



Log # 2024-8163

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 2, 2024, the Civilian Office of Police Accountability (COPA) received a web complaint from [REDACTED] reporting alleged misconduct by members of the Chicago Police Department (CPD).² [REDACTED] alleged that on October 24, 2024, Officers Richard Rodriquez, Jr., Nicu Tohatan, Joseph Vecchio, and Sergeant (Sgt.) Erick Seng detained her and [REDACTED] without justification, searched [REDACTED] vehicle without justification, searched [REDACTED] without justification, improperly used race as a factor to detain them, and did not advise them that they were being recorded.³ Upon review of the evidence, COPA served additional allegations that Sgt. Seng and the officers failed to complete Investigatory Stop Reports (ISRs) documenting their interactions with [REDACTED] and [REDACTED]. COPA also alleged that Sgt. Seng failed to activate his body-worn camera (BWC) and failed to ensure that officers under his supervision completed ISRs documenting their interaction with [REDACTED] and [REDACTED]. Following its investigation, COPA reached **Not Sustained** findings regarding the allegations of using race as a factor in detaining [REDACTED] and [REDACTED] but all the remaining allegations were **Sustained**.

II. SUMMARY OF EVIDENCE⁴

On October 24, 2024, at approximately 8:48 pm, [REDACTED] and [REDACTED] had stopped their car at the curb in a “No Parking – Tow Zone” across the street from 59 W Hubbard St. to pick up a DoorDash order.⁵ [REDACTED] was in the driver’s seat, and [REDACTED] was in the front passenger seat. The officers’ patrol vehicle pulled up next to [REDACTED] and [REDACTED] and Officer Vecchio, who was seated in the front passenger seat, spoke to [REDACTED] through the window. Officer Vecchio explained, “My partner is gonna come around and talk to you. . . . This is a tow zone, though.”⁶

Officer Rodriquez, who had been driving the patrol vehicle, approached [REDACTED] window and requested his driver’s license; he then asked [REDACTED] if he had any weapons, and he asked

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. 1.

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 CPD member interviews.

⁵ Att. 8 at 0:55 to 1:02; Att. 25, pg. 4, lns. 7 to 22; Att. 26, pg. 4, ln. 8, to pg. 5, ln. 22; Note CO-1421577; Att. 20.

⁶ Att. 9 at 0:50 to 1:03.

██████████ if she had a concealed carry license (CCL).⁷ ██████████ denied having any weapons, and ██████████ explained that she had a CCL but that she was not presently armed.⁸ Sgt. Seng, who was standing next to Officer Rodriguez, said “Let’s get ‘em out,” and Officer Rodriguez instructed ██████████ to exit the vehicle.⁹ ██████████ complied, and Officer Rodriguez patted him down before asking him to step to the rear of the vehicle.¹⁰ Officer Rodriguez then searched the area around the driver’s seat, but did not find any contraband.¹¹ Officer Rodriguez checked ██████████ license using the officers’ portable data terminal before returning the license to ██████████¹²

Officers Vecchio and Tohatan ordered ██████████ to exit the vehicle, and Officer Vecchio explained that she needed to get out because ██████████ was getting out.¹³ Officer Vecchio asked ██████████ if there was a firearm in the vehicle.¹⁴ ██████████ answered that she did not have a firearm, and she explained that she was injured.¹⁵ Officer Vecchio ordered ██████████ to step to the rear of her vehicle with Officer Tohatan, and she complied.¹⁶ Officer Vecchio then started searching ██████████ vehicle; ██████████ told the officers they did not have permission to search her vehicle. Officer Tohatan responded, “He doesn’t need your permission to check the immediate area where the driver was moving and reaching before he came to a complete stop.”¹⁷ Officer Tohatan continued, “When you pull over to the right immediately when you see the police and you start moving around, it’s consistent with somebody trying to attempt to conceal firearms or contraband.”¹⁸ Officer Vecchio then searched the area around the front passenger’s seat, but he did not find any contraband.¹⁹ Sgt. Seng took ██████████ purse and searched it, but did not find any contraband.²⁰

After completing the searches, the officers released ██████████ and ██████████²¹ ██████████ asked the officers for “a card or something.”²² Officer Tohatan said, “We don’t have cards over here,” and Officer Vecchio said, “What kind of card do you want?”²³ ██████████ then asked if she could remain on the side of the road while she texted her DoorDash customer to let them know

⁷ Att. 8 at 1:03 to 1:22.

⁸ Att. 8 at 1:10 to 1:25.

⁹ Att. 8 at 1:25 to 1:29.

¹⁰ Att. 8 at 1:29 to 2:00.

¹¹ Att. 8 at 2:01 to 2:23.

¹² Att. 8 at 2:24 to 3:07.

¹³ Att. 9 at 1:37 to 1:43; Att. 10 at 1:30 to 1:47.

¹⁴ Att. 9 at 1:43 to 1:46.

¹⁵ Att. 9 at 1:46 to 1:55; Att. 10 at 1:48 to 2:00.

¹⁶ Att. 9 at 1:49 to 2:07.

¹⁷ Att. 10 at 2:30 to 2:37.

¹⁸ Att. 10 at 2:38 to 2:48.

¹⁹ Att. 9 at 2:07 to 2:45; Att. 10 at 2:13 to 2:52.

²⁰ Att. 8 at 1:36 to 2:08.

²¹ Att. 25, pg. 8, lns. 9 to 21.

²² Att. 9 at 2:46 to 2:50; Att. 10 at 2:52 to 2:55.

²³ Att. 9 at 2:50 to 2:57.

their delivery would be late, and Sgt. Seng responded, “I’m not writing tickets. We’re not the petty police. You’re good.”²⁴ No ISR was submitted documenting the stop or the searches.²⁵

When interviewed by COPA, ██████ alleged that the officers detained her and searched her vehicle because she and ██████ are Black. ██████ explained that another vehicle occupied by a White driver was stopped in front of hers, in the same “No Parking” zone, but the officers did not interact with that driver.²⁶ ██████ also said that she believed the officers targeted her because they checked her vehicle’s registration and likely saw that she was a CCL holder.²⁷ Office of Emergency Management and Communications (OEMC) records show that ██████ license plate was entered into the Law Enforcement Agencies Data System (LEADS) under Officer Rodriquez’s credentials at 8:47 pm,²⁸ and the LEADS results indicated that ██████ held a valid CCL.²⁹

Officer Rodriquez told COPA that he stopped ██████ and ██████ because their vehicle was parked in a tow zone and unlawfully using hazard lights, and because they were not wearing seatbelts.³⁰ Likewise, Officer Vecchio recalled stopping an occupied vehicle that was parked in a tow zone, explaining that he suspected the driver of “unlawful parking.”³¹ Officer Tohatan stated the stop was initiated because ██████ vehicle was parked in a tow zone, and he also observed ██████ “reaching down towards—towards the floor of the vehicle, on the sides, lowering his shoulders.”³² Sgt. Seng recalled that his officers initiated the stop because ██████ vehicle was parked in a tow zone, possibly parked more than 12 inches from the curb, and the vehicle’s front license plate may have been missing.³³ After Officer Rodriquez initiated contact with the vehicle’s occupants, Sgt. Seng heard ██████ say that she had a CCL. This made Sgt. Seng unsure if there was a weapon in the vehicle; he explained that “even with a CCL, we’ve recovered a lot of guns illegally, a violation of the CCL,” and that “because of the . . . possible weapon in the vehicle, they were asked to exit the vehicle.”³⁴

After Officer Rodriquez asked ██████ for his information, he heard Sgt. Seng say, “Get him out.”³⁵ Officer Rodriquez explained that he then patted ██████ down because ██████ was

²⁴ Att. 9 at 2:58 to 3:11; Att. 10 at 2:55 to 3:16; *see also* Att. 39, pg. 18, lns. 6 to 8.

²⁵ Note CO-1417110.

²⁶ Att. 25, pg. 5, ln. 22, to pg. 6, ln. 15, and pg. 21, lns. 4 to 22.

²⁷ Att. 25, pg. 5, lns. 9 to 14.

²⁸ Att. 73.

²⁹ Att. 15, pg. 9.

³⁰ Att. 33, pg. 9, lns. 4 to 9.

³¹ Att. 53, pg. 7, ln. 23, to pg. 8, ln. 24.

³² Att. 44, pg. 8, ln. 17, to pg. 9, ln. 6, and pg. 10, ln. 24, to pg. 11, ln. 9. Officer Tohatan further explained that ██████ hands were lowered on the sides and that his body was “crunched a little bit towards the front. Other than that, I did not suspect him of anything else.” Att. 44, pg. 12, lns. 6 to 10.

³³ Att. 39, pg. 9, lns. 5 to 14.

³⁴ Att. 39, pg. 9, ln. 16, to pg. 10, ln. 2. Sgt. Seng also reasoned that although ██████ denied having any weapons in the vehicle, “She’s got a CCL. And I’m like, is he lying? Is she? You know, is there more to this stop?” Att. 39, pg. 13, lns. 15 to 18.

³⁵ Att. 33, pg. 8, lns. 2 to 12.

wearing loose clothing, a “hoodie with jogging pants,”³⁶ and “[h]e had bulges in his front. Hoodies most of the time look like that because they’re baggy.”³⁷ Officer Tohatan recalled ordering [REDACTED] out of the vehicle after his partners had taken [REDACTED] out, explaining that he saw her reaching towards her right side without being asked to do so.³⁸ After Officer Rodriquez conducted the pat down of [REDACTED] he checked [REDACTED] credentials and released him without taking further enforcement action.³⁹

Officer Rodriquez denied that [REDACTED] and [REDACTED] race was a factor in his decision to stop them, explaining that he did not know their races until after he approached the driver’s window.⁴⁰ Officer Vecchio, Officer Tohatan, and Sgt. Seng also denied that race played any role in their decision to initiate the stop or conduct any searches.⁴¹

Officer Rodriquez said that he searched the area around the driver’s seat because Sgt. Seng told him to get the driver out of the vehicle, and he assumed that Sgt. Seng was concerned about possible weapons.⁴² Officer Rodriquez also said that [REDACTED] had been reluctant to immediately exit the vehicle, and he noted, “We’re allowed to do that as far as . . . the searches. Anything that’s exposed, we’re allowed to look into. The back door was open. . . . The backseat, underneath the driver’s side door.”⁴³ Officer Vecchio explained that he searched the vehicle because he was concerned for officer safety after another officer gave him a cue that a firearm could be present, although he could not remember who gave him the cue or what it was.⁴⁴ Sgt. Seng denied seeing any of the officers searching the vehicle.⁴⁵ However, Sgt. Seng explained that his understanding of the Supreme Court case *Pennsylvania v. Mimms*⁴⁶ is that officers can both order the occupants out of a stopped vehicle and search the “immediate area” inside the vehicle, “even off of a hunch,” if they feel that something is not right or if the vehicle’s occupants are making them nervous.⁴⁷

With respect to [REDACTED] allegation that the officers did not advise them that they were being recorded, Officer Rodriquez explained that the BWCs beep when they are activated, and “People know they’re on. It’s . . . a safe assumption to say they’re being recorded the entire time.”⁴⁸

³⁶ Att. 33, pg. 8, lns. 16 to 18.

³⁷ Att. 33, pg. 11, lns. 8 to 15. Officer Rodriquez also said that he was just “going about the outer garments, just to check for weapons. . . . It’s there specifically for knives, guns, mace, batons, anything that can hurt me during the traffic stop, It’s not for anything else.” Att. 33, pg. 19, lns. 13 to 20.

³⁸ Att. 44, pg. 9, ln. 16, to pg. 10, ln. 1.

³⁹ Att. 33, pg. 8, lns. 20 to 22; Att. 8 at 2:24 to 3:07.

⁴⁰ Att. 33, pg. 18, ln. 20, to pg. 19, ln. 6.

⁴¹ Att. 53, pg. 13, lns. 7 to 11, pg. 18, lns. 14 to 20, pg. 20, lns. 7 to 19, and pg. 24, lns. 3 to 14; Att. 44, pg. 17, lns. 5 to 8, pg. 18, lns. 4 to 6; Att. 39, pg. 25, ln. 17, to pg. 26, ln. 10, and pg. 43, ln. 17, to pg. 44, ln. 4.

⁴² Att. 33, pg. 21, lns. 4 to 8.

⁴³ Att. 33, pg. 21, lns. 9 to 16.

⁴⁴ Att. 53, pg. 14, lns. 2 to 22, and pg. 15, ln. 10, to pg. 17, ln. 2. Officer Vecchio also said, “[T]here was a cue and that alerted me, hey, she might have a firearm; she might have a CCL,” and the cue was the sole basis he used to justify searching the vehicle. Att. 53, pg. 23, lns. 2 to 15.

⁴⁵ Att. 39, pg. 10, lns. 3 to 7.

⁴⁶ 43 U.S. 106 (1977).

⁴⁷ Att. 39, pg. 15, ln. 20, to pg. 17, ln. 16.

⁴⁸ Att. 33, pg. 25, lns. 14 to 16.

However, Officer Rodriguez admitted that CPD policy requires him to inform detained individuals that they are being recorded, and he admitted that he made a mistake by not doing so during this incident.⁴⁹ Officer Vecchio told COPA that he did not remember if he advised [REDACTED] or [REDACTED] that they were being recorded, but he speculated that the quickly evolving and potentially dangerous nature of the encounter may have prevented him from giving the required advisement.⁵⁰ Officer Tohatan admitted that he did not inform [REDACTED] or [REDACTED] that they were being recorded, explaining that he was not the first officer to initiate contact with them.⁵¹ Sgt. Seng did not recall any of the officers advising [REDACTED] or [REDACTED] that they were being recorded.⁵²

Sgt. Seng's BWC was not activated during the stop.⁵³ Sgt. Seng explained that he would have tapped his BWC to activate it when he exited the patrol vehicle, and he may have heard the chime from one of the officers' BWCs activating and mistaken it for his own BWC.⁵⁴ However, Sgt. Seng admitted that he made a mistake by not activating his BWC.⁵⁵

Officer Rodriguez admitted that ISRs were required for both [REDACTED] and [REDACTED] and that he failed to complete them because the team had been busy that evening and he forgot.⁵⁶ Officer Vecchio also admitted that ISRs were required for this stop,⁵⁷ but he did not recall if they were completed.⁵⁸ Officer Tohatan admitted that ISRs must be completed for any stop involving a search or a pat down,⁵⁹ but he explained that his partners had initiated the stop, and he believed they were responsible for the ISRs.⁶⁰ Sgt. Seng told COPA that the officers who engaged with [REDACTED] and [REDACTED] were responsible for completing ISRs, that he was responsible for approving their ISRs, and that he frequently reminds officers of their obligation to complete ISRs.⁶¹ Sgt. Seng also admitted that he was responsible for making sure that ISRs submitted by officers under his supervision were complete, accurate, and properly entered in CPD's computer system.⁶²

III. ALLEGATIONS

Officer Richard Rodriguez, Jr.:

1. Detaining [REDACTED] without justification.
 - **Sustained**, Violation of Rules 2, 3, 6, 8, and 10

⁴⁹ Att. 33, pg. 25, ln. 17, to pg. 26, ln. 13.

⁵⁰ Att. 53, pg. 17, ln. 17, to pg. 18, ln. 10, and pg. 20, ln. 20, to pg. 21, ln. 7.

⁵¹ Att. 44, pg. 18, ln. 11, to pg. 19, ln. 2.

⁵² Att. 39, pg. 32, lns. 3 to 7.

⁵³ Att. 74.

⁵⁴ Att. 39, pg. 27, ln. 16, to pg. 28, ln. 14.

⁵⁵ Att. 39, pg. 30, lns. 13 to 18.

⁵⁶ Att. 33, pg. 32, ln. 10, to pg. 33, ln. 19.

⁵⁷ Att. 53, pg. 18, lns. 11 to 13.

⁵⁸ Att. 53, pg. 21, lns. 9 to 19.

⁵⁹ Att. 44, pg. 19, lns. 5 to 9.

⁶⁰ Att. 44, pg. 25, ln. 14, to pg. 26, ln. 15.

⁶¹ Att. 39, pg. 32, ln. 8 to pg. 33, ln. 24.

⁶² Att. 39, pg. 35, ln. 16, to pg. 37, ln. 9.

2. Detaining [REDACTED] without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
3. Searching [REDACTED] vehicle, without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
4. Searching [REDACTED] without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
5. Improperly using [REDACTED] race as a factor in deciding to detain [REDACTED]
 - **Not Sustained**
6. Improperly using [REDACTED] race as a factor in deciding to search her vehicle.
 - **Not Sustained**
7. Improperly using [REDACTED]'s race as a factor in deciding to detain [REDACTED] Jr.
 - **Not Sustained**
8. Improperly using [REDACTED]'s race as a factor in deciding to search [REDACTED] Jr.
 - **Not Sustained**
9. Failing to advise [REDACTED] that the incident was being recorded.
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
10. Failing to advise [REDACTED] that the incident was being recorded.
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
11. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
12. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10

Officer Nicu Tohatan:

1. Detaining [REDACTED] without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
2. Detaining [REDACTED] without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
3. Improperly using [REDACTED] race as a factor in deciding to detain [REDACTED]
 - **Not Sustained**
4. Improperly using [REDACTED]'s race as a factor in deciding to detain [REDACTED] Jr.
 - **Not Sustained**
5. Failing to advise [REDACTED] that the incident was being recorded.
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
6. Failing to advise [REDACTED] that the incident was being recorded.
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10

7. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
[REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
8. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
[REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10

Officer Joseph Vecchio:

1. Detaining [REDACTED] without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
2. Detaining [REDACTED] without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
3. Searching [REDACTED] vehicle, without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
4. Improperly using [REDACTED] race as a factor in deciding to detain [REDACTED]
[REDACTED]
 - **Not Sustained**
5. Improperly using [REDACTED]'s race as a factor in deciding to detain [REDACTED]
[REDACTED]
 - **Not Sustained**
6. Failing to advise [REDACTED] that the incident was being recorded.
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
7. Failing to advise [REDACTED] that the incident was being recorded.
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
8. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
[REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
9. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
[REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10

Sgt. Erick Seng:

1. Detaining [REDACTED] without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
2. Detaining [REDACTED] without justification.
 - **Sustained** – Violation of Rules 2, 3, 6, 8, and 10
3. Improperly using [REDACTED] race as a factor in deciding to detain [REDACTED]
[REDACTED]
 - **Not Sustained**
4. Improperly using [REDACTED]'s race as a factor in deciding to detain [REDACTED]
Jr.
 - **Not Sustained**

5. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
6. Failing to complete an Investigatory Stop Report documenting the interaction with [REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
7. Failing to activate his body worn camera, without justification.
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10
8. Failing to assure that officers under his supervision completed Investigatory Stop Reports documenting the interaction with [REDACTED] and/or [REDACTED]
 - **Sustained** – Violation of Rules 2, 3, 5, 6, and 10

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 perceive the event at the time of the incident and then to accurately recall the event from memory.

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals who provided statements. Officers Rodriquez, Tohatan, Vecchio, and Sgt. Seng's interaction with [REDACTED] and [REDACTED] was captured on BWC footage, and there is little dispute as to what occurred. All of the accused CPD members denied some of the allegations against them because they believed their actions complied with CPD policy, and they admitted other allegations.

V. ANALYSIS⁶³

a. [REDACTED] and [REDACTED] were detained without justification.

COPA finds the allegations against Officer Rodriquez, Officer Tohatan, Officer Vecchio, and Sgt. Seng, that they detained [REDACTED] and [REDACTED] without justification, are **Sustained**.

Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement.⁶⁴ Traffic stops are analyzed under *Terry v. Ohio* because "the 'usual traffic stop' is more analogous to a so-called *Terry* stop than to a formal arrest."⁶⁵ The *Terry* test is: "(1) whether the officer's action was justified at its inception, and (2) whether it was

⁶³ For a definition of COPA's findings and standards of proof, see Appendix B.

⁶⁴ *Whren v. United States*, 517 U.S. 806, 809-10 (1996).

⁶⁵ *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)) (internal citation omitted).

reasonably related in scope to the circumstances which justified the interference in the first place.”⁶⁶

A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law,” including traffic law.⁶⁷ Articulable and reasonable suspicion means that the police “must be able to identify some particularized and objective basis for thinking that the person to be stopped is or may be about to engage in unlawful activity,” amounting to more than a hunch.⁶⁸ Police need not meet the higher threshold of probable cause to perform a traffic stop, but if the stop is supported by probable cause, its lawfulness is still evaluated under *Terry*.⁶⁹ An officer’s subjective intent does not enter into the analysis; even where officers hope to effectuate a goal unrelated to addressing a traffic violation (such as uncovering criminal activity), intent alone does not invalidate a stop that is otherwise objectively justified by reasonable articulable suspicion.⁷⁰ These standards for conducting stops based on reasonable articulable suspicion or probable cause are also prescribed by CPD policy.⁷¹

Here, the accused CPD members initiated the stop because they observed [REDACTED] vehicle stopped at the curb in an area signed “No Parking – Tow Zone.” This was the only reason universally given by the officers, although some also identified other potential violations, such as the occupants not wearing seatbelts, being parked more than 12 inches from the curb, or a missing front license plate. Under the parking provisions of the Municipal Code of Chicago (MCC), [REDACTED] vehicle was not “parked.” The MCC defines “parking (to park)” as “the standing of an **unoccupied** vehicle otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.”⁷² Likewise, the MCC provides for the towing of unoccupied vehicles parked in designated tow zones.⁷³ The “No Parking – Tow Zone” signs posted where [REDACTED] and [REDACTED] had pulled to the curb did not prohibit them from temporarily stopping an occupied vehicle. Such zones were likely created for the very purpose of allowing space for motorists to safely pull to the curb to pick up or drop off passengers, or to engage in pickups or deliveries without obstructing traffic. [REDACTED] and [REDACTED] were also not required to wear seatbelts while their vehicle was stopped at the curbside.⁷⁴ Additionally, there was no mention made during the stop of the vehicle’s front license plate being missing or of the vehicle

⁶⁶ *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

⁶⁷ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

⁶⁸ *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

⁶⁹ *Rodriguez v. United States*, 135 S. Ct. 1609, 1617-18 (2015). See also *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (“[T]his court and many other courts have analyzed traffic stops under *Terry* principles, regardless of whether the initial stop was supported by probable cause or reasonable suspicion.”); *People v. Jones*, 215 Ill. 2d 261, 271 (2005) (analyzing reasonableness under *Terry* where the officer’s “initial stop of the vehicle was supported by probable cause”).

⁷⁰ See *Whren v. United States*, 517 U.S. 806, 812 (1996).

⁷¹ Att. 71, S04-13-09(II)(A), (C), and (D), Investigatory Stop System (effective July 10, 2017, to February 2, 2026).

⁷² MCC § 9-4-010, Definitions (emphasis added).

⁷³ MCC § 9-64-250(b) and § 9-92-030(f).

⁷⁴ See generally 625 ILCS 5/12-603.1 (seatbelt requirement under the Illinois Vehicle Code applies to vehicles being “operated on a street or highway in this State.”).

being more than 12 inches from the curb, neither of these possible violations is visible on the available BWC recordings, and no ISR was completed to document the reason(s) for the stop.

Because all of the accused CPD members participated in the traffic stop, and the stop was not supported by probable cause or reasonable articulable suspicion, COPA finds that Officer Rodriquez, Officer Tohatan, Officer Vecchio, and Sgt. Seng detained [REDACTED] and [REDACTED] without justification, in violation of Rules 2, 3, 6, 8, and 10. Accordingly, these allegations are **Sustained** by a preponderance of the evidence.

b. [REDACTED] vehicle was searched without justification.

COPA finds the allegations against Officer Rodriquez and Officer Vecchio, that they searched [REDACTED] vehicle without justification, are **Sustained**.

During a traffic stop, officers may sometimes conduct a limited investigative search for weapons within the passenger compartment of a vehicle without arresting the vehicle's occupant.⁷⁵ To conduct such a search, officers must reasonably believe – supported by specific and articulable facts – the person is “dangerous and could gain control of a weapon.”⁷⁶ In *People v. Colyar*, the Illinois Supreme Court applied this rule, which the U.S. Supreme Court held in *Michigan v. Long*. The *Colyar* and *Long* courts held officers may conduct a limited search of the passenger compartments of a vehicle where a weapon may be reasonably located.⁷⁷ The *Colyar* court noted:

Under *Long*, the investigative search of the passenger compartment should be limited to the area where a weapon may be located or hidden. The search is permissible only when the officers possess a reasonable belief, based on specific and articulable facts and reasonable inferences from those facts, that the individual was dangerous and could gain control of a weapon.⁷⁸

In *Long*, the court clarified that the officer's search was permitted as it was limited “to those areas to which [the person] would generally have immediate control, and that could contain a weapon.”⁷⁹ This type of vehicle search is also governed by CPD policy, which requires that officers have reasonable articulable suspicion to conduct a “protective pat down” of a vehicle for weapons.⁸⁰

⁷⁵ *Michigan v. Long*, 463 U.S. 1032, 1049 (1983).

⁷⁶ *People v. Colyar*, 2013 IL 111835, ¶ 39 (citing *Michigan v. Long*, 463 U.S. 1032, 1049-50 (1983)). This is the same requirement for specific and articulable facts officers need to perform a protective pat down during an investigatory stop.

⁷⁷ *People v. Colyar*, 2013 IL 111835, ¶ 39 (citing *Michigan v. Long*, 463 U.S. 1032, 1049-50 (1983)).

⁷⁸ *People v. Colyar*, 2013 IL 111835, ¶ 39 (citing *Michigan v. Long*, 463 U.S. 1032, 1050 (1983)).

⁷⁹ *Michigan v. Long*, 463 U.S. 1032, 1050 (1983).

⁸⁰ Att. 71, S04-13-09(VIII)(A)(4)(b).

Additionally, courts have repeatedly ruled that furtive movements alone are not sufficient to constitute reasonable articulable suspicion,⁸¹ much less probable cause, of a crime.⁸² Rather, courts require additional indicia of criminal behavior such as open contraband, suspicious objects in plain view, or prior information.⁸³

Here, Officer Rodriguez justified his search by citing [REDACTED] status as a CCL holder, and his corresponding concern that a weapon might be in the vehicle,⁸⁴ along with [REDACTED] momentary hesitation to exit the vehicle when ordered to do so.⁸⁵ Officer Rodriguez explained to COPA, “We’re allowed to do that as far as – as far as the searches. Anything that’s exposed, we’re allowed to look into. The back door was open. . . . The backseat, underneath the driver’s side door.”⁸⁶

Likewise, Officer Vecchio justified his search by citing his concern for officer safety after another officer gave him a cue that a firearm could be present, although he could not remember who gave him the cue or what it was.⁸⁷ The officers’ supervisor, Sgt. Seng, went as far as asserting that police officers can both order the occupants out of a stopped vehicle and search the “immediate area” inside the vehicle, “even off of a hunch,” if they feel that something is not right or if the vehicle’s occupants are making them nervous.⁸⁸

None of these reasons amount to reasonable articulable suspicion, much less probable cause, to support searching [REDACTED] vehicle for weapons. An Illinois firearm CCL permits the licensee to carry a loaded or unloaded concealed firearm on their person or in their vehicle throughout the state.⁸⁹ Concealed carry licensees, when carrying their firearm, are required to disclose this fact upon the request of a law enforcement officer who has stopped them, and they must permit the officer to take temporary custody of their firearm.⁹⁰ An CCL is **not**, however, a

⁸¹ *In re Jarrell C.*, 2017 IL App (1st) 170932, ¶ 22 (holding that a person holding their hands towards their crotch and grabbing their waistband in high-crime area alone was insufficient to justify reasonable suspicion let alone probable cause); *People v. Slaymaker*, 2015 IL App (2d) 130528, ¶ 19 (holding that a person putting their hands in their pockets did not rise to level of reasonable suspicion or presence of a weapon); *In re Rafeal E.*, 2014 IL App (1st) (holding that officers lacked reasonable suspicion for a stop when person was in a high crime area and placed hands near their crotch or pockets).

⁸² *People v. Trisby*, 2013 IL App (1st) 112552, ¶ 15 (finding no probable cause where officers observed a single transaction of unidentified objects) (citing *People v. Creagh*, 214 Ill. App. 3d 744, 748 (1991) (finding no probable cause where an officer observed a person lift themselves off of a car seat as if sticking something in their pants, and stating, “[L]ooks, gestures, and movements taken alone are insufficient to establish probable cause.”) and (*People v. Felton*, 20 Ill. App. 3d 103, 106 (1974) (no probable cause where a person folded their arms in front, held their coat shut, and turned away from an officer when asked to open their coat)).

⁸³ *People v. Trisby*, 2013 IL App (1st) 112552, ¶ 15.

⁸⁴ Att. 33, pg. 8, lns. 2 to 12.

⁸⁵ Att. 33, pg. 21, lns. 4 to 8. The BWC footage shows that [REDACTED] exited his vehicle approximately 10 seconds after Officer Rodriguez’s request that he do so. Att. 8 at 1:28 to 1:42.

⁸⁶ Att. 33, pg. 21, lns. 9 to 16.

⁸⁷ Att. 53, pg. 14, lns. 2 to 22, pg. 15, ln. 10, to pg. 17, ln. 2, and pg. 23, lns. 2 to 15.

⁸⁸ Att. 39, pg. 15, ln. 20, to pg. 17, ln. 16.

⁸⁹ See generally 430 ILCS 66/10(c)(1-2).

⁹⁰ See 430 ILCS 66/10(h).

license for the police to search a licensee's person or vehicle after the licensee has denied that they are carrying their firearm. Additionally, the mere fact that a person possesses a CCL does not create a logical inference that the person may be unlawfully failing to disclose the presence of a firearm to an officer, and Officer Rodriquez and Officer Vecchio have cited nothing that amounts to more than feelings and hunches to support their suspicion.

For these reasons, COPA finds by a preponderance of evidence that Officer Rodriquez and Officer Vecchio searched [REDACTED] vehicle without justification, in violation of Rules 2, 3, 6, 8, and 10, and these allegations are **Sustained**.

c. Officer Rodriquez conducted a pat down of [REDACTED] without justification.

COPA finds the allegation that Officer Rodriquez searched [REDACTED] without justification, is **Sustained**.

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."⁹¹ 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."⁹² In other words, "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."⁹³ An officer's subjective belief is not determinative, but is probative in determining the validity of the frisk.⁹⁴ The Supreme Court of Illinois has explained that "the sole justification for the search allowed by the *Terry* exception is the protection of the police officer and others in the vicinity, not to gather evidence."⁹⁵

There is no dispute that Officer Rodriquez conducted a pat down of [REDACTED] or that the pat down constituted a search. Officer Rodriquez justified patting [REDACTED] down by citing his inchoate suspicion that a firearm might be present because [REDACTED] had a CCL, and because [REDACTED] was wearing loose-fitting and baggy clothing.⁹⁶ Officer Rodriquez also said that he was "just going about the outer garments, just to check for weapons. . . . It's there specifically for knives, guns,

⁹¹ Att. 71, S04-13-09(II)(B).

⁹² Att. 71, S04-13-09(II)(C)(2); 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.

⁹³ *People v. Watson*, 145 Ill. App. 3d 492, 497 (1st Dist. 1986).

⁹⁴ *People v. Flowers*, 179 Ill. 2d 257, 264 (1997) ("Although the standard is an objective one, the officer's subjective belief regarding the safety of the situation is one of the factors that may be considered in determining whether a weapons frisk was valid under *Terry*."); *People v. Sorenson*, 196 Ill. 2d 425, (2001); *People v. Walker*, 2013 IL App (4th) 120118, ¶ 46.

⁹⁵ *People v. Flowers*, 179 Ill. 2d 257, 263 (1997) (citing *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993)).

⁹⁶ Att. 33, pg. 8, Ins. 2 to 18, and pg. 11, Ins. 8 to 15.

mace, batons, anything that can hurt me during the traffic stop. It's not for anything else.”⁹⁷ While Officer Rodriguez seemed to believe that his generalized concern about weapons justified the pat down down, he did not cite any specific and articulable facts, combined with rational inferences from these facts, that [REDACTED] was armed and dangerous or presented a danger of attack. Moreover, the BWC footage does not reveal any independent basis that would justify the pat down of [REDACTED].

For these reasons, COPA finds by a preponderance of evidence that Officer Rodriguez searched [REDACTED] without justification, in violation of Rules 2, 3, 6, 8, and 10, and this allegation is **Sustained**.

d. There is insufficient evidence to prove that the accused CPD members improperly used race as a factor in deciding to detain or search [REDACTED] and [REDACTED]

COPA finds the allegations against Officer Rodriguez, Officer Vecchio, Officer Tohatan, and Sgt. Seng, that they improperly used [REDACTED] and [REDACTED] race as a factor in deciding to detain them, search [REDACTED] vehicle, and search [REDACTED] are **Not Sustained**.

CPD policy prohibits racial profiling or other bias-based policing.⁹⁸ CPD members are specifically prohibited from using race (among other characteristics) when making routine or spontaneous law-enforcement decisions, including conducting investigatory stops, performing searches, and initiating traffic stops.⁹⁹ However, CPD members may consider race when determining if probable cause or reasonable articulable suspicion support an investigatory stop, traffic stop, or arrest, but only when race is part of the description of a known or suspected person wanted in connection with a criminal offense or an ordinance violation.¹⁰⁰

Here, the accused CPD members universally cited a purported parking violation as the initial basis for the traffic stop. While their interpretation of the MCC regarding “No Parking” zones was incorrect, COPA has found no evidence that they were aware of their error at the time of the stop. The accused CPD members also unjustifiably relied, in large part, on [REDACTED] status as a CCL holder to justify the continued detention of [REDACTED] and [REDACTED] and the subsequent searches. While their reliance on [REDACTED] concealed-carry status was misplaced, it provides a facially race-neutral reason for the detention. And while [REDACTED] questioned why the officers did not stop a White driver who was also stopped in the “No Parking” zone, COPA has found no objective, verifiable evidence to confirm that driver’s race; their identity remains unknown, and they were not captured on the available BWC recordings.

⁹⁷ Att. 33, pg. 19, Ins. 13 to 20.

⁹⁸ Att. 69, G02-04(II)(A), Prohibitions Regarding Racial Profiling and Other Bias-Based Policing (effective February 1, 2023, to April 29, 2026).

⁹⁹ Att. 69, G02-04(III)(C)-(D).

¹⁰⁰ Att. 69, G02-04(III)(E).

For these reasons, COPA finds there is insufficient evidence to prove these allegations by a preponderance of the evidence, and the allegations are **Not Sustained**.

- e. **Sgt. Seng failed to activate his BWC, and Officers Rodriquez, Vecchio, and Tohatan failed to advise [REDACTED] and [REDACTED] that they were being recorded.**

COPA finds the allegations against Officer Rodriquez, Officer Vecchio, and Officer Tohatan, that they failed to advise [REDACTED] and [REDACTED] that the incident was being recorded, are **Sustained**. Additionally, the allegation that Sgt. Seng failed to activate his BWC, without justification, is **Sustained**.

CPD policy requires all law-enforcement-related activities to be electronically recorded.¹⁰¹ Law-enforcement-related activities include, but are not limited to, responding to and engaging in calls for service, investigatory stops, traffic stops, and searches.¹⁰² The decision to record is mandatory, not discretionary.¹⁰³ CPD members are required to activate their BWC at the beginning of an incident and record the entire incident.¹⁰⁴ Officers conducting traffic stops must activate their BWC “when activating the Department vehicle’s emergency equipment to initiate the traffic stop.”¹⁰⁵ If exigent circumstances prevent the activation of a BWC at the beginning of an incident, members will activate their camera “as soon as practicable.”¹⁰⁶ Upon initiating a recording, CPD members are required to announce that their BWC has been activated and to provide verbal notice that the incident is being recorded, unless doing so would be unsafe, impractical, or impossible.¹⁰⁷

Here, Officer Rodriquez and Officer Tohatan admitted that they did not advise [REDACTED] or [REDACTED] that they were being recorded,¹⁰⁸ and neither officer attempted to provide a reason that it would have been unsafe, impractical, or impossible to do so. Officer Vecchio told COPA that he did not recall if he advised [REDACTED] or [REDACTED] that they were being recorded, but he speculated that the fast-moving and potentially dangerous nature of the encounter may have prevented him from giving the required advisement.¹⁰⁹ Beyond Officer Vecchio’s bare assertion, there is scant evidence that it would have been unsafe, impractical, or impossible for him to tell [REDACTED] and [REDACTED] they were being recorded. Officer Vecchio was casually conversing with [REDACTED] through his window while still seated in the patrol vehicle,¹¹⁰ and [REDACTED] and [REDACTED] both complied with all of the officers’ commands.

¹⁰¹ Att. 70, S03-14(III)(B), Body Worn Cameras (effective August 8, 2024, to February 27, 2026).

¹⁰² Att. 70, S03-14(II)(I).

¹⁰³ Att. 70, S03-14(V)(A)(1).

¹⁰⁴ Att. 70, S03-14(V)(A)(2).

¹⁰⁵ Att. 70, S03-14(V)(A)(2)(c).

¹⁰⁶ Att. 70, S03-14(V)(A)(3) (citing 50 ILCS 706/10-20(a)(3)(A)).

¹⁰⁷ Att. 70, S03-14(V)(A)(5). If circumstances prevent issuing the notice upon the initiation of the recording, the CPD member must provide the notice as soon as practical. Att. 70, S03-14(V)(A)(5)(b).

¹⁰⁸ Att. 33, pg. 25, ln. 17, to pg. 26, ln. 13; Att. 44, pg. 18, ln. 11, to pg. 19, ln. 2.

¹⁰⁹ Att. 53, pg. 17, ln. 17, to pg. 18, ln. 10, and pg. 20, ln. 20, to pg. 21, ln. 7.

¹¹⁰ Att. 9 at 0:50 to 1:03.

With respect to Sgt. Seng, the evidence shows that his BWC was not activated during the traffic stop.¹¹¹ There is no dispute that Sgt. Seng was engaged in law-enforcement-related activity. Sgt. Seng offered the explanation that he likely tapped his BWC to activate it when he exited the patrol vehicle, and that he may have heard the chime from one of the officers' BWCs activating, and mistaken it for his own BWC.¹¹² But ultimately, Sgt. Seng admitted that he made a mistake and accepted responsibility for not activating his BWC.¹¹³

For these reasons, COPA finds by a preponderance of evidence that Officer Rodriguez, Officer Vecchio, and Officer Tohatan failed to advise [REDACTED] and [REDACTED] that the incident was being recorded, in violation of Rules 2, 3, 5, 6, and 10, and these allegations are **Sustained**. COPA also finds by a preponderance of evidence that Sgt. Seng failed to activate his BWC, without justification, in violation of Rules 2, 3, 5, 6, and 10, and this allegation is **Sustained**.

f. The accused CPD members failed to complete the required ISRs, and Sgt. Seng failed to ensure that the ISRs were completed.

COPA finds the allegations against Officer Rodriguez, Officer Vecchio, Officer Tohatan, and Sgt. Seng, that they failed to complete ISRs documenting their interactions with [REDACTED] and [REDACTED] are **Sustained**. COPA also finds the allegation that Sgt. Seng failed to ensure that the officers completed ISRs, is **Sustained**.

Before February 2026, Special Order S04-13-09 listed requirements for investigatory stops and probable cause stops when no other documents captured the reason for the detention. Under that order, CPD members were required to submit an ISR following an investigatory stop, probable cause stop, and protective pat down or other search in a public place.¹¹⁴ The order required CPD members to document “[a]ll the factors” supporting reasonable articulable suspicion to temporarily detain an individual for investigation, and if applicable, to perform a protective pat down, in the narrative portion of the ISR.¹¹⁵ Additionally, CPD members who conducted a probable cause stop were required to document all the factors supporting probable cause in the narrative portion of the ISR if no other document captured the reason for the detention.¹¹⁶

With respect to supervisory responsibilities, CPD policy states that supervisors are accountable for the performance of subordinate members directly observed or under their direct command.¹¹⁷ CPD supervisors must apply all CPD policies, procedures, directives, and orders consistently among other CPD members, watches, geographic areas of the city, and all units of

¹¹¹ Att. 74.

¹¹² Att. 39, pg. 27, ln. 16, to pg. 28, ln. 14.

¹¹³ Att. 39, pg. 30, lns. 13 to 18.

¹¹⁴ Att. 71, S04-13-09 (VIII)(A)(1).

¹¹⁵ Att. 71, S04-13-09 (VIII)(A)(1).

¹¹⁶ Att. 71, S04-13-09 (VIII)(A)(1).

¹¹⁷ Att. 72, G01-09(III)(B), Supervisory Responsibilities (effective May 10, 2021, to June 30, 2025).

CPD.¹¹⁸ Supervisors should further be knowledgeable about the law, CPD policies, and unit-level directives which apply to their positions, duties, and responsibilities in order to be a resource to other CPD members.¹¹⁹ While in the field, supervisors must provide command and supervisory responses to incidents and, when necessary, review and investigate incidents and member conduct.¹²⁰ Furthermore, CPD supervisors must manage and confirm the quality, correctness, sufficiency, and completeness of written reports submitted by their subordinates.¹²¹

COPA's investigation revealed that the accused CPD members did not complete ISRs documenting their interactions with [REDACTED] and [REDACTED].¹²² Officer Rodriguez and Officer Vecchio admitted that ISRs were required for this stop.¹²³ Sgt. Seng and Officer Tohatan also admitted that ISRs were required, but they both placed the responsibility for completing the ISRs solely on the officers who first initiated the stop.¹²⁴ While it may have been customary or expected for the officers who initiated contact to complete the ISRs, CPD policy placed this responsibility on all members who conducted the stop, and there is no dispute that all of the accused members participated in the stop. Therefore, they were each responsible for either completing the ISRs themselves or verifying that their coworkers did so. Additionally, as a supervisor, Sgt. Seng both engaged in the stop personally and was responsible for the performance of subordinates under his direct observation. He was also responsible for managing and confirming the ISR submission process, but he failed to notice that his subordinates did not submit ISRs for either [REDACTED] or [REDACTED].

For these reasons, COPA finds by a preponderance of evidence that Officers Rodriguez, Officer Vecchio, Officer Tohatan, and Sgt. Seng failed to complete ISRs documenting their interactions with [REDACTED] and [REDACTED] in violation of Rules 2, 3, 5, 6, and 10, and these allegations are **Sustained**. COPA also finds by a preponderance of evidence that Sgt. Seng failed to ensure that the officers completed these ISRs, in violation of Rules 2, 3, 5, 6, and 10, and this allegation is **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Police Officer Richard Rodriguez, Jr.

i. Complimentary and Disciplinary History¹²⁵

¹¹⁸ Att. 72, G01-09(III)(A).

¹¹⁹ Att. 72, G01-09(III)(A).

¹²⁰ Att. 72, G01-09(IV)(A)(1).

¹²¹ Att. 72, G01-09(III)(C)(2).

¹²² CMS Note CO-1417110.

¹²³ Att. 33, pg. 32, ln. 10, to pg. 33, ln. 19; Att. 53, pg. 18, lns. 11 to 13.

¹²⁴ Att. 44, pg. 19, lns. 5 to 9, and pg. 25, ln. 14, to pg. 26, ln. 15.

¹²⁵ Atts. 61, 62, 63, and 76. COPA or BIA also previously investigated Officer Rodriguez under Logs 2023-0005027, 2023-0005242, 2024-0002875, 2024-0006573, 2024-0007034, and 2025-0000321. Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy during a stop and/or search. CPD

Officer Rodriquez has been employed by CPD since June 16, 2017. He has received 123 awards, the highlights of which include 3 Department Commendation Awards, 2 Recognition/Outside Governmental Agency Awards, 2 Special Commendation Awards, 1 Top Gun Arrest Award, 1 Traffic Stop of the Month Award, and 107 Honorable Mention Certificates. He has 7 prior sustained complaints, which are summarized below:

- A Violation Noted for failing to document the detention of an individual in an ISR (2019-0002020);
- A Reprimand for using profanity when dealing with a member of the public (2021-0001733);
- A 10-day suspension resulting from an improper stop of a pedestrian, an improper search of that individual's person and effects, engaging in an unjustified verbal and physical altercation with that person, failing to return property and effects to that person, and failing to properly document the interaction (2022-0004181);
- A 3-day suspension for using profanity when interacting with 2 members of the public, as well as for failing to use his BWC correctly (2023-0003706);
- A 5-day suspension for threatening a member of the public with arrest in retaliation for purportedly disrespectful behavior, directing derogatory language at a member of the public, failing to complete an ISR, and failing to timely activate his BWC (2023-0004183);
- A 1-day suspension for prematurely deactivating his BWC during a traffic stop (2023-0005242); and
- A 5-day suspension arising out of sustained allegations that he used his police vehicle to strike a vehicle driven by a member of the public, failed to report the collision to OEMC, and contravened the relevant policy by authoring his own traffic crash report regarding the incident (2024-0002494).

Officer Rodriquez was also reprimanded twice under CPD's summary punishment process for being absent without permission in November and December 2025 (SPARs 583533 and 583007).

ii. Recommended Discipline

COPA has found that Officer Rodriquez violated Rules 2, 3, 6, 8, and 10 by detaining [REDACTED] and [REDACTED] without justification, searching [REDACTED] vehicle without justification, and searching [REDACTED] without justification. COPA has also found that Officer Rodriquez violated Rules 2, 3, 5, 6, and 10 by failing to advise [REDACTED] and [REDACTED] that the incident was being

agreed with these findings and imposed penalties ranging from a 1-day suspension up to a 25-day suspension. Additionally, in Log 2023-0004486, a one-member panel of the Chicago Police Board agreed with COPA's finding that Officer Rodriquez conducted an improper search of an arrestee and imposed a 30-day to 45-day suspension. However, all these cases are subject to the grievance process and have not yet been finalized.

recorded, and by failing to complete ISRs documenting his interactions with [REDACTED] and [REDACTED]

In aggravation, COPA notes that by using his authority as a police officer to unlawfully detain and search [REDACTED] and [REDACTED] Officer Rodriguez undermined confidence in CPD's ability to treat members of the public fairly and to adhere to the requirements of the Fourth Amendment. Additionally, properly completed ISRs document police interactions with members of the public and help ensure that CPD members are exercising their law-enforcement authority in a constitutional manner. By both conducting improper detentions and searches and by failing to properly document these actions, Officer Rodriguez violated [REDACTED] and [REDACTED] rights and eroded public trust in CPD. Officer Rodriguez's actions also exposed CPD to potential civil liability.

COPA has also considered Officer Rodriguez's disciplinary history as a significant aggravating factor. Officer Rodriguez has prior sustained findings for Fourth Amendment violations, failing to complete ISRs, and violations of the BWC policy, which is misconduct he has repeated in this case. This previous discipline has failed to bring about lasting change in Officer Rodriguez's conduct as a police officer. COPA further notes that Officer Rodriguez had been a CPD member for eight years at the time of this incident, so his behavior cannot be attributed to a lack of training or experience.

In mitigation, COPA notes Officer Rodriguez's substantial complimentary history and the failure of his direct supervisor, Sgt. Seng, to provide appropriate guidance during and after this incident regarding searches, seizures, and CPD reporting requirements.

Based on these aggravating and mitigating factors, and consistent with the principles of progressive discipline, COPA recommends that Officer Rodriguez receive a **30 to 89 Day Suspension** and **Retraining** regarding traffic stops, searches, and CPD's BWC and ISR directives.

b. Police Officer Joseph Vecchio

i. Complimentary and Disciplinary History¹²⁶

Officer Vecchio has been employed by CPD since October 16, 2019. He has received 144 awards, the highlights of which include 10 Department Commendation Awards, 1 Honorable Mention Ribbon Award, 1 Top Gun Arrest Award, 1 Recognition/Outside Governmental Agency

¹²⁶ Atts. 55, 56, 57, and 78. COPA or BIA also previously investigated Officer Vecchio under Logs 2023-0004908, 2023-0005027, 2023-0005907, 2023-0006064, 2024-0002875, 2024-0003378, 2024-0006573, 2024-0007034, 2024-0007408, and 2024-0008374. Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy during a traffic stop and/or search. CPD agreed with these findings and imposed penalties ranging from a reprimand up to a 20-day suspension. However, all these cases are subject to the grievance process and have not yet been finalized.

Award, and 126 Honorable Mention Certificates. He has 3 prior sustained complaints, which are summarized below:

- A 15-day suspension for a domestic violence incident where he threw eggs at a vehicle, threw and/or kicked a cellphone, stepped on a vacuum cleaner, and made multiple threatening statements (2020-0001524);
- A 2-day suspension for failing to immediately notify OEMC when he was involved in a traffic crash involving a CPD vehicle, and for failing to complete the appropriate paperwork related to the accident (2024-0002494); and
- A reprimand for failing to submit a Traffic Stop Statistical Study and for issuing a ticket without giving the motorist a copy after giving the motorist a verbal warning (2023-0000861).

Officer Vecchio was also suspended for 1 day under CPD's summary punishment process for a September 2025 incident involving failure to submit reports (SPAR 584536).

ii. Recommended Discipline

COPA has found that Officer Vecchio violated Rules 2, 3, 6, 8, and 10 by detaining [REDACTED] and [REDACTED] without justification, and by searching [REDACTED] vehicle without justification. COPA has also found that Officer Vecchio violated Rules 2, 3, 5, 6, and 10 by failing to advise [REDACTED] and [REDACTED] that the incident was being recorded, and by failing to complete ISRs documenting his interactions with [REDACTED] and [REDACTED].

In aggravation, COPA notes that by using his authority as a police officer to unlawfully detain [REDACTED] and [REDACTED] and search [REDACTED] vehicle, Officer Vecchio undermined confidence in CPD's ability to treat members of the public fairly and to adhere to the requirements of the Fourth Amendment. Additionally, properly completed ISRs document police interactions with members of the public and help ensure that CPD members are exercising their law-enforcement authority in a constitutional manner. By both conducting improper detentions and searches and by failing to properly document these actions, Officer Vecchio violated [REDACTED] and [REDACTED] rights and eroded public trust in CPD. Officer Vecchio's actions also exposed CPD to potential civil liability.

COPA has also considered Officer Vecchio's disciplinary history as a significant aggravating factor. Officer Vecchio has prior sustained findings for failing to complete required reports, which is misconduct he has repeated in this case. This previous discipline has failed to bring about lasting change in Officer Vecchio's conduct as a police officer. COPA further notes that Officer Vecchio had been a CPD member for five years at the time of this incident, so his behavior cannot be attributed to a lack of training or experience.

In mitigation, COPA notes Officer Vecchio's substantial complimentary history and the failure of his direct supervisor, Sgt. Seng, to provide appropriate guidance during and after this incident regarding searches, seizures, and CPD reporting requirements.

Based on these aggravating and mitigating factors, and consistent with the principles of progressive discipline, COPA recommends that Officer Vecchio receive a **30 to 89 Day Suspension** and **Retraining** regarding traffic stops, searches, and CPD's BWC and ISR directives.

c. Police Officer Nicu Tohatan

i. Complimentary and Disciplinary History¹²⁷

Officer Tohatan has been employed by CPD since October 26, 2015. He has received 238 awards, the highlights of which include 1 Unit Meritorious Performance Award, 3 Traffic Stop of the Month Awards, 1 Top Gun Arrest Award, 1 Superintendent's Honorable Mention Certificate, 2 Special Commendation Awards, 1 Police Officer of the Month Award, 1 Life Saving Award, 3 Honorable Mention Ribbon Awards, and 5 Department Commendation Awards. Officer Tohatan has 7 prior sustained complaints, which are summarized below:

- A 5-day suspension for tearing up a motorist's insurance card during a traffic stop (2017-1087745);
- A 10-day suspension for directing verbal abuse at a civilian and failing to accurately complete a Tactical Response Report (TRR) (2018-1089287);
- A Violation Noted for engaging in an unjustified verbal altercation with a civilian, searching a vehicle without justification, and improperly issuing a traffic citation (2018-1089576);
- A Violation Noted for coercing a civilian into turning in a weapon under the threat of police action, during a traffic stop (2018-1090818);
- A Reprimand for failing to complete an ISR (2018-1091036);
- A Reprimand for failing to properly inventory an arrestee's property (2021-0000026); and
- A Reprimand for failing to properly inventory an arrestee's property (2021-0004446).

Officer Tohatan was also suspended for 2 days under CPD's summary punishment process for a September 2025 incident involving failure to timely activate his BWC (SPAR 581234).

ii. Recommended Discipline

COPA has found that Officer Tohatan violated Rules 2, 3, 6, 8, and 10 by detaining [REDACTED] and [REDACTED] without justification. COPA has also found that Officer Tohatan violated Rules 2, 3, 5, 6, and 10 by failing to advise [REDACTED] and [REDACTED] that the incident was being

¹²⁷ Atts. 58, 59, 60, and 75. COPA or BIA also previously investigated Officer Tohatan under Logs 2021-0004525, 2022-0000056, and 2024-0008374. Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy during a traffic stop, specifically related to the completion of an ISR. CPD agreed with these findings and imposed penalties ranging from a reprimand up to a 3-day suspension. However, all these cases are subject to the grievance process and have not yet been finalized.

recorded, and by failing to complete ISRs documenting his interactions with [REDACTED] and [REDACTED]

In aggravation, COPA notes that by using his authority as a police officer to unlawfully detain [REDACTED] and [REDACTED] Officer Tohatan undermined confidence in CPD's ability to treat members of the public fairly and to adhere to the requirements of the Fourth Amendment. Additionally, properly completed ISRs document police interactions with members of the public and help ensure that CPD members are exercising their law-enforcement authority in a constitutional manner. By conducting improper detentions and failing to properly document his actions, Officer Tohatan violated [REDACTED] and [REDACTED] rights and eroded public trust in CPD. Officer Tohatan's actions also exposed CPD to potential civil liability.

COPA has also considered Officer Tohatan's disciplinary history as a significant aggravating factor. Officer Tohatan has prior sustained findings for Fourth Amendment violations and failing to complete required reports, which is misconduct he has repeated in this case. This previous discipline has failed to bring about lasting change in Officer Tohatan's conduct as a police officer. COPA further notes that Officer Tohatan had been a CPD member for nine years at the time of this incident, so his behavior cannot be attributed to a lack of training or experience.

In mitigation, COPA notes Officer Tohatan's substantial complimentary history and the failure of his direct supervisor, Sgt. Seng, to provide appropriate guidance during and after this incident regarding searches, seizures, and CPD reporting requirements.

Based on these aggravating and mitigating factors, and consistent with the principles of progressive discipline, COPA recommends that Officer Tohatan receive a **30 to 89 Day Suspension** and **Retraining** regarding traffic stops, searches, and CPD's BWC and ISR directives.

d. Sgt. Erick Seng

i. Complimentary and Disciplinary History¹²⁸

Sgt. Seng has been employed by CPD since February 28, 2000, and he was promoted to the rank of sergeant on December 16, 2017. He has received 309 awards, the highlights of which include 1 Career Service Award, 9 Complimentary Letters, 14 Department Commendation Awards, 3 Honorable Mention Ribbon Awards, 2 Life Saving Awards, 1 Problem Solving Award, 1 Superintendent's Award of Tactical Excellence, 1 Superintendent's Award of Valor, and 1 Unit

¹²⁸ Atts. 64, 65, 66, and 77. COPA or BIA also previously investigated Sgt. Seng under Logs 2022-0005233, 2023-0002399, 2023-0005027, 2023-0005242, 2024-0003378, 2024-0006573, and 2025-0000321. Each of these cases involved at least one sustained allegation of misconduct related to a failure to follow CPD policy, most of which occurred during a traffic stop and/or search. These investigations also include multiple sustained allegations for failing to timely activate BWC, failing to complete an ISR or provide an Investigatory Stop Receipt, and one sustained allegation each for verbal abuse and for failing to report misconduct. CPD agreed with these findings and imposed penalties ranging from a 3-day suspension to a 25-day suspension. However, all these cases are subject to the grievance process and have not yet been finalized.

Meritorious Performance Award. He has 3 prior sustained complaints, which are summarized below:

- A 10-day suspension for threatening a member of the public with arrest in retaliation for purportedly disrespectful behavior, directing profanity at a member of the public, failing to direct officers under his supervision to complete an ISR, and failing to timely activate his BWC. (2022-0004183);
- A 5-day suspension for directing profanity at a member of the public, engaging in an unnecessary verbal altercation, failing to activate his BWC, and failing to provide an ISR receipt (2022-0005233); and
- A one-day suspension for failing to ensure that the correct amount of US currency was inventoried. (2024-0002293)

ii. Recommended Discipline

COPA has found that Sgt. Seng violated Rules 2, 3, 6, 8, and 10 by detaining [REDACTED] and [REDACTED] without justification. COPA has also found that Sgt. Seng violated Rules 2, 3, 5, 6, and 10 by failing to complete ISRs documenting his interactions with [REDACTED] and [REDACTED] by failing to ensure that the officers under his supervision completed ISRs, and by failing to activate his BWC.

In aggravation, COPA notes that by using his authority as a police sergeant to unlawfully detain [REDACTED] and [REDACTED] Sgt. Seng's actions undermined confidence in CPD's ability to treat members of the public fairly and to adhere to the requirements of the Fourth Amendment. Additionally, properly completed ISRs document police interactions with members of the public and help ensure that CPD members are exercising their law-enforcement authority in a constitutional manner. Likewise, BWCs are vital tools to record law enforcement activities, and the failure to capture an encounter, as required by CPD policy, erodes public trust in CPD. By conducting improper detentions and failing to properly document his actions, Sgt. Seng violated [REDACTED] and [REDACTED] rights and brought discredit upon CPD. Sgt. Seng's actions also exposed CPD to potential civil liability.

Sgt. Seng's disciplinary history is also a significant aggravating factor. He has prior sustained complaints for similar misconduct, including failing to activate his BWC and failing to direct subordinates to complete required reports. This pattern shows that prior discipline has not changed Sgt. Seng's behavior. When a sergeant encourages or tolerates Fourth Amendment violations and is indifferent to reporting requirements, it shapes the future behavior of every officer under his supervision.

In mitigation, COPA notes Sgt. Seng's extraordinary complimentary history.

Based on these aggravating and mitigating factors, and consistent with the principles of progressive discipline, COPA recommends that Sgt. Seng receive a **30 to 89 Day Suspension** and

Retraining regarding supervisory responsibilities, traffic stops, searches, and CPD’s BWC and ISR directives.

Approved:



Steffany Hreno
Acting Deputy Chief Administrator

5/1/2026

Date



LaKenya White
Chief Administrator

5/1/2026

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	October 24, 2024 / 8:45 pm / 59 W Hubbard St., Chicago, IL 60654
Date/Time of COPA Notification:	November 2, 2024 / 3:14 pm
Involved Member #1:	Sgt. Erick Seng, Star #2677, Employee ID # [REDACTED] DOA: February 28, 2000, Unit: 018/193, Male, White
Involved Member #2:	Officer Richard Rodriquez, Jr., Star #12157, Employee ID # [REDACTED] DOA: June 16, 2017, Unit: 018/376, Male, White Hispanic
Involved Member #3	Officer Nicu Tohatan, Star #18703, Employee ID # [REDACTED] DOA: October 26, 2015, Unit: 018/376, Male, White
Involved Member #4	Officer Joseph Vecchio, Star #14469, Employee ID # [REDACTED] DOA: October 16, 2019, Unit: 006/376, Male, White
Involved Individual #1:	[REDACTED] Female, Black
Involved Individual #2:	[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 10:** Inattention to duty.

Applicable Policies and Laws

- G01-09, Supervisory Responsibilities (effective May 10, 2021, to June 30, 2025)
- G02-04, Prohibitions Regarding Racial Profiling and Other Bias-Based Policing (effective February 1, 2023, to April 29, 2026)
- S03-14, Body Worn Cameras (effective August 8, 2024, to February 27, 2026)

- S04-13-09, Investigatory Stop System (effective July 10, 2017, to February 2, 2026)
- 430 ILCS 66/10, Issuance of Licenses to Carry a Concealed Firearm
- 625 ILCS 5/12-603.1, Driver and Passenger Required to Use Safety Belts
- MCC § 9-4-010, Definitions
- MCC § 9-64-250, Violation – Towing and Storage Fees
- MCC § 9-92-030, Authority to Impound or Otherwise Relocate Vehicle

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.¹²⁹ 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.”¹³⁰

¹²⁹ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

¹³⁰ *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