

Charges Filed with the Police Board

The following charges have been filed with the Police Board by the Superintendent of Police. The public is reminded that the filing of charges is not evidence of guilt. The accused officer is presumed innocent and is entitled to a fair hearing at which the Superintendent has the burden of proving guilt by a preponderance of the evidence.

CHARGES AGAINST
POLICE OFFICER THOMAS SHERRY

Officer Thomas Sherry, Star Number 14103, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 14: Making a false report, written or oral.

1. On or around July 27, 2004, at 3930 N California Avenue, Chicago IL, Officer Thomas Sherry, Star No. 14103, illegally searched the residence of Anthony Castro without a search warrant or valid consent to search, thereby:
 - a. Engaging in the violation of a law or ordinance, in that it violated the 4th Amendment to the United States Constitution and the 4th Amendment of the Constitution of the State of Illinois, in violation of Rule 1; and/or,
 - b. Engaging in an action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department, in violation of Rule 2; and/or,
 - c. Failing to promote the Department's efforts to implement its policy or accomplish its goals, in violation of Rule 3; and/or,
 - d. Disobeying an order or directive, including Special Order S01-7, in violation of Rule 6, which was in effect on July 27, 2004.

2. On or around July 27, 2004, after the arrest of Anthony Castro, Officer Thomas Sherry, Star No. 14103, excessively detained Anthony Castro in a police vehicle from approximately 1600 hours to 2200 hours, thereby:
 - a. Engaging in the violation of a law or ordinance, in that it violated the 4th Amendment to the United States Constitution, the 4th Amendment of the Constitution of the State of Illinois, in violation of Rule 1; and/or,

- b. Engaging in an action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department, in violation of Rule 2; and/or,
 - c. Disobeying an order or directive, namely G02-03, Addendum 1, in violation of Rule 6, which was in effect on July 27, 2004.
 3. On or around July 27, 2004, at 2217 N Harlem Avenue, Chicago IL, Officer Thomas Sherry, Star No. 14103, unlawfully entered the residence of Jose Hermosillo and illegally searched said residence without a search warrant or valid consent to search, thereby:
 - a. Engaging in the violation of a law or ordinance, in that it violated the 4th Amendment to the United States Constitution and the 4th Amendment of the Constitution of the State of Illinois, in violation of Rule 1; and/or,
 - b. Engaging in an action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department, in violation of Rule 2; and/or,
 - c. Failing to promote the Department's efforts to implement its policy or accomplish its goals, in violation of Rule 3; and/or,
 - d. Disobeying an order or directive, including Special Order S01-7 in violation of Rule 6, which was in effect on July 27, 2004.
 4. On or around July 27, 2004, Officer Thomas Sherry, Star No. 14103, authored and submitted a false and/or misleading original case report (HK520087) stating, among other falsehoods, that officers had received information that Hermosillo would be transporting narcotics and set up surveillance of his residence, when in fact they were not searching for Hermosillo but were searching for someone named "Dre" or "Andre,"; and/or stating that suspect narcotics had been recovered when Hermosillo dropped a Nike shoe box containing suspect narcotics upon encountering officers Sherry and Finnigan, when in fact those suspect narcotics and the Nike shoe box were not recovered from Jose Hermosillo but from the residence of Anthony Castro; and/or failing to document the search of Hermosillo's residence, thereby:
 - a. Engaging in an action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department, in violation of Rule 2; and/or,
 - b. Making a false report, written or oral, in violation of Rule 14.
 5. On or around July 27, 2004, Officer Thomas Sherry, Star No. 14103, authored and submitted a false and/or misleading arrest report of Jose Hermosillo (CB15894756) stating, among other falsehoods, that suspect narcotics had been recovered when Hermosillo dropped a Nike shoe box containing suspect narcotics upon encountering officers Sherry and Finnigan, when in fact those suspect narcotics and the Nike shoe box were not recovered from Jose Hermosillo but

from the residence of Anthony Castro; and/or failing to document the search of Hermosillo's residence, thereby:

- a. Engaging in an action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department, in violation of Rule 2; and/or,
 - b. Making a false report, written or oral, in violation of Rule 14.
6. On or around July 27, 2004, Officer Thomas Sherry, Star No. 14103, authored and submitted a false and/or misleading inventory report (10379257) stating, among other falsehoods, that officers had recovered the narcotics from arrestee Jose Hermosillo on or around 2217 North Harlem Avenue in Chicago, when in fact the narcotics were not recovered from Jose Hermosillo but were recovered from the residence of Anthony Castro, thereby:
- a. Engaging in an action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department, in violation of Rule 2; and/or,
 - b. Disobeying an order or directive, including Special Order S98-13 in violation of Rule 6, which was in effect on July 27, 2004; and/or,
 - c. Making a false report, written or oral, in violation of Rule 14.
7. On or about July 27, 2004, Officer Thomas Sherry, Star No. 14103, failed to promptly notify the Department of misconduct by Jerome Finnigan, Keith Herrera, and/or John Hurley and/or the other officers associated with the arrests of Anthony Castro and Jose Hermosillo, including but not limited to searching without a valid warrant or consent to search; and/or arresting Jose Hermosillo for possession of narcotics when in fact those narcotics had been recovered from the residence of Anthony Castro and not Jose Hermosillo; and/or recovering narcotics and failing to properly inventory them; thereby:
- a. Engaging in an action or conduct which impedes the Department's efforts to achieve its policy and/or goals and/or brings discredit upon the Department, in violation of Rule 2; and/or,
 - b. Failing to report promptly to the Department any information concerning any crime or other unlawful action, in violation of Rule 21; and/or,
 - c. Failing to report to the Department any violation of Rules and Regulations and any other improper conduct which is contrary to the policy, orders, or directives of the Department.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Thomas Sherry, Star Number 14103, be discharged from the Chicago Police Department.



DAVID BROWN
Superintendent of Police

APPROVED AS TO FORM



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PLLC
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POLICE BOARD
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