



Log # 2024-0005875

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On June 30, 2024, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD), relative to alleged misconduct by a member of CPD.<sup>2</sup> In the report, Sergeant (Sgt.) Tyrone Jefferson alleged that Officer Leonardo Rodriguez used excessive force when apprehending ██████████ on June 30, 2024, at approximately 2:35 am, at or near 1345 West 110<sup>th</sup> Street.<sup>3</sup> Specifically, Sgt. Jefferson reported that Officer Rodriguez placed his hand on ██████████ neck area to stop ██████████ from lunging forward.

COPA investigated the matter and found that the evidence was insufficient to sustain an excessive force allegation against Officer Rodriguez.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

On June 30, 2024, ██████████ was in the process of being arrested in connection with a domestic battery charge. ██████████ had originally tried to defeat the arrest and was somewhat agitated. Sgt. Jefferson radioed for assistance, and Officer Rodriguez and his partner, Officer Jesus Sanchez, responded to the scene.<sup>5</sup> Upon their arrival, ██████████ was already being restrained by several officers and was in handcuffs against the side of a marked CPD vehicle. Officer Rodriguez told COPA that ██████████ was lunging and yelling, causing spit to get on the officer who was searching ██████████<sup>6</sup> Officer Sanchez corroborated that ██████████ was angry and taking some steps to resist the search of his person.<sup>7</sup> Another officer who was present at the scene told COPA that she did not see ██████████ physically threaten anybody or spit, but that he was verbally aggressive.<sup>8</sup>

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<sup>1</sup> 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.

<sup>2</sup> Att. 1.

<sup>3</sup> 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.

<sup>4</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, and officer interviews. Evidence in this matter includes BWC's of the two involved officers: Officer Rodriguez, at Att. 14, and Officer Jesus Sanchez, at Att. 13. ██████████ was not interviewed, despite efforts to contact him for that purpose (see CMS Notes CO-1406383, CO-1406435, CO-1406436, and CO-1406375 and Atts. 33, 34, and 38). COPA also interviewed Sgt. Jefferson (Atts. 32 and 35), Officer Rodriguez (Atts. 37 and 39), Officer Leslie Arreola (see Atts. 43 and 44) and Officer Sanchez (Atts. 45 and 46), who were all present at the scene.

<sup>5</sup> Att. 39, pg. 10, lns. 2 to 6.

<sup>6</sup> Att. 39, pg. 10, lns. 8 to 21, pg. 17, lns. 11 to 17.

<sup>7</sup> Att. 46, pg. 9, lns. 6 to 15.

<sup>8</sup> Att. 44, at pg. 10, ln. 20 to pg. 11, ln. 10.

While another officer was attempting to search ██████ person, Officer Rodriguez put on his gloves. He placed his left hand onto ██████ face and instructed ██████ to “look away from him [the officer conducting the search].”<sup>9</sup> Officer Rodriguez then redirected his hand to ██████ neck, just under ██████ chin.<sup>10</sup> (See Figure 1.) ██████ immediately began complaining about Officer Rodriguez’s hand on his neck, and Officer Rodriguez subsequently removed his hand.<sup>11</sup>



Figure 1: This image, taken from the body worn camera (BWC) footage of a device worn by Officer Sanchez, depicts Officer Rodriguez’s gloved hand (at left) at ██████ throat.

█████ complained of pain in his wrist after the arrest and was transported to a local hospital, where he was medically cleared. There is no note of any medical complaint by ██████ to the lockup keeper.<sup>12</sup>

Officer Rodriguez submitted a TRR relative to the incident in which he described his actions as “placing his right hand on the subject’s chin / collar area redirecting his head to an upward position. R/O removed his hand approximately 4-5 seconds later after realizing his hand was near the neck area.”<sup>13</sup> In his interview with COPA, Officer Rodriguez corrected the statement in his TRR to reflect that it was his left hand, not his right hand, that he placed on ██████ chin / collar area.<sup>14</sup> Officer Rodriguez further explained that he redirected ██████ face away from him in an attempt to stop ██████ from spitting on him, but ██████ started looking up and Officer Rodriguez’s hand slid under ██████ chin.<sup>15</sup> Officer Rodriguez denied the allegation of misconduct,<sup>16</sup> stating that he did not choke ██████ did not squeeze or put pressure on ██████

<sup>9</sup> Att. 13 at 03:31; Att. 39, pg. 16, lns. 6 to 11, pg. 19, lns. 7 to 14.

<sup>10</sup> Att. 13 at 03:33.

<sup>11</sup> Att. 13 at 03:40 to 04:04.

<sup>12</sup> Att. 2.

<sup>13</sup> Att. 47, pg. 2.

<sup>14</sup> Att. 39, pg. 9, lns. 4 to 10.

<sup>15</sup> Att. 39, pg. 14, ln. 5 to pg. 16, ln. 8.

<sup>16</sup> Att. 39, pg. 22, lns 20 to 23.

neck, and his hand was open at the time.<sup>17</sup> Officer Rodriguez reiterated that his intent was merely to redirect ██████ face, and ██████ never indicated that he could not breathe.

Sgt. Jefferson stated that during the incident he observed Officer Rodriguez make a pushing motion towards ██████ chest / neck area, and he heard ██████ say, “you touched my neck.”<sup>18</sup> After the incident, Sgt. Jefferson reviewed the BWC footage of Officer Sanchez, and it appeared that Officer Rodriguez had inadvertently touched ██████ neck. As a result, the sergeant created an initiation report.<sup>19</sup>

Sgt. Jefferson confirmed that he did not observe Officer Rodriguez put his hand on ██████ neck at the time of the incident; however, he did observe Officer Rodriguez’s hand on ██████ neck when he reviewed the BWC footage.<sup>20</sup> He further stated that Officer Rodriguez used an open hand to push ██████ neck and jaw; however, Officer Rodriguez did not squeeze ██████ neck.<sup>21</sup> Finally, Sgt. Jefferson stated that pushing ██████ neck appeared problematic because, “we don’t go that high unless it’s an emergency.”<sup>22</sup>

### III. ALLEGATIONS

#### **Officer Leonardo Rodriguez:**

1. Using excessive force by placing his left hand on ██████ neck while he was being restrained.  
- Not Sustained.

### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the officers who provided statements. COPA’s attempts to interview ██████ were unsuccessful.<sup>23</sup>

### V. ANALYSIS<sup>24</sup>

As a general matter, CPD “expects its members to develop and display the skills and abilities to act in a manner to eliminate the need to use force and resolve situations without resorting to force.”<sup>25</sup> Further, “[d]epartment members will use only the force that is proportional to the threat, actions, and level of resistance offered by a person.”<sup>26</sup> As outlined in General Order G03-02, CPD members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to provide for the safety of any person

<sup>17</sup> Att. 39, pg. 16, ln. 13 to pg. 20, ln 15.

<sup>18</sup> Att. 35, pg. 11, ln. 22 to pg. 12, ln. 1.

<sup>19</sup> Att. 35, pg. 12, lns. 10 to 14.

<sup>20</sup> Att. 35, pg. 14, lns. 15 to 21.

<sup>21</sup> Att. 35, pg. 15, lns. 14 to 23.

<sup>22</sup> Att. 35, pg. 16, lns. 5 to 8.

<sup>23</sup> See CMS Notes CO-1406383, CO-1406435, CO-1406436, and CO-1406375.

<sup>24</sup> For a definition of COPA’s findings and standards of proof, see Appendix B.

<sup>25</sup> G03-02(II)(C), De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

<sup>26</sup> G03-02(III)(B)(3).

or CPD member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.<sup>27</sup> “The use of excessive force, unwarranted physical force, or unlawful force by a Department member is prohibited.”<sup>28</sup>

Particular rules apply to certain uses of force above the shoulders, in and around the area of the neck. For example, CPD policy prohibits officers “from using chokeholds or other restraints above the shoulders with risk of positional asphyxiation, with the sole exception being as an act of last resort, when necessary to protect against an imminent threat to life.”<sup>29</sup> Additional restrictions apply to the use of force against a handcuffed individual:

Consistent with the Department policy that all uses of force must be objectively reasonable, necessary, and proportional, Department members will refrain from using force against a person who is fully restrained and controlled (e.g., both hands secured together) with handcuffs or other restraining devices (e.g., flexible restraining devices), unless the member: 1. must immediately act to prevent injury to the Department member, the restrained person, or another person, or 2. must immediately act to prevent escape.<sup>30</sup>

From BWC footage, it is clear that Officer Rodriguez placed his left hand onto [REDACTED] neck while [REDACTED] was unarmed and was already being restrained by other officers.<sup>31</sup> However, there is no evidence that Officer Rodriguez applied direct pressure to [REDACTED] windpipe or airway, or restricted [REDACTED] ability to breathe. In addition, while [REDACTED] complained that Officer Rodriguez “touched [his] neck,” [REDACTED] did not claim to be choked, never indicated that he could not breathe, and did not make any gurgling or choking sounds at the time of the incident. COPA attempted to speak with [REDACTED] but its efforts were unsuccessful.

Given the totality of the circumstances, COPA concludes that it is more likely than not that Officer Rodriguez’s actions were necessary and reasonable to bring [REDACTED] under control for the purpose of effecting the arrest, for the reasons indicated by the officer: the need to re-direct [REDACTED] face upward to avert the risk of officers being contaminated by [REDACTED] saliva. COPA does not find sufficient evidence to establish that Officer Rodriguez employed any carotid artery restraint, chokehold, or other restraint above the shoulder with risk of positional asphyxiation. Here, it is more likely than not that the officer was required “to immediately act to prevent injury” to himself and the other officers present.

As such, COPA finds the allegation against Officer Rodriguez is **not sustained** by a preponderance of the evidence.

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<sup>27</sup> G03-02 (III)(B).

<sup>28</sup> G03-02 (III)(C)(1).

<sup>29</sup> G03-02 (IV)(D)(2). However, CPD has not adopted a blanket prohibition against contact with the neck, and it trains officers on the application of pressure points in sensitive areas, including under the ear and at the base of the neck. See Att. 48, CPD Basic Recruit Training, “Pressure Sensitive Areas (PSAs) Control Tactics.”

<sup>30</sup> G03-02-01 (II)(G), Response to Resistance and Force Options (effective June 28, 2023 to present).

<sup>31</sup> See Att. 13 at 03:36; see also Att. 20 from 02:45 to 02:53, Att. 22 from 15:15 to 15:26, Att. 23 from 04:52 to 05:21, Att. 24 from 04:36 to 04:49, Att. 26 from 01:55 to 02:21.

Approved:



Steffany Hreno  
*Director of Investigations*

3/26/2025

Date

Appendix ACase Details

Date/Time/Location of Incident:	June 30, 2024 / 2:35 a.m. / 1345 West 110 <sup>th</sup> Street, Chicago, IL 60643
Date/Time of COPA Notification:	June 30, 2024 / 6:34 a.m. [Initiation Report]
Involved Officer #1:	Leonardo Rodriguez, Star #18237, Employee ID# [REDACTED], Date of Appointment: June 30, 2022, Unit of Assignment: 022, Male, Hispanic
Involved Officer #2 (Witness)	Jesus E. Sanchez, Star #17394, Employee ID# [REDACTED], Date of Appointment: June 30, 2022, Unit of Assignment: 022, Male, Hispanic
Involved Officer #3 (Witness)	Tyrone M. Jefferson, Star #1295, Employee ID# [REDACTED], Date of Appointment: July 30, 2001, Unit of Assignment: 022, Male, Black
Involved Officer #4 (Witness)	Leslie Arreola, Star # 4892, Employee ID# [REDACTED], Date of Appointment: June 25, 2018, Unit of Assignment: 022, Female, Hispanic
Involved Individual #1:	[REDACTED] Male, Black

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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.

Applicable Policies and Laws

- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023)
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023)

## 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.<sup>32</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. 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.”<sup>33</sup>

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<sup>32</sup> 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).

<sup>33</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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