

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Matthew Rodriguez

Case: 2:23-mj-30285

Assigned To : Unassigned

Case No.

Assign. Date : 7/7/2023

Description: RE: SEALED MATTER
(EOB)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 13, 2023, in the county of Warren in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. § 242

Offense Description

Deprivation of Rights under Color of Law.

This criminal complaint is based on these facts:

See attached affidavit.

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: July 7, 2023City and state: Detroit, MI*Complainant's signature*Brent Nida, Special Agent, FBI*Printed name and title**Judge's signature*Anthony P. Patti, United States Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brent Nida, Special Agent of the Federal Bureau of Investigation (FBI),
being duly sworn, state that:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint and arrest warrant for MATTHEW RODRIGUEZ.

2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code. I am empowered to conduct investigations of and to make arrests for offenses enumerated in Title 18 of the United States Code.

3. I have been employed by the FBI as a Special Agent since January 2018. During my employment with the FBI, I have investigated federal crimes including deprivation of rights under color of law (including the use of excessive force by law enforcement), mail fraud, wire fraud, tax fraud, and various other criminal matters. Prior to being employed by the FBI, I was a Police Officer for approximately nine years. At all times during the investigation described in this affidavit, I have been acting in an official capacity as a Special Agent of the FBI.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement agencies, contractors, and witnesses. This affidavit is intended to show

only that there is sufficient probable cause to secure a criminal complaint for MATTHEW RODRIGUEZ and it does not set forth all of my knowledge about this matter.

5. In light of the facts described below, as well as my training and experience, I submit that there is probable cause to believe that MATTHEW RODRIGUEZ, while acting under color of law, willfully deprived a person of the right, secured and protected by the Constitution and the laws of the United States, to be free from unreasonable seizures, which includes the right to be free from the unreasonable use of physical force resulting in bodily injury by law enforcement officers, in violation of 18 U.S.C. § 242 (Deprivation of Rights Under Color of Law).

PROBABLE CAUSE

6. MATTHEW RODRIGUEZ was employed as a sworn police officer for the Warren Police Department (hereafter “WPD”) from approximately September 2008 through his termination on approximately June 26, 2023. The WPD is located in Warren, Michigan.

7. At the time of his unreasonable use of force on June 13, 2023, RODRIGUEZ was assigned as a jail officer at WPD.

8. According to a WPD police report, on June 13, 2023, an individual who will be referred to as “VICTIM” was arrested by WPD officers and transported to

the WPD jail to be booked. The arresting officers placed the VICTIM in a holding cell at approximately 6:03:09 hours without incident.

9. At approximately 6:06:34 hours, RODRIGUEZ took custody of VICTIM and walked him to the WPD fingerprint room. Based on my review of video footage captured by a surveillance camera, I observed RODRIGUEZ and the VICTIM speaking with each other in the fingerprint room, but the words were not audible due to issues with the audio recording equipment.

10. At approximately 6:08:37 hours, RODRIGUEZ struck the VICTIM using his hand on the left side of the VICTIM's face with enough force to cause the VICTIM to stumble backward. At the time of the strike, the VICTIM was not in an aggressive stance and his hands were by his side with his thumbs in his pants pockets. According to the WPD report, the VICTIM had previously been searched for weapons upon his arrest. Therefore, there was no threat that VICTIM had any weapons.

11. After striking the VICTIM, RODRIGUEZ proceeded to lunge toward the VICTIM, forcing him into the cinder block wall using his right leg and body. RODRIGUEZ then picked the VICTIM up, spun him around and slammed him to the ground.

12. Two other officers then rushed in to where RODRIGUEZ was standing over the VICTIM. As the other officers stepped in to grab hold of the VICTIM,

RODRIGUEZ punched the VICTIM in the area of his head at least two more times with a closed fist while the VICTIM was lying face down on the ground. RODRIGUEZ then grabbed the VICTIM by his dreadlocks, forcibly lifted up his head and slammed his head into the ground with force. RODRIGUEZ then lifted the VICTIM off the ground by his dreadlocks and the collar of his jacket and kicked his feet forward. WPD's non-lethal use of force policy provides that officers use only the minimum amount of force necessary to affect an arrest, overcome resistance, defend themselves or others, or to gain control. At no point prior to RODRIGUEZ's use of force did the VICTIM, who was already arrested, strike or attempt to strike RODRIGUEZ, or resist in any way. Therefore, there was no basis for any force to be used by RODRIGUEZ, and the force that was used was unreasonable.

13. RODRIGUEZ then walked the VICTIM out of the fingerprint room and back to the holding cell. Based on my review of video footage of the area at the entrance of the holding cell, RODRIGUEZ forcefully pushed the VICTIM's back with both hands into the holding cell, causing the VICTIM to fall onto the cell floor. RODRIGUEZ closed the holding cell door and walked away. Shortly after, other officers escorted the VICTIM without further incident to a segregation cell to be monitored. WPD supervisors were made aware of the incident, and the VICTIM was provided with medical care for swelling and bruising in the area to the right side of his nose.

14. RODRIGUEZ caused the VICTIM bodily injury to his face including bleeding and swelling that was visible in photographs taken by WPD after the assault.

CONCLUSION

15. Based on the information obtained from the WPD and video of the incident, I believe probable cause exists that RODRIGUEZ, while acting as a jail officer for the WPD, used unreasonable and excessive force against the VICTIM, resulting in bodily injury to the VICTIM.

16. Based on the foregoing, there is probable cause to believe that MATTHEW RODRIGUEZ has committed a felony violation of 18 U.S.C. § 242 (Deprivation of Rights Under Color of Law).



Special Agent Brent Nida
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.



The Honorable Anthony P. Patti
United States Magistrate Judge

Dated: July 7, 2023