



Log # 2023-1995

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

### I. EXECUTIVE SUMMARY

On May 9, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant Dina Patterson reporting alleged misconduct by members of the Chicago Police Department (CPD). The complainant, ██████████ alleged that on February 16, 2023, Officer Sebastian Gonzalez, Officer Rachel Collins, Officer Craig Adams, and Officer Britton Walker detained and handcuffed her and ██████████ and searched her vehicle, all without justification.<sup>2</sup> Upon review of the evidence, COPA served additional allegations that Officers Adams and Walker failed to complete an Investigatory Stop Report (ISR) for ██████████ and provide an ISR receipt to ██████████. Following its investigation, COPA reached Sustained findings regarding the allegations that Officers Adams and Walker failed to complete an ISR for ██████████ and provide an ISR Receipt to ██████████.

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

Body Worn Camera (BWC) evidence revealed that on the date of this incident, officers conducted a traffic stop on a vehicle driven by ██████████<sup>4</sup> Officer Gonzalez informed her that they were conducting a traffic stop because she had an obstructed license plate and requested her driver's license, registration, and insurance.<sup>5</sup> ██████████ provided her license, and Officer Collins handed it to Officer Walker to conduct a name check.<sup>6</sup> Officer Gonzalez then questioned ██████████ and inquired if anyone in the vehicle had a Firearm Owner's Identification Card (FOID) or Concealed Carry License (CCL).<sup>7</sup> ██████████ denied having either, but Officer Walker ran a name check that revealed ██████████ had a valid FOID card.

The officers requested that ██████████ exit the vehicle.<sup>8</sup> As ██████████ exited the vehicle, Officer Gonzalez grabbed her left hand, placed handcuffs on her, and stated, "You are being detained."<sup>9</sup>

<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, which included BWC footage, CPD reports, civilian interviews, and officer interviews.

<sup>4</sup> Att.14, BWC of Officer Gonzalez, at 1:51; Att.2, ISR for ██████████ which documented that her vehicle was a Nissan Altima sedan.

<sup>5</sup> Att.14 at 2:12 to 2:20.

<sup>6</sup> Att.14 at 4:26.

<sup>7</sup> Att.14 at 4:27.

<sup>8</sup> Att.14 at 6:09.

<sup>9</sup> Att.14 at 6:25 to 6:30.

█████ questioned the officers about why she was being detained. Officers Adams and Walker then requested and obtained identification from the passenger, █████ and conducted a name check on him.<sup>10</sup> Officer Collins questioned █████ about having a FOID card and weapons inside the vehicle, to which █████ responded that he did have an active FOID card but did not have the card at the time of the stop.<sup>11</sup>

Officers Adams and Walker then requested that █████ step out of the vehicle.<sup>12</sup> As █████ exited the vehicle, Officer Walker placed handcuffs on him,<sup>13</sup> performed a protective pat down and once again asked █████ if there were any drugs or weapons inside the vehicle. Officer Adams assisted Officer Walker in handcuffing █████ by grabbing █████ right arm.<sup>14</sup> Officer Gonzalez then searched the vehicle, including the trunk.<sup>15</sup> While Officer Gonzalez searched the vehicle, Officer Adams explained the reasons for the stop to █████ and told her that her license plates had expired.<sup>16</sup> After Officer Gonzalez completed the vehicle search, the officers removed the handcuffs<sup>17</sup> and █████ and █████ were free to leave. No tickets or citations were issued, and █████ was given an ISR Receipt.<sup>18</sup>

An ISR was completed and documented that the officers were on routine patrol when they observed █████ operating a vehicle that had obstructed license plates.<sup>19</sup> Further investigation revealed that █████ did not have valid registration or insurance. The officers reported that █████ exhibited nervous behavior by fidgeting her hands, breathing heavily, and avoiding eye contact. Due to █████ behavior and being in a high crime and narcotics area, the officers believed there may have been contraband in the vehicle and performed a cursory search for contraband, which yielded negative results.

COPA interviewed █████ and █████<sup>20</sup> COPA also interviewed Officer Gonzalez, Officer Collins, Officer Adams, and Officer Walker.<sup>21</sup> During Officer Gonzalez's statement, he explained that █████ appeared to be acting evasive and nervous and had been fidgeting, breathing heavily, and avoiding eye contact. These behaviors, he explained, gave him Reasonable Articulate Suspicion that there may have been a weapon or contraband in the vehicle, which justified his search.<sup>22</sup> Officer Gonzalez stated that his suspicions heightened when he learned that █████ told the other officers he had an active FOID card. Because of his suspicions, he conducted a cursory search of the vehicle for weapons and contraband. Officer Gonzalez searched the vehicle's trunk due to his suspicion that there may be a gun inside the trunk. Officer Gonzalez

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<sup>10</sup> Att.12, BWC of Officer Adams, at 3:30 to 3:48.

<sup>11</sup> Att.12 at 5:35; Att.13, BWC of Officer Collins, at 5:38.

<sup>12</sup> Att.14 at 6:58; Att.12 at 6:56.

<sup>13</sup> Officer Walker stated that █████ was handcuffed for officer safety, Att.37, pg. 22, lns. 12-15.

<sup>14</sup> Att.12, BWC of Officer Walker, at 7:15.

<sup>15</sup> Att.14 at 7:38; Att.12 at 7:45.

<sup>16</sup> Att.12 at 7:50 & 8:50; Att.24, Officer Adams' Audio Statement, at 1:15-2:00.

<sup>17</sup> Att.14 at 10:08.

<sup>18</sup> Att.14 at 11:15.

<sup>19</sup> Att.2; Att.30, Screenshot of License Plates.

<sup>20</sup> Atts.3-4, Interview of █████ Att.5, Interview of █████

<sup>21</sup> Atts.21 & 36, Officer Collins; Atts.23, 24, & 38, Officer Adams; Atts.27 & 39, Officer Gonzalez; Att.29 & 37, Officer Walker.

<sup>22</sup> Att.27.

admitted that a cursory search did not include the trunk, but he still had a suspicion that there may be a firearm in the vehicle.<sup>23</sup> Officer Walker stated that Officer Gonzalez was designated to complete the ISR reports<sup>24</sup> but did not explain why he did not complete the report himself since he handcuffed, detained, and performed a protective pat down on [REDACTED]

### III. ALLEGATIONS

#### Officer Sebastian Gonzalez:

1. Stopped [REDACTED] without justification.  
-Exonerated
2. Detained [REDACTED] without justification.  
-Exonerated
3. Handcuffed [REDACTED] without justification.  
-Exonerated
4. Searched her vehicle without justification.  
-Not Sustained
5. Searched the trunk of her vehicle without justification.  
-Sustained, Violation of Rules 1, 2, 3, 5, 6, and 10.

#### Officer Craig Adams:

1. Stopped [REDACTED] without justification.  
-Exonerated
2. Detained [REDACTED] without justification.  
-Exonerated
3. Handcuffed [REDACTED] without justification.  
-Exonerated
4. Failure to complete an Investigatory Stop Report for [REDACTED]  
-Unfounded
5. Failure to provide an Investigatory Stop Receipt to [REDACTED]  
-Unfounded

#### Officer Rachel Collins:

1. Stopped [REDACTED] without justification.  
-Exonerated
2. Detained [REDACTED] without justification.  
-Exonerated

#### Officer Britton Walker

1. Detained [REDACTED] without justification.  
-Exonerated
2. Handcuffed [REDACTED] without justification.  
-Exonerated
3. Searched [REDACTED] without justification.

<sup>23</sup> Att.39, pg. 20, lns. 17-21.

<sup>24</sup> Att.37, pg. 23, lns. 3-5.

-Exonerated

4. Failure to complete an Investigatory Stop Report for [REDACTED]  
-Sustained, Violation of Rules 2,3,5, 6, and 10.
5. Failure to provide an Investigatory Stop Receipt to [REDACTED]  
-Sustained Violation of Rules 2, 3, 5, 6, and 10.

#### 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 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. This investigation did not disclose any reason to doubt the credibility of any of the witnesses. The facts concerning the incident were not in material dispute due to BWC footage.

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

COPA found that Allegations #1-3 against Officer Gonzalez, that he stopped, detained, and handcuffed [REDACTED] all without justification, **Exonerated**. The officers conducted an investigatory stop because [REDACTED] was operating a motor vehicle, which had obscured license plates. BWC footage documented that the license plate was obstructed with a black metal frame blocking the state of issuance.<sup>26</sup> The officers subsequently learned that [REDACTED] license plates were expired, and she did not have valid insurance for her vehicle. These reasons alone were sufficient to warrant an investigatory stop, and [REDACTED] and [REDACTED] were detained. Officer Gonzalez stated that [REDACTED] was handcuffed for safety reasons, and BWC depicted they were handcuffed for a short time. Therefore, the allegations are Exonerated.

COPA found that Allegations #1-3 against Officer Adams, that he stopped [REDACTED] and detained and handcuffed [REDACTED] all without justification, **Exonerated**. The officers conducted an investigatory stop because [REDACTED] was operating a motor vehicle, which had obscured license plates. BWC footage documented that the license plate was obstructed with a black metal frame blocking the state of issuance. The officers subsequently learned that [REDACTED] license plates were expired, and she did not have valid insurance for her vehicle. These reasons alone were sufficient to warrant an investigatory stop, and [REDACTED] and [REDACTED] were detained. [REDACTED] was a passenger in [REDACTED] vehicle and was detained and handcuffed for officer safety. BWC depicted [REDACTED] was handcuffed for a short period of time. Therefore, the allegations are Exonerated.

COPA found that Allegations #1-2 against Officer Collins, that she stopped and detained [REDACTED] without justification, **Exonerated**. The officers conducted an investigatory stop because [REDACTED] was operating a motor vehicle, which had obscured license plates. BWC footage documented that the license plate was obstructed with a black metal frame blocking the state of issuance. The officers subsequently learned that [REDACTED] license plates were expired, and she did not have valid insurance for her vehicle. These reasons alone were sufficient to warrant an

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

<sup>26</sup> Att.30, BWC of Officer Collins Screenshot of License Plate.

investigatory stop, and [REDACTED] and [REDACTED] were detained. Therefore, the allegations are Exonerated.

COPA found that Allegations #1-3 against Officer Walker, that he detained, searched, and handcuffed [REDACTED] all without justification, **Exonerated**. The officers conducted an investigatory stop because [REDACTED] was operating a motor vehicle, which had obscured license plates. BWC footage documented that the license plate was obstructed with a black metal frame blocking the state of issuance. The officers subsequently learned that [REDACTED] license plates were expired, and she did not have valid insurance for her vehicle. These reasons alone were sufficient to warrant an investigatory stop. [REDACTED] was a passenger in [REDACTED] vehicle and was detained, searched, and handcuffed for officer safety. BWC depicted [REDACTED] was handcuffed for a short period of time. Therefore, the allegations are Exonerated

COPA finds that Allegations #4-5 against Officer Walker, in that he failed to complete an ISR for [REDACTED] and failed to provide him with an ISR receipt, **Sustained**. Department members are required upon completion of an Investigatory Stop that involves a Protective Pat Down or any other search in a public place, are required to submit an ISR.<sup>27</sup> Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt.<sup>28</sup> Officer Walker stated that Officer Gonzalez was designated to complete the ISR reports. However, Officer Walker was the officer who handcuffed and performed a protective pat down on him. Therefore, it was Officer Walker's responsibility to ensure that an ISR was completed. Officer Walker should have also ensured that [REDACTED] received an Investigatory Stop Receipt after [REDACTED] was free to leave. COPA finds that Allegations #4-5 against Officer Walker are Sustained, in Violation of Rules 2, 3, 5, 6, and 10.

COPA finds that Allegations #4-5 against Officer Adams, in that he failed to complete an ISR for [REDACTED] and failed to provide him with an ISR receipt, **Unfounded**. Department members are required upon completion of an Investigatory Stop that involves a Protective Pat Down or any other search in a public place, are required to submit an ISR.<sup>29</sup> Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt.<sup>30</sup> Officer Adams did not perform a protective pat down on [REDACTED] Officer Walker did. Officer Adams only assisted Officer Walker in handcuffing [REDACTED] by grabbing [REDACTED] right arm. Because Officer Walker handcuffed and performed the protective pat down on [REDACTED] Officer Walker was responsible for ensuring an ISR was completed for [REDACTED] and that [REDACTED] received an Investigatory Stop Receipt. Therefore, Allegations #4-5 against Officer Adams are Unfounded.

COPA found that Allegation #4 against Officer Gonzalez, that he searched [REDACTED] vehicle without justification, **Not Sustained**, and Allegation #5, that he searched the trunk of [REDACTED] vehicle without justification, **Sustained**. Although officers who have stopped a car to issue a

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<sup>27</sup> Att. 31, S04-13-09, Investigatory Stop System, (VIII) (A) (1).

<sup>28</sup> Att. 31, (VIII) (A) (3).

<sup>29</sup> Att. 31, S04-13-09, Investigatory Stop System, (VIII) (A) (1).

<sup>30</sup> Att. 31, (VIII) (A) (3).

routine traffic citation may conduct a *Terry*-type search, including a pat-down of the driver and passengers if there is reasonable suspicion that they are armed and dangerous, they generally may not conduct a search of the car unless they arrest the driver instead of merely issuing a citation.<sup>31</sup> Nevertheless, as held by the United States Supreme Court in *Michigan v. Long*, officers may conduct a “protective search” of a vehicle without a warrant, limited to those areas in which a weapon may be placed or hidden, where they have reasonable suspicion that the stopped motorist may be armed and may gain immediate control of weapons.<sup>32</sup> The Court also held that the officers in *Long* did not act unreasonably in taking preventive measures to ensure that there were no weapons within the stopped motorist’s immediate grasp before permitting him to reenter his vehicle.<sup>33</sup> Such a protective search is authorized even if a subject is under police restraint at the time the search is conducted because the subject may be able to escape such restraint, or may later regain access to the vehicle.<sup>34</sup> This includes the reasonable belief that the subject will return to the vehicle following the conclusion of the stop.<sup>35</sup>

The Court further noted that “balancing required by *Terry* clearly weighs in favor of allowing the police to conduct an area search of the passenger compartment to uncover weapons, as long as they possess an articulable and objectively reasonable belief that the subject is potentially dangerous.”<sup>36</sup> However, in order to conduct a lawful protective search of a stopped vehicle under *Long*, courts have heavily emphasized that an officer must possess a reasonable belief of both (1) the suspect’s dangerousness and (2) the possibility that the suspect might gain immediate control of any weapons inside the vehicle.<sup>37</sup> The totality of the circumstances must be considered in determining whether the requisite reasonable suspicion exists to conduct such a frisk of a vehicle.<sup>38</sup> Regarding the physical scope of a protective sweep of a vehicle and which areas are permissible to be searched, such a search should be limited to areas where a weapon could reasonably be. For example, it has been held by the 7th Circuit that locked glove compartments are within the boundaries of searches under *Long*.<sup>39</sup> The 7th Circuit has also held that related to the specific issue of a vehicle’s trunk that is readily accessible from inside the passenger compartment, there is no reason to distinguish that accessible area from any other.<sup>40</sup> In analyzing

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<sup>31</sup> See *Atwater v. City of Lago Vista*, 532 U.S. 318 (2001) (holding that police officers, in their discretion, may arrest a motorist for a minor traffic offense rather than issuing a citation); *New York v. Belton*, 453 U.S. 454 (1981) (holding that officers who arrest an occupant of a vehicle may make a contemporaneous search of the entire passenger compartment, including closed containers); *Thornton v. United States*, 541 U.S. 615 (2004) (explaining that the *Belton* rule applies regardless of whether the arrestee exited the car at the officer’s direction, or whether he did so prior to confrontation); *Arizona v. Gant*, 556 U.S. 332, 351 (2009) (holding that the *Belton* rule applies “only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe that the vehicle contains evidence of the offense of arrest.”); *Arkansas v. Sullivan*, 532 U.S. 769 (2001) (holding that a pretextual arrest of motorist who has committed a traffic offense is permissible even if purpose is to search vehicle for evidence of other crime).

<sup>32</sup> *Michigan v. Long*, 463 U.S. 1032 (1983).

<sup>33</sup> *Long*, 463 U.S. at 1051.

<sup>34</sup> *Long*, 463 U.S. at 1051-52; see also *United States v. Holmes*, 376 F.3d 270, 280 (4th Cir.2004).

<sup>35</sup> *Long*, 463 U.S. at 1051-52.

<sup>36</sup> *Long*, 463 U.S. at 1051-52.

<sup>37</sup> *United States v. Holmes*, 376 F.3d 270, 276 (4th Cir. 2004); see also *United States v. Griffin*, 589 F.3d 148, 154 (4th Cir. 2009).

<sup>38</sup> *United States v. McCoy*, 513 F.3d 405, 411 (4th Cir. 2008).

<sup>39</sup> See *United States v. Holifield*, 956 F.2d 665, 668-69 (7th Cir. 1992).

<sup>40</sup> See *United States v. Arnold*, 388 F.3d 237, 240 (7th Cir. 2004).

whether the scope of a search is permissible, courts will generally consider “whether an item located in the area in question was generally, 'even if not inevitably,' within reach. “<sup>41</sup>Generally, an officer armed solely with reasonable suspicion that a motorist or passenger may be armed may not search the trunk of a vehicle when the person would not have been able to reach a weapon located there.<sup>42</sup>

Officer Gonzalez explained that he performed a cursory search of [REDACTED] vehicle due to [REDACTED] behavior and evasive answers about having a FOID card. Officer Gonzalez stated that his suspicion heightened after learning that [REDACTED] had an active FOID card. A FOID card, in and of itself, does not make a person dangerous. Officer Gonzalez did not articulate that he believed [REDACTED] or [REDACTED] were dangerous, and BWC did not depict [REDACTED] as being evasive, nervous, fidgeting, or breathing heavily. However, [REDACTED] license plates were expired, and she did not have valid insurance, which the officers could have ticketed and even towed her vehicle. Because [REDACTED] did not have valid registration and insurance, it is arguable that Officer Gonzalez’s suspicion was heightened. Therefore, based on the available evidence, Allegation #4 against Officer Gonzalez is Not Sustained.

While it was arguably permissible for Officer Gonzalez to conduct a cursory search of [REDACTED] vehicle, searches under *Long* should be directed to locations that both could contain a weapon and "to which the suspect may have access.”<sup>43</sup> [REDACTED] was driving a sedan, and her vehicle’s trunk was not readily accessible inside the passenger compartment. Officer Gonzalez admitted that a cursory search did not include the trunk. Thus, Officer Gonzalez went beyond the permissible scope of the search when he searched the trunk. Therefore, COPA finds that Allegation #5 against Officer Gonzalez is Sustained, in Violation of Rules 1, 2, 3, 5, 6, and 10.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Sebastian Gonzalez**

#### **i. Complimentary and Disciplinary History<sup>44</sup>**

Officer Gonzalez has received 68 awards, including 1 Department Commendation, 1 Military Service Award, and 65 Honorable Mentions. Officer Gonzalez did not have any disciplinary history.

#### **ii. Recommended Discipline**

COPA found that Officer Gonzalez violated Rules 1, 2, 3, 5, 6, and 10 by searching the trunk of [REDACTED] vehicle without justification. Officer Gonzalez conducted a search beyond a potentially allowable frisk for weapons when he searched the trunk of [REDACTED] vehicle. Based on

<sup>41</sup> See *New York v. Belton*, 453 U.S. 454, 460 (1981).

<sup>42</sup> See *Valance v. Wisel*, 110 F.3d 1269, 1278 (7th Cir.1997).

<sup>43</sup> See *United States v. Holifield*, 956 F.2d 665, 669 (7th Cir. 1992).

<sup>44</sup> Att.34.

this finding and considering Officer Gonzalez’s complimentary and lack of disciplinary history, COPA recommends a penalty of **1-day suspension**.

**b. Officer Britton Walker**

**i. Complimentary and Disciplinary History<sup>45</sup>**

Officer Walker has received 59 awards, including 1 Department Commendation and 57 Honorable Mentions. His disciplinary history included a 2020 Sustained case for Operations/Personnel Violations, and he received a Reprimand. His history also included 5 SPARs for Failure to Perform Any Duty and Court Appearance Violations, and he received two Reprimands and three 1-day suspensions.

**ii. Recommended Discipline**

COPA found that Officer Walker violated Rules 2, 3, 5, 6, and 10 by failing to complete an ISR for [REDACTED] and provide an Investigatory Stop Receipt to [REDACTED] CPD’s investigatory stop system helps to ensure that CPD members protect the public, preserve the rights of all members of the community, and enforce the law impartially. COPA has no reason to believe that Officer Walker was attempting to hide the fact that he searched [REDACTED] as he recorded the search with his BWC. Considering these facts and taking into account Officer Walker’s complimentary and disciplinary history, COPA recommends Officer Walker receive a **1-day suspension**.

Approved:

[REDACTED]

11/7/24

\_\_\_\_\_  
LaKenya White  
*Director of Investigations*

\_\_\_\_\_  
Date

<sup>45</sup> Att.33.



**Appendix A**

**Case Details**

Date/Time/Location of Incident:	February 16, 2023 / 2:34pm / Falcon Fuel 8300 South Cottage Grove, Chicago, IL
Date/Time of COPA Notification:	May 9, 2023 / 8:40am
Involved Officer #1:	Officer Sebastian Gonzalez / Star#17233 /Employee # [REDACTED] / Date of Appointment: July 27, 2018 /Unit of Assignment: 006 /Gender: Male /Race: White Hispanic
Involved Officer #2:	Officer Craig Adams III / Star# 12586 /Employee#[REDACTED] Date of Appointment: March 16, 2017 / Unit of Assignment: 006 /Gender: Male / Race: African American
Involved Officer#3:	Officer Rachel Collins/ Star#16180 /Employee#[REDACTED] Date of Appointment: August 16, 2019 /Unit of Assignment: 006 /Gender: Female /Race: African American
Involved Officer#4:	Officer Britton Walker /Star# 5753 /Employee#[REDACTED] Date of Appointment: April 16, 2018 /Gender: Male /Race: African American
Involved Individual# 1	[REDACTED] /DOB: [REDACTED], 1994 /Female / African American
Involved Individual #2	[REDACTED] /DOB: [REDACTED], 1994 /Male / African American

**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**

- S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017- 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.<sup>46</sup> 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.”<sup>47</sup>

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<sup>46</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>47</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