

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 21, 2019
Time of Incident:	12:25 P.M.
Location of Incident:	████████████████████ Chicago, Illinois 60615
Date of COPA Notification:	August 21, 2019
Time of COPA Notification:	1:19 P.M.

On August 21, 2019, Chicago Police Department Police Officer (PO) Noble Williams was watching television at home on his scheduled day off when he heard a possible burglary in progress in another unit in his building. PO Williams intercepted the alleged burglar, ██████████¹, and attempted to stop him. The two men struggled. In the process, PO Williams discharged his firearm two times in the direction of Mr. ██████████. PO Williams reported he struck Mr. ██████████ and the blood at the scene confirmed this. Mr. ██████████ fled on foot and escaped before responding officers arrived at the scene.

II. INVOLVED PARTIES

Involved Officer #1:	Noble Williams, Star #7073, Employee ID # ██████████, Date of Appointment: November 29, 1999, Police Officer, Unit 701 – Public Transportation Section, DOB: ██████████, 1973, Male, Black
Involved Individual #1:	██████████ DOB: ██████████, 1984, 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. During its investigation of this incident, COPA determined that PO Williams committed the following violations of Department rules and policy:

Officer	Allegation	Finding / Recommendation
Officer Noble Williams	1. It is alleged that on or about August 21, 2019, at approximately 12:32 P.M., at or near ██████████, Police Officer Noble Williams,	Sustained/ Separation

¹ The alleged burglar’s identity was unknown at the time of the incident. Detectives subsequently identified Mr. ██████████ as the alleged burglar after his DNA matched a blood sample taken from the scene.

	Star # 7073, discharged his firearm at or in the direction of an unknown individual in violation of General Order 03-02.	
	2. It is alleged that on or about August 21, 2019, at approximately 12:32 P.M., at or near [REDACTED] [REDACTED] Police Officer Noble Williams, Star # 7073, failed to comply with U04-02 by failing to fully load his firearm with only one manufacturer and style of prescribed ammunition.	Sustained/ Separation

IV. APPLICABLE RULES AND LAWS

Rules²

-
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 an order or directive, whether written or oral.
 4. Rule 8 – Disrespect or maltreatment of any person, while on or off duty.

General Orders³

-
1. General Order 03-02 Use of Force (October 16, 2017 – February 28, 2020)
 2. General Order 03-02-01 Force Options (October 16, 2017 – February 28, 2020)
 3. Uniform and Property U04-02 Department Approved Weapons and Ammunition (June 2, 2017- February 28, 2020)
-

² 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>

³ 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 September 28, 2021).

V. INVESTIGATION⁴

a. Interviews⁵

On September 4, 2019, **PO Noble Williams, Star #7073**, provided a statement to COPA.⁶ PO Williams reported on August 21, 2019, he was home at [REDACTED] on his second of two regularly scheduled days off. He lives on the second floor of a three-story apartment building. At approximately 12:30 p.m., PO Williams heard a soft knock on the back porch of his building, followed by a second firmer knock. He thought it sounded like a “burglary in progress,”⁷ and his “police instincts”⁸ kicked in. PO Williams put on jogging pants and a shirt. He holstered his auxiliary firearm with a clip-on holster on the right side of his jogging pants. PO Williams went downstairs to the first floor but did not see anything, so he walked upstairs to the third floor. He stated that when he arrived on the third floor, he listened and heard stuff “falling and rambling around.”⁹ He saw the back door was ajar and looked inside, where he observed a black male¹⁰ walking through the third-floor apartment and kneeling in front of the television. The black male (hereafter referred to as “the alleged burglar”) was wearing black jogging pants and a gray t-shirt, and PO Williams did not recognize him as one of the residents of the apartment. PO Williams entered the apartment through the rear door and immediately stated, “Hey, stop. Police.”¹¹ The alleged burglar ran towards the front door with what appeared to be stolen goods in a bag strapped to his back.

At the front door, a struggle ensued. The alleged burglar slapped and struck PO Williams, creating distance between the two men.¹² The alleged burglar exited the front door and Officer Williams pursued him, trying to grab him. The alleged burglar made it halfway down the first flight of stairs before falling flat on his stomach. PO Williams removed his weapon from its holster because the weight of the gun was pulling his jogging pants down.¹³ He put one of his feet on the alleged burglar’s right arm, and the alleged burglar struggled under the officer’s foot. PO Williams yelled for help but no one responded, likely because none of his neighbors are home during the day. The alleged burglar then turned his head to the right and said, “Fuck this, I’m getting the fuck out of here.”¹⁴ He pulled himself upright and continued to struggle with PO Williams, striking the officer on the chest and body.¹⁵ As PO Williams held his firearm in his right hand, the alleged

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ COPA declined to interview Mr. [REDACTED] because he provided an electronically recorded interview (ERI) to detectives.

⁶ Atts. 24 (audio) and 27 (transcript).

⁷ Att. 27, page 7, line 16-17.

⁸ Att. 27, page 9, line 23. PO Williams went on to define police instincts as “experience and knowing from writing numerous reports about it, how, you know, things kind of begin in a burglary.”

⁹ Att. 27, page 14, line 6.

¹⁰ Att. 27, page 50, line 24 and page 51, line 3. When asked about the burglar’s height and weight, PO Williams described himself as 6’3” and 230 pounds, and stated the burglar was “eye level and slimmer.”

¹¹ Att. 27, page 47, line 2.

¹² Att. 27, page 16.

¹³ Att. 27, page 23, line 8.

¹⁴ Att. 27, page 27, line 16-17.

¹⁵ Att. 27, page 30, line 20.

burglar grabbed PO Williams' left arm at the elbow. PO Williams repeated his calls for help, and he yelled to the alleged burglar, "No, there are better ways... Stop resisting."¹⁶

PO Williams described the altercation to COPA, stating:

You know, we're moving back and forth. My back was to the steps, so if he had given a good push or so, I could have fallen down the steps and things and dropped my weapon, or he could have gotten on top of me, whatever... it's struggling, struggling, and refusing all of these things that I was trying -- I was trying to do. He wouldn't stop... And in my mind, by any means necessary, he's going to elude this arrest. He's -- he's going to take flight. He's -- you know, and if that means, you know, hurting me or killing me, that's how I felt.¹⁷

Seconds later, PO Williams discharged his weapon twice in the direction of the alleged burglar. He described his firing stance as facing the alleged burglar, with only inches between the two men. PO Williams further explained that a wall was behind him when he fired, and he had no place to take cover.¹⁸

After the shooting, the alleged burglar turned and ran down the stairs with PO Williams in pursuit. PO Williams did not know if either of his gunshots struck the alleged burglar, but he stated, "I figured just from that close, I had to strike him or something."¹⁹ When the alleged burglar reached the ground floor, "his legs appeared to lock up and he face-planted right in that door with his hands out and slid down."²⁰ The alleged burglar got up, exited the front door, and ran down the street. PO Williams then called 911. When asked why he did not call 911 earlier, for example when he was on the back patio and observed the burglary in progress, PO Williams responded, "If I go do all these things, I could miss the person."²¹ PO Williams further stated that had the alleged burglar gotten away, he would have given chase on foot and used his phone to let someone know what direction he and the burglar were running.²²

PO Williams asserted the alleged burglar was going to "take flight," even if that meant killing him.²³ He also said the alleged burglar had the ability to flee but chose not to; he chose to remain there and struggle and fight. PO Williams felt his life was in danger due to the alleged burglar swinging and fighting, as he could have possibly reached and grabbed the officer's gun. PO Williams said he exhausted all options and did what he believed was in the realm of the use of force module.²⁴

¹⁶ Att. 27, page 32, line 24. Page 33, lines 1-2.

¹⁷ Att. 27, page 35, lines 3-17.

¹⁸ When PO Williams was asked what was behind him when he fired, he replied, "The back wall because I had made my way from -- from behind -- or with my back from the steps... I tried to get some -- some type of spacing. If I had -- you know, again, if I stumbled or whatever, I had some footing." Att. 27, page 38. He added, "When I fired my weapon, I stepped away enough where he was able to proceed down the stairs." Att. 27, page 39.

¹⁹ Att. 27, page 39, lines 13-14.

²⁰ Att. 27, page 41, line 13.

²¹ Att. 27, page 55, line 6-7.

²² Att. 27, page 53, line 16-24.

²³ Att. 27, page 35.

²⁴ Att. 27, page 59; *see also* page 45 ("A split section -- second, after exhausting, again, all commands, and everything else, and fixating on what he told me.")

PO Williams acknowledged using mixed ammunition in his weapon. He explained he last used his auxiliary weapon at the range, where he used the ammunition provided by the range to reload his weapon.

b. Digital Evidence

An **Electronically Recorded Interview (ERI)**²⁵ of ██████████ recorded on October 27, 2020, was conducted by Detective Roxana Hopps. In the interview, Mr. ██████████ stated he was shot in the head by PO Williams for no reason. Mr. ██████████ said he ran into the hallway and PO Williams followed him. PO Williams jumped on his back, put his knee into Mr. ██████████ neck and back, and said “stay down, stay down” with a gun to his neck.²⁶ PO Williams tried to call 911 but never announced he was a police officer. Mr. ██████████ pushed himself off the ground and started to run as PO Williams fired his weapon twice.²⁷ Mr. ██████████ said he did not run past PO Williams, as PO Williams was standing above Mr. ██████████ on the stairs when he fired. Mr. ██████████ sustained a single graze wound to the head and he did not seek medical attention. He said he did not have a gun and was not a threat to PO Williams. Mr. ██████████ did not agree that he committed a burglary.

The **Office of Emergency Management Communication 911 Calls and Event Queries**²⁸ from this incident document the 911 call that PO Williams made at 12:31 P.M. on August 21, 2019. During the call, PO Williams identifies himself as an off-duty officer and is breathing very heavily. He reports, “It was on the third floor, I fought with him on the landing, he wouldn’t stop, and I shot him.”²⁹ PO Williams says he confronted an offender who broke into his third-floor neighbor’s apartment by kicking in the door, and he shot the alleged burglar twice. The alleged burglar was struck and fled the scene on foot. PO Williams further reports there is debris everywhere, and the offender fled in an unknown silver van.

Surveillance video³⁰ from the Renaissance Place Condo Association at 5200 South Ellis Avenue captures the alleged burglar running from the scene. CPD recovered other surveillance video (5117 S. Ingleside³¹ and 5134-5142 S. Ingleside³²), but it does not capture any relevant footage and was not added to CMS due to the file size.

COPA obtained and reviewed **POD video**³³ from the area, but it did not capture the incident.

²⁵ Att. 43.

²⁶ Att. 43, timestamp 35:52.

²⁷ Att. 43, timestamp 34:17.

²⁸ Att. 20. – Event Queries, Att. 34 – Audio.

²⁹ Att. 34 (EV#1923307618-A) Audio at 0:44.

³⁰ Att. 32, Renaissance Place Condo Folder. Video 6 captures the alleged burglar running at 4:37 minutes.

³¹ 5117 S. Ingleside Folder, Att. 32

³² 5134-5142 S Ingleside Folder, Att. 32.

³³ Att. 33, POD Folder.

COPA obtained and reviewed **body worn camera**³⁴ and **in-car camera** videos from this incident. All of the footage was recorded by responding officers after the incident, and the videos do not capture the alleged burglar or the shooting.

The **Evidence Technician photos**³⁵ depict the scene, evidence recovered, and five photos of PO Williams; one photo shows three small scratches to PO Williams' left forearm. The internal stairs are carpeted with a platform halfway between levels.

c. Physical Evidence

Crime Scene Processing Reports³⁶ document the processing of the scene by Evidence Technicians (ETs), which included taking digital photographs and video of the scene, the evidence, and PO Williams.³⁷ ETs also took field measurements of the evidence, which they recovered and inventoried under RD # [REDACTED]. Finally, an ET created a drawing of the scene (also referred to as a plat) to document the locations of the recovered evidence.³⁸

The evidence includes, but is not limited to, PO Williams' firearm, biological swabs of the alleged burglar's blood taken from the interior vestibule door as well as the stairwell wall between the second and third floors, and multiple stolen items recovered from a duffle bag. ETs also recovered one (1) Winchester RP 9mm Luger expended shell casing and one (1) Speer 9mm Luger expended shell casing³⁹ belonging to PO Williams from the stairwell, between the second and third floors of the apartment building.

COPA personnel observed the **breakdown of PO Williams' weapon**⁴⁰ in the presence of ET Kamal Judeh #8825, Chief of Patrol Randall Darlin #93, Detective Roxana Hopps #21218, and F.O.P. field representatives [REDACTED] and [REDACTED]. The firearm contained a magazine with a capacity of seven (7) rounds. An ET recovered five (5) Win 9mm Luger live cartridges from the magazine and one (1) Win 9mm Luger live cartridge from the chamber. PO Williams' weapon was clear and registered per the CPD Gun Desk.

The **Illinois State Police (ISP) Laboratory Reports**⁴¹ document the examination of latent fingerprints lifted from stolen items recovered on scene, as well as recovered firearms evidence. An analysis of the reports reveals the following relevant facts: An ISP forensic scientist test-fired PO Williams' firearm and determined it to be operable as received. The ISP scientist further determined the two (2) fired cartridge casings recovered from the scene were fired from PO Williams' firearm. Finally, an ISP fingerprint examiner compared latent fingerprint lifts from the alleged burglary victims, [REDACTED] and [REDACTED], to fingerprints lifted from the items stolen in the alleged burglary. The fingerprint lifts were either not suitable for comparison or no identification was made.

³⁴ Att. 31, BWC/ICC Folder.

³⁵ Att. 30.

³⁶ Atts. 35 and 36.

³⁷ Att. 30.

³⁸ Att. 39.

³⁹ Att. 35, CSMs 1 and 2.

⁴⁰ Att. 35; *see also* Att. 21.

⁴¹ Atts. 37, 40.

COPA's On-Scene Evidence Collection Report⁴² describes the physical evidence as one (1) Win 9mm Luger +P fired cartridge case, a pair of Bose headphones in a canvas case, and a camera in a canvas case. The non-ballistic items were not inventoried and were returned to their owners. Other evidence included a duffle bag containing personal items, multiple pieces of jewelry, and a passport belonging to [REDACTED], which ETs recovered near the front entrance to her third-floor apartment. Finally, the report documents the collection of biological materials from the following locations:

- A) Presumptive blood smear from the wall, between second and third-floor landing areas;
- B) Bullet hole in the lower wall outside of Apt. [REDACTED];
- C) Presumptive blood drop on the floor tile in the common entry area; and
- D) Presumptive blood drop on the interior side of the glass door in the common entry area.

The **Firearm Inventories**⁴³ document PO Williams' firearm as a Smith and Wesson, Model CS9D, 9mm semi-automatic pistol, bearing Serial # [REDACTED]. An ET recovered one (1) Win 9mm Luger live round from the chamber and five (5) Win 9mm Luger live rounds from the magazine.

Lab Reports⁴⁴ indicate [REDACTED] DNA matched the blood swabbed from the building.

d. Documentary Evidence

The **Arrest Report for** [REDACTED]⁴⁵ RD # [REDACTED], indicates that on October 27, 2020, officers arrested Mr. [REDACTED] for Aggravated Battery to a Police Officer and two counts of burglary. The narrative indicates the arresting officers "received information that arrestee [REDACTED] is wanted for burglary and aggravated battery to police officer...Victims [REDACTED] and [REDACTED] are victims of burglary to their apartment and P.O. Williams #7073 is victim of aggravated battery to police officer. The arrestee has been positively identified as well as a DNA match to a burglary and aggravated battery to police officer." The arresting officers located Mr. [REDACTED] at his residence and confirmed his identity via an iClear photo and by Mr. [REDACTED] own admission.

The **Incident Report**⁴⁶ for [REDACTED] states on August 21, 2019, at 12:30 P.M., a burglary and battery – assault on police officer - no injury— occurred at [REDACTED] Chicago, Illinois 60615. The report identifies the victims as PO Williams, as well as [REDACTED] and [REDACTED], the residents of apartment [REDACTED]. The narrative section of this report does not include any information about this incident.

⁴² Att. 9.

⁴³ Att. 12.

⁴⁴ Att. 45.

⁴⁵ Att. 42. Note: Att. 41 is an email from Det. Hopps indicating a DNA hit was made and an offender was in custody.

⁴⁶ Att. 4.

The **Tactical Response Report (TRR)**⁴⁷ states on August 21, 2019, at 12:30 P.M., off-duty PO Williams discharged his weapon in the stairway of [REDACTED]. The report states the subject did not follow verbal directions, used verbal threats, pulled away, fled, posed an imminent threat of battery without a weapon, and physically attacked without a weapon. The subject also pushed/shoved/pulled, grabbed/held/restrained, wrestled/grappled with, and used hand/arm/elbow strike(s) against PO Williams. Finally, the TRR notes the subject committed an assault or battery against PO Williams when he was performing a police function, and the officer's injury was "minor swelling" and "minor contusion/laceration." PO Williams responded with verbal directions/control techniques, zone of safety, movement to avoid attack, tactical positioning, holding the subject by the arm, and discharging his firearm twice. PO Williams marked "no" in response to a question asking if his weapon contributed to a subject injury, but he marked that it was "unknown" if the subject was injured by his use of force or struck by his firearm discharge.⁴⁸

e. Additional Evidence

On September 3, 2019, COPA investigators conducted a **canvass**⁴⁹ of the area near PO Williams' residence, but they did not locate any new witnesses or video.

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 the conduct reviewed complied with Department policy.⁵⁰ 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.

⁴⁷ Att. 3.

⁴⁸ Att. 27, page 39, line 17. PO Williams told COPA he did not know if the subject was hit.

⁴⁹ Att. 22.

⁵⁰ 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. 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.”⁵¹

VII. APPLICABLE DEPARTMENT POLICY

A. Use of Force – Legal Standard

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.”⁵² Still, the Department’s “highest priority is the sanctity of human life.”⁵³ All incidents must be resolved with “the foremost regard for the preservation of human life...”⁵⁴

Members are expected to regularly resolve confrontations without resorting to force or by using only the amount of force required.⁵⁵ 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.⁵⁶

1. “Objectively reasonable” force is based on the totality of the circumstances faced by the officers on the scene.⁵⁷ 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.”⁵⁸
2. “Necessary” force is “only the amount of force required under the circumstances to serve a lawful purpose.”⁵⁹
3. “Proportional” force is proportional to the “threat, actions, and level of resistance offered by a subject.”⁶⁰

⁵¹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

⁵² Use of Force G03-02 II.D. (10/16/2017).

⁵³ Use of Force G03-02 II.A; *see also* Force Options G03-02-01 II.A. (10/16/2017).

⁵⁴ *See* Use of Force G03-02 II.A. and G03-02-03 III.A.

⁵⁵ *See* Force Options order II.D.

⁵⁶ *See* Use of Force G03-02 III.B. & Use of Force G03-02-03 IIC (10/16/2017).

⁵⁷ Use of Force order III.B.1.

⁵⁸ Use of Force order III.B.1.(a)-(c).

⁵⁹ Use of Force order III.B.2.

⁶⁰ Use of Force order 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.”

Uses 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....”⁶¹ This means continually assessing the situation and modify the use of force as circumstances change. Further, members must use principles of force mitigation, including continual communication, tactical positioning, and time as a tactic, when it is safe and feasible to do so.⁶²

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;
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 time to comply with verbal directions, to allow for continued communication, and to allow for the arrival of additional members or special units and equipment.⁶³

Members are specifically prohibited from firing a firearm solely in defense of property.⁶⁴

B. Use of Deadly Force – Legal Standard

Given that the Department’s highest priority is the sanctity of human life, members must overcome a high burden to use deadly force. “The use of deadly force is a last resort permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm....”⁶⁵ Members may only use deadly force against an assailant whose “actions constitute an imminent threat of death or great bodily harm to a person.”⁶⁶ A threat is imminent when it is objectively reasonable to believe a person’s actions are “immediately likely to cause death or great bodily harm,” and the person has the “means or instruments” and “opportunity and ability” to cause the death or great bodily harm.⁶⁷

Even when a suspect is resisting, fleeing, or may escape, members may not use deadly force unless the person poses an imminent threat of death or great bodily harm.⁶⁸ The level of force authorized for cooperative subjects, passive resisters, active resisters, and assailants who use or

⁶¹ Use of Force order III.B.4; Firearms Discharge Incidents Involving Sworn Members G03-02-03 III.B; Force Options G03-02-01 II.B.

⁶² Force Options order III.A.-C.

⁶³ See Force Options order III.A.-C.

⁶⁴ Use of Force order III.D.3.

⁶⁵ Use of Force order III.3.C.3; Firearms Discharge Incidents Involving Sworn Members G03-02-03 III.C.

⁶⁶ Force Options order IV.C.2. An assailant is “a subject who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury.”

⁶⁷ Use of Force order III.C.2. (“Definition of Imminent Threat. A threat is imminent when it is objectively reasonable to believe that: a. the subject’s actions are immediately 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.”)

⁶⁸ See Use of Force order III.C.3.-4.

threaten to use force likely to cause physical injury as outlined in the policy does not include deadly force.⁶⁹

VIII. LEGAL ANALYSIS

A. PO Williams was not facing an imminent threat when he used deadly force.

PO Williams used deadly force⁷⁰ by discharging his firearm twice, within inches of and while facing the alleged burglar. COPA finds that, although the alleged burglar struggled with and struck PO Williams, his actions did not rise to the level of an imminent threat to justify the use of deadly force.

First, the preponderance of evidence does not support that PO Williams discharged his firearm as a “last resort” to stop an “immediate” threat.⁷¹ PO Williams indicated the struggle continued for what felt like a long period of time. He did not get any response from neighbors when he called for help. PO Williams had given commands and tried to get the alleged burglar to stop struggling or “work this thing out a different way,” but the struggle continued.⁷² The alleged burglar had previously struck PO Williams multiple times in the chest and body and grabbed his left arm. But while frustrating and difficult, it was not objectively reasonable for PO Williams to believe this was a last resort situation where the alleged burglar’s actions were immediately likely to cause death or great bodily harm. The alleged burglar was not using a weapon. PO Williams did not say that the alleged burglar was trying to take his firearm or push him down the stairs. The alleged burglar did not make any verbal threats to harm PO Williams or take his firearm. While PO Williams indicated the alleged burglar was fighting him, he did not suffer any serious injuries or injuries at all besides small scratches and minor swelling.⁷³ PO Williams did not articulate a moment that escalated the situation to a point where he believed he had to discharge his firearm as a last resort; he only indicated there was a long-continued struggle. Objectively, there is no evidence showing the alleged burglar had the “means or instruments” and “opportunity and ability” to immediately cause death or great bodily harm. Since the alleged burglar was not an assailant⁷⁴

⁶⁹ See Force Options order IV.

⁷⁰ In addition to the requirements for use of deadly force specifically, COPA finds that the force PO Williams used was not (1) objectively reasonable, (2) necessary, and (3) proportional to ensure a person’s safety. (1) Here, under the “totality of the circumstances faced by the officers on the scene,” it was not objectively reasonable for PO Williams to discharge his weapon considering the alleged burglar did not pose an imminent threat. Although the alleged burglar presented significant resistance, the risk of harm to PO Williams was not death or severe bodily injury, and the level of the threat was not severe. Further, the alleged burglar did not have access or close proximity to a weapon. (2) The high level of force, discharging a firearm at the alleged burglar was neither necessary nor the least amount of force required in this circumstances. (3) PO Williams’ decision to discharge his firearm at the alleged burglar was not proportional to the struggling and striking actions of the alleged burglar.

⁷¹ Use of Force order III.3.C.3 & Firearms Discharge Incidents Involving Sworn Members G03-02-03 III.C.

⁷² Att. 27 pg. 53.

⁷³ Att. 27 pg. 59.

⁷⁴ Force Options order IV.B.2. At the time of the discharge, the alleged burglar was at least an active resister, as he was uncooperative and attempted to create distance between himself and PO Williams with the intent to avoid physical control and/or defeat the arrest. The alleged burglar’s resistance allowed for these increased force options: stunning, pepper spray, takedown, canines, and taser. Earlier in the incident, when the alleged burglar scratched PO Williams’ arm, he may have been an assailant because he used force that was likely to cause injury. See Force Options order IV.C.

whose actions constituted an imminent threat of death or great bodily harm, PO Williams was not permitted to use deadly force.⁷⁵

Second, the preponderance of evidence does not support that the alleged burglar's actions rose to the level of an imminent threat. The fact that PO Williams said he *felt* his life was in danger does not justify the use of deadly force. The standard to determine if deadly force is justified is an objective standard based on the totality of the circumstances known by the member at the time, but from the perspective of a reasonable member on the scene. Here, PO Williams stated he was fearful of the burglar doing two things: pushing him down the stairs, and grabbing and presumably using his firearm. Objectively, however, there is no evidence the alleged burglar threatened or attempted to push PO Williams down the stairs. Additionally, there is no indication the alleged burglar tried to grab the officer's firearm. The alleged burglar, who had a "slim build," did not overpower PO Williams, who is 6'3" and 230 pounds, in the struggle.⁷⁶ At worst, PO Williams said the alleged burglar attempted to grab his left arm, the arm without the firearm. While the officer may have envisioned these possible scenarios, there are no objective facts showing the alleged burglar had the "means or instruments" and "opportunity and ability" to "immediately" cause death or great bodily harm.⁷⁷

Moreover, even if PO Williams was at risk of falling on the stairs due to a struggle, this was not inherently likely to result in death or great bodily harm, especially where the stairs were carpeted and spaced with a platform halfway between levels. Additionally, the risk of PO Williams falling down the stairs could have been mitigated had he used de-escalation tactics such as warning the alleged burglar prior to discharging his firearm, or using lesser force options available for an active resister such as a takedown. Lastly, when PO Williams decided to discharge his weapon, he was in a less precarious position and was unlikely to fall down the stairs or have his firearm taken; he had moved towards the wall and gained footing on the platform, and he had the space and control to move his firearm from behind his back to the front of his body to shoot.⁷⁸

An objective analysis of this situation indicates the actions of the alleged burglar were more likely than not an attempt to evade arrest rather than pose an imminent threat.⁷⁹ According to PO Williams, he initially focused on trying to keep the alleged burglar pinned down, as the officer did not have handcuffs with him.⁸⁰ PO Williams "exhausted all verbal commands and every action given," but the alleged burglar "refused all of them."⁸¹ The alleged burglar then stated he was going to get "the fuck out of here," and the struggle ensued in close quarters.⁸² PO Williams used his body weight to try to keep the alleged burglar in the corner, and he said he did his best to

⁷⁵ Use of Force order III.C.2.

⁷⁶ Att. 27, pgs. 14 & 50.

⁷⁷ Use of Force order III.C.2.

⁷⁸ Additionally, PO Williams evidently had the ability to create more space or distance between himself and the alleged burglar. He stated, "So I'm struggling with him and things, and he's pushing off and, you know, kind of slapping and hitting me and things. So I gave a little distance. He got the door open." Att. 27, pg. 16.

⁷⁹ PO Williams acknowledged, "I kept thinking of the statement that he made, you know. And in my mind, by any means necessary, he's going to elude this arrest. He's -- he's going to take flight. He's -- you know, and if that means, you know, hurting me or killing me, that's how I felt, and things." Att. 27, pg. 35.

⁸⁰ Att. 27 pg. 51.

⁸¹ Att. 27 pg. 52.

⁸² Att. 27 pgs. 26-28, 34, 36, 52 & 59.

“convince this person to let’s work this thing out a different way.”⁸³ The totality of PO Williams’ statement is consistent with the officer attempting to gain control of the alleged burglar for purposes of making an arrest, not protecting himself from an imminent threat.

For these reasons, COPA finds the alleged burglar did not pose an imminent threat at the time PO Williams discharged his firearm, and the officer’s decision to use deadly force was not objectively reasonable under the totality of the circumstances that confronted him. As a result, COPA finds that PO Williams’ use of deadly force violated Rules 2, 3, 6, and 8, and Allegation #1 is **sustained**.

B. PO Williams violated Department policy because he loaded his firearm with more than one manufacture and style of prescribed ammunition.

Department policy requires firearms to be “fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight).”⁸⁴ In addition, whenever the replacement of ammunition is necessary, the requesting member will submit a copy of the Tactical Response Report to the designated unit supervisor from the district of occurrence.⁸⁵

Here, one (1) Winchester RP 9mm Luger expended shell casing and one (1) Speer 9mm Luger expended shell casing were recovered after PO Williams discharged his firearm. Additionally, the firearm contained a magazine with a capacity of seven (7) rounds. An ET recovered five (5) Win 9mm Luger live cartridges from the magazine and one (1) Win 9mm Luger live cartridge from the chamber. PO Williams admitted using mixed ammunition in his weapon; he stated he used ammunition provided by the range to reload his weapon. The preponderance of the evidence establishes that PO Williams did not load his firearm with only one manufacturer and style of ammunition, as directed by Department policy. For these reasons, COPA finds that Allegation #2 is **sustained** as a violation of Rule 6.

C. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Williams’ Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed PO Williams’ disciplinary and complimentary histories.⁸⁶ PO Williams has no sustained complaints and one SPAR for failure to perform assigned tasks, for which he received a reprimand. He has received 97 total awards.

b. Recommended Penalty

COPA has found that PO Williams violated Rules 2, 3, 6, and 8 by discharging his firearm at the alleged burglar without justification, and by using mixed ammunition. PO Williams did not call 911 or wait for backup when he observed the burglary in progress; instead, he confronted the

⁸³ Att. 27 pg. 53.

⁸⁴ Uniform and Property U04-02 II.N (06/02/2017).

⁸⁵ Uniform and Property U04-02 VI.D.5 (06/02/2017).

⁸⁶ Att. 47.

alleged burglar and engaged him in a physical struggle on the stairs. The alleged burglar was unarmed and did not pose an imminent threat to PO Williams. Despite this, PO Williams fired two times, grazing the alleged burglar in the head. PO Williams’ use of deadly force was an egregious violation of General Order G03-02 requiring severe consequences. Accordingly, COPA recommends that PO Williams be **separated** from the Chicago Police Department.

D. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Noble Williams	1. It is alleged that on or about August 21, 2019, at approximately 12:32 P.M., at or near [REDACTED] [REDACTED] Police Officer Noble Williams, Star # 7073, discharged his firearm at or in the direction of an unknown individual in violation of General Order 03-02.	Sustained/ Separation
	2. It is alleged that on or about August 21, 2019, at approximately 12:32 P.M., at or near [REDACTED] [REDACTED] Police Officer Noble Williams, Star # 7073, failed to comply with U04-02 by failing to fully load his firearm with only one manufacturer and style of prescribed ammunition.	Sustained/ Separation

Approved:

[REDACTED]

10/29/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

[REDACTED]

10/29/2021

Andrea Kersten
Interim Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Major Case Specialist:	Emily Pierce
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam