



Log # 2022-0005314

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

### I. EXECUTIVE SUMMARY

On December 15, 2022, the Civilian Office of Police Accountability (COPA) received an in-person complaint from ██████████ (██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on December 14, 2022, Lieutenant Vernard Ross (Lt. Ross) got into a verbal altercation with a CTA bystander, ██████████ (██████████ failed to de-escalate an altercation with ██████████ detained ██████████ without justification, searched ██████████ without justification, grabbed ██████████ without justification, and then arrested ██████████ without justification.<sup>2</sup>

Upon review of the evidence, COPA served additional allegations against Lt. Ross for failing to wear a body worn camera (BWC), failing to record a law-enforcement related activity, and failing to document the stop of ██████████ through an investigative stop report (ISR). COPA also added an additional BWC violation to Officer Justin McDonald (Officer McDonald). Following its investigation, COPA reached sustained findings against Officer McDonald and Lt. Ross.

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

██████████ initiated this complaint by providing COPA with a recorded statement.<sup>4</sup> ██████████ provided her statement to COPA on December 15, 2022. ██████████ stated that on December 14, 2022, while waiting for a bus at the 95<sup>th</sup> CTA Red Line train station, ██████████ observed two men, later identified as ██████████ (██████████ and ██████████ (██████████ smoking a cigarette and being detained by several police officers.<sup>5</sup> ██████████ recalled standing next to someone, later identified to be ██████████ when Lt. Ross showed up, turned towards ██████████ and stated “Shut the fuck up.”<sup>6</sup> ██████████ stated that ██████████ and Lt. Ross then had a brief exchange of words before Lt. Ross approached ██████████ and grabbed him by his waist.<sup>7</sup> When ██████████ was grabbed, the other officers grabbed ██████████ as well, and took him down to the ground.<sup>8</sup>

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<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> 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.

<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: BWC footage, third-party video, police reports, civilian interviews, and officer interviews.

<sup>4</sup> Att. 45.

<sup>5</sup> Att. 45 at 2:15.

<sup>6</sup> Att. 45 at 7:55.

<sup>7</sup> Att. 45 at 8:40.

<sup>8</sup> Att. 45 at 9:20.

**Lt. Ross gave his statement to COPA on January 23, 2023.**<sup>9</sup> He stated that on December 14, 2022, he was the incident commander for a drill taking place at the 95<sup>th</sup> CTA Red Line train station.<sup>10</sup> Lt. Ross's encounter with ██████ began when he attempted to take attendance and ██████ became disruptive and began to yell and scream.<sup>11</sup> When asked why he told ██████ "shut up, no one's talking to you." Lt. Ross stated he was trying to de-escalate the situation by telling him that, but it did not work as intended.<sup>12</sup> Lt. Ross then decided to conduct an investigatory stop after he saw a bulge in ██████ jacket but made no mention as to any other possible reasonable articulable suspicions to support the stop.<sup>13</sup>

When asked if ██████ had a 1<sup>st</sup> Amendment right to be loud in the public way, Lt. Ross acknowledged that ██████ did in fact have that right, yet Lt. Ross stated that he wanted to take control of the situation since he believed ██████ was agitated.<sup>14</sup> When asked if an Investigatory Stop Report (ISR) was written, Lt. Ross admitted that one was not made and it was his fault.<sup>15</sup>

When asked why he searched ██████ Lt. Ross stated he conducted a pat down, not a search, which he stated was a surface check on ██████ clothes.<sup>16</sup> During the pat down, Lt. Ross noticed that ██████ took a step back and got into a boxing stance.<sup>17</sup> At that point, Lt. Ross reached out and grabbed ██████<sup>18</sup> When asked about the BWC violations, Lt. Ross admitted that he should have worn a BWC device and that he should have recorded the incident since it was police activity.<sup>19</sup>

**Officer McDonald gave his Statement**<sup>20</sup> to COPA on May 10, 2023. In his statement, Officer McDonald acknowledged that he was conducting police activity at the 95<sup>th</sup> CTA Red Line train station on December 14, 2022.<sup>21</sup> He subsequently admitted that he should have activated his camera once he commenced police activity.<sup>22</sup> In his defense, Officer McDonald stated that he was using the bathroom just prior to engaging in police activity, so he had turned off his camera but then turned it on when he realized it was off.<sup>23</sup> In regards to witnessing the actions of ██████ Officer McDonald stated that he "saw him (██████ talk crap to us", but paid no attention to him."<sup>24</sup> Based on his recollection and upon viewing footage, Officer McDonald stated that he saw ██████ standing up against a wall and away from the officers.<sup>25</sup>

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<sup>9</sup> Att. 55.

<sup>10</sup> Att. 55 at 8:50.

<sup>11</sup> Att. 55 at 14:30.

<sup>12</sup> Att. 55 at 18:30.

<sup>13</sup> Att. 55 at 20:10.

<sup>14</sup> Att. 55 at 20:55.

<sup>15</sup> Att. 55 at 24:32.

<sup>16</sup> Att. 55 at 26:00.

<sup>17</sup> Att. 55 at 28:40.

<sup>18</sup> Att. 55 at 29:25.

<sup>19</sup> Att. 55 at 44:50.

<sup>20</sup> Att. 61.

<sup>21</sup> Att. 61 at 11:45.

<sup>22</sup> Att. 61 at 12:50.

<sup>23</sup> Att. 61 at 14:40.

<sup>24</sup> Att. 61 at 24:40.

<sup>25</sup> Att. 61 at 44:40.

**Police Officer Cesar Villalobos gave his witness statement to COPA<sup>26</sup>** on March 15, 2023. Officer Villalobos was on duty on the date of the incident, December 14, 2022, and was asked to participate in a drill at the 95<sup>th</sup> CTA Red Line train station.<sup>27</sup> Once on scene, Officer Villalobos noted that civilians, including ██████ were being verbally abusive in that they were being loud and cursing at the officers, but he ignored them.<sup>28</sup> Officer Villalobos did notice that ██████ was standing around but did not perceive him as a threat.<sup>29</sup> When asked why he thought ██████ was not a threat, Officer Villalobos stated that he had a right to say whatever he wanted to say.<sup>30</sup>

**COPA received an Instagram video<sup>31</sup> from ██████** the complaining witness. The video shows Lt. Ross speaking to several officers at the 95<sup>th</sup> CTA Red Line train station.<sup>32</sup> Lt. Ross then turned his attention toward ██████ and began walking towards ██████. Lt. Ross then conducted a pat down search on ██████ followed by grabbing ██████ left jean pocket.<sup>33</sup> Lt. Ross then grabbed ██████ by the upper torso with his right-hand, causing ██████ to push Lt. Ross's hands away.<sup>34</sup> Multiple officers then responded to ██████ actions of pushing off by utilizing an emergency takedown and placing ██████ into custody after a brief physical altercation.<sup>35</sup>

Relevant **BWC footage<sup>36</sup>** has also been reviewed for this case. The BWC footage from Police Officer Edgar Padilla shows the initial arrival of officers responding to the two unrelated subjects smoking on the CTA platform, which was being observed by ██████ and ██████.<sup>37</sup> Officer Padilla's BWC footage also partially covers the interactions between Lt. Ross and ██████.<sup>38</sup> Although his video did not capture the alleged verbal abuse, Police Officer Raymond Morris's BWC captured the detention and physical altercation between Lt. Ross and ██████.<sup>39</sup>

**████████ arrest report<sup>40</sup>** states that on December 14, 2022, he was arrested at the 95<sup>th</sup> CTA Red line train station for disorderly conduct - breaching the peace. In relevant part, the narrative to the report states that ██████ approached the officers in an aggressive manner while making derogative remarks. This caused the officers to conduct a protective pat down.

**████████ arrest report<sup>41</sup>** stated that he was arrested for smoking on the CTA platform. After being told multiple times to put the cigarette out, ██████ refused to comply and could not provide

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<sup>26</sup> Att. 58.

<sup>27</sup> Att. 58 at 6:30.

<sup>28</sup> Att. 58 at 11:02.

<sup>29</sup> Att. 58 at 12:05.

<sup>30</sup> Att. 58 at 12:45.

<sup>31</sup> Att. 18.

<sup>32</sup> Att. 18 at 0:05.

<sup>33</sup> Att. 18 at 0:42.

<sup>34</sup> Att. 18 at 0:45.

<sup>35</sup> Att. 18 at 1:44.

<sup>36</sup> Atts. 21 to 38.

<sup>37</sup> Att. 21 at 1:55.

<sup>38</sup> Att. 21 at 9:14.

<sup>39</sup> Att. 31 at 0:59.

<sup>40</sup> Att. 1.

<sup>41</sup> Att. 3.

the arresting officers with his identification.<sup>42</sup> [REDACTED] was taken under custody and issued an **administrative notice of ordinance**<sup>43</sup> violation for smoking on the CTA.

**Lt. Ross's Tactical Response Report**<sup>44</sup> (TRR) indicates that [REDACTED] did not follow verbal direction, made verbal threats, pulled away, squared off, placed officers in imminent threat of battery, and made a physical attack without a weapon. The narrative for the TRR states that while Lt. Ross was conducting roll call, he heard [REDACTED] state "Why the fuck all of the police are up here fucking with us," to which Lt. Ross told [REDACTED] to "Shut up."<sup>45</sup> Lt. Ross stated that he wanted to document the incident, so he approached [REDACTED] when he noticed a bulge in [REDACTED] outer garment and decided to conduct a protective pat down on [REDACTED] then pulled away. This caused Lt. Ross to believe that he was going to get hit. Lt. Ross then witnessed [REDACTED] swing at another officer, so Lt. Ross assisted in the takedown and arrest of [REDACTED]

**Attempts were made to contact** [REDACTED]<sup>46</sup> However, COPA was unsuccessful due to [REDACTED] being incarcerated. Irrespective of [REDACTED] ability to provide COPA with a statement, there is a substantial amount of objectively verifiable evidence to proceed forth with the investigation.

### III. ALLEGATIONS

#### Lieutenant Vernard Ross:

1. Engaging in an unjustified verbal altercation with [REDACTED] by stating "shut up".
  - SUSTAINED - Rules 2, 3, 8, and 9.
2. Failing to de-escalate an altercation with [REDACTED]
  - SUSTAINED - Rules 2, 3, 6, and 11.
3. Detaining [REDACTED] without justification.
  - SUSTAINED - Rule 6.
4. Searching [REDACTED] without justification.
  - SUSTAINED - Rule 6.
5. Physically grabbing [REDACTED] without justification.
  - SUSTAINED - Rules 2, 6, and 9.
6. Arresting [REDACTED] without justification.
  - SUSTAINED - Rules 1.
7. Failing to wear a Body Worn Camera.
  - SUSTAINED - Rules 3, 6, and 10.
8. Failing to entirely record a law-enforcement-related activity.
  - SUSTAINED - Rules 3, 5, and 6.
9. Failing to document the stop of [REDACTED] through an Investigative Stop Report.
  - SUSTAINED - Rules 3, 5, 6, and 10.

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<sup>42</sup> Att. 3, pg. 2.

<sup>43</sup> Att. 13.

<sup>44</sup> Att. 5.

<sup>45</sup> Att. 5, pg. 2.

<sup>46</sup> Att. 63.

**Police Officer Justin McDonald:**

1. Failing to entirely record a law-enforcement-related activity.
  - SUSTAINED - Rules 5 and 6.

**IV. CREDIBILITY ASSESSMENT**

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

**V. ANALYSIS<sup>47</sup>****1. ENGAGING IN AN UNJUSTIFIED VERBAL ALTERCATION**

Pursuant to General Order G02-01 (Protection of Human Rights) when interacting with the public, officers have to “treat all persons with the courtesy and dignity....”<sup>48</sup> The directive goes further to state that officers have to “act, speak, and conduct themselves in a courteous, respectful, and professional manner...”.<sup>49</sup> This sentiment is further reiterated for supervisors in that they are to “consistently demonstrate professionalism, courtesy, and respect towards all people with whom they interact.”<sup>50</sup>

In his statement to COPA, Lt. Ross admitted that he told ██████ to “shut up” so that he could take control and de-escalate the situation.<sup>51</sup> ██████ retorts with “I can say what I want. It’s my right.” When ██████ responds this way, Lt. Ross then escalates the situation by approaching ██████ to conduct an unnecessary investigatory stop and a subsequent pat down search. By telling ██████ to shut up, Lt. Ross engaged ██████ without justification, while utilizing unprofessional language. Therefore, the allegation against Lt. Ross, in that he used unprofessional language against ██████ causing an unjustified verbal altercation, is **SUSTAINED**.

**2. FAILING TO DE-ESCALATE AN ALTERCATION WITH ██████**

Department general orders forbid officers from using force when a subject is solely exercising their First Amendment rights: “Force used in response to a person's lawful exercise of First Amendment rights (e.g., protected speech, lawful demonstrations, observing or filming police activity, or criticizing a department member or conduct) is prohibited.”<sup>52</sup> Lt. Ross stated that he attempted to de-escalate the situation with ██████ by telling him to shut up and conducting an investigatory stop. However, the results of Lt. Ross’s actions led to a physical confrontation that could have been avoided had Lt. Ross allowed ██████ to utilize his First Amendment right in voicing his displeasure with the ongoing police action.

<sup>47</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>48</sup> Att. 47, General Order G02-01, Protection of Human Rights.

<sup>49</sup> Att. 47, General Order G02-01, Protection of Human Rights.

<sup>50</sup> Att. 46, General Order G01-09, Supervisor Responsibilities, II, C2.

<sup>51</sup> Att. 56, pgs. 18 to 21.

<sup>52</sup> Att. 50, General Order G03-02, III, D4.

In his attempt to de-escalate the situation, Lt. Ross's actions escalated the situation. Therefore, Lt. Ross failed to use appropriate actions to de-escalate the situation with ██████ and this allegation is **SUSTAINED**.

### **3. DETENTION OF ██████**

In regard to the allegation of unjustly detaining ██████ General Order G02-02-01 (Investigations Directed at First Amendment-Related Information) states: "It is not permissible to investigate someone solely because that person advocates a position in his or her speech or writings which is offensive or disagreeable."<sup>53</sup> As the BWC and Instagram video show, ██████ was merely expressing his disdain for the amount of police officers arresting ██████ In his TRR, Lt. Ross stated that he was being interrupted by ██████ and wanted to document the incident.

During his statement to COPA, Officer Villalobos stated that he ignored ██████ because ██████ was not posing a threat. Officer Villalobos described ██████ as someone who was verbally abusive but was legally exercising his right to freedom of speech. Because ██████ was merely expressing his beliefs and had not committed nor was in the process of committing a crime, Lt. Ross did not have the requisite reasonable suspicion to approach ██████ for an investigatory stop and detention. Therefore, the allegation of detaining ██████ without justification is **SUSTAINED**.

### **4. SEARCHING ██████ WITHOUT JUSTIFICATION**

Special Order S04-13-09 (Investigatory Stop System) defines a protective pat down as a limited search during an investigatory stop.<sup>54</sup> The order goes on to state that in order for an officer to conduct a protective pat down during an investigatory stop, the officer "...must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area."<sup>55</sup>

In his statement to COPA, Lt. Ross stated that his reason for the search was that he saw a bulge in one of ██████ pockets. Lt. Ross stated this in his TRR as well.<sup>56</sup> Lt. Ross did not give any specifics as to the shape of the bulge, which would have given his suspicions more specificity, which is required by the special order. Moreover, based on Officer Villalobos's testimony, ██████ was not posing as danger or risk to the safety of the officers. Therefore, the search of ██████ by Lt. Ross was not justified, and this allegation is **SUSTAINED**.

### **5. PHYSICALLY GRABBING ██████ WITHOUT JUSTIFICATION**

The Use of Force matrix, found within General Order G03-02-01 (Response to Resistance and Force Options) states that "...individuals lawfully and peacefully exercising their First Amendment rights" are considered to be a cooperative person. As such, the only use of force authorized for this level of resistance is police presence and verbal response. Holding techniques, such as grabbing, are only authorized for persons deemed to be resisters. That is to say that if a

<sup>53</sup> Att. 49, General Order G02-02-01, Investigations Directed at First Amendment-Related Information.

<sup>54</sup> Att. 52, Special Order S04-13-09, II, B.

<sup>55</sup> Att. 52, Special Order S04-13-09, II, C2.

<sup>56</sup> Att. 5.

person is not cooperative or failing to comply with lawful orders, officers may use holding and compliance techniques.

As seen on the Instagram video and the various BWC videos, ██████ can be seen stationary as he voices his opinion on the police activity, similar to other members of the public on scene. The only order or direction given by Lt. Ross was to “shut up” which is not a lawful order under these circumstances. Because ██████ was stationary and only exercising his First Amendment right, he would be considered cooperative.

This notion is further solidified through Officer Villalobos’s viewpoint in that Officer Villabos stated that ██████ was peaceful during the majority of the encounter and only used force after Lt. Ross grabbed him. Since ██████ was not a resistor at the time that Lt. Ross grabbed him and Lt. Ross was not justified in conducting an investigatory stop, the allegation of physically grabbing ██████ without justification is **SUSTAINED**.

## **6. ARRESTING ██████ WITHOUT JUSTIFICATION**

In order for an arrest to be justified, an officer must have probable cause to believe that a crime has been committed or was going to be committed.<sup>57</sup> The crime is then placed as a charge against the individual and can be found within the arrest report. In this case, ██████ was charged with disorderly conduct – breach of peace.<sup>58</sup> The report then goes on to state that ██████ approached the arresting officer, Lt. Ross, with a bladed stance. This is factually inaccurate.

The footage from the BWC’s, along with the Instagram footage, all show that ██████ was verbally expressing his displeasure with the ongoing police actions, peacefully. ██████ did not approach any of the officers on scene. Contrary to the arrest report and TRR narratives, Lt. Ross approached ██████. There is no other objectively verifiable evidence which can support or demonstrate ██████ acting disorderly, breaching the peace, or approaching the officers in the manner in which was described by CPD reports. Therefore, ██████ was arrested without justification, and this allegation against Lt. Ross is **SUSTAINED**.

## **7. FAILING TO WEAR A BODY WORN CAMERA**

All sworn members and supervisors assigned to the Bureau of Patrol are required to wear a BWC.<sup>59</sup> There is an exception to this rule, but those exempt officers are documented. No such documentation exists for Lt. Ross, who is a supervisor assigned to the Bureau of Patrol. During his statement with COPA, Lt. Ross admits that he should have worn a BWC on that occasion but failed to do so. Since he is not exempt from this requirement, this allegation is **SUSTAINED**.

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<sup>57</sup> *United States v. Humphries*, 372 F.3d 653, 658 (4<sup>th</sup> Cir. 2004)

<sup>58</sup> Att. 1.

<sup>59</sup> Att. 52 Special Order S03-14, II, C.

## **8. FAILING TO ENTIRELY RECORD A LAW-ENFORCEMENT-RELATED ACTIVITY**

Special Order S03-14 (Body Worn Camera) states that department members are required to activate their BWC when conducting law-enforcement related activities to include investigatory stops, searches, use of force incidents, and arrests.<sup>60</sup> Lt. Ross stated that his intention in approaching [REDACTED] was to document the incident. This documentation process was part of his law enforcement duties, thus requiring the event to be recorded. Because the event was not recorded, the allegation against Lt. Ross is **SUSTAINED**.

In his defense, Officer McDonald did acknowledge that he failed to activate his camera because prior to the event, he was using the bathroom and turned his camera completely off so that the buffer period would not capture anything inappropriate. Once he realized he forgot to turn on his camera, he activated it. COPA finds this to be mitigating evidence. However, the allegation is still **SUSTAINED**.

## **9. FAILING TO DOCUMENT THE STOP OF [REDACTED] THROUGH AN INVESTIGATIVE STOP REPORT**

According to Special Order S04-13-09 (Investigatory Stop System), "If an arrest is made based on an Investigatory Stop, an Investigatory Stop Report will be completed in addition to the Arrest Report. Members will indicate in the Investigatory Stop Report that an arrest is related to the Investigatory Stop by checking the appropriate box."<sup>61</sup> In his statement to COPA, Lt. Ross admitted to knowing he was required to document the incident through an ISR but failed to comply with this order. Therefore, this allegation is **SUSTAINED**.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Lt. Vernard Ross**

#### **i. Complimentary and Disciplinary History<sup>62</sup>**

Lt. Ross has not received any disciplinary actions against him, nor has he had any sustained findings against him within the past 5 years.

Lt. Ross has received a total of 63 awards, including 2 Unit Meritorious Performance Awards, 25 Honorable Mentions, 2 Department Commendations, and 2 Complimentary Letters.

#### **ii. Recommended Discipline**

Here, COPA has found that Lt. Ross has violated Rules 1, 2, 3, 5, 6, 8, 9, 10, and 11 by engaging in an unjustified verbal altercation, failing to de-escalate an altercation, detaining [REDACTED] without justification, searching [REDACTED] without justification, grabbing [REDACTED] without justification,

<sup>60</sup> Att. 52, Special Order S03-14.

<sup>61</sup> Att. 52, Special Order S04-13-09, VIII, A5.

<sup>62</sup> Att. 65.

arresting [REDACTED] without justification, failing to wear a body worn camera, and failing to record law-enforcement-related activity. Other than the violations related to the body worn camera, Lt. Ross stated that he denied the allegations against him.

While in positions of authority, supervisors are held to a higher standard than patrol officers in that they are specially tasked to "...effectively supervise the members under their command to establish and encourage expectations, performance, and accountability..."<sup>63</sup> Due to his position as a lieutenant and commander of a tactical unit, COPA finds that Lt. Ross's actions are negatively amplified and extremely detrimental to his unit and the Department. Therefore, requiring a substantial penalty for his actions. COPA recommends a **60-day suspension**.

**b. PO Justin McDonald**

**i. Complimentary and Disciplinary History<sup>64</sup>**

Officer McDonald has not received any sustained findings against him. However, in March 2023, he received a reprimand for a preventable accident.

Officer McDonald has received a total of 30 awards, including 4 Department Commendations.

**ii. Recommended Discipline**

Here, COPA has found that Officer McDonald has violated rules 5 and 6 by failing to entirely record law-enforcement-related activity. In his defense, Officer McDonald stated that he was using the bathroom prior to the activity and made a mistake by failing to turn on his camera, but later rectified the mistake when he realized it was off. COPA finds this defense to be credible and mitigating. Therefore, COPA recommends a **violation noted penalty**.

Approved:

[REDACTED]

11-30-2023

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Angela Hearts-Glass  
Deputy Chief Administrator

\_\_\_\_\_  
Date

<sup>63</sup> Att. 46, General Order G01-09, Supervisor Responsibilities, II, C, 4.

<sup>64</sup> Atts. 64 and 65, Disciplinary and Complimentary History of PO Justin McDonald and Lt. Vernard Ross.

Appendix ACase Details

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|---------------------------------|---|
| Date/Time/Location of Incident: | December 14, 2022, at approximately 700 pm, 95 <sup>th</sup> Red Line Train Station.  |
| Date/Time of COPA Notification: | December 15, 2022, at approximately 300 pm.   |
| Involved Officer #1:            | Vernard Ross, Star #593, Employee ID # [REDACTED] Date of Appointment: May 17, 1993, Unit of Assignment: 006, Male, Black.                                  |
| Involved Officer #2:            | Justin McDonald, Star #10403, Employee ID # [REDACTED] Date of Appointment: August 27, 2018, Unit of Assignment: 003 Detailed to 704, Male, White Hispanic. |
| Involved Individual #1:         | [REDACTED] Male, Black.   |
| Involved Individual #2:         | [REDACTED] Female, 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.

Applicable Policies and Laws

- General Order G02-01: Protection of Rights (effective June 30, 2022, to Present)
- General Order G02-02: First Amendment Rights (effective April 13, 2021, to December 19, 2022)
- General Order G02-02-01: Investigations Directed at First Amendment-Related Information (effective April 19, 2012 to Present)

- General Order G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to Present)
- Special Order S03-14: Body Worn Cameras (effective April 30, 2018, to present)
- Special Order S04-13-09: Investigatory Stop System (effective July 10, 2017, 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.<sup>65</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>66</sup>

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<sup>65</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>66</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 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