



Log # 2020-0001609

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On April 21, 2020, the Civilian Office of Police Accountability (COPA) received a web complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on March 2, 2020, Officer Marcia Fambro harassed and or threatened him by texting, “I should send you this ticket in the mail for illegally parking on 79th Street but I won’t be as petty as you.” Upon review of the evidence, COPA served additional allegations that Sergeant Corey Hatter harassed him by issuing a fraudulent parking citation.² ██████████ additionally alleged that Officer Fambro had verbally abused him via text, email and telephone on various occasions between August 29, 2019, and March 30, 2020. Following its investigation, COPA reached sustained findings regarding the allegations of harassment through the issuance of the parking ticket and verbal abuse.³ COPA found insufficient evidence to sustain the allegation that Sgt. Hatter issued a fraudulent parking ticket to ██████████

II. SUMMARY OF EVIDENCE⁴

██████████ and Officer Fambro met in college and began dating in 2009. ██████████, ██████████. Their dating relationship continued in an on and off fashion until August 2018, when their relationship became that of coparents. ██████████ described their coparenting relationship as “difficult” due to poor communication.⁵ He also stated that their relationship had deteriorated because Officer Fambro had filed for child support in September 2019. ██████████ also described her as “spiteful” and “bitter.”⁶ ██████████ began dating ██████████ in 2018. He stated that Officer Fambro reacted badly to their relationship, often sending texts to ██████████ after seeing pictures of them together on social media. ██████████ stated that Officer Fambro

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.

²At the time of incident, March 2, 2020, Sergeant Hatter held the title of Police Officer. He was promoted to the rank of sergeant on April 16, 2023. He will be referred by his current title for this report.

³ ██████████ also alleged that Officer Fambro accessed Department records to view information about himself and ██████████. However, Department records indicated that Officer Fambro did not search them in the CLEAR system. Therefore, this allegation was not given to Officer Fambro. See Atts. 12 – 18.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including but not limited to screenshots of text messages, the officer’s admissions, and Chicago Police Department issued ticket and reports.

⁵ Att. 2, Pg. 7, Ln. 4.

⁶ Att. 2, Pg. 7, Ln. 6.

sent him vulgar and profane messages out of jealousy toward ██████████ that he is doing well; and that he drove a Tesla.⁷⁸

On March 2, 2020, GPS records show that Officer Fambro's and Sgt. Hatter's squad car traveled east on 79th Street and drove past 227 E 79th Street at **4:37 pm** traveling at 7 mph, and then continued to travel east on 79th Street until it parked at 79th and S Cottage Grove.⁹ The GPS records do not show the squad car changing direction at or near 227 E 79th Street.¹⁰

██████████ stated that on the afternoon of March 2, 2020, he ignored several telephone calls from Officer Fambro. At **4:39 pm**, ██████████ texted Officer Fambro that her mother was picking up their daughter. Officer Fambro texted him back, stating "LOL, I know. I should send you this ticket in the mail for illegally parking on 79th but I won't be as petty as you."¹¹ He did not respond. A week later he received Citation # 0071085191 for no parking or standing anytime at 216 E. 79th Street. It was dated March 2, 2020, at **4:48 pm** and was issued by Sgt. Hatter.¹² ██████████ concluded that Officer Fambro had a fraudulent ticket issued to him. He stated that he did not recall driving on or near 79th Street on March 2, 2020, but that he may have passed through. He did not see Officer Fambro or make contact with her on 79th Street.¹³ He added that he lived miles away.¹⁴ ██████████ stated that he did not receive anything on his windshield.^{15 16}

A number plate search of the CPD databases shows that ██████████ license plate ██████████, was not accessed by Chicago Police personnel on March 2, 2020.¹⁷ However, records show that Officer Fambro ran ██████████ name via PDT on March 2, 2020 at **4:53 pm**.¹⁸

⁷ Att.2, Pg. 21, Lns. 1 -21.

⁸ ██████████ and ██████████ reported that Officer Fambro had harassed them in 2018 by obtaining a pornographic video they recorded from ██████████ Apple watch; contacting ██████████ through Instagram about the video; and also contacting ██████████, the father of ██████████ child. ██████████ previously reported these allegations to the Chicago Police Department Education and Training Division in 2018, which declined to investigate the allegations. COPA did not serve these allegations because it lacked objective verifiable evidence to support them. See Att. 26, Pgs. 20 – 22; Lns. 23 – 21.

⁹Att. 69.

¹⁰Att. 69.

¹¹ Att. 2, Pg. 9, Lns. 3-5; Att. 4.

¹² Att. 8.

¹³ Att. 1, p. 26, lns. 14-22.

¹⁴ Att. 2, Pg. 10, Lns. 4-5.

¹⁵ Att. 2, Pg. 27, Lns. 1-3.

¹⁶ ██████████ contested the ticket and ultimately did not have to pay the fine.

¹⁷ Att. 18.

¹⁸ Att. 14, p. 12.

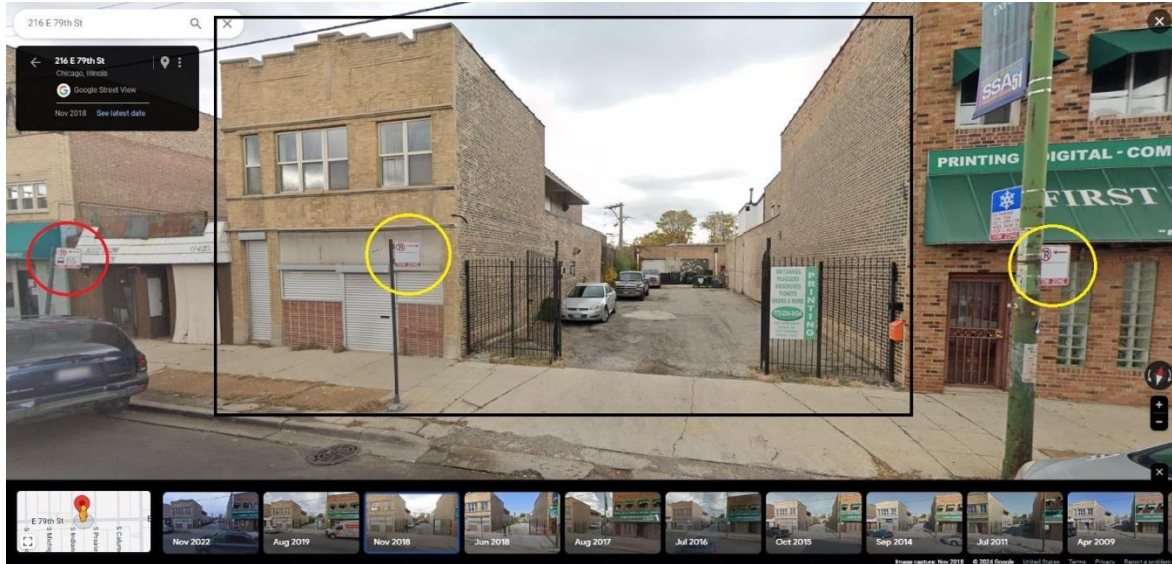


Figure 1: A screenshot of the street view of 216 E. 79th Street (depicted inside black rectangle) from August of 2019 depicting two “Tow Zone” no parking signs on each side of the business’s driveway (circled in yellow), and a no parking bus stop sign (circled in red) bordering the western edge of the property.¹⁹

During her interview with COPA, Officer Fambro admitted to sending ██████ the text, stating that she was not actually going to write a ticket but then her partner, Sergeant Hatter, told her that he had written a ticket and that it could not be rescinded once written. Officer Fambro stated that the ticket was legitimate because the vehicle was parked, and someone drove off in it before the ticket could be placed on the vehicle. Officer Fambro stated that she did not recall if she texted ██████ again regarding the ticket after sending the initial text. Officer Fambro stated that she did not ask Sergeant Hatter to write the ticket.

Sergeant Hatter stated that he did not believe Officer Fambro asked him to write the parking ticket.²⁰ He recalled seeing an illegally parked vehicle, did a U-turn to get behind it, and then wrote the ticket.²¹ He had no knowledge of Officer Fambro texting ██████ Sgt. Hatter believed he saw a silhouette of someone in the car and indicated that it drove off as they got behind it.²² He issued the ticket because he already had the plate number.²³ Sgt. Hatter indicated that he still recalled writing the ticket because Officer Fambro mentioned that the ticket was going to the father

¹⁹ Google maps, 216 E. 79th St. (August 2019), <https://www.google.com/maps/@41.7510315,-87.6189753,3a,37.5y,346.83h,85.85t/data=!3m7!1e1!3m5!1sH2r177YwMVEhjbrN4AQJSg!2e0!5s20190801T000000!7i16384!8i8192?coh=205409&entry=ttu> (last accessed June 25, 2024). It should be noted that the next most recent available street view image of 216 E. 79th Street is from November of 2022 and also depicts the two “Tow Zone” no parking signs. The Cook County Assessor’s Office depicts the two-story building and the adjacent parking lot as 216 E. 79th Street. See Att. 68

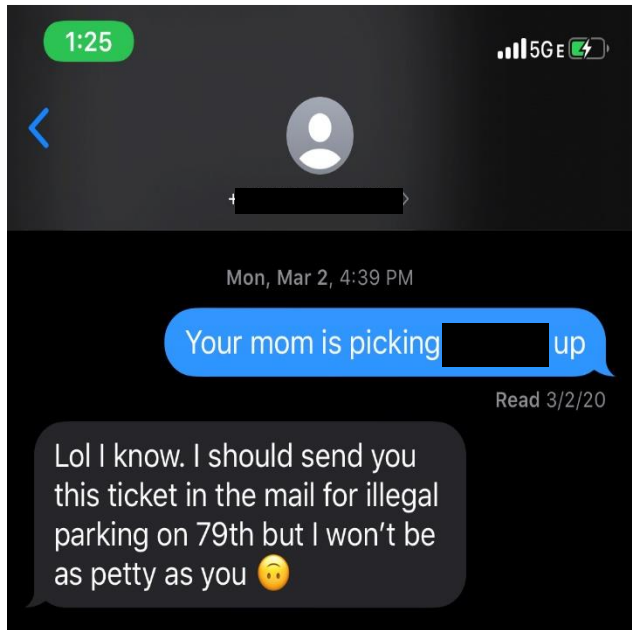
²⁰ Att. 40, p. 10, Ins. 14-23.

²¹ Att. 40, p. 10, Ins. 14-23.

²² Att. 40, p. 11, Ins. 15-21; p. 16, Ins. 2-8.

²³ Att. 40, Pgs. 10 -12, Lns. 16 -11.

of her child.²⁴ Sergeant Hatter stated that he thought nothing of it because he has written tickets for illegally parked vehicle, including to an alderman, other police officers, and public officials.²⁵ He denied harassing [REDACTED] because the ticket was legitimate since [REDACTED] vehicle was illegally parked. He also denied issuing a fraudulent ticket.²⁶ Sgt. Hatter indicated that he and Officer Fambro had a personal friendship and were partners for over a year.²⁷ Sgt. Hatter recalled that Officer Fambro only “[v]aguely” spoke about her relationship with [REDACTED] and he was aware that she and [REDACTED] were in a custody battle.²⁸



29

[REDACTED] also alleged that Officer Fambro was verbally abusive to him in texts, email and on the phone between August 29, 2019, and March 30, 2020. He also alleged that she referred to [REDACTED] in a derogatory manner. On March 25, 2020, at approximately 10:51 pm, Officer Fambro texted, “Yo bitch ass didn’t want to get your daughter because you got [REDACTED] fat ass at your fucking house;” and, “You dirty, dirty how ass bitch.”³⁰ He submitted various text messages to COPA in which Officer Fambro referred to both himself and [REDACTED] in derogatory terms such as “motherfucker,” “bum,” “Niggas,” “Hoe,” “Bum ass bitch,” and/or using derogatory language to refer to [REDACTED] such as but not limited to “trach.”³¹ Officer Fambro also threatened

²⁴ Att. 40, p. 16, lns. 12-16.

²⁵ Att. 40, Pg. 16, Lns. 17 – 22.

²⁶ Att. 40, Pgs. 18 -19, Lns. 15 – 8.

²⁷ Att. 40, p. 7, lns. 2-7.

²⁸ Att. 40, p. 8, lns. 18-23.

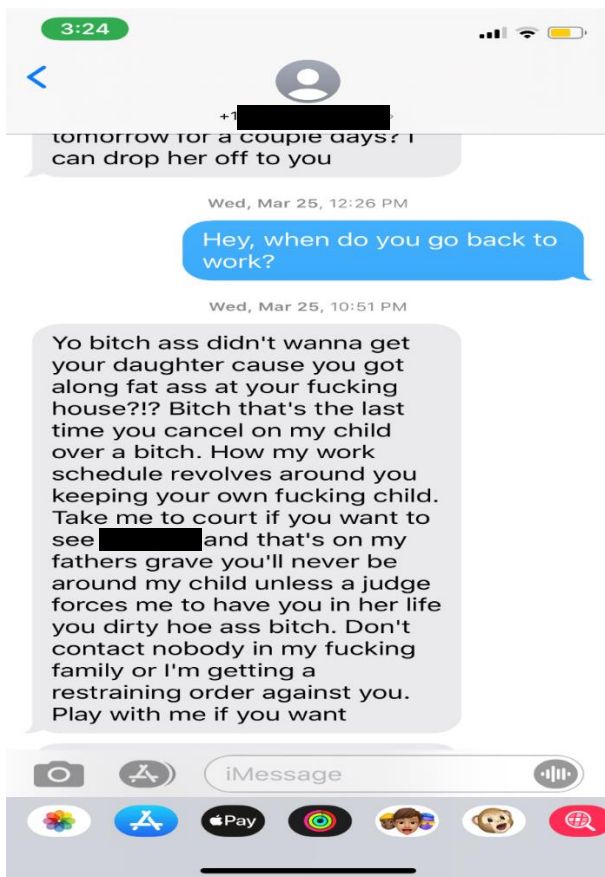
²⁹ Att. 4. Screenshot of a text exchange between Officer Fambro (black) and [REDACTED] (blue).

³⁰ Att. 60.

³¹ Atts. 59 – 64.

██████████ when she wrote, “I slap little ass niggas like you on the daily you don’t wanna fuckin (sic) play with me.”

Officer Fambro stated that she ended her relationship with ██████████ in 2018 because he was abusive toward her.³² Officer Fambro admitted to verbally abusing ██████████ via text, email and telephone, apologizing for using language that did not put the Chicago Police Department in the best light. Officer Fambro also stated that she would not have used the language if she had known that the communications would not be kept private between herself and ██████████.³³ Officer Fambro also submitted various messages to COPA in which ██████████ referenced her status as a Chicago Police Officer.³⁴ Officer Fambro submitted various texts from ██████████ in which he asked her to reconcile and reminded her that he wanted to marry her, as well as social media posts that ██████████ made against her.³⁵



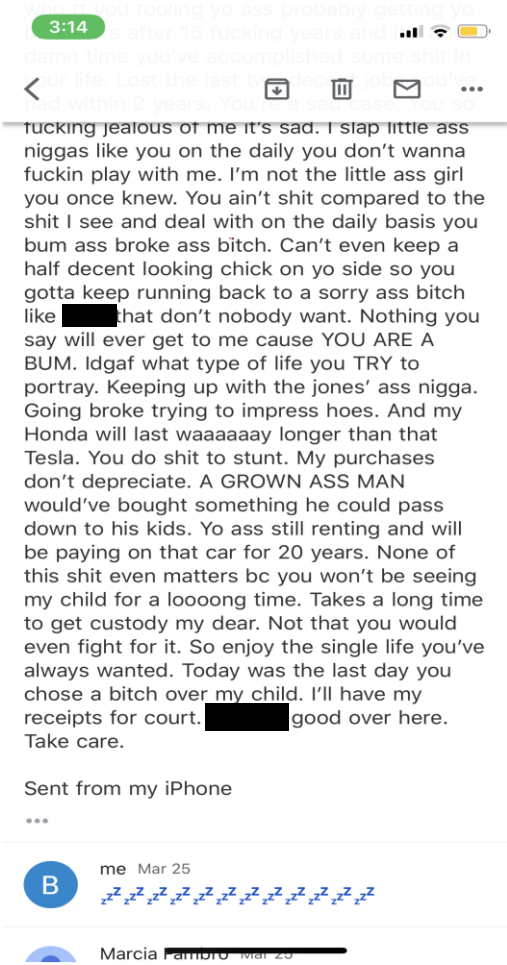
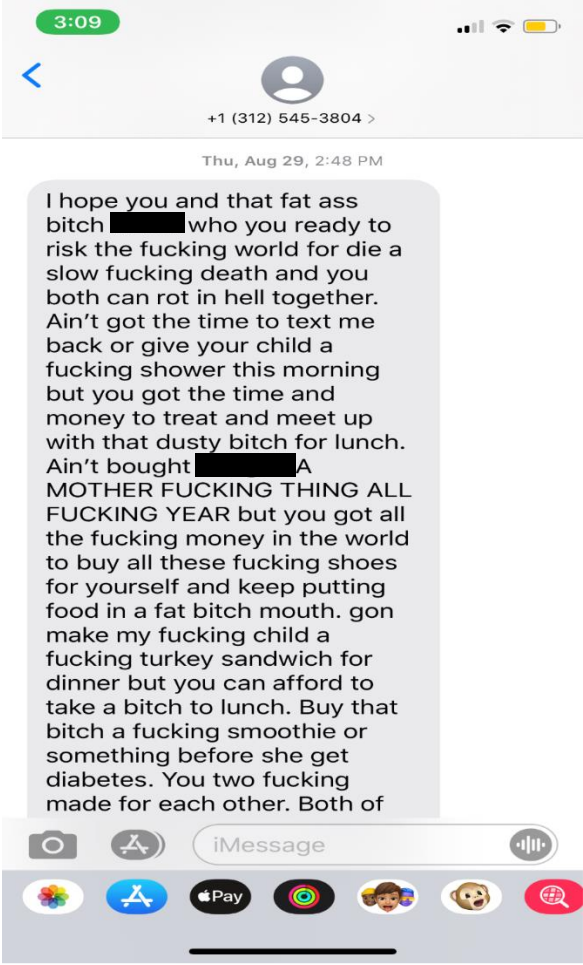
36

³² Att. 10, Lns. 20-21.

³⁴ Att. 36, Pgs. 12 – 13, Lns. 4 – 2.

³⁵ Atts. 44 -53.

³⁶ Att. 60, Screenshot of a text exchange between Officer Fambro (grey) and ██████████ (blue).



III. ALLEGATIONS:

Officer Marcia Fambro, #17062:

- 1. It is alleged that on or about March 2, 2020, at approximately 3:35 pm, at or near the location of 216 E. 79th Street, Officer Marcia Fambro, #17062, committed misconduct through the following acts or omissions: Harassing and/or threatening [REDACTED] by texting, "I should send you this ticket in the mail for illegally parking on 79th but I won't be as petty as you."
 - Sustained, Violation of Rules 2 & 9

- 2. It is alleged that on or about March 2, 2020, at approximately 4:48 pm, at or near the location of 216 E. 79th Street, Officer Marcia Fambro, # 17062, committed misconduct

³⁷ Att. 63. Screenshot of a text message Officer Fambro sent to [REDACTED]
³⁸ Att. 59, Screenshot of a text message Officer Fambro sent to [REDACTED]

by the following acts or omissions: Harassing [REDACTED] by having a parking ticket, # TN #0071085191, issued to him, without justification.

- Sustained, Violation of Rules 2 & 4
3. It is alleged that on or about March 25, 2020, at approximately 10:51 pm, Officer Marcia Fambro, # 17062, committed misconduct through the following acts or omissions: Verbally abusing [REDACTED] by texting, "Yo bitch ass didn't want to get your daughter because you got [REDACTED] fat ass at your fucking house;" "You dirty-dirty how ass bitch;"
 - Sustained, Violation of Rule 9
 4. It is alleged that on an unknown date and time in 2020, via email, Officer Marcia Fambro, # 17062, committed misconduct through the following acts or omissions: Verbally abusing and/or threatening [REDACTED] by writing that she "slaps little niggers up" like him "on the daily."
 - Sustained, Violation of Rule 9
 5. It is alleged that between approximately August 29, 2019, and March 30, 2020, via text and/or Instagram and/or email and/or telephone, Officer Marcia Fambro committed misconduct through the following acts and/or omissions: verbally abusing [REDACTED] by using vulgar and profane language such as but not limited to "motherfucker," "bum," "Niggas," "Hoe," "Bum ass bitch", and/or using derogatory language to refer to [REDACTED] such as but not limited to "trash."
 - Sustained, Violation of Rule 9

Sergeant Corey Hatter, #9607:

1. It is alleged that on or about March 2, 2020, at approximately 4:48 pm, at or near the location of 216 E. 79th Street, the accused committed misconduct by the following acts or omissions: Harassing [REDACTED] by issuing a parking Ticket, # TN #0071085191.
 - Sustained, Violation of Rules 2 & 9
2. It is alleged that on or about March 2, 2020, at approximately 4:48 pm, at or near the location of 216 E. 79th Street, the accused committed misconduct by the following acts or omissions: Knowingly issuing a fraudulent parking ticket, TH #0071085191, to [REDACTED]
 - Not Sustained, Violation of Rules 2 & 9

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.

In this case, COPA finds that ██████████ provided a mostly reliable account of what happened. He spoke with COPA and provided the text messages from Officer Fambro to support his account. However, the text messages provided to bolster his allegations of ongoing verbal abuse were selective and did not include his responses or the entirety of the conversation or text chain. Such selectiveness undermined his reliability. Nevertheless, based on a totality of the evidence, COPA finds ██████████ account to be more credible than that of Officer Fambro and Sgt. Hatter, because their accounts were contradicted by objective evidence.

Specifically, COPA finds Officer Fambro's and Sgt. Hatter's accounts undermined by objective evidence, such as squad car GPS and PDT records. COPA finds the evidence contradicts Officer Fambro's and Sgt. Hatter's claims that they ran the Tesla's plate on March 2, 2020. In fact, there is no evidence that any CPD personnel, let alone Officer Fambro or Sergeant Hatter, ran the Tesla's plate on March 2, 2020. Instead, there is evidence that Officer Fambro ran ██████████ name at **4:53 pm**, several minutes *after* Sergeant Hatter had issued the ticket to ██████████ at **4:48 pm**. This evidence contradicts their claim that she or Sgt. Hatter ran the Tesla's plate. COPA, however, has insufficient evidence that Officer Fambro's and Sgt. Hatter's statements that they ran the Tesla's plates were willfully false. It is possible that the extensive amount of time between the incident and their interviews may have negatively impacted their memories.

Additionally, the available evidence undermines Officer Fambro's and Sgt. Hatter's claim that they executed a U-turn and pulled up behind the Tesla to write the ticket. GPS records show that while the squad car may have slowed down to 7 mph³⁹ near 227 E. 79th Street (approximately 100 feet east of 216 E. 79th St.), it did not change direction in that vicinity. Rather, the GPS records show that the squad car continued to travel east on 79th Street. In fact, 31 seconds later, it was traveling further east at 25 mph until it parked at 79th and S. Cottage Grove, 0.7 miles from 216 E. 79th Street – the location of the allegedly illegally parked Tesla.

V. ANALYSIS⁴⁰

a. Allegations pertaining to the issuance of the parking ticket.

COPA finds **Allegation #1** against **Officer Fambro**, that she harassed and/or threatened ██████████ by texting, "I should send you this ticket in the mail for illegally parking on 79th but I won't be as petty as you;" **sustained**. First, Officer Fambro admitted to sending the text to ██████████ in her COPA interview. Second, both parties agreed that their relationship was contentious, making it more likely that Officer Fambro intended to harass or threaten ██████████ indicated that his and Officer Fambro's relationship was contentious, supporting his claim with screenshots of

³⁹ GPS records show that the squad car slowed down to 7 mph at 227 E 79th Street and the Tesla was allegedly parked at 216 E. 79th Street. Att. 69.

⁴⁰ For a definition of COPA's findings and standards of proof, see Appendix B.

various text messages. Officer Fambro explained her relationship with █████ failed due to a lack of communication and admitted to sending him other offensive, harassing, and threatening text messages. While both parties admitted to engaging in arguments during what appears to be a tumultuous relationship, more is expected of Officer Fambro. As a trained police officer, she is expected to treat others with respect, whether on or off duty. She failed to meet this expectation here. The evidence shows that Officer Fambro's text message was harassing and threatening. COPA finds that such behavior has brought discredit upon the Department.

COPA finds **Allegation #2** against **Sgt. Hatter, not sustained.** █████ claims that that his Tesla was not at or near 216 E. 79th Street on March 2, 2020, and that Sgt. Hatter fraudulently issued the parking ticket to him.⁴¹ COPA has found no objective evidence to support █████ claim that Officer Fambro was in possession of his license plate number and that she gave it to Sgt. Hatter so that Sgt. Hatter could issue fraudulently issue him a parking ticket. Absent additional evidence corroborating █████ claim, this allegation cannot be sustained.

COPA finds **Allegation #2** against **Officer Fambro**, and **Allegation #1** against **Sgt. Hatter**, that they had a parking ticket issued to █████ without justification to harass him, **sustained.**

First, COPA finds by a preponderance of the evidence that the officers issued the parking ticket without justification. The ticket cited █████ Tesla with a violation under section 9-64-150(b) of the Code. COPA finds by a preponderance of the evidence that the Tesla was not and could not have been in violation of this provision. Section 150(b) provides as follows:

The commissioner of transportation is authorized to determine places in which the standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic and those streets or parts of streets upon which parking shall be prohibited, and to erect and maintain appropriate signs giving notice that standing or parking is prohibited. It shall be unlawful to stand or park any vehicle in violation of any sign erected or maintained pursuant to this subsection.⁴²

The location where the Tesla was allegedly located appears to have posted "Tow Zone" signs.⁴³ (See Figure 1) The Municipal Code provides in relevant part that CPD and other authorized agencies may authorize a tow from any public way if, an *unattended* car is parked illegally in an officially designated and marked "tow zones," or if an *unattended* car violates section 150(b).⁴⁴ Here, however, the evidence shows that the Tesla was occupied. Both officers stated that as soon

⁴¹ █████ believed that Officer Fambro had previously taken a photo of his license plate and believed she had previously run his license plate. A search for all CPD officers that ran █████ plate between 2016 and September 1, 2020 reveals no evidence that Officer Frambo ran his plate. See Att. 18.

⁴² Chicago Municipal Code section 9-64-150(b).

⁴³ Google maps, 216 E. 79th St. (August 2019), <https://www.google.com/maps/@41.7510315,-87.6189753,3a,37.5y,346.83h,85.85t/data=!3m7!1e1!3m5!1sH2r177YwMVEhjbrN4AQJSg!2e0!5s20190801T000000!7i16384!8i8192?coh=205409&entry=ttu> (last accessed June 25, 2024).

⁴⁴ 9-92-030(c) & (f) Authority to impound or otherwise relocate vehicle.

as they drove up behind the Tesla, the Tesla drove off. They also stated that they did not see who was driving the car, thus confirming further that the driver was inside the car and the car was not left unattended. Additionally, as required by section 150(b), there was no signage posted prohibiting mere standing. It is difficult to believe that two officers specifically assigned to traffic and parking enforcement who were familiar with the area, would have issued a citation under section 150(b) under these circumstances. Thus, COPA finds that it is more likely than not that Officer Fambro and Sgt. Hatter issued the ticket without justification to harass [REDACTED]

Further supporting this conclusion is the fact that the two officers disclosed that they were friends and had discussed Officer Fambro's relationship with [REDACTED] during their more than one year as partners. Sgt. Hatter admitted that he knew about Officer Fambro's custody battle with [REDACTED]. The officers have maintained a friendship since this incident. In fact, Officer Fambro threw a promotion party for Sgt. Hatter in 2023. Given the officers' close relationship and their previous discussions about [REDACTED] it is improbable that Officer Fambro would not have immediately pointed out to Sgt. Hatter that the Tesla belonged to [REDACTED]. Their claims to the contrary are unpersuasive. Additionally, Sgt. Hatter's issuance of the parking ticket under an inapplicable Municipal Code provision despite actively working in traffic and parking enforcement, suggests that the citation was more likely than not, issued to harass [REDACTED]. **Allegation #2** against **Officer Fambro** and **Allegation #1** against **Sgt. Hatter** is **sustained**.

b. Allegations related to verbal abuse and harassment.

COPA finds that **Allegation #3** against **Officer Fambro**, that on or about March 25, 2020, at approximately 10:51 pm, she verbally abused [REDACTED] by texting, "Yo bitch ass didn't want to get your daughter because you got [REDACTED] fat ass at your fucking house;" "You dirty-dirty how ass bitch;" is **sustained**. Officer Fambro admitted to sending the text, apologizing for her language.

COPA finds that **Allegation #4** against **Officer Fambro**, that on an unknown date and time in 2020, via email, she threatened and/or verbally abused [REDACTED] by writing, "Verbally abusing and/or threatening [REDACTED] by writing that she "slaps little niggers up" like him "on the daily," is **sustained**. Officer Fambro admitted to sending the email, apologizing for her language.

COPA finds that **Allegation #5** against **Officer Fambro**, that between August 29, 2019, and March 30, 2020, via text and/or Instagram and/or email and/or telephone, she verbally abused [REDACTED] by using vulgar and profane language such as but not limited to "motherfucker," "bum," "Niggas," "Hoe," "Bum ass bitch", and/or using derogatory language to refer to [REDACTED] such as but not limited to "trash,; is **sustained**. Officer Fambro admitted to using this language over various mediums and apologized.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Marcia Fambro, #17062

i. Complimentary and Disciplinary History⁴⁵

Officer Fambro has 15 various awards. She has served a one-day suspension for Conduct Unbecoming.

ii. Recommended Discipline

COPA has considered Officer Fambro’s complimentary history and disciplinary history. In this case, Officer Fambro harassed the complainant. Additionally, her conduct was a misuse of her authority as a police officer in furtherance of a personal vendetta, which undermines public confidence in the Department. COPA recommends a suspension of up to 30 days.

b. Sergeant Corey Hatter, #2396

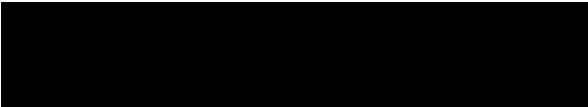
i. Complimentary and Disciplinary History⁴⁶

Sergeant Hatter has 65 various awards. He has no disciplinary record.

ii. Recommended Discipline

COPA has considered Sgt. Hatter’s complimentary history and disciplinary history. In this case, Sgt. Hatter’s issuance of the ticket was improper. His conduct could also be construed as a misuse of his authority as a police officer in furtherance of a colleague’s personal vendetta, which could undermine public confidence in the Department. COPA recommends a written reprimand.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

August 12, 2024

Date

⁴⁵ Attachment #61.

⁴⁶ Attachment #62.

Appendix A

Case Details

Date/Time/Location of Incident:	March 2, 2020, 4:48 pm, 216 E. 79 th Street
Date/Time/Location of Incident:	March 25, 2020, 10:51 pm, via text
Date/Time/Location of Incident:	Unknown date in 2020; Unknown; via email
Date/Time/Location of Incident:	Between August 29, 2019, and March 30, 2020, various, via email, text and telephone
Date/Time of COPA Notification:	April 21, 2020, 3:24 pm
Involved Member #1:	Marcia Fambro, Star #17062, Emp. # [REDACTED] Unit 006, Female, Black.
Involved Member #2:	Corey Hatter, Star #9607, Emp. # [REDACTED] Unit 006, Male, Black.
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Female, 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 4:** Any conduct or action taken to use the official position for personal gain or influence.
- 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

- DNA

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.⁴⁷ 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.”⁴⁸

⁴⁷ 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).

⁴⁸ *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