

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	February 2, 2020, at 9:50 am, ██████████ - inside
Date/Time of COPA Notification:	May 21, 2020, at 5:04 pm
Involved Officer #1:	Richard Salvador, Star #964, Employee ID# ██████████, Date of Appointment: November 29, 2004, Sgt., 010, DOB: ██████████, 1981, Male, Hispanic.
Involved Officer #2:	Juan Gali, Star #12394, Employee ID# ██████████, Date of Appointment: March 5, 2013, PO, DOB: ██████████, 1978, Male, Hispanic.
Involved Individual #1:	██████████ DOB: ██████████ 1967, Female, Black
Involved Individual #2:	██████████ DOB: ██████████, 1983, Male, Black
Case Type:	Stop, Search and Seizure

**I. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant Richard Salvador and Officer Juan Gali	1. Falsely Arrested ██████████	Exonerated
	2. Caused extensive physical damage to various areas of ██████████ (ex. Holes in the walls, plumbing, broken toilets, broken water pipes...etc.) during the execution of a search warrant, without justification.	Unfounded
	3. Failure to ensure that an independent preliminary investigation relative to ██████████ residency was conducted prior to obtaining and executing a search warrant at ██████████, in violation of Special Order 04-19.	Unfounded
	4. Failure to provide ██████████ contact information for the City Damage Claims Department, regarding the damage caused to her property during and after the execution of a search warrant.	Exonerated

**II. SUMMARY OF EVIDENCE**

On February 2, 2020, members of Area South Gang Enforcement Unit, including Sergeant Richard Salvador and Affiant Officer Juan Gali, secured and executed a search warrant at 9123 S.

Halsted, ██████████ residence. The named subject of the search warrant was ██████████ ██████████ nephew, and it directed the team to search for narcotics, guns, and other drug related paraphernalia. The officers breached the side door after unsuccessful attempts to enter through the front door. Once in the house, all the individuals present (██████████ ██████████ and ██████████) were located and detained in the living room. The house was in extreme disrepair, with large holes in the dry wall, windows missing in a back bedroom, and garbage and items pile so high it hindered entry into hallways and some of the rooms. Photographs were taken of the condition of the house prior to the search, about ten minutes after entry,<sup>1</sup> and again, after the search was completed.<sup>2</sup>

██████████ and ██████████ were patted down and allowed to leave the house.<sup>3</sup> Sgt. Salvador, Officers Ward and Wilson (022<sup>nd</sup> Dist.), and a few other officers remained in the house with ██████████ without searching, awaiting the arrival of K-9 Max. When K-9 Max arrived, approximately 45 minutes after the officers' initial entry into the house,<sup>4</sup> ██████████ and ██████████ and all police personnel except for Officer Gali waited outside while K-9 Max was lead through the house. After K-9 Max gave positive indicators for the presence of narcotics in several locations, ██████████ was brought back inside and detained in the front room while the officers completed the search of the house in the areas where K-9 Max gave positive indicators. Officers Wilson and Ward recorded the incident on their body worn cameras. Bags of white powder, suspect cocaine, pills (Xanax and Codeine), three-gun magazines, a digital scale, and narcotics packaging were recovered.

██████████ was arrested<sup>5</sup> for possession of suspect controlled substance (cocaine) and (cannabis), and manufacturing/delivering of cocaine and cannabis. On March 3, 2020, ██████████ case was Nolle prosequi.<sup>6</sup>

On May 21, 2020, several months after the search, ██████████ made a complaint to COPA, alleging damage caused to her home by the police during its execution.

**The BWC<sup>7</sup> videos and photographs<sup>8</sup>** that were obtained captured the condition of ██████████ residence from the moment the officers arrived and entered the residence. The search warrant photographs were taken after the occupants of the house were secured, about 10 minutes<sup>9</sup> after entry, and they depicted that the residence was in disarray, with large holes in the walls (some covered with cloth or loose drywall<sup>10</sup>), missing windows, and clutter, furniture, and garbage everywhere. There were rooms and hallways filled so high with furniture and other items that entry was hindered into those areas.<sup>11</sup>

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<sup>1</sup> Att. 23, at 15:57:13 mark.

<sup>2</sup> Att. 20, pg. 14.

<sup>3</sup> Att. 23, at 16:03 – 16:05 mark and ██████████ uncuffed at 16:20 and she left the house at 16:22:35 mark.

<sup>4</sup> Att. 23, at 16:34:20 mark.

<sup>5</sup> Att. 3.

<sup>6</sup> Att. 46.

<sup>7</sup> Atts. 22 – 24 – BWC videos.

<sup>8</sup> Att. 21.

<sup>9</sup> Att. 23, at 15:57:13 mark.

<sup>10</sup> Att. 22, at 15:46:28 – 53.

<sup>11</sup> Att. 22, at 15:46:47 thru 15:50:00 mark.

**The Search Warrant package**<sup>12</sup> included a “SEARCH WARRANT” obtained by Officer Gali #12394, from Area South – Gang Enforcement Unit (GEU), to search ██████ aka ██████ the premises at ██████, a single family house; and to seize crack cocaine, controlled substance, any documents showing proof of residency, any items used in the cutting, mixing or weighting of illegal drugs, and United States currency, which have been used in the commission of, or which constitute evidence of the offense of possession of a controlled substance.

Attached to the search warrant was the “COMPLAINT FOR SEARCH WARRANT” filed by Officer Gali outlining his investigation and probable cause for the search warrant. Officer Gali documented his experience in narcotics prosecutions and documented a conversation he had with John Doe on January 30, 2020, the day before a judge signed it. John Doe had related to Officer Gali that within the past two days, he had gone to 9123 S. Halsted, and was met at the front door of the residence by ██████ known as “█████” with a description of “male black, 36 years of age, 6’1”, 210 lbs., brown eyes, black hair.”<sup>13</sup> John Doe knew ██████ to sell crack cocaine out of the residence because he had gone there numerous times in the past month and purchased crack cocaine from ██████ John Doe had a short conversation with ██████ about purchasing crack cocaine. ██████ escorted John Doe into the living room, where John Doe gave ██████ the agreed amount of USC, and ██████ retrieved the agreed amount of crack cocaine from inside a plastic bag on a table containing a large chunk of crack cocaine, leaving a large chunk of crack cocaine still in the bag. John Doe then left the area and ingested the crack cocaine he had just purchased. John Doe felt calm and relaxed. He had purchased and used crack cocaine in the past and was familiar with its packaging the effects it has on a person.

Officer Gali further documented that he conducted an I-Clear search and found an I.R. photo (IR# ██████ of ██████ which John Doe positively identified as the same ██████ he had purchased the crack cocaine from. Officer Gali then presented John Doe to the judge, along with John Doe’s criminal history, possible pending investigations, and any payment, promised or expectation of payment. The judge found probable cause and signed the warrant on January 31, 2020.

The search warrant package further contained a list of all Department members involved in the execution of the warrant, a post execution sketch of the premises, a list of what was inventoried as a result of the search, case and supplementary reports, the arrest report of ██████ and the evidence recovery log.

█████ **was interview by COPA**<sup>14</sup> on May 26, 2020, wherein she alleged that during the execution of the search warrant, officers caused damage throughout her house, including making holes in the living room wall and in the hallway by the bathrooms, pulling her toilet up, putting two cracks on either side of her bathroom sink, and knocking the main sewage pipe loose causing extensive flooding, mold, and damage to her basement.

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<sup>12</sup> Att. 20.

<sup>13</sup> Att. 20, pg. 3.

<sup>14</sup> Att. 8.

██████████ indicated that her nephew ██████████ ██████████ was staying with her but denied that ██████████ (her nephew) resided with her, although she stated he visited every day and stayed overnight at times. According to ██████████ ██████████ and another nephew, ██████████ ██████████ were cleaning the house (for a Superbowl party they hosted later that day), ██████████ was in the bathroom, and she was about to use her second bathroom when the officers began to knock and forcefully enter her house. The officers immediately handcuffed her, and ██████████ claimed that they then dragged ██████████ from the toilet, and she saw them “grab[] the toilet off the floor and pull[] it up,” to where it was “no longer attached to the floor, on its side.”<sup>15</sup> ██████████ stated they used their hands, not tools, to “snatch[] it straight up off the floor,” and believed they did so because the officers “thought [██████████] might have flushed something.”<sup>16</sup> ██████████ indicated that “[t]hen [the officers] ran to the basement, and [she] just heard them hitting something. At that particular time, [she] didn’t know they were knocking the pipes loose down there.”<sup>17</sup>

██████████ continued that next, they were all brought to the living room in handcuffs, and she found out that the warrant named her nephew, ██████████ and was “looking for drugs.”<sup>18</sup> ██████████ related that her nephews ██████████ and ██████████ were released and allowed to leave. She was patted down by a female officer and was told to go outside and not to stay on her property. ██████████ stood three houses down and was not allowed in the house during the search while they brought the “dogs” in.<sup>19</sup> She claimed that the “dogs” went through two trucks on the driveway.<sup>20</sup>

██████████ further related that it said on evidence sheet left for her that the police found cannabis, crack cocaine, residence letters from her “ex” also with the last name of ██████████ an empty clip, and Ziploc bags that she used for lunches and leftovers.<sup>21</sup> ██████████ felt the officers were trying to set her nephew up when they arrested him for drugs they claimed they found. According to ██████████ she allowed cannabis and liquor in her home, but no cocaine.<sup>22</sup> Four hours after the officers left, she discovered that the main sewage pipe was loose because when someone flushed the toilet, everything from the toilet (urine, fecal matter, and water) came out into the basement. Nonetheless, she held a Superbowl party as planned. The water in the basement started to rise that day and now comes to her knee.<sup>23</sup>

After her interview, ██████████ submitted photographs taken on June 15, 2020<sup>24</sup> of her front door showing damage, a hole in the living room wall, cracks on the sides of her bathroom sink, a flood in her basement including apparent mold on the walls, and the search warrant and inventory sheet.

██████████ and ██████████ all failed to cooperate with this investigation.

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<sup>15</sup> Att. 44, pgs. 8-9, 25-27.

<sup>16</sup> Att. 44, pgs. 8-9, 25-27.

<sup>17</sup> Att. 44, pg. 8.

<sup>18</sup> Att. 44, pg. 9

<sup>19</sup> Att. 44, pgs. 4, 10.

<sup>20</sup> Att. 44, pg. 10

<sup>21</sup> Att. 44. Pgs. 27-28.

<sup>22</sup> Att. 44, pg. 19.

<sup>23</sup> Att. 44, pgs. 16-17, 24.

<sup>24</sup> ██████████ submitted the photographs to COPA on September 24, 2020, and although the photographs were not dated, the properties section of the photographs indicated they were taken on June 15, 2020.

**Sergeant Richard Salvador<sup>25</sup> was interviewed at COPA.** He explained the process of obtaining a search warrant, the sources used for getting information for search warrants, and how they vet that the information provided by sources to make sure it is reliable and dependable. He explained the preliminary work conducted by the officers includes conducting surveillance, using Department websites and databases to establish identity and residency of a subject, obtaining photos of the involved individuals, conducting background checks on the informant, reviewing prior gun and narcotics arrests in the area and target address, checking for other drug investigations related to the subject, and obtaining all necessary reports. By way of example, Sgt. Salvador noted that they check to make the sure the subject's description matches their records, that the subject was not incarcerated during the period of time the source indicated the criminal activity took place, that the building matches the description provide by the source, and that the information is fresh, meaning, relatively recent. They check vehicle and utility records to help determine residency. They conduct a briefing with the entire team prior to executing the search warrant including mapping out the fastest hospital route should someone get injured, and delegating jobs.<sup>26</sup>

Upon arrival at the target premises here, Sgt. Salvador observed that the property appeared run down and unsafe. In fact, he did not allow all the officers to enter the premises for fear that it could not hold over 10 bodies. Sgt. Salvador, along with several officers, secured the individuals that were in the house and made sure there were no weapons or threats around. Next, photographs were taken before any search was conducted. For safety reasons, a K-9 unit was called to pinpoint areas where the dog would sniff a positive hit on some type of narcotic, instead of having the officers search through all of the garbage and clutter.<sup>27</sup> Sgt. Salvador described the house to have multiple items all over the place, where a person could not walk into that area due to the obstruction of clothing, debris, doors, and even appliances. Sgt. Salvador was concerned about the structural integrity of the house with parts of the ceiling missing and exposed walls. There were areas where the K-9 was not even allowed to enter for safety concerns.<sup>28</sup>

Sgt. Salvador denied the allegations made against him. With regards to the allegation that they did not ensure that an independent preliminary investigation was conducted as to [REDACTED] residency prior to obtaining and executing a search warrant at [REDACTED] house, Sgt. Salvador related that Gali is "very methodical," "very, good, detailed, and meticulous with his investigations. And he is always keeping me aware and updates me on any findings or problems he may come across."<sup>29</sup> Sgt, Salvador was "very confident" in Gali as an affiant.<sup>30</sup>

Regarding the alleged damages incurred due to the search, Sgt. Salvador reiterated that there were unsafe and unstable areas in the home and that this house was already dilapidated. He further stated that if the officers were to do something as drastic as pulling pipes apart, they would have had to ask him, and he would have had to decide if it was worth it. He had no knowledge of any pipes being pulled apart. Further, where they had already recovered drugs and contraband, it

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<sup>25</sup> Atts. 42.

<sup>26</sup> Att. 42, pgs. 9 – 13, 47-50.

<sup>27</sup> Att. 42, pgs. 16 - 18.

<sup>28</sup> Att. 42, pgs. 18 - 19.

<sup>29</sup> Att. 42, pg. 45.

<sup>30</sup> Att. 42, pg. 45.

would not have been worth it “to go through all that damage [of pulling pipes apart]” to retrieve “another eight ball.”<sup>31</sup>

With regards to providing ██████ with contact information for the city damage claims department, Sgt. Salvador explained that only claims involving accidental damage are submitted to that department. An example would be if they accidentally knocked over a TV during a search. On the other hand, damage done to a door in order to make a forced entry is purposeful damage and does not qualify. Sgt. Salvador believed they did not cause any accidental damage to ██████ house.

In his statement to COPA, **Officer Juan Gali** described the independent preliminary investigation he normally conducts prior to obtaining a search warrant. The source he is working with usually provides a street name for the subject, so Officer Gali would run the name through CPD and outside databases to try to determine the subject’s government name and obtain a photograph of the subject. He would show the photograph to the source to confirm the identity of the subject. Officer Gali would search the jail and prison databases to make sure the subject was not imprisoned on the dates the source indicated he bought drugs from the subject. Officer Gali would conduct surveillance of the location of the drug buy at different times and dates and determine if the address and vehicles located there are connected to the subject. If not, Officer Gali would confirm that the subject can be seen coming and going from the address or particular vehicles.<sup>32</sup> He would then prepare the search warrant to be signed by a judge.

In this case, Officer Gali learned that ██████ seemed to be attached to an address a few doors down from the target address on paper, but John Doe indicated that ██████ lived at the target address, and Officer Gali confirmed through surveillance that ██████ always parked his car there, and could be seen coming and going from there often.<sup>33</sup> Officer Gali conferred with his sergeant about what he learned and prepared the search warrant, which was reviewed by his lieutenant.

On the date of the execution of the search warrant, Officer Gali held a briefing with the team wherein he showed a picture of ██████ the house, and a map of the area; discussed ██████ background involving a conviction for fighting with the police; determined the best route to the hospital; and established whether they could expect to encounter kids, dogs, or firearms based on information provided by John Doe. Officer Gali then conducted surveillance to ensure ██████ was at the target address before they made entry.

Officer Gali described how he and his team executed the search warrant, the condition of the property, and what they found. He explained that to establish residency, they collected mail addressed to ██████ from several different rooms, and took pictures of the “ton” of clothing and shoes ██████ admitted were his.<sup>34</sup> After the search was over, Officer Gali documented it on several types of reports.

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<sup>31</sup> Att. 43, pg. 53.

<sup>32</sup> Att. 43, pgs. 8-16.

<sup>33</sup> Att. 43, pgs. 16-21

<sup>34</sup> Att. 43, pgs. 36-37.

Officer Gali denied the allegations against him as far as damage to the house. He explained that City Damages Claims only apply to accidental damage such as if they search the wrong residence, which did not occur here. In contrast, there might be some intentional damage incurred that is part and parcel of the execution of a search warrant such as damage to the door during a forced entry that is not eligible for submission of a claim. Officer Gali further explained that he arrested [REDACTED] based on the drugs that were recovered during the search.

### III. LEGAL STANDARD

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.<sup>35</sup> If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense.<sup>36</sup> Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true."<sup>37</sup>

### IV. ANALYSIS AND CONCLUSION

COPA finds **Allegation #1** against Sergeant Salvador and Officer Gali – that they falsely arrested [REDACTED] – is **Exonerated**.

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<sup>35</sup> *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not).

<sup>36</sup> *People v. Coin*, 2016 IL App (2d) 151036 (2016).

<sup>37</sup> *Id.* at ¶ 28.

An officer must have probable cause to arrest a subject.<sup>38</sup> Probable cause deals with probabilities, not certainties.<sup>39</sup> It is a pragmatic, nontechnical analysis of “everyday life on which reasonable and prudent persons—not legal technicians—act.”<sup>40</sup> It is a flexible, commonsense standard that “does not demand any showing that such a belief be correct or more likely true than false.”<sup>41</sup> Therefore, probable cause does not require an officer to rule out any innocent explanations for suspicious facts.<sup>42</sup> Instead, it requires only that the facts available to the officer—including the plausibility of an innocent explanation—would warrant a reasonable man to believe there is a reasonable probability “that certain items may be contraband or stolen property or useful as evidence of a crime.”<sup>43</sup> In determining whether probable cause exists, officers may rely on their law-enforcement training and experience to make inferences that might evade an untrained civilian.<sup>44</sup> Accordingly, a reviewing court makes this determination through the standpoint of an objectively reasonable officer.<sup>45</sup>

Here, the facts and circumstances that established probable cause for Sgt. Salvador and Officer Gali to arrest ██████████ for possession of a controlled substance included: the facts in the complaint for the search warrant that supported the probable cause finding for the search warrant (the previous times John Doe purchased drugs from ██████████ at that location); the fact that ██████████ was present at the location where John Doe had previously purchased narcotics from ██████████ in the vicinity of apparent narcotics and items commonly used in the sale of narcotics; the pieces of mail addressed to him found in separate rooms throughout the house; and the presence of his clothing and shoes located inside the residence.

Based on these facts and circumstances, COPA finds by clear and convincing evidence that an objectively reasonable officer would have determined that probable cause existed for ██████████ arrest. As such, allegation #1 is **Exonerated**.

COPA finds **Allegations #2 and #4** against Sergeant Salvador and Officer Gali – that they caused extensive physical damage to various areas of ██████████ house (ex. holes in the walls, plumbing, broken toilets, broken water pipes...etc.) during the execution of a search warrant, without justification; and failure to provide ██████████ contact information for the City Damage Claims Department regarding the damage caused to her property during and after the execution of a search warrant – to be **Unfounded**, respectively .

The general touchstone of reasonableness which governs Fourth Amendment analysis governs the method of execution of the warrant.<sup>46</sup> “Excessive or unnecessary destruction of property in the course of a search may violate the Fourth Amendment, even though the entry itself is lawful and the fruits of the search not subject to suppression.”<sup>47</sup> However, “officers executing

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<sup>38</sup> *People v. Johnson*, 408 Ill. App. 3d 107 (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964)).

<sup>39</sup> *Illinois v. Gates*, 462 U.S. 213, 231-32 (1982).

<sup>40</sup> *People v. Hill*, 2020 IL 124595, P24, quoting, *People v. Jones*, 215 Ill. 2d 261, 274 (2005).

<sup>41</sup> *Texas v. Brown*, 460 U.S. 730, 742 (1983).

<sup>42</sup> *District of Columbia v. Wesby*, 138 S. Ct. 577, 588 (2018).

<sup>43</sup> *Brown*, 460 U.S. at 742.

<sup>44</sup> *Jones*, 215 Ill. 2d at 274.

<sup>45</sup> *Id.*

<sup>46</sup> *United States v. Ramirez*, 523 U.S. 65, 71 (1998).

<sup>47</sup> *Id.*



search warrants on occasion must damage property in order to perform their duty.”<sup>48</sup> “Narcotics can be and often are hidden in small or dangerous places, and thus any thorough search necessarily creates the risk of damage.”<sup>49</sup> Thus, it is not unreasonable “to break in a reinforced door or damage walls while executing a search warrant for narcotics,”<sup>50</sup> or to remove ceiling tiles or tear insulation out of the ceiling causing extensive damage.<sup>51</sup>

The damage [REDACTED] alleged that the officers caused included making holes in the living room wall and in the hallway by the bathrooms, pulling her toilet up, putting two cracks on either side of her bathroom sink, and knocking the main sewage pipe loose causing extensive flooding, mold, and damage to her basement. However, the BWC video showing the condition of the home upon entry into it, and photographs taken after all the occupants were secured and prior to any search of the residence (about ten minutes after entry) contradict these claims.

For instance, several months after the execution of the search warrant, [REDACTED] submitted a photograph showing cracks in her bathroom sink. Not only do those photos show the cracks to be dirty and old on their face, one of the cracks can be seen in the BWC and a photograph, both recorded prior to any search being conducted.<sup>52</sup>

Similarly, the BWC video shows that there were already massive holes in the walls in the hallway by the bathrooms (the green walls) covered with cloth and loose drywall prior to the search.<sup>53</sup> Too, while [REDACTED] complained about a hole in the living room wall,<sup>54</sup> the BWC clearly shows two large holes already in the wall on the same spot.<sup>55</sup> Thus, at best, the officers enlarged the holes somewhat to complete their search which, as stated above, is considered reasonable when searching for narcotics.

Further, [REDACTED] related in detail how she personally observed the officers turn over the toilet with their bare hands right after they dragged [REDACTED] off the toilet when they first entered the house.<sup>56</sup> Then, according to [REDACTED] the officers “ran to the basement, and [she] just heard them hitting something. At that particular time, [she] didn’t know they were knocking the pipes loose down there.”<sup>57</sup> While it is true that officers did pull up the toilet to reasonably search for narcotics that could have been flushed down it upon their entry, the BWC shows that the toilet was not pulled up until long after [REDACTED] left the residence and, therefore, she could not have witnessed it being pulled up, nor heard the pipes allegedly being pulled apart immediately thereafter.<sup>58</sup> Also not borne out by the BWC video is [REDACTED] claim that “dogs” (multiple as opposed to one) came and searched not only through her house, but through vehicles in the driveway.

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<sup>48</sup> *Dalia v. United States*, 441 U.S. 238, 258 (1970).

<sup>49</sup> *Swift v. Davila*, 2009 U.S. Dist. LEXIS 73331, \*5 (E.D. Wisc. 2009).

<sup>50</sup> *Id.*

<sup>51</sup> *Mack by & Through Washington v. Godinez*, 1996 U.S. Dist. LEXIS 15373, \*5 (N.D. Ill. 1996).

<sup>52</sup> Att. 12, pgs. 5, 6; Att. 21, pg. 7; Att. 22 at 15:47:26.

<sup>53</sup> Att. 22, at 15:46:28, at 15:46:45, at 15:48:45 and at 17:19:16.

<sup>54</sup> Att. 12, pg. 4

<sup>55</sup> Att. 22, at 15:48:44.

<sup>56</sup> Att. 44, pgs. 4, 8-9, 11-12, 25-27.

<sup>57</sup> Att. 44, pg. 8.

<sup>58</sup> Att. 22, at 15:47:00 ([REDACTED] being handcuffed) – 15:47:25 ([REDACTED] in the hallway); Att. 22, at 15:48:49 (toilet intact); Att. 23, at 15:57:28 (photo being taken of bathroom); Att. 21, pg. 7 (photo of toilet).

Due to ██████ account being repeatedly contradicted by objective verifiable evidence, COPA finds her not to be credible in general, and especially in regard to the broken pipes where, significantly, ██████ did not complain to COPA about the search – including the urine and feces alleging collecting in her basement as a result of it – until almost four months after the fact.

As such, COPA finds that the preponderance of the evidence does not establish that the officers engaged in unreasonable damage during the execution of the search warrant and, thus, **Allegation #2** against the officers is **Not Sustained**.

Accordingly, COPA finds by clear and convincing evidence that the officers had no duty to provide ██████ with information for the City Damage Claims Department which, according to both Sgt. Salvador and Officer Gali, involves only accidental damage. Indeed, the City Claims Notification Form corroborates this where it states: “this form is to be used when accidental property damage is caused by the Chicago Police Department during official business.”<sup>59</sup> Here, any damage caused to ██████ door (when after repeatedly knocking and announcing “Police,” a forced entry was required) was intentional, not accidental damage. Further, the additional damage to large holes already in the living room wall and the turning over of the toilet was intentional to look for narcotics. Finally, as stated, any other damage claimed by Timm’s was either present prior to the search, or not shown to have occurred as a result of the search. Thus, **Allegation #4** is **Unfounded**.

COPA finds **Allegation #3** –that Sergeant Salvador and Officer Gali failed to ensure that an independent preliminary investigation relative to ██████ residency was conducted prior to obtaining and executing a search warrant at ██████ house, in violation of Special Order 04-19 – is **Unfounded**.

Per **Special Order S04-09**, in order for an individual to be classified as a “John Doe”<sup>60</sup> for the purpose of obtaining a search warrant, a Department member must conduct an independent investigation to verify and corroborate the specific information provided by the individual.<sup>61</sup> The Department member must also ensure that the Complaint for Search Warrant and the Search Warrant accurately and specifically describe the person and/or premises to be search and the articles to be seized and present these to the designated lieutenant or above for review. The supervisor will review that the facts alleged are credible and reliable, the facts were properly obtained, an investigation leading up to the need for a search warrant has been thoroughly conducted, and that the probable cause is stated and present.<sup>62</sup>

Here, Officer Gali described that the independent preliminary investigation he conducted prior to obtaining a search warrant for ██████ house and against ██████ included verifying the specific information provided by John Doe. John Doe provided a nickname for ██████ so Officer Gali ran the name through various databases, and had John Doe confirm

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<sup>59</sup> Att. 45.

<sup>60</sup> A “John Doe” informant must be presented to the judge approving the search warrant. Att. 33, Special Order S04-09 (IV) (A)(1), Search Warrants (Effective January 02, 2020, to May 28, 2021).

<sup>61</sup> Att. 33, IV (A)(1)(c).

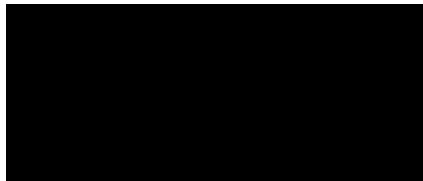
<sup>62</sup> Att. 33, VI (A) (1 – 3) (B)(2) (a-g).

identity with a picture Officer Gali obtained. Next, Officer Gali checked jail and prison databases to ensure that [REDACTED] was not imprisoned on the date John Doe indicated [REDACTED] sold drugs to Doe. Officer Gali also searched in utility and Secretary of State databases to determine whether the address of the target residence was connected to [REDACTED]. When Officer Gali came up only with an address a few doors down from the target residence, he conducted surveillance and determined that [REDACTED] and [REDACTED] car were frequently coming and going from the target address.<sup>63</sup> Officer Gali then presented this information to his superiors, including Sgt. Salvador, and, ultimately, along with John Doe, to a judge, who found probable cause.

Sgt. Salvador stated that he relied on Officer Gali as the affiant to conduct the independent preliminary investigation as he knew Officer Gali to be “very methodical,” “very, good, detailed, and meticulous with his investigations. And he is always keeping me aware and updates me on any findings or problems he may come across.”<sup>64</sup> He was “very confident” in Gali as an affiant.<sup>65</sup> Indeed, Officer Gali related that in his experience, he had conducted 60-70 preliminary investigations for search warrants and was involved in the execution of 100s of search warrants, having been the affiant on 50-60 of them.<sup>66</sup>

Consequently, COPA finds by clear and convincing evidence that Sgt. Salvador and Officer Gali did not fail to conduct an independent preliminary investigation prior to obtaining the search warrant and therefore, **Allegation #3 is Unfounded.**

Approved:



Matthew Hayman  
*Deputy Chief Administrator – Chief Investigator*

5/24/2023

Date

<sup>63</sup> Atts. 42, pgs. 11 – 14; Att. 43, pgs. 8-9.

<sup>64</sup> Att. 42, pg. 45.

<sup>65</sup> Att. 42, pg. 45.

<sup>66</sup> Att. 43. Pg. 47