

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 13, 2021
Time of Incident:	6:58 pm
Location of Incident:	1 W 63 rd St.
Date of COPA Notification:	August 13, 2021
Time of COPA Notification:	8:10 pm

The involved officers were working together in an unmarked SUV when they heard a ShotSpotter call over the radio.¹ The officers then saw a black Chevrolet sedan driving quickly from the direction of the ShotSpotter call. The officers made a U-turn to get behind the Chevrolet, which pulled to the side of 63rd St. as it reached State St. The officers approached the driver, now identified as [REDACTED] who gave them his driver’s license and insurance card. The officers observed a “blunt” and smelled marijuana coming from the car.² Officer Juan Pintor returned to the officers’ vehicle to check [REDACTED] name, which came back clear. The officers told [REDACTED] to exit the vehicle because of the marijuana. [REDACTED] refused to exit the vehicle and repeatedly said he did not do anything. One of the officers unlocked the car doors and Officer Pedro Venegas opened the driver’s door and stood in the open doorway. [REDACTED] put the vehicle in reverse and went quickly backward, dragging Officer Venegas and briefly pinning him between the Chevrolet and a concrete median. Officer Venegas discharged his firearm once as this was happening. Officer Venegas fell to the ground and [REDACTED] drove away in the Chevrolet, which was later found abandoned several blocks away.

Any discharge of an officer’s firearm triggers a mandatory notification to COPA. This investigation was initiated pursuant to such notification. After review of all available evidence, COPA finds that Officer Venegas’s use of deadly force was within Chicago Police Department (CPD) policy. However, COPA finds that the involved members committed other infractions that were in violation of CPD policy.

II. INVOLVED PARTIES

Involved Officer #1:	Pedro Venegas; Star# 9624; Employee ID# [REDACTED]; Date of Appointment: November 16, 2017; Police Officer; Unit: 716; Male; Hispanic
Involved Officer #2:	Roger Farias; Star# 9942; Employee ID# [REDACTED]; Date of Appointment: December 16, 2009; Police Officer; Unit: 716; Male; Hispanic

¹ ShotSpotter is a technology system CPD uses that detects gunshots.
² A blunt is a cigar where the tobacco has been removed and replaced with marijuana.

Involved Officer #3: Juan Pintor; Star# 6255; Employee ID# [REDACTED] Date of Appointment: October 16, 2017; Police Officer; Unit: 716; Male; Hispanic

Involved Officer #4: Shahrukh Ali; Star# 14112; Employee ID# [REDACTED]; Date of Appointment: October 26, 2015; Police Officer; Unit 716; Male; Asian / Pacific Islander

Involved Individual #1: [REDACTED] Male; Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Pedro Venegas	<p>It is alleged that on or about August 13, 2021, at approximately 6:58 p.m., in the vicinity of 1 West 63rd Street, Officer Pedro Venegas committed misconduct through the following acts or omissions by:</p> <ol style="list-style-type: none"> 1. Stopping [REDACTED] vehicle without justification; 2. Failing to use de-escalation techniques to prevent or reduce the need for force, in violation of G03-02-01; 3. Forcefully opening, or attempting to forcefully open, [REDACTED] car door without justification; 4. Pointing his firearm at or in the direction of [REDACTED] through his car window without justification; and 5. Failing to load his firearm with only one manufacturer and style of ammunition, in violation of U04-02. 	<p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Sustained / Violation Noted</p>
Officer Roger Farias	<p>It is alleged that on or about August 13, 2021, at approximately 6:58 p.m., in the vicinity of 1 West 63rd Street, Officer Roger Farias committed misconduct through the following acts or omissions by:</p> <ol style="list-style-type: none"> 1. Stopping [REDACTED] vehicle without justification; 	<p>Exonerated</p> <p>Not Sustained</p>

Officer Juan Pintor

- 2. Failing to use de-escalation techniques to prevent or reduce the need for force, in violation of G03-02-01; Not Sustained
- 3. Reaching his hand through [REDACTED] vehicle window and forcefully opening, or attempting to forcefully open, his car door without justification; Exonerated
- 4. Failing to remain separate from other witness officers following a firearm discharge, in violation of G03-06 VII.B.2; and Sustained / 3-day Suspension
- 5. Failing to notify OEMC that he pointed his firearm at [REDACTED] in violation of D19-01.

It is alleged that on or about August 13, 2021, at approximately 6:58 p.m., in the vicinity of 1 West 63rd Street, Officer Juan Pintor committed misconduct through the following acts or omissions by:

- 1. Stopping [REDACTED] vehicle without justification; Exonerated
- 2. Failing to remain separate from other witness officers following a firearm discharge, in violation of G03-06 VII.B.2; Sustained / 1-day Suspension
- 3. Failing to notify OEMC that he pointed his firearm at [REDACTED] in violation of D19-01; and Not Sustained
- 4. Failing to timely activate his Body Worn Camera, in violation of S03-14.

Officer Shahrukh Ali

It is alleged that on or about August 13, 2021, at approximately 6:58 p.m., in the vicinity of 1 West 63rd Street, Officer Shahrukh Ali committed misconduct through the following acts or omissions by:

- 1. Stopping [REDACTED] vehicle without justification; Exonerated
- 2. Failing to remain separate from other witness officers following a firearm discharge, in violation of G03-06 VII.B.2; and Sustained / Reprimand
- 3. Failing to notify OEMC that he pointed his firearm at [REDACTED] in violation of D19-01.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
 4. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 5. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 6. Rule 38: Unlawful or unnecessary use or display of a weapon.
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General Orders

1. G03-02: De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021)
 2. G03-02-01: Response to Resistance and Force Options (effective April 15, 2021)
 3. G03-02-03: Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021)
 4. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective April 15, 2021)
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Special/Uniform Orders

1. U04-02: Department Approved Weapons and Ammunition (effective May 7, 2021)
 2. D19-01: Firearm Pointing Incidents (effective November 1, 2019)
 2. S03-14: Body Worn Cameras (effective April 30, 2018)
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Federal Laws

1. Fourth Amendment to the United States Constitution: Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION³

a. Interviews

In a statement to COPA on December 17, 2021,⁴ **Officer Pedro Venegas** said that he and Officers Pintor, Farias, and Ali were working together in an unmarked SUV.⁵ Officer Farias was the driver. The officers were returning to the police station, driving westbound on 63rd St., when they heard a ShotSpotter alert for twenty rounds of gunfire near 61st and Union. Simultaneously, the officers observed a black, four-door sedan traveling eastbound on 63rd St. at a high rate of

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Atts. 66 and 67.

⁵ Officer Venegas sat in the rear driver's seat.

speed—at least 50 miles per hour.⁶ Officer Venegas explained that based on his training and experience, people who commit shootings and other crimes tend to drive toward the expressway to escape, as CPD officers cannot pursue on expressways.⁷ Officer Farias made a U-turn to follow the vehicle. The black sedan then merged into a lane without signaling. The officers subsequently conducted a traffic stop. The black sedan stopped just west of State St., almost at the mouth of a viaduct. Officer Farias parked the squad car in front of the black sedan so he would not obstruct traffic. Officer Venegas approached the driver's side and Officer Ali approached the passenger's side of the sedan. Officer Ali spoke to the driver, now identified as ██████████ from the front passenger window. ██████████ driver-side window was up, and Officer Venegas could barely see inside the sedan. Officer Venegas told Officer Ali to have ██████████ lower the front driver window, and ██████████ partially lowered the window. Officer Venegas immediately smelled a strong odor of cannabis coming from the car and saw a partially burnt blunt in the center console. He also recalled seeing a bookbag in the front passenger side of the vehicle but did not remember the exact location. Officer Ali obtained ██████████ driver's license and returned to the squad car to run ██████████ name. ██████████ windows were tinted, and the back windows were up. Officer Venegas asked ██████████ to lower the back window to ensure there was no one else in the sedan. ██████████ complied.

According to Officer Venegas, ██████████ was on high alert. He began sweating, breathing rapidly, and his eyes bulged wide open. At some point during the traffic stop, there was a radio transmission indicating that a black, four-door sedan fled from the ShotSpotter incident. Given that ██████████ was in a black, four-door Chevy Impala, had cannabis in the car, and appeared extremely nervous, one of the officers asked ██████████ to exit the sedan.⁸ ██████████ began moving around and raising the windows. Officer Ali assured ██████████ that everything would be okay and to just exit the sedan. Officer Venegas placed his hand on the front window to prevent ██████████ from closing the window so he could see inside the sedan. Based on ██████████ behavior, Officer Venegas suspected ██████████ was retrieving or concealing a weapon that could harm him. Officer Venegas unholstered his firearm, pointed it at ██████████ and said, "Hey, show me your hands. Lower down the window."⁹ One of the officers unlocked the doors. Officer Venegas then opened the door, holstered his firearm, and tried to grab ██████████ hands to gain compliance. ██████████ hand hovered over the gear shift, and Officer Venegas believed ██████████ might drive away. Officer Venegas tried to back away to avoid getting hurt, but ██████████ shifted his sedan to reverse and accelerated. Officer Venegas' body was caught between the door and frame of the sedan, and he was dragged backward. Officer Venegas saw the concrete median, felt his body going underneath ██████████ car, and thought he was going to die. Officer Venegas unholstered his firearm as he was being dragged and discharged his weapon once at ██████████ to stop him.¹⁰ Officer Venegas's body struck a concrete median, and he fell to the ground in excruciating pain.¹¹ Unable to move his legs, he pushed himself up and hobbled to the side of the road to avoid being run over by ██████████. The sedan sped off and continued eastbound on 63rd St. Officer Venegas told his partners that he discharged his weapon. He was transported by a Chicago

⁶ Officer Venegas did not know the cross street, but said the vehicle was traveling on the bridge that goes over the expressway. Based on Officer Venegas' description, the vehicle was likely between Wentworth and Yale Aves. (200 – 232 W 63rd St.).

⁷ According to Google Maps, 6300 S Yale is a three-minute drive and 0.8 miles from 6100 S Union. Att. 96.

⁸ Officer Venegas did not remember which officer asked ██████████ out of the vehicle.

⁹ Att. 67, Interview Transcript of Officer Venegas, pg. 31, lns. 4 to 5.

¹⁰ He was approximately an arm's length from ██████████ when he discharged his weapon.

¹¹ He lost his weapon when he struck the median.

Fire Department (CFD) ambulance to the hospital. He sustained bruising to his body, an open wound to his ankle, and bruising to his bone.

When asked if he used de-escalation techniques prior to attempting to open [REDACTED] door, Officer Venegas recalled telling [REDACTED] to stop and that things would be okay; however, Officer Ali was the primary officer who conversed with [REDACTED] to avoid overwhelming him and prevent further agitation.

Officer Venegas was asked how he suspected [REDACTED] vehicle was involved in the ShotSpotter incident when the dispatcher described the involved vehicle as a black Grand Am or Charger, and [REDACTED] was in a black Chevy Impala. Officer Venegas explained that the officers' role was to investigate to determine if [REDACTED] vehicle was involved. Additionally, he stated that the model of the car could have been wrong, and reiterated that [REDACTED] was in a black, four door sedan, consistent with the description they heard over the radio.

Regarding the allegation about his ammunition, Officer Venegas said his firearm was loaded with 9mm ammunition. He was unsure of the manufacturer or style of the ammunition because he received it from the gun range at the police academy when he qualified with his weapon. He believes the ammunition was in the manufacturer's box, but he did not recall whether the box was sealed. Officer Venegas said his gun stovepiped when he discharged his weapon, and the fired cartridge case did not fully eject. Because the casing was stuck in the firearm, he does not know the source of the recovered cartridge case in question.

In a statement to COPA on October 7, 2021,¹² **Officer Shahrukh Ali** provided an account consistent with Officer Venegas. Officer Ali said they observed [REDACTED] sedan traveling eastbound on 63rd St. near Yale Ave. roughly a minute or less after hearing the ShotSpotter alert. Officer Ali could not determine the sedan's exact speed, but it was going faster than the flow of traffic and over the speed limit, which is 30 miles per hour in that area. [REDACTED] was in the right lane—one of two lanes that merge into one traveling east. When the two lanes become one, the lane goes under the viaduct. Once [REDACTED] merged into the lane without signaling, the officers activated the squad car's emergency lights.

When Officer Ali approached the sedan, [REDACTED] lowered the front passenger window halfway. Upon seeing the burnt blunt in the center console, Officer Ali told him he should not smoke cannabis while driving. Officer Ali said he handed [REDACTED] driver's license to Officer Pintor to perform a name check. Meanwhile, Officers Farias and Venegas spoke with [REDACTED] When Officer Ali returned to [REDACTED] vehicle, the driver's window was partially down. Based on his experience, [REDACTED] actions were consistent with someone trying to mask a smell or conceal something. Officer Ali also noticed that [REDACTED] was on high alert. He recalled that either Officer Venegas or Officer Farias asked [REDACTED] to exit the sedan. [REDACTED] refused and became uncooperative. Officer Ali engaged [REDACTED] and attempted to deescalate the situation. He called [REDACTED] name and tried to calm him down to avoid further incident. [REDACTED] put his window up, which was heavily tinted. Officer Ali had to look through the front windshield to properly see [REDACTED] Officers Venegas and Farias somehow unlocked the doors, and Officer Ali opened the front passenger door.¹³ Officer Ali told [REDACTED] to

¹² Atts. 64 and 68.

¹³ Officer Ali did not see how they opened the door, but he heard the doors unlock.

relax. [REDACTED] kept motioning his hand toward the gear shift, which he believed signaled that [REDACTED] was going to flee. Officer Ali began to backtrack. [REDACTED] placed the sedan in reverse and accelerated at a high rate of speed. The front driver-side door brushed against Officer Ali, and he nearly lost his footing as there was a high curb behind him. As the sedan drove in reverse, Officer Venegas was dragged and yelled for help. The sedan struck a cement viaduct and there was a loud sound. [REDACTED] then placed the sedan in drive and drove in Officer Ali's direction. In fear of his safety, Officer Ali drew his firearm and pointed it at the vehicle. He could not back up because he was pinned against a pillar. Officer Ali explained, "So I mean, at that point I was afraid that, I mean, he's going to hit me too. I mean, he already hit Venegas" ¹⁴ [REDACTED] then veered left and drove off.

Officer Ali saw Officer Venegas on the ground in pain. Officer Ali heard, "I'm shot," and believed Officer Venegas was shot. Officer Ali requested an ambulance and notified the Office of Emergency Management and Communication (OEMC) that an officer was down and had been hurt. Officer Ali soon realized that Officer Venegas was not shot, but that he had discharged his weapon. Officer Ali then informed OEMC there were shots fired by the police. Officer Pintor disseminated a flash message with a description of [REDACTED] sedan. The officers stayed with Officer Venegas until the ambulance arrived.

Officer Ali said he did not notify OEMC that he pointed his firearm at [REDACTED] likely due to the commotion. Once he saw Officer Venegas down and thought he was shot, his priority was to get an ambulance and request additional officers. Regarding the allegation that he failed to remain separate from other witness officers following a firearm discharge, Officer Ali said they were initially going to transport Officer Venegas to the hospital in their squad car because it took a while for the ambulance. Once help arrived and Officer Venegas went into the ambulance, he and the other involved officers separated. Officer Ali later clarified that they separated once supervisors arrived on scene. He added that it was a high-stress situation, and he had never before been in a situation where there were shots fired by the police.

In a statement to COPA on August 30, 2021, ¹⁵ **Officer Roger Farias** provided an account consistent with Officers Venegas and Ali. Officer Farias estimated that [REDACTED] was traveling at least fifty to sixty miles per hour. Also, Officer Farias said that [REDACTED] cut off another car when he merged into the left lane without signaling. [REDACTED] sedan slowed down and drove at normal speed after Officer Farias made the U-turn, which allowed him to catch up to [REDACTED]. Officer Farias pulled in front of [REDACTED] sedan to free up traffic. During the stop, [REDACTED] checked his surroundings and watched every officer's move. One moment [REDACTED] was cooperative; the next, it seemed that he was planning something. [REDACTED] became evasive and closed the windows after Officer Ali asked him out of the vehicle. According to Officer Farias, closing the windows created a safety issue for the officers because the windows were tinted. Officer Farias placed both hands on top of the cracked driver's side window and pressed down to prevent the window from closing. He intended to prevent [REDACTED] from possibly reaching for a weapon.

As Officer Ali spoke to [REDACTED] Officer Farias reached in through the window and pressed the switch to unlock the doors. [REDACTED] locked the door. Officer Farias unlocked the doors a second

¹⁴ Att. 68, Interview Transcript of Officer Ali, pg. 35, lns. 18 to 21.

¹⁵ Atts. 50 and 70.

time. [REDACTED] reached toward the gear shift and Officer Farias backed away. Officer Farias heard a gunshot as Officer Venegas was dragged. In fear of what [REDACTED] would do next, Officer Farias drew and pointed his weapon at [REDACTED] put the sedan in drive and “floored” the sedan,¹⁶ driving in Officer Farias’s direction. Officer Farias ran to avoid getting struck by the sedan.

When asked if he used de-escalation techniques prior to reaching into [REDACTED] sedan, he said that due to [REDACTED] behavior and the totality of circumstances, he had to react quickly because [REDACTED] raised his tinted windows. He added that he de-escalated by backing away when [REDACTED] reached for the gear shift. Officer Farias stated that Officer Ali was the sole officer communicating with [REDACTED] and he used de-escalation methods. Officer Farias did not say much because he did not want to confuse [REDACTED] and wanted him to clearly hear Officer Ali. Officer Farias said he does not recall notifying OEMC that he pointed his firearm. There were a slew of radio transmissions over the air and he was mostly worried about Officer Venegas. Regarding his failure to remain separate from other witness officers following a firearm discharge, he said that during that time there was a lot of confusion, and he was extremely worried about Officer Venegas’s injury. The officers initially placed Officer Venegas in the back of their squad car and debated whether they would bring Officer Venegas to the hospital or wait for an ambulance. Once Officer Venegas was transported via ambulance to the hospital, Officer Farias did not know where to go. There were several supervisors on scene who kept asking him questions. Finally, two detectives told Officer Farias to walk to their car.

In a statement to COPA on August 30, 2021,¹⁷ **Officer Juan Pintor** provided an account consistent with Officers Venegas, Ali, and Farias. Officer Pintor said that after he performed a name check with the Portable Data Terminal (PDT) and ran [REDACTED] license plate, he told Officer Ali that [REDACTED] license was valid. However, the officers needed [REDACTED] to exit the vehicle to write him a ticket or to conduct a standardized field sobriety test for Driving Under the Influence (DUI) to determine if he was under the influence of cannabis.

Officer Pintor said that once [REDACTED] struck the concrete median and Officer Venegas fell to the ground, [REDACTED] accelerated toward Officer Pintor. Officer Pintor drew his gun and presented it toward [REDACTED] then maneuvered around Officer Pintor and fled eastbound. Officer Pintor said he does not remember whether he notified OEMC that he pointed his firearm at [REDACTED] as there was a lot transpiring. He had to check on Officer Venegas and make sure an ambulance was coming. Regarding the allegation that he failed to remain separate from other witness officers following a firearm discharge, Officer Pintor said the scene was very chaotic and they were tending to Officer Venegas. Once supervisors and detectives arrived on scene, they had them separate. Regarding the Body Worn Camera (BWC) allegation, Officer Pintor said he normally activates his BWC as he exits the squad car, and he believed he did so in this instance.

In an **Electronically Recorded Interview** with CPD detectives,¹⁸ [REDACTED] denied running anyone over. He said the officer was holding on to his vehicle and could have removed his arm

¹⁶ “Floored” is a colloquial term for fully pressing the accelerator pedal.

¹⁷ Atts. 54 and 69.

¹⁸ Att. 99 at 6:50 to 8:52.

before the vehicle pulled away.¹⁹ COPA's attempts to schedule an interview with ██████ were unsuccessful.²⁰

b. Digital Evidence

On August 13, 2021, at 6:49 p.m., the **ShotSpotter system** detected 26 rounds of gunfire at 552 W 61st Pl.²¹

COPA obtained and reviewed **BWC recordings,**²² **In-Car Camera (ICC) recordings,**²³ **and Third-Party video recordings.**²⁴ The following summary reflects the most material evidence to the investigation. Officer Ali approached the front passenger's side of ██████ sedan. ██████ partially lowered the front passenger window.²⁵ Officer Venegas approached the front driver's side door, and Officers Farias and Pintor stood further back near the driver's side. Officer Ali asked for ██████ license. At Officer Venegas' request, ██████ lowered the front driver's side window, which until that point had been closed.²⁶ Officer Ali told ██████ he was not in trouble. ██████ slightly lowered the front driver's window.²⁷ Officer Venegas greeted ██████ and asked how he was doing. Officer Ali pointed into the sedan and told ██████ he should refrain from smoking "that" in his car. Officer Ali asked ██████ if he had a conceal and carry license, but ██████ seemed confused by the question. Officer Ali then asked if ██████ had a firearm on him. ██████ denied having a firearm. Officer Ali walked to the squad car with ██████ driver's license and conferred with Officer Pintor, who was seated in the front passenger's seat.

Officers Venegas and Farias remained at the front driver's side of ██████ sedan. Officer Venegas explained that due to the cameras, officers must ask if people have a conceal and carry license. Officer Venegas asked ██████ how far he was headed. ██████ pointed ahead and said just over there. Officer Venegas asked ██████ if anyone was in the back seat and if he would lower the back window. ██████ slightly lowered the rear driver's side window. Officer Ali told Officer Farias there was a blunt in the center console. Moments later, Officer Pintor told Officer Ali that ██████ driver's license was valid. As Officer Ali returned to ██████ sedan, the radio dispatcher announced that someone was shot at the ShotSpotter location, and the offender fled eastbound on 61st Pl. in a black Grand Am or Charger with an unknown license plate.²⁸ Officer Ali asked ██████ if there was other cannabis in the car besides the blunt and inquired why the smell was so strong. ██████ response was inaudible.

¹⁹ ██████ threatened to harm himself and was later transported to the hospital for a medical evaluation.

²⁰ See Case Management System (CMS) Notes CO-0154818, CO-0155733, CO-0155767, CO-0155774, CO-0156442, CO-0160793, CO-1351522, and Att. 88.

²¹ Att. 19.

²² Atts. 6 to 13; 43.

²³ Att. 62. The involved officers' vehicle, an unmarked Ford Police Interceptor SUV, did not have an ICC. Att. 89, pg. 17.

²⁴ Atts. 42; 58 to 60.

²⁵ Att. 6, Officer Ali's BWC recording, at 0:47.

²⁶ Att. 12, Officer Venegas's BWC recording, at 1:36.

²⁷ There was a black Michael Kors bookbag on the front passenger seat.

²⁸ Att. 6 at 2:19.

Officer Farias reached into the front driver's side window with his left hand, and he and Officer Venegas pulled the door handle.²⁹ ██████ exclaimed, "Hold on. Hold on. What is y'all doing," referring to Officers Venegas and Farias. Officer Ali said to ██████ "Hey, you're good. You're good. You're good."³⁰ ██████ raised the front and rear passenger windows. Officers Venegas and Farias placed their hands into the window opening. Officer Venegas told ██████ not to close the window because they could not see anything.³¹ Officer Ali told ██████ to listen and repeatedly called his name. Officer Ali opened the front passenger door.³² ██████ exclaimed that he gave the officers his license and insurance. ██████ repeatedly grabbed the gear shift and yelled that he did not do anything. ██████ raised the back and front driver's side windows. Officer Venegas unholstered his firearm, pointed it at ██████ and said, "Don't fucking!"³³ Officer Venegas holstered his firearm, opened the front driver's door, and attempted to grab ██████ left arm. ██████ drove the sedan in reverse, with Officer Venegas wedged between the open door.³⁴ ██████ sedan struck a cement support beam, throwing Officer Venegas against it. Officer Venegas simultaneously pointed his gun in ██████ direction as the sedan continued in reverse.³⁵ Officer Venegas and his gun fell to the ground, and ██████ crashed into another vehicle.³⁶ Officer Venegas crawled out of the path of ██████ sedan. Officer Ali said, "Watch out! Watch out!" Officers Ali, Pintor, and Farias pointed their firearms at ██████ as he accelerated forward and fled the scene.³⁷ Officer Farias ran out of the path of ██████ sedan.

Officer Venegas lay on the ground, crying out in pain. Officer Farias stayed with Officer Venegas while Officer Ali made radio notifications. Officer Pintor went to the squad car. Officer Venegas told the officers that he shot his weapon. Responding officers and a supervisor arrived on scene.³⁸ Officers Ali and Pintor paced back and forth from the squad car and communicated with responding officers. Officer Ali informed responding officers that ██████ fled in a black Impala. Officer Farias and other officers helped Officer Venegas up from the street pavement. Officer Ali told a responding supervisor that Officer Venegas was dragged. Officers placed Officer Venegas in the back seat of the police squad car.³⁹ Officers Farias and Pintor entered the front seat. CFD personnel arrived on scene and assisted Officer Venegas.⁴⁰ Officer Venegas sat in the trunk area of the police vehicle. Officers Ali, Farias, and Pintor stood around the squad car while CFD tended to Officer Venegas. The officers responded to questions from supervisors and provided additional information.

²⁹ Att. 8, Officer Venegas' BWC recording, at 3:19; Att. 12 at 2:37.

³⁰ Att. 6 at 2:43.

³¹ Att. 12 at 3:26.

³² Att. 6 at 2:53.

³³ Att. 12 at 3:37; Att. 8 at 2:55.

³⁴ Att. 12 at 3:42; Att. 8 at 2:59; Att. 6 at 3:00.

³⁵ Att. 6 at 3:03.

³⁶ Att. 6 at 3:05.

³⁷ Att. 8 at 3:08; Att. 10, Officer Pintor's BWC recording, at 4:01; Att. 6 at 3:08.

³⁸ Att. 6 at 5:01.

³⁹ Att. 12 at 8:21.

⁴⁰ Att. 6 at 8:37.

At the onset of this event, Officer Pintor appeared to be the last officer to exit the squad car. He activated his BWC within eight seconds of exiting the vehicle.⁴¹

The **OEMC Event Queries**,⁴² **Radio Transmissions**, and **911 calls** document the following relevant and material communications.⁴³ At 6:50 pm, six people dialed 911 and reported multiple gunshots at or about 600 W 61st Pl. One of the callers saw a black car “take off” on Normal, toward 69th St. Another caller said the subjects were possibly in a black van with tinted windows. Another caller, an off-duty police officer, identified the location as 514 W 61st St., and said the subject fled eastbound on 61st Pl., toward Union St., in a black Dodge Charger. At 6:51 pm, two people dialed 911 and reported someone shot in the 600 block of W 61st Pl. In a subsequent call at 6:51 pm, a caller reported that two shooters came through a field at 640 W 61st Pl. and fired multiple shots. One of the shooters wore a black shirt and black pants and had “something” on their face. At 6:53 pm, a caller reported that the shooter(s) sped away in a black, older-model Grand Am or Charger, traveling east on 61st Pl. At 6:57 pm, a caller reported that a black Impala (██████ vehicle) was traveling east on 63rd St. when it struck her car at 63rd St. and Wabash Ave. and kept going.

The radio transmissions record that a CPD unit announced a ShotSpotter event with 26 rounds of gunfire and multiple shooters at 552 W 61st St. near 61st and Wallace. The dispatcher asked police units to head that way and related that two male subjects with black shirts over their faces ran from the location. Moments later, the dispatcher announced reports of a person shot, and related that the offender fled east on 61st Pl. in a black Grand Am or Charger, license plate unknown.⁴⁴ At 6:58 pm, an unknown unit reported an officer down and requested a 10-1 for additional assistance at 63rd and State St.⁴⁵ A unit announced shots fired by the police.⁴⁶ Officers reported that the involved vehicle was a black Impala bearing license plate number ██████, with one Black male occupant wearing dreads and a white t-shirt. CPD units later announced that they located the Impala unoccupied at 61st St. and Indiana Ave.

Evidence Technician (ET) Photographs depict the shooting scene, involved vehicles, and recovered evidence from various angles.⁴⁷ The photographs depict extensive damage to the driver’s side of ██████ sedan and apparent bullet damage to the front passenger’s seat. Other photographs depict Officer Venegas being treated at the hospital.

⁴¹ Officer Pintor exited the squad car at 1:51 into his recording. He initially attempted to press the button on his BWC at 1:58 into the recording. He appeared to press the button a second time at 1:59, thereby activating his BWC within eight seconds of exiting the squad car.

⁴² Atts. 36 to 39.

⁴³ Att. 33.

⁴⁴ Att. 33, Z6_1851-1951.mp3, at 4:13.

⁴⁵ Att. 33, Z6_1851-1951.mp3, at 5:03.

⁴⁶ The dispatcher initially announced that an officer was shot, but a unit on scene clarified that the officer was dragged—not shot.

⁴⁷ Att. 63.

c. Physical Evidence

A **Bureau of Internal Affairs' Synoptic Report** documents that on August 13, 2021, at approximately 9:53 pm, Officer Venegas submitted to a breathalyzer test and returned a BrAC reading of .000. At approximately 9:56 p.m., Officer Venegas took a urine drug test which revealed negative results.⁴⁸

A **CFD Patient Care Report** documents that Officer Venegas complained of back pain and injuries to his right foot and upper left leg.⁴⁹ CFD personnel noted a deep abrasion to Officer Venegas's right big toe and swelling and superficial abrasions to the remainder of his foot. CFD personnel also observed superficial abrasions to Officer Venegas's left upper leg.

An **ISP Laboratory Report—Firearms/Toolmarks** documents the examination and testing of Officer Venegas's firearm.⁵⁰ The firearm was operable as received and test fired using the magazine submitted with the weapon. A forensic scientist determined that one Federal 9mm Luger fired cartridge case and one fired bullet recovered from the scene were fired by Officer Venegas's weapon.

d. Documentary Evidence

Tactical Response Reports (TRRs) document that during an investigatory stop, ██████████ did not follow verbal direction, pulled away, fled, used a physical obstruction, posed an imminent threat of battery using his vehicle as a weapon, physically attacked with a weapon/vehicle, and used force likely to cause death or great bodily harm.⁵¹ Officer Venegas used verbal direction/control techniques, movement to avoid attack, tactical positioning, and discharged his firearm one time.⁵² ██████████ fled the scene, and it was unknown if he sustained injury. Officer Venegas sustained swelling, laceration(s), significant contusion(s), and complaint of substantial pain.

Case Report JE336447 documents that on August 13, 2021, at 6:50 pm, officers responded to a ShotSpotter alert of 26 rounds of gunfire at 552 W 61st Pl.⁵³ Upon arrival, officers located a gunshot victim and witnesses who reported that the victim was walking down the street when a small black SUV with an unknown number of Black male occupants wearing black clothing drove by and fired multiple rounds at the victim. The subjects reportedly fled southbound on Wallace.

The **Arrest and Case Reports** document that on August 17, 2021, at 11:18 am, at 1606 W 76th St., ██████████ was arrested and charged with Issuance of a Warrant, two counts of Attempted Murder, one count of Aggravated Unlawful Use of a Weapon, and one count of Aggravated Assault to a Peace Officer.⁵⁴ There was an active warrant issued for ██████████ stemming

⁴⁸ Att. 97.

⁴⁹ Att. 98.

⁵⁰ Att. 84.

⁵¹ Atts. 4 and 5.

⁵² Officer Ali's TRR notes that he did not use reportable force. Officers Farias and Pintor did not complete TRRs.

⁵³ Att. 3.

⁵⁴ Atts. 20 and 21; Records Division # JE340342.

from the August 13, 2021, traffic stop where he put his vehicle in reverse, dragging Officer Venegas into a concrete divider and pinning him against it. Officer Ali was struck by the passenger door as [REDACTED] drove away. Also, [REDACTED] drove in Officer Farias' direction, narrowly striking him as he fled the scene. On August 17, 2021, officers reportedly received information that [REDACTED] was hiding in a blue minivan with Minnesota license plates, parked in a Burger King parking lot. CPD's 3rd and 6th District tactical teams coordinated a plan and placed [REDACTED] into custody without incident. The vehicle's owner signed a Consent to Search form. Officers searched the vehicle and located a black and white Michael Kors bag that purportedly belonged to [REDACTED]. A search of the bag revealed a Glock 43X, blue steel semi-automatic handgun with live 9mm rounds. There was also a black wallet in the bag which contained [REDACTED] Illinois State Identification card. While in custody, [REDACTED] attempted to harm himself and was transported to Roseland Hospital for a psychiatric evaluation.

A **Case Supplementary Report** documents that the involved officers gave detectives an account consistent with their statements to COPA.⁵⁵ The report notes that witnesses [REDACTED] [REDACTED]z and his wife, [REDACTED] [REDACTED], were in traffic on 63rd St. and observed officers stop a black Chevy Impala in front of their vehicle. The officers asked the driver to step out of the car. The driver subsequently put his vehicle in reverse, striking an officer and pinning him against a concrete wall. That same vehicle then struck a Jeep that was in front of [REDACTED] and [REDACTED] vehicle and drove off. Also, the report notes that [REDACTED] sideswiped another vehicle at 63rd and Michigan Ave. as he fled the scene.

Inventory and Crime Scene Processing Reports document the recovery of evidence following the shooting.⁵⁶ Evidence technicians (ETs) recovered one fired cartridge case stamped "FC 9mm Luger" from the street pavement in the eastbound lane at 1 W 63rd St.

The reports also document the processing of Officer Venegas' Glock Model 17 pistol and magazine.⁵⁷ The pistol's capacity was seventeen plus one chambered round, and it was found to have sixteen live rounds of ammunition in the magazine and one stovepiped cartridge case in the chamber (all stamped "9mm Win Luger").⁵⁸

Detectives subsequently obtained and executed a search warrant on [REDACTED] vehicle. ETs recovered one fired bullet from the rear passenger side door frame/panel of the vehicle.

VI. LEGAL STANDARD

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;

⁵⁵ Att. 89.

⁵⁶ Atts. 25 to 28; 94, and 95.

⁵⁷ Generation 5, 9mm semi-automatic, Serial Number [REDACTED].

⁵⁸ Detectives described the stovepipe cartridge case as a misfed chambered round. Att. 89, pg. 6.

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.⁵⁹ 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.”⁶⁰

VII. ANALYSIS

a. Use of deadly force by Officer Venegas complied with CPD policy.

COPA finds by a preponderance of the evidence that the use of deadly force by Officer Venegas was objectively reasonable, necessary, and proportional to the circumstances he faced. COPA further finds that Officer Venegas used deadly force as an option of last resort. COPA thus concludes by a preponderance of the evidence that Officer Venegas’s use of deadly force complied with CPD policy.

CPD’s stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.⁶¹ CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.⁶² This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.⁶³

The use of deadly force is permitted only as a “last resort” when “necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another

⁵⁹ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

⁶⁰ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

⁶¹ Att. 79, G03-02(II)(A), De-escalation, Response to Resistance, and Uses of Force (effective April 15, 2021, to June 28, 2023).

⁶² Att. 79, G03-02 (III)(B).

⁶³ Att. 79, G03-02 (III)(B)(3).

person.”⁶⁴ A CPD member may use deadly force in only two situations: (1) to prevent “death or great bodily harm from an imminent threat posed to the sworn member or to another person;” or (2) to prevent “an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.”⁶⁵

A threat is considered imminent “when it is objectively reasonable to believe that: (a) the person’s actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (b) the person has the means or instruments to cause death or great bodily harm; **and** (c) the person has the opportunity and ability to cause death or great bodily harm.”⁶⁶ Officers are expected to modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.⁶⁷

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Venegas’s use of deadly force was objectively reasonable in light of the imminent threat he faced. Officer Venegas reported that he had fired his weapon only after ██████ began accelerating in reverse, dragging him towards a concrete median. Officer Venegas felt his body going underneath ██████ car, and thought he was going to die. Officer Venegas unholstered his firearm as he was being dragged and discharged his weapon once at ██████ to stop him.⁶⁸ Based on a totality of the circumstances, COPA finds that it was objectively reasonable for Officer Venegas to believe that ██████ actions were immediately likely to cause death or great bodily harm to him.⁶⁹ Additionally, COPA finds by a preponderance of the evidence that ██████ had the means or instruments and the opportunity and ability to cause death or great bodily harm.

The evidence further indicates that Officer Venegas used only the amount of force necessary based on the circumstances he faced and that the use of deadly force was proportional to the threat he faced. Specifically, Officer Venegas only fired his weapon once in an attempt to stop ██████ from reversing and dragging Officer Venegas into the median. Based on a totality of the circumstances, COPA finds by a preponderance of the evidence that Officer Venegas’s use of deadly force complied with CPD policy.

b. Allegations

COPA finds that **Allegation #1** against **Officers Venegas, Farias, Pintor and Ali**, that they stopped ██████ vehicle without justification, is **Exonerated**. According to the officers, they stopped ██████ vehicle because he was traveling at a high rate of speed from the direction of the ShotSpotter alert, and subsequently merged into a lane without signaling. While

⁶⁴ Att. 79, G03-02(IV)(C).

⁶⁵ Att. 79, G03-02(IV)(C)(1-2).

⁶⁶ Att. 79, G03-02(IV)(B) (emphasis added).

⁶⁷ Att. 79, G03-02(III)(C)(2).

⁶⁸ He was approximately an arm’s length from ██████ when he discharged his weapon.

⁶⁹ By his actions, [the person] met the definition of an “assailant” under CPD policy. *See* Att. 77, G03-02-01(IV)(C), Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

there was a ShotSpotter event reported at 6100 S Union in the moments leading up to the traffic stop, the officers first observed [REDACTED] vehicle at approximately 6300 S Yale, which is 0.8 miles away. While the vehicle certainly could have traveled that distance in a short time span, the officers did not yet have a description of the involved vehicle and only learned that a black sedan was involved after they had stopped [REDACTED]. While either traveling at a high rate of speed or improper lane usage alone are sufficient bases for officers to initiate a traffic stop, a review of their BWC video recordings reflects that the officers never mentioned that [REDACTED] was speeding, changed lanes without signaling, or provided any explanation for the stop. However, the officers noticed the blunt in [REDACTED] vehicle as soon as they approached, and they appeared to shift their focus to the marijuana investigation and away from the original traffic violation. Also, GPS records show that the officers were traveling west on 63rd St. before making a U-turn near 63rd and Yale,⁷⁰ where they were positioned to see [REDACTED] vehicle traveling east on 63rd at the point where two lanes converge into one before passing underneath the viaduct. All the accused officers were consistent in explaining the traffic violations they observed, and COPA has found no evidence to refute their accounts. In his interview with detectives following his arrest, [REDACTED] acknowledged that the police had purportedly based the stop on improper lane usage, and while he did not admit to the traffic violation, he also did not deny it.⁷¹ Based on the above, COPA finds by clear and convincing evidence that the officers had stopped [REDACTED] car for a traffic violation. COPA finds Allegation #1 against Officers Venegas, Farias, Pintor and Ali Exonerated.

COPA finds that **Allegation #2** against **Officers Venegas and Farias**, that they failed to use de-escalation techniques to prevent or reduce the need for force, in violation of G03-02-01, is **Not Sustained**. Officer Ali initiated contact with [REDACTED] and was the primary officer who engaged him. When Officer Venegas intervened, he spoke to [REDACTED] in a calm and neutral tone and asked him to lower his tinted windows. [REDACTED] actions were evasive throughout the traffic stop. While he tendered his driver's license to Officer Ali upon request, he barely lowered his windows and then only lowered them slightly when requested. [REDACTED] also had burnt cannabis in the car while driving. Also, as the officers conducted their investigation, there was an OEMC radio broadcast that the vehicle that fled from the ShotSpotter event was a black, four-door sedan—possibly a Grand Am or Charger. While [REDACTED] was driving an Impala, the vehicle was a black, four-door sedan. [REDACTED] became noncompliant and refused the officers' orders to lower the windows so they could see inside the vehicle. The incident escalated when Officer Farias reached into [REDACTED] window and when Officer Farias and Officer Venegas attempted to open the doors. [REDACTED] then became hostile and repeatedly reached for the gear shift, thereby escalating the incident. While the officers did employ some de-escalation techniques over the course of their interaction with [REDACTED] they did not issue clear verbal commands for [REDACTED] to unlock the doors or to step out of the vehicle before attempting to open the doors themselves, and there was no immediate need for Officer Farias to escalate the encounter by reaching inside the vehicle. Based on the above, there is neither clear and convincing evidence that the officers' actions were proper, nor a preponderance of evidence that they failed to use de-escalation techniques. COPA finds Allegation #2 against Officer Venegas and Officer Farias Not Sustained.

COPA finds that **Allegation #2** against **Officers Pintor and Ali**, and **Allegation #4**

⁷⁰ Atts. 44 and 45.

⁷¹ Att. 99 at 06:36 to 07:45.

against **Officer Farias**, that they failed to remain separate from other witness officers following a firearm discharge, in violation of G03-06 VII.B.2, is **Exonerated**. While the video evidence shows Officers Pintor, Ali, and Farias in proximity of each other at different points following Officer Venegas' firearm discharge, Officer Venegas was injured. In addition to rendering aid to Officer Venegas following his injury, the officers summoned an ambulance and additional units to the scene. The officers provided critical information to responding officers, many of whom assisted in the search for [REDACTED] after he fled the scene. The officers repeatedly provided information and responded to questions regarding the incident and were in proximity to each other in the presence of supervisory CPD members and command staff. CPD policy provides that witness officers are not required to remain separate while identifying criminal acts or providing tactical information, including during the completion of the public safety investigation. For these reasons, COPA finds by clear and convincing evidence that the officers' actions were proper and lawful. Consequently, Allegation #2 against Officers Pintor and Ali, and Allegation #4 against Officer Farias are Exonerated.

COPA finds that **Allegation #3** against **Officer Venegas**, that he forcefully opened, or attempted to forcefully open, [REDACTED] car door without justification, is **Not Sustained**. The officers previously asked [REDACTED] to lower his windows, which were tinted. [REDACTED] cracked his windows but never completely lowered them. Given that the officers were investigating a ShotSpotter alert, [REDACTED] reluctance to lower the windows and subsequent raising the windows placed the officers in reasonable fear that a firearm could be present. Officers may order stopped motorists to exit their vehicle for officer safety, regardless of the initial reason for the stop.⁷² Also, the burnt cannabis in [REDACTED] vehicle suggests that he was smoking or under the influence of cannabis while driving—a violation of the Illinois Compiled Code. However, as explained above regarding the allegation that Officer Venegas failed to use de-escalation techniques, he did not issue clear verbal commands for [REDACTED] to unlock the doors or to step out of the vehicle before opening, or attempting to open, the door himself. Based on the above, there is neither clear and convincing evidence that Officer Venegas's actions were proper, nor a preponderance of evidence that opening or attempting to open the door was improper, and COPA recommends a finding of Not Sustained.

COPA finds that **Allegation #4** against **Officer Venegas**, that he pointed his firearm at or in the direction of [REDACTED] through his car window without justification, is **Exonerated**. CPD members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances they are facing. Some factors to consider are the nature of the incident, the risk of harm to the member or others, and the level of threat or resistance presented or maintained by the person. The involved officers observed [REDACTED] vehicle driving east on 63rd St., purportedly at a high rate of speed, moments after receiving a ShotSpotter alert. [REDACTED] reluctance to lower his tinted windows upon the officers' requests put the officers on high alert and led to the escalation of this incident. As the incident unfolded, [REDACTED] became uncooperative, anxious, and repeatedly reached toward the gear shift. There was also a bookbag on the front passenger's seat within [REDACTED] reach. During the traffic stop, officers learned that a black, four-door sedan, like [REDACTED] vehicle, was wanted in connection with the ShotSpotter event. [REDACTED] actions created a potential safety concern for the officers. Based on the above, COPA finds clear

⁷² See *Maryland v. Wilson*, 519 U.S. 408 (1997) (holding that a police officer may, as a matter of course, order the driver and any passengers of a lawfully stopped vehicle to exit the vehicle).

and convincing evidence that it was lawful and proper for Officer Venegas to point his firearm at or in the direction of [REDACTED] through his car window based on the totality of the circumstances.

COPA finds that **Allegation #5** against **Officer Venegas**, that he failed to load his firearm with only one manufacturer and style of ammunition, in violation of U04-02, is **Sustained**. ETs recovered 17 live rounds of ammunition stamped “9mm Win Luger” from Officer Venegas’ firearm. The fired cartridge case recovered from the scene was stamped “FC 9mm Luger.” A Forensic Scientist determined that the recovered fired cartridge case was fired by Officer Venegas’ weapon. Officer Venegas said he was unsure of the manufacturer or style of the ammunition because he received it from the gun range at the police academy. The evidence is sufficient that Officer Venegas’ firearm was not fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight). Therefore, it is more likely than not that Officer Venegas loaded his firearm with more than one manufacturer and style of ammunition, in violation of Rules 5 (failure to perform any duty), Rule 6 (disobedience of a written directive), and Rule 10 (inattention to duty).

COPA finds that **Allegation #3** against **Officer Farias**, that he reached his hand through [REDACTED] vehicle window and forcefully opened, or attempted to forcefully open, his car door without justification, is **Not Sustained**, for the same reasons explained above regarding Allegation #3 against Officer Venegas.

COPA finds that **Allegations #3** against **Officers Pintor and Ali**, and **Allegation #5** against **Officer Farias**, that they failed to notify OEMC that they pointed their firearms at [REDACTED] in violation of D19-01, is **Sustained**. Whenever a CPD member points a firearm at a person while in the performance of his or her duties, that member must notify OEMC promptly after the incident has concluded of their Radio Identification/Beat Number.⁷³ CPD members are not required to make a notification for any unholstering or display of a firearm or having the firearm in a “ready” position or any other position during the course of an incident, unless the firearm is pointed at a person.⁷⁴ Officers Pintor, Ali, and Farias each acknowledged that they did not notify OEMC that they pointed their firearms at [REDACTED]. COPA finds that the preponderance of the evidence establishes that Officers Pintor, Ali, and Farias failed to comply with CPD Notice D19-01 by failing to notify OEMC that they pointed their firearms at [REDACTED] in violation of Rules 5 (failure to perform any duty), Rule 6 (disobedience of a written directive), and Rule 10 (inattention to duty).

COPA finds that **Allegation #4** against **Officer Pintor**, that he failed to timely activate his BWC, in violation of S03-14, is **Not Sustained**. While Officer Pintor activated his BWC later than his three partners, he was the last officer to exit the squad car and was not in direct contact with [REDACTED]. Officer Pintor attempted to activate his BWC immediately after exiting the squad car, and he succeeded in activating his BWC within eight seconds of exiting the squad car. CPD members are required to activate their BWCs at the beginning of an incident for all law-enforcement-related activities, including traffic stops.⁷⁵ While Officer Pintor should have activated his BWC immediately when the traffic stop was initiated, even though he remained inside the squad car, he

⁷³ Department Notice D19-01 (III)(A), effective November 1, 2019

⁷⁴ Department Notice D-19-01 (II)(B), effective November 1, 2019

⁷⁵ See Att. 81, S03-14(III)(A), Body Worn Cameras (effective April 30, 2018, to December 29, 2023).

substantially complied with the directive by activating the BWC when exiting the squad car and making contact with the stopped driver, and COPA finds that disciplinary action would not be appropriate under these circumstances.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Pedro Venegas

i. Complimentary and Disciplinary History

Officer Venegas has received one Department Commendation, one-hundred-and-eight Honorable Mentions, and two other awards. Officer Venegas has not been disciplined within the past five years.

ii. Recommended Penalty

COPA has found that Officer Venegas violated CPD policy and Rules 5, 6, and 10 by failing to load his firearm with only one manufacturer and style of ammunition. All but one of the rounds loaded in Officer Venegas's firearm were the same manufacturer and style of ammunition, and Officer Venegas was unable to explain why a single round was different. COPA finds that this oversight was likely unintentional on Officer Venegas's part, and after considering Officer Venegas's complimentary and disciplinary history, COPA recommends **"Violation Noted"** as the disciplinary action for this sustained allegation.

b. Officer Roger Farias

i. Complimentary and Disciplinary History

Officer Farias has received three Department Commendations, the Police Officer of the Month Award, the Top Gun Arrest Award, the Traffic Stop of the Month Award, four complimentary letters, one-hundred-and-eighty-six Honorable Mentions, and fifteen other awards and commendations. Officer Farias has two sustained complaint registers within the past five years: he was suspended for one day for a November 2019 incident involving failing to submit reports, and he was suspended for three days for a January 2019 incident involving conduct unbecoming. Officer Farias has also been disciplined five times through the summary punishment process, receiving a reprimand for a court appearance violation in January 2024, a notation of "no disciplinary action" for a court appearance violation in July 2023, a reprimand for failing to perform assigned tasks in September 2023, and reprimands for preventable accidents that occurred in May and September of 2023.

ii. Recommended Penalty

COPA has found that Officer Farias violated CPD policy and Rules 5, 6, and 10 by failing to notify OEMC that he pointed his firearm at [REDACTED] Officer Farias admitted that he did not remember making the required notification, and he explained that the radio frequency was busy in the aftermath of the incident and that he was worried for the condition of Officer Venegas. CPD requires officers to notify OEMC when they point a firearm at a person in order to allow for the

collection of data about this type of use of force and to trigger an after-action review process. Based on this information, and considering Officer Farias's complimentary and disciplinary history, COPA recommends a **3-day Suspension**.

c. Officer Juan Pintor

i. Complimentary and Disciplinary History

Officer Pintor has received one Department Commendation, one-hundred-and-twenty-two Honorable Mentions, and three other awards and commendations. Officer Pintor has no sustained complaint registers within the past five years. Officer Pintor has been reprimanded three times through the summary punishment process for failing to perform assigned tasks in January 2023, a preventable accident in April 2023, and a court appearance violation in May 2023.

ii. Recommended Penalty

COPA has found that Officer Pintor violated CPD policy and Rules 5, 6, and 10 by failing to notify OEMC that he pointed his firearm at [REDACTED]. Officer Pintor admitted that he did not remember making the required notification, and he explained that the scene was busy in the aftermath of the incident and that he was focused on making sure an ambulance was on the way for Officer Venegas. CPD requires officers to notify OEMC when they point a firearm at a person in order to allow for the collection of data about this type of use of force and to trigger an after-action review process. Based on this information, and considering Officer Pintor's complimentary and disciplinary history, COPA recommends a **1-day Suspension**.

d. Officer Shahrukh Ali

i. Complimentary and Disciplinary History

Officer Ali has received one Department Commendation, six Top Gun Arrest Awards, the Traffic Stop of the Month Award, one complimentary letter, one-hundred-and-seventy-six Honorable Mentions, and seven other awards and commendations. Officer Ali has one sustained complaint register within the past five years: he was reprimanded for conduct unbecoming related to a January 2019 incident.

ii. Recommended Penalty

COPA has found that Officer Ali violated CPD policy and Rules 5, 6, and 10 by failing to notify OEMC that he pointed his firearm at [REDACTED]. Officer Ali admitted that he did not remember making the required notification, citing the commotion at the scene and the need to summon an ambulance and additional officers. CPD requires officers to notify OEMC when they point a firearm at a person in order to allow for the collection of data about this type of use of force and to trigger an after-action review process. Based on this information, and considering Officer Ali's complimentary and disciplinary history, COPA recommends a **Reprimand**.

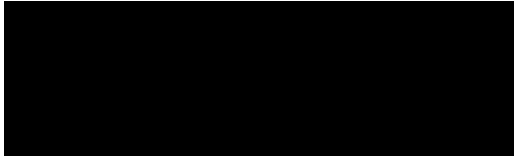
Approved:



1-22-2024

Angela Hearts-Glass
Deputy Chief Investigator-Administrator

Date



1-22-2024

Andrea Kersten
Chief Administrator

Date