



Log # 2024-6672

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 16, 2024, at approximately 6:14 pm, the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting, without hits, that occurred at approximately 11:23 pm at 1734 W 47th St.² Upon review of the evidence, COPA served allegations that Police Officer Eduardo Tobon Espinosa discharged his firearm at a moving vehicle without justification and that Officer Tobias Houston struck ██████████ without justification and failed to timely activate his body-worn camera (BWC). Following its investigation, COPA reached sustained findings that Officer Tobon Espinosa discharged his firearm without justification and that Officer Houston failed to activate his BWC without justification.

II. SUMMARY OF EVIDENCE³

On August 16, 2024, Officers Tobon Espinosa and Houston were on patrol in the 9th District in a marked CPD vehicle driven by Officer Houston. At approximately 4:35 pm, they received information over their radio concerning a white Dodge Durango that was wanted in connection with a homicide the prior day.⁴ The Durango had been observed approximately ten minutes earlier travelling west on 51st St. from Princeton Ave. The Durango was next observed at approximately 5:25 pm leaving the parking lot of Fernandez Auto Glass at 1613 W 51st St., following behind a Dodge Charger. At that time, ██████████ was driving the Durango and was the sole occupant. Both vehicles began to travel north on Ashland Ave.⁵

Multiple officers responded to the area, including Officers Tobon Espinosa and Houston.⁶ When the Charger and Durango reached the intersection of Ashland Ave. and 47th St., they encountered three marked CPD vehicles stopped on Ashland north of the intersection.⁷ The

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 Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, third-party video, police reports, and officer interviews.

⁴ Att. 16; Att. 44 at 33:27 to 34:16.

⁵ Att. 43 at 23:59 to 24:58.

⁶ Att. 34.

⁷ Att. 25 at 0:00 to 0:08.

Charger and Durango turned left at the intersection to head west on 47th St., and the three CPD vehicle followed the Charger and Durango with one other car between the CPD vehicles and the Charger and Durango.⁸ Officers Tobon Espinosa and Houston were the first CPD vehicle following the Charger and Durango. After driving about one block, Officers Tobon Espinosa and Houston activated their emergency lights.⁹ The Charger and Durango disregarded the signal to stop and drove away, continuing west on 47th St. while weaving in and out of stopped traffic.¹⁰

The Charger and Durango encountered additional CPD vehicles as they fled. First, a CPD vehicle was driving east on 47th St., and the Charger and Durango turned right to drive north on Hermitage Ave.¹¹ Another CPD vehicle was driving south on Hermitage Ave., and the Charger and Durango turned left into the alleyway parallel to 47th St.¹² The Charger made the turn and traveled through the alleyway to the next street.¹³ The Durango crashed into a dumpster when attempting the turn, causing extensive damage to the hood of the car.¹⁴ Officers Tobon Espinosa and Houston stopped behind the Durango and exited their patrol vehicle.¹⁵ [REDACTED] reversed the Durango and struck the patrol vehicle, and Officer Houston got back into the patrol vehicle.¹⁶

Officer Tobon Espinosa ran towards the front passenger-side door of the Durango, pointed his firearm at [REDACTED] and ordered him to exit.¹⁷ [REDACTED] began to drive around the dumpster at a low rate of speed while Officer Tobon Espinosa walked forward alongside the Durango. The Durango was traveling at an angle towards Officer Tobon Espinosa and a building on the north side of the alley.¹⁸ Officer Tobon Espinosa repeated his order for [REDACTED] to get out of the car.¹⁹ Officer Tobon Espinosa pointed his firearm towards the front passenger-side tire, fired, and struck the tire, flattening it.²⁰ After the tire was flattened, [REDACTED] straightened the tires and drove forward at a slow rate of speed while Officer Tobon Espinosa walked alongside the car, pointed his firearm at [REDACTED] and ordered him to exit the car.²¹ Then, [REDACTED] exited the Durango and began to run west in the alley.²² Officer Houston exited his car and began to pursue [REDACTED] on foot. Officer Houston caught up to [REDACTED] after a short distance and pushed him to the ground.²³ Officer Tobon Espinosa approached to assist Officer Houston secure [REDACTED].²⁴ The Durango continued to roll forward

⁸ Att. 25 at 0:00 to 0:12.

⁹ Att. 25 at 0:56.

¹⁰ Att. 25 at 0:59 to 1:09.

¹¹ Att. 25 at 1:10 to 1:16; Att. 38 at 10:42 to 10:52.

¹² Att. 25 at 1:16; Att. 38 at 10:49 to 10:54.

¹³ Att. 40 at 10:52.

¹⁴ Att. 40 at 10:53.

¹⁵ Att. 40 at 10:56.

¹⁶ Att. 3 at 1:58; Att. 40 at 10:57 to 11:03.

¹⁷ Att. 3 at 2:01.

¹⁸ Att. 3 at 2:02; Att. 85, pg. 9, lns. 4 to 7.

¹⁹ Att. 3 at 2:03.

²⁰ Att. 3 at 2:04; Att. 28.

²¹ Att. 3 at 2:06 to 2:15.

²² Att. 3 at 2:15.

²³ Att. 3 at 2:16; Att. 9 at 1:08 to 1:14.

²⁴ Att. 3 at 2:17 to 2:22.

towards █████ and both officers. Another officer, Police Officer Jose Trejo, reached into the open driver-side door and used the steering wheel to re-direct the Durango away from █████ and the officers.²⁵ He then entered the Durango and put it in park.²⁶

Multiple other officers at the scene approached to assist Officers Tobon Espinosa and Houston with securing █████. Immediately after █████ fell to the ground, he was positioned on his right side with his hands in front of him and his knees curled inwards.²⁷ Officer Tobon Espinosa applied a handcuff to █████ left wrist.²⁸ Officer Houston grabbed at █████ hood and attempted to jerk it forward to roll █████ onto his stomach.²⁹ While attempting to pull at █████ hood, Officer Houston struck █████ in the face.³⁰ Another officer pulled █████ legs straight and successfully rolled █████ onto his stomach.³¹ As █████ rolled from his side onto his stomach, officers held his left wrist and pulled it behind his back.³² █████ right hand remained in front of him and became positioned beneath him when he rolled. While officers attempted to pull █████ right arm from underneath his body, Officer Paul Cuicio punched █████ twice on the left side of his torso.³³ Then, Officer Tobon Espinosa and Sgt. James Gochee pulled █████ right arm out from underneath him and secured him in handcuffs.³⁴

█████ and the Durango were searched, and no weapons or contraband were discovered.³⁵ █████ was transported to Area 4 by Officer Trejo and Officer Eric Liang.³⁶ Commander Dachae Blanton examined █████ while reviewing the involved officers' tactical response reports and did not note any injuries.³⁷ █████ later told COPA that he had sustained bruises to his legs from being tackled by CPD members, but he was not otherwise injured and did not seek medical treatment.³⁸ █████ admitted that he fled from the officers because the vehicle he was driving was stolen, and he recounted how he crashed into the dumpster in the alley, heard an officer on the passenger side of his vehicle ordering him to stop and then discharging a firearm, and how he then attempted to flee on foot before being arrested.³⁹

²⁵ Att. 9 at 1:14 to 1:19

²⁶ Att. 9 at 1:20 to 1:27.

²⁷ Att. 8 at 3:32.

²⁸ Att. 3 at 2:23 to 2:31.

²⁹ Att. 3 at 2:30; Att. 72, pg. 43, lns. 10 to 19.

³⁰ Att. 3 at 2:32.

³¹ Att. 4 at 4:01 to 4:13.

³² Att. 3 at 2:38 to 2:44.

³³ Att. 4 at 4:14.

³⁴ Att. 4 at 4:17 to 4:29.

³⁵ Att. 8 at 4:47 to 4:54; Att. 9 at 2:48 to 2:59.

³⁶ Att. 1, pgs. 4 to 5; Att. 5 at 0:00 to 1:24; Att. 6 at 3:28 to 5:43; Att. 22 at 2:44 to 4:50.

³⁷ Att. 18, pg. 6; Att. 20, pg. 6.

³⁸ Att. 85, pg. 14, lns. 7 to 24, and pg. 17, lns. 4 to 9.

³⁹ Att. 85, pg. 8., ln. 1, to pg. 14, ln. 3.

The Durango had been reported stolen on August 15, 2024.⁴⁰ Following the event, CPD evidence technicians recovered one fired cartridge case from the alleyway and two fired bullet fragments from the front passenger-side tire of the Durango.⁴¹

██████████ was charged with possessing a stolen vehicle and aggravated assault against Officer Tobon Espinosa.⁴² ██████████ was subsequently indicted on September 5, 2024, on additional charges for fleeing from the police in a stolen vehicle, obstructing Officer Tobon Espinosa, and criminal damage to property.⁴³ ██████████ later pled guilty to possessing a stolen vehicle and aggravated assault, and he received a 5-year prison sentence.⁴⁴

III. ALLEGATIONS

Officer Eduardo Tobon Espinosa:

1. Discharging his firearm at a moving vehicle without justification
 - Sustained, Violation of Rules 2, 3, 6, and 38

Officer Tobias Houston:

1. Striking ██████████ on or about the head with a closed fist without justification
 - Not Sustained
2. Failing to document in his TRR that he struck ██████████ on or about the head with a closed fist
 - Not Sustained
3. Untimely activating his body worn camera, without justification
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10

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.

a. ██████████

██████████ was interviewed by COPA, and he provided an account of the pursuit and events immediately following that was generally consistent with the available video evidence, with one exception. ██████████ said that prior to this event, he was at a shop getting a window on the Durango

⁴⁰ Att. 36.

⁴¹ Atts. 60 and. 61; Att. 62, pgs. 25, 26, and 49 to 53; Att. 115, pgs. 20 to 28 and 39 to 41.

⁴² Att. 1.

⁴³ Att. 75.

⁴⁴ Att. 80.

fixed.⁴⁵ ██████ said that he was alone when he left the shop, which is inconsistent with the available evidence showing ██████ leaving the shop with the Charger and following the Charger during the pursuit.⁴⁶

When discussing the events immediately preceding the Officer Tobon Espinosa's firearm discharge, ██████ said that he reversed after crashing into the dumpster and then put the Durango into drive.⁴⁷ ██████ said that Officer Tobon Espinosa was exiting the patrol vehicle while ██████ was reversing, and Officer Tobon Espinosa approached while giving directions for ██████ to stop.⁴⁸ ██████ said that he began trying to drive forward to continue fleeing from the officers, but the Durango would not accelerate due to the damage it sustained when he crashed into the dumpster.⁴⁹ ██████ said that he heard a gunshot and then exited the Durango to flee on foot.⁵⁰

██████ was forthcoming when discussing the material details of the firearm discharge, and ██████ account is consistent with and supported by the available evidence. To the extent that ██████ provided information to COPA that was inconsistent with other available evidence, it was concerning details of the event that were not material to COPA's investigation.

b. Officer Tobon Espinosa

In his statement to COPA, Officer Tobon Espinosa said that when he exited his patrol vehicle and approached the Durango, he believed it was disabled because it was embedded in the dumpster.⁵¹ Officer Tobon Espinosa realized this belief was mistaken when he observed the tires of the Durango turn toward him on the passenger side of the vehicle.⁵² COPA has found no evidence to contradict that this is how Officer Tobon Espinosa perceived the event and recalled it. However, the available video evidence contradicts Officer Tobon Espinosa's recollection: Officer Tobon Espinosa's BWC recording shows that the white backup lights on the Durango were illuminated and the Durango was traveling backwards as Officer Tobon Espinosa stepped out of his patrol vehicle.⁵³ The fact that the Durango was still operable should have been clear to Officer Tobon Espinosa before he approached the front-passenger window.

c. Officer Houston

Officer Houston recalled the events around Officer Tobon Espinosa's weapon discharge consistently with the available video evidence. He observed the Durango reversing towards him

⁴⁵ Att. 85 at pg. 6, ln. 23 to pg. 7, ln. 7.

⁴⁶ Compare Att. 85, pg. 7, lns. 8 to 21, with Att. 50 at 5:25:36 pm to 5:25:56 pm, Att. 25 at 0:00 to 1:20, and Att. 38 at 10:44.

⁴⁷ Att. 85, pg. 8, ln. 13, to pg. 9, ln. 7.

⁴⁸ Att. 85, pg. 9, lns. 4 to 22.

⁴⁹ Att. 85, pg. 9, ln 23, to pg. 11, ln 11.

⁵⁰ Att. 85, pg. 11, ln. 12, to pg. 13, ln. 2.

⁵¹ Att. 76, pg. 21, lns. 2 to 22.

⁵² Att. 76, pg. 21, ln. 23, to pg. 22, ln. 8.

⁵³ Att. 3 at 2:00; Att. 40 at 10:56.

when he and Officer Tobon Espinosa exited their patrol vehicle.⁵⁴ Officer Houston re-entered the patrol vehicle to reverse and avoid a crash with the Durango.⁵⁵ He subsequently heard a gunshot but did not see who fired it.⁵⁶ At the time he heard the gunshot, Officer Houston saw the Durango in motion and saw Officer Tobon Espinosa standing between the Durango and the wall on the north side of the alley.⁵⁷ From his vantage point, Officer Houston believed that Officer Tobon Espinosa was a risk of being struck by the Durango.⁵⁸

Officer Houston did not recall striking [REDACTED] while attempting to handcuff him.⁵⁹ Once shown video of the event from Officer Tobon Espinosa's BWC, Officer Houston acknowledged that there was contact between his hand and [REDACTED] face, but Officer Houston denied that the contact was intentional.⁶⁰ Officer Houston explained that the contact occurred while he was attempting to roll [REDACTED] onto his stomach from his side.⁶¹

d. Additional Responding Officers

COPA interviewed other officers who were in or near the alley when Officer Tobon Espinosa discharged his firearm and who participated in securing [REDACTED].⁶² The additional responding officers recalled the incident with varying levels of detail. None of those officers recalled observing Officer Tobon Espinosa discharge his firearm. Some of those officers recalled hearing a gunshot when they were approaching the alleyway, but they were unsure of the source of the gunshot at that time.

V. ANALYSIS⁶³

a. Officer Tobon Espinosa

COPA finds that Allegation 1 against Officer Tobon Espinosa, that he discharged his firearm at a moving vehicle, without justification, is **Sustained** by a preponderance of the evidence.

CPD members are permitted to use a firearm against an assailant as a last resort and only where necessary to protect against an imminent threat to life or to prevent great bodily harm to the

⁵⁴ Att. 72, pg. 13, lns. 8 to 16, and pg. 26, lns. 4 to 16.

⁵⁵ Att. 72, pg. 13, lns. 17 to 19, and pg. 26, lns. 15 to 22.

⁵⁶ Att. 72, pg. 31, lns. 3 to 23.

⁵⁷ Att. 72, pg. 13, ln. 20, to pg. 14, ln. 6.

⁵⁸ Att. 72, pg. 13, ln. 17, to pg. 14, ln. 2.

⁵⁹ Att. 72, pg. 40, lns. 5 to 20.

⁶⁰ Att. 72, pg. 49, lns. 2 to 8.

⁶¹ Att. 72, pg. 43, lns. 14 to 19, and pg. 49, lns. 8 to 16.

⁶² Att. 69, pg. 9, lns. 19 to 23; Att. 70, pg. 9, lns. 15 to 20, and pg. 11, lns. 5 to 17; Att. 71 at 5:39 to 6:06 and 11:34 to 13:51; Att. 81, pg. 7, ln. 8, to pg. 8, ln. 19; Att. 82, pg. 7, lns. 7 to 19, and pg. 12, ln. 14, to pg. 16, ln. 5.

⁶³ For a definition of COPA's findings and standards of proof, see Appendix B.

member or another person.⁶⁴ CPD members are prohibited from firing at or into a moving vehicle when the vehicle is the only force being used against the member or another person, unless the firearm discharge is a last resort and necessary to protect against an imminent threat to life or prevent great bodily harm.⁶⁵ CPD members are prohibited from placing themselves in the path of a vehicle being used as a weapon and must make every effort to move out of the path of a vehicle being used as a weapon.⁶⁶

Officer Tobon Espinosa told COPA that he believed the Durango was disabled from the crash when he approached it, that he realized this belief was mistaken when the Durango drove forward and the wheels turned in his direction, and that he fired into the front passenger-side tire to disable the Durango.⁶⁷ The available video evidence shows that when Officer Tobon Espinosa exited his patrol vehicle, [REDACTED] was already reversing towards the patrol vehicle.⁶⁸ Officer Tobon Espinosa ran forward so that he was positioned on the passenger side of the Durango, adjacent to the front passenger window, as the Durango struck his patrol vehicle.⁶⁹ The Durango then drove forward while turning its wheels towards the passenger side.⁷⁰ Officer Tobon Espinosa walked forward to maintain his position adjacent to the front passenger window and in the path of travel of the Durango while it was driving towards the wall on the north side of the alley.⁷¹ While the Durango was not fully disabled, [REDACTED] provided a credible account that he was attempting to flee from the officers in the Durango and that it was unable to accelerate beyond a low rate of speed. Officer Tobon Espinosa fired at the Durango when he had ample time to move out of the vehicle's path. Because Officer Tobon Espinosa failed to move from the path of the Durango before discharging his firearm, COPA finds by a preponderance of the evidence that Allegation 1 against Officer Tobon Espinosa is **Sustained** and that Officer Tobon Espinosa violated Rules 2, 3, 6, and 38.

b. Officer Houston

i. Use of Force

COPA finds that Allegation 1 against Officer Houston, that he struck [REDACTED] on or about the head with a closed fist, without justification, is **Not Sustained**.

⁶⁴ Att. 46, G03-02-03(II)(D), Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective June 28, 2023, to present).

⁶⁵ Att. 46, G03-02-03(II)(E)(6).

⁶⁶ Att. 46, G03-02-03(II)(E)(6).

⁶⁷ Att. 76, pg. 21, ln. 2, to pg. 24, ln. 24.

⁶⁸ Att. 3 at 2:00; Att. 40 at 10:56.

⁶⁹ Att. 40 at 10:59.

⁷⁰ Att. 3 at 2:02.

⁷¹ Att. 3 at 2:02.

CPD members may only use force that is objectively reasonable, necessary, and proportional in light of the totality of the circumstances.⁷² Considerations in evaluating the objective reasonableness of the force include: whether the person is posing an imminent threat to the members or others; the risk of harm or level of threat or resistance presented by the person; the person's proximity or access to weapons; whether de-escalation techniques can be employed or would be effective; and the availability of other resources.⁷³ "Necessary" means "the minimum amount of force needed to provide for the safety of any person or member, stop an attack, make an arrest, bring a person or situation under control, or prevent escape."⁷⁴ Responses must be "proportional to the threat, actions, and level of resistance offered by a person."⁷⁵

CPD members are required to complete a TRR for all use of force incidents involving a members' use of a takedown or weaponless direct mechanical technique, including a closed hand strike or punch.⁷⁶ CPD members must truthfully and completely report each use of force incident.⁷⁷

Officer Houston struck ██████ in the face with a closed fist.⁷⁸ The contact occurred while officers were attempting to roll ██████ onto his stomach so that his hands could be secured behind his back.⁷⁹ In his statement to COPA, Officer Houston denied that the strike was intentional and explained that the strike occurred incidentally to his attempt to grab ██████ hood and use that grip to roll ██████ from his side to his stomach.⁸⁰ The available video evidence shows that Officer Houston was grabbing at ██████ hood just before the strike,⁸¹ although the hood was not in Officer Houston's hand at the time that the strike occurred.⁸² ██████ was successfully rolled onto his stomach shortly after the strike and secured, and Officer Houston did not use any additional strikes, supporting Officer Houston's account that the strike was unintentional. ██████ did not recall being struck in the face and did not sustain any injuries to his head or face.⁸³ COPA finds there is insufficient evidence to prove Allegation 1 against Officer Houston by a preponderance of the evidence, and the allegation is **Not Sustained**.

ii. Reporting Use of Force

COPA finds that Allegation 2 against Officer Houston, that he failed to document in his TRR that he struck ██████ on or about the head with a closed fist, is **Not Sustained**.

⁷² Att. 90, G03-02(III)(B), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

⁷³ Att. 90, G03-02(III)(B)(1).

⁷⁴ Att. 90, G03-02(III)(B)(2).

⁷⁵ Att. 90, G03-02(III)(B)(3).

⁷⁶ Att. 91, G03-02-02(III)(A)(2)(a), Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present).

⁷⁷ Att. 91, G03-02-02(II)(B).

⁷⁸ Att. 3 at 2:33.

⁷⁹ Att. 72, pg. 43, lns. 10 to 19.

⁸⁰ Att. 72, pg. 49, lns. 2 to 21.

⁸¹ Att. 3 at 2:31.

⁸² Att. 3 at 2:33.

⁸³ Att. 85, pg. 14, lns. 7 to 24, and pg. 17, lns. 4 to 9.

Officer Houston completed a TRR following the event that failed to list a closed hand strike or punch.⁸⁴ The completion of this report is consistent with Officer Houston's apparent recollection of the event. While Officer Houston's recollection of this aspect of the event is inaccurate, COPA is not in possession of evidence to suggest that Officer Houston's inaccurate reporting was intentional. Therefore, COPA finds there is insufficient evidence to prove Allegation 2 against Officer Houston by a preponderance of the evidence, and the allegation is **Not Sustained**.

iii. BWC Activation

COPA finds by a preponderance of the evidence that Allegation 3 against Officer Houston, that he untimely activated his BWC, without justification, is **Sustained**.

CPD members must use their BWC to record all law-enforcement-related activities.⁸⁵ CPD members must activate their BWC to event mode at the beginning of an incident and must record the entire incident.⁸⁶ For the purposes of the activation of BWCs, the beginning of law-enforcement-related activities are defined by CPD policy: (a) for dispatched calls for service, when acknowledging the call for service and en-route to the incident scene; (b) for investigatory stops, when approaching the subject to initiate the stop; (c) for traffic stops, when activating the police vehicle's emergency equipment to initiate the stop; and (d) for all other law-enforcement-related activities, when the CPD member initiates and engages in the activity.⁸⁷ Where exigent circumstances make the activation of a BWC unsafe, impracticable, or impossible, CPD members must activate their BWC as soon as practicable.⁸⁸

Officer Houston activated his BWC while searching the Durango and after [REDACTED] was secured and removed from the location of his arrest to a nearby patrol vehicle.⁸⁹ Officer Houston began engaging in law-enforcement-related activities as soon as he began assisting officers who were attempting to stop the Durango due to its association with a prior crime. In his statement to COPA, Officer Houston said that he believed he activated his BWC at the beginning of the event, and he activated it immediately when he realized it was not activated.⁹⁰ Officer Houston said that he believed his failure to activate was due his need to focus on his and his partner's safety, [REDACTED] actions, driving, and communicating over his radio.⁹¹ However, Officer Houston should have activated his BWC when first travelling to the intersection of 47th St. and Ashland Ave. to engage the Durango or when first encountering the vehicle. At that time, events were unfolding more

⁸⁴ Att. 18.

⁸⁵ Att. 92, S03-14(V)(A)(1), Body Worn Cameras (effective August 8, 2024, to present).

⁸⁶ Att. 92, S03-14(V)(A)(2).

⁸⁷ Att. 92, S03-14(V)(A)(2)(a-d).

⁸⁸ Att. 92, S03-14(V)(A)(3).

⁸⁹ Att. 5 at 0:00 to 2:30. Officer Houston's BWC recording began with him conducting a search of the Durango and returning to his patrol vehicle during the buffering period. Officer Houston then activated his BWC to event mode, returned to the Durango, and continued to search it.

⁹⁰ Att. 72, pg. 51, lns. 19 to 24, and pg. 52, lns. 16 to 17.

⁹¹ Att. 72, pg. 52, lns. 2 to 14.

slowly, ██████ had not made any attempts to flee, and there were no immediate threats to Officer Houston or his partner. Therefore, COPA finds by a preponderance of the evidence that Allegation 3 against Officer Houston is **Sustained** and that Officer Houston violated Rules 2, 3, 5, 6, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Police Officer Eduardo Tobon Espinosa

i. Complimentary and Disciplinary History⁹²

Officer Tobon Espinosa has been employed by CPD since December 30, 2022. He has received a Special Commendation Award, a Department Commendation Award, the Life Saving Award, 8 Honorable Mention Certificates, and the Democratic Convention Service Award (2024). Officer Tobon Espinosa has never been disciplined through the complaint register process, but he has been reprimanded through the summary punishment process for an August 2025 court appearance violation.

ii. Recommended Discipline

COPA has found that Officer Tobon Espinosa violated Rules 2, 3, 6, and 38 by discharging his firearm at a moving vehicle, without justification. In aggravation, COPA notes that CPD's policy against discharging a firearm at a moving vehicle, except as a last resort, promotes the safety of both CPD members and members of the public. Discharging a firearm at a moving vehicle is unlikely to be effective in disabling or stopping the vehicle. Officer Tobon Espinosa needlessly endangered himself by placing his body between the Durango and the adjacent wall while the Durango was moving, and shooting the Durango's tire was both prohibited by police and unlikely to be effective. In mitigation, COPA notes that Officer Tobon Espinosa had less than 2 years of experience as a police officer at the time of this incident and that Officer Tobon Espinosa has no history of similar misconduct. Based on these factors, and considering Officer Tobon Espinosa's complimentary and disciplinary history, COPA recommends that Officer Tobon Espinosa be **suspended for between 11 and 29 days**. COPA also recommends that Officer Tobon Espinosa receive additional training in CPD policy regarding the use of firearms.

b. Police Officer Tobias Houston

i. Complimentary and Disciplinary History⁹³

Officer Houston has been employed by CPD since March 16, 2018. He has received 3 Department Commendation Awards, 54 Honorable Mention Certificates, and at least 10 other awards and commendations. Officer Houston received a 1-day suspension for a March 2021 incident where he failed to timely activate his BWC and failed to immediately make the required

⁹² Atts. 117 and 118.

⁹³ Atts. 116 and 119.

notification after discharging his firearm. Officer Houston also has 1 sustained SPAR, with no disciplinary action noted, for irregularities regarding his personal vehicle in October 2025.

ii. Recommended Discipline

COPA has found that Officer Houston violated Rules 2, 3, 5, 6, and 10 by untimely activating his BWC, without justification. In aggravation, COPA notes that BWC recordings are important tools used to document police interactions with members of the public, and failure to capture the entirety of an encounter, as required by CPD policy, tends to undermine public trust in CPD. Officer Houston had more than 6 years of experience as a police officer at the time of this incident, and he should have recognized the need to activate his BWC to event mode. Also, as noted above, Officer Houston was previously disciplined for untimely BWC activation. In mitigation, COPA notes that Officer Houston did, belatedly, activate his BWC, and COPA has no reason to believe that Officer Houston acted deliberately to conceal his actions. Based on these factors, and considering Officer Houston's complimentary and disciplinary history, COPA recommends that Officer Houston be **suspended for between 1 and 10 days.**

Approved:



Greg Masters
Acting Director of Investigations

January 29, 2026
Date

Appendix ACase Details

Date/Time/Location of Incident:	August 16, 2024 / 5:34 pm / 1734 W 47 th St., Chicago, IL 60609
Date/Time of COPA Notification:	August 16, 2024 / 6:14 pm
Involved Member #1:	Police Officer Tobias Houston, Star #10647, Employee ID # [REDACTED] DOA: March 16, 2018, Unit: 009, Male, Black
Involved Member #2:	Police Officer Eduardo Tobon Espinosa, Star #13315, Employee ID # [REDACTED] DOA: December 30, 2022, Unit: 009, 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.
on or off duty.
- Rule 10:** Inattention to duty.
- 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)
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present)
- G03-02-03: Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective June 28, 2023, to present)
- S03-14: Body Worn Cameras (effective August 8, 2024, 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.⁹⁴ 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.”⁹⁵

⁹⁴ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

⁹⁵ *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