



Log # 2023-3622

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 11, 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 5:33 pm, at or near [REDACTED]. In the hours following the shooting, COPA learned that Officers Huberts and Fields were on routine patrol in the vicinity of 111th and Racine when they saw a confrontation between two individuals now known as [REDACTED] and [REDACTED]. The officers saw Gordon-Hay with a gun in his waistband that was equipped with an extended magazine. Officers attempted to engage [REDACTED] who ran into a residence located at [REDACTED]. The officers gained entry, and a struggle immediately ensued as the officers attempted to take control of [REDACTED] weapon. During the struggle, [REDACTED] turned his weapon upon himself and after the officers' attempts to disarm [REDACTED] shot himself in the head, with his firearm. Immediately following the discharge of [REDACTED] weapon, Officer Huberts fired his weapon, striking [REDACTED] in the upper back. The medical examiner deemed both shots as fatal.

Upon review of the evidence, COPA served allegations on Officer Huberts for discharging his firearm at or in the direction of [REDACTED] failing to use de-escalation tactics, entering the residence of [REDACTED] and failing to timely activate his Body Worn Camera (BWC). COPA also served allegations on Officer Fields for engaging in a foot pursuit, failure to de-escalate, pointing his firearm at or in the direction of [REDACTED] and Officer Huberts, unjustified entry into the house and failure to secure his firearm.

II. SUMMARY OF EVIDENCE²

On August 11, 2023, at approximately 5:31 pm, [REDACTED] and [REDACTED] were outside of their homes, in the middle of the street, in the vicinity of [REDACTED]³ [REDACTED] and [REDACTED] were shouting at each other and making aggressive gestures.⁴ [REDACTED] explained that [REDACTED]

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 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, ICC footage, third-party video, police reports, civilian interviews and officer interviews]*.

³ Att. 38 at 0:41; Att. 13 at 1:54; Note: The time stamp on att. 38 is approximately 15 minutes slow.

⁴ Att. 38 at 0:41; att. 37 p. 10

(aka Moe) texted him and said “f that hoe bitch.”⁵ [REDACTED] went outside to talk with [REDACTED] to figure out who [REDACTED] was talking about. [REDACTED] was upset that [REDACTED] wife, for not speaking to [REDACTED] and [REDACTED] was trying to reason with [REDACTED] since he knew that [REDACTED] had mental issues.⁶ While talking to [REDACTED] noticed [REDACTED] had an gun with an extended clip sticking out and noticed “them people” (police) coming up the block.⁷ [REDACTED] tells [REDACTED] that he should go in the house, however⁸ [REDACTED] continued to plead his case. [REDACTED] related that the officers looked over, saw the gun that [REDACTED] was carrying and stopped their car.⁹ Officers Huberts and Fields were in their marked department vehicle driving eastbound¹⁰ when both officers saw a gun with an extended high capacity magazine sticking out of [REDACTED] waistband.¹¹ Both officers exited their vehicle to approach [REDACTED] who then fled from the officers and entered a house located at [REDACTED].¹² Both officers pursued [REDACTED] into the house. Officer Huberts stated that he made the decision to pursue [REDACTED] into the house because [REDACTED] was armed and had been arguing with a man outside. Officer Huberts did not know who might be in the house and was concerned about additional danger to the public from [REDACTED].¹²

Officer Fields reached the threshold of the house before Officer Huberts. At the threshold, Officer Fields and [REDACTED] engaged in a brief struggle in which [REDACTED] pushed Officer Fields past the threshold and attempted to close the door. Officer Huberts then arrived at the door and both officers forced the door open and continued pursuing [REDACTED] into the house. During the pursuit, [REDACTED] reached toward his gun on the left side of his body as captured in the image below. [REDACTED] followed [REDACTED] and the officers into the house and heard one of the officers say, “He has a gun, he’s pulling out the gun”.¹³

⁵ Att. 3 at 4:39

⁶ Att. 3 at 5:36

⁷ Att. 3 at 6:26

⁸ Att. 3 at 6:50

⁹ Att. 3 at 7:00

¹⁰ Att. 38 at 0:43

¹¹ Att. 36 p. 11; Att. 37 p. 11

¹² Att. 36. P18

¹³ Att. 3 at 7:34



Figure 1: A screenshot from Att. 15, BWC footage from Officer Fields, at 2:22, showing [REDACTED] reaching for his left side as the officers followed him into his home.

Officer Huberts and Fields struggled for the gun in [REDACTED] hands, and they fell on the floor in the rear of the townhome. [REDACTED] entered the home and heard one of the officers say, “Let the gun go”¹⁴ and encouraged [REDACTED] to comply.¹⁵ Both Officer Huberts and [REDACTED] ended up face down on the floor with Officer Huberts on top of [REDACTED] back,¹⁶ with a [REDACTED] atop them. At some point during the takedown, [REDACTED] brandished his gun in his left hand when he and Officer Huberts hit the ground.¹⁷ Officer Fields placed his own gun on the floor in order to use both of his hands to attempt to remove the gun from [REDACTED] hand.¹⁸ During the struggle, Officer Huberts was positioned to right side of [REDACTED] body with his firearm pointed at [REDACTED] back.¹⁹ Officer Huberts gave [REDACTED] repeated verbal commands to let go of the firearm, which [REDACTED] was pointing at his heading saying “kill me”²⁰ and “I’m gonna shoot.”²¹ At approximately 5:33pm, [REDACTED] discharged his weapon, striking himself on the left side of his head, Officer Fields simultaneously falling backwards²² and Officer Huberts discharged his weapon, striking [REDACTED] in the upper back.²³ [REDACTED] did not see who pulled the trigger, because of the angle he was at. [REDACTED] heard PPO Fields exclaim, “Fuck, fuck, my fucking wrist, my wrist” and thought that PPO Fields was shot.²⁴

¹⁴ Att. 3 at 7:48

¹⁵ Att. 3 at 7:56

¹⁶ Att. 15 at 2:27

¹⁷ Att. 15 at 2:29

¹⁸ Att. 15 at 2:31; Att. 37 p. 11-12

¹⁹ Att. 15 at 2:29

²⁰ Att. 15 at 2:46 and Att. 3 at 8:03

²¹ Att. 16 at 2:11

²² Att. 15 at 3:00

²³ Att. 16 at 2:18

²⁴ Att. 3 at 8:52

Officer Fields then retrieved his gun from the floor,²⁵ as Officer Huberts informed dispatch that shots had been fired by police.²⁶ Officer Fields ran out to his vehicle, visibly and verbally distraught to get a medical kit. Officer Fields returned to the home, where they and additional responding officers provided medical attention to [REDACTED]²⁷ [REDACTED] was later transported to Christ Hospital as he was pronounced deceased.

III. ALLEGATIONS

Officer Dennis Huberts:

1. Discharged your firearm at or in the direction of [REDACTED] III without justification, in violation of General Order G03-02.
 - *Not Sustained*
2. Failed to use de-escalation tactics to prevent or reduce the need for the use of force, in violation of General Order G03-02.
 - *Not Sustained*
3. Entered the residence of [REDACTED] III at [REDACTED] [REDACTED] without justification.
 - *Not Sustained*
4. Failed to timely activate body-worn camera in violation of Special Order S03-14.
 - *Sustained, violation of Rules 2, 3, 5, 6, and 10*

Officer Charles Fields:

1. Failed to consider reasonable alternatives to engaging in and/or continuing a foot pursuit, in violation of General Order G03-07.
 - *Not Sustained*
2. Failed to use de-escalation tactics to prevent or reduce the need for the use of force, in violation of General Order G03-02.
 - *Not Sustained*
3. Pointed your firearm at or in the direction of [REDACTED] III without justification while pursuing him into the residence at [REDACTED] [REDACTED].
 - *Not Sustained*
4. Pointed your firearm at or in the direction of [REDACTED] III and/or FTO Dennis Huberts inside the residence at [REDACTED] [REDACTED] without justification.
 - *Not Sustained*
5. Entered the residence of [REDACTED] III at [REDACTED] [REDACTED] without justification.
 - *Not Sustained*
6. Were inattentive to duty by failing to secure your firearm while interacting with [REDACTED] [REDACTED] III in violation of Uniform and Property Directive U04-02.
 - *Sustained, violation of Rules 5, 6 and 10*

IV. CREDIBILITY ASSESSMENT

²⁵ Att. 15 at 3:04

²⁶ Att. 16 at 2:30

²⁷ Att. 15 at 4:19

This investigation did not reveal any evidence that caused COPA to doubt the credibility of individuals who provided statements. Officers Huberts and Fields and [REDACTED] all provided statements that are consistent with what was recorded on the officers' body-worn cameras.

V. ANALYSIS²⁸

a. Use of deadly force

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.²⁹ CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a person, or prevent escape.³⁰ This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.³¹

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."³² 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;" or (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."³³

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."³⁴ Officers are expected to modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.³⁵

In this case, [REDACTED] was armed in a room with Officer Huberts, Officer Fields and [REDACTED] discharged his weapon while Officer Huberts was on top of him and trying to gain control of [REDACTED]. Officer Huberts stated that when [REDACTED] fired, he thought the

²⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁹ G03-02 (II)(A), De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).

³⁰ G03-02 (III)(B).

³¹ G03-02 (III)(B)(3).

³² G03-02 (IV)(C).

³³ G03-02 (IV)(C)(1-2).

³⁴ G03-02 (IV)(B) (emphasis added).

³⁵ G03-02 (II)(D)(2).

fire was directed at him or his partner.³⁶ Officer Huberts stated that prior to gun going off, Gordon-Hay was attempting to turn the barrel of the gun towards Officer Fields while it was under Gordon-Hay's body.³⁷ The BWC recordings from the officers show a chaotic scene where it is not clear what exactly is happening. COPA is therefore unable to determine whether Officer Huberts' use of deadly force complied with General Order 03-02. Based on a preponderance of the evidence, COPA finds Allegation 1 against Officer Huberts to be Not Sustained.

b. Foot pursuit

CPD policy states that members may only engage in or continue a foot pursuit if there is a valid law enforcement need to detain the person that members reasonably believe outweighs the threat to safety posed by pursuit.³⁸ A valid law enforcement need to detain a person exists when the members establish reasonable articulable suspicion or probable cause to believe that (1) the person being pursued has committed, is committing, or is about to commit a felony, a Class A misdemeanor, a traffic offense that endangers the physical safety of others, or (2) the person being pursued is committing or is about to commit an arrestable offense that poses an obvious physical threat to any person.³⁹

CPD policy further provides that a decision to initiate or continue a foot pursuit "must be continuously re-evaluated in light of the circumstances presented at the time."⁴⁰ Specifically, the policy indicates that officer should consider alternatives to engaging in or continuing a foot pursuit in certain situation that pose a "particularly high risk" to officers, bystanders, or the person being pursued.⁴¹ For example, CPD policy warns of circumstances where the pursued person is visibly armed with a firearm; where the person enters a confined space or isolated area and there are insufficient CPD members to provide backup and containment; or where the officer becomes aware of unanticipated circumstances that unreasonably increase the risk to the officers or civilians.⁴²

In this incident, Officer Huberts and Officer Fields first encountered [REDACTED] when they saw him arguing with another individual on the street while [REDACTED] had a gun with an extended magazine in his waistband. When he ran toward his house, Officer Fields pursued him on foot. Openly carrying a firearm qualifies as an unlawful use of weapon and is Class A Misdemeanor, which means there is a valid law enforcement basis to detain [REDACTED] under the policy.⁴³ However, the policy also provides guidance about whether an officer *should* pursue on foot and specifically highlights the pursued person being armed or entering a confined space or isolated area as reasons why officers should consider not pursuing them. It is not clear to COPA whether Officer Fields' pursuit of [REDACTED] was appropriate under the circumstances. Therefore, COPA finds Allegation 1 against Officer Fields to be Not Sustained.

³⁶ Att. 36 p. 25

³⁷ Att. 37 p. 25-26

³⁸ G03-07 (IV)(B), Foot Pursuits (effective August 29, 2022, to present).

³⁹ G03-07 (IV)(B)(1).

⁴⁰ G03-07 (IV)(B)(2).

⁴¹ G03-07 (VI).

⁴² G03-07 (VI)(B), (D), (E).

⁴³ (720 ILCS 5/24-1) (from Ch. 38, par. 24-1) a (10) and (720 ILCS 5/24-1) (from Ch. 38, par. 24-1) b.

c. De-escalation

CPD policy requires officers to “use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time”.⁴⁴ General Order G03-02 provides a non-exhaustive list of examples of de-escalation techniques officers must consider. These include (a) issuing warnings and attempting to persuade subjects prior to using force; (b) stabilizing the situation through the use of time, distance, or positioning to isolate and contain a subject; and (c) requesting additional officers or “specialized units or equipment including Crisis Intervention Team (CIT) trained officers”.⁴⁵

CPD policy also requires officers to “modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.”⁴⁶

When the officers entered the house after [REDACTED] Officer Huberts used an emergency takedown and attempted to secure the weapon, which would have enabled the use of time and member presence as tactics to de-escalate the encounter. Officer Fields assisted in these efforts by giving verbal commands and trying to remove the gun from [REDACTED]. The officers were ultimately unsuccessful in their attempts to disarm [REDACTED] and gain control of him. Given the speed with which the encounter occurred, it is not clear that the use of time as a tactic or requesting additional officers were available options. Therefore, based on a preponderance of the evidence COPA finds that Allegation 2 against Officer Huberts and Officer Fields are Not Sustained.

d. Entry to home

The Fourth Amendment provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.” As that text makes clear, “the ultimate touchstone of the Fourth Amendment is ‘reasonableness.’”⁴⁷ That standard “generally requires the obtaining of a judicial warrant” before a law enforcement officer can enter a home without permission.⁴⁸ The warrant requirement, however, is subject to certain exceptions. One exception is for exigent circumstances. It applies when “the exigencies of the situation make the needs of law enforcement so compelling that [a] warrantless search is objectively reasonable.”⁴⁹ The exception enables police officers to deal with “emergenc[ies]”—situations presenting a “compelling need for official action and no time to secure a warrant.”⁵⁰ Courts recognize several exigencies. An officer, for example, may “enter a home

⁴⁴ G03-02-01 (II)(D).

⁴⁵ G03-02 (III)(D)(2).

⁴⁶ G03-02 (II)(D)(2).

⁴⁷ *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006).

⁴⁸ *Riley v. California*, 573 U. S. 373, 382 (2014) (internal quotation marks omitted); *Brigham City v. Stuart*, 547 U. S. 398, 403 (2006).

⁴⁹ *Kentucky v. King*, 563 U. S. 452, 460 (2011) (internal quotation marks omitted).

⁵⁰ *Riley v. California*, 573 U. S. 373, 402 (2014); *Missouri v. McNeely*, 569 U. S. 141, 149 (2013).

without a warrant to render emergency assistance to an injured occupant[,] to protect an occupant from imminent injury,” or to ensure his own safety.⁵¹ The police may make a warrantless entry to “prevent the imminent destruction of evidence” or to “prevent a suspect’s escape.”⁵² In those circumstances, the delay required to obtain a warrant would bring about “some real immediate and serious consequences”—and so the absence of a warrant is excused.⁵³ The guiding principle is reasonableness, and each case is evaluated based upon the totality of the circumstances known to the officers at the time of the warrantless entry.⁵⁴

In this case, the officers saw [REDACTED] with a gun in his waistband engaged in an argument with another individual on the street. He then ran into his home. While officers are permitted to enter a home to prevent a suspect’s escape, the officers could have accomplished the same task by requesting more officers to help them guard the entrances to the house and engage with [REDACTED] in an effort to have him surrender himself. It was not immediately apparent to the officers that there was anyone else in the house to whom [REDACTED] posed a threat at that point. Based on the evidence, COPA finds that Allegation 3 against Officer Huberts and Allegation 5 against Officer Fields are Not Sustained.

e. Late BWC activation

An officer is required to activate their body-worn camera when they engage in a law enforcement activity. In this case, Officer Huberts’ body-worn camera footage shows he did not activate his body-worn camera until he had already performed a takedown on [REDACTED] rather than at the time he started engaging in law enforcement activity. While Officer Huberts could not have anticipated everything that happened once he got out of the CPD vehicle, the act of getting out of the vehicle should have caused him to activate the camera. Therefore, COPA finds that Allegation 4 against Officer Huberts is Sustained.

f. Firearm pointing

The Seventh Circuit has held that “gun pointing when an individual presents no danger is unreasonable and violates the Fourth Amendment.”⁵⁵ The reasonableness of an officer’s firearm pointing depends on the facts of the case.⁵⁶ “[W]hile police are not entitled to point their guns at citizens when there is no hint of danger, they are allowed to do so when there *is* reason to fear danger.”⁵⁷

⁵¹ *Brigham City v. Stuart*, 547 U. S. 398, 403 (2006); *Riley v. California*, 573 U. S. 373, 388 (2014)

⁵² *Brigham City v. Stuart*, 547 U. S. 398, 403 (2006); *Minnesota v. Olson*, 495 U. S. 91, 100 (1990) (internal quotation marks omitted).

⁵³ *Welsh v. Wisconsin*, 466 U. S. 740, 751 (1984) (quoting *McDonald v. United States*, 335 U. S. 451, 460 (1948) (Jackson, J., concurring)).

⁵⁴ *People v. Yates*, 456 N.E.2d 1369 (1983).

⁵⁵ *Baird v. Renbarger*, 576 F.3d 340, 344-45 (7th Cir. 2009).

⁵⁶ *Cruz v. City of Chi.*, No. 20-cv-250, 2021 U.S. Dist. LEXIS 119965, at *15 (N.D. Ill. June 28, 2021) (“The reasonableness of brandishing a weapon depends on the unique facts of each case, from a boots-on-the-ground perspective.”)

⁵⁷ *Baird*, 576 F.3d at 346.

Cases in which courts have found firearm pointing reasonable include a case where police knew a person they were searching for when executing a search warrant owned a gun.⁵⁸ In another case, firearm pointing was reasonable where officers executing a search warrant for deadly weapons and believed a person involved in a shooting lived at the residence.⁵⁹

Cases in which courts have found firearm pointing unreasonable include a case where officers pointed a weapon at an elderly man's head for ten minutes after realizing he wasn't the suspect they sought, and he presented no resistance.⁶⁰ In another case, pointing a firearm at a nine-year old child and threatening to pull the trigger.⁶¹

CPD policy notes that pointing a firearm at a person constitutes a seizure and must be documented as such according to CPD policy.⁶² The policy states the standard to determine whether pointing a firearm is appropriate, stating:

Department members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances faced by the member on the scene. While reasonableness is not capable of precise definition, Department members may consider factors that include, but are not limited to, the nature of the incident, the risk of harm to the member or others, and the level of threat or resistance presented or maintained by the person (e.g., possession or access to weapons).⁶³

Officer Fields pointed a gun at [REDACTED] in two situations during this incident. The first was as Officer Fields was entering the house.⁶⁴ As the officers were initially arriving on the scene, [REDACTED] ran toward his house while armed with a weapon.⁶⁵ Officer Fields saw this gun while he was still in the CPD vehicle. At the threshold of the house, [REDACTED] pushed Officer Fields away from him, offering physical resistance while armed. [REDACTED] then engaged in a physical struggle with Officer Huberts while the officer was trying to gain control of [REDACTED] and secure his gun. Officer Huberts pointed his gun at [REDACTED] during this struggle, resulting in Officer Fields pointing the gun at Officer Huberts as well. While this was certainly a dangerous situation in which a reasonable officer could anticipate the need to use his firearm in the encounter and therefore have the weapon out, it is not clear that it was reasonable for Officer Fields to point the gun at [REDACTED]. COPA finds that Officer Fields did not intend to point the gun at his own partner, but it appears that he put Officer Huberts in further danger by pointing the gun at Gordon-Hay during the physical struggle. Based on a preponderance of the evidence, COPA finds that Allegations 3 and 4 against Officer Fields are Not Sustained.

⁵⁸ *L.A. County v. Rettele*, 550 U.S. 609, 611 (2007).

⁵⁹ *Muehler v. Mena*, 544 U.S. 93, 95 (2005).

⁶⁰ *Jacobs v. City of Chicago*, 215 F.3d 758, 773-74 (7th Cir. 2000).

⁶¹ *McDonald v. Haskins*, 966 F.2d 292, 294 (7th Cir. 1992).

⁶² Department Notice D19-01, Firearm Pointing Incidents (II)(C) (effective November 1, 2019, to present).

⁶³ Department Notice D19-01 (II)(E) (emphasis in original).

⁶⁴ See Figure 1 above.

⁶⁵ Att. 37 at p. 11

g. Failure to secure firearm

During the struggle with [REDACTED] Officer Fields dropped his firearm on the floor in order use both hands in his attempt to secure [REDACTED] firearm.⁶⁶ COPA recognizes that the encounter happened rapidly and Officer Fields' decision to prioritize securing the [REDACTED] firearm was understandable. However, Department Policy requires that officers "secure ALL firearms which they own or possess, in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss."⁶⁷ Officer Fields' decision to place the gun on the floor rather than in his holster created an additional potential danger in that situation. The unattended firearm could have been obtained by [REDACTED] or any other person who might have been in the house. Therefore, based on a preponderance of the evidence, COPA finds that Allegation 6 against Officer Fields is Sustained.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Dennis Huberts

i. Complimentary and Disciplinary History⁶⁸

Officer Huberts has been with CPD since May 1, 2006. In that time, he has received 230 awards, including 197 honorable mentions, 6 department commendations, 3 complimentary letters, 2 police officer of the month awards, 2 superintendent's awards of valor, 2 field training service awards, and 1 life saving award. In the last five years, he had two sustained complaints for Operation/Personnel Violations (in 2021 and 2022), both of which resulted in Reprimands. The sustained allegation in the 2022 incident, recorded under 2022-0004334, was for late activation of his BWC. He also received five SPARs in the last five years: three (in July 2023 – Reprimand, March 2024 – Reprimand, and September 2024 – 1-day suspension) were for preventable accidents; one (April 2024 – no disciplinary action) for failure to perform assigned tasks, and one (April 2024 – Reprimand) for failing to timely activate his BWC.

ii. Recommended Discipline

Although Officer Huberts has an impressive complimentary history, he has been disciplined twice in recent years for failing to timely activate his BWC. One of those times was before this incident and the other was afterward. COPA recommends a suspension of 3-5 days and retraining on BWC activation.

b. Officer Charles Fields

i. Complimentary and Disciplinary History⁶⁹

⁶⁶ Att. 37 p. 21

⁶⁷ U4-02 (II)(G). This portion of the directive is in bold, signifying its importance.

⁶⁸ Attachment 73.

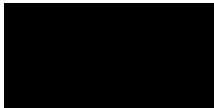
⁶⁹ Attachment 74.

Officer Fields has been with CPD since December 2, 2022. In that time, he has received one honorable mention. He received two SPARs in 2024, both of which resulted in Reprimands: one for failing to have a current Illinois license plate sticker and one for non-compliance with motor vehicle pursuit requirements.

ii. Recommended Discipline

Officer Fields made a poor decision during a chaotic situation to put his firearm on the floor instead of returning it to his holster. COPA notes Officer Fields was a very new officer at the time of this incident and, presumably, would not make the same decision if he had more experience. Taking this into account, COPA recommends a suspension of 10-15 days.

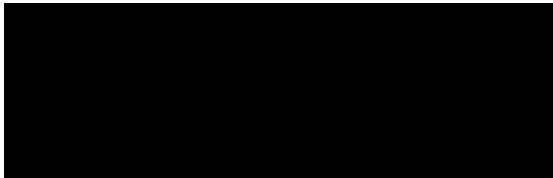
Approved:



Shannon Hayes
Director of Investigations

February 11, 2025

Date



Andrea Kersten
Chief Administrator

February 11, 2025

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	8/11/23; 5:33pm; [REDACTED]
Date/Time of COPA Notification:	8/11/23; 5:55pm
Involved Officer #1:	Officer Dennis Huberts, Jr.; Star 9883; Employee ID [REDACTED] DOA: 5/1/2006; 022
Involved Officer #2:	Officer Charles Fields, Star 11495, Employee ID [REDACTED] DOA: 12/2/22, 044
Involved Individual #1:	[REDACTED] Black, Male, 36 years old

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

- *Unlawful Use of weapons (720 ILCS 5/24-1)*
- *720 ILCS 5/24-1.10 (a) (2)*
- *Special Order S03-14: Body Worn Camera (Effective date April 30, 2018, to Present)*
- *General Order G03-02: De-Escalation, Response to Resistance, and Use of Force (Effective date June 28, 2023-Present)*
- *General Order G03-07: Foot Pursuits (Effective Date August 29, 2022-Present)*
- *Uniform and Property U04-03: Department Approved Weapons and Ammunition (Effective Date May 07, 2021, to Present)*

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.⁷⁰ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”⁷¹

⁷⁰ 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).

⁷¹ *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