



Log # 2024-0005863

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 28, 2024, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Lt. Jennifer O’Shaughnessy reporting alleged misconduct by members of the Chicago Police Department (CPD) during the apprehension of three adolescents: ██████████ and ██████████ (collectively, the ██████████ brothers).² In the Initiation Report, Lt. O’Shaughnessy articulated multiple allegations related to an incident that occurred on June 27, 2024, including that Field Training Officer (FTO) David Ross placed his fist against ██████████ throat, that FTO Francisco Moya and Officer Marcus Barrow failed to intervene, that Officer Ayuk Nfundoak failed to report FTO Ross’s actions, and that Sgt. Jonathan Guzman failed to report to the scene after FTO Ross requested an ambulance.³

When COPA interviewed ██████████ he also alleged that FTO Ross placed a knee against his torso, thereby applying pressure to his chest. COPA served additional allegations against FTO Ross relating to his use of force and procedural misconduct.⁴ COPA also served additional allegations against FTO Moya, Officer Barrow, and Officer Nfundoak.⁵

COPA’s investigation included interviews of ██████████ three civilian witnesses, and five accused CPD members. On July 15, 2024, COPA requested that CPD reevaluate FTO Ross’s assignment as a field training officer working with probationary police officers and/or relieve him

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 Note: ██████████ was transgender, identified as male, and went by the name ██████████. In July 2024, ██████████ passed away due to an unrelated incident. *See* Atts. 89 to 91.

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. Note: The entirety of Lt. O’Shaughnessy’s allegations that were served by COPA are articulated in Section III of this report. Lt. O’Shaughnessy also alleged that FTO Moya, Officer Barrow, and Officer Eduardo Medel failed to complete Tactical Response Reports (TRRs) prior to the end of their tours. However, COPA’s investigation revealed insufficient evidence to support the service of those allegations. *See* Att. 1.

⁴ Note: ██████████ alleged that the officers directed bias-based verbal abuse at him. However, during its investigation, COPA determined that there was insufficient evidence to serve this allegation. Specifically, the officers’ BWC videos do not show any officer engaging in this misconduct towards ██████████. *See* Att. 42, pg. 15, lns. 17 to 24 to pg. 16, lns. 1 to 13.

⁵ At the time of this incident Marcus Barrow held the rank of Probationary Police Officer. COPA will refer to Officer Barrow by his current rank throughout this report.

of police powers. On July 18, 2024, CPD relieved FTO Ross of his police powers pending the resolution of this investigation.⁶

Following its investigation, COPA reached sustained findings for FTO Ross regarding numerous allegations of excessive force and other procedural violations. Additionally, COPA reached sustained findings for allegations against Officer Barrow and Officer Nfunduak.

II. SUMMARY OF EVIDENCE⁷

On June 27, 2024, at approximately 3:00 am, ██████████ called 911 to report that he observed three men walking and brandishing a firearm near 4700 S. Cottage Grove Ave.⁸ ██████████ described the individuals as Hispanic and dressed in shorts; additionally, he reported that one of them wore a hooded sweater.⁹ FTO Ross and Officer Barrow were dispatched to the area to search for the subjects.¹⁰ While touring for the subjects, both FTO Ross and Officer Barrow unholstered and held their firearms;¹¹ Officer Barrow explained to COPA that FTO Ross instructed him to unholster his firearm due to the dangerous nature of the call.¹² FTO Ross pointed his firearm towards the floorboard of the CPD vehicle, while Officer Barrow held his firearm against his lap.¹³

When the officers approached the corner of 4700 S. Drexel Blvd., they observed three male subjects who appeared to match the descriptions provided by ██████████. The subjects in question proved to be three adolescent males: ██████████ and ██████████.¹⁴ During his interview with COPA, ██████████ explained that the three of them had been playing with a toy Nerf gun, which fired spongy projectiles.¹⁵ ██████████ related that he had personally found the toy Nerf gun in an alley, and his brother, ██████████ figured out how to load it.¹⁶ The ██████████ brothers reported that a CPD vehicle stopped them, and officers exited with their firearms drawn and pointed at them.¹⁷

FTO Ross and Officer Barrow directed the adolescents to stand by a fence.¹⁸ Two additional officers, FTO Moya and Officer Timothy Harris, arrived at the scene to provide

⁶ FTO Ross is currently relieved of police powers and assigned to CPD's Unit 376. *See* Atts. 47 and 49.

⁷ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including outcome-determinative evidence relied upon, such as BWC videos, police reports, civilian interviews, officer interviews, 911 calls, and CPD and CFD radio transmissions.

⁸ Att. 29 min 0:00:00 to 0:00:25, Att. 45, pg. 4, ln. 20 to pg. 5, ln. 8.

⁹ Att. 29 at 0:00:26 to 0:00:46.

¹⁰ Att. 31 at 11:15 to 11:30 and 13:29 to 13:46.

¹¹ Att. 10 at 2:04 to 2:19, 3:52 to 3:56; Att. 12 at 2:22, 3:47 to 3:56.

¹² Att. 68, pg. 31, lns. 18 to 21, pg. 32, lns. 9 to 14; Att. 77, pg. 7, lns. 16 to 18.

¹³ Att. 12 at 2:20 to 2:29; 4:26; Att. 10 at 2:05 to 2:18 and 3:55 to 3:57. Note: FTO Ross initially told COPA that he did not unholster his firearm until he saw the three subjects, but BWC evidence demonstrates that he withdrew his weapon earlier. *See* Att. 77, pg. 17, lns. 15 to 19.

¹⁴ At the time of this incident, ██████████ and ██████████ were both 16 years old, and ██████████ was 14 years old.

¹⁵ Att. 42, pg. 9, lns. 1 to 9.

¹⁶ Att. 43, pg. 7, ln. 22 to pg. 8, ln. 11.

¹⁷ Att. 42, pg. 5, ln. 20 to pg. 6, ln. 3; Att. 43, pg. 5, lns. 1 to 7; also Att. 10 at 4:29 to 4:35; Att. 12 at 4:27 to 4:33.

¹⁸ Atts. 10 and 12 at 4:35 to 4:40.

assistance.¹⁹ Officer Harris handcuffed ██████████ and Officer Barrow handcuffed and searched ██████████.²⁰ During the search, Officer Barrow recovered a toy gun from ██████████ waistband.²¹ The ██████████ brothers both stated that the officers told them that they received a report of young males brandishing a gun.²² No actual firearms were recovered.

██████████ who was wearing a cross-body style backpack, was escorted to the fence by FTO Ross. FTO Ross explained that he believed ██████████ was concealing a firearm in the backpack.²³ As they walked to the fence, FTO Ross pressed his firearm against ██████████ back.²⁴ During his statement to COPA, FTO Ross acknowledged that his firearm was pressed against ██████████ back, but he explained that this occurred unintentionally when ██████████ leaned backwards and made contact with the firearm.²⁵

When FTO Ross and ██████████ reached the fence, ██████████ was ordered to place his hands on the fence; ██████████ complied.²⁶ However, FTO Ross then repeated the same order, at which point ██████████ removed his hands from the fence, held them up in a compliant gesture, then placed them back onto the fence.²⁷ As ██████████ held on to the fence, he said words to the effect that he would not care if FTO Ross shot him; in response, FTO Ross told ██████████ “Shut up, bro.”²⁸ FTO Ross explained to COPA that he told ██████████ to shut up because that was his way of telling ██████████ to stop acting tough.²⁹ FTO Ross also expressed his opinion that whenever someone makes a stupid comment to him, he can tell them to shut up.³⁰

██████████ continued holding on to the fence as FTO Ross conducted a patdown with his firearm still pressed against ██████████ back.³¹ FTO Ross stated that during the patdown, he felt some items in ██████████ pocket, and therefore, he decided to conduct a more thorough search.³² However, ██████████ told COPA that FTO Ross’s search had been incomplete, as he had failed to discover ██████████ concealed pocketknife.³³ After FTO Ross completed the patdown and search,

¹⁹ At the time of this incident, Officer Timothy Harris held the rank of Probationary Police Officer. COPA will refer to Officer Harris by his current rank throughout this report.

²⁰ Att. 13 at 3:01 to 3:28. Note: The officers completed Investigatory Stop Reports (ISRs) related to these interactions with the ██████████ brothers. See Atts. 6 and 7.

²¹ Att. 12 at 4:45 to 4:58; Att. 68, pg. 13, lns. 2 to 7.

²² Att. 42, pg. 10, lns. 4 to 6 and Att. 43, pg. 5 lns. 12 to 14.

²³ Att. 77, pg. 20, lns. 18 to 19.

²⁴ Att. 10 at 4:39 to 5:17.

²⁵ Att. 77, pg. 20, ln. 24, pg. 21, lns. 1 to 8.

²⁶ Att. 10 at 4:58; Att. 77, pg. 24, lns. 21 to 23.

²⁷ Att. 10 at 4:53 to 4:56.

²⁸ Att. 10 at 4:56 to 5:00.

²⁹ Att. 77, pg. 67, lns. 20 to 21.

³⁰ Att. 77, pg. 67, lns. 5 to 6, lns. 16 to 24 and pg. 68, lns. 1 to 6.

³¹ Att. 10 at 5:02 to 5:17.

³² Att. 77, pg. 9, lns. 10 to 12.

³³ Att. 41, pg. 23, lns. 1 to 15. Note: FTO Ross told COPA that he had not been aware that ██████████ still had a knife after the patdown until another officer later told him that a knife had been found on ██████████. After further questioning, FTO Ross revised that statement, and instead claimed that ██████████ knife had been recovered before he was placed in the CPD vehicle. See Att. 77, pg. 41 lns. 15 to 23, pg. 47, lns. 17 to 19.

he attempted to remove the backpack from ██████ back. FTO Ross used his right hand to open a clasp on the backpack, while still holding the firearm in his left hand against ██████ back.³⁴ As FTO Ross struggled to release the backpack, he ordered ██████ to keep his hands on the fence; in response to this order, ██████ angrily suggested that FTO Ross might as well shoot him.³⁵ At that point, FTO Ross performed a takedown on ██████ pulling him off the fence and taking him to the ground.³⁶ ██████ told COPA he may have said something that FTO Ross did not agree with, resulting in FTO Ross pulling him to the ground.³⁷ FTO Ross stated that he performed the takedown because ██████ had removed his hands from the fence and could have been reaching into his backpack for a gun.³⁸

As FTO Ross and ██████ struggled, FTO Moya joined to assist FTO Ross in gaining control of ██████³⁹ Once ██████ was on the ground, FTO Ross straddled him and placed his left fist against the left side of ██████ neck (see Figure 1).⁴⁰



Figure 1: FTO Ross placing his fist against ██████ neck.⁴¹

³⁴ Att. 10 at 5:02 to 5:06.

³⁵ Att. 10 at 5:13 to 5:17.

³⁶ Att. 10 at 5:17 to 5:26.

³⁷ Att. 41, pg. 23, lns. 16 to 24.

³⁸ Att. 77, pg. 8, lns. 17 to 24 and pg. 9 lns. 1 to 2.

³⁹ Att. 11 at 2:42 to 3:31.

⁴⁰ Att. 11 at 3:11 to 3:21. Note: Although the BWC recording does not show the moment that FTO Ross re-holstered his firearm, it is evident that at this point in the video his left hand was free.

⁴¹ Att. 11 at 3:17.

BWC captured FTO Ross holding his fist against ██████'s throat for approximately nine seconds, while ██████ gasped for air, made choking noises, and said, "I can't breathe."⁴² ██████ told COPA that he started to hear a ringing noise in his ear as he struggled to get FTO Ross off him. ██████ said he almost lost consciousness by the time FTO Ross released his neck, and he complained of great pain and fits of coughing.⁴³ ██████ also related that he heard ██████ making gurgling noises as if he were being choked while FTO Ross was restraining him.⁴⁴

During his interview with COPA, FTO Ross stated he did not recall placing his hands on or near ██████'s neck or throat.⁴⁵ FTO Moya, when questioned on this point, told COPA that he did not observe FTO Ross placing his fist on or about ██████'s throat.⁴⁶ FTO Moya also stated that he had no recollection of hearing ██████ gasping for air or saying that he could not breathe.⁴⁷ FTO Moya added that if he had observed FTO Ross placing his fist on ██████'s throat, he would have separated FTO Ross from ██████ and he would have notified a supervisor of his observation.⁴⁸ BWC showed that Officer Barrow was standing off to the side and managing the custody of ██████ at the time FTO Ross was placing his fist against ██████'s throat.⁴⁹

Officer Nfundoak arrived at the scene as FTOs Ross and Moya were on the ground handcuffing ██████.⁵⁰ Officer Nfundoak approached FTO Ross and tapped him on the shoulder while saying, "I got this."⁵¹ During his statement to COPA, Officer Nfundoak reported that he had said this with the intention of offering to help with handling ██████.⁵² He said he did not see FTO Ross touch ██████'s throat or face, and did not observe FTO Ross use any force at all against ██████.⁵³ Officer Nfundoak added that if he had observed such misconduct, it would have been his duty to intervene and then report the incident to a supervisor.⁵⁴

With the assistance of FTO Moya and Officer Nfundoak, FTO Ross handcuffed ██████ behind his back and then lifted ██████ from the ground. As ██████ rose to his feet, he announced his intention to kill himself.⁵⁵ ██████ then said that he wanted FTO Ross to shoot him, and FTO Ross responded by telling ██████ he would not be killed, but "you'll just get

⁴² Att. 10 at 5:51 to 6:02 and Att. 11 at 3:16 to 3:29.

⁴³ Att. 41, pg. 7, lns. 7 to 13.

⁴⁴ Att. 43, pg. 5, ln. 19 to pg. 6, ln. 2; also Att. 25 at 5:21 to 5:44.

⁴⁵ Att. 77, pg. 32, lns. 3 to 7.

⁴⁶ Att. 65, pg. 20, lns. 16 to 19.

⁴⁷ Att. 65, pg. 20, lns. 20 to 24.

⁴⁸ Att. 65, pg. 21, lns. 4 to 8.

⁴⁹ Att. 12 at 5:15 to 5:26.

⁵⁰ Att. 14 at 2:07.

⁵¹ Att. 14 at 2:25 to 2:33.

⁵² Att. 60, pg. 19, lns. 16 to 20.

⁵³ Att. 60, pg. 19, lns. 6 to 15; also pg. 19, lns. 21 to 24 and pg. 20, ln. 1.

⁵⁴ Att. 60, pg. 41, lns. 9 to 14.

⁵⁵ Att. 10 at 7:53 to 7:58 and Att. 14 min. 4:23 to 4:28.

thrashed.”⁵⁶ FTO Ross told COPA he said this to [REDACTED] because he intended to convey the idea that he would use all necessary force to obtain [REDACTED] compliance.⁵⁷

Officer Nfundoak took hold of [REDACTED] and walked him toward FTO Ross’s vehicle.⁵⁸ After Officer Nfundoak told [REDACTED] he was going to be taken to the police station, [REDACTED] reacted by lurching forward in Officer Nfundoak’s direction.⁵⁹ In response, Officer Nfundoak forcefully pushed [REDACTED] into the CPD vehicle and closed the door.⁶⁰ Officer Nfundoak later explained to COPA that [REDACTED] had refused to get into the CPD vehicle and instead resisted moving; consequently, Officer Nfundoak took hold of [REDACTED] arm and the back of his shirt as he guided [REDACTED] into the CPD vehicle.⁶¹

During their respective interviews, FTO Ross and Officer Nfundoak both acknowledged that they had not secured [REDACTED] seatbelt after placing him in the CPD vehicle.⁶² Both officers told COPA that they had only planned to detain [REDACTED] in the caged compartment for as long as it took to identify him, but it was later decided to “curfew” him.⁶³ After additional questioning, Officer Nfundoak explained that [REDACTED] was not restrained in a seatbelt because the officers had not yet determined if they were going to transport him.⁶⁴

After [REDACTED] was seated in the CPD vehicle, FTO Lisa Calvillo and Officer Josue Manzo arrived at the scene.⁶⁵ FTO Ross asked FTO Calvillo to go to [REDACTED] to find out if [REDACTED] had been reported as one of their missing residents.⁶⁶ Shortly after FTO Calvillo and Officer Manzo left, Officer Nfundoak transported [REDACTED] home, and FTO Moya and Officer Harris transported [REDACTED] to the same address. After the officers left, FTO Ross and Officer Barrow remained on the scene with [REDACTED] FTO Ross asked Officer Barrow to remind him to report their earlier firearm pointing after the conclusion of the incident.⁶⁷

At approximately 3:20 am, FTO Ross instructed Officer Barrow to ask [REDACTED] for his name and address. Officer Barrow lowered [REDACTED] window and attempted to verbally engage

⁵⁶ Att. 10 at 8:06 to 8:11.

⁵⁷ Att. 77, pg. 68, lns. 9 to 21.

⁵⁸ Att. 10 at 8:38 to 10:43 and Att. 14 min. 4:39 to 7:15.

⁵⁹ Att. 10 at 10:21 to 10:27 and Att. 14 at 6:50 to 6:59.

⁶⁰ Att. 10 at 9:46 to 10:35 and Att. 14 at 6:57 to 7:15.

⁶¹ Att. 60, pg. 24, lns. 8 to 13 and pg. 26, lns. 5 to 21; also pg. 28, lns. 13 to 14.

⁶² Att. 60, pg. 31, lns. 5 to 8 and Att. 77, pg. 44, lns. 1 to 7.

⁶³ Att. 60, pg. 29, lns. 12 to 18 and Att. 77, pg. 44, lns. 18 to 22. Note: As FTO Ross later explained, the officers used the word “curfew” in reference to the practice of taking control of and transporting a minor to a guardian’s household. See Att. 77, pg. 44, lns. 11 to 17.

⁶⁴ Att. 60, pg. 30, lns. 12 to 17.

⁶⁵ At the time of this incident, Officer Josue Manzo held the rank of Probationary Police Officer. COPA will refer to Officer Manzo by his current rank throughout this report.

⁶⁶ Until early June 2024, [REDACTED]

⁶⁷ Att. 10 at 22:07 to 22:12.

with him.⁶⁸ ██████ refused to provide any information about himself, and Officer Barrow ended the conversation and closed ██████ window.⁶⁹ From 3:21 am until 3:28 am, FTO Ross and Officer Barrow remained outside of the CPD vehicle without further engaging ██████. At approximately 3:28 am, ██████ began forcefully thrusting his body against the interior of the vehicle. This continued for approximately three minutes, during which time loud banging sounds rang out from the vehicle.⁷⁰ Despite standing next to the vehicle while these sounds came from within, neither officer checked on ██████

██████ told COPA that although his hands were restrained behind his back, he was able to manipulate his shoulder joints in such a way as to allow his arms to be repositioned to the front of his body; he then retrieved a concealed pocketknife from his waistband and cut the in-car camera cable.⁷¹ ██████ recalled that he was so angry that he then wrapped a seatbelt around his neck, although he said he did not intend to kill himself.⁷² ██████ further explained that he did not wrap the seatbelt tightly around his neck and made sure he could keep two fingers between his neck and the belt so that he could still process air.⁷³ At 3:38 am, after having had no contact with ██████ for approximately 17 minutes, FTO Ross lowered ██████ window to speak with him. When ██████ did not respond, FTO Ross shined a flashlight into the window and discovered ██████ lying in a seemingly unconscious state with a seatbelt around his neck.⁷⁴

FTO Ross opened the vehicle door, removed the seatbelt from ██████ neck, and then called for emergency assistance via radio.⁷⁵ FTO Ross pulled ██████ inert body, still handcuffed, from the CPD vehicle and dropped him onto the pavement.⁷⁶ During his interview, FTO Ross explained that ██████ pants had been hooked on a buckle, and as a result, it was necessary for him to forcefully pull ██████ from the vehicle.⁷⁷ FTO Ross added that although his removal method had not been gentle, he used the amount of force necessary to extract ██████ from the CPD vehicle.⁷⁸

Once ██████ was on the ground, FTO Ross performed chest compressions.⁷⁹ A few moments later, ██████ began to strike his head against the ground and attempted to kick FTO Ross.⁸⁰ Officer Barrow grabbed ██████ legs to prevent an attack, while FTO Ross held

⁶⁸ Att. 41, pg. 8, lns. 9 to 11, lns. 15 to 20.

⁶⁹ Att. 10 at 19:45 to 20:32

⁷⁰ Att. 10 at 27:21 to 29:20 and Att. 12 at 27:28 to 29:50.

⁷¹ Att. 41, pg. 8, lns. 21 to 24, pg. 9, lns. 1 to 3, pg. 35, lns. 17 to 21. Note: Records from CPD's Field Technology and Innovation Unit show that on the afternoon of June 28, 2024, Sgt. Jennifer Lane submitted a service ticket for Vehicle 8407 for an inoperable rear in-car camera due to a wire being cut. See Att. 44, pg. 6.

⁷² Att. 41, pg. 9, lns. 4 to 6.

⁷³ Att. 41, pg. 51, lns. 18 to 22.

⁷⁴ Att. 10 at 37:33 to 37:56 and Att. 41, pg. 38, lns. 7 to 21, pg. 52, lns. 4 to 9.

⁷⁵ Att. 10 at 38:00 to 38:37 and Att. 31 at 48:43 to 49:17.

⁷⁶ Att. 10 at 38:37 to 38:40.

⁷⁷ Att. 10 at 38:23 to 38:40 and Att. 77, pg. 59, lns. 4 to 8, pg. 62, lns. 4 to 7.

⁷⁸ Att. 77, pg. 59, lns. 10 to 14, pg. 61, lns. 8 to 9.

⁷⁹ Att. 10 at 38:40 to 38:57 and Att. 77, pg. 12, lns. 11 to 16.

⁸⁰ Att. 10 at 39:25 to 39:36 and Att. 77, pg. 12, ln. 22; Att. 77, pg. 62, lns. 14 to 17.

■■■■■ hands.⁸¹ FTO Ross then placed his right fist against ■■■■■ throat, appearing to apply pressure before removing it again.⁸²



Figure 2: FTO Ross placing his fist against a handcuffed ■■■■■⁸³

When COPA questioned FTO Ross about this use of force, he firmly denied having placed his fist on ■■■■■ throat while he was restrained.⁸⁴ FTO Ross explained that he placed his knuckles on ■■■■■ collarbone and sternum, a control tactic he used to flatten ■■■■■⁸⁵ Officer Barrow reported that he did not observe this aspect of the incident because his attention was focused on their surroundings, and he was also occupied with the task of holding down ■■■■■ feet.⁸⁶ When asked if he had heard any sounds that would indicate ■■■■■ was struggling to breathe, such as gurgling or choking sounds, Officer Barrow answered that he could not remember.⁸⁷ He stated that if he had observed FTO Ross placing his fist against ■■■■■ throat, he would have reported this misconduct to his supervisor, Sgt. Guzman.⁸⁸

■■■■■ writhed and groaned as he attempted to break free from the officers' hold on him; he defiantly stated that FTO Ross would have to kill him, and then he threatened to kill himself again.⁸⁹ ■■■■■ told FTO Ross that he could have already stabbed him and asserted his intention

⁸¹ Att. 77, pg. 12, lns. 22 to 24 and pg. 63, lns. 2 to 3.

⁸² Att. 10 at 40:08 to 40:19.

⁸³ Att. 10 at 40:16.

⁸⁴ Att. 77, pg. 64, lns. 14 to 21, pg. 66, lns. 5 to 6; also pg. 66, lns. 19 to 24.

⁸⁵ Att. 77, pg. 64, lns. 19 to 24 and pg. 65, lns. 1 to 2.

⁸⁶ Att. 68, pg. 47, lns. 17 to 24 and pg. 48, lns. 1 to 10.

⁸⁷ Att. 68, pg. 49, lns. 13 to 17.

⁸⁸ Att. 68, pg. 49, lns. 22 to 24 and pg. 50, lns. 1 to 5.

⁸⁹ Att. 10 at 41:20 to 41:25.

to find and kill FTO Ross.⁹⁰ In response, FTO Ross countered with another threat, stating, “Not if I find you first.”⁹¹ When COPA questioned FTO Ross about this remark, he said that he was trying to convey to ██████ that it was useless for ██████ to threaten him; he also added that he believed giving this response would make ██████ become quiet.⁹²

As ██████ remained on the ground, Officer Eduardo Medel arrived to provide assistance.⁹³ ██████ continued to struggle with the officers and resisted their attempts to place him back in the CPD vehicle. A Chicago Fire Department (CFD) ambulance finally arrived at 3:50 am, and the officers discontinued their efforts to put ██████ in the CPD vehicle. Instead, FTO Ross escorted ██████ into the ambulance, seated him on a gurney, and then handcuffed ██████ to the gurney’s side rail.⁹⁴ As the ambulance was preparing to leave, Sgt. Guzman arrived at the scene.⁹⁵ ██████ was transported to the ██████ for a psychiatric evaluation.⁹⁶ FTO Ross accompanied ██████ in the ambulance, while Sgt. Guzman and Officer Barrow followed in their separate vehicles. After arriving at the hospital, FTO Ross reported the firearm pointing incident to the Office of Emergency Management and Communications (OEMC) at approximately 4:14 am.⁹⁷

III. ALLEGATIONS

FTO David Ross:

1. Pointing your firearm while touring for subjects.
 - **Unfounded.**
2. Placing your firearm against ██████ back, without justification.
 - **Sustained**, in violation of Rules 2, 3, 6, 8, 9, and 38.
3. Performing an emergency takedown on ██████ without justification.
 - **Not Sustained.**
4. Applying pressure by placing your knee against ██████ chest, without justification.
 - **Not Sustained.**
5. Applying direct pressure to ██████ throat, without justification.
 - **Sustained**, in violation of Rules 2, 3, 6, 8, and 9.
6. Failing to immediately notify OEMC that you had been involved in a reportable use of force incident.
 - **Sustained** in violation of Rules 2, 3, 5, 6, 10, and 11.
7. Failing to properly search ██████ prior to transport.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, 10, and 11.

⁹⁰ Att. 10 at 43:38 to 43:42, 44:45 to 44:47 and Att. 41, pg. 28 lns. 3 to 8.

⁹¹ Att. 10 at 44:45 to 44:48.

⁹² Att. 77, pg. 69, lns. 14 to 24 and pg. 70, lns. 1 to 6.

⁹³ Att. 19.

⁹⁴ Att. 10 at 48:43 to 50:13

⁹⁵ Att. 12 at 54:11 to 54:38, Att. 74, pg. 18, lns. 4 to 8.

⁹⁶ Att. 53, pg. 4 to 6.

⁹⁷ Att. 8, Att. 68, pg. 52, lns. 16 to 18; Att. 77, pg. 15, lns. 18 to 21; Att. 32 at 23:38 to 24:00.

8. Failing to properly restrain [REDACTED] while in custody in a CPD vehicle.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, 10, and 11.
9. Failing to keep [REDACTED] under observation while being held in a CPD vehicle.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, 10, and 11.
10. Forcefully pulling [REDACTED] from a CPD vehicle, without justification.
 - **Sustained**, in violation of Rules 2, 3, 6, 8, and 11.
11. Using force against [REDACTED] while [REDACTED] was restrained in handcuffs, without justification.
 - **Sustained**, in violation of Rules 2, 3, 6, 8, and 9.
12. Engaging in an unnecessary verbal altercation with [REDACTED].
 - **Sustained**, in violation of Rules 2, 3, 6, 8, and 9.
13. Failing to timely notify OEMC of a firearm pointing incident.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.
14. Failing to accurately document your use of force in a Tactical Response Report (TRR).
 - **Sustained**, in violation of Rules 2, 3, 5, 6, 10, and 11.

Officer Marcus Barrow:

1. Pointing your firearm while driving and touring for suspects.
 - **Unfounded**.
2. Failing to keep [REDACTED] under observation while being held in a CPD vehicle.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, 10, and 11.
3. Failing to intervene when FTO David Ross applied his fist to [REDACTED] throat.
 - **Not sustained**.
4. Failing to report FTO David Ross to a supervisor for applying his fist to [REDACTED] throat.
 - **Not sustained**.
5. Failing to timely notify OEMC of a firearm pointing incident.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.

FTO Francisco Moya:

1. Failing to intervene when FTO David Ross applied his fist to [REDACTED] throat.
 - **Not sustained**.
2. Failing to report FTO David Ross to a supervisor for applying his fist to [REDACTED] throat.
 - **Not sustained**.

Officer Ayuk Nfundoak:

1. Failing to report FTO David Ross to a supervisor for applying his fist to [REDACTED] throat.
 - **Not sustained**.
2. Using excessive force when placing [REDACTED] in the back of a CPD vehicle.
 - **Exonerated**.
3. Failing to properly restrain [REDACTED] while in custody in a CPD vehicle.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, 10, and 11.

Sgt. Jonathan Guzman:

1. Failing to report to the scene after FTO Ross requested an ambulance.
 - **Unfounded.**

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.

██████████ account of this incident is corroborated by BWC video, physical evidence, and the ██████████ brothers' statements to COPA. Throughout the incident, ██████████ experienced a mental health crisis resulting in his hospitalization. In addition, ██████████ acknowledged to COPA that he wanted to give FTO Ross a hard time, that he threatened FTO Ross with violence, and that he damaged the in-car camera cables in a CPD vehicle. He also explained that although it appeared that he had attempted suicide, the attempt was fake and he never had any real intention of killing himself.⁹⁸ ██████████ also apologized for verbally abusing a paramedic who transported him to the hospital.⁹⁹ Despite ██████████ mental state during this incident, his statement to COPA was materially consistent with the physical and video evidence. Moreover, COPA notes that ██████████ freely offered information that reflected an unfavorable image of himself, as well as a willingness to take accountability for his actions. It is for these reasons that COPA finds ██████████ credible.

The same cannot be said of FTO Ross. Throughout his statement to COPA, FTO Ross consistently denied the allegations against him, defended his conduct, and deflected blame onto ██████████ FTO Ross also exhibited a condescending attitude as he presented alternative versions of the incident. Specifically, FTO Ross claimed that the reason his firearm was pressed against ██████████ back was not due to his own conduct, but because ██████████ pushed backwards against the firearm.¹⁰⁰ FTO Ross also consistently tailored his explanations in a manner seemingly calculated to cast his actions in a more favorable light. For example, FTO Ross initially stated that he learned from an assisting officer that ██████████ had been in possession of a pocketknife.¹⁰¹ However, FTO Ross later reversed this statement and instead asserted that the pocketknife was recovered before ██████████ was placed in the CPD vehicle.¹⁰² Overall, COPA finds that FTO Ross's behavior suggested an unwillingness to acknowledge or take accountability for his actions, which severely diminished his credibility.

⁹⁸ Att. 41, pg. 9, lns. 4 to 7 and pg. 39, ln. 8 to pg. 40, ln. 7.

⁹⁹ Att. 41, pg. 12, lns. 14 to 16.

¹⁰⁰ Att. 10 at 4:39 to 5:17 and Att. 77, pg. pg. 20, ln. 24, pg. 21, lns. 1 to 8.

¹⁰¹ Att. 77, pg. 41, lns. 15 to 23.

¹⁰² Att. 77, pg. 47, lns. 14 to 19.

While Officer Nfundoak's initial contact with ██████ appeared to be well intentioned, his explanation for why he did not secure ██████ with a seatbelt after placing him in the CPD vehicle does not withstand close scrutiny. According to Officer Nfundoak, the reason for not securing ██████ seatbelt was because the officers had not yet identified ██████ and a decision had not been made about whether or not it would be necessary for ██████ to be transported.¹⁰³ However, by that point, the officers were aware that ██████ was a minor, and it was evident they were not going to release ██████ on his own. On the contrary, they had a duty to uphold the curfew laws by transporting him to a suitable shelter. Furthermore, BWC evidence shows that Officer Nfundoak was present when ██████ threatened to kill himself. Therefore, to ensure ██████ safety and to prevent him from harming himself, Officer Nfundoak should have secured ██████ seatbelt to restrict his movements inside the caged compartment. COPA finds Officer Nfundoak's explanation to be unsatisfactory and potentially evasive, and this factors into COPA's assessment of his credibility.

COPA has similar concerns with the credibility of Officer Barrow's statement. Officer Barrow told COPA that it was too dark to see inside the CPD vehicle holding ██████ because the window was closed.¹⁰⁴ However, at another point in the interview, Officer Barrow claimed that he and FTO Ross monitored ██████ while ██████ was seated inside the vehicle, and they were standing next to it.¹⁰⁵ Officer Barrow's narrative is implausible considering that ██████ was able to move his handcuffed hands to the front of his body to gain access to a weapon, damage a CPD vehicle camera, and then place a seatbelt around his neck to simulate a self-inflicted strangulation, all without any intervention from either officer.

During their separate statements to COPA, Sgt. Guzman and FTO Moya provided accounts of this incident that were consistent with the events depicted in the relevant BWC videos and CPD reports. This investigation did not reveal any evidence that caused COPA to question the credibility of either Sgt. Guzman or FTO Moya.

The ██████ brothers and ██████ provided statements to COPA that were materially consistent with the available evidence. COPA finds them to be credible.

V. ANALYSIS¹⁰⁶

a. Regarding the allegations against both FTO Ross and Officer Barrow.

i. FTO Ross and Officer Barrow did not point their firearms while touring for subjects.

COPA finds **allegation #1** against FTO Ross and Officer Barrow, that they pointed their firearms while touring for subjects, is **unfounded**. CPD's Rules of Conduct establish a list of acts

¹⁰³ Att. 60, pg. 9, lns. 19 to 21, pg. 29, lns. 12 to 18, and pg. 30, lns. 7 to 17.

¹⁰⁴ Att. 68, pg. 42, lns. 9 to 19.

¹⁰⁵ Att. 68, pg. 42, lns. 5 to 8.

¹⁰⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

which are expressly prohibited for all members, including Rule 38, which enjoins members from the unlawful or unnecessary use or display of a weapon.¹⁰⁷ The CPD firearm pointing policy applicable at the time of this incident, Department Notice D19-01, specifically addresses scenarios involving the pointing of a firearm at a person.¹⁰⁸ However, with regard to situations that only involve unholstering, it provides more limited guidance, stating that members are not required to make a notification for any unholstering or display of a firearm or having the firearm in a “ready” position unless the firearm is pointed at a person.¹⁰⁹

Here, the BWC evidence demonstrates that both officers unholstered their firearms inside their vehicle before they arrived at the scene, but they did not point the weapons at any individuals. FTO Ross kept his firearm directed at the floorboard of the vehicle in a manner roughly analogous to the standard low ready position, while Officer Barrow held his firearm against his thigh.¹¹⁰

When questioned about this allegation, both officers denied having committed misconduct. Although this allegation was made by Lt. O’Shaughnessy, who conducted an initial review of the officers’ BWC videos and completed the initiation report for this case, COPA finds that the manner in which the officers were holding their firearms does not constitute improper pointing. As there are no policies that specifically address this situation, COPA finds that the officers’ decision to unholster and hold their weapons was reasonable, especially considering that they were dispatched to a person with a gun call and may have needed to respond quickly in the event of taking gunfire from the subjects they were investigating. Based on the evidence, FTO Ross and Officer Barrow did not engage in the misconduct as alleged, and therefore, this allegation is unfounded.

ii. FTO Ross and Officer Barrow failed to keep ██████████ under observation while he was in a CPD vehicle.

COPA finds **allegation #2** against Officer Barrow and **allegation #9** against FTO Ross, that they failed to keep ██████████ under observation while he was being held in a CPD vehicle, is **sustained**. CPD policy states that any person taken into CPD custody will be searched prior to transport and must be restrained in such a manner as to prevent escape and to provide for the safety of the public, the person in custody, and the officers involved.¹¹¹

Here, the BWC evidence showed that the officers stood outside the CPD vehicle, at some points with their backs turned, for approximately 17 minutes while ██████████ was held in the caged

¹⁰⁷ Att. 88, Rules and Regulations of the Chicago Police Department, (V) Rules of Conduct, Rule 38, pg. 9 (effective April 16, 2015, to present).

¹⁰⁸ Att. 81, D19-01(II)(E) Firearm Pointing Incidents (effective November 1, 2019, to April 15, 2025). Note: Department Notice D19-01 has since been superseded by Special Order S03-22 (effective April 15, 2025).

¹⁰⁹ Att. 81, D19-01(II)(B).

¹¹⁰ Att. 10 at 2:05 to 2:18, 3:55 to 3:57 and Att. 12 at 2:20 to 2:29; 4:26.

¹¹¹ Att. 82, G06-01-02(II), Restraining Arrestees (effective December 8, 2017, to present).

compartment.¹¹² While ██████ was left unattended, he used a concealed pocketknife to damage the CPD vehicle by cutting cables and also wrapped a seatbelt around his neck.¹¹³

Officer Barrow told COPA that he did not check on ██████ because he was yelling and kicking.¹¹⁴ Officer Barrow remarked that it would have been possible for ██████ to place a seatbelt around his neck even while being observed.¹¹⁵

In his statement to COPA, FTO Ross also refused to accept accountability for his failure to observe ██████ while he was in the vehicle. FTO Ross insisted that he and Officer Barrow were, in fact, watching ██████ but that ██████ displayed an unanticipated level of stealth and quickness; consequently, he managed to place the seatbelt around his neck despite the officers' vigilance.¹¹⁶ In his denial, FTO Ross also deflected blame by suggesting that ██████ waited until the officers looked away from him before wrapping the seatbelt around his neck.¹¹⁷

In COPA's assessment, neither of the officers provided a plausible explanation for why ██████ was able to harm himself and damage a CPD vehicle while in their custody. Their negligence resulted in the endangerment of a minor, and consequently, COPA finds that allegations #2 against Officer Barrow and #9 against FTO Ross are sustained, in violation of Rules 2, 3, 5, 6, 10, and 11.

iii. FTO Ross and Officer Barrow failed to notify OEMC of a firearm pointing incident in a timely manner.

COPA finds **allegation #5** against Officer Barrow and **allegation #13** against FTO Ross, that they failed to timely notify the Office of Emergency Management and Communications (OEMC) of a firearms pointing incident, are both **sustained**. CPD policy states that whenever a CPD member points a firearm at a person while in the performance of his or her duties, the member will notify OEMC *promptly* after the incident has concluded (emphasis added).¹¹⁸

In this case, FTO Ross and Officer Barrow pointed their firearms at ██████ and the ██████ brothers at approximately 3:05 am. Yet, FTO Ross did not notify OEMC of their firearm pointing incident until 4:14 am.¹¹⁹ During that time, both officers had ample opportunity to make a radio call. For example, there was a 17-minute period when ██████ was being held in the back of a CPD vehicle, and neither officer was occupied with other pressing duties. Additionally, FTO Ross told Officer Barrow to remind him to make an OEMC notification when he could have just as

¹¹² Att. 10 at 20:32 to 37:56.

¹¹³ Att. 41, pg. 39, lns. 12 to 17, pg. 51, lns. 18 to 22, pg. 52, lns 4 to 5.

¹¹⁴ Att. 68, pg. 43, lns. 8 to 16.

¹¹⁵ Att. 68, pg. 44, lns. 16 to 19.

¹¹⁶ Att. 77, pg. 54, ln. 21 to pg. 55, ln 10, pg. 58, lns. 2 to 9.

¹¹⁷ Att. 77, pg. 55, lns. 5 to 10.

¹¹⁸ Att. 81, D19-01(III)(A).

¹¹⁹ Att. 8, pg. 1; also Att. 32 at 23:35.

easily made the radio call himself at that very moment.¹²⁰ As neither officer took the initiative to promptly perform this brief, simple, and essential duty as required, and did not make their report to OEMC until more than an hour after the pointing incident occurred, COPA finds that allegation #5 against Officer Barrow and allegation #13 against FTO Ross are both sustained, in violation of Rules 2, 3, 5, 6, and 10.

b. Regarding the allegation against both FTO Ross and Officer Nfundoak

i. FTO Ross and Officer Nfundoak neglected to properly secure [REDACTED] while in a CPD vehicle.

COPA finds **allegation #3** against Officer Nfundoak and **allegation #8** against FTO Ross, that they did not properly restrain [REDACTED] while he was in custody in a CPD vehicle, are **sustained**. CPD policy states that CPD members are responsible for the safety and security of persons in their custody. A person taken into CPD custody will be searched prior to transport and restrained in such a manner as to prevent escape and to provide for the safety of the public, the person in custody, and the officers involved.¹²¹ With regard to enforcing curfew hours for minors, CPD policy states that minors 12 years of age or older shall be held in violation of the curfew between the hours of 10:00 pm until 6:00 am of the following day.¹²² A CPD member taking a minor into custody for a curfew violation must, among other duties, escort the minor home if the minor lives in the district of apprehension or at an address in an adjacent district.¹²³ The investigating member will transport the minor into the District station when the minor was taken into custody for any criminal offense, when no responsible adult is available to accept custody of the minor, or when the minor does not live in the district of apprehension or an adjacent district.¹²⁴

The officers' BWC videos show that FTO Ross assisted Officer Nfundoak with placing [REDACTED] in the CPD vehicle, and after [REDACTED] was inside the caged compartment, they swiftly closed the door.¹²⁵ During their statements, FTO Ross and Officer Nfundoak both acknowledged that they did not secure [REDACTED] with a seatbelt.¹²⁶ However, neither officer considered this misconduct, as they asserted that they did not need to secure [REDACTED] seatbelt if they were not actively transporting him.¹²⁷ COPA does not accept this explanation, as it does not address all the reasons for securing an individual inside a CPD vehicle. Additionally, although [REDACTED] was ultimately transported from the scene in an ambulance, the officers had initially detained him (a minor over the age of 12) between the hours of 10:00 pm and 6:00 am. As such, CPD policy mandated that they hold [REDACTED] in violation of the curfew law and transport him to one of various locations. Given this duty to hold and transport [REDACTED] for a curfew violation, COPA finds that the officers should have properly restrained him inside their vehicle.

¹²⁰ Att. 10 at 22:07 to 22:07.

¹²¹ Att. 82, G06-01-02(II).

¹²² Att. 87, S06-04-09 (III)(A)(1), Processing Curfew Violators (effective May 27, 2022 to present).

¹²³ Att. 87, S06-04-09 (V)(B)(5).

¹²⁴ Att. 87, S06-04-09 (VI)(A).

¹²⁵ Att. 10 at 10:22 to 10:44 and Att. 14 at 6:56 to 7:17.

¹²⁶ Att. 60, pg. 30, ln. 24 to pg. 31, ln. 8 and Att. 77, pg. 44, lns. 1 to 7.

¹²⁷ Att. 60, pg. 29, lns. 12 to 18 and Att. 77, pg. 44, lns. 18 to 22, pg. 45, lns. 3 to 8.

In addition, the officers had a duty to restrain ██████ in a manner to provide for his safety while in the CPD vehicle. In this instance, their failure to ensure that ██████ was properly restrained, coupled with FTO Ross and Officer Barrow leaving ██████ unattended for a lengthy period of time, resulted in ██████ damaging CPD property, wrapping the seatbelt around his neck attempting to strangle himself, and ultimately requiring hospitalization. As a result, COPA finds that allegations #3 against Officer Nfundoak and #8 against FTO Ross are both sustained, in violation of Rules 2, 3, 5, 6, 10, and 11.

c. Failures to intervene and report misconduct.

i. There is insufficient evidence to prove or disprove that Officer Nfundoak, FTO Moya, and Officer Barrow failed to intervene or report misconduct.

COPA finds **allegation #1** against Officer Moya and **allegation #3** against Officer Barrow, that they failed to intervene when FTO Ross applied his fist to ██████ throat, are **not sustained**. Additionally, COPA finds **allegation #1** against Officer Nfundoak, **allegation #2** against FTO Moya, and **allegation #4** against Officer Barrow, that they failed to report FTO Ross to a supervisor for applying his fist to ██████ throat, are all **not sustained**. CPD policy requires any member who directly observes the use of force against a person, which violates CPD directives, to intervene on the person's behalf. Such action may include, but is not limited to, verbally or physically intervening to try to stop the violation.¹²⁸ Additionally, members must immediately notify a supervisor upon observing any misconduct, including an excessive use of force, a reportable use of force that was not reported, or a use of force that is otherwise in violation of CPD directives.¹²⁹

BWC video captured Officer Nfundoak's arrival at the scene shortly after FTO Ross performed the emergency takedown on ██████ Officer Nfundoak approached FTO Ross and ██████ who were still struggling on the ground, and tapped FTO Ross on the shoulder while saying, "I got this."¹³⁰ Officer Nfundoak told COPA that he said this with the intention of offering FTO Ross assistance with handling ██████¹³¹ He also reported that he did not see FTO Ross touch ██████ throat or face, and did not observe FTO Ross use any force against ██████¹³² Officer Nfundoak added that, had he observed such misconduct, it would have been his duty to intervene and report it to a supervisor.¹³³ Based on a review of the available video evidence, COPA cannot prove whether Officer Nfundoak was in a position to witness FTO Ross placing his fist against ██████ throat.

¹²⁸ Att. 79, G03-02(VII)(A)(1) De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

¹²⁹ Att. 79, G03-02(VII)(A)(2).

¹³⁰ Att. 14 at 2:25 to 2:33.

¹³¹ Att. 60, pg. 17 ln. 16 to pg. 18 ln. 4, pg. 19, lns. 16 to 20.

¹³² Att. 60, pg. 19, lns. 6 to 15; also pg. 19, lns. 21 to 24 and pg. 20, ln. 1.

¹³³ Att. 60, pg. 41, lns. 9 to 14.

FTO Moya also stated that he did not observe FTO Ross place his fist against ██████ throat. FTO Moya stated that, had he observed this act, he would have separated FTO Ross from ██████ and reported it to a supervisor.¹³⁴ BWC video established that FTO Moya was assisting FTO Ross in the ground struggle with ██████ when FTO Ross placed his fist against ██████ throat. However, the direction of FTO Moya's vision cannot be determined from any of the available videos, and COPA has not been able to confirm whether he directly observed FTO Ross's use of excessive force.¹³⁵

BWC video established that Officer Barrow was standing near FTO Ross the first time he placed his fist against ██████ throat. Despite this, Officer Barrow stated that he did not observe FTO Ross's misconduct. A review of the video evidence shows that during the time FTO Ross had his fist against ██████ throat, Officer Barrow was occupied with ██████¹³⁶ Officer Barrow added that he did not observe the second time FTO Ross placed his fist against ██████ throat, because he was focused on their surroundings while also holding ██████ feet.¹³⁷ When asked if he heard any sounds that would indicate ██████ was struggling to breathe, such as gurgling or choking sounds, he could not remember.¹³⁸ Officer Barrow stated that if he had observed FTO Ross placing his fist against ██████ throat, he would have reported the misconduct to Sgt. Guzman.¹³⁹

After a thorough review of the available video, COPA finds there is insufficient evidence to either prove or disprove that the officers directly witnessed FTO Ross's physical interactions with ██████ and therefore, COPA cannot establish that the officers failed to intervene or report misconduct. Given these circumstances, these allegations are not sustained.

d. Regarding Officer Nfundoak's placement of ██████ in a CPD vehicle

i. Using excessive force while handling a detainee.

COPA finds **allegation #2** against Officer Nfundoak, that he used excessive force when placing ██████ into a CPD vehicle, is **exonerated**. Officer Nfundoak described ██████ as a resister who refused to follow an order to get into the vehicle.¹⁴⁰ CPD policy describes a passive resister as a person who fails to comply with verbal or other directions by refusing to move.¹⁴¹ When dealing with a passive resister, CPD authorizes its members to use holding techniques, compliance techniques, control instruments such as batons, and OC Spray.¹⁴² CPD policy defines an active resister as a person who attempts to create distance between himself or herself and the

¹³⁴ Att. 65, pg. 20, lns. 17 to 19 and pg. 21, lns. 4 to 8.

¹³⁵ Att. 11 at 3:10 to 3:25.

¹³⁶ Att. 12 at 5:15 to 5:26.

¹³⁷ Att. 68, pg. 47, lns. 17 to 24 and pg. 48, lns. 1 to 10.

¹³⁸ Att. 68, pg. 49, lns. 13 to 17.

¹³⁹ Att. 68, pg. 49, lns. 22 to 24 and pg. 50, lns. 1 to 5.

¹⁴⁰ Att. 60, pg. 9, lns. 10 to 12 and pg. 28, lns. 5 to 9.

¹⁴¹ Att. 83, G03-02-01(IV)(B)(1) Response to Resistance and Force Options (effective June 28, 2023, to present).

¹⁴² Att. 83, G03-02-01(IV)(B)(1) (a to d).

member's reach with the intent to avoid physical control and/or defeat the arrest.¹⁴³ In addition to the techniques mentioned for passive resisters, CPD authorizes its members to employ stunning strikes, takedowns, canines, and Tasers when responding to active resisters.¹⁴⁴

In his statement to COPA, Officer Nfundoak reported that he ordered ██████ to get into the CPD vehicle, but ██████ refused to move his legs.¹⁴⁵ Officer Nfundoak explained that due to ██████ resistance, he used an escort hold to guide ██████ into the CPD vehicle.¹⁴⁶ The video evidence shows that Officer Nfundoak informed ██████ that he was going to take him to the station, but he did not order ██████ to enter the vehicle, nor did he simply guide ██████ into the caged compartment. Instead, Officer Nfundoak shoved ██████ into the vehicle and immediately slammed the door closed.¹⁴⁷

COPA observes that ██████ initially behaved in a manner that would classify him as a passive resister, but the BWC evidence reveals that ██████ suddenly lurched sideways at Officer Nfundoak, increasing his status to an active resister.¹⁴⁸ As a result, Officer Nfundoak's use of force in forcefully pushing ██████ into the CPD vehicle was appropriate given ██████ level of resistance. COPA therefore finds allegation #2 against Officer Nfundoak is exonerated by clear and convincing evidence.

e. Regarding the allegations against FTO Ross

i. FTO Ross pressed his firearm against ██████ back, without justification.

COPA finds **allegations #2** against FTO Ross, that he placed his firearm against ██████ back without justification, is **sustained**. CPD Rule 38 prohibits CPD members from the unlawful or unnecessary use or display of a weapon.¹⁴⁹ The pointing of a firearm at a person is only permissible when the circumstances of the situation make it objectively reasonable to do so. In such cases, CPD members may consider factors that include, but are not limited to, the nature of the incident, the risk of harm to themselves or others, and the level of threat or resistance presented by the person, such as possession or access to weapons.¹⁵⁰

In this incident, FTO Ross and Officer Barrow were responding to a person with a gun call, which presented a high level of potential risk for the officers. Therefore, it was not necessarily unreasonable for them to unholster and display their firearms as they arrived at the scene. However, the BWC evidence demonstrates that FTO Ross pointed his firearm directly at ██████ and that

¹⁴³ Att. 83, G03-02-01(IV)(B)(2).

¹⁴⁴ Att. 83, G03-02-01(IV)(B)(2)(c).

¹⁴⁵ Att. 60, pg. 28, lns. 5 to 9.

¹⁴⁶ Att. 60, pg. 28, lns. 10 to 14.

¹⁴⁷ Att. 14 at 5:41 to 7:18.

¹⁴⁸ Att. 10 at 10:21 to 10:27 and Att. 14 at 6:50 to 6:59.

¹⁴⁹ Att. 88, Rules and Regulations of the Chicago Police Department, (V) Rules of Conduct, Rule 38, pg. 9.

¹⁵⁰ Att. 81, D19-01(II)(E).

the muzzle made contact with ██████ back.¹⁵¹ During his interview with COPA, FTO Ross acknowledged that his firearm was pressed against ██████ back; however, he deflected blame away from himself by insisting that ██████ had pushed backwards, causing the firearm to press against his back.¹⁵²

COPA notes that during this point in the encounter, ██████ was compliant and following FTO Ross's orders. Additionally, the BWC evidence does not corroborate FTO Ross's claim that ██████ backed up against his firearm. Instead, ██████ appeared to be braced against the fence with his hands clutching the vertical metal bars. The preponderance of evidence indicates that FTO Ross, not ██████ was responsible for the firearm making contact with ██████ back. Considering the totality of the circumstances, including the level of resistance offered by ██████ the act of pressing a firearm against ██████ back when there was no imminent threat to FTO Ross's life was excessive and unreasonable. COPA therefore finds that allegation #2 against FTO Ross is sustained, in violation of Rules 2, 3, 6, 8, 9, and 38.

ii. There is insufficient evidence that FTO Ross performed an emergency takedown without justification.

COPA finds **allegation #3** against FTO Ross, that he performed an emergency takedown on ██████ without justification, is **not sustained**. CPD defines a takedown as the act of physically directing an active resister to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the individual.¹⁵³ As previously stated, a person is considered an active resister when they attempt to create distance between themselves and a CPD member's reach with the intent to avoid physical control and/or defeat the arrest.¹⁵⁴ This type of resistance includes, but is not limited to, behaviors such as evasive movements of the arms, flailing of the arms, and running away in full flight.¹⁵⁵

In this case, after ██████ was detained, FTO Ross ordered him to place his hands on a nearby fence. ██████ appeared to comply with this order, but also made defiant and potentially threatening remarks to FTO Ross. After ██████ made a statement suggesting that FTO Ross should shoot him, FTO Ross pulled ██████ away from the fence and executed a takedown maneuver.¹⁵⁶ FTO Ross reported that ██████ ignored orders to keep his hands on the fence and stop reaching into his backpack, and that made it necessary to perform an emergency takedown on ██████¹⁵⁷ In his interview with COPA, ██████ asserted that both of his hands were on the fence prior to the takedown.¹⁵⁸ COPA's review of the BWC videos showed that ██████ right hand

¹⁵¹ Att. 10 at 4:39 to 5:17.

¹⁵² Att. 77, pg. 20, ln. 24, pg. 21, lns. 1 to 8.

¹⁵³ Att. 83, G03-02-01(IV)(B)(2)(c)(3).

¹⁵⁴ Att. 83, G03-02-01(IV)(B)(2).

¹⁵⁵ Att. 83, G03-02-01(IV)(B)(2)(a).

¹⁵⁶ Att. 10 at 5:11 to 5:25.

¹⁵⁷ Att. 77, pg. 8, lns. 19 to 24, and pg. 9, lns. 1 to 2.

¹⁵⁸ Att. 41, pg. 6, lns. 10 to 21.

was visibly placed on the fence, but his left hand was out of view.¹⁵⁹ Due to insufficient video evidence and conflicting accounts offered by FTO Ross and ██████ COPA cannot definitively determine whether ██████ was complying or actively resisting at the time of the takedown. Therefore, COPA lacks sufficient evidence to prove or disprove that FTO Ross conducted the takedown without justification, and allegation #3 is not sustained.

iii. There is insufficient evidence to prove FTO Ross applied his knee to ██████ chest.

COPA finds **allegation #4** against FTO Ross, that he used his knee to apply pressure to ██████ chest without justification, is **not sustained**. The application of pressure that may impede a person's ability to breathe is one of the acts that CPD considers to exceed normal use of force procedures; therefore, the rules governing the use of deadly force apply to this action.¹⁶⁰ An officer may use deadly force as a last resort and only when it is necessary to protect against an imminent threat to life or to prevent great bodily harm to the officer or another person.¹⁶¹

BWC video shows that ██████ landed on his back after FTO Ross performed the emergency takedown, at which point FTO Ross got on top of ██████ and appeared to straddle his body.¹⁶² During the struggle, FTO Ross flipped ██████ into a face-down position in order to restrain his hands. The available video evidence does not clearly demonstrate the positioning of FTO Ross's legs at that point, making it impossible to prove that he applied pressure with his knees. COPA acknowledges that it is possible ██████ felt compression against his chest as FTO Ross straddled him; however, there is insufficient evidence to prove or disprove this allegation. Therefore, COPA finds that allegation #4 against FTO Ross is not sustained.

iv. FTO Ross placed his fist against ██████ throat, including while ██████ was in restraints.

COPA finds **allegation #5** against FTO Ross, that he applied direct pressure to ██████ throat, and **allegation #11** against FTO Ross, that he used force against ██████ while he was restrained in handcuffs, are both **sustained**. CPD policy defines an assailant as a person who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury. Assailants are divided into two categories, the first consisting of a person whose actions are aggressively offensive with or without a weapon, and the second consisting of a person whose actions constitute an imminent threat of death or great bodily harm to a CPD member or another person.¹⁶³

The use of chokeholds, carotid artery restrictions, and restraints above the shoulders that pose a risk of positional asphyxiation qualify as deadly force; as such, they may only be employed

¹⁵⁹ Att. 11 at 2:39 to 2:49.

¹⁶⁰ Att. 83, G03-02-01(V)(A to B).

¹⁶¹ Att. 79, G03-02(IV)(C).

¹⁶² Att. 10 at 5:10 to 5:45 and Att. 11 at 2:42 to 2:52.

¹⁶³ Att. 83, G03-02-01(IV)(C).

against the second type of assailant, whose actions constitute an imminent threat of death or great bodily harm.¹⁶⁴ Furthermore, members may only use such techniques as an act of last resort to protect against an imminent threat to life.¹⁶⁵

CPD policy also strictly regulates the use of force against restrained detainees. CPD members are prohibited from using force on a person who is fully restrained and controlled with handcuffs or other restraining devices. An exception to this rule may apply in situations where immediate action is required to prevent injury to a CPD member, the restrained person, or another person, or to prevent an escape.¹⁶⁶

Here, the BWC evidence clearly demonstrates that FTO Ross placed his fist against ██████ throat on two separate occasions, the second of which occurred while ██████ was restrained in handcuffs.¹⁶⁷ The first instance occurred after FTO Ross performed the emergency takedown and was struggling to restrain ██████¹⁶⁸ As FTO Ross pressed his left fist against ██████ throat, ██████ made gurgling noises and complained that he could not breathe.¹⁶⁹ ██████ statement to COPA corroborated this point, as he vividly reproduced the gurgling sounds that ██████ made.¹⁷⁰ ██████ told COPA he started to hear a ringing noise in his ear as he struggled to get FTO Ross off him. He said he almost lost consciousness by the time FTO Ross released his neck, and he complained of great pain and fits of coughing.¹⁷¹

The second instance occurred after FTO Ross discovered ██████ with the seatbelt wrapped around his neck and pulled his inert handcuffed body from the CPD vehicle; once ██████ appeared to regain consciousness, FTO Ross pressed his right fist against ██████ throat in an apparent attempt to control ██████ movements.¹⁷²

During his statement to COPA, FTO Ross denied placing his fist against ██████ throat, and instead insisted that he had only pressed his knuckles against ██████ collarbone in order to hold him down.¹⁷³ Based on the BWC videos, however, the preponderance of evidence demonstrates that FTO Ross did press his fist against ██████ throat twice, and with sufficient pressure to restrict ██████ breathing. As these two acts violated CPD's policies regarding the use of force and the handling of restrained persons, COPA finds that allegations #5 and #11 against FTO Ross are sustained, in violation of Rules 2, 3, 6, 8, and 9.

¹⁶⁴ Att. 79, G03-02(IV)(A).

¹⁶⁵ Att. 79, G03-02(IV)(C to D).

¹⁶⁶ Att. 83, G03-02-01(II)(G).

¹⁶⁷ Att. 11 at 3:15 to 3:22 and Att. 10 at 38:03 to 40:19.

¹⁶⁸ Att. 10 at 5:28 to 6:08 and Att. 11 at 2:50 to 3:35.

¹⁶⁹ Att. 11 at 3:15 to 3:29.

¹⁷⁰ Att. 43, pg. 5, ln. 19 to pg. 6, ln. 2; also Att. 25 at 5:21 to 5:44.

¹⁷¹ Att. 41, pg. 7, lns. 7 to 13.

¹⁷² Att. 10 at 38:03 to 40:19 and Att. 41 pg. 9, lns. 4 to 6, pg. 51, lns. 18 to 22, pg. 52, lns. 4 to 9.

¹⁷³ Att. 77, pg. 64, lns. 14 to 21.

v. FTO Ross failed to immediately notify OEMC that he had been involved in a reportable use of force incident.

COPA finds **allegation #6** against FTO Ross, that he failed to immediately notify OEMC that he had been involved in a reportable use of force incident, is **sustained**. CPD policy requires sworn members who are involved in a reportable use of force incident to immediately notify OEMC.¹⁷⁴ OEMC will then communicate the details of the incident to the involved member's immediate supervisor and watch operations lieutenant, will assign a field supervisor from the district of occurrence to respond to the scene, and in some cases will notify the Crime Prevention and Information Center (CPIC).¹⁷⁵

CPD policy describes several types of reportable uses of force. A Level 1 reportable use of force is defined as the use of any force by a CPD member to overcome the active resistance of a person. Examples of Level 1 uses of force include maneuvers such as joint manipulations, wristlocks, and takedowns.¹⁷⁶ Level 2 uses of force include any force against a person who is fully restrained in handcuffs, the use of impact weapons to any part of the body except the head or neck, any takedown or stunning technique that results in an injury or complaint of injury, and any use of Tasers, OC spray, or canines.¹⁷⁷ Level 3 uses of force are reserved for situations involving an assailant, and include discharging a firearm, using an impact weapon to intentionally strike a person's head or neck, and applying restrictive holds above the shoulders such as chokeholds or carotid artery restraints. Furthermore, any use of force that results in death or an injury requiring hospital treatment is considered a Level 3 use of force according to CPD policy.¹⁷⁸

In his statement to COPA, FTO Ross acknowledged the requirement to contact OEMC when deadly force is used,¹⁷⁹ but he denied that he placed his fist against ██████ throat during this incident. However, BWC video clearly demonstrates the placement of FTO Ross's fist against ██████ throat, and the apparent pressure caused by it. After reviewing all of the available BWC videos, CPD radio transmissions, and OEMC Event Queries, COPA did not discover any evidence that FTO Ross notified OEMC of his involvement in a reportable use of force incident.¹⁸⁰ Failure to notify OEMC of a reportable use of force impedes CPD's ability to determine the proper response to such incidents, and it obstructs CPD from ensuring that the use of force is in compliance with established policies. COPA therefore finds FTO Ross failed to comply with CPD directives, and allegation #6 is sustained, in violation of Rules 2, 3, 5, 6, 10, and 11.

vi. FTO Ross's search failed to discover a concealed pocketknife on ██████ person.

¹⁷⁴ Att. 86, G03-02-02(IV)(A)(1) Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present).

¹⁷⁵ Att. 86, G03-02-02(IV)(A)(2)(a to c).

¹⁷⁶ Att. 86, G03-02-02(III)(A)(2)(a).

¹⁷⁷ Att. 86, G03-02-02(III)(A)(2)(b).

¹⁷⁸ Att. 86, G03-02-02(III)(A)(2)(c).

¹⁷⁹ Att. 77, pg. 40, lns. 10 to 12.

¹⁸⁰ Att. 31 and Att. 32.

COPA finds **allegation #7** against FTO Ross, that he failed to conduct a proper search of ██████████ is **sustained**. CPD policy states that CPD members taking persons into custody are responsible for conducting a thorough search.¹⁸¹ In situations involving multiple arrests, CPD warns members to be aware that preliminary searches conducted on arrestees may not be fully effective due to the urgent circumstances of the incident; consequently, members conducting subsequent custodial searches are instructed to be aware of this risk and to use extra care in their searches.¹⁸²

During his statement to COPA, FTO Ross initially admitted that after he conducted a patdown and search of ██████████ person, he later learned that ██████████ still had possession of a knife.¹⁸³ After further questioning, FTO Ross revised that statement and instead claimed that ██████████ knife was recovered before he was placed in the CPD vehicle.¹⁸⁴ FTO Ross dismissed his failure to recover the pocketknife by stating that the knife was small and that he had been looking for a gun.¹⁸⁵ COPA notes that FTO Ross further convoluted this situation by incorrectly documenting ██████████ as an unarmed person in his Tactical Response Report (TRR).¹⁸⁶

FTO Ross's negligence in the performance of his duties allowed ██████████ to retain a pocketknife that could have resulted in injury or death to ██████████ the officers, and others at the scene. Furthermore, CPD property was vandalized due to FTO Ross's incomplete search, as ██████████ was able to cut the cable on the in-car camera with his pocketknife. As FTO Ross clearly conducted an insufficient search, thereby endangering himself and others, COPA finds that allegation #7 is sustained, in violation of Rules 2, 3, 5, 6, 10, and 11.

vii. FTO Ross forcibly pulled ██████████ from a CPD vehicle.

COPA finds **allegation #10** against FTO Ross, that he forcefully pulled ██████████ from a CPD vehicle without justification, is **sustained**. CPD Rule 8 prohibits members from disrespecting or mistreating any person.¹⁸⁷ Additionally, CPD policy states that once the scene of an incident is safe, and as soon as it is practical, members must provide medical aid to any injured person regardless of whether they are another CPD member, a member of the public, or a person against whom force was used. This treatment shall be provided to anyone who complains of injury or requests medical attention. Finally, the policy requires that members treat all injured persons with dignity and respect.¹⁸⁸

Here, the BWC footage shows that after FTO Ross discovered ██████████ seemingly unconscious, he unwrapped the seatbelt from around ██████████ neck and radioed for an

¹⁸¹ Att. 82, G06-01-02(IV)(B).

¹⁸² Att. 82, G06-01-02(IV)(B).

¹⁸³ Att. 77, pg. 41, lns. 6 to 20.

¹⁸⁴ Att. 77, pg. 47, lns. 17 to 19.

¹⁸⁵ Att. 77, pg. 42, lns. 7 to 11.

¹⁸⁶ Att. 5 pg. 1.

¹⁸⁷ Att. 80, Section V, Rule 8.

¹⁸⁸ Att. 79, G03-02(V)(A), G03-02(V)(B).

ambulance. He then took hold of [REDACTED] hooded sweater with both hands and forcefully pulled [REDACTED] from the CPD vehicle, dropping him onto the asphalt street.¹⁸⁹

FTO Ross told COPA that he pulled [REDACTED] from the vehicle with such force because [REDACTED] pants were latched onto something inside of the vehicle.¹⁹⁰ However, the BWC evidence shows that he aggressively grabbed and pulled [REDACTED] out in one continuous movement. The preponderance of the evidence shows that FTO Ross carelessly dropped [REDACTED] onto the street, without dignity, respect, or any apparent care for additional injuries that might result. COPA therefore finds that allegation #10 is sustained, in violation of Rules 2, 3, 6, 8, and 11.

viii. FTO Ross engaged in an unnecessary verbal altercation with [REDACTED]

COPA finds **allegation #12** against FTO Ross, that he engaged in an unnecessary verbal altercation with [REDACTED] is **sustained**. CPD Rule 9 prohibits members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty.¹⁹¹ CPD members are required to act, speak, and conduct themselves in a courteous, respectful, and professional manner throughout all their interactions.¹⁹² Additionally, CPD policy mandates that all members refrain from exhibiting a condescending attitude or directing any derogatory terms towards any person, and they may not use language or take action intended to taunt an individual.¹⁹³

In this case, BWC video shows that after [REDACTED] said he would not care if FTO Ross shot him, FTO Ross responded by stating, “Shut up, bro.”¹⁹⁴ Later, [REDACTED] again suggested that FTO Ross should shoot him; FTO Ross assured him that he would not be killed, but added, “You’ll just get thrashed.”¹⁹⁵ Finally, after [REDACTED] threatened FTO Ross that he would find him and kill him, FTO Ross retorted by issuing a counterthreat to [REDACTED] telling him, “Not if I find you first.”¹⁹⁶

COPA questioned FTO Ross about each of these verbal interactions. He explained that he told [REDACTED] to shut up because that was simply his way of telling [REDACTED] to stop acting tough.¹⁹⁷ FTO Ross also expressed his opinion that whenever someone makes a stupid comment to him, he is allowed to tell them to shut up.¹⁹⁸ When asked why he told [REDACTED] he would get thrashed, FTO Ross answered that he was warning [REDACTED] that he was willing to use whatever force was necessary to take [REDACTED] into custody.¹⁹⁹ Finally, FTO Ross explained that he told [REDACTED] “Not if I find you first,” in response to another threat [REDACTED] had made against him. FTO Ross spoke

¹⁸⁹ Att. 10 at 38:35 to 38:40.

¹⁹⁰ Att. 77, pg. 59, lns. 4 to 8.

¹⁹¹ Att. 88, Rules and Regulations of the Chicago Police Department, (V) Rules of Conduct, Rule 9, pg. 7.

¹⁹² Att. 85, G02-01(III)(B)(3), Protection of Human Rights (effective June 30, 2022, to present).

¹⁹³ Att. 85, G02-01(III)(B)(4).

¹⁹⁴ Att. 10 at 4:56 to 5:00.

¹⁹⁵ Att. 10 at 8:06 to 8:11.

¹⁹⁶ Att. 10 at 44:45 to 44:48.

¹⁹⁷ Att. 77, pg. 67, lns. 20 to 21.

¹⁹⁸ Att. 77, pg. 67, lns. 16 to 24 and pg. 68, lns. 1 to 6.

¹⁹⁹ Att. 77, pg. 68, lns. 9 to 21.

at length about how his intention was to make ██████ understand that it was useless to threaten him; he also added that he believed giving this response would make ██████ become quiet.²⁰⁰

In COPA's assessment, FTO Ross's explanations for engaging in these verbal altercations with ██████ were neither convincing nor logical. On the contrary, it is evident that FTO Ross's statements only served to taunt ██████ and exacerbate an already contentious situation. Moreover, FTO Ross engaged in an ongoing verbal altercation with a minor who repeatedly expressed a desire to be shot and/or die, which should have demonstrated to FTO Ross that ██████ was experiencing a mental health crisis. COPA finds that these circumstances made FTO Ross's misconduct even more egregious. Consequently, COPA finds that allegation #12 against FTO Ross is sustained, in violation of Rules 2, 3, 6, 8, and 9.

ix. FTO Ross failed to accurately document his use of force in a TRR.

COPA finds **allegation #14** against FTO Ross, that he failed to accurately document his use of force in a Tactical Response Report (TRR), is **sustained**. CPD members are required to truthfully and completely report all use of force incidents; the facts and circumstances of such incidents must be documented to explain the reason for each particular use of force.²⁰¹ CPD uses the TRR as a means to document, investigate, and evaluate reportable use of force incidents, including any force mitigation efforts.²⁰² Among the incidents for which a TRR must be completed are all Level 3 uses of force. As previously stated, Level 3 uses of force are reserved for situations involving an assailant, and include discharging a firearm, using an impact weapon to intentionally strike a person's head or neck, and applying restrictive holds above the shoulders such as chokeholds or carotid artery restraints.²⁰³

In this case, FTO Ross completed a TRR detailing the reasons he conducted an emergency takedown on ██████. However, FTO Ross failed to document that he pressed his fist against ██████ throat on two separate occasions. The first use of force occurred after FTO Ross conducted the emergency takedown and was struggling to restrain ██████. The second incident took place while ██████ was restrained in handcuffs, after FTO Ross had pulled ██████ from the back of the CPD vehicle and dropped him on the ground. Both of these incidents risked blocking ██████ airway and/or carotid artery and, therefore, are considered Level 3 uses of force under CPD policy. During his interview with COPA, FTO Ross stated he did not recall placing his hands on or near ██████ neck or throat.²⁰⁴ He also argued that he did not use force against ██████ while he was handcuffed, instead claiming that he only used control tactics against ██████²⁰⁵

²⁰⁰ Att. 77, pg. 69, lns. 14 to 24 and pg. 70, lns. 1 to 6.

²⁰¹ Att. 86, G03-02-02(II)(B).

²⁰² Att. 86, G03-02-02(II)(A)(1).

²⁰³ Att. 86, G03-02-02(III)(A)(2)(c).

²⁰⁴ Att. 77, pg. 32, lns. 3 to 7.

²⁰⁵ Att. 77, pg. 74, lns. 11 to 17

COPA finds that the preponderance of evidence indicates otherwise, clearly showing that FTO Ross twice used a restricted above-the-shoulders restraint tactic on [REDACTED]. These were Level 3 reportable uses of force, and therefore, FTO Ross had a responsibility to fully and truthfully document them in his TRR. Additionally, COPA notes that Deputy Chief Gilberto Calderon also found that FTO Ross used Level 3 force during this incident, and he specifically documented the use of a carotid artery restraint in FTO Ross's TRR.²⁰⁶ Deputy Chief Calderon also concluded that FTO Ross's use of force did not comply with CPD policy.²⁰⁷ As a result, COPA finds that allegation #14 against FTO Ross is sustained, in violation of Rules 2, 3, 6, 10, and 11.

f. Concerning Sgt. Guzman's responsibility at the scene

COPA finds that **allegation #1** against Sgt. Guzman, that he failed to report to the scene after FTO Ross requested an ambulance, is **unfounded**. This allegation originated with Lt. O'Shaughnessy, who reviewed FTO Ross's TRR and initiated this complaint. The Initiation Report authored by Lt. O'Shaughnessy states that Sgt. Guzman never arrived at the scene of this incident.²⁰⁸ However, COPA has determined that Sgt. Guzman did, in fact, arrive at the scene at approximately 3:54 am, just before the CFD ambulance departed with [REDACTED].²⁰⁹ Additionally, COPA conducted a search for the GPS records associated with Sgt. Guzman's CPD vehicle, and confirmed that it arrived at 4658 S. Drexel Blvd. at approximately 3:54 am.²¹⁰ Finally, Sgt. Guzman gave a statement to COPA in which he affirmed that he arrived at the scene as the other officers were departing, and that he did not exit his vehicle because he was only there very briefly.²¹¹ COPA therefore finds that allegation #1 against Sgt. Guzman is unfounded.

VI. DISCIPLINARY RECOMMENDATION

a. FTO David Ross

i. Complimentary and Disciplinary History²¹²

FTO Ross has been employed as a CPD member since October 27, 2014. His complimentary history is comprised of 24 awards, the highlights of which include one Unit Meritorious Performance Award, one Superintendent's Award of Tactical Excellence, one Special Commendation Award, and one Crime Reduction Award. He has no finalized sustained disciplinary history from the last five years.²¹³

²⁰⁶ Att. 5, pg. 4.

²⁰⁷ Att. 5, pg. 3.

²⁰⁸ Att. 1, pg. 2.

²⁰⁹ Att. 12 at 54:11 to 54:38. Note: Although Sgt. Guzman arrived at the end of the incident, the presence of his vehicle was captured on Officer Barrow's BWC recording.

²¹⁰ Att. 98, pg.2.

²¹¹ Att. 74, pg. 18, lns. 2 to 21.

²¹² Atts. 92 and 93.

²¹³ COPA notes that under Log 2020-0002008, FTO Ross was accused of leaving two arrestees unattended, but this allegation was addressed by CPD via SPAR just over five years ago. Additionally, COPA or BIA previously

ii. Recommended Discipline

COPA has found that FTO Ross violated Rules 2, 3, 5, 6, 8, 9, 10, 11, and 38 when he repeatedly used excessive force (including deadly force, the use of force against a restrained subject, and improper firearm usage), failed to properly search, restrain and monitor a juvenile detainee, engaged in an unjustified verbal altercation, failed to timely notify OEMC of a firearm pointing incident and a reportable use of force incident, and failed to accurately document his uses of force in a TRR.

In aggravation, COPA notes the serious nature of these allegations, particularly the use of deadly force against a minor in restraints. Moreover, FTO Ross's failure to properly search, restrain, and monitor ██████████ during his detention in the back of a CPD vehicle resulted in ██████████ attempting to strangle himself as well as damaging CPD property with a concealed pocketknife. After that, FTO Ross resorted to forcefully pulling ██████████ from the back of the vehicle, which caused him to land roughly on the street while still in handcuffs. It is simply a matter of luck that ██████████ did not sustain a serious injury from landing on the pavement with such force.

Despite having almost a decade of experience at the time of this incident, FTO Ross also committed numerous technical violations, such as failing to make proper notifications, improper report documentation, and engaging in an unjustified verbal altercation. COPA also finds it noteworthy that, although FTO Ross appeared to possess a great command of CPD policies when explaining his conduct to COPA, his actions during the incident represented a disproportionate response to the situation he faced. Even more troubling is that FTO Ross engaged in several prohibited acts while serving in one of the most trusted and important positions within CPD: Field Training Officer. Finally, COPA notes that FTO Ross took no accountability for his actions and offered numerous excuses and inconsistent explanations in an attempt to justify his misconduct. These excuses and inconsistencies, when coupled with his overall reluctance to accept responsibility for his actions, greatly diminished FTO Ross's credibility and is another aggravating factor which COPA has weighed.

In mitigation, COPA recognizes FTO Ross's complimentary history. COPA also notes that while FTO Ross used excessive force, it did not appear to result in serious physical injury.

In light of these aggravating and mitigating circumstances, COPA recommends that FTO Ross receive a **180 to 365 day suspension and retraining** on the following CPD policies: 1) De-

investigated FTO Ross under Log numbers 2020-0002008, 2021-0000496, 2023-0001529, and 2023-0003354. In 2021-0000496, BIA sustained 23 allegations against FTO Ross related to violations of Special Order S11-02 (Field Training and Evaluation Program) and recommended a 9-day suspension. In 2023-0001529, COPA sustained one allegation against FTO Ross for engaging in an unjustified verbal altercation during an off-duty altercation and recommended a 10-day suspension. Under Log 2023-0003354, BIA sustained five allegations against FTO Ross related to medical roll violations, including one allegation of fraud, and recommended that he be separated from CPD. All of these cases are subject to the grievance process and have not yet been finalized; therefore, COPA has not considered them in recommending discipline for the present case.

Escalation, Response to Resistance and Use Force, 2) Incidents Requiring the Completion of a Tactical Response Report, 3) Restraining Arrestees, 4) Firearm Pointing Incidents, and 5) Protection of Human Rights. COPA also recommends that CPD reevaluate FTO Ross's role in training probationary police officers.

b. Officer Marcus Barrow

i. Complimentary and Disciplinary History²¹⁴

Officer Barrow has been employed as a CPD member since October 10, 2023. His complimentary history is comprised of five awards, the highlights of which include four Honorable Mention Certificates. His disciplinary history includes an April 2025 court appearance violation, resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Barrow violated Rules 2, 3, 5, 6, 10, and 11 when he failed to keep ██████████ under observation while in a CPD vehicle, and failed to timely notify OEMC of a firearm pointing incident.

In aggravation, COPA notes that Officer Barrow and FTO Ross failed to monitor ██████████ in the backseat of their vehicle for approximately 17 minutes, resulting in the hospitalization of a minor (albeit for psychiatric treatment) and damage to CPD property. Moreover, Officer Barrow did not accept responsibility for his actions, instead offering an easily refutable excuse about why he did not monitor ██████████. This ultimately diminished his credibility in COPA's estimation.

However, COPA finds that Officer Barrow's relative inexperience as a probationary police officer at the time of this incident weighs heavily as a mitigating factor. Moreover, most of the misconduct during this incident was committed by Officer Barrow's field training officer, which was unfortunate and ultimately out of Officer Barrow's control. COPA also notes Officer Barrow's complimentary history and minor disciplinary history.

In light of these aggravating and mitigating factors, COPA recommends Officer Barrow receive a **1 to 29 day suspension** and **retraining** on CPD's Restraining Arrestees and Firearm Pointing Incidents policies.

c. Officer Ayuk Nfundoak

i. Complimentary and Disciplinary History²¹⁵

Officer Nfundoak has been employed as a CPD member since November 16, 2020. His complimentary history is comprised of 11 awards, the highlights of which include 10 Honorable

²¹⁴ Atts. 94 and 95.

²¹⁵ Atts. 96 and 97.

Mention Certificates. His disciplinary history consists of a March 2025 preventable accident, resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Nfundoak violated Rules 2, 3, 5, 6, 10, and 11 when he failed to properly restrain ██████████ in a CPD vehicle. In aggravation, Officer Nfundoak’s failure to properly restrain ██████████ resulted in his hospitalization and damage to CPD property. In mitigation, COPA notes that Officer Nfundoak appeared to be well-intentioned when he intervened between FTO Ross and ██████████ during the initial handcuffing. COPA also notes Officer Nfundoak’s relative inexperience as an officer at the time of this incident (less than five years), as well as his complimentary history and relatively minor disciplinary history.

In light of these aggravating and mitigating factors, COPA recommends Officer Nfundoak receive a **1 to 29 day suspension and retraining** on CPD’s Restraining Arrestees policy.

Approved:

██████████

Steffany Hreno
Acting Deputy Chief Administrator

11/29/2025

_____ Date

██████████

LaKenya White
Interim Chief Administrator

11/29/2025

_____ Date

Appendix ACase Details

Date/Time/Location of Incident:	June 27, 2024 / 3:00 am / 4700 S. Drexel Blvd.
Date/Time of COPA Notification:	June 28, 2024 / 10:15 pm
Involved Member #1:	Sgt. Jonathan Guzman / Star #1330 / Employee ID # [REDACTED] / Date of Appointment: September 29, 2014 / Unit of Assignment: 009 / Male / Hispanic
Involved Member #2:	FTO Francisco Moya / Star #17172 / Employee ID # [REDACTED] / Date of Appointment: September 1, 2010 / Unit of Assignment: 014 / Male / Hispanic
Involved Member #3	FTO David Ross / Star #15315 / Employee ID # [REDACTED] / Date of Appointment: October 27, 2014 / Unit of Assignment: 376 / Male / Black
Involved Member #4	Officer Marcus Barrow / Star #7121 / Employee ID # [REDACTED] / Date of Appointment: October 10, 2023 / Unit of Assignment: 044 / Male / Black
Involved Member #5	Officer Ayuk Nfundoak / Star #1577 / Employee ID # [REDACTED] / Date of Appointment: November 16, 2020 / Unit of Assignment: 002 / Male / Black
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 or inefficiency in the performance of duty.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective June 30, 2022, to present).
- 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).
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present).
- G06-01-02: Restraining Arrestees (November 8, 2017, to present).
- S06-04-09: Processing Curfew Violators (effective May 27, 2022, to present).
- D19-01: Firearms Pointing Incidents (effective November 1, 2019, to April 15, 2025).

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.²¹⁶ 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.”²¹⁷

²¹⁶ 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).

²¹⁷ *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