

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	November 16, 2018 / 12:11 p.m. / ██████████ ██████████, Chicago IL 60624.
Date/Time of COPA Notification:	October 8, 2020 / 1:53 a.m.
Involved Detective #1:	Detective Salvatore Aloisio, Star #20082, Employee ID# ██████████, DOA: October 17, 2011, Unit: 610, Male, White.
Involved Detective #2:	Detective Mark Lapadula Star #21158, Employee ID# ██████████, DOA: April 30, 2007, Unit: 610, Male, White.
Involved Officer #3:	Detective Joseph Merkel, Star #21015, Employee ID# ██████████ DOA: August 31, 1998, Unit: 610, Male, White.
Involved Individual #1:	██████████ Male, Black
Case Type:	Improper Search

**I. ALLEGATIONS**

Officer	Allegation	Finding
Detectives Salvator Aloisio, Mark Lapadula, and Joseph Merkel	1. Searched ██████████ residence, without justification.	Exonerated.

**II. SUMMARY OF EVIDENCE**

On November 16, 2018, at approximately 2:11 p.m. ██████████ was taken into custody by members of the Chicago Police Department. He was arrested and charged with first degree murder. ██████████ was transported to Area 1 for further investigation. Upon arrival at the area, ██████████ provided a post Miranda statement related to his involvement in the homicide. After his statement, Det. Joseph Merkel sought and obtained a search warrant for ██████████, Chicago, IL 60624.<sup>1</sup>

Upon obtaining the search warrant the Accused, Dets. Merkel, Mark Lapadula and Salvator Aloisio, responded to the location and completed a search. During the search the Accused recovered evidence from the location.

<sup>1</sup> Att. 9.

In a *Pro Se* Civil Complaint ██████ alleged the Accused unlawfully entered his home.

**Search Warrants 18SW ██████<sup>2</sup> and 18SW ██████<sup>3</sup>** were approved on November 16, 2018. at The warrants permitted officers to seize ██████ DNA biological samples and to search ██████. ██████ Chicago 60624 and seize all evidence located within any room that will assist in the homicide investigation of ██████.

### 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.<sup>4</sup> 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.<sup>5</sup> 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."<sup>6</sup>

### IV. ANALYSIS AND CONCLUSION

After careful consideration of all the facts, COPA finds that it is highly and substantially more probable to be true than not that probable cause existed that warranted a search of ██████

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<sup>2</sup> Attachment No. 5

<sup>3</sup> Attachment No. 9

<sup>4</sup> *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).

<sup>5</sup> *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>6</sup> *Id.* at ¶ 28.

residence. Accordingly, COPA finds that the search warrant was not lacking and this allegation is **EXONERATED**.

Approved:



10/12/2021

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Matthew Haynam  
*Deputy Chief Investigator*

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	14
<b>Investigator:</b>	Emmily Stokes
<b>Supervising Investigator:</b>	Garrett Schaaf
<b>Deputy Chief Administrator:</b>	Matthew Haynam