

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 8, 2019
Time of Incident:	12:27 PM
Location of Incident:	██████████, Chicago, IL 60619
Date of COPA Notification:	November 22, 2019
Time of COPA Notification:	Approximately 4:59 PM
Involved Officer #1	Officer Luigi B. Miro, Star #15819; Employee #██████████, Unit of Assignment: 015, Date of Appointment: August 29, 2005, Rank: PO/9161, DOB: ██████████ 1973, Gender: Male, Race: White
Involved Officer #2	Officer Cesar I. Guerrero, Star #7947; Employee #██████████, Unit of Assignment: 006, Date of Appointment: July 2, 2012, Rank: PO/9161, DOB: ██████████, 1984, Gender: Male, Race: White
Involved Officer #3	Lieutenant E. Ellman, Star #512; Employee #██████████, Unit of Assignment: 004, Date of Appointment: October 13, 1998, Rank: Lieutenant <sup>1</sup> /9173, DOB: ██████████, 1968, Gender: Female, Race: White
Involved Individual #1	██████████, DOB: ██████████, 1971, Gender: Male, Race: Black

ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Luigi B. Miro	It is alleged by the complainant that on or about November 8, 2019, at approximately 12:27 p.m., at or near ██████████ ██████████, Chicago, IL 60619, Officer Miro, Star #15819 committed misconduct through the following acts or omissions:	
	1. Arresting ██████████ ██████████ without justification;	Exonerated

<sup>1</sup> At the time of this incident, Lieutenant Ellman was a Sergeant. She has since been promoted to Lieutenant. COPA will reference her as Lieutenant Ellman.

	2. Seizing ██████ firearms without justification;	Exonerated
	3. Arresting ██████ ██████ without justification;	Exonerated
	4. Improperly breaking into a safe found in the residence and removing the contents without a separate search warrant; and	Exonerated
	5. Improperly removing \$1,325 in United States Currency (“USC”) and failing to inventory and return the USC; and	Not Sustained
	6. Failing to provide ██████ with receipts for the weapons and USC that the officers took from the residence while executing the search warrant.	Not Sustained

Officer	Allegation	Finding/ Recommendation
Officer Cesar I. Guerrero	It is alleged by the complainant that on or about November 8, 2019, at approximately 12:27 p.m., at or near ██████ ██████, Chicago, IL 60619, Officer Guerrero, Star #7947 committed misconduct through the following acts or omissions:	
	1. Arresting ██████ ██████ without justification;	Exonerated
	2. Seizing ██████ firearms without justification;	Exonerated
	3. Arresting ██████ ██████ without justification	Exonerated
	4. Improperly breaking into a safe found in the residence and removing the contents without a separate search warrant; and	Exonerated
	5. Improperly removing \$1,325 in United States Currency (“USC”) and failing to inventory and return the USC;	Not Sustained
	6. Failing to provide ██████ with receipts for the weapons and USC that the officers took from the residence while executing the search warrant	Not Sustained
	7. Holding ██████ ██████ firearms without justification.	Exonerated

Officer	Allegation	Finding/ Recommendation
Lieutenant Christine E. Ellman	It is alleged by the complainant that on or about November 8, 2019, at approximately 12:27 p.m., at or near ██████ ██████, Chicago, IL 60619, Lieutenant Ellman, Star #512 committed misconduct through the following acts or omissions:	
	1. Approved probable cause to arrest ██████ ██████ without justification;	Exonerated

### III. SUMMARY OF EVIDENCE

At approximately 12:27 p.m., on November 8, 2019, Chicago Police Officers executed a search warrant at [REDACTED], Chicago, IL 60619. The subject of the search warrant, [REDACTED] (“Mr. [REDACTED]”), was living at that address, as demonstrated by pieces of mail found inside the residence, although he was not present during the search.

At that time, Complainant [REDACTED] [REDACTED] (“Mr. [REDACTED]”), who said he was from Georgia, was also staying at this residence and was present when the officers executed the search warrant. Mr. [REDACTED] stated that the residence belonged to his aunt. Mr. [REDACTED] younger cousin [REDACTED]<sup>2</sup> [REDACTED] (“Mr. [REDACTED]”) was also present when the police executed the search warrant. There were several other people present<sup>3</sup> when the warrant was executed but only Mr. [REDACTED] and Mr. [REDACTED] were arrested and taken to the station. Mr. [REDACTED] said that Mr. [REDACTED] was also his cousin.

The police recovered three firearms, ammunition, narcotics, and narcotics packaging materials from the residence at [REDACTED]. Mr. [REDACTED] said that all three weapons belonged to him, and he said he provided the police with receipts for each of the three weapons, indicating that he purchased the weapons. According to Mr. [REDACTED] the police still have those receipts and have refused to release them. Mr. [REDACTED] said he wants to give the receipts to Mr. [REDACTED] to be used in Mr. [REDACTED] criminal case.

The first weapon recovered was a fully loaded Smith and Wesson, 38 special revolver that was found on the bed in the bedroom of the target of the search. Mr. [REDACTED] told police that the revolver was his and that he had purchased it in Georgia and transported it to Illinois. In that same bedroom on a table, police recovered the following substances: a clear vile containing suspect heroin, one bag of suspect cocaine, and one bag of suspect cannabis. Also found in that room was a black grinder and a bundle of narcotics packaging.

In the basement of the residence, the police recovered a second firearm, a rifle (Smith & Wesson MP 15 Sport) that Mr. [REDACTED] said was also his. The police also recovered various other firearm accessories in the basement, including ammunition and speed loaders, which are devices used to reduce the amount of time or effort needed to reload a firearm.

The third weapon recovered was a fully loaded Glock semi-automatic handgun with one live round in the chamber. Although Mr. [REDACTED] claimed that all three weapons were his weapons, the police indicated that Mr. [REDACTED] said that the Glock was his gun and that he had it to start a security company. Mr. [REDACTED] arrest report indicates that the Glock was recovered in a pocket of one of Mr. [REDACTED] jackets. The police recovered ammunition in the pocket of another one of Mr. [REDACTED] jackets. Mr. [REDACTED] maintained that the weapon had been in a cabinet, or closet, or attic upstairs and said that Mr. [REDACTED] denied saying that the gun was his.

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<sup>2</sup> [REDACTED] [REDACTED] first name was spelled “[REDACTED]” in his arrest report. COPA acknowledges that his son, [REDACTED] [REDACTED] spelled his name “[REDACTED]” however for uniformity, COPA has used the spelling that matches the arrest report.

<sup>3</sup> [REDACTED] [REDACTED] [REDACTED] was also present during the search.

Mr. █████ explained to COPA that he had those weapons in Illinois because he road manages a musical group, and he provides the weapons for people working security at the show. Mr. █████ said they had their third show that weekend at the Arie Crown.

After executing the warrant, the officers arrested Mr. █████ for unlawful use of a weapon. They also arrested Mr. █████ for unlawful use of a weapon by a felon.

The Narcotics Division Supplementary Report noted that, while Mr. █████ was issued an IR number, his criminal history report was unattainable. The report further stated that Mr. █████ had several FBI numbers and aliases. They also found a Georgia ID via LEADS. During his interview, Mr. █████ acknowledged that he had been charged in the late 90s with failure to register his weapon. He also acknowledged that in 2014, he was charged with Possession of a firearm without an FOID card. With regard to this 2014 charge, Mr. █████ first stated that he was acquitted and then said that the charges were dropped.

Mr. █████ also maintained that other things were taken from him and others present in the home. Mr. █████ claimed that the officers took United States Currency (“USC”) from the home, including: \$1,200 from him (including seven \$100 bills), \$90 USC from one girl’s purse, and \$35 from another girl’s purse. Mr. █████ also maintained that the police broke into a safe in which he kept a \$900 watch and some personal documents. Mr. █████ said the police took everything that was in the safe and that they used a crowbar to open the safe. Mr. █████ maintained that the police failed to inventory the money they recovered. The police reports did not indicate that any money was recovered, nor was any money inventoried.

In July of 2020, Mr. █████ provided COPA with contact information for the following four other individuals that could possibly provide COPA with information regarding the search at issue here: Mr. █████, █████, █████ (“█████”), and █████ (“█████”). COPA is unable to talk to Mr. █████ without permission from his attorney, because █████ was charged with a criminal offense as a consequence of the items recovered during the search at issue here. COPA has made numerous attempts via USPS, email, and telephone to contact █████ attorney to obtain permission to talk to █████ However, █████ attorney has never responded to any of COPA’s requests.<sup>4</sup>

COPA has also made numerous attempts to contact the other three individuals. COPA initially left messages to talk to █████ █████ but she never returned COPA’s phone calls. Eventually, Ms. █████ phone mailbox was full and COPA was unable to leave any more messages. COPA scheduled phone interviews with both █████ and █████ On the scheduled date and time, COPA spoke to █████ but █████ was not available. █████ did not respond to attempts to contact and reschedule.<sup>5</sup>

While █████ account of the search was somewhat similar to what Mr. █████ told COPA, it differed on certain points. Mr. █████ claimed that \$1,200 had been taken from him, including seven \$100 bills. He further stated that the money had been held together with a rubber band and the police left only the rubber band. In contrast, █████ stated *that Mr. █████ told him*, and the

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<sup>4</sup> See Appendix

<sup>5</sup> See Appendix

others present that the police had taken between \$10,000 and \$15,000 from him (Mr. █████). █████ said he never saw the money, because the police carried it out inside of a bag or a box. In addition, while Mr. █████ claimed that \$35 had been taken from one girl's purse and \$90 from another girl's purse, █████ was unaware that anyone other than Mr. █████ was missing money after the search. Moreover, Mr. █████ stated that the police used a crowbar to open his safe. Mr. █████ failed to mention that he had lost the passcode for the safe, as █████ told COPA. Mr. █████ claimed that the police took a \$900 Movado watch and some personal papers. █████ was only aware that the police had taken a watch from the safe. Furthermore, while █████ claimed that the Glock was recovered from a cabinet, closet, or attic, █████ stated that the Glock was found in (his father's) Mr. █████ bedroom, where his father liked to go to have a drink.

## II. 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.
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 been 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.

### III. ANALYSIS

COPA has made the following determinations regarding the allegations against Officer Guerrero, Officer Miro, and Sergeant Ellman.

#### *Officer Luigi Miro and Officer Cesar Guerrero<sup>6</sup>*

##### *Allegation 1*

Mr. ██████ alleged that there was no valid reason to arrest him. He reasoned that because he was not required to be licensed to own a weapon in Georgia, he was thereby legally able to possess his firearms in Illinois. While Mr. ██████ correctly stated that he was not required to possess a weapon in Georgia without a license, Illinois does not permit the possession of a weapon without some type of license; therefore, the police had probable cause to arrest Mr. ██████

A warrantless arrest must be based upon probable cause. See *Dunaway v. New York*, 442 U.S. 200, 207-09 (1979). “The existence of probable cause is determined at the time of the arrest and depends on whether the facts known to the police officer at that time are sufficient to lead a reasonable cautious person to believe that the arrestee has committed a crime.” *People v. Love*, 199 Ill. 2d 269, 279 (2002).

Georgia does not require a gun owner to have a FOID card or go through a similar type of licensing procedure merely to possess a weapon. G.A. Code 16-11-126. In Illinois, while Section 65/2 of the Firearm Owners Identification Card Act (“Act”) requires gun owners to obtain a FOID Card before they are able to legally possess a gun, it also provides certain exemptions for nonresidents to legally possess weapons in Illinois. 430 ILCS 65/2. However, this exemption for nonresidents is limited to “[n]onresidents who are currently licensed or registered to possess a firearm in their resident state.” 430 ILCS 65/2 (b)(2)(10). Mr. ██████ is not licensed in Georgia, because Georgia does not require a person to have a gun license to merely possess a firearm. Nor has Mr. ██████ gone through any licensing procedure similar to that required in Illinois.

According to the Illinois Appellate Court, a nonresident, who resides in a state that does not require a license to own a gun does not qualify for the exemption in Section 65/2 (b)(10). *People v. Wiggins*, 2016 IL App (1st) 153163, ¶ 61 (interpreting 430 ILCS 65/2(b)(10) (West 2012)). The reason for that interpretation of the statute is that, to obtain an FOID card in Illinois, a person has to go through a licensing procedure that requires some vetting. Because Mr. ██████ did not go through a licensing process similar to that in Illinois, he does not qualify under the nonresident gun owner exemption and was in violation of the Act. Thus, the officers had probable cause to arrest Mr. ██████ pursuant to 430 ILCS 65/2.

Moreover, the police arguably had probable cause to arrest Mr. ██████ based on all of the contraband recovered from the residence. The search warrant permitted the officers to search for

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<sup>6</sup> Because the same allegations have been made against Officer Miro and Officer Guerrero, COPA has addressed the allegations against both officers together. One allegation has been made only against Officer Guerrero and that is addressed in a separate section.

narcotics and various other narcotics related items. Inside the residence, the police found narcotics and materials for packaging narcotics on a table in the bedroom of the target<sup>7</sup> of the search warrant. One of the firearms that Mr. ██████ said belonged to him, was lying on a bed in the same bedroom where the narcotics were found. These facts could have led a reasonably cautious police officer to believe that the presence of Mr. ██████ weapon in that room was evidence of his intent to exercise control over the narcotics. A person has constructive possession when he lacks actual possession of a object but he has both the power and the intention to exercise control over a thing either directly or through another person. See Illinois Pattern Jury Instructions, Criminal, No. 4.16 (4th ed. 2000). The evidence need not be sufficient to prove Mr. ██████ guilty beyond a reasonable doubt. Thus, this evidence is sufficient to give a reasonably cautious police officer cause to believe that Mr. ██████ had committed a crime. *People v. Love*, 199 Ill. 2d at 279.

Mr. ██████ told COPA that he brought the firearms to Illinois for purposes of providing security for a group that he manages while on the road. However, that is not a legal purpose for Mr. ██████ to possess a weapon, because he did not possess an FOID Card, and he did not fall within the nonresident exception to the FOID Card requirement. Thus, Mr. ██████ cannot legally provide weapons to another in Illinois. See 430 ILCS 65/2.

Mr. ██████ claimed that the fact that the State's Attorney's Office's ("SAO") declined to file charges against him demonstrates that he should not have been arrested. Initially, while the police seek approval from the SAO for felony charges, there is no need to obtain SAO approval for non-felony charges relating to a violation of the FOID Card requirement.

In addition, the fact that the State's Attorney's Office declined to file charges against Mr. ██████ does not negate the objective reasonableness of Mr. ██████ arrest, because there are many reasons the SAO might have for declining to file charges. For example, in deciding whether to approve charges, the SAO may consider such things as whether the evidence is sufficient for them to convict an individual. In order to convict a person, the State must provide evidence sufficient to prove a person guilty beyond a reasonable doubt. *People v. Jordan*, 282 Ill. App. 3d 301, 304 (1996). In contrast, probable cause to arrest only requires that the officer have sufficient evidence to give a reasonably cautious police officer cause to believe that Mr. ██████ had committed a crime. *People v. Love*, 199 Ill. 2d at 279. The standard for determining whether probable cause exists is probability of criminal activity, not proof beyond a reasonable doubt. *People v. Lee*, 214 Ill. 2d 476, 485 (2005). As discussed above, the police had sufficient evidence.

For those reasons, neither Officer Miro nor Officer Guerrero committed misconduct in arresting Mr. ██████. Accordingly, COPA has determined that both officers are **EXONERATED** as to this allegation.

### *Allegation 2*

Mr. ██████ maintained that the police should never have confiscated the three weapons that they recovered when they executed the search warrant, because criminal charges against him were declined by the SAO. Mr. ██████ also states that the police should never have taken any of his

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<sup>7</sup> From items of mail, the officers had reason to believe that they were searching Dobbins's (the target of the search) residence.

weapons, because he had receipts from his purchases of the firearms, and the police saw the receipts. However, the officers were properly inside the residence executing a search warrant, and thus, were able to recover all contraband found inside the house, including the weapons. As discussed regarding Allegation 1, the officers had sufficient probable cause to arrest Mr. [REDACTED] because he did not have an FOID Card and was not licensed in another state, and because he had constructive possession of the narcotics found in the home. Furthermore, the fact that the SAO declined to file charges does not mean that the officers did not have probable cause to arrest. Finally, the receipts only show the person that purchased the weapons. They do not establish possession, the element required for a violation of the FOID Act. As also discussed, probable cause does not require proof beyond a reasonable doubt.

Mr. [REDACTED] further states that the police took the receipts he had for his purchase of the weapons and failed to return the receipts. Mr. [REDACTED] states that he could give the receipts to Jeneral to use to defend the charge of unlawful use of a weapon by a felon. Again, the receipts show only the name of the individual that purchased the guns. A person can possess weapons that he did not purchase. Accordingly, COPA has determined that Officers Sweis and Anguiano are **EXONERATED** regarding this allegation.

### *Allegation 3*

Mr. [REDACTED] also stated that the police had no reason to arrest [REDACTED] According to the Arrest Report, [REDACTED] told the police that one of the weapons recovered belonged to him ([REDACTED]).<sup>8</sup> Based on [REDACTED] statement and all of the other contraband found in the residence, the police had probable cause to arrest [REDACTED] *Lee*, 214 Ill. 2d at 485.

Mr. [REDACTED] maintained that [REDACTED] a convicted felon, would never have told the police that he owned any of the weapons. Mr. [REDACTED] also stated that [REDACTED] denied making that statement and denied the statement's accuracy. While there is no way to resolve this contention, even if [REDACTED] did not have actual possession, the facts are sufficient to show that he had constructive possession of the weapons. The weapons were being kept in [REDACTED] home, and the weapons were found in three different places in the residence. Again, probable cause does not require proof beyond a reasonable doubt. Accordingly, Officers Sweis and Anguiano are **EXONERATED** as to this allegation.

### *Allegation 4*

Mr. [REDACTED] alleged that the officers broke into his safe in the house and confiscated the contents of the safe. According to Mr. [REDACTED] the police used a crowbar to open the safe, and it is now broken. Mr. [REDACTED] said that among the items in the safe were his papers (such as his birth certificate and social security card) and an approximately \$900 watch. In particular, Mr. [REDACTED] questioned whether the police were permitted to search inside the safe without a separate warrant to do so.

In looking for items named in a search warrant, officers are free to search anywhere inside the premises where the object of the search could reasonably be expected to be found. *People v.*

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<sup>8</sup> Attachment 2



*Brown*, 153 Ill.App.3d 307, 310, 505 N.E.2d 405, 408 (1987). The search warrant in this case allowed the police to search for narcotics inside the residence, and narcotics might reasonably be found inside of a safe. Therefore, the officers were permitted to search for drugs inside the safe, which was inside the residence, and they did not need a separate warrant to do so.

Accordingly, COPA has determined that Officer Miro and Officer Guerrero are both **EXONERATED** as to this allegation.

### *Allegation 5*

Mr. ██████ claimed that the officers took cash from the house. According to Mr. ██████ the police took approximately \$1,200 of his that was wrapped in a rubber band. In addition, Mr. ██████ said that they took \$35 out of one girl's purse and \$90 from another girl's purse. Finally, Mr. ██████ said that the police also took a \$900 watch and some personal papers, after they broke into his safe.

In his statement to COPA, ██████ stated that he spoke to his uncle, ██████ frequently and had just spoken to him the morning of his interview with COPA. In his interview with COPA, ██████ stated that Mr. ██████ told him that the police took \$10,000 to \$15,000 from Mr. ██████ but ██████ was unaware of any other missing money. Mr. ██████ specified that his \$1,200 was held together by a rubber band, and he said the police left only the rubber band. In contrast, ██████ said that Mr. ██████ \$10,000 to \$15,000 was kept in a bag or a box, and that is how the officers took the money out of the house. Mr. ██████ said the officers broke into the safe with a crowbar, while ██████ informed COPA that Mr. ██████ had lost the passcode. As discussed above, the search warrant gave the officers reason to search inside of the safe.

In addition, the police prepared inventory reports for various pieces of property they recovered from inside the residence. However, there are no inventory reports indicating that they recovered any money ("USC"), a watch, or personal papers that belonged to Mr. ██████ COPA has examined the arrest reports, case incident reports, but has found no indication that the officers recovered any USC or any of the other items.<sup>9</sup> COPA has interviewed Mr. ██████ and his nephew ██████ and they both stated that the officers took USC from the house but did not inventory the money; however their accounts remain inconsistent.

Moreover, while COPA made diligent efforts to contact the other witnesses (for whom Mr. ██████ provided contact information) to corroborate Mr. ██████ account, the addition of information from those individuals COPA was unable to speak to would not change the fact that there are inconsistencies between Mr. ██████ statements and the police and further inconsistencies between the statements of Mr. ██████ and his own witness, ██████

In this instance, based only on the conflicting<sup>10</sup> accounts, COPA cannot sustain the allegation. Similarly, because COPA cannot completely discount this allegation, COPA also could

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<sup>9</sup> Attachment 4.

<sup>10</sup> COPA also notes that an investigation such as this is really within the jurisdiction of the Chicago Police Department's Bureau of Internal Affairs (BIA), which is in a much better position to conduct investigations of allegations regarding an officer's theft of money or property.

not exonerate the officers as to this allegation. Accordingly, COPA finds that this allegation is **NOT SUSTAINED** as to both Officer Miro and Officer Guerrero.

### *Allegation 6*

Mr. ██████ claims that the police failed to provide receipts listing his property that was taken when they executed the search warrant. The property taken during the search of the residence was inventoried using the eTrack system,<sup>11</sup> as indicated by the numerous inventory slips. See G07-01; S07-01. In fact, there is an inventory slip for the receipts for the weapons. In addition, there is an Evidence Log, which was signed by ██████. The Evidence Log lists most of the items recovered during the search.

Chicago Police Department (CPD) Directives provide that the inventorying officer will print a copy of the “Notice to Property Owner” form and a Citizen Copy of the inventory in eTrack and give the form to the arrestee. S07-01. However, at the scene, the police could not be certain who was actually the “owner” of each item recovered. and thus, likely gave only one copy of the Evidence Log to ██████.<sup>12</sup> ██████ resided in that home. In addition, the only person with charges against him is ██████. Furthermore, as discussed above, the receipts for the weapons only shows the name of the individual that purchased the weapon; not the person that possessed the weapon. Because COPA is unable to determine whether all the proper receipts were given, the allegations against Officer Miro and Officer Guerrero are **NOT SUSTAINED**.

### *Officer Cesar I. Guerrero*

### *Allegation 7*

Mr. ██████ claimed that the police cannot hold his weapons without cause. Mr. ██████ said that he spoke with Officer Guerrero, one of the arresting officers, and Officer Guerrero told Mr. ██████ that he could not release the weapons at this time, because they had placed an investigative hold on the weapons. According to Mr. ██████ he understands that the weapon for which the police arrested ██████ will not be released until ██████ case is over. However, the reason the police are holding the weapons at this time is not evident. The police can properly place an investigative or evidentiary hold on property recovered during a search, and the evidentiary sheets demonstrate that they have placed such a hold on the property.<sup>13</sup>

Significantly, as discussed in Allegation 2 with regard to both Officer Miro and Officer Guerrero, the police properly recovered the weapons as contraband discovered during the execution of a valid search warrant. Such recovery can be placed on a hold for investigation and/or evidence. G07-01; S07-01. CPD Directives permit the release of firearms, provided the recovered firearms are not contraband. Special Order, S07-01-04 (IV) (B) (Effective August 15, 2019). Thus, the police were able to confiscate and hold Mr. ██████ firearms. For those reasons, Officer Guerrero is **EXONERATED** as to this allegation.

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<sup>11</sup> As discussed, there was no inventory slip for the USC allegedly removed from the residence.

<sup>12</sup> Attachment 3. This attachment contains the search warrant package, which includes the Evidence Log signed by ██████ on the last page of this attachment.

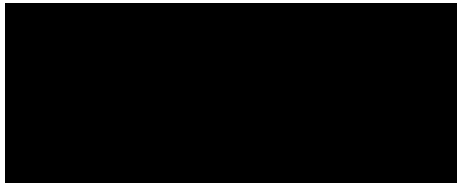
<sup>13</sup> Attachments 3 and 4.

*Sergeant Christine E. Ellman*

*Allegation 1*

Sergeant Christine Ellman (“Sergeant Ellman”) approved Officer Miro’s and Officer Guerrero’s decision by the officers to charge Mr. [REDACTED] with unlawful use of a weapon, thereby finding probable cause to arrest. As discussed above, because there was probable cause to arrest Mr. [REDACTED] Sergeant Ellman did not commit misconduct in approving probable cause for this charge. Therefore, COPA has determined that Sergeant Ellman is **EXONERATED** as to this allegation.

Approved:



6/11/2021

\_\_\_\_\_  
Date

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*Deputy Chief Administrator – Chief Investigator*

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	3
<b>Investigator:</b>	Michele Lavin
<b>Supervising Investigator:</b>	N/A
<b>Deputy Chief:</b>	Matthew Haynam

APPENDIXAttempts to Contact Witnesses for Log 2019-4773

1. May 22, 2020 – Tried calling ██████████'s attorney – ██████████ – His mailbox was full, so I could not leave a message.
2. May 27, 2020 – Same as May 22, 2020
3. May 27, 2020 – Mr. ██████████ told a COPA Case Liaison that he would get her contact info for other possible witnesses
4. May 27, 2020 – Sent an email to Mr. ██████████ attorney for his criminal case to obtain permission to talk to ██████████
5. May 29, 2020 – Sent another email to Mr. ██████████ Mr. ██████████ attorney
6. June 16, 2020 – Because we have not yet received any contact info from Mr. ██████████ I asked our Case Liaison if she could reach out to him.
7. Sent letter to Mr. ██████████ via email and USPS
8. June 26, 2020 – Sent final letter to Mr. ██████████ asking if we could talk to Mr. ██████████
9. July 6, 2020 – I have not heard from either Mr. ██████████ or from Mr. ██████████ – I contacted our Case Liaison to see if she had heard anything
10. July 8, 2020 – Our Case Liaison gave me contact info for 4 people she got from ██████████  
 ██████████ – (██████) ██████████  
 ██████████ – (██████) ██████████  
 ██████████ – (██████) ██████████  
 ██████████ – (██████) ██████████

I cannot call ██████████ because he has a criminal case, and his attorney has never responded to my requests to talk to Mr. ██████████

Called:

- ██████████ (██████) – Left my number on voicemail to call me back
- ██████████ (██████) – He told me that he would call me back the next day
- ██████████ (██████) – He told me that he would call me back the next day

11. July 10, 2020

Called:

- ██████ – Left message with Mr. ██████████ daughter, ██████████ ██████████ to call me back
- ██████ – Left message to call me back
- ██████ – Set up appointment for phone interview at 11:00 a.m. on July 15, 2020.

12. July 15, 2020 – I called [REDACTED] but he did not answer his phone
13. July 17, 2020 – I called  
[REDACTED] – We will stay in contact to set up another time  
[REDACTED] – He was ready to do on this date or Saturday – I did not have a 2<sup>nd</sup> Inv
14. August 4, 2020 – Called  
[REDACTED] – Voicemail full  
[REDACTED] – Scheduled phone interview for 11:00 on August 11, 2020  
[REDACTED] – Scheduled phone interview for 12:30 on August 11, 2020
15. August 11, 2020 – Called [REDACTED] for phone interview at 11:00 – [REDACTED] did not answer the phone
16. August 11, 2020 – Conducted phone interview with [REDACTED] [REDACTED] After interview, asked [REDACTED] to please ask [REDACTED] to contact Investigator Lavin at COPA.
17. August 26, 2020 – Called [REDACTED] – Voicemail is full
18. August 26, 2020 – Called and left message for [REDACTED] to call me back
19. A COPA Investigator went into the field and obtained signed witness documents from [REDACTED]  
In addition, she spoke to [REDACTED] [REDACTED] who said he wanted to talk to COPA – He has never contacted COPA – Regardless, without permission from his attorney, we cannot talk to him.
31. September 4, 2020 – I have not heard from [REDACTED] or [REDACTED]