



Log # 2023-0002332

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 30, 2023, the Civilian Office of Police Accountability (COPA) received a complaint from ██████████ (██████████ reporting alleged misconduct by three members of the Chicago Police Department (CPD). ██████████ alleged that on May 28, 2023, three unknown CPD members damaged the sunroof of his vehicle while searching during a traffic stop.³ Upon review of the evidence, COPA served additional allegations that Officers Steven Rowling, Sebastian Gonzalez, and Anthony Rodriguez searched ██████████ (██████████ vehicle without justification, failing to complete an Investigatory Stop Report (ISR), and conducting a traffic stop without justification. Following its investigation, COPA reached sustained findings regarding allegations of failing to complete an ISR for all officers and conducting an improper vehicle search with respect to Officers Rodriguez and Rowling.

II. SUMMARY OF EVIDENCE⁴

On May 28, 2023, while on routine patrol, Officers Steven Rowling, Sebastian Gonzalez, and Anthony Rodriguez conducted a traffic stop of a silver-colored sedan driven by ██████████. Upon approaching the vehicle, Officer Anthony Rodriguez explained to ██████████ that she was being stopped for an expired registration and window tint violation.⁵ After asking ██████████ for her driver's license and vehicle registration, Officer Rodriguez returned to the patrol vehicle to run her information, and it came back that her driver's license was suspended.

Officer Rodriguez notified the other officers of the suspended license, at this point, they asked both adult passengers to step out of the vehicle and stated that they were being detained for the search related to the smell of burnt cannabis.⁶ Officer Rodriguez informed ██████████ that her driver's license was suspended and began searching the vehicle at the driver's door.⁷ Officer Rodriguez stated, "She had a revoked FOID," as he began searching the vehicle.⁸ After completing the vehicle search, Officer Rodriguez spoke with both occupants again, informing the driver that

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 Att. 6 Audio – Interview of ██████████

³ 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.

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, civilian interviews, and officer interviews.*

⁵ Att. 9 PO Anthony Rodriguez BWC 0:20

⁶ Att. 9 PO Anthony Rodriguez BWC 2:45

⁷ Att. 9 PO Anthony Rodriguez BWC 2:55

⁸ Att. 9 PO Anthony Rodriguez BWC 3:20

her license had been suspended and could not drive from the scene. Officer Rodriguez instructed the passenger, who had a valid license, to drive as they left the scene. Both subjects were released without incident.

During an audio-recorded statement, Officer Rowling stated he and his partners were conducting a narcotics search based on the scent of burnt cannabis but did not recall searching the sunroof area of the vehicle.⁹¹⁰ Officer Gonzalez stated that he did not search the vehicle but was observing the driver and passenger outside of the vehicle during the search.¹¹ Officers Rodriguez, Rowling, and Gonzalez stated in their audio-recorded statements that they did not recall completing an ISR.¹²¹³¹⁴

III. ALLEGATIONS

PO Steven Rowling

1. Searched the vehicle of [REDACTED] without justification.
 - Sustained, Violation of Rules 2, 3, 6
2. Damaging the sunroof of [REDACTED] vehicle during a vehicle search, without justification.
 - Unfounded.
3. Failing to complete an Investigatory Stop Report in compliance with CPD Policy S04-13-09: Investigatory Stop System.
 - Sustained, Violation of Rules 2, 3, 5, 6 and 10
4. Stopping [REDACTED] without justification.
 - Exonerated.

PO Sebastian Gonzalez

1. Searched the vehicle of [REDACTED] without justification.
 - Unfounded
2. Damaging the sunroof of [REDACTED] vehicle during a vehicle search, without justification.
 - Unfounded.
3. Failing to complete an Investigatory Stop Report in compliance with CPD Policy S04-13-09: Investigatory Stop System.
 - Sustained, Violation of Rules 2, 3, 5, 6 and 10
4. Stopping [REDACTED] without justification.
 - Exonerated.

PO Anthony Rodriguez:

1. Searched the vehicle of [REDACTED] without justification.

⁹ Att. 24 COPA Audio Recorded Statement PO Steven Rowling 13:48

¹⁰ Att. 24 COPA Audio Recorded Statement PO Steven Rowling 16:45

¹¹ Att. 22 COPA Audio Recorded Statement PO Sebastian Gonzalez 12:30

¹² Att. 36 COPA Audio recorded Statement PO Sebastian Gonzalez 2, 10:20

¹³ Att. 39 COPA Audio Recorded Statement PO Steven Rowling 2, 8:45

¹⁴ Att. 40 COPA Audio Recorded Statement_PO Anthony Rodriguez 2, 10:22

- Sustained, Violation of Rules 2, 3, 6
- 2. Damaging the sunroof of [REDACTED] vehicle during a vehicle search, without justification.
 - Unfounded.
- 3. Failing to complete an Investigatory Stop Report in compliance with CPD Policy S04-13-09: Investigatory Stop System.
 - Sustained, Violation of Rules 2, 3, 5, 6 and 10
- 4. Stopping [REDACTED] without justification.
 - Exonerated.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of PO's Steven Rowling, Sebastian Gonzalez, and Anthony Rodriguez, who provided recorded statements. PO's Rowling, Gonzalez, and Rodriguez were very forthcoming with information and answered questions throughout the investigation.

V. ANALYSIS¹⁵

PO' Steven Rowling, Sebastian Gonzalez, and Anthony Rodriguez:

a. Searched the vehicle of [REDACTED] without justification.

COPA finds the allegation for Officers Rowling and Rodriguez, that they searched the vehicle without justification is Sustained. COPA finds the allegation that Officer Gonzalez searched the vehicle without justification is Unfounded. The Fourth Amendment protects citizens from unreasonable searches.¹⁶ Searches without a warrant are presumed to be unreasonable except under certain circumstances. Under the "automobile exception" to the search warrant requirement, "law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize."¹⁷ Officers who merely smell burnt cannabis no longer have probable cause to search a subject's vehicle without a warrant.¹⁸ In *People v. Redmond*, the Illinois Supreme Court analyzed updates to Illinois laws regulating cannabis, determining

[t]here are now a myriad of situations where cannabis can be used and possessed (*id.*), and the smell resulting from that legal use and possession is not indicative of the commission of a criminal offense. . . . Therefore, given the fact that under Illinois law the use and possession of cannabis is legal in some situations and illegal in others, the odor of burnt cannabis in a motor vehicle, standing alone, is not a sufficiently inculpatory fact that reliably points to who used

¹⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁶ U.S. Const. amend. IV.

¹⁷ *People v. James*, 163 Ill. 2d 302, 312 (111. 1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

¹⁸ *People v. Redmond*, 2024 IL 129201, ¶ 46.

the cannabis, when the cannabis was used, or where the cannabis was used.¹⁹

The *Redmond* court determined the odor of burn cannabis to be analogous to the smell of alcohol after the changes Illinois law.²⁰ The *Redmond* court made it clear that officers must observe factors beyond the smell of burnt cannabis to form probable cause to perform a search.

Here, the officers conducted a traffic stop because of the tinted windows and expired license plates. During the audio-recorded statement, Officer Rodriguez stated that the probable cause for the search was due to the smell of burnt cannabis and the vehicle registration and driver's license being suspended.²¹ Officer Gonzalez did not search the vehicle but was with the vehicle's occupants while the vehicle was being searched. Based on the totality of the circumstances and relevant case law, COPA finds Officers Rodriguez and Rowling did not have probable cause to search the vehicle. Thus, the allegation is sustained with respect to Officers Rodriguez and Rowling. Because Officer Gonzalez did not search the vehicle, the allegation is Unfounded with respect to him.

b. Damaging the sunroof of [REDACTED] vehicle during a vehicle search without justification.

COPA finds the allegation that the officers damaged the sunroof of the vehicle is Unfounded. Upon thorough review of the available evidence, COPA could not determine if there was any damage caused by department members to the vehicle during a vehicle search. The available BWC did not depict the officers searching the sunroof. During his audio-recorded statement, Officer Rodriguez stated that he did not search the sunroof.²² For this reason, COPA recommends a finding of Unfounded.

c. Failing to Complete an Investigatory Stop Report in Compliance with CPD Policy S04-13-09: Investigatory Stop System.

COPA finds the allegation that Officers Rowling, Gonzalez and Rodriguez failed to complete an investigatory stop report is Sustained. Per CPD Policy S04-13-09 (III, C), Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.²³ In this case, the BWC captured Officers Rowling, Rodriguez, and Gonzalez conducting a traffic on [REDACTED] vehicle. The video footage never depicted the officers completing an ISR. The officers stated that they did not recall completing an ISR. COPA did not find any record of any documentation related to the stop or a completed ISR. For these reasons, COPA recommends a finding of Sustained.

¹⁹ *People v. Redmond*, 2024 IL 129201, ¶ 47 (citing 720 ILCS 5/2-12).

²⁰ *People v. Redmond*, 2024 IL 129201, ¶ 48 ("Similar to cannabis, possession is lawful under some circumstances but remains unlawful under other circumstances . . . Our cases, and those of other jurisdictions support the proposition that more is needed to establish probable cause than the odor of alcohol.").

²¹ Att. 28 COPA Audio Recorded Statement_PO Anthony Rodriguez 11:40

²² Att. 28 COPA Audio Recorded Statement_PO Anthony Rodriguez 13:35, 15:15, 15:30

²³ Att. 29 – Investigatory Stop System S04-13-09

d. Stopping [REDACTED] without justification.

COPA finds the allegation that the officers stopped [REDACTED] vehicle without justification is exonerated. CPD members are authorized to conduct investigatory stops when they have reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed a criminal offense.²⁴ Reasonable articulable suspicion has been described as less than probable cause but more than a hunch or general suspicion. It “depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience.”²⁵ As stated, the officers conducted a traffic stop because of the tinted windows, which is supported by the officers’ BWC. During his audio-recorded statements, Officer Rodriguez stated that he spoke with [REDACTED] and they conducted the traffic stop due to a window tint violation and expired license plates.²⁶ He also stated that the vehicle was illegally operating the high beam lights. BWC shows an extremely dark tint of the windshield and the high beam indicator on the dashboard.²⁷ For this reason, COPA finds the allegation is exonerated.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Steven Rowling

i. Complimentary and Disciplinary History²⁸

Officer Rowling received 66 awards, including five (5) Department Commendations and 61 Honorable Mentions. Officer Rowling has one sustained finding for neglect of duty and has received six (6) SPAR’s.

ii. Recommended Discipline

COPA has found that Officer Rowling conducted an improper search and failed to complete an ISR in compliance with CPD Special Order S04-13-09. There was no record of any reports completed in relation to the stop. The BWC did not depict any of the officers completing an ISR. The officers did not recall completing an ISR. For these reasons, COPA recommends a suspension of up to 30 days.

²⁴ The authority for conducting an investigatory stop is delineated in 725 ILCS 5/107-14(a) and Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017 – present).

²⁵ Att. 29 - S04-13-09(II)(C).

²⁶ Att. 40 COPA Audio Recorded Statement_PO Anthony Rodriguez 6:18

²⁷ Att. 9 BWC_PO Anthony Rodriguez 0:12

²⁸ Att. 41 – Disciplinary and Complimentary History.

b. Officer Sebastian Gonzalez

i. Complimentary and Disciplinary History²⁹

Officer Gonzalez received a total of 78 awards, including one (1) Department Commendation, 75 Honorable Mentions, and one (1) Military Service Award. Officer Gonzalez has no sustained findings in the last five (5) years and six (6) SPAR's.

ii. Recommended Discipline

COPA has found that Officer Gonzalez conducted an improper vehicle search failed to complete an ISR in compliance with CPD Special Order S04-13-09. There was no record of any reports completed in relation to the stop. The BWC did not depict any of the officers completing an ISR. The officers did not recall completing an ISR. For these reasons, COPA recommends a suspension of up to 30 days.

c. Officer Anthony Rodriguez

i. Complimentary and Disciplinary History³⁰

Officer Rodriguez received a total of 166 awards, including one (1) Annual Bureau Award of Recognition, two (2) Department Commendation, 144 Honorable Mention, one (1) Life-Saving Award, three (3) Special Commendations, and one (1) Superintendent's Award of Tactical Excellence. Officer Rodriguez has received one sustained finding for Operation/Personnel Violations Reports and two (2) SPAR's.

ii. Recommended Discipline

COPA has found that Officer Rodriguez failed to complete an ISR in compliance with CPD Special Order S04-13-09. There was no record of any reports completed in relation to the stop. The BWC did not depict any of the officers completing an ISR. The officers did not recall completing an ISR. For these reasons, COPA recommends a suspension up to 30 days .

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

November 29, 2024

Date

²⁹ Att. 41 – Disciplinary and Complimentary History.

³⁰ Att 41 – Disciplinary and Complimentary History.

Appendix ACase Details

Date/Time/Location of Incident:	28 May 2023/21:30H/7600 S. Green St., Chicago, IL 60620
Date/Time of COPA Notification:	30 May 2023/16:01H
Involved Officer #1:	Steven Rowling, Star#: 16670, Employee ID#: [REDACTED] Date of Appointment: 16 February 2021, Unit of Assignment: 006, Male, White
Involved Officer #2:	Sebastian Gonzalez, Star#: 17233, Employee ID#: [REDACTED] Date of Appointment: 27 July 2018, Unit of Appointment: 006, Male, Hispanic
Involved Officer #3:	Anthony Rodriguez, Star #: 10041. Employee ID # [REDACTED] Date of Appointment: 16 May 2018, Unit of Assignment: 006, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Female, 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

- Special Order S03-10: City Claims Notification Program (effective 10 October 2012 to present)
- Special Order S03-11: Damage Claims Against the City (effective 07 February 2003 to present)
- Special Order S04-13-09: Investigatory Stop System (effective 10 July 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.³¹ 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.”³²

³¹ 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).

³² *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