

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	October 22, 2017 / 1:50 p.m. / ██████████ ██████████ Chicago, Illinois 60623
Date/Time of COPA Notification:	October 22, 2017 / 2:42 p.m.
Involved Officer #1:	Officer Cary Cooper, Star#15955, Employee ID ██████████, Date of Appointment: August 14, 2000, Rank: Police Officer, Gender: Male, Race: White, Unit of Assignment: 002/606 detail, DOB: ██████████ 1975
Involved Officer #2:	Officer Haytham Mohammad, Star #19999, Employee ID ██████████, Date of Appointment: October 10, 2000, Rank: Police Officer, Gender: Male, Race: White, Unit of Assignment: 022/606 detail, DOB: ██████████ 1976
Involved Individual #1:	██████████ DOB: ██████████, 1957, Gender: Female, Race: Black
Involved Individual #2:	██████████ ¹ DOB: ██████████ 1964, Gender: Female, Race: Black
Involved Individual #3	██████████ ² DOB: Unknown, Gender: Female, Race: Black
Case Type:	Fourth Amendment

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Cary Cooper	On or about October 22, 2017, at approximately 1:50pm, at or near ██████████ ██████████ Chicago, Illinois, Officer Cary Cooper (“Officer Cooper”) committed misconduct through the following acts or omissions:	

¹ COPA did not conduct an interview for ██████████ because she did not witness incident.

² On May 11 and June 8, 2022, COPA contacted ██████████ with a request to interview. As of date of this report, COPA has not received a response.

	<ol style="list-style-type: none"> 1. entered and searched the first-floor residence at [REDACTED] [REDACTED] without justification; and/or 2. entered and searched the second-floor residence at [REDACTED] [REDACTED] without justification. 	<p>Not Sustained</p> <p>Unfounded</p>
Officer Haytham Mohammad	<p>On or about October 22, 2017, at approximately 1:50 pm, at or near [REDACTED] [REDACTED] Chicago, Illinois, Officer Haytham Mohammad (“Officer Mohammad”) committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. entered and searched the first-floor residence at [REDACTED] [REDACTED] without justification; and/or 2. entered and searched the second-floor residence at [REDACTED] [REDACTED] without justification. 	<p>Not Sustained</p> <p>Unfounded</p>

II. SUMMARY OF EVIDENCE ³

The Complainant, [REDACTED] alleges that Chicago Police Officers Cary Cooper (“Officer Cooper”) and Haytham Mohammad (“Officer Mohammad”) entered and searched the first and second-floor residences at [REDACTED] [REDACTED] without justification.⁴ Specifically, on October 22, 2017, [REDACTED] maintained that she lives on the first-floor residence at [REDACTED] [REDACTED] with her mother-in-law, [REDACTED] [REDACTED].⁵ [REDACTED] contended that the officers walked into her home unannounced in search of her son, [REDACTED].⁶ She maintained that the officers entered and searched every room inside her first-floor home and failed to provide a search warrant upon request.⁷ Despite the account asserted in the initiation report, in her interview with COPA [REDACTED] stated her sister-in-law’s children locked their front door, and the officers never entered the home on the second-floor.⁸

The **Original Case Incident Report**⁹ for robbery indicates that [REDACTED] snatched 20 dollars out of the hands of [REDACTED] and fled to [REDACTED] [REDACTED]. Additionally, the **Case Supplemental Report**¹⁰ reveals that [REDACTED] viewed a photo array and identified [REDACTED] as an

³ This section contains a summary of the material evidence gather during the investigation.

⁴ Attachment 6, 12, 23

⁵ Attachment 23 at Mark 2:56-5:19.

⁶ Id. at Mark 6:13- 6:48.

⁷ Id. at Mark 3:03-3:14.

⁸ Id. 9:36-10:00.

⁹ Attachment 21.

¹⁰ Attachment 22.

offender in the robbery incident. The **Arrest Report**¹¹ indicates that this was a fugitive apprehension arrest that involved Officers Cooper and Mohammad, who located ██████ at 2600 South California and arrested him for robbery.

In his interview with COPA, Officer Cooper¹² maintained that ██████ requested that the officers step inside the first-floor residence because she did not want anyone to see her talking to the police.¹³ Officer Cooper contended ██████ mentioned that ██████ was not present and voluntarily gave them permission to search her home.¹⁴ Officer Cooper informed COPA investigators that they declined ██████ offer to search the first-floor residence. This account was corroborated by Officer Mohammad, who also denied searching the home at ██████ ██████.¹⁵ Officer Mohammad stated, “by her inviting us in...we knew he wasn’t there,” in reference to ██████ whereabouts.¹⁶ Officers Cooper and Mohammad denied ever entering and searching the second-floor residence at ██████ ██████ without justification.

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 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 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

¹¹Attachment 7.

¹² Attachment 14, 25

¹³ Attachment 25 at Mark 9:20; 11:45.

¹⁴ Id at Mark 9:56.

¹⁵ Attachment 16, 24 at Mark 11:09-11:21;19:59-20:08.

¹⁶ Attachment 24 at Mark 11:24.

“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.

IV. ANALYSIS AND CONCLUSION

a. Entered and searched the first-floor residence at 4021 West 21st Place without justification

COPA finds Allegation 1 is **NOT SUSTAINED** against Officers Cooper and Mohammad, that they entered and searched the first-floor residence at [REDACTED] [REDACTED] without justification. These accounts given by Officers Cooper and Mohammad are vastly different from the account given by [REDACTED]. Both officers assert that they were given permission to enter and search the residence. Without further evidence, there is insufficient evidence to prove or disprove this allegation made by [REDACTED]. For these reasons, COPA finds that this allegation against Officers Cooper and Mohammad is **NOT SUSTAINED**.

b. Entered and searched the second-floor residence at [REDACTED] [REDACTED] without justification

COPA finds Allegation 2 is **UNFOUNDED** against Officers Cooper and Mohammad, that they entered and searched the second-floor residence at [REDACTED] [REDACTED] without justification. Both officers denied entering and searching the second-floor residence. [REDACTED] told COPA the officers never entered the second floor. Thus, the evidence supports that this incident did not occur as alleged. For these reasons, COPA finds that this allegation against Officers Cooper and Mohammad is **UNFOUNDED**.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Investigator-Chief Investigator

September 23, 2022

Date