



Log # 2020-3154

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 28, 2020, the Civilian Office of Police Accountability (COPA) received an emailed initiation report from the Chicago Police Department (CPD) and a phone call with further details about the incident, alleging misconduct by a CPD member. The reporting party, Sergeant William Murawski reported that on July 12, 2020, Officer Rafael Razo inadvertently ran over the foot of [REDACTED] with the Chicago Police Department's (CPD) vehicle, while pursuing a gun offense.² Additionally, [REDACTED] mother, [REDACTED] reported to COPA that excessive force was used during [REDACTED] arrest and that the arresting officers intentionally hit her son with their CPD vehicle, resulting in a broken ankle. Upon review of the evidence, COPA served allegations that Officer Razo struck [REDACTED] with a CPD vehicle, without justification, failed to drive the CPD vehicle with due regard for safety of all persons, and failed to timely activate his Body Worn Camera (BWC). COPA also served an allegation to Officer Fabian Arreola that he failed to timely activate his BWC. Following its investigation, COPA reached Sustained findings regarding all allegations.

II. SUMMARY OF EVIDENCE²

On July 12, 2020, at approximately 6:45pm, Officer Razo (driver of the marked CPD vehicle) and Officer Arreola (passenger of the marked CPD vehicle) responded to a CPD notification from a 911 caller (later identified as [REDACTED] of a person with a gun, in a green Jeep Wrangler, who fled the scene of an incident that occurred at or near 5951 S. Winchester Avenue.³ It was alleged that the person pointed a gun at the 911 caller and attempted to rob her.⁴ Officers Razo and Arreola observed a green Jeep Wrangler traveling nearby the location of the possible robbery. Officer Razo activated the emergency equipment of his CPD vehicle.

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 Body-Worn Camera (BWC) footage of Officer Razo, Body-Worn Camera (BWC) footage of Officer Arreola, In-car camera (ICC) footage, Arrest Report, Tactical Response Report (TRR), Original Case Incident Report, Evidence Technician (ET) Photos, Medical Records of [REDACTED] officer interviews of Officer Razo and Officer Arreola, and deposition transcripts from Officer Razo, Officer Arreola, and [REDACTED]

³ Att. 1, pg. 3.

⁴ Att. 24.

The green Jeep Wrangler proceeded to drive through a stop sign at 64th Street without stopping at the stop sign and then drove swiftly, at a high rate of speed, down an alley located on the west side of Wood Street, fleeing from the CPD vehicle driven by Officer Razo. Officer Razo followed the green Jeep Wrangler with the CPD vehicle down the alley.⁵ Thereafter, the green Jeep Wrangler made an abrupt stop at the south end of the alley, with the subject, ██████████⁶ exiting the vehicle.⁷ During Officer Razo's statement to COPA, he stated that he observed an L-shaped object at ██████████ waistband appearing to be a firearm, when ██████████ exited the green Jeep Wrangler, and that ██████████ proceeded to grab his waistband.⁸

After exiting the green Jeep Wrangler, ██████████ ran northbound on Honore Street, into a vacant lot at 6450 S. Honore Street.⁹ Officer Razo followed closely behind ██████████ with the CPD vehicle, drove into the vacant lot while ██████████ ran on foot into the vacant lot, and made contact with ██████████ by running over ██████████ foot with the CPD vehicle.¹⁰

Shortly after running over ██████████ foot, BWC captured Officer Razo stated his reasoning for pursuing and striking ██████████ with the CPD vehicle to other officers on the scene and suggested that the contact with ██████████ with his CPD vehicle was more than likely not accidental, as initially stated by Officer Razo in his statement to COPA.¹¹ Officer Razo's BWC footage depicted Officer Razo describing the incident to other officers on the scene, such as stating something to the effect of, "Don't draw a weapon next time when we are behind you."¹² Yeah, yeah...he's pulling out the gun..and I like swing into him with my car. Don't draw a weapon on me.¹³ Don't draw a gun on me idiot.¹⁴ I hit him with the car...if he's going to fucking draw his weapon. I'm like...and he's like this...get the fuck outta here."¹⁵

During Officer Razo's statement to COPA, Officer Razo told COPA that he believed his CPD vehicle accidentally struck ██████████¹⁶ as well as the CPD vehicle inadvertently struck the leg of ██████████ as ██████████ was in the process of falling to the ground.¹⁷ Officer Razo further explained that he was uncertain if ██████████ tripped and fell or if he was turning around and fell as the CPD vehicle was coming toward him.¹⁸ The Arrest Report completed by Officer Razo documented in

⁵ Att. 13, at 1:05.

⁶ Per ██████████ attorney, ██████████ will not provide a statement to COPA, but ██████████ did appear remotely in a discovery deposition, Att. 44 and Att. 85.

⁷ Att. 13, at 1:16.

⁸ Att. 41, pg. 9, lns. 1 to 4.

⁹ Att. 5, pg. 2.

¹⁰ Att. 13, at 0:50 to 1:33.

¹¹ Att. 12, at 2:45 to 4:45.

¹² Att. 12, at 2:49.

¹³ Att. 12, at 3:26.

¹⁴ Att. 12, at 4:02.

¹⁵ Att. 12, at 4:32.

¹⁶ Att. 41, pg. 9, lns. 19 to 20 and pg. 16, lns. 1 to 2.

¹⁷ Att. 41, pg. 15, lns. 15 to 20 and pg. 16, lns. 3 to 7.

¹⁸ Att. 41, pg. 16, lns. 5 to 7.

the Incident Narrative section that he averted his CPD vehicle away from ██████¹⁹ However, the transcript from Officer Razo's deposition denoted that Officer Razo responded, "Yes," when asked, "Did you hear yourself just now where you just said, "I steered into him with the car."²⁰ Furthermore, the transcript from Officer Razo's deposition stated that Officer Razo responded, "Correct," when asked, "And that's what you told another officer less than two minutes after ██████ was injured, correct," referring to steering into ██████ when asked a follow-up question during the deposition.²¹

A silver firearm was recovered on the scene of the vacant lot, after ██████ was on the ground of the vacant lot.²² ██████ informed Officers Razo and Arreola of the pain he was in after being struck by the CPD vehicle, with numerous groaning and yelling sounds, and by stating something to the effect of, "Ow! My ankle, my ankle! Please, my ankle!"²³ After being handcuffed, ██████ was transported to Holy Cross Hospital, where his injuries sustained from this incident were documented, including right ankle pain, an ankle fracture, and dislocation of the right ankle, resulting in a post mold placement to his right ankle.^{24,25} Upon release from the hospital, ██████ was transported to the 7th District Station, where he was processed and charged with armed robbery with a firearm and felony possession of a weapon.²⁶

III. ALLEGATIONS

Officer Rafael Razo:

1. Failing to timely activate your Body Worn Camera (BWC).
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
2. Striking ██████ with a CPD vehicle, without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
3. Failing to drive your CPD vehicle with due regard for the safety of all persons.
 - Sustained, Violation of Rules 2, 3, 5, 6, 8, and 10.

Officer Fabian Arreola:

1. Failing to timely activate your Body Worn Camera (BWC).
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

¹⁹ Att. 1, pg. 3.

²⁰ Att. 83, pg. 143, lns. 8 to 24 and pg. 144, lns. 1 to 3.

²¹ Att. 83, pg. 144, lns. 4 to 9.

²² Att. 5, pg. 2.

²³ Att. 12, at 2:13 to 2:50.

²⁴ Att. 23, pgs. 10 to 13.

²⁵ Att. 27, photos 2 and 4.

²⁶ Att. 1, pg. 1.

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.

COPA interviewed Officer Razo on May 10, 2023.²⁷ Officer Razo's description of the intentionality of driving and steering his CPD vehicle toward ██████ to strike him differs from what was said by Officer Razo during a deposition on June 22, 2023,²⁸ a month after his statement to COPA.²⁹ Officer Razo told COPA that he believed his CPD vehicle accidentally struck ██████³⁰ as well as the CPD vehicle inadvertently struck the leg of ██████ as ██████ was in the process of falling to the ground.³¹ Officer Razo further explained that he was uncertain if ██████ tripped and fell or if he was turning around and fell as the CPD vehicle was coming toward him.³² Per the arrest report completed by Officer Razo, Officer Razo listed in the Incident Narrative section that he averted his CPD vehicle away from the offender, ██████³³ The transcript from Officer Razo's deposition denotes that Officer Razo responded, "Yes," when asked, "Did you hear yourself just now where you just said, "I steered into him with the car."³⁴ Furthermore, the transcript from Officer Razo's deposition stated that Officer Razo responded, "Correct," when asked, "And that's what you told another officer less than two minutes after ██████ was injured, correct," referring to steering into ██████ when asked a follow-up question.³⁵

Moreover, BWC depicted intentional language utilized by Officer Razo while describing the incident to other officers on the scene. Therefore, COPA finds that Officer Razo description of the events that took place was not credible. COPA finds Officer Arreola's statement regarding the incident was generally credible.

²⁷ Atts. 37, 38, 40, and 41.

²⁸ Att. 83.

²⁹ Att. 41.

³⁰ Att. 41, pg. 9, lns. 19 to 20 and pg. 16, lns. 1 to 2.

³¹ Att. 41, pg. 15, lns. 15 to 20 and pg. 16, lns. 3 to 7.

³² Att. 41, pg. 16, lns. 5 to 7.

³³ Att. 1, pg. 3.

³⁴ Att. 83, pg. 143, lns. 8 to 24 and pg. 144, lns. 1 to 3.

³⁵ Att. 83, pg. 144, lns. 4 to 9.

V. ANALYSIS³⁶

a. BWC Allegations

COPA finds that the allegation that Officer Razo and Officer Arreola failed to timely activate their BWC, **Sustained**. CPD Members will activate the BWC system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.³⁷ If circumstances prevent activating the BWC at the beginning of an incident, the CPD member will activate the BWC as soon as practical.³⁸ Law-enforcement-related activities that this policy covers include, but are not limited to, call of service, foot and vehicle pursuits, use of force incidents, emergency driving situation, and/or emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.³⁹ Moreover, the decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated.⁴⁰

Here, Officer Razo, activated his BWC after getting out of his CPD vehicle, instead of at the beginning of the incident, when he received the call of service.⁴¹ Furthermore, Officer Razo's BWC was not activated during the pursuit of ██████. During Officer Razo's statement to COPA, he stated that he believed that BWC was only required to be activated as soon as you get out of the CPD vehicle.⁴² Officer Razo denoted that he did not activate his BWC when he received the call about this incident because he and Officer Arreola were canvassing the area. Officer Razo still did not activate his BWC after observing the green Jeep Wrangler he was looking for during the canvass.⁴³

Officer Arreola activated his BWC after he detained ██████ with handcuffs in the vacant lot, following the pursuit of ██████ instead of at the beginning of the incident, when he received the call of service or when the pursuit began.⁴⁴ During Officer Arreola's statement to COPA, he stated that he believed that BWC was required when any police action is taken, though his BWC was not activated until he felt it was practical and feasible to activate it.⁴⁵ For these reasons, COPA finds the preponderance of the evidence showed that Officer Razo and Officer Arreola failed to timely activate their BWC at the beginning of the incident, which violated CPD policy and was in Violation of Rules 2, 3, 5, 6, and 10.

³⁶ For a definition of COPA's findings and standards of proof, *see* Appendix B.

³⁷ Att. 86, S03-14, Body Worn Cameras (effective April 30, 2018 to present).

³⁸ Att. 86, S03-14(III)(A)(2).

³⁹ Att. 86, S03-14(III)(A)(2)(a), (e), (g), (m), and (n).

⁴⁰ Att. 86, S03-14(III)(A)(1).

⁴¹ Att. 12, at 2:00.

⁴² Att. 41, pg. 12, lns. 8 to 14.

⁴³ Att. 41, pg. 12, lns. 13 to 24 and pg. 13, lns. 1 to 6.

⁴⁴ Att. 11, at 2:00.

⁴⁵ Att. 43, pg. 11, lns. 4 to 12 and pg. 13, lns. 7 to 11.

b. CPD Vehicle Allegations

1. Striking ██████████ with a CPD vehicle

COPA finds that **Allegation #2** against Officer Razo, that he struck ██████████ with a CPD vehicle, without justification, **Sustained**. Under CPD policy, in all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.⁴⁶ Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance.⁴⁷ Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third party, stop an attack, make an arrest, control a subject, or prevent escape.⁴⁸

The main issue in evaluating every use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of the circumstances faced by the member on scene.⁴⁹ Factors to be considered include, but are not limited to, whether the subject is posing an imminent threat to the member or others, the risk of harm, level of threat or resistance presented by the subject, and/or the subject's proximity or access to weapons.⁵⁰ Department members will use only the amount of force required under the circumstances to serve a lawful purpose.⁵¹ Furthermore, Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by the subject.⁵² The use of excessive force, unwarranted physical force, or unlawful force by a Department member is prohibited and will not be tolerated.⁵³ Deadly force is defined as force by any means that is likely to cause death or great bodily harm and prohibited against a fleeing person, unless the subject poses an imminent threat.⁵⁴

In this case, Officer Razo drove the CPD vehicle closely behind the green Jeep Wrangler that ██████████ was the passenger in, as the green Jeep Wrangler drove swiftly down the street and alley, pursuing ██████████ in the CPD vehicle.⁵⁵ After ██████████ exited the green Jeep Wrangler at the end of the alley and ran on foot toward a vacant lot, Officer Razo continued to pursue ██████████ in a CPD vehicle while ██████████ was running on foot.⁵⁶ The pursuit of ██████████ did not terminate until Officer Razo drove onto the curb with the CPD vehicle, into the vacant lot that ██████████ ran into, and steered into the direction of ██████████ making physical contact with ██████████ foot by striking ██████████ with the

⁴⁶ Att. 92, G03-02, Use of Force (effective February 29, 2020 to April 15, 2021).

⁴⁷ Att. 92, G03-02(III)(A).

⁴⁸ Att. 92, G03-02(III)(B).

⁴⁹ Att. 92, G03-02(III)(B)(1).

⁵⁰ Att. 92, G03-02(III)(B)(1)(a), (b), and (c).

⁵¹ Att. 92, G03-02(III)(B)(2).

⁵² Att. 92, G03-02(III)(B)(3).

⁵³ Att. 92, G03-02(III)(B)(5)(a).

⁵⁴ Att. 92, G03-02(III)(C).

⁵⁵ Att. 13, at 1:05.

⁵⁶ Att. 13, at 1:16.

CPD vehicle, causing right ankle pain, an ankle fracture, and dislocation of the right ankle, resulting in a post mold placement to ██████ right ankle.^{57, 58}

Under the totality of the circumstances, this amount of force used by Officer Razo was not necessary, reasonable, or proportional to ensure the safety of Officer Razo, Officer Arreola, or any third parties. Officer Razo mentioned during his statement to COPA that the actual CPD vehicle was a barrier of protection for shielding in case any unsafe conditions arose with ██████⁵⁹ In fact, once ██████ exited the green Jeep Wrangler at the end of the alley and began running on foot in the direction of the vacant lot, with his back toward the CPD vehicle, ██████ was a fleeing person who did not pose an imminent threat.^{60, 61} This level of force is prohibited under CPD policy because making contact with ██████ with the CPD vehicle could cause great bodily harm or death and is the utilization of prohibited deadly force. Moreover, during the deposition of Officer Razo, he admitted to steering his CPD vehicle toward ██████ which contradicts his statement to COPA, where he confirmed making contact with ██████ with the CPD vehicle but insisted that the contact was accidental.^{62, 63, 64} Intentional language can also be heard multiple times by Officer Razo via his BWC footage about his reasoning for pursuing and striking ██████ with the CPD vehicle to other officers on the scene.⁶⁵

It should be noted that during Officer Razo's statement to COPA, he stated that he observed an L-shaped object at ██████ waistband appearing to be a firearm, when ██████ exited the green Jeep Wrangler, and that ██████ proceeded to grab his waistband.⁶⁶ Additionally, a firearm was recovered in the grassed area of the vacant lot where ██████ was detained, handcuffed, and arrested.^{67, 68} However, the firearm alleged to be observed by Officer Razo on ██████ waistband prior to his detention and arrest in the vacant lot was not observed on BWC or ICC. Although ██████ proximity and access to a firearm are factors in the amount of force allowed to be utilized by Officer Razo, the amount of force used by Officer Razo was not objectively reasonable in light of the totality of the circumstances faced by Officer Razo or Officer Arreola on scene.

For these reasons, COPA finds the preponderance of the evidence showed that Officer Razo's actions violated CPD policy and was in Violation of Rules 2, 3, 6, 8, and 9.

⁵⁷ Att. 23, pgs. 10 to 13.

⁵⁸ Att. 27, photos 2 and 4.

⁵⁹ Att. 41, pg. 30, lns. 15 to 20.

⁶⁰ Att. 41, pg. 14, lns. 16 to 17.

⁶¹ Att. 13, at 1:16.

⁶² Att. 83, pg. 143, lns. 8 to 24 and pg. 144, lns. 1 to 3.

⁶³ Att. 83, pg. 144, lns. 4 to 9.

⁶⁴ Att. 41, pg. 9, lns. 19 to 20 and pg. 16, lns. 1 to 2.

⁶⁵ Att. 12, at 2:45 to 4:45.

⁶⁶ Att. 41, pg. 9, lns. 1 to 4.

⁶⁷ Att. 12, at 2:02 to 2:12.

⁶⁸ Att. 1, pg. 3.

2. Failing to drive a CPD vehicle with due regard

COPA finds that **Allegation #3** against Officer Razo, that he failed to drive his CPD vehicle with due regard for the safety of all persons, **Sustained**. Under all circumstances, CPD Department members will operate Department vehicles in a manner that is consistent with the law, their training, and relevant Department policies, with the foremost regard for the safety of all persons, in a manner and at a speed compatible with weather and local conditions to ensure that control of the vehicle is maintained.⁶⁹ Department members may be held responsible for the consequences of their conduct within operating a Department vehicle.⁷⁰ Police vehicles have been afforded special privileges and exemptions when engaging in emergency response calls and motor vehicle pursuits.⁷¹ However, these provisions do not relieve Department members from the responsibility of driving with due regard for the safety of all persons, nor do such provisions protect Department members from the consequences of any conscious disregard for safety.⁷²

All Department members will adhere to the provisions of Chapter 625 ILCS 5/11-205 of the Illinois Vehicle Code, which states, “The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, may exercise the privileges set forth in this Section of the Code, but subject to the conditions herein stated. The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his reckless disregard for the safety of others.”^{73, 74} The driver of an authorized emergency vehicle may: a) park or stand, irrespective of provisions of the Illinois Vehicle Code, b) proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation, c) exceed the maximum speed limits so long as he does not endanger life or property, and/or d) disregard regulations governing the direction of movement or turning in specified directions.⁷⁵ Per this CPD policy, the necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.⁷⁶ However, when applying the balancing test, CPD members will make a determination whether the speed involved and/or the maneuvering practices engaged in permit the Department vehicle operator complete control of the Department vehicle and do not create unwarranted danger to himself or others.⁷⁷

Here, Officer Razo did not drive his CPD vehicle with the foremost regard for the safety of all persons, but with reckless disregard for the safety of others. Officer Razo was closely following and pursuing ██████ with the CPD vehicle. Although ██████ was a fleeing suspect on

⁶⁹ Att. 87, U02-01, Department Vehicles (effective February 29, 2020 to present).

⁷⁰ Att. 87, U02-01(II)(E).

⁷¹ Att. 88, G03-03, Emergency Use of Department Vehicles (effective June 1, 2003 to March 18, 2022).

⁷² Att. 88, G03-03(III)(A).

⁷³ Att. 88, G03-03(III)(A).

⁷⁴ Att. 91, 625 ILCS 5/11-205 (b), (c), and (e).

⁷⁵ Att. 88, G03-03(III)(C)(3).

⁷⁶ Att. 89, G03-03-01, Emergency Vehicle Operations-Pursuits (effective April 9, 2019 to August 15, 2020).

⁷⁷ Att. 89, G03-03-01(II)(B)(1)(a).

foot, Officer Razo drove his CPD vehicle onto the curbed area of the sidewalk and into the grassed vacant lot and struck ██████ with the CPD vehicle. This string of driving maneuvers by Officer Razo created unwarranted danger and significant injury to ██████ right ankle.^{78, 79} Additionally, none of Officer Razo's driving maneuvers fall under the allowable exceptions denoted under the Illinois Vehicle Code that allow an emergency vehicle not to adhere to the provisions under this vehicle code.⁸⁰ Thus, Officer Razo did not drive his CPD vehicle with due regard for the safety of all persons during the pursuit of ██████⁸¹

For these reasons, COPA finds the preponderance of the evidence showed that Officer Razo's actions of driving his CPD vehicle onto the curbed area and into the vacant lot while following after ██████ creating inherent danger by an emergency vehicle, was in Violation of Rules 2, 3, 5, 6, 8, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. PO Rafael Razo

i. Complimentary and Disciplinary History⁸²

Officer Razo has received 84 various awards. His disciplinary history included a 2019 Sustained case for Operations/Personnel Violations Neglect of Duty and received 1-day suspension and a 2022 Sustained case for Operations/Personnel Violations Leaving Assignment and received a 2-day suspension.

ii. Recommended Discipline

COPA has found that, based on the totality of the circumstances, Officer Razo struck ██████ with a CPD vehicle and failed to drive his CPD vehicle with due regard, which caused serious injury to ██████. In addition, Officer Razo failed to timely activate his BWC. Therefore, based on the above, combined with Officer Razo's history, COPA recommends Officer Razo receive a **30-day suspension**.

b. PO Fabian Arreola

i. Complimentary and Disciplinary History⁸³

Officer Razo has received 85 various awards. His disciplinary history included a 2019 Sustained case for Operations/Personnel Violations Neglect of Duty and received 1-day

⁷⁸ Att. 23, pgs. 10 to 13.

⁷⁹ Att. 27, photos 2 and 4.

⁸⁰ Att. 91, 625 ILCS 5/11-205(c).

⁸¹ Att. 13, at 0:55 to 1:35.

⁸² Att. 94.

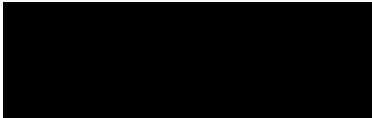
⁸³ Att. 93.

suspension, a 2022 Sustained case for Operations/Personnel Violations Leaving Assignment and received a 2-day suspension, and a SPAR for Failure to Perform Assigned Tasks and received a Reprimand.

ii. Recommended Discipline

COPA has found that Officer Arreola failed to timely activate his BWC. Therefore, based on the above, combined with Officer Arreola’s history, COPA recommends Officer Arreola receive a **1–3 day suspension**.

Approved:



1-26-24

LaKenya White
Director of Investigations

Date

Appendix ACase Details

Date/Time/Location of Incident:	July 12, 2020 /6:45pm /6450 S. Honore Street
Date/Time of COPA Notification:	July 28, 2020/10:50pm
Involved Member #1:	Officer Rafael Razo, Star #13152, Employee ID# [REDACTED], DOA: February 17, 2017, Unit: 007, Male, Hispanic
Involved Member #2:	Officer Fabian Arreola, Star #13343, Employee ID# [REDACTED], DOA: February 16, 2017, Unit: 007, Male, Hispanic
Involved Individual #1:	[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.
- 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

- Special Order S03-14: Body Worn Cameras (effective April 30, 2018 to present).
- Uniform and Property U02-01: Department Vehicles (effective February 29, 2020 to present).
- General Order G03-03: Emergency Use of Department Vehicles (effective June 1, 2003 to March 18, 2022).
- General Order G03-03-01: Emergency Vehicle Operations-Pursuits (effective April 9, 2019 to August 15, 2020).
- General Order G03-02: Use of Force (effective February 29, 2020 to April 15, 2021).
- 625 ILCS 5/11-205 (b), (c), and (e).

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.⁸⁴ 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.”⁸⁵

⁸⁴ 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).

⁸⁵ *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