

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	April 7, 2018
Time of Incident:	8:31 am
Location of Incident:	██
Date of COPA Notification:	April 7, 2018
Time of COPA Notification:	10:12 am

On April 7, 2018, Sergeant Gayle Diggs led a team which intended to execute Search Warrant ██████████ at ██████████ a residence belonging to ██████████ Mr. ██████████ alleges members of the Chicago Police Department (CPD) rammed open his basement door and searched his home without lawful justification.

**II. INVOLVED PARTIES**

Involved Officer #1:	Sergeant Gayle Diggs, Star #2597, Employee ID ██████████ Appointment Date January 3, 1995, Unit 189, Black, Birth Date ██████████ 1962
Involved Officer #2:	Michael Hester, Star #7827, Employee ID ██████████ Appointment Date October 10, 2000, Unit 189, Black, Birth Date ██████████ 1971
Involved Individual #1:	██████████ Male, Black, Birth Date ██████████ 1976

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Sergeant Gayle Diggs	1. Unlawfully entered and searched residence of ██████████ in violation of Rule 1, 2, 5, 10.	Sustained/20 days
	2. Failed to leave a copy of search warrant after the search warrant was executed in violation of Rule 2, 5, 10.	Not Sustained
	3. Executed search warrant at an incorrect address in violation of Rule 2, 5, 10.	Sustained/20 days

Officer Michael Hester	1. Unlawfully entered and searched, residence of ██████████ in violation of Rule 1,5, 10.	Sustained/10 days
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#### IV. APPLICABLE RULES AND LAWS

##### Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department's effort to achieve its policy and goals or brings discredit upon the Department.
3. Rule 5: Failure to perform any duty.
4. Rule 10: Inattention to duty.

##### Special Orders

1. S04-19 – Search Warrants – effective September 3, 2015.

##### Federal Laws

1. United States Constitution, Amendment IV: Prohibits search without a warrant issued upon probable cause.

#### V. INVESTIGATION

##### a. Interviews

In his statement to COPA<sup>1</sup> on April 23, 2018, ██████████ stated that on April 7, 2018, at approximately 8:30 am, several Chicago Police Department officers arrived at his residence and rammed open his basement door. Mr. ██████████ said the officers did not enter any other part of the home and did not explain to him why they entered his home. Mr. ██████████ also said the officers did not leave a copy of a search warrant.

In his May 23, 2018 statement to COPA,<sup>2</sup> Accused Officer Michael Hester stated he was the affiant requesting a search warrant for ██████████. Officer Hester requested the search warrant after witnessing approximately six (6) controlled narcotic purchases between February 2018 to April 2018. Those transactions were conducted by Officer Hester's Confidential Informant (CI) at ██████████. Officer Hester said the CI always entered the premises through the rear basement door for the surveilled transactions. Officer Hester said he took steps to ensure he requested a warrant for correct location, ██████████. Those steps included verifying the address on the front of the house, counting the subject location to be the 8th house from the north corner of Washington Park Court, and recognizing the house as the location he witnessed drug transactions occur. Officer Hester also described the

<sup>1</sup> Att. 7

<sup>2</sup> Att. 21

residence as having red awnings attached to the front of the home and two rear doors – a first floor door with a white security door and a brown metal basement door. He also said entry to the backyard from the alley was through a gate. Officer Hester said a photograph of the basement door was taken and inventoried after the search of the residence. Officer Hester said upon execution of the warrant, his team found several persons in the basement but did not find the items or person to be seized pursuant to the warrant. The items in question were cocaine and paraphernalia used to weigh, cut or mix illegal drugs and the person to be seized was “Stan” a male black.

In her May 23, 2018 statement to COPA,<sup>3</sup> Accused Sergeant Gayle Diggs stated she supervised the teams that executed the April 7, 2018 search warrant at [REDACTED]. Sergeant Diggs said this was not her assigned area and she was unfamiliar with the premises. Sergeant Diggs stated she prepared for the mission by conducting a team briefing prior to the execution of the warrant. That briefing covered the address of the premises to be searched and a description of the premises. Sergeant Diggs stated the team entered through the rear basement door because the affiant informed her the narcotic transactions were held there. Sergeant Diggs stated she did not ensure the team was at [REDACTED] but relied on the affiant knowing the exact location of the premises. Sergeant Diggs admitted she did not see the house number located on the rear of the home. She stated she was sure the search was conducted at [REDACTED] because the team members knew the exact location of the home to be searched. Sergeant Diggs described the back of the home of [REDACTED] as having a remnant of a gate and open access to the yard. Sergeant Diggs corroborated Officer Hester’s statement that persons were found in the basement. She said those persons are identified in the Narcotic’s Division Supplementary Report.<sup>4</sup>

In a May 28, 2018, telephone conversation, Witness [REDACTED] stated he was in the basement of 4918 S. Washington Park Court on the morning of April 7, 2018. Mr. [REDACTED] said he heard a loud noise, then saw several Chicago Police officers enter through the basement door. Mr. [REDACTED] said the officers made him and the other persons in the basement stand in the yard while they searched the home. Mr. [REDACTED] said that when the officers left he and other persons reentered the basement. Mr. [REDACTED] said he does not know if a search warrant was left in the basement.

In a May 31, 2018 in-person conversation, Witness [REDACTED] stated he owned the residence located at [REDACTED]. Mr. [REDACTED] said that on the morning of April 7, 2018, he heard a loud bang in his backyard. Mr. [REDACTED] went to his backdoor and saw several Chicago Police officers enter the basement of [REDACTED]. Mr. [REDACTED] said he watched the officers go in-and-out of the home for approximately 20 minutes. Mr. [REDACTED] stated CPD never entered or searched his home on April 7, 2018. He said the officers could not have entered his backyard because his gate was chained and locked on April 7, 2018 and the police would have had to cut the chain to enter.

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<sup>3</sup> Att. 20

<sup>4</sup> Att. 16

**b. Digital Evidence**

Home Video Surveillance Footage<sup>5</sup> was provided to COPA by [REDACTED]. The footage captured the front and rear of Mr. [REDACTED] residence. The footage of the front of the home showed a Chicago police officer standing in front of the home, for approximately 30 seconds and then walking away. The footage of the front of the home showed no other activity involving Chicago police officers. The footage of the rear of the home showed an officer use a battering ram to gain entry through the rear basement door. It also showed several Chicago police officers enter the basement upon breach of the basement door. The footage showed those officers go in-and-out the basement for approximately 25 minutes. It also showed the officers depart from the residence. It should be noted that the footage has no audio.

Property Inventory No. [REDACTED] contains photographs taken by the search team. Included in this inventory is a photograph of the basement door through which the Accused Officers gained entry.

Photographs, taken by COPA's Evidence Technician on May 31, 2018,<sup>7</sup> show the backyard, entry gate, and rear doors located at [REDACTED]. The entry gate is chained and locked. These photographs also show the backyard, entry gate, and rear doors located at 4918 S. Washington Park Court.

**c. Documentary Evidence**

The Organized Crime Division (OCD) packet<sup>8</sup> includes a Complaint for Search Warrant and a Search Warrant to search the premises of a brown brick single family house located at [REDACTED], in Chicago, Cook County Illinois. The Complaint for Search Warrant was requested by Officer Michael Hester and the Search Warrant is issued by Judge L. Sullivan. There is also a Vice Case Report, which lists the address of [REDACTED] and classifies the offense as Narcotics – delivery of a controlled substance. A Narcotic's Supplementary Report lists the address of occurrence as [REDACTED]. Also included in the document packet is a Search Warrant Data Form and a Property Inventory Report which both list [REDACTED] as the location description.

The Narcotics Supplementary Report<sup>9</sup> lists the names of the persons found in the basement when the Accused conducted the search of the premises.

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<sup>5</sup> Att. 14

<sup>6</sup> Att. 5

<sup>7</sup> Att. 23

<sup>8</sup> Att. 16

<sup>9</sup> Att. 16

Complainant [REDACTED] provided a list of names,<sup>10</sup> of the persons in the basement of [REDACTED] when the police entered the home.

## VI. ANALYSIS

COPA recommends a finding of **SUSTAINED** for allegation #1 against Officer Michael Hester and allegations #1 and #3 against Sergeant Gayle Diggs.

It is clear from the photographs, taken by the COPA Evidence Technician, that the basement door of [REDACTED] is not the door the Accused breached and searched. The Complainant's home surveillance video and the inventoried photograph both show the basement door of [REDACTED] was rammed-in, rather than that of [REDACTED].

Corroborating evidence also includes the Narcotics Supplementary Report and the list of names provided by the Complainant. Both the report and the list contain the same names of the persons in the home at the time of the search. Interviews with Mr. [REDACTED] and Mr. [REDACTED] corroborate the findings that the Accused entered the premises of [REDACTED]. Mr. [REDACTED] and Mr. [REDACTED] witnessed the Accused enter the premises of [REDACTED]. Sergeant Diggs and Officer Hester unlawfully entered and searched the residence of [REDACTED].

Chicago Police Department Directives<sup>11</sup> place the responsibility to ensure that the search team is at the correct location on the search team supervisor. Therefore, it was the responsibility of Sergeant Diggs to ensure that the search team was at the correct location. Sergeant Diggs stated that she relied upon Officer Hester's knowledge that the premises entered was [REDACTED]. Sergeant Diggs also stated she was unfamiliar with the [REDACTED] location. It should be noted that Officer Hester stated he witnessed approximately six controlled buys from the location of [REDACTED] and he also described the back entry and basement door of [REDACTED]. Therefore, the search warrant was deficient because it listed the incorrect address of the premises to be searched.

### a. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

#### b. Sergeant Gayle Diggs

- i. Sergeant Digg's Complimentary History includes eight Complimentary Letters, three Special Commendations, and one Unit Meritorious Performance Award. Her Disciplinary History includes a reprimand, in January 2014 for Inventory Procedures.

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<sup>10</sup> Att. 24

<sup>11</sup> Chicago Police Department Special Order S04-19 (VIII)(C)(2).

**ii. Recommended Penalty, by Allegation**

**1. Allegation No. 1**

Aggravating factors include failure to perform supervisory duty and ensure, prior to breach, that the team was at the address listed on the search warrant and failure to accept responsibility for the misconduct.

**2. Allegation No. 3**

Aggravating factors include failure to perform supervisory duty and ensure, prior to breach, that the team was at the address listed on the search warrant and failure to accept responsibility for the misconduct.

**c. Officer Michael Hester**

**i.** Officer Hester’s Complimentary History includes one Special Commendation, three Complimentary Letters, and one Unit Meritorious Performance Award. He does not have a Disciplinary History.

**ii. Recommended Penalty, by Allegations**

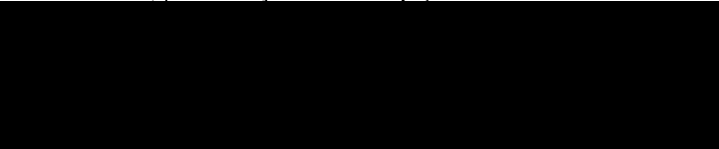
**1. Allegation No. 1**

Mitigating factors include Officer Hester does not have any prior disciplinary history.

**VII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Sergeant Gayle Diggs	1. Unlawfully entered and searched, residence of [REDACTED] in violation of Rule 1, 2, 5, 10.	Sustained/20 days
	2. Failed to leave copy of search warrant after search warrant executed in violation of Rule 2, 5, 10.	Not Sustained
	3. Executed search warrant at an incorrect address in violation of Rule 2, 5, 10.	Sustained/20 days
Officer Michael Hester	1. Unlawfully entered and searched residence of [REDACTED] in violation of Rule 1, 5, 10.	Sustained/10 days



Angela Hearts-Glass  
*First Deputy Chief Administrator*

Date 10-31-18

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	12
<b>Investigator:</b>	J. Looper
<b>Supervising Investigator:</b>	A. Dalkin
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass
<b>*Attorney:</b>	Gino Betts