



Log # 2021- 0000885

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 12, 2021, the Civilian Office of Police Accountability (COPA) interviewed ██████████ who alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on March 10, 2021, Officer Kelly Chan, Officer Edward Zeman, and Officer Curtis Alequin stopped ██████████ without justification, searched ██████████ without justification, and failed to identify themselves to ██████████ upon request.²

II. SUMMARY OF EVIDENCE³

On March 12, 2021, the Civilian Office of Police Accountability (COPA) interviewed ██████████ who alleged misconduct by members of the CPD. ██████████ alleged the accused officers detained him, searched him, and failed to identify themselves to ██████████ upon his request. There was no body worn camera footage of the incident and GPS did not reveal the officer's to be in the area during the time of the incident. Officers Chan, Zeman, and Alequin all provided statements to COPA and stated that they did not encounter ██████████ on the date of the incident and denied the allegations made against them.

III. ALLEGATIONS

Officer Chan:

1. Stopped ██████████ without justification.
2. Performed a search on ██████████ without justification.
3. Failed to provide name, rank, and star upon the request of ██████████

Officer Zeman:

1. Stopped ██████████ without justification.
2. Performed a search on ██████████ without justification.
3. Failed to provide name, rank, and star upon the request of ██████████

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera (BWC) footage, civilian and officer interviews, event queries, and radio transmission.

Officer Alequin:

1. Stopped [REDACTED] without justification.
2. Performed a search on [REDACTED] without justification.
3. Failed to provide name, rank, and star upon the request of [REDACTED]

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS⁴

a. Investigatory Stop Allegation

COPA finds the allegation that Officer Kelly Chan, Officer Curtis Alequin, and Officer Edward Zeman stopped [REDACTED] without justification is **Not Sustained**. Body worn camera footage and GPS data was not available to document that the officers had contact with [REDACTED]. Additionally, the officers could not recall encountering [REDACTED] on the day of the incident. There is no evidence to corroborate or refute [REDACTED] or the officer's account of the incident. Therefore, this allegation is Not Sustained.

b. Search Allegation

COPA finds the allegation that Officer Kelly Chan, Officer Edward Zeman, and Officer Curtis Alequin searched [REDACTED] without justification is **Not Sustained**. Body worn camera footage and GPS data was not available to document that the officers had contact with [REDACTED]. Additionally, the officers could not recall encountering [REDACTED] on the day of the incident. There is no evidence to corroborate or refute [REDACTED] or the officer's account of the incident. Therefore, this allegation is Not Sustained.

c. Failure to Identify Allegation

COPA finds the allegation that Officer Kelly Chan, Officer Edward Zeman, and Officer Curtis Alequin searched [REDACTED] without justification is **Not Sustained**. CPD members are required whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the department or by a private citizen.⁵ The accused officers did not recall encountering [REDACTED] during their patrol on the day of the incident. There is no evidence to corroborate or refute [REDACTED] or the officer's account of the incident. Therefore, this allegation is Not Sustained.

⁴ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁵ Rules and Regulations of the Chicago Police Department (Rule 37)

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

June 7, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	March 10, 2021 / 09:00 pm / 3257 W Chicago Ave., Chicago, IL 60624.
Date/Time of COPA Notification:	March 11, 2021 / 10:43 am.
Involved Member #1:	Officer Kelly Chan, Star #14507, Employee ID [REDACTED], DOA: February 02, 2015, Unit: 011, Female, Asian.
Involved Member #2:	Officer Edward Zeman, Star #19750, Employee ID [REDACTED], DOA: April 25, 2016, Unit: 606, Male White.
Involved Member #3:	Officer Curtis Alequin, Star #10028, Employee ID [REDACTED], DOA: May 16, 2017, Unit: 011, Male White Hispanic.
Involved Individual #1:	[REDACTED] Male, Black.

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- S04-13-09, Investigatory Stop Systems (Effective July 10, 2017).

Appendix B

Definition of COPA's Findings and Standards of Proof

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 a proposition is proved.⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”⁷

⁶ 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 is found to be more probably true than not).

⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation