



FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 4, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the 008th District reporting alleged misconduct by a member of the Chicago Police Department (CPD).² Sergeant (Sgt.) James Loughney reported a complaint originating from ██████████ (██████████) who alleged that on October 3, 2022, Officer Rolando Ramirez, Jr. unjustifiably pushed him off a bicycle he had been riding.³ Upon review of the evidence, COPA served an additional allegation that during ██████████ subsequent detention and arrest, Officer Ramirez kicked ██████████ leg without justification. Additionally, COPA served an allegation to another CPD member who responded to the incident, Officer Marvin Villada, for failing to activate his body-worn camera (BWC) in a timely manner. Following its investigation, COPA reached sustained findings regarding all the allegations against both officers.

II. SUMMARY OF EVIDENCE⁴

The video footage from this arrest shows that on the afternoon of October 3, 2022, Officer Ramirez was on patrol with his two partners (Officers Alexander Klementzos and Thomas Mitera) and was riding in the backseat of their marked CPD vehicle as they drove through a residential neighborhood.⁵ As the CPD vehicle came to a stop, Officer Ramirez exited the vehicle and shouted “Come on, man!”⁶ Simultaneously, Officer Ramirez ran forward toward a Black male, now known to be ██████████ who was riding a bicycle on the sidewalk. As ██████████ was about to pass by on the bicycle, Officer Ramirez ran directly at him with both hands outstretched (see Figure 1).⁷

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 Atts. 1 and 2.

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, police reports, officer interviews, and court records.

⁵ Att. 14 at 0:00 to 2:07; also Att. 13 at 0:00 to 2:00, and Att. 15 at 0:00 to 1:51.

⁶ Att. 14 at 2:07 to 2:09, also Att. 13 at 2:00 to 2:02, and Att. 15 at 1:51 to 1:53

⁷ Att. 14 at 2:09 to 2:10; also Att. 13 at 2:02 to 2:03, and Att. 15 at 1:53 to 1:54.



Figure 1 showing █████ riding the bicycle beside the iron fence with Officer Ramirez’s hands outstretched to grab him. (See Atts. 14 and 45).

The position and angle of the BWC recording does not capture a continuous view of Officer Ramirez and █████ at the next moment, as the camera angle became temporarily pointed downward at the sidewalk. However, the bright midday sunlight cast both their shadows on the ground, and a frame-by-frame analysis of the available video reveals that the shadows of Officer Ramirez’s outstretched hands touched and intersected with the shadow produced by █████ and his bicycle, indicating that direct physical contact likely occurred between them (see Figure 2).⁸

A split second later, one of █████ bicycle handlebars apparently became caught between the upright bars of an iron fence adjacent to the sidewalk, with the result that the bicycle crashed with a loud clatter and █████ was propelled forward onto the concrete (see Figures 3 and 4).⁹ Officer Ramos said, “Told you to stop,” and then twice shouted “Stop!” as █████ sprang up and ran away, continuing north on S. Artesian Avenue with the officer in pursuit.¹⁰

⁸ Att. 14 at 2:10 to 2:11; also Att. 13 at 2:03 to 2:04, and Att. 15 at 1:54 to 1:55.

⁹ Att. 14 at 2:11 to 2:12; also Att. 13 at 2:04 to 2:05, and Att. 15 at 1:55 to 1:56.

¹⁰ Att. 14 at 2:12 to 2:15; also Att. 13 at 2:05 to 2:08, and Att. 15 at 1:56 to 1:59.



Figure 2 showing Officer Ramirez's shadow on the pavement reaching out and likely connecting with [REDACTED] (See Atts. 14 and 46).



Figure 3 showing Officer Ramirez's left arm still raised as the bicycle became snagged on the iron fence. The bicycle's front wheel is turned sideways, and the rear wheel has begun to lift off the ground. (See Atts. 14 and 47).



Figure 4 showing Officer Ramirez's raised left arm as the bicycle crashes from contact with the fence. (See Atts. 14 and 48).

Officers Klementzos and Mitera got out of the CPD vehicle and began following on foot, but Officer Klementzos then turned back and continued the pursuit in their CPD vehicle. █████ turned west on W 59th St., then north through an automotive tire shop's exterior lot, then west through the back alley.¹¹ Officer Ramirez reported that he had seen █████ running north along a gangway leading back to 59th St., and he radioed that █████ was moving westbound toward S. Campbell Ave.¹² When Officer Ramirez reached the end of the gangway he found a locked gate, which █████ had apparently climbed over, so he turned around and returned to the alley while Officer Mitera went back through the tire shop lot to 59th St.¹³

While the other officers were on foot near the alleyway north of 59th St., Officer Klementzos was still driving through the area and found █████ on Campbell Ave., just south of 59th St. Officer Klementzos exited the CPD vehicle to pursue █████ on foot and caught up to him on the northwest corner of 59th St. and Campbell Ave.¹⁴ As documented in his Tactical Response Report (TRR), Officer Klementzos's BWC was inadvertently deactivated during his struggle to detain █████ although he reactivated it approximately three-and-a-half minutes later.¹⁵

¹¹ Att. 14 at 2:15 to 2:57; also Att. 13 at 2:08 to 2:50, and Att. 15 at 1:59 to 2:41.

¹² Att. 14 at 2:57 to 3:08; also Att. 13 at 2:50 to 3:01, and Att. 15 at 2:41 to 2:52.

¹³ Att. 14 at 3:08 to 3:22; also Att. 13 at 3:01 to 3:15, and Att. 15 at 2:52 to 3:07.

¹⁴ Att. 15 at 3:07 to 3:34; also Att. 14 at 3:22 to 3:50, and Att. 13 at 3:15 to 3:43.

¹⁵ Att. 6, pg. 3. Officer Klementzos' BWC was inadvertently deactivated when he caught █████. The recording was restarted in video-only buffer mode 29 seconds later, and the audio portion of the recording resumed two minutes later.

Officer Ramirez arrived to assist Officer Klementzos with [REDACTED] and he radioed dispatch to provide an update on their situation while Officer Mitera walked toward their location.¹⁶ [REDACTED] was lying on his left side with his hands cuffed in front of him, and Officer Klementzos knelt beside him as Officer Ramirez said, “He tossed it. Whatever he had, he tossed it.”¹⁷ As additional CPD vehicles arrived at the scene, Officer Ramirez briefly searched in [REDACTED] trouser pockets, after which he performed a pat-down over [REDACTED] torso and legs.¹⁸ Officers Klementzos and Ramirez told the responding officers about the convoluted path [REDACTED] had taken during the pursuit, and some of the officers left to check the ground for any dropped or discarded items along that route.¹⁹ Officer Ramirez and the other officers lifted [REDACTED] into a seated position, and [REDACTED] repeatedly refused to identify himself when asked, instead only telling them that he lived on Artesian.²⁰

As Officer Klementzos had originally handcuffed [REDACTED] with his hands in front, Officer Ramirez removed one of the cuffs and attempted to re-cuff [REDACTED] with both hands positioned behind his back; however, [REDACTED] resisted by stiffening his arms and was again cuffed with his hands in front of him.²¹ The officers then lifted [REDACTED] to his feet, and Officer Ramirez patted him down again, this time removing a small gold vial and a plastic bag from [REDACTED] right-side front trouser pocket.²² The officers walked [REDACTED] to a CPD vehicle and began putting him into the rear compartment of the vehicle.²³ As [REDACTED] was pushed sideways into the vehicle, he fell onto his right side and his legs were forced to arc upwards toward the location where Officer Ramirez was standing. At that point, Officer Ramirez put his own right hand down on [REDACTED] left leg, near [REDACTED] knee (see Figure 5).

During the next several moments, Officer Ramirez lifted his own left foot off the ground, held it in midair briefly, and then brought his foot down quickly against [REDACTED] left ankle/instep while saying, “Don’t kick me, don’t fucking kick me... don’t kick me,” as [REDACTED] shouted out in apparent pain (see Figure 6).²⁴

¹⁶ Att. 14 at 3:50 to 4:33; also, and Att. 18 at 0:00 to 0:14, and Att. 13 at 3:43 to 4:25.

¹⁷ Att. 14 at 4:33 to 5:11; also Att. 18 at 0:14 to 0:52, and Att. 13 at 4:25 to 5:04.

¹⁸ Att. 14 at 5:11 to 5:39; also Att. 18 at 0:52 to 1:20, Att. 16 at 1:48 to 2:16, Att. 17 at 1:53 to 2:21, and Att. 13 at 5:01 to 5:32.

¹⁹ Att. 14 at 5:39 to 5:49; also Att. 18 at 1:20 to 1:30, Att. 16 at 2:16 to 2:26, Att. 17 at 2:21 to 2:31, and Att. 13 at 5:32 to 5:42.

²⁰ Att. 14 at 5:49 to 8:30; also Att. 18 at 1:30 to 4:11, Att. 13 at 5:42 to 8:23, Att. 19 at 0:00 to 2:16, and Att. 20 at 0:00 to 2:15.

²¹ Att. 14 at 8:30 to 9:02; also Att. 18 at 4:11 to 4:43, Att. 13 at 8:23 to 8:55, Att. 19 at 2:16 to 2:48, and Att. 20 at 2:15 to 2:47.

²² Att. 14 at 9:02 to 9:59; also Att. 18 at 4:43 to 5:40, Att. 13 at 8:55 to 9:52, Att. 19 at 2:48 to 3:45, and Att. 20 at 2:47 to 3:44.

²³ Att. 14 at 9:59 to 10:18; also Att. 18 at 5:40 to 5:59, Att. 13 at 9:52 to 10:11, Att. 19 at 3:45 to 4:05, and Att. 20 at 3:44 to 4:03.

²⁴ Att. 14 at 10:18 to 10:23; also Att. 18 at 5:59 to 6:04, Att. 13 at 10:11 to 10:16, Att. 19 at 4:05 to 4:10, and Att. 20 at 4:03 to 4:08. (COPA notes that [REDACTED] audibly shouted at the moment that Officer Ramirez’s foot came down, and a frame-by-frame video analysis shows that Officer Ramirez’s foot made contact with [REDACTED] leg near the left ankle. Furthermore, Officer Ramirez said the final “don’t kick me” just after performing the kicking motion, as if specifically saying it to emphasize a point.)



Figure 5 showing the moment just before the kicking incident. As [REDACTED] was pushed sideways into the CPD vehicle, his body arced his legs upward, and in this frame Officer Ramirez's right hand can be seen pressing down against [REDACTED] left thigh. (See Atts. 14 and 49).



Figure 6 showing Officer Ramirez's left foot making direct physical contact with the ankle/instep area of [REDACTED] left leg. (See Atts. 14 and 50).

█████ escaped from the CPD vehicle by crawling down to the ground through the door on the opposite side, and he resisted the officers' efforts to lift him and put him back inside the vehicle.²⁵ The remaining BWC footage from the officers on the scene shows that a squadrol was called, and, after █████ made several more efforts to avoid being secured inside it, the officers eventually succeeded in locking him within the squadrol's side compartment.²⁶

In the course of reviewing the relevant video footage, COPA observed that Officer Villada's BWC was activated at a significantly late point in the incident, beginning its video-only buffered mode while the officer was already in the process of walking through the alley behind 59th St. while apparently searching for any weapons or contraband that █████ might have dropped during the earlier foot pursuit.²⁷ The camera was not fully activated until two minutes later, when Officer Villada had arrived back at the scene of █████ arrest.²⁸ Officer Villada was subsequently served with an allegation for turning on his BWC several minutes after he had become actively involved at the scene.

COPA conducted an audio-recorded interview with Officer Ramirez to discuss his allegations, during which he explained that on the date of this arrest, he and his partners had been driving in their CPD vehicle when they observed █████ from a distance handling what appeared to be a firearm.²⁹ When the officers called out to █████ asking what he was holding, █████ turned his body sideways, put the object in his pocket, and began riding away on his bicycle.³⁰ Officer Ramirez stated that when █████ did not respond after being ordered to stop, he exited the CPD vehicle and attempted to detain █████ by grabbing at him with both arms extended.³¹ Officer Ramirez said he was not successful, but █████ bicycle accidentally "clipped" an iron fence as he rode past it, causing █████ to fall forward.³² After falling off the bicycle, █████ continued running away on foot, and he was eventually caught and restrained by another officer.³³ Officer Ramirez further stated that, while he and his fellow officers were trying to place █████ into the back of a CPD vehicle, █████ leg had made a quick kicking motion at him, without actually making contact.³⁴ He explained that he then twice told █████ not to kick him, and said his next action was to "readjust" his own foot so that it "created some distance" from █████³⁵ Eventually he and his fellow officers were able to secure █████ in a transport wagon, which transported him for processing.³⁶

²⁵ Att. 14 at 10:23 to 13:03; also Att. 18 at 6:04 to 8:43, Att. 13 at 10:16 to 12:55, Att. 19 at 4:10 to 6:49, Att. 20 at 4:08 to 6:47, Att. 16 at 8:20 to 9:39, and Att. 17 at 8:25 to 9:05.

²⁶ With the exception of Officer Villada's BWC recording (Att. 32), which is notable for its late activation, none of the remaining video footage from the other officers is relevant to the allegations being investigated herein.

²⁷ Att. 32 at 0:00 to 2:01. Note: CPD BWC systems retain a two-minute-long video-only recording immediately prior to activation. While operating in this buffered mode, only video is captured, and the recording's audio does not begin until after an officer presses the BWC's activation button.

²⁸ Att. 32 at 2:01 to 5:41.

²⁹ Att. 53, pg. 7, lns. 18-22

³⁰ Att. 53, pgs. 7-8.

³¹ Att. 53, pg. 8, lns. 7-9.

³² Att. 53, pg. 8, lns. 10-11.

³³ Att. 53, pg. 8, lns. 11-22.

³⁴ Att. 53, pg. 9, lns. 5-8.

³⁵ Att. 53, pg. 9, lns. 9-11.

³⁶ Att. 53, pg. lns. 11-19.

When asked about his intentions in moving to intercept ██████ on the bicycle, Officer Ramirez said he had meant to detain ██████ because he and his partners had a reasonable belief that ██████ was handling a weapon, and because ██████ was not obeying their commands to stop.³⁷ Officer Ramirez denied that he had physically touched ██████ or any part of ██████ bicycle while intercepting him.³⁸ However, when asked again if he had touched anything at all when he reached out to grab ██████ with both hands, Officer Ramirez's answer changed as he said, "I did feel some touch with my right hand, but it was more of like a graze when I attempted to reach out."³⁹ Officer Ramirez then also stated he believed what he had touched had been ██████ left shoulder.⁴⁰

With regard to the allegation that he unjustifiably kicked ██████ leg, Officer Ramirez stated that at this point during the encounter he had felt ██████ foot move near his own shin, "so I just repositioned. I raised my leg, repositioned my leg and placed it firmly on the ground."⁴¹ He further explained that the reason for him lifting up and then suddenly dropping his foot in this dramatic fashion was to ensure that in the event that ██████ actually did kick him, "I had a firm stance so I wouldn't fall."⁴² When asked if his descending foot had made any contact with ██████ or with any part of ██████ leg, Officer Ramirez firmly denied that it had.⁴³ COPA also pressed Officer Ramirez to address the fact that he had said "don't fucking kick me" at the same time that he was making this sudden movement with his foot, suggesting that he was possibly directing hostility at ██████ during this action. Officer Ramirez responded that he had not meant to speak disrespectfully to ██████ and had no intention during this action other than to reposition his foot to get a more secure stance.⁴⁴

Officer Villada also gave an audio-recorded interview to COPA and stated that he had arrived at the scene of this incident after the arrest had already occurred.⁴⁵ He said he had asked the arresting officers what he could do to assist them, and they had told him to walk along the route that ██████ had taken during the earlier pursuit to see if he had dropped any items.⁴⁶ After Officer Villada checked the area for items on the ground, he returned to the scene where ██████ was being held in restraints.⁴⁷ Officer Villada explained that he had decided to activate his BWC when he saw ██████ being held there because he was "erring on the side of precaution," and therefore he turned on his camera to "make sure we document and record everything we are supposed to be doing."⁴⁸

When asked to answer to the allegation that he had not turned on his BWC in a timely manner, Officer Villada answered that he did not believe he had been required to activate his BWC

³⁷ Att. 53, pg. 10, lns. 8-11.

³⁸ Att. 53, pg. 10, lns. 14-20.

³⁹ Att. 53, pgs. 10-11.

⁴⁰ Att. 53, pg. 11, lns. 3-5.

⁴¹ Att. 53, pg. 11, lns. 10-13.

⁴² Att. 53, pg. 11, lns. 13-14.

⁴³ Att. 53, pg. 11, lns. 16-19.

⁴⁴ Att. 53, pgs. 11-13.

⁴⁵ Att. 54, pg. 8, lns. 2-4.

⁴⁶ Att. 54, pg. 8, lns. 5-9.

⁴⁷ Att. 54, pg. 8, lns. 10-15.

⁴⁸ Att. 54, pg. 8, lns. 15-18.

earlier while he was searching the area, saying, “it’s not my job or my arrest” and that he was “just making sure, you know, nothing was left behind.”⁴⁹ He added that he “didn’t interact with the public or the offender at that time” and that he had activated his camera once he personally saw ██████⁵⁰ When asked if he had been performing any police activity prior to turning on his BWC, he responded by saying, “No, I was just in the area looking to make sure he hadn’t dropped anything.”⁵¹ In response to a question about whether his act of looking for dropped items on the ground constituted a police action, Officer Villada said, “The way I consider police action is like interacting with the public.”⁵²

COPA also attempted to obtain a statement from ██████ but did not receive permission from his attorney to do so.⁵³

III. ALLEGATIONS

Officer Rolando Ramirez, Jr.:

1. Pushing ██████ off his bicycle, without justification.
 - *Sustained*, violation of Rules 2, 3, 6, 8, and 9.
2. Kicking ██████ leg, without justification.
 - *Sustained*, violation of Rules 2, 3, 6, 8, and 9.

Officer Marvin Villada:

1. Failing to activate his Body-Worn Camera in a timely manner.
 - *Sustained*, violation of Rules 2, 3, 5, 6, and 10.

IV. CREDIBILITY ASSESSMENT

COPA notes that Officer Ramirez initially stated that he did not touch ██████ or his bicycle when he reached out to intercept him, but shortly afterward, Officer Ramirez admitted that he had felt his right hand graze against ██████ shoulder at the moment before the bicycle was toppled.⁵⁴ Additionally, the frame-by-frame video analysis demonstrates a correlation between Officer Ramirez’ action and the immediate toppling of the bicycle. Officer Ramirez also stated that his peculiar act of raising his foot about eight or ten inches off the ground and then quickly dropping it down was not intended to kick ██████ but was merely an attempt to gain a secure footing to prevent himself from falling in the event that ██████ kicked him. However, COPA finds this unlikely, reasoning that even if Officer Ramirez’s intention was to avoid falling over, lifting his foot high off the ground in this dramatic fashion would have been counterproductive to that goal. These inconsistencies ultimately factored into COPA’s assessment of Officer Ramirez’s credibility. Aside from these points, this investigation did not reveal any further evidence that caused COPA to question the credibility of the other individuals (sworn or unsworn) who provided statements.

⁴⁹ Att. 54, pg. 9, lns. 4-9.

⁵⁰ Att. 54, pg. 9, lns. 9-12.

⁵¹ Att. 54, pg. 9, lns. 16-17.

⁵² Att. 54, pg. 9, lns. 21-22.

⁵³ Atts. 43 and 44.

⁵⁴ Att. 53, pgs. 10-11.

V. ANALYSIS⁵⁵

a. Officer Ramirez's uses of force against [REDACTED]

CPD's Rules of Conduct establish a list of acts which are expressly prohibited for all members, including Rule 8, which states that officers may not engage in any behavior that would result in disrespect toward or maltreatment of any person, and Rule 9, which prohibits officers from engaging in any unjustified verbal or physical altercation with any person.⁵⁶ Additionally, CPD policy specifies that all uses of force employed by officers must be "objectively reasonable, necessary, and proportional" depending on the circumstances of the situation.⁵⁷ Ideally, officers will employ their training and experience to resolve problematic situations and obtain compliance in such a way as to make the use of force unnecessary.⁵⁸ Throughout any potential force usage scenario, officers must continually assess situations to determine if any use of force is necessary, if the seriousness of the situation requires an immediate response, and which of the available force options would be appropriate to use based on the totality of the circumstances.⁵⁹ CPD members are trained to view the use of force according to a spectrum of possible encounters based on whether the subject involved is a cooperative person, a passive resister, an active resister, or an assailant, with greater levels of force being permitted as the subject's behavior becomes more dangerous.⁶⁰

i. Officer Ramirez's bicycle takedown

Regarding Officer Ramirez's use of force while attempting to stop [REDACTED] from riding past him on a bicycle, COPA finds that Allegation #1 against Officer Ramirez, that he unjustifiably knocked [REDACTED] off the bicycle, is **sustained**. The interaction that occurred as [REDACTED] rode his bicycle past Officer Ramirez lasted only about one second, but a frame-by-frame analysis of the video evidence shows that Officer Ramirez attempted to reach out to [REDACTED] with both his hands outstretched. The video then captured the shadow of the officer's arms intersecting with [REDACTED] shadow, and an instant later, [REDACTED] bicycle flew end-over-end as it hooked against the iron fence beside it.⁶¹ During his interview with COPA, Officer Ramirez initially stated that he did not touch [REDACTED] or the bicycle as he reached out to stop [REDACTED] but after additional questioning he admitted that his hand had grazed against what he believed was [REDACTED] shoulder just before the accident occurred. COPA also observed that, just after the crash, Officer Ramirez said, "told you to stop," in a manner which suggested that he was making a point about the cause of the accident.

⁵⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁵⁶ Rules and Regulations of the Chicago Police Department, (V) Rules of Conduct, Rules 8 to 9, pg. 7 (effective April 16, 2015 to present).

⁵⁷ Att. 40, G03-02(II)(D), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).

⁵⁸ Att. 40, G03-02(II)(C).

⁵⁹ Att. 41, G03-02-01(II)(E)(1 to 3), Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).

⁶⁰ Att. 41, G03-02-01(IV)(A to C)

⁶¹ Atts. 45-48.

Officer Ramirez stated that he had observed ██████ handling and then conspicuously pocketing an object which he believed was likely to be a weapon, and that this gave rise to the reasonable suspicion which justified conducting the investigatory stop of ██████ CPD members are authorized to conduct an investigatory stop “based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”⁶² Given the circumstances of the pursuit that ensued, and the lack of evidence to either support or refute this reasonable suspicion, COPA cannot positively determine whether the investigatory stop was justified. However, regardless of the reason for the stop, the preponderance of evidence shows that Officer Ramirez most likely pushed ██████ and his bicycle against the iron fence, causing him to dangerously flip over the handlebars, even though there was no justifiable reason to stop him in such a violent manner. Officer Ramirez’s partners were still in their CPD vehicle, and most likely would have had ample opportunity to pursue or head off ██████ bicycle, or even to call for backup, if they had been unable to stop him themselves.

Given the unusual nature of this bicycle interaction, COPA has struggled to find any comparable police tactic that could explain or justify Officer Ramirez’s actions here. This may perhaps be viewed as an extreme variation of a takedown maneuver used against an active resister, but in this case the takedown was extraordinarily hazardous and could have resulted in serious injuries.⁶³ As noted above, there were clearly better options available to stop ██████ but Officer Ramirez chose not to utilize them. For these reasons, COPA finds that Allegation #1 against Officer Ramirez, that he knocked ██████ off his bicycle without justification, is **sustained** as a violation of Rules 2, 3, 6, 8, and 9 by a preponderance of evidence.

ii. Officer Ramirez’s kicking/stepping incident with ██████

COPA finds that Allegation #2 against Officer Ramirez, that he kicked ██████ leg without justification, is **sustained**. At the time when the officers were attempting to place ██████ in the back of the CPD vehicle, ██████ had already demonstrated several times that he was unwilling to stand or walk on his own, and he stiffened his arms to prevent the officers from cuffing him around his back. In COPA’s assessment, this behavior marked him as an active resister. Officers are authorized to use force when it is necessary “to ensure the safety of a member or third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.”⁶⁴ Under the circumstances of this situation, some amount of force could have been justified in order to ensure that ██████ was safely secured in the CPD vehicle. However, in this situation, the video evidence shows that the mere act of pushing ██████ sideways into the rear compartment of the vehicle caused his legs to be lifted in an arcing motion, and this raising of ██████ legs caused Officer Ramirez to believe he was about to be kicked. Officer Ramirez responded by lifting his left foot high enough to strike ██████ shins with it, then bringing down his foot with great speed while telling ██████ “Don’t fucking kick me.” A frame-by-frame analysis of the video shows that

⁶² Att. 42, S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017 to present).

⁶³ Att. 41, G03-02-01(IV)(B)(2)(C)(3) (CPD defines a takedown as “the act of physically directing an active resister to the ground to limit physical resistance, prevent escape, or increase the potential for controlling an active resister.”). See also G03-02-01(IV)(B)(2) (CPD policy describes an active resister as “a person who attempts to create distance between himself or herself and the member’s reach with the intent to avoid physical control and/or defeat the arrest.”).

⁶⁴ Att. 40, G03-02(III)(B).

Officer Ramirez's left foot struck down against ██████ left ankle/instep, and the audio from the recording captured ██████ shouting out in apparent pain at the instant that it happened.

Officer Ramirez attempted to paint a different picture of his actions during his statement with COPA, claiming that he had been afraid that ██████ would kick him, and that the unusual lifting and swift lowering of his foot had only been intended to give him a more secure footing. This explanation, however, does not take into account that while performing this unusual footwork maneuver, Officer Ramirez was actually standing on only one foot for part of the time, thus making himself more susceptible to losing his footing and falling over. His explanation is improbable, unintuitive, and counterproductive to maintaining balance during a conflict. Moreover, his conduct during this incident and his use of profanity were contrary to CPD policy, which requires officers to "act, speak, and conduct themselves in a courteous, respectful, and professional manner... and maintain a courteous, professional attitude."⁶⁵ Consequently, COPA finds that Allegation #2 against Officer Ramirez, that he kicked ██████ leg without justification, is **sustained** in violation of Rules 2, 3, 6, 8, and 9 by a preponderance of evidence.

b. Officer Villada's late BWC activation

COPA finds Allegation #1 against Officer Villada, that he failed to activate his BWC in a timely manner, is **sustained**. To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement-related activities to be electronically recorded.⁶⁶ Law-enforcement-related activities include, but are not limited to, calls for service, arrests, investigatory stops, use of force incidents, statements made by individuals in the course of an investigation, high risk situations, and any other instances when enforcing the law.⁶⁷ The decision to record is mandatory, not discretionary.⁶⁸ CPD members are required to activate their BWCs at the beginning of an incident and record the entire incident.⁶⁹ If circumstances prevent the activation of a BWC at the beginning of an incident, the member will activate their camera as soon as practical.⁷⁰

Here, the video obtained from Officer Villada's BWC demonstrates that he walked for several minutes through the neighborhood where this incident occurred, searching for any dropped items, weapons, or contraband, before he finally activated his camera.⁷¹ During his statement with COPA, Officer Villada attempted to defend his late BWC activation by stating that he was not specifically assigned to respond to this incident, and was only there to look for dropped items on the ground.⁷² He added that he did not personally interact with ██████ or any other members of the public, and said he activated his BWC once he saw ██████ in person.⁷³ However, the act of searching the ground for dropped items or contraband after a foot pursuit is unquestionably a law

⁶⁵ Att. 39, G02-01(III)(B)(3), Protection of Human Rights (effective June 30, 2022 to present).

⁶⁶ Att. 55, S03-14(II)(A), Body Worn Cameras (effective April 30, 2018 to December 29, 2023).

⁶⁷ Att. 55, S03-14(III)(2)(a-r).

⁶⁸ Att. 55, S03-14(III)(A)(1).

⁶⁹ Att. 55, S03-14(III)(A)(2).

⁷⁰ Att. 55, S03-14(III)(A)(2).

⁷¹ Att. 32 at 0:00 to 2:01.

⁷² Att. 54, pg. 9, lns. 4-9.

⁷³ Att. 54, pg. 9, lns. 9-12.

enforcement activity, and therefore Officer Villada's failure to immediately activate his BWC under these circumstances cannot go unaddressed. For these reasons, COPA finds that Allegation #1 against Officer Villada, that of failing to activate his BWC in a timely manner, is **sustained** as a violation of Rules 2, 3, 5, 6, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Rolando Ramirez, Jr.

i. Complimentary and Disciplinary History⁷⁴

Officer Ramirez's complimentary history is comprised of 33 awards, the highlights of which include one Life Saving Award and one Department Commendation. His disciplinary history includes a March 2022 SPAR for a preventable accident, resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Ramirez violated Rules 2, 3, 6, 8 and 9 when he knocked [REDACTED] off a bicycle and stepped on [REDACTED] leg, all without justification. Here, Officer Ramirez knocked [REDACTED] off a moving bicycle and caused him to flip over the handlebars and land on a concrete sidewalk. COPA notes that, while [REDACTED] was not seriously injured, that result was simply a matter of luck. In addition, it appears as though Officer Ramirez may have stepped on [REDACTED] leg out of anger and/or frustration, and not for any justifiable purpose. In mitigation, COPA has considered Officer Ramirez's complimentary history and relatively minor disciplinary history. For these reasons, COPA recommends that Officer Ramirez receive a **5-to-10-day suspension and retraining** on CPD's Use of Force Policy.

b. Officer Marvin Villada

i. Complimentary and Disciplinary History⁷⁵

Officer Villada's complimentary history is comprised of 40 awards, the highlights of which include one Life Saving Award and three Department Commendations. He has no recent disciplinary history.

ii. Recommended Discipline

COPA has found that Officer Villada violated Rules 2, 3, 5, 6 and 10 when he failed to timely activate his BWC. As noted above, Officer Villada did not begin recording until several minutes after he began police activity. His failure to timely activate his BWC undermined CPD's commitment to transparency and could have hindered COPA's investigation. COPA notes that, instead of accepting responsibility for his failure to timely activate his BWC, Officer Villada offered an incorrect explanation of CPD's BWC policy. Considering this, in addition to his

⁷⁴ Att. 52.

⁷⁵ Att. 51.

complementary history and lack of disciplinary history, COPA recommends he receive a **reprimand and retraining** regarding CPD's BWC policy.

Approved:

 #13

March 19, 2024

Steffany Hreno
Director of Investigations

Date

Appendix ACase Details

Date/Time/Location of Incident:	October 3, 2022 / 1:15 pm / 5858 S. Campbell Avenue, Chicago, IL 60629
Date/Time of COPA Notification:	October 4, 2022 / 10:42 pm
Involved Officer #1:	Officer Rolando Ramirez, Jr. / Star #11352 / Employee ID # [REDACTED] / Date of Appointment: July 27, 2018 / Unit of Assignment: 008 th District – Unit Detail 715 / Male / Hispanic
Involved Officer #2:	Officer Marvin Villada / Star #17492 / Employee ID # [REDACTED] / Date of Appointment: May 16, 2018 / Unit of Assignment: 005 th District – Unit Detail 131 / Male / Hispanic
Involved Individual #1:	[REDACTED] Male, Black

Applicable Rules

- 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, Human Rights and Human Resources (effective October 5, 2017 to June 30, 2022).
- G03-02, De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).
- G03-02-01, Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).
- S03-14, Body Worn Cameras (effective April 30, 2018 to December 29, 2023).
- S04-13-09, Investigatory Stop System (effective July 10, 2017 to present).

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.⁷⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”⁷⁷

⁷⁶ 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).

⁷⁷ *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