

**BEFORE A MEMBER OF THE POLICE BOARD
OF THE CITY OF CHICAGO**

IN THE MATTER OF THE	)	
RECOMMENDATION FOR DISCIPLINE OF	)	
POLICE OFFICER COLLEEN GARDNER,	)	Case No. 26 RR 43
STAR No. 6115, DEPARTMENT OF POLICE,	)	
CITY OF CHICAGO.	)	(CR No. 2023-0812)

REQUEST FOR REVIEW

On June 18, 2026, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (COPA) a request for review of the Chief Administrator's recommendation for discipline of Police Officer Colleen Gardner, Star No. 6115, arising out of the investigation of Complaint Register No. 2023-0812 ("Request for Review"). The Request for Review included the following material: the Final Summary Report of COPA's investigation that sets forth the Chief Administrator's recommendation for discipline, the Superintendent of Police's written response to this recommendation, the Chief Administrator's written objections to the Superintendent's response, and a Certificate of Meeting and Service.

The investigation stems from an incident on February 24, 2023. According to the Final Summary Report of COPA's investigation, [REDACTED] stated that he was notified of a traffic accident via an app on his phone. [REDACTED] responded to the scene and began recording. Officer Gardner observed [REDACTED] and walked toward him, yelling, "Back away!" When Officer Gardner came within arm's length of [REDACTED]

Police Board Case No. 26 RR 43
Police Officer Colleen Gardner
Request for Review and Opinion

Officer Gardner immediately began pushing [REDACTED] on the chest with both hands. [REDACTED] pushed Officer Gardner's arms away, at which time multiple officers placed [REDACTED] in custody. [REDACTED] was charged with Aggravated Battery/Peace Officer and Disorderly Conduct/failure to obey police.

Officer Gardner completed a Tactical Response Report regarding this incident. Officer Gardner related that [REDACTED] was obstructing the path of an ambulance and emergency medical technicians providing aid to officers involved in a single-car accident. [REDACTED] ignored Officer Gardner's verbal commands to back away from the scene, at which time Officer Gardner attempted to physically redirect [REDACTED] by extending her arms toward him. [REDACTED] struck Officer Gardner on her arm and thrust himself toward Officer Gardner, at which time he was placed in custody.

Following the conclusion of COPA's investigation, the Chief Administrator recommended that the following allegations against Officer Gardner be *Sustained*:

1. Making physical contact/pushing [REDACTED] without justification;
2. Failing to use de-escalation techniques during her interaction with [REDACTED] in that you pushed [REDACTED] without justification; and
3. Failing to activate her body-worn camera in a timely manner.

The Chief Administrator recommended that Officer Gardner be suspended without pay for up to 30 days.

The Superintendent disagreed with the Chief Administrator's recommendation in that he proposed findings of *Unfounded* for Allegation Nos. 1 - 2 and discipline of a

Reprimand (the Superintendent agreed with the finding of *Sustained* for Allegation No. 3).

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on February 26, 2024; (2) the Chief Administrator received the Superintendent's written response on May 14, 2024; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on June 18, 2026; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on June 18, 2026.

The Executive Director of the Police Board forwarded the Request for Review material to Kyle Cooper, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). The Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure. Following his initial review of this matter on July 6, 2026, the Reviewing Member requested, received and reviewed BWC video recordings from the investigation file.

OPINION

Following a thorough review of the Request for Review material and BWC video footage, it is my opinion that the Superintendent did not meet the burden of overcoming the Chief Administrator's recommendation for discipline.

Police Board Case No. 26 RR 43
Police Officer Colleen Gardner
Request for Review and Opinion

The Superintendent argues that Officer Gardner's use of force was reasonable because [REDACTED] was obstructing the path of emergency medical personnel responding to an accident scene and that Officer Gardner adequately de-escalated by instructing [REDACTED] to "get back" immediately before making physical contact with him. The issue before me is whether the Superintendent has demonstrated that COPA's findings, that Officer Gardner used unreasonable and unnecessary force and failed to employ required de-escalation techniques, are unsupported by the evidence. He has not.

The record supports COPA's conclusion that Officer Gardner's use of force was unnecessary under Department policy. There is no dispute that Officer Gardner pushed [REDACTED] with both hands before [REDACTED] made any physical contact with her. The body-worn camera footage establishes that Officer Gardner initiated the physical encounter and that [REDACTED] subsequent contact with Officer Gardner occurred only after she had already begun pushing him. Although there is a legitimate public safety and law enforcement interest in maintaining a clear area around an accident scene and emergency medical response, that interest alone did not make the immediate use of physical force necessary. The Superintendent does not identify any evidence demonstrating that [REDACTED] presented an immediate threat to officer safety or the safety of emergency personnel, nor does he explain why physical force was necessary to move [REDACTED] rather than other available alternatives. Accordingly, the

Superintendent has not shown that COPA erred in concluding that Officer Gardner's use of force was unnecessary and therefore unreasonable under Department policy.

The Superintendent likewise failed to demonstrate that COPA erred in sustaining the allegation that Officer Gardner failed to employ required de-escalation techniques. The Superintendent contends that Officer Gardner satisfied her de-escalation obligation by telling [REDACTED] to "get back" immediately before pushing him. The body-worn camera footage does not support that conclusion for two independent reasons.

First, although Officer Gardner did issue a verbal command, she began pushing [REDACTED] almost immediately thereafter and did not provide him with a meaningful opportunity to comply. Second, Officer Gardner's brief verbal command cannot satisfy the Department's de-escalation requirement because her use of force was itself unnecessary. Department policy requires officers to use de-escalation techniques to prevent or reduce the need to use force. Where force is not justified in the first instance, a command delivered immediately before the unnecessary use of force does not constitute meaningful de-escalation. Rather, it merely precedes the force.

The Superintendent also provides no argument that the use of de-escalation techniques would have placed anyone at immediate risk of harm or would have been clearly ineffective. To the contrary, the body-worn camera footage undermines such a conclusion. The footage depicts approximately a dozen officers already present at the accident scene, while [REDACTED] is merely standing nearby recording the aftermath of

the incident on his cell phone. Nothing depicted on the footage suggests that [REDACTED] was interfering with emergency personnel, acting aggressively, or creating an immediate safety concern that would have rendered de-escalation ineffective or required the immediate use of physical force. Likewise, the Superintendent does not explain why it was necessary for Officer Gardner to use physical force against [REDACTED]

[REDACTED] Although officers have a legitimate interest in maintaining control of an active accident scene and ensuring emergency personnel can perform their duties without interference, those interests did not relieve Officer Gardner of her obligation to comply with Department policy governing de-escalation and the use of force.

If Officer Gardner believed [REDACTED] was obstructing emergency personnel, she had a full range of de-escalation options available before resorting to physical force, many of which are specifically identified in Department policy. Instead, the body-worn camera footage shows that Officer Gardner spoke to [REDACTED] only moments before initiating physical contact, failed to provide him an opportunity to comply, and continued pushing him after he attempted to move in response to her direction. The Superintendent has not demonstrated that COPA erred in concluding that Officer Gardner pushed [REDACTED] without justification and failed to employ required de-escalation techniques.

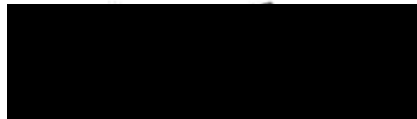
In light of the foregoing, the Superintendent has failed to meet his burden of demonstrating that the Chief Administrator's recommendation is unreasonable or unsupported by the evidence. COPA appropriately concluded that Officer Gardner

Police Board Case No. 26 RR 43
Police Officer Colleen Gardner
Request for Review and Opinion

used unreasonable and unnecessary force and failed to employ required de-escalation techniques. Accordingly, the Chief Administrator's recommendation should be upheld.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator's recommendation for discipline of Police Officer Colleen Gardner, Star No. 6115, shall be deemed accepted by the Superintendent.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 10th
DAY OF AUGUST 2026.



KYLE COOPER
President
Police Board

Attested by:



MAX A. CAPRONI
Executive Director
Police Board