

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date / Time of Incident:	November 6, 2017, approximately 11:22 a.m.
Location of Incident:	313 E. 120 th Place, Chicago, Illinois
Date / Time of COPA Notification:	November 9, 2017, 10:47 a.m.

CPD members conducting a surveillance operation arrested the Complainant and an associate, reporting that they recovered suspect narcotics after observing the Complainant and the associate participate in multiple suspect transactions. The Complainant alleges that he was falsely arrested by CPD officers. COPA reviewed these allegations and recommends that they be unfounded.

II. INVOLVED PARTIES

Involved Member #1:	Edward Garcia, Star #13694, Employee # [REDACTED]; Date of Appointment: October 25, 2004; Rank: Police Officer; Unit of Assignment: 007/212; DOB: [REDACTED], 1969; Male Hispanic
Involved Member #2:	Effrain Carreno, Star #17367, Employee # [REDACTED]; Date of Appointment: November 29, 2004; Rank: Police Officer; Unit of Assignment: 007/212; DOB: [REDACTED], 1979; Male Hispanic
Subject #1:	[REDACTED] DOB: [REDACTED], 1973; Male Black

III. ALLEGATIONS

Member	Allegation	Finding
Officer Garcia	1. The accused falsely arrested the Complainant, in violation of CPD Rules of Conduct 1, 2, and 8.	UNFOUNDED
Officer Carreno	1. The accused falsely arrested the Complainant, in violation of CPD Rules of Conduct 1, 2, and 8.	UNFOUNDED

IV. APPLICABLE RULES AND LAWS

Rules

1. CPD Rule of Conduct, Rule 1 (prohibiting the violation of any law or ordinance).
 2. CPD Rule of Conduct, Rule 2 (prohibiting any action or conduct which impedes the CPD's efforts to achieve its policy and goals or brings discredit upon the Department).
 3. CPD Rule of Conduct, Rule 8 (prohibiting disrespect to or maltreatment of any person, while on or off duty).
-

Federal Laws

1. U.S. Constitution, Fourth Amendment.
-

V. INVESTIGATION¹

A. Interviews

1. **Complainant**, ██████████ gave a **Digital Audio Recorded Interview** on November 13, 2017.² In summary and in pertinent part, ██████████ stated that on the evening of November 6, 2017, he was arrested with Mr. ██████████ while they were sitting in a motor vehicle parked near 313 E. 120th Place, and that he was charged with narcotics-related offenses. ██████████ denied that he and ██████████ were guilty of any wrongdoing and he specifically denied that either of them were in possession of narcotics at the time.

2. **Police Officer Edward Garcia** gave a **Digital Audio Recorded Statement** on January 17, 2018.³ The following is a summary of the pertinent parts of that statement:

Officer Garcia stated that at the time in question he was assigned to a surveillance operation with Officer Carreno at or near 313 E. 120th Place⁴. Over the course of approximately one hour, he and Officer Carreno observed more than five transactions that they suspected to involve the illegal delivery of narcotics. More specifically, Officer Garcia stated that on each of those occasions he and Officer Carreno observed a different person approach a motor vehicle parked near 313 E. 120th Place that was occupied by ██████████ and ██████████. On each occasion, the officers observed a person hand what they believed to be money to ██████████ through the vehicle's driver side window, followed on each occasion by ██████████ exiting the vehicle and walking behind the house at 313 E. 120th Place to a spot that Officers Garcia and Carreno could not see. Officer Garcia stated that on each occasion, he and Officer Carreno observed ██████████ return with an object that he delivered to the person who had previously made a tender to ██████████

¹COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

²Attachment #6 is an audio recording of that interview.

³Attachment #25 is an audio recording of that statement.

⁴Both officers interviewed in this matter declined to reveal their precise location during their surveillance or their methods of movement, citing investigative concerns.

Officer Garcia stated that Officer Carreno subsequently changed his location so that he could observe the rear of the house – during this time both officers maintained radio contact. From the rear of the house, Officer Carreno reported that he observed [REDACTED] remove items from a vehicle parked there. Officer Garcia stated that he notified enforcement officers by radio after one of those transactions. Enforcement officers then came upon the scene and apprehended [REDACTED] and [REDACTED]. Officer Garcia stated that he and Officer Carreno then broke their surveillance and they approached the car behind the house. Officer Garcia stated that he and Officer Carreno observed two clear plastic bags containing suspect narcotics on the vehicle's driver-side front seat. He then returned to the front of the house, leaving Officer Carreno behind. Officer Garcia stated he did not recover the suspect narcotics and that it is his understanding that Officer Carreno recovered them and brought them to a CPD facility. Officer Garcia witnessed the processing and inventorying of the suspect narcotics believed by him to have been recovered by Officer Carreno. Officer Garcia stated that he was not involved with and did not observe a custodial search of [REDACTED] or [REDACTED] and that he does not have personal knowledge concerning how money was seized from this arrest, though it is his understanding that the money was recovered as a result of a custodial search. Officer Garcia stated that no photographic or video images were taken in connection with the operation.

3. **Police Officer Efrain Carreno** gave a **Digital Audio Recorded Statement** on January 17, 2018.⁵ The following is a summary of the pertinent parts of that statement:

Officer Carreno stated that at the time in question he was assigned to a surveillance operation with Officer Garcia at or near 313 E. 120th Place. Officer Carreno stated that they were surveilling a motor vehicle parked near 313 E. 120th Place occupied by [REDACTED] and [REDACTED]. Officer Carreno stated that he and Officer Garcia observed different persons approach that vehicle and hand money to [REDACTED] followed on each occasion by [REDACTED] leaving the vehicle and walking to a location behind a nearby house, which Officer Carreno could not see. Officer Carreno stated that on each occasion, he observed [REDACTED] return with an object, delivering it to the person who had previously made a tender to [REDACTED].

Officer Carreno subsequently relocated to the rear of that house, where on several occasions he observed [REDACTED] retrieve an object from a motor vehicle parked there and then return to the front of the house. Officer Carreno stated that they broke their surveillance after enforcement officers came to the scene and arrested [REDACTED] and [REDACTED]. Officer Carreno also stated that he then approached the vehicle parked in the rear of the house, and observed suspect narcotics on the front seat. Officer Carreno stated that he recovered the suspect narcotics and personally transported them to the 005th District Station, where they were inventoried. Officer Carreno stated that he could not recall what his role was, if any, in recovering the money that is referenced in his case report of the incident.

⁵Attachment #27 is an audio recording of that statement.

4. In a Follow-up **Telephone Conversation** with a COPA investigator on February 20, 2018,⁶ ██████ stated that he would be unwilling to provide further information to COPA while his criminal case arising out of the arrest at issue was pending.⁷

B. Documentary Evidence

1. Officer Carreno wrote an **Original Case Incident Report** dated November 7, 2017. In summary and in pertinent part, Officer Carreno wrote that he and other CPD members arrested ██████ and ██████ after observing them engage in several transactions that they suspected to involve the illegal delivery of narcotics. More specifically, Officer Carreno wrote that CPD members observed several instances involving persons handing money to ██████ while ██████ and ██████ occupied a motor vehicle. In each of those instances, one or more CPD members observed ██████ retrieve suspected narcotics from a motor vehicle parked in the rear of that house, and then returned to the front of the house on to then deliver the suspected narcotics to the person who had delivered money to ██████. Officer Carreno wrote that the CPD recovered suspect narcotics from the motor vehicle parked in the rear, which was inventoried at the 005th District Station. Officer Carreno further wrote that CPD members inventoried \$790.00 recovered from ██████ and \$531.00 recovered from ██████.

VI. ANALYSIS

Based on the limited amount of information that ██████ has been willing to provide, COPA has concluded that ██████ could have no factual basis for his implied claim that CPD members falsely planted evidence. Even if COPA were to assume the truth of ██████ limited account, COPA would necessarily conclude from that account that ██████ could not have observed and therefore could not know whether the CPD did or did not recover suspect narcotics from a motor vehicle located to the rear of the house at 313 E. 120th Place because, based on all accounts, ██████ never left the car situated in front of the surveilled address. In contrast to ██████ account of the events, the accounts of Officers Garcia and Carreno are complete and credible. COPA has therefore determined that ██████ allegations of misconduct are UNFOUNDED.

VII. CONCLUSION

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

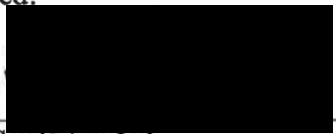
Officer	Allegation	Finding
Officer Garcia	1. The accused falsely arrested the Complainant.	UNFOUNDED
Officer Carreno	1. The accused falsely arrested the Complainant.	UNFOUNDED

⁶Attachment #34 is a memorandum of that conversation.

⁷COPA was similarly unable to obtain information or cooperation from ██████ Attachments ## 24 and 32 are documents evidencing COPA's efforts in this regard.

Approved:

ADC



Erica Sangster
Acting Deputy Chief Administrator

7/14/18

Date

Appendix A

Assigned Investigative Staff

Squad#:	Squad #11
Investigator:	Francis Tighe
Supervising Investigator:	Brian Dollar
Acting Deputy Chief Administrator:	Erica Sangster