



Log # 2025-1068

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 6, 2025, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on March 4, 2025, Officer Gerardo Silva pushed him on or about the face without justification. Upon review of the evidence, COPA served an additional allegation that Officer Silva used force against a person who was fully restrained and controlled with handcuffs, without justification. COPA reached Not Sustained findings regarding both allegations.

II. SUMMARY OF EVIDENCE²

On March 4, 2025, at approximately 3:41 pm, Officers Gerardo Silva and Adam Andrews were on patrol when they observed two subjects, now identified as ██████████ and ██████████ loitering and soliciting in a McDonald's parking lot near a blue vehicle.³ The officers activated their vehicle's emergency equipment and exited their vehicle to conduct an investigatory stop.⁴ Officer Silva explained that the area has a high volume of gang and narcotics activity, and loitering near that location was an ongoing problem.⁵ When the officers approached, ██████████ stated that he was there with his vehicle, waiting to have the antifreeze serviced. Officer Silva pointed out that ██████████ was in a private parking lot, loitering and playing music from a Bluetooth speaker.⁶

Officer Andrews obtained ██████████ and ██████████ identification cards and ran their names.⁷ Officer Silva asked if there was anything illegal in ██████████ car.⁸ ██████████ gave Officer Silva consent to search the vehicle. Officer Silva observed open alcohol and cartons of Newport

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 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, third-party video, OEMC transmissions, police reports, and interviews.

³ Atts. 1 to 5; Att. 29, pg. 7, ln. 16 to pg. 8, ln. 15; and pg. 14, ln. 13 to pg. 15, ln. 7; Att. 38, pg. 8, ln. 12 to pg. 9, ln. 16.

⁴ Att. 8 at 2:06.

⁵ Att. 8 at 2:36 to 2:41; Att. 29, pg. 7, lns. 9 to 15.

⁶ Att. 8 at 2:41 to 2:56.

⁷ Att. 8 at 3:13 to 3:38.

⁸ Att. 8 at 4:44 to 4:57.

cigarettes in the vehicle.⁹ Officer Silva then asked [REDACTED] if he had anything illegal on his person.¹⁰ [REDACTED] showed Officer Silva multiple cartons of Newport cigarettes inside his overalls, and both [REDACTED] and [REDACTED] pulled baggies of “weed”¹¹ from their pockets.

Officer Silva searched [REDACTED] vehicle and recovered additional cartons of cigarettes.¹² At the officers’ request, an additional unit arrived on scene to transport the men.¹³ Officers Silva and Andrews handcuffed [REDACTED] and [REDACTED]. Officer Silva stood facing [REDACTED] and searched him, while Officer Andrews stood behind [REDACTED].¹⁴ Officer Silva recovered additional cartons of cigarettes from [REDACTED] clothing. [REDACTED] became upset and protested to Officer Silva that he and [REDACTED] were being arrested for a petty offense.¹⁵ [REDACTED] told Officer Silva, “You don’t go over to your ‘vatos’ hood and do this...”¹⁶ Officer Silva pushed [REDACTED] twice on his face with his right hand, stating, “Don’t be on my face like that, bro.”¹⁷ [REDACTED] became irate and complained about Officer Silva hitting his face.¹⁸ Officer Andrews and the assisting officers placed [REDACTED] in the police wagon for transport. [REDACTED] and [REDACTED] were charged with Manufacturing/Delivering Cannabis and Soliciting Unlawful Business.¹⁹

In an interview with COPA, Officer Silva explained that [REDACTED] who is taller and hovered over him,²⁰ was visibly angry, tensed his body, and moved back and forth as Officer Silva searched him.²¹ According to Officer Silva, [REDACTED] head leaned in toward him, so he moved [REDACTED] face away by placing the side of his right hand against the side of [REDACTED] face.²² Officer Silva could not recall if he did this more than once.²³ Officer Silva said his action was not a strike or push, but merely a redirection because there was no force behind it. His sole intention was to protect himself from being spit on or headbutted.²⁴ Officer Andrews added that when [REDACTED] became upset, he started yelling and spit flew from his mouth as he spoke.²⁵

⁹ Att. 8 at 5:06.

¹⁰ Att. 8 at 6:04 to 7:10.

¹¹ Cannabis.

¹² Att. 8 at 9:50 to 11:25; Att. 29, pg. 17, lns. 16 to 20.

¹³ Att. 29, pg. 20, lns. 6 to 7.

¹⁴ Att. 8 at 13:06.

¹⁵ Att. 8 at 13:10 to 13:28; Att. 29, pg. 20, ln. 24 to pg. 21, ln. 14.

¹⁶ Att. 8 at 13:30 to 13:33; Att. 29, pg. 24, lns. 7 to 11.

¹⁷ Att. 10 at 5:09 to 5:14; Att. 7 at 13:34 to 13:40; Att. 8 at 13:35 to 13:39; Att. 9 at 5:10 to 5:17; Att. 13 at 9:48 to 10:00; and 15:07 to 15:40.

¹⁸ Att. 13 at 10:00 to 10:30; and 15:40 to 16:00.

¹⁹ Atts. 1 to 3; Att. 11; Atts. 39 to 43.

²⁰ Officer Silva said he is 5’9”. [REDACTED] Arrest Report lists him as 6’3”. Att. 1; Att. 29, pg. 24, ln. 5.

²¹ Att. 29, pg. 23, ln. 11, pg. 24, ln. 5, and pg. 34, lns. 2 to 23; Att. 38, pg. 14, lns. 1 to 24.

²² Att. 29, pg. 24, ln. 12 to pg. 26, ln. 2.

²³ Att. 29, pg. 27, lns. 3 to 4.

²⁴ Att. 29, pg. 26, lns. 3 to 21, and pg. 28, lns. 21 to 24.

²⁵ Att. 38, pg. 15, ln. 11 to pg. 16, ln. 11.

III. ALLEGATIONS

Officer Gerardo Silva:

1. Pushing ██████████ on or about the face, without justification.
 - Not Sustained
2. Using force against a person who was fully restrained and controlled with handcuffs, 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.

This investigation did not reveal any evidence that caused COPA to doubt the credibility of ██████████ or the four officers who provided statements. The accounts provided by ██████████ and the officers were generally consistent with each other, the video footage, and the relevant CPD reports. However, with respect to the physical contact, ██████████ and Officer Silva offered differing perceptions of what occurred. ██████████ perceived that Officer Silva struck him by "backhanding" him in the face, whereas Officer Silva stated that he redirected ██████████ face away from him using only minimal force. Given the available evidence, COPA is unable to conclude that either man's perception was unreasonable or lacked credibility.

V. ANALYSIS²⁶

COPA finds allegation #1, that Officer Silva pushed ██████████ on or about the face without justification, is **not sustained**. CPD policy provides that CPD members may only use force that is objectively reasonable, necessary, and proportional, under the totality of circumstances faced by the member at the time.²⁷

Here, Officer Silva reported that ██████████ was agitated and leaned toward him in a confrontational manner. This account is generally corroborated by the available video and the accounts of the witness officers, although it is not clear whether ██████████ intended to cause harm to Officer Silva. Verbal agitation is common during an arrest. Given ██████████ agitated state and

²⁶ For a definition of COPA's standard of proof, see Appendix B.

²⁷ Att. 25, General Order G03-02(III)(B), De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

close proximity, Officer Silva said he interpreted [REDACTED] behavior as threatening. There is sufficient evidence to establish that Officer Silva's hand made contact with [REDACTED] face twice. Although Officer Silva may have had the opportunity to step away, pushing [REDACTED] face to create distance could also be viewed as a reasonable response to create distance and prevent Officer Silva from being spit on or otherwise assaulted. No injuries were reported, and other CPD members quickly gained control of [REDACTED] and de-escalated the situation. COPA cannot find by clear and convincing evidence that Officer Silva's use of force was proper, but COPA also cannot find by a preponderance of evidence that Officer Silva committed misconduct. Therefore, COPA finds that the allegation against Officer Silva, that he pushed [REDACTED] on or about the face without justification, is **not sustained**.

COPA finds allegation #2, that Officer Silva used force against a person who was fully restrained and controlled with handcuffs without justification, is **not sustained**. CPD policy provides that CPD members will refrain from using force against a person who is fully restrained and controlled with handcuffs, unless the member must immediately act to prevent injury to the member, the restrained person, or another person.²⁸ Because COPA cannot determine whether Officer Silva's physical contact with [REDACTED] was objectively reasonable, necessary, or proportional—or anything more than physical redirection, there is insufficient evidence to prove the allegation by a preponderance of the evidence. Therefore, COPA finds that allegation #2 against Officer Silva is **not sustained**.

Approved:

[REDACTED]

Steffany Hreno
Acting Deputy Chief Administrator

2/13/2026

Date

²⁸ Att. 21, General Order G03-02-01(II)(G), Response to Resistance and Force Options (effective June 28, 2023 to present).

Appendix ACase Details

Date/Time/Location of Incident:	March 4, 2025 / 3:41 pm / 740 E 47 th Street
Date/Time of COPA Notification:	March 6, 2025 / 12:04 pm
Involved Member #1:	Gerardo Silva, Star #19281, Employee ID # [REDACTED] Date of Appointment: April 16, 2021, Unit of Assignment: 002, Male, White Hispanic
Involved Individual #1:	[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 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 11:** Incompetency of inefficiency in the performance of 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

- G03-02, De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).
- G03-02-01, Response to Resistance and Force Options (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.²⁹ 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.”³⁰

²⁹ 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).

³⁰ *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