



Brandon Johnson
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Larry Snelling
Superintendent of Police

April 8, 2024

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 W. Chicago Ave., 4th Floor

Re: Superintendent's Non-Concurrence with COPA's findings
Log# 2022-0001610
Officer Alberto Rodriguez #19320
Officer Paul Roldan #12756

Dear Chief Administrator Kersten:

Based on a review of the above-referenced complaint register (CR), the Chicago Police Department (CPD) does not concur with the recommended findings for Police Officer Alberto Rodriguez and Police Officer Paul Roldan. The allegations against both officers arise from a video that was uploaded to Instagram. The video was discovered in 2019 during a COPA investigation into an unrelated complaint against Officer Alberto Rodriguez.

By way of review, below is a brief synopsis of the incident that gave rise to the allegations:

The video at issue was discovered during COPA'S investigation of a separate complaint made against Alberto Rodriguez. During that investigation, thousands of pages of Instagram records as well as media files were reviewed. During that review, an 11 second video clip showing (2) unknown persons each firing handguns at an unknown time and place was discovered.¹ COPA'S IT department enhanced the audio and video quality in an attempt to identify the involved individuals². Even with enhancements, the identity of those involved as well as the time and place of occurrence could not be determined³. A review of the Instagram records led a COPA investigator to conclude that Officer Alberto Rodriguez uploaded the video⁴ and that the background audio on the video was of a Chicago OEMC dispatch.⁵ The investigator then cross referenced the audio of the dispatch with OEMC records and Caboodle GPS records. The investigator came to the conclusion that the individuals in the video (who can't be seen) were Officer Alberto Rodriguez and Officer Paul Roldan.⁶ As a result of that conclusion, a separate log was created.⁷

A substantial piece of evidence that COPA relies on in reaching their findings includes a 13 second video clip. The clip shows an unknown individual holding a firearm in their right hand with their arm extended, and firing

¹ Att. 15

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id.

the gun. The camera then pans to the right and another individual fires a gun; all that can be seen is a muzzle flash.⁸ Aside from minimal artificial lighting on the ground, it is pitch black. It is too dark to make out landmarks or any other markers or geography that would assist in identifying the location. In the background, a police radio can be heard.⁹ The radio is broadcasting a call for service in the 008th District.¹⁰ The two unknown individuals in the video can be heard laughing.¹¹ The laughs sound as if they are coming from male voices.

In their SRI, COPA stated "it was not possible to positively identify the location of the video from the footage".¹² Later, COPA inexplicably concludes that the "dark open space shown in the video is consistent with surroundings in Marquette Park."¹³ COPA offers no support for this claim. This dark open space could conceivably be any park in the city of Chicago. The fact that presumably a police radio is broadcasting jobs in the 008th District only proves the radio is broadcasting jobs in the 008th District. The 007th and 008th district share a radio zone; at a minimum every radio of every on duty officer in the 008th and 007th district would be broadcasting the dispatch heard in the video. Additionally, every police radio used by Chicago Police Officers can be switched to broadcast any radio zone in Chicago. An officer at a dark open space on the far northwest of the city could turn their radio to the zone that broadcasts the 008th District. Finally, the general public could, at the time of the incident, utilize a scanner application on their smart phone or own a "rogue/pirate" radio. Both of which are capable of broadcasting Chicago Police dispatches.

COPA next concludes that Officer Rodriguez filmed the shots being fired due to him being unable to supply any "information that would support that theory"¹⁴ that someone else did the filming. The burden of proof is squarely on COPA, not Rodriguez. COPA uses GPS data to show that Rodriguez and Roldan's squad car was parked adjacent to Marquette Park for approximately 15 minutes.¹⁵ Not included in COPA'S investigation or attachments is any indication that they reviewed GPS data for the other, on-duty, 008th and 007th district cars during the same time frame.

COPA highlights a shots fired call coming from the area near Marquette Park¹⁶ as helping proof that Rodriguez and Roldan are the unknown individuals in the video. The call was dispatched as "shots fired, coming from north of 3333 W. Marquette".¹⁷ A look at a map of Marquette Park shows that 3333 W. Marquette is 4 blocks (1/2 a mile) north of where Rodriguez and Roldan's car was parked. Moreover, the caller stated the shots sounded like they came from north of 3333 W. Marquette, which is even farther away from where GPS showed their squad car's location.

COPA makes several leaps to conclude that Rodriguez is the source of and one of the officers in the video and that the other must be his partner Roldan. Even a generous review of the evidence would not lead to a conclusion that it is more likely than not that Rodriguez and Roldan are the officers in the video. There are too many

⁸ Att. 7

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² COPA SRI 2022-0001610 @ Pg. 9

¹³ Id.

¹⁴ Id.

¹⁵ Att. 4 and 5

¹⁶ Id. @ Pg. 7

¹⁷ Att. 9 @ 29:18.

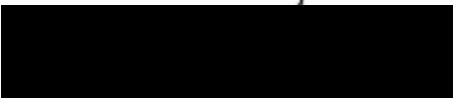
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alternate possibilities that were not investigated/ruled out to state that COPA has proven any of the allegations by a preponderance of the evidence.

As laid out above, COPA has not proven by a preponderance of the evidence that Officer Rodriguez and Officer Roldan discharged their firearms on or about 3 June 2017. Because COPA has not proven by a preponderance of the evidence that Rodriguez and Roldan are the officers in the video, they are unable to prove by a preponderance of the evidence any of the remaining allegations lodged against the officers.

Based on the above, the evidence is legally insufficient to sustain COPA'S allegations against P.O. Rodriguez and P.O. Roldan. CPD looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii). If COPA and the CPD find themselves at an impasse on the resolution of this matter, the CPD asks that COPA include all attachments from the log investigation to the member of the Police Board selected to conduct the review.

Sincerely,



Larry Snelling
Superintendent of Police
Chicago Police Department