

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 5, 2019
Time of Incident:	5:30 PM
Location of Incident:	Chicago Avenue and State Street, Chicago, IL
Date of COPA Notification:	June 11, 2019
Time of COPA Notification:	11:50 AM

At approximately 5:30 PM, June 5, 2019, near Chicago Avenue and State Street, accused Police Officers Richard Rodriquez (“Officer Rodriquez”), Star# 12157, and Paul Rozanski (“Officer Rozanski”), Star# 19018, both of the 18th District, observed complaint, [REDACTED] ([REDACTED] as fitting the physical description of a wanted person known to frequent that area. As they exited their CPD vehicle to investigate, [REDACTED] boarded the Chicago Avenue CTA bus. Officers Rodriquez and Rozanski boarded the CTA bus and approached [REDACTED] asking his identity. After initially refusing to provide picture identification, [REDACTED] held his driver’s license in his hand for the officers to see. Upon verifying he was not the wanted person, Officers Rodriquez and Rozanski ceased their investigation, exiting the CTA bus with [REDACTED] free to leave.

[REDACTED] alleges Officers Rodriquez and Rozanski had no probable cause to stop or detain him. He also alleges that the officers racially profiled him.

II. INVOLVED PARTIES

Involved Officer #1:	Richard Rodriquez, Jr., Star# 12157, Employee# [REDACTED] Date of Appointment: 06/16/2017, Police Officer, UOA: 18 th District, DOB: [REDACTED]/1991, Male, Hispanic
Involved Officer #2:	Paul Rozanski, Star# 19018, Employee# [REDACTED] Date of Appointment: 06/15/2013, Police Officer, UOA: 18 th District, DOB: [REDACTED] 1983, Male, White
Involved Individual #1:	[REDACTED] 1989, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Rodriguez	<p>It is alleged that on or around June 5, 2019, at approximately 5:30 PM, on a CTA bus at or near Chicago Avenue and State Street, Officer Rodriguez:</p> <ol style="list-style-type: none"> 1. Stopped [REDACTED] without justification. 2. Detained [REDACTED] without justification. 3. Failed to properly document the detention of [REDACTED] 4. Racially profiled [REDACTED] 	<p>Exonerated</p> <p>Exonerated</p> <p>Sustained/Violation Noted</p> <p>Exonerated</p>
Officer Rozanski	<p>It is alleged that on or around June 5, 2019, at approximately 5:30 PM, on a CTA bus at or near Chicago Avenue and State Street, Officer Rozanski:</p> <ol style="list-style-type: none"> 1. Stopped [REDACTED] without justification. 2. Detained [REDACTED] without justification. 3. Failed to properly document the detention of [REDACTED] 4. Racially profiled [REDACTED] 	<p>Exonerated</p> <p>Exonerated</p> <p>Sustained/Violation Noted</p> <p>Exonerated</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 5:** Failure to perform any duty.
3. **Rule 8:** Disrespect to or maltreatment of any person while on or off duty.

General Orders

1. **G02-04:** Prohibition Regarding Racial Profiling and Other Bias Based Policing

Special Orders

1. SO4-13-9: Investigatory Stop System

Federal Laws

1. 4th Amendment, U.S. Constitution

V. INVESTIGATION**a. Interviews**

On June 19, 2019, **complainant** ██████████ ██████████ gave COPA an audio-recorded interview.¹ On June 5, 2019, ██████████ boarded a westbound Chicago Avenue CTA bus at Chicago and State. Shortly thereafter, two Chicago police officers, identified as accused Police Officer Richard Rodriguez, ("Officer Rodriguez"), Star# 12157, and accused Police Officer Paul Rozanski,² ("Officer Rozanski"), Star# 19018, both of the 18th District, stopped the bus. Upon boarding the bus, the officers directly approached him, saying, "Get off the bus."³ Believing the officers approached him because he was the only black male on the bus, ██████████ asked the reason for his exiting the bus. The officers said he had an arrest warrant. ██████████ denied having any outstanding warrants. He asked the officers, "do you know who I am?"⁴ The officers responded, "Yes, your name is ██████████." He told the officers his name was ██████████. Believing the officers misidentified and approached him without reasonable suspicion, ██████████ offered his social security number but no other identification. As the investigation progressed and feeling the situation was elevating, he decided to show picture identification to the officers. ██████████ held the picture identification in his hand for the officers to see and verbally gave his social security number. During the encounter, he felt Officer Rodriguez was aggressive, attempting to snatch the photo identification from his hand and persistent in requesting he exit the bus. Officer Rozanski tried to diffuse the situation, telling Officer Rodriguez that ██████████ was not their suspect. He felt Officer Rodriguez "wanted some trouble, but there were just too many witnesses around."⁶ Several bus passengers approached him afterward and provided information on what they observed, including being a reporting party on the incident to COPA.

On December 30, 2019, **civilian witness** ██████████ (██████████) gave COPA and audio-recorded interview.⁷ On June 5, 2019, ██████████ boarded a westbound Chicago Avenue CTA bus before its Chicago and State stop. As the bus stopped at Chicago and State, passengers were boarding and exiting the bus. While on her phone, she overheard "a conversation getting heated."⁸

¹ Attachment 8

² During ██████████ interview, he referred to Officer Rozanski as Officer Olsen.

³ Attachment at 3:56

⁴ Id at 4:10

⁵ Id at 4:18

⁶ Id at 6:00

⁷ Attachment 10

⁸ Attachment 10 at 3:40

Looking up, she saw two officers talking to an individual she identifies as the complainant [REDACTED]. The officers were asking for his identification. He refused, saying, “I don’t have to show you my ID.”⁹ With the officers persisting in their demand for identification, [REDACTED] refused, telling the officers, “you called me by a different name.”¹⁰ [REDACTED] told the officers he already showed identification to another officer before boarding the bus. The officers informed [REDACTED] the situation can be resolved by showing identification. He continued to refuse. An officer was heard saying, “a lot of people look the same.”¹¹ As the incident became tense, Officer Rozanski had placed his hand on his firearm, but it was his taser.¹² [REDACTED] began filming the encounter on her phone. Officer Rodriguez defused the situation, telling Officer Rozanski, “let’s go; we’ll get him next time.”¹³ Afterward, several passengers approached [REDACTED] saying they observed the incident and reported it to COPA.

On February 13, 2020, **Accused Officer Rozanski** gave COPA an audio-recorded interview.¹⁴ At approximately 5:30 PM, June 5, 2019, Officer Rozanski and his partner, Officer Rodriguez, were near Chicago, and State looking for a [REDACTED] ([REDACTED] wanted on an outstanding warrant.¹⁵ Officer Rozanski obtained this information via an 18th District roll call and department databases. [REDACTED] most recent physical description identified him as 5’7,” 170 lbs. From a distance, an individual was observed fitting [REDACTED] physical description.¹⁶ While crossing the street to investigate, the person, later identified as complainant [REDACTED] boarded a CTA bus. The officers boarded the bus, with Officer Rodriguez approaching and questioning [REDACTED]. As [REDACTED] became agitated, Officer Rozanski activated his body-worn camera (BWC). It was explained to [REDACTED] he fit the description of a person wanted on an outstanding warrant. His providing identification would resolve any mistaken identity. From the photo identification provided, [REDACTED] was not the wanted person. After exiting the bus, the officers discussed whether the photo identification proved by [REDACTED] was fake. However, based on the photo identification provided, Officer Rozanski believed there was no basis to detain [REDACTED] for further investigation. [REDACTED] was not racially profiled, as he fit the physical description of the wanted person.¹⁷ During his interaction with the officers, [REDACTED] demeanor was agitated and argumentative. Officer Rozanski believed informing [REDACTED] why he was stopped help defuse the situation.

Officer Rozanski did not believe an Investigatory Stop Report (ISR) was necessary. [REDACTED] was not told he was detained, nor handcuffed, but only asked to present identification. He was

⁹ Id at 4:27

¹⁰ Id at 4:34

¹¹ Id at 5:40

¹² In her COPA interview, [REDACTED] described the color of the weapon as yellow.

¹³ Id at 8:19

¹⁴ Attachment 33

¹⁵ Attachment 38

¹⁶ Attachment 5. [REDACTED] Illinois driver’s license list him at 5’7” and 180 lbs.

¹⁷ Attachments 36, 37 and 38

free not to do so and could leave at any time. Additionally, the brevity of the encounter was also a reason for not completing an ISR.

On February 13, 2020, **Accused Officer Rodriquez** gave COPA an audio-recorded interview¹⁸. At approximately 5:30 PM, June 5, 2019, Officer Rozanski and his partner, Officer Rodriquez, were near Chicago and State, looking for a [REDACTED] ([REDACTED] wanted on an outstanding warrant. From a distance, an individual was observed fitting [REDACTED] physical description. While crossing the street to investigate, the person, later identified as complainant [REDACTED] boarded a CTA bus. The officers boarded the bus and approached a seated [REDACTED]. Because he was seated, Officer Rodriquez had some difficulty in gauging [REDACTED] height relative to [REDACTED] physical description on the warrant information. Officer Rodriquez told [REDACTED] "I think you have a warrant for failure to appear."¹⁹ He replied, "No, that's not my name."²⁰ [REDACTED] was asked if he had anything to prove his identity. While holding it in his hand and refusing to hand it to Officer Rodriquez, [REDACTED] showed a driver's license with his name on it. Officer Rodriquez ceased questioning [REDACTED] exiting the bus with Officer Rozanski. Because of the way he held the driver's license in his hand, Officer Rodriquez was not able to see [REDACTED] date of birth. If he had been able, he would have "ran it over the air."²¹ During the investigatory stop of [REDACTED] Officer Rodriquez believed they were engaged in a conversation. While the purpose was to verify his identity, [REDACTED] was free to leave. In previous investigatory stops, Officer Rodriquez admits to detaining people for identity verification. However, [REDACTED] was not told he was being detained, nor was he handcuffed or patted down. According to Officer Rodriquez, [REDACTED] did not appear too upset by the incident. Officer Rodriquez did not racially profile [REDACTED]

Officer Rodriquez did not believe an ISR was necessary. [REDACTED] was only asked for identification and was neither handcuffed nor detained. He was free to leave at any time.

b. Digital Evidence

The **BWC videos** of Officers Rodriquez and Rozanski on June 5, 2019, show their interaction with [REDACTED]²² Officer Rodriquez informs [REDACTED] that he has a warrant for failure to appear. [REDACTED] tells Officer Rodriquez he does not have an outstanding warrant. [REDACTED] asks Officer Rodriquez, "Do you know who I am?" Officer Rodriquez responds, "Yeah, [REDACTED] [REDACTED] says, "That's not my name."²³ Officer Rodriquez asks for [REDACTED] identification, but he only offers his social security number. He tells the officers they have "no probable cause even to approach me."²⁴ [REDACTED] continually tells the officers he is not required to show identification. He

¹⁸ Attachment 32

¹⁹ Attachment 42 at 14:45

²⁰ Id at 14:50

²¹ Id at 15:19

²² Attachments 21 and 22. Both officers were standing side by side when speaking to [REDACTED]

²³ Attachment 22 at 5:41

²⁴ Id at 5:42

holds up his left hand to the officers displaying picture identification. However, while never handing it to the officers, he tells them his name is [REDACTED]. As [REDACTED] gets louder, Officer Rozanski attempts to defuse the situation with a calm voice saying, "When we have a warrant check, mistakes happen. It's as simple as checking your ID. People look alike, right?"²⁵ Officer Rozanski says, "He's good."²⁶ [REDACTED] ends the contact, telling the officers, "you have a nice day."²⁷ The officers complete the investigation and exit the bus.

c. Documentary Evidence

The Office of Emergency Management and Communications (OEMC) Event Query Report# [REDACTED] shows at approximately 5:39 PM, June 5, 2019, Beat no. 18-24, manned by Officers Rodriguez and Rozanski, made a street stop at Chicago and State. At approximately 5:41 PM, the officers cleared the event.²⁸

VI. ANALYSIS

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 the conduct occurred and violated Department policy. *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 has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be

²⁵ Id at 5:39

²⁶ Id at 5:41

²⁷ Id at 5:41

²⁸ Attachment 6

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." *Id.* at ¶ 28.

1. Investigatory stop and detention of ██████████

The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantees the right of individuals to be free from unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. Police-citizen encounters are categorized into three tiers: (1) an arrest of a citizen, which must be supported by probable cause; (2) a temporary investigative seizure conducted pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968) and 725 ILCS 5/107-14, which must be supported by reasonable, articulable suspicion of criminal activity; and (3) a consensual encounter, which does not implicate any Fourth Amendment interests. *People v. McDonough*, 239 Ill. 2d 260, 268 (2010).

Reasonable Articulable Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience.²⁹ Based upon information gathered by Officer Rozanski from an 18th District roll call and other department databases,³⁰ the officers proceeded to a known location to look for a ██████████ the subject of an outstanding warrant. While in the area of Chicago and State, Officers Rodriquez and Rozanski observed the complainant, ██████████ who approximated the physical description of ██████████ ██████████ Based on the totality of the circumstances, including the existence of the outstanding warrant, complainant ██████████ physical appearance, and the collective knowledge, experience, and training of Officers Rodriquez and Rozanski, reasonable articulable suspicion was present for conducting a *Terry* stop to verify the identity of ██████████

A *Terry* stop is an investigative detention analogous to a seizure. As such, "they must be limited in scope and duration...which must be temporary and last no longer than necessary to effectuate the purpose of the stop." *People v. Johnson*, 408 Ill. App. 3d 107, 113 (2d Dist. 2010) (citing *Florida v. Royer*, 460 U.S. 491, 500 (1983)). Officers Rodriquez and Rozanski boarded the CTA bus ██████████ was on to verify his identity. The officers BWC approximates the *Terry* stop lasted approximately four minutes, long enough according to the officers' statements, to conclude ██████████ was not ██████████ Based on the existence of Reasonable Articulable Suspicion, the officers were valid in their actions to stop and temporarily detain ██████████ for further inquiry. Based on clear and convincing evidence, COPA exonerates Officers Rodriquez and Zolanski on the allegations of stopping and detaining complainant ██████████ without justification.

²⁹ Special Order S04-13-09, *Investigatory Stop System*, Chicago Police Department

³⁰ Attachment 38

2. *Racially profiled* [REDACTED]

An 18th District Strategic Decision Support Briefing, dated June 3, 2020, provided the information for Officers Rodriquez and Rozanski for making an investigatory stop of [REDACTED]³¹ The briefing contains a picture and physical description of [REDACTED] as a black male. Based on clear and convincing evidence, COPA exonerates Officers Rodriquez and Rozanski of the allegation they racially profile [REDACTED]

Failure to properly document the detention of [REDACTED]

Special Order S04-13-09, *Investigatory Stop System*, the Chicago Police Department, requires its sworn members to complete an Investigatory Stop Report (ISR) to document the facts and circumstances of an investigatory stop. While Officers Rodriquez and Rozanski's allude in their audio-recorded interviews the interaction with [REDACTED] as a voluntary conversation, the facts demonstrate otherwise. The sole purpose of stopping [REDACTED] was to investigate and determine whether he was [REDACTED] who had an outstanding warrant. Officer Rodriquez did state in his COPA interview a warrant check would have occurred if [REDACTED] did hand over photo identification. However, [REDACTED] presented identification to the officers deemed acceptable to them in proving he was not [REDACTED]. Additionally, the officers possessed the information to complete an ISR and give [REDACTED] a receipt for documenting the stop. Based upon the preponderance of the evidence, COPA sustains the allegation Officers Rodriquez and Rozanski of failed to properly document the detention of [REDACTED]

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Richard Rodriquez

i. Complimentary and Disciplinary History

Officer Rodriquez's complimentary history includes a 2019 Crime Reduction Award, a Traffic Stop of the Month Award, and twenty-three honorable mentions. Officer Rodriquez has a reprimand for a preventable accident in his disciplinary record.

ii. Recommended Penalty, by Allegation

1. Allegation No. 3

COPA recommends a Violation Noted for Officer Richard Rodriquez.

³¹ Attachment 38

b. Officer Paul Rozanski

i. Complimentary and Disciplinary History

Officer Rozanski’s complimentary history includes a 2019 Crime Reduction Award, two Attendance Recognition Awards, two Complimentary Letters, four Department Commendations, six Emblems of Recognition-Physical Fitness, and forty Honorable Mentions. Officer Rozanski has no discipline for his disciplinary record. During his COPA interview, Officer Rozanski admitted he should have completed an ISR.

ii Recommended Penalty, by Allegation

1. Allegation No. 3

COPA recommends a Violation Noted for Officer Paul Rozanski.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Rodriquez	It is alleged that on or around June 5, 2019, at approximately 5:30 PM, on a CTA bus at or near Chicago Avenue and State Street, Officer Rodriquez: 1. Stopped [REDACTED] without justification. 2. Detained [REDACTED] without justification. 3. Failed to properly document the detention of [REDACTED] 4. Racially profiled [REDACTED]	Exonerated Exonerated Sustained/Violation Noted Exonerated
Officer Rozanski	It is alleged that on or around June 5, 2019, at approximately 5:30 PM, on a CTA bus at or near Chicago Avenue and State Street, Officer Rozanski: 1. Stopped [REDACTED] without justification. 2. Stopped [REDACTED] without justification.	Exonerated Exonerated

- 3. Failed to properly document the detention of [REDACTED]
- 4. Racially profiled [REDACTED]

Sustained/Violation
Noted
Exonerated

Approved:

[REDACTED]

12-30-2020

Angela Hearts-Glass
Deputy Chief Investigator

Date

Assigned Investigative Staff

Squad#:	12
Investigator:	Mark A. Glenn
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass