

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 26, 2018
Time of Incident:	2:46 A.M.
Location of Incident:	5243 W. Ohio Street
Date of COPA Notification:	May 26, 2018
Time of COPA Notification:	3:19 A.M.

On May 26, 2018, Officers Christian Szczur, Matthew Sanchez, Danilo Lazo and David Cook responded to a Shot Spotter alert in the vicinity of 5235 W. Ohio Street. Upon arrival, the officers searched the area and observed two males, [REDACTED] and [REDACTED] on the front porch of [REDACTED]. The officers approached the porch to conduct a field interview and requested [REDACTED] and [REDACTED] step off the porch. [REDACTED] complied and began walking down the stairs, but [REDACTED] remained on the porch. At this time, [REDACTED] jumped off the porch and into the front yard of 5243 W. Ohio Street. [REDACTED] then hopped another fence, which leads into a T alley and ran north through the alley.

Officers Szczur and Cook pursued [REDACTED] on foot through the alley. Officer Cook observed a weapon in [REDACTED] waistband and informed Officer Szczur that he saw a gun. As [REDACTED] ran, he dropped the gun to the ground. [REDACTED] picked up the weapon and pointed it in Officer Szczur’s direction. Officer Szczur fired his gun three times at [REDACTED] fell to the ground near the location of 5243 W. Ohio. [REDACTED] was immediately handcuffed and placed into custody. [REDACTED] sustained two gunshot wounds to the right upper shoulder, and one gunshot wound to the lower right back. [REDACTED] received medical treatment at Mt. Sinai Hospital.

II. INVOLVED PARTIES

Involved Officer #1:	SZCZUR, Christian; Star #18774, Employee # [REDACTED] Date of Appointment: February 2, 2015; Police Officer; 015th District, DOB: [REDACTED], 2015; Male; White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1984; Male; Hispanic

III. ALLEGATIONS

The Civilian Office of Police Accountability (COPA) is notified whenever a Chicago Police Department (CPD or Department) member discharges his or her firearm in a manner that could potentially strike another individual,¹ and this investigation was initiated pursuant to such

¹ See MUNICIPAL CODE OF CHICAGO § 2-78-120(c) (2016).

notification. Based on COPA's investigation and review of the available evidence, no allegations were served on Officer Szczur.

IV. INVESTIGATION²

a. Interviews

COPA interviewed involved Officer Christian Szczur³ on September 6, 2018. Officer Szczur said that on May 26, 2018, he and Officers Cook, Matthew Sanchez and Danilo Lazo were on routine patrol when they received a radio transmission of a ShotSpotter notification in the vicinity of 5235 W. Ohio Street. When they arrived at the location, Officer Szczur⁴ searched the area for shell casings, Officers Lazo and Sanchez went to the rear of the location, and Officer Cook spoke to a couple of individuals (now known to be ██████████ and ██████████ at the location of ██████████). Officer Szczur approached ██████████ and ██████████ at ██████████ to assist Officer Cook. Officer Szczur directed ██████████ to Officer Cook and began to approach ██████████ who was seated on the porch. As Officer Szczur approached ██████████ he jumped off the porch and into the yard just west of the location.

Officer Szczur retreated back down the porch steps and chased ██████████ on foot. ██████████ jumped over another fence and then into the alley. Officer Szczur stated, "He's running through the alley going southbound. Basically, we're chasing him. I hear Officer Cook yelling, 'Waist, waist, let me see your hands.' And the subject that we're chasing is holding, like, the – maybe the right front of his waist very hard, as if he had a firearm. And then he falls. He gathers himself, and as he gathers himself, he turns around and points a gun at me."⁵ During this time, Officer Szczur fired his weapon at ██████████ three times. ██████████ fell to the ground, dropped his gun, and it slid across the pavement. Officer Szczur believed that Officer Cook, or another officer, stood over ██████████ weapon. Assist units placed ██████████ in custody; an EMS was called to the scene; and ██████████ was transported to Mt. Sinai Hospital. Officer Szczur was transported to Resurrection Hospital for observation.

COPA interviewed witness Officer David Cook⁶ on September 6, 2018. Officer Cook related in essence, the same information as Officer Szczur. He exited the vehicle, and observed two individuals, now known to be ██████████ and ██████████ on the porch at the location of 5235 W. Ohio. He and Officer Szczur approached the individuals on the porch and told them to step down. ██████████ was compliant and came down the stairs with his hands up. Officer Szczur approached ██████████ and ██████████ immediately jumped the railing towards the alley and fled. Officers Cook⁷ and Szczur pursued ██████████ who fled southbound through an alley.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att 46, 58

⁴ Officer Szczur indicated that he had his weapon in his hand when he first exited the vehicle.

⁵ Att 58 Page 22, line 24 to Page 23, lines 1 - 7

⁶ Atts 44, 51

⁷ Officer Cook had his weapon drawn as he pursued ██████████

According to Officer Cook, “While he’s (██████████) running, he falls, and he produced an item consistent with firearm – I believed to be a firearm. I was giving verbal direction, hands up, hands up. And as soon as he fell and came – hands it back, I started yelling, gun, gun, gun, gun. Officer Szczur ran in front of me, he (██████████) turned again, and there was gunfire.”⁸ Officer Szczur fired his weapon at ██████████ three times. ██████████ fell to the ground and dropped the gun to the ground. Officer Cook further explained that as ██████████ was running, he was holding his waistband with his right hand, and he (Officer Cook) observed the weapon when he (██████████) fell to the ground, prior to the weapons discharge. ██████████ was immediately placed in custody, and EMS was called to the scene. Officer Cook and Officer Szczur were taken to the hospital for evaluation.

COPA interviewed witness Sgt. Jeffrey Allen⁹ on August 14, 2018. Sgt. Allen stated that on May 26, 2018, he was riding¹⁰ with members of his team, Officers Mia Root and Daniel Trakes. They responded to a ShotSpotter call in the vicinity of 5235 W. Ohio. When they arrived on the scene, they positioned their vehicle with their windows down in the alley to create a perimeter to track down the source of the ShotSpotter notification. They heard yelling,¹¹ and observed flashlights moving. Officers Root, Trakes and himself began to exit the vehicle when they heard, “He’s coming to the alley. He’s hitting the alley.”¹² Sgt. Allen and his partners exited the vehicle and ran through the alley waiting for the offender, now known to be ██████████ to come through the T-alley.

During that time, they observed ██████████ break the plane of the T-alley. Sgt. Allen indicated that ██████████ appeared to have fallen or stumbled to the ground. Sgt. Allen explained that ██████████ “was coming from, like, a crouched or hunched over position and came up at a clockwise position with his right arm raised and the weapon.”¹³ He then heard approximately three gunshots, and observed ██████████ go to the ground. Sgt. Allen heard ██████████ weapon fall to the ground and then observed it slide across the ground. He immediately secured the scene, in that he ascertained that no one was injured, made sure EMS was on the way, had an officer stand over the weapon, and made sure that Officer Szczur was okay. Sgt. Allen did not know at the time who fired their weapon but learned that it was Officer Szczur.

COPA interviewed the witnesses, Officers Matthew Sanchez, Danilo Loza, and Mia Root.¹⁴ The officers stated that they responded to the ShotSpotter notification at 5235 W. Ohio Street. When the officers arrived, they heard approximately three shots fired and heard the call of shots fired over the radio. They immediately responded to the alley near 5243 W. Ohio Street. When they arrived at the scene, they observed ██████████ on the ground, and he appeared injured (gunshot wounds). The officers observed a weapon about five to ten feet away from ██████████. ██████████ was subsequently placed in custody. Officer Root further stated, “I saw him raise his right arm, point a black gun down the alley. I heard three gunshots, and then he fell.”¹⁵ Officer Root

⁸ Att. 46 at 13:15. Att 51, Page 19, Lines 13 - 19

⁹ Att 39, 53

¹⁰ Sgt. Allen was assigned an Unmarked Ford Explorer.

¹¹ Att 53, Page 27, Lines 6 – 7, “I heard yelling, stop, police type stuff.”

¹² Att 53 Page 27, Lines 10 -11

¹³ Att. 53, Page 31, Lines 3-6

¹⁴ Atts 50 (Audio 48), 52 (Audio 38) , 59 (Audio 41)

¹⁵ Att.59, Page 15, Lines 20-22.

explained she saw muzzle flashes from about a garage length away.

b. Digital Evidence

The **Body-Worn Camera of Officer Szczur**¹⁶ depicts him approach two male Hispanics, now known as [REDACTED] and [REDACTED] on a porch. Officer Szczur asked [REDACTED] to stand up and step down off the porch, which he complies with. Officer Szczur continued to walk up the stairs of the porch to engage [REDACTED] at which time [REDACTED] runs and jumps off the porch into the neighbor's property. Officers Szczur and Cook pursued [REDACTED] on foot, who was running through an alley. Officer Szczur stated words to the effect of "Let me see your fucking hands, I'll shoot you, I'll fucking shoot you."¹⁷ Officer Szczur closes the distance between him and [REDACTED] Officer Szczur yells, "I'll shoot you,"¹⁸ while a firearm is seen in [REDACTED] right hand. Officer Szczur fires his weapon twice at [REDACTED] is immediately placed in custody by the assist units on the scene. Officer Szczur's BWC captures [REDACTED] weapon, which was approximately six (6) feet away from where [REDACTED] was placed in custody. Officer Szczur is heard on the camera, saying, "Dude, he was pointing it at me."

The **Body-Worn Camera of Officer Cook**¹⁹ depicts essentially the same video footage as Officer Szczur. Officer Cook's BWC provides a better view of [REDACTED] actions at the time of the shooting. Officer Cook's BWC further illustrates [REDACTED] running through the alley, and Officer Cook yelling words to the effect of "Waistband, waistband, waistband. Keep your hands up!"²⁰ [REDACTED] falls to the ground, and Officer Cook yells words to the effect of, "He got it in his hands, guns out!"²¹ At the :39 mark, [REDACTED] is seen getting up from the ground and pointing a handgun backwards in the direction of Officers Szczur and Cook. It should be further noted that when Officer Cook's video footage is slowed down, [REDACTED] is seen pointing his weapon in the general direction of Officers Cook and Szczur. Two (2) gunshots can be heard on the BWC, and Officer Cook yells, "Shots fired!"²² Assist officers arrive and place [REDACTED] in custody. Officer Cook is heard saying, "He pointed it out."²³ [REDACTED] weapon can be seen on the BWC. about five (5) to six (6) feet away from where [REDACTED] was placed in custody.

The **Body-Worn Cameras of Officers Sanchez, Root, Loza, Reina, Maldonado, and Sgt. Allen**,²⁴ depict essentially the same video footage as Officers Szczur and Cook. The body-worn cameras show that when they arrive near or about the alley of 5243 W. Ohio, three gunshots are heard, and [REDACTED] is observed on the ground. [REDACTED] is placed in custody, and reports of shots fired could be heard over the radio.

¹⁶ Att 31 BWC of Officer Szczur

¹⁷ Att. 31 At the 1:43 Mark

¹⁸ Att. 31 At the 1:52 Mark

¹⁹ Att 31 BWC of Officer Cook

²⁰ Att. 31 At the :31 Mark

²¹ Att. 31 At the :36 Mark

²² Att. 31 At the :40 Mark

²³ Att. 31 At the :57 Mark

²⁴ Att 63

The **evidence technician photographs**²⁵ depict the scene, the officers, ██████ at the hospital and the weapon. At the scene, there were photographs of blood spatter on the garage and a black 9mm handgun marked with a yellow marker. Also, at the scene, three shell casings were located and marked with yellow markers.

c. Physical Evidence

The **C.F.D. Ambulance Report**²⁶ indicates that EMS 4 responded to the location of Ohio and Latrobe for a gunshot wound victim, ██████. When the paramedics arrived on scene ██████ was lying on his back with two gunshot wounds. ██████ sustained a gunshot wound to the back of his right shoulder and a gunshot wound to his mid lower back with no feeling or movement to his lower extremities. ██████ was transported to Mt. Sinai Hospital.

The **medical records from Mt. Sinai Hospital**²⁷ indicate that ██████ informed the hospital staff that he heard multiple shots, felt pain in his back and cannot feel or move his legs. ██████ chief complaint was a gunshot wound to his back with weakness of the lower extremities. During the examination of ██████ it was discovered that he sustained one gunshot wound to the right posterior shoulder, one gunshot wound with some swelling to the right paraspinal area within L1-L2. The X-Rays depict a bullet crossing the midline and present left upper quadrant. ██████ was diagnosed with three gunshot wounds and flaccid paralysis of BLE (bilateral lower extremity).

d. Documentary Evidence

The **Arrest Report of ██████ ██████** indicates that he was arrested on two counts of aggravated assault to Officer Szczur. The narrative of the report states that the Officers Szczur and Cook responded to a ShotSpotter call located at 5235 W. Ohio Street. Upon arrival the arresting officers observed Officer Szczur conducting an investigatory stop on ██████ jumped from the front porch onto the adjacent front yard. ██████ fled southbound through the west alley. During the foot pursuit, ██████ was observed with a gun in his right hand, which he pointed in the direction of Officers Szczur and Cook. In fear for his life, Officer Szczur discharged his weapon. ██████ received multiple gunshot wounds, was placed in custody and was transported to Mt. Sinai Hospital. The gun that ██████ pointed was recovered on the scene.

The **Detective Supplementary report R.D. # ██████**²⁹ indicated that Officers Szczur, Cook, Sanchez, Loza, Root, and Sgt. Allen were interviewed by the responding detectives. The officers provided essentially the same information as the interviews they provided for COPA. Additionally, Officer Trakes³⁰ was interviewed and reported that he was on routine patrol with Officer Root and Sgt. Allen, and they responded to a ShotSpotter notification. When they arrived on the scene, he observed officers running and heard shouting. Officer Trakes exited the vehicle

²⁵ Att 28

²⁶ Att 30

²⁷ Att 19

²⁸ Att 5

²⁹ Att 60

³⁰ Officer Trakes took a leave of absence shortly after the incident and was not interviewed by COPA.

and heard two or three gunshots and observed [REDACTED] on the ground. Officer Trakes approached [REDACTED] and observed his weapon (Glock pistol) on the pavement.

The reporting detective interviewed Officers Reina and Maldonado, and they related the same information as Officers Szczur Cook, Sanchez, Loza Root, and Sgt. Allen. The officers indicated that when they arrived on the scene, they observed [REDACTED] jump a fence, and Officer Szczur gave chase. Officers Reina and Maldonado exited their vehicle and ran into the east alley of Lockwood Avenue. They observed a pistol in [REDACTED] right hand and then heard Officers Szczur and Cook give verbal commands to [REDACTED] stumbled to the ground, and when he stood up from the ground, he turned in the officer's direction. Officer Reina and Maldonado heard three gunshots, but they did not observe who was shooting. They observed [REDACTED] fall to the ground, and they approached and placed him in custody.

The reporting detectives interviewed the witness, [REDACTED] via ERI.³¹ [REDACTED] reported that he and [REDACTED] were on the porch at [REDACTED] when [REDACTED] entered the house to get "something." [REDACTED] stated that he remained outside of the house, and about 10 to 15 minutes later, he heard a gunshot come from the back of the house. When [REDACTED] came back on the porch, [REDACTED] saw something black in [REDACTED] hand that he tucked into his waistband. [REDACTED] observed two uniformed officers walking towards him, at which time [REDACTED] jumped the gate and ran away. [REDACTED] heard gunshots and then walked to his aunt's vehicle and entered the car and hid there.

In an ERI³² with a detective while on the scene ([REDACTED] said he was with [REDACTED] (who described as the dummy that ran through the alley with the gun³³) at [REDACTED] home. [REDACTED] was seated on the front porch and [REDACTED] was in the house getting something to drink or eat. After about ten to fifteen minutes, [REDACTED] heard a loud noise ([REDACTED] describe the loud noise as one gunshot) and saw [REDACTED] run from the back with a gun in his right hand and he tucked the gun in his waistband,³⁴ at which time the police arrived on the scene. The officers approached them, and [REDACTED] hopped the gate and ran from the officers. [REDACTED] then heard gunshots, at which time he entered his aunt's vehicle and went to sleep.

The **Tactical Response Report completed by Officer Christian Szczur³⁵** indicates that [REDACTED] did not follow verbal direction, fled, posed an imminent threat of battery with weapon, and used force likely to cause death or great bodily harm. [REDACTED] was armed with a semi-automatic pistol. Officer Szczur responded with member presence, verbal direction/control techniques, tactical positioning, and additional unit members and discharged his semi-automatic weapon three times.

The **Tactical Response Report completed by Officer Cook³⁶** indicates that [REDACTED] did not follow verbal direction, fled, posed an imminent threat of battery with a weapon, used force likely to cause death or great bodily harm. [REDACTED] was armed with a semi-automatic pistol.

³¹ During [REDACTED] ERI conducted at Area 4, he related, in essence, the same information stated in the Detective Supplementary Report.

³² Att 21

³³ Att 21, At the 2:18 Mark

³⁴ Att 21, At the 5:06 and 7:01 Mark

³⁵ Att 33

³⁶ Att 34

The **Crime Scene Processing Report**³⁷ indicated that Evidence Technicians Kevin Clark and Ashor Warda responded to 5230 W. Ohio Street and inventoried a Glock 27, .40 Caliber, semi-automatic from the scene. The E.T.'s also inventoried a nine (9) round capacity Glock magazine. The Glock 27 was swabbed for DNA. Three shell casings were recovered from the scene. The E.T.'s discovered a red stain "suspect blood" located on the west side of a garage at 5243 W. Ohio. Officer Szczur's weapon, a Glock 19, 9mm, semi-automatic, was inventoried at Area North.

The **OEMC Event Query**³⁸ indicated that there was a call of shots fired by the police (Beat 1561 B, Officer Szczur) in the vicinity of [REDACTED]. It was reported of an offender (now known to be [REDACTED]) was shot twice in the back by Officer Szczur. An ambulance was requested to the scene for [REDACTED] and Officer Szczur. [REDACTED] was transported to Mt. Sinai Hospital in serious condition. The event query further indicated that a person with the name of Maria called and stated that she heard (4) four to (5) five gunshots in the vicinity of 5238 W. Race.

The **Illinois State Crime Lab Reports**³⁹ indicate that the weapon, Glock 27, and the magazine associated with [REDACTED] weapon were test-fired and deemed operable. The reports also indicate that no latent prints could be lifted from [REDACTED] weapon. Officer Szczur's weapon, Glock 19, 9mm and the magazine were test-fired and deemed operable. No further testing was conducted.

e. Additional Evidence

The **canvass**⁴⁰ conducted in the vicinity 5243 W. Ohio Street did not reveal any additional witnesses.

Officer Szczur's **synoptic results**⁴¹ indicated that his Br.A.C. reading was .000.

Officer Szczur's Weapons Qualifications History⁴² indicated that he was qualified on February 9, 2018.

In the **deposition of** [REDACTED] [REDACTED] on September 28, 2020, he stated that on May 26, 2018, he was with [REDACTED] whom he knows as Smokey. [REDACTED] explained that he borrowed a vehicle from a [REDACTED] (NFI), a relative of [REDACTED] asked [REDACTED] to take him to [REDACTED] girlfriend's house, and [REDACTED] agreed. [REDACTED] did not recall [REDACTED] girlfriend's exact address, but he indicated that it was in the vicinity of Washington Street and Christiana Avenue. Upon arrival at [REDACTED] girlfriend's home, they parked in the alley and waited for her to exit the home. [REDACTED] girlfriend never left the house, and [REDACTED] decided to leave. As they were preparing to leave, [REDACTED] asked [REDACTED] to drive the vehicle. [REDACTED] allowed [REDACTED] to drive at which time [REDACTED] backed into a pole and damaged the vehicle.

³⁷ Att 22

³⁸ Att 9, 27, 64

³⁹ Att 49, 61

⁴⁰ Att. 25

⁴¹ Att. 8

⁴² Att. 65

⁴³ Att. 71

██████████ changed seats with ██████████ and relocated the vehicle to ██████████ home at 5329 W. Ohio Street. ██████████ said that he was angry that he allowed ██████████ to drive the car because he was responsible for the vehicle. When they arrived at ██████████ ██████████ devised a plan to tell ██████████ that gang members bumped into the vehicle, and he had to fire a gunshot at them to get away from the gang members. ██████████ went to the backyard of his home and fired one gunshot. ██████████ went into his home to change his shirt, and as he exited the house, he observed several officers near his home. ██████████ planned to leave, but he could not because the police blocked ██████████ car. ██████████ sat at the top of the porch and smoked a cigarette, and ██████████ was near the bottom of the steps.

During this time, two officers, now known to be Officers Szczur and Cook, approached ██████████ and ██████████ on the porch. ██████████ was positioned at the top of the porch smoking a cigarette, and ██████████ was at the bottom of the porch. ██████████ said he had the gun in his possession tucked into his waistband. As the officers approached ██████████ and ██████████ one of the officers flashed a flashlight at them, and the other opened the gate. One of the officers told ██████████ to put his hands up. The other officer, now known to be Officer Szczur, walked onto the stairs toward ██████████ stood to his feet, jumped off the porch and into the yard of 5243 W. Ohio Street, and then hopped the fence into the alley next to 5243 W. Ohio. ██████████ ran because he had a gun in his possession. As ██████████ ran toward the end of the alley, he heard one of the officers say, “waistband, waistband; stop; I’ll shoot you; waistband, waistband.” ██████████ indicated that the gun remained in his waistband, near his right butt cheek.

As ██████████ ran, he briefly fell to the ground and immediately got up and continued running. ██████████ then fell a second time, but he did not remember what had occurred at that time. ██████████ testified that he did not know he was shot, but ██████████ knew he could not move. ██████████ did not realize his gun fell from his waistband, but he observed the weapon on the ground. ██████████ indicated that while he was on the ground, he stated to the officers, “Why you shoot me? Did you shoot me? Why you shoot me, officer?”

In the **deposition of ██████████ Jr.**⁴⁴ on February 25, 2021, he stated that he’s the half-brother of ██████████ Jr. indicated that his brother told him he was shot by the police, but he did not give him any details related to the incident. ██████████ Jr. was not told by his brother that he had a weapon when he was shot by the police and that he had never seen his brother with a gun. ██████████ Jr. was made of aware of the fact that his brother admitted to having a gun at the time of the incident. ██████████ Jr. did not witness the officer-involved shooting between his brother and Officer Szczur, but he heard about four gunshots on May 26, 2018. ██████████ Jr. explained that he was in his home, ██████████ when he heard one gunshot, and then approximately four minutes later, he heard three additional gunshots. ██████████ Jr. looked outside and observed several squad cars in the area.

COPA reviewed the **deposition of Officer Szczur**⁴⁵ conducted on December 23, 2020. Officer Szczur related essentially the same information he relayed to COPA during his audio interview on September 6, 2018.

⁴⁴ Att 70

⁴⁵ Att. 68

COPA reviewed the **deposition of Officer Cook**⁴⁶ conducted on December 15, 2020. Officer Cook related essentially the same information he relayed to COPA during his audio interview on September 6, 2018.

COPA reviewed the **deposition of Officer Sanchez**⁴⁷ conducted on June 26, 2020. Officer Sanchez related essentially the same information he relayed to COPA during his audio interview on August 13, 2018.

COPA reviewed the **deposition of Officer Loza**⁴⁸ conducted on July 14, 2020. Officer Loza related essentially the same information he relayed to COPA during his audio interview on December 20, 2018.

COPA reviewed the **deposition of Officer Root**⁴⁹ conducted on October 1, 2020. Officer Root related essentially the same information she relayed to COPA during her audio interview on August 21, 2018. Officer Root reaffirmed that she observed ██████ raise his weapon and point it at Officer Szczur. Officer Root further reported that she observed a muzzle flash, but she could not specify whose weapon produced the muzzle flash. Officer Root did not observe Officer Szczur shoot, ██████

COPA reviewed the **deposition of Lt. Allen**⁵⁰ conducted on July 29, 2020. Lt. Allen related essentially the same information he relayed to COPA during his audio interview on August 14, 2018. Lt. Allen said that he observed ██████ raise a gun at Officers Szczur and Cook when Officer Szczur shot him⁵¹.

COPA reviewed the **deposition of Officer Daniel Trakes**⁵² conducted on December 16, 2020. Officer Trakes said he did not observe Officer Szczur fire his weapon at ██████ Officer Trakes indicated that he heard shots being fired. Officer Trakes did not add any additional information related to the officer-involved shooting.

COPA reviewed the **deposition of ██████** conducted on November 10, 2020. ██████ indicated that he lives at ██████. ██████ said he was in his home when he heard a gunshot at approximately 2:00 or 3:00 a.m. near his home. ██████ looked out the window and observed several officers in the vacant lot next to his house with flashlights. ██████ proceeded to put on his clothes, walked onto his front porch, and saw officers running toward the alley. ██████ went back into his home, at which time he heard about four gunshots. ██████ went back onto the porch and observed the officers searching the area. ██████ stated he spoke with detectives about what he heard and saw. ██████ never observed the person who fired their weapon. ██████ said that

⁴⁶ Att. 72

⁴⁷ Att. 74

⁴⁸ Att. 75

⁴⁹ Att. 76

⁵⁰ Att. 77, Lt. Allen was sergeant at the May 26, 2018.

⁵¹ Att. 77, Pg. 18 -20

⁵² Officer Trakes was not interviewed by COPA because he moved to Arizona.

⁵³ Att. 79

he is neighbors with ██████ and that he did not know that ██████ had been shot and arrested until the days proceeding. ██████ did not witness the Officer-Involved Shooting.

COPA reviewed the **deposition of ██████**⁵⁴ conducted on November 10, 2020. ██████ did not witness the Officer-Involved Shooting.

COPA reviewed the **deposition of ██████**⁵⁵ conducted on March 17, 2021. ██████ is a Civilian Policy Analyst and was not a witness to the Officer -Involved Shooting.

COPA reviewed the **deposition of Det. Michael Chiocca**⁵⁶ conducted on September 30, 2020. Det. Chiocca did not witness to the Officer-Involved Shooting. Det. Chiocca prepared the video footage related to the Officer-Involved Shooting.

COPA reviewed the **deposition of Officer Michael Hayes**⁵⁷ conducted on March 12, 2021. Officer Hayes was not a witness to the Officer-Involved Shooting.

COPA reviewed the **deposition of Officer Trak Silapaduriyang**⁵⁸ conducted on October 22, 2020. Officer Silapaduriyang was not a witness to the Officer-Involved Shooting. Officer Silapaduriyang is an expert witness for explaining the Use of Force Policy.

COPA reviewed the **deposition of Officer Carmen Maldonado**⁵⁹ conducted on February 13, 2020. Officer Maldonado stated that on May 26, 2018, she and Officer Reina were in their vehicle when she observed ██████ hop a fence and run. Officer Maldonado then observed Officer Szczur pursue ██████ on foot. Officer Maldonado and Officer Reina exited the vehicle and assisted in the pursuit of ██████. Officer Maldonado observed Officer Szczur and ██████ running southbound through the alley. Officer Maldonado reported that during the pursuit, she observed a pistol in ██████ right hand, and he turned toward Officer Szczur with the weapon. Officer Maldonado recalled that Officer Szczur told ██████ to “Stop. Drop it.”⁶⁰ Officer Maldonado and Officer Reina immediately approached ██████ and placed him under arrest. Officer Maldonado searched ██████ for any additional weapons but did not find any. Officer Maldonado did not observe ██████ injuries.

COPA reviewed the **deposition of Officer Noel Reina**⁶¹ conducted on January 24, 2020. On May 26, 2018, Officer Reina stated that at approximately 2:45 a.m., she and Officer Maldonado responded to a ShotSpotter call in the vicinity of 5235 W. Ohio Street. Officer Reina indicated that when she arrived on the scene, she observed ██████ standing up on the porch at ██████. Officer Reina related that she did not observe anything in ██████ hands at this time. Officer Reina said she was shining her spotlight (located on the outside of the vehicle on the passenger side) on the porch and observed Officer Szczur on the porch with ██████.

⁵⁴ ██████ girlfriend.

⁵⁵ Att. 88

⁵⁶ Att. 82

⁵⁷ Att. 83

⁵⁸ Att. 84

⁵⁹ Att. 85

⁶⁰ Att. 85, Page 74, Line 12

⁶¹ Att. 87

██████████ then jumped off the porch and ran, which prompted Officer Reina and Officer Maldonado to exit their vehicle and assist in the pursuit. Officer Reina ran southbound to the east alley of Lockwood Avenue. Officer Reina indicated that when she first entered the alley, ██████████ was approximately 15 to 30 feet away, and he had a gun in his right hand. Officer Reina described the weapon as being to his side below his waistband. Officer Reina heard either Officer Szczur or Officer Cook say, “Stop, drop the gun,”⁶² at some point while she was in the alley. Officer Reina observed ██████████ stumble to the ground, and as he was getting up, he turned and angled his body toward Officer Szczur while pointing the gun at Officer Szczur.⁶³ Soon after ██████████ pointed his weapon, and Officer Szczur discharged his gun at ██████████ Officer Reina related that she observed one bullet hole to the shoulder of ██████████ Officer Reina placed ██████████ in handcuffs and rode with him in the ambulance to the hospital.

V. STANDARD OF PROOF

COPA applies a preponderance of the evidence standard to determine whether allegations of excessive force are warranted or well-founded.⁶⁴ A preponderance of evidence is evidence indicating that it is more likely than not that the alleged conduct occurred. If the evidence COPA gathers in an investigation establishes that it is more likely than not that misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

VI. ANALYSIS AND CONCLUSION

a. Applicable Department Policy

Use of Force

Department Policy states that the “Department’s highest priority is the sanctity of life.”⁶⁵ Department members are expected to act with the utmost regard for preserving human life and must comply with Department use of force orders. Department policy provides that a Department member’s use of force must be evaluated based on the totality of the circumstances known by the member at the time of the incident, from the perspective of a reasonable department member in the same or similar circumstances, and without the benefit of 20/20 hindsight.⁶⁶ 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.”⁶⁷ Department policy provides that a member’s use of force must be “objectively reasonable, necessary, and proportional, explaining each as follows:”⁶⁸

⁶² Att. 87, Page 66, Lines 13 - 14

⁶³ Att. 87, Page 68, Lines 10 - 14

⁶⁴ Municipal Code of Chicago 2-78-110

⁶⁵ General Order G03-02, effective October 16, 2017

⁶⁶ Id. at (II)(D)

⁶⁷ Id.

⁶⁸ Id. at (III)(B)

1. *Objectively Reasonable*: In evaluating use of force, Department policy provides that the key issue is whether the Department member's use of force was objectively reasonable under the totality of the circumstances at the time force is used. Factors that should be considered when determining reasonableness include but are not limited to:
 - a. whether the subject is posing an imminent threat;
 - b. the risk of harm, level of threat, or resistance presented by the subject; and
 - c. the subject's proximity or access to weapons.
2. *Necessary*: Department members are limited to using "only the amount of force required under the circumstances to serve a lawful purpose."
3. *Proportional*: A Department member's use of force must be proportional to the "threat, actions, and level of resistance offered by a subject."

Department members are only permitted to use deadly force as a "last resort" when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.⁶⁹ A threat is defined as "imminent" when it is objectively reasonable to believe that:

1. the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action 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."⁷⁰

b. Legal Analysis

1. Officer Szczur's use of force was authorized under Department Policy

After reviewing the available evidence, it has been determined that the evidence does not support allegations of excessive force against Officer Szczur. In making the determination, COPA weighed the credibility and reliability of all available statements and evidence discussed above.

A preponderance of the evidence demonstrates that Officer Szczur's use of deadly force was objectively reasonable in light of the totality of the circumstances that he faced. The body worn camera of Officer Cook shows the interaction between Officer Szczur and [REDACTED] Officer Cook is heard yelling, "Waistband, waistband, waistband. Keep your hands up!"⁷¹ [REDACTED] is seen pointing a firearm in the direction of Officers Szczur and Cook.⁷² The fact that [REDACTED] is seen pointing a firearm in the direction of the officers after disregarding verbal commands to show his hands illustrates the reasonableness of the use of force due to the risk of harm and level of threat. The footage supports that Officer Szczur faced an imminent threat of great bodily harm as [REDACTED]

⁶⁹ General Order G03-02 (III)(C)(3), effective October 16, 2017

⁷⁰ Id. at (III)(C)(2)

⁷¹ Att. 31

⁷² Id.

pointing the gun at the officers shows that [REDACTED] had both the means and the opportunity to cause great bodily harm or death unless action was taken.

Additionally, the depositions of multiple witness officers align with what is shown in the video, further corroborating the necessity to use force. Lieutenant Allen and Officer Reina each provided statements detailing their observations of [REDACTED] pointing a gun in the direction of Officer Szczur. In his deposition reviewed by COPA, [REDACTED] states that he ran from the officers due to having a gun in his possession; however, he claimed that the gun remained in his waistband.⁷³ COPA finds the footage from Officer Cook’s body worn camera contradicts this statement. Though the existence of the weapon was announced, Officer Szczur did not discharge his weapon until after [REDACTED] pointed his firearm in the officers’ direction. Officer Szczur’s use of deadly force was proportionate to the force presented and necessary to prevent the imminent threat of great bodily harm posed by [REDACTED]

COPA finds that Officer Szczur’s use of force was within policy because he faced an imminent threat of great bodily harm and/or death.

Approved:

[REDACTED] _____

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

September 29, 2022
_____ Date

[REDACTED] _____

Andrea Kersten
Chief Administrator

September 29, 2022
_____ Date

⁷³ Att. 71