards.

This investigation highlights deficiencies in CPD's search warrant policy. Specifically, there is an apparent disconnect between CPD's written policy and how search warrants have been carried out in practice. Further, the policy itself fails to describe what an independent investigation consists of, or how officers know when they have sufficiently verified and corroborated a J. Doe's information. This was the first time Officer Cappello served as the affiant on a search warrant, and COPA believes he was acting in good faith and intended no harm. That said, he authored and executed a search warrant without being fully familiar with or referencing CPD policy. Sergeant Egan should have directed Officer Cappello on the proper steps to obtain a valid warrant, and this should have led to Lieutenant Dari's assistance in verifying and corroborating the information included in the complaint for search warrant. Instead, Officer Cappello was provided little, if any, guidance as to what a complete investigation entailed. The fact that Officer Cappello was attempting to execute valid police functions under poor supervision and poorly written policy is a mitigating factor, as is his inexperience. However, Officer Cappello's lack of due diligence resulted in significant and lasting trauma to the entire [REDACTED] family, especially the children. Additionally, his failure to activate his BWC served to undermine public trust and confidence in the Department. Accordingly, COPA recommends Officer Cappello receive a 30-day SUSPENSION.

b. Sergeant Russell Egan

COPA has considered Sergeant Egan's complimentary and disciplinary histories in recommending discipline for sustained findings. Sergeant Egan has no sustained disciplinary history in the past five years. He has received a total of 90 awards, including three crime reduction awards, six complimentary letters, 15 Department commendations, 41 honorable mentions, and various other awards.

COPA has found that Sergeant Egan bears the most responsibility for this incident and the resulting trauma to the [REDACTED] family. As Officer Cappello's direct supervisor, Sergeant Egan oversaw both the investigation and execution of the search warrant. He failed to provide meaningful and effective supervision to Officer Cappello during the search warrant investigation, and he allowed the warrant application to proceed despite the fact that he knew or should have known that Officer Cappello had not adequately corroborated J. Doe's information. Furthermore, as the sergeant leading the search warrant execution, Sergeant Egan bears significant responsibility for the failure to comply with the knock and announce rule. He also committed numerous operational violations, including failing to activate his BWC, failing to confiscate Mr. [REDACTED]

¹¹⁹ All of the accused members' complimentary and disciplinary histories are included in Attachment 113.

cannabis, and failing to ensure that the required reports and inventories were completed. COPA has considered Sergeant Egan's role in this incident, as well as his supervisory rank and 27 years of experience as a CPD member, as aggravating factors in imposing discipline. Accordingly, COPA recommends Sergeant Egan receive a minimum of a 60-day SUSPENSION from the Department.

c. Lieutenant Samuel Dari

COPA has considered Lieutenant Dari's complimentary and disciplinary histories in recommending discipline for sustained findings. Lieutenant Dari has no sustained disciplinary history in the past five years. He has received a total of 83 awards, including three crime reduction awards, two complimentary letters, six Department commendations, 62 honorable mentions, and various other awards.

COPA has found that Lieutenant Dari approved the search warrant application without taking any steps to ensure that Officer Cappello had adequately corroborated J. Doe's information. Lieutenant Dari did not review the warrant until after it was approved by a judge, and by his own admission, he focused primarily on grammatical errors and ensuring that Officer Cappello had articulated probable cause. COPA has considered Lieutenant Dari's role in this incident, as well as his supervisory rank and 22 years of experience as a CPD member, as aggravating factors in imposing discipline. Accordingly, COPA recommends Lieutenant Dari receive a 30-day SUSPENSION.

d. Officer Michael Guzman

COPA has considered Officer Guzman's complimentary and disciplinary histories in recommending discipline for sustained findings. Officer Guzman has no sustained complaints and four SPARS: one for a court appearance violation, two for failure to perform assigned tasks, and one for being absent/leaving duty assignment. He received reprimands following two of the SPARs, while the other two incidents did not result in any discipline. Officer Guzman has received a total of 103 awards, including two life-saving awards, one complimentary letter, five Department commendations, 83 honorable mentions, and various other awards. COPA has considered this history, as well as Officer Guzman's three years of experience as an officer, in mitigation. However, Officer Guzman's failure to abide by the knock and announce rule and untimely BWC activation violated CPD policy and served to undermine public trust and confidence in the Department. Accordingly, COPA recommends Officer Guzman receive a 5-day SUSPENSION.

e. Officer Jose Hernandez

COPA has considered Officer Hernandez's complimentary and disciplinary histories in recommending discipline for sustained findings. Officer Hernandez has no SPARs and one sustained complaint, for failing to return a driver's wallet following a traffic stop in March 2020.¹²⁰ He received a one-day suspension as a result of that incident. Officer Hernandez has received a total of 135 awards, including eight Department commendations, two police officer of the month awards, 121 honorable mentions, and various other awards. COPA has considered this history, as

¹²⁰ See Log 2020-0001224.

well as Officer Hernandez's three years of experience as an officer, in mitigation. However, Officer Hernandez failed to abide by the knock and announce rule, and he was one of the primary officers who prematurely breached the exterior door of [REDACTED]. Accordingly, COPA recommends Officer Hernandez receive a 5-day SUSPENSION.

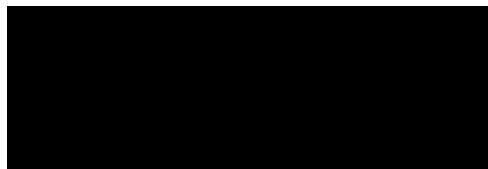
f. Officer Michael Donnelly

COPA has considered Officer Donnelly's complimentary and disciplinary histories in recommending discipline for sustained findings. Officer Donnelly has no sustained disciplinary history in the past five years. He has received a total of 144 awards, including seven Department commendations, one complimentary letter, one police officer of the month award, 123 honorable mentions, and various other awards. COPA has considered this history, as well as Officer Donnelly's four years of experience as an officer, in mitigation. However, Officer Donnelly failed abide by the knock and announce rule, and he was one of the primary officers who prematurely breached the exterior door of [REDACTED]. Accordingly, COPA recommends Officer Donnelly receive a 5-day SUSPENSION.

g. Detective Eric Sehner

COPA has considered Detective Sehner's complimentary and disciplinary histories in recommending discipline for sustained findings. Detective Sehner has no sustained disciplinary history in the past five years. He has received a total of 106 awards, including five Department commendations, 96 honorable mentions, one Superintendent's honorable mention, and various other awards. COPA has considered this history, as well as Detective Sehner's five years of experience, in mitigation. However, he was part of the search team that failed to abide by the knock and announce rule during this incident. Accordingly, COPA recommends Detective Sehner receive a 3-day SUSPENSION.

Approved:



1/27/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date