

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 30, 2013
Time of Incident:	10:50 AM
Location of Incident:	██████████
Date of COPA Notification:	February 1, 2018
Time of COPA Notification:	3:09 PM

On January 30, 2013, the complainant, ██████████ was arrested at ██████████ following a search warrant execution at this residence. ██████████ alleged that he was arrested without justification, Officer Wier fabricated details in Department reports, and that Officer Wier claimed to be a member of the Vice Lord street gang. After interviewing ██████████ and reviewing available evidence, COPA learned that Officer Wier is no longer employed with the Chicago Police Department and is therefore outside of COPA’s jurisdiction.¹ COPA’s findings are discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1:	Eric Wier, Former Star #5743, Employee ID # ██████████, Date of Appointment: December 13, 1993, Former Unit of Assignment: Gang Investigations Division, Date of Birth: UNK, Male, Race: UNK ²
Involved Individual #1:	██████████ Date of Birth: ██████████, 1978, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Wier	1. Arrested ██████████ without justification, in violation of Rule 6.	Unfounded
	2. Fabricated details in Department reports pertaining to this incident, in violation of Rule 14.	Not Sustained

¹ COPA verified that Officer Wier retired from CPD effective May 19, 2018 (see Att. 33).

² Identifiers provided here for Officer Wier were those applicable at the time of ██████████ arrest on January 30, 2013.

3. Stated you were a member of the Vice Lords street gang, in violation of Rule 2 and Rule 47.	Not Sustained
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IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 14:** Prohibits making a false report, written or oral.
4. **Rule 47:** Prohibits associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, either State or Federal, excluding traffic and municipal ordinance violations.

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. INVESTIGATION³

a. Interviews

██████████ submitted a letter to COPA on December 4, 2017.⁴ ██████████ wrote that he is “currently serving an 11 year sentence’s [sic] on a crime I feel like I didn’t commit.” On January 30, 2013, ██████████ was at a friend’s home when a warrant was executed. ██████████ was handcuffed and detained. An officer found with heroin and a K-9 unit found more heroin. ██████████ was arrested and charged with heroin possession. ██████████ attorney advised him to make a plea deal and ██████████ was sentenced to 11 years in the Illinois Department of Corrections (IDOC). ██████████ later learned he was not named on the warrant. Per ██████████ “I see my name wasn’t on the search warrant and they was coming in there to look for guns and they found drugs which anything found in that house doesn’t belong to me because I wasn’t the target of the search warrant.” ██████████ denied that he admitted to an officer that the drugs were his. ██████████ asserted he was falsely arrested and there was no probable cause for his arrest. ██████████ authored additional letters to COPA that included no additional, relevant information.⁵

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Atts. 4, 5

⁵ Atts. 8, 15, 23 – 26, 31

COPA interviewed ██████████ on January 25, 2019.⁶ ██████████ related that on January 30, 2013, he was at his girlfriend's home at ██████████ when he "heard a big boom on the door."⁷ ██████████ denied that he was living at this residence and related his girlfriend had recently moved in. ██████████ approached the front door and the booming continued. He opened the home's side-door and saw police officers approaching. The officers had their gun drawn, announced they were executing a search warrant, and immediately handcuffed ██████████. Officer Wier saw ██████████ in the front room and asked ██████████ where his guns, drugs, and money were. ██████████ girlfriend was also handcuffed. ██████████ related that he told the officers he did not know what they were taking about. Next, an officer entered the front room while holding a bag of drugs. A CPD canine was dispatched and found additional narcotics. ██████████ was then taken to the police station.

██████████ denied knowing that there were drugs in the home and told COPA that the recovered drugs were not his. However, later in the interview ██████████ related that his girlfriend, ██████████ was not arrested because the officers threatened to arrest her, so he took responsibility for the drugs. ██████████ denied telling officers where they could find drugs or money from drug sales. ██████████ denied having ever used the nickname "██████████" reported he pleaded guilty on advice of his attorney. Per ██████████ the search warrant was for his uncle, ██████████ and denied that his uncle ever used the nickname "██████████" denied that ██████████ had ever been to this residence.

Once at the police station, Officer Wier asked ██████████ about gangs and additional crimes unrelated to his arrest. Officer Wier told ██████████ he used to be a Vice Lord. ██████████ denied that he told Officer Wier: where the drugs were in the home, that he is Black Stone from the Rack City faction, that the home's bills were in ██████████ brother's name, or that ██████████ uncle carries a gun - as was stated in ██████████ arrest report. Officer Wier also reported ██████████ is a member of the Everybody Killer (EBK) gang faction, which ██████████ denied.

b. Digital Evidence

No relevant digital evidence was obtained pertaining to the present investigation.

c. Physical Evidence

No relevant physical evidence was obtained pertaining to the present investigation.

d. Documentary Evidence

██████████ **Arrest Report** was located from January 30, 2013 with **RD #HW137574**.⁸ ██████████ was charged with two counts of felony possession of a controlled substance and a misdemeanor count of cannabis possession. Approximately 226 grams of a suspect controlled substance and 10 grams of suspect cocaine were recovered. Officer Wier and Team 6520 were executing a search warrant at ██████████ was detained by Officer Wier and read

⁶ Att. 30

⁷ Approximately 2:05 minute mark of Att. 30.

⁸ Att. 9

his Miranda Rights. Officer Wier asked if there were guns in the home and [REDACTED] replied, "I have some drugs but no guns." [REDACTED] told officers where to find narcotics in the home and drugs were recovered. [REDACTED] also told Officer Reno where money from drug sales could be located in the residence. [REDACTED] was arrested and taken to Area 2.

An **Original Case Incident Report** was also obtained for **RD #HW137574**.⁹ No additional, relevant content was included in this document.

Inventory Sheets were located for **RD #HW137574**.¹⁰ Inventoried items included mail, suspect cocaine, currency, suspect heroin, suspect cannabis, and drug paraphernalia. Photos of the search and the recovered items were also inventoried.¹¹

Search Warrant Information was obtained for **Warrant Number [REDACTED]**¹² The affiant was Officer Wier. Officer Luna was brech. Entry officers were Officers Williams, Darling, Hernandez, and Cuadrado. The search team supervisor was Sergeant Hawkins. Officer Reno was security and Lieutenant Deodore was supervising sergeant or above on search.

[REDACTED] provided several documents pertaining to his January 30, 2013 arrest which are detailed below.¹³ Documents were also independently obtained from CPD.¹⁴

- A **Search Warrant** was obtained for [REDACTED] The warrant named [REDACTED] [REDACTED] also known as [REDACTED] and [REDACTED] with IR # [REDACTED].¹⁵ The warrant was for illegal firearms, ammunition, and residency proof related to unlawful use of a weapon/felon in possession of a weapon.
- A **Complaint for Search Warrant** was submitted by Officer Eric Wier on January 29, 2013. Officer Wier, as a Gang Investigations officer, was working with the Federal Bureau of Investigations (FBI), Drug Enforcement Administration (DEA), and Alcohol Tobacco and Firearms (ATF). Officer Wier obtained information from a registered informant (CI), "that within that past three days the C/I observed [REDACTED] to be carrying a semi-auto hand gun" at [REDACTED] home located at [REDACTED] The CI further reported [REDACTED] carries a gun because he is not from the area of [REDACTED] [REDACTED] he is a drug dealer, and [REDACTED] "is afraid that someone is going to rob him." Officer Wier obtained a photo of [REDACTED] with IR # [REDACTED] and the CI confirmed the photo as [REDACTED]
- [REDACTED] also provided a portion of a **Gang Investigation Officer's Report**. Team 6520 reportedly went to [REDACTED] knocked, and forced entry when there was no answer. The officers were met by [REDACTED] who was wearing only underwear.

⁹ Att. 10

¹⁰ Att. 11

¹¹ Att. 13

¹² Att. 12

¹³ Att. 7

¹⁴ Att. 20

¹⁵ [REDACTED] IR number is [REDACTED].

Officer Wier found [REDACTED] girlfriend, [REDACTED] in bed. Officer Wier detained [REDACTED] and explained the purpose of the warrant. [REDACTED] related "listen that's my Uncle he carries guns not me, I deal drugs, I'm not that stupid to have a gun in the house when I deal drugs." Once at Area 2, [REDACTED] clarified his "Uncle [REDACTED] had guns. [REDACTED] told the officers where to find drugs and currency from drug sales. [REDACTED] told Officer Reno that his uncle, [REDACTED] lived at [REDACTED] and [REDACTED] utilities were in [REDACTED] name. [REDACTED] reported moving into [REDACTED] on January 2, 2013. Officer Perez and K-9 Achilles also searched the residence.

- A **Gang Investigation Division Supplementary Report** was obtained. This document related that [REDACTED] was a Black P-Stone gang member. The search warrant was approved by Assistant State's Attorney Interise. Inventoried items from [REDACTED] included mail, a photo, a house key, baggies, a scale, currency, suspect cannabis, and suspect heroin.
- On February 26, 2013, [REDACTED] was **indicted** for possession of a controlled substance. Officer Wier was listed as the witness.
- [REDACTED] provided a copy of **court proceedings on September 19, 2013**. [REDACTED] attorney, [REDACTED] represented [REDACTED] stated that "[REDACTED] is actually [REDACTED] not [REDACTED] reportedly was never inside of [REDACTED] nor showed anyone a firearm while at this residence. [REDACTED] argued that the basis for the search warrant was therefore false.
- [REDACTED] attorney, [REDACTED] wrote him a **letter** on August 6, 2016. [REDACTED] related [REDACTED] "received the benefit of the bargain" in his sentencing and his criminal case was over. [REDACTED] wrote, "do you really think that you were the first person that ever thought about challenging these lab reports based on how many times the drug has been stepped on? The answer is, 'No,' [REDACTED] you weren't the first person to ever think about trying to challenge the weight of the drugs based on the presence of a cutting agent [...] That lab report clearly has you on the hook for more than 100 grams of heroin. Period. I don't have any other documents."

The following relevant criminal dockets were obtained through the Cook County Clerk of the Circuit Court.

- **Case Number 13110291701** was filed against [REDACTED] on January 31, 2013.¹⁶ [REDACTED] was received two felony charges for possession of a controlled substance and one misdemeanor charge for cannabis possession. On February 20, 2013, the case was superseded by direct indictment and transferred to the criminal division as 13CR0402701.

¹⁶ Att. 14

- **Case Number 13CR0402701** was filed on February 26, 2013.¹⁷ [REDACTED] faced three class-X felony charges of manufacture/delivery of a controlled substance. [REDACTED] pleaded not guilty on March 21, 2013. [REDACTED] pleaded guilty to one count on February 4, 2014 and a finding of nolle prosequi was entered for the remaining two charges. [REDACTED] was sentenced to 11 years in the Illinois Department of Corrections and three years of mandatory supervised release. [REDACTED] proceeded with appeals over the following months and the case was ongoing at the time of this report.

VI. ANALYSIS

Allegation 1 against Officer Wier, that he arrested [REDACTED] without justification, is **Unfounded**. While [REDACTED] was not the named target on the search warrant, the valid warrant allowed officers to enter [REDACTED]. Once the officers entered, drugs were found by [REDACTED] own admission. [REDACTED] related to COPA that he told officers the drugs were his so that his girlfriend would not get arrested. The officer entered the home with a valid warrant, narcotics were recovered, and [REDACTED] told CPD the drugs were his, therefore his arrest was lawful and this allegation is Unfounded.

Allegations 2 and 3 against Officer Wier, that he fabricated details in Department reports pertaining to this incident and stated he was a member of the Vice Lords street gang, are **Not Sustained**. Officer Wier is no longer a member of the Chicago Police Department. COPA therefore had no grounds to bring in Officer Wier for a compelled statement. Since Officer Wier was not interviewed and did not refute or respond to these allegations, COPA does not have enough information to determine whether or not they occurred as alleged. As such, both allegations are Not Sustained.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Wier	1. Arrested [REDACTED] without justification, in violation of Rule 6.	Unfounded
	2. Fabricated details in Department reports pertaining to this incident, in violation of Rule 14.	Not Sustained
	3. Stated you were a member of the Vice Lords street gang, in violation of Rule 2 and Rule 47.	Not Sustained

¹⁷ Att. 32

Approved



Andrea Kersten
Deputy Chief Administrator – Chief Investigator

5/24/19
Date

Appendix A

Assigned Investigative Staff

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