

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	January 15, 2017
Time of Incident:	12:23 am
Location of Incident:	3400 W. Monroe Street
Date of IPRA Notification:	January 15, 2017
Time of IPRA Notification:	1:00 am

On January 15, 2017, at approximately 12:23 am, [REDACTED] ([REDACTED]) was inside the Roseland Liquor Store located at 3407 W. Madison Street and became involved in a verbal altercation with several people. [REDACTED] followed them out of the store, and shortly thereafter fired nine shots at them with a handgun, striking three people, none of whom were killed.

At about the same time, Beat 4316C, Officers Angel Collazo #4679 and Patrick Joyce #14106, were traveling west on Madison Street in their marked police vehicle and heard the sound of gunfire from behind. The officers made a U-turn and an individual alerted them by pointing to [REDACTED] who was already in flight. Officers pursued [REDACTED] first in their vehicle then on foot. Officer Collazo observed [REDACTED] retrieve a semi-automatic handgun from the front of his waistband area and point at him. In response, Officer Collazo discharged his firearm four times, striking [REDACTED] and causing him to drop his handgun and fall to the ground. [REDACTED] was subsequently transported by ambulance to Mt. Sinai Hospital where he later succumbed to his injuries. COPA has concluded that Officer Collazo’s use of deadly force was within Chicago Police Department Policy.

**II. INVOLVED PARTIES**

Involved Officer #1:	COLLAZO, Angel; Star #4679; Employee # [REDACTED] Date of Appointment: July 28, 2008; Police Officer; Unit of Assignment: 015; DOB: [REDACTED], 1983; Male; Hispanic.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1982; Male; Black.

<sup>1</sup> 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 recommendation(s) set forth herein are the recommendation(s) of COPA.

### III. ALLEGATIONS

Any discharge of an officer's firearm results in a mandatory notification to COPA. This investigation was initiated pursuant to such notification. However, COPA determined there was no evidence of misconduct requiring allegations against Officer Collazo.

### IV. APPLICABLE RULES AND LAWS

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#### Rules

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1. **Rule 9**-Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
2. **Rule 38**-Unlawful or unnecessary use or display of a weapon.

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#### General Orders<sup>2</sup>

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1. 03-02 (Use of Force)
  2. 03-02-02 (Force Options)
  3. 03-02-03 (Deadly Force)
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#### Federal Laws

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1. Fourth Amendment of the United States Constitution
  2. *Graham v. Connor*, 490 U.S. 386 (1989)
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#### State Laws

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1. 720 ILCS 5/7-5 (Peace Officer's Use of Force in Making Arrest)

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<sup>2</sup> The Chicago Police Department made significant changes to their policies regarding use of force and use of deadly force, effective October 16, 2017. This Report analyzes and cites the previous directives, which were in effect on the date of this incident.

## V. INVESTIGATION<sup>3</sup>

### a. Interviews

In a statement to IPRA on January 18, 2017, ██████████ stated that on the night of the incident he was with his friends, ██████████ and three females, ██████████<sup>5</sup> ██████████<sup>6</sup> and another woman he did not know.<sup>7</sup> ██████████ stated that they went to the liquor store on Madison Street, near Homan Avenue, intending to purchase a bottle of Hennessy liquor before they went to ██████████ home. While inside the liquor store ██████████ heard what he described as an argument behind him. ██████████ turned around and saw a male, ██████████ arguing with ██████████ and ██████████ did not know what they were arguing about, explaining that he did not pay close attention. ██████████ paid for the liquor, and he and his group exited the liquor store. ██████████ followed the group outside and said to the group, “What did you say?” ██████████ turned and looked at ██████████ who pulled a silver handgun from his waistband and pointed it at ██████████ group. ██████████ immediately ran north across Madison Street toward Garfield Park. As he ran, ██████████ heard several gunshots and felt pain in his left buttock. ██████████ saw a marked Chicago Police SUV traveling west on Madison Street, toward ██████████ ██████████ who was running east on the south sidewalk of Madison Street. ██████████ stated that he drove himself and his friends to Mt. Sinai Hospital. ██████████ did not witness what transpired between ██████████ and the involved officers.

In an interview with IPRA on January 17, 2017, ██████████ stated that on the night of the incident he was with his childhood friend, ██████████ stated that they were standing on the sidewalk in front of the West Side Grill<sup>9</sup> when he saw a man and two women exit the liquor store next door. Another man (now known as ██████████ whom he described as wearing a red jacket, followed the first three people out of the liquor store. ██████████ heard one of the women say to ██████████ that they did not want any trouble and just wanted to leave. ██████████ saw ██████████ remove a handgun from his front waistband, point it at the other man, and fire nine or ten times at him. ██████████ immediately ran around the corner and south on Homan Avenue. ██████████ stated that he saw ██████████ running south on the east side of Homan Avenue. ██████████ then saw a marked police vehicle travelling south on Homan Avenue and alerted the officers by pointing to ██████████ saw ██████████ run east into the alley immediately south of Madison Street. The driver officer (now known as Officer Collazo) parked the vehicle and ran into the same alley after ██████████ stated that approximately four seconds later he heard three gunshots in quick succession coming from the direction he saw ██████████ and Officer Collazo run. ██████████ stated that he did not witness what transpired in the alley between ██████████ and Officer Collazo.

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<sup>3</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>4</sup> Attachment 42, 108.

<sup>5</sup> During a telephonic interview on January 17, 2016 ██████████ acknowledged that she had been shot in the leg but refused to submit to an in-person interview and would not provide the investigator any further information. Atts. 37, 38, 58 and Case Log. ██████████ identified ██████████ in a photo array presented by CPD, see page 11. Att. 5.

<sup>6</sup> The identity of ██████████ remains unknown, therefore this investigation does not include her interview.

<sup>7</sup> ██████████ did not know any additional information regarding the three women.

<sup>8</sup> Attachment 106.

<sup>9</sup> 3407 W. Madison Street.

In an interview with IPRA on January 17, 2017, ██████ stated that on the night of the incident he and ██████ were standing on the sidewalk in front of the West Side Grill when he saw two men and two women exit the liquor store next door followed by ██████ who he described having a medium complexion and slim build. ██████ stated that the group and ██████ appeared to be arguing. ██████ stated that ██████ retrieved a handgun from the front waistband of his pants. ██████ then pointed his gun at the group and began shooting. While ██████ shot at the four people, a marked Chicago Police SUV was traveling west on Madison Street. ██████ stated that he ran into the restaurant immediately when ██████ began shooting. ██████ stated that he heard numerous gunshots, adding that he thought one of the other two men might have shot back at ██████

█████ waited a short while after the shooting ceased before he exited the restaurant. ██████ stated that he walked to Homan Avenue and saw several police vehicles at the mouth of the alley near Monroe Street. ██████ stated he did not witness what transpired between ██████ and the police officers.

In an interview with IPRA on March 8, 2017, ██████ stated that on the night of the incident she was on her way home after visiting with her cousin, ██████<sup>12</sup> ██████ stated she intended to take the next eastbound Madison Street bus and was standing at the bus stop on the south side of the street when she saw several people running toward her. ██████ then heard several gunshots and immediately felt pain on the right side of her chest. ██████ began to panic and attempted to wave down a marked police vehicle she saw on Madison Street. ██████ explained that she waived her hands and called out for help, but she lost consciousness. ██████ woke up in Stroger Hospital a short time later.

█████ never saw the shooter, nor did she witness any type of altercation before hearing the gunshots. ██████ stated that she sustained one gunshot wound with the bullet entering the right side of her chest and exiting through her back.

In a statement to IPRA on February 8, 2017, **Officer Patrick Joyce**<sup>13</sup> stated that on the night of the incident he was in uniform working with Officer Angel Collazo. Officer Joyce was the passenger in the police vehicle, and Officer Collazo was the driver. Officer Joyce explained that although their police vehicle was equipped with an in-car camera, it was not functional.<sup>14</sup> Officer Joyce stated that they were on routine patrol, traveling west on Madison Street. As they drove past a liquor store, Officer Joyce heard several gunshots that sounded as if they came from behind them. Officer Collazo made a U-turn, and Officer Joyce saw people running west and north toward the park. Officer Joyce saw a woman sitting inside a vehicle parked on the south side of Madison Street pointing toward Homan Avenue. Officer Joyce then saw a Black male,

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<sup>10</sup> Attachment 107.

<sup>11</sup> Attachment 86, 89.

<sup>12</sup> ██████ lives near ██████

<sup>13</sup> Attachment 67.

<sup>14</sup> A service request/repair ticket for in-car camera inside the officers' vehicle was not found. (Attachments 115-117)

now known as [REDACTED] wearing a red Pelle-Pelle<sup>15</sup> jacket run east across Homan Avenue. Officers Collazo and Joyce drove east on Madison Street and then south on Homan Avenue in pursuit of [REDACTED] who was running south on the east side of the street. Officer Joyce was unable to estimate how far ahead [REDACTED] was. [REDACTED] ran east into an alley where he fell. As he was down, he was pointing in the officer's direction saying something that they could not hear. As [REDACTED] was on the ground, Officer Collazo stopped their police vehicle at the mouth of the alley, and they exited. [REDACTED] got up and ran down the alley as Officer Collazo ran east down the alley after him. Officer Joyce ran south on Homan Avenue and then east on Monroe Street. He explained that he ran to Monroe Street in anticipation of [REDACTED] possibly running south through a gangway and he would be able to cut-off [REDACTED] escape. As Officer Joyce ran east on the north sidewalk of Monroe Street, he heard several gunshots. Officer Joyce immediately ran north through a gangway into the alley and saw [REDACTED] lying on the ground. He proceeded to handcuff [REDACTED] and radio for an ambulance. Officer Joyce added that he never saw [REDACTED] with a handgun. The first time Officer Joyce saw the handgun was during the public safety walk thru with the Department's incident commander.

Officer Joyce stated that he did not hear anything from the alley prior to the gunshots. Officer Joyce added that buildings obstructed his view of the alley and therefore he did not witness what occurred between Officer Collazo and [REDACTED]

In a statement to IPRA on February 8, 2017, **Officer Angel Collazo**<sup>16</sup> stated that on the night of the incident he was working in uniform with Officer Patrick Joyce, his regular partner of two years. Officer Collazo stated that neither he nor Officer Joyce were equipped with body-worn cameras, and their vehicle's in-car camera was not functional. Officer Collazo stated that he was driving their marked Chicago Police SUV on Madison Street and that the vehicle's windows were rolled up. As Officer Collazo drove west of Homan Avenue, he saw numerous people on the sidewalk in front of the open businesses on the south side of Madison Street. As he continued to drive west on Madison Street, he heard seven to eight gunshots that sounded as if they came from somewhere to his left and behind him. Officer Collazo added that the gunshots sounded as if they came from close by and were in quick succession.

Officer Collazo immediately made a U-turn to face Homan Avenue and heard Officer Joyce speaking into the radio but did not know what he said. Officer Collazo stated that, as he performed the U-turn, he saw several people running north across Madison Street toward the park on the north side of the street. He also saw individuals ducking for cover behind cars parked on the south side of the street. Officer Collazo did not see anyone with a gun and did not know who was shooting. Officer Collazo stated that an occupant of one of the vehicles parked on the south side of the street pointed towards Homan Avenue, at which time Officer Collazo saw a male subject wearing a red jacket<sup>17</sup> running east on the sidewalk on the south side of Madison Street, who he described as the only person running this way, and in the opposite direction as everyone else. Officer Collazo drove east on Madison Street, continuously watching [REDACTED]

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<sup>15</sup> A man in [REDACTED] group also wore a red Pelle-Pelle jacket; he travelled west prior to [REDACTED] shooting. This unidentified man never ran east. No other men other than [REDACTED] ran east so there is no confusing that [REDACTED] is the man referenced by Officer Joyce.

<sup>16</sup> Attachment 68.

<sup>17</sup> NKA [REDACTED]

who turned and ran south on Homan Avenue. Officer Collazo drove south on Homan Avenue parallel to ██████ who was still running on the east side of the street. Officer Collazo rolled his window down and ordered ██████ to stop. ██████ fell to the ground when he reached the mouth of the alley between Madison Street and Monroe Avenue. Officer Collazo did not know what caused ██████ to fall to the ground, adding that ██████ was 10-15 feet in front of them

Officer Collazo parked his vehicle on the street near the mouth of the alley and exited his vehicle as ██████ got to his feet. Officer Collazo stated that, when he exited his vehicle, he unholstered his firearm, explaining he did so because he just heard gunshots in the immediate vicinity and because he did not know if ██████ was armed at that moment. Officer Collazo stated that when ██████ got to his feet, he turned and faced Officer Collazo, motioned toward the intersection of Homan Avenue and Madison Street, and said words to the effect, “No, that’s them over there.”<sup>18</sup> ██████ then turned and ran east into the alley with Officer Collazo pursuing him on foot. Officer Collazo stated that they were about ten to fifteen feet apart as they ran through the alley, and that he repeatedly ordered ██████ to stop.

██████ then turned south into an empty lot, with Officer Collazo temporarily losing sight of him due to a tall fence. Officer Collazo followed ██████ into the empty lot, and regained sight of ██████. He was able to see the right-side profile of ██████ body. Officer Collazo saw ██████ retrieve a handgun from the front area of his waistband with his right hand and point it in his direction. He said that ██████ was moving and drawing his weapon at the same time. He says that he was able to see the barrel of the firearm, which he described as a black handgun. This was the first time during this incident that he saw ██████ with a handgun.

Officer Collazo stated he discharged his firearm three to four times at ██████. He believes that his shots would have hit ██████ in the right side, because that is the view that he had at the time. Officer Collazo saw ██████ drop his handgun and heard it strike the ground. ██████ continued to run a few more feet before he collapsed to the ground. At this time, ██████ said something to the effect of “you’re tryin to kill me.” Officer Collazo turned ██████ onto his stomach and held his hands to control him until Officer Joyce arrived a few seconds later and handcuffed him.

Officer Collazo stated that neither he nor Officer Joyce touched ██████ handgun, which remained on the ground until it was recovered by other police personnel.

#### **b. Digital Evidence**

Neither Officer Collazo nor Officer Joyce were equipped with **Body-Worn Cameras**.<sup>19</sup>

The **Police Observation Devices (PODs)**<sup>20</sup> nearby the front of the Roseland Liquor Store did not capture the shooting incident between ██████ and the civilians.

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<sup>18</sup> Attachment 68, Audio file; 14:49

<sup>19</sup> The officers were assigned to Area North Saturation Unit. None of the officers in this unit were equipped with Body-Worn Cameras on the date of this incident. Attachment 56.

**Police Observation Device (POD) #3034**<sup>21</sup> located at 100 S. Homan Avenue, was unsuccessful.

**Roseland Food & Liquor Store**<sup>22</sup> had interior and exterior security cameras that captured portions of the incident. The security recordings from the interior cameras show ██████ inside the store making a purchase and conversing with an unidentified woman. A man intervened and spoke with ██████. The group now known to include ██████ and ██████ then exited the store followed by ██████. The interior security cameras did not capture the initial shooting or what occurred between ██████ and Officer Collazo.

The exterior camera, located on the southwest corner of the building, was set in a fixed position that faced in a northeast direction. The camera's view captured the store's front door, the sidewalk in front of the store, and Madison Street the entire way east to Homan Avenue.

The recording from the exterior camera depicts several people on the sidewalk in front of the store. A group of four people, including ██████ and ██████ are observed exiting the liquor store. ██████ is observed immediately exiting the store and following the group west on the south sidewalk of Madison Street. ██████ followed the group out of the camera's view. The marked Chicago Police SUV with Officer Collazo and Officer Joyce is observed driving west on Madison Street from Homan Avenue. Approximately three seconds later numerous people are seen running east and hiding behind cars parked on the south side of Madison Street. ██████ is then observed running east on the south sidewalk of Madison Street and out of the camera's view. The officers' marked SUV is then observed driving east on Madison Street and eventually out of the camera's view. The exterior camera did not capture the initial shooting or what occurred between ██████ and Officer Collazo.

### c. Physical Evidence

The **Cook County Medical Examiner's Postmortem Examination**<sup>23</sup> of ██████ indicates that he suffered four gunshot wounds:

- A wound complex to the right forearm which entered on the posterior right forearm, traveled through the right forearm, and exited through the anterior right forearm with a wound track of back to front and upward;
- A gunshot wound to the right posterior torso, which traveled through the ribs, liver, diaphragm, pericardium, and heart before lodging via the right cardiac ventricle to the left lung. The direction of the wound is right to left, upward, and back to front. The report indicates it is "possible and likely that the defect is an intermediate target/reentry wound<sup>24</sup>" from the wound to the right forearm;

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<sup>20</sup> Attachments 65 & 66. POD #7562 (100 N. Kostner Avenue); POD #034 (4400 W. Madison Street); POD #705 (3358 W. Madison Street); POD #703 (1 S. Spaulding Avenue); and POD #7112 100 S. Spaulding).

<sup>21</sup> Attachment 84. COPA promptly requested POD from OEMC however, was informed that resource constraints prohibited acquisition prior to expiration of the retention period.

<sup>22</sup> Attachment 105.

<sup>23</sup> Attachment 78.

<sup>24</sup> *Id.* at p. 4.

- A gunshot wound to the left buttock which passes through the buttock, and thigh, fractures the femur, and terminates within the anterior upper left thigh. The direction of the wound track is back to front, downward, and right to left; and
- A gunshot wound to the posterior right thigh, scrotum, and left thigh with entrance wound on the right thigh, traveling through the right thigh, exiting the right thigh, grazing the scrotum, then reentering the medial left thigh before terminating within the anterior left thigh. The wound track is back to front, right to left, and downward.

All four wounds are of indeterminate range of fire, and none have evidence of close-range firing.

**Illinois State Police (ISP) Forensic Services Laboratory**<sup>25</sup> analyzed the ballistic evidence recovered from: 1) 3409-3416 West Madison Street, in the vicinity of the Roseland Food and Liquor Store, 2) the vacant lot at 3348 W. Monroe Street, where ██████ was shot/apprehended, and 3) ██████ body by the Medical Examiner. ISP examined nine fired cartridges casings recovered from the sidewalk in front of Roseland Food & Liquor Store, which did not reveal any latent impressions (fingerprints) suitable for comparison.<sup>26</sup> ISP determined these same nine casings<sup>27</sup> were fired from the handgun<sup>28</sup> recovered from near ██████ body. ISP analyzed two fired bullets also recovered from Madison Street, which yielded inconclusive results.<sup>29</sup> ISP established Officer Collazo's firearm fired the four fired cartridge casings<sup>30</sup> recovered from the vicinity where ██████ was shot<sup>31</sup>

The Medical Examiner recovered three bullets from ██████ body; ISP determined that two of these bullets were fired from the same firearm. The third bullet could not be identified or eliminated as having been fired from the same firearm as the first two. None of the three recovered bullets could be identified or eliminated as having been fired from Officer Collazo's firearm.

COPA received Mt. Sinai ██████ Medical Records for ██████ ██████ and ██████, and Stroger Hospital Medical Records for ██████ from January 15, 2017. The records for each person reflect that they sustained gunshot wounds.<sup>35</sup>

<sup>25</sup> ISP Case #C17-000910, Attachments 109, 111, 112, read in conjunction with Inventory Sheets, Attachment 9.

<sup>26</sup> Another ISP report states that examination of a portion of the 12.5 grams of powder recovered from ██████ coat pocket revealed that it was Heroin/Fentanyl and that examination of a portion of 48.6 grams of plant material also recovered from his coat pocket were determined to be Cannabis. Attachment 110.

<sup>27</sup> Eight were G.F.L. .40 caliber Smith & Wesson and one was a PPU .40 caliber Smith & Wesson.

<sup>28</sup> Israeli Military Industries, Model Desert Eagle Pistol, 40 Smith & Wesson caliber semi-automatic handgun.

<sup>29</sup> ISP tested two fired bullet fragments, one recovered from outside the Roseland Food & Liquor Store on the street at 3412 W. Madison Street and one from the sidewalk in front of 3416 W. Madison Street, which could not be identified or eliminated as having been fired from Officer Collazo's firearm or the firearm recovered from 3348 W. Monroe Street. Furthermore, the two fragments could not be identified or eliminated as having been fired from the same firearm.

<sup>30</sup> All fired cartridges casings were Winchester 9mm Luger +P.

<sup>31</sup> Glock, Model 19, Generation 4, 9mm semi-automatic pistol. The magazine's capacity was 15. There was one unfired cartridge recovered from the chamber of the firearm and 11 unfired cartridges from the magazine.

<sup>32</sup> Attachment 79.

<sup>33</sup> Attachment 85.



██████████ **Medical Records**<sup>36</sup> obtained from Mt. Sinai Hospital state that on January 15, 2017, at 1:29 am ██████████ was admitted to the emergency room. The records state that ██████████ sustained multiple gunshot wounds to his right flank, right arm, and his buttocks,<sup>37</sup> and was unable to give hospital personnel further information due to his clinical condition. ██████████ underwent surgery but subsequently succumbed to his injuries at 7:09am.

#### d. Documentary Evidence

The **Office of Emergency Management and Communications PCAD Event Queries**<sup>38</sup> state that on January 15, 2017, at 12:23 am, 4316E (Officers Collazo and Joyce) notified OEMC of shots fired at 3407 W. Madison Street. The officers then notified OEMC that a male black subject, holding his side, was running south on Homan Avenue. The officers reported shots fired by the police near Homan and Monroe Avenues. At 12:24 am OEMC was notified that the offender was in custody and a weapon had been recovered, and that the officers requested an ambulance.

The PCAD Reports also state that several citizens called 911 and reported hearing gunshots in the vicinity of 3407 W. Madison Street. Additional 911 calls were made regarding a female at 3399 W. Madison Street who had been shot in the chest.

The **General Offense Case Reports (RD #JA116493)**<sup>39</sup> state that ██████████ sustained a gunshot wounds to his abdomen, buttocks, and right forearm. ██████████ was transported to Mt. Sinai Hospital by Chicago Fire Department Ambulance #██████████.

The reports also state that during the preliminary investigation it was determined that ██████████ sustained one gunshot wound to her chest and was listed in fair condition at Stroger Hospital. ██████████ walked into Mt. Sinai Hospital and was found to have sustained a gunshot graze wound to her upper left thigh. ██████████ was listed as being in stable condition. ██████████ also walked into Mt. Sinai hospital. ██████████ sustained a gunshot wound to his buttocks and was listed as being in stable condition.

The **Chicago Fire Department's Ambulance Report**<sup>40</sup> regarding ██████████ states that on January 15, 2017, at 12:27 am, Ambulance #██████████ was dispatched to Madison Street and Homan Avenue regarding a gunshot victim. At 12:27 am, CFD Ambulance #██████████ arrived at the aforementioned location, and at 12:30 am the paramedics found ██████████ lying on his back in a vacant lot. ██████████ was examined and found to have gunshot wounds to his right flank, right forearm, and the inside of his right thigh. ██████████ was alert and spontaneously breathing on his own, but his breathing was assisted with BVM (Big Valve Mask). ██████████ was uncooperative

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<sup>34</sup> Attachment 81.

<sup>35</sup> No bullets or fragments were removed or recovered, and therefore were not available for ISP analysis.

<sup>36</sup> Attachment 80.

<sup>37</sup> Attachment 80, P. 26.

<sup>38</sup> Attachments 16-21.

<sup>39</sup> Attachments 4, 5.

<sup>40</sup> Attachment 90.

and combative. Advanced life support care was performed. At 12:40 am ██████ was transported to Mt. Sinai Hospital.

The **Chicago Fire Department's Ambulance Report**<sup>41</sup> regarding ██████ stated that on January 15<sup>th</sup>, 2017, at 12:25 am, Ambulance #█████ was dispatched to Madison Street and Homan Avenue regarding a gunshot victim. Ambulance #█████ arrived at the location at 12:28 am, and at ██████ at 12:30 am. The paramedics found ██████ sitting up and alert with a single gunshot wound to her upper right chest with an exit wound present. ██████ was subsequently transported to Stroger Hospital without incident.

████████████████████ **Arrest Report**,<sup>42</sup> which was attested to by Officer Collazo, states that while Officers Collazo and Joyce were on directed patrol, traveling west on Madison Street from Homan Avenue, they heard multiple loud gunshots. The officers then saw ██████ running east on Madison Street towards Homan Avenue. Believing that ██████ was involved in the shots fired, the officers initiated a foot pursuit. During the chase, ██████ retrieved a firearm from his waistband area and pointed it at Officer Collazo. Fearing for his life, Officer Collazo discharged his firearm, striking ██████ three times. ██████ was transported to Mt. Sinai Hospital by Chicago Fire Department Ambulance. While transporting ██████ to the hospital, Officer Muntean recovered approximately 30 grams of suspected cannabis and 2.5 grams of heroin from inside ██████ coat pocket.

████████████████████ was charged with Unlawful Use of a Weapon by a Felon/Felon in Possession/Use a Firearm/while on Parole; Aggravated Assault on a Police Officer with a Weapon; Possession of a Controlled Substance (heroin); and Cannabis.

The Watch Commander's Comments Section noted that ██████ was released without charging because he succumbed to his injuries prior to being formally charged with any offenses.

Officer Collazo's **Tactical Response Report (TRR)**,<sup>43</sup> which he electronically signed,<sup>44</sup> states in the "additional information" portion, that during a foot pursuit, ██████ retrieved a firearm from his waistband area and pointed it at PO Collazo. PO Collazo in fear of his life discharged his firearm, striking OFDR. ██████"

OCIC Nagode wrote in the incident commander comment section that while on patrol, Officer Collazo and his partner heard loud reports and were directed by a witness to a subject (████████████████████) fleeing from the scene where three individuals were just shot. The officers pursued ██████ Officer Collazo was confronted by ██████ who pointed a handgun in his direction in a vacant lot. Officer Collazo fired his weapon, striking ██████ A Magnum Research Corporation, .40 Caliber semi-automatic pistol was recovered from the scene.

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<sup>41</sup> Attachment 29.

<sup>42</sup> Attachment 6.

<sup>43</sup> Attachment 7.

<sup>44</sup> Discrepancies identified in Officer Collazo's TRR, were addressed in his interview, when he attributed them to a glitch in the CLEAR system. (reference Attachment 119).

Officer Collazo's **Officer's Battery Report (OBR)**,<sup>45</sup> which was also electronically signed by him and OCIC Nagode, also states that ██████████ during a foot pursuit, "retrieved a firearm from his waistband area and pointed it at PO Collazo. Officer Collazo, in fear of his life, discharged his firearm striking Ofdr. ██████████"

Lt. Levester Denham's **Bureau of Internal Affairs Synoptic Report**<sup>46</sup> states that upon arrival at Area North Detective Division, Officer Collazo was present and available for testing. Officer Collazo was given the Notice of Alcohol and Drug Testing Following a Firearm Discharge Incident form and at 3:40 am the required 20-minute observation period began. At 4:00 am Lt. Denham collected a urine sample from Officer Collazo. At 4:07 am, Officer Collazo submitted to the breathalyzer, which resulted in a B AC<sup>47</sup> of .000.

Officer Collazo's urine was tested and reflected negative drug results.

The Original Case Incident Report (**RD #JA116493**)<sup>48</sup> states that Det. Ronald Schmuck, #21180, acting as the required blind-administrator, conducted a photo line-up viewing with ██████████ who declined to be videotaped or audio recorded. ██████████ identified ██████████ in position #2 by saying, "Number two looks like the guy who shot me."

The **Detective's Supplemental Report (RD #JA116493)**<sup>49</sup> states that Det. Ronald Schmuck, #21180, acting as the required blind-administrator, conducted a photo line-up viewing with ██████████ who declined to be videotaped or audio recorded. ██████████ identified ██████████ in position #2 by saying, "This is the guy who upped a gun and shot me from across the street. He was in the liquor store when I was in there just before this."

The **Detective's Supplemental Report (RD #JA116493)**<sup>50</sup> states that Det. Jason Vogler, #21305, acting as the required blind-administrator, conducted a photo line-up viewing with ██████████ who declined to be videotaped or audio recorded. ██████████ positively identified ██████████ by pointing to the upper right picture and stating, "It's this dude, he's got a bigger for now." ██████████ added, "Can't miss that motherfucker's face. He pulled a gun on the other cat and was shooting. Motherfucker scared the shit out of me."

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<sup>45</sup> Attachment 8.

<sup>46</sup> Attachment 83.

<sup>47</sup> Breathe Alcohol Content.

<sup>48</sup> Attachment 91.

<sup>49</sup> Attachment 92.

<sup>50</sup> Attachment 93.

## VI. LEGAL STANDARD

### a. Use of Deadly Force<sup>51</sup>

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.<sup>52</sup> At the time of this incident, the factors to be considered in assessing the reasonableness of force included, but were 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.<sup>53</sup> In all uses of force the goal of a Department member's response is to "resolve the incident with the foremost regard for the preservation of human life and the safety of all persons involved."<sup>54</sup>

A Department member may use deadly force<sup>55</sup> in only two situations. First, deadly force may be used to prevent death or great bodily harm to the sworn member or another person. Second, deadly force may be used 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; or
- 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.<sup>56</sup>

Moreover, Illinois statute, as adopted within Department Policy, dictate that officers "need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. [The officer] is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest."<sup>57</sup>

### b. Standard of Proof

When evaluating Officer Involved Shootings COPA follows a preponderance of the evidence standard to determine whether the officer has violated department policy and whether allegations are

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<sup>51</sup> COPA's analysis focuses solely on whether the officers complied with department policy on the Use of Force and the Use of Deadly Force. COPA cites case-law solely for guidance on how to interpret common concepts or terms.

<sup>52</sup> General Order G03-02(III)(B).

<sup>53</sup> *Id.* at (III)(C)(1).

<sup>54</sup> General Order G03-02-02 (II)(A).

<sup>55</sup> 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." General Order G03-02-03 at p. 2.

<sup>56</sup> General Order G03-02-03(II)(A)(2).

<sup>57</sup> General Order G03-02(II) quoting 720 ILCS 5/7-5.

required to be brought against the officer. If a preponderance of the evidence does not show that the officer violated department policy, COPA will find the shooting to be within policy.

A preponderance of evidence is evidence indicating that it is more likely than not that the conduct occurred and violated Department policy.<sup>58</sup> If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

## VII. ANALYSIS

### A. Officer Collazo Reasonably Believed that ██████ Was Attempting to Defeat Arrest by Resistance or Escape and had Committed a Forcible Felony Involving the Infliction of Physical Force Likely to Cause Death or Great Bodily Harm.

Officer Collazo, as well as his partner Officer Joyce, indicated that they began pursuing ██████ after hearing gunshots. These shots came from behind them, and according to Officer Collazo, just after they had driven westbound past a group of people gathered outside on Madison Street, which is the area outside of Roseland Food & Liquor Store (“Roseland”). The surveillance video outside Roseland supports this, showing the squad car driving westbound past the store just prior to people reacting in a manner consistent with trying to shield themselves from gunfire.

COPA’s investigation corroborates that a shooting did occur concurrent with the Officers hearing gunfire and making a U-turn for the purpose of commencing an investigation thereof. Surveillance video both inside and outside of Roseland, as well as the statement of ██████ reveal that ██████ and his friends were involved in an altercation with ██████ inside Roseland that escalated when they exited the store. The exterior camera recording from Roseland shows that ██████ had followed ██████ and his friends out of the store and out of view of the cameras as they continued west on the sidewalk. Although the cameras did not capture ██████ shooting at ██████ and his group, interviews statements obtained by COPA affirm that ██████ removed a handgun from the front of his waistband area, pointed and fired it at ██████ and his group, striking ██████ and ██████ a bystander. Moreover, ██████ and ██████ separately viewed a photo line-up and positively identified ██████ as the person who fired a handgun at them. Finally, interview statements make clear that the officers were alerted to ██████ as he fled contemporaneous with the sound of gunshots.

The officers also indicated both to COPA and contemporaneously in reports, that they pursued ██████ as opposed to any other person on the street, for several reasons. First, as reported to COPA, upon making a U-turn and advancing towards the gunfire, an unknown person in a car parked just west of Roseland pointed out ██████ to the officers. Second, ██████ was the only individual running away, while the others scrambled for cover. Third, video confirms that ██████ was in fact alone in running eastbound on Madison Street at the time the officers’ vehicle appears, returning eastbound towards the scene. At which point the

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<sup>58</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 has been found to be more probably true than not).

officers continue east and then south onto Homan Avenue in pursuit of [REDACTED] just as the officers described.

Furthermore, as the officers began pursuing [REDACTED] they called into OEMC that they observed a man, now known as [REDACTED] holding his waistband as he ran away. This statement is corroborated by Roseland's exterior video which shows [REDACTED] grabbing his waist as he ran eastbound, and the officers' vehicle following a few seconds later.<sup>59</sup>

Finally, by the time Officer Collazo fired, he reasonably believed that [REDACTED] had just committed a forcible felony by deadly force and was attempting to prevent arrest by resistance or escape. As [REDACTED] ran down Madison Street and then on to Homan Avenue, it was not reasonable to believe he was evading arrest. However, once he had slipped in the mouth of the alley and the officers caught up with him, his conduct thereafter was clearly evading the officers. At this time, he made eye contact with and yelled something to the officers, who were in a marked vehicle, thus he clearly knew them to be officers. At this point, he continued to run away, which could reasonably be seen by Officer Collazo as an attempt to prevent arrest.

Thus, based upon the above, the officers had reasonable suspicion to believe that [REDACTED] had committed a forcible felony<sup>60</sup>, and as discussed in Part B below, he reasonably believed [REDACTED] was attempting to use a deadly weapon.

**B. Officer Collazo Reasonably Believed that [REDACTED] Pointed a Firearm and Posed a Threat of Death or Great Bodily Harm to himself or others.**

COPA finds that the evidence corroborates Officer Collazo's statement that during the foot pursuit of [REDACTED] he observed [REDACTED] reach into his waistband, retrieve a gun and point it at him as he ([REDACTED] continued to flee away from Officer Collazo. COPA notes, that while the wound tracks caused by Officer Collazo discharging his weapon, were all back (posterior) to front and to the right, COPA finds this reasonably consistent with Officer Collazo's uncontradicted statement that [REDACTED] was pointing his firearm at Officer Collazo while running away from him. Crucially, as reported in the medical reports, the gunshot wounds all travel in a right to left direction, which is consistent with [REDACTED] turning to his right towards Officer Collazo, as he drew and pointed the firearm as described by Officer Collazo. Therefore, despite the absence of an eyewitness to the shooting, medical evidence is consistent with Officer Collazo's statement that [REDACTED] was in motion, pointed his weapon at him when he (Officer Collazo) discharged his firearm. COPA finds Officer Collazo's account of the shooting incident to be credible.

Based on the totality of the circumstances, Officer Collazo was justified in his belief that [REDACTED] posed a threat of death or great bodily harm, including that (1) Officer Collazo heard

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<sup>59</sup> Moreover, neither officer claimed to actually see the firearm until after the moment [REDACTED] pulled it.

<sup>60</sup> Afterwards, [REDACTED] was charged with counts of attempted murder, but at the time of Officer Collazo's shooting, when the status of the shooting victims was unknown, it was still possible he had committed murder. Forcible Felony is defined by Department Policy, G03-02-03, listing a number of offenses including the following which would include firing a handgun as [REDACTED] did: first degree murder, second degree murder, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, and any other felony which involves the use or threat of physical force or violence.

several shots fired, and saw people scrambling, and reasonably believed that it was [REDACTED] who fired the shots and therefore would not only be armed, but that he had demonstrated willingness to use his firearm and (2) [REDACTED] pulled a firearm from his waistband and turned and pointed it at Officer Collazo prior to him shooting. Moreover, the evidence supports the fact that Officer Collazo’s use of deadly force was justified based on other factors enumerated for reasonableness in the general Use of Force policy.<sup>61</sup> Specifically, (1) that the officers reasonably suspected, based upon very strong evidence, that [REDACTED] had shot numerous times at people, making his actions a very serious offense; (2) that [REDACTED] was posing an immediate threat, for the reasons already discussed; and (3) that [REDACTED] was actively attempting to evade arrest by flight.

Therefore, COPA finds that the preponderance of the evidence establishes that Officer Collazo reasonably believed that the use of deadly force was necessary to prevent death or great bodily harm.

**VIII. CONCLUSION**

Based on the analysis set forth above, COPA finds that Officer Collazo’s use of deadly force was within policy based on G03-02-03(II)(A)(1); and/or G03-02-03(II)(A)(2)(a); and/or G03-02-03(II)(A)(2)(b).

Approved:

[REDACTED]

8-31-2020

\_\_\_\_\_  
Angela Hearts-Glass  
*Deputy Chief Administrator*

\_\_\_\_\_  
Date

[REDACTED]

8-31-2020

\_\_\_\_\_  
Sydney R. Roberts  
*Chief Administrator*

\_\_\_\_\_  
Date

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<sup>61</sup> See, G03-02 (III)(C).

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	8
<b>Major Case Specialist:</b>	Brian Killen
<b>Supervising Investigator:</b>	Sherry Daun
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass