



Log # 2024-8700

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 5, 2024, the Civilian Office of Police Accountability (COPA) received a complaint from [REDACTED] relating to alleged misconduct by members of the Chicago Police Department (CPD). [REDACTED] alleged that on November 30, 2024, at approximately 8:25 p.m., at or near 7701 South Bennett Avenue, Chicago, IL 60649, CPD Officer Enrique Solis-Aguirre and Officer Melanie Quevedo detained him without justification. Additionally Officer Solis-Aguirre conducted a patdown search of [REDACTED] without justification and Officer Quevedo searched his vehicle without justification.² Upon review of the evidence, COPA served additional allegations against both officers for: 1) failing to document the detention of [REDACTED] and the search of [REDACTED] vehicle, with an Investigatory Stop Report (ISR), without justification, 2) failing to issue a Stop Receipt to [REDACTED] without justification, and 3) failing to document the traffic stop of [REDACTED] with a Traffic Stop Statistical Study (TSSS) card, without justification.

Following its investigation, COPA reached a sustained finding against Officers Solis-Aguirre and Quevedo in that they failed to provide [REDACTED] with a Stop Receipt and failed to complete an ISR and TSSS card. The other allegations against Officers Solis-Aguirre and Quevedo were exonerated and not sustained.

II. SUMMARY OF EVIDENCE³

Evidence in this matter included Body Worn Camera (BWC) footage from Officers Quevedo and Solis-Aguirre.⁴ There was no documentation related to this incident: no ISR, no Traffic Citations, no Arrest Report, and no TSSS. [REDACTED] vehicle was stopped by Officers Quevedo and Solis-Aguirre for a traffic violation. Officer Solis-Aguirre told [REDACTED] that his brake light was out and he did not make a complete stop.⁵ [REDACTED] stated that he was aware that his taillight or brake light was not operable.⁶

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, and officer and non-officer interview(s).

⁴ Atts. 5 and 6.

⁵ Att. 6 at 2:18.

⁶ Att. 22, pg. 18, lns. 15 to 20.

Officers Quevedo and Solis-Aguirre directed [REDACTED] to exit the vehicle. Upon exiting his vehicle, Officer Solis-Aguirre performed a patdown of [REDACTED].⁷ Officer Solis-Aguirre stated that he performed a patdown search of [REDACTED] because of Department policy, officer safety, and to make sure that [REDACTED] did not have any bulges in his waistband.⁸ Officer Solis-Aguirre further stated that Officer Quevedo indicated that she saw something so that was the reason [REDACTED] was asked to step out of the vehicle and he performed a protective patdown.⁹

Officer Quevedo searched [REDACTED] vehicle.¹⁰ [REDACTED] did not provide consent for any search of his vehicle and he communicated his lack of consent to the officers. Officer Quevedo stated that she searched [REDACTED] vehicle because she observed a “roach”¹¹ in the center console. The officers also asked [REDACTED] about the “roach.”¹² BWC footage depicted that [REDACTED] told the officers that he kept his “blunts” and “woods” (cigars) in the vehicle.¹³ [REDACTED] denied being in possession of cannabis and stated that he was never shown the “roach” by the officers.¹⁴ The officers asked [REDACTED] if he would unlock the glove compartment of the vehicle, but [REDACTED] demurred and did not unlock the glove box. No contraband was seized from either the search of [REDACTED] person or from the search of his vehicle. [REDACTED] was then free to leave. Officers Solis-Aguirre and Quevedo both stated that they did not do an ISR, they failed to give [REDACTED] a Stop Receipt, and that they failed to do a TSSS.¹⁵

III. ALLEGATIONS

On November 30, 2024, at approximately 8:25 p.m., at or near 7701 Sout Bennett Avenue, Chicago, IL 60649:

Officers Enrique Solis-Aguirre

1. Detaining [REDACTED] without justification.
 - Exonerated
2. Failing to document the detention of [REDACTED] and the search of [REDACTED] vehicle, with an Investigatory Stop Report (ISR), without justification.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.
3. Failing to issue a Stop Receipt to [REDACTED] without justification.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.

⁷ Att. 6 at 05:53.

⁸ Att. 21, pg. 15, lns. 3 to 6.

⁹ Att. 21, pg. 16, lns. 19 to 24.

¹⁰ Att. 5 at 06:13.

¹¹ Att. 20, pg. 16, lns. 6 to 10. Officer Quevedo stated that a “roach” was a blunt (filled with cannabis) that has been smoked and the end is rolled up in a brown paper.

¹² Att. 6 at 7:23.

¹³ Att. 6 at 8:43.

¹⁴ Att. 22 at pg. 8, lns. 11-23.

¹⁵ Att. 20, pg. 24, ln. 12 to pg. 25, ln. 3; Att. 21, pg. 24, lns. 17 to 19.

4. Failing to document the traffic stop of [REDACTED] with a Traffic Statistical Study (TSS) card¹⁶, without justification.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.
5. Conducting a patdown search of [REDACTED] without justification.
 - Not Sustained

Officer Melanie Quevedo

1. Detaining [REDACTED] without justification.
 - Exonerated
2. Failing to document the detention of [REDACTED] and the search of [REDACTED] vehicle, with an Investigatory Stop Report (ISR), without justification.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.
3. Failing to issue a Stop Receipt to [REDACTED] without justification.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.
4. Failing to document the traffic stop of [REDACTED] with a Traffic Statistical Study (TSS) card¹⁷, without justification.
 - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.
5. Searching [REDACTED] vehicle, without justification.
 - Not Sustained

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

This incident was recorded on the BWCs of Officers Solis-Aguirre and Quevedo. [REDACTED] was forthcoming about his taillight and/or brake light being broken, and his account was consistent with BWC. Additionally, the accounts provided by Officers Solis-Aguirre and Quevedo appear consistent with the video footage. The primary discrepancy between [REDACTED] account and the officers' accounts concerns the suspect cannabis ("roach") allegedly observed by Officer Quevedo. Due to the angle of Officer Quevedo's BWC camera, it could not be determined whether the suspect cannabis was present and/or observable at the time the officers stopped [REDACTED] denied possessing marijuana.¹⁸ However, BWC depicted that the officers did ask [REDACTED] about the suspect cannabis.¹⁹ Although a discrepancy existed concerning the alleged suspect cannabis, the

¹⁶ Traffic Stop Statistical Study (TSSS).

¹⁷ Traffic Stop Statistical Study (TSSS).

¹⁸ Att. 22, pg. 6, lns. 9 to 14.

¹⁹ Att. 6 at 7:23.

investigation did not reveal any substantial evidence that caused COPA to question the credibility of any of the individuals, civilian or sworn, who provided statements, as the available evidence did not materially contradict their accounts."

V. ANALYSIS²⁰

A. Traffic Stop.

COPA finds the allegation that Officers Solis-Aguirre and Quevedo detained [REDACTED] without justification is **Exonerated**. Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement.²¹ Traffic stops are analyzed under *Terry* because "the 'usual traffic stop' is more analogous to a so-called *Terry* stop than to a formal arrest."²² The *Terry* test is: "(1) whether the officer's action was justified at its inception, and (2) whether it was reasonably related in scope to the circumstances which justified the interference in the first place."²³

A lawful traffic stop requires "at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law," including traffic law.²⁴ 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.²⁵ 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 *Terry*.²⁶ 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.²⁷

Here, BWC video depicted that the officers told [REDACTED] he was being stopped because his brake light was out and he did not make a complete stop.²⁸ [REDACTED] admitted that his taillight or brake light was not operable.²⁹ Therefore, this allegation is Exonerated against Officers Solis-Aguirre and Quevedo.

²⁰ For a definition of COPA's findings and standards of proof, see Appendix B.

²¹ *Whren v. United States*, 517 U.S. 806, 809-10 (1996).

²² *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)) (internal citation omitted).

²³ *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

²⁴ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

²⁵ *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

²⁶ *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").

²⁷ See *Whren v. United States*, 517 U.S. 806, 812 (1996).

²⁸ Att. 6 at 2:18.

²⁹ Att. 22, pg. 20, lns. 16 to 19.

B. ISR, TSSS, and Stop Receipt.

COPA finds the allegation that Officers Solis-Aguirre and Quevedo failed to document the detention of [REDACTED] and the search of [REDACTED] vehicle with an ISR, failed to document the traffic stop of [REDACTED] with a Traffic Stop Statistical Study (TSSS) card, and failed to issue a Stop Receipt to [REDACTED] all without justification, are **Sustained**. CPD policy states that the purpose of completing an ISR is to document the facts and circumstances of an Investigatory Stop and/or Protective Pat Down, including the facts establishing Reasonable Articulate Suspicion to stop an individual or pat down an individual for potential weapons.³⁰ Officers who complete an ISR must include a narrative with “a statement of facts to establish Reasonable Articulate Suspicion in order to justify an Investigatory Stop of an individual and, if applicable, to justify a Protective Pat Down.”³¹

Additionally, CPD policy requires that, “Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member’s name and star number.”³²

Further, Special Order S04-14-09 requires that officers who conduct a traffic stop must document certain information about the stop. This policy only requires a TSSS entry when the initial reason for the stop was a traffic violation. CPD members who initiate a traffic stop that does not result in the issuance of a Personal Service Citation for an Illinois Vehicle Code, Traffic Code of Chicago, or compliance violation are required to complete a TSSS card including their own information, details about the traffic infraction and the law enforcement response, and the detainee’s demographic information.³³ S04-14-09 also requires that officers concurrently adhere to S04-13-09: Investigatory Stop System.³⁴

Here, [REDACTED] was stopped for a traffic violation because his brake light was out and he did not make a complete stop. Officer Solis-Aguirre stated that Officer Quevedo indicated that she saw something so [REDACTED] was asked to step out of the vehicle and he performed a protective patdown of [REDACTED].³⁵ Officer Quevedo then searched [REDACTED] vehicle because she observed a “roach” in the center console. The officers were responsible for documenting the traffic stop by completing a TSSS. They were also required to ensure that an ISR was completed to document the protective pat-down of [REDACTED] and the search of his vehicle. In addition, the officers were responsible for providing [REDACTED] with a Stop Receipt at the conclusion of the encounter. Officers Solis-Aguirre and Quevedo both acknowledged that they did not do an ISR, they failed to give [REDACTED] a stop receipt,

³⁰ Att. 37, Special Order S04-013-09 (III)(D)(1)(a) and (c), Investigatory Stop System (effective July 10, 2017, to February 3, 2026).

³¹ Att. 37, S04-013-09 (VII)(B)(2)(b).

³² Att. 37, S04-13-09(VIII)(A)(3).

³³ Att. 38, Special Order S04-14-09(V)(D), Illinois Traffic and Pedestrian Stop Statistical Study (effective March 23, 2018, to February 3, 2026).

³⁴ Att. 38, S04-14-09(V)(E).

³⁵ Att. 21, pg.16, Ins. 19 to 24.

and that they failed to do a TSSS.³⁶ Therefore, Allegations 2, 3, and 4 against Officer Solis-Aguirre and Officer Quevedo are all Sustained, in violation of Rules 2, 3, 5, 6, and 10.

C. Officer Solis-Aguirre's pat down search of [REDACTED]

COPA finds the allegation that Officer Solis-Aguirre conducted a pat down search of [REDACTED] without justification is **Not Sustained**. 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 sworn member or others in the area."³⁷ To conduct a patdown, "a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, 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."³⁸ In other words, "the fact that an officer has reason to stop a citizen does not necessarily justify the further intrusion of a search for weapons; the officer may conduct a pat-down search only if he has reason to believe that he is dealing with an armed and dangerous individual."³⁹ An officer's subjective belief is not determinative, but is probative in determining the validity of the frisk.⁴⁰ The Supreme Court of Illinois has explained that "the sole justification for the search allowed by the *Terry* exception is the protection of the police officer and others in the vicinity, not to gather evidence."⁴¹

Here, Officer Solis-Aguirre stated that Officer Quevedo indicated that she saw something so that was the reason [REDACTED] was asked to step out of the vehicle and he performed a protective patdown.⁴² Officer Solis-Aguirre stated that he performed a pat down because of Department policy, officer safety, and to make sure that [REDACTED] did not have any bulges in his waistband.⁴³ The BWC footage was inconclusive regarding the precise reason [REDACTED] was instructed to exit the vehicle and the reason that prompted Officer Solis-Aguirre to conduct a patdown search. Additionally, because the officers failed to document their observations and interaction with [REDACTED] in an ISR, it cannot be determined why a protective patdown was performed. There is insufficient evidence to either corroborate or refute [REDACTED] allegation. Based on the available evidence, the allegation against Officer Solis-Aguirre is Not Sustained.

D. Officer Quevedo's search of [REDACTED] vehicle.

³⁶ Att. 20, pg. 24, ln. 12 to pg. 25, ln. 3; Att. 21, pg. 24, lns. 17 to 19.

³⁷ Att. 37, S04-13-09(II)(B)

³⁸ Att. 37, S04-13-09(II)(C)(2); pursuant to 725 ILCS 5/108-1.01, officers are permitted to conduct a limited search on a person for weapons if the officer has lawfully stopped the person for temporary questioning and reasonably suspects that they are in danger of attack.

³⁹ *People v. Watson*, 145 Ill. App. 3d 492, 497 (1st Dist. 1986).

⁴⁰ *People v. Flowers*, 179 Ill. 2d 257, 264 (1997) ("Although the standard is an objective one, the officer's subjective belief regarding the safety of the situation is one of the factors that may be considered in determining whether a weapons frisk was valid under *Terry*."); *People v. Sorenson*, 196 Ill. 2d 425, (2001); *People v. Walker*, 2013 IL App (4th) 120118, ¶ 46.

⁴¹ *People v. Flowers*, 179 Ill. 2d 257, 263 (1997) (citing *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993)).

⁴² Att. 21, pg.16, lns. 19 to 24.

⁴³ Att. 21, pg. 15, lns. 3 to 6.

COPA finds the allegation that Officer Quevedo searched [REDACTED] vehicle, without justification is **Not Sustained**. The Fourth Amendment protects citizens from unreasonable searches.⁴⁴ Searches without a warrant are presumed to be unreasonable except under certain circumstances. 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.”⁴⁵ 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.’⁴⁶ 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.”⁴⁷

“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.”⁴⁸ This is an objective standard, viewed from the perspective of a reasonable officer, who is allowed to rely on their training and experience.⁴⁹

Here, [REDACTED] did not consent for the officers to search his vehicle. Officer Quevedo stated that she observed suspect cannabis (“roach”) in the console of the front seat of [REDACTED] vehicle. The officers also asked [REDACTED] about the suspect cannabis.⁵⁰ However, BWC was unable to capture the suspect cannabis and [REDACTED] denied having any cannabis in his possession. Additionally, because the officers failed to document their observations and interaction with [REDACTED] in an ISR, or any Department report, it cannot be determined if the search of [REDACTED] vehicle was reasonable. Based on the available evidence, there is insufficient evidence to either corroborate or refute [REDACTED] allegation. Therefore, the allegation against Officer Quevedo is Not Sustained.

VI. DISCIPLINARY RECOMMENDATION⁵¹

a. Officer Melanie Quevedo

i. Complimentary and Disciplinary History⁵²

Officer Quevedo has been employed by CPD since January 31, 2022. She has received 47 awards, the highlights of which include one Department Commendation Award, one Life Saving Award, and 44 Honorable Mention Certificates. She has no disciplinary history.

⁴⁴ U.S. Const. amend. IV.

⁴⁵ *People v. James*, 163 Ill. 2d 302, 312 (111. 1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

⁴⁶ *United States v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013) (citing *United States v. Williams*, 627 F.3d 247, 251 (7th Cir. 2010)).

⁴⁷ *Wyoming v. Houghton*, 526 U.S. 295, 307 (1999).

⁴⁸ *U.S. v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013).

⁴⁹ *U.S. v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013).

⁵⁰ Att. 6 at 7:23.

⁵¹ COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021).

⁵² Att. 39.

ii. Recommended Discipline

COPA has found that Officer Quevedo violated Rules 2, 3, 5, 6, and 10 when she failed to document the detention of [REDACTED] and the search of [REDACTED] vehicle with an ISR, failed to document the traffic stop of [REDACTED] with a Traffic Stop Statistical Study (TSSS) card, and failed to issue a Stop Receipt to [REDACTED]. Officer Quevedo acknowledged that she failed to document the incident and issue a receipt to [REDACTED]. Based on Officer Quevedo's complimentary and disciplinary history, COPA recommends a **Reprimand**.⁵³

b. Officer Enrique Solis-Aguirre

i. Complimentary and Disciplinary History⁵⁴

Officer Solis-Aguirre has been employed by CPD since November 4, 2022. He has received 27 awards, the highlights of which include one Department Commendation Award and 25 Honorable Mention Certificates. He has three Summary Punishment Action Requests (SPARs) for Court Appearance Violation (No Discipline), Uniform Violation (No Discipline), and Current IL Vehicle License Plate and/or City Vehicle Sticker (Reprimand).

ii. Recommended Discipline

COPA has found that Officer Solis-Aguirre violated Rules 2, 3, 5, 6, and 10 when he failed to document the detention of [REDACTED] and the search of [REDACTED] vehicle with an ISR, failed to document the traffic stop of [REDACTED] with a Traffic Stop Statistical Study (TSSS) card, and failed to issue a Stop Receipt to [REDACTED]. Officer Solis-Aguirre acknowledged that he failed to document the incident and issue a receipt to [REDACTED]. Based on Officer Quevedo's complimentary and disciplinary history, COPA recommends a **Reprimand**.⁵⁵

Approved:

[REDACTED]

LaKenya White
Chief Administrator

6/4/26
Date

⁵³ COPA would have recommended Retraining in addition to the Reprimand. However, Special Order S04-13-09, *Investigatory Stop System* (effective July 10, 2017, through February 3, 2026), and Special Order S04-14-09, *Illinois Traffic and Pedestrian Stop Statistical Study* (effective March 23, 2018, through February 3, 2026), are no longer in effect, and therefore retraining on those directives would not be appropriate.

⁵⁴ Att. 40.

⁵⁵ COPA would have recommended Retraining in addition to the Reprimand. However, Special Order S04-13-09, *Investigatory Stop System* (effective July 10, 2017, through February 3, 2026), and Special Order S04-14-09, *Illinois Traffic and Pedestrian Stop Statistical Study* (effective March 23, 2018, through February 3, 2026), are no longer in effect, and therefore retraining on those directives would not be appropriate.

Appendix A**Case Details**

Date/Time/Location of Incident:	November 30, 2024 / 8:25 p.m. / 7701 South Bennett Avenue, Chicago, IL 60649
Date/Time of COPA Notification:	December 5, 2024 / 11:31 a.m.
Involved Officer #1:	Melanie L. Quevedo, Star #18533, Employee ID# [REDACTED] Date of Appointment: January 31, 2022, Unit of Assignment: 004; Female, Hispanic.
Involved Officer #2	Enrique Solis-Aguirre, Star #12184, Employee ID# [REDACTED] Date of Appointment: November 4, 2022, Unit of Assignment: 004, Male, Hispanic.
Involved Individual #1:	[REDACTED] Male, Black.

Applicable Rules

- ☒ **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- ☒ **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- ☒ **Rule 5:** Failure to perform any duty.
- ☒ **Rule 6:** Disobedience of an order or directive, whether written or oral.
- ☐ **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- ☐ **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- ☒ **Rule 10:** Inattention to duty.

Applicable Policies and Laws

- S04-13-09: Investigatory Stop System (effective July 10, 2017, to February 3, 2026)
- S04-14-09: Illinois Traffic and Pedestrian Stop Statistical Study (effective March 23, 2018, to February 3, 2026)

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.⁵⁶ 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.”⁵⁷

⁵⁶ 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).

⁵⁷ *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
- ☐ Failure to Identify