



Log # 2022-0004262

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On October 5, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Chicago Police Department (CPD) Sergeant Matthew Nelson (Sgt. Nelson), reporting allegations of misconduct made by civilian ██████████ (██████████<sup>2</sup> ██████████) alleged that on October 4, 2022, Officer Joseph Lisciandrello (Officer Lisciandrello) stopped him without justification and used excessive force in removing him from his vehicle.<sup>3</sup> Upon review of the evidence, COPA served an additional allegation against Officer Lisciandrello for failing to timely activate his body-worn camera (BWC). Additionally, COPA served allegations against Officer Fernando Ruiz (Officer Ruiz) for failing to timely activate his BWC, failing to complete an Investigatory Stop Report (ISR), and failing to notify the Office of Emergency Management and Communications (OEMC) of a firearm pointing incident. Following its investigation, COPA reached sustained findings against Officer Ruiz for failing to timely activate his BWC, failing to complete an ISR, and failing to notify OEMC of a firearm pointing incident.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

On October 4, 2022, Officer Lisciandrello was working on an 11<sup>th</sup> District tactical team with Officer Ruiz. At approximately 7:20 pm, Officer Lisciandrello stopped ██████████ in his vehicle in an alley at or near 3700 W Lexington Street. As Officer Lisciandrello conducted the traffic stop, Officer Ruiz conducted an investigatory stop of an unidentified individual in the gangway of a building adjacent to the alley where Officer Lisciandrello conducted the traffic stop.

Officer Lisciandrello's BWC video depicts Officer Lisciandrello stopping his squad car in front of ██████████ vehicle, so that both vehicles were facing one another. As Officer Lisciandrello exited his vehicle, he made a motion with his right hand toward the center of his chest.<sup>5</sup> He then approached an officer and a civilian standing in the alley and briefly spoke to them.<sup>6</sup> Officer

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<sup>1</sup> 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.

<sup>2</sup> Att. 1.

<sup>3</sup> 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.

<sup>4</sup> 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, police reports, civilian interviews, and officer interviews.

<sup>5</sup> Att. 3 at 1:41 to 1:43.

<sup>6</sup> Att. 3 at 1:45 to 1:53.

Lisciandrello then approached [REDACTED] who was seated in the driver's seat of his vehicle, and began speaking with him.<sup>7</sup> A few seconds into their conversation, Officer Lisciandrello used his left hand to press and activate his BWC.<sup>8</sup>

Once Officer Lisciandrello activated his BWC, the camera began to record audio and video. The BWC video depicts Officer Lisciandrello and [REDACTED] arguing about the justification for the traffic stop.<sup>9</sup> Officer Lisciandrello told [REDACTED] that he had stopped [REDACTED] vehicle because [REDACTED] used the alley as a thoroughfare, and [REDACTED] had not been wearing a seatbelt.<sup>10</sup> When Officer Lisciandrello requested a driver's license and proof of insurance from [REDACTED] continued to be defiant and stated to Officer Lisciandrello, "You're not getting nothing because you don't have probable cause."<sup>11</sup> Officer Lisciandrello and [REDACTED] continued to argue about the traffic stop, and [REDACTED] stated, "I'm not getting out of the car until you call a white shirt."<sup>12</sup> Officer Lisciandrello warned [REDACTED] that he would be arrested for obstruction if he did not exit the vehicle, but [REDACTED] responded that he would not exit the vehicle.<sup>13</sup>

Officer Lisciandrello attempted to open the driver's door of [REDACTED] vehicle, but the door was locked, and [REDACTED] refused to unlock the door.<sup>14</sup> As [REDACTED] and Officer Lisciandrello continued to argue, [REDACTED] rested his left arm out of the open driver's window, and Officer Lisciandrello applied one handcuff to [REDACTED] left wrist while ordering [REDACTED] to exit the vehicle.<sup>15</sup> Officer Lisciandrello told [REDACTED] that [REDACTED] was refusing to comply with a lawful order, and [REDACTED] replied, "Yep, Yep."<sup>16</sup> As Officer Lisciandrello attempted to unlock the door numerous times, he held the handcuff attached to [REDACTED] left wrist, which was still outside of [REDACTED] vehicle. [REDACTED] told Officer Lisciandrello that the officer was bending [REDACTED] arm down, and he asked Officer Lisciandrello if he was trying to scare [REDACTED] Officer Lisciandrello replied, "I'm not trying to scare you. I'm trying to get you to comply."<sup>17</sup> Ultimately, [REDACTED] exited the vehicle while Officer Lisciandrello held the handcuff on [REDACTED] left wrist, and then Officer Lisciandrello applied the second handcuff to [REDACTED] right wrist.<sup>18</sup> A few minutes later, Officer Lisciandrello released [REDACTED] and gave him an investigatory stop receipt, but no citations related to the traffic stop. Officer Lisciandrello then completed an investigatory stop report (ISR) related to this incident.<sup>19</sup>

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<sup>7</sup> Att. 3 at 1:54 to 1:59.

<sup>8</sup> Att. 3 at 1:59.

<sup>9</sup> Att. 3 at 2:00 to 2:25

<sup>10</sup> Att. 3 at 2:05 to 2:25.

<sup>11</sup> Att. 3 at 2:20 to 2:35.

<sup>12</sup> Att. 3 at 3:00 to 3:05.

<sup>13</sup> Att. 3 at 3:00 to 3:08.

<sup>14</sup> Att. 3 at 3:06 to 3:15.

<sup>15</sup> Att. 3 at 3:30 to 3:45.

<sup>16</sup> Att. 3 at 3:40 to 3:43.

<sup>17</sup> Att. 3 at 2:49 to 3:55.

<sup>18</sup> Att. 3 at 3:55 to 4:14.

<sup>19</sup> Att. 11.

During its investigation, COPA also reviewed Officer Ruiz's BWC video.<sup>20</sup> The BWC video depicts Officer Ruiz exiting a CPD vehicle and approaching an unidentified individual who was standing in a gangway.<sup>21</sup> Officer Ruiz's BWC was in the buffering mode, and therefore no audio was captured. Officer Ruiz walked into the gangway as he illuminated it with a flashlight, then pointed his firearm in the direction of the unidentified individual.<sup>22</sup> Officer Ruiz then performed a pat down of the unidentified individual, applied one handcuff to the unidentified individual's wrist, and handcuffed the individual to the security bars covering a nearby window.<sup>23</sup> Officer Ruiz walked away from the unidentified individual and to the rear of the building near where Officer Lisciandrello was conducting the traffic stop of [REDACTED] vehicle. Officer Ruiz then returned to the unidentified individual, removed the handcuffs from the unidentified individual and security bars, and released the unidentified individual from the detention.<sup>24</sup> Afterwards, Officer Ruiz joined Officer Lisciandrello at scene of the traffic stop.

### III. ALLEGATIONS

#### Officer Joseph Lisciandrello

1. Stopping [REDACTED] without justification.
  - Exonerated
2. Using excessive force when removing [REDACTED] from his vehicle.
  - Unfounded
3. Failing to timely activate his Body Worn Camera.
  - Not Sustained.

#### Officer Fernando Ruiz:

1. Failing to timely activate his Body Worn Camera.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
2. Failing to complete an Investigatory Stop Report.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
3. Failing to advise OEMC of a firearm pointing incident in violation of D19-01.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

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<sup>20</sup> Officer Ruiz did not immediately activate his BWC; therefore, there is no audio available before the 2:00 mark.

<sup>21</sup> Att. 5 at 0:00 to 1:01.

<sup>22</sup> Att. 5 at 0:55 to 1:11.

<sup>23</sup> Att. 5 at 1:11 to 1:25

<sup>24</sup> Att. 5 at 1:25 to 2:45.

## V. ANALYSIS<sup>25</sup>

### Officer Lisciandrello

#### a. Allegation 1 - Officer Lisciandrello had justification to stop [REDACTED]

COPA finds allegation #1 against Officer Lisciandrello, that he stopped [REDACTED] without justification, is **exonerated**. Officer Lisciandrello told COPA his reasons for stopping [REDACTED] were that [REDACTED] used the alley as a thoroughfare, and [REDACTED] was not wearing a seatbelt while operating his vehicle.<sup>26</sup> Both the Illinois Vehicle Code (IVC) and the Municipal Code of Chicago (MCC) contain provisions relating to the operation of motor vehicles in the City of Chicago, but only the MCC has an applicable code pertaining to the movement of vehicles through alleys. Specifically, MCC 9-20-10(C) states, “It shall be unlawful to operate any motor vehicle on an alley or any other portion of the public way on which through traffic has been prohibited by the posting of an appropriate sign, other than for the purpose of gaining access to or leaving property that is adjacent to such portion of the public way.”<sup>27</sup> COPA located only one sign, a one-way sign prohibiting eastbound traffic through the alley, posted at the mouth of the alley at Lawndale Avenue. (See Figure 1.)<sup>28</sup>

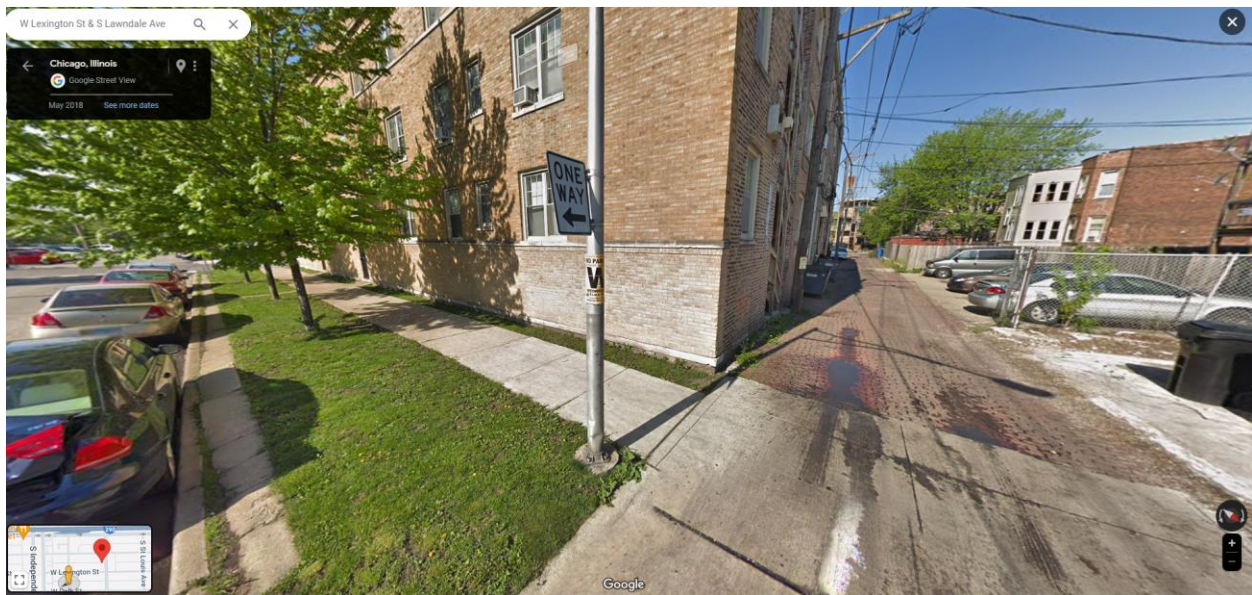


Figure 1: A screenshot from Google Maps of the entrance to the alley where the [REDACTED] vehicle was stopped by Officer Lisciandrello.

This sign prohibits drivers from traveling eastbound through the alley, and [REDACTED] was traveling westbound when Officer Lisciandrello conducted the traffic stop. Although Officer Lisciandrello was mistaken concerning the legality of [REDACTED] allegedly having used the alley as

<sup>25</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>26</sup> Att. 17, pg. 8, Ins. 2 to 7.

<sup>27</sup> Att. 27, Municipal Code of Chicago 9-20-10(C), One-way streets: through traffic prohibited on certain public ways.

<sup>28</sup> Google Maps Streetview.

a thoroughfare, Officer Lisciandrello was still justified in conducting the traffic stop because he observed that ██████ was not wearing a seatbelt, as required by the MCC and IVC.<sup>29</sup> If Officer Lisciandrello's only basis for the traffic stop had been that ██████ was driving through an alley, the detention would not have been justified. However, Officer Lisciandrello told ██████ and COPA that he also stopped ██████ for not wearing a seatbelt.<sup>30</sup> Both the MCC and IVC require the driver and front seat passenger of a motor vehicle to wear properly adjusted and fastened seat safety belts.<sup>31</sup> Officer Lisciandrello's BWC shows that he activated his vehicle's emergency lights only after he illuminated ██████ vehicle with his flashlight, which is when he observed ██████ not wearing a seatbelt.<sup>32</sup> Additionally, the video shows that after ██████ exited the vehicle, the driver's seatbelt was still fastened, indicating that ██████ had been sitting on both the lap and shoulder belts.<sup>33</sup> (See Figure 2.)

Therefore, COPA finds that Officer Lisciandrello had justification to stop ██████ vehicle due to ██████ operating a motor vehicle without wearing a properly adjusted and fastened seat belt. Accordingly, Allegation 1 against Officer Lisciandrello is exonerated by clear and convincing evidence.



Figure 2: A screenshot from Officer Lisciandrello's BWC showing the fastened driver seat's seatbelt after ██████ exited his vehicle. (Arrow added for emphasis). See Att. 3 at 5:27.

<sup>29</sup> Att. 17, pg. 8, lns. 6 to 7.

<sup>30</sup> Att. 17, pg. 8, ln. 6; Att. 3 at 2:15 to 2:19.

<sup>31</sup> Att. 28, Municipal Code of Chicago, 9-76-180, safety belts.

<sup>32</sup> Att. 3 at 0:45 to 1:22.

<sup>33</sup> Att. 3 at 4:30 to 4:40.

**b. Allegation 2 - Officer Lisciandrello did not use excessive force when he removed [REDACTED] from his vehicle.**

COPA finds Allegation 2 against Officer Lisciandrello, that he used excessive force when removing [REDACTED] from his vehicle, is **unfounded**. CPD General Order G03-02 defines force as, “Any physical contact by a Department member, either directly or through the use of equipment, to compel a person’s compliance.”<sup>34</sup> The order also states, “Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.”<sup>35</sup>

Here, Officer Lisciandrello’s use of force was limited to making contact with [REDACTED] by securing a handcuff around [REDACTED] left wrist and pulling [REDACTED] left arm while guiding him out of the vehicle.<sup>36</sup> Officer Lisciandrello’s BWC footage shows that [REDACTED] refused to give Officer Lisciandrello a driver’s license or valid proof of insurance, as requested by Officer Lisciandrello.<sup>37</sup> In his ISR, Officer Lisciandrello wrote, “[REDACTED] became argumentative and refused to produce a valid license for the vehicle. Believing the subject may be armed R/O directed the subject out of the vehicle. The subject continued not to follow direction and became more aggressive.”<sup>38</sup> COPA finds that, in light of [REDACTED] refusal to comply with Officer Lisciandrello’s verbal commands and [REDACTED] increasingly hostile demeanor, Officer Lisciandrello’s minimal use of force was objectively reasonable, necessary, and proportional to bring [REDACTED] under control. Accordingly, Allegation 2, that Officer Lisciandrello used excessive force when removing [REDACTED] from his vehicle, is unfounded by clear and convincing evidence.

**c. Allegation 3 - Officer Lisciandrello failed to timely activate his BWC.**

COPA finds Allegation 3 against Officer Lisciandrello, that he failed to timely activate his BWC, is **not sustained**. CPD Special Order S03-14 requires that CPD members activate their BWCs to event mode at the beginning of an incident and record the entire incident for all law-enforcement-related activities.<sup>39</sup>

In this case, Officer Lisciandrello’s BWC footage shows that just before the officer activated his vehicle’s emergency lights, a civilian walked up to the driver’s side of [REDACTED] vehicle and joined another civilian who was already standing near the vehicle.<sup>40</sup> Officer Lisciandrello’s BWC video also depicts that after he activated the emergency lights and began to exit the squad car, both civilians were standing near the driver’s side of [REDACTED] vehicle, and

<sup>34</sup> Att. 20, G03-02 (III)(A), De-escalation, Response to Resistance and Use of Force (effective April 15, 2021 to June 28, 2023).

<sup>35</sup> Att. 20, G03-02 (III)(B).

<sup>36</sup> Att. 3 at 3:30 to 4:15.

<sup>37</sup> Att. 3 at 2:30 to 2:40.

<sup>38</sup> Att. 11.

<sup>39</sup> Att. 25, Special Order S03-14(III)(2)(c), Body Worn Cameras (effective April 30, 2018 to December 29, 2023).

<sup>40</sup> Att. 3 at 1:13 to 1:20.

both were looking in Officer Lisciandrello's direction.<sup>41</sup> Officer Lisciandrello immediately reentered the squad car, shifted into drive, drove the squad car forward, and then exited.<sup>42</sup> He told COPA that he believed that he had activated his BWC when exiting the squad car, but he realized that his BWC was not activated when he was at the driver's door of [REDACTED] vehicle.<sup>43</sup> Officer Lisciandrello told COPA, "I exited my vehicle, attempted to put my body cam [sic] on at that time, but it didn't actually activate."<sup>44</sup>

COPA reviewed Officer Lisciandrello's BWC at the time he exited the squad car, and the footage shows that Officer Lisciandrello brought his right hand, with fingers extended, towards his BWC.<sup>45</sup> While not definitive, the BWC video showing Officer Lisciandrello extending his fingers towards his BWC, as if to activate it, corroborates his statement that he made an attempt. Because COPA has determined there is insufficient evidence to prove or disprove the allegation by a preponderance of the evidence, COPA finds that Allegation 3 against Officer Lisciandrello is not sustained.

### **Officer Ruiz**

#### **a. Allegation 1 – Officer Ruiz failed to timely activate his BWC.**

COPA finds Allegation 1 against Officer Ruiz, that he failed to timely activate his BWC, is **sustained**. To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement-related activities to be electronically recorded.<sup>46</sup> Law-enforcement-related activities include, but are not limited to, calls for service, arrests, investigatory stops, traffic stops, use of force incidents, statements made by individuals in the course of an investigation, high risk situations, and any other instances when enforcing the law.<sup>47</sup> The decision to record is mandatory, not discretionary.<sup>48</sup> CPD members are required to activate their BWC at the beginning of an incident and record the entire incident.<sup>49</sup> If circumstances prevent the activation of a BWC at the beginning of an incident, the member will activate their camera as soon as practical.<sup>50</sup>

Here, Officer Ruiz activated his BWC approximately 70 seconds late. The officer's BWC video shows that he exited the squad car in the intersection of Lawndale Avenue and Lexington Street. Officer Ruiz then walked towards the building where the investigatory stop of the individual

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<sup>41</sup> Att. 3 at 1:14 to 1:23.

<sup>42</sup> Att. 3 at 1:20 to 1:39.

<sup>43</sup> Att. 17, pg. 13, lns. 15 to 24 and pg. 14, lns. 1 to 10.

<sup>44</sup> Att. 17, pg. 8, lns. 13 to 21.

<sup>45</sup> Att. 3, from 1:39 to 1:43.

<sup>46</sup> Att. 25, S03-14(II)(A).

<sup>47</sup> Att. 25, S03-14(III)(2)(a-r).

<sup>48</sup> Att. 25, S03-14(III)(A)(1).

<sup>49</sup> Att. 25, S03-14(III)(A)(2).

<sup>50</sup> Att. 25, S03-14(III)(A)(2).

occurred, until he made contact with the individual standing in the gangway with his hands up.<sup>51</sup> Officer Ruiz then illuminated the unidentified individual standing in the gangway, pointed his firearm in the direction of the individual, conducted a pat down of the individual, and secured the individual to security bars with handcuffs, all before activating his BWC.<sup>52</sup> Officer Ruiz told COPA that he activated his camera as soon as feasible, explaining that he was just trying to absorb the scene and make sure that he and his teammates were safe.<sup>53</sup> Despite his protestations to the contrary, COPA finds that it would have been practical for Officer Ruiz to activate his BWC prior to engaging with the unidentified individual, mostly notably as he was exiting his vehicle or even while he was walking toward the building, but prior to engaging the individual.

Accordingly, COPA finds that Allegation 3 against Officer Ruiz is sustained in violation of Rules 2, 3, 5, 6, and 10.

**b. Allegation 2 – Officer Ruiz failed to complete an ISR.**

COPA finds Allegation 2 against Officer Ruiz, that he failed to complete an Investigatory Stop Report, is **sustained**. CPD Special Order S04-13-09 defines an investigatory stop as the temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.<sup>54</sup> Additionally, an investigatory stop is not voluntary contact.<sup>55</sup> CPD requires sworn members who conduct an investigatory stop to complete an Investigatory Stop Report.<sup>56</sup> Here, Officer Ruiz stopped an unknown individual, conducted a pat down search of the individual, and then detained him by handcuffing him to security bars. After a search of CPD records databases, COPA did not locate an ISR completed by Officer Ruiz. In his statement to COPA, Officer Ruiz acknowledged that he failed to complete an ISR.<sup>57</sup>

For these reasons, COPA finds Allegation 2 against Officer Ruiz, that he failed to complete an Investigatory Stop Report, is sustained in violation of Rules 2, 3, 5, 6 and 10.

**c. Allegation 3 – Officer Ruiz failed to notify OEMC of his firearm pointing incident.**

COPA finds Allegation 3 against Officer Ruiz, that he failed to advise OEMC of a firearm pointing incident, is **sustained**. Department Notice D19-01 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.<sup>58</sup> Footage from Officer Ruiz's BWC shows that,

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<sup>51</sup> Att. 5 at 0:49 to 1:10.

<sup>52</sup> Att. 5 at 1:10 to 2:00.

<sup>53</sup> Att. 16, pg. 10, lns. 5 to 9.

<sup>54</sup> Att. 26, Special Order S04-13-09(II)(A), Investigatory Stop System (effective July 10, 2017).

<sup>55</sup> Att. 26, S04-13-09(II)(A).

<sup>56</sup> Att. 26, S04-13-09(III)(C).

<sup>57</sup> Att. 16, pg. 20, lns. 3 to 5.

<sup>58</sup> Att. 22, Department Notice D19-01(III)(A), Firearm Pointing Incidents (effective November 1, 2019).



as Officer Ruiz entered the gangway where the unidentified individual was standing, he pointed his firearm in the direction of the unidentified individual.<sup>59</sup> Officer Ruiz told COPA that he did not notify OEMC of the firearm pointing incident, explaining that he had forgotten to do so.<sup>60</sup> Based on the officer’s own admission, COPA finds that Allegation 3 against Officer Ruiz is sustained in violation of Rules 2, 3, 5, 6 and 10.

**VI. DISCIPLINARY RECOMMENDATION**

**a. Officer Ruiz**


**i. Complimentary and Disciplinary History<sup>61</sup>**

Officer Ruiz’s complimentary history is comprised of 71 awards, the highlights of which include one Unit Meritorious Performance Award, one Superintendent’s Honorable Mention, one Special Commendation, one Military Service Award, one Honorable Mention Ribbon Award and three Department Commendations. His disciplinary history includes a sustained finding for a December 2019 incident in which he failed to terminate a traffic pursuit, resulting in a 1-day suspension. In addition, Officer Ruiz received a SPAR in March 2023 for a preventable accident, which resulted in a reprimand.

**ii. Recommended Discipline**

COPA has found that Officer Ruiz violated Rules 2, 3, 5, 6 and 10 when he failed to timely activate his BWC, complete an ISR, and notify OEMC of his firearm pointing incident. As noted above, Officer Ruiz did not begin recording until approximately 70 seconds after he undertook police activity. His failure to timely activate his BWC undermined CPD’s commitment to transparency and could have hindered COPA’s investigation. Officer Ruiz also failed to complete an ISR or notify OEMC of his firearm pointing incident, which demonstrated a consistent disregard for CPD policy. Considering this, in addition to his extensive complimentary history and recent disciplinary history, COPA recommends that Officer Ruiz receive a **3-day suspension and retraining** on CPD’s BWC, ISR and Firearm Pointing policies.

Approved:

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Steffany Hreno  
*Director of Investigations*

3/26/2024  
\_\_\_\_\_  
Date

<sup>59</sup> Att. 5 at 0:55 to 1:10.  
<sup>60</sup> Att. 16, pg. 11, lns. 14 to 19.  
<sup>61</sup> Att. 18.

Appendix ACase Details

Date/Time/Location of Incident:	October 4, 2022/ 7:20 pm/ 3700 W. Lexington Street, Chicago, Illinois
Date/Time of COPA Notification:	October 5, 2022/ 8:34 am
Involved Member #1:	Officer Joseph Lisciandrello, Star #19362, Employee ID #■■■■■, Date of Appointment: February 18, 2014, Unit of Assignment: 011, Male, White
Involved Member #2:	Officer Fernando Ruiz, Star #12935, Employee ID #■■■■■, Date of Appointment: March 16, 2017, Unit of Assignment 011, Male, Hispanic
Involved Individual #1:	■■■■■ Male, Black
Involved Individual #2:	Unidentified, 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.

Applicable Policies and Laws

- General Order G03-02 De-escalation, Response to Resistance and Use of Force (effective April 15, 2021 to June 28, 2023)
- Special Order S03-14 Body Worn Cameras (effective April 30, 2018 to December 29, 2023)
- Special Order S04-13-09 Investigatory Stop System (effective July 10, 2017)
- Department Notice D19-01 Firearm Pointing Incidents (effective November 1, 2019)
- Municipal Code of Chicago 9-20-10(C), One-way streets – Through traffic prohibited on certain public ways
- Municipal Code of Chicago, 9-76-180, Safety belts

## 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.<sup>62</sup> 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.”<sup>63</sup>

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<sup>62</sup> 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).

<sup>63</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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