

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 25, 2018
Time of Incident:	19:45
Location of Incident:	1198 W. Addison Street
Date of COPA Notification:	May 29, 2018
Time of COPA Notification:	08:19

Officers responded to a call of a domestic battery involving Officers Rodriguez and Perez. It is alleged that the accused officers engaged in a physical altercation, did not identify themselves as Chicago Police officers, and did not report the incident to the Department.

II. INVOLVED PARTIES

Involved Officer #1:	Efrain Rodriguez, Star #13237, Employee [REDACTED], DOA July 7, 1997, Rank PO, Unit 025, DOB [REDACTED] 1964, M, Hisp
Involved Officer #2:	Virginia Perez, Star #3526, Employee [REDACTED] DOA October 13, 1998, Rank PO, Unit 050, DOB [REDACTED] 1972, F, Hisp

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Efrain Rodriguez	1. The accused was involved in a domestic altercation in violation of Rule 8, 9.	Sustained/10 days
	2. The accused was intoxicated at the time of the incident in violation of Rule 15.	Sustained/10 days
	3. The accused disobeyed an order given by a sergeant in violation of Rule 6.	Sustained/10 days
	4. The accused was disrespectful toward a sergeant in violation of Rule 7.	Sustained/10 days
	5. The accused failed to correctly identify himself by giving his name, rank, and star number when so requested by	Sustained/Reprimand

	<p>other members of the Department in violation of Rule 37.</p> <p>6. The accused failed to report to the Department any information concerning unlawful action in violation of Rule 21.</p>	Sustained/2 days
Officer Virginia Perez	<p>1. The accused was involved in a domestic altercation in violation of Rule 8, 9.</p> <p>2. The accused was intoxicated at the time of the incident in violation of Rule 15.</p> <p>3. The accused failed to correctly identify herself by giving her name, rank, and star number when so requested by other members of the Department in violation of Rule 37.</p> <p>4. The accused failed to report to the Department any information concerning unlawful action in violation of Rule 21.</p>	<p>Exonerated</p> <p>Not Sustained</p> <p>Sustained/Reprimand</p> <p>Sustained/2 days</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
2. Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
5. Rule 15: Intoxication on or off duty.
6. Rule 21: Failure to report promptly to the Department any information concerning any crime or unlawful action.
7. Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.

Special Orders

1. SO8-01-02 Effective December 1, 2017.

V. INVESTIGATION

a. Interviews

In her statement to COPA¹ on June 11, 2018, Witness ██████████ stated that she was driving down the street when she saw Officer Rodriguez wrap his arm around Officer Perez's chest and take her down to the ground. Ms. ██████████ said she parked her car and walked over to the officers to see if she could be of help to them. She said that several people positioned themselves between the officers to stop the physical altercation. Ms. ██████████ recalled that once the officers were separated, Officer Rodriguez started yelling and tried to get to Officer Perez. She said that Officer Perez did not respond to him and walked away from the scene. Ms. ██████████ said that when the responding officers arrived at the scene, Officer Rodriguez told them that Officer Perez had hit him. Ms. ██████████ said that she did not see Officer Rodriguez make physical contact with Officer Perez after he dragged her to the ground and she was not aware of what happened between the two officers during the time it took to park her car.

In her statement to COPA² on June 29, 2018, Officer Francis CiFuentes stated that she and her partner, Officer Nelson, responded to a domestic battery call in the 1100 block of West Addison. She said when she arrived at the scene that only Officer Rodriguez was present. Officer CiFuentes said she and Officer Nelson spoke to the witnesses and Officer Rodriguez to determine what had occurred. She stated that Officer Rodriguez was yelling, seemed to be intoxicated, and he was bleeding from his forehead. He told her that his wife had hit him and that he was a police officer. She said that while speaking to Officer Rodriguez she saw Officer Perez come out of a home on Addison street. Officer Perez did not identify herself at that time. Officer Perez told her that she was fine, did not want to talk to the responding officers, and did not want anything done regarding the incident. Officer CiFuentes did not observe any injuries to Officer Perez or observe her to be intoxicated. Officer CiFuentes stated the witnesses reported that the two accused officers were engaged in a physical altercation. They said Officer Rodriguez grabbed Officer Perez and threw her to the ground and Officer Perez got up and hit Officer Rodriguez. When Officer Rodriguez attempted to hit Officer Perez again, the witnesses stepped between them, to stop the altercation, and called 911.

In his statement to COPA³ on July 10, 2018, Accused Officer Efrain Rodriguez when asked to recount the incident stated, "I don't remember half the stuff because I was drinking that day."⁴ He could not remember how many alcoholic drinks he consumed but said, "it was more than enough, I was drunk."⁵ He agreed that he drank at least 10 beers, while attending a Cubs game, and rum drinks, at a nearby bar, after the game. Officer Rodriguez said that he and Officer Perez had a verbal argument. He said they argued about the fact that Officer Perez wanted to leave him at the bar because he was drunk. He said she left the bar and he followed her. They argued while walking several blocks before the incident occurred on Addison Street. Officer Rodriguez denied grabbing Officer Perez around the neck and throwing her to the ground. He

¹ Att. 4

² Att. 5

³ Att. 34

⁴ Att. 34 at 3:53

⁵ Att. 34 at 5:00

said, "I don't remember pushing her to the ground. I don't think I did."⁶ He remembered grabbing her by the wrist, to prevent her from leaving him, and her pulling away from him. He said she either tripped and fell to the ground or fell when she pulled away from him. He also denied that Officer Perez hit him in the head. Officer Rodriguez said, "An unknown man hit him and caused the laceration to his forehead."⁷ Officer Rodriguez believed that Officer Perez was not intoxicated at the time of the incident. He estimated she may have had 2 drinks throughout the course of the day. He also admitted that he knew Sergeant Kereakes was his superior officer. He did not stop, when directed to by the sergeant, because he did not think the sergeant was directing him to stop and talk. Officer Rodriguez said he was "not aware that it was a domestic" call.⁸ He explained he thought that he had given his name, rank, and star number to the responding officers. Officer Rodriguez stated that he "was not aware of his duty to report the incident to the Department and assumed the responding officers would report it."⁹

In his statement to COPA¹⁰ on July 25, 2018, Witness Sergeant Anargyros Kereakes said that he was called to the incident because the male subject identified himself as a police officer. Sergeant Kereakes stated that he saw Officer Rodriguez walking down the street and approached him to conduct a field interview. He said he directed Officer Rodriguez to stop to get information about the incident. Sergeant Kereakes said Officer Rodriguez was aggressive and cursed at him. He said his actions were unprofessional and he seemed to be under the influence of alcohol. He tried to talk to Officer Rodriguez to deescalate the situation, because he felt that Officer Rodriguez would be combative if he was forced to stop walking. Sergeant Kereakes said he asked Officer Rodriguez if he was a Chicago Police officer, but he was out of control and did not respond. He said Officer Rodriguez was injured, so he offered him medical assistance. Sergeant Kereakes said that he allowed Officer Rodriguez to walk away because he did not have probable cause to arrest him. He stated that after both accused officers were identified as officers, by the lieutenant who reviewed the body worn camera footage, he initiated a log number for the incident.

In her statement to COPA¹¹ on August 2, 2018, Accused Officer Virginia Perez explained that she has been in a relationship with Officer Rodriguez for 13 years and they do not have a history of domestic violence. She alleged that what occurred, with Officer Rodriguez, "was not a domestic" incident.¹² Officer Perez said, "he was being obnoxious, and I was aggravated that he was over served. I just wanted to get away from the situation."¹³ She said he did not grab her around the neck and throw her to the ground. Officer Perez stated, "He grabbed me to make me stop walking. I imagine he grabbed my arms. I was grabbed, and I flared my arms. I may have made contact with him and then I fell to the floor."¹⁴ She believed Officer Rodriguez grabbed her arms to prevent her from leaving him. She denied getting up from the ground and hitting Officer Rodriguez. She explained that when she got up, she walked away to deescalate the situation.

⁶ Att. 34 at 6:02

⁷ Att. 34 at 7:15

⁸ Att. 34 at 12:50

⁹ Att. 34 at 12:05

¹⁰ Att. 7

¹¹ Att. 29

¹² Att. 29 at 11:18

¹³ Att. 29 at 7:21

¹⁴ Att. 29 at 9:09

Officer Perez corroborates Officer Rodriguez's account regarding the number of alcoholic beverages that they both consumed prior to the incident, the reason for the verbal argument, and the unidentified male who hit Officer Rodriguez in the head. She went into the house of the witness because she thought that this would help to deescalate the situation. Officer Perez did not speak to any of the witnesses about the incident and upon question, stated that she did not stop and talk to the responding officer because, "She did not say can you please stop." Officer Perez added, "I'm a police officer and no crime was committed between us. This was no domestic fight. I did not feel the need to speak to anybody."¹⁵ When asked why she did not identify herself as a police officer, Officer Perez responded, "Why would I have to because no crime was committed."¹⁶

In her statement to COPA¹⁷ on August 3, 2018, Witness Officer Melissa Nelson stated that she and her partner, Officer CiFuentes, were dispatched to the incident for a battery in progress. She said when she arrived at the scene, Officer Rodriguez was standing on the sidewalk, bleeding from his forehead. She said he told her that he had an argument with his wife and that she had hit him. She said that when Officer Perez came out of the witness' house she tried to speak to her. Officer Perez told her that she was fine and that she did not hit Officer Rodriguez. She also said that she did not want to press charges against Officer Rodriguez. Officer Nelson said that she did not stop Officer Perez as she left the scene because both accused officers gave contradictory statements about what happened, so she could not determine which of them was the victim. Officer Nelson said that she and Officer CiFuentes were not able to obtain any identifying information from either accused officer. Officer Nelson's account of the witnesses' statements is the same as Officer CiFuentes account.

In an August 18, 2018, telephone conversation, Witness ██████████ stated that he would not give a sworn statement to COPA. He said he witnessed a physical altercation between the accused officers. He saw Officer Rodriguez either push or punch Officer Perez, causing her body to be thrown back. He also saw Officer Perez hit Officer Rodriguez in the face, after he pushed her. Mr. ██████████ admitted that there were several people surrounding the accused officers, so his view may have been obstructed when Officer Rodriguez threw Officer Perez to the ground. Mr. ██████████ said that Officer Perez tried to walk away, and Officer Rodriguez kept trying to grab her. He said he took Officer Perez in to his home to separate them because they had been drinking. Mr. ██████████ stated that he could not say whether Officer Perez was intoxicated

This investigator made several attempts to obtain a statement from witnesses ██████████ and ██████████ but neither returned this investigator's telephone calls.

b. Digital Evidence

Body worn camera footage of Sergeant Kereakes¹⁸ shows the sergeant following Officer Rodriguez for several city blocks. The sergeant makes several attempts to conduct a field interview. Officer Rodriguez is seen screaming and cursing at the sergeant. He can be heard

¹⁵ Att. 29 at 15:00

¹⁶ Att. 29 at 15:50

¹⁷ Att. 33

¹⁸ Att. 35

screaming, “Why are you bothering me and why do I have to talk to you?”¹⁹ It also shows the sergeant asking Officer Rodriguez if he is a police officer and explaining to him the legal justification for the stop. Officer Rodriguez never responds to the question of whether he is a police officer. At one point during the interaction, Officer Rodriguez yells at the sergeant saying, “You think I’m a fucking punk motherfucker,” and “This is fucking harassment by you.”²⁰ The footage also shows Officer Rodriguez walking haphazardly down the street in a drunken manner. The body worn camera footage of responding officers, Nelson and CiFuentes,²¹ shows Officer Rodriguez yelling and cursing at the responding officers and being uncooperative. It also captures Officer Rodriguez stating, “My wife punched me in the face.”²² He also said, “You just let her go, so who is the victim here? I told you she hit me, and you did not follow her or say anything.”²³ He also screams at the responding officers and says, “You are going to fucking play with me because I’m an officer, but you should have gotten a sergeant.”²⁴ Eventually he is seen walking off, leaving the scene. The footage also shows the witnesses describing the physical altercation and corroborating that there was an unidentified man who had left before the police arrived.

c. Documentary Evidence

The Chicago Police Department Original Case Incident Report²⁵ includes a summary of the incident.

The COPA Intake Investigator requested the Audio of 911 Calls, CPD Radio Transmission, and POD/OVS Camera Video for this incident. To date, the requested items have not been received by COPA.

VI. ANALYSIS

COPA recommends a finding of SUSTAINED for allegations #1, #2, #3, #4, #5, and #6 against Officer Efrain Rodriguez and allegations #3 and #4 for Officer Virginia Perez.

All the civilian witnesses stated that the accused officers were engaged in a physical altercation. The accounts of four witnesses is more convincing than the account given by the two accused officers. Officer Rodriguez admitted to being intoxicated and not remembering most of the incident, so it is very unlikely that he can say for certain what occurred during the physical altercation. There is no evidence to prove that Officer Perez was under the influence of alcohol and therefore could not remember what occurred during the altercation. Her account of what happened is the same as that of Officer Rodriguez. This fact tends to give more credibility to the witness statements. The accused officers are in a relationship and have a motive to deny wrongdoing whereas the four witnesses do not know each other or either of the accused, and as a

¹⁹ Att. 35 (Axon Body 2 Video, 1952, 2018, 3:05)

²⁰ Att. 35 (Axon Body 2 Video, 1952, 2018, 7:20)

²¹ Att. 35

²² Att. 35 (Axon Body 2 Video, 1947, 2018, 1:48)

²³ Att. 35 (Axon Body 2 Video, 1947, 2018, 3:35)

²⁴ Att. 35 (Axon Body 2 Video, 1947, 2018, 4:20)

²⁵ Att.15

result, have no interest in the outcome of this investigation. The accused officers and the witnesses said that an unidentified male left the scene before the responding officers arrived. This unidentified male could be the person that hit Officer Rodriguez, or it may have been the result of Officer Perez hitting him.

The statements of the responding officers all corroborate the fact that neither accused officer fully identified themselves. Officer Rodriguez failed to give his name, rank, and star number when each of the responding requested this information. Officer Perez made no attempt to give her name, rank, or star number to the responding officers. Officer Rodriguez has been a police officer for 21 years and is familiar with police procedures. It is his responsibility to know that he must obey the directive of a police sergeant. He also knows that he had a duty to report the incident to the Department. Officer Perez has been a Chicago Police officer for nearly 20 years so when she saw the responding officers, Officer Rodriguez, and the witnesses still at the scene, it is logical to assume that she would know that the responding officers were trying to find out what occurred. It appears, from her comments to the responding officers, that Officer Perez knew why the responding officers were on the scene. It is her responsibility to know the Department's policies and procedures and to know that she should have identified herself and spoken to the officers about the incident.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Efrain Rodriguez

- i. Officer Rodriguez's Complimentary History includes, among other awards, 3 Department Commendations, 5 Complimentary Letters, and 68 Honorable Mentions. His Disciplinary History includes an incident that occurred on October 24, 2017, for a court appearance violation, and the disciplinary action was a reprimand.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

Aggravating factors include Officer Rodriguez grabbed and threw officer Perez to the ground and attempted to continue to hit Officer Perez after she got up from the ground.

2. Allegation No. 2

Aggravating factors include Officer Rodriguez consumed over 12 alcoholic drinks.

3. Allegation No. 3

Aggravating factors include Officer Rodriguez disobeyed Sergeant Kereakes' directive to stop and he was extremely intoxicated.

4. Allegation No. 4

Aggravating factors include Officer Rodriguez was extremely intoxicated, aggressive and unprofessional, and cursed and yelled at a superior officer.

5. Allegation No. 5

Aggravating factors include Officer Rodriguez did not identify himself by name, rank, and star number. Mitigating factors include Officer Rodriguez did tell responding officers he was a police officer.

6. Allegation No. 6

Aggravating factors include Officer Rodriguez relied on the responding officers to report the incident to the Department.

b. Officer Virginia Perez

i. Officer Perez’s Complimentary History includes, among other awards, 1 Department Commendation, 3 Complimentary Letters, and 12 Honorable Mentions. Officer Perez has no Disciplinary History.

ii. Recommended Penalty by Allegation

1. Allegation No. 3

Aggravating factors include Officer Perez tried to avoid the questions of the responding officers by leaving the scene.

2. Allegation No. 4

Mitigating factors include Officer Perez did not think that she had engaged in a physical altercation.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Efrain Rodriguez	1. The accused was involved in a domestic altercation in violation of Rule 8, 9.	Sustained/10 days
	2. The accused was intoxicated at the time of the incident in violation of Rule 15.	Sustained/10 days
	3. The accused disobeyed an order given by a sergeant in violation of Rule 6.	Sustained/10 days
	4. The accused was disrespectful toward a sergeant in violation of Rule 7.	Sustained/10 days
	5. The accused failed to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department in violation of Rule 37.	Sustained/Reprimand

	<p>6. The accused failed to report to the Department any information concerning unlawful action in violation of Rule 21.</p>	<p>Sustained/2 days</p>
<p>Officer Virginia Perez</p>	<p>1. The accused was involved in a domestic altercation in violation of Rule 8, 9. 2. The accused was intoxicated at the time of the incident in violation of Rule 15. 3. The accused failed to correctly identify herself by giving her name, rank, and star number when so requested by other members of the Department in violation of Rule 37. 4. The accused failed to report to the Department any information concerning unlawful action in violation of Rule 21.</p>	<p>Exonerated Not Sustained Sustained/Reprimand Sustained/2 days</p>

Approved:



Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator

9-11-18
 Date

