



Log # 2019-4793

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On Nov. 26, 2019, the Civilian Office of Police Accountability (COPA) received a web complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on Nov. 17, 2019, off-duty Police Officer Roger Farias had ██████████ falsely arrested for battering Officer Farias at the Bounce Nightclub located at 324 W Chicago Ave.<sup>2</sup> ██████████ a member of Bounce Nightclub's security staff, alleged that Officer Farias had become angry and confrontational when he and his party were asked to depart the nightclub prior to closing time. During the verbal altercation, ██████████ alleged that the intoxicated Officer Farias used racial slurs towards ██████████ and told him he was a CPD officer. When another staff-person forcibly grabbed and escorted Officer Farias outside of the nightclub, Officer Farias approached two uniformed CPD officers already in the area seeking assistance and then called 911 requesting a supervisor. In the interim, the Bounce staff member who ushered Officer Farias outside departed the nightclub, while ██████████ went to the restaurant next door after his shift ended. One member of Officer Farias's party, ██████████, entered the restaurant to use the restroom and subsequently encountered ██████████ and they had a verbal confrontation. ██████████ returned outside and told Officer Farias that ██████████ was in the restaurant. Officer Farias told the present CPD members that the man who battered him was next door and that he could identify him. The officers entered the restaurant, and Officer Farias pointed at ██████████ who was then arrested. Officer Farias signed a complaint against ██████████—who was then on parole—and he was taken into custody.

In addition to ██████████ allegation against Officer Farias of false arrest, upon review of the evidence, COPA served additional allegations against Officer Farias including intoxication, engaging in an unjustified verbal confrontation with ██████████ and making a false statement resulting in the arrest of ██████████. Also, COPA brought allegations against Sergeant (Sgt.) Kristopher Rigan and Lieutenant (Lt.) Thomas Keane for inattention to duty and failing to conduct a proper preliminary investigation regarding the circumstances of ██████████ arrest. Following its investigation, COPA reached sustained findings regarding the allegations of abuse of authority, false arrest, false reports made by Officer Farias, and failing to conduct a proper preliminary investigation against Sgt. Rigan and Lt. Keane. Other allegations were Not Sustained, Exonerated, or Unfounded.

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<sup>1</sup> 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.

<sup>2</sup> 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.

## II. SUMMARY OF EVIDENCE<sup>3</sup>

On November 17, 2019, at approximately 2:04 am, Officer Farias, his girlfriend ██████, her sister ██████ ██████, and former CPD Police Officer ██████ ██████ went to the Bounce Nightclub (Bounce) located at 324 W Chicago Ave. after departing another bar. At approximately 2:26 am, members of the Bounce security staff began to usher patrons out of the bar due to the time approaching 3:00 am; the mandatory time bars such as Bounce must close or face administrative fines.<sup>4</sup> One of the Bounce security staff members, ██████ approached Officer Farias and his party and informed them that the bar was now closed, and they had to depart. ██████ engaged in a confrontation with Officer Farias that was partially captured on surveillance video, without audio. Neither Officer Farias, nor his party, left the nightclub and the confrontation appeared to escalate. Another member of the Bounce security staff, known only as ██████<sup>5</sup> joined the discussion and stood next to ██████ with his arms outstretched, then began to guide Officer Farias, ██████ ██████, and ██████ ██████ towards the front entrance with his arms outstretched, while ██████ remained at the bar still drinking his drink.

Officer Farias was handed his coat by another unknown Bounce employee, and after moving a few feet away, he stopped and shoved ██████ arm. ██████ and ██████ then seized Officer Farias and pinned him back-first against the bar. Officer Farias elbowed ██████ in the jaw as ██████ placed his hand against Officer Farias' neck. ██████ kept his grip on Officer Farias's neck and placed his left hand under Officer Farias' right armpit. ██████ then partially lifted Officer Farias and carried him towards the door as Officer Farias placed his right forearm under ██████ jaw. ██████ disengaged from Officer Farias and stood by while ██████ guided Officer Farias towards the front door.

Upon entering the vestibule containing the front door, ██████ walked Officer Farias backwards outside, with his left hand clasped around the front of Officer Farias' neck and his right hand affixed to the back of Officer Farias' neck. ██████ shoved Officer Farias outside the outer door, but he did not release the hold he had on Officer Farias' neck. Once outside the establishment on Chicago Ave., ██████ let Officer Farias go and shoved him away. Another member of the Bounce security staff quickly stepped in between ██████ and Officer Farias, and an inaudible discussion took place under the nightlight. Officer Farias was eventually joined by ██████ ██████ and ██████ ██████ on the sidewalk outside the nightclub.

Global positional system (GPS) records show that CPD Beat 1824R was parked at 318 W Chicago Ave. beginning at 2:36:58 am in response to a different incident involving Bounce Nightclub.<sup>6</sup> At 2:57 am, Officer Farias called 911 to request a CPD supervisor to come to the

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<sup>3</sup> 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, third-party surveillance video footage, CPD reports, civilian interviews, and CPD member interviews.

<sup>4</sup> Att. 50.

<sup>5</sup> Att. 6, pg. 15, ln. 12.

<sup>6</sup> Att. 55.

scene.<sup>7</sup> The Office of Emergency Management (OMEC) Event Query documented that Officer Farias identified himself as an off-duty police officer and that an officer-involved battery had occurred.<sup>8</sup> Officer Farias also indicated that there were already CPD officers on the scene. At 3:07 am,<sup>9</sup> Officer Daniel Wyrzyszcwski and his partner, Officer Artur Zygmunt (now deceased) were flagged down by Officer Farias seeking assistance.

Lt. Keane arrived, followed by Sgt. Rigan. These supervisors entered the nightclub and conferred with [REDACTED] Bounce's security manager, who showed them portions of surveillance camera video footage on [REDACTED] cellphone. Officer Farias was present when this viewing occurred.<sup>10</sup> At approximately 3:36 am, Officer Wyrzyszcwski and Officer Zygmunt entered the restaurant next door and surrounded [REDACTED]<sup>11</sup> Officer Farias pointed out [REDACTED] and positively identified him as his assailant.<sup>12</sup> [REDACTED] was required to step outside the restaurant and placed in handcuffs. [REDACTED] asked why he was being detained, and Lt. Keane told him for battery. [REDACTED] then asked, "How am I doing battery?"<sup>13</sup> and Lt. Keane answered, "You had somebody around the throat."<sup>14</sup> [REDACTED] was arrested on a signed complaint and transported to the 18<sup>th</sup> District police station.<sup>15</sup>

### III. ALLEGATIONS

#### Officer Roger Farias

1. Falsely accusing [REDACTED] of battering you inside the Bounce Nightclub.  
--SUSTAINED; Violation of Rules 2, 3, and 14.
2. Knowingly and intentionally signing a false complaint identifying [REDACTED] as your assailant during the altercation inside the Bounce Nightclub.  
--SUSTAINED; Violation of Rules 2, 3, and 14.
3. Abusing your authority as a police officer to hav [sic] [REDACTED] falsely arrested.  
--SUSTAINED; Violation of Rules 2, 3, and 4.
4. Using racial slurs directed at [REDACTED] during te [sic] altercation inside the Bounce Nightclub.  
--NOT SUSTAINED
5. Being intoxicated off-duty at the Bounce Nightclub during your interaction with [REDACTED]  
--NOT SUSTAINED

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<sup>7</sup> Att. 11, pg. 3.

<sup>8</sup> Att. 11, pg. 3.

<sup>9</sup> Att. 8.

<sup>10</sup> Att. 30 at 0:08.

<sup>11</sup> Att. 30 at 1:20.

<sup>12</sup> Att. 30 at 1:33.

<sup>13</sup> Att. 30 at 1:59.

<sup>14</sup> Att. 30 at 2:02.

<sup>15</sup> Att. 7.

6. Engaging in an unjustified verbal confrontation with [REDACTED]  
--NOT SUSTAINED
7. Abusing your authority to intimidate the staff of Bounce Nightclub to serve you additional drinks after the bar was closed.  
--UNFOUNDED
8. Engaging in an unjustified physical confrontation with the security staff at the Bounce Nightclub.  
--NOT SUSTAINED
9. Willfully making a false or misleading statement resulting in the arrest of [REDACTED]  
--SUSTAINED; Violation of Rules 2, 3, and 14.

**Sgt. Kristopher Rigan**

1. Failing to properly conduct a preliminary investigation relative to the arrest of [REDACTED]  
--SUSTAINED; Violation of Rules 2, 3, 5, 6, 10, and 11.
2. Failing to properly document the arrest of [REDACTED]  
--EXONERATED
3. Falsely arresting [REDACTED] without justification.  
--SUSTAINED; Violation of Rules 2, 3, 8, 10, and 11.

**Lt. Thomas Keane**

1. Falsely arresting [REDACTED]  
--SUSTAINED; Violation of Rules 2, 3, 8, 10, and 11.
2. Failing to properly conduct a preliminary investigation relative to the arrest of [REDACTED]  
--SUSTAINED; Violation of Rules 2, 3, 5, 6, 10, and 11.
3. Failing to properly document the arrest of [REDACTED]  
--EXONERATED
4. Failure by supervising member to properly guide/direct subordinates in the arrest of [REDACTED]  
--SUSTAINED; Violation of Rules 2, 3, 6, 10, and 11.
5. Inattention to duty.  
--SUSTAINED; Violation of Rule 10.

**IV. CREDIBILITY ASSESSMENT**

[REDACTED] gave his statement to COPA on Nov. 26, 2019, approximately nine days after his encounter with Officer Farias.<sup>16</sup> [REDACTED] statement largely comports with the available surveillance camera footage obtained by COPA. The portions that could not be verified by video or audio, such as when [REDACTED] claims Officer Farias called him the “n-word,” are impossible to

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<sup>16</sup> Att. 3, pg. 1, ln. 13.

prove or disprove. At the moment ██████ was handcuffed, Officer Farias did not appear to be close enough to ██████ to have whispered, “I told you n-word,”<sup>17</sup> as ██████ claims he did. However, ██████ ██████ was very close to ██████ at this moment and appeared to say something to ██████ as he passes by,<sup>18</sup> escorted by Officer Zygmunt and Officer Wytrzyaszczewski. Officer Zygmunt failed to activate his BWC, and Officer Wytrzyaszczewski turned his BWC on late, so what Hernandez said is inaudible.

Officer Wytrzyaszczewski was interviewed as a witness by COPA on April 15, 2021.<sup>19</sup> Officer Wytrzyaszczewski gave a statement that closely matched the evidentiary record and available BWC footage. Of the details he was able to provide, Officer Wytrzyaszczewski said that he did not see the surveillance video footage of ██████ showing Officer Farias outside the nightclub on ██████ phone the day of the incident,<sup>20</sup> and he described Officer Farias as not intoxicated during their interactions.<sup>21</sup>

Officer Farias was interviewed by COPA on June 21, 2021.<sup>22</sup> Officer Farias failed to offer a plausible explanation as to why he identified ██████ as his assailant, despite the surveillance video showing such close contact with ██████ rather than with ██████. Officer Farias also offered implausible excuses for not correcting an identification he knew to be faulty and not mentioning the existence of ██████ all while claiming not to have been intoxicated. Officer Farias told COPA that he initially believed that ██████ had choked him prior to ██████ choking him. After being shown the video footage, Officer Farias explained that “another bouncer eventually [took] over from Mr. ██████ and [had] his hands around my neck and [shoved] me outside the bar.”<sup>23</sup> Officer Farias also cited “tunnel vision” as being the reason why he failed to see ██████ choking him from inside the bar to outside on the sidewalk.<sup>24</sup> Officer Farias maintained that he honestly believed that ██████ the “primary perpetrator” choking him because he was looking at ██████ while he was being choked by ██████<sup>25</sup> He explained that whether this was true or not, it is what he honestly believed at the time.

Sgt. Rigan was interviewed by COPA on May 18, 2021.<sup>26</sup> Sgt. Rigan claimed to be unable to distinguish obvious physical differences between ██████ and the other bouncer (██████) from not only the day of the incident, but also on the day of his interview with COPA. He deems the video footage too blurry to make an identification of ██████ when asked by COPA during his statement, yet somehow the same blurry footage was clear enough for him to conclude ██████ was Officer Farias’s assailant on November 17, 2019. Sgt. Rigan also suggested that he was not required to

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<sup>17</sup> Att. 3, pg. 14, ln. 6.

<sup>18</sup> Att. 30 at 2:21.

<sup>19</sup> Att. 15, pg. 1, ln. 13.

<sup>20</sup> Att. 15, pg. 24, lns. 7 to 13.

<sup>21</sup> Att. 15, pg. 13, lns. 13 to 17.

<sup>22</sup> Att. 25, pg. 1, ln. 11.

<sup>23</sup> Att. 25 pg. 35

<sup>24</sup> Att. 25 pg. 39

<sup>25</sup> Att. 26 pg. 113

<sup>26</sup> Att. 19, pg. 1, ln. 13.

make sure the reports prepared by Officer Wytrzyaszczewski and Officer Zygmunt were accurate, including details such as how many surveillance video recordings were viewed and who viewed them. Sgt. Rigan could not explain why the names of other witnesses, such as the members of Officer Farias's party, were omitted from the arrest report and original case incident report despite ██████ being the person who encountered ██████ in the restroom of the restaurant next door and alerted Officer Farias that ██████ was there. Sgt. Rigan did not ask Officer Farias what time he last worked or if he had drinks that night.<sup>27</sup> Sgt. Rigan did not document the incident on his supervisor's management log,<sup>28</sup> and he contended that there was nothing extraordinary about a request for a supervisor made by an off-duty police officer who was allegedly battered by a bouncer. Sgt. Rigan merely wrote the address of the nightclub — incorrectly —<sup>29</sup> and nothing further.

Lt. Keane was interviewed by COPA on June 9, 2021.<sup>30</sup> Lt. Keane's account places most of the responsibility for the identification of ██████ as Officer Farias's assailant on Bounce Nightclub's security manager ██████ ██████ and on Officer Farias. Lt. Keane claimed he did not identify ██████ using the surveillance camera footage, and he repeatedly described the footage as grainy. Lt. Keane also asserted that ██████ did not distinguish which of the bouncers battered ██████ only that ██████ named ██████ as the assailant. Lt. Keane did not ask for the identity of the other individual next to ██████ and he did not attempt to identify the other parties involved because he believed that sufficient probable cause existed to arrest ██████ without further investigation. When shown the portion of the surveillance video footage that most closely resembles the altercation that Officer Farias described to him on November 19, 2019, Lt. Keane admitted that the footage does not appear to show ██████ shoving Officer Farias out the door.<sup>31</sup> Lt. Keane asserted that he was not shown this video footage the night of the incident. Lt. Keane suggested that even if ██████ was not the one choking Officer Farias, ██████ committed a battery by funneling Officer Farias and his party towards the nightclub's door. However, the battery offense as alleged is very specific and does not mention pushing, shoving, or any other unwanted contact in the signed complaint by Officer Farias, nor ██████ arrest report,<sup>32</sup> which was prepared by Officer Zygmunt at Lt. Keane's direction,<sup>33</sup> nor the Original Case Incident Report,<sup>34</sup> which was prepared by Officer Wytrzyaszczewski at Lt. Keane's direction.<sup>35</sup>

Bounce manager ██████ ██████ was interviewed by COPA on May 20, 2021.<sup>36</sup> ██████ told COPA that the time was later than the evidentiary record showed, believing it to be 2:45 am

<sup>27</sup> Att. 19, pg. 40, lns. 17 to 22; Att. 19, pg. 44, lns. 19 to 21.

<sup>28</sup> Att. 12, pg. 3.

<sup>29</sup> Att. 19, pg. 78, lns. 8 to 21.

<sup>30</sup> Att. 22, pg. 1, ln. 13.

<sup>31</sup> Att. 22, pg. 57, lns. 1 to 5.

<sup>32</sup> Att. 7, pg. 2.

<sup>33</sup> Att. 13 at 2:20.

<sup>34</sup> Att. 8, pg. 3.

<sup>35</sup> Att. 13 at 2:38.

<sup>36</sup> Att. 29, pg. 1, ln. 14.

when Officer Farias and his party were asked to depart the nightclub.<sup>37</sup> In reality, as evinced by the timestamp on the footage, it was 2:36 am when ██████ and Farias had their confrontation. ██████ claimed that he was not present at the moment of ██████ arrest. ██████ told COPA he was “upstairs counting money” when ██████ was arrested,<sup>38</sup> and he only became aware of what happened to his friend after the fact.<sup>39</sup> ██████ also told COPA that “he was never outside when ██████ [sic] was arrested.”<sup>40</sup> However, Fig. 1 below from Officer Wytrzyaszczewski’s BWC recording shows ██████, who identified himself earlier as being clad in a camouflage shirt,<sup>41</sup> standing next to ██████ while Officer Wytrzyaszczewski prepared the complaint paperwork. ██████ was handcuffed and seated in a CPD vehicle with flashing blue lights that are visible in the BWC footage. Notably, ██████ did not appear to be making any effort to clear ██████ from being arrested as the assailant of Officer Farias.



**Figure 1:** A screenshot from Att. 45, BWC footage from Officer Wytrzyaszczewski at 4:26.

█████ ██████ ██████ the security manager for the Bounce Nightclub, was interviewed by COPA on May 5, 2021<sup>42</sup>. CPD reports referred to him as ██████<sup>43</sup> as did both Sgt. Rigan and Lt. Keane in their statements to COPA. But ██████ told COPA that ██████ is his middle name,

<sup>37</sup> Att. 29, pg. 7, lns. 4 to 5.

<sup>38</sup> Att. 29, pg. 24, ln. 9.

<sup>39</sup> Att. 29, pg. 24, ln. 11.

<sup>40</sup> Att. 29, pg. 24, lns. 6 to 7.

<sup>41</sup> Att. 29, pg. 34, lns. 12 to 15.

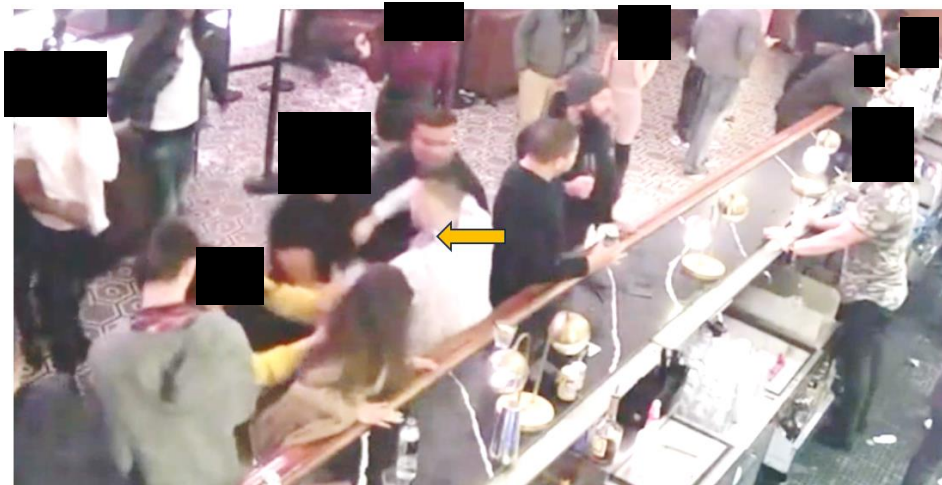
<sup>42</sup> Att. 6, pg. 1, ln. 13.

<sup>43</sup> Att. 8.

and his last name is actually ██████<sup>44</sup> ██████ revealed to COPA that he knows Sgt. Rigan “socially,”<sup>45</sup> and he knows Lt. Keane at least professionally. ██████ told COPA that he showed Sgt. Rigan and Lt. Keane all of the available video recordings and that he did not name ██████ as the person who battered Officer Farias. ██████ described Officer Farias as being very intoxicated and barely able to stand up.<sup>46</sup>

## V. ANALYSIS<sup>47</sup>

COPA finds **Allegation #1** against **Officer Farias**, that he falsely accused ██████ of battering him inside the Bounce Nightclub, is **Sustained**. Officer Farias had sufficient information, based on his close-up and unobstructed view of ██████ to discern the differences in appearance between ██████ and ██████. Officer Farias also spent considerable time outside the bar talking to ██████ where he only interacted with ██████ absent ██████<sup>48</sup>. It is not plausible that Officer Farias would mistake the shorter, stockier, long-sleeved-clad ██████ for the taller, thinner, short-sleeved-clad ██████ as his assailant. Figure 2 shows both ██████ and ██████ side-by-side in color.



**Figure 2:** A screenshot from Att. 38, Bounce surveillance footage at 0:39. The yellow arrow shows the position of ██████ right hand on Officer Farias’s neck.

<sup>44</sup> Att. 6, pg. 2, lns. 12 to 15.

<sup>45</sup> Att. 6, pg. 26, lns. 3 to 8.

<sup>46</sup> Att. 6, pg. 23, lns. 3 to 15.

<sup>47</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

<sup>48</sup> Att. 41 at 0:02.



**Figure 3:** A screenshot from Att. 39, Bounce surveillance footage at 0:29. ██████ is under the red arrow, ██████ under the yellow, and Farias under the blue.

It is also notable that Officer Farias never mentioned the presence or actions of ██████ to the officers on scene, and he never implicated more than one member of the Bounce security team as being involved in his ejection from the bar. ██████ was the only member of the Bounce security staff still near the scene of the incident, and while Officer Farias did have a verbal confrontation with ██████ there was very little physical contact between Officer Farias and ██████ in comparison to the contact Officer Farias had with ██████. Accordingly, the allegation is sustained.

COPA finds **Allegation #2** against **Officer Farias**, that he knowingly and intentionally signed a false complaint identifying ██████ as your assailant during the altercation inside the Bounce Nightclub, is **Sustained**. Officer Farias signed the complaint against ██████ alleging that ██████ “without legal justification, knowingly and intentionally made physical contact with Roger Farias in that he grabbed him by the throat.”<sup>49</sup> The surveillance footage never shows ██████ grabbing Officer Farias by the throat, making the complaint factually incorrect. Officer Farias told COPA he didn’t draft the complaint and wasn’t responsible for its contents,<sup>50</sup> but COPA does not find this claim persuasive. Accordingly, the allegation is sustained.

The arrest report described the offense as ██████ having made “physical contact with victim by grabbing victim by the neck with an open hand, while escorting victim to exit door of the bar

<sup>49</sup> Att. 34.

<sup>50</sup> Att. 26, pg. 69, lns. 11 to 24.

establishment,”<sup>51</sup> which is again, based on the surveillance video,<sup>52</sup> factually incorrect. The original case incident report described the offense as “a bouncer was forcefully trying to push him out of the establishment , the bouncer grabbed him by the throat without any provocation,”<sup>53</sup> which once again is factually incorrect as to [REDACTED] but accurately described the actions of [REDACTED]

COPA finds **Allegation #3** against **Officer Farias**, that he abused his authority as a police officer to have [REDACTED] falsely arrested, is **Sustained**. Officer Farias’s status as a CPD officer not only factored into the CPD response he received, but also in the eagerness to make an arrest with such little evidence and omitted investigative steps. Officer Farias knew, or should have known, the weight his fellow officers would place on his identification of [REDACTED] Officer Farias appeared to be less concerned with making sure the right assailant was arrested than he was with punishing at least one of the security staff members who he believed had wronged him, even if he had to omit the existence and involvement of the individual who had actually choked him. For these reasons, the allegation is sustained.

COPA finds **Allegation #4** against **Officer Farias**, that he used racial slurs directed at [REDACTED] during the altercation inside the Bounce Nightclub, is **Not Sustained**. The available surveillance video footage that COPA obtained does not have any audio that captured the conversation between Officer Farias and [REDACTED] inside the nightclub. Officer Farias denied using any racial slurs towards [REDACTED]<sup>54</sup> and COPA did not find any witnesses who could verify that Officer Farias referred to [REDACTED] in a manner that demonstrated racial bias. Accordingly, the allegation is not sustained.

COPA finds **Allegation #5** against **Officer Farias**, that he was intoxicated off-duty at the Bounce Nightclub during his interaction with [REDACTED] is **Not Sustained**. Sgt. Rigan and Lt. Keane did not perform sobriety tests on Officer Farias, and there is no way to verify that Officer Farias was intoxicated at approximately 2:36 am the morning of November 17, 2019, when he had the confrontation with the Bounce security staff. Circumstantial evidence in the form of bar receipts and Officer Farias’ own words reveal that Officer Farias consumed alcohol at the Clutch Nightclub,<sup>55</sup> and finally two drinks at the Bounce Nightclub.<sup>56</sup> Considering Sgt. Rigan’s statement that Officer Farias did not appear to be impaired, COPA does not have enough evidence to show by a preponderance of evidence that Officer Farias was intoxicated. Accordingly, the allegation is not sustained.

COPA finds **Allegation #6** against **Officer Farias**, that he engaged in an unjustified verbal confrontation with [REDACTED] to be **Not Sustained**. The verbal interactions between [REDACTED] and Officer Farias were not captured on the surveillance video recordings due to the cameras’ inability to record audio. As a member of Bounce’s security staff, [REDACTED] would be expected to ask

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<sup>51</sup> Att. 7, pg. 2.

<sup>52</sup> Att. 40.

<sup>53</sup> Att. 8, pg. 3.

<sup>54</sup> Att. 26, pg. 115, ln. 21.

<sup>55</sup> Att. 43; Att. 25, pg. 15, lns. 15 to 16.

<sup>56</sup> Att. 43.

bar patrons to leave as closing time approached. It would also be reasonable to believe that Officer Farias, in his off-duty capacity, could disagree with ██████'s insistence that his party must leave immediately, especially given that there were other patrons still milling around the bar. Absent the context and content of what was said, COPA is unable to conclude that the verbal confrontation was without justification. Accordingly, the allegation is not sustained.

COPA finds **Allegation #7** against **Officer Farias**, that he abused his authority to intimidate the staff of Bounce Nightclub to serve you additional drinks after the bar was closed, to be **Unfounded**. The receipt in Officer Farias's name indicates he bought four "Titos" at 2:03 am.<sup>57</sup> The tab was closed, and no further drinks were purchased by Officer Farias. It is unknown if Officer Farias's friend and former CPD officer ██████ purchased any additional drinks for the group and invoked his status as a police officer to get more drinks, but there does not appear to be any independent evidence that Officer Farias requested additional drinks after the bar had closed. Accordingly, the allegation is unfounded.

COPA finds **Allegation #8** against **Officer Farias**, that he engaged in an unnecessary physical confrontation with the security staff at the Bounce Nightclub to be **Not Sustained**. ██████ and the Bounce security staff wanted Officer Farias and his party to leave, and there were only twenty-four minutes before the nightclub had to close. In one portion of the surveillance video footage, Officer Farias appeared to object to being funneled by ██████ towards Bounce's exit, and he abruptly pushed ██████ arm from around him. This act appears to lead ██████ to join ██████ and then pin Officer Farias against the bar counter. ██████ then took the lead, grasping Officer Farias by the throat and ushering him towards the front door. Officer Farias may have been within his rights to defend himself from being handled in this manner, but if he had heeded the security staff's requests that he leave the bar, the altercation could have been avoided entirely. Accordingly, the allegation is not sustained.

COPA finds **Allegations #9** against **Officer Farias**, that he willfully made a false or misleading statement resulting in the arrest of ██████ to be **Sustained**. Officer Farias signed a complaint naming ██████ as his assailant knowing that ██████ was not the individual who battered him in the manner described in the text of the complaint.<sup>58</sup> The video footage that matches the three different descriptions of the incident found in the arrest report, original case incident report, and the signed complaint is from the front doorway camera.<sup>59</sup> There are too many differences between ██████ and ██████ for Officer Farias to have plausibly mistaken one for the other. ██████ attire, height, and build are readily discernible from those attributes of ██████ and the bar-view camera footage shows that ██████ never left the bar, while the arrest report specifically documented that Officer Farias's assailant had done so.<sup>60</sup> Officer Farias identified ██████ in the silent BWC footage recorded by Sgt. Rigan's moments before ██████ was instructed to step outside

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<sup>57</sup> Att. 43.

<sup>58</sup> Att. 34.

<sup>59</sup> Att. 40.

<sup>60</sup> Att. 39 at 0:28; Att. 7, pg. 2.

the restaurant.<sup>61</sup> Officer Farias asserted that he went along with what Sgt. Rigan and Lt. Keane determined had happened and that he had a minimal role in preparing the complaint. Officer Farias admitted to watching at least one of the Bounce surveillance videos, but he is unsure which video he saw. Officer Farias also asserted that it was possible both [REDACTED] and [REDACTED] choked him,<sup>62</sup> but there no mention of a second assailant in any of the CPD reports or the criminal complaint. Accordingly, the allegation is sustained.

COPA finds **Allegation #1** against **Sgt. Rigan**, that he failed to properly conduct a preliminary investigation relative to the arrest of [REDACTED] to be **Sustained**. Sgt. Rigan did not administer (or call for the Bureau of Internal Affairs to administer) a breath alcohol test to Officer Farias, nor did he request for an evidence tech to come to the scene to photograph Officer Farias' neck. If Sgt. Rigan suspected that Officer Farias was intoxicated, or if any of the involved civilians had complained that Officer Farias was intoxicated, Sgt. Rigan would have been obligated to have a breath alcohol test administered to Officer Farias.<sup>63</sup> However, because Sgt. Rigan did not inquire about Officer Farias's possible intoxication (despite the incident involving an altercation, at closing time, in a bar) the involved civilians were not given a chance to speak on this subject. Sgt. Rigan did not follow up with [REDACTED] to inventory all of the surveillance video from the incident. Sgt. Rigan did not question [REDACTED] to get his account of the events or consider if the incident may have involved mutual combatants. Sgt. Rigan did not inquire about the identity or whereabouts of [REDACTED] and he demonstrated no investigative curiosity towards locating any additional suspects. Accordingly, the allegation is sustained.

COPA finds **Allegation #2** against **Sgt. Rigan**, that he failed to properly document the arrest of [REDACTED] [REDACTED] to be **Exonerated**. The arrest was properly documented in a manner consistent with CPD procedures.

COPA finds **Allegation #3** against **Sgt. Rigan**, that he falsely arrested [REDACTED] without justification, to be **Sustained**. Sgt. Rigan did not recall which surveillance video he watched, but none of the recordings featured [REDACTED] with his hand on Officer Farias's neck. The fact that he was seeing an individual who differed physically from [REDACTED] committing the acts Officer Farias had ascribed to [REDACTED] should have led an experienced police sergeant to try to determine who the other subject was and to conduct a more thorough investigation before making an arrest. Sgt. Rigan afforded Officer Farias too much professional courtesy and did not vet Officer Farias' actions before deciding [REDACTED] was the aggressor and assailant. Accordingly, the allegation is sustained.

COPA finds **Allegation #1** against **Lt. Keane**, that he falsely arrested [REDACTED] to be **Sustained**. As mentioned above, Lt. Keane told [REDACTED] when [REDACTED] questioned the basis for his

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<sup>61</sup> Att. 30 at 1:34.

<sup>62</sup> Att. 25, pg. 35, Ins. 16 to 23.

<sup>63</sup> See Att. 51, S08-01-10(II)(E)(3), Special Situations Involving Allegations of Misconduct (effective April 8, 2019, to present).

battery arrest, “You had somebody around the throat.”<sup>64</sup> This statement is factually incorrect and not supported by any of the surveillance footage. Lt. Keane introduced during his COPA statement the theory that even if ██████ did not choke Officer Farias, ██████ could have been arrested for battery for simply touching Officer Farias during the incident. But the battery complaint that Officer Farias signed is very specific as to how the battery occurred, alleging that ██████ “knowingly and intentionally made physical contact with Roger Farias in that he grabbed him by the throat.”<sup>65</sup> No other physical contact is referenced. The case incident report goes further and described the battery as “knowingly and intentionally make physical contact with victim by grabbing victim by the neck with an open hand, while escorting victim to exit door of the bar establishment.”<sup>66</sup> There is only one video recording showing this, and the individual choking Officer Farias is clearly not ██████



**Figure 4:** Screenshots from Att. 40, Bounce surveillance footage at 0:03.

COPA finds **Allegation #2** against **Lt. Keane**, that he failed to properly conduct a preliminary investigation relative to the arrest of ██████ to be **Sustained**. As Sgt. Rigan’s superior, Lt. Keane was responsible for making sure that all the proper investigatory steps were undertaken in the investigation of the alleged battery of Officer Farias. Lt. Keane beat Sgt. Rigan to the scene of the incident and inserted himself into the investigation, specifically directing Officer Zygmunt and Wytryszczewski in drafting the complaint, and Lt. Keane told ██████ that believed ██████ was Officer Farias’s assailant. Lt. Keane told COPA that ██████ (█████ had named ██████ as the assailant, but ██████ told COPA that Lt. Keane was lying and that he never identified ██████ as the person who battered Officer Farias.<sup>67</sup> A proper preliminary investigation, in which all the surveillance video footage was obtained and reviewed and all the witnesses names and contact

<sup>64</sup> Att. 30 at 2:02.

<sup>65</sup> Att. 34.

<sup>66</sup> Att. 8, pg. 3.

<sup>67</sup> Att. 6, pg. 19, lns. 8 to 16.

information was obtained would have spared ██████ the harm he suffered being arrested while on parole, having to post a bond to get out of jail, and having to spend nearly two years of his life fighting a criminal case that was later dismissed by prosecutors.<sup>68</sup>

COPA finds **Allegation #3** against Lt. Keane, that he failed to properly document the arrest of ██████ to be **Exonerated**. The arrest was properly documented in a manner consistent with CPD procedures.

COPA finds **Allegation #4** against **Lt. Keane**, that he failed as a supervising member to properly guide and direct subordinates in the arrest of ██████ to be **Sustained**. Lt. Keane was content to defer to Officer Farias's version of events and did not consider that Officer Farias could actually be the offending party. An overreliance on the surveillance footage viewed on ██████ phone of only one camera angle led to an incorrect conclusion being reached and acted upon. Also, ██████ still should have been given the opportunity to share his version of the events. ██████ could have been shown the footage, and he could have been given the opportunity to differentiate himself from ██████

COPA finds **Allegation #5** against **Lt. Keane**, that he was inattentive to his duties to be **Sustained**. Lt. Keane's efforts and actions as a supervisor fell short of what was required and led to an unjust outcome that greatly affected the life of ██████ While many of the failures are attributable to Sgt. Rigan, Lt. Keane exercised command authority on the scene and personally conducted many aspects of the investigation. Accordingly, the allegation is sustained.

## VI. DISCIPLINARY RECOMMENDATION<sup>69</sup>

### a. 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.

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<sup>68</sup> Att. 53.

<sup>69</sup> See Att. 54 for the complimentary and disciplinary histories of the accused CPD members.

## ii. Recommended Discipline

COPA has found that Officer Farias violated Rules 2, 3, 4, and 14 by falsely accusing ██████████ of battering him, by knowingly and intentionally signing a false complaint identifying ██████████ as his assailant, by abusing his police authority to have ██████████ falsely arrested, and by willfully making a false or misleading statement resulting in the arrest of ██████████. Officer Farias has offered an implausible explanation for mis-identifying the person who choked him, stating that he was looking at ██████████ while ██████████ was choking him, and Officer Farias has also attempted to shift responsibility for the false criminal complaint to the on-duty officers who prepared it, COPA does not accept these explanations. By knowingly making false statements, and by knowingly signing a false criminal complaint that he knew would lead to an arrest, Officer Farias violated his fundamental duty as a member of CPD and as a law enforcement officer. This conduct is not compatible with further CPD service, and COPA recommends that Officer Farias be separated from the Chicago Police Department.

### b. Sgt. Kristopher Rigan

#### i. Complimentary and Disciplinary History

Sgt. Rigan has received the Police Blue Star Award, the Life Saving Award, seven Department Commendations, the Problem Solving Award, three complimentary letters, one-hundred-and-six Honorable Mentions, and fifteen other awards and commendations.<sup>70</sup> Sgt. Rigan has no sustained complaint registers within the past five years. Sgt. Rigan has one sustained complaint through the summary punishment process for failing to perform assigned tasks in May 2023, but no disciplinary action was taken.

#### ii. Recommended Discipline

COPA has found that Sgt. Rigan violated Rules 2, 3, 5, 6, 8, 10, and 11 by failing to conduct a proper preliminary investigation before ██████████ arrest and by falsely arresting ██████████. Sgt. Rigan, along with Lt. Keane, chose to accept Officer Farias's version of events without speaking to all of the available witnesses or reviewing all of the available video evidence. This resulted in the arrest of ██████████ who did not choke Officer Farias, and also resulted in ██████████ the real perpetrator of the

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<sup>70</sup> Sgt. Rigan's complimentary history indicates that he has received ninety-five Honorable Mention Ribbon Awards. The Honorable Mention Ribbon Award is awarded to CPD members who have received a minimum of fifty Honorable Mentions. A bronze oak leaf is worn on the ribbon bar when the member has received between ninety and one-hundred-and-forty-nine Honorable Mentions, and a silver oak leaf is worn when a CPD member receives one-hundred-and-fifty or more Honorable Mentions. There are no provisions for the Honorable Mention Ribbon Award being awarded more than once, so COPA concludes that the notation of "95" Honorable Mention Ribbon Awards on Sgt. Rigan's complimentary history is an error, and this award was only counted twice (first for the initial award, and second for the addition of the bronze oak leaf) based on his one-hundred-and-six Honorable Mentions. *See* Special Order S01-01-01(II)(X), Description of and Eligibility for Department Awards (effective May 3, 2023, to present).

battery, not being investigated. This conduct tends to undermine public confidence in CPD and in CPD's ability to be fair and impartial when investigating crime. Considering this information, and taking into account Sgt. Rigan's complimentary and disciplinary history, COPA recommends a **10-day suspension**.

**c. Lt. Thomas Keane**

**i. Complimentary and Disciplinary History**

Lt. Keane has received seven Department Commendations, the Life Saving Award, the Problem Solving Award, four complimentary letters, ninety-nine Honorable Mentions, and twenty-six other awards and commendations. Lt. Keane has no sustained complaint registers within the past five years.

**ii. Recommended Discipline**

COPA has found that Lt. Keane violated Rules 2, 3, 5, 6, 8, 10, and 11 by failing to conduct a proper preliminary investigation before [REDACTED] arrest, by falsely arresting [REDACTED] by failing to properly direct and guide his subordinates in [REDACTED] arrest, and by exhibiting inattention to duty. Lt. Keane chose to accept Officer Farias's version of events without speaking to all of the available witnesses or reviewing all of the available video evidence, and he did not instruct his subordinates to take reasonable investigative steps. This resulted in the arrest of [REDACTED] who did not choke Officer Farias, and also resulted in [REDACTED] the real perpetrator of the battery, not being investigated. This conduct tends to undermine public confidence in CPD and in CPD's ability to be fair and impartial when investigating crime. Considering this information, and taking into account Lt. Keane's complimentary and disciplinary history, COPA recommends a **10-day suspension**.

Approved:

[REDACTED]

Matthew Haynam  
Deputy Chief Administrator

Date: 1/27/2024

[REDACTED]

Andrea Kersten  
Chief Administrator

Date: 1/27/2024

Appendix ACase Details

Date/Time/Location of Incident:	November 17, 2019 / 2:36 am / 324 W Chicago Ave.
Date/Time of COPA Notification:	November 25, 2019 /10:43 am
Involved Member #1:	Police Officer Roger Farias, Star #9942, Employee # [REDACTED], DOA: December 16, 2009, Unit: 007, Male, Hispanic
Involved Member #2:	Sgt. Kristopher Rigan, Star #1279, Employee # [REDACTED], DOA: March 25, 2002, Unit:018, Male, White
Involved Member #3:	Lt. Thomas Keane, Star #323, Employee # [REDACTED], DOA: March 8, 1999, Unit: 650, Male, White
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 11:** Incompetency or inefficiency in the performance of 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

- S03-14: Body Worn Cameras (effective April 30, 2018, to December 29, 2023).
- S03-03-06: District Field Sergeants (effective March 3, 2017, to May 10, 2021).
- G04-01: Preliminary Investigations (effective October 15, 2017, to December 20, 2020).
- S03-03-04: District Field and Tactical Lieutenants (effective February 5, 2019, to present).
- S08-01-01: Special Situations Involving Allegations of Misconduct (effective April 8, 2019, 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.<sup>71</sup> 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.”<sup>72</sup>

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<sup>71</sup> 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.”).

<sup>72</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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