

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	September 7, 2019 / 10:24 p.m. / [REDACTED], Chicago, Illinois 60649
Date/Time of COPA Notification:	September 9, 2019 / 6:14 p.m.
Involved Officer #1:	Officer Rafael Razo, Star #13152, Employee ID# [REDACTED], Date of Appointment: February 16, 2017, Rank: Police Officer, Unit of Assignment: 007, DOB: [REDACTED], 1989, Gender: Male, Race: White Hispanic
Involved Officer #2:	Officer Fabian Arreola, Star #13343, Employee ID# [REDACTED], Date of Appointment: February 16, 2017, Rank: Police Officer, Unit of Assignment: 007, DOB: [REDACTED], 1991, Gender: Male, Race: White Hispanic
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1984, Gender: Female, Race: Black
Involved Individual #2:	[REDACTED], DOB: [REDACTED], 1981, Gender: Female, Race: Black
Case Type:	Verbal Abuse

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Rafael Razo	It is alleged by the complainant, [REDACTED], that on or about September 7, 2019, at approximately 10:23 pm, at or [REDACTED], Chicago, IL, the accused committed misconduct through the following acts or omissions: 1. Failed to operate your body worn camera in accordance with CPD Special Order S03-14.	Sustained

¹ COPA investigated this complaint. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases, such as this one, are summarized more succinctly in a Modified Summary Report of Investigation.

	<p>2. Failed to properly address ██████████, in that, you referred to ██████████ as “sir,” “big guy;” and/or</p> <p>3. Engaged in an unjustified verbal altercation with ██████████.</p>	<p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Fabian Arreola</p>	<p>It is alleged by the complainant, ██████████, that on or about September 7, 2019, at approximately 10:23 pm, at or ██████████, Chicago, IL, the accused committed misconduct through the following acts or omissions:</p> <p>1. Failed to operate your body worn camera in accordance with CPD Special Order S03-14.</p> <p>2. Failed to properly address ██████████, in that, you referred to ██████████ as “sir,” “big guy;” and/or</p> <p>3. Engaged in an unjustified verbal altercation with ██████████.</p>	<p>Sustained</p> <p>Unfounded</p> <p>Unfounded</p>

II. SUMMARY OF EVIDENCE²

The Complainant, ██████████ (“████████”), maintains that Chicago Police Officer Rafael Razo (“Officer Razo”) improperly referred to her as a “sir” and/or “big guy,” when she was stopped by him and his partner, Officer Fabian Arreola (“Officer Arreola”). ██████████ alleges that Officer Razo engaged in an unjustified verbal altercation with her and her partner, ██████████ (“████████”). During her interview with investigators, ██████████ described herself as having dreads, black skin, and tattoos, and it is ██████████’s subjective belief that her physical appearance would cause others to misidentify and/or misgender her based on past encounters.³

On September 7, 2019, at or around 10:24 pm, Officers Razo and Arreola were driving northbound on a one way street when a vehicle stopped abruptly in front of them.⁴ Officer Arreola observed this vehicle, occupied by ██████████, stopping and pulling over to park without using her signal.⁵ Officer Razo explained to COPA investigators that he stopped ██████████ for hitting the

² This section contains a summary of the material evidence gather during the investigation.

³ Attachment 6 at Mark 8:14.

⁴ Attachment 20 at Mark 5:13; 6:58.

⁵ Attachment 15 at Mark 6:02-6:14.

brakes real hard and forcing him to brake as well.⁶ Officer Razo drove alongside the vehicle and advised ██████ to use her turn signal when she is attempting to park on a one way street.⁷ Officer Razo told COPA investigators that he “perceived the driver to be a “sir” at the time.”⁸ Due to his initial observation, Officer Razo incorrectly called ██████ a “sir” because she was wearing a Bears jersey and he could not see her face clearly.⁹ As the conversation continued with ██████, Officer Arreola believes that his partner, Officer Razo, properly addressed her using the preferred pronouns.¹⁰

Furthermore, ██████ informed Officer Razo that she was a “ma’am,” and Officer Razo apologized and corrected himself.¹¹ ██████ then became irate and stepped out of her vehicle while Officer Razo remained inside his vehicle with Officer Arreola during the entire encounter.¹² Officer Razo explained to COPA investigators that he understood why the driver was angry so he allowed her to vent.¹³ Due to his comment, Officer Razo admitted that ██████ had every right to be angry and hostile.¹⁴

The entire stop lasted roughly two minutes. Prior to Officers Arreola and Razo leaving the scene, Officer Razo recalled ██████ taking photos of their vehicle.¹⁵ Officer Razo told COPA investigators that ██████ also had a female passenger with blonde hair who remained inside the vehicle.¹⁶ Officer Razo later explained that he did not activate his body-worn camera (“BWC”) because it was an consensual encounter that did not require them to step out of their vehicle to initiate a traffic stop.¹⁷

Finally, despite having no BWC footage, the relevant PDT report indicates that Officer Razo conducted a name search on LEADS for both ██████ and ██████ during this incident.¹⁸ Additionally, the GPS Report¹⁹ indicates that Officer Razo’s vehicle was briefly stationary at ██████ on September 7, 2019, at or around 10:00 pm (2200 hours). Most importantly, the Traffic Statistical Study (“TSS”)²⁰ indicates that ██████ violated the Municipal Code of Chicago 9-40-200 (c) that states “a turn signal shall be given to indicate an intention to change lanes or start from a parallel parked position.”²¹

The stop concluded with no citations and/or BWC footage.

⁶ Attachment 20 at Mark 10:32.

⁷ Id at Mark 5:31; Attachment 15 at Mark 6:28.

⁸ Attachment 20 at Mark 5:50.

⁹ Id at Mark 17:35.

¹⁰ Attachment 15 at Mark 10:07.

¹¹ Id at Mark 6:00; 9:03; Attachment 4.

¹² Id at Mark 6:10.

¹³ Id at Mark 6:19.

¹⁴ Id at Mark 12:32.

¹⁵ Attachment 21; Attachment 22.

¹⁶ Attachment 20 at Mark 11:50.

¹⁷ Id at Mark 13:07.

¹⁸ Attachment 10 at pgs. 2-3.

¹⁹ Attachment 8.

²⁰ Attachment 9.

²¹ Municipal Code of Chicago 9-40-200 (c)

III. ANALYSIS AND CONCLUSION

Officer Rafael Razo

a. Officer Razo failed to operate his body worn camera in accordance with CPD Special Order S03-14.

COPA recommends a finding of **SUSTAINED** for Allegation 1 against Officer Razo, in that he failed to operate his body worn cameras (“BWC”) in accordance with CPD Special Order S03-14. The Special Order S03-14 provided, in part, that a body worn camera will be activated and recorded for all law enforcement activities including, “any other instance when enforcing the law.”²² Here, in his interview with COPA, Officer Razo admitted that he did not activate his BWC because he did not believe this encounter with [REDACTED] was a traffic stop.²³ Despite being equipped with BWC on September 7, 2019, Officers Razo felt it was not necessary to activate their BWC because they remained in their vehicle throughout this entire encounter with [REDACTED].²⁴ In his personal and professional opinion, Officer Razo believed that this was a consensual stop that did not warrant any traffic citations, only a courteous reminder to use a turn signal.²⁵ Therefore, Officer Razo still violated the terms of this directive because he stopped [REDACTED] to enforce the law of using a turn signal when changing lanes or even parking in this matter. For these reasons, we find that Allegation 1 against Officer Razo is **SUSTAINED**.

b. Officer Razo failed to properly address [REDACTED], in that, he referred to [REDACTED] as “sir,” “big guy.”

COPA recommends a finding of **NOT SUSTAINED** for Allegation 2 against Officer Razo, in that he failed to properly address [REDACTED] in referring to her as a “sir” and/or “big guy.” Here, in his interview with COPA, Officer Razo admitted that he may have referred to [REDACTED] based on his initial observation from inside his vehicle at night. Officer Razo also apologized to [REDACTED] after she corrected and asked him to refer to her as a “ma’am.” In the absence of any BWC footage or any other video evidence whatsoever, it is impossible to know how Officer Razo addressed [REDACTED] and what was said in this exchange. Therefore, there is insufficient articulable evidence for COPA to prove or disprove this allegation. For these reasons, we find that Allegation 2 against Officer Razo is **NOT SUSTAINED**.

c. Officer Razo engaged in an unjustified verbal altercation with [REDACTED].

COPA recommends a finding of **NOT SUSTAINED** for Allegation 3 against Officer Razo, in that he engaged in an unjustified verbal altercation with [REDACTED]. Again, in the absence of any BWC footage or any other video evidence, it is unclear whether Officer Razo engaged in an unjustified verbal altercation with [REDACTED]. Here, the evidence clearly establishes that [REDACTED]’s encounter with Officer Razo exists, but there is insufficient articulable evidence for COPA to prove

²² See Special Order S03-14 *Body Worn Cameras* (effective April 30, 2018), Sec. III. A. 2. (r).

²³ Attachment 20 at Mark 13:05.

²⁴ Attachment 20 at Mark 13:42-58.

²⁵ Attachment 20.

or disprove that an unjustified verbal altercation ensued. For these reasons, we find that Allegation 3 against Officer Razo is **NOT SUSTAINED**

Officer Fabian Arreola

a. Officer Arreola failed to operate his body worn camera in accordance with CPD Special Order S03-14.

COPA recommends a finding of **SUSTAINED** for Allegation 1 against Officer Arreola, in that he failed to operate his BWC in accordance with CPD Special Order S03-14. The Special Order S03-14 provided, in part, that a body worn camera will be activated and recorded for all law enforcement activities including, “any other instance when enforcing the law.”²⁶ For these reasons, COPA finds that Allegation 1 against Officer Arreola is **SUSTAINED**.

b. Officer Arreola failed to properly address [REDACTED], in that, he referred to [REDACTED] as “sir,” “big guy.”

COPA recommends a finding of **UNFOUNDED** for Allegation 2 against Officer Arreola, in that he failed to properly address [REDACTED] when he referred to her as a “sir,” and/or “big guy.” Here, in his statement with COPA, Officer Arreola stated that he never referred to [REDACTED] as a “sir” and/or “big guy” because his partner, Officer Razo, handled the interaction.²⁷ For these reasons, COPA finds that Allegation 2 against Officer Arreola is **UNFOUNDED**.

c. Officer Razo engaged in an unjustified verbal altercation with [REDACTED].

COPA recommends a finding of **UNFOUNDED** for Allegation 3 against Officer Arreola, in that he engaged in an unjustified verbal altercation with [REDACTED]. It is clear from the evidence that the Officer Arreola had minimal or no interaction with [REDACTED] throughout this exchange. For these reasons, COPA finds that Allegation 2 against Officer Arreola is **UNFOUNDED**

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Rafael Razo

i. Complimentary and Disciplinary History

2019 Crime Reduction Award (1), Department Commendation (1), Honorable Mention (41), Unit Meritorious Performance Award (1).

There are no SPAR’s or Complaint Disciplinary History documented as of April 14, 2021.

²⁶ See Special Order S03-14 *Body Worn Cameras* (effective April 30, 2018), Sec. III. A. 2. (r).

²⁷ Attachment 15 at Mark 9:49.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1**, Sustained, COPA recommends 1 Day suspension and Body Worn Camera Policy refresher.

b. Officer Fabian Arreola

i. Complimentary and Disciplinary History

2019 Crime Reduction Award (1), Attendance Award (1), Honorable Mention (39), Unit Meritorious Performance Award (1).

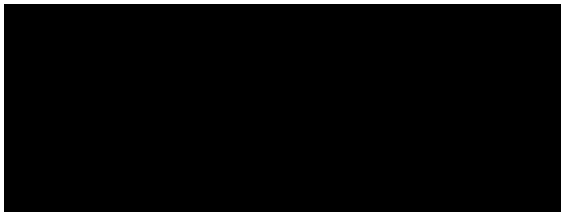
(1) SPAR September 12, 2020, Inattention to Duty (2) Days Off.

No additional Complaint Disciplinary History documented as of April 14, 2021.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1**, Sustained, COPA recommends 1 Day suspension and Body Worn Camera Policy refresher.

Approved:



5-27-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Khristian Wills
Supervising Investigator:	Valiza Ann Nash
Deputy Chief Administrator:	Angela Hearts-Glass