

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	February 20, 2020/ 11:10 pm/ 3151 W. Harrison St. (011 th District Station)
Date/Time of COPA Notification:	March 6, 2020/ 12:51 pm
Involved Officer #1:	David Rodriguez, Star #1015, Employee ID # [REDACTED] Date of Appointment: August 7, 1995, Sergeant, Unit of Assignment: 050, DOB: [REDACTED], 1973, Male, Hispanic.
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1997, Male Black.
Case Type:	Excessive Force/ Verbal Abuse

I. ALLEGATIONS

Officer	Allegation	Finding
Sergeant David Rodriguez	<p>It is alleged that on or about February 20, 2020, at approximately 11:10 pm, at or near the 011th District Station located at 3151 W. Harrison St., Sgt. Rodriguez:</p> <ol style="list-style-type: none"> 1. Pulled the hair of [REDACTED] without justification. 2. Called Mr. [REDACTED] a “nigger” and a “motherfucker.” 3. Tackled Mr. [REDACTED] to the ground outside the station. 4. Threatened to make Mr. [REDACTED] a felon. 5. Punched Mr. [REDACTED] on the body inside a processing room. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

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II. SUMMARY OF EVIDENCE

In a statement to COPA on March 12, 2020, J [REDACTED]¹ stated he went to the 011th District Station with an unidentified male who had been released from Cook County Jail with him, and the unidentified male's teenage nephew.² They went to the 011th District Station to pick up the unidentified male's property. The male was then going to drive Mr. [REDACTED] to pick up his own property from the police station in Maywood, IL. As the male who received his property was putting his shoelaces in his shoes, a female officer requested several times that they move away from the front desk area. Mr. [REDACTED] and the male's nephew stepped to the side, but the male continued to lace his shoes in front of the desk. The desk sergeant, now identified as Sgt. Rodriguez, asked the men why the female officer had to repeat herself. Mr. [REDACTED] responded that he was standing off to the side, as the female officer had requested, but Sgt. Rodriguez still ordered the men to leave. Mr. [REDACTED] stated he did not know what Sgt. Rodriguez's problem was because he was not using profanity, being loud, or otherwise causing a disturbance. Mr. [REDACTED] walked out of the station, then re-entered seconds later to get the male's nephew, who was still inside. Without provocation, Sgt. Rodriguez entered the revolving doors, grabbed Mr. [REDACTED] by his hair (braids), and pulled him outside. Five or six additional officers came outside and assisted Sgt. Rodriguez in tackling Mr. [REDACTED] to the ground. The officers told Mr. [REDACTED], "you stupid nigger, you just got out, you're going back."³ The officers got Mr. [REDACTED] up and escorted him inside the station to a processing room.

According to Mr. [REDACTED], while in the processing room, Sgt. Rodriguez called him a "stupid motherfucker"⁴ for all the commotion he had caused. Sgt. Rodriguez also threatened to make Mr. [REDACTED] a felon if he said anything else. The sergeant then exited the processing room, and Mr. [REDACTED] began yelling and hitting the bench. Sgt. Rodriguez re-entered the room, pulled Mr. [REDACTED] to his feet, and pushed Mr. [REDACTED] up against the wall. Mr. [REDACTED] stated he did not fully cooperate with Sgt. Rodriguez and approximately seven officers entered the room and began punching him. A Hispanic male officer wearing a grey t-shirt punched Mr. [REDACTED] approximately thirty times about his abdomen area. The officers then escorted Mr. [REDACTED] to a cell. Mr. [REDACTED] could not identify any of the involved officers. He stated that he sustained scrapes and bruises to the left side of his body and some of his braids were pulled out of his hair. He did not seek medical attention.⁵

The arrest and case report of [REDACTED]⁶ indicate that he walked into the 011th District Station and was disruptive and belligerent to the desk personnel. Mr. [REDACTED]

¹ Att. #9.

² Mr. [REDACTED] stated he met the unidentified male upon being released from Cook County Jail, and he did not know the names of the male or his nephew.

³ Att. #9 at 6:55 minutes.

⁴ Att. #9 at 9:31 minutes.

⁵ Mr. [REDACTED] provided COPA with five photographs of himself, which show minor scrapes, lacerations, and bruising to his face, the back of his neck, and his left arm. Additionally, a row of braids appears to be missing from Mr. [REDACTED]'s hair. None of the photos contain a date or time stamp, and it is unknown who took them. See Att. #11.

⁶ Atts. #1-2. A COPA investigator also searched for any Tactical Response Reports related to this incident, with negative results. CMS Note CO-0077109.

had no reason to be in the station and officers asked him to leave numerous times. After refusing to leave, Mr. ██████████ was placed into custody for criminal trespass. He was then immediately put in lockup due to his continuing disruptive behavior. A name check revealed that Mr. ██████████ had bonded out earlier in the day for a domestic battery arrest that occurred in Maywood, IL.⁷ The arrest and case reports do not reference any physical altercation between Mr. ██████████ and CPD members, nor do they indicate Mr. ██████████ complained of any injuries.

In a **statement to COPA on March 2, 2021, Sergeant David Rodriguez**⁸ stated on February 20, 2020, at approximately 11:10 p.m., he was the desk sergeant at the 011th District Station. Mr. ██████████ entered the station and began speaking in a loud tone of voice, using profanities, and being disruptive.⁹ He was standing near an unidentified male and Sgt. Rodriguez thought the two men were together. Sgt. Rodriguez asked Mr. ██████████ why he was at the station and if he needed anything, but Mr. ██████████ did not reply. Sgt. Rodriguez concluded that Mr. ██████████ had no business at the station,¹⁰ and he and other officers at the front desk asked Mr. ██████████ to leave. Mr. ██████████ looked at Sgt. Rodriguez but did not move. After requesting that Mr. ██████████ leave numerous times, Sgt. Rodriguez stood up from behind the front desk and began walking towards Mr. ██████████. Mr. ██████████ turned and walked towards the middle exit door. Sgt. Rodriguez grabbed Mr. ██████████ by his arm, handcuffed him, and escorted him to a processing room. Mr. ██████████ did not resist arrest. After completing his paperwork, Sgt. Rodriguez escorted Mr. ██████████ to the lock-up.

Upon inquiry, Sgt. Rodriguez stated that at no time was Mr. ██████████ placed on the ground, nor did any officers assist him in arresting Mr. ██████████. Sgt. Rodriguez did not observe any injuries to Mr. ██████████.¹¹ He denied tackling Mr. ██████████ to the ground, pulling his hair, or punching him about the body. Sgt. Rodriguez also denied calling Mr. ██████████ a “nigger” or a “motherfucker,” or telling Mr. ██████████ he was going to make him a felon.

COPA investigators requested **video footage from the 011th District Station**, with negative results.¹²

III. ANALYSIS AND CONCLUSION

COPA finds Mr. ██████████’s allegation that Sgt. Rodriguez and numerous officers physically maltreated him is not supported by the evidence, including a lack of district video footage, medical records, or Department reports. In fact, the reviewed evidence is contrary to Mr.

⁷ See Att. #5.

⁸ Att. #13.

⁹ Sgt. Rodriguez stated Mr. ██████████ had been arrested for domestic violence the day before this incident, and was subsequently released.

¹⁰ Mr. M█████████ did not need any paperwork and was not there to pick up any personal property.

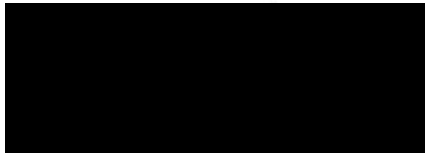
¹¹ During the statement, a COPA investigator showed Sgt. Rodriguez approximately four photographs that Mr. ██████████ provided to COPA. Sgt. Rodriguez stated he had no idea how Mr. ██████████ sustained the injuries in the photos.

¹² CMS Note CO-0044136. Per Officer Naudja Pernell, #█████████, there are no exterior cameras in the front of the station, front desk area, or lock-up cell block G.

██████████'s allegations but is not dispositive. According to Sgt. Rodriguez, he placed Mr. ██████████ under arrest by himself, and no other officers assisted him. He explained he did not have to use physical force with Mr. ██████████ because Mr. ██████████ did not resist. Mr. ██████████, on the other hand, stated Sgt. Rodriguez pulled him by his braids, tackled him to the ground, and repeatedly punched him, causing him to sustain scrapes and bruises to the left side of his body. Although Mr. ██████████ provided COPA with photographs of his injuries, it is unknown when, where, or by whom the photos were taken. Additionally, there is no evidence that Mr. ██████████ sustained these injuries during the alleged incident. Sgt. Rodriguez denied that Mr. ██████████ sustained any injuries during the incident, and Mr. ██████████ acknowledged he did not seek medical treatment. It is evident the accounts of Mr. ██████████ and Sgt. Rodriguez are completely contradictory. Without sufficient objective evidence to support either account, COPA lacks the evidence to prove Sgt. Rodriguez physically maltreated Mr. ██████████ by a preponderance of the evidence. Therefore, COPA finds Allegations 1, 3, and 5 are **Not Sustained**.

Similarly, COPA has not identified objective evidence to support Mr. ██████████'s claim that Sgt. Rodriguez called him a "nigger" and a "motherfucker," and threatened to make him a felon. Sgt. Rodriguez denied the allegations. Accordingly, based on the preponderance of the evidence standard, COPA finds Allegations 2 and 4 are **Not Sustained**.

Approved:



 Matthew Haynam
Deputy Chief Administrator – Chief Investigator

4/22/2021

 Date

Appendix A

Assigned Investigative Staff

Squad#:	Six
Major Case Specialist:	Jessica Sanchez #45
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam