

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	June 3, 2017
Time of Incident:	11:07 pm
Location of Incident:	█████ S. Maryland Ave. Chicago, Illinois 60619
Date of COPA Notification:	June 4, 2017
Time of COPA Notification:	12:20 am

On June 3, 2017, Officers Patrick Forbes and Michael Hudson were in full uniform, and driving a gray unmarked Crown Victoria while on Patrol for Summer Mobile Unit, beat #4473, when they observed ██████ drinking what they believed was an alcoholic beverage on the sidewalk. The officers exited their vehicle and attempted to conduct a field interview to issue ██████ a citation. As the officers approached ██████ he immediately ran into 8152 S. Maryland. The officers pursued ██████ into the building. When they got to approximately the third floor, Officers Hudson and Forbes got into a brief struggle with ██████. At this time, ██████ pulled out a gun and fired one round, striking Officer Hudson in the hand. Officer Forbes took out his weapon from his holster and fired approximately three times at ██████

█████ was able to escape from the officers and ran out of the building. Officer Forbes pursued ██████ and apprehended him in the front yard of 8132 S. Maryland. ██████ sustained multiple gunshot wounds. and was transported to Stroger Hospital via ambulance. Officer Hudson sustained a gunshot wound to his left hand and was admitted into Christ Hospital.

**II. INVOLVED PARTIES**

Involved Officer #1:	FORBES, Patrick; Star #2953; Employee ID# ██████; Date of Appointment August 26, 2013; Police Officer; 007 <sup>th</sup> District, D.O.B. ██████, 1986; Male; White
Involved Individual #1:	████████████████████ D.O.B. ██████, 1985; Male; Black

**III. ALLEGATIONS**

Any discharge of an officer’s firearm results in a mandatory notification to IPRA (and now, to COPA). This investigation was initiated pursuant to such notification. However, COPA

<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.

determined there was not sufficient evidence of misconduct to justify allegations against Officer Forbes.

#### IV. APPLICABLE RULES AND LAWS

---

##### General Orders

---

1. General Order G03-02: Use of Force Guidelines (effective October 1, 2002)
2. General Order G03-02-02: Force Options (effective January 1, 2016)
3. General Order G03-02-03 Deadly Force (effective February 10, 2015)

#### V. INVESTIGATION<sup>2</sup>

##### a. Interviews<sup>3</sup>

COPA interviewed Involved Officer Patrick Forbes<sup>4</sup> on June 8, 2017; he indicated that on June 4, 2017, Officer Hudson and himself were on routine patrol in the vicinity of 8100 S. Maryland, when they observed a group of unknown men drinking out of clear plastic cups in the public way. Officer Forbes believed that the individuals were drinking alcohol, so he exited the vehicle to conduct a field interview.<sup>5</sup> The men were standing on the southwest corner near the apartment building of 8152 S. Maryland. As Officer Forbes exited the vehicle, he observed one of the men, now known to be ██████████ separate from the other men and run toward 8152 S. Maryland.

Officer Forbes immediately started pursuing ██████████ on foot and chased him into ██████████ S. Maryland. Officer Forbes did not recall Officer Hudson's exact positioning during the chase but he knew he was somewhere behind him. Once Officer Forbes entered the building, he observed ██████████ running up the stairs. Officer Forbes kept losing sight of ██████████ each time he went up a flight of stairs. ██████████ finally reached the top floor and had nowhere else to go. At this time, ██████████ reached toward his waistband and began running back toward the officers.<sup>6</sup> The officers began to struggle with ██████████ to gain control of him. Officer Forbes was in front of ██████████ at his right shoulder and Officer Hudson was behind ██████████ with both his arms wrapped around ██████████ upper torso. Officer Forbes described that all three of them were crouching/kneeling rather than standing upright. ██████████ removed a black semi-automatic weapon from the front his waistband and fired it once.

Officer Forbes took a half step away from ██████████ to create distance, removed his weapon from his holster, and fired three times at ██████████ Officer Forbes did not know on what areas of

---

<sup>2</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>3</sup> IPRA investigators conducted a canvass of the vicinity of 8152 S. Maryland on June 5, 2017, that did not reveal any additional witnesses to the incident.

<sup>4</sup> Att. 62, 64

<sup>5</sup> Officer Forbes later learned that Officer Hudson got out of the vehicle around the same time he did.

<sup>6</sup> Officer Hudson had reached their location by this point.

the body he struck ██████████ then got up and continued running down the stairs. Officer Forbes' weapon jammed, so he quickly cleared his weapon and pursued ██████████ down the stairs. Officer Hudson remained in the stairwell because he had been shot. Officer Forbes was able to catch ██████████ while they were still in the stairwell, at which time they began fighting. Officer Forbes described the fight as them grabbing, tossing, and punching at each other. Officer Forbes and ██████████ then rolled down at least one flight of stairs to the first floor. Officer Forbes was able to get to his feet and stand in front of the exit of the building. ██████████ then ran toward Officer Forbes quickly. As they collided into each other, ██████████ was able to get past him and continued running out the building.

Once ██████████ exited the building, he ran north on Maryland toward 80<sup>th</sup> Street. Officer Forbes briefly ran south to get the address from the building, to request assist officers on the radio, and then ran north in pursuit of ██████████. Officer Forbes continued his pursuit of ██████████ who was crossing the street, running through gangways and attempting to hop fences. Officer Forbes was finally able to catch up with ██████████ and they began punching at each other. Before this physical encounter, Officer Forbes placed his weapon into his holster. Officer Forbes was able to get ██████████ to the ground, at which time he laid on top of him until assist units arrived on the scene. When additional officers arrived to assist, they completed the arrest of ██████████.

Officer Forbes stated he did not know ██████████ had been shot until he saw him attempt to scale a fence. Officer Forbes indicated that ██████████ was yelling to the witnesses to videotape the incident. ██████████ gun was recovered from inside 8152 S. Maryland.

**COPA interviewed Officer Michael Hudson**<sup>7</sup> on October 11, 2017; he indicated that on June 4, 2017, Officer Forbes and himself were on routine patrol in the vicinity of 8100 S. Maryland, when they observed a large group, approximately 20 to 30 people, drinking out of clear plastic cups and 40-ounce bottles of beer on the sidewalk. Officer Forbes was driving at the time, and he immediately put the vehicle in park and gave chase to an individual, now known as ██████████. Officer Hudson did not know why Officer Forbes was chasing ██████████ because their initial plan was to write ANOVs.<sup>8</sup>

Officer Hudson observed Officer Forbes pursue ██████████ westbound into an apartment complex, 8152 S. Maryland. Officer Hudson grabbed the keys out of the ignition, exited the vehicle, and followed Officer Forbes and ██████████ into the apartment building. The remainder of the people that were on the sidewalk dispersed the area as he ran toward the building. When Officer Hudson entered the building, he did not see Officer Forbes and ██████████ because they had already run upstairs. As Officer Hudson ascended the stairs, he heard Officer Forbes and ██████████ fighting. When Officer Hudson got to the third-floor landing, he observed Officer Forbes and ██████████ on the fourth-floor landing. ██████████ eluded Officer Forbes and ran down the stairs toward Officer Hudson. As ██████████ ran down the stairs, ██████████ had his hands near his waistband area. Officer Hudson grabbed ██████████ by the collar with both his hands and said, "Chicago Police. Stop."<sup>9</sup>

---

<sup>7</sup> Att. 61, 63

<sup>8</sup> Administrative Notice of Ordinance Violation

<sup>9</sup> Att. 63, Page 20, Line 3

Officer Hudson and ██████ fell on the third-floor landing. Officer Hudson indicated that he fell on his back, ██████ fell on top of him, and Officer Forbes remained standing. Officer Hudson ordered ██████ to stop moving and to give up his hands. According to Officer Hudson, ██████ was reaching toward his front waistband with his right hand. Officer Hudson also reached for the front of ██████ waistband with his left hand and “felt the pressure, what would be flush against my hand, of a weapon.”<sup>10</sup> Officer Hudson related that he reached over ██████ body and put his left hand on the barrel of the gun. ██████ then fired the weapon into Officer Hudson’s left hand, striking the middle of the hand between the thumb and the wrist. Officer Hudson and ██████ were lying on the left sides of their body during this exchange. Officer Hudson stood up, went to the wall and started holding his hand. Officer Hudson then repeatedly told Officer Forbes that he was shot.

Officer Forbes had also been actively involved in the struggle with ██████ by trying to grab his hands. Officer Forbes immediately drew his weapon and fired three times at ██████ who was attempting to get off the floor.<sup>11</sup> ██████ got up off the floor after being shot at, eluded Officer Forbes, and ran down the stairwell past him. Officer Forbes pursued ██████ and attempted to grab him. Officer Hudson lost sight of Officer Forbes and ██████ once they ran down the stairs. Officer Hudson eventually exited the building and observed Officer Forbes attempting to detain ██████ in the middle of the street. Officer Hudson related that one of the onlookers (unknown at this time) removed his shirt and wrapped it around Officer Hudson’s arm to make a tourniquet. During this time, assisting officers arrived on the scene, and the paramedics were called to the scene for Officer Hudson and ██████. Officer Hudson never observed Officer Forbes place ██████ into custody.

Officer Hudson did not know that ██████ was shot because ██████ reacted as if nothing ever happened. Officer Hudson sustained a through and through gunshot wound to his left hand, and received treatment at Christ Hospital.

COPA attempted to interview ██████<sup>12</sup> COPA sent letters and made several phone calls to ██████ attorney, ██████<sup>13</sup> to schedule an interview or obtain consent for ██████ to be interviewed. ██████ never contacted COPA to schedule an interview.

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

The **Evidence Technician photographs**<sup>14</sup> depict several photographs of the scene, ██████ clothes, and both Officers Hudson and Forbes’ gear and clothing. The photographs of Officer Hudson’s clothing and gear depict substantial amounts of blood. The blood was also on several items of equipment, including bulletproof vest, pens, service weapon, gun magazines, and

---

<sup>10</sup> Att. 63, Page 23, Line 23 - 24

<sup>11</sup> When asked, Officer Hudson said that he did not know what happened to ██████ firearm after ██████ shot him. Officer Hudson reported that he neither saw nor heard ██████ drop the weapon. COPA notes that the Kahr Arms handgun ██████ used was recovered on the second-floor landing, indicating that ██████ still had it with him when he fled down the stairs after Officer Forbes shot him.

<sup>12</sup> Att. 55, 56, 67

<sup>13</sup> ██████ mother identified ██████ as ██████ attorney. ██████ office identified ██████ as the attorney assigned to ██████ case. (Att. 67)

<sup>14</sup> Att. 7, 36

police radio. The photographs of [REDACTED] items depict blood on his shirt, a pair of grey underwear, a pair of black Nike shoes, and blue jean pants.

The photographs further depict, but are not limited to, large amounts of blood on the sidewalk, a clear plastic cup containing an unknown substance, a battery, a package of Swisher Sweet Cigars, a bottle of Belaire Champagne, a restaurant bag, a bottle of Arizona tea, and a bottle of water. In the vestibule area of 8152 S. Maryland, there were photographs of a blue and black baseball hat, a green watch, and bloodstains on the black and white tile. The photographs depict blood on the stairs leading to the upper levels of the building, blood on the wall, a baggie containing an unknown white substance, one live round, folded-up money with drops of blood on it, three quarters, a key to a police vehicle with a nameplate labeled "Silver Ford M129687". The photographs further depict three shell casings, a used cigarette, and a silver and black semi-automatic firearm.

The **security camera video from 8152 S. Maryland**<sup>15</sup> shows two different camera angles. One camera points toward the entrance of the location, and the other camera captures the activity in the vestibule of the apartment building. Neither camera angle capture the shooting, which occurred on the 3<sup>rd</sup> floor of 8152 S. Maryland. The camera pointed toward the entrance of the building depicts several males drinking and smoking near the entrance of the apartment building. The males are seen moving out of the camera view for a brief moment, then one of the males, now known as [REDACTED] is seen running into the building, with Officers Hudson and Forbes following behind him.

The camera angle that points toward the vestibule area captures one of the officers, who is believed to be Officer Forbes, stop in front of the entrance of the vestibule and attempt to take out his weapon. [REDACTED] is then seen throwing Officer Forbes to the floor and exiting the building headed eastbound. Once [REDACTED] exits the building, he stumbles to the ground. Officer Forbes follows him and stands near his head. [REDACTED] then stands to his feet and runs northbound on Maryland. The video footage does not show [REDACTED] being placed into custody.

The **in-car camera video footage**<sup>16</sup> from Officer Pentek and Sgt. Collado's vehicles did not provide any video footage of the incident. Both Department members arrived after the incident.

### c. Physical Evidence

The **Chicago Fire Department (CFD) ambulance report**<sup>17</sup> for [REDACTED] indicates that EMS 4 responded to [REDACTED] S. Maryland, on June 3, 2017, at 11:18 pm. Upon arrival they attempted to ask [REDACTED] what had occurred, but he refused to answer any questions. According to the paramedics, [REDACTED] had been shot four (4) times: two (2) to the right arm and one (1) to the right armpit, which did not have a corresponding exit wound.<sup>18</sup> [REDACTED] also has abrasions to the left side of the face and abrasions to the left elbow. [REDACTED] was able to move

---

<sup>15</sup> Att. 8

<sup>16</sup> Att. 65

<sup>17</sup> Att. 17

<sup>18</sup> It is unclear why the ambulance report documented four gunshot wounds but only detailed the locations of three.

his extremities before and after C-Collar/backboard was applied. ██████ attempted to remove the C-Collar and refused to talk to the paramedics. ██████ was transported to Stroger Hospital.

The **medical records from Stroger Hospital**<sup>19</sup> for ██████ indicate that he was brought to the hospital via paramedics for multiple gunshot wounds. ██████ sustained gunshot wounds to the right axilla (shoulder) and right arm. Additionally, ██████ was diagnosed with fractures to his right arm and left nasal bone.<sup>20</sup> ██████ was treated then discharged from the hospital in stable condition.

The **CFD ambulance report**<sup>21</sup> for Officer Hudson indicates that EMS 4 responded to ██████ S. Maryland for an officer that was shot in the left hand. Officer Hudson complained of tingling to the left arm and hand. Officer Hudson was transported to Christ Hospital.

The **Property Inventory Sheet** (# ██████, RD # ██████)<sup>22</sup> documents the recovery of a firearm (Khar Arms, 9MM Semi-Automatic), one magazine with five live rounds, and fired cartridge case removed from the barrel of the gun. The Property Inventory Sheets also listed additional items located in the vicinity and inside of 8152 S. Maryland, including but not limited to Officer Forbes' firearm (Smith & Wesson, 9MM, Semi-Automatic, with a 17-capacity magazine containing a total of 14 live rounds), three fired cartridge cases, one live round,<sup>23</sup> ██████ and Officer Hudson's clothing and video footage.

The **Crime Scene Processing Report**<sup>24</sup> indicates that Evidence Technician ██████ recovered a firearm (Khar Arms CM9, 9mm Semi – Automatic)<sup>25</sup> that had a magazine with five live rounds and a Aguila 9MM Luger fired cartridge case in the barrel, in the stairwell. The evidence technician recovered three fired Win 9MM Luger cartridge cases and one live Win 9MM Luger round from the stairwell, a fired bullet from the 1<sup>st</sup> Floor landing and a fired bullet from the 2<sup>nd</sup> floor stairwell near apartment 2N. The Evidence Technicians also recovered a Smith and Wesson MP2, 9mm Semi – Automatic from Officer Forbes.<sup>26</sup>

An **Illinois State Police (ISP) Lab Report** dated June 13, 2017<sup>27</sup> indicates that Officer Forbes' weapon (Smith & Wesson, model, M&P 9, 9mm Luger, Semi-Automatic) was operable as received and test fired. Officer Forbes' magazine was fit and functional to his service weapon. The visual examination of the unfired cartridges revealed no unusual characteristics. The three Winchester 9MM Luger +P fired cartridge cases that were recovered from the scene were fired from Officer Forbes' weapon.

---

<sup>19</sup> Att. 60

<sup>20</sup> The records also note a bullet lodged in ██████ vertebra from a previous incident.

<sup>21</sup> Att. 19

<sup>22</sup> Att. 33

<sup>23</sup> Officer Forbes reported that he had to clear a live round from his weapon during the incident.

<sup>24</sup> Att. 42

<sup>25</sup> Deshonn ██████ weapon.

<sup>26</sup> Officer Forbes' weapon.

<sup>27</sup> Att. 37

An **ISP Lab Report** dated June 28, 2017<sup>28</sup> indicates that [REDACTED] weapon (Kahr Arms, model, CM9, 9 mm Luger, Semi-Automatic) was operable as received and test fired. [REDACTED] magazine was fit and functional to the weapon. The visual examination of the unfired cartridges revealed no unusual characteristics. The Aguila 9MM Luger fired cartridge case recovered from the chamber had been fired by [REDACTED] weapon. In lieu of a test shot from [REDACTED] weapon, the fired cartridge case was entered into the IBIS<sup>29</sup> database. No identifications were made.

An **ISP Lab Report** dated June 23, 2017<sup>30</sup> indicates that latent prints were taken from the Kahr Arms and the ammunition that was in the magazine. The Examination revealed no latent impressions suitable for comparison.

An **ISP Lab Report** dated May 7, 2018<sup>31</sup> indicates that the DNA sample from [REDACTED] weapon compared to the DNA sample taken from [REDACTED] DNA profile could not be definitively detected in the sample from the weapon, nor could it be excluded.

#### d. Documentary Evidence

The **Arrest and Case Reports**<sup>32</sup> related to the arrest of [REDACTED] indicate that he was arrested and charged with attempted murder, aggravated battery with a weapon and aggravated battery with great bodily harm to an officer. Officers Micetich authored the report.

The **Detective Supplementary Report (RD # [REDACTED])**<sup>33</sup> indicates that Officers Hudson and Forbes were interviewed by the assigned detectives. Officers Hudson and Forbes related essentially the same information they stated in their interviews with COPA. The detectives interviewed Officer Gleich, who stated that when he arrived on the scene, he observed Officer Hudson in the middle of the street, and he had been shot in the hand. Officer Gleich applied a tourniquet and combat gauze to Officer Hudson's hand. Officer Gleich said that he walked Officer Hudson to 82<sup>nd</sup> and Maryland and waited for the ambulance. The witnesses located during the detectives' canvass did not provide any additional information. [REDACTED] was not interviewed by the detectives.

The **Tactical Response Report (TRR)**<sup>34</sup> of Officer Michael Hudson indicates that [REDACTED] did not follow verbal direction, fled, pulled away, attack with a weapon, used force likely to cause death or great bodily harm, and weapon. Officer Hudson responded with member presence and verbal commands.

The **Officer's Battery Report**<sup>35</sup> indicates that Officer Hudson was pursuing the offender ([REDACTED] who had a handgun. [REDACTED] shot Officer Hudson in the hand, causing a non-fatal injury.

---

<sup>28</sup> Att. 40

<sup>29</sup> Integrated Ballistic Identification System

<sup>30</sup> Att. 38

<sup>31</sup> Att. 44

<sup>32</sup> Atts. 9, 10

<sup>33</sup> Att. 48.

<sup>34</sup> Att. 11

<sup>35</sup> Att. 12

The **Tactical Response Report (TRR)**<sup>36</sup> of Officer Patrick Forbes indicated that [REDACTED] did not follow verbal direction, fled, pulled away, attacked with weapon, used force likely to cause death or great bodily harm with a weapon and strikes with fists. Officer Forbes responded with member presence, verbal commands, closed hand strike/punch, and by discharging his firearm three times.

The **Officer's Battery Report**<sup>37</sup> indicated that Officer Forbes was pursuing the offender ([REDACTED]) who had a handgun and that Officer Forbes sustained a Non – Fatal minor injury to his hand/fists. [REDACTED] also threatened Officer Forbes with a handgun

The **Office of Emergency Management and Communications (OEMC) Event Query and Audio Recordings**<sup>38</sup> indicate that there was a call of shots fired by and at the police, at the location of 8152 S. Maryland Avenue. Officer Michael Hudson was shot in the hand. Officer Hudson was transported to Christ Hospital via ambulance. The offender, now known as [REDACTED] was shot in the hallway and was said to be in critical condition. The OEMC report further indicated that a caller called from the location of [REDACTED] S. Maryland and reported that they heard six (6) shots but didn't see the shooter.

## VI. LEGAL ANALYSIS

### A. Standard of Proof.

COPA applies a preponderance of the evidence standard to determine whether allegations of excessive force are justified.<sup>39</sup> A **preponderance of evidence** is evidence indicating that it is more likely than not that the alleged conduct occurred.<sup>40</sup> If the evidence COPA gathers in an investigation establishes that it is more likely than not that misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

### B. Applicable Law and Policy.

Determinations regarding the propriety of an officer's use of force center on whether the amount of force used by the officer was "objectively reasonable" in light of the particular circumstances the officer faced.<sup>41</sup> The reasonableness calculation "must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation."<sup>42</sup>

---

<sup>36</sup> Att. 13

<sup>37</sup> Att. 14

<sup>38</sup> Att. 25, 57

<sup>39</sup> See Municipal Code of Chicago, Ch. 2-78-110.

<sup>40</sup> *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.").

<sup>41</sup> *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003); see also General Order G03-02: Use of Force Guidelines (effective October 1, 2002).

<sup>42</sup> *Graham*, 490 U.S. at 396–97.



Although “reasonableness” has not been defined precisely under Department policy or applicable law, Department policy does provide that the following non-exhaustive list of factors can govern the reasonableness of a particular use of force:

- the severity of the crime at issue;
- whether the person poses an immediate threat to the safety of officers or others; and
- whether the person is actively resisting arrest or attempting to evade arrest by flight.<sup>43</sup>

The reasonableness of an officer’s use of force is ultimately judged under the totality of the circumstances viewed from the perspective of a reasonable officer.<sup>44</sup>

The Department defines “deadly force” as force “which is likely to cause death or great bodily harm” and includes, among other things, “[t]he firing of a firearm in the direction of” a person to be arrested, even though no intent exists to kill or inflict great bodily harm.”<sup>45</sup>

As outlined by the Chicago Police Department’s General Order 03-02, entitled “Deadly Force,” a sworn member may use force likely to cause death or great bodily harm only when such force is necessary “to prevent death or great bodily harm to the sworn member or to another person. . . .”<sup>46</sup> Similarly, Department General Order G03-02-02, entitled “Force Options,” permits use of deadly force against an “assailant,” which includes any person whose actions “will likely cause death or serious physical injury to another person.”<sup>47</sup>

Department members are required to continually assess the situation to determine whether force is necessary and what amount of force is required.<sup>48</sup> Members are directed to modify use of

---

<sup>43</sup> General Order G03-02: Use of Force Guidelines, section III.C.1.

<sup>44</sup> General Order G03-02: Use of Force Guidelines, section III.C.2.

<sup>45</sup> General Order G03-02-03: Deadly Force (effective February 10, 2015).

<sup>46</sup> This language substantially mirrors language under Illinois law. Section 7-5 of the Illinois Criminal Code (720 ILCS 5/7-5 (West 2016)) provides, in pertinent part:

“A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He 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. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...”

<sup>47</sup> General Order G03-02-02: Force Options, section IV.C.3.a; *see also* G03-02-01: The Use of Force Model (effective May 16, 2012) (providing guidance on the appropriate amount of force members should use to effect a lawful purpose and indicating use of “Firearms and Other Lethal Force” may be reasonable in situations involving an “assailant” whose actions will likely cause death or serious physical injury.)

<sup>48</sup> General Order G03-02-02: Force Options, section II.F.1 and 2.

force tactics as the situation develops, including by de-escalating immediately if resistance decreases.<sup>49</sup>

**A. COPA finds Officer Forbes' use of deadly force was permitted under Department policy.**

COPA finds that a preponderance of the evidence demonstrates that Officer Forbes' use of deadly force against ██████ was objectively reasonable under the circumstances confronting him and was permissible under Department policy.

First, Officer Forbes fired his weapon only after ██████ physically struggled with officers and then fired his weapon, striking Officer Hudson in the hand. At that moment, therefore, Officer Forbes was confronted with a serious threat and fired his weapon immediately after Officer Hudson was shot.

Second, and for those same reasons, ██████ posed an immediate threat to Officers Forbes and Hudson at the moment Officer Forbes used deadly force. ██████ use of physical force as well as his use of a firearm against officers indicate he met the definition of an "assailant" under Department policy.

Third, Officer Forbes first attempted to use nondeadly means to apprehend ██████ but escalated his use of force following ██████ escalation. Officer Forbes subsequently caught ██████ without further using deadly force, meaning he appropriately de-escalated his use of force based on the changing circumstances.

For these reasons, COPA finds that Officer Forbes' use of deadly force was within Department policy.

**B. COPA finds Officers Forbes and Hudson credible.**

COPA was not able to interview ██████ despite efforts to contact him and his attorney. There were no other eyewitnesses to the shooting incident. COPA also could not locate any video or other evidence refuting the version of events as Officers Forbes and Hudson described them. Officers Forbes and Hudson's statement were materially consistent with each other and with available evidence. For all these reasons, COPA has no reason to question the credibility of Officers Forbes or Hudson.

**VII. CONCLUSION**

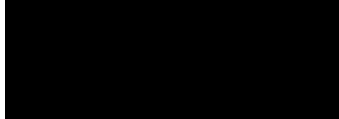
Based on the analysis set forth above, COPA makes the following findings:

---

<sup>49</sup> General Order G03-02-02: Force Options, section II.F.3.

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Forbes	1.No Allegations (Officer Involved Shooting)	Within Policy

Approved:



June 28, 2021

\_\_\_\_\_  
Andrea Kersten  
*Interim Chief Administrator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

---

<b>Squad#:</b>	1
<b>Major Case Specialist:</b>	Wilbert Neal
<b>Supervising Investigator:</b>	Shannon Hayes
<b>Chief of Investigative Operations:</b>	Andrea Kersten