



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

Log # 2024-5309

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On May 27, 2024, the Chicago Police Department (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at approximately 11:10 pm in the vicinity of 327 S. Cicero Avenue.<sup>2</sup> In the hours following the shooting, COPA learned that while on-duty, CPD Officers Darrell Willis and Cordell Curtis discharged their firearms several times in the direction of [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] were involved in a verbal and physical altercation prior to Officers Willis's and Curtis's arrival at the scene. Officers Willis and Curtis were driving a marked patrol vehicle southbound on Cicero Avenue when they were flagged down by [REDACTED] friend, [REDACTED]. [REDACTED] explained to the officers that [REDACTED] was in possession of a knife and chasing [REDACTED].

Officers Willis and Curtis activated their emergency equipment and pulled their marked vehicle over. Officer Willis observed an object in [REDACTED] hand, exited his vehicle, and attempted to talk to [REDACTED] who was walking past him and in the direction of [REDACTED]. Moments later, [REDACTED] approached [REDACTED] fell to the ground, and [REDACTED] stood over [REDACTED] while making stabbing motions towards [REDACTED] who was attempting to protect himself while on the ground. Officers Willis and Curtis verbally directed [REDACTED] to drop the knife several times, and [REDACTED] failed to do so. Officers Willis and Curtis then discharged their firearms in [REDACTED] direction, striking both [REDACTED] and [REDACTED].

Upon review of the evidence, COPA served allegations that Officers Willis and Curtis failed to utilize other force options prior to using deadly force, unreasonably jeopardized the safety of uninvolved members of the public while discharging their firearms, failed to take precautions to minimize the risk that people other than the target would be struck, and failed to activate their body worn cameras (BWCs) in a timely manner. COPA only sustained the allegation that Officers Willis and Curtis failed to activate their BWCs in a timely manner.

<sup>1</sup> 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.

<sup>2</sup> 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.

## II. SUMMARY OF EVIDENCE<sup>3</sup>

On May 27, 2024, at approximately 11:00 pm, [REDACTED] and [REDACTED] became involved in a verbal and physical altercation in the vicinity of 700 S. Cicero Avenue. The witnesses, [REDACTED] and [REDACTED] along with another unidentified individual, appeared to make attempts to defuse the incident.<sup>4</sup> The incident between [REDACTED] and [REDACTED] continued north on Cicero Avenue, with [REDACTED] and [REDACTED] chasing [REDACTED] and [REDACTED] northbound on Cicero Avenue. At approximately 11:10 pm, [REDACTED] and [REDACTED] observed a marked Department vehicle that was occupied by Officers Curtis and Willis. [REDACTED] and [REDACTED] stopped Officers Curtis and Willis and requested their assistance.<sup>5</sup>

[REDACTED] and [REDACTED] informed Officers Curtis and Willis that [REDACTED] was armed with a knife and making attempts to harm them. Officers Curtis and Willis pulled their vehicle over and activated their emergency lights.<sup>6</sup> Officer Willis related that he observed [REDACTED] walking on the sidewalk to the right of his marked Department vehicle with an elongated silver object in his hand.<sup>7</sup> Officer Willis verbally directed [REDACTED] to drop the knife while inside the marked Department vehicle. [REDACTED] ignored the order given to him and continued to walk in the direction of [REDACTED] and [REDACTED].<sup>8</sup> Officers Willis and Curtis exited their marked Department vehicle and continued to verbally direct [REDACTED] to drop the knife. [REDACTED] ignored Officers Willis and Curtis and continued to walk in the direction of [REDACTED] and [REDACTED].<sup>9</sup>

As [REDACTED] approached [REDACTED] fell to the ground. [REDACTED] stood over [REDACTED] and proceeded to make stabbing motions towards [REDACTED] with the hand that the knife was in.<sup>10</sup> Officers Willis and Curtis continued to verbally direct [REDACTED] to drop the knife, but [REDACTED] ignored the officers and continued making stabbing motions towards [REDACTED] with the knife. Officers Willis and Curtis then discharged their firearms in [REDACTED] direction, striking [REDACTED] and [REDACTED].<sup>11</sup> Officers Willis and Curtis immediately made notification to OEMC via their department radios that they discharged their firearms and requested an ambulance for [REDACTED] and [REDACTED].

[REDACTED] sustained several gunshot wounds as a result of this incident. He was transported to [REDACTED] Hospital, where he was pronounced deceased. [REDACTED] was transported to [REDACTED] Hospital and was treated for a laceration and several gunshot wounds.<sup>12</sup> Officers Curtis and Willis did not sustain any injuries as a result of this incident.

<sup>3</sup> 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), POD camera, In-Car Camera (ICC), Office of Emergency Management and Communication (OEMC) 911 calls and radio transmissions, Chicago Police Department (CPD) reports which included Case Reports, Tactical Response Report (TRRs), Firearm Registration Records, and Firearm Qualification History.

<sup>4</sup> Att. 104 at 2:24.

<sup>5</sup> Att. 9 at 11:09.

<sup>6</sup> Att. 82, pg. 11, ln. 3 to 12.

<sup>7</sup> Att. 83, pg. 11, ln. 10 to 13 and pg. 12, ln. 13 to 19.

<sup>8</sup> Att. 83, pg. 13, ln. 6 to 10.

<sup>9</sup> Att. 83, pg. 13, ln. 11 to 22.

<sup>10</sup> It could not be determined if [REDACTED] was stabbed by [REDACTED].

<sup>11</sup> Att. 82, pg. 12, ln. 9 to 20.

<sup>12</sup> Att. 70.

### III. ALLEGATIONS

#### Officer Cordell Curtis and Officer Darrell Willis:

1. Failing to utilize other force options prior to using deadly force.
  - **Exonerated**
2. Unreasonably jeopardizing the safety of uninvolved members of the public while discharging his firearm.
  - **Not Sustained**
3. Failing to take precautions to minimize the risk that people other than the target would be struck.
  - **Not Sustained**
4. Failing to activate his body worn camera in a timely manner.
  - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: (1) the individual's truthfulness and (2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

Officer Curtis, Officer Willis, and witness [REDACTED] each provided statements that were generally consistent with the available video footage and written reports obtained during the investigation. This investigation did not reveal any evidence that caused COPA to question the credibility of any individuals who provided statements.

Additionally, COPA has a duty to ensure officers' counsel does nothing to disrupt or interfere with the officers' interviews to reduce the risk of inserting issues about officers' honesty and reliability of their recall/statement/answers.<sup>13</sup> Counsel for the officers repeatedly interjected on the record during the officers' statements. At multiple points, counsel's interjections and comments—often under the auspices of objections—were apparently designed to function as testimony or prompts for the accused officers.<sup>14</sup> Despite the interferences, COPA does not discredit the officers' accounts on this basis because there is evidence consistent with their statements.

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<sup>13</sup> See Consent Decree, State of Illinois v. City of Chicago, Case No. 17-cv-6260 ¶465(d); see also Agreement between the City of Chicago Department of Police and the Fraternal Order of Police Chicago Lodge No. 7 (hereinafter, the "Collective Bargaining Agreement"), §6.1(J).

<sup>14</sup> Att. 82, pg. 53, ln. 24 to pg. 54, ln. 3; pg. 54, ln. 14 to 15; pg. 58, ln. 11 to 16. Att. 83, pg. 28, ln. 1 to 18; pg. 45, ln. 12 to 21; pg. 46, ln. 4 to 11.

## V. ANALYSIS<sup>15</sup>

### a. Deadly Force

#### 1. CPD policy governing the use of deadly force.

CPD expects its members to act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>16</sup> CPD policy prohibits members from using force that is not “objectively reasonable, necessary, and proportional, under the totality of 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.”<sup>17</sup> 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.<sup>18</sup>

CPD policy only permits members to use deadly force 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.<sup>23</sup> 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.”<sup>26</sup>

A threat is imminent “when it is objectively reasonable to believe that: (1) the person’s actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (2) the person has the means or instruments to cause death or great bodily harm; **and** (3) the person has the opportunity and ability to cause death or great bodily harm.”<sup>27</sup> 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.<sup>28</sup>

When COPA assesses whether force is objectively reasonable, it considers factors including, but limited to:

- (a) whether the person is posing an imminent threat to the member or others[]
- (b) the risk of harm or level of threat to the sworn member, the person, another person, or property[]
- (c) level of resistance presented by the person[]
- (d) the person’s proximity or access to

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<sup>15</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>16</sup> Att. 101, G03-02(II)(A), De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

<sup>17</sup> Att. 101, G03-02(III)(B).

<sup>18</sup> Att. 101, G03-02(III)(B)(3).

<sup>23</sup> Att. 101, G03-02(IV)(C).

<sup>26</sup> Att. 101, G03-02(IV)(C).

<sup>27</sup> Att. 101, G03-02(IV)(B) (emphasis added).

<sup>28</sup> Att. 101, G03-02(II)(D)(2).

weapons[] (e) whether de-escalation techniques can be employed or would be effective[] and (f) the availability of other resources.<sup>29</sup>

COPA finds Officers Curtis and Willis acted reasonably when they used deadly force against [REDACTED] because [REDACTED] posed an imminent threat to [REDACTED] actions were immediately likely to cause death or great bodily harm. [REDACTED] held a knife in his hand and attempted to stab and/or slash [REDACTED] with the knife. Additionally, [REDACTED] continued to stand over [REDACTED] while [REDACTED] was on the ground and attempted to stab and/or slash him, meaning that [REDACTED] had the opportunity to cause death or great bodily harm. As such, COPA finds the officers' use of deadly force against [REDACTED] was necessary to prevent death or great bodily harm to [REDACTED].

## **2. Failure to utilize other force options prior to using deadly force allegations.**

COPA finds that Allegation # 1 that Officers Curtis and Willis failed to utilize other force options prior to using deadly force is **Exonerated**. [REDACTED] and [REDACTED] informed the officers that [REDACTED] was armed with a knife and attempting to harm them.<sup>32</sup> Officer Willis observed a silver elongated object, a knife, in [REDACTED] right hand as he walked in the vicinity of the marked Department vehicle.<sup>34</sup> These facts indicate that other force options were unlikely to be effective, and the officers had little time to act before [REDACTED] used deadly force against [REDACTED]. COPA notes that other, non-deadly force options, such as tasers, OC spray, or takedowns, would have required the officers to approach [REDACTED]. This would have been unsafe and not necessarily effective in this fatal situation. [REDACTED] was attacking [REDACTED] with a knife. Approaching [REDACTED] would likely have (1) unreasonably endangered the officers, and (2) likely would not have prevented [REDACTED] from killing or seriously injuring [REDACTED]. Furthermore, those other options do not always work, and when an officer is in a situation where action must be taken immediately, as here, those are not always options.

Additionally, the evidence shows Officers Curtis and Willis used de-escalation techniques prior to using force, including verbal commands and officer presence. When the officers stopped their patrol car, they activated its lights. The officers wore CPD uniforms and gave [REDACTED] several verbal commands to drop his knife. During his statement to COPA, [REDACTED] related that [REDACTED] was armed with a box cutter (razor blade) and standing over [REDACTED] prior to being shot by Officers Curtis and Willis.<sup>35</sup> [REDACTED] added that Officers Curtis and Willis verbally directed [REDACTED] to drop his weapon several times.<sup>36</sup> COPA also notes that the officers paused after their first volley of shots to give [REDACTED] a chance to comply with their commands before firing again.

COPA finds by clear and convincing evidence that the officers reasonably believed deadly force was necessary to prevent [REDACTED] from inflicting death or great bodily harm. Additionally, COPA finds clear and convincing evidence that the officers used de-escalation techniques, and

<sup>29</sup> Att. 101, G03-02(III)(B)(1) (emphasis omitted).

<sup>32</sup> Att. 82, Transcribed Statement of Officer Curtis, pg. 11, ln. 3 to 5.

<sup>34</sup> Att. 83, Transcribed Statement of Officer Willis, pg. 11, ln. 10 to 13; pg. 31, ln. 2 to 6.

<sup>35</sup> Att. 95, Transcribed COPA Statement of [REDACTED] pg. 11, ln. 6 to 7 and 21 to 23.

<sup>36</sup> Att. 95, Transcribed COPA Statement of [REDACTED] pg. 12, ln. 6 to 15.

that other force options would have been ineffective or would have unreasonably endangered the officers. Therefore, Allegation #1 against Officers Curtis and [REDACTED] is Exonerated.

### **b. Allegations related to the Conditions on the Discharge of Firearms**

#### **1. CPD policy governing the conditions on the discharge of a firearm.**

In addition to the use of deadly force requirements, CPD policy places additional requirements on members who discharge their firearms related to safety. CPD policy governing firearm discharges requires members to meet three conditions “when it is safe and feasible . . . based on the specific circumstances confronting the member[s].”<sup>37</sup> First, members must “consider their immediate surroundings and the safety of uninvolved members of the public before discharging their firearm[s].”<sup>38</sup> Second, members must “take precautions to identify the appropriate target prior to discharging a firearm and to minimize the risk that people other than the target will be struck.”<sup>39</sup> Third, the discharging member must “issue a verbal warning prior to, during, and after the discharge of a firearm.”<sup>40</sup> As addressed above, COPA notes that the officers issued verbal warnings prior to discharging their firearms consistent with CPD policy.<sup>41</sup>

#### **2. Jeopardizing the safety of uninvolved members of the public.**

COPA finds that Allegation # 2 that Officers Curtis and Willis unreasonably jeopardized the safety of uninvolved members of the public while discharging their firearm is **Not Sustained**.

During their statements to COPA, Officers Curtis and Willis said that they kept their firearms aimed towards [REDACTED] during the entire incident. Thus, they identified a target and considered their surroundings. Officers Curtis and Willis explained that although [REDACTED] was making stabbing motions towards [REDACTED] with a knife in his hand, they were able to focus on [REDACTED] who was their intended target.<sup>42</sup>

COPA notes that [REDACTED] sustained several gunshot wounds, meaning that one or both officers struck him while firing at [REDACTED]. However, under the totality of the circumstances, COPA finds the officers’ actions were more likely reasonable than not. In this case, the officers faced a lack of alternative options that would prevent [REDACTED] from stabbing and/or slashing [REDACTED] without unreasonably placing themselves in jeopardy. Officers Curtis and Willis were attempting to stop [REDACTED] from causing great bodily harm and potential death to [REDACTED]. Given these facts, it would have likely been unsafe or infeasible for the officers to take additional steps prior to discharging their firearms. COPA finds by a preponderance of the evidence that Officers Curtis and Willis did not unreasonably jeopardize the safety of [REDACTED] or other members of the public. Therefore, Allegation #2 against Officers Curtis and Willis is Not Sustained.

<sup>37</sup> Att. 102, G03-02-03(III), Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective June 28, 2023 to present).

<sup>38</sup> Att. 102, G03-02-03(III)(A).

<sup>39</sup> Att. 102, G03-02-03(III)(B).

<sup>40</sup> Att. 102, G03-02-03(III)(C).

<sup>41</sup> Att. 82, pg. 11, ln. 19 to pg. 12, ln. 1; Att. 83, pg. 13, ln. 6 to 17; Att. 95, pg. 12, ln. 6 to 15.

<sup>42</sup> Att. 82, pg. 33, ln. 23 to 24; pg. 34, ln. 6 to 24; pg. 35, ln. 1 to 15; Att. 83, pg. 34, ln. 19 to 24, pg. ln. 1 to 12.

**3. Failing to take precautions to minimize the risk that people other than the target would be struck.**

COPA finds that Allegation # 3 that Officers Curtis and Willis failed to take precautions to minimize the risk that people other than the target would be struck is Not Sustained. COPA's analysis of this allegation echoes the previous allegation. Officers Curtis and Willis explained in their statements to COPA that they aimed at [REDACTED] who was their intended target. As addressed above, [REDACTED] was actively making stabbing motions towards [REDACTED] with the knife in his hand, while standing over [REDACTED]. Again, while COPA notes that one or both officers struck [REDACTED] the officers appeared to lack reasonable alternatives. Officers Curtis and Willis reasonably believed that [REDACTED] was causing death or great bodily harm to [REDACTED] and would continue to do so if they did not discharge their firearms. It is likely that if the officers had attempted additional precautions, [REDACTED] would have continued to harm, or potentially kill, [REDACTED]. As such, COPA finds by a preponderance of the evidence that it was unsafe or infeasible for the officers to take further precautions. Therefore, Allegation #3 against Officers Curtis and Willis is Not Sustained.

**c. Body worn camera.**

COPA finds that the allegation that Officers Curtis and Willis failed to activate their body worn cameras in a timely manner is **Sustained**.

CPD members must activate their BWCs "at the beginning of an incident," and must "record the entire incident for all law-enforcement-related activities."<sup>43</sup> Law-enforcement-related activities include, *inter alia*, "responding to and engaging in calls for service, investigatory stops, arrests, use of force incidents, high-risk situations, any encounters with the public that become adversarial after the initial contact, and any other instance when enforcing the law."<sup>44</sup> "If exigent circumstances prevent activating the BWC at the beginning of an incident, the member must activate their BWC as soon as practicable."<sup>45</sup>

Here, Officers Curtis and Willis did not activate their body worn cameras in a timely manner. In their statements to COPA, Officers Curtis and Willis said they were en route to assist with another service call.<sup>46</sup> POD footage depicted the officers' Department vehicle with its emergency lights activated prior to being flagged down.<sup>47</sup> As such, the officers were likely already engaged in a law-enforcement-related activity, and were required to have activated their BWCs before this incident occurred. After being flagged down, the officers deactivated the Department vehicle's emergency lights and pulled over, but still did not activate their BWCs. As Officers Curtis and Willis approached [REDACTED] and [REDACTED] both officers attempted to activate their BWCs but were unsuccessful. Officer Willis ultimately managed to activate his BWC only seconds before

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<sup>43</sup> Att. 103, S03-14(V)(A)(2), Body Worn Cameras (December 29, 2023 to August 8, 2024).

<sup>44</sup> Att. 103, S03-14(II)(I).

<sup>45</sup> Att. 103, S03-14(V)(A) (3).

<sup>46</sup> Att. 82, pg. 10, ln. 16 to 21; Att. 83, pg. 10, ln. 14 to 17.

<sup>47</sup> Att. 9 at 11:09:30 PM.

Officer Curtis discharged his firearm, and just moments before discharging his own firearm.<sup>49</sup> When the officers pulled over, they had an opportunity to activate their BWCs. There were no exigent circumstances preventing activation, and they should have had their BWCs recording as they were responding to assist with another incident. COPA finds, by a preponderance of the evidence, that the officers failed to activate their BWCs at the beginning of the encounter. Therefore, Allegation #4 against Officers Curtis and Willis is Sustained, in violation of Rules 2, 3, 5, 6, and 10.

## VI. DISCIPLINARY RECOMMENDATION

### a. Officer Cordell Curtis

#### i. Complimentary and Disciplinary History<sup>50</sup>

Officer Curtis has been employed by CPD since June 16, 2021. He has received 29 awards, including one Life Saving Award and two Unit Meritorious Performances Awards. His disciplinary history included three SPARs: one Uniform Violation – General Order (Reprimand) and two Preventable Accidents (Reprimand and 1 Day Off). Additionally, he had one sustained complaint in 2023 for Excessive Force - Unnecessary Exhibition of Weapon Pointing, and received a 1-Day Suspension.

#### ii. Recommended Discipline

COPA has found that Officer Curtis violated rules 2, 3, 5, 6, and 10 when he failed to activate his BWC in a timely manner. In mitigation, COPA notes that the officers were flagged down and that the incident unfolded rapidly. Officer Curtis appeared to have attempted to activate his BWC, but was unsuccessful. Therefore, based on Officer Curtis' complimentary and disciplinary history, COPA recommends a Reprimand.

### b. Officer Darrell M. Willis

#### i. Complimentary and Disciplinary History<sup>51</sup>

Officer Willis has been employed by CPD since June 16, 2021. He has received 20 awards, including one Department Commendation Award. Officer Willis' disciplinary history included five SPARs: two Court Appearance Violations (Reprimand and No Disciplinary Action), two Preventable Accidents (Reprimand and 1 Day Off), and one Inattention to Duty (Reprimand). He did not have any sustained complaints within the last five years.

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<sup>49</sup> Att. 8 at 00.41.

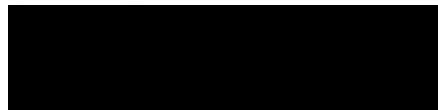
<sup>50</sup> Att. 109

<sup>51</sup> Att. 110

**ii. Recommended Discipline**

COPA has found that Officer Willis violated rules 2, 3, 5, 6, and 10 when he failed to activate his BWC in a timely manner. In mitigation, COPA notes that the officers were flagged down and that the incident unfolded rapidly. Officer Willis appeared to attempt to activate his BWC, but was initially unsuccessful. He ultimately managed to activate his camera just moments before he and Officer Curtis discharged their firearms. Therefore, based on Officer Willis' complimentary and disciplinary history, COPA recommends a Reprimand.

Approved:



**11/26/25**

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LaKenya White  
Interim Chief Administrator

Date

**Appendix A****Case Details**

Date/Time/Location of Incident:	May 27, 2024/ 11:10 pm / 330 S. Cicero Avenue, Chicago, IL.
Date/Time of COPA Notification:	May 27, 2024/ 11:37 pm.
Involved Officer #1:	Cordell Curtis, Star #7722; Employee ID [REDACTED] Date of Appointment: June 16, 2021; Unit 010/ DTL: 214; Male, Black.
Involved Officer #2:	Darrell Willis, Star #13798; Employee ID [REDACTED] Date of Appointment June 16, 2021; Unit 018; Male, Black.
Involved Individual #1:	[REDACTED] Male/ Black (Deceased).
Involved Individual #2:	[REDACTED] Male/ Black.

**Applicable Rules**

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty

**Applicable Policies and Laws**

- General Order G03-02, De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023 to present)
- General Order G03-02-03, Firearm Discharge Incidents - Authorized Use and Post-Discharge Administrative Procedures (effective June 28, 2023 to present)
- Special Order S03-14, Body Worn Camera (effective December 29, 2023, to August 8, 2024)

## **Appendix B**

### **Definition of COPA's Findings and Standards of Proof**

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegation by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>52</sup> 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.”<sup>53</sup>

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<sup>52</sup> 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).

<sup>53</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C****Transparency and Publication Information**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation