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SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 25, 2019
Time of Incident:	10:11 p.m.
Location of Incident:	1112 South Whipple Avenue
Date of COPA Notification:	May 25, 2019
Time of COPA Notification:	10:50 p.m.

On May 25, 2019, while on patrol at approximately 10:10 p.m., Officer Jordan Goss, and Officer Diondre Sweezer, observed a large group of individuals drinking on the sidewalk and in the road. The officers decided to stop and disperse the group. As Officers Sweezer and Goss approached the group, ██████ started walking away with a drink in his hand. After Officer Goss called to ██████ fled. Officer Goss followed behind ██████ while Officer Sweezer moved to cut off ██████ path. Officer Goss observed a firearm in ██████ right hand, then ██████ turned into an alley, running in Officer Sweezer’s direction.

At this point, Officer Goss yells multiple times for ██████ to drop the gun and that he has a gun in his hands. The distance between ██████ and Officer Sweezer shrinks, and Officer Sweezer saw ██████ point his firearm two times toward Officer Sweezer. Officer Sweezer fires his weapon one time at ██████ ducked behind garbage cans, but quickly emerged pointing his firearm at Officer Sweezer as he continued to run. Officer Sweezer moved to take cover, as Officer Goss fired his weapon six times at ██████ shot one time in the lower buttocks, falls to the ground, tosses his firearm, and is placed into handcuffs. Officers recover a firearm in a yard where ██████ was observed tossing it.

The Civilian Office of Police Accountability (COPA) determined Officer Sweezer and Officer Goss acted within Department policy when they discharged their firearms, but Officer Sweezer failed to activate his body worn camera in a timely manner. A detailed analysis of COPA’s findings is discussed below.

II. INVOLVED PARTIES

Involved Officer #1:	Jordan Goss, Star #18736, Employee ID# ██████ Date of Appointment: December 14, 2015, Police Officer, Unit 011, DOB: ██████, 1988, Male, White
Involved Officer #2:	Diondre Sweezer, Star #19307, Employee ID# ██████, Date of Appointment: December 2, 2013, Police Officer, Unit 011, DOB: ██████, 1983, Male, Black
Involved Individual #1:	██████████ DOB: ██████, 1978, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Jordan Goss	It is alleged that on or about May 25, 2019, at approximately 22:12 P.M., while in the vicinity of 1112 S. Whipple (Alley), Officer Goss discharged (his) firearm at the subject, ██████████ in violation of Order G03-02.	Exonerated
Officer Diondre Sweezer	It is alleged that on or about May 25, 2019, at approximately 22:12 P.M., while in the vicinity of 1112 S. Whipple (Alley), Officer Sweezer failed to activate (his) Body Worn Camera in a timely manner.	Sustained

IV. APPLICABLE RULES AND LAWS

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- Rules
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1. Rule 1: Violation of any law or ordinance.
 2. Rule 6: Disobedience of an order or directive, whether written or oral.
 3. Rule 38: Unlawful or unnecessary use of a weapon.
-
- General Orders
-
1. G02-02 The First Amendment and Police Actions
 2. G03-02 Use of Force
 3. G03-02-01 Force Options
 4. G03-02-03 Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures
-
- Special Orders
-
1. S04-13-09 Investigatory Stop System
 2. S03-14 Body Worn Cameras
-
- State Laws
-
1. 720 ILCS 5/7-5 (1986) Justifiable Use of Force; Exoneration
-
- Federal Laws
-
1. United States Constitution, Amendment IV: Prohibits search and seizure without

probable cause.¹

V. INVESTIGATION²

a. Interviews³

On or about May 26, 2019, in an **electronically recorded statement with Chicago Police Department**, in the hospital, [REDACTED] [REDACTED] stated he was hanging out with everyone outside, drinking, smoking and celebrating. He ran from the police because everyone was running and he had some marijuana and stuff⁵ on him. The next thing he knew, an officer shot at him, as though he was a target, he fell on his head, and an officer told him he was not going to make it that night. [REDACTED] was confused why officers focused on him and denied having a gun. When the interviewing detectives told [REDACTED] that video shows he tossed a gun, [REDACTED] responded, even if he had a gun, the officer should not have shot him. [REDACTED] continued to insist he did not have a gun, and asked to see the video.⁶

In a **statement with COPA**, on November 21, 2019, **Officer Diana Klaus, star #15865, (Officer Klaus)**⁷ stated, on May 25, 2019, she was on patrol, in uniform, with her partner, Officer Graylin Watson (Officer Watson), in an unmarked SUV. Officer Watson was driving. It was Memorial Day weekend, the officers were directed to be highly visible and check on large groups of people⁸ to ensure they are not committing crimes, such as drinking on a public way.⁹ Officer Klaus's vehicle was one of three vehicles riding in tandem that evening. In the area of 1100 South Albany, Officer Klaus observed a large number of people gathered on the sidewalk. Officer Klaus did not observe the crowd doing anything in particular, but believed Officer Goss and Officer Sweezer exited their vehicles to check on something.

Officer Klaus did not immediately exit her vehicle, but when she did, she saw Officer Goss chasing an individual wearing light clothing, now known as [REDACTED] southbound on Albany and through a vacant lot.¹⁰ Officer Klaus joined the pursuit, running eastbound. When she turned into the alley, she observed Officer Goss and [REDACTED] about the length of the vacant lot in front of her, running northbound. She heard Officer Goss say [REDACTED] had a weapon. Officer Klaus was not sure if other verbal commands were given. She did not recall if any officer announced their

¹ "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

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

³ COPA conducted a canvass on May 28, 2019, of the area surrounding the incident and identified one potential witness, [REDACTED] ([REDACTED]) initially, refused to speak to investigators and said she would contact COPA in the future, but she never did.

⁴ COPA made several unsuccessful attempts, via telephone and letters, to contact [REDACTED] through his attorney for an interview.

⁵ [REDACTED] did not explain what "other stuff" he had on him. However, he did say he had a knife.

⁶ Attachment 18.

⁷ Attachment 12, 22.

⁸ Officer Klaus stated shooting incidents are likely to occur with large groups.

⁹ Attachment 12, page 13, lines 11-14.

¹⁰ The vacant lot is grass property between residential buildings.

office, but stated it was possible Officer Goss said words to the effect of “drop your gun.”¹¹ Officer Klaus did not hear ██████ say anything.

Officer Klaus observed Officer Sweezer, located on the west side of the alley, standing, parallel, a few feet away and to the left of Officer Goss. ██████ was a little bit north of Officers Sweezer and Goss, but, because the officers obstructed her view, she could not see ██████ or whether he had a gun in his hands. Officer Klaus could not see whether Officers Sweezer and Goss had their weapons out. Shortly after entering the alley, Officer Klaus heard several shots fired in two volleys or sequences. Officer Klaus could not tell who fired, but saw Officer Goss in a shooting stance and believed he fired. Officer Klaus believed Officer Sweezer was, also, in a shooting stance but did not know if he fired his weapon. Although Officer Klaus had her weapon out and pointed toward ██████ she did not have a clear shot, and put her weapon away without firing.

Officer Klaus heard approximately three to four gunshots, the first volley. ██████ continued to run. Then, Officer Klaus heard approximately one to two gunshots, the second volley, and ██████ either fell or stumbled to the ground. She continued to run northbound in the alley. Now Officer Klaus observed a weapon in ██████ hand, and saw him attempt to throw the weapon behind him. She, immediately, ran up to ██████ who was lying on his stomach, and assisted Officer Sweezer in handcuffing him. Officer Klaus asked ██████ where he was shot, but he only responded indicating that he had been shot. She observed one gunshot wound, but was unsure where on the body. Officer Klaus believed ██████ needed immediate medical attention but there was nothing she could do. She called for an ambulance, over the radio, but believed others had, also.

Officers searched for the weapon. She and Officer Johnson found a gun, a semiautomatic pistol, dark, black metal, with a round stove-piped in the chamber, approximately five to ten feet from ██████ position. The scene became chaotic, a large crowd gathered, and officers, including Officer Klaus, tried to control the crowd.¹²

In a **statement with COPA**, on November 21, 2019, **Officer Francis Johnson, star #11858 (Officer Johnson)**¹³ stated he was working, in uniform, riding in a vehicle, in the rear driver side seat, with Officer Collazo, who was driving, and Officer Sweezer, in the front passenger seat. While on routine patrol, driving northbound on Albany, one block west of Whipple, he observed a large group of people on the sidewalk and in the street attempting to conceal the alcohol they were drinking. The plan was for the officers to tell the crowd to keep it down, be more respectful to neighbors, and stay out of the street. Officer Collazo remained in the vehicle. Officer Sweezer exited the vehicle and went east. Officer Johnson exited the vehicle, went west and spoke to an unknown male.

Officer Johnson saw Officer Collazo in the first squad car and Officer Zeman in the second squad car drive northbound on Albany as though something was wrong or they were in a chase. Officer Johnson turned east and observed people running northbound in an alley. Officer Johnson ran eastbound through a vacant lot, and stopped, approximately thirty to forty yards away, behind

¹¹ Attachment 13, page 29 lines 11-23.

¹² Attachments 13 & 22.

¹³ Attachments 13, 21 & 23

another officer,¹⁴ who had stopped and fired his weapon. Officer Johnson believed he heard three to four gunshots when the officer fired, and one shot prior to the officer firing. Officer Johnson did not recall whether the officer said anything when he fired.

As Officer Johnson arrived in the alley, he observed [REDACTED] on the ground being handcuffed by Officer Sweezer and Officer Klaus. Officer Goss was on the radio. Officer Johnson searched for [REDACTED] weapon because someone said [REDACTED] threw a weapon, possibly on the roof. After searching the roof, Officer Johnson jumped over the fence into 1112 Whipple, which was behind where [REDACTED] went down to the ground, and found the gun. Officer Johnson noted the weapon was “stovepiped,”¹⁶ which Officer Johnson explained happens when a round is fired but the shell casing is not properly ejected. Officer Johnson believed the shell casing was lodged straight over the ejection port of the gun’s slide.¹⁷ Officer Johnson asked Officer Klaus to guard the weapon while he went to assist officers move the gathering crowd away from the crime scene.¹⁸

In a **statement with COPA**, on June 6, 2019, **Officer Diondre Sweezer, star #19307 (Officer Sweezer)**¹⁹ stated he was working, in uniform, with Officer Collazo, his regular partner, and Officer Johnson. The officers were “wolf packing,”²⁰ where they rode with two other police vehicles. Officer Sweezer’s vehicle was first in line, followed by Officer Goss’ vehicle, which included Officer Navar and Officer Zeman, and the last car was Officer Klaus and Officer Watson.

Officer Sweezer saw a large group of approximately 30 individuals, drinking in the street and on the sidewalk, and exited his vehicle to disperse the group. As he walked toward the group, officers said words to the effect, “you know you can’t be out here drinking.”²¹ Most individuals just stood there, but Officer Sweezer observed a male, black, wearing white, now known as [REDACTED] separate from the group and walk quickly southbound on the sidewalk with what appeared to be a drink in his left hand. Officer Sweezer shined his flashlight on [REDACTED] to alert other officers, specifically Officer Goss, who started walking towards [REDACTED]. Officer Goss said something to [REDACTED] that Officer Sweezer could not hear, and, as Officer Goss got closer to him, [REDACTED] threw his drink down and ran eastbound through a lot. Officer Goss ran after [REDACTED]

Officer Sweezer ran eastbound through another lot in an attempt to cut off [REDACTED] who Officer Sweezer believed had a firearm or contraband on his person. Officer Sweezer explained that he believed this to be the case because in his experience when individuals separate themselves from a group and walk away at a fast pace they either have contraband or a firearm on their

¹⁴ Officer Johnson was not sure who the officer was, but believed it was Officer Goss. Attachment 13, page 18 line 4 - page 19 line 7.

¹⁵ Officer Johnson had not seen [REDACTED] or what he did prior to [REDACTED] being on the ground in the alley.

¹⁶ Attachment 13, page 14, lines 14-15. Stove-piped is a live round and/or shell casing stuck in the chamber of a gun.

¹⁷ Attachment 13, page 26 line 19- page 27 line 19.

¹⁸ Attachments 13, 54, 55.

¹⁹ Attachments 11 and 24

²⁰ Officer Sweezer explained ‘wolf-packing’ is when all the officers arrive at the scene together for safety. Att. 48, page 18, lines 10-14.

²¹ Attachment 11, page 19 lines 17-20.

²² Officer Sweezer stated, at this time, [REDACTED] was not suspected of committing a crime or having committed a crime besides drinking in a public way.

person.²³ Officer Sweezer lost sight of [REDACTED] and Officer Goss for a couple of seconds due to a building. As he approached the alley, Officer Sweezer observed a gun in [REDACTED] hand and Officer Goss was giving [REDACTED] verbal commands, such as stop and he has a gun.²⁴ Officer Sweezer took out his weapon²⁵ and told [REDACTED] to stop. [REDACTED] pointed his gun toward Officer Sweezer, but before Officer Sweezer could get a clear view and take aim at [REDACTED] continued to run with his gun pointed down at his side, eliminating the threat.²⁶



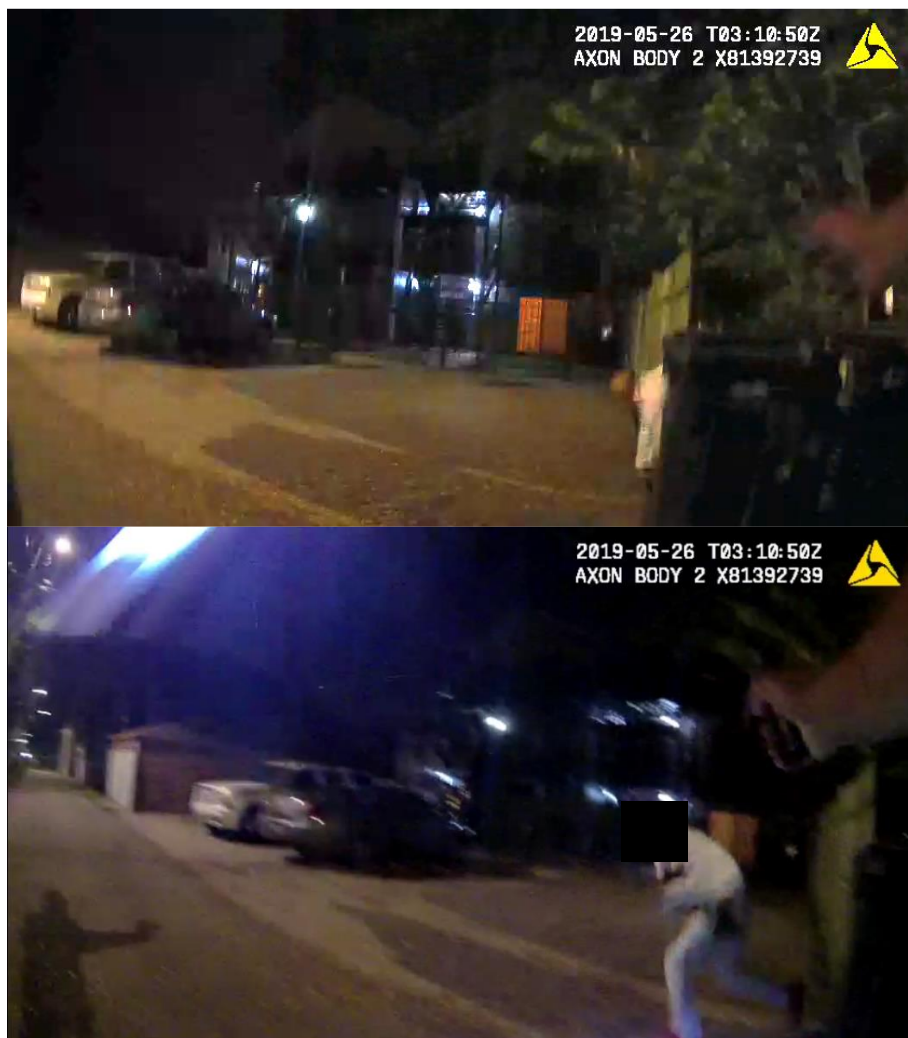
²³ Attachment 11, page 24 lines 12-17.

²⁴ Attachment 11, page 14 lines 13-16.

²⁵ SIG Sauer P320, 9MM Semi-automatic pistol, Serial # [REDACTED], City Registration # [REDACTED], WIN 9MM Luger ammunition.

²⁶ Attachment 11, page 14 lines 20-24 and Attachment 11, page 28 line 7 - page 29 line 10.

Officer Sweezer continued to run northbound down the alley²⁷ after [REDACTED] turned, and from about three to five feet away, again, pointed his gun at Officer Sweezer. Officer Sweezer thought [REDACTED] was going to kill him, so he fired his weapon one time at [REDACTED]²⁸ [REDACTED] dipped down behind garbage cans, as though he had been hit, and Officer Sweezer believed the threat ended. But [REDACTED] got up, started to run, and, again, turned around and pointed his gun at Officer Sweezer.



Officer Sweezer took cover this time. As Officer Sweezer was attempting to move out of the way, he heard multiple gunshots, approximately three or four, and saw [REDACTED] go down to the ground. Officer Sweezer was not sure whether [REDACTED] fired his gun, but Officer Sweezer did not hear [REDACTED] fire before he fired his own weapon.

²⁷ The alley had more light with the light pole and Officer Sweezer's flashlight than the street.

²⁸ At the time he fired, Officer Sweezer was standing straight up and moving with his flashlight held up in his left hand and firearm in his right hand.

As [REDACTED] went to the ground, using his right hand, he tossed his gun into a yard.²⁹ Officer Sweezer placed his weapon back in his holster, put his knee on [REDACTED] back, and, with assistance from Officer Klaus, handcuffed [REDACTED]. Officer Sweezer observed blood on [REDACTED] lower side, but did not know [REDACTED] specific injuries. A crowd was starting to form, so several officers tried to keep the crowd back. Officer Sweezer believed Officer Goss called in the shots fired. Officer Goss asked Officer Sweezer if he was okay, otherwise, the officers did not talk about the incident. Officer Sweezer went to the hospital because he had chest pains, shortness of breath and felt hot.

In regard to his Body Worn Camera (BWC), Officer Sweezer was not sure when he activated his BWC, but knew it was on while he was in the alley. Officer Sweezer did not activate his camera when he exited his vehicle because he intended to have a positive community interaction, or a consensual conversation with the group. Officer Sweezer believed he should activate his BWC when he thinks a crime is about to happen or he is going to take a police action. Officer Sweezer deactivated his BWC after a Sergeant said the scene was secure.³⁰

In a **statement with COPA**, on June 6, 2019, **Officer Jordan Goss, star #18736 (Officer Goss)**³¹ stated he was working, in uniform, riding in an unmarked vehicle, in the front passenger seat, with Officer Zeman, his regular partner, who was driving, and Officer Navar, in the rear driver seat. The officers were instructed to be highly visible and investigate large gatherings. While on patrol the officers observed the large gathering, maybe 30 to 40 people, on the 1100 block of Albany. From his vehicle, Officer Goss observed [REDACTED] dressed in all white, drinking from a Budweiser bottle of beer, saying words to the effect that someone called the police, and walked southbound at an accelerated rate, faster than everyone else that was walking.

When Officer Goss exited his vehicle, he saw Officer Sweezer and Officer Navar outside, but was not sure where other officers were located. Officer Goss attempted to have a conversation with [REDACTED] however [REDACTED] walked faster away from him. When Officer Goss told [REDACTED] to come over to him, [REDACTED] threw his beer bottle into a vacant lot. Officer Goss responded, "You are going to do that right in front of me?" [REDACTED] ran³² eastbound through the vacant lot and Officer Goss followed.³³ Officer Goss entered the vacant lot, through some bushes, losing sight of [REDACTED] briefly, maybe half a second. Then, Officer Goss, using his flashlight, illuminated [REDACTED] and immediately observed a handgun in [REDACTED] right hand. Officer Goss took out his own weapon³⁴ and yelled, "drop it, drop it,"³⁵ and activated his BWC.

[REDACTED] turned north, running through the alley, approximately thirty to forty feet in front of Officer Goss. The vacant lot was dark except for Officer Goss' flashlight, but the alley was illuminated by a lamppost. [REDACTED] still had the gun in his hand and Officer Goss continued to

²⁹ Attachment 11, page 36 lines 4-12.

³⁰ Attachments 11.

³¹ Attachments 10, 25 (Audio Interview)

³² Officer Goss could tell [REDACTED] was going to run due to his body language, he was looking around, checking for avenues, checking where people were.

³³ Officer Goss stated he pursued [REDACTED] because it is his job to pursue someone who may have committed a crime or may commit an additional crime.

³⁴ SIG Sauer P320, 9MM Semi-automatic pistol, Serial # [REDACTED], City Registration # [REDACTED], WIN 9MM Luger ammunition.

³⁵ Attachment 10, page 15, lines 9-10

tell ██████ to drop the weapon, but, at this point, ██████ did not pose a threat to Officer Goss. Officer Goss saw Officer Sweezer, north of Officer Goss' location, running directly at ██████. Officer Goss yelled, "It's in his hand."³⁶ At this point, Officer Goss could not fire at ██████ without risking injury to Officer Sweezer. Then, ██████ pointed his gun at Officer Sweezer's face, ran toward garbage cans and Officer Goss heard a single gunshot. Initially, Officer Goss believed Officer Sweezer fired, but then he thought it was ██████ because Officer Goss saw ██████ fall and get back up.

Officer Goss moved to the right to take cover behind some trashcans. As ██████ got up, he still had the gun in his hand, and aimed it at Officer Sweezer.³⁷ Officer Sweezer started to move left, likely to take cover, and ran. Officer Sweezer, also, yelled "stop" a couple of times.³⁸ At this point, Officer Goss feared ██████ was going to shoot, if he had not already shot Officer Sweezer and Officer Goss was afraid other officers would drive into the alley and be defenseless when ██████ ran up to them. Because ██████ was an imminent threat to Officer Sweezer and other officers,³⁹ Officer Goss discharged his weapon six times.⁴⁰ Once ██████ was on the ground, Officer Goss did not believe he was a threat and ceased firing.⁴¹ Officer Goss did not know if Officer Sweezer was alive until he saw Officer Sweezer re-appear and, with assistance from Officer Klaus, place ██████ in handcuffs. As ██████ fell, he threw his gun,⁴² yelled, "Why did you shoot me?" and said something, unknown, to the crowd.⁴³ Officer Goss radioed for additional units and an ambulance. Officer Goss went to the hospital because he had shortness of breath.⁴⁴

b. Digital Evidence

COPA received **body worn camera (BWC)** from several officers related to this incident, however, a majority of the video does not capture the shooting.⁴⁵ The relevant video is summarized below:

Officer Goss' BWC⁴⁶ shows Officer Goss exit his vehicle, shining his flashlight at individuals on the sidewalk. ██████ starts walking away. At one point, ██████ looks back towards Officer Goss, turns back around, raises his left hand, turns left and runs through a vacant lot. Officer Goss pursues with his weapon in his right hand, and flashlight. The BWC's audio activates as Officer Goss turns left into the alley. Officer Goss yells, "Drop it, drop it. He's got it

³⁶ Attachment 10, page 15, lines 14-15

³⁷ Officer Goss described ██████ turning left toward Officer Sweezer, his right shoulder forward, arm extended across his body with the gun extended out in the direction of Officer Sweezer. Attachment 49, page 32 lines 6-9.

³⁸ Attachment 10, page 31 lines 17-18.

³⁹ Attachment 10, page 38 lines 11-17.

⁴⁰ Attachment 10 page 33 lines 13-17 and page 14 line 12 - page 16 line 5.

⁴¹ Attachment 10, page 33 lines 20-22.

⁴² Initially, Officer Goss believed ██████ threw the gun on the garage, but Officer Johnson found it in the yard next to the garage.

⁴³ Attachment 10, page 43 lines 18-20.

⁴⁴ Attachments 10.

⁴⁵ Attachments 35 - 43.

⁴⁶ Attachments 38

in his hand, he's got it in his hand."⁴⁷ [REDACTED] and Officer Sweezer are ahead of Officer Goss in the alley when there is the sound of a single gunshot.⁴⁸

Officer Goss moves right behind a garbage can, [REDACTED] continues to run on the right side of the alley, and Officer Sweezer, who is on the left side of the alley behind [REDACTED] ducks and moves to the left. Officer Goss stands and fires his weapon six times while moving to his left.⁴⁹ [REDACTED] appears to fall forward to the ground, in front of a garage door. Officer Goss calls out shots fired at 1100 South Albany, as he runs up to [REDACTED] who is lying on his stomach. Officer Sweezer, with his right knee on [REDACTED] back, pulls [REDACTED] left arm back to handcuff. [REDACTED] asks, "Why you all shoot me, man?"⁵⁰ Officer Klaus runs up, grabs [REDACTED] right arm and pulls it back to be handcuffed. Officer Goss calls out 10-1, shots fired on South Whipple, "It's up on the roof," "He pointed it at Sweez, we need an ambulance," and "Offender was shot, roll more units."⁵¹ Civilians start to gather on scene, and [REDACTED] yells, "They shot me up."⁵²

Eventually, Officer Goss walks down the alley away from the crowd, asks Officer Sweezer if he is ok, "You're not hit?"⁵³ Officer Goss tells Officer Sweezer, "Glad you're alright, buddy." Officer Sweezer responds, "Yeah, you too."⁵⁴

Officer Sweezer's BWC⁵⁵ shows Officer Sweezer walking up the sidewalk towards a group of individuals. He shines his flashlight further down illuminating [REDACTED] who is walking away, and Officer Goss, who is walking toward [REDACTED]. At one point, [REDACTED] turns to the left and runs. Officer Sweezer turns left into a vacant grass lot and runs. As Officer Sweezer reaches the alley, his weapon is out and pointed toward [REDACTED] who is across the width of the alley to Officer Sweezer's right. [REDACTED] continues to run and ducks behind a row of garbage cans, in front of Officer Sweezer. Officer Sweezer moves closer, standing with his weapon extended and pointed where [REDACTED] is crouched behind the garbage cans. The BWC's audio activates as [REDACTED] moves out from behind the garbage can, points the object in his right hand toward Officer Sweezer, and runs.⁵⁶ Officer Sweezer's weapon is extended out front toward [REDACTED] when two gunshot sounds are heard. Officer Sweezer's hand comes down,⁵⁷ but [REDACTED] continues to run. There are four more gunshots and [REDACTED] falls forward to the ground.⁵⁸ [REDACTED] stands up, partially, makes a tossing motion with his right hand toward a yard next to the garage he fell in front.⁵⁹ When Officer Sweezer rolls [REDACTED] onto his back, there is blood visible on [REDACTED] left side on his handcuffed hand.⁶⁰

⁴⁷ Attachment 38 at 0:34-0:37.

⁴⁸ Attachment 38 at 0:38.

⁴⁹ Attachment 38 at 0:40-0:44.

⁵⁰ Attachment 38 at 0:50-0:52.

⁵¹ Attachment 38 at 0:55-1:18.

⁵² Attachment 38 at 1:19-1:21.

⁵³ Attachment 38 at 3:56-3:59. Officer Sweezer responds, "nah, you good?" Attachment 20 at 3:44-3:48.

⁵⁴ Attachment 38 at 5: 5:16-5:18.

⁵⁵ Attachment 39

⁵⁶ Attachment 39 at 0:29-0:30. [REDACTED] has an object in his right hand and moves his right hand on top of his left arm, where the object is pointing toward Officer Sweezer.

⁵⁷ Attachment 39 at 0:31.

⁵⁸ Attachment 39 at 0:34

⁵⁹ Attachment 30 at 0:34-0:35

⁶⁰ Attachment 39.

Officer Klaus' BWC⁶¹ shows Officer Klaus enter the alley, south of the incident, as the first gunshot occurs.⁶² Seconds later there are six more gunshots.⁶³ Officer Klaus has her weapon out and extended, but Officer Goss is in front of her. When [REDACTED] is first visible, he is already on the ground and Officer Sweezer is handcuffing him. After Officer Klaus assists Officer Sweezer in handcuffing [REDACTED] she climbs a fence and joins Officer Johnson, who is standing by and pointing at a gun on the ground. Officer Klaus relates to another officer that she, Officer Sweezer and Officer Goss were involved in the incident, and she believes only Officer Goss fired his weapon.⁶⁴

Officer Johnson's BWC⁶⁵ does not capture the shooting, but shows Officer Johnson climb a fence and find a gun in the grass. Officer Johnson states the gun has a stovepipe malfunction.⁶⁶

c. Physical Evidence

Medical Records from Mount Sinai Hospital documented that [REDACTED] had a gunshot wound to his left buttocks resulting in a fractured left hip and femur comminuted⁶⁷ with bullet fragments. The records documented [REDACTED] was intoxicated with alcohol and marijuana.⁶⁸

According to **Illinois State Police Division of Forensic Services Laboratory Reports**, the recovered firearm, Glock, model 17 Gen4, magazine with twelve (12) live cartridges inside, and one (1) live cartridge were tested. The firearm was determined to be operable and the magazine fit and functioned in the firearm. There were no suitable latent prints found.⁶⁹

The **evidence technician**⁷⁰ photographs depicted several photographs of the scene which included: photographs of [REDACTED] in the hospital, Officers Sweezer and Goss. The photographs also depicted pictures of bullet holes on garages and fences, several shell casing in the alley and the weapon that allegedly belonged to [REDACTED]

d. Documentary Evidence

According to the **Arrest Report**, officers observed [REDACTED] drinking a beer while standing on the East sidewalk of the 1100 block of South Albany. Officers approached and ordered [REDACTED] to stop. [REDACTED] looked at the officers, threw his beer bottle to the ground and fled on foot. Officers followed and observed [REDACTED] running with a black handgun in his right hand. At one point, [REDACTED] pointed his handgun directly at Officer Sweezer. [REDACTED] was placed into custody at 1120 South Whipple in the alley. Officers recovered a handgun at the same location. [REDACTED] was taken to Mt. Sinai hospital for treatment.⁷¹

⁶¹ Attachment 35

⁶² Attachment 35 at 0:30.

⁶³ Attachment 35 at 0:34-0:36

⁶⁴ Attachment 35.

⁶⁵ Attachment 36

⁶⁶ Attachment 36

⁶⁷ A comminuted fracture is when the bone breaks into more than two pieces.

⁶⁸ Attachment 14.

⁶⁹ Attachments 16, 18.

⁷⁰ Attachment 60

⁷¹ Attachment 24.

The **Detective's Supplementary Case Report** related in essence the same information provided in this SRI. There was no additional information indicated in the report.⁷²

Officer Sweezer's Tactical Response Report (TRR) documented [REDACTED] did not follow verbal direction, fled, posed an imminent threat of battery and used force likely to cause death or great bodily harm, where [REDACTED] held Officer Sweezer at gunpoint with a semi-automatic pistol and discharged.⁷³ Officer Sweezer, in the defense of himself and other officers, responded with member presence, verbal direction/control techniques, including emergency handcuffing, movement to avoid attack, zone of safety, tactical positioning, additional units, and discharging his semi-automatic pistol one (1) time, which contributed to [REDACTED] injury. It was unclear, at the time the report was completed, whether Officer Sweezer's or Officer Goss' weapon caused injury to [REDACTED].⁷⁴

Officer Goss' Tactical Response Report (TRR) was consistent with Officer Sweezer's TRR, adding Officer Goss discharged his semi-automatic pistol six (6) times.⁷⁵

The **COPA Scene Response Report** described the post-incident scene, including seven (7) shell casings found on the ground in the alley, in the vicinity of 1118 South Whipple; approximately seven (7) bullet holes in the garage door of 1112 South Whipple; and a black Glock 9 mm pistol, believed to be [REDACTED] was located in the backyard of 1112 South Whipple, just north of the garage.⁷⁶

Crime Scene Processing Reports documented evidence that was collected, inventoried and photographed, including seven (7) 9MM expended shell casings, a Glock, model 17 Gen 4, with a live cartridge as the obstruction causing a "stovepipe" malfunction, and a magazine containing an unknown number of rounds.⁷⁷ At the 011th District police station, the officers' firearms were collected and inventoried.⁷⁸ Officer Sweezer's firearm, a Sig Sauer P320 9mm semiautomatic⁷⁹, was collected with one live round from the chamber and 14 from the magazine. Officer Goss' firearm, a Sig Sauer P320 9mm semiautomatic⁸⁰, was collected with a live round from the chamber and 11 from the magazine. At Mt. Sinai Hospital, an Evidence Technician administered a gunshot residue test, fingerprinted and photographed [REDACTED].⁸¹

⁷² Attachment 70

⁷³ The TRR indicates [REDACTED] was the first to discharge his weapon.

⁷⁴ Attachment 53.

⁷⁵ Attachment 59.

⁷⁶ Attachment 61.

⁷⁷ Attachment 7. Inventoried under number 14456234 and then re-inventoried under number 14456390.

⁷⁸ Attachment 7. The officers' firearms were inventoried under numbers 14456245 and 14456239.

⁷⁹ The capacity of Officer Sweezer's weapon is 17 Rounds.

⁸⁰ The capacity of Officer Goss' weapon is 15 Rounds.

⁸¹ Attachments 62, 7, 8.



VI. ANALYSIS

COPA has insufficient evidence to conclude that Officer Goss' firearm discharge violated CPD policy:

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁸² Factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm, level of threat or resistance presented by the subject; and (3) the subject's proximity or access to weapons; (4) the severity of the crime at issue; (5) whether the subject is actively resisting arrest or attempting to evade arrest by flight.⁸³

“The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.”⁸⁴ Thus, a Department member may use deadly force only in two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Secondly, deadly force may be used to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.⁸⁵ “A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm.”⁸⁶

⁸² General Order G03-02(III)(B)(1).

⁸³ *Id.*; *Graham v. Connor*, 490 U.S. 386, 396 (1989).

⁸⁴ General Order G03-02(III)(C)(3).

⁸⁵ *Id.*

⁸⁶ G03-02(III)(C)(2).

Department policy recognizes that Department members must “make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight.”⁸⁷

In the instant case, following a review of the evidence, COPA cannot conclude by a preponderance of the evidence that Officer Goss violated CPD policy when he discharged his firearm. Specifically, COPA lacks sufficient evidence to conclude that the use of deadly force by Officer Goss was not objectively reasonable considering the totality of circumstances he faced.

Following a thorough review of the evidence, COPA finds that there was evidence that ██████ pointed his weapon at Officer Sweezer. Officer Sweezer discharged his weapon in response to ██████ pointing his weapon at him. Officer Goss believed that Officer Sweezer was in danger at that moment, and he discharged his weapon at ██████. COPA has insufficient evidence to corroborate or contradict Officer Goss’ beliefs at the time he discharged his weapon.

During the pursuit of ██████ Officer Goss could be heard on the BWC yelling, “drop it, drop it. He’s got it in his hand, he’s got it in his hand,” “He pointed it at Sweez, we need an ambulance.” This contemporaneous statement lends credence to what Officer Goss later told detectives and COPA. However, the available video does not capture the entirety of the event and does not provide a clear picture of ██████ actions from Officer Goss’ point of view. ██████ was in possession of weapon and appears to point the weapon at Sweezer during the incident. Based on this evidence alone, COPA is unable to determine by a preponderance of the evidence that Officer Goss’ belief that ██████ posed an imminent threat was objectively unreasonable in light of the totality of the circumstances. Without any additional evidence, COPA cannot conclude by a preponderance of the evidence that Officer Goss’ use of deadly force violated CPD policy, nor can COPA conclude by clear and convincing evidence that Officer Goss’ use of deadly force was within CPD policy. Consequently, **Allegation #1 against Officer Goss, is Not Sustained.**

a. COPA finds that Officer Sweezer failed to timely activate their BWCs:

To increase transparency and improve the quality and reliability of investigations, CPD policy mandates all law-enforcement-related encounters be electronically recorded by BWC. Law-enforcement-related encounters include, but are not limited to, foot and vehicle pursuits, traffic stops, investigatory stops, arrests, use of force incidents, high risk situations, calls for service, emergency driving situations, and emergency vehicle responses were fleeing suspects or vehicles may be captured on video leaving the crime scene. The recording of law-enforcement-related encounters is mandatory. Officers must activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities. 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.⁸⁸

⁸⁷ G03-02(II)(2)(D)

⁸⁸ Special Order S03-14 III.A.2.

In this case, the officers became actively engaged in law-enforcement-related activity when they observed a large crowd drinking and causing a disturbance and decided to engage the large group. This was law-enforcement-related activity that required BWC activation. Officer Sweezer had sufficient time to activate his BWC as they approached the area. At the latest, Officer Sweezer should have activated his BWC when they exited the squad car; however, Officer Sweezer only activated his BWC as he discharged his firearm.

Officer Sweezer's failure to activate his BWCs in a timely manner is highly concerning – particularly because this incident evolved into an officer-involved shooting. Early BWC activation could have captured comprehensive audio of the incident. COPA finds by a preponderance of the evidence that the officer's failure to timely activate their body worn cameras violated CPD policy and Rules 2, 3, 5, 6, and 10; therefore, **Allegation #1 against Officer Sweezer is Sustained.**

b. Officer Sweezer Use of Deadly Force Against ██████████ Was Authorized Under CPD Policy:

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁸⁹ Factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm, level of threat or resistance presented by the subject; and (3) the subject's proximity or access to weapons; (4) the severity of the crime at issue; (5) whether the subject is actively resisting arrest or attempting to evade arrest by flight.⁹⁰

“The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.”⁹¹ Thus, a Department member may use deadly force only in two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Secondly, deadly force may be used to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.⁹² “A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm.”⁹³

Department policy recognizes that Department members must “make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of

⁸⁹ General Order G03-02(III)(B)(1).

⁹⁰ *Id.*; *Graham v. Connor*, 490 U.S. 386, 396 (1989).

⁹¹ General Order G03-02(III)(C)(3).

⁹² *Id.*

⁹³ G03-02(III)(C)(2).

force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight.”⁹⁴

COPA finds that Officer Sweezer’s use of deadly force was objectively reasonable based on the totality of the circumstances. The BWC footage shows ██████ point his weapon at Officer Sweezer while engaged in the foot pursuit of ██████ weapon was recovered immediately after he was placed in custody. ██████ weapon was stove piped, which is consistent with him attempting to discharge the weapon at some point of the encounter. According to Officer Sweezer, ██████ pointed his weapon at him. Officer Sweezer responded by discharging his firearm several times in ██████ direction.

The available evidence shows it was objectively reasonable for Officer Sweezer to believe ██████ posed an imminent threat to his life. First, ██████ actions were immediately likely to cause death or great bodily harm unless action was taken. Officer Sweezer told COPA he observed a weapon in ██████ hand and that ██████ pointed that weapon at him. Officer Sweezer’s account is corroborated by the BWC footage, and the ballistics evidence recovered from the scene. Under these circumstances, COPA finds that any reasonable officer would have concluded that ██████ actions posed an immediate threat to life.

Second, ██████ had the means or instruments to cause death or great bodily harm. The BWC camera and still photos depicted a firearm in ██████ right hand. The weapon was subsequently recovered from the yard near where ██████ was taken into custody.

Third, ██████ had the opportunity and ability to cause death or great bodily harm. At the time Officer Sweezer discharged his firearm, ██████ has a gun in his right hand. When ██████ weapon was recovered it was stove piped, which is consistent with the weapon being fired. ██████ was also within yards of Officer Sweezer, who was exposed in the alley.

Given the totality of these circumstances, including ██████ running in the alley with a gun in his hand and the weapon being possibly discharged, COPA finds that Officer Sweezer reasonably believed that ██████ posed an imminent threat to life. Officer Sweezer responded by discharging his firearm as a last resort to avert the threat. Under CPD policy, this was an authorized force option to stop the imminent threat presented by ██████

For these reasons, COPA finds the preponderance of the evidence shows that Officer Sweezer’s use of deadly force was objectively reasonable, necessary, and proportional based on the totality of the circumstances, and his actions complied with CPD policy.

1. 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;

⁹⁴ G03-02(II(2)(D)

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 the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). 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.

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. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Diondre Sweezer

1. Complimentary and Disciplinary History

Officer Sweezer has received 186 awards which include, 5 Department Commendations, 146 Honorable Mention, 1 Merit award. No Disciplinary history.

2. Recommended Penalty, by Allegation

Officer Sweezer violated CPD Department rules and regulations and Special Order S03-14, in failing to activate his BWC in a timely manner. COPA recommends that Officer Sweezer receive a penalty of **violation noted**.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

January 26, 2024

Date

[Redacted Signature]

Andrea Kersten
Chief Administrator

January 26, 2024

Date