



Log # 2023-0727

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 19, 2023, the Civilian Office of Police Accountability (COPA) received a website complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on February 12, 2023, Lieutenant (Lt.) John Pardell pointed his firearm at an unknown person without justification, grabbed ██████████ by the back of the hood on his jacket without justification, and shoved ██████████ in the head without justification.² Upon review of the evidence, COPA served an additional allegation that Lt. Pardell failed to activate his body-worn camera (BWC). Following its investigation, COPA reached Sustained findings regarding the allegations of firearm pointing and grabbing ██████████ and Not Sustained findings regarding the allegations of shoving ██████████ and BWC activation.

II. SUMMARY OF EVIDENCE³

On February 12, 2023, at approximately 2:45 am, Lt. Pardell responded to an illegal street takeover event where a group of spectators and numerous cars had gathered near S Lumber St. and W Cermak Rd.⁴ The participants had blocked off traffic in all directions, allowing for cars to drift in circles. The gathering blocked the roadways and intersections, preventing any emergency vehicles from being able to enter or exit the area. The participants were in the streets and along the sidewalks. Lt. Pardell stationed his vehicle near 629 W Cermak Rd., facing the crowd. Within minutes, Police Officers Anais Lebron-Chu and Saul Acosta Hernandez arrived and parked next to Lt. Pardell's vehicle.⁵ The three CPD members exited their vehicles, went in different directions, and tried to disperse the crowd. Several individuals from the crowd threw rocks, fireworks, and

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 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. During the course of this investigation, ██████████ provided COPA with additional video recordings depicting interactions with the police, including an incident where he was complimentary towards the involved CPD members, but also other alleged police misconduct that occurred on September 17, 2022, and on November 6, 2022. Atts. 4 to 6 and 68 to 81. Allegations related to the September 17, 2022, incident were investigated by COPA under Log No. 2022-0004017, and allegations related to the November 6, 2022, incident are being investigated by the Bureau of Internal Affairs (BIA) under Log No. 2022-0004763.

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 BWC footage, third-party video footage, CPD reports, civilian interviews, and CPD member interviews.

⁴ Att. 23 at 1:10; Att. 22 at 2:05; Att. 57, pgs. 2 and 5.

⁵ Att. 23 at 1:09.

other debris at the CPD members.⁶ Also, one man from the crowd, wearing a white hooded sweatshirt, picked up a metal wheel hub and threw it directly at the officers.⁷ Officer Lebron-Chu narrowly missed being hit in the face by a rock thrown in her direction.⁸ After attempting to clear the crowd on Cermak, Lt. Pardell and Officer Acosta Hernandez went to Lumber St. across from the Ozinga Brothers concrete company plant.⁹ There they observed several cars and a group of people, including ██████ and his companions, near the fence line by the concrete plant.¹⁰ As the officers moved toward the group, individuals and cars began to disperse.¹¹ ██████ and his companions began to walk westbound along the sidewalk on the north side of Cermak, stopping at one point to video record the crowd and cars.¹² After the majority of the vehicles and people had left, Lt. Pardell turned and walked toward ██████ and his companions, who continued to walk while they observed him.¹³ Lt. Pardell approached ██████ and requested to see his camera. ██████ immediately told him he was not doing anything wrong, and Lt. Pardell asked to see his camera again.¹⁴ Lt. Pardell then placed his left open hand on ██████ back, near the hood of ██████ jacket, and moved it under the hood and near the back of ██████ neck.¹⁵ The two men proceeded ahead a few steps before stopping, with Lt. Pardell's left hand still under ██████ hood near ██████ neck. Lt. Pardell then released his hold on ██████ and walked toward the sidewalk on the other side of the street.¹⁶

Officers Lebron-Chu and Acosta Hernandez joined Lt. Pardell on the south side of Cermak and continued to direct vehicles out of the area. As vehicles passed the officers, some people were hanging out of their vehicles' windows. Some passengers threw objects and fireworks at the officers.¹⁷ As the vehicles continued to leave, Lt. Pardell began to walk eastbound down the sidewalk toward a man (later identified as ██████ who was video recording the event.¹⁸ Lt. Pardell walked down the sidewalk and held his gun in his right hand as two cars approached. A light-colored Honda station wagon began to pass Lt. Pardell, and he looked into the car and quickly waved towards it with his gun. The Honda continued to drive away from the area. The next vehicle was a silver Nissan sedan containing four people.¹⁹ As the Nissan approached Lt. Pardell, a woman in a red hooded sweatshirt sat on the rear passenger-side window ledge with her legs inside and the rest of her body leaning out of the window. The front-seat passenger also had his hand outside his window.²⁰ Lt. Pardell continued to walk down the sidewalk, looked at the car,

⁶ Att. 22 at 2:37 to 3:03.

⁷ Att. 59 at 1:56.

⁸ Att. 46, pg. 10, lns. 5 to 8, Att. 22 at 2:07.

⁹ Att. 22 at 3:30; Att. 23 at 2:42.

¹⁰ Att. 22 at 3:37 to 3:53.

¹¹ Att. 22 at 3:33 to 3:44.

¹² Att. 44 at 2:21 to 3:21.

¹³ Att. 22 at 3:55 to 4:03.

¹⁴ Att. 44 at 3:27 to 3:31.

¹⁵ Att. 22 at 4:04 to 04:13.

¹⁶ Att. 22 at 4:05 to 4:17.

¹⁷ Att. 44 at 3:44 to 4:05.

¹⁸ Att. 51, pg. 25, lns. 9 to 19.

¹⁹ Att. 23 at 4:11.

²⁰ Att. 7 at 00:03.

raised his gun, and pointed it toward the car and its occupants. He then continued past the Nissan, holstered his gun, approached ██████████ and spoke to him with Officer Acosta Hernandez.²¹

III. ALLEGATIONS

Lt. John Pardell:

1. Pointing a firearm at or near the vicinity of an unnamed person without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 38.
2. Grabbed ██████████ by the back of the hood on his jacket without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
3. Shoved ██████████ in the head without justification.
 - Not Sustained.
4. Failed to activate his Body Worn Camera, in violation of Special Order S03-14 (30 April 2018).
 - Not Sustained.

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 to accurately recall the event from memory.

The majority of the events described in this report were recorded on the BWCs of Officers Lebron-Chu and Acosta Hernandez, third-party video recordings, or both, and are not in material dispute. Instead, the issue is the appropriateness of Lt. Pardell's actions, as discussed below. The accounts of Lt. Pardell and ██████████ do differ in some ways, such as ██████████ contention that Lt. Pardell shoved his head and Lt. Pardell's contention that he did not point his firearm at the occupants of the silver Nissan, but instead held the firearm at the low-ready position. For reasons discussed below, these discrepancies can be resolved based on the available recordings and the statements of the involved parties, and likely reflect differences in perception and memory rather than dishonesty.

V. ANALYSIS²²

a. Lt. Pardell's Initial Encounter with ██████████

COPA finds **Allegation #2** against Lt. Pardell, that he grabbed ██████████ by the back of the hood of his jacket without justification, is **Sustained**, but **Allegation #3**, that Lt. Pardell shoved ██████████ in the head without justification, is **Not Sustained**. When a CPD member has reasonable articulable suspicion, they may detain the individual for only the length of time necessary to

²¹ Att. 7 at 00:01 to 00:05; Att. 22 at 5:20.

²² For a definition of COPA's findings and standards of proof, *see* Appendix B.

confirm or to dispel their suspicion that the individual has committed, is committing, or is about to commit a criminal offense.²³ Reasonable articulable suspicion is more than a hunch or general suspicion and must be based on the totality of the circumstances observed by the CPD member about how a person behaves, what the person is seen or heard doing, and the circumstances or situation in regard to the subject that is either witnessed by the member or known by the member.²⁴

Lt. Pardell explained to COPA that he observed some people on the sidewalk and that he approached them to see if they were involved in the mob action that was occurring and to tell them to disperse.²⁵ Lt. Pardell described approaching █████ and asking █████ why he was there. █████ responded by telling Lt. Pardell that he owned a photography studio nearby and came outside when he heard a commotion.²⁶ Lt. Pardell told COPA that after this brief conversation, he turned and walked away from █████.²⁷ When asked if he ever touched █████ Lt. Pardell explained, "I had reasonable articulable suspicion that he had been possibly involved in a mob action and so I grabbed him firmly."²⁸ Lt. Pardell said that he grabbed █████ jacket near the collar before asking █████ what he was doing,²⁹ and his reason for doing so was to prevent █████ from potentially running away.³⁰

COPA finds that while Lt. Pardell may have had a hunch or general suspicion that █████ was involved in the street takeover, he did not have reasonable articulable suspicion to detain █████. When Lt. Pardell first confronted █████ was standing on the sidewalk using his cell phone to record the events that were occurring in the street. Lt. Pardell cited no facts, other than █████ presence on the sidewalk, to support his contention that █████ was involved in a mob action. Lt. Pardell certainly could have approached █████ and attempted to engage in a voluntary conversation, but he was not justified in grabbing █████ by the collar. Lt. Pardell admitted that by grabbing █████ collar, he had detained █████.³¹ Based on these facts, COPA finds by a preponderance of evidence that Lt. Pardell grabbed █████ by the back of the hood on his jacket without justification, thereby violating Rules 2, 3, 6, 8, and 9, and **Allegation #2 is Sustained.**

Regarding Allegation #3, that he shoved █████ in the head without justification, Lt. Pardell explained that he grabbed █████ firmly and put his hand near the collar on █████ jacket. Lt. Pardell also said that he never touched █████ neck, nor did █████ complain that he touched his neck.³² █████ told COPA that Lt. Pardell walked up behind him, took his hood, and "turned it and tied it."³³ COPA asked █████ if Lt. Pardell's twisting of the hood affected his breathing, and █████

²³ Att. 86, S04-13-09(IV)-(V), Investigatory Stop System (effective July 10, 2017, to present).

²⁴ Att. 86, S04-13-09(II)(C).

²⁵ Att. 48, pg. 18, ln. 19, to pg. 19, ln. 2.

²⁶ Att. 48, pg. 19, lns. 6 to 10.

²⁷ Att. 48, pg. 19, lns. 11 to 14.

²⁸ Att. 48, pg. 20, lns. 8 to 10.

²⁹ Att. 48, pg. 21, ln. 21, to pg. 22, ln. 2.

³⁰ Att. 48, pg. 22, ln. 20, to pg. 23, ln. 5.

³¹ Att. 48, pg. 38, lns. 12 to 20.

³² Att. 48, pg. 35, lns. 12 to 15.

³³ Att. 52, pg. 5, lns. 18 to 21.

answered that “maybe” it affected his breathing,³⁴ and he felt pressure on his neck.³⁵ COPA reviewed █████ YouTube video, which contained the only known audio recording of the words spoken between Lt. Pardell and █████. The audio recording captured the first five seconds of the eighteen-second encounter between Lt. Pardell and █████. In the recording, █████ spoke to Lt. Pardell in a clear-sounding voice that was uninterrupted and not apparently raspy nor distressed.³⁶ A BWC recording showed Lt. Pardell standing next to █████ with his left hand underneath the hood of █████ jacket.³⁷ Officers Lebron-Chu and Acosta Hernandez both told COPA that they saw Lt. Pardell with █████ but they were too far away to see where Lt. Pardell placed his hand on █████.³⁸

BWC recordings showed that Lt. Pardell and █████ walked together for a few feet and stopped; Lt. Pardell then removed his hand from the back of █████ neck and appeared to give a quick shove to █████ right upper arm.³⁹ █████ did not appear to lose his balance or appear to react in any other way to the shove. In █████ YouTube video, █████ wrote a caption explaining, “It was right here where I was grabbed by my hood from behind by an officer. After he asked to see my camera I stopped the video to show him, I was then muffed and let go because these cops know me and know I have done nothing to break the law”⁴⁰ In his COPA interview, █████ did not claim the shove to his head was particularly harsh or that it caused him to suffer any specific injury, and the YouTube caption does not mention choking, pressure to the neck, or difficulty breathing. Based on the inconclusive video evidence, lack of corroboration from Officers Lebron-Chu and Acosta Hernandez for neither Lt. Pardell’s nor █████ version of events, and unresolved inconsistencies between Lt. Pardell’s statement and █████ statement, COPA finds there is insufficient evidence to prove or disprove Allegation #3 by a preponderance of evidence, and **Allegation #3 is Not Sustained.**

b. Firearm Pointing

COPA finds **Allegation #1** against Lt. Pardell, that he pointed a firearm at or near the vicinity of an unnamed person without justification, is **Sustained.** Under CPD policy, members may only use force that is objectively reasonable, necessary, and proportionate under the totality of the circumstances faced by the member.⁴¹ CPD “members may only point a firearm at a person when it is objectively reasonable to do so under the totality of circumstances faced by the member on the scene. While reasonableness is not capable of precise definition, [CPD] members may consider factors that include, but are not limited to, the nature of the incident, the risk of harm to

³⁴ Att. 52, pg. 11, lns. 4 to 6.

³⁵ Att. 52, pg. 11, lns. 1 to 3.

³⁶ Att. 44 at 3:27.

³⁷ Att. 22 at 4:04 to 04:17.

³⁸ Atts. 46 and 47.

³⁹ Att. 23 at 3:29; Att. 22 at 4:04 to 04:17.

⁴⁰ Att. 44 at 3:33.

⁴¹ Att. 27, G03-02(III)(B), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021, through June 28, 2023).

the member or others, and the level of threat or resistance presented or maintained by the person (e.g., possession or access to weapons).⁴²

Video footage and ICC showed that some members of the crowd were throwing fireworks, bottles, and other objects at the police. In his COPA interview, Lt. Pardell explained that the cars coming quickly at him made him feel threatened. He described people hanging out of vehicles who were potentially threatening.⁴³ He stated, “[A]nd all those people have things in their hands, and I don’t know what they are.”⁴⁴ Lt. Pardell also explained that he kept his gun in the low-ready position and did not point it at the woman wearing the red hooded sweatshirt. Lt. Pardell described the low-ready position as “a position where the firearm’s low enough that [you] can see the entire area . . . that you’re doing a threat assessment.”⁴⁵ Further, Lt. Pardell explained that he would not point his firearm at a person unless he had “made a conscious decision to shoot.”⁴⁶

COPA conducted a phone interview with ██████████ who was identified as the driver of the silver Nissan. ██████████ said that it looked like Lt. Pardell was pointing a gun at her and her friends. She also believed that Lt. Pardell saw someone recording and then turned his gun towards that person. ██████████ denied that anyone in her vehicle had anything in their hands.⁴⁷ ██████████ said her friend in the red hooded sweatshirt was hanging out the back passenger-side window and screamed out that he (Lt. Pardell) had a gun. After seeing the gun, her friend went entirely back inside the vehicle.⁴⁸

A video recording of the encounter between Lt. Pardell and the occupants of the silver Nissan was posted on Twitter. The recording showed that the woman in the red hooded sweatshirt did not go back inside the car after passing Lt. Pardell; instead, she remained partially outside the car’s window, reached into her pocket with her left hand, pulled out an object, and pointed it towards Lt. Pardell’s back as he walked up to ██████████⁴⁹ ██████████ YouTube video footage showed ██████████ Nissan as it passed next to ██████████ The recording showed the woman in the red hooded sweatshirt with her hands in the air, but she was facing away from Lt. Pardell.⁵⁰ ██████████ camera’s view of Lt. Pardell near the Nissan was blocked by the cars passing down the middle of the street, and ██████████ was a considerable distance away.

⁴² Att. 24, D19-01(II)(E), Firearm Pointing Incidents (effective November 1, 2019, to present).

⁴³ Att. 48, pg. 36, lns. 17 to 19; *see also* Att. 19: Lt. Pardell filed an incident report for aggravated assault on a police officer for this incident; and Att. 57, Lt. Pardell’s Tactical Response Report.

⁴⁴ Att. 48, pg. 29, ln. 19, to pg. 30, ln. 1.

⁴⁵ Att. 48, pg. 32, lns. 5 to 8.

⁴⁶ Att. 48, pg. 32, lns. 9 to 13.

⁴⁷ Att. 58, pg. 8, lns. 5 to 8.

⁴⁸ Att. 58, pg. 8, lns. 9 to 13. COPA asked ██████████ to identify the woman in the red hooded sweatshirt, but ██████████ said she was not sure the woman wished to be interviewed. ██████████ said she would give the woman COPA’s contact information so that she could contact COPA if she wished, but the woman did not contact COPA. Att. 58, pg. 11, lns. 8 to 21.

⁴⁹ Atts. 7 and 34.

⁵⁰ Att. 44 at 4:08.

COPA finds that Lt. Pardell had a reasonable belief that occupants of the silver Nissan potentially posed a threat to him and his fellow officers based on the prior behavior of the crowd; the fact that participants in the street takeover had thrown fireworks, bottles, and other objects at the police; and the fact that occupants were hanging out of the vehicle and holding unknown objects in their hands. Based on Lt. Pardell's reasonable belief that he could be in danger, he was justified in unholstering his firearm and in holding it at the low-ready position while he further assessed the situation. However, by his own admission, Lt. Pardell should not have raised his weapon and pointed it towards the occupants of the vehicle unless he was ready to shoot. While Lt. Pardell denies pointing his firearm at the vehicle, the available video shows that Lt. Pardell initially held his firearm with the muzzle pointed at an angle towards the ground but then briefly raised the muzzle parallel to the ground and towards the occupants of the silver Nissan when it passed.⁵¹ While Lt. Pardell may have intended to use the low-ready position, a preponderance of evidence shows that he did point his firearm at the occupants of the silver Nissan. Lt. Pardell did not see a weapon in the hands of anyone in the Nissan, and it was not reasonable, necessary, or proportionate to point his firearm at them while he assessed a potential threat. Because Lt. Pardell pointed his firearm at the unnamed occupant of the Nissan without justification, COPA finds by a preponderance of evidence that Lt. Pardell violated Rules 2, 3, 6, 8, and 38, and **Allegation #1 is Sustained**.

c. BWC Activation

COPA finds **Allegation #4** against Lt. Pardell, that he violated Special Order S03-14 by failing to timely activate his BWC, is **Not Sustained**. Special Order S03-14 requires CPD members to activate their BWCs at the beginning of an incident and to record the entire incident for all law-enforcement-related activities, including calls for service, investigatory stops, arrests, foot pursuits, and use of force incidents.⁵² Lt. Pardell told COPA that he thought he turned on his BWC when he arrived at the scene of this incident, but that people were throwing things at him and that it was very loud. He was unsure if he heard any noise from the BWC indicating that he had pressed the event button to activate the recording.⁵³ COPA reviewed Lt. Pardell's assigned BWC (serial number X6039AEU4) audit trail for the date and time in question.⁵⁴ The audit trail showed on February 12, 2023, at 2:42:07 am, Lt. Pardell pressed the BWC's event button, and at 2:42:10 am (three seconds later), Lt. Pardell released the event button.⁵⁵ In Lt. Pardell's tactical response report (TRR), Captain (Capt.) Misael Ramirez, who reviewed the report, documented that he initiated a support ticket for an equipment malfunction regarding Lt. Pardell's BWC.⁵⁶ Other records documented that on February 19, 2023, Lt. Pardell was issued a new BWC bearing

⁵¹ Att. 7.

⁵² Att. 25, S03-14(III)(A)(2), Body Worn Cameras (effective April 30, 2018, to December 29, 2023).

⁵³ Att. 48, pg. 33, Ins. 3 to 21.

⁵⁴ Att. 61.

⁵⁵ Att. 61, pg. 1.

⁵⁶ Att. 57, pg. 7. Capt. Rameriz also documented allegations against Lt. Pardell regarding his use of oleoresin capsicum chemical spray during the street takeover. Those allegations were investigated separately under Log No. 2023-0000618.

serial number X60AC425B.⁵⁷ While it is indisputable that no BWC recording was created by Lt. Pardell during this incident, the audit trail provides some evidence that Lt. Pardell intended to activate his BWC by pressing the event button, and the BWC may have failed to record either due to a malfunction or because Lt. Pardell held the event button in continuously rather than double-pressing.⁵⁸ Based on this information, COPA can not determine by a preponderance of evidence that Lt. Pardell failed to timely activate his BWC, nor can COPA determine by clear and convincing evidence that Lt. Pardell's actions were proper, so this allegation is **Not Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Lt. John Pardell

i. Complimentary and Disciplinary History⁵⁹

Lt. Pardell has received the Superintendent's Award of Merit, two Life Saving Awards, one Department Commendation, the Arnold Mireles Special Partner Award, fifty-nine Honorable Mentions, eleven complimentary letters, and at least fifteen other awards and commendations. Lt. Pardell has not been subjected to disciplinary action during the time period contemplated by the applicable collective bargaining agreement.

ii. Recommended Discipline

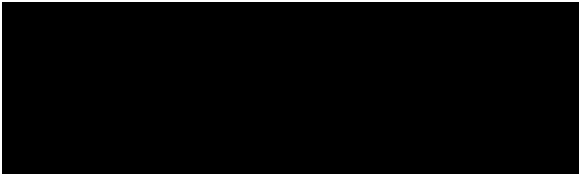
COPA has found that Lt. Pardell violated Rules 2, 3, 6, 8, and 38 by pointing a firearm at or near the vicinity of an unnamed person without justification, and that Lt. Pardell violated Rules 2, 3, 6, 8, and 9 by grabbing [REDACTED] by the back of the hood on his jacket without justification. Lt. Pardell is an experienced law-enforcement officer and CPD supervisor, and he was supervising other CPD members during this incident. He should have provided an example of appropriate conduct to his subordinates. Instead, Lt. Pardell endangered the occupants of a vehicle by pointing a firearm at them without justification, and he violated [REDACTED] right not to be detained by the police without proper justification. COPA acknowledges that Lt. Pardell was operating in a difficult environment where the police were outnumbered by a hostile crowd and subjected to assault with fireworks, bottles, and other objects, and the stress of the incident may have contributed to Lt. Pardell's inappropriate responses. Lt. Pardell also has an extensive array of awards and commendations and no recent disciplinary history. Considering all of these facts, COPA recommends that Lt. Pardell receive a **10-day suspension**.

⁵⁷ Att. 65.

⁵⁸ See Att. 87, pg. 6, for a summary of the actions required to start and stop a recording using the Axon BWC.

⁵⁹ Att. 88.

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

August 19, 2024
Date

Appendix ACase Details

Date/Time/Location of Incident:	February 12, 2023 / 2:45 am /629 W Cermak Rd.
Date/Time of COPA Notification:	February 19, 2023 / 5:16 pm
Involved Member #1:	Lt. John Pardell, Star #774, Employee ID # [REDACTED] DOA: October 03, 1994, Unit: 012, Male, White
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 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 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- G03-02, De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021, through June 28, 2023)⁶⁰
- G03-02-01, Response to Resistance and Force Options (effective April 15, 2021, through June 28, 2023)⁶¹
- S03-14, Body Worn Camera (effective April 30, 2018, to December 29, 2023)⁶²
- S04-13-09, Investigatory Stop System (effective July 10, 2017, to present)⁶³
- D19-01, Firearm Pointing Incidents (effective November 1, 2019, to present)⁶⁴

⁶⁰ Att. 27.

⁶¹ Att. 26.

⁶² Att. 25.

⁶³ Att. 86.

⁶⁴ Att. 24.

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.⁶⁵ 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.”⁶⁶

⁶⁵ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

⁶⁶ *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