



Log # 2022-5027

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

### I. EXECUTIVE SUMMARY

On November 25, 2022, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ related that on November 18, 2022, Officer Reynol Cuellar De La Cruz and Officer Denny Sanchez stopped his vehicle because his taillight was out. Following the initial stop, ██████████ alleged that he and his passenger, ██████████ were removed from the vehicle and detained without justification and that the officers searched his vehicle without justification.<sup>2</sup> COPA served additional allegations related to Officer Cuellar De La Cruz's and Officer Sanchez's failure to complete an Investigatory Stop Report to document the stop and their failure to provide ██████████ with an Investigatory Stop Receipt.

Following its investigation, COPA reached sustained findings regarding the allegations of an unjustified search, failure to document a stop that included a search with an Investigatory Stop Report, and failure to provide ██████████ with an Investigatory Stop Receipt.

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

On November 18, 2022, at approximately 5:28 pm, Officers Cuellar De La Cruz and Sanchez stopped a vehicle at 325 E 47<sup>th</sup> St., Chicago, Illinois 60653. Officer Cuellar De La Cruz explained to the driver, ██████████ that he had been stopped because of the vehicle's broken taillight.<sup>4</sup> Officer Sanchez approached the vehicle on the passenger's side. The officers then asked for ██████████ license and insurance and for identification from ██████████ passenger, ██████████ showed Officer Cuellar De La Cruz the vehicle's insurance on his cell phone. Officer Sanchez then returned to the squad car with both ██████████ and ██████████ identification to conduct a name check. Both officers later told COPA that the reason for requesting ██████████ identification and running his name was because he was not wearing his seatbelt.<sup>5</sup>

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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, civilian interviews, and officer interviews.

<sup>4</sup> Att. 2 at 2:25.

<sup>5</sup> Att. 15 at 16:50.

Additional officers arrived on scene, and Officer Sanchez later explained that when more than one person is inside a vehicle during a traffic stop, it is general protocol to call for assistance for safety reasons.<sup>6</sup> Following the name check,<sup>7</sup> both [REDACTED] and [REDACTED] were ordered to exit the vehicle. The officers did not initially tell either [REDACTED] or [REDACTED] why they were being detained, and both were immediately handcuffed and then brought to stand at the back of the vehicle.<sup>8</sup> Officer Cuellar De La Cruz told [REDACTED] that the vehicle's plates were expired.<sup>9</sup> Officers Cuellar De La Cruz and Sanchez both later told COPA that the namecheck had revealed that [REDACTED] had a non-extraditable active arrest warrant from a different county. On BWC footage, when Officer Sanchez related this to [REDACTED] he acknowledged that he knew about the warrant.<sup>10</sup>

While [REDACTED] and [REDACTED] were detained with handcuffs at the rear of the vehicle, Officer Cuellar De La Cruz and Officer Sanchez searched the vehicle.<sup>11</sup> This consisted of a thorough search spanning the entirety of the vehicle: both officers shined their flashlights over the front and back seats, rummaged through the front center console, looked under and around both the front and back seats and all side door compartments, and thoroughly searched the general areas of both the front and back seats of the vehicle. Officer Cuellar De La Cruz also opened and searched through the center console in the backseat,<sup>12</sup> and he pulled down the backseat and reached into the vehicle's trunk.<sup>13</sup> Officer Sanchez made multiple attempts to open the vehicle's locked glove compartment,<sup>14</sup> and Officer Cuellar De La Cruz later ordered [REDACTED] to tell him how to open the glove compartment, which he then searched.<sup>15</sup> Officer Sanchez opened and searched the center console in the backseat of the vehicle.<sup>16</sup> The officers then returned to their own vehicle in order to write tickets for [REDACTED]. Sergeant (Sgt.) John Hanlon arrived on scene approached the officers,<sup>17</sup> who then related to him their basis for the stop and detainment of [REDACTED] and [REDACTED] the broken taillight, expired license plates, both [REDACTED] and [REDACTED] overall nervous demeanor and their reluctance to exit the vehicle, the fact [REDACTED] was not the registered owner of the car, and the discovery of [REDACTED] active warrant.<sup>18</sup> When Sgt. Hanlon asked the officers whether they felt confident in their search of the car, Officer Cuellar De La Cruz responded affirmatively.<sup>19</sup>

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<sup>6</sup> Att. 14 at 16:00.

<sup>7</sup> Att. 1 at 4:40 to 7:00.

<sup>8</sup> Att. 2 at 7:10 to 8:40.

<sup>9</sup> Att. 2 at 8:40 to 8:45.

<sup>10</sup> Att. 1 at 11:39 to 12:08.

<sup>11</sup> Att. 2 at 9:09; Att. 1 at 9:30.

<sup>12</sup> Att. 2 at 10:38.

<sup>13</sup> Att. 2 at 12:46.

<sup>14</sup> Att. 1 at 10:23 to 10:27 and at 11:00 to 11:30.

<sup>15</sup> Att. 2 at 16:30 to 17:00.

<sup>16</sup> Att.1 at 12:18.

<sup>17</sup> Sgt. Hanlon resigned from CPD on April 16, 2023, and he was not interviewed by COPA. See Att. 42.

<sup>18</sup> Att. 2 at 14:00 to 15:13.

<sup>19</sup> Att. 2 at 15:13 to 15:40.

As [REDACTED] was released from handcuffs, Officer Cuellar De La Cruz explained to him that the officers searched his car because of the way [REDACTED] reacted to questions asked by the officers regarding the owner of the vehicle, both his and [REDACTED] nervous demeanor, and their initial hesitancy to exit the vehicle.<sup>20</sup> [REDACTED] and [REDACTED] were later released from handcuffs and given three tickets for the expired plate, the non-functioning taillight, and the failure to display a city sticker.<sup>21</sup>

### III. ALLEGATIONS

#### **Officer Reynol Cuellar De La Cruz, Star #7661:**

1. Detaining [REDACTED] and his passenger without justification.
  - **Exonerated.**
2. Searching [REDACTED] vehicle without justification.
  - **Sustained.** Violation of Rules 2, 3, 6, 8, and 11.
3. Failing to document a stop that included a search with an Investigatory Stop Report, in violation of Special Order S04-13-09.
  - **Sustained.** Violation of Rules 2, 3, 5, 6, 10, and 11.
4. Failing to provide [REDACTED] with an Investigatory Stop Receipt, in violation of Special Order S04-13-09.
  - **Sustained.** Violation of Rules 2, 3, 5, 6, 10, and 11.

#### **Officer Denny Sanchez, Star #7759:**

1. Detaining [REDACTED] and his passenger without justification.
  - **Exonerated.**
2. Searching [REDACTED] vehicle without justification.
  - **Sustained.** Violation of Rules 2, 3, 6, 8, and 11.
3. Failing to document a stop that included a search with an Investigatory Stop Report, in violation of Special Order S04-13-09.
  - **Sustained.** Violation of Rules 2, 3, 5, 6, 10, and 11.
4. Failing to provide [REDACTED] with an Investigatory Stop Receipt, in violation of Special Order S04-13-09.
  - **Sustained.** Violation of Rules 2, 3, 5, 6, 10, and 11.

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<sup>20</sup> Att. 2 at 17:00 to 18:55.

<sup>21</sup> Att. 2 at 22:00 to 25:40.

#### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question any of the individuals (sworn or unsworn) who provided statements. The encounter was captured on BWC video and audio recordings, and the statements of the complainant and the accused CPD members generally comport with those recordings. At issue, as discussed below, is the appropriateness of the accused members' actions.

#### V. ANALYSIS<sup>22</sup>

##### a. Detainment of [REDACTED] and [REDACTED]

It has first been alleged that Officer Cuellar De La Cruz and Officer Sanchez committed misconduct when they detained [REDACTED] and his passenger without justification.

In his interview with COPA, Officer Sanchez related that the reason for the stop and detainment was a combination of the vehicle's plates being expired for over a year, which he explained is an arrestable offense, and the broken taillight.<sup>23</sup> Officer Sanchez further explained that the discovery of [REDACTED] active arrest warrant following the name check was also a contributing factor to the handcuffing, as well as overall officer safety and potential attempts to flee.<sup>24</sup> Officer Cuellar De La Cruz corroborated this in his own statement to COPA, referencing the broken taillight and the expired license plates,<sup>25</sup> as well as [REDACTED] active arrest warrant and both [REDACTED] and [REDACTED] nervous demeanor.<sup>26</sup> Along with the traffic violations and arrest warrant, both officers emphasized to COPA that both [REDACTED] and [REDACTED] nervousness and hesitancy to exit the vehicle when asked were factors that contributed to their reasonable articulable suspicion that led to the detainment of [REDACTED] and [REDACTED].

An investigatory stop is the temporary detention and questioning of a person in the vicinity where the person was stopped based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.<sup>27</sup> For an investigatory stop, an officer must possess specific articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing a crime.<sup>28</sup> The suspect may then be temporarily detained, only for the length of time necessary to either confirm or dispel the suspicion of criminal activity.<sup>29</sup> Further, use of handcuffs must be reasonable in

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<sup>22</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>23</sup> Att. 14 at 12:37.

<sup>24</sup> Att. 14 at 14:25.

<sup>25</sup> Att. 15 at 15:00.

<sup>26</sup> Att. 15 at 19:00.

<sup>27</sup> Att. 16, S04-13-09(II)(A), Investigatory Stop System (effective July 10, 2017, to present); *see also* Att. 17, 725 ILCS 5/107-14, Temporary Questioning Without Arrest.

<sup>28</sup> Att. 16, S04-13-09(II)(C).

<sup>29</sup> Att. 16, S04-13-09(II)(C).

light of the circumstances that prompted the stop or that developed during its course.<sup>30</sup> This determination of reasonable articulable suspicion must be based on common sense judgments and inferences about human behavior, and due weight must be given to the reasonable inferences that the officer is entitled to draw from the facts in light of his or her experience.<sup>31</sup> In making this determination, the totality of the circumstances known to the officer at that time are considered, and then those factors are viewed from the perspective of a reasonable officer at the time of the stop.<sup>32</sup>

In this case, the factors of reasonable articulable suspicion included several traffic violations and ██████████ active warrant,<sup>33</sup> the demeanor and overall nervousness of both ██████████ and ██████████ and also their hesitancy to exit the vehicle. It is important to note that while nervous, evasive behavior can be a relevant factor in determining whether there is a reasonable basis for suspicion, mere nervousness by itself does not justify a belief that someone is armed.<sup>34</sup> However, it is a pertinent factor in determining reasonable suspicion when coupled with other factors.<sup>35</sup> Here, the combination of all the above-named factors gave rise to reasonable articulable suspicion of potential criminal activity. After noting these factors, the officers removed both ██████████ and his passenger from the vehicle and detained them with the use of handcuffs. Therefore, there is clear and convincing evidence that the temporary detention of ██████████ and his passenger was appropriate under the totality of the circumstances and given the factors of reasonable suspicion listed by the officers. Because it is highly probable that Officer Cuellar De La Cruz and Officer Sanchez had the authority to temporarily detain ██████████ and ██████████ with the use of handcuffs, COPA finds that **Allegation #1 against Officer Reynol Cuellar De La Cruz and Allegation #1 against Officer Denny Sanchez are Exonerated.**

#### b. Search of Vehicle

It has next been alleged that Officer Cuellar De La Cruz and Officer Sanchez committed misconduct when they searched ██████████ vehicle without justification.

A CPD member may search a vehicle after developing reasonable articulable suspicion that a lawfully stopped vehicle contains a weapon.<sup>36</sup> However, this type of search is limited to the areas of a vehicle that the occupant(s) can reasonably reach, and which might contain a weapon; CPD members conducting this type of search cannot search locked containers or compartments, and they are generally prohibited from searching the trunk or areas outside the passenger compartment

<sup>30</sup> See *People v. Daniel*, 2013 IL App (1st) 111876.

<sup>31</sup> See *People v. McMichaels*, 2019 IL App (1st) 163053.

<sup>32</sup> See *People v. McMichaels*, 2019 IL App (1st) 163053.

<sup>33</sup> Att. 14 at 20:00.

<sup>34</sup> See *People v. Davis*, 352 Ill. App. 3d 576 (2nd Dist. 2004).

<sup>35</sup> See *United States v. Brignoni-Ponce*, 422 U.S. 873, 885 (1975); *Florida v. Rodriguez*, 469 U.S. 1, 6 (1984).

<sup>36</sup> *Michigan v. Long*, 463 U.S. 1032 (1983).

of the vehicle.<sup>37</sup> The sole purpose of this type of search is to protect the officer and not to gather evidence.<sup>38</sup>

In his interview with COPA, Officer Sanchez explained that he conducted a search of the immediate area on the passenger side of the vehicle for potential contraband due to [REDACTED] and [REDACTED] demeanor and because of [REDACTED] active arrest warrant.<sup>39</sup> Officer Sanchez recalled that he searched under the front passenger seat, the floorboard, the side door compartments, the middle compartment, and the backseat, while Officer Cuellar De La Cruz searched the other side of the vehicle.<sup>40</sup> Officer Sanchez further explained that his basis for searching the vehicle was the fact that the traffic violations were arrestable offenses.<sup>41</sup> He explained that his understanding of the scope of a protective sweep of a vehicle during an investigatory stop includes the immediate area of where a subject can reach, such as the floorboards, the glove compartment, and similar spaces.<sup>42</sup> Similarly, Officer Cuellar De La Cruz explained that he searched the driver's side and backseat because he "observed the driver making sudden movements when he approached the vehicle."<sup>43</sup> Officer Cuellar De La Cruz clarified that he recalled [REDACTED] making movements forward and towards the center console as the officers approached the car,<sup>44</sup> and he recalled [REDACTED] moving his body forward as well.<sup>45</sup> Officer Cuellar De La Cruz then explained that the appropriate scope of a protective sweep of a vehicle during a traffic stop includes the immediate area where the driver or passenger can reach.<sup>46</sup> He explained that because this vehicle contained two occupants, the relevant "immediate area" would include "the whole area, the front, and probably, like two feet from the back."<sup>47</sup> Officer Cuellar De La Cruz did note that "we didn't see them reach to like, anything in the backseat,"<sup>48</sup> but that he did search the backseat of the vehicle, again along with the front driver's side area. He explained that whether the backseat or trunk of a vehicle would be fair game to search during such a protective sweep would depend on the type of vehicle. These searches are depicted on the BWC footage of both Officer Cuellar De La Cruz and Officer Sanchez.<sup>49</sup>

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<sup>37</sup> See *People v. Sweborg*, 293 Ill. App. 3d 298, 304 (1997) (citing *People v. Froio*, 198 Ill. App. 3d 116 (1990)).

<sup>38</sup> *Sweborg*, 293 Ill. App. 3d at 305.

<sup>39</sup> Att. 14 at 11:37.

<sup>40</sup> Att. 14 at 11:50.

<sup>41</sup> Att. 14 at 18:00.

<sup>42</sup> Att. 14 at 18:30.

<sup>43</sup> Att. 15 at 21:20. *But see* *People v. Smith*, 2015 IL App (1st) 131307, ¶ 29 ("Although furtive movements may be considered justification for performing a warrantless search when coupled with other circumstances . . . , looks, gestures, and movements taken alone are insufficient to constitute probable cause to search since they may be innocent. To constitute probable cause for an arrest or search, a 'furtive gesture' such as a motorist's act of bending over inside his car must be invested with guilty significance either by specific information known to the officer or by additional suspicious circumstances observed by him.") (citations omitted). However, Illinois courts have found that specific movements, including an occupant reaching behind himself into another seating area of a vehicle, can be sufficient reasonable articulable suspicion for a search. *See, e.g.,* *People v. Lyke*, 2021 IL App (1st) 190683-U, ¶ 32.

<sup>44</sup> Att. 15 at 21:30.

<sup>45</sup> Att. 15 at 22:40.

<sup>46</sup> Att. 15 at 23:00.

<sup>47</sup> Att. 15 at 23:10.

<sup>48</sup> Att. 15 at 28:08.

<sup>49</sup> Att. 1 at 9:30; Att. 2 at 9:09.

While it was arguably permissible for Officers Cuellar De La Cruz and Sanchez to conduct a protective sweep of the vehicle for weapons due to the factors given during their interviews (both the driver and passenger's hesitancy to exit the vehicle, their nervousness and overall demeanor, and additionally due to the passenger having an active warrant), the scope of that brief search should have been limited to the passenger compartment and general areas in which a weapon may have been reasonably placed – not the entirety of the vehicle. As stated above, it has been held by the Supreme Court that while officers may conduct a frisk of a vehicle following an investigative stop that is coupled with factors of reasonable articulable suspicion related to potential weapons, that search is limited to the immediate area of the vehicle and passenger compartments where the driver and passenger could have reached or in which a weapon may reasonably be concealed. Thus, the officers went beyond the permissible scope of the search when they searched the entirety of the rear seating area, inside the trunk, and inside the locked glove compartment,<sup>50</sup> and COPA finds by a preponderance of evidence that **Allegation #2 against Officer Reynol Cuellar De La Cruz** and **Allegation #2 against Officer Denny Sanchez** are both **Sustained**.

**c. Failure to Provide an Investigatory Stop Report and an Investigatory Stop Receipt**

It has lastly been alleged that Officer Cuellar De La Cruz and Officer Sanchez committed misconduct when they failed to document a stop that included a search with an Investigatory Stop Report, in violation of Special Order S04-13-09. It has also been alleged that both officers committed misconduct when they failed to provide [REDACTED] with an Investigatory Stop Receipt, also in violation of Special Order S04-13-09.

CPD Special Order S04-13-09 requires that sworn members who conduct an investigatory stop are required to complete an Investigatory Stop Report.<sup>51</sup> Upon the completion of an investigatory stop that involves a protective pat down or any other search, officers are further required to provide the subject of the stop with a completed Investigatory Stop Receipt.<sup>52</sup> The receipt must include the event number, the reason for the stop, and the sworn member's name and star number.<sup>53</sup>

In his interview with COPA, Officer Sanchez explained that it was his understanding that an Investigatory Stop Report should be completed following an investigatory stop that involves a search of a vehicle.<sup>54</sup> He also explained that a receipt is generally given following the completion of an Investigatory Stop Report, detailing the stop's general information and the officers' star numbers, and that a receipt is usually given at the completion of the stop.<sup>55</sup> Both Officer Cuellar

<sup>50</sup> *See, e.g.*, *People v. Sweborg*, 293 Ill. App. 3d 298, 305 (1997).

<sup>51</sup> Att. 16, Special Order S04-13-09(III)(C), Investigatory Stop System (effective July 10, 2017, to present).

<sup>52</sup> Att. 16, S04-13-09(V)(III)(3).

<sup>53</sup> Att. 16, S04-13-09(V)(III)(3).

<sup>54</sup> Att. 14 at 21:45.

<sup>55</sup> Att. 14 at 22:00.

De La Cruz and Officer Sanchez acknowledged that ██████ did not receive an Investigatory Stop Receipt at the conclusion of the stop. Both officers also admitted that neither of them completed an Investigatory Stop Report, nor was a receipt provided to ██████ following the stop. Officer Sanchez explained that the reason for this was because Officer Cuellar De La Cruz is not his regular partner, and it was an issue of miscommunication regarding who was going to complete the report.<sup>56</sup> Officer Cuellar De La Cruz corroborated this in his own interview, clarifying that he was aware that they should have completed an Investigatory Stop Report and also should have provided ██████ with a receipt.<sup>57</sup> He explained that he and his partner simply forgot to do so. Both officers recognized that in this case specifically, an Investigatory Stop Report should have been completed, and an Investigatory Stop Receipt should have been provided to ██████<sup>58</sup> Based on these facts and these admissions, COPA finds by a preponderance of evidence that **Allegations #3 and #4** against **Officer Reynol Cuellar De La Cruz** and **Officer Denny Sanchez** are both **Sustained**.

## VI. DISCIPLINARY RECOMMENDATION

### a. Officer Reynol Cuellar De La Cruz, Star #7661

#### i. Complimentary and Disciplinary History<sup>59</sup>

Officer Cuellar De La Cruz has received the Police Blue Shield Award, the Traffic Stop of the Month Award, a Department Commendation, seventy-five Honorable Mentions, and the 2019 Crime Reduction Award. Officer Cuellar De La Cruz was reprimanded for a January 2021 incident involving misuse of CPD equipment or supplies, and he was also reprimanded for a June 2023 preventable accident.

#### ii. Recommended Discipline

COPA has found that Officer Cuellar De La Cruz violated Rules 2, 3, 6, 8, and 11 by conducting a search, beyond a potentially allowable frisk for weapons, when he searched ██████ vehicle. COPA has also found that Officer Cuellar De La Cruz violated Rules 2, 3, 5, 6, 10, and 11 when he both failed to document ██████ stop with an Investigatory Stop Report and failed to provide ██████ with an Investigatory Stop Receipt. Properly completed Investigatory Stop Reports document stops and searches of members of the public by the police and help ensure that CPD members are exercising their law-enforcement authority in a constitutional manner. By both conducting an improper search and by failing to properly document the search, Officer Cuellar De La Cruz's actions violated ██████ rights and tended to undermine public confidence in the police department. Based on these findings and considering

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<sup>56</sup> Att. 14 at 22:20

<sup>57</sup> Att. 15 at 24:50.

<sup>58</sup> Att. 14 at 23:10. Att. 15 at 24:00.

<sup>59</sup> Att. 46.



Officer Cuellar De La Cruz’s complimentary and disciplinary history, COPA recommends a **three-day suspension**.

**b. Officer Denny Sanchez, Star #7759**

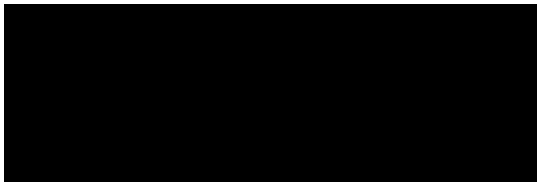
**i. Complimentary and Disciplinary History<sup>60</sup>**

Officer Sanchez has received the Life Saving Award, a Special Commendation, two Department Commendations, one-hundred-and-fifty-six Honorable Mentions, the Honorable Mention Ribbon Award, and the 2019 Crime Reduction Award. Officer Sanchez has been reprimanded for a June 2023 court appearance violation and for a March 2024 incident involving failure to timely activate his BWC. Officer Sanchez was suspended for one day for a March 2024 preventable accident.

**ii. Recommended Discipline**

COPA has found that Officer Sanchez violated Rules 2, 3, 6, 8, and 11 by conducting a search, beyond a potentially allowable frisk for weapons, when he searched [REDACTED] vehicle. COPA has also found that Officer Sanchez violated Rules 2, 3, 5, 6, 10, and 11 when he both failed to document [REDACTED] stop with an Investigatory Stop Report and failed to provide [REDACTED] with an Investigatory Stop Receipt. Properly completed Investigatory Stop Reports document stops and searches of members of the public by the police and help ensure that CPD members are exercising their law-enforcement authority in a constitutional manner. By both conducting an improper search and by failing to properly document the search, Officer Sanchez’s actions violated [REDACTED] rights and tended to undermine public confidence in the police department. Based on these findings and considering Officer Sanchez’s complimentary and disciplinary history, COPA recommends a **three-day suspension**.

Approved:



Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

May 24, 2024

Date

<sup>60</sup> Att. 46.

Appendix ACase Details

Date/Time/Location of Incident:	November 18, 2022 / 5:28 pm / 325 E 47 <sup>th</sup> St., Chicago, IL 60653
Date/Time of COPA Notification:	November 25, 2022 / 2:41 pm
Involved Member #1:	Officer Reynol Cuellar De La Cruz; Star #7661; Employee #██████; DOA: August 16, 2017; Unit: 002; White Hispanic; Male
Involved Member #2:	Officer Denny Sanchez; Star #7759; Employee #██████; DOA: March 16, 2018; Unit: 002; White Hispanic; Male
Involved Individual #1:	██████████ Black; Male

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 11:** Incompetency in the performance of duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- **Special Order S04-13-09:** Investigatory Stop System (Effective July 10, 2017, to present).<sup>61</sup>
- **725 ILCS 5/107-4:** Temporary questioning without arrest.<sup>62</sup>

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<sup>61</sup> Att. 16.

<sup>62</sup> Att. 17.

## 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>63</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>64</sup>

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<sup>63</sup> 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.”).

<sup>64</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