

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Dates/Times of Incidents:	(1) October 30, 2017, approximately 8:00 a.m. (2) February 17, 2018, approximately 4:30 p.m.
Location of Incident:	[REDACTED]
Date/Time of COPA Notification:	January 11, 2018, approximately 9:30 a.m.

Hospital records show that on or about October 30, 2017, [REDACTED] (“[REDACTED]”) sustained injuries which she then attributed to acts of domestic violence committed by her [REDACTED] Officer Eulalio C. Rodriguez. COPA has investigated [REDACTED]’s allegation pursuant to an Affidavit Override and has determined that a preponderance of the evidence supports the allegation that Rodriguez battered [REDACTED]

During the course of COPA’s investigation, COPA discovered that CPD officers went to the Rodriguez residence on February 17, 2018 in response to a 911 call, made by a third party, which alleged that a domestic battery was in progress at that location. COPA viewed body-worn camera footage captured by the officers who responded to that call, Officer Shane R. Richardson and Officer Matthew D. Shea. COPA has determined Officers Richardson and Shea failed to follow domestic violence investigation protocols required by CPD directives.

II. INVOLVED PARTIES

Involved Member #1:	Eulalio C. Rodriguez, Star # 12828, Employee ID # [REDACTED] Date of Appointment: July 15, 2013; Rank: Police Officer; Unit of Assignment: 007/012; Date of Birth: [REDACTED], 1984; M/WH
Involved Member #2:	Shane R. Richardson, Star #18421, Employee ID # [REDACTED] Date of Appointment: February 24, 2003; Rank: Police Officer; Unit of Assignment: 008; Date of Birth: [REDACTED], 1976; M/W
Involved Member #3:	Matthew D. Shea, Star # 13541, Employee ID # [REDACTED] Date of Appointment: October 31, 2005; Rank: Police Officer; Unit of Assignment: 008; Date of Birth: [REDACTED], 1978; M/W
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 1985, F/WH

III. ALLEGATIONS

Member	Allegation	Finding/ Recommendation
Officer Rodriguez	1. On or about October 30, 2017, the accused committed the offense of domestic battery or aggravated domestic battery in that he then knowingly and without legal justification punched a family member, his [REDACTED] [REDACTED] multiple times, in violation of Rules 8 and 9 of the CPD Rules of Conduct.	SUSTAINED / SEPARATION
Officer Richardson	1. While on duty, on February 17, 2018, at approximately 4:30 p.m., the accused was assigned to conduct a preliminary investigation of a domestic incident, specifically, a woman “being battered by [her] [REDACTED] at [REDACTED], and after arriving at the above address, the accused failed to interview all parties separately, in violation of Rules 3 and 5 of the CPD Rules of Conduct.	SUSTAINED /15 Day Suspension and DV Response Training
	2. After arriving at the above address, the accused failed to provide the person who was alleged to have been battered with a Domestic Incident Notice in violation of Rules 3 and 5 of the CPD Rules of Conduct.	SUSTAINED /15 Day Suspension and DV Response Training
	3. After arriving at the above address, the accused made a statement to the persons present, including the person who was alleged to have been battered, to the effect of “Alright, here’s the thing. If I come back someone’s going to come with me. Understand? You understand that sir? So, if you guys can’t act like adults in front of a child, I’ll make the decision for the adults, okay, do you understand? I got no problem locking either one of you up. Okay?” in violation of Rule 8 of the CPD Rules of Conduct.	UNFOUNDED
Officer Shea	1. While on duty, on February 17, 2018, at approximately 4:30 p.m., the accused was assigned to conduct a preliminary investigation of a domestic incident, specifically, a woman “being battered by [her] [REDACTED] at [REDACTED] and after arriving at the above address, the accused failed to interview all parties separately, in violation of Rules 3 and 5 of the CPD Rules of Conduct.	SUSTAINED /20 Day Suspension and DV Response Training
	2. After arriving at the above address, the accused failed to provide the person who was alleged to have been battered with a Domestic Incident Notice in violation of Rules 3 and 5 of the CPD Rules of Conduct.	SUSTAINED /20 Day Suspension and DV Response Training

Member	Allegation	Finding/ Recommendation
	3. After arriving at the above address, the accused made a statement to the persons present, including the person who was alleged to have been battered, to the effect of “Alright, here’s the thing. If I come back someone’s going to come with me. Understand? You understand that sir? So, if you guys can’t act like adults in front of a child, I’ll make the decision for the adults, okay, do you understand? I got no problem locking either one of you up. Okay?” in violation of Rule 8 of the CPD Rules of Conduct.	SUSTAINED / 20 Day Suspension and DV Response Training

IV. APPLICABLE RULES AND LAWS

Rules

1. CPD Rules of Conduct, Rule 3 (prohibiting the violation of a CPD directive).
2. CPD Rules of Conduct, Rule 5 (prohibiting the failure to perform a duty).
3. CPD Rules of Conduct, Rule 8 (prohibiting disrespect to or maltreatment of any person).
4. CPD Rules of Conduct, Rule 9 (prohibiting unjustified verbal or physical altercations).

General Orders

1. General Order G04-04, Domestic Incidents (Effective Date: December 28, 2012)
2. General Order G04-04-02, Domestic Incident Notice (Effective Date: December 28, 2012)

State Laws

V. INVESTIGATION¹

Background

COPA opened this investigation based on information that COPA received from a complainant in a separate investigation. More specifically, that complainant, ██████████ (“████████”) informed COPA that Officer Rodriguez had battered Officer Rodriguez’s spouse, Ms. ██████████ (“████████”), who was hospitalized as a result. COPA then obtained hospital records showing that on October 30, 2017, ██████████ did in fact sustain injuries which she attributed to

¹COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon or considered by COPA in our analysis, except that COPA did not rely upon statements of Officers Richardson and Shea, the OEMC audio recording described at page 10 below, or the body-worn camera footage described below in arriving at our findings and recommendations respecting Officer Rodriguez, as the incidents occurred on different dates.

acts of domestic violence committed by Officer Rodriguez. COPA accordingly obtained an Affidavit Override authorizing COPA to pursue this investigation further. During the course of the investigation that ensued, COPA discovered (among other things) that Officers Richardson and Shea went to the Rodriguez residence on February 17, 2018 in response to a 911 report of domestic violence made by a third party. COPA then reviewed body-worn camera (“BWC”) footage captured by Officers Richardson and Shea and determined to charge Officers Richardson and Shea with misconduct, alleging that each failed to follow domestic violence investigation protocols required by CPD directives. At the same time, COPA determined that the footage did not provide evidence of misconduct by Officer Rodriguez.

A. Interviews

1. Interviews conducted in connection with the October 30, 2017 incident

██████████ (“██████████”) gave an **Audio Recorded Interview** on January 11, 2018 in relation to an investigation conducted by COPA under Log # 1087705, which prompted COPA to open this separate, but related investigation.² The following is a non-verbatim summary of that interview.

██████████ informed COPA that he had previously been involved in a relationship with Officer Rodriguez’s ██████████ ██████████.³ ██████████ described that relationship as one of “friends with benefits” that lasted approximately two years.⁴ ██████████ further informed COPA that Officer Rodriguez had battered ██████████ and that ██████████ had been hospitalized as a result.⁵ ██████████ provided COPA with a document comprising thirty pages of cellphone screenshots,⁶ which are copies of electronic messages sent between Officer Rodriguez and ██████████ on October 30, 2017. In summary, the messages involve accusations by Officer Rodriguez that he had that day discovered that ██████████ had been involved in an affair with ██████████, as well as ██████████ denials of those accusations.⁷ The messages also include a threat of violence against ██████████⁸ as well as a threat to execute an illegal search warrant on ██████████ residence.⁹

██████████ [“██████████”] gave an **Audio Recorded Interview** on March 14, 2018.¹⁰ The following is a non-verbatim summary of the material things stated by her during that interview.

██████████ stated that on the evening of October 29, 2017, she attended a concert with her ██████████ Officer Rodriguez, and another couple.¹¹ According to ██████████ she consumed alcohol that

²Attachment #69 is an audio recording of that interview. Attachment #76 is a transcript.

³Attachment #76, p. 10, line 1, through p. 11, line 2.

⁴*Id.*, p. 10, line 19, through p. 11, line 2; p. 51, lines 15 – 20.

⁵*Id.*, p. 49, line 3, through p. 50, line 16; p. 51, line 19, through p. 52, line 22.

⁶Attachment #6 is a copy of the document, which is described further below.

⁷*Id.*

⁸*Id.*, p. 13.

⁹*Id.*, p. 20.

¹⁰Attachment #10 is an audio recording of that interview; Attachment #70 is a transcript.

¹¹Attachment #70, p. 10, line 5, through p. 11, line 16.

evening and became intoxicated.¹² [REDACTED] further stated that she and Officer Rodriguez arrived home at [REDACTED] in Chicago after 4:30 a.m. on the morning of October 30, 2017.¹³ [REDACTED] stated that she fell on the sidewalk upon arriving home, causing her to sustain injuries for which she received treatment later that morning at St. Anthony's Hospital.¹⁴ [REDACTED] stated that Officer Rodriguez had been attempting to help her walk on the sidewalk, but that she pushed him away, tripped, and fell, with her face striking the sidewalk as a result.¹⁵ [REDACTED] stated that she had blood gushing from her mouth as a result of the fall, that Officer Rodriguez then tried to help clean her up, but she would not let him.¹⁶ According to [REDACTED] she had been quarrelling with Officer Rodriguez about his infidelity at the time of her fall.¹⁷ [REDACTED] denied that Officer Rodriguez struck or hit her.¹⁸

[REDACTED] stated that she "woke up in warm blood," causing her to realize that her injury was more severe than first thought.¹⁹ [REDACTED] stated that Officer Rodriguez was not at home when she awakened, and that no one was there to help her.²⁰ [REDACTED] called her [REDACTED] who picked her up and took her to St. Anthony's Hospital.²¹ There, hospital staff stitched [REDACTED]'s lip and gave her an x-ray.²² According to [REDACTED] hospital staff found "a little minor fracture."²³

[REDACTED] acknowledged telling St. Anthony's Hospital staff that Officer Rodriguez had punched her multiple times.²⁴ [REDACTED] stated that she told hospital staff that Officer Rodriguez had hit her because she was angry with Officer Rodriguez due to his infidelity and because she was still intoxicated.²⁵ [REDACTED] confirmed that she had health insurance through Blue Cross at the time of the event, and she explained that she did not present insurance documentation at the hospital, because she had misplaced her wallet that contained her Blue Cross card.²⁶

[REDACTED] acknowledged that Officer Rodriguez had discovered that she had been having an affair with [REDACTED] and that she had exchanged electronic messages with [REDACTED] including messages that read "I love you more than you could ever imagine" and "Without you, there's no me. You're my soulmate."²⁷ [REDACTED] also acknowledged that Officer Rodriguez became "really upset" when he discovered those messages.²⁸ [REDACTED] denied that Officer Rodriguez had discovered those messages on the day that she sustained her injuries, claiming that Officer Rodriguez had

¹²Id., p. 20, lines 20 - 23; p. 13, lines 10 - 16.

¹³Id., p. 11, line 17, through p. 12, line 24.

¹⁴Id., p. 2, line 20, through p. 3, line 15; p. 16, lines 2 - 11.

¹⁵Id., p. 3, lines 3 - 6; p. 17, lines 1 - 11.

¹⁶Id., p. 15, lines 17 - 21.

¹⁷Id., p. 13, line 24, through p. 14, line 11; p. 25, lines 17 - 20.

¹⁸Id., p. 20, line 21, through p. 21, line 1.

¹⁹Id., p. 3, lines 7 - 11.

²⁰Id., p. 3, lines 12 - 13.

²¹Id., p. 3, lines 12 - 17.

²²Id., p. 4, lines 15 - 17.

²³Id., p. 4, lines 18 - 19.

²⁴Id., p. 5, lines 18 - 23.

²⁵Id., p. 5, line 18, through p. 6, line 5; p. 23, line 17, through p. 24, line 3.

²⁶Id., p. 22, line 16, through p. 23, line 1.

²⁷Id., p. 32, line 20, through p. 33, line 19.

²⁸Id., p. 34 lines 15 - 17.

discovered the messages “way after.”²⁹ [REDACTED] stated that Officer Rodriguez had told her that he had discovered the messages sometime in November 2017.³⁰ According to [REDACTED] Officer Rodriguez could not have discovered the messages earlier than that because Officer Rodriguez would have been unable to keep such a discovery to himself.³¹ [REDACTED] denied that she and Officer Rodriguez spoke about the affair during the morning that she sustained her injuries.³²

[REDACTED] (“[REDACTED]”) gave an **Audio Recorded Interview** on March 16, 2018.³³ [REDACTED] is [REDACTED]. [REDACTED] stated that he spoke to [REDACTED] on October 30, 2017 after she had been discharged from the hospital.³⁴ According to [REDACTED] [REDACTED] told him that the previous day she had been angry with Officer Rodriguez, that she had gone out drinking with co-workers, that she got drunk, that she “fell outside somewhere like down the stairs,” and that her co-workers brought her home to Officer Rodriguez, who then took her to the hospital.³⁵

On March 29, 2018, COPA investigators participated in two separate **Telephone Conversations with [REDACTED]**.³⁶ The telephone calls were not audio recorded. The following is a non-verbatim summary of the material things stated by [REDACTED] during those conversations.

[REDACTED] initiated the first conversation at approximately 2:09 p.m. [REDACTED] stated that she and Officer Rodriguez were trying to move forward in their relationship, and that she did not want this investigation to affect their lives. [REDACTED] also stated that the statements she made while in the hospital were due to intoxication and anger with her [REDACTED].

COPA initiated the second conversation at approximately 2:40 p.m. [REDACTED] then stated that she wanted this investigation “to go away,” that she felt “responsible” because she “had said things that she shouldn’t have said.” [REDACTED] then denied that she was a victim of domestic violence, stating words to the effect that if she had been a victim of domestic violence, then she “would know how to handle it.” During the conversation, COPA asked [REDACTED] to meet so that she could sign a medical release form allowing COPA to obtain further information.

On March 29, 2018, COPA investigators had a **Meeting with [REDACTED]**.³⁷ COPA investigators then presented [REDACTED] with a medical release form. [REDACTED] then refused to sign the form, stating that she wanted to think about whether to sign it, and she reiterated that she wanted the investigation “to go away.” [REDACTED] further stated that she had been notified by St. Anthony’s Hospital that COPA was seeking testimony from its personnel, and that it was that notification that had led her to contact COPA earlier in the day.

²⁹*Id.*, p. 27, lines 7 – 14.

³⁰*Id.*, p. 33, line 20, through p. 34, line 2.

³¹*Id.*, p. 34, lines 3 - 7.

³²*Id.*, p. 25, line 21, through p. 26, line 5.

³³Attachment #13 contains an audio recording of that interview. Attachment #71 contains a transcript.

³⁴Attachment #71, p. 50, lines 1 - 16.

³⁵*Id.*, p. 49, line 18, through p. 52, line 16.

³⁶Attachment #30 contains memoranda of those telephone calls.

³⁷Attachment #30 contain a memorandum of that meeting.

St. Anthony's Hospital ["SAH"] Physician's Assistant ██████ gave an **Audio Recorded Interview** on April 16, 2018.³⁸ ██████ has been a licensed Physician's Assistant since June 2016.³⁹ She was working at SAH as a physician's assistant on October 30, 2017.⁴⁰ The following is a non-verbatim summary of the material things stated by her during that interview.

█████ stated that she recalled her involvement in ██████'s treatment at SAH.⁴¹ ██████ further stated that she first saw ██████ at 11:41 a.m. in the SAH Emergency Department and that she then spoke with ██████ for approximately ten to fifteen minutes.⁴² ██████ further stated that she did not recall that anyone else was present during that conversation.⁴³ According to ██████ ██████ then stated to her that she had an altercation with her ██████ at 8:00 a.m. that morning, and that her ██████ punched her multiple times.⁴⁴ ██████ further stated that ██████ did not describe her ██████ identify him by name, or disclose that he was a police officer.⁴⁵ ██████ also stated that ██████ did not then or otherwise say anything about whether the consumption of alcohol had played a part in the incident.⁴⁶ ██████ further stated that she did not recall if ██████ said anything during the conversation about whether ██████ did or did not want law enforcement to be notified concerning the incident.⁴⁷

█████ explained that she asked ██████ whether she had lost consciousness in order to rule out a mild traumatic brain injury and that ██████ denied that she had lost consciousness during the event.⁴⁸ According to ██████ ██████ did not seem to be confused, disoriented, or have difficulty in recalling events during their conversation – instead, ██████ was alert and oriented.⁴⁹ According to ██████ ██████ did not seem to be intoxicated notwithstanding SAH's test of blood sample taken from ██████ at 1:10 p.m., which showed a blood/alcohol level 0.0541 grams/deciliter.⁵⁰ ██████ opined that those test results do not raise questions concerning the accuracy of the information that ██████ provided to her because the ratio was not at a level high enough to have had such an effect.⁵¹

³⁸ Attachment #27 is an audio recording of that interview. Attachment #75 is a transcript.

³⁹ Attachment #75, p. 3, line 19, through p. 4, line 1.

⁴⁰ *Id.*, p. 4, lines 10 – 13.

⁴¹ *Id.*, p. 5, line 9, through p. 6, line 7.

⁴² *Id.*, p. 12, line 5, through p. 13, line 13.

⁴³ *Id.*, p. 7, lines 18 - 21.

⁴⁴ *Id.*, p. 6, line 18, through p. 7, line 7.

⁴⁵ *Id.*, p. 8, lines 7 - 15.

⁴⁶ *Id.*, p. 10, lines 11 - 14.

⁴⁷ *Id.*, p. 10, lines 18 - 22.

⁴⁸ *Id.*, p. 18, lines 7 - 22.

⁴⁹ *Id.*, p. 20, lines 5 - 12.

⁵⁰ *Id.*, p. 23, line 20, through p. 25, line 8. The records express the test result in milligrams per deciliter. COPA has converted that ratio to grams per deciliter, which is an expression more commonly used in law enforcement.

⁵¹ *Id.*, p. 28, line 3, through p. 30, line 1.

Officer **Eulalio C. Rodriguez** gave **Audio Recorded Statements** on May 14, 2018⁵² and on August 1, 2018.⁵³ The following is a non-verbatim summary of the material things said by Officer Rodriguez during those statements.

Officer Rodriguez denied striking or hitting ██████████⁵⁴ Officer Rodriguez stated that on the morning of October 30, 2017, at approximately 4:30 or 5:00 a.m., ██████████ fell on a sidewalk near their ██████████ residence.⁵⁵ According to Officer Rodriguez, he and ██████████ were returning from a concert, ██████████ had consumed too much alcohol, and ██████████ fell as a result of losing her balance.⁵⁶ According to Officer Rodriguez, he and ██████████ were arguing about Officer Rodriguez's alleged infidelity at the time.⁵⁷ Officer Rodriguez denied that he observed that ██████████ was bleeding at any time, and he denied that he observed any blood or anything suggesting that ██████████ then required immediate medical attention.⁵⁸ Officer Rodriguez stated that he assisted ██████████ inside their residence, and put her to bed.⁵⁹ According to Officer Rodriguez, ██████████ then vomited, which he cleaned up.⁶⁰ Officer Rodriguez stated ██████████ fell asleep at approximately 5:50 or 5:55 a.m.,⁶¹ and he then looked through ██████████ cell phone to see "what was the reason they were really fighting."⁶²

Officer Rodriguez stated that at approximately 5:57 or 5:58 a.m., he discovered text messages sent to ██████████ by ██████████⁶³ Officer Rodriguez stated that he then left the residence and went to a nearby park where he stayed for approximately an hour-and-a-half to two hours.⁶⁴ Officer Rodriguez stated that he then returned home, that he didn't see ██████████ there but assumed that she was asleep, and that he then went to sleep by himself in his son's room without seeing or speaking to ██████████⁶⁵

Officer Rodriguez admitted that he exchanged threatening and harassing text messages with ██████████ on the morning of October 30, 2017,⁶⁶ which included a message sent by Officer Rodriguez at 8:56 a.m. which informed ██████████ that ██████████ had just admitted to their affair.⁶⁷

Officer Rodriguez stated that he was awakened at approximately 12:30 or 1:00 p.m. by a telephone call from ██████████ in which she informed him that she had gone to the hospital to "get

⁵²Attachments ## 52 and 53 comprise an audio recording of Officer Rodriguez's May 14, 2018 statement, which Officer Rodriguez gave in connection with a related investigation (Log No. 1087705). Attachments ## 63 and 64 comprise a transcript of that statement.

⁵³Attachments ## 65 and 66 are respective audio recordings of Parts I and II of that statement. Attachment #68 is a transcript of that statement.

⁵⁴Attachment #68, p. 11, lines 10 -11.

⁵⁵Id., p. 8, line 17, through p. 10, line 15.

⁵⁶Id., p. 8, line 8, through p. 10, line 24.

⁵⁷Id., p. 10, lines 1 – 5.

⁵⁸Id., p. 16, lines 1 – 16.

⁵⁹Id., p. 14, line 1, through p. 15, line 9.

⁶⁰Id., p. 15, lines 6 – 10; p. 17, lines 17 – 24.

⁶¹Id., p. 17, lines 1 – 5.

⁶²Id., p. 17, lines 8 – 14.

⁶³Id., p. 17, lines 15 – 23.

⁶⁴Id., p. 18, lines 6 – 22.

⁶⁵Id., p. 20, line 8, through p. 22, line 4.

⁶⁶Attachment #73, p. 10, lines 5 – 22; p. 15, line 3.

⁶⁷That message is depicted at Attachment #6, p. 20.

her lip checked out.”⁶⁸ Officer Rodriguez stated that he stayed at home for the remainder of the day and that he was at home when [REDACTED] returned from the hospital at approximately 4:00 or 4:30 p.m.⁶⁹

2. Interviews conducted in connection with the February 17, 2018 incident

Officer Shane Richardson gave a **Statement** on July 11, 2018.⁷⁰ Prior to his statement, Officer Richardson was given an opportunity to view relevant BWC footage, which depicted his arrival at the Rodríguezes’ [REDACTED] residence with Officer Shea as well as the events that followed.⁷¹ During Officer Richardson’s statement, COPA investigators played that footage as well as an audio recording of relevant OEMC transmissions.⁷² The following is a non-verbatim summary of the material things said by Officer Richardson during that statement.

Officer Richardson stated that he did not know any of the people depicted in the subject BWC footage, and he denied knowing that the male subject depicted in the footage (known by COPA to be Officer Rodriguez) was a police officer. Officer Richardson further stated that he was familiar with the CPD’s Domestic Incident Notice form,⁷³ and that it was his understanding, at the time of the event, that the form was to be used in connection with domestic incidents involving the preparation and submission of a police report. He further stated that copies of the form were available to him at the time of the event. Officer Richardson stated that, during the event, he was able to see the woman depicted in the footage (known by COPA to be [REDACTED]) and he saw that she was crying. Officer Richardson further stated that he did not believe that the circumstances presented to him during the event provided him with sufficient information showing that domestic violence had in fact occurred, that the parties involved in the event were uncooperative, that both parties denied needing police service, and that the woman involved in the event denied wanting to be taken elsewhere. Officer Richardson further stated that, due to the parties’ lack of cooperation, he was unable to determine if a domestic relationship existed between them, and that he was also unable to determine if the persons depicted in the video were the persons that a third-party caller had referenced in OEMC transmissions relating to the event.

Officer Matthew Shea gave an **Audio Recorded Statement** on July 11, 2018.⁷⁴ Prior to his statement, Officer Shea was given an opportunity to view relevant BWC footage, which depicted his arrival at the Rodríguezes’ [REDACTED] residence with Officer Richardson as well as the events that followed.⁷⁵ During Officer Shea’s statement, COPA investigators played

⁶⁸Attachment #68, p. 20, lines 5 – 7.

⁶⁹*Id.*, p. 26, lines 1 – 14.

⁷⁰Attachment #67.

⁷¹Attachment #43 comprises that footage, which is described at pages 10 and 11 below.

⁷²Attachment #47.

⁷³That form is a document that includes various information relating to assistance available for victims of domestic violence, including the number of a free confidential multilingual 24-hour Hot Line operated by the City of Chicago, information concerning orders of protection, and information setting out the rights of domestic violence victims.

⁷⁴Attachment #62.

⁷⁵Attachment #43.

that footage as well as an audio recording of relevant OEMC transmissions.⁷⁶ The following is a non-verbatim summary of the material things said by Officer Shea during that statement.

Officer Shea stated that he did not know any of the persons depicted in the subject BWC footage, and he denied knowing that the male subject depicted in the footage (known by COPA to be Officer Rodriguez) was a police officer. Officer Shea further stated that he did not provide those persons with a copy of the CPD's Domestic Incident Notice form because he had been unable to determine if a domestic incident had occurred due to the parties' lack of cooperation. Officer Shea stated that, at the time of the event, it was his understanding that the Domestic Incident Notice form was to be used in connection with incidents involving the preparation and submission of a case report. He further stated that his understanding has now changed, in that he has re-read CPD General Order G04-04 subsequent to receiving notice of COPA's allegations in connection with this investigation, and that he now knows that the form is also to be used in cases deemed to involve domestic incidents not involving the submission of a case report. Officer Shea also stated that he now knows that in such cases he is supposed to give out the form and insert "N/A" in the place on the form that calls for an RD number. Officer Shea further stated that he has revised his practice accordingly. Officer Shea acknowledged that he made the statements that are quoted in Allegation #3, which are set out fully above, and that he did so because no one at the scene was cooperating. Officer Shea further stated that he made those statements because he thought it would prevent a battery from occurring in the future. Officer Shea also stated that, even in hindsight, he would have handled the event in the same way.

B. Digital Evidence

COPA reviewed an audio recording of the **OEMC Radio Transmissions** that dispatched Officers Richardson and Shea to the Rodriguez residence on February 17, 2018. The relevant portion of those transmissions is as follows:

OEMC Dispatcher: A domestic. [REDACTED]. [REDACTED] being battered by [REDACTED] Children on scene too. Caller says victim called her and told her to call nine one one. No alcohol drugs involved. No further. ... Give the basement. I don't think she's on scene.

Responding Voice: Ten four.⁷⁷

COPA reviewed relevant **BWC Footage** captured by Officers Richardson and Shea.⁷⁸ The footage shows both officers arriving at the Rodriguez residence at approximately 4:46 p.m. They are greeted at the back door by a woman at approximately 4:47 p.m. The officers ask the woman if she had called the police. She states, "There's someone downstairs." Officer Shea asks, "Can you hear them fighting down there?"⁷⁹ The woman responds, "Yes. I was trying to call her dad."

⁷⁶Attachment #47.

⁷⁷This is an investigator's transcription. The transcribed audio may be found within Attachment #47, beginning at 6:43. Attachment #38, an OEMC Event Query Report, describes the transmissions similarly.

⁷⁸Attachment #43 comprises that footage. The incident under investigation is depicted beginning at approximately the nine-minute mark of each and ending at approximately the twelve-minute mark of each.

⁷⁹This is an investigator's transcription, as are all of the passages in this paragraph that are set out in quotation marks.

The officers go downstairs to the basement, followed by the woman. The officers then then knock on the door of a basement apartment and direct the woman to go back upstairs. A bare-chested adult male (known to COPA to be Officer Rodriguez) opens the door. Officer Shea asks if someone called the police. Officer Rodriguez states, “We didn’t call the police.” Officer Shea then says, “Somebody did. Does someone need the police?” Officer Rodriguez answers, “You can ask ... I don’t need the police. You can ask her.” Officer Rodriguez then stands aside, revealing a female adult (known by COPA to be ██████████) standing approximately five to ten feet behind him and next to a child, who is holding her. Officer Shea then says, “Come on out here, ma’am. You speak English, right?” ██████████ says, “Yeah.” Officer Shea then says, “What’s up?” Officer Rodriguez then says, “They just want to know if you want to talk to them.” Officer Shea then says, “Come out here and talk to us, out here. Do you want to talk to us, or what? Why not?” ██████████ responds, “It’s okay.” She appears to be crying. Officer Rodriguez says, “We just had an argument. That’s all.” Officer Shea then asks, “Are you injured? Want to go somewhere else for the time being? We’ll drive you somewhere else? Til everything cools down? Yes no? You’re comfortable staying in the situation that you’re in right now? How many kids are here?” ██████████ responds, “Just her.” Officer Shea then says, “So you don’t need us? You don’t want us here? Alright, here’s the thing. If I come back, someone’s going to come with me. Understand? You understand that sir?” Officer Rodriguez answers, “Yes, I understand.” Officer Shea then says, “If I have to come back, I’m going to make the decision. And I guarantee, someone’s going to lose and they’re going to go to jail today. So, if you guys can’t act like adults in front of a child, I’ll make the decision for the adults, okay? Do you understand? I got no problem locking either one of you up. Okay?” Officer Rodriguez answers, “You’re not going to hear anything from us.” Officers Richardson and Shea then turn and leave the residence at approximately 1:20 p.m. They were at the location for approximately one minute and thirty seconds.

C. Documentary Evidence

Medical Records of St. Anthony’s Hospital⁸⁰ confirm that ██████████ arrived there on October 30, 2017, at 10:09 a.m., complaining of a lip laceration.⁸¹ A triage note made by staff member “██████” indicates “laceration upper lip altercation with ██████████ ... + swelling face.”⁸² A note made by P.A. ██████████ at 1:05 p.m. indicates “presents with laceration to upper lip after altercation with her ██████████ at 0800 this morning. States he punched her multiple times.”⁸³ Other notes contained within the records indicate “female presents with laceration to L upper lip after being punches [sic]. CT: Acute minimally displaced fracture of the left zygomatic arch with overlying soft tissue swelling. Repaired with 5 sutures. ... Patient and friends informed all ER results.”⁸⁴ The records indicate that blood/alcohol testing of blood collected at 1:10 p.m. showed results of 0541 grams/deciliter.⁸⁵ Discharge notes contained within the records indicate, “17:28 ... Patient discharged ... Transported via friend/family driving. Accompanied by friend. Accompanied by

⁸⁰Attachment #5.

⁸¹*Id.*, p. 16.

⁸²*Id.*

⁸³*Id.*

⁸⁴*Id.*, p. 18. The zygomatic arch is a bony structure that extends along the front or side of the skull beneath the eye socket. It is “the arch of bone that extends along the front or side of the skull beneath the orbit.” See <<https://www.merriam-webster.com/dictionary/zygomatic%20arch>>.

⁸⁵*Id.*, p. 31.

family member.”⁸⁶ In the section titled “Primary Insurance,” the records describe ██████ as “self-pay.”⁸⁷

On January 11, 2018, ██████ provided COPA with a document comprising thirty pages of cell-phone screenshots.⁸⁸ The document depicts electronic messages sent between Officer Rodriguez and ██████ on October 30, 2017, starting at 4:50 a.m. In summary, the messages involve accusations by Officer Rodriguez that ██████ had been involved in an affair with ██████ as well as ██████ denials of those accusations. Officer Rodriguez’s messages include a threat of violence against ██████⁸⁹ as well as a statement, identified on the document as having been sent to ██████ 8:56 a.m., which informed ██████ that ██████ had just admitted to their affair.⁹⁰ The messages also include a threat, by Officer Rodriguez, to the effect that he would execute an illegal search warrant on ██████ residence.⁹¹

OEMC Records reveal that no 911 call seeking police service at St. Anthony’s Hospital was made on October 30, 2017, between 10:14 a.m. and 5:20 p.m., except for a call made in connection with an unrelated incident.⁹² OEMC records also reveal that no 911 call seeking police service at ██████ was made at any time of October 30, 2017.⁹³

VI. LEGAL STANDARD

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 the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual*

⁸⁶Id., p. 27.

⁸⁷Id., pp. 30 and 39.

⁸⁸Attachment #6 is a copy of that document. ██████ has made separate allegations of misconduct against Officer Rodriguez that arise, in part, out of the messages. See Log #1087705.

⁸⁹Attachment #6, p. 13.

⁹⁰Id., p. 20.

⁹¹Id., p. 20.

⁹²Attachment #19.

⁹³Attachment #41.

Automobile Insurance Co., 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

VII. ANALYSIS

Allegation #1 against Officer Rodriguez is **SUSTAINED**. The preponderance of the evidence supports the allegation, which is essentially that Officer Rodriguez knowingly and without legal justification punched a family member, his [REDACTED], multiple times, in violation of, Rule 8 (prohibiting maltreatment) and Rule 9 (prohibiting unjustified physical altercations) of the CPD Rules of Conduct.

Based on the evidence, COPA finds that [REDACTED] repeated statements to St. Anthony's Hospital staff members to the effect that her [REDACTED] had punched her are credible and are likely true. Based on the evidence, COPA conversely finds that [REDACTED] retractions of those statements are not credible and are likely false. COPA similarly finds that Officer Rodriguez's denial of the allegation and his account of the events under investigation are also not credible.

[REDACTED] statements to hospital staff are highly persuasive. Statements such as [REDACTED], made by an injured person to medical providers for purposes of medical treatment are recognized in law to be inherently trustworthy, because the law recognizes that an injured person has a substantial motivation to be truthful under such circumstances.⁹⁴

There are additional reasons supporting COPA's decision to credit [REDACTED] statements to her medical providers and to discredit the Rodriguezes' contrary and inconsistent accounts of the events. Objective evidence shows that Officer Rodriguez learned of [REDACTED] affair at approximately the same time that [REDACTED] sustained her injuries: Officer Rodriguez's texts to [REDACTED] culminate with an 8:56 message informing [REDACTED] that [REDACTED] has just admitted to their affair; [REDACTED] told P.A. [REDACTED] that she sustained her injuries at 8:00 a.m. In addition, the threatening and intimidating messages that Officer Rodriguez resumed sending at 9:58 a.m. following [REDACTED] confirmation of the affair demonstrate a depth to Officer Rodriguez's anger that cannot be credibly reconciled with the account of the morning that Officer Rodriguez gave to COPA. In that

⁹⁴For this reason, statements made by an injured person for purposes of medical treatment are not considered to be inadmissible hearsay in judicial proceedings in federal courts or in Illinois state courts. Instead, such statements are admissible in those proceedings, even to prove causation, under Federal Rule of Evidence 803(4) and Illinois Rule of Evidence 803(4). See Fed.R.Evid. 803(4), Notes of Advisory Committee on Proposed Rules, citing to *Shell Oil Co. v. Industrial Comm'n*, 2 Ill.2d 590, 602, 119 N.E.2d 224, 231 (1954) ("it is presumed that a person will not falsify such statements to a physician from whom he expects and hopes to receive medical aid.")

account, Officer Rodriguez denied even seeking or speaking to ██████ that morning after discovering her affair, even though he assumed that ██████ was at home, claiming that he merely went to sleep after learning that information, only to be awakened hours later by a telephone call from ██████. In that account, Officer Rodriguez denied observing any blood, despite having helped ██████ into their residence after she had sustained her injuries. Yet, ██████ spoke blood gushing from her mouth. ██████ denied that she and Officer Rodriguez discussed ██████ that morning; that denial is contradicted by Officer Rodriguez's 8:56 text message. ██████ was also untruthful when she told COPA that Officer Rodriguez did not learn of her affair with ██████ on the day that she sustained her injuries: she falsely said that Officer Rodriguez did not learn of the affair until "way after."

Finally, COPA has considered and has rejected as incredible ██████ claim that she made a false report to hospital staff because she was angry at Officer Rodriguez. ██████ claim of vengeful anger runs counter to the fact that she did not attribute her injuries to Officer Rodriguez when she spoke to her ██████ earlier that morning or to her ██████ later that day. Indeed, in ██████ account to ██████ ██████ claimed that Officer Rodriguez was not even present at the time that she sustained her injuries. ██████ claim of anger is undermined further by the fact that she did not make a report of the incident to the CPD, either by calling 911 from her residence or at the hospital. Rather than report Officer Rodriguez to the CPD, ██████ apparently made an attempt to keep her ██████ employer from learning about the incident: hospital records list ██████ as a "self-pay," when, in fact, ██████ was covered by a city-provided health insurance plan. Common experience prevents COPA from crediting the possibility that St. Anthony's staff would have classified ██████ as uninsured upon her arrival at the hospital if ██████ had given hospital staff the same explanation that she gave to COPA, which is that she had misplaced her Blue Cross card.

Allegation #1 against Officers Richardson and Shea is also **SUSTAINED**. The preponderance of the evidence supports the allegation, which is that the officers failed to interview parties to a domestic incident separately as required by CPD General Order G04-04. That evidence includes conclusive BWC footage depicting the event. Though that footage shows that the officers unsuccessfully attempted to persuade ██████ to step out of the apartment and speak to them, the footage also shows that officers made no further attempt to separate the parties by asking or directing Officer Rodriguez to step out after ██████ had refused. As a result, the officers never spoke to ██████ outside of Officer Rodriguez's presence, notwithstanding that the officers had been informed by OEMC that a female domestic violence victim had requested police intervention. The footage therefore shows that the officers violated a provision of General Order G04-04 requiring that officers assigned to domestic incidents "will conduct a thorough investigation ... including: 1. identifying and **interviewing all involved parties separately.**"⁹⁵ The importance of this procedure should not be disregarded or minimized. It is self-evident that the concern underlying this policy requirement is that a domestic violence victim could be influenced by and/or intimidated by the presence of others during their interview. CPD therefore deems physical separation of the parties to a domestic incident to be necessary where feasible, and it has

⁹⁵CPD General Order G04-04, Section IV.A.1 (emphasis added).

required such separation by policy directive. COPA therefore finds that the officers' actions constituted violations of Rules 3 and 5 of the CPD Rules of Conduct in that they involved failures to act as required by a CPD directive (General Order G04-04) as well as failures to perform a duty.

COPA rejects the officers' contention that the event in question did not present them with circumstances demonstrating that the provisions of General Order G04-04 applied to the event. COPA finds that the circumstances presented to the officers did in fact provide the officers with sufficient information to make them aware that they were in the presence of an alleged victim of domestic violence who had sought police assistance through a third party. The radio broadcast of the officers' assignment expressly informed them that they were assigned to "[a] domestic. ... [REDACTED] being battered by [REDACTED] ... Caller says victim called her and told her to call nine one one." Officer Rodriguez confirmed that there had been an argument between him and his [REDACTED]. Therefore, the officers were required by General Order G04-04 to interview Officer Rodriguez and [REDACTED] separately or, at least, to make their best effort to do so. Further, it is clear from the BWC footage that the officers perceived that the situation presented a domestic violence risk, since they asked [REDACTED] if she was injured and also asked her if she and her child would be secure in their home.

Under General Order G04-04-02, Officers Richardson and Shea were also required to give [REDACTED] a copy of the CPD's Domestic Incident Notice form,⁹⁶ as alleged in Allegation #2. That allegation is therefore also **SUSTAINED**. The above-described BWC footage demonstrates that Officers Richardson and Shea understood that the incident involved a report of domestic violence but that they failed to provide the notice form as required, thereby violating Rules 3 and 5 of the CPD Rules of Conduct, which prohibit violations of CPD directives and failures to perform a duty.

Allegation #3 against Officer Shea is also **SUSTAINED**. His admitted conduct in suggesting to the parties, as alleged, that they "can't act like adults" was indisputably disrespectful and therefore violative of Rule 8 of the CPD Rules of Conduct, which prohibits disrespect and maltreatment. Furthermore, Officer Shea's admitted conduct in stating to both parties, including the alleged victim of domestic violence, that "[i]f I come back someone's going to come with me. ... I got no problem locking either one of you up," amounted to a warning to that alleged victim that she might face jail if she made a further request for police assistance. Such a statement to an alleged victim of domestic violence runs counter to the CPD's statement of policy, as set out in General Order G04-04, that the CPD "advocates early intervention for households at risk [and that its members will therefore] treat domestic violence incidents in the same professional manner as all other requests for police service and will provide immediate, effective assistance and protection for victims and witnesses." Therefore, Officer Shea's conduct in making that statement was violative of Rule 3 of the CPD Rules of Conduct, which prohibits the violation of a CPD directive.

⁹⁶As noted above, the form includes information about assistance that is available for victims of domestic violence, including the number of a free confidential multilingual 24-hour Hot Line operated by the City of Chicago, information concerning orders of protection, and information setting out the rights of domestic violence victims

Allegation #3 against Officer Richardson is **UNFOUNDED**, as Officer Shea's statement clearly and convincingly shows that it was Officer Shea alone who made the statements at issue.

VIII. RECOMMENDATIONS

Officer Rodriguez

1. Complimentary and Disciplinary History

Officer Rodriguez's complimentary history consists of twenty-nine honorable mentions. His disciplinary history consists of one SPAR with no discipline.

2. Recommended Penalty: Separation

COPA recommends Officer Rodriguez be separated from the CPD. By battering [REDACTED] Officer Rodriguez has brought discredit to the Department. Additionally, [REDACTED] injuries were severe. Officer Rodriguez does not have the temperament necessary to serve the public as law enforcement officer, especially in times of challenging incidents in which civilians have heightened emotional responses. It is unacceptable for a police officer to engage in this type of behavior and, by doing so, Officer Rodriguez has shown that he is unfit to serve. Finally, Officer Rodriguez's refusal to take responsibility for his actions is an aggravating factor.

Accordingly, COPA finds that Officer Rodriguez has exhibited substantial poor judgment, which render his continuance as a police officer detrimental to the discipline and efficiency of CPD. He has demonstrated that he is prone to violence unbecoming of an officer, and which presents a risk of harm to the public and his fellow officers if he remains an officer. Likewise, his actions show good cause that he should no longer be an officer. Thus, COPA recommends that Officer Rodriguez be separated from the Department.

Officers Richardson and Shea

1. Complimentary and Disciplinary History

Officer Richardson has fifty-three honorable mentions and one department commendation. He has no disciplinary history.

Officer Shea has forty-three honorable mentions and three department commendations. He has received one reprimand for a SPAR.

2. Recommended Penalty

COPA recommends suspensions for both officers. Officer Shea's suspension is increased due to his insensitive comments to the parties, including the victim. We further recommend that Officers Richardson and Shea should receive additional training in the proper investigation of domestic incidents. Both officers failed to adhere to requirements directing them to interview domestic incident participants separately and to provide information to the apparent victim. Though

COPA cannot know that their failure to adhere to CPD directives led to their failure to discover that a perpetrator of alleged violence was a Chicago Police Officer, we can well consider the possibility that Officers Richardson and Shea would have made such a discovery if they had simply followed proper procedure. Officer Richardson was a fourteen-year veteran at the time; Officer Shea then had twelve years on the job. Given their experience, more is expected of them than they displayed here. By failing to follow approved procedures meant to support and protect domestic violence victims, Officers Richardson and Shea undermined the integrity of a domestic violence investigation. Thus, additional training in this area is warranted.

VIII. CONCLUSION

Based on the above, COPA makes the following findings and recommendations:

Member	Allegation	Finding / Recommendation
Officer Rodriguez	1. On or about October 30, 2017, the accused committed the offense of domestic battery or aggravated domestic battery in that he then knowingly and without legal justification punched a family member, his [REDACTED] multiple times, in violation of Rules 8 and 9 of the CPD Rules of Conduct.	SUSTAINED / SEPARATION
Officer Richardson	1. While on duty, on February 17, 2018, at approximately 4:30 p.m., the accused was assigned to conduct a preliminary investigation of a domestic incident, specifically, a woman “being battered by [her] [REDACTED] at [REDACTED] and after arriving at the above address, the accused failed to interview all parties separately, in violation of Rules 3 and 5 of the CPD Rules of Conduct.	SUSTAINED /15 Day Suspension and DV Response Training
	2. After arriving at the above address, the accused failed to provide the person who was alleged to have been battered with a Domestic Incident Notice in violation of Rules 3 and 5 of the CPD Rules of Conduct.	SUSTAINED /15 Day Suspension and DV Response Training
	3. After arriving at the above address, the accused made a statement to the persons present, including the person who was alleged to have been battered, to the effect of “Alright, here’s the thing. If I come back someone’s going to come with me. Understand? You understand that sir? So, if you guys can’t act like adults in front of a child, I’ll make the decision for the adults, okay, do you understand? I got no problem locking either one of you up. Okay?” in violation of Rule 8 of the CPD Rules of Conduct.	UNFOUNDED
Officer Shea	1. While on duty, on February 17, 2018, at approximately 4:30 p.m., the accused was assigned to conduct a preliminary investigation of a domestic incident, specifically, a woman “being battered by [her] [REDACTED] at [REDACTED] and after arriving at the above address, the accused failed to interview all parties separately, in violation of Rules 3 and 5 of the CPD Rules of Conduct.	SUSTAINED /20 Day Suspension and DV Response Training

Member	Allegation	Finding / Recommendation
Officer Shea (continued)	2. After arriving at the above address, the accused failed to provide the person who was alleged to have been battered with a Domestic Incident Notice in violation of Rule 5 of the CPD Rules of Conduct.	SUSTAINED /20 Day Suspension and DV Response Training
	3. After arriving at the above address, the accused made a statement to the persons present, including the person who was alleged to have been battered, to the effect of “Alright, here’s the thing. If I come back someone’s going to come with me. Understand? You understand that sir? So, if you guys can’t act like adults in front of a child, I’ll make the decision for the adults, okay, do you understand? I got no problem locking either one of you up. Okay?” in violation of Rule 8 of the CPD Rules of Conduct.	SUSTAINED /20 Day Suspension and DV Response Training



7/30/2021

 Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

 Date



7/30/2021

 Andrea Kersten
Interim Chief Administrator

 Date

Appendix A/

Assigned Investigative Staff

Squad#:	Squad #3
Investigator:	Francis Tighe
Supervising Investigator:	Brian Dollar
Deputy Chief Administrator:	Angela Hearts-Glass