



Log # 2019-0003202

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 13, 2019, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on August 13, 2019, members of CPD broke down her front and back doors, entered her home, and damaged her property while executing a search warrant.²

Upon review of the evidence, COPA served additional allegations that Detective Michael Higgins³ forcibly entered and searched the residence, damaged and ransacked the premises and personal property, and seized approximately \$200 USC, and other personal property, without returning and inventorying the property.⁴

II. SUMMARY OF EVIDENCE⁵

On August 13, 2019, at about 12:15 pm, CPD officers assigned to Unit 312 Area South Gun Team executed a search warrant (██████████⁶ at ██████████ ██████████). Upon receipt of a complaint made by ██████████ COPA conducted an audio interview on August 13, 2019, at about 3:11 pm. During ██████████ interview, she stated that she was not present during the execution of the warrant but was living at the address with her mother, ██████████. ██████████ said that she was notified by her cousin, ██████████ that CPD officers had just executed a warrant at their home. ██████████ indicated that the subject of the warrant, ██████████ did not reside at the residence, and she believed the officers had the wrong address. She also stated that the Department members damaged personal property, ransacked the home, and took \$200 USC that belonged to ██████████.

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ At the time of the incident Detective Michael Higgins had not yet been promoted and was assigned as a PO to Unit 312.

⁴ On January 25, 2021, investigators obtained a video report that aired on CBS channel 2 News of an interview given by ██████████ to investigative reporter Dave Savini. During the interview ██████████ stated that her home was wrongfully raided, her belongings were damaged and torn apart, there was a gold ring with rubies and diamonds along with an unspecified amount of cash that was taken, and costume jewelry from her business that was missing. The investigative report also showed video footage of the damage to the residence that ██████████ stated was caused by the Department. Attachment 23.

⁵ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including statements, department documents, and photos.

⁶ Attachment 2

On February 02, 2021, COPA interviewed ██████████⁷ the property owner of ██████████ ██████████. ██████████ stated that at the time of the execution of the search warrant, she was renting the property to ██████████⁸ ██████████ denied ever renting her property to ██████████ the subject of the warrant. According to ██████████ was never a listed renter or resident of the property but may have been the son of a former tenant, ██████████ ██████████ ██████████ provided COPA with pictures of the damages she alleges a CPD member caused to her property.⁹ ██████████ stated that CPD members caused damage to the front security door of the home, the rear door of the house, and the bathroom sink. In a televised interview with CBS 2 News, ██████████ stated that CPD members damaged and cut open mattresses.¹⁰ ██████████ also stated that jewelry and other items from her home business were taken.

On February 28, 2023, COPA conducted a telephone interview with ██████████¹¹ ██████████ stated that during the execution of the search warrant, she was home alone, asleep on the sofa in the living room. According to ██████████ she never heard anyone knock or announce themselves but was awakened by the sound of the front door being breached. ██████████ immediately saw they were police officers because of their uniforms. She stated that she was detained, handcuffed, and escorted out of the house. ██████████ said that after the officers searched the residence, they questioned her regarding ██████████ told the officers she did not know who he (██████████) was and had never seen him before. ██████████ was not arrested and was released before the officers left the residence. ██████████ further related that once she began looking through her belongings, she noticed \$80.00 USC missing from her purse, but nothing else was taken.

On January 27, 2023, COPA interviewed Detective Michael Higgins.¹² Detective Higgins stated that on August 13, 2019, he and members of his unit executed a search warrant¹³ at ██████████ ██████████. The subject of the search warrant was ██████████ Detective Higgins stated that before the execution of the search warrant, he notified CPIC, and the Calumet City Police Department, who was on the scene during the search warrant execution. Detective Higgins said they approached the residence, knocked on the door, and announced their office. The officers did not receive any answer and forcibly entered the home. Once in the house, they observed a black female, now known to be ██████████ Detective Higgins stated that the search warrant team discovered pistol holsters, electronic scales, a clear-knotted plastic bag with a green leafy substance, and a hand-rolled cigar containing a green leafy substance. After completing the search, ██████████ told Detective Higgins she had no association with ██████████

⁷ Attachment 8

⁸ ██████████ had resided at the location since August 4, 2019. ██████████ could not be contacted for an interview.

⁹ See Att. 21 ██████████ pictures

¹⁰ See Att. 23 CBS 2 Video Chicago Police Raid Suburban Home of Innocent Woman Who Says Jewelry and Money went Missing

¹¹ Attachment 76. After canvassing multiple known addresses and submitting letters via U.S. mail COPA was able to contact ██████████ by telephone. ██████████ stated that she received a letter from COPA via U.S. mail regarding the complaint.

¹² Attachment 74.

¹³ Detective Higgins explained that they got the information of the search warrant from a confidential informant. The confidential informant was present in front of the judge when the warrant was signed.

On February 9, 2023, COPA interviewed Sergeant Richard Salvador.¹⁴ Sgt. Salvador stated that prior to the search warrant, there was a thorough planning session conducted with the search warrant team. He also said that he ensured the team knocked and announced their office. Sgt. Salvador said that he did not recall entering the residence. Sgt. Salvador allowed the team to search the residence and conduct interviews with the individual that was present. Sgt. Salvador further stated that he was not a part of the initial investigation and was only on hand as the supervisor for the execution of the search warrant.

A copy of the search warrant was requested on January 12, 2021, and obtained by COPA on January 13, 2021. The search warrant complaint was authored and submitted by Detective Higgins. The search warrant packet includes the complaint for the search warrant based on information obtained from a John Doe informant; Search Warrant Data Sheet that lists each involved CPD member and their role, pre-warrant checklist; sketch of premises; Original Case Report; and Search Warrant Post Report. The search warrant packet also includes an inventory of items seized during the search warrant execution, including a clear knotted plastic bag, a hand-rolled cigar containing green, three black gun holsters, two electronic scales, a copy of the search warrant with a digit, and an evidence recovery log. It is also noted in the search warrant packet that a PO Banske, Badge #173 from Calumet City Police Department, was on the scene at the time of the search warrant execution.

III. ALLEGATIONS

Detective Michael Higgins:

1. Forcibly entering a residence at [REDACTED], without justification.
 - Not sustained.
2. Unjustifiably searching the premises at [REDACTED] and causing damage to and/or ransacking the resident's personal property.
 - Not sustained.
3. Unjustifiably seizing approximately \$200 USC, and/or other items.
 - Not sustained.

IV. CREDIBILITY ASSESSMENT

Throughout the investigation, there was inconsistency among the involved civilians regarding the items taken or confiscated. The complainant, [REDACTED] stated in her initial complaint in 2019 that CPD members took more than \$200 USC from a purse that belonged to [REDACTED]. During [REDACTED] interview, she stated there was \$80 USC missing from her purse. During a CBS 2 News' story that aired in 2021, [REDACTED] said CPD officers took a gold ring with rubies and diamonds, along with an unspecified amount of cash and costume jewelry. While these inconsistencies alone do not cause COPA to question the credibility of the witnesses, the inconsistencies did factor into COPA's analysis.

¹⁴ Attachment 77.

V. ANALYSIS¹⁵

1. Forcibly entering a residence without justification.

The evidence shows that Detective Higgins obtained a valid warrant in accordance with CPD Special Order SO: 04-19. Also, Detective Higgins denied entering the location without justification and that his unit announced their officer before entry. According to ██████████ she could not verify if the officers announced themselves before entering the residence because she was asleep when they entered. Thus, there is insufficient *clear and convincing* evidence to determine that the officers forcibly entered the residence without justification. Thus, COPA finds this allegation is **Not Sustained**.

2. Unjustifiably searching the residence and causing damage to and/or ransacking the resident's personal property.

The evidence shows that Detective Higgins searched the residence at ██████████ ██████████, per SO: 04-19, during the execution of a search warrant. During the execution of the warrant, CPD members caused damage to the front security door of the home, the rear door, and the bathroom sink.¹⁶ The damage to both entrances to the home was caused by the police breaching both doors after knocking, announcing, and receiving no answer. During an audio-recorded phone statement, ██████████ stated that she was asleep inside the home and did not hear or respond to the police announcements at the door. Based on the information obtained by Detective Higgins, which led to obtaining the signed and approved search warrant, CPD members were justified in breaching and searching the residence in accordance with CPD Special Order SO: 04-19. Furthermore, there was insufficient evidence for COPA to determine whether CPD members caused additional damage to personal property that was not authorized. Thus, COPA finds the allegation is **Not Sustained**.

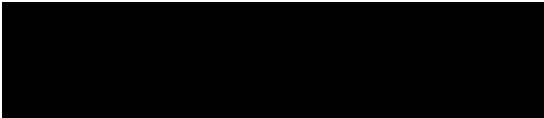
3. Unjustifiably seizing approximately \$200 USC, and/or other items.

It was reported that the officers took money and personal items from ██████████ ██████████, during the execution of the search warrant. ██████████ and ██████████ provided varying accounts of how much money was seized or taken. Detective Higgins denied seizing any money during the execution of the search warrant. The Department reports did not indicate any money was inventoried during the search. After reviewing the evidence and statements from the involved parties and evaluating the inconsistency regarding the amount of U.S. currency taken, there is insufficient evidence to support or refute the allegation. COPA finds this allegation is **Not Sustained**.

¹⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁶ See Att. 21 ██████████ pictures.

Approved:



[Starday Jackson](#) ↓
Deputy Chief Administrator – Chief Investigator

May 31, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	August 13, 2019/12:15 pm/ [REDACTED]
Date/Time of COPA Notification:	August 13, 2019/ 3:02 pm
Involved Officer #1:	Michael Higgins, Star # 3766, Employee # [REDACTED] Date of Appointment: 09/01/2010, Unit 650, Male, White
Involved Officer #2:	Richard Salvador, Star # 964, Employee # [REDACTED] Date of Appointment: 11/29/2004, Unit 701, Male, Asian Pacific Islander
Involved Individual #1:	[REDACTED] Female, Black (Complainant)
Involved Individual #2:	[REDACTED] Female, Black
Involved Individual #3:	[REDACTED] Female, Black
Involved Individual #4:	[REDACTED] Female, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** [Insert text of any additional rule(s) violated]

Applicable Policies and Laws

- *Special Order S04-19: Search Warrants (effective September 03 2015 to December 16 2022)*
- *Special Order S03-14: Body Worn Cameras (effective April 30 2018 to present)*

Appendix B

Definition of COPA’s Findings and Standards of Proof

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.¹⁷ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”¹⁸

¹⁷ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

¹⁸ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation