



Log # 2024-0006427

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 1, 2024, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD), relative to alleged misconduct by a member of the Department.² The report identified Officer Antonio Whitfield as the officer who pushed ██████████ and others during an incident in which ██████████ was arrested. The incident occurred at approximately 4:31 p.m. on August 1, 2024, at or near 131 South Maplewood Avenue. After interviewing ██████████ and ██████████⁴ COPA brought additional allegations against the officers who participated in the interaction.⁵

As a result of COPA's investigation, COPA sustained allegations against Officers Whitfield and/or Chavez regarding the unjustified detention and pat-down search of ██████████ failing to record the entire incident on their Body Worn Cameras (BWC), failing to properly secure ██████████ in their police vehicle, and failing to deescalate the encounter (pushing onlookers such as ██████████). COPA exonerated an allegation of false arrest, and found insufficient evidence to sustain further allegations against Officer Whitfield for failing to properly identify himself when requested to do so, that he improperly brandished his Taser in the face of ██████████ and for inappropriately placing his hand in the vicinity of ██████████ neck. COPA found there to be insufficient evidence to sustain any allegations against additional responding Officers Joshua Dobrowski and Michael Spilotro, III.⁶

II. SUMMARY OF EVIDENCE⁷

This incident occurred when Officer Whitfield, Officer Chavez, and Officer Tyler J. Alexander, driving in an unmarked CPD vehicle, conducted an investigatory stop of ██████████ based

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 Att. 10.

³ Att. 13; See Att. 23 for transcript.

⁴ Att. 20; See Att. 30 for transcript.

⁵ 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.

⁶ COPA originally served allegations against Officer Tyler J. Alexander. Upon further review of the evidence (especially the evidence of Mr. ██████████ at Att. 30, pg. 18, ln. 5 to p. 19, ln. 2 regarding Officer Alexander's level of involvement in the stop), COPA withdrew these allegations and did not interview Officer Alexander for this investigation.

⁷ 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, police reports, and officer and non-officer interviews. Evidence in this matter includes BWC footage from devices used by Officers Whitfield, Chavez, and Alexander. In addition, two 3rd party cell phone videos, which captured the incident, were obtained and reviewed.

upon an alleged bulge in █████ waistband. The officers believed the bulge to be a firearm. Upon turning their vehicle around and approaching █████ the bulge in █████ waistband was no longer visible. Officer Whitfield conducted a pat-down search of █████ with negative results. A crowd of onlookers gathered, additional officers responded, and Whitfield brandished his Taser and pointed it at █████ and pushed █████ twice.

After the pat-down search, Officer Whitfield pushed █████ In response, █████ swiped at Officer Whitfield, making contact.⁸ The officers then arrested █████ for a battery to Officer Whitfield.



Figure 1: This still image, from the BWC of Officer Whitfield (Att. 2), depicts the officer's hand on █████ as the officer was preparing to push him.



Figure 2: This still image, from the BWC of Officer Chavez (Att. 3), depicts the same events as Figure 1, but from a different angle.

The officers handcuffed █████ and transported him to the 11th District in the unmarked police vehicle. █████ was not secured with a seatbelt by the officers during transport. While in the

⁸ Att. 2 at 01:16

backseat of the car, [REDACTED] complained to Officer Whitfield about Officer Whitfield having “choked the fuck out of” [REDACTED] during the arrest.⁹

III. ALLEGATIONS

Officer Antonio Whitfield:

On August 1, 2024, at approximately 4:31 p.m., at or near 131 South Maplewood Avenue, Chicago, IL 60612:

1. Detaining [REDACTED] without justification.
- **Sustained** in violation of Rules 2, 3, 6, 8, and 9.
2. Conducting, and / or facilitating, a patdown search of [REDACTED] without justification.
- **Sustained** in violation of Rules 2, 3, and 6.
3. Arresting [REDACTED] without justification.
- Exonerated
4. Failing to record the entire incident on your Body Worn Camera (BWC), without justification.
- **Sustained** in violation of Rules 2, 3 and 6.
5. Failing to properly secure [REDACTED] after his arrest and upon transport, in your police vehicle, without justification.
- **Sustained** in violation of Rules 2, 3, and 6
6. Failing to properly identify yourself, when requested to do so, without justification.
- Not sustained
7. Placing your hand on [REDACTED] neck during his arrest, without justification.
- Not sustained
8. Failing to deescalate the encounter with [REDACTED] by pushing onlookers onto the sidewalk, without justification.
- **Sustained** in violation Rules 2, 3, 6, and 8.
9. Brandishing your Taser in the face of [REDACTED] without justification.
- Not sustained

Officer Efrain Chavez:

On August 1, 2024, at approximately 4:31 p.m., at or near 131 South Maplewood Avenue, Chicago, IL 60612:

⁹ Att. 4 at 3:21.

1. Detaining [REDACTED] without justification.
- **Sustained** in violation of Rules 2, 3, 6, 8, and 9.
2. Conducting, and / or facilitating, a patdown search of [REDACTED] without justification.
- Unfounded
3. Arresting [REDACTED] without justification.
- Exonerated
4. Failing to record the entire incident on your Body Worn Camera (BWC), without justification.
- **Sustained** in violation of Rules 2, 3 and 6.
5. Failing to properly secure [REDACTED] after his arrest and upon transport, in your police vehicle, without justification.
- **Sustained** in violation of Rules 2, 3, and 6

Officers Joshua Dobrowski and Michael Spilotro, III:

1. Detaining [REDACTED] without justification.
- Not sustained
2. Conducting, and/or facilitating, a pat-down search of [REDACTED] without justification.
- Unfounded
3. Arresting [REDACTED] without justification.
- Not sustained

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: the individual's truthfulness and the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and later accurately recall the event from memory.

This investigation did not reveal any evidence that caused COPA to question the honesty of any of the individuals (sworn or unsworn) who provided statements. That having been said, in Officer Whitfield's arrest report and in his statement to COPA, Officer Whitfield indicates at several points that he "assisted" onlookers from the street to the sidewalk¹⁰ when in actuality he pushed them. COPA does not believe he was intentionally attempting to provide false information but, rather, an attempt by the officer to portray his actions in the light most favorable to him.

¹⁰ Att. 41, at pg. 12, lns. 13 to 20 and at pg. 34.

As far as reliability is concerned, the officers interviewed also tended to have a less robust independent recall¹¹ of the events than did the non-CPD witnesses. As a result, and given the officers' notable shortcomings in the operation of their issued BWC devices,¹² where there is a conflict between the officers' evidence and the evidence provided by third parties in this matter, COPA prefers the evidence of those third parties as to what occurred.

V. ANALYSIS¹³

A. ██████ detention and pat-down search were unjustified.

Officers initially stopped ██████ based upon a bulge they observed in his waistband area.¹⁴ This was an investigative detention (a *Terry* stop)¹⁵ initiated by Officer Whitfield and not a consensual encounter. *Terry* Stops count as seizures and trigger scrutiny under Amendment IV to the U.S. Constitution; consensual encounters with police, on the other hand, do not.¹⁶ A pat-down is a search under the Fourth Amendment.¹⁷

By the time the officers got out of their vehicle and approached ██████ any reasonable suspicion that ██████ was armed had dissipated, as they no longer observed the bulge.¹⁸ For the pat-down search of ██████ to be lawful, the initial stop of the person detained must have been lawful *and* there must have been a reasonable suspicion that ██████ was armed and dangerous.¹⁹ Here, there were no facts to suggest that ██████ was dangerous or a threat to anyone. Officers Whitfield and Chavez stopped ██████ anyway, and Officer Whitfield conducted a pat-down search while Officer Chavez assisted by maintaining security. No firearm was recovered.

Additionally, a member of the public appearing to be carrying a concealed firearm is insufficient reason for initiating an investigatory stop; the applicable CPD training guidance makes clear that detention and a pat down search is not permitted in the circumstances.²⁰

As a result, the detention and search of ██████ were unlawful, so Allegation 1 against Officers Whitfield and Chavez is **sustained**. Officers Dobrowski and Spilotro arrived on the scene as back-up officers and there is insufficient evidence to prove if their presence amounted to misconduct regarding the search, so Allegation 1 is **not sustained** for them. As the officer who conducted the pat-down search, Allegation 2 against Officer Whitfield is also **sustained**. The other officers did not participate in the search, so Allegation 2 for them is **unfounded**.

¹¹ See, for example, Att. 12 at p. 12, Att., Att. 10 at p. 10 and at p. 18, and Att. 48 at p. 15.

¹² See discussion, below, at section V.D.

¹³ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁴ Att. 41, pg. 11, lns. 5 to 6 and lns. 13 to 14. Also see Att. 1, CPD Arrest Report CB# 30377677.

¹⁵ *Terry v. Ohio*, 392 U.S. 1 (1968).

¹⁶ *United States v. Figueroa-Espana*, 511 F.3d 696, 702 (7th Cir. 2007).

¹⁷ *United States v. Manjarrez*, 348 F.3d 881, 886 (10th Cir. 2003).

¹⁸ Att. 1.

¹⁹ Once a suspect is legally stopped, an officer who has reason to believe the detained individual may be armed and dangerous may conduct a pat-down search for weapons to ensure officer safety. See *United States v. Davis*, 457 F.3d 817, 822 (8th Cir. 2006). This is equally the case under CPD's own standing orders: see S04-13-09.

²⁰ Att. 49. CPD Training and Support Group ETB#14-01, Firearm Concealed Carry (revised April 2021).

B. The arrest of █████ was lawful.

Taking into account the totality of the circumstances (i.e. unlawful detention and unlawful pat-down search of █████) it is understandable that █████ would be upset with Officer Whitfield's actions. Nonetheless, the action that precipitated █████ arrest was █████ retaliating by taking a swipe at Officer Whitfield and making contact.²¹ According to the arrest report,²² █████ was arrested when █████ with open hands, pushed Officer Whitfield back, meaning he committed a battery against Officer Whitfield. Thus, the arrest of █████ was lawful and Allegation 3 against all officers is **exonerated**.

C. Officers Whitfield and Chavez failed to record the entirety of the law enforcement activity on their issued BWC units.

Officers are required to record all law enforcement activities on their BWC devices. The beginning of the encounter with █████ is not adequately documented on BWC. In fact, the officers turned their cameras on so late that it is not captured in the two-minute buffer period before they activated their cameras. Additionally, the officers involved in transporting █████ to the station deactivated their BWCs before arriving at the station.²³ Officer Whitfield admitted that he prematurely deactivated his BWC,²⁴ as did Officer Chavez.²⁵ As a result, Allegation 4 regarding the failure to record the entire incident as required is **sustained** against Officers Whitfield and Chavez.

D. █████ was not adequately secured in the back of the police vehicle during transport.

After the officers handcuffed █████ hands behind his back, Officer Whitfield placed him in the rear seat of the unmarked police vehicle for transport.²⁶ Officer Whitfield did not secure █████ seatbelt, which █████ confirmed in his statement to COPA.²⁷ Officer Whitfield then entered the rear seat of the unmarked CPD vehicle from the opposite side and Officer Chavez drove them from the area.

While █████ was restrained and in the officers' custody, the officers were responsible for his care and wellbeing, and they failed to discharge their obligation in this regard. Specifically, █████ as an arrestee, was required to be properly secured in the vehicle upon transport.²⁸ Officer Chavez, the driver, admitted the allegation in his statement to COPA.²⁹ Allegation 5 regarding the

²¹ Att. 2 at 01:15

²² Att. 1

²³ S03-14: Body Worn Cameras (Effective date May 10, 2016). Also see Att. 2 at 05:35, Att. 3 at 04:28, and Att. 4 at 04:31.

²⁴ Att. 41, Pg. 52, Lns. 9 to 13.

²⁵ Att. 48, Pg. 35, Lns. 1 to 5.

²⁶ Att. 9 at 01:18

²⁷ Att. 30, Pg. 31, Lns. 18 to 21.

²⁸ Att. 50. CPD directive U02-01: Uniform and Property. See Section IV, which recites the legal requirement that both the driver and passengers of a motor vehicle being operated upon a public way be secured by seat safety belts.

²⁹ Att. 48, pg. 34, lns. 20 to 24.

improper and unsafe transport of ██████ is therefore **sustained** against Officers Whitfield and Chavez.

E. There is insufficient evidence to determine whether or not Officer Whitfield heard the repeated requests for him to identify himself.

Pursuant to Rule 37, when an officer is requested to identify him or herself, he or she is required to do so. In this incident, ██████ repeatedly asked Officer Whitfield for his badge number while in Officer Whitfield's immediate vicinity.³⁰ Officer Whitfield did not identify himself to ██████³¹ In Officer Whitfield's statement to COPA, he stated that he did not hear the request.³² Due to the overlapping conversations of several individuals and the developing situation, it is possible that Officer Whitfield did not hear the request. In the circumstances, COPA finds insufficient evidence to sustain Allegation 6 against Officer Whitfield, so it is **not sustained**.

F. There is insufficient evidence to prove whether Officer Whitfield placed his hands in the vicinity of ██████ neck area in a prohibited manner.

CPD prohibits its members from using chokeholds or any other maneuvers for applying direct pressure on a windpipe or airway as a takedown technique or to prevent the destruction of evidence by ingestion.³³ CPD further prohibits its members from using chokeholds, or any other maneuvers, for applying direct pressure on a windpipe or airway, with the sole exception as an act of last resort, when necessary to protect against an imminent threat of life.³⁴ Chokeholds are objectively unreasonable where an individual is already restrained or there is no danger to others. The intentional application of a chokehold is an unreasonable use of force, and the court held that it was excessive force.³⁵

In this case, Officer Whitfield momentarily placed his hand on ██████ back near his neck area while arresting him,³⁶ but there is no definitive evidence that pressure was applied to the neck. BWC footage shows Officer Whitfield pushing ██████ on the chest near the neck;³⁷ however, there is no definitive evidence that ██████ neck area was contacted, and Officer Whitfield denied making contact with his neck. BWC also captured ██████ saying that Officer Whitfield "choked the fuck outta [him],"³⁸ but there is video recording showing this and it is not clear exactly what part of the incident ██████ was talking about when he made that claim. COPA therefore finds Allegation 7 against Officer Whitfield to be **not sustained**.

³⁰ See Att. 23, pg. 4, lns. 17 to 18; pg. 5, lns. 5 to 7 and lns. 13 to 14. See also Att. 8 at 00:42, 00:45 and 00:48; Att. 9 at 00:33.

³¹ Att. 30, pg. 36, lns. 4 to 7.

³² Att. 41, pg. 36, lns. 2 to 10.

³³ G03-02: De-Escalation, Response to Resistance, and Use of Force, Section IV.D.4 (Effective date April 15, 2021).

³⁴ G03-02: De-Escalation, Response to Resistance, and Use of Force, Sections IV.D.2, and IV.D.3. (Effective date April 15, 2021).

³⁵ *Coley vs. Lucas Cty., Ohio*, 799 F.3d 530, 541 (6th Cir. 2015); See also *Newport v. City of Sparks, Corp.*, Case No. 3:12-cv-00621-MMD-WGC (D. Nev. Mar 28, 2016).

³⁶ Att. 9 at 00:48.

³⁷ Att. 4 at 1:16.

³⁸ Att. 4 at 3:21.

G. Officer Whitfield failed to de-escalate the encounter; he antagonized onlookers and pushed them onto the sidewalk.

While other officers at the scene acted with less aggression toward the assembled members of the public,³⁹ Officer Whitfield was observed to be aggressive.⁴⁰ For example, Officer Whitfield pushed ██████ without any justification, at least twice. This started after Officer Whitfield got into the CPD vehicle to leave the area. He then got out and pushed ██████ on the arm.⁴¹ Officer Whitfield told COPA ██████ said something the officer took to be threatening, but he could not further describe what was said.⁴² Officer Whitfield continued engaging with members of the crowd before returning to the crowd. He again got out of the vehicle and pushed ██████ on the chest.⁴³ Officer Whitfield acknowledged he put his hands on ██████ but downplayed it by saying he “assisted” or “guided [██████] back to the sidewalk.”⁴⁴ Neither of these encounters was justified and contributed to further escalating the situation. COPA therefore finds Allegation 8 against Officer Whitfield **sustained**.

H. There is insufficient evidence to conclude that Officer Whitfield’s brandishing of his Taser was misconduct.

When Officer Whitfield approached ██████ he removed the Taser from his belt and pointed it at ██████ for approximately a second.⁴⁵ The Taser was pointed at ██████ body (not at his face, as ██████ alleged). Officer Whitfield then returned to his vehicle and left the area without incident. Merely pointing a Taser at an individual cannot support a claim of excessive force.⁴⁶ In Lt. Duckins’ interview with COPA, she stated that the display of a Taser, without discharging it, is an appropriate de-escalation technique approved by the Department.⁴⁷ As noted above, COPA does not believe Officer Whitfield appropriately de-escalated this situation, but there is insufficient evidence to call this misconduct. Therefore, COPA finds this allegation to be **not sustained**.

VI. DISCIPLINARY RECOMMENDATION

A. Officer Antonio Whitfield

1. Complimentary and Disciplinary History⁴⁸

³⁹ Att. 23 at p. 10, lns. 16 to 24.

⁴⁰ Att. 30 at p. 12, lns. 13 to 16, p. 32, ln 22 to 23, p. 38, lns. 20 to 22, p. 39 lns. 12 to 17.

⁴¹ Att. 2 at 00:13.

⁴² Att. 41 at p. 32, ln. 16 to p. 33, ln. 12. COPA notes that the officers’ BWCs were not activated at this point so there is no audio recording to corroborate this account.

⁴³ Att. 2 at 02:31.

⁴⁴ Att. 41 at p. 34, lns. 5 to 12.

⁴⁵ Att. 9 at 01:59.

⁴⁶ *Salvador v. Ricotta*, 2013 WL 3816728 (E.D.N.Y. July 22, 2013); *Brown v. Boone Cnty.*, CASE NO. 5:13-CV-03065 (W.D. Ark. Sep 05, 2014); *Noe v. West Virginia*, 2010 WL 3025561 (N.D. W.Va. July 29, 2010).

⁴⁷ Att. 31, pg. 21, lns. 15 to 16; pg. 22, lns. 6 to 10.

⁴⁸ Att. 52.

Officer Whitfield has been with CPD since December 19, 2019. In that time, he received 86 awards and commendations, including a life saving award, 2 department commendations, 79 honorable mentions, and an honorable mention ribbon award. He does not have any sustained CR history in the last five years, but he received six recent SPARs in 2023 and 2024, including one for BWC violation, four preventable accidents, and a court appearance violation. The SPARs resulted in three reprimands and two suspensions (1 and 3 days off, respectively).

2. Recommended Discipline

COPA recommends a suspension of 1-29 days for Officer Whitfield, as well as retraining on BWC and investigatory stop procedures. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In aggravation, COPA notes Officer Whitfield had the most involvement with members of the public during this encounter and acted to inflame, and not de-escalate, the situation. The shortcomings in Officer Whitfield's operation of his issued BWC device (combined with his limited independent recollection of the events⁴⁹) was itself misconduct and had the effect of complicating the investigation. The failure to properly use his BWC was particularly troubling given he has been disciplined for this multiple times in the last couple of years. Additional aggravating factors to be considered in this case include the fact that the victim is a member of the public, that the officer's actions expose CPD to civil liability, as well as the officer's disregard of training expectations, and his failure to take responsibility for his actions in this incident. COPA does not see any mitigating factors for Officer Whitfield.

B. Officer Efrain Chavez

1. Complimentary and Disciplinary History⁵⁰

Officer Chavez has been with CPD since April 25, 2016. In that time, he received 19 awards and commendations, to include the Superintendent's award of tactical excellence and 13 honorable mentions. He has a 2022 complaint⁵¹ with a sustained finding related to verbal abuse including profanity, for which he received a Violation Noted. Officer Chavez's SPAR history report lists three violations from 2024 for court appearance violations, for which he received two reprimands and was suspended for one day.

2. Recommended Discipline

COPA recommends a suspension of 1-29 days for Officer Chavez, as well as retraining on BWC and investigatory stop procedures. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. In aggravation, COPA notes the officer's disciplinary history, relatively modest complimentary history, the victim is a member of the public, the officer's actions expose CPD to civil liability,

⁴⁹ Att. 41, pg. 12, ln. 9.

⁵⁰ Att. 51.

⁵¹ Log 2022-0000836.

Officer Chavez disregarded his training expectations, and failed to take full responsibility for his actions. In mitigation, COPA notes Officer Chavez remained calmer during this situation than his partner and did not join his misconduct.

Approved:



Shannon Hayes
Acting Deputy Chief Administrator – Chief
Investigator

July 31, 2025

Date

Appendix A

Case Details

Date/Time/Location of Incident:	August 1, 2024 / 4:31 p.m. / 131 South Maplewood Avenue, Chicago, IL 60612
Date/Time of COPA Notification:	August 1, 2024 / 6:30 p.m.
Involved Officer #1:	Antonio Whitfield, Star #19651, Employee ID# [REDACTED] Date of Appointment: December 19, 2019, Unit of Assignment: 011, Male, Black
Involved Officer #2	Efrain Chavez, Star #15159, Employee ID# [REDACTED] Date of Appointment: April 25, 2016, Unit of Assignment: 011, Male, Hispanic
Involved Officer #3	Michael J. Spilotro, III, Star #17487, Employee ID# [REDACTED] Date of Appointment: August 16, 2019, Unit of Assignment: 376 (ARS), Male, White
Involved Officer #4	Joshua Dabrowski, Star #16328, Employee ID# [REDACTED] Date of Appointment: February 16, 2021, Unit of Assignment: 011, Male, White
Involved Individual #1:	[REDACTED] T, [REDACTED] Male, Black
Involved Individual #2	[REDACTED] Male, Black

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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 37:** Failure to identify.

Applicable Policies and Laws

- U.S. Const. amend. IV
- G03-02: De-Escalation, Response to Resistance, and Use of Force, Effective June 28, 2023
- G03-02-01: Response to Resistance and Force Options, Effective June 28, 2023
- S03-14: Body Worn Cameras, Effective May 10, 2016
- S04-13-09: Investigatory Stop System, Effective July 10, 2017
- U02-01: Uniform and Property, Effective February 10, 2020
- CPD Training and Support Group ETB#14-01, Firearm Concealed Carry (revised April 2021)

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.⁵² 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.”⁵³

⁵² 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).

⁵³ *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