

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

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE OFFICER RIGOBERTO MARQUEZ,** ) **No. 15 PB 2884**  
**STAR No. 9094, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1067075)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On April 22, 2015, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Rigoberto Marquez, Star No. 9094 (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 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 4: Any conduct or action taken to use the official position for personal gain or influence.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- 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 Hearing Officer Jacqueline A. Walker on December 2, 8, and 15, 2015, and January 14, 2016.

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 personally 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 Rigoberto Marquez, Star No. 9094, charged herein, is **guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about January 22, 2014, Police Officer Marquez engaged in conduct in violation of the Illinois Compiled Statutes, Chapter 720, Sections 5/8-4 (Attempt) and/or 5/16-1(a)(2) or (3) (Theft), in that he knowingly obtained by deception and/or threat control over property of Quinton Rios or attempted to obtain by deception and/or threat control over property of Quinton Rios, when he solicited approximately \$2500 from Quinton Rios pursuant to an understanding that Officer Marquez would assist Quinton Rios with his immigration status and/or would prevent immigration enforcement and/or deportation, and/or when he threatened Quinton Rios with immigration enforcement if Quinton Rios did not pay him \$2500, thereby violating any law or ordinance.

Competent and credible testimony was obtained from Quinton Rios, Vincenta Perez, and Javier Erazo that for some time prior and on or about January 22, 2014, Officer Marquez knowingly used deception and threats to Quinton Rios (“Rios”), an undocumented resident, that if Rios did not give Officer Marquez \$2,500, Officer Marquez would take some action against Rios

regarding Rios's immigration status. Additionally, testimony established that Officer Marquez solicited the \$2,500 from Rios with an understanding that Officer Marquez would prevent immigration enforcement and deportation of Rios if the \$2,500 was paid by Rios to Officer Marquez, all in violation of the charged statute.

5. The Respondent, Police Officer Rigoberto Marquez, Star No. 9094, 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 the Superintendent proved by a preponderance of the evidence the following charge:

Count I: From on or about January 1, 2014, through on or about January 22, 2014, or on one or more dates therein, Police Officer Marquez solicited approximately \$2500 from Quinton Rios pursuant to an understanding that Officer Marquez would assist Quinton Rios with his immigration status and/or would prevent immigration enforcement and/or deportation, and/or Police Officer Marquez threatened Quinton Rios with immigration enforcement if Quinton Rios did not pay him \$2500, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

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

6. The Respondent, Police Officer Rigoberto Marquez, Star No. 9094, 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 the Superintendent proved by a preponderance of the evidence the following charge:

Count II: On or about January 22, 2014, at or near 2558 North Halsted Street, Chicago, Police Officer Marquez searched Quinton Rios about his body and/or under his clothing without authority, in violation of General Order G04-03, Section IV, thereby impeding the

Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Quinton Rios ("Rios") gave convincing and credible testimony that on the day as charged, at Las Fuentes Restaurant, located at 2558 North Halsted Street, Officer Marquez summoned Rios into the washroom, and while there Officer Marquez without authority or justification patted down Rios about his body and searched under Rios's clothing.

Additionally, Andrea Hyfantis, who is a licensed attorney and teaches law at the Education and Training Division for the Chicago Police Department, testified that a police officer may only search another person if the officer has a justified and valid suspicion that the officer is in danger, fears for his safety and feels threatened by the other individual.

Based on the testimony of these witnesses, Officer Marquez did not have a reasonable and justified suspicion that he was in danger, feared for his safety or felt threatened in order to conduct a lawful and justified search of Rios, and therefore Officer Marquez's search of Rios was in violation of General Order G04-03, Section IV. The evidence clearly indicated that the search was conducted by the Respondent out of a fear that his conduct was the object of police surveillance.

7. The Respondent, Police Officer Rigoberto Marquez, Star No. 9094, 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 the Superintendent proved by a preponderance of the evidence the following charge:

Count III: On or about July 1, 2014, during a statement to Sergeant Gabriel Flores of the Bureau of Internal Affairs, Police Officer Marquez falsely stated that he had spoken to attorney Michael Casey regarding an immigration case and/or the cost associated with an immigration case, or words to that effect, and/or that attorney Michael Casey told him that an immigration case would cost \$2500, or words to that effect, when in fact, he had not spoken to attorney

Michael Casey regarding an immigration case and/or attorney Michael Casey did not provide information to Officer Marquez regarding the cost associated with an immigration case, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Competent evidence was given by Michael Casey, an attorney who has practiced for 40 years with the Vrdolyak Law Group, LLC, that he did not tell Officer Marquez that the cost of an immigration case would be \$2,500, and that further Attorney Casey did not have a conversation with Officer Marquez regarding this matter. Michael Casey further testified that the law firm does not handle immigration matters, and would usually refer immigration matters to other attorneys.

The Department presented evidence that on or about July 1, 2014, Officer Marquez made a statement to Sergeant Gabriel Flores of the Bureau of Internal Affairs ("BIA") that Officer Marquez had spoken to attorney Michael Casey regarding an immigration case, and that Attorney Casey quoted him a fee of \$2,500 to handle an immigration matter. Based on the testimony of Michael Casey, Officer Marquez's statement to BIA was false.

8. The Respondent, Police Officer Rigoberto Marquez, Star No. 9094, charged herein, is **guilty** of violating, to wit:

Rule 4: Any conduct or action taken to use the official position for personal gain or influence,

in that the Superintendent proved by a preponderance of the evidence the following charge:

From on or about January 1, 2014, through on or about January 22, 2014, or on one or more dates therein, Police Officer Marquez used his position as a police officer for personal gain by soliciting approximately \$2500 from Quinton Rios pursuant to an understanding that Officer Marquez would assist Quinton Rios with his immigration status and/or would prevent immigration enforcement and/or deportation, and/or Police Officer Marquez threatened Quinton Rios with immigration enforcement if Quinton Rios did not pay him \$2500, thereby using his official position for personal gain or influence.

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

reference.

9. The Respondent, Police Officer Rigoberto Marquez, Star No. 9094, charged herein, is **guilty** of violating, to wit:

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

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about January 22, 2014, at or near 2558 North Halsted Street, Chicago, Police Officer Marquez searched Quinton Rios about his body and/or under his clothing without justification, in violation of General Order G04-03, Section IV, thereby disobeying an order or directive, whether written or oral.

See the findings set forth in paragraph no. 6 above, which are incorporated here by reference.

10. The Respondent, Police Officer Rigoberto Marquez, Star No. 9094, charged herein, is **guilty** of violating, to wit:

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

in that the Superintendent proved by a preponderance of the evidence the following charge:

On or about July 1, 2014, during a statement to Sergeant Gabriel Flores of the Bureau of Internal Affairs, Police Officer Marquez falsely stated that he had spoken to attorney Michael Casey regarding an immigration case and/or the cost associated with an immigration case, or words to that effect, and/or that attorney Michael Casey told him that an immigration case would cost \$2500, or words to that effect, when in fact, he had not spoken to attorney Michael Casey regarding an immigration case and/or attorney Michael Casey did not provide information to Officer Marquez regarding the cost associated with an immigration case, thereby making a false report, written or oral.

See the findings set forth in paragraph no. 7 above, which are incorporated here by reference.

11. 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.

The Police Board determines that the Respondent must be discharged from his position due to the serious nature of the conduct of which it has found him guilty. The Respondent violated Illinois law and Chicago Police Department rules by using his official position and threats in an attempt to solicit \$2,500 in return for assisting an individual with his immigration status, and he then made intentional false statements to Internal Affairs in an effort to cover up this misconduct. The Respondent engaged in criminal behavior, and exhibited a significant lack of integrity, honesty, and trustworthiness. Such conduct is incompatible with continued service as a police officer.

The Respondent offered evidence in mitigation, which the Board has considered thoroughly. Several witnesses from the Chicago Police Department (two who supervised the Respondent as sergeants, and two police officers who worked with the Respondent) testified regarding the Respondent's positive job performance, character, and reputation. The Respondent has a complimentary history of 33 total awards, including 2 Department commendations, 18 honorable mentions, and 8 complimentary letters. He has no disciplinary history. However, the Respondent's accomplishments as a police officer, the testimony regarding his positive reputation and character, his complimentary history, and the lack of prior disciplinary history, do not mitigate the seriousness of his misconduct.

The Board finds that the Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law

Police Board Case No. 15 PB 2884  
Police Officer Rigoberto Marquez

recognizes as good cause for him to no longer occupy his office.

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**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 votes:

By votes of 8 in favor (Lori E. Lightfoot, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 1, Rule 2, Rule 4, Rule 6, and Rule 14.

As a result of the foregoing, the Board, by a vote of 8 in favor (Lightfoot, Foreman, Ballate, Conlon, Eaddy, Fry, Simpson, and Sweeney) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his 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 Rigoberto Marquez, Star No. 9094, as a result of having been found **guilty** of all charges in Police Board Case No. 15 PB 2884, be and hereby is **discharged** from his 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: Lori E. Lightfoot, Ghian Foreman, Melissa M. Ballate, William F. Conlon, Michael Eaddy, Rita A. Fry, John H. Simpson, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>st</sup> DAY OF APRIL, 2016.

Police Board Case No. 15 PB 2884  
Police Officer Rigoberto Marquez

Attested by:

/s/ LORI E. LIGHTFOOT  
President

/s/ MAX A. CAPRONI  
Executive Director

**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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THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

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EDDIE T. JOHNSON  
Superintendent of Police