

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 3, 2018
Time of Incident:	11:50 am
Location of Incident:	██████████, 2 nd floor
Date of COPA Notification:	June 4, 2018
Time of COPA Notification:	2:25 pm

On the morning of June 3, 2018, ██████████ was in his 2nd Floor apartment watching television when he heard loud noises coming from the back of his apartment. Mr. ██████████ approached the back and observed that an unidentified officer had kicked open the backdoor to his apartment and was pointing his weapon at him.

II. INVOLVED PARTIES

Involved Officer #1:	Francisco Lopez, Star 3212, Employee ID# ██████████, DOA:09/29/10, Police Officer, Unit of Assignment 193, DOB: █/█/91, Male, Hispanic.
Involved Officer #2	Unidentified Officer ██████████, DOB: █/█/64, Male, Black.
Involved Individual #1:	

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Francisco Lopez Officer	1. Kicked open the backdoor and caused damage to the door and frame, in violation of Rule 2.	Unfounded
	2. Pointed his weapon at ██████████, in violation of Rules 38.	Unfounded
Unidentified Officer	1. Kicked open the backdoor and caused damage to the door and frame, in violation of Rule 2.	Not Sustained
	2. Pointed his weapon at ██████████, in violation of Rules 38	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 38: Unlawful or unnecessary use or display of a weapon.
-

V. INVESTIGATION

a. Interviews

In an **interview with COPA**¹ on October 22, 2018, ██████████ related that he owns a two-flat building located at ██████████ and resides on the 2nd floor and the 1st floor apartment is vacant. On June 3, 2018, Mr. ██████████ was in his bedroom which is situated near the rear of his apartment. Mr. ██████████ was watching television while his daughter and granddaughter were in another bedroom that is situated near the front of his apartment. Mr. ██████████ heard loud slamming noises coming from the back of his apartment. Mr. ██████████ got up and observed an officer standing near the backdoor with his weapon pointing at him. Mr. ██████████ placed his hands in the air and asked the officer for an explanation. The officer told Mr. ██████████ that he was looking for somebody. Mr. ██████████ told the officer that he, his daughter and granddaughter were the only persons inside the apartment. The officer said okay and closed the backdoor and walked away. Mr. ██████████ related that the officer caused damage to his door and followed the officer outside and asked him "Who is going to pay for my door?" Mr. ██████████ was told by the officer that he was looking for someone and observed the officer enter a Black SUV with two other plain clothed officers and drive away. Mr. ██████████ said that his daughter did not witness the incident because she was inside her bedroom. Mr. ██████████ said that an Evidence Technician came to his apartment and took photographs² of his damage door. Mr. ██████████ described the officer as a Male Hispanic or "Italian"³ wearing a vest, in plain clothing, 5'11", 220-230 lbs., and about 37 years of age. Mr. ██████████ was asked if there were any other officers present and Mr. ██████████ stated, "No, he was the only one up there."⁴ Mr. ██████████ agreed to come to COPA and was shown three photo lineups⁵ that included officers that were in the vicinity of Mr. ██████████'s residence at the time of the incident. Mr. ██████████ viewed the lineups, but was not able to identify the accused officer, but instead identified an officer that was assigned to another district and watch and was off duty at the time of the incident.

In an **interview with COPA**⁶ on November 1, 2018, **Witness Officer Cesar Perez** related that on June 3, 2018, he and his partner, Officer Francisco Lopez, responded to an assist call. After arriving on the scene, Officer Perez related that he drove through the alley and stopped near the abandoned house. Officer Perez related he stood in the alley to watch guard while Officer Lopez entered the abandon house to assist the officers that were searching the abandoned house at ██████████

¹ Attachment #7, Audio interview of ██████████.

² Attachment #25, Evidence Technician photographs taken of backdoor.

³ Attachment #7, Audio interview of ██████████, 08:16 minute.

⁴ *Id.*, 08:16 minute.

⁵ Attachments #46-48, Photo lineups.

⁶ Attachment 50

█ █. Officer Perez was shown excerpts of Officer Davis's BWC⁷ that captured Officer Lopez inside the abandoned house at █ █. Officer Perez related that he did not have any contact with Mr. █ or have any knowledge of any officer(s) having any contact with Mr. █.

In an interview with COPA⁸ on September 22, 2020, Witness Officer Francisco Lopez related that on June 3, 2018, he and his partner, Officer Cesar Perez, responded to an assist call. Officer Lopez was shown the General Case Incident Report RD# █⁹ and related Officer Daniele Davis was flagged down by a citizen who alleged being held against his will by an unknown offender inside an abandoned house. Officer Lopez was shown excerpts of Officer Daniele Davis' BWC¹⁰ that showed Officer Lopez and Officer Perez arriving at the gas station in a gray Ford Crown Victoria. Officer Perez related that he was sitting in the passenger seat and Officer Lopez was driving when they stopped and spoke to Officer Davis who informed them about the victim. Officer Davis related that she was going to take the victim and attempt to locate the abandoned house where the victim was held. Officer Lopez was shown another excerpt of Officer Davis' BWC¹¹ that showed Officer Davis and Officer Anthony Holcomb arriving on scene and entering █ █. Officer Lopez related that he and Officer Perez drove through the alley and parked behind the abandoned house at █ █. Officer Lopez entered the house and observed graffiti and trash throughout the house and was greeted by Officers Davis and Holcomb who were searching the house. Officer Lopez was not sure but believed that Officer Perez stayed in the alley near the squad car. Officer Lopez was not sure if he entered the abandoned house through back or side entrance. Officer Lopez did not recall stopping at █ █, prior to entering the abandoned house at █ █. Officer Lopez was shown evidence technician photographs¹² that depicted damage to the backdoor entrance door at █ █. After viewing the photographs, Officer Lopez related "Nothing rings a bell to me."¹³ Officer Lopez was again asked if he entered █ █, and responded "No, I do not remember."¹⁴ A search through Evidence.com revealed that Officer Lopez did activate his Body Worn Camera (BWC)¹⁵ and captured Officer Lopez and Officer Perez parking in the alley behind the abandoned house at █ █. Officer Lopez walked toward the side entrance and was greeted by Officers Davis and Holcomb who had already completed their search of the abandoned house and were about to leave. The BWC of Officer Lopez did not capture him and Officer Perez stopping at █ █, or having any encounter with the victim, █. Officer Lopez denied the allegations that he kicked open Mr. █'s entrance backdoor and denied pointing his weapon at Mr. █.

b. Digital Evidence

Body Worn Camera (BWC)¹⁶ video of Officer Daniele Davis (Beat 632) captured her and Officer Anthony Holcomb (Beat 653) arriving at the abandoned house located at █ █

⁷ Attachment #51, Body Worn Camera (BWC) and In-car camera video of Officer Daniele Davis.

⁸ Attachment #61 Audio interview of Officer Francisco Lopez.

⁹ Attachment #53, Original Case Incident Report.

¹⁰ Attachment #51, Body Worn Camera (BWC) and In-car camera video of Officer Daniele Davis., 08:45 minute

¹¹ *Id.*, 16:49 minute.

¹² Attachment #25, Evidence Technician photographs taken of the 2nd floor apartment at █ █.

¹³ Attachment #61 Audio interview of Officer Francisco Lopez, 14:53 minute.

¹⁴ *Id.*, 15:18 minute.

¹⁵ Attachment #64, Body Worn Camera (BWC) of Officer Francisco Lopez.

¹⁶ Attachment #51, Body Worn Camera (BWC) and In-car camera video of Officer Daniele Davis.

St. Officer Davis and Officer Holcomb are both wearing uniforms and are captured entering and searching the abandoned house. Officer Davis is heard requesting a backup unit to come to the alley. While exiting the abandoned house, Officer Davis heard noise and asked who it and Officer Francisco Lopez was (Beat X602) is heard identifying himself. Officer Davis's BWC¹⁷ showed that Officer Lopez was wearing blue jeans, gym shoes and a black police vest. The BWC of Davis did not capture her stopping at [REDACTED] or having any encounter with the victim, [REDACTED].

Body Worn Camera (BWC)¹⁸ video of Officer Anthony Holcomb (Beat 653) captured him and Officer Daniele Davis (Beat 632) arriving at the abandoned house located at [REDACTED] St. Officers Holcomb and Davis are observed entering and searching the abandoned house. Prior to leaving the abandoned house, Officer Francisco Lopez (Beat X602) is observed inside the abandoned house. The BWC of Officer Holcomb did not capture him stopping at [REDACTED] or having any encounter with the victim, [REDACTED].

Body Worn Camera (BWC) videos of Officer Cesar Perez¹⁹ and Francisco Lopez²⁰ captured them responding to an assist call at an abandoned house at [REDACTED]. Officer Perez is the driver and is observed stopping behind the abandoned house. Officer Lopez is followed behind by Officer Perez and are observed walking from the alley toward the side entrance of the abandoned house. Officer Lopez is heard identifying himself to Officer Daniele Davis and Officer Anthony Holcomb who are inside the basement of the abandoned house. Officer Lopez entered the first level of the abandoned house and conducted a brief search. Officer Lopez is observed leaving the first level and Officers Davis, Perez and Holcomb are observed outside the side entrance of the abandoned house. The BWC of Officer Perez and Officer Lopez did not capture them stopping at [REDACTED] or having any encounter with the victim, [REDACTED].

The **Crime Processing Report²¹ and Evidence Technician photographs²²** revealed damage to the backdoor of Mr. [REDACTED]'s 2nd floor apartment.

c. Documentary Evidence

Three Photo lineup²³ of officers were shown to Mr. [REDACTED] who described the accused officer as being a Male White or Male Hispanic. Mr. [REDACTED] agreed to come to COPA and was shown three lineups that included officers that were in the vicinity of Mr. [REDACTED]'s residence. Mr. [REDACTED] identified an officer that was off duty at the time and was assigned to another district and watch.

¹⁷ *Id.*, 22:30 minute.

¹⁸ Attachment #65, Body Worn Camera (BWC) of Officer Anthony Holcomb.

¹⁹ Attachment #63, Body Worn Camera (BWC) of Officer Cesar Perez.

²⁰ Attachment #64, Body Worn Camera (BWC) of Officer Francisco Lopez.

²¹ Attachment #11, Crime Processing Report.

²² Attachment #25, Evidence Technician photographs taken of the 2nd floor apartment at [REDACTED].

²³ Attachments #43-48, Photo lineups.

The **Original Case Incident Report**²⁴ and **Case Supplementary Report**²⁵ for ██████████, authored by Detective Rachel Krass described the victim, ██████████ being stopped at gunpoint by unknown offenders who escorted him into an abandoned house located at ██████████ St. Mr. ██████████ was robbed of his money and personal items and was forced to change his social media password so that the offenders could gain access. Responding officers toured the area and searched the abandoned house with negative results.

CPD Event Query Report #1815406502²⁶ indicated that a 911 made to report that Mr. ██████████ was escorted at gunpoint to an abandoned house where he was robbed.

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 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 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.

²⁴ Attachment #52, Original Case Incident Report, ██████████.

²⁵ Attachment #53, Case Supplementary Report, ██████████.

²⁶ Attachment #13, CPD Event Query #1815406502.

VI. ANALYSIS

A review of police reports, GPS, BWC and In-car camera video showed Officer Daniele Davis (Beat #632), Officer Anthony Holcomb (Beat #653) and Officers Perez and Lopez (Beat X602) responding to an abandoned house located at [REDACTED]. The entire incident was captured on the Body Worn Camera (BWC) of Officers Davis²⁷, Holcomb²⁸, Perez²⁹ and Lopez³⁰. The video showed that Officers Davis, Holcomb, Perez and Lopez did not stop at [REDACTED], or have any contact with Mr. [REDACTED]. Officer Lopez was presented with the allegation that he kicked open Mr. [REDACTED]'s backdoor. Officer Lopez denied the allegation and the BWC clearly revealed that Officer Lopez had no encounter with Mr. [REDACTED]. Therefore, **Allegation #1, against Officer Francisco Lopez, must be Unfounded.** Officer Lopez was also presented with the allegation that he pointed his weapon at Mr. [REDACTED]. Officer Lopez also denied the allegation and the BWC clearly revealed that Officer Lopez had no encounter with Mr. [REDACTED]. Therefore, **Allegation #2, against Officer Francisco Lopez, must be Unfounded.**

Mr. [REDACTED] described the accused officer as being Male White or Male Hispanic. Mr. [REDACTED] agreed to come to COPA and was shown three photo lineups³¹ that included officers that were in the vicinity of Mr. [REDACTED]'s residence. Mr. [REDACTED] identified an officer that was assigned to another district, watch and was off duty at the time of the incident. Due to the lack of evidence and the inability for Mr. [REDACTED] to identify the accused officer therefore, **Allegations #1-2 against Unidentified Officer is Not Sustained.**

VII. CONCLUSION

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

	Allegation	Finding / Recommendation
Francisco Lopez	1. On June 4, 2018, at approximately 11:50 am, at [REDACTED], 2 nd floor, Officer Lopez kicked open Mr. [REDACTED]'s apartment backdoor and caused damage to it, in violation of Rule 2.	Unfounded
	2. On June 4, 2018, at approximately 11:50 am, at [REDACTED], 2 nd floor, Officer Lopez pointed his weapon at [REDACTED], in violation of Rules 38.	Unfounded

²⁷ Attachment #51, Body Worn Camera (BWC) of Officer Daniele Davis.
²⁸ Attachment #65, Body Worn Camera (BWC) of Officer Anthony Holcomb.
²⁹ Attachment #63, Body Worn Camera (BWC) of Officer Cesar Perez.
³⁰ Attachment #64, Body Worn Camera (BWC) of Officer Francisco Lopez.
³¹ Attachments #43-48, Photo lineups.

Unidentified Officer	1. On June 4, 2018, at approximately 11:50 am, at [REDACTED] [REDACTED], 2 nd floor, Officer Lopez kicked open Mr. [REDACTED]'s apartment backdoor and caused damage to it, in violation of Rule 2. 2. On June 4, 2018, at approximately 11:50 am, at [REDACTED] [REDACTED], 2 nd floor, Officer Lopez pointed his weapon at [REDACTED], in violation of Rules 38.	Not Sustained Not Sustained
-------------------------	---	------------------------------------

Approved:

[REDACTED]

4-27-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator	Roberto Soto
Supervising Investigator	Andrew Dalkin
Deputy Chief	Angela Hearts-Glass