



Log # 2025-0000612

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 5, 2025, attorney ██████ filed a complaint on behalf of his client, ██████. ██████ alleged that on November 10, 2024, at approximately 7:29 pm, ██████ was the subject of a traffic stop by officers of the Chicago Police Department (CPD) that resulted in her being unlawfully arrested, her car being unlawfully searched and seized, and officers recklessly transporting ██████ child to the 7th District in ██████ seized vehicle.²

COPA investigated the matter and determined there was no misconduct during the incident.

II. SUMMARY OF EVIDENCE³

██████ was with her two-year-old son in her parked Nissan in front of her sister's residence at ██████.⁴ The officers were responding to a "person with a gun" call involving a Nissan sedan in the vicinity of the same address.⁵ When the responding officers approached the location, they observed ██████ seated in a vehicle that matched the description of the vehicle in the dispatch.⁶ When questioned by the officers, ██████ said she was parked in front of her house. When Officer Caro attempted to speak with ██████ she raised the window of her vehicle, lowering it momentarily and raised it again.⁷ Officer Caro instructed ██████ to exit her vehicle, but she did not comply.⁸ Officer Caro then removed ██████ from her vehicle, while she repeatedly yelled at them and threatened to "sue the fuck" out of the officers.⁹ ██████ had been tightly clutching a black fanny pack to her chest while she was in the vehicle. The officers took the bag, searched it, and found a loaded Glock 43 semi-automatic pistol.¹⁰ ██████ asserted to the officers that she had a

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 interviews. ██████ did not provide an interview but submitted a typed affidavit through her attorney. See Att. 45.

⁴ Att. 45.

⁵ Att. 62, p. 10, lns. 21 to 23 and Att. 18.

⁶ Att. 65, p.12, lns. 2 to 12, and p. 13, lns. 13 to 14.

⁷ Att. 65, p. 13, lns. 22 to 24; and Att. 4 at 03:46, 03:56, 04:05, 04:12 and 04:16.

⁸ Att. 1, Att. 4 at 04:42, and Att. 65, p. 14, lns. 5 to 11.

⁹ Att. 4 at 05:25 to 05:40.

¹⁰ Att. 1 and Att. 4 at 04:42 to 05:58.

concealed carry license (CCL) which would permit her to transport a loaded firearm on her person in this manner, which was later determined to not be true.¹¹

█████ repeatedly asked to call someone to pick up her child.¹² Officer Layne Muench attempted to help █████ get in contact with someone, but was unsuccessful.¹³ In response to █████ request for a supervisor, Sergeant Rumsa came to the scene and learned █████ had a valid FOID card but no CCL.¹⁴ She again asserted she was on leave from the military and the pistol was her service weapon, but would not answer the sergeant's questions about her status.¹⁵ Sgt. Rumsa ultimately directed an officer on the scene to drive █████ child to the police station in her vehicle so she could make a call from there.¹⁶ Officer Carlos Rico then drove █████ Nissan to the station, removed the child from his secured car seat, and brought him into the station.¹⁷ Other officers transported █████ for processing.¹⁸

III. ALLEGATIONS

Officers Carlos Rico, Jose Caro, Daniela Carriedo and Layne Muench:

1. Forcibly removed █████ from her vehicle, without justification.
-Exonerated
2. Detained █████ in handcuffs, without justification.
-Exonerated
3. Conducted a search of █████ person, without justification.
-Exonerated
4. Seized █████ black fanny pack, without justification.
-Exonerated
5. Searched █████ black fanny pack, without justification.
-Exonerated
6. Arrested █████ without justification.
-Exonerated
7. Seized █████ vehicle, without justification.
-Exonerated

¹¹ Att. 1. █████ had a valid FOID, which allowed her to possess a firearm and transport it unloaded in a container, but no CCL. █████ also asserted she was a member of the military on leave and the pistol was her service weapon. The officers were unable to determine the validity of this claim. See Att. 4 at 06:35 to 06:45 and 7:50 to 7:53; Att. 65, pg. 15, lns. 18 to 20, and pg. 25 ln. 16 to pg. 26 ln. 2.

¹² Att. 4 at 06:26 and 7:30.

¹³ Att. 6 at 6:00 to 9:00.

¹⁴ Att. 8 at 02:43.

¹⁵ Att. 8 at 03:05 to 03:25.

¹⁶ Att. 8 at 03:37 to 03:56. In his statement to COPA, Sergeant Rumsa related he has done this in the past when a child was properly secured in the vehicle. While he did not confirm █████ child was properly secured, he trusted that the officers had done so. See Att. 60 pg. 19 ln. 14 to pg. 20 ln. 3.

¹⁷ Att. 3 at 12:00 to 19:11. Officer Rico brought the child to the front desk where a female sergeant and female officer took him, comforted him, offered him water, and suggested they watch a cartoon while Officer Rico went to ensure someone was notified to retrieve him. In her affidavit, █████ referred to the officers transporting her son without her consent as "essentially kidnapping him" See Att. 45.

¹⁸ █████ was charged with UUC and Resisting/Obstructing. See Att. 1. The charges were later dropped. See Att. 45.

Officer Rico and Officer Caro:

8. Transported a child in a seized vehicle to the 7th District, without justification.
- Exonerated (as to Officer Rico) and Unfounded (as to Officer Caro)

Sergeant Nicholas Rumsa:

1. Allowed a child to be transported to a police station in a seized vehicle and driven by an officer, and potentially placed in danger, without justification.
- Exonerated

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the officers involved in this incident. They each provided accounts of the incident that were consistent not only with each other, but with the video evidence.

On the other hand, this investigation revealed evidence that causes COPA to question the reliability of [REDACTED] who provided a one-page sworn affidavit via her attorney but declined to be formally interviewed. There did not appear to be any evidence to corroborate [REDACTED] claim at the scene that she was in the military and the firearm she possessed was her service weapon.¹⁹ At the time of the stop, she also falsely asserted that she was licensed to carry the pistol in the manner that she was.

V. ANALYSIS²⁰

A. Detention and removal from vehicle

A police officer may temporarily detain an individual for an investigatory stop when "the officer's decision is based on specific, articulable facts which warrant the investigative stop intrusion."²¹ "The police officer must have an 'articulable suspicion' that the person has committed or is about to commit a crime."²² Officers must possess "specific and articulable facts which,

¹⁹ See Att. 62, p. 16, ln. 24, and p. 17, lns. 1 to 15. Additionally, it is inconsistent with military practice for servicemembers to have legitimate possession of their service weapon in these circumstances (See DoDM 5100.76, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives (AA&E), April 17, 20212 at Enclosure 5, para. 5 "ISSUANCE OF ARMS", p.33).

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

²¹ *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (citing *Terry v. Ohio*, 392 U.S. 1, 21, (1968)); *People v. Stewart*, 242 Ill. App. 3d 599, 605 (1993)).

²² *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (internal citations omitted).

combined with rational inferences from those facts, reasonably warrant” their belief.²³ Reasonable suspicion is less than probable cause, but more than a hunch.²⁴ Courts generally consider the following circumstances in determining whether an officer had reasonable suspicion to conduct an investigatory stop: a recent report of crime (“tips”), reputation, high crime area, time of day, behavior of person toward law enforcement, flight, investigative alerts, and anonymous tips.²⁵ None of these factors are necessarily sufficient on their own.²⁶ Reasonable suspicion is based on the totality of the circumstances.²⁷

The Illinois Supreme Court has further explained the level of suspicion needed to justify a stop:

Viewed as a whole, the situation confronting the police officer must be so far from the ordinary that any competent officer would be expected to act quickly. The facts supporting the officer’s suspicions need not meet probable cause requirements, but they must justify more than a mere hunch. The facts should not be viewed with analytical hindsight, but instead should be considered from the perspective of a reasonable officer at the time that the situation confronted him or her.²⁸

Officers who perform investigatory stops must be able to explain their reasonable *articulable* suspicion and justify why they believed a person was committing criminal activity. The purpose of an investigatory stop is for officers to confirm or dispel their reasonable articulable suspicion that a person is engaged in criminal activity.²⁹ If officers do not develop probable cause to support an arrest, they must release the person. Alternatively, if the officers develop probable cause during an investigatory stop, they may arrest the person and perform a thorough search of the individual.

²³ *People v. Hackett*, 2012 IL 111781, ¶ 20 (citing *People v. Close*, 238 Ill. 2d 497, 505 (2010)).

²⁴ *United States v. Jones*, No. 22-3218, 2023 U.S. App. LEXIS 27841, at *3 (7th Cir. Oct. 19, 2023) (citing *United States v. Richmond*, 924 F.3d 404, 411 (7th Cir. 2019)).

²⁵ See *Navarette v. California*, 572 U.S. 393, 397-398 (2014); see also *Florida v. J.L.*, 529 U.S. 266 (2000) (holding officers lacked reasonable articulable suspicion to perform a *Terry* stop when they acted on an anonymous tip matching the defendant’s description, but lacked predictive information they could corroborate); See also *Alabama v. White*, 496 U.S. 325 (holding an anonymous tip by itself did not give officers reasonable articulable suspicion to perform a *Terry* stop, but that officers developed reasonable articulable suspicion by corroborating details); But see *Adams v. Williams*, 407 U.S. 72 (1972) (holding an officer had reasonable articulable suspicion for a *Terry* stop when he acted based on a tip from an informant he knew, who had previously provided him with information); *Illinois v. Wardlow*, 528 U.S. 119, 124-125 (2000) (holding officers had reasonable articulable suspicion to perform a *Terry* stop based on the defendant’s unproved flight from officers in an area known for drug trafficking, and noting that “nervous, evasive behavior is a pertinent factor in determining reasonable suspicion.”).

²⁶ See *People v. Timmsen*, 2016 IL 118181, ¶ 12, ¶ 14 (rejecting a bright line rule that a person’s flight from police provided reasonable suspicion, instead stating that determination of reasonable suspicion depends on a review of the totality of the circumstances).

²⁷ *United States v. Arvizu*, 534 U.S. 266, 273 (2002) (citing *United States v. Cortez*, 449 U.S. 411, 417 (1981)); *People v. Timmsen*, 2016 IL 118181, ¶ 18 (citing *United States v. Arvizu*, 534 U.S. 266, 277 (2002); *United States v. Sokolow*, 490 U.S. 1, 8 (1989)).

²⁸ *People v. Thomas*, 198 Ill. 2d 103, 110 (2001).

²⁹ *Terry v. Ohio*, 392 U.S., 1, 28 (1968); See also Wayne R. LaFave, Search and Seizure § 9.3(g), at 559 to 563 (6th ed. 2020); See also *People v. Cummings*, 2016 IL 115769, ¶ 18.

Officers may routinely order occupants – including drivers and passengers – out of a vehicle during a valid traffic stop.³⁰ 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.³¹ The court maintained that officers are allowed to order driver and passenger out of the car or restrict from leaving the vehicle during a lawful traffic stop in the interest of safety of the officer.

“[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.”³² 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.”³³ To handcuff a person, officers must have a sufficiently reasonable concern for officer safety.³⁴ Whether an officer’s handcuffing was reasonable depends on the totality of the circumstances.³⁵ Officers must have reasonable articulable suspicion to believe that their safety is in danger to handcuff persons.³⁶ 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.³⁷

In this case, the officers were responding to a call of a person with a gun in a vehicle that matched [REDACTED]. The officers had reasonable suspicion to approach the vehicle and conduct a field interview of [REDACTED].³⁸ Further, [REDACTED] was stopped in a high crime area and at night, two factors which contribute to justifying a temporary investigative detention. [REDACTED] did not comply with Officer Caro’s direction to roll down her windows and exit her vehicle and exhibited behaviors which could lead a reasonable officer to conclude in the circumstances that she was

³⁰ 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).

³¹ *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.”).

³² See *People v. Johnson*, 408 Ill. App. 3d 107, 113 (2010), for additional case law.

³³ *People v. Daniel*, 2013 IL App (1st) 111876, ¶ 40, 987 N.E.2d 470 (internal quotations omitted).

³⁴ *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)).

³⁵ *People v. Colyar*, 2013 IL 111835, ¶ 32.

³⁶ *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)).

³⁷ 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).

³⁸ See Att. 1

armed and dangerous.³⁹ She made furtive movements toward a black fanny pack⁴⁰ and took steps to obscure the officers' ability to see inside the vehicle. When ██████ refused to comply with their directions, the officers forcibly removed her from her vehicle and placed her in handcuffs. ██████ was not forced to the ground, nor did she sustain any injuries.⁴¹ The officers then called for a supervisor when ██████ requested that they do so.

COPA finds there was no misconduct in removing ██████ from her vehicle and detaining her in handcuffs, so Allegations 1 and 2 are Exonerated for all officers.

B. Search of ██████ and her property

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."⁴² To conduct a pat down, "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."⁴³ 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."⁴⁴ An officer's subjective belief is not determinative, but is probative in determining the validity of the frisk.⁴⁵ 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."⁴⁶

The plain feel doctrine permits a police officer to seize objects found during an otherwise legitimate pat-down search if, by plain feel, the officer reasonably determines the item to be contraband.⁴⁷ The incriminating nature of the object must be obvious without any manipulation.

³⁹ See Att. 4 at 03:55. Further, a suspect's failure, or refusal, to comply with a police officer's order is a factor that contributes to a reasonable suspicion that he or she may be dangerous, and thus detention in handcuffs would be lawful. In *Patton*, officers had reasonable suspicion to detain the suspect where there were recent reports of gun-related violence in the area; the stop occurred at night; and the suspect was exhibiting, nervous and evasive behavior. The same is true in this case. *United States v. Patton*, 705 F.3d 739 (7th Cir. 2013); See also *United States v. Colbert*, No. 21-3245 (7th Cir. 2022).

⁴⁰ See Att. 4 at 05:53.

⁴¹ This was not a use of force per CPD standards and no Tactical Response Report was needed.

⁴² S04-13-09(II)(B), Investigatory Stop System (effective July 10, 2017, to present).

⁴³ 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.

⁴⁴ *People v. Watson*, 145 Ill. App. 3d 492, 497 (1st Dist. 1986).

⁴⁵ *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.

⁴⁶ *People v. Flowers*, 179 Ill. 2d 257, 263 (1997) (citing *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993)).

⁴⁷ See *Minnesota v. Dickerson*, 508 U.S. 366, 376 (1993); *United States v. Jackson*, 377 F.3d 715, 719 (7th Cir. 2004); See also *People v. Mitchell*, 165 Ill. 2d 211, 222 (1995) (holding the "'plain touch' doctrine" does not violate article I, section 6 of the Illinois constitution); *People v. Cherry*, 2020 IL App (3d) 170622, ¶ 42.

Feeling a weapon generally justifies a more intrusive search into pockets to remove it, as well as other objects whose incriminating nature is immediately apparent.

In this case, the officers performed a protective pat down search of [REDACTED] and a brief sweep of her vehicle and seized and searched her bag. Based on the nature of the call the officers were responding to and [REDACTED] aggressive and uncooperative manner throughout the interaction, the officer's actions were objectively reasonable. COPA therefore finds Allegations 3, 4, and 5 to be Exonerated for all officers.

C. Arrest of [REDACTED]

An officer must have probable cause to arrest a person.⁴⁸ “Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest.”⁴⁹ The officer's subjective belief is not determinative; rather probable cause is an objective standard.⁵⁰ Officers may arrest a person when they have probable cause to believe that the person committed a minor offense.⁵¹

In this case, the officers found a loaded firearm in [REDACTED] bag.⁵² Officers determined that she was not licensed to carry a pistol in the manner that she was.⁵³ Although the charges were later dropped, the officers had probable cause to make the arrest. COPA therefore finds Allegation 6 to be Exonerated for all officers.

D. Seizure and transport of [REDACTED] vehicle

The Chicago Municipal Code allows for the seizure of a vehicle containing a suspected unlawful firearm found inside of it.⁵⁴ The seizure of [REDACTED] vehicle was justified, as [REDACTED] was arrested for, and later charged with, Unlawful Use of a Weapon (UW).⁵⁵ Allegation 7 is therefore Exonerated for all officers.

⁴⁸ *People v. Johnson*, 408 Ill. App. 3d 107, 119 (1st Dist. 2010) (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964)).

⁴⁹ *People v. D. W. (In re D. W.)*, 341 Ill. App. 3d 517, 526 (1st Dist. 2003).

⁵⁰ *People v. Chapman*, 194 Ill. 2d 186, 218-19, (2000).

⁵¹ *Atwater v. City of Lago Vista*, 532 U.S. 318, 354 (2001) (holding an arrest for a misdemeanor seatbelt violation only punishable by a fine did not violate the Fourth Amendment); *People v. Fitzpatrick*, 2013 IL 113449, ¶ 24 (holding an arrest for the petty offense of walking in the middle of the street does not violate Article I, Section 6 of the Illinois Constitution); see also M.C.C. §. 2-84-230 (stating members of the police department may arrest persons violating city ordinances). Pursuant to the other requirements to searches incident to arrest, officers may also perform a search incident to a lawful arrest for minor law violations. *People v. Fitzpatrick*, 2013 IL 113449, ¶ 19 (citing *People v. Hoskins*, 101 Ill. 2d 209, 216 (1984)), ¶ 24.

⁵² 720 ILCS 5.0/24-1-A-10

⁵³ As noted above, the officers were unable to confirm her claims that she was carrying her military service weapon while she was on leave. See Att. 36, pg. 3, lns. 14 to 17.

⁵⁴ Special Order S07-03-05 lists the Municipal Code violations that warrant impoundment of vehicles. The first violation listed in the directive is Unlawful Firearm in a Vehicle: Chicago's Municipal Code (MCC 8-20-070), which holds vehicle owners liable for firearms found in their vehicles that violate state or federal law, regardless of who was driving. This can lead to a \$2,000 fine, towing and storage fees, and vehicle impoundment.

⁵⁵ 720 ILCS 5.0/24-1-A-10.

██████ alleged the officers improperly transported her son to the station in the backseat of her car, which she likened to a “kidnapping.”⁵⁶ COPA disagrees. The officers’ BWC recordings show they made multiple attempts to help ██████ contact someone to come to the location of their interaction to retrieve her son. Given that it was nighttime in November, it is not unreasonable for Sergeant Rumsa to direct Officer Rico to drive ██████ vehicle to the station with her son secured in his car seat. While the child was understandably upset during the incident. The officer and sergeant working the desk immediately stepped in to help Officer Rico calm him once they arrived at the station. COPA finds the transportation of ██████ two-year-old son in her vehicle to not be misconduct. Allegation 8 is therefore Exonerated for Officer Rico. Officer Caro was not involved in the transport, so the allegation is Unfounded for him. Allegation 1 against Sergeant Rumsa is likewise Exonerated.

Approved:



August 5, 2026

Shannon Hayes
Deputy Chief Administrator

Date

⁵⁶ Att. 45.

Appendix A**Case Details**

Date/Time/Location of Incident:	November 10, 2024 / 7:29 p.m. / [REDACTED] [REDACTED] Chicago, IL 60636
Date/Time of COPA Notification:	February 5, 2025 / 6:42 p.m. [Web Complaint by attorney [REDACTED] representing [REDACTED]
Involved CPD Member #1:	Sergeant Nicholas J. Rumsa, Star #1371, Employee ID# [REDACTED] Date of Appointment: December 16, 2009, Unit of Assignment: 007, Male, White
Involved CPD Member #2	Layne T. Muench, Star #18788, Employee ID# [REDACTED] Date of Appointment: February 16, 2021, Unit of Assignment: 007, Female, White
Involved CPD Member #3	Daniela Carriedo, Star #3143, Employee ID# [REDACTED] Date of Appointment: August 31, 2022, Unit of Assignment: 007, Female, White
Involved CPD Member #4	Jose R. Caro, Star #5213, Employee ID# [REDACTED] Date of Appointment: June 25, 2018, Unit of Assignment: 007, Male, Hispanic
Involved CPD Member #5	Carlos X. Rico, Star #17336, Employee ID# [REDACTED] Date of Appointment: October 13, 2020, Unit of Assignment: 007, Male, Hispanic
Involved Individual #1:	[REDACTED] Female, 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.
- ☐ **Rule 14:** Making a false report, written or oral.
- ☐ **Rule 38:** Unlawful or unnecessary use or display of a weapon (Taser).

Applicable Policies and Laws

- U.S. Const. amend. IV
- 720 ILCS 5.0/24-1, Unlawful possession of weapons
- MCC 8-20-070, Unlawful firearm, laser sight accessory, or firearm silencer or muffler in a motor vehicle – Impoundment.
- S07-03-05 Impoundment of Vehicles for Municipal Code Violations (effective date: September 30, 2022)

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 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.”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