

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	February 18, 2014
Time of Incident:	11:21 a.m.
Location of Incident:	3420 South Wentworth Avenue
Date of COPA Notification:	February 18, 2014
Time of COPA Notification:	1:08 p.m.

In the morning of February 18, 2014, [REDACTED] [REDACTED] fired his handgun at an unknown male on North Hamlin Avenue near West Ferdinand Street and toward Officer Abraham Lara before entering the backseat of a stolen vehicle (KIA) occupied by [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. Officer Lara radios “shots fired at police” and the direction the KIA fled.

Chicago Police Department (Department or CPD) officers began pursuing the fleeing KIA first through the city, and then onto the Eisenhower and Dan Ryan Expressways. During the pursuit, the KIA struck a CPD vehicle, damaging both vehicles, but the pursuit continued. When the KIA entered the Eisenhower Expressway, at least five police vehicles followed. The monitoring sergeant instructed three cars to maintain pursuit and the rest to fall back.

At approximately 31st Street on the Dan Ryan Expressway, a marked police vehicle driven by Officer Alaniz with Officers Caulfield and Mendoza as passengers overtook and pulled alongside the KIA. Officer Caulfield and Officer Mendoza reported seeing a person in the KIA pointing a gun at the officers, and the officers discharged their firearms and radioed “shots fired by police.” The KIA exited the expressway at 35th Street. While driving on the ramp, officers alleged Mr. [REDACTED] was pointing a firearm in their direction and Officer Alaniz discharged his firearm. The KIA collided with a civilian vehicle. Officer Caulfield alleged Mr. [REDACTED] again, pointed a firearm in the officers’ direction, and he discharged his firearm. The KIA came to a stop after hitting a snowbank and parked vehicle.

The officers exited their vehicle and moved to surround the KIA. Officers Alaniz and Mendoza were on opposite sides of the KIA. Both reported a male in the back seat, pointed a firearm at each of them. Officers Alaniz and Mendoza discharged their firearms. Then, all three occupants of the KIA were placed into custody and transported in ambulances to the hospital. Officer Mendoza recovered a gun from the KIA. There were no fatalities as a result of the pursuit, and no civilian bystanders were struck by the officers’ gunfire.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendations set forth herein are the recommendations of COPA.

II. INVOLVED PARTIES

Deputy Chief #1:	Daniel O’Shea, star #27, employee ID# [REDACTED], Date of Appointment: July 7, 1997, Deputy Chief, Unit 018/213, DOB: [REDACTED], 1971, Male, White
Involved Officer #1:	Edward McGovern, star #21390, employee ID# [REDACTED], Date of Appointment: July 12, 1999, PO as Detective, Unit 650, DOB: [REDACTED], 1970, Male, White
Involved Officer #2:	Michael Alaniz, star #13577, employee ID# [REDACTED], Date of Appointment: February 24, 2003, PO, Unit 009, DOB: [REDACTED], 1976, Male, Hispanic
Involved Officer #3:	Robert Caulfield, star #11321, employee ID# [REDACTED], Date of Appointment: August 27, 2007, PO, Unit 005, DOB: [REDACTED], 1984, Male, White
Involved Officer #4:	Mario Mendoza, star #13782, employee ID# [REDACTED], Date of Appointment: October 28, 2002, PO, Unit 002, DOB: [REDACTED], 1977, Male, Spanish
Involved Officer #5:	Oscar Serrano, star #2792, employee ID# [REDACTED], Date of Appointment: September 30, 2002, PO, Unit 011/715, DOB: [REDACTED], 1975, Male, Hispanic
Involved Officer #6:	John Wrigley, star #7179, employee ID# [REDACTED], Date of Appointment: July 29, 2002, PO, Unit 019, DOB: [REDACTED], 1969, Male, White
Involved Officer #7:	Justin Homer, star #10979, employee ID# [REDACTED], Date of Appointment: December 5, 2005, PO, Unit 189, DOB: [REDACTED], 1981, Male, White
Involved Officer #8:	Anthony Babicz, star #20650, employee ID# [REDACTED], Date of Appointment: September 27, 2004, PO as Detective, Unit 606, DOB: [REDACTED], 1980, Male, White
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1997, Male, Black
Involved Individual #2:	[REDACTED], DOB: [REDACTED], 1990, Male, Black
Involved Individual #3:	[REDACTED], DOB: [REDACTED], 1993, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Deputy Chief Daniel O’Shea	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue,	Sustained

	eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.	
Detective Edward McGovern	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.1.	Sustained
Officer Michael Alaniz	It is alleged that on February 18, 2014, the accused participated in the tactic of pursuit paralleling at Madison St. and Pulaski Rd., at approximately 11:21 a.m., contrary to General Order G03-03-01 and without having prior authorization to do so.	Sustained
	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on the Eisenhower Expressway and southbound on the Dan Ryan Expressway at approximately 11:25 a.m., contrary to General Order G03-03-01.	Not Sustained
	It is alleged that on February 18, 2014, at approximately 11:28 a.m., while traveling southbound on the Dan Ryan Expressway, the accused participated in the tactic of pursuit paralleling, in violation of G03-03-01 and without having prior authorization to do so.	Unfounded
	It is alleged that on or about February 18, 2014, in the vicinity of the 35th Street exit ramp from the Dan Ryan Expressway, the accused discharged his firearm at or into a moving vehicle, in violation of G03-02-03.	Not Sustained

	<p>It is alleged that on or about February 18, 2014, in the vicinity of 3430 South Wentworth the accused discharged his firearm in the direction of [REDACTED] and/or [REDACTED] and/or [REDACTED], in violation of G03-02-03.</p>	
<p>Officer Robert Caulfield</p>	<p>It is alleged that on February 18, 2014, the accused participated in the tactic of pursuit paralleling at Madison St. and Pulaski Rd., at approximately 11:21 a.m., contrary to General Order G03-03-01 and without having prior authorization to do so.</p> <p>It is alleged that on February 18, 2014, at approximately 11:28 a.m., while traveling southbound on the Dan Ryan Expressway, the accused participated in the tactic of pursuit paralleling in violation of G03-03-01 and without having prior authorization to do so.</p> <p>It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on the Eisenhower Expressway and southbound on the Dan Ryan Expressway at approximately 11:25 a.m., contrary to General Order G03-03-01.</p> <p>It is alleged that on or about February 18, 2014, while traveling southbound on the Dan Ryan Expressway and/or in the vicinity of 3430 South Wentworth, the accused discharged his firearm at or into a moving vehicle, in violation of G03-02-03.</p>	<p>Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Mario Mendoza</p>	<p>It is alleged that on February 18, 2014, the accused participated in the tactic of pursuit paralleling at Madison St. and Pulaski Rd., at approximately 11:21 a.m., contrary to General Order G03-03-01 and without having prior authorization to do so.</p>	<p>Sustained</p>

	<p>It is alleged that on February 18, 2014, at approximately 11:28 a.m., while traveling southbound on the Dan Ryan Expressway, the accused participated in the tactic of pursuit paralleling in violation of G03-03-01 and without having prior authorization to do so.</p> <p>It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on the Eisenhower Expressway and southbound on the Dan Ryan Expressway at approximately 11:25 a.m., contrary to General Order G03-03-01.</p> <p>It is alleged that on or about February 18, 2014, while traveling southbound on the Dan Ryan Expressway, the accused discharged his firearm at or into a moving vehicle, in violation of G03-02-03.</p> <p>It is alleged that on or about February 18, 2014, in the vicinity of 3430 South Wentworth, the accused discharged his firearm in the direction of [REDACTED] and/or [REDACTED] and/or [REDACTED], in violation of G03-02-03.</p>	<p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Oscar Serrano</p>	<p>It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.</p> <p>It is alleged that on February 18, 2014, the accused participated in the tactic of caravanning while traveling eastbound on the Eisenhower Expressway and southbound on the Dan Ryan Expressway at approximately 11:25 a.m., contrary to General Order G03-03-01 and</p>	<p>Sustained</p> <p>Sustained</p>

	without having prior authorization to do so.	
Officer John Wrigley	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01	Sustained
Officer Justin Homer	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.	Sustained
Officer Anthony Babicz	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.	Sustained

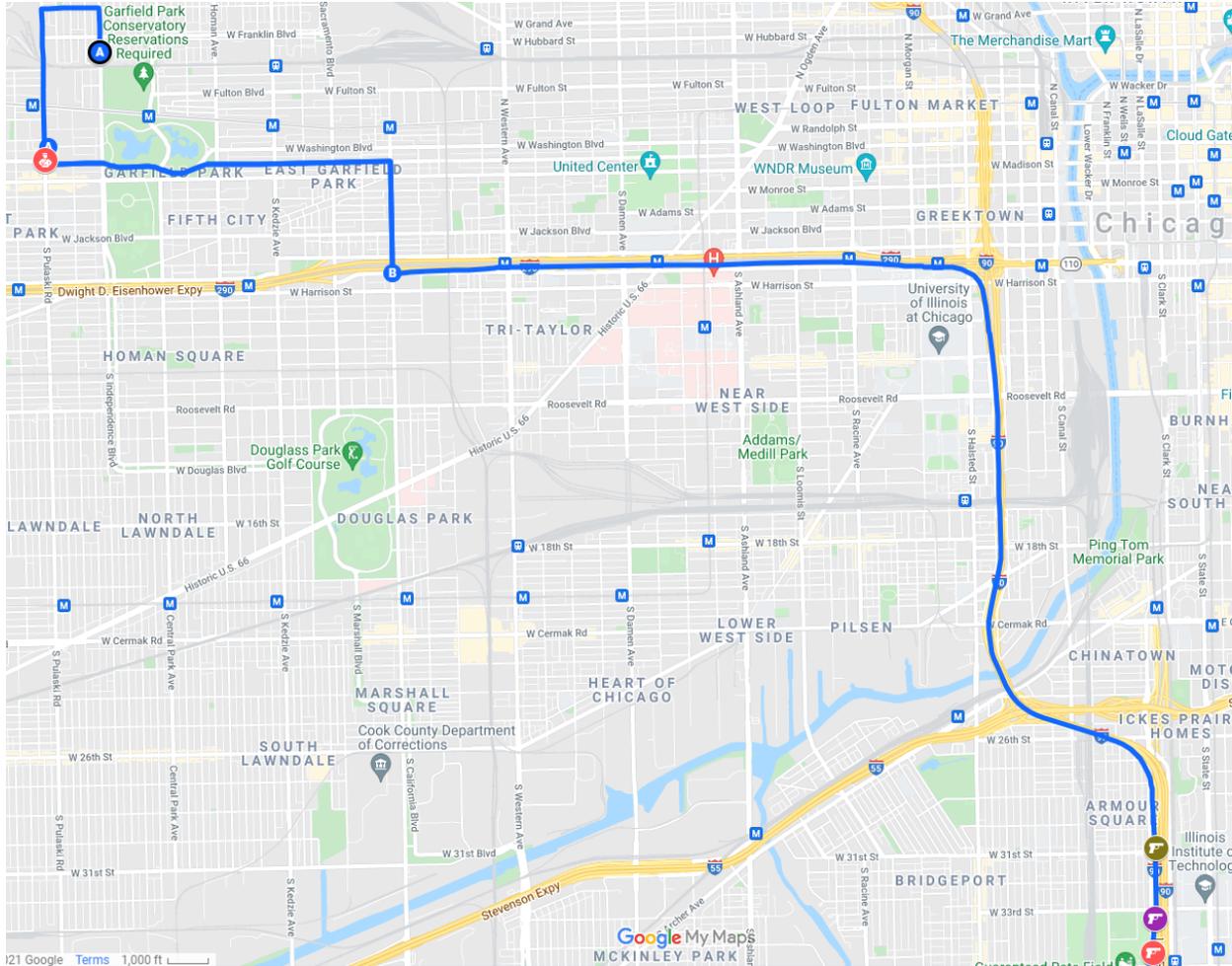
IV. APPLICABLE RULES AND LAWS

General Orders

1. G03-02 Use of Force, Effective October 1, 2002 through October 15, 2017
2. G03-02-01 Use of Force Model, Effective May 16, 2012 through October 14, 2017
3. G03-02-02 Force Options, Effective May 16, 2012 through March 10, 2015
4. G03-02-03 Deadly Force, Effective October 1, 2002 through February 9, 2015
5. G03-02-06 Weapons Discharge Incidents Involving Sworn Members, Effective October 1, 2002 through October 29, 2014
6. G03-03 Emergency Use of Department Vehicles, Effective June 1, 2003

7. G03-03-01 Emergency Vehicle Operations – Pursuits,
Effective June 1, 2003 through March 27, 2016

V. INVESTIGATION²



Legend: — KIA’s Route; A Shots fired by Mr. [REDACTED]; Collision between KIA and Police Vehicle; P Shots Fired (PO Caulfield, PO Mendoza); P Shots Fired (PO Alaniz); P Shots Fired (PO Caulfield, PO Alaniz and PO Mendoza)

This summary utilized information from several different sources: CPD in-car cameras, exterior third-party video, 911 calls, radio transmissions, police reports, and witness interviews.

a. Initial Incident – Shots Fired

In the morning of February 18, 2014, [REDACTED], [REDACTED], and [REDACTED]³ (the “individuals”) planned to burglarize freight cars. The individuals went to the area of North

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ [REDACTED] refused to provide a statement to IPRA. Attachment 186.

Hamlin Avenue and West Ferdinand Street to purchase marijuana. Mr. [REDACTED] was driving a white KIA (KIA) while Mr. [REDACTED] sat in the front passenger seat, and Mr. [REDACTED] rode in a Dodge Charger with two females.⁴ At the location, Mr. [REDACTED] attempted to rob unknown males at gunpoint. The males fled and Mr. [REDACTED] followed.⁵

Mr. [REDACTED] fired, multiple times, at an unknown individual,⁶ as Officer Abraham Lara, driving a marked police vehicle, approached the intersection of North Hamlin Avenue and West Ferdinand Street. Officer Lara heard the gunshots and immediately radioed “emergency, emergency, shots fired.”⁷ Mr. [REDACTED] turned around and fired in Officer Lara’s direction.⁸ Officer Lara took cover and did [REDACTED] return fire.⁹ Officer Lara radioed “shots fired at police”¹⁰ as the KIA drove by toward Mr. [REDACTED]. Mr. [REDACTED] entered the KIA’s back seat with his firearm,¹¹ and the KIA fled. Officer Lara related, over the radio, the KIA turned westbound onto Ohio Avenue.¹²

b. Pursuit and Officer Involved Shooting

Several police officers heard the radio transmissions – shots fired at police and the KIA’s locations - and drove toward the KIA’s location.¹³

At approximately 11:25 am, traveling southbound on Pulaski Avenue, Detective Edward McGovern became the lead vehicle behind the KIA and assumed the responsibility of relating the KIA’s position over the radio.¹⁴ At approximately 11:26 am, near the intersection of Washington Avenue, the KIA, traveling at a high speed, crossed the center line and collided head on with Officer Joyce Shean’s police vehicle before continuing eastbound on Washington Avenue.¹⁵ Det. McGovern reported the accident,¹⁶ and Officer Shean related she was fine, over the radio,¹⁷ but

⁴ Attachments 52, 121, 123, 137, 140, 178. Mr. [REDACTED] admitted the KIA was stolen. Attachments 137, 140. None of the involved officers knew the vehicle was stolen until after the involved individuals were in custody. Attachments 45, 47, 49, 64, 116, 117, 243, 257, 269, 270, 281, 282, 290, 291.

⁵ Attachments 52, 121, 123, 137, 140, 178.

⁶ Attachments 33, 36, 42, 43, 52, 65, 66, 108, 109, 113-115, 121, 123, 137, 140, 178.

⁷ Attachments 43 at page 7 lines 29-30, 152. Officer Lara provides description of Mr. [REDACTED] holding a firearm.

⁸ Officer Lara, [REDACTED], [REDACTED] and [REDACTED] stated Mr. [REDACTED] fired in the direction of Officer Lara. Attachments 42, 43, 65, 115, 174, 178. Mr. [REDACTED] did not believe Mr. [REDACTED] saw Officer Lara. Attachments 137, 140. Hospital surveillance video shows Mr. [REDACTED] holding his firearm in the direction of Officer Lara, but it is unclear whether he fired at Officer Lara. Attachments 124, 172.

⁹ Attachments 42, 43, 121, 123, 137, 140.

¹⁰ Attachments 42, 43, 152 at 0:08, 121, 123, 137, 140. Dispatch relates there is a10-1 at Hamlin Ferdinand, shots fired at police. Attachment 153.

¹¹ Mr. [REDACTED] had a handgun with an extended magazine. Attachments 52, 123, 137, 140, 178, 45, 47, 49, 64, 116, 117, 178, 200. The firearm was a Baretta 92FS, 9MM, semi-automatic pistol and was operable. Attachments 52, 56, 121, 123, 126, 137, 140, 127, 200.

¹² Attachment 152. Officer Lara could not keep up with KIA and terminated his pursuit before the KIA entered the expressway. Attachments 42, 43.

¹³ Attachments 152. Officer Oscar Serrano joined the pursuit at approximately Ferdinand Street and Pulaski Avenue until the termination point on South Wentworth Avenue. Attachment 40, 41, 200.

¹⁴ Attachments 169 at 2:15-2:30, 200 at page 341.

¹⁵ Attachments 40, 41, 68, 70, 142, 169 at 2:44-2:54, 170 at 3:02, 251, 260. Det. McGovern’s in-car camera captured the accident. Attachment 169. Officer Serrano’s in-car camera captured the vehicle’s damage. Attachment 170.

¹⁶ Attachment 152 at 2:09

¹⁷ Attachments 152 at 2:29, 251, 260.

was later treated for a lower back injury.¹⁸ Officer Shean's vehicle sustained visible damage to the front and the front right tire appeared to fall off. Shortly after the crash, Beat 4115D¹⁹ and Deputy Chief Daniel O'Shea²⁰ turned eastbound on Madison Avenue, driving parallel to the KIA.²¹ The KIA drove through Garfield Park, and as the KIA reached the intersection of Homan Avenue, a yellow school bus was in the intersection attempting to turn east from the southbound lane of Homan Avenue. At approximately 11:27 am, the KIA continued east, narrowly missing the bus as it drove through the intersection. The bus stopped and Det. McGovern, without reporting the incident over the radio, followed the KIA around the bus.²² The KIA continued eastbound, then turned southbound on California Avenue. Deputy Chief O'Shea and Beat 4115D joined the pursuit behind other police vehicles.²³

At approximately 11:28 am, the KIA entered the 290 Expressway, traveling eastbound.²⁴ Seconds later, Beat 4115D became the lead pursuing vehicle. Sergeant Gerard Murphy²⁵ instructed the first three vehicles to continue the pursuit, and that all other vehicles break off.²⁶ The police vehicle in front of Officer Serrano appeared to slow down, terminate the pursuit, as Officer Serrano accelerates pass. Beat 4115D radioed the KIA appeared to have two occupants inside, and took the Dan Ryan Expressway, going eastbound into the 009th district.²⁷ Beat 4115D provided the KIA's license plate number: Indiana plate "[REDACTED]".²⁸ Beat 4115D related the KIA was in the Dan Ryan local lanes, approaching 31st Street.²⁹

At approximately 31st Street, Beat 4115D overtook and pulled alongside the KIA.³⁰ Officers Caulfield and Mendoza observed three occupants in the KIA and Officer Caulfield yelled for the KIA to stop and pull over. The KIA continued to drive, and according to Officer Caulfield, Mr. [REDACTED] pointed a firearm at him, he yelled gun, retrieved his weapon, and fired seven times

¹⁸ Attachment 200, pages 103-104. Officer Shean did not participate further in the pursuit and requested an ambulance after the involved individuals were in custody. Attachment 152, 200.

¹⁹ Beat 4115D, a saturation team on "aggressive routine patrol," comprised of Officers Michael Alaniz, Robert Caulfield, and Mario Mendoza, drove northbound on Pulaski Avenue toward the active pursuit, from the area of Ogden Avenue. Attachments 45, 47, 49, 64, 116, 117.

²⁰ Deputy Chief O'Shea heard the radio transmissions while at the police station and drove his unmarked police vehicle toward the active pursuit. When he reached Madison Avenue, he observed the KIA driving eastbound on Washington and turned his vehicle eastbound on Madison Avenue. Attachments 38, 39, 73, 74.

²¹ In follow up interviews, the involved officers acknowledged they were driving on a parallel street to the KIA, but denied they were engaged in pursuit paralleling. Attachments 243, 246, 257, 258, 281, 282, 290, 291.

²² Attachments 68, 70, 152, 169 at 3:44-3:50, 170 at 4:00, 251, 260. Det. McGovern does report the KIA is going around traffic. Attachment 152.

²³ At approximately 11:29 am. Attachments 38, 39, 45, 47, 49, 64, 73, 74, 116, 117, 246, 258, 281, 282, 290, 291. Deputy Chief O'Shea remained in the pursuit until the end at South Wentworth Avenue. Attachment 200, page 337.

²⁴ Officers John Wrigley, Justin Homer and Anthony Babicz joined the pursuit, at approximately the time the KIA entered the Expressway, until the termination point on South Wentworth Avenue. Attachments 200 at page 338, 214, 240, 256, 276, 277, 286, 287. According to Mr. [REDACTED] he told Mr. [REDACTED] to throw the firearm out of the KIA. Attachments 137, 140. Whereas Mr. [REDACTED] admitted to police he was in the back seat of the KIA during the pursuit, but Mr. [REDACTED] had the firearm. Attachment 177 at page 22.

²⁵ Both Sergeant Murphy and Captain Roger Bay, who monitored this pursuit, no longer work for CPD.

²⁶ Attachment 152 at 4:55, 169 at 5:35. Order for only three cars to continue. Attachment 152 at 7:00.

²⁷ Attachment 152 at 6:22. Dispatch relates two occupants, and they are armed. Attachment 153 at 6:55.

²⁸ Attachment 152 at 7:45.

²⁹ Officer Ryan Sheahan joined the pursuit at 31st Street and the Dan Ryan Expressway until the termination point on South Wentworth Avenue. Attachments 168, 200 at page 343.

³⁰ Attachments 45, 47, 49, 52, 64, 116, 117, 121, 123, 137, 140, 281, 243, 257, 269, 270, 282, 290, 291.

at Mr. ██████³¹ Officer Mendoza fired his weapon, approximately fifteen times, after observing Mr. ██████ point a firearm in his direction.³² Neither Mr. ██████ nor Mr. ██████ could confirm whether Mr. ██████ pointed the firearm at officers or fired the firearm, during the pursuit.³³

The KIA then exited the Dan Ryan Expressway via the 35th Street exit, followed by Beat 4115D. On the exit ramp, officers stated that they observed Mr. ██████ point a firearm at them through the back windshield. Officer Alaniz retrieved his weapon and fired four times out the driver side window, stopping when the KIA was close to striking another vehicle.³⁴ An officer radioed “shots fired” followed by “shots fired by police.”³⁵

As the KIA merged onto South Wentworth Avenue, it collided with a Jeep³⁶ and slowed down. Officer Caulfield, after observing Mr. ██████ pointing a firearm in his direction, fired approximately seven times in Mr. ██████ direction.³⁷ The KIA crashed into a parked vehicle and stopped.³⁸

According to Mr. ██████ officers were still shooting at them as Mr. ██████ climbed into the backseat.³⁹ Officer Alaniz parked the police vehicle alongside the KIA and the officers exited the vehicle. Mr. ██████ stated he heard an officer say someone was pointing a gun at him as the officers approached the KIA; Mr. ██████ put his hands up in the air.⁴⁰ Officer Alaniz stated he observed an individual in the backseat point a firearm at him and he yelled, “police, police, drop the weapon.”⁴¹ The individual did not comply, and Officer Alaniz fired two times at him. Officer Alaniz stopped firing when Officer Mendoza entered his line of fire. As Officer Mendoza began to open the rear passenger door of the KIA, he observed Mr. ██████ point a firearm at him. Officer Mendoza responded by firing his weapon two times at Mr. ██████⁴²

At this time, there were several officers arriving and moving toward the KIA to assist. Officer Mendoza indicated he pulled Mr. ██████ from the KIA’s rear passenger side and recovered a Beretta firearm.⁴³ Officer Serrano observed Mr. ██████ laying in the back seat of the KIA, and

³¹ Attachment 117, page 16 line 30 – page 17 line 5. Attachments 16, 45, 47, 49, 64, 116.

³² Attachments 18, 45, 47, 49, 64, 116, 117, 290, 291.

³³ Mr. ██████ provided conflicting statements. In his statement to IPRA, Mr. ██████ denied Mr. ██████ pointed a firearm at the police. However, Department reports document Mr. ██████ first told police Mr. ██████ fired at police while he drove, but later stated he did not know whether Mr. ██████ had the firearm in the KIA. Attachments 137, 140, 177 at pages 22-23. Mr. ██████ heard Mr. ██████ fixing the firearm but did not know whether he fired at police. Attachments 52, 121, 123, 177.

³⁴ Attachments 14, 45, 116, 243, 257, 269, 270.

³⁵ Attachment 152 at 9:12-9:45.

³⁶ Attachments 26, 38, 39, 45, 47, 49, 64, 116, 117, 143, 149, 150, 177, 192. ██████, the Jeep’s driver, was not injured from being rear-ended by the KIA. Attachment 26. Mr. ██████ heard gunshots, but he did not see the officers fire and he did not see anyone inside the KIA point a firearm. Attachments 149, 150.

³⁷ According to Officer Caulfield, the police vehicle was parallel to the KIA and ██████ pointed the firearm at him. Attachment 117, page 25 lines 9-28.

³⁸ Attachments 45, 47, 49, 64, 116, 117, 192.

³⁹ Attachments 52, 121, 123.

⁴⁰ Attachments 52, 121, 123. In his IPRA statement, Mr. ██████ denied moving into the backseat, grabbing Mr. ██████ firearm, or pointing the firearm at the officers. However, Department Reports document Mr. ██████ jumped into the backseat to flee. Attachment 177, page 22-23.

⁴¹ Attachment 116, page 34 lines 9-14.

⁴² Attachments 10, 19-21, 47, 64, 117, 144, 177, 200,

⁴³ Attachments 49, 64, 290, 291.

he, along with another officer, pulled Mr. ██████ from the KIA.⁴⁴ Det. McGovern, assisted by another officer, pulled Mr. ██████ out of the front seat of the KIA.⁴⁵ All three individuals were placed into custody and transported via ambulances to receive medical attention.⁴⁶

Mr. ██████ had multiple gunshot wounds to his abdomen, hip, back and buttock; Mr. ██████ had a gunshot wound to his left arm; and Mr. ██████ had a gunshot wound to his back.⁴⁷

c. Physical Evidence

The Beretta, along with one (1) discharged cartridge and one (1) magazine containing thirteen (13) live cartridges was sent to the Illinois State Police (ISP) for processing. The Beretta was operable as received and test fired. Examination of the magazine revealed one latent print but no identification was determined and it was not suitable for fingerprint database processing.⁴⁸

DNA Swabs were taken from the Beretta and its magazine and compared to the DNA profiles of Mr. ██████ Mr. ██████ and Mr. ██████ Mr. ██████ DNA matched the DNA profiles found on both the Beretta and the magazine. There was a minor DNA profile on the Beretta where Mr. ██████ could be excluded as a match, but Mr. ██████ and Mr. ██████ could not be excluded.⁴⁹

Gunshot residue tests show Mr. ██████ discharged a firearm or had both hands in the environment of a discharged firearm. Mr. ██████ may not have discharged a firearm or, if he did, gunshot residue particles were removed or not deposited.⁵⁰

Officer Alaniz's, Officer Caulfield's, and Officer Mendoza's firearms were received at ISP as operable and test fired along with twenty-nine (29) matching recovered cartridges.⁵¹

VI. LEGAL STANDARD

a. Emergency Vehicle Operations – Pursuit⁵²

Under state law, police vehicles are granted special privileges when engaging in emergency response calls and motor vehicle pursuits.⁵³ Among other things, officers may exceed speed limits so long as there is no danger to life or property and disregard regulations governing direction of travel or turns.

⁴⁴ Attachment 40, 41.

⁴⁵ Attachments 68, 70.

⁴⁶ Attachments 24-27, 38, 39, 45, 47, 49, 64, 73, 74, 78, 116, 117, 177, 200. It is radioed "in custody," and "slow it down." Attachment 152 at 10:39. An officer requests an ambulance at the location but does not respond to the dispatchers' question as to whether anyone was hit.

⁴⁷ Attachments 52, 121, 123, 137, 140, 144, 145, 200 at pages 122 – 143.

⁴⁸ Attachment 126.

⁴⁹ Attachment 130.

⁵⁰ Attachment 138.

⁵¹ Attachment 127. Officers' expended shell casings were recovered as follows, ten from inside Beat 4115D's vehicle, three on the Dan Ryan, three from the exit ramp, thirteen from the street area on Wentworth Avenue. Attachment 56.

⁵² Attachment 206. General Order G03-03-01, effective June 1, 2003 through March 27, 2016, governs the officers' conduct in this matter.

⁵³ Public officers and employees to obey Act, 625 ILC 5/11-205.

Department policy defines a “motor vehicle pursuit” as:

An active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases or maintains his or her speed, extinguishes his or her lights, otherwise flees or attempts to elude the officer.⁵⁴

The initiation or continuation of a motor vehicle pursuit must conform to a balancing test where “the necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.”⁵⁵ When applying the balancing test, Department members must consider whether (a) involved speeds and/or maneuvering practices engaged in allow the Department vehicle operator to maintain control of the vehicle and does not create unwarranted danger to the operator or others; (b) number of pedestrian and vehicular traffic; and (c) weather and road conditions reasonably permit initiating or continuing the pursuit.

A Department member should terminate an active pursuit whenever the suspect’s identity is clearly established such that that later apprehension can be done without jeopardizing the life or safety of another individual; or whenever a pursued vehicle or pursuing Department vehicle is involved in a property damage traffic crash.⁵⁶ The continuation of a motor vehicle pursuit is prohibited whenever a pursued vehicle or pursuing Department vehicle is involved in any traffic crash in which there is a “probability of personal injury.”⁵⁷

Department policy prohibits “caravanning,” which is defined as “[t]he following and direct participation in a pursuit by more than two police vehicles.” All other units are to remain aware of the direction and progress of the pursuit but will not actively participate and will not engage in “pursuit paralleling,” unless specifically authorized to do so.⁵⁸ “Pursuit paralleling” is defined as the “deliberate tactic of a vehicle operator to mirror on adjacent streets the direction and speed of vehicles actively involved in an authorized pursuit.”

Members operating an unmarked Department vehicle can only engage in a vehicle pursuit until a marked Department vehicle is available to take over the pursuit. Then, the unmarked Department vehicle will continue as secondary pursuit unit, only with the approval of a supervisor assigned to the pursuit.⁵⁹

⁵⁴ General Order G03-03, Glossary Terms.

⁵⁵ General Order G03-03-01(II)(A).

⁵⁶ G03-03-01(II)(B).

⁵⁷ G03-03-01(III)(C)(1)

⁵⁸ G03-03-01(V)(B).

⁵⁹ G03-03-01(V)(D).

b. Use of Deadly Force⁶⁰

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁶¹ The factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) the severity of the crime at issue; (2) whether the subject was posing an immediate threat to the safety of officers or others; and (3) whether the subject was actively resisting arrest or attempting to evade arrest by flight.⁶²

At the time of this incident, a Department member was permitted to use deadly force⁶³ in only two situations. First, to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person.⁶⁴ Second, to prevent an arrest from being defeated by resistance or escape, where the officer reasonably believes that the person to be arrested:

- a. Has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm;
- b. Is attempting to escape by use of a deadly weapon; or
- c. Otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.”⁶⁵

An officer is only authorized to fire at or into a moving vehicle to prevent death or great bodily harm to themselves or another person.⁶⁶

c. Standard 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;

⁶⁰ Use of Deadly Force standards are governed by federal and state law, as well as Chicago Police Directives. The relevant Directives reference in this report have since been updated, but this Summary Report references the version in place at the time of the shooting.

⁶¹ Use of Force Guidelines, General Order G03-02, effective October 1, 2002 to October 16, 2017.

⁶² *Id.* at (III)(C)(1).

⁶³ Deadly Force is defined by Department Policy as “force which is likely to cause death or great bodily harm and includes (1) the firing of a firearm in the direction of the person to be arrested, even though no intent to kill or inflict great bodily harm; and (2) the firing of a firearm at a vehicle in which the person to be arrested is riding.” Deadly Force Order, G03-02-03 at p. 2. Attachment 193.

⁶⁴ Deadly Force Order, G03-02-03(II)(A)(1). The Force Options Order, G03-02-02(III)(C)(3), similarly provides that use of deadly force is “appropriate” when officers are dealing with “an assailant whose actions will likely cause death or serious physical injury to another.” An “assailant” is defined as “a subject who is using or threatening the imminent use of force against . . . another person.” G03-02-02(III)(C).

⁶⁵ General Order G03-02-03(II)(A)(2).

⁶⁶ General Order G03-02-03(II)(B).

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 the conduct reviewed complied with Department policy.⁶⁷ If the evidence COPA gathers 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.⁶⁸ Clear and convincing evidence 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.”⁶⁹

VII. ANALYSIS

a. 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.

COPA found almost no meaningful differences between the various narratives all involved officers initially given to IPRA. All broadly recount a similar series of events beginning with shots fired on Hamlin Avenue, the pursuit across the city, shots fired at the KIA on the expressway, and the termination of the pursuit at 3430 South Wentworth Avenue.

COPA acknowledges that the events of the case occurred on February 18, 2014 and initial officer interviews were conducted that same day or the next by IPRA personnel. COPA served allegations and conducted subsequent interviews between 2018 and 2021. As all involved officers noted, the difference in time between the two interviews necessarily meant that some details would not be recalled perfectly, and contended that it would be unreasonable to expect the officers to perfectly recall their speed of travel, or the weather, or the level of traffic, or the exact route taken during an incident that occurred more than four years prior. For this reason, the officers’ subsequent interviews with COPA are intrinsically unreliable, through no fault of the officers, and COPA will rely on those statements only when clarification is required or when a significant disparity in narratives arises. COPA has no basis to conclude that each of the involved officers’ statements made to IPRA were not credible.

⁶⁷ 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 has found to be more probably true than not.”).

⁶⁸ See, e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁶⁹ *Id.* at ¶ 28.

With respect to the officer involved shootings, COPA could not obtain or locate any independent eyewitnesses to, or video evidence of, the shootings.

As noted above, Mr. ██████ provided statements to IPRA that conflicted with other available evidence. In his statement to IPRA, Mr. ██████ denied Mr. ██████ pointed a firearm at the police. However, Department reports document Mr. ██████ first told police Mr. ██████ fired at police while he drove, but later stated he did not know whether Mr. ██████ had the firearm in the KIA. Mr. ██████ also denied moving into the backseat after the KIA crashed. However, Department reports and Mr. ██████ both stated that Mr. ██████ moved to the backseat. COPA therefore cannot find Mr. ██████ statements entirely credible.

Mr. ██████ told COPA that Mr. ██████ entered the backseat of his car with a gun in his hand. Mr. ██████ also stated that he heard Mr. ██████ handling the gun as he drove on the expressway. He also stated that he did not know whether Mr. ██████ pointed the weapon in the officer's direction or whether Mr. ██████ fired at officers. He stated with some certainty that he first heard gunshots from the involved officers. COPA has no reason to discount Mr. ██████ statements, which indicate that Mr. ██████ was in possession of a firearm while in the KIA's backseat during the pursuit.

Other evidence shows that the firearm officers recovered from the KIA at the end of the incident was operable. However, investigators noted that no one found bullet casings in the KIA, although one was found in Mr. ██████ front pocket.

b. Department Members failed to terminate the pursuit.

i. Detective Edward McGovern failed to terminate the pursuit after a traffic crash.

After applying the balancing test, Det. McGovern asserted the need to apprehend the KIA's occupants outweighed the danger of the pursuit. Det. McGovern added that he would have terminated the pursuit if it became excessively dangerous. For example, if the pursuit involved driving off road, on sidewalks or placing others in greater danger, or if a supervisor ordered termination. It is undisputed that there was a firearm in the KIA, Mr. ██████ fired at civilians and an officer on North Hamlin Avenue. Further, the involved officers knew Mr. ██████ fired at a police officer. Finally, officers did not learn the identity of the KIA's occupants until the conclusion of the pursuit. For these reasons, COPA finds it was reasonable for Det. McGovern to engage in the pursuit.

The question here is whether the pursuit should have been terminated when the KIA crashed into Officer Shean's police vehicle. According to Department policy, the continuation of an active pursuit is prohibited whenever a pursued vehicle is involved in any traffic crash in which there is a "probability of personal injury."⁷⁰ Here, it is undisputed there was a head on collision between the KIA and Officer Shean's vehicle, Det. McGovern observed the accident and the

⁷⁰ G03-03-01(III)(C)(1)

resulting property damage, and Officer Shean, at the conclusion of the incident, was transported via ambulance and treated for a lower back injury.⁷¹

Det. McGovern, erroneously, believed he did not have to terminate the pursuit because he did not observe significant property damage and believed apprehending the KIA was more critical. Det. McGovern failed to consider he observed a head on collision that would likely result in injury to one or all involved individuals. Whether Det. McGovern had actual knowledge Officer Shean was injured, he should have known injury was probable, and terminated the traffic pursuit when he reported the accident over the radio.

COPA acknowledges Det. McGovern further believed he was okay to continue the pursuit due to Sergeant Murphy's later authorization. However, COPA finds Sergeant Murphy's authorization was improper, as discussed below, and does not absolve Det. McGovern of his requirement to self-terminate the pursuit after the accident. Therefore, COPA finds Det. McGovern failed to terminate a traffic pursuit in violation of General Order G03-03-01 and therefore the allegation against Det. McGovern is **Sustained**, in violation of rule 6.

ii. Officer Serrano Failed to terminate the pursuit after a traffic crash and engaged in caravanning.

As with Det. McGovern, Officer Serrano should have terminated the pursuit after observing the aftermath of the traffic crash between the KIA and Officer Shean's vehicle. Officer Serrano stated he did not observe the accident, but he did observe the resulting damage to Officer Shean's vehicle. Similar to Det. McGovern, Officer Serrano asserted the property damage was minor and did not require him to terminate the pursuit. As the photograph below shows, there is vehicle debris in the street that Officer Serrano had to maneuver around, and Officer Shean's front passenger tire is visibly knocked out of place. After viewing this damage, Officer Serrano should have known it was likely that Officer Shean, or any other involved individual, experienced personal injury, and terminated the pursuit. For these reasons, COPA finds Officer Serrano failed to terminate the pursuit in violation of General Order G03-03-01 and therefore the allegation against Officer Serrano is **Sustained**, in violation of rule 6.

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⁷¹ Attachment 200.



COPA also finds Officer Serrano engaged in unauthorized caravanning. According to the Department policy, caravanning is defined as a situation where more than two police vehicles follow or participate in a pursuit. Officer Serrano acknowledged and his in-car camera shows he was the third vehicle for a majority of the pursuit before entering the Eisenhower Expressway. At the time when Sergeant Murphy authorized three vehicles to participate, it is unclear if Officer Serrano was one of those first three vehicles, but there is evidence that while on the expressway, Officer Serrano fell back to at least the fourth vehicle. There was no further instruction provided directly to Officer Serrano or over the air that authorized Officer Serrano to participate in or continue caravanning. For these reasons, COPA find Officer Serrano engaged in unauthorized caravanning, in violation of General Order G03-03-01 and therefore the allegation against Officer Serrano is **Sustained**.

iii. Deputy Chief Daniel O’Shea Failed to terminate the pursuit after a traffic crash.

As noted above, members operating an unmarked Department vehicle may only engage in a vehicle pursuit until a marked Department vehicle is available to take over the pursuit. Then, the unmarked Department vehicle will continue as secondary pursuit unit with the approval of a supervisor assigned to the pursuit.⁷² Deputy Chief O’Shea was operating an unmarked Ford Police Interceptor at the time of the incident and admitted there were multiple marked police vehicles following the KIA when he entered the pursuit at California Avenue. The evidence shows there were at least two marked police vehicles always engaged in the pursuit while Deputy Chief O’Shea was involved. Additionally, there is no evidence that Sergeant Murphy, the assigned supervisor, authorized Deputy Chief O’Shea to continue the pursuit in an unmarked police vehicle. For these reasons, COPA finds Deputy Chief O’Shea failed to terminate a traffic pursuit, in violation of General Order G03-03-01 and therefore this allegation is **Sustained**, in violation of rule 6.

iv. COPA does not have sufficient evidence to determine whether Officers Alaniz, Mendoza, and Caulfield failed to terminate the pursuit after a traffic crash.

⁷² G03-03-01(V)(D).

Officers Alaniz, Mendoza, and Caulfield each denied knowledge of the traffic crash. COPA has no evidence that they witnessed the accident or the resulting damage. As discussed above, the officers who observed the traffic accident or the resulting damage should have known there was a probability of personal injury and terminated the pursuit. On the other hand, it is difficult to imagine a situation where a pursued vehicle would be involved in a traffic crash with another vehicle, and there was not some type of personal injury involved. Considering, this incident, Det. McGovern reported the crash over the radio but failed to mention the accident was a head on collision, and, although Officer Shean sought medical attention later, she, immediately, denied needing an ambulance and stated she was fine. Then, minutes later, Sergeant Murphy, erroneously, authorized the pursuit to continue. Therefore, COPA finds there is insufficient evidence to prove misconduct occurred, by a preponderance of the evidence, or that misconduct did not occur by a clear and convincing standard, and these allegations against Officers Alaniz, Mendoza, and Caulfield are each **Not Sustained**.

v. Officers Wrigley, Homer, and Babicz failed to terminate the pursuit after Sgt. Murphy restricted the pursuit to three police vehicles.

As discussed above, COPA finds the traffic pursuit should have been terminated after the traffic crash, but Officers Wrigley, Homer and Babicz denied witnessing the traffic accident or its resulting damage. Therefore, there is insufficient evidence to determine whether the officers should have terminated the pursuit, or rather not joined the pursuit after the accident. The evidence, Traffic Pursuit Report, shows the officers joined the pursuit on the Eisenhower Expressway at California Avenue, at about the same time, Sergeant Murphy authorized only three vehicles to continue the pursuit. When the officers entered the pursuit, they did not know what position they were in, how many police vehicles were involved, and it is unclear whether the officers saw the KIA while driving in the pursuit. The evidence does show, at least three vehicles, Det. McGovern, Beat 4115D, and Officer Serrano were already engaged in the pursuit at the time. Therefore, Officers Wrigley, Homer and Babicz should have terminated their participation in the pursuit when Sergeant Murphy provided his instructions. For these reasons, COPA finds Officers Wrigley, Homer and Babicz failed to terminate the traffic pursuit, in violation of General Order G03-03-01and, and therefore these allegations against Officers Wrigley, Homer, and Babicz are each **Sustained**.

c. Officer Alaniz, Officer Caulfield and Officer Mendoza improperly engaged in pursuit paralleling.

Unless specifically authorized to do so, an officer is prohibited from participating in pursuit paralleling, defined as mirroring on adjacent streets the direction and speed of the pursued vehicle.⁷³ Officers Alaniz, Caulfield, Mendoza acknowledged that they drove parallel to the KIA when traveling eastbound on Madison Street and the KIA was eastbound on Washington Street, but denied they were engaged in pursuit paralleling because they could not see the KIA and they believed the KIA was ahead of their position. However, Department policy does not require an officer to maintain a visual of the pursued vehicle. Additionally, Department policy does not require that an officer go the exact speed of the pursued vehicle or that the two vehicles be side by side.

⁷³ General Order G03-03-01(V)(B) and Glossary Terms (10).

By their own statements, the officers turned onto Madison Street to go in the same direction as the KIA and speed up to join the pursuit, which happened when the officers reached California Avenue and observed the KIA. Additionally, the officers, admitted they had not notified anyone, at that time, they were engaging in the pursuit, did not ask for permission to participate in pursuit paralleling, and did not receive permission to participate in pursuit paralleling. Nor is there any evidence a supervisor provided such an instruction over the radio. For these reasons, COPA finds Officer Alaniz, Officer Caulfield and Officer Mendoza participated in unauthorized pursuit paralleling while traveling eastbound on Madison Street, in violation of General Order G03-03-01 and therefore the allegations against Officers Alaniz, Caulfield, and Mendoza are **Sustained**, in violation of rule 6.

d. Officers Alaniz, Caulfield, and Mendoza did not engage in pursuit paralleling while traveling southbound on the Dan Ryan Expressway.

The officers admitted, in an attempt to get the driver of the KIA to pull over, they moved parallel to the KIA, driving similar speed, while both vehicles traveled southbound on the Dan Ryan Expressway. COPA finds it was unreasonably dangerous for the officers to drive so close to the KIA, where they knew there was a firearm inside, and that this maneuver likely escalated the situation. However, the officers did not engage in pursuit paralleling because they were traveling on the same street, not an “adjacent street,” to the KIA. Therefore, COPA finds this allegation is **Unfounded**.

e. There is not sufficient evidence to show that Officer Caulfield’s firearm discharge into a moving vehicle was prohibited under Department policy.

Officer Caulfield discharged his firearm into a moving vehicle in two instances during this incident. First, at approximately 31st Street and the Dan Ryan Expressway. Second, on an exit ramp as the KIA attempted to exit the expressway. In each instance, Officer Caulfield stated that he observed Mr. ██████ point his firearm in his direction and that he fired in fear for his life and his partners’ lives.⁷⁴ He also stated that he understood that the individuals in the KIA had already fired upon police. Officer Caulfield did not know whether Mr. ██████ fired at him. COPA has no evidence to contradict Officer Caulfield’s assertion that Mr. ██████ pointed a firearm in his direction. There is no available video of or independent witnesses to the incident.

Department policy in effect at the time of this incident provided that an officer firing at or into a moving vehicle was authorized only to prevent death or great bodily harm to the officer or another person. Officer Caulfield stated that he fired because Mr. ██████ was pointing a firearm in his direction, after he had already shot at another officer earlier in the day. Given the lack of contradictory evidence, COPA cannot prove by a preponderance of the evidence that Officer Caulfield did not discharge his firearm into a moving vehicle to prevent death or great harm. For these reasons, COPA finds that this allegation against Officer Caulfield is **Not Sustained**.

f. There is not sufficient evidence to show that Officer Mendoza’s firearm discharge into a moving vehicle was prohibited under Department policy.

⁷⁴ Attachment 117, page 17, lines 1-3.

Officer Mendoza discharged his firearm into a moving vehicle after hearing Officer Caulfield yelling about a gun and then observing Mr. █████ pointing a firearm in his direction. As with Officer Caulfield, COPA has little beyond Officer Mendoza's statements to determine whether Mr. █████ did in fact point a weapon at Officer Mendoza. COPA makes the same credibility determinations with respect to Messrs. █████ and █████ and notes the same limitations of available contradictory evidence, as discussed above.

Department policy in effect at the time of this incident provided that an officer firing at or into a moving vehicle was authorized only to prevent death or great bodily harm to the officer or another person. Officer Mendoza stated that he fired because Mr. █████ was pointing a firearm in his direction, after he had already shot at another officer earlier in the day. Given the lack of contradictory evidence, COPA cannot prove by a preponderance of the evidence that Officer Mendoza did not discharge his firearm into a moving vehicle to prevent death or great harm. For these reasons, COPA finds that this allegation against Officer Mendoza is **Not Sustained**.

g. There is not sufficient evidence to show that Officer Alaniz's firearm discharge into a moving vehicle was prohibited under Department policy.

Officer Alaniz stated that discharged his firearm, while driving, into a moving vehicle after observing Mr. █████ pointing a firearm through the back windshield of the KIA. Both Officer Caulfield and Mendoza told IPRA that they saw an individual in the KIA pointing a firearm through the back window of the KIA at the time that Officer Alaniz fired his weapon.⁷⁵ Officer Alaniz stated he fired while driving because his partners did not have the correct angle to do so themselves.⁷⁶

Department policy in effect at the time of this incident provided that an officer firing at or into a moving vehicle was authorized only to prevent death or great bodily harm to the officer or another person. Officer Alaniz stated that he fired because Mr. █████ was pointing a firearm in his direction and believed Mr. █████ had already shot at another officer. Given the lack of contradictory evidence, COPA cannot prove by a preponderance of the evidence that Officer Alaniz did not discharge his firearm into a moving vehicle to prevent death or great harm. For these reasons, COPA finds that this allegation against Officer Alaniz is **Not Sustained**.

h. There is not sufficient evidence to show that Officer Alaniz's firearm discharge at the KIA's occupants was prohibited under Department policy.

Officer Alaniz discharged his weapon twice into the backseat of the KIA after it crashed. He told IPRA that he fired because he observed an individual point a firearm in his direction. Officer Alaniz stated that he gave the individual verbal direction to drop the gun but was ignored. He stopped firing after Officer Mendoza entered his line of fire on the other side of the KIA. Mr. █████ was in the backseat of the KIA with Mr. █████ at the time that Officer Alaniz fired his weapon.

Mr. █████ denied pointing the firearm at officers and denied that Mr. █████ ever pointed a firearm at officers. For the reasons discussed above, COPA cannot rely on Mr. █████ assertions.

⁷⁵ Attachment 117, pages 23-24, lines 24-29, 2-3; Attachment 64, pages 24, lines 24-27.

⁷⁶ Attachment 116, page 28, lines 26-27. Officer Mendoza indicated he was in the backseat at this time and could not shoot from his position. Officer Caulfield similarly indicated that he did not have an "opportunity" to fire at this time.

In addition, Mr. [REDACTED] DNA was found on the weapon officers recovered from the KIA. No one disputed that Mr. [REDACTED] had control over and discharged that firearm before getting into the KIA. There is no evidence proving Mr. [REDACTED] was still in possession of the firearm when officers fired into the backseat. The officers' in-car-camera only shows officers moving into position around the KIA. It is not possible to see whether anyone in the KIA pointed a weapon at officers. The individual in the Jeep that the KIA hit also stated that they did not see anything beyond the presence of several officers and hearing gunfire.

If Mr. [REDACTED] or Mr. [REDACTED] pointed the firearm at Officer Alaniz then such an action would reasonably constitute a threat of imminent harm to Officer Alaniz under Department policy.⁷⁷ Given the lack of contradictory evidence, COPA concludes it cannot show by a preponderance of the evidence that Officer Alaniz violated Department policy by firing into the backseat of the KIA. For these reasons, this allegation against Officer Alaniz is **Not Sustained**.

- i. **There is not sufficient evidence to show that Officer Mendoza's firearm discharge at the KIA's occupants was prohibited under Department policy.**

Officer Mendoza told IPRA that he fired into the backseat of the KIA after observing a male pointing a firearm directly at him. Officer Mendoza fired twice at the individual's "center mass" after giving verbal commands to "drop the gun" that were ignored.⁷⁸ He fired because he felt he had no option "to engage the threat" and fired until the individual dropped the firearm.⁷⁹

Records show that Mr. [REDACTED] was wounded in the abdomen and Mr. [REDACTED] wounded in his arm. Officers indicated that Mr. [REDACTED] and [REDACTED] were removed from the backseat of the KIA. As with Officer Alaniz's case, COPA has no other evidence indicating anyone in the KIA pointed a weapon at officers. If Mr. [REDACTED] or Mr. [REDACTED] pointed the firearm at Officer Mendoza then such an action would reasonably constitute a threat of imminent harm to Officer Mendoza under Department policy.⁸⁰ Given the lack of contradictory evidence, COPA concludes it cannot show by a preponderance of the evidence that Officer Alaniz violated Department policy by firing into the backseat of the KIA. For these reasons, this allegation against Officer Mendoza is **Not Sustained**, in violation of rule 6.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Police Officer John Wrigley

- i. **Complimentary and Disciplinary History:** 4, Deployment Operations Center Awards; 3, Problem Solving Awards; 4, Attendance Recognition Awards; 9, Emblems of Recognition – Physical Fitness; 1, Presidential Election Deployment Award; 4, Other Awards; 1, Special Commendation; 102, Honorable Mentions; 1, 2004 Crime Reduction Award; 1, Recognition / Outside Governmental Agency Award; 9, Department Commendations; 4, Complimentary Letters; 1, Police Blue Star Award; 1, Superintendents Award of Valor; 1, Outside Governmental Agency Award; 1, 2009 Crime

⁷⁷ And the individual pointing the gun could appropriately be considered an "assailant" under Department policy.

⁷⁸ Attachment 64, pages 28-29, lines 30-31, 4.

⁷⁹ Attachment 64, lines 2-3.

⁸⁰ And the individual pointing the gun could appropriately be considered an "assailant" under Department policy.

Reduction Award; and 1, Unit Meritorious Performance Award. No applicable disciplinary history.

ii. **Recommended Penalty:** 60 to 180-Day Suspension

Officer Wrigley was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct violation of express provisions of the Department's vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

b. Police Officer Michael Alaniz

i. **Complimentary and Disciplinary History:** 1, Deployment Operations Center Award; 4, Attendance Recognition Awards; 17; Emblems of Recognition – Physical Fitness; 1, Presidential Election Deployment Award 2008; 1, Other Award; 88, Honorable Mentions; 1, 2004 Crime Reduction Award; 1, Department Commendation; 6, Complimentary Letters; 1, NATO Summit Service Award; 1, Superintendents Award of Valor; 1, Honorable Mention Ribbon Award; and 1, 2009 Crime Reduction Award. No applicable disciplinary history.

ii. **Recommended Penalty:** 60 to 180 Day Suspension

Officer Alaniz was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct violation of express provisions of the Department's vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

c. Police Officer Oscar Serrano

i. **Complimentary and Disciplinary History:** 1, Superintendent's Honorable Mention; 1, Problem Solving Award; 2, Attendance Recognition Awards; 1, Presidential Election Deployment Award 2008; 1, Special Commendations; 138, Honorable Mentions; 1, 2004 Crime Reduction Ribbon; 21, Department Commendations; 1, 2019 Police Officer of the Month Award; 4, Complimentary Letters; 1, Life Saving Award; , NATO Summit Service Award; 2, Joint Operations Awards; 1, 2009 Crime Reduction Award; and 1, Unit Meritorious Performance Award. No applicable disciplinary history.

ii. **Recommended Penalty:** 60 to 180 Day Suspension

Officer Serrano was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct

violation of express provisions of the Department's vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

d. Deputy Chief Daniel O'Shea

- i. Complimentary and Disciplinary History:** 1, Superintendent's Honorable Mention; 1, Problem Solving Award; 2, Other Awards; 1, Emblem of Recognition – Physical Fitness; 5, Attendance Recognition Awards; 1, Presidential Election Deployment Award 2008; 4, Special Commendations; 1, 2004 Crime Reduction Ribbon; 14, Department Commendations; 140, Honorable Mentions; 1, 2019 Crime Reduction Ribbon; 9, Complimentary Letters; 1, Life Saving Award; 1, NATO Summit Service Award; 1, 2009 Crime Reduction Award; 4, Joint Operations Awards; 1, Superintendent's Award of Tactical Excellence; 1, Annual Bureau Award of Recognition; and 1, Unit Meritorious Performance Award. No applicable disciplinary history.
- ii. Recommended Penalty:** 60 to 180 Day Suspension

Deputy Chief was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct violation of express provisions of the Department's vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

e. Detective Edward McGovern

- i. Complimentary and Disciplinary History:** 1, other Award; 1, Presidential Election Deployment Award 2008; 10, Emblems of Recognition – Physical Fitness; 2, Attendance Recognition Awards; 1, Special Commendation; 1, 2004 Crime Reduction Ribbon; 5, Department Commendations; 39, Honorable Mentions; 1, 2019 Crime Reduction Ribbon; 1, Police Officer of the Month Award; 3, Complimentary Letters; 1, NATO Summit Service Award; 1, 2009 Crime Reduction Award; and 1, Unit Meritorious Performance Award. No applicable disciplinary history.
- ii. Recommended Penalty:** 60 to 180 Day Suspension

Detective McGovern was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct violation of express provisions of the Department's vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

f. Police Officer Robert Caulfield

- i. **Complimentary and Disciplinary History:** 2, Problem Solving Awards; 1, Presidential Election Deployment Award 2008; 2, Attendance Recognition Awards; 11, Emblems of Recognition – Physical Fitness; 1 Superintendent’s Award of Merit; 1, Traffic Stop of the Month Award; 1, Special Commendation; 6, Department Commendations; 221, Honorable Mentions; 6, Complimentary Letters; 1, 2019 Crime Reduction Award; 2, Police Officer of the Month Awards; 2, Honorable Mention Ribbon Awards; 1, NATO Summit Service Award; 1, Superintendent’s Award of Valor; 1, Top Gun Arrest Award; 1, 2009 Crime Reduction Award; 1, Annual Bureau Award of Recognition; and 1, Unit Meritorious Performance Award. No applicable disciplinary history.
- ii. **Recommended Penalty:** 60 to 180 Day Suspension

Officer Caulfield was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct violation of express provisions of the Department’s vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

g. Police Office Mario Mendoza

- i. **Complimentary and Disciplinary History:** 1, Presidential Election Deployment Award 2008; 1, Emblem of Recognition – Physical Fitness; 1, Other Award; 1, Department Commendation; 59, Honorable Mentions; 1, 2004 Crime Reduction Ribbon; 2, Complimentary Letters; 1 2019 Crime Reduction Award; 1, Superintendent’s Award of Valor; 1, NATO Summit Service Award; and 1, 2019 Crime Reduction Ribbon. No applicable disciplinary history.
- ii. **Recommended Penalty:** 60 to 180 Day Suspension

Officer Mendoza was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct violation of express provisions of the Department’s vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

h. Detective Anthony Babicz

- i. **Complimentary and Disciplinary History:** 1, Problem Solving Award; 4, Deployments Operations Center Awards; 1, Superintendent’s Honorable Mention; 5, Attendance Recognition Awards; 1, Presidential Election Deployment Award 2008; 5, Emblems of Recognition – Physical Fitness;

3, Special Commendations; 10, Department Commendations; 104, Honorable Mentions; 1 2019 Crime Reduction Award; 4, Complimentary Letters; 1, NATO Summit Service Award; 1, Honorable Mention Ribbon Award; 1, 2009 Crime Reduction Award; and 1, Unit Meritorious Performance Award. No applicable disciplinary history.

ii. Recommended Penalty: 60 to 180 Day Suspension

Detective Babicz was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct violation of express provisions of the Department’s vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

i. Police Officer Justin Homer

i. Complimentary and Disciplinary History: 5, Deployment Operations Center Awards; 1, Problem Solving Award; 1, Presidential Election Deployment Award 2008; 4, Attendance Recognition Awards; 14, Emblems of Recognition – Physical Fitness; 1, Special Commendation; 1, Traffic Stop of the Month Award; 78, Honorable Mentions; 5, Department Commendations; 1, 2019 Crime Reduction Award; 8, Complimentary Letters; 1, Police Officer of the Month Award; 1, NATO Summit Service Award; 1, 2009 Crime Reduction Award; 2, Life Saving Awards; and 1, Unit Meritorious Performance Award.

ii. Recommended Penalty: 60 to 180 Day Suspension

Officer Homer was an active participant in an extended, inherently dangerous vehicle pursuit. His participation was found to be in direct violation of express provisions of the Department’s vehicle pursuit policy. It is incumbent on all Department members to abide by Department policy controlling such dangerous aspects of policing. As such, COPA recommends a 60 to 180-day suspension from the Department.

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Deputy Chief Daniel O’Shea	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards,	Sustained / 60 to 180 Day Suspension

	southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.	
Detective Edward McGovern	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.1.	Sustained / 60 to 180 Day Suspension
Officer Michael Alaniz	<p>It is alleged that on February 18, 2014, the accused participated in the tactic of pursuit paralleling at Madison St. and Pulaski Rd., at approximately 11:21 a.m., contrary to General Order G03-03-01 and without having prior authorization to do so.</p> <p>It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on the Eisenhower Expressway and southbound on the Dan Ryan Expressway at approximately 11:25 a.m., contrary to General Order G03-03-01.</p> <p>It is alleged that on February 18, 2014, at approximately 11:28 a.m., while traveling southbound on the Dan Ryan Expressway, the accused participated in the tactic of pursuit paralleling, in violation of G03-03-01 and without having prior authorization to do so.</p> <p>It is alleged that on or about February 18, 2014, in the vicinity of the 35th Street exit ramp from the Dan Ryan Expressway, the accused discharged his firearm at or into a moving vehicle, in violation of G03-02-03.</p>	<p>Sustained / 60 to 180 Day Suspension</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Not Sustained</p>

	<p>It is alleged that on or about February 18, 2014, in the vicinity of 3430 South Wentworth the accused discharged his firearm in the direction of [REDACTED] and/or [REDACTED] and/or [REDACTED], in violation of G03-02-03.</p>	<p>Not Sustained</p>
<p>Officer Robert Caulfield</p>	<p>It is alleged that on February 18, 2014, the accused participated in the tactic of pursuit paralleling at Madison St. and Pulaski Rd., at approximately 11:21 a.m., contrary to General Order G03-03-01 and without having prior authorization to do so.</p> <p>It is alleged that on February 18, 2014, at approximately 11:28 a.m., while traveling southbound on the Dan Ryan Expressway, the accused participated in the tactic of pursuit paralleling in violation of G03-03-01 and without having prior authorization to do so.</p> <p>It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on the Eisenhower Expressway and southbound on the Dan Ryan Expressway at approximately 11:25 a.m., contrary to General Order G03-03-01.</p> <p>It is alleged that on or about February 18, 2014, while traveling southbound on the Dan Ryan Expressway and/or in the vicinity of 3430 South Wentworth, the accused discharged his firearm at or into a moving vehicle, in violation of G03-02-03.</p>	<p>Sustained / 60 to 180 Day Suspension</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Mario Mendoza</p>	<p>It is alleged that on February 18, 2014, the accused participated in the tactic of pursuit paralleling at Madison St. and Pulaski Rd., at approximately 11:21 a.m., contrary to General Order G03-03-01 and without having prior authorization to do so.</p>	<p>Sustained / 60 to 180 Day Suspension</p>

	<p>It is alleged that on February 18, 2014, at approximately 11:28 a.m., while traveling southbound on the Dan Ryan Expressway, the accused participated in the tactic of pursuit paralleling in violation of G03-03-01 and without having prior authorization to do so.</p> <p>It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on the Eisenhower Expressway and southbound on the Dan Ryan Expressway at approximately 11:25 a.m., contrary to General Order G03-03-01.</p> <p>It is alleged that on or about February 18, 2014, while traveling southbound on the Dan Ryan Expressway, the accused discharged his firearm at or into a moving vehicle, in violation of G03-02-03.</p> <p>It is alleged that on or about February 18, 2014, in the vicinity of 3430 South Wentworth, the accused discharged his firearm in the direction of [REDACTED] and/or [REDACTED] and/or [REDACTED], in violation of G03-02-03.</p>	<p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Oscar Serrano</p>	<p>It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.</p> <p>It is alleged that on February 18, 2014, the accused participated in the tactic of caravanning while traveling eastbound on the Eisenhower Expressway and southbound on the Dan Ryan Expressway at approximately 11:25 a.m., contrary to General Order G03-03-01 and</p>	<p>Sustained / 60 to 180 Day Suspension</p> <p>Sustained / 60 to 180 Day Suspension</p>

	without having prior authorization to do so.	
Officer John Wrigley	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01	Sustained / 60 to 180 Day Suspension
Officer Justin Homer	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.	Sustained / 60 to 180 Day Suspension
Officer Anthony Babicz	It is alleged that on February 18, 2014, the accused failed to terminate a traffic pursuit while traveling eastbound on Washington and Warren Boulevards, southbound on California Avenue, eastbound on the Eisenhower Expressway, and southbound on the Dan Ryan Expressway at approximately 11:21 a.m., contrary to General Order G03-03-01.	Sustained / 60 to 180 Day Suspension

APPROVED:



Matthew Haynam
Deputy Chief Administrator

6/28/2021

Date



Andrea Kersten
Interim Chief Administrator

6/28/2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	Blended #6
Major Case Specialist:	Elizabeth Brett
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam