



Log # 2024-0002875

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

### I. EXECUTIVE SUMMARY

On March 12, 2024, the Civilian Office of Police Accountability (COPA) received an in-person complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD) on two separate occasions. ██████████ had an encounter with members of CPD on November 9, 2023, and February 23, 2024. ██████████ was stopped by Officers Joseph Vecchio, Richard Rodriguez Jr., and Michael Donnelly on November 9, 2023; and he was subsequently stopped by Officers Rodriguez and Donnelly on February 23, 2024. ██████████ alleged that all three officers stopped him without justification on November 9, 2023, he further alleged on that same date Officer Donnelly searched his person without justification.<sup>2</sup> ██████████ further alleged that he was stopped without justification on February 23, 2024, by Officers Rodriguez and Donnelly. He alleged that Officer Rodriguez searched his person without justification on the same date.

Upon review of the evidence, COPA served additional allegations for both dates against all three officers. Regarding the November 9<sup>th</sup> stop, COPA served an allegation for failure to complete an Investigatory Stop Report (ISR) against all three officers, COPA further served an allegation for failure to provide an ISR receipt and an allegation for failure to timely activate his body worn camera (BWC) against Officer Donnelly. Regarding the February 23<sup>rd</sup> stop, COPA served allegations to Officer Rodriguez for the failure to complete an ISR, failure to provide ISR receipts, and searching the vehicle and an unknown back seat passenger without justification. COPA also served allegations against Officer Donnelly regarding the February 23<sup>rd</sup> stop. Those allegations included the failure to timely activate his BWC, searching the vehicle and three occupants in the vehicle without justification, and failure to complete an ISR report. Officer Donnelly also received allegations for unprofessional conduct and the failure to provide ISR receipts.

Following its investigation, COPA reached sustained findings regarding the allegations of failing to complete an ISR on November 9, 2023, against all three officers, and February 23, 2024, against Officers Rodriguez and Donnelly. COPA reached sustained findings for the stop without justification for the February 23<sup>rd</sup> stop against Officers Rodriguez and Donnelly. COPA also reached sustained findings for the search of the vehicle on February 23<sup>rd</sup> against both Officers Rodriguez and Donnelly. COPA reached sustained findings against Officer Rodriguez for failing

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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> 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.

to issue receipts to █████ and a back seat passenger during the February 23, 2024, stop. COPA reached sustained findings against Officer Donnelly for failure to provide █████ with a receipt, failure to timely activate his BWC, and his use of unprofessional language for the November 9<sup>th</sup> stop. COPA also reached sustained finding against Officer Donnelly for failing to timely activate his BWC and for failing to provide receipts to two unknown male back seat passengers and an unknown driver during the February 23<sup>rd</sup> stop.

## II. SUMMARY OF EVIDENCE<sup>3</sup>

On November 9, 2023, Officers Vecchio, Donnelly and Rodriquez stopped █████ for pulling out in front of them without using a turn signal.<sup>4</sup> █████ asserted that there was no valid reason for the stop because he did not make a turn since he was driving down a one-way street.<sup>5</sup> On the day of the incident, all three officers exited the unmarked squad vehicle and approached █████ vehicle.<sup>6</sup> Officer Vecchio exited the squad vehicle first and initially approached the passenger side of the vehicle.<sup>7</sup> Officer Rodriquez exited the squad vehicle second and approached the driver side of the vehicle and asked █████ for his driver license.<sup>8</sup> Officer Vecchio walked from the passenger side to the driver side and he informed Officer Rodriquez that █████ was touching his waistband.<sup>9</sup> Officer Donnelly was the last officer to exit the squad vehicle and he approached the driver side of █████ vehicle.<sup>10</sup> █████ handed Officer Donnelly his identification card and Officer Vecchio informed Officer Donnelly that █████ reached toward his waistband.<sup>11</sup> Officer Vecchio entered the squad vehicle and entered █████ information in the PDT system.<sup>12</sup>

Officer Donnelly asked █████ what was in his right pocket and █████ never responded to the question; █████ asked the officers if they were running his id.<sup>13</sup> Officer Donnelly asked █████ again what was in his right pocket and again █████ told the officers to run his id.<sup>14</sup> █████ asked Officer Donnelly why he stopped him, and Officer Donnelly told him no turn signal.<sup>15</sup> Officer Donnelly told █████ that he is asking him one more time before he gets him out “the fucking goddamn car,” “what’s in that fucking right pocket.”<sup>16</sup> Officer Donnelly told █████ that he would give him to the

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<sup>3</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, civilian interviews, and officer interviews.

<sup>4</sup> Att. 33, pg. 11, lns. 1 to 4.

<sup>5</sup> Att. 1 at 5:34 to 5:50.

<sup>6</sup> Att. 4 at 2:00 to 2:30.

<sup>7</sup> Att. 3 at 2:05 to 2:37.

<sup>8</sup> Att. 4 at 2:02 to 2:13.

<sup>9</sup> Att. 3 at 2:37 to 2:43.

<sup>10</sup> Att. 5 at 1:35 to 1:45.

<sup>11</sup> Att. 5 at 1:54 to 2:05.

<sup>12</sup> Att. 3 at 3:00 to 3:53.

<sup>13</sup> Att. 5 at 2:12 to 2:19.

<sup>14</sup> Att. 5 at 2:26 to 2:30.

<sup>15</sup> Att. 5 at 2:31 to 2:33.

<sup>16</sup> Att. 5 at 2:33 to 2:38.

count of three otherwise he is getting “out the fucking car.”<sup>17</sup> Officer Donnelly asked ██████ again what was in his right pocket and ██████ responded “I told you, nothing.”<sup>18</sup> Officer Donnelly told ██████ that there was something sticking out of his right pocket and asked him if it was a phone.<sup>19</sup> Officer Donnelly opened ██████ vehicle’s door and searched ██████ right pocket.<sup>20</sup> ██████ asked Officer Donnelly if that was an illegal search.<sup>21</sup>

COPA interviewed all the accused officers regarding this incident. According to Officer Donnelly, he searched ██████ right pocket because his partner told him ██████ made a furtive movement and he wanted to make sure ██████ was not in possession of a firearm; given ██████ background<sup>22</sup> and the totality of the circumstances at that point.<sup>23</sup> Officer Vecchio did not complete an investigatory stop report for this stop because it was just a traffic stop and it did not require an investigatory stop report.<sup>24</sup> Officer Vecchio further admitted that he did not do any type of paperwork to document this stop.<sup>25</sup> Officer Rodriquez also admitted that he did not do an investigatory stop report for the stop.<sup>26</sup> According to Officer Rodriquez, he did not complete an investigatory stop report because he did not search the vehicle nor the occupants of the vehicle.<sup>27</sup> Officer Donnelly admitted to searching the right pant pocket of ██████ and he further admitted that he should have completed an investigatory stop report.<sup>28</sup> Officer Donnelly stated that he did not issue an investigatory stop receipt because they did not have any receipts available in the district.<sup>29</sup> Officer Donnelly admitted to using profanity during the stop when speaking to ██████ and further stated that he should not have used that language.<sup>30</sup> Officer Donnelly started his body worn camera as soon as he realized that it was not activated, he stated he activated it either as he walked up to ██████ vehicle or maybe a few seconds afterwards.<sup>31</sup>

Officers Donnelly and Rodriquez had a second encounter with ██████ on February 23, 2024. Officers Donnelly and Rodriquez were driving on Cambridge Avenue when they noticed a

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<sup>17</sup> Att. 5 at 2:39 to 2:41.

<sup>18</sup> Att. 5 at 2:45 to 2:48.

<sup>19</sup> Att. 5 at 2:48 to 2:53.

<sup>20</sup> Att. 5 at 3:02 to 3:08.

<sup>21</sup> Att. 5 at 3:10 to 3:12.

<sup>22</sup> Officer Donnelly stated that he knew of ██████ but had never locked him up. Att. 33, pg. 10, lns. 9 to 12. Officer Donnelly further stated that he knew from district bulletins that ██████ is known to carry firearms. Att. 33, pg. 14, lns. 1 to 2.

<sup>23</sup> Att. 33, pg. 12, lns. 11 to 24; pg. 15, lns. 10 to 16.

<sup>24</sup> Att. 29, pg. 12, lns. 18 to 24; pg. 13, lns. 2 to 5.

<sup>25</sup> Att. 29, pg. 12, lns. 15 to 17; pg. 13, lns. 6 to 8.

<sup>26</sup> Att. 30, pg. 14, lns. 16 to 18.

<sup>27</sup> Att. 30, pg. 14, lns. 18 to 20.

<sup>28</sup> Att. 33, pg. 15, lns. 17 to 22; pg. 16, lns. 21 to 24; pg. 17, lns. 1 to 10.

<sup>29</sup> Att. 33, pg. 21, lns. 20 to 24; pg. 22, lns. 1 to 8.

<sup>30</sup> Att. 33, pg. 13, lns. 8 to 13.

<sup>31</sup> Att. 33, pg. 9, lns. 16 to 22.

vehicle<sup>32</sup> turned on and the smell of cannabis coming from that vehicle.<sup>33</sup> The officers pulled in front of the vehicle and recognized ██████ inside the vehicle.<sup>35</sup> According to ██████ he was sitting in his brother mother's vehicle on the passenger side just relaxing when Officer Rodriguez approached the vehicle; all occupants were asked to exit the vehicle and were searched and later released.<sup>36</sup> Officer Rodriguez exited the unmarked squad vehicle and approached the passenger side of the vehicle where ██████ was a front seat passenger.<sup>37</sup> Officer Donnelly approached on the driver side of the vehicle.<sup>38</sup> Officer Rodriguez asked ██████ out of the vehicle and performed a pat down on him.<sup>39</sup> Officer Rodriguez then asked one of the male back seat passengers out of the vehicle and performed a pat down on him.<sup>40</sup> Officer Donnelly opened the driver side door and the driver exited the vehicle; Officer Donnelly performed a pat down on the driver.<sup>41</sup> Officer Donnelly opened the back passenger door and the remaining two back seat passengers exited the vehicle and Officer Donnelly performed pat downs on both individuals.<sup>42</sup> Officer Rodriguez performed a search of the vehicle.<sup>43</sup> Officer Donnelly also performed a search of the vehicle.<sup>44</sup>

COPA also interviewed both Officers Rodriguez and Donnelly regarding this incident. According to Officer Rodriguez, he performed a protective pat down on ██████ to make sure the bulges he saw on him were not guns.<sup>45</sup> Officer Rodriguez also performed a pat down on one of the back seat passengers to make sure there was no weapons present.<sup>46</sup> Officer Rodriguez did not provide either person with an investigatory stop receipt because he forgot.<sup>47</sup> Officer Donnelly searched the other occupants of the vehicle for officer safety, he observed bulges on the men and he wanted to make sure there was no firearms or other narcotics present.<sup>48</sup> Officer Donnelly did not issue any of the occupants investigatory stop receipts because he did not have any and there were none available at the station.<sup>49</sup> Both Officers Rodriguez and Donnelly searched the vehicle ██████ was inside. Officer Rodriguez searched the passenger side area where ██████ was previously seated, and he searched the back seat area where the back seat passenger was previously seated.<sup>50</sup>

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<sup>32</sup> Officer Donnelly believed that the vehicle was potentially parked by a fire hydrant but did not recall for certain. Att. 33, pg. 25, lns. 10 to 13. Officer Rodriguez also stated that there was a second reason for the stop, possibly a seat belt issue, but he could not remember what the exact reason was. Att. 30, pg. 20, lns. 10 to 12.

<sup>33</sup> Att. 30, pg. 19, lns. 14 to 16.

<sup>34</sup> Officer Rodriguez has arrested ██████ before for unlawful use of a weapon. Att. 30, pg. 12, lns. 15 to 23.

<sup>35</sup> Att. 30, pg. 19, lns. 16 to 19.

<sup>36</sup> Att. 1 at 19:11 to 22:00.

<sup>37</sup> Att. 8 at 1:38 to 1:50.

<sup>38</sup> Att. 8 at 1:48 to 1:58.

<sup>39</sup> Att. 8 at 3:49 to 4:05.

<sup>40</sup> Att. 8 at 4:07 to 4:17.

<sup>41</sup> Att. 16 at 1:03 to 1:12.

<sup>42</sup> Att. 16 at 1:25 to 2:05.

<sup>43</sup> Att. 8 at 4:25 to 5:30.

<sup>44</sup> Att. 16 at 2:18 to 3:12.

<sup>45</sup> Att. 30, pg. 26, lns. 1 to 22.

<sup>46</sup> Att. 30, pg. 26, lns. 7 to 17.

<sup>47</sup> Att. 30, pg. 27, lns. 12 to 24; pg. 28, lns. 1.

<sup>48</sup> Att. 33, pg. 30, lns. 8 to 24; pg. 31, lns. 1 to 24.

<sup>49</sup> Att. 33, pg. 32, lns. 13 to 23.

<sup>50</sup> Att. 30, pg. 28, lns. 8 to 10.

Officer Rodriguez was searching for firearms and narcotics.<sup>51</sup> According to Officer Rodriguez, where there are narcotics usually there are firearms.<sup>52</sup> Officer Donnelly searched the driver side front seat area and the back seat passenger area behind the driver seat.<sup>53</sup> According to Officer Donnelly, the occupants were moving around inside the vehicle; so he was searching for a firearm and narcotics.<sup>54</sup>

No investigatory stop report was completed for the stop. Officer Donnelly stated that one was not done because it was just a miscommunication between himself and his partner.<sup>55</sup> Officer Rodriguez just forgot to complete one.<sup>56</sup> Officer Donnelly admitted to activating his body worn camera late during this incident.<sup>57</sup>

### III. ALLEGATIONS

#### **Officer Joseph Vecchio:**

1. On November 9, 2023, failed to complete an investigatory stop report documenting the interaction with [REDACTED]
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
2. On November 9, 2023, stopped [REDACTED] without justification.
  - Exonerated

#### **Officer Richard Rodriguez Jr.:**

1. On November 9, 2023, failed to complete an investigatory stop report documenting his interaction with [REDACTED]
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
2. On November 9, 2023, stopped [REDACTED] without justification.
  - Exonerated
3. On February 23, 2024, failed to complete an investigatory stop report documenting his interaction with [REDACTED]
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
4. On February 23, 2024, failed to provide [REDACTED] with an investigatory stop receipt.
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
5. On February 23, 2024, searched an unknown male back seat passenger, without justification.
  - Not Sustained

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<sup>51</sup> Att. 30, pg. 32, lns. 12 to 17.

<sup>52</sup> Att. 30, pg. 25, lns. 21 to 22.

<sup>53</sup> Att. 33, pg. 33, lns. 17 to 18.

<sup>54</sup> Att. 33, pg. 33, lns. 20 to 21.

<sup>55</sup> Att. 33, pg. 34, lns. 11 to 15.

<sup>56</sup> Att. 30, pg. 29, lns. 3 to 7.

<sup>57</sup> Att. 33, pg. 24, lns. 1 to 20.

6. On February 23, 2024, failed to provide an unknown male back seat passenger with an investigatory stop receipt.
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
7. On February 23, 2024, searched the vehicle [REDACTED] was a passenger in, without justification.
  - Sustained. Violation of Rules 1, 2, 3, 5, 6, 10, and 11
8. On February 23, 2024, stopped [REDACTED] without justification.
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11
9. On February 23, 2024, searched [REDACTED] person, without justification.
  - Not Sustained

**Officer Michael Donnelly:**

1. On November 9, 2023, failed to complete an investigatory stop report documenting his interaction with [REDACTED]
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
2. On November 9, 2023, stopped [REDACTED] without justification.
  - Exonerated
3. On November 9, 2023, searched [REDACTED] person, without justification.
  - Exonerated
4. On November 9, 2023, failed to provide [REDACTED] with an investigatory stop receipt
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
5. On November 9, 2023, failed to timely activate his body worn camera.
  - Sustained, violation of Rules violation of Rules 2, 3, 5, 6, 10, and 11.
6. On November 9, 2023, acted unprofessionally with [REDACTED] by stating words to the effect of: "I'm asking you a fucking question" and/or "I'm asking you one more time before I get you out of this fucking goddamn car" and/or "what's in that fucking right pocket" and/or "I am going to give you to the count of three otherwise you're getting out the fucking car."
  - Sustained, violation of Rules violation of Rules 2, 3, 5, 8, 10, and 11.
7. On February 23, 2024, stopped [REDACTED] without justification.
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11
8. On February 23, 2024, searched the vehicle [REDACTED] was a passenger in, without justification.
  - Sustained, violation of Rules 1, 2, 3, 5, 6, 10, and 11
9. On February 23, 2024, failed to timely activate his body worn camera.
  - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
10. On February 23, 2024, failed to complete an investigatory stop report documenting his interaction with [REDACTED]

- Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.
11. On February 23, 2024, searched two unknown male back seat passengers, without justification
    - Not Sustained
  12. On February 23, 2024, searched an unknown male driver, without justification.
    - Not Sustained
  13. On February 23, 2024, failed to provide the two unknown male back seat passengers and the unknown male driver with an investigatory stop receipt.
    - Sustained, violation of Rules 2, 3, 5, 6, 10, and 11.

#### 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 factor speaks to the individual's ability to accurately recall the event from memory. Here, Officer Donnelly admitted that he should have created an ISR report for the stop and that he should have issued an ISR receipt for the November 9<sup>th</sup> stop. Both officers Vecchio and Rodriquez stated that they did not think that they should have completed one because they were not the officers that completed the search, COPA does not find any untruthfulness in their answers but still disagrees with their assessment of their responsibilities. Officers Rodriquez and Donnelly admitted to not documenting the February 23<sup>rd</sup> stop with an ISR and not issuing receipts for the stop. Officer Donnelly further admitted that he activated his BWC late for both stops. COPA also does not doubt the credibility of ██████ COPA finds that all involved parties were being truthful when providing their respective statements. COPA's investigation did not reveal evidence calling into question the reliability of any of the individuals (sworn or unsworn) who provided a statement regarding this incident.

#### V. ANALYSIS<sup>58</sup>

COPA finds the allegation of stopping ██████ without justification on November 9<sup>th</sup> against Officers Vecchio, Rodriquez and Donnelly **Exonerated**. 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 articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.<sup>59</sup> 625 ILCS 5/11-804 (d) states the electric turn signal device required in section 12-208 of this Act must be used and operated as prescribed in subsection (b) of this section to indicate an intention to turn, change lanes, turn a vehicle from a direct course, move right or left upon a highway, or start from a parallel parked

<sup>58</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>59</sup> Att. 34 Special Order S04-13-09(II)(A).

position. According to the involved officers, [REDACTED] was stopped for pulling out in front of them without using a turn signal. [REDACTED] admitted that he was driving in front of the officers on the date of the incident but asserted that he did not make a turn since he was driving down a one-way street. [REDACTED] did not mention whether he used his turn signal to exit the parking space or not. According to Illinois law, a turn signal would have been required to be used when [REDACTED] exited his parking space and as such, the accused officers had a right to stop [REDACTED] so COPA finds this allegation exonerated against all officers.

COPA finds the allegation of failing to complete an investigatory stop report regarding the November 9<sup>th</sup> stop against Officers Vecchio, Rodriquez and Donnelly **Sustained**. Special Order S04-13-09 requires sworn members who conduct an investigatory stop to complete an investigatory stop report.<sup>60</sup> The order goes on to state that sworn members who conduct an investigatory stop, probable cause stop when no other document captures the reason for the detention, and, if applicable, a protective pat down or other search in a public place, are required to submit an investigatory stop report into the investigatory stop database.<sup>61</sup> All three accused officers admit that they performed a stop on [REDACTED] vehicle and neither officer completed a ISR report. Officer Vecchio did not complete an ISR because it was a traffic stop and it did not require a stop report. Officer Rodriquez did not complete an ISR because he did not search the vehicle or the occupants. Officer Donnelly admitted that he searched [REDACTED] pocket and that he should have completed an ISR. While Officer Vecchio and Rodriquez do not think that they should have completed an ISR, COPA finds that a protective pat down was done of [REDACTED] and no other paperwork was completed for the stop; as such, an ISR should have been completed and COPA finds this allegation sustained against all accused officers.

COPA finds the allegation of failing to provide [REDACTED] with an ISR receipt on November 9<sup>th</sup>, 2023, against Officer Donnelly **Sustained**. Special Order S04-13-09 requires 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.<sup>62</sup> Officer Donnelly admitted to performing a protective pat down on [REDACTED] and he admitted that he did not provide him with a receipt. According to Officer Donnelly, he did provide [REDACTED] with a receipt because he did not have any because none were available at the district. COPA finds this allegation sustained.

COPA finds the allegation of searching [REDACTED] person without justification on November 9<sup>th</sup> against Officer Donnelly **Exonerated**. Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop.<sup>63</sup> The officer may subject the person to a limited search for weapons . . . only if the officer reasonably believes that the person is armed and dangerous.<sup>64</sup> Here, Officer Donnelly patted down the pocket of [REDACTED] during the stop.

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<sup>60</sup> Att. 34 Special Order S04-13-09(III)(C).

<sup>61</sup> Att. 34 Special Order S04-13-09(VIII)(A)(1).

<sup>62</sup> Att. 34 Special Order S04-13-09(VIII)(A)(3).

<sup>63</sup> *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

<sup>64</sup> *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

Officer Donnelly did this because his partner told him that ██████ made a furtive movement and Officer Donnelly observed an object in the pocket of ██████. Officer Donnelly asked ██████ several times what the object was, and ██████ refused to tell Officer Donnelly what the object was. Further, Officer Donnelly was aware that ██████ was known to carry firearms. Officer Donnelly's beliefs were reasonable in this situation and as such, COPA finds this allegation exonerated.

COPA finds the allegation of failure to timely activate his BWC against Officer Donnelly on November 9<sup>th</sup>, **Sustained**. Special Order S03-14 requires the department member to activate their BWCs to event mode at the beginning of an incident, and that they record the entire incident for all law enforcement related activities.<sup>65</sup> Officer Donnelly was wearing a BWC on the day of the incident. According to Officer Donnelly, he activated his camera as he walked up to ██████ vehicle or a few seconds after he was at the vehicle. However, the order requires that the BWC be activated at the beginning of the incident and his BWC was not activated until he had already walked up to ██████ vehicle and started speaking with him. As such, COPA finds this allegation sustained.

COPA finds the allegation that Officer Donnelly acted unprofessionally on November 9<sup>th</sup> by stating words to the effect of: "I'm asking you a fucking question" and/or "I'm asking you one more time before I get you out of this fucking goddamn car" and/or "what's in that fucking right pocket" and/or "I am going to give you to the count of three otherwise you're getting out the fucking car" **Sustained**. Rule 8 prohibits the disrespect to or maltreatment of any person, while on or off duty. Officer Donnelly admitted to using the language when interacting with ██████ and further stated that he should not have used that language, as such COPA finds this allegation sustained.

COPA finds the allegation of stopping ██████ without justification on February 23<sup>rd</sup> against Officer Rodriguez and Donnelly **Sustained**. According to both officers, they smelled cannabis coming from the vehicle and the vehicle was turned on. Both officers also stated that they also observed some type of traffic violation along with the smell of cannabis. Officer Donnelly believed that the vehicle was potentially parked by a fire hydrant, but he did not remember for certain. Officer Rodriguez also did not recall the traffic reason but stated it could have been a seat belt issue but was not for certain. 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 articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.<sup>66</sup> ██████ stated that he was just relaxing in the vehicle when he was stopped by the officers. Neither officers could remember the exact reason for the stop. The BWC does not show a fire hydrant near the area of the stop and Officer Rodriguez mentioned nothing about seat belts during the actual traffic stop. The vehicle was stationary/in a parking space when officers approached the vehicle. The Cannabis Regulation and Tax Act (Public Act 101-0027), legalized public consumption and possession of cannabis

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<sup>65</sup> Att. 35 Special Order S03-14(III)(A)(2).

<sup>66</sup> Att. 34 Special Order S04-13-09(II)(A).

for Illinois residents over 21 years of age. There was no crime being committed here and as such, COPA finds this allegation sustained.

COPA finds the allegation of searching the vehicle █████ was in on February 23<sup>rd</sup> against both Officers Rodriguez and Donnelly **Sustained**. Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop.<sup>67</sup> When officers perform a traffic stop, they may search the passenger compartment for weapons if they possess an articulable and objectively reasonable belief that the suspect is potentially dangerous.<sup>68</sup> The Illinois Supreme Court ruled in *People v. Redmond*,<sup>69</sup> that the odor of burnt cannabis is a fact that should be considered when determining whether police have probable cause to search a vehicle, but the odor of burnt cannabis, standing alone without other inculpatory facts, does not provide probable cause to search a vehicle. According to Officer Rodriguez, he was searching the vehicle for firearms and narcotics, because narcotics and firearms usually go hand and hand. Officer Donnelly searched the vehicle for narcotics and firearms as well because he observed the occupants moving around inside the vehicle. COPA finds that the main reason both officers were searching the vehicle is because of the cannabis smell and as such, COPA finds this allegation sustained against both officers.

COPA finds the allegations related to searching the occupants of the vehicle on February 23<sup>rd</sup> against Officers Rodriguez and Donnelly **Not Sustained**. Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop.<sup>70</sup> The officer may subject the person to a limited search for weapons . . . only if the officer reasonably believes that the person is armed and dangerous.<sup>71</sup> Officer Rodriguez searched █████ and one of the back seat passenger because he saw bulges in their pockets and he wanted to make sure that the bulges were not guns. █████ is also known to Officer Rodriguez to carry guns. Officer Donnelly searched the driver and two of the back seat passengers. Officer Donnelly searched the men because he noticed bulges on them, and he wanted to make sure the bulges were not firearms. Officers Donnelly and Rodriguez searched all five individuals inside the vehicle, but only █████ was known to the officers. The officers did not know the other four occupants but according to both officers they observed bulges on all the searched individuals. It is unclear from the BWC footage whether or not the individuals had bulges on their person or not. As such, COPA finds the allegations not sustained.

COPA finds the allegations related to the failure to provide the searched individuals with stop receipts during the February 23<sup>rd</sup> stop against Officers Rodriguez and Donnelly **Sustained**. Special Order S04-13-09 requires 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.<sup>72</sup> Officer Rodriguez admitted to not

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<sup>67</sup> *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

<sup>68</sup> *Michigan v. Long*, 463 U.S. 1032, 1051 (1983).

<sup>69</sup> 2024 IL 129201.

<sup>70</sup> *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

<sup>71</sup> *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

<sup>72</sup> Att. 34 Special Order S04-13-09(VIII)(A)(3).

providing [REDACTED] or the back seat passenger with a stop receipt because he forgot. Officer Donnelly also admitted to not providing the driver and the two back seat passengers with a stop receipt. Officer Donnelly did not provide them with stop receipts because he did not have any and there were none available at the district. COPA finds the allegations sustained against both officers.

COPA finds the allegation of failing to complete an investigatory stop report regarding the February 23<sup>rd</sup> stop against Officers Rodriguez and Donnelly **Sustained**. Special Order S04-13-09 requires sworn members who conduct an investigatory stop to complete an investigatory stop report.<sup>73</sup> The order goes on to state that sworn members who conduct an investigatory stop, probable cause stop when no other document captures the reason for the detention, and, if applicable, a protective pat down or other search in a public place, are required to submit an investigatory stop report into the investigatory stop database.<sup>74</sup> Both officers admitted that they did not complete an ISR regarding this stop. Officer Donnelly stated that one was not done because it was just a miscommunication between himself and his partner. Officer Rodriguez just forgot to complete one. Therefore, COPA finds this allegation against both officers sustained.

COPA finds the allegation regarding the untimely activation of Officer Donnelly's BWC during the February 23<sup>rd</sup> stop **Sustained**. Special Order S03-14 requires the department member to activate the BWC to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.<sup>75</sup> Officer Donnelly admitted to activating his body worn camera late during this incident, as such, COPA finds this allegation sustained.

## VI. DISCIPLINARY RECOMMENDATION

### a. Officer Joseph Vecchio

#### i. Complimentary and Disciplinary History<sup>76</sup>

As of October 10, 2024, Officer Vecchio has received a total of 106 awards, including two Department Commendation, one Honorable Mention Ribbon Award, one Attendance Recognition Award, and 101 Honorable Mention. In the last five years, Officer Vecchio has one Sustained Complaints History (2023-0000861) resulting in Reprimand. In the last five years, Officer Vecchio has a Spar History showing three Sustained Findings for reports – fail to submit (2x), and current IL license plate and/or city vehicle sticker. Disciplinary action ranged from No Disciplinary Action to Reprimand.

<sup>73</sup> Att. 34 Special Order S04-13-09(III)(C).

<sup>74</sup> Att. 34 Special Order S04-13-09(VIII)(A)(1).

<sup>75</sup> Att. 36 Special Order S03-14(V)(A)(2).

<sup>76</sup> Attachment 38.

## ii. Recommended Discipline

COPA has found that Officer Vecchio violated Rules 2, 3, 5, 6, 10, and 11 when he failed to complete an investigatory stop report documenting the interaction with [REDACTED]. Special Order S04-13-09 requires sworn members who conduct an investigatory stop to complete an investigatory stop report. While Officer Vecchio did not think that he should have completed an ISR, COPA finds that a protective pat down was done of [REDACTED] and no other paperwork was completed for the stop; as such, an ISR should have been completed. Based on the above information, COPA recommends Reprimand for Officer Vecchio.

### b. Officer Richard Rodriquez Jr.

#### i. Complimentary and Disciplinary History<sup>77</sup>

As of October 10, 2024, Officer Rodriquez has received a total of 102 awards, including two Special Commendation, one Unit Meritorious Performance Award, one Traffic Stop of the Month Award, and 93+ Honorable Mention. In the last five years, Officer Rodriquez four Sustained Complaints History (2021-0001733; 2022-0004181; 2022-0003752; 2023-0003706) ranging in Reprimand (2x), 3 Day Suspension, and 10 Day Suspension. In the last five years, Officer Rodriquez has a Spar History Report (Sustained Findings) showing four Sustained Findings for court appearance violation, reports – fail to submit, absent/leaving duty assignment, and current IL license plate and/or city vehicle sticker. Disciplinary action ranged from No Disciplinary Action to Reprimand.

## ii. Recommended Discipline

COPA has found that Officer Rodriquez violated Rules 1, 2, 3, 5, 6, 10, and 11 when he failed to complete an investigatory stop report documenting his interaction with [REDACTED]. [REDACTED] failed to provide [REDACTED] with an investigatory stop receipt, failed to provide an unknown male back seat passenger with an investigatory stop receipt, searched the vehicle [REDACTED] in which [REDACTED] was a passenger, without justification, stopped [REDACTED] without justification. While Officer Rodriquez did not think that he should have completed an ISR, COPA finds that a protective pat down was done of [REDACTED] and others and no other paperwork was completed for the stop; as such, an ISR should have been completed. According to Officer Rodriquez, he smelled cannabis coming from the vehicle in which [REDACTED] was situated and the vehicle was turned on. Officer Rodriquez could not remember the exact reason for the stop of [REDACTED] and others. The Illinois Supreme Court has ruled that the odor of burnt cannabis is a fact that should be considered when determining whether police have probable cause to search a vehicle, but the odor of burnt cannabis, standing alone without other inculpatory facts, does not provide probable cause to search a vehicle. Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop. When officers perform a traffic stop, they may search the passenger compartment for weapons if they possess an articulable and objectively reasonable belief that the suspect is potentially dangerous. According to Officer Rodriquez, he was searching the vehicle for firearms and narcotics, because

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<sup>77</sup> Attachment 39.

narcotics and firearms usually go hand and hand. Based on the above information, COPA recommends 5 Day Suspension for Officer Rodriguez.

**c. Officer Michael Donnelly**

**i. Complimentary and Disciplinary History<sup>78</sup>**

As of October 10, 2024, Officer Donnelly has received a total of 190 awards, including one Annual Bureau Award of Recognition, one Special Commendation, one Police Officer of the Month Award, eight Department Commendation, one Problem Solving Award, two Honorable Mention Ribbon Award, one Unit Meritorious Performance Award, one Traffic Stop of the Month Award, and 167 Honorable Mention. In the last five years, Officer Donnelly has one Sustained Complaints History (2021-0000097) resulting in Violation Noted. In the last five years, Officer Donnelly has a Spar History Report (Sustained Findings) showing four Sustained Findings for court appearance violation, reports – fail to submit, preventable accident (2x). Disciplinary action ranged from No Disciplinary Action to Reprimand.

**ii. Recommended Discipline**

COPA has found that Officer Donnelly violated Rules 1, 2, 3, 5, 6, 8, 10, and 11 when he when he failed to complete an investigatory stop report documenting his interaction with [REDACTED] [REDACTED] failed to provide [REDACTED] with an investigatory stop receipt, searched the vehicle [REDACTED] in which [REDACTED] was a passenger, without justification, failed to timely activate his body worn camera, acted unprofessionally with [REDACTED] by directing profanity at [REDACTED] searched two unknown male back seat passengers, without justification, and failed to provide two unknown male back seat passengers with an investigatory stop receipt. While Officer Donnelly did not think that he should have completed an ISR, COPA finds that a protective pat down was done of [REDACTED] and others and no other paperwork was completed for the stop; as such, an ISR should have been completed. According to Officer Rodriguez, he smelled cannabis coming from the vehicle in which [REDACTED] was situated and the vehicle was turned on. Officer Donnelly could not remember the exact reason for the stop of [REDACTED] and others. The Illinois Supreme Court has ruled that the odor of burnt cannabis is a fact that should be considered when determining whether police have probable cause to search a vehicle, but the odor of burnt cannabis, standing alone without other inculpatory facts, does not provide probable cause to search a vehicle. Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop. When officers perform a traffic stop, they may search the passenger compartment for weapons if they possess an articulable and objectively reasonable belief that the suspect is potentially dangerous. According to Officer Donnelly, he activated his camera as he walked up to [REDACTED] vehicle or a few seconds after he was at the vehicle. However, the order requires that the BWC be activated at the beginning of the incident and his BWC was not activated until he had already walked up to [REDACTED] vehicle and started speaking with him. Based on the above information, COPA recommends 5 Day Suspension for Officer Donnelly.

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<sup>78</sup> Attachment 37.

Approved:



3-28-2025

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Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix ACase Details

Date/Time/Location of Incident:	November 9, 2023 and February 23, 2024/12:22 pm and 2:31 pm/ 800 N. Cambridge Avenue and 900 N. Cambridge Avenue
Date/Time of COPA Notification:	March 12, 2024/ 12:26 pm
Involved Member #1:	Officer Joseph Vecchio, star# 14469, employee# [REDACTED] Date of Appointment October 16, 2019, Unit 006/018, Male, White
Involved Member #2:	Officer Richard Rodriguez Jr., star# 12157, employee# [REDACTED] Date of Appointment June 16, 2017, Unit 018, Male, White Hispanic
Involved Member #3:	Officer Michael Donnelly, star# 13784, employee# [REDACTED] Date of Appointment November 4, 2013, Unit 018/376, Male, White
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 11:** Incompetency or inefficiency in the performance of duty

Applicable Policies and Laws

- 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)
- S03-14 Body Worn Cameras (effective December 29, 2023 to August 8, 2024)

## **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>79</sup> 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.”<sup>80</sup>

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<sup>79</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>80</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