



Brandon Johnson
Mayor

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

Larry Snelling
Superintendent of Police

March 06, 2024

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

Re: Superintendent's Partial Concurrence and Partial Non-Concurrence with COPA's penalties
Log# 2019-0003345
Police Officer Jason Davis, Police Officer Elyse Rodriguez,
Sergeant Timothy Madison and Sergeant Matthew McNicholas

Dear Chief Administrator Kersten:

After careful review of the recommendations made by the Civilian Office of Police Accountability (COPA) in this matter, as detailed below the Chicago Police Department (Department) concurs with the findings for Police Officer Jason Davis, Police Officer Elyse Rodriguez and Sergeant Matthew McNicholas, but does not concur with the penalties. The Department, however, concurs with the findings and penalty for Sergeant Timothy Madison. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

I. Summary of the Facts

The following facts are undisputed. On August 20, 2019, CPD responded to a call of a battery in progress at [REDACTED].¹ All parties were in front of the home when police officers began to arrive. The victim told police that she had come home and found [REDACTED] in bed with her boyfriend,² and when she told [REDACTED] to leave, [REDACTED] began to batter the victim's face.³ [REDACTED] who was being detained by several officers including Officer Davis and Officer Rodriguez, claimed that the victim woke her up hitting her, so she hit the victim back to defend herself.⁴ At the time, the victim just wanted [REDACTED] to leave and the officers encouraged her to do so; she was not in custody.⁵

[REDACTED] then started to walk back towards the victim's house, and the officers tried to prevent her from doing so. [REDACTED] became argumentative with the officers whereupon Officer Rodriguez placed [REDACTED] in handcuffs.⁶ During this period, Sgt. Madison told her to shut up,⁷ and Officer Davis stated, "Hey stop talking. You're talking too much. Nobody cares what you have to say."⁸ As Officer Rodriguez and other began to lead her away, the boyfriend approached [REDACTED] with her shoes.⁹ [REDACTED] continued to argue, and did not put on her

¹ Att. 2, pg. 3; Att. 3 pg. 2

² Att. 3, pg. 2

³ Att. 3, pg. 2

⁴ Att. 14 at 2:56

⁵ Att. 56 at 15:56; Att. 64, pg. 49

⁶ Att. 10 at 2:20

⁷ Att. 10 at 2:20

⁸ Att. 10 at 2:35

⁹ Att. 10 at 2:57

shoes. Officer Rodriguez told her to "put [her] big feet in the ugly shoes,"¹⁰ and Officer Davis said, " Hey stop talking, 'Cause I don't care about your shoes, cause I could care less if you have shoes on."¹¹

After [REDACTED] refused to put her shoes on, she was placed barefoot into the backseat of the patrol car, [REDACTED] tried to open the car door by its handle, demanded to know why she was being arrested, and began to kick the inside of the vehicle.¹² Officer Davis opened the backseat passenger door and stated, "Don't you kick my fucking car. You crazy...hey stop talking...you don't know nothing...shut the fuck up...you kick my door you catching another charge, you understand?"¹³ Officer Davis attempted to close the door, but [REDACTED] stuck her leg out with her foot on the door to prevent him from closing it.¹⁴ Officer Rodriguez tried to place [REDACTED] foot back into the vehicle, stating "put your ugly foot back,"¹⁵ but Officer Davis told Officer Rodriguez "No, no, no. Move," cleared Officer Rodriguez to the side, and told [REDACTED] "I'm going to slam the door on your foot if you don't move."¹⁶ [REDACTED] said "go ahead." And did not mover her foot. Instead, she squinted her face in anticipation of the impact. Officer Davis said "you ready?" Officer Davis then placed [REDACTED] foot back in the vehicle and shut the door.¹⁷

Sgt. McNicholas was standing nearby observing the incident and asked Officer Davis if he wanted a wagon. [REDACTED] continued to kick the patrol vehicle from the inside.¹⁹ Officer Davis partially opened the backseat passenger door again, whereupon [REDACTED] as seen on the in-car camera (ICC) video, immediately stuck her foot in the crack between the door and the vehicle.²⁰ Officer Davis told [REDACTED] "You're about to catch a felony," to which [REDACTED] asked why she was getting arrested."²¹ Officer Davis responded, "Cause you're stupid that's why you're getting arrested."²² Officer Davis then tried to shut the door again, but there encountered resistance preventing it from shutting completely.²³ He pushed it again and it closed, after which [REDACTED] cried out and began screaming that her foot was stuck in the door.²⁴

EMS reported that [REDACTED] complained of right foot pain and was uncooperative and verbally hostile, had a strong odor of alcohol, and admitted to alcohol use.²⁵ EMS further documented that there were "no obvious signs of trauma or deformities to [right] foot," and no redness or swelling noted to [right] foot."²⁶ St. Bernard Hospital further reported that she could move all her toes, "the bony structure of the foot [was] normal," and it was a "radiographically normal right foot."²⁷

¹⁰ Att. 10 at 3:02

¹¹ Att. 10 at 2:57

¹² Att. 9 at 2:27

¹³ Att. 10 at 5:45

¹⁴ Att. 16 at 5:54

¹⁵ Att. 10 at 6:03

¹⁶ Att. 10 at 6:05

¹⁷ Att. 10 at 6:15; Att. 9 at 2:59

¹⁸ Att. 10 at 6:22

¹⁹ Att. 9 at 3:12

²⁰ Att. 9 at 3:15

²¹ Att. 10 at 6:30

²² Att. 10 at 6:30

²³ Att. 24 at 2:15

²⁴ Att. 10 at 6:39; Att. 9 at 3:20

²⁵ Att. 20 pgs. 4-54

²⁶ Att. 20 pg. 1

²⁷ Att. 22 pgs. 3, 4, 11, 13, 18

II. Sustained Allegations

Police Officer Jason Davis

The COPA investigation recommended a 30-day suspension for Officer Davis after concluding that he:

1. Directed profanities at [REDACTED] without justification.
2. Maltreated [REDACTED] with overall unprofessional behavior.
3. Was inattentive to duty, in that Officer Davis closed the police vehicle on [REDACTED] foot.
4. Failed to ensure the safety and security of arrestee, [REDACTED]
5. Failed to timely activate body worn camera.

The Department concurs with COPA'S finding regarding Officer Davis but does not concur with the penalty. Officer Davis has one complaint register (Log# 2019-0000691) with sustained allegations for "Verbal Abuse/Profanity," for which he ultimately received a Reprimand. Therefore, the Department agrees Officer Davis should receive a higher penalty for the listed sustained allegations. However, considering Officer Davis has received 78 awards including Crime Reduction, Attendance, Traffic Stop of the month, and 69 Honorable Mentions. The Department believes a 10-day suspension is more appropriate instead of COPA's recommended 30-day suspension.

Police Officer Elyse Rodriguez

The COPA investigation recommended a 5-day suspension for Officer Rodriguez after concluding that she:

1. Maltreated [REDACTED] with overall unprofessional behavior, without justification.
2. Failed to timely activate body worn camera.

The Department concurs with COPA'S finding regarding Officer Rodriguez but does not concur with the penalty. Officer Rodriguez has received 79 awards including Crime Reduction, Physical Fitness, a Superintendent's Award of Valor, and 72 Honorable Mentions. During her COPA interview, Officer Rodriguez admitted she felt frustrated given [REDACTED] behavior on the date of the incident and admitted to calling [REDACTED] "Stinky" because [REDACTED] smelled of alcoholic beverages.²⁸ Despite [REDACTED] uncooperative behavior and her being verbally argumentative towards the Officers, Officer Rodriguez states in her COPA interview, that "[she] bent down...[and told [REDACTED] they put your shoes on."²⁹ The body worn camera of Officer Jason further demonstrates that Officer Rodriguez grabbed [REDACTED] shoes from a civilian male and places the shoes in front of [REDACTED] but [REDACTED] appears to have glazed eyes and doesn't respond to the Officers.³⁰ Moreover, Officer Rodriguez has not been previously disciplined for unprofessional behavior or failing to active her body worn camera.

It is for these reasons that the Department recommends a Reprimand for Officer Rodriguez as a more appropriate penalty.

Sergeant Matthew McNicholas

The COPA investigation recommended a 5-day suspension for Sergeant McNicholas after concluding that he:

1. Failed to supervise CPD officers during the maltreatment of [REDACTED]
2. Failed to activate body worn camera.

Sergeant McNicholas has received 65 awards including 2 for Crime Reduction, a Life Saving Award, 4 Complimentary letters, and 35 Honorable Mentions. The Department concurs with COPA'S finding regarding Sergeant McNicholas but does not concur with the penalty. During Sergeant McNicholas' interview with COPA he sates "If I saw something inappropriate being done, I would counsel the officers about that and make a notification of

²⁸ Att. 59 at 22:25, 23:28, 28:42, 1:03:07

²⁹ Att. 56 at 17:34

³⁰ "Att. 10 at 3:01

it." ³¹ Throughout his interview, Sergeant McNicholas states he didn't hear the Officers maltreating [REDACTED] Sergeant McNicholas offered a wagon simply from his observations of [REDACTED] being combative, resisting, being verbally aggressive, and not complying to officers. ³² It is for these reasons that the Department recommends a 2-day suspension for Sergeant McNicholas.

Sergeant Timothy Madison

The Department concurs with COPA'S finding and penalty regarding Sergeant Madison in that he.

1. Failed to intervene CPD officers in the maltreatment of [REDACTED]
2. Failed to record the incident in its entirety with his body worn camera.

III. Conclusion

For the foregoing reasons, the Department concurs with the findings but not the penalties for Police Officer Jason Davis, Police Officer Elyse Rodriguez, and Sergeant Matthew McNicholas. The Department concurs with the findings and penalty of Sergeant Timothy Madison. The Department recommends a penalty of 10-day employment suspension for Officer Davis, a Reprimand for Officer Rodriguez, and a 2-day employment suspension for Sergeant McNicholas. The Department looks forward to discussing this matter with you pursuant to MCC-2-78-130(a)(iii).

Sincerely,

[REDACTED]
Larry Snelling
Superintendent of Police
Chicago Police Department

³¹ Att. 64 pg. 24 line 8-11

³² Att. 65 pg. 26 line 1-13