

SECOND DIVISION
September 8, 2026

No. 1-24-2353

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

**IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT**

ALEX WOLINSKI,

Plaintiff-Appellant,

v.

THE POLICE BOARD OF THE CITY OF CHICAGO and
SUPERINTENDENT OF POLICE FOR THE CITY OF
CHICAGO,

Defendants-Appellees.

) Appeal from the
) Circuit Court of
) Cook County
)
) No. 23 CH 06555
)
)
) Honorable
) David B. Atkins,
) Judge, Presiding.
)

PRESIDING JUSTICE D.B. WALKER delivered the judgment of the court.
Justices McBride and Ellis concurred with the judgment.

ORDER

¶ 1 *Held:* We affirm the decision of the Police Board of the City of Chicago to discharge plaintiff for violations of the Chicago Police Department Rules.

¶ 2 Plaintiff Alex Wolinski appeals the determination of defendant, the Police Board of the City of Chicago (Board), to discharge him from his position as a sergeant with the Chicago Police Department (CPD). On appeal, plaintiff contends that the Board's decision constituted error where (1) officers did not violate the knock-and-announce rule given the existence of exigent

circumstances, (2) he acted reasonably in keeping the occupant of the premises in handcuffs during the execution of the warrant, and he remained calm in an attempt to de-escalate the situation, (3) he was deprived of due process where the CPD Rules were unconstitutionally vague, and the Board's decision was arbitrary and not supported by the evidence, and (4) the Board's decision to discharge him was severe and unreasonable in light of the mitigating circumstances. For the following reasons, we affirm.¹

¶ 3

I. BACKGROUND

¶ 4 On February 21, 2019, Officer Alain Aporongao received information from a confidential informant that Andrew Simpson, a convicted felon, was in possession of a weapon at 164 N. Hermitage Avenue, #1, in Chicago, Illinois. A search warrant was obtained for the premises. The warrant authorized seizure of, among other things, a black semi-automatic handgun, ammunition, any locked containers, and any illegal contraband that could constitute evidence of the unlawful use of a weapon by a felon.

¶ 5 Officer Aporongao asked plaintiff to assist with and supervise the execution of the search warrant because his shift sergeant was unavailable. Around 6 p.m. that evening, Officer Aporongao led a meeting on the execution of the warrant, which plaintiff attended with 10 other officers. During the meeting, officers discussed the layout of the apartment, the firearm, and the fact that the target of the warrant had a girlfriend.

¶ 6 Officers arrived at the premises around 7 p.m. They wore body cameras that began recording as they approached the residence. One of the officers was heard over the radio saying that there was "someone in the back going in." Another officer noted that the lights were "out."

¹ This case was recently reassigned to this panel due to the illness of the original authoring justice.

Body camera footage showed that Officer Aporongao knocked on the front door, and Officer Joseph Liscianderello announced the presence of police. One officer counted to three and again announced their presence. Immediately after the second announcement, Officer Gabriel Cruz began to strike the front door with a battering ram. No more than five or six seconds elapsed from the first knock to the battering. About 23 seconds after the first knock, officers entered the apartment after breaking down the front door.

¶ 7 Officer Lisciandrello entered the living room where he encountered a naked woman, later identified as Anjanette Young. Officer Lisciandrello ordered Ms. Young to put her hands up and she complied. Ms. Young was detained and handcuffed as armed officers ran through her residence to determine whether another person was present. Officer Aporongao retrieved a comforter from a bedroom and gave it to Officer Cruz, who walked to Ms. Young and placed it around her.

¶ 8 Distressed, Ms. Young asked officers what was happening. Plaintiff replied that he had a search warrant. Ms. Young repeatedly told officers that she lived alone and no one else was there. Within 90 seconds after entering the residence, officers confirmed that it was clear. During this time, Ms. Young became increasingly distraught and began to cry. Plaintiff told her to “take it easy.” She demanded to know what they were looking for and asked to see “the paperwork.” She repeatedly told officers that no one else was there and they “had the wrong house.”

¶ 9 After confirming that the apartment was clear, plaintiff told officers to check the couch so Ms. Young could sit down. As they searched the couch, Ms. Young again pleaded with officers to allow her to call someone, and an officer told her to “relax.” Ms. Young became even more distraught and asked what they were looking for and to see “the paperwork.” As she cried, the comforter opened, exposing Ms. Young for about 18 seconds until Officer Cruz covered her again.

¶ 10 Officers began to take photographs of the residence. They needed to move Ms. Young so she would not be in the shot. Ms. Young protested and cried out that she had to call someone, that “this is not right.” She demanded to know what they were doing, and an officer stated that they would explain everything to her. As this dialogue occurred, officers moved Ms. Young around so they could take photographs. One officer had to hold the comforter over her as she moved so she would not be exposed. Officer Lisciandrello took his rifle outside so he could put it away.

¶ 11 Officer Tito Jimenez asked plaintiff if he had a copy of the search warrant to show Ms. Young. As she was being moved around the room, Ms. Young continued to demand an explanation. Officers replied that they would explain everything to her “in a minute.” Ms. Young screamed, “You keep saying in a minute!” When plaintiff returned to the living room, he told Ms. Young that he would explain everything “in a moment.” She screamed, “You keep saying in a moment. Tell me what’s going on!” Plaintiff explained that they were taking photographs and Ms. Young responded, “Now how can you take photographs of my house and don’t tell me what you’re looking for?” She demanded, “tell me now!” In response to plaintiff’s questions, Ms. Young repeated that no one else lived in the apartment, that she had a son, but he did not live with her. Plaintiff directed officers to take photographs, and Ms. Young screamed, “This cannot be right. How is this legal?”

¶ 12 Approximately five minutes after officers entered her home, Officer Aporongao tried to direct Ms. Young into the kitchen. She cried, “I’m not moving until you tell me something. Tell me something now!” Plaintiff walked past her, telling her that he would show her the search warrant. Ms. Young demanded, “Show me something now!” Plaintiff stood next to the kitchen counter as Ms. Young remained standing near her couch. An officer pointed in plaintiff’s direction, telling Ms. Young that plaintiff would show her there. Plaintiff held up a piece of paper and

motioned for Ms. Young to come to him. Ms. Young screamed, “I’m not moving until you show me something” and “bring it to me and let me read it.”

¶ 13 Plaintiff approached Ms. Young and, reading from the piece of paper, confirmed with her the address on the warrant. Ms. Young insisted that they had the wrong house, and she did not know Simpson. Increasingly distraught, she pleaded with officers to allow her to call someone because she was “naked” and “in hand cuffs” and did not want to be alone. Plaintiff advised Ms. Young that she need not shout or scream. She repeatedly cried that they “got the wrong place.”

¶ 14 After getting plaintiff’s approval, Officer Cruz asked Officer Ella French, the only female in the group, to enter the residence. Approximately 11 minutes after officers had entered the residence, Officer French escorted Ms. Young into her bedroom to get dressed. Ms. Young returned to the living room, still handcuffed, and sat on the couch.

¶ 15 Plaintiff knelt down, held out the warrant, and explained it to her. This occurred approximately 15 minutes after officers had entered her residence. Officer Cruz brought Ms. Young her phone so she could make a call, while another officer removed her handcuffs. Plaintiff told Ms. Young that they believed her. She asked for a copy of the warrant and plaintiff handed it to her. He also explained that she could file a claim to repair her front door. Before leaving the residence, plaintiff gave Ms. Young his card and instructed her to call him if she had problems getting her door repaired.

¶ 16 On November 4, 2021, the Superintendent of Police filed charges against plaintiff in connection with the execution of the warrant. Specifically, he was charged with violating the following CPD rules:

“Rule 1: Violation of any law or ordinance.

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 5: Failure to perform any duty.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 10: Inattention to duty.

Rule 11: Incompetency [or] inefficiency in the performance of a duty."

¶ 17 Plaintiff was also charged with violating General Order GO2-01, which provides, in relevant part, that "Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being." Finally, plaintiff was charged with violating Special Order SO4-19, which states, in relevant part, that "[a]t the time of actual search warrant execution *** a member of the search team will promptly present a copy of the Search Warrant to the person named in the warrant or, in that person's absence, the person in charge of the premises."

¶ 18 The complaint charged plaintiff with (1) failure to adhere to the knock-and-announce rule while executing the search warrant in violation of Rules 1, 2, 3, 5, 6, 10, and 11; (2) failing to intervene in the disrespectful treatment of Ms. Young in violation of General Order GO2-01 and Special Order SO4-19, as well as Rules 2, 3, 5, 6, 10, and 11; (3) failure to promptly present the search warrant to Ms. Young in violation of Special Order SO4-19, and Rules 2, 3, 5, 6, 10, and 11; (4) failure to contact or consult with a SWAT team supervisor in connection with the execution of the search warrant in violation of Special Order SO4-19 and Rules 2, 3, 5, 6, 10, and 11; (5) allowing Ms. Young to be handcuffed while naked for an extended period of time after it was

established that the residence was not the intended target, and/or waiting approximately 15 minutes to present Ms. Young with a copy of the warrant, and/or ignoring requests by officers to remove the handcuffs from Ms. Young, in violation of Rules 8 and 10. The Superintendent recommended that plaintiff be discharged from the CPD for violating its rules of conduct.

¶ 19 A hearing on the charges took place before a hearing officer in February of 2023. Plaintiff testified at the hearing as an adverse witness and in his case in chief. He stated that he had participated in the execution of approximately 100 warrants during his career, acting as the supervisor for 10 to 15 of them. On the night of February 21, 2019, he was the supervising sergeant for the execution of the search warrant at 164 N. Hermitage. When he approached the residence, other officers were already ramming the front door. He stated that the officers were familiar with the layout of the residence.

¶ 20 Plaintiff testified that he did not know how long officers waited before ramming the front door. After viewing video from a body camera, plaintiff stated that he counted seven seconds from the initial knock to an officer using a battering ram. He did not hear officers say that a person was in the back of the residence.

¶ 21 Plaintiff confirmed that the first thing officers do when entering a residence on a search warrant is to secure the area. After watching a recording, he agreed that after approximately one minute and forty seconds, an officer confirmed it was “clear.” Plaintiff agreed that when executing a search warrant, a location is declared “secure” when the occupants are detained and “there is no immediate threat that can come out of hidden location.”

¶ 22 When asked whether he provided Ms. Young with a copy of the warrant at that time, plaintiff responded that he did not. He explained that she was “screaming and yelling, and it just didn’t provide me an opportunity at this time.” He was attempting to “control the situation,” and

there were “several things within the apartment” that required further investigation. Plaintiff testified that he wanted “to sit Ms. Young down and have Ms. Young take a seat on the couch in order for me to be able to explain the warrant to her.” However, he did not sit her down at that time because he first had to “calm her down *** from her excited screaming, agitated level to kind of a point that [he] could have a conversation with her.”

¶ 23 Plaintiff testified that he did not allow Ms. Young to get dressed because, “for the safety of my officers, myself, Ms. Young, I wanted to de-escalate the situation as much as humanly possible in order to prevent anything bad from happening.” When asked whether he believed Ms. Young would have “calmed down if she had an opportunity to get dressed,” plaintiff answered, “I’m not sure whether she would have calmed down or not [but] based on her actions at that moment *** I didn’t believe it was the appropriate time to move her to get dressed.” He viewed body camera footage indicating that three-and-a-half minutes after entering the residence, he left to go outside. Plaintiff testified that he did not believe there was an imminent threat of battery. However, Ms. Young was not allowed to get dressed at that time because she was still in a “state of excitement and screaming and yelling” which endangered the officers.

¶ 24 The footage showed that approximately six minutes after entering the residence, plaintiff was standing at the kitchen counter holding up a piece of paper. Plaintiff acknowledged that at the time, Ms. Young was standing about six feet away from him with Officer Aporongao holding the blanket around her. He thought “it was okay for her to come over,” and he would have placed the warrant on the counter for her to examine. Plaintiff was “attempting to show her the warrant” at that time. The video then showed plaintiff approaching Ms. Young with the paper and reading from it. He testified that he did not know whether she could “see it” or “read all of the writing on it. That’s why I’m going over all the information on the search warrant.” He acknowledged that

he was not sure whether “it was a meaningful way to review it.” With Ms. Young continuing to scream, he was attempting to “de-escalate the situation and go over the facts that were contained within the search warrant.”

¶ 25 The footage showed that at approximately the seven-minute mark, Officer Cruz spoke with Officer Lisciandrello. Plaintiff acknowledged that shortly thereafter, Officer Cruz went outside and asked Officer French to come inside. The video did not show plaintiff asking Officer Cruz to do so. Plaintiff stated that he was inside trying to de-escalate the situation. At the 12-minute mark, Officer French took Ms. Young into a bedroom to get dressed.

¶ 26 Plaintiff testified that at no time during the execution of the search warrant did he or the other officers look for a weapon. After having a conversation with Officer Aporongao, plaintiff decided not to search for a weapon even though the search warrant allowed it.

¶ 27 After getting dressed, Ms. Young, still handcuffed, sat on the couch and plaintiff had a conversation with her. He admitted that after getting dressed, Ms. Young was “calmer” and “much less distressed.”

¶ 28 Plaintiff agreed that pursuant to Special Order 4-19, when executing a search warrant, a member of the team must “promptly present a copy of the search warrant to the person named in the warrant or, [in] that person’s absence, the person in charge of the premises.” When asked whether, on February 21, 2019, plaintiff understood the term “promptly” to mean “as soon as feasible,” plaintiff answered, “That is correct.” Plaintiff understood “promptly” to mean when the situation in the residence was secure “and everything was pretty much stable and calm.” He testified that he presented the warrant to Ms. Young as quickly as possible and believed he treated her with dignity and kindness.

¶ 29 Plaintiff also admitted that he failed to consult with a SWAT team supervisor prior to executing the search warrant, as required by Special Order 4-19 when the warrant involves an offender with a violent criminal history who is known to possess firearms. He acknowledged that it was an administrative oversight on his part.

¶ 30 Matthew Cline testified that he has worked for the CPD for over 25 years. Presently, he is a deputy chief in the department. He has assisted in officer search warrant training since 1999 or 2000. As part of the training, Cline discusses best practices in the execution of search warrants.

¶ 31 Cline testified that in his training sessions, they discussed the U.S. Supreme Court case of *Muehler v. Mehna*, 544 U.S. 93 (2005), which permitted handcuffing “anybody within a search warrant.” He stated that adults are ordinarily handcuffed, but in some situations it may be best to uncuff an older person or an adult “to bring the temperature of the room down.” However, if individuals become volatile they should be put in handcuffs again. Officers should use their best judgment given the situation. He agreed that the department emphasized a “common sense approach.” There was no “hard and fast rule” regarding how long someone should be handcuffed.

¶ 32 Regarding the knock-and-announce rule, Cline discussed *United States v. Banks*, 540 U.S. 31 (2003) during training. Pursuant to *Banks*, in a situation without exigent circumstances, “15 to 20 seconds was a reasonable amount of time” to wait before breaching the door. He testified that an exigency exists if, for example, officers have reason to believe the person will flee justifying forced entry after a shorter period of time. However, “[y]ou’d want to document those exigent circumstances.” The amount of time to wait will depend on the “totality of the circumstances.”

¶ 33 Cline testified that officers are also trained on how to present the warrant. Once entry is made, and all individuals within the search warrant are controlled, the best practice is to search an area so that the individuals may be seated. The supervisor would then present the warrant to the

head of the household by handing a copy of it to them. The supervisor would explain that the warrant was signed by a judge and inform the person of the reason for the search. Cline agreed that officers are “trained that presenting a warrant can be a de-escalation tactic.”

¶ 34 On cross-examination, Cline agreed that executing a search warrant presents a danger to officers. When executing a warrant, the waiting time before forced entry depends on the particular circumstances including the size of the apartment, whether firearms are involved, and whether officers can see who is coming to the door. When encountering an individual who is screaming, the best practice is to speak in a “calm manner.” In training, they discuss how to “bring down the emotional level” by “giving the individual a voice and then explaining to them *** why we’re there and hoping that will calm the situation.” Cline agreed that an “occupant screaming for an extended period of time” would “increase the stress of the situation.” He also agreed that if the occupant insists officers have the wrong house, they should keep searching until they find something indicating an error.

¶ 35 Officer Cruz testified at the hearing on behalf of plaintiff. He stated that when he arrived at the location, another officer relayed that an individual was running in the back. Cruz believed that exigent circumstances existed to expedite entry into the residence. He did not go to the back of the residence before forcing entry, and no one directed him to secure the back entrance. Cruz understood that the target of the search had a girlfriend, and initially, it was unclear whether Ms. Young was that girlfriend. Since Ms. Young was screaming loudly, he believed she needed to be handcuffed for safety purposes. Cruz stated that plaintiff did not instruct him to cover Ms. Young with a comforter or to retrieve Officer French.

¶ 36 Officer Aporongao testified that officers rushed into the residence after forcing entry because they heard an individual running away. He stated that Ms. Young was “upset,” but she

“never made any verbal threats.” He testified that officers could not talk with Ms. Young while she was so emotional. Aporongao admitted that the police received “bad” information regarding the search warrant.

¶ 37 Officer Lisciandrello testified that when he arrived at the residence, he noticed a man standing in the back door and he relayed that information to the other officers. When he entered the residence, he was the first to encounter Ms. Young and he ordered her to put her hands up. She complied. Lisciandrello acknowledged that as soon as officers declared the situation was clear, they should have asked a female officer to take Ms. Young to get dressed. Approximately six minutes after entering the residence, Lisciandrello put his rifle away in a police vehicle. He stated that once the residence was cleared, officers were standing around “kind of like in limbo.”

¶ 38 Retired officer James O’Grady testified on behalf of plaintiff as a police practices expert. He stated that because of “chatter” on the radio about a person entering at the back of the building, exigent circumstances existed to force entry into the residence. He believed the entry into Ms. Young’s residence was reasonable. He opined that naked occupants should be treated with respect and covered, but officers must continue with their investigation.

¶ 39 O’Grady testified that plaintiff acted professionally during the incident. Since Ms. Young was screaming, she had to remain handcuffed for safety purposes. He also believed that plaintiff tried to de-escalate the situation by speaking to Ms. Young in a calm manner. O’Grady testified that an occupant could be presented with a warrant by being informed of the reason officers were there and then leaving a copy of the warrant with the occupant when officers leave. He opined that “promptly” meant as soon as reasonably possible after everyone is safe. He believed that Ms. Young was “promptly” presented with the search warrant.

¶ 40 On cross-examination, O’Grady acknowledged that it would have been “difficult” for Ms. Young to answer the door before officers used the battering ram. He agreed that on occasion, presenting an occupant with the search warrant can de-escalate the situation.

¶ 41 Commander Levester Denham, the current commander of the Bureau of Internal Affairs, testified as a rebuttal expert in police practices on behalf of the Superintendent. He testified that the Bureau investigates complaints regarding the failure to follow Department rules or regulations.

¶ 42 Regarding whether, in his opinion, an exigency existed because an officer observed an individual at the back of the residence, Denham noted that the residence was part of an apartment complex. As a result, officers should first determine whether the person seen could have been the target of the warrant and not just an individual “passing through.” Denham explained, “[i]f they had seen that person running to the door, maybe they saw the police and they ran in, of course you might want to speed it up.” However, if the person was coming out of the door, there would be no reason to speed up entry because the person would be outside. Denham testified that “until those exigent circumstances were confirmed ***, there was no reason to speed up that search warrant.”

¶ 43 Denham opined that without exigent circumstances and given the size and layout of Ms. Young’s apartment, it was reasonable to wait 7 to 10 seconds for an occupant to answer the door. Based on his experience, he did not believe plaintiff and his team waited for a sufficient period of time. He found that “the time they waited was extremely short. You couldn’t expect anyone to respond to that.” He stated that plaintiff should have been at the door when officers first attempted to gain forcible entry, but he was not.

¶ 44 Denham testified that after breaching the door, the safety of the officers is the priority. After the premises is secured, the search warrant should be presented to the person listed on the search warrant or the person in control of the premises “as soon as possible.” Based on his review

of the footage, he believed that the premises was cleared in “less than a minute *** because it was a small apartment.”

¶ 45 Denham noted that the video footage indicated several opportunities for plaintiff to present the search warrant to Ms. Young before he did so. One opportunity occurred when officers were standing around, and plaintiff was facing Ms. Young and talking to her soon after the premises had been declared “clear.” Plaintiff also could have shown her the warrant when officers began taking photographs of the premises. At that point, “when you’re taking photos, you’re deeming everything secure [because] you take your time and take photos.” Denham saw another opportunity where plaintiff walked past Ms. Young on his way to the kitchen area because “[h]e could have showed it to her when he was in front of her.” Ms. Young had been asking to see the search warrant and that was “what she’s been screaming about.” Although plaintiff held up the warrant when he was approximately 10 feet away from Ms. Young, Denham opined that it was “too far from her to actually see what’s on that search warrant.” He stated that in the Department’s view, presenting the search warrant means that the person is “able to see exactly what’s on the search warrant.”

¶ 46 Denham testified that although Ms. Young was understandably upset and yelling at the officers, she was not acting aggressively towards them. He believed she was in a “crisis situation.” Officers should have attempted to de-escalate the situation and “calm [her] down.” Denham testified that plaintiff did try to de-escalate the situation by talking to Ms. Young, but it was not working. When he recognized that Ms. Young was still in an excited state, plaintiff should have tried “something else.” However, he did not do so even though Ms. Young “is pretty well telling him how to de-escalate. She wants to see the search warrant, and next she wants to make a phone call, and next she wants to put on her clothes.” Instead, plaintiff “is sticking to the simple thing,” which he acknowledged through his own testimony “wasn’t working.”

¶ 47 After the hearing, members of the Board reviewed the record of the proceedings, including the hearing officer's report and the parties' responses to the report, viewed the recording of the evidentiary hearing, and conferred with the hearing officer. The Board issued its findings and decision on June 15, 2023.

¶ 48 First, the Board found that officers failed to adhere to the knock-and-announce rule where they "waited no more than five seconds, and likely closer to three seconds, from the time that they first knocked on the door to their attempt to gain forcible entry to Ms. Young's residence." The Board reasoned that "[e]ven in a small residence, three seconds provides next-to-no time for an individual to answer the door." Cline testified that this short period of time was inconsistent with the CPD rules absent exigent circumstances. The Board determined that no exigent circumstances existed at the time because camera footage merely showed a man "standing at the rear of the building or attempting to enter the building. That message was relayed over the radio." Although the search warrant was for a firearm, and the front door's design made it more difficult for officers to determine whether danger lurked on the other side, the Board found that "those two facts will be true for any number of search warrants."

¶ 49 The Board also found that, regarding the forced entry, plaintiff as the supervising officer "failed to lead." He was not at the door when officers first tried to gain entry. As Denham testified, he should have been there. It was also unclear whether plaintiff knew that a man was observed at the rear of the building. If he knew, "he did not direct officers to the rear of the building or attempt to reassess the situation to ensure the best way to proceed safely." If he did not know of the man, "he did nothing when the other officers began using a battering ram – almost immediately – to gain forcible entry into the residence." Plaintiff "did not attempt to control the situation, as a leader should."

¶ 50 Furthermore, plaintiff's failure to lead and failure to intervene "allowed the horrible treatment of Ms. Young to occur and continue." The Board found that "[f]rom the moment the officers first encountered Ms. Young, it was clear that Ms. Young – who was not clothed – was vulnerable." Other officers recognized her discomfort and attempted to remedy the situation by grabbing a comforter and wrapping it around her. The Board noted, however, that plaintiff "gave none of these directions. Instead, [he] allowed Ms. Young to stand naked for 10 minutes in front of a group of male officers," even though the premises had been quickly cleared.

¶ 51 Although Ms. Young "was rightfully upset," plaintiff did little to de-escalate the situation. The Board acknowledged that plaintiff kept calm and allowed Ms. Young to speak. However, "it quickly became clear that these de-escalation techniques were not working." Ms. Young was "pleading for a copy of the warrant, to be clothed, to be unhandcuffed, [and] for a phone call." Plaintiff "did not listen to Ms. Young's requests, nor did he provide instructions to other officers to do so." The treatment of Ms. Young was "contrary to very basic human dignity and courtesy and that is contrary to General Order GO2-01's directives."

¶ 52 The Board further found that plaintiff "failed to promptly present a copy of the search warrant to Ms. Young *** in violation of Special Order SO4-19." It noted that in his testimony, plaintiff admitted that "promptly" meant "as soon as feasible." Plaintiff's expert testified that an officer must present the search warrant reasonably soon after safety of the premises is secured. Evidence at the hearing showed that the residence was cleared "within a minute-and-a-half of entering." Denham testified that at this point, plaintiff could have presented the search warrant to Ms. Young. The Board found that "it quickly became clear that Ms. Young did not present a threat. The officers did not appear to feel threatened." While plaintiff testified that he preferred to discuss the search warrant with the occupant, the Board found "that is not what the Special Order requires."

According to Denham, presenting a warrant means an officer must either give the warrant to the occupant or put the warrant in a place where they can read it.

¶ 53 The Board was not persuaded by plaintiff's testimony that he could not present the warrant to Ms. Young earlier because she was upset. The Board noted that he "could have first presented the warrant to [her] within minutes of entering the apartment, when the apartment was cleared." Doing so "would have helped to calm her down." Instead, almost 20 minutes passed before she was given a copy of the search warrant, despite her multiple pleas to see the paperwork. Plaintiff had another opportunity to present the warrant when he moved towards Ms. Young on the way to the kitchen counter, which would have de-escalated tensions. The Board found that "[w]hen Ms. Young did not agree to move to the counter, [plaintiff] could have moved toward her – a handcuffed, naked woman in a helpless situation."

¶ 54 Finally, the Board found that plaintiff failed to contact a SWAT team supervisor in connection with the execution of the search warrant, as required by Special Order SO4-19. This provision states that "[p]rior to the execution of a search warrant, the search team supervisor will *** consult with a SWAT team supervisor if: (a) the offender has a violent criminal history; *** [or] (c) the offender is known to keep firearms readily available." Plaintiff admitted that Simpson was an offender known to keep firearms readily available. He also admitted that he did not consult with SWAT and that this failure was an "administrative oversight" on his part.

¶ 55 The Board reiterated in its decision that it found plaintiff's "shortcomings" to be "extremely serious." Based on these findings, the Board determined that the Superintendent carried his burden to show that plaintiff violated Rules 1, 2, 3, 5, 6, 8, 10 and 11, as well as General Order GO2-01 and Special Order SO4-19.

¶ 56 In determining what disciplinary action to take, the Board considered “the facts and circumstances of [plaintiff’s] conduct, the evidence presented in mitigation, and [plaintiff’s] complimentary and disciplinary histories.” Plaintiff presented four mitigation witnesses, present and former CPD sergeants and commanders, who testified about his “good character, professionalism, and compassion.” Plaintiff was described as having a “good heart,” a “loving father” and “a hardworking, dedicated officer.” Plaintiff was calm, trustworthy, and ethical. He also earned a total of 150 awards, including 19 department commendations, 3 special commendations, 98 honorable mentions, and 3 police officer of the month awards. He had no sustained complaints on his disciplinary history report.

¶ 57 The Board found, however, that his accomplishments and positive evaluations “do not mitigate the seriousness of his misconduct.” As a supervising officer, plaintiff was tasked with leading officers under his command and setting an example. The Board recognized that “the situation was challenging” and emotions were heightened. Plaintiff, however, “repeated the same actions, over and over, and those actions did nothing to de-escalate the situation.” Instead, he “ignored Ms. Young’s very basic requests – Ms. Young was treated as an afterthought, less than human.” The Board determined that plaintiff “failed, in nearly every way, to adequately discharge the duties of his office and lead his fellow officers. The resulting image is horrific.”

¶ 58 The Board concluded that “the rule violations and failures of [plaintiff] brought discredit upon the Chicago Police Department and undermined its mission.” It noted that such conduct “fosters public distrust and a lack of confidence in the integrity of the Chicago Police Department, thereby harming the Department’s efforts to achieve” important goals. The Board determined that plaintiff’s conduct was “sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago

Police Department, and is something that the law recognizes as good cause for him to no longer occupy his office.”

¶ 59 The Board unanimously voted to find plaintiff guilty of the charges as set forth in the specifications. Of the eight Board members, five voted in favor of discharge and three opposed that disciplinary action. The dissenters acknowledged that plaintiff “clearly failed in his role as a supervisor and [he] violated several CPD rules and policies.” Although his conduct warranted “severe discipline,” they did not believe it warranted dismissal. Plaintiff was presented with a chaotic situation, and he simply lacked the skills to adequately address it. They believed that “with additional training, [plaintiff] likely would have treated the situation very differently today.” They would impose “a very lengthy suspension without pay” rather than discharge.

¶ 60 Plaintiff filed a complaint for administrative review. Therein, plaintiff alleged numerous errors by the hearing officer in conducting the evidentiary hearing. Plaintiff also alleged that the Board’s findings of a violation of the knock-and-announce rule, the existence of no exigent circumstances, and that Ms. Young was left naked for an extended period of time, were against the manifest weight of the evidence.

¶ 61 The circuit court determined that the Board’s findings were not against the manifest weight of the evidence and there was a sufficient basis to support the Board’s decision to discharge plaintiff. The court affirmed the Board’s decision.

¶ 62 Plaintiff filed this appeal.

¶ 63 II. ANALYSIS

¶ 64 On appeal, plaintiff challenges the Board’s determination that he violated the rules and its decision to discharge him. On administrative review, we review the decision of the administrative agency and not the determination of the circuit court. *Marconi v. Chicago Heights*

Police Pension Board, 225 Ill.2d 497, 531 (2006), as modified on denial of reh’g (May 29, 2007).

In reviewing the Board’s decision to discharge an employee, we first determine whether its findings of fact are against the manifest weight of the evidence. *Walsh v. Board of Fire and Police Commissioners of Village of Orland Park*, 96 Ill. 2d 101, 105 (1983). The second step is to determine whether the Board’s findings provide a sufficient basis to discharge the employee. *Id.*

¶ 65

A. The Board’s Findings

¶ 66 On administrative review, the Board’s findings of fact are considered *prima facie* true, and we will not reverse those findings unless they are against the manifest weight of the evidence. *Beggs v. Board of Education of Murphysboro Community Unit School District No. 186*, 2016 IL 120236, ¶ 50. A determination is against the manifest weight of the evidence if the opposite conclusion is clearly evident. *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill. 2d 200, 210 (2008).

¶ 67

1. Violation of the knock-and-announce rule/Exigent circumstances

¶ 68 Plaintiff first contends that the Board erred in finding that officers violated the knock-and-announce rule where they reasonably waited approximately five seconds after the initial knock before using the battering ram.

¶ 69 The knock-and-announce rule mandates that officers knock and announce the presence of police and their purpose prior to executing a search warrant. *People v. Saechao*, 129 Ill. 2d 522, 530-31 (1989). This common law rule is an element of the reasonableness inquiry under the Fourth Amendment regarding searches and seizures. *Wilson v. Arkansas*, 514 U.S. 927, 934 (1995); *Saechao*, 129 Ill. 2d at 531 (finding that “such an announcement is an important consideration” when determining whether a subsequent entry or search was “constitutionally reasonable”). The rule protects the privacy interests of individuals in that a person is afforded “sufficient opportunity

to respond to authority before a forcible entry is made.” *Saechao*, 129 Ill. 2d at 533. There are no “rigid rules” for ascertaining whether officers have waited a sufficient period of time before forcing entry to execute a search warrant. *Id.* Instead, whether authorities executed a search warrant in a reasonable manner is a question determined by the totality of the circumstances in the case. *U. S. v. Stowe*, 100 F. 3d 494, 499 (7th Cir. 1996); *Saechao*, 129 Ill. 2d at 534.

¶ 70 Plaintiff contends that officers waited a reasonable amount of time before using a battering ram to enter Ms. Young’s residence. As support, he cites cases that found wait times anywhere between five and twenty seconds to be reasonable. See *United States v. Markling*, 7 F. 3d 1309 (7th Cir. 1993) (seven seconds); *Saechao*, 129 Ill. 2d at 533 (five to ten seconds); *People v. Kelter*, 258 Ill. App. 3d 153 (1994) (ten seconds); and *United States v. Banks*, 540 U.S. 31 (2003) (fifteen to twenty seconds). These cases, however, are distinguishable. All involved search warrants for contraband where officers had prior information that the target would try to dispose of the evidence if confronted by the police. In *Markling*, for example, the court noted that officers had been told by recent purchasers of cocaine from the defendant that he was likely to flush the drugs down the toilet if he knew police were present. *Markling*, 7 F. 3d at 1318. The defendant was also staying in a small motel room. The court found that, given the circumstances, officers reasonably waited only seven seconds after announcing their presence to force entry because it was unlikely that the defendant would voluntarily answer the door and very likely he would dispose of evidence. *Id.* In contrast to plaintiff’s cases, officers in this case were searching for contraband in the form of a firearm, and not cocaine or some other illegal substance that can be disposed of easily.

¶ 71 We must consider whether, given the totality of the circumstances, officers gave Ms. Young a reasonable opportunity to answer her door before they forced entry into her residence. Officers were familiar with the layout of Ms. Young’s residence. Camera footage showed that

upon entering Ms. Young's apartment, there is a small hallway leading to the kitchen area, and beyond that was the living room area. Past the kitchen, to the left, was a hallway leading to bedrooms, bathroom and laundry area. Denham opined that, given the size and layout of Ms. Young's apartment, it was reasonable to wait 7 to 10 seconds for an occupant to answer the door. The Board found, however, that officers "waited no more than five seconds *** from the time that they first knocked on the door to their attempt to gain forcible entry [in]to Ms. Young's residence."

¶ 72 As they approached her residence, one of the officers commented that the lights were "out." Therefore, it was likely that no one was in the kitchen or living room area. The wait time was so short that a person who was in the bathroom or bedroom, who would have answered the door if given the opportunity, could not do so before officers began using the battering ram. In fact, when officers forced their way into Ms. Young's residence, they found her naked in the hallway. She was not hiding from police but instead was likely on her way to find out who was at her door. Such a short duration did not serve the purpose of the knock-and-announce rule, "which is to notify the person inside of the presence of the police and the impending intrusion to allow the person time to respond to avoid violence, and to protect privacy as much as possible." *Kelver*, 258 Ill. App. 3d at 156. The Board's finding that the short wait period was unreasonable was not against the manifest weight of the evidence.

¶ 73 Plaintiff also disagrees with the Board's finding that no exigent circumstances existed to justify entry without a knock and announcement. He contends that the Board improperly discounted the fact that a man was observed at the rear of the building. The Board also disregarded that the search warrant identified a firearm and the front door of the residence was reinforced with steel. He argues that such factors indicated danger to the officers' safety and they were justified in taking prompt action.

¶ 74 While the knock-and-announce rule protects important constitutional interests, the Supreme Court recognized that the requirement could “give way” when exigent circumstances are present. *Richards v. Wisconsin*, 520 U.S. 385, 391 (1997). However, courts have long rejected “blanket rules” regarding when such exigent circumstances exist. See *Id.* at 393; *People v. Ouelette*, 78 Ill. 2d 511, 519 (1979). To justify entry without a knock and announcement, “the police must have a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile or that it would inhibit the effective investigation of the crime by, for example, allowing the destruction of evidence.” *Richards*, 520 U.S. at 394. The Court reasoned that this standard “strikes the appropriate balance between the legitimate law enforcement concerns at issue in the execution of search warrants and the individual privacy interests affected by no-knock entries.” *Id.*

¶ 75 Plaintiff cites *United States v. Gillaum*, 372 F. 3d 848 (7th Cir. 2004), *United States v. Adams*, 73 F. App’x 878 (7th Cir. 2003), and *United States v. Bailey*, 136 F. 3d 1160 (7th Cir. 1998), as support for his contention that exigent circumstances justified their quick entry. These cases, however, discussed perceived exigencies where officers had a reasonable belief that evidence would be destroyed. Officers in this case did not testify that they forced entry into Ms. Young’s residence because they feared evidence would be destroyed. Plaintiff acknowledges that this case is not a destruction of evidence case. These cases are inapposite. See *U.S. v. Banks*, 540 U.S. 31, 39 (2003) (finding that when the police claim an exigent need to enter, “the crucial fact in examining their actions is ***the particular exigency claimed”).

¶ 76 Plaintiff argues that exigent circumstances existed because of the officers’ reasonable belief that a knock and announcement would be dangerous. He points out that the search warrant identified a firearm, and the man seen at the rear of the building presented a potential danger

because he “may have been attempting to enter the premises to thwart the search.” Plaintiff argues that, considering the layout of the apartment, there was “a possible fatal funnel situation within the unit for officers entering through the narrow front hallway.”

¶ 77 The Board acknowledged that the search warrant was for a firearm, and that the design of the front door made it more difficult to ascertain potential danger on the other side, but these conditions exist for “any number of search warrants.” In order to excuse compliance with the knock-and-announce rule, officers must reasonably believe that the “weapon will be used against them if they proceed with ordinary announcements.” *People v. Condon*, 148 Ill. 2d 96, 106 (1992). It is not enough that officers are aware that firearms may be present in the residence, or that an occupant of the residence had been arrested for possession of a weapon. *Id.* at 104; *Ouellette*, 78 Ill. 2d at 520-21. Here, nothing in the record indicated that the target of the warrant, or an occupant of the residence, would use a firearm against the police.

¶ 78 Officers primarily pointed to the presence of a man at the rear of the building to show the presence of exigent circumstances. The Board found, however, that body camera footage showed “the man was merely standing at the rear of the building or attempting to enter the building.” In his testimony, Denham noted that Ms. Young’s residence was part of an apartment complex with numerous units. In his opinion, officers should have first determined whether the person was just “passing through” or the target of the search. If he was the target, there would be no need to force entry into the residence. Denham testified that “until those exigent circumstances were confirmed, *** there was no reason to speed up that search warrant.”

¶ 79 The Board found that “without more,” it could not conclude that exigent circumstances existed to justify immediate forced entry. The Board’s determination that no exigent circumstances existed was not against the manifest weight of the evidence. “The mere fact that an opposite

¶ 84 In this case, testimony at the hearing indicated that officers had a common understanding of what “promptly” meant in the context of presenting the search warrant. Plaintiff’s expert opined that “promptly” meant as soon as reasonably possible after everyone is safe. Denham testified that the warrant should be presented “as soon as possible” after the premises is secured. Importantly, plaintiff himself testified that he understood “promptly” to mean “as soon as feasible” when the situation is secure “and everything was pretty much stable and calm.”

¶ 85 Plaintiff’s primary contention is not that the term “promptly” is so vague that its meaning is left solely to the whims of the trier of fact. Rather, he disagrees with the Board’s interpretation of that term under the specific circumstances of this case. He argues that, contrary to the Board’s determination, he made a reasonable “judgment call based upon the chaotic circumstances he was faced with at the moment.”

¶ 86 Plaintiff contends that Ms. Young had to be handcuffed because she was screaming and yelling, and he could not physically hand her the warrant while she was handcuffed. He argues that he tried several times to present the warrant to her, but her yelling prevented him from doing so. He further points out that he directed officers to clear the couch area so Ms. Young could be seated “once she calms down,” consistent with the training described by Cline. When Ms. Young returned after getting dressed, she sat down and plaintiff discussed the warrant with her.

¶ 87 The Board, however, found that plaintiff “could have first presented the warrant to [Ms. Young] within minutes of entering the apartment, when the apartment was cleared.” It noted that the residence was cleared “within a minute-and-a-half of entering,” and “it quickly became clear that Ms. Young did not present a threat.” Denham testified that at this point, plaintiff could have presented the search warrant to Ms. Young. Plaintiff had another opportunity to present the warrant when he moved towards Ms. Young on the way to the kitchen counter. The Board found that

“[w]hen Ms. Young did not agree to move to the counter, [plaintiff] could have moved toward her – a handcuffed, naked woman in a helpless situation.”

¶ 88 The Board was unpersuaded by plaintiff’s testimony that he could not present the warrant earlier because Ms. Young was upset. The Board believed that presenting the warrant to Ms. Young “would have helped to calm her down.” We disagree with plaintiff’s contention that the Board’s belief was “a speculative, 20/20 hindsight finding.” Once officers had complied with Ms. Young’s request to get dressed, she returned in a much calmer state even though she remained handcuffed. Plaintiff admitted at the hearing that after getting dressed, Ms. Young was “calmer” and “much less distressed.” It is reasonable to conclude that showing the search warrant to Ms. Young would have calmed her. According to Denham, presenting a warrant means an officer must either give the warrant to the occupant or put the warrant in a place where they can read it. In this case, almost 20 minutes passed before Ms. Young was given a copy of the search warrant, despite her multiple pleas to see the paperwork. While plaintiff testified that he preferred to discuss the search warrant with the occupant, the Board found that “is not what the Special Order requires.” The Board’s finding that plaintiff failed to “promptly present” the warrant to Ms. Young was not against the manifest weight of the evidence.

¶ 89 3. Failure to de-escalate the situation

¶ 90 Plaintiff next challenges the Board’s finding that he failed to make a reasonable effort to de-escalate the tense situation regarding Ms. Young. He argues that he never raised his voice when speaking to her, he consistently spoke in a calm voice, and he let her speak. In doing so, he followed the course of conduct prescribed by expert witness O’Grady.

¶ 91 Although these techniques provided a good starting point, the Board found that it was readily apparent they were not working in this case. The Board noted that “[f]rom the moment the

officers first encountered Ms. Young, it was clear that Ms. Young – who was not clothed – was vulnerable.” Understandably upset, Ms. Young asked to see “the paperwork” soon after officers entered her home.

¶ 92 The Board found that Ms. Young gave plaintiff the information he needed to de-escalate the situation. She pleaded for a copy of the warrant, to get dressed, and to make a phone call. Plaintiff “did not listen to Ms. Young’s requests, nor did he provide instructions to other officers to do so.” Instead, he continued to employ the same techniques that were ineffective, and Ms. Young became increasingly distraught. Plaintiff contends that he did not respond to her requests because Ms. Young’s “excited screaming” state presented a safety risk to the officers, and he needed to wait until she was calm. However, Ms. Young was distraught precisely because she was in a vulnerable state and her pleas were not being heard. The Board believed that if plaintiff had listened to just one of her requests, it is very likely he could have de-escalated the situation. This finding is not against the manifest weight of the evidence.

¶ 93 4. Disrespectful treatment of Ms. Young

¶ 94 Plaintiff contends that the Board’s findings wrongfully suggest that he “compelled Ms. Young’s body to continue to be openly exposed, in full view of a group of male Chicago Police Officers.” We disagree. The Board did not find that plaintiff knowingly left Ms. Young exposed to humiliate her. Rather, it found that plaintiff, who was in a position of authority during the execution of the search warrant, failed to lead and failed to use his authority to intervene. This failure “allowed the horrible treatment of Ms. Young to occur and continue.” While other officers recognized her discomfort and attempted to remedy the situation by grabbing a comforter, the Board noted that plaintiff “gave none of these directions. Instead, [he] allowed Ms. Young to stand

naked for 10 minutes in front of a group of male officers,” even though the premises had been quickly cleared.

¶ 95 The Board found that plaintiff’s failure to intervene, his failure to present the warrant in a prompt manner, and in the face of Ms. Young’s repeated pleas, his delay in allowing Ms. Young to get dressed after the premises had been cleared, culminated in “treatment that is contrary to very basic human dignity and courtesy and that is contrary to General Order GO2-01’s directives.” These findings are not against the manifest weight of the evidence.

¶ 96 5. Keeping Ms. Young in handcuffs for an extended period.

¶ 97 Plaintiff contends that, contrary to the Board’s finding, Ms. Young had to remain handcuffed because she was yelling and screaming, which raised safety concerns for the officers. He cites *Michigan v. Summers*, 452 U.S. 692 (1981), and *Muehler v. Mena*, 544 U.S. 93 (2005), as support that officers have the authority to restrain an occupant during a search if they have a legitimate interest in minimizing the risk of violence that could occur. He argues that the only reason Ms. Young was handcuffed was to ensure the safety of the officers and herself.

¶ 98 Even if the initial use of handcuffs on Ms. Young was reasonable, the duration of its use can render the detention unreasonable. *People v. Conner*, 358 Ill. App. 3d 945, 952 (2005). Whether the use of handcuffs was reasonable and necessary is a determination that must be made based on the totality of the circumstances actually confronting the officer, and not on generalizations or remote possibilities. *People v. Colyar*, 2013 IL 111835, ¶ 47.

¶ 99 The Board found that Ms. Young’s residence was “cleared within a minute-and-a-half of the officers entering the residence.” It was also obvious that officers did not feel threatened inside Ms. Young’s residence. Officers stood in “limbo” awaiting direction. The Board noted that officers placed their weapons in their vehicles and one officer played with Ms. Young’s dog. Plaintiff

“nonetheless allowed Ms. Young to remain naked and handcuffed for an extended period of time – over ten minutes,” even though it was clear they were not at the residence of the intended target of the warrant.

¶ 100 Given the totality of the circumstances known to officers at the time, keeping Ms. Young in handcuffs for more than 10 minutes, when she was naked and the premises had been quickly secured, was not reasonable or necessary. Plaintiff argues that Ms. Young continued to present a danger because she was screaming and yelling. However, officers testified that she never acted aggressively towards them. In fact, body camera footage showed that Ms. Young tried to answer their questions even in her distraught state. The Board’s finding was not against the manifest weight of the evidence.

¶ 101 *B. Board’s Decision to Terminate*

¶ 102 Since we have determined that the Board’s findings were not against the manifest weight of the evidence, we next consider whether those findings provide a sufficient basis for plaintiff’s discharge. *Franko v. Police Board of the City of Chicago*, 2021 IL App (1st) 201362, ¶¶ 42-43. Sufficient cause for discharge exists when there is “some substantial shortcoming which renders the employee’s continuance in office in some way detrimental to the discipline and efficiency of the service.” (Internal quotation marks omitted.) *Id.* ¶ 51. Courts give deference to the Board’s determination of cause because the Board is in the best position to gauge the effect of the officer’s conduct on the department. *Orsa v. Police Board*, 2016 IL App (1st) 121709, ¶ 60. We will not reverse the Board’s decision to discharge plaintiff unless it was arbitrary, unreasonable, or unrelated to the requirements of service. *Franko*, 2021 IL App (1st) 201362, ¶ 43.

¶ 103 Plaintiff contends that the Board’s decision to discharge him was arbitrary and unreasonable because he made a reasoned, although inappropriate, judgment when faced with a

chaotic and emotionally charged situation. He argues that in cases where an officer's discharge for cause was affirmed, the officer engaged in bad conduct for an extended period of time, acted deceitfully, or committed violence such as domestic battery.

¶ 104 The Board, however, found plaintiff's conduct in executing the search warrant to be more than inappropriate. It found his "substantial shortcomings," as set forth above, to be "extremely serious," and that his conduct resulted in "public distrust and a lack of confidence in the integrity of the Chicago Police Department, thereby harming the Department's efforts to achieve" important goals. Accordingly, the Board determined that plaintiff's continued service in his office would be "detrimental to the discipline and efficiency of the service of the Chicago Police Department." The Board's decision was not arbitrary, unreasonable, or unrelated to the requirements of service.

¶ 105 Plaintiff contends that the Board should have allowed his request to introduce evidence of lesser sanctions given to other team members, because such information would show that discharge was an unreasonable disposition in his case.

¶ 106 We note that "cause for discharge can be found regardless of whether other employees have been disciplined differently." *Launius v. Board of Fire and Police Commissioners of the City of DesPlaines*, 151 Ill. 2d 419, 442 (1992). This is particularly true where differing facts prevent meaningful comparisons. *Id.* Here, plaintiff does not assert that the relevant facts regarding execution of the search warrant were substantially the same for him and the other officers. In fact, he was, as sergeant, the leader and the person other officers followed for guidance.

¶ 107 The Board recognized this distinction, finding that "[a]s the supervising officer, [plaintiff] not only had a duty to be vigilant in following all Department rules and policies, but also was responsible for leading the officers under his command." None of the cases cited by plaintiff in his brief, including *Siwek v. Police Board*, 374 Ill. App. 3d 735 (2007), *Baskerfield v. Daniel*, 71 Ill.

App. 3d 877 (1979), *Wilson v. Board of Fire & Police Commissioners of the City of Markham*, 205 Ill. App. 3d 984 (1990), *Mondragon v. Police Board of City of Chicago*, 2022 IL App (1st) 210068-U, and *Robbins v. Department of State Police Merit Board*, 2014 IL App (4th) 130041, involved a situation where a discharged sergeant challenged his sanction compared with lower-ranked officers of his team. Moreover, even if the Board had erred in denying plaintiff's request, Administrative Review Law provides that the Board's failure to observe the technical rules of evidence is insufficient to reverse its decision unless "such error or failure materially affected the rights of any party and resulted in substantial injustice." 735 ILCS 5/3-111(b) (West 2024). Plaintiff makes no such argument here.

¶ 108 Plaintiff also contends that the discipline he received was too severe given the circumstances. On administrative review, the issue is not whether this court would have imposed a more lenient sanction if initially tasked with determining an appropriate disposition. *Launius*, 151 Ill. 2d at 436. The relevant question is "whether, in view of the circumstances presented, this court can say that the [board], in opting for discharge, acted unreasonably or arbitrarily or selected a type of discipline unrelated to the needs of the service." (Internal quotation marks omitted.) *Id.*

¶ 109 The Board considered testimony from plaintiff's mitigation witnesses and noted his complimentary and disciplinary histories. However, it found that plaintiff's "accomplishments as a police officer and the mitigation witnesses' and letter writers' positive evaluations of him do not mitigate the seriousness of his conduct." A majority concluded that plaintiff's rule violations and failure of leadership were "incompatible with continued service as a sergeant," warranting discharge from the department. Discharge is warranted when an officer displays a lack of trustworthiness, reliability or good judgment. *Village of Oak Lawn v. Human Rights Commission*, 133 Ill. App. 3d 221, 224 (1985). Notably, the violation of a single rule can constitute a sufficient

basis for discharge. *Siwek*, 374 Ill. App. 3d at 738. Although three Board members came to a different conclusion based on the evidence, it is not our function to reweigh the evidence or make an independent determination of the facts. *Abrahamson v. Illinois Department of Professional Regulation*, 153 Ill.2d 76, 88 (1992). The Board's decision to discharge plaintiff was not unreasonable, arbitrary, or unrelated to the needs of the service.

¶ 110

III. CONCLUSION

¶ 111 For the foregoing reasons, we find that the Board's decision to discharge plaintiff was supported by the evidence and was not arbitrary, unreasonable, or unrelated to the requirements of service. The judgment of the circuit court is affirmed.

¶ 112 Affirmed.