



Brandon Johnson
Mayor

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

Larry Snelling
Superintendent of Police

April 12, 2024

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

Re: Superintendent's Partial Non-Concurrence with COPA's findings
Log# 2019-0003402
Officer Alberto Rodriguez #19320

Dear Chief Administrator Kersten:

Based on a review of the above-referenced complaint register (CR), in which COPA sustained 19 of 21 allegations lodged against Officer Alberto Rodriguez, the Chicago Police Department (CPD) concurs with the recommended penalty and 14 of the findings for Police Officer Alberto Rodriguez. However, the CPD does not concur with 5 of COPA's findings. The allegations against Officer Rodriguez arise from incidents that took place during a romantic relationship between Rodriguez and [REDACTED]

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

On 23 August 2019, Officers responded to the area of North Ave and Ashland and met with [REDACTED] and [REDACTED]. After speaking with all three, it was learned that [REDACTED] called her mother ([REDACTED] and friend ([REDACTED] and could be heard crying and saying "I just want to go home."¹ It was also discovered that [REDACTED] was likely at the accused's, (her boyfriend Alberto Rodriguez) and off-duty Chicago Police Officer, apartment located at [REDACTED].² Several uniformed Police Officers proceeded to [REDACTED] to attempt to locate [REDACTED]. The body worn cameras (BWC) of the officers who responded to [REDACTED] capture a scene in which it takes several minutes for contact to be made as Rodriguez did not open his door and officers were able to enter only after being provided a key by Rodriguez's family.³ [REDACTED] was located and brought to a police car, where when questioned, she maintained that she was ok, she wasn't drinking, nothing physical happened, and she wasn't threatened.⁴ [REDACTED] was transported to the 014th District Police Station and reunited with her family. Upon seeing her condition, [REDACTED] mother took [REDACTED] to the hospital to see if she was under the influence of drugs.⁵ While speaking to the nurse at the hospital, [REDACTED] made her initial outcry that she had been "raped" by Alberto Rodriguez.⁶ The police were once again summoned, and General Offense Case Report for Aggravated Criminal Sexual Assault, listing the victim as [REDACTED] and Alberto Rodriguez as the offender was generated (JC-404564).⁷ As a result, a criminal and COPA investigation was initiated. [REDACTED]

¹ Att. 43, Att. 44

² Att. 44, Att. 86

³ Att. 61, 62, and 63

⁴ Att. 63

⁵ Att. 44

⁶ Att. 43 @ Pg. 107

⁷ Att. 12

participated in a joint interview with CPD and COPA.

CPD concurs with COPA'S sustained findings related to the below allegations lodged against Officer Alberto Rodriguez:

- 1) It is alleged on or about August 5, 2019, at or near [REDACTED] Avenue, Officer Alberto Rodriguez prevented [REDACTED] from leaving his home in that he pushed her against a wall and/or took her keys without justification.
- 2) It is alleged on or about August 5, 2019, at or near [REDACTED] Avenue, Officer Alberto Rodriguez kissed [REDACTED] on her mouth and/or removed her clothing without her consent.
- 3) It is alleged on or about August 5, 2019, at or near [REDACTED] Avenue, Officer Alberto Rodriguez pushed [REDACTED] against a bed and/or forced her to bend over a bed and/or placed her into a restraining hold by her arm and/or wrist without justification.
- 4) It is alleged on or about August 5, 2019, at or near [REDACTED] Avenue, Officer Alberto Rodriguez penetrated [REDACTED] vagina without her consent.
- 5) It is alleged on or about August 5, 2019, at or near [REDACTED] Avenue, Officer Alberto Rodriguez stated words to the effect of "You're going to get used to it" and/or "It's fine, it hurts now but you're going to get used to it," to [REDACTED]
- 6) It is alleged on or about August 5, 2019, at or near [REDACTED] Avenue, Officer Alberto Rodriguez applied pressure to [REDACTED] throat, restricting her airway, without justification.
- 7) It is alleged on or about August 23, 2019, at or near 2013 W. Division St. Officer Alberto Rodriguez provided alcohol to [REDACTED] a person under the age of 21 in violation of 235 ILCS 5/6(a)(iii).
- 8) It is alleged on or about August 23, 2019, between 4:00 pm and 8:30 pm at or near [REDACTED] Avenue, Officer Alberto Rodriguez held [REDACTED] at his home against her will.
- 9) It is alleged on or about August 23, 2019, between 4:00 pm and 8:30 pm at or near [REDACTED] Avenue, Officer Alberto Rodriguez removed [REDACTED] clothing without consent.
- 10) It is alleged on or about August 23, 2019, between 4:00 pm and 8:30 pm at or near [REDACTED] Avenue, Officer Alberto Rodriguez penetrated [REDACTED] vagina without her consent.
- 11) It is alleged on or about August 23, 2019, between 4:00 pm and 8:30 pm at or near [REDACTED] Avenue Officer Alberto Rodriguez tore the nose ring out of [REDACTED] nose without justification.
- 12) It is alleged on or about August 23, 2019 at approximately 6:35 pm at or near 2013 W. Division St. Officer Alberto Rodriguez was intoxicated while off-duty.
- 13) It is alleged by the Civilian Office of Police Accountability that on or about May 19, 2022 at approximately 1:30 Pm, at or near 1615 W. Chicago Ave., Officer Alberto Rodriguez, Star No. 19320, committed misconduct through the following acts or omissions ; Made a false, misleading, incomplete, and/or inaccurate statement when he stated to COPA that prior to August 23, 2019 at approximately 7:42 pm, he was unaware that [REDACTED] was under the age of 21 and/or relative to when he came aware that [REDACTED] was under the age of 21, including but not limited to: Attachment 74 Page 11 (lines 19-21); Page 42 (lines 20-24); Page 75 (lines 8-21); Page 77 (lines 3-7); Page 107 (lines 10-15).
- 14) It is alleged by the Civilian Office of Police Accountability that on an unknown date on or after August 25, 2019, at an unknown time and location, Officer Alberto Rodriguez, Star No. 19320, used his department access to the CLEAR and Caboodle systems for personal purposes not related to his duties as a Chicago Police Officer.

CPD does not concur with COPA'S sustained findings related to the below allegations lodged against Officer Alberto Rodriguez:

COPA has not proven by a preponderance of the evidence that on or about 5 August 2019 at or near 4760 N. Lincoln and/or [REDACTED] Alberto Rodriguez provided [REDACTED] with alcohol. In her statement, [REDACTED] stated

while at Garcia's restaurant Rodriguez ordered her a margarita.⁸ Rodriguez was never asked about their meal, including if [REDACTED] had a drink, at Garcia's.⁹ No supporting evidence; a receipt or statement from a server, was produced to bolster [REDACTED] claim. As stated above, COPA did not prove by a preponderance of the evidence that on 5 August 2019 Rodriguez provided [REDACTED] with alcohol.

Next, COPA has failed to prove by a preponderance of the evidence that Rodriguez threatened [REDACTED] to drink by placing his hand on his gun and saying "don't waste my money that's not cool." [REDACTED] in her statement to COPA, related that Rodriguez..."kind of like, put, like, my hand, like on his gun."¹⁰ There were no follow up questions asked. It is not clear how [REDACTED] knew it was gun, if it was displayed, if it was concealed or holstered, or if she actually felt threatened by this action. As such, COPA has not met their burden of proof.

COPA has not proven by a preponderance of the evidence that Alberto Rodriguez consumed one or more alcoholic beverages while carrying a firearm. It is evident that on 23 August 2019, Rodriguez had at least one alcoholic beverage. Rodriguez admitted as much stating he might have had a tequila drink¹¹ at Takito but didn't remember how many drinks he had.¹² This is corroborated by the waitress, [REDACTED] statement to Det. McNichols. While there is no doubt that Rodriguez had at least one drink, it is unclear if he was actually armed. As stated above, it was never established how [REDACTED] knew Rodriguez was armed on 23 August 2019. As such, COPA has not proven this allegation by a preponderance of the evidence.

COPA has not proven by a preponderance of the evidence that Rodriguez refused to follow the lawful order a superior to open the door to his apartment. While there is no dispute that there were several Chicago Police Officers trying gain entry to Rodriguez's apartment, COPA did not present any evidence (video, statements, etc.) to show that a superior Officer gave an order to Rodriguez to open his door. Accordingly, COPA has not proven this allegation by a preponderance of the evidence.

Finally, COPA has not proven by a preponderance of the evidence that Rodriguez operated a motor vehicle while under the influence of alcohol on 23 August 2019. While it is more likely than not that Rodriguez was intoxicated, COPA has not established that Rodriguez drove from Takito to his residence on 23 August 2019. In her statement to COPA, [REDACTED] stated she did not remember leaving the restaurant or getting to his house.¹³ Moreover, Rodriguez admitted driving [REDACTED] car to Takito, but was never specifically asked nor admitted to driving it from Takito to his residence.¹⁴ Without any evidence tending to show Rodriguez drove from Takito to his residence, COPA has not proven this allegation by a preponderance of the evidence.

In light of the sustained allegations against Officer Rodriguez, CPD concurs with COPA'S recommended penalty of separations. If necessary, 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 form the log investigation to the member of the Police Board selected to conduct the review.

Sincerely,
[REDACTED]
Larry Snelling
Superintendent of Police
Chicago Police Department

⁸ Att. 43 @ Pg. 73

⁹ Att. 74 and Att. 77

¹⁰ Att. 43 @ Pg. 93

¹¹ Att. 74 @ Pg. 73

¹² Id. @ Pg. 74

¹³ Att. 43 @ Pg. 96

¹⁴ Att. 74 @ Pg. 79-80