



Log # 2023-0004486

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

### I. EXECUTIVE SUMMARY

On September 25, 2023, the Civilian Office of Police Accountability (COPA) received a phone complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on July 9, 2022, Officer Richard Rodriquez Jr. and Officer Kenneth Sunde improperly searched him.<sup>2</sup> Upon review of the evidence, COPA served additional allegations that Officer Crystina Kittrell failed to activate her body worn camera, and Officers Rodriquez & Sunde utilized profanity toward [REDACTED]. Following its investigation, COPA reached sustained findings regarding the allegations of failing to activate body worn camera in a timely and using profanity toward [REDACTED].

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

On September 25, 2023, at 10:22PM, while conducting a routine patrol near 50 W. Chicago Ave., Chicago, IL 60654, Officers Richard Rodriquez Jr., Kenneth Sunde, and Crystina Kittrell observed three subjects, including [REDACTED] sitting on the front steps of a local business at 42 E. Chicago Ave. The officers approached the subjects and questioned them.<sup>4</sup> Officer Rodriquez asked the three subjects to stand and started to pat them down. Officer Sunde held [REDACTED] wrist while Officer Rodriquez searched him.<sup>5</sup> When Officer Rodriquez reached [REDACTED] waist, [REDACTED] broke free of Officer Sunde and ran across Chicago Avenue.<sup>6</sup> Officers Rodriquez and Sunde pursued [REDACTED] across Chicago Avenue and through an alley to Rush Street. [REDACTED] then threw a firearm while running south on Rush. [REDACTED] turned west on to Superior before officers detained him near 60 E. Superior Street.<sup>7</sup> When the officers caught up with him, Officer Sunde told him to “get on the fucking ground, dickhead.”<sup>8</sup>

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

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

<sup>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, police reports, criminal court records, and civilian and officer interviews.

<sup>4</sup> Att. 3 BWC PO Kenneth Sunde 2:00

<sup>5</sup> Att. 3 BWC PO Kenneth Sunde 2:25

<sup>6</sup> Att. 3 BWC PO Kenneth Sunde 2:29

<sup>7</sup> Att. 4 BWC PO Richard Rodriquez Jr. 2:27

<sup>8</sup> Att. 3 BWC PO Kenneth Sunde 3:07

Officer Rodriguez restrained [REDACTED] while Officer Sunde recovered the firearm near a curb in front of Giordano's Restaurant.<sup>9</sup> Officer Rodriguez handcuffed and searched [REDACTED] ripping [REDACTED] pants as he did.<sup>10</sup> [REDACTED], "Why you rip my jeans?" to which Officer Rodriguez replied, "cause you got something in yo ass".<sup>11</sup> Officer Rodriguez completed his search of [REDACTED] before Officer Kittrell and additional responding officers escorted him to a transporting vehicle.

### III. ALLEGATIONS

#### Officer Crystina Kittrell:

1. Failing to activate her Body Worn Camera in accordance with CPD Special Order: S03-14 Body Worn Camera.
  - Exonerated.

#### Officer Kenneth Sunde:

1. Using profanity toward [REDACTED] in violation of CPD General Order: G02-04 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing.
  - **Sustained.** Rules 2, 3, 8, and 9.

#### Officer Richard Rodriguez Jr.:

1. Failing to activate Body Worn Camera in a timely manner in accordance with CPD Special Order: S03-14 Body Worn Camera.
  - **Sustained.** Rules 2, 3, 5, 10, and 11.
2. Conducting an improper search of [REDACTED] during an arrest.
  - **Sustained.** Rules 2, 3, and 11.
3. Using profanity toward [REDACTED] in violation of CPD General Order: G02-04 Prohibitions Regarding Racial Profiling and Other Bias Based Policing.
  - Not Sustained.

### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of [REDACTED] Officer Kenneth Sunde, Officer Crystina Kittrell, or Officer Richard Rodriguez Jr., who provided recorded statements. All parties were forthcoming with information and answered questions throughout the investigation.

### V. ANALYSIS<sup>12</sup>

#### Officer Christina Kittrell:

- a. Failing to activate her Body Worn Camera in accordance with CPD Special Order: S03-14 Body Worn Camera.

<sup>9</sup> Att. 3 BWC PO Kenneth Sunde 3:30

<sup>10</sup> Att. 4 BWC PO Richard Rodriguez Jr 2:30

<sup>11</sup> Att. 4 BWC PO Richard Rodriguez Jr 2:52

<sup>12</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

Officer Christina Kittrell did not activate her body worn camera because her BWC was unassigned due to her being reassigned from a previous unit to the 18<sup>th</sup> District. The date of the incident was her first day of duty with her newly assigned unit and her BWC had not been transferred to her new unit.<sup>13</sup> An equipment assignment record search for Officer Kittrell reveals that she was not assigned a BWC during the time of the event.<sup>14</sup> For these reasons COPA recommends a finding of Exonerated.

**Officer Kenneth Sunde:**

- a. Using profanity toward ██████████ in violation of CPD General Order: G02-04 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing.

Upon reviewing the available body worn camera footage, COPA was able to determine that Officer Kenneth Sunde did utilize profanity toward ██████████ during his arrest. After pursuing ██████████ on foot, Officer Sunde said to ██████████ “Get on the fucking ground dickhead”.<sup>15</sup> CPD General Order: G02-04 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing (II, C), states that “...Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner and maintain a courteous attitude in all contacts with the public.” During his audio recorded statement Officer Sunde stated that he did not remember verbatim what he said to ██████████ but he did tell ██████████ to get on the ground.<sup>16</sup> When asked again during his statement he stated that he did not fully remember what he said to ██████████<sup>17</sup> For these reasons COPA recommends a finding of **Sustained**.

**Officer Richard Rodriquez Jr.:**

- a. Failing to activate Body Worn Camera in a timely manner in accordance with CPD Special Order: S03-14 Body Worn Camera.

After reviewing Officer Richard Rodriquez Jr.’s Body Worn Camera Footage COPA was able to determine that he did not activate his BWC in a timely manner in accordance with CPD Special Order S03-14: Body Worn Camera. Officer Rodriquez approached ██████████ and began to frisk him before ██████████ fled on foot. It is only after the foot pursuit was underway that Officer Rodriquez activates his BWC.<sup>18</sup>

According to Special Order S03-14III(A)2, The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. The policy also states, law-enforcement-related activities include but are not limited to: investigatory stops.<sup>19</sup> Officer Officer Rodriquez had the time to activate his

<sup>13</sup> Att. 29 COPA Audio Recorded Statement\_PO Crystina Kittrell 5:00

<sup>14</sup> Att. 38 Kittrell BWC Equipment Search

<sup>15</sup> Att. 3 BWC Kenneth Sunde 3:08

<sup>16</sup> Att. 27 COPA Audio Recorded Statement\_PO Kenneth Sunde 7:15

<sup>17</sup> Att. 27 COPA Audio Recorded Statement\_PO Kenneth Sunde 8:44

<sup>18</sup> Att. 4 BWC Richard Rodriquez Jr. 2:00

<sup>19</sup> Att. 42 S03-14\_Body Worn Cameras

BWC prior to approaching [REDACTED] For these reasons COPA recommends a finding of **Sustained**.

- b. Conducting an improper search of [REDACTED] during an arrest.

Upon review of Officer Richard Rodriguez Jr.'s BWC, COPA was able to determine that Officer Rodriguez conducted an improper search of [REDACTED] during the arrest. After restraining [REDACTED] Officer Rodriguez searched [REDACTED] and ripped his pants between the legs in the crotch area.<sup>20</sup> Officer Rodriguez searched the crotch area under the top layer of clothing, exposing [REDACTED] underwear. [REDACTED] asked Officer Rodriguez why he ripped his pants, and Officer Rodriguez stated, "cause you got something in yo ass".<sup>21</sup> For these reasons COPA recommends a finding of **Sustained**.

- c. Using profanity toward [REDACTED] in violation of CPD General Order: G02-04 Prohibition Regarding Racial Profiling and Other Bias-Based Policing.

After reviewing the available BWC COPA was unable to determine that Officer Richard Rodriguez Jr. use profanity directed toward [REDACTED] in violation of CPD General Order: G02-04 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing. While there were multiple instances of the use of profanity none were directed toward [REDACTED] or in a derogatory manner. For this reason, COPA recommends a finding of Not Sustained.

## VI. DISCIPLINARY RECOMMENDATION

### a. Officer Kenneth Sunde

#### i. Complimentary and Disciplinary History<sup>22</sup>

Officer Sunde has received 137 various awards, including three Department Commendations, one Honorable Mention Ribbon Award, two Police Officer of the Month Award, and one Unit Meritorious Performance Award. He received 7 SPARs in 2024: four no disciplinary actions and three reprimands. In the past five years, Officer Sunde had one sustained complaint in 2020 for Operation/Personnel Violations Misuse of Department Equipment/Supplies (1-day suspension).

#### ii. Recommended Discipline

COPA has found that Officer Sunde violated Rules 2, 3, 8, and 9, when he used profanity toward [REDACTED]. In Officer Sunde's statement to COPA he acknowledged his use of language towards [REDACTED] and described it as a tactic to gain compliance, which proved effective in this instance. However, Rule 2 of the Rules and Regulations of the Chicago Police Department prohibits officers from engaging in "any action or conduct which impedes the

<sup>20</sup> Att. 4 BWC PO Richard Rodriguez Jr. 2:50

<sup>21</sup> Att. 4 BWC PO Richard Rodriguez Jr. 2:52

<sup>22</sup> Att. 48

Department's efforts to achieve its policy and goals or brings discredit upon the Department", which occurred when Officer Sunde used profanity against Blakenship. It is for these reasons, combined with Officer Sunde's complimentary and disciplinary that COPA recommends he received a **5–10-day suspension and retraining** regarding CPD's standards of professionalism.

**b. Officer Richard Rodriquez Jr.**

**i. Complimentary and Disciplinary History<sup>23</sup>**

Officer Rodriquez has received 102 various awards, including one Honorable Mention Ribbon Award, two Special Commendations and one Unit Meritorious Performance Award. He received four spars in 2024: two for no disciplinary action and two reprimands. In the past five years, Officer Rodriquez acquired four sustained complaints: one in 2021, Operation/Personnel Violations Conduct Unbecoming (Reprimand); two in 2022, Civil Rights Violation Improper Stop/Seizure Person Protective Pat Down (10-day suspension) and Civil Rights Violation Improper Search Premise Missing Property (3-day suspension); and one in 2023 Verbal Abuse Profanity (3-day suspension).

**ii. Recommended Discipline**

COPA has found that Officer Rodriquez violated Rules 2, 3, 5, 10 and 11, when he failed to activate his Body Worn Camera in a timely manner and conducted an improper search of [REDACTED] during the arrest. Although Officer Rodriquez provided his perspective and justification regarding the allegations, his conduct in the incident was unprofessional, disrespectful and violated CPD Directives. CPD policy indicates that officers activate their BWC as soon as feasibly possible. In his statement to COPA, Officer Rodriquez indicates that he and his partners had a visual on Blakenship prior to the actual encounter, which required them to make a U-turn. During this brief period, as soon as a decision was made to approach Blakenship and the other civilians, could have also been the moment to activate the BWC, to capture the initial incident between himself and the civilians. Moreover, his actions brought discredit to CPD and were damaging to the relationship expected of an officer when interacting with members of the public, even during a tense event. It is for these reasons, combined with Officer Rodriquez's complimentary and disciplinary history that COPA recommends he receive a **30-45-day suspension and retraining** regarding CPD's BWC operation, standards of professionalism and Stop/Seizure Person Protective Pat Down. COPA particularly notes Officer Rodriquez was previous disciplined for an improper search, which was an issue in this case as well.

Approved:

[REDACTED]

January 27, 2025

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Shannon Hayes  
*Director of Investigations*

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Date

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<sup>23</sup> Att. 49

Appendix A**Case Details**

Date/Time/Location of Incident:	09JUL2022/22:23H/50 W. Chicago Ave., Chicago, IL 60654
Date/Time of COPA Notification:	25SEP2023/10:36H
Involved Officer #1:	Kenneth Sunde, Star #: 18633, Employee #: [REDACTED] Date of Appointment: 2/20/2018, Unit of Appointment: 018, Male, White
Involved Officer #2:	Richard Rodriquez Jr., Star #: 12157, Employee ID #: [REDACTED] Date of Appointment: 6/16/2017, Unit of Appointment: 018, Male, Hispanic
Involved Officer #3:	Crystina Kittrell, Star #: 10313, Employee #: [REDACTED] Date of Appointment: 5/16/2017, Unit of Appointment: 018, Female, White
Involved Individual #1:	[REDACTED] Male, Black

**Applicable Rules**

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule 11:** Incompetency or inefficiency in the performance of duty.

**Applicable Policies and Laws**

- G02-04: Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective 01 December 2017 to 30 June 2022)
- S03-14: Body Worn Camera (effective 30 April 2018 to 29 December 2023)
- D19-01: Firearm Pointing Incident (effective 01 November 2019 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.<sup>24</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>25</sup>

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<sup>24</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>25</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