

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	October 6, 2015
Time of Incident:	1:45 a.m.
Location of Incident:	4654 W 63 rd Street
Date of IPRA Notification:	October 6, 2015
Time of IPRA Notification:	3:05 a.m.

On October 6, 2015, the Chicago Police Department (CPD) responded to an incident at Mr. C’s Midway Bar, located at 4654 W. 63rd Street, involving off-duty Officer Venus Rodriguez. It is alleged that Officer Rodriguez was involved in a verbal and physical altercation with an unknown male (whom she believed to be a CPD officer) and an unknown female; that Officer Rodriguez was intoxicated in violation of Department policy; and that she knowingly and falsely reported to responding officers that she was the victim of a battery, in violation of Rule 14. COPA finds that Officer Rodriguez was involved in an unjustified physical and verbal altercation and recommends that these allegations be Sustained. However, COPA finds that there is insufficient evidence Officer Rodriguez was intoxicated at the time of the incident and recommends that this allegation be Not Sustained. COPA also finds that, there is insufficient evidence to support the Rule 14 allegation.

It is further alleged that responding Sergeant (Sgt.) Janet Comiskey failed to conduct a preliminary investigation and failed to order Officer Rodriguez to submit to a breathalyzer. COPA recommends that both allegations against Sgt. Comiskey be Exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	UNKNOWN, Police Officer, Male, White
Involved Officer #2:	RODRIGUEZ, Venus, star #12474, Employee ID # [REDACTED], DOA: October 10, 2000, Police Officer, Unit 007, DOB: [REDACTED], 1978, Female, White-Hispanic
Involved Officer #3	COMISKEY, Janet, star #1747, Employee ID # [REDACTED], DOA: December 14, 1998, Sergeant, Unit 008, DOB: [REDACTED], 1960, Female, White
Involved Individual #1	UNKNOWN, Female, White

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer UNKNOWN	1. Struck Officer Venus Rodriguez about the face in violation of Rule 9.	Administratively Closed
	2. Kicked Officer Venus Rodriguez about the body in violation of Rule 9.	Administratively Closed
Officer Venus Rodriguez	1. Intoxicated while off duty in violation of Rule 15.	Not Sustained
	2. Engaged in a verbal altercation with an unknown female in violation of Rules 1, 2, 8, and 9.	Sustained
	3. Engaged in a physical altercation with an unknown female in violation of Rules 1, 2, 8, and 9.	Sustained
	4. Filed a false General Offense Case report in violation of Rule 14.	Not Sustained
Sergeant Janet Comiskey	1. Failed to conduct an investigation of a physical altercation involving Officer Venus Rodriguez in violation of Rule 5.	Exonerated
	2. Failed to request a breathalyzer to be administered to Officer Venus Rodriguez in violation of Rule 6.	Exonerated

IV. APPLICABLE RULES AND LAWS

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- Rules
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1. Rule 1. Violation of any law or ordinance.
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2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
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3. Rule 5: Failure to perform any duty.
 4. Rule 6: Disobedience of an order or directive, whether written or oral.
 5. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 6. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

7. Rule 14: Making a false report, written or oral.
8. Rule 15: Intoxication on or off duty

Special Orders

1. S.O. 08-01-02 Special Situations Involving Allegations of Misconduct (II)(E)(1)(b)²

V. INVESTIGATION

a. Interviews³

The **recorded statement of Independent Witness** ██████████ (██████████⁴ was taken by IPRA at 4654 W. 63rd Street (Mr. C's Midway Bar), on October 7, 2015. ██████████ stated he was the bartender at Mr. C's Midway Bar on October 6, 2015 and was present during the incident. On the date and time of the incident, two females entered the bar, and ██████████ recognized one of the females because she worked nearby (later identified as ██████████ (██████████ was with another female that he had not seen before (later identified as Officer Venus Rodriguez ("Officer Rodriguez")). Officer Rodriguez and ██████████ ordered alcoholic drinks from ██████████ They told him they were kicked out of Lawlor's Bar (phonetic), but ██████████ was not sure when that had occurred. Officer Rodriguez claimed she was a police officer and had worked in the Englewood area for fifteen years, but ██████████ heard her ask ██████████ not to mention that she was an officer.

██████████ stated Officer Rodriguez and ██████████ became very aggressive after their second round of alcoholic drinks. They began to verbally abuse and argue with other customers, including an unknown white male ("unknown officer") and unknown white female ("unknown female"). When ██████████ heard ██████████ tell the unknown officer "suck my dick," he asked ██████████ to leave the bar. As Officer Rodriguez and ██████████ began to walk toward the door, someone in the bar stated, "bye Felicia." Officer Rodriguez became upset and began verbally abusing other customers. ██████████ asked Officer Rodriguez and ██████████ to leave the bar again. As ██████████ began to escort ██████████ out of the bar, she jumped over him and punched another customer (now known to be the unknown officer) in the side of the head. ██████████ another customer, and the unknown officer restrained ██████████ against a wall. ██████████ believed that the unknown male at the bar was a police officer but was not sure if he worked for CPD.

As this was happening, Officer Rodriguez took a cell phone that belonged to the unknown officer off the bar, apparently to record the fight. The unknown female reached for the cell phone in an attempt to retrieve it from Officer Rodriguez. After the unknown female grabbed at the phone three to four times, Officer Rodriguez shoved the unknown female in her face and the two began pulling each other's hair and rolling around on the floor. Other patrons escorted ██████████ out of the bar while ██████████ and the unknown officer separated Officer Rodriguez and the unknown female. The unknown officer pulled the unknown female off Officer Rodriguez, then used his hands to

² The order states, in relevant part, "Alcohol intoxication means that a person's mental or physical functioning is substantially impaired as a result of the use of alcohol."

³ The following are summaries and are not verbatim unless indicated otherwise.

⁴ Atts. 9, 23

push the women apart. ██████ did not see the unknown officer strike Officer Rodriguez or ██████ during the incident. ██████ then called 911 because Officer Rodriguez refused to leave. When the responding officers arrived, Officer Rodriguez spoke with them outside while ██████ stood across the street from the bar. ██████ also related his account of the incident to the responding officers. A sergeant arrived on the scene and Officer Rodriguez became verbally combative and stated she wanted to file a report. At the same time, ██████ stood across the street yelling obscenities, including “fuck you and suck my dick,” at the responding officers and the sergeant. The officers and sergeant encouraged Officer Rodriguez to “sleep it off and talk about it in the morning,” but she insisted on going to the police station to make a report. Officer Rodriguez also requested an ambulance.

████████ stated Officer Rodriguez was not intoxicated when she arrived at the bar, but she quickly became intoxicated after the first round of drinks. ██████ realized Officer Rodriguez was intoxicated immediately before he asked her and ██████ to leave. He based his opinion regarding Officer Rodriguez’s degree of intoxication on the fact that she was randomly aggressive and hostile. There was nothing else, including no slurred speech, that led him to believe she was intoxicated.

████████ opined that the incident was caused by ██████ and Officer Rodriguez’s actions. If they had left the bar when he asked them to leave, the fight would not have occurred.

The **recorded statement of Witness Sergeant Janet Comiskey #1747⁵** (“Sgt. Comiskey”) was taken at IPRA on December 17, 2015. On the date and time of the incident, Sgt. Comiskey stated she responded to Beat 841R’s request for a supervisor at 4654 W. 63rd Street. Upon arriving at the scene, Sgt. Comiskey observed Officer Viramontes and Officer Escamilla speaking to a female. The officers identified the female as off-duty Officer Venus Rodriguez and stated she was the victim of a battery. The officers explained that Officer Rodriguez had attempted to break up a physical altercation inside the bar, and an unknown white male struck her in the face. Officers Viramontes and Escamilla also reported that Officer Rodriguez believed the unknown white male was an off-duty officer assigned to the 003rd District. Sgt. Comiskey did not observe any visible signs of injury (no bleeding, black eyes, or scratches), but she ordered an evidence technician to photograph Officer Rodriguez. Sgt. Comiskey also spoke with Officer Rodriguez, who reiterated the information provided by the responding officers. Officer Rodriguez appeared to be upset but not intoxicated. Sgt. Comiskey did not recall if she smelled alcohol on Officer Rodriguez’s breath.

Sgt. Comiskey stated that upon her arrival at the scene, she did not observe any other witnesses in the area. Sgt. Comiskey then spoke with the owner of the bar⁶ and inquired about the person who battered Officer Rodriguez, but the owner informed her that everyone had already left the area. He also informed Sgt. Comiskey that the bar had working interior surveillance cameras. The video was unavailable for immediate viewing, but officers could obtain the video at a later date. Sgt. Comiskey did not believe that Officer Rodriguez was intoxicated, and because she was

⁵ Atts. 30, 36. Sgt. Comiskey was initially interviewed only as a witness, but she was later brought in to respond to the two allegations against her.

⁶ Based upon Sgt. Comiskey’s description and other interviews, the person she spoke to may have been ██████ not the owner of the bar.

a victim of a battery, Sgt. Comiskey did not order a breathalyzer⁷ to be administered. After Officer Rodriguez relocated to the station, responding officers generated an incident report. A different sergeant completed an initiation report for the allegations against the unknown officer, as Sgt. Comiskey was already responsible for completing an initiation report from a different incident that evening.

The **recorded statement of Accused Sergeant Janet Comiskey #1747⁸** was taken at IPRA on April 14, 2016. Sgt. Comiskey reiterated the sequence of events that she detailed in her December 17, 2015 statement. According to Sgt. Comiskey, the bar was closed and there were no other people at the scene at the time of her arrival. Officer Rodriguez, who was visibly upset, maintained that an unknown off-duty officer struck her in the face. When IPRA investigators questioned Sgt. Comiskey regarding the investigative steps she took at the scene, she stated she focused on Officer Rodriguez's status as a battery victim. Sgt. Comiskey stated [REDACTED] was across the street, but she did not believe it was necessary to speak with [REDACTED] based on Officer Rodriguez's statement. Sgt. Comiskey also relied on Officers Viramontes and Escamilla's information that there were no other witnesses in the area and that any information regarding witnesses would be supplied by Officer Rodriguez at the station, as she did not want to remain on the street. Sgt. Comiskey stated Officer Rodriguez never asked to be taken to a hospital. She maintained that she did not order a breathalyzer because Officer Rodriguez did not appear intoxicated.

Sgt. Comiskey instructed Officers Viramontes and Escamilla to transport Officer Rodriguez to the 008th District, for the further gathering of information. Sgt. Comiskey stated she knew she needed to create a new log number for Officer Rodriguez's allegations against the unknown officer. She intended to initiate the log herself, after she completed the initiation report for a different incident. Once at the station, however, Sgt. Comiskey spoke with Sgt. Thomas Guidice ("Sgt. Guidice"), who volunteered to assist with the completion of the initiation report involving Officer Rodriguez. Sgt. Comiskey explained she was new to being a sergeant and initiating log numbers, so she relied on the help of Sgt. Guidice, who had 30 years' experience. Additionally, because a log number was being generated, Sgt. Comiskey believed she should not conduct an investigation into the incident, as someone else would be assigned to complete the investigation later.

The **recorded statement of Witness Sergeant Thomas Guidice #805⁹** was taken at IPRA on December 22, 2015. According to Sgt. Guidice, Sgt. Comiskey came into the station on the night of the incident and asked him to generate a log number for an incident in which one off-duty officer battered another off-duty officer. Sgt. Guidice placed Officer Rodriguez into an interview room and questioned her regarding the incident. Officer Rodriguez stated she was with a friend at the bar and her friend became involved in an altercation with an unknown white female. When Officer Rodriguez attempted to intervene, an unknown white male identified himself as a Chicago Police Officer and hit her about the head and face. Officer Rodriguez provided her friend's name ([REDACTED]) but was reluctant to give more information. Sgt. Guidice stated it was not his job to determine the identity of the unknown male officer, but he did obtain a description from Officer Rodriguez.

⁷ Breathalyzer is a common name for a device that estimates blood alcohol content.

⁸ Atts. 56,66

⁹ Atts. 33, 37

Sgt. Guidice stated he observed bruising to Officer Rodriguez's face. He described Officer Rodriguez as very talkative and able to articulate her words without slurring. Although her hair appeared to be disheveled, her eyes were not bloodshot, she was fully awake and alert, and she did not smell of alcohol. She also was fully capable of walking and standing. When questioned regarding his failure to order a breathalyzer, Sgt. Guidice maintained that Officer Rodriguez did not exhibit any signs of intoxication.

The **recorded statement of Witness Officer Ricardo Viramontes #10590 ("Officer Viramontes")**¹⁰ was taken at IPRA on December 29, 2015. According to Officer Viramontes, he and Officer Gilbert Escamilla ("Officer Escamilla") responded to a call for service at 4654 W. 63rd Street. When they arrived at the scene approximately five minutes later, Officer Viramontes observed a woman (later identified as Officer Venus Rodriguez) yelling at a man on the street. Officer Viramontes described the man as 6'2, heavy set with blonde hair, who yelled back at Officer Rodriguez, "You're a disgrace to the badge." Officer Rodriguez told Officer Viramontes she was involved in a fight inside the bar and was knocked to the floor. Officer Rodriguez refused medical attention when asked if she wanted an ambulance. She gave the officers the name of her friend (██████) but refused to provide any further information. Officer Viramontes observed ██████ across the street from the bar, but ██████ refused to speak with the officers and left the area. Officer Rodriguez insisted that the responding officers watch the video from the bar, but the bartender told Officer Viramontes that he could not access it.

According to Officer Viramontes, Officer Rodriguez appeared to be intoxicated; her speech was slurred, she smelled of alcohol, and her eyes were bloodshot. Officer Rodriguez claimed that the person that battered her was a Chicago Police Officer, but she did not know his name, and only supplied a vague description of him. Officer Viramontes spoke with ██████ who informed the officers that Officer Rodriguez and her friend ██████ started a physical altercation inside the bar, and he asked them to leave. Officer Rodriguez admitted that ██████ started the fight in the bar but stated the unknown officer should not have responded in the way he did. Upon Sgt. Comiskey's arrival to the location, Officer Viramontes relayed to her details of the incident, and informed her that the victim was an off-duty officer. Officer Viramontes did not speak with Sgt. Comiskey regarding a breathalyzer test for Officer Rodriguez, as he assumed that an investigation would occur at the station. Officers Viramontes and Escamilla transported Officer Rodriguez to the 008th District so that they could complete their paperwork. Officer Viramontes stated he had no further conversations with Sgts. Comiskey or Guidice once he arrived at the station.

The **recorded statement of Witness Officer Gilbert Escamilla #7227**¹¹ was taken at IPRA on December 31, 2015. According to Officer Escamilla, he and Officer Viramontes responded to a call for service at the bar. Upon arriving at the scene, he observed approximately a half dozen people standing outside. Officer Rodriguez arguing with an elderly white male (not the bartender and not the unknown officer), who yelled at Officer Rodriguez that she was "disrespecting the badge." Officer Rodriguez approached Officer Escamilla and stated she was the victim of a battery. Officer Rodriguez related she and ██████ were inside the bar when ██████ became engaged in a heated verbal altercation with a white male patron, whom Officer Rodriguez believed

¹⁰ Atts. 38, 43

¹¹ Att. 40

to be an off-duty officer. The unknown officer became aggressive toward [REDACTED] and Officer Rodriguez picked up the unknown officer's cell phone in an attempt to record the exchange. The unknown officer's companion, the unknown female, approached Officer Rodriguez in an aggressive manner and struck her on the face. The unknown officer then approached Officer Rodriguez and also struck her.

Officer Escamilla stated that during his conversation with Officer Rodriguez her emotions ranged from upset to angry to frustrated. Officer Escamilla did not smell alcohol on Officer Rodriguez and could not determine if she was intoxicated. Officer Rodriguez's words were not slurred, but she was upset. Her eyes were bloodshot, but it appeared she was crying. Officer Rodriguez informed Officer Escamilla that she had "a couple of beers" while inside the bar. Officer Escamilla observed minor facial injuries and offered Officer Rodriguez medical attention, but she refused.

Officer Escamilla then spoke with [REDACTED] who stated he asked Officer Rodriguez and [REDACTED] to leave the bar because of [REDACTED] behavior. Officer Escamilla did not speak with [REDACTED] because she was across the street, but he stated it was possible another officer may have spoken with her. Officer Escamilla asked [REDACTED] if he knew the unknown officer. [REDACTED] informed Officer Escamilla the unknown officer was a regular customer, but [REDACTED] did not know his name, or if he was a Chicago Police Officer. When asked about the cameras, [REDACTED] informed Officer Escamilla that the bar had surveillance equipment, but he did not know how to operate the system.

Officer Escamilla stated that as soon as he learned Officer Rodriguez was an off-duty officer, he called for a sergeant. When Sgt. Comiskey arrived at the scene, Officer Escamilla informed her that the victim was an off-duty officer, though he could not recall if he told Sgt. Comiskey that Officer Rodriguez had been drinking. Officer Escamilla stated he did not believe Officer Rodriguez needed to be breathalyzed. He and Officer Viramontes transported Officer Rodriguez to the 008th District Station, where Officer Escamilla informed Sgt. Guidice about the incident.

The **recorded interviews of Witness Officer Douglas Anderson #6325¹² and Witness Officer Patrick McGinnis #4932¹³** were taken at IPRA on January 29, 2016. Both officers gave similar information as the previously interviewed officers. The statements from Officers Anderson and McGinnis, although relevant, did not add substantive value to the investigation.

The **recorded statement of Accused Officer Venus Rodriguez #12474¹⁴** was taken at IPRA on April 05, 2016. According to Officer Rodriguez, on the night of the incident she and her friend, [REDACTED] were out celebrating Officer Rodriguez's birthday. Officer Rodriguez and [REDACTED] first went to a bar near 61st and Central. Officer Rodriguez had one drink but was unable to recall what she ordered. Officer Rodriguez and [REDACTED] then went to Mr. C's Midway bar, located at 4654 W. 63rd Street. They sat at the far end of the bar, toward the rear. While inside, an unknown white male ("unknown officer"), who was accompanied by an unknown white female ("unknown female"), began to flirt with [REDACTED] told the unknown officer that she did not like men who

¹² Att. 48

¹³ Att. 49

¹⁴ Atts. 52-53, 62

flirt with other women in front of their girlfriends. The unknown officer informed [REDACTED] that he was a Chicago Police Officer who worked in the 003rd District. [REDACTED] responded that Officer Rodriguez was a police officer who worked in Englewood.

At some point [REDACTED] and the unknown officer began to argue over his flirting and the bartender stated someone had to leave. Officer Rodriguez agreed that she and [REDACTED] would leave the bar. As Officer Rodriguez turned to walk out, she observed that [REDACTED] was on the floor and three unknown males were on top of her. Officer Rodriguez grabbed a cell phone from the bar and pretended to videotape the incident, because she did not want to get involved in the fight. She told the men that if they did not get away from [REDACTED] she would call the police. The unknown female, who had been sitting next to the unknown officer at the bar, charged at Officer Rodriguez and they ended up on the ground fighting. While Officer Rodriguez was on the floor, the unknown officer ran toward her and she felt him punch and kick her in the head, chest and thighs. Officer Rodriguez attempted to block her head with her arms, but she stated she lost consciousness for a short period. The next thing she remembered, she was outside speaking to a sergeant and two officers.

Officer Rodriguez identified herself as an off-duty officer to the responding officers and told them she was assigned to the 007th District. Officer Rodriguez described the incident to the responding officers and stated she wanted the unknown officer arrested. Sgt. Comiskey reminded Officer Rodriguez that she had been drinking, but Officer Rodriguez insisted that should not matter. She interpreted Sgt. Comiskey's statement to mean that she should drop her complaint to protect the unknown officer. Officer Rodriguez maintained that even though she had been drinking, she was not intoxicated or buzzed. Officer Rodriguez stated she requested an ambulance, but the responding officers transported her to the 008th District instead. While at the station, Officer Rodriguez spoke with an unknown sergeant (now known to be Sgt. Guidice). Sgt. Guidice took Officer Rodriguez's information and ordered an evidence technician to photograph her injuries. Officer Rodriguez then sought medical treatment at McNeal Hospital.

Officer Rodriguez denied allegation #1, maintaining she was not intoxicated at the time of the incident. She also denied allegation #2 and stated she did not engage in a verbal altercation with anyone until she argued with the unknown female about the cell phone. At that point, she was attempting to videotape the incident to protect [REDACTED]. With respect to allegation #3, Officer Rodriguez reiterated that she was physically attacked, and that she only fought back to protect herself as well as [REDACTED]. She could not recall who initiated the physical contact but recalled feeling fear that the unknown female would strike her. Finally, Officer Rodriguez denied allegation #4, stating that she believed the unknown officer was trying to kill her, and she had not seen the video at the time she spoke to police. She believed she accurately reported she was the victim of a battery.

IPRA and Officer Rodriguez reviewed the surveillance footage from Mr. C's Midway bar. Officer Rodriguez identified herself, the clothing she was wearing, and her friend [REDACTED] whom she stated was the larger woman in jeans sitting at the end of the bar. In reference to the video, Officer Rodriguez offered the following description: bar patrons were playing a game of pool. [REDACTED] exited her seat at the bar and walked over to a young white male at the pool table. [REDACTED] began talking to him and appeared to become animated during her conversation. At some point during the encounter, Officer Rodriguez left the bar area and walked to the restroom. The footage was then forwarded to 1:46:00. This section of the video also captured [REDACTED] and Officer Rodriguez standing

near the end of bar. [REDACTED] was arguing with the unknown officer, and Officer Rodriguez was trying to get [REDACTED] to leave the bar. At that point, Officer Rodriguez became involved in an argument with the unknown officer. [REDACTED] was holding her back because [REDACTED] had never seen her get loud before. [REDACTED] moved out of the frame of the video and Officer Rodriguez grabbed a cell phone from the bar with the intention of recording the incident and showing the police when they arrived on the scene. Officer Rodriguez conceded that the video did not clearly depict the attack, but she maintained that the unknown officer kicked her and punched her while she was on the floor. Officer Rodriguez stated she felt at least two people strike her during the altercation.

Officer Rodriguez did not remember standing up and leaving the bar. She reported she injured her back and sustained bruises to her chest, ribs, and face. She stated she suffered a concussion and was unable to work for some period of time, but she could not recall how long.

b. Digital Evidence

Evidence Technician photographs¹⁵ taken of Officer Venus Rodriguez on October 6, 2015, depict scratches to her face.

Photographs of Officer Rodriguez provided by her attorney [REDACTED] [REDACTED] depict scratches to Officer Rodriguez's face and bruising to her arm.

Surveillance video¹⁷ obtained from cameras inside Mr. C's Midway Bar capture the incident. One of the cameras faces the bar area and shows the best angle of the beginning of the encounter. At approximately 1:23:00 am¹⁸, Officer Rodriguez and [REDACTED] enter Mr. C's. Officer Rodriguez is wearing dark colored jeans and a pink long sleeve shirt, and [REDACTED] is wearing blue jeans and a green long sleeve shirt. There are approximately 15 to 20 patrons throughout the establishment. The unknown officer and unknown female are sitting near the end of the bar, and they appear to arrive around the same time as Officer Rodriguez and [REDACTED]. At approximately 1:40:00 am, [REDACTED] appears to begin engaging in some type of verbal exchange with the unknown female and unknown officer. Officer Rodriguez and [REDACTED] appear to be agitated and the two make hand gestures towards the unknown female and unknown officer. Officer Rodriguez and [REDACTED] became aggressive to the point that the bartender, [REDACTED] walks from behind the bar and appears to tell them to leave. Officer Rodriguez becomes more aggressive and [REDACTED] appears to physically hold her back. The unknown female and unknown officer remain seated at the bar and do not appear to react to the aggressive movements of Officer Rodriguez.

As [REDACTED] is being escorted from the bar, she turns toward the unknown officer and strikes him in the back of the head. The unknown officer stands up and appears to restrain [REDACTED] against the wall, aided by [REDACTED] and an unknown customer. The unknown customer escorts [REDACTED] outside the bar. Simultaneously, Officer Rodriguez grabs a cell phone from the bar where the unknown

¹⁵ Att. 18

¹⁶ Att. 59. During Officer Rodriguez's deposition, she testified that she took the photographs of herself after the incident, though she could not provide a specific date.

¹⁷ This summary references the most relevant files: Att. 12, 20151006: 10770200.exe, 10770800.exe, 3-20151006011000.avi.

¹⁸ This is the time stamp on the video, not the actual time of the incident.

officer was seated. As Officer Rodriguez holds the phone in her hand, the unknown female stands up and approaches her. The unknown female grabs at the phone 3-4 times, making some contact with Officer Rodriguez's arm and shoulder, in an attempt to get the phone back. Officer Rodriguez then appears to strike the unknown female about the face two times with an open hand.

At this point, Officer Rodriguez and the unknown female move out of the line of sight of the first camera and are better captured in a camera facing the back of the bar, near the pool table. Here, the two women become engaged in a mutual physical altercation by striking each other and pulling each other's hair. Officer Rodriguez and the unknown female fall to the ground, and Officer Rodriguez's head appears to strike a pinball machine as she falls. [REDACTED] approaches the women and attempts to pull Officer Rodriguez away from the unknown female, who is on top of Officer Rodriguez. Almost immediately, the unknown officer runs over and attempts to pull the women apart. As the two men try to intervene, the unknown female throws at least one punch at Officer Rodriguez. It does not appear that [REDACTED] or the unknown officer punch or kick either of the women. Once the unknown officer pushes the unknown female off Officer Rodriguez, he does not appear to have any further physical contact with Officer Rodriguez. Officer Rodriguez is then escorted from Mr. C's by a middle-aged man with a mustache and NASA t-shirt.¹⁹ At approximately 1:52:00 am, the man appears to ask or tell the unknown officer and unknown female to leave, and they subsequently exit Mr. C's through a back door. They are captured walking through the parking lot, entering a dark colored sedan, and departing westbound on 63rd Street.

OEMC radio transmissions, 911 calls, and event queries²⁰ document that at approximately 1:48:38 am, a male called 911 from Mr. C's Midway Bar and reported that an unruly female customer just struck a male customer and was refusing to leave. He also reported that a second female was attempting to fight others in the establishment. At approximately 1:54 am, an unidentified male with a heavy Hispanic accent called 911 and reported a disturbance at 63rd Street and Cicero. The male stated that an unknown female needed police assistance. A few seconds later, an unidentified female, who was slurring her words, came onto the phone and stated, "I'm really fucked up on 64th Street." The call taker replied, "Are you trying to get a trip to jail tonight?" The female replied, "Hell naw nigger, I'm not going to jail." The call taker asked, "What are you calling for?" The female answered, "I didn't call you, oh Jesus", then ended the call.

A dispatcher contacted Beat 841R (Officers Viramontes and Escamilla) and reported that a female customer was fighting a male customer at Midway Bar, located at 6454 W. 63rd Street. The dispatcher subsequently informed Beat 841R that the female relocated to a tamale shop on W. 64th Street. At 1:59 am, Beat 841R radioed for a sergeant to come to Midway Bar, and Beat 810R responded to the call.

c. Physical Evidence

Medical records²¹ obtained from McNeal Hospital, dated October 6, 2015, document that Officer Rodriguez arrived at the hospital at 4:38 am, complaining of an assault and subsequent

¹⁹ During Officer Rodriguez's IPRA interview, she stated she believed this man was also a Chicago Police Officer, but she provided no information as to why she believed this.

²⁰ Atts. 6-7, 22

²¹ Att. 32

body pain. Officer Rodriguez stated she was at a bar celebrating with a friend and had consumed two alcoholic beverages. While there, Officer Rodriguez's friend became engaged in a physical altercation. Officer Rodriguez intervened in an attempt to help her friend, at which point she was "punched by a person and then kicked to head and chest by the boyfriend of the person who punched her." The incident lasted about ten minutes and she claimed she suffered a brief loss of consciousness. Officer Rodriguez complained of body pains and lower back pain. The nurse's assessment documents that Officer Rodriguez had "minor abrasions over the face" and contusions of the rib. A chest x-ray was negative for signs of a fracture. Officer Rodriguez was discharged with instructions for the treatment of back pain, contusions, and a closed head injury.

d. Documentary Evidence

An **Initiation Report**²² completed and submitted by Sgt. Thomas Guidice #850 documents, in part, that Officer Viramontes #10590 and Officer Escamilla #7227 responded to a disturbance at Mr. C's Midway Bar, located at 4654 W. 63rd Street. Upon the officers' arrival, they encountered Venus Rodriguez, who identified herself as a Chicago Police Officer. Officer Rodriguez related that while she was at the bar with her friend (██████) an altercation took place between ██████ and an unknown white female. Officer Rodriguez intervened by picking up a cell phone and announcing she was recording the incident, at which point the unknown female attacked Officer Rodriguez. While Officer Rodriguez was defending herself from the unknown female, an unknown white male who identified himself as a Chicago Police Officer started to punch Officer Rodriguez about the face with a fist.

The **General Offense Case Report for RD #HY451193/ Battery - Simple**²³ documents that Beat 841R (Officers Ricardo Viramontes #10590 and Gilbert Escamilla #7227) responded to an assault in progress at Mr. C's Midway Bar, located at 4654 W. 63rd Street. When the officers arrived at the scene, they spoke with Venus Rodriguez, who related that an unknown white female struck her in the face following a verbal altercation. An unknown white male, whom Officer Rodriguez identified as an off-duty Chicago Police Officer, then repeatedly struck Officer Rodriguez in the face. The offenders were not on the scene upon the officers' arrival. Officers Viramontes and Escamilla transported Officer Rodriguez to the 008th District Station. Officer Rodriguez refused medical treatment and stated she would seek medical treatment on her own.

A **Detective Supplementary Report for RD #HY451193/ Battery - Simple**²⁴ classifies the General Offense Case Report as unfounded. The report states that when Lieutenant (Lt.) Anthony Wojcik #481 interviewed Officer Rodriguez, she verified the facts contained in the General Offense Case Report and denied she struck anyone during the incident. When Lt. Wojcik interviewed ██████ however, his version of the incident contradicted Officer Rodriguez's account and revealed that Officer Rodriguez was the aggressor in the altercation. Additionally, "the video that was recovered from the location of the incident revealed the incident did not occur the way RODRIGUEZ reported it. A review of the video showed that the victim was the aggressor, and struck the alleged female offender first leading to the fight. This incident should be an unfounded incident based on Lt. Wojcik's investigation, victim and witness interviews as well as the video.

²² Att. 4

²³ Att. 5

²⁴ Att. 75

A review of the video shows the victim to be the aggressor and striking the alleged female offender first.”

The **General Progress Reports (GPRs) for RD #HY451193/ Battery – Simple**²⁵ contain Lt. Wojcik’s notes from his October 8, 2015 interview with Officer Rodriguez. According to the GPRs, Officer Rodriguez stated when she took the unknown officer’s cell phone, the unknown female approached her and demanded the phone back. The unknown female then swung at Officer Rodriguez, striking her multiple times. The unknown female grabbed Officer Rodriguez by her hair and they fell to the ground, where the unknown female continued trying to strike Officer Rodriguez. At that point, the unknown officer charged at Officer Rodriguez and repeatedly punched and kicked her, aiming for her head. Officer Rodriguez stated she covered her face to protect herself but blacked out during the unknown officer’s attack. She denied that she or █████ struck anyone during the incident. Officer Rodriguez stated she could identify both offenders and wants to press felony charges.

e. Additional Evidence

In a **telephone contact**²⁶ on January 4, 2016, an IPRA investigator spoke with █████ (█████ the owner of Mr. C’s Midway Bar. █████ stated he reviewed the footage from the bar but was unable to identify the unknown officer or the unknown female who were involved in the altercation with Officer Rodriguez.

An IPRA investigator sent a **subpoena to** █████ via USPS mail on April 25, 2016, in an attempt to obtain her statement. On May 6, 2016, the notice was left, with no further response or action taken.

In a **canvass**²⁸ conducted on May 24, 2016, at 9:30 am, IPRA investigators responded to █████ residence, located at █████. Investigators rang the assigned bell but received no response.

In a **telephone contact**²⁹ on May 31, 2016, an IPRA investigator spoke with █████ who refused to provide a statement and stated she did not want to be contacted again.

COPA obtained **subpoenas to** █████ from Chicago’s Corporation Counsel, which were served on █████ on September 28, 2018, October 19, 2018, and November 28, 2018.

f. Civil Lawsuit

On October 6, 2017, Officer Rodriguez filed a **federal lawsuit**³¹, under case number 17-CV-7248, in the Northern District Court of Illinois. She named as Defendants the City of Chicago,

²⁵ Att. 81

²⁶ Att. 42

²⁷ Att. 63

²⁸ Att. 64

²⁹ Att. 68

³⁰ Att. 76

³¹ Att. 72. As of the date of this report, the civil suit is still pending.

Sgt. Comiskey, Officer Viramontes, Officer Escamilla, Detective Anthony Wojcik, Mr. C's Midway Bar, and the unknown officer. Officer Rodriguez's lawsuit claims that (1) the City and the officers are liable under 42 USC §1983 because the City, including IPRA/COPA, has a *de facto* policy, practice, and/or custom of concealing and/or suppressing officer misconduct, including the use of unlawful force which causes officers to believe they are "above the law" and led to Officer Rodriguez's harm; (2) the City retaliated against Officer Rodriguez's exercise of her First Amendment rights to report official misconduct, by disciplining her related to this incident; (3) the City conspired under 42 USC §1983 to violate Officer Rodriguez's constitutional rights and intimidate and deter her from pursuing actions against the unknown officer; (4) assault and battery against the unknown officer; and (5) negligence by Mr. C's Midway Bar.

COPA obtained and reviewed the **depositions of Officer Rodriguez³² and [REDACTED]**. Their deposition testimony was substantively the same as their statements to IPRA.

VI. ANALYSIS

a. 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 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.

³² Att. 79

³³ Att. 80

b. Legal Analysis**i. Allegations against the Unknown Officer**

Through the investigations of CPD personnel as well as IPRA interviews the identity of the unknown male, including whether he was a Chicago Police Officer, was never determined. Due to the lapse in time since the incident, any attempt to identify him at this juncture would be unsuccessful. Since COPA does not have jurisdiction to investigate allegations against non-CPD member, COPA did not engage in analysis as to whether this conduct was unjustified and the allegations against the unknown officer are administratively terminated.

ii. Allegations against Officer Venus Rodriguez

Allegation #1 alleges that Officer Rodriguez was intoxicated while off duty. Witnesses are conflicted whether she was, in fact, intoxicated. According to bartender [REDACTED] when Officer Rodriguez and [REDACTED] entered the bar they did not appear to be intoxicated, but as the evening went on the two became aggressive and appeared to be intoxicated. Officer Viramontes told IPRA that when he spoke with Officer Rodriguez after the incident, her words were slurred, her eyes were blood shot, and she smelled of alcohol. However, Officer Escamilla said she did not smell of alcohol, her words were not slurred, and while her eyes were bloodshot, he believed it was from crying. Officer Escamilla, therefore, determined Officer Rodriguez was not intoxicated. Similarly, Sgt. Comiskey stated that although Officer Rodriguez informed her that she consumed alcoholic drinks in the bar, she did not appear to be intoxicated, only very upset and angry. Sgt. Guidice also said that Officer Rodriguez did not appear to exhibit any signs of intoxication; although she was disheveled, her words were not slurred, she was alert and awake, and her eyes were not bloodshot. Officer Rodriguez, speaking in her own defense, stated she had been drinking but was not intoxicated. COPA finds that due to the conflicting statements by the sergeants and responding officers who interacted with Officer Rodriguez, there is not a preponderance of evidence that she was intoxicated. Therefore, COPA concludes that allegation #1 that Officer Venus Rodriguez was intoxicated while off-duty is Not **Sustained**.

Allegation #2 alleges that Officer Rodriguez engaged in a verbal altercation with the unknown female. Surveillance footage captures Officer Rodriguez in what appears to be an animated verbal argument with the unknown female at the bar, including being so aggressive that, at one point, [REDACTED] had to hold her back. [REDACTED] corroborated that Officer Rodriguez was verbally abusive to patrons in the bar, to the point where he had to ask her to leave. COPA finds that there is a preponderance of evidence to show that Officer Rodriguez was involved in a verbal altercation with the unknown female. Therefore, COPA concludes allegation #2 be **Sustained**.

Allegation #3 alleges that Officer Rodriguez engaged in a physical altercation with the unknown female. At the outset, we note there is no evidence that Officer Rodriguez struck the unknown female in her role as a police officer as opposed to simply as a private individual. Indeed, Officer Rodriguez does not claim that she was attempting to carry out law enforcement duties at the time. Accordingly, COPA will analyze Officer Rodriguez's actions under CPD's other rules and directives, instead of under CPD's use of force policy or Fourth Amendment case law. *See United States v. Jacobsen*, 466 U.S. 109, 113 (1984) (the Fourth Amendment's protections apply solely to governmental action; these protections are "wholly inapplicable" to a seizure effectuated

by a private individual who is not acting as an agent of the government or with a government official's participation or knowledge).

Pertinent to this investigation are Rules 1, 2, 8, and 9. Rule 9 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Rule 2 prohibits an officer from engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty.

Moreover, Rule 1 prohibits an officer from violating any law or ordinance. Under Illinois law, "a person commits battery if he or she knowingly without legal justification by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual." 720 ILCS 5/12-3(a) (West 2016). However, self-defense is an affirmative defense to battery. Illinois law provides that a person is "justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force." 720 ILCS 5/7-1(a) (West 2018). The elements justifying the use of force in defense of a person are (1) force is threatened against a person; (2) the person who is threatened is not the aggressor; (3) the danger of harm is imminent; (4) the force threatened is unlawful; (5) the person actually believes a danger exists, the use of force is necessary to avert the danger, and the kind and amount of force which he uses is necessary; and (6) the above beliefs are reasonable. *United States v. Rice*, 673 F.3d 537, 541 (2012); *People v. Garcia*, 407 Ill. App. 3d 195, 203 (2011).

It is undisputed that Officer Rodriguez struck the unknown female in the face/head multiple times. In fact, she admitted to doing so, but claimed it was in self-defense. However, the factors justifying her use of force weigh against her.

First, it was not reasonable for Officer Rodriguez to believe force was threatened against her. Surveillance footage depicted Officer Rodriguez taking the unknown officer's mobile telephone off the bar. This prompted the unknown female to stand up and attempt to retrieve the phone from Officer Rodriguez's hand. Not only is this depicted on the video, but the context of the incident— Officer Rodriguez picking up the phone and the unknown female immediately grasping for it— should have made it clear to Officer Rodriguez that the unknown female was only grasping for the phone, not threatening force.

Second, Officer Rodriguez initiated the encounter by grabbing the phone. She then intentionally struck the unknown female, despite the fact that it was clear that the unknown female was reaching for her own phone, not trying to hit Officer Rodriguez. Therefore, COPA concurs with CPD's conclusion that Officer Rodriguez was the aggressor in this incident.

Third, as discussed above, it was not reasonable for Officer Rodriguez to believe the threat was imminent, as the unknown female was merely grabbing for her phone.

Fourth, the "force" used by the unknown female was not unlawful, since the unknown female did not intend to physically harm Officer Rodriguez.

Regarding the fifth factor, it does appear that Officer Rodriguez actually believed that the unknown female was a danger to her. Officer Rodriguez repeatedly and consistently made such an assertion during her statement to COPA and in her deposition in the civil matter. Based on this perceived danger, Officer Rodriguez used the kind and amount of force necessary to avert the threat: two open-handed strikes to the head to stop the person whom she believed was attacking her. For the reasons stated above, however, Officer Rodriguez's belief that the unknown female posed an imminent threat of unlawful force was not reasonable.

Although Officer Rodriguez claimed she was acting in defense of herself and ██████ the video shows that the unknown female was merely reaching for the phone, and that Officer Rodriguez escalated the fight by repeatedly striking her in the face. COPA finds that a preponderance of evidence shows that Officer Rodriguez engaged in a physical altercation with the unknown female. Therefore, COPA concludes that allegation #3 be **Sustained**.

Allegation #4 alleges that Officer Rodriguez filed a false General Offense Case Report ("the Report") in violation of Rule 14. According to the Report, Officer Rodriguez claimed the unknown female struck her in the face following a verbal altercation. "An unknown male (Offender) then repeatedly struck [Officer Rodriguez] in the face repeatedly causing pain and swelling," and the unknown male made references to be a Chicago Police Officer. As an initial matter, while COPA acknowledges that the Report was filed by Officer Viramontes, Officer Rodriguez confirmed that she provided the reported information to him before he filed it.

Pursuant to the Collective Bargaining Agreement between FOP Lodge No. 7 and the City of Chicago, an officer may not be liable for a Rule 14 violation unless it is determined that "(1) the Officer willfully made a false statement; and (2) the false statement was made about a fact that was material to the incident under investigation."

First, COPA finds that the statements Officer Rodriguez made to initiate the Report were material. They were the facts which set out the elements of an allegation that began both a criminal investigation and a complaint register log.

Second, COPA finds that there is insufficient evidence to determine that Officer Rodriguez willfully made any false statements of fact. Officer Rodriguez's statement that the unknown female struck her in the face after a verbal altercation is true. While the way the Report is written minimizes Officer Rodriguez's own culpability in the matter, Officer Rodriguez admitted to IPRA that she struck the female, so she is not responsible for the way Officer Viramontes wrote the Report.

COPA next addresses Officer Rodriguez's claim that the unknown officer repeatedly struck her in the face and kicked her. According to bartender Emmet ██████ the unknown officer helped break up the fight between Officer Rodriguez and the unknown female, including by pushing the two women apart. ██████ did not see the unknown officer strike or kick Officer Rodriguez during the incident. ██████ account is consistent with the bar's surveillance video, which does not appear to show the unknown officer striking or kicking Officer Rodriguez. However, the angle of the video captures a limited view of the incident.

Officer Rodriguez, on the other hand, maintained in her IPRA interview that the unknown officer kicked and punched her when he came to break up the fight. Physical evidence indicates that someone struck Officer Rodriguez in the face and ribs. Photos taken the same night by an evidence technician show scratches to her face and possible puffiness under her right eye. Photos taken on a later date, which were provided by Officer Rodriguez's attorney, show the same scratches as well as bruising under the right eye. Officer Rodriguez's medical records also confirm contusions, but no fractures, to the chest.

However, Officer Rodriguez's impression of who hit her is not definitive. She admitted she covered her face as she was being hit, and she may have mistakenly perceived that she was being punched by the unknown officer, when in fact those punches were thrown by the unknown female. Additionally, in the midst of the fight, Officer Rodriguez hit her head on a pinball table. She reported that she suffered a concussion and experienced memory loss related to the incident, so her recall of who battered her may be incorrect. Therefore, while there is little evidence supporting Officer Rodriguez's claim that the unknown officer punched and kicked her, due to the lack of clarity in the video there is also not clear and convincing evidence that she willfully provided a false account.

Additionally, even though Officer Rodriguez was the initial aggressor, her classification of herself as a "victim" is not sufficient to sustain a Rule 14 violation. This classification is Officer Rodriguez's opinion, not a statement of fact, and a Rule 14 violation requires misstatements of fact. Additionally, it was reasonable for Officer Rodriguez to classify herself as a victim, since even an aggressor can be considered a victim of a battery. *See, e.g., People v. Grayson*, 321 Ill. App. 3d 397, 411 (4th Dist. 2001) ("Where two individuals in a bar agree to step outside and fight, either or both may be charged with battery.")

Therefore, COPA finds that allegation #4 is **Not Sustained**.

iii. Allegations against Sgt. Janet Comiskey

Allegation #1 alleges that Sgt. Comiskey failed to conduct an investigation into the physical altercation involving Officer Rodriguez. COPA finds that Sgt. Comiskey more than met her responsibilities with regard to the investigation. Upon her arrival at the scene, Sgt. Comiskey spoke with both responding officers as well as Officer Rodriguez. The only civilian witnesses at the scene were bartender [REDACTED] and [REDACTED] was belligerent and hostile toward the police and any attempt to interview her would likely have proven futile. Sgt. Comiskey did interview [REDACTED] and through him she learned there were no other witnesses left at the scene, and that he was unable to download or access the bar's surveillance video. Sgt. Comiskey, treating Officer Rodriguez as a battery victim, instructed the responding officers to transport Officer Rodriguez to the district to complete the paperwork. An evidence technician was ordered, and a case report was completed and submitted. Given that there were no civilian witnesses to interview and the alleged offenders had left the scene before responding officers arrived, Sgt. Comiskey conducted an investigation with the limited information that was available at the time. She also asked Sgt. Guidice to complete an initiation report regarding the incident, thus ensuring that the allegations against the unknown officer would proceed. COPA found clear and convincing evidence that Sgt. Comiskey conducted a preliminary investigation to the full extent possible with

the information available at the time. Therefore, COPA concludes that allegation #1 be **Exonerated**.

Allegation #2 alleges that Sgt. Comiskey failed to request that a breathalyzer be administered to Officer Rodriguez. As discussed above, COPA could not determine if Officer Rodriguez was intoxicated at the time of the incident. Notably, Sgt. Comiskey herself did not believe that Officer Rodriguez was intoxicated. Chicago Police Department Special Order SO08-01-02³⁴ defines alcohol intoxication as the substantial impairment of a person's mental or physical functioning as a result of the use of alcohol. As the first supervisor that encountered Officer Rodriguez on the night of the incident, Sgt. Comiskey had the best opportunity to evaluate Officer Rodriguez's level of impairment. Based upon her own observations, it was reasonable for Sgt. Comiskey to conclude that Officer Rodriguez was not substantially impaired. Her fellow sergeant, as well as one of the responding officers, both agreed with her assessment. Additionally, Sgt. Comiskey maintained that Officer Rodriguez was the victim of a battery, and under the circumstances she did not believe it would be appropriate to order a breathalyzer. COPA finds that Sgt. Comiskey reasonably believed that Officer Rodriguez was not intoxicated, and that it was inappropriate to order a breathalyzer for the victim of a battery. Therefore, COPA finds that Allegation #2 is **Exonerated**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Venus Rodriguez

i. Complimentary and Disciplinary History

Officer Rodriguez has received one Presidential Election Deployment Award 2008, seventeen Honorable Mentions, one Department Commendation, one 2004 Crime Reduction Ribbon, four Complimentary Letters, one NATO Summit Service Award, one 2009 Crime Reduction Award, and one Unit Meritorious Performance Award.³⁵

Officer Rodriguez has no CR history, and received one Reprimand for court deviation, in the past five years.³⁶

ii. Recommended Penalty, by Allegation

For both Allegations 2 and 3, COPA recommends a 30-day suspension.

³⁴ Effective July 17, 2015

³⁵ Viewed in CLEAR

³⁶ Att. 77

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer UNKNOWN	1. Struck Officer Venus Rodriguez about the face in violation of Rule 9.	Administratively Closed
	2. Kicked Officer Venus Rodriguez about the body in violation of Rule 9.	Administratively Closed
Officer Venus Rodriguez	1. Intoxicated while off duty in violation of Rule 15.	Not Sustained
	2. Engaged in a verbal altercation with an unknown female in violation of Rules 1, 2, 8, and 9.	Sustained – 30-day suspension
	3. Engaged in a physical altercation with an unknown female in violation of Rule 1, 2, 8, and 9.	Sustained – 30-day suspension
	4. Filed a false General Offense Case report in violation of Rule 14.	Not Sustained
Sergeant Janet Comiskey	1. Failed to conduct an investigation of a physical altercation involving Officer Venus Rodriguez in violation of Rule 5.	Exonerated
	2. Failed to request a breathalyzer to be administered to Officer Venus Rodriguez in violation of Rule 6.	Exonerated

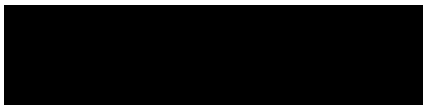
Approved:



12-17-19

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date



12-17-19

Sydney R. Roberts
Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	8
Investigator³⁷:	Anthony Smajo and Steffany Hreno
Supervising Investigator:	Robert Coleman
Deputy Chief Administrator:	Angela Hearts-Glass

³⁷ Although this investigation was conducted by IPRA Investigator Kimberly Reynolds, COPA concurs with her findings. COPA edited the summary report to conform to the current summary report format and made corrections for clarity and grammatical errors.