

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 15, 2018
Time of Incident:	3:36 p.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	March 21, 2018
Time of COPA Notification:	12:42 p.m.

On March 15, 2018, at approximately 3:36 p.m., Officer Erick Grady #17129 (“Officer Grady”) and several other Chicago Police Officers were executing a search warrant at [REDACTED]. After another officer knocked on the door and announced the police presence, Officer Grady used a battering ram to gain entry into the residence. Complainant [REDACTED] (“[REDACTED]” alleges that Officer Grady failed to allow her a reasonable period of time after the, “knock and announce,” before using the battering ram to make forcible entry into her residence. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegation and recommends that it be Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	Erick Grady, Star #17129, Employee ID # [REDACTED], DOA: 5/22/06, Rank: Police Officer, Unit of Assignment: 20 <sup>th</sup> District, DOB: [REDACTED]/80, Male, Black.
Involved Civilian #1:	[REDACTED] DOB: [REDACTED] 1976, Female, White Hispanic.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Erick Grady	1. It is alleged by [REDACTED] that on or about March 15, 2018, near the vicinity of [REDACTED] Chicago, Illinois 60659, at approximately 3:36 p.m., Officer Erick Grady failed to allow a reasonable period of time after the, “knock and announce,” before using a battering ram to make forcible entry into the residence of [REDACTED] in violation of Rule 1.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

Rule 1: Violation of any law or ordinance.

Special Orders

Special Order S04-19: Search Warrant

Federal laws

United States Constitution 4th Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. INVESTIGATION<sup>1</sup>

a. Interviews

COPA conducted [redacted] audio statement on March 21, 2018.<sup>2</sup> [redacted] stated that on March 15, 2018, at approximately 3:36 p.m., she was lying on the living room couch when she heard feet running up the stairs inside her apartment building. [redacted] stated that immediately after hearing the running, she heard pounding and yelling at her apartment’s front door. [redacted] stated she yelled, “hold on a minute.”<sup>3</sup> [redacted] stated she was about 10 feet away from the door. [redacted] stated she saw dust coming from the door and heard loud banging which she believed were gunshots. [redacted] stated she never heard the officers announce their office or announce that they were executing a search warrant. [redacted] stated she initially started to go to the front door but when she was within eye sight of the door, she saw dust emitting from it. [redacted] stated she believed the dust was gunfire smoke. [redacted] stated she believed she was in danger so she ran away from the door. [redacted] stated only seconds passed between the time she heard the initial knocking to the moment that approximately seven officers were inside of her apartment. [redacted] stated she ran down the hallway towards her daughter [redacted] (“[redacted]”<sup>4</sup> [redacted] stated she yelled at [redacted] to get down because she believed someone was shooting into her apartment. [redacted] stated that when she reached her daughter, the Chicago Police Department officers were in her apartment with their guns drawn yelling for her and [redacted] to get on the ground. [redacted] stated she and [redacted] complied with the officers as they proceeded to search the apartment. [redacted] stated she was provided

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

<sup>2</sup> Attachment 8

<sup>3</sup> Attachment 8 at 4:47

<sup>4</sup> COPA attempted to interview [redacted] but was unable to establish contact with her.

with a copy of a search warrant issued for her son [REDACTED] (“[REDACTED]”) stated the officers took photos of her apartment.

COPA conducted **witness Officer Charles Leach’s # 4927** (“Officer Leach”) audio statement on June 5, 2018.<sup>5</sup> Officer Leach stated that on March 15, 2018, he executed a search warrant at [REDACTED]. Officer Leach stated that his duty in the execution of the search warrant was to be the rifleman.<sup>6</sup> Officer Leach stated that Officer Grady was on the breach team and his specific duty was to use the battering ram. Officer Leach stated that the search warrant was not a “no knock” search warrant.<sup>7</sup> Officer Leach stated that the target of the search warrant was [REDACTED] and the scope of the warrant was the first-floor apartment. Officer Leach stated that the warrant granted the officers permission to look for cannabis. Officer Leach stated that when he arrived at the location, they entered the building through the open front door. Officer Leach stated he and other officers assumed their positions and Officer Ortiz knocked and announced Chicago Police Search Warrant. Officer Leach stated Officer Ortiz knocked about three times on the door within approximately three seconds. Officer Leach stated that Officer Grady used the battering ram to open the door. Officer Leach stated that he was standing 6 to 8 feet away from Officer Grady at the time Officer Grady used the battering ram. Officer Leach stated he had a direct line of view at the point of entry. Officer Leach stated that he believed one to five seconds passed between the time that Officer Ortiz knocked on the door and Officer Grady used the battering ram. Officer Leach stated that in his experience an officer would use a battering ram to open a door when he hears activity or movement inside indicating that the person is accessing a weapon or destroying evidence. Officer Leach stated that in this case he did not hear noise inside of the unit. Officer Leach stated he had never been to this location previously and to his knowledge no other search warrant had been executed at this location previously.

COPA conducted **witness Officer Christos Tottas’ #6708** (“Officer Tottas”) audio statement on June 7, 2018.<sup>8</sup> Officer Tottas stated that on March 15, 2018, he was assisting and executing a search warrant at [REDACTED]. Officer Tottas stated that he and his partner Officer Grady were on the breach team.<sup>9</sup> Officer Tottas stated that Officer Grady was holding the ram during this execution. Officer Tottas stated the warrant in this case was a knock search warrant. Officer Tottas stated the target of the search warrant was [REDACTED]. Officer Tottas stated he did not know if [REDACTED] would be home. Officer Tottas stated the search warrant was issued for cannabis and crack cocaine. Officer Tottas stated he did not know the reason the search warrant was issued for [REDACTED]. Officer Tottas stated that upon arriving to the location, he and the other officers walked up to building and entered through an open front door. Officer Tottas stated Officer Ortiz knocked and announced the search warrant. Officer Tottas stated that he was on the stairs leading up to the first-floor apartment and that Officer Grady was at the top of the stairs in front of the door because he was the breacher. Officer Tottas stated the door to the first-floor apartment was opened using the battering ram. Officer Tottas stated he did not know how much time passed between the time that Officer Ortiz knocked on the

<sup>5</sup> Attachment 28

<sup>6</sup> While no definition exists for, “rifleman” in the Chicago Police Department Directives System, Officer Leach was referring to being the officer assigned to the rifle during the search warrant.

<sup>7</sup> 725 ILCS 5/108-8; No Knock Search Warrant

<sup>8</sup> Attachment 29, 30

<sup>9</sup> The team responsible for making entry into the residence.

door and Officer Grady used the battering ram to open the door. Officer Tottas stated that in his experience, an officer waits a reasonable amount of time before using a battering ram. Officer Tottas stated he did not recall if he heard noises inside of the unit. Officer Tottas stated that in the execution of a search warrant, when an officer hears noise inside of a unit indicating a person is inside, the person is not given time to come to the door because they may be accessing a weapon or destroying evidence. Officer Tottas stated that this and all other search warrant executions lead an officer to believe that someone might be accessing a weapon or destroying evidence. Officer Tottas stated he had not been to this location previously and did not know if any other warrants had been executed at this location.

COPA conducted **witness Officer Wilfredo Ortiz's # 9748** ("Officer Ortiz") statement on June 12, 2018.<sup>10</sup> Officer Ortiz stated that on May 15, 2018, he was on duty executing a search warrant at [REDACTED]. Officer Ortiz stated that he was the affiant on this search warrant. Officer Ortiz stated that he obtained the search warrant based on information he received from a confidential informant. Officer Ortiz stated the warrant was granted for the [REDACTED] address based on information that contraband was being sold there. Officer Ortiz stated the target of the warrant was [REDACTED]. Officer Ortiz stated that based on the information the confidential informant provided, there was reason to believe that [REDACTED] would be home during the execution time of the warrant. Officer Ortiz stated he knew two previous search warrants had been executed for [REDACTED] at another address. Officer Ortiz stated that he believed [REDACTED] was on parole based on a conviction secured from items recovered on another search warrant. Officer Ortiz stated his duty was to knock and announce and obtain evidence. Officer Ortiz stated Officer Grady's duty was to make entry using a battering ram. Officer Ortiz stated that upon arriving to the location, he was the first one to approach the building. Officer Ortiz stated he and the other officers entered the building through an open front door. Officer Ortiz stated that once outside of the first-floor apartment, he knocked multiple times on the door. Officer Ortiz stated that at the time he knocked, he was standing right in front of the door. Officer Ortiz stated that Officer Grady was standing directly behind him after he knocked. Officer Ortiz stated Officer Grady was approximately three to five feet away from him. Officer Ortiz stated that he heard noise behind the door prior to knocking. Officer Ortiz described the noise as a rushed noise going away from the door. Officer Ortiz stated that after knocking, he did not hear noise indicating that someone was coming to open the door. Officer Ortiz stated that after he knocked, Officer Grady made entry by using the battering ram. Officer Ortiz stated the use of the battering can be both at the discretion of the officer or at the instruction of another officer. Officer Ortiz stated he did not know if another officer told Officer Grady to open the door with the battering ram or whether Officer Grady used his discretion. Officer Ortiz stated a couple seconds passed between the time that he knocked on the door and Officer Grady used the battering ram to open the door.

Officer Ortiz stated that once inside of the unit, he observed two females running towards the back of the residence. Officer Ortiz stated he made contact with [REDACTED] in the unit. Officer Ortiz stated that [REDACTED] told him she was the mother of [REDACTED]. Officer Ortiz stated cannabis was found at the residence. Officer Ortiz stated he has worked with Officer Grady in the past. Officer Ortiz stated he had never been to this location before and has not executed a warrant for

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<sup>10</sup> Attachment 34

██████████ in the past. Officer Ortiz stated that in accordance with the Chicago Police Department Directives, a resident must be provided with a reasonable amount of time to allow entry. Officer Ortiz stated a reasonable amount of time is determined using various factors. Officer Ortiz stated that in this case, he knew ██████████ was a convicted felon and he did not know who was inside of the unit. Officer Ortiz stated that convicted felons often do not want to go back to jail and they often have weapons. Officer Ortiz stated that in the execution of a search warrant 9 out of 10 times, the target has a weapon. Officer Ortiz stated he did believe that ██████████ would be home and either have a weapon or would try to destroy evidence. Officer Ortiz stated that he did not have knowledge that other people would be at the residence. Officer Ortiz stated a reasonable amount of time was permitted in this case because he heard noise as if someone was going away from the door.

COPA conducted **accused Officer Erick Grady's # 17129** ("Officer Grady") audio statement on June 14, 2018.<sup>11</sup> Officer Grady stated that on March 15, 2018, at approximately 3:36 p.m., he was on duty executing a search warrant at ██████████. Officer Grady stated that the target of the search warrant was ██████████. Officer Grady stated he did not have any information that ██████████ would be home on that day and time. Officer Grady stated this was not his search warrant and he did not conduct any research on ██████████ or the case. Officer Grady stated he had no knowledge as to ██████████ criminal history. Officer Grady stated he was only informed of the execution of the warrant and that the warrant commanded a search of ██████████ for narcotics and contraband. Officer Grady stated he had no knowledge as to the weight or amount of narcotics suspected to be in the residence. Officer Grady, stated that during the planning session for the execution of the warrant, he was informed of possible safety risks including dogs, children, or weapons in the residence. Officer Grady stated no one informed him these risks would in fact be present or that there was a flight or destruction of evidence risk at ██████████. Officer Grady stated the warrant was not a, "no knock" warrant. Officer Grady stated his duty in the execution of the warrant was to be the officer with a battering ram to forcibly open the door.

Officer Grady stated that when he was at ██████████, he stood in front of the door with the battering ram while Officer Wilfredo Ortiz #9748 ("Officer Ortiz") knocked on the door. Officer Grady stated that prior to Officer Ortiz knocking on the door, he did not hear any noise on the other side of the door. Officer Grady stated Officer Ortiz knocked and announced the Chicago Police Department office and moved out of the way for him to open the door with the ram. Officer Grady stated that immediately after the knock and announce, he heard feet shuffling as if moving away from the door. Officer Grady stated that when he heard the feet moving away from the door, he struck the door several times with the ram. Officer Grady stated he decided to use the ram at that moment because he considered the moving of the feet an indication of flight. Officer Grady stated that based on his experience, when a person moves away from the door, they are grabbing a weapon or sending a dog towards the door. Officer Grady stated he did not know approximately how much time passed between the time that Officer Ortiz knocked and he used the ram to open the door. Officer Grady stated he was concentrated on listening for children or someone saying they were coming to the door. Officer Grady stated that after he opened the door, the officers came into the apartment. Officer Grady recalled two females in the apartment. Officer Grady stated that once inside of the apartment he stood guard.

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<sup>11</sup> Attachments 35, 36

Officer Grady stated he has been executing warrants throughout his 12-year career as a police officer. Officer Grady stated he has had various duties including guard, breach, and rear team.<sup>12</sup> Officer Grady stated he had not executed a search warrant for [REDACTED] or [REDACTED], in the past. Officer Grady stated that in accordance with the Chicago Police Department Directives, in the execution of a warrant, a person should be allowed a reasonable time to open the door. Officer Grady stated that a person should be allowed a reasonable time to open the door if it does not put an officer in harm's way. Officer Grady stated he believed [REDACTED] was provided a reasonable time to open the door in this case because after the knock, she did not inquire about who was at the door or what they wanted like a normal person would. Officer Grady stated he only heard [REDACTED] fleeing away from the door after the knock.

Officer Grady stated that in his experience when he hears feet shuffling away from the door, like in this case, people are often destroying evidence or looking for weapons. Officer Grady stated that in this case, he did not have knowledge that anyone would be destroying evidence. Officer Grady stated that in this case, using the battering ram to open the door when he did, was at his discretion and no one instructed him to use it.

#### b. Digital Evidence<sup>13</sup>

Officer Grady's **Body Worn Camera ("BWC")** footage captures him in the police vehicle with Officers Leach, Tottas, and Vidljcinovic # 19702 going to [REDACTED]. Upon arriving Officer Grady enters the two-floor brown building through an open red front door. Officer Grady proceeds up the foyer stairs to the first-floor apartment. Officer Grady is seen positioning himself directly in front of the first-floor apartment door. Officer Ortiz is seen running up the stairs towards the door and immediately knocking and yelling, "Chicago Police Search Warrant."<sup>15</sup> Officer Ortiz knocks approximately five times. Approximately, 0.65 seconds after fifth knock, Officer Grady uses the battering ram to open the door. Officer Grady hits the door approximately four times. A woman, now known to be [REDACTED] can be heard yelling. Once the door is opened, Officer Leach enters the unit with his rifle in the ready position. After Officer Leach enters, various officers enter the residence. Officer Grady's BWC captures audio from [REDACTED] speaking to Sergeant Barker. [REDACTED] is heard saying that she was sleeping on the couch and woke up to the banging on the door which she initially believed to be gunshots.

Officer Leach's **Body Worn Camera ("BWC")** footage captures him in the police vehicle going to [REDACTED].<sup>16</sup> Officer Leach can be seen holding a rifle. Upon arriving to the location, Officer Leach enters the building through an open red door. Officer Leach is seen standing on the foyer steps outside of the first-floor apartment door behind Officer Grady. Officer Leach's BWC footage captures the same entry as described in Officer Grady's BWC. Once inside of the unit, [REDACTED] can be heard asking what is happening. [REDACTED] and [REDACTED] are seen lying on the ground in one of the bedrooms. Officer Ortiz tells [REDACTED] that he will explain

<sup>12</sup> These titles refer to the positioning of officers within or about the home where the warrant is executed.

<sup>13</sup> 17 BWC videos related to this incident were tendered to COPA. The most relevant are summarized.

<sup>14</sup> Attachment 25, video Grady, Erick

<sup>15</sup> Attachment 25, video Grady, Erick at 2:04.

<sup>16</sup> Attachment 25, video Leach, Charles

everything and to be patient. [REDACTED] is heard asking the officers why they didn't knock and Officer Ortiz can be heard telling her that he knocked. Officer Leach is seen searching the home and eventually exiting the residence.

Officer Tottas' **Body Worn Camera ("BWC")** footage begins capturing video when he is in the police vehicle going to [REDACTED].<sup>17</sup> Upon arriving at the location, Officer Tottas stands on the foyer stairs behind Officer Leach. Officer Leach is standing between Officer Tottas and Officer Grady. The knock and announce as well as the entry are captured on Officer Tottas' BWC. Officer Tottas is seen searching the first-floor apartment and the basement. Officer Tottas can be heard asking the second-floor neighbor if he has seen [REDACTED]. Officer Tottas' BWC captures the conversation between Sergeant Barker and [REDACTED]. Officer Tottas' can be heard telling [REDACTED] that the incident was recorded on video and that the officers did knock prior to entering.

Sergeant Barker's # 1390 **Body Worn Camera ("BWC")** footage does not capture the entry into the residence although banging from the use of the battering ram is heard.<sup>18</sup> Sergeant Barker is seen showing [REDACTED] a copy of the search warrant and explaining that the officers are executing a search warrant. [REDACTED] is seen telling Sergeant Barker that she was confused as to the way the officers entered her home. [REDACTED] tells Sergeant Barker that she was sleeping on the couch and woke up to what she believed were gunshots. Sergeant Barker is heard telling [REDACTED] that the officers knocked and that the whole event was on BWC. [REDACTED] is seen asking Sergeant Barker if there are bullet holes in her door. Sergeant Barker offers to walk [REDACTED] to the door so that she can see there are no bullet holes. After looking at the front door, [REDACTED] tells Sergeant Barker that they could have simply knocked. [REDACTED] continues to tell Sergeant Barker that she could not open the door because the officers were banging really hard. [REDACTED] is seen telling Sergeant Barker that she was going to run out of the house because she thought someone was shooting into her house. [REDACTED] told Sergeant Barker that she was afraid she was going to be shot from what she experienced from the inside. Sergeant Barker explained that the officers did announce their office and they came in the way they did for safety reasons.

**Search Warrant Photographs** depict battering ram marks on the door of [REDACTED]  
[REDACTED]

### c. Documentary Evidence

**Original Case Incident Report RD # JB186945** gives a summary of the executed search warrant [REDACTED]. In summary, the report states that the reporting officers knocked and announced but were met with no answer. The reporting officers made forced entry and observed [REDACTED] running into the rear of the residence. One clear knotted bag containing green leafy substance suspect cannabis was found in the north bedroom.<sup>20</sup>

<sup>17</sup> Attachment 25, video Tottas, Christos

<sup>18</sup> Attachment 25, video Barker, Patrick

<sup>19</sup> Attachment 27

<sup>20</sup> Attachment 11

**Search Warrant** [REDACTED] grants the Chicago Police Department permission to search [REDACTED] and the premise at [REDACTED] and seize controlled substances, paraphernalia, money, records detailing illegal drug transactions, and stored electronic information.<sup>21</sup>

## VI. ANALYSIS

The burden of proof COPA uses in its analysis is the preponderance of the evidence standard. It is alleged by [REDACTED] that Officer Grady failed to allow a reasonable time after the, “knock and announce,” before using a battering ram to make forcible entry into her residence. After analyzing the evidence, COPA determined the allegation was supported by sufficient evidence to justify a sustained finding.

The Fourth Amendment to the United States Constitution, Illinois law, and Chicago Police Department Special Order S04-19 require that officers knock and announce their presence and provide the resident(s) a reasonable opportunity to permit the officers to enter the home while executing a warrant.<sup>22</sup> Officers must wait for a “reasonable time” after knocking and announcing their presence before using force to enter.<sup>23</sup> The purpose of the “knock and announce” rule is to notify the person inside of the presence of the police and of the impending intrusion, give that person time to respond, avoid violence and protect privacy as much as possible.<sup>24</sup> The failure to comply with the knock and announce rule is a violation of the Fourth Amendment unless the officers have reasonable suspicion that knocking and announcing their presence and waiting a reasonable time, under the particular circumstances, would be dangerous or futile, or would inhibit the effective investigation of the crime (i.e. reasonable suspicion of exigent circumstances).<sup>25</sup>

When the affiant of the search warrant believes knocking and announcing would pose a threat of violence or destruction of the evidence, the officer can ask the judge for a “No Knock” warrant. Illinois law provides that the court can authorize an unannounced entry into a residence if the officer reasonably believes that if notice were given, a weapon would be used against the officer, against another person, and that evidence will be destroyed.<sup>26</sup> When requesting the warrant, the officer must provide the court with specific facts and circumstances that lead the officer to believe knocking and announcing would be a threat. It is undisputed that Officer Ortiz, the affiant for the search warrant, did not request a “No Knock” warrant and that Officer Ortiz did not obtain a “No Knock” warrant. Thus, Officer Ortiz clearly did not have reasonable suspicion of facts justifying a no-knock entry at the time he obtained the search warrant.

While the Chicago Police Department, did comply with the knock and announce requirement in this instance, Officer Grady did not allow the resident a reasonable period of time to allow entry. The evidence demonstrates that Officer Grady immediately used the battering ram

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<sup>21</sup> Attachment 5

<sup>22</sup> See *United States v. Banks*, 124 S. Ct. 521, 525 (2003); 725 ILC 5/108-8(b); Special Order S04-19. Generally, providing the resident less than five seconds is unreasonable.

<sup>23</sup> *Banks*, 124 S. Ct. at 525 (2003) (finding that the officers acted reasonably by forcibly entering the house after waiting 15 to 20 seconds after the “knock and announce”).

<sup>24</sup> *People v. Condon*, 592 N.E.2d 951, 954 (1992).

<sup>25</sup> *Hudson v. Michigan*, 547 U.S. 586 (2006); *Wilson v. Arkansas*, 514 U.S. 927 (1995).

<sup>26</sup> 725 ILC 5/108-8(b)



as soon as Officer Ortiz finished knocking on the door and announcing the police presence. Furthermore the evidence demonstrates that less than 1.60 seconds elapsed between Officer Ortiz's initial knock and Officer Grady using the battering ram. 1.60 seconds is not a reasonable time to wait. *See, e.g., Riddle*, 630 N.E.2d 141.

Officer Grady did not have reasonable suspicion that waiting a reasonable amount of time would, under the particular circumstances, be dangerous or futile, or would inhibit the effective execution of the search warrant. Officer Grady admitted he did not know any information about the target of the warrant. While Officer Grady knew the purpose of the warrant was the seizure of narcotics, he was not aware of the amount of drugs to be seized, the target's criminal history, or whether any weapons were suspected to be present.

Officer Grady stated that he heard noise after Officer Ortiz's knock which indicated to him that someone was moving away from the door. Officer Grady stated that his experience led him to believe that someone in the unit was either fleeing, accessing a weapon, or sending an animal towards the door. COPA does not find Officer Grady's statement credible and his statement is contradicted by evidence uncovered during this investigation.<sup>27</sup> Officer Grady did not allow himself time to hear any noises. The BWC footage also does not reflect there was any noise inside the apartment between the time Officer Ortiz began knocking and the use of the battery ram. Furthermore, most of the other officers present either did not hear or do not recall hearing these noises including Officer Ortiz who was closest to the door.

This case is distinguishable from *People v. Fant*, 384 N.E.2d 563 (3d Dist.1978) where forcible entry was proper after officers knocked and announced but received no response from within. The officers heard scuffling noises that sounded like people running away from inside the apartment. Here, Officer Grady used the battering ram immediately after the knock allowing approximately half a second to one second after the knock. While Officer Grady may now believe he heard noises from inside of the unit after the knock, Officer Ortiz who was closest to the door indicated he heard noise prior to knocking but did not hear any noise after he knocked.<sup>28</sup>

Moreover, in the case of *Riddle*, the court found that even the presence of drugs, guns, and a pit bull on the premises did not justify a simultaneous knock, announce, and entry because there was no evidence that the defendant in the case would use the gun against the officers, would dispose of the drugs, and there was no basis to show that the dog was dangerous. In this case, not only did Officer Grady not articulate any reasonable basis for concluding that any of the occupants

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<sup>27</sup> To be clear, COPA has not uncovered any evidence that Officer Grady intentionally misled COPA investigators. COPA interviewed Officer Grady approximately three months after the incident and Officer Grady was not required to complete any contemporaneous reports justifying his immediate use of the battering ram. The evidence demonstrates that [REDACTED] ran from the door out of fear after Officer Grady used the battering ram and Officer Grady may have conflated what he heard at that point with what occurred prior to using the battering ram.

<sup>28</sup> The video evidence does not demonstrate any noise coming from the apartment prior to Officer Ortiz knocking. [REDACTED] stated she was asleep prior to hearing the battering ram and Destiny [REDACTED] was in the back and COPA investigators finds her credible. Moreover, Officer Ortiz never instructed Officer Grady to use the battering ram in response to the purported noise. If Officer Ortiz truly believed that [REDACTED] or any other person was inside the house trying to discard evidence or obtain than Officer Ortiz would have been inattentive to duty by not forgoing knocking and ordering Officer Grady to immediately use the battering ram. The evidence demonstrates that Officer Ortiz did not believe exigent circumstances justified deviation from the knock and announce rule.

even had a weapon, yet alone would use a weapon or that the occupants would destroy drugs or other evidence. Further, Officer Ortiz, the affiant of the warrant, knew the target’s criminal background, had reason to believe the target was home, and had specific knowledge of the drugs to be seized, did not instruct Officer Grady to forcefully open the door. Officer Grady indicated and the BWC footage confirms that the use of the battering ram was at his complete discretion.

For the aforementioned reasons, COPA determined that Officer Grady did not allow [REDACTED] a reasonable amount of time to open the door and mitigating factors did not exist to justify an immediate forced entry. COPA, therefore, recommends a finding of Sustained.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer Erick Grady	1. It is alleged by [REDACTED] that on or about March 15, 2018, near the vicinity of [REDACTED], at approximately 3:36 p.m., Officer Erick Grady failed to allow a reasonable period of time after the, “knock and announce,” before using a battering ram to make forcible entry into the residence of [REDACTED] in violation of Rule 1.	Sustained

Approved:

[REDACTED]  
Andrea Kersten  
Deputy Chief Administrator – Chief Investigator

Date

7/30/18