

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
SERGEANT ALEX WOLINSKI,) **No. 21 PB 3000**
STAR No. 2605, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
) **(CR No. 2019-4600)**
RESPONDENT.)

FINDINGS AND DECISION

On November 4, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Sergeant Alex Wolinski, Star No. 2605 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“Department” or “CPD”) for violating the Department’s Rules of Conduct. A hearing on the charges against Respondent took place before Hearing Officer Allison L. Wood on February 21–23 and February 27–28, 2023.

Following this hearing, the members of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report and the parties’ responses to this report, and viewed the video recording of the entire evidentiary hearing. The Hearing Officer made an oral report to and conferred with the Board before it rendered its findings and decision.

During the proceedings of this case, from the filing of charges through the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s rulings or orders is overruled or reversed.

POLICE BOARD FINDINGS

As a result of the hearing on the charges, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein employed as a sergeant by the Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

Introduction

4. Respondent has been with the Department since August 2002, and was promoted to sergeant in 2016. On February 21, 2019, the date of the event at issue, Respondent was a sergeant in the 11th District.

On that date, Officer Alain Aporongao asked Respondent to assist with and supervise the execution of a search warrant. The search warrant named Andy Simpson, a male, and was for the premises located at 164 N. Hermitage Avenue, #1, Chicago, Illinois. The premises were described as a grey brick 3-story building with a red front door. The search warrant allowed for the seizure of a “black semi-auto handgun, ammunition, and articles or documents establishing residency, any locked containers and any other illegal contraband which have been used in the commission of, or which constitute evidence of the offense of unlawful use of weapon by felon 720 ILCS 5/24-1.1(a).” Respondent did not contact the SWAT team in relation to the execution of the warrant.

Around 6:00 p.m., Respondent attended a meeting with members of his team and members of the team that worked with Officer Aporongao, a group totaling 12 officers.¹ The meeting was led by Officer Aporongao. During the meeting, the officers discussed the roles that each would

¹ The officers who were part of the group that assisted in the execution of the search warrant were: Officer Aporongao, Officer Gabriel Cruz, Officer Joseph Lisciandrello, Officer Michael Orta, Officer Nikola Saric, Officer Tito Jimenez, Officer Filip Bieniasz, Officer Eric Acevedo, Officer Cody Maloney, Officer Michael Donnelly, Officer Ella French, and Officer Jose Villa. Officers Aporongao, Cruz, and Lisciandrello testified in this case. Additionally, various portions of video from their respective body-worn cameras were presented, as well as video portions from Respondent and other officers who were on the scene.

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play during the execution of the search warrant and the information included in the search warrant (including the layout of the apartment, the firearm, and that the target of the warrant had a girlfriend). Respondent acted as the supervising sergeant in connection with the execution of the search warrant.

The officers arrived at 164 N. Hermitage at approximately 7:00 p.m. At that time, one officer relayed over the radio that there was an individual at the back of the residence. A group of officers then moved toward the front door of the residence. Officer Aporongao then knocked on the door, and Officer Liscianderello announced that they were the police. Three-to-five seconds later, and while Respondent was still approaching the door, Officer Cruz started striking the front door with a battering ram. Officer Cruz struck the door six or seven times, but was unsuccessful in breaking down the door. He then tendered the battering ram to Officer Acevedo, who struck the door twice. About 23 seconds after the first knock, the officers ultimately broke down the door.

Officer Liscianderello was the first officer to enter the unit; the others walked behind him in a stack down a corridor. Officer Liscianderello was the first officer to encounter a naked woman standing at the end of the corridor near the kitchen. Officer Liscianderello gave the woman, who was later identified as Anjanette Young, a verbal command to put her hands up because he could not see them. The woman complied.

Ms. Young was then detained and handcuffed as officers walked through the residence, checking each room to determine if there was anyone else present. One of the officers placed a jacket around Ms. Young, but it did not cover her. Shortly after entering the residence and during the initial search, Officer Aporongao went into one of the residence's bedrooms, retrieved a comforter off of the bed, and gave it to Officer Cruz. Officer Cruz then walked back to the living

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room where Ms. Young was detained, and placed the comforter around her shoulders. When he returned, Officer Aporongao stood next to Ms. Young and tried to keep the comforter around her closed.

At this point, Ms. Young was crying and upset. Ms. Young repeatedly demanded to know what was going on and why the officers were there, insisting that they had the wrong residence. Throughout the time that the officers were at the residence, Ms. Young requested multiple times to get dressed.

Respondent then asked the officers who were walking through the unit whether it was “clear.” The officers responded within a minute-and-a-half of entering the unit that the residence was clear. At that point, Respondent asked other officers to check the couch for weapons, so Ms. Young could sit down.

Respondent left the residence and directed another officer to take pre-search photos. After returning, about three-and-a-half minutes after the officers first entered the apartment, another officer asked if Respondent had a copy of the search warrant to show Ms. Young. At that point, Respondent did not show Ms. Young a copy of the warrant. About thirty-five seconds later, Respondent told Ms. Young that he would explain everything to her momentarily.

Roughly five minutes after the officers entered the residence, Respondent stood near a countertop and asked Ms. Young to come to him to examine the search warrant. Ms. Young, who was still handcuffed and only draped in a blanket, did not agree to do so. Shortly thereafter, Respondent stood near Ms. Young and held the search warrant out.

Roughly six minutes after the officers first entered the residence, Officer Cruz left the residence and asked Officer French, who was part of the team securing the area outside of the residence (and the only woman officer), to come into the residence and escort Ms. Young to the

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bedroom so she could get dressed. Respondent did not direct Officer Cruz to do so. Roughly nine minutes after the officers first entered the residence, Respondent told Ms. Young that he would have a female officer take her to get dressed. Roughly two minutes later (and roughly 11 minutes after the officers entered the residence), Respondent allowed Ms. Young to be escorted to a bedroom with Officer French to get dressed.

After Ms. Young was dressed, Officer French escorted Ms. Young back to the living room in handcuffs. Ms. Young was then allowed to sit down. It was at this time, between 15 and 20 minutes after the officers first entered the residence, that Respondent complied with Ms. Young's request and discussed the search warrant with Ms. Young while she was seated on the couch.

Respondent then stepped out of the residence and met with Officer Aporongao. The two officers discussed whether they had received "bad" information related to the search warrant. Following this conversation, more than fifteen minutes after the officers first entered the residence, Respondent handed Ms. Young a copy of the warrant for the first time.

Ms. Young asked to make a telephone call, and one of the officers retrieved her phone from a bedroom and gave it to her. Respondent did not direct the officer to do this.

After Ms. Young was allowed to get dressed and Respondent showed her the warrant, Respondent explained to Ms. Young how she could file a claim to get her front door repaired. Respondent directed the other officers to provide a temporary solution to secure the door. Before leaving the residence, Respondent gave Ms. Young his card, and asked her to call him if she had trouble getting the door repaired.

During the Hearing, Respondent testified both adversely and on his own behalf. Additionally, Deputy Chief Matthew Cline testified on behalf of the Superintendent. Officers Gabriel Cruz, Alain Aporongao, and Joseph Lisciandrello testified on behalf of Respondent, as did

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several mitigation witnesses. Mr. James O'Grady testified on behalf of Respondent as an expert in search warrants. Commander Levester Denham testified on behalf of the Superintendent as a rebuttal witness.

In brief, while testifying as an adverse witness, Respondent testified that he did not provide Ms. Young with a copy of the warrant and did not allow her to get dressed, because he was trying to deescalate the situation (by calming Ms. Young and for the safety of all involved). Respondent noted that he wanted to wait to do so until after the unit was cleared and secured. Respondent testified that he tried several times to talk to Ms. Young about the warrant, but Ms. Young was yelling the entire time (preventing him from doing so).

While discussing Special Order SO4-19 (discussed in further detail below), Respondent admitted that he understood "promptly" meant "as soon as feasible." Additionally, Respondent admitted that his preference to talk to individuals about search warrants (rather than giving individuals the warrant) is not stated in the Special Order.

Deputy Chief Matthew Cline testified to his extensive experience with search warrants, including their execution, supervision, and training. Cline testified that officers are trained on the Knock and Announce Rule: consistent with *United States v. Banks*, 540 U.S. 31 (2003), officers are instructed that without exigent circumstances, 15 to 20 seconds is a reasonable amount of time to breach a door after knocking and announcing. That said, the appropriate amount of time depends on the totality of the circumstances, including, among other things: the size of the apartment, whether the search is for firearms, and whether an individual is seen fleeing. Executing a search warrant is dangerous, and the latter two can heighten an officer's awareness of danger.

Cline also testified on the permissibility of handcuffing individuals at the scene, consistent with *Muehler v. Mehna*, 544 U.S. 93 (2005), and noted that adults ordinarily are handcuffed. That

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said, Cline noted it is sometimes best to uncuff an older individual to deescalate a situation; officers should use their best judgment.

Cline testified that after an area is secured, he considers it best practice to provide individuals with a signed copy of a search warrant and inform the individuals what the officers are searching for. Cline nonetheless admitted that officers are not instructed on a specific time frame within which to “promptly” present a warrant. Cline admitted that the special order does not cover encounters with naked occupants.

Officer Gabriel Cruz testified that as he arrived at the location, another officer relayed that there was an individual running in the back, which Officer Cruz considered an exigent circumstance that would require that he expedite entry into the residence. Officer Cruz did not go to the rear of the apartment before approaching the front door, and no one directed him to secure the rear of the apartment before doing so. Respondent did not direct Cruz to expedite entry into the apartment.

Officer Cruz testified that he was aware that the target of the search warrant had a girlfriend and a firearm. Cruz testified that the investigation needed to be thorough, and it was initially unclear whether Ms. Young was the identified girlfriend.

Cruz testified that because Ms. Young was yelling and screaming loudly, he did not believe that it was safe for Ms. Young to be unhandcuffed. Nonetheless, at one point, Officer Cruz played with Ms. Young’s dog. Officer Cruz testified that he did not believe Respondent did anything inappropriate with regard to presenting the warrant.

Officer Aporongao testified that upon arriving at the address, the officers rushed into the unit because they heard an individual was running away from the unit. Aporongao noted that Ms. Young was emotional and testified that the officers could not conduct their investigation and could

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not talk to Ms. Young because of this. Officer Aporongao testified that at some point, he left the unit at Respondent's direction to discuss whether the information they received in relation to the warrant was incorrect. Aporongao admitted that the officers had received "bad" information in relation to the search warrant.

Officer Joseph Lisciandrello testified that as the officers approached the residence, he saw a man standing in the back door of the residence and radioed that information for officer safety. Once he entered the residence, Lisciandrello was the first officer to see Ms. Young and ordered Ms. Young to put her hands in the air. Ms. Young complied, and Lisciandrello told Ms. Young that she needed to get dressed. Lisciandrello testified that he did not want to look at Ms. Young; he did not want to embarrass her, knowing that she was naked. Officer Lisciandrello admitted that he previously stated that as soon as the situation was clear, the officers should have gotten a woman police officer to help Ms. Young get dressed. Within six minutes of entering the residence, Officer Lisciandrello put his rifle away in a police vehicle. Lisciandrello testified that around the same time, other officers were putting the breach equipment away. Lisciandrello previously noted that after the apartment was clear, the team was in "limbo," as officers were standing around not knowing what to do next.

In his case-in-chief, Respondent testified that Ms. Young was upset and loudly yelling, making the scene chaotic. Respondent noted that he tried to deescalate the situation by giving Ms. Young voice, letting her yell without interrupting her, and by speaking to her in calm tones. Respondent noted that there was a lot going on in the apartment and questioned whether Ms. Young was acting upset to distract the officers. Respondent admitted that he did not inform SWAT of the search and called that an "administrative oversight." Respondent maintained that he presented Ms. Young with a warrant as quickly as possible and that he treated her with dignity,

respect, and kindness. Respondent noted that in the fall of 2019, he was selected for an executive development program focused on leadership.

James O'Grady is a retired police officer who worked for both the Illinois State Police and CPD. When discussing the officers' entry into the residence, O'Grady noted that because there was "chatter" on the radio about an individual potentially entering the rear of the building, there could have been a sense of urgency in the minds of the team. O'Grady ultimately testified that he believed the entry into Ms. Young's residence was reasonable.

O'Grady noted that he has experience executing warrants when individuals are naked. O'Grady noted that those naked individuals should be covered and treated with respect, but officers cannot stop an investigation simply because an individual is naked. O'Grady also noted that individuals often claim that officers are in the wrong residence. At that point, an officer needs to make a judgment call on the best way to proceed.

O'Grady believed that Respondent was professional during the incident at issue. O'Grady believed that because Ms. Young was screaming, she had to remain handcuffed to keep everyone safe. O'Grady testified that Respondent tried to deescalate the situation and speak with Ms. Young in a reasonable manner, while also being responsible for the safety of the other officers.

O'Grady testified that an officer could "present" a search warrant verbally by informing an occupant of the reason officers are present and then leaving a physical copy of the search warrant with the individual when the officers leave. O'Grady noted that "promptly" meant as soon as reasonable after everyone is safe.

Commander Levester Denham, the current commander in the Bureau of Internal Affairs, testified as a rebuttal expert in police practices on behalf of the Superintendent. Denham oversees investigations of misconduct by Department members and often oversees investigations related to

the execution of search warrants.

Denham noted that Respondent should have been present when the door was breached. There was no indication that the officers who reported that they observed a man standing at the back door or running away from the residence shared that information with Respondent. Denham testified that if Respondent heard about this information through radio chatter, he should have confirmed whether the man they saw was the intended target and should have reassessed the approach.

Denham testified that after an officer knocks on a door, occupants of the residence must be given a reasonable amount of time to answer the door before the door is breached. Denham testified that, given the diagram of the residence in the officers' search warrant packet, it would have likely taken the occupant of the residence between seven and 10 seconds to answer the door after the officers knocked.

Denham testified that the search warrant should be presented to either the target of the warrant or the person who has control over the premises as soon as possible. Denham testified that in this case, officers cleared the unit in less than a minute. There were no other persons found in the residence and the officers did not appear to feel threatened. Denham described the officers on the scene as just standing around and noted that their body language did not indicate that they felt threatened. According to Denham, Respondent could have first presented the search warrant to Ms. Young at that point, once all officers responded "clear."

Denham testified that Ms. Young was upset, scared, and yelling because she was in a crisis situation. Denham recognized that officers are trained to deescalate that sort of situation by using a calm tone or manner, as Respondent tried. Denham testified that Respondent should have nonetheless recognized that his efforts were not calming Ms. Young down, and Respondent should

have tried to do something else. Ms. Young told Respondent what she needed—to see the search warrant, to get dressed, to make a phone call—and Respondent did not respond to her.

Denham described Respondent standing about 10 feet away from Ms. Young and holding the search warrant up. Denham noted that Ms. Young continued to yell, asking to see the search warrant, and Respondent was determined to tell Ms. Young about it instead of showing it to her. Denham testified that that act is not considered “presentation” of the warrant. According to Denham, presenting the warrant means giving the warrant to the occupant or putting it in a place where they can read it.

Respondent is charged with: (1) approving, causing, directing, facilitating, or overseeing the execution of a search warrant without adhering to the Knock and Announce Rule (in violation of Rules 1, 2, 3, 5, 6, 10, and 11); (2) failing to intervene in the disrespectful treatment of Anjanette Young in connection with the execution of the search warrant (in violation of Department policy, including General Order GO2-01 and Special Order SO4-19, and Rules 2, 3, 5, 6, 10, and 11); (3) failing to promptly present a copy of the search warrant to Ms. Young during the execution of the search warrant (in violation of Department policy, including Special Order SO4-19, and Rules 2, 3, 5, 6, 10, and 11); (4) failing to inform, consult, notify, contact, or attempt to contact a SWAT team supervisor in connection with the execution of the search warrant (in violation of Department policy, including Special Order SO4-19, and Rules 2, 3, 5, 6, 10, and 11); and (5) allowing, permitting, encouraging, or approving the officers executing the search warrant to detain Ms. Young, handcuff Ms. Young while she was naked, or keep Ms. Young in handcuffs for an extended period of time, and/or after it had been established after the officers were not at the residence of the intended target, waiting approximately fifteen minutes to present Ms. Young with a copy of the search warrant after it had been established that the officers were not at the residence of the

intended target, and/or ignoring requests by one or more officers to remove the handcuffs from Ms. Young (in violation of Rules 8 and 10).

Charges Against the Respondent

5. Sergeant Alex Wolinski, Star No. 2605, is **guilty** of violating Rule 1, which prohibits violation of any law or ordinance, in that the Superintendent proved by a preponderance of the evidence the following charge set forth in Specification No. 1:

- a. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski approved and/or caused and/or directed and/or facilitated and/or oversaw the execution of a search warrant without adhering to the Knock and Announce Rule prior to entering at 164 N. Hermitage Avenue, #1, Chicago, Illinois.

See the findings set forth in Section No. 4 above, which are incorporated herein by reference.

The Fourth Amendment guarantees that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated[.]” In interpreting the Fourth amendment, the Supreme Court looks “to the traditional protections against unreasonable searches and seizures afforded by the common law at the time of the [Constitution’s] framing.” *Wilson v. Arkansas*, 534 U.S. 112, 118–19 (2001). One such protection is the requirement that “officers entering a dwelling must knock on the door and announce their identity and purpose before attempting forcible entry.” *Richards v. Wisconsin*, 520 U.S. 385, 387 (2003). That obligation nonetheless “gives way when officers ‘have a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile, or ... would inhibit the effective investigation of the crime by, for example, allowing the destruction of evidence.’” *United States v. Banks*, 540 U.S. 31, 36 (2003).

Here, Officer Lisciandrello testified that as the officers were approaching Ms. Young’s

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residence, he saw a man at the rear of the building. He then relayed that information to the other officers. The officers then approached Ms. Young's residence and knocked and announced their presence. No more than five seconds later, officers began attempting to make forcible entry into the residence with a battering ram. Respondent was at the rear of the group of officers, and at the time the officers first attempted to make forcible entry with the battering ram, Respondent was not yet near the door.

Considering the totality of the circumstances, the Board finds that the officers' actions failed to adhere to the Knock and Announce Rule. The officers waited no more than five seconds, and likely closer to three seconds, from the time that they first knocked on the door to their attempt to gain forcible entry to Ms. Young's residence. Even in a small residence, three seconds provides next-to-no time for an individual to answer the door. And as Deputy Chief Cline testified, that short period of time is inconsistent with CPD guidance, absent exigent circumstances.

In that vein, the Board finds no exigent circumstances existed that would justify the officers' failure to adhere to the Knock and Announce Rule. Throughout the hearing, the officers largely pointed to one exigent circumstance: a man potentially fleeing from the rear of the building. The body-worn camera footage, however, indicated that the man was merely standing at the rear of the building or attempting to enter the building. That message was relayed over the radio. The officers noted, too, that the search warrant was for a firearm, and the design of the door made it difficult for officers to know any potential danger on the other side. But those two facts will be true for any number of search warrants. Without more, the Board finds no exigent circumstances existed that justified this forcible entry.

The Board also finds that Respondent oversaw the execution of the search warrant without adhering to the Knock and Announce Rule. As the lone sergeant present, Respondent, along with

Officer Aporongao, led the execution of the warrant. Officer Aporongao sought Respondent out to do just that. The officers met ahead of time to discuss the execution of the warrant, and discussed the roles that each officer would play and the information the officers knew ahead of time. Although Officer Aporongao led that meeting, it was Respondent who was necessary for the warrant to be executed.

But at the time the warrant was executed, Respondent failed to lead. Respondent was not yet at the door at the time the officers first began attempting to gain forcible entry, and as Commander Denham testified, he should have been. It is unclear that Respondent knew that there was a man at the rear of the building. If he did know, he did not direct officers to the rear of the building or attempt to reassess the situation to ensure the best way to proceed safely. If he did not know, he did nothing when the other officers began using a battering ram—almost immediately—to gain forcible entry into the residence. Respondent did not attempt to control the situation, as a leader should.²

The Board thus finds that the Superintendent has met his burden of showing that Respondent violated Rule 1.

6. Sergeant Alex Wolinski, Star No. 2605, is **guilty** of violating Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department,” in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 2:

- a. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to intervene in the disrespectful treatment of Anjanette Young in connection with the execution of a search warrant at her residence, in violation of

² The Board notes that this Specification is somewhat ambiguous. The Board interprets it to be written disjunctively—that Respondent either approved or caused or directed or facilitated or oversaw the execution of the search, which did not adhere to the Knock and Announce Rule.

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- Department policy, including General Order GO2-01³ and Special Order SO4-19;⁴
- b. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski approved and/or caused and/or directed and/or facilitated and/or oversaw the execution of a search warrant without adhering to the Knock and Announce Rule prior to executing the warrant;
 - c. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to promptly present a copy of a search warrant to the occupant, Anjanette Young, during the execution of the search warrant at her residence, in violation of Department policy, including Special Order SO4-19; and
 - d. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to inform and/or consult and/or notify and/or contact and/or attempt to contact a SWAT team supervisor in connection with the execution of the search warrant at Anjanette Young's residence, in violation of Department policy, including Special Order SO4-19.

See the findings set forth in Section Nos. 4 and 5 above, which are incorporated herein by reference. Each of the new charges is addressed in turn.

First, the Board finds that Respondent failed to intervene in the disrespectful treatment of Ms. Young in connection with the execution of the search warrant at her residence, in violation of General Order GO2-01 and Special Order SO4-19 which require that police observe, uphold and protect human and individual rights, treat all persons with courtesy and dignity, and "promptly" present a search warrant during its execution. As noted above, as a sergeant, Respondent was supposed to lead the execution of this warrant. Officers were to look to him to make decisions. Respondent's own testimony indicates that he was selected for a development program focused on

³ General Order GO2-01 is titled "Human Rights and Human Resources." The policy provides, among other things: (A) "The Chicago Police Department is committed to observing, upholding and enforcing all laws relating to individual rights. Department members will respect and protect each person's human rights and comply with all laws relating to human rights"; and (B) "In addition to respect for those human rights prescribed by law, Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public."

⁴ Special Order SO4-19 provides, in relevant part: "At the time of actual search warrant execution ... a member of the search team will promptly present a copy of the Search Warrant to the person named in the warrant or, in that person's absence, the person in charge of the premises."

leadership. But Respondent failed to lead, and this failure to intervene allowed the horrible treatment of Ms. Young to occur and continue.

From the moment the officers first encountered Ms. Young, it was clear that Ms. Young—who was not clothed—was vulnerable. Officer Lisciandrello immediately recognized that Ms. Young was uncomfortable or frightened, and instructed her to get dressed. Another officer halfheartedly placed a jacket around Ms. Young, but the jacket did not cover her. Officer Aporongao grabbed a comforter and gave it to Officer Cruz, who placed it around Ms. Young. Respondent gave none of these directions. Instead, Respondent allowed Ms. Young to stand naked for 10 minutes in front of a group of male officers.

Roughly six minutes after the officers first entered the residence, Officer Cruz left the residence and asked Officer French to help Ms. Young get clothed. Again, Respondent did not give this direction. It was not for another three minutes that Respondent told Ms. Young he would have a female officer help her get dressed. Another two minutes passed before Respondent actually allowed Ms. Young to get dressed, unnecessarily prolonging any feelings of embarrassment or trauma. Instead of recognizing the gravity of the situation, during the time period that Ms. Young was naked, Respondent instructed officers to take photographs of the scene and search the couch but did nothing to address the fact that the female occupant—who Respondent quickly learned was not implicated by the search warrant—was standing naked in front of a group of male officers.

Importantly, and as Officer Lisciandrello previously stated, once the residence was quickly cleared, the team of officers was in “limbo.” Ms. Young was rightfully upset, pleading for a copy of the warrant, to be clothed, to be unhandcuffed, for a phone call. Respondent tried to deescalate the situation by keeping his voice calm and letting Ms. Young speak. But it quickly became clear

that these de-escalation techniques were not working—and that something different should be done. Respondent did not listen to Ms. Young’s requests, nor did he provide instructions to other officers to do so. The officers, and Ms. Young, remained in limbo.

Respondent points to a variety of factors that apparently complicated the situation. Ms. Young was upset—and Respondent claimed that this could have been a tactic to distract the officers. Ms. Young claimed that the officers had the wrong address—which many witnesses point out often occurs.

But those factors do nothing to change the facts before the Board and Respondent’s failure to intervene. In the face of her repeated pleas, Respondent allowed Ms. Young to remain naked in front of a group of men for nearly 10 minutes and provided no instruction to other officers that would have helped the situation. Respondent did not allow Ms. Young to sit down for that same amount of time, though the couch had been cleared. Respondent did not present the warrant to Ms. Young for nearly 20 minutes. Respondent should have presented the warrant faster, should have gotten Ms. Young clothed faster. Instead, Respondent repeated the same tactics that allowed the disrespectful, horrible, and dehumanizing treatment of Ms. Young to continue—treatment that is contrary to very basic human dignity and courtesy and that is contrary to General Order GO2-01’s directives.

Next, the Board finds that Respondent failed to promptly present a copy of the search warrant to Ms. Young during the execution of the search warrant at her residence, in violation of Special Order S04-19. As noted above, there was extensive testimony on what an officer must do to “promptly” present a search warrant. Although officers are not given hard-and-fast rules on what it means to “promptly” present a warrant, Respondent admitted that “promptly” meant “as soon as feasible.” Additionally, as Respondent’s expert indicated, to “promptly” present a warrant,

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an officer must present the warrant as soon as reasonable after safety is ensured. Respondent clearly failed to do so.

As noted above, the officers cleared the residence within a minute-and-a-half of entering. As Commander Denham testified, it was at this point that Respondent could have first presented the warrant to Ms. Young. And as the testimony shows, it quickly became clear that Ms. Young did not present a threat. The officers did not appear to feel threatened. Within six minutes of entering the residence, Officer Lisciandrello put his rifle away in the police vehicle; at the same time, other officers stowed the breach equipment.

And yet, almost 20 minutes passed from the time the officers first entered the apartment to when Respondent presented Ms. Young with the warrant. In that period of time, Ms. Young pled multiple times to see the search warrant. Indeed, three-and-a-half minutes after entering the residence (again, after the residence was cleared), another officer asked if Respondent had a copy of the warrant to show Ms. Young. Instead of presenting the warrant to Ms. Young, Respondent told her that he would explain the warrant to her shortly.

The testimony shows that at certain points, Respondent attempted to discuss the warrant with Ms. Young. At one point, Respondent walked past Ms. Young, stopped at a countertop, and told Ms. Young—still naked and handcuffed—to come to him. Ms. Young refused to do so. At another point, Respondent held the search warrant out, but at a distance where Ms. Young was unable to read the warrant. But as Respondent admitted, his preference of discussing a search warrant with an occupant is not what the Special Order requires. As Commander Denham noted, to “present” a warrant, an officer must give the warrant to an occupant or put the warrant in a place where they can read it. Respondent did neither.

Respondent attempts to justify his failure to promptly present the warrant because Ms.

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Young was upset. The Board is not persuaded. As noted, Respondent could have first presented the warrant to Ms. Young within minutes of entering the apartment, when the apartment was cleared. This likely would have helped to calm her down, obviating Respondent's argument. Opportunities to present the warrant continued to pass, as Respondent took actions like stepping outside the residence. So did nearly *20 minutes*. And as the Record indicates, presenting the warrant to Ms. Young could have deescalated the situation. When Ms. Young did not agree to move to the counter, Respondent could have moved toward her—a handcuffed, naked woman in a helpless situation. Ms. Young repeatedly pled to see the search warrant. Respondent ignored those repeated pleas.

Finally, Respondent failed to attempt to contact a SWAT team supervisor in connection with the execution of the search warrant at Ms. Young's residence, in violation of Special Order SO4-19. Special Order SO4-19 provides, in relevant part: "Prior to the execution of a search warrant, the search team supervisor will ... consult with a SWAT team supervisor if: (a) the offender has a violent criminal history; ... [or] (c) the offender is known to keep firearms readily available."

The relevant facts are undisputed. The target of the search warrant was a gun purportedly owned by Andy Simpson. The search warrant packet included a criminal history report of Andy Simpson, which included a prior robbery. Respondent admitted that Simpson was a violent offender, and that he was known to keep firearms readily available (as the officers were looking for firearms). Respondent admitted that he did not attempt to consult with SWAT and admitted that that failure was an "administrative oversight" on his part.

For these reasons, the Board finds that these actions impede the Department's efforts to achieve its policy and goals and bring discredit upon the Department. Accordingly, the Board

finds that the Superintendent has carried his burden of showing that Respondent violated Rule 2.

7. Sergeant Alex Wolinski, Star No. 2605, is **guilty** of violating Rule 3, “Any failure to promote the Department’s efforts to implement its policy or accomplish its goals,” in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 3:

- a. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to intervene in the disrespectful treatment of Anjanette Young in connection with the execution of a search warrant at her residence, in violation of Department policy, including General Order GO2-01 and Special Order SO4-19;
- b. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski approved and/or caused and/or directed and/or facilitated and/or oversaw the execution of a search warrant without adhering to the Knock and Announce Rule prior to executing the warrant;
- c. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to promptly present a copy of a search warrant to the occupant, Anjanette Young, during the execution of the search warrant at her residence, in violation of Department policy, including Special Order SO4-19; and
- d. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to inform and/or consult and/or notify and/or contact and/or attempt to contact a SWAT team supervisor in connection with the execution of the search warrant at Anjanette Young’s residence, in violation of Department policy, including Special Order SO4-19.

See the findings set forth in Section Nos. 4 through 6 above, which are incorporated herein by reference. Based on those same findings, the Board finds that Respondent failed to promote the Department’s efforts to implement its policy or accomplish its goals. Accordingly, the Board finds that the Superintendent has carried his burden of showing that Respondent violated Rule 3.

8. Sergeant Alex Wolinski, Star No. 2605, is **guilty** of violating Rule 5, “Failure to perform any duty,” in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 4:

- a. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to intervene in the disrespectful treatment of Anjanette Young

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- in connection with the execution of a search warrant at her residence, in violation of Department policy, including General Order GO2-01 and Special Order SO4-19;
- b. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski approved and/or caused and/or directed and/or facilitated and/or oversaw the execution of a search warrant without adhering to the Knock and Announce Rule prior to executing the warrant;
 - c. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to promptly present a copy of a search warrant to the occupant, Anjanette Young, during the execution of the search warrant at her residence, in violation of Department policy, including Special Order SO4-19; and
 - d. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to inform and/or consult and/or notify and/or contact and/or attempt to contact a SWAT team supervisor in connection with the execution of the search warrant at Anjanette Young's residence, in violation of Department policy, including Special Order SO4-19.

See the findings set forth in Section Nos. 4 through 7 above, which are incorporated herein by reference. Based on those same findings, the Board finds that Respondent failed to perform his duties as a police officer. Accordingly, the Board finds that the Superintendent has carried his burden of showing that Respondent violated Rule 5.

9. Sergeant Alex Wolinski, Star No. 2605, is **guilty** of violating Rule 6, "Disobedience of an order or directive, whether written or oral," in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 5:

- a. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to intervene in the disrespectful treatment of Anjanette Young in connection with the execution of a search warrant at her residence, in violation of Department policy, including General Order GO2-01 and Special Order SO4-19;
- b. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski approved and/or caused and/or directed and/or facilitated and/or oversaw the execution of a search warrant without adhering to the Knock and Announce Rule prior to executing the warrant;
- c. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to promptly present a copy of a search warrant to the occupant, Anjanette Young, during the execution of the search warrant at her residence, in violation of Department policy, including Special Order SO4-19; and

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- d. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to inform and/or consult and/or notify and/or contact and/or attempt to contact a SWAT team supervisor in connection with the execution of the search warrant at Anjanette Young's residence, in violation of Department policy, including Special Order SO4-19.

See the findings set forth in Section Nos. 4 through 8 above, which are incorporated herein by reference. Based on those same findings, the Board finds that Respondent disobeyed an order or directive, whether written or oral. Accordingly, the Board finds that the Superintendent has carried his burden of showing that Respondent violated Rule 6.

10. Sergeant Alex Wolinski, Star No. 2605, is **guilty** of violating Rule 8, "Disrespect to or maltreatment of any person, while on or off duty," in that the Superintendent proved by a preponderance of the evidence the following charge set forth in Specification No. 6:

- a. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski allowed and/or permitted and/or encouraged and/or approved the officers executing a search warrant to detain Anjanette Young and/or handcuff Ms. Young while she was naked and/or keep Ms. Young in handcuffs for an extended period of time and/or after it had been established that the officers were not at the residence of the intended target, waited approximately fifteen (15) minutes to present Ms. Young with a copy of the warrant and/or ignored requests by one or more officers on the scene to remove the handcuffs from Ms. Young during the execution of a search warrant at her residence.

See the findings set forth in Section Nos. 4 through 9 above, which are incorporated herein by reference. Based on those same findings, the Board finds that Respondent violated Rule 8.

Nonetheless, a few findings should be stressed again. As noted, the residence was cleared within a minute-and-a-half of the officers entering the residence. It became clear quickly thereafter that the officers were not at the residence of the intended target. The officers' own actions bear out that fact. The officers were at this residence to search for a firearm. Though the officers searched the couch—so that Ms. Young could sit (which she was not allowed to do)—the officers did not conduct any other search for the firearm. After the residence was cleared, the officers

instead were in “limbo,” awaiting direction. Many officers left the residence shortly thereafter; within six minutes, the officers were packing the breach materials and their own firearms into police vehicles. One officer even played with Ms. Young’s dog. Though it was clear that the officers were not at the residence of the intended target, Respondent nonetheless allowed Ms. Young to remain naked and handcuffed for an extended period of time—over ten minutes. In that same vein, Respondent waited nearly 20 minutes to present Ms. Young with a copy of the warrant.

The Board reiterates that these shortcomings were extremely serious. After it became clear that the officers were not at the residence of the intended target, Respondent allowed Ms. Young—a woman who was not the intended target—to remain naked in front of a group of male officers, despite her repeated pleas.

Accordingly, the Board finds that the Superintendent has carried his burden of showing that Respondent violated Rule 8.

11. Sergeant Alex Wolinski, Star No. 2605, is **guilty** of violating Rule 10, “Inattention to duty,” in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 7:

- a. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to intervene in the disrespectful treatment of Anjanette Young in connection with the execution of a search warrant at her residence, in violation of Department policy, including General Order GO2-01 and Special Order SO4-19;
- b. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski approved and/or caused and/or directed and/or facilitated and/or oversaw the execution of a search warrant without adhering to the Knock and Announce Rule prior to executing the warrant;
- c. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to promptly present a copy of a search warrant to the occupant, Anjanette Young, during the execution of the search warrant at her residence, in violation of Department policy, including Special Order SO4-19;
- d. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to inform and/or consult and/or notify and/or contact and/or

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attempt to contact a SWAT team supervisor in connection with the execution of the search warrant at Anjanette Young's residence, in violation of Department policy, including Special Order SO4-19; and

- e. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski allowed and/or permitted and/or encouraged and/or approved the officers executing a search warrant to detain Anjanette Young and/or handcuff Ms. Young while she was naked and/or keep Ms. Young in handcuffs for an extended period of time and/or ignored requests by one or more officers on the scene to remove the handcuffs from Ms. Young during the execution of a search warrant at her residence.

See the findings set forth in Section Nos. 4 through 10 above, which are incorporated herein by reference. Based on those same findings, the Board finds that Respondent demonstrated inattention to duty. Accordingly, the Board finds that the Superintendent has carried his burden of showing that Respondent violated Rule 10.

12. Sergeant Alex Wolinski, Star No. 2605, is **guilty** of violating Rule 11, "Incompetency or inefficiency in the performance of duty," in that the Superintendent proved by a preponderance of the evidence the following charges set forth in Specification No. 8:

- a. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to intervene in the disrespectful treatment of Anjanette Young in connection with the execution of a search warrant at her residence, in violation of Department policy, including General Order GO2-01 and Special Order SO4-19;
- b. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski approved and/or caused and/or directed and/or facilitated and/or oversaw the execution of a search warrant without adhering to the Knock and Announce Rule prior to executing the warrant;
- c. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to promptly present a copy of a search warrant to the occupant, Anjanette Young, during the execution of the search warrant at her residence, in violation of Department policy, including Special Order SO4-19;
- d. On or about February 21, 2019, while on duty and acting as the supervising sergeant, Sergeant Wolinski failed to inform and/or consult and/or notify and/or contact and/or attempt to contact a SWAT team supervisor in connection with the execution of a search warrant at Anjanette Young's residence, in violation of Department policy, including Special Order SO4-19; and

See the findings set forth in Section Nos. 4 through 11 above, which are incorporated herein by reference. Based on those same findings, the Board finds that Respondent demonstrated incompetency and inefficiency in the performance of duty. Accordingly, the Board finds that the Superintendent has carried his burden of showing that Respondent violated Rule 11.

Disciplinary Action

13. The Police Board considered the facts and circumstances of Respondent's conduct, the evidence presented in mitigation, and Respondent's complimentary and disciplinary histories.

Respondent presented four mitigation witnesses, as well as 76 letters from individuals attesting to his good character, professionalism, and compassion. The first mitigation witness, a sergeant that Respondent met at the executive training program, noted that Respondent has a "good heart," testified to Respondent's integrity, and described the support Respondent gave him while his mother was dying. A second witness, a CPD sergeant currently assigned to the Bureau of Internal Affairs, described Respondent as a "true friend," "loving father," and a hardworking, dedicated police officer. A third witness, a CPD commander who supervised Respondent, described Respondent as a "great supervisor" and "good leader" that always worked to train and teach his fellow police officers. The fourth witness, a retired commander, noted that Respondent has a "strong work ethic" and described Respondent as "calm," "honest and trustworthy," and "ethical."

The Board also considered Respondent's complimentary and disciplinary histories. Since joining CPD in 2002, Respondent has earned 150 total awards, including 19 department commendations, 3 special commendations, 98 honorable mentions, and 3 police officer of the month awards. There are no sustained complaints on his disciplinary history report.

Nevertheless, after thoroughly considering Respondent's evidence in mitigation, the Board

finds that his accomplishments as a police officer and the mitigation witnesses' and letter writers' positive evaluations of him do not mitigate the seriousness of his misconduct.

As the supervising officer, Respondent not only had a duty to be vigilant in following all Department rules and policies, but also was responsible for leading the officers under his command. As stated in the Department's Rules and Regulations, supervisors such as Respondent have a duty to provide leadership and "have the responsibility to influence subordinate members and to motivate them to perform at a high level of efficiency. They have the responsibility for the performance of all subordinates placed under them and while they can delegate authority and functions to subordinates, they cannot delegate responsibility. They remain answerable and accountable for failure or inadequacies on the part of their subordinates." (CPD Rules and Regulations, IV.B.)

When officers under Respondent's command entered Ms. Young's residence, some of the officers almost immediately recognized how sensitive the situation was. Ms. Young was naked and deserved to be clothed. Within 90 seconds, the officers cleared the residence. But Ms. Young was not allowed to get dressed. Very quickly, some of the officers realized they had either a faulty warrant or were at the wrong residence. And yet, Ms. Young remained trapped, handcuffed and naked in front of a group of men. It took the officers *ten minutes* to get her clothed. At the *very least*, Ms. Young was entitled to be presented with the search warrant. And yet, Respondent waited nearly 20 minutes to present the warrant to her, ignoring attempts by other officers to help deescalate the situation.

Respondent was an officer in leadership. But when Respondent needed to lead, he failed to do so. The Board recognizes that the situation was challenging. Emotions became understandably heightened. But Respondent repeated the same actions, over and over, and those

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actions did nothing to deescalate the situation. Respondent did nothing to address the fact that Ms. Young was naked and helpless. He ignored her repeated pleas for clothing, to see the warrant, for a telephone call. In fact, Respondent disregarded the reasonable actions and suggestions of some of the officers under his supervision, who recognized and tried to address the issues that were making Ms. Young act with such emotion and fear. And while Respondent repeated the same ineffective de-escalation techniques, the other officers remained in “limbo,” awaiting direction. While Respondent figured out how to address the situation—and ignored Ms. Young’s very basic requests—Ms. Young was treated as an afterthought, less than human.

It bears repeating: Ms. Young stood helpless for nearly ten minutes, naked and handcuffed, in front of a group of male officers. While Ms. Young was suffering, Respondent’s officers dawdled. They took pictures of the scene and put away their equipment. They played with her dog. Not one appeared threatened. During the search of Ms. Young’s residence, Respondent failed, in nearly every way, to adequately discharge the duties of his office and lead his fellow officers. The resulting image is horrific.

Here, the rule violations by and failures of Respondent brought discredit upon the Chicago Police Department and undermined its mission. Effective law enforcement depends upon a high degree of cooperation between the police department and the public it serves. Conduct such as Respondent’s fosters public distrust and a lack of confidence in the integrity of the Chicago Police Department, thereby significantly harming the Department’s efforts to achieve the important goals of preventing crime, preserving the public peace, identifying and arresting those who commit crimes, and promoting respect and cooperation of all Chicagoans for the law and those sworn to enforce it.

“An officer's violation of a single rule has long been held to be a sufficient basis for

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termination.” *Siwek v. the Police Board*, 374 Ill. App. 3d 735, citing *Kinter v. Board of Fire Police Commissioners*, 194 Ill. App. 3d 126, 134 (1990); *King v. City of Chicago*, 60 Ill. App. 3d 504, 508 (1978); *Moriarty v. Police Board of the City of Chicago*, 7 Ill. App. 3d 978, 982 (1972). Respondent’s multiple rule violations and failure of leadership in this case were so serious as to be incompatible with continued service as a sergeant and warrant his discharge from the Chicago Police Department.

The Board finds that Respondent’s conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for him to no longer occupy his office.

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POLICE BOARD DECISION

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of the proceedings, viewed the video recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 8 in favor (Ghian Foreman, Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Jorge Montes, and Andreas Safakas) to 0 opposed, the Board finds Respondent **guilty** of the charges set forth in Specification Nos. 1 through 8, as set forth above.

As a result of the foregoing and for the reasons set forth in Section No. 13 above, the Board, by a vote of 5 in favor (Foreman, Wolff, Carr-Favors, Cusack, and Montes) to 3 opposed (Block, Doorley, and Safakas), hereby determines that cause exists for discharging Respondent from his position with the Department of Police and from the services of the City of Chicago.

NOW THEREFORE, IT IS HEREBY ORDERED that Sergeant Alex Wolinski, Star No. 2605, as a result of having been found guilty of all charges in Police Board Case No. 21 PB 3000, be and hereby is discharged from his position as a sergeant with the Department of Police and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Aja Carr-Favors, Mareilé Cusack, and Jorge Montes.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF JUNE, 2023.

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Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

We find Respondent guilty of all charges but respectfully dissent from the majority's decision on discipline. Respondent clearly failed in his role as a supervisor and violated several CPD rules and policies. His misconduct on this occasion had serious and traumatic consequences, and it warrants severe discipline. We do not believe, however, that it warrants dismissal. Respondent certainly lacked control over the situation: officers breached the door when they should not have; officers stood around waiting for direction after the residence was cleared; Ms. Young's repeated pleas went unaddressed. But it is easy to see why Respondent lost control of the situation. The scene was chaotic from the outset and spiraled quickly from there. Respondent attempted to deescalate the situation, but the skills he had were inadequate to do so. These were serious failures, and Ms. Young is the one who suffered. But with additional training Respondent likely would have treated the situation very differently today. We therefore cannot say that his continued service would be detrimental to the Department.

Taking all of the evidence into account, we find that a very lengthy suspension without pay is more appropriate disciplinary action in this case.

STEVEN BLOCK

NANETTE DOORLEY

ANDREAS SAFAKAS

RECEIVED A COPY OF
THESE FINDINGS AND DECISION
THIS ____ DAY OF _____, 2023.

FRED L. WALLER
Interim Superintendent of Police