



Log # 2020-4052

## **FINAL SUMMARY REPORT<sup>1</sup>**

### **I. EXECUTIVE SUMMARY**

On August 29, 2020, the Chicago Police Department's (CPD's) Crime Prevention and Information Center notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at approximately 10:33 am that morning in Chicago, Illinois. In the hours following the shooting, COPA learned that Officer Gabriel Rodriguez discharged his firearm in the street near 4950 S Lake Shore Dr. The incident, which was captured on the officers' body worn camera (BWC), began when Officer Rodriguez and other CPD members attempted to detain the occupants of a Jeep that had been reported stolen just moments before. As Officer Rodriguez approached the Jeep on foot, he reportedly observed the passenger lean toward the floorboard as if to retrieve something. The Jeep then struck Officer Rodriguez and continued driving. As Officer Rodriguez ran after the Jeep, he reportedly observed the Jeep's front passenger turn with his arms extended and pointed toward the rear of the Jeep. Fearing he or his partners would be shot, Officer Rodriguez discharged his firearm four times toward the fleeing Jeep. The Jeep fled the area and was later recovered. There was bullet damage to the Jeep; however, there was no indication that anyone was struck by Officer Rodriguez's gunfire.

Upon review of the evidence, COPA served allegations that Officer Rodriguez discharged his firearm in violation of CPD policy and prematurely deactivated his BWC. COPA also served allegations that other involved officers failed to record the entire incident with their BWCs. Following its investigation, COPA reached a Not Sustained finding regarding Officer Rodriguez's weapon discharge and Sustained findings regarding the BWC allegations.

### **II. SUMMARY OF EVIDENCE<sup>2</sup>**

On the morning of August 29, 2020, Officer Gabriel Rodriguez was working as a member of the 5<sup>th</sup> District tactical team with his partner, Officer Natalie Kobik. They were assigned a marked patrol vehicle, Officer Rodriguez was driving, and they were detailed out of their district because of civil unrest in the downtown area. Three other officers from their district, Officers Ryan Ritchie, Yesenia Rojas, and Jeffery Morrow, were also detailed downtown. Those three officers were assigned an unmarked vehicle, and they patrolled along with Officers Rodriguez and Kobik.

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<sup>1</sup> 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.

<sup>2</sup> 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, civilian interviews, and officer interviews.

At approximately 10:30 am, the officers heard a broadcast over the police radio about a nearby vehicular theft at 1201 S Prairie Ave.<sup>3</sup> In the vehicular theft incident, two Black men driving an orange Dodge Dart pulled alongside a white Jeep Grand Cherokee as the owner stood outside the vehicle, and one of the men entered the Jeep and drove away.<sup>4</sup>

The officers began looking for the stolen Jeep, along with the orange Dodge Dart that was reportedly involved in the theft. Officer Rodriguez decided to look for the stolen Jeep on Lake Shore Drive because, in his experience, subjects who stole cars frequently used major roads to escape. As both patrol vehicles drove south on Lake Shore Drive, Officer Rodriguez noticed a white Jeep Grand Cherokee and an orange Dodge Dart stopped in a parking area west of Lake Shore Drive, near E 50<sup>th</sup> St.<sup>5</sup> Both patrol vehicles exited Lake Shore Drive at 53<sup>rd</sup> St. and drove north into the parking lot.<sup>6</sup> The Jeep was initially facing south, but it drove north, in reverse, and then turned to face west.<sup>7</sup> Both CPD vehicles closed in on the Jeep, stopping with Officer Rodriguez's vehicle towards the front of the Jeep and the unmarked vehicle behind the Jeep. All five officers exited their vehicles and approached the Jeep.<sup>8</sup>

According to Officer Rodriguez, there were two Black men in the Jeep – one in the driver's seat and one in the front passenger seat.<sup>9</sup> Officer Rodriguez immediately unholstered his firearm because, in his experience, subjects who steal vehicles are frequently armed.<sup>10</sup> Officer Rodriguez approached the passenger-side front corner of the Jeep as the other four officers approached the driver's side.<sup>11</sup> Officer Rodriguez pointed his gun toward the front windshield of the Jeep and shouted, "Don't move! Don't fucking move!"<sup>12</sup> Officer Rodriguez saw the passenger hunching forward in his seat.<sup>13</sup> At that point, the Jeep accelerated toward Officer Rodriguez and the front bumper struck him, causing him to roll over the hood and land upright on his left leg.<sup>14</sup> As Officer Rodriguez rolled off the hood, he stated that he "observed the passenger come full up as [Officer Rodriguez] roll[ed] off the hood and turned towards the driver with his hands up facing the back of the vehicle."<sup>15</sup> Officer Rodriguez could not see if the passenger was holding anything in his

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<sup>3</sup> Att. 59, EV#2024205380.mp3; Att. 21, Z4 1016-1116.mp3 at 00:00 to 12:22.

<sup>4</sup> Att. 3, file 2020-08-29\_at\_09.50.04\_from\_Main Drive\_on\_Cameras.video, at 10:05:30 to 10:07:10; Att. 21; Att. 48, pgs. 18 to 19.

<sup>5</sup> Att. 96 at 0:28; Att. 109, pgs. 22-23.

<sup>6</sup> Police Observation Devices #5036 and #3527W capture the Jeep and Dodge traveling southbound on Lake Shore Dr. and taking the Hyde Park Blvd. exit at 10:13:05. Shortly after, the same PODs capture the two involved CPD vehicles traveling southbound on Lake Shore Dr., passing the Hyde Park Blvd. exit in the outer lane at 10:27:40. Att. 89.

<sup>7</sup> Att. 109, pg. 28.

<sup>8</sup> All the Jeep's windows were up. The rear windows were tinted, while the windshield and the front driver- and passenger-side windows were clear.

<sup>9</sup> Att. 109, pg. 32, ln. 20 to pg. 33, ln. 16.

<sup>10</sup> Att. 109, pg. 31, lns. 16 to 20.

<sup>11</sup> Att. 96 at 0:55; Att. 57 at 0:31. Due to apparent glare from the sun on the windshield, the occupant(s) of the Jeep are not visible.

<sup>12</sup> Att. 96 at 0:56 to 0:58.

<sup>13</sup> Att. 109, pg. 33, lns. 18 to 24.

<sup>14</sup> Att. 96 at 0:58 to 1:00; Att. 109, pg. 35, ln. 9 to pg. 36, ln. 6.

<sup>15</sup> Att. 109, pg. 36, ln. 17 to pg. 37, ln. 16.

hands, but he believed that the passenger's arms were extended over his seat and pointing towards the rear of the Jeep.<sup>16</sup> Based on his experience and the movements he had seen the passenger make, Officer Rodriguez believed that the passenger may have retrieved a weapon from the floorboard and, based on the way his back and body were positioned, may have been preparing to fire at Officer Rodriguez or his partners.<sup>17</sup> At that point, the Jeep had begun to accelerate away from the officers, but Officer Rodriguez was still within about ten feet of the Jeep. Officer Rodriguez then fired his weapon four times in quick succession at the Jeep, aiming for the passenger.<sup>18</sup> Officer Rodriguez then told Officer Morrow, "The fucking passenger fucking put his hands up when the guy started . . . fucking pushing."<sup>19</sup> Officer Rodriguez sustained pain to his torso and left leg and swelling to his left ankle. Following the incident, Officer Rodriguez was transported to the hospital for medical treatment.<sup>20</sup>

In addition to Officer Rodriguez, COPA interviewed Officers Kobik, Rojas, Ritchie, and Morrow. In their interviews, Officer Rodriguez's partners each stated they did not notice any passengers in the Jeep.<sup>21</sup> Officer Rojas said that as she approached the driver and ordered him to exit the vehicle,<sup>22</sup> he reached down with his right hand and picked up the slide and rear end of a firearm.<sup>23</sup> Once the Jeep fled the scene, Officer Rojas gave OEMC the vehicle's direction of flight and broadcast that the subject had a firearm.<sup>24</sup>

Officers Rojas, Ritchie, and Morrow activated their BWCs after Officer Rodriguez discharged his weapon.<sup>25</sup> Officers Rojas, Ritchie, and Morrow each asserted that they believed they had activated their BWC sooner, and they later activated it once they realized it was not recording.<sup>26</sup> Officer Morrow also offered that he likely forgot to activate his BWC sooner due to the intensity of the situation.<sup>27</sup>

Officers Rodriguez, Kobik, and Ritchie deactivated their BWCs less than three minutes after Officer Rodriguez discharged his weapon.<sup>28</sup> Officer Morrow deactivated his BWC

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<sup>16</sup> Att. 109, pg. 36, ln. 17 to pg. 37, ln. 16.

<sup>17</sup> Att. 109, pg. 37, ln. 18 to pg. 38, ln. 10.

<sup>18</sup> Att. 96 at 1:00 to 1:02; Att. 57 at 0:35; Att. 109, pg. 40, lns. 5 to 7. The occupant(s) of the Jeep are not visible while Officer Rodriguez is firing due to glare and reflections in the rear windshield and the position of Officer Rodriguez's outstretched arms in front of his chest-mounted camera.

<sup>19</sup> Att. 96 at 1:34 to 1:39.

<sup>20</sup> Att. 109, pg. 54, lns. 14 to 22; Att. 81, pgs. 5 and 39.

<sup>21</sup> Conversely, the Case Supplementary Report notes that Officer Kobik told detectives that she saw two male Black subjects in the front seat of the Jeep. Att. 48, pg. 21.

<sup>22</sup> Officers Kobik, Ritchie, and Morrow also approached the Jeep on the driver's side.

<sup>23</sup> The Case Supplementary Report notes that Officer Rojas told detectives that she observed the rear-seat passenger retrieve a firearm from the floor area and observed the top slide of the firearm. Att. 48, pg. 20. However, the detectives' General Progress Report notes that Officer Rojas observed the driver with a firearm. Att. 117, pg. 156.

<sup>24</sup> Att. 110, pg. 18, lns. 14 to 19 and pg. 25, lns. 4 to 23; Att. 59, Z4 1016-1116.mp3 at 17:35 to 18:10.

<sup>25</sup> Att. 97 at 1:59; Att. 95 at 1:03; Att. 57 at 1:41.

<sup>26</sup> Att. 110, pgs. 42 to 44; Att. 108, pg. 27, lns. 7 to 14 and pg. 45, lns. 9 to 19; Att. 106, pg. 48, ln. 17 to pg. 49, ln. 4.

<sup>27</sup> Att. 106, pg. 35, lns. 9 to 23.

<sup>28</sup> Att. 96 at 3:52; Att. 52 at 3:56; Att. 95 at 3:36.

approximately six minutes after the weapon discharge.<sup>29</sup> Officer Rodriguez explained that he deactivated his BWC after the offenders fled the area and were no longer in sight, believing the event to be over.<sup>30</sup> Similarly, Officers Kobik, Ritchie, and Morrow said they deactivated their BWCs when they believed the law enforcement activity concluded or the scene was secure.<sup>31</sup> Officers Rodriguez, Kobik, and Ritchie acknowledged that they deactivated their BWCs before any CPD supervisor declared the scene secure.<sup>32</sup>

The orange Dodge Dart was left running and unoccupied. Officers spoke with the Dodge's owner, **Megan Echols**, on scene, who coincidentally had just arrived to view surveillance video as her vehicle had been stolen from that very location the night before as she made a food delivery.<sup>33</sup> **Echols** reportedly observed a white SUV drive off as officers approached it and heard gunshots, but she said she was too far away to see what transpired.<sup>34</sup> At approximately 12:40 pm on the date of incident, a citizen found a Glock 19 pistol in the street, nine-tenths of a mile from the incident location, at 5124 S Dorchester Ave. The gun, which was subsequently inventoried, was damaged and appeared that it had been thrown on the ground.<sup>35</sup> However, video surveillance from the area of 5124 S Dorchester Ave., a one-way street, does not depict the white Jeep driving on Dorchester between the time of the officer-involved shooting and the time the gun was discovered.<sup>36</sup> At approximately 2:00 pm on the date of incident, the Jeep was located with bullet damage at 6228 S Park Shore East Ct.<sup>37</sup>

CPD later identified a potential suspect, **James Butler**, based on a latent fingerprint found in the Dodge Dart. Detectives interviewed **Butler** but he denied any involvement in the incident and said he was unsure how his fingerprints were found in the Dodge Dart. **Butler** refused to answer further questions and the interview was terminated.<sup>38</sup>

CPD reports document the recovery of evidence following the shooting. Evidence Technicians recovered four (4) fired cartridge cases stamped "Win 9mm Luger +P" from the street at 4950 S Lake Shore Dr. SB.<sup>39</sup> The reports also document the processing of Officer Rodriguez's

<sup>29</sup> Att. 57 at 6:47.

<sup>30</sup> Att. 109, pg. 59, lns. 3 to 12.

<sup>31</sup> Att. 107, pg. 41, lns. 10 to 18; Att. 108, pgs. 45 to 49; Att. 106, pg. 49, lns. 2 to 4.

<sup>32</sup> Att. 109, pg. 60, lns. 8 to 21; Att. 107, pgs. 45 to 48; Att. 108, pg. 49, ln. 24 to pg. 51, ln. 12.

<sup>33</sup> Att. 31; Att. 48, pgs. 17 to 18.

<sup>34</sup> Detectives also spoke with witnesses **Shelia Cramer** and **Enrique Figueroa**. **Cramer** and **Figueroa** both reported seeing two squad cars, one marked and one unmarked, converge upon a white Jeep. **Cramer** reported that the Jeep tried to drive away as two police officers approached, and the Jeep possibly struck an officer. **Figueroa** described seeing an officer run toward the front of the Jeep and yell, "Stop," prior to the Jeep driving forward. **Figueroa** believed the Jeep's driver tried to strike the officer with the Jeep. **Cramer** and **Figueroa** both observed the officer who was struck (or almost struck) discharge his weapon multiple times toward the Jeep. Att. 48, pgs. 19 to 20.

<sup>35</sup> Att. 22; Att. 48, pg. 23.

<sup>36</sup> Att. 48, pg. 23; Atts. 124 to 127.

<sup>37</sup> 3<sup>rd</sup> party surveillance video from 6250 S Harper Ave., the area where the Jeep was recovered, did not show the occupants of the Jeep or anything of apparent evidentiary value; however, a white SUV that could possibly be the Jeep drove west through the parking lot. Att. 6, file CH02-2.avi at 18:02 to 18:18; Att. 48, pg. 18.

<sup>38</sup> Atts. 49 and 130.

<sup>39</sup> Atts. 29 to 30.

Glock model 17 pistol and magazine.<sup>40</sup> The weapon, which magazine's capacity is seventeen (17) plus one (1) chambered round, was found to have thirteen (13) live rounds of ammunition in the magazine and one (1) live round in the chamber (all stamped "Win 9mm Luger +P").

CPD records show that on the afternoon of August 29, 2020, following the incident, Officer Rodriguez submitted to drug and alcohol testing per CPD policy. He tested negative.<sup>41</sup> CPD training records show that Officer Rodriguez was up-to-date on firearm qualification.<sup>42</sup>

### **III. ALLEGATIONS**

#### **Officer Gabriel Rodriguez:**

1. Discharging your firearm in violation of General Order G03-02.
  - Not Sustained
2. Failing to comply with Special Order S03-14 by deactivating your body worn camera from event mode prior to the conclusion of a law-enforcement-related activity.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

#### **Officer Natalie Kobik:**

1. Failing to comply with Special Order S03-14 by deactivating your body worn camera from event mode prior to the conclusion of a law-enforcement-related activity.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

#### **Officer Yesenia Rojas:**

1. Failing to comply with Special Order S03-14 by failing to timely activate your body worn camera.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

#### **Officer Ryan Ritchie:**

1. Failing to comply with Special Order S03-14 by failing to timely activate your body worn camera.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
2. Failing to comply with Special Order S03-14 by deactivating your body worn camera from event mode prior to the conclusion of a law-enforcement-related activity.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

#### **Officer Jeffery Morrow:**

1. Failing to comply with Special Order S03-14 by failing to timely activate your body worn camera.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

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<sup>40</sup> Att. 44.

<sup>41</sup> Atts. 13, 79.

<sup>42</sup> Att. 128.

2. Failing to comply with Special Order S03-14 by deactivating your body worn camera from event mode prior to the conclusion of a law-enforcement-related activity.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

#### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals who provided statements. COPA does note the slight variations between Officer Rodriguez and Officer Rojas's statements: Officer Rodriguez observed the front passenger reach toward the floorboard, while Officer Rojas reportedly saw the driver retrieve a firearm from the floorboard. Additionally, in a statement to COPA, Officer Kobik said she did not recall seeing any passengers in the vehicle while the Case Supplementary Report notes that Officer Kobik saw two Black men seated in the front of the Jeep. These slight inconsistencies between the COPA interviews and the Case Supplementary Report, and/or the fact that the officers remembered some details differently does not diminish the overall credibility of their statements, particularly considering the speed at which this incident occurred and the fact that the officers made their observations through the windows (some tinted) of a moving vehicle while walking or running towards that vehicle. In fact, COPA finds that Officer Rojas's statement that she saw the driver retrieve a firearm tends to corroborate Officer Rodriguez's statement that he believed the passenger retrieved a weapon from the floorboard.

#### V. ANALYSIS<sup>43</sup>

##### **COPA has insufficient evidence to conclude that Officer Rodriguez's firearm discharge violated CPD policy:**

CPD members are expected to resolve situations without using force, unless required under the circumstances to serve a lawful purpose. Members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or third person, stop an attack, make an arrest, or prevent escape. The main issue in evaluating each use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of the circumstances faced by the member at the time of the incident. Factors to be considered include, but are not limited to, (a) whether the person is posing an imminent threat to the member or others; (b) the risk of harm, level of threat or resistance presented by the person; (c) the person's proximity or access to weapons; (d) whether de-escalation techniques can be employed or would be effective; and (e) the availability of other resources.

The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person. CPD policy specifically prohibits a member from using deadly force on a fleeing person unless the person poses an imminent threat. A threat is imminent when it is objectively reasonable to

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<sup>43</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

believe that: (1) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and (2) the person has the means or instruments to cause death or great bodily harm; and (3) the person has the opportunity and ability to cause death or great bodily harm.

Additionally, CPD policy expressly prohibits members from firing solely in defense or protection of property, or from firing at or into a moving vehicle when the vehicle is the only force used against member or another person, unless such force is a last resort and necessary to protect against an imminent threat to life or to prevent great bodily harm.<sup>44</sup>

In the instant case, following a review of the evidence, COPA cannot conclude by a preponderance of the evidence that Officer Rodriguez violated CPD policy when he discharged his firearm. Specifically, COPA lacks sufficient evidence to conclude that the use of deadly force by Officer Rodriguez was not objectively reasonable considering the totality of circumstances he faced.

Officer Rodriguez asserted that he discharged his weapon, aiming at the Jeep's front passenger, after the front passenger leaned toward the floor, sat up, and then turned with his arm extended toward the rear of the Jeep, facing Officer Rodriguez. While Officer Rodriguez acknowledged that he could not see what, if anything, was in the passenger's hand, he believed based on his experience and the totality of the circumstances that the passenger retrieved a firearm from the floor and would shoot him.

Following a thorough review of the evidence, COPA finds by a preponderance of the evidence that there was a passenger and possibly a firearm inside the Jeep. However, COPA has insufficient evidence to corroborate or contradict Officer Rodriguez's claim that the passenger possessed a firearm or that he aimed the firearm at the officers.

First, COPA finds by a preponderance of the evidence that there were at least two people involved in the theft of the Jeep, which occurred only moments before this incident, based on the report that the driver of the stolen Jeep was working with the driver of the stolen Dodge Dart and the third-party video of the theft. Although other officers provided varied accounts regarding the number of occupants of the Jeep throughout the investigation, it is possible based on their location around the Jeep and their focus on the driver, that a passenger was inside the car. The stolen Dodge Dart was found unoccupied nearby prior to the shooting, and COPA finds that it is reasonable to conclude that that driver of the Dodge Dart may have entered the passenger side of the Jeep prior to the incident.

Second, COPA finds by a preponderance of the evidence that a firearm was inside the Jeep. Specifically, Officer Rodriguez explained that based on his experience the passenger's conduct was suggestive of him retrieving and pointing a firearm. In addition, Officer Rojas stated that she saw the driver reach down and pick up the slide and rear end of a firearm. Although this account does not put the gun in the hands of a passenger, it substantiates the plausibility of a gun being

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<sup>44</sup> Atts. 45, 118.

inside the vehicle at the time Officer Rodriguez discharged his firearm. Other officers on scene did not notice a passenger or firearm; however, this is conceivable given how quickly the incident unfolded, each officer's respective position and distance from the Jeep, and the tint on the rear windows of the Jeep.

Following the incident, Officer Rodriguez was captured on his BWC recording telling Officer Morrow that the Jeep's passenger put his hands up when the driver began accelerating. This contemporaneous statement lends credence to what Officer Rodriguez later told detectives and COPA. However, the available video does not capture the entirety of the event and does not provide a clear picture of the occupants of the Jeep or their actions. The ballistics suggest that Officer Rodriguez was aiming solely for the passenger side of the Jeep after having just been hit by the driver of the vehicle. Based on this evidence alone, COPA is unable to determine by a preponderance of the evidence that Officer Rodriguez's belief that the passenger posed an imminent threat was objectively unreasonable in light of the totality of the circumstances. Without any additional evidence, COPA cannot conclude by a preponderance of the evidence that Officer Rodriguez's use of deadly force violated CPD policy, nor can COPA conclude by clear and convincing evidence that Officer Rodriguez's use of deadly force was within CPD policy. Consequently, **Allegation #1 against Officer Rodriguez, is Not Sustained.**

**COPA finds that Officers Rojas, Ritchie and Morrow failed to timely activate their BWCs:**

To increase transparency and improve the quality and reliability of investigations, CPD policy mandates all law-enforcement-related encounters be electronically recorded by BWC. Law-enforcement-related encounters include, but are not limited to, foot and vehicle pursuits, traffic stops, investigatory stops, arrests, use of force incidents, high risk situations, calls for service, emergency driving situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene. The recording of law-enforcement-related encounters is mandatory. Officers must activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities. If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer will activate the BWC as soon as practical.<sup>45</sup>

In this case, the officers became actively engaged in law-enforcement-related activity when they saw two vehicles fitting the description of those involved in a reported vehicular theft and decided to attempt to engage the occupants of those vehicles. This was law-enforcement-related activity that required BWC activation. The officers had sufficient time to activate their BWCs as they exited Lake Shore Drive and drove toward the Jeep. At the latest, the officers should have activated their BWCs when they exited their squad cars; however, the officers only activated their BWCs after Officer Rodriguez discharged his firearm. Officers Rojas, Ritchie, and Morrow's failure to activate their BWCs in a timely manner is highly concerning – particularly because this incident devolved into an officer-involved shooting. Early BWC activation could have captured comprehensive audio of the incident. COPA finds by a preponderance of the evidence that the

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<sup>45</sup> Att. 98.



officers' failure to timely activate their body worn cameras violated CPD policy and Rules 2, 3, 5, 6, and 10; therefore, **Allegation #1 against Officers Rojas, Ritchie and Morrow is Sustained.**

**COPA finds that Officers Rodriguez, Kobik, Ritchie and Morrow deactivating their BWCs from event mode prior to the conclusion of a law-enforcement-related activity:**

CPD policy requires that members will not deactivate their BWCs from event mode unless the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity. For the purposes of the deactivation of BWCs, CPD identifies the conclusion of a law-enforcement-related activity as when the member has cleared the assignment; leaves the scene of incident; and when the highest-ranking on-scene Bureau of Patrol supervisor has determined that the scene is secured in circumstances involving an officer-involved death investigation, firearm discharge, or any other use of force incident. In this case, Officers Rodriguez, Kobik, Ritche, and Morrow deactivated their BWCs from event mode prior to the conclusion of a law-enforcement-related activity – before the supervisor on scene determined that the scene was secure. Therefore, COPA finds by a preponderance of the evidence that these officers violated CPD policy and Rules 2, 3, 5, 6, and 10, and that **Allegation #1 against Officer Kobik, and Allegation #2 against Officers Rodriguez, Ritchie, and Morrow are Sustained.**

**VI. DISCIPLINARY RECOMMENDATIONS<sup>46</sup>**

**a. Officer Gabriel Rodriguez**

**i. Complimentary and Disciplinary History**

Officer Rodriguez has received two Department Commendations, a Superintendent's Honorable Mention, one Problem Solving Award, one Annual Bureau Award of Recognition, seventy-four Honorable Mentions, and three other awards and commendations. Officer Rodriguez has three sustained complaint registers within the past five years: He received a one-day suspension for neglect of duty related to an incident that occurred in January 2020, a reprimand for conduct unbecoming related to an incident that occurred in January 2021, and a finding of "violation noted" for verbal abuse / profanity in December 2021. Officer Rodriguez has also been disciplined twice through the summary punishment process, receiving a reprimand for a preventable accident that occurred in January 2023 and a notation of "no disciplinary action" for failing to perform assigned tasks in June 2023.

**ii. Recommended Discipline**

COPA has found that Officer Rodriguez violated Rules 2, 3, 5, 6, and 10 by deactivating his BWC prior to the conclusion of the incident under investigation. BWC recordings are important tools used to document law-enforcement-related activity, and failure to fully record this activity tends to undermine public confidence in CPD. This is particularly true in cases, such as this one,

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<sup>46</sup> See Att. 151 for the complimentary and disciplinary histories of the accused CPD members.

where a CPD member has discharged a firearm in the direction of another person, regardless of whether the discharge was within CPD policy. Officer Rodriguez told COPA that he deactivated his BWC after the offenders had fled, believing the incident to be over. Officer Rodriguez was apparently ignorant of the requirement to keep his BWC activated until a CPD supervisor arrived and declared the scene to be secure. While Officer Rodriguez may have made an honest mistake, he was responsible for knowing and following the relevant directive. Based on these facts and considering Officer Rodriguez's complimentary and disciplinary history, COPA recommends that Officer Rodriguez be **suspended for 3 days**.

**b. Officer Natalie Kobik**

**i. Complimentary and Disciplinary History**

Officer Kobik has received three Department Commendations, forty-five Honorable Mentions, and three other awards and commendations. Officer Kobik has no sustained complaint registers within the past five years.

**ii. Recommended Discipline**

COPA has found that Officer Kobik violated Rules 2, 3, 5, 6, and 10 by deactivating her BWC prior to the conclusion of the incident under investigation. BWC recordings are important tools used to document law-enforcement-related activity, and failure to fully record this activity tends to undermine public confidence in CPD. Like Officer Rodriguez, Officer Kobik explained that she deactivated her BWC when she believed the scene was secure, and she acknowledged that she did so before a CPD supervisor had made that determination. While Officer Kobik may have made an honest mistake, she was responsible for knowing and following the relevant directive. Based on these facts and considering Officer Kobik's complimentary and disciplinary history, COPA recommends that Officer Kobik receive a **reprimand**.

**c. Officer Yesenia Rojas**

**i. Complimentary and Disciplinary History**

Officer Rojas has received the Superintendent's Award of Tactical Excellence, two Department Commendations, fifty-one Honorable Mentions, and four other awards and commendations. Officer Rojas has no sustained complaint registers within the past five years. Officer Rojas was disciplined once through the summary punishment process, receiving a reprimand for a preventable accident that occurred in July 2022.

**ii. Recommended Discipline**

COPA has found that Officer Rojas violated Rules 2, 3, 5, 6, and 10 by failing to activate her BWC at the beginning of the incident under investigation. BWC recordings are important tools used to document law-enforcement-related activity, and failure to fully record this activity tends

to undermine public confidence in CPD. Officer Rojas told COPA that she believed she had activated her BWC sooner, and she later activated it once she realized it was not recording. Based on these facts and considering Officer Rojas's complimentary and disciplinary history, COPA recommends that Officer Rojas be **suspended for 1 day**.

**d. Officer Ryan Ritchie**

**i. Complimentary and Disciplinary History**

Officer Ritchie has received one Superintendent's Honorable Mention, four Department Commendations, one-hundred-and-eighteen Honorable Mentions, one complimentary letter, and nine other awards and commendations. Officer Ritchie has no sustained complaint registers within the past five years.

**ii. Recommended Discipline**

COPA has found that Officer Ritchie violated Rules 2, 3, 5, 6, and 10 by failing to activate his BWC at the beginning of the incident under investigation and by deactivating his BWC prior to the conclusion of the incident. BWC recordings are important tools used to document law-enforcement-related activity, and failure to fully record this activity tends to undermine public confidence in CPD. Officer Ritchie told COPA that he believed he had activated his BWC sooner, and he later activated it once he realized it was not recording. Officer Ritchie also explained that he deactivated his BWC when he believed the scene was secure, and he acknowledged that he did so before a CPD supervisor had made that determination. Based on these facts and considering Officer Ritchie's complimentary and disciplinary history, COPA recommends that Officer Ritchie be **suspended for 1 day**.

**e. Officer Jeffery Morrow**

**i. Complimentary and Disciplinary History**

Officer Morrow has received one Department Commendation, eighty Honorable Mentions, and three other awards and commendations. Officer Morrow has one sustained complaint register within the past five years, with a designation of "violation noted" for neglect of duty related to a July 2021 incident.

**ii. Recommended Discipline**

COPA has found that Officer Morrow violated Rules 2, 3, 5, 6, and 10 by failing to activate his BWC at the beginning of the incident under investigation and by deactivating his BWC prior to the conclusion of the incident. BWC recordings are important tools used to document law-enforcement-related activity, and failure to fully record this activity tends to undermine public confidence in CPD. Officer Morrow told COPA that he believed he had activated his BWC sooner, and he later activated it once he realized it was not recording. Officer Morrow offered that he likely

forgot to activate his BWC sooner due to the intensity of the situation. Officer Morrow also explained that he deactivated his BWC when he believed the scene was secure, and he acknowledged that he did so before a CPD supervisor had made that determination. Based on these facts and considering Officer Morrow’s complimentary and disciplinary history, COPA recommends that Officer Morrow be **suspended for 1 day.**

Approved:



\_\_\_\_\_  
Angela Hearts-Glass  
Deputy Chief Investigator-Administrator

1-19-2024

\_\_\_\_\_  
Date



\_\_\_\_\_  
Andrea Kersten  
Chief Administrator

1-19-2024

\_\_\_\_\_  
Date

Appendix ACase Details

Date/Time/Location of Incident:	August 29, 2020 / 10:33 am / 4950 S Lake Shore Dr.
Date/Time of COPA Notification:	August 29, 2020 / 11:08 am
Involved Officer #1:	Gabriel Rodriguez, Star #12737, Employee ID # <u>116026</u> , DOA: April 6, 2015, Unit: 005, Male, White Hispanic
Involved Officer #2:	Natalie Kobik, Star #11177, Employee ID # <u>122788</u> , DOA: March 16, 2018, Unit: 005, Female, White
Involved Officer #3:	Yesenia Rojas, Star #18725, Employee ID # <u>122841</u> , DOA: March 16, 2018, Unit: 005, Female, White Hispanic
Involved Officer #4:	Ryan Ritchie, Star #16368, Employee ID # <u>117607</u> , DOA: February 29, 2016, Unit: 005, Male, White
Involved Officer #5:	Jeffery Morrow, Star #17957, Employee ID # <u>123745</u> , DOA: July 27, 2018, Unit: 005, Male, Black
Involved Individuals:	Unknown

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.

Applicable Policies and Laws

- General Order G03-02: Use of Force (effective February 29, 2020)
- Special Order S03-14: Body Worn Cameras (effective April 30, 2018)

## 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.<sup>47</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>48</sup>

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<sup>47</sup> 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).

<sup>48</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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