



Log # 2023-3584

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 10, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] reporting alleged misconduct by members of the Chicago Police Department (CPD). [REDACTED] alleged that on August 9, 2023, Officer Cesar Astorga, Officer Ryan Trujilla, Officer Daniel Urbanski Jr., and Officer Roger Farias, all stopped [REDACTED] without justification. Additionally, [REDACTED] alleged that on August 9, 2023, Officer Cesar Astorga, Officer Ryan Trujilla, Officer Daniel Urbanski Jr., and Officer Roger Farias all failed to identify themselves when requested by [REDACTED]² [REDACTED] further alleged that on August 9, 2023, Officer Daniel Urbanski Jr. said to him words to the effect of, “Learn how to read then.” Finally, [REDACTED] alleged that on August 9, 2023, Officer Roger Farias patted down [REDACTED] without justification, pushed [REDACTED] into a fence without justification, and said to [REDACTED] words to the effect of, “You don’t know how to read.”

Upon review of the evidence, COPA served additional allegations that Officer Cesar Astorga, Officer Ryan Trujilla, Officer Daniel Urbanski Jr., and Officer Roger Farias, all failed to complete an Investigatory Stop Report. COPA also served an additional allegation that Officer Roger Farias failed to complete a Tactical Response Report.

Following its investigation, COPA reached sustained findings regarding the allegations of failing to identify themselves when requested by [REDACTED] for all four officers. COPA reached a sustained finding that Urbanski said to [REDACTED] words to the effect of, “Learn how to read then.” COPA also reached sustained findings that Farias said to [REDACTED] words to the effect of, “You don’t know how to read,” pushed [REDACTED] into a fence without justification, and failed to complete a Tactical Response Report.

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 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.

II. SUMMARY OF EVIDENCE³

On August 9, 2023, at approximately 11:50 pm, multiple shots were reported at around 6199 S. Artesian Ave and 2427 W 62nd Ave., Chicago.⁴ At around 11:57 pm, multiple shots were reported by ShotSpotter around 6234 S Artesian Ave., Chicago, IL.⁵

At approximately 11:55 pm, Officer Astorga, Officer Farias, Officer Trujillo, and Officer Urbanski exited their police vehicle next to a playground located at around 6011 S. Rockwell St, Chicago, IL 60629.⁶ Officer Farias approached ██████████ who was walking on a sidewalk outside a playground.⁷ Officer Farias grabbed ██████████ black sweatshirt with his two hands while ██████████ said, “Bro, don’t touch me.”⁸ Officer Astorga pushed ██████████ into a fence.⁹ Officer Urbanski grabbed ██████████ right hand.¹⁰ Officer Farias then patted down ██████████ pants and sweatshirt.¹¹ During the pat-down, Officer Trujillo held ██████████ left hand.¹² One of the officers told ██████████ that the park was closed.¹³ While Officer Farias held onto ██████████ sweatshirt, ██████████ warned officers, “This a lawsuit ... this ain’t no motherfucking stop and ID.”¹⁴ ██████████ continued, “I ain’t got no gun, me and my girl in the park chilling,” and told the officers they were “squeezing all over [him].”¹⁵ Farias told ██████████ that he (██████████) “fucking grabbed [his] hand,” and ██████████ responded, “You ain’t gotta talk to me like that, pussy.”¹⁶ Officer Urbanski and Astorga searched the playground area for a weapon but found none.¹⁷

On the other side of the fence, Officer Urbanski read from the park sign that the park closed at 10 pm and ██████████ said that he and his girl were just having fun.¹⁸ Officer Urbanski then told ██████████ “Learn how to read then.”¹⁹ Officer Farias said, “You don’t know how to read,” and ██████████ responded “Bro, don’t tell me I don’t know how to read.” ██████████ then said to the departing officers, “Let me get all your badge numbers, I want all your badge numbers.”²⁰ One of the officers

³ 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, a civilian interview and officer interviews.

⁴ Att. 4 Event Query record

⁵ Att. 4

⁶ Att. 5 Officer Farias BWC, 1:49 to 1:55; Att. 28 Google Maps PDF, this shows that 6011 S Rockwell St, Chicago, IL 60629 is approximately 0.4 miles (a 9-minute walk) from 6199 S Artesian Ave Chicago, IL 60629.

⁷ Att. 5 at 1:55 to 2:05; behind ██████████ is an unidentified female companion.

⁸ Att. 5 at 2:00 to 2:05

⁹ Att. 5 at 2:05 to 2:10

¹⁰ Att. 7 Officer Urbanski BWC, 1:30 to 1:35

¹¹ Att. 5 at 2:12 to 2:22

¹² Att. 5 at 2:15 to 2:22

¹³ Att. 5 at 2:20 to 2:30

¹⁴ Att. 5 at 2:30 to 2:45

¹⁵ Att. 5 at 2:30 to 2:45

¹⁶ Att. 5 at 2:45 to 2:50

¹⁷ Att. 4 Officer Astorga BWC 2:00 to 3:10; Att. 7 at 1:55 to 2:30

¹⁸ Att. 5 at 3:15 to 3:27

¹⁹ Att. 5 at 3:36 to 3:29

²⁰ Att. 5 at 3:40 to 3:45. ██████████ request can be heard on all the officers’ BWC: Att. 7 at 3:00 to 3:12; Att. 4 at 3:00 to 3:30; Att. 6 at 3:28 to 3:35

responded by saying, "I'm deescalating, ok. Go away."²¹ Then all four officers entered their police vehicle.²²

III. ALLEGATIONS

Officer Cesar Astorga

1. Stopped [REDACTED] without justification
 - Exonerated
2. Failed to identify himself when requested by [REDACTED]
 - Sustained, Violations of Rules 2, 3, 5, 6, 10, and 37.
3. Failed to complete an Investigatory Stop Report
 - Sustained, Violations of Rules 2, 3, 5, 6 and 10

Officer Ryan Trujilla:

1. Stopped [REDACTED] without justification
 - Exonerated
2. Failed to identify himself when requested by [REDACTED]
 - Sustained, Violations of Rules 2, 3, 5, 6, 10, and 37.
3. Failed to complete an Investigatory Stop Report
 - Sustained, Violations of Rules 2, 3, 5, 6, and 10

Officer Daniel Urbanski Jr:

1. Stopped [REDACTED] without justification
 - Exonerated
2. Failed to identify himself when requested by [REDACTED]
 - Sustained, Violations of Rules 2, 3, 5, 6, 10, and 37.
3. Failed to complete an Investigatory Stop Report
 - Sustained, Violations of Rules 2, 3, 5, 6 and 10
4. Said to [REDACTED] words to the effect of "learn how to read then"
 - Sustained, Violations of Rules 2, 3, 6, 8, 9, and 10

Officer Roger Farias:

1. Stopped [REDACTED] without justification
 - Exonerated

²¹ Att. 5 at 3:45 to 3:50

²² Att. 5. at 3:50 to 4:00

2. Failed to identify himself when requested by [REDACTED]
 - Sustained, Violations of Rules 2, 3, 5, 6, 10, and 37.
3. Failed to complete an Investigatory Stop Report
 - Sustained, Violations of Rules 2, 3, 5, 6, and 10
4. Said to [REDACTED] words to the effect of “you don’t know how to read”
 - Sustained, Violation of Rules 2, 3, 6, 8, 9, and 10
5. Patted down [REDACTED] without justification
 - Exonerated
6. Pushed [REDACTED] into a fence without justification
 - Sustained, Violations of Rules 2, 3, 5, 6, 8, 9, and 10
7. Failed to complete a Tactical Response Report
 - Sustained, Violations of Rules 2, 3, 5, 6, and 10

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of the individuals who provided a statement.

V. ANALYSIS²³

a. Stopped [REDACTED] Without Justification

COPA finds the allegation that Officers Cesar Astorga, Ryan Trujillo, Daniel Urbanski Jr., and Roger Farias stopped [REDACTED] without justification, is **Exonerated**. The Municipal Code of Chicago 10-36-110 (entitled “Hours”) states that “[n]o person shall be or remain in any public park, playground or bathing beach which is fenced in or provided with gates, between the closing of the gates at night and their reopening on the following day; nor shall any person be or remain in any public park, playground or bathing beach not fenced in or provided with gates between the hours of 11:00 p.m. and 6:00 a.m. on the following day.”²⁴ In this case, the playground closed at 10PM the night of the incident and BWC shows the time of the incident was approximately 11:55 pm.²⁵ Furthermore, Officer Astorga said in his statement to COPA that they saw [REDACTED] in the playground after hours.²⁶ As [REDACTED] was clearly in violation of a Chicago

²³ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

²⁴ Att. 34, City of Chicago MCC 10-36-110 “Hours”

²⁵ Note CO-1385258 R/I called the Morrill Elementary (6011 S Rockwell) phone number - [REDACTED] and spoke with [REDACTED] a school employee. She said that [REDACTED] dean of students, checked the playground signs, which state that the playground closes every night at 10pm.; and Att. 5 at 2:00

²⁶ Att. 24, Officer Astorga statement transcript at Page 7, Lns. 1 to 6

municipal code, all four officers had the justification to conduct an investigator stop and get [REDACTED] to leave the park. Therefore, this allegation is **Exonerated**.

b. Failed to Identify Himself When Requested by [REDACTED]

COPA finds the allegation that Officers Cesar Astorga, Ryan Trujillo, Daniel Urbanski Jr and Roger Farias failed to identify themselves when requested by [REDACTED] is **Sustained**. Rule 37 of the CPD Rules and Regulations states in whole, “[f]ailure 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.”²⁷ [REDACTED] clearly requested the star numbers off all four officers.²⁸ In Officer Astorga’s statement to COPA, he stated that he believed [REDACTED] was directing the request to the “contact officers.”²⁹ In Officer Trujillo’s statement, he said that in hindsight he would have provided his star number.³⁰ In Officer Urbanski’s statement, he stated that he did not provide his star number because he was trying to deescalate the situation.³¹ In Officer Farias’s statement, he said that he did not provide [REDACTED] with his star number because he wanted to get away from him and there was too much confrontation.³² COPA finds none of these explanations compelling. Plainly, [REDACTED] requested the star numbers for all the officers and none of the officers provided their star numbers, as required. Therefore, this allegation is **Sustained**.

c. Failed to Complete an Investigatory Stop Report

COPA finds the allegation that Officers Cesar Astorga, Ryan Trujillo, Daniel Urbanski Jr., and Roger Farias failed to complete an Investigatory Stop Report is **Sustained**. Special Order S04-13-09 states that sworn members who conduct an Investigatory Stop are required to submit an Investigatory Stop Report (ISR) into the Investigatory Stop Database.³³ The Special Order defines an Investigatory Stop as the temporary detention and questioning of a person where the person was stopped based on Reasonable Articulate Suspicion that that the person is committing, is about to commit, or has committed a criminal offense.³⁴ In this case, [REDACTED] was clearly temporarily detained and questioned based on the reasonable articulable suspicion that he was in the park after hours. Therefore, pursuant to the order, the stop of [REDACTED] was clearly an Investigatory Stop and required officers to complete and submit an ISR. However, COPA found no evidence that the officers submitted an ISR for this stop.³⁵

²⁷ Att. 30, Rules and Regulations of the Chicago Police Department

²⁸ Att. 5 at 3:40 to 3:45. [REDACTED] request can be heard on all the officers’ BWC: Att. 7 at 3:00 to 3:12; Att. 4 at 3:00 to 3:30; Att. 6 at 3:28 to 3:35

²⁹ Att. 24, Page 14, Lns. 15 to 21

³⁰ Att. 26, Page 18, Lns. 22 to 24, Page 19, Lns. 1 to 9

³¹ Att. 25, Page 19, Lns. 8 to 15

³² Att. 27, Page 31, Lns. 17 to 21

³³ Att. 29, Special Order S04-13-09 Investigatory Stop System, VIII, B (effective July 10, 2017-present)

³⁴ Att. 29, S04-13-09, IIA

³⁵ Note CO-1343956

In his COPA statement, Officer Astorga stated he did not complete an ISR because the primary point of contact officers are supposed to complete the ISR.³⁶ However, S04-13-09 does not specify that “point of contact” officers are the responsible parties for completing an ISR.³⁷ In his statement, Officer Trujillo stated the initial officer should have completed the ISR and that he was not responsible for completing the ISR.³⁸ However, S04-13-09 does not specify that the initial officer is the officer responsible for completing an ISR.³⁹ In his statement, Officer Urbanski stated he did not complete an ISR for this stop.⁴⁰ In his statement, Officer Farias said that he did not do an ISR for this stop and that he should have.⁴¹ In sum, all four officers conducted this investigatory stop and were responsible for ensuring an ISR was completed. Therefore, COPA finds this allegation is **Sustained**.

d. Told ██████████ Words “learn how to read then.”

COPA finds the allegation that Officer Daniel Urbanski Jr. said to ██████████ words to the effect of “learn how to read then,” is **Sustained**. The Chicago Police Department’s Rules and Regulations Rule 9 states that officers cannot engage in any unjustified verbal altercation with any person, while on or off duty. Furthermore, Rule 8 prohibits disrespect or maltreatment of any person. BWC footage shows that Officer Urbanski said, “learn how to read then” to ██████████⁴² In his statement, Officer Urbanski stated he said, “learn how to read then” to ██████████ “because the signs were clearly posted.”⁴³ COPA understands that certain interactions may be frustrating but Urbanski’s comment was disrespectful, unnecessary, and unjustified. Therefore, COPA finds this allegation is **Sustained**.

e. Told ██████████ “you don’t know how to read.”

COPA finds the allegation that Officer Roger Farias said to ██████████ words to the effect of “you don’t know how to read,” is **Sustained**. The Chicago Police Department’s Rules and Regulations Rule 9 states that officers cannot engage in any unjustified verbal altercation with any person, while on or off duty. Furthermore, Rule 8 prohibits disrespect or maltreatment of any person. The BWC shows that Officer Farias said, “you don’t know how to read” to ██████████⁴⁴ In his statement, Officer Farias affirmed that he said to ██████████ words to the effect, “you don’t know how to read.”⁴⁵ COPA understands that certain interactions may be frustrating but Farias’s comment was disrespectful, unnecessary, and unjustified. Therefore, COPA finds this allegation is **Sustained**.

³⁶ Att. 24, Pg. 13, Lns. 13 to 23

³⁷ Att. 29

³⁸ Att. 26, Officer Trujillo statement transcript, Pg. 25, Lns. 16 to 24, Pg. 25, Lns. 1 to 8

³⁹ Att. 29

⁴⁰ Att. 25, Officer Urbanski statement transcript, Pg. 17, Lns. 2 to 4

⁴¹ Att. 27, Officer Farias statement transcript, Pg. 8, Lns. 17 to 24, Pg. 9, Lns. 1 to 8

⁴² Att. 5 at 3:36 to 3:29

⁴³ Att. 25 Pg. 18, Ln. 11

⁴⁴ Att. 5 at 3:00 to 3:03

⁴⁵ Att. 27 Pg. 41, Lns. 21 to 23

f. Patted Down ██████████ Without Justification

COPA finds the allegation that Officer Farias patted down ██████████ without justification is **Exonerated**. Under S04-13-09, for a protective pat-down to be justified, there must be a reasonable suspicion of criminal activity and a reasonable suspicion that the person is armed and dangerous or presents a danger of attack.⁴⁶ The reasonable suspicion must be based on specific and articulable facts.⁴⁷ In his statement, Officer Farias said that ██████████ could have had a weapon on him.⁴⁸ As Officer Farias and the other officers were concerned that ██████████ could have a weapon and may have been involved in the recent firing of a weapon in the area. Therefore, this allegation is **Exonerated**.

g. Pushed ██████████ into a Fence Without Justification

COPA finds the allegation that Officer Farias pushed ██████████ into a fence without justification is **Sustained**. The CPD's Rules of Conduct establish a list of acts which are expressly prohibited for all members, including Rule 8, which states that officers may not engage in any behavior that would result in disrespect toward or maltreatment of any person, and Rule 9, which prohibits officers from engaging in any unjustified verbal or physical altercation with any person.⁴⁹ Additionally, CPD policy specifies that all uses of force employed by officers must be "objectively reasonable, necessary, and proportional" depending on the circumstances of the situation.⁵⁰ CPD members are trained to view the use of force according to a spectrum of possible encounters based on whether the subject involved is a cooperative person, a passive resister, an active resister, or an assailant, with greater levels of force being permitted as the subject's behavior becomes more dangerous.⁵¹

In his statement, Officer Farias said he did not mean to push ██████████ into the fence.⁵² However, Officer Farias's BWC footage clearly showed that Officer Farias intent was to push ██████████ into the fence.⁵³ In the BWC, Officer Farias grabbed ██████████ hoodie with both hands and pushed ██████████ body backward directly into the fence.⁵⁴ Officer Farias then explained that ██████████ was in the gray area between being a passive resister and an active resister – thus justifying the alleged use of force.⁵⁵ To be an active resister, ██████████ would have attempted to create distance between him and the officers with the intent to avoid physical control and/or defeat the arrest.⁵⁶ In

⁴⁶ Att. 29, S04-13-09(II)(C)(2)

⁴⁷ Att. 29, S04-13-09(II)(C)(2).

⁴⁸ Att. 27, Pg. 19, Lns. 11 to 14

⁴⁹ Att. 30

⁵⁰ Att. 33 G03-02(III)(B), Use of Force (effective June 28, 2023 to present)

⁵¹ Att. 32 G03-02-01(IV) (A to C)

⁵² Att. 27, Pg. 22, Lns. 7 to 8

⁵³ Att. 5 at 2:00 to 2:06.

⁵⁴ Att. 5 at 2:00 to 2:06

⁵⁵ Att. 27, Pg. 23, Lns. 15 to 22

⁵⁶ Att. 32, G03-02-01(IV) (A to C), Response to Resistance and Force Options (effective June 28, 2023 to Present)

this case, [REDACTED] actions clearly did not rise to that of active resister. [REDACTED] was not happy with being detained but at no point did he attempt to flee or defeat the officer's control attempts. As a result, COPA finds [REDACTED] likely falls between cooperative person and passive resister. Under the Department's use of force model, pushing [REDACTED] (known as stunning, striking or diffuse pressure strikes) is not an available force option to counter either a cooperative person or passive resister.⁵⁷ Therefore, COPA finds this allegation is **Sustained**.

h. Failed to Complete a Tactical Response Report

COPA finds the allegation that Officer Farias failed to complete a Tactical Response Report (TRR) is **Sustained**. According to G03-02-02, a CPD member must complete a TRR when a member utilizes a reportable use of force.⁵⁸ In his statement, Officer Farias said that he did not try to push [REDACTED] and that if he intended to push [REDACTED] he would have done a TRR.⁵⁹ COPA finds Officer Farias's explanation unconvincing and counter to what is represented on his BWC. Furthermore, pursuant to the GO, Officer Farias's forcible contact with [REDACTED] qualified as a Level 1 reportable use of force – which required a TRR.⁶⁰ Therefore, COPA finds this allegation is **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Cesar Astorga

i. Complimentary and Disciplinary History⁶¹

Officer Cesar Astorga has received 195 total awards, including 172 honorable mentions, eight Department commendations, and two unit meritorious performance awards. Officer Astorga received two SPARs for incidents in 2024, both court appearance violations, one resulting in a one-day suspension, the other a reprimand. Officer Astorga has one sustained complaint against him for a 2020 traffic pursuit violation that resulted in a 10-day suspension.

ii. Recommended Discipline

COPA has considered Officer Astorga's complimentary and disciplinary history. Here, Officer Astorga failed to identify himself and failed to complete and ISR. COPA recommends a suspension of up to 30 days.

b. Officer Ryan Trujilla

⁵⁷ Att. 32, G03-02-01(IV) (A to C)

⁵⁸ Att. 31 G03-02-02, (III) (A), Incidents Requiring the Completion of a Tactical Response Report)

⁵⁹ Att. 27, Pg. 22 Lns. 6 to 9

⁶⁰ Att. 31 G03-02-02 (III)(A)(2); Att. 27, Page 23, Lines 20 to 24.

⁶¹ Att. 38.

i. Complimentary and Disciplinary History⁶²

Officer Ryan Trujilla has received 164 total awards, including 150 honorable mentions, five Department commendations, and two commendations. Officer Trujilla does not have a record of discipline nor sustained complaints.

ii. Recommended Discipline

COPA has considered Officer Trujilla's complimentary and disciplinary history. Here, Officer Trujilla failed to identify himself and failed to complete and ISR. COPA recommends a suspension of up to 30 days.

c. Officer Daniel Urbanski Jr

i. Complimentary and Disciplinary History⁶³

Officer Daniel Urbanski Jr. has received 103 total awards, including 93 honorable mentions, five Department commendations, and two lifesaving awards. Officer Urbanski Jr. received two SPARs for incidents in 2024, both preventable accidents, and both resulting in a reprimand. Officer Urbanski Jr. does not have a record of sustained complaints.

ii. Recommended Discipline

COPA has considered Officer Urbanski's complimentary and disciplinary history. Here, Officer Urbanski failed to identify himself, failed to complete and ISR, and stated words to the effect of "learn how to read" to [REDACTED] a civilian and member of the public. COPA recommends a suspension of up to 30 days.

d. Officer Roger Farias

i. Complimentary and Disciplinary History⁶⁴

Officer Roger Farias has received 218 total awards, including 187 honorable mentions, five Department commendations, and four complimentary letters. Officer Farias received three SPARs for incidents in 2024, two for tardiness, and one for a court appearance violation, resulting in two reprimands and a one-day suspension. Officer Farias also received three SPARs for incidents in 2023, all three for preventable accidents, resulting in two reprimands and a one-day suspension. Officer Farias does not have a record of sustained complaints.

⁶² Att. 37.

⁶³ Att. 35.

⁶⁴ Att. 36.

Appendix ACase Details

Date/Time/Location of Incident:	08/09/2023 / 6011 S Rockwell St, Chicago, IL 60629
Date/Time of COPA Notification:	08/10/2023 / 1:27 pm
Involved Member #1:	Officer Cesar Astorga / Star# 14757 / Employee# [REDACTED] / Date of Appointment: 02/02/2015 / Unit of Assignment: 06 (detailed to 211) / Male / Hispanic
Involved Member #2:	Officer Ryan Trujillo / Star#16453 / Employee# [REDACTED] / Date of Appointment: 10/26/2015 / Unit of Assignment: 07 (detailed to 211) / Male / Hispanic
Involved Member #3:	Officer Daniel Urbanski / Star#19189 / Employee# [REDACTED] / Date of Appointment: 11/27/2018 / Unit of Assignment: 06 (detailed to 211) / Male / Unknown
Involved Member #4:	Officer Roger Farias / Star#9942 / Employee# [REDACTED] / Date of Appointment: 12/16/2009 / Unit of Assignment: 07 / Male / Hispanic
Involved Individual #1:	[REDACTED] / Male

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 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

- Special Order S04-13-09 Investigatory Stop System (effective July 10, 2017-present)
- G03-02 Use of Force (effective June 28, 2023 to present)
- G03-02-01 Response to Resistance and Force Options (effective June 28, 2023 to present)
- G03-02-02 Incidents Requiring the Completion of a Tactical Response Report (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.⁶⁵ 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.”⁶⁶

⁶⁵ 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).

⁶⁶ *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