

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	November 08, 2019/ 10:51 P.M. / 6400 S. Stewart Ave.
Date/Time of COPA Notification:	November 11, 2019 / 6:43 A.M.
Involved Officer #1:	Roger Farias, Star No. 9942, Employee No. [REDACTED], Date of Appointment: December 16, 2009, Rank: Police Officer, Unit of Assignment/Detail: 007/211, DOB: [REDACTED], 1985, Male, Hispanic
Involved Officer #2:	Shahrukh Ali, Star No. 14112, Employee No. [REDACTED], Date of Appointment: October 26, 2015, Rank: Police Officer, Unit of Assignment/Detail: 007/211, DOB: [REDACTED], 1986, Male, Asian/Pacific Islander
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1982, Male, Black
Case Type:	Improper Traffic Stop / Operational Violations

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Roger Farias	It is alleged by [REDACTED] that on or about November 08, 2019, at approximately 10:41 P.M., at or near 6400 S. Stewart Avenue, Officer Roger Farias, Star No. 9942, committed misconduct through the following acts or omissions, by:	
	1. Stopping [REDACTED] without justification.	Exonerated
	2. Handcuffing [REDACTED] without justification.	Exonerated
	It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about November 08, 2019, at approximately 10:41 P.M., at or near 6400 S. Stewart Avenue, Officer Roger Farias, Star No. 9942, committed misconduct through the following acts or omissions, by:	
	3. Failing to complete an Investigatory Stop Report.	Sustained / 7-day Suspension
	4. Failing to provide [REDACTED] an Investigatory Stop Receipt in violation of Special Order S04-13-09.	Sustained / 7-day Suspension

II. SUMMARY OF EVIDENCE

Complainant [REDACTED] alleged he was improperly stopped in his vehicle and handcuffed by Chicago police officers during a traffic stop on November 08, 2019. In his interview at the Civilian Office of Police Accountability (COPA), Mr. [REDACTED] stated that officers pulled him over as he drove to the [REDACTED], where he worked as a security guard. The officer who approached Mr. [REDACTED] now known to be Officer Roger Farias, said he pulled Mr. [REDACTED] over for rolling through stop signs and because his license plate light was out. Officer Farias directed Mr. [REDACTED] to exit his vehicle and placed him in handcuffs, causing pain to his injured shoulder. The officer then searched Mr. [REDACTED] vehicle. COPA additionally alleged that Officer Farias failed to issue Mr. [REDACTED] an Investigatory Stop Receipt or complete an Investigatory Stop Report (ISR). In reaching its factual findings, COPA reviewed Mr. [REDACTED] complainant interview,¹ the statements of Officer Farias² and Officer Shahrukh Ali³, multiple body worn camera (BWC) videos,⁴ an Office of Emergency Management & Communications event query report,⁵ the officers' portable data terminal (PDT) messages,⁶ GPS data,⁷ and other related documents.

COPA finds that on November 08, 2019, Officer Farias initiated a traffic stop of Mr. [REDACTED] near 6400 S. Stewart Avenue while Mr. [REDACTED] was on his way to work as a uniformed security guard. Officer Farias told Mr. [REDACTED] the reasons for the stop were an unlit rear license plate light and because Mr. [REDACTED] made an incomplete stop at a stop sign. Mr. [REDACTED] objected that he did not roll through a stop sign. There is no in-car camera (ICC) video or other definitive evidence verifying whether Mr. [REDACTED] came to a complete stop, but BWC footage captured Mr. [REDACTED] unilluminated rear license plate light.⁸ Officer Farias asked Mr. [REDACTED] if he had a Concealed Carry License and if there was a weapon in the car. Mr. [REDACTED] replied no to both questions. Officer Farias also asked Mr. [REDACTED] if there was any cannabis in the car and stated that he smelled "a little bit of weed."⁹ Mr. [REDACTED] again replied in the negative.

Officer Farias asked for Mr. [REDACTED] license and registration, then returned to his vehicle to run Mr. [REDACTED] information on his PDT. Officer Ali remained by Mr. [REDACTED] vehicle, using his flashlight to look through the windows into the interior of the vehicle. As other units arrived on scene, Officer Farias told Sgt. Nicholas Rumsa that Mr. [REDACTED] was upset because he would be late for work; he also stated that as Mr. [REDACTED] was in a security uniform, he might be armed. Officer Ali returned to the police vehicle and told Officer Farias that he saw cannabis residue on Mr. [REDACTED] jacket and backpack inside the vehicle. Officer Farias walked to Mr. [REDACTED] driver's side door and asked him to step out, directing Mr. [REDACTED] to the rear of the vehicle. With the assistance of another officer, Officer Farias placed Mr. [REDACTED] in handcuffs. Mr. [REDACTED] stated that he did not give consent for the officers to detain him. When asked, he told the officers he had a Firearm

¹ Attachment 1.

² Attachments 8, 32.

³ Attachments 9, 33.

⁴ Attachments 2 – 7, 15.

⁵ Attachment 11.

⁶ Attachment 12.

⁷ Attachment 13.

⁸ Attachment 4 – BWC of Officer Ali at 1:59 – 2:04; Attachment 7 – BWC of Sgt. Rumsa at 3:17 – 3:24.

⁹ Attachment 3 – BWC of Officer Farias at 3:04 – 3:12.

Owner's Identification card. Officer Ali conducted a pat down of Mr. [REDACTED] at which point Mr. [REDACTED] stated he was wearing a bulletproof vest and had a knife in his pocket. Mr. [REDACTED] also told the officers he had been off work for a month due to an injured shoulder and asked them to remove his handcuffs. Throughout the traffic stop and detainment, Mr. [REDACTED] was argumentative, agitated, and yelled at the officers. He acknowledged he had "an aggressive tone."¹⁰

After handcuffing Mr. [REDACTED] Officer Farias began searching his vehicle. During the search, Sgt. Rumsa ran Mr. [REDACTED] information on his PDT and informed Officer Farias that Mr. [REDACTED] had a previous arrest related to an unregistered firearm.¹¹ Officer Farias searched the driver's seat area, the center console, the floorboards, a backpack on the front passenger's seat, the glove box, the backseat, and other areas within arm's reach of the driver's seat. He also inspected, manipulated, and partially removed loose paneling in the car's interior. Mr. [REDACTED] appeared to consent to the extensive vehicle search, telling the officers, "Just to be absolutely fuckin' honest. You can search the shit out of the car—take the fucker apart as long as you put it back together, as far as I care."¹²

Following the search of the vehicle, Officer Farias patted Mr. [REDACTED] down a second time, focusing especially on the area near his vest. Officer Ali then removed Mr. [REDACTED] handcuffs. The officers returned to their vehicle and departed the scene. Officer Farias told COPA he did not recall whether he issued Mr. [REDACTED] an Investigatory Stop Receipt or submitted an ISR. BWC footage shows Officer Farias departed the scene without issuing an Investigatory Stop Receipt, and the CPD database does not contain an ISR for this incident.

III. ANALYSIS AND CONCLUSION

a. Officer Farias Had Justification To Conduct The Traffic Stop of Mr. [REDACTED]

COPA finds that Officer Farias did not stop Mr. [REDACTED] without justification. Although there is no definitive evidence showing whether Mr. [REDACTED] came to a complete stop at the stop sign, the BWC video reveals Mr. [REDACTED] rear license plate light was unilluminated, which is a traffic offense.¹³ That offense gave Officer Farias probable cause to stop Mr. [REDACTED]. As such, COPA finds there is clear and convincing evidence the stop was justified, and the allegation against Officer Farias is **exonerated**.

b. Officer Farias Had Justification To Handcuff Mr. [REDACTED]

COPA finds that Officer Farias did not handcuff Mr. [REDACTED] without justification. After Officer Farias stated he smelled "a little bit of weed," Officer Ali reported to Officer Farias that he spotted cannabis residue inside Mr. [REDACTED] vehicle, giving Officer Farias justification to

¹⁰ Attachment 5 – BWC of Officer Coyle at 10:07 – 10:13.

¹¹ See Attachment 35 – 2013 Arrest Report for [REDACTED]

¹² Attachment 5 – BWC of Officer Coyle at 11:35 – 11:43.

¹³ 625 ILCS 5/12-201(c) ("Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.").

remove Mr. ██████ and search his vehicle.¹⁴ BWC footage captured Mr. ██████ acting in an agitated and argumentative manner both before and after he was asked to exit the vehicle. Mr. ██████ demeanor during the detainment justified Officer Farias's decision to handcuff Mr. ██████ for officer safety. Additionally, Mr. ██████ continued "aggressive tone," as well as the bulletproof vest he wore and the knife on his person, caused the officers to have continued safety concerns. Therefore, they were justified in keeping Mr. ██████ in handcuffs throughout the duration of the traffic stop. COPA finds there is clear and convincing evidence the handcuffing was justified, and the allegation against Officer Farias is **exonerated**.

c. Officer Farias Failed To Complete an ISR.

COPA finds that Officer Farias failed to complete an ISR documenting his stop of Mr. ██████ CPD Special Order S04-13-09 requires sworn members who conduct an investigatory stop, protective pat down, or other search in a public place to submit an ISR into the Investigatory Stop Database. The ISR must list "all of the factors that support Reasonable Articulable Suspicion in order to temporarily detain an individual for investigation."¹⁵ The stop in this case was an investigatory stop involving a protective pat down and a vehicle search in a public place, and thus an ISR was required. Officer Farias told COPA he did not recall whether he submitted an ISR. A search of the ISR database revealed that Officer Farias did not complete a report. His failure to do so violated Rules 5 & 6 of CPD's Rules and Regulations, and COPA finds the allegation is **sustained**.

d. Officer Farias Failed To Provide Mr. ██████ An Investigatory Stop Receipt.

COPA finds that Officer Farias failed to provide Mr. ██████ an Investigatory Stop Receipt in violation of Special Order S04-13-09. That order states, "Upon completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Receipt will include the event number, the reason for the stop, and the sworn member's name and star number."¹⁶ The record is clear that the stop in this case was an investigatory stop involving a pat down of Mr. ██████ person and a search of his vehicle. Officer Farias told COPA he did not recall whether he provided an Investigatory Stop Receipt to Mr. ██████. The BWC evidence, however, showed that Officer Farias did not provide Mr. ██████ a receipt before he left the scene. His failure to do so violated Rules 5 & 6 of CPD's Rules and Regulations and, as such, the allegation is **sustained**.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Farias' Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Farias' disciplinary and complimentary histories.¹⁷ Officer Farias has one sustained

¹⁴ COPA finds the vehicle search was justified based on Officer Ali's observation of cannabis residue inside the vehicle. Additionally, BWC video captured Mr. ██████ consent to a more extensive search of his vehicle, telling the officers, "You can search the shit out of the car—take the fucker apart as long as you put it back together." Att. 5 – BWC of Officer Coyle at 11:28 – 11:43.

¹⁵ Special Order S04-13-09(VIII)(A)(1).

¹⁶ Special Order S04-13-09(VIII)(A)(3).

¹⁷ Attachment 31.

complaint for an illegal arrest, for which he received a 1-day suspension in November 2019. He has received 147 total awards in the Department.

b. Recommended Penalty

COPA has found that Officer Farias violated Rules 5 & 6 of CPD’s Rules and Regulations by failing to submit an ISR or provide Mr. [REDACTED] an Investigatory Stop Receipt. These documents are required to create an official record of each investigatory stop and its justifications, and to provide the citizen with information he needs to seek redress for a stop he believes was improper. Officer Farias’ failure to properly report or provide a receipt for the stop violated CPD policy and constituted a breach of public trust. As such, COPA finds that a **7-day suspension** is the appropriate penalty for the sustained allegations.

Approved:

[REDACTED]

11/9/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Six
Investigator:	Daniel Thetford
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam