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Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Larry B. Snelling
Superintendent of Police

May 28, 2024

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability (COPA)
1615 W. Chicago Ave., 4th Floor

Re: Superintendent's Partial Non-Concurrence with COPA's Findings and Penalty
Log# 2022-0004265
Officer Rolando Ramirez Jr.

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with the recommended findings or penalty recommendation, as they pertain to Officer Rolando Ramirez Jr., Star No. 11352. However, the Department concurs with the recommended finding and penalty recommendation as they pertain to Officer Marvin Villada, Star No. 17492. Pursuant to the Municipal Code of Chicago, the Department provides the following comments:

The COPA investigation recommended a suspension of 5-10 day and Use of Force Re-training for Officer Rolando Ramirez Jr. (Officer Ramirez) after concluding that he:

1. Pushed ██████████ off his bicycle, without justification.
2. Kicked ██████████ leg, without justification.

The COPA investigation recommended a Reprimand for Officer Marvin Villada (Officer Villada) after concluding that he:

1. Failed to activate his Body-Worn Camera in a timely manner.

First, COPA sustained allegations against Officer Ramirez alleging the officer pushed ██████████ (██████████ off his bicycle without justification and kicked ██████████ leg without justification. A review of the relevant BWC and documentary evidence related to this investigation reveals that Officer Ramirez and his partners, Officer Klementzos and Officer Mitera, observed ██████████ handling what they believed to be a firearm. Attachment #7 at pg. 2. The Officers called out to ██████████ at which time he rode away on his bicycle. Attachment #14 at 2:07. The Officers ordered ██████████ to "stop," but the verbal commands were ignored by ██████████ as he continued to ride away from the Officers on the sidewalk. Attachment #14 at 2:09. Officer Ramirez exits his CPD vehicle and attempts to grab ██████████ with both arms extended. Attachment #14 at 2:10. As Officer Ramirez explains on his COPA interview "He's not listening; so I exit the vehicle. I attempt to detain him. Now, when I attempt to detain him, I tried grabbing him with both my hands extending out. I'm unsuccessful. His bike clips the iron fence causing him to fall forward. He falls forward, continues running. I start giving him verbal commands to stop and to let go of his waist.

He still is holding his waist. He doesn't listen, continues to flee on foot." Attachment #53 at pg. 8. When Officer Ramirez was asked whether he touched [REDACTED] as he reached out to grab him, Officer Ramirez explained "That I don't recall having any actual physical control. I did feel some touch with my right hand, but it was more of like a graze when I attempted to reach out." Attachment #53 at pg.10-11. Moreover, COPA admits the "position and angle of the BWC recording does not capture a continuous view of Officer Ramirez and [REDACTED] at the point where COPA alleges that Officer Ramirez pushed [REDACTED] off his bicycle, yet COPA determines that this allegation should be sustained because the "video reveals the shadow produced by [REDACTED] and his bicycle, indicating that direct physical contact likely occurred between them." Attachment #56 at pg. 2.

COPA's conclusion is pure speculation with no evidence to support it. COPA's analysis of the shadow cast from Officer Ramirez's outstretched hands intersecting the shadow cast of [REDACTED] and his bicycle fails any known science or standard of objectivity or reliability. As explained in the following paragraph, the shadow cast by and object or a human is not a reliable indicator of whether the actual human or object actually touched. Rather, it is more indicative of the proximity or distance between the actual human or objects. The "shadow rule" dictates that:

"When the sun appears low in the sky, your shadow can be huge. The length of shadow to your height is proportional to $1/\text{Tangent}(\text{sun's altitude})$. If the sun is low in the sky (10 degrees), your shadow would be 5.67 times as long as your height. The corresponding ratio at 5 degrees is 11.43. (So an average height person (5.8 feet) would have a 66-foot-long shadow), When the center of the sun is 1 degree above the horizon, your shadow would be 57.3 as long as your height, making an average person's shadow longer than the spacing between goal lines on a football field." [https://www.times-news.com/archives/finding-shadow-length/article.](https://www.times-news.com/archives/finding-shadow-length/article)

Further, nothing in the video supports that Officer Ramirez even touched [REDACTED] Officer Ramirez truthfully stated, he believes he may have graze [REDACTED] as he was riding his bicycle on the sidewalk. Attachment #53 at pgs. 10-11. There is no contemporaneous evidence that any physical contact between Officer Ramirez and [REDACTED] occurred at all. Instead, the evidence clearly supports the most obvious conclusion that as Officer Ramirez came near the [REDACTED] as he was riding his bicycle on the sidewalk. [REDACTED] steered closer to the fence to evade the outstretched hands off the officer and came too close to the fence and crashed, causing [REDACTED] to lose control of the bicycle and fall to the ground. Attachment #14 at 2:11.

Allegation two is also contradicted by the video evidence. COPA alleges that Officer Ramirez's "left foot struck down against [REDACTED] left ankle/instep" as he and other officers were struggling to place [REDACTED] inside of a CPD transport vehicle. Attachment #56 at pg. 12. A review of the BWC videos showing the moment Officer Ramirez allegedly kicked [REDACTED] shows [REDACTED] resisting Officer's efforts to place him in a transport vehicle and shifting his body weight and holding onto the door to prevent the Officers from placing him inside. Attachment #14 at 10:16. As Officers are pulling [REDACTED] inside the vehicle from the other side, [REDACTED] stretches out his left leg to shift his body weights and pleads, "Please God!" as Officer Ramirez warns [REDACTED] not to kick him. Attachment #14 at 10:19. Officer Ramirez lifts his leg high in the air and around [REDACTED] outstretched leg (to avoid making contact with [REDACTED] and rests his foot firmly down on the ground (likely because he may have slightly lost his balance) without ever making any contact with [REDACTED] Attachment #14 at 10:21. COPA claims that [REDACTED] is "captured shouting out in apparent pain" when Officer Ramirez's foot landed on the ground. Attachment #56 at

pg. 5. [REDACTED] screams and pleads, "Please God!" And "Please!" as he struggles with the Officers trying to get him into the vehicle for transport. Attachment #14 at 10:23. [REDACTED] sounds out of breath and continues to scream "Please!" the entire time. Attachment #14 at 10:04-10:47. At no time does [REDACTED] react to Ramirez landing his foot ground because Officer Ramirez never kicked him. In fact, Officer Mitera's BWC provides the best viewing angle of [REDACTED] and shows no contact made between Officer Ramirez and [REDACTED] bare feet. Attachment #13 at 10:11-16. The Department believes it is worth noting that [REDACTED] never made any allegation of Officer Ramirez kicking him and that none of the video evidence supports allegation two.

Moreover, Officer Ramirez is fully aware that his COPA interview would have the status of an official department report. Any intentional falsification of their answer would constitute a direct violation of departmental rules and regulations; that would result in a violation of Rule 14, and separation from the Department.

For all the foregoing reasons, the Department does not concur with COPA's findings and penalty as they pertain to Officer Ramirez and recommends a finding of Unfounded for allegation one and two. In addition, the Department concurs with COPA's findings and penalty as they pertain to Officer Villada.

The Department looks forward to discussing this matter with you pursuant to MCC-2-78-130(a)(iii).

Sincerely,

[REDACTED]
Larry B. Snelling
Superintendent of Police
Chicago Police Department