

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 28, 2018
Time of Incident:	Approximately 7:00pm
Location of Incident:	10259 S. Michigan (on the street)
Date of COPA Notification:	December 7, 2018
Time of COPA Notification:	2:30pm

On November 28, 2018, at approximately 7:00pm, at or near 10259 S. Michigan, [REDACTED] ([REDACTED] was selling cigarettes while standing outside a business called “Hilltop Liquors.” Officer Androniki Ganczewski, (“Officer Ganczewski”) and her partner, Officer Joel Gordils, (“Officer Gordils”) drove up and questioned [REDACTED] regarding his actions. [REDACTED] stated that Officer Ganczewski searched his backpack without his permission. This search returned two full cartons of cigarettes and five loose packs of cigarettes. [REDACTED] was arrested and transported to the 005th District Station.

The Civilian Office of Police Accountability (“COPA”) investigated and determined that Officer Ganczewski searching [REDACTED] backpack without his permission is false or not factual. Body worn camera (“BWC”) footage depicts that Officer Gordils searched the backpack of [REDACTED]. Though it was Officer Gordils who searched the backpack, COPA finds the search permissible.

II. INVOLVED PARTIES

Involved Officer #1:	Androniki Ganczewski, Star #6177, Employee ID# [REDACTED], Date of Appointment: March 26, 2011 Police Officer, Unit of Assignment: 005 th District, DOB: [REDACTED] 1973, Female, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1970

III. ALLEGATIONS¹

Officer	Allegation	Finding
Officer Androniki Ganczewski	<p>It is alleged by ██████████ that on or about November 26, 2018, at approximately 10:00pm, at or near 10259 S. Michigan, Officer Androniki Ganczewski committed misconduct through the following acts or omissions:</p> <p>1.Searched the backpack of ██████████ without permission.</p>	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules
<ul style="list-style-type: none"> - 4th Amendment to the U.S. Constitution

V. INVESTIGATION²

a. Interviews

██████████

In summary, ██████████ told COPA investigators that on the evening of the incident he was standing at the bus stop when a homeless woman he knew asked him for a cigarette. ██████████ gave the woman the one cigarette he had in his pocket. An unmarked squad car, occupied by Officer Ganczewski and Officer Gordils, pulled up and asked ██████████ what he was doing. ██████████ told Officers Ganczewski and Gordils that he gave the homeless woman a cigarette. Officer Ganczewski searched ██████████ backpack without his consent and discovered one carton of cigarettes and five individual packs of cigarettes. ██████████ was taken into custody by two assisting officers who arrived at the scene and transported ██████████ to the police station.

¹ ██████████ also alleged that an unidentified station Supervisor denied ██████████ medical attention due to anxiety. COPA was unable to identify the station Supervisor.

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 5.

b. Digital Evidence*BWC Footage⁴*

BWC footage depicts Officer Ganczewski and Gordils arrive in civilian dress and confront ██████ Officer Ganczewski accuses ██████ of selling cigarettes in front of the liquor store. Soon thereafter, ██████ makes an admission that he was selling cigarettes. Officer Ganczewski handcuffs ██████ removes his backpack from his back and hands it to Officer Gordils.⁵ Officer Gordils goes inside ██████ backpack. As Officer Ganczewski is about to write ██████ a ticket, Officer Gordils says he discovered two cartons of cigarettes and individual packs of cigarettes inside the backpack. ██████ is ultimately transported to the station for processing.

c. Documentary Evidence*Arrest Report⁶*

The related Arrest Report, CB19735657, documents that Officers Ganczewski and Officer Gordils observed ██████ selling loose cigarettes in exchange for USC to unknown males in front of Hilltop Liquors, via hand to hand transactions. Officer Ganczewski and Officer Gordils conducted an investigatory stop of ██████ and ██████ admitted, on BWC, to selling cigarettes in front of the liquor store. A search revealed that ██████ was in possession of cigarettes. ██████ was taken into custody.

VI. 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 reviewed complied with 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 when it has found to be more probably true than not). If the evidence gathered in an

⁴ Attachment 9.

⁵ The officers obtain ██████ identification from his wallet and his name comes back clear.

⁶ Attachment 6.

investigation establishes that it is more likely that the conduct complied with Department policy 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 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.

VII. ANALYSIS

The evidence indicates that Officer Gordils, not Officer Ganczewski, searched ██████ backpack, following ██████ admission that he was selling cigarettes. Because Officer Gordils and not Officer Ganczewski conducted the search, COPA finds the allegation against Officer Ganczewski unfounded. Furthermore, COPA finds that ██████ admission of illegally selling cigarettes established a legal basis for the arrest of ██████ and the search of ██████ backpack. Therefore, no further allegations were served.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer Androniki Ganczewski	It is alleged by ██████ that on or about November 26, 2018, at approximately 10:00pm, at or near 10259 S. Michigan, Officer Androniki Ganczewski committed misconduct through the following acts or omissions: 1.Searched the backpack of ██████ without justification.	Unfounded

Approved:

████████████████████

August 29, 2020

Andrea Kersten
 Chief of Investigative Operations

 Date

Appendix A

Assigned Investigative Staff

Squad#:	3
Investigator:	Erica Sanders
Supervising Investigator:	Matthew Haynam
Chief of Investigations	Andrea Kersten