

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 23, 2019
Time of Incident:	7:30PM
Location of Incident:	██████████
Date of COPA Notification:	August 23, 2019

On August 23, 2019, officers from the 014th District responded to a request to check the well-being of ██████████ (hereafter, ██████████) at ██████████. The request was made by ██████████ mother, ██████████ believed ██████████ may have been held against her will by Chicago Police Officer Alberto Rodriguez. Upon arriving at Officer Rodriguez's residence, responding officers knocked on the door and announced they were police. Officer Rodriguez did not respond or open the door. Approximately ten minutes later, the officers gained entry by getting a key to the unit from Officer Rodriguez's father, who lived in the unit downstairs. Upon entry, they found Officer Rodriguez and ██████████ in the bedroom of the unit. ██████████ left with the officers to meet her family at the 014th District Station. Officer Rodriguez was handcuffed and questioned at his apartment but was not arrested. Later that evening, ██████████ family took her to St. Mary and Elizabeth hospital. While at the hospital, ██████████ told the hospital staff and later, the responding detectives that Officer Rodriguez had held her against her will and sexually assaulted her multiple times.

As a result of COPA's investigation, Officer Rodriguez was served with allegations of sexual assault and other related allegations of misconduct. After Officer Rodriguez's statement to COPA regarding those allegations, he was served with additional allegations for false or misleading statements and misuse of department resources. COPA finds the allegations against Officer Rodriguez are **Sustained**.

II. INVOLVED PARTIES

Involved Officer #1:	Alberto Rodriguez; Star no. 19320; Employee No. ██████████ DOB ██████████/89; DOA 11/24/14; Male; WWH
Involved Officer #2:	Eugene Vann; Star No. 17679; Employee no. ██████████ DOB ██████████/84; DOA 11/24/14; Male; WWH
Involved Officer #3:	Uriel Padilla; Star No. 19099; Employee No. ██████████ DOB ██████████/89; DOA 12/12/16; Male; WHH;
Involved Individual # 1:	██████████ DOB 7/30/00; Female; WHH

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Alberto Rodriguez	1. On unknown dates and times between January 1, 2019, and August 23, 2019, at various and/or unknown locations Officer Alberto Rodriguez used his position as a Chicago police officer to coerce [REDACTED] in that he threatened to influence an ongoing investigation into her brother if she refused to engage in a sexual relationship.	Not Sustained
	2. On or about the week of May 12, 2019, at or near [REDACTED] Officer Alberto Rodriguez penetrated [REDACTED] vagina without her consent.	Not Sustained
	3. On or about August 5, 2019, at or near 4760 N Lincoln Ave and/or at or near [REDACTED] Officer Alberto Rodriguez provided alcohol to [REDACTED] a person under the age of 21 in violation of 235 ILCS 5/6(a)(iii).	Sustained
	4. On or about August 5, 2019, at or near [REDACTED] Officer Alberto Rodriguez prevented [REDACTED] from leaving his home in that he pushed her against a wall and/or took her keys without justification.	Sustained
	5. On or about August 5, 2019, at or near [REDACTED] Officer Alberto Rodriguez kissed [REDACTED] on her mouth and/or removed her clothing without her consent.	Sustained
	6. On or about August 5, 2019, at or near [REDACTED] 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.	Sustained

	7. On or about August 5, 2019, at or near [REDACTED] Officer Alberto Rodriguez penetrated [REDACTED] vagina without her consent. 8. On or about August 5, 2019, at or near [REDACTED] 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] 9. On or about August 5, 2019, at or near [REDACTED] Officer Alberto Rodriguez applied pressure to [REDACTED] throat, restricting her airway, without justification. 10. 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) 11. On or about August 23, 2019, at or near 2013 W. Division St. Officer Alberto Rodriguez threatened [REDACTED] to drink alcohol by placing his hand on his gun and saying words to the effect of, "Don't waste my money. That's not cool." 12. On or about August 23, 2019, at or near 2013 W. Division St. Officer Alberto Rodriguez consumed one or more alcoholic beverages while carrying a firearm. 13. On or about August 23, 2019, between 4:00 p.m. and 8:30 p.m. at or near at or near [REDACTED] Officer Alberto Rodriguez held [REDACTED] at his home against her will.	Sustained Sustained Sustained Sustained Sustained Sustained Sustained
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	14. On or about August 23, 2019, between 4:00 p.m. and 8:30 p.m. at or near at or near [REDACTED] Officer Alberto Rodriguez removed [REDACTED] clothing without consent.	Sustained
	15. On or about August 23, 2019, between 4:00 p.m. and 8:30 p.m. at or near at or near [REDACTED] Officer Alberto Rodriguez penetrated [REDACTED] vagina without her consent.	Sustained
	16. On or about August 23rd, 2019, between 4:00 p.m. and 8:30 p.m. at or near at or near [REDACTED] Officer Alberto Rodriguez tore the nose ring out of [REDACTED] nose without justification.	Sustained
	17. On or about August 23rd, 2019, at approximately 8:30 PM, at or near at or near [REDACTED] Officer Alberto Rodriguez refused to follow the lawful order of a superior officer to open the door to his apartment.	Sustained
	18. On or about August 23, 2019 at approximately 6:35PM at or near 2013 W. Division St, Officer Alberto Rodriguez was intoxicated while off-duty.	Sustained
	19. On or about August 23, 2019 at approximately 6:35PM at or near 2013 W. Division St, Officer Alberto Rodriguez operated a motor vehicle while under the influence of alcohol.	Sustained
	20. It is alleged by the Civilian Office of Police Accountability that on or about May 19, 2022 at approximately 1:30PM, at or near 1615 W. Chicago Ave., Officer Alberto Rodriguez, Star No. 19320, committed misconduct through the following acts or omissions: Made a false,	Sustained

	misleading, incomplete, and/or inaccurate account 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 became 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 (10-15). 21. 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 the CLEAR and Caboodle systems for personal purposes not related to his duties as a Chicago Police Officer.	Sustained
Officer Uriel Padilla	On or about August 23, 2019 at approximately 7:49PM at or near [REDACTED] Officer Uriel Padilla deactivated his bodyworn camera while still engaged in law enforcement activity in violation of Special Order S03-14	Sustained
Officer Eugene Vann	On or about August 23, 2019 at approximately 7:49PM at or near [REDACTED] Officer Eugene Vann deactivated his bodyworn camera while still engaged in law enforcement activity in violation of Special Order S03-14	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

Rule 1: Violation of any law or ordinance.

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 5: Failure to perform any duty.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.

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 14: Making a false report, written or oral.

Rule 15: Intoxication on or off duty.

V. INVESTIGATION

a. Interviews

On September 11, 2019, [REDACTED] gave a joint statement to investigators from COPA as well as detectives from the Chicago Police Department Bureau of Internal Affairs.

[REDACTED] stated that she met Officer Alberto Rodriguez at her 18th birthday party around July 30, 2018.² Officer Rodriguez was invited to her party because he and her brother, [REDACTED] (hereafter [REDACTED]) train at the same Mixed Martial Arts gym and share a social circle.³ At the party, Officer Rodriguez introduced himself and identified himself as a police officer. [REDACTED] next saw him again at her brother's birthday party around August 15, 2018. He began following her on social media and commenting on her pictures.⁴ Around New Years Eve of 2018, he asked her out via social media.

In the early Spring of 2018, [REDACTED] and Officer Rodriguez began seeing each other more frequently and began a sexual relationship. During this time, Officer Rodriguez would frequently bring up legal troubles involving [REDACTED] brother anytime [REDACTED] did not want to go along with something Officer Rodriguez wanted to do, such as having [REDACTED] stay at his home overnight.⁵ He would often imply that as a police officer, he could affect the outcome of [REDACTED] legal issues by saying things such as, "You know, like open cases are easy to influence," "I know a police officer," and "Like, I can have a lot of leeway in situations like that."⁶

¹ Att. 43

² Att. 43 at p. 9

³ Att. 43 at p.13

⁴ Att. 43 at p. 20

⁵ Att. 43 at p. 123

⁶ Att. 43 at p.122

█████ stated that while some of the sexual encounters between her and Officer Rodriguez were consensual, some were not. █████ recalled an incident that occurred before one of Officer Rodriguez's scheduled MMA fights⁷ during which Officer Rodriguez sexually assaulted her. That night, when Officer Rodriguez asked for sex without a condom or similar protection, █████ refused and told him that she did not want to get pregnant. Officer Rodriguez said words to the effect of, "That's not a reason to not have sex," and proceeded to have sexual intercourse with her anyway.⁸ █████ said, "No," and told him she did not want to have sex as his penis penetrated her vagina.⁹ █████ did not describe any type of restraint or physical abuse, during this encounter.

On or about August 5, 2018, █████ had dinner with Officer Rodriguez at a restaurant. She was leaving to go to Mexico for three weeks. While at dinner, Officer Rodriguez left to go to bathroom, and when he returned to the table, he found that two young men were talking to █████¹⁰ This upset Officer Rodriguez and he expressed worry that men were going to approach her in Mexico. He told her that he did not want her to go to Mexico and offered to take her on a trip instead. When █████ refused, Officer Rodriguez insisted he take her to the airport and keep her car with him until she got back. While at his residence, Officer Rodriguez told her he wanted to have sex. When she told him that she did not want to and that she wanted to leave, he pushed her by her shoulder against a wall and took her car keys from her hands. He then pushed her into his bedroom and bent her over his bed,¹¹ where he raised her dress and penetrated her vagina with his penis.¹² Officer Rodriguez then held her in place by holding her hands behind her back and placing his left hand on the back of █████ neck, restricting her airway. Officer Rodriguez continued penetrating and holding █████ down, despite her telling him to stop and that he was hurting her. Both before and during the penetration, █████ told Officer Rodriguez that she wanted to leave and needed to go. While he was penetrating her, she also said, "Ow," repeatedly because it hurt.¹³ At some point during the encounter, Officer Rodriguez got on top of █████ and applied pressure to the front of her neck, causing her difficulty breathing. Sometime after, Officer Rodriguez drove █████ to the airport in her car and kept her keys. While she was boarding the plane, she received texts from him claiming he had run red lights and gotten tickets in her car.¹⁴

The first week █████ was in Mexico, she did not have any contact with Officer Rodriguez via text or social media.¹⁵ Shortly after the first week, Officer Rodriguez began messaging █████ on social media. █████ responded and the two exchanged several messages for the rest of her trip. Some of these messages were of an explicit sexual nature and included nude photos of █████ as well as statements that she missed Officer Rodriguez. █████ stated that these were sent at Officer

⁷ A Fight Record retrieved from Tapout.com shows that Alberto Officer Rodriguez had recorded amateur and professional Mixed Martial Arts fights on February 2, 2019, May 5, 2019 and September 20, 2019. See Att. 65.

⁸ Att. 43 at p 145

⁹ Att. 43 at 149

¹⁰ Att. 43 at p. 52

¹¹ Att. 43 p. 57

¹² Att. 43 at p. 58

¹³ Att. 43 at 64.

¹⁴ Att. 43 p 67

¹⁵ Att. 43. p. 68

Rodriguez's request.¹⁶ She stated sometimes Officer Rodriguez was nice to her and she wanted to appease him so that nothing happened to her car.¹⁷

When [REDACTED] returned from Mexico on August 22, 2018, someone else picked her up from the airport. The next day, August 23, 2018, she texted Officer Rodriguez and let him know she was back. Officer Rodriguez offered to pick her up and take her to her car, and [REDACTED] accepted. He took her back to his home and insisted that they "hang out" there for some time before he took her back to her car.¹⁸ Officer Rodriguez put [REDACTED] on his bed, sat on top of her, and began to undress her. [REDACTED] told Officer Rodriguez she did not want to have sex. Officer Rodriguez then put his hands on her shoulder and stomach and held her down. He then removed her underwear and penetrated her vagina with his penis. [REDACTED] told him that he was hurting her, and he responded, "That's what happens when you leave."¹⁹

After Officer Rodriguez was finished, he told [REDACTED] he was hungry and wanted to go out to eat. When [REDACTED] asked if they could take her car so she could leave from the restaurant, Officer Rodriguez brought out a bottle of tequila and insisted she take a shot because she was "extra tense."²⁰ Officer Rodriguez and [REDACTED] had two shots of tequila each before they left for the restaurant, Takito Kitchen. [REDACTED] suggested Takito Kitchen because she knew people who worked there, and she hoped it would give her an excuse to leave.²¹ Officer Rodriguez drove them in [REDACTED] car. While at the restaurant, he ordered numerous drinks for himself and [REDACTED]. When [REDACTED] did not want to finish a drink he ordered, Officer Rodriguez placed her hand on his gun at his waist and said, "Don't waste my money."²² [REDACTED] remembered having at least two drinks, but she had no recollection of leaving the restaurant or going to his house afterward.²³

The next thing [REDACTED] remembered was being on Officer Rodriguez's bed with him on top of her and he was trying to have intercourse with her. [REDACTED] told him to stop and that it hurt. Officer Rodriguez responded "No. No. You're just drunk."²⁴ [REDACTED] once again told Officer Rodriguez to stop. Officer Rodriguez proceeded to penetrate [REDACTED] vagina with his penis and thrust aggressively.²⁵ After Officer Rodriguez got up, [REDACTED] grabbed her phone and called her mother crying. She did not tell her mother where she was because she was afraid her brother would fight Officer Rodriguez and Officer Rodriguez had a gun. She told her mother to meet her at North and Ashland.²⁶ When Officer Rodriguez saw that she had called her mother, he yelled at her while her mother was on the line. [REDACTED] then told Officer Rodriguez that her mother had called, and she had not told her where they were. Shortly after that, [REDACTED] best friend, called [REDACTED] after speaking to [REDACTED] mother. [REDACTED] offered to pick [REDACTED] up, and [REDACTED] told her not to come to Officer Rodriguez's house. At that point, Officer Rodriguez took her phone and turned it off. He yelled at

¹⁶ Att. 43 at p 141

¹⁷ Att. 43 at p. 143 and p. 70

¹⁸ Att. 43 at p. 79

¹⁹ Att. 43 at 83

²⁰ Att. 43 p. 91

²¹ Att. 43 p. 92

²² Att. 43. At 93

²³ Att. 43 at 96

²⁴ Att. 43 at 96

²⁵ Att., 44 at 97

²⁶ Att. 43 at 98

her for calling her family and kept her phone from her.²⁷ [REDACTED] tried to calm Officer Rodriguez down until the police arrived, at which point, he became very angry. Officer Rodriguez yelled at her for calling the cops, which [REDACTED] denied, telling him that he had her phone.²⁸ At this point Officer Rodriguez pushed her face and her nose ring came out and started to bleed.²⁹ Officer Rodriguez grabbed her arm and told her to get dressed. While [REDACTED] got dressed, Officer Rodriguez told her the cops were his people and that he did not have to let them in.³⁰ Eventually, [REDACTED] left with the police and went to the police station. At the station, [REDACTED] did not tell the police what happened, because she was afraid that they were his friends.³¹ Later, when [REDACTED] went to the hospital, she told a nurse at the hospital that Officer Rodriguez hurt her and raped her.³² Shortly after she left the hospital, [REDACTED] blocked Officer Rodriguez on all social media and had no further contact with him.

On October 2, 2019, [REDACTED] gave an audio recorded statement³³ to COPA investigators. [REDACTED] stated that she is the mother of [REDACTED]. Prior to August 23, 2019, she did not know that [REDACTED] and Officer Rodriguez were in a romantic or sexual relationship. Earlier that August, [REDACTED] had been scheduled to go to Mexico for three weeks on vacation. The day before she was supposed to leave [REDACTED] had planned to stay the night with [REDACTED] sister, [REDACTED] who would drive her to the airport. [REDACTED] had plans the morning [REDACTED] was leaving, so she was going to see [REDACTED] and say goodbye to her at her aunt's house that evening. When [REDACTED] called [REDACTED] she said she was at a barbecue with her friend [REDACTED] asked [REDACTED] to come home, but she never did. The next morning at 6:00 AM when [REDACTED] was supposed to get a ride with [REDACTED] to the airport, she never showed up.³⁴ [REDACTED] did not see [REDACTED] before she left for Mexico. While in Mexico, [REDACTED] communicated with [REDACTED] and apologized for not showing up that night, stating that she had been drinking. During this time, [REDACTED] stated that she did not want to come back home but wanted to stay in Mexico.³⁵ [REDACTED] brought this subject up multiple times during her trip stating that "there was nothing for her" in Chicago.³⁶ [REDACTED] returned from Mexico at 1:00 AM on August 23, 2019. She and [REDACTED] made plans to meet for dinner that evening.³⁷

However, [REDACTED] was unable to reach [REDACTED] between 4:00 PM and 6:00 PM, so she contacted [REDACTED] older brother, to ask if he knew where she was. He did not, which [REDACTED] stated was unusual. At 7:00 PM, [REDACTED] got a call from [REDACTED] who was crying and saying, "Please help me mom."³⁸ [REDACTED] observed that [REDACTED] sounded intoxicated. [REDACTED] told [REDACTED] to come get her at North and Ashland. While [REDACTED] was on the phone [REDACTED] heard a male voice yell "You fucking called your mother. You stupid ass," multiple times.³⁹ [REDACTED] then got into her car and the line hung up. When [REDACTED] immediately called back multiple times, there was no answer. [REDACTED] then called

²⁷ Att. 43 p. 100

²⁸ Att. 43 at p. 90

²⁹ Att. 43 at p.90

³⁰ Att. 43 at 105

³¹ Att. 43 at 106

³² Att. 43 at 107

³³ Attachment 44

³⁴ Att. 44 at 7:02

³⁵ At. 44 at 7:02

³⁶ Att. 44. At 8:15

³⁷ Att. 44 at 9:13

³⁸ Att. 44. 9:55

³⁹ Att. 44 at 10:25

██████████ best friend, to find out if she knew anything about where ██████ was. When ██████ called ██████ she was given the location of Hollywood Grill at North and Ashland. When ██████ arrived at North and Ashland, ██████ was not there. When ██████ and ██████ arrived there, ██████ and ██████ asked ██████ if she knew anything about what was happening. ██████ then told them that ██████ was with Officer Rodriguez. ██████ then called the police who met them at Hollywood Grill. The officers made a few phone calls and told ██████ and ██████ to meet them at the 14th District station. The police informed ██████ that when they located ██████ and Officer Rodriguez, Officer Rodriguez would not open the door for them. ██████ was highly intoxicated. ██████ recalled that ██████ phone had been reset and that there was no data in her phone. ██████ took her to Saint Mary's Hospital out of concern for her. At the hospital, on advice from the police, they administered a rape kit to ██████. After this, as ██████ sobered up, she broke down and told ██████ that Officer Rodriguez physically abused her and sexually assaulted her. She also said that in the past, Officer Rodriguez threatened to kill her and her family and threatened her with information he had regarding legal troubles some of ██████ extended family had.⁴⁰ ██████ then related what ██████ had told her about the physical abuse and sexual assault in an account substantially similar to the statement ██████ later gave to COPA. ██████ stated that after the incident, ██████ stopped leaving the house until school started back up again⁴¹ and she was experiencing high level of fear and anxiety.⁴²

October 31, 2019, ██████ (hereafter ██████) gave an audio recorded statement to COPA investigators.⁴³ ██████ stated he is the older brother of ██████ and that prior to August 23, 2019 he was unaware of a sexual or dating relationship between Officer Rodriguez and ██████. He knew Officer Rodriguez met ██████ when he brought Officer Rodriguez to ██████ 18th birthday party. He recalled that at the party, Officer Rodriguez was "all over"⁴⁴ ██████ despite Officer Rodriguez coming to the party with his girlfriend, ██████. At some point in 2019, ██████ noticed Officer Rodriguez commenting on his sister's Instagram page frequently. ██████ also told him that she had an awkward interaction with Officer Rodriguez in public where he was "all over her."⁴⁵ ██████ texted Officer Rodriguez and told him to quit "messaging with"⁴⁶ ██████. Officer Rodriguez sent back a text pretending not to know what he was talking about.⁴⁷ During early 2019, ██████ also told ██████ that Officer Rodriguez often showed up at places she was going without her telling him she was going to be there, leading her to believe he was tracking her somehow.⁴⁸

On August 23, 2019, ██████ was at work at 6:50 PM when he received a phone call from his mother, ██████ that his sister, ██████ was missing. He then went to North and Ashland to meet his mother and look for his sister. ██████ was also there and informed them that ██████ was with Officer Rodriguez. His mother told him that she had gotten a phone call from ██████ and based on that call, she thought ██████ was in danger.⁴⁹ ██████ then called ██████ and Officer

⁴⁰ Att. 44 at 25:54

⁴¹ Att. 44 at 59:30

⁴² Att. 44 at 1:05:15

⁴³ Att. 55

⁴⁴ Att. 55 at 7:12

⁴⁵ Att. 55. at 10:26

⁴⁶ Att. 55 at 10:48

⁴⁷ Att. 55 at 10:52

⁴⁸ Att. 55 at 12:00

⁴⁹ Att. 55 at 4:00

Rodriguez's phones multiple times with no answer.⁵⁰ When the police arrived at North and Ashland, [REDACTED] gave the police Officer Rodriguez's address but did not go with them to [REDACTED]. [REDACTED] saw his sister again at the hospital that night. While there he observed bruises on her legs, arms, and wrists, as well as scratches on her nose and face.⁵¹ After the incident, [REDACTED] told [REDACTED] that while the police were outside of Officer Rodriguez's apartment, he ripped her nipple ring and nose ring out.⁵² She also told him substantially the same information that she told COPA.⁵³

After the incident Officer Rodriguez called [REDACTED] and tried to "clear the air" about the incident.⁵⁴ During this conversation, Officer Rodriguez made reference to a domestic incident [REDACTED] had in the past and told him, "I think you're very familiar with being told you're an abuser and you're not."⁵⁵ Officer Rodriguez then complained that [REDACTED] had made false allegations of the incident to their Martial Arts coach and Officer Rodriguez's friend.⁵⁶ After that call, [REDACTED] avoided contact with Officer Rodriguez and changed gyms. [REDACTED] did not leave the house for a while after this incident.

On May 19, 2022, **Officer Alberto Rodriguez** gave a statement⁵⁷ to COPA regarding the allegations made against him in this case. Officer Rodriguez stated that he met [REDACTED] at party sometime in early 2019.⁵⁸ Officer Rodriguez did not recall who the party was for but thought it was for her family. Officer Rodriguez knew [REDACTED] brother, [REDACTED] because they both trained at Valle Flow Striking, an MMA gym.⁵⁹ Officer Rodriguez stated he did not know [REDACTED] age when he met her but knew she was [REDACTED] younger sister.⁶⁰ After the party, [REDACTED] and Officer Rodriguez began exchanging messages on Instagram.⁶¹ Approximately a month later they met for lunch at a restaurant near Elston and Pulaski. After that, Officer Rodriguez and [REDACTED] would see each other approximately once per week, sometimes less. Officer Rodriguez was unable to recall dates or specific encounters. Throughout the statement, Officer Rodriguez insisted he did not know [REDACTED] age until after the August 23rd incident.⁶²

In early August 2019, [REDACTED] had plans to go on a trip to Mexico. Officer Rodriguez stated that on the day before she left, they met for lunch, went back to his apartment, and had intercourse. It got late, so she asked to sleep over and have him drive her to airport in the morning. The next morning, he drove her, in her own vehicle, to the airport and afterward parked her car near his

⁵⁰ Att. 55 at 4:16

⁵¹ Att. 55 at 32:47

⁵² Att. 55 at 18:28

⁵³ Antonio also related that he has seen Officer Rodriguez discharge his weapon on multiple occasions. He also related that he witnessed Officer Rodriguez physically abuse [REDACTED] in 2018.

⁵⁴ Att. 55 at 13:54

⁵⁵ Att. 55 at 14:36

⁵⁶ Att. 55 at 16:16

⁵⁷ Att. 74

⁵⁸ Att. 74 at p. 8

⁵⁹ Att. 74 at p. 9

⁶⁰ Att. 74 at p. 11

⁶¹ Att. 74 at p. 12

⁶² Att. 74 at p. 107

home.⁶³ While [REDACTED] was in Mexico, the two exchanged messages on Instagram. Officer Rodriguez described her communications as “vulgar,” in that they were sexual in nature.⁶⁴

[REDACTED] returned from Mexico on August 23, 2019. That afternoon, Officer Rodriguez picked her up to hang out and return her car. Officer Rodriguez stated that rather than wait in his vehicle outside her home, he parked at a nearby bank.⁶⁵ Officer Rodriguez drove them both to his home where they had vaginal intercourse, which Officer Rodriguez insisted was consensual. Officer Rodriguez stated that they did not consume alcohol in his home. Around 4:00PM or 5:00PM, Officer Rodriguez and [REDACTED] went to dinner and drinks at a bar called Takito at 2013 W. Division St.⁶⁶ He stated that he and [REDACTED] both consumed alcohol at Takito, which he paid for and was later given cash by [REDACTED] to cover her portion.⁶⁷ While at the restaurant, [REDACTED] told him she wanted to date him exclusively. He responded by laughing, and [REDACTED] became “hostile” towards him about being exclusive.⁶⁸ [REDACTED] became “obnoxious” and “belligerent.”⁶⁹ Officer Rodriguez described [REDACTED] as becoming upset at something nearby customers said to her, but gave no further details. He further stated that he did not believe [REDACTED] was intoxicated.

After about an hour and a half, Officer Rodriguez drove [REDACTED] back to his apartment where they both got undressed and took a nap.⁷⁰ Officer Rodriguez stated they did not have intercourse at that time. Officer Rodriguez did not recall [REDACTED] making any phone calls before they went to sleep. Officer Rodriguez stated the next thing he remembered was his mother waking him up and telling him the police were outside.⁷¹ Officer Rodriguez stated he thought she meant they were outside investigating crime in the neighborhood rather than asking for him.⁷² Officer Rodriguez got dressed in his bedroom and when he came out, there were numerous police officers in his living room.⁷³ The police handcuffed Officer Rodriguez and asked him where [REDACTED] was. [REDACTED] came out of the bedroom and left the apartment with the police. The remaining officers uncuffed Officer Rodriguez and left. Officer Rodriguez was not arrested.⁷⁴

During Officer Rodriguez’s statement, he admitted that near the time of the incident, he habitually looked up the area near [REDACTED] in Caboodle, a system used by the Chicago Police Department to track reported crimes in the city.⁷⁵ After the incident on August 23, 2019, Officer Rodriguez saw that a sexual assault incident occurred at his address as denoted by a blue “S” symbol on the area map. Officer Rodriguez then clicked the symbol and read the case report for JC404564 in which he is named as an offender for the August 23, 2019 incident.⁷⁶ Officer Rodriguez denied all the allegations made against him.

⁶³ Att. 74 at p. 23

⁶⁴ Att. 74 at p. 22

⁶⁵ Att. 74 at p. 26

⁶⁶ Att. 74 at p. 28

⁶⁷ Att. 74 at p. 30

⁶⁸ Att. 74 at p. 86

⁶⁹ Att. 74 at p. 85

⁷⁰ Att. 74 at p. 31

⁷¹ Att. 74 at p. 33

⁷² Att. 74 at p. 33

⁷³ Att. 74 at p. 34

⁷⁴ Att. 74. at p.40

⁷⁵ Att. 74. at p. 6

⁷⁶ Att. 74. at p. 7

On July 21, 2022 **Officer Rodriguez** gave a statement⁷⁷ to COPA to answer additional allegations related to his May 19, 2022 statement to COPA. These allegations accused Officer Rodriguez making a false statement in a department report and unauthorized use of department resources. Officer Rodriguez stated that because of his duties as a police officer, he had a habit of using the Caboodle system to stay informed about crimes in the neighborhood in which he resided.⁷⁸ Officer Rodriguez confirmed that sometime after August 23, 2019, he accessed the Caboodle system and saw a reported crime at his home address of [REDACTED]. When he clicked on the map icon, he was able to see the victim information of [REDACTED]. After seeing that information, Officer Rodriguez admitted that he separately clicked on the narrative section of the report then read the narrative of the case report.⁷⁹ However, he denied the allegation as alleged.

Officer Rodriguez was presented with a copy of Instagram conversation with [REDACTED] discussing her age. Officer Rodriguez stated he did not recall having that conversation but had no reason to suspect the record was inaccurate. When read each of his alleged false statements, Officer Rodriguez stated that he did not wish to make any changes any of his statements. Officer Rodriguez claimed that at the time of his statement to COPA he did not recall and still did not recall ever knowing her age. He denied the allegation as alleged.

On August 25, 2019, **Officer Uriel Padilla** gave a statement⁸¹ to COPA regarding this incident. Officer Padilla stated that on August 23, 2019, he was dispatched to [REDACTED] on a well-being check for an individual named [REDACTED] on the request of her family. Upon arrival he, along with the other responding officers, spoke with a man and woman whom he believed to be Officer Rodriguez's father and mother. Officer Rodriguez's parents were initially unable to locate the keys to unlock the unit. However, when the responding officers told them they were going to have to kick in the door, they found them and let the officers into the unit. When he entered the unit, he observed Officer Rodriguez coming out from the bedroom. Officer Rodriguez stated to Officer Padilla nothing had happened and that he was just there with his girlfriend. Officer Rodriguez refused to offer any additional explanation or details. Officer Padilla never spoke with [REDACTED]. Soon after they gained entry, Officer Padilla deactivated his body-worn camera, but could not recall why.

On November 29, 2022, **Officer Eugene Vann** gave a statement⁸² to COPA regarding this incident. Officer Vann stated that on August 23, 2109 he responded to [REDACTED] to check the well-being of a girl who was possibly being held against her will. When Officer Vann arrived, other officers at the scene he was informed that the suspect was Officer Alberto Rodriguez, who had been in Officer Vann's Police Academy class. Officer Vann recalled that he and the other officers had attempted to gain entry into the residence, but the door was locked. Officer Rodriguez did not respond when the officers knocked on his door. Officer Vann went with Officer Padilla around the back of the unit to try and gain entry via the rear door. He and Officer Padilla knocked

⁷⁷ Att. 77

⁷⁸ Att. 77 at p. 14

⁷⁹ Att. 77 at p. 13

⁸⁰ Att. 75

⁸¹ Att. 83

⁸² Attachment 81

and announced themselves for approximately ten minutes before they were let in by other officers who had by then gained entry via the front door. Officer Rodriguez was then placed in handcuffs, though Officer Vann did not recall who had placed the cuffs on him. In that time, Officer Vann deactivated his body-worn camera because he thought the investigation was over.

b. Digital Evidence

COPA obtained **body-worn camera footage** from officers who responded to Hollywood Grill and received the initial report regarding [REDACTED] disappearance.⁸³ This footage captures essentially the same information relayed by [REDACTED] and [REDACTED] in their statements to COPA.

COPA obtained **Body-worn camera** footage of officers responding Officer Rodriguez's home.⁸⁴ According to department records all three officers activated their camera at approximately 8:50PM when they arrived at [REDACTED]. The recordings show that the officers, along with two senior officers, arrived and spoke with a man who identified himself as Officer Rodriguez's father. The father let the officers into the building. The floor unit appeared to be inhabited by the man and his wife, while Officer Rodriguez lived upstairs. Officer Rodriguez's mother was visible coming down the stairs as the officers went up.⁸⁵ Officer Schuler remained at the front door of Officer Rodriguez's apartment with one of the senior officers, while another went with Officer Padilla and Officer Vann through the parents' unit to a second stairway up to the back door of Officer Rodriguez's unit. Officer Rodriguez's mother indicated to the officers that she knocked on the door to wake Officer Rodriguez and that he was in the bathroom. The officers knocked and yelled to Officer Rodriguez to let them in through both doors for approximately 10 minutes. One of the senior officers then spoke to the father and told him that if he did not unlock the door for them to gain entry, they were going to have to break it down. At that time, the father found a key to the apartment and let the officers in. The officers found Officer Rodriguez coming out of a room on the far side of the apartment, opposite the front door. Officer Rodriguez then came into the front room where he was handcuffed and questioned. The officers found [REDACTED] in the bedroom and led her out of the apartment. At this point, Officers Vann and Padilla deactivated their body-worn cameras. Officer Schuler left his camera on as he accompanied [REDACTED] down to the police vehicle to be transported to the police station. On camera, [REDACTED] can be heard stating that she is fine and did not know why the officers were there. [REDACTED] denied being physically harmed or contacting her mother. She is not clearly visible on camera.

Photographs⁸⁶ taken at St. Mary hospital show bruising and abrasions on [REDACTED] left arm, left thigh, and both lower legs. These are consistent with the injuries reported in her medical records.

⁸³ Att. 23, 25, and 26.

⁸⁴ Att. 61, 62, 63

⁸⁵ Att. 63 at 2:13

⁸⁶ Att. 68-72



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⁸⁷ Att. 68

⁸⁸ Att. 69

⁸⁹ Att. 70

⁹⁰ Att. 71



91

COPA obtained records for the **Instagram**⁹² account of Officer Alberto Rodriguez.⁹³ On July 27, 2018, Officer Rodriguez received an invitation to [REDACTED] 18th Birthday and Graduation Party, which was set to occur on July 28, 2018.⁹⁴ The invitation event is labeled [REDACTED] aka Gorda's 18th Birthday and HS Graduation Party!!⁹⁵

On April 19, 2019,⁹⁶ Officer Rodriguez and [REDACTED] exchanged messages related to [REDACTED] birthday party and her age. Officer Rodriguez states "And to think I almost didn't go to your bday party[.] Now we have such great memories." In response, [REDACTED] states, "LMFAO[.] Welcoming me to the consent age[.]" On April 23, 2019, [REDACTED] makes another reference to Officer Rodriguez's knowledge of her age. She states, "I mean you waited until I hit the consent age so I guess."⁹⁷

Instagram records reflect no conversations between [REDACTED] and Officer Rodriguez between August 5, 2019 and August 10, 2019.⁹⁸ On August 11, 2019, communication between the two resumes.⁹⁹ On August 16, 2019, [REDACTED] and Officer Rodriguez begin sharing sexually explicit text messages.¹⁰⁰

c. Documentary Evidence

⁹¹ Att. 72

⁹² Att. 94

⁹³ Officer Rodriguez's Instagram handle is enforcerbjj and [REDACTED] Instagram handle is itszel815.

⁹⁴ Att. 91

⁹⁵ Att. 91

⁹⁶ Att. 75, extracted from full Instagram records return. See Att. 94 at 3684.

⁹⁷ Att. 92

⁹⁸ Att. 94 at 5327 - 5342

⁹⁹ Att. 94 at 5342

¹⁰⁰ Att. 90. Att. 94 at 5454 – 5458.

The **Original Case Incident Report**¹⁰¹ documents that Officers from Beat 1434 were dispatched to Hollywood Grill near the intersection of North and Ashland at approximately 7:42PM. The narrative states that beat 1434 was dispatched on a well-being check after being called by [REDACTED] mother, who related that she had been on the phone with [REDACTED] when [REDACTED] asked for her help to come home. [REDACTED] heard a verbal altercation with Officer Rodriguez over the phone line during the call. Beat 1434 conducted a canvas of area near Hollywood grill at North and Ashland Avenue to locate [REDACTED] and Officer Rodriguez but were unsuccessful. Upon the police receiving information that [REDACTED] was with Officer Rodriguez, additional officers were sent to [REDACTED] the listed address of Officer Rodriguez in department records. Lieutenant Nicola Zodo, Sergeant Charles Halpern, and Officers Padilla and Vann arrived at [REDACTED] and attempted to gain entry into Officer Rodriguez's home numerous times but were unsuccessful. Eventually, Officer Rodriguez's parents gave them access to the apartment. At that time, officers made contact with [REDACTED] who told them she was okay, and she was transported to the 14th district to meet her mother and family there. After meeting with her family, [REDACTED] was then taken to St. Mary of Nazareth hospital. The narrative then summarizes an account of events by [REDACTED] that is substantially similar to the statement she provided to COPA. No arrests were made at the scene.

On September 19, 2019, Officer Alejandra Mahadeo authored a **Case Supplementary Report**¹⁰² detailing the initial investigative steps taken by Detective John McNichols. Detective McNichols provided summaries of statements taken from [REDACTED] and [REDACTED]. All witnesses, except for [REDACTED]¹⁰³ also gave statements to COPA consistent with what is summarized in the report. [REDACTED] stated that prior to the night of the incident she was aware that [REDACTED] and Officer Rodriguez had been seeing each other casually. [REDACTED] covered for [REDACTED] a few times, telling her mother that [REDACTED] was with her when she was with Officer Rodriguez. On August 23, 2019, at 7:12PM, [REDACTED] called her to try and locate [REDACTED] did not know where she was, so she called [REDACTED] at 7:15PM. When [REDACTED] answered she was crying and repeatedly stated, "El no me dejas," in Spanish. [REDACTED] understood that to mean, "He won't let me leave." [REDACTED] believed [REDACTED] spoke in Spanish because Officer Rodriguez did not understand Spanish, allowing [REDACTED] to secretly send [REDACTED] a message for help. The two calls lasted 2 minutes and 13 seconds according to the call logs shown to Detective McNichols.

Furthermore, the reports document that Detective McNichols located the waitress, Evelyn Delgado, who served [REDACTED] and Officer Rodriguez at Takito Kitchen on August 23, 2019. Delgado related that she recalled serving [REDACTED] and Officer Rodriguez. She recalled that they consumed alcoholic beverages and that she had to stop serving them alcohol. Delgado related that Officer Rodriguez attempted to convince her to serve them more alcohol stating, "Don't worry its fine we go out all the time."¹⁰⁴ She did not recall [REDACTED] asking to use the telephone.

¹⁰¹ Att. 6

¹⁰² Att. 57

¹⁰³ [REDACTED] attends college outside the city of Chicago and was not available for a statement to COPA.

¹⁰⁴ Att. 60 at 8-9.

Additionally, the Supplementary Report provided a summary of [REDACTED] injuries including vaginal pain, one abrasion to the upper left arm, one abrasion to the lower left leg, one abrasion to the upper left leg and three abrasions to the lower right leg.

Medical Records¹⁰⁵ for [REDACTED] from St. Mary and Elizabeth Medical Center show that on August 23, 2019, at 10:05PM, [REDACTED] checked into Emergency Medicine escorted by her mother [REDACTED] for a toxicology screen and complaining of sexual assault. [REDACTED] was observed to have bruising on her left arm, left thigh and shins. At blood draw, taken from [REDACTED] at 11:30PM, came back negative for narcotics and showed a BAC of 0.224. A sexual assault was administered to [REDACTED] at the hospital.

On May 15, 2020 the **Sexual Assault Kit**¹⁰⁶ collected from [REDACTED] Sanches on August 24, 2019 was analyzed by Illinois State Police Forensic Services. Analysis from the swabs detected the presence of semen in [REDACTED] vagina.

A **Bar Receipt**¹⁰⁷ retrieved from Takito Kitchen located at 2013 W. Division St. recorded that on August 23, 2019, at 6:35PM Officer Rodriguez paid a bill for food and alcoholic beverages totaling \$137.15. The itemized receipt shows that he purchased eight alcoholic beverages.

A **Screenshot from [REDACTED] Phone** retrieved from BIA shows that [REDACTED] (whom [REDACTED] refers to as [REDACTED] called her on August 23, 2019 at 7:06PM.

V. 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 reviewed complied with 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 conduct complied with Department policy

¹⁰⁵ Att. 67

¹⁰⁶ Att. 58

¹⁰⁷ Att. 80

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. 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.

VI. ANALYSIS

a. 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.

In this case, COPA finds ██████████ to be credible. While ██████████ did not outcry initially to the responding officers when they picked her up from ██████████ she explained that she thought the officers there might take Officer Rodriguez's side because he was also a Chicago police officer, a belief Officer Rodriguez reinforced over time.¹⁰⁸ Prior to the police gaining entry to the apartment, Officer Rodriguez told her that the officers were his "people." ██████████ did, however, make an outcry that same evening at the hospital and spoke to detectives that evening. Based on the case report and the detectives' notes, the statement ██████████ gave to responding detectives is consistent overall with the statement she gave to COPA.

Furthermore, her account of the events of August 23, 2019, are corroborated by other evidence. ██████████ and ██████████ confirmed that they spoke with ██████████ over the phone when she called them to ask for help. Additionally, photographic evidence depicts bruising on ██████████ the evening of this incident. Medical records, Delgado's account, and the receipt from Takito Bar all corroborate her level of intoxication. ██████████ account of the months leading up to the August 23, 2019, incident, are partially corroborated by her brother, ██████████ confirmed how she and Officer Rodriguez met as well as a few of their interactions. Therefore, ██████████ ability to accurately recall events related to this case appears to be reliable.

COPA found no evidence that ██████████ had a motive to lie about what occurred between herself and Officer Rodriguez. Based on the statement of ██████████ appeared to have suffered genuine fear and mental trauma from the event, often reacting nervously and even sleeping in her mother's bed for some time after the incident.¹⁰⁹

COPA has considered the sexual nature of the Instagram messages between ██████████ and Officer Rodriguez exchanged while ██████████ was in Mexico. COPA has also considered ██████████

¹⁰⁸ Att. 43 at 105

¹⁰⁹ Att. 44 at 1:05:15

explanation for exchanging these messages with Officer Rodriguez. However, [REDACTED] was forthcoming about these messages in her statement to COPA and these do not negate the evidence corroborating her account overall.

COPA finds that Officer Alberto Rodriguez is not credible. Officer Rodriguez told investigators that he did not know [REDACTED] age while they were dating. COPA does not find that statement credible. Both [REDACTED] and [REDACTED] recall him meeting her at her 18th birthday party. Instagram records document Officer Rodriguez receiving an invitation to her 18th birthday party, and two conversations between Officer Rodriguez and [REDACTED] where they discussed her age. Officer Rodriguez had clear motive to be untruthful about his awareness of [REDACTED] age.

Officer Rodriguez also stated to COPA that he was never aware of accusations of domestic abuse that had been made against [REDACTED]. He told COPA he did not pay attention to other people's business. However, [REDACTED] stated that he brought the issue up with her numerous times and [REDACTED] stated Officer Rodriguez referenced the issue in a phone call soon after the August 23, 2019 incident.¹¹⁰

Finally, Officer Rodriguez's account of the events of August 23, 2019 are not consistent with evidence obtained by COPA. Officer Rodriguez stated that after he and [REDACTED] left Takito Kitchen at approximately 6:00PM, they went to sleep back at his apartment. His mother then came into his apartment and woke him to tell him the police were outside. Officer Rodriguez claimed that he did not realize they were there to see him or that they were in the building. Based on the body-worn camera of the responding officers, officers knocked on his door repeatedly for several minutes with no answer. It is unlikely that Officer Rodriguez heard his mother knocking at his door but not the police who repeatedly knocked on both the front and back doors to his residence.

Officer Rodriguez also stated that [REDACTED] never called her mother after they came back to his apartment. These statements conflict with other evidence obtained by COPA. Based on a call retrieved from [REDACTED] phone, [REDACTED] called her mother immediately after receiving a call from her at 7:06PM. [REDACTED] stated that during that call, she could hear Officer Rodriguez in the background yelling at [REDACTED] for calling her mother,¹¹¹ which is corroborated by [REDACTED] statements. Additionally, Officer Rodriguez claims he did not believe [REDACTED] was intoxicated and denied being intoxicated himself. However, the medical records show that [REDACTED] blood alcohol level was .224 hours after the incident. Additionally, Delgado reported that she had to stop serving them alcohol and that Officer Rodriguez attempted to convince her to continue serving them alcohol.

For these reasons COPA concludes that Officer Alberto Officer Rodriguez's statements are inconsistent with other evidence obtained by COPA in this case and that he has motive to be untruthful. COPA does not find him credible.

b. Allegations

COPA finds **Allegation 1** against Officer Alberto Rodriguez he used his position as a police officer to coerce [REDACTED] Officer Rodriguez into a sexual relationship by threatening to

¹¹⁰ Att. 55 at 14:36

¹¹¹ Att. 44 at 9:55

influence a legal investigation into her brother if she refused his advances is Not Sustained. While [REDACTED] is the more credible witness, there is insufficient evidence to support sustaining the allegation. The evidence suggests that Officer Rodriguez did raise her brother's legal issues with [REDACTED] and [REDACTED] stated that Officer Rodriguez would "bring up" the subject when she did not want to stay overnight or see him for a period of time.¹¹² However, when she was asked to clarify, she did not frame the comments in terms of a specific threat or provide context that showed a clear coercion to engage in a sexual relationship. Additionally, there is no other evidence to corroborate this allegation. Therefore, Allegation 1 is Not Sustained.

COPA finds **Allegation 2** against Officer Alberto Rodriguez, that on or about the week of May 12, 2019, he penetrated her vagina without her consent is Not Sustained. In her statement to COPA, [REDACTED] stated that one night, the week before Officer Rodriguez had a competitive fight, Officer Rodriguez engaged in sexual intercourse with her without her consent. [REDACTED] stated that event happened a few months before her statement to COPA. According to the records of Officer Rodriguez's fights,¹¹³ Officer Rodriguez fought on May 25, 2019. Therefore, the incident would have likely happened the week before.

[REDACTED] described an incident in which she told Officer Rodriguez she was not on birth control and did not want to have intercourse. She said that Officer Rodriguez told her that was not a reason to not have sex and proceeded to penetrate her anyway. During his statement to COPA, Officer Rodriguez was unable to recall specific sexual incidents from the relationship but insisted all of the sexual intercourse between himself and [REDACTED] was consensual. COPA does not find that there is sufficient evidence to prove this allegation by a preponderance of the evidence. Therefore, based Allegation 2 is Not Sustained.

COPA finds that **Allegations 3 through 9** against Officer Rodriguez, related to the allegations of sexual assault and physical abuse that occurred on August 5, 2019, are Sustained. On that day, [REDACTED] was preparing to leave for a several weeks trip to Mexico. She had plans to stay with her aunt the night before her flight and leave her car with her aunt. She had dinner with Officer Rodriguez that night at restaurant. [REDACTED] alleges that at that restaurant she had a margarita that Officer Rodriguez ordered and paid for. At that time, [REDACTED] was 19 years old. COPA finds that Officer Rodriguez was aware of [REDACTED] age at the time, as evidenced by the Instagram records reflecting multiple references to [REDACTED] reaching the age of consent and his invitation to her eighteenth birthday party. Thus, Officer Rodriguez knowingly provided alcohol to someone under the age of 21.

After [REDACTED] and Officer Rodriguez left the restaurant, they returned to Officer Rodriguez's apartment. [REDACTED] stated to COPA that when [REDACTED] told Officer Rodriguez she did not want to have sexual intercourse and wanted to leave his home, he pushed her against a wall and took her keys.¹¹⁴ He then kissed her on the mouth and removed her clothing, held her down on a bed by restraining

¹¹² Att. 43 at p.123

¹¹³ Att. 64

¹¹⁴ Att. 43 p. 57

her arm and penetrated her vagina without her consent. He did this while telling her, “Its fine, it hurts now but you’ll get used to it,” and placing pressure on her throat, restricting her airway¹¹⁵.

Officer Rodriguez stated that [REDACTED] willingly stayed at his home overnight, engaged in consensual sex with him, and then asked him to drive her to the airport. COPA finds that [REDACTED] account of the events is more credible. As previously discussed, COPA finds [REDACTED] is more credible. Additionally, her account is consistent with that [REDACTED] recollection of that day. [REDACTED] expected to see [REDACTED] that night, because [REDACTED] had plans in the morning and would not see her before she left. [REDACTED] confirmed that [REDACTED] had planned to sleep at her aunt’s house so she could leave her car with her aunt and get a ride to the airport. Despite [REDACTED] asking [REDACTED] to come home, [REDACTED] did not come home that evening, nor did she meet her aunt at 6:00am for her flight.¹¹⁶ There is no evidence to indicate that she called ahead and told anyone she had arranged another ride. These facts support [REDACTED] statement that she was not free leave Officer Rodriguez’s apartment that night. Additionally, [REDACTED] related that she did not speak with Officer Rodriguez for some time after arriving in Mexico, which is corroborated by the Instagram records. Therefore, based on a preponderance of the evidence, COPA finds that Allegations 3, 4, 5, 6, 7, 8 and 9 are Sustained.

COPA finds that **Allegations 10, 11, 12, 18 and 19** are Sustained. It is alleged that on August 23, 2019 while at restaurant called Takito Kitchen, located at 2013 West Division St., Officer Alberto Rodriguez provided alcohol to [REDACTED] Officer Rodriguez, a minor who was 19 years old at the time, used his holstered gun to threaten her into drinking it, drank alcohol at the restaurant to the point of intoxication and then drove [REDACTED] car back to his home while under the influence of alcohol. Based on Officer Rodriguez’s own statement, receipts from Takito Kitchen, and statements made by the waitress, Delgado, at Takito Kitchen, Officer Rodriguez purchased eight large alcoholic drinks between 4:00PM and 6:35PM for [REDACTED] and himself. In his statement to COPA, Officer Rodriguez admitted that he and [REDACTED] both drank at Takito Kitchen, though he could not recall how much they each had. As previously discussed, Officer Rodriguez was aware that [REDACTED] was under the age of 21.

The evidence shows that both Officer Rodriguez and [REDACTED] were intoxicated. Based on medical records from later that evening, [REDACTED] blood alcohol concentration to 0.224.¹¹⁷ Delgado described both [REDACTED] and Officer Rodriguez as intoxicated to the point where she stopped serving them. Additionally, the [REDACTED] related that Officer Rodriguez threatened her into drinking more by placing his hand on his gun and saying, “Don’t waste my money. That’s not cool.” She further related that he drove them to his home in her vehicle. Neither [REDACTED] nor Officer Rodriguez stated that they consumed additional alcohol after they left Takito Kitchen. While COPA does not have BAC test results for Officer Rodriguez, the consumption of four strong alcoholic drinks in such a short period would more likely than not, result in Officer Rodriguez becoming too intoxicated to lawfully drive a motor vehicle.

As previously stated, COPA finds that [REDACTED] is a credible witness, while Officer Rodriguez is not. Therefore, based on a preponderance of the evidence, COPA finds that Allegations 10, 11, 12, 18 and 19 are Sustained.

¹¹⁵ Att 43 at p. 58

¹¹⁶ Att. 44 at 7:02

¹¹⁷ Att. 67 at p. 7

COPA finds that **Allegations 13 through 17 are Sustained**. It is alleged that on August 23, 2019, Officer Rodriguez held [REDACTED] at his home against will, removed her clothing and penetrated her vagina without her consent, tore her nose ring out of her nose without justification, and refused the lawful order of a superior officer to open the door to his apartment.

Based on [REDACTED] statement, she blacked out while she and Officer Rodriguez were at Takito Kitchen and woke up to find her dress removed and Officer Rodriguez on top of her. When she told him to stop, he did not stop and proceeded to penetrate her vagina with his penis without her consent.¹¹⁸ Based on [REDACTED] medical records, after drinking at Takito Kitchen she was highly intoxicated and incapable of giving consent.¹¹⁹ Further, upon realizing what Officer Rodriguez was doing, [REDACTED] affirmatively told him no. Officer Rodriguez ignored her refusal. [REDACTED] account is further corroborated by the medical records and photographs of her injuries, which were also witnessed by her brother.

COPA further concludes that [REDACTED] was not free to leave Officer Rodriguez's home and was therefore held there against her will. After [REDACTED] woke up in Officer Rodriguez's apartment, she called her mother to pick her up at the corner of North and Ashland. [REDACTED] recalled hearing Officer Rodriguez in the background during the call, yelling at [REDACTED] saying, "You fucking called your mother, you stupid ass," multiple times. When [REDACTED] spoke to [REDACTED] over the phone, she told her that Officer Rodriguez would not let her leave.¹²⁰ After these calls, Officer Rodriguez took her phone from her. By withholding her car keys and her phone, Officer Rodriguez took from [REDACTED] the best means she had to leave his home.

Officer Rodriguez's version of events after they left Takito Kitchen was that he and [REDACTED] both went to sleep until the arrival of the police woke them up. Officer Rodriguez's version of events is not credible and is not corroborated by the evidence. Furthermore, his account that he did not know the officers were at his door, is not reasonable. Officers knocked at both the front and rear doors of his residence and attempted to gain access for approximately 10 minutes. [REDACTED] described him as angry when the police arrived and telling her that he did not have to let them in. Therefore, based on a preponderance of the evidence, Allegations 13 through 17 are Sustained.

COPA finds that **Allegation 20** against Officer Rodriguez, that he Made a false, misleading, incomplete, and/or inaccurate account 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 became aware that [REDACTED] was under the age of 21 is Sustained.

CPD Rule 14 forbids an officer from making a false report, written or oral. The officers' collective bargaining agreement provides that an officer cannot be found guilty of a Rule 14 violation unless it has been 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.¹²¹ A statement is "material" when the statement has "a natural tendency to influence, or are capable

¹¹⁸ Att. 44 at p. 97

¹¹⁹ Att. 67 at p. 7

¹²⁰ Att. 57 at p. 12

¹²¹ *Agreement between City of Chicago Department of Police and Fraternal Order of Police Lodge No. 7 §6.1(M).*

of influencing, the decision-making body to which it was addressed.”¹²² COPA must also show that the statement was false.

First, COPA finds that Officer Rodriguez’s statements regarding his knowledge of [REDACTED] being under the age of 21 are false. Officer Rodriguez stated that he didn’t remember or ask her age.¹²³ However, Officer Rodriguez was aware of [REDACTED] age. He admitted that he knew her as the younger sister of one of his teammates. Instagram records show that when he was invited to her birthday party, the invitation clearly stated that it was her 18th birthday. Moreover, [REDACTED] explicitly made references to him waiting until she reached the age of consent on Instagram.

Second, the statements made by Officer Rodriguez were material. Knowledge of her age was directly material to the allegations of him providing alcohol to a person under the age of 21. Finally, the statements were willfully made. Officer Rodriguez intentionally made statements about his lack of knowledge about [REDACTED] age to avoid accountability for his actions as they pertained to the allegations he was served with. Therefore, based on a preponderance of the evidence Allegation 20 is Sustained.

COPA finds that **Allegation 21**, that Officer Rodriguez used his department access to the CLEAR and Caboodle systems for personal purposes not related to his duties as a police officer, is Sustained. In his statements to COPA on May 19, 2022 and July 21, 2022 Officer Rodriguez admitted that after the August 23, 2019 incident he accessed the Caboodle system and used the map feature to look at criminal conduct in his neighborhood in the 14th District. Upon seeing the symbol for a sexual crime near the location of his home he clicked on the symbol and read the case report in which he was listed as the offender. That function of the Caboodle system is not available to the public and requires credentials from the CPD or another city agency to access it. Officer Rodriguez accessed the system with his CPD credentials when he had no job-related purpose for doing so. Officer Rodriguez was not, nor has he ever been assigned to the 14th district where he lives. Further, by continuing to read a case report in which he was a named offender, Officer Rodriguez was accessing information he knew or should have known it was improper to access. Therefore, based on a preponderance of the evidence, COPA finds that Allegation 21 is Sustained.

COPA finds the **allegations against Officers Padilla and Vann**, that they deactivated their bodyworn cameras while still engaged in law enforcement activity, are Sustained. Officers Eugene Vann and Uriel Padilla were assigned as responding officers to the August 23, 2019 incident. As they arrived on scene both officers activated their body worn cameras in accordance with CPD policy. However, while still in Officer Rodriguez apartment where they would possibly be required to arrest him or question him, they deactivated their body worn cameras. In his statement to COPA Officer Padilla stated he was not sure why he deactivated his camera at that time. Officer Vann stated that because [REDACTED] had been secured, he thought the incident was resolved and so deactivated his camera. COPA has found no evidence to suggest the early deactivation was motivated by an attempt hide evidence. However, the early deactivation is against CPD policy. Therefore, COPA finds that Allegations against Officers Vann and Padilla are Sustained.

¹²² See *U.S. v. Akram*, 152 F.3d 698, 700 (1998) (citing cases); *Taylor v. Police Bd.*, 2011 Ill. App., *P35 (1st) 101156 (1st Dist. 2011) (The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case . . .).

¹²³ Att. 74 at 11, 75, and 107.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer Eugene Vann****i. Complimentary and Disciplinary History**

Officer Vann has received 55 awards and recognitions. He has received 1 reprimand and 1 violation noted for operation/personnel violations.

ii. Recommended Penalty, by Allegation

COPA has considered Officer Vann's complimentary and disciplinary history as well as the allegations sustained against him. COPA recommends a Written Reprimand.

b. Officer Uriel Padilla**i. Complimentary and Disciplinary History**

Officer Padilla has received 29 awards and recognitions. He has received 1 SPAR for failure to perform assigned tasks.

ii. Recommended Penalty, by Allegation

COPA has considered Officer Padilla's complimentary and disciplinary history as well as the allegations sustained against him. COPA recommends a Violation Noted.

c. Officer Alberto Rodriguez**i. Complimentary and Disciplinary History**

Officer Rodriguez has received 9 awards and recognitions. He has no disciplinary history.

ii. Recommended Penalty, by Allegation

COPA has considered Officer Rodriguez's complimentary and disciplinary history as well as the allegations sustained against him. The allegations sustained against Officer Rodriguez are egregious. Officer Rodriguez violated Department policy by sexual assaulting and physically abusing [REDACTED] on more than one occasion. He violated Department policy by buying alcohol for someone under the age of 21, being intoxicated himself while off duty and in possession of his firearm, operating a motor vehicle while intoxicated, and failing to open his door for officers who responded to his home. Officer Rodriguez's actions caused physical and emotional harm to [REDACTED] and are a discredit to the Department. Furthermore, he took no accountability for any of his actions. Sexual assault and physical abuse cannot and should not be tolerated by the Department. Tolerating such conduct severely undermines public trust in the Department and the accountability system. Thus, COPA recommend that Officer Rodriguez be separated from the Department.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

January 18, 2024

Date

[Redacted Signature]

Andrea Kersten
Chief Administrator

January 18, 2024

Date