

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 4 th , 2018
Time of Incident:	3:18 am
Location of Incident:	4400 S. Hermitage Avenue
Date of COPA Notification:	May 4 th , 2018
Time of COPA Notification:	4:00 am

On the night of this incident Chicago Police Officer Thomas Spratte was detailed to the the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Task Force.² Members of the ATF, the Illinois State Police (ISP) and the Illinois Department of Corrections (IDOC) also comprised the ATF Task force, which was operating in the vicinity 4400 S. Hermitage Avenue.

While in the area of 4400 S. Hermitage Avenue, task force members heard numerous gunshots. One of the fired bullets struck ATF Special Agent [REDACTED] who was positioned on the west side of Hermitage Avenue, in the face. Agent [REDACTED] fell to the pavement near the southwest corner of 4400 S. Hermitage Avenue. Officer Spratte, who was walking south near the center of the intersection, heard the gunshots coming from north of their location. Officer Spratte ran towards the southeast corner of the intersection. As Officer Spratte ran, he turned his head and saw muzzle flashes northwest from his location. Officer Spratte turned his body, pulled his firearm from its holster and discharged his firearm twice in a northwestern direction towards the muzzle flashes. Both rounds struck a 6-foot tall wooden fence surrounding the property on the northeast corner of the intersection³.

ATF Agent [REDACTED] sustained a through-and-through gunshot wound to his face and was taken to [REDACTED]. Officer Spratte was also taken to Stroger Hospital for precautionary observation.

No other task force members discharged a firearm and the offender made good his escape..

On May 7, 2018, [REDACTED] surrendered to ATF Personnel and was subsequently charged with Assault on a Federal Agent/Officer.

² The nature of the task force’s investigation was not disclosed to protect the integrity of that investigation.

³ 1720 W. 44th Street.

II. INVOLVED PARTIES

Involved Officer #1:	Thomas Spratte, Star #13513; Employee ID# [REDACTED] Date of Appointment: August 31, 2012; Police Officer; Unit of Assignment: 193 (Gang Investigations); DOB: [REDACTED], 1987; Male; White.
Involved Individual #1:	[REDACTED] DOB: May 9, 1990; Male; Hispanic

III. ALLEGATIONS

COPA is notified whenever a CPD member discharges his or her firearm in a manner that potentially could strike another individual,⁴ 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 Officer Spratte.

IV. APPLICABLE RULES AND LAWS

 General Orders

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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Federal Laws

1. U.S. Constitution, 4th Amendment

V. INVESTIGATION⁵**a. Interviews**

It a statement to COPA on May 22, 2018, **Chicago Police Officer Thomas Spratte⁶** stated that he had been assigned to the ATF Task Force since July 2017. Officer Spratte stated that on the night of this incident he was part of a team of ATF Task Force members tasked with replacing court-ordered tracking devices on targeted vehicles regarding an on-going investigation into the Almighty Saints street gang. Officer Spratte explained that they knew where the targeted vehicles were because the vehicles already had tracking devices on them, and because other members of the task force were already in the area conducting surveillance on the targeted vehicles.

⁴ See MUNICIPAL CODE OF CHICAGO § 2-78-120(c) (2016).

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 Attachment 17.

Officer Spratte was in a covert vehicle⁷ driven by CPD Officer Kevin O'Neill. ATF Agent [REDACTED] was the front passenger. Officer Spratte was seated behind ATF Agent [REDACTED] and ATF Agent [REDACTED] was seated behind Officer O'Neill. As they were travelling south on Hermitage Avenue toward 44th Street Officer O'Neill stopped north of 4400 S. Hermitage and the other three officers exited the vehicle. Officer O'Neill then continued to the intersection, and then west on 44th Street.

Officer Spratte and ATF Agents [REDACTED] and [REDACTED] walked south on Hermitage Avenue. Officer Spratte stated that as they walked south across the intersection he heard five to seven gunshots coming from northwest of the intersection. When he heard the gunshots, Officer Spratte immediately ran southeast across the intersection. Officer Spratte ran and looked behind him in the direction of the gunshots. Officer Spratte stated that he saw muzzle flashes on the west side of Hermitage Avenue, northwest of the intersection. Officer Spratte stated that he immediately drew his firearm and discharged twice in the direction of the muzzle flashes. After firing twice, he did not see any additional muzzle flashes, and stopped shooting.

Officer Spratte walked a short distance north on Hermitage to locate the unknown shooter. He saw an unknown person wearing a white T-shirt further down the street but did not believe that person was the shooter. Officer Spratte then heard ATF Agent [REDACTED] cry out but could not understand what he was saying. Officer Spratte turned around and walked south on Hermitage Avenue, subsequently finding ATF Agent [REDACTED] on the ground on the west side of the street. ATF Agent [REDACTED] was holding his head and neck. Officer Spratte then realized that ATF Agent [REDACTED] had been shot. Officer Spratte stated that ATF Agent [REDACTED] was put into another ATF vehicle and taken to the hospital.

Officer Spratte stated that the person that shot ATF Agent [REDACTED] was able to escape.

In a statement to COPA on June 11, 2018, **Chicago Police Officer Kevin O'Neill**¹⁰ stated that on the night of this incident he was assigned to the ATF Task Force that was attempting to replace and install tracking devices on vehicles involved in an on-going investigation. Officer O'Neill stated that he was driving a 2017 Nissan Altima and that Chicago Police Officer Thomas Spratte and ATF Agents [REDACTED] and [REDACTED] were his passengers. Officer O'Neill explained that Officer Spratte and ATF Agent [REDACTED] were assigned to place the trackers on specific vehicles and ATF Agent [REDACTED] was assigned as security for them. Officer O'Neill drove south on Hermitage Avenue from 43rd Street. Officer O'Neill stopped at 44th Street. The other three officers exited the vehicle and walked south on Hermitage Avenue as Officer O'Neill proceeded to drive west on 44th Street. About five to ten seconds after Officer O'Neill turned onto 44th Street, he heard several gunshots coming from a northeastern direction. Officer O'Neill radioed that shots had been fired and drove in reverse east on 44th Street toward Hermitage Avenue. Officer O'Neill subsequently stopped and parked his vehicle facing north on the east side of Hermitage Avenue. Officer O'Neill exited his vehicle and ran north on Hermitage Avenue, stopping near the first house north of 44th Street.

⁷ Officer Spratte stated they were driving a Nissan Altima.

¹⁰ Attachment 19.

Officer O'Neill stated that he never saw the offender or any muzzle flashes. Officer O'Neill also did not witness Officer Spratte discharge his firearm., but learned later that night that Officer Spratte had discharged his firearm at the unknown offender.

In a statement to COPA on June 11, 2018, **Chicago Police Officer Tara Murphy**¹¹ stated that at the time of this incident she had been assigned to the ATF Task Force for less than a year. The ATF Task Force was comprised of members from several law enforcement agencies. Officer Murphy stated that on the night of this incident, the ATF Task Force was attempting to replace trackers on vehicles involved in an on-going investigation. Officer Murphy stated that she was assigned to perimeter surveillance. Officer Murphy was in a covert vehicle¹² that was parked on 46th Street, half a block east of Hermitage Avenue with Illinois State Trooper [REDACTED] and ATF Agent [REDACTED]

Officer Murphy explained that ATF Agent [REDACTED] had an open phone line to ATF Agent [REDACTED] who was with Officer Spratte as they attempted to place the trackers on the targeted vehicle. Officer Murphy stated that through ATF Agent [REDACTED] open phone line she heard gunshots and someone reporting gunshots. As Officer Murphy, Agent [REDACTED] and Trooper [REDACTED] proceeded to 4400 S. Hermitage Avenue, Officer Murphy radioed that shots were fired. Once there, she learned that ATF Agent [REDACTED] had been shot. ATF Agent [REDACTED] drove ATF Agent [REDACTED] to the hospital.. A short time later Officer Spratte told Officer Murphy that he returned fired at the unknown offender, who was able to escape.

Officer Murphy stated that she was not present when ATF Agent [REDACTED] was shot, nor was she present to witness Officer Spratte discharge his firearm.

In a statement to COPA on June 11, 2018, **Chicago Police Officer Jason Schoenecker, #19087**,¹³ stated that on the night of this incident he was a member of an ATF Task Force team tasked with replacing court-ordered tracking devices on targeted vehicles regarding an on-going investigation into the Almighty Saints street gang.

Officer Schoenecker conducted pre-surveillance, which consisted of him locating the vehicles targeted to have trackers covertly placed on them. Officer Schoenecker located the first target vehicle and parked his covert police vehicle at approximately 4430 S. Hermitage Avenue. Officer Schoenecker explained that he parked north of the target vehicle on the east side of the street.

Officer Schoenecker heard over the police radio that the officers tasked with placing the trackers on the target vehicle had been dropped off at the intersection of 4400 S. Hermitage Avenue. Officer Schoenecker saw in the driver's side mirror ATF Agent [REDACTED] and CPD Officer Spratte walking south on the east side of Hermitage Avenue. Officer Schoenecker then heard 10-15 gunshots coming from north of his location. Officer Schoenecker stated that it sounded like three volleys of gunshots in quick succession. Officer Schoenecker performed a U-turn and drove

¹¹ Attachment 18.

¹² Officer Murphy described the vehicle as being a black pick-up truck.

¹³ Attachment 47.

a short distance north. Other task force vehicles arrived and Officer Schoenecker saw ATF Agent ██████ placed into a vehicle and driven away.

Officer Schoenecker stated that he never saw who was shooting and never saw Officer Spratte discharge his firearm.

b. Digital Evidence

The **Police Observation Device (POD #7660)**¹⁴ located at 4358 S. Hermitage Avenue (northwest corner of the intersection) showed Officer Spratte and ATF Agents ██████ and ██████ walking south on Hermitage Avenue. Officer Spratte and ATF Agent ██████ walked south in the street as they crossed 44th Street while ATF Agent ██████ walked south along the west sidewalk. As ATF Agent ██████ crossed 44th Street he began to run and then fell to the ground. At the same time Officer Spratte and ATF Agent ██████ ran to the southeast corner of the intersection.

The **Police Observation Device (POD #7661)**¹⁵ located at 1701 W. 44th Street (southwest corner of the intersection) showed the involved officers walking south across 44th Street and a few moments later the officers run north across the same street.

The remaining 3rd Party Video Recordings did not show anything relevant to this incident.¹⁶

The **Evidence Technician Photographs**¹⁷ the location of incident, as well as five expended cartridge casings on the pavement of the east gangway near the front gate of 4334 S. Hermitage Avenue.

The photographs also showed two expended cartridge casings near 1721 W. 44th Street. One of the cartridge casings was on the sidewalk and the other on the street near the curb,

c. Physical Evidence

The **ShotSpotter Detailed Forensic Report**¹⁸ stated that on May 4, 2018, from 3:18:10 am until 3:18:15 am, ShotSpotter detected and located a multiple gunshot incident in Chicago, IL. ShotSpotter detected 7 gunshots during the incident, with the last two gunshots originating from at 1720 W. 44th Street.

d. Documentary Evidence

¹⁴ Attachment 46.

¹⁵ Attachment 46.

¹⁶ Attachments 35 to 45.

¹⁷ Attachment 32.

¹⁸ Attachment 9.

The **PCAD Event Query Printouts**¹⁹ state that on May 4, starting at 3:19 am, several citizens called 911 to report hearing multiple gunshots in the area of 4400 S. Hermitage Avenue. OEMC was subsequently notified that shots were fired at and by the police. An ATF Officer had been shot and subsequently taken to Stroger Hospital.²⁰ At the time, the ATF Officer's condition was unknown.

Officer Spratte's **Tactical Response Report**²¹ stated that an unknown offender, armed with an unknown firearm, ambushed and attacked officers without warning by firing at them, an action that was likely to cause death or great bodily harm. Officer Spratte discharged his firearm at the unknown offender in defense of himself, his partners, and members of the public. The report stated that Officer Spratte fired his weapon twice during the incident.

The **U.S. Department of Justice / Bureau of Alcohol, Tobacco, Firearms and Explosives' Report of Investigation**²² states that on May 4, 2018, at approximately 3:05 am, the Bureau of Alcohol, Tobacco, Firearms, and Explosives Special Agents and ATF Task Force Officers (TFOs), met at a pre-determined location to brief the operational plan to replace trackers on vehicles associated with the Latin Saints Street Gang. The plan of the operation was for three law enforcement personnel, dressed in plain clothes, to install vehicle tracking devices on three separate target vehicles. During the briefing, it was discussed that the Latin Saints are a violent street gang responsible for narcotics trafficking, and numerous shootings and homicides involving rival gangs and innocent civilians. The Latin Saints are known to use rifles and other firearms in these violent acts, and they primarily operate in the Chicago Police Department's 9th District.

At approximately 3:15 a.m., after being informed by surveillance units that there were no individuals present in the vicinity of the target vehicle Special Agents (SAs) [REDACTED] and [REDACTED] along with ATF TFO Kevin O'Neill and Officer Thomas Spratte, traveled to the area of 4400 S. Hermitage Avenue to place the vehicle tracking devices.

At approximately 3:18 a.m., in the area of 4400 S. Hermitage Avenue, SAs [REDACTED] and [REDACTED] and TFO Thomas Spratte exited the vehicle driven by TFO Kevin O'Neill.

SA [REDACTED] and TFO Thomas Spratte exited the vehicle and walked southeast on Hermitage Avenue and crossing 44th Street. SA [REDACTED] also exited the vehicle intending to walk south on the west side of Hermitage Avenue.

Within a few seconds of exiting the vehicle, SA [REDACTED] heard approximately five (5) gunshots originating from behind his location (northwest of his location). SA [REDACTED] believed the shots originated from the west side of Hermitage, north of his location on 44th Street. SA [REDACTED] drew his weapon, turned to look north in the direction of the gunfire, and observed TFO Spratte fire approximately two (2) gunshots in the direction of where SA [REDACTED] heard the gunshots (north of their location). SA [REDACTED] and TFO Spratte ran north on Hermitage Avenue towards the direction of the gunshots. Within a few seconds SA [REDACTED] became aware that SA [REDACTED] was not

¹⁹ Attachment 7.

²⁰ OEMC notation.

²¹ Attachment 48.

²² Attachment 5.

with them. SA [REDACTED] turned around and observed SA [REDACTED] bunched over on the ground by a vehicle parked on the west side of Hermitage Avenue, south of 44th Street.

SA [REDACTED] and TFO Spratte immediately ran to SA [REDACTED] location. As SA [REDACTED] ran towards SA [REDACTED] he yelled to SA [REDACTED]. He also yelled attempting to alert the other law enforcement officer in the area. When SA [REDACTED] reached SA [REDACTED] he observed SA [REDACTED] lying on the ground holding his face and neck. SA [REDACTED] was bleeding profusely from his face and neck. SA [REDACTED] applied pressure to SA [REDACTED] hands, which were covering his wounds. SA [REDACTED] believed SA [REDACTED] was struck by a round from the original volley of gunfire that originated north of their location. SA [REDACTED] observed law enforcement vehicles approaching on Hermitage from the south. SA [REDACTED] worked with responding law enforcement officers to load SA [REDACTED] into one of the vehicles, which immediately transported SA [REDACTED] to a hospital.

SA [REDACTED] remained on scene to assist with the investigation.

The **Detective Supplementary Report (RD# [REDACTED])**²³ states that on May 4, 2018, CPD Det. Brian Casey, #20936 interviewed Chicago Police Officer Kevin O'Neill on the scene of this incident. Officer O'Neill stated that he was working as a member of an ATF Task Force targeting the Almighty Saints street gang. Officer O'Neill was driving a covert brown, 4-door, Nissan Altima. Officer O'Neill was in civilian dress and did not have a body-worn camera. Officer O'Neill related that Officer Schoenecker located two targeted vehicle and advised the team of the addresses. The mission that morning was to replace trackers/batteries on two target vehicles that they had under observation over the past two months.

Officer Spratte was to place a tracker on a Ford fusion. SA [REDACTED] carried a second tracker with him to place on a second vehicle after Officer Spratte finished. SA [REDACTED] was tasked with foot surveillance for both tracker placements. Officer O'Neill drove their vehicle and SA [REDACTED] was the front seat passenger. SA [REDACTED] was in the backseat on the driver's side and Officer Spratte in the backseat on the passenger's side. Officer O'Neill drove south on Hermitage Avenue, stopping just before 44th Street where the SAs [REDACTED] and [REDACTED] and Officer Spratte exited the vehicle. SA [REDACTED] and Officer Spratte walked south in the middle of Hermitage Avenue while SA [REDACTED] walked south along the west curb/sidewalk of the street. Officer O'Neill stated that he turned right and drove west on 44th Street, intending to turn left (south) on Wood Street, then east on 45th Street where he intended to pick up the three officers after the two trackers were placed on the vehicles. Officer O'Neill advised SA Schoenecker over the ATF handheld radio that SA [REDACTED] was in cell-phone contact with SA [REDACTED] who was working surveillance in a nearby vehicle.

Officer O'Neill observed in his review mirror Officer Spratte proceed toward the sidewalk at 4401 S. Hermitage Avenue, SA [REDACTED] proceeded toward the middle of the intersection, and SA [REDACTED] proceeded to the west sidewalk of 4400 S. Hermitage Avenue. Officer O'Neill drove about 20-30 feet west of the crosswalk when he heard four or five gunshots in rapid succession. Officer O'Neill announced shots fired on his ATF radio and his CPD radio via Zone 13.

²³ Attachment 22.

Officer O'Neill then reversed the vehicle back into the intersection and stopped at approximately 4403 S. Hermitage Avenue with his vehicle facing in a northwest direction. Officer Spratte then directed his attention to SA [REDACTED] who was bleeding and lying on the parkway near a mini-van at 4406 S. Hermitage Avenue. S. SA [REDACTED] Illinois Department of Corrections Officer Hopkins, and SA [REDACTED] arrived on scene moments later and transported SA [REDACTED] to get medical attention in an ATF Ford Explorer.

Officer O'Neill did not see any subjects in the vicinity of the incident immediately before or after the shooting. Officer O'Neill did not see SA [REDACTED] get struck with gunfire and did not see any of the officer return fire.

Det. Casey interviewed IDOC Officer Louis Hopkins on scene. IDOC Officer Hopkins related that he was working surveillance in a covert silver Ford Explorer for the mission on the night of this incident. IDOC Officer Hopkins stated that he was with SA [REDACTED] who was driving. SA [REDACTED] monitored an ATF radio using an ear piece as they were parked on the 4500 block of south Wood Street, with the engine and lights off and windows cracked. IDOC Officer Hopkins heard approximately 6 to 7 gunshots in rapid succession nearby. SA [REDACTED] drove the vehicle east to Hermitage Avenue and then north to the scene of this incident. IDOC Officer Hopkins saw Officer Spratte pointing to SA [REDACTED] who was lying on the parkway near the southwest corner of the intersection at 4400 S. Hermitage Avenue. IDOC Officer Hopkins observed SA [REDACTED] with his hands to his face, which was bleeding profusely. IDOC Officer Hopkins and SA [REDACTED] helped SA [REDACTED] into the rear seat of the Ford Explorer. IDOC Officer Hopkins then went to retrieve SA [REDACTED] rifle that he left in the parkway when he assisted SA [REDACTED] IDOC Officer Hopkins found that the rifle had been secured by SA [REDACTED] IDOC Officer Hopkins stated that he assisted with securing the scene and searching for the offender while SAs [REDACTED] and [REDACTED] transported SA [REDACTED] to the hospital.

Det. Casey interviewed CPD Officer Jason Schoenecker on the scene. Officer Schoenecker stated he was a member of the task force targeting the Almighty Saints street gang. Officer Schoenecker was in civilian dress, driving a covert vehicle²⁴ with CPD Det. Matthew Daquilante, #20878, as a passenger. Officer Schoenecker and Det. Daquilante were tasked with surveillance for an operation to place trackers on vehicles. Officer Schoenecker and Det. Daquilante initially met with the rest of their team in the 9th District Station for their operation briefing and left the station ten minutes prior to the rest of their team.

Officer Schoenecker parked their vehicle, facing south, at 4430 S. Hermitage Avenue. Officer Schoenecker heard over the radio that the Agents and Officer Spratte had been dropped off. Within approximately 20 seconds, Officer Schoenecker was able to see Officer Spratte and SA [REDACTED] in his rearview mirrors but could not tell if they were on the street or the sidewalk. Officer Schoenecker then heard approximately 10 gunshots in a series of three volleys. Officer Schoenecker then made a U-turn and drove north on Hermitage Avenue to 44th Street. Officer Schoenecker saw SA [REDACTED] loaded into an ATF SUV with SA [REDACTED] and SA [REDACTED] The ATF SUV then left the scene. Officer Schoenecker related that the gun shots sounded like they had come from north of his parked position but was unsure of the exact location. Officer Schoenecker stated that a CPD sergeant then arrived and began to tape off the crime scene.

²⁴ A Chevy Impala.

CPD Det. William Meister, #26835, interviewed Det. Daquilante at Stroger Hospital on the night of the incident. Det. Daquilante related that he was partnered with Officer Schoenecker, riding in the same covert vehicle. Det. Daquilante and Officer Schoenecker were parked at 4431 S. Hermitage Avenue when he heard approximately 10 gunshots. Det. Daquilante and Officer Schoenecker drove to 4400 S. Hermitage Avenue where he observed ATF personnel place SA [REDACTED] into an ATF vehicle. Det. Daquilante did not observe who fired the gunshots.

CPD Det. Joseph McGuire interviewed ISP Trooper Edward Nowak on the scene. Trooper Nowak related that he was working as a member of the ATF Task Force Team targeting the Almighty Saints Street Gang. Trooper Nowak was wearing civilian dress, as the driver of a covert black pick-up truck, with Officer Murphy and SA [REDACTED] as passengers. They were tasked with surveillance for the operation to place trackers on vehicles.

Trooper Nowak related that they were on surveillance, parked facing east on the south side of 45th Street, just west of Hermitage Avenue. SA [REDACTED] had his cell phone on speaker mode, on a call with SA [REDACTED] who was on foot on the 4300 block of south Hermitage Avenue. Within seconds of SA [REDACTED] telling them that he was on foot, Trooper Nowak heard gunshots. Trooper Nowak heard SA [REDACTED] call out over the cell phone that shots were being fired. Trooper Nowak arrived to see multiple law enforcement officers on scene with SA [REDACTED] down on the southwest corner grass of 4400 S. Hermitage Avenue. Trooper Nowak related that he did not see the shooting or the offender(s). Trooper Nowak related that SA [REDACTED] was loaded into an SUV and driven away by law enforcement officers.

Det. McGuire interviewed CPD Officer Tara Murphy on the scene. Officer Murphy stated that she was working as part of the ATF Task Force Team, on surveillance on 46th Street, between Hermitage Avenue and Wood Street. Officer Murphy stated that they were parked facing east, on the south side of the street, east of the alley. Officer Murphy was in civilian dress in the front passenger seat with ISP Trooper Nowak driving and ATF SA [REDACTED] as a backseat passenger. Officer Murphy stated that they were in a black pick-up truck. Officer Murphy related that from where they were parked she heard gunshots over a radio transmission. Officer Murphy broadcasted that shots were fired on CPD Zone 13. Trooper Nowak then drove the pick-up truck to 4400 S. Hermitage Avenue where Officer Murphy saw ATF SA [REDACTED] laying on the grass on the southwest corner parkway. Officer Murphy saw that SA [REDACTED] had a facial injury and saw blood. Officer Murphy related that SA [REDACTED] was put into the back of a silver ford Explorer with ATF SA [REDACTED] and SA [REDACTED] who drove him away. Officer Murphy related that she did not see the offender(s).

CPD Detectives Neil Evans and Anthony Green conducted an interview with Officer Spratte at the crime scene, after Officer Spratte returned from Stroger Hospital. Officer Spratte stated that he was in civilian dress at the time of this incident.²⁵ Officer Spratte was part of an ATF Task Force Team that was targeting the Almighty Saints Street Gang. Officer Spratte related that he was involved in an operation to replace trackers on several vehicles parked on the 4400 block of south Hermitage Avenue. Officer Spratte was a backseat passenger of a covert vehicle

²⁵ PO Spratte stated that he was not equipped with a Body-Worn Camera.

driven by Officer O'Neill. SA [REDACTED] was seated in the backseat behind the driver and SA [REDACTED] was the front seat passenger.

Officer Spratte stated Officer O'Neill drove south on Hermitage Avenue from 43rd Street. Officer O'Neill stopped at the stop sign at approximately 4358 S. Hermitage Avenue and Officer Spratte, SA [REDACTED] and SA [REDACTED] exited the vehicle. Officer Spratte stated that he and SA [REDACTED] walked south on the east side of Hermitage Avenue and SA [REDACTED] walked south on the west side of the street, toward the crosswalk. Officer O'Neill drove west on 44th Street after they exited the vehicle.

Officer Spratte stated that as he walked near the traffic circle in the middle of the intersection he heard multiple gunshots. Officer Spratte heard SA [REDACTED] yell but was unable to distinguish what he had said. Officer Spratte related that he tried to run toward a parked vehicle on the south side of the street for cover. As he did so, Officer Spratte saw an unknown person wearing a white T-shirt and muzzle flashes north of his location, on the west sidewalk. Officer Spratte fired 2 rounds in the direction of the muzzle flashes. After shooting the two rounds, Officer Spratte then ran north toward a vehicle parked on the northeast corner of 4400 S. Hermitage Avenue in an attempt to locate the offender. Officer Spratte related that at that point he could not see anyone in the vicinity of where the muzzle flashes came from. Officer Spratte then ran to help SA [REDACTED] who he saw had been shot in the face. Officer Spratte related that he then helped SA [REDACTED] into an ATF vehicle driven by teammates, who then drove SA [REDACTED] to the hospital.

The report continued that Officer Spratte's firearm was recovered from him and inventoried. His firearm²⁶ was found to have 1 unfired cartridge in the chamber and 15 unfired cartridges loaded in the 17-cartridge capacity magazine.

The **Detective Supplementary Report (RD# [REDACTED])**²⁷ states that the two canvasses of the area conducted by CPD Detectives on the night of this incident revealed numerous civilians who heard gunshots but did not see anything relevant to this investigation. Neither canvass produced any eyewitnesses to this incident.

The **Detective Supplementary Report (RD# [REDACTED])**²⁸ states that on the afternoon of May 4, 2018, Det. Neil Evans learned that ATF personnel were going to conduct a series of search warrants in relation to the ATF Investigation. CPD Detectives requested to speak with subjects that were at the residences of several of the houses listed in the search warrants. From the home at [REDACTED], [REDACTED], [REDACTED] J [REDACTED] were interviewed. The three women could not provide any additional information regarding [REDACTED] [REDACTED] or this incident.

From the home at [REDACTED], Det. Casey interviewed [REDACTED] who related that she was awoken in her bedroom by the sound of gunshots. A short time later, [REDACTED] left her residence, explaining that she was driving her Aunt, [REDACTED],

²⁶ Glock, Model 17, 9mm with a Blue Steel Finish,

²⁷ Attachment 23.

²⁸ Attachment 24.

²⁹ [REDACTED] surrendered to the ATF and was subsequently charged with shooting ATF Agent [REDACTED]

to O'Hare Airport to catch her flight to Los Angeles. ██████ stated that her long-time friend, ██████ agreed to go to the airport with them. ██████ stated that she arrived at ██████ home at ██████ at approximately 4:00 a.m., and that ██████ arrived at about 5:10 a.m. ██████ stated that they dropped ██████ at the airport at about 6:00 a.m. ██████ and ██████ then drove home. ██████ stated that ██████ who was driving, made some wrong turns and got lost on the way home. ██████ stated that she made it home, changed her clothes, and went to work, arriving at approximately 10:00 a.m. ██████ stated that she and ██████ briefly discussed hearing gunshots, but ██████ did not comment further.

During the execution of a search warrant conducted at ██████ a 9mm blue steel, FEG, MDJJK-9HP handgun was recovered in the rear basement of the building. It was learned that ██████ ██████ ██████ resided on the second floor of the address.

On May 5, 2018, Det. Evans learned that an Arrest Warrant was issued for ██████ ██████ for the offense of Assault of a Federal Law Enforcement Officer from the U.S. District Court, Northern District of Illinois, Eastern Division.

On May 6, 2018, Det. Neil Evans and Det. Anthony Green interviewed SA ██████ at Stroger Hospital. SA ██████ stated that in the early morning hours of May 4, 2018, he was working in civilian clothes and riding in a covert vehicle with teammates SA ██████ Officer Spratte, and Officer O'Neill. SA ██████ stated that he was working on a mission to replace trackers on three vehicles and that he was personally responsible for replacing one tracker. SA ██████ stated that when he and his teammates arrived at 4400 S. Hermitage Avenue, he got out of the rear driver's side door and walked around the vehicle to the west side of the street. SA ██████ related that two of his partners, SA ██████ and Officer Spratte, were walking southbound on the east side of the street as he walked south on the west side of the street. SA ██████ stated that he was walking about 30 seconds when he heard two gunshots. SA ██████ saw SA ██████ and Officer Spratte run to their left. SA ██████ then looked back towards his rear when he suddenly felt pain in his face. SA ██████ fell to the ground, still not sure where the gunshots were coming from. SA ██████ attempted to get away from the gunfire and fell a second time. SA ██████ related that he felt blood dripping from his face and tasted blood in his mouth. SA ██████ related that he was going to attempt to crawl under a parked car but was unable to. SA ██████ related that he yelled out to his teammates that he was hit. SA ██████ related that he heard his partners respond and that he was taken to the hospital in accordance with the mission/OPS plan that was in place.

The **Detective Supplementary Report (RD# ██████)**³⁰ states that Det. Evans was made aware that ██████ intended to turn himself into law enforcement authorities at the 1st District Station on the evening of May 7, 2018. On that evening, Det. Evans, Det. Green, and CPD Sgt. Thomas Flaherty #1732, were inside the 1st District Station when they learned that ██████ was placed into custody in the vicinity of the 1st District Station by ATF personnel. ██████ was charged with Assault on a Federal Agent/Officer.

³⁰ Attachment 25.

According to the **Detective's Supplementary Report (RD#JB249-171)**³¹, none of the officers were equipped with body-worn camera. Also, none of the vehicles were equipped with in-car cameras.

The **Bureau of Internal Affairs Synoptic Report**³² indicates that on May 4, 2018, at approximately 4:00 a.m., CPD Sgt. Majed Assaf #1440, reported to Stroger Hospital. Officer Spratte was presented with the "Notice of Alcohol and Drug Testing Following a Firearm Discharge Incident Form" and Sgt. Assaf began his 20-minute observation of Officer Spratte.

At approximately 7:00 a.m., Officer Spratte was given the breathalyzer test, which resulted in a BrAC³³ of .000. At approximately 7:03 a.m., Sgt. Assaf collected a urine specimen from Officer Spratte. That urine specimen was subsequently turned over to the Random Drug Unit for processing. Officer Spratte's urine specimen was tested and found to be negative.

VI. ANALYSIS

Chicago Police Department's General Order 03-03-03, Section III. Paragraph C (Firearms Discharge Incidents Involving Sworn Members) states that "Department members are authorized to use a firearm in deadly force incidents against an assailant as 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," and, "

Chicago Police department's General Order 03-02 (Use of Force) defines an objectionably reasonable imminent threat as when, 1) the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless actions is taken; 2) the subject has the means or instruments to cause death or great bodily harm; and 3) the subject has the opportunity and ability to cause death or great bodily harm. The Order continued:

"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.

³¹ Attachment 22.

³² Attachment 10.

³³ Breath Alcohol Concentration.

- 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."

In this case, based on the totality of the circumstances, COPA finds that Officer Spratte’s use of deadly force was within policy. Based on the available evidence, including witness statements, video evidence, and forensic evidence, COPA finds that Officer Spratte and members of the ATF Task Force were ambushed by [REDACTED] who discharged a firearm multiple times in the Task Force’s direction, striking ATF Agent [REDACTED]. Officer Spratte returned fire to stop [REDACTED] attack on them and prevent death or further injury to himself and the other task force members.

Therefore, COPA finds that, by a preponderance of the evidence, including the consistent witness accounts provided by the involved officers, Officer Spratte’s use of deadly force against [REDACTED] was objectively reasonable, and thus, within the policy of the Chicago Police Department.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Thomas Spratte	1. Not Applicable	Within Policy

Approved:

[REDACTED] on behalf of Angela Hearts-Glass
 Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator

10/13/22

 Date

[REDACTED]

10/13/22

 Andrea Kersten
 Chief Administrator

 Date

