

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	March 23, 2017
Time of Incident:	6:00 A.M.
Location of Incident:	████████████████████
Date of COPA Notification:	March 23, 2017
Time of COPA Notification:	9:31 a.m.

On March 23, 2017, CPD officers and a federal agent forcibly entered the residence of ██████████ mistaking it for the residence of a suspect for whom they had an arrest warrant. The suspect, ██████████ lived in the lower-level apartment of the same building. The ██████████ allege that the officers entered their apartment without a warrant or other legal justification. The ██████████ and COPA further allege that CPD officers damaged the ██████████ front door, aimed weapons at the them and their children, were verbally aggressive, failed to fill out required Department reports, and provided false statements.

II. INVOLVED PARTIES²

Involved Officer #1:	Sergeant John Graham, Star #1071, Employee ID # ██████████ Date of Appointment: January 2, 2014, Sergeant of Police, Unit 193 (Gang Investigation Division), Date of Birth: ██████████ 1965, Male, White
Involved Officer #2:	Officer Jason Acevedo, Star #11683, Employee ID # ██████████ Date of Appointment: July 29, 2002, Police Officer, Unit 193, Date of Birth: ██████████ 1978, Male, Hispanic
Involved Officer #3:	Officer Jason Edwards, Star #19173, Employee ID # ██████████ Date of Appointment: March 27, 2006, Police Officer, Unit 193, Date of Birth: ██████████ 1980, Male, White

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² Mr. and Mrs. ██████████ also alleged misconduct by Federal Bureau of Investigations (FBI) Special Agent Ben Milligan. As COPA has no jurisdiction over the FBI, COPA did not investigate these allegations.

Involved Officer #4: Officer Kevin Hawkins, Star #13471, Employee ID # [REDACTED], Date of Appointment: November 30, 2012, Police Officer, Unit 193, Date of Birth: [REDACTED] 1985, Male, White

Involved Officer #5: Officer William Hronopoulos, Star #9785, Employee ID # [REDACTED] Date of Appointment: April 13, 1998, Police Officer, Unit 193, Date of Birth: [REDACTED] 1970, Male White

Subject #1: [REDACTED] Date of Birth: [REDACTED] 1979, Female, Black

Subject #2: [REDACTED] Date of Birth: [REDACTED] 1978, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding/recommendation
Sergeant John Graham	1. Was inattentive to duty to wit: failed to take basic and obvious steps to ascertain the proper target of the warrant before entering the [REDACTED] apartment, in violation of Rule 11.	Sustained/ VN
	2. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, and Rule 3.	Sustained/ VN
	3. Failed to take a complaint from the [REDACTED] family by not opening a CR, documenting the complaint, or preparing an Initiation Report, in violation of Rule 22.	Exonerated
	4. Failed to supervise subordinates during the execution of an arrest warrant, in that he allowed officers to not take basic and obvious steps to ascertain the proper target of the warrant before entering the [REDACTED] apartment, in violation of Rule 2 and Rule 3.	Sustained/ VN
	5. Failed to document subordinates' misconduct by not addressing officers; unnecessary verbal altercations or	Exonerated

	<p>unnecessary display of weapons in the form of an Initiation Report or CR, in violation of Rule 22.</p> <p>6. Failed to supervise subordinates by allowing officers to unnecessarily display weapons during the execution of an arrest warrant, in violation of Rule 2 and Rule 3.</p> <p>7. Failed to complete Investigatory Stop Reports (ISRs) following the interaction with the [REDACTED] family, in violation of Rule 6.</p> <p>8. Failed to supervise by not ensuring subordinates completed ISRs following the interaction with the [REDACTED] family, in violation of Rule 2, Rule 3, and Rule 6.</p>	<p>Sustained/ VN</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Jason Acevedo</p>	<p>1. Damaged the [REDACTED] door, in violation of Rule 3, Rule 8, and Rule 11.</p> <p>2. Was inattentive to duty by entering the wrong apartment, in violation of Rule 10.</p> <p>3. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, and Rule 3.</p> <p>4. Engaged in an unnecessary display of a weapon, in violation of Rule 38.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained/ VN</p> <p>Not Sustained</p>
<p>Officer Jason Edwards</p>	<p>1. Damaged the [REDACTED] door, in violation Rule 3, Rule 8, and Rule 11.</p> <p>2. Was inattentive to duty by entering the wrong apartment, in violation of Rule 10.</p> <p>3. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, and Rule 3.</p>	<p>Sustained/ VN</p> <p>Sustained/ 5 days</p> <p>Sustained/ VN</p>

	<p>4. Engaged in an unnecessary display of a weapon, in violation of Rule 38.</p> <p>5. Provided a false report for the Gang Investigation Division Supplementary Report and the Arrest Report for RD #JA197027 which stated, "Arrestee was placed into custody after being observed looking out the window and being positively identified as having an outstanding arrest warrant," in violation of Rule 14.</p>	<p>Unfounded</p> <p>Unfounded</p>
<p>Officer Kevin Hawkins</p>	<p>1. Damaged the [REDACTED] door, in violation of Rule 3, Rule 6 and Rule 8.</p> <p>2. Was inattentive to duty by entering the wrong apartment, in violation of Rule 10.</p> <p>3. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, Rule 6.</p> <p>4. Engaged in an unnecessary display of a weapon, in violation of Rule 38.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained/ VN</p> <p>Not Sustained</p>
<p>Officer William Hronopoulos</p>	<p>1. Damaged the [REDACTED] door, in violation of Rule 3, Rule 8, and Rule 11.</p> <p>2. Was inattentive to duty by entering the wrong apartment, in violation of Rule 10.</p> <p>3. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, and Rule 3.</p> <p>4. Engaged in an unnecessary display of a weapon, in violation of Rule 38.</p> <p>5. Provided a false report for the Gang Investigation Division Supplementary Report and the Arrest Report for RD</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained/ VN</p> <p>Exonerated</p> <p>Unfounded</p>

#JA197027 which stated, "Arrestee was placed into custody after being observed looking out the window and being positively identified as having an outstanding arrest warrant," in violation of Rule 14.	
6. Engaged in unnecessary verbal altercation with the [REDACTED] to the effect of, "You see six white dudes outside your door, you should've known to open the door," in violation of Rule 8, and Rule 9.	Not Sustained
7. Threatened to shoot Mr. [REDACTED] in violation of Rule 8, Rule 9.	Not Sustained
8. Engaged in unnecessary verbal altercation with Mr. [REDACTED] to the effect of, "Shut the fuck up bro," in violation of Rule 8, Rule 9.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Violation of any law ordinance.
2. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
3. **Rule 3:** Prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
4. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
5. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
6. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
7. **Rule 10:** Prohibits inattention to duty.
8. **Rule 11:** Prohibits incompetency or inefficiency in the performance of duty.
9. **Rule 14:** Prohibits making a false report, written or oral.

10. **Rule 22:** Prohibits failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

11. **Rule 38:** Prohibits unlawful or unnecessary use or display of a weapon.

General Orders

1. **G02-01:** Human Rights and Human Resources³

2. **G08-01-02:** Specific Responsibilities Regarding Allegations of Misconduct⁴

Special Orders

1. **S03-10:** City Claims Notification Program

2. **S04-13-09:** Investigatory Stop System⁵

Federal Laws

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

V. INVESTIGATION

a. Interviews

COPA interviewed Mr. and Mrs. [REDACTED] on March 22, 2018.⁶ On March 23, 2017, they were at home, located at [REDACTED]. An officer with a battering ram damaged the door and several officers entered their apartment. According to Mrs. [REDACTED] she was in her living room when officers entered. Mr. [REDACTED] stated that there was an officer, identified by COPA as Officer Edwards, holding a battering ram. An officer stated something to the effect of, "get the fuck out of the way, put your fucking hands up." The [REDACTED] described the officer, as a heavysset white male with black hair and full beard, approximately 5'5" - 5'7", wearing all black, was identified by COPA and referred to herein as Officer Hronopoulos. Officer Hronopoulos remained at the front door throughout the incident, detaining the [REDACTED] family at gunpoint. Mr. [REDACTED] related that Officer Hronopoulos had his handgun pointed at the [REDACTED] family. Mr. [REDACTED] stated there was also an officer, identified by COPA as FBI Agent Milligan, with a rifle, who pointed his weapon at Mr. [REDACTED] son while in bed. Mr. [REDACTED] stated that officers, believed to be Officer Acevedo, Officer Hawkins, and Agent Milligan, went into the back of the apartment, and Mr. and Mrs. [REDACTED] could hear officers opening doors and walking around.

³ The Human Rights and Human Resources Policy referenced in this report was effective from July 4, 1992 until October 5, 2017 (See Att. 59).

⁴ The Specific Responsibilities Regarding Allegations of Misconduct directive referenced in this report was effective from March 17, 2013 until May 3, 2018 (See Att. 78).

⁵ The Investigatory Stop System policy referenced in this report was effective from June 10, 2016 until July 10, 2017 (See Att. 58).

⁶ Atts. 36, 37

Further, Officer Hronopoulos refused to show the [REDACTED] family a warrant and threatened to shoot Mr. [REDACTED]. Officer Hronopoulos also told Mr. [REDACTED] "Shut the fuck up. You see six white dudes at the door, you should have known to open to door." Per Mrs. [REDACTED] the officers entered and exited through the front door. The officers were in the [REDACTED] family's home for approximately three minutes.

Per Mrs. [REDACTED] there was one officer, Officer Hronopoulos, standing at the door with a gun and three officers who entered, Officer Acevedo, Officer Hawkins, and FBI Agent Milligan. The [REDACTED] were uncertain if there were additional officers present. Mrs. [REDACTED] could not determine if any officers were from outside units because they were not identifiable. Approximately forty-five minutes to an hour after the incident, an older, tall, slim, white/grey-haired officer, believed to be Sergeant Graham, arrived.⁷ The [REDACTED] did not know if officers were present at the downstairs apartment when Sergeant Graham arrived. Sergeant Graham told Mrs. [REDACTED] he had a warrant but left and never showed it to her. Mrs. [REDACTED] asked the officers for their names and badge numbers, and for the warrant. Mr. [REDACTED] stated that the officers were driving unmarked vehicles. He believed one was a Ford Explorer and one was a Ford Crown Victoria.

After the incident, an officer, believed to be Officer Acevedo, was outside and provided the names and star numbers for Sergeant Graham, Officer Acevedo, and Officer Johnson.⁸ According to Mr. [REDACTED] he went to the police station "right after" the incident, but the officers never helped and someone at the front desk kept telling Mr. [REDACTED] to "hold on." Mr. [REDACTED] was at the police station for thirty to forty minutes and he gave the front desk his information. After that, a skinny white male Department member, believed to be Sergeant Graham, arrived at the [REDACTED] home.⁹

When asked about the arrestee and target of the warrant, [REDACTED] Mr. [REDACTED] stated that he knows [REDACTED] parents and that King lives in Apt. #1. [REDACTED] King had never been in the [REDACTED] family's apartment, including on the morning of March 23, 2017. Mrs. [REDACTED] related there was no way [REDACTED] could have entered the [REDACTED] apartment.

The [REDACTED] stated that since this incident occurred, some of the officers have harassed them. Specifically, on July 27, 2017, at approximately 5:47 p.m., two CPD vehicles blocked Mr. [REDACTED] car.¹⁰ The officers stated they received a call that Mr. [REDACTED] was speeding, but Mr.

⁷ Sergeant Graham spoke to the [REDACTED] at their home twice, once immediately after the search and once later in the day, after Mr. [REDACTED] visited the police station. It is unclear which conversation Mrs. Franklin was referring to.

⁸ Sergeant Graham and Officer Acevedo were identified in police reports. Mr. [REDACTED] was given Star #12716 for Officer Johnson. Per CPD records, this Star number is currently held by Officer James Couch, an African American male. There are currently 23 white, male Department members with the last name Johnson. None of these Department members were assigned to Unit 193 on the date in question. Further, Department members interviewed for the present investigation did not recall an Officer Johnson on scene.

⁹ Mr. [REDACTED] provided a license plate number of MP 13857 for the officer who came after the incident. The license plate was associated with vehicle number 1813, which was driven by Sergeant Graham on the date of the incident.

¹⁰ Mr. [REDACTED] provided the car numbers for these Department vehicles. The two vehicle numbers provided by Mr. Franklin (8953 and 8642) were not manned by Unit 193 on July 27, 2017. COPA confirmed that 8953 and 8642 are vehicle numbers, not Beats. On July 27, 2017, Car 8953 was manned by the 11th District. No officers in Unit 193

Franklin had not left his driveway. According to Mr. Franklin, one of the officers was Officer Hronopoulos and the other was short, red-haired male who was not present on March 23, 2017. Further, Mrs. ██████ related that officers have arrived at the family's home, stating the ██████ alarm was going off even though it was disarmed. Other officers have come to the ██████ home, looked at Mr. ██████ license plate, and told him they know about Mr. ██████. Another time, Mrs. ██████ was sitting in her car and officers pulled up next to her while "smirking." Mrs. ██████ related that it is always the same approximately three officers, including Officer Hronopoulos. She described the other two officers as white males with short haircuts.

Mrs. ██████ provided a **Written Affidavit** for COPA on December 29, 2017.¹¹ Mrs. ██████ related that on March 23, 2017, at about 6:00 a.m., she heard banging on her door. She saw "several white males outside the window, wearing hooded sweatshirts and jackets." Mrs. ██████ told them they were at the wrong house and one responded they were looking for "██████ Hines." When Mrs. ██████ asked for a warrant, an officer said they would kick in the door. Once Mr. ██████ approached the door, the officers battered it down. Three men entered with guns drawn and flashlights. One officer was carrying a "semi-assault rifle." The men told the ██████ to "Get the fuck out of the way! Put your fucking hands up! Lights up!" One officer threatened to shoot Mrs. ██████ and officers pointed guns at her son as he exited his bedroom. When Mr. ██████ asked for a warrant, an officer told him to "Shut the fuck up bro" and said "[...] You see six white dudes at the door...you should've known to open the door."

Detective Carrie Byrne was interviewed by COPA on April 17, 2018.¹² According to Detective Byrne, on March 23, 2017, she was partnered with Detective Matthew Hazlehurst. The detectives were part of a 10-man team including Officer Hawkins, Officer Acevedo, Officer Hronopoulos, Sergeant Graham, Federal Bureau of Investigations (FBI) Special Agent Milligan, Homeland Security Investigations (HSI) Special Agent Cadman, and Drug Enforcement Administration (DEA) Special Agent Lee. She also believed she was working with Officer Edwards. Detective Byrne reported that she, Detective Hazlehurst, and Agent Cadman were at a second location on Jackson Ave. looking for the subject, ██████ and did not arrive at ██████ until after ██████ was arrested. Detective Byrne did not know which officers entered the ██████ home. Detective Byrne believed Agent Milligan was carrying the carbine automatic rifle. Detective Byrne saw Sergeant Graham talking to an African American, female civilian. After the incident, Detective Byrne was made aware that members of her team entered the wrong apartment.

COPA interviewed **Sergeant John Graham** on May 2, 2018.¹³ Sergeant Graham related that on March 23, 2017, he was working Beat 6515, wearing plain clothes, and driving a gray Ford Explorer. Sergeant Graham was assigned to a round-up on this date. Sergeant Graham and additional officers were present at ██████ to execute an arrest warrant on ██████. Sergeant Graham was in the rear of the home, near the back entrance to the building. Sergeant

were assigned to Car 8953 on this date. Car 8642 was sent to salvage on July 24, 2017 and was not in use on the date in question. Prior to July 24, 2017, Car 8642 was manned by the 3rd District.

¹¹ Att. 29

¹² Att. 45

¹³ Atts. 47, 48

Graham stated the officers were supposed to enter the first-floor unit.¹⁴ An FBI agent and four CPD officers on scene confused the first floor with the second floor. An officer, believed to be Officer Edwards, thought he observed [REDACTED] in the window of Apartment 2, the [REDACTED] home, and made entry. Upon the entering the [REDACTED] unit the officers “immediately backed out,” after realizing it was the wrong dwelling.¹⁵ Per Sergeant Graham, Agent Milligan, Officer Edwards, Officer Acevedo, and Officer Hronopoulos entered the [REDACTED] home. Sergeant Graham believed Officer Edwards had the breach tools and Agent Milligan had a carbine. Sergeant Graham did not know which officer detained the [REDACTED] at the front door.

The officers then went into the first-floor unit and arrested [REDACTED]. Sergeant Graham went back to the [REDACTED] home, apologized, and explained to Mrs. [REDACTED] he would file a case report and get their door fixed as soon as possible. Sergeant Graham went to Homan Square, reported the mistake to Sergeant McMahan, and the door was fixed later that day. Per Sergeant Graham, he was the one who responded to the [REDACTED] request for a supervisor. Sergeant Graham was aware the [REDACTED] went to the 11th District to complain. Sergeant Graham did not complete an Initiation Report because he was a party to the incident and therefore he notified his immediate supervisor. Additionally, Investigatory Stop Reports (ISRs) were not completed because the interaction with the [REDACTED] family occurred on private property. Sergeant Graham believed Officer Acevedo provided officers’ names and star numbers. Sergeant Graham was not aware of any officers interacting with the [REDACTED] since this incident. Sergeant Graham received a SPAR¹⁶ for this incident for failure to conduct a proper investigation and was given the punishment of a reprimand.

COPA interviewed **Officer Jason Acevedo** on May 24, 2018.¹⁷ Officer Acevedo stated that on March 23, 2017, he was on-duty and assigned to a team tasked with locating a target for an arrest warrant, known to be [REDACTED]. Officer Acevedo and his team went to [REDACTED] as this was identified as [REDACTED] residence. Officer Acevedo could not recall if the team had a conversation prior to entering about which unit the target was in. Officer Acevedo could not recall how it was decided which apartment to enter or how the mistake of entering Apt. 2 was made. Officer Acevedo reported entering Apt. 2, the [REDACTED] dwelling. Officer Acevedo made entry and secured the apartment to look for [REDACTED]. Officer Acevedo could not recall if he had his weapon drawn on this occasion, but stated he usually would. Officer Acevedo denied hearing an officer comment about the [REDACTED] opening the door for six white men. Officer Acevedo could not recall which officer was armed with a carbine. Officer Acevedo recalled Agent Milligan also entered the apartment, but he could not recall who else entered the apartment. Officer Acevedo may have seen Officer Hronopoulos standing with occupants in the apartment’s front room, but he was not certain. Officer Acevedo recalled Sergeant Graham was in the rear of the building and entered the [REDACTED] apartment after it was secured. Officer Acevedo spoke with Mr. and Mrs. [REDACTED] and gave the [REDACTED] his and Sergeant Graham’s name and star number. Sergeant Graham then took over the conversation and Officer Acevedo went back outside. After he went outside, someone informed Officer Acevedo that they had gone into the wrong apartment. Officer

¹⁴ Sergeant Graham was incorrect. The arrest warrant only referenced the basement.

¹⁵ 07:38 minute mark of Att. 47

¹⁶ Sergeant Graham received discipline, known as a SPAR, for supervising a team attempting to serve an arrest warrant which resulted in non-criminal damage to property (See Att. 79).

¹⁷ Att. 53

~~Acevedo denied an Officer Johnson being present or knowing an Officer Johnson. Officer Acevedo was not aware of any Department members interacting with the [REDACTED] family since March 23, 2017.~~

Officer Jason Edwards was interviewed by COPA on May 30, 2018.¹⁸ According to Officer Edwards, on March 23, 2017, he was working with a team assigned to find a subject, [REDACTED] for an arrest warrant at [REDACTED]. When Officer Edwards arrived, he saw the building was a three-flat. The team mistook Apt. 1, [REDACTED] unit, for the garden unit and thought the [REDACTED] home, Apt. 2, was Apt. 1. Officer Edwards, Agent Milligan, and others arrived knocked on the window of Apt. 2 and spoke with a female, believed to be Mrs. [REDACTED] through the window. They announced their office and said they had an arrest warrant for [REDACTED]. Officer Edwards was looking through the window shades, saw more people inside, and heard a male voice. The male voice asked who the officers were looking for. Mrs. [REDACTED] responded they were looking for “Greg” and the male voice said not to let the officers in. Officer Edwards also thought he saw [REDACTED] through the curtains inside the [REDACTED] apartment. Officer Edwards added that he suspected [REDACTED] may have run through the back of the [REDACTED] apartment and downstairs to his unit.

Officer Edwards rammed the external door to the apartment building and then made entry through the front door to the [REDACTED] unit. According to Officer Edwards, he did not have his weapon drawn because he was holding the ram. Agent Milligan was armed with a carbine. There were residents inside and Mr. [REDACTED] stated the officers were in the wrong unit. Officer Edwards stated he never made it past the [REDACTED] entryway. Officer Edwards denied hearing an officer say the [REDACTED] should have opened the door for six white men. Officer Edwards then went downstairs, saw a “1” on the downstairs door, looked in the window, and saw [REDACTED] in Apt. 1. Officer Edwards believed Officer Hawkins also went downstairs. Officer Edwards recalled that Sergeant Graham was either on his way to, or already at, the back of the building while officers made entry. Officer Edwards did not believe Sergeant Graham saw [REDACTED] behind the building. After [REDACTED] was arrested, Sergeant Graham instructed Officer Edwards to go with him to the 11th District and get a reimbursement form for the [REDACTED] door. Officer Edwards and Sergeant Graham later returned to the [REDACTED] to give them the form. Officer Edwards has not seen the [REDACTED] family since this incident and was not aware of any other officers interacting with the [REDACTED].

COPA interviewed **Officer Kevin Hawkins** on May 31, 2018.¹⁹ Officer Hawkins related that on March 23, 2017, he was working with a team assigned to take [REDACTED] into custody on an arrest warrant. The officers learned that [REDACTED] lived in Apt. 1 at [REDACTED]. When he arrived, Officer Hawkins saw this was a multi-unit building. The officers approached with some team members going to the side and/or rear of the building, and some officers on the front stairs. Officer Hawkins stated that they confused the garden unit where [REDACTED] lived, Apt. 1, with the [REDACTED] unit, Apt. 2. Officer Hawkins followed other officers towards the unit and trusted that his fellow officers were going to the correct location. Officer Hawkins believed Officer Edwards knocked on the door. A female voice responded from inside and was speaking to officers through the window. Next, a male figure was seen to the female’s left. Officer Hawkins described this male

¹⁸ Att. 60

¹⁹ Att. 65

as an African American male, approximately 5'9 – 5'10, and roughly 20 years old. Someone stated this male was [REDACTED] but Officer Hawkins was not certain how this person was identified as [REDACTED]

Officer Hawkins recalled that Officer Edwards had breach tools. Officer Edwards, Agent Milligan, himself, and possibly Officers Acevedo and Hronopoulos, went into the [REDACTED] apartment. Officer Hawkins believed Sergeant Graham went to the side or rear of the residence and came into Apt. 2 later. Per Officer Hawkins, [REDACTED] was not found in the [REDACTED] apartment. Officer Hawkins did not believe he had his weapon drawn when he entered the [REDACTED] apartment. Officer Hawkins believed Agent Milligan had a carbine. Some of the officers went toward the rear of Apt 2., while Officer Hawkins stayed toward the front. Officer Hawkins believed he was in the [REDACTED] dwelling for about a minute before going to the downstairs unit. Officer Hawkins decided to confirm the team was at the right address due to the [REDACTED] statements. When Officer Hawkins went downstairs, he saw [REDACTED] through the window of Apt. 1. Officer Hawkins denied hearing an officer say the [REDACTED] should have opened the door for six white men. Officer Hawkins stated that he does not believe he has seen the [REDACTED] since March 23, 2017, and that he was not aware of officers interacting with the [REDACTED] family after the incident.

On May 31, 2018, COPA interviewed **Officer William Hronopoulos**.²⁰ Per Officer Hronopoulos, on March 23, 2017, he was executing an arrest warrant at [REDACTED]. When he arrived, Officer Hronopoulos and his team went to the front of the residence at the external door. Officer Hronopoulos stated that someone knocked and announced their office. Officer Hronopoulos stated there was a back and forth conversation through the window, but he did not know what was said. Shortly after, Officer Hronopoulos heard the door being knocked down and the officers entered Apt. 2. Officer Hronopoulos related that an officer ahead of him made the decision to enter, so he followed. Officer Hronopoulos believed Officer Edwards breached the [REDACTED] door. Per Officer Hronopoulos, he initially had his weapon drawn but put it away once he realized it was the wrong apartment. When Officer Hronopoulos saw the lead officers exiting the apartment, he put his gun away. Officer Hronopoulos reported standing near the front door/living room of the [REDACTED] home while other officer secured the dwelling. Officer Hronopoulos related that Agent Milligan had a carbine. Sergeant Graham did not enter the apartment when officers made entry.

Officer Hronopoulos reported staying in Apt. 2 to calm down the [REDACTED] while additional officers went to the lower apartment. Officer Hronopoulos spoke with an adult, African American male with a thin build, who was approximately 5'10 and in his 20s. Officer Hronopoulos also spoke with Mrs. [REDACTED]. Officer Hronopoulos recalled a younger female and a male child at the [REDACTED] home. Officer Hronopoulos reported that the [REDACTED] asked him for the search warrant, but he did not give it to them. Per Officer Hronopoulos, he did not have a search warrant and he believed Sergeant Graham later explained the situation to the [REDACTED]. Officer Hronopoulos did not know if Sergeant Graham had a copy of the warrant available to show the [REDACTED]. Officer Hronopoulos denied telling the [REDACTED] they should have known to open the door for six white men. He also denied threatening to shoot anyone or telling anyone to “shut the fuck up bro.” Officer Hronopoulos acknowledged that he may have raised his voice but denied being an aggressor towards the [REDACTED] family.

²⁰ Att. 70

Eventually, Sergeant Graham came to the Franklins' dwelling, so Officer Hronopoulos went downstairs. Per Officer Hronopoulos, ██████ told officers he had an unspecified relationship with a female in the ██████ family. Officer Hronopoulos did not know if ██████ was in the ██████ apartment on March 23, 2017. Officer Hronopoulos went back to Apt. 2 to assure the ██████ their door would be fixed. To Officer Hronopoulos' knowledge, the ██████ door was fixed. Officer Hronopoulos did not know if both the external door and the door to the ██████ apartment were damaged. Officer Hronopoulos also saw Officer Acevedo speaking with the ██████ Officer Hronopoulos denied interacting with the ██████ since this incident and was unaware of any officers interacting with the family.

Officer Hronopoulos acknowledged that he authored ██████ March 23, 2017 arrest report.²¹ Officer Hronopoulos provided that ██████ was not seen in the window of the ██████ apartment. Officer Hronopoulos reported that ██████ was seen looking out the window of Apt. 1 after officers went into Apt. 2. Officer Hronopoulos believed Officer Edwards left Apt. 2, went downstairs, then saw ██████ in the window of Apt. 1.

b. Digital Evidence

Mr. ██████ showed COPA surveillance video footage from the incident on March 22, 2018. As of this date, COPA has not received a copy of this video.²² The following is based on the investigators' observations of the footage shown on March 22, 2018. The video depicts the front portion of the ██████ apartment. Mr. and Mrs. ██████ were detained in the front room and were joined by their children. The officer in the front room with them was not visible. Officers were seen walking through the apartment, one holding a carbine rifle.

Portions of the surveillance video were included in a March 23, 2018, news piece published by ABC7 Eyewitness News.^{23 24} The news reiterated that an officer told the ██████ "You see six white guys at your door, you open the motherfucker." The story also stated, "Exactly a year to the day of the raid, the ██████ said they've still heard nothing from police, and it was their landlord who came to fix the broken door."

The individuals in the image below from the ABC7 story, were identified by COPA investigators (from left to right) as Officer Hawkins, Officer Acevedo, and Agent Milligan. Officers Hawkins and Acevedo do not appear to be pointing or holding their weapons at this point of the incident.

²¹ Att. 9

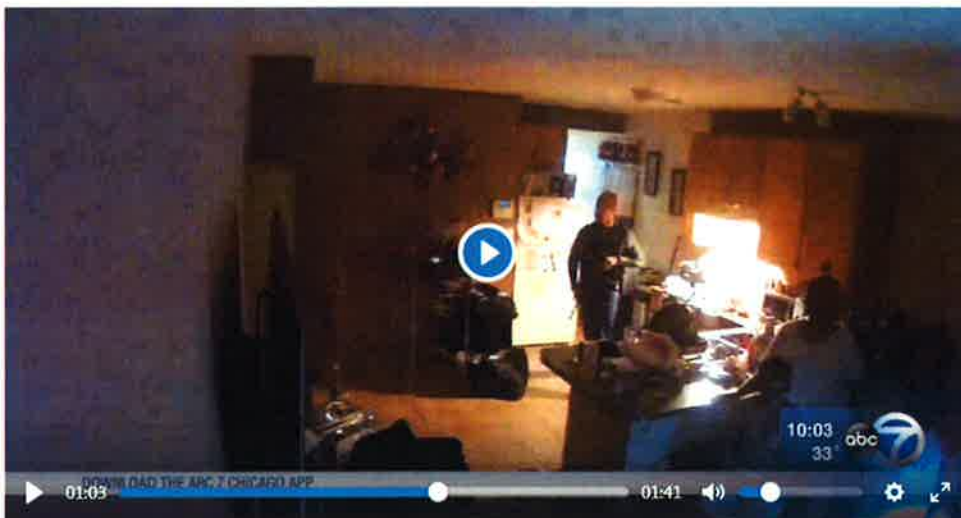
²² COPA investigators made numerous attempts to obtain the video from the ██████ including requests via telephone and email, and in person. To date, the ██████ have not provided a copy of the video of the video to COPA.

²³ Lisa Nagy, *Chicago Family Sues CPD After Officers Raid the Wrong Home*, WLS, March 23, 2018, <http://abc7chicago.com/chicago-family-sues-cpd-after-officers-raid-the-wrong-home/3253401/>.

²⁴ Att. 75



Below, the individual holding a carbine was identified by COPA investigators as Agent Milligan from the Federal Bureau of Investigations.



c. Physical Evidence

There was no physical evidence obtained regarding the present investigation.

d. Documentary Evidence

The following **relevant Office of Emergency Management and Communications (OEMC) Event Query Reports** were identified from March 23, 2017.²⁵

- At approximately 6:07 a.m., a caller identified as [REDACTED] believed to be [REDACTED] [REDACTED] reported that police officers “kicked in his door by mistake” and were disrespecting the

²⁵ Atts, 16, 19, 22, 23

Franklin family. Mr. Franklin requested a supervisor to his apartment at [REDACTED]

[REDACTED] Sergeant Graham was dispatched at approximately 6:08 a.m.²⁷

- At approximately 6:07 a.m., it was reported that “target 20 is in custody.” Target 20 is believed to be [REDACTED]

An **Arrest Warrant** for [REDACTED] was issued on March 22, 2017. The warrant listed his address as [REDACTED]. The word “BASEMENT” was typed in the “Apt/Unit” box.²⁸

An **Arrest Report** with **RD #JA197027** was located for [REDACTED] the intended target of the arrest warrant at [REDACTED] on March 23, 2017.²⁹ [REDACTED] was arrested at [REDACTED] Apt. #1 at approximately 6:07 a.m. [REDACTED] “was placed into custody after being observed looking out the window and being positively identified as having an outstanding warrant.” The arresting officers, “made forced entry and placed [REDACTED] into custody.” The first arresting officer was Officer Hronopoulos and the second was Officer Edwards.

A **Gang Investigation Division Supplementary Report** was obtained for **RD #JA197027** with similar content.³⁰ This report states that [REDACTED] arrest was part of an operation/mission titled “California Dreaming.” Both reports also include Drug Enforcement Administration (DEA), Federal Bureau of Investigations (FBI), and Homeland Security Investigations (HSI) agents as participating in [REDACTED] arrest.

A **LEADS Response** was located for [REDACTED] which provided his address as [REDACTED] [REDACTED].³¹ This report was apparently generated on March 23, 2017, at an unknown time.

COPA obtained the **City Claims Notification** submitted by Sergeant Graham on March 23, 2017 for the [REDACTED] door.³² This document reported that on March 23, 2017 at roughly 6:00 a.m., police damaged property “when officers executed search warrant on wrong floor of target building.” Per this report, when the officers entered the [REDACTED] home, they “immediately encountered [REDACTED] two males, and another female.”³³ After officers realized they were in the wrong unit, Sergeant Graham spoke to Mrs. [REDACTED] “and a male who refused to give his name and explained the process of getting the doors repaired.”³⁴

²⁶ A call for service was identified with similar content. (Atts. 26, 33)

²⁷ No Beat 6515 was identified in a review of Attendance and Assignment sheets from the Gang Investigations Divisions on March 23, 2017, and Sergeant Graham’s beat was identified as Beat 615 (See Att. 34). Sergeant Graham related in his COPA statement that he was the responding supervisor and working Beat 6515.

²⁸ The arrest warrant gave the wrong address; the correct address number is 2706.

²⁹ Att. 9

³⁰ Att. 8

³¹ Att. 13

³² Att. 76

³³ These unidentified individuals are believed to be Mr. [REDACTED] their son, and their daughter.

³⁴ This male is believed to be Mr. [REDACTED]

On March 24, 2017, the property owner, ██████████, related “he was already making the necessary repairs and would submit the invoices for consideration.” On August 3, 2017, a payment for \$795 was issued to “replace front door, locks [...] and peep hole.” Portions of this document are redacted, and COPA did not have access to its full content.

e. Additional Evidence

Multiple news sources reported on the March 23, 2017 incident.³⁵ Below COPA detailed statements made by both the ██████████ family and CPD related to the incident.

- CBS Chicago reported that Mrs. ██████████ stated, “officers did not show her the warrant when she asked for it.”
- Fox News reported that, “Police used a battering ram to bust open both her doors. The six officers, dressed in plain clothes, tossed the bedroom and living room, never showing the family any warrant or police identification.” The article also stated that when Mr. ██████████ attempted to make a complaint, he was given “attitude” by Department members. Further, “Chicago police said they were actively working with the ██████████ to get their door fixed, but it was the landlord who took care of putting on new door knobs and locks.” This article stated that “Police admit they went to the wrong address, and they did find the suspect they were looking for in the apartment below the ██████████ [sic].”
- According to ABC 7 Chicago, officers refused to show Mrs. ██████████ a warrant and were disrespectful to the ██████████ family. Mrs. ██████████ was quoted as saying, “They came in, they pointed the guns at me, my husband, my daughter, my 12-year old son was sleeping in the back room. They went into the room where he was with the guns over him.”
- NBC Chicago stated that “The family said the men claimed they worked with the FBI, but FBI Chicago said they were not part of the search.”

VI. ANALYSIS

a. Fourth Amendment Analysis

1. Under the Fourth Amendment, law enforcement officers may enter a home on an arrest warrant only under very limited conditions.

“The right of a man in his own home to be free from unreasonable government intrusion ‘stands at the very core of the Fourth Amendment.’” *United States v. Williams*, 79 F. Supp. 3d 888, 894 (S.D. Ill. 2015) (quoting *Kyllo v. United States*, 533 U.S. 27, 31 (2001) (citations omitted)). For that reason and as a general rule, “an arrest warrant does not carry the authority to enter the homes of third parties.” *Williams*, 79 F. Supp. 3d at 895 (citing *Steagald v. United States*, 451 U.S. 204, 214-16 (1981)). When officers enter a home to execute an arrest warrant on someone who

³⁵ Att. 31

does not live there, it is only under a very narrow set of circumstances that the entry is constitutional.

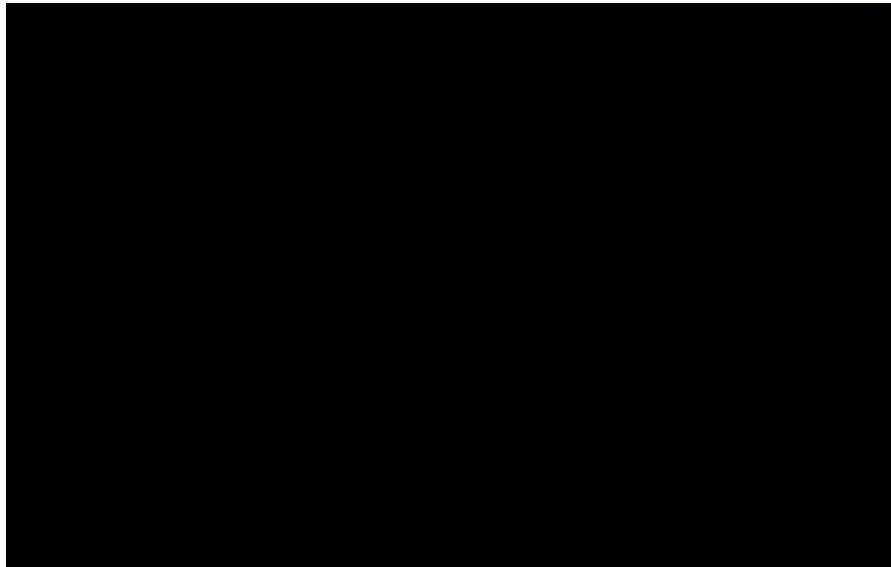
Officers are permitted to enter a home on an arrest warrant only if they have a reasonable belief “that a suspect named in an arrest warrant resides at the home to be searched,” unless there are exigent circumstances, or the residents give the officers permission to enter. *Todosijevic v. County of Porter*, 2005 U.S. Dist. LEXIS 36753 at *13 (N.D. Ind. Dec. 2, 2005); *Steagald*, 451 U.S. at 216 (holding that searching a third party’s home for the subject of an arrest warrant violates the Fourth Amendment because “warrantless searches of a home are impermissible absent consent or exigent circumstances”). Officers must reasonably believe both (1) that the suspect lives in the residence and (2) that the person is within the residence when the warrant was executed. *Covington v. United States DOJ*, 2007 U.S. Dist. LEXIS 16872 at *16 (C.D. Ill. March 9, 2007), *aff’d Covington v. Smith*, 259 Fed. Appx. 871 (7th Cir. 2008) (unpublished); *Blake v. Peterson*, 1995 U.S. Dist. LEXIS 8222 at *4 (N.D. Ill. June 14, 1995). Exigent circumstances exist when “it [is] reasonable for officers on the scene to believe, in light of the circumstances they face [], that there [is] a compelling need to act and no time to obtain a warrant.” *Williams*, 79 F. Supp. 3d at 894.

2. It was not reasonable for the law enforcement team to believe that Apartment 2 was [REDACTED] home.

Officers can only reasonably believe that the subject of an arrest warrant lives in a particular place if they take reasonable steps to make sure they have the right place. *Williams*, 79 F. Supp. 3d at 902 (citing *El Bey v. Roop*, 530 F.3d 407, 416 (6th Cir. 2008)) (“officers executing an arrest warrant are obliged to take steps to reasonably ensure they are not entering the wrong home”); *see also Harasim v. Kuchar*, 702 F. Supp. 178, 181 (N.D. Ill. 1988) (stating that when an arrest warrant was issued with the wrong address, “the warrant alone could not constitute a basis for searching [the subject’s home]; it was clearly necessary to have other information sufficiently indicating [the subject] resided at that address”). *Williams*, in which the court held that officers violated the Fourth Amendment when they entered the wrong home to execute an arrest warrant, is instructive because its facts are very similar to what happened to the [REDACTED]. *See Williams*, 79 F. Supp. 3d at 904. In *Williams*, the officers entered the upstairs unit of a multi-family home, but the subject of the warrant lived in the downstairs unit. *Id.* at 892. The court found that the officers “could have easily made further inquiry into the nature of the building they were entering” because, in part, the officers must have seen the downstairs door as they went up the stairs to the upstairs door. *Id.* at 900-902. The officers saw the defendant (whose home was wrongly entered) “peek out a window,” but that was not enough to make the entry reasonable even though the defendant resembled the person they had come to arrest “at a brief glance.” *Id.* at 903.

As with the officers in *Williams*, the officers who entered the [REDACTED] home did not take reasonable steps to make sure they entered the right unit. If the officers executing the arrest warrant had firsthand knowledge of where [REDACTED] lived, they should have entered the correct apartment, and if they did not have firsthand knowledge of where [REDACTED] lived, they should have looked at the warrant and public records to make sure they were arresting the right person in the right place. *See Wong Sun v. United States*, 371 U.S. 471, 481 (1963) (suggesting that an arrest based on non-specific information about the arrestee’s name and address would have been lawful under the Fourth Amendment if the officers “had the criminal record of a Toy [the last name of the

defendant], or [] they had consulted some other kind of official record or list, or had some information of some kind which had narrowed the scope of their search to this particular Toy”). The officers clearly did not check the warrant before forcing their way into the [REDACTED] home because if they had, they would have noticed two things: (1) the warrant explicitly said that [REDACTED] lived in the basement apartment unit and (2) the warrant listed a different address, [REDACTED] as [REDACTED] residence.³⁶ More importantly, the officers had absolutely no reason to believe that [REDACTED] lived in the [REDACTED] unit, Apartment 2, at [REDACTED]. Both prior arrest reports and the LEADS criminal history for [REDACTED] list his address as [REDACTED]. Officer Edwards stated in his COPA interview, the basement or ground level apartment where [REDACTED] was eventually arrested had a “1” on the door. Therefore, had the officers simply looked at the numbers listed on the apartments, they would never have entered the [REDACTED] apartment.



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Furthermore, the picture above is available on the Cook County Assessor’s website, which is publicly searchable. Not only does the Assessor’s website contain this photo, but it also states that the building has three apartments and describes the “Basement” as “Full and Apartment.” If the officers had consulted this official, public record, the Cook County Recorder of Deeds website (which has the same photograph), or even Google Maps (which has a similar photograph) before

³⁶ Although [REDACTED] has not made a complaint to COPA, it is worth noting that the mistaken address in the arrest warrant does not mean that [REDACTED] Fourth Amendment rights were violated. An arrest warrant, unlike a search warrant, need only particularly describe the “persons to be seized,” not “the place to be searched.” U.S. Const. Amend. IV. But even search warrants with imprecise or incorrect addresses may be valid if officers end up searching the right place. *People v. Burmeister*, 313 Ill. App. 3d 152, 158 (2nd Dist. 2000) (“This court has noted that errors or omissions in addresses are not *per se* fatal to the validity of a search warrant. A warrant must simply identify the place to be searched to the exclusion of all others. At the very least, it must enable the police, with reasonable effort, to identify the place intended.”); see also *People v. Redmond*, 43 Ill. App. 3d 682, 685 (1st Dist. 1976) (holding that a search warrant stating both that the place to be searched was a “Ground Level Apartment” and that one must “walk up 12 steps to get to 1st floor” was sufficient). Clearly, an arrest warrant, which does not require a particularized place description, can be sufficient even if the address is incorrect. The officers clearly knew that [REDACTED] lived at [REDACTED] otherwise they wouldn’t have gone to that address at all.

the raid, they would have seen that [REDACTED] is a building with three apartments, and that an external set of stairs in front leads down to the basement apartment.

3. It was not reasonable for the law enforcement team to believe that [REDACTED] was present in Apartment 2 or that [REDACTED] lived there.

When officers go to a home to make an arrest, they are required to make an effort to determine that the person they find there is the person they have come to arrest. *See Wong Sun*, 371 U.S. at 482-83 (rejecting the government’s argument that “defects in the information which somehow took the officers to [the defendant’s home] were remedied” by the defendant’s slamming the door and running away because, in part, the officer “made no effort at that time, nor indeed at any time thereafter, to ascertain whether the man at the door was the [individual identified by the informant]”); *see also Williams*, 79 F. Supp. 3d at 903 (finding home entry unreasonable even though the officers saw a man resembling the target of the arrest warrant peeking out of a window). The officers who entered the [REDACTED] home had no reason to think that the man they spotted in the [REDACTED] window was [REDACTED] other than that he was a black male who appeared to be about the right age. Indeed, the man they saw in the window was almost certainly [REDACTED] who was 38 at the time, but was mistaken by Officer Hronopoulos to be in his twenties when they spoke face-to-face. More importantly, it is unlikely that the officers had a clear enough view of the man in the window to draw any reasonable conclusions. Officer Edwards said he thought he saw [REDACTED] through the [REDACTED] “curtains” or “shades,” Officer Hawkins said he could see “an African American male, approximately 5’9-5’10 and roughly 20 years old,” and Officer Hronopolous said that “[REDACTED] was not seen in the window of the [REDACTED]. It is worth emphasizing that the only officer who thought he saw [REDACTED] in the [REDACTED] window, Officer Edwards, was looking through curtains or shades. It is not credible that he could have made a clear identification that way. Regardless, even assuming *arguendo* that Officer Edwards did reasonably believe the man he observed was [REDACTED] as explained above, the officers had no basis to believe that [REDACTED] lived in Apartment 2 and therefore could not enter into a third-party home unless exigent circumstances were present, or they had consent.

4. There were no exigent circumstances justifying the warrantless entry and the officers did not have consent to enter.

There were no exigent circumstances present to justify a warrantless entry into the [REDACTED] home without a warrant because it was not “reasonable for officers on the scene to believe, in light of the circumstances they faced, that there was a compelling need to act and no time to obtain a warrant.” *Williams*, 79 F. Supp. 3d at 894. Even if there was a compelling need for officers to enter [REDACTED] apartment at that time, it was not reasonable for the officers to believe they needed to enter the [REDACTED] apartment to make the arrest. It is also undisputed that the officers entered the [REDACTED] unit without consent and that Officer Edwards used a battering ram to force entry.

b. Analysis of the Specific Allegations Against Each Officer

Allegation 1 against **Sergeant Graham**, that he was inattentive to duty by failing to take basic and obvious steps to ascertain the proper target of the warrant before entering the [REDACTED]

apartment, is **Sustained**. Similarly, **Allegations 2 and 4** against **Sergeant Graham**, that he violated the ██████ 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, and that he failed to supervise subordinates during the execution of an arrest warrant, in that he allowed officers to not take basic and obvious steps to ascertain the proper target of the warrant before entering the ██████ apartment, are also **Sustained**.

It is undisputed that Sergeant Graham's team entered the wrong apartment. According to CPD Rules and Regulations, supervisors are "responsible and accountable for the maintenance of discipline and will provide leadership, supervision and continuing training and example to ensure the efficiency of unit operations." As the team leader, Sergeant Graham was responsible for ensuring his team had the correct information and entered the correct dwelling. Sergeant Graham failed to develop a plan, review available information ahead of time, and direct his subordinates to the correct apartment. The arrest warrant expressly stated that ██████ lived in the basement. While Sergeant Graham went to the back of the building and did not breach the ██████ home, he was still responsible for his officers incorrectly entering the ██████ home.³⁷ As explained above, the officers had no lawful reason to be in the ██████ apartment. The officers, who under Sergeant Graham's command entered the ██████ home, did not reasonably believe that ██████ lived there or that he was in that apartment at the time of the raid. The ██████ did not consent to the entry and there were no exigent circumstances. Therefore, the entry violated the Fourth Amendment. *See Covington*, 2007 U.S. Dist. LEXIS 16872 at *16; *Blake*, 1995 U.S. Dist. LEXIS 8222 at *4.³⁸ Had Sergeant Graham appropriately led his team by informing them that ██████ lived in the basement, they would not have violated the ██████ Fourth Amendment rights by entering their apartment. Therefore, Allegations 1, 2, and 4 against Sergeant Graham are Sustained.

Allegation 6 against **Sergeant Graham**, that he failed to supervise subordinates by allowing officers to unnecessarily display weapons during the execution of an arrest warrant, is **Sustained**. As stated above, Sergeant Graham was responsible for ensuring his team correctly executed its mission. Because of Sergeant Graham's failure to appraise his team members that ██████ lived in the basement, his officers unnecessarily displayed his weapon to the ██████ family and Allegation 6 against Sergeant Graham is Sustained.

Allegations 3, 5, 7, and 8 against **Sergeant Graham**, that he failed to take a complaint from the ██████ family by not opening a CR, documenting the complaint, or preparing an Initiation Report; failed to document subordinates' misconduct by not addressing officers' unnecessary verbal altercations or unnecessary display of weapons in the form of an Initiation Report or CR; failed to complete Investigatory Stop Reports (ISRs) following the interaction with the ██████ family; and failed to supervise by not ensuring subordinates completed ISRs, are all **Exonerated**.

³⁷ In fact, Sergeant Graham's decision to station himself behind the building is highly questionable, considering his supervisory responsibilities.

³⁸ Additionally, because the officers did not have probable cause to suspect the ██████ of criminal activity, it was a Fourth Amendment violation to detain them during the search. *Jacobs v. City of Chicago*, 215 F.3d 758, 773 (7th Cir. 2000) ("a citizen may not be detained by law enforcement officials without probable cause").

According to Sergeant Graham, he reported the mistake to Lieutenant McMahan and was also aware the [REDACTED] went to the 11th District to complain. Sergeant Graham completed a City Notification claim for the [REDACTED] door, documenting the mistake. Generally, a supervisory Department member is required to initiate a complaint when they are aware of misconduct. However, as an involved party, it would have been inappropriate for Sergeant Graham to initiate a complaint against himself.³⁹ Because the sergeant notified his superior, was aware the [REDACTED] came to the station to complain, and filed a City Notification claim, he was not trying to hide his team's conduct and complied with applicable Department directives. Therefore, Allegations 3 and 5 are Exonerated.

With respect to Allegations 7 and 8, ISRs were not required. Special Order S04-13-09 states that ISRs are required following an Investigatory Stop. However, Sergeant Graham and his team did not perform an Investigatory Stop in a public place. Rather, they made a mistake and entered the wrong private dwelling while executing an arrest warrant and detained the [REDACTED]. Moreover, while the [REDACTED] were certainly detained during the execution of the warrant, this detention would not constitute an investigatory stop. *See Michigan v. Summers*, 452 U.S. 692, 705 (1981). An ISR is not required under those circumstances. As stated above, Sergeant Graham employed additional methods to document the encounter with the [REDACTED] family. Therefore, Allegations 7 and 8 against Sergeant Graham are Exonerated.

Allegation 1 against **Officer Edwards**, that he damaged the [REDACTED] door, is **Sustained**. This same Allegation is **Unfounded** against **Officers Acevedo, Hawkins, and Hronopoulos**. Officer Edwards admitted to breaching the [REDACTED] door and that he was the only one to do so. Therefore, this Allegation is Sustained against Officer Edwards and Unfounded against the remaining three officers.

Allegation 2 against **Officer Edwards**, that he was inattentive to duty by entering the wrong apartment, is **Sustained**. This same Allegation is **Unfounded** for **Officers Acevedo, Hawkins, and Hronopoulos**. Based on the Department members' COPA interviews, Officer Edwards led the team into Apt. 2 and breached the [REDACTED] door. Officer Edwards reported that he saw [REDACTED] in the [REDACTED] home and that was how he decided to enter that unit. However, it is not credible that Officer Edwards saw [REDACTED] in the home or that he had a clear enough view through the curtains to identify the man in the [REDACTED] window at all.⁴⁰ While Officer Edwards made a mistake by entering the wrong unit, the remaining officers were not inattentive to duty by following his lead and trusting his decision to enter.

Allegation 3, that **Officer Edwards, Officers Acevedo, Hawkins, and Hronopoulos** violated the [REDACTED] Fourth Amendment Rights by entering the apartment without a warrant or an exception to the warrant requirement, is **Sustained** against each officer. Although Officers

³⁹ General Order G08-01-02 does not directly address this type of situation, but COPA finds that General Order G08-01-02 does not require a supervisory Department member to file a complaint against himself or herself as this would at least have the appearance of impropriety. Rather, General Order G08-01-02 requires disclosure to a superior if the misconduct directly relates to the supervisory Department member's own acts or omissions.

⁴⁰ Even assuming *arguendo* Officer Edwards could have identified [REDACTED] in the [REDACTED] unit, that alone was insufficient to justify the entry because he had no reasonable basis to believe that [REDACTED] lived in Apartment 2.

Acevedo, Hawkins, and Hronopoulos reasonably relied on Officer Edwards, their entry into the [REDACTED] unit nonetheless was a technical Fourth Amendment violation.⁴¹

Allegation 4 against **Officer Acevedo** and **Officer Hawkins**, that they engaged in an unnecessary display of a weapon, is **Not Sustained**. Officers Acevedo and Hawkins could not recall if they had their guns drawn or not. While Officer Acevedo provided he was performing a security function and would typically have his gun drawn in similar situations, he could not specifically recall if he did or not in this instance. Additionally, available surveillance video did not show Officer Acevedo or Officer Hawkins with their guns drawn. As there is not enough information to determine whether Officer Acevedo or Officer Hawkins displayed their weapons, these Allegations are Not Sustained.

Allegation 4 against **Officer Edwards**, that he engaged in an unnecessary display of a weapon, is **Unfounded**. Officer Edward was holding the breach tools and would have been unable to hold his weapon. Additionally, the evidence demonstrates that Officer Edwards never entered the [REDACTED] home after beaching the door.

Allegation 4 against **Officer Hronopoulos**, that he engaged in an unnecessary display of a weapon, is **Exonerated**. The officer admitted to holding his weapon when he first entered the [REDACTED] apartment. While the officer had no lawful reason to be in Apt. 2 or display his weapon to the [REDACTED] he was not aware of that at the point he displayed his weapon. Officer Hronopoulos was trusting the information that Officer Edwards believed [REDACTED] was in the apartment and therefore was justified in displaying his weapon. Therefore, this Allegation is Exonerated.

Allegation 5 against **Officers Edwards** and **Hronopoulos**, that they provided a false report for the Gang Investigation Division Supplementary Report and the Arrest Report for RD #JA197027 which stated, "Arrestee was placed into custody after being observed looking out the window and being positively identified as having an outstanding arrest warrant, is **Unfounded**. Officer Edwards explained to COPA that he thought he saw [REDACTED] in the [REDACTED] window. COPA does not believe [REDACTED] was in the [REDACTED] home and it appears Officer Edwards made a mistake. While it would have behooved Officer Edwards to take a moment and ensure he was at the correct unit before making entry, it is not believed that he was purposely deceptive. Further, Officer Edwards and Officer Hronopoulos both related that Officer Edwards later saw [REDACTED] in the window of Apt. 1. [REDACTED] arrest report does not specifically state which unit he was seen in the window of. Therefore, this Allegation is Unfounded against both officers.

Allegations 6, 7, and 8 against **Officer Hronopoulos**, that he engaged in an unnecessary verbal altercation with the [REDACTED] and threatened to shoot Mr. [REDACTED] are **Not Sustained**. Officer Hronopoulos denied that these allegations occurred. None of the other interviewed Department members heard Officer Hronopoulos make these statements. As it is the [REDACTED] word against Officer Hronopoulos' word, there is not enough information to determine if he made these statements and these allegations are Not Sustained.

⁴¹ COPA notes that Officers Acevedo, Hawkins, and Hronopoulos' reasonable reliance is a very significant mitigating factor and that COPA does not believe that these officers have the same culpability as Officer Edwards and Sergeant Graham.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Sergeant John Graham****i. Complimentary and Disciplinary History**

- 1. COPA has considered both the complimentary and disciplinary history of the officer.**

ii. Recommended Penalty, by allegation

1. Allegation No. 1 – The address where officers believed that subject of the warrant lived came from prior arrest history reported on multiple databases available to the officers. The officer admitted to meeting prior to attempting to serve the warrant. Despite the preparation the face of the warrant had a different address and the officers entered apartment 2 as opposed to apartment 1. Furthermore, the officers admitted the apartment numbers were listed and visible on the doors. The mistake was easily avoidable.
2. Allegation No. 2 – In breaching the [REDACTED] apartment without a warrant or an exception to the warrant requirement. Sergeant Graham and his team violated the constitutional rights of each member of the [REDACTED] family.
3. Allegation No. 4 – Similar to allegation 1, Sergeant Graham should have properly prepared his team to understand the building where his team served the warrant. His failure to properly prepare his team led to a constitutional violation.
4. Allegation No. 6 – As a proximate result of Sergeant Graham's team unconstitutionally entering the [REDACTED] home, the [REDACTED] were subjected to an unnecessary display of weapons. Sergeant Grahams failure to properly supervise his team during the execution of the warrant led to the [REDACTED] having guns directed at them.

b. Officer Jason Edwards**i. Complimentary and Disciplinary History**

- 1. COPA has considered both the complimentary and disciplinary history of the officer.**

ii. Recommended Penalty, by Allegation

1. Allegation No. 1 - Officer Edwards admitted to breaching the [REDACTED] door. He did so without cause. Had Officer Edwards taken more precaution before breaching the door, the subsequent violations for each officer would never have occurred. Therefore, COPA recommends a 5 day suspension.
2. Allegation No. 2 – Officer Edwards entered apartment 2 despite all the information the team had prior to entering apartment 2 showed the subjects address being both apartment 1 or “basement.”
3. Allegation No. 3-In breaching the [REDACTED] apartment without a warrant or an exception to the warrant requirement. Sergeant Graham and his team violated the constitutional rights of each member of the [REDACTED] family

c. Officer Jason Acevedo

i. Complimentary and Disciplinary History

1. COPA has considered both the complimentary and disciplinary history of the officer.

ii. Recommended Penalty, by Allegation

1. Allegation No. 3 - In breaching the [REDACTED] apartment without a warrant or an exception to the warrant requirement. Sergeant Graham and his team violated the constitutional rights of each member of the [REDACTED] family

d. Officer William Hronopoulos

i. Complimentary and Disciplinary History

1. COPA has considered both the complimentary and disciplinary history of the officer.

ii. Recommended Penalty, by Allegation

1. Allegation No. 3- In breaching the [REDACTED] apartment without a warrant or an exception to the warrant requirement. Sergeant Graham and his team violated the constitutional rights of each member of the [REDACTED] family

e. Kevin Hawkins

i. Complimentary and Disciplinary History

i. COPA has considered both the complimentary and disciplinary history of the officer.

ii. Recommended Penalty, by Allegation

1. Allegation No. 3- In breaching the [REDACTED] apartment without a warrant or an exception to the warrant requirement. Sergeant Graham and his team violated the constitutional rights of each member of the [REDACTED] family

VIII. CONCLUSION

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

Officer	Allegation	Finding/recommendation
Sergeant John Graham	1. Was inattentive to duty to wit: failed to take basic and obvious steps to ascertain the proper target of the warrant before entering the [REDACTED] apartment, in violation of Rule 11.	Sustained/ VN
	2. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, and Rule 3.	Sustained/ VN
	3. Failed to take a complaint from the [REDACTED] family by not opening a CR, documenting the complaint, or preparing an Initiation Report, in violation of Rule 22.	Exonerated
	4. Failed to supervise subordinates during the execution of an arrest warrant, in that he allowed officers to not take basic and obvious steps to ascertain the proper target of the warrant before entering the [REDACTED] apartment, in violation of Rule 2 and Rule 3.	Sustained/ VN
	5. Failed to document subordinates' misconduct by not addressing officers;	Exonerated

	<p>unnecessary verbal altercations or unnecessary display of weapons in the form of an Initiation Report or CR, in violation of Rule 22.</p> <p>6. Failed to supervise subordinates by allowing officers to unnecessarily display weapons during the execution of an arrest warrant, in violation of Rule 2 and Rule 3.</p> <p>7. Failed to complete Investigatory Stop Reports (ISRs) following the interaction with the [REDACTED] family, in violation of Rule 6.</p> <p>8. Failed to supervise by not ensuring subordinates completed ISRs following the interaction with the [REDACTED] family, in violation of Rule 2, Rule 3, and Rule 6.</p>	<p>Sustained/ VN</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Jason Acevedo</p>	<p>1. Damaged the [REDACTED] door, in violation of Rule 3, Rule 8, and Rule 11.</p> <p>2. Was inattentive to duty by entering the wrong apartment, in violation of Rule 10.</p> <p>3. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, and Rule 3.</p> <p>4. Engaged in an unnecessary display of a weapon, in violation of Rule 38.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained/ VN</p> <p>Not Sustained</p>
<p>Officer Jason Edwards</p>	<p>1. Damaged the [REDACTED] door, in violation Rule 3, Rule 8, and Rule 11.</p> <p>2. Was inattentive to duty by entering the wrong apartment, in violation of Rule 10.</p> <p>3. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, and Rule 3.</p>	<p>Sustained/ VN</p> <p>Sustained/ 5 days</p> <p>Sustained/ VN</p>

	<p>4. Engaged in an unnecessary display of a weapon, in violation of Rule 38.</p> <p>5. Provided a false report for the Gang Investigation Division Supplementary Report and the Arrest Report for RD #JA197027 which stated, "Arrestee was placed into custody after being observed looking out the window and being positively identified as having an outstanding arrest warrant," in violation of Rule 14.</p>	<p>Unfounded</p> <p>Unfounded</p>
<p>Officer Kevin Hawkins</p>	<p>1. Damaged the [REDACTED] door, in violation of Rule 3, Rule 6 and Rule 8.</p> <p>2. Was inattentive to duty by entering the wrong apartment, in violation of Rule 10.</p> <p>3. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, Rule 6.</p> <p>4. Engaged in an unnecessary display of a weapon, in violation of Rule 38.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained/ VN</p> <p>Not Sustained</p>
<p>Officer William Hronopoulos</p>	<p>1. Damaged the [REDACTED] door, in violation of Rule 3, Rule 8, and Rule 11.</p> <p>2. Was inattentive to duty by entering the wrong apartment, in violation of Rule 10.</p> <p>3. Violated the [REDACTED] 4th Amendment rights by entering their apartment without a warrant or an exception to the warrant requirement, in violation of Rule 1, Rule 2, and Rule 3.</p> <p>4. Engaged in an unnecessary display of a weapon, in violation of Rule 38.</p> <p>5. Provided a false report for the Gang Investigation Division Supplementary</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained/ VN</p> <p>Exonerated</p> <p>Unfounded</p>

Report and the Arrest Report for RD #JA197027 which stated, "Arrestee was placed into custody after being observed looking out the window and being positively identified as having an outstanding arrest warrant," in violation of Rule 14.

6. Engaged in unnecessary verbal altercation with the [REDACTED] to the effect of, "You see six white dudes outside your door, you should've known to open the door," in violation of Rule 8, and Rule 9.

Not Sustained

7. Threatened to shoot Mr. [REDACTED] in violation of Rule 8, Rule 9.

Not Sustained

8. Engaged in unnecessary verbal altercation with Mr. [REDACTED] to the effect of, "Shut the fuck up bro," in violation of Rule 8, Rule 9.

Not Sustained

Approved: 

[REDACTED]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

10/31/18

Appendix A

Assigned Investigative Staff

Squad#:	Four
Investigator:	Kelsey Fitzpatrick, #61
Supervising Investigator:	James Murphy-Aguilu, #19
Deputy Chief Administrator:	Andrea Kersten, #7