

# ***ILLINOIS PROSECUTOR SERVICES, LLC***

19650 S. Standard City Road, Carlinville, IL 62626

Phone: (217) 854-8041

Website: [www.ipsllonline.com](http://www.ipsllonline.com)

E-mail: [don@ipsllonline.com](mailto:don@ipsllonline.com)



## ***LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH***

**By Don Hays**

Month of February – 2026

# **LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH**

## **Month of February – 2026 Primary**

### **People v. Adrian Delgado, 2025 IL App (1st) 241518, December 16, 2025.**

**THE CASE:** Delgado resisted an Officer's attempt to place him in handcuffs. Did this act justify Delgado's conviction for Resisting Arrest? What was the Officer trying to do when he attempted to place Delgado in handcuffs? How did the 2023 amendment to the offense of Resisting Arrest impact this case?

**FACTS:** At around 2 a.m. on the morning in question, the arresting Officer was working patrol in a marked police vehicle, dressed in full uniform. While on patrol, the Officer responded to a request from another Officer for additional officers to assist in a traffic stop. When he arrived at the scene, he noticed that the other Officer had stopped a vehicle. While the other Officer performed work on his computer, the arresting Officer approached the stopped vehicle by himself. He observed four occupants, including the driver, in the vehicle. He identified defendant Delgado as the driver. As he approached the vehicle, the Officer noticed "clown masks" on the headrests. The Officer first spoke with the front passenger and asked for his identification. In complying with the request, the passenger opened the glove compartment. The Officer saw "a knotted plastic baggie containing cannabis" in the glove compartment. The Officer asked the front passenger to exit the vehicle, and he complied. He then asked the right rear passenger for identification. That passenger, even though it was 2 a.m., "had on sunglasses and a surgical mask. And from his experience, the Officer believed the passenger was trying to hide and conceal his identity. When he asked this passenger to step out of the vehicle, the passenger "became argumentative and refused to step out." The rear passenger eventually exited the vehicle. The Officer told him, based on his behavior, that he "was going to be temporarily detained," and then the Officer handcuffed him "with the front right passenger together to avoid any type of flight or them taking off running from us." They were handcuffed "hand in hand" so that each had one free hand. The Officer then "patted down" the passengers but did not find anything.

According to the Officer, the passengers were "very disrespectful" towards him, and he believed the situation was going to become "hands on." He therefore requested additional police units as he attempted to handcuff the passengers. After detaining the two passengers, the Officer spoke to Delgado. He asked him to step out of the vehicle, which he cooperated. The Officer then told Delgado to stand next to the other individuals that had been handcuffed. The Officer then tried to detain him as well by handcuffing him. According to the Officer, Delgado refused to be handcuffed to the other individuals. He described Delgado's demeanor as "aggressive, angry, disrespectful, [and] rude." As he tried to grab Delgado's wrist to handcuff him, Delgado "was pulling away" and he "stiffened his body." The Officer stated that he "had a hard time doing so until the backup arrived, [and] that's when I was able to handcuff him." His encounter with defendant was "quick," taking place "under a minute."

Delgado was subsequently charged under section 31-1(a) of the Criminal Code (720 ILCS 5/31-1(a)) with Resisting a Police Officer. The complaint alleged that Delgado "knowingly obstructed the performance of (the Officer) of an authorized act within his official capacity, being the arrest of [Delgado], knowing (the Officer) to be a peace officer engaged in the execution of his official duties, in that he pulled away and stiffened his right arm and refused to be handcuffed in an effort to defeat the arrest." When questioned concerning how Delgado's actions impeded his investigation, the Officer responded that there were four occupants in the vehicle and he could not "keep eyes on all of them. And dealing with Delgado at the time was kind of difficult "when he's trying to interfere with my performance to try to conduct a thorough investigation." He explained that he only carried two pairs of handcuffs and he "was just detaining. They were not going to be—at the time, I didn't know if they were going to be in custody, so I temporarily detained them until I conducted my investigation." Following a jury trial, Delgado was convicted as charged. This appeal followed.

**ARGUMENT:** On appeal, Delgado contended that the evidence at trial was insufficient to convict him of Resisting Arrest under section 31-1 of the Code. The People maintained that to sustain a conviction for resisting a peace officer pursuant to section 31-1(a), they had to prove that "defendant resisted or obstructed someone he knew was a peace officer, and that this obstruction or resistance actually impeded or hindered the officer" from conducting an authorized act. The People argued that, when viewed in the light most favorable them, the evidence at trial established beyond a reasonable doubt that Delgado committed the offense of resisting a peace officer. Delgado, however, contended that he could not be arrested for Resisting Arrest under section 31-1 unless there was an underlying offense for which he was initially subject to arrest. He argued that the People failed to prove beyond a reasonable doubt any underlying offense for which he was initially subject to arrest.

## **ISSUE: Was Delgado properly convicted of Resisting Arrest?**

**THE LAW:** According to the appellate court, Section 31-1 pertains to the offense of resisting or obstructing a peace officer. [The Court also noted that this section was recently amended, and the amended provision went into effect on January 1, 2023, approximately four months *before* the offense in this case occurred. See Pub. Act 101-652.] As amended, section 31-1(a) provides that “[a] person who knowingly: (1) resists arrest, or (2) obstructs the performance by one known to the person to be a peace officer \*\*\* of any authorized act within his or her official capacity[,] commits a Class A misdemeanor.” 720 ILCS 5/31-1(a)(1)-(2). The amendment also added subsection (d) which provides that “[a] person shall not be subject to arrest for resisting arrest under this Section unless there is an underlying offense for which the person was initially subject to arrest.”

**FINDINGS:** Pursuant to the plain language of section 31-1(a), the appellate court concluded that there are *now* two distinct ways a person can commit the offense of resisting or obstructing a peace officer: by knowingly resisting arrest or by knowingly obstructing the performance by a peace officer of an authorized act. The legislature thus intended to separate the specified offense of resisting arrest from the broader offense of obstructing performance of an authorized act. Further, the Court noted that the misdemeanor complaint charged Delgado with resisting a peace officer under section “31-1-A” of the Code. The complaint, however, did not indicate whether he was being charged under subsection (a)(1) or (a)(2). According to the Court, it is well-established that it is the People's burden to “prove the essential elements of the charging instrument as alleged and without variance.”

Therefore, in order to review whether the People met their burden, the appellate court had to first ascertain the essential elements of the charge against Delgado. To do so, it was required to read the charging instrument “as a whole, and where a statute is cited in a count, the statute and count are to be read together.” The Court noted that the misdemeanor complaint in this case alleged that Delgado “knowingly obstructed the performance of (the Officer) of an authorized act within his official capacity, being the arrest of [Delgado,] knowing (the Officer) to be a peace officer engaged in the execution of his official duties, in that he pulled away and stiffened his right arm and refused to be handcuffed in an effort to defeat his arrest.” Although the complaint referred to Delgado's obstruction of an authorized act, the authorized act specified was the arrest of Delgado. Reading the complaint together with the provisions of section 31-1(a), the appellate court found that Delgado was charged with Resisting Arrest under subsection (a)(1) of that Section. Accordingly, for Delgado to be convicted of resisting arrest under this provision, the People must establish that he knowingly resisted arrest.

Additionally, the Court noted that the Illinois supreme court has recognized that “not every encounter between the police and a private citizen results in a seizure.” Relevant here, under the limited exception set forth in *Terry v. Ohio*, 392 U.S. 1, a police officer may detain a person even without probable cause to arrest. This exception permits an officer to briefly stop a person for temporary questioning if the “totality of the circumstances reasonably lead the officer to conclude that criminal activity may be afoot, and the subject is armed and dangerous.” The Court noted that neither party challenged the validity of the traffic stop in this case. According to the Court, a routine traffic stop is more akin to a *Terry* investigative stop than a formal arrest. Moreover, the Court acknowledged that if the Officer reasonably believed his safety was at risk during the investigative stop, it was reasonable for him to order Delgado and his passengers to exit the vehicle and search them for weapons, *which he did*. Although the Officer had handcuffed the passengers together after they stepped out of the vehicle, and attempted to place handcuffs on defendant, the Court concluded that the act of handcuffing itself did not automatically transform an investigatory stop into a de facto arrest. An officer who reasonably suspects that his or her safety is in danger may take necessary measures to neutralize any threat of physical harm.

Similarly, the Officer testified that it was 2 a.m. when he approached Delgado's vehicle and he was outnumbered four to one. He observed clown masks on the headrests. He also suspected that the rear passenger was trying to hide his identity because he wore sunglasses and a mask. When asked to exit the vehicle, the masked passenger was reluctant and “very disrespectful.” Delgado, a large man, became “aggressive, angry, disrespectful, [and] rude” after exiting the vehicle. In his testimony, another Officer referred to the handcuffing of Delgado together with his passengers as a “safety link.” The Court concluded that under Illinois law, handcuffing was permitted as a reasonable and necessary safety precaution during an investigative stop. Furthermore, the Officer never testified that he placed Delgado under arrest before he tried to handcuff him. Rather, at the time of Delgado's resistance, the Officer was merely trying to conduct an investigation pursuant to a traffic stop.

**CONCLUSION:** The appellate court concluded that the complaint charged Delgado with Resisting Arrest under section 31-1(a)(1) of the Code. Section 31-1(a)(1) specifically addresses the act of Resisting Arrest. Under the plain language of section 31-1(a)(1), a person commits the offense if he or she knowingly “Resists Arrest.” In this case, Delgado could not knowingly resist arrest if no evidence presented at trial supported that he was under arrest when he resisted the Officer. Since the evidence at trial failed to establish that Delgado “knowingly resist[ed] arrest” under section 31-1(a)(1), the appellate court reversed his conviction.

## **QUIZ QUESTIONS FOR THE MONTH OF FEBRUARY – 2026 Primary**

### **People v. Adrian Delgado, 2025 IL App (1st) 241518, December 16, 2025.**

1. Section 31-1 of the Illinois Criminal Code pertains to the offense of Resisting or Obstructing a Peace Officer.
  - a. True.
  - b. False.
  
2. Section 31-1 of the Criminal Code was substantively amended approximately four months prior to the conduct in this case occurring. Did the 2023 amendment to Section 31-1 govern the prosecution of Delgado in this case?
  - a. Yes.
  - b. No.
  
3. Contrary to the prior statute, the 2023 amendment to Section 31-1 created two alternative methods of violation these provisions. Section (a)(1) dealt with Resisting Arrest and Section (a)(2) dealt with Obstructing a Peace Officer.
  - a. True.
  - b. False.
  
4. Did the People in this case clearly allege and prove that Delgado violated Subsection (a)(1) of Section 31-1 by conduct that constituted the offense of Resisting Arrest?
  - a. Yes.
  - b. No.

**QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF QUIZ QUESTIONS FOR THE MONTH  
OF FEBRUARY – 2026 Primary**

**People v. Adrian Delgado, 2025 IL App (1st) 241518, December 16, 2025.**

1. Section 31-1 of the Illinois Criminal Code pertains to the offense of resisting or obstructing a peace officer.  
**a. True.** That is what Section 31-1 of the Code concerns.
  
2. Section 31-1 of the Criminal Code was substantively amended approximately four months prior to the conduct in this case occurring. Did the 2023 amendment to Section 31-1 govern the prosecution of Delgado in this case?  
**a. Yes.** It sure did.
  
3. Contrary to the prior statute, the 2023 amendment to Section 31-1 created two alternative methods of violation these provisions. Section (a)(1) dealt with Resisting Arrest and Section (a)(2) dealt with Obstructing a Peace Officer.  
**a. True.** The 2023 amendment to Section 31-1 clearly identified two separate types of conduct which would violate these provisions.
  
4. Did the People in this case clearly allege and prove that Delgado violated Subsection (a)(1) of Section 31-1 by conduct that constituted the offense of Resisting Arrest?  
**b. No.** The appellate court in this case declared that the People failed to prove beyond a reasonable doubt that Delgado committed the offense of Resisting Arrest.

## **LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH**

### **Month of February - 2026 - ALTERNATIVE**

#### **Juan Mendez v. City of Chicago, et al., 160 F.4th 888, December 3, 2025.**

**THE CASE:** The police received notice of a shot being fired at a specific location. Two Officers approached the house where the shots were fired. After briefly speaking with the Officers, Mendez fled. The Officers chased. During the chase, Mendez was seen holding something in his hand while swinging his arm toward the Officers. An Officer shot and wounded Mendez. Was the Officer justified in using deadly force against Mendez?

**FACTS:** In the early morning of May 26, 2018, while it was still dark, Juan Mendez fired a handgun outside of his home in Chicago. The Chicago Police Department detected the gunshot using ShotSpotter technology, which resulted in a radio alert of a shot fired. Two Officers (Officer One and Officer Two) responded and arrived near that address within about two minutes. Upon arriving, Officer One saw Mendez and a juvenile on a nearby porch. Neither he nor Officer Two saw anyone else in the area. Officer One stood at the gate of the home alongside the sidewalk and exchanged a few brief words with Mendez and the juvenile. Officer Two then joined him and opened the gate. He asked Mendez and the juvenile, “You guys don't have anything on you you're not supposed to have, right?” and entered the front yard while telling them to stand up. Mendez remained seated and did not respond. As Officer Two walked up the porch stairs, Mendez stood up, jumped off the porch and over a fence, and began running down an alleyway. The two officers gave chase. Before turning down the alley, Officer Two stated, “I'll shoot you.” Officer One yelled from up ahead, “Waistband,” “Waistband,” “Waistband,” “Keep your hands up,” and “Hands up.” He then shouted, “He's got it in his hand.” Mendez fell down at approximately this same time, allowing the officers to get closer to him. Mendez got back up and looked back over his right shoulder. As he turned, his right hand and arm swung in the officers' direction. Officer One's body-camera footage shows Mendez was holding something in his right hand. But the video lacks sufficient clarity to identify or discern the object with any certainty. Officer Two then yelled, “I'll shoot you,” and immediately shot Mendez three times. One bullet struck Mendez's right shoulder, and the others struck his lower back. Mendez fell to the ground, and a gun landed about 10 feet in front of him. All of these events happened very quickly, within seconds. While lying on the ground, Mendez stated he “wasn't going to shoot.” The gunshot wounds have left him paralyzed from the waist down.

Mendez sued the City of Chicago, Officer One, and Officer Two. He brought several claims, including a Fourth Amendment excessive-force claim against Officer Two, an Illinois law battery claim against Officer Two, and an indemnification claim against the City of Chicago for Officer Two's actions. Following discovery, both sides moved for summary judgment, and the district court granted the defense motion. The district court rejected the Fourth Amendment excessive-force claim largely based on the body-camera footage. It acknowledged that the footage was too unclear to establish that Mendez had pointed a gun at the officers. But it concluded that the video was clear enough to show that Mendez had swung his arm toward the officers with something in his hand. That fact, combined with the surrounding circumstances, convinced the district court that a reasonable officer in Officer Two's position would have had probable cause to believe that Mendez threatened the safety of the officers or others. It then explained that Mendez could not win on the relevant state law claims without winning on his Fourth Amendment claim. Mendez appealed the order of the District Court.

**THE LAW:** “A claim that a law enforcement officer used excessive force during a stop or arrest is analyzed under the Fourth Amendment.” “The touchstone of the Fourth Amendment is reasonableness, as measured in objective terms.” Assessing the “reasonableness of police force requires analyzing the ‘totality of the circumstances.’ ” This requires “ ‘careful attention to the facts and circumstances’ relating to the incident, as then known to the officer.” “Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force.”

**ISSUE #1:** Did Officer Two's use of deadly force against Mendez violate the Fourth Amendment?

**ARGUMENT:** On appeal, Mendez argued that under the circumstances of this case, Officer Two violated his Fourth Amendment rights by using lethal force against him.

**FINDINGS:** After closing viewing Officer Two's body camera data, the Court of Appeals concluded that Officer Two had probable cause to believe that Mendez posed a threat of serious physical harm under the totality of the circumstances. Specifically, the Court noted that the Officers arrived at the scene to investigate a gunshot notice only two minutes or so after receiving the radio dispatch. Officer Two approached Mendez on the porch only to see him jump a fence and run down an alleyway in response. Officer Two chased Mendez while hearing Officer One yell, "Waistband," "Waistband," "Waistband." He then heard Officer Two shout, "Hands up," and "He's got it in his hand." At this point, Officer Two saw Mendez fall, get back up, and look over his right shoulder at the officers. As Mendez turned, Officer Two saw Mendez's right arm swing in the officers' direction with something in his hand. The Court of Appeals concluded that all of these circumstances combined to make Officer Two's use of force reasonable.

**ISSUE #2:** Did the Court of Appeals properly rely upon Officer Two's body camera data to support its findings?

**ARGUMENT:** On appeal, Mendez argued that the Court could not properly rely on Officer Two's body-camera footage because it is too unclear.

**FINDINGS:** The Court of Appeals agreed with this argument of Mendez, but only in part. According to the Court, the video was shaky, the lighting poor, and the events happened fast. These weaknesses kept the footage from definitively establishing that Mendez did, in fact, point a gun at the officers. However, the Court also noted that a video can be unclear for one purpose and clear for another. The Court concluded that this video showed with sufficient clarity that Officer Two saw Mendez run away, heard Officer One yell warnings, and witnessed Mendez turn toward the officers with some object in his raised hand, which was consistent with Officer Two's testimony. That was enough, in the opinion of the Court, to support the Court's findings that Officer Two acted reasonably when used lethal force against Mendez.

**[CAUTION: The Court of Appeals also issued a cautionary statement:** It specifically stated, "Do not misinterpret what we are saying: video evidence enjoys no special status in law by virtue of being video evidence. It is not infallible. At the summary judgment stage, courts must always view facts in the light most favorable to the nonmoving party 'only if there is a 'genuine' dispute as to those facts.'" "When opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment." Any type of evidence can perform this function, including videos. "But like any other evidence, videos that are 'unclear, incomplete, and fairly open to varying interpretations' cannot resolve evidentiary matters short of trial. That rule does not change today. Plenty of videos will leave enough unresolved to warrant trial."]

**ISSUE #3:** Based upon the above findings, could Mendez still pursue his Illinois claims of Battery against Officer Two and his demand for Indemnification from the State of Illinois?

**FINDINGS:** The Court of Appeals concluded that by resolving Mendez's Fourth Amendment claim it also resolved his pertinent state law claims. As to the battery claim, the Court noted that Illinois law provides that a "public employee is not liable for his act or omission in the execution or enforcement of any law unless such act or omission constitutes willful and wanton conduct." The Court concluded that Officer Two's use of force could not be considered willful and wanton for the same reasons it was reasonable under the Fourth Amendment. Therefore, Mendez's claim of Battery against Officer Two was rejected. Further, the Court noted that Officer Two's lack of liability caused Mendez's indemnification claim against the State of Illinois to fail also.

**CONSLUSION:** The Court of Appeals affirmed the judgment of the District Court in granting summary judgment in favor of the defendants in this case.

## **QUIZ QUESTIONS FOR THE MONTH OF FEBRUARY – 2026 - ALTERNATIVE**

**Juan Mendez v. City of Chicago, et al., 160 F.4th 888, December 3, 2025.**

1. A claim that an Officer has used excessive force is analyzed under which Constitutional Amendment?
  - a. The First Amendment.
  - b. The Second Amendment.
  - c. The Fourth Amendment.
  - d. The Fifth Amendment.
2. Where an officer has probable cause to believe that a suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable for the Officer to defend against that threat by using deadly force.
  - a. True.
  - b. False
3. In this case, did the fact that the Officer's body camera footage failed to affirm that Mendez actually pointed a firearm at the Officers render that footage unusable?
  - a. Yes.
  - b. No.
4. Even though the evidence in this case failed to support Mendez's Fourth Amendment claims, he was still able to pursue his Illinois claims of Battery and for Indemnification against the Officers and their employer City.
  - a. True.
  - b. False.



## **QUIZ QUESTIONS FOR THE MONTH OF FEBRUARY – 2026 - ALTERNATIVE**

### **Juan Mendez v. City of Chicago, et al., 160 F.4th 888, December 3, 2025.**

1. A claim that an Officer has used excessive force is analyzed under which Constitutional Amendment?

**c. The Fourth Amendment.**

2. Where an officer has probable cause to believe that a suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable for the Officer to defend against that threat by using deadly force.

**a. True.** In such cases, the Fourth Amendment is not violated when Officers use deadly force to protect themselves or others.

3. In this case, did the fact that the Officer's body camera footage failed to affirm that Mendez actually pointed a firearm at the Officers render that footage unusable?

**b. No.** The Court held that despite the footage being too unclear to confirm that Mendez actually pointed a firearm at the Officers, it was still clear enough to show that Mendez's actions of pointing at the Officers justified the use of deadly force in response.

4. Even though the evidence in this case failed to support Mendez's Fourth Amendment claims, he was still able to pursue his Illinois claims of Battery and for Indemnification against the Officers and their employer City.

**b. False.** The Court of Appeals held that the same evidence that supported the Officer's defense against a claim that Mendez's Fourth Amendment rights had been violated supporting a finding that the Officer's conduct had not been willful or wanton and since the Officer was not held liable for his conduct, his City employer was also not held liable.