



July 13, 2026

Mr. Max A. Caproni
Executive Director, Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602

Via Email

RE: Request for Review, Log # 2023-0001294

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (CPD) in Log # 2023-0001294.¹

As set forth in detail in COPA's Final Summary Report (FSR) dated September 27, 2024, there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation that Police Officer Gemera Brown, Star #13372, receive a five to fifteen day suspension penalty based on sustained findings that she entered the apartment occupied by [REDACTED] without justification and that she entered the residence of [REDACTED] without a warrant. Additionally, there is no basis for a separate log number investigation to be opened to address the conduct of Officer Niyell Powell, Star #13594, and Officer Donovan Foster, Star #9515.

I. BACKGROUND

A. Relevant Factual Background²

On April 4, 2021, [REDACTED] called 911 at 2:23 p.m. to report that her landlord, [REDACTED] along with others, had entered her apartment at [REDACTED] in Chicago, IL unannounced and while she was in a state of undress.³ [REDACTED] alleged that an altercation ensued,

¹ As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, CPD's non-concurrence letter (Non-Concurrence), and the certificate of meeting and service.

² A more detailed factual summary can be found in the FSR.

³ Att. 3, pg. 2; Att. 18, pg. 2, ¶ 6; Att. 39, pg. 2. Because COPA was not notified about the events of April 4 and April 7, 2021, until almost two years later, the Office of Emergency Management and Communication (OEMC) no longer retained copies of many relevant audio recordings (i.e., 911 telephone recordings and police radio transmissions) and was unable to provide these materials to COPA. See Atts. 54 and 56 to 62.

during which [REDACTED] battered her using a wooden board and chair and then sprayed her with a chemical irritant.⁴ CFD arrived on scene and treated [REDACTED] for pain, and Officers Powell and Foster arrived on scene soon after, at 3:05 p.m. [REDACTED] met them at the front door and eventually led them into her apartment.⁵ The officers and [REDACTED] discussed and completed a Victim Information Notice (VIN), and [REDACTED] mentioned to the officers she wanted [REDACTED] arrested.⁶ [REDACTED] was also issued a VIN.

The next day, [REDACTED] went to the 3rd District Station to report the altercation, alleging that he and his contractor, [REDACTED] were at the apartment complex conducting renovations when [REDACTED] assaulted him with a series of closed-fist punches.⁷

On April 7, [REDACTED] called 911 at 9:24 a.m. to report that [REDACTED] was back on the premises and refused to leave.⁸ Field Training Officer (FTO) Brown and Probationary Police Officer (PPO) Townsend were dispatched to the call, arriving on the scene at 9:39 a.m. The officers spoke to [REDACTED] who agreed to sign a complaint. He then led the officers into the building and up to [REDACTED] apartment.⁹ [REDACTED] took the officers to the main door that led to [REDACTED] apartment and told them that it was open.¹⁰ FTO Brown kicked the door, calling out “Chicago Police” as she did so.¹¹ When FTO Brown kicked the door, it made a sound as though something metal was leaning against it.¹² FTO Brown kicked the door several times, also while announcing her office, until she heard [REDACTED] call out from inside the apartment, “What, who is it?”¹³ FTO Brown announced her office again, walked through the doorway into a small common area, and asked [REDACTED] to come out from wherever she was inside. [REDACTED] stuck her head out into the hallway, said that she was not dressed yet, and asked, “Are you helping me?”¹⁴ FTO Brown again told [REDACTED] to step out, and [REDACTED] then stepped into the hall partially dressed.¹⁵

Once [REDACTED] got dressed, FTO Brown handcuffed her and told her she was being arrested for assault.¹⁶ She was eventually escorted to a CPD vehicle and transported.

B. Disputed Findings and Recommendations

CPD dissents with COPA’s sustained findings that FTO Brown entered the apartment occupied by [REDACTED] without justification and entered the residence of [REDACTED] without a warrant.

⁴ Att. 3, pg. 2; Att. 18, pg. 2, ¶ 6; Att. 39, pg. 2; Att. 55, pg. 2.

⁵ Atts. 6 and 7 at 15:05:30 to 15:11:50. The officers waited outside at the front door before [REDACTED] appeared. There was no sign of [REDACTED] during this time.

⁶ Att. 7 at 15:17:48.

⁷ Att. 4.

⁸ Att. 8.

⁹ Att. 10 at 09:46:10.

¹⁰ Att. 11 at 09:46:07.

¹¹ Att. 10 at 09:46:13.

¹² Att. 10 at 09:46:13.

¹³ Att. 10 at 09:46:27.

¹⁴ Att. 10 at 09:46:32.

¹⁵ Att. 10 at 09:46:53.

¹⁶ Att. 10 at 09:47:59. The charge of battery against [REDACTED] was eventually stricken off with leave to reinstate in the Circuit Court of Cook County. See Att. 34.

CPD additionally argued in the non-concurrence that a separate log number should be opened to investigate the conduct of Officers Powell and Foster.

II. ARGUMENT

A. Neither caselaw nor the facts of this case support CPD's argument that the warrantless home entry was lawful.

CPD first argues that because officers had probable cause to arrest ██████ based on ██████ prior police report, ██████ statement to the officers, and the signed complaint, they had both justification for entry into ██████ apartment and entry into ██████ residence absent a warrant.¹⁷ This argument is not supported by caselaw.

In *Payton v. New York*, the U.S. Supreme Court expressly ruled that warrantless and nonconsensual entries to effect a routine arrest violated the Fourth Amendment.¹⁸ In that case, officers went to the home of a person wanted for murder.¹⁹ The officers observed the person through an open door and entered to make the arrest. The Supreme Court held the entry unlawful, stating “the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not be crossed without a warrant.”²⁰ Similarly, in *People v. Hassan*, the appellate court of Illinois dismissed the prosecution's argument that the officers' warrantless entry onto the defendant's property was lawful because the officers had probable cause of a drug crime.²¹ Rather, the court stated, “No amount of probable cause can justify a warrantless search or seizure absent exigent circumstances.”²²

The law is therefore clear that absent consent²³ or exigent circumstances, police may not enter a home without a warrant.²⁴ CPD contends that the required exigent circumstances necessary enter the apartment were present because “it was unknown if ██████ was attempting to flee out a back door or grabbing a weapon or doing anything else that could possible harm herself or the officers.”²⁵ There is simply no evidence to support these claims of exigent circumstances. CPD merely speculates that ██████ was attempting to flee, grab a weapon, and/or harm herself or the officers, despite the fact there were no indicators present in those moments to warrant such a belief by FTO Brown. Notably, FTO Brown never claimed in her statement to COPA that there was an immediate and urgent need to enter ██████ home. ██████ verbally responded to FTO Brown's knocking and announcing her office, then further let them know she was not dressed when the officers asked her to come out. ██████ did not exhibit any behaviors to demonstrate or potentially

¹⁷ Att. 79.

¹⁸ *Payton v. New York*, 445 U.S. 573, 576 (1979).

¹⁹ In *Payton*, the officers were acting pursuant to a state law that permitted officers to enter a home without a warrant to make a felony arrest. 445 U.S. at 574. The Supreme Court rules that law as not constitutional.

²⁰ 445 U.S. at 590.

²¹ *People v. Hassan*, 253 Ill. App. 3d 558, 567 (1st Dist. 1993).

²² *People v. Hassan*, 253 Ill. App. 3d 558, 567 (quoting *Coolidge v. New Hampshire*, 403 U.S. 443, 468 (1971)).

²³ See *Illinois v. Rodriguez*, 497 U.S. 177, 181 (1990). FTO Brown claimed she had consent to enter. However, as explained more fully in the FSR, that claim was not reasonable. CPD does not argue FTO Brown had valid consent to enter.

²⁴ See *People v. Dawn*, 2013 IL App (2d) 120025, ¶ 22.

²⁵ Att. 79.

cue to the officers that she was armed, going to harm herself or others, or potentially flee. There was nothing in [REDACTED] demeanor or responses, nor anything explicitly stated by [REDACTED] to the officers prior to their encounter, that would have led them to believe that [REDACTED] was armed, dangerous, or had potential to flee.

Courts in both Illinois and other states have held that warrantless entries are not justified where there was nothing to support the conclusion that the person inside had a gun, or that there was an actual danger from weapons that would require an unannounced entry.²⁶ Probable cause for forced entry based on exigency requires the reasonable probability that the person inside is *actually* in danger.²⁷ Here, based on the evidence FTO Bown had at the moment she chose to enter [REDACTED] apartment, there was insufficient evidence to reasonably believe that [REDACTED] was in distress, would have been a threat to herself or anyone, or was planning to flee. There was nothing that would have specifically alerted the officers to the potential of any of those circumstances occurring. In evaluating whether exigent circumstances exist, COPA must consider what the police knew *at the time they acted* and assess whether their actions were reasonable under those circumstances.²⁸ It was FTO Brown's responsibility to demonstrate that she had sufficient exigent circumstances to justify entry into [REDACTED] apartment and without a warrant, which she did not.

It is for these reasons that COPA believes the allegations regarding FTO Brown's entry into the apartment occupied by [REDACTED] without justification, and entry into the residence of [REDACTED] without a warrant, should both remain Sustained.

B. CPD has not provided a basis to create additional logs.

CPD requested that a separate log number investigation be initiated to address the conduct of Officer Powell and Officer Foster.²⁹ Specifically, CPD alleges that their conduct should be investigated in a separate log number because Officers Powell and Foster's conduct occurred three days before the incident involving FTO Brown.

However, CPD has not cited any legal basis or reasoning as to why COPA should split this investigation into two log numbers, other than the incidents involved the same parties but occurred on separate dates. In fact, COPA regularly combines incidents involving the same parties into one log number. Providing a statement to COPA can be both logistically and emotionally challenging for complainants. Requiring complainants to come in for several statements, for different log numbers, would create unnecessary barriers to assisting COPA with its investigations. In contrast, CPD has not argued or provided evidence to demonstrate that the involved officers have been prejudiced in any way.

²⁶ See *People v. Foskey*, 136 Ill. 2d 66, 78 (1990); see also *People v. Clark*, 144 Ill. App. 3d 7, 11 (1986); see also *United States v. Killebrew*, 560 F.2d 729, 734 (6th Cir. 1977).

²⁷ See *Koch v. Town of Brattleboro*, 287 F.3d 162 (2d Cir. 2002); see also *Tierney v. Davidson*, 133 F.3d 189, 196-97 (2d Cir. 1998) (police officers may enter dwelling without warrant only if, based on an objective standard, they reasonably believe an individual inside to be in distress); see also *Root v. Gauper*, 438 F.2d 361, 364-65 (8th Cir. 1971) (holding warrantless search based on an emergency requires an assessment of whether officers reasonably believe such an action is necessary); see also *United States v. Holloway*, 290 F.3d 1331, 1338 (11th Cir. Ct. Appeals).

²⁸ See *People v. Eden*, 246 Ill. App. 3d 277, 282, (4th Dist. 1993).

²⁹ Att. 79.

It is for these reasons that COPA believes Officer Powell's and Officer Foster's conduct was correctly addressed and investigated in this log number, and there is no legal basis or logical reasoning for splitting this investigation into multiple log numbers.

III. CONCLUSION

For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA's recommendations in this case are unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's findings and recommendations.

Respectfully,

A handwritten signature in blue ink, appearing to read "LaKenya White", with a stylized flourish at the end.

LaKenya White
Chief Administrator
Civilian Office of Police Accountability