



Log # 2024-0007034

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 6, 2024, the Civilian Office of Police Accountability (COPA) received a telephone complaint from █████ reporting alleged misconduct by members of the Chicago Police Department (CPD). █████ alleged that on September 1, 2024, Officers Joseph Vecchio, Richard Rodriguez Jr., and Crystina Kittrell stopped, handcuffed, and searched him without justification, and failed to call for a supervisor when █████ requested one.² Following its investigation, COPA sustained allegations that the officers improperly searched █████ person and vehicle; COPA reached not sustained findings regarding the remaining allegations.

II. SUMMARY OF EVIDENCE³

At approximately 5:36 pm on September 1, 2024, Officers Vecchio, Rodriguez, and Kittrell were on patrol when they observed █████ driving a vehicle near 150 E Bellevue Place. The officers alleged that █████ was not wearing a seatbelt (a violation of Municipal Code 9-76-180), and that he failed to use his turn signal prior to making a turn (a violation of Municipal Code 9-40-200).⁴ The officers conducted a traffic stop and informed █████ of their reasons for stopping him.⁵ █████ denied not wearing a seatbelt.⁶ Officer Vecchio asked █████ for his driver's license and insurance, and █████ provided them. During the interaction, Officer Rodriguez asked █████ to exit the vehicle. █████ requested a supervisor⁷ before complying with that direction and stated that he did not consent to any searches.⁸

As █████ exited and walked to the rear of his vehicle, the officers noted that he appeared visibly shaken.⁹ Officer Vecchio expressed concern about █████ demeanor and placed him in

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, police reports, civilian interviews, and officer interviews.

⁴ Att. 1.

⁵ Att. 1; Att. 6 starting at timestamp 17:37:15.

⁶ Att. 6 at 17:37:22 and Att 10, pg. 8, lns. 8 to 13.

⁷ Att. 10, pg. 5, lns. 8 to 14.

⁸ Att. 6 starting at timestamp 17:37:54 and Att. 10, pg. 6, lns. 4 to 6.

⁹ Att. 6 starting at timestamp 17:38:13.

handcuffs.¹⁰ The officers then conducted a search of the entire vehicle, including the front seats, center console, backseat, and the trunk.¹¹ Officer Rodriquez conducted a pat-down of [REDACTED] and searched [REDACTED] pockets.¹² [REDACTED] explained that he was nervous due to the stop and shared that he experienced anxiety and takes medication for it.¹³ [REDACTED] further stated that he was traumatized from previous police encounters.



This still image, from Officer Rodriquez's BWC footage (Att.6), depicts Officer Vecchio searching [REDACTED] vehicle as well as the dimensions of the vehicle's passenger compartment.



This still image, from Officer Rodriquez's BWC footage (Att.6), depicts the officer manipulating an item in the trunk of [REDACTED] vehicle.

After the search, Mr. [REDACTED] was released from handcuffs, given an investigatory stop receipt, and was released.

¹⁰ Att. 8 starting at timestamp 17:38:21.

¹¹ Att. 6 starting at timestamp 17:38:29.

¹² Att. 6 starting at timestamp 17:41:26; Att. 23, pg. 17, ln. 24 to pg. 18, lns. 1 to 15.

¹³ Att. 6 starting at timestamp 17:41:38.

III. ALLEGATIONS

Officer Joseph Vecchio

1. Stopping [REDACTED] without justification.
 - Not sustained
2. Handcuffing [REDACTED] without justification.
 - Not sustained
3. Searching [REDACTED] vehicle, without justification.
 - **Sustained, Violation of Rules 1, 2, 3, and 6**

Officer Richard Rodriquez Jr.

1. Stopping [REDACTED] without justification.
 - Not sustained
2. Failing to call a supervisor to the scene when requested to do so by a member of the public.
 - Not sustained
3. Searching [REDACTED] person, without justification.
 - **Sustained, Violation of Rules 1, 2, 3, and 6**
4. Searching [REDACTED] vehicle, without justification.
 - **Sustained, Violation of Rules 1, 2, 3, and 6**

Officer Crystina Kittrell

1. Stopping [REDACTED] without justification.
 - Not sustained
2. Searching [REDACTED] vehicle, without justification.
 - **Sustained, Violation of Rules 1, 2, 3, and 6**

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

In this case, the officers' statements were consistent with each other, and they largely matched the events depicted on BWC footage and documented in the Investigatory Stop Report (ISR). [REDACTED] also provided a statement to COPA, and his account of the incident was equally

consistent with the events depicted on BWC. This investigation did not reveal any evidence that caused COPA to question the credibility of any person who provided a statement.

V. ANALYSIS¹⁴

a. There is insufficient evidence to conclude that the stop of [REDACTED] was misconduct.

COPA finds the allegation that Officers Vecchio, Rodriquez, and Kittrell stopped [REDACTED] without justification, is **not sustained**. A traffic stop is lawful if an officer has probable cause to believe that a traffic violation has occurred.¹⁵

In this case, the officers reported that they stopped [REDACTED] due to [REDACTED] not wearing a seatbelt and failing to use his turn signal prior to making a turn. The officers' contemporaneous report (the ISR) lists these violations.¹⁶ However, [REDACTED] denied the seatbelt violation and BWC footage captures [REDACTED] wearing a seatbelt as the officers approached his vehicle.¹⁷ In addition, [REDACTED] did not confirm or deny the turn signal violation. There was no available in-car camera footage or Police Observation Device (POD) footage to resolve this conflict in the evidence.

As such, COPA finds there is insufficient evidence to prove or disprove this allegation by a preponderance of the evidence.

b. There is insufficient evidence to conclude that Officer Vecchio restraining [REDACTED] in handcuffs was misconduct.

COPA finds the allegation that Officer Vecchio handcuffed [REDACTED] without justification, is **not sustained**. As a general matter, "handcuffing is proper during an investigatory stop only when it is a necessary restraint to effectuate the stop and foster the safety of the officers."¹⁸ When officers take measures such as handcuffing an individual, they must be reasonable in light of the circumstances that prompted the stop, or that developed during its course.¹⁹ To handcuff a person, officers must have a sufficiently reasonable concern for officer safety.²⁰ Whether an officer's application of handcuffs was reasonable depends on the totality of the circumstances.²¹

Here, Officer Vecchio told COPA that he handcuffed [REDACTED] because [REDACTED] behavior, shaking and sweating, made Officer Vecchio feel scared; Officer Vecchio said he felt safer with [REDACTED] in

¹⁴ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁵ *Whren v. United States*, 517 U.S. 806, 810 (1996).

¹⁶ Att. 1.

¹⁷ Att. 10, pg. 8, lns. 8 to 13; Att. 6 at timestamp 17:37:15.

¹⁸ *People v. Johnson*, 408 Ill. App. 3d 107, 113 (2010).

¹⁹ *People v. Daniel*, 2013 IL App (1st) 111876, ¶ 40, 987 N.E.2d 470 (internal quotations omitted).

²⁰ *People v. Wells*, 403 Ill. App. 3d. 849, 857 (1st Dist. 2010) (citing *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2nd Dist. 2009)); see also *People v. Colyar*, 2013 IL 111835, ¶ 46 (citing e.g., *United States v. Glenna*, 878 F.2d 967, 972 (7th Cir. 1989)).

²¹ *People v. Colyar*, 2013 IL 111835, ¶ 32, ¶ 45 (citing *Terry v. Ohio*, 392, U.S. 1, 24 (1968)).

handcuffs.²² BWC footage captures █████ explaining that he feared the officers due to his prior encounters with police.²³ Further, █████ admitted that he might have been shaking but said he suffers from anxiety, which can result in him shaking and stuttering.²⁴ The officers were not privy to this information until after █████ was restrained in handcuffs.

After balancing the evidence, COPA has determined that there is insufficient evidence to prove the allegation that Officer Vecchio's decision to handcuff █████ rose to the level of misconduct. Officer Vecchio provided a reason for handcuffing █████ and although the factors he articulated do not constitute a particularly compelling case for him to reasonably fear for his own safety, it is enough, when combined with █████ admission as to how he presented, to render the totality of the evidence insufficient to conclude that the use of handcuffs constituted misconduct. Therefore, COPA finds this allegation is not sustained.

c. There is insufficient evidence to conclude that Officer Rodriguez's failure to request a supervisor was misconduct.

COPA finds the allegation that Officer Rodriguez failed to call for a supervisor to the scene when requested to do so by a member of the public, is **not sustained**. CPD General Order G08-01-02 states that when an officer in a non-supervisory role becomes aware that a civilian wants to make a complaint, they will immediately notify a supervisory CPD member and request a supervisor to respond to the scene.²⁵

Here, it is undisputed that █████ asked for a supervisor to be dispatched to the scene.²⁶ The BWC footage shows that when Officer Rodriguez asked █████ to step out of his vehicle, █████ responded, "I don't feel so... can you call your sergeant?"²⁷ However, █████ did not explain why he was requesting a sergeant, nor did he articulate that he wanted to make a complaint. Given the context of █████ request, it is unclear whether he requested a sergeant because he did not want to exit his vehicle, or because he wanted to file a complaint against the officers. This is an important distinction, as CPD policy requires officers to call a supervisor if a civilian indicates they want to file a complaint; however, the policy is silent as to whether officers are obligated to request a supervisor simply because a civilian demands one.

Moreover, during Officer Rodriguez's statement to COPA, he stated that it was his understanding that officers have discretion in requesting that a supervisor respond to the scene, except in emergency situations. Officer Rodriguez believed this incident was not an emergency, so he did not request that a sergeant be dispatched to the scene.²⁸ Officer Rodriguez did not mention

²² Att. 21, pg. 14, lns. 3 to 10; Att. 21, pg. 22, ln. 2.

²³ Att. 6 starting at timestamp 17:42:28.

²⁴ Att. 10, pg. 10, ln. 23 to pg. 11, ln. 2.

²⁵ Att. 37, G08-01-02(III)(B)(1)(a), Complaint Initiation and Log Number Investigation Assignment (effective December 31, 2022, to present).

²⁶ Att. 6 at timestamp 17:37:50; Att. 23, pg. 13, lns. 13 to 16; Att. 10, pg. 5, lns. 8 to 14.

²⁷ Att. 6 at timestamp 17:37:54.

²⁸ Att. 23, pg. 13, ln. 15 to pg. 15, ln. 3.

whether he interpreted ██████ request for a supervisor as an indication that ██████ wanted to file a complaint.

For these reasons, COPA lacks sufficient evidence to prove or disprove that Officer Rodriquez violated CPD policy when he failed to request a supervisor. Therefore, this allegation is not sustained.

d. Officer Rodriquez's search of ██████ person exceeded what was permissible under the circumstances.

COPA finds the allegation that Officer Rodriquez searched ██████ person without justification, is **sustained**.

CPD defines an investigatory stop as: “[t]he 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.”²⁹ “Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause, but more than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member’s training and experience.”³⁰

CPD defines a protective pat down as a “limited search during an investigatory stop in which a sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area.”³¹ “For a protective pat down, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.”³² Further, if during the pat down, “the sworn member touches an object which the sworn member reasonably believes is a weapon,” they may reach into that area of clothing and retrieve the object.³³

Here, Officer Rodriquez conducted a pat down of ██████ person and searched inside his pockets. The ISR documented that ██████ was nervous and shivering.³⁴ Officer Rodriquez told COPA that he searched ██████ due to him being nervous and shaking. However, “[n]ervousness alone cannot give rise to reasonable suspicion.”³⁵

²⁹ Att. 27, S04-13-09, Investigatory Stop System (effective July 10, 2017), at para. II.A.

³⁰ Att. 27, S04-13-09, at para. II.C.

³¹ Att. 27, S04-13-09, at para. II.C.

³² Att. 27, S04-13-09, at para. II.C.

³³ Att. 27, S04-13-09, at para. II.B.

³⁴ Att. 1.

³⁵ *United States v. Brown*, 188 F.3d 860, 865 (7th Cir. 1999).

Officer Rodriquez also stated that [REDACTED] had bulges in his pockets, and he wanted to confirm what those bulges were. Additionally, Officer Rodriquez noted that [REDACTED] said he was on medication, and the officer was searching for contraband. However, BWC footage captures Officer Rodriquez searching inside [REDACTED] pockets prior to [REDACTED] mentioning he was taking medication for anxiety.³⁶ Officer Rodriquez told COPA that [REDACTED] had a cellphone, cigarettes, and money in his pockets. COPA finds that the items in [REDACTED] pockets were not consistent with a weapon and, even if the pat down had been justified, searching inside [REDACTED] pockets was not. It was clear from the officer's statement that the search was largely prophylactic. Officer Rodriquez's search of [REDACTED] pockets violated CPD policy and the Fourth Amendment, and his actions were therefore misconduct. Accordingly, COPA finds this allegation against Officer Rodriquez is sustained by a preponderance of the evidence.

e. Under the circumstances, the search of [REDACTED] vehicle constituted misconduct.

COPA finds the allegation that Officers Rodriquez, Vecchio, and Kittrell searched [REDACTED] vehicle without justification, is **sustained**.

In conducting a traffic stop, if the police have a reasonable suspicion based on specific and articulable facts to believe that a vehicle occupant may be armed and dangerous, they may not only conduct a protective search for weapon of the person, but also of the passenger compartment of the automobile.³⁷ "[T]he search of the passenger compartment of an automobile, [is] limited to those areas in which a weapon may be placed or hidden," and may include the trunk if it is accessible from the passenger compartment.³⁸

Here, the search of [REDACTED] vehicle included the driver's seat, the passenger seat, the center console, the entirety of the back seat, and the trunk. During their COPA statements, all three officers confirmed they participated in the vehicle search.³⁹

COPA finds that the officers' search of [REDACTED] vehicle was without justification. First, the officers lacked any reasonable belief, based upon specific and articulable facts, that [REDACTED] was dangerous and could gain immediate control of a weapon. In the context of a traffic stop, officers who conduct a protective sweep of a vehicle must reasonably believe they are confronting a situation more serious than a routine traffic violation,⁴⁰ and they must possess facts sufficient to believe that a vehicle may contain a weapon or contraband.⁴¹ Additionally, the protective sweep must be limited to areas of the vehicle where a weapon may reasonably be located.⁴²

³⁶ Att. 6 starting at timestamp 17:41:25.

³⁷ *Michigan v. Long*, 463 U.S. 1032, 1048-49 (1983).

³⁸ *United States v. Arnold*, 388 F. 3d 237, 240 (7th Cir. 2004).

³⁹ Att. 23, pg. 15, ln. 15 to pg. 17, ln. 8; Att. 21, pg. 16, ln. 4 to pg. 18, ln. 3; Att. 26, pg. 13, ln. 14 to pg. 15, ln. 8.

⁴⁰ *See People v. Jones*, 215 Ill. 2d 261, 271.

⁴¹ *See People v. DeLuna*, 334 Ill. App. 3d 1, 17 (1st Dist. 2002); *see also United States v. Ross*, 456 U.S. 798, 806 (1982); *United States v. Johns*, 469 U.S. 478, 484 (1985); *People v. Pulido*, 2017 IL App (3d) 150215, ¶ 44.

⁴² *Long*, 463 U.S. 1032.

According to the officers, they searched [REDACTED] vehicle for weapons to his nervousness, shaking, and sweating.⁴³ They also discovered a void inside the vehicle, and with the officers' experience and knowledge that a void can hold contraband and firearms, they believed [REDACTED] behavior was consistent with concealing an item.⁴⁴ However, the officers did not find the void until they searched the vehicle; its unknown existence could not retroactively provide a basis for the search. Additionally, [REDACTED] nervousness did not give rise to reasonable suspicion that he might be dangerous and in possession of a weapon. While nervous, evasive, behavior is a pertinent factor when considering the totality of the circumstances, that behavior alone cannot justify a search.⁴⁵

Further, even if the officers' basis for searching [REDACTED] vehicle had been justified, that search should have been limited solely to areas of the vehicle where a weapon could reasonably be located and where [REDACTED] could have gained immediate control, such as the portions of the passenger compartment that [REDACTED] could have accessed from where he was sitting in the front seat.⁴⁶ However, Officer Rodriguez exceeded these parameters when his search included the trunk of [REDACTED] vehicle. Officer Rodriguez stated that he searched [REDACTED] trunk because it was potentially accessible from the driver's seat of the vehicle, and the officer wanted to make sure nothing was out of place. According to the BWC footage, [REDACTED] backseat was not down and Officer Rodriguez himself accessed the trunk from outside of the vehicle. In addition, from the available footage of the vehicle depicting the configuration of the passenger compartment, COPA concludes that the trunk area was *not* readily accessible to the driver in any event.

For all these reasons, COPA finds that Officers Rodriguez, Vecchio, and Kittrell searched [REDACTED] vehicle without justification, and this allegation is sustained by a preponderance of the evidence.

VI. DISCIPLINARY RECOMMENDATION

a. Complimentary and Disciplinary Histories

i. Officer Richard Rodriguez, Jr.

Officer Rodriguez has received 113 awards, to include an honorable mention ribbon award, one instance of recognition from an outside agency, two special commendations, one traffic stop of the month award, and one unit meritorious performance award.⁴⁷ He has five prior sustained complaints, which are summarized below:⁴⁸

- A failure to document the detention of a subject, for which he received a violation noted (2019-0002020);

⁴³ See, e.g., Att. 21, pg. 16, lns. 11 to 16; Att. 23, pg. 26, ln. 20 to pg. 27, ln. 3; Att. 26, pg. 12, ln. 21 to pg. 13, ln. 1.

⁴⁴ Att. 1, pg. 2; Att. 21, pg. 16, ln. 23 to pg. 17, ln. 19.

⁴⁵ See *United States v. Brown*, 188 F.3d 860, 865 (7th Cir. 1999).

⁴⁶ See *Long*, 463 U.S. 1032.

⁴⁷ Att. 35.

⁴⁸ Att. 28.

- A reprimand arising out of the officer's use of profanity when dealing with a member of the public (2021-0001733);
- A 10-day suspension resulting from an improper stop of a pedestrian, an improper search of that individual's person and effects, engaging in an unjustified verbal and physical altercation with that person, failing to return property and effects to that person, and failing to properly document the interaction (2022-0004181);
- A 3-day suspension arising out of sustained allegations of the officer's use of profanity when interacting with two members of the public, as well as failure to use his BWC correctly (2023-0003706); and
- A 5-day suspension arising out of sustained allegations that the officer used his police vehicle to strike the vehicle driven by a member of the public, failing to report the collision to OEMC, and contravening the relevant policy by authoring his own traffic crash report regarding the incident (2024-0002494).

Additionally, Officer Rodriguez has received three summary "SPAR" infractions in 2024 and 2025, one of which resulted in a reprimand.⁴⁹

ii. Officer Joseph Vecchio

Officer Vecchio has received 129 awards, to include an honorable mention award and a Superintendent's honorable mention.⁵⁰ He has three prior sustained complaints, which are summarized below:⁵¹

- A 15-day suspension arising from a 2020 domestic incident involving sustained findings of verbal altercation, threats, and property damage (2020-0001524);
- A reprimand arising from a sustained finding of neglect of duty based on allegations of threatening and insulting behavior (2023-0000861); and
- A 2-day suspension for failing to advise OEMC that he was involved in a vehicle collision and failing to complete a report regarding the collision (2024-0002494).

Additionally, Officer Vecchio received two summary "SPAR" infractions in 2024 for failing to submit reports, both of which resulted in no disciplinary action.⁵²

iii. Officer Crystina Kittrell

Officer Kittrell has received 35 awards, to include a joint operations award and a problem solving award.⁵³ She has one prior sustained complaint: a 30-day suspension (agreed under a mediation agreement) for driving under the influence in the State of Tennessee and for being

⁴⁹ Att. 35.

⁵⁰ Att. 34.

⁵¹ Att. 29.

⁵² Att. 34.

⁵³ Att. 36.

intoxicated while off duty (2023-0001857).⁵⁴ Additionally, Officer Kittrell received one summary “SPAR” infraction in 2024 for a BWC violation, for which no discipline was imposed.⁵⁵

b. Recommended Discipline

COPA has found that Officers Rodriguez, Vecchio, and Kittrell violated Rules 1, 2, 3, and 6 when they searched [REDACTED] vehicle without justification. Additionally, Officer Rodriguez violated the same rules when he searched [REDACTED] person, including [REDACTED] pockets, without justification.

In aggravation, COPA notes that the officers’ justifications for conducting the searches did not come close to meeting the standard required by law. Additionally, the officers failed to accept responsibility for their misconduct, and their constitutional violations against [REDACTED] civil rights did not align with CPD’s training expectations.

With respect to Officers Vecchio and Kittrell, COPA notes that both officers have significant prior discipline, though not relating to the same type of misconduct at issue in this investigation. For these reasons, COPA recommends that **Officers Kittrell and Vecchio** each receive a **1 to 29 day suspension** and **retraining** regarding the Fourth Amendment (specifically, vehicle searches).

With respect to Officer Rodriguez, COPA notes that he has substantial prior findings of misconduct. One of those cases, which resulted in a 10-day suspension, involved the improper search of an individual’s person and bag, which is similar to the misconduct the officer committed here. Additionally, Officer Rodriguez bears the most culpability of the three accused officers involved in this incident, as he improperly searched both [REDACTED] person *and* [REDACTED] vehicle. It is for these reasons, and consistent with the principles of progressive discipline, that COPA recommends Officer Rodriguez receive a **10 to 29 day suspension**⁵⁶ and **retraining** regarding the Fourth Amendment (specifically, searches of persons and vehicles).

Approved:

[REDACTED]

7/30/2025

Steffany Hreno
Acting Deputy Chief Administrator

Date

⁵⁴ Att. 32.

⁵⁵ Att. 36.

⁵⁶ In CMS, the most applicable recommended penalty option is a range of 1-29 days. Although COPA has selected this range in CMS, its actual recommendation is a 10 to 29 day suspension.

Appendix A**Case Details**

| | |
|---------------------------------|---|
| Date/Time/Location of Incident: | September 1, 2024 / 5:36 pm / 150 E Bellevue PL, Chicago, IL 60611 |
| Date/Time of COPA Notification: | September 6, 2024 / 12:33 pm |
| Involved Member #1: | Joseph Vecchio, Star #14469, Employee ID # [REDACTED] DOA: October 16, 2019, Unit: 018, Male, White |
| Involved Member #2: | Richard Rodriquez Jr., Star #12157, Employee ID # [REDACTED] DOA: June 16, 2017, Unit: 018, Male, Hispanic |
| Involved Member #3: | Crystina Kittrell, Star #10313, Employee ID # [REDACTED] DOA: May 16, 2017, Unit: 018, Female, Hispanic |
| Involved Individual #1: | [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 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- S04-13-09 Investigatory Stop System (effective July 10, 2017 to present).
- G08-01-02 Complaint Initiation and Log Number Investigation Assignment (effective December 31, 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.⁵⁷ 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.”⁵⁸

⁵⁷ 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).

⁵⁸ *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