

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

Date/Time/Location of Incident:	September 26, 2017 / 11:39 pm / ██████████ Chicago, IL.
Date/Time of COPA Notification:	September 29, 2017 / 11:52 am
Involved Officer #1:	PO ██████████ / Star # ██████████ / Employee # ██████████ Date of Appointment: ██████████ 1997 / PO / ██████████ DOB: ██████████, 1974 / Male / White
Involved Officer #2:	PO ██████████ Star # ██████████ / Employee # ██████████ Date of Appointment: ██████████, 2005 / PO / ██████████ DOB: ██████████, 1969 / Female / Hispanic
Involved Individual #1:	██████████ / DOB: ██████████ 1998 / Male / Hispanic
Case Type:	Search and Seizure

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer ██████████	It is alleged that, on September 26, 2017, at or about ██████████ you entered into the complainant’s home without justification.	<b>UNFOUNDED</b>
Officer ██████████	It is alleged that, on September 26, 2017, at or about ██████████ you entered into the complainant’s home without justification.	<b>UNFOUNDED</b>

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

## II. SUMMARY OF EVIDENCE<sup>2</sup>

Complainant, Mr. ██████████ (herein referred to as ██████████) was interviewed by the Independent Police Review Authority (IPRA) on October 6, 2017. ██████████ expressed that two officers, Officer ██████████ and Officer ██████████ entered his home without cause. ██████████ stated that he was not home during the time of this incident; however, his housemates<sup>3</sup> were present. According to ██████████ his house is under foreclosure and his neighbors have called the police in the past to complain about their occupancy. On September 26, 2017, the officers opened the storm door and entered the home without permission.

On September 26, 2017 at approximately 11:39 pm Officers ██████████ and ██████████ were dispatched to ██████████ for a noise complaint. When they arrived, the officers knocked and observed a group of individuals playing video games and listening to loud music. Officer ██████████ and Officer ██████████ asked the individuals to turn down the music and the individuals complied. The individuals were able to provide identification and proof that they resided in the home. The officers reported no observations of any illegal activities in the home. Officer ██████████ observed “an empty house with a TV and couch.” Officer ██████████ and Officer ██████████ did not issue any citations and closed the event reporting no issues. Officer ██████████ and Officer ██████████ denied searching the home. Officers stated during interviews with COPA, if they entered in the home, it was only a couple steps into the entryway to check identification of the individuals.

## 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;
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. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence

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<sup>2</sup> COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

<sup>3</sup> COPA attempted to interview housemates: ██████████ and ██████████. Attempts were made via phone calls and certified letters. All attempts were unsuccessful.

when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the 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. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

#### IV. ANALYSIS AND CONCLUSION

The versions of the event vary in some degree. ██████ claims that the officers forced entry into his home but made no complaint of any illegal search. In contrast, the officers stated that they simply asked the music to be lowered and verified the individuals had a right to be present. COPA finds that the evidence is clear and convincing that Officer ██████ and Officer ██████ did not unlawfully enter ██████ home. First, ██████ version of events cannot be verified. ██████ admitted he was not present when the alleged incident occurred, and his housemates refused to provide statements. No video, body worn cameras or any independent testimonial evidence exists to support ██████ version. Additionally, the Officers provided credible statements that were supported by the timelines and facts established by the event query.

In sum, COPA finds that there is clear and convincing evidence to find the allegation against Officer ██████ is **Unfounded**. COPA therefore finds the allegation against Officer ██████ is **Unfounded**.

Approved:

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	████████████████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten