



Log # 2023-00001724

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On April 18, 2023, COPA received a notification from the City of Chicago's Office of the Inspector General (OIG), forwarding a complaint from ██████████² ██████████ alleged that on April 16, 2023, members of the Chicago Police Department (CPD) illegally searched his father's home at ██████████ S. Michigan Avenue. Additionally, CPD Deputy Chief Senora Ben logged a complaint from Lieutenant Ronald Kimble on April 20, 2023,³ alleging that Commander Tyrone Pendarvis⁴ made an unlawful forced entry, detained individuals, and conducted illegal searches at both 11006 S. Michigan Ave. and ██████████ S. Michigan Avenue on April 16, 2023.⁵ Lt. Kimble also alleged that Cmdr. Pendarvis provided poor supervision and placed officers in danger.

COPA served allegations that Cmdr. Pendarvis and Sergeant Joseph Chlipala conducted improper searches, seizures, detentions, and an improper forced entry; failed to properly supervise; failed to utilize their body worn camera (BWC); and failed to report misconduct. COPA conducted interviews of the civilians present at the time of the events, including ██████████ ██████████ and ██████████ COPA conducted witness interviews with Lt. Kimble, Lt. Earnest Spradley,⁶ Officer Dejaun Turner,⁷ Officer Clifford Martin (Officer C. Martin),⁸ Officer Derrick Martin (Officer D. Martin),⁹ Officer Kevin Coyne,¹⁰ Officer Christopher Parker,¹¹ Officer Magdalena Skowron,¹² and Officer Tori Harris.¹³ Following these interviews, COPA further alleged that Cmdr. Pendarvis retaliated against Lt. Spradley after the commander learned about the present COPA investigation.

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

² Att. 72.

³ Att. 42.

⁴ Cmdr. Pendarvis retired during the course of COPA's investigation.

⁵ One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁶ Atts. 174 and 187.

⁷ Atts. 124 and 153.

⁸ Atts. 116 and 147.

⁹ Atts. 126 and 151.

¹⁰ Atts. 128 and 154.

¹¹ Atts. 143 and 163.

¹² Atts. 118 and 145.

¹³ Atts. 160 and 168.

Following its investigation, COPA reached **Sustained** findings regarding the allegations of forcibly entering ██████ S. Michigan, conducting improper searches and seizures at both locations, improperly detaining individuals, and failing to properly supervise. Additionally, COPA sustained the allegations that Sgt. Chlipala failed to report misconduct and that Cmdr. Pendarvis failed to record on BWC. COPA reached a **Sustained** finding for the retaliation allegation, and **Exonerated** the allegations that CPD entered 11006 S. Michigan without justification and that Sgt. Chlipala failed to activate his BWC.

II. SUMMARY OF EVIDENCE¹⁴

██████████ had been throwing parties at ██████ S. Michigan, a multi-unit, multi-story residence with a storefront on the first floor. COPA identified several calls for service to ██████ S. Michigan in the months leading up to this incident, including noise disturbances.¹⁵ Notably, on April 9, 2023, CPD responded to a ShotSpotter call at ██████ S. Michigan Ave.¹⁶ Separately, ██████████ was operating a nightclub/event space at 11006 S. Michigan, at a suite located within an office complex.¹⁷ Both locations reportedly featured nude female dancers and liquor service, and were operating without licenses.

The Office of Alderman Anthony Beale of the 9th Ward received multiple complaints about both locations.¹⁸ In early 2023, Ald. Beale contacted Cmdr. Pendarvis about the ongoing issues at these locations. Cmdr. Pendarvis had also been aware of ██████ S. Michigan from the multiple calls to the address. Cmdr. Pendarvis told Lt. Spradley, then of the Tactical (“tact”) Unit, to monitor the locations. Lt. Spradley was familiar with ██████ S. Michigan, noting parties and gun activity observed there. In response to Cmdr. Pendarvis’s request, Lt. Spradley had officers drive past 11006 S. Michigan hundreds of times, and he told Sgt. Chlipala to have his tact teams keep an eye on it as well.¹⁹ However, neither he nor they saw any activity there,²⁰ and CPD was never allowed entry.

Cmdr. Pendarvis had also relayed the information from the alderman about the two locations to District Intelligence Officer (DIO) Turner. DIO Turner drove past 11006 S. Michigan and observed cars and “people coming and going...with alcohol” and “armed security guards standing outside.”²¹ Additionally, DIO Turner had driven past ██████ S. Michigan and observed large gatherings with substance use.²² DIO Turner knew of “anonymous citizen complaints,” and

¹⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including civilian interviews, officer interviews, CPD reports, and body worn camera (BWC) footage.

¹⁵ Att. 115.

¹⁶ Atts. 25, 36.

¹⁷ Atts. 80.

¹⁸ Att. 210.

¹⁹ Att. 187, pg. 9-10.

²⁰ Att. 187, pgs. 9-10; Att. 165, pg. 7.

²¹ Att. 153, pgs. 6, ln. 24 – 7, ln. 1.

²² Att. 153: pg. 19, ln. 8.

of the shooting that had occurred there on April 9, 2023.²³ Further, there were police observations devices (POD cameras) trained at both locations.²⁴

In April 2023, Cmdr. Pendarvis and DIO Turner told Sgt. Chlipala about 11006 S. Michigan being a “licensed adult entertainment establishment,”²⁵ although in the times Sgt. Chlipala was working, he did not see any activity there.

On April 16, 2023, a “concerned citizen” alerted DIO Turner of a party at 11006 S. Michigan, which was being advertised via social media.²⁶ Cmdr. Pendarvis was also aware of advertisements of women dancing and stripping on social media and in flyers. On that same date, Cmdr. Pendarvis told DIO Turner that they were going to go to both 11006 S. Michigan and [REDACTED] S. Michigan later that day.²⁷ Cmdr. Pendarvis had decided to conduct business license checks of the locations, to issue citations and shut them down.²⁸ He believed a search warrant was not required because, “you can go into any business and ask to see what’s inside of the business as far as inspection.”²⁹ According to Cmdr. Pendarvis, after checking the license, officers can go through the facility and the business’s inventory, and they can access the entire business’s facility and seize contraband.³⁰

a. 11006 S. Michigan Ave.

In the early morning hours of April 16, 2023, Cmdr. Pendarvis went to 11006 S. Michigan directly from his home. As a result, he did not have his BWC with him. Although he had anticipated that people at 11006 S. Michigan could be armed, when he arrived, Cmdr. Pendarvis only saw unarmed security guards and people entering the premises. Cmdr. Pendarvis contacted Sgt. Chlipala to have the sergeant’s tact team join him. Officers C. Martin and Parker arrived 30 to 60 minutes later. Officers D. Martin and Coyne arrived thereafter.

Officer C. Martin learned of the plan to go to 11006 S. Michigan earlier that day from DIO Turner.³¹ Officer Coyne learned he was going to 11006 S. Michigan shortly before he arrived and was asked to bring a citation book. Officer D. Martin learned of the location when he was called there that night. Officer Parker found out he was going to assist there a few minutes before he went.

While there was no BWC of CPD’s entry into 11006 S. Michigan, Cmdr. Pendarvis and Officers Turner, Parker, and C. Martin, all confirmed that they were allowed entry, and they

²³ At. 153, pgs. 19, 25.

²⁴ Att. 153, pg. 31.

²⁵ Att. 165, pgs. 7-8.

²⁶ Att. 153: pg. 7, ln. 7

²⁷ Att. 153, pg. 18.

²⁸ Att. 171, pgs. 12, 15.

²⁹ Att. 171, pgs. 15-16.

³⁰ Att. 171, pg. 54.

³¹ Att. 147. pg. 6.

proceeded upstairs to ██████████ the business owner's, office suite.³² At about 12:38 am, before the audio of the BWC had engaged, Cmdr. Pendarvis could be seen speaking with ██████████ getting his ID, and taking ██████████ bag. Officer C. Martin performed a pat down of ██████████ and looked inside ██████████ bag.³³

At COPA, Officer C. Martin said that Cmdr. Pendarvis told him to pat down ██████████³⁴ Cmdr. Pendarvis did not recall if ██████████ was searched, but he denied that ██████████ was detained and asserted that ██████████ and the other civilians were always free to leave.

Once Officers C. Martin and Parker engaged their BWC audio, Cmdr. Pendarvis could be heard asking for a citation book and telling Officers C. Martin and Parker to search all the rooms.³⁵ ██████████ announced they were shutting down the venue. As Cmdr. Pendarvis began searching behind the bar, ██████████ and most of the civilians left the premises.

██████████ told COPA he was throwing a party in his rented office space, but it had not started when CPD arrived.³⁶ ██████████ met the officers in the hallway after they entered but did not know how they got inside. He identified himself as the business owner and provided his ID. ██████████ reported that he was searched by officers while a supervisor asked questions about the business. He told COPA that more officers arrived, and he went outside, where he remained until CPD left. ██████████ later learned that things were taken after CPD's search, but he denied knowing about the items. Additionally, ██████████ learned that a flyer advertising his party was brought to the alderman's attention, but he denied it had come from his company.

While Officers Parker and C. Martin were searching an adjacent room, Cmdr. Pendarvis called for Officer C. Martin to bring his BWC to the bar area where the commander was located. Cmdr. Pendarvis pointed out "pills and money" to the officers.³⁷ Cmdr. Pendarvis told an unknown woman that he would not arrest anyone but would inventory the items. Cmdr. Pendarvis continued searching and announced, "Got the strap."³⁸ As Officer C. Martin joined Cmdr. Pendarvis behind the bar, an extended magazine was visible inside a bag held by the commander. Cmdr. Pendarvis then asked where ██████████ was.

Cmdr. Pendarvis told COPA that the suspect narcotics and cash were found under the bar, in plain sight, and the gun was in a bag next to the suspect narcotics. He said that when he picked up the bag, he could tell it contained a firearm by its weight. He elaborated that due to the exchange

³² Per BWC, 11006 S. Michigan had an entry on the street level. Once in the foyer, a staircase led upstairs to a hallway. ██████████ office suite consisted of a main room at the end of the hallway, which was set up like a nightclub. There were several additional rooms, both connected to the main room and down the hallway.

³³ Atts. 8 and 9. The start of BWC from Officers Parker and C. Martin lacks audio during the buffer phase. Cmdr. Pendarvis has no BWC footage, and DIO Turner's BWC was not activated until roughly 12:53 am.

³⁴ Att. 147: pgs. 10-11.

³⁵ Att. 9 at 00:43:27 hrs.

³⁶ Atts. 70 and 106.

³⁷ Att. 10 at 00:49:00 hrs.

³⁸ Atts. 9 and 10 at 00:49:38 hrs.

of cash at nighttime, he suspected the location would have guns for protection. Cmdr. Pendarvis explained that CPD then proceeded to walk through [REDACTED] office suite, “to make sure everything was safe.”³⁹ He stated that, initially, they were looking for items in plain view. However, once he saw a gun behind the bar, he directed the officers to do a thorough search of the premises. When asked by COPA why he searched behind the bar when [REDACTED] had already acknowledged that he did not have a business license, Cmdr. Pendarvis related that he wanted to secure the location, noting that firearms cannot be left “lying around” a public business.⁴⁰

The officers went outside and ostensibly could not find [REDACTED]. Once back inside, DIO Turner related that they had not located [REDACTED]. Cmdr. Pendarvis indicated he was going to write [REDACTED] a ticket, and that, “all these mother fuckers, we’re confiscating all their shit. The only one that’s gonna walk out with their shit is the DJ.”⁴¹ As Cmdr. Pendarvis starting walking into another room, he stated what sounded like, “let’s flip this whole mother fucker.”⁴² Officers Turner, C. Martin, Coyne, Parker, and D. Martin confirmed that the commander ordered them to search the premises.

While the CPD members discussed [REDACTED] whereabouts and recovered the alleged contraband, a man approached to retrieve his phone from the bar.⁴³ Officer C. Martin stopped him and asked to see inside his bag before he was allowed to leave. Officer C. Martin did not recall if they completed an Investigatory Stop Report (ISR) regarding this man’s detention and search.

CPD members then entered a dressing room where two women were ostensibly getting ready to perform. Cmdr. Pendarvis told one of the women, who was wearing a lingerie-style outfit, that she needed “to get dressed, mama.”⁴⁴ Cmdr. Pendarvis instructed the officers to search the area, which Officers Parker, C. Martin, and D. Martin did. Officer C. Martin also searched the suitcase and purse of the woman in lingerie, as she put on her pants.

Officer C. Martin told COPA that he searched the woman’s bag on the commander’s orders. Officer C. Martin did not know why no ISRs were completed for these two women. Cmdr. Pendarvis told COPA he did not believe anyone completed ISRs for the women, and he recalled that neither could provide ID.

The officers continued searching throughout the office suite, and Officer Parker grabbed a backpack with a large amount of cash and electronics/photography equipment inside.⁴⁵ In the dressing room, as the commander was holding the advertising flyers,⁴⁶ DIO Turner announced that the officers had found a bag containing money. Cmdr. Pendarvis responded that they should

³⁹ Att. 172: pg. 15, ln. 2 – 3.

⁴⁰ Att. 172: pg. 20, ln. 16.

⁴¹ Atts. 9 - 12 at 00:52:31 hrs.

⁴² Att. 12 at 00:53:20 hrs. This is also the approximate time that DIO Turner activated his BWC.

⁴³ Atts. 9 - 12 at 00:52:46 hrs.

⁴⁴ Atts. 9 and 12 at 00:53:50 hrs.

⁴⁵ Att. 142 at 00:57:03 hrs.

⁴⁶ Att. 142 at 00:57:53 hrs.

inventory it,⁴⁷ as well as the suspect narcotics.⁴⁸ DIO Turner passed the message back to the other officers and confirmed that the commander wanted the entire bookbag to be inventoried. DIO Turner later told COPA that he did not know why this bag and its contents were inventoried. Other officers related the bag was inventoried on the commander's orders.

At the bar, Officer Coyne allowed a woman to retrieve her personal effects before exiting. The two women from the dressing room also exited the location. The DJ asked the commander if his friends could assist him with his equipment.⁴⁹ The commander agreed, and two men were allowed to enter.

While Cmdr. Pendarvis searched the bar area, DIO Turner told him that one of the business's performers had car issues the previous night, and patrons were assisting her.⁵⁰ DIO Turner and Cmdr. Pendarvis also discussed where the gun was found. Cmdr. Pendarvis related, in an apparent reference to ██████████ "just list him as the offender. He gets it all. This ain't no 'lost/found,' it's gonna be a 'VICE' case report."⁵¹ Cmdr. Pendarvis added, "Can you tell them that he ran from the scene?"⁵² DIO Turner then walked off to join the other officers, leaving the commander in the main bar room with the DJ and his two associates.

When COPA investigators asked Cmdr. Pendarvis if he directed officers not to list the seized items as found property, Cmdr. Pendarvis denied that he gave the officers any details, asserting that was the sergeant's role.⁵³ Cmdr. Pendarvis also denied that he intended to have someone arrested for the firearm(s) at a later date.

The officers continued to search the area where the bag with cash was found. Officer Coyne opened the top of a bench, removed a bag, then announced, "jackpot."⁵⁴ Officer Coyne proceeded to unload a firearm, and he related that the bag contained a weapon and ammunition.⁵⁵ As DIO Turner approached, Officer Coyne showed him what he had found. DIO Turner then told Officer Coyne, "Hey, uh, boss said, 'list him as the offender, on the VICE case report, and then say he fled from the scene.'"⁵⁶

Officer Coyne told COPA that he could tell the bag contained a firearm once he grabbed it, and that the commander ordered him to inventory it. Officer Coyne elaborated that no one was in possession of the gun when he found it, and it would have been "irresponsible" to leave it there.⁵⁷

⁴⁷ Atts. 9, 10, and 11 at 00:59:36 hrs., and Att. 142 at 00:58:33 hrs.

⁴⁸ Att. 142 at 00:58:43 hrs.

⁴⁹ Att. 13 at 01:00:35 hrs.

⁵⁰ Att. 142 at 01:00:24 hrs.

⁵¹ Att. 142 at 01:01:18 hrs.

⁵² Att. 142 at 01:01:35 hrs.

⁵³ Att. 172: pg. 66, ln. 10 – 11

⁵⁴ Atts. 10 and 11 at 01:02:07 hrs., and Att. 13 at 01:02:14 hrs.

⁵⁵ Att. 11 at 01:02:26 hrs.

⁵⁶ Atts. 9, 10, 11, and 13 at 01:03:09 hrs., and Att. 142 at 01:02:07 hrs.

⁵⁷ Att. 154: pg. 11, ln. 18.

DIO Turner also told COPA that Cmdr. Pendarvis wanted the recovered items inventoried. DIO Turner added that the CPD members did not know who either gun belonged to. DIO Turner believed the guns were inventoried because no one claimed ownership of them or was able to confirm having a valid firearm owner identification card (FOID) or concealed carry license (CCL).

Similarly, the cash was inventoried because the CPD members did not know who the owner was. DIO Turner and Cmdr. Pendarvis asserted that someone could come forward at a later date and claim the cash, if it was theirs. Cmdr. Pendarvis confirmed to COPA that he ordered the officers to inventory the cash, suspect narcotics, and firearms. Cmdr. Pendarvis related that CPD was authorized to seize these items because contraband was observed during a business license check.

The CPD members returned to the main bar room, where DIO Turner told the commander what Officer Coyne had found. Officer Coyne showed Cmdr. Pendarvis the firearm, and the commander replied that they should “go through all these rooms real good.”⁵⁸ Cmdr. Pendarvis remained behind the bar as the officers searched an adjacent room. Officer Coyne asked DIO Turner how they learned of this location, and DIO Turner told him they found out from social media and an advertising flyer. DIO Turner added, “Yeah, I came in here last night, dude, they had about 40 strippers in here last night.”⁵⁹

Cmdr. Pendarvis was seated near the bar as the DJ and his associates packed up. Cmdr. Pendarvis instructed the officers to run their names. The men protested when asked for ID, and Cmdr. Pendarvis responded, “The thing is, anybody we came in contact with, we gotta run their names.”⁶⁰ Cmdr. Pendarvis added, “See, the thing is, right now, this is an illegal business. We could’ve locked up everybody from the start. But we didn’t. We just need to run your names and know who you are. That’s it, that’s all.”⁶¹ Officer C. Martin performed a pat down on one of the men, and the officers continued searching the office suite. Cmdr. Pendarvis stayed near the bar area as he and DIO Turner argued with the DJ, and the others. Another man, identified as the party’s photographer, arrived and was also stopped by the CPD members. Officer D. Martin searched the photographer’s bag, and Officer Parker took down his information. The photographer, the DJ, and the DJ’s two friends were then allowed to leave.

DIO Turner told COPA that they detained the DJ and his associates to determine their identities. The men were also patted down because they entered the premises later, and the officers

⁵⁸ Atts. 10 and 11 at 01:04:02 hrs., and Att. 142 at 01:03:00 hrs.

⁵⁹ Att. 11 at 01:04:49 hrs. and Att. 142 at 01:03:47 hrs. During his COPA interview, DIO Turner denied that he had ever been inside 11006 S. Michigan prior to April 16, 2023. COPA did not ask DIO Turner about his contrary statements on BWC because, at the time of DIO Turner’s interview, COPA had not obtained and viewed DIO Turner’s BWC footage from April 16, 2023 because DIO Turner had not uploaded the video until the day of his interview with COPA. COPA considered whether his statement to COPA that he had never previously been inside 11006 S. Michigan was false. COPA determined it could not prove DIO Turner had in fact been inside 11006 S. Michigan before April 16, 2023.

⁶⁰ Atts. 9, 10, 11, and 13 at 01:06:36 hrs., and Att. 142 at 01:05:34 hrs.

⁶¹ Atts. 9, 10, 11, and 13 at 01:07:29 hrs., and Att. 142 at 01:06:27 hrs.

did not know who they were. DIO Turner recalled the men were “agitated.”⁶² Cmdr. Pendarvis related that these men were detained and searched after contraband was found at the location. Cmdr. Pendarvis did not recall a disagreement with this group of men. Officers Coyne, Parker, and D. Martin did not believe that the DJ and his associates were detained; rather, the commander wanted their identification. Officer C. Martin thought that the commander ordered the officers to get the men’s information, so he did consider them to be detained.

COPA contacted [REDACTED] and [REDACTED] whose detentions were all documented in ISRs.⁶³ COPA spoke with all of the individuals except [REDACTED] [REDACTED] told COPA that he was hired to be the DJ.⁶⁴ When the CPD members arrived, [REDACTED] packed up his equipment and left. COPA also spoke to [REDACTED] who stated that he was hired to be the party photographer and that CPD was already present when he arrived.⁶⁵ CPD members asked for [REDACTED] ID and searched his bag, and then he left. [REDACTED] told COPA he was helping his friend move his speakers.⁶⁶ [REDACTED] alleged that CPD searched him and checked his ID, after they had allowed him to enter. [REDACTED] further alleged that officers used racial slurs, although this was not captured in BWC and was denied by all officers at COPA.

After the last of the civilians had left, DIO Turner stated what sounded like, “So last night, they had about 40 strippers in here.”⁶⁷ Officer Parker responded that there were likely “more guns in here last night.”⁶⁸ The commander agreed and added, “There might have been more tonight if we would’ve waited ‘til later, but I know y’all gotta go home.”⁶⁹ The CPD members gathered in the hallway and DIO Turner stated, “Yeah, last week, man, they had a security guard with a vest on.”⁷⁰ DIO Turner seemingly showed Officer C. Martin a video on his phone and stated, “So this was last week when I rolled through. See they have one security guard, he was vested up, and shit, and had his gun on him.”⁷¹ While exiting, someone, presumably Officer C. Martin, asked, “Who would come to this shit, bro?”⁷² DIO Turner responded, “Hey man, hey, they packing ‘em in like sardines,” at about the same time Officer Coyne responded, “Turner was here.”⁷³ CPD exited at about 1:19 am, and all of the officers terminated their BWC recordings.⁷⁴

While the officers were preparing to exit, Sgt. Chlipala joined them inside at approximately 1:18 am. Sgt. Chlipala told COPA he spoke to Cmdr. Pendarvis earlier in the evening, and the commander related that he was going to drive past the location. While Sgt. Chlipala was at the

⁶² Att. 153, pg. 16.

⁶³ Atts. 59 – 63.

⁶⁴ CMS Note CO-0866691.

⁶⁵ CMS Note CO-0952405.

⁶⁶ CMS Note CO-0866651.

⁶⁷ Atts. 9, 10, and 13 at 01:15:51 hrs.

⁶⁸ Att. 13 at 01:15:57 hrs.

⁶⁹ Att. 10 at 01:16:03 hrs.

⁷⁰ Att. 13 at 01:17:31 hrs.

⁷¹ Atts. 9, 10, 11, and 13 at 01:18:21 hrs.

⁷² Atts. 11 and 13 at 01:19:05 hrs.

⁷³ Atts. 11 and 13 at 01:19:07.

⁷⁴ Att. 9 at 01:19:37 hrs.

station, he heard a radio transmission with the address, so he relocated to 11006 S. Michigan. Sgt. Chlipala was aware the commander was attempting to determine if a business was operating there. Sgt. Chlipala related he did not activate his BWC because the battery had died, which he reported to the Office of Emergency Management and Communications (OEMC).⁷⁵

At COPA, DIO Turner related they ran the license plate of a parked car, which was registered to ██████████⁷⁶ Both he and Cmdr. Pendarvis related that ██████████ was not issued any citations as a result of the events.⁷⁷ Officer C. Martin related that no one got a citation at 11006 S. Michigan because the promoter left/fled the scene.⁷⁸

i. Documentation

Following the incident, Officer Coyne completed a Case Report for 11006 S. Michigan.⁷⁹ Per the narrative, Cmdr. Pendarvis (aka “Beat 500”) learned about an illegal strip club “after finding advertisement cards.”⁸⁰ The officers assisted Cmdr. Pendarvis “on a business license check,” from which ██████████ fled the scene.⁸¹ The report added that CPD had observed individuals entering through the front door and exchanging money for entry. Once inside, the officers “observed in plainview several pills suspect ecstasy,” as well as cash.⁸² A bag was next to the narcotics, which contained a machine gun. CPD found a second firearm, a semi-automatic pistol, inside another bag.

At COPA, Officer Coyne acknowledged that he wrote this report. He said that he wrote that ██████████ had fled the scene after learning that the commander spoke with ██████████ and then ██████████ left. Officer Coyne reported that the firearm, narcotics, and cash were found in plain view, because they were in plain view when Officer Coyne first saw them.

Per the ISRs, CPD had probable cause to detain ██████████ ██████████ and ██████████ and they were not subjected to protective pat downs.⁸³ The narratives stated that CPD was responding to an illegal nightclub and the officers joined Cmdr. Pendarvis for a business license check. ██████████ ISR reported that a protective pat down was conducted based on consent, the presence of a suspicious bulge/object, and other reasonable suspicion of weapons, which was not confirmed by BWC.⁸⁴ These ISRs were authored by Officer Parker and reviewed by Sgt. Chlipala. COPA was unable to locate any additional ISRs, including for any of the woman

⁷⁵ Att. 217.

⁷⁶ Att. 153, pg. 17.

⁷⁷ Att. 153, pg. 17.

⁷⁸ Att. 147, pg. 30.

⁷⁹ Att. 26.

⁸⁰ Att. 26, pg. 3.

⁸¹ Att. 26, pg. 3.

⁸² Att. 26, pg. 3.

⁸³ Att. 59, 60, 62, and 63.

⁸⁴ Att. 61.

CPD encountered at 11006 S. Michigan, the civilians who left around the same time as [REDACTED] or the man who came to retrieve his phone.

The items inventoried from 11006 S. Michigan included a bundle of \$1,460 in cash,⁸⁵ a pistol and loaded magazine,⁸⁶ narcotics,⁸⁷ a purse,⁸⁸ a GoPro camera,⁸⁹ a fully automatic pistol and a magazine,⁹⁰ a black bag,⁹¹ flyers promoting the event,⁹² and a black backpack containing a computer, photography equipment, and miscellaneous items.⁹³ Cash was not mentioned in the inventory documents for the black backpack. All the inventoried items were reported as having unknown owners.

Officer C. Martin completed the inventories, and he told COPA he was not going to attribute ownership without knowing who the items belonged to. When asked how CPD knew these items were related to a crime and appropriate to confiscate, Officer C. Martin responded that his commander told him to inventory them.⁹⁴

b. [REDACTED] S. Michigan Ave.

After leaving 11006 S. Michigan, DIO Turner, Sgt. Chlipala, and Cmdr. Pendarvis went to [REDACTED] S. Michigan. Both DIO Turner and Cmdr. Pendarvis related there was a possibility of guns at that location due to the shooting there the previous week. Sgt. Chlipala was also aware of that shooting. Cmdr. Pendarvis added that he “suspected at that time they had firearms inside the residence and they were a risk to the public.”⁹⁵

BWC coverage began as DIO Turner arrived at [REDACTED] S. Michigan, at roughly 1:33 am.⁹⁶ Cmdr. Pendarvis approached a south-facing, ground-level door.⁹⁷ DIO Turner went to the north end of the building, walking out of view of the commander. Sgt. Chlipala, who stood on the sidewalk in front of the building, told DIO Turner, “He locked the door on him.”⁹⁸

Cmdr. Pendarvis told COPA that, as he approached [REDACTED] S. Michigan, he saw individuals exchanging money and being patted down. As the commander neared the entrance, the occupants

⁸⁵ Att. 43.

⁸⁶ Att. 46.

⁸⁷ Att. 47.

⁸⁸ Att. 48.

⁸⁹ Att. 49.

⁹⁰ Atts. 52 and 57.

⁹¹ Att. 53.

⁹² Atts. 54 and 80.

⁹³ Att. 56.

⁹⁴ Att. 147, pg. 20.

⁹⁵ Att. 172: pg. 29, ln. 19 – 21.

⁹⁶ [REDACTED] S. Michigan is a two-story, multi-unit apartment with a storefront on the first floor and multiple external entrances.

⁹⁷ Att. 140 at 01:32:38 hrs.

⁹⁸ Att. 140 at 01:33:10 hrs.

shut the door. Cmdr. Pendarvis knocked on the door and announced CPD's presence, but he was denied entry. Cmdr. Pendarvis then ordered Sgt. Chlipala to obtain breach tools to force entry. Cmdr. Pendarvis maintained that it was illegal to shut a door on the police since they were operating a business.⁹⁹

Sgt. Chlipala told COPA that he saw a man outside the building have a brief conversation with Cmdr. Pendarvis. Sgt. Chlipala said he did not hear the conversation or see cash being exchanged. Sgt. Chlipala heard a door slam shut, but he did not see anyone close the door on Cmdr. Pendarvis. DIO Turner told COPA that he did not know what the commander saw, as he was on the opposite side of the building. DIO Turner did state that he had seen cash being exchanged there while previously monitoring the location.¹⁰⁰

Per BWC, Cmdr. Pendarvis came back to the sidewalk, and DIO Turner indicated that there was also someone at the north side of the building.¹⁰¹ DIO Turner explained to the commander that, "I haven't been in this one. Yeah, I don't know about this – but they usually just go in through that door [pointing to the storefront entrance]. I'm not sure if it's upstairs or downstairs. Cause I know it's apartments on the first floor and the second floor."¹⁰² DIO Turner also pointed out individuals sitting in their cars nearby, and he told Sgt. Chlipala that CPD had previously responded to a homicide in a first-floor apartment at this building.

Next, DIO Turner answered a phone call wherein he stated he was at ██████ S. Michigan and reported that, "[t]hey closed the door on us and shit. They saw me and Chip and the commander coming to the door. They locked this mother-fucker up real fast, and shit."¹⁰³ DIO Turner told Sgt. Chlipala that he was on the phone with Officer C. Martin, who wanted to know if he should "bring any of the tools or anything."¹⁰⁴ Sgt. Chlipala responded, "I told Cliff to bring the ram, the hammer, and the pry bar."¹⁰⁵ DIO Turner relayed the message to Officer C. Martin, and Sgt. Chlipala stated, "It's the same shit I told him five minutes ago."¹⁰⁶ DIO Turner reiterated that Officer C. Martin should bring the tools. After a pause, DIO Turner told Officer C. Martin, in part, "Hey man, hey, it's-it's kick ass time, tonight."¹⁰⁷

Cmdr. Pendarvis joined DIO Turner on the sidewalk, and the pair walked to the north-facing door. DIO Turner told Cmdr. Pendarvis about a murder in one of the apartments about a year earlier, and he confirmed that he had just seen someone at that door. Cmdr. Pendarvis pulled open the screen door, then kicked open the main door.¹⁰⁸ DIO Turner followed Cmdr. Pendarvis

⁹⁹ Att. 171, pg. 33.

¹⁰⁰ Att. 153, pg. 20.

¹⁰¹ Att. 140 at 01:34:14 hrs.

¹⁰² Att. 140 at 01:35:45 hrs.

¹⁰³ Att. 140 at 01:37:41 hrs.

¹⁰⁴ Att. 140 at 01:37:55 hrs.

¹⁰⁵ Att. 140 at 01:37:59 hrs.

¹⁰⁶ Att. 140 at 01:38:05 hrs.

¹⁰⁷ Att. 140 at 01:38:23 hrs.

¹⁰⁸ Att. 140 at 01:39:03 hrs.

into a stairwell, presumably leading to individual apartments. DIO Turner announced that he did not think they could access where the party was being held (aka the storefront), and they went back outside.¹⁰⁹

Cmdr. Pendarvis told COPA that he entered the residential portion of the building by pushing the door open. Cmdr. Pendarvis explained that he exited after determining that the apartment section did not connect to the storefront/nightclub section.

DIO Turner momentarily turned off his BWC. When his footage resumed, DIO Turner was on the north side of the building. Officers Parker, C. Martin, D. Martin, and Coyne arrived at the location at approximately 1:48 am, and Officer C. Martin now carried his rifle. DIO Turner announced, “Another license premise check. Another door about to get booted.”¹¹⁰ DIO Turner asked for the ram, adding, “Yeah, he about to boot the door.”¹¹¹ Officers Parker and Coyne then went to a squad car and grabbed a Chicago bar and a ram.¹¹²

Officers C. Martin and Parker told COPA they had returned to the station after 11006 S. Michigan to inventory the recovered items. While at the station, Sgt. Chlipala called Officer C. Martin and told him that the commander needed the officers to relocate to ██████ S. Michigan and bring breach tools. Officer C. Martin denied that he was told to bring his rifle and related that he brought it on his own discretion. Officer Coyne told COPA that he went to the station to inventory the guns from 11006 S. Michigan, and then he responded to a domestic call. Officers Coyne and D. Martin were at this unrelated incident when Sgt. Chlipala radioed for them to come to ██████ S. Michigan. Sgt. Chlipala confirmed that he called the officers and told them to bring breach tools.¹¹³

While standing on the sidewalk, Officer C. Martin asked DIO Turner, “Is this illegal?”¹¹⁴ DIO Turner responded, “Yeah, this is illegal,” followed by “this is an illegal establishment.”¹¹⁵ Officer C. Martin clarified, “I’m talking about us.”¹¹⁶ DIO Turner responded, “No, we good. Yeah. We with 500 [Cmdr. Pendarvis’s beat number]. Yeah. You-you with 500, bro. Don’t worry about it. You’ll never hear nothing about this shit, trust me.”¹¹⁷ DIO Turner reiterated the plan to “boot” the door, then terminated his BWC. Sgt. Chlipala emerged from behind the south wall and joined the officers in front of the building. The officers, except for DIO Turner, followed Sgt. Chlipala to the south-facing door, where they joined Cmdr. Pendarvis and activated their BWC recordings.

¹⁰⁹ As previously indicated, at the time of DIO Turner’s COPA interview, COPA had not seen DIO Turner’s BWC from April 16, 2023, and was therefore not aware of his and Cmdr. Pendarvis’s entry into a second portion of ██████ S. Michigan.

¹¹⁰ Att. 137 at 01:47:42 hrs.

¹¹¹ Att. 137 at 01:47:52 hrs.

¹¹² Atts. 14 and 16 at 01:49:24 hrs.

¹¹³ Att. 151, pgs. 11-12.

¹¹⁴ Att. 135 at 01:48:01 hrs.

¹¹⁵ Att. 135 at 01:48:02 hrs.

¹¹⁶ Att. 135 at 01:48:05 hrs.

¹¹⁷ Att. 135 at 01:48:06 hrs. As mentioned above, DIO Turner was delayed in uploading his BWC files. Therefore, COPA was unaware of this comment by DIO Turner at the time of either his or Officer C. Martin’s COPA interviews.

At the south-facing door, CPD announced “police,” and Officer Coyne tested the doorknob. Officer Coyne placed the Chicago bar against the metal frame of the screen door, as Cmdr. Pendarvis stood behind him. Officer Coyne pried the screen door open, damaging the metal frame. Cmdr. Pendarvis then tried to open the main door, stating what sounded like, “That’s sure how you want do this?”¹¹⁸ The door did not open, and Cmdr. Pendarvis stated, “Go ahead.”¹¹⁹ Officer Parker proceeded to strike the door with the ram as Cmdr. Pendarvis announced “police.”¹²⁰ After two strikes, the door was forced open.

The officers all told COPA that Cmdr. Pendarvis had made the decision to breach the door. Officer Coyne said that someone handed him the Chicago bar. He maintained that it was his first time using one, and that the commander ordered him to pry open the door, so he did. Cmdr. Pendarvis said he believed forced entry was justified because both the previous shooting and him being denied entry indicated there was a risk, specifically of a gun. Cmdr. Pendarvis asserted a warrant was not required as they were operating an illegal business, and officers cannot be denied entry during a business license check.

Officer C. Martin entered the premises first with his rifle, followed by Cmdr. Pendarvis, Sgt. Chlipala, Officer D. Martin, Officer Coyne, and Officer Parker.¹²¹ The CPD members entered the storefront (which was set up like a nightclub) with their firearms drawn. Two women, later determined to be [REDACTED] and [REDACTED] were at the opposite end of the room, and [REDACTED] was near the basement stairs. The CPD members continued announcing themselves and ordered all three civilians onto the ground. Cmdr. Pendarvis ordered the officers to handcuff the civilians.

At COPA, Cmdr. Pendarvis asserted that the officers did not point their weapons at anyone, so they did not notify OEMC of a firearm pointing incident. Officer C. Martin told COPA that he did point his rifle, to “gain compliance,” and he thought he had called in a pointing incident.¹²² None of the other interviewed officers, nor Sgt. Chlipala, were certain if they had reported a pointing incident.

Cmdr. Pendarvis and Officer Coyne searched the storefront area, as Cmdr. Pendarvis spoke to [REDACTED] and learned he did not have a business license.¹²³ [REDACTED] stated that he previously spoke with a female officer who told him to stop his business. Cmdr. Pendarvis asked why [REDACTED] did not open the door for him, and [REDACTED] who was still laying on his stomach and handcuffed behind his back, stated that he heard someone kicking in the door but did not know what was occurring. DIO Turner, who initially stayed outside, then entered the storefront area. Officer Coyne assisted [REDACTED] off his stomach, performed a pat down, and sat him on a chair. [REDACTED] reiterated to the

¹¹⁸ Atts. 14 – 17 at 01:50:50 hrs.

¹¹⁹ Att. 14 at 01:50:55 hrs.

¹²⁰ Atts. 14, 16, and 17 at 01:50:58 hrs.

¹²¹ Atts. 14, 15, and 17 at 01:51:00 hrs.

¹²² Att. 147, pg. 25.

¹²³ Att. 16 starting at 01:51:46.

commander and DIO Turner that he spoke with a female officer after the previous week's shooting.¹²⁴

Meanwhile, Sgt. Chlipala and Officers C. Martin, D. Martin, and Parker went to the basement, where there was a person laying on a bed in one of the rooms. Officer C. Martin pointed his rifle into the room, announced himself, and told the occupant inside to exit. A woman came into the hallway, wearing sheer leggings, a bra, and an unbuttoned camouflage jacket. Sgt. Chlipala handcuffed the woman and brought her out to the basement hallway, where he buttoned the top button of her jacket.¹²⁵

Officers Parker and C. Martin then opened another door in the basement and ordered two men to exit. Sgt. Chlipala handcuffed the first man that exited, and the second man followed. The men identified themselves as a tenant and his guest. As the officers continued clearing the basement, Sgt. Chlipala spoke with the men.

Officer Parker and Sgt. Chlipala told COPA they did not know why ISRs were not completed for these men, nor why they were allowed to stay downstairs. Cmdr. Pendarvis told COPA that the two men informed CPD they were unrelated to the party upstairs.

On the other side of the basement, Officer Coyne joined Officer D. Martin in front of a closed door. Officer D. Martin pointed to a crack in the wall, and Officer Coyne peeked through it. Officer Coyne indicated to Officer D. Martin that there was a naked woman inside the room, and he mentioned the possibility of trafficking. Cmdr. Pendarvis, who was also in the basement by this point, also peered through the crack in the wall. Officer Coyne asked, "Want me to boot it?"¹²⁶ Cmdr. Pendarvis knocked on the door, then told Officer Coyne to "boot it."¹²⁷ Officer Coyne promptly donkey-kicked open the door. Cmdr. Pendarvis proceeded into the room first, and a female voice inside questioned what was happening. Cmdr. Pendarvis told the woman to get dressed. She was wearing a t-shirt and no pants, while alone in the room with Cmdr. Pendarvis.¹²⁸ The woman put on shorts, and Officer D. Martin pointed out that she had a FOID card. She denied having a gun and the CPD members sent her upstairs.

Officer D. Martin began searching the woman's room, followed by Sgt. Chlipala and Officer Coyne. A large jar of a suspect cannabis was in plain view.¹²⁹ Sgt. Chlipala reached towards the ceiling and removed a black case from a crevice.¹³⁰ Sgt. Chlipala opened the case, and

¹²⁴ Att. 141 at 01:54:03 hrs. While unconfirmed, COPA believes this is a reference to 5th District Officer Androniki Ganczewski.

¹²⁵ Att. 17 at 01:53:18 hrs.

¹²⁶ Atts. 15 – 17 at 01:55:48 hrs.

¹²⁷ Atts. 14 – 17 at 01:55:50 hrs.

¹²⁸ Att. 17 at 01:56:20 hrs.

¹²⁹ Att. 17 at 01:58:44 hrs.

¹³⁰ Atts. 16 and 17 at 01:59:25 hrs.

a gun was visible.¹³¹ Cmdr. Pendarvis joined them and pointed out, “It’s a ghost gun.”¹³² He and Officer Coyne agreed that it being a ghost gun rendered the woman’s FOID card irrelevant.

When COPA asked Cmdr. Pendarvis why he proceeded to search the premises once he knew they did not have a business license, Cmdr. Pendarvis said that they only searched the basement, which was connected to the nightclub area.¹³³ He stated that they were looking for contraband because, based on the previous shooting there, he believed there would be “guns and stuff.”¹³⁴ Cmdr. Pendarvis denied that he directed his officers to search the basement and asserted they went downstairs on their own. When they reported back about a woman “posing as asleep” in a locked room, he directed the officers to enter that room and search it.¹³⁵

Sgt. Chlipala told COPA they searched the basement for officer safety. He saw a firearm box near the ceiling and confirmed it contained a firearm. Sgt. Chlipala did not know why no ISR was completed for the woman in whose room the gun was found, or why her name was not otherwise documented. Officer C. Martin related that once downstairs, he saw closed doors, but he had seen someone run down there. Therefore, he cleared the basement and checked inside the rooms. Officer D. Martin told COPA that the commander or his sergeant had ordered him to conduct the search.¹³⁶

Meanwhile, the woman in camouflage remained handcuffed in the basement hallway. Officer Coyne told COPA that she was standing by herself, which he found odd, so he brought her upstairs. Sgt. Chlipala did not know why no ISR was done for the woman in camouflage. Per DIO Turner, both women from the basement were brought upstairs after CPD found the gun. Officers C. Martin and Parker had already joined DIO Turner upstairs when Officer Coyne brought up the woman in camouflage, whose cleavage remained mostly exposed. She asked for the second woman from the basement to button her jacket, and that woman did.¹³⁷

When Cmdr. Pendarvis came back upstairs, he announced that a gun was found in the basement.¹³⁸ The second woman from the basement denied that it was hers. Cmdr. Pendarvis then ordered the officers to handcuff the woman in whose room the gun was found.

Cmdr. Pendarvis asked DIO Turner to run [REDACTED] name on their in-car computer, and Officers Parker, Turner, and C. Martin proceeded outside. All three terminated their BWCs at about 2:02 am. As Officer C. Martin turned off his camera, DIO Turner stated, “Just another good day of police work.”¹³⁹

¹³¹ Atts. 16 and 17 at 01:59:39 hrs.

¹³² Atts. 16 and 17 at 02:00:07 hrs.

¹³³ Att. 171, pg. 70.

¹³⁴ Att. 171, pg. 70.

¹³⁵ Att. 171: pg. 41, ln. 13; pg. 70.

¹³⁶ Att. 151, pg. 22.

¹³⁷ Att. 15 at 01:59:37 hrs. and Att. 14 at 01:59:45 hrs.

¹³⁸ Att. 141 at 01:59:30 hrs., Att. 15 at 02:00:31 hrs.

¹³⁹ Att. 15 at 02:02:28 hrs.

Down in the basement, Officer Coyne, Officer D. Martin, and Sgt. Chlipala briefly continued searching. Sgt. Chlipala told Officer D. Martin he “saw a plastic handle of a case sticking out of a ceiling, thought it was weird.”¹⁴⁰ As the three CPD members walked down the basement hallway, Sgt. Chlipala told Officer Coyne there were two men in the basement unrelated to the incident. Once upstairs, Officer D. Martin spoke with Cmdr. Pendarvis. Cmdr. Pendarvis asked about bullets,¹⁴¹ and stated what sounded like, “Nah, we ain’t gonna take her.”¹⁴² Cmdr. Pendarvis proceeded to talk to the women being detained. Notably, one of the women (who was upstairs when CPD first entered) denied locking the door on the CPD members.¹⁴³

Cmdr. Pendarvis ordered the officers to uncuff all four women at approximately 2:05 am. Officers Turner, Parker, and C. Martin re-entered the nightclub area, and DIO Turner announced that ██████ was “good.”¹⁴⁴ Cmdr. Pendarvis proceeded to tell ██████ in part, “You are closed. If we come back again, and I have to break your door down, everybody in here going to jail.”¹⁴⁵ Cmdr. Pendarvis had Sgt. Chlipala retrieve the jar of cannabis from the basement.¹⁴⁶ Officer D. Martin also went downstairs and retrieved the gun case.

DIO Turner told COPA that, when they inventoried the gun, they listed it as having an unknown owner because it did not have a serial number. Cmdr. Pendarvis related that the woman in whose room the gun was found denied ownership, and it was inventoried because it lacked a serial number, aka was a “ghost gun.”¹⁴⁷ Cmdr. Pendarvis asserted that he had the authority to seize items at ██████ S. Michigan, because they were operating as a business and contraband was located, which was seized for public safety.

Sgt. Chlipala and Officers Parker, Coyne, Turner, and C. Martin went outside. DIO Turner took a phone call, during which he stated, “That bag must’ve had something in it,” and he advised the caller to retrieve something from the station.¹⁴⁸ DIO Turner added that CPD was “definitely gonna write some citations.”¹⁴⁹ DIO Turner then advised the caller that they “took it in already,” and he added, “I wish you would’ve said something to me before you all dipped out and shit.”¹⁵⁰ The officers outside then terminated their BWCs at about 2:10 am.

Officer D. Martin remained in the nightclub area, along with Cmdr. Pendarvis and the five detained civilians. ██████ remained handcuffed. Cmdr. Pendarvis again asked ██████ why he had

¹⁴⁰ Att. 17 at 02:01:14 hrs.

¹⁴¹ Att. 17 at 02:02:54 hrs.

¹⁴² Atts. 16 and 17 at 02:02:58 hrs.

¹⁴³ Att. 17 at 02:04:25 hrs.

¹⁴⁴ Att. 138 at 02:05:00 hrs.

¹⁴⁵ Att. 138 at 02:05:23 hrs.

¹⁴⁶ Att. 17 at 02:08:20 hrs. and 02:08:50 hrs.

¹⁴⁷ Att. 172: pg. 43, ln. 6.

¹⁴⁸ Att. 16 at 02:09:36 hrs. and Att. 138 at 02:08:17 hrs.

¹⁴⁹ Att. 138 at 02:09:03 hrs.

¹⁵⁰ Att. 138 at 02:09:22 hrs.

not opened the door. One of the women asserted that she heard them announce police, but it was not her place to allow them entry. Officer D. Martin then terminated his BWC, at about 2:13 am.

At approximately 2:18 am, Officers Magdalena Skowron and Tori Harris arrived with a citation book.¹⁵¹ ██████ remained in handcuffs. Sgt. Chlipala wrote ██████ ticket, and the officers discussed the previous shooting at ██████ S. Michigan. ██████ reiterated that he was hosting a private event and not running a business. Cmdr. Pendarvis then confirmed that all four women gave CPD their IDs. ██████ asked Cmdr. Pendarvis for his star number, which the commander refused to provide at that time.¹⁵² Sgt. Chlipala uncuffed ██████ and had ██████ sign the citation.¹⁵³ The CPD members exited the location at approximately 2:30 am.

When interviewed by COPA,¹⁵⁴ Officers Skowron and Harris recalled that they were on patrol when they learned that officers needed a citation book. They responded to ██████ S. Michigan but left once the citation was issued. Both officers knew of ██████ S. Michigan, as it was mentioned at roll call, and both officers had responded to a shooting at that location a week earlier. Officer Skowron was also aware of a lot of people and traffic occurring at 11006 S. Michigan. Cmdr. Pendarvis recalled that they requested the beat car so that female officers could search the female subjects. However, neither Officer Harris nor Officer Skowron recalled performing any searches, nor were they seen doing so in the BWC footage.

DIO Turner and Sgt. Chlipala believed that an ISR was not completed for ██████ because he was issued a citation. Cmdr. Pendarvis told COPA that ██████ had received both an ISR and a citation, and he believed an ISR was also completed for the woman in whose room the gun was found. Cmdr. Pendarvis related that the civilians were free to go once CPD was done at ██████ S. Michigan. Cmdr. Pendarvis asserted that ██████ was the only individual detained at ██████ S. Michigan.

In his interview with COPA,¹⁵⁵ ██████ recounted that CPD members kicked open multiple doors and entered with their weapons drawn. ██████ denied that he heard CPD knock or announce themselves prior to entry. ██████ asserted that a tenant alerted him to a commotion at the door, and as he was approaching, CPD forced the door open. ██████ added that he called 911 as the door was forced open. Per 911 records, ██████ called at approximately 1:50 am and requested a supervisor before the call was dropped.¹⁵⁶ ██████ was detained and CPD proceeded to the basement, where they encountered additional civilians. Ultimately, ██████ was issued a citation for running a business without a license. ██████ related he also subsequently received a cease and desist order.

¹⁵¹ Atts. 19 and 20. For Att. 20, the BWC that recorded this video was assigned to Det. Frederick Hasenfang. However, as seen in Officer Skowron's BWC footage and articulated in Officer Harris's COPA statement, the camera was being worn by Officer Harris. Det. Hasenfang, therefore, is not related to the present investigation.

¹⁵² Att. 19 at 02:25:40 hrs.

¹⁵³ Att. 19 at 02:28:26 hrs.

¹⁵⁴ Atts. 118, 145, 160, and 168.

¹⁵⁵ Atts. 83 and 110.

¹⁵⁶ Atts. 87 and 94.

COPA confirmed that CPD issued ██████ an Administrative Notice of Ordinance Violation (ANOV) for operating a business without a city license.¹⁵⁷ ██████ denied that he operated a business at ██████ S. Michigan. Per ██████ the premises are not open to the general public, but he would host “small gatherings” for friends and family.¹⁵⁸ ██████ stated that his father owned the building, and he felt his rights had been violated. ██████ denied knowing that CPD members recovered a gun and/or narcotics from the premises.

COPA attempted to contact ██████ and ██████ the two women who were issued ISRs,¹⁵⁹ but no response was received. On May 11, 2023, COPA investigators went to ██████ S. Michigan and spoke with the residents of a 2nd floor apartment.¹⁶⁰ The residents stated that CPD did not enter their unit on April 16, 2023, but they were aware that CPD had entered another portion of the building. The residents did not observe the incident and had no additional information.

██████████ called COPA after investigators left contact information at ██████ S. Michigan.¹⁶¹ ██████ related that he resided in the basement of ██████ S. Michigan, and he was home with a group of friends and his cousin, ██████ on April 16, 2023.¹⁶² He could see and hear CPD bang on the door, but he was confident they could not enter without a warrant.¹⁶³ As CPD persisted, ██████ advised ██████ to call 911. ██████ was sitting on the rear steps when he heard a door being forced open, and saw officers walking towards the side-door. ██████ stated that he left the premises as CPD entered. When ██████ returned, CPD members asked him to identify himself, then they made him leave, which was confirmed in BWC footage. ██████ returned after the CPD members left. He learned that CPD had searched the basement and forced open a bedroom occupied by an undressed woman. He also discovered that his cannabis was missing.

i. Documentation

Officer D. Martin completed the Case Report for ██████ S. Michigan Ave, with Sgt. Chlipala listed as the approving supervisor.¹⁶⁴ The report stated that Cmdr. Pendarvis saw an unknown woman exchanging cash for entry. As Cmdr. Pendarvis approached, he observed an “unlicensed business operating inside,” and the responding officers “were able to enter” the establishment.¹⁶⁵ While clearing the premises, Sgt. Chlipala saw a “black box hanging from the [ceiling].”¹⁶⁶ This box contained a handgun with no serial number.

¹⁵⁷ Att. 2.

¹⁵⁸ Att. 110: pg. 17, ln. 20.

¹⁵⁹ CMS Notes CO-0796168, CO-0796245.

¹⁶⁰ CMS Note CO-0810308.

¹⁶¹ Atts. 35, 104 and 105.

¹⁶² Att. 104, pgs. 5-6, 12.

¹⁶³ Att. 104, pg. 6.

¹⁶⁴ Att. 27.

¹⁶⁵ Att. 27, pg. 2.

¹⁶⁶ Att. 27, pg. 2.

The items inventoried from ██████ S. Michigan were a polymer firearm with an empty magazine,¹⁶⁷ and suspect cannabis.¹⁶⁸ All of the inventoried items were reported as having unknown owners. Officer D. Martin told COPA that he listed the gun as having an unknown owner because it lacked a serial number and the woman in the room denied ownership.

COPA located two ISRs from ██████ S. Michigan on April 16, 2023, for the two women present upstairs when the CPD members first entered.¹⁶⁹ The ISRs stated that the CPD members were aware of an illegal nightclub at the location. Someone inside “quickly slammed the door” on Cmdr. Pendarvis, and the members “made a dynamic entry.” Both Cmdr. Pendarvis and DIO Turner denied knowing the meaning of the term “dynamic entry.” Officers C. Martin, Coyne, and Parker related that a dynamic entry is when officers enter a space, and make sure it is safe and lacks weapons. The ISRs reported that the women were detained on probable cause, with no protective pat downs conducted.

COPA was unable to locate ISRs for the two women found in the basement, the men found in the basement, or for ██████

c. Aftermath

At approximately 7:09 pm on April 16, 2023, Sgt. Chlipala activated his BWC while speaking to a man inside the station.¹⁷⁰ Sgt. Chlipala then spoke with another sergeant, asking what to do when inventoried property has an unknown owner. The second sergeant replied that if they can verify it belongs to the man, CPD can return it to him. Sgt. Chlipala walked back to the man in the station lobby with an inventory bag, and he confirmed all the equipment was there.

On April 21, 2023, CPD’s VICE section conducted license premise checks at both 11006 S. Michigan and ██████ S. Michigan.¹⁷¹ On April 30, 2023, the City of Chicago Department of Business Affairs and Consumer Protection (BACP) issued a cease and desist order to ██████ ██████, for operating a public place of amusement at 11006 S. Michigan.¹⁷² Also on April 30, 2023, the BACP issued a cease and desist order to ██████ ██████ at ██████ S. Michigan, for operating a tavern and a public place of amusement.¹⁷³

d. Investigation

A few days after the events, Officer C. Martin, who had expressed concern at the scene about the legality of CPD’s actions in breaching ██████ S. Michigan, went to Lt. Kimble and

¹⁶⁷ Att. 44.

¹⁶⁸ Att. 45, 50, and 51.

¹⁶⁹ Atts. 64 and 65.

¹⁷⁰ Att. 23.

¹⁷¹ Atts. 198 and 199.

¹⁷² Atts. 88 and 92.

¹⁷³ Atts. 89 – 91.

reported his concerns about the limited information he had been given prior to entering the locations.¹⁷⁴ He told Lt. Kimble that, in previous business license checks he had been involved in, CPD would ask for the license, check its validity, and issue an administrative notice of violation (“ANOV”) if there was a violation.¹⁷⁵ In this case, he participated in the breach entry and search because he believed that he had to follow the commander’s orders in the field.¹⁷⁶

Lt. Kimble filed the present complaint on April 20, 2023, and he was interviewed by COPA on May 17, 2023.¹⁷⁷ Lt. Kimble told COPA that Cmdr. Pendarvis had taken officers on “VICE complaints,” and they had breached doors with search warrant tools without procuring a search warrant, or without having probable cause that a crime was occurring and that there were exigent circumstances.¹⁷⁸ Lt. Kimble explained that a business license check allows CPD to enter a business during regular business hours and check for valid licensure.¹⁷⁹ If the license is not valid, CPD can issue citations, not make arrests.¹⁸⁰ If a crime or evidence of a crime is observed, officers can only conduct searches limited to that observation.¹⁸¹ Otherwise, searches and/or forced entry are only permissible with a search warrant, or when there is probable cause with exigent circumstances.¹⁸²

Lt. Kimble further explained that the normal protocol is for the VICE unit to handle complaints about strip clubs and illegal parties.¹⁸³ They would use undercover officers to gather information on reported crimes and send up to 20 people to conduct such operations.¹⁸⁴

Lt. Kimble believed Cmdr. Pendarvis chose young and inexperienced officers who would be unlikely to challenge his direct orders because they could be disciplined for doing so.¹⁸⁵ Lt. Kimble thought that Cmdr. Pendarvis put the officers in harm’s way by sending an inadequate number of inexperienced officers into an unknown and potentially dangerous situation, without any preplanning.¹⁸⁶

¹⁷⁴ Att. 147, pg. 32. While outside of ██████ S. Michigan, Officer C. Martin asked DIO Turner about whether what they were doing was illegal, and DIO Turner responded, “You’re good bro, you’re with 500 (Cmdr. Pendarvis’s beat number). You’ll never hear anything about this shit.” Att. 137 at 01:48.

¹⁷⁵ Att. 147, 34.

¹⁷⁶ Att. 147, pg. 38.

¹⁷⁷ Per Lt. Kimble, he was informed of the incident on April 19, 2023, as he was off duty when it occurred. COPA interviewed Lt. Kimble on May 17, 2023. Lt. Kimble reported that Officer Parker was also present during the conversation he had with Officer C. Martin. See also Atts. 42, 108, 147, and 163.

¹⁷⁸ Att. 112, pgs. 4-16.

¹⁷⁹ Att. 112, pgs. 12-13.

¹⁸⁰ Att. 112. Pgs. 13-14.

¹⁸¹ Att. 112, pg. 12-14.

¹⁸² Att. 112, pg. 12.

¹⁸³ Att. 112, pg. 16.

¹⁸⁴ Att. 112, pgs. 16-18.

¹⁸⁵ Att. 112, pgs. 17-18.

¹⁸⁶ Att. 112, pgs. 18-21.

Lt. Kimble was further concerned that Cmdr. Pendarvis seized items such as firearms and money that were not necessarily illegal.¹⁸⁷ Lt. Kimble believed that Cmdr. Pendarvis had instructed an officer to complete an unlawful use of a weapon case report, so that ██████ could later be arrested for the gun that was recovered at 11006 S. Michigan; however, that officer knew ██████ had not been seen with a gun, so it would be inappropriate to charge ██████ with illegally possessing a firearm. The officer reportedly refused and instead completed a traditional case report.¹⁸⁸

Lt. Kimble expressed overall concern that Cmdr. Pendarvis was prone to conducting rushed investigations in order to achieve immediate results. Consequently, Lt. Kimble asserted that Cmdr. Pendarvis had violated CPD Rules, General Orders, and the law, and had guided young officers – who are required to follow direct orders from supervisors – to do the same, while also endangering their lives.¹⁸⁹

COPA began sending the involved officers requests for interviews in late May 2023.¹⁹⁰ On June 12, 2023, Officer C. Martin was the first officer to be interviewed by COPA.¹⁹¹

e. Retaliation Allegation

At the time of his first COPA statement on July 25, 2023, Cmdr. Pendarvis was aware that Lt. Kimble had initiated this complaint against him. Cmdr. Pendarvis described the two men as having a contentious relationship, with Lt. Kimble having opened several complaints against him. As a result, Cmdr. Pendarvis was concerned with the lieutenant’s behavior. Cmdr. Pendarvis noted that Lt. Kimble had been demoted from commander, which contributed to their tension.

Cmdr. Pendarvis also told COPA that he had directed Lt. Spradley to address the issues at both locations, but Lt. Spradley repeatedly told Cmdr. Pendarvis that he did not see any activity.¹⁹² After the April 9, 2023 shooting at ██████ S. Michigan, Cmdr. Pendarvis was upset, and he felt that he could not “trust” Lt. Spradley to do what he was asked.¹⁹³ While Cmdr. Pendarvis acknowledged that he did not give Lt. Spradley specific parameters about what to do, Cmdr. Pendarvis expected that as a lieutenant, Lt. Spradley would know what to do. Cmdr. Pendarvis felt that Lt. Spradley was “gas lighting” him.¹⁹⁴

In Lt. Spradley’s interviews with COPA, Lt. Spradley related that he was the 5th District tact lieutenant on April 16, 2023, when Sgt. Chlipala informed him that they had recovered guns and narcotics during this incident. About two weeks later, Lt. Spradley learned from Lt. Kimble

¹⁸⁷ Att. 112, pgs. 21-22.

¹⁸⁸ Att. 112, pgs. 23-25.

¹⁸⁹ Att. 112, pgs. 17, 27-31, 35-38.

¹⁹⁰ CMS notes: CO-0901266, CO-0901474, CO-0860188, CO-0944570, CO-0952078, CO-0953468, CO-0961954.

¹⁹¹ Att. 116.

¹⁹² Att. 171, pgs. 8, 10, 58.

¹⁹³ Att. 171, pgs. 58-59.

¹⁹⁴ Att. 171, pg. 59.

that one of the tact team officers spoke to him with concerns, questioning the lack of preparation and planning compared to similar police actions in which he had been involved. Lt. Spradley learned that Lt. Kimble had initiated the present complaint “weeks after.”¹⁹⁵

Lt. Spradley related that a business license check allows CPD to enter a business to ask the owner if he has a valid license.¹⁹⁶ If not, CPD can issue a citation, but if no illegal activity is observed, CPD cannot search the premises because the scope of any search is limited to what is in plain view.¹⁹⁷ Lt. Spradley stated that having a door shut does not provide justification for breaching the premises without an emergency.¹⁹⁸ He also stated that ordering the officers to force entry at ██████ S. Michigan placed them in potential danger, both physically and from civil liability.¹⁹⁹ Lt. Spradley noted that supervisors have a duty to guide their subordinates towards lawful actions, and that subordinates are expected to follow direct orders if they reasonably believe they are lawful.²⁰⁰ Like Lt. Kimble, Lt. Spradley felt Cmdr. Pendarvis was most interested in the “end result.”²⁰¹

Lt. Spradley told COPA that he did not force entry at either location prior to April 16, 2023, because he did not have probable cause and it could be unsafe.²⁰² Believing he had “exhausted [his] resources at the district level,” Lt. Spradley contacted Captain Lisa Chibe in the VICE section and allowed them to take over the investigation and utilize undercover officers.²⁰³

On or about June 12, 2023, Cmdr. Pendarvis called Lt. Spradley to his office and told him that his “friend,” Lt. Kimble, had initiated the present complaint against the commander.²⁰⁴ Cmdr. Pendarvis also mentioned that he had to come to COPA, and that Lt. Spradley was “going to have to deal with that.”²⁰⁵ Further, Cmdr. Pendarvis referenced getting a call from CPD headquarters, in which the commander was admonished for doing the tact lieutenant’s job, and that Lt. Spradley should have been the one doing the business license checks.²⁰⁶ Lt. Spradley told COPA, “I remember thinking to myself, ‘Why, so I could get the CR number?’”²⁰⁷ Cmdr. Pendarvis then told Lt. Spradley he was going to be assigned to the 3rd Watch and would no longer be on tact. Cmdr. Pendarvis also told Lt. Spradley that his “numbers” were down [for arrests, gun recoveries,

¹⁹⁵ Att. 201, pg. 7-8.

¹⁹⁶ Att. 187, pg. 17.

¹⁹⁷ Att. 187, pgs. 18, 26.

¹⁹⁸ Att. 187, pg. 26.

¹⁹⁹ Att. 187, pg. 22.

²⁰⁰ Att. 187, pgs. 22 and 28.

²⁰¹ Att. 201, pg. 50.

²⁰² Att. 187, pgs. 15-16.

²⁰³ Att. 187, pg. 14, ln. 20 – 21 and pg. 16, ln. 2 – 10; Att. 201, pg. 11. In his COPA interview, Lt. Spradley recalled that he emailed VICE prior to April 16, 2023. However, Lt. Spradley forwarded COPA the emails with VICE, which began on April 16, 2023, at about 10:37 am. See Atts. 175-186.

²⁰⁴ Att. 187: pg. 24, ln. 19; Att. 201, pg. 10, Att. 187.

²⁰⁵ Att. 187: pg. 24, ln. 22

²⁰⁶ Att. 201, pgs. 11, 14, 29.

²⁰⁷ Att. 187: pg. 25, ln. 1 – 2.

traffic stops, traffic stop cards, and ISRs].²⁰⁸ Lt. Spradley denied this was true and felt Cmdr. Pendarvis only said this so it would not look like retaliation.²⁰⁹

Lt. Spradley described the tact lieutenant as a second in command, with an elevated status and a “springboard position” for deputy chief or commander.²¹⁰ On the other hand, Lt. Spradley said the 3rd Watch is an undesirable position, and a lieutenant with less seniority had gotten the 2nd Watch.²¹¹ Before this happened, Lt. Spradley thought he and Cmdr. Pendarvis had a good relationship. Lt. Spradley believed Cmdr. Pendarvis had recommended him to be the 5th District captain,²¹² and even after the events at issue, on May 30, 2023, Cmdr. Pendarvis commended the tactical team on a job well done in front of all the supervisors present.²¹³ Per Lt. Spradley, after he was reassigned, he and the commander went from a friendly relationship to having minimal contact. Lt. Spradley attributed the change in communication to the initiation of this investigation.

In Cmdr. Pendarvis’s 2nd interview, after he was served with a retaliation allegation, Cmdr. Pendarvis told COPA that he moved Lt. Spradley to the watch because he was not happy with the lieutenant’s performance. Cmdr. Pendarvis questioned Lt. Spradley’s assertion that he had not seen activity at the locations the alderman had complained about. Cmdr. Pendarvis thought Lt. Spradley was either lying or did not know how to do a business license check.²¹⁴ Therefore, when Cmdr. Pendarvis went out on April 16, 2023 and saw activity for himself, “I felt that I no longer had faith in [Lt.] Spradley doing what I asked him to do.”²¹⁵

Cmdr. Pendarvis spoke with Lt. Spradley and told the lieutenant that he was “going in a different direction.”²¹⁶ Cmdr. Pendarvis articulated that he and Lt. Spradley were not on the same page, and he wanted a more proactive tact lieutenant.²¹⁷ Cmdr. Pendarvis also speculated that Lt. Spradley perhaps had a lack of faith in the commander, or found Cmdr. Pendarvis to be “too aggressive,” and “a little edgy.”²¹⁸ Cmdr. Pendarvis thought Lt. Spradley was “the today’s police officer,” a “nice guy who tries to talk to people and all that, but I am not that guy.”²¹⁹ He stated that Lt. Spradley is good at what he does, and is great at talking to police officers, but Cmdr. Pendarvis needed a “more aggressive course.”²²⁰ Cmdr. Pendarvis stated that he wanted “to save face with the alderman,” who has a similar vision for the district and was on the same page as Cmdr. Pendarvis.²²¹

²⁰⁸ Att. 201, pg. 52.

²⁰⁹ Att. 201, pgs. 16, 23.

²¹⁰ Att. 201, pgs. 19-20.

²¹¹ Att. 201, pgs. 24, 68-73.

²¹² Att. 201, pg. 8, 66; Att. 186.

²¹³ Att. 186.

²¹⁴ Att. 211, pgs. 13-14.

²¹⁵ Att. 211: pg. 8, ln. 5 – 6.

²¹⁶ Att. 211: pg. 8, ln. 23 – 24 and pg. 9, ln. 5.

²¹⁷ Att. 211: pg. 9, ln. 10.

²¹⁸ Att. 211: pg. 12, ln. 23 – 24.

²¹⁹ Att. 211, pg. 27.

²²⁰ Att. 211, pgs. 27-28.

²²¹ Att. 211, pg. 36, 37.

III. ALLEGATIONS²²²

Commander Tyrone Pendarvis:

It is alleged that on April 16, 2023, at approximately 12:39 am, at or near 11006 S. Michigan Ave., and at approximately 2:15 am, at or near ██████ S. Michigan Ave., Commander Tyrone Pendarvis engaged in misconduct through the following acts and/or omissions:

1. Entered 11006 S. Michigan without justification.
 - Exonerated.
2. Forcibly entered ██████ S. Michigan without justification.
 - Sustained in violation of Rules 1, 2, 3 and 6.
3. Searched and/or seized property at 11006 S. Michigan and/or ██████ S. Michigan without justification.
 - Sustained in violation of Rules 1, 2, 3 and 6.
4. Detained and/or searched occupants at 11006 S. Michigan and/or ██████ S. Michigan without justification.
 - Sustained in violation of Rules 1, 2, 3 and 6.
5. Failed to adequately supervise officers under his command in that he directed and/or permitted them to detained and/or search occupants at 11006 S. Michigan and/or ██████ S. Michigan without justification.
 - Sustained in violation of Rules 1, 2, 3, 5, 6, and 10.
6. Failed to use a body-worn camera in accordance with Special Order S03-14 during law enforcement related activities.
 - Sustained in violation of Rules 2, 3, 5, 6, and 10.

It is alleged that in or around June or July of 2023, at the Chicago Police Department's 5th District Station, located at 727 E. 111th St., Commander Tyrone Pendarvis engaged in misconduct through the following acts and/or omissions:

7. Violated G08-05: Prohibition of Retaliation, by unfavorably changing Lieutenant Ernest Spradley's assignment.
 - Sustained in violation of Rules 2, 3 and 6.

²²² COPA did not serve any allegations against the involved officers, as the BWC footage and other evidence makes it clear that they were following the direct orders of Cmdr. Pendarvis. COPA also credits the conduct of Officer C. Martin, who raised concerns about the legality of the commander's orders, both at the scene and in a later conversation with Lt. Kimble.

Sergeant Joseph Chlipala:

It is alleged that on April 16, 2023, at approximately 12:39 am, at or near 11006 S. Michigan Ave., and at approximately 2:15 am, at or near ██████ S. Michigan Ave., Sergeant Joseph Chlipala engaged in misconduct through the following acts and/or omissions:

1. Entered 11006 S. Michigan without justification.
 - Exonerated.
2. Forcibly entered ██████ S. Michigan without justification.
 - Sustained in violation of Rules 1, 2, 3 and 6.
3. Searched and/or seized property at 11006 S. Michigan and/or ██████ S. Michigan without justification.
 - Sustained in violation of Rules 1, 2, 3 and 6.
4. Detained and/or searched occupants at 11006 S. Michigan and/or ██████ S. Michigan without justification.
 - Sustained in violation of Rules 1, 2, 3 and 6.
5. Failed to adequately supervise officers under his command in that he directed and/or permitted them to detained and/or search occupants at 11006 S. Michigan and/or ██████ S. Michigan without justification.
 - Sustained in violation of Rules 1, 2, 3, 5, 6, and 10.
6. Failed to use a body-worn camera in accordance with Special Order S03-14 during law enforcement related activities.
 - Exonerated.
7. Failed to report to the Department that Commander Tyrone Pendarvis committed misconduct by unlawfully entering 11006 S. Michigan and/or ██████ S. Michigan and/or unlawfully detained or caused to be detained occupants of those premises and/or unlawfully searched or caused to be searched occupants of those premises
 - Sustained in violation of Rules 2, 3, 5, 6, 10, 21, and 22.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In his COPA interview, ██████ denied throwing parties or operating a business at ██████ S. Michigan. ██████ also alleged he did not know it was CPD forcing open his door, despite his cousin, ██████ telling COPA that it was clearly the police. COPA does note that, based on available evidence, ██████ was ostensibly coming up from the basement when the CPD members entered, so it is possible he heard indistinct noises versus the members announcing themselves.

██████ told COPA that he remained on scene until CPD left 11006 S. Michigan. However, CPD members specifically looked for ██████ outside and could not find him. That being said, the exact scope of their search for ██████ is unknown. It is also possible that ██████ was nearby, but not someplace the CPD members could see him (e.g. inside a car).

However, the evidence that ██████ had been throwing parties and knew the police were at the door, or that ██████ potentially left the scene, are not material facts to the Fourth Amendment analysis at hand. No additional, significant credibility factors arose with the remaining civilian statements.

With regard to the CPD members, COPA's investigation revealed tensions among 5th District leadership, and these personal relationships and heightened emotions could have impacted how they described and characterized the events to COPA. Specifically, Lt. Kimble and Cmdr. Pendarvis both admitted they had an ongoing conflict and a contentious relationship. Cmdr. Pendarvis described Lt. Kimble as having an agenda against him, and Cmdr. Pendarvis also believed that Lt. Kimble had hard feelings after he was demoted from 5th District commander to lieutenant. Similarly, Cmdr. Pendarvis hinted at personal tension between himself and Lt. Spradley, stating he was "upset" that Lt. Spradley did not address his concerns about the two locations, and he accused Lt. Spradley of "gas lighting" him.²²³ Both Lt. Spradley and Lt. Kimble expressed concern with Cmdr. Pendarvis's judgement as a leader.

Additionally, inconsistencies emerged after interviewing the CPD members. Notably, Cmdr. Pendarvis told COPA that he did not give any input as to what type of case report the officers should complete for the recovered firearm(s) at 11006 S. Michigan.²²⁴ However, BWC footage showed Cmdr. Pendarvis giving the officers specific orders, via DIO Turner.²²⁵ Cmdr. Pendarvis also denied to COPA that he intended to have someone arrested for the firearm(s) at a later date, which was refuted by the comments captured on BWC.

Further, COPA noted the following inconsistencies in Cmdr. Pendarvis's statements about the detention of ██████ (1) Cmdr. Pendarvis told COPA that ██████ was always free to leave,²⁵² while the BWC footage clearly shows that ██████ was detained and searched, and an ISR was completed documenting that ██████ was detained; (2) Cmdr. Pendarvis said ██████ was detained because he was going to write ██████ a citation for not having a business license,²⁵³ in contrast to his statement that ██████ who also had no business license, was free to leave; and

²²³ Att. 172: pg. 59, ln. 17 – 23.

²²⁴ Att. 172: pg. 17, ln. 18 – 22 and pg. 66, ln. 6 – 17.

²²⁵ Att. 142 at 00:58:33 hrs., 01:01:18 hrs., 01:01:35 hrs., and 01:02:07 hrs.

(3) Cmdr. Pendarvis told the officers to find ██████ because he wanted to write him a citation for a business license violation, but he only ordered that they locate ██████ after guns were discovered, not at the time of the discovery of the lack of business license.

As to Lt. Spradley, while he provided consistent details of his interaction with Cmdr. Pendarvis across both his COPA interviews, his memory as to the exact timeline of some of the events was contradicted by documentary evidence.

In regard to DIO Turner, he insisted to COPA that he was never inside 11006 S. Michigan prior to April 16, 2023. However, comments captured on BWC indicated otherwise.²²⁶

Finally, Sgt. Chlipala had an apparent lack of recall and was not forthcoming in his responses to COPA, demanding documentation before answering even basic questions. For instance, when asked about whether there were civilians present in a room, he answered, “The females in the room were not police. They were civilian. I am not sure what you mean by ‘civilian.’”²²⁷ Sgt. Chlipala was also vague about whether ISRs were completed for the individuals in the basement at ██████ S. Michigan, despite personally detaining three of the four individuals who were located downstairs.²²⁸ Sgt. Chlipala was similarly vague when asked about the woman in whose room the gun was found.²²⁹ He also stated that the reason for searching the business was to secure the building for “officer safety, to see if there were any bodies around,” but he did not explain why he searched in areas that could not accommodate “bodies,” such as “a plastic handle of a case sticking out of a ceiling.”²³⁰

No additional issues arose with any of the remaining officers to diminish or call into question their credibility. Their recollections to COPA were largely consistent with each other’s statements, and with the BWC footage.

V. ANALYSIS²³¹

Business License Check Overview

“[T]he Fourth Amendment’s prohibition on unreasonable searches and seizures is applicable to commercial premises, as well as to private homes.”²³² While the expectation of privacy in commercial property is less than that of an individual’s home, it “exists not only with respect to traditional police searches conducted for the gathering of criminal evidence but also with

²²⁶ Att. 142 at 01:00:24 hrs. and 01:03:47 hrs.; Atts. 9, 10, and 13 at 01:15:51 hrs.; Att. 13 at 01:17:31 hrs.; Atts. 9, 10, 11, and 13 at 01:18:21 hrs.; Atts. 11 and 13 at 01:19:07.

²²⁷ Att. 165, pg. 19.

²²⁸ Att. 165: pg. 19, ln. 12 – pg. 21, ln. 6.

²²⁹ Att. 165: pg. 22, ln. 9 – pg. 23, ln. 6.

²³⁰ Att. 165, pg. 20; Att. 17 at 02:01:14 hrs.

²³¹ For a definition of COPA’s findings and standards of proof, see Appendix B.

²³² *New York v. Burger*, 482 U.S. 691, 699 (1987).

respect to administrative inspections designed to enforce regulatory statutes.”²³³ Thus, “warrants are constitutionally required for most administrative searches.”²³⁴ There is an exception for businesses in closely regulated industries where three criteria are met: (1) a substantial government interest that informs the regulatory scheme; (2) the warrantless inspection is necessary to further the scheme; and (3) the statute’s inspection program provides a constitutionally adequate substitute for a warrant by advising the owner that the search is being made pursuant to the law, having a properly defined scope, and by limiting the discretion of the inspecting officers.²³⁵

It should be noted, however, that the United States Supreme Court has held that “administrative entry, without consent, upon portions of commercial premises which are not open to the public may only be compelled through prosecution or physical force within the framework of a warrant procedure.”²³⁶ This is because “this Nation’s traditions [] are strongly opposed to using force without definite authority to break down doors.”²³⁷ Thus, a law authorizing administrative searches must explicitly authorize forcible, warrantless entries in order to use such force.²³⁸

In Chicago, businesses for which a business license is not required under any other provision of the Municipal Code, must register with the Department of Business Affairs and Consumer Protection (DBACP) and obtain a limited business license.²³⁹ Pursuant to Section 4-4-290 the Code, enforcement of this provision reads as follows:

It shall be the duty of the commissioner to examine or to cause to be examined all persons, books and records and places of business subject to license for the purpose of ascertaining whether such license(s) have been procured or whether the eligibility or other applicable requirements for licenses have been met. In case of the neglect or refusal of any person to procure a license as required by this Code, the commissioner shall have the authority, and it shall be the commissioner's duty, to take such action as the commissioner deems necessary to enforce said license requirement.

The commissioner and all investigators and employees designated by the commissioner shall have full police powers to enforce the provisions of this chapter; and shall have the right to arrest or to cause to be arrested any person who violates any of the provisions of this Code; and shall have the right-of-entry, at

²³³ *Id.* at 699-701.

²³⁴ *Bionic Auto Parts & Sales v. Fahner*, 721 F.2d 1072, 1078 (7th Cir. 1983).

²³⁵ *Burger*, 482 U.S. at 702-704.

²³⁶ *See v. City of Seattle*, 387 U.S. 541, 545 (1967).

²³⁷ *Colonnade Catering Corp. v. U.S.*, 397 U.S. 72, 77 (1970).

²³⁸ *See Colonnade*, 397 U.S. at 73-77 (statute authorizing warrantless administrative search provided only for the imposition of a fine for refusing to allow agents to search, so the agents’ forcible entry violated the fourth amendment); *Routhier v. Goggins*, 229 F. Supp. 3d 299, 307 (U.S.D.C. Vt. 2017) (the remedy for refusing to allow a warrantless administrative search was the imposition of a fine or suspension or revocation of the business license, not a warrantless seizure, and the officers should have known as much so they were not entitled to qualified immunity).

²³⁹ Chicago Municipal Code, Section 4-4-020.

reasonable times, to any place of business for which a license is required under this Code for the purpose of ascertaining compliance with the provisions of this Code.

It shall be the duty of the head of the department or board charged with the enforcement of any regulatory provision of this Code to take such action as shall be necessary to compel compliance with said regulatory provision. Such department head or board shall call upon the department of police for aid in the enforcement of any regulatory provision of this Code, the enforcement of which is placed upon such department head or board, and it shall be the duty of the superintendent of police, when called upon by said department head or board, to perform such duties as may be required to enforce said regulatory provision.

The superintendent of police and members of the police department shall also have (1) the authority to enforce the provisions of this Code pertaining to licensing; and (2) to examine all persons, books and records, or places of any business subject to licensing under this Code; and (3) the right-of-entry, at reasonable times, to any place of business for which a license is required under this Code for the purpose of ascertaining compliance with the applicable provisions of this Code.

For purposes of this section, the term “at reasonable times” means (i) during normal business hours; (ii) during the hours of operation of the business; (iii) any time the business is found to be operating; or (iv) any time when a customer is in the business, including before or after the hours of operation of such business.²⁴⁰

Further, Section 4-4-295 provides:

It shall be unlawful for any licensee to knowingly obstruct the commissioner or any department investigator in the performance of his or her respective duties, or to knowingly interfere with or impede the commissioner or any department investigator in enforcing the provisions of Title 4. Any person who violates this section shall be subject to a fine of not less than \$2,000.00 nor more than \$10,000.00, or imprisonment for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and in the Illinois Code of Criminal Procedure, or both, for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

Because these provisions do not explicitly authorize forcible warrantless entries, such entries are unlawful. Further, even where the premises are entered lawfully, courts have interpreted these provisions as to prohibit warrantless searches and seizures beyond inspecting licenses.²⁴¹

²⁴⁰ Chicago Municipal Code, Section 4-4-290.

²⁴¹ See *Salem Bros. v. Corcoran*, 2000 U.S. Dist. LEXIS 11435 (N.D. Ill. 2000) (finding that an earlier version of Section 4-4-290 did not authorize actions other than inspecting licenses, and “d[id] not purport to grant police officers the authority to conduct warrantless searches and seizures of a licensed establishment without probable cause”); *Jun*

Entering 11006 S. Michigan

COPA finds **Allegation 1** against Cmdr. Pendarvis and Sgt. Chlipala, that they entered 11006 S. Michigan Avenue without justification, is **Exonerated**.

██████████ told COPA he did not know how CPD gained entry into 11006 S. Michigan, and there is no BWC footage of the CPD members entering the premises; however, the available evidence indicates they were let inside by staff. By all appearances, a public business was operating at this location, albeit without proper licensure, and Cmdr. Pendarvis and the officers were able to walk inside. With regards to Sgt. Chlipala, he arrived once the search was over. The officers were already inside, and the civilians had exited, allowing Sgt. Chlipala to freely enter the building.

COPA finds by clear and convincing evidence that CPD entered 11006 S. Michigan during a time the business appeared to be operating, and “law enforcement officers, like any member of the public, may enter commercial premises that are expressly or impliedly held open to customers or other members of the public.”²⁴² Therefore, this allegation is **Exonerated**.

Forcibly Entering ██████████ S. Michigan

COPA finds **Allegation 2** against Cmdr. Pendarvis and Sgt. Chlipala, that they forcibly entered ██████████ S. Michigan without justification, is **Sustained** in violation of Rules 1, 2, 3, and 6, as well as the Chicago Municipal Code and the Fourth Amendment to the United States Constitution.

Rule 2 prohibits any action or conduct which impedes CPD’s efforts to achieve its policy and goals or brings discredit upon the Department, while Rule 3 prohibits any failure to promote CPD’s efforts to implement its policy or accomplish its goals. Rule 1 prohibits the violation of any law or ordinance, and Rule 6 prohibits disobedience of an order or directive, whether written or

Guang Xie v. City of Chi. 2016 U.S. Dist. LEXIS 146636, 18-19 (N.D. Ill. 2016) (finding that Section 4-4-290 did not authorize any conduct beyond inspecting business licenses or warrantless searches without probable cause, so while the police could permissibly enter the parts of the commercial premises that were held out to customers or members of the public, a warrant was required for entry into the warehouse and for searching sealed boxes); see also *People v. Madison*, 121 Ill. 2d 195, 200-10 (1988) (finding that section 5-403 of the Illinois Vehicle Code required that a warrant be obtained if criminal evidence was discovered during the course of an inspection, even if in plain view, because “gathering evidence for criminal prosecutions was outside the narrow scope of the statute”); *Goggins*, 229 F. Supp. 3d at 306-07 (statute only allowed the examination of records, not their seizure; and the statutory use of the word “record” in reference to the operation of a business license should be interpreted narrowly and thus did not include videotaped recordings); *Jun Guang Xie v. City of Chi.*, 2016 U.S. Dist. LEXIS 1466636, 20-22 (warrantless search of areas of the warehouse that were closed to the public was not justified as a protective sweep, which is a quick and limited search of the premises incident to arrest to protect the safety of the officers, where the officers conducted far more than a cursory inspection into places where other assailants may be hiding, including looking in drawers and unsealed small boxes; instead, a jury could conclude that these were arbitrary searches for contraband unrelated to the officers’ safety).

²⁴² *Jun Guang Xie v. City of Chi.*, 2016 U.S. Dist. LEXIS 146636, *18-19.

oral. The Fourth Amendment to the United States Constitution guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.²⁴³

Lt. Kimble initiated this investigation after learning that Cmdr. Pendarvis ordered officers to force entry at ██████ S. Michigan, and there is no question that this occurred. Lt. Kimble was concerned that young officers were placed in a potentially dangerous situation by their commander.

Per CPD reports and Cmdr. Pendarvis, when CPD arrived at the south facing door, Cmdr. Pendarvis observed individuals being patted down and exchanging money. Thus, there is some evidence that a business was operating inside this location. According to Cmdr. Pendarvis, the occupants shut the door as he approached. Cmdr. Pendarvis knocked and announced his office, but entry was denied. Cmdr. Pendarvis asserted that it is illegal for individuals operating a business to shut the door on the police. Consequently, Cmdr. Pendarvis ordered Sgt. Chlipala to have his tactical team to bring breach tools to force entry into the building. Once the officers arrived with the tools, Cmdr. Pendarvis ordered them to force open the south-facing side door. The officers complied, forcing open the door and entering the nightclub portion of the building with guns drawn, including a rifle.

However, as discussed above, while it is unlawful for the owner of a business to obstruct or interfere in the enforcement of a business license check, which would include denying entry to police who are conducting such an inspection, the remedy for doing so is not forced entry; rather it is fines or imprisonment.²⁴⁴ As stated above, a law authorizing administrative searches must explicitly authorize forcible, warrantless entries in order to use such force,²⁴⁵ and the relevant provision here does not. There is also no evidence that the exigencies of the situation demanded immediate entry without first obtaining a warrant.²⁴⁶ As such, COPA finds by a preponderance of

²⁴³ Notably, COPA did not identify any CPD policies that address the forcible breach of a building, aside from the context of a search warrant. This suggests that this action was outside the realm of reasonable police conduct. CPD search warrant policy states that, “If forcible entry is required, use only the amount necessary to gain entry, making every effort to leave the premise in the same condition as originally found.”

²⁴⁴ Chicago Municipal Code, Section 4-4-295.

²⁴⁵ See *Colonnade*, 397 U.S. at 73-77 (statute authorizing warrantless administrative search provided only for the imposition of a fine for refusing to allow agents to search, so the agents’ forcible entry violated the fourth amendment); *Routhier v. Goggins*, 229 F. Supp. 3d 299, 307 (U.S.D.C. Vt. 2017) (the remedy for refusal to allow a warrantless administrative search was the imposition of a fine or suspension or revocation of the business license, not a warrantless seizure, and the officers should have known as much so they were not entitled to qualified immunity).

²⁴⁶ Cmdr. Pendarvis did not clearly claim any exigent circumstances justified the officers’ entry. However, he noted several times that the location presented a public safety risk due in part to the shooting that had occurred a week prior. He also stated that the timing of his arrival was based on the time the shooting had occurred. The exigent circumstances exception to the warrant requirement applies “when the exigencies of the situation make the needs of law enforcement so compelling that [a] warrantless search is objectively reasonable.” *Brigham City v. Stuart*, 547 U.S. 398, 402 (2006). The exception enables police officers to deal with “emergenc[ies]”—situations presenting a “compelling need for official action and no time to secure a warrant.” *Riley*, 573 U. S., at 402, 134 S. Ct. 2473, 189 L. Ed. 2d 430. Courts recognize several exigencies. An officer, for example, may “enter a home without a warrant to render emergency assistance to an injured occupant[,] to protect an occupant from imminent injury,” or to ensure his own safety. *Brigham*

the evidence that the forced entry into the south-facing door, which Cmdr. Pendarvis ordered and Sgt. Chlipala facilitated, was not justified. Therefore, this allegation is **Sustained** as to both members.

Furthermore, before the officers arrived with the breach tools, Cmdr. Pendarvis had also kicked open a door on the north side of [REDACTED] S. Michigan and entered a residential hallway. Per BWC, DIO Turner had already told Cmdr. Pendarvis which door people used to enter the parties, and that the building contained apartments. Upon entering a stairwell with several doors, the pair determined it did not connect to the storefront and they promptly exited. Based on the information from DIO Turner and what Cmdr. Pendarvis could observe for himself, a reasonable officer should have understood that the non-storefront portion of the building contained private residences.

Therefore, COPA also finds by a preponderance of the evidence that Cmdr. Pendarvis had no justification for forcibly entering the door on the north side of the building at [REDACTED] S. Michigan, which had nothing to do with the business license check of the business accessed through the south-facing door.

Searching and Seizing Property from Both Locations

COPA finds **Allegation 3**, that Cmdr. Pendarvis and Sgt. Chlipala searched and/or seized property at 11006 S. Michigan and/or [REDACTED] S. Michigan without justification, is **Sustained** in violation of Rules 1, 2, 3, and 6, as well as the Chicago Municipal Code and the Fourth Amendment to the United States Constitution.

Jonathon [REDACTED] complained to both the OIG and COPA that CPD members searched his father's home without justification. Lt. Kimble also expressed concern that Cmdr. Pendarvis directed the officers to search, seize, and inventory property at both addresses. There is no question that, once inside both locations, Cmdr. Pendarvis personally engaged in the search and seizure of property. The BWC footage and officer statements confirm that Cmdr. Pendarvis directly ordered the officers to search both locations, and to inventory specific items. While it does not appear that Sgt. Chlipala gave any direct orders to search or seize items at [REDACTED] S. Michigan, officers did so in his presence, and he directly participated in searching the location and taking items into CPD custody.

City, 547 U. S., at 403; *Riley*, 573 U. S., at 388. The police may make a warrantless entry to “prevent the imminent destruction of evidence” or to “prevent a suspect’s escape.” *Brigham City*, 547 U. S., at 403; *Minnesota v. Olson*, 495 U. S. 91, 100 (internal quotation marks omitted). In those circumstances, the delay required to obtain a warrant would bring about “some real immediate and serious consequences”—and so the absence of a warrant is excused. *Welsh v. Wisconsin*, 466 U. S. 740, 751 (1984). The guiding principle is reasonableness, and each case is evaluated based upon the totality of the circumstances known to the officers at the time of the warrantless entry. *People v. Yates*, 456 N.E.2d 1369 (1983). For the avoidance of doubt, COPA finds the evidence shows no exigency existed prior to the officers’ forced entry into [REDACTED] N. Michigan such that a warrant could not be obtained first.

11006 S. Michigan

At 11006 S. Michigan, *after* it was determined that ██████ did not have a business license for the premises, and *before* CPD observed any signs of criminal activity, Cmdr. Pendarvis ordered Officers C. Martin and Parker to search the office suite. Cmdr. Pendarvis himself began searching, going behind the bar and finding cash and suspect narcotics. Cmdr. Pendarvis continued his search behind the bar, finding a firearm inside a bag. Cmdr. Pendarvis told COPA he saw the cash and suspect narcotics in plain sight. The bag was next to these items, and once the commander picked it up, he could tell from the bag's weight that it contained a gun.

After the gun was found behind the bar, Cmdr. Pendarvis directed the officers to conduct a more in-depth search of the whole premises, at one point stating, "Let's flip this whole mother fucker."²⁴⁷ When Cmdr. Pendarvis learned that ██████ could not be located, he announced they would be seizing items at 11006 S. Michigan, aka "confiscating all their shit."²⁴⁸ Upon learning that Officer Parker found a bag containing additional cash and electronics, Cmdr. Pendarvis had DIO Turner instruct the officers to inventory it. Despite BWC footage confirming that Cmdr. Pendarvis explicitly told DIO Turner that the items would not be inventoried as found property, Cmdr. Pendarvis told COPA he did not give this order.

When Officer Coyne found a second gun at 11006 S. Michigan, he informed DIO Turner and showed the weapon to Cmdr. Pendarvis. Cmdr. Pendarvis then ordered the officers to continue a thorough search of the suite. Officer Coyne asserted that it would be unsafe to leave an unclaimed gun, so it confiscated it.

Officer C. Martin, who completed the inventories for 11006 S. Michigan, told COPA that Cmdr. Pendarvis ordered him to seize those items. Officer C. Martin also told COPA that he did not want to attribute ownership to anyone in the inventories, since he did not know to whom the items belonged.

COPA's understanding of the law as set forth above is that in conducting a business license check, authorities can only enter portions of the commercial premises that are open to the public; and that, after determining whether or not the business has a valid license, authorities do not have the right to conduct warrantless searches without probable cause of criminal activity and exigent circumstances. Further, it is questionable whether contraband discovered in plain view can immediately be seized without a warrant.

Here, Cmdr. Pendarvis and his subordinate officers searched areas of the premises that did not appear open to the public, such as an office suite, a dressing room, behind the bar, and a studio. Moreover, COPA cannot confirm any "plain view" sighting of contraband, even if it were permissible to seize such items without a warrant. According to Cmdr. Pendarvis, CPD did not

²⁴⁷ Att. 12 at 00:53:20 hrs.

²⁴⁸ Atts. 9 – 12 at 00:52:31 hrs.

initially see any contraband in plain view,²⁴⁵ but after he was informed there was no business license, he went behind the bar to search for firearms.²⁴⁶

While COPA finds that searching behind the bar likely does not comport with the parameters of a business license check, where it was *already determined* that there was no business license, Cmdr. Pendarvis made his intent in doing so clear: to find guns.²⁴⁹ However, such a search could not be done without probable cause of criminal activity and exigent circumstances, or a search warrant. Cmdr. Pendarvis had neither: all he had was a business license violation.

Moreover, Cmdr. Pendarvis's claim that he saw ecstasy in plain view, "at the bottom of the bar" in a clear bag, cannot be confirmed due to his lack of BWC.²⁵⁰ Regardless, his description of how he found the gun does not appear to comport with the parameters of "plain view" under any definition. He stated that he saw a bag next to the ecstasy, and it was not until he picked up the bag and felt there was a "dead weight inside," that, based on his experience, he believed it was a gun.²⁵¹

Additionally, it was this decidedly *not* plain view discovery of the firearm that, according to Cmdr. Pendarvis, provided justification for extensively searching the entirety of the premises, including offices and studios, and inside benches, suitcases, bags, purses, backpacks and other bags. The second gun and money found were also not in plain view, nor were they obvious evidence of a crime.

Thus, based on the foregoing, COPA finds Cmdr. Pendarvis's orders to search and seize property after he discovered the business license violation at 11006 S. Michigan Avenue, violated the Fourth Amendment.

██████ S. Michigan

After CPD forced entry at ██████ S. Michigan, Cmdr. Pendarvis spoke with ██████ (while ██████ was handcuffed and laying on his stomach) and learned that ██████ lacked a business license. Cmdr. Pendarvis and Officer Coyne then searched the storefront space, while additional officers went downstairs and began searching the basement.

Notably, Cmdr. Pendarvis instructed Officer Coyne to kick open a locked bedroom door in the basement. Once the woman in this locked room was sent upstairs, officers searched the room and Sgt. Chlipala located a gun and suspect cannabis. CPD inventoried the suspect cannabis and the polymer gun with no serial number, listing both as having unknown owners.

Again, Cmdr. Pendarvis told COPA he had officers search ██████ S. Michigan after learning ██████ lacked a business license because he wanted to locate contraband, and he suspected there would be guns. But, as explained above, the business license ordinance does not

²⁴⁹ Att. 172: pg. 20, ln. 16.

²⁵⁰ Att. 171: pg. 22, ln. 13.

²⁵¹ Att. 171: pg. 23, lns. 3 to 5.

provide for the search or seizure of contraband without probable cause of criminal activity and exigent circumstances, or a search warrant.

Sgt. Chlipala told COPA that he searched the basement for “bodies,” for officer safety.²⁵² The search for officer safety described by Sgt. Chlipala appears to be a reference to a protective sweep, which is a quick and limited cursory search of the premises for potential assailants. However, the search Sgt. Chlipala conducted included places where assailants could not possibly be hiding, such as in a box hanging from the ceiling. Thus, it was also in violation of the Fourth Amendment.

Detaining and Searching Individuals at Both Locations

COPA finds **Allegation 4**, that Cmdr. Pendarvis and Sgt. Chlipala detained and/or searched occupants at 11006 S. Michigan and/or ██████ S. Michigan without justification, is **Sustained** in violation of Rules 1, 2, 3, and 6, as well as the Chicago Municipal Code and the Fourth Amendment to the United States Constitution.

CPD policy defines an investigatory stop as “[t]he temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”²⁵³ “Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause, but more than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member’s training and experience.”

A police officer may perform a protective pat down search where, after making a lawful stop, the officer has reasonable articulable suspicion that he or another is in danger of attack because the person detained is armed and dangerous.²⁵⁴ CPD policy defines a protective pat down as: “A limited search during an investigatory stop in which a sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area.”²⁵⁵

Probable cause is required to search a person beyond a pat down or to seize a person, and the probable cause must be particular to that person.²⁵⁶ Probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred, and

²⁵² Att. 165, pg. 20.

²⁵³ Att. 208, S04-13-09(II)(A), Investigatory Stop System (Effective July 10, 2017 to present).

²⁵⁴ *People v. Sorenson*, 196 Ill. 2d 425, 432 (2001).

²⁵⁵ Att. 208, S04-13-09(II)(C).

²⁵⁶ *Ybarra v. Ill.*, 444 U.S. 85, 91 (1979) (patrons of a bar that was the subject of a search warrant were “clothed with constitutional protection against unreasonable search or an unreasonable seizure,” and their “mere propinquity to others independently suspected of criminal activity does not, without more, give rise to probable cause to search that person”).

the subject has committed that crime.²⁵⁷ If an officer has probable cause to believe that a person has committed even a very minor criminal offense in his presence, he may arrest that person without violating the Fourth Amendment.²⁵⁸ A full search of a person pursuant to a lawful custodial arrest is reasonable.²⁵⁹

11006 S. Michigan

After the CPD members entered 11006 S. Michigan, Cmdr. Pendarvis stopped [REDACTED] and had Officer C. Martin search him. During Cmdr. Pendarvis's COPA interview, he denied detaining [REDACTED] or anyone else at 11006 S. Michigan, and he could not recall if [REDACTED] was searched. Once the gun was located behind the bar, CPD members then stopped and searched multiple civilians they encountered.

The BWC footage shows that Cmdr. Pendarvis had DIO Turner instruct the officers to write a case report documenting that [REDACTED] had fled the scene. However, COPA notes that Cmdr. Pendarvis was adamant that [REDACTED] was not detained, and was always free to leave. COPA also questions the choice of the word "fled." [REDACTED] casually exited the space in plain view of Cmdr. Pendarvis and other officers on scene. In fact, he announced the party was over and that they were leaving, as he exited the barroom. No one told [REDACTED] he could not leave, and so he left.

The most notable detentions at 11006 S. Michigan were those of the DJ and his associates, as well as the photographer. Despite CPD members explicitly giving them permission to enter and remove the DJ equipment, Cmdr. Pendarvis insisted that the men could not leave until CPD documented their information. Cmdr. Pendarvis and DIO Turner proceeded to argue with the men, further delaying their ability to pack up and exit. Once officers ran their names, the men were all free to leave. Despite initially telling COPA that no one was detained at 11006 S. Michigan, Cmdr. Pendarvis later stated that these men were detained because CPD encountered them after the gun was found. These four men were not the only civilians that CPD encountered after the gun was found behind the bar, but they, along with [REDACTED] were the only individuals whose detentions were documented with ISRs.

The ISR for the DJ, [REDACTED] stated that he was detained based on probable cause, and that he was patted down but not searched.²⁶⁰ The ISRs for [REDACTED] and [REDACTED] stated that they were detained based on probable cause, and that they were neither patted down nor searched.²⁶¹ However, [REDACTED] told COPA that he was helping [REDACTED] and that a CPD member asked him for his ID and "frisked" him.²⁶² [REDACTED] the photographer, also told COPA that

²⁵⁷ Att. 208, S04-13-09(II)(D).

²⁵⁸ *Atwater v. City of Lago Vista*, 532 U.S. 318, 354 (2001).

²⁵⁹ *United States v. Robinson*, 414 U.S. 218, 235 (1973).

²⁶⁰ Att. 63.

²⁶¹ Att. 59, 60, 62.

²⁶² CMS Note CO-0866651.

he was asked for his ID, and he reported that his bag was searched.²⁶³ The narrative for all four ISRs supporting probable cause to detain stated that the “subject[s]” were inside of the illegal business.²⁶⁴

As with Allegation 3, Sgt. Chlipala was not present when any of these individuals were detained at 11006 S. Michigan. That being said, Sgt. Chlipala approved the ISRs following the detentions at 11006 S. Michigan.

As cited above, caselaw and Section 4-4-290 of the Chicago Municipal Code allows for the arrest of a person who violates this provision of the Code. Here, CPD had probable cause to believe that the operator of the establishment, ██████████ did not have proper licensure. Thus, at the very least, his detention was proper. While a pat down and search of ██████████ would have been permissible had he actually been taken into custody, that was not the case here.

██████████ ISR stated that officers stopped him based on probable cause and patted him down based on consent, but did not search him.²⁶⁵ However, ██████████ told COPA that he was patted down and his bag was searched, and he did not give CPD permission to conduct the search. Instead, ██████████ stated that several officers surrounded him, patted him down, and asked to see what was in his bag, so he opened his bag.²⁶⁶ COPA finds that the pat down and search of ██████████ bag were not based on consent, but were conducted under an atmosphere of duress. COPA further finds that while Cmdr. Pendarvis may have suspected individuals inside the location were armed based on nature of the business, that night, all he saw was that the security guards were *not* armed.²⁶⁷ Cmdr. Pendarvis certainly did not cite any particularized reasonable articulable suspicion that ██████████ himself was armed *and* dangerous. Thus, COPA finds that the pat down of ██████████ violated the Fourth Amendment.

Further, the search of ██████████ bag was not justified where CPD’s probable cause to arrest was based on ██████████ not having a business license, which ██████████ admitted, and CPD had no reasonable expectation that evidence of ██████████ not having a business license would be found in his bag. Additionally, while it is true that CPD could have properly conducted a search incident to arrest had they arrested ██████████ not only was ██████████ *not* arrested, according to Cmdr. Pendarvis, he was not even *detained*. Thus, the search of ██████████ bag cannot be justified as a search incident to arrest.

As for the detentions and/or pat downs and/or searches of the DJ, his associates, and the photographer, COPA finds that CPD did not have probable cause or even reasonable suspicion to detain them, based on their mere presence at the premises of an illegal business, at least some of whom arrived after that discovery. Additionally, COPA has found no evidence that these

²⁶³ CMS Note CO-0952405.

²⁶⁴ Atts. 59, 60, 62, 63.

²⁶⁵ Att. 61.

²⁶⁶ Att. 106, pgs. 14-15.

²⁶⁷ Att. 171, pg. 64.

individuals had any involvement in the business not being properly licensed, or that they were involved in any other independent criminal activity. Thus, the detentions and searches of these individuals violated the Fourth Amendment. Additionally, Cmdr. Pendarvis provided no evidence to support reasonable articulable suspicion that any of these four individuals were armed and dangerous, making a pat down of any of these individuals also unjustified.

For these reasons, COPA finds this allegation **Sustained** as to Cmdr. Pendarvis for the location of 11006 S. Michigan.

██████ S. Michigan

After the CPD members forced entry at ██████ S. Michigan, they immediately detained and handcuffed ██████ and ██████ at gunpoint. In the basement, Sgt. Chlipala was present as Officers Parker and C. Martin detained one woman and two men, and Sgt. Chlipala handcuffed two of these individuals. The man who was handcuffed in the basement was ultimately released, and he and his associate were free to leave. However, the woman who was handcuffed, and another woman who was found in a room where a gun was subsequently located, were both brought upstairs, and the second woman was later handcuffed as well. Cmdr. Pendarvis ultimately determined that no one would be arrested, and he ordered the officers to uncuff the women. ██████ remained in handcuffs for approximately 20 more minutes, until Sgt. Chlipala had him sign a citation.

COPA was unable to locate ISRs for ██████ or the two women and two men detained in the basement. Cmdr. Pendarvis, however, told COPA that he believed ISRs were completed for ██████ and the woman in whose room the gun was found. Cmdr. Pendarvis also asserted that ██████ was the only individual detained at ██████ S. Michigan, but he also related that the other civilians were free to leave *after* CPD wrote the citation and left. COPA finds the commander's statements regarding the detentions and ISRs to be inconsistent at best. For his part, Sgt. Chlipala told COPA that he did not know why no ISRs were completed for any of the individuals located in the basement. He also did not know why CPD failed to document the name of the woman in whose room the gun was found.

COPA finds that, as with ██████ detention was proper, as he was the operator of an establishment without a license. However, CPD did not have justification to conduct a pat down of ██████ Despite Cmdr. Pendarvis's knowledge of past shootings at ██████ S. Michigan, the commander had no particularized knowledge that ██████ was armed and presently dangerous, and no reasonable articulable suspicion to pat ██████ down.

██████ and ██████ were the two women handcuffed immediately upon CPD's entry into ██████ S. Michigan. According to their ISRs, they were detained based on probable cause, and they were neither patted down nor searched. The narrative supporting the probable cause described the women as "unknown" and inside an "illegal night club."²⁶⁸ As

²⁶⁸ Atts. 64, 65.

explained above, mere presence in a business that does not have proper licensure does not support reasonable suspicion, let alone probable cause, to detain. This applies equally to the four individuals present in the basement. CPD had no evidence that these individuals had any knowledge of or involvement in a business that was not properly licensed, or that they were involved in any independent criminal activity. While CPD might have had reasonable articulable suspicion that the woman in the basement room who said she had a FOID might be armed, they had no evidence that the woman's possession of a firearm was criminal, or that she was presently dangerous. Nonetheless, she was detained prior to the discovery of the defaced gun.

For these reasons, COPA finds this allegation is **Sustained** as to Cmdr. Pendarvis and Sgt. Chlipala for the location of ██████ S. Michigan.

Failure to Properly Supervise

COPA finds **Allegation 5**, that Cmdr. Pendarvis and Sgt. Chlipala failed to adequately supervise officers under their command in that they directed and/or permitted them to detain and/or search occupants at 11006 S. Michigan and/or ██████ S. Michigan without justification, is **Sustained** in violation of Rules 1, 2, 3, 5, 6, and 10, as well as the Fourth Amendment and General Order G01-09, Supervisory Responsibilities.²⁶⁹

Per G01-09, CPD supervisors are required to “engage in activities and conduct that support the vision, mission and goals of the Department,...model appropriate conduct,...guide and direct members to support effective and ethical police practices,...provide leadership, guidance, mentoring, training, and support to members under their command to develop and enhance their skills, knowledge, and abilities to perform the functions of their position and promote improved performance,... [and] effectively supervise the members under their command to establish and encourage expectations, performance, and accountability.”²⁷⁰

The policy further states that “[s]upervisors of all ranks are accountable for the performance of subordinate members directly observed or under their direct command. Department supervisors will...be held accountable for identifying and responding to violations of Department directives by members under their direct command.”²⁷¹ It provides that “[i]mmediate supervisors of all ranks are responsible for supervising, managing, and overseeing, as appropriate, the day-to-day work activities of members under their direct command.”²⁷²

Further, G01-09 mandates that supervisors “be knowledgeable concerning the law, Department policies, and unit-level directives which apply to their positions, duties, and

²⁶⁹ Att. 209, G01-09, Supervisory Responsibilities (effective May 10, 2021 to present).

²⁷⁰ Att. 209: pg. 2, (II)(C)(1)-(5).

²⁷¹ Att. 209: pg. 3, (III)(B)(2).

²⁷² Att. 209: pg. 3, (III)(C).

responsibilities, as to be a resource for other Department members.”²⁷³ Additionally, supervisors must ensure lawful, safe, effective, and community-centered policing.²⁷⁴

In this case, both Cmdr. Pendarvis and Sgt. Chlipala displayed a woeful lack of knowledge regarding the protections and rights that the Fourth Amendment affords to citizens. As a result, they were unable to model appropriate police conduct and encourage adherence to both CPD policy and the United States Constitution. They are both directly accountable and responsible for the acts of the officers under their command whom they directed to violate laws, in the case of Cmdr. Pendarvis, or observed violating laws, in the case of Sgt. Chlipala.

As such, COPA finds by a preponderance of the evidence that both supervisors were inattentive to their duties to properly supervisor subordinates and guide them toward lawful actions. COPA finds these allegations **Sustained** as to both Cmdr. Pendarvis and Sgt. Chlipala.

BWC Violations

COPA finds **Allegation 6**, that both accused failed to use a body-worn camera in accordance with Special Order S03-14 during law enforcement related activities, is **Sustained** for Cmdr. Pendarvis, in violation of Rules 2, 3, 5, 6, and 10, and S03-14, Body Worn Cameras.²⁷⁵ However, for the reasons set forth below, this allegation is **Exonerated** for Sgt. Chlipala.

Cmdr. Pendarvis told COPA that he went to 11006 S. Michigan directly from his home, and then went to ██████ S. Michigan directly from 11006 S. Michigan. Since he did not go to the station, he did not have his BWC. COPA notes that, at times, Cmdr. Pendarvis was the only CPD member in a room and/or interacting with civilians, including a partially dressed woman. As a result, there is no BWC coverage of certain portions of the incident. Most notably, there is no BWC footage of Cmdr. Pendarvis’s initial entry into 11006 S. Michigan, or his initial discovery of the ecstasy and gun behind the bar. Similarly, there is no BWC coverage from Cmdr. Pendarvis’s arrival at ██████ S. Michigan, when he allegedly had the door shut on him and was denied entry.

CPD Special Order S03-14 requires members to activate their BWCs during all law-enforcement-related activities. Cmdr. Pendarvis admitted to COPA that he knew earlier in the day that he was planning to go to these locations, and yet he failed to bring his BWC with him. However, the policy specifically states that “the decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated.”²⁷⁶ Cmdr. Pendarvis asserted that, as the district commander, he had the discretion not to record on BWC. As support for this position, he pointed to the provision in the policy that states, “All sworn members and their immediate supervisors assigned to a Bureau of Patrol district

²⁷³ Att. 209: pg. 3, (III)(A)(5).

²⁷⁴ Att. 209: pg. 3, (III)(A)(6)(a).

²⁷⁵ Att. 207, S03-14, Body Worn Cameras (effective April 10, 2018 to December 28, 2023).

²⁷⁶ Att. 207: pg. 2, (III)(A)(1).

normally assigned to field duties and any other member at the discretion of the district commander will be assigned and utilize a BWC.”²⁷⁷ However, COPA finds that Cmdr. Pendarvis’s interpretation of this provision is inconsistent with the policy’s purpose and goals, as it would mean that any commander can unilaterally elect not to use a BWC for any reason. In this situation, Cmdr. Pendarvis knew he would be engaging in law-enforcement-related activities, and he was thus required to wear and activate his BWC.

With respect to Sgt. Chlipala, the sergeant informed COPA that his BWC’s battery had died earlier in his shift, and he had reported the issue via OEMC. COPA was able to locate the event query in which Sgt. Chlipala made this report. As such, COPA finds by clear and convincing evidence that Sgt. Chlipala’s lack of BWC footage was due to an equipment malfunction and not misconduct. Thus, this allegation is **Exonerated**.

Sgt. Chlipala’s Failure to Report

COPA finds that **Allegation 7** against **Sgt. Chlipala**, that he failed to report to the Department that Commander Tyrone Pendarvis committed misconduct by unlawfully entering 11006 S. Michigan and/or ██████ S. Michigan and/or unlawfully detained or caused to be detained occupants of those premises and/or unlawfully searched or caused to be searched occupants of those premises, is **Sustained** in violation of Rules 2, 3, 5, 6, 10, 21, and 22, as well as G08-01, Complaint and Disciplinary System,²⁷⁸ and G01-09, Supervisory Responsibilities.²⁷⁹

G08-01 states that, “Department members...have a duty to report misconduct to a supervisor.”²⁸⁰ Per G01-09, “Department supervisors will ensure...when an incident is observed or reported that Department members have engaged in misconduct, including discrimination, profiling, or other bias-based policing, a complete and comprehensive investigation is initiated in accordance with current complaint and disciplinary procedures.”²⁸¹ Further, both Rules 21 and 22 apply to this situation. Rule 21 requires CPD members to promptly report any information concerning any crime or other unlawful action, while Rule 22 requires members to report any Rules violation or other improper conduct that is contrary to CPD policies, orders, or directives.

As a supervisor, Sgt. Chlipala is responsible for knowing the procedures for business license checks, and the related parameters of the Fourth Amendment. While Sgt. Chlipala had little involvement in the events at 11006 S. Michigan Avenue, he was directly involved in the forced entry, searches, and detentions at ██████ S. Michigan. At the very least, Sgt. Chlipala should have known that forcible entry for a business license check violates the Fourth Amendment, as does conducting searches for contraband without probable cause of criminal activity and exigent circumstances, or a search warrant. Thus, not only is Sgt. Chlipala responsible for his own personal

²⁷⁷ Att. 207: pg. 1, (II)(C).

²⁷⁸ Att. 203, G08-01, Complaint and Disciplinary System (effective December 31, 2022 to December 29, 2023).

²⁷⁹ Att. 209, G01-09, Supervisory Responsibilities (effective May 10, 2021 to present).

²⁸⁰ Att. 203: pg. 4, (IV)(D)(2).

²⁸¹ Att. 209: pg. 4, (IV)(B)(1).

acts in violation of the Fourth Amendment at [REDACTED] S. Michigan Avenue, but he also had a duty to report the misconduct of Cmdr. Pendarvis, whom Sgt. Chlipala observed ordering subordinates to commit misconduct. Instead, Sgt. Chlipala remained silent as to the commander's gross violations of law and policy. Remarkably, it was Officer C. Martin, not Sgt. Chlipala, who first reported his concerns to Lt. Kimble, and it was Lt. Kimble who initiated this investigation.

Cmdr. Pendarvis's Retaliation

COPA finds **Allegation 7** against **Cmdr. Pendarvis**, that he violated G08-05 by unfavorably changing Lt. Spradley's assignment, is **Sustained** in violation of Rules 2, 3, 6, and G08-05, Prohibition of Retaliation.²⁸²

G08-05 provides that, "The Department is committed to ensuring the actions of its members are lawful, ethical, and serve a proper law enforcement purpose knowing that the conduct or actions of a single Department member may impair public trust and confidence or cast suspicion and disrespect upon the entire Department."²⁸³ The policy leaves no room for discretion and strictly prohibits retaliation, including relating to a complaint of misconduct. CPD defines retaliation as "any conduct, action, or inaction of a damaging, intimidating, or threatening nature, or any interference, intimidation, coercion, or other adverse action taken against any individual designed to serve as retribution that is intended to punish, cause harm or emotional stress, or improperly influence the individual's actions."²⁸⁴ Under the policy, retaliation can include "adverse employment actions by the Department or Department supervisors including providing unfavorable assignments, poor evaluations, or lack of consideration for special assignments."²⁸⁵

Lt. Spradley alleged that Cmdr. Pendarvis moved him to an unfavorable assignment in retaliation for a complaint of misconduct – the present COPA investigation. According to Lt. Spradley, the tact lieutenant position that he was reassigned from is akin to a second in command with an elevated status, and is a "springboard position" for deputy chief or commander.²⁸⁶ In contrast, the 3rd Watch, to which Lt. Spradley was reassigned, is an undesirable position, and a lieutenant with less seniority was assigned to the 2nd Watch. Cmdr. Pendarvis denied that reassigning Lt. Spradley to the 3rd Watch was a demotion, and he denied that the tact lieutenant position is more desirable. Cmdr. Pendarvis did, however, describe the tact lieutenant position as "more or less, the partner of the commander because he basically drives the district based on crimes being committed across," and said that it "used to be a come-up," where a person could "shine."²⁸⁷

According to Lt. Spradley, during the meeting when Cmdr. Pendarvis reassigned him, Cmdr. Pendarvis asserted that Lt. Spradley's "friend," Lt. Kimble, "got a CR number" on him.²⁸⁸

²⁸² Att. 202, G08-05, Prohibition of Retaliation (effective December 30, 2020 to August 22, 2023).

²⁸³ Att. 202: pg. 1, (III)(C).

²⁸⁴ Att. 202: pg. 2, (III)(F).

²⁸⁵ Att. 202: pg. 2, (III)(G)(4).

²⁸⁶ Att. 201, pgs. 19-20.

²⁸⁷ Att. 211, pgs. 10, 15, 22, 32.

²⁸⁸ Att. 201, pg. 10.

Cmdr. Pendarvis also complained that he had gotten “called down to COPA,” and was “chewed out” by somebody at headquarters.²⁸⁹ Lt. Spradley also said that Cmdr. Pendarvis falsely suggested his “numbers” [for arrests, gun recoveries, traffic stops, traffic stop cards, and ISRs] were low.²⁹⁰

According to Cmdr. Pendarvis, he moved Lt. Spradley to the Watch because he was not happy with the lieutenant’s performance. Cmdr. Pendarvis did not believe Lt. Spradley’s assertion that he had not seen criminal activity at the two locations that the alderman had complained about. Cmdr. Pendarvis thought Lt. Spradley was either lying or did not know how to do a business license check.²⁹¹ Cmdr. Pendarvis did not recall when he found out about the instant investigation, and asserted that when COPA first began interviewing the officers, he thought it concerned a different investigation.²⁹²

COPA finds, based on a preponderance of the evidence, that Lt. Spradley’s move to the 3rd Watch was an unfavorable assignment. COPA further finds that while Cmdr. Pendarvis may have been unhappy with Lt. Spradley’s performance, the timeline of the reassignment suggests retaliation was a motivating factor.

Although Lt. Spradley was not clear on the timeline of all of the events, the incident that prompted this investigation occurred on April 16, 2023. According to Cmdr. Pendarvis, the impetus for Lt. Spradley’s reassignment was that the lieutenant had repeatedly related that he had not seen any activity at 11006 S. Michigan and ██████ S. Michigan, but the commander did not believe him after seeing first-hand what occurred on April 16, 2023. That caused Cmdr. Pendarvis to lose faith in Lt. Spradley.

Notably, Cmdr. Pendarvis did not reassign Lt. Spradley at that time of his lost faith, on April 16, 2023. Cmdr. Pendarvis did not reassign Lt. Spradley on April 17, 2023, April 18, 2023, or on any other date in April or May of 2023. Instead, CPD records show that Lt. Spradley’s assignment was modified on or about June 22, 2023.²⁹³ This was well after the instant Log Number was initiated, and it was after COPA sent interview requests to the involved officers and Sgt. Chlipala. Per standard procedure, those interview requests were directed to Cmdr. Pendarvis’s attention, and were received between the dates of May 24 and May 30, 2023.²⁹⁴

Based on the above, and taking Cmdr. Pendarvis’s credibility into account, COPA finds by a preponderance of the evidence that Cmdr. Pendarvis’s reassignment of Lt. Spradley was motivated by retaliation in that it did not occur until after Cmdr. Pendarvis was aware of the COPA

²⁸⁹ Att. 201 pgs. 10-11.

²⁹⁰ Att. 201, pg. 52.

²⁹¹ Att. 211, pgs. 13-14.

²⁹² Att. 211, pgs. 20-21.

²⁹³ Att. 191.

²⁹⁴ CMS Note CO-0860188. COPA sent Sgt. Chlipala’s notification on May 30, 2023, along with a list of his allegations. COPA finds that, even if Cmdr. Pendarvis was not initially aware of the nature of this investigation, he would have been after viewing Sgt. Chlipala’s allegations.

investigation and after he had been “chewed out” by his superiors. For these reasons, this allegation against Cmdr. Pendarvis is **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Commander Tyrone Pendarvis

COPA recognizes that Cmdr. Pendarvis retired on August 17, 2023, before the conclusion of this investigation.²⁹⁵ Nonetheless, COPA completed its investigation as comprehensively as possible in order to document its findings for the Illinois Law Enforcement Training and Standards Board.

i. Complimentary and Disciplinary History²⁹⁶

At the time of his retirement, Cmdr. Pendarvis had received 190 Achievements including a Crime Reduction Ribbon and two Crime Reduction Awards; four Department Commendations; 154 Honorable Mentions and two Honorable Mention Ribbon Awards; a Police Officer of the Month Award; two Problem Solving Awards; two Superintendent’s Awards of Valor; and a Unit Meritorious Performance Award. Cmdr. Pendarvis had no SPARS and no finalized sustained complaint history in the past five years.²⁹⁷

ii. Recommended Discipline

Cmdr. Pendarvis had been a CPD member for over 25 years at the time of this incident. He had been promoted to Commander ten months prior to this incident. COPA has found that Cmdr. Pendarvis violated Rules 1, 2, 3, 5, 6, and 10 when he forced entry into ██████ S. Michigan without justification, conducted searches, seizures, and detentions without justification, failed to properly supervise his subordinates, retaliated against another CPD member, and failed to use a BWC.

In mitigation, COPA would have considered Cmdr. Pendarvis’s numerous awards and honors.

In aggravation, COPA would have first considered that Cmdr. Pendarvis’s failure to obtain his BWC prior to this incident seriously impeded COPA’s investigation in learning all of the facts surrounding it.

Second, COPA would have considered that as a commander, Cmdr. Pendarvis’s conduct was a serious and potentially dangerous violation of CPD rules and directives, as he sent

²⁹⁵ Atts. 221, 222.

²⁹⁶ Att. 218.

²⁹⁷ However, approximately four months prior to his retirement, COPA recommended that Cmdr. Pendarvis be separated under Log 2022-0004580 for misconduct that included Rule 14 violations, Fourth Amendment violations, and failing to properly supervise his subordinates. Although CPD did not concur with all of COPA’s findings, it did recommend that Cmdr. Pendarvis receive a 70-day suspension. The commander retired before the case was finalized.

inexperienced, outnumbered officers into buildings where he expected people to be armed, without any planning or preparation. For example, after forcing entry at ██████ S. Michigan, the officers went in with guns pointed, including a rifle. According to Cmdr. Pendarvis, no one had their guns pointed because he did not want to do a “pointing incident.”²⁹⁸ But he had never discussed this with the officers beforehand. So, in addition to the inherent danger in forcibly entering a building with guns drawn, the lack of communication produced confusion among the officers, at least one of whom admitted he pointed his gun to gain compliance.

Third, COPA would have considered the irony that, in retaliating against Lt. Spradley, Cmdr. Pendarvis surmised that Lt. Spradley may have not known how to conduct a business license check. In fact, it was Cmdr. Pendarvis who lacked knowledge of how to conduct an appropriate business license check. According to Cmdr. Pendarvis, during a business license check, CPD has “the authority to open bags as well as inspect property in their venue,”²⁹⁹ and a search warrant is not required. He suggested that once it is determined there is no valid business license, CPD is free to conduct a search for firearms anywhere on the premises. Cmdr. Pendarvis also believed that he did not need a warrant to force entry because there were previous incidents at that location, and he was denied entry.

Conversely, both Lts. Kimble and Spradley understood that if CPD determined that there was no valid business license, they could only issue citations. Search warrants and/or exigent circumstances were required to conduct searches, unless evidence of a crime was observed in plain view. Even then, the search would be limited to that evidence; the evidence does not provide wholesale justification for searching every crevice of a multi-story building.

Fourth, Cmdr. Pendarvis demonstrated a woeful lack of knowledge about what “plain view” means. According to him, ecstasy found behind the bar was considered plain view. Additionally, a gun in a bag that he had to pick up and feel for “dead weight,”³⁰⁰ was also considered plain view. Indeed, this is clearly one instance in which Cmdr. Pendarvis’s lack of BWC significantly impeded COPA’s investigation.

Fifth, Cmdr. Pendarvis seemed confused about what it means to detain a person. On one hand, he claimed all the individuals at 11006 S. Michigan were free to leave, while on the other, the BWC showed that he ordered officers to run their names before allowing them to leave. Additionally, while ISRs were completed for ██████ the DJ, and the DJ’s friends, CPD made no effort to obtain other individual’s names, specifically the names of two women getting ready to perform at the time the gun was found, and a woman who entered to retrieve property from the bar. To further add to the confusion, Cmdr. Pendarvis told COPA that after learning ██████ had no business license at 11006 S. Michigan, and determining that he wanted to write ██████ a citation, ██████ was free to leave. On the other hand, ██████ at ██████ S. Michigan,

²⁹⁸ Att. 171, pg. 39, ln. 5.

²⁹⁹ Att. 171, pg. 15, lns. 19 to 20.

³⁰⁰ Att. 171, pg. 23, ln. 5.

was not free to leave after he was searched “because we eventually wrote tickets for Mr. [REDACTED]”³⁰¹

Sixth, Cmdr. Pendarvis demonstrated an equally erroneous understanding of the justification for a pat down: that there be particularized reasonable articulable suspicion the person is armed and dangerous. Indeed, when asked why [REDACTED] was patted down after CPD forcibly entered his premises, Cmdr. Pendarvis cited as justification his knowledge of a previous shooting in the area.

COPA finds that as a commander, it is a discredit to the Department that Cmdr. Pendarvis does not know basic concepts of Fourth Amendment law, and how it pertains to business license checks. As a result, he led officers under his charge to commit flagrantly illegal acts and, significantly, put their lives in undue jeopardy. For these reasons, COPA would have recommended **Separation**.

b. Sergeant Joseph Chlipala

i. Complimentary and Disciplinary History²⁵⁵

Sgt. Chlipala has received 207 awards, including a Crime Reduction Ribbon and two Crime Reduction Awards; ten Department Commendations; 172 Honorable Mentions and three Honorable Mention Ribbon Awards; a Life Saving Award; a Problem Solving Award; and three Superintendent’s Honorable Mentions. Sgt. Chlipala has no SPARS and no sustained complaint history in the past five years.³⁰²

ii. Recommended Discipline

Sgt. Chlipala had been a CPD member for more than 23 years at the time of this incident. COPA has found that he violated Rules 1, 2, 3, 5, 6, 10, 21, and 22 when he forced entry into [REDACTED] S. Michigan without justification, conducted searches, seizures, and detentions without justification, failed to properly supervise his subordinates, and failed to report Cmdr. Pendarvis’s misconduct.

In mitigation, COPA has considered Sgt. Chlipala’s numerous awards and honors. Additionally, COPA recognizes that it was Cmdr. Pendarvis, not Sgt. Chlipala, who directed the tactical team to engage in multiple Fourth Amendment violations during this incident. However, Sgt. Chlipala was a willing and active participant, and at no point did he push back on or question

³⁰¹ Att. 171, pg. 40, lns. 14 to 15.

³⁰² COPA notes that, while Sgt. Chlipala does not have any disciplinary history that is finalized, he does have two recently sustained complaints regarding Logs 2019-0003385 (5-day suspension following a domestic incident) and 2022-0004580. In the latter case, COPA recommended separation after determining that Sgt. Chlipala committed a Rule 14 violation, numerous Fourth Amendment violations, failed to report misconduct, and failed to properly supervise his subordinates. Although CPD did not concur with all of COPA’s findings, it did recommend that Sgt. Chlipala receive a 30-day suspension.

the commander's illegal directions. He also did nothing to guide his subordinates toward constitutional policing. Further, Sgt. Chlipala took no responsibility for his conduct and refused to acknowledge that any misconduct had occurred. When COPA asked Sgt. Chlipala, "Did you have any concerns about what you participated in," he responded, "No."³⁰³ Sgt. Chlipala's answer reflects either a total lack of understanding regarding the Fourth Amendment or a willful disregard for constitutional policing. Regardless, it is wholly unacceptable coming from a sergeant who leads a tactical team in one of the City's busiest districts.

Additionally, COPA notes that Sgt. Chlipala was less than forthcoming in his interview. As stated in the credibility section, Sgt. Chlipala gave evasive answers to COPA's questions, and exhibited reluctance to answer even basic questions. It should be noted that his interview was relatively close in time to the events, just two months later. Additionally, Sgt. Chlipala was disingenuous about his search of ██████ S. Michigan. While he said he searched only for "bodies" for officer safety, he clearly searched in locations that could not accommodate a person.

As a supervisor upon whom police officers must rely, Sgt. Chlipala is expected to know Fourth Amendment law and its relationship to business license checks. He is expected to model appropriate police conduct to those in his charge. Sgt. Chlipala failed his subordinates, and his conduct undermined CPD's ability to engender trust in the community.

For all these reasons, COPA recommends that Sgt. Chlipala receive a minimum of a **30 to 180 day suspension**, as well as **retraining** on the Fourth Amendment and his responsibilities as a supervisor.

Approved:

██████████

Steffany Hreno
Director of Investigations

10/18/2024

Date

██████████

Andrea Kersten
Chief Administrator

10/18/2024

Date

³⁰³ Att. 165, pg. 25, lns. 4 to 6.

Appendix ACase Details

Date/Time/Location of Incident:	April 16, 2023 / 12:39 am / 11006 S. Michigan Ave. April 16, 2023/ 2:15 am / ██████ S. Michigan Ave.
Date/Time of COPA Notification:	OIG Notification/ April 18, 2023 / 10:08 am ³⁰⁴ CPD Initiation Report / April 20, 2023 / 3:19 pm
Involved Member #1:	Tyrone Pendarvis, Star #193, Employee ID # ██████ Date of Appointment: July 27, 1998, 5 th District, Male, Black
Involved Member #2:	Joseph Chlipala, Star #856, Employee ID # ██████ Date of Appointment: January 24, 2000, 5 th District, Male, White
Involved Individual #1:	██████████ Male, Black
Involved Individual #2:	██████████ Male, Black

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 21:** Failure to report promptly to the Department any information concerning any crime or other unlawful action.
- 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.

³⁰⁴ Log #2023-0001680 was initiated based upon the OIG notification and then subsequently closed as duplicative of the present log.

Applicable Policies and Laws

- Chicago Municipal Code, Section 4-4-020.
- The Fourth Amendment to the United States Constitution: guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.
- G01-09: Supervisory Responsibilities (effective May 10, 2021 to present).³⁰⁵
- G08-02: Complaint and Disciplinary System (effective December 31, 2022 – December 29, 2023).³⁰⁶
- G08-05: Prohibition of Retaliation (effective December 30, 2020 to August 22, 2023).³⁰⁷
- S03-14: Body Worn Cameras (effective April 30, 2018 to December 29, 2023).³⁰⁸
- S04-13-09: Investigatory Stop System (effective July 10, 2017 to present).³⁰⁹

³⁰⁵ Att. 209.

³⁰⁶ Att. 203.

³⁰⁷ Att. 202.

³⁰⁸ Att. 207.

³⁰⁹ Att. 208.

Appendix B

Definition of COPA’s Findings and Standards of Proof

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.³¹⁰ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”³¹¹

³¹⁰ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

³¹¹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C**Transparency and Publication Categories**

Check all that apply:

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