



Log # 2024-0002486

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

### I. EXECUTIVE SUMMARY

On February 21, 2024, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on February 20, 2024, Police Officers Kenneth Sunde and Panos Theodorides, displayed their firearm at [REDACTED] and [REDACTED] direction.<sup>2</sup> Upon review of the evidence, COPA served additional allegations on Police Officers Sunde, Theodorides and Crystina Kittrell for failing to complete an Investigatory Stop Report and failing to provide an Investigatory Stop Receipt to [REDACTED]. COPA served allegations to Officer Sunde for failing to provide proper notification to the Office of Emergency and Communication (OEMC) regarding the firearm pointing and for using unnecessary vulgarity/conduct unbecoming. COPA served allegations to Officer Theodorides for failing to activate his Body Worn Camera (BWC) and conduct unbecoming.

Following its investigation, COPA reached Exonerated, Sustained, and Not Sustained findings.

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

On February 20, 2024, at about 3:35 PM, Officers Sunde, Theodorides, and Kittrell conducted a traffic stop at or near 440 N Wabash Avenue. Based on BWC, officers drove North on Wabash Avenue when they observed a vehicle parked in a tow zone near a fire hydrant. When Officers approached the vehicle, they observed two occupants, [REDACTED] and [REDACTED]. In the front passenger side of the vehicle sat [REDACTED] while [REDACTED] sat in the rear passenger side of the vehicle. Officer Sunde approached and opened the driver side door of the vehicle. Officer Theodorides approached from the passenger side and [REDACTED] lowered the window. When the driver's door and passenger window were opened, there were visible smoke clouds observed on BWC footage. Officer Sunde can be heard saying 'whew, is the car on fire or is someone smoking

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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, police reports, and officer interviews

that good ganja?”<sup>4</sup> Once backup officers arrived ██████████ and ██████████ were assisted in stepping out of the vehicle. As ██████████ was being assisted out of the vehicle he was simultaneously being handcuffed by Officer Theodorides. The BWC footage of PO Sunde depicted his firearm unholstered, lifted, and briefly pointed inside the vehicle and seemingly at or in the direction of ██████████ before the firearm was lowered and seemingly pointed at the front seat.<sup>5</sup> Moments later, ██████████ is also removed from the back seat of the vehicle and handcuffed. Both ██████████ and ██████████ were patted down and began to question the reason for the stop and further explained that they were only smoking cannabis. While in handcuffs ██████████ and ██████████ began a verbal interaction with Officer Theodorides. While conversing with ██████████ and ██████████ Officer Theodorides utilized words such as “fuck this guy,” “you have shit coming out of your head,” “that’s what your mother said,” “shut the fuck up,” “who the fuck are you talking to?” and “you’re a fucking coward” towards ██████████ and the unknown driver/owner of the vehicle. ██████████ was arrested via a pre-trial release which does not require a booking process but rather ██████████ was released on scene and an arrest report<sup>6</sup> was created. An Administrative Notice of Violation (ANOV) was also completed for ██████████ which documented his citations.<sup>7</sup> Although ██████████ was also patted down, he did not receive any ANOVs, Citations, or Reports that documented his pat down and stop.

During audio-recorded statements to COPA, Officer Theodorides explained that he understood using profanity and unprofessional language was unbecoming of an officer and that he attempted to use that language as a form of rapport building and a way to gain control of a situation.<sup>8</sup> Officer Theodorides further explained that when he was asked to identify himself, he responded by saying his name was “Joe” because he was attempting to make a joke.<sup>9</sup> Officer Theodorides further explained that he was not attempting to hide his identity and understood that he is required to respond with his name and star number when asked to do so.<sup>10</sup> ██████████ was able to view and read aloud the names of all the officers present on scene, including Officer Theodorides, further supporting that Officer Theodorides did not attempt to conceal his name or badge.<sup>11</sup> Officer Theodorides explained in his interview that he did not unholster or point his weapon at any point nor did he observe any other officers unholster or point their weapons.<sup>12</sup> Officer Theodorides explained that his BWC had a delay due to his first attempt to activate his camera was unsuccessful, and upon noticing it was not active, he activated it as soon as he was able to.<sup>13</sup> Officer Theodorides further explained that he was under the assumption that Officers Sunde and Kittrell would take over the responsibilities of completing an Investigatory Stop Report and an Investigatory Stop Receipt, but he ultimately understood that he should’ve also ensured

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4 Att. #5 at 2:23-2:26

5 Att. #3 at 4:36-4:42

6 Att. #2, pg.9

7 Att. #2, pg. 10

8 Att.#35, pg. 27, lns. 2-13.

9 Ibid. Att. #35, pg. 29, lns. 15-18.

10 Ibid. Att. #35, pg. 30, lns. 14-20

11 Att. #4 at 8:48 to 8:55

12 Ibid. Att. #35, pg. 13, lns.16-24.

13 Ibid. Att. #35, pg. 17, lns. 3-10.

that the reports were completed and that he is equally as responsible for getting these reports completed.<sup>14</sup>

During the Audio Recorded statement of Officer Sunde, he explained his reasoning for unholstering his weapon, which was due to his observation of ██████ in the backseat of the vehicle, moving around, and at the time both of ██████ hands had not been properly secured by other officers.<sup>15</sup> Officer Sunde further explained that the area where ██████ and ██████ had been contacted was a known area that had resulted in the recovery of many firearms recently, therefore he was on high alert.<sup>16</sup> Officer Sunde described the position of his firearm to have been in a low-ready position or “SUL” and not in a pointing direction, therefore he did not consider this to be a firearm pointing incident.<sup>17</sup> Officer Sunde further explained that a pointing of a firearm differs from a low-ready because a pointed firearm would be directly pointed at the individual, which he did not do.<sup>18</sup> He did not notify OEMC because of his understanding that it was not a firearm pointing incident.<sup>19</sup> Officer Sunde further explained that he utilized unprofessional language when he told ██████ and ██████ to “shut the fuck up”.<sup>20</sup> He understood that he should not use profanity but explained that he wanted to match the energy of ██████ and ██████ so that he could gain control of the situation.<sup>21</sup> Officer Sunde explained that he did not complete an Investigatory Stop Report or provide ██████ with an Investigatory Stop Receipt because he assumed that his partner Theodorides was going to write the Investigatory Stop Report and the Investigatory Stop Receipt.<sup>22</sup>

During the audio recorded statement of Officer Kittrell, she explained that she did not complete an Investigatory Stop Report or an Investigatory Stop Receipt for ██████ because she was under the impression that Officer Theodorides was going to complete one.<sup>23</sup> Officer Kittrell further explained that her three-man team usually split up the responsibilities of completing reports.<sup>24</sup>

### III. ALLEGATIONS

#### **PO Kenneth Sunde:**

1. Displaying your firearm at or in the direction of ██████ and ██████ without justification
  - Not Sustained

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<sup>14</sup> Ibid. Att. #35, pg. 14, lns. 21-24

<sup>15</sup> Att. #41, pg. 8, lns. 7-11.

<sup>16</sup> Att. # 41, pg. 7, lns. 20-24.

<sup>17</sup> Ibid. Att.#41, pg. 8, lns. 23-24

<sup>18</sup> Ibid. Att.#41, pg. 9, lns. 17-19.

<sup>19</sup> Ibid. Att.#41, pg. 11, lns. 16-19.

<sup>20</sup> Ibid. Att. #41, pg. 13, lns. 11-13.

<sup>21</sup> Ibid. Att. #41, pg. 13, lns. 11-16.

<sup>22</sup> Ibid. Att. #41, pg. 16, lns. 1-3.

<sup>23</sup> Ibid. Att. #40, pg. 8, lns. 9-17.

<sup>24</sup> Ibid. Att. #40, pg. 9, lns. 1-3.

2. Failing to provide proper notification to OEMC after pointing your firearm at [REDACTED] and [REDACTED]
  - Not Sustained
3. Using unnecessary vulgarity/conduct unbecoming when, including but not limited to, saying words to the effect of "shut the fuck up"
  - Sustained, Violation of Rules 2, 3, 5, 8, 9, 10
4. Failing to document the investigatory stop and detention of [REDACTED] with an Investigatory Stop Report (ISR)
  - Sustained, Violation of Rules 2, 3, 5, 10
5. Failing to issue an Investigatory Stop Receipt to [REDACTED]
  - Sustained, Violation of Rules 2, 3, 5, 10

**PO Panos Theodorides:**

1. Displaying your firearm at or in the direction of [REDACTED] & [REDACTED] without justification.
  - Not Sustained
2. Failing to timely activate body worn camera.
  - Exonerated
3. Failing to document the investigatory stop and detention of [REDACTED] with an investigatory stop report (ISR).
  - Sustained, Violation of Rules 2, 3, 5, 10
4. Failing to issue an investigatory stop receipt to [REDACTED]
  - Sustained, Violation of Rules 2, 3, 5, 10
5. Engaging in unbecoming acts when, including but not limited to, you stated words to the effect of "You have shit coming out of your head", "that's what your mother said", "fuck this guy", "shut the fuck up", "who the fuck are you talking to?" and "you're a fucking coward".
  - Sustained, Violation of Rules 2, 3, 5, 8, 9, 10
6. Failing to Identify yourself per CPD requirements when requested to do so.
  - Sustained, Violation of Rules 2, 3, 5, 37

**PO Crystina Kittrell:**

1. Failing to document the Investigatory Stop and detention of [REDACTED] with an Investigatory Stop Report (ISR)
  - Sustained, Violation of Rules 2, 3, 5, 10
2. Failing to issue an Investigatory Stop Receipt to [REDACTED]
  - Sustained, Violation of Rules 2, 3, 5, 10

#### IV. CREDIBILITY ASSESSMENT

COPA assessed the credibility of the individuals who provided statements utilizing truthfulness and reliability criteria. This investigation did not reveal any evidence that caused COPA to doubt the truthfulness of any of the individuals who provided statements. For example, each of the individually provided statements contended that Officers Sunde and Theodorides understood that their use of profanity and unprofessional language was not becoming of an officer and not words that they would use again. Officers Sunde, Theodorides and Kittrell all understood that an Investigatory Stop Report should have been completed along with an Investigatory Stop Receipt and they were all equally responsible to ensure the task was completed. Their reliability and credibility were forthcoming, and they displayed awareness of what they may have done incorrectly and understood what is required of them moving forward.

#### V. ANALYSIS<sup>25</sup>

##### a. Officer Sunde

COPA finds that Allegation #1 against Officer Sunde, pointing his firearm at or in the direction of ██████████ and ██████████ is **Not Sustained**. Officer Sunde unholstered his weapon when he observed ██████████ in the backseat of the vehicle moving around and at the time both of ██████████ hands had not been properly secured by other officers.<sup>26</sup> Officer Sunde described the position of his firearm to have been in a low-ready position or “SUL”.<sup>27</sup> Officer Sunde further explained that a pointing of a firearm differs from a low-ready because a pointed firearm would be directly pointed at the individual.<sup>28</sup> Officer Sunde’s BWC footage did not provide objectively verifiable evidence to definitively show (prove/disprove) whether his firearm was directly pointed at ██████████ or conclusively show his firearm in the low ready “SUL” position.<sup>29</sup> According to Department Notice D19-01, Firearm Pointing Incidents states, department members are not required to make a notification for any unholstering or display of a firearm or having the firearm in a “ready” position (e.g., low ready, or “SUL”) or any other position during the incident, unless the firearm is pointed at a person.<sup>30</sup> Officer Sunde’s firearm was not in a full pointing position, and it was also not in a completely low-ready position. Therefore, based on the available evidence, there is insufficient evidence to prove/disprove the allegation.

COPA finds that Allegation #2, failing to notify OEMC of a firearm pointing incident is **Not Sustained**. Officer Sunde described in his interview that he fully believed that his firearm did not point in or at the direction of either ██████████ or ██████████ and that is why he did not notify OEMC of a firearm pointing incident.<sup>31</sup>

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<sup>25</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>26</sup> Att. #41, pg. 8, lns. 7-11.

<sup>27</sup> Ibid. Att.#41, pg. 8, lns. 23-24

<sup>28</sup> Ibid. Att.#41, pg. 9, lns. 17-19.

<sup>29</sup> Att. #28

<sup>30</sup> Ibid. Att. #28

<sup>31</sup> Ibid. Att. #41, pg. 11, lns 16-19.

COPA finds Allegation #3 against Officer Sunde of using unnecessary vulgarity when, including but not limited to, saying words to the effect of “shut the fuck up”, is **Sustained**. During the detainment of ██████ and ██████ Officer Sunde stated that he used the phrase “shut the fuck up” to match the energy of ██████ and ██████<sup>32</sup> According to General Order G02-01 Protection of Human Rights, all interactions with the public should be conducted with the utmost respect and courtesy, officers should also act, speak, and conduct themselves in a courteous, respectful and in a professional manner.<sup>33</sup> Officer Sunde did not conduct himself in a respectful, courteous, or professional manner when he used the term “shut the fuck up” towards ██████ and ██████ Officer Sunde stated in his interview that he would not think it wise to use these words again but makes note that his use of these words is something he considered to be effective.<sup>34</sup> Officer Sunde displayed an understanding of the use of this language to be inappropriate but, seemingly attempted to justify its use by claiming effectiveness. Such a claim is not articulated in G02-01 Protection of Human Rights.

COPA finds that Allegations 4 and 5 failing to provide ██████ with an Investigatory Stop Report, and an Investigatory Stop Receipt are **Sustained**. Officer Sunde did not complete either an Investigatory Stop Report or provide ██████ with an Investigatory Stop Receipt. Officer Sunde also did not do his due diligence to ensure that his assigned partners, Officer Theodorides and Officer Kittrell completed the required paperwork.<sup>35</sup> According to Special Order S04-13-09 Investigatory Stop System, the reasons for completing an Investigatory Stop report is to ensure that sworn members document a Protective Pat Down or another search. S04-13-09 states sworn members are responsible for insuring completion of paperwork and guidelines are followed. It does not differentiate which sworn member is to complete the paperwork and follow the guidelines when multiple sworn members are involved.<sup>36</sup> In this matter, all the officers involved were sworn department members and thus, each had an equal responsibility to insure the completion of the requisite paperwork and the proper following of guidelines. The Protective Pat Down of ██████ was not documented in any report completed.

#### **b. Officer Theodorides**

COPA finds that Allegation #1 against Officer Theodorides of pointing his firearm at or in the direction of ██████ and ██████ is **Not Sustained**. Officer Theodorides did not unholster his weapon at any point during the stop.<sup>37</sup> Officer Theodorides described that he did not see any other officer unholster their weapons nor did he observe any other officers point their weapons during the stop.<sup>38</sup> Based on the position in which Officer Theodorides was in relation to Officer Sunde, Officer Theodorides explanation can be deemed reasonable in that he would not have been able to observe whether or not Officer Sunde unholstered or pointed his weapon. There is insufficient

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<sup>32</sup> Ibid. Att. #41, pg. 13, lns.11-16.

<sup>33</sup> Att. #25

<sup>34</sup> Att. #41., pg. 14, lns. 23-24.

<sup>35</sup> Ibid. Att. #41, pg. 16, lns. 8-10.

<sup>36</sup> Att. # 27

<sup>37</sup> Ibid. Att. #35, pg. 13, lns. 12-16.

<sup>38</sup> Ibid. Att. #35, pg. 13, lns. 17-21.

evidence to prove that Officer Theodorides pointed his weapon at or near the direction of [REDACTED] and [REDACTED]

COPA finds that Allegation #2, failing to timely activate his Body Worn Camera (BWC) is **Exonerated**. At the time that Officer Theodorides exited his vehicle to initiate the stop of [REDACTED] and [REDACTED] he attempted to activate his BWC by pressing down on the activation button. During his statement, Officer Theodorides stated that he will usually activate his BWC as soon as he exits the vehicle. He recalled placing his hand in the direction of the activation button, however it did not activate during his first attempt.<sup>39</sup> Per Officer Theodorides' BWC his left hand was seen reaching towards the front of his front vest, near the placement of his BWC, which coincided with the explanation that Officer Theodorides attempted to activate his camera prior to approaching the vehicle.<sup>40</sup> According to Special Order S03-14 Body Worn Cameras the officer should activate their BWC to record law enforcement related activities, if circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical.<sup>41</sup> Officer Theodorides made an attempt to activate his BWC however it did not activate upon his first attempt, and immediately attempted to activate a second time.

COPA finds that Allegations #3 and 4, failing to provide [REDACTED] with an Investigatory Stop Report, and an Investigatory Stop Receipt are **Sustained**. Officer Theodorides did not complete either an Investigatory Stop Report or provide [REDACTED] with an Investigatory Stop Receipt. Officer Theodorides explained that he assumed his partners would be the ones in charge of completing the reports.<sup>42</sup> Officer Theodorides failed to follow up with his partners to ensure that the appropriate reports were completed.<sup>43</sup> According to Special Order S04-13-09 Investigatory Stop System, the reasons for completing an Investigatory Stop report is to ensure the sworn member documents a Protective Pat Down or another search. S04-13-09 states sworn members are responsible for insuring completion of paperwork and guidelines are followed. It does not differentiate which sworn member is to complete the paperwork and follow the guidelines when multiple sworn members are involved. In this matter, all the officers involved were sworn department members and thus, each had an equal responsibility to ensure the completion of the requisite paperwork and the proper following of guidelines.<sup>44</sup> The Protective Pat Down of [REDACTED] was not documented in any of the completed reports.

COPA finds that Allegation #5, of engaging in unbecoming acts by saying when including but not limited to, you stated words to the effect of "You have shit coming out of your head", "that's what your mother said", "fuck this guy", "shut the fuck up", "who the fuck are you talking

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<sup>39</sup> Ibid. Att. #35, pg. 38, lns. 1-6.

<sup>40</sup> Att.#4 at 1:25-1:28

<sup>41</sup> Att. #42

<sup>42</sup> Ibid. Att. #35, pg. 14, lns. 19-24.

<sup>43</sup> Ibid. Att. #35, pg. 15, lns. 21-23.

<sup>44</sup> Ibid. Att. #27

to?" and "you're a fucking coward", is **Sustained**. Officer Theodorides explained in his interview that his choice of words was used to “snap somebody back into normality” and a method he used to gain control of the situation.<sup>45</sup> Officer Theodorides further explained that he understood saying those words was not becoming of an officer and he regretted saying those choice words afterwards.<sup>46</sup> Per General Order G02-01 Protection of Human Rights, all interactions with the public should be conducted with the utmost respect and courtesy, officers should also act, speak, and conduct themselves in a courteous, respectful and in a professional manner.<sup>47</sup> Officer Theodorides did not conduct himself in a respectful, courteous, or professional manner when he used that language.

COPA finds that Allegation #6 failing to identify yourself per CPD requirements when requested to do so is, **Sustained**. Officer Theodorides explained that the purpose of stating that his name is Joe was to build rapport with the [REDACTED] and [REDACTED].<sup>48</sup> According to the Rules and Regulations of the Chicago Police Department, Rule 37 states failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of Department or by a private citizen is a violation of department rules.<sup>49</sup> Officer Theodorides failed to provide his name and or star number in a timely manner, violating Rule 37.

### c. Officer Kittrell

COPA finds that Allegations #1 and Allegation #2 failing to provide [REDACTED] with an Investigatory Stop Report, and an Investigatory Stop Receipt are **Sustained**. Officer Kittrell conducted the Protective Pat Down on [REDACTED] and there was no documentation describing that action. During Officer Kittrell’s statement, she explained that she was under the impression that Officer Theodorides was going to write the Investigatory Stop Report and the Investigatory Stop Receipt.<sup>50</sup> Officer Kittrell failed to ensure that she or her partners completed an Investigatory Stop Report or an Investigatory Stop Receipt. Officer Kittrell did not complete either an Investigatory Stop Report or provide [REDACTED] with an Investigatory Stop Receipt. According to Special Order S04-13-09 Investigatory Stop System, the reasons for completing an Investigatory Stop report is to ensure that the sworn member documents a Protective Pat Down or another search. S04-13-09 states sworn members are responsible for insuring completion of paperwork and guidelines are followed. It does not differentiate which sworn member is to complete the paperwork and follow the guidelines when multiple sworn members are involved. In this matter, all the officers involved were sworn department members and thus, each had an equal responsibility to ensure the

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<sup>45</sup> Ibid. Att. #35, pg. 27, lns. 2-5.

<sup>46</sup> Ibid. Att. #35, pg. 40, lns. 13-15.

<sup>47</sup> Att. #25

<sup>48</sup> Ibid. Att. #35, pg. 29, lns. 15-18

<sup>49</sup> .Att. #43

<sup>50</sup> Att. #40, pg. 8, lns. 9-17.

completion of the requisite paperwork and the proper following of guidelines.<sup>51</sup> The Protective Pat Down of [REDACTED] was not documented in any report completed.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Kenneth Sunde**

#### **i. Complimentary and Disciplinary History**

As of September 9, 2024, Officer Sunde has received a total of 136 awards, including two Police Officer of the Month Award, three Department Commendation, one Honorable Mention Ribbon Award, one Traffic Stop of the Month Award, and 125 Honorable Mention. In the last five years, Officer Sunde has one Sustained Complaints History (2020-0001006) resulting in a 1 Day Suspension. In the last five years, Officer Sunde has a Spar History showing 5 Sustained Findings for court appearance violation (2x), early deactivation of BWC, absent/leaving duty assignment, and preventable accident. Disciplinary action ranged from No Disciplinary Action to Reprimand.

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

COPA has found that Officer Sunde violated Rules 2, 3, 5, 8, 9, and 10 when he used vulgarity, engaged in conduct unbecoming, failed to document an investigatory stop and detention, failed to issue an ISR. Officer Sunde stated he did not think it wise to use vulgarity, but considered its use too be effective. Officer Sunde explained the failure to prepare an Investigatory Stop Report and issue an ISR was due to his summary assumption someone else would do it. Based on the above information, COPA recommends a 1-Day suspension and retraining for Officer Sunde.

### **b. Officer Panos Theodorides**

#### **i. Complimentary and Disciplinary History**

As of September 9, 2024, Officer Theodorides has received a total of 252 awards, including one Police Officer of the Month Award, one Chicago Police Leadership Award, eleven Department Commendation, one Problem Solving Award, two Honorable Mention Ribbon Award, one Traffic Stop of the Month Award, and 200 Honorable Mention. In the last five years, Officer Theodorides has no Sustained Complaints History. His SPAR History Report (Sustained Findings) shows one failure to timely activate BWC for which no disciplinary action was taken.

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

COPA has found that Officer Theodorides violated Rules 2, 3, 5, 8, 9, 10, and 37 when he failed to document an investigatory stop and detention, failed to issue an ISR, engaged in conduct unbecoming, and failed to identify himself per CPD requirements. Officer Theodorides explained

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<sup>51</sup> Att. # 27

the failure to prepare an Investigatory Stop Report and issue an ISR was due to his summary assumption someone else would do it. Officer Theodorides explained that his unbecoming conduct was used to “snap somebody back into normality,” a method he used to gain control of the situation. He understood such conduct was not becoming of an officer and he regretted it. Officer Theodorides stated that, when asked to identify himself, his purpose in misidentifying himself by using the name Joe, was to build rapport. Based on the above information, COPA recommends a 1-Day suspension and retraining for Officer Theodorides.

**c. Officer Crystina Kittrell**

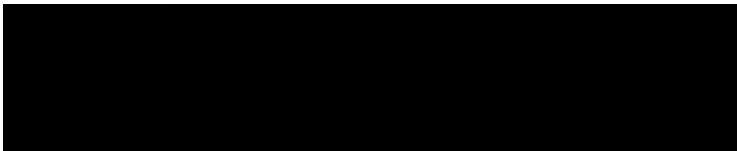
**i. Complimentary and Disciplinary History**

As of September 9, 2024, Officer Kittrell has received a total of 28 awards, including one Department Commendation, one Problem Solving Award, one Joint Operations Award, and 24 Honorable Mention. In the last five years, Officer Kittrell has one Sustained Complaints History (2023-0001857) resulting in a 30-Day Suspension. Officer Kittrell has no Spar History Report

**ii. Recommended Discipline**

COPA has found that Officer Kittrell violated Rules 2, 3, 5, and 10 when she failed to document the investigatory stop and detention; and failed to issue an ISR. Officer Kittrell conducted the protective pat-down and there was no documentation describing that action. She summarily explained the failure to prepare an Investigatory Stop Report and issue an ISR was due to her assumption someone else would do it. Based on the above, COPA recommends Violation Noted and retraining for Officer Kittrell.

Approved:



3-11-2025

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*Angela Hearts-Glass*  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

Appendix ACase Details

Date/Time/Location of Incident:	February 20, 2024/ 15:35H/ 44 N. Wabash Ave. Chicago, IL 60611
Date/Time of COPA Notification:	February 21, 2024/ 09:58H
Involved Member #1:	Kenneth Sunde, Star # 18633, Employee ID# [REDACTED] Date of Appointment: 20 FEB 2018, Unit of Assignment: 018, Male, White
Involved Member #2:	Panos Theodorides, Star# 5383, Employee ID# [REDACTED] Date of Appointment: 18 DEC 2000, Unit of Assignment: 018, Male, White
Involved Member #3:	Crystina Kittrell, Star# 10313, Employee ID# [REDACTED] Date of Appointment: 16 May 2017, Unit of Assignment: 018, Female, White
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Male, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 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 37:** Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.

Applicable Policies and Laws

- Department Notice D19-01: Firearm Pointing Incidents (effective 01 November 2019 to present)
- Special Order S04-13-09: Investigatory Stop System (effective 10 July 2017 to present)
- General Order G02-01: Protection of Human Rights (effective 30 June 2022 to present)
- Special Order S03-14: Body Order Cameras (effective 09 June 2017 to unknown)

## 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>52</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>53</sup>

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<sup>52</sup> See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

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

**Appendix C****Transparency and Publication 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