

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	September 4, 2020/ 8:33 PM/ [REDACTED]
Date/Time of COPA Notification:	September 10, 2020/ 4:46 PM
Involved Officer #1:	CVETKOVIC, Srecko, #2162, Employee # [REDACTED]; Date of Appointment: October 29, 2007; Sergeant; Unit of Assignment: 007; DOB: [REDACTED], 1980; Male, White
Involved Officer #2:	SEDLAK, Peter, #6045, Employee # [REDACTED]; Date of Appointment: February 19, 2013; Police Officer; Unit of Assignment: 007; DOB: [REDACTED], 1973; Male, White
Involved Officer #3:	AGEE, Lawrence, #12704, Employee # [REDACTED]; Date of Appointment: November 29, 2004; Police Officer; Unit of Assignment: 007; DOB: [REDACTED], 1973; Male, Black
Involved Officer #4:	Unidentified Officer(s)
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1998; Female, Black
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1999; Female, Black
Case Type:	Allegations of Misconduct; Search

I. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Cvetkovic	It is alleged that on or about September 4, 2020, at approximately 8:33 PM, in the vicinity of [REDACTED] [REDACTED] Sgt Cvetkovic committed misconduct through the following acts or omissions by,	
	1. Entered [REDACTED] residence without justification.	Exonerated
	2. Searched [REDACTED] residence without justification.	Exonerated

<p>Officer Sedlak</p>	<p>It is alleged that on or about September 4, 2020, at approximately 8:33 PM, in the vicinity of [REDACTED] [REDACTED] Officer Sedlak committed misconduct through the following acts or omissions by,</p> <ol style="list-style-type: none"> 1. Entered [REDACTED] residence without justification. 2. Searched [REDACTED] residence without justification. 	<p>Exonerated</p> <p>Exonerated</p>
<p>Officer Agee</p>	<p>It is alleged that on or about September 4, 2020, at approximately 8:33 PM, in the vicinity of [REDACTED] [REDACTED] Officer Agee committed misconduct through the following acts or omissions by,</p> <ol style="list-style-type: none"> 1. Entered [REDACTED] residence without justification. 2. Searched [REDACTED] residence without justification. 	<p>Exonerated</p> <p>Exonerated</p>
<p>Unidentified Officer(s)</p>	<p>It is alleged that on or about September 4, 2020, at approximately 8:33 PM, in the vicinity of [REDACTED] [REDACTED] several unidentified committed misconduct through the following acts or omissions by,</p> <ol style="list-style-type: none"> 1. Entered [REDACTED] residence without justification. 2. Searched [REDACTED] residence without justification. 3. Handcuffed [REDACTED] without justification. 4. Handcuffed [REDACTED] without justification. 	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>

II. SUMMARY OF EVIDENCE¹

On September 10, 2020, the complainant, ██████████ telephoned the Civilian Office of Police Accountability and registered a complaint. ██████████ alleged that on September 4, 2020, several unidentified Chicago Police Department members entered and searched her residence without justification. ██████████ also alleged that the accused officers handcuffed her and ██████████ without justification.

During her telephone interview with COPA on September 15, 2020, ██████████ related that on September 4, 2020, she and her girlfriend, ██████████ were inside of her apartment having an argument. ██████████ related at some point there were “a lot” of police vehicles surrounding the apartment building. ██████████ stated that several unidentified officers knocked on the door of her apartment and instructed her to open the door. ██████████ related that she walked to the door of her apartment and told the officers to go away and that they were not needed. ██████████ stated that she turned off the lights inside her apartment. ██████████ continued that the officers repeatedly demanded that she open the door. ██████████ stated she and ██████████ sat quietly inside their apartment and refused to open the door. ██████████ related that moments later several unidentified officers kicked in the front door of her apartment, entered, and then handcuffed her and ██████████

██████████ stated that the officers asked her and ██████████ about a gun. ██████████ and ██████████ denied owning any firearms. The unidentified officers searched ██████████ apartment and explained that they were responding to a call regarding a domestic disturbance at the location and heard a gunshot. ██████████ informed the officers that no one had called the police, and she was ██████████ that ██████████ actually called for the police. ██████████ related that after ██████████ left with her father, the officers left her residence. ██████████ denied sustaining any injuries because of her contact with the responding officers. (Att. #2)

During her telephone interview with COPA on February 17, 2021, ██████████ stated that on September 4, 2020, she and ██████████ had a disagreement inside their apartment. ██████████ expressed to ██████████ that she wanted to leave but ██████████ refused to allow her by standing in her way. At some point, ██████████ called for one police squad to get an escort out of the apartment because she wanted to leave. When she was asked if she told the 911 call taker if a weapon was involved in the disturbance, ██████████ said she did not remember. ██████████ said that the responding officers arrived approximately one hour after she called 911,² and at the point she did not need them any longer.

██████████ corroborated ██████████ statement that when the officers knocked on the door, she and ██████████ refused to open it, eventually the officers kicked the door open, entered the apartment, and handcuffed her and ██████████. She added that she informed the responding officers that she no longer wanted their assistance. ██████████ stated the officers asked where the gun was at and searched the

¹COPA 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 opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² According to the Chicago Police Event Queries the 911 call was received at 8:26:41 PM; Beat 735 was dispatched at 8:30:36 PM and Beat 735 arrived on scene at 8:35:17 PM.

apartment. After the search, the handcuffs were removed. The officers asked her questions about the domestic incident and then they assisted her with leaving the apartment with her father. When asked, ██████ denied hearing a gunshot or having a gun inside her apartment. When asked why she refused to open the door for the officers after calling for assistance, ██████ said by the time they arrived, she did not need them anymore. ██████ denied that she and ██████ were engaged in a physical altercation, but said they were very loud when they argued. ██████ denied sustaining any injuries because of her contact with the responding officers. (Att. #32)

COPA reviewed the Department case reports, OEMC event queries and Body Worn Camera (BWC) footage related to the incident.

The **Original Case Incident Report**³ revealed the officers responded to a person with a knife call. Upon arrival officer heard a female yelling coming from the second-floor apartment #2. As the officers were attempting to gain entry, they hear a loud report suspect gunfire coming from apartment #2. The officer kicked the main entrance door to gain entry to apartment #2. While at apartment #2 the officers still could not make contact with the caller. The officers requested a supervisor and additional units to make entry into apartment #2. Forcible entry was made and check of well-being of the caller who was in good condition. The caller refused to make a report for the domestic incident and decided to leave the apartment with her father.

OEMC Event Query⁴ revealed at 8:26 pm, “female caller request CPD, is telling someone to put the scissors down” the caller hung up. OMEC made two attempts to call the female caller back and received no answer, call went to voicemail. Officer were dispatched at 8:30 pm. Officers acknowledged the call; Unit 735 at 8:30 pm, Unit 724 and Unit 722 at 8:32 pm, Unit 7483 at 8:33 pm. Unit 735 was marked on scene at 8:35 pm. Entry to the second floor was at 8:40 pm. Unit 7480 arrived on location at 8:44 pm. In addition to other assisting officers. Forced entry was made into the second-floor apartment at 8:52 pm.

Based on the allegations, the available documentary evidence, body worn camera (BWC) video, COPA found that the involved Department member’s actions were proper and within Department policies, and interviews of the involved Department members were not needed.

Body Worn Camera (BWC) video of Officer Lawrence Agee⁵ show Officer Lawrence and Officer Peter Sedlak arrive on location. As the officers exit the marked squad car, a woman’s voice is heard screaming.⁶ Officers enter the gated property and call out, “Chicago Police.” An attempt is made to open the door to the building, but it is locked. The officers call out for someone to open the door while using a flashlight to illuminate the windows on the second floor. Officer Agee announce again, Chicago Police,” at which time another CPD officer tell him he heard arguing on the other side of the building. Officer Agee told the other officer it was apartment #2 but they would not come to the door. Officer Agee rang the doorbell and yelled, “you gotta come let us in.”⁷ Several CPD officers are seen on location at this time. Officer Agee relocates to the side door of

³ Att. 12 Original Case Incident Report #JD356714

⁴ Att.7 OMEC Event Query

⁵ Att. 14 BWC Video at 20:35.

⁶ Att. 14 at 20:37:00.

⁷ Att. 14 at 20:38:30.

the building. A female voice is heard screaming loudly.⁸ The officers yell, “Police!” Officer Agee continue to yell from them to open the door. Other officers on location tell Officer Agee that a female was still screaming. The female voice is heard screaming loudly.⁹ A loud noise is heard that appears to be that of a weapon discharging.¹⁰ The officers appear to react to the noise and ask if that was a gunshot. They unholster their guns and try to gain access to the door with negative results. An officer press on all the doorbells.¹¹ Officer Agee radio to OMEC “735 emergency” he relays they have possible gunshots and cannot get into the building.¹² Officer Agee attempts to gain access to the building by kicking the door several times. Another officer is seen breaching the door by kicking it open.¹³ The officers advance to the second floor with their weapons unholstered at the “low ready.” When the reach the second-floor apartment, they scream loudly, “police!”, “Chicago Police open up!” Officer Agee knocked on the door several times and screamed for them to open up.¹⁴ He screamed several more times announcing his office and for them to open up. Officer Agee relays over police radio that they are going to have to gain entry into the apartment, at which time he requests a sergeant.¹⁵ Officer Agee continues to knock on the door and announce, “Chicago Police open up.” Officer Agee announced loudly, “Chicago Police, we are coming in!”¹⁶ He made attempts to kick the door in with negative results. A female voice is heard telling the officers that there were two sides to the building and asked if “they were still fighting. She told the officers that the subjects they were looking for was in another building and she would show them where to go.”¹⁷ The other officers left with the female while Officer Agee and other assisting officers remained with him. The officers discussed whether the female voice stop yelling after they heard the gunshot. The officers relocate to the other building towards the back. Sergeant Srecko Cvkovic is seen on location. The sound of knocking can be heard as the Sergeant yells that the police were outside.¹⁸

The BWC of Officer Dante Koeppen captures the entry into the apartment. An officer is heard yelling, “Chicago Police!” in addition to knocking.¹⁹ Officers tried to breach the door but are not successful. A female voice is heard saying, “go away, we don’t need you.”²⁰ The officer continued to tell them to open the door as he announced his office. The door is kicked open by Officer Koeppen who is seen entering the apartment holding a ballistic shield. He held his weapon in the low ready position. A black female wearing a white t-shirt is seen to the right of him with her hands in an upwards motion.²¹ The officers clear each room and re-holster their weapons. One black female is seen being handcuffed by a female CPD officer and the other black female is seen

⁸ Att. 14 at 20:38:58.

⁹ Att. 14 at 20:39:18.

¹⁰ Att. 14 at 20:39:23.

¹¹ Att. 14 at 20:39:31.

¹² Att. 14 at 20:39:41.

¹³ Att. 14 at 20:40:12.

¹⁴ Att. 14 at 20:40:39.

¹⁵ Att. 14 at 20:41:30.

¹⁶ Att. 14 at 20:42:28.

¹⁷ Att. 14 at 20:42:54.

¹⁸ Att. 14 at 20:50:10.

¹⁹ Att. 26 at 20:51:05.

²⁰ Att. 26 at 20:51:49.

²¹ Att. 26 at 20:51:54.

standing nearby already handcuffed being held by a male CPD officer. An additional female CPD officer is seen in proximity.²² A search for a weapon is conducted with negative results.

BWC footage was collected from other officers on location that does not reveal any additional relevant information to the complaint.

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 "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.

²² Att. 26 at 20:52:45.

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Lakeisha Davis
Supervising Investigator:	Valiza Ann Nash
Deputy Chief Administrator:	Angela Hearts-Glass