

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 18, 2018
Time of Incident:	12:33 PM
Location of Incident:	4343 South Ashland Avenue Chicago, IL 60609 and 1200 West 35th Street Chicago, IL 60609
Date of COPA Notification:	July 18, 2018
Time of COPA Notification:	4:26 PM

On July 18, 2018 Officer Rodarte and Officer MacDonald observed [REDACTED] traveling 40 miles per hour in a 30 miles per hour zone. They first observed Mr. [REDACTED] driving a Honda Pilot at approximately 47th St. and Ashland Ave. The officers “paced” the vehicle until 43rd St. and Ashland Ave. at which time they effectuated a traffic stop on the vehicle. Officer Rodarte approached the driver’s side of the Honda Pilot and observed air fresheners hanging from the rearview mirror. He explained to Mr. [REDACTED] that he was stopped for speeding and that air fresheners hanging from the rearview mirror were also a citable offense. Mr. [REDACTED] tendered his driver’s license to Officer Rodarte. He disputed that he was speeding and demanded to see the officers’ radar gun. Officer Rodarte informed Mr. [REDACTED] that his vehicle was not equipped with a radar gun, rather he was observed speeding via the “pacing” of his vehicle.

Officer Rodarte issued and tendered two citations, one for speeding and one for obstruction of the windshield. He then asked Mr. [REDACTED] to sign the citations, thereby promising to comply with the terms of the citations. Mr. [REDACTED] refused to sign the citations believing that signing the citations was an admission of guilt. Officer Rodarte read one citation to Mr. [REDACTED] which indicated, “Without admitting guilt, I promise to comply (PTC) with the terms of the citation and release.” Mr. [REDACTED] still refused to sign the citations. Officer Rodarte then informed Mr. [REDACTED] that if he did not sign the citations, he would take his driver’s license as a form of bond. Mr. [REDACTED] refused again to sign the citations.

Mr. [REDACTED] requested a supervisor and Officer Rodarte told Mr. [REDACTED] how to request one. Shortly thereafter Sgt. John Kennedy arrived on the scene. Sgt. Kennedy asked Mr. [REDACTED] to sign the citations and told him that if he did not sign the citations his driver’s license would be taken as a form of bond. Mr. [REDACTED] argued with the Sergeant. Sgt. Kennedy informed Mr. [REDACTED] that signing the citations was not an admission of guilt. Mr. [REDACTED] refused to sign the citations. He was adamant that he was not signing a citation for an offense (speeding) that he believed he did not commit. The argument continued and Sgt. Kennedy stated that he was keeping Mr. [REDACTED] driver’s license and he was free to go.

Mr. [REDACTED] remained on the scene demanding the return of his driver’s license. He walked in front of Officer Rodarte’s and Officer MacDonald’s police vehicle preventing them

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. The recommendation(s) set forth herein are the recommendation(s) of COPA.

from leaving. Sgt. Kennedy attempted to deescalate the situation and, again, asked Mr. [REDACTED] again to sign the citations. Mr. [REDACTED] refused. Sgt. Kennedy informed him that he could travel to the 009th Police District and pay a cash bond for the return of his driver's license. Mr. [REDACTED] refused. Sgt. Kennedy restated that he was free to go. Mr. [REDACTED] then stopped obstructing Officer Rodarte and MacDonald from leaving the scene and the officers traveled northbound on Ashland Avenue.

Shortly thereafter, Mr. [REDACTED] returned to his vehicle and began to pursue Officer Rodarte and Officer MacDonald. During the pursuit, Officer Rodarte and Officer MacDonald observed Mr. [REDACTED] commit numerous traffic violations. Mr. [REDACTED] was honking his vehicle's horn; while shouting at the officers, demanded the return of his driver's license. Mr. [REDACTED] twice veered his vehicle towards the direction of the officers' vehicle, causing the officers to take evasive action to avoid being struck. Eventually Mr. [REDACTED] overtook the officers' vehicle, slammed on his vehicle's brakes, and quickly exited his vehicle. Mr. [REDACTED] walked towards the officers, demanding the return of his driver's license. Officer Rodarte and Officer MacDonald exited their vehicle and ordered Mr. [REDACTED] to return to his vehicle. Mr. [REDACTED] refused. Officer Rodarte and Officer MacDonald arrested Mr. [REDACTED] with the assistance of Sgt. Kennedy who arrived on the scene shortly thereafter.

II. INVOLVED PARTIES

Involved Officer #1:	Laura MacDonald, Star #: 16413, Employee #: [REDACTED], Date of Appointment: August 25, 2014, Officer, Unit of Assignment: 19th District, Detailed to the 9th District, Date of Birth: [REDACTED], 1991, Female, White.
Involved Officer #2:	Bernardo Rodarte, Star #: 19762, Employee #: [REDACTED], Date of Appointment: December 2, 2013, Officer, Unit of Assignment: 9th District, Date of Birth: [REDACTED], 1981, Male, Hispanic.
Subject #1:	[REDACTED] Date of Birth: [REDACTED], 1989, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer MacDonald	1. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, stopped the vehicle [REDACTED] was driving, without reasonable suspicion that an offense had occurred, in violation of Rules 2, 3, 6, 8, 10, 11.	Unfounded
	2. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, improperly threatened to confiscate the driver's license of	Unfounded

	<p>██████████ without legal justification, in violation of Rules 1, 2, 3, 6, 8, 9.</p> <p>3. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, forced ██████████ to admit guilt by signing citations that were issued, in violation of Rules 1, 2, 3, 6, 8, 9.</p> <p>4. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, failed to respond to a reasonable request for assistance by ██████████ in violation of Rules 2, 3, 10.</p> <p>5. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, improperly arrested ██████████ for a series of driving violations that did not occur, in violation of Rules 1, 2, 3, 8, 10, 11.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Officer Rodarte</p>	<p>1. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, stopped the vehicle ██████████ was driving, without reasonable suspicion that an offense had occurred, in violation of Rules 2, 3, 6, 8, 10, 11.</p> <p>2. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, improperly threatened to confiscate the driver's license of ██████████ without legal justification, in violation of Rules 1, 2, 3, 6, 8, 9.</p> <p>3. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, forced ██████████ to admit guilt by signing citations that were issued, in violation of Rules 1, 2, 3, 6, 8, 9.</p> <p>4. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, failed to respond to a reasonable request for assistance by ██████████ in violation of Rules 2, 3, 10.</p> <p>5. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, improperly arrested ██████████ for a series of driving violations that did not occur, in violation of Rules 1, 2, 3, 8, 10, 11.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 4. Rule 6: Disobedience of an order or directive, whether written or oral.
 5. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 6. Rule 9: Engaging in any unjustified verbal or physical altercation with any person while on or off duty.
 7. Rule 10: Inattention to duty.
 8. Rule 11: Incompetency or inefficiency in the performance of duty.
-

General Orders

1. General Order G06-01-01: Field Arrest Procedures
 2. CPD-11.909: Bail Bond Manual
-

Special Orders

1. Special Order S04-14-05: Traffic Violators, Name Checks, and Bonding
 2. Special Order S04-14-02: Traffic Court Citing and Scheduling
 3. Special Order S06-13: Bond Procedures (Effective Date: March 9, 2015)
-

Federal Laws

1. U.S. Constitution 4th Amendment
-

State Laws

1. 625 ILCS 5/6-308 – Procedures for Traffic Violations

V. INVESTIGATION²

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

a. Interviews

On July 20, 2018 COPA conducted an **audio recorded interview with Complainant** [REDACTED].³ Mr. [REDACTED] provided the requisite sworn affidavit.⁴ Mr. [REDACTED] stated that on July 18, 2018 he was traveling northbound on Ashland Ave. when he observed a “detective” vehicle containing uniformed officers.⁵ He described the officers as one female and one male, possibly Mexican or Puerto Rican.⁶ Mr. [REDACTED] made eye contact with the officers. The officers slowed down and maneuvered behind Mr. [REDACTED] vehicle. The officers activated their lights and sirens and pulled over Mr. [REDACTED]. The officers approached Mr. [REDACTED]. Mr. [REDACTED] gave his license and insurance information to the officers. The officers issued a citation and informed Mr. [REDACTED] that he was going 40 miles an hour in 30 miles an hour zone.⁸ The officers also issued a citation for windshield obstruction due to an air freshener hanging from the rearview mirror.

During this interaction with the officers, Mr. [REDACTED] was on the phone with his “mentor.”⁹ Mr. [REDACTED] stated that the officers gave him an option to sign the ticket.¹⁰ His mentor told him not to sign the ticket¹¹ and he declined to do so.¹² A colloquy was had between the officers and Mr. [REDACTED]. The officers stated they were going to keep his license and Mr. [REDACTED] replied that he needed his license.¹³ The officers responded that he was not going to get his license back unless he signed (the citations).¹⁴ Mr. [REDACTED] stated that he did not do anything wrong but the “air fresheners” (being attached to his rearview mirror). He stated he was willing to sign for the “air fresheners” but the officers said he had to sign both citations.¹⁵

Mr. [REDACTED] stated that he then approached the officers asking to sign the tickets, but the officers drove off.¹⁶ Mr. [REDACTED] returned to his vehicle, started following the officers, and pulled up alongside the officers. He honked his vehicle’s horn and waived his hand out the window.¹⁷ Mr. [REDACTED] followed them for a few minutes, traveling six or seven blocks.¹⁸ The police pulled him over. He exited his vehicle without the officers approaching him.¹⁹ The officers then “rushed” him, threw him to the ground, and grabbed his arm.²⁰

³ Attachment 4.

⁴ Attachment 9.

⁵ Attachment 4 at 7:55, 9:30. *See Also* Attachment 20 (Mr. [REDACTED] identified a photograph of the vehicle he observed.) *cf.* Attachment 4 at 8:55.

⁶ *Id.* at 18:45.

⁷ Later learned to be Officer Rodarte approaching on the driver’s side and Officer MacDonald approaching on the passenger’s side.

⁸ Attachment 4 at 11:15.

⁹ Mr. [REDACTED] identified his mentor as “[REDACTED] Ms. [REDACTED] indicated that there is no biological relationship between Mr. [REDACTED] and Ms. [REDACTED]. *See Supra*, Attachment 5 at 3:40.

¹⁰ Attachment 4 at 12:45.

¹¹ *Id.* at 12:20.

¹² *Id.* at 12:45.

¹³ *Id.* at 13:30.

¹⁴ *Id.* at 13:45.

¹⁵ *Id.* at 13:50, 14:10.

¹⁶ *Id.* at 12:50, 13:55.

¹⁷ *Id.* at 12:55, 15:08.

¹⁸ *Id.* at 14:35.

¹⁹ Mr. [REDACTED] admitted “that was a mistake”. *See Id.* at 17:20.

²⁰ *Id.* at 15:25, 16:00, 17:30.

He indicated he complied with the officers instructions.²¹ The officers placed him in a police vehicle and drove him to the police station.²² Mr. ██████ stated that the officers said that he had tried to hit their car.²³ He never attempted to run anyone off the road.²⁴ Mr. ██████ stated he does not feel like he was driving recklessly.²⁵ He never failed to use his turn signal.²⁶ He never failed to stop at any stop signs²⁷ or red lights²⁸. All the citations that were given, but the “air fresheners”, were false.²⁹

On July 20, 2018 COPA conducted an audio recorded **interview with** ██████ who also provided a sworn affidavit³¹. Ms. ██████ is the mentor to Mr. ██████ and met him when he was eleven years old. On July 18, 2018 Ms. ██████ received a phone call from Mr. ██████ stating that he was being harassed by the police and that the police stopped him because he had an air freshener hanging from his rearview mirror. Citations were issued, Ms. ██████ indicated that Mr. ██████ was unsure about signing the citations as he had been taken advantage of in the past when signing documents, but relayed the following conversation which was had between Mr. ██████ and the officers:

Officers: “Sign here (citations) and we will give you [Mr. ██████] your license back.”
Mr. ██████ “I am not going to sign this [the citations] and admit to speeding.”
Officers: “Then you just go to court.”
Mr. ██████ “I’m not going to sign this until you show the radar.”
Officers: “We are not going to show you that.”
Mr. ██████ “I’m going to wait for the Sergeant.”³²

Ms. ██████ called 311 and requested a supervisor. Eventually the Sergeant arrived and Ms. ██████ told Mr. ██████ that she wanted to speak with the Sergeant. She relayed the Sergeant did not want to speak with her. A very loud argument ensued between Mr. ██████ and the Sergeant. The Sergeant then left. The officers asked Mr. ██████ to sign the citations again. The officers started to leave and Ms. ██████ then stated that’s when “█████ went off.”³³ He stated “I want my license”³⁴, he was pleading³⁵ and was very adamant he was not speeding.³⁶ He stated that “I don’t know what to do.”³⁷ I’m going to get my license.”³⁸

²¹ *Id.* at 23:15.

²² *Id.* at 18:00.

²³ *Id.* at 18:10.

²⁴ *Id.* at 18:20.

²⁵ *Id.* at 19:25, 21:10.

²⁶ *Id.* at 28:00.

²⁷ *Id.* at 27:25.

²⁸ *Id.* at 28:00.

²⁹ *Id.* at 28:20.

³⁰ Attachment 5.

³¹ Attachment 10.

³² *Id.* at 12:35 – 14:58.

³³ *Id.* at 18:15.

³⁴ *Id.*

³⁵ *Id.* at 18:30.

³⁶ *Id.* at 19:45.

³⁷ *Id.* at 20:00.

³⁸ *Id.* at 20:35.

The next thing she heard was scuffling, running, moaning, and hollering. She did not realize that Mr. [REDACTED] had been arrested. Mr. [REDACTED] made contact with Ms. [REDACTED] via the phone at 10:00 PM. Ms. [REDACTED] eventually arrived at the police station. She spoke with the officers and they indicated that they had “paced” Mr. [REDACTED] for three or four blocks and could tell he was speeding.

On August 23, 2018 COPA conducted an audio recorded **interview with Accused Police Officer Laura MacDonald.**³⁹ She stated that on July 18, 2018 she was working with her partner Officer Rodarte in an unmarked police vehicle. Officer MacDonald was the passenger officer in the vehicle. While traveling on Ashland Ave. she observed a Honda Pilot. She “paced” this vehicle from 47th St. and Ashland Ave. until 4343 Ashland Ave. She also observed four air fresheners hanging from the vehicle’s rearview mirror and the vehicle was curbed shortly thereafter.

Officer MacDonald exited the police vehicle and approached the passenger side of the vehicle. Officer MacDonald asked Mr. [REDACTED] “how are you.”⁴⁰ He replied that he did not have to speak with her. She then stated that Officer Rodarte explained to Mr. [REDACTED] that he was observed to be traveling at 40 miles per hour in a 30 miles per hour zone. He was “paced.”⁴¹ Mr. [REDACTED] then asked to see a radar gun and Officer Rodarte explained again that he was paced.

Officer Rodarte asked Mr. [REDACTED] for his driver’s license and insurance. Mr. [REDACTED] complied. Officer Rodarte and Officer MacDonald returned to their vehicle and wrote two tickets. The citations were for speeding and obstruction of the windshield due to the air fresheners hanging from the rearview mirror. The tickets were presented to Mr. [REDACTED]. He refused to sign the tickets and argued with Officer Rodarte. Officer MacDonald relayed Officer Rodarte and her relocated to their police vehicle while Mr. [REDACTED] called 911 for a Sergeant. Sgt. Kennedy arrived and Officer MacDonald and Officer Rodarte relayed details of the interaction they had with Mr. [REDACTED] to Sgt. Kennedy. Sgt. Kennedy then spoke with Mr. [REDACTED] who was upset because he was not given his driver’s license back. The Sergeant gave Mr. [REDACTED] another opportunity to sign the citations. Mr. [REDACTED] refused.

Officer Rodarte and Officer MacDonald attempted to drive away. Mr. [REDACTED] stood in front of their vehicle preventing them from leaving the area. Sgt. Kennedy who was standing on the sidewalk told Mr. [REDACTED] he was free to go. Mr. [REDACTED] stopped blocking Officer MacDonald and Officer Rodarte and they drove away.

While driving away Officer MacDonald observed Mr. [REDACTED] drive erratically in an attempt to reach the police officers’ vehicle and commit additional traffic violation in his pursuit of the officers. Officer Rodarte communicated with dispatch to alert them to the fact that Mr. [REDACTED] was following them.

During the pursuit, Mr. [REDACTED] pulled parallel to the passenger’s side of the officers’ vehicle. He honked his vehicle’s horn and screamed, “give me the license back.” Officer MacDonald told him to stop his vehicle. Mr. [REDACTED] then veered his vehicle into the police officer’s lane. Officer Rodarte took evasive action by swerving left. Mr. [REDACTED] then sped up

³⁹ Attachment 31.

⁴⁰ *Id.* at 6:49.

⁴¹ *Id.* at 5:25 (Officer MacDonald stated that Officer Rodarte was able to observe the speedometer on their vehicle to determine the approximate speed Mr. [REDACTED] vehicle was traveling). *See Also* Attachment 31 at 8:45 (Officer MacDonald stated that Officer Rodarte explained that the officers can estimate the speed of the vehicle by creating “equidistance” between the officers’ vehicle and Mr. [REDACTED] vehicle and by using the officers’ speedometer to determine the approximate speed of Mr. [REDACTED] vehicle).

and over took the police vehicle. He slammed on the vehicle's brakes and exited his vehicle. Officer MacDonald and Officer Rodarte exited their vehicle, approached Mr. ██████ placed him in handcuffs, and arrested him.

On August 17, 2018 COPA conducted an audio recorded **interview with Accused Police Officer Bernardo Rodarte.**⁴² He stated that on July 18, 2018, he was in uniform, working with Officer MacDonald in an unmarked police vehicle when he came upon a Honda Pilot. Officer Rodarte had "paced" this vehicle for approximately two blocks. He then curbed the vehicle. Officer Rodarte approached the driver's side of the vehicle and Officer MacDonald approached the passenger's side of the Honda Pilot. While at the driver's side door, Officer Rodarte observed a pine tree air freshener hanging from the rear view mirror. Officer Rodarte informed the driver, Mr. ██████ that he had been pacing the vehicle and observed him traveling 40 miles an hour in a 30 miles an hour zone. He also stated that the air freshener hanging from the rear view mirror was against the law. He asked for Mr. ██████ driver's license and proof of insurance. Mr. ██████ acted perturbed. Mr. ██████ requested to see the radar gun. Officer Rodarte told Mr. ██████ that he did not use a radar gun, rather he was "paced". Mr. ██████ stated that he was not going 40 miles an hour, he was traveling 35 miles an hour.

Officer Rodarte issued two citations to Mr. ██████ one for speeding and one for obstruction of the windshield. He asked Mr. ██████ to sign the citations. He explained to Mr. ██████ that if he did not sign the citations he would have to take his license as bond. Mr. ██████ refused to sign the citations.

Mr. ██████ requested a Sergeant. Sgt. John Kennedy arrived at the scene and Officer Rodarte explained to him what violations Mr. ██████ committed. He also informed him that Mr. ██████ refused to sign the citations and still wanted his license returned to him. Officer Rodarte observed Sgt. Kennedy approach the driver and speak with the driver. Officer Rodarte heard Sgt. Kennedy explain to Mr. ██████ that the license was bond and that by signing the citations he was not admitting guilt. Signing the citations was a promise to comply. Mr. ██████ refused to sign the citation.

Sgt. Kennedy gave permission to Officer Rodarte and Officer MacDonald to leave the scene. As Officer Rodarte was attempting to leave, Mr. ██████ exited his vehicle and stood in front of Officer Rodarte's vehicle and Sgt. Kennedy's vehicle. The Sergeant exited his vehicle and went to speak with Mr. ██████ again. As the Sergeant was speaking with Mr. ██████ Officer Rodarte was able to leave to the scene.

As Officer Rodarte left the scene traveling northbound on Ashland Ave., Officer Rodarte observed Mr. ██████ re-enter his vehicle and travel behind the officers' vehicle. Officer Rodarte observed Mr. ██████ weave in and out of traffic. He observed him turn at 4000 South Ashland Ave. without using his turn signal. He observed him turn left at Pershing Rd., at the intersection of Ashland Ave., without using his turn signal. Officer Rodarte observed him travel in the bike lane at or near 2000 West Pershing Rd. Officer Rodarte observed Mr. ██████ fail to come to a complete stop while at 37th St. and Damen Ave. He observed Mr. ██████ make a right turn on red, when right turning on red was prohibited.

Eventually Mr. ██████ pulled parallel to Officer Rodarte's vehicle. While parallel to the officer's vehicle, Mr. ██████ yelled that he wanted his license back. Mr. ██████ then veered his vehicle towards the officers and the Officer Rodarte took evasive action. Moments later Mr. Hutson veered toward the officers again, requiring Officer Rodarte to take evasive action to avoid

⁴² Attachment 30.

hitting the median of a bridge. Mr. ██████ was shouting, yelling, and honking his vehicle's horn. Mr. ██████ requested the officers to stop. Officer Rodarte did not stop because he wanted to create time and distance between Mr. ██████ and himself, trying to get closer to the district police station. Officer Rodarte requested for a marked vehicle to assist them.

At 35th St. and Racine Ave, Mr. ██████ pulled in front of Officer Rodarte's vehicle. Mr. ██████ exited his vehicle and started walking towards the officers. Mr. ██████ was yelling. Officer Rodarte and Officer MacDonald exited their vehicle and told Mr. ██████ to get back. Mr. ██████ did not comply. Officer Rodarte and Officer MacDonald approached Mr. ██████ to handcuff and arrest him. Mr. ██████ was handcuffed, arrested, placed in a marked police vehicle, and taken to the police station for processing.

b. Digital Evidence

Five relevant **Body Worn Camera Videos**⁴³ were obtained from Officer Rodarte. The first video showed⁴⁴ Officer Rodarte approaching the driver's side of Mr. ██████ vehicle and telling Mr. ██████ to slow down. Officer Rodarte informed Mr. ██████ that he was "pacing" his vehicle. Officer Rodarte observed an air freshener hanging from the rearview mirror and told Mr. ██████ that he can not have that air freshener hanging as its an obstruction to his view.

Officer Rodarte obtained Mr. ██████ driver's license and while in his police vehicle stated to his partner, "He [Mr. ██████] wanted my badge number, so I gave it to him. I guess he wants tickets."⁴⁵ He further stated, "I'd rather let him off with a warning, but he's being very irate."⁴⁶ Officer Rodarte returned to Mr. ██████ vehicle and stated, "I'm going to have to give you tickets now" for speeding and obstruction of view.⁴⁷

Officer Rodarte asked Mr. ██████ to sign the citations. He informed Mr. ██████ that signing the citations is not admission of guilt, but merely a promise to comply and appear in court. If he did not sign the citations, his driver's license would be taken.⁴⁸ Officer Rodarte then repeated the request to sign the citations. Mr. ██████ stated, "Why are you doing this to me."⁴⁹ Officer Rodarte asked Mr. ██████ "Would you like to sign or do I have to take your driver's license. You do not have to sign."⁵⁰ Officer Rodarte then read him the citation, once again stating that by signing the citation he is not admitting guilt. Officer Rodarte said, "You are refusing to sign. I told you; You are not pleading guilty, you are not saying you are guilty by signing."⁵¹ Officer Rodarte reaffirmed that if Mr. ██████ did not want to sign the citation he did not have to sign the citation.⁵²

Mr. ██████ then asked Officer Rodarte to call a supervisor. Officer Rodarte said he was not going to call a supervisor but explained to Mr. ██████ how to call for a supervisor. A short time thereafter Sgt. Kennedy arrived and a conversation was had between Officer Rodarte and the Sergeant. Officer Rodarte explained to Sgt. Kennedy that he informed Mr. ██████ many times

⁴³ Attachment 25.

⁴⁴ Attachment 25, Rodarte BWC 1.

⁴⁵ *Id.* at 3:58.

⁴⁶ *Id.* at 4:08.

⁴⁷ *Id.* at 13:45.

⁴⁸ *Id.* at 13:54.

⁴⁹ *Id.* at 15:15.

⁵⁰ *Id.* at 16:45.

⁵¹ *Id.* at 17:15.

⁵² *Id.* at 17:45.

that if Mr. ██████ did not sign the citations that he was going to take Mr. ██████ driver's license.⁵³ Officer Rodarte's body worn camera video ended shortly thereafter.

Officer Rodarte then restarted his body worn camera and the video began with Officer Rodarte positioned in his police vehicle with Mr. ██████ approaching the police vehicle, stating repeatedly that he needed his ID.⁵⁴ Officer Rodarte attempted to leave the scene, but Mr. ██████ walked in front of the police vehicle, blocking Officer Rodarte's exit. Officer Rodarte ordered Mr. ██████ to move out of the way or be arrested. The Sergeant, who was still on the scene, informed Mr. ██████ that he can go to 31st and Halstead and pay a cash bond to get his ID back.⁵⁵ Officer Rodarte was then able to leave the scene. Officer Rodarte's body worn camera video ended shortly thereafter.

Officer Rodarte restarted his body worn camera with Officer Rodarte positioned in the driver's seat of his police vehicle driving and stating that Mr. ██████ had been following them for over a mile.⁵⁶ As Officer Rodarte was driving he stated Mr. ██████ failed to activate his turn signal.⁵⁷ Officer Rodarte is heard on the Chicago Police Department radio stating that Mr. ██████ pulled up alongside of them, that he was not going "anywhere until he gets his license back," and that he attempted to run them off the road.⁵⁸ The sound of a horn honking for five seconds, tire screeching, and engine acceleration can be heard.⁵⁹ An individual shouted, "I want my license back."⁶⁰ The sound of horn honking continued and a vehicle is observed stopping in front of Officer Rodarte's vehicle.⁶¹ Officer Rodarte exited his vehicle and Mr. ██████ is seen walking in the street on a cell phone. Officer Rodarte ordered Mr. ██████ back to his vehicle and to place his hands behind his back. The body worn camera video ended shortly after Officer Rodarte attempted to handcuff Mr. ██████

Officer Rodarte restarted his body worn camera and the video began with Officer Rodarte stating that the camera had been turned off because of an impact to the camera.⁶² Officer Rodarte then recounted to his partner what traffic violations he witnessed Mr. ██████ commit and the charges that will be brought against Mr. ██████. The body worn camera video ended shortly thereafter.

Officer Rodarte restarted his body worn camera and the video began with Officer Rodarte arriving at the police station and walking towards Mr. ██████ who had just exited the vehicle he was being transported in.⁶³ The video showed the processing of Mr. ██████. At one point during the processing of Mr. ██████ Officer Rodarte stated to Mr. ██████ that he took Mr. ██████ license away because he did not want to sign the citations. He asked Mr. ██████ numerous times to sign the citations. He stated that even Sgt. Kennedy gave him a chance to sign the citations.⁶⁴ Mr. ██████ apologized for the incident.⁶⁵

⁵³ *Id.* at 27:35.

⁵⁴ Attachment 25, Rodarte BWC 2.

⁵⁵ *Id.* at 2:00.

⁵⁶ Attachment 25, Rodarte BWC 3.

⁵⁷ *Id.* at 1:46.

⁵⁸ *Id.* at 4:05.

⁵⁹ *Id.* at 4:10.

⁶⁰ *Id.* at 4:48.

⁶¹ *Id.* at 5:13.

⁶² Attachment 25, Rodarte BWC 4.

⁶³ Attachment 25, Rodarte BWC 5.

⁶⁴ *Id.* at 3:50.

⁶⁵ *Id.* at 5:20.

Four relevant **Body Worn Camera Videos**⁶⁶ were obtained from Officer Laura MacDonald. The contents of the videos were consistent with what was observed on Officer Rodarte's body worn camera videos. Officer MacDonald's third relevant body worn camera video⁶⁷ displayed additional details pertaining to Mr. ██████ pursuing the officers. Audio of a horn hoking, tire screeching and engine revving can be heard.⁶⁸ Ten seconds of horn honking was heard followed by a short pause before fifteen more second of horn honking. An individual was then heard saying "I need my license."⁶⁹

Four relevant **Body Worn Camera Videos**⁷⁰ were obtained from Sergeant John Kennedy. The first video showed Sgt. Kennedy arriving on the scene and approaching Officer Rodarte and Officer MacDonald.⁷¹ Officer Rodarte informed Sgt. Kennedy that he pulled Mr. ██████ over for speeding after pacing. Officer Rodarte relayed that he approached Mr. ██████ and asked Mr. ██████ for his license. Officer Rodarte explained that Mr. ██████ began complaining, stating that he was only going 35 miles per hour, not 40 miles per hour. He did not want to sign the citations that were issued, yet he still wanted to retain his driver's license. Officer Rodarte stated to Sgt. Kennedy that he asked Mr. ██████ several times to sign the citations, and that he was not admitting guilt by signing. Sgt. Kennedy then approached Mr. ██████. Mr. ██████ stated he was not speeding, that he was not going 40 miles an hour.⁷² Sgt. Kennedy explained to him that if he signed the citation he was not admitting guilt. Mr. ██████ replied that he is not signing for something he did not do.⁷³ The Sergeant then read the citation indicating that by signing the citation he was not admitting guilt, rather it was a promise to comply with the terms of the citation. The Sergeant explained that you comply by showing up to court and the signature acts as bond. If Mr. ██████ did not sign the citations Mr. ██████ license would be taken for bond and will be returned at court.⁷⁴ The Sergeant reiterated again to Mr. ██████ what signing the citation meant and informed him how to get his license back. After a continued conversation with Mr. ██████ Sgt. Kennedy informed him that he was retaining his driver's license and that Mr. ██████ was free to go. The body worn camera video ended shortly thereafter.

The second body worn camera video of Sgt. Kennedy began as the Sergeant entered his vehicle, remaining there for a few moments before exiting his vehicle once more and approaching Mr. ██████ who is now on the street.⁷⁵ Mr. ██████ can be heard yelling and demanding proof he was speeding. Sgt. Kennedy restated to Mr. ██████ that he was free to go and Mr. ██████ responded by stating he needed his license to drive. Sgt. Kennedy responded that he just needed to sign the citations. The body worn camera video ended shortly thereafter.

The third body worn camera video of Sgt. Kennedy began as the Sergeant was attempting to drive away from the scene.⁷⁶ He stopped and exited his vehicle while Mr. ██████ was still in the street talking with Officer Rodarte and Officer MacDonald. Sgt. Kennedy approached Mr.

⁶⁶ Attachment 24.

⁶⁷ Attachment 24, MacDonald BWC 3.

⁶⁸ *Id.* at 4:20.

⁶⁹ *Id.* at 4:42, 4:56, 5:11.

⁷⁰ Attachment 23.

⁷¹ Attachment 23, Kennedy BWC 1.

⁷² *Id.* at 2:17.

⁷³ *Id.* at 4:20.

⁷⁴ *Id.* at 4:37.

⁷⁵ Attachment 23, Kennedy BWC 2.

⁷⁶ Attachment 23, Kennedy BWC 3.

██████████ and told him he was free to go and to stop obstructing traffic. Sgt. Kennedy then told Mr. ██████████ that he can travel to the 9th Police District at 31st and Halstead, pay a cash bond, and his license will be returned to him.⁷⁷ Mr. ██████████ responded, “I ain’t [sic] give you all nothing.”⁷⁸ Mr. ██████████ then stated he will sign the citation for the “air freshener” but not the speeding ticket. The Sergeant reiterated that by signing the tickets he was not admitting guilt, but because he was refusing to sign the citations, his license was taken as bond until the court date. The body worn camera video ended shortly thereafter.

The fourth body worn camera video of Sgt. Kennedy displayed Sgt. Kennedy assisting Officer Rodarte and Officer MacDonald with the handcuffing and the arrest of Mr. ██████████

A **Body Worn Camera Video of Officer Lisa Alghini**⁸⁰ displayed the placement of Mr. ██████████ into her marked police vehicle. Mr. ██████████ informed Officer Alghini that he tried to stop the officers to get his license back. Officer Alghini replied he was told at the scene how to get his license back.

c. Documentary Evidence

An **Original Case Incident Report**⁸¹ was authored by Officer Rodarte. Officer Rodarte reported that on July 18, 2018 at on or about 12:33 PM there was an on-view arrest of ██████████ ██████████ for aggravated assault to a police officer, reckless conduct, child endangerment, and traffic violations. Officer Rodarte had just completed serving two traffic citations to Mr. ██████████ while they were located at 4343 S. Ashland when Mr. ██████████ became upset about receiving those citations and refused to sign them. Officer Rodarte indicated he explained several times to Mr. ██████████ that signing the violations were not an admission of guilt. Mr. ██████████ still refused to sign. Officer Rodarte explained that Mr. ██████████ driver’s license was taken because Mr. ██████████ refused to sign the citations.

Mr. ██████████ asked for a supervisor and requested one via 911. The supervisor arrived, Beat 961, to speak with Mr. ██████████ however, Mr. ██████████ was irate and refused to listen to what the supervisor was explaining to him. Officer Rodarte informed Mr. ██████████ that he was free to go.

The officers entered their vehicle, but Mr. ██████████ stood in front of the police vehicle and refused to move unless his driver’s license was returned to him. After numerous warnings to move or be arrested, Mr. ██████████ finally moved out of the police vehicle’s way.

The officers then traveled northbound on Ashland Ave. when they observed Mr. ██████████ driving behind them at a high rate of speed. Mr. ██████████ began to follow the officers northbound on Ashland Ave. and began weaving through traffic to stay behind the officers’ vehicle. Mr. ██████████ was observed changing to the left lane behind the officers without using his turn signal while at 4000 S. Ashland Ave. Mr. ██████████ was observed proceeding to turn left behind the officers at Pershing Rd. and Ashland Ave. without using a turn signal. Mr. ██████████ was observed driving on the bike lane near 2000 West Pershing Rd. before making a right turn northbound with

⁷⁷ *Id.* at :50.

⁷⁸ *Id.* at :59.

⁷⁹ Attachment 23, Kennedy BWC 4.

⁸⁰ Attachment 26, Alghini BWC. See Also In Car Camera Video (Attachment 27, cr1090295_1_bt_935, cr1090295_2_bt935).

⁸¹ Attachment 13. See Also Attachment 11 (Arrest Report relayed the same or substantially the same facts and narrative as the Original Case Incident Report).

no turn signal. Mr. [REDACTED] continued to follow the officers when he was observed failing to make a complete stop at the stop sign at 3700 S. Damen Ave. Mr. [REDACTED] was observed making a right turn from Damen Ave. onto 35th St. where a sign that prohibited right turns on red lights was posted. The light was red.

Mr. [REDACTED] then overtook a red sport utility vehicle that was behind the officers at or about 1631 West 35th St. and his vehicle became parallel with the officers' vehicle. Mr. [REDACTED] then began to yell at the officers and demand the return of his license. The officers continued to travel eastbound on 35th St. Mr. [REDACTED] again pulled up parallel to the officers and veered his vehicle towards the officers. The officers had to veer their vehicle to the left to avoid being struck by Mr. [REDACTED]. Mr. [REDACTED] continued to speed, honk his horn, and yell at the officers. Mr. [REDACTED] pulled parallel with the officers again at 1300 W. Racine Ave. and veered his vehicle toward officers. The officers had to veer their vehicle to avoid making contact with the median of a bridge.

Mr. [REDACTED] then pulled his vehicle in front of the officers' vehicle, cutting them off. Mr. [REDACTED] exited his vehicle and approached the officers. The officers gave verbal commands to get back and ordered him to place his hands behind his back. Mr. [REDACTED] was handcuffed and placed under arrest. He was transported to the 9th district for processing.

Multiple **OEMC Event Query Reports**⁸² were obtained pertaining to the interaction between Mr. [REDACTED] and Officer MacDonald and Officer Rodarte. One event query report⁸³ indicated that Mr. [REDACTED] had requested a supervisor and also had his mother call for a supervisor. The report indicated that Mr. [REDACTED] admitted that he was speeding and he then began to follow the officers. Mr. [REDACTED] attempted to run the officer off the road.

The second event query report⁸⁴ indicated that an individual named "[REDACTED]" called 911 and was upset that her twenty-eight year old son, "[REDACTED]" was arguing very loud with the police. She further stated that the police pulled him over for speeding and there were children in the vehicle.

The third event query report⁸⁵ indicated that "[REDACTED]" called 911 again, stating her son was stopped by the police and given a ticket for speeding. The caller indicated that she wanted someone (a supervisor) sent to that location regarding her son.

A fourth event query report⁸⁶ indicated that the caller said he was being harassed by officers while in his vehicle, which bore license plate number: [REDACTED]. The vehicle was a 2006 Black Honda Pilot. The caller requested a supervisor.

A fifth event query report⁸⁷ contained details of the aforementioned event query reports and also included details relating to the "offender" attempting to run beat 961⁸⁸ and its officers off the road. The event query also listed various locations the officers were traveling after the initial encounter with Mr. [REDACTED].

⁸² Attachment 8.

⁸³ *Id.*, 1819908389.

⁸⁴ Attachment 8, 1819908305.

⁸⁵ Attachment 8, 1819908047.

⁸⁶ Attachment 8, 1819907746.

⁸⁷ Attachment 8, 1819907390.

⁸⁸ Beat 961 Is Officer Rodarte and Officer MacDonald.

A **Tactical Response Report**⁸⁹ was authored by Officer MacDonald. Officer MacDonald reported Mr. █████ committed an assault and battery against her while she was performing a police function. Prior to the assault and battery, Officer MacDonald reported that she attempted to drive away from Mr. █████ but Mr. █████ continued to follow Officer MacDonald. Officer MacDonald and Officer Rodarte attempted to deescalate the situation by driving away to create distance, however Mr. █████ continued to follow the officers. On multiple occasions Mr. █████ attempted to use his vehicle to try to run the officers off the road. At one-point Mr. █████ cut off the officers and slammed on his brakes causing the officer to be blocked in. Mr. █████ then exited his vehicle and began to walk towards the officers' vehicle in an aggressive manner while yelling. The officers gave Mr. █████ verbal directions and he refused and resistance compliance. The officers used an arm bar and wrist lock on Mr. █████ to gain compliance and affect an arrest.

Sgt. Kennedy reviewed the report authored by Officer MacDonald and relayed additional information. Sgt. Kennedy arrived on scene to assist the officers after they communicated that the vehicle driven by Mr. █████ was attempting to run them off the road. The Sergeant observed Mr. █████ disobeying verbal commands and stiffening his arms while refusing to be handcuffed.

Lieutenant Ballauer added to the Tactical Response Report that was completed by Officer MacDonald. The Lt. spoke with Mr. █████ Mr. █████ relayed "I messed up, I was upset and did something stupid."⁹⁰ Mr. █████ wanted his license back and that was the reason he was chasing the police. He stated that his mother told him not to sign the ticket that was given by the officers. The Lt. explained that the officers made every attempt to diffuse the situation by requesting a supervisor and attempting to avoid further interaction.

Eleven Traffic Citations were issued to Mr. █████ The citations were (1): Speeding 1-10 miles per hour over the limit in violation of 625 ILCS 5/11-601⁹¹; (2): Obstruction of Driver's View in violation of Municipal Code of Chicago (MCC) 9-40-250(b)⁹²; (3): No Turn Signal in violation of MCC 9-40-220⁹³; (4): No Turn Signal in violation of MCC 9-40-220⁹⁴; (5): Traveling in Bike Lane in violation of MCC 9-40-060⁹⁵; (6): No Turn Signal in violation of MCC 9-40-220⁹⁶; (7): Failure to Stop at a Stop Sign in violation of MCC 9-20-010B⁹⁷; (8): Illegal Turn on Red in violation of MCC 9-16-030(c)⁹⁸; (9): Improper Passing in violation of 625 ILCS 5/11-

⁸⁹ Attachment 6. See Also Attachment 7 (Tactical Response Report authored by Officer Rodarte which relayed essentially the same facts, descriptions, and narrative as Officer MacDonald's Tactical Response Report. COPA does note that Lt. Ballauer, who authored the Lt. Comments in both Tactical Response Reports, inadvertently marked in Officer MacDonald's Tactical Response Report that the member's force was "a deadly force or officer involved death incident"; in Officer Rodarte's Tactical Response Report, Lt. Ballauer indicated that the member's force was "in compliance with department policy and directives.").

⁹⁰ Attachment 6.

⁹¹ Attachment 34.

⁹² Attachment 35.

⁹³ Attachment 19, █████.

⁹⁴ Attachment 19, █████.

⁹⁵ Attachment 18, █████.

⁹⁶ Attachment 11.

⁹⁷ Attachment 18, █████.

⁹⁸ Attachment 17, █████.

703D⁹⁹; (10): Negligent Driving in violation of MCC 9-40-140¹⁰⁰; and (11): Failure to restrain a child in violation of 625 ILCS 25/4¹⁰¹.

VI. ANALYSIS

The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard.

It is alleged that Officer MacDonald: (1): stopped Mr. [REDACTED] without reasonable suspicion than an offense had occurred, (2): improperly threatened to confiscate the driver's license of Mr. [REDACTED] (3): forced Mr. [REDACTED] to admit guilt by signing citations that were issued to him, (4): failed to respond to a reasonable request for assistance by Mr. [REDACTED] and (5): improperly arrested Mr. [REDACTED] for a series of driving violations that did not occur.

It is alleged that Officer Rodarte: (1): stopped Mr. [REDACTED] without reasonable suspicion than an offense had occurred, (2): improperly threatened to confiscate the driver's license of Mr. [REDACTED] (3): forced Mr. [REDACTED] to admit guilt by signing citations that were issued to him, (4): failed to respond to a reasonable request for assistance by Mr. [REDACTED] and (5): improperly arrested Mr. [REDACTED] for a series of driving violations that did not occur.

a. Allegations Pertaining to Officer MacDonald

The evidence shows that Officer MacDonald did not stop Mr. [REDACTED] vehicle without reasonable suspicion that an offense had occurred. Officer MacDonald was the passenger officer in an unmarked police vehicle driven by Officer Rodarte. Officer Rodarte was the officer who initiated the traffic stop of Mr. [REDACTED] not Officer MacDonald. Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

The evidence shows that Officer MacDonald did not improperly threatened to confiscate the driver's license of Mr. [REDACTED] After Officer Rodarte initiated the traffic stop of Mr. [REDACTED] Officer Rodarte requested the driver's license of Mr. [REDACTED] for the purposes of issuing two traffic citations. Officer MacDonald did not request the driver's license of Mr. [REDACTED] In fact, Mr. [REDACTED] stated to Officer MacDonald, as a response to Officer MacDonald's inquiry as to "how he was", that he did not have to speak with her. Officer Rodarte took possession of Mr. [REDACTED] driver license as a result of Mr. [REDACTED] refusal to sign citations issued by Officer Rodarte. During the encounter with Mr. [REDACTED] Officer MacDonald did not ask for Mr. [REDACTED] driver's license. She did not state to Mr. [REDACTED] that she was confiscating his driver's license. Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

The evidence show that Officer MacDonald did not force Mr. [REDACTED] to admit guilt by him signing the citations issued to him. Officer MacDonald did not issue the citations to Mr. [REDACTED] Officer MacDonald did not tender the citations to Mr. [REDACTED] Officer Rodarte issued the citations and tendered the citations to Mr. [REDACTED] Officer MacDonald did not force Mr.

⁹⁹ Attachment 17, [REDACTED].

¹⁰⁰ Attachment 16, [REDACTED].

¹⁰¹ Attachment 16, [REDACTED].

██████████ to sign the citations. Officer Rodarte and Sgt. Kennedy gave him the option to sign the citations. Mr. ██████████ voluntarily stated that he was traveling over the speed limit. He also admitted that he did not know that having air fresheners affixed to his rearview mirror was a citable offense. Mr. ██████████ voluntarily admitted to breaking the law. Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

The evidence shows that Officer MacDonald did not fail to respond to reasonable requests for assistance by Mr. ██████████. Mr. ██████████ did not reasonably request assistance. Mr. ██████████ was pursuing the officers in an erratic weaving nature. Mr. ██████████ attempted to strike the officers' vehicle with his own vehicle on two occasions. Mr. ██████████ pulled parallel with the passenger's side of the police vehicle and demanded the return of his driver's license. Officer MacDonald thereafter requested Mr. ██████████ to pull his vehicle over. Mr. ██████████ refused. At no point during Mr. ██████████ pursuit or anytime immediately preceding the pursuit did he reasonably request assistance from Officer MacDonald. He placed the lives of the officers in jeopardy during the pursuit and made unreasonable demands. Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

The evidence shows that Officer MacDonald did not improperly arrest Mr. ██████████ for a series of driving violations that did not occur. Mr. ██████████ was arrested after he overtook the officers' vehicle during his pursuit of the officers. During the pursuit of the officers, both Officer Rodarte and Officer MacDonald observed Mr. ██████████ commit traffic violations. Officer Rodarte body worn camera was activated during Mr. ██████████ pursuit of the officer. The body worn camera video captured statements relayed by Officer Rodarte to Officer MacDonald as to what traffic violations he had observed Mr. ██████████ commit as Mr. ██████████ was committing them. Body worn camera video from both officers show the officers' vehicle taking evasive action and quickly jutting to the left to avoid Mr. ██████████ vehicle. The contemporaneous statements made by Officer Rodarte of the traffic violations that Mr. ██████████ was committing, and the statements made by Officer MacDonald that confirm the observations made by Officer Rodarte, clearly showed that the officers observed Mr. ██████████ commit various traffic violations. Illinois Law does not prohibit the arrest of an individual who has committed traffic violations or petty offenses. In *People v. Fitzpatrick*, 2013 IL 113449, ¶ 24 (Ill. 2013), the Illinois Supreme Court held that a custodial arrest of a defendant for a petty offense does not violate the State of Illinois' constitutional prohibition against unreasonable search and seizure contained in Art. I, §6. Officer MacDonald had the legal authority to arrest Mr. ██████████ for the first and second series of traffic offenses he committed. Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

b. Allegations Pertaining to Officer Rodarte

The evidence shows that Officer Rodarte did not stop Mr. ██████████ vehicle without reasonable suspicion that an offense had occurred. Officer Rodarte had reasonable suspicion that Mr. ██████████ committed the driving infraction of speeding. Officer Rodarte was situated in the driver's seat of his unmarked police vehicle when he observed a Honda Pilot. Officer Rodarte stated that he "paced" this vehicle for two blocks. He observed the Honda Pilot was traveling at approximately 40 miles per hour in a 30 mile an hour zone. Based on the reasonable belief that the Honda Pilot was speeding, Officer Rodarte effectuated a traffic stop on the Honda Pilot. Officer

Rodarte approached the driver's side of the Honda Pilot and inquired upon the driver, Mr. [REDACTED] Body Worn Camera video footage from Officer Rodarte captured Mr. [REDACTED] admitting during this inquiry that he was driving approximately 35 miles an hour. The admission by Mr. [REDACTED] that he was indeed traveling over the speed limit corroborated Officer Rodarte's belief that Mr. [REDACTED] was committing an offense and established that Officer Rodarte had reasonable suspicion to believe Mr. [REDACTED] had committed a traffic offense. Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

The evidence shows that Officer Rodarte did not improperly threaten to confiscate the driver's license of Mr. [REDACTED] without legal justification. Mr. [REDACTED] was observed to have committed speeding and having an obstructed windshield by Officer Rodarte. Citations were prepared and issued for both violations. Officer Rodarte took Mr. [REDACTED] driver license. Illinois Statute provides,

“Any person cited for violating this Code [Illinois Vehicle Code] or a similar provision of a local ordinance for which a violation is a petty offense ...shall not be required to post bond to secure bail for his or her release. When **required** by Illinois Supreme Court Rule, the person shall sign the citation.” 625 ILCS 5/6-308 (emphasis added).

Illinois Supreme Court Rule 526(a) states,

“Unless release on a written promise to comply ... a person arrested for a traffic offense and personally served by the arresting officer with a Citation and Complaint shall post bail in the amount of \$120 in one of the following ways: (1) by posting \$120 cash bail (see Rule 501(b) for definition of ‘Cash Bail’); or (2) by depositing in lieu of such amount, an approved bond certificate; or (3) by depositing, in lieu of such amount, a current Illinois driver's license.”

Pursuant to Chicago Police Department Special Order S04-14-02, Traffic Court Citing and Scheduling,

“After preparing a Personal Service Citation, the sworn member will advise the traffic violator of the following bond options: 1. Executing a written promise to comply for petty offenses by signing each individual ticket ... 3. Executing a bond at a district station.” (III, E).

Additionally, Special Order S06-13, Bond Procedures states,

“No Illinois resident charged with a petty traffic offense will be required to post bond and may instead execute a promise to comply by signing the white copy of each of the individual petty offense citations. If they refuse to sign, normal bonding procedures will

apply (i.e., post a valid Illinois Driver's License or or [sic] other form of bond as listed in III-D of this directive)." (III, A).

Officer Rodarte advised Mr. ██████ that he needed to sign each citations and promise to comply with the citations. Mr. ██████ refused to sign both citations. He eventually relented and stated he would sign the citation for the obstruction of view, but still repeatedly refused to sign the citations for speeding. Mr. ██████ was required to sign both citations, merely signing one citation does not ameliorate the requirement to sign both citations. While Sgt. Kennedy was on scene, Mr. ██████ was informed that he could post a bond at the 009th Police District in lieu of tendering his driver's license as a form of bond. In response to that, Mr. ██████ repudiated that information and exclaimed, "I ain't [sic] give you all nothing." Mr. ██████ had numerous opportunities to comply with State Law, yet he refused to do so. Officer Rodarte was authorized to take Mr. ██████ driver's license as a form of bond because of Mr. ██████ repeated absolute refusal to sign the citations and he affirmative statement that he was not going to post a cash bound. Therefore, COPA recommends a finding of UNFOUNDED in regards to this allegation.

The evidence shows that Officer Rodarte did not force Mr. ██████ to admit guilt by signing the citations issued to him. Signing the citations, indicating a promise to comply with the citations, is not an admission of guilt. The citation itself clearly states the signing of the citation is not an admission of guilt; "Without admitting guilt, I promise to Comply (PTC) with the terms of the citation and release." Officer Rodarte informed Mr. ██████ numerous times that if he were to sign the citations he was not admitting guilt. Officer Rodarte even read the aforementioned statement to Mr. ██████ There is no way possible to construe that the act of signing the citation is an admission of guilt. Therefore, COPA recommends a finding of UNFOUNDED in regards to this allegation.

The evidence shows that Officer Rodarte did not fail to respond to a reasonable request for assistance by Mr. ██████ Mr. ██████ did not reasonably request assistance and Mr. ██████ refused to accept the assistance offered. His request for assistance came as he was driving erratically and the officers. He attempted to strike the officers' vehicle with his vehicle. Mr. ██████ then pulled parallel to the passenger side of the police vehicle and demanded the return of his license. Requesting assistance subsequent to committing aggravative assault to a police officer with his vehicle was not reasonable. Even so, Officer MacDonald told Mr. ██████ to pull over. Mr. ██████ refused. Mr. ██████ had an opportunity to potentially receive the assistance he requested, but he did not take the affirmative steps necessary to receive the assistance. Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

The evidence shows that Officer Rodarte did not improperly arrest Mr. ██████ for a series of driving violations that did not occur for the same reasons Officer MacDonald did not improperly arrest Mr. ██████¹⁰² Therefore, COPA recommends a finding of UNFOUNDED with regard to this allegation.

VII. CONCLUSION

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

¹⁰² See *Supra*.

Officer	Allegation	Finding
Officer MacDonald	1. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, stopped the vehicle [REDACTED] was driving, without reasonable suspicion that an offense had occurred, in violation of Rules 2, 3, 6, 8, 10, 11.	Unfounded
	2. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, improperly threatened to confiscate the driver's license of [REDACTED] without legal justification, in violation of Rules 1, 2, 3, 6, 8, 9.	Unfounded
	3. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, forced [REDACTED] to admit guilt by signing citations that were issued, in violation of Rules 1, 2, 3, 6, 8, 9.	Unfounded
	4. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, failed to respond to a reasonable request for assistance by [REDACTED] in violation of Rules 2, 3, 10.	Unfounded
	5. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer MacDonald, improperly arrested [REDACTED] for a series of driving violations that did not occur, in violation of Rules 1, 2, 3, 8, 10, 11.	Unfounded
Officer Rodarte	1. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, stopped the vehicle [REDACTED] was driving, without reasonable suspicion that an offense had occurred, in violation of Rules 2, 3, 6, 8, 10, 11.	Unfounded
	2. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, improperly threatened to confiscate the driver's license of [REDACTED] without legal justification, in violation of Rules 1, 2, 3, 6, 8, 9.	Unfounded
	3. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, forced [REDACTED] to admit guilt by signing citations that were issued, in violation of Rules 1, 2, 3, 6, 8, 9.	Unfounded

4. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, failed to respond to a reasonable request for assistance by [REDACTED] in violation of Rules 2, 3, 10.

Unfounded

5. It is alleged that on July 18, 2018 at on or about 12:30 PM, Officer Rodarte, improperly arrested [REDACTED] for a series of driving violations that did not occur, in violation of Rules 1, 2, 3, 8, 10, 11.

Unfounded

Approved:

[REDACTED]

Angela Hearts - Glass
Deputy Chief Administrator – Chief Investigator

10-31-18

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Jason Lee
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass