



Log # 2024-0005750

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 23, 2024, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD).² A CPD lieutenant initiated this log after reviewing body worn camera (BWC) footage of ██████ arrest and observing Officer Gerardo Rodriguez use “what appeared to be...a ‘chokehold.’”³ Upon review of the evidence, COPA served additional allegations that Officer Rodriguez failed to document that he applied pressure to ██████ throat, and that Officer Daniel Flores Saavedra failed to intervene and/or report Officer Rodriguez’s misconduct. Following its investigation, COPA reached not sustained findings regarding all of the allegations.

II. SUMMARY OF EVIDENCE⁴

On June 22, 2024, at approximately 1:48 am, Officers Flores Saavedra and Rodriguez observed ██████ vehicle commit a traffic infraction near 400 S. Canal St. The vehicle took off when the officers initiated a traffic stop, and the officers did not pursue. The officers continued driving and again observed ██████ vehicle, which appeared to have “crashed.”⁵ An Illinois Traffic Crash Report was obtained, which included the identity of ██████ passenger.⁶ Attempts to interview ██████ and his passenger were met with negative results.⁷

When the officers approached ██████ disabled vehicle, ██████ fled on foot and the officers gave chase. Officer Rodriguez caught up to ██████ first and brought him to the ground.⁸ ██████ pulled away as the officers gave verbal commands and tried to restrain his arms. The BWC footage captured Officer Flores Saavedra gaining control of ██████ left arm, as Officer Rodriguez placed his right hand at ██████ throat.⁹ During the struggle, Officer Rodriguez put his arm around ██████

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 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.

³ Att. 1.

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 body worn camera (BWC) footage, in-car camera (ICC) footage, police reports, and officer interviews.

⁵ Att. 3 at 01:48:25 hrs.

⁶ Att. 35.

⁷ Atts. 59 – 61; CMS Notes: CO-1397581, CO-1400098, CO-1402320, CO-1403533, and CO-1403831.

⁸ Att. 3 at 01:48:47 hrs.

⁹ Atts. 3 and 4 at 01:49:04 hrs.

and appeared to strike/stun [REDACTED] on his back.¹⁰ Officer Rodriguez continued pushing on [REDACTED] face and placed his arms and hands near [REDACTED] neck. More officers arrived, the struggle de-escalated, and Officer Flores Saavedra handcuffed [REDACTED] was then searched and escorted to a squad car.

Officer Flores Saavedra told COPA that he saw his partner and [REDACTED] fall to the ground. [REDACTED] continued resisting, and Officer Flores Saavedra grabbed [REDACTED] left arm and tried to handcuff him. Officer Flores Saavedra told COPA he did not see what force Officer Rodriguez used, nor did he observe Officer Rodriguez make contact with [REDACTED] neck. Officer Flores Saavedra did not believe he had a duty to intervene, as he did not see any conduct that warranted intervention. He explained that he had been running, his adrenaline was high, and he was focused on restraining [REDACTED] arm. Officer Flores Saavedra believed [REDACTED] sustained injuries when he fell.

At COPA, Officer Rodriguez related that, after the takedown, [REDACTED] resisted and a struggle ensued. Officer Rodriguez recalled putting his hand on [REDACTED] arm, and the officers attempted to handcuff [REDACTED] Eventually, [REDACTED] was cuffed and the officers sat him up. Officer Rodriguez observed minor lacerations on [REDACTED] face, which Officer Rodriguez stated were caused when [REDACTED] used his head and knees as leverage in an attempt to stand up during the struggle. Officer Rodriguez told COPA that [REDACTED] “was an assailant as he was running away and an active resistor.”¹¹ He stated that [REDACTED] was an active resistor at the time of the takedown, and he was assailant because he was “eluding, a traffic stop and then running away.”¹²

After watching his BWC footage, Officer Rodriguez acknowledged to COPA that he may have applied pressure to [REDACTED] chin. Officer Rodriguez recalled that he thought [REDACTED] was going to spit, so he redirected [REDACTED] face. Officer Rodriguez denied intentionally placing his hand on [REDACTED] throat, and he believed his hand was on [REDACTED] upper chest.¹³ Officer Rodriguez also recalled placing his arm around [REDACTED] and he related that his arm was under [REDACTED] armpit in an attempt to gain control of [REDACTED] Officer Rodriguez asserted that [REDACTED] never complained that he could not breathe, or otherwise indicated that his airflow was obstructed.¹⁴

As seen in the BWC footage, Officers Flores Saavedra and Rodriguez searched [REDACTED] vehicle after he was in custody, noting signs of alcohol and cannabis.¹⁵ [REDACTED] vehicle also had visible damage consistent with a traffic collision.¹⁶ [REDACTED] passenger told Officer Rodriguez that she thought [REDACTED] got scared and ran after he crashed into a road median.¹⁷

¹⁰ Att. 3 and 4 at 01:49:15 hrs.

¹¹ Att. 58: pg. 17, lns. 21 – 22.

¹² Att. 58: pg. 18, lns. 4 – 5.

¹³ Att. 58: pgs. 21 – 22.

¹⁴ Att. 58: pgs. 25 – 26.

¹⁵ Atts. 3 and 4 at 01:53:31 hrs.

¹⁶ Att. 3 at 01:53:01 hrs. and Att. 4 at 01:52:29.

¹⁷ Att. 4 at 01:55:44 hrs.

The BWC videos further show that [REDACTED] shirt was torn,¹⁸ he had a scrape on his left elbow,¹⁹ and there was a laceration near his right temple.²⁰ [REDACTED] refused an ambulance or medical treatment at the scene, but Officer Rodriguez requested an ambulance anyway, noting [REDACTED] injuries and the vehicle damage.²¹ A Chicago Fire Department (CFD) ambulance report noted that [REDACTED] sustained a head injury after running from the police and “striking [his] forehead to the ground.”²² [REDACTED] told the paramedics he only wanted his head bandaged, and he refused further care.

[REDACTED] entered lockup with a bandaged forehead and a bruised cheek.²³ He was sent to Insight Hospital for medical clearance,²⁴ and a hospital report noted that he had multiple abrasions.²⁵ Evidence technicians photographed [REDACTED] injuries, which included various cuts, bruises, and scrapes on his forehead, elbow, shoulder, arms, hands, and face.²⁶ Further, Officer Rodriguez had scrapes and cuts on his knuckles, left elbow, and both knees.²⁷

[REDACTED] was arrested on misdemeanor charges of leaving the scene of an accident, resisting/obstructing an officer, and fleeing/attempting to elude an officer.²⁸ He also received traffic citations for disobeying a stop sign and failing to reduce speed. The criminal charges were dismissed on July 31, 2024.²⁹

III. ALLEGATIONS

Officer Gerardo Rodriguez:

1. Applying pressure to [REDACTED] throat without justification.
 - Not Sustained
2. Failing to document that pressure was applied to [REDACTED] throat in tactical response report (TRR) number 2024-03130.
 - Not Sustained

Officer Daniel Flores Saavedra:

1. Failing to intervene and/or report when Officer Gerardo Rodriguez applied pressure to [REDACTED] throat without justification.
 - Not Sustained

¹⁸ Att. 4 at 01:50:28 hrs.

¹⁹ Att. 4 at 01:51:26 hrs.

²⁰ Att. 3 at 01:51:32 hrs.

²¹ Att. 4 at 02:01:10 hrs.

²² Att. 46, pg. 2

²³ Details in the “Lockup Keeper Comments” of [REDACTED] arrest report entered by “GAMAZ, Maria E” appear to be an error and intended for a different arrestee. (Att. 30, pg. 4.)

²⁴ Att. 30, pg. 5.

²⁵ Att. 50.

²⁶ Att. 45, pg. 14 – 26.

²⁷ Att. 45, pg. 3 – 13.

²⁸ Att. 30.

²⁹ Att. 47.

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 accurately recall the event from memory. While there were issues with both officers' COPA statements, Officer Flores Saavedra and Officer Rodriguez provided an account of the incident that was generally consistent with the written reports and each other's statements to COPA. Instead of a lack of truthfulness or reliability, the issues detailed below reflect a need for additional training. Therefore, COPA does not question Officer Flores Saavedra's or Officer Rodriguez's credibility as it relates to the details of the incident.

Officer Gerardo Rodriguez:

Based on his answers at COPA, Officer Rodriguez seemed to misunderstand the difference between an assailant and an active resister.³⁰ Specifically, Officer Rodriguez described ██████ as an assailant because he eluded officers and ran away from the scene of an accident. Under CPD policy, however, this actually made ██████ an active resister. COPA believes it is imperative that Officer Rodriguez understands this distinction, as CPD policy authorizes higher levels of force against assailants than against active resisters.

Officer Daniel Flores Saavedra:

Throughout his COPA interview, Officer Flores Saavedra exhibited a disrespectful tone and attitude towards the COPA investigators, displaying an overall lack of professionalism. His responses included sarcastic answers that occasionally bordered on overt hostility.³¹ Officer Flores Saavedra also demonstrated a reluctance to provide candid and complete answers,³² or even answers that were audible.³³

V. ANALYSIS³⁴

a. Chokehold allegation

COPA finds Allegation #1, that Officer Rodriguez applied pressure to ██████ throat without justification, is not sustained. CPD policy prohibits the application of a chokehold, carotid artery restraint, or other maneuvers for applying direct pressure on a windpipe or airway,

³⁰ Att. 58: pg. 17, ln. 19 – pg. 18, ln. 5; pg. 23, ln. 18 – pg. 24, ln. 4.

³¹ Att. 57: pg. 5, ln. 16 – pg. 6, ln. 22; pg. 6, ln. 8 – 9; pg. 9, ln. 20 – pg. 10, ln. 3; pg. 11, ln. 12 – 15; pg. 11, ln. 19 – 24; pg. 16, ln. 3 – 4; pg. 20, ln. 14 – 15; pg. 21, ln. 12 – 16; pg. 24, ln. 19 – 20.

³² Att. 57: pg. 7, ln. 11 – 22; pg. 8, ln. 9 – 24; pg. 14, ln. 1 – 6; pg. 15, ln. 5 – 16; pg. 16, ln. 6 – pg. 21, ln. 3; pg. 23, ln. 18 – pg. 25, ln. 8.

³³ Att. 57: pg. 2, ln. 5 – 8; pg. 8, ln. 2 – 8; pg. 10, ln. 7 – 23.

³⁴ For a definition of COPA's findings and standards of proof, see Appendix B.

with the sole exception being as an act of last resort or when necessary to protect against an imminent threat to life.³⁵

Here, Officer Rodriguez acknowledged that he made contact with ██████ face, specifically his chin area.³⁶ Additionally, the BWC footage showed that Officer Rodriguez briefly placed his hand at the base of ██████ throat during the struggle to restrain ██████³⁷ Despite Officer Rodriguez making contact with ██████ chin and throat area, there is no evidence to prove that Officer Rodriguez applied direct pressure to ██████ windpipe or airway, or restricted ██████ ability to breathe. In addition, ██████ did not claim to be choked, never indicated that he could not breathe, and did not make any gurgling or choking sounds at the time of the incident. COPA attempted to speak with ██████ but its efforts were unsuccessful. Without additional evidence to demonstrate that Officer Rodriguez applied direct pressure to ██████ airway or windpipe, COPA is unable to prove or disprove this allegation by a preponderance of the evidence. Therefore, this allegation is **not sustained**.

b. Reporting allegations

COPA finds the allegations that Officer Rodriguez failed to document that he applied pressure to ██████ throat in his TRR, and that Officer Flores Saavedra failed to intervene and/or report when Officer Rodriguez applied pressure to ██████ throat, are both not sustained. CPD policy requires that members must document the facts and circumstances involving their uses of force.³⁸ In this instance, Officer Rodriguez completed a TRR, but he did not mention making contact with ██████ neck or throat. The question, then, is whether the contact with ██████ neck is a fact or circumstance that Officer Rodriguez was obligated to report. As discussed above, there is insufficient evidence to prove or disprove whether Officer Rodriguez applied direct pressure to ██████ windpipe or restricted ██████ ability to breathe. Had such evidence existed, then Officer Rodriguez would have likely been required to document the circumstances in his TRR. Further, Officer Flores Saavedra would have been required to intervene in the moment and/or report the incident after the fact. Since it is unclear whether Officer Rodriguez used the alleged level of force, it is also unclear whether Officer Rodriguez was required to include that information in his TRR, or whether Officer Flores Saavedra was required to intervene and/or report. As such, COPA finds that Allegation #2 against Officer Rodriguez and Allegation #1 against Officer Flores Saavedra are **not sustained** by a preponderance of the evidence.

VI. OTHER RECOMMENDATIONS

This case does not involve sustained findings; therefore, COPA is not making any disciplinary recommendations. However, for the reasons discussed above (see Section IV), COPA recommends that Officer Rodriguez receive **retraining** on CPD's use of force policy, and that

³⁵ Att. 62, General Order G03-02(IV)(D)(2)

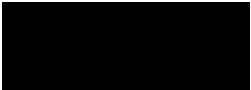
³⁶ Att. 58: pgs. 21 – 22.

³⁷ Atts. 3 and 4 at 01:49:04 hrs.

³⁸ Att. 63, General Order GO3-02-02(II)(B)(2)

Officer Flores Saavedra receive **retraining and/or counseling** on his obligation to conduct himself in a professional manner that reflects positively on the Department.

Approved:



Steffany Hreno
Director of Investigations

12/17/2024

Date

Appendix A

Case Details

Date/Time/Location of Incident:	June 22, 2024 / 1:48 am / 300 S. Wacker Dr.
Date/Time of COPA Notification:	June 23, 2024 / 2:21 am
Involved Member #1:	Gerardo Rodriguez, Star # 13461, Employee ID # [REDACTED], Date of Appointment: September 30, 2022, 1 st District, Male, Hispanic
Involved Member #2:	Daniel Flores Saavedra, Star #17513, Employee ID # [REDACTED], Date of Appointment: August 16, 2021, 1 st District, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Hispanic

Applicable Rules

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

Applicable Policies and Laws

- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present)
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023 to present)
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023 to present)

Appendix B

Definition of COPA’s Findings and Standards of Proof

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.³⁹ 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.”⁴⁰

³⁹ 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).

⁴⁰ *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