



Log # 2024-0006573

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 11, 2024, the Civilian Office of Police Accountability (COPA) *received an anonymous civilian web complaint* alleging misconduct against Chicago Police Department (CPD) members for violating the Fourth Amendment rights of three occupants of a vehicle during a traffic stop on August 10, 2024.² The complaint identified an Officer Rodriguez, along with other unidentified officers. COPA verified the identified accused as Officer Richard Rodriguez, Jr, #12157. In addition to Officer Rodriguez, COPA verified the other involved officers were **Sergeant Erick Seng #2677, Officer Joseph Vecchio Star#14469, and Crystina Kittrell #10313** COPA obtained OEMC records and BWC footage and identified the three occupants as ██████████ (driver), ██████████ (front passenger), and ██████████ (back passenger)³. Upon review of the evidence, COPA served allegations against all officers for illegally stopping ██████████ vehicle, detainment of all parties, searching ██████████ vehicle and the occupants' personal belongings, failure to prepare investigatory stop reports (ISR) or receipts to either occupant, and failure to prepare a Traffic Stop Statistical Study-Driver information card (TSS) without justification. An additional allegation was served against Rodriguez for handcuffing ██████████ without justification. Following its investigation, COPA reached **Sustained** findings against the officers for failing to prepare investigatory stop reports, receipts, and TSS reports without justification. COPA reached **Not Sustained** findings regarding other allegations.

Allegations served against Sgt. Seng included the illegal stop of ██████████ vehicle, detainment of the parties, ordering and/or failing to stop an improper search of the vehicle, ordering and/or failing to stop the improper search of the occupants' personal belongings, failing to complete and/or ensure that a traffic stop that included a search was documented in an investigatory stop report (ISR), failing to complete and/or ensure that Investigatory Stop receipts were issued and/or prepared for either occupant, failing to prepare a Traffic Stop Statistical Study-Driver information card (TSS), and untimely activating his body worn camera. COPA reached **Sustained** findings against Sgt. Seng for failing to complete and/or ensure that an ISR(s), receipts, and TSS were issued and/or prepared and for untimely activating his body worn camera. COPA reached **Not Sustained** findings regarding other allegations against Sgt. Seng.

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 reporting party or the identities of the involved parties were not provided in the original complaint

II. SUMMARY OF EVIDENCE⁴

BWC footage⁵ depicted that at approximately 8:10 pm on August 10, 2024, Officers Rodriguez, Vecchio, and Kittrell were on patrol in a police vehicle driven by Sgt. Seng when he initiated a traffic stop of a vehicle occupied by ██████████ and ██████████ in the vicinity of the Marshall Field Garden apartments located near Division Street and Sedgwick. Upon approach, the officers informed the occupants they were stopped to address a seatbelt violation with the driver.⁶ All occupants immediately provided identification at which time ██████████ the driver announced his Firearm Owners Identification (FOID) and Concealed Carry License (CCL) status and that there was a weapon in the vehicle. Officer Kittrell retreated to the police vehicle to conduct a name check verifying the validity of ██████████ CCL, which was valid. ██████████ the backseat passenger, informed Officer Vecchio of his CCL status and that he also had a weapon in the vehicle. At that time, all parties were ordered out of the vehicle. Officer Kittrell conducted a pat down of the front female passenger.⁷

Upon returning from the police vehicle, Officer Kittrell searched the backseat of the vehicle to include the backpacks of ██████████ and ██████████. During the search a weapon belonging to ██████████ was discovered inside his bag. ██████████ was briefly handcuffed by Officer Rodriguez but later released upon learning of the validity of his FOID and CCL status. Ultimately, all parties were released and no citations were given.

As previously mentioned, this matter was initiated anonymously. Therefore, COPA was unable to locate or interview any of the involved unsworn parties.

In the Officers statements to COPA Officers **Rodriguez**⁸, **Vecchio**⁹, **Kittrell**¹⁰ and **Sgt. Seng**¹¹ essentially reported the same. The officers were patrolling near the Marshall Field Garden Apartments located near area of Division and Sedgwick monitoring the area during a yearly celebration of life event called “Tim-Tim” detail.¹² Sgt. Seng, who was the driver and initiator of the traffic stop involving ██████████ and ██████████ curbed the vehicle. However, he stood by observing the officers’ actions. After providing their identification to the officers, ██████████ and ██████████ were proven to be valid FOID and CCL holders both relaying their weapons in the vehicle. All were asked out of the vehicle, the weapons were secured, and the vehicle was searched. Vecchio relayed to COPA that while securing ██████████ weapon from his backpack he discovered

⁴ 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 and statements to COPA by Sgt. Seng and Officers Rodriguez, Vecchio, and Kittrell.

⁵ Att. 10,11

⁶ Att. 5, 7 @ 2:55

⁷ Att. 6 @ 3:30-3:45

⁸ Att. 32, 34

⁹ Att. 31, 36

¹⁰ Att. 33, 35

¹¹ Att. 30

¹² “Tim-Tim” was a former slain resident of the neighborhood for which neighbor form a block party yearly in August celebration of their life.

suspect cannabis.¹³ Rodriguez reported to COPA he smelled suspect cannabis upon approach of the vehicle.¹⁴ Both Sgt. Seng and Rodriguez described the search as an “narcotic search” due to the discovery of suspect cannabis in the vehicle.¹⁵ Subsequently all confirmed no citations were issued, no cannabis was confiscated, and all occupants were released without further incident.

III. ALLEGATIONS

Sergeant Seng:

It is alleged that on or about August 10, 2024, at approximately 8:00 pm, at or near 343 W. Goethe St., Chicago, IL 60610; the accused:

1. Stopping [REDACTED] without justification.
- **NOT SUSTAINED**
2. Detaining [REDACTED] and [REDACTED] without justification.
- **EXONERATED**
3. Ordering and/or failing to stop an improper search of the vehicle driven by [REDACTED]
- **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
4. Ordering and/or failing to stop an improper search of [REDACTED] and [REDACTED] personal belongings/contents.
- **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
5. Failing to complete and/or ensure that a traffic stop that included a search was documented in an Investigatory Stop Report.
- **SUSTAINED, Rules, 2,3,5,6, and 10**
6. Failing to complete and/or ensure that Investigatory Stop receipts were issued and/or prepared for [REDACTED] and [REDACTED]
- **SUSTAINED, Rules, 2,3,5,6, and 10**
7. Failing to complete and /or submit a Traffic Stop Statistical Study-Driver information card.
- **SUSTAINED, Rules, 2,3,5,6, and 10**
8. Untimely activating his body worn camera without justification.
- **SUSTAINED, Rules, 2,3,5,6, and 10**

¹³ Att. 31 @ pg. 12, lines 11-19

¹⁴ Att. 32 @ pg. 16, lines 6-16, pg. 22, lines 18-24

¹⁵ Id. @ pg. 29, lines 18-24, pg. 30, lines 1-8 and Att. 30 @ pg. 31, lines 11-19

Officer Richard Rodriguez Jr.:

It is alleged that on or about August 10, 2024, at approximately 8:00 pm, at or near 343 W. Goethe St., Chicago, IL 60610; the accused:

1. Stopping [REDACTED] without justification.
- **NOT SUSTAINED**
2. Searching [REDACTED] vehicle, without justification.
- **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
3. Detaining [REDACTED] and [REDACTED] without justification.
- **EXONERATED**
4. Searching [REDACTED] personal belongings/contents, without justification.
- **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
5. Searching [REDACTED] personal belongings/contents, without justification.
- **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
6. Handcuffing [REDACTED] without justification.
- **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
7. Failing to complete an Investigatory Stop Report(s) documenting the interaction with [REDACTED] and/or [REDACTED]
- **SUSTAINED, Rules 2, 3, 5, 6, and 10**
8. Failing to provide [REDACTED] and/or [REDACTED] with an Investigatory Stop Receipt.
- **SUSTAINED, Rules 2, 3, 5, 6, and 10**
9. Failing to complete and /or submit a Traffic Stop Statistical Study-Driver information card.
- **SUSTAINED, Rules 2, 3, 5, 6, and 10**

Officer Joseph Vecchio:

It is alleged that on or about August 10, 2024, at approximately 8:00 pm, at or near 343 W. Goethe St., Chicago, IL 60610; the accused:

1. Stopping [REDACTED] without justification.
- **NOT SUSTAINED**
2. Searching [REDACTED] vehicle, without justification.
- **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
3. Detaining [REDACTED] and [REDACTED] without justification.
- **EXONERATED**
4. Searching [REDACTED] personal belongings/contents, without justification.
- **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**

5. Failing to complete an Investigatory Stop Report(s) documenting the interaction with [REDACTED] and/or [REDACTED]
 - **SUSTAINED, Rules 2, 3, 5, 6, and 10**
6. Failing to provide [REDACTED] and/or [REDACTED] with an Investigatory Stop Receipt.
 - **SUSTAINED, Rules 2, 3, 5, 6, and 10**
7. Failing to complete and/or submit a Traffic Stop Statistical Study-Driver information card.
 - **SUSTAINED, Rules 2, 3, 5, 6, and 10**

Officer Crystina Kittrell.:

It is alleged that on or about August 10, 2024, at approximately 8:00 pm, at or near 343 W. Goethe St., Chicago, IL 60610; the accused:

1. Stopping [REDACTED] without justification.
 - **NOT SUSTAINED**
2. Searching [REDACTED] vehicle, without justification.
 - **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
3. Searching [REDACTED] personal belongings/contents, without justification.
 - **SUSTAINED, Rules 2, 3, 5, 6, 8, and 10**
4. Detaining [REDACTED] and [REDACTED] without justification.
 - **EXONERATED**
5. Searching [REDACTED] without justification.
 - **(SUSTAINED), Rules 2, 3, 5, 6, 8, and 10**
6. Failing to complete an Investigatory Stop Report(s) documenting the interaction with [REDACTED] and/or [REDACTED]
 - **SUSTAINED, Rules 2, 3, 5, 6, and 10**
7. Failing to provide [REDACTED] and/or [REDACTED] with an Investigatory Stop Receipt.
 - **SUSTAINED, Rules 2, 3, 5, 6, and 10**
8. Failing to complete and /or submit a Traffic Stop Statistical Study-Driver information card.
 - **SUSTAINED, 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. 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 facts concerning the incident, with respect to the stoppage/curbing of the vehicle, were not in material dispute. BWC corroborated the members' accounts that the vehicle had been stopped/curbed. However, the evidence provides reasons to doubt the truthfulness of the officers who provided statements regarding the reason or reasons for the stoppage/curbing of the vehicle and whether a search of a passenger had occurred. Specifically, in their statements to COPA, the officers claimed the stop was based on a seat belt violation, and then, while being questioned by COPA, claimed the stop was based on the officers' assertions of having smelled suspect cannabis. BWC showed upon the officers' initial approach to the vehicle, the officers advised their intentions were to address a seatbelt violation. However, Officer Rodriguez reported to COPA that in addition to that, he also smelled suspect cannabis upon approach of the vehicle which heightened his suspicions of the driver.¹⁶ Vecchio and Sgt. Seng additionally reported the smell of cannabis, but it was not until after they began to search the backpacks found in the backseat of the vehicle. COPA questioned Officer Rodriguez why BWC failed to capture any conversations or acknowledgment of his suspicions of cannabis being in the vehicle prior to their discovery of suspect cannabis found in a backpack. Officer Rodriguez disputed the question.¹⁷ Further, BWC does not support the officer's claims that the officer did not search a passenger of the vehicle as BWC shows the officer did conduct a passenger search. These statements from the officers are inconsistent and cast doubt on the officers' truthfulness.

V. ANALYSIS¹⁸

Sergeant Seng, Officers Rodriguez, Vecchio, and Kittrell stopping ██████████ without justification

COPA finds the **Allegations** against all officers for stopping ██████████ without justification is **Not Sustained**. A lawful traffic stop requires "at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law", including traffic law.¹⁹ Articulable and reasonable suspicion means that the police "must be able to identify some particularized and objective basis for thinking that the person to be stopped is or may be about to engage in unlawful activity," amounting to more than a hunch.²⁰ Police need not meet the higher threshold of probable cause to perform a traffic stop, but if the stop *is* supported by probable cause, its lawfulness is still evaluated under

¹⁶ Att. 32 @ pg. 16, lines 6-16, pg. 22, lines 18-24

¹⁷ Id. @ Pgs. 23-24

¹⁸ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁹ United States v. Rodriguez-Escalera, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing Delaware v. Prouse, 440 U.S. 648, 663 (1979)).

²⁰ United States v. Miranda-Sotolongo, 827 F.3d 663, 666 (7th Cir. 2015) (quoting United States v. Cortez, 449 U.S. 411, 417 (1981)).

Terry.²¹ An officer's subjective intent does not enter into the analysis; even where officers hope to effectuate a goal unrelated to addressing a traffic violation (such as uncovering criminal activity), intent alone does not invalidate a stop that is otherwise objectively justified by reasonable articulable suspicion.²²

Neither officer operated the police vehicle at the time of the stop. Sergeant Seng, who was the driver of the police vehicle, relayed to COPA he initiated the stop either to address a seatbelt and/or tinted window(s).²³ BWC Footage captured the officers' conversations with the driver surrounding their observations of the driver not wearing his seatbelt shortly upon approach of the vehicle.²⁴ During their statements to COPA, neither officer had independent recollection of the incident and speculated their beliefs as to why the vehicle was stopped.²⁵ Officers Rodriguez and ²⁶ Vecchio²⁷ recalled the driver was stopped for not wearing a seatbelt while Kittrell²⁸ added it also could have been because the vehicle was missing a license plate.

Due to the anonymity of the registered complaint and the resulting inability to interview the parties involved, COPA finds there is insufficient evidence to validate the reason for the traffic stop. In the absence of additional information and/or evidence, this allegation cannot be proved/disproved, and the allegation against all involved members is **Not Sustained**.

Officers Rodriguez, Vecchio, and Kittrell searching [REDACTED] vehicle without justification

COPA finds **Allegations** against Officers Rodriguez, Vecchio, and Kittrell for searching [REDACTED] vehicle, without justification is **Sustained**. If officers discover probable cause of a crime during an investigatory traffic stop, they may search the vehicle for evidence related to the crime.²⁹ Under the "automobile exception" to the search warrant requirement, "law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize."³⁰ The scope of a warrantless search depends on "object of the search and the places in which there is probable

²¹ Rodriguez v. United States, 135 S. Ct. 1609, 1617-18 (2015). See also People v. Cosby, 231 Ill. 2d 262, 274 (2008) ("this court and many other courts have analyzed traffic stops under Terry principles, regardless of whether the initial stop was supported by probable cause"); People v. Jones, 215 Ill. 2d 261, 271 (2005) (analyzing reasonableness under Terry where the officer's "initial stop of the vehicle was supported by probable cause").

²² See Whren v. United States, 517 U.S. 806, 812 (1996).

²³ Att. 30 @ Pg. 14, Lines 17-22

²⁴ Att. 5-7 (BWC)

²⁵ Prior to their statements with COPA, all members were allowed to review their BWC capturing their interactions with the occupants of the traffic stop.

²⁶ Att. 32 @ pg. 15, Lines 21-24, pg. 16, Lines 1-9

²⁷ Att. 31 @ pg. 11, Lines 17-21

²⁸ Att. 33 @ Pg. 7, Lines 5-19

²⁹ People v. Clark, 92 Ill. 2d 96, 99 (1982) (citing United States v. Ross, 456 U.S. 798 (1982)).

³⁰ People v. James, 163 Ill. 2d 302, 312 (1994) (citing Carroll v. United States, 267 U.S. 132 (1925)).

cause to believe that it may be found.³¹ "When officers have such probable cause, the search may extend to 'all parts of the vehicle *in which contraband or evidence could be concealed*, including closed compartments, containers, packages, and trunks."³² However, officers with probable cause to believe a vehicle contains evidence must limit their search to the areas where such evidence may be found.³³ Officers are not limited to searching the driver's possessions; "police officers with probable cause to search a car may [also] inspect passengers' belongings found in the car that are capable of concealing the object of the search."³⁴

"Probable cause exists when based on known facts and circumstances, a reasonably prudent person would believe that contraband or evidence of a crime will be found in the place to be searched."³⁵ This is an objective standard, viewed from the perspective of a reasonable officer, who is allowed to rely on their training and experience.³⁶ In this case, COPA finds the officers had no probable cause to search the vehicle. Officer statements and BWC revealed [REDACTED] was stopped to address a traffic violation³⁷ and that they had no reason to believe the occupants had committed or been involved in criminal activity.³⁸ BWC footage revealed that Kittrell confirmed the driver's ([REDACTED] valid CCL and FOID status within one (1) minute into the stop³⁹ and [REDACTED] FOID and CCL were confirmed by Vecchio within approximately three (3) minutes of the stop.⁴⁰ However, the search of the vehicle and the occupants' contents had begun almost immediately and continued through and after learning of [REDACTED] status upon Vecchio's return.⁴¹ When COPA probed about why a search was conducted, both Rodriguez, Vecchio, and Sgt. Seng reported suspect cannabis was found inside a backpack (s). BWC captured [REDACTED] denying the claim.⁴² Even if these statements from the CPD members were accurate, COPA finds the search should not have been conducted. Furthermore, the CPD members did not confiscate the reported substance and they did not issue a citation or seize it to determine the accuracy of their suspicions. Even if they smelled cannabis upon approach of the vehicle as Rodriguez⁴³ reported, probable cause still had not been established. Under Illinois law, the smell of burnt cannabis does not provide probable cause to search a vehicle

³¹ United States v. Ross, 456 U.S. 798, 824 (1982).

³² United States v. Richards, 719 F.3d 746, 754 (7th Cir. 2013) (emphasis added) (quoting United States v. Williams, 627 F.3d 247, 251 (7th Cir. 2010)).

³³ United States v. Ross, 456 U.S., 798, 824 (1982) ("Just as probable cause to believe that a stolen lawnmower may be found in a garage will not support a warrant to search an upstairs bedroom, probable cause to believe that undocumented aliens are being transported in a van will not justify a warrantless search of a suitcase".).

³⁴ Wyoming v. Houghton, 526 U.S. 295, 307 (1999).

³⁵ U.S. v. Richards, 719 F.3d 746, 754 (7th Cir. 2013).

³⁶ U.S. v. Richards, 719 F.3d 746, 754 (7th Cir. 2013).

³⁷ Att. 5 @ 2:55-3:05

³⁸ Att. 30@ pgs. 16-17, lines 1-12, Att. 31@ pg. 18, Att. 32@ pgs. 18, lines 20-24- pg. 19, lines 1-12, Att. 33 @pg.14

³⁹ Att. 6 @ 2:30-3:15, 4:04

⁴⁰ Att.7 @ 4:40-5:30

⁴¹ Id. @ 5:58-7:00

⁴² Id. @ 8:00-8:55

⁴³ Att. 32 @ pg. 29, Lines 18-24, pg. 30, Lines 1-8

without a warrant.⁴⁴ In *People v. Redmond*, the Illinois Supreme Court analyzed updates to Illinois laws regulating cannabis, determining “[t]here are now a myriad of situations where cannabis can be used and possessed (*id.*), and the smell resulting from that legal use and possession is not indicative of the commission of a criminal offense Therefore, given the fact that under Illinois law the use and possession of cannabis is legal in some situations and illegal in others, the odor of burnt cannabis in a motor vehicle, standing alone, is not a sufficiently inculpatory fact that reliably points to who used the cannabis, when the cannabis was used, or where the cannabis was used.”⁴⁵

For the reasons stated above, COPA finds by the preponderance of evidence that there was no lawful justification for the search of [REDACTED] vehicle and the allegation against all officers is **Sustained**.

Officers Rodriguez, Vecchio, and Kittrell detained the occupants of the vehicle without justification

COPA finds **Allegations** against Officers Rodriguez, Vecchio, and Kittrell for detaining [REDACTED] and [REDACTED] without justification is **Exonerated** by the evidence. Officers may routinely order occupants – including drivers and passengers – out of a vehicle during a valid traffic stop.⁴⁶ The Illinois Supreme Court applied this standard in *People v. Gonzalez*, holding officers may control the movement of both the driver and passenger when conducting a lawful traffic stop.⁴⁷ The court maintained that officers are allowed to order driver and passenger out of the car or restrict them from leaving the vehicle during a lawful traffic stop in the interest of safety of the officer.

CPD Special Order 06-05-02 states, during investigatory stops, *including traffic stops*, a licensee who is carrying a concealed handgun must upon the request of the officer: 1) disclose that he or she is in possession of a concealed firearm either verbally or presenting a CCL card; 2) identify the location of the concealed firearm; 3) permit the officer to safely secure the firearm for the duration of the stop.⁴⁸ As stated above, [REDACTED] immediately alerted the officers of his FOID and CCL status and disclosed that his weapon was in the vehicle. In this case, two weapons⁴⁹ were eventually found in the vehicle and temporarily confiscated for the duration of the stop. Although the officers failed to conclusively articulate why the traffic stop was initiated and failed to document the occurrence in an Investigatory Stop Report or Receipt (ISR), BWC supported that a

⁴⁴ *People v. Redmond*, 2024 IL 129201, ¶ 46.

⁴⁵ *People v. Redmond*, 2024 IL 129201, ¶ 47 (citing 720 ILCS 5/2-12).

⁴⁶ See *Pennsylvania v. Mimms* 434, U.S. 106 (1977) (holding officers may remove a driver during a lawful traffic stop); see also *Maryland v. Wilson*, 519 U.S. 106 (1997) (holding officers may remove passengers during a lawful traffic stop, even without reasonable articulable suspicion the passengers were involved in a crime).

⁴⁷ *People v. Gonzalez*, 184 Ill. 2d. 402, 418 (1998) (“It is clear under the rationale of *Mimms* and *Wilson*, that the movements of occupants of a vehicle which is legitimately stopped by be subject to control by the police officer conducting the stop, even though the officer has no suspicion that the individuals have been involved in criminal behavior.”).

⁴⁸ Special Order 06-05-02- Firearm Concealed carry Act

⁴⁹ [REDACTED] and [REDACTED] were licensed CCL holders (valid) traveling with their weapons in their personal backpacks located in the back of a vehicle operated by [REDACTED]

lawful traffic stop (regarding a seat belt violation) occurred. Pursuant to the lawful traffic stop, the officers were allowed to detain the occupants (for officer safety). For the reasons stated above, COPA finds the allegations against the officers is **Exonerated**.

Sergeant Seng ordered and/or failed to stop the improper search of [REDACTED] vehicle and the personal belongings/contents of [REDACTED] and [REDACTED]

COPA finds the allegations that Sgt. Seng ordered and/or failed to stop the improper search of [REDACTED] vehicle and the search of [REDACTED] and [REDACTED] personal belongings/contents are **Sustained**. Department supervisors are directed to 1) engage in activities and conduct that support the vision, mission, and goals of the Department, adhering to the Rules and Regulations of the Chicago Police department, 2) model appropriate conduct to include abiding by the law, Department policy, and high standards of ethical behavior and integrity and consistently demonstrate professionalism, courtesy, and respect towards all people with whom they interact. 3) Guide and direct members to support effective and ethical police practices, including detecting and addressing bias-based and other forms of discriminatory policing. CPD policy further states, Supervisors will manage and confirm the quality, correctness, sufficiency, and completeness of work products and written reports submitted for review and approval.⁵⁰

As mentioned, Sgt. Seng was the driver of said police vehicle that initiated the traffic stop. However, once the activities took place he stood nearby as an observer and facilitator, making no effort to intervene when necessary. During his statement to COPA, Sgt. Seng firmly supported the officers' actions deeming the search of [REDACTED] vehicle and all the occupants' belongings necessary suggesting it was narcotics search.⁵¹ As explained earlier, COPA finds that the officers failed to establish probable cause. Therefore, the vehicle or the occupants' belongings should not have been subject to search. Other than addressing a traffic violation and finding out of two of three occupants' CCL status and taking control of the two handguns in the vehicle, the officers had no reason to believe the vehicle or its occupants contained evidence of a crime or contraband nor were they suspected of having committed or was in the act of committing a crime. As a supervisor, it was Sgt. Seng's duty to ensure his subordinates followed Department directives. COPA finds that Sgt. Seng promoted the behavior and was an active party. For the reasons stated, COPA finds the allegations are **Sustained**.

(Search of Contents)

Officer Vecchio and Kittrell searched [REDACTED] personal belongings/contents, without justification.

Officer Rodriguez searched [REDACTED] and Shadia [REDACTED] personal belongings/contents, without justification.

⁵⁰ General Order 01-09- Supervisory Responsibilities (II, C) (1-3) AND (III, C) (2)

⁵¹ Att. 30 @ pg. 31, lines 11-19

COPA finds the above allegations against the above members are **Sustained**. As mentioned above, under the “automobile exception” to the search warrant requirement, “law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize.”⁵² Additionally, Officers are not limited to searching the driver’s possessions; “police officers with probable cause to search a car may [also] inspect passengers’ belongings found in the car that are capable of concealing the object of the search.”⁵³ In this case, COPA found no probable cause to conduct a search of the vehicle. Aside from securing the declared weapons for safety during the duration of the stop, none of the officers had a legal justification for searching the occupants’ personal belongings other than alleging it was a “narcotics search.” However, per BWC, the search appeared to begin before there was any suspicion of such “narcotics.” For these reasons, COPA finds the allegations against the officers are **Sustained**.

Officer Kittrell searched [REDACTED] without justification.

COPA finds the allegation against Officer Kittrell for searching [REDACTED] is **Sustained**. After [REDACTED] had been asked to step out of the vehicle, BWC showed Officer Kittrell conduct a pat down of [REDACTED] outer clothing, and then going into the pockets of the clothing worn by [REDACTED]⁵⁴ CPD policy defines a “protective pat down” as a limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the member or others in the area.....⁵⁵ During her statement to COPA, Officer Kittrell relayed she conducted a pat down on the female passenger for safety after observing a bulge in her front pockets after she exited the vehicle.⁵⁶ Further relaying, she limited the physical contact to the outer layers of the [REDACTED] clothing.⁵⁷ BWC refuted these claims by Officer Kittrell. For these reasons, COPA finds the allegation is **Sustained**.

Officer Rodriguez handcuffed [REDACTED] without justification.

COPA finds the allegation against Officer Rodriguez for handcuffing [REDACTED] without justification is **Sustained**. “[H]andcuffing is proper during an investigatory stop only when it is a necessary restraint to effectuate the stop and foster the safety of the officers.”⁵⁸ When officers take measures such as handcuffing a suspect, “they must be reasonable in light of the circumstances that prompted the stop, or that developed during its course.”⁵⁹ To handcuff a person, officers must

⁵² People v. James, 163 Ill. 2d 302, 312 (1994) (citing Carroll v. United States, 267 U.S. 132 (1925)).

⁵³ Wyoming v. Houghton, 526 U.S. 295, 307 (1999).

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⁵⁵ Special Order 04-13-09, (II) (B)- Investigatory Stop System

⁵⁶ Att. 33 @ Pg. 32, Lines 21-24, Pg. 13, Lines 1-3

⁵⁷ Id. @ Pg. 18, Lines 14-24

⁵⁸ See People v. Johnson, 408 Ill. App. 3d 107, 113 (2010), for additional case law.

⁵⁹ People v. Daniel, 2013 IL App (1st) 111876, ¶ 40, 987 N.E.2d 470 (internal quotations omitted).

have a sufficiently reasonable concern for officer safety.⁶⁰ Whether an officer's handcuffing was reasonable depends on the totality of the circumstances.⁶¹ Officers must have reasonable articulable suspicion to believe that their safety is in danger to handcuff persons.⁶² Courts weigh factors such as the ratio of officers to persons during the incident, the confirmed or suspected presence of weapons, criminal activity in the neighborhood, and whether officers have reasonable articulable suspicion relating to a violent crime.⁶³

In this case, three officers and a Sergeant initiated a traffic stop with three occupants in a vehicle. [REDACTED] was the only occupant handcuffed. As mentioned above, [REDACTED] and [REDACTED] (the backseat passenger) revealed their CCL status within the first few minutes of the stop. In his statement to COPA, Rodriguez reported it wasn't until after the discovery of the second weapon did, he learn of [REDACTED] CCL status.⁶⁴ BWC showed Officer Vecchio confirmed [REDACTED] status as a lawful CCL holder. By this time, Rodrigue had already handcuffed [REDACTED] BWC did not overtly or visibly show the safety threat posed by [REDACTED] that justified or demonstrated the purpose of handcuffing [REDACTED] For these reasons, COPA the allegation is **Sustained**.

Sergeant Seng, Officers Rodriguez, Vecchio, and Kittrell failed to complete an ISR and issue an ISR receipt

COPA finds the above allegations against all involved members are **Sustained**. The officers conducted a traffic stop that involved the driver and his passengers to be detained and asked to exit the vehicle. One passenger was handcuffed and one passenger was searched. Neither the passengers, nor the driver, were provided with a stop receipt. Since there was no other documentation, including a citation, issued relative to the stop, a stop receipt was required to document the stop.

⁶⁰ 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)).

⁶¹ People v. Colyar, 2013 IL 111835, ¶ 32.

⁶² People v. Colyar, 2013 IL 111835, ¶ 45 ("when an officer has reasonable suspicion during an investigatory stop that the individual may be armed and dangerous, the officer is permitted to take necessary measures to determine whether the person is armed and to neutralize any threat of physical harm,") (citing Terry v. Ohio, 392, U.S. 1, 24 (1968)).

⁶³ Compare People v. Delaware, 314 App. 3d 363, 371 (1st Dist. 2000) (handcuffing was unreasonable when three officers had no reasonable basis to continue to detain one defendant after hearing gunshots and observing him flee officers into an apartment, but observing no additional facts arising to reasonable suspicion or probable cause); with People v. Richardson, 2017 IL App (1st) 130203-B, ¶ 29 (handcuffing was reasonable at dusk when officers had reasonable suspicion that one of the subjects they stopped was armed, and the subjects outnumbered the officers).

⁶⁴ Att. 32 @ pg. 28, lines 11-21

For a traffic stop to be properly documented an ISR was required to be completed in accordance with Special Order 04-13-09⁶⁵. None was completed and no officer provided adequate justification for not completing an ISR.

In this case, Sgt. Seng, Officers Rodriguez, Vecchio, and Kittrell conducted a traffic stop on [REDACTED] vehicle that included a vehicle search and the occupants' personal belongings to include discovery of two weapons (authorized by CCL and FOID regulations). However, in their statements to COPA, none of them recalled whether they prepared either of the documents.⁶⁶ Since all officers were equally responsible for completing an ISR, allegations are **sustained** against all the officers.

In Sgt. Seng's case, COPA finds his responsibility as a supervisor was to ensure that all file procedures and documentation are followed and completed for which he failed to do so. He should have documented the stop since he initiated it. Instead, during his statement to COPA he explained that the voluminous number of stops that TACT Teams encounter sometimes results in them forgetting to complete documents and he also suggested a lack of supplies in the field.⁶⁷ For the reasons stated above, the allegations are **Sustained**.

Sergeant Seng, Officers Vecchio, Kittrell and Rodriguez failed to complete and /or submit a Traffic Stop Statistical Study-Driver information card

COPA finds the above allegations against the involved members are **Sustained**. Policy dictates that department members will complete and submit a Traffic Stop Statistical Study-Driver Information Card (TSS) for every traffic stop initiated unless a Personal Service Citation is issued, including traffic stops that result in a physical arrest or the issuance of another type of citation.⁶⁸ In this case, a TSS was required to be completed as there was no arrest or traffic citations issued. As mentioned above, there was also no ISR completed. Additionally, COPA found no evidence a TSS had been completed for either occupant and that no involved member provided justification for failing to complete a TSS.⁶⁹ As all officers involved in the traffic stop are equally responsible for completing a TSS, the allegations against all accused members are **Sustained**.

Sergeant Seng untimely activation of his body worn camera

COPA finds the allegation that Sergeant Seng untimely activated his BWC is **Sustained**. To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement-related activities to be electronically recorded. Law enforcement-related activities include, but are not limited to, responding to and engaging in calls for service, investigatory stops, traffic stops, foot and vehicle pursuits, arrests, use of force incidents, emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene, high risk situations, and any other instances when enforcing the law. The decision

⁶⁵ Special Order 04-13-09- Investigatory Stop System

⁶⁶ Att. 31 @ pgs. 20-21, Att. 32 @ pg. 33, Att. 33 @ pg.21

⁶⁷ Att. 30 @ pgs. 37-41

⁶⁸ Special Order 04-14-09- Illinois Traffic and Pedestrian Stop Statistical Study, Section V. (A)

⁶⁹ Att. 30 @ pgs. 37-41, Att. 31 @ pgs. 21-22, Att. 32 @ pg. 34, Att. 33 @ pg. 24

to record is mandatory, not discretionary. CPD members are required to activate their BWCs at the beginning of an incident and record the entire incident.⁷⁰

In this case, Sgt. Seng failed to record his response to a traffic stop in its entirety. In response to COPA's inquiry regarding the violation he stated, "I turned it on when I could turn it on."⁷¹ COPA finds that Sgt. Seng is in violation of Body Worn Camera directives and therefore this allegation is **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Sergeant Seng

i. Complimentary and Disciplinary History⁷²

As of January 28, 2026, Sgt. Seng has received a total of 309 awards, including one Superintendent's Award of Valor, one Superintendent's Award of Tactical Excellence, two Life Saving Award, 14 Department Commendation Award, one Problem Solving Award, three Honorable Mention Ribbon Award, seven Attendance Recognition Award, and 256 Honorable Mention Certificate. In the last five years, Sgt. Seng has had two Sustained Complaints (2022-0005233 & 2022-0004183). In the last five years, Sgt. Seng has no Sustained Findings History Report (SPAR).

ii. Recommended Discipline⁷³

COPA has found that Sgt. Seng violated Rules 2, 3, 5, 6, 8, and 10 when he ordered and/or failed to stop an improper search of the vehicle driven by [REDACTED] ordered and/or failed to stop an improper search of [REDACTED] and [REDACTED] personal belongings/contents; failed to complete and/or ensure that a traffic stop that included a search was documented in an Investigatory Stop Report; failed to complete and/or ensure that Investigatory Stop receipts were issued and/or prepared for [REDACTED] and [REDACTED] failed to complete and /or submit a Traffic Stop Statistical Study-Driver information card; and untimely activated

⁷⁰ S03-14 (V)(A), Body Worn Cameras (effective August 8, 2024, to present).

⁷¹ Att. 30 @ pg. 46, lines 8-24, pg. 47

⁷² Atts. 48, 54, 55

⁷³ COPA or BIA previously investigated Sgt. Seng under Logs 2022-0004183 (Sustained Finding-10 Day Suspension); 2022-0005233 (Sustained Finding-5 Day Suspension); 2023-0002399 (Sustained Finding-5 Day Suspension); 2023-0002916 (Sustained Finding-2 Day Suspension); 2023-0005027 (Sustained Finding-5 Day Suspension); 2023-0005242 (Sustained Finding-3 Day Suspension); 2024-0002293 (Sustained Finding-1 Day Suspension); 2024-0003378 (Sustained Finding-15 Day Suspension); 2024-0006573 (Sustained Finding-Pending Assignment); 2024-0008006 (Sustained Finding-Pending Assignment); 2024-0008163 (Sustained Finding-Pending Assignment); 2025-0000321 (Sustained Finding-7 Day Suspension). Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy. CPD agreed with these findings and imposed a penalty in each case ranging from a reprimand up to a 20-day suspension. However, those cases are subject to the grievance process and have not yet been finalized.

his body worn camera without justification. In aggravation, COPA notes that Sgt. Seng is a supervisory officer whose adherence to CPD policy is critical both for operational functionality and subordinate development. In mitigation, COPA cites Sgt. Seng's extensive complimentary awards history. COPA recommends **11 – 29 Days Suspension** for Sgt. Seng.

b. Officer Rodriguez

i. Complimentary and Disciplinary History⁷⁴

As of January 28, 2026, Officer Rodriguez has received a total of 123 awards, including two Special Commendation Award, three Department Commendation Award, one Military Service Award, one Unit Meritorious Performance Award, one Traffic Stop of the Month Award, one Top Gun Arret Award, and 107 Honorable Mention Certificate. In the last five years, Officer Rodriguez has had six Sustained Complaints (2021-0001733, 2022-0004181, 2022-0004183, 2023-0003706, 2023-0005242, and 2024-0002494). In the last five years, Officer Rodriguez has had five Sustained Findings History Report (SPAR); for Absence without Permission (3x); Court Appearance Violation; and Reports-Fail to Submit, resulting in disciplinary action of Reprimand (3x) and No Disciplinary Action (2x)

ii. Recommended Discipline⁷⁵

COPA has found that Officer Rodriguez violated Rules 2, 3, 5, 6, 8, and 10 when he searched [REDACTED] vehicle, without justification; searched [REDACTED] personal belongings/contents, without justification; searched [REDACTED] personal belongings/contents, without justification; handcuffed [REDACTED] without justification; failed to complete an

⁷⁴ Atts. 51, 52, 57

⁷⁵ COPA or BIA previously investigated Officer Rodriguez under Logs 2021-0001733 (Sustained Finding-Reprimand); 2022-0003752 (Sustained Finding-Reprimand); 2022-0004181 (Sustained Finding-10 Day Suspension); 2022-0004183 (Sustained Finding-5 Day Suspension); 2023-0003706 (Sustained Finding-3 Day Suspension); 2023-0004486 (Sustained Finding-Suspended over 30 Days); 2023-0004908 (Sustained Finding-15 Day Suspension); 2023-0005008 (Sustained Finding-Under District Investigation); 2023-0005027 (Sustained Finding-25 Day Suspension); 2023-0005242 (Sustained Finding-1 Day Suspension); 2023-0005907 (Sustained Finding-3 Day Suspension); 2024-0001943 (Sustained Finding-COPA 1–29 Day Suspension); 2024-0002494 (Sustained Finding-5 Day Suspension); 2024-0002875 (Sustained Finding-5 Day Suspension); 2024-0006573 (Sustained Finding-Pending Assignment); 2024-0007034 (Sustained Finding-20 Day Suspension); 2024-0007237 (Sustained Finding-Pending Assignment); 2024-0007408 (Sustained Finding-1 Day Suspension); 2024-0007963 (Sustained Finding-Under District Investigation); 2024-0008225 (Sustained Finding-1 – 29 Day Suspension); 2024-0008658 (Sustained Finding-COPA 1-29 Day Suspension); 2024-0008831 (Sustained Finding-Pending Assignment); 2025-0000321 (Sustained Finding-5 Day Suspension); 2025-0004382 (Sustained Finding-Pending Assignment). Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy. CPD agreed with these findings and imposed a penalty in each case ranging from a reprimand up to a 20-day suspension. However, those cases are subject to the grievance process and have not yet been finalized.

Investigatory Stop Report(s) documenting the interaction with [REDACTED] and/or [REDACTED] failed to provide [REDACTED] and/or [REDACTED] with an Investigatory Stop Receipt; and failed to complete and /or submit a Traffic Stop Statistical Study-Driver information card. In aggravation, COPA noted the Sustained Complaints History of Officer Rodriguez. In mitigation, COPA noted the complimentary history showing Special Commendation and Military Service Award. COPA recommends **11 – 29 Days Suspension** for Officer Rodriguez.

c. Officer Vecchio

i. Complimentary and Disciplinary History⁷⁶

As of January 28, 2026, Officer Vecchio has received a total of 144 awards, including ten Department Commendation Award, one Honorable Mention Ribbon Award, one Top Gun Arrest Award, two Attendance Recognition Award, and 126 Honorable Mention Award. In the last five years, Officer Vecchio has had two Sustained Complaints (2023-0000861 & 2024-0002494). In the last five years, Officer Vecchio has no Sustained Findings History Report (SPAR).

ii. Recommended Discipline⁷⁷

COPA has found that Officer Vecchio violated Rules 2, 3, 5, 6, 8, and 10 when he searched [REDACTED] vehicle, without justification; searched [REDACTED] personal belongings/contents, without justification; failed to complete an Investigatory Stop Report(s) documenting the interaction with [REDACTED] and/or [REDACTED] failed to provide [REDACTED] and/or [REDACTED] with an Investigatory

⁷⁶ Atts. 46, 53, 56

⁷⁷ COPA or BIA previously investigated Officer Vecchio under Logs 2020-0001524 (Sustained Finding-15 Day Suspension); 2023-0000861 (Sustained Finding-Reprimand); 2023-0004908 (Sustained Finding-7 Day Suspension); 2023---5008 (Sustained Finding-Under District Investigation); 2023-0005027 (Sustained Finding-7 Day Suspension); 2023-0005907 (Sustained Finding-3 Day Suspension); 2023-0006064 (Sustained Finding-10 Day Suspension); 2024-0002494 (Sustained Finding-2 Day Suspension); 2024-0002875 (Sustained Finding-Reprimand); 2024-0003378 (Sustained Finding-12 Day Suspension); 2024-0005439 (Sustained Finding-COPA 1 - 29 Day Suspension); 2024-0005809 (Sustained Finding-COPA 1 - 29 Day Suspension); 2024-0006342 (Sustained Finding-Reprimand); 2024-0006573 (Sustained Finding-Pending Assignment); 2024-0006836 (Sustained Finding-Preliminary Investigation); 2024-0007034 (Sustained Finding-20 Day Suspension); 2024-0007237 (Sustained Finding-Pending Assignment); 2024-0007408 (Sustained Finding-1 Day Suspension); 2024-0007755 (Sustained Finding-Pending Assignment); 2024-0008006 (Sustained Finding-Pending Assignment); 2024-0008225 (Sustained Finding-COPA 1 – 29 Day Suspension); 2024-0008374 (Sustained Finding-1 Day Suspension); 2024-0008586 (Sustained Finding-COPA 30 – 89 Day Suspension); 2024-0008658 (Sustained Finding-COPA 1 – 29 Day Suspension); 2024-0008831 (Sustained Finding-Pending Assignment); 2025-0004382 (Sustained Finding-Pending Assignment). Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy. CPD agreed with these findings and imposed a penalty in each case ranging from a reprimand up to a 20-day suspension. However, those cases are subject to the grievance process and have not yet been finalized.

Stop Receipt; and failed to complete and /or submit a Traffic Stop Statistical Study-Driver information card. In aggravation and in mitigation, COPA considered the complimentary and disciplinary history. COPA recommends **11 – 29 Days Suspension** for Officer Vecchio.

d. Officer Kittrell

i. Complimentary and Disciplinary History⁷⁸

As of January 28, 2026, Officer Kittrell has received a total of 46 awards, including three Department Commendation Award, one Problem Solving Award, one Joint Operations Award, one Crime Reduction Award (2019), and 39 Honorable Mention Certificate. In the last five years, Officer Kittrell has had two Sustained Complaints (2023-0001857 & 2024-0002486). In the last five years, Officer Kittrell has had one Sustained Findings History Report (SPAR) for Court Appearance Violation, resulting in Reprimand.

ii. Recommended Discipline⁷⁹

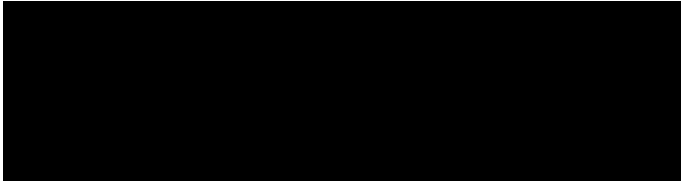
COPA has found that Officer Kittrell violated Rules 2, 3, 5, 6, 8, and 10 when she searched [REDACTED] vehicle, without justification; searched [REDACTED] personal belongings/contents, without justification; detained [REDACTED] and [REDACTED] without justification; searched [REDACTED] without justification; failed to complete an Investigatory Stop Report(s) documenting the interaction with [REDACTED] and/or [REDACTED] failed to provide [REDACTED] and/or [REDACTED] with an Investigatory Stop Receipt; Failing to complete and /or submit a Traffic Stop Statistical Study-Driver information card. In aggravation, COPA considered the cumulative complimentary and disciplinary history of Officer Kittrell. In mitigation, COPA noted Officer Kittrell seemed to confer with Sgt. Seng during this incident. COPA recommends **11 – 29 Days Suspension** for Officer Kittrell.

In addition to the recommended penalty range, COPA recommends that CPD consider the presence of aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members.

⁷⁸ Atts. 47, 49, 50

⁷⁹ COPA or BIA previously investigated Officer Kittrell under Logs 2024-0002486 and 2024-0007034. These cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy. CPD agreed with these findings and imposed a penalty in each case ranging from a violation noted up to a 7-day suspension. However, those cases are subject to the grievance process and have not yet been finalized.

Approved:



2-11-2026

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	August 10, 2024 / 8:00 pm / 343 W. Goethe Street, Chicago, IL 60610.
Date/Time of COPA Notification:	August 11, 2024 / 12:28 am.
Involved Officer #1:	Sergeant Erick Seng / Star#2677 / Employee ID [REDACTED] / DOA: February 28, 2000 / Unit 018/193 / Male / White
Involved Officer #2:	Officer Richard Rodriguez / Star #12157 / Employee ID # [REDACTED] / DOA: June 16, 2017 / Unit: 018/142 / Male / White Hispanic. Officer Joseph Vecchio / Star #14469 / Employee ID # [REDACTED] / DOA: October 16, 2019 / Unit: 006/376 / Male / White. Officer Crystina Kittrell / Star # 10313 / Employee ID # [REDACTED] / DOA: May 16, 2017 / Unit: 018 / Female / White Hispanic
Involved Individual #1:	Anonymous Complainant

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 10:** Inattention to duty.

Applicable Policies and Laws

- Rules and Regulations of the Chicago Police Department, April 16, 2015.
- Special Order 04-13-09- Investigatory Stop System (effective July 10, 2017, to present)
- Special Order 04-14-09- Illinois Traffic and Pedestrian Stop Statistical Study (effective March 23, 2018, to present)
- Special Order 03-14- Body Worn Cameras (effective August 8, 2024, to present).
- Special Order 06-05-02- Firearm Concealed carry Act (effective August 16, 2019, 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.⁸⁰ 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.”⁸¹

⁸⁰ 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).

⁸¹ *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 Information

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: