

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

|                            |                                |
|----------------------------|--------------------------------|
| Date of Incident:          | February 16, 2019              |
| Time of Incident:          | 8:31 pm                        |
| Location of Incident:      | 4199 W. 21 <sup>st</sup> Place |
| Date of COPA Notification: | February 16, 2019              |
| Time of COPA Notification: | 9:00 pm                        |

On the night of the incident, Chicago Police Department (“CPD” or “Department”) Officers Guillermo Gama, Jr. (“Officer Gama”), the driver, and Adolfo Bolanos (“Officer Bolanos”), the passenger, were assigned to Beat 1065C, wore civilian dress, and drove an unmarked SUV. When the officers were in the vicinity of 16<sup>th</sup> Street and Pulaski Avenue, they observed a silver sedan operating without its lights activated. The officers attempted to stop the silver sedan, but the vehicle fled west on 18<sup>th</sup> Street and turned south on Keeler Avenue. As the vehicle drove south, it struck the passenger side of another vehicle stopped near 21<sup>st</sup> Street. The silver sedan then continued south. When the silver sedan attempted a turn east onto 21<sup>st</sup> Place, the vehicle crashed into a wrought iron fence at the southeast corner of 21<sup>st</sup> Place and Keeler Avenue.

Following the crash, three individuals exited the silver sedan: the driver, [REDACTED] (Mr. [REDACTED] who ran east on 21<sup>st</sup> Place; a rear passenger, [REDACTED] (“Ms. [REDACTED] who ran west; and the other rear passenger, [REDACTED] (“Mr. [REDACTED] According to Officer Bolanos, Mr. [REDACTED] had a gun in his hand when he exited the silver sedan, which he pointed at Officer Bolanos, who had exited his SUV and stood within the intersection of Keeler Avenue and 21<sup>st</sup> Place. In response, Officer Bolanos drew his firearm and fired four shots at Mr. [REDACTED] as Mr. [REDACTED] fled around the front of the silver sedan and then collapsed to the ground near the curb just east of the silver sedan. Mr. [REDACTED] sustained fatal gunshot wounds. Following an investigation, the Civilian Office of Police Accountability (COPA) found that Officer Bolanos acted unreasonably in firing his weapon at Mr. [REDACTED] violating department policy.

**II. INVOLVED PARTIES**

|                      |   |
|----------------------|---|
| Involved Officer #1: | Adolfo BOLANOS, star #16767, employee No. [REDACTED], Date of Appointment: April 28, 2014, Police Officer, Unit of Assignment: 010, DOB: [REDACTED], 1981, male, Hispanic             |
| Involved Officer #2: | Guillermo GAMA, [REDACTED] star #17268, employee No. [REDACTED], Date of Appointment: August 31, 2015, Police Officer, Unit of Assignment: 010, DOB: [REDACTED], 1984, male, Hispanic |

Involved Individual #1: [REDACTED] DOB: [REDACTED], 2001, male, 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 Chicago Police Department member discharges their firearm. In connection with its investigation of this incident, COPA served the following allegations and makes the following findings and recommendations:

| Officer                     | Allegation  | Finding / Recommendation    |
|-----------------------------|---|-----------------------------|
| Officer Adolfo Bolanos      | 1. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Bolanos discharged his weapon at [REDACTED] in violation of General Order G03-02.   | Sustained/Separation        |
|                             | 2. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Bolanos failed to activate his body-worn camera, in violation of Special Order S03-14.  | Sustained/Separation        |
|                             | 3. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Bolanos failed to immediately notify OEMC of the firearms discharge and/or provide all relevant information, in violation of General Order G03-02-03. | Sustained/Separation        |
|                             | 4. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Bolanos failed to immediately request appropriate medical aid for [REDACTED] in violation of General Order G03-02-03.                                 | Sustained/Separation        |
| Officer Guillermo Gama, Jr. | 1. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Guillermo Gama failed to immediately request appropriate medical aid for  | Sustained/30-Day Suspension |

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██████████ in violation of General  
Order G03-02.

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#### IV. APPLICABLE RULES AND LAWS

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##### Rules<sup>1</sup>

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
  3. Rule 6: Disobedience of a directive, whether written or oral.
  2. 4. Rule 10: Inattention to duty.
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##### General Orders<sup>2</sup>

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1. General Order 03-02: Use of Force (effective October 16, 2017, to February 28, 2020)
  2. 2. General Order 03-02-01: Force Options (effective October 16, 2017 to February 28, 2020)
  3. G03-02-03: Firearm Discharge Incidents Involving Sworn Members (effective October 16, 2017 to February 28, 2020)
  - 4.
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##### Special Order

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1. Special Order S03-14: Body Worn Cameras (effective April 30, 2018, to present)

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<sup>1</sup> Police Board of Chicago, Rules and Regulations of the Chicago Police Department, Article V. Rules of Conduct (April 1, 2010) <https://www.chicago.gov/dam/city/depts/cpb/PoliceDiscipline/RulesofConduct.pdf>

<sup>2</sup> Department general and special orders, also known as directives, "are official documents establishing, defining, and communicating Department-wide policy, procedures, or programs issued in the name of the Superintendent of Police." Department Directives System, General Order G01-03; *see also* Chicago Police Department Directives System, available at <http://directives.chicagopolice.org/directives/> (last accessed December 1, 2021).

**V. INVESTIGATION<sup>3</sup>****a. Interviews<sup>4</sup>****CIVILIAN WITNESSES STATEMENTS**

In a statement to COPA on February 17, 2019, ██████████ stated that on the date of the incident, she and Mr. ██████████ planned to go to IHOP after she left work.<sup>5</sup> Ms. ██████████ told investigators that initially she was going to take an Uber to meet Mr. ██████████ but he informed her that he found a ride and would pick her up. Mr. ██████████ arrived in a silver sedan.<sup>6</sup> Mr. ██████████ was in the rear seat behind the driver, Mr. ██████████<sup>7</sup> when they picked her up. There was a dark-skinned male front-seat passenger, ██████████ (“Mr. ██████████ whom she had never met. Ms. ██████████ sat in the rear passenger seat behind Mr. ██████████ When Ms. ██████████ entered the vehicle the headlights were not on.

When they were near 14<sup>th</sup> Street and Pulaski Road, Ms. ██████████ saw police lights behind them. Instead of stopping, Mr. ██████████ sped up. At that point, she asked Mr. ██████████ why Mr. ██████████ was not pulling over, and Mr. ██████████ informed her that Mr. ██████████ did not have a valid driver’s license.<sup>8</sup> Mr. ██████████ continued driving, at one point striking and knocking off the passenger’s side mirror of another vehicle. Soon thereafter, they crashed into a gate. Ms. ██████████ described Mr. ██████████ driving to be reckless in that he swerved and traveled at a high rate of speed.

Ms. ██████████ explained that she hit her head when the vehicle crashed.<sup>9</sup> She then blacked out. When she opened her eyes approximately one second later, the vehicle’s doors were open, and the occupants were all gone.<sup>10</sup> Ms. ██████████ opened her door (the rear passenger door) and exited the vehicle. As Ms. ██████████ exited the vehicle, she heard the police say, “stop, stop, stop.”<sup>11</sup> She heard this coming from someone to her right. Ms. ██████████ ran across the street and took cover on the passenger’s side of a vehicle parked along the west side of Keeler Avenue, facing southbound. When she reached that location, she heard, “pop, pop, pop”<sup>12</sup> and she ducked down.

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<sup>3</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>4</sup> COPA has numerous depositions taken in the related civil complaint 19CV04130. Only the depositions that provided direct information relating to the incident were summarized in this report. All depositions have been made part of the file. COPA attempted to contact ██████████ (aka ██████████ who was referenced in depositions as a witness, but was unable to reach him despite numerous attempts. As of November 30, 2021, the litigation was still pending.

<sup>5</sup> Attachments 23, 24. The IHOP is located at 3003 S. Cicero Avenue.

<sup>6</sup> Ms. ██████████ described the vehicle as a Buick silver in color.

<sup>7</sup> Ms. ██████████ only knew Mr. ██████████ by the nickname, “█████████.”

<sup>8</sup> Ms. ██████████ was under the impression that the police were attempting to pull Mr. ██████████ over the entire time the police were behind the vehicle she was riding in.

<sup>9</sup> COPA investigators provided Ms. ██████████ a hand-drawn sketch of the location of incident. From that sketch, Ms. ██████████ provided a description of where Mr. ██████████ vehicle crashed, the placement of the officer’s vehicle, the location where she took cover once she exited the vehicle, and the placement of the officer who she saw pointing his firearm (Attachment 25).

<sup>10</sup> Later in her statement, Ms. ██████████ provided the direction of travel the occupants of the vehicle took once they exited. When asked how she knew this information if she had “blacked out,” Ms. ██████████ stated that it was an assumption. (See Attachment 24, page 57-58.)

<sup>11</sup> Attachment 24, page 21, line 24-page 22, line 1.

<sup>12</sup> *Id.*, page 22, line 9.

When Ms. ██████ looked up, she saw a police officer<sup>13</sup> holding a gun, as if he were pointing it, but she could not see what the officer was pointing the firearm at because his back was to her. Ms. ██████ also stated that she heard the same officer say words to the effect of, “Critical condition, a man down.”<sup>14</sup>

Once the shooting stopped, Ms. ██████ walked southbound on Keeler Avenue and then around the block. Ms. ██████ stated that she wanted to make sure the other occupants of the vehicle were okay, given that she heard gunshots. Ms. ██████ returned to the area where the incident occurred where she observed other civilians and officers. At that point, Ms. ██████ called an Uber. But before she was able to get into the Uber, a female officer approached her and asked her if she knew what happened. The officer then informed Ms. ██████ that she was a possible suspect and placed her in the back of a police vehicle. She was later taken to a police station.

On **February 17, 2019**, CPD detectives conducted an **Electronically Recorded Interview (ERI)** of ██████ at the 11<sup>th</sup> District.<sup>15</sup> Ms. ██████ provided a statement mostly consistent with her statement provided to COPA personnel. However, contrary to what she informed COPA personnel, Ms. ██████ told detectives that after the crash occurred, she saw the occupants of the vehicle exit. Ms. ██████ explained that she saw Mr. ██████ exit the vehicle from the rear driver’s side door.

In a **deposition taken on March 6, 2020, for civil complaint 19CV04130**, ██████ stated that during her interview with COPA personnel, she was provided a diagram, in which she indicated that the officer [Officer Bolanos] was on the left side of the vehicle but he was actually on the right side of the vehicle when she saw him.<sup>16</sup> Ms. ██████ also stated that she informed COPA personnel that when she opened her eyes, everyone in the vehicle had exited.<sup>17</sup> Ms. ██████ clarified that Mr. ██████ was still in the car when she opened her eyes and that he pulled on her shirt before she exited the rear passenger side of the vehicle.

On **February 17, 2019**, CPD detectives conducted an **Electronically Recorded Interview (ERI)** of ██████ (“Mr. ██████” at the 11<sup>th</sup> District.<sup>18</sup> Mr. ██████ stated that he, ██████ (now known to be Mr. ██████ and “█████” (now known to be Mr. ██████ picked up Mr. ██████ girlfriend, Ms. ██████ at Arthington Street and Independence Boulevard. Mr. ██████ was driving. Mr. ██████ was the front seat passenger. Mr. ██████ and Ms. ██████ were rear-seat passengers.

When they were driving near 18<sup>th</sup> Street and Karlov Avenue, a vehicle approached from behind. According to Mr. ██████ all of the vehicle’s lights were off and he did not know it was the police. He initially slowed down but sped up and turned southbound on Keeler Avenue when the vehicle got extremely close to his vehicle. Mr. ██████ stated that the vehicle continued to follow him down Keeler Avenue. After he passed some train tracks, at about 21<sup>st</sup> Street, the vehicle’s

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<sup>13</sup> During her statement Ms. ██████ stated that she saw two male officers, possibly both white officers. When COPA investigators asked further questions about the second officer, Ms. ██████ admitted that she only saw one officer but assumed that there were two because both the doors of the officers’ vehicle were open.

<sup>14</sup> Attachment 24, page 42, lines 19-20.

<sup>15</sup> Attachment 107. This ERI was before Ms. ██████ statement to COPA.

<sup>16</sup> Attachment 175.

<sup>17</sup> In her deposition, Ms. ██████ stated she never lost consciousness and was merely “stunned” as a result of the crash.

<sup>18</sup> Attachment 106. Mr. ██████ did not cooperate with COPA’s investigation.

emergency lights activated, and he realized it was the police. Mr. ██████ stated that due to his speed, he was unable to stop and crashed into a fence located at the corner of 21<sup>st</sup> Place and Keeler Avenue. As Mr. ██████ exited his vehicle, he immediately heard approximately 6-10 gunshots. Mr. ██████ ran east towards Pulaski Road where he was ultimately apprehended.

In a deposition taken on September 24, 2021, for civil complaint 19CV04130, ██████ provided an account of the portion of the incident prior to the shooting which was materially consistent with his ERI.<sup>19</sup> In the deposition he stated that gunshots began before Mr. ██████ exited the crashed car, and that there were 12-15 shots. He said he saw Mr. ██████ get out of the car behind him from the rear passenger door. Mr. ██████ was running right beside him before he got shot and fell. He stated that the officer was shooting from behind his car door as if it was a shield.

On February 17, 2019, CPD detectives conducted an **Electronically Recorded Interview (ERI)** of ██████ at the 11<sup>th</sup> District.<sup>20</sup> Mr. ██████ stated that he was seated in the front passenger seat, while Ms. ██████ sat behind him. Mr. ██████ sat behind Mr. ██████. Mr. ██████ explained to CPD detectives that the music was playing in the vehicle, and that he was looking down at his phone when they struck another vehicle. Shortly thereafter, they crashed into a wall. Following the crash, Mr. ██████ exited the vehicle and heard at least five gunshots. He immediately got on the ground and heard the police tell him to get on the ground. While he lay on the ground, Mr. ██████ saw a pistol located on the ground, towards the rear of the Mr. ██████ vehicle. Mr. ██████ stated that he never saw anyone in the vehicle with a firearm on the date of incident.

In a statement to COPA on March 8, 2019, ██████ (“Ms. ██████ stated that she resides at ██████ on the second floor.<sup>21</sup> Ms. ██████ explained that her apartment faces 21<sup>st</sup> Place. Ms. ██████ told COPA investigators that on the date of the incident, at approximately 8:30 pm, she was in her apartment and heard the bottom of a car scrape against the speed bump located directly outside of her apartment. Subsequently, Ms. ██████ heard a crash, which was followed approximately 30-40 seconds later by approximately six gunshot shots in two separate volleys<sup>22</sup> of three shots each. Ms. ██████ and her fiancé, ██████ (“Mr. ██████ ran into their bathroom and Mr. ██████ looked out the window. Ms. ██████ heard Mr. ██████ yell, “You killed that kid. You killed that kid.”<sup>23</sup> Ms. ██████ thought Mr. ██████ was talking about gang activity, but he told her that a police officer shot someone. Immediately after that, they both ran outside, and Ms. ██████ started to record what was occurring on her cell phone.<sup>24</sup> Ms. ██████ did not witness the crash or gunfire.

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<sup>19</sup> Attachment 163.

<sup>20</sup> Attachment 108. Mr. ██████ did not cooperate with COPA’s investigation. On November 22, 2021, representatives of the Department of Law informed COPA that no deposition of Mr. ██████ had been taken, nor had one been scheduled.

<sup>21</sup> Attachments 64, 67. Ms. ██████ related that she had seen a lot of media and social media coverage of this incident prior to giving her statement to COPA.

<sup>22</sup> According to Ms. ██████ there was approximately one second between the two volleys of shots.

<sup>23</sup> Attachment 67, page 11, lines 17-18.

<sup>24</sup> The daughter of Ms. ██████ downstairs neighbor also ran outside. Ms. ██████ does not know this woman’s name.

Outside, Ms. ██████ saw a “kid on the ground lifeless with a cop still in firing stance.”<sup>25</sup> Ms. ██████ explained that the officer looked around, as if he was confused. Ms. ██████ saw an officer<sup>26</sup> check on Mr. ██████— the officer shook Mr. ██████ and appeared to look for a firearm. The officer searched Mr. ██████ and partially removed his coat. Additionally, Ms. ██████ observed another police officer standing near a vehicle that had crashed onto the corner gate. A police vehicle was parked behind it at an angle.<sup>27</sup>

Finally, Ms. ██████ added that she never saw the officers provide Mr. ██████ CPR. She said that she heard one of the officers report a shooting, then she heard someone over the police radio ask if they called for an ambulance, to which she believed the officer said no. According to Ms. ██████ the ambulance did not arrive for approximately 30 minutes.<sup>28</sup>

**In a statement to COPA on March 8, 2019,** ██████ stated that on the date of incident, he and Ms. ██████ returned home from dinner about a minute before the incident occurred.<sup>29</sup> As soon as he removed his jacket, he saw blue lights and heard the “pulse siren”<sup>30</sup> of a police vehicle followed by the sound of two vehicles hitting the speed bump outside of their apartment. Mr. ██████ then heard a crash, followed by six gunshots. He described the gunshots to be in two volleys of three “controlled”<sup>31</sup> shots.

Mr. ██████ rushed to the bathroom and looked out of the window, which faces east. He saw an officer in a “firing stance”<sup>32</sup> and a “kid”<sup>33</sup> on the ground. He also saw another officer detaining another individual.<sup>34</sup> Mr. ██████ and Ms. ██████ ran outside.<sup>35</sup> As they got closer, Mr. ██████ saw Mr. ██████ laying on the ground, next to the curb, on the south side of 21<sup>st</sup> Place.<sup>36</sup> According to Mr. ██████ the two officers appeared “fidgety”<sup>37</sup> until a third officer arrived and started ordering the officers around. Mr. ██████ explained that prior to other officers arriving, one of the officers started to search Mr. ██████ while the other officer paced back and forth while talking on the police radio. At one point, Mr. ██████ saw the officers placed gauze on the back of Mr. ██████ head.

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<sup>25</sup> Attachment 67, page 5, lines 23-24. In a diagram provided to Ms. ██████ (Attachment 66), she described Mr. ██████ to be laying in the street, near the curb on the south side of 21st Place, east of where the vehicle crashed. Ms. ██████ explained that the officer was standing over Mr. ██████ looking around. Later in her statement, Ms. ██████ identified the “kid” as ██████ and explained that she learned his name through social media and the news media.

<sup>26</sup> Ms. ██████ reported seeing two officers. She did not clarify in her statement whether this was the same officer she saw in a “firing stance.” She did not see either officer holding a gun.

<sup>27</sup> Ms. ██████ described the location of the officers, the body of Mr. ██████ the vehicles, and other pertinent evidence on a diagram that was provided to her (Attachment 66).

<sup>28</sup> Chicago Fire Department records indicate an ambulance was on scene eight minutes after the shooting.

<sup>29</sup> Attachments 70, 73. Mr. ██████ stated he had talked to other people about the incident and learned information from them before providing his statement to COPA.

<sup>30</sup> Attachment 73, page 5, line 2. Mr. ██████ described this as a “whoop, whoop, whoop” sound.

<sup>31</sup> *Id.*, page 5, lines 10-11. Mr. ██████ did not explain what he meant by “controlled shots.”

<sup>32</sup> *Id.*, page 6, line 4. Mr. ██████ later described “firing stance” as legs spread and arms extended. He clarified that he did not see a gun in the officer’s hand. He could only see the officer from behind. See page 13, lines 2-14.

<sup>33</sup> *Id.*, page 6, line 4.

<sup>34</sup> Mr. ██████ did not identify who this was, but this was Officer Bolanos taking ██████ into custody.

<sup>35</sup> Their downstairs neighbor’s daughter also went outside.

<sup>36</sup> In a diagram, Mr. ██████ indicated that Mr. ██████ was on the east side of the crashed vehicle. See Attachment 72.

<sup>37</sup> *Id.*, page 28, lines 14-15.

More officers arrived on scene and told Mr. [REDACTED] and Ms. [REDACTED] to leave. When they crossed the street to go back to their apartment, Mr. [REDACTED] saw a gun near the manhole that is located in the middle of the intersection.<sup>38</sup> Mr. [REDACTED] later heard that there were multiple occupants that fled from the vehicle that crashed.

**In a statement to COPA on March 13, 2019,** [REDACTED] (“Mr. [REDACTED] stated that on the date of incident he lived at [REDACTED] [REDACTED], which is located on the [REDACTED] corner of 21<sup>st</sup> Place and Keeler Avenue.<sup>39</sup> Mr. [REDACTED] explained that he and his wife, [REDACTED] (“Ms. [REDACTED]”<sup>40</sup> were sitting on the couch in the living room when they heard tires screech and approximately five gunshots in succession approximately 1-15 seconds after the screech. Mr. [REDACTED] assumed it to be a drive-by shooting because he did not hear return gunfire. Given that it sounded like it was just outside of his apartment, Mr. [REDACTED] immediately looked out of the front window, which faces south. Out the window, he saw a black unmarked police SUV with its emergency lights activated and a silver vehicle in front of it. Because his view was obstructed by a tree located in his front yard, Mr. [REDACTED] ran downstairs and looked out of the door’s peephole. Mr. [REDACTED] saw an individual lying in the street, next to the curb, on the south side of 21<sup>st</sup> Place with no officers around him.<sup>41</sup> Mr. [REDACTED] immediately ran upstairs to grab a camera and then ran outside and began to record the incident on his wife’s cell phone.<sup>42</sup>

Outside, Mr. [REDACTED] stood on his front porch,<sup>43</sup> which is elevated off the sidewalk approximately six or seven stairs. From where he stood, Mr. [REDACTED] saw an officer<sup>44</sup> standing over Mr. [REDACTED]. Mr. [REDACTED] recalled Mr. [REDACTED] wearing a dark jacket, which the officer somewhat removed from him. An officer bent over and appeared to be searching Mr. [REDACTED]. Mr. [REDACTED] was unsure if the officer was looking for a weapon or checking Mr. [REDACTED] for gunshot wounds. The officer opened Mr. [REDACTED] jacket and searched from his chest area to his legs. The officer then flipped Mr. [REDACTED] over to his stomach and checked his head and “ferociously”<sup>45</sup> rubbed his back. Mr. [REDACTED] was unsure if the officer was trying to wipe the blood away or if he was trying to keep Mr. [REDACTED] alive. Approximately 4 to 5 minutes later, another officer assisted with applying what appeared to be tape on Mr. [REDACTED] lower rear head or neck area and his lower back area.

Other police personnel arrived. Mr. [REDACTED] was not sure when they arrived because he was concentrated on Mr. [REDACTED]. Mr. [REDACTED] saw EMS arrive on scene approximately 9 minutes after he started to record the incident. He stated that EMS immediately brought out the stretcher, placed something over Mr. [REDACTED] face, and conveyed him to the ambulance. It appeared to Mr.

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<sup>38</sup> Mr. [REDACTED] was provided a diagram of the scene. He pointed out the location of pertinent evidence that he recalled seeing on the night of the incident.

<sup>39</sup> Attachments 80, 82. Mr. [REDACTED] has since moved from that apartment. Due to a technical malfunction, Mr. [REDACTED] prior statement to COPA on March 8, 2019 was not properly recorded. Mr. [REDACTED] provided a second statement to the same COPA personnel on March 13, 2019, which did not substantially differ from his first account. Mr. [REDACTED] stated he read news reports about the incident prior to giving a statement to COPA.

<sup>40</sup> COPA attempted to interview Ms. [REDACTED] but she did not want to participate in the investigation.

<sup>41</sup> Mr. [REDACTED] later described Mr. [REDACTED] as being on the driver side of the vehicle.

<sup>42</sup> Mr. [REDACTED] stated that approximately 3 minutes passed between the time he heard the gunshots to the time he started to record. Mr. [REDACTED] wife was in and out of their apartment while he was outside. At one point, she took over recording so that he could run up to his apartment to grab his jacket and gloves.

<sup>43</sup> Mr. [REDACTED] described the area to be dark but with great artificial lighting.

<sup>44</sup> Mr. [REDACTED] stated that the officer wore dark pants, a dark jacket or sweater, and a hat.

<sup>45</sup> Attachment 82, page 18, line 22.



██████████ that Mr. ██████████ was already deceased based on the lack of aid he received by EMS on scene.

**In a statement to COPA on April 9, 2019,** ██████████ (“Ms. ██████████ stated that on the date of the incident, she visited her friend, ██████████ (“Ms. ██████████ who resides at ██████████. <sup>46</sup> Ms. ██████████ left Ms. ██████████ house at about 8:30 pm. As she was driving <sup>47</sup> on Keeler Avenue near 21<sup>st</sup> Street, she noticed the headlights of a vehicle behind her, <sup>48</sup> now known to be the silver sedan driven by Mr. ██████████. The vehicle was approaching rapidly from behind her. Ms. ██████████ steered her vehicle as far left as possible because she wanted to give the silver sedan room to pass her on her passenger side; however, the silver sedan sideswiped her vehicle on the passenger side. Immediately after the silver sedan passed her, a police vehicle <sup>49</sup> followed. The silver sedan continued driving towards 21<sup>st</sup> Place and stopped, but Ms. ██████████ did not know why. The police vehicle then stopped behind the silver sedan. As Ms. ██████████ sat in her vehicle stunned at what had just occurred, she saw the driver officer crouch down behind his driver’s side door. Ms. ██████████ immediately heard gunfire. According to Ms. ██████████ the officer took cover behind the door and appeared to fire over the door. At that moment, Ms. ██████████ felt the need to get out of the area. She then reversed her car back onto 21<sup>st</sup> Street and proceeded back to Ms. ██████████ house where she called the police to report the accident. Ms. ██████████ stated that the police responded to Ms. ██████████ house and she provided a video statement to a detective.

**In a deposition taken on September 30, 2021, for civil complaint 19CV04130,** ██████████ <sup>50</sup> indicated that she lived on ██████████, on the second floor of an apartment building approximately ██████████ east of the corner. She said she was looking at her plants in the front window when the car crashed, and she saw the shooting. She said that the car crashed a few houses east of the corner, then the police vehicle stopped right in the middle of the intersection. After the crash she saw someone get out of the driver’s side, she was not sure which door, then run towards her. He was the only person she saw exit the car. An officer then got out of the passenger side and began shooting while using the car door as a shield. The boy she saw running went down, and the driving officer then got out and ran to the boy and began shaking him. She indicated that she never saw a gun in the boy’s hand.

### **CHICAGO POLICE OFFICER STATEMENTS**

**In a statement to COPA on May 9, 2019, Officer Adolfo Bolanos, #16767,** stated that on the date of incident he was assigned to a tactical unit within the 10<sup>th</sup> District. <sup>51</sup> On that date, Officer Bolanos was assigned to Beat 1065C, working in plain clothes with Officer Gama. The officers were assigned an unmarked police SUV, with Officer Gama operating the vehicle. <sup>52</sup> Officer Bolanos explained that he and Officer Gama were on patrol in the area of 16<sup>th</sup> Street and

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<sup>46</sup> Attachments 97, 100. Ms. ██████████ provided an Electronically Recorded Interview (ERI) to detectives that was consistent with the statement she provided to COPA (See Attachment 109).

<sup>47</sup> Ms. ██████████ was driving a grey Acura TL.

<sup>48</sup> Ms. ██████████ believed the vehicle to be white.

<sup>49</sup> Ms. ██████████ believed the police vehicle was a marked sedan.

<sup>50</sup> Attachment 164.

<sup>51</sup> Attachment 122-125, 157.

<sup>52</sup> Unmarked vehicles are not equipped with in-car cameras. Officer Bolanos was equipped with a body-worn camera but did not activate it during this incident.

Komensky Avenue when Officer Gama observed a vehicle driving without the headlights turned on. Officer Bolanos stated that the vehicle was on 16<sup>th</sup> Street, driving westbound towards Pulaski Road, while the officers were at the intersection of 16<sup>th</sup> Street and Komensky Avenue, facing northbound. Officer Bolanos did not initially see the vehicle, but Officer Gama informed him that the vehicle then turned southbound onto Pulaski Road. Officer Gama then made a right, heading east then another right onto Pulaski Road. Once they turned onto Pulaski Road, Officer Bolanos saw the vehicle. It was a silver sedan traveling towards 18<sup>th</sup> Street without lights. The vehicle then turned west onto 18<sup>th</sup> Street. At this point the officers started to trail the vehicle. Officer Gama turned westbound on 18<sup>th</sup> Street and Officer Bolanos was able to see the vehicle traveling westbound, at least two blocks ahead of theirs.

According to Officer Bolanos, Officer Gama sped up in an attempt to “close the gap.”<sup>53</sup> Eventually they were able to get close enough for Officer Gama to read the license plate to Officer Bolanos. As Officer Bolanos was entering the plate into the PDT and reading the results, Officer Bolanos felt Officer Gama turn and head southbound on Keeler Avenue. Officer Bolanos looked up and saw the silver sedan (moving at a high rate of speed) strike the passenger side of a silver Cadillac that was double parked in the middle of Keeler Avenue near 21<sup>st</sup> Street. Officer Gama then activated the emergency equipment and attempted to get closer to the vehicle. As they passed the Cadillac, they saw that the driver was okay, and they continued heading south. The silver sedan then attempted a righthand turn onto 21<sup>st</sup> Place but crashed into what appeared to be a fence at the southeast corner of 21<sup>st</sup> Place and Keeler Avenue.

Officer Gama continued southbound and stopped their SUV directly behind the silver sedan.<sup>54</sup> Officer Bolanos exited the vehicle, closed his door, and observed a tall Black female with gold and black dreads, now known to be Ms. ██████ open the silver sedan’s front passenger door.<sup>55</sup> Ms. ██████ fled westbound, and Officer Bolanos followed her, ordering her to stop. Officer Bolanos did not pursue Ms. ██████ far, perhaps a few feet west of his vehicle’s position. At this point, Officer Bolanos turned his body and directed his attention back to the silver sedan. He observed a thin Black male, now known to be Mr. ██████ exit the rear passenger seat<sup>56</sup> of the silver sedan with a firearm in his right hand. Officer Bolanos described the firearm as a “black gun with a large, extended, clear magazine.”<sup>57</sup> Officer Bolanos was a couple of feet away from the silver sedan, describing that he was somewhere between the silver sedan, his vehicle, and a couple steps west.<sup>58</sup> Mr. ██████ exited the silver sedan and raised the firearm at Officer Bolanos. Officer Bolanos explained that he was facing southeast as Mr. ██████ exited the vehicle and Mr. ██████ was facing a somewhat southwest direction, standing near the vehicle’s door. As Mr. ██████ raised his firearm towards Officer Bolanos, Mr. ██████ back was towards Officer Bolanos. Mr. ██████ right

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<sup>53</sup> Statement of Officer Bolanos, Attachment 157, Page 19, line 14.

<sup>54</sup> Although Officer Bolanos stated that he later learned the vehicle was an Infiniti, the vehicle was actually an Acura.

<sup>55</sup> According to Officer Bolanos, this door remained opened.

<sup>56</sup> In a deposition taken for civil complaint 19CV04130 on October 17, 2020, Commander Joseph Brennan related he spoke to Officer Bolanos after the incident as part of the public safety investigation. According to Commander Brennan, Officer Bolanos said Mr. ██████ got out of the *front* passenger door. See Attachment 171.

<sup>57</sup> Attachment 157, Page 43, lines 15-16.

<sup>58</sup> Officer Bolanos was asked to provide a visual of where he was standing at different points during the incident. Given that he was unable to properly describe distances, he was provided a photograph of the scene and identified with a pen those positions. See. Attachment 127.

arm was fully extended in Officer Bolanos direction and turning towards him. At that moment, Officer Bolanos was able to see the entire firearm.

According to Officer Bolanos, he then drew his firearm. Believing that Mr. [REDACTED] was going to shoot him, Officer Bolanos discharged his firearm at Mr. [REDACTED].<sup>59</sup> Officer Bolanos explained that he was unable to give Mr. [REDACTED] verbal commands because everything occurred very quickly. Furthermore, Mr. [REDACTED] never moved from the rear passenger area as Officer Bolanos fired his weapon at him. Officer Bolanos described that all of his rounds were fired in rapid succession and, as he discharged his firearm, he side-stepped a couple feet to his right. He stopped firing when he no longer saw Mr. [REDACTED] firearm pointed in his direction. Officer Bolanos repeatedly stated he was focused on the firearm and arm being raised in his direction. He did not know if Mr. [REDACTED] looked in his direction or not. Once Officer Bolanos stopped firing, Mr. [REDACTED] ran towards the front of the silver sedan. Officer Bolanos believed that he yelled at Mr. [REDACTED] to stop. Mr. [REDACTED] stumbled as he moved towards the front of the silver sedan, falling a few steps after passing the silver sedan. As Mr. [REDACTED] moved to the front of the vehicle, Officer Bolanos could no longer see the firearm in his hand. Officer Bolanos stated that when he saw Mr. [REDACTED] stumbling, he believed that the shots he fired struck Mr. [REDACTED].

Once Mr. [REDACTED] fell to the ground, Officer Gama moved towards Mr. [REDACTED]. Officer Bolanos then redirected his attention back to the silver sedan. Officer Bolanos stated that there was a heavysset Black male occupant, now identified as Mr. [REDACTED] in the rear driver seat. Officer Bolanos again drew his firearm and told Mr. [REDACTED] to exit the silver sedan. Mr. [REDACTED] raised his hands, slid to the passenger side of the vehicle, and exited through the rear passenger door. Mr. [REDACTED] then got on the ground and was placed into custody by Officer Bolanos. Officer Bolanos re-holstered his firearm and put handcuffs on Mr. [REDACTED]. He then looked back into the vehicle and saw a second firearm: a semi-automatic handgun, brown in color, on the floorboard behind the driver's seat in the same area he initially saw Mr. [REDACTED] seated. Additionally, Officer Bolanos observed the firearm he previously saw Mr. [REDACTED] pointing at him. This firearm was on the ground to the west of the silver sedan, near the rear door where Mr. [REDACTED] initially stood after exiting. Officer Bolanos had no knowledge of how the firearm ended up on the ground. A beat car arrived, and Mr. [REDACTED] was secured in the backseat of the beat car. Officer Bolanos then saw Officer Gama rendering aid to Mr. [REDACTED] and Officer Bolanos stood guard over the firearms.

Officer Bolanos stated that after the shots were fired, he heard Officer Gama go over the radio, but he was not sure what his partner reported. Eventually, when the ambulance had not arrived, Officer Bolanos asked dispatch the status of the ambulance, to which the dispatcher replied that she did not know one was needed. Additionally, Officer Bolanos provide a flash message over the radio about a female passenger and the driver, a Black male now known to be Mr. [REDACTED] as fleeing.<sup>60</sup> When asked why he did not announce shots fired by the police, Officer Bolanos reasoned that shortly after he stopped discharging his firearm his attention was drawn to Mr. [REDACTED].

Following the incident, Officer Bolanos went to the hospital that night because he was not feeling well. It was at the hospital where he first spoke with any Department personnel about the

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<sup>59</sup> At the time, Officer Bolanos did not know how many times he discharged his firearm but learned later that night from the ETs that he discharged his firearm 4 times.

<sup>60</sup> Officer Bolanos explained that he never saw the driver but heard his partner describe him.

incident.<sup>61</sup> After getting released from the hospital, Officer Bolanos went to the Detective Area Division. When asked if he activated his body-worn camera during the incident, Officer Bolanos explained that he did not activate it because he did not have time. He added that he did not activate it while trailing the vehicle because they normally do not activate it until they actually make contact with the occupants.

**In a deposition taken for civil complaint 19CV04130 on November 19, 2019, Officer Adolfo Bolanos** provided an account that was largely consistent to the statement he provided COPA.<sup>62</sup> However, his deposition testimony differed from his COPA statement as to some material facts: Officer Bolanos stated Mr. [REDACTED] was moving toward the front of the car at the time Officer Bolanos fired his weapon.<sup>63</sup> When Officer Bolanos stopped shooting, Mr. [REDACTED] was near the front passenger wheel.<sup>64</sup> He also said that he was still exiting his vehicle at the first moment he saw Ms. [REDACTED] exit the Acura.<sup>65</sup>

**In a statement to COPA on February 28, 2019, Officer Guillermo Gama, #17268,** stated that on the date of incident, he and his partner, Officer Bolanos, were assigned to work Beat 1065C.<sup>66</sup> Officer Gama wore blue jeans, a blue coat, a black hat, and his Chicago Police ballistic vest with his star embroidered on the left side. Officer Gama was the driver officer of a dark colored unmarked Ford Explorer. Officer Gama and Officer Bolanos were assigned to patrol high crime areas within the 10<sup>th</sup> district.

According to Officer Gama, while on routine patrol, driving eastbound on 16<sup>th</sup> Street towards Pulaski Road, he observed the involved silver sedan traveling westbound on 16<sup>th</sup> Street towards Pulaski Road. The silver sedan's headlights were off. Officer Gama told Officer Bolanos what he observed and informed him that he was going to stop the silver sedan. As Officer Gama approached Pulaski Road, he saw the silver sedan make a hard left turn onto Pulaski Road. At that point, Officer Gama started to follow the vehicle, which was traveling at approximately 40 mph. The silver sedan was approximately half a block ahead of the officers at the time. As Officer Gama approached what would be considered 17<sup>th</sup> Street,<sup>67</sup> the silver sedan had already turned westbound onto 18<sup>th</sup> Street. By the time Officer Gama turned westbound onto 18<sup>th</sup> Street, the silver sedan had passed Komensky Avenue. Between Karlov and Keeler Avenues, Officer Gama caught up to the silver sedan. At this point, Officer Gama asked Officer Bolanos to run the license plate through their vehicle's Personal Data Terminal (PDT). Officer Gama then engaged his emergency lights and sirens. He turned southbound onto Keeler Avenue, following directly behind the silver sedan. At about 19<sup>th</sup> Street, the silver sedan slightly increased speed and Officer Gama disengaged his emergency equipment. Officer Gama explained that he turned off his emergency equipment because he saw a vehicle approaching from a far distance and he believed conditions could become

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<sup>61</sup> COPA's investigation revealed that OCIC Betts visited Officer Bolanos at the hospital where he received a public safety statement from Officer Bolanos.

<sup>62</sup> Attachment 165.

<sup>63</sup> Attachment 165, page 22, line 23-page 23, line 4.

<sup>64</sup> Attachment 165, page 23, lines 15-18.

<sup>65</sup> Attachment 165, page 102 lines 4-21.

<sup>66</sup> Attachments 56-57.

<sup>67</sup> There is no 17<sup>th</sup> Street in this area. The block runs from 16<sup>th</sup> Street to 18<sup>th</sup> Street. Officer Gama is referring to the approximate midway point between 16<sup>th</sup> and 18<sup>th</sup> Streets.

unsafe. Given that he was following the vehicle for a traffic infraction, he decided it was best to disengage.

As Officer Gama continued to drive south on Keeler Avenue, near 21<sup>st</sup> Street, he observed the silver sedan strike another vehicle that was in traffic. After which, Officer Gama re-engaged his emergency lights because the silver sedan fled the scene of an accident. As he continued following the silver sedan, Officer Gama saw the vehicle somewhat lose control and attempt a hard left turn onto 21<sup>st</sup> Place. But, due to its speed, the silver sedan hit the curb on the southeast corner of 21<sup>st</sup> Place and Keeler Avenue and came to a complete stop. Officer Gama then parked approximately 5-10 feet behind the silver sedan.

According to Officer Gama, he told Officer Bolanos to get out of the vehicle. Officer Gama explained that his and Officer Bolanos' normal plan if someone flees from a vehicle is the passenger officer will secure the scene while the driver officer pursues the fleeing subject(s). In this instance, Officer Bolanos exited the vehicle while Officer Gama remained behind the steering wheel. Officer Gama saw the driver of the silver sedan, now known to be Mr. ██████<sup>68</sup> exit the vehicle and run eastbound on 21<sup>st</sup> Place. As Mr. ██████ fled, Officer Gama turned the wheel of his vehicle to follow, keeping his eyes on Mr. ██████. At that point, Officer Gama heard approximately 5 gunshots in rapid succession. He disengaged from Mr. ██████ looked forward, and saw another Black male, now known to be Mr. ██████ running in front of the silver sedan.<sup>69</sup> Mr. ██████ stumbled, took a couple steps, and then collapsed on the street right next to the curb. Officer Gama placed his vehicle in park, exited the vehicle, and closed the door. As he was about to walk towards Mr. ██████ Officer Gama looked to his right and saw Officer Bolanos towards the rear of the passenger side of the silver sedan. Officer Bolanos had his weapon in a low-ready position and was giving someone in the vehicle verbal commands.

According to Officer Gama, he refocused his attention on Mr. ██████ who was on the ground. As Officer Gama walked towards Mr. ██████ he went over his police radio to announce shots fired, provide their location, give the description of Mr. ██████ and request an ambulance. Officer Gama then checked Mr. ██████ for weapons and turned him on his side because it appeared that he was having difficulty breathing. At that point, another officer arrived with a medical kit. Officer Gama used the kit to provide Mr. ██████ medical treatment because Mr. ██████ was bleeding from multiple gunshot wounds. Officer Gama explained that he received LEMART<sup>70</sup> training while at the academy and was also trained while he was in the Marine Corps. Once an ambulance arrived EMS took over rendering medical aid.

Afterwards, Officer Gama walked to the passenger side of the silver sedan and saw a black gun with a clear extended magazine containing ammunition. The firearm was on the ground towards the rear of the vehicle. Officer Gama then looked inside of the silver sedan and saw a second gun in the rear floorboard behind the driver's seat. Officer Gama also saw shell casings on the passenger side of the silver sedan but could not recall their exact placement.

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<sup>68</sup> Officer Gama described Mr. ██████ as a young-looking black male, wearing dark clothing.

<sup>69</sup> Officer Gama explained that at the time of the incident, he did not realize there was a wrought iron fence in front of the Acura. He explained that Mr. ██████ ran between the fence and the Acura but was closer to the Acura. He described Mr. ██████ as stumbling as he ran.

<sup>70</sup> Law Enforcement Medical and Rescue Training.

**In a second statement to COPA on September 13, 2019, Officer Gama** explained that when he first saw Mr. [REDACTED] Mr. [REDACTED] was in front of the silver sedan running eastbound, which would be from the passenger side to the driver's side of the vehicle.<sup>71</sup> When asked by COPA why he did not report sooner that Mr. [REDACTED] was shot and request an ambulance, Officer Gama explained that he genuinely believed that he had reported it earlier when he went over the air to report the 10-1. Finally, Officer Gama stated that there was a lot going on at the moment.

**In depositions taken for civil complaint 19CV04130 on January 27, 2020, and September 29, 2021, Officer Guillermo Gama** provided essentially the same information as in his statements to COPA.<sup>72</sup> He added that after the incident, he learned that he had previous contact with Mr. [REDACTED] Officer Gama stated that he was not aware of this fact during the incident.

#### **b. Digital Evidence<sup>73</sup>**

**Chicago Police Radio Transmissions<sup>74</sup> and the Office of Emergency Management and Communication (OEMC) Event Queries<sup>75</sup>** document Beat 1065C's report of shots fired at approximately 8:32 pm. The dispatcher subsequently asks at or by the police, to which the officer, now known to be Officer Gama, states "by the police." Officer Gama further reports that there is a Black male, wearing dark clothing, who ran eastbound from 21<sup>st</sup> and Keeler Avenue. At approximately 8:34 pm, Officer Gama reports that there is also a female with gold dreads who ran westbound from the location. The dispatcher asks Beat 1065C if either of the subjects have a weapon. One of the officers states that there is a weapon in the vehicle and one weapon in the street. At approximately 8:35 pm, Beat 1106B reports that they have a male possibly involved, located at 21<sup>st</sup> and Pulaski Road.<sup>76</sup> Approximately 5 seconds later, Beat 1065C asks the dispatcher if an ambulance is en route. The dispatcher informs the officer that an ambulance was not requested but that one would be en route. The dispatcher asks for further details regarding the need for an ambulance. Officer Gama states that they have a subject, now known to be Mr. [REDACTED] shot. The officers also reported another subject was in custody and another two fled. At approximately 8:46 pm, Beat 1005 reports they have a female wearing a purple hoodie with gold dreads.<sup>77</sup> At approximately 8:54 pm, Beat 1065B informs dispatch that she is at Mt. Sinai Hospital and Mr. [REDACTED] condition is critical.

**Chicago Police Evidence Technicians took Photographs of the Scene<sup>78</sup>** which depicted the crashed silver sedan and police SUV. The photos also showed the positioning of the recovered firearm with extended clear magazine, and four shell casings in the street on the passenger side of the vehicle (fig. 1) as well as Mr. [REDACTED] discarded coat and bloodstains to the east of the crashed

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<sup>71</sup> Attachments 136, 137. Officer Gama again stated that Mr. [REDACTED] was stumbling as he ran.

<sup>72</sup> Attachment 164, 166.

<sup>73</sup> Video, to include PODs located in the area of incident, third party videos and BWC footage, was collected but found that it did not capture the incident.

<sup>74</sup> Attachment 102.

<sup>75</sup> Attachment 7. The event queries also document the hit and run reported by Ms. [REDACTED]

<sup>76</sup> A positive ID was made at 8:43 pm.

<sup>77</sup> A positive ID was made at 9:10 pm.

<sup>78</sup> Attachment 18.

vehicle on 21st Place (fig. 2). They also photographed a black firearm on the floor of the rear passenger area of the car.



Fig. 1-Location of recovered firearm and casings.

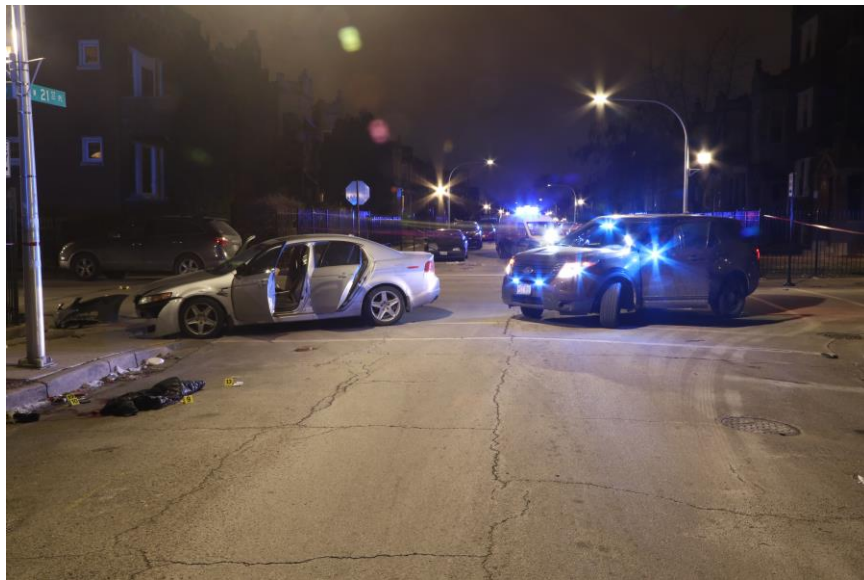


Fig. 2-Location of Mr. [REDACTED] coat.

Video collected from [REDACTED] who resides at [REDACTED], shows the south side of 21<sup>st</sup> Place, just east of Keeler Avenue.<sup>79</sup> The video depicts post-shooting events. Officer Gama initially stands over Mr. [REDACTED] body, which is facedown. Officer Gama then kneels down and moves Mr. [REDACTED] clothing. Officer Gama removes Mr. [REDACTED] jacket and appears to rub his back. Other officers respond to the scene and one officer appears to assist with medical aid.

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<sup>79</sup> Attachment 101.

Approximately 7:30 into the recording, EMS arrives at Mr. [REDACTED] location, places him on a stretcher and transports him out of camera view.

**Video collected** from the **Facebook account of [REDACTED]** shows the intersection of 21<sup>st</sup> Place and Keeler Avenue.<sup>80</sup> It appears that the video was recorded from an upper floor apartment located on the northwest side of the street. The video depicts post-shooting events. Officer Gama attends to Mr. [REDACTED] who is lying on the ground on the south side of 21<sup>st</sup> Place, just east of a silver sedan that is stopped at a southeast angle on the southeast corner of 21<sup>st</sup> Place and Keeler Avenue. Several officers are already on scene. A dark-colored firearm with an extended magazine is seen on the ground near the passenger side of the silver sedan towards the rear of the vehicle. Officers Gama and Bolanos' unmarked SUV is parked just behind the silver sedan, with its emergency lights activated.

**Videos collected** from [REDACTED] who resides at [REDACTED], depict post-shooting events of the area facing in a southeast direction from Keeler Avenue.<sup>81</sup> Officer Gama is standing over and attending to Mr. [REDACTED] who is lying on the ground on the south side of 21<sup>st</sup> Place, east of Keeler Avenue. Officer Bolanos momentarily walks over to where Mr. [REDACTED] is laying, then walks out of camera view.

**Video footage** was obtained from **Officer Gama's Body Worn Camera (BWC)**.<sup>82</sup> The recording starts at 8:31 pm and is 27 minutes in length. The audio picks up 30 seconds into the recording.<sup>83</sup> The video depicts Officer Gama's movements as he drives his vehicle. He abruptly turns the steering wheel and places the vehicle into park. Officer Gama exits the vehicle and turns to the south. Mr. [REDACTED] is observed lying face-up on the ground. Officer Gama immediately reports shots fired at 21<sup>st</sup> and Keeler over the radio. Officer Gama moves Mr. [REDACTED] who does not seem responsive. Officer Gama then searches Mr. [REDACTED] and checks for wounds and confirms over the radio that it was shots fired *by* the police. He further reports over the radio that a subject fled eastbound on 21<sup>st</sup> Place from the location of the incident.

At approximately 8:34 pm, other officers begin to arrive on scene. Officer Gama continues to attend to Mr. [REDACTED] repeatedly telling him words to the effect of, "stay with me man." At one point, Officer Gama removes Mr. [REDACTED] jacket, and rubs his back. It is apparent that Mr. [REDACTED] has been wounded. There appears to be blood on his body and his head, as well as on the street. At approximately 8:35 pm, an officer asks dispatch if an ambulance is en route. The dispatcher is then heard asking for an address and the reason an ambulance is needed. She also informs the officers that they had not previously asked for an ambulance. The officer informs dispatch that a person has been shot. At approximately 8:37 pm, an officer assists Officer Gama with providing aid to Mr. [REDACTED] by placing gauze and tape on his head and back. At approximately 8:39 pm, Mr.

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<sup>80</sup> Attachment 31.

<sup>81</sup> Attachment 68.

<sup>82</sup> Attachments 103, 104, 105. Other responding officers' BWCs were collected as part of this investigation. It was determined that those videos did not capture the use of force, or the allegations made.

<sup>83</sup> The BWCs used by CPD continuously record video in what is referred to as a buffer period. At the time of this incident, the buffer period was set to record over itself after 30 seconds. When activated, the cameras roll back and include 30 seconds of video, but no audio, prior to the activation. The weapon discharge was captured in that 30-second buffer period, which means there is no audio recording of it. Officer Gama activated his camera, thus turning on the sound, as he exited his vehicle.



█████ appears to struggle to breathe. Officer Gama informs another officer that he is still alive. At approximately 8:41 pm, EMS arrives on scene. Officer Gama informs them that Mr. █████ has a wound to the side of the head and one to the back of the head. Officer Gama further informs EMS that Mr. █████ is still breathing. Officer Gama then walks away and stands near a sergeant, Officer Bolanos, and other officers. Officer Gama then walks north on Keeler Avenue and positively identifies Mr. █████ who is seated in the rear of a marked SUV. Throughout Officer Gama's BWC recording, the dispatcher and other officers are heard reporting updates regarding scene control, officers responding, and status of the subjects that fled the scene.

**Video footage** was obtained from **Officer Bolanos' Body Worn Camera**.<sup>84</sup> The recording starts at 9:16 pm and is 30 seconds in length.<sup>85</sup> During the 30 second clip, it appears that Officer Bolanos attempts to activate or turn on his BWC and immediately deactivates it.

**Video footage** was obtained from the **Body Worn Cameras of Officers Noustis and Schleder**.<sup>86</sup> These two officers arrived and exited their vehicle at 8:32 pm. At the time they exit their vehicle, Officer Bolanos is detaining █████ just outside the rear passenger door of the silver sedan. A dark firearm with an extended clip is laying on the ground next to the vehicle, in a position consistent with its location in photos taken by the evidence technicians. The two officers help Officer Bolanos put Mr. █████ into a squad car. The remainder of their video is non-pertinent.

### c. Physical Evidence

The **Chicago Fire Department's (CFD) Ambulance Report** documents that on February 16, 2019, EMS was dispatched at 8:36 pm.<sup>87</sup> Upon arrival at the scene, at approximately 8:39 pm, the crew found an unresponsive male, now known to be Mr. █████ lying next to the curb. Mr. █████ appeared to have agonal breathing<sup>88</sup> at approximately 6 respirations per minute. EMS moved Mr. █████ onto a stretcher. While examining Mr. █████ EMS noted a gunshot wound to Mr. █████ left side of the head and left flank, with minimal bleeding. EMS applied bleeding control. A mask was placed to assist with Mr. █████ breathing. Mr. █████ was subsequently transported to Mount Sinai Hospital.

**Medical Records** from **Mount Sinai Hospital** document that a 25-year-old John Doe, now known to be Mr. █████ was brought in by ambulance after sustaining two gunshot wounds to the left lower back and one to the head.<sup>89</sup> Mr. █████ was unstable upon arrival and taken to the operating room for exploration of his abdominal wounds. During surgery, two projectiles were removed from Mr. █████ abdominal cavity. Post-operatively, Mr. █████ was immediately taken for a CT scan, which revealed that he sustained a devastating intracranial gunshot wound that was non-survivable. Mr. █████ also received massive transfusion of blood products. Shortly thereafter, Mr. █████ became pulseless, at which point he was provided CPR for 15 minutes but did not regain a pulse. Dr. █████ called time of death at 10:03 pm.

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<sup>84</sup> Attachments 103, 104, 105.

<sup>85</sup> Attachment 103. There is no audio since the length of the video was only 30 seconds.

<sup>86</sup> Attachment 103.

<sup>87</sup> Attachment 60.

<sup>88</sup> This means Mr. █████ was struggling to breathe.

<sup>89</sup> Attachment 49.

In a statement to COPA on April 4, 2019, Dr. ██████████ (“Dr. ██████████”) stated that he is employed at Mount Sinai Hospital, in the trauma unit.<sup>90</sup> On the date of incident, he provided medical treatment to Mr. ██████████ who entered the trauma unit with multiple gunshot wounds. Dr. ██████████ reported that Mr. ██████████ had two gunshot wounds to his rear torso and two holes to the back of his head.

Dr. ██████████ performed a laparotomy (abdominal surgery) on Mr. ██████████ prior to Mr. ██████████ admittance into the Intensive Care Unit (ICU) for resuscitation. Based on Mr. ██████████ injuries, Dr. ██████████ decided to stabilize Mr. ██████████ abdominal injuries before taking him for a CT scan of the brain. Because of Mr. ██████████ condition, Dr. ██████████ felt it was important to conduct the CT scan of head. After the scan, Dr. ██████████ spoke to the neurosurgeon, who informed him the head injuries were not survivable.<sup>91</sup>

Dr. ██████████ explained that with an injury to the head similar to Mr. ██████████ a person would not be capable of moving in a meaningful way.<sup>92</sup> When asked if a person would be able to travel 15 to 20 feet, Dr. ██████████ stated that he did not believe so. When further asked if a person would fall to the ground immediately with a similar head injury, Dr. ██████████ stated that with a devastating neurological injury like that, yes.<sup>93</sup>

The **Report of Postmortem Examination** from the **Office of the Medical Examiner of Cook County** documents the postmortem examination of ██████████ on February 17, 2019, at 7:45 am, by Doctor ██████████.<sup>94</sup> Evidence of medical intervention was outlined. The report also documents multiple gunshot wounds, none of which indicate firing from a close range, including the following:

- A penetrating entry type gunshot wound to the right occipital scalp. The wound pathway is sequentially through the skin and soft tissue, right occipital bone, right occipital lobe, right temporal lobe and stopped in the right frontal lobe where a gray and yellow projectile fragment was recovered. Gray and yellow metal projectile fragments were also retrieved from the right occipital scalp. A loose gray projectile fragment was also retrieved from the board on which the organs were examined. In the anatomic position, the gunshot pathway is back to front.
- A penetrating entry type gunshot wound to the left lower back. The wound pathway is sequentially through skin and soft tissue and perforates the right side of the spinal column at the level of the first sacral vertebra, with hemorrhage in the spinal canal and disruption of the cauda equina. The remaining pathway was obscured by medical

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<sup>90</sup> Attachments 90, 91, 140.

<sup>91</sup> Dr. ██████████ stated that he is an intensivist, and therefore, continued care for Mr. ██████████ following surgery.

<sup>92</sup> Dr. ██████████ clarified that he was not present when Mr. ██████████ was shot so could not say this for certain, but this was his expectation based on the level of injury he observed to Mr. ██████████ brain.

<sup>93</sup> Given that the gunshot wound to Mr. ██████████ abdomen damaged his lumbar spine, COPA also asked Dr. ██████████ if someone with a spinal injury could walk. Dr. ██████████ said it depended on the extent and specific location of the injury. “[Y]ou can injure your spine without being paralyzed is the short answer.” (Attachment 140, page 14, lines 2-3.)

<sup>94</sup> Attachment 131.

intervention and may be associated with the sutured defects in the abdomen. In the anatomic position, the gunshot pathway is back to front and slightly left to right.

- A second penetrating entry type gunshot wound to the left lower back. The wound pathway is sequentially through skin and soft tissue and fractures the left ilium. The remaining pathway is obscured by medical intervention but may be associated with the sutured defects in the abdomen. In the anatomic position, the gunshot pathway is back to front.

Abrasions, contusions, and hemorrhages were noted to Mr. ██████ body, several of which may have been associated with medical intervention.

Radiographs of Mr. ██████ entire body, head and abdomen were obtained. The images were consistent with the internal examination and also revealed minute fragments in the head, abdomen, back and pelvis.

The postmortem toxicology revealed positive results for Delta-9 Carboxy THC<sup>95</sup> and Delta-9 THC and metabolites.<sup>96</sup> The cause of death is listed as multiple gunshot wounds. The manner of death is listed as homicide.

**Cook County Medical Examiner, Doctor ██████** provided a deposition for civil complaint 19CV04130 on January 9, 2020.<sup>97</sup> Dr. ██████ described the post-mortem examination of Mr. ██████ in which she was asked about the mobility impact of each gunshot wound. When asked if each of the three gunshot wounds would affect Mr. ██████ mobility and ability to run, Dr. ██████ stated that each wound could affect his mobility and ability to run but it would depend on the individual. The wounds would at the very least cause a great deal of pain.

Dr. ██████ stated that the gunshot wound to Mr. ██████ lower left back, which affected his pelvis, would have caused a great deal of pain but his femurs were okay. As for the wound to Mr. ██████ lower back that damaged his spinal canal, Dr. ██████ explained that caused pain but the nerves that it would have impacted would be nerves that have more to do with things like bladder and bowel control. Therefore, Dr. ██████ believed Mr. ██████ would have been able to move, but with pain. Furthermore, when asked about the gunshot wound to Mr. ██████ head, Dr. ██████ explained that although the bullet traveled from the occipital through the temporal to the frontal lobe, that does not necessarily mean that an individual will not be able to continue to move after being struck with that bullet. Dr. ██████ added that there is a small portion of the primary motor cortex that controls the legs. Additionally, Dr. ██████ agreed that a person can continue to run or stumble after being shot in the head, the ilium and back.

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<sup>95</sup> Tetrahydrocannabinol, the active component of marijuana.

<sup>96</sup> The report defines Delta-9 THC as the active ingredient in marijuana, which rapidly leaves the blood and falls to below detectable levels within hours. 11-Hydroxy Delta-9 THC is an active intermediate metabolite of THC. Delta-9 carboxy THC is an inactive metabolite of THC, which may be present in the blood for up to one day or more after use. The report further noted that Delta-9 THC and Delta-9 Carboxy THC may be detectible longer in chronic users.

<sup>97</sup> Attachment 167.

Dr. ██████ was further asked if it would be unlikely for Mr. ██████ to have any meaningful, thoughtful, running activity after suffering that injury, meaning the head injury. Dr. ██████ explained that if Mr. ██████ was already in motion, his body physically, just by laws of physics, might have carried him forward. So if he was unable to move by his own willpower, the momentum continued to move his body forward.

Lastly, Dr. ██████ was asked if he would expect after suffering the type of wounds Mr. ██████ suffered, would he be able to run five, seven feet, the length of a car, then change directions and continue to run ten to fifteen feet. Dr. ██████ said that was unlikely. He allowed for the possibility that momentum may have propelled Mr. ██████ forward, but elaborated, “I think what’s likely is that after he was shot he would have suffered some – he would’ve suffered a severe injury. I don’t think he would’ve been very conscious, making conscious decisions about what he was doing. I think he would’ve been either immediately stopped and collapsed or he would have had some short interval of trouble coordinating his movement and then fallen.”<sup>98</sup>

The **Crime Scene Processing Reports** document that Evidence Technicians (ETs) were assigned to process the scene of this incident, which consisted of taking digital photographs and video of the scene and taking photographs of the evidence that was identified.<sup>99</sup> ETs also took field measurements of the evidence/scene and recovered and inventoried the evidence under RD #JC155274. Additionally, ETs created a drawing (also referred to as a plat) of the scene. After ETs left the scene, they relocated to Mount Sinai Hospital to process Mr. ██████ body. ETs photographed Mr. ██████ and sealed his hands with bags. ETs recovered two fired bullets<sup>100</sup> from the hospital security manager. Additionally, ETs responded to Rush Hospital to recover Officer Bolanos’ firearm, a Glock 17, Generation 4, semi-automatic handgun. The ET cleared the magazine from the firearm and unloaded one live WIN 9mm Luger +P round from the chamber. The ET then unloaded and counted 13 live WIN 9mm Luger +P rounds from the magazine. Finally, the firearm was swabbed. The magazine was noted to have a 17-round capacity.

The evidence collected included but is not limited to Officer Bolanos’ firearm; a Glock 19, Generation 4 semi-automatic firearm with an extended magazine, containing unknown number of live rounds (recovered from the street pavement near the 2004 Acura); a Ruger, P95 9mm semi-automatic firearm with an extended magazine, containing unknown number of live rounds (recovered from the rear driver’s floor of the Acura); and four expended WIN 9mm +P shell casings recovered from the crosswalk at Keeler Avenue.

**Illinois State Police (ISP) Laboratory Reports for Laboratory Case #DFS19-011595** document that the Illinois State Police test fired the Glock Model 17, Gen 4 firearm belonging to Officer Bolanos.<sup>101</sup> Four Winchester 9mm Luger +P fired cartridge cases were examined and were determined to have been fired from Officer Bolanos’ firearm. Four fired bullet fragments were collected.

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<sup>98</sup> Attachment 167, page 56, lines 2-10.

<sup>99</sup> Attachments 13-15. The relevant photographs are described above.

<sup>100</sup> The report indicates that this evidence was in a sealed envelope. Forensic testing (described below) revealed them to be fragments.

<sup>101</sup> Attachments 138, 139, 144, 181, 182. DNA samples taken from the recovered weapons and the silver sedan were tested and compared to the known occupants, but the results were inconclusive. See Attachment 182.

The Glock, Model 19 Gen 4 firearm recovered from the intersection of Keeler Avenue and 21<sup>st</sup> Place was test fired using laboratory ammunition and determined to be operable. The Ruger, Model 19 P95 firearm recovered from the rear driver's floorboard was also test fired using laboratory ammunition and determined to be operable. Both firearms, their respective magazines, and live cartridges revealed no suitable latent prints.

#### d. Documentary Evidence

The **COPA Preliminary Report**,<sup>102</sup> the **CPD's Major Incident Notification (MIN) Report**,<sup>103</sup> and the **Original Case Incident Reports**<sup>104</sup> contain information identified and obtained in the preliminary stages of the investigation, which is consistent with information gathered throughout the investigation.

According to the **CPD Arrest Report**, [REDACTED] was arrested for Aggravated Assault of a Peace Officer with a handgun and Aggravated Unlawful Use of a Weapon.<sup>105</sup> It was documented that Mr. [REDACTED] was the passenger of a car that was involved in a single vehicle accident. He exited the car armed with a handgun and began to raise the firearm at Officer Bolanos, who subsequently shot him. Mr. [REDACTED] firearm, a Glock 19,<sup>106</sup> was recovered on scene and found to be loaded with multiple live rounds in an extended magazine and one live round in the chamber.

According to additional **CPD Arrest Reports**, [REDACTED] and [REDACTED] were also arrested and charged with Aggravated Unlawful Use of a Weapon for a firearm that was located inside of the vehicle.<sup>107</sup> Mr. [REDACTED] was also cited with Leaving the Scene, Driving/Never Issued a License and Headlight Two Required-Motor Vehicle.

Officer Bolanos' **Tactical Response Report (TRR)** documents that Mr. [REDACTED] did not follow verbal direction, posed an imminent threat of battery with a weapon (semi-automatic pistol), used force likely to cause death or great bodily harm, and used the weapon to attempt to attack the officer.<sup>108</sup> Officer Bolanos responded with member presence, verbal direction/control techniques, additional unit members, and by discharging his firearm<sup>109</sup> four (4) times.

**Chicago Police Department Training Records** for **Officer Bolanos** reflect that Officer Bolanos last received Use of Force Training on August 14, 2017, and Body Worn Camera Roll Call Training on August 25, 2016.<sup>110</sup>

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<sup>102</sup> Attachment 1.

<sup>103</sup> Attachment 75.

<sup>104</sup> Attachments 4-5.

<sup>105</sup> Attachment 9.

<sup>106</sup> Serial #BAZM490.

<sup>107</sup> Attachments 10-12.

<sup>108</sup> Attachment 8. Sgt. Gonzalo Deluna, #949, completed this report for Officer Bolanos. The discharging member's supervisor often completes TRRs on behalf of the member following an Officer-Involved Shooting.

<sup>109</sup> Serial Number [REDACTED]. Weapon Certification Number [REDACTED]. Prior to the date of incident, Officer Bolanos last qualified with his Department-approved firearm on April 3, 2018.

<sup>110</sup> Attachment 142.

**Detective Supplementary Reports** document information consistent with the material contained in this report.<sup>111</sup> Additionally, the Canvass Detective Supplemental Report documents that detectives conducted a canvass on the date of incident and spoke to a female, who refused to provide her name and phone number, residing at [REDACTED] [REDACTED] [REDACTED].<sup>112</sup> The female initially reported witnessing the entire incident. During a second interview that night, the female stated that she only heard shots but did not witness the incident. In the Progress-Violent (Scene) Detective Supplementary Report, it was documented that detectives located a Facebook account belonging to Mr. [REDACTED] that contained a publicly accessible photo, posted approximately one hour prior to the incident, depicting Mr. [REDACTED] holding a handgun with a translucent extended magazine identical to the firearm located at the scene. Also in the photograph is a black extended magazine that bears a striking resemblance to the extended magazine recovered from the backseat floor of the Acura.<sup>113</sup> A preservation request was submitted to Facebook administration to retain the account. The Progress Detective Supplementary Report Documents interviews taken of civilian witnesses and the involved officers. In the report, it is documented that Ms. [REDACTED] informed detectives that she did not see what door Mr. [REDACTED] used to exit the vehicle.

## VI. LEGAL STANDARD

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>114</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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<sup>111</sup> Attachments 145-148. The entire detective file is Attachment 156. In a deposition taken for civil complaint 19CV04130 on September 22, 2020, Sgt. Joseph McGuire attributed any inconsistencies in his reports regarding the location of individuals in the silver sedan to his own mistakes in documenting that information. See Attachment 172.

<sup>112</sup> Attachment 147. As documented in the Detective Supplementary Report, COPA Major Cas Specialist Morley and Supervising Investigator Dalkin were present during this interaction. COPA identified her as [REDACTED]

<sup>113</sup> Attachment 148. Detectives provided COPA personnel a copy of the photograph. See Attachment 87.

<sup>114</sup> See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition is proved by a preponderance of the evidence when it has found to be more probably true than not.”).

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense.<sup>115</sup> Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>116</sup>

#### a. Use of Force

While Department policy recognizes that “members are often forced to make split-second decisions – in circumstances that are tense, uncertain, and rapidly evolving”, use of force decisions are “judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene” without “the benefit of 20/20 hindsight.”<sup>117</sup> Still the Department’s “highest priority is the sanctity of human life.”<sup>118</sup> All incidents must be resolved with “the foremost regard for the preservation of human life...”<sup>119</sup>

Members are expected to regularly resolve confrontations without resorting to force or by using only the amount of force required.<sup>120</sup> Members may only use force that is (1) objectively reasonable, (2) necessary, and (3) proportional to ensure a person’s safety, make an arrest, control a subject or prevent escape.<sup>121</sup>

1. “Objectively reasonable” force is based on the “totality of the circumstances faced by the officers on the scene.”<sup>122</sup> Factors to consider include but are not limited to (a) “whether the subject is posing an imminent threat” (b) “the risk of harm, level of threat, or resistance presented by the subject” and (c) “the subject’s proximity or access to weapons.”<sup>123</sup>
2. “Necessary” force is “only the amount of force required under the circumstances to serve a lawful purpose.”<sup>124</sup>
3. “Proportional” force is proportional to the “threat, actions, and level of resistance offered by a subject.”<sup>125</sup>

Use of force should be avoided if possible as “[m]embers will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible...”<sup>126</sup> This means continually

<sup>115</sup> . See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>116</sup> *Id.* at ¶ 28.

<sup>117</sup> G03-02 II.D.

<sup>118</sup> G03-02 II.A; *see also* G03-02-01 II.A.

<sup>119</sup> *See* G03-02 II.A. and G03-02-03 III.A.

<sup>120</sup> *See* G03-02-01 II.D.

<sup>121</sup> *See* G03-02 III.B. This is the same standard for using a firearm. G03-02-03 IIIC.

<sup>122</sup> G03-02 III.B.1.

<sup>123</sup> G03-02 III.B.1. (a)-(c)

<sup>124</sup> G03-02 III.B.2.

<sup>125</sup> G03-02 III.B.3. “This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.”

<sup>126</sup> G03-02 III.B.4.; G03-02-03 III.B.; and G03-02-01 II.B.

assessing the situation and modify the use of force as circumstances change.<sup>127</sup> Further, members must use “principles of force mitigation” when it is safe and feasible including (1) “continual communication” (2) “tactical positioning” and (3) “time as a tactic” when it is safe and feasible to do so.<sup>128</sup>

1. “Continual communication” is using verbal control techniques to avoid or minimize confrontations before resorting to physical force. This includes using persuasion, advice, instruction, and warning prior to any use of force and consider using a different member for assistance with a noncompliant individual;
2. “Tactical positioning” is using positioning, distance, and cover to contain an individual and create a zone of safety for officers and the public; and
3. “Time as a tactic” uses time to permit the de-escalation of an individual’s emotions and allow the individual to comply with verbal direction, to allow for continued communication, and to allow for the arrival of additional members or special units and equipment.<sup>129</sup>

#### **b. Use of Deadly Force**

Department policy dictates that a Department member may use deadly force—including discharging a firearm—only if the officer reasonably believes that a person presents an imminent threat, and that deadly force is necessary to prevent death or great bodily harm to the sworn member or another person.<sup>130</sup> Officers may not use deadly force on fleeing persons unless the person presents an imminent threat.<sup>131</sup>

A threat is imminent when it is objectively reasonable to believe that:

1. The person’s actions are immediately likely to cause death or great bodily harm to the officer or others unless action is taken; and
2. The person has the means of instruments to cause death or great bodily harm; and
3. The person has the opportunity and ability to cause death or great bodily harm.

#### **c. Responsibilities Following a Firearms Discharge**

For any firearm-discharge incident, the discharging member will immediately notify OEMC of the firearm discharge and provide all relevant information and request additional resources.<sup>132</sup> The discharging member, if physically capable, will also immediately request appropriate medical aid for any injured person and may provide appropriate medical care consistent with their training.<sup>133</sup> In addition to the discharging member’s duties, Department members will perform all necessary actions to address the immediate needs of the scene, including

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<sup>127</sup> G03-02 III.B.4.; G03-02-03 III.B.; and G03-02-01 II.B.

<sup>128</sup> G03-02-01 III.A.-C.

<sup>129</sup> See G03-02-01 III.A.-C.

<sup>130</sup> G03-02-03II.A.1.

<sup>131</sup> G03-02.III. C.4.

<sup>132</sup> G03-02-03 IV.A.

<sup>133</sup> G03-02-03 V.B.1.



immediately requesting medical attention and providing appropriate medical care consistent with their training.<sup>134</sup>

#### **d. Body Worn Cameras**

To increase transparency and improve the quality and reliability of investigations, CPD policy mandates all law-enforcement-related encounters to be electronically recorded on the officers' BWC.<sup>135</sup> The recording of law-enforcement-related encounters is mandatory.<sup>136</sup> Law-enforcement-related encounters include, but are not limited to, foot and vehicle pursuits, use of force incidents, investigatory stops, high risk situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.<sup>137</sup> Officers must activate their BWCs at the beginning of an incident and record the entire incident.<sup>138</sup> If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer "will activate the BWC as soon as practical."<sup>139</sup>

### **VII. ANALYSIS**

#### **a. Evidence does not corroborate Officer Bolanos' account**

Officer Bolanos provided inconsistent accounts of the shooting. In a statement to COPA, Officer Bolanos said he shot Mr. █████ as Mr. █████ exited the rear passenger door of the Acura<sup>140</sup> and pointed a firearm at Officer Bolanos with his right hand. Officer Bolanos stated that Mr. █████ face was turned away from Officer Bolanos, but that his right arm was turned to point the firearm backwards and outstretched towards Officer Bolanos. Officer Bolanos maintained that he fired all four shots when Mr. █████ was in the same vicinity where he first saw Mr. █████ with a firearm, near the rear passenger side of the Acura.<sup>141</sup> He said that Mr. █████ started running toward

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<sup>134</sup> G03-02-03V.B.1. The overarching Use of Force policy also requires Department members to immediately request appropriate medical care and provide medical care consistent with their training. G03-02 IV.

<sup>135</sup> S03-14 II.A.

<sup>136</sup> S03-14 III.1.

<sup>137</sup> S03-14 III.2.

<sup>138</sup> S03-14 III.2.

<sup>139</sup> S03-14 III.2.

<sup>140</sup> The vehicle's other occupants were not consistent in identifying which door Mr. █████ exited. For example, Ms. █████ said that she thought Mr. █████ exited the rear driver side door, because he tugged on her sleeve in that direction, however, she acknowledges that she did not actually see him exit that door. Mr. █████ also indicated that Mr. █████ exited the rear driver side door, but COPA finds his account of the incident is not credible. COPA obtained █████ deposition from the civil case. Attachment 163. His account is largely contradicted by the physical evidence including that Officer Bolanos shot 12-15 times which is contradicted by his ballistic evidence and Ms. █████ account; that he said both officers were out of the car when Officer Bolanos began shooting, which is inconsistent with Officer Gama's body camera footage; that Officer Bolanos was using his car door as a shield while shooting which is inconsistent with where his expended cartridges were found as well as Ms. █████ account of the shooting; and that Officer Bolanos was shooting while he and Mr. █████ were still in the Acura, which is inconsistent with Mr. █████ wounds as well as Ms. █████ account. COPA found Ms. █████ to be credible. While there were some inconsistencies between her deposition and her initial statements, which were made in the early morning hours right after the shooting, these inconsistencies appear to stem from the passage of time to process the incident as opposed to her initial statements where she was likely tired and confused. Moreover, she acknowledged that some of the inconsistencies stemmed from assumptions that she had made. However, Ms. █████ did not witness the shooting aspect of the incident, and COPA uses her statement to aide its interpretation of physical evidence and Officer Bolanos' statement.

<sup>141</sup> Attachment 165 page 55, lines 2-15.

and around the front of the Acura after Officer Bolanos stopped firing his weapon.<sup>142</sup> Officer Bolanos said he was “very close” to Mr. [REDACTED] or “a couple of feet,” when he fired.<sup>143</sup> Officer Bolanos said there was nothing between him and Mr. [REDACTED] as he fired.<sup>144</sup>

In contrast, in his deposition taken in connection with a pending civil lawsuit against him, Officer Bolanos stated that he fired at Mr. [REDACTED] as he moved towards the front of the Acura and stopped firing when Mr. [REDACTED] was somewhere near the Acura’s front passenger wheel.<sup>145</sup> He stated that he stopped shooting when Mr. [REDACTED] pulled his right arm back in front of him and that Mr. [REDACTED] then ran in front of the car with his left hand touching the hood of the car.<sup>146</sup> Officer Bolanos says he then saw Mr. [REDACTED] take a few steps, then collapse. Officer Bolanos noted that he could clearly see the rounds inside the extended clear magazine allegedly in Mr. [REDACTED] hand.<sup>147</sup>

Neither of these explanations are plausible as shown by physical evidence.

First, two doctors provided opinions that refute Officer Bolanos’ explanation. Dr. [REDACTED], a forensic pathologist and Cook County Deputy Medical Examiner, stated that following the gunshot wound to the back of the head, Mr. [REDACTED] would not have been capable of any meaningful movement. Although he conceded that momentum could carry him forward, in Dr. [REDACTED] opinion it would be unlikely that Mr. [REDACTED] could have moved from the rear passenger area to the other side and past the car where he fell. To the contrary, it was likely that after he was shot, he would have immediately stopped and collapsed or he would have had some short interval of uncoordinated movement and then fallen.<sup>148</sup> Dr. [REDACTED], the intensivist who treated Mr. [REDACTED] in the emergency room, said that based on Mr. [REDACTED] head injury, he would not be able to move in any meaningful way and that he would likely fall to the ground after being shot in that way.

Even accepting Officer Bolanos’ second explanation that he shot Mr. [REDACTED] over the course of him moving from the rear passenger door towards the front passenger tire, a preponderance of the evidence shows that Officer Bolanos’ explanation was not medically possible. Based on where Mr. [REDACTED] fell, he would have had to run several feet to the front of the car,<sup>149</sup> up onto the sidewalk, turn left, navigate between the broken-off front bumper, the fence, and the front of the car,<sup>150</sup> and continue running several more feet past the car. Both doctors indicated this would be improbable with just the head injury. This injury, combined with the lack of mobility caused by the pelvis injury and the pain from the two back injuries makes Officer Bolanos’ explanation even less likely.

Second, Mr. [REDACTED] back wounds are inconsistent with Officer Bolanos’ explanation. Officer Bolanos said that he shot in rapid succession while Mr. [REDACTED] was looking away from him,

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<sup>142</sup> Attachment 165 page 55, lines 18-19; page 58, lines 4-6.

<sup>143</sup> Attachment 165 page 50, lines. 17; page 51, lines 2.

<sup>144</sup> Attachment 165 page 58, lines 7-10.

<sup>145</sup> Attachment 165, page 22 line 23 to page 23 line 18.

<sup>146</sup> At this time, he could not see Mr. [REDACTED] right hand.

<sup>147</sup> Attachment 165 page 13, lines 16-18.

<sup>148</sup> He added that either one of the injuries to his lower back (which struck his pelvis and upper hip bone) would have immediately affected his mobility causing pain for him to walk and affecting the stability of his pelvis, but his momentum could continue to carry him.

<sup>149</sup> A 2004 Acura TL sedan is approximately 15-16 feet long. See <https://hondanews.com/en-US/releases/release-03dc45b54d17daf8aba2fb004c34c52a-2004-acura-tl-specifications> (last visited November 29, 2021).

<sup>150</sup> A 2004 Acura TL sedan is approximately 6 feet wide. See <https://hondanews.com/en-US/releases/release-03dc45b54d17daf8aba2fb004c34c52a-2004-acura-tl-specifications> (last visited November 29, 2021).

with his right arm turned back to point the firearm.<sup>151</sup> He further said that he fired after chasing Ms. █████ west for a few steps, and that he sidestepped to the west, which was to his own right as well as circling to the right of where Mr. █████ would have been positioned. Officer Bolanos' positioning coupled with how Mr. █████ supposedly turned would indicate that his right flank or back was exposed to Officer Bolanos. However, both wounds in Mr. █████ back enter from the left side and have a left to right trajectory, suggesting his body was facing a different direction than Officer Bolanos stated.

**1. It is more likely than not that Officer Bolanos shot Mr. █████ as he ran in front of the Acura or past it as he ran east.**

COPA finds, based on a preponderance of the evidence, that Officer Bolanos shot Mr. █████ as he ran in front of the Acura or as Mr. █████ moved east past the car. Both doctors said that Mr. █████ would likely have fallen very shortly, if not immediately, after being shot in the head. They also indicated he may have continued based on momentum but would not have been able to turn and keep going. This indicates that, more likely than not, he was moving towards the spot on 21st Place where he ultimately fell.

In addition, two bullets entered Mr. █████ left back and travelled in a left to right direction within his body. If he had been shot while running parallel to the passenger's side of the Acura, as Officer Bolanos indicated, the wound track would not likely have been left to right, especially if he were turned pointing the firearm with his right hand as Officer Bolanos claimed.<sup>152</sup>

**2. It is more likely than not that Mr. █████ was unarmed and fleeing when Officer Bolanos shot him.**

Moreover, COPA finds, based on a preponderance of the evidence, that Mr. █████ was more likely not armed when Officer Bolanos shot him.

Crucially, even if Mr. █████ were armed with the firearm as he exited the vehicle, he was no longer holding it when Officer Bolanos shot him. COPA finds that Mr. █████ was in front of or on the other side of the Acura when he was shot. The firearm he was allegedly carrying was recovered to the rear passenger side of the Acura where Officer Bolanos said he saw the weapon pointed at him (see Fig. 1). It is implausible that after being shot, Mr. █████ could have thrown or dropped the firearm from the other side of the Acura to where it ended up. Given Officer Bolanos' proximity to Mr. █████ close enough to see rounds in the weapon's magazine, COPA questions Officer Bolanos' assertion that he did not see or hear Mr. █████ drop the weapon if he had been pointing it in his direction. Officer Bolanos' explained simply that he was not focused on the gun but, and without elaboration, that he was instead focused on the "whole area."<sup>153</sup> COPA finds it

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<sup>151</sup> Attachment 165 page 46, line 7-9.

<sup>152</sup> COPA acknowledges that the trajectory of the bullets that entered Mr. █████ back could be explained in other ways. For example, it is possible Officer Bolanos hit Mr. █████ first in the back of his head and that Mr. █████ body spun such that the left side of his body was exposed to other bullets. However, Officer Bolanos never indicated this might be the case during either of his statements. Rather, he wasn't even certain whether he'd struck Mr. █████ at all. Also, given the doctor's statements, Mr. █████ would most likely immediately collapse (or fallen forward) if he was first hit in the head. He would not have been able to take the steps around the car. COPA therefore finds this scenario is not plausible under the evidence.

<sup>153</sup> Attachment 165 page 13, lines 22-24; page 15, lines 19-22.

incredible that an officer, ostensibly fearing an imminent threat, would lack that kind of awareness of the location of a deadly weapon.

**b. Officer Bolanos' use of force was not objectively reasonable, necessary, or a last resort because Mr. ██████ did not pose an imminent threat.**

Based on the foregoing, COPA finds that it was not objectively reasonable for Officer Bolanos to believe that Mr. ██████ posed an imminent threat of death or great bodily harm. COPA finds that a preponderance of the evidence establishes that Mr. ██████ was shot while fleeing and that he was unarmed at the time. Given the location of the weapon and Mr. ██████ body, he could not have been pointing his weapon at Officer Bolanos when he was shot. His actions therefore were not immediately likely to cause death or great bodily harm to Officer Bolanos or anyone else.

Mr. ██████ did not have the means to cause death or great bodily harm when he was shot, and it was not reasonable for Officer Bolanos to think that he did. If Mr. ██████ was armed with a firearm, based on the positioning of the recovered firearm, he would have had to discard it immediately as he exited the Acura. Officer Bolanos says that this is the moment when he saw Mr. ██████ holding the firearm. If he had, in fact, seen Mr. ██████ holding the firearm at the moment he exited the car, he also would likely saw or heard Mr. ██████ discard the firearm given their proximity to each other. Therefore, it would not be objectively reasonable for Officer Bolanos to believe that Mr. ██████ was still armed with a firearm at the moment he fired his weapon.<sup>154</sup>

Furthermore, as discussed, it is more likely than not that Mr. ██████ was running away from Officer Bolanos and not armed. Under these circumstances, no reasonable officer could believe he had the opportunity or ability to cause death or great bodily harm and Department policy expressly prohibits using deadly force on fleeing persons not presenting an imminent threat.<sup>155</sup>

For the foregoing reasons, COPA finds by a preponderance of the evidence that Mr. ██████ did not pose an imminent threat of death or great bodily harm when Officer Bolanos discharged his weapon and that Officer Bolanos' use of deadly force was therefore not reasonable.<sup>156</sup> Therefore, Allegation 1 is **Sustained**.

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<sup>154</sup> See, *Wealot v. Brooks*, 865 F.3d 1119, 1126 (holding that where officer saw or should have seen subject dropping the firearm then officer should reasonably conclude that the subject no longer posed a significant threat). As noted above, COPA also believes Officer Bolanos knew Mr. ██████ was unarmed, as shown by his failure to warn his partner of an approaching imminent threat.

<sup>155</sup> For these reasons, COPA also finds that Officer Bolanos' use of deadly force was not proportional to Mr. ██████ threat or resistance level.

<sup>156</sup> Moreover, Officer Bolanos failed to use the required de-escalation techniques. Officers are required, when safe and reasonable, to use communication, positioning, distance, and cover to avoid the need for force. Officer Bolanos made no effort to seek cover when he saw Mr. ██████ allegedly pointing the firearm behind him. Mr. ██████ had not looked in his direction and would have been firing blindly, allowing Officer Bolanos to reposition himself and seek cover. Moreover, Officer Bolanos did not use tactical positioning to approach the vehicle in a manner that would ensure his security and prevent the need for using force. Finally, Officer Bolanos also never announced his officer or provided direction or warning to Mr. ██████ prior to his firearm discharge. Officer Bolanos said the situation unfolded too quickly for him to take any such steps. But this ignores the time Officers Bolanos and Gama had while they followed the Acura to develop a plan. To the contrary, he conceded that before he exited the CPD vehicle, he had no discussion with Officer Gama as to what their plan would be and that when he got out of the car, he had no plan. Attachment 165, page 100, lines 12-13.

**c. Officer Bolanos failed to timely activate his body worn camera.**

Officer Bolanos did not activate his BWC before the shooting and the only time he did turn it on throughout the incident was for less than a second, approximately forty-five minutes after the shooting. His only explanation for failing to turn it on was that his “first priority was the preservation of life.” However, even if he was concerned with preserving life prior to shooting, Officer Bolanos did not immediately activate his BWC after he discharged his weapon and the threat was eliminated.<sup>157</sup> Additionally, the moment when he encountered Mr. ██████ was already well beyond the time when he was required to have activated his BWC.

Officer Bolanos indicated that they began to trail the Acura at 18th Street and Pulaski, and at this moment Officer Gama sped up to “close the gap,” between themselves and the Acura and Officer Bolanos began running the Acura’s information in the PDT. At this time, the officers were engaged in law enforcement activity, and Officer Bolanos was required to activate his camera. At the very least, he should have activated the camera after they witnessed the Acura sideswipe Ms. ██████ which occurred over a block prior to the Acura crashing. Indeed, approximately ten seconds elapsed between when Officer Gama activated the SUV’s emergency lights (both officers say he did so after seeing the Acura hit Ms. ██████ and when he stopped the vehicle.<sup>158</sup> This was more than enough time for Officer Bolanos to activate his BWC.<sup>159</sup>

For these reasons, COPA finds that Officer Bolanos failed to timely activate his BWC in violation of Special Order 03-14, and Allegation 2 is **Sustained**.

**d. Officer Bolanos failed to notify OEMC that he had fired his weapon.**

Officer Bolanos conceded that he never notified OEMC that he had fired his weapon. He said that he heard Officer Gama go over the radio but did not know what he said.<sup>160</sup> Directives place the obligation on the involved shooting officer to call OEMC. Because Officer Bolanos failed to ever notify OEMC that he had fired shots, COPA finds by a preponderance of the evidence that Allegation 3 is **Sustained**.

**e. Officers Bolanos and Gama failed to timely request medical aid for Mr. ██████**

The preponderance of the evidence is that the officers did not request medical aid, or even acknowledge over the radio that Mr. ██████ was injured, until over three and a half minutes after the shooting.<sup>161</sup> Very shortly after Officer Gama reported the shots fired, dispatch asked “are you guys ok?”, and instead of informing OEMC that Mr. ██████ was hurt, Officer Gama responded

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<sup>157</sup> He essentially never activated his BWC during the incident, and it was only activated for a fleeting second, approximately 45 minutes after the shooting.

<sup>158</sup> Attachment 44 at 0:06.

<sup>159</sup> His explanation for not activating the BWC sooner is that he normally waits until they make contact with the occupants. This is at odds with the BWC Order, which mandates that officers activate at the beginning of the incident and explicitly lists emergency driving and emergency driving where individuals may flee the scene, thus requiring the camera be activated while officers are still driving, not that they wait until they make contact.

<sup>160</sup> Officer Gama called out shots fired, and after prompting by OEMC, acknowledged that it was shots fired by police. See, Attachment 151 at 0:30-0:42.

<sup>161</sup> Attachment 102, Zone 10 radio. The first call of shots fired occurred at 1:39, there was no mention of an ambulance until 5:13.

“cops are ok.”<sup>162</sup> At this time, Officer Gama was searching Mr. [REDACTED] body and it should have been abundantly clear to him that, with a gunshot wound to the head, Mr. [REDACTED] needed immediate aid, yet he said nothing.

Officer Gama then proceeded to call out the direction that [REDACTED] had fled. Officer Bolanos also spoke up to talk about Ms. [REDACTED] description and path of flight. Officer Bolanos called in that there were two recovered weapons. Yet neither officer requested medical assistance. Finally, over three and a half minutes after the shooting and three minutes since Officer Gama said, “cops are ok,” Officer Bolanos called in “squad, you got an ambulance coming?”<sup>163</sup> Officer Bolanos acknowledged that he only called that in because another officer had arrived on scene and asked about an ambulance.<sup>164</sup>

Officer Bolanos’ explanation, as with his failure to notify of shots fired, was that he heard Officer Gama radio, but did not know what he had said. Directives specifically require shooting officers to request medical aid. Officer Bolanos acknowledged that after shooting Mr. [REDACTED] he saw him stumble and fall. He then walked over to Officer Gama after he had put [REDACTED] in custody and saw Officer Gama rendering aid at which point it was obvious that Mr. [REDACTED] needed assistance. He had a duty to request the assistance and should not have presumed that Officer Gama had done so since he acknowledged that he did not know what Officer Gama had said. Therefore, the preponderance of the evidence establishes that Officer Bolanos failed to timely request medical aid for Mr. [REDACTED] and Allegation 4 is **Sustained**.

Officer Gama’s explanation for why he did not call for medical assistance is that he thought he had done so when he called in the initial request for officer assistance, however, his BWC as well as the OEMC Zone radio indicate that he did not. He also said that there was a lot going on. While this may be true, it did not stop him from searching the pockets of Mr. [REDACTED] lifeless body, nor did it stop him from calling that Mr. [REDACTED] had fled. Department policy says that the highest priority is the sanctity of human life, that members will immediately request appropriate medical aid as soon as practical, and that members will treat injured persons with dignity and respect.<sup>165</sup> Officer Gama did not follow these principles despite Mr. [REDACTED] obvious need for immediate and significant medical attention. To the contrary, he obfuscated the situation by saying “cops are ok,” in the exact moment that he was holding Mr. [REDACTED] lifeless body. Therefore, the preponderance of the evidence is that Officer Gama failed to timely request medical aid for Mr. [REDACTED] and Allegation 1 is **Sustained**.

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<sup>162</sup> Attachment 102, Zone 10 radio at 2:09, Attachment 151 at 0:53.

<sup>163</sup> Attachment 102, Zone 10 radio at 5:13.

<sup>164</sup> Attachment 165 page 128.

<sup>165</sup> G03-02 II.A and IV.

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Adolfo Bolanos**

**i. Complimentary and Disciplinary History**

Officer Bolanos has been a member of the Chicago Police Department since April 28, 2014. In that time, he has received 96 Honorable Mentions, 1 Honorable Mention Ribbon Award, and 1 Department Commendation. In the last five years, he has not received any discipline.

**ii. Recommended Penalty**

COPA has determined Officer Bolanos’ use of deadly force against ██████████ on February 16, 2019, to be without justification and in violation of General Order 03-02. COPA further determined that Officer Bolanos failed to follow provisions of Special Order 03-14, and General Order 03-02-03. The improper use of deadly force against a citizen is an egregious act requiring severe consequences. Accordingly, COPA recommends separation from the Department.

**b. Officer Guillermo Gama**

**i. Complimentary and Disciplinary History**

Officer Bolanos has been a member of the Chicago Police Department since August 31, 2015. In that time, he has received 65 Honorable Mentions, 1 Honorable Mention Ribbon Award, 1 Superintendent’s Honorable Mention Award, 2 Department Commendations, and 2 Complimentary Letter. In the last five years, he has received a reprimand in 2020 for a preventable accident.

**ii. Recommended Penalty**

30-Day suspension.

**IX. CONCLUSION**

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

| <b>Officer</b>       | <b>Allegation</b>  | <b>Finding / Recommendation</b> |
|----------------------|--|---------------------------------|
| Officer Bolanos, Jr. | 1. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Bolanos discharged his weapon at ██████████ ██████████ in violation of General Order G03-02. | Sustained/Separation            |
|                      | 2. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer  | Sustained/Separation            |

|              |   |                             |
|--------------|---|-----------------------------|
|              | Bolanos failed to activate his body-worn camera, in violation of Special Order S03-14.  |                             |
|              | 3. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Bolanos failed to immediately notify OEMC of the firearms discharge and/or provide all relevant information, in violation of General Order G03-02-03. | Sustained/Separation        |
|              | 4. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Bolanos failed to immediately request appropriate medical aid for [REDACTED] in violation of General Order G03-02-03.                                 | Sustained/Separation        |
| Officer Gama | 1. It is alleged that on or about February 16, 2019, at approximately 8:31 pm, in the vicinity of 4199 W. 21 <sup>st</sup> Place, Officer Guillermo Gama failed to immediately request appropriate medical aid for [REDACTED] in violation of General Order G03-02.                             | Sustained/30-Day Suspension |

Approved:

[REDACTED]

12/15/2021

Matthew Haynam  
Deputy Chief Administrator – Chief Investigator

Date

[REDACTED]

12/15/2021

Andrea Kersten  
Interim Chief Administrator

Date