

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	May 26, 2016
Time of Incident:	7:47 pm
Location of Incident:	5300 S. Lowe Ave.
Date of COPA Notification:	May 26, 2016
Time of COPA Notification:	7:53 pm

On May 26, 2016, in the vicinity of 5300 S. Lowe Avenue, the complainant, [REDACTED] alleges she saw Officer Rodarte detain the victim, [REDACTED] push him against a fence and place a gun to his head. [REDACTED] also alleges she heard Officer Rodarte use profanities while speaking to civilians in the area. COPA finds the allegation that Officer Rodarte and Sgt. Hooper detained [REDACTED] without justification is Sustained, but the additional allegations are Not Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	RODARTE, Bernardo, #19762, Employee # [REDACTED]; Unit of Assignment 009; Police Officer; DOB: [REDACTED], 1981; M/H
Involved Officer #2:	HOOPER, Phillip, #889, Employee # [REDACTED]; Unit of Assignment 002; Sergeant ² ; DOB: [REDACTED], 1979; M/H
Subject #1:	[REDACTED], 1975; F/B (Complainant)
Subject #2	[REDACTED] DOB: [REDACTED], 1984; M/B (Victim)

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Bernardo Rodarte	1. Placed a weapon (gun) to Mr. [REDACTED] head.	Not Sustained

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. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² On the date of the incident, Sgt. Hooper was a police officer.

	2. Pushed Mr. ██████ against a gate.	Not Sustained
	3. Stated words to the effect, "I don't give a fuck. Do what the fuck you have to do."	Not Sustained
	4. Stopped Mr. ██████ without justification.	Sustained
Sergeant Phillip Hooper	1. Observed misconduct and failed to report the same.	Not Sustained
	2. Stopped Mr. ██████ without justification.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 6: Prohibits any disobedience of an order or directives, whether written or oral.
 3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person while on or off duty.
 5. Rule 38: Unlawful or unnecessary use or display of a weapon.

General Orders/Special Orders

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1. G03-02-01, The Use of Force Model (Effective May 16, 2012)
 2. G03-02-02, Force Options (Effective January 1, 2016)
 3. G02-02, The First Amendment and Police Actions
 4. S04-13-09 (Effective March 22, 2016)

State Laws

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1. 725 ILCS 5/107-14

Federal Laws

1. The Fourth Amendment to the United States Constitution

V. INVESTIGATION

a. Interviews

In an **Interview with IPRA on May 26, 2016, Complainant** ██████████ stated that on May 26, 2016, at approximately 7:45 p.m., she was sitting on the front porch of her residence located at ██████████ when she noticed a police vehicle approach her neighbor, ██████████ ██████████? now known to be ██████████³ ██████████ explained that ██████████ had autism and resides across the street from her. ██████████ related that while sitting on her front porch ██████████ was skating, on roller blades, back and forth on the sidewalk.

██████████ noticed that the same marked police vehicle had driven northbound on the 5300 block of South Lowe several times. ██████████ stated that eventually, the marked police vehicle stopped abruptly, and two white male officers exited the vehicle. ██████████ related that one of the officers, now known as Officer Rodarte, approached ██████████ pushed him against the gate and placed his gun to ██████████ head.

██████████ stated that she ran across the street and intervened by informing the officers that ██████████ was autistic. ██████████ related that Officer Rodarte and his partner, now known as Sgt. Hooper, searched ██████████ Officer Rodarte and Sgt. Hooper explained that ██████████ was stopped because they observed “something black” under his shirt. ██████████ related that Sgt. Hooper informed her that he displayed his weapon because he thought that ██████████ was in possession of a weapon. ██████████ stated that the scene became chaotic as multiple neighbors approached the immediate area. ██████████ did not observe any injuries to ██████████⁴

In an **Interview with IPRA on October 03, 2016, Witness** ██████████ stated that he has known ██████████ since birth. ██████████ related that ██████████ is autistic. ██████████ added that if ██████████ was not familiar with a person, he would not stop to talk to the unknown individual. ██████████ stated that on May 26, 2016, at approximately 7:45 p.m., he was standing on the front porch of his residence, located at ██████████, along with his friend, ██████████⁵ ██████████ related that while standing on his front porch, he observed ██████████ roller skating on the sidewalk of the 5300 block of South Lowe. ██████████ stated that two officers, now known as Officer Rodarte and Sgt. Hooper, approached the area and stopped their vehicle.

³ Although ██████████ referred to a person named ██████████ it is clear from the context of her statement that she was referring to ██████████ and thus, COPA has substituted the name ██████████ for any reference ██████████ made to the individual she called ██████████ for the sake of clarity. Complaint registered and allegations were given under ██████████

⁴ Attachments #6, 7, 24

⁵ No further information was given about ██████████ identity.

██████████ related that Officer Rodarte exited the passenger side of the vehicle and chased after ██████████ as ██████████ was roller skating on the sidewalk. Sgt. Hooper sped down the street in the police vehicle. ██████████ heard people yelling to the police that ██████████ was autistic. ██████████ observed Officer Rodarte point his weapon at the back of ██████████ head.

██████████ stated that as he was running on the sidewalk towards the incident, he told Officer Rodarte not to shoot ██████████ related that Officer Rodarte informed him that he believed ██████████ had a gun in his possession. ██████████ stated that he reminded Officer Rodarte of the concealed carry law and informed Officer Rodarte that he was wrong for pointing his weapon at ██████████ stated that the crowd informed Officer Rodarte they were going to file a complaint against him. Officer Rodarte responded by stating words to the effect of, “Call whoever you want to call. I don’t give a fuck.”⁶ ██████████ did not observe any physical injuries to ██████████

On June 8, 2016 at approximately 2:20 p.m., the **IPRA Investigator telephoned** ██████████ father. ██████████ stated that ██████████ could not give a statement to IPRA as he was not capable of doing so. ██████████ related that although ██████████ was 32 years old, he had the “mental capability of a 4-year-old.”⁷

In an **Interview with IPRA on August 16, 2017, Accused Officer Bernardo Rodarte** stated that on the date and time of the incident he was working a post shooting mission⁸ with Sergeant Hooper. Officer Rodarte related that he was the passenger of the marked vehicle. Officer Rodarte stated that while patrolling the area around 53rd and Lowe, he observed a black male, now known as ██████████ roller skating on the sidewalk. Officer Rodarte stated that ██████████ was wearing a white t-shirt and dark color pants. Officer Rodarte related that he observed a bulge near ██████████ waist area that looked like a handgun. Officer Rodarte stated that he and Sgt. Hooper drove on the block a second time and made the decision to conduct a field interview with ██████████

Officer Rodarte stated that when ██████████ looked in their direction, Sgt. Hooper stated words to the effect of, “Hey, Chicago Police can we talk to you?” Officer Rodarte related that ██████████ skated away from them. Officer Rodarte exited the vehicle and ran behind ██████████ while Sgt. Hooper drove the vehicle northbound on South Lowe. Officer Rodarte stated that he directed ██████████ to stop. Officer Rodarte related that ██████████ stopped, grabbed a fence, and turned around while reaching for his waist area. Officer Rodarte unholstered his weapon and pointed it in ██████████ direction. Officer Rodarte directed ██████████ to put his hands in the air.

Officer Rodarte heard people in the background yelling words to the effect of, “Stop, he is special needs, he is autistic.” Officer Rodarte stated that he holstered his weapon and checked ██████████ waist area after he noticed that ██████████ was compliant. Officer Rodarte stated that he obtained a cellular phone from ██████████ waist area and a rubber ball from his front pocket. Officer Rodarte related that he asked ██████████ if he was okay and ██████████ never replied. Officer Rodarte added that after he looked in ██████████ eyes he realized that ██████████ may be mentally challenged. Officer Rodarte stated that he and Sgt. Hooper were surrounded by approximately 20 to 30 people

⁶ Statement of ██████████ Attachment #18, 10:44 – 10:56

⁷ Attachment #21

⁸ Officer Rodarte explained that a post shooting mission means police saturate an area where shootings have occurred or a high crime area.

who began threatening them with bodily harm. Officer Rodarte related that Sgt. Hooper called over the radio for assistance.

Officer Rodarte stated that he was not able to obtain [REDACTED] personal information because [REDACTED] never responded to his questions. Officer Rodarte added that during the chaos, several unidentified civilians removed [REDACTED] from the scene of the incident. Officer Rodarte related that prior to the incident, he did not know that [REDACTED] was autistic. Officer Rodarte denied placing his weapon on [REDACTED] head. Officer Rodarte denied pushing [REDACTED] against a gate. Officer Rodarte stated that he did not recall directing profanities towards anyone at the scene. Officer Rodarte related that he approached [REDACTED] because he had a suspicious bulge on his right side. Officer Rodarte stopped [REDACTED] because [REDACTED] skated away after he asked to speak with him. Officer Rodarte related that he pointed his weapon at [REDACTED] because [REDACTED] reached towards his right side where Officer Rodarte observed the suspicious bulge. Officer Rodarte stated that he did not observe any injuries to [REDACTED]

In a subsequent interview with COPA on July 18, 2018, Officer Rodarte stood by his initial interview dated August 16, 2017. Upon inquiry, Officer Rodarte denied stopping [REDACTED] without justification. Officer Rodarte contended that he approached [REDACTED] because he had a suspicious bulge on his right side. Officer Rodarte added that he stopped [REDACTED] because [REDACTED] skated away after he asked to speak with him.

In an **Interview with IPRA on 25 August 2017, Accused Sgt. Phillip Hooper** stated that on the date and time of the incident he was assigned to 906X along with Officer Rodarte. Sgt. Hooper stated that while driving a marked squad car northbound on the 5300 block of South Lowe he observed a black male, now known as [REDACTED] skating up and down the block. Sgt. Hooper related that Officer Rodarte informed him that it appeared that [REDACTED] had something under his waistband and that they should get a closer look. Sgt. Hooper drove around again and observed a suspicious bulge near [REDACTED] waistband. Sgt. Hooper agreed that he and Officer Rodarte should stop and talk to [REDACTED]

Sgt. Hooper stated that Officer Rodarte exited the squad car, approached [REDACTED] and asked [REDACTED] if he could speak with him. Sgt. Hooper related that [REDACTED] looked in their direction and continued to skate away. Sgt. Hooper stated that it appeared as if [REDACTED] was fleeing. Sgt. Hooper related that Officer Rodarte chased [REDACTED] on foot and Sgt. Hooper followed in the vehicle. Sgt. Hooper continued chasing [REDACTED] for approximately fifty (50) feet, Officer Rodarte caught up to [REDACTED] and placed [REDACTED] against a wrought iron fence. Sgt. Hooper related that [REDACTED] began reaching in the area of the suspicious bulge. Sgt. Hooper stated that as he was exiting the vehicle he observed Officer Rodarte step back, unholster his weapon, point his weapon in the direction of [REDACTED] and instruct [REDACTED] to put his hands in the air.

Sgt. Hooper related that he observed neighbors approaching the scene of the incident. Sgt. Hooper stated that the neighbors appeared to be angry. Sgt. Hooper added that he and Officer Rodarte attempted to defuse the situation by explaining why they had stopped [REDACTED]. Sgt. Hooper stated that when Officer Rodarte lifted [REDACTED] shirt, he discovered a rectangular shaped cellular phone on the right side of his waist and a small pink ball in [REDACTED] right front pocket. Sgt. Hooper related that he called for assistance via the Department radio.

Sgt. Hooper stated that he and Officer Rodarte were informed by several unidentified individuals that ██████ was autistic. Sgt. Hooper continued that he was unable to obtain ██████ information because several unidentified individuals removed ██████ from the scene.

Sgt. Hooper stated that he did not recall hearing Officer Rodarte state words to the effect of, "I don't give a fuck." Sgt. Hooper denied observing Officer Rodarte place his weapon to ██████ head. Sgt. Hooper denied observing misconduct and failing to report the same.

In a subsequent interview with COPA on July 10, 2018, Sgt. Hooper stood by his initial interview dated August 25, 2017. Upon inquiry, Sgt. Hooper denied stopping ██████ without justification. Sgt. Hooper contended that he and Officer Rodarte observed a bulge on ██████ right side and attempted to conduct a field interview. Sgt. Hooper stated that ██████ looked in their direction and continued to roller skate away from them after Officer Rodarte asked to speak with him.

b. Documentary Evidence

The **Contact Information Card** documented that on May 26, 2016, at approximately 7:45 p.m. Sgt. Hooper and Officer Rodarte conducted a street stop with an unknown black male, now known as ██████ in the vicinity of ██████ Ave. It is reported that Sgt. Hooper and Officer Rodarte were driving though the 53-54 block of Lowe when they observed a black male on roller blades wearing a white t-shirt and black pants heading northbound on the sidewalk. The involved officers observed a large suspicious bulge from underneath his shirt and pants that looked to be a handgun.

It is reported that during the previous week there had been a shooting on the block where 45 shell casing were found from three different weapons. Sgt. Hooper and Officer Rodarte attempted to stop ██████ at which point ██████ continued to rollerblade northbound on Lowe. Officer Rodarte gave chase on foot while Sgt. Hooper pursued in the vehicle. Officer Rodarte yelled for ██████ to stop and as Officer Rodarte caught up to ██████ reached for his right side. Officer Rodarte then removed his weapon from his holster and told ██████ to put his hands up at which time he did.

It is documented that neighbors ran to the scene and informed the officers that ██████ had autism. After Officer Rodarte observed that ██████ was compliant, he placed his weapon in his holster. Officer Rodarte searched ██████ person and discovered the bulge to be ██████ cell phone. A crowd of approximately 20 to 30 people began to gather and Beat 4525E assisted with an attempt to calm the crowd down. ██████ was taken from the scene prior to the officers' ability to obtain ██████ information.⁹

IPRA investigators **canvassed** the vicinity of 5300 S. Lowe Street on June 10, 2016. Several witnesses stated that they did not witness the entire incident and did not observe the

⁹ Attachment #22

officers place a gun on [REDACTED] head. The witnesses stated that they observed an officer holding [REDACTED] against a gate.¹⁰

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 occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

1. **Officer Bernardo Rodarte, #19762**
Allegation #1 – 3: Not Sustained
Allegation #4: Sustained

COPA's finding is **Not Sustained** for **Allegation #1** that Officer Rodarte placed a weapon (gun) to Mr. [REDACTED] head. In her statement to IPRA, [REDACTED] stated that while sitting on her front porch, across the street she observed Officer Rodarte place a weapon on [REDACTED] head. In his statement to IPRA, [REDACTED] stated that he observed Officer Rodarte point a weapon at the back of [REDACTED] head. According to [REDACTED] who is the father of [REDACTED] [REDACTED] could not give a statement as he was not capable of doing so. [REDACTED] explained that [REDACTED] had the "mental capability of a 4-year old."

¹⁰ Attachment #16

In his statement to IPRA, Sgt. Hooper stated that as he was exiting his vehicle he observed Officer Rodarte step back, unholster his weapon and point his weapon in [REDACTED] direction after [REDACTED] reached to the right side of his body. Officer Rodarte denied placing his weapon on [REDACTED] head. Officer Rodarte stated that he pointed his weapon in [REDACTED] direction after [REDACTED] reached to the right side of his body. As [REDACTED] is the only individual who stated that she observed Officer Rodarte place his weapon on [REDACTED] head, there is insufficient evidence to prove or disprove Officer Rodarte's weapon made contact with [REDACTED] head.

COPA's finding is **Not Sustained** for **Allegation #2** that Officer Rodarte pushed [REDACTED] against a gate. [REDACTED] stated that she observed Officer Rodarte run towards [REDACTED] and push him against a gate. Sgt. Hooper stated that as he was exiting his vehicle, he observed Officer Rodarte place [REDACTED] against a fence. Officer Rodarte stated that [REDACTED] grabbed the gate and that he never pushed and/or placed [REDACTED] against a gate. Based on the available evidence, there is insufficient evidence to prove and/or disprove that Officer Rodarte pushed [REDACTED] against a fence.

COPA's finding is **Not Sustained** for **Allegation #3** that Officer Rodarte stated words to the effect of, "I don't give a fuck. Do what the fuck you have to do." In his statement to IPRA, [REDACTED] stated that Officer Rodarte used profanities with him. Sgt. Hooper stated that he did not recall hearing Officer Rodarte direct any profanities. Officer Rodarte denied directing profanities towards anyone at the scene. Officer Rodarte also denied stating words to the effect of, "I don't give a fuck. Do what the fuck you have to do." There is insufficient evidence to prove or disprove that Officer Rodarte stated words to the effect of, "I don't give a fuck. Do what the fuck you have to do."

COPA's finding is **Sustained** for **Allegation #4** that Officer Rodarte stopped [REDACTED] without justification, in violation of Rules 2 and 6 of the Chicago Police Department Rules and Regulations. According to [REDACTED] Sgt. Hooper and Officer Rodarte, [REDACTED] was repetitiously roller skating on the sidewalk of the 5300 block of South Lowe prior to being stopped by Sgt. Hooper and Officer Rodarte. [REDACTED] Sgt. Hooper and Officer Rodarte stated that Sgt. Hooper and Officer Rodarte drove around the area several times prior to stopping [REDACTED]. It should also be noted that with police presence, [REDACTED] never stopped his activity of roller skating on the sidewalk.

Three tiers of police-citizen encounters exist: arrests, temporary detentions, and consensual encounters. See *People v. Luedemann*, 222 Ill. 2d 542, 544 (2006). The interaction with [REDACTED] went beyond a consensual encounter as [REDACTED] initially disregarded the officers' command to stop and the officers then chased [REDACTED] with Officer Rodarte demanding that [REDACTED] stop then pointed a gun at him. See *United States v. Mendenhall*, 446 U.S. 544, 554 (1980) (a person is "seized" if a reasonable person would have believed he was not free to leave under the entirety of the circumstances).

Because this interaction amounted to a seizure, the officers must have at least had reasonable articulable suspicion to stop [REDACTED]. See Special Order S04-13-09 (an investigatory stop may only be conducted when an officer has reasonable articulable suspicion that a person is

committing, about to commit, or has committed a crime). Reasonable articulable suspicion is “less than probable cause but more substantial than a hunch or general suspicion” and depends on the totality of the circumstances that the officer observes and the reasonable inferences that the officer can draw based on his training and experience. See *id.* When an officer approaches an individual without reasonable suspicion or probable cause, the individual has a right to ignore the police and go about his business. *Florida v. Royer*, 460 U.S. 491, 498 (1983). Thus, a “refusal to cooperate, without more, does not furnish the minimal level of objective justification needed for a detention or seizure.” *Illinois v. Wardlow*, 528 U.S. 119, 125 (2000) (quoting *Florida v. Bostick*, 501 U.S. 429, 437 (1991)). On the other hand, “unprovoked flight is not a mere refusal to cooperate” and can serve as a factor supporting reasonable suspicion. *Id.*

Sgt. Hooper and Officer Rodarte claimed that they observed a suspicious bulge that “looked like a gun” on ██████ right side near his waist area. When asked to describe how the bulge “looked like a gun,” Sgt. Hooper and Officer Rodarte could not provide a clear description. Sgt. Hooper and Officer Rodarte added that several days prior there had been a shooting in the neighborhood but could not provide a description of the suspects of that shooting.

Under these facts, the officers did not have reasonable articulable suspicion to believe that ██████ had committed, was committing, or was about to commit a crime. The officers had no basis to connect ██████ with the shooting several days prior, as the officers did not have a description of the suspects of that shooting. Further, the mere possession of a concealed weapon is not a crime in Illinois considering the Firearm Concealed Carry Act (430 ILCS 66/1 *et. seq.*).¹¹ Moreover, although ██████ continued to skate away from the officers after they asked him to stop, ██████ behavior cannot be characterized as the type of headlong flight or other evasive behavior that might support a finding of reasonable articulable suspicion. See, *e.g.*, *People v. Rafael E. (In re Rafael E.)*, 2014 IL App (1st) 133027, ¶ 32 (recognizing that casually walking away from a police officer is different than running from the officer). ██████ simply continued to engage in the same activity that he had been engaging in before the officers asked him to stop, which was consistent with his right to ignore the officers’ request to stop. ██████ “refusal to cooperate, without more,” did “not furnish the minimal level of objective justification needed for a detention or seizure.” *Wardlow*, 528 U.S. at 140. Indeed, Sgt. Hooper and Officer Rodarte stated that they circled the block twice and observed ██████ roller skating back and forth on the sidewalk. The action that Sgt. Hooper and Officer Rodarte are labeling as flight does not match the description of headlong flight or evasive behavior that could justify the stop of ██████

Based on the foregoing, Sgt. Hooper and Officer Rodarte did not have reasonable articulable suspicion to stop and/or detain ██████. Accordingly, **Allegation # 4 is Sustained.**

¹¹ Certainly, possessing a concealed weapon could be a crime if, for example, the possessor did not have a concealed carry permit. See 720 ILCS 5/24-1.6(a)(3)(C). However, the officers did not articulate any facts suggesting they had a reasonable articulable suspicion that ██████ lacked a concealed carry permit or was otherwise committing a crime simply by carrying what they believed was a gun.

2. **Sergeant Phillip Hooper, #889**
Allegation #1: Not Sustained
Allegation #2: Sustained

COPA's finding is **Not Sustained** for **Allegation #1** that Sgt. Hooper observed misconduct and failed to report the same. In their statements to IPRA [REDACTED] and [REDACTED] stated that Officer Rodarte directed profanities during their conversations with Officer Rodarte. [REDACTED] also stated that Officer Rodarte placed a gun to [REDACTED] head and pushed [REDACTED] against a fence. Officer Rodarte denied committing the acts alleged against him. Sgt. Hooper denied observing Officer Rodarte commit the acts alleged against him. There is insufficient evidence to prove and/or disprove the that Sgt. Hooper observed misconduct and failed to report the same.

COPA's finding is **Sustained** for **Allegation #2** that Sgt. Hooper stopped [REDACTED] without justification for the same reasons mentioned in Allegation #4 above for Officer Rodarte.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Rodarte

i. Complimentary and Disciplinary History

Officer Rodarte's relevant complimentary history consists of one Superintendent Honorable Mention, thirty-seven Honorable mentions and one Complimentary letter. Officer Rodarte has no relevant disciplinary history.

i. Recommended Penalty, by Allegation

1. Allegation No. 4: Stopped [REDACTED] without justification, in violation of Rules 2 and 6.

[REDACTED] is a thirty-year-old autistic man who on May 6, 2016 was roller blading on his block. He possessed nothing more than a cell phone and a rubber ball in his pocket. Officer Rodarte and Sergeant Hooper made a rash decision that [REDACTED] needed to be immediately detained and searched based on a prior shooting in the area. The officers were not looking for a subject, they were not acting on any specific information and they based solely on the fact that [REDACTED] had a bulge in his pocket. COPA challenges the idea that a rubber ball in a pocket even resembles a gun and neither officer was able to provide any explanation as to how it did.

While both officers have positive complimentary history and no relevant disciplinary history, COPA finds these type of citizen encounters extremely problematic. In the instant case it was vigilant community members who stepped in and deescalated the situation. It is noted that when the citizens stepped in, informing the officers that [REDACTED] was autistic, the officers backed down quickly. Thankfully, the situation ended without injury or serious harm, however detentions of citizens on their block merely for being present undermines the Department's stated missions: "to protect the lives, property, and rights of all people," "on and off duty conduct reflects both the highest standard of police service and personal responsibility" and "serve all citizens equally with fairness, dignity

and respect.”¹² Therefore, COPA recommends a suspension of 10 days, procedural justice and fourth amendment training, and a transfer from the 9th district.

b. Sergeant Hooper

j. Complimentary and Disciplinary History

Sergeant Hooper’s relevant complimentary history consists of eight Department Commendations, one-hundred and three Honorable Mentions, four Complimentary Letters, and two Life Saving Awards. Sergeant Hooper has no relevant disciplinary history.

i. Recommended Penalty, by Allegation

Allegation No. 2: Stopped ██████ without justification, in violation of Rules 2 and 6.

For the reasons set forth above. COPA recommends a suspension of 10 days, procedural justice and fourth amendment training, and a transfer from the 9th district.

IX. CONCLUSION

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

Officer	Allegation	Finding
Officer Bernardo Rodarte	1. Placed a weapon (gun) to ██████ head, in violation of Rules 2 and 38.	Not Sustained
	2. Pushed ██████ against a gate, in violation of Rules 2 and 8.	Not Sustained
	3. Stated words to the effect of, “I don’t give a fuck. Do what the fuck you have to do,” in violation of Rules 2 and 9	Not Sustained
	4. Stopped ██████ without justification, in violation of Rules 2 and 6.	Sustained
Sergeant Phillip Hooper	1. Observed misconduct and failed to report the same, in violation of Rule 10.	Not Sustained
	2. Stopped ██████ without justification, in violation of Rule 6.	Sustained

¹² <https://home.chicagopolice.org/inside-the-cpd/our-mission/>

Approved:



Andrea Kersten
Deputy Chief Administrator

June 28, 2019

Date

Appendix A

Assigned Investigative Staff

Squad#:	4
Investigator:	Lakeisha Davis
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten