

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 15, 2018
Time of Incident:	11:30 p.m.
Location of Incident:	2500 S. Kostner Avenue
Date of COPA Notification:	February 16, 2018
Time of COPA Notification:	10:25 a.m.

On February 15, 2018, [REDACTED] ([REDACTED]) and his passenger, [REDACTED] ([REDACTED]) were driving south on Kostner Avenue in [REDACTED] white, Dodge Caravan. [REDACTED] made a left turn on 26th Street and then turned left into an alley that came out onto Kostner Avenue. Sergeant Peter Chambers (“Sergeant Chambers”), Officer Ryan Stec (“Officer Stec”), and Officer Ricardo Rodarte (“Officer Rodarte”), who were in an unmarked police vehicle, curbed [REDACTED] vehicle. As Officer Rodarte obtained [REDACTED] identification, Sergeant Chambers approached the driver’s side and asked [REDACTED] to step out of the car, because Sergeant Chambers was informed by OEMC dispatch that the license plate on [REDACTED] vehicle was associated with a Nissan vehicle. Sergeant Chambers and Officer Stec patted down [REDACTED] and [REDACTED] respectively, and searched the front of the vehicle. Moments later, dispatch radioed Sergeant Chambers and reported that the wrong license plate number was entered, and that [REDACTED] license plate was associated with a Dodge Caravan. [REDACTED] informed Officer Rodarte that his proof of insurance and registration were in the top portion of his glove compartment. Officer Rodarte searched in multiple areas in the front of the car before obtaining [REDACTED] paperwork from the top portion of the glove compartment. [REDACTED] and [REDACTED] were released without a citation. COPA finds the allegations against Sergeant Chambers and Officer Stec are Exonerated. The allegations against Officer Rodarte are Sustained in part.

II. INVOLVED PARTIES

Involved Sergeant #1:	Peter Chambers, Star No. 1076 ,Employee ID No. [REDACTED] Date of Appointment: April 28, 2008, Sergeant, Unit of Assignment 010, DOB: [REDACTED], 1984, male, White
Involved Officer #1:	Ryan Stec, Star No. 8651, Employee ID No. [REDACTED], Date of Appointment February 23, 2015, Officer, Unit of Assignment 016, DOB: [REDACTED], 1991, male, White
Involved Officer #2:	Ricardo Rodarte, Star No. 5319, Employee ID No. [REDACTED], Date of Appointment October 5, 2012, Police Officer, Unit of Assignment 189, DOB: [REDACTED], 1981, male, Hispanic

Involved Individual #1: ██████████ DOB: ██████████ 1982, male, Black
 Involved Individual #2: ██████████ male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Peter Chambers	It is alleged by the Complainant that on February 15, 2018, at approximately 11:30 p.m. on 2500 S. Kostner Ave. Chicago IL , Sergeant Chambers: 1. Searched Complainant without justification or consent. 2. Searched Complainant’s vehicle without justification or consent. 3. Searched Complainant’s personal effects without justification or consent.	Exonerated Exonerated Exonerated
Officer Ryan Stec	It is alleged by the Complainant that on February 15, 2018, at approximately 11:30 p.m. on 2500 S. Kostner Ave. Chicago, IL 60623, Officer Stec: 1. Unlawfully searched ██████████ (complainant’s passenger’s) person and personal effects.	Exonerated
Officer Ricardo Rodarte	It is alleged by the Complainant that on February 15, 2018, at approximately 11:30 p.m. on 2500 S. Kostner Ave. Chicago, IL 60623, Officer Rodarte: 1. Stopped Complainant’s vehicle without justification. 2. Searched Complainant’s personal effects without consent.	Exonerated Sustained

IV. APPLICABLE RULES AND LAWS

Rules

-
1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 3. Rule 6: Disobedience of an order or directive, whether written or oral.

General Orders

-
1. GO-01-01 Mission Statement and Core Values (effective March 1, 2011, through May 20, 2019)

Special Orders

-
1. S0-4-13-09 Investigatory Stop System (effective July 10,2017)

Federal Laws

-
1. U.S. Constitution, Amendment IV

State Laws

-
1. Illinois Constitution, Article 1, Section 6. Searches Seizures.

Municipal Codes

-
1. MCC 9-24-010 Stop Signs
 - 2.MCC 9-20-010 One-way Streets-Through Traffic Prohibited On Certain Public Ways

V. INVESTIGATION¹

a. Interviews

Complainant [REDACTED] provided a statement to COPA, in COPA offices, on April 2, 2018.² The following is a summary of his statement.

[REDACTED] and [REDACTED] were travelling southbound on Kostner Avenue in [REDACTED] white, Dodge Caravan. [REDACTED] who was driving, was not familiar with the area and became lost. He pulled over on the west side of Kostner Avenue to input information in his GPS system to assist him. [REDACTED] then made a left onto 26th Street and made another left turn into an alley. There were no signs in the alley. [REDACTED] stated he was intending to turn right on to Kostner Avenue from the alley and head north. Before coming out of the alley, [REDACTED] noticed an unmarked vehicle behind him. As he made his right onto Kostner, [REDACTED] discovered that the vehicle behind him was a police vehicle when the vehicle curbed him using lights. Officers exited the vehicle, and one officer, now known to be Officer Rodarte, walked up to [REDACTED] window and asked for [REDACTED] identification. [REDACTED] asked Officer Rodarte what the issue was, and Officer Rodarte stated that the alley that [REDACTED] went through was a one way. [REDACTED] replied that there was no sign. As [REDACTED] searched for his identification, the officer saw [REDACTED] FOID card and asked if [REDACTED] was carrying a weapon. [REDACTED] replied that he was not.

Another Department member, now known to be Sergeant Chambers, approached the driver's side of [REDACTED] vehicle, reached inside, and unlocked the door. Sergeant Chambers opened the door and escorted [REDACTED] out of the vehicle. [REDACTED] asked why he was being pulled out of his vehicle and Sergeant Chambers replied that the license plate on the vehicle came back as belonging to a Nissan. [REDACTED] said that did not make sense. [REDACTED] was walked to the back of the vehicle while Sergeant Chambers and Officer Rodarte searched [REDACTED] car. While Sergeant Chambers and Officer Rodarte were searching, an officer, now known to be Officer Stec, was detaining [REDACTED] at the rear of the vehicle. [REDACTED] was handcuffed and walked to the back of the vehicle. Sergeant Chambers searched the driver's side of the car while Officer Rodarte searched the passenger seat. [REDACTED] said that they also searched the middle seat area and back seat area. Officer Rodarte asked about [REDACTED] insurance and [REDACTED] told him that it was in the glove compartment. [REDACTED] who could see Officer Rodarte through his window, said that the officer was looking in the wrong spot. [REDACTED] said out loud to the officers that his insurance was in the upper glove compartment. Officer Rodarte then found [REDACTED] insurance. Minutes later, [REDACTED] identification was returned, [REDACTED] was unhandcuffed, and they were allowed to leave.

[REDACTED] told COPA investigators that he did not understand why the officers did not do their due diligence and check his paperwork before assuming that the car was stolen. The police did not ask to search his vehicle and [REDACTED] did not give the police permission to search his vehicle. [REDACTED] believed the officers fabricated that the license plate did not match.

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

² Att. 7.

█████ asked █████ after the incident why █████ was placed in handcuffs, and █████ stated that it was because he was perceived as a threat.

Sergeant Chambers was interviewed by COPA on December 28, 2018.³ Prior to providing his statement, Sergeant Chambers reviewed the Investigative Stop Reports pertaining to █████ and █████ and Sergeant Chambers' body-worn camera video. The following is a summary of his statement.

At the time of the incident, Sergeant Chambers was on full duty as a Tactical Sergeant and was riding in an unmarked vehicle with Officer Stec and Officer Rodarte. There was a traffic stop. Sergeant Chambers ran the license plate on the vehicle and then ran the license plate again over the radio to OEMC to get a LEADS/ SOS inquiry. After running the license plate twice, the license plate came out to a different vehicle. Sergeant Chambers then asked █████ out of the vehicle, based on his belief that the vehicle could have a fictitious plate or that the vehicle was stolen. Sergeant Chambers stated that after █████ was out of the vehicle, he asked █████ about the vehicle and whether █████ had ever owned a silver Nissan. Sergeant Chambers patted █████ down based on the belief that the vehicle could be stolen and checked █████ immediate area for any weapons or any evidence that the vehicle was stolen. Sergeant Chambers described checking the immediate area as a pat down of the person and a pat down of the car.

As Sergeant Chambers was performing his check, Officer Stec removed █████ from the car. Sergeant Chambers heard commotion coming from the passenger side and so he went to the passenger side to assist. █████ was placed in handcuffs and calmed down. Sergeant Chambers then checked █████ immediate area for weapons or evidence that the car was stolen, at which time Sergeant Chambers observed open alcohol in the front seat. Sergeant Chambers then verified █████ license, at which time dispatch radioed and stated that █████ license plate number was associated with a Dodge Caravan. Once the wrong plate number message was received, Sergeant Chambers stated that that part of the investigation was concluded and that he was under the impression that the officers were investigating the open alcohol. The officers issued a verbal warning about the open alcohol.

Sergeant Chambers was looking for tools or a weapon in the bag that he was recorded searching on BWC. Sergeant Chambers did not recall █████ stating that he was the owner of the open alcohol and to go ahead and search for anything else. He also did not recall █████ or █████ stating that they could be searched.

Officer Stec was interviewed by COPA on December 17, 2018.⁴ Prior to providing his statement, Officer Stec reviewed the Investigative Stop Reports pertaining to █████ and █████ as well as Officer Stec's body-worn camera video. The following is a summary of his statement.⁵

³ Att. 20.

⁴ Att. 15.

⁵ Prior to Officer Stec providing his statement, counsel for Officer Stec entered an objection on the record that the alleged victim involved in Officer Stec's allegation, █████ did not sign an affidavit.

Officer Stec's recollection of the beginning of the stop is substantially the same as Sergeant Chambers and Officer Rodarte. Once [REDACTED] vehicle was stopped, Officer Stec approached the passenger side of the vehicle where he detected a strong odor of cannabis. He and Sergeant Chambers spoke with [REDACTED] briefly. Sergeant Chambers then conducted a LEADS inquiry of the vehicle and OEMC related that the license plates did not match the car. [REDACTED] and [REDACTED] were then asked to exit the vehicle. Officer Stec detained [REDACTED] while the legality of the vehicle was investigated. While being detained, [REDACTED] began to stiffen, an action Officer Stec interpreted as [REDACTED] attempting to push off the vehicle. Officer Stec asked Sergeant Chambers to come to his side. Officer Stec then searched [REDACTED] left pocket and discovered unwrapped cigarette boxes. Officer Stec, who still smelled cannabis, opened the cigarette boxes, because based on his experience, cigarettes have been used to hide contraband. He was unable to locate any contraband. OEMC then verified that [REDACTED] vehicle had the correct plates and that there was a misunderstanding. The members conducted a name check and then [REDACTED] and [REDACTED] were free to leave. Officer Stec did not search [REDACTED] for weapons.

Officer Stec described [REDACTED] as slightly intoxicated based on Officer Stec's experience. Officer Stec identified slurred speech and a delayed response to verbal directions as indicators of intoxication. Officer Stec did not recall if [REDACTED] received a receipt, but the report said that the receipt was declined. Officer Stec did not recall hearing [REDACTED] state, as recorded in [REDACTED] ISR, that [REDACTED] was the owner of the alcohol and to go ahead and search him for anything else.

Officer Rodarte was interviewed by COPA on December 5, 2018.⁶ Prior to providing his statement, Officer Rodarte reviewed the Investigative Stop Report pertaining to [REDACTED] as well as Officer Rodarte's body-worn camera video. The following is a summary of his statement.

From about two car lengths away, Officer Rodarte observed [REDACTED] vehicle failing to stop at a stop sign and using an alley as a throughway. Upon approaching the vehicle, Officer Rodarte ran the registration of the vehicle over the air. Officer Rodarte said that his PDT was not working, and OEMC returned a different vehicle attached to the registration. [REDACTED] and [REDACTED] were requested to step out of the vehicle. Officer Rodarte conducted a brief interview where [REDACTED] stated that the registration belonged to [REDACTED] Officer Rodarte requested proof of registration. [REDACTED] told Officer Rodarte that the registration documents were in the top glove compartment. Officer Rodarte checked for the documents and found that they matched. Officer Rodarte said that at the same time, OEMC radioed back and stated that the vehicle they gave to the officers was incorrect. Officer Rodarte considered the stop a routine traffic stop and did not observe the driver doing anything unusual. Officer Rodarte did not search [REDACTED] Officer Rodarte stated that he searched for the documents that [REDACTED] instructed Officer Rodarte to search for. Officer Rodarte acknowledged that he came to COPA on November 28, 2018, and that at that time he told COPA that [REDACTED] gave Officer Rodarte authorization to search the vehicle. Officer Rodarte said that he was given permission to search when [REDACTED] states, "top glove compartment black case." Officer Rodarte was searching for [REDACTED] paperwork in a plastic bag because there were other papers in the bag. Officer Rodarte learned of the different registrations simultaneously as he was speaking to [REDACTED]

⁶ Att. 14. Officer Rodarte was interviewed by COPA initially on November 28, 2018. However, a copy of this recording was lost and COPA was unable to obtain a copy from the Accused's attorney. Therefore, Officer Rodarte was interviewed again on December 5, 2018.

b. Digital Evidence

Body worn camera (“BWC”) video⁷ shows the officers driving down an alley and flashing their lights. As [REDACTED] makes a right onto a street, the police vehicle, with Officer Rodarte driving, pulls up behind [REDACTED] white, Dodge Caravan. The license plate on the vehicle reads “[REDACTED].” Officer Rodarte approaches the driver’s side and requests [REDACTED] driver’s license and insurance. When [REDACTED] asks why he was stopped, Officer Rodarte informs [REDACTED] that he cannot use an alley as a main street. [REDACTED] replies that he did not see a sign. Officer Rodarte then asks [REDACTED] if he lives in the area, and [REDACTED] replies that he does not. Officer Rodarte notices that [REDACTED] has a FOID card and asks if [REDACTED] is carrying a weapon. [REDACTED] replies that he is not.

Officer Stec goes to the passenger side and asks [REDACTED] if he has identification. [REDACTED] rolls down the window and Officer Stec asks [REDACTED] if he has weed because he smells something.

Sergeant Chambers stands near the rear of the left side of the vehicle. Sergeant Chambers reads the license plate over the air and requests that OEMC dispatch run the plate. Dispatch can be heard stating that the plate was related to a silver, Nissan vehicle. Sergeant Chambers radios back that the plate he provided should correspond to a white, Dodge Caravan. Sergeant Chambers approaches the front driver’s side where Officer Rodarte and [REDACTED] are still talking and directs the officers to have [REDACTED] and [REDACTED] step out. Sergeant Chambers then asks [REDACTED] to whom the vehicle belongs. [REDACTED] responds that the vehicle is his. Sergeant Chambers pats [REDACTED] down and asks [REDACTED] if he has anything as [REDACTED] steps out of the vehicle. Sergeant Chambers informs [REDACTED] that the license plate is coming back to a Nissan and tells him that the officers must verify. Sergeant Chambers asks [REDACTED] if he ever had a Nissan and [REDACTED] replies, no. [REDACTED] is escorted to the back of his vehicle by Officer Rodarte and tells Officer Rodarte that his insurance is in the glove compartment. Officer Rodarte repeats the information to [REDACTED] and says, “ok.”⁸ As [REDACTED] exits the vehicle, Officer Stec escorts [REDACTED] out of the vehicle and pats him down. Sergeant Chambers picks up a black plastic bag that was on the driver’s seat and looks inside. Sergeant Chambers tells Officer Rodarte to hold [REDACTED] and moves to the passenger side of the car where Officer Stec is detaining [REDACTED]. Sergeant Chambers assists Officer Stec with handcuffing [REDACTED]. Officer Stec takes two boxes of cigarettes from [REDACTED] pocket and searches the boxes.

Sergeant Chambers asks [REDACTED] if he was just drinking. [REDACTED] reply is slurred. Sergeant Chambers then searches the front passenger seat of the vehicle. An open container of alcohol is visible on the seat. Sergeant Chambers also looks behind the passenger seat and checks a plastic bag and other objects in the middle console. Dispatch radios Sergeant Chambers and clarifies that [REDACTED] came back to the van and that [REDACTED] was associated with the silver Nissan.⁹ While Officer Rodarte is holding [REDACTED] OEMC can be heard on Officer Rodarte’s radio indicating that Mett’s license plate corresponds with a Dodge Caravan.¹⁰ The message is also audible on Officer Stec’s BWC. Seconds later, Officer Rodarte says, “You say you got your registration in

⁷ Atts. 10, 11 and 12. The BWC of the members will be summarized collectively for clarity.

⁸ Att. 11, T04:41:56Z

⁹ Att. 12, T04:42:25Z

¹⁰ Att. 11, T:04:42:25Z

the glove compartment, my man?"¹¹ [REDACTED] replies, "Registration and insurance is in the top glove compartment inside a black..., like a case."¹² Officer Rodarte then searches the visor area on the driver's side of the vehicle and looks through a plastic bag that was sitting in the driver's seat. Officer Rodarte next walks across the front of the vehicle and searches a plastic bag on the passenger side, around the passenger visor area, and through the open, bottom section of the glove compartment. While Officer Rodarte is searching, [REDACTED] tells Sergeant Chambers to let Officer Rodarte know that he is searching in the wrong area and that the top glove compartment contains [REDACTED] registration information. Sergeant Chambers asks Officer Rodarte if he was looking for insurance and Officer Rodarte said that he was. Sergeant Chambers then tells Officer Rodarte that [REDACTED] said the insurance was in the glove compartment at the top. [REDACTED] further specifies that the insurance is in a black book and that message is relayed to Officer Rodarte by a fourth officer that arrives on scene. After receiving this message, Officer Rodarte opens the top glove compartment and place his hand on a black case.¹³ He then takes his hand off the case and removes and manipulates a blue plastic bag and a clear plastic bag in his hands. Officer Rodarte then drops the bags, pulls out the black case and obtains [REDACTED] registration and insurance information.

Sergeant Chambers tells [REDACTED] that he cannot be driving with open alcohol. Officer Rodarte confirms to Sergeant Chambers that he found [REDACTED] documents and [REDACTED] and [REDACTED] are released from detention.

OEMC Radio Transmission from the time of the incident records Sergeant Chambers asking dispatch to run the license plate, "[REDACTED]."¹⁴ Dispatch responds that the license plate comes back to a silver Nissan. About two minutes later, Sergeant Chambers radios again about the license plate and reads it as [REDACTED] and dispatch again states that the license plate comes back to a silver Nissan.¹⁵ Sergeant Chambers then requests that dispatch reads the plate again, adding that the plate should come back to a Dodge Caravan. The dispatcher replies, "Nope," and states again that the license plate comes back to a silver Nissan. Approximately two minutes later dispatch radios Sergeant Chambers and states that the license plate [REDACTED] comes back to the Dodge Caravan.¹⁶

c. Documentary Evidence

An **Investigative Stop Report ("ISR")** for [REDACTED] states that it was prepared by Officer Rodarte and Officer Stec. The basis for Reasonable Articulate Suspicion provided in the ISR states,

"R/Os observed above vehicle failed to stop at a posted stop sign. Officers conducted a traffic stop, R/Os observed an open container of an alcoholic beverages. Above subject related to R/Os not verbatim that it was the passenger that was drinking and not him, and to go ahead and check his vehicle for anything.

¹¹ Att. 11, T:04:42:30Z

¹² Att. 11, T: 04:42:31Z

¹³ Att. 11 T: 04:44:17Z

¹⁴ Att. 21 at 7:07.

¹⁵ Att. 21 at 9:43.

¹⁶ Att. 21 at 12:05.

¹⁷ Att. 6.

Vehicle check with negative results of any contraband. Name check clear, no wants, no IA's, subject warned to make complete stops receipt given and sent on his way.”

The basis for Reasonable Articulable Suspicion provided in the [REDACTED] **ISR**¹⁸ is identical to that in the [REDACTED] **ISR** except it states [REDACTED] related to the officers that he was the owner of the open container of alcohol.

An **OEMC Event Query Report**¹⁹ relating to the incident records that at 10:29:54 pm the vehicle plate [REDACTED] was communicated to OEMC and information for the vehicle plate “[REDACTED]” was obtained.

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
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 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.

¹⁸ Att. 42.

¹⁹ Att. 27.

VII. ANALYSIS

A. Officer Rodarte was justified in stopping [REDACTED] vehicle.

Officer Rodarte stated that he stopped [REDACTED] because he saw [REDACTED] violating traffic code provisions, Stop Signs²⁰ and One-way Streets-Through Traffic Prohibited On Certain Public Ways.²¹ ‘When a police officer believes that a driver has committed a minor traffic offense, probable cause supports the stop.’²² Here, probable cause existed if the facts known to Officer Rodarte at the time would lead a reasonable, cautious, person to believe [REDACTED] had committed the offense. Stopping [REDACTED] without justification would violate [REDACTED] Fourth Amendment rights²³ and would be a violation of Department Rule 1, Rule 2 and Rule 6.

Clear and convincing evidence shows that probable cause existed, and Officer Rodarte’s stop of [REDACTED] was justified. [REDACTED] admitted in his statement, and BWC video captures, [REDACTED] travelling down an alley. [REDACTED] belief to the contrary notwithstanding, “it is unlawful to operate any motor vehicle on an alley...other than for the purpose of gaining access to or leaving property that is adjacent” to the alley”.²⁴ [REDACTED] purpose of traveling through the alley, using it to head north on Kostner, did not meet this condition. As a result of this traffic violation alone, probable cause existed for Officer Rodarte to stop [REDACTED] vehicle. COPA therefore finds that Allegation 1 against Officer Rodarte of an unjustified stop is **Exonerated**.

B. Sergeant Chambers was justified in searching [REDACTED] vehicle, and [REDACTED] personal effects.

If unjustified, the search of [REDACTED] his vehicle, and his personal effects would be a violation of the Fourth Amendment and Department Rule 1, Rule 2, and Rule 6. In his statement to COPA, Sergeant Chamber attempted to distinguish his actions as “checking” and not searching. However, his stated purpose of the “check” of [REDACTED] and his immediate area – to check for weapons as Sergeant Chambers had reason to believe the vehicle was stolen – is indicative of a protective pat down. A protective pat down is a limited search for weapons conducted to protect Department members and others in the area.²⁵ Sergeant Chamber’s pat down, therefore, must be supported by Reasonable Articulate Suspicion or probable cause.²⁶

Here, probable cause existed to believe [REDACTED] vehicle was stolen based on Sergeant Chambers’ knowledge at the time he performed his pat down and searched for weapons. Dispatch informed Sergeant Chambers, multiple times, that the license plate he provided matched a different vehicle. While it appears from the transmission records that the first plate Sergeant Chambers provided was incorrect ([REDACTED]), when he radioed again to dispatch, this time correctly stating the plate ([REDACTED]) he was again told that the plate matched another car. Only after a couple of minutes

²⁰ MCC 9-24-010(b).

²¹ MCC 9-20-010 (c).

²² *Jones v. Exkhart*, 737 F.3d 1107, 1114 (7th Cir. 2013) quoting, *United States v. Garcia-Garcia*, 633 F.3d 608, 612 (7th Cir. 2011).

²³ U.S. Const., amend. IV; accord Ill. Const.1970, art. I, § 6

²⁴ MCC 9-20-010 (c).

²⁵ S04-13-09(I)(B).

²⁶ S04-13-09(I)(C)(2).

passed did dispatch correct the mistake. Sergeant Chambers' BWC shows that when dispatch radioed with the correction, Sergeant Chambers had already completed his pat down. The BWC also shows that Sergeant Chambers search of [REDACTED] and [REDACTED] vehicle, and his belongings was indeed limited to a pat down and to the area on the driver's side that was immediately under Mett's control. Clear and convincing evidence therefore supports that Sergeant Chambers' search of [REDACTED] vehicle and [REDACTED] personal effects was justified. COPA finds Sergeant Chamber **Exonerated** with respect to these allegations.

C. Officer Stec was justified in searching [REDACTED] and Books' personal effects.

Searching [REDACTED] and his personal effects without justification would be a violation of [REDACTED] 4th Amendment rights and Department Rule 1 and Rule 6. However, clear and convincing evidence supports that Officer Stec was justified in searching the personal effects of [REDACTED]. As was the case with Sergeant Chambers, Officer Stec's BWC verifies that when Officer Stec searched [REDACTED] belongings, Officer Stec was acting with probable cause that the vehicle may have been stolen. Officer Stec's search of [REDACTED] and his effects was completed before dispatch transmitted that an error occurred and that the license plate on [REDACTED] vehicle was registered to a Dodge Caravan. COPA finds Officer Stec to be **Exonerated** with respect to this allegation.

D. Officer Rodarte was not justified in searching [REDACTED] personal effects.

Officer Rodarte's search of Mett's personal effects was in violation of [REDACTED] Fourth Amendment rights and Department Rule 1 and Rule 6. The statement in [REDACTED] ISR, that [REDACTED] gave permission to "check the vehicle for anything," is not supported by the record. Neither Sergeant Chambers nor Officer Stec recall hearing [REDACTED] state words to that effect. Also, [REDACTED] denied giving permission to anyone to search his car. [REDACTED] credibility, with respect to this denial, is supported by the specificity of the location for [REDACTED] registration documents that he provided to Officer Rodarte and his redirection of Officer Rodarte when he saw that Officer Rodarte was not searching where [REDACTED] indicated the registration documents were.

Also, unlike as was the case with Sergeant Chambers and Officer Stec, when Officer Rodarte began his search of [REDACTED] personal effects, dispatch had already confirmed that the license plate on [REDACTED] vehicle was associated with a Dodge Caravan. This transmission was clearly audible in the BWC of all members. Verifiable evidence shows that [REDACTED] specifically indicated that his registration documents were in the glove compartment and that Officer Rodarte heard [REDACTED] say that. Indeed, Officer Rodarte repeated to [REDACTED] that [REDACTED] registration was in the glove compartment. Nevertheless, Officer Rodarte began his search on the drivers' side of [REDACTED] vehicle. After Officer Rodarte made his way to the passenger side of the vehicle, where glove compartments are typically located, he was again told the exact location of the registration documents. Officer Rodarte then places his hand on the black case where he was told the document were kept but, inexplicably, began searching plastic bags that were balled up to the side of the black case. Although there was open alcohol in the car, the communications captured on BWC relating to Officer Rodarte's search of [REDACTED] personal effects makes it clear that all Department members present, and [REDACTED] understood Officer Rodarte to be looking for [REDACTED] proof of insurance and registration. In fact, Sergeant Chambers can be heard confirming with Officer Rodarte that he was looking for insurance documents. Based on this evidence, COPA finds that

the Officer Rodarte was not justified searching [REDACTED] personal effects and finds this allegation to be **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Ricardo Rodarte

i. Complimentary and Disciplinary History

Officer Ricardo Rodarte has been a member of the Chicago Police Department since October 5, 2012. Since that time, he has received one Crime reduction Award; two attendance Recognition Awards; two Complimentary Letters; four Department Commendations; three Emblems of Recognition for Physical fitness; one hundred thirty-one Honorable Mentions; two Honorable Mention Ribbon Awards; one Joint Operations Award; one Life Saving Award; two Problem Solving Awards; one Special Commendation; one Top Gun Arrest Award; one Traffic Stop of the Month Award and one Unit Meritorious Performance Award.

Officer Rodarte has received two SPARs. The first SPAR Officer Rodarte received on November 29, 2021, for Failure to Perform Assigned Tasks for which he was not disciplined. The second SPAR Officer Rodarte received on November 13, 2021, for a Court Appearance Violation for which he received a reprimand. Officer Rodarte has no complaint history.

ii. Recommended Penalty

COPA recommends that Officer Ricardo Rodarte receive a 7-day Suspension and Fourth Amendment Training. COPA has considered Officer Rodarte’s complimentary history, which includes significant recognition for his service, and his lack of complaint history in mitigation. However, Officer Rodarte violated [REDACTED] when he searched [REDACTED] personal effects, without justification. Fourth Amendment violations are the sort of misconduct that could undermine the public’s confidence in the Department and must be addressed accordingly. For the foregoing reasons, COPA recommends a 7-day Suspension and Fourth Amendment Training.

[REDACTED]

Sharday Jackson
Deputy Chief Investigator

4/29/22

Date