



Log # 2023-0000239

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On January 18, 2023, the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at approximately 12:58 pm at 1342 W. 90th Street.² In the hours following the shooting, COPA learned that off-duty Probationary Police Officer Precious Dunn (PPO Dunn) discharged her firearm at a subject, ██████ striking him. The incident, which was captured on third-party video, began when PPO Dunn attempted to intervene in an altercation between ██████ and three unidentified males. After separating the males from ██████ PPO Dunn and ██████ stood on the sidewalk outside her apartment for a few moments speaking. As PPO Dunn began to walk past ██████ toward her apartment door, ██████ grabbed her and the two engaged in a physical struggle. While on the ground during the struggle PPO Dunn discharged her firearm three times in the direction of ██████ after he attempted to take her firearm. ██████ was transported to Advocate Christ Medical Center via ambulance and died two days later.

Upon review of the evidence, COPA served allegations that PPO Dunn discharged her firearm without justification, failed to identify herself as an officer, unnecessarily displayed her weapon, and was verbally abusive to ██████ COPA reached a Not Sustained finding regarding the discharge of the firearm. COPA reached a Sustained finding regarding the verbal abuse and display of her firearm, and an Exonerated finding regarding the failure to identify herself as an officer.

II. SUMMARY OF EVIDENCE³

On January 18, 2023, at approximately 12:51 pm, ██████ and three males⁴ were in an altercation near 1335 W. 90th Street.⁵ The three males followed ██████ as he walked east down the

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 third-party footage, PPO Dunn's interview, ██████ interview, 911 calls and radio transmissions, CPD reports including the Tactical Response Report (TRR), Original Case Incident Report, Firearm Registration, Firearm Qualification History, and Medical Records for ██████

⁴ Att. 39 – Electronically Recorded Interview (ERI) of ██████ at 02:55 to 03:00, During ██████ interview with CPD detectives, ██████ referred to the three males as ██████ "██████" and ██████ "██████"

⁵ Att. 35 - Third-party video from 1335 W. 90th Street.

middle of 90th Street.⁶ As [REDACTED] and the three males continued down the street shouting back and forth at one another, [REDACTED] yelled, "Fuck the police anyway."⁷ [REDACTED] then attempted to pepper spray the three males, but the males continued to follow and throw things at him.⁸ One block down from PPO Dunn's apartment on 90th Street, the three males are seen punching and kicking [REDACTED] as he is down on the ground until a female voice is heard shouting for them to stop which made them start to walk away from [REDACTED] a few seconds later.⁹ As the three males walked west on 90th Street back toward PPO Dunn's apartment [REDACTED] followed them.¹⁰

At approximately 12:54 pm, PPO Dunn exited her apartment building.¹¹ [REDACTED] walked toward PPO Dunn and asked to use her cell phone.¹² The three males approached PPO Dunn, and one of the males told her that if she gave her cell phone to [REDACTED] he would beat her ass.¹³ PPO Dunn continued to talk to the three males and asked them to go home.¹⁴ During the interaction with the three males, the clip of PPO Dunn's firearm holster can be seen on her right waistband area. Then as the conversation continued it appeared that PPO Dunn lifted the right side of her sweater to display her firearm to the males.¹⁵ As the three males began to leave the area one of the males yelled back at PPO Dunn about letting [REDACTED] use her phone to which she replied that she didn't have her phone on her. This same male then stated, "you just said you had a gun on you" and PPO Dunn replied that she did have a gun on her.¹⁶

After the three males left, PPO Dunn stood with her hands in her pockets and continued to talk to [REDACTED] on the sidewalk outside of her apartment.¹⁷ At approximately 12:57 pm, as [REDACTED] is bent forward facing the street looking in his pant pockets, PPO Dunn turned and began to walk past [REDACTED] back to enter her apartment building. As PPO Dunn was passing [REDACTED] he turned and grabbed PPO Dunn from the back. A physical struggle began between the two and PPO Dunn unholstered her firearm as she and [REDACTED] were up against the building.¹⁸ After unholstering her firearm and pushing off the building, [REDACTED] kept reaching for PPO Dunn's firearm attempting to disarm her as the struggle continued.¹⁹ PPO Dunn and [REDACTED] continued to struggle and fell to the ground where PPO Dunn discharged her firearm three times, striking [REDACTED].²⁰

⁶ Att. 35 at 06:23 to 06:28.

⁷ Att. 36 (Third party video from 1342 W. 90th Street) at 24:00 to 24:05.

⁸ Att. 35 at 06:28 to 07:00.

⁹ Att. 36 at 24:55 to 26:22.

¹⁰ Att. 35 at 09:10 to 09:45; Att. 36 at 26:40 to 27:15.

¹¹ Att. 77 (Transcript of PPO Dunn's Statement) pg. 12, lns. 11 to 13 and pg. 12, lns. 23 to pg. 13, lns. 1 to 2. PPO Dunn was inside her apartment cleaning her bathroom when she heard some noise outside. PPO Dunn heard someone yell for help, and then she stepped outside her doorway to ascertain what was going on.

¹² Att. 35 at 09:45 to 09:57; Att. 36 at 27:18 to 27:25. There is a delay between the audio and visual. The audio is heard first before the visual. [Note: all the times listed for Att. 36 are based on the audio of the video, not the visual].

¹³ Att. 36 at 27:24 to 27:32 and Att. 35 at 09:58 to 10:05.

¹⁴ Att. 35 at 10:05 to 11:05 and Att. 36 at 27:30 to 28:53.

¹⁵ Att. 36 at 27:50 to 28:00.

¹⁶ Att. 36 at 28:50 to 29:05.

¹⁷ Att. 35 at 11:05 to 12:51 and Att. 36 at 28:54 to 30:29.

¹⁸ Att. 36 at 30:40 to 30:52.

¹⁹ Att. 36 at 30:53 to 30:56.

²⁰ Att. 35 at 12:51 to 13:12 and Att. 36 at 30:30 to 30:56.

After PPO Dunn discharged her firearm, she yelled for someone to call the police while [REDACTED] was on the ground.²¹ [REDACTED] apologized to PPO Dunn and she continued to yell for someone to call the police because she had shot someone who tried to rob her.²² Eventually, one of PPO Dunn's neighbors²³ came outside and spoke to PPO Dunn.²⁴ After briefly speaking to this neighbor, PPO Dunn returned to her apartment and re-emerged a short time later with her cellphone in her hand.²⁵ PPO Dunn paced back and forth while talking on her cell phone.²⁶ [REDACTED] stated he was just trying to take her gun, that he "tweaked," and apologized.²⁷ PPO Dunn became distraught and began to cry as she walked back toward [REDACTED] and called him a "stupid bitch" and repeatedly shouted, "fuck you" at him.²⁸ PPO Dunn continued yelling at [REDACTED] that she would beat his ass if he tried to leave and that she didn't care about him because her life was on the line.²⁹ PPO Dunn asked her neighbor what the police had said,³⁰ and then called 911 herself and reported that she was an off-duty officer that shot a man who tried to rob her and steal her gun.³¹ Chicago Fire Department EMS arrived on the scene as PPO Dunn was on the phone with 911 and placed [REDACTED] into the ambulance. CPD arrived shortly afterward and Sergeant Joseph Montesdeoca³² placed PPO Dunn in the back of a CPD vehicle after learning she had discharged her firearm and directed her not to speak to anyone.³³ A second ambulance was requested and arrived, to transport PPO Dunn to the hospital.³⁴

EMS transported [REDACTED] to Advocate Christ Medical Center³⁵ and PPO Dunn to Little Company of Mary.³⁶ [REDACTED] was interviewed by CPD detectives on January 19, 2023 at the hospital.³⁷ There, [REDACTED] stated that on the date of the incident, he had an encounter with the three

²¹ Att. 35 at 13:13 to 13:47 and Att. 36 at 30:53 to 31:00.

²² Att. 36 at 31:00 to 32:00.

²³ Now known as [REDACTED] was interviewed by detectives about the incident, Att. 52. [REDACTED] told detectives that she initially heard males arguing but could not see them because they were further down the street. She then heard tussling outside. [REDACTED] looked out the window and observed PPO Dunn on the ground tussling with [REDACTED]. She then heard two gunshots and called the police (Att. 42). [REDACTED] exited her apartment and went to speak to PPO Dunn. She observed [REDACTED] on the ground apologizing to PPO Dunn with a gunshot wound to his hand.

²⁴ Att. 35 at 14:13 to 15:38 and Att. 36 at 32:04 to 33:14.

²⁵ Att. 35 at 15:38 to 16:28 and Att. 37 at 0:00 to 01:01.

²⁶ Att. 35 at 16:28 to 19:43 and Att. 37 at 01:02 to 04:30.

²⁷ Att. 37 at 01:19 to 01:24.

²⁸ Att. 37 at 01:35 to 01:57.

²⁹ Att. 37 at 01:43 to 01:56.

³⁰ Att. 42, [REDACTED] called and reported an attempted robbery telling the dispatcher that the lady who was being robbed had a concealed carry license and that they were holding the man at the scene.

³¹ Att. 5, PPO Dunn's call to 911. Att. 37 at 03:07 to 04:52.

³² Sgt. Montesdeoca was promoted to Lieutenant on June 1, 2023.

³³ Att. 35 at 19:36 to 22:48 and Att. 37 at 04:12 to 16:10.

³⁴ Att. 37 at 28:03.

³⁵ Att. 24 - Medical Records for [REDACTED] Medical records indicate that [REDACTED] arrived at the hospital on January 18, 2023 at 1:23 pm with a gunshot wound to the abdomen (right hip) and the left hand. [REDACTED] was subsequently pronounced deceased at 7:03 am on January 20, 2023.

³⁶ Att. 28 - Ambulance Run Report.

³⁷ Atts. 39 and 40 - ERI of [REDACTED] by CPD detectives, part 1 and 2.

males where they robbed and jumped him for his clothes and medicine.³⁸ [REDACTED] stated that one of the males told him he had a gun. [REDACTED] panicked and attempted to grab PPO Dunn's firearm and she shot him three times.³⁹ [REDACTED] initially denied trying to rob PPO Dunn of her firearm.⁴⁰ [REDACTED] subsequently indicated that he did try to take PPO Dunn's gun.⁴¹ [REDACTED] later passed away on January 20, 2023, at the hospital. On January 21, 2023, the Cook County Medical Examiner performed an autopsy on [REDACTED]. The autopsy report indicated that [REDACTED] sustained gunshot wounds to his left pinky finger, his left hand, and his abdomen. The opinion of the Medical Examiner was that [REDACTED] cause of death was due to complications from multiple gunshot wounds and ruled the manner of death as a homicide.⁴²

PPO Dunn stated she displayed her firearm because one of the males showed her the butt of his gun⁴³ and stated he would shoot her if she gave [REDACTED] a phone.⁴⁴ PPO Dunn stated that she did not identify herself as a police officer because one of the males told her that he would shoot the police.⁴⁵ PPO Dunn admitted that she told [REDACTED] that she would kill him,⁴⁶ and called him a "dumbass"⁴⁷ and a "bitch" because she was fighting for her life and wanted to scare [REDACTED] away.⁴⁸ She also admitted to stating, "fuck you," to [REDACTED] to discourage him from attacking her again.⁴⁹

PPO Dunn completed a TRR regarding her use of force and documenting [REDACTED] actions toward her.⁵⁰ Evidence Technicians (ET) processed the scene at 1342 W. 90th Street and recovered 3 fired cartridge cases (Win 9mm Luger + P), 1 live bullet (Win 9mm Luger + P), 1 Sig Sauer 9mm magazine (capacity 10 bullets), 7 live bullets (Win 9mm Luger + P), and 1 black Sig Sauer 9mm semi-automatic handgun, model P365, Serial Number [REDACTED] belonging to PPO Dunn.⁵¹ Additionally, DNA samples were collected from [REDACTED] and from PPO Dunn's firearm.⁵² The Illinois State Police Division of Forensic Services Lab Report created August 23, 2023 tested those DNA samples and indicated that the analysis *very strongly supports*⁵³ the proposition that [REDACTED] is a contributor to the DNA profile taken from PPO Dunn's firearm.⁵⁴

³⁸ Att. 39 at 02:56 to 03:04.

³⁹ Att. 39 at 04:56 to 05:18.

⁴⁰ Att. 39 at 06:20 to 07:45.

⁴¹ Att. 40 at 01:43 to 02:22.

⁴² Att. 98, Medical Examiner Report.

⁴³ Att. 77, pg. 26, lns. 5 to 10.

⁴⁴ Att. 77, pg. 13, lns. 12 to 15.

⁴⁵ Att. 77, pg. 14, lns. 10 to 12.

⁴⁶ Att. 36 at 30:32 to 30:36.

⁴⁷ Att. 36 at 30:41 to 31:01.

⁴⁸ Att. 77, pg. 40, ln. 21 to pg. 41, ln. 18.

⁴⁹ Att. 77, pg. 41, lns. 19 to 24.

⁵⁰ Att. 3 - PPO Dunn's TRR.

⁵¹ Att. 26 - Crime Scene Processing Report.

⁵² Atts. 26, 27.

⁵³ Att. 87, pg. 2.

⁵⁴ Att. 87.

III. ALLEGATIONS

Officer Precious Dunn:

1. Unlawfully and/or unnecessarily displayed her firearm to [REDACTED] and three unidentified individuals.
 - Sustained, Violation of Rules 1, 2, 3, and 38.
2. Failed to identify herself as an officer in violation of General Order 03-02(III)(C) and/or General Order 03-02-01(II)(D).
 - Exonerated
3. Was verbally abusive to [REDACTED] by stating words to the effect of "I'll kill you" and/or "dumbass" and/or "fuck you" and/or "bitch."
 - Sustained, Violation of Rules 2, 8, and 9.
4. Discharged your firearm at or in the direction of [REDACTED] in violation of General Order 03-02.
 - Not Sustained

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. ANALYSIS⁵⁵

- a. **Allegation #1, that PPO Dunn unlawfully and/or unnecessarily displayed her firearm to [REDACTED] and three unidentified individuals, is Sustained.**

CPD members are prohibited from unlawfully or unnecessarily displaying their firearms.⁵⁶ COPA finds PPO Dunn unnecessarily displayed her firearm to [REDACTED] and the three individuals. PPO Dunn informed COPA that she displayed her firearm in response to one of the males showing the butt of his firearm to her.⁵⁷ She further explained that it was to show the teen that she had a gun as well and if he shot her, she would shoot back.⁵⁸ The action was in violation of CPD policy as the displaying of her firearm did not serve a lawful purpose and did not appear to be necessary. As a trained police officer, PPO Dunn is expected to act professionally at all times and exhibit self-restraint. PPO Dunn's own statement confirms she intended to display her weapon as a threat. Private citizens are not authorized to publicly display or threaten others with a weapon.⁵⁹ CPD officers are permitted to display their weapons in performance of their duties as law enforcement officials. PPO Dunn, however, did not identify herself as a police officer.⁶⁰ While

⁵⁵ For a definition of COPA's findings and standards of proof, see Appendix B.

⁵⁶ Rules and Regulations of the Chicago Police Department, Rule 38

⁵⁷ Att. 77, pg. 26, lns. 5 to 10

⁵⁸ Att. 77, pg. 29, ln. 14 to pg. 30, ln. 2

⁵⁹ 720 ILCS 5/12-6; 430 ILCS 66/1; 720 ILCS 5/12-2.

⁶⁰ COPA believes a reasonable officer, outnumbered and threatened with a weapon, would consider alternatives to displaying their weapon under these circumstances, such as retreating and calling for backup.

COPA understands PPO Dunn was afraid to do so, displaying her weapon in this instance may have created further danger. As such, the action was in violation of CPD Department Rules 1, 2, 3, and 38. Thus, Allegation #1 against PPO Dunn is **Sustained**.

b. Allegation #2, that PPO Dunn failed to identify herself as an officer, is Exonerated.

COPA finds that clear and convincing evidence shows that PPO Dunn reasonably believed that she would have jeopardized her safety had she identified herself as a police officer under the circumstances she faced. CPD members are required to identify themselves as police officers prior to taking any police action unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.⁶¹

The evidence shows that PPO Dunn did not identify herself as a police officer because she feared she could get shot by the males she was confronting. She explained that she had asked the males to leave and informed them that the police were on their way to which one of them responded that he would shoot the police.⁶² Additionally, prior to the teen informing PPO Dunn that he would shoot the police, the teenager had threatened to shoot her if she allowed [REDACTED] to use her phone. Clear and convincing evidence shows that it was reasonable to believe that identifying herself as a police officer would have put her safety in danger. Surveillance footage corroborates PPO Dunn's account as it shows one of the teens stating that he does not care about the police and that he would "blow at" the police.⁶³ Additionally, the unknown teen possessed a firearm that he threatened to use against PPO Dunn and informed her that he would use the firearm against the police as well. Thus, **Allegation #2** against PPO Dunn is **Exonerated**.

c. Allegation #3, that PPO Dunn was verbally abusive to [REDACTED] by stating words to the effect of "I'll kill you" and/or "dumbass" and/or "fuck you" and/or "bitch," is Sustained.

CPD Department Rules prohibit any action or conduct which impedes CPD's efforts to achieve its policy and goals or brings discredit upon CPD.⁶⁴ Additionally, CPD Rules prohibit disrespect to or maltreatment of any individual as well as engaging in any unjustified verbal or physical altercation with any person, while on or off duty.⁶⁵ During her interview with COPA, PPO Dunn admitted to using the alleged profanities and threats against [REDACTED]. Additionally, she admitted to stating words to the effect of "I'll kill you." PPO Dunn explained that she used the terms because she was angry, upset, fighting for her life and wanted to scare him away.⁶⁶ While

⁶¹ Att. 71, G03-02-01(II)(D), Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).

⁶² Att. 77, pg. 14, Ins. 8 to 12

⁶³ Att. 36 at 28:24 to 28:29

⁶⁴ Rules and Regulations of the Chicago Police Department, Rule 2.

⁶⁵ Rules and Regulations of the Chicago Police Department, Rules 8 and 9.

⁶⁶ Att. 77, pg. 41, Ins. 5 to 24.

her emotions are understandable, they do not provide an exception to the rules. As such, **Allegation #3** against PPO Dunn is **Sustained**.

d. Allegation #4, that PPO Dunn discharged her firearm at or in the direction of [REDACTED] is Not Sustained.

COPA finds insufficient evidence to sustain the allegation that PPO Dunn violated CPD policy when she discharged her firearm at or in the direction of [REDACTED]. COPA also cannot conclude by clear and convincing evidence that PPO Dunn's use of deadly force was lawful and proper and that the allegation should therefore be exonerated. Therefore, COPA concludes that Allegation #4 is Not Sustained.

The primary concern in assessing the use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁶⁷ Factors to be considered by the officer may include, but are not limited to: (1) whether the person is posing an imminent threat to the officer or others; (2) the risk of harm, level of threat or resistance presented by the person; and (3) the person's proximity to or access to weapons; (4) whether de-escalation techniques can be employed or would be effective; (5) the availability of other resources.⁶⁸

The discharge of a firearm in the direction of a person constitutes the use of deadly force under CPD policy.⁶⁹ The use of deadly force is permitted only as a "last resort" when "necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁷⁰ A CPD member may use deadly force in only two situations: (1) to prevent "death or great bodily harm from an imminent threat posed to the sworn member or to another person;" (2) to prevent "an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay."⁷¹

A threat is considered imminent "when it is objectively reasonable to believe that: (a) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (b) the person has the means or instruments to cause death or great bodily harm; **and** (c) the person has the opportunity and ability to cause death or great bodily harm."⁷²

⁶⁷ Att. 70, G03-02(IV)(B)(1), De-Escalation, Response to Resistance and Use of Force (effective April 15, 2021 to June 28, 2023).

⁶⁸ Att. 70, G03-02(III)(B)(1).

⁶⁹ Att. 70, G03-02(IV)(A)(1).

⁷⁰ Att. 70, G03-02(IV)(C).

⁷¹ Att. 70, G03-02(IV)(C); 720 ILCS 5/7-5.

⁷² Att. 70, G03-02(III)(B) emphasis added.

Following a thorough review of the evidence, COPA cannot conclude by a preponderance of the evidence that PPO Dunn violated CPD policy when she fired at [REDACTED]. Specifically, COPA cannot conclude by a preponderance of the evidence that the use of deadly force by PPO Dunn was not objectively reasonable considering the totality of the circumstances she faced. PPO Dunn stated that she believed [REDACTED] was attempting to disarm her. [REDACTED] own statements support that he was attempting to disarm PPO Dunn.⁷³ Additionally, the surveillance footage demonstrates the level of resistance presented by [REDACTED] as well as his proximity to PPO Dunn's firearm. The totality of the circumstances therefore indicates that [REDACTED] likely posed an imminent threat to PPO Dunn.⁷⁴ Additionally, the use of deadly force was likely necessary and proportional to the threat posed by [REDACTED] while he attempted to disarm PPO Dunn.

COPA, however, cannot conclude by clear and convincing evidence that PPO Dunn complied with CPD's use of deadly force policy. Specifically, the evidence shows that she placed herself in danger by confronting numerous people alone without first contacting the police. CPD policy requires CPD members to "use de-escalation techniques to reduce or prevent the need for use of force."⁷⁵ Here, instead of calling the police and waiting for them to arrive, PPO Dunn left the safety of her apartment and confronted the males alone, only to find out that at least one of them was armed. PPO Dunn did not bring her cell phone and had no means of calling for help. She, however, did bring her gun, which served to exacerbate the situation once she was left alone with [REDACTED] who then tried to disarm her. The totality of the circumstances shows that PPO Dunn placed herself in a dangerous position that could have been avoided through the use of de-escalation tactics. Consequently, COPA cannot find by clear and convincing evidence that PPO Dunn's use of deadly force was lawful and proper. For these reasons, COPA finds that **Allegation #4** against PPO Dunn is **Not Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Precious Dunn

i. Complimentary and Disciplinary History⁷⁶

PPO Dunn has no award or disciplinary history.

ii. Recommended Discipline

⁷³ Att. 40

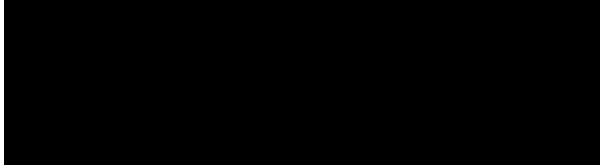
⁷⁴ COPA further finds that PPO Dunn was more likely than not justified in using deadly force in self-defense under Illinois law. See 720 ILCS 5/7-1 ("A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.")

⁷⁵ Att. 70, G03-02(III)(C).

⁷⁶ Att. 84.

COPA found that PPO Dunn violated Rules 1, 2, 3 8, 9, and 38 when she unlawfully and/or unnecessarily displayed her firearm to [REDACTED] and three unidentified individuals and was verbally abusive to [REDACTED] by stating words to the effect of "I'll kill you" and/or "dumbass" and/or "fuck you" and/or "bitch." For this reason, COPA recommends that PPO Dunn receive a remedial remedy or discipline at the department's superintendent's discretion.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator-Chief Investigator

3-29-2024

Date



Andrea Kersten
Chief Administrator

3-29-2024

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	January 18, 2023/ 12:58 pm/ 1342 W. 90 th Street
Date/Time of COPA Notification:	January 18, 2023/ 2:34 pm
Involved Member #1:	Precious Dunn, star #19452, employee # [REDACTED] Date of Appointment: June 1, 2022, Unit 044/005, Female, Black.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1983, Male, Black.

Applicable Rules

- ☒ **Rule 1:** Violation of any law or ordinance.
- ☒ **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 03-02, De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).
- General Order 03-02-01, Response to Resistance and Force Options, (effective April 15, 2021 to June 28, 2023).
- 720 ILCS 5/7-1
- 720 ILCS 5/12-6
- 430 ILCS 66/1
- 720 ILCS 5/12-2

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.⁷⁷ 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.”⁷⁸

⁷⁷ 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).

⁷⁸ *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