

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	January 11, 2018
Time of Incident:	8:50PM
Location of Incident:	██████████
Date of COPA Notification:	January 11, 2018
Time of COPA Notification:	12:13PM

The complainant, ██████████ and his family were inside of their apartment when Chicago Police Detectives knocked on his door. When he answered, a detective grabbed him and tried to pull him out of the apartment. The detective stated they were looking for an offender and wanted to search their home. When Mr. ██████████ refused, one of the detectives tried to walk past him, and Mr. ██████████ pushed the detective. The detective pushed him back and removed his gun from his holster. Mr. ██████████ calmed down, and the detectives entered and searched ██████████ home. Mr. ██████████ stated that the detectives did not have his consent or a warrant. As the detectives were leaving, Mr. ██████████ called 911, requested police service, and provided the license plate numbers to the vehicles that were on the scene.

**II. INVOLVED PARTIES**

Involved Officer #1:	Juan Morales, Star 20741, Employee ██████████, DOA June 21, 1999, Detective, Unit 630, DOB ██████████ 1974, Male, Hispanic
Involved Officer #2:	Arthur Taraszkievicz, Star 21183, Employee ██████████, DOA August 4, 1997, Detective, Unit 630, DOB ██████████ 1971, Male, White
Involved Officer #3:	Philip Brown, Star 20362, Employee ██████████, DOA December 13, 1993, Detective, Unit 650, DOB ██████████ 1966, Male, White
Involved Officer #4:	Richard Rinella, Star 21453, Employee ██████████, DOA December 16, 2009, Detective, Unit 610, DOB ██████████ 1983, Male, White
Involved Officer #5:	Unknown Officers
Involved Individual #1:	██████████, 1989, Male, Black

Involved Individual #2: ██████████ ██████████, 1985, Female, Hispanic  
 Case Type: ██████████  
 Illegal Search and Excessive Force

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Detective Morales	1. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near ██████████ Chicago, IL, the accused grabbed ██████████ without justification in violation of Rule 8.	Sustained
	2. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near ██████████ Chicago, IL, the accused attempted to forcibly remove ██████████ from his apartment without justification in violation of Rule 8.	Sustained
	3. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near ██████████ Chicago, IL, the accused pointed his weapon at ██████████ without justification in violation of Rule 38.	Not Sustained
	4. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near ██████████ Chicago, IL, the accused entered ██████████ home without justification in violation of Rule 2.	Sustained
	5. It is alleged that on or about January 11, 2018, at approximately 8:50PM, at or near ██████████ Chicago, IL the accused searched ██████████ home without justification in violation of Rule 2.	Sustained
	6. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at the location of ██████████ Chicago, IL the accused pointed his weapon at Mr. ██████████ minor daughter, ██████████ without justification in violation of Rule 38.	Not Sustained

	<p>7. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at the location of ██████████ Chicago, IL the accused refused to provide his name and badge number upon request in violation of Rule 37.</p> <p>8. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at the location of ██████████ Chicago, IL the accused failed to document his contact with ██████████ in violation of Rule 11.</p>	<p>Sustained</p> <p>Sustained</p>
<p>Detective Taraszkievicz</p>	<p>1. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near ██████████ Chicago, IL, the accused grabbed ██████████ without justification in violation of Rule 8.</p> <p>2. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near ██████████ Chicago, IL, the accused attempted to forcibly remove ██████████ from his apartment without justification in violation of Rule 8.</p> <p>3. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near ██████████ Chicago, IL, the accused pointed his weapon at ██████████ without justification in violation of Rule 38.</p> <p>4. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near ██████████ Chicago, IL, the accused entered ██████████ home without justification in violation of Rule 2.</p> <p>5. It is alleged that on or about January 11, 2018, at approximately 8:50PM, at or near ██████████ ██████████ Chicago, IL the accused searched ██████████ home without justification in violation of Rule 2.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

<p>Detective Brown</p>	<p>6. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at the location of ██████████ Chicago, IL the accused pointed his weapon at Mr. ██████████ minor daughter, ██████████ without justification in violation of Rule 38.</p>	<p>Unfounded</p>
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	<p>8. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at the location of ██████████ Chicago, IL the accused failed to document his contact with ██████████ in violation of Rule 11.</p>	<p>Unfounded</p>
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	<p>5. It is alleged that on or about January 11, 2018, at approximately 8:50PM, at or near ██████████</p>	<p>Unfounded</p>

Detective Rinella

██████████, Chicago, IL the accused searched ██████████ home without justification in violation of Rule 2.

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4. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at or near

Unfounded

Unfounded

Unfounded

Unfounded

Unfounded

Unfounded

Unfounded

Unknown Officers

██████████ Chicago, IL, the accused entered ██████████ home without justification in violation of Rule 2.

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5. It is alleged that on or about January 11, 2018, at approximately 8:50PM, at or near [REDACTED] Chicago, IL the accused searched [REDACTED] home without justification in violation of Rule 2.	Not Sustained
6. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at the location of [REDACTED] Chicago, IL the accused pointed his weapon at Mr. [REDACTED] minor daughter, [REDACTED] without justification in violation of Rule 38.	Not Sustained
7. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at the location of [REDACTED] Chicago, IL the accused refused to provide his name and badge number upon request in violation of Rule 37.	Not Sustained
8. It is alleged that on or about January 11, 2018, at approximately 8:50 PM, at the location of [REDACTED] Chicago, IL the accused failed to document his contact with [REDACTED] in violation of Rule 11.	Not Sustained

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 2 – Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
  2. Rule 8 – Disrespect to or maltreatment, while on or off duty.
  3. Rule 11 – Incompetency or inefficiency in the performance of duty.
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4. 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.

5. Rule 38 – Unlawful or unnecessary use or display of a weapon.

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#### Special Orders

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1. S04-19-01, “Consent to Search”

### V. INVESTIGATION<sup>1</sup>

#### a. Interviews

In a statement with COPA on January 16, 2018, the complainant, ██████████, related that he was at home playing video games when he saw the knob on his entry door shake. He then heard a knock at the door. Mr. ██████████ asked who was at the door, but no one responded. Mr. ██████████ again shouted, “Who is it?” Someone responded, “Police.” When Mr. ██████████ asked the police how he could be of assistance to them, they asked him to open the door and explained that they were conducting an investigation and looking for someone. Mr. ██████████ opened the door and observed four white male officers dressed in plainclothes. The first officer, who Mr. ██████████ described as being approximately 5-9”-5’11” with dark hair, grabbed him by the shirt and tried to pull him out of the door. Mr. ██████████ pushed the officer on his chest and Mr. ██████████ girlfriend, ██████████ who was standing behind him, pulled him away from the officer’s grasp. Mr. ██████████ asked what was going on, and the officer said they were looking for someone and asked who lived there. Mr. ██████████ replied that he and his wife lived there along with their two children. The officer told Mr. ██████████ who was standing at the threshold of his door, to move out of the way because they wanted to search his apartment. When Mr. ██████████ replied no, the officer tried to push past Mr. ██████████ and enter the apartment. Mr. ██████████ pushed the officer again. At this time, the officer removed his gun, possibly a semi-automatic Sig Sauer or Glock, and pointed it at Mr. ██████████ torso. Mr. ██████████ immediately took a step back and the officer placed his weapon back in the holster. The officer told Mr. ██████████ to keep calm and they just wanted to search his home.

The officers entered his home, with their weapons drawn and searched his home. During the search, Mr. ██████████ asked the officer for a warrant, name, or badge number, and when the officers refused, Mr. ██████████ called 911. As he was calling and reporting the incident to the dispatcher, the officers exited his home. Mr. ██████████ followed the officers outside and observed another officer standing outside of his building with an assault rifle. Mr. ██████████ was startled by the officer, so he stepped back inside of the building. When the officer walked away and the other officers proceeded to their vehicles that were parked nearby, Mr. ██████████ exited the building and recited the license plate numbers of the vehicles to the 911 dispatcher. Mr. ██████████ related that the first vehicle was a Ford or Lincoln, and the second vehicle was a Chevy Impala. Mr. ██████████ stated that three of the officers walked to another vehicle that was not parked on his block.

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Att. 7, 35



Approximately 30 minutes later, a police supervisor, wearing a white shirt with the last name of Zogg, responded to his home. Mr. ██████ reported the incident to the supervisor and asked the supervisor for the license plate numbers of the vehicles that he provided to the dispatcher. The supervisor told Mr. ██████ to meet him back at the station, where he gave Mr. ██████ the plate numbers. Mr. ██████ stated that the following day, his seven-year-old daughter told him that one of the officers pointed his weapon at her when she was in the hallway approaching the living room. Mr. ██████ related that there are four units in the apartment building, and there were other officers searching his neighbor's apartment across the hall from him. Mr. ██████ stated that his neighbor, ██████, gave officers permission to search her home. Mr. ██████ identified his cousin, ██████ as a possible witness to the incident. Although Mr. ██████ was not present inside of the apartment, he stated that he was playing a virtual online video game with him, and it is possible that Mr. ██████ heard the commotion.

Mr. ██████ failed to provide contact information for Mr. ██████.

**Photo Arrays**<sup>4</sup> were administered to Mr. ██████ on October 4, 2019, but he failed to positively identify the accused officers.

In her statement to COPA on January 16, 2018, ██████ ██████ related that she was at home with her husband, Mr. ██████ who was playing a video game, when she heard someone knock on the building's entry door and heard footsteps coming up the stairs. She then heard someone knocking at her door and twisting the doorknob. Mr. ██████ got up and repeatedly asked, "Who is it?" However, the person just continued to knock on the door without answering. Mr. ██████ opened the door and one of the officers tried to push the door open and pull Mr. ██████ out of the apartment. Ms. ██████ was asking what was going on and pulling on Mr. ██████ shirt to pull him back inside of the apartment. Another officer tried to push past Ms. ██████ and she stopped him as she heard Mr. ██████ ask for a warrant. While she was blocking one of the detectives and Mr. ██████ was tussling with another, a different officer slipped inside of the apartment. Ms. ██████ shouted that her children were in the house. The officer removed his gun from the holster and proceeded to the rear of her apartment while holding the gun to his side. Ms. ██████ screamed out to her kids to stay still and do not leave the room. Ms. ██████ followed the officer as he went from room to room. When the officer approached her bedroom, her daughters were sitting on the bed. As the officer continued to search her apartment, Ms. ██████ stated that she opened the closet doors, turned on the lights and even let them look under the bed just in case they were looking for someone, since she had no idea what or who they were looking for. Ms. ██████ related that Mr. ██████ told the detectives that he was going to call the police and report that they broke into their home. One of the detectives responded that they did not, and Ms. ██████ let them, which she denied and told the officers that they forced their way inside.

When the detectives left the home, Mr. ██████ followed them to get their vehicle numbers and later went to the police station. Ms. ██████ related that her neighbor, ██████, told her that the officers knocked on her door and showed her a picture and a video of the black male who they were looking for. Ms. ██████ stated that the police never showed them any identification, a

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<sup>3</sup> At. 65

<sup>4</sup> Att. 32

<sup>5</sup> Att. 11, 37

warrant, or a picture of the wanted offender. She stated that if they had explained the situation, she would not have had an issue with allowing them to search her home. She stated that her daughter told her that the officer pointed the gun at her, but she did not witness it.

Although [REDACTED] did not participate in the COPA investigation, she told COPA that officers came to her home and showed her a picture and video of a male who they were looking for. She recognized the man to be one of her relatives and allowed the officers to search her apartment.

In a statement to COPA on June 9, 2021, **Accused Detective Juan Morales**<sup>7</sup> related that he and Detective Taraskiewicz were the assigned lead detectives for RD# JB110156. As lead detectives, their responsibilities were to follow up on the investigation, which included speaking to witnesses, looking for evidence and locating the offender. He explained that they were conducting an investigation of a person shot in the head in the 1900 block of North Albany. Preliminary investigation revealed that the suspected offender was [REDACTED], whose nickname is [REDACTED], and he drives a white Volvo with a black top. A computer search revealed three possible addresses for Mr. [REDACTED] including [REDACTED].

Det. Morales related that on the date in question, when they arrived at [REDACTED], they did not observe anything peculiar outside of the building, so they toured the area for Mr. [REDACTED] vehicle. The vehicle was located approximately two blocks away at 1310 N. Parkside and assisting units conducted surveillance on the vehicle while he and Det. Taraskiewicz returned to [REDACTED]. Det. Morales related that after several hours of surveillance on both the location and the car, they decided to see if Mr. [REDACTED] was inside of his brother's home. Det. Morales related that he used a database that provides information regarding past addresses associated with a person, such as if there is an association with a relative at the address. Det. Morales related that, although he did not recall during the statement, on the date and time of the incident, he knew which apartment that [REDACTED] was affiliated with and had a picture of Mr. [REDACTED].

Det. Morales related he and approximately four detectives, clad in plain clothes like himself, entered the apartment building. Det. Morales was unsure if any uniformed officers were present and did not know if Detective Philip Brown was present. Det. Morales also stated that he was not sure if Det. Taraskiewicz entered the building. However, earlier in his statement, related that Det. Taraskiewicz was in the rear of the building and did not enter. Det. Morales stated that after entering the building, they proceeded to the apartment they believed belonged to the brother of Mr. [REDACTED]. Det. Morales knocked on the door of the apartment and a male answered. Det. Morales explained that his gun was still inside of his holster. Det. Morales did not know if any of the other detectives had their weapons drawn because he was standing in front of them. He informed the male that he was conducting an investigation and asked if he knew [REDACTED]. The male did not respond, but a female who was standing behind him shook her head in the affirmative. Det. Morales, who did not have a search warrant for the address or an arrest warrant for Mr. [REDACTED], asked if he could enter their home to ensure that Mr. [REDACTED] was not in the apartment. The male responded no. Det. Morales asked again and this time, the female replied yes.

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<sup>6</sup> Att. 33

<sup>7</sup> Att. 50, 60-61

The male stepped to the side and allowed the officers inside. Upon inquiry, Det. Morales related that he did not know who the apartment belonged to. Upon entry, Det. Morales stated that he and the assisting detectives conducted a visual search of the apartment, and once they discovered that Mr. ██████ was not present, they left. As they were leaving, the male asked Det. Morales for his name and star number and Det. Morales provided his star number and spelled his last name. Det. Morales stated that he assumed that the male was not happy with them being present inside of his house, since he initially said no but was overruled by the female. Det. Morales related that he does not recall observing any ██████ inside of the home. Det. Morales also related that he was not present when the male made a telephone call to 911 and did not recall if the male asked him for a copy of a search warrant.

Det. Morales related that he did not document his search of ██████ because it was not fruitful in that they did not locate Mr. ██████. Det. Morales also admitted that he did not document the names of the detectives who assisted him and did not recall the identities of the detectives. Det. Morales stated that he asked for assistance from the Robbery, Burglary and Theft Unit and although he did not know their names, he had seen them around at the Station. Det. Morales stated that he did not recall knocking on any other doors in the apartment building and did not have a conversation with any other tenants inside of the building. He stated that, at the time, they were positive that they had the right location. Det. Morales stated that it is normal not to document such information. He explained that he is selective of the information that he includes in his report, and he chooses the important points of the case that leads to the end result. He added that if he had to document every move he made, his reports would be lengthy. Det. Morales explained that when the residents allowed him entry inside of their residence, it was a non-issue at the time but admitted that it is now an issue.

Det. Morales denied having any physical contact with ██████ and denied pointing his weapon at Mr. ██████ and/or his minor daughter. Furthermore, he denied the allegation of refusing to provide his identifying information. Det. Morales admitted that he failed to document his contact with ██████ but added that he did include Mr. ██████ address in his report.

In a statement to COPA on April 7, 2021, **Accused Detective Arthur Taraskiewicz**<sup>8</sup> related that he and his partner, Det. Juan Morales, were assigned RD# JB-110156, a homicide investigation. After receiving an anonymous tip that the offender was ██████ they performed data warehouse searches for Mr. ██████ and one of his previous addresses included ██████. After locating Mr. ██████ vehicle in the vicinity, Det. Taraskiewicz related that he and Det. Morales, accompanied by the Area North Robbery Mission Team, went to the location of ██████. Det. Taraskiewicz related that initially they just sat outside of the residence, but at some point, they decided to go inside. Det. Taraskiewicz stated that Det. Morales and the other detectives went inside of the building while he relocated to the rear of the building to conduct surveillance and ensure that Mr. ██████ did not exit the building. After a few minutes, Det. Morales returned to the vehicle and told him that Mr. ██████ was not inside. Det. Taraskiewicz stated that Det. Morales did not provide him any details about what occurred while inside of the building. Det. Taraskiewicz identified Det. Philip Brown and Sgt. Murphy as probably being on the scene at the time but did not recall the identities of the detectives who assisted Det.

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<sup>8</sup> Att. 47, 57

Morales inside of the building. Det. Taraskiewicz denied all allegations and insisted that he never entered the building and did not have contact with Mr. [REDACTED]

In a statement to COPA on June 21, 2021, **Accused Detective Phillip Brown**<sup>9</sup> related that on the date and time in question, he was assigned to an informal task force that handled car jackings. His job was to follow up on car jackings that occurred in Area North which included contacting victims, locating witnesses and video footage, and processing evidence. Detective Brown stated that he was listed as a defendant in a civil suit related to this log number and he spoke to an attorney at Corporation Counsel who told him that his assigned vehicle was placed in the vicinity of the location of incident via GPS. Det. Brown explained that he does not have a specific vehicle assigned to him. The task force had at least 10 vehicles assigned and there was no sign out procedure in place. A member of the task force would just grab whatever car that was available and drive it without physically signing it out. Det. Brown stated that if a particular vehicle was assigned to him on the Attendance and Assignment Sheet, it would just be for administrative purposes to justify the vehicles are being used. Det. Brown stated that the keys would be hanging in a box on the wall and the vehicles were first-come first-serve. Det. Brown stated that he did not come in contact with [REDACTED] on the date and time in question and categorically denied all allegations. Furthermore, he added that he has never assisted homicide detectives with a search and/or apprehension of a homicide offender.

In a statement<sup>10</sup> at COPA on June 21, 2021, **Accused Detective Richard Rinella**,<sup>11</sup> related that on the date and time of the incident he was assigned to the Patrol Division in District 25 and working Beat 2552. Det. Rinella stated that he does not believe that he had a partner at the time, and he was assigned to the rapid car which responds to in-progress calls. Det. Rinella stated that while working the rapid car and responding to in-progress calls, he was assigned the job of surveilling a parked vehicle. Det. Rinella explained that when a vehicle is involved in a crime, and he is assigned to watch it. This entails him parking his marked patrol car adjacent to the vehicle in question to ensure no one enters it, drives away, or touches it. Det. Rinella related that he does not recall much about the vehicle that he was assigned to watch but remembers that it was sedan parked on a street that was one-way headed northbound. Det. Rinella related that he does not have any specific information regarding the crime the car was involved in and had no contact with any civilian while on the scene. Furthermore, he had no recollection of assisting detectives search for a homicide offender. Det. Rinella denied all allegations.

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

[REDACTED] called **911**<sup>12</sup> and reported that officers broke into his house entered his home without a warrant and without telling them what's going on. Mr. [REDACTED] reported that CPD vehicles bearing the license plate of M115662 and MP93714 were on the premises at the time of the incident.

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<sup>9</sup> Att. 53,62

<sup>10</sup> Att. 56, 59

<sup>11</sup> Det. Rinella was a police officer on the date of this incident. He was promoted to detective in March 2020.

<sup>12</sup> Att. 14

COPA was able to locate the information for the vehicle bearing license plate M115662<sup>13</sup> assigned to CPD Vehicle Number 3785. Further investigation revealed that the vehicle was assigned to Detective Philip Brown. There was no CPD vehicle bearing the license plate of MP93714.

There is no **In-Car Camera** or **Body Worn Camera Footage** relative to this investigation.

### c. Documentary Evidence

According to **Department Reports**<sup>14</sup>, on January 9, 2018, at approximately 5:00PM officers responded to a call of shots fired at 1900 N. Albany. Upon arrival, they discovered that [REDACTED] and [REDACTED] were involved in a verbal altercation inside of Albany Food Market. When both exited the store, they became engaged in a physical altercation. Mr. [REDACTED] slapped Mr. [REDACTED] and Mr. [REDACTED] pulled out a gun and shot Mr. [REDACTED] in the head. Witnesses observed the offender flee the scene in a white or light-colored vehicle. Mr. [REDACTED] was treated by the Chicago Police Department and EMS. He was eventually pronounced dead at Northwestern Hospital. An anonymous tipster informed CPD that both the victim and offender were members of the [REDACTED]. The offender was described as being a black male, approximately fifty years old, with the nickname of [REDACTED]. It was reported that, with the assistance of the [REDACTED] would be leaving the state and heading to Arkansas. With numerous CPD computer resources, CPD was able to identify the suspect as [REDACTED] who had been recently paroled for a homicide

According to the **General Progress Report**<sup>15</sup> of Det. Arthur Taraszkiwicz dated January 9, 2018, at 6:00PM, detectives located a Volvo at 1310 N. Parkside with police sitting on apartment at [REDACTED]. At 2115 hours, Bt. 2552, Rinella #4619, had vehicle towed to Pound 4. At 2310 hours, an investigative alert was issued for [REDACTED] under #299997029.

In a **Field Investigation Progress Report**<sup>16</sup>, RD# JB110156, it is documented that on January 11, 2018, at approximately 6:00PM, reporting detectives and assisting units set up surveillance of residences associated with Mr. [REDACTED] ([REDACTED]<sup>17</sup>, [REDACTED]) Reporting detectives located a white Volvo registered to [REDACTED], parked at 1310 N. Parkside. After the surveillances were met with negative results, the Volvo was towed to Auto Pound 4. On January 13, 2018, Judge Champas approved Search Warrant #18SW4255 authorizing a search of the Volvo (license plate [REDACTED]). On January 15, 2015, the search warrant was executed at Auto Pound 4.

According to [REDACTED] **Arrest Report**<sup>18</sup>, on January 16, 2018, at 4:30PM, [REDACTED], accompanied by his attorney, turned himself in to the Area North Detective Division, where he was charged with First Degree Murder.

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<sup>13</sup> Att. 23

<sup>14</sup> Att. 28-29

<sup>15</sup> Att. 28, 43

<sup>16</sup> Att. 43

<sup>17</sup> The correct address is [REDACTED].

<sup>18</sup> Att. 26

COPA obtained the Attendance and Assignment Record for the listed accused Department Members. On January 11, 2018, Richard Rinella<sup>19</sup> was assigned to Beat 2552, car 7158 and started at 5:30PM; Juan Morales<sup>20</sup> was present and assigned to Beat 5313 C, Car 3609, and started at 5:00PM; Arthur Taraskiewicz<sup>21</sup> was not on duty but assigned to Beat 5313C, car 3609, with a start time of 5:00PM; Philip Brown<sup>22</sup> was on duty, assigned to Beat 5363, Car 3785, and started at 3:00PM.

**Civil Suit 20-CV-0022**<sup>23</sup> was filed on behalf of [REDACTED] and their minor children against Detectives Taraskiewicz, Morales, Brown, and Rinella. Prior to Discovery, the City of Chicago settled with the plaintiffs and the defendant officers were not deposed.

## 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.

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<sup>19</sup> Att. 24

<sup>20</sup> Att. 40

<sup>21</sup> Att. 41

<sup>22</sup> Att. 63

<sup>23</sup> Att. 34

## VII. ANALYSIS

COPA finds that **Allegations #1,2,4,5 and 7** that **Detective Juan Morales** grabbed and attempted to forcibly pull Mr. ██████ out of his apartment, entered and searched his apartment without justification, and failed to provide his name and badge number are **Sustained**. Both Mr. ██████ and Ms. ██████ provided similar accounts of the incident. Mr. ██████ and Ms. ██████ reported that they did not allow the officers access inside of their home. Mr. ██████ stated that when he opened his apartment door, an officer matching the description of Detective Morales<sup>24</sup> grabbed and attempted to pull him outside of the apartment. Ms. ██████ also grabbed Mr. ██████ in an attempt to free him from the detective's grasp. Ms. ██████ stated that while Mr. ██████ and the detective was tussling, another detective slipped inside of her home. Ms. ██████ stated that she did not give officers permission to enter her home, and in fact, she tried to block the door to prevent them access.

Det. Morales admitted that Mr. ██████ told them they couldn't enter his home but his girlfriend, Ms. ██████ stated they could. After completing the search, Det. Morales related that Mr. ██████ was not pleased about the incident and asked Det. Morales for his name, at which time, Det. Morales provided it. Mr. ██████ actions are not parallel to a person who allowed officers inside of their home to search. Mr. ██████ called 911 immediately following the search and while officers were still on the scene. He requested a supervisor to his home and provided the license plates of the vehicles that were on the scene. If Mr. ██████ was given Det. Morales' name and star number, it is unlikely that he would not have provided this to 911 along with the license plate numbers. When the supervisor responded to the scene and told him to come to the station so they could look up the information regarding the plate numbers, Mr. ██████ left his home and met the sergeant at the 24<sup>th</sup> District police station. It is highly unlikely that a citizen would take the extra steps to call the police and go the station for additional information if the search was consensual. Additionally, there is no documentation supporting Det. Morales' claim that he did have Ms. ██████ consent to search her home. A consensual search requires him to notify a sergeant from his team and OEMC to obtain an event query for the search. A search of 911 calls and dispatch revealed only the call Mr. ██████ placed to 911. There was no notification event number suggesting that Det. Morales contacted OEMC as required by Special Order S04-19-01, titled "Consent to Search Incidents."

Based on the preponderance of evidence including Mr. ██████ and Ms. ██████ corroborating accounts, it is more likely than not that Det. Morales became physical with Mr. ██████ entered and searched the apartment without justification, consent or a warrant. Thus, these allegations are Sustained.

COPA finds that **Allegations #3 and 6**, that **Detective Morales** pointed his weapon at ██████ and his minor daughter, are **Not Sustained**. Ms. ██████ stated that she observed Mr. ██████ tussling with a detective but made no mention of observing the detective pointing a gun at Mr. ██████. She added that she had turned her focus to the other detective who was trying to sneak into their apartment. Neither Ms. ██████ nor Mr. ██████ witnessed any Department Member point

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<sup>24</sup> Based on Mr. ██████ description of the officer (dark hair and 5'9 – 5' 11 – COPA notes Det. Morales matches this description) and Detective Morales' account of the incident, COPA finds that the officer Mr. ██████ described is Detective Morales.

his weapon at their daughter. Det. Morales denied pointing his weapon at Mr. [REDACTED] and denied observing officers pointing their weapons at anyone inside of the home. Thus, there is insufficient evidence to prove or disprove the allegations.

COPA finds that **Allegation #8**, that **Detective Morales** failed to document his contact with [REDACTED] is **Sustained**. The only documentation suggesting that the officers were at the location of [REDACTED] is found in a General Progress Report dated Jan 11, 2018 and a Progress Case Supplemental Report with a submission date of Feb 13, 2018. Both reports indicate that the officers were surveilling the location of [REDACTED]. The Progress Report documents that “after the surveillances were met with negative results, the Volvo was towed.” The reports failed to mention that they came in contact with several individuals at the location of [REDACTED]. The search of Mr. [REDACTED] home, be it consensual or nonconsensual, and the verbal and physical interactions Det. Morales had with Mr. [REDACTED] are not documented. Det. Morales admitted that he did not document his contact with Mr. [REDACTED] but added that he did include Mr. [REDACTED] address in the reports. He stated that he only documents the “important” details in his investigation. Thus, based on a preponderance of the evidence, COPA finds the **Allegation #8** is **Sustained**.

COPA find that **Allegations #1-8** are **Not Sustained** against **Detective Arthur Taraskiewicz**. Det. Taraskiewicz denied all allegations and stated that while he was one of the assigned detectives and was at the location of [REDACTED], he did not accompany his partner, Det. Morales, inside of the building. He stated that he remained outside and in the rear of the building in case the offender attempted to flee the building. He reported that Det. Morales and several other detectives entered the building without him. In his statement, Det. Morales initially stated that Det. Taraskiewicz entered the building with him but later stated that Det. Taraskiewicz did not accompany him inside. There is no evidence to demonstrate that he had any contact with Mr. [REDACTED] or his minor daughter or entered there residence. Thus, **Allegations #1-8** are **Unfounded** against **Detective Arthur Taraskiewicz**.

COPA finds that all allegations, **Allegations #1-8**, are **Not Sustained** against **Detective Philip Brown**. Detective Brown, who was a police officer at the time, denied being at the location of the incident on the date and time in question. Although the vehicle that was assigned to him was one of the vehicles Mr. [REDACTED] listed as being on the scene, Detective Brown related that never had a car assigned to him. He explained that if a car was assigned to him on the Attendance and Assignment Sheet, it would be just for administrative purposes and that this is a practice within the unit. Mr. [REDACTED] was unable to positively identify any of the accused detectives on the scene. Det. Morales, who admitted to being inside of Mr. [REDACTED] home, could not recall the officers who assisted him and did not identify the officers in his General Progress report. There is no evidence to demonstrate that he had any contact with Mr. [REDACTED] or his minor daughter or entered there residence. Thus, **Allegations #1-8**, are **Unfounded** against **Detective Philip Brown**.

COPA finds that **Allegations #1-8** against **Detective Richard Rinella** are **Unfounded**. Det. Rinella stated that he was assigned the task of surveilling a vehicle on the date and time in question. Det. Rinella’s account is supported by Det. General Taraszkiwicz’ Progress Report which places Det. Rinella at 1310 N. Parkside with [REDACTED] Volvo. This investigation revealed that Det. Rinella was not involved in the search of [REDACTED] home and had no



contact with Mr. [REDACTED] and his family. Therefore, because it is determined by clear and convincing evidence these allegations are not factual, COPA finds that **Allegations #1-8** against **Detective Richard Rinella** are **Unfounded**.

COPA finds that **Allegations #1-8** against **Unknown Officers** are **Not Sustained**. Due to Det. Morales' failure to thoroughly document his contact with Mr. [REDACTED] and his attempts to apprehend [REDACTED], the identity of the detectives that assisted Det. Morales remains unknown. Furthermore, Mr. [REDACTED] was unable to identify the detectives that were inside of his apartment on the date and time in question. There is insufficient evidence to prove or disprove the allegations. Therefore, COPA finds that **Allegations #1-8** against **Unknown Officers** are **Not Sustained**.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS<sup>25</sup>

### a. Officer Juan Morales

#### i. Complimentary and Disciplinary History

1. **Complimentary History:** 2 Crime Reduction Awards (2009, 2019), 1 Crime Reduction Ribbon (2004), 4 Attendance Awards, 11 Complimentary Letters, 18 Department Commendations, 1 Deployment Award, 11 Physical Fitness Awards, 53 Honorable Mentions, 1 NATO Summit Award, 1 Presidential Election Award (2008)
2. **Disciplinary History:** None

#### ii. Recommended Penalty, by Allegation

1. **Allegation No. 1-** 25-day Suspension & Training
2. **Allegation No. 2-** 25-day Suspension & Training
3. **Allegation No. 4-** 25-day Suspension & Training
4. **Allegation No. 5-** 25-day Suspension & Training
5. **Allegation No. 7-** 25-day Suspension & Training

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<sup>25</sup> COPA notes that there were significant challenges that contributed to the delay in identifying the involved officers, closing this investigation in a timely manner, and obtaining objective evidence for the investigation. First, the lack of regulations surrounding the maintenance of thorough detective notes documenting all investigative steps in an investigation led to a lack of information in the General Progress Report and/or Detective Supplemental Reports that would allow for swift identification of involved members and relevant circumstances surrounding the events of this day. Second, the lack of specific policies and regulations governing the use of Department vehicles by Detectives added to investigative challenges identifying the involved officers. This made it difficult for COPA to properly identify occupants of the vehicles in use during this incident. COPA raises these issues for the Departments awareness and consideration.

**6. Allegation No. 8- 25-day Suspension & Training**

COPA has considered Officer Morales’ complimentary history and lack of disciplinary history in making its recommendation. COPA also considered the lack of physical injury to Mr. [REDACTED] However, Officer Morales used excessive force and violated Mr. [REDACTED] Fourth Amendment rights. This misconduct diminishes public trust in the Department. Thus, COPA recommends a 25-day Suspension & Training.

Approved:

[REDACTED]  
\_\_\_\_\_  
*Deputy Chief Administrator*

June 21, 2022  
\_\_\_\_\_  
Date