



Log # 2021-0001500

SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On April 22, 2021, the Chicago Police Department's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at approximately 4:09 pm that afternoon in the vicinity of 10401 West Eisenhower Expressway (Inbound) in Hillside, Illinois.² COPA learned that Chicago Police Department (CPD) officers were in Lombard, Illinois, conducting surveillance on ██████ ██████ who was wanted in connection with a murder in Chicago. When the officers attempted to place ██████ in custody, he drove a Dodge Durango into multiple police vehicles and fled the scene. Officer Justin Simik-Valadez,³ who was conducting surveillance inside a covert vehicle, pursued ██████ drove eastbound on the Eisenhower Expressway until he crashed into a retaining wall. ██████ exited the Dodge Durango and ran across the stopped traffic to a Land Rover. ██████ shot out the driver's side window with a handgun, injuring the driver in the face. The Land Rover's driver and front-seat passenger exited, and ██████ sat in the driver's seat. Officer Simik-Valadez arrived on the scene, ordered ██████ to stop and then discharged his firearm as ██████ raised his firearm toward the officer. A Villa Park Police Department officer arrived on the scene and handcuffed ██████ who was then transported to Loyola University Medical Center and treated for gunshot wounds to his left arm and chest.

Upon review of the evidence, COPA served allegations that, among others, Officer Simik-Valadez violated CPD policy by discharging his firearm without justification and engaging in a motor vehicle pursuit in a covert vehicle. Also, COPA served allegations that Sergeant (Sgt.) Daniel Conway failed to properly supervise Officer Simik-Valadez. Following its investigation, COPA reached sustained and not sustained findings regarding all the allegations.

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 Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

³ Officer Simik-Valadez was promoted to the rank of Sergeant, effective April 16, 2023. Hereinafter, he will be referred to as "Officer Simik-Valadez."

II. SUMMARY OF EVIDENCE⁴

Sgt. Conway and a team of CPD officers had tracked ██████ ██████ to a residence in Lombard where they observed a vehicle in the parking lot that had been used in the murder of a seven-year-old child in Chicago a few days earlier, and set up surveillance to apprehend ██████ and possibly other offenders.⁶ After several hours of surveillance, the officers observed ██████ exit an apartment complex and approach a vehicle.⁷ The officers exited their vehicles and attempted to place him into custody.⁸ ██████ then ran and entered a Dodge Durango.⁹ The Dodge Durango struck several civilian vehicles and two covert vehicles as it exited the parking lot.¹⁰ Officer Justin Simik-Valadez, who was driving a covert vehicle, gave way to an unmarked police vehicle which activated its emergency lights and pursued the Dodge Durango.¹¹ Officer Simik-Valadez followed the unmarked police vehicle but the officers lost sight of the Dodge Durango.¹² The Dodge Durango reappeared on a residential street going in the opposite direction on a residential street and Officer Simik-Valadez turned around to follow it.¹³ Officer Simik-Valadez did not see what happened to the unmarked police vehicle.¹⁴

Officer Simik-Valadez communicated his location with Sgt. Conway via push-to-talk radio¹⁵ and the sergeant responded to stay on the Dodge Durango and to keep “calling it out.”¹⁶ Officer Simik-Valadez reported that he observed ██████ on Roosevelt Road.¹⁷ The Dodge Durango ran a red light at an intersection, pursued by Officer Simik-Valadez in his covert vehicle.¹⁸ Villa Park Police Department (VPPD) Officer Richard Boryk observed the two vehicles, activated his police vehicle’s emergency equipment, and began to pursue.¹⁹ Officer Simik-Valadez observed “very far back” in his rear view mirror Officer Boryk’s marked police vehicle make a U-turn and activate its lights.²⁰ Officer Simik-Valadez continued pursuing ██████ eastbound on Roosevelt Road and eventually to the Eisenhower Expressway.²¹ Officer Simik-Valadez communicated with Sgt. Conway that vehicular traffic on the Eisenhower was minimal, and the sergeant ordered him

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including Villa Park Police Department in-car camera footage, Villa Park traffic camera footage, OEMC radio transmissions, Chicago Police Department (CPD) reports, COPA statements, electronically recorded interviews of civilian witnesses, and Illinois State Police (ISP) reports.

⁵ ██████ through his attorney, declined to provide a statement to COPA (CMS Note CO-0085347).

⁶ Att. 57, pg. 8, lns. 10 to 18.

⁷ Att. 57, pg. 8, lns. 20 to 23.

⁸ Att. 57, pg. 12, ln. 23 to pg. 13, ln. 1.

⁹ Att. 57, pg. 13, lns. 1 to 3.

¹⁰ Att. 57, pg. 13, lns. 8 to 15.

¹¹ Att. 44, pg. 19, lns. 6 to 13.

¹² Att. 44, pg. 19, lns. 14 to 16.

¹³ Att. 44, pg. 19, lns. 16 to 22.

¹⁴ Att. 44, pg. 31, lns. 18 to 20.

¹⁵ Communications via push-to-talk radios, unlike CPD radios, are not recorded (Att. 57, pg. 13, lns. 23 to 24).

¹⁶ Att. 44, pg. 20, lns. 2 to 6.

¹⁷ Att. 57, pg. 17, lns. 18 to 24.

¹⁸ Att. 32, at 00:12 to 00:30 minutes.

¹⁹ Att. 29, 00:45 to 1:03 minutes.

²⁰ Att. 44, pg. 20, lns. 14 to 22.

²¹ Att. 44, pg. 20, ln. 23 to pg. 21, ln. 10.

to continue pursuing ██████²² ██████ and Officer Simik-Valadez zigzagged at a high rate of speed through traffic on the Eisenhower and entered the feeder ramp for Mannheim Road as Officer Boryk also continued his pursuit on the expressway.²³ Officer Simik-Valadez drove on the right shoulder of the expressway in order to keep up with ██████²⁴ Beat 6515D²⁵ requested over the radio a police helicopter regarding a vehicle pursuit on the inbound Eisenhower Expressway near Mannheim Road and added that he and other units in front of him were pursuing a possible homicide suspect in a gray Dodge Durango with front-end damage.²⁶

The Dodge Durango drove on the right shoulder and struck a concrete wall on the right side of the expressway.²⁷ ██████ exited the Dodge Durango holding a bag.²⁸ ██████ ran across the inbound lanes of the expressway through stopped traffic to the Land Rover.²⁹ Officer Simik-Valadez arrived on the scene, observed that the Dodge Durango was empty, and began looking for ██████ on the expressway.³⁰ ██████ came up to the driver's side of the Land Rover, pulled on the door handle and told the driver, ██████ to get out.³¹ ██████ pointed a black handgun at ██████³² ██████ raised his hands and was about to open his door for ██████ when he heard a loud bang and thought that ██████ had shot out the window.³³ The driver's side window broke and ██████ exited the Land Rover, as ██████ entered into the driver's seat.³⁴ ██████ sustained lacerations to the left side of his head.³⁵ ██████ told ██████ "not to do it" because his wife and two children were inside the vehicle.³⁶ Officer Simik-Valadez appeared in front of the Land Rover and pointed his firearm at ██████³⁷ Officer Simik-Valadez approached the open driver's door and observed through the broken window that ██████ had a firearm next³⁸ to his left leg.³⁹ Officer Simik-Valadez announced his office and ordered ██████ to exit the Land Rover.⁴⁰ The officer estimated that the distance between them was within five feet.⁴¹ ██████ placed the Land Rover into reverse and then reached for the firearm with his left⁴² hand.⁴³ Officer Simik-Valadez

²² Att. 57, pg. 19, lns. 2 to 11.

²³ Att. 29, at 2:33 to 4:03 minutes.

²⁴ Att. 44, pg. 35, lns. 9 to 14.

²⁵ Officer Martin Hernandez #6529, per ██████ arrest report (Att. 7, pg. 7).

²⁶ Att. 12, at 28:37 to 29:46 minutes and 30:31 to 31:23 minutes.

²⁷ Att. 25, at 2:02 to 2:32 minutes.

²⁸ Att. 25, at 2:33 to 2:59 minutes.

²⁹ Att. 21, at 00:44 to 1:01 minutes.

³⁰ Att. 44, pg. 21, lns. 17 to 23.

³¹ Att. 16, at 3:00 to 3:15 minutes.

³² Att. 16, at 4:45 to 5:02 minutes.

³³ Att. 16, at 5:37 to 5:58 minutes.

³⁴ Att. 16, at 6:01 to 6:30 minutes.

³⁵ Att. 7, pg. 3.

³⁶ Att. 16, at 6:45 to 6:51 minutes.

³⁷ Att. 16, at 6:52 to 7:01 minutes.

³⁸ Officer Simik-Valadez specified that the handle of the firearm was under ██████ leg and the slide "running" along his leg. (Att. 44, pg. 36, lns. 9 to 12).

³⁹ Att. 44, pg. 22, lns. 15 to 18.

⁴⁰ Att. 44, pg. 22, lns. 18 to 19.

⁴¹ Att. 44, pg. 38, lns. 3 to 9.

⁴² ██████ stated ██████ was controlling the Land Rover with one hand but did not see what ██████ was doing with his other hand (Att. 16, at 8:41 to 8:51 minutes).

⁴³ Att. 44, pg. 23, lns. 5 to 10.

“acquired the subject in a sight picture alignment,” using the front and rear sights of his firearm, and discharged his firearm at ██████⁴⁴

█████ clenched his left arm with his right hand and leaned his body away from the firearm.⁴⁵ Officer Simik-Valadez stopped firing and removed the firearm from ██████ possession.⁴⁶ Officer Simik-Valadez pulled ██████ out of the Land Rover and the Land Rover moved in reverse; ██████ jumped inside the Land Rover, placed it in “Park,” and then took out his two children from the back seat.⁴⁷ Officer Boryk drove past the Westchester Boulevard viaduct, stopped his police vehicle on the expressway, and assisted Officer Simik-Valdez in handcuffing ██████ on the driver’s side of the Land Rover.⁴⁸ Beat 6515⁴⁹ reported shots were fired by the police and that ██████ had been struck.⁵⁰ ██████ sustained three gunshot wounds to his left chest and four gunshot wounds to his left upper arm.⁵¹ Officer Boryk removed ██████ back pack and found a compact AK rifle, which was then secured by CPD officers.⁵² Officer Simik-Valadez discharged his firearm five times.⁵³ Illinois State Police (ISP) deputies recovered five fired Hornady 9 mm Luger +P cartridge cases and one fired CBC 40 S7W cartridge case from the scene.⁵⁴ ISP tested Officer Simik-Valadez and ██████ firearms⁵⁵ and determined that the five cartridge cases were fired from Officer Simik-Valadez’s firearm and the one CBD 40 S7W cartridge case was discharged from ██████ firearm.⁵⁶

Sgt. Conway acknowledged that pursuits by covert vehicles were prohibited by CPD policy but explained that he made the decision to continue the pursuit based on the totality of the circumstances at the time.⁵⁷ Similarly, Officer Simik-Valadez stated to COPA that he considered factors such as vehicular and pedestrian traffic, speed, and weather condition and determined that the necessity to apprehend ██████ “greatly outweighed the inherent risk of any type of action” that he was taking in the covert vehicle.⁵⁸ Sgt. Conway⁵⁹ and Officer Simik-Valadez⁶⁰ denied the allegations.

⁴⁴ Att. 44, pg. 23, lns. 16 to 20.

⁴⁵ Att. 44, pg. 38, ln. 22 to pg. 39, ln. 3.

⁴⁶ Att. 44, pg. 23, ln. 22 to pg. 24, ln. 3.

⁴⁷ Att. 23, at 5:05 to 5:45 minutes.

⁴⁸ Att. 29, at 4:55 to 5:53 minutes.

⁴⁹ Detective Daniel De Lopez #21781, per ██████ arrest report (Att. 7, pg. 4).

⁵⁰ Att. 12, at 35:06 to 35:22 minutes.

⁵¹ Att. 61, pg. 21.

⁵² Att. 33, pg. 7.

⁵³ Att. 69, pg. 1.

⁵⁴ Att. 84, pg. 1.

⁵⁵ Att. 34, pg. 1.

⁵⁶ Att. 85, pg. 3

⁵⁷ Att. 57, pg. 24, ln. 8 to pg. 25, ln. 2.

⁵⁸ Att. 44, pg. 20, lns. 6 to 13.

⁵⁹ Att. 60, at 3:32 to 4:51 minutes.

⁶⁰ Att. 67, at 0:17 to 1:14 minutes.

III. ALLEGATIONS

Officer Justin Simik-Valadez:

1. Discharged his firearm in violation of General Order G03-02, without justification.
 - Not Sustained.
2. Engaged in a motor vehicle pursuit while operating a covert vehicle in violation of General Order G03-03-01.
 - Sustained, Violation of Rules 2, 3, 5, and 6.
3. Initiated a motor vehicle pursuit, without justification.
 - Sustained, Violation of Rules 2, 3, 5, and 6.
4. Continued a motor vehicle pursuit, without justification.
 - Sustained, Violation of Rules 2, 3, 5, and 6.
5. Engaged in emergency vehicle operations without due regard for the safety of all persons, without justification.
 - Sustained, Violation of Rules 2, 3, 5, and 6.

Sergeant Daniel Conway:

1. Failed to properly supervise by authorizing Officer Justin Simik-Valadez to engage in a motor vehicle pursuit in a covert vehicle in violation of General Order G03-03-01, without justification.
 - Sustained, Violation of Rules 2, 3, 5, and 6.
2. Failed to properly supervise by authorizing Officer Justin Simik-Valadez to initiate a motor vehicle pursuit, without justification.
 - Sustained, Violation of Rules 2, 3, 5, and 6.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

V. ANALYSIS⁶¹

a. Officer Simik-Valadez's firearm discharge

CPD members are expected to resolve situations without using force, unless required under the circumstances to serve a lawful purpose.⁶² Members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or third person, stop an attack, make an arrest, or prevent escape.⁶³ The main issue in evaluating each use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of the circumstances faced by the member, at the time of the incident.⁶⁴ Factors to be considered include, but are not limited to, (a) whether the person is

⁶¹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁶² General Order G03-02 II(C), De-escalation, Response To Resistance, And Uses Of Force (effective April 15, 2021 to June 28, 2023).

⁶³ G03-02 III(B).

⁶⁴ G03-02 III(B)(1).

posing an imminent threat to the member or others; (b) the risk of harm, level of threat or resistance presented by the person; (c) the person's proximity or access to weapons; (d) whether de-escalation techniques can be employed or would be effective; and (e) the availability of other resources.⁶⁵

The use of deadly force is "a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁶⁶ CPD policy specifically prohibits a member from using deadly force on a fleeing person unless the person poses an imminent threat.⁶⁷ A threat is imminent "when it is objectively reasonable to believe that: (1) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and (2) the person has the means or instruments to cause death or great bodily harm; and (3) the person has the opportunity and ability to cause death or great bodily harm."⁶⁸

COPA finds there is insufficient evidence to prove or disprove the allegation that Officer Simik-Valadez discharged his firearm in violation of General Order G03-02, without justification. As stated above, the General Order mandates that Department members may only use force that is objectively reasonable, necessary, and proportional under the totality of the circumstances. In this situation, ██████ was undoubtedly armed with a handgun that he had already used in his attempt to hijack the Land Rover. Moreover, Officer Simik-Valadez was aware that ██████ was armed and had shot his weapon since the discharge occurred after the officer had arrived on the scene and was searching the vicinity for ██████. Also, ██████ did not provide a statement to COPA to be given an opportunity to confirm or deny the officer's statement. On the other hand, Officer Simik-Valadez's statement that ██████ firearm was partially under ██████ left thigh and that ██████ reached for his firearm with his left hand, prompting the officer to discharge his weapon, is neither supported nor contradicted by the evidence. Officer Simik-Valadez was not equipped with a body worn camera, since he was working in a covert capacity. In addition, the investigation did not reveal any video recording of the officer-involved shooting. Finally, ██████ who was standing on the driver's side of the Land Rover during the incident and who would have had the best view of ██████ left hand, did not observe whether ██████ reached for his firearm. Based on the weight of the above evidence, COPA cannot determine conclusively that the officer violated the relevant General Order when he discharged his firearm at ██████ and, consequently, finds **Allegation #1** against Officer Simik-Valadez is **not sustained**.

b. Officer Simik-Valadez's motor vehicle pursuit

COPA finds there is sufficient evidence to prove Allegations #2-5 regarding the officer's motor vehicle pursuit. General Order G03-03-01 mandates that every motor vehicle pursuit conform to a balancing test of whether "the necessity to immediately apprehend the fleeing subject outweighs the level of inherent danger created by a motor vehicle pursuit."⁶⁹ The General Order also states, "Any motor vehicle pursuit that is **NOT** conducted in accordance with this directive

⁶⁵ G03-02 III(B)(1).

⁶⁶ G03-02 IV(C).

⁶⁷ G03-02 IV(D)(1)(a).

⁶⁸ G03-02 IV(B).

⁶⁹ General Order G03-03-01 IV(A), Emergency Vehicle Operations – Eluding and Pursuing (effective August 15, 2020, to present).

will be immediately terminated by the involved Department members or monitoring supervisors.”⁷⁰ G03-03-01 explicitly prohibits Department members from engaging in a motor vehicle pursuit under certain circumstances.⁷¹ The General Order states that Department members will not engage in a motor vehicle pursuit while “operating squadrols, *covert vehicles* [emphasis added], vans, other truck chassis (including the 2006 and earlier Chevrolet Tahoe models), motorcycles, and police all-purpose vehicles.”⁷² G03-03-01 provides a list when such pursuits are completely forbidden without exception. In this instance, covert vehicles are completely forbidden, without exception.

Although Officer Simik-Valadez stated to COPA that he applied the balancing test throughout his pursuit of ██████ such application would have been appropriate if the officer had been operating a marked or unmarked police vehicle. On the contrary, Officer Simik-Valadez had been assigned a covert vehicle as part of the surveillance team for ██████ while other police vehicles were unmarked. When ██████ initially fled the surveillance team, Officer Simik-Valadez began as the second police vehicle behind the Dodge Durango. Due to unforeseen circumstances, the officer became the only unit in pursuit of ██████ Officer Simik-Valadez correctly communicated his position with his immediate supervisor, Sgt. Conway, and the sergeant directed him to continue pursuing ██████ Sgt. Conway reasoned that ██████ was too great a threat to the public to allow him to escape. The officer pursued ██████ at a high speed on the expressway and, by his own admission, even traveled on the shoulder as rush hour traffic slowed down.

Even though G03-03-01 does not enumerate the reasons for the prohibition of certain vehicles from engaging in a motor vehicle pursuit, still, the relevant directive does not provide exceptions to the CPD policy against covert vehicles engaging in motor vehicle pursuits. As a result, COPA finds **Allegations #2 to 5** against Officer Simik-Valadez are **sustained** as violations of Rules 2, 3, 5, and 6.

c. Sgt. Conway’s supervisory responsibilities regarding motor vehicle pursuit

Similar to the sustained allegations against Officer Simik-Valadez, COPA finds there is sufficient evidence to prove Allegations #1-2 against Sgt. Conway regarding the motor vehicle pursuit. Although Sgt. Conway did not engage in the motor vehicle pursuit of ██████ the sergeant admitted in his statement to COPA that he was aware that CPD policy prohibited motor vehicle pursuits by Department members in covert vehicles; nonetheless, Sgt. Conway authorized Officer Simik-Valadez to initiate and engage in the motor vehicle pursuit. Sgt. Conway explained that he made the decision based on the totality of the circumstances at the time and weighed the risk of the pursuit in relation to the importance of apprehending ██████ As stated above regarding Officer Simik-Valadez’s decision to pursue ██████ the balancing test for a potential motor vehicle pursuit does not apply to a Department member operating a covert vehicle, because the Department plainly forbids such pursuits. The sergeant was aware that his officer was operating a covert vehicle, but evaluated the danger of allowing ██████ to possibly evade arrest outweighed the risk to the public of a motor vehicle pursuit involving a vehicle that lacked any emergency equipment to warn other motorists; nevertheless, the sergeant’s decision was a violation of CPD policy. Consequently,

⁷⁰ G03-03-01 II(D), emphasis in the original.

⁷¹ G03-03-01 V.

⁷² G03-03-01 V(B)(2).

COPA finds **Allegations #1 to 2** against Sgt. Conway are **sustained** as violation of Rules 2, 3, 5, and 6.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Justin Simik-Valadez⁷³

i. Complimentary and Disciplinary History

Officer Simik-Valadez has received a total of 84 awards, including 7 Department commendations, 1 Top Gun Arrest award, 1 Superintendent's Award of Valor, and 66 honorable mentions. He has received one "Violation Noted" for a sustained complaint for neglect of duty in the past five years.

ii. Recommended Discipline

COPA has found that Officer Simik-Valadez violated Rules 2, 3, 5, and 6 by initiating and engaging in a motor vehicle pursuit, engaging in a motor vehicle pursuit while operating a covert vehicle, and engaging in emergency vehicle operations without due regard for the safety of all persons. COPA recommends **15-Day Suspension**.

b. Sgt. Daniel Conway⁷⁴

i. Complimentary and Disciplinary History

Sgt. Conway has received a total of 229 awards, including 1 Life Saving award, 5 complimentary letters, 22 Department commendations, and 172 honorable mentions. As of January 19, 2024, within the past 5 years, he has received 1 sustained complaint (2022-00000289) for Neglect of Duty with a disciplinary recommendation of Reprimand. He has no SPAR History.

ii. Recommended Discipline

COPA has found that Sgt. Conway violated Rules 2, 3, 5, and 6 by failing to properly supervise when he authorized Officer Simik-Valadez to engage in a motor vehicle pursuit in a covert vehicle and to initiate such pursuit. Contrary to Sgt. Conway's supervision, the Department's prohibition on such pursuits is absolute and is not subject to any balancing test of risk. COPA recommends **29-Day Suspension**.

⁷³ Att. #88.

⁷⁴ Att. #87.

Approved:



1/23/2024

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date



1/23/2024

Andrea Kersten
Chief Administrator

Date

Appendix ACase Details

Date/Time/Location of Incident:	April 22, 2021 / 4:09 pm / 10401 W. Eisenhower Expressway Inbound, Hillside, Illinois
Date/Time of COPA Notification:	April 22, 2021 / 4:40 pm
Involved Police Officer #1:	Justin Simik-Valadez / Star ⁷⁵ #8209 / Employee ID # [REDACTED] / Date of Appointment: August 31, 2015 / Unit 011/640 / Male / White Hispanic.
Involved Sergeant #1:	Daniel Conway / Star #1658 / Employee ID # [REDACTED] / Date of Appointment: March 16, 1998 / Unit 640 / Male / White.
Involved Individual #1:	[REDACTED] / March 23, 2003 / 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

- General Order G03-02, De-escalation, Response To Resistance, And Uses Of Force (effective April 15, 2021 – June 28, 2023).
- General Order G03-03-01, Emergency Vehicle Operations – Eluding and Pursuing (effective August 15, 2020 – present).

⁷⁵ Star Number as Sergeant is 2475.

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 allegation 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.⁷⁶ 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.”⁷⁷

⁷⁶ 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).

⁷⁷ *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 Information

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