

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 18, 2019
Time of Incident:	5:36 pm
Location of Incident:	██
Date of COPA Notification:	March 18, 2019
Time of COPA Notification:	6:35 pm

██████████ related that she was in her garden apartment when she heard footsteps and someone yelling police. Ms. ██████████ walked out of her apartment and discovered three police officers, now known as FTO Raymond Lockett, Officer Kevin Alvarez and Officer William Barker inside the inner hallway. At that time, Officer Alvarez and Officer Barker were both Probationary Police Officers. FTO Lockett told Ms. ██████████ that they were looking for someone named ██████████ or ██████████. Ms. ██████████ told the officers that no one with that name lived there. Ms. ██████████ observed the front gate open, and the entrance door being held open with a broom and asked the officers how they got inside. Ms. ██████████ was told by FTO Lockett that the doors were open already. Ms. ██████████ related that the building has a security camera system and provided copies to COPA of the video showing FTO Lockett reaching over the gate and using a tool to unlock the latch. Ms. ██████████ was upset that FTO Lockett lied to her and had entered through two locked doors to enter her property without notification or permission. Ms. ██████████ believes the officers should have apologized and had asked for consent to enter her building. Ms. ██████████ was informed by her landlord that ██████████ did reside in the building, but over seven years ago. Ms. ██████████ felt if the officers were trying to arrest someone, they should have made sure they live there before they illegally entered her building.

II. INVOLVED PARTIES

Involved Officer #1:	Raymond Lockett, Star 17461, Employee ID# ██████████, DOA:5/01/13, Field Training Officer, Unit of Assignment 020, DOB: ██████████/82, Male, Black.
Involved Officer #2:	Kevin Alvarez, Star 14860, Employee ID# ██████████, DOA:7/27/18, Officer, Unit of Assignment 025, DOB: ██████████ 92, Male, White Hispanic.
Involved Officer #3:	William Barker, Star 5037, Employee ID# ██████████, DOA:7/27/18, Officer, Unit of Assignment 024, DOB: ██████████ 91, Male, White.
Involved Individual #1:	██████████ DOB: ██████████/75, Female, White.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
FTO Raymond Lockett	1. It is alleged that on March 18, 2019, FTO Raymond Lockett used a pocketknife to unlocked Ms. [REDACTED] front gate and entered her property without justification, in violation of Rules 1 and 6.	Sustained 10 days
	2. It is alleged that on March 18, 2019, FTO Raymond Lockett entered the building/residence without justification, in violation of Rule 1.	Sustained 10 days
	3. It is alleged that on March 18, 2019, FTO Raymond Lockett failed to activate his Body Worn Camera (BWC) during the incident, in violation of Rule 6.	Unfounded
Officer Kevin Alvarez	1. It is alleged that on March 18, 2019, Officer Kevin Alvarez used a pocketknife unlocked Ms. [REDACTED] front gate without justification, in violation of Rule 1.	Unfounded
	2. It is alleged that on March 18, 2019, Officer Kevin Alvarez entered the building/residence without justification, in violation of Rule 1.	Unfounded
	3. It is alleged that on March 18, 2019, Officer Kevin Alvarez failed to report misconduct by FTO Raymond Lockett who used a pocketknife to unlock the front gate and enter Ms. [REDACTED] property without justification, in violation of Rule 6.	Unfounded
Officer William Barker	1. It is alleged that on March 18, 2019, Officer William Barker failed to activate his Body Worn Camera (BWC) during the incident, in violation of Rule 6.	Unfounded
	2. It is alleged that on March 18, 2019, Officer William Barker gave his pocketknife to FTO Raymond Lockett who used it to unlock the front gate and entered Ms. [REDACTED] property without justification, in violation of Rule 1.	Unfounded
	3. It is alleged that on March 18, 2019, Officer William Barker provided a pocketknife to FTO Raymond Lockett at his request and knew or should have known that FTO Lockett would subsequently use	Unfounded

	<p>said pocketknife to unlock Ms. ██████ front gate without justification, in violation of Rule 1.</p> <p>4. It is alleged that on March 18, 2019, Officer William Barker entered the building/residence without justification, in violation of Rule 1.</p> <p>5. It is alleged that on March 18, 2019, Officer William Barker failed to report misconduct by FTO Raymond Lockett who used a pocketknife to unlock the front gate and enter Ms. ██████ property without justification, in violation of Rule 6.</p>	<p>Unfounded</p> <p>Unfounded</p>
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: 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: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
4. Rule 6: Disobedience of an order directive, whether written or oral

General Orders

1. GO 08-01-02, Specific Responsibilities Regarding Allegations of Misconduct.¹

Special Orders

1. SO 04-16, Investigative Alerts.²
2. SO 06-12-02, Non-Traffic Arrest Warrant Procedures.³
3. SO 11-02, Field Training and Evaluation Program.⁴

Legal Bulletin

1. 2019-06, Investigative Alerts with Probable Cause Declared Unconstitutional: Impact of the Illinois Appellate Court Opinion in *People v. Bass*.⁵

¹ Attachment #67, GO 08-01-02, Specific Responsibilities Regarding Allegations of Misconduct.

² Attachment #59, SO 04-16, Investigative Alerts.

³ Attachment #60, SO 06-12-02, Non-Traffic Arrest Warrant Procedures

⁴ Attachment #53, SO 11-02, Field Training and Evaluation Program.

⁵ Attachment #61, Legal Bulletin, 2019-06, Investigative Alerts with Probable Cause Declared Unconstitutional: Impact of the Illinois Appellate Court Opinion in *People v. Bass*.

V. INVESTIGATION

a. Interviews

In an **interview with COPA**⁶, on March 25, 2019, ██████████ related that she was working from her garden apartment when she heard someone yelling “Police” and footsteps coming from above her apartment. She walked up the stairs and discovered three officers, now known as FTO Raymond Lockett, Officer Kevin Alvarez and Officer William Barker, inside the inner hallway. Ms. ██████████ was informed by the officers that they were looking for someone, now known as ██████████. Ms. ██████████ informed the officers that no one with that name lived there and provided the names of the current tenants. Ms. ██████████ observed the front gate open, and the entrance door being held open with a broom. Ms. ██████████ asked the officers how they get inside, and FTO Lockett told Ms. ██████████ that the doors were already open. After the officers left, Ms. ██████████ informed her landlord about what took place with the officers. Ms. ██████████ related that the building security camera system is set to operate on motion detection. Ms. ██████████ provided a copy of the security video which showed FTO Lockett reaching over the gate and using a tool, now known as a pocketknife, to unlock the gate. The video showed FTO Lockett approaching the building entrance door and entering through the door. Ms. ██████████ related that the officers entered the building without knocking and made force entry through both doors without permission. Ms. ██████████ is fully aware of the consent decree and that the officers lied and had no authority to enter the property without notification or permission. She felt that the officers should have apologized and asked for consent when she addressed them on it and, that if the officers were trying to arrest someone, they should have made sure they live there before they illegally entered the residence unannounced. Ms. ██████████ was informed by the officer that it was an old, listed address. Ms. ██████████ was informed by her landlord that the person the police were looking for had lived there over seven years ago.

In **interviews with COPA** on May 28, 2019⁷ and January 30, 2020⁸, **Field Training Officer (FTO) Raymond Lockett** related that on March 18, 2019, he was assigned to work with Probationary Police Officers Kevin Alvarez and William Barker. It should be noted that Officer Alvarez and Officer Barker are no longer Probationary Police Officers. During the first interview, FTO Lockett was given the allegation that he failed to activate his Body Worn Camera (BWC) during the incident, however a further search revealed that FTO Lockett did activate his BWC. FTO Lockett was interviewed a second time because the allegations he signed during his first interview did not indicate the date, time and location of incident. FTO Lockett was asked to describe some of his training duties as a FTO and stated, “Get them acclimated with what we do on the street, versus what they learned in the academy. And what we do is, we apply my street knowledge with their academy knowledge, and we fuse them together, so they become effective, good and loyal, honest officers with integrity and duty to perform the job successfully and professionally.”⁹ FTO Lockett viewed his Body Worn Camera (BWC) and viewed the BWC of

⁶ Attachment #87, Transcription of ██████████ interviewed on March 25, 2019.

⁷ Attachment #55, 1st Transcription of FTO Raymond Lockett, interviewed on May 28, 2019.

⁸ Attachment #88, 2nd Transcription of FTO Raymond Lockett, interviewed on January 30, 2020.

⁹ *Id.*, page 11, lines 6-13

Officers Alvarez and Barker. FTO Lockett related that he, along with Officers Alvarez and Barker, made a visit to ██████████ in search of ██████████ who had an active arrest warrant against him. FTO Lockett related that he was using the Chicago Police Data Warehouse to search for active arrest warrants within the district and utilized the database as a training tool for Officers Alvarez and Barker. FTO Lockett related that after obtaining a name from the data warehouse, a LEADS search must be conducted in order to confirm there is an active warrant, before executing the arrest warrant. FTO Lockett related that he was not sure if he searched through LEADS. FTO Lockett was shown the results of a name search¹⁰ that indicated that Officer Barker had conducted a LEADS search for ██████████. After reviewing the document, FTO Lockett stated, “*Based on the information you're showing me here, it does not appear that ██████████ had a criminal warrant.*”¹¹ Furthermore, FTO Lockett was also shown Special Order 04-16 (Investigative Alerts)¹² specifically section V, item a, which states, “*Processing Investigative Alerts and Temporary Wants. Department members who conduct a name check on individuals and the name check reveal an: Investigative Alert with Probable Cause to Arrest will: a. only enforce the alert if its status is active or renewed.*”¹³ FTO Lockett denied the allegations that he entered the building/residence without justification. FTO Lockett related, “*So -- And the justification for me being there at that residence at that time was to effect an arrest of one ██████████ who was not there at the time. So -- And for me as a police officer at that time doing what I do, I did believe I had justification to be there.*”¹⁴ FTO Lockett related that he approached the front gate of the building and described the gate as not being completely locked. FTO Lockett borrowed a pocketknife from Officer Barker and used the blade to open the gate and gain entry. FTO Lockett did not recall seeing any doorbells and was only concern with effecting the arrest warrant. After viewing his BWC, FTO Lockett acknowledged that there were doorbells on the front gate. After entering through the front gate, FTO Lockett proceeded to the front entrance door and discovered that the door was unlocked. FTO Lockett related that he did not knock on the door but did announce his office while entering the building. FTO Lockett was met by a lady, now known as ██████████. FTO Lockett asked Ms. ██████████ if Mr. ██████████ still lived in the building and Ms. ██████████ said no, but that correspondences with his name do still arrive. FTO Lockett related that Ms. ██████████ asked him how he entered through both locked doors. FTO Lockett told Ms. ██████████ that he opened the front gate and that the front entrance door was unlocked. FTO Lockett believes that he could have gain entry without the pocketknife but could not recalled why he used the pocketknife. FTO Lockett related that he was hoping to find Mr. ██████████ and provide training for Officers Alvarez and Barker on how to conduct an arrest warrant. FTO Lockett related in his first interview¹⁵ that he denied the allegation that he used a pocketknife to unlock Ms. ██████████ front

¹⁰ Attachment #18, OEMC Name Search of ██████████ conducted by Officer William Barker, page 5.

¹¹ Attachment #68, 2nd Transcription of FTO Raymond Lockett, interviewed on January 30, 2020, page 28, lines 10-12.

¹² Attachment #59, SO 04-16, Investigative Alerts.

¹³ *Id.*, page 3, section V, item a.

¹⁴ Attachment #68, 2nd Transcription of FTO Raymond Lockett, interviewed on January 30, 2020, page 41, lines 19-24 & page 42, line 1.

¹⁵ Attachment #55, 1st Transcription of FTO Raymond Lockett, interviewed on May 28, 2019.

gate and enter her property without justification. FTO Lockett stated, *“The gate was closed. The latch didn’t appear to be 100 percent caught. So, I assisted it open with a knife, a pocketknife.”*¹⁶ While questioning FTO Lockett during his second interview¹⁷ about the gate, FTO Lockett stated, *“In the yard, there was a gate. We're rehashing the statement. And I hold firm to that statement that I had already given, which states that the gate did not appear to be locked to me. The gate appeared to just not open easily, with ease, and I assisted that gate open.”*¹⁸ FTO Lockett was shown Special Order 11-02 (Field Training and Evaluation Program)¹⁹ specifically section VIII, Section B, Item 1b, which states, "An FTO assigned a PPO will mentor his or her assigned PPO and facilitate the proper field performance."²⁰ FTO Lockett was asked, “Do you think that by using a pocketknife to unlock this front gate and enter this property was the proper way to mentor PPOs that were assigned to you that day and to facilitate the proper field performance?” FTO Lockett replied, *“So, to assist the gate open, what was done is done, and that situation -- I don't think that teaching them how to gain access to -- Because if the situation was different and there were exigent circumstances, and they might need to get into a unit, that would be something that they could use because that person -- there were exigent circumstances, and they really needed to make entry. So, do I regret showing them that? No, because that is something they could use. In this situation as it pertains to myself, I'm being alleged of wrongdoing because of my circumstances related to that. But what they're aware of and what they know, especially because of what I've told them in the past and because of this whole proceeding that we have going on here, is that, should there become a situation where they really need to gain access and there are exigent circumstances that exist, they could deploy that tactic in order to gain entry. So, if you're asking if I failed as far as mentoring my PPOs by showing them that, then, no, I don't believe I did.”*²¹

In interviews with COPA on May 30, 2019²² and March 4, 2020²³, **Officer Kevin Alvarez** related that on March 18, 2019, he and Officer William Barker were both Probationary Police Officers and were assigned to Field Training Officer (FTO) Raymond Lockett. Officer Alvarez was interviewed a second time because the allegations he signed during his first interview did not indicate the date, time and location of the incident and was also presented with an additional allegation. Officer Alvarez was shown his Body Worn Camera (BWC) during his interview with COPA. Officer Alvarez related that they were executing an arrest warrant on ██████████ whose known address was ██████████ Officer Alvarez related that FTO Lockett discovered that the front gate was locked. FTO Lockett borrowed a pocketknife from Officer Barker and used it to unlock the gate. Officer Alvarez denied the allegation that he failed to report FTO Lockett’s action as misconduct. Officer Alvarez was also shown General Order 08-01-02,

¹⁶ Attachment #55, 1st Transcription of FTO Raymond Lockett, interviewed on May 28, 2019, page 14, lines 17-19.

¹⁷ Attachment #68, 2nd Transcription of FTO Raymond Lockett, interviewed on January 30, 2020.

¹⁸ *Id.*, page 33, lines 12-18.

¹⁹ Attachment #53, SO-11-02, Field Training and Evaluation Program.

²⁰ *Id.*, page 3.

²¹ Attachment #68, 2nd Transcription of FTO Raymond Lockett, interviewed on January 30, 2020, page 43, lines 1-24.

²² Attachment #57, 1st Transcription of Officer Kevin Alvarez, interviewed on May 30, 2019.

²³ Attachment #88, 2nd Transcription of Officer Kevin Alvarez, interviewed on March 4, 2020.

(Specific Responsibilities Regarding Allegations of Misconduct)²⁴ specifically section II, item B1, which states, “When misconduct is observed, or an allegation of misconduct is received by a non-supervisor member, the member will immediately notify a supervisor member and prepare a written report to his or her unit before reporting off duty on the day the member becomes aware of the misconduct containing the information received, observations made, and any actions taken.”²⁵ Officer Alvarez related that he and Officer Barker had recently graduated from the police academy and were in training and were only following instructions from FTO Lockett. However, Officer Alvarez now believes that FTO Lockett’s actions were inappropriate and unlawful. Officer Alvarez related that FTO Lockett opened the front door and entered the building with Officer Barker. Officer Alvarez stood near the doorway and observed FTO Lockett being greeted by a lady, now known as [REDACTED]. Officer Alvarez related that FTO Lockett asked Ms. [REDACTED] if Mr. [REDACTED] lived in the building and she said no. Officer Alvarez heard Ms. [REDACTED] ask FTO Lockett how he entered through the doors and FTO Lockett told Ms. [REDACTED] that the gate was open. However, Officer Alvarez related that the gate was locked and that it was FTO Lockett who unlocked the gate with a pocketknife. Officer Alvarez was also shown Special Order 11-02 (Field Training and Evaluation Program)²⁶ specifically section B, Item 1b, which states, "An FTO assigned a PPO will mentor his or her assigned PPO and facilitate the proper field performance."²⁷ Officer Alvarez related at the time he did not think anything was wrong. However, Officer Alvarez now believes that FTO Lockett's use of the pocketknife to gain entry inside the property was inappropriate.

In **interviews with COPA** on May 29, 2019²⁸ and March 13, 2020²⁹, **Officer William Barker** related that on March 18, 2019, he and Officer Kevin Alvarez were both Probationary Police Officers and were assigned to Field Training Officer (FTO) Raymond Lockett. Officer Barker was interviewed a second time because the allegations he signed during his first interview did not indicate the date, time and location of the incident and was also presented with an additional allegation. Prior to the first interview, Officer Barker was cited for failing to activate his Body Worn Camera (BWC). A further search revealed that Officer Barker did activate his BWC and was shown the BWC video during his second interview with COPA. During roll call, Officer Barker obtained a list of names of people with probable causes to arrest through the use of investigative alerts. Officer Barker was informed by FTO Lockett that the use of investigative alerts was a good training tool on how to conduct these types of arrest. Officer Barker related that they proceeded to follow-up on [REDACTED] last known address at [REDACTED]. Upon arrival, Officer Barker related that FTO Lockett was unable to open the gate and asked if anyone had a knife. Officer Barker admitted that he had a pocketknife and gave it to FTO Lockett who used it to unlock the gate. At the time, Officer Barker related that he was unaware what FTO Lockett wanted with the knife and was only responding to his request. Officer Barker denied the

²⁴ Attachment #67, GO 08-01-02, Specific Responsibilities Regarding Allegations of Misconduct.

²⁵ *Id.*, page 1.

²⁶ Attachment #53, SO-11-02, Field Training and Evaluation Program.

²⁷ *Id.*, page 3.

²⁸ Attachment #56, 1st Transcription of Officer William Barker, interviewed on May 29, 2019.

²⁹ Attachment #86, 2nd Transcription of Officer Williams Barker, interviewed on March 13, 2020.

allegation that he knew or should have known that FTO Lockett would subsequently use the pocketknife to unlock Ms. [REDACTED] front gate without justification. Officer Barker related that he carries a pocketknife in cases of emergency, such as cutting the seatbelt from someone involved in a traffic crash.

While viewing his BWC, Officer Barker acknowledged observing doorbells on the gate, but could not recall why the doorbells were not used to gain entry. Officer Barker related that FTO Lockett approached the building's front entrance door which was unlocked, and they entered into a short hallway. Officer Barker heard FTO Lockett announced that he was the police and was greeted by a lady, now known as [REDACTED]. Officer Barker denied the allegation that he failed report misconduct by FTO Lockett who used a pocketknife to unlock the front gate and enter Ms. [REDACTED] property without justification. Officer Barker related that he did not observe any misconduct by FTO Lockett. Officer Barker related that they only had an investigative alert with probable cause to arrest and not an arrest warrant for [REDACTED]. Officer Barker related that he recently graduated from the police academy and was learning for the first time how to utilize investigative alerts from FTO Lockett.

b. Digital Evidence

Building Security Video³⁰ of [REDACTED] was provided by [REDACTED]. The video showed three police officers, now known as FTO Raymond Lockett, Officer Kevin Alvarez and Officer William Barker, standing on the sidewalk and behind a wrought iron gate. FTO Lockett is observed reaching over the gate and unlocking it. The officers are observed entering through the gate and onto the property. Officer Alvarez is observed wedging a stone underneath the gate, in order to prevent the gate from closing shut. FTO Lockett and Officer Barker are observed approaching the front entrance door and entering and are followed by Officer Alvarez.

COPA Evidence Technician Photographs³¹ were taken of the property located at [REDACTED]. Photographs taken of the wrought iron gate depicted a doorbell box next to the gate. Photographs were also taken of the gate locking mechanism, entry door and inside the hallway.

Body Worn Camera (BWC)³² video showed that on March 18, 2019, FTO Raymond Lockett and Officers Kevin Alvarez and William Barker walking toward [REDACTED]. FTO Lockett approaches the wrought iron gate and discovers that it is closed. FTO Lockett asks if anyone has a knife and Officer Barker hands him his pocketknife. FTO Lockett then places the blade into the locking mechanism and unlocks the gate. FTO Lockett walks up some stairs and approaches a red entrance door and turns the doorknob and enters. FTO Lockett enters through the entrance door and begins to knock on another door and states, "Chicago

³⁰ Attachments #7-8, Building Security video of [REDACTED]

³¹ Attachment #49, COPA Evidence Technician Photographs of property located at [REDACTED]

³² Attachment #50-52, Body Worn Camera (BWC) video of FTO Raymond Lockett, Officer Kevin Alvarez & Officer William Barker.

Police.”³³ FTO Lockett is greeted by [REDACTED] who resides in the garden apartment. FTO Lockett informs Ms. [REDACTED] that they were looking for someone named [REDACTED] Ms. [REDACTED] tells FTO Lockett that there is no one with the name living in the building. Ms. [REDACTED] asked FTO Lockett how did they get inside the building and FTO Lockett responded, “We walked through the gate there.”³⁴ Ms. [REDACTED] asked if the gate was open and FTO Lockett responded, “The gate was no, the was not open.”³⁵ Ms. [REDACTED] provided the names of the current tenants and related never receiving mail with the name [REDACTED] While walking back to the squad car, FTO Lockett referred to Ms. [REDACTED] and stated, “Well how did you get in here? It’s like, well we didn’t break in, if that’s what you’re assuming.”³⁶ FTO Lockett instructed Officer Barker to state that they were clear and negative results regarding the Investigative Alert Investigation, and they all turned off their BWC.

c. Documentary Evidence

Original Case Incident Report [REDACTED]³⁷ related that on January 4, 2019, the victim, [REDACTED], related that he gave [REDACTED] and [REDACTED] a ride in his vehicle. Mr. [REDACTED] alleged that Mr. [REDACTED] took his cell phone and Mr. [REDACTED] took his laptop and they both refused to give back his property.

Case Supplementary Report [REDACTED]³⁸ authored by Detective Patrick McGarry indicated that he interviewed the victim, [REDACTED], who related giving [REDACTED] and [REDACTED] a ride in his vehicle. Mr. [REDACTED] allowed Mr. [REDACTED] to use his cell and he refused to give it back to him. Mr. [REDACTED] related that Mr. [REDACTED] took his laptop and also refused to give it back to him. Det. McGarry provided Mr. [REDACTED] with a photo array and identified Mr. [REDACTED]. Det. McGarry issued an investigative alert ([REDACTED]) and suspended case until Mr. [REDACTED] is placed into custody for the investigative alert.

Investigative Alert # [REDACTED]³⁹ indicated that [REDACTED] had an active probable cause to arrest alert.

A Name Search of [REDACTED] [REDACTED] revealed that Officer William Barker conducted a LEADS search which revealed no arrest warrant for Mr. [REDACTED]

CPD Event Query Report # [REDACTED]⁴¹ indicated that on March 18, 2019, from approximately 5:35 pm to 5:42 pm, FTO Raymond Lockett, Officer Kevin Alvarez and Officer William Barker (Beat #2013) was at [REDACTED]

³³ Attachment #54, BWC Transcription of FTO Raymond Lockett, page 2, line 18.

³⁴ *Id.*, page 3, lines 6-7.

³⁵ *Id.*, page 3, lines 9-10.

³⁶ *Id.*, page 8, lines 16-18.

³⁷ Attachment #22, Original Case Incident Report, [REDACTED].

³⁸ Attachment #23, Case Supplementary Report, [REDACTED].

³⁹ Attachments #19-20, Investigative Alert, [REDACTED].

⁴⁰ Attachment #18, OEMC Name Search of [REDACTED] conducted by Officer William Barker.

⁴¹ Attachment #10, OEMC Event Query # [REDACTED].

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.

VI. ANALYSIS

On March 18, 2019, FTO Raymond Lockett was training and supervising Officer Kevin Alvarez and Officer William Barker, who were both Probationary Police Officers at the time. The complainant, [REDACTED] provided a statement and security video of her building where the incident occurred. The security video and BWC video captured FTO Lockett borrowing a pocketknife from Officer Barker and using the pocketknife to gain entry through a locked, wrought iron gate. FTO Lockett related that he did use a pocketknife, but denied the allegation and stated, "The gate was closed. The latch didn't appear to be 100 percent caught. So, I assisted it open with a knife, a pocketknife."⁴² Therefore, **Allegation #1 against FTO Lockett, must be Sustained.** FTO Lockett was also cited for violating Special Order 11-02 (Field Training and Evaluation Program)⁴³ specifically section B, Item 1b, which states, "An FTO assigned a PPO will mentor his

⁴² Attachment #55, 1st Transcription of FTO Raymond Lockett, interviewed on May 28, 2019, page 14, lines 17-19.

⁴³ Attachment #53, SO-11-02, Field Training and Evaluation Program.

or her assigned PPO and facilitate the proper field performance."⁴⁴ Although, having a pocketknife is not a violation, FTO Lockett used the pocketknife obtained from Officer Barker to gain entry into a private residence therefore, **Allegation #1, count #2 against FTO Lockett, must be Sustained.**

FTO Lockett denied the **Allegation #2** that he entered the building/residence without justification. FTO Lockett related that he obtained [REDACTED] information from an investigative alert and believed there was probable cause for the arrest of [REDACTED] FTO Lockett related, "So -- And the justification for me being there at that residence at that time was to effect an arrest of one [REDACTED] who was not there at the time. So -- And for me, as a police officer at that time doing what I do, I did believe I had justification to be there."⁴⁵ Furthermore, FTO Lockett related that after obtaining a name from the data warehouse, a LEADS search must be conducted in order to confirm there is an active warrant, before executing the arrest warrant. FTO Lockett was not sure if he searched through LEADS. However, FTO Lockett was shown a name search⁴⁶ that indicated that Officer Barker did conduct a LEADS search for [REDACTED] After reviewing the document, FTO Lockett stated, "Based on the information you're showing me here, it does not appear that [REDACTED] had a criminal warrant."⁴⁷ Therefore, **Allegation #2 against FTO Lockett, must be Sustained.** FTO Lockett was cited for failing to activate his BWC, but a further search revealed that FTO Lockett did activate his BWC therefore, **Allegation #3 against FTO Lockett, must be Unfounded.**

Officer Kevin Alvarez denied **Allegation #1** that he unlocked Ms. [REDACTED] front gate without justification. A review of the BWC video revealed that it was FTO Lockett who used a pocketknife to unlock the gate. Therefore, **Allegation #1 against Officer Alvarez, must be Unfounded.** Officer Alvarez denied **Allegation #2**, that he entered the building/residence without justification. At the time, Officer Alvarez was a recent graduate from the police academy. Officer Alvarez was on probation and, while still in training, was only following instructions from his trainer, FTO Lockett. Therefore, **Allegation #2 against Officer Alvarez, must be Unfounded.** Officer Alvarez denied **Allegation #3** that he failed to report misconduct by FTO Lockett, that he used a pocketknife to unlock the front gate and enter Ms. [REDACTED] property without justification. Officer Alvarez was in training and on probation and did not believe that FTO Lockett did anything wrong and was following FTO Lockett's instructions. However, Officer Alvarez now believes that FTO Lockett's use of the pocketknife to gain entry inside the property was inappropriate. Therefore, **Allegation #3 against Officer Alvarez, must be Unfounded.**

⁴⁴ Attachment #53, SO-11-02, Field Training and Evaluation Program, page 3.

⁴⁵ Attachment #68, 2nd Transcription of FTO Raymond Lockett, interviewed on January 30, 2020, page 41, lines 19-24 & page 42, line 1.

⁴⁶ Attachment #18, OEMC Name Search of [REDACTED] conducted by Officer William Barker, page 5.

⁴⁷ Attachment #68, 2nd Transcription of FTO Raymond Lockett, interviewed on January 30, 2020, page 28, lines 10-12.

Officer William Barker was cited for failing to activate his BWC, but a further search revealed that Officer Barker did activate his BWC. Therefore, **Allegation #1 against Officer Barker, must be Unfounded.** Officer Barker admitted that he carries a pocketknife in case of an emergency and gave it to FTO Lockett at his request. Officer Barker related that he was unaware what FTO Lockett wanted with the pocketknife. A search of orders and rules did not reveal any violation for Officer Alvarez having a pocketknife in his possession. Therefore, **Allegation #2 against Officer Barker, must be Unfounded.** Officer Barker denied **Allegation #3** that he provided a pocketknife to FTO Raymond Lockett at his request and knew or should have known that FTO Lockett would subsequently use said pocketknife to unlock Ms. [REDACTED] front gate. Officer Barker related that, at the time, he was unaware what FTO Lockett wanted with the knife and was only responding to his request. Officer Barker was on probation and while still in training was only following instructions from his trainer, FTO Lockett. Therefore, **Allegation #3 against Officer Barker, must be Unfounded.** Officer Barker denied **Allegation #4** that he entered the building/residence without justification. At the time, Officer Barker was on probation and was only following instructions from his trainer, FTO Lockett. Therefore, **Allegation #4 against Officer Barker, must be Unfounded.** Officer Barker denied **Allegation #5** that he failed to report misconduct by FTO Raymond Lockett who used a pocketknife to unlock the front gate and enter Ms. [REDACTED] property without justification. Officer Barker was in training and on probation and did not believe that FTO Lockett did anything wrong and was only following FTO Lockett's instructions. Therefore, **Allegation #5 against Officer Barker, must be Unfounded.**

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

c. FTO Raymond Lockett

i. Complimentary and Disciplinary History

1. Disciplinary History: None
2. Complimentary History:
 - a. 28 Honorable Mentions
 - b. 5 Complimentary Letters
 - c. 1 Special Commendation
 - d. 1 Unit Meritorious Performance Award

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1**, FTO Lockett **denied** in his statement to using a pocketknife to unlock Ms. [REDACTED] front gate and entered her property.
1. **Allegation No. 2**, FTO Lockett **denied** in his statement to entering the building/residence without justification.

COPA recommends a penalty of **5 days Suspension** for FTO Lockett who was responsible for the training of 2 probationary officers on the day of this incident. FTO Lockett did not provide the

probationary officers with the correct manner to enter onto private property and ascertain whether a wanted subject actually resided at the location.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
FTO Raymond Lockett	<ol style="list-style-type: none"> 1. It is alleged that on March 18, 2019, FTO Raymond Lockett used a pocketknife to unlocked Ms. [REDACTED] front gate and entered her property without justification, in violation of Rules 1 and 6. 2. It is alleged that on March 18, 2019, FTO Raymond Lockett entered the building/residence without justification, in violation of Rule 1. 3. It is alleged that on March 18, 2019, FTO Raymond Lockett failed to activate his Body Worn Camera (BWC) during the incident, in violation of Rule 6. 	<p>Sustained/5 days Suspension</p> <p>Sustained/5 days Suspension</p> <p>Unfounded</p>
Officer Kevin Alvarez	<ol style="list-style-type: none"> 1. It is alleged that on March 18, 2019, Officer Kevin Alvarez used a pocketknife unlocked Ms. [REDACTED] front gate without justification, in violation of Rule 1. 2. It is alleged that on March 18, 2019, Officer Kevin Alvarez entered the building/residence without justification, in violation of Rule 1. 3. It is alleged that on March 18, 2019, Officer Kevin Alvarez failed to report misconduct by FTO Raymond Lockett who used a pocketknife to unlock the front gate and enter Ms. [REDACTED] property without justification, in violation of Rule 6. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Officer William Barker	<ol style="list-style-type: none"> 1. It is alleged that on March 18, 2019, Officer William Barker failed to activate his Body Worn Camera (BWC) during the incident, in violation of Rule 6. 2. It is alleged that on March 18, 2019, Officer William Barker gave his pocketknife to FTO 	<p>Unfounded</p> <p>Unfounded</p>

	<p>Raymond Lockett who used it to unlock the front gate and entered Ms. [REDACTED] property without justification, in violation of Rule 1.</p> <p>3. It is alleged that on March 18, 2019, Officer William Barker provided a pocketknife to FTO Raymond Lockett at his request and knew or should have known that FTO Lockett would subsequently use said pocketknife to unlock Ms. [REDACTED] front gate without justification, in violation of Rule 1.</p> <p>4. It is alleged that on March 18, 2019, Officer William Barker entered the building/residence without justification, in violation of Rule 1.</p> <p>5. It is alleged that on March 18, 2019, Officer William Barker failed to report misconduct by FTO Raymond Lockett who used a pocketknife to unlock the front gate and enter Ms. [REDACTED] property without justification, in violation of Rule 6.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
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Approved:

[REDACTED]

2-17-2022

 Angela Hearts-Glass
 Deputy Chief Investigator

 Date