



Log # 2023-0002981

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

### I. EXECUTIVE SUMMARY

On July 9, 2023, the Civilian Office of Police Accountability (COPA) received a notification from Sergeant Jerome Hoffman reporting a Taser deployment by a member of the Chicago Police Department (CPD). Upon review of the evidence, COPA served an allegation that on July 9, 2023, Police Officer Andres Zepeda deployed his taser at or in the direction of ██████████ without justification.<sup>2</sup> Following its investigation, COPA reached a Not Sustained finding regarding the allegation that Officer Zepeda discharged his taser at or in the direction of ██████████ without justification.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On July 9, 2023, at approximately 10:09 am, Police Officers Andres Zepeda and Rodrigo Espinoza were dispatched at or near ██████████ for a Battery in progress. Upon arrival, the officers encountered ██████████ arguing with his stepfather, ██████████. When ██████████ saw Officer Zepeda, he directed his anger and frustration towards him. Officer Zepeda attempted to calm ██████████ down by giving him verbal directives, but ██████████ did not comply.<sup>4</sup> Officer Espinoza escorted ██████████ into the hallway to calm him down and retrieve his side of the story.

When Officer Zepeda exited the apartment, he gave ██████████ verbal directives to turn around and place his hands behind his back because he was under arrest.<sup>5</sup> ██████████ refused to do so and began to threaten Officer Zepeda. ██████████ clenched his fist at Officer Zepeda and threatened to “whoop him real bad.” Due to ██████████ threatening Officer Zepeda, Officer Zepeda pulled out his taser and continued to give ██████████ verbal commands. Officer Espinoza grabbed ██████████ left hand and attempted to place it behind ██████████ back when ██████████ pulled away and fled down the stairs.<sup>6</sup> As ██████████ fled down the stairs, Officer Zepeda deployed his taser at ██████████ causing

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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> 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>3</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 body worn camera (BWC) footage, case and arrest reports, and interviews.

<sup>4</sup> Att. 1, BWC of Officer Zepeda, at 07:26.

<sup>5</sup> Att.1, at 13:04.

<sup>6</sup> Att.1, at 13:04 to 13:32.

him to fall at the landing space between the stairs.<sup>7</sup> [REDACTED] was handcuffed and escorted outside to Officer Zepeda's CPD vehicle.

During his statement to COPA, Officer Zepeda stated that when he encountered [REDACTED] [REDACTED] appeared to be intoxicated because his speech was slurred and his eyes were red.<sup>8</sup> Officer Zepeda explained that he discharged his taser because [REDACTED] was aggressive, threatening him verbally, clenching his fist, and flailing his arms, trying to defeat the arrest. Officer Zepeda stated that he attempted to de-escalate [REDACTED] by giving him multiple verbal commands, but [REDACTED] did not comply. Officer Zepeda stated when he and his partner tried to place [REDACTED] in handcuffs, [REDACTED] snatched away and took off down the stairs.

At this time, Officer Zepeda discharged his taser, causing [REDACTED] to fall to the bottom of the stairs in the landing space. Officer Zepeda stated that [REDACTED] was at the bottom of the stairs when he discharged his taser.<sup>9</sup> Officer Zepeda stated that due to [REDACTED] not complying, he delivered an additional one-second charge that caused [REDACTED] to place his arms behind his back so Officer Espinoza could apply handcuffs.<sup>10</sup> [REDACTED] was escorted down the remaining stairs and outside to Officer Zepeda's CPD vehicle. [REDACTED] was transported to Holy Cross Hospital for treatment.<sup>12</sup>

### III. ALLEGATIONS

#### Police Officer Andres Zepeda:

1. Discharged your taser at or in the direction of [REDACTED] without justification.
  - Not Sustained

### IV. CREDIBILITY ASSESSMENT

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

### V. ANALYSIS<sup>13</sup>

COPA finds Allegation #1 against Officer Zepeda, in that he discharged his taser at or near [REDACTED] without justification, **Not Sustained.** [REDACTED] attempted to evade arrest by snatching away and fleeing from Officers Zepeda and Espinoza. Officer Zepeda tasered [REDACTED] to subdue him. According to General Order G03-02-04, Taser Use Incidents, unless other force

<sup>7</sup> Att.1, at 13:36.

<sup>8</sup> Att. 11 – Audio Statement from Officer Zepeda.

<sup>9</sup> Att. 14, Audio Statement Transcripts of Officer Zepeda, pg. 15, lns. 1 to 11.

<sup>10</sup> Att. 6 – Taser Download.

<sup>11</sup> Attempts to interview [REDACTED] were unsuccessful, Note CO-1349370 & 1347291.

<sup>12</sup> Att. 10, [REDACTED] was diagnosed with a taser injury.

<sup>13</sup> For a definition of COPA's findings and standards of proof, see Appendix B.



Appendix ACase Details

Date/Time/Location of Incident:	July 9, 2023/ 10:09 am / [REDACTED] [REDACTED]
Date/Time of COPA Notification:	July 10, 2023/11:35 am
Involved Member #1:	Andres Zepeda, Star # 14393, employee ID# [REDACTED], Date of Appointment: October 28, 2002, 008 District, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- General Order G03-02-01 Force Options (effective June 28, 2023, to present).<sup>17</sup>
- General Order G03-02-04, Taser Use Incidents (effective June 28, 2023, to present).<sup>18</sup>

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<sup>17</sup> Att. 16.

<sup>18</sup> Att. 13.

## 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>19</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>20</sup>

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<sup>19</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>20</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