

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 5, 2020
Time of Incident:	12:26 p.m.
Location of Incident:	251 S. Columbus Drive
Date of COPA Notification:	November 7, 2020
Time of COPA Notification:	11:20 a.m.

On November 5, 2020, at 12:26 p.m., while in the vicinity of 251 S. Columbus Drive, Sgt. Rodriguez conducted a traffic stop involving [REDACTED] and [REDACTED]. Sgt. Rodriguez was flagged down by an unknown citizen who alleged [REDACTED] threatened to shoot him during a road rage incident. Sgt. Rodriguez approached [REDACTED] vehicle with her gun in her left hand and ordered him out of the car. [REDACTED] believed that Sgt. Rodriguez pointed her gun at him. After several requests, [REDACTED] exited the vehicle and Sgt. Rodriguez placed him in custody. [REDACTED] was also ordered to exit the car and was searched by Officer Munoz. [REDACTED] alleged that Officer Munoz pulled her hair during the search. [REDACTED] was arrested and charged with UUI and a suspended Driver's License. [REDACTED] was released at the scene.

II. INVOLVED PARTIES

Involved Officer #1:	RODRIGUEZ, Tiffany, Star #1805, Empl. # [REDACTED], DOA December 18, 2006, Sgt., 007 th District, DOB [REDACTED], 1980, female, Black
Involved Officer #2:	MUNOZ, Lissette, Star #10612. Empl. # [REDACTED], DOA July 27, 2018, P.O., 001 st District, DOB [REDACTED], 1992, female, Hispanic
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1997, male, Black
Involved Individual #2:	[REDACTED] DOB [REDACTED], 1998

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sgt. RODRIGUEZ	1. It is alleged that on or about November 5, 200, at or near 251 S. Columbus Drive, Chicago, IL, St. Rodriguez pointed her gun at [REDACTED] without justification.	Unfounded

	2. It is alleged that on or about November 5, 200, at or near 251 S. Columbus Drive, Chicago, IL, St. Rodriguez knocked [REDACTED] [REDACTED] phone from his hand without justification.	Unfounded
Officer MUNOZ, Lissette	1. It is alleged that on or about November 5, 200, at or near 251 S. Columbus Drive, Chicago, IL, Officer Munoz grabbed [REDACTED] [REDACTED] hair without justification.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8 – Disrespect to or maltreatment of any person, while on or off-duty.
2. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person while on or off-duty.

General Orders

1.G03-02-08 Use of Force

V. INVESTIGATION¹

a. Interviews

COPA interviewed [REDACTED] on August 4, 2021. [REDACTED] stated that on or about November 5, 2020, at approximately 12:26 p.m., he and his girlfriend, [REDACTED] were driving in the vicinity of 251 S. Columbus Drive when they got into an altercation with an unknown male driver. [REDACTED] who was driving, said the unknown driver sped in front of him and cut him off, nearly causing an accident. At this time, [REDACTED] observed a police vehicle make a U-Turn and began to follow behind [REDACTED]. The police vehicle eventually pulled him over, but the officers waited several minutes before exiting the car.

The officer, now known to be Sgt. Rodriguez, exited her vehicle, approached him with her gun, and pointed the weapon at [REDACTED]. According to [REDACTED] Sgt. Rodriguez called for backup and did not exit the vehicle until assisting officers arrived on the scene. [REDACTED] let his window down and had his camera/phone in his hands. Sgt. Rodriguez ordered [REDACTED] to open his door, but he refused. [REDACTED] insisted that Sgt. Rodriguez opened the door and removed him from the vehicle. [REDACTED] said that Sgt. Rodriguez knocked his camera/phone out of his hand, grabbed him, and placed him in handcuffs. According to [REDACTED] one of the officers (Officer Munoz) grabbed his face and attempted to pull up his mask because he was spitting as he was talking. [REDACTED] was eventually placed in a police vehicle and charged with driving on a suspended license, possession of a firearm, and possession of marijuana. [REDACTED] said there was a gun in the car, but it was in a

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

box in the trunk. ██████ indicated that he and ██████ both have FOID cards. ██████ did not sustain any injuries. ██████ did not witness the interaction between ██████ and the officers.

COPA interviewed ██████ on August 4, 2021. ██████ stated that she and her boyfriend, ██████ were driving in the vicinity of Columbus Drive, near lower Wacker. ██████ said they were involved in an altercation with an unknown driver. ██████ related that a marked squad car pulled them behind at a stoplight. When the light changed, the officer, now known to be Sgt. Rodriguez activated the emergency equipment and pulled them over. The squad car remained behind them for approximately ten minutes before exiting the vehicle. Sgt. Rodriguez approached their vehicle with her gun drawn. ██████ believed that Sgt. Rodriguez was waiting for additional officers to arrive on the scene.

Sgt. Rodriguez approached the driver's side of their car, where ██████ was seated. ██████ asked Sgt. Rodriguez why she had her gun drawn, at which time she holstered her weapon. ██████ and ██████ asked the officers on the scene why they were being pulled over, and the officers said they were conducting an investigation. ██████ was handcuffed and arrested. ██████ said she was wearing a bonnet, and as one of the officers (Officer Munoz) searched the bonnet, she pulled ██████ hair. ██████ told the officers that she had a gun in the trunk, but the officers never searched the trunk. ██████ informed the officers she had a FOID card. The officers arrested ██████ for the weapon in the car's trunk and a suspended license. ██████ did not sustain any visible injuries. ██████ stated the officers impounded her car and she jumped on the vehicle to prevent the officers from leaving. ██████ said there were witnesses on the scene who recorded the incident.²

b. Digital Evidence

██████ and ██████ provided several videos³ recorded by ██████ and unknown on-lookers. The video footage⁴ that depicts ██████ recording from his camera phone shows Sgt. Rodriguez is standing next to ██████ vehicle, and when she asks ██████ to lower his back window, she holsters her gun, positioned on the left side of her gun belt. The other videos did not depict the allegations alleged by ██████ and ██████

The **Body-Worn Camara of Sgt. Rodriguez**⁵ depicts Sgt. Rodriguez exit the police vehicle with a gun in her left hand. Based on Sgt. Rodriguez's shadow and the reflections from ██████ vehicle, Sgt. Rodriguez kept her weapon in the low ready position. The video did not show Sgt. Rodriguez point her gun at ██████ Upon Sgt. Rodriguez's approach, ██████ comments that she has her gun out but does not allege that the gun is pointed at him. The video depicts ██████ being belligerent to Sgt. Rodriguez and the other officers on the scene. Sgt. Rodriguez orders ██████ to exit the vehicle, but he initially refuses. ██████ eventually exits the car, without assistance when Sgt. Rodriguez opened the door. Sgt. Rodriguez handcuffed ██████ with the assistance of Officer Moriarty. At the 5:18 mark, Sgt. Rodriguez removes ██████ phone

² After COPA's review of the available video evidence, the accused officers were not served with allegations.

³ Atts 6, 12, 36 - 28

⁴ Att 36

⁵ Att 16

from his right hand and drops it. Sgt. Rodriguez and Officer Moriarty search [REDACTED] and recover his identification.

The **Body-Worn Camera of Officer Munoz**⁶ depicts her assisting in the search of [REDACTED]. At the 2:59 mark, [REDACTED] said, "You just grabbed my hair hard as hell." The video never shows Officer Munoz pulling or grabbing her hair. At the 8:12 mark, Officer Munoz attempted to pull [REDACTED] mask over his mouth, but he pulled away. At the 11:22 mark, [REDACTED] said, "I need my gun." At the 11:46 mark, [REDACTED] stated, "I have something in the trunk." At the 12:23 mark, [REDACTED] jumped on top of the car's trunk as it was driving off and said, "I have my gun in the car."

The **Body-Worn Camera of Officer Thomas**⁷ depicts Officer Munoz and herself conducting a patdown of [REDACTED]. At the 00:41 mark, Officer Munoz appears to briefly touch [REDACTED] bonnet that she was wearing on her head. At the 00:46 mark, [REDACTED] said, "You just grabbed my hair hard as hell."

c. Documentary Evidence

The **arrest report of [REDACTED]** indicated that he was arrested for UUV – Weapon, driving on a suspended license, and operating an uninsured motor vehicle. Sgt. Rodriguez and Officer Moriarty were listed as the arresting officers. The narrative of the report indicated that an unknown witness flagged down Sgt. Rodriguez and related that they were involved in a road rage altercation. The people involved in the altercation were driving a white four-door sedan. The witness told Sgt. Rodriguez, the occupants ([REDACTED] and [REDACTED] of the white sedan, had a gun and would shoot the witness. Sgt. Rodriguez stopped the white sedan in the vicinity of 251 S. Columbus and called for assistance.

[REDACTED] who was driving the white sedan, was ordered out of the vehicle and detained. During the officer's investigation, they learned [REDACTED] license was suspended and that he had no proof of insurance. During an inventory search of the car, the officers found a black Glock 45, 9mm, in the vehicle's trunk. [REDACTED] told the officers that the weapon belonged to her.

The **investigatory stop report of [REDACTED] and [REDACTED]** indicated that Sgt. Rodriguez was flagged down by a male/black, who informed her that a white Mercedes Benz ran the male/black off the road. The male/black also told Sgt. Rodriguez that the driver of the vehicle, [REDACTED] said, "I will shoot your ass if you don't stop jumping in front of me." The male/black identified the vehicle, which was simultaneously passing by them. Sgt. Rodriguez curbed the vehicle in the vicinity of 250 S. Columbus Drive and called for backup. [REDACTED] and [REDACTED] admitted being involved in an altercation with a male. [REDACTED] refused to exit the vehicle and held his hands up, at which time Sgt. Rodriguez opened the door. A protective pat-down was conducted, and a name check revealed that [REDACTED] had a suspended license and could not produce proof of insurance. The front seat passenger, [REDACTED] was asked to exit the vehicle, and Officer Munoz conducted a protective pat-down. During this time, [REDACTED] said there was a gun in the car's trunk that belonged to her ([REDACTED]). The officers seized the weapon at the 1st District police station.

⁶ Att 40

⁷ Att 41

V. 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
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 reviewed complied with 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 conduct complied with Department 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. *See e.g., People v. Coan*, 2016 I.L. 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.

VI. ANALYSIS

Sgt. Tiffany Rodriguez #1805

COPA recommends a finding of **Unfounded** for allegations #1- 2 for Sgt. Rodriguez. ██████████ and ██████████ alleged that Sgt. Rodriguez pointed her gun at ██████████ and knocked his phone from his hand. The body-worn camera of Sgt. Rodriguez and the video footage provided by ██████████ showed Sgt. Rodriguez approaching him with the gun in her left hand. The videos never depicted Sgt. Rodriguez pointing her weapon at ██████████. The body-worn camera also showed Sgt. Rodriguez removed ██████████ phone from his right hand and dropped it as she handcuffed ██████████. Sgt. Rodriguez did not knock ██████████ phone out of his hand. Based on the video evidence, COPA makes a finding of Unfounded.

P.O. Lissette Munoz #10612

COPA makes a finding of **Unfounded** for allegation #1 for Officer Munoz. ██████████ alleged that Officer Munoz pulled her hair. The body-worn cameras depicted Officer Munoz conducting

a patdown of [REDACTED] which included [REDACTED] bonnet, but the video never showed Officer Munoz pulling or grabbing [REDACTED] hair.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

4/28/22

Date