

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 24, 2018
Time of Incident:	1:57 AM
Location of Incident:	6155 N. Jersey Avenue Chicago, IL 60659
Date of COPA Notification:	July 12, 2018
Time of COPA Notification:	12:31 PM

On June 24, 2018, at approximately 1:50 AM, Officer David Di Santi was dispatched to the River Park Motel, room 124, located at 6060 North Lincoln Avenue, to investigate an incident involving two male blacks with a firearm. Officer Fletcher, Officer Lazcano, Officer Bermudez, and Officer Ramirez assisted Officer Di Santi.

Officer Di Santi arrived at the Rodeway Inn, located at 6155 North Jersey Avenue, instead of the River Park Motel, which are directly next to each other. Upon arrival, he spoke with the clerk of the motel and demanded to know where room 124 was located. The clerk responded that room 124 did not exist, but directed Officer Di Santi to the location of room C24. The assisting officers indicated that as they were in route to the River Park Motel, they observed Officer Di Santi’s vehicle parked outside of the Rodeway Inn. They stopped and exited their vehicle. The assisting officers observed Officer Di Santi leaving the clerk’s office and followed him to room C24.

Officer Di Santi, Officer Lazcano, Officer Fletcher, Officer Ramirez, and Officer Bermudez traveled up a stairway situated outside of room C24. Officer Di Santi arrived at the top of the stairway first and proceeded to knock on the door to C24. There was no response. Seconds later Officer Di Santi moved the handle of the door and attempted to open the door. The door was in the process of opening when [REDACTED] a white male and a hotel room occupant, countered this by closing and locking the door.

Officer Di Santi then demanded the occupants open the door and identified himself as a police officer. The hotel room door opened again. Officer Di Santi paused momentarily at the open hotel room door before proceeding into the room. He withdrew his firearm from his holster and he ordered [REDACTED] and another hotel room occupant, [REDACTED] at gunpoint, to put their hands against the wall. They complied with Officer Di Santi’s order. Officer Lazcano, Officer Fletcher, and Officer Ramirez entered the room with their firearms unholstered. They did not point their firearms at [REDACTED] or [REDACTED]

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. The recommendation(s) set forth herein are the recommendation(s) of COPA.

Officer Di Santi performed a protective sweep of the room, including looking into the bathroom of the hotel room. No firearm was found in the hotel room. No black males were present in the hotel room. The officers remained in the hotel room for approximately two (2) minutes before they relocated back to their vehicles. The officers then determined they were at the wrong location and relocated to the River Park Motel, shortly thereafter.

II. INVOLVED PARTIES

Involved Officer #1:	David Di Santi, Star #: 18384, Employee ID #: [REDACTED], Date of Appointment: Feb. 17, 1998, Rank: Police Officer, Unit of Assignment: 017, Date of Birth: [REDACTED], 1968, Male, White.
Involved Officer #2:	Akilah Fletcher, Star #: 7166, Employee ID #: [REDACTED], Date of Appointment: Sept. 18, 2017, Rank: Police Officer, Unit of Assignment: 017, Date of Birth: [REDACTED], 1996, Female, Black.
Involved Officer #3:	Gustavo Lazcano, Star #: 13974, Employee ID #: [REDACTED], Date of Appointment: Feb. 2, 2015, Rank: Police Officer, Unit of Assignment: 017, Date of Birth: [REDACTED], 1989, Male, Hispanic.
Involved Officer #4:	Eric Bermudez, Star #: 14454, Employee ID #: [REDACTED], Date of Appointment: Feb. 2, 2015, Rank: Police Officer, Unit of Assignment: 017, Date of Birth: [REDACTED], 1983, Male, Hispanic.
Involved Officer #5:	Justin Ramirez, Star #: 7421, Employee ID #: [REDACTED], Date of Appointment: Aug. 16, 2017, Rank: Police Officer, Unit of Assignment: 017, Date of Birth: [REDACTED] 1992, Male Hispanic.
Subject #1:	[REDACTED] 33 years old, Female, White
Subject #2:	[REDACTED] 33 years old, Male, White.

III. ALLEGATIONS

Officer	Allegation	Finding	Penalty
Officer Di Santi	1. On June 24, 2018 at or about 1:57 AM, Officer Di Santi failed to initially respond to the correct	Sustained	Five Days Suspension

	<p>address of an incident in violation of Rules 2, 5, and 11.</p> <p>2. On June 24, 2018 at or about 1:57 AM, Officer Di Santi unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Di Santi unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.</p> <p>4. On June 24, 2018 at or about 1:57 AM, Officer Di Santi failed to engage his body worn camera in violation of Rule 6.</p> <p>5. On June 24, 2018 at or about 1:57 AM, Officer Di Santi failed to identify himself as a Chicago Police Officer in violation of Rules 2, 3, and 37.</p> <p>6. On June 24, 2018 at or about 1:57 AM, Officer Di Santi unnecessarily displayed his firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>7. On June 24, 2018 at or about 1:57 AM, Officer Di Santi improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p>	<p>Twenty Days Suspension</p> <p>Six Days Suspension</p> <p>Five Days Suspension</p> <p></p> <p>Twenty Days Suspension</p> <p>Five Days Suspension</p>
<p>Officer Fletcher</p>	<p>1. On June 24, 2018 at or about 1:57 AM, Officer Fletcher failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.</p> <p>2. On June 24, 2018 at or about 1:57 AM, Officer Fletcher</p>	<p>Exonerated</p> <p>Exonerated</p>	

	<p>unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Fletcher unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.</p> <p>4. On June 24, 2018 at or about 1:57 AM, Officer Fletcher failed to engage her body worn camera in violation of Rule 6.</p> <p>5. On June 24, 2018 at or about 1:57 AM, Officer Fletcher failed to identify herself as a Chicago Police Officer in violation of Rules 2, 3, and 37.</p> <p>6. On June 24, 2018 at or about 1:57 AM, Officer Fletcher unnecessarily displayed her firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>7. On June 24, 2018 at or about 1:57 AM, Officer Fletcher improperly detained ██████████ in violation of Rules 1, 2, 3, 6, 8, 10, and 11.</p>	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>
Officer Lazcano	<p>1. On June 24, 2018 at or about 1:57 AM, Officer Lazcano failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.</p> <p>2. On June 24, 2018 at or about 1:57 AM, Officer Lazcano unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Lazcano unlawfully searched a hotel room in</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p>

	<p>violation of Rules 1, 2, 3, 10, and 11.</p> <p>4. On June 24, 2018 at or about 1:57 AM, Officer Lazcano failed to identify himself as a Chicago Police Officer in violation of Rules 2, 3, and 37.</p> <p>5. On June 24, 2018 at or about 1:57 AM, Officer Lazcano unnecessarily displayed his firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>6. On June 24, 2018 at or about 1:57 AM, Officer Lazcano improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.</p>	<p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>	
Officer Bermudez	<p>1. On June 24, 2018 at or about 1:57 AM, Officer Bermudez failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.</p> <p>2. On June 24, 2018 at or about 1:57 AM, Officer Bermudez unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Bermudez unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.</p> <p>4. On June 24, 2018 at or about 1:57 AM, Officer Bermudez failed to identify himself as a Chicago Police Officer in violation of Rules 2, 3, and 37.</p> <p>5. On June 24, 2018 at or about 1:57 AM, Officer Bermudez</p>	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p>	

	<p>unnecessarily displayed his firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>6. On June 24, 2018 at or about 1:57 AM, Officer Bermudez improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.</p>	<p>Unfounded</p>	
<p>Officer Ramirez</p>	<p>1. On June 24, 2018 at or about 1:57 AM, Officer Ramirez failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.</p> <p>2. On June 24, 2018 at or about 1:57 AM, Officer Ramirez unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Ramirez unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.</p> <p>4. On June 24, 2018 at or about 1:57 AM, Officer Ramirez failed to identify himself as a Chicago Police Officer in violation of Rules 2, 3, and 37.</p> <p>5. On June 24, 2018 at or about 1:57 AM, Officer Ramirez unnecessarily displayed his firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>6. On June 24, 2018 at or about 1:57 AM, Officer Ramirez improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>	

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 efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
4. Rule 5: Failure to perform any duty.
5. Rule 6: Disobedience of an order or directive, whether written or oral.
6. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
7. Rule 10: Inattention to duty.
8. Rule 11: Incompetency or inefficiency in the performance of duty.
9. Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.
10. Rule 38: Unlawful or unnecessary use or a display of a weapon.

General Orders

1. General Order G03-02: Use of Force
2. General Order G03-02-01: Force Options
3. General Order G04-01: Preliminary Investigations

Special Orders

1. Special Order S03-14: Body Worn Cameras

Federal Laws

1. U.S. Constitution 2nd Amend.
 2. U.S. Constitution 4th Amend.
-

V. INVESTIGATION²

a. Interviews

On July 17, 2018 COPA interviewed complainant ██████████ who provided the requisite sworn affidavit.⁴ ██████████ stated that on June 24, 2018 at on or about 2:00 AM she was asleep inside a hotel room.⁵ She was awoken with the hotel door opening and another hotel room occupant, ██████████ subsequently slamming the door shut.⁶ She then heard someone yelling, “open the door, open the door.”⁷ ██████████ upset and scared, ran and stayed behind a table until the hotel room door came open.⁸

Four Chicago Police Officers, three White or Hispanic males and one Black female, “forced” their way into the room.⁹ The officers pointed their firearms and demanded that they place their hands on the wall.¹⁰ The firearms were black handguns and were pointed at them for five (5) minutes.¹¹

The room was dark until the police officers entered and turned on the lights, they then stated they were Chicago Police.¹² The police officers continually yelled, “Do you have any weapons?” and asked if they could search their “stuff.”¹³ The police officers asked if they called the police and ██████████ relayed that they did not.¹⁴ The police officers explained that they were responding to a call involving an incident with a weapon.¹⁵ ██████████ inquired upon the officers if the room was C24; and the police officers relayed that yes, room C24, was where they were told to go.¹⁶

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachment 75. *See Also* Attachment 11.

⁴ Attachment 8.

⁵ Hotel Room C24. *See* Attachment 75, Page 9. (██████████ described the room as a standard queen room, with the hotel door on the opposite side of the bed and a bathroom off to the side).

⁶ Attachment 75 at 13.

⁷ *Id.* at 5, 6.

⁸ *Id.* at 5.

⁹ *Id.* at 5, 6. *See Also Id.* at 18. (The officers did not announce themselves or knock when they first approached the door).

¹⁰ *Id.*

¹¹ *Id.* at 9, 11.

¹² *Id.* at 9, 10, 19, 21.

¹³ *Id.* at 5.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

██████████ stated that one officer looked in the bathroom area.¹⁷ She did not believe any officers looked under the bed or in the clothing drawers.¹⁸ Their belongings were not searched.¹⁹ They were not handcuffed or patted down.²⁰ The entire incident lasted ten minutes.²¹

On October 20, 2018 COPA interviewed witness ██████████²² On June 23, 2018, ██████████ and ██████████ attended a concert at the Aragon Ballroom before proceeding to stay at the Rodeway Inn located at 6155 North Jersey Ave.²³ He does not recall the room number they stayed in.²⁴

At approximately 1:50 AM on June 24, 2018 ██████████ and ██████████ were in the hotel room when ██████████ was awoken after he heard a noise at the door.²⁵ He described the sound as if the door handle was jarred for a second; "... a singular pound, and then, the, the noise of the door opening, unlatching [the handle of the door turning], is what actually, what really brought [him] into consciousness."²⁶ ██████████ saw the door open and saw light emanating from outside the door.²⁷ "There was enough where [he] could see that light, so [he] could confirm that the door was opening, in the process of opening."²⁸ He acted "intrinsically," jumped up, and shut and locked the door.²⁹

██████████ then heard a loud banging noise on the other side of the door.³⁰ He felt someone was pushing the door, with a "pretty strong force," so he pushed back.³¹ He then used the "door lock thing" to make sure that the door would not be able to be opened.³² The person on the other side of the door knocked and announced "police."³³ ██████████ hesitated but ultimately unlocked the door.³⁴

██████████ opened the door halfway and did not observe anyone.³⁵ Moments later, "the first officer with weapon drawn, poke[d] like a little around the corner, and then, they tell me to get up against the wall, and then, there's like a flood of three more after that one."³⁶ There was no

¹⁷ *Id.* at 12.

¹⁸ *Id.*

¹⁹ *Id.* at 15.

²⁰ *Id.* at 12, 15.

²¹ *Id.* at 15.

²² Attachment 79. *See Also* Attachment 44.

²³ *Id.* at 5-6.

²⁴ *Id.* at 7.

²⁵ *Id.* at 8, 9.

²⁶ *Id.* at 10, 11

²⁷ *Id.* at 11.

²⁸ *Id.*

²⁹ *Id.* at 9.

³⁰ *Id.*

³¹ *Id.* at 9, 40.

³² *Id.*

³³ *Id.*

³⁴ *Id.* at 9-10, 13-14.

³⁵ *Id.* at 14, 15.

³⁶ *Id.* at 15.

conversation with the officers prior to the officers entering the hotel room, the officers just “came in.”³⁷

He described the first officer, later determined to be Officer Di Santi, as in uniform and a 5’8” white male with a round face.³⁸ The second officer was a white male and the third officer was a black female.³⁹ He relayed that a fourth officer may have come in after the situation was diffused.⁴⁰

Officer Di Santi asked [REDACTED] where the gun was and [REDACTED] replied that he did not have a gun.⁴¹ [REDACTED] relayed that Officer Di Santi pointed a firearm at his upper body for a period of a few seconds.⁴² When he initially observed the gun, the gun was two or three feet away from him, near the door, in a pointed position.⁴³ [REDACTED] was unsure if the other police officers had their guns unholstered.⁴⁴

[REDACTED] stated that three officers searched the room for people.⁴⁵ He observed Officer Di Santi check the bathroom.⁴⁶ He estimated that the officers stayed in the hotel room for three (3) to five (5) minutes.⁴⁷ He did not consent for the officers to enter the hotel room and he did not hear [REDACTED] consent for the officers to enter the room.⁴⁸

On August 9, 2018 **COPA spoke with [REDACTED], night clerk of Rodeway Inn**, and the investigators memorialized the conversation in a COPA – Investigate Report.⁵⁰ [REDACTED] indicated that he was the clerk on duty at Rodeway Inn, located at 6155 Jersey Ave on June 24, 2018. He was working when five police vans appeared at the hotel around 2:00 AM. Police officers entered the lobby and one officer spoke with him. The officer, heavy-set, white male, later learned to be Officer Di Santi, demanded the location of room 124. [REDACTED] replied that they did not have a room 124. [REDACTED] indicated that Officer Di Santi inquired further and asked for any rooms that ended in “24.” [REDACTED] indicated that they had a room C24 and Officer Di Santi was subsequently directed to this room.

A different officer entered the lobby and requested a keycard for entry into the “C” hallway. This officer informed [REDACTED] that they need a keycard because there was a call regarding an individual with a gun. [REDACTED] tendered the keycard to the C Lobby. The officer returned to the C hallway and entered.

³⁷ *Id.* at 17, 18.

³⁸ *Id.* at 41.

³⁹ *Id.* at 21, 22.

⁴⁰ *Id.* at 20.

⁴¹ *Id.* at 18.

⁴² *Id.* at 19.

⁴³ *Id.* at 41.

⁴⁴ *Id.* at 20, 21.

⁴⁵ *Id.* at 25, 26.

⁴⁶ *Id.* at 25.

⁴⁷ *Id.* at 26.

⁴⁸ *Id.* at 28, 29.

⁴⁹ [REDACTED] would not provide his last name to Investigators.

⁵⁰ Attachment 21.

██████████ watched the officers on surveillance camera. He indicated that once the officers arrived outside of room C24, one officer knocked three (3) or four (4) times on the door. Thirty (30) to forty (40) seconds later, an occupant came to the door and opened the door slightly, the width of a door chain. The occupant then closed the door. The officer knocked again. Thirty (30) to forty (40) more seconds passed, and the occupant opened the door again.

██████████ stated that a short conversation was had at the entryway of the hotel room door and the police entered shortly thereafter. Three (3) or four (4) police officers entered the hotel room with firearms drawn and pointed. The police officers were in the room for three (3) or four (4) minutes before they left. After the incident, ██████████ indicated he contacted his manager and wrote a letter⁵¹ regarding the incident.

On October 5, 2018 **COPA interviewed witness Sergeant Milan Bubalo.**⁵² Sgt. Bubalo was assigned to the 17th District and responded to the area of 6155 N. Jersey after a request for a supervisor was made by the beat officers. When he arrived, Sgt. Bubalo spoke with Officer Di Santi who relayed that they had received a call about a man with a gun and then they proceeded to the wrong hotel room.⁵³ Sgt. Bubalo also indicated that Officer Di Santi relayed that the police officers had their guns out and ordered everyone to the ground.⁵⁴

On October 17, 2018 **COPA interviewed Accused Officer Eric Bermudez.**⁵⁵ Officer Bermudez was working with Officer Ramirez on June 24, 2018.⁵⁶ They were working beat 1713R and volunteered to assist beat 1711.⁵⁷ The nature of the originating call was a person with a gun at the River Park Motel, located at 6060 N. Lincoln Ave.⁵⁸

Officer Bermudez traveled northbound on Jersey Ave when he observed two police vehicles parked on Jersey Ave, in front of a motel that was not the River Park Motel.⁵⁹ Officer Bermudez subsequently pulled over to assist these units.⁶⁰ Officer Bermudez and his partner exited their vehicle and followed Officer Lazcano, who had just exited the motel's office, towards a door where Officer Fletcher and Officer Di Santi were waiting.⁶¹

Officer Lazcano, Officer Fletcher, Officer Ramirez, and Officer Bermudez followed Officer Di Santi up a stairway.⁶² As Officer Bermudez traveled up the stairs, he observed Officer Ramirez and Officer Fletcher with their firearms unholstered.⁶³ He believed he had his firearm unholstered.⁶⁴ Officer Bermudez indicated that he heard Officer Di Santi knocking and stating

⁵¹ See *Infra* Attachment 19.

⁵² Attachment 29.

⁵³ *Id.* at 51:12.

⁵⁴ *Id.* at 51:31.

⁵⁵ Attachment 43.

⁵⁶ *Id.* at 4:04.

⁵⁷ *Id.* at 4:41.

⁵⁸ *Id.* at 5:25, 7:16.

⁵⁹ *Id.* at 8:50, 9:10.

⁶⁰ *Id.* at 9:10.

⁶¹ *Id.* at 10:08, 10:51.

⁶² *Id.* at 11:30, 12:12.

⁶³ *Id.* at 12:45, 13:30.

⁶⁴ *Id.* at 13:49.

“open the door, police.”⁶⁵ The door did open, but he does not know how the door opened.⁶⁶ Once the door opened he heard Officer Di Santi yell, “let me see your hands.”⁶⁷

Officer Bermudez eventually arrived at the top of the stairs but did not enter the hotel room.⁶⁸ He observed Officer Ramirez and Officer Lazcano holster their firearms.⁶⁹ He subsequently holstered his firearm.⁷⁰

He did not observe any officers pointing their firearm at anyone nor did he point his firearm at anyone.⁷¹ He did not see any officers search the hotel room.⁷² He did not see any occupants handcuffed.⁷³

On October 12, 2018 **COPA interviewed Accused Officer Akilah Fletcher.**⁷⁴ Officer Fletcher stated that she was working with Officer Lazcano on June 24, 2018 when she received a notification from dispatch at 1:52 AM to travel to the location of 6060 North Lincoln Ave to assist Officer Di Santi.⁷⁵ The nature of the originating call was two male blacks with a gun in hotel room 124.⁷⁶

While in route she observed Officer Di Santi’s and Officer Lazcano’s parked police vehicles; her vehicle subsequently parked.⁷⁷ She observed Officer Di Santi speaking to the manager in an office.⁷⁸

Officer Lazcano, Officer Di Santi, Officer Fletcher, Officer Ramirez, and another officer eventually relocated to an exterior door of the hotel.⁷⁹ A stairway was inside the exterior door and Officer Di Santi traveled up the stairway first, followed by another officer, then Officer Fletcher.⁸⁰ As Officer Fletcher traveled up the stairs she observed officer Di Santi’s firearm out his holster; she observed Officer Lazcano’s firearm out of his holster; and her firearm was out of her holster.⁸¹

When Officer Di Santi arrived at the top of the stairs, he knocked on the door, paused, and told the occupants to open the door.⁸² Officer Di Santi had a conversation with the occupants, but

⁶⁵ *Id.* at 14:15.

⁶⁶ *Id.* at 14:37.

⁶⁷ *Id.* at 17:22.

⁶⁸ *Id.* at 16:12.

⁶⁹ *Id.* at 19:10.

⁷⁰ *Id.* at 20:20.

⁷¹ *Id.* at 21:23, 21:30.

⁷² *Id.* at 21:47.

⁷³ *Id.* at 23:02.

⁷⁴ Attachment 76. *See Also* Attachment 42.

⁷⁵ Attachment 76 at 7-8, 11, 13, 15.

⁷⁶ *Id.* at 24.

⁷⁷ *Id.* at 14, 15.

⁷⁸ *Id.* at 17.

⁷⁹ *Id.* at 19, 20.

⁸⁰ *Id.* at 21, 22.

⁸¹ *Id.* at 21, 23.

⁸² *Id.* at 25, 26.

she could not hear the contents of the conversation.⁸³ Officer Fletcher does not know how Officer Di Santi entered the room and she does not know if the hotel room occupants opened the door.⁸⁴

She does not recall if any officers announced their office prior to entering and she did not announce her office prior to entering.⁸⁵ As officers entered the room, Officer Di Santi, Officer Lazcano, and herself had their firearms unholstered.⁸⁶ She did not point her firearm at anyone.⁸⁷ After she entered the room, she re-holstered her firearm.⁸⁸ Officer Fletcher observed a man and woman inside the hotel room, but did not recall the race of either.⁸⁹ She did not observe any firearm in the room.⁹⁰ Officer Fletcher searched for other people in the room and also observed Officer Di Santi search the room.⁹¹

On October 23, 2018 **COPA interviewed Accused Officer Justin Ramirez.**⁹² Officer Ramirez stated that he was working with his partner Eric Bermudez on June 24, 2018.⁹³ At approximately 1:52 am Officer Ramirez volunteered to assist another unit after receiving a notification, from dispatch, regarding two male blacks with a gun at the address of 6016 North Lincoln Ave, Room 124.⁹⁴

Officer Ramirez traveled to the intersection of Lincoln Ave. and Jersey Ave. when he observed two police vehicles, three or four officers, and Officer Lazcano exiting the manager's office of a hotel.⁹⁵ Officer Ramirez also observed other police officers, positioned at "C" door, and subsequently walked towards where those officers were positioned.⁹⁶ Approximately thirty (30) seconds to one (1) minute after being positioned outside "C" door Officer Di Santi entered and traveled up a set of stairs.⁹⁷ Officer Ramirez, Officer Lazcano, and Officer Fletcher then followed Officer Di Santi up the stairs.⁹⁸ While traveling up the stairs he observed Officer Di Santi with his firearm out of his holster and believed Officer Lazcano and Officer Fletcher also had their firearm out of their holsters. Officer Ramirez had his firearm out of his holster.⁹⁹

Officer Ramirez observed Officer Di Santi banging on the door and saying "Police" three times.¹⁰⁰ He heard the sound of the handle opening, and observed the door opening a "quarter"

⁸³ *Id.* at 25.

⁸⁴ *Id.* at 26.

⁸⁵ *Id.* at 27.

⁸⁶ *Id.* at 28.

⁸⁷ *Id.* at 29, 30.

⁸⁸ *Id.* at 30.

⁸⁹ *Id.* at 29.

⁹⁰ *Id.* at 29, 30.

⁹¹ *Id.* at 31.

⁹² Attachment 78. *See Also* Attachment 45.

⁹³ Attachment 78 at 7.

⁹⁴ *Id.* at 9-12.

⁹⁵ *Id.* at 14-16.

⁹⁶ *Id.* at 14-17.

⁹⁷ *Id.* at 19, 20.

⁹⁸ *Id.* at 20.

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 22, 26.

or “eighth” of a way.¹⁰¹ The door then closed and Officer Di Santi was observed kicking the door.¹⁰²

Eventually the door opened and the officers enter the room.¹⁰³ He does not know who opened the door nor does he recall if a conversation was had before the police officers entered the room.¹⁰⁴ He did not hear any of the occupants give consent to enter the room.¹⁰⁵ Officer Di Santi, Officer Lazcano, Officer Fletcher, and Officer Ramirez’s firearms were unholstered as they entered the room.¹⁰⁶ He did not believe officer Bermudez entered the room.¹⁰⁷ He did not observe any of the officers point their firearm at anyone.¹⁰⁸ He did not point his firearm at anyone.¹⁰⁹ He stated he observed a black male with his hands against the wall.¹¹⁰

Officer Ramirez does not recall if any of the officers searched the room.¹¹¹ He did not hear any of the occupants give consent to search the room.¹¹² The hotel occupants were not handcuffed.¹¹³

On October 29, 2018 **COPA interviewed Accused Officer Gustavo Lazcano.**¹¹⁴ Officer Lazcano was working with his partner Officer Fletcher on June 24, 2018.¹¹⁵ At 1:52 AM they notified CPD via radio transmission that they were going to assist 1711 Robert at the River Park Motel.¹¹⁶ While enroute to the River Park Motel they stopped at a motel bordering the River Park Motel because they observed Officer Di Santi’s, 1711 Robert’s, vehicle.¹¹⁷

Officer Lazcano observed Officer Di Santi outside the motel’s clerk’s office walking towards one of the motel doors and then attempting to open it.¹¹⁸ Officer Lazcano and Officer Fletcher followed Officer Di Santi to the door.¹¹⁹ Officer Lazcano went back to the clerk’s office to obtain a key card for the initial locked exterior hotel door.¹²⁰ He asked the clerk if he called the

¹⁰¹ *Id.* at 22-23, 43.

¹⁰² *Id.* at 22.

¹⁰³ *Id.* at 26, 27.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 27, 28.

¹⁰⁶ *Id.* at 27.

¹⁰⁷ *Id.* at 26, 27.

¹⁰⁸ *Id.* at 28.

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at 26. *Cf. Id.* at 28, 29. (Officer Ramirez later clarified his observations and stated that when he first entered the hotel room, he was positioned by the front door and observed a white male with his hands against the wall). *Cf. Id.* at 30. (After entering the room he also observed a white female positioned by the bed area). *Cf. Id.* at 47 (Officer Ramirez stated he did not see two male blacks in the hotel room).

¹¹¹ *Id.* at 30.

¹¹² *Id.* at 31.

¹¹³ *Id.* at 32.

¹¹⁴ Attachment 77. *See Also* Attachment 46.

¹¹⁵ Attachment 77 at 6, 7.

¹¹⁶ *Id.* at 8, 9.

¹¹⁷ *Id.* at 11.

¹¹⁸ *Id.* at 14.

¹¹⁹ *Id.* at 15.

¹²⁰ *Id.* at 15, 21.

police and the clerk said “no”.¹²¹ He then returned to the exterior door and unlocked the door with the keycard.¹²²

The officers then entered the hallway and traveled up a stairwell.¹²³ While going up the stairwell, he observed officer Di Santi with his firearm out of his holster.¹²⁴ Officer Lazcano had his firearm out of his holster.¹²⁵ He believed officer Di Santi was at the top of the stairwell and Officer Lazcano was one (1) foot or two (2) feet away from him.¹²⁶ Officer Di Santi was standing in front of the door and attempted to open the door; he “touched the handle and put up in the there[,]”¹²⁷ but the door did not open. Officer Lazcano “,, recall[ed] [Officer Di Santi], uh, turning this knob and knocking and then, you know, voicing his office.”¹²⁸

The door opened a nudge, “not like fully open, just like, very, like, uh, maybe clearing the, where the door close, the hinge that goes into, into the door slot.”¹²⁹ There was no conversation.¹³⁰ There was then a push back, as if someone was trying to close the door, towards the officers.¹³¹ The door then eventually opened and the officers immediately made entry into a dark room.¹³² He did not hear any of the occupants consent to entry.¹³³

Officer Di Santi, entered first, followed by Officer Lazcano, Officer Fletcher, Officer Ramirez, and Officer Bermudez, who remained at the door.¹³⁴ He observed Officer Di Santi’s firearm unholstered as he was entering the room.¹³⁵ Officer Lazcano’s firearm was also unholstered due to the nature of the call, a man with a gun.¹³⁶ He did not observe any officers point their firearms at anyone, nor did he point his firearm at anyone.¹³⁷ He observed Officer Di Santi “clear” the bathroom.¹³⁸ Officer Lazcano re-holstered his firearm after the bathroom was cleared.¹³⁹ He never heard the occupants give consent to search hotel room.¹⁴⁰ The occupants were never handcuffed.¹⁴¹

¹²¹ *Id.* at 18, 19. *See Also Id.* at 19. (Officer Lazcano did not ask the clerk to verify who the occupants the of the room were).

¹²² *Id.* at 21, 22.

¹²³ *Id.* at 23, 24.

¹²⁴ *Id.* at 25.

¹²⁵ *Id.*

¹²⁶ *Id.* at 56.

¹²⁷ *Id.* at 58.

¹²⁸ *Id.* at 59.

¹²⁹ *Id.* at 28. *Cf. Id.* at 58. (Officer Lazcano also stated that the door did not open when Officer Di Santi performed this action).

¹³⁰ *Id.* at 26, *Cf. Id.* at 34. (Officer Lazcano later stated that he did not remember if a conversation was had between the occupants and the officers prior to the officer’s entering the room).

¹³¹ *Id.* at 28, 30.

¹³² *Id.* at 26, 34, 35.

¹³³ *Id.* at 35.

¹³⁴ *Id.* at 38, 39.

¹³⁵ *Id.* at 36.

¹³⁶ *Id.* at 37.

¹³⁷ *Id.*

¹³⁸ *Id.* at 39.

¹³⁹ *Id.* at 43.

¹⁴⁰ *Id.* at 41.

¹⁴¹ *Id.*

On October 31, 2018 COPA interviewed Accused Officer David Di Santi.¹⁴² Officer Di Santi was working, in uniform, Beat 1711 Robert on June 24, 2018.¹⁴³ At 1:52 AM he received a job assignment from dispatch and acknowledged the assignment by replying “99”, meaning a one-man unit.¹⁴⁴

The job assignment was responding to a call regarding two male blacks with a gun at the River Park Hotel, room 124.¹⁴⁵ As soon as he accepted the job he began to travel to the address he thought the job was at, 6060 N. Lincoln Ave.¹⁴⁶ He did not arrive at that location, rather he arrived at the Rodeway Inn, which he thought was the correct location of the incident.¹⁴⁷ He did not recall if he verified on his PDT that he was at the correct location for the job assignment when he arrived.¹⁴⁸ He was the first officer at the location.¹⁴⁹ When he arrived, Officer Di Santi went to the desk clerk and inquired upon him where room 124 was situated.¹⁵⁰ Officer Di Santi stated the clerk pointed to one of the vestibules and may have stated, “vestibule C”. Officer Di Santi did not ask the clerk who had rented the room.¹⁵¹ Officer Di Santi subsequently relocated to “vestibule C”.¹⁵²

The door was locked when Officer Di Santi arrived at vestibule C.¹⁵³ Three or four officers arrived shortly thereafter.¹⁵⁴ A key card was used to open the door, but he did not recall if he used the key card or another officer used the key card.¹⁵⁵ When the entrance door opened, Officer Di Santi observed stairs and traveled up the stairs first, followed by other officers.¹⁵⁶ As he was traveling up the stairs he took his firearm out of the holster.¹⁵⁷ Stopping at room C24, he knocked, then banged on the door, and stated, “police, open up.”¹⁵⁸ After knocking on the door, an occupant unlocked, opened, and then attempted to shut the door instantaneously.¹⁵⁹ The door was opened a couple of inches, light was emanating from the room, and the occupants then tried to close it.¹⁶⁰ They attempted to shut the door and Officer Di Santi blocked the door with his body.¹⁶¹ When the

¹⁴² Attachment 74. *See Also* Attachment 47.

¹⁴³ *Attachment* at 13, 14.

¹⁴⁴ *Id.* at 14, 15.

¹⁴⁵ *Id.* at 16, 17.

¹⁴⁶ *Id.* at 17, 18.

¹⁴⁷ *Id.* at 18. *See Id.* at 21 (Officer Di Santi believed this was the correct location because Rodeway Inn and River Park Motel abut each other, and he believed both were in one big complex, with different entrances and exits).

¹⁴⁸ *Id.* at 19.

¹⁴⁹ *Id.* at 21.

¹⁵⁰ *Id.* at 19, 20

¹⁵¹ *Id.* at 23.

¹⁵² *Id.* at 25.

¹⁵³ *Id.* at 27.

¹⁵⁴ *Id.* at 28, 29.

¹⁵⁵ *Id.* at 26

¹⁵⁶ *Id.* at 30.

¹⁵⁷ *Id.* at 31.

¹⁵⁸ *Id.* at 26, 31-33.

¹⁵⁹ *Id.* at 35.

¹⁶⁰ *Id.* at 34, 35. *See Also Id.* at 36 (The door opened inwards, towards the inside of the hotel room.)

¹⁶¹ *Id.* at 35.

door was open a couple of inches, Officer Di Santi identified himself as an officer.¹⁶² Officer Di Santi pushed through the door and ordered everyone to the ground.¹⁶³

He observed two occupants one white male and one white female.¹⁶⁴ He said something to the occupants prior to entering the hotel room, after the door was pushed open, but he does not recall what he said.¹⁶⁵ The occupants did not give consent to enter the hotel room prior to entering the hotel room.¹⁶⁶

As Officer Di Santi entered the hotel room, his firearm was unholstered.¹⁶⁷ Officer Di Santi stated that he did not point his firearm at anyone, as he did not see a weapon.¹⁶⁸ He did not recall where the firearm was positioned when it was unholstered.¹⁶⁹ Officer Di Santi made no observation regarding whether other officers had their firearms unholstered.¹⁷⁰

Officer Di Santi denied opening clothing drawers and denied entering the bathroom of the hotel room.¹⁷¹ The occupants did not give him consent to search the hotel room.¹⁷² He did not handcuff the occupants and to his knowledge the occupants were not handcuffed.¹⁷³ Officer Di Santi stated he was in the room for a period of three (3) to four (4) minutes.¹⁷⁴ As he was leaving the room, he apologized for going to the wrong room and the wrong address.¹⁷⁵ He never observed a firearm and did not observe two male blacks.¹⁷⁶

Officer Di Santi admitted to failing to respond to the correct address of the incident.¹⁷⁷ He denied unlawfully entering a hotel room.¹⁷⁸ He knocked on the door, the door was open, and then he proceeded to make entry.¹⁷⁹ Officer Di Santi denied unlawfully searching the hotel room.¹⁸⁰

¹⁶² *Id.*

¹⁶³ *Id.* at 33, 37.

¹⁶⁴ *Id.* at 38.

¹⁶⁵ *Id.* at 42.

¹⁶⁶ *Id.* at 43.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.* at 43.

¹⁷⁰ *Id.* at 44.

¹⁷¹ *Id.* at 48, 49.

¹⁷² *Id.* at 49.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* at 50.

¹⁷⁶ *Id.* at 51.

¹⁷⁷ *Id.* at 9. *See Also Id.* at 72. (Officer Di Santi stated that going to the wrong address “was totally on [him] and not on any other officer. [He] made the mistake, so it was [his] fault.”)

¹⁷⁸ *Id.* at 9. *See Also Attachment 75* at 64, 65. (Officer Di Santi stated that with respect to this incident there were exigent circumstances. The exigent circumstances, in his opinion, was they were afraid there was a man with a gun in the room.) *See Also Attachment 75* at 7, 8. (Officer Di Santi explained that exigent circumstances are “circumstances in a—a situation that would need you to do things a little bit differently. Like if you had a man with a gun call, you might push through a door to make sure that everyone was okay.”)

¹⁷⁹ *Id.*

¹⁸⁰ *Id.* at 9, 10.

He admitted to failing to engage his body-worn camera.¹⁸¹ He denied failing to identify himself as a police officer.¹⁸² Officer Di Santi was in uniform and announced his office.¹⁸³ Officer Di Santi denied unnecessarily displaying his firearm.¹⁸⁴ He stated he was responding to a man with a gun, for officer safety and safety of possible victims inside, he had to be ready to react.¹⁸⁵ He denied improperly detaining [REDACTED]¹⁸⁶ If she had expressed a desire to leave, then he would have let her leave.¹⁸⁷

b. Digital Evidence

COPA obtained relevant **body worn camera videos** from Officer Lazcano, Officer Bermudez, and Officer Ramirez.¹⁸⁸

Officer Lazcano's body worn camera video¹⁸⁹ began with a view of Officer Di Santi leaving the clerk's office of the Rodeway Inn. A sign was observed above the clerk's office door with the wording, Rodeway Inn. The sign was illuminated and a numerical address of 6155 was observed. Officer Di Santi was observed walking towards a outside hallway door with Officer Fletcher following shortly behind. The outside hallway door was locked and Officer Lazcano went the clerk's office and told the clerk that that they needed a key to the locked outside hallway door. The clerk indicated that he did not call the police and inquired as to what the problem was with room C24.¹⁹⁰ Officer Lazcano replied that there were people with a gun.¹⁹¹ The clerk tendered a key card to Officer Lazcano and Officer Lazcano returned to the locked outside hallway door. Lazcano then utilized the key card to unlock the door. Officer Di Santi was observed removing his firearm from his holster and subsequently entering the door and traveling up a set of stairs. Officer Lazcano followed Officer Di Santi up the stairs. Officer Di Santi was observed knocking on a hotel room door.¹⁹² After the knock, there was silence, no statement was made by Officer Di Santi.¹⁹³ Seven seconds later the sound of a handle turning was heard accompanying with movement exhibited by Officer Di Santi.¹⁹⁴ Officer Di Santi then stated "open the door, police."¹⁹⁵ Officer Di Santi then was heard stating, "show me your hands, show me your hands"¹⁹⁶ and asked the occupant that was near the door, "who else is in the room with you?"¹⁹⁷

¹⁸¹ *Id.* at 10. *See Also Id.* at 54. Officer Di Santi also stated that he did not activate his body worn camera video because the body worn camera video process was early in the rollout and he did not have "muscle memory." Activating his body worn camera was not part of his routine.

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.* at 10, 11.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.* at 11.

¹⁸⁷ *Id.*

¹⁸⁸ Attachment 17.

¹⁸⁹ Attachment 17, Lazcano 1.mp4.

¹⁹⁰ *Id.* at 1:35.

¹⁹¹ *Id.* at 1:41.

¹⁹² *Id.* at 2:17.

¹⁹³ *Id.*

¹⁹⁴ *Id.* at 2:27.

¹⁹⁵ *Id.* at 2:30.

¹⁹⁶ *Id.* at 2:34.

¹⁹⁷ *Id.* at 2:36.

Officer Di Santi paused slightly outside the hotel room door and then he proceeded to enter the room.¹⁹⁸ Officer Lazcano then followed Officer Di Santi into the hotel room. Officer Di Santi was heard stating, “put your hands against the wall”¹⁹⁹ and inquiring where the other person in the room was situated.²⁰⁰

Officer Lazcano was observed turning on the light switch in the room.²⁰¹ Officer Di Santi was observed entering another room within the hotel room.²⁰² [REDACTED] and [REDACTED] were observed with their hands on a wall. Officer Fletcher was then observed entering the hotel room with her firearm out of the holster.²⁰³ One additional officer then entered with his firearm out of the holster.²⁰⁴ Officer Fletcher and the additional officer were observed holstering their firearms shortly thereafter.

Officer Lazcano was observed speaking with [REDACTED] and stated, “so we got a call that there was someone with a gun, okay, sorry we scared you guys.”²⁰⁵ Officer Lazcano as then observed speaking with [REDACTED] and stated, “someone called and it seems like a bogus call. Someone said there was someone with a weapon.”²⁰⁶

Officer Di Santi was heard asking [REDACTED] if he was involved in an argument with someone that evening.²⁰⁷ [REDACTED] replied, “no.”²⁰⁸ Officer Lazcano then apologized and stated that everything was on camera.²⁰⁹

Officer Lazcano then left the hotel room and asked another officer “C24?” and an officer responded, “I don’t know.”²¹⁰ Officer Lazcano returned to his vehicle and Officer Fletcher told him that they were at the wrong hotel.²¹¹ Officer Fletcher said, the room number is, “124 and the caller is [REDACTED]”²¹² Officer Lazcano and Officer Fletcher then relocated to the correct hotel.

Officer Bermudez body worn camera video²¹³ showed similar or substantially similar observations as made in Officer Lazcano’s body worn camera video. Additional observation included an observation of the order police officers traveled up the stairwell, Officer Di Santi, Officer Lazcano, Officer Fletcher, Officer Ramirez, and finally Officer Bermudez. Officer Bermudez was observed remaining outside of room [REDACTED].²¹⁴ The officer relocated to the River

¹⁹⁸ *Id.* at 2:38.

¹⁹⁹ *Id.* at 2:43.

²⁰⁰ *Id.* at 2:47.

²⁰¹ *Id.* at 2:48.

²⁰² *Id.* at 2:57.

²⁰³ *Id.* at 2:59.

²⁰⁴ *Id.* at 3:01.

²⁰⁵ *Id.* at 3:15.

²⁰⁶ *Id.* at 3:33.

²⁰⁷ *Id.* at 3:45.

²⁰⁸ *Id.* at 3:47.

²⁰⁹ *Id.* at 4:14.

²¹⁰ *Id.* at 4:30.

²¹¹ *Id.* at 5:47.

²¹² *Id.* at 6:25.

²¹³ Attachment 17, Bermudez 3.mp4.

²¹⁴ *Id.* at 5:29.

Mark Motel and a conversation was captured between Officer Ramirez and Officer Bermudez in which Officer Ramirez stated, “this guy was kicking the damn door in.”²¹⁵

Officer Ramirez body worn camera video²¹⁶ showed similar or substantially similar observations as made in Officer Bermudez’s and Officers Lazcano’s body worn camera video.

COPA obtained the **OEMC call for Event Number: 1817501823**²¹⁷. The following is a the colloquy had between the Caller and Call Taker:

Call Taker: Chicago Emergency (inaudible).

Caller: This is the River Park Motel, my name is [REDACTED]. I got a customer here from 124, he says he has two guys over there with guns in the room.

Call Taker: Okay, what’s the address?

Caller: 6060 North Lincoln Ave.

Call Taker: 6060 North Lincoln?

Caller: That’s correct. Yes.

Call Taker: What room number?

Caller: Excuse me?

Call Taker: What is the room number?

Caller: Room Number, [REDACTED].

Call Taker: [REDACTED].

Caller: Yeah.

Call Taker: Okay. And it’s two males, do you know if they are black, white, or hispanic?

Caller: It’s a black guy, yes.

Call Taker: Okay. Do you have any other description?

Caller: I can’t see. The lady told me here in the office, told me that.

Call Taker: Okay. I’ll notify the police.

...

COPA obtained the recorded **CPD radio transmission**²¹⁸ for the 17th District between the hours of 1:30 AM and 2:30 AM on June 24, 2018. The relevant portions are as follows:

Dispatch: 17-11 Robert.²¹⁹

17-11 Robert: 17-11 Robert.

Dispatch: 17-11 Robert, units in 17 as well as the citywide, a person with a gun, 60-60 North Lincoln. That’s 60-60 north on Lincoln over at the River Park Motel and Suites. [REDACTED] is calling on two male blacks in a room that has a gun. That’s

²¹⁵ *Id.* at 8:50. *See Also Supra* Attachment 43, at 28:20.

²¹⁶ Attachment 17, Ramirez 3.mp4.

²¹⁷ Attachment 30, EV# 01823.

²¹⁸ Attachment 30, Z1 013-0230.

²¹⁹ Officer Di Santi.

an apartment, or room number 1-2-4. With nothing further.
Zone 1 clear.²²⁰

17-11 Robert: 99.

...

17-11 Robert: What's the Room Number?

Dispatch: 1-2-4. 1-24.²²¹

...

17-11 Robert: 17-11 Robert.

Dispatch: 17-11 Robert. Go Ahead.

17-11 Robert: Do you have a caller over here?

Dispatch: Um. [REDACTED] [REDACTED] was calling this one. Where you want him at?

17-11 Robert: On the scene, cuz [sic] there is no gun in this room.²²²

Dispatch: We are dialing, stand by. When you get a chance, give me a slow down, so I can announce it over city wide.

...

17-11 Robert: 17-11 Robert.

Dispatch: 17-11 Robert. Go Ahead.

17-11 Robert: Could you have a Sergeant come over here?²²³

...

17-20 Robert: 17-20 Robert.²²⁴

Dispatch: Go ahead Sergeant.

17-20 Robert: I'm clear with 32 Robert's job, where do you need another supervisor.

Dispatch: Per 11 Robert, Sir. Person with a gun, 6060 North Lincoln, unit 124.²²⁵

c. Documentary Evidence

COPA obtained the **Original Case Incident Report, RD #JB320095**,²²⁶ regarding this incident. Officer Di Santi was the reporting officer for an incident listed to have occurred at 6060 N. Lincoln Ave Chicago, IL on June 24, 2018 at 1:57 am. The crime listed to have been committed was Public Peace Violation – False Police Report. The report indicated that Officer Di Santi received an assignment regarding a man with a gun. He subsequently arrived “on scene however it was [the] wrong address.” Officer Di Santi “mistakenly believed that [the] building was on [the] corner with multiple entrances.” Upon arrival Officer Di Santi entered the lobby and asked the clerk where room 124 was located; the clerk responded entrance C. Officer Di Santi indicated that he obtained the key card to enter the building. He then knocked on the hotel room door. The

²²⁰ *Id.* at 22:23.

²²¹ *Id.* at 27:25.

²²² *Id.* at 30:31.

²²³ *Id.* at 40:35.

²²⁴ Sgt. Bubalo.

²²⁵ *Id.* at 52:17.

²²⁶ Attachment 9.

occupants of the room opened the door. Officer Di Santi entered the hotel room and announced his office.²²⁷ He then put the occupants on the floor at gun point due to the nature of the call.²²⁸ Officer Di Santi then ascertained that the scene was safe and proceeded to the correct address.

COPA obtained a **copy of a letter written by** ██████████, night clerk for Rodeway Inn to his manager. The letter is dated June 24, 2018 at 2:00 AM. The letter stated that five (5) police vans with ten (10) police men came at 2:00 AM and asked angrily for Room 124. ██████████ told them they did not have a room 124 but provided them a key card for room C24. The officers proceeded to the room while holding their guns. A police officer later came to him and asked who was staying in the room. ██████████ replied that an individual named ██████████ was staying in the room.

VI. LEGAL STANDARD

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 the conduct occurred and violated Department policy. *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 has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

²²⁷ Cf. Attachment 74 at 61 (Officer Di Santi later clarified this narrative in the original case incident and stated, "we were knocking on the door, we were – I was announcing my presence as an officer.").

²²⁸ See Also *Id.* (Officer Di Santi stated, "I ordered him and took them down at gunpoint, yes.").

²²⁹ Attachment 19.

VII. ANALYSIS

a. Allegations Pertaining to Officer Di Santi

Officer Di Santi admitted to failing to initially respond to the correct address of the incident, River Park Motel. The admission by Officer Di Santi is credible. Based on a preponderance standard, COPA makes a finding of **SUSTAINED** with respect to this allegation.

Officer Di Santi unlawfully entered [REDACTED] hotel room. Upon first arriving outside of room C24, Officer Di Santi knocked on the door and remained quiet, he did not initially announce his office. Body worn camera video from Officer Lazcano suggests that Officer Di Santi then attempted to manipulate the handle of the hotel room door and began opening the door. Officer Di Santi opening the door was corroborated by Officer Lazcano's and [REDACTED] statement. Officer Lazcano stated that he was positioned one (1) or two (2) feet from the outside of the hotel room door and he observed Officer Di Santi attempt to open the door. Officer Lazcano described the motion exhibited by Officer Di Santi and the results of Officer Di Santi action, that being that the door opened "a nudge" as though the "hinge [was going] into the door slot."²³⁰ [REDACTED] the hotel room occupant, was awoken by the knocking on the door and the subsequent sound of the door opening. He stated that he observed light emanating from outside the opening door. Upon viewing this, [REDACTED] exited the bed and shut and locked the door. At this point, Officer Di Santi, knocked on the door again, announced his office, and demanded the door open. [REDACTED] complied and upon opening the door, Officer Di Santi breached the entrance of the hotel room and placed his foot inside the hotel room door, thereby blocking the now opened door from closing. He ordered the occupants to show their hands and then fully entered the hotel room, with his firearm out of the holster. Officer Di Santi hesitated only momentarily before entering the hotel room. The room was dark as he entered, before Officer Lazcano turned on the hotel room lights.

Officer Di Santi indicated that he knocked on the door and stated "police, open up." This was contradicted on Officer Lazcano's body worn camera video. Officer Di Santi indicated that the occupants unlocked the door and opened the door, but Officer Di Santi failed to indicate in his statement to COPA that he attempted to, and was successful in, opening the door prior to the [REDACTED] opening the hotel room door. Officer Di Santi's statement is further unsubstantiated by the fact that he described seeing light being emitted from inside the hotel room; however, Officer Lazcano's body worn camera video shows the lights were off inside the room when the officers entered.

Generally, absent a warrant the police may not enter a home except with consent or in exigent circumstances.²³¹ The same Fourth Amendment protection extends to guests in a hotel room.²³² Consent to enter need not be expressly oral or in response to an officer's request to enter; however, opening a door at the request of police is merely a submission or acquiescence to a claim of lawful authority and is not enough to establish consent in and of itself.²³³ In determining whether

²³⁰ See *Supra*, Attachment 77 at 28.

²³¹ *United States v. Gould*, 364 F.3d 578

²³² *People v. Eichelberger*, 91 Ill. 2d 359

²³³ *Bumper v. North Carolina*, 391 U.S. 543; *People v. Johnson*, 99 Ill. App. 3d 863

there were exigent circumstances, evidence of a crime must accompany other facts to assess the reasonableness of an officer's warrantless entry into a home.²³⁴ In this case, Officer Di Santi gained entry into ██████████ motel room after knocking and stating "open the door, police". Once ██████████ acquiesced and opened the door, Officer Di Santi did not ask to enter the room, nor did ██████████ or ██████████ give any indication (verbal or otherwise) that they consented to police entry. Officer Di Santi then placed his foot in the opened doorway and made further commands as he and other officers entered the room. Under these circumstances, Officer Di Santi did not receive consent to enter ██████████ motel room. Additionally, Officer Di Santi did not have any evidence of a crime that would provide for the possibility of exigent circumstances to allow his warrantless entry. The relevant portion of the dispatch received by Officer Di Santi indicated that there were men with a gun in a motel room. Without more, there is nothing illegal alleged in the dispatch, as a gun is not sufficient on its own to create exigent circumstances.²³⁵ Accordingly, COPA makes a finding of **SUSTAINED** with respect to the allegation that Officer Di Santi unlawfully entered ██████████ motel room based on a preponderance of the evidence standard.²³⁶

Officer Di Santi denied searching the hotel room. He denied entering the bathroom. He denied searching the belongings of the occupants. ██████████ indicated that Officer Di Santi entered the bathroom area of the hotel room, but corroborated Officer Di Santi's statement in that she did not observe him search belongings or the clothing drawers. Officer Fletcher indicated that she observed Officer Di Santi search the room for people. Officer Lazcano indicated that Officer Di Santi "cleared" the bathroom.

Police are allowed to look in areas immediately adjoining an investigative scene provided they are lawfully present in the home.²³⁷ This cursory inspection or "protective sweep" must last no longer than is necessary to dispel the reasonable suspicion of danger.²³⁸ While Officer Di Santi's protective sweep of ██████████ motel room would be justified in how and why it was performed, he did not have lawful authority to enter the room in the first place and therefore the protective sweep once inside was unlawful.²³⁹ Consequently, COPA makes a finding of **SUSTAINED** with respect to this allegation.

Officer Di Santi admitted to failing to engage his body worn camera. Officer Di Santi failed to follow Special Order S03-14. Special Order S03-14 requires department members to activate their body worn camera at the beginning of an incident when performing law enforcement related activities.²⁴⁰ His failure to activate his body worn camera was a violation of the

²³⁴ *People v. Foskey*, 175 Ill. App. 3d 638

²³⁵ *People v. Gott*, 346 Ill. App. 3d 236

²³⁶ While COPA did not address this in our above analysis, we would note that Officer Di Santi's attempted entry into ██████████ motel room is likely considered a forced entry under federal law. This would have been unlawful for the reasons stated above, but also because he failed to announce his office before manipulating the door handle. *See: United States v. Cantu*, 230 F.3d 148.

²³⁷ *Maryland v. Buie*, 494 U.S. 325.

²³⁸ *Id.*

²³⁹ Under these facts, Officer Di Santi's protective sweep once inside the motel room was unlawful for many of the same reasons his entry was unlawful, largely because he did not have information of a crime. However, different circumstances inside the room could have allowed for a protective sweep had an intervening safety issue arose (i.e. if the police witnessed dangerous and/or illegal activity).

²⁴⁰ Special Order S03-14, III(A).

aforementioned Special Order, as he was engaged in law enforcement related activities. Based on a preponderance standard, COPA makes a finding of **SUSTAINED** with respect to this allegation.

Officer Di Santi did not fail to identify himself. Chicago Police Department Rule 37 states that a member must identify himself by giving his name, rank, and star number when requested by a private citizen. [REDACTED] and [REDACTED] did not indicate that they had personally requested the name of officer Di Santi, his rank, or his star number. Body worn video camera also did not show Officer Di Santi being asked for his identification. Additionally, Officer Di Santi denied this allegation. Based on a clear and convincing standard, Officer Di Santi was not asked to provide the aforementioned information. Therefore, COPA makes a finding of **UNFOUNDED** with respect to this allegation.

Officer Di Santi unnecessarily pointed his firearm at [REDACTED]. The pointing of a firearm at an individual to compel compliance is a use of force. Officer Di Santi admitted to pointing his firearm at [REDACTED]. The pointing of his firearm at [REDACTED] was not objectively reasonable, necessary, or proportional and therefore in violation of General Order G03-02, Use of Force.

General Order G03-02 states when determining if the amount of force used was objectively reasonable the evaluator must look at the totality of the circumstances faced by the officer on the scene. Factors to consider include but are not limited to imminent threat to the officer or others, risk of harm, level of threat, or resistance presented by the subject, and subject proximity or access to weapons.

[REDACTED] stated that police officers forced their way into the hotel room and pointed their firearms at her. She indicated she felt compelled to place her hands on the wall, as so ordered by the officers. [REDACTED] did not state which officer pointed a firearm at her; however, Officer Di Santi was the first officer in the hotel room. In the original case incident report authored by Officer Di Santi, he indicated that he pointed his firearm at the hotel room occupants. He further opined, in his statement to COPA, that he ordered the occupants down on the floor at gunpoint.

Officer Di Santi was responding to a call regarding two male blacks in a hotel room with a firearm. Possession of a firearm by two male blacks in a hotel room is *per se* not illegal. No additional information was provided to suggest a crime had been committed, was being committed, or about to be committed. There was no suggestion that there were victims or hostages. Upon the door opening, Officer Di Santi did not observe two male blacks in a hotel room, rather it was one white male and one white female. No firearms were visible. The occupants did not act in a suggestive manner for an officer to believe there was an increased level of threat to themselves or other officers upon engaging with the hotel room occupants. Officer Di Santi's rationale for pointing his firearm was that he was responding to a man with a gun, for officer safety and safety of possible victims inside.

It is true that responding to a call involving a firearm heightens an officer safety awareness, but the level of threat, based on Officer Di Santi's knowledge at the time, was minimal. Other officers that entered the room, did not point their firearm at the occupants, only Officer Di Santi. The use of force exhibited, based on the knowledge that Officer Di Santi possessed prior to engaging and subsequently engaging the hotel room occupants, coupled with the fact, the other

assisting officers in Officer Di Santi's similarly situated position, did not point their firearms at the occupants, indicates the action taken by Officer Di Santi was not objectively reasonable.

General Order G03-02 states that department members will use only the amount of force required under the circumstances to serve a lawful purpose. The amount of force exhibited by Officer Di Santi, pointing his firearm at hotel room occupants, when they did not exhibit any behavior to suggest they were a threat was not necessary under the circumstances.

General Order G03-02 state that department members will use only the force that is proportional to the threat, action, and level of resistance offered by a suspect. [REDACTED] and [REDACTED] offered no threat to Officer Di Santi. They were unarmed and did not match the description of the individuals who were alleged to have possessed a gun in a hotel room. When ordered to do so, [REDACTED] and [REDACTED] complied with the verbal direction of Officer Di Santi. [REDACTED] and [REDACTED] offered no resistance to Officer Di Santi. Officer Di Santi pointing his firearm was not proportional to the threat, action, or level of resistance he encountered.

Officer Di Santi's pointing of the firearm at [REDACTED] was not necessary and was not objectively reasonable, and not proportional to the threat, action, or level of resistance. Based on a preponderance standard, COPA makes a finding of **SUSTAINED** with respect to this allegation.

Officer Di Santi was in uniform when he forced his way into the hotel room. Upon entering the hotel room, his firearm was pointed at [REDACTED] and [REDACTED]. He subsequently demanded that they place their hands on the wall. [REDACTED] and [REDACTED] complied with this demand. Body worn camera video from Officer Lazcano corroborated that [REDACTED] and [REDACTED] complied with Officer Di Santi's order. A total of four uniformed police officers entered the room, with their firearms unholstered and their firearms in various ready positions. The officers assessed the hotel room and did not observe two male blacks in the hotel room, nor did they observe a firearm in the hotel. Within seconds of entering the hotel room, every officer except for Di Santi holstered their firearms, as evidenced by Officer Ramirez's body worn camera video. [REDACTED] and [REDACTED] were not handcuffed. The entire incident from the initial knock on the hotel room door, until the final officer left the hotel room was approximately two (2) minutes and thirty (30) seconds.

There are three general types of police encounters: (1) encounters that involve no coercion or detention and thus do not implicate the Fourth Amendment interests, known as consensual encounters; (2) brief investigative detentions, or "Terry Stops," which must be supported by reasonable, articulable suspicion of criminal activity; and (3) arrests, which must be supported by probable cause.²⁴¹ Pursuant to our analysis regarding Officer Di Santi's unlawful entry into [REDACTED] motel room, we similarly find that the encounter between Officer Di Santi with [REDACTED] and [REDACTED] was not consensual. Also previously discussed, Officer Di Santi did not have any indication of criminal activity, and therefore lacked lawful grounds to detain [REDACTED] and [REDACTED].²⁴² As a result, COPA makes a finding of **SUSTAINED** as to the allegation that Officer Di

²⁴¹ *People v. Luedemann*, 222 Ill. 2d 530

²⁴² Under these facts, Officer Di Santi's detention of [REDACTED] and [REDACTED] was unlawful for many of the same reasons his entry into their room was – that he lacked information indicating criminal activity. However, if he did have reasonable articulable suspicion or probable cause regarding illegal acts, the manner in which [REDACTED] and

Santi unlawfully detained ██████████ and ██████████ based upon a preponderance of the evidence standard.

b. Allegations Pertaining to Officer Fletcher

Officer Fletcher admitted to failing to arrive initially at the correct location; however, she was tasked with assisting Officer Di Santi. While in route to the River Park Motel, Officer Fletcher observed Officer Di Santi's police vehicle and observed Officer Di Santi exiting the clerk's office of Rodeway Inn. The vehicle she was traveling in was stopped and she exited the vehicle to assist Officer Di Santi. An officer in a similarly situated position, one of viewing the officer she was tasked to assist at a different location from the one in which the officer was originally assigned, would reasonably believe that the location of the incident had changed, and therefore should alter their response accordingly. Based on clear and convincing evidence presented, that Officer Fletcher was tasked with assisting Officer Di Santi, which she accomplished, the location in which she initially responded to assist Officer Di Santi is irrelevant to the underlying goals of the job assignment. Thus, Officer Fletcher followed her assigned task and with respect to the allegation that she failed to initially respond to the correct address of the incident, COPA makes a finding of **EXONERATED**.

Officer Fletcher did enter room C24 at the Rodeway Inn. Officer Di Santi entered the room under the suspicion that there were two male blacks with a gun. Officer Fletcher provided the backup and support necessary to respond to an encounter involving two individuals with a gun. She was following Officer Di Santi and other officers into the hotel room due to the perceived nature of the threat, rather than at her own direction. The knowledge that Officer Fletcher had at the time of the incident (to assist Officer Di Santi's response to two persons with a gun) warrants her action of entering a hotel room. Based on a clear and convincing standard, Officer Fletcher's action of entering the hotel room in light of the circumstances she was apprised to prior to entering the room are justified. Therefore, COPA makes a finding of **EXONERATED** with respect to this allegation.

Officer Fletcher denied that she unlawfully searched the motel room but admitted to sweeping the area for additional civilians. ██████████ did not say she observed Officer Fletcher search the room, nor did ██████████. Due to the manner and duration of Officer Fletcher's search, as well as the fact that her knowledge and assignment were limited to backing up Officer Di Santi, COPA makes a finding of **EXONERATED** with respect to this allegation.

Officer Fletcher did not have a body camera on her person during the incident. She stated she had not been assigned a body worn camera, as this was her first day with a field assignment. Other body worn camera videos showed Officer Fletcher during the incident. These videos showed that Officer Fletcher did not have a body worn camera on her person. The evidence is clear and convincing that Officer Fletcher did not fail to activate her body worn camera, as she did not have a body worn camera on her person. Therefore, COPA makes a finding of **UNFOUNDED** with respect to this allegation.

██████████ were detained would have been lawful. *See United States v. Sharpe*, 470 U.S. 675 (holding that the length of an investigatory detention may be reasonable if it is commensurate to the nature of the investigation and if the police diligently pursued a means of investigation that was likely to resolve their suspicions quickly).

For the same reasons, inclusive of the aforementioned analysis, as indicted with respect to Officer Di Santi's failure to identify himself as a Chicago Police Officer, COPA makes a finding of **UNFOUNDED** regarding Officer Fletcher's failure to identify herself as a Chicago Police Officer.

Officer Fletcher denied unnecessarily displaying her firearm while on duty. Officer Fletcher denied pointing her firearm at [REDACTED] or [REDACTED]. This statement was corroborated by other responding officers not stating that they observed Officer Fletcher point her firearm at the occupants nor are there observations on the responding police officer's body worn camera videos showing Officer Fletcher point her firearm at any of the occupants. [REDACTED] indicated that "officers pointed" their firearm at her but did not provide any specificity as to which officers nor the location as to where the officers' gun were pointed upon her. On the contrary, [REDACTED] was specifically able to denote that the first officer, Officer Di Santi, pointed his firearm at his upper body for a period of time. [REDACTED] was unable to corroborate [REDACTED] statement that "officers pointed" their firearm. Officer Fletcher did admit to unholstering her firearm; however, the removal of her firearm out of her holster was within department policy. She was responding and assisting Officer Di Santi who was tasked with investigating two male blacks with a firearm in a hotel room. As she did not point her firearm at any occupants, the removal of her firearm from the holster was objectively reasonable, necessary, and proportional to the potential threat she was facing. Based on a clear and convincing standard, COPA makes a finding of **EXONERATED** with respect to this allegation.

Officer Fletcher was involved in the detention of [REDACTED] and [REDACTED] in that she was a law enforcement officer on-scene. However, she did not order anyone to put their hands on the wall, nor did she raise her service weapon. Additionally, she was responding to assist Officer Di Santi who initiated the detention. Due to Officer Fletcher's minimal involvement in the detentions of [REDACTED] and [REDACTED] as well as the limited durations of their detentions, COPA makes a finding of **EXONERATED** as to this allegation.

c. Allegations Pertaining to Officer Lazcano

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's failure to initially respond to the correct address of the incident, COPA makes a finding of **EXONERATED** regarding Officer Lazcano's failure to initially respond to the correct address of the incident.

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's unlawful entry into a hotel room, COPA makes a finding of **EXONERATED** regarding Officer Lazcano's unlawful entry into a hotel room.

Officer Lazcano denied unlawfully searching the hotel room. He denied searching the hotel room. [REDACTED] and [REDACTED] both did not indicate that they observed Officer Lazcano search the room. Based on a clear and convincing standard, in that there was no indication that Officer Lazcano participated in a search of the hotel room, COPA makes a finding of **UNFOUNDED** with respect to this allegation.

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Di Santi's failure to identify himself as a Chicago Police Officer, COPA makes a finding of **UNFOUNDED** regarding Officer Lazcano's failure to identify himself as a Chicago Police Officer.

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's unnecessarily displaying of her firearm, COPA makes a finding of **EXONERATED** regarding Officer Lazcano's unnecessary display of a firearm while on duty.

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's unlawful detention of [REDACTED] and [REDACTED] COPA makes a finding of **EXONERATED** regarding Officer Lazcano's role in their detention.

d. Allegations Pertaining to Officer Bermudez

For the same reasons²⁴³, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's failure to initially respond to the correct address of the incident, COPA makes a finding of **EXONERATED** regarding Officer Bermudez's failure to initially respond to the correct address of the incident.

Officer Bermudez never entered room C24 at the Rodeway Inn. He denied entering the hotel room. Statements from [REDACTED] and [REDACTED] indicate three or four officers entered the hotel room, yet there was a total of five officers on the scene. Body worn camera video from Officer Bermudez showed him as the last officer to enter the exterior hotel door and the last officer to travel up the stairway leading to room C24. The same body worn camera video clearly showed that he remained stationed outside the opened hotel room door and never entered the hotel room. No evidence suggests that he entered the hotel room. Based on a clear and convincing standard, the evidence shows Officer Bermudez never entered room C24. Therefore, COPA makes a finding of **UNFOUNDED** with respect to this allegation.

For the same reasons and analysis regarding Officer Bermudez's unlawful entry into a hotel room, Officer Bermudez thereafter could not have searched the room if he had not entered the room. Therefore, COPA makes a finding of **UNFOUNDED** with respect to this allegation.

For the same reasons, inclusive of the aforementioned analysis, as indicted with respect to Officer Di Santi's failure to identify himself as a Chicago Police Officer, COPA makes a finding of **UNFOUNDED** regarding Officer Bermudez's failure to identify himself as a Chicago Police Officer.

For the same reasons, inclusive of the aforementioned analysis, as indicted with respect to Officer Fletcher's unnecessarily displaying of her firearm, COPA makes a finding of **EXONERATED** regarding Officer Bermudez's unnecessary display of a firearm while on duty.

²⁴³ Notwithstanding his failure to admit to the allegation as Officer Bermudez denied failing to initially respond to the correct address of the incident. Officer Bermudez provided the rationale for his denial in that he was tasked to assist Officer Di Santi and that was the function and role he was performing.

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's unlawful detention of [REDACTED] and [REDACTED] COPA makes a finding of **EXONERATED** regarding Officer Bermudez's role in their detention.

e. Allegations Pertaining to Officer Ramirez

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's failure to initially respond to the correct address of the incident, COPA makes a finding of **EXONERATED** regarding Officer Ramirez's failure to initially respond to the correct address of the incident.

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's unlawful entry into a hotel room, COPA makes a finding of **EXONERATED** regarding Officer Ramirez's unlawful entry into a hotel room.

Officer Ramirez denied unlawfully searching the hotel room. [REDACTED] and [REDACTED] both did not indicate that they observed Officer Ramirez search the hotel room. Other police officers on scene did not indicate that Officer Ramirez search the hotel room. Based on a clear and convincing standard, in that there was no indication that Officer Ramirez participated in a search of the hotel room, COPA makes a finding of **UNFOUNDED** with respect to this allegation.

For the same reasons, inclusive of the aforementioned analysis, as indicted with respect to Officer Di Santi's failure to identify himself as a Chicago Police Officer, COPA makes a finding of **UNFOUNDED** regarding Officer Ramirez's failure to identify himself as a Chicago Police Officer.

For the same reasons, inclusive of the aforementioned analysis, as indicted with respect to Officer Fletcher's unnecessarily displaying of her firearm, COPA makes a finding of **EXONERATED** regarding Officer Ramirez's unnecessary display of a firearm while on duty.

For the same reasons, inclusive of the aforementioned analysis, as indicated with respect to Officer Fletcher's unlawful detention of [REDACTED] and [REDACTED] COPA makes a finding of **EXONERATED** regarding Officer Rameriz's role in their detention.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer David Di Santi

i. Complimentary and Disciplinary History

Officer Di Santi has seventeen (17) honorable mentions, one (1) attendance recognition award, one (1) presidential election deployment award, one (1) department commendation, two (2) crime reduction ribbon, four (4) complimentary letters, one (1) NATO summit service award, and one (1) life saving award. Officer Di Santi has no publishable negative disciplinary history.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

The entirety of the sustained allegations brought against Officer Di Santi was due to his negligence in verifying he was at the correct location of the reported incident. Because of this negligence COPA recommends a penalty of a **FIVE (5) DAY SUSPENSION**, to run concurrent with COPA's other recommended penalties.

2. Allegation No. 2

Officer Di Santi's unlawful entry into a hotel room is the most egregious action Officer Di Santi took regarding this incident. Officer Di Santi knocked on the door and did not initially identify his office. He subsequently attempted to open the door, before ██████████ prohibited him from opening the door any further. Eventually ██████████ opened the door and Officer Di Santi entered the hotel room, unlawfully, when there was no evidence that a crime had occurred or was in the process of occurring. Because of Officer Di Santi's complimentary history and no publishable negative history, COPA recommends a penalty of a **TWENTY (20) DAYS SUSPENSION**, to run concurrent with COPA's other recommended penalties.

3. Allegation No. 3

Officer Di Santi denied searching the hotel room, however, Officer Fletcher indicated she observed Officer Di Santi search the hotel room for people. ██████████ indicated that she observed Officer Di Santi enter the bathroom area of the hotel room and Officer Lazcano indicated that Officer Di Santi "cleared" the bathroom. Because it is clear that Officer Di Santi searched the hotel room, yet Officer Di Santi denied searching the hotel room, COPA recommends a penalty of a **SIX (6) DAYS SUSPENSION**, to run concurrent with COPA's other recommended penalties.

4. Allegation No. 4

Officer Di Santi failed to engage in body worn camera until after this initial incident concluded. Officer Di Santi admitted to this failure and blamed his failure to activate his body worn camera on the infancy of the program and that he lacked the muscle memory to engage his body worn camera. COPA recommends a penalty of **FIVE (5) DAY SUSPENSION**, to run concurrent with COPA's other recommended penalties.

5. Allegation No. 6

Officer Di Santi's displaying his firearm and subsequently pointing his firearm at ██████████ was not necessary given the nature of the call, two male blacks in a hotel room, with a gun. No crime had been committed nor was in the process of being committed. As a result of pointing the firearm at ██████████ was badly shaken, however, Officer Di Santi, as well as other officers on the scene, apologized and tried to assist ██████████ in calming her down, at the conclusion of the incident. His response after the incident does not absolve Officer Di Santi of the excessive force he engaged in, but does mitigate the penalty recommendation. COPA recommends a penalty of a **TWENTY (20) DAYS SUSPENSION**, to run concurrent with COPA's other recommended penalties.

6. Allegation No. 7

Officer Di Santi's detention of [REDACTED] was unnecessary and unlawful. There was no valid reason for the detention of [REDACTED] as no crime had been committed nor was in the process of being committed. COPA recommends a penalty of a **FIVE (5) DAYS SUSPENSION**, to run concurrent with COPA's other recommended penalties.

IX. CONCLUSION

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

Officer	Allegation	Finding	Penalty
Officer Di Santi	1. On June 24, 2018 at or about 1:57 AM, Officer Di Santi failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.	Sustained	Five Days Suspension
	2. On June 24, 2018 at or about 1:57 AM, Officer Di Santi unlawfully entered a hotel room in violation of Rules 2, 5, and 11.	Sustained	Twenty Days Suspension
	3. On June 24, 2018 at or about 1:57 AM, Officer Di Santi unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.	Sustained	Six Days Suspension
	4. On June 24, 2018 at or about 1:57 AM, Officer Di Santi failed to engage his body worn camera in violation of Rule 6.	Sustained	Five Days Suspension
	5. On June 24, 2018 at or about 1:57 AM, Officer Di Santi failed to identify himself as a Chicago Police Officer in violation of Rules 2, 3, and 37.	Unfounded	
	6. On June 24, 2018 at or about 1:57 AM, Officer Di Santi	Sustained	Twenty Days Suspension

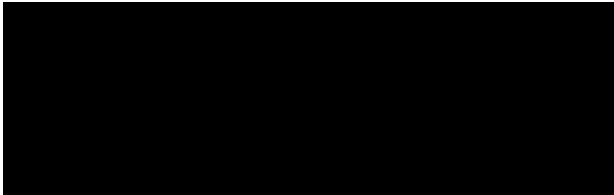
	<p>unnecessarily displayed his firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>7. On June 24, 2018 at or about 1:57 AM, Officer Di Santi improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.</p>	<p>Sustained</p>	<p>Five Days Suspension</p>
<p>Officer Fletcher</p>	<p>1. On June 24, 2018 at or about 1:57 AM, Officer Fletcher failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.</p> <p>2. On June 24, 2018 at or about 1:57 AM, Officer Fletcher unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Fletcher unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.</p> <p>4. On June 24, 2018 at or about 1:57 AM, Officer Fletcher failed to engage her body worn camera in violation of Rule 6.</p> <p>5. On June 24, 2018 at or about 1:57 AM, Officer Fletcher failed to identify herself as a Chicago Police Officer in violation of Rules 2, 3, and 37.</p> <p>6. On June 24, 2018 at or about 1:57 AM, Officer Fletcher unnecessarily displayed her firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>7. On June 24, 2018 at or about 1:57 AM, Officer Fletcher</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>	

	improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.	
Officer Lazcano	<p>1. On June 24, 2018 at or about 1:57 AM, Officer Lazcano failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.</p> <p>2. On June 24, 2018 at or about 1:57 AM, Officer Lazcano unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Lazcano unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.</p> <p>4. On June 24, 2018 at or about 1:57 AM, Officer Lazcano failed to identify himself as a Chicago Police Officer in violation of Rules 2, 3, and 37.</p> <p>5. On June 24, 2018 at or about 1:57 AM, Officer Lazcano unnecessarily displayed his firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>6. On June 24, 2018 at or about 1:57 AM, Officer Lazcano improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>
Officer Bermudez	1. On June 24, 2018 at or about 1:57 AM, Officer Bermudez failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.	Exonerated

	<p>2. On June 24, 2018 at or about 1:57 AM, Officer Bermudez unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Bermudez unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.</p> <p>4. On June 24, 2018 at or about 1:57 AM, Officer Bermudez failed to identify himself as a Chicago Police Officer in violation of Rules 2, 3, and 37.</p> <p>5. On June 24, 2018 at or about 1:57 AM, Officer Bermudez unnecessarily displayed his firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.</p> <p>6. On June 24, 2018 at or about 1:57 AM, Officer Bermudez improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>
Officer Ramirez	<p>1. On June 24, 2018 at or about 1:57 AM, Officer Ramirez failed to initially respond to the correct address of an incident in violation of Rules 2, 5, and 11.</p> <p>2. On June 24, 2018 at or about 1:57 AM, Officer Ramirez unlawfully entered a hotel room in violation of Rules 2, 5, and 11.</p> <p>3. On June 24, 2018 at or about 1:57 AM, Officer Ramirez unlawfully searched a hotel room in violation of Rules 1, 2, 3, 10, and 11.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p>

4. On June 24, 2018 at or about 1:57 AM, Officer Ramirez failed to identify himself as a Chicago Police Officer in violation of Rules 2, 3, and 37.	Unfounded
5. On June 24, 2018 at or about 1:57 AM, Officer Ramirez unnecessarily displayed his firearm while on duty in violation of Rules 1, 2, 6, 8, 10, and 38.	Exonerated
6. On June 24, 2018 at or about 1:57 AM, Officer Ramirez improperly detained [REDACTED] in violation of Rules 1, 2, 3, 6, 8, 10, and 11.	Unfounded

Approved:



4-28-2020

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Jason Lee
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass
*Attorney	Christopher Reed