

SUPLIMENTAL SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 20, 2017
Time of Incident:	4:15 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	November 20, 2017
Time of COPA Notification:	10:00 PM

This investigation originated on November 20, 2017, after Chicago Police Officers executed a search warrant at [REDACTED]. The initial investigation closed at COPA on May 20, 2019. COPA received a letter¹ from the Public Safety Office of Inspector General noting the existence of BWC that had not been referenced in COPA’s original investigation. The lack of the BWC was the basis for one of COPA’s findings.

The following COPA Supplemental Summary report does not repeat information contained in the original summary report, but only includes evidence that substantially changes the findings in the original report.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 1999, Sergeant of Police, [REDACTED] District, Date of Birth: [REDACTED] 1970, Male, Hispanic
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2013, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1988, Male, Hispanic
Involved Officer #3:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2015 Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1980, Male, Hispanic
Involved Officer #4:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2006 Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1973, Male, White
Involved Officer #5:	

¹ Attachment 54

[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2016, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1986, Female, Hispanic
 Involved Individual #1: [REDACTED] Date of Birth: [REDACTED] 1960, Female, Hispanic
 Involved Individual #2: [REDACTED] Date of Birth: [REDACTED] 1984, Male, Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	3. Failed to initiate your Body Worn Camera (BWC) at the beginning of the incident, in violation of Rule 6.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Prohibits violation of any law or ordinance.
2. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. **Rule 3:** Prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
5. **Rule 22:** Prohibits failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Special Orders

1. **S03-14:** Body Worn Cameras.

Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION²

This COPA investigation originated from a complaint that during the execution of a search warrant at [REDACTED] apartment, officers improperly entered and searched the [REDACTED] apartment. COPA originally determined that Officer [REDACTED] failed to activate his BWC in accordance with CPD policy.

a. Digital Evidence

Body Worn Camera (BWC) and In Car Camera (ICC) was obtained pertaining to the events of November 20, 2017.³

Officer [REDACTED]

Upon review it was determined that Officer [REDACTED] initiated his BWC at 22:03:36Z⁴, Officer [REDACTED] turned his BWC off at approximately 22:40:18Z. The BWC depicts approximately 37 uninterrupted minutes of police activity from driving to the location through entry and search of the property.

Additionally, Officer [REDACTED] initiated his BWC at approximately 4:40 PM, as he was taking photos of the first-floor right/front unit. At about 4:41 PM, [REDACTED] stated she wanted a copy of the warrant and Sergeant [REDACTED] agreed. Officer [REDACTED] turned his BWC off at approximately 4:42 PM.

VI. LEGAL STANDARDS

a. Potential findings and standards of review

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

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachment 19 and Attachment 53

⁴ AXON body cameras record in Zulu time which is a standardized time that does not change with daylight savings. The time in Chicago was approximately 4:03:36 through 4:40:18

- 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.⁵ 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.⁶ 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."⁷

VII. ANALYSIS

Allegation 3 against **Officer [REDACTED]** that he failed to initiate his Body Worn Camera (BWC) at the beginning of the incident, is **Exonerated**. Officer [REDACTED] BWC was activated and on for the duration of the police encounter.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	3. Failed to initiate your Body Worn Camera (BWC) at the beginning of the incident, in violation of Rule 6.	Exonerated

Approved:

[REDACTED]

7-29-2019

Sydney Roberts
Chief Administrator

Date

⁵ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not).

⁶ See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁷ *Id.* at ¶ 28.

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	██
Deputy Chief Administrator:	Angela Hearts-Glass █