



Log # 2024-0007739

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 13, 2024 the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD), with a complaint from ██████████² COPA spoke with ██████████ attorney, but ██████████ ultimately did not provide COPA with a statement.³ Therefore, COPA used ██████████ statements as captured in body worn camera (BWC) video, including those made to Sergeant Lee Rios, and the information detailed in the Initiation Report as the basis of this complaint. ██████████ alleged that on October 13, 2024, Officer Jonathan Klier, while responding to a party at a vacant warehouse, called ██████████ “retarded,” pushed ██████████ and failed to identify himself.⁴

After reviewing the available evidence and interviewing Officer Klier, COPA reached sustained findings regarding the allegations of verbal abuse and failing to identify himself. However, COPA reached a not sustained finding for the allegation that Officer Klier pushed ██████████

II. SUMMARY OF EVIDENCE⁵

At approximately 2:02 am, a 911 caller reported a group of suspicious people at an abandoned building near E. Cermak Road and S. Michigan Ave. Per CPD reports and Officer Klier’s COPA interview,⁶ an officer monitoring a police observation device (POD) saw a large crowd near 2211 S. Wabash Ave., with individuals exchanging cash for entry.⁷ Officer Klier told COPA that Sgt. Rios assigned Officer Klier and his partner, Officer David Acevedo, to go conduct a business license check.

Officers Klier and Acevedo, along with Officers Leslie Aguilar and Gumersindo Juarez, arrived at approximately 2:59 am.⁸ Officer Klier told COPA that they were able to freely enter

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.

³ Att. 41 and CMS Notes: CO-1412624, CO-1412716, CO-1414121, CO-1414348, CO-1426194, and CO-1435039.

⁴ 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.

⁵ 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 video, CPD reports, and the accused officer interview.

⁶ Atts. 10, 11, 12, 14 and 20.

⁷ COPA located social media posts advertising a rave with ██████████ on the DJ setlist (Atts. 16 to 18).

⁸ Att. 29.

through an unlocked door. Sgt. Rios parked outside shortly after the officers arrived. She expressed safety concerns and requested back-up.

A sparse but constant stream of people exited, and distant music was audible. In his statement to COPA, Officer Klier noted it was dark inside the vacant warehouse, and there was construction debris throughout.⁹ Officer Klier also observed loud music coming from the basement and suspected that there was underage alcohol consumption and minors out past city curfew.¹⁰

Once the officers were inside the warehouse, █████ ascended a staircase from the basement.¹¹ In both CPD reports and his COPA interview, Officer Klier described █████ as “uncooperative” and showing signs of alcohol intoxication.¹² Officer Klier told COPA that █████ approached the officers and appeared to be, “a responsible party in regards to this whole illegal ... business, illegal party.”¹³ Officer Klier reported that the officers tried to investigate whether this was a legitimate operation but █████ wanted them to leave. The officers continuously asked to see a permit, business license or other form of official documentation, while █████ repeatedly demanded that the officers exit before he would show them anything.

At one point, █████ recorded the officers one-by-one on his phone. As █████ walked very near Officer Klier, the officer extended his arm outward and pushed █████ away.¹⁴ When █████ complained, Officer Klier told █████ to stay out of his face. Officer Klier recalled that █████ was recording himself kicking out the officers.¹⁵ █████ got close to him, and because it was dark inside and not many officers were present, Officer Klier felt unsafe. Officer Klier attempted “to create distance between him and I as I felt he was really close to me and just felt unsafe.”¹⁶ Officer Klier could not recall where █████ was on the use of force model, and he denied giving █████ any orders prior to making physical contact.¹⁷ Officer Klier reiterated to COPA that he felt unsafe with █████ so close in his personal space, so he pushed █████ to create a safe distance between them and prevent the need for more force.¹⁸

Sgt. Rios joined them inside at approximately 3:06 am.¹⁹ █████ maintained that it was a permitted event and CPD was on private property, adding that they were filming with about 1,000 people downstairs.²⁰ After several minutes of back-and-forth, Sgt. Rios approached the staircase and █████ physically blocked her.²¹ Eventually, █████ showed the officers a piece of paper and

⁹ Att. 14, pg. 11, lines 10 to 16.

¹⁰ Att. 14, pg. 15, lines 11 to 16.

¹¹ Att. 4 and 5 at 03:04:05 hrs.

¹² Att. 10 and Att. 14, pg. 13, ln. 7.

¹³ Att. 14, pg. 12, ln. 24 to pg. 13, ln. 2.

¹⁴ Att. 3 to 6 at 03:05:11 hrs.

¹⁵ Att. 14, pg. 16, lines 6 to 16.

¹⁶ Att. 14, pg. 17, lines 1 to 3.

¹⁷ Att. 14, pg. 18, lines 7 to 15.

¹⁸ Att. 14, pg. 19, lines 4 to 12.

¹⁹ Atts. 3 to 7 at 03:06:10 hrs.

²⁰ Atts. 3, 5, 6 and 7 at 03:06:22 hrs.

²¹ Atts. 3 to 7 at 03:07:55 hrs.

referenced the City of Chicago's filming office.²² [REDACTED] also showed Sgt. Rios an apparent lease agreement to film a "rave movie" at the building.²³ Officer Klier recalled that [REDACTED] provided a flyer, which he and Sgt. Rios determined was invalid and which Officer Klier inventoried.²⁴ Per [REDACTED] Investigatory Stop Report (ISR), CPD determined the paperwork he provided was not a valid license/permit.²⁵

Sgt. Rios expressed safety concerns, and then announced they were shutting down the party.²⁶ [REDACTED] again attempted to block Sgt. Rios from going downstairs.²⁷ Sgt. Rios told [REDACTED] not to touch her, and several officers followed her and [REDACTED] downstairs. [REDACTED] stood in front of a door at the bottom of the stairs. Officers pulled him away and entered the party space with Sgt. Rios.²⁸

Officer Gerardo Rodriguez and Officer Klier stood with [REDACTED] upstairs while the remaining officers went into the basement with Sgt. Rios. Officer Rodriguez got out his handcuffs and grabbed [REDACTED] left wrist.²⁹ [REDACTED] then walked towards the exit and the officers told him he had to stay.³⁰ [REDACTED] continued walking, stating he was "calling the owner."³¹ The officers proceeded to handcuff [REDACTED].³² According to Officer Klier, [REDACTED] was handcuffed after he tried to walk away from the officers, because he was a suspected offender, and he and Officer Rodriguez were waiting for Sgt. Rios to advise them. Officer Klier believed they were detaining [REDACTED] while CPD investigated the illegal business.³³

[REDACTED] protested the situation, and Officer Klier interjected, "Shut your fucking mouth."³⁴ [REDACTED] asked why the officer said that, and Officer Klier responded, "'Cause you're a fucking retard."³⁵ As the party-goers continued exiting, Officer Klier pushed back an individual who approached and stated, "Get back."³⁶ [REDACTED] then remarked "De-escalation 101."³⁷ Officer Klier responded with words to the effect of, "How long have you been the police? How long have you been the police? Shut the fuck up. Shut the fuck up. Shut the fuck up. Shut the fuck up. You're a fucking retard."³⁸ [REDACTED] questioned if Officer Klier's BWC was recording and whether the officer wanted to keep insulting him. Officer Klier responded, "Yeah, retard. Shut the fuck up."³⁹ [REDACTED]

²² Atts. 3 to 7 at 03:10:04 hrs.

²³ Atts. 3 to 7 at 03:11:06 hrs.

²⁴ Atts. 19 and 37.

²⁵ Att. 10.

²⁶ Att. 7 at 03:12:08 hrs.

²⁷ Att. 4 to 8 at 03:13:19 hrs.

²⁸ Atts. 5 to 7 at 03:13:32 hrs.

²⁹ Att. 8 at 03:14:10 hrs.

³⁰ Atts. 3 and 8 at 03:15:00 hrs.

³¹ Atts. 3 and 8 at 03:15:04 hrs.

³² Atts. 3 and 8 at 03:15:08 hrs.

³³ Att. 14, pg. 21, lines 13 to 19.

³⁴ Atts. 3 and 8 at 03:21:27 hrs.

³⁵ Atts. 3 and 8 at 03:21:31 hrs.

³⁶ Att. 8 at 03:21:33 hrs.

³⁷ Atts. 3 and 8 at 03:22:02 hrs.

³⁸ Atts. 3 and 8 at 03:22:03 hrs.

³⁹ Atts. 3 and 8 at 03:22:17 hrs.

again questioned the officer's comments, and Officer Klier stated, "Yeah cause you're a fucking retard."⁴⁰ Officer Rodriguez then stood in between Officer Klier and █████ and █████ complained about being called a retard and being pushed by Officer Klier. █████ also asked for Officer Klier's name, with no audible response.⁴¹

At COPA, Officer Klier acknowledged engaging in an unjustified verbal altercation, including calling █████ a retard and directing variations of the work fuck towards █████⁴² Officer Klier understood that the word retard is bias-based language.⁴³ Officer Klier expressed he was "having a really bad day," and was frustrated because he was working on a separate assignment when his sergeant told him to stop and address the business license check.⁴⁴ Officer Klier also expressed that going to the warehouse caused heightened emotions, noting █████ irate demeanor and overall safety concerns. Officer Klier acknowledged that he failed to identify himself and stated, "I think he asked for my name. I told him it'll be on his arrest report, which I assumed was the direction we were going to go with this whole incident..."⁴⁵ Officer Klier elaborated that he would have been with █████ at the station, had they arrested █████ and he then would have been able to give █████ information in a controlled environment. Officer Klier acknowledged he should have given █████ his identifiers.⁴⁶

Downstairs, the party was dispersed and the crowd exited. Sgt. Rios spoke with men wearing security shirts, including █████ before following the last of the partygoers upstairs, at about 3:25 am.⁴⁷

Once Sgt. Rios was back upstairs, █████ asserted he was not the one throwing the party, but he had decided to speak with CPD due to his "better understanding of the law."⁴⁸ █████ also told Sgt. Rios that Officer Klier would not identify himself, called him a retard, and pushed him.⁴⁹ Sgt. Rios then spoke with █████ noting his responsibility as a security guard. Officer Klier proceeded outside, where a loudspeaker was giving a dispersal order,⁵⁰ and he proceeded to write in a citation book.

At about 3:42 am, Officer Rodriguez uncuffed █████ and took his ID.⁵¹ Officer Klier had █████ sign a citation,⁵² followed by █████⁵³ When Officer Klier took back the citation book,

⁴⁰ Atts. 3 and 8 at 03:22:25 hrs.

⁴¹ Att. 3 at 03:24:37 hrs.

⁴² Att. 14, pg. 25, lines 15 to 20, and pg. 32, lines 14 to 18.

⁴³ Att. 14, pg. 25, lines 18 to 20.

⁴⁴ Att. 14, pg. 24, lines 18 to 19.

⁴⁵ Att. 14, pg. 26, lines 7 to 10.

⁴⁶ Att. 14, pg. 26, lines 19 to 21.

⁴⁷ CPD permitted apparent performers to finish clearing out their equipment as the attendees exited.

⁴⁸ Atts. 7 and 8 at 03:26:44 hrs.

⁴⁹ Atts. 3 to 5, 7 and 8 at 03:27:00 hrs.

⁵⁰ Att. 3 at 03:34:50 hrs.

⁵¹ Att. 8 at 03:42:05 hrs. and Att.6 at 03:42:12 hrs.

⁵² Atts. 3 and 8 at 03:50:20 hrs.

⁵³ Atts. 3, 7 and 8 at 03:50:46 hrs.

█████ asked for Officer Klier’s star number and stated the officer was “not cordial.”⁵⁴ Officer Klier did not recall that █████ asked for his identifiers a second time. According to the ISRs completed by CPD, as well as Officer Klier’s COPA interview, Sgt. Rios determined that █████ and █████ were operating a business without a license.⁵⁵ █████ did not respond to COPA’s request for an interview.⁵⁶

As things were wrapping up, █████ again told Sgt. Rios that Officer Klier had pushed him and called him a retard, and that he wanted to make a complaint.⁵⁷ █████ added that he saw Officer Klier pushing people other than himself and was calling people retards.⁵⁸ Everyone exited at about 3:53 am, and Sgt. Rios took █████ information and related she would make a complaint.

III. ALLEGATIONS

Officer Jonathan Klier:

1. Pushing █████ without justification.
 - Not Sustained.
2. Directing verbal abuse at █████
 - Sustained, in violation of Rules 2, 3, 6, 8, and 9.
3. Failing to identify himself when requested by █████
 - Sustained, in violation of Rules 2, 3, 6, and 37.

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.

No issues arose during this investigation to question Officer Klier’s truthfulness or reliability. Officer Klier’s statement to COPA was consistent with BWC video and CPD reports. COPA notes Officer Klier’s willingness to take accountability for his behavior and found him to be credible.

⁵⁴ Atts. 3, 6 and 8 at 03:52:18 hrs.

⁵⁵ Atts. 9 and 10. Note: The City of Chicago pursued the ordinance violation against █████ under *City of Chicago v. █████ T. █████* 24CS003299. As of this writing, the case is still pending in municipal court.

⁵⁶ CMS Note CO-1414122.

⁵⁷ Atts. 3, 4, and 6 to 8 at 03:52:20 hrs.

⁵⁸ Att. 7 at 03:53:04 hrs. COPA did not serve any allegations related to Officer Klier pushing and/or engaging in verbal abuse with anyone other than █████ Per BWC, Officer Klier did push back an unknown party-goer who approached the officers as they detained █████ (see Att. 8 at 03:21:33 hrs.). As this was seemingly reasonable crowd control, no allegation was served. After reviewing the BWC video, COPA did not identify Officer Klier pushing anyone else and/or engaging in further verbal abuse. █████ did not give COPA a statement and therefore provided no additional context. As COPA does not know the identity of the person who Officer Klier pushed, COPA could not attempt to contact this party for more information or a formal interview.

Despite COPA's multiple attempts, ██████ did not provide COPA with a formal statement, which hampered COPA's ability to fully assess ██████ credibility. COPA notes a potential credibility issue; namely, whether ██████ was intoxicated. Officer Klier articulated that ██████ appeared to be intoxicated during this incident. ██████ demeanor as seen on video is consistent with an inebriated person. If ██████ was intoxicated, this could have impacted his perceptions, and therefore the reliability of his account. However, regardless of ██████ potential intoxication and lack of cooperation with this investigation, Officer Klier's conduct was also captured on video. As such, COPA is able to come to findings without relying solely on ██████ complaint.

V. ANALYSIS⁵⁹

a. Pushing ██████

COPA finds allegation #1, that Officer Klier pushed ██████ without justification, is **not sustained**. CPD's Use of Force policy defines force as, "any physical contact by a Department member, either directly or through the use of equipment, to compel a person's compliance."⁶⁰ In addition, "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."⁶¹ This means that CPD 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.⁶² Finally, CPD's Principles of Force Mitigation state that, "Members will attempt to use verbal control techniques to avoid or minimize confrontations prior to, during, and after the use of physical force."⁶³

First, COPA finds that Officer Klier used force (albeit minimally) when he made contact with ██████ by pushing him. In this instance, ██████ approached Officer Klier so closely that they were almost touching. Officer Klier described ██████ as irate and possibly intoxicated, and he was concerned about a civilian getting too close when they were in a dark space with few officers. Officer Klier asserted the push was not excessive and was done to create distance between himself and ██████. COPA agrees and finds that Officer Klier's use of force to create distance between himself and ██████ was reasonable, necessary, and proportional. However, as evidenced by Officer Klier's testimony and the BWC video, he did not attempt to use any verbal control techniques (such as giving ██████ an order to step back) before resorting to using force.⁶⁴ COPA also notes that, while Officer Klier remained silent prior to using force, he did not hesitate to tell ██████ to stay out of his face when ██████ objected to being pushed.

⁵⁹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁶⁰ Att. 31, G03-02(III)(A), De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 – present).

⁶¹ Att. 31, G03-02 (III)(B).

⁶² Att. 31, G03-02 (III)(B)(3).

⁶³ Att. 32, G03-02-01(III)(A)(1), Response to Resistance and Force Options (effective June 28, 2023 – present).

⁶⁴ Att. 14, pg. 18, lines 10 to 15.

On the one hand, Officer Klier's use of force was reasonable to maintain his safety and was accomplished with a minimal amount of physical force. However, Officer Klier failed to attempt any verbal control techniques prior to using force, as mandated by CPD policy. Given this, COPA finds that there is insufficient evidence to prove the allegation by a preponderance of the evidence, and allegation #1 is not sustained.

While there is insufficient evidence to prove this allegation, COPA believes that Officer Klier would benefit from additional instruction, and recommends that he receive retraining on CPD's De-Escalation, Response to Resistance and Use of Force Policy.

b. Verbal Abuse

COPA finds allegation #2, that Officer Klier directed verbal abuse at ██████ is **sustained**. CPD General Order G01-01 lists CPD's core values as professionalism, integrity, courage, dedication, and respect.⁶⁵ In addition, General Order G02-01 requires Department members to ... "interact with all members of the public in an unbiased, fair, and respectful manner,"⁶⁶ "treat all persons with the courtesy and dignity which is inherently due to every person as a human being,"⁶⁷ and "act, speak, and conduct themselves in a courteous, respectful, and professional manner."⁶⁸ In addition this order also mandates that officers will "not exhibit a condescending attitude or direct any derogatory terms towards any person in any manner and will not use language or take action intended to taunt or denigrate an individual, including racist or derogatory language."⁶⁹ General Order G02-04 also prohibits officers from using "language or [taking] action intended to taunt or denigrate an individual, including using racist or derogatory language,"⁷⁰ and also requires officers to treat the public with respect and courtesy.⁷¹

Here, BWC video captured Officer Klier repeatedly calling ██████ a "retard" and using variations of the word fuck, as well as ██████ complaining about such. During his statement to COPA, Officer Klier acknowledged that he used this language and that it was misconduct. Officer Klier's language contradicted CPD's goals and policy to treat the public with respect and maintain professionalism. Officer Klier's word choices violated multiple CPD policies, including CPD's prohibitions against bias-based language. Using the word "retard" to insult ██████ is derogatory both to ██████ personally, and to those with cognitive disabilities generally. Similarly, the use of the word fuck was unnecessary, unprofessional, and disrespectful. Officer Klier's language served no law enforcement purpose and instead served to denigrate ██████ and bring discredit upon CPD. Because Officer Klier's actions violated CPD policy, allegation #2 is sustained, in violation of Rules 2, 3, 6, 8, and 9.

⁶⁵ Att. 38, General Order G01-01(IV), Vision, Mission Statement, and Core Values (effective May 21, 2019 – present).

⁶⁶ Att. 39, G02-01(III)(B)(1), Protection of Human Rights (effective June 30, 2022 – present).

⁶⁷ Att. 39, G02-01(III)(B)(2).

⁶⁸ Att. 39, G02-01(III)(B)(3).

⁶⁹ Att. 39, G02-01(III)(B)(4).

⁷⁰ Att. 40, General Order G02-04(II)(B)(2), Prohibitions Regarding Racial Profiling and Other Bias-based Policing (effective February 1, 2023 – present).

⁷¹ Att. 40, G02-04(II)(B)(1).

c. Failure to Identify

COPA finds allegation #3, that Officer Klier failed to identify himself when requested by ██████ is **sustained**. CPD Rule 37 prohibits, “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.” In addition, CPD policy requires that officers “when requested, correctly identify themselves by providing their rank, name, and star number ... to any member of the public.”⁷²

In this instance, BWC reveals that Officer Klier failed to provide his identifiers to ██████ two times during this incident. During his statement to COPA, Officer Klier acknowledged that he failed to give his information while he was detaining ██████ and that he should have provided it. Officer Klier also related that he had heightened emotions and thought ██████ was going to be arrested, so he could have then communicated with ██████ once in the controlled environment of the police station. Officer Klier did not recall ██████ asking for his identifiers a second time, when Officer Klier was giving ██████ his citation.

Officer Klier failed to promote CPD policy or adhere to its goals when he refused to provide his name when requested. While COPA understands that Officer Klier and his fellow officers were in an uncertain environment, Officer Klier could have provided his identifiers just as easily as he directed verbal abuse at ██████. Because Officer Klier violated CPD policy and rules, allegation #3 is **sustained**, in violation of Rules 2, 3, 6, and 37.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Jonathan Klier

i. Complimentary and Disciplinary History⁷³

Officer Klier’s complimentary history is comprised of 53 awards, the highlights of which include one Unit Meritorious Performance Award and four Department Commendation Awards. His disciplinary history includes a sustained finding for Verbal Abuse/Profanity, resulting in a reprimand.⁷⁴

ii. Recommended Discipline

COPA has found that Officer Klier violated Rules 2, 3, 6, 8, 9, and 37 when he directed profanity and bias-based verbal abuse at ██████ and failed to identify himself when requested. In aggravation, COPA notes that Officer Klier directed verbal abuse at ██████ multiple times and failed to identify himself twice. COPA also finds it concerning that Officer Klier has a previous sustained

⁷² Att. 39, G02-01(III)(B)(5).

⁷³ Atts. 48 and 49.

⁷⁴ See Log # 2020-0004671.

finding for verbal abuse, which is misconduct he has repeated here. In mitigation, COPA acknowledges Officer Klier’s complimentary history, as well as the fact that he was forthcoming during this statement and took responsibility for his actions.

Considering these factors, and given the principles of progressive discipline, COPA recommends a penalty of a **suspension in the range of 1-to-29 days** and **retraining** on CPD’s Professionalism Policy and the De-Escalation, Response to Resistance and Use of Force Policy.

Approved:



6/5/2025

Jessica Ciacco
Acting Director of Investigations

Date

Appendix ACase Details

| | |
|---------------------------------|--|
| Date/Time/Location of Incident: | October 13, 2024 / 3:00 am / 2211 S. Wabash Ave. |
| Date/Time of COPA Notification: | October 13, 2024 / 4:48 am |
| Involved Member #1: | Joseph Klier / Star # 8341 / Employee ID # [REDACTED] / Date of Appointment: May 2, 2023 / Unit of Assignment: 18 th District / Male / Asian/Pacific Islander |
| Involved Individual #1: | [REDACTED] / Male / White |
| 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 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 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

- G01-01: Vision, Mission Statement, and Core Values (effective May 21, 2019 – present)⁷⁵
- G02-01: Protection of Human Rights (effective June 30, 2022 – present)⁷⁶
- G02-04: Prohibitions Regarding Racial Profiling and Other Bias-based Policing (effective February 1, 2023 – present)⁷⁷
- G03-02: De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 – present)⁷⁸
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023 – present)⁷⁹

⁷⁵ Att. 38

⁷⁶ Att. 39

⁷⁷ Att. 40

⁷⁸ Att. 31

⁷⁹ Att. 32

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.⁸⁰ 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.”⁸¹

⁸⁰ 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).

⁸¹ *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