



June 10, 2022

Mr. Max A. Caproni
Executive Director, Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602

Via Email

RE: Request for Review, Log #2019-0003354

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (Department) in Log # 2019-0003354.¹

As set forth in detail in COPA's Summary Report of Investigation dated October 29 2021 (SRI), there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendation of separation based on findings that Officer Noble Williams, Star #7073, committed misconduct by discharging his firearm [REDACTED] without justification.

The Superintendent bears the affirmative burden of proof in overcoming COPA's recommendations. COPA respectfully requests that the Board reject the Superintendent's non-concurrence in this matter for the reasons set forth below.

I. BACKGROUND

A. Relevant Factual Background²

On August 21, 2019, Chicago Police Department (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, [REDACTED] and attempted to intervene. The two men struggled. In the process, PO Williams discharged his firearm two times in the direction of [REDACTED]. PO Williams reported he struck [REDACTED] and the blood at the scene confirmed this. [REDACTED] escaped before responding officers arrived at the scene and was not apprehended.

A. Disputed Findings and Recommendations

As the Superintendent states in the enclosed letter, he does not concur with COPA's finding that Officer Williams' use of deadly force was not reasonable.

¹ As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, the Department's non-concurrence letter, and the certificate of meeting.

² A more detailed factual summary can be found in COPA's SRI.

B. Applicable Department Policy

Directive G03-02 provided in relevant part that “the central inquiry in every use of force is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer.” A key factor in determining whether an officer’s use of force is reasonable is whether the person poses an immediate threat to that officer’s safety.

Directive G03-02-03 set forth additional requirements for an officer’s use of deadly force. Deadly force was only authorized when such force was necessary to, among other things, prevent death or great bodily harm to an officer or another person.³

II. ANALYSIS

A. The preponderance of the evidence shows that Officer Williams’ use of deadly force was not objectively reasonable.

For the reasons stated, COPA maintains that it was not objectively reasonable for Officer Williams to believe that ██████ presented an imminent threat. COPA believes the preponderance of the evidence establishes that Officer Williams fired his weapon as ██████ fled past him down the stairs after stating his intention to run away from Officer Williams.⁴

B. The Superintendent’s letter includes after the fact justifications not raised by Officer Williams.

The Superintendent argues Officer Williams’ actions were authorized under a defense of dwelling theory. This argument was not raised by Officer Williams in his statement to COPA. Moreover, the Superintendent ignores an essential element to establish that defense; namely that Officer Williams was not defending his dwelling. Rather, he was attempting to defend a neighbors’ apartment and engaged ██████ in his building’s common area.⁵

C. The other cases cited in the Superintendent’s letter are distinguishable.

The Superintendent cites several other cases establishing, in his view, the reasonableness of Officer Williams’ actions. But those cases are easily distinguishable and amplify the unreasonableness of Officer Williams’ actions in this incident. Notably, in Log No. 1070600 the individual grabbed the officer’s weapon and fired it. In Log No. 1064607, the individual verbally threatened to kill the officer and advanced in the officer’s direction. ██████ by contrast stated out loud his intention to run away and then proceeded to run away.

³ Applicable directives in effect at the time of the incident also authorized use of deadly force to prevent escape by use of a deadly weapon when the officer reasonably believes the person has committed a forcible felony. COPA found that Officer Collins’ use of deadly force was not reasonable to prevent Mr. Hall’s escape and that Officer Collins could not reasonably believe that Mr. Hall had committed a forcible felony. The Superintendent’s letter does not address these findings and so they are not further addressed here.

⁴ COPA also believes a reasonable officer, aware of the inherent danger present during a burglary in progress, would call for backup or consider other containment strategies before engaging with a potential burglar.

⁵ See *People v. Alcazar*, 527 >E.2d 325, 353 (Ill. App. 1988) (noting that not all vestibules in an apartment building constitute part of a dwelling).

III. CONCLUSION

For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA's recommendation in this case was unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's recommendation to separate Officer Williams.

Respectfully,



Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability