

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	November 14, 2018
Time of Incident:	3:14 pm
Location of Incident:	620 N. Central Park Avenue
Date of COPA Notification:	November 18, 2018
Time of COPA Notification:	3:49 pm

November 14, 2018, at approximately 3:01 pm, [REDACTED] and her adult son, [REDACTED] were driving south on Lawndale Avenue. Ms. [REDACTED] was in the driver’s seat and Mr. [REDACTED] was the front passenger. At 724 N. Lawndale Avenue they saw a person they know as [REDACTED] being robbed by [REDACTED] who was armed with a handgun. [REDACTED] pulled over and stopped her vehicle for a moment, but her son urged her to drive away because of the robbery. As she drove away [REDACTED] discharged his firearm at her vehicle several times. [REDACTED] drove away and called 911 to report the incident.

Numerous Department members responded and subsequently pursued [REDACTED] east through several front and rear yards of the residences in the residential neighborhood. Throughout the chase members repeatedly ordered [REDACTED] to drop his handgun, but he did not comply. [REDACTED] ran into the rear yard of the residence located at 620 N. Central Park Avenue, followed by Sergeant Gary Bush, and Officers Brian Collins and Jacob Geary. Sgt. Bush and Officer Geary proceeded toward the front of the residence through the gangway on the south side of the residence. Officer Collins moved toward the north side of the rear yard and found [REDACTED] hiding in the breezeway on the north side of the residence. Officer Collins ordered [REDACTED] to drop his gun, but [REDACTED] did not comply, and instead moved toward Officer Collins. Officer Collins then discharged his firearm once, [REDACTED] on the lower left side of the front of his torso. [REDACTED] was taken into custody and transported to Mt. Sinai Hospital by Chicago Fire Department Ambulance.

One fired cartridge casing was recovered from the rear yard of 620 N. Central Park Avenue. One fired bullet with dark-colored fibers attached to it was recovered from the breezeway on the north side of the residence. [REDACTED] semi-automatic handgun was recovered from the pavement in the same breezeway. Six expended cartridge casings were recovered from 724 N. Lawndale Avenue, the location where [REDACTED] discharged his firearm at [REDACTED]

**II. INVOLVED PARTIES**

Involved Officer #1:	Brian Collins; Star #16590; Employee # [REDACTED] Date of Appointment: November 30, 2012; Rank: Police Officer; Rank: Police Officer; Unit of Assignment: 124; Gender: Male; Race: White.
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Subject #1: [REDACTED] Gender: Male; Race: Black.

### III. ALLEGATIONS

Pursuant to section 2-78-120 of the Municipal Code of Chicago, the Civilian Office of Police Accountability (“COPA”) has a duty to investigate all incidents in which a Department member discharges their firearm in a person's direction or where a person sustains serious bodily injury as a result of police actions. During its investigation of this incident, COPA did not find evidence to support allegations of excessive force related to Officer Brownridge's firearm discharge.

### IV. APPLICABLE RULES AND LAWS

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#### General Orders

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1. G03-02, Use of Force (effective October 16, 2017 - February 29, 2020)
2. G03-02-01 Force Options (effective October 16, 2017 - February 29, 2020)

### V. INVESTIGATION

#### a. Interviews

In a statement to COPA on December 6, 2018, **Officer Brian Collins**<sup>1</sup> stated that on the day of this incident he was partnered with Probationary Police Officer Jacob Geary. Officer Collins stated that they were still inside the 011th District Station when he heard the radio notification of shots fired in the area of Laura Ward Elementary School. Officers Collins and Geary left the station and proceeded to drive north on Kedzie Avenue, intending on fueling their marked police vehicle at the gas station located at Ferdinand Street and Tripp Avenue; however prior to arriving Officer Collins heard Officer Keller broadcast over the police radio that he was involved in a foot pursuit of an subject, [REDACTED] in the vicinity of Chicago Avenue and Huron Street.<sup>2</sup> Officer Keller also broadcasted over the radio that [REDACTED] ignored multiple commands to drop his handgun.<sup>3</sup> Officer Collins and Officer Geary drove west on Huron Street, south on Monticello Avenue, and then west on Ohio Street. Officer Collins stated that the vehicle's emergency equipment was activated. Officer Collins also explained that Officer Keller continued to broadcast [REDACTED] location and direction of flight.

Officer Collins stated that he first saw [REDACTED] on Lawndale Avenue, south of Laura Ward School.<sup>4</sup> Officer Collins stated that [REDACTED] appeared to be [REDACTED] on his cell phone while clutching

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<sup>1</sup> Attachments 38 (audio) and 51 (transcript).

<sup>2</sup> Attachment 51, P. 11.

<sup>3</sup> *Id.*, P. 11.

<sup>4</sup> *Id.*, P. 13.

something near his waistband with his right hand.<sup>5</sup> Officer Collins could not see what [REDACTED] was clutching in his right hand. Officer Collins continued to watch [REDACTED] until another marked police vehicle arrived on scene.<sup>6</sup> [REDACTED] then ran east through a vacant lot.<sup>7</sup> Officer Collins exited his vehicle and ran east on the north sidewalk of Ohio Street in pursuit of [REDACTED].<sup>8</sup> Officer Collins stated that he then ran north in the east alley of Lawndale Avenue from where he saw other unidentified officers [REDACTED] east through a vacant lot.<sup>9</sup> [REDACTED] continued east through the rear yard of 615 N. Monticello. Officer Collins continued to run east through a vacant lot, scaled a chain-linked fence and into the alley between Monticello Avenue and Central Park Avenue where he encountered Sgt. Bush. Officer Collins explained that at this point he believed that [REDACTED] ran into the rear yard of 620 S. Central Park Avenue.<sup>10</sup>

Officer Collins entered the rear yard of 620 S. Central Park Avenue through the unlocked alley gate and proceeded to walk east through the gangway on the south side of the property followed by Officer Geary and Sgt. Bush. Officer Collins explained that his view of the rear yard was obstructed by the garage. Officer Collins stated that he continued east past the garage and into the rear yard as he repeatedly announced he was a police officer.<sup>11</sup> Officer Collins stated that he once in the yard he did not see or hear [REDACTED].<sup>12</sup> Officer Collins stated that he saw what appeared to be a second gangway on the north side of the property and proceeded towards it.<sup>13</sup> Officer Collins stated that he saw [REDACTED] standing on the north side of the residence with his back to him.<sup>14</sup> Officer Collins repeatedly ordered [REDACTED] to get on the ground.<sup>15</sup> [REDACTED] did not respond, instead, he turned to the left and faced Officer Collins. When [REDACTED] was facing Officer Collins, Officer Collins saw [REDACTED] was holding a handgun in his right hand.<sup>16</sup> Officer Collins ordered [REDACTED] to drop the weapon; however, [REDACTED] began to walk towards Officer Collins while at the same time raising the gun as if to point it at him.<sup>17</sup> Fearing he was about to be shot, Officer Collins discharged his firearm once at [REDACTED] striking him.<sup>18</sup> [REDACTED] fell to the ground and Officer Collins rushed towards him and handcuffed him. Officer Collins added that he saw [REDACTED] gun on the ground near his feet.

In a statement to COPA on November 15, 2018, **Officer Jacob Geary**<sup>19</sup> stated essentially the same information as his partner, Officer Brian Collins, as to how they arrived on scene. Upon observing [REDACTED] walking south on the west sidewalk of Lawndale Avenue near a school, Officer

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<sup>5</sup> *Id.*, P. 14 and 15.

<sup>6</sup> Officer Collins did not the identities of these officers.

<sup>7</sup> *Id.*, P. 16.

<sup>8</sup> *Id.*, P. 17.

<sup>9</sup> *Id.*, P. 18.

<sup>10</sup> *Id.*, P. 20 and 21.

<sup>11</sup> *Id.*, P. 23 and 26.

<sup>12</sup> *Id.*, P. 26.

<sup>13</sup> *Id.*, P. 28.

<sup>14</sup> *Id.*, P. 29.

<sup>15</sup> *Id.*, P. 29.

<sup>16</sup> Officer Collins explained that he was aware that [REDACTED] had discharged his weapon and had failed to comply with prior instructions from other members to drop his firearm. *Id.*, P. 29.

<sup>17</sup> Officer Collins explained that as [REDACTED] initially turned [REDACTED] was holding the firearm near his waistline and pointed towards the ground. *Id.*, P. 30 and 31.

<sup>18</sup> Officer Collins added that the gangway he located [REDACTED] in, was not a through passage and essentially trapped [REDACTED] in the gangway. *Id.*, P. 32 to 35.

<sup>19</sup> Attachments 27 (audio) and 49 (transcript).

Collins parked their vehicle and he and Officer Geary exited.<sup>20</sup> Officer Geary stated that [REDACTED] immediately fled. Officer Geary stated that [REDACTED] ran east through several yards and vacant lots. Officer Geary and Officer Collins ran east on Ohio Street, parallel to [REDACTED] path. Officer Geary stated that during the pursuit he lost sight of [REDACTED] but he heard other unidentified officers broadcast over the police radio continuous updates regarding [REDACTED] location and direction of flight.

Officer Geary explained that he and Officer Collins eventually meet up with Sgt. Bush in the alley behind 620 N. Central Park Avenue.<sup>21</sup> Sgt. Bush told them that he saw [REDACTED] run into the rear yard of that residence. Officer Collins then entered the rear yard through the unlocked rear gate followed by Officer Geary and then Sgt. Bush. Officer Geary explained that his view of the rear yard was partially obstructed by the home's garage. Officer Geary stated that they had to walk through gangway on the south side of the property, the length of the garage from the alley to enter the rear yard and had a full view of the yard. Officer Geary stated that once they emerged into the yard he did not see [REDACTED].<sup>22</sup> Officer Geary explained that he heard another officer broadcast over the police radio that [REDACTED] was on Central Park Avenue, which caused Officer Geary to assume that [REDACTED] ran east through the rear yard of 620 N. Central Park Avenue and exited into the front yard of the residence.<sup>23</sup> After clearing the garage, Officer Collins walked from the south side of the rear yard to the north side of the yard while Officer Geary and Sgt. Bush continued to maneuver east along the south side of the rear yard. Sgt. Bush continued east through the gangway to the front of the home.

Officer Geary stated that he was standing near the stairs leading to the home's rear entrance when he heard Officer Collins, who's attention was focused on the north side of the residence, tell someone to get on the ground.<sup>24</sup> Officer Geary could not see who Officer Collins was speaking to, adding that he did not see anyone else in the backyard.<sup>25</sup> Officer Geary stated that he began to walk towards Officer Collins' location in the yard, during which Officer Geary noticed the on/off button of his body-worn camera was damaged.<sup>26</sup> As Officer Geary's attention was focused on his body-worn camera he heard a single gunshot.<sup>27</sup> Officer Geary immediately retreated further south into the yard in an attempt to gain cover around the southwest corner of the residence. Officer Geary explained at moment he did not know who had discharged a firearm.<sup>28</sup> Officer Geary stated that he then saw Officer Collins continue to move closer to the north side of the residence. Officer Geary followed, saw [REDACTED] lying on the ground on the north side of the home and a handgun on the ground near [REDACTED].<sup>29</sup> Officer Geary assisted with helping handcuff [REDACTED] while other officers responded and requested an ambulance. Officer Geary did not discharge his firearm at any time during this incident.

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<sup>20</sup> Attachment 49, P. 14.

<sup>21</sup> *Id.*, P. 28.

<sup>22</sup> *Id.*, P. 28, 29 and 32.

<sup>23</sup> *Id.*, P. 32.

<sup>24</sup> *Id.*, P. 32 and 33.

<sup>25</sup> *Id.*, P. 36.

<sup>26</sup> Officer Geary explained that he believes the damage was caused while climbing fences during the pursuit of [REDACTED].  
*Id.*, p. 37.

<sup>27</sup> *Id.*, P. 37 and 38.

<sup>28</sup> *Id.*, P. 38 and 39.

<sup>29</sup> *Id.*, P. 39.

In a statement to COPA on November 19, 2018, **Sgt. Gary Bush**<sup>30</sup> related essentially the same information as Officer Collins and Officer Geary. Sgt. Bush stated that he was nearby when he heard the radio broadcast of officers chasing a man with a gun. Sgt. Bush added that he heard broadcasted multiple times over the radio that officers were chasing a man with a gun. Sgt. Bush stated that he saw several police units in the area and believed he saw the subject, ██████ running east. Sgt. Bush monitored the police radio in an attempt to anticipate where ██████ would run to. Sgt. Bush stated that he eventually drove north into the west alley of Central Park Avenue from Ohio Street and saw who he believed to be ██████ running east across the alley.<sup>31</sup> Sgt. Bush stopped his vehicle in the alley at approximately 620 N. Central Park Avenue and immediately encountered Officers Collins and Geary who were on foot pursuing ██████. Sgt. Bush followed Officers Collins and Geary into the rear yard of 620 N. Central Park Avenue through the open alley gate. Sgt. Bush followed the other two officers east through the gangway on the south side of the property. Sgt. Bush did not see ██████ in the rear yard of the residence. Sgt. Bush stated that as they made their way east through the gangway, he heard a radio broadcast from an unidentified officer that ██████ was on Central Park Avenue, causing Sgt. Bush to believe that ██████ had run through the yard to Central Park Avenue. Sgt. Bush ran past Officers Collins and Geary and proceeded to run east past the house. Sgt. Bush stated that when he reached the front of the house, he heard Officer Collins screaming at ██████<sup>32</sup> Sgt. Bush turned around and ran back into the rear yard when he heard a gunshot.<sup>33</sup> Sgt. Bush re-entered the rear yard from the front and saw Officer Collins standing closer to the north side of the residence, ██████ into the breezeway on the north side of the home. Sgt. Bush then saw ██████ lying on the pavement and a gun on the ground near him.<sup>34</sup> Sgt. Bush stated the numerous police officers began to enter yard and secured the scene.

In a statement to COPA on January 31, 2019, **Officer Jeremy Keller**<sup>35</sup> stated that on the day of this incident he and his partner, Officer Escobedo, were assigned to Laura Ward school to monitor the dismissal of students. Responding to the school Officer Keller heard a radio notification of shots fired in the vicinity of Laura Ward School. Officer Keller could not recall if the dispatcher provided a description of the subject. Officer Keller stated that when they arrived at the school several unidentified civilians gave conflicting information as to which direction the subject fled. Officers Keller and Escobedo proceeded to drive to Chicago Avenue and Lawndale Avenue where several other unidentified civilians pointed to the north sidewalk while also informing them that the subject was wearing a red hoodie. Officer Keller stated that he saw two male subjects on the north sidewalk and attempted to stop them. One of the male subjects stopped but the other, ██████ continued to walk west on Chicago Avenue and then north on Ridgeway Street.<sup>36</sup> Officers Keller and Escobedo followed ██████ and once on Ridgeway Street the officers saw him pointing a handgun at another unknown person.<sup>37</sup> As they exited their vehicle Officer Keller ordered ██████ to drop his gun; however, ██████ ignored the officers and, instead, walked east

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<sup>30</sup> Attachments 28 (audio) and 50 (transcript).

<sup>31</sup> Attachment 50, P. 15.

<sup>32</sup> *Id.*, P. 20 and 30.

<sup>33</sup> *Id.*, P. 30.

<sup>34</sup> *Id.*, P. 32.

<sup>35</sup> Attachments 57 (audio) and 59 (transcript).

<sup>36</sup> Attachment 59, P. 16.

<sup>37</sup> *Id.*, P. 19 and 21.

through the alley.<sup>38</sup> The officers attempted to follow but briefly lost sight of [REDACTED]. A few moments later Officer Keller heard other unidentified officers provide [REDACTED] location and direction of flight over the radio. Officers Keller and Escobedo drove south on Lawndale Avenue and saw [REDACTED] on the sidewalk. They ordered [REDACTED] to drop his gun and attempted to talk [REDACTED] into surrendering peacefully.<sup>39</sup> [REDACTED] ran east through the empty lots. Officer Keller chased after him, but lost sight of [REDACTED]. Officer Keller did not see [REDACTED] again until after the shooting incident with Officer Collins. Officer Keller did not witness the shooting incident involving [REDACTED] and Officer Collins.

In a statement to COPA on January 31, 2019, **Officer Angel Escobedo**<sup>40</sup> related essentially the same information as Officer Keller. Officer Escobedo stated that he did not witness the shooting incident involving [REDACTED] and Officer Collins.

In an Electronically Recorded Interview, [REDACTED] [REDACTED] stated that she was on the 700 block of north Lawndale Avenue intending to drop off her son, [REDACTED] when she saw their friend, [REDACTED]. [REDACTED] stated that she saw [REDACTED] with his hands raised in the air standing next to another person, [REDACTED] stated that [REDACTED] appeared to be [REDACTED] on his cell phone. [REDACTED] parked and lowered her passenger window so that she could speak to [REDACTED] when [REDACTED] to her to drive away because [REDACTED] was being robbed. [REDACTED] stated that she immediately pulled away, and as she drove looked into her rearview mirror and saw [REDACTED] point a gun at her vehicle. [REDACTED] stated that [REDACTED] then shot at her car. [REDACTED] turned onto Huron Street and called 911. A few moments later [REDACTED] saw police officers running towards Chicago Avenue and heard people say that they were chasing [REDACTED] stated that the officers chased [REDACTED] towards Monticello Avenue. A few moments later she heard a gunshot. [REDACTED] and [REDACTED] went and found police officers in the alley past Monticello Avenue. [REDACTED] positively identified [REDACTED] as the person who shot at her vehicle on Lawndale Avenue.<sup>42</sup>

#### b. Digital Evidence<sup>43</sup>

The recordings from the **Body-Worn Cameras**<sup>44</sup> belonging to Officer Collins and Officer Geary depicted numerous officers on foot and in police vehicles pursuing [REDACTED] through several gangways. [REDACTED] location and direction of flight can be heard broadcasted over the police radio. The dispatcher repeatedly provided [REDACTED] physical description and informed the responding officers that he was armed. Officer Collins, followed by Officer Geary and Sgt. Bush, entered the rear yard of 620 N. Central Park Avenue from the alley. As the three members made their way east along the property's south gangway an unidentified officer is heard broadcasting over the police radio that [REDACTED] was on Central Park Avenue. Officer Collins moved toward north side of the

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<sup>38</sup> *Id.*, P. 23 and 25.

<sup>39</sup> *Id.*, P. 29.

<sup>40</sup> Attachments 58, 60.

<sup>41</sup> Attachment 79.

<sup>42</sup> After reviewing [REDACTED] interview with the Department, COPA determined there was no need for an additional interview.

<sup>43</sup> COPA obtained and reviewed Police Observation Device and Third-Party Surveillance footage. COPA's review revealed the recordings captured [REDACTED] flight and the ensuing pursuits but none captured the discharge of Officer Collins' weapon.

<sup>44</sup> Attachments 65, 66.

property's rear yard while Officer Geary and Sgt. Bush continued east on the south gangway and exited the yard through the front gate.

As Officer Collins proceeded to the north side of the property's rear yard, he discovered ██████ in the breezeway on the north side of the residence. Officer Collins immediately commanded ██████ to get on the ground, followed immediately with, "Drop it! Drop the gun!"<sup>45</sup> ██████ could not be seen in the recording due to his location in the breezeway and the building's shadow causing poor lighting. Officer Collins then discharged his firearm once at ██████<sup>46</sup> Officer Collins immediately ran into the breezeway and handcuffed ██████ who was laying on the pavement on his left side with upper body facing east and his lower body facing west.<sup>47</sup> ██████ gun was near his feet on the pavement in the breezeway.<sup>48</sup>

The **Body-Worn Camera belonging to Officer Kyle Murphy**<sup>49</sup> showed that he rode in the ambulance with ██████ to the hospital. ██████ did not make any statements except to inform the paramedics that a police officer shot him. Officer Murphy was not present at the time of the shooting.

### c. Documentary Evidence<sup>50</sup>

The **Chicago Fire Department's Ambulance Report**<sup>51</sup> stated on November 14, 2018, at 3:06 pm, a CFD Ambulance was dispatched to a gunshot victim at 625 N. Monticello Avenue. The ambulance arrived on the scene and was told by Department members to be on standby until scene was secured. At 3:18 pm, the ambulance crew was allowed access to the patient, ██████ who was in a backyard. ██████ was alert and orientated. ██████ was handcuffed and laying on the ground with a police officer standing over a handgun for the paramedics' protection. Two gunshot wounds were seen to ██████ abdomen. No additional trauma was observed. The ambulance transported ██████ from the scene to Mt. Sinai Hospital for additional treatment.

**Mt. Sinai Hospital Medical Records**<sup>52</sup> stated that ██████ sustained a single gunshot wound to the left upper quadrant of his abdomen with another wound on the back of his left side.<sup>53</sup> No other trauma was noted.

The **Bureau of Internal Affairs Synoptic Report**<sup>54</sup> stated that Sgt. James Fiedler responded to the 011<sup>th</sup> District Station regarding an officer-involved shooting and at 7:13 p.m. conducted a breathalyzer exam of Officer Collins. The results of the exam indicated that Officer Collins' Breath Alcohol Content was .000.

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<sup>45</sup> Attachment 65 at 03:50.

<sup>46</sup> *Id.*, at 03:59.

<sup>47</sup> *Id.*, at 04:00.

<sup>48</sup> *Id.*, at 04:06.

<sup>49</sup> Attachment 82 starting at 10:16.

<sup>50</sup> COPA completed a canvass but did not locate any witnesses to Officer Collins' weapon discharge. *See* Attachment 25.

<sup>51</sup> Attachment 16.

<sup>52</sup> Attachment 41.

<sup>53</sup> *Id.*, P. 1 and 3.

<sup>54</sup> Attachment 23.

The Quest Diagnostics Laboratory Report indicates that the results of Officer Collins' urine test were negative for oxidizing adulterants and all substances on the Urine Substance Abuse Panel.<sup>55</sup>

A report from the **Illinois State Police Division of Forensic Services**,<sup>56</sup> dated January 31, 2019, stated that the expended cartridge casing recovered from 620 N. Central Park Avenue was examined and determined to have been fired from Officer Collins firearm.<sup>57</sup> The report continued that examinations of the fired bullet recovered from 620 N. Central Park Avenue and the one recovered from 718 N. Lawndale Avenue were inconclusive.

A report from the **Illinois State Police Division of Forensic Services**,<sup>58</sup> dated July 2, 2019, stated that four of the six expended cartridge casings recovered from 724 N. Lawndale Avenue were determined to have been fired from [REDACTED] firearm.<sup>59</sup> The report continued that the fired bullet recovered from 620 N. Central Park Avenue was determined to have not been fired from [REDACTED] firearm. Also, the results of the examination of the fired bullet recovered from 718 N. Lawndale Avenue were inconclusive.

A report from the **Illinois State Police Division of Forensic Services**,<sup>60</sup> dated July 2, 2019, stated that examination of [REDACTED] firearm, that firearm's magazine, and the one unfired cartridge recovered from the firearm's chamber determined there were no suitable latent prints.

A report from the **Illinois State Police Division of Forensic Services**,<sup>61</sup> dated June 17, 2019, stated that examination of the swabs taken from [REDACTED] firearm determined that there was a mixture of at least four DNA profiles which resulted in an inconclusive finding.

**Office of Emergency Management and Communications PCAD Event Query**<sup>62</sup> stated that on November 14, 2018, at 3:01 pm, [REDACTED] telephoned 911 and reported that a black male subject with a light complexion, wearing a black jacket over a red hooded sweatshirt discharged a firearm at her Chevrolet Malibu six times, [REDACTED] her vehicle's tire. [REDACTED] did not know the subject's direction of flight.

**[REDACTED] Arrest Report**<sup>63</sup> stated that he was positively identified as the person who pointed and discharged a firearm at [REDACTED] and [REDACTED] while they were seated inside their vehicle. [REDACTED] fled and was pursued by numerous police officers. The officers pursued him to the backyard of 620 N. Central Park Avenue. [REDACTED] refused the officers commands to drop his firearm. Instead, [REDACTED] stepped toward Officer Collins with his firearm still in his hand. Fearing for his life, Officer

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<sup>55</sup> Amphetamines, Barbiturates, Benzodiazepines, Cocaine Metabolites, Marijuana Metabolites, Methadone, MDA-Analogues, Opiates, Oxycodones, Phencyclidine, Propoxyphene.

<sup>56</sup> Attachment 70.

<sup>57</sup> Glock 17; Serial #TXR070; semi-automatic firearm.

<sup>58</sup> Attachment 71.

<sup>59</sup> Hi-Point, Model C; Serial #P027221; 9mm semi-automatic firearm.

<sup>60</sup> Attachment 72.

<sup>61</sup> Attachment 73.

<sup>62</sup> Attachment 7.

<sup>63</sup> Attachment 6.



Collins discharged his firearm once at ██████ striking the left side of his torso. ██████ was placed into custody and his firearm was recovered. ██████ was transported to Mt. Sinai hospital via Chicago Fire Department's Ambulance. ██████ was subsequently charged with two counts of Aggravated Discharge of a Firearm and Armed Habitual Criminal.

The **Case Supplemental Report**<sup>64</sup> stated that on the day of this incident Detective Timothy Murphy interviewed ██████ who related essentially the same information that was contained in her electronically recorded interview.<sup>65</sup>

The report continued that Detective Brian Tedeschi interviewed ██████ who related that when he left 724 N. Lawndale Avenue he saw his friend, ██████" being robbed. ██████ related that he saw the subject, ██████ with a gun and told his mother to drive away. ██████ stated that ██████ fired five to six shots at them. ██████ stated that his mother drove around, and the car sustained a flat tire. Detective Tedeschi explained that ██████ did not want to be involved with the investigation and refused to cooperate any further.<sup>66</sup>

Detective Granat interviewed ██████ who stated that he was walking north from Chicago Avenue on Ridgeway Avenue when a male black subject with a light complexion and wearing a red jacket approached him, displayed a black handgun, and demanded money. ██████ fell down and threw \$200.00 U.S.C. to the ground. The male black subject grabbed the money and fled east through the alley. Afterwards, ██████ stated that he saw police officers chasing the male black subject. ██████ related that he would not cooperate any further with the investigation.<sup>67</sup>

Several of the responding officers<sup>68</sup> were also interviewed by CPD Detectives on the day of this incident. The responding officers were involved in the foot pursuit of ██████ but lost sight of him before he was discovered in the rear yard of 620 N. Central Park Avenue by Officer Collins. During the foot pursuit officers saw ██████ armed with a handgun and reported that ██████ repeatedly ignored officers' commands to drop the gun. None of the responding officers witnessed what occurred between ██████ and Officer Collins, and none of them witnessed the officer-involved shooting.

Officer Collins, Probationary Police Officer Geary, and Sgt. Bush were also interviewed by Detectives on the day of incident, and each related essentially the same information that was contained in their interviews with COPA.<sup>69</sup>

██████ refused to answer any questions and instead requested an attorney.<sup>70</sup>

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<sup>64</sup> Attachment 61.

<sup>65</sup> *Id.*, P. 15 and 16.

<sup>66</sup> *Id.*, P. 16.

<sup>67</sup> *Id.*, P. 16.

<sup>68</sup> *Id.*, P. 17 (Officer Jeremy Keller); 17 and 18 (Officer Angel Esobedo); 18 (Officer Daniel Warren); 18 and 19 (Officer Edwin Hernandez); 19 (Officers Sergio Pacheco, Mark Conlisk, and Steve Eifrid); 19 and 20 (Officers Lestan Young and Anthony Blanco); 20 (Sgt. Tim Finely).

<sup>69</sup> *Id.*, P. 20 and 21 (Officer Geary); 21 (Officer Collins); 21 and 22 (Sgt. Bush).

<sup>70</sup> *Id.*, P. 23.

## VI. LEGAL STANDARD

The applicable standard of proof is preponderance of the evidence. A **preponderance of evidence** has been satisfied when the evidence indicates that it is more likely than not that the conduct occurred and violated Department policy. If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

## VII. ANALYSIS AND CONCLUSION

### i. Applicable Department Policies

#### 1. G03-02: Use of Force<sup>71</sup>

The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. 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>72</sup>

Factors to be considered by the officer include but are not limited to whether the subject is posing an imminent threat to the officer or others; the risk of harm, level of threat or resistance presented by the subject; and the subject's proximity or access to weapons.

Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that maybe necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.

Deadly force is force by any means that is likely to cause death or great bodily harm. It includes but is not limited to: firing of a firearm in the direction of the person to be arrested; firing of a firearm at a vehicle in which the person to be arrested is riding; intentional striking of a subject's head with an impact weapon; and application of a chokehold, defined as applying direct pressure to a person's trachea(windpipe) or airway (front of the neck) with the intention of reducing the intake of air.

A threat is imminent when it is objectively reasonable to believe that: the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and the subject has the means or instruments to cause death or great bodily harm; and the subject has the opportunity and ability to cause death or great bodily harm.

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<sup>71</sup> General Order G03-02, effective October 16, 2017

<sup>72</sup> *Id.* at (III)(B)(1).

## 2. G03-02-01: Force Options<sup>73</sup>

Consistent with the Department policy that all uses of force must be objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by a subject.

An assailant is a subject who is using or threatening the use of force against another person or themselves which is likely to cause physical injury. Assailants are divided into two categories: (1) a subject whose actions are aggressively offensive with or without weapons; and (2) a subject whose actions constitute an imminent threat of death or great bodily harm to a Department member or to another person. When dealing with an assailant whose actions constitute an imminent threat of death or bodily harm, Department policy authorizes the use of firearms and other deadly force responses.

### b. Analysis

A preponderance of the evidence demonstrates that Officer Collins' use of deadly force was objectively reasonable in light of the totality of circumstances he faced in this incident. Officer Collins' use of deadly force was a last resort and was necessary to prevent the imminent threat of death or great bodily harm presented by ██████. Based upon the below factors, COPA finds that ██████ posed an imminent threat of death or great bodily harm.

First, it was objectively reasonable for Officer Collins to believe ██████ actions were immediately likely to cause death or great bodily harm. Here, Officer Collins was responding to reports of ██████ committing an armed robbery and shooting at an occupied vehicle. As members searched for ██████ Officer Collins located him secreted in gangway holding a firearm. ██████ failed to heed Officer Collins' orders to discard the firearm. ██████ then turned toward Officer Collins, raised the firearm in his right hand towards Officer Collins. The actions ██████ took once Officer Collins located him, combined with the knowledge that ██████ had committed an armed robbery and shot at an occupied vehicle, would cause any officer to reasonable believe ██████ actions were immediately likely to cause death or great bodily harm.

Second, it was objectively reasonable for Officer Collins to believe that ██████ had the means or instruments to cause death or great bodily harm. Here, Officer Collins was aware he was responding to reports of an armed robbery and shooting that ██████ had perpetrated. Upon locating the secreted ██████ Officer Collins observed him with a firearm and ordered ██████ to discard it. However, ██████ turned towards Officer Collins and raised the firearm towards Officer Collins. ██████ actions would cause any reasonable officer to believe that he had the mean or instruments to cause death or great bodily harm.

Third, it was objectively reasonable for Officer Collins to believe that ██████ had the opportunity and ability to cause death or great bodily harm. Here, Officer Collins was aware that ██████ had already discharged his firearm at an innocent party. Once Officer Collins discovered the secreted ██████ pointed a firearm at Officer Collins. ██████ actions would cause any officer to reasonably believe the ██████ had the opportunity and ability to cause death or great bodily harm.


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<sup>73</sup> General Order G03-02-01, effective October 16, 2017.

Based on the analysis above, COPA finds that Officer Collin's use of deadly force in this incident was permissible by Department policy.

Approved:

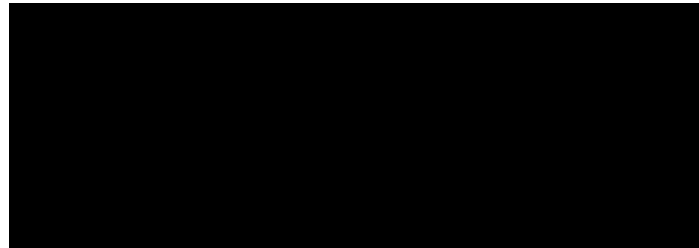
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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date: 12/20/2022



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Andrea Kersten  
*Chief Administrator*

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Date: 12/20/2022