



Log # 2023-0005027

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 25, 2023, the Civilian Office of Police Accountability (COPA) received an in-person complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on October 23rd and 24th 2023, Officer Michael W. Donnelly and Officer Richard L. Rodriquez, Jr. detained, seized and searched him, without justification.² He also alleged that Officer Rodriquez put his hand in ██████████ face, threatened to punch him and pushed him. ██████████ further alleged that Sergeant Erick P. Seng failed to report ██████████ misconduct complaints to COPA. On November 1, 2023, COPA also received an in-person complaint from ██████████ alleged that on October 24, 2023, Officer Donnelly pushed him, and that Officer Rodriquez grabbed him around the neck. Upon review of the evidence, COPA served additional allegations that Officers Donnelly, Rodriquez and Joseph Vecchio patted civilians down without justification, that Officer Donnelly handcuffed ██████████ without justification, and that Officers Donnelly, Rodriquez and Vecchio failed to complete an Investigatory Stop Report (ISR), failed to offer an Investigatory Stop Receipt to ██████████ failed to activate and/or timely activate their body worn cameras (BWCs), and failed to report improper officer conduct. COPA also served allegations that Officers Donnelly and Rodriquez engaged in unprofessional behavior by directing profane language toward ██████████ and other civilians on scene.³ Following its investigation, COPA Sustained 32 out of 35 allegations.

II. SUMMARY OF EVIDENCE⁴

On October 23, 2023, while on patrol, Officers Donnelly, Vecchio and Rodriquez noticed a group of males standing on the sidewalk in the vicinity of 16 E. Chicago Avenue. The officers exited their vehicle and approached the group.

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 Despite multiple attempts, COPA was unable to obtain a statement from Officer Donnelly. (See CO-1424426, CO-1427053, CO-1428621, CO-1430162, CO-1431070). However, because Officer Donnelly was afforded ample opportunity to provide a statement and there is sufficient objective evidence in the record, COPA was able to make findings regarding the allegations served against him.

⁴ 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, third-party video, police reports, civilian interviews and officer interviews.

Officer Vecchio spoke with a male wearing black clothing and activated his BWC after the male responded to him.⁵ Officer Vecchio next approached a male in a puffy vest and asked if the male had anything on him.⁶ He then asked the male to lift his shirt, lifted the back of the male's vest, and performed a pat down search.⁷ Officer Vecchio performed the search because he observed a suspicious bulge in male's the front waistband area.⁸ Officer Donnelly also performed a pat down search on the male in the vest.⁹

Officer Rodriguez approached a third male now identified as ██████████ stated "I don't know him" to which Officer Rodriguez responded, "I don't give a fuck who you don't know. I can walk where the fuck I want. You're not going to do shit about no fucking way. What the fuck you talking about."¹⁰ Officer Vecchio and Officer Donnelly stood near Officer Rodriguez and ██████████¹¹ Officer Donnelly then felt ██████████ bag and stated, "This is a narcotics corner, what do you have in your bag dude?"¹² While Officer Donnelly and ██████████ talked, Officer Rodriguez performed a pat-down search and lifted ██████████ sweatshirt.¹³ ██████████ turned around, waived an object at Officer Rodriguez and said, "Don't touch me."¹⁴ Officer Rodriguez asked why ██████████ had a knife.¹⁵ Officer Rodriguez then pulled a knife off ██████████ side, threw it on the ground and stated, "I just touched you."¹⁶ Officer Rodriguez then repeated "Now what" in an increasingly loud voice while talking over ██████████¹⁷ ██████████ inquired if Officer Rodriguez's actions were beyond the limit and Officer Rodriguez replied, "It's a weapon, what the fuck are you going to do about it.? Nothing."¹⁸ Officer Donnelly told ██████████ to "get off the fucking corner."¹⁹ Officer Rodriguez stated, "You pussy bro. That's why I just checked you in front of all of your boys. Who got the biggest dick out, here, me."²⁰ The officers left the scene. COPA did not find any ISR relating to the interaction on October 23, 2023.²¹

After this encounter, ██████████ called the 18th District and spoke to an Officer Mendoza.²² ██████████ then went to the 18th District to file a complaint.²³ ██████████ stated that at the 18th District, he spoke with Sergeant Erik Seng who told ██████████ that he called COPA and that he wrote it down in

⁵ Att. 8, BWC of Officer Joseph Vecchio at 1:57 to 2:00.

⁶ Att. 8, at 2:06 to 2:10.

⁷ Att. 8 at 2:10 to 2:19.

⁸ Att. 68, Statement of Officer Joseph Vecchio (transcript), pg. 12, ln. 16 to pg. 13, ln. 8.

⁹ Att. 8 at 2:25 to 2:28.

¹⁰ Att. 8 at 2:31 to 2:44.

¹¹ Att. 8 at 3:01 to 3:28.

¹² Att. 8 at 2:46 to 2:55.

¹³ Att. 8 at 3:06 to 3:08.

¹⁴ Att. 8 at 3:09 to 3:10.

¹⁵ Att. 8 at 3:10 to 3:12.

¹⁶ Att. 8 at 3:12 to 3:15

¹⁷ Att. 8 at 3:15 to 3:21

¹⁸ Att. 8 at 3:21 to 3:25.

¹⁹ Att. 8 at 3:25 to 3:26

²⁰ Att. 8 at 3:26 to 3:33.

²¹ Att. 38, ISR Search Results.

²² Att. 43, Officer Mendoza A&A Sheet. Shows that Officer Mendoza was present during 3rd Watch on October 23rd and 24th 2023.

²³ Att. 37, Statement of ██████████ (transcript), pg. 31, ln. 15 to 32, ln. 10.

a log.²⁴ Sergeant Seng gave ██████ his phone number.²⁵ Sergeant Seng did not recall having any contact with ██████ on October 23, 2023 and specifically did not recall telling ██████ that he would call COPA about ██████ complaint.²⁶

On October 24, 2023, Officers Donnelly, Rodriquez, and Vecchio performed a traffic stop across the street from 16 E. Chicago Avenue.²⁷ ██████ and other civilians were in the vicinity of 16 E. Chicago Avenue. While the officers conducted the stop, ██████ and/or other civilians shouted out to the officers from across the street. Rodriquez responded, “Shut the fuck up or we'll get on your ass next. Mind your business. Mind your fucking business.”²⁸ Officer Rodriquez then stated he was going to cross the street and turned off his BWC. Officers Donnelly, Rodriquez and Vecchio entered a squad car, and Officer Donnelly drove across the street and parked it in front of 16 E. Chicago Avenue.

A group of civilians gathered on the sidewalk.²⁹ Officer Donnelly exited the vehicle, walked up close to ██████ face, and argued with ██████³⁰ Some of the civilians on the sidewalk began recording the officers. As Officer Donnelly moved to reenter his vehicle, he continued to argue with ██████ and returned to the sidewalk after someone referred to Officer Donnelly as “boy.”³¹ Officer Donnelly then activated his BWC.³² Officer Donnelly moved further down the sidewalk to disperse civilians and Officer Rodriquez approached ██████ who sat in a patio area in front of a restaurant with a drink.³³

Officer Rodriquez and ██████ argued. During this argument Officer Rodriquez put his hand in ██████ face and ██████ repeatedly told Officer Rodriquez not to do that.³⁴ Officer Vecchio moved towards ██████ while Officer Rodriquez and ██████ continued to argue. Officer Rodriquez moved close to ██████ and repeated, “Or else what? Or else what, motherfucker?”³⁵ Officer Rodriquez also directed towards ██████ words to the effect of, “You’re a fucking nobody³⁶ and Ain’t shit going to be able to do shit”³⁷ while Officer Vecchio stood nearby. Officer Vecchio radioed for additional cars on scene. ██████ backed away and stated, “Let me call Sgt. Seng” as he dialed a number on his phone.³⁸

²⁴ Att. 37, pg. 6, lns. 8 to 12.

²⁵ Att. 37, pg. 6, lns. 8 to 9.

²⁶ Att. 48, Statement of Sergeant Erick Seng (transcript) pg. 15, ln. 12 to pg., 16, ln. 20. The 18th District Supervisor’s Management Log (Att. 42) entries for October 23, 2023 do not reflect any complaint reports recorded by Sergeant Seng.

²⁷ Att. 47, BWC of Officer Rodriquez at 2:06 to 2:20.

²⁸ Att. 47 at 2:21 to 2:28.

²⁹ Att. 9, BWC of Officer Vecchio at 0:47.

³⁰ Att. 34, Third Party Video at 0:00 to 0:30.

³¹ Att. 34 at 0:31 to 0:40.

³² Att. 10, BWC of Officer Donnelly at 0:42 to 0:49.

³³ Att. 9 at 1:21.

³⁴ Att. 9 at 1:21 to 1:25.

³⁵ Att. 9 at 2:25 to 2:31.

³⁶ Att. 9 at 1:48 to 1:50.

³⁷ Att. 9 at 2:33 to 2:36.

³⁸ Att. 9 at 2:37 to 2:39.

Officer Donnelly ordered the group to disperse and stated it was a narcotics dispersal.³⁹ The group, many still recording, moved east on Chicago, as directed by the officers.⁴⁰ Officer Donnelly began to handcuff a male in a black hoodie and a cast, now identified as ██████████ who was recording the incident and stopped moving.⁴¹ Prior to handcuffing ██████████ Officer Donnelly repeated “you’re gone” to ██████████ and told him that he warned him.”⁴² Officer Donnelly removed the handcuffs when ██████████ said he was trying to leave.⁴³ ██████████ yelled at Officer Donnelly to stop grabbing ██████████ arm in the manner he was grabbing it.⁴⁴ Officer Donnelly approached ██████████ walked up to his face and stated, “Who you talking to like that?”⁴⁵ When ██████████ stated that he was talking to Officer Donnelly, and requested again that Officer Donnelly not grab ██████████ arm a certain way, Officer Donnelly replied, “Or what?”⁴⁶ ██████████ cursed at Officer Donnelly, and he and Officer Donnelly argued. Officer Donnelly pushed ██████████ back stating, “Spit in my face one more time” and ██████████ ran toward Officer Donnelly.⁴⁷ When Officer Donnelly pushed ██████████ back again, ██████████ lost his chain.⁴⁸ ██████████ repeatedly asked Officer Donnelly for his chain while moving toward Officer Donnelly and attempting to evade a responding officer’s efforts to restrain him.⁴⁹ Officer Rodriguez, pushed ██████████ against the wall and grabbed him around the neck.⁵⁰ Officer Rodriguez then pulled ██████████ off the wall by his backpack strap before releasing him.⁵¹ Officer Donnelly walked away from ██████████ and stated, “Get these motherfuckers gone.”⁵²

As ██████████ and his group dispersed, Officers Donnelly, Rodriguez and Vecchio walked west on Chicago Avenue toward ██████████ Officer Rodriguez shoved ██████████ as he passed him.⁵³ He then doubled back toward ██████████ and stated, “Get the fuck out of my way next time.”⁵⁴ ██████████ moved toward Officer Rodriguez and told Officer Rodriguez not to touch him. Officer Rodriguez then pushed ██████████ in the face and stated, “Now what? Now what, pussy?”⁵⁵ Officer Vecchio was nearby with his body turned toward ██████████ and Officer Rodriguez when this occurred. When Officer Vecchio directed ██████████ to disperse, ██████████ stated that the officers bullied him and intimidated him.⁵⁶ ██████████ walked toward his bike and Officer Donnelly stated, “Get the fuck out of here.” Officer Rodriguez directed toward ██████████ words to the effect of, “Get the fuck out of here. Get your shit.”⁵⁷ Civilians approached Officer Donnelly about ██████████ chain, and he stated, “I don’t

³⁹ Att. 10 at 1:50 to 2:00.

⁴⁰ Att. 10 at 1:45 to 2:02.

⁴¹ Att. 10 at 1:58 to 2:04

⁴² Att. 10 at 2:04 to 2:08.

⁴³ Att. 10 at 2:04 to 2:24.

⁴⁴ Att. 10 at 2:30 to 2:34

⁴⁵ Att. 10 at 2:34 to 2:36.

⁴⁶ Att. 10 at 2:36 to 2:37.

⁴⁷ Att. 10 at 2:48 to 2:52.

⁴⁸ Att. 10 at 2:52 to 2:54.

⁴⁹ Att. 9 at 2:55 to 3:09.

⁵⁰ Att. 9 at 3:17 to 3:22.

⁵¹ Att. 9 at 3:24 to 3:27; Att. 10 at 3:34 to 3:37.

⁵² Att. 10 at 3:00 to 3:02.

⁵³ Att. 10 at 4:09 to 4:11.

⁵⁴ Att. 9 at 4:01 to 4:03.

⁵⁵ Att. 9 at 4:03 to 4:08.

⁵⁶ Att. 9 at 4:18 to 4:21.

⁵⁷ Att. 9 at 4:54 to 4:56.

have his fucking chain.”⁵⁸ ██████ passed Officer Donnelly and stated that Officer Donnelly nearly broke his hand. Officer Donnelly replied, “Good. Sue me.”⁵⁹

Officer Rodriguez admitted that he did not activate his BWC during the interactions with the civilian groups on October 23rd or October 24th.⁶⁰ COPA found no BWC for Officer Donnelly for the October 23, 2023 interaction. COPA found no Tactical Response Reports relating to the incidents on either date and Officer Rodriguez stated no TRR was completed.⁶¹ ██████ stated that he did not receive an Investigative Stop Receipt for the interactions on October 23rd or 24th.⁶² Officer Vecchio stated that he issued no ISR receipt on October 23rd and that the ISR indicated why he could not.⁶³ The ISR Officer Vecchio completed related to the October 24th encounter.⁶⁴ The ISR described a subject wearing a white shirt and blue jeans with dreadlocks, a description that matched ██████⁶⁵

After reviewing the behavior of Officers Donnelly and Rodriguez on BWC, Officer Vecchio stated that he was not sure if the officers’ behavior toward civilians was appropriate at all times on October 23rd or October 24th.⁶⁶ He also stated that at the time of the incident, he did not hear Officer Rodriguez use profanity because the incident was “elevated” and he was just trying to keep the peace.⁶⁷ After watching the BWC of Officers Vecchio and Donnelly, Officer Rodriguez stated that he believed Officer Donnelly’s behavior was appropriate at all times because Donnelly ordered the civilians to disperse and they did not listen to him.⁶⁸ Officer Rodriguez identified the area where the incidents occurred as a narcotics hot spot and recognized three of people in the group⁶⁹ including ██████ whom he had arrested previously.⁷⁰ Officer Rodriguez did not know ██████⁷¹

After the incident on October 24th, ██████ returned to the 18th District and asked Officer Mendoza if he could speak with a sergeant.⁷² ██████ told the desk sergeant what happened, and that sergeant went to get Sergeant Seng.⁷³ Sergeant Seng told him that Sergeant Seng and Officer Donnelly were at the 11th District together and that Officer Donnelly was like Sergeant Seng’s little brother. ██████ stated that he left the station when Sergeant Seng told him that his captain wanted to lock ██████ up for obstruction.⁷⁴ ██████ said that Sergeant Seng stated that yesterday

⁵⁸ Att. 10 at 5:56 to 5:57.

⁵⁹ Att. 10 at 6:05 to 6:08.

⁶⁰ Att. 60, Statement of Officer Richard Rodriguez (transcript), pg. 19, lns. 15 to 17; pg. 23 ln. 21 to pg. 24, ln. 5.

⁶¹ Att. 60, p. 18, lns. 20 to 21.

⁶² Att. 37, pg. 45, ln. 22 to pg. 46, ln. 3.

⁶³ Att. 68, pg. 20, lns. 14 to 19; Att. 29, Investigatory Stop Report. The ISR indicates that the subject walked away before an ISR receipt could be offered.

⁶⁴ Att. 29.

⁶⁵ Att. 29.

⁶⁶ Att. 68, pg.14 lns. 15 to 24 and pg. 16, ln. 19 to pg. 17, ln. 3.

⁶⁷ Att. 68, pg. 15, lns. 1 to 8.

⁶⁸ Att. 60, pg. 28, ln. 17 to 29, ln. 4.

⁶⁹ Att. 60, pg. 10, ln. 8 to pg. 11, ln. 5.

⁷⁰Att. 60, pg. 12, lns. 1 to 24.

⁷¹ Att. 60, pg. 10, lns. 11 to 13.

⁷² Att. 37, pg. 40, ln. 22 to pg. 41, ln. 7.

⁷³ Att. 37, pg. 41, lns. 7 to ln. 15.

⁷⁴ Att. 37, pg. 11, lns. 7 to 9.

██████ was cool and that he didn't want to lock ██████ up.⁷⁵ Sergeant Seng stated to COPA that he has known Officer Donnelly almost the entirety of Officer Donnelly's career including when Officer Donnelly was at the 11th District.⁷⁶ Sergeant Seng also told COPA that he often provided a direct line contact number to civilians.⁷⁷

III. ALLEGATIONS

Sergeant Erick Seng

- Failing to accept, document and/or report a misconduct complaint to COPA
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.

Officer Michael Donnelly

- Detaining ██████ (without justification).
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 10 and 11.
- Pushing ██████ (without justification).
Exonerated.
- Failing to use de-escalation techniques in interaction with ██████
Sustained, in violation of CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11.
- Failing to use deescalation techniques in interaction with ██████
Sustained, in violation of CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11.
- Patting ██████ bag, without justification.
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 10 and 11.
- Patting a civilian(s) down, without justification.
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 10, and 11.
- Handcuffing ██████ without justification.
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 10 and 11.
- Failing to timely activate his body-worn camera on October 24, 2023.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Failing to activate his body-worn camera on October 23, 2023.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.

⁷⁵ Att. 37, pg. 10, ln. 23 to pg. 11, ln. 3.

⁷⁶ Att. 48, pg. 12, lns. 8 to 21.

⁷⁷ Att. 48, pg. 13, ln. 23 to pg. 14, ln. 2.

- Failing to complete an Investigatory Stop Report.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Failing to offer an Investigatory Stop Receipt to [REDACTED]
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Failing to report the improper conduct of Officer Richard L. Rodriquez, Jr.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10, 11 and 22.
- Engaging in unprofessional behavior by directing words toward, [REDACTED] and/or other civilians on scene to the effect of "I don't have his fucking chain," and "Fuck that," and "Get these motherfuckers gone," and "Good. Sue me," and "I'm done with these motherfuckers on this corner" and "get off the fucking corner," and "I'm sick of these motherfuckers."
Sustained, in violation of CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11.

Officer Richard Rodriquez

- Failing to use de-escalation techniques in interaction with [REDACTED]
Sustained, in violation of CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11.
- Failing to complete a Tactical Response Report.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Detaining [REDACTED] without justification.
Sustained in violation of CPD Rules, 1, 2, 3, 5, 6, 10 and 11.
- Failing to activate his body-worn camera.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Failing to complete an Investigatory Stop Report.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Failing to offer an Investigatory Stop Receipt to [REDACTED]
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Patting a civilian down, without justification.
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 10 and 11.
- Failing to report the improper conduct of Officer Michael Donnelly.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10, 11 and 22.

- Seizing [REDACTED] (without justification).
Unfounded.
- Searching [REDACTED] (without justification).
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 10 and 11.
- Putting your hand in the face of [REDACTED] (without justification).
Sustained, in violation of CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11.
- Threatening to punch [REDACTED] (without justification).
Not Sustained.
- Pushing [REDACTED] (without justification).
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 8, 9, 10, and 11.
- Grabbing [REDACTED] around the neck (without justification).
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 8, 9, 10 and 11.
- Engaging in unprofessional behavior by directing words toward, [REDACTED] and/or other civilians on scene to the effect of "You're a fucking nobody," and "Shut the fuck up or we'll get on your ass next," and "Mind your fucking business," and "Ain't shit going to be able to do shit" and "Get the fuck out of my way next time," and "Now what pussy," and "Get the fuck out of here, get your shit," and "all he does is run his fucking mouth, just like you," and "I don't give a fuck who you don't know," and "Any fucking way, what the fuck you talking about," and "What the fuck are you going to do about it," and "Who got the biggest dick out here, me."
Sustained, violation of CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11.

Officer Josphe Vecchio

- Failing to complete an Investigatory Stop Report.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Failing to offer an Investigatory Stop Receipt to [REDACTED]
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Failing to timely activate his body-worn camera.
Sustained, in violation of CPD Rules 2, 3, 5, 6, 10 and 11.
- Patting down civilian(s), without justification.
Sustained, in violation of CPD Rules 1, 2, 3, 5, 6, 10 and 11.

- Failing to report the improper conduct of Officer Richard L. Rodriguez, Jr. and Officer Michael Donnelly.

Sustained, in violation of CPD Rules 2, 3, 5, 6, 10, 11, and 22.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. There were material disputes regarding whether ██████ went to the 18th District on October 23rd and October 24th and submitted a complaint about Officers Donnelly and Rodriguez to Sergeant Seng. ██████ contemporaneous claim to have called Sergeant Seng captured on BWC, the level of detail ██████ recalled about what occurred at the 18th District during his statement to COPA, and the corroboration of details by other sources including A&A sheets and Sergeant Seng's statement to COPA, suggest that ██████ statement regarding this issue is more credible than Sergeant Seng's. COPA, therefore, afforded ██████ statements on this issue more weight. Due to the extensive amount of video footage in this case, the remaining facts concerning the incidents were not in material dispute.

V. ANALYSIS⁷⁸

a. Sergeant Seng failed to accept ██████ officer misconduct claims.

A preponderance of the evidence supports that Sergeant Seng failed to accept ██████ officer misconduct claims. General Order G08-01-02 provides that upon learning that a member of the public wishes to submit a complaint, a CPD member will take immediate action to stop the misconduct, document the complaint, and report the complaint to COPA.⁷⁹ Failure to follow this directive is a violation of CPD Rules 2, 3, 5, 6, 10, and 11. Verifiable evidence supports that ██████ visited the 18th District on October 23, 2023 and October 24, 2023. ██████ recalled the name of a desk officer he spoke with on those dates and the A&A for those dates and watch time indicate that the officer was present. ██████ also provided evidence that he had a conversation with Sergeant Seng on October 24, 2023. Information ██████ told COPA that Sergeant Seng told him was corroborated by Sergeant Seng, such as the fact that Sergeant Seng knew Officer Donnelly for several years in the 11th District and that Sergeant Seng provided ██████ with his direct phone number. Although Sergeant Seng does not recall speaking to ██████ on October 23rd or 24th based on the available evidence it is more likely than not that ██████ went to the 18th District on October 23rd and October 24th to lodge complaints as he claims. Because there is no record of any complaint being recorded by Sergeant Seng on October 23rd or on October 24th, COPA concludes that Sergeant Seng did not accept ██████ complaint. COPA finds this allegation against **Sergeant Seng** to be **Sustained**.

⁷⁸ For a definition of COPA's findings and standards of proof, see Appendix B.

⁷⁹ Att. 50, G08-01-02 (III)(C)(2)(a), (b), and (c).

b. Officers Donnelly and Rodriquez failed to activate their body worn cameras and Officers Donnelly and Vecchio failed to timely activate their body worn cameras.

Verifiable evidence supports that during the October 23rd incident, Officer Donnelly failed to activate his BWC, and that Officer Rodriquez did not activate his BWC during the October 23rd or October 24th incident. The evidence also supports that on October 24th, Officers Donnelly and Vecchio did not timely activate their BWCs. To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement related encounters to be electronically recorded.⁸⁰ CPD members must activate at the beginning of an incident (or as soon as practical) and are required to record the entire incident.⁸¹ Law-enforcement encounters include, but are not limited to, arrests, traffic stops, searches, any encounter with the public that has become adversarial after the initial contact, and arrestee transports.⁸² The decision to record is mandatory, not discretionary.⁸³ Failure to follow this directives violates CPD Rules 2, 3, 5, 6, 10, and 11.

The evidence shows that on October 23rd Officers Donnelly and Rodriquez engaged in law-enforcement related activities – patting down, questioning and having adversarial exchanges with civilians – and failed to activate their body worn cameras. Officer Rodriquez admitted to failing to activate his BWC on October 24th while he dispersed a group and had multiple adversarial encounters. Although Officer Donnelly activated his BWC on October 24th, the evidence shows that Officer Donnelly did not turn on his BWC until after he had an adversarial encounter with ██████ and his activation was therefore untimely. Similarly, Officer Vecchio activated his BWC on October 23rd after he initiated the law-enforcement related activity of investigating civilians standing at a purported narcotics corner. His activation was also untimely. COPA finds that the allegations against **Officers, Donnelly, Rodriquez and Vecchio** regarding failing to activate and/or timely activate their BWCs are **Sustained**.

c. Officers Donnelly and Rodriquez engaged in unprofessional conduct by repeatedly directing profane and vulgar language at civilians.

Verifiable evidence supports that Officers Donnelly and Rodriquez improperly directed profane language towards ██████ and other civilians present during the incidents. Officer Rodriquez admitted to engaging in unprofessional conduct by directing several profanities at the civilians on scene and both Officer Donnelly and Officer Rodriquez are recorded on BWC directing profanities at civilians. Per General Order G02-01, disrespectful comments toward civilians are unprofessional conduct that is contrary to CPD policy that members act in a respectful and professional manner.⁸⁴ Such conduct therefore violates CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11. COPA finds the allegations against **Officer Donnelly and Officer Rodriquez** relating to unprofessional conduct relating to the use of profanity to be **Sustained**.

⁸⁰ Att. 69, S03-14 (II)(A), Body Worn Cameras (effective April 30, 2018 to December 29, 2023).

⁸¹ Att. 69, S03-14(III)(A)(2).

⁸² Att. 69, S03-14 (III)(A)(2).

⁸³ Att. 69, S03-14 (III)(A)(1).

⁸⁴ Att. 71, G02-01(III)(B)(3), Protection of Human Rights, (effective June 30, 2022 to present).

d. Officer Donnelly failed to use de-escalation techniques in his encounters with [REDACTED] and [REDACTED]

The use of profane language and the taunting directed toward [REDACTED] by Officer Donnelly supports that Officer Donnelly failed to use de-escalation techniques with [REDACTED] and instead engaged in unnecessary verbal altercations with him. Per General Order G03-02, CPD members are required to use de-escalation techniques to prevent or reduce the need for force unless doing so would place a person or CPD member at risk of harm or would be clearly ineffective under the circumstances.⁸⁵ Failure to follow this directive and engaging in unnecessary verbal altercations violates CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11. Officer Donnelly failed to de-escalate when he walked up to [REDACTED] face for no discernable reason and engaged in a verbal altercation with [REDACTED]. Officer Donnelly similarly violated [REDACTED] physical space at the beginning of their interaction, escalating a tense situation. COPA finds the allegations against **Officer Donnelly** regarding failure to de-escalate to be **Sustained**.

e. Officer Donnelly was justified in pushing [REDACTED]

Although Officer Donnelly did not initially de-escalate with [REDACTED] clear and convincing evidence supports that Officer Donnelly was justified when he pushed [REDACTED]. Prior to pushing [REDACTED] [REDACTED] assumed a fighting stance close to Officer Donnelly's face and directed profanities at him. Officer Donnelly also stated that [REDACTED] was spitting on him. Officer Donnelly pushed [REDACTED] in response to [REDACTED] walking multiple times into Officer Donnelly's personal space. Based on the totality of circumstances, including [REDACTED] language and demeanor, it is reasonable to view [REDACTED] action as threatening the use of force, making him an assailant. Officer Donnelly performed a direct mechanical technique, pushing [REDACTED] with enough force to create space for his own safety, which is a permissible use of force on an assailant.⁸⁶ COPA finds this allegation against **Officer Donnelly** to be **Exonerated**.

f. Officer Donnelly handcuffed [REDACTED] without justification.

A preponderance of the evidence supports that Officer Donnelly handcuffed [REDACTED] without justification in violation of CPD Rules 1, 2, 3, 5, 6, 10 and 11. Special Order S04-13-09 states that probable cause exists if the facts known to the accused officers at the time would lead a reasonable, cautious, person to believe that an offense had been committed.⁸⁷ CPD Officers are permitted to handcuff subjects if probable cause exists to make an arrest. Here, Officer Donnelly handcuffed [REDACTED] because [REDACTED] failed to disperse as directed from a narcotics corner. However, there is insufficient evidence that [REDACTED] was violating any laws. Based on the period captured on video, there is no evidence that the group was loitering. Moreover, as Officer Donnelly declined to speak with COPA, he surrendered the opportunity to explain any other reason that he may have had for handcuffing [REDACTED]. COPA finds this allegation against **Officer Donnelly** to be **Sustained**.

⁸⁵ Att. 51, G03-02 (II)(D), De-escalation, Response to Resistance and Use of Force, (effective June 28, 2023 to present).

⁸⁶ Att. 80, CPD-11.960 Force Options Model, effective November, 2017

⁸⁷ Att. 52, S04-13-09 (II)(D), Investigatory Stop System, (effective July, 10, 2017 to present).

g. Officer Rodriquez failed to use de-escalation techniques in his encounters with [REDACTED]

Verifiable evidence supports that Officer Rodriquez failed to use de-escalation techniques in his encounters with [REDACTED] in violation of General Order G03-02 and CPD Rules 2, 3, 5, 6, 8, 9, 10 and 11. On October 23rd, Officer Rodriquez’s profane language and taunting of [REDACTED]—repeatedly asking [REDACTED] “now what” after tossing [REDACTED] knife on the ground, calling [REDACTED] a “pussy,” stating he had “the biggest dick” – were provocative, increasing the risk that force would be required. The next day, Officer Rodriquez continued to escalate tension with [REDACTED] by pushing [REDACTED] as Officer Rodriquez walked by him, pushing [REDACTED] in the face, and directing profanities toward him. COPA finds this allegation against **Officer Rodriquez** to be **Sustained**.

h. Officer Rodriquez put his hands in the face of [REDACTED] without justification.

A preponderance of the evidence supports that in addition to directing profane language at [REDACTED] Officer Rodriquez taunted [REDACTED] by repeatedly putting his hands in [REDACTED] face unnecessarily in violation of CPD Rules 2, 3, 5, 6, 10, 8, 9, 10 and 11. Under G02-01, CPD members are required to behave in a respectful and professional manner.⁸⁸ Officer Rodriquez’s actions served no apparent law-enforcement purpose and, under the circumstances, where Officer Rodriquez and [REDACTED] were having an argument and [REDACTED] repeatedly told Officer Rodriquez not to put his hand in his face, the action meets the description of being disrespectful. COPA finds this allegation against **Officer Rodriquez** to be **Sustained**.

i. Officer Rodriquez was unjustified in pushing [REDACTED] but there is insufficient evidence that Officer Rodriquez threatened to punch [REDACTED]

A preponderance of the evidence supports Officer Rodriquez used unjustified force when he pushed [REDACTED]. However, there is insufficient verifiable evidence that he threatened to punch [REDACTED]. Per General Order G03-02, CPD members may only use force that is objectively reasonable, necessary and proportional under the totality of circumstances.⁸⁹ “The use of excessive force, unwarranted physical force, or unlawful force by a Department member is prohibited and will not be tolerated.⁹⁰ “Force used as punishment or retaliation (e.g., force used to punish or retaliate for fleeing, resisting arrest, or insulting a Department member) is prohibited.”⁹¹ Failure to follow this directive is a violation of CPD Rules 1, 2, 3, 5, 6, 8, 9, 10, and 11.

Here, verifiable evidence shows that Officer Rodriquez’s use of force with [REDACTED] on October 24th was unreasonable, unnecessary and retaliatory for insulting Officer Rodriquez. BWC video shows that Officer Rodriquez forcefully shoved [REDACTED] in the chest as he passed him, despite having sufficient space to pass [REDACTED] with little to no contact. When [REDACTED] responded by turning toward Officer Rodriquez and telling him not to touch him, Officer Rodriquez’s pushing [REDACTED] in the face was, by directive definition, unwarranted physical force. COPA finds the allegations against **Officer Rodriquez** to be **Sustained**.

⁸⁸ Att. 71, G02-01(III)(B)(3).

⁸⁹ Att. 51, G03-02 (III)(B).

⁹⁰ Att. 51, G03-02 (III)(C)(1).

⁹¹ Att. 51, G03-02 (III)(C)(3).

A review of the record did not find any evidence that Officer Rodriguez verbally threatened to punch ██████. Although Officer Rodriguez's actions could be perceived as threatening (shouting, violating personal space, taunting), COPA concludes that this is insufficient to support that Officer Rodriguez threatened to punch ██████. COPA finds this allegation against **Officer Rodriguez** to be **Not Sustained**.

j. Officer Rodriguez did not seize ██████

Clear and convincing evidence shows that Officer Rodriguez did not seize ██████. Verifiable video evidence shows that although Officer Rodriguez pushed ██████ in the chest and in the face and lifted ██████ shirt, he at no point seized ██████. The allegation against **Officer Rodriguez** is **Unfounded**.

k. Officer Rodriguez grabbed ██████ around the neck, without justification.

Officer Rodriguez was unjustified when he placed his hand around the neck of ██████ in violation of CPD Rules 1, 2, 3, 5, 6, 8, 9, 10, and 11. General Order G03-02 provides that CPD members may only use force that is objectively reasonable, necessary and proportional under the totality of circumstances.⁹² Here ██████ was attempting to reach Officer Donnelly in an aggressive manner to retrieve his chain. In doing so he was evading officers' attempts to control his movement. ██████ could therefore be classified as an active resister or an assailant. CPD members are authorized to use holding techniques with active resisters and assailants⁹³ and it was therefore permissible for Officer Rodriguez to restrain ██████. However, Officer Rodriguez restrained ██████ by placing his right hand around ██████ neck. The application of a choke hold or other restraints above the shoulder with the risk of positional asphyxiation is considered deadly force.⁹⁴ CPD members are prohibited from using deadly force except when a person's actions constitute an imminent threat of great bodily harm to a CPD member or other person.⁹⁵ Here, there is no evidence of an imminent risk of great bodily harm. Although Officer Rodriguez's above the shoulders restraint was brief, considering the totality of the circumstances, it was unnecessary, unreasonable, and violated CPD policy as a method of restraint. COPA finds this allegation against **Officer Rodriguez** to be **Sustained**.

l. Officer Rodriguez was required to complete a Tactical Response Report (TRR) for his interaction with ██████

General Order G03-02-02 provides that CPD members are required to complete a TRR for use of force incidents involving "the active resistance of a person,"⁹⁶ or involving an act of obstructing a police officer when the obstructing is a physical act directed at the Department member and requires a reportable use of force response.⁹⁷ Failing to complete a TRR when a

⁹² Att. 51, G03-02 (III)(B).

⁹³ Att. 72, G03-02-01 (IV)(B)(2)(c), Response to Resistance and Force Options (June 28, 2023 to present).

⁹⁴ Att. 51, G03-02 (IV)(A)(4) and (6).

⁹⁵ Att. 72, G03-02-01(IV)(C)(2).

⁹⁶ Att. 70, G03-02-02, (III)(A)(1)(b), Incidents Requiring the Completion of a Tactical Response Report (June 28, 2023 to present).

⁹⁷ Att. 70, G03-02-02, (III)(A)(1)(c).

member is required to do so is a violation of CPD Rules 2, 3, 5, 6, 10 and 11. Here, Officer Rodriquez used force to push ██████ against the wall after ██████ resisted efforts of officers on scene to direct him eastward by continuing to move toward Officer Donnelly. Further, ██████ obstructed Officer Donnelly's path by continuing to move toward him. Under the directives, either situation necessitated the completion of a TRR. However, Officer Rodriquez admitted to not completing one. COPA finds that this allegation against **Officer Rodriquez** to be **Sustained**.

m. ██████ and other civilians were detained and subjected to a pat-down search, without justification.

A preponderance of the evidence supports the fact that ██████ and other civilians were detained and then subjected to a pat-down search, without justification in violation of CPD Rules 1, 2, 3, 5, 6, 10 and 11. Special Order S04-13-09 defines an Investigatory Stop as “the temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”⁹⁸ A detention associated with an Investigatory Stop can be distinguished from a voluntary contact by several factors including the “use of language or tone of voice that indicate compliance with the officer’s request might be compelled,” and if the “choice to end the encounter is not available to the person.”⁹⁹

During the October 23rd encounter, despite ultimately being directed to leave the corner, ██████ and two other males were briefly detained as part of an Investigatory Stop. Officer Donnelly, in the presence of the other officers, informed ██████ that he was standing on a narcotics corner before he questioned him about the content of his bag and patted the bag. Donnelly’s narcotics statement, followed immediately by the questioning and pat down search of ██████ by Rodriquez and Donnelly, indicates that they were conducting an Investigatory Stop. Officer Vecchio’s questioning and pat-down of the male in the tan vest as well as his direction to the man to lift his shirt, also support that an Investigatory Stop was occurring. However, the evidence provides no basis to support a reasonable suspicion of criminal activity. Officer Rodriquez asserted that the corner upon which the group was standing was a narcotics hotspot. Even if true, based on the period captured on video, there is no evidence that the group was loitering or engaging in narcotics sales. And, although Officer Vecchio believed that Officer Donnelly observed a narcotics transaction, Officer Donnelly declined to appear before COPA and therefore his purported observation has no evidentiary value. COPA concludes that the detention of ██████ and other civilians was not justified and finds that the allegations for unjustified detention against **Officers Donnelly and Rodriquez** are **Sustained**.

The pat-down searches of the civilians and ██████ bag were similarly unjustified. S04-13-09 provides that to stop a person and conduct a protective pat down, “there must be reasonable suspicion of criminal activity and reasonable suspicion that the person is armed and dangerous or presents a danger of attack.”¹⁰⁰ Because there was no Reasonable Articulate Suspicion (RAS) to stop ██████ and the other civilians in the first instance, the protective pat down was unjustified. Even if the stop was justified, there was no independent RAS for the protective pat-down searches.

⁹⁸ Att. 52, S04-13-09 (II)(A).

⁹⁹ Att. 52, S04-13-09 (II)(A)(3) and (5).

¹⁰⁰ Att. 52, S04-13-09 (II)(C)(2).

The available evidence provided no indication that the group standing on scene on October 23rd was dangerous. Officer Vecchio's observation of a waistband bulge may have indicated that the civilian was armed but was insufficient to establish that he was also dangerous. At all times before the officers approached the group and during questioning, none of the civilians made any threatening moves that would indicate danger. COPA finds this allegation to be **Sustained** against **Officers Donnelly, Rodriquez and Vecchio**.

n. Officers Donnelly, Rodriquez and Vecchio failed to complete an Investigatory Stop Report.

Verifiable evidence supports the fact that Officers Donnelly, Rodriquez and Vecchio failed to complete an Investigatory Stop Report when required to do so. Special Order S04-13-09 provides that sworn CPD members who conduct an Investigatory Stop, and, if applicable, a Protective Pat Down or other search in a public place, are required to submit an Investigatory Stop Report.¹⁰¹ Failure to follow this directive is a violation of CPD Rules 2, 3, 5, 6, 10 and 11. The above stated evidence indicated that an Investigatory Stop occurred. However, no ISR for this interaction was found. Officer Vecchio completed an ISR for the incident on October 24th, but officers were also required to complete an ISR for the October 23rd incident. COPA finds this allegation against **Officers Donnelly, Rodriquez and Vecchio** to be **Sustained**.

o. Officers Donnelly, Rodriquez and Vecchio failed to offer ██████ an Investigatory Stop Receipt.

The evidence also supports that Officers Donnelly, Rodriquez and Vecchio failed to offer ██████ an Investigatory Stop Receipt. Special Order S04-13-09 provides that upon "the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt."¹⁰² Failure to follow this directive is a violation of CPD Rules 2, 3, 5, 6, 10 and 11. Verifiable evidence shows that on October 23rd ██████ was subject to a pat-down search and was not arrested. He, therefore, should have received an Investigatory Stop Receipt. ██████ claim that he was not offered anything is supported by Officer Rodriquez's and Officer Vecchio's admission that they did not offer Investigatory Stop Receipts. Although Vecchio stated in his ISR for October 24, 2023 that he could not offer an Investigative Stop receipt because the John Doe subject walked away, the ISR supports that the John Doe that was the subject of the ISR was ██████. The ISR therefore does not provide justification for the failure to offer an ISR receipt to ██████ on October 23rd. COPA finds the allegations against **Officers Donnelly, Rodriquez and Vecchio** to be **Sustained**.

p. Officers Donnelly, Rodriquez and Vecchio failed to report officer misconduct.

The evidence supports that Officers Donnelly, Rodriquez and Vecchio did not report known and observed officer misconduct in violation of CPD Rules 2, 3, 5, 6, 10, 11 and 22. General Order G08-01, Complaint and Disciplinary System provides that CPD members have a duty to report

¹⁰¹ Att. 52, S04-13-09 (VIII)(A)(1).

¹⁰² Att. 52, S04-13-09 (VIII)(A)(3).

known or observed violations of Department policy, CPD Rules or law to a supervisor.¹⁰³ Here, the profane language directed toward ██████ by Officer Donnelly and Officer Rodriguez as well as instances of taunting of ██████ by Officer Rodriguez occurred when all three officers were standing in close proximity to and in ear shot of each other. However, there is no evidence that any reports of misconduct were made by **Officers Donnelly, Rodriguez or Vecchio**. COPA, therefore, finds this allegation to be **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Sergeant Erick Seng

i. Complimentary and Disciplinary History¹⁰⁴

As of March 27, 2025, Sgt. Seng has received a total of 306 awards, including one Superintendent's Award of Valor, one Superintendent's Award of Tactical Excellence, two Life Saving Award, 14 Department Commendation, one Problem Solving Award, three Honorable Mention Ribbon Award, one Unit Meritorious Performance Award, six Attendance Recognition Award, one Emblem of Recognition Award-Physical Fitness and 256 Honorable Mention. In the last five years, Sgt. Seng two one Sustained Complaints History (2022-0005233, 2024-0002293) resulting in 5 Day and 1 Day Suspension. In the last five years, Sgt. Seng has a Spar History showing 1 Sustained Findings for BWC Violation resulting in No Disciplinary Action.

ii. Recommended Discipline

COPA has found that Sgt. Seng violated Rules 2, 3, 5, 6, 10, and 11 when he failed to accept, document and/or report a misconduct complaint to COPA. Based on the above investigation, COPA recommends **VIOLATION NOTED**.

b. Officer Michael W. Donnelly

i. Complimentary and Disciplinary History¹⁰⁵

As of April 1, 2025, Officer Donnelly has received a total of 194 awards, including one Annual Bureau Award of Recognition, one Special Commendation, one Police Officer of the Month Award, 10 Department Commendation, one Military Service Award, one Unit Meritorious Performance Award, one Attendance Recognition Award, and 168 Honorable Mention. In the last five years, Officer Donnelly has one Sustained Complaints History (2021-0000097) resulting in a Violation Noted. In the last five years, Officer Donnelly has a Spar History showing 4 Sustained Findings for Medical Roll-Fail to RPT to MSS or other Medical Service, court appearance violation, and Preventable Accident (2x). Disciplinary action ranged from No Disciplinary Action to Reprimand.

¹⁰³ Att. 49, G08-01(IV)(D)(2)(a), Complaint and Disciplinary System (effective December 31, 2022 to December 29, 2023).

¹⁰⁴ Att. 73, Seng Complimentary and Disciplinary History.

¹⁰⁵ Att. 74, Donnelly Complimentary and Disciplinary History.

ii. Recommended Discipline

COPA has found that Officer Donnelly violated Rules 1, 2, 3, 5, 6, 8, 9, 10, 11 and 22 when he: detained ██████████ without justification; pushed ██████████ without justification; failed to use de-escalation techniques in interaction with ██████████ failed to use de-escalation techniques in interaction with ██████████ patted ██████████ bag without justification; patted a civilian(s) down, without justification; handcuffed ██████████ without justification; failed to timely activate his body-worn camera on October 24, 2023; failed to activate his body-worn camera on October 23, 2023; failed to complete an Investigatory Stop Report; failed to offer an Investigatory Stop Receipt to ██████████ failed to report the improper conduct of Officer Richard L. Rodriguez, Jr. and engaged in unprofessional behavior by directing words toward, ██████████ ██████████ and/or other civilians on scene to the effect of "I don't have his fucking chain," and "Fuck that," and "Get these motherfuckers gone," and "Good. Sue me," and "I'm done with these motherfuckers on this corner" and "get off the fucking corner," and "I'm sick of these motherfuckers." In mitigation, COPA has considered Officer Donnelly's complimentary history. In aggravation, COPA has considered that Officer Donnelly refused to provide a statement to COPA. Based on the above investigation, and with mitigating and aggravating factors, COPA recommends **15 Day SUSPENSION**.

c. Officer Richard Rodriguez

i. Complimentary and Disciplinary History¹⁰⁶

As of April 1, 2025, Officer Rodriguez has received a total of 113 awards, including two Special Commendation, one Department Commendation, one Honorable Mention Ribbon Award, one Unit Meritorious Performance Award, two Attendance Recognition Award, and 102 Honorable Mention. In the last five years, Officer Rodriguez has four Sustained Complaints History (2021-0001733, 2022-0004181, 2023-0003706, 2024-0002494) resulting in one Reprimand and three Suspension (3 Day; 5 Day; 10 Day). In the last five years, Officer Donnelly has a Spar History showing 3 Sustained Findings for court appearance violation (2x), and Absent/Leaving Duty Assignment. Disciplinary action ranged from No Disciplinary Action to Reprimand.

ii. Recommended Discipline

COPA has found that Officer Rodriguez violated Rules 1, 2, 3, 5, 6, 8, 9, 10, 11 and 22 when he: searched ██████████ without justification; put his hand in the face of ██████████ without justification; pushed ██████████ without justification; grabbed ██████████ around the neck without justification; failed to use de-escalation techniques in interaction with ██████████ failed to complete a Tactical Response Report; detained ██████████ without justification; failed to activate his body-worn camera; failed to complete an Investigatory Stop Report; failed to offer an Investigatory Stop Receipt to ██████████ patted a civilian down without justification; failed to report the improper conduct of Officer Michael Donnelly; and engaged in unprofessional behavior

¹⁰⁶ Att. 75, Rodriguez Complimentary and Disciplinary History.

by directing words toward, [REDACTED] and/or other civilians on scene to the effect of "You're a fucking nobody," and " Shut the fuck up or we'll get on your ass next," and "Mind your fucking business," and "Ain't shit going to be able to do shit" and "Get the fuck out of my way next time," and "Now what pussy," and "Get the fuck out of here, get your shit," and "all he does is run his fucking mouth, just like you," and "I don't give a fuck who you don't know," and "Any fucking way, what the fuck you talking about," and "What the fuck are you going to do about it," and "Who got the biggest dick out here, me." COPA found no aggravating or mitigating factors with respect to Officer Rodriguez' actions. Based on the above investigation, COPA recommends **15 Day SUSPENSION**.

d. Officer Joseph Vecchio

i. Complimentary and Disciplinary History¹⁰⁷

As of April 1, 2025, Officer Vecchio has received a total of 129 awards, including eight Department Commendation, one Honorable Mention Ribbon Award, one Attendance Recognition Award, one 2019 Crime Reduction Award, one Superintendent's Honorable Mention and 116 Honorable Mention. In the last five years, Officer Vecchio has three Sustained Complaints History (2020-0001524, 2023-0000861, 2024-0002494) resulting in Reprimand, 2 Day Suspension, 15 Day Suspension. In the last five years, Officer Vecchio has a Spar History showing 2 Sustained Findings for Reports-Failed to Submit resulting in No Disciplinary Action.

ii. Recommended Discipline

COPA has found that Officer Vecchio violated Rules 1, 2, 3, 5, 6, 10, 11 and 22 when he: failed to complete an Investigatory Stop Report; failed to offer an Investigatory Stop Receipt to [REDACTED] failed to timely activate his body-worn camera; patted down civilian(s) without justification; failed to report the improper conduct of Officer Richard L. Rodriguez, Jr. and Officer Michael Donnelly. COPA found no aggravating or mitigating factors with respect to Officer Vecchio's actions. Based on the above investigation, COPA recommends **2 Day SUSPENSION**.

Approved:

[REDACTED]

4-24-25

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

¹⁰⁷ Att. 76, Vecchio Complimentary and Disciplinary History.

Appendix ACase Details

Date/Time/Location of Incident:	10/23-10/24/24/9:00pm/ 46 E. Chicago Ave./1160 N. Larrabee
Date/Time of COPA Notification:	October 25, 2023
Involved Member #1:	Erick Seng, Star No. 2677, Employee ID No. [REDACTED] Date of Appointment: 2/28/2000, Unit of Assignment: 018, male, White
Involved Member #2:	Michael Donnelly, Star No. 13784, Employee ID No. [REDACTED] Date of Appointment: 11/4/2013, Unit of Assignment: 018, male, White
Involved Member #3:	Richard Rodriquez, Jr., Star No. 12157, Employee ID No. [REDACTED] Date of Appointment: 6/16/2017, Unit of Assignment: 018, male, Hispanic
Involved Member #4:	Joseph Vecchio, Star No. 14469, Employee ID No. [REDACTED] Date of Appointment: 10/16/2019, Unit of Assignment: 006, male, White
Involved Individual #1:	[REDACTED] male, Black
Involved Individual #2:	[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 11:** Incompetency or inefficiency in the performance of duty.
- Rule 22:** Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective June 30, 2022 to present).
- G03-02: De-escalation, Response to Resistance and Use of Force (effective June 28, 2023 to present).
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023 to present).
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023 to present).
- G08-01: Complaint and Disciplinary System, (effective December 31, 2022 to December 29, 2023).
- G08-01-02: Complaint Initiation and Log Number Investigation Assignment (effective December 31, 22 to present).
- S04-13-09: Investigatory Stop System (effective July, 10, 2017 to present).
- S03-14: Body Worn Cameras (effective April 30, 2018 to December 29, 2023).
- CPD-11.960 Force Options Model (effective November, 2017 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.¹⁰⁸ 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.”¹⁰⁹

¹⁰⁸ 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).

¹⁰⁹ *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