

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	April 11, 2018
Time of Incident:	6:42 pm
Location of Incident:	████████████████████ Chicago, IL
Date of COPA Notification:	April 11, 2018
Time of COPA Notification:	7:15 pm

On April 11, 2018, at approximately 6:40 pm, Sergeant Joseph Menoni (Sgt. Menoni) heard a radio call from Beat 1265A reporting a possible hostage situation at ██████████ Sgt. Menoni responded to the scene and entered the first floor of the residence, where he observed several armed security officers<sup>1</sup> standing at the top of the stairs leading to the basement. One of the security officers informed Sgt. Menoni that a male subject, now identified as ██████████ (██████████) was holding a female hostage at gunpoint in the basement. As Sgt. Menoni was confirming the hostage situation over his radio, ██████████ discharged his weapon once, striking the basement wall at the bottom of the stairs. Sgt. Menoni immediately drew his weapon and descended the stairs, followed by four security officers.

When Sgt. Menoni reached the basement, he observed the female victim, now identified as ██████████ (██████████) lying on the floor in the hallway. Only the top half of her body was visible, and it appeared as if ██████████ was dragging her into a bathroom by her legs or feet. Sgt. Menoni advanced toward the bathroom, giving verbal commands to ██████████ to exit the bathroom and get down on the ground. When Sgt. Menoni reached the bathroom doorway, he observed ██████████ crouched in the bathtub and ██████████ lying on the bathroom floor. Sgt. Menoni and ██████████ made eye contact, and ██████████ raised a black handgun from his right side and pointed it at Sgt. Menoni. Sgt. Menoni discharged his weapon once, then entered the bathroom and fired three more times, striking ██████████ in the lower abdomen and both thighs. The evidence shows that ██████████ also discharged his weapon, striking ██████████ underneath the right armpit.<sup>2</sup> A black and silver Glock Model 26, 9mm semi-automatic pistol was recovered from the scene. COPA’s investigation shows that Sgt. Menoni reasonably believed that ██████████ posed an imminent threat of death or great bodily harm, and his use of deadly force was justified.

**II. INVOLVED PARTIES**

Involved Sergeant #1:	MENONI, Joseph; Star #995; Employee #██████████; Date of Appointment: September 30, 2002; Chicago Police Sergeant; Unit 012; Date of Birth: ██████████ 1973; Male; White.
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<sup>1</sup> These security officers guard the Chicago Housing Authority (CHA) and mixed-income properties that are located adjacent to ██████████. On the date of the incident, the security officers responded to ██████████ after one of the home’s residents alerted them to the hostage situation.

<sup>2</sup> ██████████ also sustained a through-and-through gunshot wound to the right arm.

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Individual #1:	██████████	Date of Birth: ██████████, 1998;
		Male; Hispanic.

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### III. ALLEGATIONS

COPA is notified whenever a CPD member discharges his or her firearm in a manner that could potentially strike another individual,<sup>3</sup> and this investigation was initiated pursuant to such notification. Based on COPA's investigation and review of the available evidence, no allegations were served on Sgt. Menoni.

### IV. APPLICABLE RULES AND LAWS

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#### General Orders

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1. G03-02, Use of Force (Effective Date: October 16, 2017)
  2. G03-02-01, Force Options (Effective Date: October 16, 2017)
  3. G03-02-03, Firearms Discharge Incidents Involving Sworn Members (Effective Date: October 16, 2017)
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### V. INVESTIGATION<sup>4</sup>

#### a. Police Officer and Security Officer Interviews

##### **Sgt. Joseph Menoni**

In a **statement to COPA on April 30, 2018, Sgt. Joseph Menoni #995<sup>5</sup>** stated that on the date and time of the incident, he was on duty, in uniform, and assigned to Beat 1230. He was in his vehicle at approximately 300 S. Damen when he heard Beat 1265A make a radio call reporting a hostage situation at ██████████. Sgt. Menoni immediately responded to the location and parked his vehicle on Washington, alongside Beat 1265A's unoccupied vehicle. He did not see either member of Beat 1265A until after the incident. When Sgt. Menoni exited his vehicle, a uniformed security officer waved him to the front door of the residence, which was open. Sgt. Menoni entered the first-floor apartment and observed three or four security officers standing at the top of the stairs leading to the basement. At least two of them had their weapons drawn and pointed down the stairs. Sgt. Menoni heard them yelling verbal commands to the effect of, "Let her go. Hey man, just give us [the] gun, give us the girl."<sup>6</sup> One of the security officers informed Sgt. Menoni that there was an armed subject holding a woman hostage in the basement. Sgt. Menoni made a radio call confirming that there was a hostage situation and requesting that the

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<sup>3</sup> See MUNICIPAL CODE OF CHICAGO § 2-78-120(c) (2016).

<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material and relevant evidence gathered and relied upon in our analysis.

<sup>5</sup> Atts. 74, 99.

<sup>6</sup> Att. 99, pg. 13, lines 3-4.

Hostage Barricade Team (HBT) respond. While Sgt. Menoni was on his radio, approximately 20-30 seconds after he entered the residence, he heard a gunshot coming from the basement. He could not see either the male subject, now identified as ██████████ or the female victim, now identified as ██████████ at the time of the gunshot.

Sgt. Menoni stepped in front of the security officers, drew his weapon, and descended the stairs into the basement. At the time, he did not realize that the security officers followed him down the stairs. Sgt. Menoni stated the basement was completely dark and he used his flashlight to clear the basement living room as he descended the stairs. Once he reached the bottom of the stairs, he looked to his left and saw ██████████ in a hallway at the other end of the basement. She was lying on the floor and only her head and shoulders were visible in the hallway. The lower half of ██████████ body was inside of a room off the hallway, now known to be a bathroom. Sgt. Menoni activated his body worn camera and started to approach the bathroom, “and then I observed her get snatched. Like her body just slid[] back in the bathroom as though somebody were pulling her.”<sup>7</sup> Sgt. Menoni continued to advance toward the bathroom, but he could not recall what, if anything, he said or heard after he entered the basement.

When Sgt. Menoni reached the bathroom doorway, he saw ██████████ lying on the floor inside. Her legs were crumpled up against the bathroom wall and her head was closer to the door. Initially, Sgt. Menoni could not see ██████████ but he realized he had to clear the entire doorway to see into the back corner of the bathroom. Sgt. Menoni leaned his head forward and peered around the corner, trying to present the smallest possible target to ██████████. At that point, Sgt. Menoni observed ██████████ in a semi-crouched position in the far corner of the bathtub. They made eye contact, and ██████████ immediately raised a black handgun from his right side, extended his right arm from the lip of the bathtub upwards, and pointed the weapon at Sgt. Menoni. Sgt. Menoni recalled, “It looked like [the gun] was pointed right at my face...I thought I was going to get shot in the face and I fired my weapon once at that point, and then moved my body further into the bathroom and fired three more shots.”<sup>8</sup> Sgt. Menoni was approximately four to six feet away from ██████████ when he fired all four shots, and ██████████ was on the bathroom floor, approximately 18 inches away from ██████████. Sgt. Menoni did not believe any of his shots struck ██████████ but he did not see ██████████ fire his weapon or hear any gunshots that he did not recognize as his own.

As Sgt. Menoni discharged his weapon, he saw ██████████ collapse into the bathtub, and he heard ██████████ gun hit the tile floor in front of the bathtub. Sgt. Menoni immediately jumped on ██████████ and secured him in handcuffs, then called out “shots fired by police” over his radio. He also reported that ██████████ was in custody and required medical attention. By the time Sgt. Menoni turned around, ██████████ was no longer in the bathroom. He later found out she had been shot. Approximately ten minutes after the shooting, a detective escorted Sgt. Menoni out of the residence. He was transported via ambulance to Rush University Medical Center, where he was examined for possible damage to his right eardrum and released the same night.

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<sup>7</sup> Att. 99, pg. 18, lines 4-6.

<sup>8</sup> Att. 99, pg. 21, lines 18-23.

## AGB Security Officer ██████████

In a statement to COPA on April 24, 2018, ██████████ stated he is an armed security officer for AGB Investigative Services. According to ██████████ AGB is subcontracted by the Chicago Housing Authority (CHA) to provide security for the CHA and mixed-income properties bordered by Damen to the east, Oakley to the west, Washington to the south, and Lake to the north. On the date and time of the incident, ██████████ stated that another AGB security officer requested backup at ██████████ following an attempted home invasion at that location. When ██████████ arrived, he learned that an unknown male subject, now identified as ██████████ attempted to enter the home but the resident scared him away. ██████████ then ran into the rear door of ██████████, pointed a gun at the home's occupants, exited the front door, and ran eastbound across Hoyne. ██████████ called for backup and additional security officers arrived to canvass for ██████████

Approximately five minutes later, a black male, now identified as ██████████, ran up to ██████████ and two other security officers and asked for help. ██████████ led the security officers down the alley north of Washington, where he pointed to the back of ██████████. ██████████ instructed the other two security officers to go around to the front of the house and make sure no one came out, and ██████████ led ██████████ to the rear door of the home. As ██████████ flung open the door, ██████████ observed a black male in boxer shorts, now identified as ██████████ run from the kitchen into another room. At the same time, ██████████ saw ██████████ on her knees in the kitchen. ██████████ was standing next to her, holding a black handgun to her head. ██████████ drew his weapon and took protective cover as ██████████ took ██████████ around a wall and out of ██████████ line of sight. ██████████ told ██████████ to drop his weapon and show him his hands, and ██████████ repeatedly responded, "I'm going to kill her. I'm going to kill her."<sup>11</sup> ██████████ used his radio to report that there was a hostage situation and an active shooter at his location, then he advanced into the first floor of the residence. He heard ██████████ screaming in the basement and he positioned himself at the top of the stairs, yelling to ██████████ "Let me see your hands. Drop your gun."<sup>12</sup>

Approximately one to two minutes later, Sgt. Menoni entered the front door of the residence. ██████████ informed him that an armed subject was holding a victim hostage in the basement. Sgt. Menoni said something on his radio and, as soon as he finished speaking, ██████████ heard a gunshot and saw a muzzle flash in the basement. He stated that the basement was too dark for him to see who fired the gunshot, but he assumed that ██████████ had just shot ██████████. Sgt. Menoni drew his weapon and descended the stairs into the basement, and ██████████ followed him. Sgt. Menoni announced his office and yelled, "All you guys put your hands up. Put your hands up."<sup>13</sup> ██████████ stated that ██████████ was lying on the floor in the basement, and he saw ██████████ pull her into another room, now known to be a bathroom. Sgt. Menoni advanced toward the bathroom. ██████████ followed him, though he could not recall at what distance. ██████████ stated that he saw Sgt. Menoni turn, and "whatever he sees in the [bath]room at that time, because I

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<sup>9</sup> Atts. 60, 96.

<sup>10</sup> At the time of the incident, ██████████ resided at ██████████ with three roommates: ██████████ and ██████████

<sup>11</sup> Att. 96, pg. 14, lines 10-11.

<sup>12</sup> Att. 96, pg. 20, lines 6-7.

<sup>13</sup> Att. 96, pg. 21, lines 12-13.

wasn't that close to see what's going on, he lets off two shots."<sup>14</sup> When [REDACTED] approached, he saw [REDACTED] lying on the floor of the bathroom and [REDACTED] in the bathtub. His view was partially obstructed, and he could only see [REDACTED] head and shoulders. [REDACTED] and Sgt. Menoni yelled for [REDACTED] to show them his hands, but [REDACTED] did not comply. [REDACTED] saw Sgt. Menoni discharge his weapon two more times from inside the bathroom, and [REDACTED] fall in the bathtub.

After the shooting, [REDACTED] grabbed [REDACTED] and pulled her out of the bathroom, and he assisted Sgt. Menoni in pulling a handcuffed [REDACTED] out of the bathtub. He observed [REDACTED] weapon on the floor in the bathroom and instructed the other security officers to secure the weapon, which one of them did with his foot. [REDACTED] then returned to the first floor of the residence as responding CPD units entered the basement. He stated that he did not discharge his weapon during the incident.

### AGB Security Officer [REDACTED]

In a statement to COPA on April 27, 2018, [REDACTED] [REDACTED] stated he is an armed security officer for AGB Investigative Services. At approximately 4:30 pm on April 11, 2018, [REDACTED] heard a radio call requesting assistance near Hoyne and Washington. The radio transmissions indicated that AGB security officers were engaged in a foot pursuit of a robbery suspect, now identified as [REDACTED]. By the time [REDACTED] arrived at the scene, the security officers involved in the pursuit had lost sight of [REDACTED] and his two partners left the scene, but approximately five to ten minutes later, [REDACTED] requested that they return, stating that [REDACTED] had entered a residence near Hoyne and Washington and taken a hostage.

When [REDACTED] returned, he observed two CPD officers holding [REDACTED] on the ground in the alley north of Washington. A security officer standing at the rear door of [REDACTED] told [REDACTED] that [REDACTED] was inside, and [REDACTED] could hear [REDACTED] giving verbal commands to [REDACTED] to "put the weapon down" and "let her go."<sup>16</sup> [REDACTED] entered the residence and observed [REDACTED] standing at the top of the stairs leading to the basement. There were no CPD officers inside the house, and [REDACTED] could not see [REDACTED] or [REDACTED]. Shortly thereafter, Sgt. Menoni entered the front door of the residence, and the security officers explained the situation to him. As Sgt. Menoni was radioing it in, [REDACTED] heard a gunshot coming from the basement. [REDACTED] followed Sgt. Menoni and [REDACTED] down the stairs, drawing his weapon as he descended.

When [REDACTED] entered the basement, he saw [REDACTED] "had his weapon in his hand, still drawing on [REDACTED] and he had his other hand trying to pull her into the washroom."<sup>17</sup> Sgt. Menoni announced his office and gave [REDACTED] numerous verbal commands, telling him to drop his weapon and come out. [REDACTED] released his grip on [REDACTED] who was balled up in the fetal position on the floor, and went into the bathroom with his weapon in his hand. [REDACTED] saw Sgt. Menoni peer into the bathroom and heard a gunshot. He could not see [REDACTED] at the time of the gunshot and could not tell if Sgt. Menoni or [REDACTED] fired the shot. [REDACTED] pulled [REDACTED] out of the bathroom to remove her from the line of fire, at which point Sgt. Menoni yelled, "Let me see your

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<sup>14</sup> Att. 96, pg. 26, lines 3-5.

<sup>15</sup> Att. 71.

<sup>16</sup> Att. 71 at 9:31.

<sup>17</sup> Att. 71 at 16:48.

hands,”<sup>18</sup> and discharged his weapon three times from inside the bathroom. ██████ could not see ██████ at the time Sgt. Menoni fired.

After the shooting, ██████ went into the bathroom and observed ██████ lying in the bathtub. As he reached over to give his handcuffs to Sgt. Menoni, ██████ saw a Glock Model 26, 9mm semi-automatic pistol on the floor in the middle of the bathroom. He used his foot to move the weapon into the hallway and out of the way. He stated he did not discharge his weapon during the incident.

### AGB Security Officer ██████

In a statement to COPA on April 24, 2018, ██████ ██████ stated he is an armed security officer for AGB Investigative Services. On the date and time of the incident, he heard ██████ make a radio call of a person with a gun near the location where the officer-involved shooting would later occur. He responded to the location with ██████ and another security officer, but they did not see ██████ and his partners returned to AGB’s office at 125 N. Damen, where ██████ heard a second radio call from ██████ stating that ██████ was at ██████ ██████ immediately responded to the scene and, as he approached the rear of the house, he ran past two CPD officers detaining ██████ on the ground.

██████ stated that ██████ met him at the rear door, wearing only his underwear, and reported that ██████ was inside. ██████ entered the residence and saw ██████ standing at the top of the stairs leading to the basement. Both ██████ and ██████ gave verbal commands to ██████ to come out with his hands up, but ██████ did not respond. Less than five minutes later, Sgt. Menoni entered the residence. ██████ gave him a quick synopsis of the situation. While they were talking, ██████ heard a gunshot coming from the basement. He drew his weapon and followed Sgt. Menoni and ██████ down the stairs. When they entered the basement, Sgt. Menoni announced his office and gave ██████ verbal commands to drop the weapon. ██████ heard one or two gunshots, but the basement was dark and he did not see who fired the shot(s). He then saw Sgt. Menoni advance into the bathroom and heard him discharge his weapon at least two times.<sup>20</sup> ██████ was approximately 8-15 feet behind Sgt. Menoni and could not see ██████ when the shots were fired. During a lull in the shooting, ██████ crawled out of the bathroom, and ██████ grabbed her and pulled her out of harm’s way.

After the shooting, ██████ observed ██████ lying face-down in the bathtub, and a matte-black Glock pistol on the ground in between the hallway and the bathroom. He briefly secured the weapon with his boot before responding CPD officers arrived. He did not discharge his weapon during the incident.

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<sup>18</sup> Att. 71 at 19:23.

<sup>19</sup> Att. 66.

<sup>20</sup> During ██████ statement to detectives, he related that he saw at least four muzzle flashes coming from Sgt. Menoni’s weapon. Att. 140, pg. 43.

**AGB Security Lieutenant [REDACTED]**

In a statement to COPA on April 24, 2018, [REDACTED] stated he is an armed security lieutenant for AGB Investigative Services. On the date and time of the incident, [REDACTED] was in AGB's office at 125 N. Damen when he heard a radio call from [REDACTED] stating there was an active shooter and a hostage situation at [REDACTED] responded to the scene with [REDACTED] and [REDACTED] where he observed CPD officers holding [REDACTED] on the ground in the rear of the residence. He bypassed the officers and spoke with [REDACTED] who met him at the rear door wearing only his underwear and a t-shirt. [REDACTED] told [REDACTED] that he lived in the residence and the hostage situation was inside. [REDACTED] proceeded inside with his weapon drawn, and he saw [REDACTED] at the top of the stairs, giving verbal commands. He could not see [REDACTED] or [REDACTED] but he heard [REDACTED] screaming in the basement.

[REDACTED] stated that Sgt. Menoni entered the house a couple of minutes later. Within seconds of his arrival, [REDACTED] heard a gunshot coming from the basement. Sgt. Menoni and the security officers informed their respective dispatchers of "shots fired," then Sgt. Menoni positioned himself in front of [REDACTED] and descended the stairs into the basement. [REDACTED] was behind Sgt. Menoni, [REDACTED] and [REDACTED] and by the time [REDACTED] reached the basement, Sgt. Menoni was already in the bathroom. [REDACTED] heard four rapid-fire gunshots, followed by yelling and commands to "give up the gun, give up the gun, give up the gun."<sup>22</sup> He could not see who fired any of the gunshots. [REDACTED] did not fire his weapon during the incident, nor did any of the other AGB security officers involved in the incident.

**Detective Michael Boeykens**

In a statement to COPA on May 21, 2018, Detective Michael Boeykens #20363<sup>23</sup> stated that on the date and time of the incident, he was working voluntary special employment for CHA security, assigned to Beat 1265A. Det. Boeykens and his partner, Det. Leonard Muscolino, were responsible for patrolling and responding to 911 calls in the Westhaven Park neighborhood, which includes the area near Hoyne and Washington. During their tour of duty, the detectives were dispatched to check on the well-being of a person at [REDACTED]. The 911 caller reported that he was concerned about his friend at that location, who kept hanging up on him. When Dets. Boeykens and Muscolino arrived at the residence, they knocked on the front door, rang the doorbell, and banged on the windows, but no one answered. Det. Boeykens stated that two or three security officers approached them, apparently regarding the same well-being check. As they were standing in front of the residence, the security officers heard radio reports of an armed subject with a hostage in the rear of the home. Det. Boeykens reported a potential hostage situation over his radio, then proceeded around to the back.

As Dets. Boeykens and Muscolino approached the rear of the residence, [REDACTED] ran towards them with an unknown black object in his hand. The detectives told [REDACTED] to get on the ground, at which point they realized he was only holding a cell phone. [REDACTED] stated that he made the 911 call requesting the well-being check, and a man with a gun was holding his friends hostage

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<sup>21</sup> Att. 63.

<sup>22</sup> Att. 63 at 11:37.

<sup>23</sup> Att. 105. Det. Boeykens is now retired from CPD.

inside his house. Det. Boeykens released [REDACTED] and told him to take cover, then ran toward the rear of the residence. When he reached the rear yard, he heard a single gunshot. Det. Boeykens did not have a clear view inside the house, and he did not see who fired the shot. Less than a minute later, he heard at least two more gunshots, followed by radio transmissions indicating that [REDACTED] and [REDACTED] were both shot, and [REDACTED] was in custody.

### Detective Leonard Muscolino

In a statement to COPA on May 15, 2018, Detective Leonard Muscolino #21286<sup>24</sup> related essentially the same information as Det. Boeykens, with the following additional information: Det. Muscolino stated that after he and Det. Boeykens released [REDACTED] he ran onto the rear first-floor porch of [REDACTED]. He looked through the rear door and observed multiple security officers inside the residence, but he did not go inside. Det. Muscolino heard a commotion, followed by a single gunshot, and he called out “shots fired” over his radio. He heard radio transmissions indicating that [REDACTED] might be running out the side or rear doors, so he took protective cover behind the building and watched the exits. A couple of minutes later, Det. Muscolino heard three to four additional gunshots.

#### b. Civilian Witness Interviews

[REDACTED]

In a statement to COPA on June 8, 2018, [REDACTED] [REDACTED] stated on the date of the incident, she lived at [REDACTED] with [REDACTED] and [REDACTED]. At approximately 5:00 pm, she arrived home from work and took a shower in the first-floor bathroom. As [REDACTED] stepped out of the shower, she noticed that someone was trying to barge into the bathroom. [REDACTED] realized that the person was not one of her roommates but [REDACTED] whom she did not know and had never seen before. [REDACTED] pushed his way into the bathroom and grabbed her keys, then ran down the hallway. [REDACTED] stated she chased [REDACTED] not realizing the seriousness of the situation, and he pulled out a black semi-automatic handgun. She began to walk backwards, toward the bathroom, and [REDACTED] followed her. [REDACTED] recalled that [REDACTED] “was kind of playing with the gun, like toying with it. It, like kind of like to mock me with it. At one point he even like took out like the cartridge, just to show me that it was loaded. And he even said...as long as it’s not cocked back, then I’m not going to shoot you.”<sup>26</sup> [REDACTED] did not know why [REDACTED] was in her house and he did not demand anything from her.

[REDACTED] estimated she had been alone with [REDACTED] for approximately 20 minutes when [REDACTED] arrived home. [REDACTED] ordered [REDACTED] to go into the back room, where [REDACTED] saw [REDACTED] and asked [REDACTED] to allow her to get dressed. Instead, [REDACTED] ordered [REDACTED] to take off his clothes so that [REDACTED] could put them on. [REDACTED] then ordered both hostages to crawl into [REDACTED] bedroom, where they gave [REDACTED] one of [REDACTED] jackets. At [REDACTED] instruction, [REDACTED] placed multiple phone calls to [REDACTED] and [REDACTED] telling them to come home immediately. During two of these calls, [REDACTED] got on the phone and instructed both

<sup>24</sup> Att. 101. Det. Muscolino is now retired from CPD.

<sup>25</sup> Atts. 115, 126. [REDACTED] related essentially the same account of the incident during an electronically recorded interview (ERI) with CPD detectives on April 12, 2018. Att. 54.

<sup>26</sup> Att. 126, pg. 7, lines 12-18.



roommates not to call the police, as “I don’t want to kill your friends.”<sup>27</sup> [REDACTED] ordered [REDACTED] and [REDACTED] to go downstairs, then back upstairs, then downstairs again. While they were in the basement, [REDACTED] heard someone ringing the doorbell, knocking on the front door, and banging on one of the windows. She assumed it was the police and remained quiet until the knocking ceased.

[REDACTED] took both roommates back upstairs and grabbed [REDACTED] by her hair, dragging her to the front door. As he looked outside to check for police, [REDACTED] heard the back door opening. She saw [REDACTED] opening the door for an officer wearing a blue shirt and a protective vest, now identified as Security Officer [REDACTED]. When [REDACTED] saw [REDACTED] he dragged her behind a wall and put her into a choke hold with his left arm. He warned [REDACTED] “If you come in, I will shoot her, I will shoot her.”<sup>28</sup> [REDACTED] stated that [REDACTED] forced her head down and pushed his gun against the back of her head. She heard [REDACTED] giving [REDACTED] verbal commands, but instead of complying with them [REDACTED] put her back into a choke hold and forced her down the stairs into the basement. [REDACTED] yelled that he would shoot [REDACTED] if [REDACTED] came any closer, and he fired a single gunshot into the east wall at the base of the stairs.

When [REDACTED] discharged his weapon, he lost his grip on [REDACTED] and she ran from the basement living room toward the back of the residence. She fell in the hallway and [REDACTED] caught up with her, dragging her inside the bathroom. [REDACTED] laid on the bathroom floor on her left side, with her head closest to the door and her feet up against the wall next to the toilet. She curled into the fetal position and covered her head with her hands. [REDACTED] was standing behind her, by the bathtub, holding the gun in his hand. [REDACTED] kept her eyes open long enough to see Sgt. Menoni’s feet appear at the door of the bathroom, but she closed them when she heard the first of five gunshots, all fired in rapid succession. After the second or third gunshot, [REDACTED] felt a burning in her chest.<sup>29</sup> She crawled out of the bathroom and an officer escorted her outside, where she waited in a squad car until paramedics arrived and transported her to Stroger Hospital.

[REDACTED] was shot once underneath her right armpit, and she later learned that the bullet lodged a centimeter from her heart.<sup>30</sup> She also sustained a through-and-through gunshot wound to her right shoulder. Although [REDACTED] did not see who fired the shot(s) that struck her, based on the trajectory of the bullet that entered her armpit and the relative locations of Sgt. Menoni and [REDACTED] at the time, she believed that she was most likely shot by [REDACTED].<sup>31</sup>

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<sup>27</sup> Att. 126, pg. 15, lines 1-2.

<sup>28</sup> Att. 126, pg. 19, lines 1-2.

<sup>29</sup> During [REDACTED] ERI, she stated that she felt the burning in her chest after she heard the first gunshot, which she believed was fired from behind her. Att. 54 at 10:45.

<sup>30</sup> At the time of her COPA statement, [REDACTED] had not yet had the bullet surgically removed.

<sup>31</sup> [REDACTED] stated that she was shot while lying on her left side, and her medical records indicate that the bullet entered her right armpit and lodged near her left breast. This trajectory is consistent with someone standing above her firing in a downward direction.

██████████

In an ERI with CPD detectives on April 11, 2018, ██████████ stated that on the date of the incident, he arrived home at approximately 6:00 pm. When he opened the door to his apartment, he came face-to-face with ██████████ who pointed a gun at his face. ██████████ ordered ██████████ to the back of the residence, where he saw ██████████ sitting in a bathrobe, crying. ██████████ asked ██████████ what he wanted, and ██████████ responded that he needed ██████████ clothing because he was running from the police. ██████████ stripped down to his underwear and gave his clothing to ██████████. ██████████ asked who else lived at the house and ██████████ replied that they had two other roommates. At ██████████ instruction, ██████████ placed separate phone calls to ██████████ and ██████████ telling them to come home immediately. During the calls, ██████████ spoke directly to both roommates, warning them, “If you don’t get here, your friends are gonna die.”<sup>33</sup> ██████████ demanded a vehicle, and ██████████ and ██████████ told him that he could take one of their cars and leave.

██████████ walked to a back window and looked through the blinds, at which point ██████████ saw two officers and a police car at the end of the alley, searching the area. ██████████ ordered ██████████ and ██████████ into the basement at gunpoint, where ██████████ again called ██████████ and ██████████ separately. ██████████ ordered ██████████ to call both roommates in a three-way call, but when ██████████ could not figure out how to do so, ██████████ struck him in the head with his gun. ██████████ forced ██████████ and ██████████ to go back upstairs, then back downstairs, where ██████████ kicked ██████████ several times. While they were in the basement, ██████████ heard the police knocking on the front door, ringing the doorbell, and banging on a window. ██████████ told ██████████ and ██████████ to be quiet, and the knocking stopped.

All three again went upstairs, and ██████████ ordered both hostages to kneel and face the wall in the kitchen area. ██████████ grabbed ██████████ and walked her toward the front window, where he looked out of the blinds. At the same time, ██████████ heard a key opening the rear door and assumed that it was either ██████████ or ██████████ arriving home. When the door opened, however, he saw that it was ██████████ opening the door for an officer, now identified as Security Officer ██████████. ██████████ weapon was already drawn and he ordered them to get on the floor. ██████████ stated that he dove into a bedroom as ██████████ dragged ██████████ back into the basement. He heard ██████████ issuing numerous verbal commands to ██████████ including “get on the ground,” “drop the gun,” and “let her go.”<sup>34</sup> ██████████ heard a single gunshot, followed by a semi-long pause, then five or six back-to-back gunshots. When he emerged from the bedroom, multiple officers were inside his residence, and he saw one of them escorting ██████████ out the front door. ██████████ exited the rear door and saw officers standing over ██████████ who was on the ground. ██████████ told the officers they could release ██████████ as he lived there.

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<sup>32</sup> Att. 55. A COPA investigator reached ██████████ by phone on May 22, 2018. He refused to provide a statement to COPA, stating that he was not in the basement at the time of the shooting and did not witness that portion of the incident. Att. 111.

<sup>33</sup> Att. 55 at 3:23.

<sup>34</sup> Att. 55 at 6:29.

██████████

In an **ERI with CPD detectives on April 11, 2018**, ██████████ ██████████ stated that on the date and time of the incident, he was at a barber shop in Bellwood, Illinois. While he was getting his hair cut, ██████████ received a phone call from ██████████ cell phone number. When ██████████ answered the call, he heard two voices talking. The call abruptly ended. ██████████ immediately called ██████████ back and told him to come home now, then hung up. ██████████ then received three or four more calls from ██████████ number, during which an unknown male voice told him to “get here now or we’re going to kill your friends.”<sup>36</sup> ██████████ called 911 as he drove home, and he continued to receive threatening phone calls from the unknown male using ██████████ phone. When ██████████ arrived at his house, he saw several security officers standing on Hoyne and told them they were at the wrong house. ██████████ led the officers to the rear door of ██████████ and let them into his residence. When he looked inside, he saw ██████████ on the ground and ██████████ standing above her, pointing a black semi-automatic pistol at her head. The security officers advised ██████████ to get to safety, and he ran back to his car. While he was outside, he heard one gunshot, a pause, and then additional gunshots.

██████████

In an **ERI with CPD detectives on April 12, 2018**, ██████████ ██████████ stated that on the date and time of the incident, he received a phone call from ██████████ who relayed that he believed ██████████ was in trouble. ██████████ attempted to call ██████████ but he did not answer the phone. Several minutes later, ██████████ called ██████████ back, asking him, “Where you at? Come home now.”<sup>38</sup> ██████████ received several additional calls from ██████████ in which he repeated the same thing. During the fourth call, ██████████ told ██████████ that when he arrived home, he should pull his car in front of their residence and leave the keys in the ignition. After several more phone calls, ██████████ received a call from a male, whose voice he did not recognize, using ██████████ phone. The caller stated that if he and ██████████ “don’t get here now, I’m going to start shooting. People are going to get hurt.”<sup>39</sup> ██████████ stated he drove home, but the incident was over by the time he arrived.

### **Additional Civilian Witnesses**

On April 19, 2018, COPA conducted a **canvass**<sup>40</sup> of the area near ██████████. During the canvass, COPA investigators located one additional witness: ██████████ of ██████████. ██████████ stated that on the date and time of the incident, he saw two uniformed CPD officers standing in front of ██████████ trying unsuccessfully to gain entry through the front door. Around the same time, he observed several CHA security officers walk around to

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<sup>35</sup> Att. 56. COPA investigators made multiple attempts to schedule an interview with ██████████. On April 19, 2018, investigators made a personal visit to ██████████ residence, but no one answered the door. Investigators also tried to contact ██████████ via certified and first-class mail, as well as by phone, but ██████████ did not respond. Atts. 69, 82, Investigator’s Case Log, pgs. 2, 4.

<sup>36</sup> Att. 56 at 2:01.

<sup>37</sup> Att. 57. COPA investigators attempted to contact ██████████ via certified and first-class mail, as well as by making a personal visit to his residence, but they were unable to reach him. Atts. 69, 82, Investigator’s Case Log, pg. 2.

<sup>38</sup> Att. 57 at 2:15.

<sup>39</sup> Att. 57 at 3:17.

<sup>40</sup> Att. 69.

the back of the residence and gain entry through the rear door. Approximately five minutes later, ██████ heard one gunshot, then three to four more gunshots.

COPA attempted to take the **statement of** ██████ ██████; however, ██████ attorney refused COPA's request for an interview.

### c. Digital Evidence

#### Video Evidence

COPA obtained the **Body Worn Camera (BWC) videos of Sgt. Menoni<sup>42</sup> and AGB Security Officer ██████**. ██████ video begins as he is standing at the top of the basement stairs, yelling, "Just let her go."<sup>44</sup> A male voice, now identified as Sgt. Menoni, asks, "What'd do you got going on, guys?" ██████ responds, "We got a hostage downstairs, Sarge. He got a gun. He got a hostage."<sup>45</sup> As Sgt. Menoni reports the hostage situation over his radio, the video records ██████ repeatedly imploring the subject, now identified as ██████ to release the hostage. He yells to ██████ "Come on, man. Let her go. It's not worth going to jail, man... Just let me see the weapon, man, make it easy. Come on man, this ain't the way to go, man. Come on."<sup>46</sup> At 6:41:14 pm, ██████ BWC captures the sound of a gunshot and a woman screaming. Sgt. Menoni yells "shots fired," and the video on his own BWC begins as he steps in front of ██████ and at least two other security officers who are standing at the top of the stairs. Sgt. Menoni descends the stairs, holding his firearm in his right hand and his flashlight in his left hand. ██████ whose weapon is also drawn, follows Sgt. Menoni down the stairs. ██████ yells to the female hostage, now identified as ██████ asking where she is and if she is alright. The video captures ██████ screaming in the background, "I'm alright. I'm alright."<sup>47</sup>

When Sgt. Menoni and ██████ enter the basement, it is completely dark. Sgt. Menoni yells, "Everybody, down on the ground! Down on the ground!"<sup>48</sup> He shines his flashlight down a hallway, and the video captures ██████ lying on the ground in the doorway to a bathroom. Only the top half of her body is visible in the hallway; her legs and feet appear to be inside the bathroom. As Sgt. Menoni activates his BWC<sup>49</sup> and approaches ██████ she is dragged into the bathroom, apparently by someone inside who is holding her legs or feet. The video captures ██████ screaming uncontrollably and Sgt. Menoni yelling, "Get out here, man. Get out here!"<sup>50</sup> When Sgt. Menoni crosses the bathroom doorway, his BWC shows ██████ and ██████ inside. ██████ is crouched

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<sup>41</sup> Atts. 34, 125, 127.

<sup>42</sup> Att. 45. COPA also obtained and reviewed 15 BWC videos from responding CPD officers, but none of them captured the shooting or the events preceding it. Att. 52.

<sup>43</sup> Att. 17. During ██████ COPA statement, his attorney stated that it is not standard procedure for AGB security officers to be equipped with BWCs. ██████ however, purchased one himself.

<sup>44</sup> Att. 17 at 6:40:07 pm. The timestamps on ██████ and Sgt. Menoni's BWCs are set to Universal Coordinated Time (UTC), which is six hours ahead of Central Standard Time (CST). For the purposes of this report, all times have been adjusted to CST.

<sup>45</sup> Att. 17 at 6:40:09 pm.

<sup>46</sup> Att. 17 at 6:40:31 pm - 6:41:06 pm.

<sup>47</sup> Att. 17 at 6:41:31 pm.

<sup>48</sup> Att. 17 at 6:41:34.

<sup>49</sup> At the time an officer activates his BWC, the previous 30 seconds of video is stored without audio.

<sup>50</sup> Att. 45 at 6:42:27 pm; Att. 17 at 6:41:46 pm.

in what appears to be the bathtub. ██████ is on the bathroom floor next to him, lying in the fetal position on her left side. ██████ tells Sgt. Menoni, “Alright, look, I’m gonna stop. I’m gonna stop,”<sup>51</sup> then immediately raises and extends his right arm, pointing what appears to be a black handgun at Sgt. Menoni. Sgt. Menoni’s BWC abruptly shuts off,<sup>52</sup> but ██████ BWC captures the sound of two nearly simultaneous gunshots. The video then shows Sgt. Menoni enter the bathroom and discharge his weapon three more times. He appears to be aiming in the direction of the bathtub, though ██████ is not visible on ██████ BWC at the time of the shooting.

As ██████ enters the bathroom behind Sgt. Menoni, his camera captures ██████ run out of the bathroom, assisted by other security officers. Sgt. Menoni places ██████ into custody and requests EMS over his radio, and ██████ tells two other security officers to “secure that gun.”<sup>53</sup> After Sgt. Menoni and ██████ pull ██████ out of the bathtub, Sgt. Menoni instructs the security officers to leave the weapon where it is, and they go back upstairs and direct responding CPD into the basement.

COPA obtained the video footage from **Police Observation Device (POD) #7446 (OEMC/Operation Virtual Shield)**<sup>54</sup>, which is located at 101 N. Hoyne. At the time of the incident, the POD was facing east on Washington, capturing the front entrance of ██████<sup>55</sup> At 6:40:30 pm, the video shows Sgt. Menoni park his vehicle on Washington and enter the front door of the residence. Additional officers arrive approximately 90 seconds later and, at 6:43:20 pm, a CPD sergeant and a security officer escort ██████ outside and place her in a squad car. The video then captures the arrival of a fire engine and EMS personnel attending to ██████ At 7:01:15 pm, EMS personnel carry ██████ out of the house on a stair chair, wearing an oxygen mask.

The **In Car Camera (ICC) video for Beats 1230 and 1265A**<sup>56</sup> shows both vehicles traveling to and arriving at ██████ Neither video captures the officer-involved shooting or any of the events preceding it.

COPA investigators identified **CHA security cameras at 108-122 N. Hoyne and 125 N. Hoyne**<sup>57</sup> that might have captured ██████ actions prior to entering ██████ At COPA’s request, CHA agreed to retrieve the video prior to the expiration of the 30-day retention period. However, on May 14, 2018, a CHA security analyst informed COPA that, due to staffing issues and questions about the ownership of the cameras, CHA was unable to retrieve the video before the retention period elapsed.

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<sup>51</sup> Att. 45 at 6:42:29 pm; Att. 17 at 6:41:48 pm.

<sup>52</sup> During Sgt. Menoni’s COPA statement, he explained that when he was looking around the bathroom door, he had his left hand tucked into his chest so as to present the smallest possible target to ██████ When he discharged his weapon, his left hand jerked and he inadvertently raked the top of his BWC, turning it off.

<sup>53</sup> Att. 17 at 6:42:14 pm.

<sup>54</sup> Att. 27.

<sup>55</sup> The POD was facing west on Washington until 6:40:10 pm, when OEMC personnel swiveled the camera around to face the direction of the incident. As a result, the POD did not capture any relevant footage prior to the arrival of Sgt. Menoni.

<sup>56</sup> Att. 53.

<sup>57</sup> Att. 100.

**Audio Evidence**

The **Office of Emergency Management and Communications (OEMC) Event Queries<sup>58</sup>, Zone 3 Radio Transmissions<sup>59</sup>, and 911 calls<sup>60</sup>** include the following relevant and material communications:

- 6:15:24 pm A 911 caller who identifies himself as ██████████ requests that police be sent to his residence at ██████████ to assist his cousin, ██████████. ██████████ states that he received a call from ██████████ telling him to “come home right now.” He then received three or four more calls from an unknown person using ██████████ phone, who threatened, “Hey man, I don’t want to kill your friend...” ██████████ states that he is on his way home but is in rush hour traffic.
- 6:22:30 pm Beat 1265A is dispatched to do a well-being check at ██████████ in response to ██████████ 911 call.
- 6:38:42 pm Beat 1265A requests additional units at ██████████ stating that there is a possible hostage situation.
- 6:39:29 pm Sgt. Menoni tells the dispatcher that he is en route to the location.
- 6:41:03 pm Sgt. Menoni verifies that it is an “HBT situation” and requests a unit in the back of the residence.
- 6:41:58 pm Sgt. Menoni calls out “shots fired.”
- 6:42:46 pm A 911 caller who works for AGB Investigative Services states that one of her security officers just reported shots fired by a suspect with a hostage at ██████████. She says that ██████████ was first on scene, and he saw the suspect and returned fire. The caller, who is listening to her AGB radio while she is on the phone with the dispatcher, then reports that one of the security officers is shot.
- 6:43:35 pm Sgt. Menoni calls out, “Shots fired by the police. Offender is in custody. Please send CFD to the front of the unit.”
- 6:44:00 pm Another unit radios, “Victim is shot in the arm. I need an ambulance here please.”
- 6:44:40 pm Sgt. Menoni reports, “Weapon is recovered. We’re trying to ascertain injuries to the offender, or to the victim, I don’t know.” He then verifies that ██████████ is in custody in the basement of ██████████.
- 6:46:24 pm The dispatcher states that OEMC is receiving information that one of the security officers was shot and requests verification from the units on scene.
- 6:47:50 pm Beat 1211 radios that no security officers were shot.

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<sup>58</sup> Atts. 6, 23-24.

<sup>59</sup> The OEMC radio transmissions quoted herein were transcribed by a COPA investigator. They do not include every transmission made within this time frame. For the full content, see Atts. 42-43.

<sup>60</sup> Atts. 38-41.

<sup>61</sup> The 911 caller was subsequently identified as ██████████.

**d. Physical Evidence****Forensic Evidence**

According to the **Inventory Sheets**<sup>62</sup>, items recovered from the basement bathroom at [REDACTED] include four “Winchester 45 Auto” fired cartridge cases, one “Sig 9mm Luger” fired cartridge case, and two fired bullets. On the floor outside the bathroom, evidence technicians (ETs) recovered a black Glock Model 26, 9mm semi-automatic pistol (SN # [REDACTED]), one “Geco 9mm Luger” live (unfired) cartridge, and one “Win 9mm Luger” fired cartridge case. Additionally, two fired bullets were removed from the south basement wall and the basement baseboard. On the first floor of the residence, ETs recovered a black “Gerry” jacket, a pair of “Express” khaki pants, and a pair of white “Nike” gym shoes. A “Carson Tire Service” receipt with the customer name [REDACTED] dated April 11, 2018, was recovered from the pocket of the “Express” pants.<sup>63</sup> At Stroger Hospital, forensic investigators (FIs) administered a gunshot residue (GSR) kit to [REDACTED] hands at 10:19 pm on April 11, 2018, and they recovered the clothing he was wearing at the time of his arrest. On August 8, 2018, a detective recovered the fired bullet that was removed from [REDACTED] during surgery at Elmhurst Hospital.

The Inventory Sheets (and related Firearms Worksheets) also document the processing of Sgt. Menoni’s Sig Sauer Model P220, .45 caliber semi-automatic pistol and the Glock Model 26 pistol recovered from the scene. Sgt. Menoni’s weapon, which had an eight-round capacity magazine, was found to have four live rounds of ammunition in the magazine and one live round in the chamber (all “Winchester 45 Auto”). The Glock Model 26 pistol contained a fifteen-round capacity magazine with an unknown number of live rounds from unknown manufacturer(s). One “PMC 9mm Luger” cartridge was recovered from the slide/chamber area of the weapon. An ET swabbed both firearms for the presence of DNA.

**ET Photographs<sup>64</sup> and the Crime Scene Video<sup>65</sup>** depict the shooting scene from various angles. They include images of the expended shells and fired bullets in the basement bathroom, as well as suspected bullet damage to the bathtub, the baseboard on the other side of the bathroom, and the south basement wall. The photographs also show the Glock Model 26 pistol recovered from the basement floor, including images showing that the weapon had a failure to feed malfunction. Additionally, the photographs capture suspected blood stains on the bathroom floor, toilet, and bathtub, as well as the window frame in one of the basement bedrooms.

In addition to the shooting scene, ETs photographed the exterior of [REDACTED] and every room inside the residence, including the first-floor bedroom and bathroom containing the clothing that [REDACTED] reportedly discarded. The photographs also include images of the basement bedroom where [REDACTED] is suspected to have entered through a window, and the fingerprints lifted from that window. Finally, ETs took photographs of Sgt. Menoni and his firearm, as well as [REDACTED] and their clothing.

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<sup>62</sup> Atts. 18-20, 131.

<sup>63</sup> See also Att. 85, pgs. 42-44; Att. 103, pg. 6.

<sup>64</sup> Atts. 85-95.

<sup>65</sup> Att. 129.



Figure 1. ET photo of the Glock Model 26 pistol and the live cartridge recovered from the floor outside the basement bathroom.



Figure 2. ET photo showing the Glock Model 26 pistol with a failure to feed malfunction.



On June 12, 2018, COPA received **photographs from ██████** showing the injuries she sustained in the incident. The photographs include images of what appears to be a through-and-through gunshot wound to the back of ██████ right shoulder, as well as a gunshot wound to her right armpit (entrance wound only).



Figure 3. Undated photograph showing partially healed gunshot wounds to ██████ right shoulder and right armpit.

**Illinois State Police (ISP) Forensic Science Laboratory Reports #C18-007905<sup>67</sup>** document the examination of recovered firearms and biological evidence in this investigation.<sup>68</sup> An analysis of the reports resulted in the following relevant facts:

A Glock Model 26, 9mm Luger semi-automatic pistol was submitted with a magazine and 11 live (unfired) cartridges (ten 9mm Luger caliber and one 9mm Luger +P caliber). An ISP forensic scientist test fired the weapon and determined it to be operable as received. A test-fired cartridge was entered into the IBIS<sup>69</sup> database, revealing a possible association to Exhibit #1A of ISP Case #C16-25222 (Hillside Police Department Case #16-003700).

The examination of Sgt. Menoni's Sig Sauer Model P220, .45 caliber semi-automatic pistol determined it to be operable as received. It was test fired using the magazine submitted with the weapon.

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<sup>66</sup> Att. 119.

<sup>67</sup> Atts. 114, 141-142.

<sup>68</sup> COPA has not yet received the results of the GSR testing.

<sup>69</sup> Integrated Ballistics Identification System, which compares fired evidence to other crimes.

Four “Winchester 45 Auto” fired cartridge cases were determined to have been fired in Sgt. Menoni’s weapon. One “Winchester 9mm Luger” fired cartridge case and one “Sig 9mm Luger” fired cartridge case were determined to have been fired in the Glock Model 26 pistol.

Two fired bullets recovered from the basement bathroom bathtub and one fired bullet recovered from the basement baseboard were determined to have been fired from Sgt. Menoni’s weapon. One fired bullet core recovered from the south basement wall was found to be unsuitable for microscopic comparison.

One fired bullet removed from ██████ at Elmhurst Hospital was determined not to have been fired from Sgt. Menoni’s weapon. It could not be identified or eliminated as having been fired from the Glock Model 26 pistol.

A forensic scientist extracted and amplified DNA from the swabs taken of the Glock Model 26 pistol and the buccal swabs taken from ██████. The swabs from the firearm contained a mixture of DNA profiles from at least three people, including a DNA profile from which ██████ could not be excluded. The expected frequency of occurrence for this DNA profile was found to be no more common than approximately 1 in 160 million unrelated individuals.

The **GPS Data**<sup>70</sup> indicates that at 6:40:19 pm, Sgt. Menoni’s vehicle (#9554) was traveling westbound on Washington, just west of Damen. The vehicle stopped in front of ██████ at 6:40:49 pm, where it remained until the data window closed at 6:59:54 pm.

### Medical Evidence

The **Chicago Fire Department (CFD) Ambulance Report** for ██████ states that paramedics from Ambulance #64 arrived at the scene at 6:51 pm. They found ██████ sitting in a CPD vehicle being treated by emergency medical services (EMS) personnel from an engine company. She presented with gunshot wounds to the right shoulder and right armpit, with swelling to the center of the chest around the sternum. Paramedics bandaged ██████ wounds and administered oxygen and intravenous fluids. Ambulance #64 departed the scene at 7:00 pm and arrived at Stroger Hospital at 7:04 pm. The report notes that when medical staff moved ██████ into a trauma bed, she started to cough up bright red blood.

██████ **Medical Records from Stroger Hospital**<sup>72</sup> indicate that she was admitted to the Trauma ICU at 7:07 pm on April 11, 2018. Upon arrival, she told medical personnel that “she was held hostage and was shot maybe once or twice while she was laying in the fetal position on the floor.”<sup>73</sup> ██████ complained of right arm pain, chest pain, and shortness of breath. Doctors examined ██████ and determined that she sustained two gunshot wounds to the right shoulder, approximately 4cm apart, and one gunshot wound to the right chest at the midaxillary line. A CT scan revealed a bullet fragment lodged in the soft tissues of the left breast. ██████ was discharged from Stroger Hospital at 7:00 pm on April 12, 2018.

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<sup>70</sup> Att. 25.

<sup>71</sup> Att. 107.

<sup>72</sup> Att. 122.

<sup>73</sup> Att. 122, pg. 29.

██████████ **Medical Records from Elmhurst Hospital**<sup>74</sup> indicate that she was admitted to the hospital at 8:25 am on July 12, 2018. ██████████ reported that she was experiencing persistent pain and discomfort, as well as anxiety, caused by the bullet lodged in her chest. At ██████████ request, doctors excised the bullet fragment from her inferior left breast. She was discharged at 1:08 pm the same day.

The **CFD Ambulance Report for ██████████** states that paramedics from Ambulance #33 arrived at ██████████ at 6:54 pm. They found ██████████ in the basement bathroom, being provided advanced life support by EMS personnel from Engine #26. ██████████ presented with a gunshot wound to the lower right abdomen, four gunshot wounds to the right thigh, and two gunshot wounds to the left thigh. He told the paramedics that he had pain in his legs but was otherwise “not willing to give up much information.”<sup>76</sup> The report characterizes ██████████ as agitated and irritable. Ambulance #33 departed the scene at 7:15 pm and arrived at Stroger Hospital at 7:19 pm, where paramedics transferred ██████████ to the trauma unit without incident.

██████████ **Medical Records from Stroger Hospital**<sup>77</sup> indicate that he was admitted to the Trauma ICU at 7:21 pm on April 11, 2018. Upon arrival, he presented with multiple gunshot wounds to the abdomen and both lower extremities. The records indicate that he was intoxicated, and he told medical personnel, “I’m high on molly.”<sup>78</sup> He also reported using marijuana. Upon further examination, ██████████ was found to have 11 total gunshot wounds. Radiological testing confirmed that ██████████ “retained a missile on the left side of his abdomen”.<sup>79</sup> A CT scan after surgery to repair ██████████ small bowel confirmed that a fragment of the bullet remained in his abdomen.<sup>80</sup> ██████████ was discharged to Cermak Health Services in the custody of the Cook County Sheriff’s Office at 5:01 pm on April 17, 2018.

The **CFD Ambulance Report for Sgt. Menoni**<sup>81</sup> states that paramedics from Ambulance #53 arrived at the scene at 7:11 pm. They found Sgt. Menoni alert, oriented, and ambulatory. When Sgt. Menoni was moved into the ambulance, he stated that he discharged his firearm in an enclosed space and could not hear out of his right ear. Upon examination, paramedics did not observe any bleeding or fluid draining from Sgt. Menoni’s ear, and they noted no obvious signs of trauma. Ambulance #53 departed the scene at 7:43 pm and arrived at Rush University Medical Center at 7:47 pm, where Sgt. Menoni was turned over to emergency room personnel without incident.

A **Breathalyzer Test**<sup>82</sup> taken by Sgt. Menoni at 11:27 pm on April 11, 2018, revealed that his Br.A.C.<sup>83</sup> was .000. Sgt. Menoni also submitted to a urine drug test on the same date, which produced negative results.

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<sup>74</sup> Att. 135.

<sup>75</sup> Att. 108.

<sup>76</sup> Att. 108, pg. 1.

<sup>77</sup> Att. 124.

<sup>78</sup> Att. 124, pg. 7. Molly is a street name for MDMA/Ecstasy.

<sup>79</sup> Att. 124, pg. 10.

<sup>80</sup> Att. 124, pg. 30.

<sup>81</sup> Att. 109.

<sup>82</sup> Att. 59.

<sup>83</sup> Breath Alcohol Concentration.

e. **Documentary Evidence**

The **Detectives' Supplementary Reports and General Progress Reports (GPRs) for RD #JB220197/Battery-Aggravated: Handgun**<sup>84</sup> include the assigned detectives' notes from their interviews with Sgt. Menoni and other eyewitnesses to the incident, including ██████████ and AGB security officers ██████████ and ██████████. All of the individuals interviewed by COPA provided essentially the same information to detectives. Additionally, the reports document the detectives' interviews with the following witnesses that COPA did not contact:

- ██████████ stated that she and her children reside at ██████████. On the date of the incident, she was gardening in her backyard when she observed an unknown Hispanic male run into her yard and enter her rear door. ██████████ followed him inside and asked him what he was doing, at which point the subject produced a black handgun from his jacket pocket. He pointed the gun at ██████████ and stated, "Shut the fuck up."<sup>86</sup> The subject walked through her apartment, looking out multiple windows, then exited the front door. During a photo line-up on April 12, 2018, ██████████ positively identified ██████████ as the subject who entered her residence.
- ██████████ stated that he is a security officer for AGB Investigative Services. On the date of the incident, a homeowner, now identified as ██████████ told ██████████ and ██████████ that a Hispanic male armed with a gun ran through her house. As they were canvassing the area, ██████████ stated that a frantic ██████████ approached them and reported that there was a "bad guy" in his house. ██████████ opened the door and ██████████ saw ██████████ standing inside, pointing a handgun at ██████████ who was unarmed, gave a flash message over his radio but did not enter the residence. He heard approximately six gunshots.
- **Sgt. Kenneth Mok #1990**<sup>88</sup> told detectives that he responded to Beat 1265A's report of a hostage situation at ██████████. When he arrived, he was unaware that Sgt. Menoni was already inside the residence. Sgt. Mok stated that as he entered the front door, he heard a single gunshot and a female screaming in the basement. He saw two or three security officers descending the stairs and followed them, at which point he heard four or five more gunshots. When Sgt. Mok reached the basement, he saw the security officers gathered in front of the bathroom and ██████████ running toward him, bleeding from her right arm, chest, and lips. Sgt. Mok escorted ██████████ outside, applied pressure to her wounds, and requested EMS.
- ██████████ told detectives that she is ██████████ girlfriend. She stated that she saw ██████████ with a black and silver handgun approximately two weeks prior to the date of the incident. ██████████ also reported that ██████████ uses cocaine and acid.

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<sup>84</sup> Att. 140.

<sup>85</sup> Atts. 16, 140, pgs. 214-215.

<sup>86</sup> Att. 140, pg. 214.

<sup>87</sup> Att. 140, pgs. 201-202.

<sup>88</sup> Att. 140, pg. 187.

<sup>89</sup> Att. 140, pg. 48.

The **Tactical Response Report (TRR)**<sup>90</sup> completed by Sgt. Menoni indicates that he was on-duty, in uniform, and working alone at the time of the incident. The report states that ██████ posed an imminent threat of battery with a weapon and used force likely to cause death or great bodily harm, in that he was armed with a semi-automatic pistol. Sgt. Menoni responded with member presence, additional unit members, tactical positioning, a zone of safety, a perimeter, emergency handcuffing, and he discharged his firearm four times. As a result of the incident, Sgt. Menoni sustained injuries that he listed as “other.”

According to the **Arrest Report**<sup>91</sup>, Sgt. Menoni and Officer Chester Augustyniak #3230 arrested ██████ at 6:43 pm on April 11, 2018, at ██████. He was charged with attempted first-degree murder, two counts of home invasion with a firearm, aggravated assault on a peace officer with a weapon, and battery.<sup>92</sup>

**Crime Scene Processing Report #364976**<sup>93</sup> and the **ET's Plat**<sup>94</sup> document the recovery of evidence from the shooting scene, including four “Winchester 45 Auto” fired cartridge cases, one “Win 9mm Luger” fired cartridge case, one “Sig 9mm Luger” fired cartridge case, one “Geco 9mm Luger” live cartridge, and the Glock Model 26 pistol. The report notes that the Glock firearm was “in a failure to feed malfunction state.”<sup>95</sup> ETs also recovered two fired bullets from the basement bathroom bathtub, and they extracted two fired bullets from the basement baseboard and the south basement wall. Additionally, ETs swabbed for biological material, dusted for fingerprints, and photographed and video-recorded the entire residence. After Sgt. Menoni was treated at Rush Hospital and returned to the scene, ETs recovered and processed his firearm in the CPD mobile command van.

**Crime Scene Processing Reports #364962**<sup>96</sup> and **364968**<sup>97</sup> document forensic investigators’ (FIs) response to Stroger Hospital after the incident. Upon arrival at the hospital, the FIs fingerprinted and photographed ██████ administered a GSR kit to his hands, and recovered the clothing he was wearing at the time of his arrest. ██████ told the FIs that all the recovered clothing belonged to him. The FIs subsequently relocated to ██████ bed, where they took photographs of ██████ and the robe she was wearing when she was admitted to the hospital.

The **Assignment and Attendance Record**<sup>98</sup> for Unit 012, 3<sup>rd</sup> Watch, states that on April 11, 2018, Sgt. Menoni was working as a sector sergeant assigned to Beat 1230. He was operating Vehicle #9555, a one-man marked police vehicle.

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<sup>90</sup> Att. 4.

<sup>91</sup> Att. 31.

<sup>92</sup> ██████ was subsequently indicted on 4 counts of attempted murder, 8 counts of home invasion, 12 counts of aggravated kidnapping, 8 counts of armed robbery, 3 counts of aggravated battery, 2 counts of aggravated unlawful restraint, 4 counts of aggravated UUV, and 1 count of aggravated assault on a peace officer. As of the date of this report, the charges are still pending. Att. 143.

<sup>93</sup> Att. 103.

<sup>94</sup> Att. 140, pgs. 92-97.

<sup>95</sup> Att. 103, pg. 8.

<sup>96</sup> Att. 28.

<sup>97</sup> Att. 58.

<sup>98</sup> Att. 30.

The **Major Incident Notification Report**<sup>99</sup> and **COPA's Preliminary Report**<sup>100</sup> restate essentially the same information as the Introduction of this report, with fewer details.

## VI. ANALYSIS

### a. Applicable Rules and Law

#### 1. Use of Deadly Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.<sup>101</sup> Factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm, level of threat or resistance presented by the subject; and (3) the subject's proximity or access to weapons; (4) the severity of the crime at issue; (5) whether the subject is actively resisting arrest or attempting to evade arrest by flight.<sup>102</sup>

Department policy dictates that “[t]he use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.”<sup>103</sup> Thus, a Department member may use deadly force in only two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Second, deadly force may be used to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.<sup>104</sup> “A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm.”<sup>105</sup>

Department policy recognizes that Department members must “make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be 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, in the same or similar circumstances, and not with the benefit of 20/20 hindsight.”<sup>106</sup>

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<sup>99</sup> Att. 32.

<sup>100</sup> Att. 26.

<sup>101</sup> General Order G03-02(III)(B)(1).

<sup>102</sup> *Id.*; *Graham v. Connor*, 490 U.S. 386, 396 (1989).

<sup>103</sup> General Order G03-02(III)(C)(3).

<sup>104</sup> *Id.*

<sup>105</sup> General Order G03-02(III)(C)(2).

<sup>106</sup> General Order G03-02(II)(2)(D).

## 2. Preponderance of the Evidence Standard

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the conduct was within Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct was within Department policy than that it was outside of Department policy, even if by a narrow margin, then the standard of proof has been met.

### b. Analysis of Sgt. Menoni's Use of Deadly Force

#### i. Sgt. Menoni knew ██████ was armed with a firearm during the encounter

COPA finds that ██████ was armed with a firearm at the time of the incident. Following the shooting, ETs recovered a loaded Glock Model 26 pistol from the basement floor at ██████ ██████ and ISP linked the weapon to ██████ through DNA evidence. Additionally, at least nine people told COPA investigators or CPD detectives that they observed ██████ with a handgun on the date of the incident, including Sgt. Menoni, security officers ██████ and ██████ and civilian witnesses ██████ and ██████. Finally, Sgt. Menoni's BWC video captures ██████ raise what appears to be a handgun from his right side and point the weapon at Sgt. Menoni. Taken together, this evidence makes it more likely than not that ██████ was armed with a firearm at the time of the incident.

#### ii. Sgt. Menoni reasonably believed that ██████ used a firearm in the commission of multiple forcible felonies

Sgt. Menoni responded to ██████ when he heard Beat 1265A report there was a possible hostage situation at that location. Security officers inside the residence informed Sgt. Menoni that ██████ was holding ██████ hostage in the basement at gunpoint. Sgt. Menoni heard a gunshot, then descended the stairs into the basement, where he saw ██████ dragging ██████ into the bathroom. When Sgt. Menoni approached the bathroom doorway, he observed ██████ raise a handgun from his right side and point it at him. ██████ actions, as described by Sgt. Menoni, constituted multiple forcible felonies,<sup>107</sup> including: home invasion<sup>108</sup>, aggravated kidnapping<sup>109</sup>, aggravated unlawful restraint<sup>110</sup>, and aggravated assault on a peace officer.<sup>111</sup>

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<sup>107</sup> "'Forcible felony' means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, **aggravated kidnapping**, kidnapping, **aggravated battery** resulting in great bodily harm or permanent disability or disfigurement and any **other felony which involves the use or threat of physical force or violence against any individual.**" 720 ILCS 5/2-8 (emphasis added).

<sup>108</sup> 720 ILCS 5/19-6-A-3.

<sup>109</sup> 720 ILCS 5/10-2.

<sup>110</sup> 720 ILCS 5/10-3.

<sup>111</sup> 720 ILCS 5/12-2-B-4.

Sgt. Menoni's account is credible and consistent with the available evidence. First, Sgt. Menoni provided a materially consistent account of the incident to detectives, COPA investigators, and in his TRR. Second, Sgt. Menoni's account is corroborated by the BWC videos and the statements of [REDACTED] and the AGB security officers. The BWC videos match Sgt. Menoni's account of the initial gunshot, his observation of [REDACTED] being dragged into the bathroom, and his statement that [REDACTED] pointed his gun at him. Finally, COPA found no evidence that contradicted Sgt. Menoni's account.

**iii. Sgt. Menoni used de-escalation techniques before confronting [REDACTED] and using deadly force**

The BWC videos show that Sgt. Menoni gave multiple verbal commands to [REDACTED] telling him to exit the bathroom and get down on the ground. Additionally, Sgt. Menoni moved to the basement, isolating [REDACTED] in the bathroom, before giving these verbal commands. Sgt. Menoni provided verbal commands before using force, and before confronting [REDACTED] face-to-face. Sgt. Menoni gave [REDACTED] an opportunity to surrender peacefully.

**iv. Sgt. Menoni discharged his weapon four times, and [REDACTED] discharged his weapon at least twice, once before and once during the encounter with Sgt. Menoni in the bathroom**

The physical evidence recovered from the scene supports the conclusion that [REDACTED] discharged his firearm twice during the incident. ETs recovered two 9mm caliber fired cartridge cases from the scene, and ISP determined that both were fired from [REDACTED] weapon. According to [REDACTED] fired the first shot into the basement wall, near the location where ETs recovered one of the 9mm casings.<sup>112</sup> The second 9mm casing was recovered from the basement bathroom floor. Sgt. Menoni stated that he did not see [REDACTED] fire his weapon inside the bathroom, but the audio from [REDACTED] BWC video indicates that [REDACTED] fired his weapon at approximately the same time as Sgt. Menoni's first shot. The available evidence demonstrates that [REDACTED] shot struck [REDACTED] in the armpit. [REDACTED] stated that at the time she was shot, she was lying on the bathroom floor on her left side and [REDACTED] was standing above her, holding his weapon. [REDACTED] medical records reveal that the bullet entered her right armpit and lodged near her left breast. This trajectory is consistent with [REDACTED] standing above [REDACTED] firing in a downward direction. Additionally, ISP conclusively excluded Sgt. Menoni's weapon as having fired the bullet recovered from [REDACTED] although it could neither include nor exclude [REDACTED] weapon. Based on this combination of physical, medical, and testimonial evidence, COPA finds that [REDACTED] discharged his weapon twice, the second time striking [REDACTED] in the armpit.<sup>113</sup> Sgt. Menoni discharged his firearm four times in [REDACTED] direction, striking him in the lower abdomen and both thighs. Sgt. Menoni stated that he stopped firing when he saw [REDACTED] collapse and heard his gun hit the bathroom floor, and he believed that [REDACTED] no longer posed a threat to his or [REDACTED] lives. COPA found no evidence to contradict Sgt. Menoni's statement and finds him credible based on the available forensic and BWC evidence, as described previously in this report.

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<sup>112</sup> The bullet core extracted from the south basement wall was not suitable for ballistics testing.

<sup>113</sup> COPA was unable to determine who fired the through-and-through gunshot wound to [REDACTED] right arm.



- v. **Sgt. Menoni's use of deadly force complied with the applicable CPD policies because Sgt. Menoni reasonably believed that he and [REDACTED] faced an imminent threat of death or great bodily harm from [REDACTED] and that deadly force was necessary to eliminate the threat.**

COPA finds that Sgt. Menoni complied with CPD's use of force policies. "A sworn Department member may use deadly force only when such force is necessary to prevent:

- a. death or great bodily harm from an imminent threat posed to the sworn member or to another person.
- b. an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay."<sup>114</sup>

The evidence shows that Sgt. Menoni reasonably believed deadly force was necessary under both of these prongs. [REDACTED] was armed, had already discharged his weapon once, was in the process of committing forcible felonies, and posed a danger to [REDACTED] and Sgt. Menoni. Sgt. Menoni employed de-escalation techniques, but [REDACTED] still resisted being arrested and pointed a weapon at Sgt. Menoni. In other words, Sgt. Menoni reasonably believed (1) [REDACTED] actions were likely to cause death or great bodily harm to him and [REDACTED] unless action was taken; (2) [REDACTED] had the means or instruments to cause death or great bodily harm; and (3) [REDACTED] had the opportunity and ability to cause death or great bodily harm.<sup>115</sup> When Sgt. Menoni saw [REDACTED] point his firearm at him, he had to make an immediate decision under circumstances that were tense, uncertain, and rapidly evolving. Sgt. Menoni's decision to discharge his firearm four times was objectively reasonable under the totality of the circumstances confronting him.<sup>116</sup>

## VII. CONCLUSION

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

The evidence establishes that Sgt. Menoni believed that [REDACTED] posed an imminent and deadly threat, and Sgt. Menoni's belief was objectively reasonable under the circumstances. COPA has determined by a preponderance of the evidence that Sgt. Menoni's use of deadly force against [REDACTED] was objectively reasonable and complied with Department policy.

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<sup>114</sup> General Order G03-02(III)(C)(3).

<sup>115</sup> General Order G03-02(III)(C)(2).

<sup>116</sup> See *Bell v. Crow*, 321 F. 3d 637, 639 (7th Cir. 2003) (if a suspect threatens an officer with a weapon, the risk of serious physical harm has been established such that the police may use deadly force).

Approved:



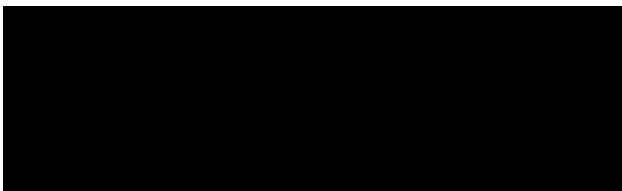
4-29-2020

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Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

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Date



4-29-2020

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Sydney R. Roberts  
*Chief Administrator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	8
<b>Major Case Specialist:</b>	Steffany Hreno
<b>Supervising Investigator:</b>	Bob Coleman
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass