

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 6, 2017
Time of Incident:	6:15 p.m.
Location of Incident:	██████████ ██████████
Date of COPA Notification:	December 12, 2017
Time of COPA Notification:	11:57 a.m.

Complainant, ██████████ notified COPA electronically of an alleged incident of verbal abuse, which took place against her and her minor son during the execution of a search warrant by officers of the Chicago Police Department (CPD) at ██████████ ██████████ ██████████, ██████████ on December 6, 2017. Subsequent investigation in this matter has determined that the search warrant had been executed by officers of the CPD, Gang Investigation Division, Unit 193, and officers from the Burbank Police Department (BPD), Burbank, Illinois, who primarily acted as security, maintaining a presence around the perimeter of the search warrant location, and not participating in the search warrant proper. In addition, investigation has determined that Special Agent Johnathan Rouske of the Chicago Division of the Federal Bureau of Investigation (FBI) was present during the execution of the search warrant, and had assisted the CPD in the search of vehicles located in the parking lot adjacent to ██████████ ██████████ ██████████.

In ██████████ initial complaint, ██████████ had complained that during the execution of the search warrant she had been verbally insulted by officers, whom she did not identify by name. She had been called a “fat ass” and a “disgusting pig”.¹ Her minor son was told, “Your mother is a scumbag.”² She described her minor son as being terrified throughout the incident.

██████████ further claimed that ██████████ her boyfriend, had been pushed to the floor when the officers made entry into the apartment, and that ██████████ neck had been stomped on, and that ██████████ had been hit with the butt of a gun more than once, even though ██████████ was cooperating with the police at the time.

In her initial interview with COPA on December 21, 2017, ██████████ had further complained that officers had removed three sets of vehicle keys from the apartment where the search warrant had been executed, and then had proceeded to the parking lot adjacent to the apartment building, and had searched vehicles, including her vehicle, without her consent.

Investigation in this matter was then initiated to corroborate ██████████ account of the events.

¹ Attachment #9 at 19:59
² Attachment #9 at 11:05

II. INVOLVED PARTIES

Involved Officer #1:	Walter T. Chudzik, Star# 2273, Employee ID [REDACTED] Date of Appointment: October 26, 1998, Rank: Lieutenant ³ , Unit of Assignment: 010, DOB: [REDACTED] 1974; Gender: Male, Race: White
Involved Officer #2:	Robert Gallas, Star #17815, Employee ID [REDACTED], Date of Appointment: December 17, 2001, Rank: Police Officer, Unit of Assignment: 193 (Gang Investigation Division), DOB: [REDACTED] 1973, Gender: Male; Race: White
Involved Officer #3:	Sean Brandon, Star #18866, Employee ID# 49745, Date of Appointment: August 7, 1995, Rank: Police Officer, Unit of Assignment: 193 (Gang Investigation Division), DOB: June 2, 1968, Gender: Male, Race: White
Involved Officer #4:	Eduardo Almanza, Star #15464, Employee ID [REDACTED] Date of Appointment: April 26, 2004, Rank: Police Officer, Unit of Assignment: 193 (Gang Investigation Division), DOB: [REDACTED] 1975, Gender: Male, Race: Hispanic
Involved Officer #5:	Joseph Petrenko, Star #33, Employee ID [REDACTED], Date of Appointment: February 27, 1991, Rank: Captain ⁴ , Unit of Assignment: 16, DOB: [REDACTED] 1961, Gender: Male, Race: White
Involved Officer #6:	Daniel De Lopez, Star #21781, Employee ID [REDACTED], Date of Appointment: June 5, 1995, Rank: PO – Detective, Unit of Assignment: 630, DOB: [REDACTED] 1972, Gender: Male, Race: Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1990, Gender: Female, Race: Hispanic
Involved Individual #2:	[REDACTED] DOB: (unknown – 10 years old), Gender: Male, Race: Hispanic ([REDACTED] Minor Son)

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
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³ At the time of the incident Chudzik held the rank of Sergeant.

⁴ At the time of the incident Petrenko held the rank of Lieutenant.

<p>Lieutenant Walter T. Chudzik</p>	<p>1. It is alleged that on December 6, 2017, at approximately 6:10 p.m., at [REDACTED] you verbally abused [REDACTED]</p> <p>2. It is alleged that on December 6, 2017, during the execution of a search warrant at [REDACTED] [REDACTED] the Accused, Lieutenant Walter T. Chudzik, Star #2273, was inattentive to duty when vehicles were searched, without justification.</p>	<p>Not Sustained</p> <p>Sustained</p>
<p>Officer Robert Gallas</p>	<p>1. It is alleged that on December 6, 2017, in a parking lot in the vicinity of [REDACTED] [REDACTED] the Accused, Officer Robert Gallas, Star #17815, searched vehicles, without justification.</p>	<p>Sustained</p>
<p>Officer Sean Brandon</p>	<p>1. It is alleged that on December 6, 2017, in a parking lot in the vicinity of [REDACTED] [REDACTED], the Accused, Officer Sean Brandon, Star #18866, searched vehicles, without justification.</p>	<p>Sustained</p>
<p>Officer Eduard Almanza</p>	<p>1. It is alleged that on December 6, 2017, at approximately 6:10 p.m., during the execution of a search warrant at [REDACTED] [REDACTED] the Accused, Officer Eduardo Almanza, Star #15464, verbally abused [REDACTED]</p>	<p>Not Sustained</p>
<p>Captain Joseph Petrenko</p>	<p>1. It is alleged that on December 6, 2017, during the execution of a search warrant at [REDACTED] [REDACTED] the Accused, Captain Joseph Petrenko, Star #33, was inattentive to duty when vehicles were searched, without justification.</p>	<p>Not Sustained</p>
<p>Detective Daniel De Lopez</p>	<p>1. It is alleged that on December 6, 2017, at approximately 6:10 p.m., during the execution of a search warrant at [REDACTED] [REDACTED] the Accused, Detective Daniel De Lopez, Star #21781, verbally abused [REDACTED]</p>	<p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 5. Rule 10: Inattention to duty.
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Federal Laws

1. 4th Amendment to the U.S. Constitution
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State Laws

1. Constitution of the State of Illinois, Article I, Section 6
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V. INVESTIGATION**a. Interviews**

In her initial interview with COPA on December 21, 2017,⁵ ██████████ stated that on December 6, 2017, she had been present at her boyfriend's apartment, which was located at ██████████ ██████████. Also present at that time were her boyfriend, ██████████ and her minor son, ██████████ who was nine years old. At that time, police officers had entered the apartment. Initially, she had heard faint knocking on the front door, as she was in the bathroom, ██████████ asking "Who was it" and then she heard loud banging on the door. She then heard someone announce that they had a search warrant. She then hurriedly exited the bathroom and heard someone yell, "Open the fucking door"⁶ approximately 5-6 times, while someone was pounding on the door. Her boyfriend attempted to open the door, but tools and a ladder prevented him from opening it, as he was stuck between the door and a wall. The door was then forced open by the police. The police pointed their guns at her and her son, and one officer used profanity, initially telling them to, "Sit the fuck down," and then, "Get down on the fucking floor." She described this officer as a Hispanic male, tall, and weighing approximately 200 pounds, having medium length, slicked-backed hair, and no facial hair.

⁵ Attachment #9

⁶ Attachment #9 at 05:31

During the incident, this same officer had referred to her as a “disgusting pig” and as a “fat ass.”⁷ The officer also said that she was disgusting, and that looking at her made him sick. There were as many as three Hispanic officers and a sergeant present in the apartment. None of the officers were in uniform. She described the sergeant as a white male, tall, heavysset, having gray hair, and somewhat balding.

Ms. ██████ saw Burbank Police Department (BPD) officers outside of the apartment, but they did not enter the apartment. She further stated that while she was on the ground, the tall, Hispanic officer pointed a rifle at her back. Ms. ██████ saw the rifle from a peripheral view and that the rifle never touched her. She was then handcuffed and made to sit on a couch.

The sergeant then began questioning her about the drugs that had been found in the apartment. He threatened her with going to jail and yelled at her, saying that she was an unfit parent, and that her son was going to be sent to foster care.⁸ He called her a “scumbag parent”,⁹ and said that she should be locked up. While the other officers continued to search the apartment, the sergeant continued berating her and her son, saying such things as, “Your mom’s going to jail.”¹⁰ He yelled in her son’s face that he was going to be sent to foster care. Her son was crying at the time. She also stated that the sergeant knew her boyfriend, ██████ from previous encounters.

Ms. ██████ vehicle, a 2004 Ford Expedition, had been parked in the visitors’ parking area in the back of the building while the search warrant was being executed. Her car keys were on the table in the apartment, along with other sets of car keys. The police had grabbed the sets of keys from the table even though she did not give consent to the police to take her keys. The officers proceeded to the parking lot behind the building, and began pressing alarm buttons on the keys in order to determine to which vehicles the keys belonged. She had been told this by her sister-in-law, ██████ who had witnessed it. ██████ did not live in the apartment complex where the search had occurred, but her mother, ██████ resided in ██████. ██████ further told her that one of the vehicles that the police had searched was ██████ mother’s vehicle. ██████ mother is ██████ aunt. The police had searched a total of three vehicles, including her vehicle, a tow truck used by ██████ in his work, and owned by ██████¹¹ and ██████ mother’s vehicle, a Dodge Caliber.

After the police had left the apartment, she went to the parking area and inspected her vehicle, and confirmed that it had been searched, as items were thrown around inside of it. She was then given her keys back by a police officer, who confirmed that they had searched her vehicle, but she did not identify a particular officer.

During the incident she observed no Body Worn Cameras (BWC) worn by the police. With respect to camera coverage of the hallway outside of the apartment, there was a camera installed at each corner of the hallway. Neither she, nor her son, were injured during the incident; however, ██████ was thrown to the ground by the police, stomped on, and the Hispanic police officer, who had berated her, hit ██████ on the back of his neck with the butt of his gun. Finally, ██████ stated that her son had been traumatized from the event, and that ██████ had been arrested.

⁷ Attachment #9 at 19:59

⁸ Attachment #9 at 10:56

⁹ Attachment #9 at 11:05

¹⁰ Attachment #9 at 11:28

¹¹ Phonetic spelling

In her second interview with COPA, which occurred on August 23, 2018),¹² ██████ gave a very detailed description of the CPD officer who had verbally abused her and her son on December 6, 2017. ██████ stated that this officer was wearing all black at the time, light brown skin, jet black hair that was slicked back, well-groomed, broad muscular shoulders, big nose, looked of Mexican descent, was at eye height and spoke with a Mexican accent. Ms. ██████ related that this officer pointed a gun in her face, and in her son's face. Ms. ██████ did not see the name of the officer or hear anyone say the officer's name. Ms. ██████ was also shown a video clip from a cell phone, which had been made at the time of the incident by ██████ in a parking lot adjacent to where the search warrant had been executed.¹³ She stated that the officer present in the video clip was not the officer who had verbally abused her during the execution of the search warrant.¹⁴

In his initial interview with COPA, which occurred on April 18, 2018,¹⁵ **CPD Lieutenant Walter Chudzik, Star #2273**, stated that he was the Supervisor of his unit, Organized Crime – Gang Investigations. As such, he had been listed on the search warrant for ██████ ██████ on December 6, 2017, as the Search Team Supervisor. In his capacity, Chudzik is responsible for long term investigations involving Federal Agencies such as the ATF (Alcohol, Tabaco, and Firearms) and the FBI (Federal Bureau of Investigations), long term investigations using wiretaps targeting gang leaders, and short-term investigations that lead to search warrants or arrest. Chudzik related that his team conducts 3 – 4 search warrants a month in which he supervises.

Prior to the execution of a search warrant, he reviews the search warrant before it goes to felony review, presents a copy of the search warrant to the Lieutenant for review, and the search warrant is then presented to a Judge for approval. He goes to the area in which the search warrant is to be executed to look at it, finds additional intelligence about the location (who lives there, what the search warrant is for, runs background for the individuals who live there), goes over pre-safety to figure what tools and equipment they may need to use and what outside agencies will be involved. In this instance since the location was in Burbank, contact with the Burbank Police Department was made so they can accompany.

During the execution of the search warrant, he goes over the assigned roles of the team i.e., breech, anchor, and evidence (photograph) officer. When his team executes search warrants, he is responsible for all inventories, notifications to involved agencies and the corresponding case reports. Audio and video recording is occasionally used, more commonly in drug buys. He further stated that his unit did not employ Body Worn Cameras (BWC).

Relative to the search warrant executed at 5830 West 87th Street, Apartment #2E, Burbank, Illinois, on December 6, 2017, Chudzik was the first officer at the door of ██████ apartment, and he had announced, "police."¹⁶ ██████ then opened the door. Chudzik told ██████ that he had a search warrant, and ██████ quickly slammed the door and barricaded himself against the door. The breech officers on the entry team were then able to force entry into the apartment after approximately ten minutes. The door fell on ██████ after entry was forced.

¹² Attachment #70

¹³ Attachment #44

¹⁴ The officer in the video clip has been identified as CPD Officer Robert Gallas (Star #17815).

¹⁵ Attachments #58 and #59

¹⁶ Attachment #58 at 05:51

Once inside of the apartment ██████████ was observed in the bathroom, soaking wet with a bra and jeans on, flushing cannabis, cocaine and packaging down the toilet. ██████████ put a shirt on and made to sit on the couch alongside her minor son, who was approximately ten years old. ██████████ was handcuffed and sat in a chair between the living room and kitchen. Chudzik had a rifle at the time, as did Officer Eduardo Almanza. As he spoke to ██████████ Officer Mitchell began photographing the apartment. Officer Dan De Lopez had cut his finger when attempting to force entry into the apartment and Officer John Dolan injured his knee.¹⁷ Paramedics were called, and De Lopez was treated inside of the apartment. Meanwhile, Officer John Dolan had located a relative of the minor child, who lived in the same building, and the minor child was then brought to the aunt's apartment.

With respect to evidence recovered in the apartment, drugs and a pistol were recovered. It was his decision not to arrest ██████████ so ██████████ could be reunited with her son at the conclusion of the search warrant. ██████████ was interviewed, but provided no positive information. Chudzik denied verbally abusing ██████████ nor did he hear any officer on the search warrant team verbally abuse ██████████ or her minor son. Chudzik estimated that between ten to twelve officers had been on the scene. Chudzik in providing a description of his team, indicated that Officer Dan De Lopez is of Hispanic origin and is approximately 6ft tall with brown hair and Officer Gallas is not of Hispanic origin is approximately 6 ft tall. Chudik related there are two Spanish speaking officers on the team, Officer Eduardo Almanza and Officer David Magana. Chudik does not speak or understand Spanish. FBI Special Agent John Rouske had been on the scene, as well as three Burbank, Illinois police officers. Chudzik denied that any of his officers physically abused ██████████ during the execution of the search warrant.

Chudzik stated that there was possibly surveillance footage of the hallway leading to the apartment, but he was not sure. ██████████ was arrested and then taken to the 8th District (CPD) for processing. Chudzik was then asked if he or anyone on his team searched anywhere besides inside of the apartment. Chudzik responded, "Not that I know of."¹⁸

Chudzik was asked if any member of his team went into the parking lot and attempted to search any of the cars. Chudzik replied, "Not to my knowledge."¹⁹ When asked about the scope of the search warrant, Chudzik responded, ██████████ ██████████ apartment", and that "no cars in the search warrant."²⁰

Chudzik denied the allegation of verbally abusing ██████████

In his second interview with COPA on February 5, 2020,²² **CPD Lieutenant Walter Chudzik, Star #2273**, stated that he had no knowledge of cars being searched by members of his search team in the parking lot adjacent to ██████████ ██████████

¹⁷ That is why there was blood in the apartment. In ██████████ ██████████ statement to COPA, she said she had been told by ██████████ that blood was also in the back bedroom on the wall from officers hitting ██████████ (Attachment #40 at 19:21); however, this is uncorroborated, and ██████████ did not mention this in either of her statements to COPA. Photographs taken of the apartment by ██████████ (Attachment #36) show a few small drops of blood on a wall, but this appears to be a hallway wall, which would be consistent with blood from Officer De Lopez, who cut his hand upon entry into the apartment.

¹⁸ Attachment #58 at 18:59

¹⁹ Attachment #58 at 19:21

²⁰ Attachment #58 at 19:39

²² Attachment #121

██████████ on December 12, 2017. He was shown CPD Gang Investigation Division Supplementary Report JA-539548,²¹ relating to the search warrant, and he identified his name thereon. He stated that, as the officer in charge of the search warrant, he had reviewed the report for accuracy; however, there was no mention in the report of cars being searched in the parking lot.²² With respect to Efren ██████████ the target of the search warrant, he stated that he was the main officer speaking with ██████████ and while the officers were searching the apartment, Chudzik remained with ██████████

At one point during the execution of the search warrant, he had taken ██████████ to the bedroom to get clothing, because ██████████ was going to be transported to the station.²³ In the bedroom at that time were Officer Sean Brandon, FBI Agent Jonathan Rouske, and possibly Officer Daniel De Lopez. He did not recall, that while he was in the bedroom with ██████████ if Officer Robert Gallas had appeared and had shown ██████████ a set of keys.²⁴ He did not recall Officer Robert Gallas conversing with ██████████ about searching vehicles.²⁵ He further stated that he has no knowledge of keys being taken from the kitchen table in the apartment. He did not recall any of his officers telling him that they were going to search cars in the parking lot.²⁶ He further stated that the first statement he gave to COPA remains unchanged.²⁷ With respect to the post-search warrant briefing, he stated that he was present, and that Officer Robert Gallas did not mention anything about searching vehicles at the search warrant location.²⁸

Lieutenant Chudzik denied the allegation of Inattention to Duty.

In his interview with COPA on November 19, 2019,²⁹ **CPD Officer Robert Gallas, Star #17815**, denied the allegation that he had searched vehicles located in the parking lot adjacent to ██████████ ██████████ on December 12, 2017, without justification. Gallas was shown a copy of the search warrant for ██████████ ██████████ ██████████ for December 6, 2017.³⁰ Gallas stated that he was the affiant for the search warrant, and that the information contained in the search warrant came, in part, from a confidential source, who was being operated jointly by the FBI and the CPD. Gallas indicated that the scope of search warrant was for ██████████ ██████████ ██████████ and to locate weapons, not vehicles. Officers John Dolan and Daniel De Lopez were on the breach team, and Gallas was in the stack³¹ with the remaining officers, Officer

²¹ Attachment #23

²² Attachment #121 at 27:30

²³ Attachment #121 at 14:18

²⁴ Attachment #121 at 15:40

²⁵ Attachment #121 at 16:27

²⁶ Attachment #121 at 23:25

²⁷ Attachment #121 at 25:53

²⁸ Attachment #121 at 28:47

²⁹ Attachment #95

³⁰ Attachment #26

³¹ "Stack" is a law enforcement term for the alignment of officers preparing to make entry to a location during the execution of an arrest or search warrant.

Eduardo Almanza, Officer Sean Brandon, Officer David Magana, and Officer Robert McCallum. Gallas then identified a photograph of ██████████ aka ██████████,³² whom he identified as the subject of the search warrant. Upon execution of the search warrant, Sergeant Walter Chudzik knocked and announced, “our office and that we have a search warrant.” ██████████ then opened the door, but realizing it was the police, abruptly closed the door. Entry, however, was forced after about ten minutes, with Officer De Lopez cutting his hand. During the entry to the apartment, the door got severely damaged and landed on top of ██████████. Gallas stated that ██████████ had been acting as a human barricade and preventing the officers from making entry. Two of the officers had rifles, Officer Eduardo Almanza and Sergeant Chudzik. Gallas was then shown a photograph of ██████████³³ and Gallas identified ██████████ as the person he had observed in the bathroom flushing drugs down the toilet. ██████████ was then detained, allowed to dress, brought to the living room, and handcuffed. Gallas stated that ██████████ had been handcuffed and mirandized. Relative to the minor child who was present in the apartment, the child was removed and taken to a relative’s home. The apartment was then searched, a pistol being found in a diaper bag, as well as drugs.

Gallas identified Lieutenant Joseph Petrenko as having overall responsibility for the search warrant. Gallas admitted that he had taken car keys off of a table located in the apartment.³⁴ He stated that no one had told him to take the keys. He only remembered taking one set of keys. He then confirmed with ██████████ that the keys were ██████████ and that ██████████ had told him that he, Gallas, could search his vehicles. ██████████ had told him, “You can search my vehicles. There’s nothing in there.”³⁵ Gallas obtained verbal consent from ██████████ to search his vehicles, yet Gallas did not document that consent anywhere in any of his reports.³⁶ Gallas stated that subsequently he had only searched one car.³⁷

Gallas stated that Sergeant Chudzik had mirandized ██████████. Relative to the search of the vehicles, Gallas could not recall what officers had helped him with the search; however, he did not search the vehicles alone.³⁸ Gallas had obtained verbal consent from ██████████ to search the vehicles when ██████████ was located in the back bedroom of the apartment, along with Officer Brandon. Possibly FBI Special Agent John Rouske was present, as well.³⁹

Gallas stated that when he left the apartment to search the vehicles, he believes that Sergeant Chudzik knew of this.⁴⁰ Gallas could not recall if he had told either Chudzik or Petrenko that he had obtained verbal consent from ██████████ to search vehicles. Gallas then went to the parking lot and searched only one vehicle. He could not remember what type of vehicle it

³² Attachment #21

³³ Attachment #87

³⁴ Attachment #95 at 24:22

³⁵ Attachment #95 at 25:19

³⁶ Attachment #95 at 25:34

³⁷ Attachment #95 at 26:58

³⁸ Attachment #95 at 29:25

³⁹ Attachment #95 at 31:06

⁴⁰ Attachment #95 at 32:38

was, but another officer had helped him search the vehicle.⁴¹ While he was in the parking lot, Gallas was pressing buttons on the vehicle alarms to determine to what vehicles they belonged.⁴² Gallas again confirmed that he had told Chudzik that he was going to search vehicles.⁴³

Gallas further stated that while he was in the parking lot a woman had approached him. He could not remember specifically about what they had spoken. The cell phone video made in the parking lot by [REDACTED] was then played.⁴⁴ Gallas confirmed that he was the officer speaking in the video.⁴⁵ Gallas identified a screen shot from this video as himself.⁴⁶ Gallas then stated that when the woman, identified as [REDACTED] left to ask her mother for consent to search her vehicle, Gallas began searching the vehicle.⁴⁷

A short break was then taken and when Gallas returned to the interview he again confirmed, relative to the video clip he had just been shown, that he was seeking authorization from [REDACTED] to search her mother's vehicle.⁴⁸ Gallas admitted that he had not received consent from [REDACTED] or from [REDACTED] mother, [REDACTED] to search [REDACTED] mother's vehicle.⁴⁹

With respect to verbal abuse allegedly taking place in the apartment and directed at [REDACTED] and her son, Gallas stated that he did not witness any verbal abuse by officers. Relative to the allegation of searching vehicles without justification, Gallas denied the allegation, maintaining that he secured verbal consent from [REDACTED] to search vehicles.

In his interview with COPA on December 9, 2019,⁵⁰ **CPD Officer Sean Brandon, Star #18866**, stated that he was present during the execution of a search warrant at [REDACTED] on December 6, 2017. He described his duties at that time as an entry officer. Once the apartment door was breeched, Brandon entered the apartment and observed a Hispanic female exiting the bathroom, dripping wet and wearing a bra. Brandon observed cannabis and other drugs in and around the toilet, inferring that the Hispanic female had been flushing drugs down the toilet. At the time of the entry, Brandon identified Sergeant Walter Chudzik, and Officer Eduardo Almanza, as carrying rifles. Captain Joseph Petrenko was the ranking officer present at the search warrant; however, Brandon could not recall exactly where Petrenko had been during the execution of the warrant, and basically had no interaction with Petrenko during the event. Brandon stated that Sergeant Walter Chudzik was in charge of the execution of the search warrant.

⁴¹ Attachment #95 at 34:49

⁴² Attachment #95 at 36:19

⁴³ Attachment #95 at 38:23

⁴⁴ Attachment #44 and Attachment #95 at 46:54

⁴⁵ Attachment #95 at 48:31

⁴⁶ Attachment #51 and Attachment #95 at 59:43

⁴⁷ Attachment #95 at 1:07:44

⁴⁸ Attachment #95 at 1:08:16

⁴⁹ Attachment #95 at 1:08:43

⁵⁰ Attachment #97

Once in the apartment, Brandon went to the bedroom to search. While he was searching, several other officers were also present in the bedroom, including Officer Daniel De Lopez, Officer Vernon Mitchell, Officer John Dolan, Officer Robert Gallas and Officer Eduardo Almanza. FBI SA Jonathan Rouske may have also been present in the bedroom, as well. At some point, Officer Dolan brought ██████████ into the bedroom to retrieve clothing. Officer Gallas had then entered the bedroom with a set of keys to vehicles, and had displayed numerous keys to ██████████ who had identified the keys as his, and who had told Gallas that he could search the vehicles to which the keys belonged.⁵¹ Brandon did not recall if ██████████ had been mirandized at the time. Brandon stated that consent to search vehicles was volunteered by ██████████ however, there is no indication of this event in any of the relevant police reports to this incident.

Gallas then exited the bedroom and a short time later Brandon, upon his own volition, proceeded to the parking lot and joined Gallas, in order to help search vehicles. Brandon stated that he could not recall telling Sergeant Chudzik that he was going to the parking lot to search vehicles. Once in the parking lot, Gallas was pressing key fobs to determine to which vehicles the keys belonged. Brandon went to a vehicle whose alarm had been activated. He then began searching the vehicle by himself. The vehicle was a mid-size vehicle, possibly a 4-door, make and model unknown. Brandon searched this vehicle by himself and recovered no evidence. Brandon did not write a report relative to this search, explaining that because no evidence was recovered, no report was required. Further, Brandon did not tell Sergeant Chudzik of the negative search. Brandon could not recall if a Ford Expedition had also been searched at that time. During this time, Brandon did not observe anyone approach Gallas, or talk to him, in the parking lot.

Relative to the allegation of verbal abuse, Brandon stated that he did not observe, nor hear, verbal abuse having been directed toward ██████████ or the minor child in the apartment; nor, did he observe any officer point a rifle at ██████████. Officer Brandon denied the allegation of searching vehicles without justification.

In his interview with COPA on January 29, 2020,⁵² **CPD Detective Daniel De Lopez, Star #57023**, stated that he had participated in the execution of a search warrant at ██████████ ██████████, on December 6, 2017. De Lopez was part of the breach team and had helped force entry into the apartment by use of a sledgehammer. He had been injured in the process, and paramedics had been called to scene to treat him. Once inside of the apartment, after his injury had been treated, he participated in the search. He did not recall finding any contraband.

Detective De Lopez stated that he had handcuffed ██████████ the object of the search warrant, and had secured him. He identified a photograph of ██████████ who was also

⁵¹ Attachment #97 at 17:45; According to Officer Brandon, ██████████ had said, "They're his keys. They go to his cars and we can search them."

⁵² Attachment #119

present in the apartment at that time. He observed [REDACTED] coming out of the bathroom, but did not observe her flushing contraband down the toilet. He later learned from other officers that she had been flushing drugs down the toilet. He stated that he did not verbally abuse [REDACTED] and that he did not hear any other officers doing so. He denied having any interaction with [REDACTED] verbally or physically.

With respect to vehicles being searched by members of the search team in the vicinity of the apartment where the search warrant had been executed, he did not observe any vehicles being searched. He did, however, identify Officer Robert Gallas as poking his head into the back bedroom where [REDACTED] had been brought to retrieve clothing by Sergeant Walter Chudzik. De Lopez was present in the back bedroom at that time, along with Officer Sean Brandon, and he had observed Gallas show a set of keys to [REDACTED]. He did not recall if it was one or more sets of keys. [REDACTED] had volunteered that Gallas could search his car. Gallas did not explicitly ask [REDACTED] for consent to search vehicles. Gallas then left but De Lopez did not know where he went, only learning later at the post-search warrant briefing, back at the police station, that Gallas had searched cars, and that the search had been negative. De Lopez recalled that Sergeant Chudzik had been present at the post-search warrant briefing where Gallas had explained that he had searched vehicles, but that Lieutenant Joseph Petrenko most likely had gone back to Homan Square. Further, he stated that Sergeant Chudzik and Officer Almanza had rifles, but he did not observe either of them point rifles at anyone in the apartment. He did not hear, or observe, any verbal abuse directed toward [REDACTED] or [REDACTED] minor son by any officer at the scene. He denied the allegation of verbally abusing [REDACTED]

In his interview with COPA on January 9, 2020,⁵³ **CPD Officer David Magana, Star #7098**, stated that he was present during the execution of the search warrant at [REDACTED] [REDACTED], on December 6, 2017. His initial role, at that time, was as a surveillance officer on the perimeter of the search warrant location. He was attempting to locate the arrival of the target of the search warrant, [REDACTED] whose photograph he identified.⁵⁴ He did not observe [REDACTED] arrive, but when the search team arrived, he exited his surveillance vehicle, and stationed himself outside of the building, maintaining security. A short time later, he received a radio message to come up to the apartment and assist with the execution of the search warrant. Once inside of the apartment, he maintained security at the front entrance. He did not recall searching any rooms or recovering any evidence.

Besides [REDACTED] also present in the apartment at that time were [REDACTED] girlfriend, and a minor male child, who was approximately eight years old. Magana did not recall having any interaction with the minor child. He stated that he did not observe any other officer interact with the minor child, verbally or otherwise. He then identified a photograph of [REDACTED]⁵⁵ whom he identified as the girlfriend of [REDACTED] and who also was present in the apartment at

⁵³ Attachment #111

⁵⁴ Attachment #12

⁵⁵ Attachment #83

that time. He did not hear, or observe, any verbal abuse directed toward [REDACTED] by any officer at the scene. Further, he stated that Sergeant Chudzik and Officer Almanza had rifles, but he did not observe either of them point rifles at anyone in the apartment.

He did not recall observing keys to vehicles on the kitchen table of the apartment. He stated that he did not observe Officer Robert Gallas remove vehicle keys from the kitchen table. He did not observe any officer show vehicle keys to [REDACTED]. He did not recall if [REDACTED] gave consent to search vehicles. He did not recall if anyone told him that vehicles had been searched at the location.

He stated that Sergeant Walter Chudzik was in charge of the search but could not recall if Chudzik had left the apartment at any time during the search. Magana did not recall if vehicles were searched during the execution of the search warrant; however, he stated that if he were to search vehicles, he would have advised the supervising officer in charge of the search warrant. He recalled an FBI agent being involved in the search, but he could not recall if the agent left the apartment during the search. He denied having been present in the parking lot when vehicles were being searched, and stated that he had no knowledge of vehicles being searched.

He stated that Lieutenant Joseph Petrenko was present on the scene; however, he did not observe Petrenko go into the apartment. Petrenko remained outside in the hallway. He did not recall observing any CPD officers conversing with Petrenko during the execution of the search warrant.

CPD Officer John Dolan, Star #7722, who had participated in the execution of the search warrant at [REDACTED] [REDACTED] on December 6, 2017, was not able to be interviewed in this matter, due to his retirement from the CPD in January 2020.⁵⁶

In his interview with COPA on January 7, 2020, **CPD Officer Eduardo Almanza, Star #15464**, stated that he had participated in the execution of a search warrant at [REDACTED] [REDACTED], on December 6, 2017. He was a member of the entry team and armed with a rifle. After announcing “police / search warrant,” entry was forced into the apartment. It was a difficult entry, as [REDACTED] whose photograph he identified, had blocked the door. The door eventually fell on top of [REDACTED] who was subsequently arrested. Once inside of the apartment, Almanza observed a Hispanic female exiting the bathroom, dripping wet, and wearing a bra. Almanza proceeded to the bathroom and observed the toilet clogged with cannabis. Suspect narcotics and marijuana were scattered around the toilet. Eventually, Almanza secured the drugs as evidence.

Almanza was unable to positively identify [REDACTED] from her photograph,⁵⁷ but described the woman who had emerged from the bathroom as a heavysset, Hispanic female, 5’5” to 5’7” in height, and approximately mid-twenties to mid-thirties in age. Also present in the apartment was a minor male child, approximately 8-10 years old. Almanza denied pointing his

⁵⁶ Attachment #103

⁵⁷ Attachment #83

rifle at [REDACTED] and at her minor son. He denied having any verbal interaction with [REDACTED] at that time. He denied calling her any names or referring to her in a negative manner. He denied having any verbal interaction with the minor child.

Almanza stated that he had remained in the apartment throughout the execution of the search warrant, but did not go into the bedroom, other than to look at a firearm that was found there. He could not recall if any officers took [REDACTED] into the bedroom. Relative to Sergeant Walter Chudzik, Almanza stated that he was the supervisor of the search warrant team. Lieutenant Joseph Petrenko was also present, but remained outside of the apartment in the lobby area with members of the Burbank Police Department. Further, he did not observe [REDACTED] being mirandized. He did not recall if [REDACTED] was cooperating at that time.

Almanza denied having any knowledge of vehicles being searched in the parking lot. He also did not observe anyone take vehicle keys from the kitchen table in the apartment. He could not recall if either Officer Gallas or Officer Brandon had left the apartment during the search. He denied the allegation of verbally abusing [REDACTED]

In his interview with COPA on February 3, 2020,⁵⁸ **CPD Captain Joseph Petrenko, Star #33**, who was listed as a Supervising Sergeant on the search warrant for [REDACTED], on December 6, 2017, stated that he held the rank of Lieutenant at that time. He confirmed that he was the highest-ranking officer at the search warrant location, and that he was present because the location where the search warrant was to be executed was outside of the City of Chicago. He stated that he was basically present to liaise with police officers of the Village of Burbank, who were also present at the scene. Once the scene was secured, he left the scene, and did not participate in the post-search warrant briefing. As such, he was not present during the entire time the search warrant was being conducted. Mainly, he positioned himself in the hallway outside of the apartment that was being searched, and did not participate in the actual search of the apartment. Sergeant Walter Chudzik was in charge of the actual search, and had forced entry into the apartment. Captain Petrenko did not recall an FBI Agent being present during the search.

Captain Petrenko was only in the parking lot at the search warrant location when he had initially parked his car there; and, then again, when he left the location. At no time did he observe police officers in the parking lot. He did not recall observing any officers leave the apartment once the search warrant had begun. He did not observe any officer leave the apartment with a set of keys to search cars, and he did not learn any information relative to that later. He has no information that cars were searched in the parking lot adjacent to the search warrant location. He denied the allegation of Inattention to Duty.

In his interview with COPA on January 08, 2020,⁵⁹ **CPD Sergeant Robert McCallum, Star #1532**, stated that he had participated in the execution of a search warrant at [REDACTED]

⁵⁸ Attachment #123

⁵⁹ Attachment #110

██████████ on December 6, 2017. His role, at that time, was basically security. He did not participate to any extent in the search of the apartment proper, but had conducted surveillance in the area prior to the execution of the search warrant, ostensibly waiting for the target of the search warrant to arrive. He identified ██████████ as the target of the search warrant from his photograph.⁶⁰ He did not identify ██████████ from his surveillance location, but had observed ██████████ girlfriend arrive at the complex driving a vehicle.

Prior to entry of the apartment, McCallum was positioned in the stack behind the breach team. Someone knocked on the door and announced “police / search warrant,” and the door was subsequently forced open, as ██████████ had been blocking the door from inside of the apartment. Once forced open, the door had fallen on top of ██████████ was then secured. An adult female was also inside of the apartment at that time. From her photograph, he identified ██████████ as the adult female.⁶¹ He did not observe ██████████ coming from the bathroom, nor could he describe what she was wearing at the time. He did not recall if ██████████ was handcuffed. He stated that he did not observe, or hear, any officer insult ██████████ call her names, or get in a verbal confrontation with her. He did not observe any officer point a weapon at ██████████

Relative to ██████████ minor son, who was also present, McCallum did not observe any officer interacting with the minor son, verbally or in any other manner. He did, however, learn that at some point the child had been taken to a relative’s home.

After the occupants of the apartment were secured, McCallum did not participate in the actual search of the apartment to any extent, but went outside to check on the security around the premises of the apartment complex. At that time, he did not have a view of the parking lot area. He did not recall observing any officers in the bedroom of the apartment with ██████████ during the execution of the search warrant. He did not recall seeing car keys on the kitchen table, nor did he recall seeing any officer remove car keys from the kitchen table. He did recall FBI agent Rouske being present during the execution of the search warrant, but does not recall seeing the agent outside of the apartment. He does not recall observing officers searching vehicles in the parking lot and has no knowledge of vehicles being searched. He has no recollection of having conversations with Officer Robert Gallas, Sergeant Walter Chudzik, or Officer Sean Brandon about cars being searched in the parking lot.

When asked if an officer was going to exit the apartment to search vehicles, would that officer inform the supervising officer on the scene, McCallum answered in the affirmative. Further, if consent to search had been given for vehicles, it should have been recorded in the relevant police report.

In his interview with COPA on February 22, 2018,⁶² **FBI Special Agent Johnathan Rouske** stated that he was present during the execution of the search warrant at ██████████ ██████████ on December 6, 2017. Rouske had been detailed to the CPD unit conducting the search. Rouske was not present when entry had been made into the apartment and did not have any concerns about the execution of the search warrant. Rouske helped search the apartment, however, but was only minimally involved. During the search he neither heard, nor observed, officers using profanity, or directing verbal abuse, against any of the occupants of the apartment. Rouske observed no guns drawn by officers or physical contact with the occupants of the apartment, at that time. Rouske could not recall if he had reviewed the

⁶⁰ Attachment #21

⁶¹ Attachment #83

⁶² Attachment #49

search warrant affidavit prior to helping with the search, or if he knew the scope of the search warrant, and whether it included the search of vehicles. Rouske did not observe any officer remove car keys from the kitchen table located in the apartment and could not recall from where the keys to vehicles being searched came. Rouske could not recall if the owners of the vehicles consented to the search of vehicles. Rouske was involved in the search of vehicles located in a parking lot adjacent to the apartment complex where the search warrant had been executed. Rouske, however, did not recall the identity of the other officers involved in the search of the vehicles, along with himself. Rouske assumed that consent to search the vehicles had been obtained.

In his interview with COPA on August 2, 2018,⁶³ **BPD Detective Jonathan Malacina, Star #105**, stated that he had been assigned to assist with the execution of a search warrant at [REDACTED] on December 6, 2017, which was being conducted by the CPD. Malacina's role was primarily to remain outside of the apartment for security purposes. He only went inside of the apartment for a short period of time, at the conclusion of the search warrant. At that time, he had observed that the front door had been forced open. Besides himself, BPD had furnished two other officers to assist the CPD. He did not recall if any other agencies had been involved in the execution of the search warrant. He did not observe any civilians in the apartment when he entered. Paramedics, however, had arrived to treat an injured party. He did not observe any incidents of verbal abuse directed at civilians by the police. He did not observe any police activity in the parking lot, nor did he observe any police officers searching vehicles.

In his interview with COPA on August 2, 2018,⁶⁴ **BPD Sergeant Greg Perovich, Star #30**, stated that he had been present during the execution of the search warrant at [REDACTED] on December 6, 2017; however, he had remained outside of the apartment in the hallway and had not entered the apartment. Perovich was informed by Officer Tudryn of CPD's request to conduct a search warrant and for permission to assist. Perovich accompanied Tudryn to the address of the search warrant. He stated that he had requested an ambulance to come to the scene, as someone had been injured. Relative to a search of vehicles, which had taken place in the parking lot near the apartment complex, Perovich stated that he had not observed any officers searching vehicles. Perovich also stated that he had not observed, nor heard, any officers using profanity during the incident. Perovich stated that other Federal agencies departments may have been intermingled with CPD, however did not identify themselves.

In his interview with COPA on August 2, 2018,⁶⁵ **BPD Officer Jason Tudryn, Star #108**, stated that he is a canine officer for the BPD, and was assigned to the scene of a search warrant to assist in its execution at [REDACTED] on December 6, 2017. BPD was contacted by the CPD to assist in the execution of a search warrant prior to the execution of the search warrant. Tudryn, BPD Sgt. Perovich and Det. Malacina met with CPD officers in a parking lot for a briefing to explain who the subject of the search warrant was and the location. It is common for CPD or other policing agencies to contact BPD when they

⁶³ Attachment #67

⁶⁴ Attachment #64

⁶⁵ Attachment #61

are executing search warrants in Burbank for assistance or to make them aware of a search warrant being executed. Tudryn was not in the apartment when the search warrant was executed. When Tudryn entered the apartment that was searched, the scene was calm and saw a guy, girl and kid. He was not involved in the search of any vehicles in the rear parking lot at the location. Tudryn had no knowledge of any vehicles being searched there. Tudryn did not use his canine at the location to assist in any searches. Further, he did not hear, or observe, any verbal abuse or profanity take place at the location involving police officers.

In her interview with COPA on January 25, 2018,⁶⁶ ██████████ stated that ██████████ is her cousin. ██████████ stated that on December 6, 2017, she was called by her mother, ██████████ who had told her that the police were presently at the apartment of ██████████ ██████████ lives in the same apartment complex as ██████████ ██████████. ██████████ proceeded to the apartment of ██████████ but was not allowed inside of the apartment by an officer who was standing outside of the apartment. She then went to her mother's apartment where ██████████ minor son had been brought by the police. At that time, ██████████ was accompanied by her daughter, ██████████. She and her daughter then waited outside of the apartment complex in the parking lot area for ██████████ to be brought down by the police.

At that time, she observed two police officers in the parking lot, one of whom was in the possession of a bunch of keys in his hands and was activating the alarms on vehicles that were parked there. Two alarms went off; one was for ██████████ truck, and one was for ██████████ mother's vehicle.⁶⁷ One of the officers then started walking toward her mother's vehicle. She approached the officer, and the officer told her that the keys had been found in ██████████ possession, and that they were going to search the cars. ██████████ told the officer that the car was her mother's, not ██████████ and that he could not search the car. The officer had responded; "Either go and get consent from your mother, or I'm gonna' have the dogs come in."⁶⁸ ██████████ described the officer, who did not identify himself by name, as a white male, 5'8" to 5'9" in height, having facial hair, and wearing a sweatshirt. ██████████ then went back to her mother's apartment and asked her mother if she would consent to the search of her vehicle. Her mother did not give consent. ██████████ went back to the parking lot but the police were already searching her mother's car. She also observed two other police officers searching ██████████ vehicle. She then went back and told her mother what had happened.

██████████ believed there were three officers in the parking lot involved with searching vehicles. ██████████ could not identify which officers were searching which vehicles. After approximately fifteen minutes, a heavysset, Hispanic officer exited the building and approached a truck, which she believed was his vehicle, and put something in it. At that time, her daughter, ██████████ was talking with one of the police officers in the parking lot. She then observed ██████████ being escorted by police officers out of the building. ██████████ had a red and swollen face. She and her daughter then went to ██████████ apartment and observed that the door had been severely damaged. The apartment was a mess and she saw blood on the couch in the living room and blood splattered on the bedroom wall. Her daughter then took photographs of the apartment. ██████████ had told her that the police had beaten ██████████ after making entry into the apartment; hitting him in the face and kicking him, and that an officer hit ██████████ with his gun.

⁶⁶ Attachment #32

⁶⁷ Attachment #32 at 05:08 and 05:21; This shows that Officer Gallas had more than one set of vehicle keys.

⁶⁸ Attachment #32 at 05-53

██████ told her that she had been pushed to the floor by one of the officers and called a fat bitch who was disgusting him.

With respect to her mother's vehicles, which were searched, one vehicle was a Chevrolet Cavalier, year unknown, and the other vehicle was a Dodge, black in color, year unknown. ██████ Ford Expedition also had been searched, but ██████ did not know if ██████ had given the police permission to search her vehicle. ██████ personally observed the police searching the vehicles; the search lasting approximately ten minutes. ██████ also stated that her daughter, ██████ had video-recorded the search using her cell phone.

The police officers who had conducted the searches of the vehicles did not identify themselves to ██████. With respect to the police officers who had escorted ██████ from the building, one of the officers was a Hispanic male, short, and dressed in plain clothes. The other officer was a white male, balding, and dressed in plain clothes. She observed approximately six officers, all male, involved at the incident.

In her interview with COPA on January 29, 2018,⁶⁹ ██████ stated that ██████ is her uncle, ██████ is her grandmother, and ██████ is her mother. Relative to the search warrant, which was executed at her uncle's apartment, ██████ on December 6, 2017, she stated that on the date the search warrant was executed, she and her mother were notified of the event by her grandmother, ██████ who lived in the same apartment complex. ██████ and her mother proceeded to the apartment complex, where her grandmother lived, but were prevented from entering her uncle's apartment; one of the police officers telling her that it was an ongoing investigation. ██████ and her mother waited outside until ██████ was escorted out of the building by the police. At that time, she had noticed some injuries to the face of ██████. While she and her mother were waiting in the parking lot of the apartment complex, a police officer asked her mother, ██████ ██████ if he could search her grandmother's vehicle. This officer had car keys in one of his hands, and had been attempting to activate the alarms on vehicles located in the parking lot to determine which vehicles the car keys matched. One set of car keys was for ██████ Ford Expedition, and the other set was for ██████ vehicle.⁷⁰

Her mother had replied to the officer that he had no right to search her mother's vehicle. ██████ stated that she believed that the officers involved in the search warrant were from the CPD, 7th District. ██████ observed two officers searching the Ford Expedition and tossing stuff everywhere. She described one of these officers as a heavysset male, having a light complexion, short in stature, wearing regular clothes, a hat, and a gray-hooded sweatshirt. She also had observed three different officers searching her grandmother's vehicle, a black Dodge Caliber. ██████ asked one officer if he was from Chicago, and he replied yes

In her interview with COPA on January 25, 2018,⁷¹ ██████ stated that she is the aunt of ██████ and lives in the same apartment complex where the search warrant relative to this investigation was executed. Her daughter is ██████. On the night the search warrant was executed, Ms. ██████ related that a police officer brought ██████ to her apartment, which prompted her to call her daughter, ██████ to find out what was

⁶⁹ Attachment #40

⁷⁰ Attachment #40 at 08:13; This also confirms that Officer Gallas had more than one set of vehicle keys.

⁷¹ Attachment #28

happening in [REDACTED] apartment. [REDACTED] came to her apartment and told her that the police wanted to search her two cars, which were parked in the parking lot of the apartment complex. The police had instructed [REDACTED] to ask [REDACTED] for consent to search or “they would have to use the dogs.”⁷² Ms. [REDACTED] did not give consent, and later learned from [REDACTED] that when [REDACTED] had returned to the parking lot, the police were already searching [REDACTED] vehicles.

a. Digital Evidence

Search Warrant Photographs of [REDACTED] [REDACTED]

[REDACTED]⁷³

Photographs taken by [REDACTED] at [REDACTED] [REDACTED], [REDACTED] on December 6, 2017 after execution of search warrant⁷⁴

Cellphone Video Footage from Christin [REDACTED] cellphone recorded on December 6, 2017 in the parking lot adjacent [REDACTED] [REDACTED]⁷⁵

Digital Photograph (Screen Shot) from [REDACTED] cell phone of CPD Officer Robert Gallas⁷⁶ on December 6, 2017 in the parking lot of [REDACTED] [REDACTED] [REDACTED]

CPD Search Warrant Photographs of [REDACTED] [REDACTED]

[REDACTED] on December 6, 2017⁷⁷

Enlarged and Cropped Photograph of Unknown CPD Officer #1 present at search warrant executed at [REDACTED] [REDACTED] on December 6, 2017⁷⁸

Enlarged and Cropped Photograph of Unknown CPD Officer #2 present at search warrant executed at [REDACTED] [REDACTED] on December 6, 2017⁷⁹

b. Documentary Evidence

CPD Original Case Incident Report RD# JA539548⁸⁰

CPD Arrest Report for [REDACTED] – CB No. 19573424⁸¹

⁷² Meaning the Burbank Police Department’s canine unit, which was present at the scene.

⁷³ Attachment #19

⁷⁴ Attachment #36

⁷⁵ Attachment #44

⁷⁶ Attachments #58 and #59: Interview of Sergeant Walter Chudzik on April 18, 2018, where Chudzik had identified Gallas’ voice.

⁷⁷ Attachment #19

⁷⁸ Attachment #87

⁷⁹ Attachment #88

⁸⁰ Attachment #11

⁸¹ Attachment #12

CPD Case Supplementary Report, JA539548⁸²

Search Warrant No. [REDACTED], issued December 6, 2017, for [REDACTED] [REDACTED]
[REDACTED]⁸³

E-Track Inventory for Search Warrant No. [REDACTED]⁸⁴

CPD Mugshot of [REDACTED] [REDACTED]

Burbank Police Department Incident Report Public Copy for Search at [REDACTED]
[REDACTED] on December 6, 2017⁸⁶

CPD Gang Investigation Division Supplementary Report, JA-539548, re Search Warrant
for [REDACTED] [REDACTED] on December 6, 2017⁸⁷

CPD Property Inventory, No. 14059381, for [REDACTED] [REDACTED]
[REDACTED]⁸⁸

Search Warrant and Complaint for Search Warrant, ID# [REDACTED], for [REDACTED]
[REDACTED] Search Warrant issued on December 6, 2017, Circuit
Court of Cook County, Illinois⁸⁹

Burbank, Illinois Fire Department Event Report for [REDACTED] [REDACTED],
[REDACTED] on December 6, 2017⁹⁰

OEMC Event Query Report for [REDACTED] [REDACTED] for December 6, 2017⁹¹

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;

⁸² Attachment #13

⁸³ Attachment #14

⁸⁴ Attachment #15

⁸⁵ Attachment #21

⁸⁶ Attachment #22

⁸⁷ Attachment #23

⁸⁸ Attachment #25

⁸⁹ Attachment #26

⁹⁰ Attachment #38

⁹¹ Attachment #53

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 a proposition is proved. *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). For example, if the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

VII. ANALYSIS

There are three issues involved in this investigation. They are as follows:

(1) Did any of the CPD officers involved in the search of [REDACTED] [REDACTED] on December 6, 2017, direct profanity and / or verbal abuse toward [REDACTED] Complainant, and / or her minor son?

(2) Were vehicles searched, without justification, in the rear parking lot of the search warrant location on December 6, 2017, by officers involved in the execution of the search warrant at [REDACTED] [REDACTED]?

(3) Were CPD search team supervising officers, Captain Joseph Petrenko, and Lieutenant Walter Chudzik, inattentive to duty in allowing, and / or not having knowledge of, search team members searching vehicles, without justification, in the rear parking lot of the search warrant location, [REDACTED] [REDACTED], on December 6, 2017?

Verbal Abuse Allegations:

With respect to the verbal abuse allegations made by [REDACTED] there has been no corroboration established as to those allegations. COPA generally found [REDACTED] to be credible. Her account was generally internally consistent and supported by available evidence. However, COPA interviewed several officers in this matter and none said they

heard, or had knowledge of, any form of verbal abuse directed against either [REDACTED] or her minor son, throughout the course of the execution of the search warrant. COPA further

could not definitively identify which officer may have made the statements. COPA cannot conclude that a preponderance of the evidence to sustain the allegation. On the other hand, COPA does not have clear and convincing evidence that verbal abuse did not occur. As a result, the **Verbal Abuse Allegations** alleged against **Lieutenant Walter T. Chudzik, Star #2273, Officer Eduardo Almanza, Star #15464, and Detective Daniel De Lopez, Star #21781,** respectively, should be **NOT SUSTAINED**.

Vehicle Search without Justification Allegations:

Officer Robert Gallas has claimed that he had received verbal consent from [REDACTED] [REDACTED] to search his vehicle on the night in question. It should be noted that there was no search warrant for the vehicle, nor was there written consent from [REDACTED] located anywhere in the relevant CPD reports. Further, there is no mention of Gallas having obtained verbal consent from [REDACTED] in any of the CPD reports relative to this incident. There is no question, however, that Gallas did, in fact, search a vehicle that night, the vehicle being owned by [REDACTED] the aunt of [REDACTED] Gallas has admitted to such, and was recorded on [REDACTED] cell phone that evening asking [REDACTED] for authorization to search her mother's car. Further, Gallas identified himself from a screen shot in the video. Also, per the above cell phone video, it should be noted that Gallas had been put on notice by [REDACTED] that Gallas was at her mother's car, and not at [REDACTED] vehicle. Since the search warrant related to [REDACTED] [REDACTED] and [REDACTED], and not [REDACTED] or her vehicle, Gallas, or any other officer involved in the execution of the search warrant, had no legitimate reason and no legal authority to search her car without her consent. Even a good faith argument by Gallas, that he was not sure the car did not belong to [REDACTED] has to fail, as Gallas had not queried LEADS⁹⁴ to ascertain the true ownership and registration of the vehicle in question prior to searching it. Gallas, however, did, in fact, search the vehicle and [REDACTED] [REDACTED] stated as much in her interview with COPA.⁹⁵

This warrantless search by Gallas cannot be justified. A warrantless search of a vehicle can occur if probable cause exists to believe that the vehicle contains contraband or other evidence of a crime.⁹⁶ There was simply no nexus between the search of [REDACTED] apartment and the search of vehicles.⁹⁷ The search of a location requires a sufficient nexus between a criminal offense, the items to be seized and the place to be searched. Further, the automobile exception to the search warrant requirement allows for the warrantless search of a vehicle when an officer has probable

⁹⁴ LEADS is the acronym for Law Enforcement Automated Data System. *See U.S. v. Terry*, 915 F.3d 1141, 1145 (7th Cir. 2019) (requiring officers to conduct further inquiry if facts suggest further inquiry needed to determine whether a party consenting to a search has authority to do so).

⁹⁵ Attachment #32

⁹⁶ *See United States v. Forker*, 928 F.2d 365 (11th Cir., 1991)

⁹⁷ *See People v. Beck*, 306 Ill. App. 3d 172 (1999)

cause to believe that the vehicle contains contraband or other evidence of criminal activity.⁹⁸ Gallas did not have probable cause. All he had was a set of keys. Vehicles were not mentioned in the search warrant for the apartment; and, absent Gallas' claim that ██████████ had consented to the search of his vehicle, the search of the vehicle was not justified.

Officer Sean Brandon confirmed that he searched a single vehicle located in the parking lot of the search warrant location. Brandon stated that he had been present when ██████████ had given verbal consent to Officer Gallas to search his vehicles. Brandon could not recall the exact vehicle that he searched, but from the description he provided, it appears the vehicle was a Dodge Caliber mid-sized vehicle belonging not to ██████████ but to ██████████ a vehicle to which ██████████ had no standing to provide consent to search. Brandon believed his search was lawful based upon ██████████ consent; however, the fact remains that the vehicle Brandon had searched belonged to an uninvolved third party, ██████████ and not to ██████████ Brandon did not run LEADS to determine the ownership of the vehicle, nor did he encounter ██████████ in the parking lot, as Gallas had. Thus, an argument could be made that Brandon was acting in good faith, relying on ██████████ alleged verbal consent to search. If Brandon's statement is to be believed, he was not put on notice, through ██████████ actions, that the vehicle in question belonged to ██████████ and not to ██████████ and then he had a duty to inquire further.⁷³ His failure to query LEADS, however, must also be considered. The issue of verbal consent by ██████████ however, still remains, as no documentation of ██████████ alleged consent was recorded in the relevant police reports. Thus, Gallas' and Brandon's assertions that ██████████ had consented to the search must be taken at face value, and weighed against the fact that there is no documentation of ██████████ alleged consent in any of the relevant police reports.

As a result, the **Allegation of Searching Vehicles without Justification** should be **SUSTAINED** against both **Officer Robert Gallas, Star #17815**, and **Officer Sean Brandon, Star #18866**, respectively.

Inattention to Duty Allegations:

A Search Team Supervisor should know what the officers under his command are doing during the execution of a search warrant, and is responsible for their actions. Chudzik stated in his interview with COPA that when his team conducts search warrants, he is responsible for all the inventories and corresponding case reports.⁹⁹ In this case, Lieutenant Walter T. Chudzik was clear in both of his statements to COPA that he did not know Officer Brandon and Officer Gallas were searching cars in the parking lot adjacent to the search warrant location during the

⁹⁸ See *People v. Stroud*, 392 Ill. App. 3d 776, 803 (2009); *Redwood v. Lierman*, 331 Ill. App. 3d 1073, 1082 (2002); *South Dakota v. Opperman*, 428 U.S. 364, 367 (1976)

⁷³ *U.S. v. Terry*, 915 F.3d 1141, 1145 (7th Cir. 2019) (requiring officers to conduct further inquiry if facts suggest further inquiry needed to determine whether a party consenting to a search has authority to do so).

⁹⁹ Attachment #58 at 05:51

execution of the search warrant. He also stated that he did not know if Officer Gallas had obtained consent from [REDACTED] to search cars. As such, Lieutenant Chudzik was ignorant of what had transpired in the parking lot, which was clearly the unjustified search of three vehicles by members of his search team. Further, the case reports, for which Chudzik is responsible, did not include any description, or reference to, vehicles being searched. This makes the case reports inaccurate and incomplete. As a result, **Lieutenant Walter Chudzik, Star #2273**, was inattentive to duty, and **Allegation #2** alleged against him should be **SUSTAINED**.

With respect to Captain Joseph Petrenko, it appears that Captain Petrenko left the search warrant location after the scene had been stabilized, and arguably before Officers Brandon and Gallas had gone to the parking lot to search vehicles. As such, **Captain Joseph Petrenko, Star #33**, would not have known of the incident of searching vehicles without justification. Thus, he would not have been inattentive to duty, and **Allegation #1** alleged against him should be **NOT SUSTAINED**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Lieutenant Walter T. Chudzik

i. Complimentary and Disciplinary History:

a. The following is a summary of disciplinary incidents which occurred from January 1, 2013 to January 30, 2020 for Sergeant Walter T. Chudzik.¹⁰⁰ (1) June 14, 2016: Damage to Department Vehicle – Expunged; (2) June 9, 2013: Failure to Secure Duty Weapon – Sustained; (3) August 26, 2015: falsely Charging an Offender – Unfounded; (4) August 26, 2015: Unlawful Search and Seizure of Vehicle – Unfounded; (5) June 2, 2018: Improper Search of Vehicle – Closed (No Affidavit).

b. The following is a summary of the complimentary history of Lieutenant Chudzik:

ii. Recommended Penalty, by Allegation

1. Allegation No. 2: Reprimand

b. Officer Robert Gallas

i. Complimentary and Disciplinary History:

a. The following is a summary of disciplinary incidents which occurred within the last 5 years up to February 24, 2020 for Officer Robert Gallas: No Complaint Registers; No Sustained Findings.¹⁰¹

¹⁰⁰ Attachment #120

¹⁰¹ Attachment #124

b. The following is a summary of the Complimentary History for Officer Robert Gallas:

iii. **Recommended Penalty, by Allegation**

1. Allegation No. 1: 5 Days Suspension

c. **Officer Sean Brandon**

i. **Complimentary and Disciplinary History:**

- a. The following is a summary of disciplinary incidents which occurred within the last 5 years up to February 24, 2020 for Officer Sean Brandon: No Complaint Registers; No Sustained Findings.¹⁰²
- b. The following is a summary of Officer Sean Brandon’s Complimentary History:
 1. Recommended Penalty, by Allegation
 2. Allegation No.1: 5 Days Suspension

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Lieutenant Walter Chudzik	1. It is alleged that on December 6, 2017, at approximately 6:10 p.m., at [REDACTED], [REDACTED], you verbally abused [REDACTED]. 2. It is alleged that on December 6, 2017, during the execution of a search warrant at [REDACTED], [REDACTED], the Accused, Sergeant Walter Chudzik, Star #2273, was inattentive to duty when vehicles were searched, without justification.	Not Sustained Sustained / Reprimand
Officer Robert Gallas	1. It is alleged that on December 6, 2017, in a parking lot in the vicinity of [REDACTED], [REDACTED], the Accused, Officer Robert	Sustained / 5 Days Suspension

¹⁰² Attachment #124

	Gallas, Star 17815, searched vehicles without justification.	
Officer Sean Brandon	1. It is alleged that on December 6, 2017, in a parking lot in the vicinity of [REDACTED], the Accused, Officer Sean Brandon, Star 18866, searched vehicles, without justification.	Sustained / 5 Days Suspension
Officer Eduardo Almanza	1. It is alleged that on December 6, 2017, at approximately 6:10 p.m., during the execution of a search warrant at [REDACTED], the Accused, Officer Eduardo Almanza, Star 15464, verbally abused [REDACTED]	Not Sustained
Detective Daniel De Lopez	1. It is alleged that on December 6, 2017, at approximately 6:10 p.m., during the execution of a search warrant at [REDACTED], the Accused, Detective Daniel De Lopez, Star #21781, verbally abused [REDACTED]	Not Sustained
Captain Joseph Petrenko	1. It is alleged that on December 6, 2017, during the execution of a search warrant at [REDACTED], the Accused, Captain Joseph Petrenko, Star #33, was inattentive to duty when vehicles were searched without justification.	Not Sustained

Approved:

 Angela Hearts Glass
 Deputy Chief Investigator

 Date