

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	November 22, 2017 / 7:45 p.m. / [REDACTED].
Date/Time of COPA Notification:	November 23, 2017 / 11:30 a.m.
Involved Sergeant#1:	John Conneely, Star #1262, Employee ID # [REDACTED], Date of Appointment June 21, 1999, rank Sergeant of Police, Unit of Assignment 008, DOB [REDACTED] 1976, Male, White
Involved Individual #1:	[REDACTED] 1963, Male, White
Case Type:	Warrantless Entry into Residence and Arrest

I. ALLEGATIONS

Officer	Allegation	Finding
Sgt. John Conneely	On or about November 17, 2017, at or near [REDACTED]. [REDACTED], Chicago, at approximately 7:45 p.m., it is alleged that Sergeant J. T. Conneely, Star #1262 committed misconduct when he:	
	1. entered or directed the entry of the residence at that address, without justification,	Not Sustained
	2. searched, or directed the search of the residence at that address, without justification,	Unfounded
	3. detained, or directed the detention of [REDACTED] without justification, and	Exonerated
	4. arrested, or directed the arrest of [REDACTED] without justification.	Exonerated

II. SUMMARY OF EVIDENCE¹

COPA received an **Initiation Report**² from the Chicago Police Department on November 23, 2017. The complaint log summarized [REDACTED] account of the police involved incident that resulted in his in-home arrest on November 22, 2017. [REDACTED] alleged that Sergeant John Conneely entered his home without a search warrant and failed to immediately identify himself as a police officer.

The allegations stem from an ongoing dispute between [REDACTED] and his neighbor Todd Sherman. [REDACTED] was captured on surveillance video removing Sherman's garbage cans and throwing the contents of the cans into the same neighbor's yard. Sgt. Conneely and tactical team relocated to [REDACTED] home to take him into custody. [REDACTED] related that he opened the door prior to Sergeant Conneely's entry and attempted to close the door as the sergeant entered his home without a warrant or consent. [REDACTED] related that the lock to his inner door was broken following the police encounter.

The **Arrest Report**³ documented the event as an on-view arrest by the 008th District Tactical Team No. 863. The victim was identified as Sgt. Todd Sherman, a member of CPD⁴. [REDACTED] was taken into custody after he was positively identified as the person who on November 19, 2017, was observed on the victim's surveillance camera footage walking into the alley behind the victim's property and tossing bags of trash over the fence and into his yard. His actions caused damage to the property. [REDACTED] was then observed walking away with the garbage cans, out of the view of the camera. Previously on May 12, 2017, [REDACTED] was involved in a dispute with the same neighbor and a complaint was recorded with CPD.⁵ On November 22, 2017, [REDACTED] was taken into custody at his home, located at [REDACTED], and transported to the 008th District.

The **Original Case Incident Report**⁶ documented Sherman related that he and [REDACTED] live in the same neighborhood. On Nov. 19, 2017, Sherman's home surveillance system captured [REDACTED] approach the rear of Sherman's property, take hold of the victim's garbage cans, waive at the victim's camera, remove the trash and threw it into his yard resulting in defacing and causing damage to the same property.⁷ Noted is the victim would follow up with detectives and obtain an order of protection.

The **Case Supplementary Report**⁸ documented [REDACTED] was charged with Theft and Criminal Damage to Property.

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Attachment #9

³ Att. #16

⁴ Sgt. Todd J. Sherman, Employee ID # [REDACTED] resigned on July 15, 2022.

⁵ Att. #19 Complaint No. [REDACTED].

⁶ Att. #22

⁷ DVD of the incident was inventoried under No. [REDACTED].

⁸ Att. #21

The **Case Disposition and related Court Documents**⁹ documented that ██████ pled guilty and was convicted of the charges of theft, criminal damage to property and simple assault.

The complainant, ██████ provided an interview statement to COPA¹⁰ on November 28, 2017. In summary, on Nov. 17, 2017, he was at home and approached his front door to respond to a knock at the door. An individual called out his name and ██████ assumed it was a neighbor or his son. As he proceeded to open the inner door, the individual dressed in dark colored plain clothes emerged from a crouched position and ripped open the outer screen door. ██████ realized the person standing in his doorway was unfamiliar, and the person did not identify himself. ██████ rushed to close the inner door but was overpowered as the door was immediately pushed open. ██████ stated the door was broken, resulting in damaged wood and the door stopper was snapped off the door. He began to shout at the intruder that he could not come inside. ██████ related that the unidentified person, now known as Sgt. Conneely, continued to push his way into his home and forced open the inner door. He responded by yelling “no, you can’t come in here” and attempted to push the inside door closed, believing it to be a home invasion. The door was pushed farther in, he was overpowered, and the force pushed him across the front room. He was told to put his hands behind his back. He responded by doing as he was told. After he was handcuffed, the officer identified himself, and displayed his badge. ██████ requested a search warrant and was ignored by officers. He did not receive documentation of an arrest or search warrant.

While being detained he was told by Sgt. Conneely “not to move the garbage cans again”. ██████ recalled Sgt. Conneely stated the local alderman told Sherman he could leave the garbage cans in the alley.

His wife, ██████ was present and but did not witness the door being pushed open, although intermittently she entered the front of the home after hearing the commotion and was in and out of the hallway near the front room.

██████ related the issue involving the inconvenient location of the garbage cans was a recurring issue over the previous two years. He related a conversation with Sherman in which he asked him to move his garbage cans to the other side of the alley to avoid the inconvenience, similarly to many of his neighbors. Sherman would not move his own cans causing a blockage and preventing him and a family member from easily accessing the alley and their garage. He admitted he had previously thrown the trash cans into Sherman’s yard. Approximately four days before his arrest he threw the trash bags over the fence and moved the cans down the alley. Newer residents were also leaving their garbage cans in the alley overnight. ██████ related he had requested the ward superintendent and the ward foreman of the Department of Streets and Sanitation to intervene.

A previous verbal exchange on May 12, 2017, prompted Sherman to file assault charges against ██████ on or around May 15, 2017. While ██████ played fetch with his dog in the alley, Sherman asked if he tried to hit him with a ball. After a verbal exchange Sherman filed a complaint against ██████ for verbal assault.

⁹ Att. #18

¹⁰ Att. #04

Sgt. Conneely provided an interview statement¹¹ to COPA on July 13, 2021. In summary, the tactical team sergeant was assigned to the 008th district during the occurrence of the related incidents. He was contacted by his friend, Sgt. Sherman, who related he was having problems with a neighbor. Sgt. Conneely was notified by Sherman that he had filed two case reports with signed complaints naming ██████ as the offender.

Sgt. Connelly related that he reviewed the complaints and decided to arrest ██████ for criminal activity. After relocating to the address, Sgt. Conneely took the lead. He knocked on the door and asked for the offender by name. He related the person answered, “that’s me” and he proceeded to identify himself as an officer. He recalled that he stated, [not verbatim] “Can I come in? I need to speak to you.” He related ██████ replied “ok” and opened the screen door. At which time he entered the residence.

He denied that ██████ tried to close the inner door to prevent him and his team from entering. Sgt. Conneely recalled after he initially spoke to ██████ he proceeded to tell him that “he needed to step inside.”¹² At 31:15 he recalled asking ██████ “could he come inside?” he recalled ██████ unlocked and opened the screen door. He interpreted ██████’s actions as an invitation to come into the house.

In the foyer, Sgt. Conneely immediately turned ██████ around and placed him into custody and handcuffs. ██████ objected and was escorted into the living room and sat down on the couch. Sgt. Conneely related he explained to ██████ and his wife the reason for the arrest and the charges. ██████ was transported to the 8th district for processing. At the station Sgt. Conneely completed the arrest report.

Sgt. Conneely stated he reviews case reports that occur in the 8th district. He would have reviewed the related reports whether he was notified directly by Sherman or independently. In the normal course of duty as the tact team sergeant, he and his team have the responsibility of reviewing and following up on investigations of case reports and making arrests. The manner of responding including review of the reports and investigation of the incident, review of the video¹³ and relocation to the offender ‘s (█████ address to make the arrest. The tactical team acted upon his direction. Sgt. Conneely related that although the charges were misdemeanor counts, the tactical team would usually follow up with investigations of misdemeanors and felonies.

Sgt. Conneely stated he was not wearing a body worn camera and his team had not been assigned BWC at the time of the incident.¹⁴ Sgt. Conneely denied all allegations against him.

█████ ██████ **provided a witness interview statement** to COPA on December 11, 2017¹⁵. Her statement was consistent and corroborated the statement of her husband, ██████ She did

¹¹ Att. #26

¹² Int. Sgt. Conneely at 31:14

¹³ DVD of the incident was inventoried under No. ██████

¹⁴ Contrary to Sgt. Conneely ‘s interview statement, members of the 008 tactical team were assigned BWC as evidenced in Evidence.com. COPA’s personnel research investigation found that Sgt. Conneely had in fact been assigned BWC and an account was activated on Sept. 18, 2017. Sgt. Conneely activated his BWC on multiple events on previous days in November of 2017 and as close to the date of the related incident as November 19, 2017.

¹⁵ Att. #6

not witness the moment Sgt. Conneely entered the home. While in the kitchen area, her attention was diverted to the foyer when she heard her husband shouting. She overheard a commotion near the front door and overheard ██████ yelling “get out of the house”. As she neared the front room, she could see ██████ had opened the door, leaving their dog to bolt out of the house. There was some pushing in the foyer. She entered the room to see ██████ handcuffed. She recalled the exchange between Sgt. Conneely and ██████ escalated throughout the incident. Her husband told officers to leave their home numerous times. ██████ described Sgt. Conneely’s actions as directing her husband to sit down after he was handcuffed and forcing her husband to remain seated. While still in the house, the officers arrested ██████ and removed him from the house. He was charged with the related charges of theft, property damage and assault. She reported damage to the door stop at the bottom of the door; no other property damage was reported. ██████ related officers referenced a video but did not refer to a complaint against her husband. The ██████ did not have surveillance cameras at their residence. She did not receive an arrest warrant documentation.

Photos submitted to COPA¹⁶ from ██████ show the front porch, the alley way, two plat surveys and the alleged damage to the door lock area and separate parts of a lock.

III. ANALYSIS AND CONCLUSION

COPA finds the allegation that Sergeant Conneely entered or directed the entry into the residence of ██████ without justification is Not Sustained. Based on the investigation, there is insufficient evidence to prove the allegations by a preponderance of the evidence.

The Fourth Amendment of the U.S. Constitution protects American citizens from unreasonable search and seizure. Usually, an officer must obtain an arrest or search warrant, based on probable cause, to legally conduct an arrest or search inside a person’s home or property. However, as an exception, an officer can enter a private home where consent has been given to do so.

Criminal misdemeanor complaints, signed by the complainant, and observed by an officer is sufficient to charge the defendant with the commission of the offense.¹⁷ A defendant has a fundamental right to be informed of the nature and cause of criminal accusations made against him. However, officers investigating the complaint cannot make a warrantless and unconstitutional entry into a private home. Department members are required to “identify themselves as police officers prior to taking any police action, unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.”¹⁸

Officers reviewed the signed complaints and video and sought to arrest ██████ for his actions. Based on the statement provided by Sgt. Conneely, he received a verbal agreement from ██████ to let the officers enter the residence. Sgt. Conneely knocked on the door and asked to speak with him, attempting to gain entry into the home by getting consent. Consent is voluntary, and citizens are not prohibited from refusing consent and closing the door.

¹⁶ Att. #11

¹⁷ 725 ILCS 5/111-3(b)

¹⁸ G03-02-01 II(E), Response to Resistance and Force Options (effective October 16, 2017).

█████ vehemently denied consenting to allow Sgt. Conneely and the tactical team inside his home. He alleges Sgt. Conneely unlawfully entered and directed his team to act on a warrantless entry that was not authorized by either consent or legal exception. █████ alleges he did not recognize that Sgt. Conneely was a member of law enforcement and described Sgt. Conneely's clothing as distinguishable from law enforcement uniforms. Initially he assumed he was greeting a neighbor and then facing a possible home intruder. He stated Sgt. Conneely had already opened the screen door and once the inner door was ajar, pushed his way into the home. █████ stated that she heard a commotion at the front door, seemingly from the back and forth pushing of the door and later noticed damage to the interior of the front door. Additionally, her dog had exited her home during the skirmish and could only do so if the screen door had been opened, something █████ would have known and tried to prevent.

On the other hand, Sgt. Conneely stated that, after he reviewed the complaints and video, he went to █████ home to further investigate the incident. █████ answered the door and he announced himself as Chicago Police and explained that he needed to speak with him. █████ replied OK, unlocked the screen door and Sgt. Conneely proceeded to enter the home. Sgt. Conneely interpreted his actions as inviting him into the home. Sgt. Conneely denied that █████ tried to close the inner door to prevent him from entering. Sgt. Conneely denied grabbing or pushing the door or opening the screen door. Sgt. Conneely later stated that he told █████ that he needed to step inside. Also, during the interview Sgt. Conneely stated that he recalled asking if he could come inside, at which point █████ unlocked and opened the screen door. Sgt. Conneely then immediately ordered █████ to put his hands behind his back and proceeded to handcuff him.

█████ was credible, her statement of her observations after the officer's entered the home was consistent and corroborated █████ account. █████ statement is credible regarding the sound of a commotion at the front door that alarmed her. She entered the front room and saw officers entering her home and her husband in handcuffs. She also identified damage to the back of the front inner door that occurred, that she attributed to the force used between her husband and Sgt. Conneely. While photos of a broken lock were submitted to COPA, █████ did not mention the lock during her interview.

Whether █████ consented to the entry depends upon what happened during the exchange between him and the sergeant while at the door. The inner door was opened to allow for communication between himself and the unidentified person. █████ stood at the door and did not recognize the person standing on his porch. He believed he was confronting a home intruder and reacted by quickly close the door. █████ denies that Sgt. Conneely identified himself as a member of CPD.

A warrantless entry is not justified unless there is an identifiable exception to the rule. There is no apparent 4th amendment exception that fits this incident. No circumstances constituted, at the time of entry into the home, an emergency requiring the police to enter the home regardless of lack of a warrant or consent. Sgt. Conneely interpreted █████ unlocking of the door and verbal OK to mean that his entry was acceptable. However, it is unclear if once inside the foyer with Sgt. Conneely, █████ realized that his consent and the officer's presence would result in his arrest.

Department members are required to "identify themselves as police officers prior to taking any police action, unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation." There are contradictory statements and insufficient

evidence to prove whether Sgt. Conneely properly identified himself. ██████ provided photos of a damage lock that was not mentioned in interviews.

During his interview with COPA personnel, accused Sgt. Connelly acknowledged that he had not been issued a body worn camera at the time the incident with ██████ occurred. Video footage and audio does not exist in this case. Department members are required to activate BWC “at the beginning of” or “soon as practical” for all law-enforcement-related activities.”¹⁹ Sgt. Connelly’s statements regarding his BWC is questionable.

A warrantless, in-home arrest is unreasonable without legal except. It appears officers believed they had probable cause to make an arrest and consent to enter the residence. In his interview statement, Sgt. Conneely was insistent that ██████ consented. There is insufficient evidence to prove whether officers had consent or illegally conducted a warrantless in-home arrest.

After careful consideration of the available facts, COPA finds there is insufficient evidence to prove that the allegation that Sgt. Conneely entered or directed the tactical officers to enter the home without justification. Accordingly, COPA finds that this allegation is NOT SUSTAINED.

██████ alleges Sgt. Conneely searched or directed the search of the residence at that address, without justification. There is clear and convincing evidence that the allegation is false or not factual.

Department members taking persons into custody or accepting custody from other Department members will be responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury.²⁰

As is customary, once officers placed ██████ into custody he was searched prior to the transport to the 008th district. Neither ██████ nor his wife described or provided information related to a search of their home. Sgt. Conneely denied searching or directing the search of the residence.

After careful consideration of the available facts, COPA finds there is clear and convincing evidence that the allegation that Sgt. Conneely searched the residence without justification is false or not factual. Accordingly, COPA finds that this allegation is UNFOUNDED.

██████ alleges Sgt. Conneely detained him or directed his detention without justification. There is clear and convincing evidence that ██████ was detained by Sgt. Conneely and his team, but it was lawful and proper.

Department members are permitted to detain a person when there is reasonable articulable suspicion that the person has committed a criminal offense.²¹ Sgt. Conneely acting from the presumption that he had the requisite consent to enter the residence, and therefore would be permitted to detain ██████ based on the signed complaints and review of the surveillance video.

¹⁹ S03-14-III(A)(2) (A-R) Body Worn Cameras (effective 17 October 2017)

²⁰ G06-01-02, Restraining Arrestees, (effective date, 08 December 2017).

²¹ S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017, to current).

After reviewing the facts, COPA finds the allegation that Sgt. Conneely detained and or directed the detention of [REDACTED] without justification is EXONERATED.

[REDACTED] alleges Sgt. Conneely arrested or directed his arrest without justification. There is clear and convincing evidence that the conduct as described occurred, but it was lawful and proper.

An officer must have probable cause to arrest a subject. Probable cause to arrest exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime occurred and that the subject had committed it.²² The reasonable basis of any arrest should be considered from the perspective of a reasonable officer at the time of the arrest.²³

Based on his knowledge, experience and training, Sgt. Conneely reviewed the complaints and finding them sufficient, executed the arrest. [REDACTED] was named as the offender in two criminal misdemeanor complaints. As the sergeant of the tactical team, Sgt. Conneely personally placed [REDACTED] into custody and performed the arrest. Again, Sgt. Conneely was unyielding in the belief that consent to enter the residence had been granted. While it is concerning that Sergeants Conneely and Sherman’s friendship may have affected the police action, it is persuasive that [REDACTED] actions, escalated to the level of criminal activity, warranted the arrest²⁴.

After careful consideration of the available facts, COPA finds the allegation that Sgt. Conneely arrested, or directed the arrest of [REDACTED] without justification is EXONERATED.

Approved:

[REDACTED]

11/17/2022

Matthew Haynam
Deputy Chief Administrator

Date

²² S04-13-09 II(D), Investigatory Stop System (effective July 10, 2017, to current).

²³ A04-13-09II(D), Investigatory Stop System (effective July 10, 2017, to current).

²⁴ Att. #18