



Log # 2024-4788

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 15, 2024, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Lieutenant (Lt.) Joseph Schuler documenting allegations of misconduct against a member of the Chicago Police Department (CPD).² The complainant, ██████████ told Lt. Schuler that a person later identified as off-duty Police Officer Adrian Delgado pointed a firearm at him during a traffic-related confrontation.³ Following its investigation, COPA determined that the allegation was not supported by a preponderance of the evidence and was Not Sustained.

II. SUMMARY OF EVIDENCE⁴

██████████ told COPA that on May 15, 2024, he was driving westbound on W Montrose Ave., between N Kilpatrick Ave. and Cicero Ave., when a man (later identified as off-duty police Officer Delgado) cut him off while driving quickly and erratically just after they pulled away from a traffic-control signal. When the two vehicles stopped at the next traffic-control signal, ██████████ exited his vehicle and walked over to Officer Delgado's green Ford Mustang.⁵ ██████████ put his elbow on the door of the vehicle and said, "Dude, what is your problem, you just almost took my front end off."⁶ ██████████ then alleged that Officer Delgado reached into his pocket and pulled out a firearm, placed it into the middle of his chest, pointed at ██████████ and said, "You don't want to do this."⁷ As ██████████ walked off, Officer Delgado called out that he was a CPD officer, and ██████████ responded that he is a federal officer. Officer Delgado then sped away from the scene.⁸

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 Att. 1. (The Initiation Report incorrectly identified the date of the incident as May 14, 2024.)

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 civilian and CPD member interviews, CPD reports, and Office of Emergency Management and Communications (OEMC) audio recordings.

⁵ Att. 1, pg. 2.

⁶ Att. 7 at 04:04.

⁷ Att. 7 at 04:20. *See also* Att. 1, pg. 2. In his Initiation Report narrative, Lt. Schuler documented that ██████████ alleged that Officer Delgado pulled the firearm from his front waistband.

⁸ Att. 7 at 04:30. During his conversation with Lt. Schuler, ██████████ alleged that he asked Officer Delgado for identification and that Officer Delgado did not provide it. ██████████ did not repeat this allegation when he was interviewed by COPA, and COPA did not serve an allegation against Officer Delgado for failing to identify himself

█████ left the scene and eventually flagged down Lt. Schuler, who was driving an unmarked police vehicle. He told Lt. Schuler that a Hispanic male driving a green Ford Mustang pointed a gun at him.⁹ During their conversation, Sergeant (Sgt.) Sean Finnigan appeared at the scene. Lt. Schuler explained the incident to Sgt. Finnigan, who then took a report from █████. █████ gave Sgt. Finnigan the license plate number and descriptions of the vehicle involved and its driver.¹⁰ Sgt. Finnigan gave █████ a report number and took down the contact information for █████ mother, █████, █████ the front-seat passenger who was also a witness.

Officer Delgado told COPA that on the date and time of the incident, he was off-duty and driving his personal vehicle. He recalled pulling up to a red light and stopping alongside █████. Soon after the light turned green, he merged left to switch lanes, and he stopped at the next light.¹¹ According to the Tactical Response Report (TRR) drafted by Officer Delgado, he may have inadvertently cut off another car when he attempted to merge.¹² Officer Delgado also wrote that he came to a complete stop near 4748 W Montrose. As he sat at the light, Officer Delgado observed █████ walking toward his vehicle in his side view mirror. Officer Delgado told COPA that █████ yelled something unintelligible and aggressively approached his vehicle.¹³ Once █████ reached his vehicle, █████ proceeded to lean in with his head and placed both of his elbows on the door frame of his open window.

With █████ only inches away from him, Officer Delgado explained that he was in fear for his safety, and he unholstered his off-duty firearm. He described positioning the firearm's barrel in a low-ready position, pointed away from █████.¹⁴ Officer Delgado then told █████ to get off his car, and Officer Delgado identified himself as an off-duty CPD police officer. █████ complied and then walked back to his vehicle. Once he was sure █████ was not following him, Officer Delgado called his immediate supervisor, Sgt. Deidra Wells, who instructed him to return to the police station. He told Sgt. Wells what happened, and she suggested he file a police report, which he did.¹⁵

when requested. Officer Delgado told COPA investigators that he was not aware of a request for his identification and did not recall giving █████ any identification. Sgt. (Sgt.) Finnigan explained to █████ that whether Officer Delgado was required to give identification would depend on the circumstances. *See* Att. 19 at 04:15.

⁹ Att. 1, pg. 2.

¹⁰ █████ told Sgt. Finnigan that Officer Delgado nearly hit the front of his vehicle, and █████ then walked over to Officer Delgado's green Mustang at a stop light, leaned over onto its windowsill, and asked Officer Delgado, "Dude, what is your problem, you almost hit us," or something to that effect. █████ further related that Officer Delgado put his vehicle into park, pulled a gun out, and told █████ "I don't think you wanna do that." █████ responded, "Ok, all right, not a problem." According to █████ Officer Delgado then called out that he was an off-duty CPD officer. █████ then identified himself as a federal officer and a veteran, and then said, "We'll see how this is gonna play out," walked back to his vehicle, and took a photo of Officer Delgado's license plate. Att. 8 at 12:20 to 12:50.

¹¹ Att. 19 at 07:30.

¹² Att. 5.

¹³ Att. 19 at 19:37.

¹⁴ Att. 5.

¹⁵ Att. 19 at 05:35.

Sgt. Finnigan drafted the Original Case Incident Report.¹⁶ The report documented that [REDACTED] and Officer Delgado filed assault complaints against each other as a result of the incident. Based on the actions of [REDACTED] Sgt. Finnigan classified [REDACTED] as the offender. No criminal charges were filed against either party as a result of this incident.

III. ALLEGATION

Police Officer Adrian Delgado:

- Displaying a firearm at or in the direction of [REDACTED] without justification.
- NOT SUSTAINED.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

Both [REDACTED] and Officer Delgado gave contemporaneous accounts of the incident to Sgt. Finnigan, and both also provided statements to COPA that are consistent with their statements to Sgt. Finnigan and largely consistent with each other. Officer Delgado admitted that he likely cut off [REDACTED] in traffic, and [REDACTED] admitted that he initiated the confrontation by exiting his vehicle, walking up to Officer Delgado's vehicle, and leaning into Officer Delgado's vehicle. The only point of contention is whether Officer Delgado held his firearm in the low-ready position or if he pointed his firearm at [REDACTED]. Given that both parties' accounts are otherwise credible, and in the absence of any other objective verifiable evidence, COPA cannot determine whose recollection on this point is accurate.

V. ANALYSIS¹⁷

COPA finds that the allegation against Officer Delgado for displaying a firearm at or in the direction of [REDACTED] without justification, is **Not Sustained**. CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.¹⁸ CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a person, or prevent escape.¹⁹ This means that CPD

¹⁶ Att. 17.

¹⁷ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁸ Att. 24, G03-02(II)(A), De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).

¹⁹ Att. 24, G03-02(III)(B).

members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.²⁰

CPD policy notes that pointing a firearm at a person constitutes a seizure and must be documented as such according to CPD policy.²¹ The policy states the standard to determine whether pointing a firearm is appropriate:

Department members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances faced by the member on the scene. While reasonableness is not capable of precise definition, Department members may consider factors that include, but are not limited to, the nature of the incident, the risk of harm to the member or others, and the level of threat or resistance presented or maintained by the person (e.g., possession or access to weapons).²²

Subject to certain exceptions, following a firearm pointing incident, officers must follow the CPD notification procedures in Department Notice D19-01. Officers who point a firearm at a person must “notify OEMC promptly after the incident has concluded.”²³ The officer’s notification must include the “beat number of the Department member who pointed a firearm at a person.”²⁴ “If multiple members point a firearm during the incident, each corresponding beat is required to make a notification . . . [t]herefore, multiple notifications may exist for a single incident.”²⁵ Officers are not required to notify OEMC for unholstering a weapon, holding a weapon in a “ready” position or any other position unless the firearm is pointed at a person.²⁶

Here, ██████ exited his vehicle and approached a stranger’s vehicle in what was described as an aggressive manner. When he arrived at Officer Delgado’s vehicle, he leaned down and put his arms on the frame of the open driver’s side window. Both vehicles were in the middle of the street, stopped at a traffic light. None of this is in dispute.

Officer Delgado, in an enclosed motor vehicle with ██████ blocking his safest means of egress, believed there was a possibility ██████ might hurt him. Officer Delgado, who had almost seven years of experience as a police officer, drew his off-duty firearm in response. According to Officer Delgado, he held the firearm in a low-ready position with the barrel of the gun pointing down toward his feet. ██████ alleged that Officer Delgado pointed the firearm at him.

²⁰ Att. 24, G03-02(III)(B)(3).

²¹ Att. 25, Department Notice D19-01(II)(C), Firearm Pointing Incidents (effective November 1, 2019, to April 15, 2025).

²² Att. 25, D19-01(II)(E) (emphasis in original).

²³ Att. 25, D19-01(III)(A). *See* D19-01(II)(A) for the limited situations in which CPD members are not required to notify OEMC after pointing a firearm at a person.

²⁴ Att. 25, D19-01(III)(A)(1).

²⁵ Att. 25, D19-01(III)(A)(2) (emphasis removed).

²⁶ Att. 25, D19-01(II)(B).

Although there was a witness to the event, she was not able to see what direction Officer Delgado's firearm was pointing.²⁷ COPA finds that it was reasonable for Officer Delgado to display his firearm when he was confronted by a stranger leaning into his vehicle after a traffic confrontation. Under these circumstances, it was reasonable for Officer Delgado to believe that [REDACTED] intended to harm him, and Officer Delgado did not know if [REDACTED] was armed. With only the conflicting accounts of [REDACTED] and Officer Delgado as to the direction Officer Delgado's firearm was pointed, COPA cannot make a finding as to whose account is accurate. For these reasons, COPA finds there is insufficient evidence to prove the allegation by a preponderance of the evidence, and the allegation is **Not Sustained**.

Approved:

[REDACTED]

7-31-2025

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

²⁷ See Att. 21. The witness, [REDACTED] remained inside [REDACTED] vehicle during the confrontation and could not see what was happening inside Officer Delgado's vehicle. According to [REDACTED] when [REDACTED] returned to his vehicle, he told her, "[T]he gentleman pulled out a gun from his right side and pulled it out of the holster and put it at his chest and told him he was CPD." Att. 21, pg. 8, lns. 3 to 5. [REDACTED] later clarified that [REDACTED] told her the barrel of the gun was facing him. Att. 21, pg. 23, lns. 16 to 19.

Appendix A

Case Details

Date/Time/Location of Incident:	May 15, 2024 / 2:25 pm / 4748 W Montrose Ave., Chicago, IL 60630
Date/Time of COPA Notification:	May 15, 2024 / 3:08 pm
Involved Member #1:	Field Training Officer Adrian Delgado, Star #7148, Employee ID # [REDACTED] DOA: September 18, 2017, Unit: 017, Male, White Hispanic
Involved Individual #1:	[REDACTED] Male, Hispanic

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

- D19-01: Firearm Pointing Incidents (effective November 1, 2019, to April 15, 2025)
- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, 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.²⁸ 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.”²⁹

²⁸ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

²⁹ *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