



Log # 2022-3465

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 16, 2022, the Civilian Office of Police Accountability (COPA) received a Notification of Arrest from the Chicago Police Department (CPD) stemming from a domestic--related incident involving two CPD members. It was alleged² that, on August 16, 2022, Officer Rudolph Garza was involved in an altercation with [REDACTED]. At the time of the events in question, Officer Garza and [REDACTED] were in an intimate relationship and shared a residential address. During the altercation Officer Garza struck [REDACTED] multiple times across the face with an open hand.³ Upon review of the evidence, COPA subsequently served additional allegations that Officer Garza was intoxicated while off duty, was in possession of his weapon while intoxicated, and operated a motor vehicle while intoxicated. Based largely on admissions by Officer Garza, as well as on an investigation and a review of the evidence, the allegations against Officer Garza were sustained, except for the allegation of driving a motor vehicle while intoxicated, which was not sustained.

II. SUMMARY OF EVIDENCE⁴

At approximately 2:30 am on August 16, 2022, [REDACTED] called 911 and reported that her boyfriend, Officer Garza, struck her twice in the face.⁵ Upon arrival, CPD Officers Jason A. Venegas (#11089) and Erika Villanueva (#124630) approached the couple standing outside of their shared residence, located at [REDACTED]. Body Worn Camera (BWC) footage revealed that, without being prompted, Officer Garza immediately stated, “I slapped her in the fucking face. Lock me up. I smacked her twice in the face; lock me up.” Officer Garza then surrendered his shield and weapon to the responding officers and placed his hands behind his back. He further scolded [REDACTED] in front of the responding officers by stating to [REDACTED] “I slapped you in the fucking face because you deserved it.”⁶

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 Att. 1.

³ One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, evidence technician photos, medical records, and statements to COPA by Officer Garza and [REDACTED].

⁵ Att. 8

⁶ Att. 18 at 2:05-2:45 and Att. 21 at 02:15-2:45

After swearing at ██████ Officer Garza is heard to say “this is what you wanted” to ██████⁷ Once Officer Garza was placed in the back of a police car, ██████ indicated to the responding officers that she called 911 because she was “nervous” and presents in BWC footage as emotionally distraught;⁸ but she subsequently stated that she did not want to file a case report, did not want Officer Garza arrested, and refused medical attention.⁹

Both Officer Garza and ██████ admitted to having consumed alcoholic beverages. Subsequently, they were transported to separate CPD stations where they each submitted to a Breathalyzer test. Records revealed ██████ blood alcohol content (BAC) was .00 while Officer Garza’s BAC read .091.¹⁰ Officer Garza was later arrested for domestic battery;¹¹ the complaint was signed on ██████ behalf by one of the arresting officers, as ██████ was disinclined to press charges.¹²

During COPA’s interview with Officer Garza¹³, he stated that he and ██████ went to dinner, a retirement party, and an after party and that he consumed multiple alcoholic beverages. At the after party Officer Garza and ██████ argued concerning Officer Garza’s interaction with another female attendee. At some point, Officer Garza thought it would be best for him to leave and he left the event on foot. While walking home, ██████ approached Officer Garza in a vehicle and offered him a ride, and Officer Garza agreed to get in. They continued arguing. Officer Garza struck ██████ in the face with his open hand more than once. ██████ eventually stopped the vehicle. Officer Garza exited the vehicle and walked the rest of the way to their shared residence. Shortly after arriving home, responding CPD officers arrived at the residence. Officer Garza admitted to the responding officers that he had been drinking and stated that he had struck ██████ in the face with his open hand.

Officer Garza accepted responsibility for all but one of the allegations; Officer Garza denied driving under the influence. Officer Garza maintained that he never drove a motor vehicle at any point that night.¹⁴ Officer Garza expressed remorse. He attributed his actions to work-related stress and “personal matters.”

In ██████ interview with COPA,¹⁵ her account essentially corroborated Officer Garza’s. ██████ indicated that there had been no previous or subsequent batteries by Officer

⁷ Att. 21 at 02:50.

⁸ Att. 21 at 04:00.

⁹ Att. 1.

¹⁰ Att. 7.

¹¹ Att. 2. The criminal charges were later dismissed per Cook County Case No. 22 DV ██████ See Att. 30 for the disposition of the criminal case. Officer Garza’s Glock 26 (gen 4) pistol, a kind and type of firearm authorized as an auxiliary pistol under Uniform and Property regulation U04-02-01, Department Approved Handguns and Ammunition, dated October 13, 2023, was ordered returned to him by the court. See Att. 31 for the version of the regulation that was in force at the time of the incident under investigation.

¹² Att. 3.

¹³ Att. 23 (audio) and Att. 24 (transcript).

¹⁴ Att. 23 at 20:30 and 24:00

¹⁵ Att. 29

Garza.¹⁶ According to [REDACTED] she and Officer Garza subsequently received Department EAP services as a couple and have since become engaged to be married.

III. ALLEGATIONS

Officer Garza:

It is alleged that on or about August 16, 2022, at approximately 2:30 am the accused was:

1. Intoxicated while off-duty.
 - **Sustained**, Violation of Rule 2 and 15.
2. Had his weapon on his person while intoxicated.
 - **Sustained**, Violation of Rule 2, 6 and U04-02, Uniform and Property-Department Approved Weapons and Ammunition (effective July 21, 2021, to present)¹⁷
3. Struck [REDACTED] across the face with an open hand.
 - **Sustained**, Violation of Rules 2, 8 and 9.
4. Operated a motor vehicle while above the legal Blood Alcohol Concentration (BAC) limit of .08.
 - **Unfounded**

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any reason to question the credibility of the statements provided. Officer Garza admitted to three of the four allegations.

V. ANALYSIS¹⁸

COPA finds Allegations #1-3 against Officer Garza, in that he was intoxicated, had his weapon on his person while consuming alcoholic beverages, and struck [REDACTED] across the face with and open hand during a domestic dispute, to be **sustained** by the evidence.

Officer Garza's admitted striking [REDACTED] on BWC footage and this admission was repeated during his interview with COPA. Officer Garza relayed to the responding officers that he consumed several beers throughout the night of August 16, 2022;¹⁹ he reiterated this in his

¹⁶ Att. 21.

¹⁷ Att. 31.

¹⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁹ Att. 14 at 02:00-03:00.

statement to COPA.²⁰ Subsequently, results from a Breathalyzer test confirmed Officer Garza had been intoxicated.²¹ Department members are not permitted to be intoxicated, either on or off duty.²²

Officer Garza knowingly carried his weapon despite consuming alcoholic beverages throughout the night in question. BWC depicted Officer Garza removing a pistol from his person and surrendering it to one of the responding CPD officers. During his statement to COPA, Officer Garza confirmed he had been in possession of the firearm the entire night.²³ “While sworn members are permitted to carry firearms during non-duty hours, they are instructed to refrain from doing so when there is a likelihood that they will be consuming alcoholic beverages or medications which may impair their physical and/or mental abilities.”²⁴

COPA finds Allegation #4 against Officer Garza, that he operated a motor vehicle while above the legal Blood Alcohol Concentration (BAC) limit of .08, is **unfounded**. Both [REDACTED] and Officer Garza indicated that Officer Garza did not drive on the night in question. The Complainant’s evidence was that she had already left the last event and returned to the shared residence by car by the time she received a call from Officer Garza asking her to drive back along the route and pick him up.²⁵

VI. DISCIPLINARY RECOMMENDATION

a. Officer Garza

i. Complimentary and Disciplinary History

Over the course of his career with CPD Officer Garza has received 68 awards, to include 54 honorable mentions, an Honorable Mention Ribbon Award, and Life Saving Award. Officer Garza received a violation noted for operation/personnel violations in 2023.

ii. Recommended Discipline

Here, COPA has found that Officer Officer Garza violated the above-referenced Rules and Regulations of the Chicago Police Department by striking [REDACTED] by being intoxicated, and by possessing his weapon while consuming alcoholic beverages. While Officer Garza later expressed remorse for his actions, striking his domestic partner (also a CPD member) as well as his knowing disregard of department policy regarding intoxication and possession of a firearm are significant violations and should be subject to discipline. COPA recommends a **suspension of up to 30 days**.

²⁰ Att. 24, pg. 11:15-23

²¹ Att. 7

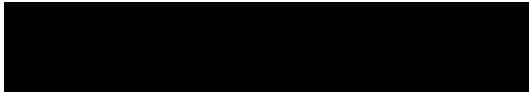
²² Rules and Regulations of the Chicago Police Department, April 16, 2015, Art. V, Rule 15 (“[T]he following rules of conduct set forth expressly prohibited acts...Intoxication on or off duty”).

²³ Att.23 @ 17:25-18:05

²⁴ Att. 31- U04-02 (II) (J), Department Approved Weapons and Ammunition (effective July 21, 2021 to present)

²⁵ Att. 29 @5:10-9:15

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

December 29, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	August 16, 2022 / 3:07 am / 5637 S. Meade Ave., Chicago, IL 60638.
Date/Time of COPA Notification:	August 16, 2022 / 4:15 am.
Involved Officer #1:	Officer Rudolph Officer Garza / Star #8667 / Employee ID # [REDACTED] / DOA: August 25, 2003 / Unit: 376 / Male / White.
Involved Individual #1:	[REDACTED] / Star # [REDACTED] / Employee ID # [REDACTED] / DOA: [REDACTED] / Unit: [REDACTED] / Female / 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 15:** Intoxicated on or off duty.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- Rules and Regulations of the Chicago Police Department, April 16, 2015.
- U04-02, Uniform and Property- Department Approved Weapons and Ammunition (effective July 21, 2021 to present).

Appendix B

Definition of COPA’s Findings and Standards of Proof

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.²⁶ 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.”²⁷

²⁶ 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).

²⁷ *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 Information**

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: (*Intoxication off duty*)