



Log # 2022-3977

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 5, 2022, the Civilian Office of Police Accountability (COPA) received a phone complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on September 16, 2022, Police Officers Adam Stark and Rhonda Ward engaged in an unjustified altercation with an unidentified woman (subsequently referred to as ██████████) attending an unpermitted Mexican Independence Day celebration.² Following its investigation, COPA reached sustained and exonerated findings regarding the allegations.

II. SUMMARY OF EVIDENCE³

On the evening of September 15, 2022, Officers Adam Stark and Rhonda Ward were working together on an overtime initiative. They were assigned to assist with crowd and traffic control for an unpermitted, large-scale gathering in downtown in observance of Mexican Independence Day.⁴ While patrolling this gathering, Officers Stark and Ward were driving west on Van Buren St. towards State St.⁵ As they approached the intersection, ██████████ stepped from the sidewalk while waving a rod affixed with a Mexican flag and struck the rear of a passing, marked CPD vehicle with the rod.⁶ Officer Stark stopped his vehicle, exited, and approached ██████████⁷ Officer Stark grabbed the rod from her and attempted to stick it through the rear, driver's-side window of his patrol vehicle.⁸ The rod did not fit, and Officer Stark broke the rod into two pieces and handed it to Officer Ward.⁹ The officers got back into their patrol car and continued to drive west on Van

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including Police Observation Device (POD) video recordings, civilian interviews, and officer interviews.

⁴ Att. 17, COPA interview of Officer Ward, at 3:12 to 5:48, and Att. 19, COPA interview of Officer Stark, at 3:02 to 3:56.

⁵ Att. 17 at 7:05 to 7:32 and Att. 19 at 5:30 to 5:58.

⁶ Att. 2, POD video recording from 350 S State St., and Att. 3, POD video recording from 351 S State St., at 1:53:54 am.

⁷ Att. 2 and Att. 3 at 1:53:59 am to 1:54:06 am.

⁸ Att. 2 and Att. 3 at 1:54:06 am to 1:54:11 am.

⁹ Att. 2 and Att. 3 at 1:54:11 am to 1:54:16 am.

Buren St.¹⁰ Once through the intersection, Officer Ward threw the pieces of the rod and flag out of the front passenger window, and Officer Stark continued driving.¹¹ █████ crossed the street and retrieved the pieces of the rod and the flag.¹²

III. ALLEGATIONS

Police Officer Adam Stark

1. Engaging in an unjustified physical altercation with an unknown woman.
 - Exonerated
2. Breaking a rod with a Mexican flag affixed without justification.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 40

Police Officer Rhonda Ward

1. Improperly disposing of seized property, to wit a Mexican flag and rod.
 - Sustained, Violation of Rule 2, 3, 5, 6, and 40

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements. COPA interviewed █████ in October 2022,¹³ and COPA interviewed Officers Stark and Ward in June 2023.¹⁴ █████ and both officers gave accounts of the incident that were largely consistent with the available video evidence but contained some inconsistencies. Because the accounts of all individuals interviewed are otherwise corroborated by the available video evidence, these inconsistencies appear to be due to faults in memory rather than intentional misrepresentations.

█████ denied that █████ struck a CPD vehicle with the rod.¹⁵ █████ said he believed that only the flag affixed to the rod made contact with the vehicle and not the rod itself.¹⁶ The available video recordings of the incident show █████ swinging the flag and rod towards a moving CPD vehicle,¹⁷ and any contact between the rod and the vehicle is obscured by the vehicle itself. However, the vehicle stopped immediately after █████ swung the rod,¹⁸ and Officers Stark and Ward both stated credibly that they saw the rod come into contact with the CPD vehicle.¹⁹

¹⁰ Att. 2 and Att. 3 at 1:54:16 am to 1:54:31 am.

¹¹ Att. 2 and Att. 3 at 1:54:16 am to 1:54:29 am.

¹² Att. 2 and Att. 3 at 1:54:40 am to 1:54:45 am.

¹³ Att. 7.

¹⁴ Att. 17 and Att. 19.

¹⁵ Att. 7 at 23:31 to 23:52

¹⁶ Att. 7 at 25:58 to 26:31

¹⁷ Att. 2 and Att. 3 at 1:53:54 am.

¹⁸ Att. 2 and Att. 3 at 1:53:56 am.

¹⁹ Att. 17 at 7:05 to 7:32 and Att. 19 at 5:51 to 6:29.

Officers Stark and Ward also both made the same assertion during their interviews regarding where they disposed of the seized flag and rod, which was inconsistent with the available POD video. Both officers said that they drove multiple blocks away from the location of the incident before disposing of the seized rod and flag.²⁰ The available POD video shows Officer Ward preparing to dispose of the rod and flag immediately after Officer Stark began driving away.²¹ Also, █████ walks after the officers' car on foot and out of the POD camera's view, and she walks back into the frame less than one minute later after apparently recovering the flag and rod.²²

V. ANALYSIS²³

During their statements to COPA investigators, Officer Stark and Ward admitted that they engaged in the alleged conduct and provided rationales that they believed justified their actions. Officer Stark acknowledged exiting his patrol car and initiating an altercation with █████ by seizing her Mexican flag,²⁴ but Officer Stark explained that he initiated the altercation because he saw █████ using the rod to strike a marked CPD-vehicle.²⁵ Under these circumstances, it was reasonable for Officer Stark to initiate this encounter and to seize the rod to prevent █████ from continuing to use it as a weapon. It was also reasonable to end the encounter and drive away, rather than identifying █████ or making an arrest, given the boisterous crowd and relative lack of police resources. COPA finds that Allegation #1 against Officer Stark is Exonerated.

During his statement to COPA, Officer Stark acknowledged breaking the rod into two pieces,²⁶ and he explained that he took this action after having difficulty fitting the rod through the rear driver's side window.²⁷ During her statement to COPA, Officer Ward said that after leaving the immediate location of the incident she tossed the flag and rod from the window of the patrol car.²⁸ Officer Ward explained that she disposed of the seized property because the broken rod was sharp and unsafe to have in the patrol car.²⁹ In these circumstances, neither officer's explanation justifies their conduct. While Officer Ward's concern for safety is legitimate, the broken rod and flag were safer secured in her and Officer Stark's patrol car than on the street where the rod and flag were ultimately recovered by █████ Also, CPD policy requires police officers to inventory all property that is seized or otherwise taken into their custody.³⁰ Here, the officers chose to damage and/or discard the property that they had seized. Both officers' actions were taken in public view and were disrespectful towards a symbol of Mexican national pride and tended to impede the public's perception of CPD's ability to treat all people with respect. COPA finds that **Allegation**

²⁰ Att. 17 at 10:38 to 11:51

²¹ Att. 2 and Att. 3 at 1:54:30 am.

²² Att. 2 and Att. 3 at 1:54:40 am to 1:54:45 am.

²³ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁴ Att. 19 at 6:06 to 6:16.

²⁵ Att. 19 at 13:31 to 13:59.

²⁶ Att. 19 at 6:16 to 6:31.

²⁷ Att. 19 at 14:00 to 14:22.

²⁸ Att. 17 at 10:38 to 11:01.

²⁹ Att. 17 at 11:01 to 11:51.

³⁰ *See* Att. 21, G07-01(II)(A), Processing Property Under Department Control (effective April 14, 2015, to present); Att. 22, S07-01(III)(A), Processing Property Under Department Control (effective April 27, 2021, to present).

#1 against Officer Ward and Allegation #2 against Officer Stark are Sustained, and that Officers Ward and Stark violated Rules 2, 3, 5, 6, and 40.

VI. DISCIPLINARY RECOMMENDATION

a. Police Officer Adam Stark

i. Complimentary and Disciplinary History³¹

Officer Stark has received the Life Saving Award, six Department Commendations, two complimentary letters, seventy-nine Honorable Mentions, and five other awards and commendations. Officer Stark has no sustained complaint registers within the past five years, but he was reprimanded for a preventable accident that occurred in May 2023.

ii. Recommended Discipline

Here, COPA has found that Officer Stark violated Rules 2, 3, 5, 6, and 40 by breaking a rod with a Mexican flag affixed without justification. While Officer Stark had reason to take the rod and flag from its bearer, he did not have justification to break the rod. By breaking the rod with the Mexican flag attached, Officer Stark violated CPD policy, and his actions may have been perceived by onlookers as exhibiting bias against people of Mexican decent, even if that was not his intention. Based on these findings, and considering Officer Stark's history, COPA recommends a **2-day suspension**.

b. Police Officer Rhonda Ward

i. Complimentary and Disciplinary History³²

Officer Ward has received the Life Saving Award, one Department Commendation, one complimentary letter, six Honorable Mentions, and the 2019 Crime Reduction Award. Officer Ward has no sustained complaint registers within the past five years, but she was reprimanded for a preventable accident that occurred in July 2023.

ii. Recommended Discipline

Here, COPA has found that Officer Ward violated Rules 2, 3, 5, 6, and 40 by improperly disposing of seized property. By throwing the broken rod and Mexican flag from a marked CPD patrol vehicle, Officer Ward violated CPD policy, and her actions may have been perceived by onlookers as exhibiting bias against people of Mexican decent, even if that was not her intention. Based on these findings, and considering Officer Ward's history, COPA recommends a **2-day suspension**.

³¹ Att. 24.

³² Att. 23.

Approved:



Angela Hearts- Glass
Deputy Chief Administrator – Chief Investigator

9-29-2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	September 16, 2022 / 1:50 am / 1 E Van Buren St., Chicago, IL 60604
Date/Time of COPA Notification:	September 16, 2022 / 10:22 am
Involved Member #1:	Officer Adam Stark / Star #18655 / Employee ID # [REDACTED] / DOA: February 21, 2006 / Unit: 008 / Male / White
Involved Member #2:	Officer Rhonda Ward / Star #17269 / Employee ID # [REDACTED] / DOA: December 17, 2018 / Unit: 004 / Female / Black
Involved Individual #1:	[REDACTED] / Male / Black
Involved Individual #2:	Unknown / Female / Hispanic

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule 40:** Failure to inventory and process recovered property in conformance with Department orders.

Applicable Policies and Laws

- G07-01: Processing Property Under Department Control (effective April 14, 2015, to present).
- S07-01: Processing Property Under Department Control (effective April 27, 2021, to present).

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.³³ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”³⁴

³³ 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 is found to be more probably true than not).

³⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation