

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 9, 2018.
Time of Incident:	12:53 p.m.
Location of Incident:	7221 S. Merrill Avenue, Chicago, IL 60649.
Date of COPA Notification:	March 9, 2018.
Time of COPA Notification:	1:23 p.m.

On March 9, 2018, Officers Jose Hernandez, #13088 and Victor Ramirez, #15722 were assigned to patrol the area of 72nd and Merrill Avenue, as a follow-up to multiple aggravated robberies that had occurred in the area in recent days prior to this date. As the officers patrolled the area, they observed a black Lexus sedan, with a white male occupant sitting in the driver's seat, stopped in a no parking zone on 72nd and Merrill Avenue. The officers contacted Officer Shalaine Enahora, #17704 and her partner, Officer Shawn Bryant, #4142, to respond to the area in case they were observing an incident in progress similar to the previous armed robberies.¹

While surveilling the black Lexus, Officers Hernandez and Ramirez saw a black male, now identified as [REDACTED] walking eastbound towards Merrill Avenue, looking at the Lexus. The Lexus eventually drove off and the officers decided to trail the vehicle. As the officers drove back onto 72nd and Merrill Avenue, they saw Mr. [REDACTED] exiting the mouth of the alley, east of Merrill, with a second individual, now identified as [REDACTED]² Mr. [REDACTED] and Mr. [REDACTED] walked towards 72nd and Merrill Avenue. Officer Ramirez said he observed Mr. [REDACTED] walk towards the Lexus, which had returned to its original location, and flail his arms as if he was talking to the person in the Lexus.

Officers Hernandez and Ramirez alerted Officers Bryant and Enahora that they were going to approach Mr. [REDACTED] and Mr. [REDACTED]. Officer Ramirez exited the vehicle and proceeded down the east alley of Merrill Avenue, while Officer Hernandez proceeded to drive down Merrill Avenue. As Officer Hernandez drove south down Merrill Avenue, which is a one-way street going north, he saw Officer Bryant and Enahora's vehicle traveling northbound towards him. At this point, Mr. [REDACTED] and Mr. [REDACTED] appeared to see the officers and they fled on foot. Mr. [REDACTED] ran down a driveway, while Mr. [REDACTED] ran southbound on Merrill Avenue.

Officer Hernandez pursued Mr. [REDACTED] down the driveway. Officers Bryant and Enahora stopped and exited their vehicle to chase Mr. [REDACTED]. It was reported by Officers Bryant and Enahora, as well as a United States Postal Carrier that as Mr. [REDACTED] ran southbound in the

¹ In the prior incidents, people were lured to the area with false pretenses of purchasing items off phone applications such as the Offer-Up. These people met with the "sellers", who brandished a firearm and robbed them. During some of the prior incidents, at least one victim was shot.

² The officers described Mr. [REDACTED] and Mr. [REDACTED] as matching the description of the robbery suspects, two young black males, one taller and one shorter.

direction of the officers, he was holding and/or manipulating something on his side/pocket. Officer Bryant told Mr. [REDACTED] to get down but Mr. [REDACTED] continued running in a southwest direction towards the street. Officer Bryant discharged his firearm twice, striking Mr. [REDACTED] in the buttocks. Officer Bryant maintained that he fired at Mr. [REDACTED] because Mr. [REDACTED] disobeyed his verbal direction and the fact that the circumstances matched the description of the previous armed robbery incidents. Both Mr. [REDACTED] and Mr. [REDACTED] were placed under arrest. Mr. [REDACTED] was transported to Northwestern Hospital where he received treatment.

II. INVOLVED PARTIES

Involved Officer #1:	Shawn BRYANT, star #4142, employee ID# [REDACTED] Date of Appointment: February 19, 2013, police officer, Unit of Assignment: 003, DOB: [REDACTED], 1980, male, White
Involved Officer #2:	Shalaine ENAHORA, star #17704, employee ID # [REDACTED] Date of Appointment: December 14, 2012, police officer, Unit of Assignment: 003, DOB: [REDACTED], 1975, female, Black
Involved Officer #3:	Victor RAMIREZ, star #15722, employee ID # [REDACTED] Date of Appointment: January 23, 2006, police officer, Unit of Assignment: 003, DOB: [REDACTED], 1977, male, Hispanic
Involved Individual #1:	[REDACTED] DOB: November 2, 2001, male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Shawn Bryant	1. It is alleged that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Shawn Bryant violated the department policy regarding the use of deadly force when he shot [REDACTED]	Sustained
	2. It is alleged that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Shawn Bryant failed to fully load his firearm.	Sustained
	3. It is alleged that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Shawn Bryant failed to	Sustained

	activate his body worn camera in a timely manner.	
Officer Shalaine Enahora	1. It is alleged that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Shalaine Enahora failed to activate her body camera in a timely manner.	Sustained
Officer Victor Ramirez	2. It is alleged that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Victor Ramirez failed to activate his body camera in a timely manner.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules³

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 6: Disobedience of a directive, whether written or oral.
 3. Rule 10: Inattention to duty.
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General Orders⁴

1. General Order G03-02: Use of Force (effective October 16, 2017 to February 28, 2020)
 2. General Order G03-02-01: Force Options (effective October 16, 2017 to February 28, 2020)
 3. General Order G03-02-03 – Firearms Discharge Incidents Involving Sworn Members (effective October 16, 2017 to February 28, 2020)
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Special Order

1. Special Order S03-14: Body Worn Cameras (effective October 17, 2017 to April 29, 2018)
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Uniform Order

1. Uniform Order U04-02: Department Approved Weapons and Ammunition (effective June 2, 2017 to February 28, 2020)
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³ Police Board of Chicago, *Rules and Regulations of the Chicago Police Department, Article V. Rules of Conduct* (April 1, 2010) <https://www.chicago.gov/dam/city/depts/cpb/PoliceDiscipline/RulesofConduct.pdf>

⁴ Department general, special, and uniform orders, also known as directives, “are official documents establishing, defining, and communicating Department-wide policy, procedures, or programs issued in the name of the Superintendent of Police.” Department Directives System, General Order G01-03; *see also* Chicago Police Department Directives System, available at <https://directives.chicagopolice.org/> last accessed March 9, 2022).

V. INVESTIGATION⁵

a. Interviews

In a statement to the Civilian Office of Police Accountability (COPA) on March 23, 2018, **Officer Jose Hernandez, #13088** stated that on March 9, 2018, he worked with Officer Victor Ramirez.⁶ Officers Hernandez and Ramirez were assigned to Beat 306B, as part of a robbery/burglary mission team. Officer Hernandez worked in plain clothes, driving an unmarked Ford Explorer. Officer Hernandez explained that their assignment for the day was to patrol the 30th sector of the district, concentrating on the area of 72nd and Merrill Avenue because a week prior, there was a robbery incident in which two people were lured to the location to buy cell phones through the “Let Go” and/or “Offer Up”⁷ application. Officer Hernandez added that a sting operation was conducted by CPD and other agencies the week prior, which was directly related to the robbery incident.⁸

On the date of incident, Officer Hernandez and Officer Ramirez observed a Lexus, that was parked in the area, which then moved positions, closer to the front of the church that is nearby.⁹ At that point, Officers Hernandez and Ramirez requested the assistance of Officers Shalaine Enahora and Shawn Bryant, who were working Beat 306C. Officer Hernandez explained that Officers Enahora and Bryant had knowledge of the previous robberies and were part of the previous sting operation. Officer Hernandez stated that he positioned their vehicle in an empty lot north of 72nd Street, where he could see the Lexus. Officer Hernandez described that they were able to look through a wooden fence.

While waiting for the officers to arrive, Officers Hernandez and Ramirez observed a male subject, who matched the description of the individual involved in the previous armed robbery¹⁰, walking eastbound towards 72nd and Merrill Avenue, on the southside of the street; the side opposite to where the Lexus was parked. Officer Hernandez explained that Officer Ramirez communicated with Officers Bryant and Enahora via the car-to-car radio, which is a means of communication that does not occupy air space over the radio. According to Officer Hernandez, they asked Officers Enahora and Bryant to remain south of the area while he and Officer Ramirez kept eyes on Mr. [REDACTED]

The Lexus then started moving westbound to Jeffrey Avenue, at which point Officers Hernandez and Ramirez began to trail the vehicle. The Lexus drove south to 73rd, then east towards Merrill Avenue. Officer Hernandez stated that they trailed the vehicle to see if it would

⁵ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁶ Attachments 40, 41.

⁷ Attachment 41, page 68, lines 19-20 (inaudible 1:12:18 of the audio recording, attachment 40). Officer Hernandez said he was able to speak to one of the victims and got a description of the offenders as black males, one taller and one shorter. Page 56.

⁸ Officer Hernandez also said on the day of the sting, another individual was lured in on an app to buy a cell phone and was shot at 69th and King Drive but Officer Hernandez couldn't recall the description given besides one black male in a hoodie. Attachment 41, pages 67 & 70.

⁹ Saint Phillip Neri Catholic Church is located at 2132 E 72nd Street.

¹⁰ Later identified as Mr. [REDACTED]

return to its original spot, on Merrill Avenue. The officers advised Beat 306C that the vehicle was traveling in their direction. At that point, the Lexus turned north onto Merrill Avenue. Officer Hernandez and Officer Ramirez briefly stopped to talk to Officers Bryant and Enahora then continued east on 73rd Street. Officer Hernandez got back onto 72nd Street, heading westbound towards Merrill Avenue.

As Officers Hernandez and Ramirez approached the intersection of 72nd and Merrill Avenue, they observed two individuals, one matching the description of the male they had seen earlier, now known to be Mr. [REDACTED] and Mr. [REDACTED] exit the mouth of the alley and walk towards Merrill Avenue. Officer Hernandez stated that the subjects looked in their direction, hesitated, then continued walking towards Merrill Avenue. Officer Hernandez continued driving westbound then turned back around, heading east towards Merrill Avenue. At this point, he observed the Lexus pull away from where it was parked. Officer Hernandez then saw Mr. [REDACTED] and Mr. [REDACTED] standing at about 7209/7211 S. Merrill Avenue, looking back in their direction. Officer Hernandez explained that the circumstances of what he was observing matched the recent robbery incidents that occurred in the area.

Officer Hernandez dropped off Officer Ramirez in the same alley they observed Mr. [REDACTED] and Mr. [REDACTED] exit and he notified Officers Bryant and Enahora that they were going to approach Mr. [REDACTED] and Mr. [REDACTED] for a field interview. Officer Hernandez then turned back east towards Merrill Avenue. From the peripheral vision, he saw Beat 306C¹¹ car driving north on Merrill Avenue. Officer Hernandez traveled south on Merrill Avenue, approaching the subjects. At that moment, Mr. [REDACTED] and Mr. [REDACTED] ran southbound on Merrill Avenue. Officer Hernandez explained that the taller of the two males, Mr. [REDACTED] ran southbound, while the shorter of the two, Mr. [REDACTED] ran eastbound into a driveway.

According to Officer Hernandez, as he was opening his car door to exit, he heard two gunshots south of where he was located.¹² Officer Hernandez said once he “jumped out” of the car, he remembered saying “Stop – Police.”¹³ Officer Hernandez was focused on Mr. [REDACTED] and ran after him into the driveway and rear yard, telling him to stop. As he approached the yard, he saw Officer Ramirez in the alley. He could see Officer Ramirez through a 7-foot wrought iron fence, drawing his weapon on Mr. [REDACTED] telling him to “get down, put his hands out.”¹⁴ Mr. [REDACTED] complied by going to the ground with his hands out and Officer Hernandez placed him into custody.¹⁵ At that moment Mr. [REDACTED] told Officer Hernandez that he “shouldn’t have done this.”¹⁶

Officer Hernandez then secured Mr. [REDACTED] ascertaining that he did not have any weapons on him. They then walked to the front. Officer Hernandez then saw Officer Enahora clearing a weapon. He walked back to where he placed Mr. [REDACTED] into custody and retrieved a cell phone

¹¹ Also referred as the “Charlie” vehicle, by the officers throughout their statements.

¹² He didn’t recall if he heard anything prior to the gunshots. In addition, he said he was still in the car, so he couldn’t really hear anything. Attachment 41, pages 39 & 40. Regarding activating his BWC, he said he activated it when he “felt it was the right time to activate it.” Attachment 41, page 54.

¹³ Attachment 41, page 40.

¹⁴ Attachment 41, page 42.

¹⁵ Officer Hernandez never drew his firearm. Attachment 41, pages 42 & 43.

¹⁶ Attachment 41, page 43, lines 10-11.

from the area. When he returned to the front, he saw Mr. [REDACTED] laying in the street, appearing to be shot. Officer Hernandez stated that he then proceeded to conduct a brief canvass of the path that he took while pursuing Mr. [REDACTED]

In a statement to COPA on April 5, 2018, **Officer Victor Ramirez, #15722**, stated that on the date of incident, he was assigned to Beat 306B, dressed in civilian attire, patrolling the 30 sector of the district, on a robbery mission.¹⁷ Officer Ramirez added that his partner on that day was Officer Hernandez, who is his routine partner, and they were operating an unmarked grey SUV.

Officer Ramirez explained that a week prior to the incident, there was a robbery at the corner of 72nd and Merrill Avenue, where two victims were lured to the area to buy a phone. During the exchange, a robbery was announced, and the victims were shot. That same week, the CPD in conjunction with Cook County and the Federal Bureau of Investigations (FBI) conducted a sting operation relating to the robberies that had taken place.

On the date of incident, Officers Ramirez and Hernandez were driving westbound on 72nd Street, approaching Merrill Avenue. When they reached the intersection, Officer Ramirez observed a dark colored Lexus sedan stopped on the eastside of Merrill Avenue, just before 72nd Street, facing northbound, in a no parking zone. The Lexus had tinted windows and therefore Officer Ramirez was only able to see a hand on the steering wheel. The driver appeared to be a white male. Officer Ramirez ran the license plate number, and the plate came back registered to an address in Hardwood Heights, Illinois. At that point, Officer Ramirez assumed that the driver was there to buy a cell phone and was likely being set up for an armed robbery. Officer Hernandez made a U-turn and initially parked on the southside of 72nd Street, about half a block west of Merrill Avenue. In case this was a robbery, Officer Ramirez felt they were too exposed in the location they were parked and therefore they relocated to a parking lot, which is located between Merrill Avenue and Jeffrey Avenue, which faces 72nd Street. Officers Hernandez and Ramirez then asked Officers Enahora and Bryant, who were working Beat 306C, to respond to the area in the event they required assistance.

Officer Ramirez exited the vehicle and walked over to a wooden fence that allowed a direct view to the Lexus. After approximately three minutes, the Lexus left the area and made a westbound turn onto 72nd Street. Officer Ramirez returned to his vehicle where he continued to monitor the Lexus through gaps in the wooden planks. As he was watching the Lexus, Officer Ramirez saw a black male, approximately 6 feet tall, weighing 160-170 lbs., and wearing a vest with a hoodie underneath, walking eastbound, looking at the Lexus. The officers then moved their vehicle to follow the Lexus. At that point, they were on car-to-car communication with Beat 306C, which Officer Ramirez explained is a radio channel that prevents officers from occupying the air transmissions. While following the Lexus through the streets, Officer Ramirez observed an unmarked vehicle on 73rd Street, near Merrill Avenue. As they approached the vehicle, they confirmed that it was Beat 306C. Officer Ramirez asked the officers if they saw the Lexus, to which the officers stated that it turned northbound on Merrill Avenue. According to Officer Ramirez, Officer Hernandez continued to drive eastbound to Luella, where they turned northbound and down to 72nd Street. At 72nd Street, they turned westbound. As they approached the east alley

¹⁷ Attachments 55, 56.

between Paxton and Merrill Avenues, Officer Ramirez observed two black males, one tall and one short, walk out of the mouth of the alley, then turn west on the south side of the street, towards Merrill Avenue. At that moment, Officer Ramirez realized that the taller of the two males was the same individual he saw earlier on 72nd Street. As they approached the corner of 72nd and Merrill Avenue, Officer Ramirez saw the Lexus parked in the same spot as earlier. Officer Ramirez asked Officer Hernandez to keep driving west, while he looked back at the Lexus and the two black males.

Officer Ramirez explained that the taller of the two males, now known to be Mr. [REDACTED] stayed closer to the building, while the shorter male, now known to be Mr. [REDACTED] walked towards the Lexus. As Mr. [REDACTED] got closer to the Lexus, he started to flail his arms as if he was talking to the person in the Lexus. At that point, Officer Ramirez asked Officer Hernandez to turn around to make contact with the subjects. As they were traveling eastbound on 72nd Street, towards Merrill Avenue, Officer Ramirez observed the Lexus leave and turn westbound on 72nd Street. Officer Ramirez also saw Mr. [REDACTED] and Mr. [REDACTED] walking southbound on Merrill Avenue, on the eastside of the street. Officer Ramirez stated that they continued to travel east on 72nd Street and as they approached the alley between Merrill and Paxton Avenues, he told Officer Hernandez “Let’s make contact. Let me jump out of the squad car at the mouth of the alley, we approach from the north. I will call Charley to approach from the south.”¹⁸

Officer Ramirez exited the vehicle and relayed to Beat 306C that the subjects are walking southbound, and they are going to make contact. As Officer Ramirez was walking fast south in the alley, he heard two shots on Merrill Avenue, and he immediately drew his firearm. Officer Ramirez stated that he went over the radio to see what was occurring. He then saw Mr. [REDACTED] running through the driveway of the first house, into the rear yard, towards the alley.¹⁹ Officer Ramirez explained that there was a wrought iron fence that separated him and Mr. [REDACTED] Officer Ramirez held his gun out in the ready position and ordered Mr. [REDACTED] to “Stop, police. Get down.”²⁰ Mr. [REDACTED] raised his arms, dropped a cell phone, and got down on his knees.²¹ Officer Ramirez stated that just before dropping to his knees or right after, Mr. [REDACTED] stated words to the effect of, “I shouldn’t be here - - I shouldn’t have done that.”²²

Officer Hernandez then approached Mr. [REDACTED] and placed him into custody. Officer Ramirez then jumped the fence and exited the driveway, towards Merrill Avenue. According to Officer Ramirez, at one point as he was walking through the driveway, he checked his BWC to make sure it was on and he realized it was not activated.²³ At that moment, he activated it. He believed he had attempted to activate his camera initially when he heard the shots.²⁴

Once on Merrill Avenue, Mr. [REDACTED] asked about Mr. [REDACTED] Officer Ramirez saw Officer Bryant with a subject on the ground, now known to be Mr. [REDACTED] who was bleeding from

¹⁸ Attachment 56, page 37, lines 4-7.

¹⁹ Attachment 56, page 39. The address of this occurrence is 7221 S. Merrill Avenue.

²⁰ Attachment 56, page 41, line 23 & page 42.

²¹ Officer Ramirez said once the phone started falling, he could see it was a cell phone. At this point, Mr. [REDACTED] was about 8 feet away. Attachment 56, pages 41-42.

²² Attachment 56, page 43, lines 16-17.

²³ Attachment 56, page 44.

²⁴ Attachment 56, page 45.

somewhere in the rear area, saying he was shot and asking for an ambulance. Officer Enahora was standing to the left of Mr. [REDACTED] with a handgun in the slide-lock position.²⁵ Officer Ramirez stated that it appeared that Officer Enahora was going to place the firearm in her cargo pocket, at which point he asked her if she was sure the gun was clear. According to Officer Ramirez, he believed Officer Enahora informed him that there was still one bullet in the gun, and he told her to clear it before placing it in her pocket.²⁶ Officer Ramirez stated that a short time later, he asked Officer Bryant if there were any shell casings they needed to look for. Officer Bryant told him that there were two casings near the sidewalk area. At that moment, he assumed it was Officer Bryant who fired the two rounds he heard.

According to Officer Ramirez, he later learned from detectives that the male in the Lexus was in the area to purchase an iPhone. He also learned that Mr. [REDACTED] was charged with the shooting of the two individuals the week prior.

In a statement to COPA on April 5, 2018, **Officer Shalaine Enahora, #17704** stated that on the date of incident, she and her partner, Shawn Bryant, #4142, were assigned to Beat 306C, which is their regular beat of assignment.²⁷ According to Officer Enahora, she and Officer Bryant were operating a gray Crown Victoria. Officer Enahora explained that she and Officer Bryant are assigned to a robbery/burglary mission team within the 3rd District. Officer Bryant qualified with his firearm earlier in the day. When Officer Bryant returned, their sergeant instructed them to patrol the entire district as opposed to being assigned a specific sector of the district.

Officer Enahora stated that she received a call from Officer Hernandez who asked them to assist at 73rd and Merrill Avenue. Officer Hernandez informed her there was a black Lexus sedan that he had been monitoring, whose plates came back to an address in the suburbs of Chicago. He said the vehicle kept circling the block as if he was waiting or looking for someone. According to Officer Enahora, Officer Hernandez believed that it was a potential robbery based on similar incidents that occurred in the area in the past weeks. In one incident, two individuals were lured to the area from the suburbs through a phone application and were shot. Another incident took place near 75th and Champlain where an individual was also shot during an attempted armed robbery. In the former incident, the subjects were described as young black males, one tall, a shorter one and in the second incident, the MO²⁸ with the vehicle from the suburbs circling the block was similar.

Officer Enahora drove to the area and parked at the corner of 73rd and Merrill Avenue. Officers Enahora and Bryant noticed the Lexus passed them heading east and turned northbound onto Merrill Avenue. They informed Officers Hernandez and Ramirez. Officers Hernandez and Ramirez indicated that they were going to look for the vehicle. At some point, Officers Hernandez and Ramirez indicated they observed the Lexus at 72nd and Merrill. While on speaker phone, Officer Hernandez informed Officers Enahora and Bryant that they saw the Lexus drive away and

²⁵ Slide stop, also referred to as slide-lock, on a semi-automatic handgun is a function that visually indicates when a handgun has expended all loaded ammunition and facilitates faster reloading by pulling back the slide or depressing the slide lock to advance the first round of a new magazine.

²⁶ Officer Ramirez stated that Officer Enahora later informed him that she retrieved the firearm he saw her holding from Mr. [REDACTED]

²⁷ Attachments 49, 50.

²⁸ MO or Modus Operandi is a method of procedure. See <https://www.merriam-webster.com/dictionary/modus%20operandi> (Accessed January 13, 2021).

subsequently saw two black males exiting the alley. At that moment, they told Officers Enahora and Bryant, "Let's go in."²⁹

As Officers Enahora and Bryant started to move in by driving northbound on Merrill Avenue, the two males were walking south from 72nd Street on the east side of Merrill Avenue. Officers Hernandez's and Ramirez's vehicle was coming southbound on Merrill Avenue behind the males.³⁰ Officer Enahora described the males as one short with dreadlocks, now known to be Mr. [REDACTED] and the other taller, wearing a black jacket or vest, now known to be Mr. [REDACTED]. Officer Enahora added that the males continued to look back as they walked southbound on Merrill Avenue. Officer Enahora said it appeared that the males saw the other car coming their way and they immediately began to run.³¹

Officer Enahora said that Mr. [REDACTED] ran eastbound into a driveway, while Mr. [REDACTED] ran south on Merrill Avenue, in their direction. Officer Enahora initially described Mr. [REDACTED] as running with "his hands in his pocket, running, trying to flee my partner and I."³² Officer Enahora and Officer Bryant got out of their vehicle. Officer Enahora explained that Officer Bryant was ahead of her by a few feet, given that he was on the same side of the vehicle as Mr. [REDACTED]. As she moved around the back of the vehicle, Officer Enahora heard Officer Bryant yelling, "Get down! Get down!"³³ and she may have yelled "Stop" at that point. [REDACTED] had his hands in his pocket and he was moving his hand in his pocket and then, two shots."³⁴

When Officer Enahora saw Mr. [REDACTED] moving his hand in his pocket, she was standing on the grass right next to the curb, facing north, approximately 10-12 feet from him.³⁵ Officer Enahora explained that Officer Bryant was standing slightly northeast of her, approximately 8 feet away, on the sidewalk.³⁶ Mr. [REDACTED] "was running towards us and then he darted towards the grassy area."³⁷ At that point, Mr. [REDACTED] was still north of Officer Enahora and Officer Bryant was on the sidewalk.³⁸ When Officer Bryant fired his weapon, Mr. [REDACTED] was moving "towards us, heading

²⁹ Attachment 50, page 18, lines 17-18. Officer Enahora understood this as a plan to either conduct an investigatory stop on the male subjects or to put eyes on them (*See* page 19, lines 17-19).

³⁰ Officer Enahora said she and Officer Bryant were on Merrill Avenue at about 72nd Place when she first spotted the males. They were about a house and a half away.

³¹ Attachment 50, page 22.

³² Attachment 50, Page 22.

³³ Attachment 50, page 23, line 20. When asked what happened at the point verbal direction was given Officer Enahora said, "His hand, like I said, his hands were in his pocket...I just remember him fiddling or moving his hand in his pocket. And then, after my partner and I gave verbal, he, my partner shot twice." Attachment 50, page 27, lines 10-14.

³⁴ Attachment 50, page 23, lines 21-23. When asked "What pocket or pockets are his hands in?", she replied both. page 24, line 22. When asked which pocket, she said it was his "jacket pocket or vest pocket." Page 25, line 3. Officer Enahora could not recall what hand Mr. [REDACTED] was continuing to move but said, "I just remember him moving his hand in his pocket." Page 25, lines 6-7. She said everything happened within seconds. "It was like 'Get down. Get down. Boom. Boom.'" Page 33. At the moment Officer Bryant shot Mr. [REDACTED] "he had his hands in his pocket. He was moving that hand in his pocket." Page 32, lines 20-21.

³⁵ Attachment 50, page 25, line 10.

³⁶ Attachment 50, page 26, line 17.

³⁷ Attachment 50, page 29, lines 1-3.

³⁸ Asked if Mr. [REDACTED] was closer to her direction when he darted towards the grassy area, Officer Enahora said "Well I was actually behind my partner." Attachment 50, page 29, line 9. Asked if Mr. [REDACTED] had passed Officer

southbound.” Officer Enahora stated that when Officer Bryant shot Mr. [REDACTED] Mr. [REDACTED] had not passed him but had turned.³⁹ When Officer Bryant shot Mr. [REDACTED] he was “very close”, within arm’s reach.⁴⁰

Officer Enahora stated that Mr. [REDACTED] continued to move after the first shot, stumbled and eventually landed in the street.⁴¹ Once Mr. [REDACTED] fell in the street, Officers Enahora and Bryant moved in to handcuff him. As Officers Enahora and Bryant were patting-down Mr. [REDACTED] he informed them that he had a weapon in his pocket. Officer Enahora searched his pockets and retrieved the firearm. Officer Enahora cleared the firearm and observed live rounds in the magazine but not in the chamber. She then placed the magazine in her pocket and the firearm in another pants’ pocket. While this was occurring, Mr. [REDACTED] asked Officer Enahora why her partner shot him. He stated that he was not going to shoot them and was looking to “chuck the gun, or rock it.”⁴² Once Mr. [REDACTED] was secured, Officer Enahora went over the radio to request EMS and to report shots fired by the police. Officer Enahora added that while she was clearing the gun, Officer Ramirez approached her and asked her to make sure there was not a live round in the chamber. Officer Enahora had him check to confirm that there was not. When Officer Ramirez handed the firearm back to her, she eventually turned it over to the Forensics Unit.

According to Officer Enahora, they were in fear because with everything that had transpired, Mr. [REDACTED] potentially had a weapon.⁴³ Officer Enahora said she had her hand on her weapon but did not have an opportunity to draw her weapon when Mr. [REDACTED] was running in their direction.⁴⁴ She added that if she had more time to react under similar circumstances, she would have “definitely” drawn her weapon.⁴⁵

Officer Enahora did not have any first-hand knowledge regarding the apprehension of Mr. [REDACTED] but had heard that he was in custody. She didn’t recall seeing anyone else in the area prior to the shooting.

Regarding her body worn camera, Officer Enahora stated that after she retrieved and secured the firearm from Mr. [REDACTED] it occurred to her to activate her BWC. Officer Enahora

Bryant at that point, Officer Enahora said, “At that point is when his, [REDACTED] hands were still in his pocket and he was moving that hand, and my partner shot. And [REDACTED] that’s when he ran like towards the grass...” Attachment 50, page 30, lines 1-4.

³⁹ Attachment 50, page 32, lines 11-14.

⁴⁰ Attachment 50, page 28, lines 17-19. Officer Enahora said she was outside of the line of crossfire from Officer Bryant and Mr. [REDACTED] Attachment 50, page 31, lines 9-10.

⁴¹ Attachment 50, page 31, line 23.

⁴² *Id.*, page 38, lines 15-17. Officer Enahora added that she was not sure what Mr. [REDACTED] meant by that phrase but only assumed that he meant that he was going to toss the firearm.

⁴³ Attachment 50, page 32-33, lines 20-24-1-4. They were “in fear that he was going to remove something from his pocket that could cause us harm.” Attachment 50, page 37, lines 11-15. “When we were telling him to get down, stop, he just continued running and moving his hand. He wouldn’t put his hands up. He wouldn’t.” Attachment 50, page 33, lines 1-3. “Typically when an offender has a weapon ... in his pocket, he typically pats that pocket. And this was no different...he would not comply.” Attachment 50, page 37, lines 5-10.

⁴⁴ Attachment 50, page 27, lines 16-17.

⁴⁵ Attachment 50, *see generally* pages 42-44. When asked if she would have fired in her position she said, “If [REDACTED] had been coming towards me, continuing to run towards me, and not following verbal directions, with his hands in his pockets, and based on everything that I know.... yes.” *See generally* pages 43-44.

explained that she did not intentionally fail to activate her BWC in a timely manner. She explained that the events evolved very rapidly. She was trained on BWCs in December 2017.

In a statement to COPA on April 5, 2018, Officer Shawn Bryant, #4142, stated that on the date of incident he was assigned to Beat 306C, working with Officer Enahora, who was his routine partner.⁴⁶ Officer Bryant said that they were assigned an unmarked gray Crown Victoria, which Officer Enahora operated on that day. Earlier in his shift, Officer Bryant qualified with his carbine rifle. As part of the qualification, he transitioned to his duty weapon. After leaving the range, Officer Bryant returned to the district where he and Officer Enahora were instructed to conduct routine patrol of the entire district.

Shortly after joining Officer Enahora on patrol, Officer Hernandez, who was working Beat 306B with Officer Ramirez, called Officer Enahora on her cellphone.⁴⁷ Officer Hernandez said he observed a black Lexus parked at the same corner as an attempted armed robbery that occurred six days earlier where two victims were shot by two black males, one taller than the other, while trying to purchase a phone.⁴⁸ Officer Hernandez relayed to Officer Enahora that he ran the vehicle's plate number and the registration came back to an address in the suburbs. Officer Hernandez indicated they wanted to observe and asked them to drive to the area and park at 73rd and Merrill Avenue.⁴⁹ Initially, the officers were on car-to-car communication, which Officer Bryant explained is a radio channel that does not disrupt radio traffic on the zone. Eventually, they switched over to talk on the telephone because the frequency was "staticky."⁵⁰

While still waiting at 73rd and Merrill Avenue, Officer Hernandez told Officer Bryant that the Lexus drove off, traveling west on 72nd Street, south on Jeffrey, then east on 73rd Street. As the Lexus passed their car, Officer Bryant ran the plate, confirming that it was registered in the suburbs. Shortly thereafter, Officer Hernandez pulled-up next to their vehicle indicating he was going to go east, to go back and get in place to observe the original location of 72nd and Merrill Avenue.⁵¹

Officer Bryant and Enahora were waiting and communicating with Officer Hernandez on the phone. Officer Bryant indicated Officers Hernandez and Ramirez saw the Lexus back in the same spot and heard Officer Hernandez say, "We're going in."⁵² At that point, Officer Enahora made a three point turn to drive northbound on Merrill Avenue.⁵³ As they were on Merrill Avenue, Officer Bryant saw two black males, who matched the description of the subjects involved in the

⁴⁶ Attachments 62, 63.

⁴⁷ Attachment 63, page 25.

⁴⁸ Officer Bryant explained that there were multiple incidents that occurred in the area, where individuals were robbed at gunpoint and were shot during the robbery. Officer Bryant further explained that after the robberies, a sting operation was conducted with members of CPD and other outside agencies, but the operation did not yield any arrests. Attachment 63, pages 32 & 74.

⁴⁹ The suspects in the prior shooting fled southbound down Merrill from 72nd. Attachment 63, pages 19 & 75.

⁵⁰ Attachment 63, pages 25-26.

⁵¹ Attachment 63, page 28.

⁵² Attachment 63, page 22, line 4.

⁵³ Officer Bryant had said the unmarked Crown Victoria they were driving had emergency equipment, but they did not activate it while going in to make the stop. See Attachment 63, page 13.

previous armed robbery, walk southbound on the sidewalk on the east side of the street.⁵⁴ Officer Hernandez's and Officer Ramirez's vehicle was coming southbound on Merrill Avenue towards them.⁵⁵

According to Officer Bryant, it appeared that the two males saw one of the police vehicles driving their way and they ran.⁵⁶ One of the males, now known to be Mr. [REDACTED] ran into a driveway on the east side of the street while the second male, now known to be Mr. [REDACTED] ran southbound. Officer Bryant told Officer Enahora to stop the vehicle and they both exited.⁵⁷ Officer Bryant said that Mr. [REDACTED] continued running in his direction with his left hand in his left pocket. According to Officer Bryant, Mr. [REDACTED] was "frantically" moving his hand in his pocket "like he was pulling, to try to get something out."⁵⁸ Officer Bryant stated that he told Mr. [REDACTED] at least twice to "get the fuck on the ground"⁵⁹ but Mr. [REDACTED] continued to run. When they were approximately a foot and a half away from each other, Officer Bryant saw that Mr. [REDACTED] had a look on his face that he described as "It was, like, I'm gonna get away at all cost."⁶⁰

Due to the prior shootings recently in the vicinity and the fact that Mr. [REDACTED] was tugging on his jacket and not following verbal direction, Officer Bryant discharged his firearm twice at Mr. [REDACTED].⁶¹ Officer Bryant said that as he fired his weapon, Mr. [REDACTED] was moving in a southwest direction towards the street and had not stopped "trying to pull whatever he had in his

⁵⁴ Officer Bryant said his understanding of why they were going to stop the two black males was "based off of everything that's happened over there" ... "basically trying to stop these robberies from happening." Attachment 63, page 31, lines 11-20.

⁵⁵ Attachment 63, page 43.

⁵⁶ Officer Bryant indicated that driving on Merrill from 73rd it was quiet and that when they noticed "what it looked like them, they already started running towards our way." Attachment 63, page 36. Officer Bryant noted, "People that are involved in criminal activity, their first notion is to run, or if they have something on them, their first instinct is to run to try to ditch whatever they have" and their actions were "indicative of exactly that." Attachment 63, page 44.

⁵⁷ Officer Enahora immediately hit the brakes and stopped next to a parked blue pick-up truck. Attachment 63, page 36. Officer Bryant said he drew his weapon as he was moving towards Mr. [REDACTED] and Mr. [REDACTED] was running his way, as he was giving verbal directions. Attachment 63, page 46. He said seeing Mr. [REDACTED] "tugging on his jacket" made him draw his weapon. Attachment 63, page 46.

⁵⁸ Attachment 63, page 22, lines 18 - 21. When he first saw Mr. [REDACTED] tugging on his jacket they were within the distance of a house, not even two car lengths apart. Attachment 63, Page 48. When explaining why he drew his weapon, he described Mr. [REDACTED] as "tugging on his jacket." Attachment 63, pages 46. When explaining why he shot, he described "the fact of him jarring at his left pocket." Attachment 63, page 23. "His action of him putting his hand in his pocket, and like pulling, ... whatever it was that was in there wasn't coming out. ... I felt... I was gonna be shot or one of my teammates were gonna be shot." Attachment 63, page 47.

⁵⁹ Attachment 63, page 23, lines 23-24. Officer Bryant said he made it to the sidewalk when he gave verbal directions. Attachment 63, pages 45 & 50.

⁶⁰ Attachment 63, page 23, lines 5-6. "From my experience going after people, it's a look of fight or flight. The look on his face wasn't like a flight mode." Attachment 63, page 23. "The look on his face, wasn't fear of getting caught. It was, by all means necessary, I'm getting the fuck away." Page 45.

⁶¹ The look on his face and "him tugging on his jacket, it looked to me as if whatever the hell he was trying to pull out would do harm to me." Attachment 62, page 45.

pocket.”⁶² Officer Bryant indicated Mr. [REDACTED] was coming towards him at the point he fired and that it was “simultaneous, as I was firing, he was turning.”⁶³

Officer Bryant was unsure which shot struck Mr. [REDACTED] but stated that at one point, Mr. [REDACTED] dropped to the ground. When Officer Bryant approached to place Mr. [REDACTED] in handcuffs, Mr. [REDACTED] yelled that he had a gun. Mr. [REDACTED] also told the officers words to the effect of, “Man, I wasn’t trying to shoot you, I was trying to rocket it.”⁶⁴ Officer Bryant understood that to mean that Mr. [REDACTED] was attempting to toss the firearm. After placing Mr. [REDACTED] in handcuffs, Officers Bryant and Enahora searched him. The officers cleared the right side of Mr. [REDACTED] body then moved to searching his left side.⁶⁵ The officers recovered a firearm out of a left pocket.

Officer Bryant stated that Officer Enahora went over the air to report shots fired by the police and request EMS for Mr. [REDACTED]. He also saw Officers Ramirez and Hernandez exit the driveway with Mr. [REDACTED]. Officer Bryant stated that after the shooting, he saw a postal worker at a house south of where he was standing.

When asked if at the time he discharged his firearm did he have other options available to eliminate the threat, Officer Bryant stated that “for the amount of space that we had, a taser cannot be utilized, because those prongs, or wires itself, can come back and it would then, bounce on me, and I would then be injured, as well, from the electric pulps, or the wires itself.”⁶⁶ Officer Bryant added that he could not have taken cover or retreated because of the rapidly evolving events.

Regarding his firearm, Officer Bryant admitted it was not fully loaded. He explained that upon arriving to the district to qualify, the officers were told to remove the magazines from their firearms, eject one live round from the magazine and replace it with a range bullet, which is not a hollow tip bullet. Once inside the range, they were told to cycle the slide, to eject their duty weapon round out of it, leaving him two live rounds short. He placed the two live rounds in his pocket and forgot to reload his firearm to full capacity once his qualification was completed.

Regarding his BWC, Officer Bryant said he didn’t remember if he activated it but when he realized it was not on he immediately activated it. He received BWC training sometime in December of the previous year and said he understood it had to be turned on when making investigatory stops. He explained that the situation was rapidly evolving, he was more concentrated on Mr. [REDACTED] and had not had the BWC that long.

b. Digital Evidence

⁶² Attachment 63, page 54. “As I shot, he was canting to go towards the, so southwest, basically.” Attachment 63, Page 23. He described Mr. [REDACTED] as he is coming closer to Officer Bryant as “starts to can’t” and go west towards the street. Attachment 63, page 53. “We were within two feet of each other, at the time that his body started canting, at the time that the shots were fired. At the time that he was running, it wasn’t to like run past him. It was head on.” Attachment 63, page 81.

⁶³ Attachment 63, page 54.

⁶⁴ Attachment 63, page 60, lines 20-21.

⁶⁵ Officer Bryant indicated Mr. [REDACTED] was lying flat on his stomach so they turn him so he is laying on his left side, “so we clear the whole right side of him” then turn him and go through his left side. Attachment 63, Pages 23-24 & 58.

⁶⁶ Attachment 63, page 65, lines 21-24, and line 1.

The **Office of Emergency Management and Communications (OEMC) Event Queries, 911 calls and CPD radio transmissions** were collected.⁶⁷ The **911 calls** include a telephone call made by a female caller who reported hearing three gunshots in the area of 2110 E. 72nd Street. The **CPD radio transmissions** document Beat 333 reporting shots fired by the police at 7225⁶⁸ S. Merrill Avenue at approximately 12:53 p.m. An unidentified unit requests an ambulance. Beat 333 further reports two offenders are in custody; One with a gunshot wound to the buttocks. Beat 333 states that the offender went for his gun in his pocket.

Evidence Technician (ET) photographs depict the scene, which include four evidence markers, identifying two shell casing, one metal fragment, and apparent blood on the street.⁶⁹ Also depicted in the photographs are Officers Bryant and Enahora. The photographs of Officer Enahora show a black handgun in her right pants pocket. Mr. [REDACTED] was also photographed in a hospital bed.

In an Electronically Recorded Interview (ERI), taken on March 9, 2018, at Area Central, by the Cook County State's Attorney's Office and Incident Response Team (IRT) Detectives, **Ahmed [REDACTED]** a United States Postal Carrier, stated that on the date of incident, he was delivering mail on the 7200 block of south Merrill Avenue.⁷⁰ Mr. [REDACTED] stated that he was at the grass line, at approximately 7229, moving towards 7225 S. Merrill Avenue, when he observed two black males standing at 7221 S. Merrill Avenue. He then observed a police vehicle, drive south on Merrill Avenue, going the wrong way. The vehicle continued to drive slow down Merrill Avenue and stopped near the two males. The shorter of the two males, now known to be Mr. [REDACTED] ran east, between two buildings. Two male officers, wearing body armor with "Police" on the front, exited the vehicle and proceed to chase Mr. [REDACTED]. The taller black male, now known to be Mr. [REDACTED] remained on the sidewalk. Mr. [REDACTED] then saw a police officer with his gun drawn, now known to be Officer Bryant, pointed at Mr. [REDACTED]. At that time, Mr. [REDACTED] turned and started to run in the direction of the officer, angling towards the street. As Mr. [REDACTED] was running, he was "clutching" either his shirt or his pants on his right side of his body. It appeared that Mr. [REDACTED] and the officer passed each other. The officer then turned and ran approximately three feet and discharged his firearm twice at Mr. [REDACTED]. Mr. [REDACTED] fell on the ground, on the street, near the curb, rolled onto his back, and told the officer he was shot. Mr. [REDACTED] then told the officer he had a gun, to which the officer indicated that he knew that Mr. [REDACTED] had a gun. The two officers who chased Mr. [REDACTED] then came out of the driveway with Mr. [REDACTED] and placed him on the ground near their squad car.

In an Electronically Recorded Interview (ERI)⁷¹, taken on March 9, 2018, at Area Central, by the Cook County State's Attorney Office and IRT Detectives, **Mr. [REDACTED]** stated that on the date of incident, he and his cousin, Mr. [REDACTED] were on their way to the gas station when they observed the police approach them on Merrill Avenue from 72nd and 73rd Streets.⁷² Mr.

⁶⁷ Attachments 14-20.

⁶⁸ The address was later updated to 7221 S. Merrill Avenue.

⁶⁹ Attachment 83.

⁷⁰ Attachments 38, 82.

⁷¹ Both Mr. [REDACTED] and his mother, [REDACTED], consented to the ERI.

⁷² Attachments 82.

█████ stated that he ran east into a yard, while Mr. █████ continued southbound. As Mr. █████ was running, he saw an officer with a weapon drawn. The officer told him to “Freeze.”⁷³ As he was running east into the yard, he heard two shots. Mr. █████ stated that he then saw another officer in the yard, who also had a firearm drawn, and he also told him to “Freeze,”⁷⁴ which he did. Once he was handcuffed, he walked back out to the street, where he saw that Mr. █████ had been shot. Mr. █████ explained that prior to his interaction with the police, a white male approached him and Mr. █████ asking about a cellphone. Mr. █████ stated that he did not know what he was referring to and then the white male left.

Body Worn Camera (BWC) footage was collected from Officers Bryant, Enahora, Hernandez, Ramirez and other officers that responded to the scene.⁷⁵

Officer Bryant’s BWC depicts Mr. █████ lying on his stomach on the street within a few feet of the back tire of a grey Crown Victoria being handcuffed by Officer Bryant. There is blood on his hands and on the ground. The first 30 seconds of Officer Bryant’s BWC does not have audio. Once the sound is introduced, Officer Bryant asks his name and age. Mr. █████ is moaning and asks why he shot him. Officer Bryant tells Mr. █████ that an ambulance is coming. Mr. █████ asks why he shot him, and Officer Bryant tells Mr. █████ that he knows why he shot him, he can’t run and go for a weapon. Mr. █████ tells Officer Bryant that he was not trying to go for a weapon, Officer Enahora can be heard apparently on the radio saying he went for his gun in his pocket and Mr. █████ says, “I didn’t though.”⁷⁶ Mr. █████ told Officer Bryant he was trying to “rock you,”⁷⁷ he was not trying to get caught. At one point, Officer Bryant says he fired twice. A mail carrier, now identified as Mr. █████ asks Officer Bryant if he can continue his delivery, to which Officer Bryant tells him to stay on the grass to avoid disturbing his shell casings. While looking for his shell casings, Officer Bryant states that his firearm was not fully loaded from his earlier weapon qualification. Officer Bryant is instructed to go sit inside one of the vehicles. While sitting inside a vehicle, multiple officers approach including Officer Enahora who sits in the vehicle also. There is a blue truck between the front of the Crown Victoria and the curb.

Officer Enahora’s BWC begins with her manipulating a firearm. The first 30 seconds of Officer Enahora’s BWC does not contain audio. Mr. █████ is observed handcuffed lying in the street, near a grey Crown Victoria with Officer Bryant holding his arm. Once the audio begins, talking over the radio is heard. Officer Enahora then tells Mr. █████ that he knows why, “you can’t go into your pocket reaching for a weapon when the police are telling you to stop.”⁷⁸ Mr. █████ says something about his pocket that cannot be heard over the radio. Officer Enahora informs Mr. █████ that EMS is on the way. EMS arrives and transports Mr. █████ At one point,

⁷³ Attachment 82, Clip: Witness-Cam_Area-01---Witness-Lineup-Room_2018Mar10-04.27.06-UTC... 10:27.

⁷⁴ Attachment 82, 10:35.

⁷⁵ Attachment 37. These videos only captured post shooting events. Officer Hernandez’ BWC depicts him running out of his vehicle through a driveway to a yard where Mr. █████ is lying on his stomach with his arms up. Officer Hernandez handcuffs him and sits him on the grass by the street. Officer Bryant and Mr. █████ are a couple houses over. Officer Ramirez’ BWC depicts him walking up the same driveway towards the street, then two houses down to where Officer Bryant and Mr. █████ are in street.

⁷⁶ Attachment 37, Clip: AXON_Body_2_Video_2018-03-09_1253(1)-Bryant, S. 00:01:20.

⁷⁷ Attachment 37, Clip: AXON_Body_2_Video_2018-03-09_1253(1)-Bryant, S. 00:01:26.

⁷⁸ Attachment 37, Clip: AXON_Body_2_Video_2018-03-09_1255(1)-Enahora, S. 00:0:40.

an officer whispers something to Officer Enahora and she proceeds to sit in the vehicle with Officer Bryant.

c. Physical Evidence

The **Chicago Fire Department (CFD) Ambulance Report** documents that on March 9, 2018, paramedics from Ambulance 14 arrived on scene with Engine 126 for a 16-year-old male with a gunshot wound to his left buttocks.⁷⁹ Treatment was provided, and Mr. [REDACTED] was transported to Northwestern Memorial Hospital.

Medical Records from **Northwestern Memorial Hospital** document that on March 9, 2018, Mr. [REDACTED] presented to the hospital with a retained gunshot wound to the left butt cheek.⁸⁰ A bullet fragment was observed overlying the midline posterior lower pelvis, with smaller fragments and subcutaneous emphysema along the bullet tract. The bullet was lodged anterior to the bladder. Cannabis was found in Mr. [REDACTED] blood. It was reported by police to hospital personnel that Mr. [REDACTED] was armed and fleeing the police and was shot by members of the CPD. Mr. [REDACTED] was treated and released to police custody on March 10, 2018.

The **Crime Scene Processing Reports, Firearm Processing Reports, and Evidence Plat** document that Evidence Technicians (ETs) were assigned to process the scene of this incident, which consisted of taking photographs and video of the scene, of the evidence that was identified, and of Officers Bryant and Enahora, as well as of Mr. [REDACTED].⁸¹ Field measurements of the scene were also taken and a drawing (plat) of the scene was created by the ETs.

ETs recovered two shell casings, one from the front yard grass area at 7221 S. Merrill Avenue (CSM #1) and one from the parkway grass area at 7221 S. Merrill Avenue (CSM #2). In addition, a metal fragment was recovered from the street at 7224 S. Merrill Avenue (CSM #4). Red stains, suspect blood, were noted on the street at 7221 S. Merrill Avenue (CSM #3).

COPA personnel were present during the recovery and processing of the firearms retrieved from Officer Bryant and Mr. [REDACTED]. Officer Bryant's Springfield Armory, model XD-9, 9mm semi-automatic pistol (Serial # [REDACTED]) contained one live, Winchester 9mm+P, round from the chamber and fourteen live, Winchester 9mm+P, rounds in the magazine. The magazine capacity was reported as nineteen rounds. During the processing of Officer Bryant's firearm, Officer Bryant explained that he did not fully load his firearm after going to the firing range earlier in the day. He reported that he had two live rounds in his pocket.

During the processing of Mr. [REDACTED] firearm, Officer Enahora stated that she recovered the weapon from his jacket pocket and cleared it after Mr. [REDACTED] was handcuffed. Mr. [REDACTED] firearm was reported as a black Taurus Millennium, model PT111 G2, 9mm semi-automatic pistol (Serial # [REDACTED]). There were no live rounds in the chamber and twelve live, Hornady 9mm Luger, rounds from the magazine. The magazine's capacity was reported as twelve rounds.

⁷⁹ Attachment 34.

⁸⁰ Attachment 71.

⁸¹ Attachments 5, 6, 22, 84, 85.

The **Illinois State Police (ISP) Laboratory Reports** document the examination of the firearms and ballistic evidence recovered from the scene and from Officer Bryant and Mr. [REDACTED] firearms. Officer Bryant's firearm, a Springfield Armory, model XD(M)-9, semi-automatic pistol (Serial # [REDACTED]) was operable and test fired.⁸² The firearm has rifling characteristics of six lands and grooves with a right-hand twist. The fourteen cartridges, listed as Winchester 9mm Luger +P, were examined for caliber and type. The two fired cartridge cases, listed as Winchester 9mm Luger +P, were determined to be fired by Officer Bryant's pistol. Mr. [REDACTED] firearm, magazine, and twelve live cartridges were examined and revealed no latent impressions suitable for comparison.

d. Documentary Evidence

According to the **CPD Arrest Reports**,⁸³ Mr. [REDACTED] was arrested on March 9, 2018, at 12:53 p.m., at 7221 S. Merrill Avenue. Mr. [REDACTED] was charged with Aggravated UUW/Loaded-No FCCA-FOID and Aggravated Assault/Peace Officer/Weapon. In summary, Mr. [REDACTED] reached into his hooded sweatshirt pocket, placing officers in fear of great bodily harm. Officers recovered a fully loaded black Taurus, 9mm handgun from Mr. [REDACTED]. It was learned that Mr. [REDACTED] was on home confinement for a robbery that took place on February 15, 2018.

Mr. [REDACTED] was also arrested on March 9, 2018 at 12:54 p.m., at 7217 S. Merrill Avenue. Mr. [REDACTED] was charged with Reckless Conduct. According to the arrest report, officers were conducting a follow-up investigation for an armed robbery that occurred on March 3, 2018, at 72nd and Merrill Avenue. On March 9, 2018, officers observed a black Lexus sedan parked in the same location as the victims from the March 3, 2018 armed robbery. It was reported in that incident that victims were lured to the corner of 72nd and Merrill Avenue via the "Let Go" phone application to buy a cell phone. On the date of the current incident, officers observed two individuals matching the description of the subjects involved in the armed robbery. Mr. [REDACTED] and Mr. [REDACTED] approached the black Lexus then continued southbound on Merrill Avenue. Mr. [REDACTED] and Mr. [REDACTED] ran southbound on Merrill Avenue. At approximately 7211 S. Merrill Avenue, Mr. [REDACTED] disobeyed a lawful order to stop, acting in a reckless manner.

A **Tactical Response Report (TRR)** completed by Officer Bryant documents that Mr. [REDACTED] did not follow verbal direction, he fled, and was an imminent threat of battery with a weapon.⁸⁴ The report indicates that Mr. [REDACTED] was armed with a semi-automatic pistol. Officer Bryant responded by discharging his firearm twice at Mr. [REDACTED].

The Detective File, which includes **Detective Supplementary Reports** and **General Progress Reports (GPRs)**, provides information consistent with the information obtained by

⁸² Attachments 70, 73.

⁸³ Attachments 8, 9. [REDACTED] was also arrested and charged with Reckless conduct. The state charges against Mr. [REDACTED] were dismissed by nolle pros on March 14, 2022, after the court granted a Motion to Quash Arrest and Suppress Evidence. Mr. [REDACTED] mother, on behalf of Mr. [REDACTED] also filed an excessive force and battery suit against Officer Bryant and the City of Chicago which is still pending as of May 2022. 1:18-cv-08011 N.D. IL.

⁸⁴ Attachment 11.

COPA.⁸⁵ The detective's Cleared Closed (Referred to Juvenile Court) Supplementary Report documents interviews conducted by IRT detectives.

Officers Bryant, Enahora, Ramirez and Hernandez provided statements to detectives consistent with the statements provided to COPA.⁸⁶ Detectives interviewed three Streets and Sanitation workers who were in the alley collecting garbage at the time the incident. The sanitation workers heard the gunfire and saw an officer in the alley who was wearing khaki pants, with his gun drawn and pointed westbound.

Detectives also interviewed a United States Postal Service (USPS) Mail Carrier who was delivering mail on the 7200 block of south Merrill. Mr. [REDACTED] stated that he was delivering mail and was cutting across the grass, moving north towards 7225 S. Merrill Avenue when he saw two black males, approximately 16 years old, one taller than the other, standing at about 7221 S. Merrill Avenue. Mr. [REDACTED] saw an unmarked squad car traveling south down the wrong way on Merrill Avenue, with blue lights activated. The two black males saw the vehicle and appeared nervous. Mr. [REDACTED] continued walking north and saw the shorter of the two males flee through the driveway between 7217 and 7221 S. Merrill Avenue. Mr. [REDACTED] stated that he saw another squad car through his peripheral vision, driving northbound on Merrill Avenue. The tall male fled southbound into the street, around a car parked in the street, holding his right side. Mr. [REDACTED] stated that there was a police officer that exited the vehicle, and he had his gun out. Mr. [REDACTED] heard two gunshots and stated that he saw the police officer fire the gun. Mr. [REDACTED] was unsure if the officer announced that he was police, but it was clear that he was a police officer because he was wearing a vest with police on it. Mr. [REDACTED] stated that he heard the offender say, "don't shoot me again"⁸⁷ while his hands were flat on the ground in the street. The offender then told the police that he had a gun on him, and the officer replied, "I know you do."⁸⁸ Mr. [REDACTED] stated that other police officers arrived and secured the scene. Mr. [REDACTED] added that when the offender ran towards the police officer, the officer shot two times and they were right on top of each other.⁸⁹

⁸⁵ Attachment, 72, 80, 81.

⁸⁶ Attachment 72. Officer Hernandez was about to exit his parked car when he heard two gunshots. He saw Mr. [REDACTED] run down the driveway and chased him. Then he saw Mr. [REDACTED] on the ground while PO Ramirez was ordering him to get on the ground. Page 49. Officer Ramirez saw the two offenders approach the passenger side of the Lexus. Saw shorter offender motioning at the Lexus. Decided to stop... Heard two gunshots, saw [REDACTED] running, pointed his weapon and ordered him to the ground. [REDACTED] dropped down to the ground and placed a black cell phone on the ground. Page 48. Officer Enahora saw Mr. [REDACTED] attempting to run and yelled to stop. Enahora heard Officer Bryant yell "get the fuck down." Enahora saw [REDACTED] "hands in his pocket and at that point Bryant shot two times at [REDACTED] was running with both hands in his pocket... continuing to try to run past herself and Bryant they approach [REDACTED]" Pages 50 & 84. Officer Bryant told detectives he yelled for [REDACTED] to get down on the ground, but [REDACTED] refused, and he saw [REDACTED] attempting to pull an object out of his pocket, which he thought was a gun. P. 46.

⁸⁷ Attachment 72, page 50. Mr. [REDACTED] was initially interviewed by one detective, subsequently interviewed by an Assistant States Attorney, then interviewed again and recorded by two detectives and ASA. Attachment 72, page 52

⁸⁸ Attachment 72, page 50.

⁸⁹ Attachment 72, page 51.

Detectives interviewed Mr. [REDACTED] while in the hospital. It was documented that Mr. [REDACTED] stated that he left school early and met his cousin "[REDACTED]" at his aunt's house.⁹¹ Mr. [REDACTED] stated that he and Mr. [REDACTED] decided to sell a phone and Mr. [REDACTED] told him he knew a guy who would buy one. Mr. [REDACTED] and Mr. [REDACTED] proceeded to 72nd and Merrill Avenue to meet with the guy to sell the phone.

Mr. [REDACTED] stated that a white male drove up in a black car. At this time, [REDACTED] had the phone in his possession. When the male exited his vehicle, Mr. [REDACTED] told Mr. [REDACTED] that he "wasn't feeling it, so we bounced."⁹² As the white male re-entered his vehicle, Mr. [REDACTED] and Mr. [REDACTED] walked away. As they were walking down the street, he saw a blue/black police SUV and he told Mr. [REDACTED] to run because he [Mr. [REDACTED] had a gun⁹³ in his pocket. Mr. [REDACTED] stated that if he and Mr. [REDACTED] separated, maybe the police would only catch Mr. [REDACTED] and therefore they ran in separate directions. Mr. [REDACTED] explained that while running, he saw another police vehicle, which he referred to as a "dick car." The police got out of the car and Mr. [REDACTED] added that they were wearing vests and badges. Mr. [REDACTED] ran on an angle towards an officer. He added that he and the officer would have collided if he did not "juke," which Mr. [REDACTED] described to be a "football move." Mr. [REDACTED] then heard two gunshots and he fell to the ground.

Mr. [REDACTED] stated that the officers asked him if he was in possession of anything, to which he stated, "I have a gun in my pocket." Mr. [REDACTED] later said that he yelled, "I have a gun in my pocket." He also stated that he threw the phone away when the police were chasing him. Mr. [REDACTED] added that he would have thrown the gun away too. Mr. [REDACTED] refused to talk further with detectives.⁹⁴

Detectives interviewed Mr. [REDACTED] at Area Central, in the presence of his mother, [REDACTED]. Mr. [REDACTED] stated that he was in the courtyard of his residence with Mr. [REDACTED]. Mr. [REDACTED] state that he was going to the gas station at 75th and Jeffrey when he saw a black Lexus with tinted windows pull up in front of the courtyard. Mr. [REDACTED] described the driver as a tall, fat, white male, with a badge clipped to his pants pocket. Mr. [REDACTED] stated the male asked if he had the phone. According to Mr. [REDACTED] he ignored the male. Mr. [REDACTED] told Mr. [REDACTED] that the guy was the police. Mr. [REDACTED] stated that he and Mr. [REDACTED] began to walk away. Mr. [REDACTED] then saw police cars coming from all directions and he ran one way, opposite of Mr. [REDACTED]. Mr. [REDACTED] saw a policeman draw his firearm and he heard the officer say, "freeze."⁹⁵ Mr. [REDACTED] stated that as he was running towards a backyard, he heard two gunshots. Mr. [REDACTED] stated that there were also police who arrested him. When he walked back to the scene, he saw that Mr. [REDACTED] was shot.⁹⁶

⁹⁰ Detectives video and audio recorded Mr. [REDACTED] interview. While conducting the interview, detectives attempted to view the recording but were unsuccessful.

⁹¹ Mr. [REDACTED] refused to provide detectives "[REDACTED]" real name, but Mr. [REDACTED] mother, [REDACTED] confirmed that "Ray" is [REDACTED].

⁹² Detective Supplementary Report, Attachment 72, page 41.

⁹³ Mr. [REDACTED] stated that the gun is a Taurus 9mm with a 12-round magazine.

⁹⁴ Attachment 72, pages 41-42.

⁹⁵ Attachment 72, Page 43.

⁹⁶ Attachment 72, Page 43.

VI. LEGAL STANDARD

For each Allegation, COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.⁹⁷ If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense.⁹⁸ 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.”⁹⁹

VII. ANALYSIS AND CONCLUSION

A. Use of Force

The Department’s “highest priority is the sanctity of human life.”¹⁰⁰ Members must act with the “foremost regard for the preservation of human life....”¹⁰¹ While recognizing members often must “make split-second decisions – in circumstances that are tense, uncertain, and rapidly evolving”¹⁰², use of force decisions are “judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene” without “the benefit of 20/20 hindsight.”¹⁰³

⁹⁷ 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).

⁹⁸ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁹⁹ *Id.* at ¶ 28.

¹⁰⁰ Use of Force General order G03-02 II.A (effective 10/16/2017 to 2/28/2020) (hereinafter the “Use of Force order”); see also Force Options G03-02-01 II.A (10/16/2017) (hereinafter the “Force Options order”).

¹⁰¹ Use of Force order II.A.

¹⁰² Use of Force order II.D.

¹⁰³ Use of Force order II.D.

Members are expected to regularly resolve confrontations without resorting to force or by using only the amount of force required.¹⁰⁴ Members may only use force that is (1) objectively reasonable, (2) necessary, and (3) proportional to ensure a person's safety, make an arrest, control a subject, or prevent escape.¹⁰⁵

1. "Objectively reasonable" force is based on the "totality of the circumstances faced by the officers on the scene."¹⁰⁶ Factors to consider include but are not limited to (a) "whether the subject is posing an imminent threat" (b) "the risk of harm, level of threat, or resistance presented by the subject" and (c) "the subject's proximity or access to weapons."¹⁰⁷
2. "Necessary" force is "only the amount of force required under the circumstances to serve a lawful purpose."¹⁰⁸
3. "Proportional" force is proportional to the "threat, actions, and level of resistance offered by a subject."¹⁰⁹

Use of force should be avoided if possible, as "[m]embers will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible...."¹¹⁰ This requires members to continually assess the situation and modify the use of force as circumstances change.¹¹¹

Department members must use de-escalation techniques, known as "principles of force mitigation," when it is safe and feasible. Those techniques include (1) "continual communication" (2) "tactical positioning" and (3) "time as a tactic".¹¹²

1. "Continual communication" is using verbal control techniques to avoid or minimize confrontations before resorting to physical force. This includes using persuasion, advice, instruction, and warning prior to any use of force and consider using a different member for assistance with a noncompliant individual;
2. "Tactical positioning" is using positioning, distance, and cover to contain an individual and create a zone of safety for officers and the public; and
3. "Time as a tactic" uses time to permit the de-escalation of an individual's emotions and allow the individual to comply with verbal direction, to allow for continued communication, and to allow for the arrival of additional members or special units and equipment.¹¹³

¹⁰⁴ See Force Options order II.D.

¹⁰⁵ See Use of Force order III.B. This is the same standard for using a firearm. Use of Force order G03-02-03 III.C.

¹⁰⁶ Use of Force order III.B.1.

¹⁰⁷ Use of Force order III.B.1(a)-(c)

¹⁰⁸ Use of Force order III.B.2.

¹⁰⁹ Use of Force order III.B.3. "This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly."

¹¹⁰ Use of Force order III.B.4; *see also* Firearms Discharge Incidents Involving Sworn Members G03-02-03 III.B; Force Options G03-02-01 II.B.

¹¹¹ Use of Force order III.B.4; *see also* Firearms Discharge Incidents Involving Sworn Members G03-02-03 III.B; Force Options order II.B.

¹¹² Force Options order III.A.-C.

¹¹³ See Force Options order III.A.-C.

The Department outlines the increasing number and severity of force options that are authorized when members face increasing levels of resistance or threats.¹¹⁴

B. Use of Deadly Force

Because the Department's highest priority is human life, officers must overcome a higher burden to use deadly force. "[t]he use of deadly force is a last resort permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm...."¹¹⁵ Use of deadly force is only authorized on an "assailant"¹¹⁶ whose "actions constitute an imminent threat of death or great bodily harm to a ... person."¹¹⁷

An imminent threat exists when it is "objectively reasonable" to believe: (1) a person's actions are "immediately likely to cause death or great bodily harm...unless action is taken" (2) the person has the "means or instruments" and (3) the person has the "opportunity and ability" to cause the death or great bodily harm.¹¹⁸

Even when a suspect may escape, is resisting or is fleeing, deadly force may not be used unless the person poses an imminent threat of death or great bodily harm.¹¹⁹ Even if an assailant is "using ...force ...that is likely to cause physical injury", is acting "aggressively offensive", and "is armed with a deadly weapon", deadly force is not permitted.¹²⁰ Not unless and until an assailant's "actions constitute an imminent threat of death or great bodily harm" is deadly force authorized.¹²¹

Before using deadly force, a member must identify themselves as a police officer whenever possible unless doing so would jeopardize safety or compromise an investigation.¹²²

C. Officer Shawn Bryant violated Department policy regarding the use of deadly force when he shot [REDACTED]

a. Officer Bryant was not facing an imminent threat.

The preponderance of the evidence shows Officer Bryant was not facing an imminent threat when he used deadly force by shooting at Mr. [REDACTED].¹²³ Officer Bryant described Mr. [REDACTED] as tugging at his pocket while running towards him looking like he was going to run into him. He also believed Mr. [REDACTED] ignored commands to get down. He interpreted Mr. [REDACTED] actions as

¹¹⁴ See Force Options order I.A. & IV. Before rising to the level of deadly force, the next level of force authorized on an assailant includes direct mechanical techniques, impact weapons and impact munitions.

¹¹⁵ Use of Force order III.C.3

¹¹⁶ Force Options order IV.C. Defining assailant as "a subject who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury."

¹¹⁷ Force Options order IV.C.2.

¹¹⁸ Use of Force order III.C.2.

¹¹⁹ See Use of Force order III.C.3.-4.

¹²⁰ See Force Options order IV.C.1.

¹²¹ Force Options order IV.C.2.

¹²² Use of Force order III.C.5.

¹²³ Officer Bryant used deadly force when he fired his firearm twice at Mr. [REDACTED] because he was firing "a firearm in the direction of the person...." Use of Force G03-02 III.C.1.a.

indicating he was going to get away at all costs. These actions coupled with his knowledge of recent armed robberies in the vicinity and believing this was another similar robbery set-up, caused Officer Bryant to feel like he or another officer was going to be shot.

Officer Enahora similarly said she felt Mr. [REDACTED] potentially had a weapon from the way Mr. [REDACTED] was moving his hand in his pocket and running without obeying commands, with the knowledge about recent aggravated robberies. COPA acknowledges that shooting at an officer is an imminent threat justifying the use deadly force. But the standard to use deadly force requires us to determine not what the officers say they feel is possible but objectively if a reasonable member on the scene would feel he or she was facing an imminent threat, or as in this case, going to be shot. This objective standard is based on the totality of the circumstances known by the member at the time but from the perspective of a reasonable member on the scene.

In determining if Mr. [REDACTED] was an imminent threat, we analyze objectively if (1) his actions were “immediately likely to cause death or great bodily harm...unless action is taken,” (2) he had the “means or instruments,” and (3) he had the “opportunity and ability” to cause the death or great bodily harm.¹²⁴ First, Mr. [REDACTED] actions were not “immediately likely to cause death or great bodily harm.”¹²⁵ The most compelling evidence is the undisputed evidence that Officer Bryant shot Mr. [REDACTED] in his rear by firing rapidly twice.¹²⁶ The location of the wound indicates at the time Officer Bryant used deadly force, he was facing Mr. [REDACTED] backside. Despite Officers Bryant and Enahora saying Mr. [REDACTED] was turning at the time he shot or was facing them, it’s more likely than not that Mr. [REDACTED] actions were of moving away or at least turned away from Officer Bryant.¹²⁷ Therefore, Mr. [REDACTED] was not in a position to shoot at Officer Bryant, and not “immediately likely” to cause death or great bodily harm. Furthermore, since it is more likely than not that Mr. [REDACTED] was moving away or turned away from Officer Bryant, it is not likely that he was going to use force by running into Officer Bryant, which would likely result in “great bodily harm.”

There is no evidence, nor does anyone even claim, that Mr. [REDACTED] actions were consistent with trying to shoot Officer Bryant or Enahora. There is no indication Mr. [REDACTED] was manipulating a firearm in a way that could shoot Officer Bryant or Enahora. For example, no one describes him as trying to manipulate the firearm so that he could shoot them while it was still in his pocket or pulling a firearm out of a pocket and pointing it consistent with preparing to fire it in their direction. There is no evidence that Mr. [REDACTED] was even attempting to point a firearm at the officers. Instead, Officers Bryant and Enahora at most describe Mr. [REDACTED] as trying to pull a purported weapon out of his pocket, which is consistent with the fact that the firearm was still in his pocket after he was shot. The location of the firearm in Mr. [REDACTED] pocket and Mr. [REDACTED]

¹²⁴ Use of Force order III.C.2.

¹²⁵ Use of Force order III.C.2.

¹²⁶ The bullet was lodged anterior to Mr. [REDACTED] bladder.

¹²⁷ Officer Bryant additionally said that he could still see Mr. [REDACTED] left side as if Mr. [REDACTED] was facing him at the time of the shooting. COPA finds that the officers’ description of Mr. [REDACTED] as facing him at the time of the shooting is not credible and self-serving to increase the apparent threat. Mr. [REDACTED] in his ERI described Officer Bryant as turning and running three feet before firing on Mr. [REDACTED] In the detective file, Mr. [REDACTED] describes Mr. [REDACTED] as running around a parked car before getting shot but added Mr. [REDACTED] and Officer Bryant” were right on top of each other.” Mr. [REDACTED] himself said he did a football move around Officer Bryant.

actions of tugging at his jacket or moving his hand in his pocket are not “immediately likely” to cause death or bodily harm unless and until more action was taken.

On one hand, the evidence is sufficient that these officers were in the area where in the last week people had been shot during attempted robberies. They in fact had participated in an unsuccessful sting to set up another robbery. In addition, there is sufficient evidence that Mr. [REDACTED] had something under his clothes. Mr. [REDACTED] the postal worker, saw Mr. [REDACTED] clutching his shirt or his pants or holding the right side of his body. Both Officers Bryant and Enahora saw Mr. [REDACTED] tugging at his jacket or moving his hand in a pocket.¹²⁸

But at the time Officer Bryant used deadly force, there is insufficient evidence to objectively determine that Mr. [REDACTED] had the means or instruments, in this case a firearm, to cause death or great bodily harm. The description of the prior robbery suspects was too vague to identify the suspects – two black males, one taller than the other. At the time, the officers did not have any evidence that there had been a planned sale of a cell phone sale for cash, matching the set-up of the other robberies. No officer saw any interaction between Mr. [REDACTED] and the Lexus. At most, one officer observed Mr. Cheney flailing his arms as if he said something to the Lexus occupant. No one had seen Mr. [REDACTED] display a gun. Officer Bryant said he believed Mr. [REDACTED] had a firearm based to the way Mr. [REDACTED] was tugging on his jacket as he fled police. But it is just as likely to have been contraband that Mr. [REDACTED] wanted to abandon, and Officer Bryant even said this happens in his experience. Just as likely, Mr. [REDACTED] could have been holding his side or his pocket so he would not drop something as he ran. Further, the officers expected if this was a robbery for the suspects to flee – and flee south.

Third, we must determine if it is objectively reasonable to believe Mr. [REDACTED] had the “opportunity and ability” to cause the death or great bodily harm.¹²⁹ Here, Mr. [REDACTED] was not able to pull anything out of his pocket prior to being shot, despite the officers’ perceptions that he was trying to do so. Therefore, at the moment of Officer Bryant’s discharge Mr. [REDACTED] did not have the opportunity and ability to cause death or great bodily harm.

Officer Bryant was not facing an imminent threat from Mr. [REDACTED] actions, he was therefore not permitted to use deadly force.¹³⁰ For these reasons, COPA finds that Allegation #1 against Officer Bryant is **SUSTAINED**.

¹²⁸ Officer Enahora described Mr. [REDACTED] as moving his hand in his pocket. Officer Bryant described Mr. [REDACTED] as pulling, jarring, tugging, or moving his hand or pocket. Per the detective file, Mr. [REDACTED] said Mr. [REDACTED] was holding his right side, per the ERI Mr. [REDACTED] said Mr. [REDACTED] was clutching his shirt or pants.

¹²⁹ Use of Force order III.C.2.

¹³⁰ In addition to the requirements for the use of deadly force specifically, COPA finds that the force Officer Bryant used was not (1) objectively reasonable, (2) necessary, and (3) proportional to ensure a person’s safety. (1) Here under the “totality of the circumstances faced by the officers on the scene”, it was not objectively reasonable for Officer Bryant to shoot Mr. [REDACTED] when he is running with his hand in his pocket without any weapon displayed or threatened. (2) The use of deadly force, discharging a firearm at Mr. [REDACTED] was not necessary to serve a lawful purpose; while the officers wanted to stop Mr. [REDACTED] there is not sufficient evidence to suggest there was not another way to achieve this stop or that there would even be a lawful basis to stop Mr. [REDACTED] (3) Officer Bryant’s use of deadly force was not proportional to Mr. [REDACTED] actions of at most resisting the officers’ commands to get down and lack of force as he fled.

b. When Officer Bryant shot Mr. ██████ it was not his last resort

The preponderance of evidence shows Officer Bryant did not have to discharge his firearm at Mr. ██████ as a “last resort” to stop an imminent threat. Deadly force may only be used as “a last resort” when necessary to prevent death or great bodily harm from an imminent threat.¹³¹

Here, Mr. ██████ was running while tugging at his jacket or moving his hand in his pocket possibly within arms’ reach of Officer Bryant. The evidence is in dispute if he was coming towards Officer Bryant or Officer Enahora when Officer Bryant discharged his firearm.¹³² But the physical evidence, Mr. ██████ being shot in the rear, is most persuasive in showing the location of Mr. ██████ when Officer Bryant shot him. Further, even if it was reasonable to think Mr. ██████ was going to run into Officer Bryant, this does not rise to the level of force to respond as a last resort with deadly force.

Further, it was not objectively reasonable for Officer Bryant to ignore his obligation to use de-escalation techniques instead of deadly force. Here Officer Bryant immediately exits the vehicle and moves towards Mr. ██████. Officer Bryant failed to consider tactical positioning despite available options. The officer vehicle is in the middle of the street and there is a blue truck northeast of it, adjacent to lawns and houses nearby. There is no indication why it would not have been objectively reasonable to first seek cover. Officer Bryant indicated that because of the proximity to Mr. ██████ he risked harming himself if he used a Taser.¹³³ But the evidence is insufficient to explain why it would not have been objectively reasonable to increase the space between Mr. ██████ and the officers or wait a few seconds to use the taser.

Police are supposed to announce themselves before using deadly force. No one has indicated that Officer Bryant identified himself as a police officer prior to using deadly force. Mr. ██████ did not know if any officer announced police; but he did hear two gunshots. But it is more likely than not that the officers made it clear to Mr. ██████ they were police, which is the reasoning behind the general preference to identify themselves as police. Here both officers indicated Officer Bryant announced to get down with his weapon drawn and pointed. The officers and Mr. ██████ indicated Officer Bryant was wearing his police vest and badge that identified himself as police. Additionally, two other officers had chased Mr. Cheney on foot. In addition, the officers describe Mr. ██████ and Mr. Cheney as appearing to run when they realize police vehicles are approaching.

For these reasons, COPA finds Allegation #1 against Officer Bryant is **SUSTAINED**.

D. Officer Bryant violated Department policy when he underloaded his firearm.

¹³¹ Use of Force order III.C.3.

¹³² Mr. ██████ the postal worker, was interviewed at least three times about what happened. He said Mr. ██████ ran in the direction of the officer, angling towards the street and he ran around a parked car. It appeared that Mr. ██████ and the officer passed each other, then the officer turned, ran approximately 3 feet, and discharged his firearm twice at Mr. ██████. Mr. ██████ also said and when the officer shot, they were right on top of each other. Mr. ██████ said he did a football move around Officer Bryant. See also **FN 136** above.

¹³³ Taser Use Incidents General Order G03-02-04 III.B. Authorized Manner of Use. “A member who is discharging a Taser device will, when possible: discharge probes when the member is within 18 feet of the subject (and ideally when the member is within 7 to 15 feet of the subject).” (effective October 16, 2017 to February 28, 2020)

A preponderance of the evidence supports that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Shawn Bryant failed to fully load his firearm in violation of Department policy. The Department¹³⁴ requires firearms to be fully loaded. When Officer Bryant's firearm was processed, he had one live round in the chamber and fourteen live rounds in the magazine. The magazine capacity was nineteen rounds. Officer Bryant admitted he did not fully load his weapon after going to the range earlier in the day and had two live rounds in his pocket. For these reasons, COPA finds Allegation #2 against Officer Bryant is **SUSTAINED**.

E. Officers Bryant, Enahora and Ramirez violated Department policy when they did not activate their BWC for this law-enforcement-related encounter.

The BWC policy notes that BWCs can improve the quality and reliability of investigations and increase transparency.¹³⁵ The decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary.¹³⁶

Under the BWC policy, the officer will activate the BWC at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. Law-enforcement-related activities include but are not limited to investigatory stops, foot and vehicle pursuits, use of force incidents, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical. Additionally, upon initiating a recording, members will announce to the person that they intend to record and that their BWC has been activated.

A preponderance of the evidence supports that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Shawn Bryant failed to activate his body worn camera in a timely manner. Officer Bryant's BWC starts when he is handcuffing Mr. [REDACTED]. Officer Bryant said he didn't remember if he activated his BWC but when he realized it wasn't on, he activated it. He said he understood it had to be turned on when making investigatory stops. He explained that the situation was rapidly evolving, he was more concentrated on Mr. [REDACTED] and had not had the BWC that long. Officers Bryant and Enahora planned to join Officers Hernandez and Jimenez in initiating an investigatory stop. The attempted investigatory stop resulted in a brief pursuit and use of force, all of which are law-enforcement related activities. Therefore, a preponderance of the evidence supports that Officer Bryant violated policy by not activating his BWC prior to initiating the investigatory stop. For these reasons, COPA finds Allegation #3 against Officer Bryant is **SUSTAINED**.

A preponderance of the evidence supports that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Shalaine Enahora failed to activate his body worn camera in a timely manner. Officer Enahora's BWC starts with her manipulating the firearm taken from Mr. [REDACTED]. Officer Enahora stated that after she retrieved and secured the firearm, it occurred to her to activate

¹³⁴ Uniform and Property U04-02 II. N. (effective June 2, 2017)

¹³⁵ Body Worn Cameras Special Order S03-14 II.A.

¹³⁶ Body Worn Cameras Special Order S03-14 II.A.

her BWC. Officer Enahora explained that she did not intentionally fail to activate her BWC in a timely manner. She explained that the events evolved very rapidly. Officers Enahora and Bryant planned to join Officers Hernandez and Jimenez in initiating an investigatory stop. The attempted investigatory stop resulted in a brief pursuit and use of force, all of which are law-enforcement related activities. Therefore, a preponderance of the evidence supports that Officer Enahora violated policy by not activating her BWC prior to initiating the investigatory stop. For these reasons, COPA finds Allegation #1 against Officer Enahora **SUSTAINED**.

A preponderance of the evidence supports that on March 9, 2018, while in the area of 7221 S. Merrill Avenue, Officer Victor Ramirez failed to activate his BWC in a timely manner. Officer Ramirez's BWC starts when he is walking up the driveway after Mr. Cheney is handcuffed. According to Officer Ramirez, he believed he attempted to activate his camera initially when he heard the shots. He said when he was walking through the driveway, he checked his BWC. He realized it was not activated and activated it. Officer Ramirez and Hernandez indicated a decision to initiate an investigatory stop. This attempted investigatory stop, resulted in a brief pursuit and use of force, all of which are law-enforcement related activities. Therefore, a preponderance of the evidence supports that Officer Ramirez violated policy by not activating his BWC prior to initiating the investigatory stop. For these reasons, COPA finds Allegation #1 against Officer Ramirez is **SUSTAINED**.

In this case, the officers have decided to make a stop when they announce to go in after surveilling potential armed robbery suspects. Besides announcing they were going to be performing an investigatory stop, they also thought if they were the robbery suspects that they would flee, both situations triggering the BWC activation requirement. Earlier activation of their BWCs would have improved the quality and reliability of the investigation. Moreover, earlier activation was practicable.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Victor Ramirez

i. Complimentary and Disciplinary History

Officer Ramirez has received 204 various awards and has no discipline in the last 5-years.¹³⁷

ii. Recommended Penalty

Here, by his own admission, Officer Ramirez was aware that he would be engaging in high-risk law enforcement activity. Additionally, it is undisputable that Officer Ramirez failed to timely activate his body worn camera. It is for these reasons, and in consideration of Officer Ramirez's disciplinary and complimentary history, COPA recommends Officer Ramirez receive a **5-day suspension**.

¹³⁷ Att. 94, pgs. 1 to 4.

a. Officer Shalaine Enahora**iii. Complimentary and Disciplinary History**

Officer Ramirez has received 58 various awards and has received one reprimand for a preventable accident in July of 2020.¹³⁸

iv. Recommended Penalty

Here, by her own admission, Officer Enahora was aware that she would be engaging in high-risk law enforcement activity. Additionally, it is undisputable that Officer Enahora failed to timely activate her body worn camera. It is for these reasons, and in consideration of Officer Enahora's disciplinary and complimentary history, COPA recommends Officer Enahora receive a **5-day suspension**.

b. Officer Shawn Bryant**i. Complimentary and Disciplinary History**

Officer Bryant has received 82 various awards and has received one reprimand for a preventable accident in July of 2020.¹³⁹

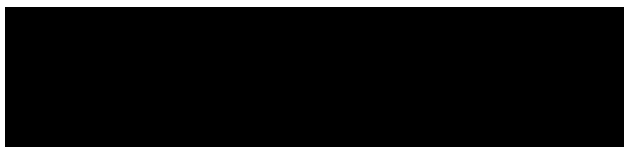
ii. Recommended Penalty

The use of deadly force has significant consequences and should only be used as last resort. In this instance, COPA finds that Officer Bryant's decision to discharge his weapon at [REDACTED] was in violation of Department policy. Officer Bryant's decision to discharge his weapon, as discussed above, was based on speculation on what [REDACTED] *might* be in possession of or *might* do. Mere speculation not based in objective facts that [REDACTED] was armed and/or present an imminent threat is not a reasonable justification for any police officer to discharge a weapon. [REDACTED] at no point, presented as an imminent threat to any person. COPA found grave concerns with Officer Bryant's ability to properly understand the limits on when deadly force can be used and how to properly assess if the deadly force is appropriate. It is for these reasons, and in consideration of Officer Bryant's disciplinary and complimentary history, COPA recommends Officer Bryant be **separated from the Department**.

¹³⁸ Att. 94, pgs. 5 to 8.

¹³⁹ Att. 94, pgs. 9 to 12.

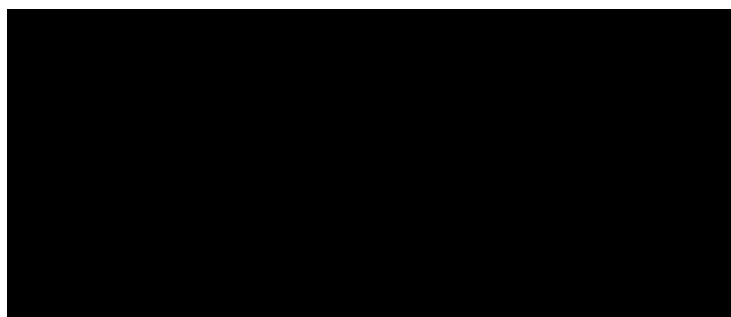
Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

8/29/2022

Date



Andrea Kersten
Chief Administrator

8/29/2022

Date