

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 30, 2019
Time of Incident:	12:22 PM
Location of Incident:	██████████
Date of COPA Notification:	November 30, 2019
Time of COPA Notification:	2:41 PM

Officer Robert Rhodes (Officer Rhodes) chased ██████████ (██████████) onto the front porch of what is now known to be ██████████ residence. ██████████ attempted to alert someone inside the home to open the door. Meanwhile, Officer Rhodes called over the radio for assistance and attempted to handcuff ██████████ (██████████). ██████████ mother exited the front door and began to physically interfere with Officer Rhodes’s arrest of ██████████ by trying to separate the officer and her son. Officer Rhodes responded to ██████████ interference by pushing her upper chest with his left hand away from ██████████. ██████████ was eventually handcuffed with the help of responding officers and ██████████ accused Officer Rhodes of excessive force. Body-worn camera (BWC) footage shows Officer Rhodes push ██████████ with his left hand while he arrested ██████████. Following an investigation, COPA determined the allegation that Officer Rhodes used excessive force on ██████████ by striking her on or about the upper chest without justification is exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Robert Rhodes / Star #12625 / Employee ID# ██████████ / DOA: 31 Aug 2015 / Unit: 010 / DOB: ██████████ 1992 / Male / Black
Involved Individual #1:	██████████ / DOB: ██████████ 1964 / Female / Black

III. ALLEGATIONS¹

Officer	Allegation	Finding / Recommendation
Officer Rhodes	1. Used excessive force on ██████████ by striking her on or about the upper chest, without justification.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty

¹ Formal allegations were not served on Officer Rhodes.

 General Orders

1. G03-02-01 Force Options – effective 16 Oct 2017
2. G03-02 Use of Force – effective 16 Oct 2017

V. INVESTIGATION²

a. Interviews

██████████

COPA interviewed the complainant ██████████ ██████████ on December 4, 2019.³ During her interview, ██████████ explained that she was taking out the garbage in back of her home when she noticed Officer Rhodes chasing someone through her backyard. ██████████ ██████████ relocated to her front porch where Officer Rhodes was struggling with her son ██████████ ██████████ admitted to “bear-hugging” ██████████ because Officer Rhodes was “slinging him all over the porch”⁴ and felt that the officer’s actions were not safe. ██████████ ██████████ asked Officer Rhodes what was going on and he responded that ██████████ was going to jail for being involved in a high-speed chase. ██████████ ██████████ related that Officer Rhodes struck her on the upper chest area when she released ██████████ ██████████ ██████████ said that the only thing that Officer Rhodes said was that “he [██████████ ██████████] was going to jail”.⁵ Officer Rhodes never instructed her to stand back or step to the side. ██████████ ██████████ admitted to grabbing ██████████ in order to prevent injury from the porch’s support columns.

b. Digital Evidence

Body-Worn Camera

BWC for Officer Rhodes was obtained and reviewed by COPA.⁶ BWC depicts Officer Rhodes attempting to stop ██████████ (██████████) and ██████████ who were occupants of a vehicle he was attempting to pull over. Officer Rhodes directs both occupants of the vehicle towards its rear after it becomes disabled in a vacant lot. ██████████ then flees and Officer Rhodes pursues him, leaving ██████████ alone next to the car they previously occupied. While in pursuit of ██████████ down an alley, Officer Rhodes loses track of ██████████. Officer Rhodes uses a gangway to reach Trumbull Street. While exiting the gangway’s gate, Officer Rhodes sees ██████████ jogging down Trumbull and up the front stairs of what is now known to be ██████████ residence.

Officer ██████████ pursues ██████████ to ██████████ front door instructing him to “get over here” several times.⁷ ██████████ attempts to open the security door on his residence but it is locked and he can be heard stating “open the front door”⁸ while Officer Rhodes calls in his location on the radio. Officer Rhodes places ██████████ ██████████ left wrist into a handcuff but has difficulty detaining ██████████ right wrist as ██████████ attempts to alert someone inside by knocking on the window. ██████████ ignores Officer Rhodes’s verbal warnings and attempts to secure ██████████ right wrist into the handcuffs. Before Officer Rhodes can place ██████████ right wrist

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 6 or 7

⁴ Att. 6 or 7 at 3:41

⁵ Att. 6 or 7 at 13:10

⁶ Att. 14

⁷ Att. 14 from 12:14:16 PM to 12:14:19 PM

⁸ Att. 14 at 12:14:19 PM

in handcuffs, [REDACTED] can be heard exiting the front door and asking what he ([REDACTED] [REDACTED] is being locked up for.⁹

Upon exiting the front door, [REDACTED] almost immediately physically interferes with Officer Rhodes's attempt to handcuff [REDACTED] [REDACTED] right wrist. [REDACTED] attempts to separate [REDACTED] from Officer Rhodes. Officer Rhodes is seen pushing [REDACTED] in the upper chest with his left hand while still holding his radio, telling her to get out of here or words to that effect.¹⁰ Ms. [REDACTED] ([REDACTED]) exited the home and use her hands to make physical contact with [REDACTED] is recorded pulling on [REDACTED] [REDACTED] and swatting away Officer Rhodes's left arm stating, "let him go."¹¹ [REDACTED] and Officer Rhodes then pushing one another's arms away from [REDACTED] [REDACTED] is then captured restraining [REDACTED] from continuing to engage with Officer Rhodes. Officer Rhodes's BWC is then blocked by the proximity to [REDACTED] [REDACTED] and is eventually knocked to the ground and no further visual footage is recorded.

c. Documentary Evidence

Tactical Response Report (TRR)

A TRR from Officer Rhodes was reviewed.¹² The report describes Officer Rhodes's attempt to place [REDACTED] into handcuffs on the front porch of a house. [REDACTED] exited the house's front door and immediately began to interfere with Officer Rhodes's detention of [REDACTED] [REDACTED] attempted to place her body in between Officer Rhodes and [REDACTED] while simultaneously shoving the officer. In response to [REDACTED] actions, Officer Rhodes gave verbal commands to back up while extending his arms to create separation. [REDACTED] failed to comply with verbal orders and continued to place her hands on Officer Rhodes and attempted to pull [REDACTED] away from Officer Rhodes. [REDACTED] was placed in handcuffs with the assistance of other arriving officers and immediately transported to the 010th District for processing.

Initiation Report

An Initiation Report summarizes the incident involving Officer Rhodes and [REDACTED] alleged that Officer Rhodes used excessive force when he struck her on or about the upper chest area. The report further notes that the [REDACTED] admitted to interfering with Officer Rhodes's arrest of the [REDACTED] [REDACTED] declined medical treatment and to have photographs being taken.

VI. LEGAL STANDARD

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

⁹ Att. 14 at 12:15:05 PM

¹⁰ Att. 14 from 12:15:12 PM to 12:15:15 PM

¹¹ Att. 14 at 12:15:22 PM

¹² Att. 3

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 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.

VII. ANALYSIS

COPA finds the allegation that Officer Rhodes used excessive force on [REDACTED] by striking her on or about the upper chest, without justification, is exonerated. BWC establishes that Officer Rhodes pushed [REDACTED] in her upper chest area with his extended left hand while holding on to his radio. Rule 9 establishes that a member of CPD may not engage in any unjustified physical altercation with any person. By her own admission, [REDACTED] was admittedly interfering with Officer Rhodes’s attempt to arrest [REDACTED]. Due to [REDACTED] immediate physical involvement and her failure to follow Officer Rhodes’s verbal commands, Officer Rhodes use physical force against [REDACTED] to counter [REDACTED] interference in the arrest of [REDACTED]. Officer Rhodes’s use of force in pushing [REDACTED] was objectively reasonable and proportional.¹³ While [REDACTED] alleges that she was aggressively struck on or about her upper chest area, COPA finds that BWC video does not corroborate this accusation. Officer Rhodes’s use of moderate force in pushing [REDACTED] seems akin to creating separation and to prevent [REDACTED] physical interference. Accordingly, COPA finds the allegation that Officer Rhodes Used excessive force on [REDACTED] by striking her on or about the upper chest, without justification, is **EXONERATED**.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Rhodes	1. Used excessive force on [REDACTED] by striking her on or about the upper chest, without justification.	Exonerated

¹³ Att. 16: G03-02 Use of Force: III Use of Force – When Authorized - B. Use of Force – effective 16 Oct 2017

Approved:



2/15/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	2
Investigator:	Anthony Wall
Supervising Investigator:	Bob Coleman
Deputy Chief Administrator:	Matthew Haynam