



Log # 2024-0006641

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 14, 2024, the Civilian Office of Police Accountability (COPA) received a Crime Prevention Information Center (CPIC) notification of an accidental discharge of a firearm from a member of the Chicago Police Department (CPD).² The notice indicated that, earlier that day, Officers Jason Anderson # 9054 and Kevin Rodriguez #14287, removed a firearm from ██████ waistband in such a manner as to cause the firearm to discharge.³

Upon review of the evidence, COPA served additional allegations that the officers arrested ██████ without justification, patted down ██████ without justification, detained ██████ without justification, provided false, incomplete, inaccurate, and/or misleading statements in the Investigatory Stop Report (ISR), the arrest report, and the original case report (inaccurately stating that the officers observed ██████ smoking in the vicinity of a bus stop). Lastly, COPA alleged that the officers provided a false, incomplete, inaccurate and/or misleading statement in the Tactical Response Report (TRR) by checking off the “imminent threat of battery with a weapon” box when describing ██████ actions. Following its investigation, COPA sustained findings of misconduct regarding the discharge of the firearm; the detention and pat down of ██████ the inaccurate and/or misleading statement in the ISR, and regarding the officers’ characterization of ██████ as posing an “imminent threat of battery with weapon” in their TRR.

II. SUMMARY OF EVIDENCE⁴

On August 14, 2024, Officers Anderson and Rodriguez were on routine patrol in an unmarked CPD vehicle when they observed ██████ near a bus stop adjacent to the D & O Food & Liquors store at 8700 S. Commercial Avenue where the officers believed they observed ██████ holding something like a cigarette and smoking.⁵ ██████ was outside with his friend, ██████

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 Atts. 1 and 2 which are the CPIC emails regarding the accidental discharge.

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, ICC footage, third-party video, police reports, and officer interviews.

⁵ Att. 156, Transcript of Officer Anderson’s interview, pg. 9, lns. 17 to 23, pg.13, lns. 2 to 5, and pg. 14, lns. 1 to 3, Officer Anderson did not recall if he saw any exhale of smoke; Att. 155, Transcript of Officer Rodriguez’s interview, pg. 11, lns. 2 to 23, pg. 12, lns. 6 to 20, and pg. 17, lns. 18 to 23; Att. 3, Arrest Report; Att. 4, Case Report; Att. 137, ISR.

██████████⁶ Officers Anderson and Rodriguez made a U-turn to head back toward ██████████ at which point ██████████ walked into the store.⁸ ██████████ in his statement to CPD, explained that he walked into the corner store with his little brother and his brother's girlfriend to get a blunt.⁹

The officers followed ██████████ into the store¹⁰ and asked what he was doing; ██████████ replied that he was buying weed.¹¹ The officers asked ██████████ to walk outside so that they could conduct a street stop because, according to their later statements to COPA, they believed he was smoking a cigarette within 15 feet of a bus stop.¹² Officer Rodriguez further explained that, based on ██████████ actions, he believed that ██████████ was hiding his waistband from the officers. They asked him to step outside, away from the people in the store, in order to safely conduct the investigation.¹³ As he was walking out the door, Officer Anderson, who was in front of ██████████ turned around and asked if ██████████ had anything on him while simultaneously lifting up ██████████ shirt, revealing a firearm in his waistband.¹⁴ Both officers reached for the weapon and Officer Rodriguez inadvertently pulled the trigger, discharging one round.¹⁵ The discharge occurred as the firearm was being pulled from ██████████ waistband and no one was struck by the round.¹⁶ ██████████ put his hands up and yelled, "Why are you trying to kill me?"¹⁷ Throughout the encounter inside the store and as he exited with the officers, ██████████ never put either of his hands near his waistband where the firearm was subsequently located.¹⁸

The officers handcuffed ██████████ and notified the Office of Emergency Management (OEMC) of the firearm discharge.¹⁹ When ██████████ asked the officers why they discharged his

⁶ Att. 119, Third-party video at 17:30, Att. 20 at 2:20, Att. 141, pg. 4.

⁷ Att. 156, pg. 10, lns. 9 to 22; Att. 155, pg. 12, ln. 21 to pg. 13, ln. 6; Att. 119 at 17:57 to 18:35.

⁸ Att. 156, pg. 10, lns. 9 to 22; Att. 155, pg. 12, ln. 21 to pg. 13, ln. 6; Att. 77, Third-party video from 00:17 to 00:45; Att. 92, Third-party video at 00:39 to 00:45.

⁹ Att. 143 at 2:45.

¹⁰ Att. 45, Third-party video at 18:40 to 18:55; Att. 8, BWC of Officer Rodriguez at 2:00; Att. 7, BWC of Officer Anderson at 2:00; Att. 92 at 00:40 to 00:50.

¹¹ Att. 155, pg. 13, lns. 7 to 12; Att. 3; Att. 4; Att. 137; Att. 36, Event Query; Att. 8, at 2:22; Att. 7 at 2:20.

¹² Att. 8 at 2:26; Att. 156, pg. 11, lns. 7 to 9; Att. 155, pg. 17, lns. 18 to 23; Att. 7 at 2:24.

¹³ Att. 155, pg. 13, lns. 13 to 17; pg. 12, lns. 16 to 18; pg. 13, lns. 2 to 4. COPA notes Officer Rodriguez said he wanted to conduct the investigation away from the customers in the store, but Officer Anderson searched ██████████ while he was in the tight entryway to the store of the doorway while other members of the public were nearby. See Att. 7, starting at 2:34.

¹⁴ Att. 7 from 2:27 to 2:36; Att. 8 from 2:31 to 2:37; Att. 92 at 1:15 to 1:18; Att. 92 at 1:15 to 1:18.

¹⁵ Att. 156, pg. 11, lns. 21 to 24, pg. 17, ln. 21 to pg. 18, ln. 4; Att. 155, pg. 13, ln. 21 to pg. 14, ln. 2, pg. 21, lns. 18 to 22; Att. 3; Att. 4; Att. 137; Att. 7 at 2:37; Att. 8 at 2:35; Att. 92 at 1:20.; Att. 143 from 4:19 to 4:40; Att. 141, pg. 7.

¹⁶ Att. 7 at 2:37 to 2:40; Att. 8 at 2:40. The fired round was presumed to have struck the CPD vehicle. Att. 134, pg. 2; Att. 136, pgs. 33 to 34; Att. 141, pg. 4.

¹⁷ Att. 7 at 2:38 to 2:42; Att. 8 at 2:42.

¹⁸ Att. 8 at 2:17 to 2:36; Att. 7 at 2:18 to 2:35.

¹⁹ Att. 156, pg. 12, lns. 3 to 11; Att. 155, pg. 14, lns. 3 to 5, pg. 21, ln. 23 to pg. 22, ln. 1; Att. 36; Att. 7 at 2:48 to 3:10; Att. 8 from 2:47 to 3:15.

firearm, Officer Rodriguez said, “You were going to grab it.”²⁰ [REDACTED] denied reaching for his firearm.²¹

Officers Hernandez Villagomez #19946 and Omar Saldana #2875 responded to the scene and took [REDACTED] to the police station,²² where they discovered [REDACTED] did not have a Firearm Owners Identification (FOID) card or a Concealed Carry License.²³ [REDACTED] was charged with violating a CTA smoking ordinance and Aggravated Unlawful Use of a Weapon.²⁴

[REDACTED] gave a statement to Detectives John Campbell Sean McCabe, and Melissa Uldrych at the scene.²⁵ He explained he was standing at the corner with [REDACTED]²⁶ CPD officers drove past them and made a U-turn. [REDACTED] walked into the store, and the officers followed.²⁷ One of the officers pulled [REDACTED] toward him and toward the entrance to the store, and the other officer was behind him.²⁸ An officer lifted [REDACTED] shirt and observed the firearm; all three of them panicked.²⁹ The first officer reached into [REDACTED] jeans, and the firearm discharged.³⁰

Stephaine Lira and Javier Cardenas also gave statements to CPD Detectives Campbell and Uldrych at the scene.³¹ Lira was outside the store when she observed an officer lift [REDACTED] shirt; a firearm was present.³² Both officers went towards the firearm when it discharged.³³ Cardenas only observed the firearm discharge,³⁴ he did not know if it was [REDACTED] firearm that discharged or one of the officers’ weapons.³⁵

III. ALLEGATIONS

Officer Jason Anderson:

1. Invertedly discharged a firearm in the possession of [REDACTED]
– **Unfounded.**
2. Arrested [REDACTED] without justification.

²⁰ Att. 8 at 3:21 to 3:23; Att. 7 at 3:20 to 3:22.

²¹ Att. 8 from 3:20 to 3:24; Att. 7 from 3:20 to 3:24.

²² Att. 14, BWC of Officer Hernandez Villagomez from 3:30 to 16:11; Att. 162, BWC of Officer Omar Saldana from 5:35 to 16:38; Att. 163, BWC of Officer Omar Saldana #2.

²³ Att. 3; Att. 4; Att. 137.

²⁴ Att. 3.

²⁵ Att. 20, the BWC of Detective McCabe Interviewing [REDACTED] from 2:14 to 6:18.

²⁶ Att. 20 at 3:24.

²⁷ Att. 20 from 3:47 to 4:09.

²⁸ Att. 20 from 4:15 to 4:28.

²⁹ Att. 20 at 4:29.

³⁰ Att. 20 at 4:36; Att. 141, the Supp. Report #2, pg. 4.

³¹ Att. 21, the BWC of Detective McCabe Interviewing Stephaine Lira from 1:50 to 5:00; Att. 22, the BWC of Detective McCabe Interviewing Javier Cardenas from 1:46 to 5:00.

³² Att. 21 from 2:30 to 2:45; Att. 141, pg. 5.

³³ Att. 21 from 2:30 to 2:45; Att. 141, pg. 5.

³⁴ Att. 141, pg. 5.

³⁵ Att. 22 from 3:10 to 3:30; Att. 141, pg. 5.

- **Not Sustained.**
- 3. Conducted a pat down of [REDACTED] without justification.
 - **Sustained, Rules 2, 3, and 6.**
- 4. Detained [REDACTED] without justification.
 - **Sustained, Rules 2, 3, and 6.**
- 5. Providing a false, incomplete, inaccurate and/or misleading statement in Investigatory Stop Report that you observed [REDACTED] "smoking a tobacco filled blunt."
 - **Sustained, Rules 2, 5, 10, and 11.**
- 6. Providing a false, incomplete, inaccurate and/or misleading statement in Arrest Report that you observed [REDACTED] "smoking a tobacco filled blunt."
 - **Not Sustained.**
- 7. Providing a false, incomplete, inaccurate and/or misleading statement in Original Case Incident Report that you observed [REDACTED] "smoking a tobacco filled blunt."
 - **Not Sustained.**
- 8. Providing a false, incomplete, inaccurate and/or misleading statement in Tactical Response Report by checking off "imminent threat of battery with weapon" when describing [REDACTED] actions.
 - **Sustained, Rules 2, 3, 6, 10, and 11.**

Officer Kevin Rodriguez:

- 1. Invertedly discharged a firearm in the possession of [REDACTED]
 - **Sustained, Rules 2, 3, 5, 10, and 11.**
- 2. Arrested [REDACTED] without justification.
 - **Not Sustained.**
- 3. Conducted a pat down of [REDACTED] without justification.
 - **Not Sustained.**
- 4. Detained [REDACTED] without justification.
 - **Sustained, Rules 2, 3, and 6.**
- 5. Providing a false, incomplete, inaccurate and/or misleading statement in Investigatory Stop Report that you observed [REDACTED] "smoking a tobacco filled blunt."
 - **Sustained, Rules 2, 5, 10, and 11.**
- 6. Providing a false, incomplete, inaccurate and/or misleading statement in Arrest Report that you observed [REDACTED] "smoking a tobacco filled blunt."
 - **Not Sustained.**
- 7. Providing a false, incomplete, inaccurate and/or misleading statement in Original Case Incident Report that you observed [REDACTED] "smoking a tobacco filled blunt."
 - **Not Sustained.**
- 8. Providing a false, incomplete, inaccurate and/or misleading statement in Tactical Response Report by checking off "imminent threat of battery with weapon" when describing [REDACTED] actions.
 - **Sustained, 2, 3, 6, 10, and 11**

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: the individual's truthfulness and the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement. The second speaks to the individual's ability to accurately perceive the event at the time of the incident and later accurately recall the event.

COPA made several attempts to obtain statements from [REDACTED] and [REDACTED] but was unsuccessful.³⁶ [REDACTED] did, however, give a statement to CPD Detectives Melissa Uldrych and Brian Lutzow at the district police station.³⁷ The involved officers provided statements to COPA; COPA found multiple issues affecting their credibility.

First, COPA found issues causing it to question the reliability of the officers' statements. Officers Rodriguez and Anderson maintained that [REDACTED] was smoking a blunt or a cigarette; they observed his fingers moving from his chest area to his mouth area. However, video evidence established that [REDACTED] was not smoking a cigarette; he was holding his necklace between his fingers and lifting it off his chest. This fact indicates that the officers were unable to accurately perceive the event at the time and/or accurately recall it afterward.

Next, when Officers Rodriguez and Anderson observed Rodgers, they conducted a U-turn; [REDACTED] was already inside the store when the officers approached him. The officers did not ask if [REDACTED] had been smoking or explain to [REDACTED] that they observed him smoking. This was not a trivial fact since smoking in the vicinity of a CTA shelter was, purportedly, the reason for the stop. This fact calls into doubt whether the officers believed they observed [REDACTED] smoking at the time of the incident. As such, this potentially impacts the officers' ability to accurately perceive the incident, as well as the truthfulness of their accounts.

Further, when [REDACTED] asked the officers why they discharged his firearm, Officer Rodriguez responded that [REDACTED] tried to reach for the firearm, which [REDACTED] denied. In the officers' statements to COPA, they both maintained that [REDACTED] was cooperative. The officers' BWC footage confirms that [REDACTED] appeared to be cooperative and compliant. This casts doubt on Officer Rodriguez's assertion on the scene that [REDACTED] was reaching for his gun.

Finally, COPA finds the officers submitted reports with false, incomplete, inaccurate, and/or misleading narrative statements. As addressed under the relevant allegations, the narrative portion of the officers' Investigatory Stop Report (ISR) states that the officers observed [REDACTED]

³⁶ Att. 161, Emails to APD Probation Officer; See CMS notes; CO-1409685, CO-1415440, CO-1417037, CO-1417043, CO-1418095, CO-1421951, CO-1421921, CO-1422567, CO-142280, CO-1422844, CO-1423240, CO-1423513, CO-1423514, CO-1423517, CO-1423891, CO-1416707, CO-1416711, CO-1417032, CO-1420195, CO-1423242, CO-1423260, CO-1424799, CO-1424800, CO-1424802. COPA did not reach out to Stephaine Lira and Javier Cardenas; they previously provided CPD with statements at the scene. Lira was outside of the store and observed a firearm went off but did not know how it did. Cardenas was inside the store, and he only heard the firearm discharge. COPA assesses that *additional* statements from the two civilian witnesses would not yield new, relevant evidence.

³⁷ Att. 143, from 2:20 to 16:27.

“standing [approximately] 8 feet away from [a] CTA bus stop” while “smoking a tobacco filled blunt.”³⁸ Again, video, eyewitness statements, and the lack of smoking paraphernalia at or near the scene strongly contradict this version of events. Additionally, both Officers Rodriguez and Anderson indicated that ██████ posed an “imminent threat of battery with [a] weapon” in their TRRs.³⁹ The officers’ BWC and eyewitness statements, however, conflict with this account. COPA notes that reports authored by other officers related to this incident appear to have relied upon the explanations in the ISR and TRRs. COPA finds these reports further harms the officers’ credibility, indicating an inability to accurately perceive the event and/or a lack of truthfulness.⁴⁰

V. ANALYSIS⁴¹

A. Inadvertent discharge of a firearm in ██████ Possession Allegations

COPA finds that the allegation that Officer Anderson inadvertently discharged ██████ firearm to be **Unfounded**. COPA finds the allegation that Officer Rodriguez inadvertently discharged ██████ firearm to be **Sustained**.

The Rules and Regulations of CPD require members to “devote themselves fully to the attainment of the letter and spirit of the Department policy and goals and will conduct themselves at all times in such a manner as will reflect credit upon the Department.”⁴² Rule 10 makes inattention to duty a disciplinary violation.⁴³

³⁸ Att. 137, pg. 2.

³⁹ Att. 6 (Officer Anderson); Att. 31 (Officer Rodriguez).

⁴⁰ COPA did not find that these allegations constituted Rule 14 violations.

⁴¹ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

⁴² Att. 171, Rules and Regulations of the Chicago Police Department, Article IV.C. Regulations. Establishing the Duties of Members - Sworn Members (April 16, 2015).

⁴³ Att. 171, Article V.



Figure 1: A screenshot from Att. 7, Officer Anderson's BWC at 2:37, showing Officers Anderson and Rodriguez reach into [REDACTED] waistband to retrieve the firearm, as [REDACTED] stands still with his hands by his sides. COPA slightly cropped this image to more closely focus on relevant activity.

Officer Anderson explained to COPA that he did not pull the trigger of [REDACTED] firearm; it was Officer Rodriguez who did so.⁴⁴ Officer Rodriguez acknowledged during his statement that he inadvertently discharged [REDACTED] firearm.⁴⁵ Officer Rodriguez explained the inadvertent discharge of the firearm was due to a miscommunication between himself and Officer Anderson; both officers reached for the firearm at the same time.⁴⁶ Officer Anderson explained that both officers reached for the firearm when Officer Rodriguez's finger inadvertently pulled the trigger.⁴⁷ In his statement, Officer Rodriguez explained that Officer Anderson was not his normal partner, and that they lacked communication on who was doing what that day.⁴⁸

COPA finds by clear and convincing evidence that Officer Anderson did not discharge [REDACTED] firearm. COPA finds by a preponderance of the evidence that Officer Rodriguez inadvertently discharged [REDACTED] firearm. Therefore, Allegation #1 against Officer Anderson is **Unfounded**, while Allegation #1 against Officer Rodriguez is **Sustained** in violation of Rules 2, 3, 5, 10, and 11.

⁴⁴ Att. 156, pg. 11, lns. 21 to 24, pg. 17, ln. 21 to pg. 18, ln. 4.

⁴⁵ Att. 155, pg. 13, ln. 21 to pg. 14, ls. 2, pg. 21, lns. 18 to 22, pg. 58, lns. 3 to 7; Att. 7 at 2:35 to 2:38.

⁴⁶ Att. 155, pg. 28, lns. 3 to 18.

⁴⁷ Att. 156, pg. 11, lns. 21 to 24, pg. 17, lns. 21 to 24, and pg. 18, lns. 1 to 4; Att. 155, pg. 13, lns. 21 to 24, and pg. 14, lns. 1 to 2, pg. 21, lns. 18 to 22.

⁴⁸ Att. 155, pg. 28, lns. 3 to 18.

B. Fourth Amendment Allegations

COPA finds the allegations that Officers Anderson and Rodriguez detained and conducted a pat down of ██████ without justification to be **Sustained**. COPA finds the allegation that Officers Anderson and Rodriguez arrested ██████ without justification to be **Not Sustained**.

1. Detention Allegations

An Investigatory Stop is a 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.⁴⁹

Officers Anderson and Rodriguez explained to COPA that they conducted an investigatory stop of ██████ because they observed him smoking a cigarette approximately 15 feet from a CTA bus stop.⁵⁰ Despite this, the officers did not find any paraphernalia to indicate ██████ was smoking, which they explained was due to the chaotic scene that occurred after the firearm discharge.⁵¹ Video evidence and eyewitness statements further establish that ██████ had not, in fact, been smoking. The officers explained that ██████ was with another person who appeared to alert him of their arrival, as ██████ immediately looked at them and bladed his stance, possibly suggesting that ██████ may have acted aggressively towards the officers and/or posed some danger.⁵²



Figure 2: A screenshot from Att. 119, the third-party video at 17:55, showing ██████ holding a silver necklace with both hands and not smoking.

⁴⁹ Att. 172, S04-13-09(II)(A), Investigatory Stop System (effective July 10, 2017, to present).

⁵⁰ Att. 156, pg. 9, lns. 17 to 23, pg. 11, lns. 1 to 9, pg. 14, ln. 23 to pg. 15, ln. 2; Att. 155, pg. 18, ln. 13 to pg. 19, ln. 14.

⁵¹ Att. 156, pg. 33, lns. 5 to 13; Att. 155, pg. 51, ln. 22 to pg. 52, ln. 8.

⁵² Att. 155, pg. 12, lns 11 to 20; Att. 156, pg. 10, lns. 4 to 17.

Because there was no evidence that [REDACTED] was smoking, COPA finds by a preponderance of the evidence that the officers lacked reasonable articulable suspicion to detain [REDACTED]. As such, Allegation #4 against Officers Anderson and Rodriguez, that they detained [REDACTED] without justification is **Sustained** in violation of CPD Policy and Rules 2, 3, 6.

2. Protective Pat Down Allegations

CPD policy defines a “Protective Pat Down” as “a limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area.”⁵³ To conduct a pat down, “a sworn member must possess *specific and articulable facts*, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.”⁵⁴ “The fact that an officer has reason to stop a citizen does not necessarily justify the further intrusion of a search for weapons; the officer may conduct a pat-down search only if he has reason to believe that he is dealing with an armed and dangerous individual.”⁵⁵

Officers may only conduct a pat down of a person “if they are entitled to stop the person in the first place,” and they must reasonably believe that the person is armed and dangerous.⁵⁶ If an investigatory stop is not justified, a subsequent protective search of the person is likewise not justified.⁵⁷

CPD policy cites 725 ILCS 5/108-1.01, which delineates when officers may conduct protective pat downs:

When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code *and reasonably suspects that he or another is in danger of attack*, he may search the person for weapons. If the officer discovers a weapon, he may take it until the completion of the questioning, at which time he

⁵³ Att. 172, S04-13-09(II)(B).

⁵⁴ Att. 172, S04-13-09(II)(C)(2) (emphasis added); pursuant to 725 ILCS 5/108-1.01, officers are permitted to conduct a limited search on a person for weapons if the officer has lawfully stopped the person for temporary questioning and reasonably suspects that they are in danger of attack.

⁵⁵ *People v. Watson*, 145 Ill. App. 3d 492, 497 (1st Dist. 1986).

⁵⁶ *People v. Harris*, 2011 IL App (1st) 103382, ¶ 17 (quoting *Adams v. Williams*, 407 U.S. 143 (1972)).

⁵⁷ *People v. Harris*, 2011 IL App (1st) 103382, ¶ 17; *People v. F.J.*, 315 Ill. App. 3d 1053, 1060 (1st Dist. 2000) (“[I]f a policeman sees a suspicious bulge which possibly could be a gun in the pocket of a pedestrian who is not engaged in any suspicious conduct, the officer may not approach him and conduct a frisk. And this is so even though the bulge would support a frisk had there been a prior lawful stop. Likewise, if an officer, lacking the quantum of suspicion required by *Terry* to make a forcible stop, instead conducts a non-seizure field interrogation, he may not frisk the person interrogated upon suspicion that he is armed; in such a case the officer may protect himself by not engaging in the confrontation. 4 Wayne R. LaFave, *Search and Seizure* § 9.5(a), at 247-48 (3d ed. 1996).”).

shall either return the weapon, if lawfully possessed, or arrest the person so questioned.⁵⁸

Officer Anderson justified performing a protective pat down due to “officer safety” and the high crime rate in the area.⁵⁹ Officer Rodriguez could not recall if he helped with the pat down or not.⁶⁰ Officer Anderson said he lifted [REDACTED] shirt because he felt an object by [REDACTED] waistband during the pat down.⁶¹

The officers’ explanation is unsupported by the evidence, and their explanations do not justify a search of [REDACTED]. The officers failed to articulate any specific facts leading them to believe [REDACTED] (1) was armed and dangerous or (2) presented a risk of attack that would permit a pat down. The officers’ explanations of “officer safety” and a high crime rate,⁶² even when combined with their references to [REDACTED] taking a bladed stance and retreating into the store when they arrived,⁶³ are insufficient to justify a protective pat down or, indeed, the more invasive search that Officer Anderson actually performed by lifting [REDACTED] shirt.

As addressed above, COPA finds the officers lacked reasonable articulable suspicion to detain [REDACTED]; this alone renders the officers’ search of [REDACTED] person similarly invalid. However, COPA further finds by a preponderance of the evidence that the officers lacked reasonable articulable suspicion to believe [REDACTED] was armed and dangerous, or that [REDACTED] presented a danger of attack. Therefore, COPA finds Allegation #3 against Officer Anderson, that he conducted a pat down of [REDACTED] without justification, to be **Sustained** in violation of Rules 2, 3, and 6. The allegation is **Not Sustained** as against Officer Rodriguez, as it is unclear whether or not he conducted any search.

3. Unlawful Arrest Allegations

COPA finds insufficient evidence to show that the officers’ arrest of [REDACTED] constituted misconduct; those allegations are **Not Sustained**.

Officers must have probable cause to arrest a person.⁶⁴ “Probable cause to arrest exists when the circumstances within the arresting officer's knowledge at the time of the arrest are sufficient to warrant a man of reasonable caution to believe an offense has been committed and that the individual arrested has committed the offense.”⁶⁵ The officer’s subjective belief is not

⁵⁸ Att. 172, 725 ILCS 5/107-14 delineates officers’ authority to conduct investigatory stops, See also S04-13-09 (II)(C)(2) (emphasis added).

⁵⁹ Att. 156, pg. 11, lns. 10 to 13.

⁶⁰ Att. 155, pg. 23, lns 18 to 21.

⁶¹ Att. 156, pg. 11, lns. 12 to 15 and pg. 16, lns. 23 to 24.

⁶² Att. 156, pg. 11, lns. 10 to 13; Att. 155, pg. 13, lns. 18 to 22.

⁶³ Att. 155, pg. 13, lns. 2 to 6; Att. 156, pg. 17, lns. 7 to 15.

⁶⁴ *People v. Johnson*, 408 Ill. App. 3d 107, 119 (1st Dist. 2010) (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964)).

⁶⁵ *People v. D. W. (In re D. W.)*, 341 Ill. App. 3d 517, 526 (1st Dist. 2003).

determinative; rather probable cause is an objective standard.⁶⁶ Officers may arrest a person when they have probable cause to believe that the person committed a minor offense.⁶⁷

In Illinois, aggravated unlawful possession of a weapon involves a person knowingly carrying a firearm on or about his or her person in public without having been issued a currently valid license under the *Firearm Concealed Carry Act*.⁶⁸

The officers arrested ██████ for smoking on CTA property and for aggravated unlawful use of a weapon.⁶⁹ Once the officers conducted their protective pat down, they discovered that ██████ possessed a firearm concealed on his person. During the following investigation, officers conducted a Law Enforcement Agencies Data System (LEADS) inquiry, which revealed that ██████ did not have a FOID or conceal carry license.⁷⁰ This provided the officers with probable cause to believe ██████ had committed aggravated unlawful possession of a firearm. COPA notes that ██████ was not smoking on or near CTA property, despite being charged with this offense. As such COPA cannot find by a preponderance of the evidence that the officers' arrest of ██████ constituted misconduct and cannot reach a finding other than not sustained. Therefore, COPA finds Allegation #2 against Officers Anderson and Rodriguez, that they arrested ██████ without justification, to be **Not Sustained**.

C. Inaccurate and/or Misleading Reporting Allegations

1. Investigatory Stop Report Allegation

COPA finds the allegation that Officers Rodriguez and Anderson provided a false, incomplete, inaccurate, and/or misleading statement in the Investigatory Stop Report to be **Sustained**.

Officers must complete an ISR to “document the facts and circumstances of . . . an Investigatory Stop, including a statement of the facts establishing Reasonable Articulate Suspicion to stop an individual.”⁷¹

Officers Anderson and Rodriguez authored an ISR indicating that Rodgers was smoking a tobacco-filled blunt “approx. 8 feet away from a CTA bus stop.”⁷² ██████ was not smoking, and the officers' report that he was doing so is false, inaccurate, and misleading. This entry suggests

⁶⁶ *People v. Chapman*, 194 Ill. 2d 186, 218-19, (2000).

⁶⁷ *Atwater v. City of Lago Vista*, 532 U.S. 318, 354 (2001) (holding an arrest for a misdemeanor seatbelt violation only punishable by a fine did not violate the Fourth Amendment); *People v. Fitzpatrick*, 2013 IL 113449, ¶ 24 (holding an arrest for the petty offense of walking in the middle of the street does not violate Article I, Section 6 of the Illinois Constitution); see also M.C.C. §. 2-84-230 (stating members of the police department may arrest persons violating city ordinances).

⁶⁸ 720 ILCS 5/24-1.6.

⁶⁹ Att. 3, pg. 1.

⁷⁰ Att. 3, pg. 2.

⁷¹ Att. 172, S04-13-09(III)(D)(1)(a).

⁷² Att. 137.

the officers possessed reasonable articulable suspicion for the investigatory stop, which did not in fact exist. The officers told COPA in their statements that the ISR, Original Case Incident Report, and the Arrest Report, each of which include the same narrative language, they submitted were true and accurate to the best of their knowledge.⁷³ However, the officers' report narrative inaccurately characterized the encounter, and [REDACTED] behavior, in a manner favorable to them. The officers' ISR was self-serving and inaccurate, as described above.

COPA finds by a preponderance of the evidence that the officers submitted a false, incomplete, inaccurate and/or misleading statement in their ISR. Therefore, COPA finds Allegation #5 against Officers Anderson and Rodriguez to be **Sustained** in violation CPD Policy and 2, 5, 10, and 11.

2. Arrest Report Allegation

COPA finds there is insufficient evidence to show that Officers Rodriguez and Anderson provided a false, incomplete, inaccurate, and/or misleading statement in [REDACTED] arrest report. Therefore, this allegation is **Not Sustained**.

Officers Anderson and Rodriguez told COPA that Officer Abdul Mahdi wrote the Arrest Report and that Officer Joseph Tandyk wrote the Original Case Incident Report. Officer Mahdi and Officer Tandyk were not on scene; they gathered the information from the Investigative Response Team (IRT) detectives who compiled the information. Officers Rodriguez and Anderson told COPA they gave information from the incident to the IRT detectives who then gave the information to Officer Tandyk.⁷⁴

Officer Mahdi was not present for the incident and was assigned to write the arrest report by gathering information from the officers on the scene.⁷⁵ Before this incident, Officer Mahdi had been at home; he drove straight to the district to write the reports.⁷⁶ COPA notes that the narrative portion of the arrest report is identical to the one in the ISR that Officers Rodriguez and Anderson wrote. The inaccurate information contained in the arrest report likely resulted from Officers Anderson and Rodriguez's inaccurate reporting. However, COPA cannot find by a preponderance of the evidence that the accused officers authored the arrest report, especially given Officer Mahdi's statement. Therefore, Allegation #6 against Officers Anderson and Rodriguez is **Not Sustained**.

⁷³ Att. 156, pg. 24, ln. 1 to pg. 25, ln. 19; Att. 155, pg. 35, lns. 4 to 9.

⁷⁴ Att. 3; Att. 4; Att. 155, pg. 35, lns. 12 to 24, and pg. 36, lns. 1 to 19, and pg. 37, lns 7 to 12; Att. 156, pg. 24, lns. 18 to 24, pg. 25, lns. 1 to 16. COPA did not interview Officer Tandyk since he gathered the information from IRT detectives who gathered the information from Officers Rodriguez and Anderson. He would not have had any firsthand knowledge of the incident since he was not present at the scene.

⁷⁵ Att. 3; Att. 154, pg. 9, lns. 6 to 22, pg. 17, lns. 5 to 10.

⁷⁶ Att. 154, pg. 6, ln. 22 to pg. 7, ln. 15.

3. Original Case Incident Report Allegation

Similarly, COPA finds that there is insufficient evidence that Officers Rodriguez and Anderson provided a false, incomplete, inaccurate, and/or misleading statement in the case report. Therefore, the allegations against them in that regard are **Not Sustained**.

As indicated under the previous allegation, Officer Tandyk was the reporting officer on the Original Case Incident Report.⁷⁷ Similarly, although the information on that report came from Officers Rodriguez and Anderson, they were not the authors of the case report. COPA again cannot find by a preponderance of the evidence that the accused officers authored and submitted the false, inaccurate, and/or misleading case report. Therefore, Allegation #7 against Officers Anderson and Rodriguez is **Not Sustained**.

4. Tactical Response Report Allegation

COPA finds the allegation that Officers Rodriguez and Anderson provided a false, incomplete, inaccurate and/or misleading statement in the TRR by indicating on the form that ██████ presented an imminent threat of committing a battery with a weapon to be **Sustained**.

TRRs are used by CPD to document, investigate, and evaluate reportable uses of force, including any efforts to mitigate the need to use force.⁷⁸ Officers are responsible for truthfully and completely documenting each reportable use of force incident and accurately describing the facts and circumstances concerning any incident involving a use of force.⁷⁹

Officers Rodriguez and Anderson explained that they checked the “immediate threat of battery with a weapon” box on the TRR due to ██████ having an illegal firearm; ██████ was cooperative during the incident.⁸⁰ He was, therefore, “armed,” but there is no evidence to show he was “dangerous.” Again, the content of the report appears inaccurate, and inaccurate in such a way as to excuse the accused officers’ actions by suggesting that ██████ posed a threat, making it necessary for the officers to dynamically seize the weapon from him. COPA finds by a preponderance of the evidence that the officers included a false, incomplete, inaccurate, and/or misleading statement in their TRR. As such, Allegation #8 against Officers Anderson and Rodriguez is **Sustained** in violation CPD Policy and **Rules 2, 3, 6, 10, and 11**.

⁷⁷ Att. 4; Att. 155, pg. 35, lns. 15 to 19 and pg. 58, ln. 24; Att. 156, pg. 24, lns. 19 to 24, pg. 25, lns. 1 to 4, and pg. 36, ln. 22.

⁷⁸ Att. 173, G03-02-02, Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023 to present).

⁷⁹ Att. 173, G03-02-02(II)(B)(1-2).

⁸⁰ Att. 156, pg. 26, lns. 5 to 24, and pg. 26, ln. 1; Att. 155, pg. 48, lns. 7 to 9, pg. 48, ln. 24, and pg. 49, lns. 1 to 10; Att. 6; Att. 31.

VI. DISCIPLINARY RECOMMENDATION

A. Officer Kevin Rodriguez

1. Complimentary and Disciplinary History⁸¹

Officer Rodriguez joined CPD on October 16, 2019. He has received 111 awards in the intervening period, including a lifesaving award, three department commendations, one honorable mention ribbon award, one top gun arrest award, and 102 honorable mention certificates. The officer has one instance of sustained discipline: a 2022 case involving a traffic pursuit in which a 4-day suspension was imposed.⁸²

2. Recommended Discipline

Due to the gravity of the misconduct in this case, COPA recommends the officer **be suspended for a period of 30 to 89 days**. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. For Officer Rodriguez, COPA notes his impressive complimentary history with CPD. In aggravation, Officer Rodriguez failed to take responsibility for his actions in this incident, including by drafting reports that minimized his misconduct and led to other officers similarly documenting the encounter incorrectly; engaged in behavior that escalated the situation, which put ██████ at risk of being shot by the inadvertently discharged weapon; and discredited the department and eroded public trust.

B. Officer Jason Anderson

1. Complimentary and Disciplinary History⁸³

Officer Anderson joined CPD on June 27, 2016. He has received 103 awards in the intervening period, including two unit meritorious performance awards, one lifesaving award, six department commendations, one honorable mention ribbon award, one traffic stop of the month award, 87 honorable mention certificates, and one complimentary letter. The officer received two summary “SPAR” infractions, both of which resulted in Reprimands: one in 2024 for a court appearance violation, and one in 2025 for failing to timely activate his BWC. He has no other discipline.

⁸¹ Att. 167, 170.

⁸² Log #2022-0001636, investigated by CPD.

⁸³ Att. 168, 169.

2. Recommended Discipline

Due to the gravity of the misconduct in this case, COPA recommends the officer **be suspended for a period of 30 to 89 days**. In addition to the recommended penalty range, COPA recommends CPD to consider the presence of the aggravating and mitigating factors to determine how discipline should be applied consistently and fairly across all involved members. For Officer Anderson, COPA notes his impressive complimentary history and relative lack of disciplinary history. In aggravation, like Officer Rodriguez, COPA notes Officer Anderson failed to take responsibility for his actions and authored reports to minimize his misconduct and led to other officers similarly documenting the encounter incorrectly; he engaged in behavior that escalated the situation, which put [REDACTED] at risk of being seriously injured; and his actions brought discredit to the department and eroded public trust.

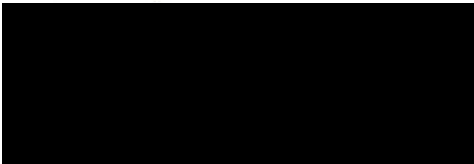
Approved:



Shannon Hayes
*Acting Deputy Chief Administrator – Chief
Investigator*

February 11, 2026

Date



Lakenya White
Interim Chief Administrator

February 11, 2026

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	August 14, 2024/ 6:34 pm/ 8700 S. Commercial Avenue, Chicago, IL 60617.
Date/Time of COPA Notification:	August 14, 2024/ 7:46 pm.
Involved Member #1:	Officer Jason Anderson, Star #9054, Employee ID# [REDACTED] Date of Appointment: June 27, 2016, Unit of Assignment: 004, Male, White.
Involved Member #2:	Officer Kevin Rodriguez, Star #14287, Employee ID# [REDACTED] Date of Appointment: October 16, 2019, Unit of Assignment: 004, Male, White Hispanic.
Involved Individual #1:	[REDACTED] Jr, 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 11:** Incompetency or inefficiency in the performance of duty.
- ☐ **Rule 14:** Making a false report, written or oral.
- ☐ **Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- U.S. Const. amend. IV.
- G03-02-02, Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present).⁸⁴
- S04-13-09, Investigatory Stop System (effective July 10, 2017, to present).⁸⁵

⁸⁴ Att. 173.⁸⁵ Att. 172.

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.⁸⁶ 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.”⁸⁷

⁸⁶ 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).

⁸⁷ *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