

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 20, 2019
Time of Incident:	11:54am
Location of Incident:	██
Date of COPA Notification:	October 30, 2019
Time of COPA Notification:	9:38am

On April 20, 2019, Sergeant Jeffrey Rumbaugh (Sergeant Rumbaugh), Officer Brandon Patrick (Officer Patrick) and Officer Sherrick Davis (Officer Davis) went to the address of ██████████ to arrest ██████████ based on an investigative alert with probable cause to arrest. Once at ██████████ residence, Sergeant Rumbaugh and Officer Patrick entered the apartment building and went to ██████████ apartment. As Officer Patrick knocked on ██████████ apartment door, he discovered that the apartment door was open. Sergeant Rumbaugh announced his office and ██████████ came to the door. Both Sergeant Rumbaugh and Officer Patrick entered ██████████ apartment and placed him under arrest. Officer Davis remained outside the apartment building.

II. INVOLVED PARTIES

Involved Officer #1:	Jeffrey Rumbaugh, star# 1083, Employee# ██████████, DOA: October 29, 2007, Sergeant, 002, DOB: ██████████, 1981, male, White
Involved Officer #2:	Brandon Patrick, star# 13433, Employee# 110149, DOA: February 23, 2015, Officer, 007/002, DOB: ██████████, 1988, male, Black
Involved Officer #3:	Sherrick Davis, star# 12192, Employee# ██████████, DOA: April 6, 2015, Officer, 007/002, DOB: ██████████, 1987, male, Black
Involved Individual #1:	██, 1998, male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Jeffrey Rumbaugh	<p>1. It is alleged by ██████████ that on or about April 20, 2019 at approximately 11:54 a.m., at or near ██████████ ██████████ Sergeant Jeffrey Rumbaugh, star 1083, committed misconduct through the following act or omission, by: entering into his residence without justification.</p>	Sustained
	<p>2. It is alleged by ██████████ that on or about April 20, 2019 at approximately 11:54 a.m., at or near ██████████ ██████████ Sergeant Jeffrey Rumbaugh, star 1083, committed misconduct through the following act or omission, by: searching his person, without justification.</p>	Exonerated
	<p>3. It is alleged by ██████████ that on or about April 20, 2019 at approximately 11:54 a.m., at or near ██████████ ██████████ Sergeant Jeffrey Rumbaugh, star 1083, committed misconduct through the following act or omission, by: arresting ██████████ without justification.</p>	Exonerated
Officer Brandon Patrick	<p>1. It is alleged by ██████████ that on or about April 20, 2019 at approximately 11:54 a.m., at or near ██████████ ██████████ Officer Brandon Patrick, star 13433, committed misconduct through the following act or omission, by: entering into his residence without justification.</p>	Sustained
	<p>2. It is alleged by ██████████ that on or about April 20, 2019 at approximately 11:54 a.m., at or near ██████████ ██████████ Officer Brandon Patrick, star 13433, committed misconduct through the following act or omission, by: searching his person, without justification.</p>	Exonerated
	<p>3. It is alleged by ██████████ that on or about April 20, 2019 at approximately 11:54 a.m., at or near ██████████ ██████████ Officer Brandon Patrick, star 13433, committed misconduct through the following</p>	Exonerated

█████ and grabbed him. █████ asked the officers who they were looking for. The Black officer placed █████ in handcuffs. The officers also went into █████ pockets. █████ asked the officer if he could put some shoes on. The officers then escorted █████ out of the house. According to █████ there was a baby in the apartment, and he told the officers that the baby was present in the apartment. █████ stated that he did not know what was going on until he reached the station, and somebody told him why he was there.

Sergeant Jeffrey Rumbaugh was interviewed by COPA on September 9, 2020.³ According to Sergeant Rumbaugh, on the date of the incident he was working in the second district, in plain clothes and driving an unmarked vehicle. On the date of the incident, Sergeant Rumbaugh had an investigative alert⁴ with probable cause to arrest for ██████████. Sergeant Rumbaugh, along with Officers Patrick and Davis were the first officers on scene. After arriving to the scene, Sergeant Rumbaugh exited his squad vehicle and walked up to █████ door with Officer Patrick. According to Sergeant Rumbaugh, as he was walking up to the apartment's door, he could hear someone running around inside the apartment and doors opening and closing. Sergeant Rumbaugh radioed to Officer Davis, who was in the rear, to let him know what was going on in the apartment.

According to Sergeant Rumbaugh, the front door appeared closed at first glance, but when Officer Patrick touched the door it opened up slightly. Sergeant Rumbaugh knocked on the open door and called out for █████ to come to the door. █████ came to the door and Sergeant Rumbaugh entered the apartment and █████ was placed into handcuffs⁵. Sergeant Rumbaugh asked █████ for his name and told him that they were conducting an investigation and he needed to come with them. Sergeant Rumbaugh described █████ demeanor as slightly agitated when he first made contact with him. Sergeant Rumbaugh did not have permission or a warrant to enter the residence, but he stated he entered the residence because █████ came to the door and was right in front of them. Sergeant Rumbaugh also mentioned that █████ was running around in the apartment before they knocked on the door and he had an armed history⁶ and he was wanted for an armed robbery so he was not going to wait on █████ to come out to him. █████ was searched by Sergeant Rumbaugh after he was handcuffed and placed into custody. Sergeant Rumbaugh stated he searched █████ because he was under arrest. █████ was placed under arrest for armed robbery. Sergeant Rumbaugh denied all allegations made against him.

Officer Brandon Patrick was interviewed by COPA on September 23, 2020.⁷ On the date of the incident, Officer Patrick was working in the second district with Officer Sherrick Davis in plain clothes in an unmarked vehicle. Officer Patrick was armed with an investigative alert with probable cause to arrest for ██████████. Officer Patrick and Sergeant Rumbaugh entered the

³ Att. 1.

⁴ The investigative alert was issued by the detective's division.

⁵ Sergeant Rumbaugh did not recall whether he placed the handcuffs on █████ or if Officer Patrick placed the handcuffs on █████.

⁶ Sergeant Rumbaugh stated he knew about █████ prior history before he went to the apartment.

⁷ Att. 4.

apartment building and Officer Davis went around to the back of the building. When Officer Patrick approached [REDACTED] apartment door, he heard a lot of movement inside, running back and forth and doors opening and closing. Officer Patrick described the apartment door as being slightly ajar and he knocked on the door and announced his office. [REDACTED] came to the door and Officer Patrick and Sergeant Rumbaugh entered the apartment to arrest [REDACTED]. [REDACTED] was alone inside the residence. Officer Patrick did not have permission or a warrant to enter the apartment. According to Officer Patrick, he did not call [REDACTED] out to him because he was barefoot. [REDACTED] was placed into handcuffs after Officer Patrick and Sergeant Rumbaugh entered the apartment. Officer Patrick placed the handcuffs on [REDACTED] Officer Patrick did not recall if he actually searched [REDACTED] while inside his apartment, but he stated that he may have performed a brief pat down of [REDACTED] once they were outside the apartment and [REDACTED] was in handcuffs. [REDACTED] was arrested based on the investigative alert for armed robbery. According to Officer Patrick, Officer Davis never entered the apartment building. Officer Patrick also stated that Officer Davis was equipped with a body worn camera on the date of the incident.

Officer Sherrick Davis was interviewed by COPA on October 22, 2020.⁹ On the date of the incident, Officer Davis was working in the second district with his partner Officer Patrick. Officer Davis went to the incident location to arrest [REDACTED] based on an investigative alert with probable cause to arrest. When the officers arrived to the incident location, Officer Davis went around the back to the alley. Officer Davis went to the alley to make sure [REDACTED] did not try to run out the back. Officer Davis never spoke with [REDACTED] and the only time he saw [REDACTED] was when [REDACTED] was being escorted out of his apartment and to the transport vehicle. Initially Officer Davis stated that he did not activate his body-worn camera because he was in the alley and was not taking any police action. Upon further questioning, Officer Davis stated that he forgot to turn his body-worn camera on.

b. Digital Evidence

Body-worn camera (bwc) video from Officer Patrick depicts Officer Patrick standing in a hallway with Sergeant Rumbaugh.¹⁰ Officer Patrick knocks on the door and Sergeant Rumbaugh says police. [REDACTED] comes to the door and Sergeant Rumbaugh asks [REDACTED] for his name. Both Sergeant Rumbaugh and Officer Patrick enter the apartment through the open door and ask [REDACTED] his name again. Sergeant Rumbaugh places handcuffs on [REDACTED] Officer Patrick tells [REDACTED] that his door was wide open. Sergeant Rumbaugh and Officer Patrick ask [REDACTED] for his name again. Sergeant Rumbaugh tells [REDACTED] they are trying to conduct an investigation. Officer Patrick asks [REDACTED] for some identification.

⁸ Officer Patrick stated he entered the apartment once he identified who [REDACTED] was and he already knew how [REDACTED] looked before he arrived to the apartment based on pictures in Clear.

⁹ Att. 27.

¹⁰ Att. 13.

Officer Patrick and Sergeant Rumbaugh walk [REDACTED] further into the apartment to get [REDACTED] some shoes. Sergeant Rumbaugh tells [REDACTED] that they are looking for somebody that matches his description. [REDACTED] finally tells the officer and sergeant his name. Sergeant Rumbaugh tells [REDACTED] that detectives want to talk to him. Officer Patrick takes [REDACTED] further into the apartment to get a jacket. Officer Patrick asks if there is anybody else in the house and [REDACTED] states there is nobody else in the house. Officer Patrick walks [REDACTED] out of the apartment and Sergeant Rumbaugh tells [REDACTED] that he is going to lock the door. Sergeant Rumbaugh asks [REDACTED] if he has his keys and Officer Patrick walks [REDACTED] back inside the apartment to get his keys. Officer Patrick then escort [REDACTED] back outside the apartment and takes him to a waiting transport vehicle.

Body-worn camera (bwc) video from Sergeant Rumbaugh depicts Sergeant Rumbaugh walking up to [REDACTED] door and the door to [REDACTED] apartment appears to be slightly ajar.¹¹ Officer Patrick is already standing near the door. Officer Patrick knocks on the door and pushes it a little bit and Sergeant Rumbaugh says police. Sergeant Rumbaugh then knocks on the door and announces his office again. [REDACTED] comes to the door and the sergeant asks [REDACTED] what his name is. Sergeant Rumbaugh and Officer Patrick enter [REDACTED] apartment and [REDACTED] tells the sergeant and the officer that they cannot come in. Sergeant Rumbaugh places handcuffs on [REDACTED] tells the officer that he does not have on any shoes. The officer and sergeant ask for [REDACTED] name again.

Sergeant Rumbaugh tells [REDACTED] that they are trying to conduct an investigation. The officer and sergeant lead [REDACTED] further inside the apartment to put on some shoes. Sergeant Rumbaugh tells [REDACTED] that they are looking for somebody and that he matches the description. Sergeant Rumbaugh asks [REDACTED] what his name is again, and [REDACTED] tells the sergeant his name. The sergeant tells [REDACTED] that he is who they are looking for. [REDACTED] asks the sergeant why they are looking for him and the sergeant tells him that the detectives want to talk to him. Officer Patrick and Sergeant Rumbaugh ask [REDACTED] if he wants a jacket. Officer Patrick leads [REDACTED] into another part of the house to get his jacket. Sergeant Rumbaugh goes out of the back door and looks around. Officer Patrick leads [REDACTED] out of the apartment. Sergeant Rumbaugh tells [REDACTED] he is going to lock the door and asks [REDACTED] if he has his keys. Officer Patrick leads [REDACTED] back inside the apartment to get his keys. Officer Patrick asks [REDACTED] if he has a wallet and [REDACTED] tells him that he does not. [REDACTED] grabs his keys from the apartment. [REDACTED] is led back outside the apartment and out the main door to an awaiting marked squad vehicle.

c. Documentary Evidence

According to [REDACTED] **arrest report**, he was arrested on April 20, 2019 for armed robbery.¹² The narrative states, officers arrested [REDACTED] based on an active investigative alert with probable cause to arrest for an armed robbery under IA#[REDACTED]. Officers relocated to the address of [REDACTED] to arrest [REDACTED] Once at the address, officers approached [REDACTED] door where they could hear various noises inside the residences, such as running back and forth and doors opening

¹¹ Att. 15.

¹² Att. 22.

and closing. Officers noticed that the door was unlocked, and they knocked on the door and announced their office. █████ came to the door and officers placed him under arrest. █████ was subsequently released without charges.

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 reviewed complied with 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 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. 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.

VII. ANALYSIS

COPA makes a finding of **Sustained** for **allegation #1** against Sergeant Rumbaugh and Officer Patrick in that they entered █████ residence without justification. The Fourth Amendment guarantees the right of people to be secure in their persons, houses, papers and effects, against the unreasonable searches and seizures. A person is seized when an officer by means of physical force or show of authority terminates or restrains a person's freedom of movement through means intentionally applied.¹³ In this particular case, Sergeant Rumbaugh did not have a warrant or █████ permission to enter his residence and arrest him. Further, there were no exceptions that existed at the time that would negate the need to get a warrant or permission. As such, COPA finds this allegation Sustained against Sergeant Rumbaugh.

¹³ *Brendlin v. California*, 551 U.S. 249, 254 (2007).

COPA makes a finding of **Exonerated** for **allegation #2** against Sergeant Rumbaugh and Officer Patrick in that they (individually) searched [REDACTED] person without justification. General Order 06-01-02 states that department members are responsible for the safety and security of persons in their custody. A person taken into Department custody will be searched prior to transport and restrained in such a manner as to prevent escape and to provide for the safety of the public, the person in custody, and the officers involved. A custodial search is a warrantless search of a person under arrest with or without probable cause to believe there is any contraband or evidence subject to seizure on the person. According to Sergeant Rumbaugh, he placed [REDACTED] under arrest based on the investigative alert and then he performed a searched of [REDACTED] before he was transported to the station. Department policy requires an officer to search any person placed under arrest before they are transported and as such COPA finds this allegation against Sergeant Rumbaugh to be Exonerated.

COPA makes a finding of **Exonerated** for **allegation #3** against Sergeant Rumbaugh and Officer Patrick in that they arrested [REDACTED] without justification. [REDACTED] was arrested based on an investigative alert with probable cause to arrest and thus he was arrested with justification. As such, COPA finds this allegation Exonerated.

COPA makes a finding of **Sustained** for **allegation #1** against Officer Davis in that he failed to activate his body-worn camera. Special Order 03-14 requires a department member to activate the system to event mode at the beginning of an incident and will record the entire incident for all law enforcement related activities. Initially Officer Davis stated that he did not activate his body-worn camera because he was in the alley and was not taking any police action. Upon further questioning, Officer Davis stated that he forgot to turn his body-worn camera on. As such, COPA finds this allegation Sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS¹⁴

a. Sergeant Rumbaugh

COPA has reviewed the complimentary, training and lack of disciplinary history of Sergeant Rumbaugh. Sergeant Rumbaugh entered [REDACTED] home without an exception to the warrant requirement. As a supervisor, he is more culpable than that of his direct report. As such, COPA recommends 4th amendment training and a 3-day suspension.

b. Officer Patrick

COPA has reviewed the complimentary, training and lack of disciplinary history of Officer Patrick. Like Sergeant Rumbaugh, Officer Patrick entered [REDACTED] home without an exception to the warrant requirement. The officer should have known he is required to have a warrant or a lawful exception, however COPA acknowledges Officer Patrick was with his supervisor. Therefore, COPA recommends 4th amendment training and a 1-day suspension.

¹⁴ Only include this section for investigations with at least one sustained allegation.

c. Officer Davis

COPA has reviewed the complimentary, training and lack of disciplinary history of Officer Davis. Officer Davis failed to activate his BWC while waiting outside the home. While the infraction was benign here, COPA emphasizes the importance of activating BWC during all mandatory situations. COPA recommends a 1-day suspension.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sergeant Jeffrey Rumbaugh	<p>1. It is alleged by [REDACTED] that on or about April 20, 2019 at approximately 11:54 a.m., at or near [REDACTED] [REDACTED] Sergeant Jeffrey Rumbaugh, star 1083, committed misconduct through the following act or omission, by: entering into his residence without justification.</p> <p>2. It is alleged by [REDACTED] that on or about April 20, 2019 at approximately 11:54 a.m., at or near [REDACTED] [REDACTED] Sergeant Jeffrey Rumbaugh, star 1083, committed misconduct through the following act or omission, by: searching his person, without justification.</p> <p>3. It is alleged by [REDACTED] that on or about April 20, 2019 at approximately 11:54 a.m., at or near [REDACTED] [REDACTED] Sergeant Jeffrey Rumbaugh, star 1083, committed misconduct through the following act or omission, by: arresting [REDACTED] without justification.</p>	<p>Sustained/3 days</p> <p>Exonerated</p> <p>Exonerated</p>
Officer Brandon Patrick	<p>1. It is alleged by [REDACTED] that on or about April 20, 2019 at approximately 11:54 a.m., at or near [REDACTED] [REDACTED] Officer Brandon Patrick, star 13433, committed misconduct through the following act or omission, by: entering into his residence without justification.</p> <p>2. It is alleged by [REDACTED] that on or about April 20, 2019 at approximately 11:54 a.m., at or near [REDACTED]</p>	<p>Sustained/1 day</p> <p>Exonerated</p>

	<p>█████, Officer Brandon Patrick, star 13433, committed misconduct through the following act or omission, by: searching his person, without justification.</p> <p>3. It is alleged by █████ that on or about April 20, 2019 at approximately 11:54 a.m., at or near █████</p>	Exonerated
Officer Sherrick Davis	<p>█████ Officer Brandon Patrick, star 13433, committed misconduct through the following act or omission, by: arresting █████ without justification.</p> <p>1. It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass that or or about April 20, 2019 at approximately 11:54 a.m., at or near █████</p> <p>Officer Sherrick Davis, star 12192, committed misconduct through the following act or omission, by: failing to activate your body worn camera.</p>	Sustained/1-day suspension

Approved:



10-29-2020

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Chenese Brown
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Angela Hearts-Glass