

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 22, 2019 at approximately 11:20AM
Date/Time of COPA Notification:	March 22, 2019 at approximately 12:30PM
Involved Officer #1:	Sergeant [REDACTED], Star# [REDACTED], Employee ID# [REDACTED], Date of Appointment: [REDACTED], 2000, Unit of Assignment: [REDACTED] District, DOB: [REDACTED], 1977, Male, White
Involved Individual #1:	[REDACTED], Male, Black
Case Type:	Search Warrant

I. ALLEGATIONS¹

Officer	Allegation	Finding
Sergeant [REDACTED]	<p>On March 22, 2019, at approximately 11:20AM, at or near [REDACTED], Sergeant [REDACTED] committed misconduct through the follow acts or omissions:</p> <ol style="list-style-type: none"> 1. Following the execution of a search warrant, search team officers under Sergeant [REDACTED] command left the residence located at [REDACTED] in a state of disarray, without justification; and/or 2. Search team officers under Sergeant [REDACTED] command damaged the front and rear doors of the residence located at [REDACTED], without justification. 	<p>Exonerated</p> <p>Not Sustained</p>

¹ Being that Sergeant [REDACTED] was the highest ranked CPD member supervising the execution of the search warrant at [REDACTED], Sergeant [REDACTED] is listed as the accused member.

II. SUMMARY OF EVIDENCE²

Upon a review of the collected evidence, The Civilian Office of Police Accountably (COPA) believes the following most likely occurred.³

This incident involved the Chicago Police Department's ("CPD") execution of a search warrant at [REDACTED], on March 22, 2019, at approximately 11:20 a.m. [REDACTED] ("[REDACTED]"), who resided at the searched residence, was not at home during the warrant's execution. Upon [REDACTED] return to the residence, [REDACTED] discovered that CPD members "kicked" in the front and rear doors of the residence. [REDACTED] alleged that CPD officers damaged those doors without justification and that they left the residence in disarray, i.e., clothes on the floor, food removed from the refrigerator, sofa flipped over. [REDACTED] did not claim any damage beyond what occurred to front and rear doors during the forced entry.

COPA confirmed that the CPD did in fact execute a search warrant at [REDACTED] residence on the date in question and that the assigned search warrant team did, in fact, make forced entries to the front and back doors of the residence.

In a statement given to COPA, Sgt. [REDACTED], who made the rear forced entry, explained that decision by stating to investigators that he heard a noise within the residence which he thought was the sound of a person running to an upstairs residence above the premises, and that he forced the building's rear entry to give chase.

Approximately 35 photographs were taken by the search warrant teams, however, none of the photographs have any documentation indicating whether they were taken before or after the execution of the search warrant. Nevertheless, the photographs do show clothing on a bed(s) and/or about the room(s), dresser drawers removed from the dresser(s) and also placed on the bed(s) and/or about the room, and a small sofa on its side.

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;

²COPA conducted an investigation of this matter, including the interview of reasonably 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, such as this one, are summarized more succinctly in a Modified Summary Report of Investigation.

³ The majority of the evidence in this matter was obtain though in-person interviews with [REDACTED] and the supervising CPD Sergeants, requested documentation, and photographic evidence. Very little of this incident was captured by body-worn camera ("BWC"), as a strong majority of the search team members were not issued a BWC at the time of the event. (Two officers with issued BWCs did initially activate the BWC but turn off the BWC when order to do so by a supervising sergeant. Due to questioning of the supervising Sergeant without a pending allegation regarding BWC use, COPA elected not to bring formal allegations following the Sergeant's interview.)

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 a quantum of evidence indicating that it is more likely than not that the conduct reviewed did or did not comply with a CPD rule. *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). If the evidence gathered in an investigation establishes that it more likely that the conduct did or did not comply with a CPD rule than that it did not, 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 standard, but it requires less certainty than does the “beyond-a-reasonable doubt” standard applicable in criminal cases. *See People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (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.”

IV. ANALYSIS AND CONCLUSION

Allegation 1 – Disarray

CPD Special Order S04-19 requires CPD members to leave a search residence in the same condition as originally found; on the other hand, that same directive also expressly provides that “it is understood that search warrant execution will often result in the premises being left in a disorderly state.” In this instance, ██████ generally complained that officer left dressers open, turned over his sofa, left clothes about the residence, and removed food from the refrigerator. However, and importantly, beyond these displaced items and the damage to the building’s front and rear doors (addressed below), ██████ complained of no further *damage* to his residence. While we do find that ██████ residence was in some state of disarray with various personal items moved and displaced, we also find that that all of his items and the interior of the residence was left the same *condition*. In other words, while CPD members moved ██████ personal items, they did so without damaging them. For these reasons, COPA finds Sgt. ██████ exonerated for allegation 1.

Allegation 2 – Damage to Front and Rear Doors

The residence was unoccupied at the time of the warrant’s execution; this fact alone justifies some sort of forced entry. Therefore, under the circumstances, COPA cannot determine, following a preponderance of the evidence standard, that the search team unreasonably or unnecessarily caused damage. Yet, nor can COPA determine, following a clear and convincing evidence standard, that the search team acted properly in making two forcible entries as opposed to one. For these reasons, COPA reached a finding of Not Sustained for allegation 2.

Approved:



April 7, 2020

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Kersten