

## SUMMARY REPORT OF INVESTIGATION

### I. EXECUTIVE SUMMARY

Date of Incident:	May 5, 2019
Time of Incident:	8:49 a.m.
Location of Incident:	████████████████████ Chicago, Illinois
Date of COPA Notification:	December 4, 2019
Time of COPA Notification:	4:06 p.m.

The complainant, ██████████ alleged that on May 5, 2019, officers of the Chicago Police Department (CPD) unlawfully entered an apartment building he owned, located at ██████████ Chicago, Illinois. ██████████ stated that officers searched both the garden apartment and the apartment on the first floor. He claimed that no one resided in the garden apartment at that time and that the search warrant listed a former resident. Finally, ██████████ alleged that both apartments sustained property damage, including damage to two doors in the garden apartment and three doors in the first-floor apartment. COPA's investigation determined that CPD had a valid search warrant for the garden apartment, but officers lacked justification to enter or search the first-floor apartment.

### II. INVOLVED PARTIES

Involved Officer #1:	Jason E. Brown, Star #668, Employee ID# ██████ Date of Appointment: August 4, 1997, Rank: Lieutenant <sup>1</sup> , Unit of Assignment: 011, DOB: ██████████, 1973, Male, White
Involved Officer #2:	Andrew J. Camarillo, Star #13318, Employee ID# ██████ Date of Appointment: October 25, 1999, Rank: Police Officer, Unit of Assignment: 189, DOB: ██████████, 1973, Male, Hispanic
Involved Individual #1:	██████████ DOB: ██████████, 1961, Male, Black
Involved Individual #2:	██████████ DOB: ██████████, 1965, Female, Hispanic
Involved Individual #3:	██████████ DOB: ██████████, 1987, Female, Hispanic

<sup>1</sup> At the time of the incident, Lieutenant Brown held the rank of Sergeant.

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Lieutenant Brown	<p>It is alleged by [REDACTED] that on or about May 5, 2019, Lieutenant Jason E. Brown:</p> <ol style="list-style-type: none"> <li>1. Searched [REDACTED] first floor apartment, Chicago, Illinois, without justification.</li> <li>2. Caused damage to [REDACTED] first floor apartment, Chicago, Illinois, without justification.</li> <li>3. Failed to report to the Department the unjustified search of [REDACTED] first floor apartment, Chicago, Illinois, which took place on or about May 5, 2019.</li> <li>4. Unlawfully entered [REDACTED] first floor apartment, Chicago, Illinois, without justification.</li> <li>5. It is alleged by COPA that on or about May 5, 2019, at approximately 08:49 a.m., that Lieutenant Jason E. Brown, Star #668, failed to properly supervise the execution of a search warrant at [REDACTED] Chicago, Illinois, whereby the search warrant team he was supervising unlawfully entered [REDACTED] first floor apartment, without justification, and in violation of Special Order 04-19, specifically, Section VIII (Search Warrant Execution) Item A-2-b, in that Lieutenant Jason E. Brown, Star #668, failed to assure participating members were thoroughly familiar with location of the search.</li> </ol>	<p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p>
Officer Camarillo	<p>It is alleged by [REDACTED] that on or about May 5, 2019, Officer Andrew J. Camarillo:</p> <ol style="list-style-type: none"> <li>1. Searched [REDACTED] first floor apartment, Chicago, Illinois, without justification.</li> <li>2. Caused damage to [REDACTED] first floor apartment, Chicago, Illinois, without justification.</li> <li>3. Failed to report to the Department the unjustified search of [REDACTED] first floor apartment, Chicago, Illinois.</li> <li>4. Unlawfully entered [REDACTED] first floor apartment, Chicago, Illinois, without justification.</li> </ol>	<p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Sustained</p>

## IV. APPLICABLE RULES AND LAWS

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### Rules

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1. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
  3. Rule 5: Failure to perform duty.
  4. Rule 6: Disobedience of an order or directive, written or oral.
  5. Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.
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### Special Orders

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1. SO 04-19, Search Warrants (effective September 3, 2015 to January 3, 2020)<sup>2</sup>
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### Federal Laws

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1. The 4<sup>th</sup> Amendment to the U.S. Constitution<sup>3</sup>
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## V. INVESTIGATION<sup>4</sup>

### a. Interviews

In his interview with COPA on December 6, 2019,<sup>5</sup> **Complainant** ██████████ stated that on May 5, 2019, he received a call from a female neighbor who related that his building, located at ██████████ had been entered by the police. ██████████ learned that the basement apartment, which had no tenant at the time, was searched. The police also searched the first-floor apartment, which had a new tenant, but the tenant was not present at the time of the search. The target of the search warrant was ██████████ niece, ██████████ who had previously lived in the garden apartment but had vacated the unit 3-4 years earlier.

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<sup>2</sup> Special Order S04-19 states that, prior to the execution of a search warrant, the search team supervisor will ensure that participating members are thoroughly familiar with the location of the search. Attachment #108, (VIII)(A)(2)(b).

<sup>3</sup> The Fourth Amendment provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in the analysis.

<sup>5</sup> Attachment #2.

██████████ reported that the lock on the back fence, as well as the locks on all the storage units in the laundry room, were cut by the police. The police kicked in the back door, the entry and storm doors to the first floor apartment, and the back-entry and inner door to the garden apartment. ██████████ stated that each apartment had a separate entrance, and that the first-floor apartment was clearly marked as first-floor. A copy of the search warrant was not left at either apartment. ██████████ indicated the property has mailboxes; however, the names of the tenants are not on them.

██████████ identified the first-floor tenant as a female named ██████████ who speaks little English. ██████████ moved into the first-floor apartment on March 16, 2019. ██████████ stated that the police tore up ██████████ apartment during the search. ██████████ told ██████████ she took photographs of the damage to the apartment, but she did not provide the photographs to ██████████ only took photographs of the damaged doors and did not go inside of ██████████ apartment. ██████████ subsequently repaired the damaged doors to both apartments. He called Lieutenant Jason Brown, who provided him with information to file a claim for the damages to the apartments. ██████████ subsequently filed a claim for damages with the City of Chicago. His claim was denied.

In her interview with COPA on February 20, 2020,<sup>6</sup> ██████████ stated that she resides with her two small children, her mother ██████████ and her brother, in the first-floor apartment of ██████████. At the time of her interview, she had resided there for approximately one year. On May 7, 2019, ██████████ and her mother came home and found the doors to their apartment were damaged. She later learned from the landlord that CPD had forced entry into her apartment and damaged the doors on May 5, 2019. No documentation from CPD relative to this incident was found in the apartment. Subsequently, ██████████ mother attempted to obtain more information about the incident from CPD by going to the police station located at Kedzie and Ogden Avenues, but she was unsuccessful. The apartment, according to ██████████ had been completely searched, including every room, and things had been thrown about. It took ██████████ and her mother two days to put things back in order. Nothing was damaged, other than the doors, and nothing was missing. At the time, the family owned a pit bull that was sick, and kept in a separate room, which was also searched.

In his interview with COPA on February 6, 2020,<sup>7</sup> **Officer Andrew J. Camarillo** stated that he was on duty on May 5, 2019, with Unit #189, and he was the affiant for the search warrant executed at ██████████ basement apartment. His unit was not equipped with Body Worn Cameras (BWC) at the time of the incident. Initially, Officer Camarillo's unit approached the search warrant location from the rear, observing a type of shed attached to the building. Officer Camarillo concluded that he could not make entry to the basement apartment from the rear due to the location of the shed. As a result, it was decided to force entry to the first-floor apartment in order to locate an entrance to the basement apartment. Upon entry, the officers could not find an entrance to the basement apartment. The officers then exited the unit and went back to the shed, where they realized they could gain entry to the basement apartment by forcing the shed door open. The officers then gained entry to the basement apartment, resulting in damage to the door. No one was home at the basement apartment. The search team conducted a search of the apartment, which lasted approximately fifteen minutes. The search was negative<sup>8</sup> and the

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<sup>6</sup> Attachment #80.

<sup>7</sup> Attachments #70 and #71.

<sup>8</sup> Attachment #70 at 1215.

officers left the location. Officer Camarillo identified the search team leader as Lieutenant Jason Brown. He could not recall if any documentation was left at the location relative to the search, and he further stated that he did not notify anyone of the search.<sup>9</sup> Officer Camarillo believed that Lieutenant Brown had notified the owner of the building concerning the search they conducted.

Relative to the forced entry of the first-floor apartment, Officer Camarillo acknowledged there was no search warrant for the first-floor apartment.<sup>10</sup> He stated that it was not a mistake to force entry to the first-floor apartment because he was looking for an entrance to the basement apartment. Officer Camarillo did not recall who gave the order to force entry into the first-floor apartment, nor did he recall which officer forced entry into the apartment. He denied that he or any member of his team searched the apartment, but he admitted that his team had forced entry into a location for which they did not have a search warrant.<sup>11</sup> Officer Camarillo stated that approximately five officers entered the apartment, along with himself, but he did not recall the names of the officers. No one was at home at the time. Officer Camarillo denied that he searched the apartment for contraband, and he did not recall if other officers on his team went into separate rooms in the first-floor apartment. He stated that he was in the apartment for approximately three minutes, and he did not recall how long the other officers had remained in the apartment.

Officer Camarillo reported that the rear door to the first-floor apartment was damaged, and Lieutenant Brown had submitted a form to the City of Chicago Law Department advising them of the damage. CPD, however, was not formally notified of the search of the first-floor apartment.<sup>12</sup>

In his interview with COPA on February 27, 2020,<sup>13</sup> **Lieutenant Jason Brown**, confirmed that he was the ranking officer for the search warrant executed at [REDACTED] basement apartment, on May 5, 2019. Officer Camarillo was the affiant for the search warrant. Lieutenant Brown reviewed the search warrant for this incident and indicated that the search warrant was for [REDACTED] [REDACTED] and the basement/garden apartment located at [REDACTED] [REDACTED].<sup>14</sup> The search warrant did not include the first-floor apartment at that location.

During the briefing before the warrant's execution, Lieutenant Brown decided not to try to enter the basement apartment from the front, but to enter it from the rear. He identified a photograph of the rear of the location,<sup>15</sup> pointing out where a shed appeared adjacent to the building. Lieutenant Brown did not remember if the locks on the fence surrounding the property were cut to enter the property. During the warrant's execution, Lieutenant Brown positioned himself in front of the building with a unit of uniformed officers who were assisting them. The remainder of the search warrant team went to the rear of the building. Lieutenant Brown was in radio contact with the team in the rear of the building, but he did not know who was making decisions at the rear of the building as to entry. When he learned over the radio that they made entry, he went to the back of the building. Lieutenant Brown was shown a photograph of the back

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<sup>9</sup> Attachment #70 at 1524.

<sup>10</sup> Attachment #70 at 1635.

<sup>11</sup> Attachment#70 at 1924.

<sup>12</sup> Attachment #71 at 0119.

<sup>13</sup> Attachment #81.

<sup>14</sup> Attachment #19.

<sup>15</sup> Attachment #74.

of the building,<sup>16</sup> and he pointed out a doorway to the left of the shed, which he identified as the entrance to the first-floor apartment that was breached. He did not know who made the decision to breach the door to the first-floor apartment. Lieutenant Brown reported that he was disturbed when he observed that the door had been breached.<sup>17</sup> The officers collectively told him that they thought it was a way to get to the basement apartment. He believed they had acted in good faith; nonetheless, he admonished them for their actions at the scene and discussed the matter further at the post-search warrant briefing.

After Lieutenant Brown observed the door breached to the first-floor apartment, he entered the apartment and conducted a walk-through. He was only in the apartment for a short period of time. A sick dog was found in the apartment, but no one was at home. He observed no officers in the first-floor apartment at that time, but later learned that officers had entered the apartment. He acknowledged that the officers had entered the wrong apartment.<sup>18</sup> Lieutenant Brown did not believe that the officers searched the first-floor apartment for contraband, other than conducting a protective sweep. Subsequently, he proceeded to the basement apartment while it was being searched. The search was negative for contraband. When asked whether exigent circumstances existed to breach the door to the first-floor apartment, he stated that he felt exigent circumstances had existed because his officers were acting in good faith to find an entrance to the basement apartment. Other than attempting to locate occupants, he believed the first-floor apartment was not searched by his officers.

Subsequently, at the post-search warrant briefing, it was discussed that entry into the first-floor apartment was not authorized by the search warrant.<sup>19</sup> Lieutenant Brown acknowledged that the Narcotics Division Supplementary Report,<sup>20</sup> which he had reviewed and signed relative to the search, did not specifically state that entry had been forced into the first-floor apartment.<sup>21</sup> He stated, however, that the Department was notified of the forced entry into the first-floor apartment. He believed he orally notified Lieutenant Cline.<sup>22</sup> Additionally, Lieutenant Brown explained that because the relevant police report states there was damage incurred to both the basement and first-floor apartments, he believed notification to the Department was implied, although there was no formal written notification submitted.<sup>23</sup>

Regarding ██████████ Walker, the owner of the building, Lieutenant Brown stated that he spoke with ██████████ several times about the incident, provided a copy of the search warrant to ██████████ and advised ██████████ how to file a claim with the City of Chicago for the damages sustained to his property.

Relative to Allegation #1, Lieutenant Brown admitted that his search team had entered and conducted a light search of the first-floor apartment after mistakenly entering it.<sup>24</sup> With respect to

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<sup>16</sup> Attachment #74.

<sup>17</sup> Attachment #81 at 1744.

<sup>18</sup> Attachment #81 at 2318.

<sup>19</sup> Attachment #81 at 3130.

<sup>20</sup> Attachment #60.

<sup>21</sup> Attachment #81 at 3248.

<sup>22</sup> Attachment #81 at 3332.

<sup>23</sup> Attachment #81 at 3600.

<sup>24</sup> Attachment #81 at 5056.

Allegation #2, Lieutenant Brown denied the allegation, stating that he did not personally cause damage to the first-floor apartment, though he admitted that he was in overall charge of the search warrant team. With respect to Allegation #3, he denied the allegation, stating that he had personally spoken with the owner of the building and informed him how to file a claim with the City of Chicago for damages sustained to his property.

In his interview with COPA on February 28, 2020,<sup>25</sup> **Officer Oscar Serrano** confirmed that he was on duty on May 5, 2019, with Unit #189, and participated in the execution of a search warrant at [REDACTED] basement apartment. Lieutenant Brown was in charge of the search warrant team and Officer Camarillo was the affiant for the search warrant. Officer Serrano identified a photograph of the back of the building located at [REDACTED] pointing out the presence of a shed.<sup>26</sup>

Prior to the execution of the search warrant, the search team held a briefing and Officer Serrano was assigned to maintain security on the perimeter of the location, at the south end of the building. Lieutenant Brown was located in the front of the building, along with a marked police unit. Another officer was located in the gangway north of the building. Approximately 5-7 officers were in the back of the building, comprising the breach team. Officer Serrano maintained his position, essentially in the gangway south of the building, until he heard an “all clear” over the radio, and then he relocated to the back of the building. The officers were in communication through push-to-talk devices. He was not sure which officer was in charge in the back of the building, and he did not know who gave the order to breach the first-floor apartment from the rear. Officer Serrano did not hear an order to that effect issued over his push-to-talk device. When he relocated to the other officers location, he observed that the doors to the shed and the first-floor apartment were open. Officer Serrano did not observe these doors being forced open. He did not enter the first-floor apartment, but he and several other officers entered the basement apartment and helped search it. The basement apartment was empty, and the search team was only inside for a few minutes.

With respect to the first-floor apartment, Officer Serrano did not observe any officers enter or leave the apartment. Afterwards, at the post-search warrant briefing, Officer Serrano learned that officers had entered the first-floor apartment. Officer Camarillo reported that officers breached the door to the first-floor apartment by mistake, and Lieutenant Brown was upset about it.<sup>27</sup> Officer Serrano stated that, to the best of his knowledge, no one was at home when the officers entered the first-floor apartment, and a search for contraband was not conducted. Officer Serrano did not know if any documentation was left in the apartment indicating that the police had entered, but Lieutenant Brown reported that he was going to contact the owner of the building. The damaged doors were secured as much as possible. Officer Serrano did not know if Lieutenant Brown had notified a superior as to the improper entry into the first-floor apartment.

In his second interview with COPA on March 31, 2021,<sup>28</sup> **Officer Camarillo** reaffirmed that on May 5, 2019, he and his search team entered the first-floor apartment at [REDACTED]

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<sup>25</sup> Attachment #82.

<sup>26</sup> Attachment #74, p.1.

<sup>27</sup> Attachment #82 at 1621.

<sup>28</sup> Attachment #101.

[REDACTED]

[REDACTED] without a search warrant or consent to enter. His justification for entering was that he believed it was feasible to enter the basement apartment, for which they had a search warrant, by gaining entry through the first-floor apartment. Officer Camarillo denied the allegation of unlawful entry without justification.

In his second interview with COPA on April 1, 2021,<sup>29</sup> **Lieutenant Brown** acknowledged there was no search warrant for the first-floor apartment at [REDACTED] and the search team did not have consent to enter that location. He admitted that he had entered that location. Regarding the allegation that he unlawfully entered the first-floor apartment without justification, Lieutenant Brown provided the following explanation: The search warrant was to be executed in the rear of the building. Because his team was short-handed, he decided to remain in the front of the building with two uniformed officers. The officers on the entry team then made entry through the first-floor apartment to seek access to the basement apartment, believing there was a common first-floor doorway which would provide access. They entered the first-floor apartment in good faith but could not find access to the basement apartment. The officers then quickly retreated and exited the first-floor apartment. At that point, Lieutenant Brown relocated to the rear of the building, and upon observing that the door to the first-floor apartment had been breached, he made entry to ensure that any occupants would be notified of the incident. Lieutenant Brown heard a yelping noise coming from one of the rooms. He checked it out to make sure it was not a person in distress and subsequently determined that the yelping was from a dog. Lieutenant Brown explained that the entry was not done with ill intent, nor was it done in a malicious manner. No one was at home, so there was no one to notify. He did, however, subsequently notify the building's owner.

With respect to the last allegation, Lieutenant Brown denied that he failed to properly supervise the execution of the search warrant. He explained that he took the following steps to ensure the members of his search team entered the correct apartment: His team took pre-execution photographs of the location and conducted pre-execution surveillance of the site. He also held a pre-execution briefing with his team members relative to the execution of the search warrant. Lieutenant Brown did not designate any particular officer on the entry team to give the command to enter the location, as typically the lead officer in the stack gives that command. With respect to whether it is CPD protocol for the search team supervisor to be at the point of entry and give the command to enter, Lieutenant Brown responded that all situations are different, so there is no set procedure.

#### **b. Digital Evidence**

There is no **BWC footage** of the forced entry into the first-floor apartment, as Unit #189 (Narcotics Division), the unit which executed the search warrant, was not equipped with BWCs at the time of the incident.

**Digital Photographs**<sup>30</sup> of the basement apartment and the first-floor apartment at [REDACTED] show damage to the doors and door jambs of both the first-floor and basement apartments.

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<sup>29</sup> Attachment #103.

<sup>30</sup> Attachments #21 to #48.

[REDACTED]



### c. Documentary Evidence

**CPD Original Case Incident Report** RD# JC250487, dated May 31, 2019:<sup>31</sup> The report reflects that a search warrant for narcotics was executed at ██████████ Chicago, Illinois, on May 5, 2019, at 8:49 a.m., with the target's name being ██████████ There is no indication that any evidence was recovered.

**Office of Emergency Management and Communications (OEMC) Event Query Report** – Event No. 1912504638:<sup>32</sup> This report reflects that a search was conducted at 8:49 a.m. on May 5, 2019, at ██████████ and that Lieutenant Brown advised that the search warrant was negative, no one was at home, and he should be contacted if there were any complaints relative to the event.

**Letter from the City of Chicago Department of Law** dated July 16, 2019 and addressed to ██████████ declining his claim for damages sustained as a result of a search warrant executed at his property (File ██████████ 1).<sup>33</sup> ██████████ claim for damages arising out of the search warrant executed at his property on May 5, 2019, was denied. No reason was given for denying the claim.

**Invoice for Estimate of Damages** to ██████████ Chicago, Illinois totaling \$3,300 (Invoice # ██████████).<sup>34</sup> The damages include replacing six exterior doors with frames and locks at \$550 each; total cost \$3,300.

**Search Warrant** (Circuit Court of Cook County) for ██████████ and the basement apartment located at ██████████.<sup>35</sup> The search warrant was issued on May 5, 2019, at 8:03 a.m., for the above location for drugs and related paraphernalia, as well as firearms.

**City Claims Notification** (CPD) for damage to ██████████ for damage which occurred during the execution of the search warrant:<sup>36</sup> This report reflects that Lieutenant Brown notified the City of Chicago on May 6, 2019, at 10:00 a.m., that damage had occurred during a forced entry to ██████████ on May 5, 2019, at 8:49 a.m., relative to RD# JC250487.

**CPD Narcotics Division Supplementary Report** JC250487 showing the search warrant was negative for contraband at ██████████.<sup>37</sup> This report reflects that a search warrant was executed at the above address, per search warrant ██████████ and that forcible entry had occurred but no contraband was recovered. The report also states that the doors to the first floor and the basement were secured before the officers left the premises.

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<sup>31</sup> Attachment #3.

<sup>32</sup> Attachment #4.

<sup>33</sup> Attachment #14.

<sup>34</sup> Attachment #15.

<sup>35</sup> Attachment #19.

<sup>36</sup> Attachment #49.

<sup>37</sup> Attachment #60.

**Complaint for Search Warrant** for [REDACTED] and the basement apartment located at [REDACTED] dated May 5, 2019.<sup>38</sup> The complaint specifically designates the target location of the search warrant as the basement/garden unit of a two-story gray-stone apartment building located at [REDACTED] Chicago, Illinois. The complaint is for drugs and firearms, and the affiant is identified as Officer Camarillo. The warrant was signed by Judge #1975 on May 5, 2019.

## 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.<sup>39</sup> 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. 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.”<sup>40</sup>

## VII. ANALYSIS AND CONCLUSIONS

COPA’s investigation has determined that Officer Camarillo lawfully obtained a search warrant on May 5, 2019, for the garden apartment located at [REDACTED] Chicago, Illinois.<sup>41</sup> He did not obtain a search warrant for the first-floor apartment located at the same address. On May 5, 2019, Officer Camarillo and the other members of the search team executed the warrant by forcing entry into the garden apartment, as no one was home in the apartment; however, prior to entering the garden apartment, they forced entry into the first-floor

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<sup>38</sup> Attachment #64.

<sup>39</sup> 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).

<sup>40</sup> *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>41</sup> Attachment #19.

apartment, ostensibly for the purpose of finding an entrance to the garden apartment. They entered the first-floor apartment without a search warrant, without exigent circumstances, and without consent.

The search warrant authorized officers to search the garden apartment and the target, ██████████ the niece of the complainant, for firearms and drugs. ██████████ was not present at the time of the search, and ██████████ told COPA that she had vacated the garden apartment before the search warrant was executed. When the officers forced entry, certain damage was sustained to the back gate of the property and the doors of the garden apartment. The officers then conducted a brief search of the garden apartment, with negative results. As the search warrant was lawfully obtained and executed, there is no Fourth Amendment violation with respect to the search of the garden apartment.

The forced entry and search of the first-floor apartment, however, is another matter. It is undisputed that Officer Camarillo did not obtain a search warrant for the first-floor apartment. No exigent circumstances existed that would have been an exception to the search warrant requirement. No one provided valid consent to enter or search the apartment, as the tenants, ██████████ and ██████████ were not home at the time of the search. Further, there is no mention of the entry of the first-floor apartment and subsequent search in any of the relevant CPD reports for this incident.<sup>42</sup> Thus, it is clear that the entry and search of the first-floor apartment were not justified, as the officers lacked a search warrant, exigent circumstances, and valid consent. Their decision to force entry into the first-floor apartment in order to find an entrance to another apartment in the same building constituted a clear violation the Fourth Amendment.<sup>43</sup>

In his first interview with COPA, Officer Camarillo stated that he and several other officers on the search team forced entry into the first-floor apartment without a search warrant, ostensibly to locate an entrance to the garden apartment. Officer Camarillo estimated that he was physically present in the first-floor apartment for approximately three minutes. He did not leave any documentation inside the apartment indicating that officers had forced entry. Additionally, the police report authored by Officer Camarillo did not mention the forced entry into the first-floor apartment, and the CPD was not formally notified of the incident. Officer Camarillo's justification for forcing entry into a location for which he did not have a search warrant was simply that he was trying to locate an entrance into the garden apartment. This does not rise to the level of exigent circumstances.

Because the evidence clearly shows the entry and search of the first-floor apartment were unjustified, it logically follows that the damage the apartment sustained as a result of the forced entry was equally unjustified. Therefore, COPA finds that **Allegations #1, #2, and #4** against Officer Camarillo and Lieutenant Brown<sup>44</sup> are **sustained** as a violation of Rules 2, 3, and 6.

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<sup>42</sup> Attachments #3, #6, #13, #60 and #61.

<sup>43</sup> The Fourth Amendment provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

<sup>44</sup> COPA recognizes that Lieutenant Brown was in the front of the building when the officers breached the first-floor apartment through the rear door; however, he admitted that he subsequently entered the first-floor apartment. Additionally, as a supervisor, Lieutenant Brown had a duty to ensure that Officer Camarillo and the other members of

With respect to Allegation #5 against Lieutenant Brown, COPA finds that the lieutenant failed to properly supervise the execution of the search warrant. Special Order 04-19 requires that, “prior to the execution of a search warrant, the search team supervisor will...ensure that participating members are thoroughly familiar with...the location of the search.”<sup>45</sup> Lieutenant Brown clearly failed to meet this requirement. At the time the warrant was executed, the search team did not know how to gain entry into the garden apartment. This lack of information led the team to look for an entrance to the garden apartment by forcing entry into the first-floor apartment. As a supervisor, Lieutenant Brown should have ensured that his team knew how to enter the garden apartment. That did not happen because Lieutenant Brown was located in the front of the building, and not at the point of entry in the rear of the building. As such, his supervision was lacking, and **Allegation #5** against Lieutenant Brown is **sustained** as a violation of Rules 2, 3, 5, and 6.

Finally, since the Narcotics Division Supplementary Report authored by Officer Camarillo and reviewed by Lieutenant Brown does not explicitly mention the forced entry into the first-floor apartment, it follows that CPD was not formally notified of the event. However, the report does contain language indicating that entry was made to the first-floor apartment, including that the officers “secured the first floor door”<sup>46</sup> before they left the residence. Further, following the incident, Lieutenant Brown contacted [REDACTED] and explained to [REDACTED] how to file a claim for damages with the City of Chicago. This, in essence, notified the City of the event. It appears that Lieutenant Brown acted in good faith to resolve the situation, although he did not submit a formal written report to CPD. Additionally, taking into consideration that it was Lieutenant Brown’s obligation to make the notification, Officer Camarillo reasonably believed his superior would do just that. For these reasons, COPA finds **Allegation #3** against Lieutenant Brown and Officer Camarillo is **not sustained**.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Lieutenant Jason Brown

#### i. Complimentary and Disciplinary History<sup>47</sup>

Lieutenant Brown has received 158 awards, including 12 complimentary letters, 21 Department commendations, one life saving award, one police blue shield award, one Superintendent’s honorable mention, and 82 honorable mentions. He has no sustained disciplinary history in the past five years.

#### ii. Recommended Penalty

COPA has found that Lieutenant Brown violated Rules 2, 3, 5, and 6 when he supervised the search team that unlawfully entered, searched, and damaged the first-floor apartment at [REDACTED]

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the search team acted in conformity with CPD policies and expectations. Supervisors have the “responsibility for the performance of all subordinates placed under them and while they can delegate authority and functions to subordinates, they cannot delegate responsibility. They remain answerable and accountable for failures or inadequacies on the part of their subordinates.” CPD Rules and Regulations, Article IV(B).

<sup>45</sup> S04-19(VIII)(A)(2)(b).

<sup>46</sup> Attachment #60, pg. 2.

<sup>47</sup> Attachment #107, pgs. 1-4.

██████████. As the search team supervisor, Lieutenant Brown was responsible for ensuring that his subordinates adhered to CPD policy and the Fourth Amendment in executing the search warrant. Instead, Lieutenant Brown waited in the front of the residence as the search team breached in the rear. This abdication of responsibility resulted in the improper breach of the first-floor apartment and related property damage. However, COPA credits Lieutenant Brown for recognizing his officers' mistake and taking steps to address it immediately after the incident. He also accepted responsibility during his COPA statement. It is for these reasons, combined with Lieutenant Brown's extensive complimentary history and lack of disciplinary history, that COPA recommends he receive a **10-day suspension**.

**b. Officer Andrew Camarillo**

**i. Complimentary and Disciplinary History<sup>48</sup>**

Officer Camarillo has received 202 awards, including six complimentary letters, 21 Department commendations, two Superintendent's honorable mentions, and 147 honorable mentions. In June 2022, he received a reprimand for failure to perform assigned tasks.

**ii. Recommended Penalty**

COPA has found that Officer Camarillo violated Rules 2, 3, and 6 by unlawfully entering, searching, and damaging the first-floor apartment at ██████████. As the affiant for the search warrant, Officer Camarillo had the most knowledge about the target location, and he was responsible for ensuring that the search team entered the correct apartment. Instead, Officer Camarillo participated in the improper entry into the first-floor apartment, and he subsequently defended his actions during his statements to COPA. It is for these reasons, combined with Officer Camarillo's extensive complimentary history and minimal disciplinary history, that COPA recommends he receive a **10-day suspension**.

Approved:

██████████  
\_\_\_\_\_

Steffany Hreno  
*Director of Operations*

11/28/2022

\_\_\_\_\_  
Date

<sup>48</sup> Attachment #107, pgs. 5-8.