



Log # 2023-0922

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 6, 2023, at approximately 4:53 pm, the Civilian Office of Police Accountability (COPA) received an initiation report documenting allegations of misconduct against members of the Chicago Police Department (CPD). The complainant, ██████████ alleged that on March 6, 2023, at approximately 12:46 pm, at or near 4000 W. Congress Parkway, he witnessed numerous CPD members stop and search an unknown juvenile² without justification, and use excessive force against the unknown juvenile.³ Upon review of the evidence, COPA served the above allegations against Sergeant (Sgt.) Jason Edwards and Officers Humberto Cruz, Michael Baciu, Michael Walsh, Brian Emma, Tyler Alexander, Curtis Alequin, and Scott Krawiec. Additionally, COPA served allegations that Sgt. Edwards directed profanity at ██████████ and was disrespectful to and/or maltreated ██████████. Finally, COPA alleged that seven of the accused members failed to activate their body-worn cameras (BWCs) during the incident; however, those allegations were subsequently withdrawn when COPA determined that CPD had already disciplined the members for their BWC violations.

Following its investigation, COPA reached a sustained finding that Officer Baciu stopped and searched the unknown individual without justification. COPA found all of the other allegations to be not sustained.

II. SUMMARY OF EVIDENCE⁴

On March 6, 2023, while officers were in the area of Pulaski Road and Congress Parkway, they observed an unknown individual walking south on the west sidewalk of Pulaski Road. This individual was alone and walking towards Congress Parkway from Van Buren Street.⁵

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 allegations refer to an “unknown juvenile” because that was the way that ██████████ referred to the individual. However, because COPA has been unable to identify the individual, COPA is unable to determine whether the individual was in fact a juvenile. Apart from restating the allegations, going forward, COPA will refer to this individual as a person or individual.

³ 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.

⁴ 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, civilian and officer interviews, event queries, and radio transmissions.

⁵ Att. 9 at 12:45:21; Att. 14.

Three unmarked police SUVs traveled west on Van Buren Street before turning south on Pulaski Road.⁶ Officer Baciu explained that as the officers approached the individual, he made eye contact with Officers Baciu and Cruz, who were in one vehicle. However, the individual then immediately looked away and continued to walk south on the sidewalk. The individual had his left hand inside his jacket pocket where there was a significant bulge. Based on a recent homicide in the area,⁷ the suspicious bulge in the individual's jacket, and the individual looking away after seeing the officers, Officer Baciu believed the individual might possibly have been concealing a weapon, so Officer Baciu exited his vehicle and conducted a street stop.⁸ Officer Baciu gave the individual verbal directions numerous times to remove his hand from his pocket but he refused.⁹ Officer Baciu then conducted a pat-down to see if the individual had a firearm; however, the pat-down revealed that the individual only had a cell phone in his pocket.¹⁰ The individual was angry and immediately walked away. Because the individual walked away so quickly, the officers were unable to obtain his identifying information.

Officer Cruz told COPA that by the time he got out of his vehicle, in which he was riding with Officer Baciu, the individual already had his phone out and was walking away.¹¹ In addition to Officers Baciu and Cruz, other unmarked police vehicles stopped at the scene and additional officers approached the street stop. However, the other officers on scene told COPA they did not have any real contact with the individual. Officer Emma stated that he exited his vehicle to assist with the street stop by his presence, but he did not have any physical or verbal contact with the individual.¹² Officers Alexander and Krawiec stated that by the time they got out of their vehicles, the encounter was over and they returned to their vehicles.¹³ Officer Alequin explained that he also exited his vehicle to assist with the stop, but by the time he arrived at the scene, other officers told him it was over.¹⁴ Officer Walsh said he arrived as the individual was walking away, and he grabbed the individual's arms when he believed the individual was trying to flee, but the other officers immediately told Officer Walsh to release the individual.¹⁵ Sgt. Edwards explained that as soon as he walked up to assist, the encounter was over.¹⁶

With the exception of Officers Baciu and Walsh, the other involved members indicated that they did not believe that they had any physical contact with the individual. They all stated they

⁶ Att. 9 at 12:45:54; Att. 11 at 00:28 to 01:04.

⁷ Reference RD# JG171194 (Atts. 15 to 20).

⁸ Att. 14; Att. 48, pg. 9, lines 5 to 9; see also Att. 3 from 2:20 to 3:33; Att. 60, pg. 9, lines 7 to 20.

⁹ Att. 48, pg. 9, lines 11 to 13.

¹⁰ Att. 48, pg. 9, lines 13 to 16.

¹¹ Att. 47, pg. 11, lines 6 to 9.

¹² Att. 60, pg. 11, lines 2 to 18.

¹³ Att. 71, pg. 17, lines 8 to 10; Att. 68, pg. 8, lines 2 to 6.

¹⁴ Att. 74, pg. 17, lines 12 to 14.

¹⁵ Att. 12 at 01:54; Att. 67, pg. 7, lines 6 to 14.

¹⁶ Att. 44, pg. 17, line 19 to pg. 18, line 10.

did not strike the individual, nor did they see any other members strike the individual.¹⁷ The individual was irate and uncooperative during the investigatory stop, and he refused to answer questions or provide his name. The members further stated that the individual also refused an investigatory stop receipt.¹⁸

After the individual walked away, Sgt. Edwards drove his unmarked police SUV west on Congress Parkway from the location of the initial street stop. A short time later, ██████████ pulled up next to Sgt. Edwards's vehicle, exited his vehicle, and began yelling at Sgt. Edwards.¹⁹ During the interaction on the street, Sgt. Edwards was initially not sure he understood what ██████████ was yelling about. They agreed to meet at the 011th District Station for ██████████ to make his complaint.

In his statement to COPA, ██████████ stated that he witnessed the officers at the scene repeatedly shove the individual against the police SUV while at the same time repeatedly punching, kicking, and kneeling him.²⁰ ██████████ decided to immediately chase down the officers and obtain their information, adding that he intended to try to locate the unknown individual at a later time.²¹ ██████████ stated that he was able to cut off Sgt. Edwards, at which time he confronted Sgt. Edwards about the street stop.²² ██████████ appeared to be using his cell phone to record Sgt. Edwards. ██████████ yelled and cursed at Sgt. Edwards, and he accused Sgt. Edwards and the other officers of beating this "unknown juvenile."²³ During the exchange, Sgt. Edwards stated, "Why are you talking to me like this, I don't even know who the fuck you are."²⁴

While at the 011th District, ██████████ streamed himself on Facebook Live.²⁵ During that time, ██████████ spoke to Sgt. Edwards and others, although it was not always clear who he was talking to. At times, ██████████ appeared to be talking to his Facebook viewers, while at other times, it appeared he was speaking to people with him at the station or to CPD members. During Sgt. Edwards's interaction with ██████████ Sgt. Edwards appeared to be relatively calm as he explained that he could not take the complaint if ██████████ was also complaining that Sgt. Edwards used excessive force against the individual. If that were the case, another CPD member would have to take the complaint. Eventually, ██████████ spoke to a different sergeant, and Lieutenant Meghann McCauley completed an Initiation Report regarding this incident.²⁶

¹⁷ Att. 47, pg. 19, lines 3 to 6; Att. 48, pg. 17, line 24 to pg. 18, line 3; Att. 48, pg. 17, line 24 to pg. 18, line 3; Att. 67, pg. 7, lines 5 to 15, pg. 18, lines 5 to 10; Att. 60, pg. 22, lines 4 to 10; Att. 71, pg. 18, lines 3 to 11; Att. 68, pg. 12, line 21 to pg. 13, line 2; Att. 74, pg. 17, lines 18 to 22, pg. 18, lines 17 to 18 (Officer Alequin did see Officer Walsh grab the individual); Att. 44, pg. 18, lines 1 to 10, pg. 38, lines 9 to 23.

¹⁸ Att. 14.

¹⁹ Att. 7 at 00:43.

²⁰ Att. 3 from 3:43 to 4:20.

²¹ Att. 3 from 4:30 to 4:48.

²² Att. 3 from 5:15 to 7:37.

²³ Att. 44; pg. 21, line 3 to pg. 24, line 13.

²⁴ Att. 7 from :55 to :58.

²⁵ Atts. 7 and 8.

²⁶ Att. 1.

III. ALLEGATIONS

Officer Michael Baciu

- Stopping and searching an unknown juvenile without justification.
 - Sustained, violation of CPD Rules 2, 3, and 6.
- Struck an unknown juvenile without justification.²⁷
 - Not Sustained.

Sgt. Jason Edwards and Officers Humberto Cruz, Michael Walsh, Brian Emma, Tyler Alexander, Curtis Alequin, and Scott Krawiec:

- Stopping and searching an unknown juvenile without justification.
 - Not Sustained.
- Struck an unknown juvenile without justification.
 - Not Sustained.

Sgt. Jason Edwards

- Directing profanity at [REDACTED]
 - Not Sustained.
- Being disrespectful and/or maltreating [REDACTED]
 - Not Sustained.

Sgt. Jason Edwards and Officers Humberto Cruz, Michael Baciu, Brian Emma, Tyler Alexander, Curtis Alequin, and Scott Krawiec:

- Failing to activate his body-worn camera.
 - Withdrawn.²⁸

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. This investigation did not reveal any evidence that caused COPA to question the credibility of any of the involved CPD members. The statements of Sgt. Edwards and the other officers sufficiently corroborated each other with regard to the relevant facts.²⁹

²⁷ While [REDACTED] claimed that the CPD members shoved, kneed, and punched the individual, COPA chose to serve the broader allegation of striking the individual without justification.

²⁸ COPA originally served allegations against Sgt. Edwards and the other officers, with the exception of Officer Walsh, for failing to activate their BWCs. However, COPA later learned that these CPD members had already been disciplined, via the Summary Punishment Action Request (SPAR) system, for their BWC violations during this incident. (See Atts. 76, 77, 78, 79, 80, 81, and 82.) Therefore, COPA has elected to withdraw the BWC allegations.

²⁹ Att. 44; pg. 8, line 18 to pg. 16, line 14; Att. 47; pg. 10, line 18 to pg. 11, line 9; Att. 48; pg. 7, line 9 to pg. 9, line 9; Att. 67, pg. 6, line 15 to pg. 7, line 19; Att. 68; pg. 7, line 19 to pg. 8, line 6; Att. 71, pg. 9, line 13 to 18 line 20; Att. 74; pg. 7, line 13 to pg. 17, line 14.

This investigation did reveal some questions with respect to [REDACTED] credibility. [REDACTED] stated that because he was unable to locate or identify the unknown individual, he enlisted community activist [REDACTED] to aid in identifying the individual.³⁰ However, in a telephone conversation with COPA, [REDACTED] did not recall [REDACTED] reaching out to him. [REDACTED] stated that he had no knowledge of this incident, adding that his staff was unable to locate any information regarding [REDACTED] or this incident.³¹

Additionally, although this incident occurred during the daytime in an area with substantial pedestrian and vehicular traffic, no other witnesses came forward to corroborate [REDACTED] version of events. Moreover, [REDACTED] vehicle was three cars back, and that could have impacted his ability to see the incident, which lasted approximately 36 seconds.³²

V. ANALYSIS³³

a. Stop and Search Allegations

i. Officer Baciu

COPA finds the allegation that Officer Baciu stopped and searched the unknown individual without justification is **sustained**. A CPD member is permitted to detain and question an individual when the member has Reasonable Articulate Suspicion to believe that the individual is committing, is about to commit, or has committed a criminal offense.³⁴ “Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion.”³⁵ This involves an assessment of the totality of the circumstances, including reasonable inferences based on the member’s training and experience.³⁶ In addition, in order to conduct a protective pat-down, a CPD member must possess specific and articulable facts, combined with rational inferences from these facts, that an individual is armed and dangerous or reasonably suspects that the person presents a danger of attack.³⁷

Officer Baciu told COPA that he stopped the individual because he had a suspicious bulge in his pocket and there had recently been a homicide in the area. Officer Baciu noted the individual looked at the police and then immediately looked away. Officer Baciu further explained that based on his training and experience, those factors would indicate that the individual might be carrying an illegal firearm.³⁸ For those reasons, Officer Baciu also conducted a protective pat-down of the individual.

³⁰ Att. 25.

³¹ CMS Note CO-0843865.

³² Att. 11 at 00:28 to 01:04.

³³ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

³⁴ Att. 75, S04-13-09(II)(A), Investigatory Stop System (effective July 10, 2017 to present).

³⁵ Att. 75, S04-13-09(II)(C).

³⁶ Att. 75, S04-13-09(II)(C).

³⁷ Att. 75, S04-13-09(II)(C)(2).

³⁸ Att. 48, pg. 8, line 1 to pg. 9, line 9.

COPA finds that the justification provided by Officer Baciú was legally insufficient to detain or pat-down the individual. Initially, Officer Baciú did not have sufficient specific and articulable facts to believe that the individual had committed, was committing, or was about to commit a crime. Officer Baciú merely saw the individual walking on the sidewalk with a bulge in his pocket. It is likely the officer saw a bulge due to the fact that the individual had his hand in his pocket, as well as a cell phone. Those facts do not produce something more than a hunch or general suspicion. Additionally, with respect to the pat-down, Officer Baciú did not have sufficient facts for a reasonable officer to believe that the individual was armed and dangerous or presented a danger of attack. The recent homicide in the area does not sufficiently change the totality of the facts and circumstances. For these reasons, COPA finds by a preponderance of the evidence that Officer Baciú stopped and searched the unknown individual without justification, in violation of CPD Rules 2, 3, and 6.

ii. Sgt. Edwards and Officers Cruz, Walsh, Emma, Alexander, Krawiec, and Alequin

In contrast, COPA finds that this same allegation against Sgt. Edwards and Officers Cruz, Walsh, Emma, Alexander, Krawiec, and Alequin, is **not sustained**. With regard to Sgt. Edwards and the other officers, the video does not adequately show the encounter or which members were present on scene during the stop. Sgt. Edwards and the other officers stated that by the time they reached the scene, Officer Baciú had completed his pat-down, the individual already had his phone out of his pocket, and he was quickly walking away.³⁹ Even Officer Cruz, who was in the same vehicle as Officer Baciú, said that only Officer Baciú “hopped out to conduct a—an investigatory stop.”⁴⁰ By the time that Officer Cruz stopped and exited their vehicle, Officer Baciú had already patted-down the individual and determined that the bulge was due to a cell phone.⁴¹ In addition, when Officer Walsh arrived and saw the individual start to walk away from the scene, he attempted to grab the individual but was immediately told by the other officers to let him go, as the stop had ended. Because the evidence is not definitive as to which, if any, other members were present when Officer Baciú conducted the investigatory stop and pat-down, COPA lacks sufficient evidence to prove or disprove this allegation.

Therefore, based on a preponderance of the evidence, COPA finds the allegation that Sgt. Edwards and Officers Cruz, Walsh, Emma, Alexander, Krawiec, and Alequin stopped and searched the individual without justification, is not sustained.

b. Excessive Force Allegations

COPA finds the allegation that Sgt. Edwards and Officers Baciú, Cruz, Walsh, Emma, Alexander, Krawiec, and Alequin struck the individual without justification, is **not sustained**. In

³⁹ Att. 60, pg. 11, lines 2 to 18; Att. 71, pg. 17, lines 8 to 10; Att. 68, pg. 8, lines 2 to 6; Att. 74, pg. 17, lines 12 to 14; Att. 67, pg. 7, lines 6 to 14; Att. 44, pg. 17, line 19 to pg. 18, line 10.

⁴⁰ Att. 47, pg. 10, lines 22 to 23.

⁴¹ Att. 47, pg. 18, lines 8 to 14.

separate statements to COPA, each of the accused members denied that they struck the individual. In addition, when asked, they denied seeing any other members strike the individual. The video evidence that COPA was able to obtain is so unclear that it cannot be said that anyone on scene did or did not strike the individual, though the limited BWC available confirms Officer Walsh's account that he briefly placed his hands on the individual's arms to stop him from walking away.⁴² In addition, the interaction captured on the video only lasted approximately 30 seconds.⁴³ Furthermore, [REDACTED] eyewitness account is uncorroborated and insufficient to sustain the allegation, due in large part to the credibility concerns discussed above. Finally, because the unknown individual was never identified or interviewed, COPA was unable to obtain his account of what occurred. Therefore, COPA cannot determine the extent of any possible physical contact the accused members may have had with the individual.

During their COPA statements, Officers Alexander, Alequin, and Krawiec denied that they had any physical contact with the unknown individual.⁴⁴ Officers Cruz and Emma stated that they did not recall having any physical contact with the individual.⁴⁵ Sgt. Edwards said that he only recalled seeing the individual flailing and then walk away.⁴⁶ Officer Baciu stated that the pat-down was the only physical contact he had with the individual, and he denied using force against the individual.⁴⁷ While Officer Walsh tried to grab the individual when he saw him walking away, he said that he only placed his hands on the individual's arms for approximately two seconds, at which point another officer told him the individual was free to leave.⁴⁸ In addition, all of the members denied that they saw any other members strike the individual during the incident.⁴⁹

For these reasons, COPA finds the allegation that Sgt. Edwards and Officers Baciu, Cruz, Walsh, Emma, Alexander, Krawiec, and Alequin struck the individual without justification, is not sustained.

a. Profanity and Disrespect Allegations

COPA finds that the allegation that Sgt. Edwards directed profanity at [REDACTED] is **not sustained**. CPD policy provides that CPD members must treat all persons with respect.⁵⁰ In his statement to COPA, Sgt. Edwards stated that he did not recall directing profanity at [REDACTED]⁵¹ [REDACTED] recording of the exchange between him and Sgt. Edwards shows that, as [REDACTED] yelled at

⁴² Att. 12 at 01:54.

⁴³ Att. 11 at 00:28 to 1:04.

⁴⁴ Att. 71; pg. 20, lines 3 to 13; Att. 74; pg. 18, lines 17 to 18; Att. 68; pg. 12, line 12 to pg. 13, line 7.

⁴⁵ Att. 47; pg. 19, lines 1 to 6; Att. 60, pg. 11, lines 16 to 18.

⁴⁶ Att. 44, pg. 15, line 16 to pg. 16, line 14.

⁴⁷ Att. 48; pg. 17, line 18 to pg. 18, line 10.

⁴⁸ Att. 67, pg. 7, lines 7 to 14, pg. 12, lines 6 to 9, pg. 14, lines 1 to 8.

⁴⁹ Att. 47, pg. 19, lines 3 to 6; Att. 48, pg. 17, line 24 to pg. 18, line 3; Att. 48, pg. 17, line 24 to pg. 18, line 3; Att. 67, pg. 7, lines 5 to 15, pg. 18, lines 5 to 10; Att. 60, pg. 22, lines 4 to 10; Att. 68, pg. 12, line 21 to pg. 13, line 2; Att. 74, pg. 17, lines 18 to 22, pg. 18, lines 17 to 18 (Officer Alequin did see Officer Walsh grab the individual); Att. 44, pg. 18, lines 1 to 10, pg. 38, lines 9 to 23.

⁵⁰ Att. 84, G02-01(II)(B), Protection of Human Rights (effective June 30, 2022 to present).

⁵¹ Att. 44; pg. 39, lines 20 to 24.

him, Sgt. Edwards responded, “Why are you talking to me like this, I don’t even know who the fuck you are.”⁵² COPA finds that the recording shows that Sgt. Edwards used profanity for emphasis, and it was not directed at ██████ in a manner that was intended to insult or offend him. Moreover, ██████ himself did not allege that Sgt. Edwards used profane or disrespectful language. For those reasons, COPA finds this allegation is not sustained.

Similarly, COPA finds the allegation that Sgt. Edwards was disrespectful to and/or maltreated ██████ is **not sustained**. During his COPA interview, Sgt. Edwards stated that he did not say much to ██████ and therefore, did not know what he might have said that was offensive.⁵³ The BWC video captured raised voices when ██████ first approached Sgt. Edwards, but ██████ began by yelling and swearing at Sgt. Edwards.⁵⁴ Initially, Sgt. Edwards was not even sure what ██████ was talking about. The two then agreed to meet at the station, and according to ██████ Facebook Live video, it did not appear that Sgt. Edwards was disrespectful to ██████ or maltreated him in any way. Considering ██████ heightened emotions and colorful language when he first approached Sgt. Edwards, the sergeant exercised a reasonable amount of restraint in his verbal responses to ██████. Based on the preponderance of the evidence, this investigation revealed insufficient evidence to prove or disprove the allegation. Accordingly, it is not sustained.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Michael Baciu

i. Complimentary and Disciplinary History⁵⁵

Officer Baciu was a police officer for approximately five years at the time of this incident. He has received 95 various awards, including two Department Commendations, one Top Gun Arrest Award, and one Honorable Mention Ribbon Award. His disciplinary history includes an August 2022 SPAR for a preventable accident, resulting in a reprimand, as well as two sustained complaints for failing to complete an Investigatory Stop Report, which also resulted in reprimands. Additionally, Officer Baciu received a 5-day suspension following a March 2020 traffic stop.⁵⁶ In that case, Officer Baciu was found to have issued two unjustified citations, improperly refused to tell the complainant what offenses he had committed, and included inaccurate information in the arrest report and inventory report.

ii. Recommended Discipline

COPA has found that Officer Baciu violated Rules 2, 3, and 6 when he stopped and searched the unknown individual without justification. In mitigation, COPA has considered Officer Baciu’s years of service and complimentary history.

⁵² Att. 7 from 00:55 to 00:58.

⁵³ Att. 44, pg. 40, lines 10 to 17. As noted above, ██████ did not allege that Sgt. Edwards interacted with him in a disrespectful manner.

⁵⁴ Att. 13 from 02:00 to 03:38.

⁵⁵ Att. 85.

⁵⁶ Log #2020-0001270.

However, in this case, COPA finds the aggravating factors are significant. First, Officer Baciu initiated an investigatory stop of an individual, possibly a juvenile, who was doing nothing other than walking down the sidewalk with his hand in his pocket. Officer Baciu's justification for the stop and search did not come close to meeting the standard of Reasonable Articulate Suspicion. Second, Officer Baciu's actions brought discredit to CPD, as an independent witness observed the stop and later streamed his complaint on Facebook Live. Finally, this is not the first time Officer Baciu has been disciplined for initiating an unjustified stop of an individual. Indeed, he has previously received a 5-day suspension for similar misconduct. Therefore, based on principles of progressive discipline, COPA recommends that Officer Baciu receive a **7-10 day suspension and retraining** on CPD's investigatory stop and search policies.

Approved:



Steffany Hreno
Director of Investigations

8/23/2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	March 6, 2023 / 12:46 pm / 4000 W. Congress Parkway, Chicago, IL 60624.
Date/Time of COPA Notification:	March 6, 2023 / 4:53 pm.
Involved Member #1:	Officer Humberto Cruz; Star #15603; Employee ID #████████; DOA: December 12, 2016; Unit 011; Male, Hispanic.
Involved Member #2:	Officer Michael Baciu; Star #7528; Employee ID #████████; DOA: August 16, 2017; Unit 011; Male, White.
Involved Member #3:	Officer Brian Emma; Star #6540; Employee ID #████████; DOA: May 16, 2018; Unit 011; Male, White.
Involved Member #4:	Officer Tyler Alexander; Star #17587; Employee ID #████████; DOA: August 16, 2019; Unit 011; Male, White.
Involved Member #5:	Officer Michael Walsh; Star #19921; Employee ID #████████; DOA: February 20, 2018; Unit 011; Male, White.
Involved Member #6:	Officer Curtis Alequin; Star #10028; Employee ID #████████; DOA: May 16, 2017; Unit 640; Male, Hispanic.
Involved Member #7:	Officer Scott Krawiec; Star #4465; Employee ID #████████; DOA: November 27, 2018; Unit 011; Male, White.
Involved Member #8:	Sgt. Jason Edwards; Star #1963; Employee ID #████████; DOA: March 27, 2006; Unit 640; Male, White.
Involved Individual #1:	██████████ Male, Black.
Involved Individual #2:	Unknown individual, 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

- Att. 75, S04-13-09, Investigatory Stop System (effective July 10, 2017 to present).
- Att. 84, G02-01, Protection of Human Rights (effective June 30, 2022 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.⁵⁷ 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.”⁵⁸

⁵⁷ 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).

⁵⁸ *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