

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER ERIKA A. RODRIGUEZ,** ) **No. 13 PB 2844**  
**STAR No. 11057, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1040688)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On September 11, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Erika A. Rodriguez, Star No. 11057 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- 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 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
- Rule 11: Incompetency or inefficiency in the performance of duty.
- Rule 14: Making a false report, written or oral.

The Police Board caused a hearing on these charges against the Respondent to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on January 14 and 23, 2014.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

## **POLICE BOARD FINDINGS**

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Officer Erika A. Rodriguez, Star No. 11057, charged herein, is **guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that:

On or about October 11, 2010, Police Officer Erika A. Rodriguez falsified and/or caused the falsification of an official Chicago Police Department Original Case Incident Report, RD # HS559792, and/or an official Chicago Police Arrest Report, CB # 17993168, by falsely stating the facts of an arrest that occurred at or about 6143 South Kimbark Avenue, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Superintendent obtained testimony from the Respondent, wherein she admitted that the entries she made in the Case Incident Report and Arrest Report were false. She testified further that she indicated herself as the arresting officer in both the Incident Report and the Arrest Report, when in fact she was not.

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The Superintendent also presented competent testimony from University of Chicago police officers, Louis Royland and Arthur Gillespie, and Commander Kelly Bryant, that the arrest of the minor suspect was actually done by University of Chicago Officers Royland and Gillespie. They testified further that Sergeant Elvin Boone and the Respondent were called to the University so that the suspect could be processed by the Chicago Police Department, as the University of Chicago officers were unable to process the suspect.

5. The Respondent, Police Officer Erika A. Rodriguez, Star No. 11057, charged herein, is **guilty** of violating, to wit:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals,

in that:

On or about October 11, 2010, Police Officer Erika A. Rodriguez falsified and/or caused the falsification of an official Chicago Police Department Original Case Incident Report, RD # HS559792, and/or an official Chicago Police Arrest Report, CB # 17993168, by falsely stating the facts of an arrest that occurred at or about 6143 South Kimbark Avenue, thereby failing to promote the Department's efforts to implement its policy or accomplish its goals.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

6. The Respondent, Police Officer Erika A. Rodriguez, Star No. 11057, charged herein, is **guilty** of violating, to wit:

Rule 11: Incompetency or inefficiency in the performance of duty,

in that:

On or about October 11, 2010, Police Officer Erika A. Rodriguez falsified and/or caused the

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falsification of an official Chicago Police Department Original Case Incident Report, RD # HS559792, and/or an official Chicago Police Arrest Report, CB # 17993168, by falsely stating the facts of an arrest that occurred at or about 6143 South Kimbark Avenue, thereby performing her duties in an incompetent or inefficient manner.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

7. The Respondent, Police Officer Erika A. Rodriguez, Star No. 11057, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

On or about October 11, 2010, Police Officer Erika A. Rodriguez falsified and/or caused the falsification of an official Chicago Police Department Original Case Incident Report, RD # HS559792, and/or an official Chicago Police Arrest Report, CB # 17993168, by falsely stating the facts of an arrest that occurred at or about 6143 South Kimbark Avenue, thereby making a false report, written or oral.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

8. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A.

The Board finds that the Respondent's falsification of official police reports warrants her discharge from the Chicago Police Department. A police officer's single violation of a rule of conduct has long been held to be a sufficient basis for termination. *Siwek v. Police Board of the City of Chicago*, 872 N.E.2d 87 (2007), citing *Kinter v. Board of Police and Fire*

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*Commissioners*, 194 Ill. App. 3d 126 (1990), *King v. City of Chicago*, 60 Ill. App. 3d 504 (1978), and *Moriarty v. Police Board of the City of Chicago*, 7 Ill. App. 3d 978 (1972). The Board finds that the Respondent's material false statements of the facts of an arrest on official police reports, by itself, is incompatible with continued service as a police officer. The Respondent's dishonesty relates directly to her public duties as a police officer, and renders her unfit to hold that office. Trustworthiness, reliability, good judgment, and integrity are all material qualifications for any job, particularly one as a police officer. The duties of a police officer include making arrests and testifying in court, and a police officer's credibility is at issue in both the prosecution of crimes and in the Police Department's defense of civil lawsuits. A public finding that an officer has intentionally falsified official police reports is detrimental to the officer's credibility as a witness and, as such, is a serious liability to the Department. See *Rodriguez v. Weis*, 408 Ill. App. 3d 663 (2011).

The Respondent's extensive complimentary history and lack of prior disciplinary history do not mitigate the seriousness of her conduct. No police officer, even one as highly decorated as the Respondent, can be allowed to remain on the job when she falsifies material facts in official police reports.

The Respondent testified at the hearing that her supervisor, Sergeant Boone, ordered her to write the reports with the false information, and that she argued about this with Sergeant Boone, but that she ultimately complied with his order because she did not feel comfortable challenging him. In his testimony, Sergeant Boone denied ordering the Respondent to write the reports in this manner. The Respondent also testified that she suggested to Sergeant Boone that they correct the reports, or that they write a supplementary report to clarify the original reports,

and she further testified that Sergeant Boone refused both suggestions. Again, Sergeant Boone testified he did no such thing. The Board is not convinced by the Respondent's testimony. However, even if Sergeant Boone ordered the Respondent to write the false reports, such an order is not a valid excuse for the Respondent's conduct and does not mitigate its seriousness. The Respondent knew or should have known that such an order from a superior officer was unlawful, and, even if she was in this difficult situation, that following this type of direction from a superior is not justifiable. She knew, or should have known, that being told to falsify official reports, even by a supervisor, and then proceeding to do so constituted a serious breach of her duties as a police officer.<sup>1</sup>

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders her continuance in her office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something which the law recognizes as good cause for her no longer occupying her office.

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<sup>1</sup> The Superintendent did not file with the Police Board charges against Sergeant Boone. According to Sergeant Boone's testimony, he voluntarily retired from the Chicago Police Department while under investigation for his actions in this matter. Retired CPD members are no longer subject to disciplinary action.

**POLICE BOARD DECISION**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following vote:

By a vote of 9 in favor (Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2, Rule 3, Rule 11, and Rule 14.

As a result of the foregoing, the Board, by a vote of 9 in favor (Carney, Foreman, Ballate, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for discharging the Respondent from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Officer Erika A. Rodriguez, Star No. 11057, as a result of having been found **guilty** of charges in Police Board Case No. 13 PB 2844, be and hereby is **discharged** from her position as a police officer with the Department of Police, and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 20<sup>th</sup> DAY OF MARCH, 2014.

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Attested by:

/s/ Demetrius E. Carney  
President  
Police Board

/s/ Max A. Caproni  
Executive Director  
Police Board



**DISSENT**

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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GARRY F. McCARTHY  
Superintendent of Police

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Report Date: 11 Sep 2013  
 Report Time: 0701 Hrs

**Chicago Police Department**  
**Personnel Division**  
*\*Only for active personnel*



Information Services Division  
 Data Warehouse  
 Produced by: PC0U989

**Complimentary History**

Name	Title	Star	Unit	Detail Unit	Emp Number
RODRIGUEZ, ERIKA A	9161	11057	003	166	[REDACTED]

Achievements	Total No.
HONORABLE MENTION	79
PRESIDENTIAL ELECTION DEPLOYMENT AWARD 2008	1
DEPARTMENT COMMENDATION	2
COMPLIMENTARY LETTER	1
2009 CRIME REDUCTION AWARD	1
NATO SUMMIT SERVICE AWARD	1
<b>TOTAL AWARDS</b>	<b>85</b>

*13-2844*

FOR USE WITH POLICE BOARD

CR# 1040688



NOTE: THIS REPORT IS FOR OFFICIAL LAW ENFORCEMENT / AUTHORIZED USE ONLY. THE INFORMATION IS CURRENT AS OF THE DATE AND TIME OF THE REPORT. THIS



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11-SEP-2013 07:07:48 AM

**CHICAGO POLICE DEPARTMENT**  
**Sustained Complaints History Report**

IADR118

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #.</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
[REDACTED]	RODRIGUEZ ERIKA A.	11057	100721	9161	POLICE OFFICER	166
<u>Sex</u>	<u>Race</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>			
F	SPANISH (DO NOT USE)	0	0			
	<u>Birth Date</u>	<u>Appointed Date</u>				
	[REDACTED] 1980	01-MAY-2006				

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