



Log # 2023-0022

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On January 2, 2023, at approximately 11:37 pm, the Civilian Office of Police Accountability (COPA) received an email from the Chicago Police Department (CPD)'s Crime Prevention and Information Center relating that an off-duty CPD member assigned to the 4th District, Police Officer Christopher McMahan, was involved in a weapons discharge incident with no hits on the Bishop Ford Expressway. Following a review of the evidence, COPA served Officer McMahan with an allegation that he committed misconduct when he discharged a firearm at an unknown individual.²

Following its investigation, COPA reached exonerated findings regarding the allegation against Officer McMahan.

II. SUMMARY OF EVIDENCE³

Officer McMahan told COPA during an interview on February 9, 2023,⁴ that on the night of January 2, 2023, he was driving to work, approaching the exit ramp that leads from Interstate 57 to Interstate 94 east at around 10:55 pm when he encountered a traffic crash right after the ramp that caused traffic to be “stop-and-go.”⁵ At that time, a dark-colored Dodge Challenger attempted to illegally go over the median in what appeared to be an attempt to bypass traffic, almost crashing into Officer McMahan’s vehicle.⁶ Officer McMahan slammed on his brakes, as did the driver of the Challenger, before the driver then maneuvered the Challenger behind the officer’s Jeep before coming up onto the shoulder, parallel to Officer McMahan’s passenger window.⁷ Officer McMahan recalled that the driver of the Challenger rolled down his window and stated words to the effect of, “You motherfucker, you’re lucky you didn’t hit my car. I’d fuck you up,” and Officer

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 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, police reports, and officer interviews.

⁴ Atts. 3 and 26.

⁵ Att. 3, pg. 22, ln. 23.

⁶ Att. 3, pg. 23.

⁷ Att. 3, pg. 23.

McMahon replied, “Well, maybe if you merged lanes properly, we wouldn’t have that problem.”⁸ Because both vehicles were at the end of the median, and the officer’s Jeep was surrounded by other vehicles on all sides, although he attempted to pull forward, there was nowhere to go.⁹ Officer McMahon then looked back to his right at the Challenger, and the driver “was pointing a gun right to my face.”¹⁰ Officer McMahon described the gun as “leaning on the window, a little bit out of the car,” and the window “was rolled down about halfway to his [the driver’s] chin.”¹¹ The officer’s own passenger window was slightly open several inches; he recalled that it had been open during his entire drive.¹² Officer McMahon recounted successfully pulling his Jeep forward several feet, leaving the Challenger’s driver-side window parallel to the officer’s rear passenger window.¹³ At that time, Officer McMahon recalled that the Challenger driver was still pointing the gun at him.¹⁴ Officer McMahon said that he believed the Challenger driver was going to shoot him, and because he felt in fear of his life, he then discharged his own weapon two times.¹⁵

Officer McMahon described shooting twice in close succession because “in the time of the incident seemed [*sic*] as the effective amount in the – as the immediate threat. I shot two rounds, reassess [*sic*] the situation, at which point I declared there was no longer an immediate threat.”¹⁶ He recalled that as he was firing, he was aiming at the “center mas of the individual,” which he described to be the largest part of the body, or torso.¹⁷ Officer McMahon clarified that the center mass spans neckline to belt-line, so although the driver’s window was only rolled down to chin-level, he shot to the best of his ability to hit the center mass of the driver. He explained that he “shot right below the chin line, which would be the upper torso or the upper chest to stop the imminent threat.”¹⁸ After Officer McMahon discharged his firearm, he saw the Challenger pull forward and again become parallel with the officer’s passenger window – at which time Officer McMahon still had his gun pointed at the driver – before the Challenger then drove off.¹⁹ Officer McMahon did not fire any additional rounds.

Officer McMahon told COPA that his firearm had been holstered and in between his legs while he was driving. He explained that he has an in-the-waistband holster that also has a flashlight, so due to its size he keeps it between his legs while driving to work for comfort. Officer McMahon recalled that he removed his firearm from its holster when he saw the driver of the Challenger pointing a gun at him, describing that in one motion, he pulled his own gun and pointed it at that individual.

⁸ Att. 3, pg. 24, lns. 3 to 6.

⁹ Att. 3, pg. 24.

¹⁰ Att. 3, pg. 24, lns. 13 to 14.

¹¹ Att. 3, pg. 26, lns. 12 to 15.

¹² Att. 3, pg. 37.

¹³ Att. 3, pg. 26.

¹⁴ Att. 3, pg. 26.

¹⁵ Att. 3, pg. 26.

¹⁶ Att. 3, pg. 44, lns. 5 to 7.

¹⁷ Att. 3, pg. 44, ln. 16.

¹⁸ Att. 3, pg. 47, lns. 4 to 6.

¹⁹ Att. 3, pg. 27.

Officer McMahon stated that after the Challenger drove off, he drove forward and pulled over to the left shoulder where an Illinois State Police (ISP) trooper was parked. He recalled exiting his vehicle and yelling, “10-1, 10-1.”²⁰ At that time, the ISP trooper gave chase to the Challenger. Officer McMahon then returned to his own vehicle and dialed 911. In the call, which was made at 10:54 pm, he stated, “This is Chicago Police Officer Christopher McMahon, I was just involved in a shooting right on the highway, on the Bishop Ford.”²¹ Once transferred to the Chicago Fire Department (CFD), Officer McMahon similarly repeated, “This is Officer Chris McMahon, I was just involved in a shooting on the highway, right off of the Stony Island exit . . . I just flagged down an ISP officer, he is now chasing the individual on the highway.”²² Officer McMahon confirmed that he was not shot, but he explained that the driver of the other vehicle had pulled out a gun and pointed it at him, after which he fired at the other driver.²³ Officer McMahon repeated that the driver did not shoot at him and that he was alone.²⁴ Officer McMahon confirmed his vehicle’s make and model as a Jeep Patriot and also described the other driver as a Black male driving a black Dodge Challenger.²⁵

Officer McMahon told COPA that the Challenger was black with tinted windows,²⁶ but he did not have an opportunity to view the vehicle’s license plates.²⁷ He described the driver as a Black male with a goatee and short brown hair.²⁸ Officer McMahon also emphasized that he believed the driver of the Challenger stopped at the median not because of a physical obstruction, but because the driver decided to stop purposefully next to Officer McMahon’s vehicle.²⁹ However, Officer McMahon recalled that there was a vehicle directly in front of him obstructing his ability to drive forward.³⁰ Officer McMahon also recalled that, to the best of his knowledge, the Challenger driver’s firearm was a semi-automatic pistol, but could not recall any additionally details about the weapon’s make, model, barrel length, or caliber.³¹

On the day of this incident, Officer McMahon completed a Tactical Response Report documenting that an unknown subject armed with a semi-automatic pistol made verbal threats, posed an imminent threat of battery with a weapon, and used force likely to cause death or great bodily harm. Officer McMahon further documented that he responded by moving to avoid the subject’s attack and then by discharging his semi-automatic pistol twice.³²

²⁰ Att. 3, pg. 27, ln. 17. “10-1” is a code used by CPD members to indicate that emergency assistance is needed. *See* G03-01-01(III)(B), Radio Communication (effective July 13, 2016, to present).

²¹ Att. 32 at 00:10.

²² Att. 32 at 00:50.

²³ Att. 32 at 1:10.

²⁴ Att. 32 at 1:20.

²⁵ Att. 32 at 2:30.

²⁶ Att. 3, pg. 27.

²⁷ Att. 3, pg. 33.

²⁸ Att. 3, pg. 41.

²⁹ Att. 3, pg. 36.

³⁰ Att. 3, pg. 36.

³¹ Att. 3, pg. 48.

³² Att. 4, pg. 1.

CPD officers arrived on scene at the Bishop Ford at approximately 11:01 pm.³³ BWC footage from the first responding officers depicts ISP troopers standing around Officer McMahon's silver Jeep, with Officer McMahon standing off to the side with his hands on his head.³⁴ Officer McMahon was wearing a black knit cap and a flannel jacket over his police uniform.³⁵ Sergeant (Sgt.) Marchand Wright asked Officer McMahon if he was okay and then asked ISP troopers if an ambulance was on the way.³⁶ An ISP trooper confirmed that an ambulance was on the way, then also confirmed with Officer McMahon that he had fired two rounds at the driver of the Challenger.³⁷ Officer McMahon's Jeep was visible on BWC footage with its back passenger window glass shattered.³⁸

ISP in-car camera (ICC) video footage also depicts the immediate aftermath of the incident.³⁹ Officer McMahon's silver Jeep abruptly pulled over onto the highway's left shoulder before he then exited his vehicle and waved down the ISP trooper, shouting, "10-1, 10-1, that Charger."⁴⁰ The ISP trooper then began pursuing the Challenger,⁴¹ announcing over the radio, "Shots fired, shots fired, just had a Dodge Charger take off, two shots fired, at an off-duty PO."⁴² The trooper also stated over the radio, "Vehicle is fleeing at a high rate of speed, going Southbound on 94, passing Stoney."⁴³ He then corrected his initial description to state that the vehicle he was pursuing was actually a Dodge Challenger, not a Charger.⁴⁴ The trooper subsequently confirmed that he had lost visual on the vehicle after about three minutes of pursuit.⁴⁵ He later conducted an investigative stop of a maroon Dodge Challenger,⁴⁶ before then confirming that it was not the vehicle involved in the incident.⁴⁷ Traffic conditions depicted on the camera show a dark and overcast night with slight precipitation.

Because this incident occurred on the interstate, ISP conducted the criminal investigation instead of CPD.⁴⁸ Officer McMahon was interviewed by ISP immediately after receiving treatment

³³ Atts. 8 and 9.

³⁴ Att. 8 at 2:43.

³⁵ Att. 8 at 2:43.

³⁶ Att. 8 at 3:09.

³⁷ Att. 8 at 3:20.

³⁸ Att. 9 at 1:45.

³⁹ Att. 42.

⁴⁰ Att. 42 at 1:07.

⁴¹ Att. 42 at 1:16.

⁴² Att. 42 at 1:19.

⁴³ Att. 42 at 1:47.

⁴⁴ Att. 42 at 2:50.

⁴⁵ Att. 42 at 4:25.

⁴⁶ Att. 42 at 6:50.

⁴⁷ Att. 42 at 11:15.

⁴⁸ In addition to Officer McMahon, ISP also interviewed CFD Paramedic Rebecca Sheely, who treated Officer McMahon for chest pain and difficulty breathing while transporting him to the hospital following this incident. Paramedic Sheely recalled that Officer McMahon told her that he was afraid for his life during the incident, but she did not ask him any further questions about the incident during the transport. Att. 46, pg. 8. ISP also interviewed an Illinois Department of Transportation worker, [REDACTED] [REDACTED] who was assisting at the scene of the traffic crash on the

at Advocate Christ Medical Center.⁴⁹ Officer McMahon said that while driving to work, as he merged onto I-94 going southbound, he observed stopped traffic from what appeared to be an accident.⁵⁰ He then observed a black Dodge Challenger drive across the median, going around the other vehicles waiting to merge, after which the Challenger almost struck his own car on the driver's side as he pulled up.⁵¹ Officer McMahon explained that as he continued to move forward, the Challenger first moved behind his vehicle and then pulled onto the right shoulder, directly next to his front passenger window.⁵² He described the Challenger's driver as a Black male, "approximately 25-30 years old, with camel colored skin, short black hair, and a chin strap style beard."⁵³ Officer McMahon recounted that the driver then rolled down the window and stated, "Motherfucker, if you hit my car, I'm gunna [*sic*] fuck you up," and Officer McMahon responded, "How about you merge like you should."⁵⁴ Officer McMahon said that he then observed a black firearm resting on the Dodge Challenger's partially rolled down window, pointed directly at him.⁵⁵ He emphasized to ISP that he was positive that he had observed a semi-automatic firearm pointing directly at him.⁵⁶ Officer McMahon stated that because he was in fear for his own safety, he unholstered his firearm and fired two rounds at the Dodge Challenger, shattering the rear passenger window of his own vehicle.⁵⁷ He was unsure if he struck the Dodge Challenger or the driver, but emphasized to ISP that he "believed he was in fear of being shot."⁵⁸ Officer McMahon recalled that as traffic began to move, he was able to pull his vehicle across several lanes to an ISP squad car located in the left lane before exiting his vehicle and yelling, "10-1, 10-1," to the trooper.⁵⁹ The Dodge Challenger then sped off at a high rate of speed.⁶⁰

In an ISP Field Report,⁶¹ Trooper Michael Perry described that he was responding to a vehicle crash on I-94 Southbound when he heard two gunshots fired behind the scene of the crash, where 1-57 Northbound merged to I-94 Southbound.⁶² Trooper Perry documented that a silver 2016 Jeep Patriot pulled in front of his squad car, and a person later identified as Officer McMahon

Bishop Ford Expressway when this incident occurred. █████ said that he saw Officer McMahon's Jeep pull in front of Trooper Perry's squad car; he then saw McMahon exit the Jeep wearing a CPD uniform and yelling, followed by Trooper Perry accelerating into traffic with his squad car's emergency lights activated. █████ did not hear any gunshots and did not know what vehicle Trooper Perry was pursuing. Att. 46, pg. 10.

⁴⁹ Att. 46 at 3. While at Christ Hospital for observation and medical evaluation following the incident, Officer McMahon underwent a breath and urine analysis before he was released. Officer McMahon's breath alcohol concentration level result was .000. His urine sample came back negative for all tested substances on the Urine Substance Abuse Panel. See Att. 29, pgs. 1 to 10.

⁵⁰ Att. 46, pg. 3.

⁵¹ Att. 46, pg. 3.

⁵² Att. 46, pg. 3.

⁵³ Att. 46, pg. 3.

⁵⁴ Att. 46, pg. 3.

⁵⁵ Att. 46, pg. 3.

⁵⁶ Att. 46, pg. 3.

⁵⁷ Att. 46, pg. 3.

⁵⁸ Att. 46, pg. 3.

⁵⁹ Att. 46, pg. 4.

⁶⁰ Att. 46, pg. 4.

⁶¹ Att. 46, pg. 14.

⁶² Att. 46, pg. 15.

yelled “10-1” and, “[T]he black Dodge Challenger was getting away.”⁶³ Trooper Perry first notified ISP Telecommunications of the shots fired before then initiating a pursuit of the Challenger on I-94 southbound from Michigan Ave.⁶⁴ Trooper Perry also noted in his report that he observed the Challenger traveling at a high rate of speed with its lights “blacked out.”⁶⁵ Trooper Perry last observed the Dodge Challenger illuminating its break lights on the S-curve approaching 147th St. before losing sight of the vehicle.⁶⁶ Trooper Edgar Reyes then broadcast over the radio that the victim stated that he fired two rounds at the offending vehicle when a Black male driver pointed a pistol at him.⁶⁷ A roadway canvas of the scene was also conducted by ISP troopers on the night of the incident with negative results.⁶⁸

Officer McMahon’s firearm qualification records identify his weapon as a black Sig-Sauer 9mm semi-automatic pistol,⁶⁹ and Officer McMahon last qualified with this weapon on October 3, 2022.⁷⁰ Two 9mm fired cartridge cases, as well as the officer’s loaded pistol, were recovered from Officer McMahon’s vehicle and collected as evidence.⁷¹ The magazine of the firearm was noted to contain 16 live rounds before it was dismantled at ISP headquarters.⁷² Following this incident, Officer McMahon’s 2016 silver Jeep Patriot was towed to the ISP facility located at 9511 W Harrison St., in Des Plaines, Illinois, and placed on investigational hold.⁷³ The vehicle had a shattered rear passenger window on the right side, but otherwise sustained no other damage as a result of this incident.⁷⁴

III. ALLEGATIONS

Officer Christopher J. McMahon, Star #4105:

1. It has been alleged that at approximately 10:54 p.m., on January 3, 2023, at or near 200 East Bishop Ford Expressway, Chicago, Illinois, Officer Christopher J. McMahon committed misconduct when he discharged a firearm at an unknown individual in violation of CPD General Order 03-02.
 - **Exonerated.**

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question any of the individuals (sworn or unsworn) who provided statements. While Officer McMahon’s firearm

⁶³ Att. 46, pg. 15.

⁶⁴ Att. 46, pg. 15.

⁶⁵ Att. 46, pg. 16.

⁶⁶ Att. 46, pg. 16.

⁶⁷ Att. 46, pg. 16.

⁶⁸ Att. 46, pg. 16.

⁶⁹ Att. 24, pg. 3.

⁷⁰ Att. 24, pg. 3.

⁷¹ Att. 46, pg. 11.

⁷² Att. 46, pg. 16.

⁷³ Att. 46, pg. 16.

⁷⁴ Att. 46, pgs. 16 and 23. *See also* Att. 22.

discharge was not captured by any known video recording, the stopped traffic immediately in front of the shooting scene was shown on the ICC footage described above and is consistent with the conditions described by Officer McMahon. The ICC footage also shows Officer McMahon seeking assistance from the trooper while the Challenger fled at high speed. The ICC recording, Officer McMahon's demeanor and statements in the immediate aftermath of the incident, along with the available ISP reports and witness statements are consistent with Officer McMahon being the victim of an assault. Had the other driver been the victim of a road-rage incident (and shooting) instigated by Officer McMahon, that driver would likely have sought help from the ISP trooper rather than extinguishing his lights and leading the trooper on a high-speed pursuit.

V. ANALYSIS⁷⁵

COPA finds by clear and convincing evidence that Allegation #1, that Officer Christopher McMahon committed misconduct when he discharged a firearm at an unknown individual in violation of CPD General Order 03-02, is **Exonerated**.

CPD General Order G03-02 dictates that officers may only use force that is objectively reasonable, necessary, and proportional under the circumstances in order to provide for the safety of any person or CPD member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.⁷⁶ In evaluating an officer's use of force, it must be determined whether the amount of force used was objectively reasonable in light of the totality of the circumstances faced by officer on the scene.⁷⁷ Factors to be considered include, but are not limited to, whether the person is posing an imminent threat to the officers or others; the risk of harm or level of threat to the officer or another person; the level of resistance presented; the person's proximity or access to weapons; whether de-escalation techniques can be employed effectively; and the availability of other resources.⁷⁸ Officers must also use the minimum amount of force needed to provide for the safety of any civilian or fellow officer, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.⁷⁹ Lastly, officers must only use force that is proportional to the threat, actions, and level of resistance offered by a person.⁸⁰ For example, the greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it.⁸¹ Deadly force is defined as force that is likely to cause death or great bodily harm.⁸² This includes the discharge of a firearm in the direction of a person to be arrested.⁸³ The use of deadly force is a last resort and is permissible only when necessary to protect against an imminent threat to life or to prevent great

⁷⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁷⁶ Att. 7, G03-02(III)(B).

⁷⁷ Att. 7, G03-02(III)(B)(1).

⁷⁸ Att. 7, G03-02(III)(B)(1)(a-f).

⁷⁹ Att. 7, G03-02(III)(B)(2).

⁸⁰ Att. 7, G03-02(III)(B)(3).

⁸¹ Att. 7, G03-02(III)(B)(3).

⁸² Att. 7, G03-02(IV)(A).

⁸³ Att. 7, G03-02(IV)(A)(1).

bodily harm to an officer or another person.⁸⁴ An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.⁸⁵

Here, COPA finds that Officer McMahon was presented with an imminent threat of deadly force when an unknown individual pointed a firearm directly at him while they were stopped in traffic. Officer McMahon then responded by discharging his own firearm, an objectively reasonable use of deadly force that was proportional to the threat he was faced with under the totality of the circumstances. As discussed above, evaluations of an officer's use of force include the determination of whether the amount of force used was objectively reasonable in light of the totality of the circumstances that were faced by that officer at the time.⁸⁶ Additionally, it is important to note that deadly force should only be utilized as a last resort, permissible only when necessary to protect against an imminent threat to life or great bodily harm, either to the officer themselves or others.⁸⁷ Officer McMahon related throughout this investigation to COPA, CFD paramedics, and ISP investigators that he feared for his life and safety when this person pointed a weapon at him while the officer's vehicle was surrounded by stopped traffic, giving him no other means of escape.⁸⁸ Officer McMahon also reiterated that he believed he was faced with an imminent threat to his own life or great bodily harm when this individual aimed his weapon in his direction.⁸⁹ COPA categorizes the pointing of a firearm at Officer McMahon by the unknown individual as an imminent threat, as it was objectively reasonable to believe that this person's actions would have been immediately likely to cause great bodily harm or death unless action was taken, and further, that this individual had both the means and opportunity to cause death and/or great bodily harm because he was armed.⁹⁰ While Officer McMahon did not employ de-escalation techniques before discharging his firearm, COPA finds that this was because, when suddenly presented with the threat of deadly force, any attempt to de-escalate could have put Officer McMahon at greater risk of harm and would have most likely been ineffective.⁹¹

Because Officer McMahon was presented with an imminent threat of deadly force when an unknown individual pointed a firearm directly at him, and, fearing for his life, responded with his own use of force that was objectively reasonable, necessary, and proportional under the totality of the circumstances that he was faced with, his actions are found to be lawful and proper under the circumstances, and Allegation #1 against Officer Christopher McMahon, Star #4105, is **Exonerated**.

⁸⁴ Att. 7, G03-02(IV)(C).

⁸⁵ 720 ILCS 5/7-5(h)(2).

⁸⁶ Att. 7, G03-02(III)(B)(1).

⁸⁷ Att. 7, G03-02(IV)(C).

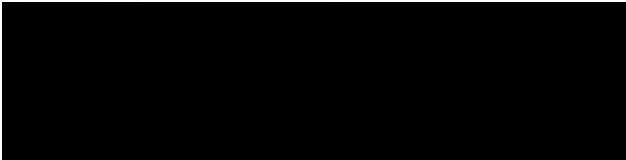
⁸⁸ Att. 3, pg. 25. *See also* Att. 46, pg. 3; Att. 46, pg. 8.

⁸⁹ Att. 3, pg. 66.

⁹⁰ Att. 7, G03-02(IV)(B).

⁹¹ *See* Att. 7, G03-02(III)(C).

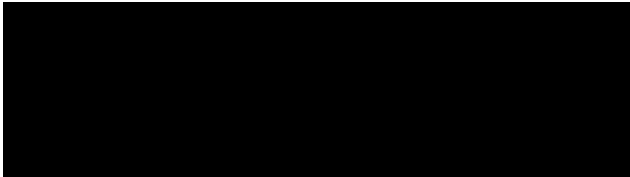
Approved:



2-28-2024

Angela Hearts-Glass
Deputy Chief Administrator-Chief Investigator

Date



2-28-2024

Andrea Kersten
Chief Administrator

Date

Appendix ACase Details

Date/Time/Location of Incident:	January 2, 2023 / 10:55 pm / 12200 S Bishop Ford Exp., Chicago, IL
Date/Time of COPA Notification:	January 2, 2023 / 11:37 pm
Involved Police Officer #1:	Officer Christopher McMahon, Star #4105, Employee ID # [REDACTED], Date of Appointment: December 27, 2018, Unit: 004, Male, White
Involved Individual #1:	Unknown

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.

Applicable Policies and Laws

- CPD General Order G03-02: *De-Escalation, Response to Resistance, and Use of Force* (effective April 15, 2021, to June 28, 2023).

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.⁹² 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.”⁹³

⁹² See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

⁹³ *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