



Log # 2021-0003840

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 27, 2021, the Civilian Office of Police Accountability (COPA) received a website complaint² from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on Sunday, September 26, 2021, at 9:05 am, Field Training Officer Agustin Torres Jr. parked his vehicle at 1854 W. 21st Street in a bicycle lane. ██████████ [who was on his bicycle] swore at him and “flipped him off.”³ ██████████ further alleged that FTO Torres Jr. then pulled him over a block away, at 1908 W. 21st Place, informing ██████████ that it was a crime to swear in public and that he would arrest him if he did not immediately identify himself and put his hands on the police car. Additionally, ██████████ alleged that FTO Torres Jr. told him that if he did not immediately comply, FTO Torres Jr. would forcibly search him and hinted that he would “taze” him. FTO Torres Jr. allegedly repeated that it was a crime to use profanity in public and that ██████████ would go to jail for the incident. ██████████ said FTO Torres Jr. said he had seen ██████████ around and implied that the incident was related to that observation by FTO Torres Jr. ██████████ wrote that FTO Torres Jr. implied he knew where ██████████ lived in case ██████████ were to file a report.⁴ Upon review of the evidence, COPA served an additional allegation that FTO Torres Jr. failed to provide ██████████ with a completed Investigatory Stop Receipt. Following its investigation, COPA reached a sustained finding regarding the allegations of failing to provide ██████████ with a completed Investigatory Stop Receipt and of threatening to arrest him. Other allegations were exonerated and unfounded.

II. SUMMARY OF EVIDENCE⁵

The background to this incident is that FTO Torres Jr. believed he had encountered ██████████ in the past, and ██████████ had harassed him on those occasions by giving him “the finger.”⁶

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 Att. 1.

³ Att. 1, pg. 2, ln. 2.

⁴ One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁵ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, a civilian interview, and an officer interview.

⁶ Attachment 18, pg. 27, lns. 17-19

During the incident under investigation, ██████ was on his way home, riding his bicycle west on 21st Street. He was approaching Wolcott Avenue when he observed FTO Torres Jr., who was outside his marked SUV. It was parked on the north side of 21st Street in front of El Popocatepetl Tortilleria, 1854 W. 21st St., where tortillas were made and sold. FTO Torres Jr. was writing a parking ticket for a vehicle parked illegally in front of the tortilleria. At least two persons were present at the southeast corner of 21st Street and Wolcott Avenue, across the street from the tortilleria.

In his video interview with COPA,⁷ ██████ said that in the past, Officers in his neighborhood had routinely parked their vehicles illegally in bicycle lanes and in front of fire hydrants. ██████ said he sometimes would film Officers in their illegally parked cars, so there was a chance FTO Torres Jr. had seen ██████ filming him in the past.

Regarding the incident under investigation, ██████ said he believed that FTO Torres Jr. had parked in the middle of the bicycle lane and was “getting tortillas.” As ██████ bicycled past FTO Torres Jr., ██████ had a moment of frustration, “so I flipped him off.”⁸ FTO Torres Jr. yelled at ██████ telling him to slow down and stop what he was doing. ██████ told FTO Torres Jr. to get a “real fucking job.”⁹ ██████ rode his bicycle toward his residence on 21st Place but got off the bicycle and walked it for the last block. FTO Torres Jr. told him to come to him, but ██████ told him he did not want to do that. ██████ began to walk away, and FTO Torres Jr. followed him, turned on his lights, briefly sounded his siren and pulled ██████ over. FTO Torres Jr. told ██████ that he had seen ██████ around the neighborhood and wanted to know who he was. ██████ replied that he was not going to give FTO Torres Jr. his name and that he did not have to identify himself. FTO Torres Jr. told him he did have to identify himself and that if he did not do so, the Officer would make him identify himself. ██████ told FTO Torres Jr. he did not want to do that, but FTO Torres Jr. said he did not have a choice.

██████ continued that FTO Torres Jr. told him that stating obscenities in public in the city is a felony and he could be arrested for doing that. FTO Torres Jr. added that people did not want to hear curse words in public, and he had the right to search ██████ and detain him unless he provided his identification and allowed FTO Torres Jr. to search him. ██████ told FTO Torres Jr. again that he did not want to identify himself, and FTO Torres Jr. again said ██████ had no choice.

██████ said he told FTO Torres Jr. that several Officers in the neighborhood had done the same thing, identifying kids, saying it is a gang neighborhood and therefore, the police are allowed to forcibly identify people. FTO Torres Jr. said that activity was not related to him. ██████ told COPA he understood FTO Torres Jr. would arrest him unless he identified himself. FTO Torres Jr. told him to put his hands on the hood of the squad car and to not move his hands. FTO Torres Jr. also said that unless ██████ provided his identification, FTO Torres Jr. would forcibly search him and identify him. To comply, ██████ gave FTO Torres Jr. his passport.

⁷ Att. 4.

⁸ Att. 4, at 2:35.

⁹ Att. 4 at 2:48.

█████ said FTO Torres Jr. ran his identity through “the data base”¹⁰ and did not find anything on him. FTO Torres Jr. asked him for other forms of identification, which █████ did not want to give him or did not have on him. FTO Torres Jr. said he knew where █████ was from and if he ever did anything. FTO Torres Jr. returned █████ passport and let him go. FTO Torres Jr. did not give █████ a receipt or report number. FTO Torres Jr. did not pat him down or injure him.

█████ said he told FTO Torres Jr. he would file a complaint against him. █████ said his complaint was that FTO Torres Jr. told him that unless █████ allowed him to search, detain and identify him, even though he did not have probable cause, FTO Torres Jr. would arrest him. █████ said he “looked it up”¹¹ and that shouting obscenities in public is not a crime in Chicago. █████ believed that FTO Torres Jr. had pulled him over in the past for no reason and with no probable cause. █████ said FTO Torres Jr. implied he was taking those actions because he had seen █████ in the past and was penalizing him for actions █████ had taken against Officers.

Event Query 2126904066 indicated a male caller told the 911 call-taker at approximately 8:03 am that a black Jeep Cherokee, license plate █████ was parked in the loading zone for the tortilleria on 21st Street.¹²

In his COPA statement,¹³ FTO Torres Jr. said he was writing a ticket on the Jeep Cherokee when █████ rode his bicycle west on 21st Street and screamed loudly, “Get a real job,”¹⁴ and “Fuck you, pig,”¹⁵ but he did not recall which remark came first. FTO Torres Jr. said █████ gave him the “middle finger”¹⁶ as █████ rode away.¹⁷ FTO Torres Jr. said there were persons on the public way on that Sunday morning, and unidentified persons across the street made comments about “respect,”¹⁸ which FTO Torres Jr. thought referred to █████ FTO Torres Jr. did not speak to those unidentified people.

FTO Torres Jr. said he drove his marked SUV west to Wolcott Avenue and then south to 21st Place and saw █████ walking on the sidewalk. FTO Torres Jr. did not remember if he activated his emergency lights or siren, but he exited the SUV and called █████ over to speak to him. █████ complied, but gave FTO Torres Jr. “attitude,”¹⁹ basically questioning his authority²⁰ with “slight resistance.”²¹ FTO Torres Jr. asked █████ for his identification, and █████ questioned whether he had to give it to him. FTO Torres Jr. did not tell █████ he did not have to

¹⁰ Att. 4 at 4:41.

¹¹ Att. 4 at 10:16.

¹² Att. 8.

¹³ Att. 18.

¹⁴ Att. 18, pg. 16, ln. 11.

¹⁵ Att. 18, pg. 16, lns. 11, 12.

¹⁶ Att. 18, pg. 17, ln. 20.

¹⁷ FTO Torres Jr. referred to his ISR before making this statement.

¹⁸ Att. 18, pg. 18, ln.6.

¹⁹ Att. 18, pg. 22, ln. 20.

²⁰ Att. 18, pg. 23, ln. 2.

²¹ Att. 18, pg. 23, ln. 18.

give his ID to him. FTO Torres Jr. said in his statement that he knew [REDACTED] did not have to give him identification.²² FTO Torres Jr. was going to ask questions for identification purposes. He told [REDACTED] he was going to be locked up for breaching the peace.

FTO Torres Jr. described how [REDACTED] disturbed the peace, saying there were elderly people present when [REDACTED] swore at him, and it was a Sunday morning with people going to a church located a few blocks away, a church in which FTO Torres Jr. was baptized. People in the area were in line trying to buy tortillas. In addition, FTO Torres Jr. said [REDACTED] interfered with his performing his duties of writing the parking ticket. FTO Torres Jr. added that he wanted to identify [REDACTED] because he had harassed FTO Torres Jr. several times in the past, including giving him the finger. FTO Torres Jr. said [REDACTED] had also harassed other Officers by giving them the finger. FTO Torres Jr. wanted to counsel [REDACTED] and tell him to stop the harassment, and if he continued to commit disorderly conduct, a breach of peace, city, and state violations, he would arrest [REDACTED]. He said [REDACTED] did not know there was a law against disorderly conduct in this kind of incident and obstructing an officer in the course of his duties. FTO Torres Jr. said he had to stop writing the ticket in order to stop [REDACTED] because he had disturbed someone's peace. FTO Torres Jr. said he did not know [REDACTED] name prior to this incident. [REDACTED] produced his passport and gave it to FTO Torres Jr., who returned to his SUV and attempted to run [REDACTED] name. He did not obtain information about [REDACTED] through that initial search, but he later obtained [REDACTED] employer's name and address through an extensive search, using a computer at the district station.

After FTO Torres Jr. ran [REDACTED] name while on 21st Place, [REDACTED] started walking away. FTO Torres Jr. did not give [REDACTED] an Investigatory Stop Receipt. FTO Torres Jr. explained in his statement that [REDACTED] already had his name and star number, which he repeated to FTO Torres Jr., and [REDACTED] started to walk away. FTO Torres Jr. felt [REDACTED] had the information he needed regarding the stop, and that information would have been on the receipt. FTO Torres Jr. also felt he did not need to detain [REDACTED] any further. [REDACTED] was already walking away, which he had the right to do. FTO Torres Jr. had no physical contact with [REDACTED] during the stop on 21st Place. He did not pat down [REDACTED].

Regarding the allegations, FTO Torres Jr. said there is no bike lane on 21st Street. As to the allegations he stopped, as well as detained, [REDACTED] without justification, FTO Torres Jr. denied them, stating he was justified in stopping [REDACTED] for disorderly conduct and detaining him to investigate that conduct. FTO Torres Jr. said he did not arrest [REDACTED] for disorderly conduct because he wanted to give him a warning and to say he did not want the conduct to go any further. He did not want to arrest [REDACTED]. He told [REDACTED] that if he repeated the behavior, he would be arrested. Regarding the allegation that FTO Torres Jr. threatened to arrest [REDACTED] unless he provided his identification, FTO Torres Jr. denied making the threat. FTO Torres Jr. also said he did not tell [REDACTED] that stating obscenities in public is a felony.

FTO Torres Jr. said he had probable cause to arrest [REDACTED] for disorderly conduct, but he chose to use his discretion and give him another chance to "do right."

²² Att. 18, pg. 24, lns. 21-24

In answer to a question, FTO Torres Jr. said ██████ violated the municipal code regarding disturbing the peace. He said ██████ breached the peace of the two persons on the corner on 21st Street, who noticed his saying, "Fuck you pig. Get a real job," and giving FTO Torres Jr. the finger. FTO Torres Jr. said he did not get a chance to tell ██████ to stop his behavior because ██████ rode away on his bicycle.

FTO Torres Jr., in answering another question, said it was not against the law for ██████ to give him the middle finger. FTO Torres Jr. was asked if his actions toward ██████ were in retaliation for ██████ possibly criticizing FTO Torres Jr.'s conduct. FTO Torres Jr. responded by saying he stuck by what he reported in his ISR. FTO Torres Jr.'s FOP attorney, Brian Sexton, read into the record the state law regarding disorderly conduct, saying that the Illinois Revised Statutes at 720 ILCS 5-26-1(a)(1) states, "A person commits disorderly conduct when he or she knowingly does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace."²³

FTO Torres Jr.'s body-worn camera (BWC) video²⁴ depicted the incident. At 7 seconds into the video, Officer Torres Jr. stood behind the Jeep with license plate ██████ and began writing a citation before ██████ rode west on 21st Street past him, stopped and gestured with what appeared to be his left hand.²⁵ ██████ bicycled south on Wolcott Avenue and raised his left hand again. Two people were on the southeast corner of 21st Street and Wolcott Avenue. FTO Torres Jr. entered his squad car and drove south on Wolcott Avenue and then west on 21st Place, where he stopped and exited the squad car.

FTO Torres Jr.'s BWC audio began after he exited the squad car. FTO Torres Jr. told ██████ to drop his bag and bicycle and to come to him.²⁶ ██████ asked why, and FTO Torres Jr. said ██████ gives him problems all the time and he wanted to know who ██████ was. FTO Torres Jr. told ██████ he obstructed Officer Torres Jr. when he was doing his job and asked if ██████ wanted to go to jail. ██████ said he did not want to go to jail. FTO Torres Jr. said, "Let's see your ID"²⁷ and for ██████ to keep his hands out of his pockets. ██████ said he did not want to give FTO Torres Jr. his ID.

██████ asked why he was being arrested and referenced actions of other Officers. FTO Torres Jr. said he did not care and that he did not threaten ██████. FTO Torres Jr. said ██████ was yelling outside at 9 o'clock in the morning while people were getting their tortillas, and old ladies were on the street.²⁸ FTO Torres Jr. asked, "You think they want to hear that shit?"²⁹ ██████

²³ Att. 18, lns. 10-14.

²⁴ Att. 10

²⁵ Att. 10 at 0:59.

²⁶ Att. 10 at 2:05.

²⁷ Att. 10 at 2:19.

²⁸ Att. 10 at 2:40.

²⁹ Att. 10 at 2:44.

responded, “No, they don’t,” and FTO Torres Jr. added, “They don’t want to hear me, either.”³⁰ [REDACTED] said, “That’s fair. I’m sorry.”³¹ FTO Torres Jr. told [REDACTED] “Let me see your ID or you’re going to jail for yelling out obscenities in the street at 9 o’clock in the morning. FTO Torres immediately tells [REDACTED] that he can resign as if it doesn’t matter what he does to him and will avoid discipline. FTO Torres further states, “You’re Germany” in a surprising tone.³²

FTO Torres Jr. told [REDACTED] that activity is a crime.³³

[REDACTED] provided his passport to FTO Torres Jr. as his ID. FTO Torres Jr. told him to put his hands on the squad car. FTO Torres Jr. entered his squad car and checked [REDACTED] information on the squad car computer. Following the name-check, [REDACTED] told FTO Torres Jr. he did not have other ID with him. FTO Torres Jr. said, “Next time you go to jail.”³⁴ [REDACTED] made a comment, and FTO Torres Jr. continued, “for screamin’ obscenities on the public way.”³⁵ [REDACTED] confirmed FTO Torres Jr.’s star number and walked away with his bicycle. A word that sounded like “complaint” was spoken, and FTO Torres Jr. said, “Everything was on camera today, sir.”³⁶ FTO Torres Jr. returned to his SUV and drove back to his original location on 21st Street where he completed writing the parking ticket on the Jeep.

FTO Torres Jr.’s Investigatory Stop Report (ISR)³⁷ indicated [REDACTED] actions “were a breach of public peace on a Sunday with elderly business patrons and elderly church patrons with kids in the area,” who were conducting their morning business. [REDACTED] actions also obstructed FTO Torres Jr.’s investigation of the Jeep. The ISR indicated no receipt was given to [REDACTED] with FTO Torres Jr. explaining that the receipt was refused “as subject did not want to be detained any further.”

COPA’s observation of the incident scene on 21st Street confirmed that, as FTO Torres Jr. said in his COPA statement, no bicycle lane existed where [REDACTED] said FTO Torres Jr.’s squad car was parked.³⁸

III. ALLEGATIONS

Field Training Officer Agustin Torres Jr.:

1. Parking your police vehicle in the middle of a bicycle lane (1854 W. 21st St.).
 - Unfounded.

³⁰ Att. 10 at 2:45.

³¹ Att. 10 at 2:48.

³² Att. 10 at 2:49.

³³ Att. 10 at 2:56.

³⁴ Att. 10 at 5:45.

³⁵ Att. 10 at 5:48.

³⁶ Att. 10 at 6:14.

³⁷ Att. 6.

³⁸ Att. 11, last paragraph.

2. Stopping ██████ without justification (1908 W. 21st Place).
 - Exonerated.
3. Detaining ██████ without justification (1908 W. 21st Place).
 - Exonerated.
4. Threatening to arrest ██████ unless he provided his identification (1908 W. 21st Place).
 - Sustained, Violation of Rules 2 and 3.
5. Failing to provide ██████ the subject of Investigatory Stop Report 013493994, a completed Investigatory Stop Receipt in violation of Special Order S04-13-09.
 - Sustained, Violation of Rules 2, 3, and 6.

IV. CREDIBILITY ASSESSMENT³⁹

The credibility of the subject, ██████ was suspect because his account of his verbal interaction with FTO Torres was inconsistent with FTO Torres Jr.'s BWC recording, and ██████ description of where the incident began (a blocked "bicycle lane") was erroneous.

V. ANALYSIS⁴⁰

COPA finds that Allegation #1 against FTO Torres Jr., that he parked his vehicle in the middle of a bicycle lane at 1854 W. 21st St., is Unfounded. COPA observation of the scene confirmed that no bicycle lane existed where ██████ said the squad car was parked.

COPA finds that Allegation #2 against FTO Torres Jr., that he stopped ██████ without justification in the vicinity of 1908 W. 21st Place, is Exonerated. The state law cited by FOP attorney Brian Sexton defined disorderly conduct: "A person commits disorderly conduct when he or she knowingly does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace."⁴¹ In addition, the city of Chicago municipal code stated, under 8-4-010 Disorderly conduct, "A person commits disorderly conduct when he knowingly: (a) Does any act in such unreasonable manner as to provoke, make or aid in making a breach of peace; or (b) Does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of peace or imminent threat of violence..."⁴² ██████ had committed disorderly conduct by admittedly shouting an obscenity ("fucking job") and gesturing in an obscene manner in public ("I flipped him off."). People other than FTO Torres Jr. and ██████ were on the street at the time of ██████ actions. FTO Torres Jr. used his discretion in not arresting ██████ He completed an Investigatory Stop Report explaining what he believed was the probable cause he had to stop ██████ which, in essence, was that ██████ had just committed the crime of disorderly conduct.

³⁹ Att. 20.

⁴⁰ For a definition of COPA's findings and standards of proof, see Appendix B.

⁴¹ Att. 23, Copy of state statute 720 ILCS 5/26-1 (from Ch. 38, par. 26-1) Sec. 26-1 Disorderly conduct.

⁴² Att. 22, (a) and (b).

COPA finds that Allegation #3 against FTO Torres Jr., that he detained ██████ without justification in the vicinity of 1908 W. 21st Place, is Exonerated. After having witnessed ██████ crime of disorderly conduct, FTO Torres Jr. was allowed to detain him to conduct an investigation of his actions. As specified in CPD Special Order S04-13-09, IV, Illinois State Law, 725 ILCS 5/107-14, delineates the authority for conducting an Investigatory Stop. The statute reads as follows: “Temporary questioning without arrest. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense as defined in Section 102-15 of this Code, and may demand the name and address of the person and an explanation of their actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.”⁴³

COPA finds that Allegation #4 against FTO Torres Jr., that he threatened to arrest ██████ unless he provided his identification, is **Sustained**. FTO Torres Jr. told ██████ “Let me see your ID or you’re going to jail for yelling out obscenities in the street at 9 o’clock in the morning.” In his COPA statement, FTO Torres Jr. acknowledged that ██████ did not have to give him an ID. Special Order S04-13-09, Investigatory Stop System, V, Guidelines for Investigatory Stops, B, states that, “During an Investigatory Stop, subjects may be asked to identify themselves and to provide an explanation for their actions; however, a failure to do so is not, in and of itself, an arrestable offense or grounds for further detention, and a subject may choose not to answer any of the officer’s questions.”⁴⁴ FTO Torres Jr. denied making the threat, told COPA he did not want to arrest ██████ and seemed to make his comment in the heat of the moment. Nevertheless, he made the comment.

COPA finds that Allegation #5 against FTO Torres Jr., that he failed to provide ██████ a completed Investigatory Stop Receipt,⁴⁵ is **Sustained**. CPD Special Order S04-13-09, VIII, A, 3, states that, “Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member’s name and star number.”⁴⁶ Although FTO Torres Jr. did not conduct a Protective Pat Down of ██████ he did conduct a computer search for information about him, which meant FTO Torres Jr. was bound by the Special Order.

In his defense, FTO Torres Jr. said ██████ had his name and star number, enough information for the incident. However, the ISR receipt contained additional information, including the incident event number and the reason for the stop, which FTO Torres Jr. did not provide ██████

⁴³ Att. 15, pg. 4, IV, A.

⁴⁴ Att. 15, pg. 4, V, B.

⁴⁵ Att. 24.

⁴⁶ Att. 15, pg. 7, VIII, A, 3.

FTO Torres Jr. reported that [REDACTED] in effect, refused the Receipt because he walked away, which he had the right to do. FTO Torres Jr. said in his statement that he did not ask [REDACTED] if he wanted a Receipt,⁴⁷ which FTO Torres Jr. could have done.

VI. DISCIPLINARY RECOMMENDATION

a. Field Training Officer Agustin Torres Jr.

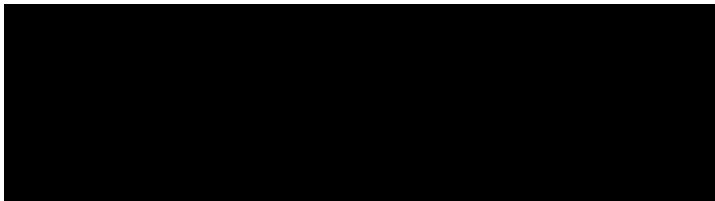
i. Complimentary and Disciplinary History⁴⁸

FTO Torres Jr. has received 82 awards, including 63 honorable mentions. He received one reprimand in 2022 for a preventable accident.

ii. Recommended Discipline

COPA has found that FTO Torres Jr. violated Rules 2, 3, and 6 for not providing [REDACTED] with an ISR receipt and for threatening to arrest him. COPA recommends a 20 day suspension as his discipline.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

4-29-2023

Date

⁴⁷ Att. 18, pg. 49, lns. 1-5.

⁴⁸ Att. 20.

Appendix A

Case Details

| | |
|---------------------------------|--|
| Date/Time/Location of Incident: | September 26, 2021 / 9:05 am/ 1854 W. 21 st St., 1908 W. 21 st Pl., Chicago, IL. |
| Date/Time of COPA Notification: | September 27, 2021 / 11:15 am. |
| Involved Member #1: | Field Training Officer Agustin Torres Jr., Star #13901 / Employee ID # [REDACTED] DOA: November 29, 2004, Unit: 012 / Male / Hispanic. |
| Involved Individual #1: | [REDACTED] / Male / White. |

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

- S04-13-09: Investigatory Stop System (effective July 10, 2017, to present).
- Chicago Municipal Code, Chapter 8-4, Public Peace and Welfare, 8-4-010 Disorderly conduct.
- Illinois Compiled Statutes, (720 ILCS 5/26-1) (from Ch. 38, par. 26-1) Sec. 26-1. Disorderly conduct.

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.⁴⁹ 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.”⁵⁰

⁴⁹ 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).

⁵⁰ *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