



Log # 2022-4335

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 11, 2022, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on October 11, 2022, at approximately 3:30 am, he had an encounter with Officer Hassan Baig in the vicinity of 3300 North Halsted Street during which Officer Baig made comments about his national origin and verbally disrespected him because he had a license plate that read “IRAQ.”² Upon review of the evidence, COPA served additional allegations that Officer Baig and his partner, Officer Markus Briseno, failed to activate their body worn cameras in violation of Special Order 03-14, failed to complete an Investigatory Stop Report documenting their interaction with [REDACTED] and failed to provide [REDACTED] with an Investigatory Stop Receipt. Following its investigation, COPA reached **Sustained** findings on all allegations except for failing to provide an investigatory stop receipt.

II. SUMMARY OF EVIDENCE³

In his COPA interview on October 19, 2022,⁴ [REDACTED] said that at the time of the incident, he was driving north on Halsted Street, turned left on Aldine Street, and then put his pulled his car, a gray Nissan Altima, over. He left it running with the lights on while he exited and went to the trunk. He saw a painted black car that was an earlier model of his car with its lights off, driving fast, going through a stop sign. A short time later, officers in a marked car drove up on him.⁵ The two officers got out of their car, and the one later identified as Officer Baig came up to him. Officer Baig asked him whether he was driving earlier and if he had his car lights on. [REDACTED] answered, “yes,” to both questions.⁶

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 CPD records, POD video, a civilian interview, and officer interviews.

⁴ Atts. 2, 14.

⁵ Att. 14, pg. 4, lns. 8, 9.

⁶ Att. 14, pg. 4, lns. 12-16.

The second officer, later identified as Officer Briseno, went to [REDACTED] passenger side. An unidentified male, who was driving a white truck, stopped and told the officers that the car they were looking for was not [REDACTED] the car the officers were looking for had driven away.⁷ Both officers returned to their squad car.

[REDACTED] said he was kind of upset and scared after the officers did not apologize or say anything. [REDACTED] said he commented, "This is bullshit."⁸ The officers told him, the car "was similar to your car."⁹ [REDACTED] told the officers the car they were looking for was black and scratched and that his car was a newer version of that model of car. The officers did not say anything, and [REDACTED] went back to his car and was about to leave.

Officer Baig then spoke to [REDACTED] over the squad car loudspeaker, stating, "I never said you're free to go."¹⁰ Officer Baig did not ask for [REDACTED] driver's license or identification. [REDACTED] parked his car, exited, and went to the passenger side of the officers' car. He gave Officer Baig his driver's license. Officer Baig told him, "Calm down. You have an attitude. This is not Iraq."¹¹ ([REDACTED] had an Illinois Police Association License Plate with the word "IRAQ.")

[REDACTED] was upset and asked the officer, "What does Iraq has (sic) to do with this?"¹² [REDACTED] said Officer Baig told him, "You have an attitude. You live in America. If a police law enforcement comes up to you, you need to show respect."¹³ [REDACTED] replied, "I never disrespected you. The way you came up to me is unprofessional. There's a way you could come up to me and explain to me what's going on."¹⁴ Officer Baig again said, "You have an attitude. You need to calm down. This is not Iraq."¹⁵ [REDACTED] replied he was reacting to the way Officer Baig came up to him. Officer Baig did not apologize.¹⁶

[REDACTED] said Officer Baig checked [REDACTED] name and found no warnings or tickets associated with him. Officer Baig told him he was not going to give him a warning or ticket. [REDACTED] said he had not done anything wrong and wondered why Officer Baig would bring up Iraq.¹⁷ [REDACTED] described his own demeanor as "really, really upset."¹⁸ [REDACTED] noted that he had an Illinois Police Association sticker that meant he "donates to the police officers every year when he renews his license plate."¹⁹

⁷ Att. 14, pg. 4, lns. 19-21.

⁸ Att. 14, pg. 5, ln. 1.

⁹ Att. 14, pg. 5, lns. 2, 3.

¹⁰ Att. 14, pg. 5, ln. 10.

¹¹ Att. 14, pg. 5, lns. 16, 17.

¹² Att. 14, pg. 5, ln. 19.

¹³ Att. 14, pg. 5, lns. 20-22.

¹⁴ Att. 14, pg. 5, lns. 23, 24; pg. 6, lns. 1, 2.

¹⁵ Att. 14, pg. 6, lns. 4, 5.

¹⁶ Att. 14, pg. 6, lns. 10-17.

¹⁷ Att. 14, pg. 6, lns. 17-24; pg. 7, lns. 1-8.

¹⁸ Att. 14, pg. 15, ln. 3.

¹⁹ Att. 14, pg. 7.

██████████ told COPA he was not complaining about being stopped, but because Officer Baig was “racist”²⁰ with him. ██████████ had no complaint against Officer Briseno, who did not say anything to ██████████²¹ ██████████ described Officer Baig as dark-skinned, about 5 feet 10 inches tall, “chubbier,” with short hair and a beard, probably Mexican, “similar as us.”²² ██████████ described himself as Iraqi and said he has lived in the U.S. since 2009.²³

██████████ said that after the officers left the scene, he drove to the district station of the officers and explained to personnel there what had happened and provided his name, driver’s license and license plate number. The personnel provided the two officers’ badge numbers to him.²⁴

COPA called ██████████ on January 25, 2024, and in his return call, he said Officer Baig could be “Middle Eastern.” ██████████ also said he is manager of a ██████████ not far from the 19th District station. He said the officers’ body worn cameras were not in operation during the incident because he knows they make noise when activated, and there was no noise from the cameras.²⁵

COPA called ██████████ again on April 8, 2024, and he emailed a photograph of his rear license plate, which he said was the same plate he had on the date of the incident.²⁶

A **Number Plate Search** report indicated that on October 11, 2022, at 3:20:58.0 am, Officer Baig ran the Illinois Police Association license plate “IRAQ” through his vehicle’s computer, and “no hits” were returned.²⁷

GPS data showed Officers Baig and Briseno’s vehicle, #7978, was stopped at 3259-3301 N. Halsted St. from 3:19:46 am to 3:24:27 am.²⁸

Video from POD 1110W,²⁹ located at 3301 N. Halsted St., did not depict the incident. However, the video showed that at 3:19:05 am, a northbound gray sedan turned west on Aldine Avenue. At 3:19:30 am, a marked CPD SUV drove west on Aldine Avenue with its spotlight activated, and it drove out of camera range. That unit appeared to have activated its blue emergency lights because blue light was reflected on nearby buildings. At 3:20 am, a westbound white pickup truck turned south onto Halsted Street. The blue light reflection ended at 3:21:43 am. No

²⁰ Att. 14, pg. 6, lns. 9, 10; pg. 12, pg. 13, lns. 16-21; pg. 14, ln. 12.

²¹ Att. 14, pg. 9, lns. 17-20; pg. 14, lns. 12-15.

²² Att. 14, pg. 9, lns 21-24; pg. 10, lns 1-4.

²³ CMS Note CO-1376048; Att. 14, pg. 12, lns. 5-8; pg. 15, lns. 7, 8.

²⁴ Att. 14, pg. 15, lns. 13-20.

²⁵ CMS Note CO-1376048.

²⁶ CMS Note CO-1386586; Att. 30 (license plate).

²⁷ Att. 9.

²⁸ Att. 7.

²⁹ Att. 12.

identifying numbers were visible on the CPD SUV. No other CPD vehicle was observed in the video.

No Traffic Stop Statistical Study report for October 11-12, 2022, was located under the officers' names or under [REDACTED] name.³⁰

No relevant body-worn camera video, in-car camera video, or recordings from the Office of Emergency Management and Communications were available. No report referencing [REDACTED] name, including a name-check, was found.³¹

Officers Baig and Briseno said they did not recall the incident. **In his COPA statement on February 13, 2024,**³² **Officer Baig** acknowledged he would have been the passenger officer in his marked SUV at the time of the incident because the passenger officer logs into the vehicle's PDT, while the driver officer logs into the in-car camera. He acknowledged that his PC number and name were on the license plate check record, but he did not recall running a Police Memorial Fund license plate reading "IRAQ."³³ Officer Baig added that license plate readers also scan plates for parking enforcement but did not know if his SUV was equipped with one.³⁴

Regarding whether he would have activated his BWC during such an interaction, he said if it was a "private conversation" or "[c]onsensual" interaction, he would not turn on his BWC.³⁵ The license plate check record and the GPS record did not refresh his memory of the incident. He had no recollection of contact with [REDACTED]³⁶ He did not recall speaking on his SUV's loudspeaker to a person outside their vehicle.³⁷ Regarding [REDACTED] observation during the COPA phone call about a BWC making noise when activated, Officer Baig said a BWC makes a sound when in recording mode.

As to whether Officer Baig made the comments attributed to him, such as, "Calm down. You have an attitude. This is not Iraq," he said, "I do not recall. I don't know,"³⁸ but suggested that he "would not say that to anyone."³⁹

³⁰ Att. 27.

³¹ CMS Notes CO-1344762, CO-1344996, CO-1345312, and CO-1345800.

³² Atts. 17, 18.

³³ Att. 18, pg. 11, lns. 1, 2; pg. 13, lns. 4-12, pg. 28.

³⁴ Att. 18, pg. 20, ln. 24; pg. 21, lns. 1-14.

³⁵ Att. 18, pg. 13, lns. 15-24; pg. 14, lns. 1-4.

³⁶ Att. 18, pg. 12, lns. 11-23.

³⁷ Att. 18, pg. 15, lns. 2-7.

³⁸ Att. 18, pg. 16, ln. 5.

³⁹ Att. 18, pg. 15, lns. 8-20.

Officer Baig said he is of Middle Eastern, but not Iraqi, descent, and he grew up with persons of Middle Eastern descent.⁴⁰ He did not remember running a name-check on [REDACTED]⁴¹ He did not remember hearing Officer Briseno saying anything like the remarks attributed to him (Officer Baig).⁴²

Officer Baig described himself as about 6 feet tall, 240 pounds, with a complexion “dark,” “dark brown” and “light brown.”⁴³ He said he more than likely had a beard at the time of the incident.⁴⁴

Officer Baig denied the allegations made against him.⁴⁵

In his COPA statement of February 20, 2024,⁴⁶ **Officer Briseno** provided responses similar to those of Officer Baig. Officer Briseno did not recall a person named [REDACTED] or a traffic stop on the date or at the location of the reported incident.⁴⁷ He said he would have been the SUV's driver because Officer Baig was logged in on the PDT. He did not recall if his SUV had a license plate reader.⁴⁸ Officer Briseno did not recall an interaction with anyone in which Officer Baig made the comments including, “Calm down. You have an attitude. This is not Iraq.” Officer Briseno noted that he did not believe Officer Baig “would ever say that” because he is a professional, and, “We don’t condone that kind of stuff.”⁴⁹ Officer Briseno said he, Briseno, did not make those comments. He also did not recall Officer Baig making the remarks about [REDACTED] having an “attitude” or about his living in America or needing to show respect for law enforcement.⁵⁰ Officer Briseno added he, Briseno, would not say anything like that. Officer Briseno did not recall a traffic stop involving a vehicle with the license plate “IRAQ.”⁵¹ He did not recall a stop of his SUV for five minutes on the date of the incident. He knew of no reason why [REDACTED] would identify the officers as accused.⁵²

⁴⁰ Att. 18, pg. 18, lns. 23, 24.

⁴¹ Att. 19, lns. 10-12.

⁴² Att. 18, pg. 19, lns. 17-24; pg. 20, lns. 1,2.

⁴³ Att. 18, pgs. 17, lns. 20-24; pg. 18, lns. 1-3.

⁴⁴ Att. 18, pg. 17, lns. 16, 17.

⁴⁵ Att. 18, pg. 29, lns. 17-24, pgs. 30-33, pg. 34, lns. 1-7.

⁴⁶ Atts. 20, 21.

⁴⁷ Att. 21, pg. 11, lns. 3-16.

⁴⁸ Att. 21, pg. 11, lns. 17-20.

⁴⁹ Att. 21, pg. 13, lns. 3-11.

⁵⁰ Att. 21, pg. 13, lns. 19-24; pg. 14, lns.1-10.

⁵¹ Att. 21, pg. 17, lns. 2-4.

⁵² Att. 21, pg. 26, lns. 10-21.

Officer Briseno described himself as about 5 feet 6 inches tall, about 200 pounds, with a light skin tone.⁵³ CPD personnel records indicated he is white/white Hispanic.⁵⁴

Officer Briseno denied the allegations made against him.⁵⁵

III. ALLEGATIONS

Officer Hassan Baig:

1. Verbally abusing [REDACTED] based on national origin.
 - **Sustained**
2. Verbally disrespecting [REDACTED] because he had a license plate that read, "IRAQ."
 - **Sustained**
3. Failing to activate his body worn camera in violation of S03-14.
 - **Sustained**
4. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
 - **Sustained**
5. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - **Exonerated**

Officer Markus Briseno:

1. Failing to activate his body worn camera in violation of SO3-14.
 - **Sustained**
2. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
 - **Sustained**
3. Failing to provide [REDACTED] with an Investigatory Stop Receipt.
 - **Exonerated**

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

⁵³ Att. 21, pg. 9, lns. 14-15.

⁵⁴ See CMS description of Officer Briseno.

⁵⁵ Att. 21, pg. 26, lns. 22-24; pgs. 27-29.

to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

COPA finds that [REDACTED] is credible based on several factors: 1) he reported the incident immediately; 2) his version of events is corroborated by other evidence; and 3) if anything, he is biased in favor of the police.

[REDACTED] reported the incident immediately in that he went to the police district station following the incident, and gave his name, driver's license, and license plate number. He was then provided with the officers' badge numbers. He then filed a complaint with COPA the same day, providing COPA with the badge numbers.

[REDACTED] version of events was significantly corroborated. In his interview with COPA, [REDACTED] complained that the passenger officer made the offending remarks, and described Officer Baig as dark-skinned, about 5 feet 10 inches tall, "chubbier," with short hair and a beard, and Mexican or Middle Eastern. Officer Baig admitted he was the passenger officer, and described himself as about 6 feet tall, 240 pounds, with a complexion he said was "dark," "dark brown" and "light brown," and more than likely, he had a beard at the time of the incident. [REDACTED] description of Officer Baig was generally correct, specifically, that the officer had a beard, was possibly of Middle Eastern descent, and was on the heavier side.

GPS and in-car computer reports confirmed that Officers Baig and Briseno were in a squad car at the time and location where [REDACTED] said they had been and had run his Illinois Police Association license plate with the word "IRAQ" from their car.⁵⁶

The POD video confirms [REDACTED] description of turning from Halsted onto Aldine, a squad car coming up behind about 25 seconds later with its blue lights flashing, and a white pick-up truck approaching about 30 seconds after that.⁵⁷

Finally, [REDACTED] told COPA he donated to the police every year in order to obtain the Illinois Police Association license plates, establishing that he is a supporter of the police and their efforts.

Based on the foregoing, COPA finds [REDACTED] credible.

Additionally, this investigation did not reveal substantive evidence that caused COPA to question the credibility of the officers.

V. ANALYSIS⁵⁸

⁵⁶ CMS notes CO-0157053, CO-0157054.

⁵⁷ Att. 12 at 3:19:05 – 3:20:05.

⁵⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

COPA finds **Allegations #1 and #2** against Officer Baig – that he verbally abused [REDACTED] based on national origin, and that he disrespected [REDACTED] because of his “IRAQ” license plate – to be **SUSTAINED**.

Although there was no recording of the comments about Iraq, America, and law enforcement attributed to Officer Baig (due to the officers’ failure to activate their BWC, which will be discussed below), COPA finds it is more likely than not that Officer Baig made the comments.

COPA cannot identify any reason [REDACTED] would have made up the remarks, and immediately pursued the complaint at 3:30 am with the 19th District Police Station, and then with COPA the same day if they did not happen. [REDACTED] was supportive of the police in general, to the point where he donated to a police memorial fund every year, and had no known animosity towards Officer Baig personally, as each stated they had never encountered the other before.⁵⁹ [REDACTED] was very specific that he did not have a complaint against the driver officer, Officer Briseno, even though it appeared [REDACTED] was equally upset at both officers about being mistakenly stopped and not apologized to, before the Iraq remarks were made. It was Officer Baig who had run the license plate with the word, “[REDACTED].” Thus, COPA finds it was more likely than not that the remarks attributed to Officer Baig occurred and were based on his impression that [REDACTED] anger was due to some alleged beliefs about America and Iraq.

Notably, none of the remarks seemed to involve exaggerated comments, such as swearing. [REDACTED] interpreted the remarks as racist and disrespectful because they centered on his being Iraqi.

In his COPA interview, Officer Baig merely stated that he could not remember if he made the remarks, while indicating he did not believe he would say anything like that.

As such, COPA finds by a preponderance of the evidence that the remarks were made and that they qualified as of verbal abuse based on national origin (suggesting that the police in America were somehow superior to the police in IRAQ) and that they disrespected [REDACTED] for having a license plate that read, “IRAQ.” Thus, **Allegations #1 and #2** against Officer Baig are **SUSTAINED**.

Allegation #3 against Officer Baig, and **Allegation #1** against Officer Briseno – that they failed to activate their body worn camera in violation of S03-14 – are **SUSTAINED**. The Special Order requires that officers activate their BWCs for law-enforcement-related encounters.⁶⁰ The officers’ stopping [REDACTED] with the blue lights activated and running his license plate were a law-enforcement-related encounter.

⁵⁹ Att. 14, pg. 12; Att. 18, pg. 19

⁶⁰ Att. 23, III, A, 1.

Allegation #4 against Officer Baig, and **Allegation #2** against Officer Briseno – that they failed to complete an Investigatory Stop Report documenting the interaction with [REDACTED] – are **SUSTAINED**.

Special Order S04-13-09, Investigatory Stop System states that “Sworn members who conduct an Investigatory Stop ... are required to submit an Investigatory Stop Report into the Investigatory Stop Database.”⁶¹ An Investigatory Stop is, “The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”⁶²

Officer Briseno was driving the squad car with its blue lights activated when he stopped it behind [REDACTED]. Officer Baig questioned [REDACTED] about his driving, and later told [REDACTED] he was not free to leave, which, in effect, meant he was temporarily detained. Both officers were responsible for the detention and, thus, both were responsible for the completion of an Investigatory Stop Report. Since none was completed, these allegations are **SUSTAINED**.

Allegation #5 against Officer Baig, and **Allegation #3** against Officer Briseno – that they failed to provide [REDACTED] with an Investigatory Stop Receipt – are **EXONERATED**. According to the Directive, “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.”⁶³

Here, it did not appear that a pat down or other search was conducted involving [REDACTED]. Thus, COPA finds these allegations **EXONERATED**.

DISCIPLINARY RECOMMENDATION

a. Officer Hassan Baig

i. Complimentary and Disciplinary History⁶⁴

Officer Baig had 12 commendations. He had no Sustained complaints in the past five years. He had one SPAR in April of 2023, regarding a preventable accident, for which he was reprimanded.

ii. Recommended Discipline

⁶¹ Att. 22, Special Order S04-13-09, VIII. A. 1. Investigatory Stop System (July 10, 2017, to present).

⁶² Att. 22, II, A.

⁶³ Att. 22, VIII. A. 3.

⁶⁴ Att. 29.

Officer Baig had been a CPD officer for four and a half years at the time of this incident. At that point in his career he should have been well-versed in the Department's guiding principles recognizing "the diverse ethnic and sociological background" of the people it serves; its policy to "interact with all members of the public in an unbiased, fair, and respectful manner," and its prohibition on exhibiting "a condescending attitude or direct any derogatory terms toward any person in any manner and will not use language or take action intended to taunt or denigrate an individual, including using racist or derogatory language."⁶⁵

Similarly, Officer Baig should have been well-versed in BWC usage and the completion of ISRs. Instead, Officer Baig showed a disturbing lack of understanding of both. He suggested that he would not turn on his BWC during a "private conversation" or "[c]onsensual" interaction,⁶⁶ and that an ISR would require "a lot more interaction than [a] short... [moment]"⁶⁷ However, neither of these are the proper considerations for these actions. His failure on both counts seriously impeded COPA's investigation in this matter.

Therefore, COPA recommends a **15-day suspension**, and re-training on BWC usage and Investigative Stops.

b. Officer Markus Briseno

i. Complimentary and Disciplinary History⁶⁸

Officer Briseno has one 2019 Crime Reduction Award, two Department Commendations, three Honorable Mentions, and one Life Saving Award. He had no Sustained complaints in the past five years.

ii. Recommended Discipline

Officer Briseno had been a CPD member for roughly four and a half years at the time of this incident. For his failure to activate his BWC and failing to complete an ISR, both of which seriously impinged on COPA's investigation in this matter, COPA recommends a **10-day suspension**.

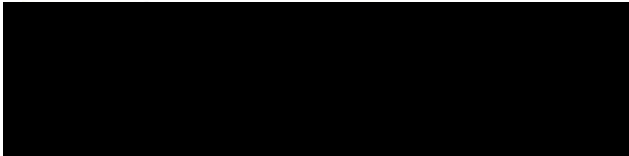
⁶⁵ Att. 28, GO2-01, II. A., and III. B. 1. and. 4.; Protection of Human Rights (June 30, 2022, to present).

⁶⁶ Att. 18, pg. 13, lns. 15-24; pg. 14, lns. 1-4.

⁶⁷ Att. 18, pg. 32.

⁶⁸ Att. 29.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator-Chief Investigator

4-10-2024

Date

Appendix A

Case Details

Date/Time/Location of Incident:	October 11, 2022/3:30 am/Vicinity 3300 N. Halsted St.
Date/Time of COPA Notification:	October 11, 2022/9:23 am.
Involved Member #1:	Officer Hassan Baig, #19686, Employee ID# [REDACTED], Date of Appointment February 20, 2018, Unit of Assignment 019, male, Middle Eastern/Asian.
Involved Member #2:	Officer Markus Briseno, #16296, Employee # [REDACTED], Date of Appointment March 16, 2018, Unit of Assignment 019, male, Hispanic.
Involved Individual #1:	[REDACTED] male, Iraqi.

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

- Special Order S03-14, Body Worn Cameras (effective April 30, 2018, to December 29, 2023).

- Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017, to present).
- General Order G02-01, Protection of Human Rights (effective June 30, 2022, 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.⁶⁹ 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.”⁷⁰

⁶⁹ 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).

⁷⁰ *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