



Log # 2022-0005216

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 9, 2022, the Civilian Office of Police Accountability (COPA) received a website complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on December 8, 2022, officers now known to be Officer David Arauz and Officer Antonio Ramirez stopped a vehicle he was driving, without justification. ██████████ also alleged that the officers searched the vehicle without justification.³ ██████████ further alleged that officers verbally abused him. Upon review of the evidence, COPA served additional allegations on Officer Roger Farias and Officer Jose Lopez to the effect that they failed to activate their body-worn cameras (BWCs) in a timely manner and deactivated them prematurely. COPA also served allegations on Officers Farias, Lopez and Ramirez for unprofessional conduct and racially and sexual orientation-based verbal abuse relating to statements directed toward ██████████. COPA served Officer Ramirez with an allegation for unprofessional conduct for a statement directed toward the vehicle passenger, ██████████.

Following its investigation, COPA sustained the allegation of racially based verbal abuse against Officer Lopez and allegations of sexual orientation based verbal abuse against Officers Farias and Lopez. COPA also sustained allegations of unprofessional conduct against Officers Farias, Lopez, and Ramirez. COPA sustained allegations against Officer Farias for failing to timely activate his BWC and against Officer Lopez for prematurely deactivating his BWC.

II. SUMMARY OF EVIDENCE⁴

On December 8, 2022, Officers Ramirez and Arauz were traveling east on 63rd street in their marked squadrol when they observed a white vehicle stopped in a crosswalk at Talman Avenue.⁵ The officers activated their lights and stopped the vehicle. ██████████ was the driver and ██████████ was a passenger.

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² ██████████ informed COPA investigators that he would not provide a statement on the advice of counsel. CO-1340732.

³ One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, ICC footage, police reports, and officer interviews.

⁵ Att. 41, In Car Camera _BT_PC0BZ71_20221208205014_0 at 00:42 to 00:50.

Officer Arauz approached the driver's side of the vehicle and informed [REDACTED] that the vehicle was blocking the crosswalk.⁶ [REDACTED] responded that he had been preparing to make a turn but that he stopped in the crosswalk when he saw the officers' vehicle's lights approaching.⁷ Officer Arauz then requested [REDACTED] license and insurance.⁸ [REDACTED] was not wearing a seatbelt.⁹ [REDACTED] handed his license to Officer Arauz. Officer Arauz asked [REDACTED] if he had been smoking, as the officer observed cannabis remnants in the car. [REDACTED] replied that his cousin had just been killed, that he drove trucks, and that [REDACTED] did not smoke at all.¹⁰

Officer Ramirez approached the passenger side of [REDACTED] vehicle and knocked on the window. Officer Ramirez motioned for [REDACTED] the passenger, to roll the window down.¹¹ [REDACTED] complied and attempted to hand Officer Ramirez a folder that [REDACTED] apparently believed contained the car insurance.¹² Officer Ramirez then radioed for additional CPD personnel to come to the scene.¹³

Officer Ramirez observed a knife in the glove compartment and asked [REDACTED] to close the glove compartment.¹⁴ Officer Ramirez looked at the proof of insurance paper offered by [REDACTED] and stated that the insurance was expired.¹⁵ Officer Ramirez then opened the passenger door where [REDACTED] was sitting and directed [REDACTED] out of the car.¹⁶ Officer Ramirez stated that he asked [REDACTED] out of the car to make Officer Ramirez feel safe because there was a knife in the vehicle.¹⁷ Officer Ramirez performed a pat down of [REDACTED] as well as a narcotics search (the latter due to the presence of cannabis in the vehicle).¹⁸

When Officer Ramirez patted [REDACTED] down, he "felt an "L" shaped object consistent with a firearm."¹⁹ Officer Ramirez said, "Don't you fucking move" multiple times to [REDACTED].²⁰ Officer Ramirez described the statement as "an expression of concern" made in the "heat of the moment," but regretted making it.²¹ Officer Ramirez handcuffed [REDACTED] and removed a firearm from him, and asked [REDACTED] if he had a concealed carry permit.²²

⁶ Att. 2, BWC of Officer Arauz at 2:01 to 2:09.

⁷ Att. 2 at 2:10 to 2:21.

⁸ Att. 2 at 2:21 to 2:23.

⁹ Att. 2 at 2:23.

¹⁰ Att. 2 at 2:42 to 2:55.

¹¹ Att. 3, BWC of Officer Ramirez at 2:21 to 2:23.

¹² Att. 3 at 2:23 to 2:30.

¹³ Att. 3 at 2:41 to 2:43.

¹⁴ Att. 3 at 3:06 to 3:09.

¹⁵ Att. 3 at 3:28 to 3:39.

¹⁶ Att. 3 at 4:00 to 4:23.

¹⁷ Att. 35, Statement of Officer Ramirez (transcript), pg. 15, lns. 21 to 24.

¹⁸ Att. 35, pg. 15 ln. 24 to pg. 16, ln. 2.

¹⁹ Att. 35, pg. 16, lns. 4 to 5.

²⁰ Att. 3 at 4:24 to 4:36.

²¹ Att. 35, pg. 21, lns. 12 to 14.

²² Att. 3 at 4:40 to 4:52.

Officer Ramirez then asked one of the other officers if [REDACTED] was detained. [REDACTED] stated, "I'm detained bro, goofy ass" to which Ramirez responded, "Goofy ass."²³ [REDACTED] did not appreciate the comment, and continued to direct insults, including homophobic slurs, at the officers while detained on scene.²⁴ While [REDACTED] and [REDACTED] were being placed in custody, Officer Farias and Officer Lopez arrived on scene.²⁵ Officer Lopez activated his BWC prior to exiting the vehicle.²⁶ Officer Farias activated his BWC while he was standing on scene near [REDACTED].²⁷ After he briefly went to his squad car, Officer Ramirez, along with Officer Farias, began searching [REDACTED] vehicle.²⁸ Farias's search of the vehicle also included the trunk.²⁹ Officer Ramirez noted what he believed to be cannabis residue in the vehicle ("shake").³⁰ Officer Ramirez returned to his vehicle to write citations for [REDACTED]

Officer Ramirez and Officer Arauz transported [REDACTED] to District 8.

Officers Farias and Lopez transported [REDACTED] to District 8. Officer Farias was driving. Officer Lopez's BWC was deactivated shortly after he entered the squadrol and it remained off for the duration of [REDACTED] transport.³¹ Just before turning off his BWC Officer Lopez turns up the volume on the radio which appears to be an attempt to forestall a further conversation; the radio is later turned down again when [REDACTED] attempts to speak with the officers transporting him.³² He reactivated it four minutes and forty-nine seconds later.³³ Officer Lopez stated that his BWC was accidentally deactivated and when he realized it was deactivated, he reactivated it again when the squadrol reached the district.³⁴ Officer Farias's BWC, continued to record throughout the drive to the district. However, Officer Farias deactivated his BWC immediately after arriving at the district.³⁵

While in the squadrol, [REDACTED] requested to speak with a supervisor. When Officer Lopez stated that they would get a supervisor for [REDACTED] Officer Farias added that they would get [REDACTED] "an emotional support animal too."³⁶ In his statement to COPA, Officer Farias admitted to making this remark and said that he made the remark to "lighten the mood."³⁷ Moments later, Officer Lopez used a mocking tone toward [REDACTED] and directed the words "Okay, lick my balls" and "Okay,

²³ Att. 3 at 4:54 to 4:58.

²⁴ Att. 3 at 5:01 to 5:30.

²⁵ Att. 3 at 3:21.

²⁶ Att. 4, BWC of Officer Lopez at 2:00.

²⁷ Att. 5, BWC of Officer Farias at 1:41 to 2:00.

²⁸ Att. 3 at 5:35 to 6:06.

²⁹ Att. 5, BWC of Officer Farias at 4:17 to 5:18.

³⁰ Att. 3 at 5:55 to 5:57.

³¹ Att. 4 at 9:01 to 9:03.

³² Att. 5.

³³ Officer Lopez first BWC recording ends at 21:00:02 and his second BWC recording begins at 21:04:49.

³⁴ Att. 33, First Statement of Officer Lopez (transcript), p. 13, lns. 18 to 24.

³⁵ Att. 5 at 11:45 to 11:59; Att. 6 Second BWC of Officer Lopez at 0:01-0:25.

³⁶ Att. 5 at 8:03 to 8:06.

³⁷ Att. 47, Second Statement of Officer Farias (transcript), pg. 8, lns. 1 to 2.

donkey,” to ██████³⁸ Officer Lopez admitted to making the comments.³⁹ With respect to the former comment, Officer Lopez stated that he “made a poor decision of fighting fire with fire.”⁴⁰ With respect to the latter comment, Officer Lopez stated that the comment was “just an ignorant statement,” on his part, used in response when ██████ was irate and hurling slurs at the officers.⁴¹

Officer Lopez also directed the words, “Smile so I can see you back there,” towards ██████ who is African American.⁴² Officer Lopez then stated, “My wife’s black, leave me alone.”⁴³ In his statement to COPA, Officer Lopez stated that when he said “smile so I can see you back there,” he was trying to tell ██████ to cheer up and smile because ██████ was behaving in an irate manner.⁴⁴ He further stated that he was a wrestling fan and he was referencing a John Cena⁴⁵ expression, “can’t see you back there,” that was intended to mean, “I’m ignoring you.”⁴⁶

While ██████ was being transported, one of the officers also stated, “who’s gay now?”⁴⁷ Neither Officer Lopez nor Officer Farias recalled who made that particular comment.⁴⁸

III. ALLEGATIONS

A. Officer David Arauz:

1. Stopping the vehicle of ██████ without justification.
 - Not Sustained

B. Officer Roger Farias

1. Engaging in unprofessional conduct by directing words to the effect of, "We'll get you an emotional support animal too," to ██████
 - **Sustained**, violation of Rules 2, 3, 5, 6, 8, and 10.
2. Failing to timely activate your body-worn camera in violation of Special Order S03-14.
 - **Sustained**, violation of Rules 2, 3, 5, 6, and 10.
3. Deactivating your body-worn camera prematurely in violation of Special Order S03-14.
 - Not Sustained,

³⁸ Att. 5 at 10:05 to 10:11.

³⁹ Att. 43, Second Statement of Officer Lopez (transcript), pg. 13, ln. 17 to pg. 14, ln. 1.

⁴⁰ Att. 43, pg. 8, ln. 24 to pg.9, ln. 17.

⁴¹ Att. 43, pg. 9, ln. 19 to pg. 10, ln.3.

⁴² Att. 5 at 10:48 to 10:50.

⁴³ Att. 5 at 10:57 to 10:59.

⁴⁴ Att. 43, pg. 10, lns. 11 to 12.

⁴⁵ John Cena is a wrestler and actor.

⁴⁶ Att. 43, pg. 10, lns. 13 to 18.

⁴⁷Att. 5 at 11:47 to 11:49.

⁴⁸ Att. 43, pg.11, lns. 10 to 18; Att. 36, First Statement of Officer Farias, pg. 17, lns. 4 to 13.

4. Engaging in unprofessional conduct by directing words to the effect of, "Ok, Donkey," to [REDACTED]
 - Unfounded
5. Engaging in race-based verbal abuse by directing words to the effect of "Smile so I can see you back there," to [REDACTED]
 - Unfounded
6. Engaging in sexual orientation-based verbal abuse by directing words to the effect of, "Who's gay now?" to [REDACTED]
 - **Not Sustained.**
7. Engaging in unprofessional conduct by directing words to the effect of, "Lick my balls," to [REDACTED]
 - Unfounded
8. Searching the vehicle of [REDACTED] without justification.
 - Exonerated

C. Officer Jose Lopez

1. Engaging in unprofessional conduct by directing words to the effect of, "We'll get you an emotional support animal too," to [REDACTED]
 - Unfounded,
2. Deactivating your body-worn camera prematurely in violation of Special Order S03-14.
 - **Sustained**, violation of Rules 2, 3, 5, 6, and 10.
3. Failing to timely activate your body-worn camera in violation of Special Order S03-14.
 - Unfounded
4. Engaging in unprofessional conduct by directing words to the effect of, "Ok, Donkey," to [REDACTED]
 - **Sustained**, violation of Rules 2, 3, 5, 6, 8, and 10.
5. Engaging in race-based verbal abuse by directing words to the effect of "Smile so I can see you back there," to [REDACTED]
 - **Sustained**, violation of Rules 2, 3, 5, 6, 8, and 10.
6. Engaging in sexual orientation-based verbal abuse by directing words to the effect of, "Who's gay now?" to [REDACTED]
 - **Not Sustained.**

7. Engaging in unprofessional conduct by directing words to the effect of, "Lick my balls," to [REDACTED]
 - Not Sustained

D. Officer Antonio Ramirez

1. Stopping the vehicle of [REDACTED] without justification.
 - Not Sustained
2. Engaging in unprofessional conduct by directing words to the effect of, "Don't you fucking move," to [REDACTED]
 - **Sustained**, violation of Rules 2, 3, 5, 6, 8, and 10.
3. Engaging in unprofessional conduct by directing words to the effect of, "Goofy ass." to [REDACTED]
 - **Sustained**, violation of Rules 2, 3, 5, 6, 8, and 10.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In this case, while COPA finds Officer Lopez to be generally credible, his explanation of what he meant when he directed the words, "Smile, so I can see you back there," to [REDACTED] appears disingenuous. The phrase, when directed toward an African American person, is commonly understood to be a racially based insult.⁴⁹ Officer Lopez's intention to use the phrase as an insult is made clearer by his contemporaneous mention of a black wife, which, in context, reads as an attempt to give himself permission to use the phrase.

This investigation did not reveal any other evidence that caused COPA to question the credibility of the other CPD members who provided statements (attempts to interview [REDACTED] were not successful;⁵⁰ [REDACTED] was not interviewed).

⁴⁹ See Att. 39, "Cicero sergeant disciplined for slur," *Chicago Tribune*, November 16, 2004, accessed April 24, 2024. Cicero sergeant disciplined for telling an African American Cicero officer, "smile so I can see you."

⁵⁰ Att. 10.

V. ANALYSIS⁵¹

A. There is insufficient evidence that Officer Arauz and Officer Ramirez stopped [REDACTED] vehicle without justification.

Detaining subjects without probable cause or a reasonable suspicion is prohibited under the Fourth Amendment of the U.S. Constitution and would violate CPD Rules 2, 3, 5, 6 and 10.

The available evidence is insufficient to determine that Officer Arauz's and Officer Ramirez's stop of [REDACTED] vehicle was unjustified. 'When a police officer believes that a driver has committed a minor traffic offense, probable cause supports the stop.'⁵² Here, probable cause existed if the facts known to Officers Aruz and Ramirez at the time of the stop would lead a reasonable, cautious, person to believe that [REDACTED] had committed an offense.

Under Section 9-40-120 of the Chicago Municipal Code, it is unlawful to obstruct a crosswalk.⁵³ [REDACTED] vehicle was stopped on the crosswalk at the time of the traffic stop. Although [REDACTED] stated that he was in the process of making a turn and stopped because he saw the police car coming, available video evidence only shows [REDACTED] stopped in the crosswalk. Based on where [REDACTED] vehicle was stopped, a reasonable officer could conclude that an offense had occurred. There is insufficient evidence to sustain this allegation, and COPA finds it is **not sustained**.

B. Officer Farias's search of [REDACTED] vehicle was justified.

A complete search of a vehicle without probable cause is prohibited under the Fourth Amendment of the U.S. Constitution and would violate CPD Rules 2, 3, 5, 6, and 10.

In this case, clear and convincing verifiable evidence shows that the search of [REDACTED] vehicle was supported by probable cause. "If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search."⁵⁴ Prior to the vehicle search, BWC footage shows that officers found a granular substance that they believed to be cannabis residue. The substance was in plain view on the middle console of the vehicle. In addition, during a pat down, Officer Ramirez discovered a firearm on [REDACTED] person for which [REDACTED] did not have a FOID card or a concealed carry permit.

⁵¹ For a definition of COPA's findings and standards of proof, see Appendix B.

⁵² *Jones v. Exkhart*, 737 F.3d 1107, 1114 (7th Cir. 2013) quoting, *United States v. Garcia-Garcia*, 633 F.3d 608, 612 (7th Cir. 2011).

⁵³ Att. 40, Chicago Municipal Code 9-40-120, Obstruction of intersection or crosswalk prohibited ("Notwithstanding any traffic-control signal indication to proceed, no operator of a vehicle shall enter an intersection or crosswalk unless there is sufficient space beyond such intersection or crosswalk, in the direction in which the vehicle is proceeding, to accommodate the vehicle without obstructing the passage of other vehicular traffic or pedestrians.").

⁵⁴ *United States v. Ross*, 456 U.S. 798, 825. (1982).

Having open cannabis in a vehicle and unlawfully carrying a firearm are offenses that establish probable cause to search the vehicle in all areas where additional contraband could be found.⁵⁵

COPA **exonerates** Officer Farias from this allegation.

C. Officer Farias engaged in unprofessional conduct when he directed words to the effect of, "We'll get you an emotional support animal too," to ██████

Directing disrespectful comments to a civilian is unprofessional conduct that violates CPD Rules 2, 3, 5, 6, 8, and 10.

Officer Farias admitted directing words to the effect of "we'll get you an emotional support animal too," to ██████ General Order G02-01, Protection of Human Rights specifically prohibits members from exhibiting a condescending attitude or using language intended to taunt an individual.⁵⁶

Officer Farias' assertion that he made the comment to lighten the mood is undercut by the fact that the comment was made directly after ██████ requested a supervisor. In this context, it seems more likely than not that the comment was intended to mock ██████ request. COPA finds that this allegation is **sustained**. This comment was initially incorrectly attributed to Officer Lopez.

D. Officer Lopez engaged in unprofessional conduct when he directed words to the effect of, "Ok, donkey" and "lick my balls," to ██████

Directing disrespectful comments to a member of the public is unprofessional conduct that is contrary to CPD policy that members act in a respectful and professional manner.⁵⁷ It is misconduct, violating CPD Rules 2, 3, 5, 6 and 10.

The words were admitted. Officer Lopez further admitted that directing them towards ██████ constituted unprofessional conduct.

Officer Lopez's claim that he used the language in response to ██████ behavior is unavailing. While ██████ language directed towards the officers was undeniably offensive, Officer Lopez's duty is to act in accordance with the Rules. This duty is incumbent on him by virtue of his office and his obligations in this regard are non-reciprocal. COPA finds that this allegation is **sustained**. This comment was initially incorrectly attributed to Officer Farias.

E. Officer Lopez and Officer Farias engaged in sexual orientation based verbal abuse when they directed words to the effect of, "Who's gay now," to ██████

⁵⁵ Att. 45, 720 ILCS 5.0/24 – 1.6, Aggravated unlawful use of a weapon; Att. 46, 410 ILCS 705/10-35, *Cannabis Regulation and Tax Act*.

⁵⁶ Att. 48, G02-01(III)(B)(4), Protection of Human Rights (effective June 30, 2022 to present).

⁵⁷ Att. 48, G02-01(III)(B)(3).

General Order G02-01 prohibits CPD members “directing any derogatory terms toward any person in any manner,” and from using language or taking action intended to taunt an individual.”⁵⁸ Directing derogatory language toward ██████ would therefore violate CPD Rules 2, 3, 5, 6, 8 and 10.

Words to the effect of, “Who’s gay now?” were made in the squadrol by an officer. Because neither officer could recall which of them made the statement nor does other evidence establish who stated the phrase. COPA finds this allegation to be **not sustained**.

F. Officer Lopez engaged in racially based verbal abuse when he directed words to the effect of, “Smile so I can see you back there,” to ██████

General Order G02-01 prohibits CPD members from “using racist or derogatory language.”⁵⁹ Directing racist or derogatory language towards a member of the public violates CPD Rules 2, 3, 5, 6, 8, and 10.

Officer Lopez improperly directed racially based abusive language toward ██████. Although Officer Lopez admitted to making the comment, he was not forthcoming about the meaning of the phrase and his intention when he used it. The phrase, when directed toward an African American person, is commonly understood to be a racially based insult.⁶⁰ Officer Lopez’s claim that he was trying to cheer ██████ up defies credulity when considered with the fact that moments earlier, Officer Lopez directed the words, “donkey” and “lick my balls” toward ██████. Equally unlikely is Officer Lopez’s assertion that he was referencing the wrestler, John Cena.⁶¹ Indeed, the fact that Officer Lopez was aware of the racial nature of the comment is supported by the fact that Officer Lopez mentioned the race of his romantic partner immediately after making the comment. COPA finds this allegation to be **sustained**. This comment was initially incorrectly attributed to Officer Farias.

G. Officer Ramirez engaged in unprofessional conduct when he directed words to the effect of "Don't you fucking move," to ██████ and words to the effect of "Goofy ass," to ██████

Directing disrespectful comments to a civilian is unprofessional conduct that is contrary to CPD policy that members act in a respectful and professional manner.⁶² Such conduct therefore violates CPD Rules 2, 3, 5, 6, 8 and 10.

⁵⁸ Att. 48, G02-01(III)(B)(4).

⁵⁹ Att. 48, G02-01(III)(B)(4).

⁶⁰ See Att. 39, “Cicero sergeant disciplines for slur,” Chicago Tribune, November 16, 2004, accessed April 24, 2024. Cicero sergeant disciplined for telling an African American Cicero officer, “Smile so I can see you.”

⁶¹ Att. 50, Phelan C. (April 3, 2023) ‘You Can’t See Me’: The Story Behind John Cena’s Iconic, Mocking Hand Gesture, USA Network.

⁶² Att. 48, G02-01(III)(B)(3).

Officer Ramirez improperly directed profane language toward [REDACTED] and [REDACTED]. Officer Ramirez admitted directing the words, “Don’t you fucking move” at [REDACTED]. Officer Ramirez later expressed regret about his choice of language. Although Officer Ramirez stated that he made the comment as an expression of concern due to the presence of a firearm, it is unprofessional and therefore misconduct, especially when considered in the context of the other language used during the course of the interaction between the involved CPD members and these members of the public. COPA finds these allegations against Officer Ramirez to be **sustained**.

H. Officer Lopez timely activated his BWC; Officer Farias failed to timely activate his BWC in violation of Special Order S03-14.

Officer Lopez timely activated his body-worn camera (BWC), but Officer Farias did not.

To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement related encounters to be electronically recorded.⁶³ CPD members must activate at the beginning of an incident (or as soon as practical) and are required to record the entire incident.⁶⁴ Law-enforcement encounters include, but are not limited to, arrests, traffic stops, searches, any encounter with the public that has become adversarial after the initial contact and arrestee transports.⁶⁵ The decision to record is mandatory, not discretionary.⁶⁶ A CPD member will not deactivate their BWC unless the entire incident has been recorded and the member is no longer involved in police activity.⁶⁷

For the purposes of the deactivation of a BWC, the law-enforcement related activity involving arrestee transport is concluded when the arrestee is secured in the processing room and the member is alone or only with other sworn members or custody has been transferred to another member, lock-up personnel, mental health providers or hospital personnel.⁶⁸ Failing to follow these directives violates CPD Rules 2, 3, 5, 6, and 10.

COPA concludes that Officer Lopez timely activated his BWC. Officer Lopez activated his BWC when he initially exited his vehicle on scene. COPA therefore finds the allegation that Officer Lopez failed to timely activate his BWC to be **unfounded**.

Officer Farias did not activate his BWC in a timely manner. Officer Farias had exited the vehicle and had begun engaging in law enforcement related activity by standing close to an arrestee ([REDACTED]) and positioning himself to assist with an arrest, before activating his BWC. There is no apparent reason that Officer Farias could not have activated his BWC sooner. COPA finds this allegation to be **sustained**.

⁶³ Att. 49, S03-14 (II)(A) Body Worn Cameras (effective April 30, 2018 to December 29, 2023).

⁶⁴ Att. 49, S03-14(III)(A)(2).

⁶⁵ Att. 49, S03-14 (III)(A)(2).

⁶⁶ Att. 49, S03-14 (III)(A)(1).

⁶⁷ Att. 49, S03-14 (III)(B)(1)(a).

⁶⁸ Att. 49, S03-14 (III)(B)(1)(a)(3).

I. Officer Lopez prematurely deactivated his BWC in violation of Special Order S03-14; there is insufficient evidence that Officer Farias prematurely deactivated his BWC.

Officer Lopez deactivated his BWC while engaging in the law-enforcement related activity of transporting an arrestee, [REDACTED] Officer Lopez did not reactivate his BWC until the squadrol arrived at the district. As a result, during nearly the entirety of the transport, Officer Lopez's BWC remained deactivated. COPA finds that the allegation that Officer Lopez prematurely deactivated his BWC is **sustained**.

There is, however, insufficient evidence that Officer Farias prematurely deactivated his BWC. Officer Farias deactivated his BWC seconds after arriving at District 8. Because Officer Farias was the driver, the squadrol was between his BWC and the door of the district at the time he deactivated his BWC. The moment when custody of [REDACTED] was transferred is unclear. COPA finds this allegation to be **not sustained**.

VI. DISCIPLINARY RECOMMENDATION⁶⁹

A. Officer Roger Farias

1. Complimentary and Disciplinary History

The officer's "Five Year Sustained History Report" as received from CPD indicates a 2019 case with sustained findings, resulting in a one-day suspension. Upon investigation, numerous other sustained findings were discovered (see below). The officer's "SPAR History Report" received from CPD indicates two preventable accidents from 2023, a failure to perform assigned tasks from 2023, and a court appearance violation for 2024, each of which resulted in a reprimand. The officer has received 212 awards throughout his career, including one Unit Meritorious Performance Award, one Traffic Stop of the Month Award, one Top Gun Arrest award, and one Police Officer of the Month Award.⁷⁰

2. Recommended Discipline

Aggravating factors include the fact that the victim was a member of the public as well as language, the use of which involves a disregard of training expectations. Additionally training expectations were disregarded by Officer Farias regarding the late activation of his BWC.

COPA notes Officer Farias's complimentary history as well as his disciplinary history. In respect of the allegations sustained in this complaint, COPA recommends that Officer Farias be **suspended for fifteen days**.

⁶⁹ COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021), para. II.

⁷⁰ Att. 50. A single document contains the complimentary and disciplinary history provided by CPD for all the accused officers against whom COPA sustained allegations.

B. Officer Jose Lopez

1. Complimentary and Disciplinary History

The officer's "Five Year Sustained History Report" as received from CPD indicates one 5-day suspension in connection with a 2020 complaint (although it appears that the suspension was actually for thirty days; see below). The officer's "SPAR History Report" received from CPD indicates one 2023 reprimand for a preventable vehicle accident. The officer has received 304 awards throughout his career, including three Unit Meritorious Performance Awards, three Traffic Stop of the Month Awards, and two Top Gun Arrest Awards.

Within the last five years, Officer Lopez was subject to numerous complaints that were administratively closed (see table, below),⁷¹ complaints where the allegations were not sustained due to insufficient evidence (not listed), a complaint where COPA sustained findings against Officer Lopez (log 2020-0004171, "Officer Lopez used excessive force...engaged in an unjustified verbal altercation...when he used language that tended to belittle or mock") resulting in a thirty-day suspension by CPD.

2. Recommended Discipline

Aggravating factors include the fact that the victim was a member of the public as well as language that constituted race-based discriminatory language, which inherently involves a disregard of professional expectations. In mitigation, Officer Lopez took responsibility for the language he used and expressed regret. Equally, although circumstances surrounding the deactivation of Officer Lopez's BWC are of some concern, the fact that his partner's BWC continued to roll (and there was no sudden change of demeanor on Officer Lopez's part upon his deactivating his camera) suggests that Officer Lopez's BWC deactivation was not made to impede the investigation or as part of an attempt to cover up additional, intentional misconduct.

COPA notes Officer Lopez's complimentary history. Given COPA's findings of misconduct, the officer's experience, the seriousness of the misconduct (type of language used), and the disciplinary history of the officer (one sustained finding of similar misconduct within a five-year period), COPA recommends that Officer Lopez be **suspended for 30 days**.

C. Officer Antonio Ramirez

1. Complimentary and Disciplinary History

⁷¹ "Prior not-sustained allegations, when considered in the aggregate, may identify a pattern and can provide insight on investigations." Para. II.B.1.a., COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021).

The officer's "Five Year Sustained History Report" as received from CPD indicates no records found. The officer's "SPAR History Report" received from CPD indicates a one-day suspension in connection with a 2024 preventable accident. The officer has received 203 awards throughout his career, including four Top Gun Arrest Awards.

2. Recommended Discipline

An aggravating factor is the fact that the victim was a member of the public. COPA notes Officer Ramirez's complimentary history. Given COPA's findings of misconduct, the seriousness of the misconduct (type of language used), and the disciplinary history of the officer (one sustained finding of similar misconduct within a five-year period), COPA recommends that Officer Ramirez be **suspended for 1 day**.

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date 5/21/2024

Appendix ACase Details

Date/Time/Location of Incident:	December 8, 2022/ 8:50pm/6300 S. Talman
Date/Time of COPA Notification:	December 9, 2022/ 7:12am
Involved Member #1:	David Arauz, Star No 4101, Employee No. [REDACTED], Date of Appointment: June 25, 2018, Unit of Assignment 007, male, Hispanic
Involved Member #2:	Roger Farias, Star No. 9942, Employee No. [REDACTED], Date of Appointment: December 16, 2009, Unit of Assignment: 007 male, Hispanic
Involved Member #3:	Jose Lopez, Star No. 11943, Employee No. [REDACTED], Date of Appointment: May 1, 2006, Unit of Assignment: 008, male, Hispanic
Involved Member #4:	Antonio Ramirez, Star No. 19116, Employee No. [REDACTED], Date of Appointment: February 20, 2018, Unit of Assignment: 007, male, Hispanic
Involved Individual #1:	[REDACTED] male, Black
Involved Individual #2:	[REDACTED] male, Black

Applicable Rules

- 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 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective June 30, 2022 to present)
- S03-14: Body Worn Cameras (effective April 30, 2018 to December 29, 2023).
- Chicago Municipal Code 9-40-120, Obstruction of intersection or crosswalk prohibited.
- Illinois Compiled Statutes 410 ILCS 705/10-35, Cannabis Regulation and Tax Act
- Illinois Compiled Statutes 720 ILCS 5.0/24 – 1.6, Aggravated unlawful use of a weapon.

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.⁷² For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, 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. 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.”⁷³

⁷² 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 is found to be more probably true than not).

⁷³ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation