



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

### I. EXECUTIVE SUMMARY

On September 18, 2022, at approximately 2:04 p.m., the Civilian Office of Police Accountability (COPA) received a website complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on September 11, 2022, at approximately 1:15 a.m., during a traffic stop at 7601 S. Cicero Avenue, Chicago, IL 60652 (Ford City Mall), he was pushed 10 times to the ground by a CPD officer, whom he described as a 6'0" Hispanic male officer, now known to be Officer Roger Farias. Thus, an allegation was served against Officer Farias for pushing ██████████ into his car, without justification. ██████████ also alleged that two other CPD officers called him names and acted unprofessionally during the incident.<sup>2</sup>

Upon review of the evidence, COPA served additional allegations that Officer Ryan M. Trujillo, failed to intervene when Officer Farias was pushing ██████████ and that he also failed to timely activate his BWC, without justification. An additional COPA allegation was served to Officer Farias for failing to activate his BWC, without justification. Following its investigation, COPA reached sustained findings regarding all the allegations in this matter.

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

**Officer Farias:**<sup>4</sup> In his interview with COPA on May 25, 2023, Officer Farias stated that on September 11, 2022, at approximately 1:15 a.m., he had been involved in a traffic stop at 7601 S. Cicero Avenue, involving ██████████. His partner was Officer Trujillo and they arrived on the scene in a two-man car and were in full uniform. They were detailed to the area to deter street racing and were not involved in the initial traffic stop. The initial traffic stop was made by Officer Pedro A. Venegas and Officer Antonio Ramirez. ██████████ had been issued traffic citations by the initial officers and a verbal confrontation ensued between ██████████ and the officers.<sup>5</sup> ██████████ was shouting and cursing,<sup>6</sup> left his vehicle, and came near Officer Farias' vehicle, while continuing to be hostile and aggressive.<sup>7</sup> Officer Farias exited his vehicle and approached ██████████ on foot. He told ██████████ to leave the area or he would be arrested. ██████████ did not comply and

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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.

<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, police reports, and officer interviews.

<sup>4</sup> Att. #28; See Att. #32 for transcript.

<sup>5</sup> Att. #32, Pg. 11, Lns. 5-9

<sup>6</sup> Att. #32, Pg. 11, Lns. 17-18

<sup>7</sup> Att. #32, Pg. 11, Lns. 19-20

approached Officer Farias with a clenched fist, shouting, and cursing.<sup>8</sup> [REDACTED] refused to cooperate and leave the area, so Officer Farias began guiding [REDACTED] toward [REDACTED] vehicle by pushing him.<sup>9</sup> After the last push, [REDACTED] approached Officer Farias, and Officer Farias thought that [REDACTED] was going to attack him.<sup>10</sup> [REDACTED] was eventually handcuffed and arrested<sup>11</sup>, and then transported to the 8<sup>th</sup> District.

Officer Farias stated that Sgt. Patrick J. Kenah was present at the scene, but he was unsure if Sgt. Kenah had observed Officer Farias' interaction with [REDACTED]. He also stated that he prepared a Tactical Response Report (TRR) of the event.<sup>12</sup> Further, after reviewing the BWC of Officer Trujillo of his (Officer Farias') interaction with [REDACTED] he stated that he did not activate his BWC. At the time, however, he thought he had activated it.<sup>13</sup> Relative to his TRR, he was asked how many times he described pushing [REDACTED].<sup>14</sup> He replied that the BWC shows two good pushes.<sup>15</sup> He then described pushing someone as equal to guiding someone.<sup>16</sup> He acknowledged that he had pushed [REDACTED] at least five times;<sup>17</sup> He justified his actions based upon [REDACTED] continued hostile and aggressive behavior.

Relative to de-escalation, he stated that he tried to deescalate the situation between himself and [REDACTED] by giving verbal commands, despite the fact that there were several pushes of [REDACTED] by him during the incident.<sup>18</sup> Further at 00:12 of the BWC, he and [REDACTED] were facing each other. At that point, [REDACTED] was still acting in an aggressive and hostile manner. A verbal exchange took place between them. After that, he pushed [REDACTED] into his vehicle. He responded that he pushed [REDACTED] because [REDACTED] was shifting his weight and clenching his fists, and he feared that [REDACTED] was going to attack him.<sup>19</sup>

He affirmed the allegation of failing to activate his BWC during his interaction with the Complainant, [REDACTED]. He stated that he thought he had activated it, but he didn't. He denied the two remaining allegations in this matter.

**Officer Ryan M. Trujillo:**<sup>20</sup> In his interview with COPA on May 31, 2023, Officer Trujillo stated that on September 11, 2022, at approximately 1:15 a.m., he had been involved in a traffic stop at 7601 S. Cicero Avenue, Chicago, IL 60652 (Ford City Mall), involving the Complainant, [REDACTED]. His partner at that time was Officer Roger Farias, Star #9942, and they had arrived in a two-man car. They had been detailed to the area to primarily deter street racing. Other officers had conducted a traffic stop of [REDACTED] and they were acting as back-

<sup>8</sup> Att. #32, Pg. 12, Lns. 2-6

<sup>9</sup> Att. #32, Pg. 13, Lns. 2-3

<sup>10</sup> Att. #32, Pg. 13, Lns. 13-14

<sup>11</sup> Att. #3, 4 and 6

<sup>12</sup> Att. #11

<sup>13</sup> Att. #32, Pg. 17, Lns. 5-12

<sup>14</sup> Att. #32, Pg. 19, Lns. 7-8

<sup>15</sup> Att. #32, Pg. 21, Lns. 10-15

<sup>16</sup> Att. #32, Pg. 21, Lns. 19-21; and Pg. 23, Lns. 10-12

<sup>17</sup> Att. #32, Pg. 26, Lns. 12-15

<sup>18</sup> Att. #32, Pg. 28, Lns. 20-24

<sup>19</sup> Att. #32, Pg. 31, Lns. 1-2

<sup>20</sup> Att. #30; See Att. #35 for transcript.

up.<sup>21</sup> After citations had been issued, they were getting ready to leave the area when [REDACTED] approached the driver's side of their vehicle where Officer Farias was seated. [REDACTED] was yelling something, and Officer Farias exited their vehicle.<sup>22</sup> He then exited their vehicle and walked toward [REDACTED] vehicle and observed several other occupants. Officer Farias was telling [REDACTED] to get back into his vehicle. Officer Farias then began guiding [REDACTED] back to his vehicle by pushing him.<sup>23</sup> Finally, Officer Farias pushed [REDACTED] into the hood of his vehicle.<sup>24</sup> [REDACTED] was subsequently arrested by Officer Farias. They then transported [REDACTED] to the 8<sup>th</sup> District.

After reviewing his BWC of the incident involving Officer Farias pushing [REDACTED] he stated that it appeared that [REDACTED] had been pushed four times by Officer Farias.<sup>25</sup> He stated that he did not intervene in the situation because he was attempting to watch the other occupants of [REDACTED] vehicle.<sup>26</sup> He did not consider Officer Farias' actions as excessive force because he did not know what was being said between [REDACTED] and Officer Farias, and if threats had been made by [REDACTED].<sup>27</sup> He heard [REDACTED] and Officer Farias talking with each other but he did not hear [REDACTED] make any verbal threats toward Officer Farias.<sup>28</sup> He also stated that he considers "pushing" and "guiding" to be interchangeable terms.

Relative to de-escalation, he believed Officer Farias was trying to deescalate the situation with [REDACTED] by giving verbal commands and attempting to gain space by pushing / guiding [REDACTED].<sup>29</sup>

**Officer Antonio Ramirez:**<sup>30</sup> In his interview with COPA on June 15, 2023, Officer Ramirez stated that on September 11, 2022, at approximately 1:15 a.m., he had been involved in a traffic stop at 7601 S. Cicero Avenue, Chicago, IL 60652 (Ford City Mall), involving the Complainant, [REDACTED]. At that time, his partners were Officer Pedro A. Venegas, Star #9624 and Officer Carlos Herrera, Star #12178, and they had arrived on the scene in a three-man car. They had been assigned to the area because of dangerous activities taking place there. Subsequently, they conducted a traffic stop of [REDACTED] and issued certain traffic citations to him, one for a front license plate violation, and one for a city sticker violation (09:18). He did not recall if he was the officer who had written out the citations (09:37). During the traffic stop, [REDACTED] had complained about receiving the traffic tickets, but Officer Ramirez did not feel that [REDACTED] was verbally abusive toward him (10:14). [REDACTED] was upset but he did not threaten any of the officers (10:49). After the tickets had been issued, Officer Ramirez and his partners relocated to the north part of the parking lot (11:23). At that time, Officer Ryan Trujillo and Officer Roger Farias were present at the scene (12:20).

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<sup>21</sup> Att. #35, Pg. 11, Lns. 3-4

<sup>22</sup> Att. #35, Pg. 11, Lns. 5-13

<sup>23</sup> Att. #35, Pg. 12, Lns. 3-4

<sup>24</sup> Att. #35, Pg. 12, Lns. 4-6

<sup>25</sup> Att. #35, Pg. 17, Lns. 6-8

<sup>26</sup> Att. #35, Pg. 17, Lns. 21-23

<sup>27</sup> Att. #35, Pg. 18, Lns. 21-23; Pg. 19, Lns. 4-6

<sup>28</sup> Att. #35, Pg. 19, Lns. 14-16

<sup>29</sup> Att. #35, Pg. 21, Lns. 4-7; Pg. 22, Lns. 1-2; Pg. 22, Lns. 7-8

<sup>30</sup> Att. #38

Prior to the interview commencing, Officer Ramirez had viewed the BWC of Officer Trujillo interacting with the Complainant, [REDACTED]. He advised that he had not viewed this interaction in real time (12:45) and (13:49). When asked if after viewing the BWC he saw anything problematic in it, he responded that he was not in a position to comment on that because he had not seen the BWC in real time (14:12). Finally, he stated that he and the other officers had driven away from [REDACTED] to prevent a possible altercation and to, essentially, deescalate the situation (18:45).

**Sgt. Patrick J. Kenah:**<sup>31</sup> In his interview with COPA on June 12, 2023, Sgt. Kenah stated that on September 11, 2022, at approximately 1:15 a.m., he had been present at 7601 S. Cicero Avenue, Chicago, IL 60652 (Ford City Mall) with his unit in order to deter street racing in the area. At that time, a traffic stop of the Complainant, [REDACTED] had been made by officers under his command. These officers were Pedro Venegas, Star #9624, Carlos Herrera, Star #12178, and Antonio Ramirez, Star #1443. Traffic citations were issued to [REDACTED] and he seemed upset. [REDACTED] however, did not threaten any of the officers. After the citations had been issued, Sgt. Kenah directed the officers to leave the area to deescalate the situation. The officers then drove to a different part of the mall and Sgt. Kenah relocated to the center of the mall. Officer Roger Farias, Star # 9942, and his partner, Officer Ryan M. Trujillo, Star #16453, were also present in the area. Officer Farias subsequently became involved in an altercation with [REDACTED] in which he pushed [REDACTED] several times across the parking lot. Sgt. Kenah only observed the last push by Officer Farias in real time, after which [REDACTED] was arrested. He did, however, view Officer Trujillo's BWC of the entire event and stated that what he viewed appeared problematic and that an Initiation Report should have been made relative to the incident due to the repeated pushing of [REDACTED] by Officer Farias. He did not intervene in the incident because he was located too far away.

**Officer Pedro A. Venegas:**<sup>32</sup> In his interview with COPA on May 26, 2023, Officer Venegas stated that on September 11, 2022, at approximately 1:15 a.m., he had been involved in a traffic stop at 7601 S. Cicero Avenue, Chicago, IL 60652 (Ford City Mall), involving the Complainant, [REDACTED]. At that time, his partners were Officer Antonio Ramirez, Star #1443, and Officer Carlos Herrera, Star #12178, and they had arrived on the scene in a three-man car. He was driving the vehicle and had activated his lights to initiate the traffic stop of [REDACTED]. They had been assigned to the area of Ford City Mall because of street-racing taking place in the area (07:30). [REDACTED] vehicle was observed in the parking lot of Ford City Mall after hours and was subsequently stopped (09:15). [REDACTED] was issued traffic citations (08:05). After the citations were issued, [REDACTED] became verbally combative and argumentative with the officers (08:15). The officers then decided to pull away in order to deescalate the situation (08:32 and 12:05). The decision to initiate the traffic stop of [REDACTED] was a collective decision by all of the officers (09:07). He believed that Officer Ramirez was the officer who had issued the traffic citations to [REDACTED] (09:31). At this time, Officer Roger Farias, Star #9942, and Officer Ryan M. Trujillo, Star #16453, had arrived on the scene (10:15). Nothing of significance happened between [REDACTED] and the three officers in his vehicle, other than [REDACTED] becoming argumentative with the officers (10:51). [REDACTED] did not threaten him (11:04). He did not know if [REDACTED] threatened any other

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<sup>31</sup> Att. #36; See Att. #38 for transcript.

<sup>32</sup> Att. #29; See Att. #37 for transcript.

officer (11:09). Further, after reviewing the BWC of Officer Trujillo of the incident, which depicted Officer Farias pushing [REDACTED] several times, he stated that he did not observe this interaction in real time but had only observed it on the BWC (12:22 and 13:00). At the time of this interaction, he had driven away from where it had taken place (12:05) and had relocated his vehicle somewhere in the parking lot of Ford City Mall. He had done this to deescalate his interaction with [REDACTED] (12:05). He did not assist with the arrest of [REDACTED] (13:32). No officer in his vehicle assisted with the arrest of [REDACTED] (13:37).

**Officer Carlos Herrera:**<sup>33</sup> In his interview with COPA on June 1, 2023, Officer Herrera stated that on September 11, 2022, at approximately 1:15 a.m., he had been involved in a traffic stop at 7601 S. Cicero Avenue, Chicago, IL 60652 (Ford City Mall), involving the Complainant, [REDACTED]. At that time, his partners were Officer Antonio Ramirez, Star #1443, and Officer Pedro A. Venegas, #9624, and they had arrived on the scene in a three-man car. They had been detailed to the area to deter street racing. At that time, they observed [REDACTED] vehicle in the parking lot. They conducted a traffic stop because [REDACTED] vehicle did not exhibit a front license plate.<sup>34</sup> There were four occupants in the vehicle, including [REDACTED]. Either Officer Ramirez or Officer Venegas issued traffic citations to [REDACTED] also received a citation for being in the mall parking lot after hours.<sup>35</sup> Because he did not issue the traffic citations, he basically acted as security during the incident based upon the number of occupants in the vehicle.<sup>36</sup> During the incident [REDACTED] was upset and argumentative; however, he did not threaten any of the officers.<sup>37</sup> After the citations were issued, they drove away but stayed within the confines of the mall. Also at that time, Officer Roger Farias and his partner, Officer Ryan Trujillo, were present.<sup>38</sup> These officers were not part of the initial traffic stop of [REDACTED].

Officer Herrera then viewed the BWC of Officer Trujillo, which depicted, among other things, an altercation between [REDACTED] and Officer Farias. He stated that he had not observed this event in real time, as they had relocated to a different part of the mall.<sup>39</sup> When asked for his opinion, after viewing Officer Trujillo's BWC, if he thought Officer Farias' actions were proper, he stated that he did not have all the facts to provide an opinion.<sup>40</sup>

**BWC of Officer Trujillo (Beginning at 1:16:17):**<sup>41</sup> This BWC footage began as Officer Roger Farias, Star #9942, was observed pushing [REDACTED] with both of his hands and toward [REDACTED] vehicle, which was parked in the parking lot of Ford City Mall (00:05). Officer Farias then pushed [REDACTED] again with both hands and then pushed him again toward his vehicle (00:07). [REDACTED] was standing straight up and not physically threatening Officer Farias, but Officer Farias again pushed [REDACTED] with both hands into his vehicle (00:14). [REDACTED] landed on the pavement. [REDACTED] got up as Officer Farias began walking away. [REDACTED] was yelling something, as he began

<sup>33</sup> Att. #31; See Att. #34 for transcript.

<sup>34</sup> Att. #31, Pg. 10, Ln. 5.

<sup>35</sup> Att. #31, Pg. 11, Lns. 19-21

<sup>36</sup> Att. #31, Pg. 12, Lns. 21-22

<sup>37</sup> Att. #31, Pg. 13, Lns. 11-15

<sup>38</sup> Att. #31, Pg. 14, Lns. 8-10

<sup>39</sup> Att. #31, Pg. 16, Lns. 6-8

<sup>40</sup> Att. #31, Pg. 25, Lns. 1-6

<sup>41</sup> Att. #19

following Officer Farias, but there was no audio at this time (00:19). Officer Farias then turned around and pushed ██████ again and then braced ██████ against the hood of his (██████) vehicle (00:23). Officer Antonio Ramirez, Star #19116, and Officer Carlos Herrera, Star #12178, then approached the confrontation (00:30). Officer Pedro N. Venegas, Star #9624, then approached the scene and began talking with ██████ (00:41). There was no audio at this point. ██████ was handcuffed behind his back, as Officer Farias controlled him with both of his hands (01:02). Officer Trujillo was observed holding ██████ driver's license, along with a traffic citation (01:07). Sgt. Patrick J. Kenah, Star #1443, was observed on the scene (01:21). Officer Farias then escorted ██████ past Sgt. Kenah and to his police vehicle (01:26). Officer Trujillo assisted and ██████ was placed into the rear compartment of the police vehicle (01:50). The audio then was activated (02:00). Officer Farias then conducted a custodial search of ██████ (02:15). The officers then entered their vehicle, with Officer Trujillo driving (02:33). A computer check for ██████ was conducted and ██████ was asked if he had ever been arrested. He replied in the negative (05:27). ██████ was secured with a seatbelt by Officer Farias (09:12). He was then transported to the 8th District, and escorted into the building by Officer Farias, without incident.

**BWC of Officer Ramirez:**<sup>42</sup> This BWC footage reflects that Officer Ramirez, Officer Pedro A. Venegas, Star #9624, and Officer Carlos Herrera, Star #12178, had arrived on the scene in a 3-man car. Officer Ramirez exited his vehicle and approached ██████ who was standing in front of his vehicle and holding several traffic citations (00:32). ██████ began arguing with Officer Ramirez about the traffic citations (00:52). Officer Herrera was observed standing to the left of ██████ continued to argue, while Officer Herrera and Officer Ramirez returned to their vehicle. Officer Venegas was seated in the driver's seat. The BWC then ended.

**BWC of Officer Pedro A. Venegas, Star #9624:**<sup>43</sup> This BWC footage reflects that Officer Venegas arrived on the scene after ██████ had been stopped for a traffic violation in the parking lot of the Ford City Mall (02:00). Other officers were already present and interacting with ██████ when Officer Venegas approached the driver's side front window and began talking with ██████ (02:15). He asked to see ██████ proof of insurance and ██████ produced a State Farm Insurance card (03:00). There were three other Hispanic males in the vehicle. Meanwhile, Officer Antonio Ramirez, Star #19116, had returned to his vehicle and had begun writing traffic citations. Sgt. Patrick J. Kenah, Star #1443, was on the scene and standing by ██████ vehicle and observing the event (03:46). Officer Venegas returned to his vehicle where Officer Ramirez was writing traffic citations. Officer Ramirez exited his vehicle and returned to ██████ vehicle (08:54). Officer Venegas remained in his vehicle and his BWC was then terminated.

**BWC of Sgt. Patrick J. Kenah, Star #1443:**<sup>44</sup> This BWC footage reflects that Sgt. Kenah arrived on the scene of the traffic stop of ██████ in the parking lot of Ford City Mall (02:06). ██████ vehicle had been stopped and Officer Pedro A. Venegas, Star #9624, was speaking with ██████ who was behind the wheel, at the driver's side door (02:11). Officer Carlos Herrera, Star #12178, was standing at the passenger side front door (02:41). Sgt. Kenah

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<sup>42</sup> Att. #13

<sup>43</sup> Att. #15

<sup>44</sup> Att. #16

approached [REDACTED] vehicle and stood near the driver's side rear passenger door (02:49). Officer Venegas was conversing with [REDACTED] and he then handed him back his insurance card. Officer Venegas then walked back toward his vehicle (03:41). Sgt. Kenah then walked back toward his vehicle and answered a cell phone call (05:32). Officer Venegas and Officer Herrera were observed standing at [REDACTED] vehicle (05:46). Sgt. Kenah remained standing nearby. Officer Antonio Ramirez, Star #19116, returned with traffic citations and handed them to [REDACTED] through the driver's side window (09:05). Sgt. Kenah then returned to his vehicle (09:45). He then moved his vehicle a short distance and, while still in his vehicle, loud arguing was heard in the background (10:15). Officer Ramirez and [REDACTED] can be heard loudly arguing with each other (10:36). The arguing continued as Sgt. Kenah pulled away and deactivated his BWC.

**BWC of Officer Carlos Herrera, Star #12178:**<sup>45</sup> This BWC footage reflects that Officer Herrera, Officer Pedro A. Venegas, Star #9624, and Officer Antonio Ramirez, Star #19116, had conducted a traffic stop of [REDACTED] in the parking lot of Ford City Mall. They had been riding in a 3-man car. The officers were driving an unmarked unit (01:53). Officer Ramirez was observed at the driver's side front window and conversing with [REDACTED]. Officer Herrera approached [REDACTED] vehicle at the passenger side front window. Officer Venegas was observed standing at the driver's side front window. Officer Ramirez proceeded to his unmarked unit (02:21). Officer Ramirez then walked past [REDACTED] vehicle. Officer Venegas can be seen examining [REDACTED] insurance card with his flashlight (03:06). Officer Ramirez returned to his unmarked unit (03:15). Officer Venegas joined Officer Ramirez in their unmarked unit (04:19). Officer Ramirez then returned to [REDACTED] vehicle (08:55). He handed traffic citations to [REDACTED] who refused to take them, so Officer Ramirez dropped the citations onto the vehicle's front seat (09:08). [REDACTED] then began arguing with Officer Ramirez (09:18). Officer Ramirez then returned to his vehicle (09:40). The BWC was then terminated.

### III. ALLEGATIONS

#### Officer Roger Farias:

1. Pushing [REDACTED] into his vehicle, and causing him to fall to the ground, without justification.

- Sustained; Rule: 2, 3, 6 and 9.

2. Failing to activate your BWC during the arrest of [REDACTED] without justification.

- Sustained; Rule: 2, 3, 5, 6 and 10.

3. Failing to deescalate the encounter with [REDACTED] which led to [REDACTED] arrest.

- Sustained; Rule: 2, 3, 5, 6 and 9.

#### Officer Ryan M. Trujillo:

1. Failing to timely activate your BWC during the arrest of [REDACTED] without justification.

- Sustained; Rule: 2, 3, 5, 6 and 9.

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<sup>45</sup> Att.# 14

2. Failing to intervene when Officer Roger Farias, pushed ██████████ into his vehicle and caused him to fall to the ground, without justification.
  - Sustained; Rule: 2, 3, 5 and 6.

#### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In this case, COPA finds neither Officer Farias nor Officer Trujillo provided reliable accounts of the incident. Officer Farias repeatedly described ██████████ as aggressive and approached him with clenched fists. Those descriptions are not supported by BWC evidence. Rather, evidence shows ██████████ alternatively standing with a piece of paper in his hand, with his arms down by his side, and turning his body away from Officer Farias. Officer Farias generally failed to take responsibility for his actions during this incident and disingenuously equated pushing with "guiding" a person. Officer Trujillo also sought to explain away his failures to deescalate the event between Officer Farias and ██████████ rather than take responsibility. He also disingenuously equated pushing with "guiding" a person. By contrast, ██████████ complaint was generally consistent and supported by the BWC evidence.

#### V. ANALYSIS<sup>46</sup>

COPA finds that Allegation #1 against Officer Farias, that he pushed ██████████ into his vehicle, causing him to fall with justification is **Sustained**. From BWC footage it is evident that Officer Farias pushed ██████████ several times, including into ██████████ vehicle, and caused ██████████ to fall to the ground.<sup>47</sup> There is no audio of the interaction between PO Farias and ██████████ and it appears that ██████████ presented as passive resister.<sup>48</sup> CPD policy requires that an officer's use of force be objectively reasonable, necessary, and proportional to the threat or resistance the officers faces.<sup>49</sup> When faced with a passive resister, CPD members may only use certain techniques, such as holding techniques and compliance techniques.<sup>50</sup> In each instance, CPD officers may only use non-impact pressure. Pushing does not qualify as non-impact pressure. Furthermore, even if pushing a passive resister were allowed, Officer Farias's use of force would still need to meet the requirement that the force be necessary. There is no evidence to suggest that Officer Farias needed to push ██████████ in this instance. In situations such as these, Officer Farias, per G03-02, is required to deescalate the encounter.<sup>51</sup> Officer Farias had options other

<sup>46</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>47</sup> See Att. #19 at 00:14.

<sup>48</sup> A passive resister is a person who fails to comply with an officer's verbal or other direction. COPA assumes PO Farias provided ██████████ with verbal instruction to move away.

<sup>49</sup> G03-02.

<sup>50</sup> CPD policy also permits the use of control instruments and OC spray, but those methods are not relevant to this analysis.

<sup>51</sup> De-Escalation, Response to Resistance, and Use of Force; Effective Date: April 15, 2021.

than using force in this situation such as member presence and altering his communication tactics. He did not do so. Instead, he escalated the encounter.

COPA finds that Allegation #3 against Officer Farias, that he failed to deescalate the encounter with [REDACTED] is, **Sustained**. As per the above, Officer Farias escalated the encounter between himself and [REDACTED]

COPA finds that Allegation #2 against Officer Farias and Allegation #1 against Officer Trujillo, that they failed to timely activate their BWC is **Sustained**. During the arrest of [REDACTED] on September 11, 2022, Officer Farias did not activate his BWC. In his interview with COPA, he acknowledged not activation his BWC at that time, and he provided no justification for not activating his BWC, other than he thought that he did so.<sup>52</sup>

In his statement, Officer Trujillo explained that there were three other subjects in [REDACTED] vehicle, and he was focused on officer safety and maintaining the integrity of the traffic stop. This is not an adequate basis to justify his failure to activate his BWC. The duty to activate is mandatory. There is no evidence of circumstances that would prevent Officer Trujillo from activating his BWC. The individuals in the vehicle were some distance away and it is not clear that they even attempted to exit the vehicle.

COPA finds that Allegation #2 against Officer Trujillo, that he failed to intervene in the encounter between Officer Farias and [REDACTED] is, **Sustained**. Officer Trujillo did not intervene in the altercation between Officer Farias and [REDACTED] CPD policy mandates that officers who witness another officer's excessive/not authorized force will act to intervene by taking action including, but not limited to, verbally and physically trying to stop the action.<sup>53</sup> Officer Trujillo explained that there were three other subjects in [REDACTED] vehicle, and he was focused on officer safety and maintaining the integrity of the traffic stop, as he approached the scene. Further, he could not hear exactly what was being said between [REDACTED] and Officer Farias, and the encounter lasted only a matter of seconds. But Officer Farias pushed [REDACTED] four times over a period of ten seconds, providing sufficient time for Officer Trujillo to intervene verbally and perhaps physically. Officer Trujillo may have been focused on the vehicle's occupants but there is no dispute that he witnessed Officer Farias pushing [REDACTED] several times. His reasons for not intervening do not overcome his duty to try and prevent unjustified force.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Roger Farias**

#### **i. Complimentary and Disciplinary History<sup>54</sup>**

Officer Farias has received 211 various awards; two sustained complaints in the last five years: one in 2019 for operation/personnel violations reports fail to submit (1-Day suspension),

<sup>52</sup> See Att. #32, Pg. 17, Lns. 5-12.

<sup>53</sup> G03-02.VII.A.1

<sup>54</sup> Att.# 41

and the other in 2019 for operation/personnel violations conduct unbecoming (3-Day suspension); and three reprimands in the last five years: all occurring in 2023 for the following: one for failure to perform assigned tasks and two for preventable accident.

**ii. Recommended Discipline**

COPA has found that Officer Farias violated Rules 2, 3, 5, 6, 9, 10, G03-02 and S03-14 during his encounter with [REDACTED] Officer Farias responded to a scene, in which he could have de-escalated the matter by not engaging physically with [REDACTED] Officer Farias's actions fall below the standards of conduct expected of a CPD officer. His behavior damaged the reputation of the Chicago Police Department as well as the relationship between the City and its citizens. Considering the nature of this misconduct, combined with Officer Farias's complimentary and disciplinary history, COPA recommends that Officer Farias receive a 30-day suspension.

**b. Officer Ryan M. Trujillo**

**i. Complimentary and Disciplinary History<sup>55</sup>**

Officer Trujillo has received 146 various awards and one reprimand in the last five years: one in 2023 for noncompliance with motor vehicle pursuit requirements.

**ii. Recommended Discipline**

COPA has found that Officer Trujillo violated Rules 2, 3, 5, 6, 9, and S03-14 during his encounter with [REDACTED] Officer Trujillo responded to the scene along with his partner Officer Farias who became physically involved with the complainant, [REDACTED] Officer Trujillo, who was nearby, did not intervene when Officer Farias pushed [REDACTED] on multiple occasions. Officer Trujillo's actions fall below the standards of conduct expected of a CPD officer. Considering the nature of this misconduct, combined with Officer Trujillo's complimentary and disciplinary history, COPA recommends that Officer Farias receive a 7-day suspension.

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<sup>55</sup> Att.# 42.

Approved:



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*Matthew Haynam*  
*Deputy Chief Administrator – Chief Investigator*

January 24, 2024

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Date

**Appendix A**

**Case Details**

Date/Time/Location of Incident:	September 11, 2022 / 1:15 a.m. / 7601 South Cicero Avenue, Chicago, IL 60652 (Ford City Mall)
Date/Time of COPA Notification:	September 18, 2022 / 2:04 p.m.
Involved Officer #1:	Roger Farias, Star #9942, Employee ID# [REDACTED] Date of Appointment: December 16, 2009, Unit of Assignment: 007 – Detailed to 211, Male, S
Involved Officer #2:	Ryan M. Trujillo, Star #9942, Employee ID# [REDACTED] Date of Appointment: October 26, 2015, Unit of Assignment: 007 – Detailed to 211, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Hispanic

**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.
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**Applicable Policies and Laws**

**Orders**

1. G03-02<sup>56</sup>

<sup>56</sup> De-Escalation, Response to Resistance, and Use of Force; Effective Date: April 15, 2021.

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2. G03-02-01<sup>57</sup>

3. S03-14<sup>58</sup>

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<sup>57</sup> Response to Resistance and Force Options, Effective Date April 15, 2021.

<sup>58</sup> Body Worn Cameras, Effective April 30, 2018

## 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>59</sup> 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.”<sup>60</sup>

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<sup>59</sup> 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).

<sup>60</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 (alleged – but no evidence)
- Other Investigation