



Log # 2023-0000920

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 6, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the 005th District reporting alleged misconduct by a member of the Chicago Police Department (CPD). Sergeant (Sgt.) Michael Infelise reported a complaint originating from ██████████ who alleged that on March 5, 2023, Field Training Officer (FTO) John Dalcason stopped him, threw him to the ground, and punched him, all without justification.² Upon review of the evidence, COPA served an additional allegation against FTO Dalcason for directing profanity at a member of the public. Following its investigation, COPA reached sustained findings regarding the allegations relating to excessive force and use of profanity.

II. SUMMARY OF EVIDENCE³

The body-worn camera (BWC) and in-car camera (ICC) evidence from this incident shows that on the morning of March 5, 2023, FTO Dalcason was working alone in his patrol vehicle, driving near the vicinity of 115 E. 111th Street.⁴ He received a notice via radio broadcast from the Office of Emergency Management and Communications (OEMC) that there was a report of a suspicious person potentially carrying a concealed firearm in the area. The specific description provided was a light-complected black male subject dressed in a black hoodie.⁵ FTO Dalcason stopped his vehicle near the sidewalk where ██████████ (██████████) and a female (later identified as ██████████) were walking. The police vehicle's siren briefly bleated once, and FTO Dalcason gestured toward ██████████ with his right hand while shouting, "Yo, Come here!"⁶ FTO Dalcason repeated the command again as he exited the police vehicle and walked toward ██████████ who was dressed in a black hoodie with a black satchel strapped across his chest, and who kept both of his hands concealed in his hoodie's pockets. ██████████ said, "I'm going to my house" as he moved closer to FTO Dalcason. The officer responded, "Okay, man, turn around for me," while immediately putting his hands on ██████████ torso to rotate his body around the other way.⁷ ██████████ was compliant at first and allowed himself to be turned around as he asked "For what?," but he then began turning

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.

² 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.

³ 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, ICC footage, police reports, and officer interviews.

⁴ Att. 1 from 0:00 to 2:03; also Att. 27 from 0:00 to 1:02.

⁵ Att. 88, pg. 1.

⁶ Att. 1 from 2:03 to 2:08; also Att. 27 from 1:02 to 1:07.

⁷ Att. 1 from 2:15 to 2:19; also Att. 27 from 1:14 to 1:18.

back toward FTO Dalcason, who said, “Pull your hands out of your pocket real quick.”⁸ As ██████ became increasingly resistant, he complained that he had not been doing anything to warrant this treatment. FTO Dalcason again firmly ordered ██████ to take his hands out of his pocket, and he forcibly pushed ██████ body against the side of the CPD vehicle.⁹

The available video recordings do not capture a full view of this portion of the encounter, as FTO Dalcason’s BWC was temporarily positioned too close to ██████ body, and the struggle began just beyond the camera frame of the ICC. However, the footage appears to show that ██████ began physically resisting, and following a brief struggle, ██████ ended up lying on his back with FTO Dalcason positioned above him while calling for assistance on his radio.¹⁰ ██████ repeatedly said, “Bro, why you doing this shit?” as he twisted around and began punching and kicking at FTO Dalcason, who was on top of him.¹¹ The BWC video shows that ██████ then briefly laid on his back with both hands raised in an apparent gesture of surrender, with a few droplets of what appeared to be his blood visible on the ground nearby. As ██████ complained, “You bogus as hell,” FTO Dalcason suddenly punched ██████ directly in the nose with his right fist, causing a fresh spattering of blood to spray onto the sidewalk.¹² Following this, ██████ appeared to raise his right knee up against FTO Dalcason. FTO Dalcason swung both of ██████ legs over to the side and out of the way as he forced ██████ onto his stomach.¹³ More blood spilled from ██████ nose and mouth as he complained, “Bro, I got asthma, let me breathe. I can’t breathe. I’ve got asthma. I was not doing shit, man. I was gonna go in my pocket. You didn’t give me no time, bro.”¹⁴

At this point, other officers arrived at the scene and assisted FTO Dalcason in handcuffing ██████. After the restrained ██████ was moved from his prone position, the BWC footage shows that blood was running down his face and spattered across the sidewalk.¹⁵ ██████ complained loudly in the background about the treatment ██████ had received, causing FTO Dalcason to turn in her direction and yell, “Shut the fuck up!”¹⁶ Several minutes later, FTO Dalcason again addressed ██████ and her continued complaints by shouting, “Why are you still talking? Shut the fuck up!”¹⁷

██████ was transported by ambulance to Roseland Community Hospital, where he was treated for nasal bone fractures, swelling around his left eye, and abrasions on the left side of his face.¹⁸ He was subsequently charged with Aggravated Battery of a Peace Officer and Aggravated Battery of a State of Illinois Employee.¹⁹ FTO Dalcason was treated at Little Company of Mary Hospital, where he received four stitches for a cut over his right eyebrow.²⁰

⁸ Att. 1 from 2:19 to 2:20; also Att. 27 from 1:18 to 1:19.

⁹ Att. 1 from 2:20 to 2:25; also Att. 27 from 1:19 to 1:24.

¹⁰ Att. 1 from 2:25 to 2:38; also Att. 27 from 1:24 to 1:37.

¹¹ Att. 1 from 2:38 to 3:00; also Att. 27 from 1:37 to 1:59.

¹² Att. 1 from 2:59 to 3:02; also Att. 27 from 1:59 to 2:01.

¹³ Att. 1 from 3:02 to 3:10; also Att. 27 from 2:01 to 2:09.

¹⁴ Att. 1 from 3:21 to 3:27; also Att. 27 from 2:20 to 2:26.

¹⁵ Att. 1 from 4:04 to 4:05.

¹⁶ Att. 1 from 4:20 to 4:24.

¹⁷ Att. 1 from 7:06 to 7:10.

¹⁸ Att. 82, pg. 5.

¹⁹ Att. 79, pg. 1.

²⁰ Att. 79, pg. 5.

During his interview with COPA, FTO Dalcason stated that just before this incident, he observed ██████ and two male subjects at a nearby gas station. The two male subjects began chasing a third individual down the street, but FTO Dalcason lost sight of them.²¹ FTO Dalcason had just left the scene when, “The call came out of a male with a gun. The description fit Mr. ██████ almost to a T. So I flipped around looking for him again.”²² FTO Dalcason located ██████ and called out to him, but ██████ ignored him. When he approached and asked ██████ to take his hands out of his pockets, ██████ again failed to comply. FTO Dalcason explained, “Because his hands were still in his pocket and the description of a male with a gun was -- the gun was in his -- in his jacket pocket, I grabbed his -- his shoulders, jacket, or whatever, guided him towards the car so I had better control on him.”²³ As FTO Dalcason began to conduct a protective pat-down, ██████ began to resist, and due to the fact that he feared ██████ might have a firearm, the officer performed an emergency takedown.²⁴ FTO Dalcason said ██████ then began striking him in the face, “So at that point, I used closed hand strikes to – to gain control of Mr. ██████. Eventually, he stopped punching me – punching and kicking me and I was able to – to cuff him up and secure me.”²⁵

When asked to specifically explain why he struck ██████ in the face after ██████ put his hands up, FTO Dalcason answered, “He was still grabbing my wrist at that point. He was still an assailant, still resisting arrest. So, yeah, to overcome – to overcome the aggression, he was still not compliant at that point, so I did strike him.”²⁶ FTO Dalcason’s BWC video was replayed to refresh his memory, and a COPA investigator pointed out that ██████ was not holding onto FTO Dalcason’s wrist at the time the officer delivered the last punch to ██████ nose.²⁷ When asked once again to explain why he had struck ██████ that final time, FTO Dalcason responded, “Well, you can see that even after I struck him that final time, he was still grabbing my wrist. So he was still – still an assailant at that point. He’s still resisting arrest.”²⁸

FTO Dalcason was also asked to explain why he told ██████ to “shut the fuck up” on two separate occasions during the aftermath of the struggle. FTO Dalcason stated, “Well, the situation was still heated. Things were still riled, and to be fair, I was struck multiple times. So adrenaline was high and she was still causing a scene. So I said what I said to bring out the psychological level, let her to calm down or get her to cease – desist with what she was doing.”²⁹ He denied that he made an intentional decision to direct profanity at ██████³⁰ and when asked if he thought that using profanity was correct conduct for an officer, he responded with a generalization, saying, “I think in certain situations that some language is appropriate, yes. Sure.”³¹ With respect to this incident, FTO Dalcason stated he had “zero regret” about his use of profanity.³²

²¹ Att. 100, pg. 9, lns. 2 to 14.

²² Att. 100, pg. 9, lns. 13 to 18.

²³ Att. 100, pg 10, lns. 15 to 20.

²⁴ Att. 100, pgs. 10 to 11.

²⁵ Att. 100, pg. 11, lns. 15 to 20.

²⁶ Att. 100, pgs. 13 to 14.

²⁷ Att. 100, pgs. 14 to 15.

²⁸ Att. 100, pg. 15, lns. 11 to 14.

²⁹ Att. 100, pg. 16, lns. 17 to 22.

³⁰ Att. 100, pg. 16, lns. 23 to 24.

³¹ Att. 100, pg. 17, lns. 12 to 14.

³² Att. 100, pg. 17, lns. 16 to 18.

COPA also conducted an interview with Sgt. Infelise, who stated that he spoke to ██████ while he was in lockup. Sgt. Infelise created the Initiation Report for this investigation based on ██████ allegations that FTO Dalcason had stopped him, thrown him down, and struck his face without justification.³³ Sgt. Infelise further explained that he was the 005th District desk sergeant on the date of this incident, so he was not present during the arrest, but he reviewed and approved the Arrest Report for ██████ in addition to flagging the BWC video related to this incident.³⁴

COPA attempted to obtain permission to interview ██████ about his complaint, but his attorney did not respond to repeated requests. COPA also made multiple attempts to interview ██████. Although she initially answered her phone and agreed to set an appointment date, she did not keep the appointment and did not respond to further attempts to contact her. COPA investigators then made a personal visit to the address ██████ had provided; however, they learned she did not reside at that location, and all subsequent efforts to reach her were unsuccessful.³⁵

III. ALLEGATIONS

Officer John Dalcason:

1. Stopping ██████ without justification.
 - *Exonerated.*
2. Throwing ██████ to the ground, without justification.
 - *Exonerated.*
3. Punching ██████ without justification.
 - *Sustained*, violation of Rules 2, 3, 6, 8, and 9.
4. Directing profanity at a member of the public.
 - *Sustained*, violation of Rules 2, 3, 6, 8, and 9.

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.

V. ANALYSIS³⁶

a. FTO Dalcason's justification for stopping ██████

COPA finds the first allegation against FTO Dalcason, that he stopped ██████ without justification, is exonerated. CPD members are authorized to conduct an investigatory stop “based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”³⁷ Just before he stopped ██████ FTO Dalcason received an OEMC

³³ Att. 77, from 5:49 to 6:58.

³⁴ Att. 77, from 8:15 to 11:59.

³⁵ Att. 95.

³⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

³⁷ Att. 102, SO4-13-09 II (A), Investigatory Stop System (effective July 10, 2017—present).

call that a potentially armed male subject matching ██████ description had been reported in the area. Specifically, the report mentioned a black male with a light complexion wearing a black hoodie.³⁸ ██████ was a Hispanic male with a light complexion wearing a black hoodie, and FTO Dalcason had just seen ██████ at the gas station with two other subjects he believed were involved in suspicious activity. Given the totality of the circumstances and ██████ similarity to the provided description, FTO Dalcason had a responsibility to investigate further to determine whether ██████ was the potentially armed subject referenced in the OEMC report. Consequently, FTO Dalcason's decision to stop ██████ was justified by the circumstances, and he was doing what would have been expected of any diligent police officer. For these reasons, COPA finds Allegation 1 is **exonerated** by clear and convincing evidence.

b. FTO Dalcason's uses of force against ██████

COPA finds the second allegation against FTO Dalcason, that he unjustifiably threw ██████ to the ground, is exonerated, while the third allegation against him, that he punched ██████ without justification, is sustained. CPD's Rules of Conduct establish a list of acts which are expressly prohibited for all members, including Rule 8, which states that officers may not disrespect or maltreat any person, and Rule 9, which prohibits officers from engaging in any unjustified verbal or physical altercation with any person.³⁹ Additionally, CPD policy specifies that all uses of force by officers must be "objectively reasonable, necessary, and proportional" depending on the circumstances of the situation.⁴⁰ Ideally, officers will employ their training and experience to resolve problematic situations and obtain compliance in such a way as to make the use of force unnecessary.⁴¹ CPD members are trained to view the use of force according to a spectrum of possible encounters based on whether the individual involved is a cooperative person, a passive resister, an active resister, or an assailant, with greater levels of force being permitted as the individual's behavior becomes more dangerous.⁴²

Concerning FTO Dalcason's takedown of ██████ COPA observed that the encounter only escalated to this level of force after FTO Dalcason twice ordered ██████ to remove his hands from his hoodie pocket. ██████ did not comply, and instead began turning around in an apparent effort to resist FTO Dalcason's attempts to conduct a protective patdown. CPD policy defines a takedown as "the act of physically directing an active resister to the ground to limit physical resistance, prevent escape, or increase the potential for controlling an active resister."⁴³ The policy further describes an active resister as "a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest."⁴⁴

³⁸ Att. 88, pg. 1.

³⁹ Att. 103, Rules and Regulations of the Chicago Police Department, Rules of Conduct, Rules 8 to 9, pg. 7 (effective April 16, 2015 to present).

⁴⁰ Att. 104, G03-02(II)(D), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).

⁴¹ Att. 104, G03-02(II)(C).

⁴² Att. 105, G03-02-01(IV)(A to C), Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).

⁴³ Att. 105, G03-02-01(IV)(B)(2)(C)(3).

⁴⁴ Att. 105, G03-02-01(IV)(B)(2).

In this case, ██████ was not yet under arrest, but he became difficult to control and began quickly turning around when FTO Dalcason attempted to pat him down. In COPA's assessment, this behavior marked him as an active resister. Officers are authorized to use force when it is necessary "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."⁴⁵ Under the circumstances of this situation, and particularly given that FTO Dalcason already had reason to suspect that ██████ might be armed with a firearm, the officer was justified in using a takedown after ██████ began to behave as an active resister. Therefore, COPA finds Allegation 2, that FTO Dalcason threw ██████ to the ground without justification, is **exonerated** by clear and convincing evidence.

Regarding FTO Dalcason's act of punching ██████ in the face, CPD policy establishes clear guidelines for the use of force during an encounter. Throughout any potential force usage scenario, officers must continually assess the situation to determine if any use of force is necessary, if the seriousness of the situation requires an immediate response, and which of the available force options are appropriate based on the totality of the circumstances.⁴⁶ Within the range of force options, weaponless hand strikes fall into two categories: stunning strikes,⁴⁷ which may be employed against active resisters, and direct mechanical strikes, which may be employed against assailants.⁴⁸ CPD policy defines stunning as "diffused-pressure striking or slapping an active resister to increase control by disorienting an active resister and interfering with his or her ability to resist."⁴⁹ In contrast, direct mechanical techniques are "forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures."⁵⁰ Thus, the justification for employing either stunning strikes or direct mechanical strikes depends on whether the strike is used against an active resister or an assailant. Additionally, CPD policy dictates that in the event a person begins offering less resistance, "the member will decrease the amount or type of force accordingly."⁵¹

In this case, the use of force that raised concern was the final direct mechanical strike that FTO Dalcason delivered to ██████ face, just after ██████ raised his hands up in apparent submission.⁵² Prior to this, ██████ was behaving as an assailant, aggressively punching and kicking at FTO Dalcason; as a result, the officer was initially justified in employing direct mechanical strikes to counter ██████ attacks. However, once ██████ paused and held up both his open hands, FTO Dalcason should have recognized this as a de-escalation of the threat ██████ posed, and he should have adjusted his own behavior accordingly. FTO Dalcason's final punch was not proportional to ██████ actions or the needs of the situation, and as it landed squarely on ██████

⁴⁵ Att. 104, G03-02(III)(B).

⁴⁶ Att. 105, G03-02-01(II)(E)(1 to 3).

⁴⁷ Att. 105, G03-02-01(IV)(B)(2)(c)(1).

⁴⁸ Att. 105, G03-02-01(IV)(C)(1)(a)(1). An assailant is a person "who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury." Assailants are further subdivided into two categories: (1) a person whose actions are aggressively offensive with or without weapons and (2) a person whose actions constitute an imminent threat of death or great bodily harm to a CPD member or to another person. Att. 105, G03-02-01(IV)(C).

⁴⁹ Att. 105, G03-02-01(IV)(B)(2)(c)(1).

⁵⁰ Att. 105, G03-02-01(IV)(C)(1)(a)(1).

⁵¹ Att. 104, G03-02(III)(B)(3).

⁵² Att. 1 from 3:00 to 3:02.

nose and caused a considerable increase of blood loss, this unnecessary blow was likely the one strike that caused the greatest injury to ██████ face (i.e., nasal bone fractures).

During his interview, FTO Dalcason insisted that ██████ was still grabbing onto his wrist at the end of the struggle, and therefore continued to pose a threat to him. However, the BWC evidence clearly demonstrates that ██████ hands were empty just before the last blow fell. In fact, ██████ was lying on his back, with both hands raised over his head in surrender. COPA recognizes that adrenaline may make an officer susceptible to overexcitement during a hand-to-hand struggle, but CPD's use of force training exists to prepare officers to correctly reassess the needs of the situation during arrests such as this. Unfortunately, FTO Dalcason used a closed-handed direct mechanical strike, which is only permitted for use against an assailant, after ██████ had ceased to be an assailant. Therefore, COPA finds the preponderance of the evidence shows that FTO Dalcason punched ██████ without justification, and Allegation 3 is **sustained** in violation of Rules 2, 3, 6, 8, and 9.

c. FTO Dalcason's use of profanity toward ██████

COPA finds the fourth allegation against FTO Dalcason, that he directed profanity at a member of the public, is sustained. As previously stated, CPD Rule 8 prohibits officers from disrespecting or maltreating any person, and Rule 9 forbids officers from engaging in any unjustified verbal or physical altercation with any person.⁵³ Additionally, CPD policy requires officers to "act, speak, and conduct themselves in a professional manner...and maintain a courteous, professional attitude in all contacts with the public."⁵⁴

In this case, it is undisputed that FTO Dalcason told ██████ to "shut the fuck up" on two separate occasions. In fact, FTO Dalcason told COPA that he felt "zero regret" about directing that profanity towards her.⁵⁵ Although he did admit, "the language shouldn't have been used," he also attempted to excuse his conduct by claiming that he spoke to ██████ in the same manner that she spoke to him, saying, "She addressed me in a certain way. I addressed her back."⁵⁶ By his own admission, FTO Dalcason violated CPD policy by directing profanity at a member of the public. Therefore, COPA finds Allegation 4 is **sustained** in violation of Rules 2, 3, 6, 8, and 9.

VI. DISCIPLINARY RECOMMENDATION

a. Officer John Dalcason

i. Complimentary and Disciplinary History⁵⁷

FTO Dalcason's complimentary history is comprised of 78 awards, the highlights of which include one Superintendent's Award of Merit, one Police Blue Shield Award, one Life Saving

⁵³ Att. 103, Rules and Regulations of the Chicago Police Department, Rules of Conduct, Rule 9, pg. 7.

⁵⁴ Att. 107, G02-01(III)(B), Human Rights and Human Resources (effective October 5, 2017 to June 30, 2022).

⁵⁵ Att. 100, pg. 17, lns. 16 to 18.

⁵⁶ Att. 100, pg. 23, lns. 21 to 22.

⁵⁷ Att. 106.

Award, and one Department Commendation. His recent disciplinary history includes three SPARs: an absence without permission in November 2022 (resulting in a reprimand), an absence without permission in June 2023 (resulting in a reprimand), and a court appearance violation in June 2023 (resulting in a one-day suspension).

ii. Recommended Discipline

COPA has found that FTO Dalcason violated Rules 2, 3, 6, 8 and 9 when he punched [REDACTED] without justification and directed profanity at a member of the public. COPA acknowledges that this incident began when FTO Dalcason conducted a lawful stop. FTO Dalcason was also justified in conducting a takedown of [REDACTED] who was actively resisting and at times assailing him. However, once [REDACTED] ceased resisting and raised his hands in submission to FTO Dalcason, FTO Dalcason was no longer justified in using *any* force, especially force as powerful as a direct mechanical strike to the face that resulted in fractured nasal bones. In addition, FTO Dalcason was not justified in directing profanity at a member of the public simply because that person directed profanity at him. FTO Dalcason was on-duty not only as a CPD officer, but also as an FTO, which should make him a model of proper behavior. Instead, FTO Dalcason represented himself and CPD poorly when he resorted to unnecessary force and profane language. Finally, COPA notes that FTO Dalcason failed to take responsibility for most of his misconduct during his statement.

It is for these reasons, combined with FTO Dalcason’s complimentary and disciplinary history, that COPA recommends he receive a **90-day suspension**.

Approved:

[REDACTED] 13

Steffany Hrneo
Director of Investigations

8/29/2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	March 5, 2023 / 10:20 am / 115 E. 111 th Street, Chicago, IL 60628
Date/Time of COPA Notification:	March 6, 2023 / 7:02 am
Involved Officer #1:	Field Training Officer John Dalcason, Star #5392, Employee ID # [REDACTED], Date of Appointment: April 28, 2003, Unit of Assignment: 005, Male, White
Involved Individual #1:	[REDACTED] Male, Hispanic
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 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

- G02-01, Human Rights and Human Resources (effective October 5, 2017 to June 30, 2022).
- G03-02, De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).
- G03-02-01, Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).
- S04-13-09, Investigatory Stop System (effective July 10, 2017 to present).

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.⁵⁸ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”⁵⁹

⁵⁸ 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).

⁵⁹ *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