

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	February 16, 2017; 10:00 p.m.; [REDACTED].
Date/Time of COPA Notification:	November 29, 2017, 3:26 p.m.
Involved Officer #1:	LOCKETT, Raymond; star# 17461; employee ID# [REDACTED]; Date of Appointment: May 1, 2013; Police Officer; Unit of Assignment: 020th District; Date of Birth: [REDACTED] 1982; Male; Black.
Involved Officer #2:	CLAUSSEN, Joseph, Charles; star# 7258; employee ID# [REDACTED]; Date of Appointment: April 16, 2010; Police Officer; Unit of Assignment: 020 th District; Date of Birth: [REDACTED], 1973; Male; White.
Involved Individual #1:	[REDACTED]; Date of Birth [REDACTED], 1962; Male; White.
Case Type:	Unlawfully searched and detained.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Raymond Lockett	1. It is alleged that Officer Raymond Lockett arrested [REDACTED] without legal justification. 2. It is alleged that Officer Raymond Lockett searched [REDACTED] residence without legal justification.	Not Sustained Not Sustained
Officer Joseph Claussen	1. It is alleged that Officer Joseph Claussen arrested [REDACTED] without legal justification. 2. It is alleged that Officer Josph Claussen searched [REDACTED] residence without legal justification.	Not Sustained Not Sustained
Unknown Officer	1. It is alleged that an Unknown Officer searched [REDACTED] home without a search warrant and falsely arrested him.	Not Sustained

II. SUMMARY OF EVIDENCE¹

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

In his statement to COPA, ██████████ said he was in his home (██████████) when he heard loud noises on the first floor. ██████████ and his friend, ██████████ went down to the first floor to check on the disturbance. When they arrived, they observed numerous police officers inside and outside of the first-floor apartment. An unknown officer handcuffed ██████████ and told him to sit on the floor. One of the officers questioned ██████████ about ██████████ one of the other people in the residence.² ██████████ brought the officer upstairs to his apartment to get a piece of mail that proved ██████████ identity. When they got to his apartment, there were several officers already searching the apartment. ██████████ questioned the officers about his property, but he did not get a response. ██████████ asked an officer to retrieve his glasses from his bedroom to read the mail. When the officer returned with the glasses, ██████████ was placed under arrest. ██████████ was not shown a copy of the warrant.

According to Department reports and statements from the involved officers, they executed a search warrant for ██████████ and the premises of ██████████. The officers were searching for methamphetamine and related paraphrenia. The officers rang the doorbell and knocked on the door and contacted ██████████. Upon entering the apartment, the arresting officers cleared it room-by-room, detaining four individuals.³ As the officers approached the rear of the apartment, they heard a commotion on the back stairway and observed at least one individual running on the stairs. The arresting officers asked the detainees the whereabouts of ██████████ and were told he was on the second floor. The officers went to the second floor and knocked on the door. ██████████ answered the door and was immediately arrested. ██████████ who was in the company of ██████████ was detained. When Officer Lockett retrieved ██████████ identification from inside his wallet, he observed a small Ziplock baggie containing a white crystal substance, suspect crystal methamphetamine. The officers conducted a systematic search of ██████████ residence and recovered narcotics and drug paraphernalia. Officer Lockett and Officer Claussen denied the allegations against them.

The officers involved in the execution of this search warrant were not issued body worn cameras at the time this incident occurred. There are is no known video footage of this incident.

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;

ongoing efforts to increase case closure capacity, certain cases 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 Several other people, including ██████████ were in the first-floor apartment. ██████████ denied that ██████████ was in ██████████ second-floor apartment during the incident. Multiple attempts to contact these individuals for interviews were unsuccessful.

³ Outside of ██████████ and ██████████ officers also arrested ██████████, ██████████, and ██████████

- 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 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 that the allegations against Officers Lockett and Claussen and the unknown officer are Not Sustained. While it is clear that officers arrested [REDACTED] and searched his apartment, there is insufficient evidence of the circumstances of these events to prove whether or not they were appropriate. The officers stated that they saw [REDACTED] the target of the warrant, in [REDACTED] apartment, which [REDACTED] denied. [REDACTED] stated that he brought the officers to his apartment to look at a piece of mail to prove one of the other individuals’ identity. The officers said they found evidence of methamphetamine when they looked at [REDACTED] ID to prove his residency. None of the other people involved in this search cooperated with this investigation to help determine what happened. Furthermore, there is no body worn camera footage or other independent evidence to shed further light on the circumstances surrounding [REDACTED] arrest or the search of his residence. Accordingly, the allegations are Not Sustained.

Approved:

[REDACTED]

June 28, 2020

Andrea Kersten
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	1
Investigator:	Wilbert Neal, #42
Supervising Investigator:	Shannon Hayes, #15
Deputy Chief Administrator:	Andrea Kersten, #7