

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	January 1, 2018 / 7:07 pm / ██████████, Apartment #2, Chicago, IL 60612
Date/Time of COPA Notification:	May 14, 2019 / 3:26 pm.
Involved Sergeant #1:	Sergeant Michael Karczewski / Star#1055 / Employee ID# ████████ / Unit: / DOA: October 23, 1995 / White / Male.
Involved Individual #1:	██████████ / Black / Female.
Case Type:	16B – Fail to announce on a search warrant

I. ALLEGATIONS¹

Officer	Allegation	Finding
Sgt. Michael Karczewski	1. Failing to ensure your office was announced prior to making entry during the execution of a search warrant, in violation of Rule 6.	Not Sustained.

II. SUMMARY OF EVIDENCE²

Members of the Area Central Gang Enforcement Team 6710 (“the Team”) conducted controlled narcotics purchases from Mr. ██████████. During one of the purchases ██████ exited Apartment #2 of ██████████ St. and provided narcotics to a confidential informant.³ Once the controlled purchases were completed, the Team sought and obtained search warrants for ██████ and Apartments #1 and #2 of ██████████ St.⁴ The Team simultaneously executed the search warrants on both apartments. As Team members⁵ were executing ██████████ they encountered a secured door to Apartment #2. The Team forced entry and Sgt. Michael Karczewski encountered Ms. ██████████ the sole occupant. A protective sweep of the apartment was completed. Sgt. Karczewski provided ██████████ with a phone number and informed her that a claim would be filed to

¹ COPA based the below allegation on the information provided by ██████ during her deposition for her civil lawsuit. Additionally, COPA reviewed all the evidence collected and determined no additional allegations were warranted for any Department member.

² COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

³ See Att. 29, pg. 2.; Additionally, ██████ provided the confidential informant narcotics while inside Apartment #1. See Att. 36, pg. 2.

⁴ Judge ██████████ authorized the search warrants after the confidential informant was presented to him. Search Warrant ██████████ was for Apartment #1 and Search Warrant ██████████ was for Apartment# 2. Atts. 29 and 36.

⁵ Sgt. Karczewski is listed as the Search Team Supervisor for both ██████████ and ██████████ Atts. 8 and 13.

repair the door.⁶ Once the protective sweep was completed, the Team members left the apartment.⁷ Simultaneously, a search of Apartment #1 under ██████████ was being conducted. During this search two pieces of mail for ██████████ listed his address as Apartment #2 were located in Apartment #1.⁸

██████████ filed a civil complaint against the Department related to the execution of the search warrant. COPA requested a statement and from ██████████ but she declined the request; however, ██████████ provided an affidavit and deposition related to her civil complaint. During her deposition ██████████ alleged that Sgt Karczewski did not announce his office prior to forcing entry into her apartment.⁹

During a statement to COPA, Sgt. Karczewski relayed that he was the search warrant team supervisor overseeing the simultaneous execution of the two search warrants at the same location. Additionally, Sgt. Karczewski relayed that he distinctly recalled that the Department's presence was announced with a knock prior to entering the building and the common stair well. Finally, Sgt. Karczewski could not recall who made entry to ██████████ apartment but that based on routine practice, he was sure someone announced their office was announced prior to traveling up the common stairwell to ██████████ apartment and again prior entering her door.

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. *See Avery v. State Farm Mutual*

⁶ During her deposition ██████████ described all Department members as respectful, that Sgt. Karczewski was concerned for her wellbeing, and that Sgt. Karczewski attempted to secure the front door to her apartment. Att. 33, pgs. 37, 45, and 70.

⁷ ██████████ was clear that there was no indication that any Department member searched any parts, beyond a protective sweep, of her apartment. Att. 30, pgs. 58 and 59.

⁸ Both pieces of mail had a return address of Illinois Department of Health Services. Att. 10, pgs. 17 to 19. Additionally, during his deposition, ██████████ admitted he has resided in Apartment #2 and still has access to Apartment #2 so he can obtain food from ██████████ Att. 35, pgs. 15, 16, and 24.

⁹ ██████████ also explained that at the time of entry, she was hand-washing dishes in the kitchen, which is an approximately one-minute walk from the front door; and that the television was on when she heard the banging on the front door. Additionally, photographs corroborate that ██████████ television was on while members were in her apartment. *See* Att. 15, pg. 3.

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.

IV. ANALYSIS AND CONCLUSION

COPA finds the allegations is **not sustained**. Search Team Supervisors¹⁰ will “ensure the Department members executing the search warrant adhere the Knock and Announce Rule and 725 ILCS 5/108-8 and, when applicable, announce their presence and provide the residents a reasonable opportunity to allow entry.”¹¹ Here, it is undisputed that Sgt. Karczewski was the Search Team Supervisor during the execution of [REDACTED]. Additionally, during his statement Sgt. Karczewski could not recall who made entry to [REDACTED] apartment but that based on routine practice, he was sure someone announced their office was announced prior to traveling up the common stairwell to [REDACTED] apartment and again prior entering her door. Further, during her deposition, [REDACTED] explained that when she heard the Team knocking on the door, she was in the kitchen hand-washing dishes and had the television on in the living room.¹² However; based on the differing accounts of the Teams actions immediately prior to the forced entry, COPA is unable establish sufficient evidence to determine if the alleged misconduct did in fact occur.

Approved:

[REDACTED]

2-17-2022

 Angela Hearts-Glass
 Deputy Chief Investigator

 Date

¹⁰ A Search Team Supervisor is “[a] sworn member the rank of sergeant or above...” S04-19 II (A).

¹¹ S04-19 VIII (D)(1)(b).

¹² COPA believes that [REDACTED] distance from the front door and the television being in conjunction with the impacts of aging may have contributed to [REDACTED] failing to hear the members announce their office prior to entry; however, COPA recognizes that this belief, on its own, is insufficient to determine what occurred.