

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

|                                   |   |
|-----------------------------------|---|
| Dates of Incidents:               | October 30, 2017 through December 2, 2017 |
| Locations of Incidents:           | Various, in Chicago, Illinois             |
| Date / Time of COPA Notification: | December 2, 2017, 4:45 pm                 |

After Officer Eulalio Rodriguez (Officer Rodriguez) learned that his [REDACTED] [REDACTED] ( [REDACTED] ) had been involved in an affair with Officer Rodriguez’s [REDACTED] Officer Rodriguez threatened [REDACTED] Officer Rodriguez utilized the Chicago Police Department’s (CPD) computer system to obtain information about [REDACTED] and subsequently retaliated against [REDACTED] by reporting to CPD that [REDACTED] committed an offense, without having reasonable grounds to believe such an accusation was true.

**II. INVOLVED PARTIES**

|                      |  |
|----------------------|--|
| Involved Officer:    | Eulalio C. Rodriguez, Star # 12828, Employee ID # [REDACTED]<br>Date of Appointment: July 15, 2013, Rank: Police Officer, Unit of Assignment: 007/012, Date of Birth: [REDACTED], 1984, Male, Hispanic |
| Involved Individual: | [REDACTED], Date of Birth: [REDACTED], 1983, Male, Hispanic  |

**III. ALLEGATIONS**

**IV. ALLEGATIONS**

| Officer              | Allegation   | Finding / Recommendation |
|----------------------|--|--------------------------|
| Eulalio C. Rodriguez | 1. On or about October 30, 2017, through the use of an electronic device, the accused communicated the following text message to [REDACTED]: “Keep playin wit me nigga I will do a search warrant on your fuckin cribs and [REDACTED] crib.. call the law on me and watch. I’ll make sure you guys lose the house,” in violation of Rules 1, 2, 4, 8, and 9 of the CPD Rules of Conduct. | SUSTAINED/<br>SEPARATION |
|                      | 2. On or about October 30, 2017, through the use of an electronic device, Officer Rodriguez communicated the following text  | SUSTAINED/<br>SEPARATION |

|  |   |   |
|--|---|---|
|  | <p>message to [REDACTED]: "I wanna hear your lame ass excuse while I'm beating the fuck outta you," in violation of Rules 1, 2, 8, and 9 of the CPD Rules of Conduct.</p> <p>3. On or about December 2, 2017, at approximately 4:10 pm, at or near the intersection of South Cicero Avenue and West 55<sup>th</sup> Street in Chicago, Illinois, Officer Rodriguez engaged in an unjustified altercation with [REDACTED], during which he displayed a firearm without justification, and during which he purported to order [REDACTED] to exit a motor vehicle, also without justification, in violations of Rules 1, 2, 4, 8, and 9 of CPD Rules of Conduct.</p> <p>4. On November 5, 2017, the Officer Rodriguez utilized the CPD's computerized information system for personal and non-departmental reasons, in that he then accessed information from the system relating to [REDACTED] in violation of General Order G09-01-01 and Rules 2 and 4 of the CPD Rules of Conduct.</p> <p>5. On December 2, 2017, at 4:09 pm, Officer Rodriguez was absent from duty without proper authorization, in violation of Rule 28 of the CPD Rule of Conduct.</p> <p>6. On or about June 13 or 14, 2018, Officer Rodriguez retaliated against the Complainant for making a misconduct complaint against him, by reporting to the CPD that [REDACTED] had committed the offense of harassment by electronic means, without having reasonable grounds to believe that [REDACTED] had in fact committed any such offense, in violation of Rules 1, 2, 4, and 8 of the CPD Rules of Conduct.</p> <p>7. Officer Rodriguez failed to provide the CPD with a current address, in that he has</p> | <p>SUSTAINED/<br/>SEPARATION</p> <p>SUSTAINED/<br/>SEPARATION</p> <p>NOT SUSTAINED</p> <p>SUSTAINED/<br/>SEPARATION</p> <p>SUSTAINED/</p> |
|--|---|---|

|  |   |                   |
|--|---|-------------------|
|  | <p>resided at [REDACTED] in Chicago since approximately 2014 without informing the CPD that he did so, in violation of Rule 26 of the CPD Rules of Conduct.</p> | <p>SEPARATION</p> |
|--|---|-------------------|

**V. APPLICABLE RULES AND LAWS**

**Rules**

1. CPD Rules of Conduct, Rule 1 (prohibiting the violation of any law or ordinance).
2. CPD Rules of Conduct, Rule 2 (prohibiting any action which brings discredit to the Department).
3. CPD Rules of Conduct, Rule 4 (prohibiting the use of office or personal gain or influence).
4. CPD Rules of Conduct, Rule 8 (prohibiting maltreatment of any person).
5. CPD Rules of Conduct, Rule 9 (prohibiting unjustified verbal or physical altercations).
6. CPD Rules of Conduct, Rule 26 (failure to provide the CPD with a current address).
7. CPD Rules of Conduct, Rule 28 (absence from duty without proper authorization).

**General Orders**

1. CPD General Order G09-01-01, Access to Computerized Data, Dissemination and Retention of Computer Data (effective date: February 3, 2012)

**State Laws**

1. 720 ILCS 5/12-6 (Intimidation)
2. 720 ILCS 5/12-7.3(a-3) (Stalking).
3. 720 ILCS 5/26.5-3 (Harassment through electronic communications).

**Municipal Ordinances**

- Municipal Code of Chicago, §2-78-160 (prohibiting retaliation for reporting misconduct).

## VI. INVESTIGATION<sup>1</sup>

### a. Interviews

██████████ (██████████), gave **Audio Recorded Interviews** on December 7, 2017, and on January 11, 2018.<sup>2</sup> The following is a non-verbatim summary of the pertinent parts of those interviews.

On December 7, 2017 ██████████ was interviewed and ██████████ described an incident which took place on November 19, 2017, in an alley adjacent to ██████████ residence. ██████████ stated Officer Rodriguez drove up to ██████████ and confronted him, stating, “I told you I was going to get you, bitch” and drove away. ██████████ and Officer Rodriguez are ██████████ who have long known each other.

██████████ described another incident that occurred on December 2, 2017, at approximately 4:00 pm, near the intersection of West 55th Street and South Cicero Avenue. ██████████ was driving westbound on West 55<sup>th</sup> Street approaching Cicero Avenue, with a passenger, his ██████████ ██████████ when he observed Officer Rodriguez aggressively<sup>3</sup> following him in a black Chevy Blazer. According to ██████████ when he stopped at a red light near South Cicero Avenue, Officer Rodriguez stopped his vehicle behind ██████████ exited his vehicle, and approached ██████████ Officer Rodriguez pounded on a window of ██████████ vehicle with a black handgun, telling ██████████ to “Jump out, bitch.”<sup>4</sup> ██████████ turned left and drove southbound on Cicero Avenue. ██████████ called 911 from his car to report the incident;<sup>5</sup> he drove to the CPD’s 008<sup>th</sup> District Station and reported the incident.<sup>6</sup>

██████████ stated the incidents arose from a conflict involving ██████████ prior relationship with ██████████, whom ██████████ called Officer Rodriguez’s “██████████.”<sup>7</sup> ██████████ described that relationship as “friends with benefits” that lasted approximately two years. ██████████ provided COPA with a document comprising thirty pages of cellphone screenshots,<sup>8</sup> which ██████████ stated they are copies of electronic messages sent to him by Officer Rodriguez on October 30, 2017. The messages accuse ██████████ of having sexual relations with ██████████ they show Officer Rodriguez learned of ██████████ relationship with ██████████ earlier that day, and they contain various threats against ██████████

During his January 11, 2018, interview, ██████████ described the, November 19, 2017, incident as non-threatening. ██████████ reported the incident to the CPD at the 008<sup>th</sup> District Station on

---

<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Attachments #11 and 27.

<sup>3</sup> Attachment #11, at 3:58.

<sup>4</sup> Attachment 27, at 18:15.

<sup>5</sup> Attachment #37 is an audio recording of that 911 call.

<sup>6</sup> Attachment #2 is a copy of a CPD Initiation Report, for the incident.

<sup>7</sup> Attachment 27, at 8:07-8:20. COPA subsequently determined ██████████ was and is Officer Rodriguez’s ██████████. During ██████████ December 7, 2017, COPA interview ██████████ stated he and Officer Rodriguez were no longer involved with ██████████.

<sup>8</sup> Attachment #29.

November 26, 2017.<sup>9</sup> Although ██████ did not inform CPD personnel the incident involved a CPD member, he provided them with Officer Rodriguez's full name.

On January 26, 2018, ██████ participated in a **Telephone Interview**.<sup>10</sup> ██████ refused to authorize recording of the interview. In summary, ██████ stated that on December 2, 2017 she was the passenger in a vehicle driven by ██████ when she observed a person known by her to be Officer Rodriguez "tailgating by the side;"<sup>11</sup> The vehicle in which she was a passenger came to a stop at an intersection. Officer Rodriguez exited his vehicle and approached, Officer Rodriguez pounded on the driver's side window with his hand, while that hand held a handgun, ██████ believed that the handgun was dark in color, but that she was not "100% sure" of that fact. Officer Rodriguez did not aim the gun at ██████ or ██████ ██████ and ██████ then drove away, leaving Officer Rodriguez on foot. ██████ confirmed that she and ██████ reported the incident at a CPD facility.

On May 30, 2018, **Officer Dominique Hunt** gave an **Audio Recorded Statement**.<sup>12</sup> Officer Hunt was the 007<sup>th</sup> District Tactical Unit Secretary on December 2, 2017. In non-verbatim summary, Officer Hunt stated that the December 2, 2017, Attendance and Assignment Record (A&A)<sup>13</sup> shows Officer Rodriguez present and on duty, 9:00 am to 6:00 pm. The A&A record could not be relied upon as definitive evidence that Officer Rodriguez's shift ended at 6:00 p.m., because, from Officer Hunt's experience, the tactical unit often work variable hours that change from shift to shift. Thus, the applicable A&A may not reflect that reality. Officer Hunt does not recall Officer Rodriguez leaving work early on December 2, 2017.

---

<sup>9</sup> Attachment #34.

<sup>10</sup> Attachment #38 is a memorandum of that telephone conversation.

<sup>11</sup> Attachment #38, p. 1, para 3.

<sup>12</sup> Attachment #62.

<sup>13</sup> Attachment #30.

**Officer Eulalio C. Rodriguez** gave **Audio Recorded Statements** on May 14, 2018<sup>14</sup> and on August 1, 2018.<sup>15</sup> Except where otherwise indicated, the following is a non-verbatim summary of the pertinent parts of those statements.

Officer Rodriguez admitted he sent ██████ the electronic messages reproduced in screenshots ██████ provided to COPA,<sup>16</sup> stating, “I was upset because he kept denying sending messages...I was telling him I want to talk. I deserve a reason to know ... why he did this.<sup>17</sup> [...] I was heated ... this is a family dispute. I never thought it was going to lead to this...<sup>18</sup> [...] Usually, you know, we have arguments, we both tell each other some things and from there, we let things cool off. And then from there, we’ll talk ....”<sup>19</sup>

Officer Rodriguez described an encounter he had with ██████ in November of 2017, stating he observed ██████ driving near ██████ home. Officer Rodriguez turned his car around and followed ██████ to an alley adjacent to ██████ residence and ██████ then said, “Now is not the time to talk.” Officer Rodriguez then drove away without getting out of his car.<sup>20</sup>

Officer Rodriguez also described the encounter with ██████ on December 2, 2017, near the intersection of West 55<sup>th</sup> Street and South Cicero Avenue, stating the incident started when Officer Rodriguez saw ██████ driving, and Officer Rodriguez tried to drive next to ██████ to get his attention, but ██████ sped up. Officer Rodriguez could not to catch ██████ ██████ stopped at a red light, at 55<sup>th</sup> Street and Kilpatrick Avenue, one block east of Cicero Avenue. Officer Rodriguez exited his car, approached ██████ and stated, “We need to talk.”<sup>21</sup> Officer Rodriguez confirmed that ██████ was with ██████ at the time. According to Officer Rodriguez, ██████ showed Officer Rodriguez 911 his phone, and Officer Rodriguez said, “Call them. You can get a sergeant, and you know, finally I can talk to you. And...we can all see what’s going on...”<sup>22</sup> ██████ showed Officer Rodriguez a middle finger, the light turned green, and ██████ drove off. Officer Rodriguez denied displaying a weapon during the event, though he acknowledged he was armed with a concealed black semi-automatic handgun. Officer Rodriguez denied making any statement to the effect that he wanted ██████ to get out of his car. Officer Rodriguez acknowledged ██████ knows he is a Chicago police officer.

Officer Rodriguez denied he was absent from work without authorization at the time of the December 2, 2017, incident, stating he had been dismissed for the day, and his work schedule as a tactical officer varied from shift to shift.

Officer Rodriguez acknowledged he communicated with CPD Detective Sharon Colby in connection with an Original Incident Case Report, Officer Rodriguez initiated for his receipt of

---

<sup>14</sup> Attachments #52, 53, 63 and 64.

<sup>15</sup> Attachments #75, 76, and 80.

<sup>16</sup> Attachment #29 is a copy of those screenshots.

<sup>17</sup> Attachment #64, p. 9, lines 17-20.

<sup>18</sup> Attachment #64, p. 10, lines 11-14.

<sup>19</sup> Attachment #64, p. 10, lines 19-21.

<sup>20</sup> Attachment #35 is an Original Case Incident Report initiated by Officer Rodriguez on November 24, 2017, which sets Officer Rodriguez’s description of that.

<sup>21</sup> Attachment #64, p. 33, line 24, through p. 34, line 1.

<sup>22</sup> Attachment #64, p. 36, lines 19-23.

harassing electronic messages, which include threats of violence against his wife.<sup>23</sup> Officer Rodriguez denied he referred to [REDACTED] as “an offender”<sup>24</sup> in his communication with Detective Colby. Officer Rodriguez referred to [REDACTED] as a “person of interest”<sup>25</sup> in his communication with Detective Colby.<sup>26</sup>

Officer Rodriguez provided COPA with photocopies of cell phone screenshots of harassing electronic messages sent to him and to his [REDACTED].<sup>27</sup> Officer Rodriguez does not know who sent the messages to him, but he believes [REDACTED] sent the messages. Officer Rodriguez based that belief upon the facts the sender knew Officer Rodriguez’s nicknames are “Lalo” and “Robocop.” Officer Rodriguez acknowledged other people besides [REDACTED] knew his nickname is Lalo. The sender knew about Officer Rodriguez’s past affairs, and the sender knew Officer Rodriguez’s [REDACTED], [REDACTED].<sup>28</sup> The messages contained Latin King gang references. Officer Rodriguez considered that [REDACTED] did not want to talk to him; that the messages used the word payback<sup>29</sup> and because [REDACTED] “was the only one, you know, that was communicating with her”<sup>30</sup>.

In his May 14, 2018, statement, Officer Rodriguez acknowledged [REDACTED] was not his home address, but that it is his mother’s address, where he previously lived. He also acknowledged he resides on [REDACTED] with his [REDACTED] [REDACTED] since 2014. Officer Rodriguez had not informed the CPD he moved to his [REDACTED] residence, because, “all my mail goes to my mom’s house. ... It’s just easier. ... I gotta go and change, change like the mailbox. I got to go to the post office, and – because... I’m just renting. It’s only temporarily; I’m renting. But I want to, once I buy my house, I wanted to – then I was going to transfer everything over.”<sup>31</sup>

In his August 1, 2018, statement, Officer Rodriguez stated he moved to the [REDACTED] address in approximately August or September of 2015. Officer Rodriguez said, since then, “I lived between both addresses.”<sup>32</sup> Concerning why he gave the [REDACTED] address, as his address in the June 2018 police report, Officer Rodriguez said he lived between both residences, and “[t]hat’s my – that’s my address on file, and that is -- that is my house, that is -- that is my home. I still have clothes at my parents’ house. That’s my parents’ house. I still have belongings that belongs to me in that residence.”<sup>33</sup> Officer Rodriguez also said, “[m]y permanent address is and always will be my family’s residence. [...] Although I am in between

---

<sup>23</sup> Attachment #67 is a copy of that Original Incident Case Report (OICR), which Officer Rodriguez initiated on June 7, 2018. In addition to that June 7, 2018, OICR, Officer Rodriguez initiated two other OICRs in connection with a person or persons sent him harassing electronic messages and threats of violence against his wife, on March 15, 2017 (Attachment #59) and on November 24, 2017 (Attachment #35), respectively.

<sup>24</sup> Attachment #80, p. 51, line 1. In Detective Colby’s June 14, 2018, Field Investigation Suspended Report (Attachment #69, described at Section V.C. below), Detective Colby wrote that Officer Rodriguez informed her “his [REDACTED], [REDACTED] is the offender.”

<sup>25</sup> Attachment #80, p. 51, line 4.

<sup>26</sup> Attachment #69.

<sup>27</sup> Attachments #55, 77, and 78.

<sup>28</sup>

<sup>29</sup> Attachment #63, p. 14, line 12.

<sup>30</sup> Attachment #63, p. 13, lines 22-23.

<sup>31</sup> Attachment #63, p. 20, lines 9-19.

<sup>32</sup> Attachment #80, p. 55, lines 2-3.

<sup>33</sup> Attachment #80, p. 55, lines 3-7.

addresses, I continue to use that address as it is my home, and both addresses are located in the City of Chicago. I have every intention of returning to reside there ...”<sup>34</sup> Officer Rodriguez acknowledged he has not slept at the [REDACTED] address, since 2015.

### b. Digital Evidence

In a **911 Call** made at approximately 4:09 pm on December 2, 2017,<sup>35</sup> [REDACTED] reported, in summary, that he was being followed by his [REDACTED] who is a CPD officer (later determined to be Officer Rodriguez), and that his [REDACTED] had pounded on his car window with a gun, and that he will go to a nearby CPD facility to make a report.

### c. Documentary Evidence

An **Original Case Incident Report Records Division Number (RD#) JA526317** made on November 26, 2017,<sup>36</sup> shows [REDACTED] presented himself at the CPD’s 008<sup>th</sup> District Station that evening and described an incident [REDACTED] reported occurred at his residence on November 19, 2017, at 6:00 pm. In summary, the report states Officer Rodriguez “threatened to ‘kick his ([REDACTED]) ass’ during a dispute”<sup>37</sup> stemming from Eulalio Rodriguez’s belief his [REDACTED]<sup>38</sup> was cheating on him with [REDACTED]. The report does not indicate Officer Rodriguez is a police officer.

In an **Initiation Report** dated December 2, 2017,<sup>39</sup> CPD Sergeant Cathlene Hillman reported, in summary, that [REDACTED] presented at the 008<sup>th</sup> District Station on December 2, 2017 after 4:00 pm. [REDACTED] reported that he had just been involved in a vehicular chase in which Officer Rodriguez had pursued him from the intersection of 55th Street and Pulaski Street to the intersection of 55th Street and Cicero Avenue in Chicago, and, at the conclusion of that chase, Officer Rodriguez approached [REDACTED] vehicle, pointed a gun at him, and told him to get out of his car. The Initiation Report listed Ms. [REDACTED] as a witness to the incident.

The **Attendance & Assignment Record (A&A)** for December 2, 2017, 007<sup>th</sup> District, Fourth Watch<sup>40</sup> shows that Officer Rodriguez was present for duty, that his shift started at 9:00 am and ended at 6:00 pm.

[REDACTED] provided COPA with a document comprising thirty pages of cellphone **screenshots** purporting to show electronic messages sent between Officer Rodriguez and [REDACTED] on October 30, 2017.<sup>41</sup> In general, the messages involve accusations by Officer Rodriguez that [REDACTED] had sexual relations with Officer Rodriguez’s [REDACTED], as well as [REDACTED] denials of those allegations. Officer Rodriguez insists on talking to [REDACTED]. Officer Rodriguez’s messages include threats: (a) “Keep playin wit me nigga I will do a search warrant on your fuckin cribs and [REDACTED]

---

<sup>34</sup> Attachment #80, p. 57, lines 13-24.

<sup>35</sup> Attachment #37.

<sup>36</sup> Attachment #34.

<sup>37</sup> Attachment #34, p. 2.

<sup>38</sup> Attachment #34, p. 2.

<sup>39</sup> Attachment #2.

<sup>40</sup> Attachment #30, p. 2.

<sup>41</sup> Attachment #29.



crib .. [sic] call the law on me and watch [sic] I'll make sure you guys lose he [sic] house."<sup>42</sup> The messages accuse ██████ of being a drug dealer. (b) "[...]I wanna hear your lame ass excuse while I'm beating the fuck outta you [sic] Come through",<sup>43</sup> and (c) "... you ended my relationship don't be surprise [sic] that imma end your relationship wit your 22 year old bitch [...]"<sup>44</sup> The messages include threats to expose ██████ to his family, if he does not talk with Officer Rodriguez. ██████ informs Officer Rodriguez he has an attorney and indicates he will see Officer Rodriguez in court.

Officer Rodriguez provided COPA with documents comprising cellphone **screenshots** that depict electronic messages Officer Rodriguez and ██████ received.<sup>45</sup> The messages variously threaten harm to ██████ and suggest she should commit suicide. They accuse Officer Rodriguez of having an affair, and ridicule Officer Rodriguez for living in a basement apartment. The text messages indicate Officer Rodriguez will lose his wife, children, and his job. A text message indicates, "I'm fucking you up. Everything you stopped me from doing I'm fucken (sic) doing it. Get your fucken (sic) lawyer."<sup>46</sup> In one instance, the messages include a crown emoji.

In a **Detective Division Suspended Case Report RD# ██████**,<sup>47</sup> CPD Detective Scott Blair #21424 reported he interviewed Officer Rodriguez on December 7, 2017, in connection with his complaint about receiving harassing electronic messages.

Detective Blair reported that Officer Rodriguez related his belief that his wireless phone had been hacked, stating that, in January 2015, Officer Rodriguez's ██████ and co-workers started receiving text messages that appeared to originate from Officer Rodriguez's phone exposing an ██████ affair that Officer Rodriguez had been having. Officer Rodriguez changed his phone number, and contacted the cell phone manufacturer, but then, in February or March of 2016, he started receiving text messages from random phone numbers threatening to expose the affair. Officer Rodriguez also related that in April or June of 2016, his ██████'s phone was hacked, and he began to receive text messages from her phone number, threatening to expose the affair. Officer Rodriguez also related that on October 30, 2016, he discovered that ██████ had been having an affair with ██████. Officer Rodriguez also related that about five days later, he began to receive harassing text messages from a different telephone number, and that he also then began to receive harassing text messages appearing to originate from ██████ phone.

In a **Detective Division Suspended Report RD# ██████** submitted on June 14, 2018,<sup>48</sup> CPD Detective Sharon Colby #20963 wrote she spoke to Officer Rodriguez, who confirmed the facts in an Original Incident Case Report<sup>49</sup> initiated by Officer Rodriguez, the day before, in connection with his receipt of harassing messages. Detective Colby wrote that Officer Rodriguez "advised that his ██████ ██████ is the offender."<sup>50</sup>

---

<sup>42</sup>Attachment #29, p. 20.

<sup>43</sup>Attachment #29, p. 13.

<sup>44</sup>Attachment #29, p. 26.

<sup>45</sup>Attachments #55, 77, and 78.

<sup>46</sup> Attachment #55, p. 8.

<sup>47</sup>Attachment #79.

<sup>48</sup>Attachment #69.

<sup>49</sup>Attachment #67.

<sup>50</sup> Attachment #69, p. 2.

A **CPD Information Services Report** dated June 18, 2018,<sup>51</sup> shows Officer Rodriguez utilized the CPD's computerized information system to access information about [REDACTED] including information showing [REDACTED] did not possess a concealed carry permit and information [REDACTED] had been the subject of an expired order of protection.

## VII. 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 occurred and violated 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 misconduct occurred, 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.

## VIII. ANALYSIS

**Allegation #1 is SUSTAINED.** Officer Rodriguez admitted to the conduct alleged, which is that on October 30, 2017, he sent the following electronic message to [REDACTED] "Keep playin wit me nigga I will do a search warrant on your fuckin cribs and [REDACTED] crib ... call the law on me and watch. I'll make sure you guys lose [t]he house."

Officer Rodriguez's admitted conduct in threatening the execution of a search warrant and in threatening to cause the Complainant to lose his house violated Rule 1 of the CPD Rules of Conduct,<sup>52</sup> which prohibits the violation of any law, to wit 720 ILCS 5/12-6 (intimidation), and

---

<sup>51</sup>Attachment #66.

<sup>52</sup> Hereafter, specific rules of the CPD Rules of Conduct will be cited simply in the form of "CPD Rule x".

threat of injury to the Complainant's person or property, which is proscribed by 720 ILCS 5/26.5-3(a)(5) (harassment through electronic communications).

Officer Rodriguez's threat of a search warrant also violated CPD Rule 4, because it involved Officer Rodriguez's use of his official position for personal reasons. The subject threats are also violative of CPD Rule 8 because they involved maltreatment, as well as CPD Rule 9, because they involved Officer Rodriguez's participation in an unjustified verbal<sup>53</sup> altercation. Finally, Officer Rodriguez's conduct violated Rule 2 because it brings discredit to the Department.

**Allegation #2 is SUSTAINED.** As with Allegation #1, Officer Rodriguez has admitted to the conduct alleged, to wit, on October 30, 2017, he sent the following electronic message to ██████ "I wanna hear your lame ass excuse while I'm beating the fuck outta you." Officer Rodriguez's admitted conduct, in threatening bodily harm to the Complainant, is violative of CPD Rules 1, 2, 8, and 9.

**Allegation #3 is SUSTAINED.** Based upon the statement of ██████ corroborated by ██████ it is more likely than not that Officer Rodriguez engaged in an unjustified altercation with ██████ during which he displayed a firearm without justification and ordered ██████ to exit a motor vehicle, also without justification. While admitting to following ██████ and approaching his vehicle at the intersection, Officer Rodriguez denied displaying a firearm or demanded ██████ exit the car.

Though ██████ credibility is not impeccable,<sup>54</sup> there is independent evidence to support ██████ description of the incident and to discredit Officer Rodriguez's version. That evidence includes ██████'s account of the incident, which materially corroborates ██████ account, as well as ██████ prompt outcries, made via 911 call and in person at a CPD facility within minutes of the incident.

COPA finds by a preponderance of the evidence that Officer Rodriguez (1) engaged in an unjustified altercation; (2) displayed a firearm without justification; and (3) ordered ██████ out the vehicle without justification. Officer Rodriguez's conduct during the incident violates numerous CPD rules including Rules 2, 4, 8, and 9.

**Allegation #4 is SUSTAINED.** General Order G09-01-01 provides, in part:

Any member who accesses information through the Department's computerized information systems is accountable for the appropriate use and disposal of the information. Access to information is restricted to official police business. Access of information for personal or other reasons is strictly prohibited.<sup>55</sup>

---

<sup>53</sup> In context, Rule 9's utilization of the word "verbal" must be understood as intending to connote "using words," whether spoken or written, in the same way that COPA's establishing ordinance defines "verbal abuse" in part as "oral or written remarks that are overtly insulting." See Municipal Code of Chicago, §2-78-100.

<sup>54</sup> ██████ descriptions of ██████ as Officer Rodriguez's "██████" (see Section V.A.1 above) raise questions concerning ██████ trustworthiness. In referring to ██████ that way, ██████ impliedly claims a lack of knowledge concerning ██████ status as Officer Rodriguez's ██████ which is entirely implausible given ██████ lengthy relationship with both Officer Rodriguez and ██████. In addition, ██████ has given varying descriptions of the November 19, 2017 confrontation that occurred near his residence. See Sections V.A.1 and V.C.6 above.

<sup>55</sup> General Order G09-01-01, Section VI.A.2.

Officer Rodriguez admitted using the CPD's computerized information system to perform a name check on [REDACTED] and to access the CPD's information about him. CPD records show, and Officer Rodriguez has admitted, he did so on November 5, 2017.<sup>56</sup> That was only six days after Officer Rodriguez learned [REDACTED] had an affair with his [REDACTED]. He, and subsequently communicated assorted threats to [REDACTED] including a threat of a search warrant, threats of bodily harm, and a threat to cause the breakup of [REDACTED] relationship with [REDACTED]. The timing of Officer Rodriguez's conduct shows that he accessed the information for personal reasons in violation of General Order G09-01-01's prohibition and in violation of CPD Rule 4's proscription against the use of his office for personal gain.

**Allegation #5 is NOT SUSTAINED.** There is insufficient evidence to either prove or disprove the allegation, which is that Officer Rodriguez was absent from duty without proper authorization at 4:09 pm, on December 2, 2017, which was the approximate time of Officer Rodriguez's altercation with [REDACTED] near the intersection of West 55<sup>th</sup> Street and South Cicero Avenue. Though the A&A for Officer Rodriguez's December 2, 2017, watch suggests Officer Rodriguez's duty hours were 9:00 am to 6:00 pm that day, Officer Hunt's statement shows COPA should not conclusively rely on the A&A for purposes of determining whether Officer Rodriguez did or did not have proper authorization to be off duty at the time in question. Officer Rodriguez claimed he was in fact given proper authorization, and given Officer Hunt's statement, his claim is plausible.

**Allegation #6 is SUSTAINED.** A preponderance of the evidence supports the allegation that Officer Rodriguez retaliated against [REDACTED] for making a misconduct complaint against him, by reporting to the CPD that [REDACTED] committed the offense of harassment by electronic means, without having reasonable grounds to believe [REDACTED] committed any such offense.

Officer Rodriguez learned [REDACTED] made a misconduct complaint against him on or before May 8, 2018, when he was served with a Notification of Charges/Allegations, which identified [REDACTED] as the complainant.<sup>57</sup> CPD records show, on June 14, 2018, Officer Rodriguez informed CPD Detective Sharon Colby that [REDACTED] was "the offender" in connection with an Original Case Incident Report describing harassing electronic messages Officer Rodriguez had been long receiving. COPA rejects Officer Rodriguez's denial that he referred to [REDACTED] as "the offender" in his communications with Detective Colby, as well as his contention that he informed Detective Colby that [REDACTED] was "a person of interest." Officer Rodriguez's denial conflicts with Detective Colby's clear statement, set out in her supplementary report, that Officer Rodriguez advised her "that his [REDACTED] [REDACTED] is the offender [and that he] will seek an order of protection." COPA further finds that Officer Rodriguez made that statement without having good cause to believe it was true.

COPA has examined the printouts of the messages provided by Officer Rodriguez, and it has considered Officer Rodriguez's stated reasons for his belief [REDACTED] sent the messages. Having done so, COPA has concluded Officer Rodriguez had no good faith basis to state to Detective Colby that [REDACTED] was the offender who sent the messages. The messages are replete with references

---

<sup>56</sup> Attachment #80, p. 34, line 14

<sup>57</sup> Attachment #49 is a copy of that notification, which bears Officer Rodriguez's signature.

to Officer Rodriguez's [REDACTED]-[REDACTED] affair and other information that would be expected to be known by anyone knowing Officer Rodriguez well, such as references to his nicknames and personal information concerning his [REDACTED]. The evidence thus suggests that any number of people close to Officer Rodriguez could have been the offender. Officer Rodriguez therefore had no good faith basis to accuse single out [REDACTED] out in his communications with Detective Colby, which occurred only weeks after Officer Rodriguez had been notified that [REDACTED] had made a complaint of misconduct against him.

**Allegation #7 is SUSTAINED.** A preponderance of the evidence supports the allegation that Officer Rodriguez failed to provide the CPD with a current address. He has resided at [REDACTED] in Chicago since approximately 2014. In his May 14, 2018, statement, Officer Rodriguez admitted the residence address in CPD records, [REDACTED] is not his residence address, but in fact, it is his parents' residence, where Officer Rodriguez previously resided. Officer Rodriguez admitted moved from the South [REDACTED] residence to a residence on South [REDACTED] over four years previously. COPA rejects Officer Rodriguez's recent contention, made during his August 1, 2018, statement, that he has "every intention of returning to reside" at the South [REDACTED] residence, as that recent claim conflicts with Officer Rodriguez's prior assertion, made during Officer Rodriguez's May 14, 2018, statement, that he had not notified the CPD about his move to the South [REDACTED] residence because, "It's only temporarily; I'm renting. But I want to, once I buy my house, I wanted to – then I was going to transfer everything over."

## **IX. Recommendations**

### **COMBINED DISCIPLINE RECOMMENDATION - OFFICER EULALIO RODRIGUEZ**

#### **1. Complimentary and Disciplinary History**

Officer Rodriguez's disciplinary history consists of one SPAR with no discipline. His complimentary history consists of twenty-nine honorable mentions.

#### **2. Recommended Penalty: Separation**

COPA recommends Officer Rodriguez be separated from CPD. Officer Rodriguez has brought discredit to the Department. Officer Rodriguez's conduct is egregious and was an abuse of his power as a police officer. Officer Rodriguez not only made verbal threats, including threats to physically harm [REDACTED] but also threatened to use his authority as a police officer to harass and torment [REDACTED]. This conduct surely damages the Department's relationship with the public and diminishes public trust in Chicago police officers. Moreover, Officer Rodriguez's conduct did not end with mere threats. Rather, Officer Rodriguez used his position as a police officer by utilizing his resources to conduct a name search on [REDACTED]. Such conduct is strictly prohibited. Such an abuse of power cannot and should not be tolerated.

Furthermore, Officer Rodriguez threatened the physical safety of [REDACTED] when he displayed his firearm. This course of conduct is extreme and demonstrates that Officer Rodriguez does not

have the temperament to serve. It is unacceptable for a police officer to engage in this type of behavior and, by doing so, Officer Rodriguez has shown that he is unfit to serve.

Accordingly, COPA finds that Officer Rodriguez has exhibited substantial shortcomings, which render his continuance as a police officer detrimental to the discipline and efficiency of CPD. Likewise, his actions show good cause that he should no longer be an officer. Thus, COPA recommends that Officer Rodriguez be separated from the Department.

## X. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

| Allegation   | Finding/<br>Recommendation |
|--|----------------------------|
| 1. On or about October 30, 2017, through the use of an electronic device, the accused communicated the following text message to the Complainant: "Keep playin wit me nigga I will do a search warrant on your fuckin cribs and [REDACTED] crib ... call the law on me and watch. I'll make sure you guys lose [t]he house," in violation of CPD Rules of Conduct 1, 2, 4, 8, and 9.   | SUSTAINED /<br>SEPARATION  |
| 2. On or about October 30, 2017, through the use of an electronic device, the accused communicated the following text message to the Complainant: "I wanna hear your lame ass excuse while I'm beating the fuck outta you," in violation of CPD Rules of Conduct 1, 2, 8, and 9.   | SUSTAINED /<br>SEPARATION  |
| 3. On or about December 2, 2017, at approximately 4:10 pm, at or near the intersection of South Cicero Avenue and West 55 <sup>th</sup> Street in Chicago, Illinois, the accused engaged in an unjustified altercation with the Complainant, during which he displayed a firearm without justification, and during which he purported to order the Complainant to exit a motor vehicle, also without justification, in violation of Rules 1, 2, 4, 8, and 9 of the CPD Rules of Conduct. | SUSTAINED /<br>SEPARATION  |
| 4. On or before November 24, 2017, the accused utilized the CPD's computerized information system for personal and non-departmental reasons, in that he then accessed information relating to the Complainant from the Chicago Police Department's computerized information systems, in violation of General Order G9-01-01 and Rules 2 and 4 of the CPD Rules of Conduct.   | SUSTAINED /<br>SEPARATION  |
| 5. On December 2, 2017, at 4:09 pm, the accused was absent from duty without proper authorization, in violation of Rule 28 of the CPD Rule of Conduct.   | NOT<br>SUSTAINED           |
| 6. On or about June 13 or 14, 2018, the accused retaliated against [REDACTED] for making a misconduct complaint against him, by reporting to   | SUSTAINED /<br>SEPARATION  |

the CPD that the Complainant had committed the offense of harassment by electronic means, without having reasonable grounds to believe that [REDACTED] had in fact committed any such offense, in violation of Rules 1, 2, 4, and 8 of the CPD Rules of Conduct.

7. The accused failed to provide the CPD with a current address, in that he has resided at [REDACTED] in Chicago since approximately 2014 without informing the CPD that he did so, in violation of Rule 26 of the CPD Rules of Conduct.

SUSTAINED /  
SEPARATION

Approved:

[REDACTED]

7/30/2021

\_\_\_\_\_  
Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

[REDACTED]

7/30/2021

\_\_\_\_\_  
Andrea Kersten  
*Interim Chief Administrator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

---

|                                    |                     |
|------------------------------------|---------------------|
| <b>Squad#:</b>                     | 11                  |
| <b>Investigator:</b>               | Francis Tighe       |
| <b>Supervising Investigator:</b>   | Brian Dollar        |
| <b>Deputy Chief Administrator:</b> | Angela Hearts-Glass |