



Log # 2023-0002341

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 30, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant James Hickey of the Chicago Police Department (CPD) reporting alleged misconduct by a member of CPD. ██████████ alleged that on May 30, 2023, Officer Pedro Rodriguez directed bias-based language at ██████████ during a verbal altercation and threatened ██████████ with bodily harm. Following its investigation, COPA reached findings of **not sustained** for all allegations made against Officer Rodriguez.

II. SUMMARY OF EVIDENCE²

On March 30, 2023, ██████████ reported to the Chicago Police Department (CPD) a verbal altercation between her husband, ██████████ and her neighbor, Officer Pedro Rodriguez.³ Sergeants Carlos DeLaTorre and James Hickey responded to ██████████ call and discussed the incident with ██████████ in his home; ██████████ statement to the responding sergeants was captured on both Sergeant Delatorre and Sergeant Hickey's body worn camera (BWC).⁴ ██████████ explained to the sergeants that a situation involving Officer Rodriguez's dog on May 27, 2023, instigated the incident under investigation at COPA three days later.⁵ According to ██████████ Officer Rodriguez's dog was unattended and outside of the ██████████ home at approximately 11:15 am, preventing his ability to leave his home. ██████████ provided COPA with surveillance video, as well as photographs showing Rodriguez's dog outside his home.⁶ In response to Officer Rodriguez's dog wandering around on his property, ██████████ told his wife to call 311 and report the situation.⁷ A CPD officer responded to the call, but according to ██████████ the officer refused to get out of his CPD vehicle because the dog looked vicious.⁸ On Tuesday, May 30, 2023, Animal Care and Control (ACC) followed up on the call made by the ██████████ family regarding Officer Rodriguez's unattended dog.⁹ ██████████ and his wife told both Sergeants DeLaTorre

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including civilian and officer statements to COPA, police reports, and body worn camera footage.

³ Att. 4.

⁴ Atts. 15 and 17.

⁵ Att. 15 at 2:32.

⁶ Atts. 9, 18, and 19.

⁷ Att. 17 at 21:35.

⁸ Atts. 15 and 17 at 3:58 and 4:32 respectively; and Att. 16 at 22:02.

⁹ Atts. 15 and 17 at 4:34 and 5:08 respectively; and Att. 16 at 22:38.

and Hickey, as well as Officer Flaherty, that ACC attempted to talk to Officer Rodriguez.¹⁰ However, neither Officer Rodriguez nor his wife responded to ACC knocking on the front door of their residence.¹¹

In his statement to COPA, on August 11, 2023, Officer Rodriguez recounted a similar, sequence of events on May 27 and 30, 2023.¹² However, he explained that his daughter returned home from college on May 27, 2023, and accidentally left their side gate open, freeing the Rodriguez's dog from their backyard.¹³ Officer Rodriguez noted his dog is friendly and that was the first time his dog escaped from the yard.¹⁴ When ACC returned on May 30, 2023, Officer Rodriguez explained he was not at home but his wife was.¹⁵ At that time, ACC entered the rear yard of the Rodriguez's property, carrying "nooses."¹⁶ Officer Rodriguez called ACC and explained the prior incident on May 27, 2023.¹⁷ ACC promptly left and did not confiscate the Rodriguez's dog.¹⁸

Later that evening, Officer Rodriguez and his wife were sitting on their rear deck after dinner when █████ entered his rear yard, adjacent to the Rodriguez's home.¹⁹ At this time, Officer Rodriguez and █████ engaged in a verbal altercation, which is the primary subject of COPA's investigation. Officer Rodriguez and █████ provided divergent accounts of both the sequence of events and content of their interaction.²⁰ For instance, both Officer Rodriguez and █████ claimed they were not the origin of the conflict and that the verbal altercation was prompted by the other party's actions. █████ claimed, upon returning home from work on May 30, 2007, he entered his backyard and Officer Rodriguez verbally accosted him, using profanity and biased-based language.²¹ Whereas, Officer Rodriguez, in his statement to COPA, stated that █████ instigated their verbal altercation by smirking and spitting in his direction.²² In addition, Officer Rodriguez denied directing bias-based, homophobic language at █████ however, he admitted that their exchange was heated and both men directed strong language at each other.²³ While █████ alleged that Officer Rodriguez threatened him with bodily harm during their interaction, Officer Rodriguez directly refuted █████ claim and asserted that he never threatened █████²⁴ Both █████ and

¹⁰ Att. 15 at 4:35

¹¹Att. 15 at 4:35.

¹² Att. 13 and 14.

¹³ Att. 14, pg. 6, ln. 22 to pg. 7, ln. 1.

¹⁴ Att. 14, pg. 7, lns. 4 to 9.

¹⁵ Att. 14, pg. 7, ln. 13 to pg. 8, ln. 8.

¹⁶ Att. 14, pg. 8, ln. 5.

¹⁷ Att. 14, pg 8, ln. 24 to pg. 9, ln 14.

¹⁸ Att. 14, pg. 8, ln. 24 to pg. 9, ln. 14.

¹⁹ Att. 14, lns. 21 to 23.

²⁰ Atts. 11 - 14.

²¹ Att. 12, pg. 10, lns. 7 to 14.

²² Att. 14, pg. 10, lns. 1 to 5.

²³ Att. 14, pg. 10, ln. 22 to pg. 11, ln. 1.

²⁴ Att. 12, pg. 11, lns. 6 to 8 and Att. 14, pg. 11, lns. 9 to 11.

Officer Rodriguez admitted to engaging in a verbal altercation and using strong language.²⁵ In sum, the exchange between [REDACTED] and Officer Rodriguez lasted less than ten minutes.²⁶

III. ALLEGATIONS

Officer Pedro Rodriguez:

1. Engaged in an unjustified verbal altercation with [REDACTED]
- **Not Sustained**
2. Directed abusive, threatening, and/or profane language at [REDACTED] by stating words to the effect of "faggot," "sissy," and "fat ass."
- **Not Sustained**
3. Threatened [REDACTED] with bodily harm by stating words to the effect of "I am going to kick your ass."
- **Not Sustained**

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. The investigation did not reveal evidence that caused COPA to question the credibility of either [REDACTED] or Officer Pedro Rodriguez.

V. ANALYSIS²⁷

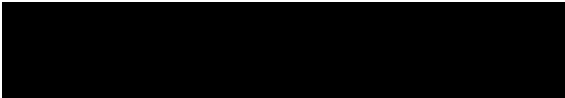
COPA finds all allegations against Officer Pedro Rodriguez are **not sustained**. It is evident to COPA that [REDACTED] and Officer Rodriguez engaged in a verbal altercation on May 30, 2023, both parties admitted to such. However, regarding the verbal altercation between [REDACTED] and Officer Rodriguez, COPA's investigation primarily relied on involved party statements and could not locate substantiating evidence to refute or corroborate one party's claims over another regarding the chronology and content of their interaction.

²⁵ Att. 12, pg. 10, ln. 19 to pg. 11, ln. 11 and Att. 14, pg. 10, ln. 22 to pg. 11, ln. 7.

²⁶ Att. 14, pg. 10, ln. 19.

²⁷ For a definition of COPA's findings and standards of proof, *see* Appendix B.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

August 30, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	May 30, 2023 / 7:30 pm / [REDACTED]
Date/Time of COPA Notification:	May 30, 2023 / 9:17 pm
Involved Member #1:	Pedro Rodriguez, star # 16573, employee ID# [REDACTED], August 7, 1995, Unit of Assignment 014, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Hispanic

Applicable Rules

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

Applicable Policies and Laws

- Not applicable

Appendix B

Definition of COPA’s Findings and Standards of Proof

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.²⁸ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”²⁹

²⁸ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

²⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation