

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 8, 2018
Time of Incident:	10:17 a.m.
Location of Incident:	████████████████████
Date of COPA Notification:	March 8, 2018
Time of COPA Notification:	10:51 a.m.

On March 8, 2018, at approximately 10:17 a.m., COPA was notified via Crime Prevention and Information Center (CPIC) of shots fired by an off-duty officer with no hits during an aggravated vehicular hijacking. The incident involved Officer ██████████ and the location of incident was inside of his garage at ██████████. The subject involved in this incident fled the scene and has not been identified.

At the time of the incident, Officer ██████████ was inside of his garage warming up his red Corvette, when an unknown black male entered the garage. The subject attempted to carjack Officer ██████████ vehicle at gun-point.<sup>1</sup> While inside the garage, the subject observed a blue CPD folder on the rear hood of the Corvette. While the subject was distracted, Officer ██████████ attempted to grab the subject’s gun out of his hand. Subsequently, a physical altercation ensued as both Officer ██████████ and the subject were struggling to gain control of the gun. Officer ██████████ and the subject fell to the ground. Officer ██████████ kicked the male subject off of him and the subject pointed his gun in the direction of Officer ██████████

Officer ██████████ unholstered his weapon and fired once in the direction of the subject. The subject dropped his gun but was not struck. The subject then ran out of the garage. The subject was never located or identified. The spent bullet struck the northeast wall of the garage.

**II. INVOLVED PARTIES**

Involved Officer #1:	██████████ Star # ██████████ Employee ID # ██████████ Date of Appointment ██████████ 2006, Police Officer, Unit ██████████ DOB: ██████████ 1982, Black male
Involved Individual #1:	Unknown Black male <sup>2</sup>

<sup>1</sup> After the incident, the subject’s “gun” was determined to be a BB gun.  
<sup>2</sup> The involved individual ran away from the scene and his whereabouts are unknown.

### III. ALLEGATIONS

COPA is notified whenever a CPD member discharges his or her firearm in a manner that potentially could strike another individual,<sup>3</sup> and this investigation was initiated pursuant to such notification. Based on COPA's investigation and review of the available evidence, no allegations were served on the involved CPD member.

### IV. APPLICABLE RULES AND LAWS

---

#### Rules

- 
1. **Rule 6** – Disobedience of an order/directive, whether written or oral.

---

#### General Orders

- 
1. **General Order G03-02:** Use of Force

### V. INVESTIGATION<sup>4</sup>

#### a. Interviews

In a statement to COPA on March 26, 2018 Officer ██████████ # ██████████<sup>5</sup> stated that at the date and time of the incident he was off-duty, in plainclothes and at his residence, ██████████ Officer ██████████ was arriving home and drove into his detached garage while inside of his green Jeep Cherokee. Officer ██████████ explained that the garage has two entrances; a service door on the west side of the garage along the alley and a door on the east side of the garage that opens out to the backyard of the building.

Officer ██████████ stated that he parked and exited his jeep, walked over to his red Corvette parked on the south side of the garage, entered the driver's seat of the Corvette and turned it on to warm it up. Officer ██████████ stated that both the service door as well as the east door of the garage were open while he was warming up his Corvette. While Officer ██████████ was seated in the driver's seat of the Corvette, the driver's side door was open. An unknown subject entered Officer ██████████ garage and said something to the effect of "get out of your car"<sup>6</sup> and pointed a black semi-automatic weapon in Officer ██████████ face. The subject was described as a Black male, wearing a "half mask"<sup>7</sup> with only his eyes visible. He was also wearing motorcycle gloves, blue jeans, black and white sneakers with a flame design, and had dreadlocks that came down to his ears.

---

<sup>3</sup> MUNICIPAL CODE OF CHICAGO § 2-78-120(c) (2016).

<sup>4</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>5</sup> Att. 24, 25

<sup>6</sup> Att. 24 at 6 minutes and 49 seconds.

<sup>7</sup> *Id.* at 12 minutes and 52 seconds.

Officer ██████ stated that he began to exit his car with his hands up and was less than three feet from the subject.<sup>8</sup> The subject began to back away while still pointing the gun and noticed a blue CPD folder on the left rear area of the Corvette. According to Officer ██████ the subject then said words to the effect of “Oh shit, you a cop?”<sup>9</sup> As the subject was distracted by the folder, Officer ██████ then reached to grab the subject’s gun. Officer ██████ grabbed the barrel and the grip of the gun and told the subject words to the effect of “yea, I’m a cop, give me the fucking gun.”<sup>10</sup> A physical struggle ensued for approximately 20 to 30 seconds in which both individuals tried to pull the gun from the other.

According to Officer ██████ during the physical altercation both he and the subject slipped on oil on the garage floor and fell to the ground. Officer ██████ landed on his right wrist and right elbow. While wrestling on the ground, Officer ██████ stated that he repeatedly yelled at the subject to give him the gun while identifying himself as an officer. Officer ██████ described that at one point he was on top of the subject and began punching and striking the subject with his right hand and elbow, while using his left hand to hold on to the subject’s gun and pressing the gun against the subject’s body.

Officer ██████ stated that the subject was silent during the struggle and at some point the subject was able to get on top of Officer ██████. At that time, the subject placed his finger on the trigger of the gun and “clicked” it about three or four times. When the gun was clicking, it was in-between Officer ██████ and the subject. According to Officer ██████ the subject was trying to point the gun at him. Officer ██████ described that it sounded as if the gun was either empty, was malfunctioning, or that it was a “dry fire.”<sup>11 12</sup> Officer ██████ stated that during the physical altercation, while struggling for the gun, his finger had unintentionally clicked the subject’s gun by pressing the trigger.

Subsequently, while both Officer ██████ and the subject were wrestling on the ground, the subject attempted to stand up with the gun still in his hand. Officer ██████ left hand was still holding the subject’s gun. Officer ██████ then kicked the subject off him into vending machines that were in the garage. Simultaneously, Officer ██████ stated that he then reached for his own gun that was holstered on his right side. While the subject was now standing, Officer ██████ was still on the ground approximately seven to ten feet away from him. The subject held his gun in his right hand, began raising it upward and pointed it “halfway up”<sup>13</sup> towards the direction of Officer ██████

At that time, Officer ██████ pulled out his gun and fired one (1) shot. Officer ██████ stated that he discharged his weapon because he thought the subject was going to shoot him. After the shot was fired, the subject immediately dropped his gun near the east door of the garage and fled in the direction of the backyard. Officer ██████ stated he then stood up from the floor and proceeded to check the whereabouts of the subject but had no knowledge as to where he went.

---

<sup>8</sup> *Id.* at 16 minutes and 42 seconds.

<sup>9</sup> Att. 25 P. 20, Ln 10

<sup>10</sup> Att. 24 at 7 minutes and 25 seconds.

<sup>11</sup> *Id.* at 32 minutes and 16 seconds.

<sup>12</sup> Officer ██████ explained that a dry fire is when a “dummy round” is used to practice a trigger squeeze.

<sup>13</sup> Att. 25 P. 11, Ln 24

Officer ██████ then looked at the subject's gun, as it was right at the east door of the garage and he "picked it up by the butt a little bit."<sup>14</sup> At that time Officer ██████ observed that the subject's gun had a "sealed two chamber" and therefore was an "air gun."<sup>15</sup> Officer ██████ proceeded to put the gun back down. Officer ██████ explained that he did not pick up the gun in its entirety, so it remained where it had fallen.

Officer ██████ called 9-1-1 to report the incident. Responding police units arrived on scene. Officer ██████ was taken to the University of Chicago hospital for medical treatment. Officer ██████ stated that he sustained injuries to his right wrist, lower right elbow, a severe headache and persistent lower back pain. Officer ██████ stated that upon returning to the scene after the hospital he learned that the bullet he fired had struck the northeast side of his garage.

### **b. Digital Evidence**

An **Office of Emergency Management and Communications (OEMC) 9-1-1 call**<sup>16</sup> was made by Officer ██████ on March 8, 2018 at 10:16 a.m. in which he reported a "10-1,"<sup>17</sup> identified his office, and stated that a male black attempted to carjack him at his residence at ██████. He stated that the "offender," who was wearing all black with blue jeans, ran southbound. The male black dropped his gun in Officer ██████ door when he fled. Officer ██████ was asked if he needed an ambulance and he mentioned that his arm was hurting.

Officer ██████ was transferred to the Chicago Fire Department at which time he requested police at the rear garage of ██████. He reported that he was fighting off an "offender" who attempted to carjack him and the "offender" fled southbound. He reported pain in his arm. Officer ██████ stated that he was fighting with the "offender" over his gun and was able to get his own gun out and fire one round.<sup>18</sup>

In an **OEMC CPD transmission via Zone 8**,<sup>19</sup> between 10:15 to 12:30 p.m., a female dispatcher announced a "10-1" at ██████.<sup>20</sup> The female dispatcher announced that an officer was involved in a carjacking, and the "offender" is a black male with a face mask and black clothing who fled southbound from the location. Multiple police units begin to respond that they were en-route to the location. The dispatcher announced that "the officer wasn't shot, he was just fighting with the offender, the offender did fire one round but it didn't hit the officer."<sup>21 22</sup> A responding officer announced that Officer ██████ was not shot.<sup>23</sup> Dispatch reported that the "offender" fled southbound in the alley and gave a detailed description of his clothing.<sup>24</sup> It was further reported by an unknown male officer on scene that there was a weapon in the garage. The

---

<sup>14</sup> *Id.* at P. 31, Ln 24

<sup>15</sup> *Id.* at P. 32, Ln 1

<sup>16</sup> Att. 31, 32

<sup>17</sup> A "10-1" is a police code used by CPD to indicate that an officer needs emergency assistance.

<sup>18</sup> Att. 32 at approximately 1 minute and 25 seconds

<sup>19</sup> Att. 33, 34

<sup>20</sup> Att. 33 at 2 minutes and 13 seconds

<sup>21</sup> *Id.* at 3 minutes and 41 seconds

<sup>22</sup> During the course of our investigation, there was no indication that the subject fired a shot. Furthermore, it was later determined that the subject's gun was a BB gun.

<sup>23</sup> Refer to 5 minutes and 50 seconds of Att. 33

<sup>24</sup> Refer to 6 minutes and 40 seconds, and 36 minutes and 44 seconds of Att. 33

remaining radio communication was either relative to police response to the scene and securing the perimeter or was unrelated to this incident.

**Video surveillance footage**<sup>25</sup> from [REDACTED] includes footage from six cameras. One external camera view depicts the backyard of this residence with a limited view of the alley. There is a partial view of a brown garage door.<sup>26</sup> At 10:13 a.m., the brown garage door begins to open. The video cuts off and jumps to 10:25 a.m.<sup>27</sup> (per the timestamp on the video), where the video depicts a marked police SUV parked in front of the brown garage door. The other external camera views depict partial views of the alley and police units are depicted responding to the area. The video footage does not capture the shooting incident.

**Video surveillance footage**<sup>28</sup> from 653 E 75<sup>th</sup> Street depicts a view of the sidewalk outside the storefront. The time stamp indicates the footage was recorded on March 7, 2018, the day before the incident.

**Video surveillance footage**<sup>29</sup> from 656 E 75<sup>th</sup> Street includes footage from thirteen (13) cameras. Cameras 4, 5, and 13 depict a view of the outside of the store while the remaining video cameras depict views of the inside of the store. The shooting incident is not captured on any of the cameras.

**Video surveillance footage**<sup>30</sup> from Signature Tax Service at 611 E. 75<sup>th</sup> Street includes internal video footage identified by cameras 3 thru 5 and, external video cameras identified by cameras 1, 2, 6, 7, 8 and 9. The shooting incident is not captured on any of the video cameras.

### c. Physical Evidence

An **Internal Affairs Division (IAD) Synoptic Report**<sup>31</sup> documents that Officer [REDACTED] was given alcohol and drug testing. Officer [REDACTED] breath test resulted in a reading of .000 Breath Alcohol Concentration (Br.A.C.) His urine drug analysis returned negative results.

The **Medical Records** from **University of Chicago**<sup>32</sup> document that Officer [REDACTED] was admitted on March 8, 2018 at 11:01 am with complaints of pain in his right elbow and right wrist after a physical altercation with an unknown person that took place that same morning.<sup>33</sup> Officer [REDACTED] further stated that “he might have hit the right side of his head on the side of his car.”<sup>34</sup> He was diagnosed with a sprained wrist and discharged March 8, 2018 at 2:23 pm.<sup>35</sup>

---

<sup>25</sup> Att. 26

<sup>26</sup> This is the rear garage of [REDACTED]

<sup>27</sup> After a personal visit to the owner of the video, Mr. [REDACTED] it was learned that the video footage jumped ahead because it only records when it detects motion. Refer to investigative memo, Att. #43.

<sup>28</sup> Att. 27

<sup>29</sup> Att. 28

<sup>30</sup> Att. 41

<sup>31</sup> Att. 14

<sup>32</sup> Att. 29

<sup>33</sup> Refer to page 5 and 32 of Att. 29

<sup>34</sup> Refer to page 5 of Att. 29

<sup>35</sup> A copy of the Chicago Fire Department Incident report was included on page 27, 47 and 53 of Att. 29

**d. Digital Evidence**

**Evidence Technician (ET) Photographs**<sup>36</sup> depict the scene and recovered evidence. An empty bullet casing is shown on the ground under marker number four (4). The subject's gun is shown under marker number three (3). Officer ██████'s gun is shown under marker number one (1). In addition, one bullet hole/strike is depicted in the east wall/siding of the garage and appeared to be a few feet away from the garage door entrance that leads into the backyard.



Figure 1: A black “H&K USP .177 caliber BB CO2 Pistol”<sup>37 38</sup> recovered from the garage floor at ██████



<sup>36</sup> Att. 35

<sup>37</sup> Att. 16 p. 5

<sup>38</sup> A CO2 pistol is commonly known as an air gun.

Figure 2: A suspected bullet hole found on an interior wooden beam on the east wall of the garage at [REDACTED]



Figure 3: A suspected bullet hole on the exterior east wall of the garage at [REDACTED]

**e. Documentary Evidence**

A **Tactical Response Report (TRR)**<sup>39</sup> prepared by Officer [REDACTED] documents the date, time and location of incident. The report documents that Officer [REDACTED] was off-duty and not in uniform at the time of the incident. The subject was an unidentified black male. It was reported that the subject was not injured in the incident. The report further indicates that the subject was armed with a “semi-auto pistol.”

According to the report, the subject did not follow verbal directions, pulled away, provided an imminent threat of battery with a weapon, and initiated a physical attack with a weapon. The report further documents that Officer [REDACTED] provided his presence, gave verbal direction, engaged in a physical struggle to disarm, responded without a weapon; to include kicks, closed hand strikes and elbow strikes and, discharged his firearm one (1) time. Officer [REDACTED] firearm is documented as a semi-automatic pistol, Beretta model 92D, serial # [REDACTED]

The narrative section of the report documents that Officer [REDACTED] was in his personal vehicle in a detached garage when the subject approached, pointed his weapon at the officer, and demanded his vehicle. Officer [REDACTED] grabbed the subject’s arm and they engaged in a physical struggle. “Both [Officer [REDACTED] and [the subject] fell to the floor with [the subject] pulling the trigger on his weapon multiple times.” He then kicked the subject off and fired his weapon in

<sup>39</sup> Att. 10

defense of his life. The subject dropped his weapon and fled. Officer [REDACTED] was taken to the hospital for treatment and the subject's weapon was found to be a replica black steel semi-automatic. This report was approved by Deputy Chief [REDACTED]

The **Major Incident Notification (MIN) Report**<sup>40</sup> documents the date, time and location of incident as well as involved parties and responding officers. The report documents that the subject's weapon was recovered and described as; "Taiwan made, HKUSP,.177 caliber, serial # [REDACTED] air-soft gun, no pellets, no CO2, [with one] (1) expended cartridge casing."<sup>41</sup> Furthermore, the report documents that there was a bullet strike to the "garage east wall." The narrative section documents that shots were fired by the police with no hits and that the offender was not in custody.

The department reports, including the **Original Case Incident Report** and **Detective Supplementary Report**,<sup>42</sup> document the incident as an attempted armed robbery occurring on March 8, 2018 at 10:15 a.m. at [REDACTED]. They document identifying information of the involved officer, a description of the subject, a description of the involved vehicle and responding units. Furthermore, a supplementary report authored by Officer [REDACTED] # [REDACTED] documents that a [evidence] technician was notified of potential in-car camera video retrieval.

A **Chicago Fire Department Report**<sup>43</sup> documents that CFD Ambulance 14 responded to the scene after being dispatched on March 8, 2018 at 10:19:39 hours. The narrative section of the report documents that Officer [REDACTED] stated that a masked offender entered his garage and pulled a weapon demanding his Corvette. They then engaged in a physical altercation, during which Officer [REDACTED] fell on the ground and landed on his right side with the offender on top of him. Officer [REDACTED] reported right wrist pain and right inner elbow pain, and a physical exam showed no swelling or bruising but tenderness to touch and movement. The narrative makes no mention of a firearm discharge. Officer [REDACTED] was transported to the University of Chicago Medicine.

The **Crime Scene Processing Report (CSPR)**<sup>44</sup> documents the date and location of incident. The incident was classified as a "Robbery attempt: Armed Handgun." The report documents responding officers and evidence technicians on scene. The evidence inventoried and photos that were taken were documented to include brief descriptions. It is documented that the BB (air) gun identified by marker #3 and inventory # [REDACTED] was recovered on the garage floor, near the storage bin, slightly west of the garage door leading to the backyard. In addition, one (1) expended shell casing identified by marker #4 and inventory # [REDACTED] was recovered from the garage floor, near the inside east wall of the garage and in front of vehicle with license plate [REDACTED].<sup>45</sup> In the narrative section of the report, reporting technicians documented their actions taken as related to this incident, to include but not limited to, processing and photographing evidence as well as photographing Officer [REDACTED]. In addition, it was documented that an attempt to locate a fired bullet met with negative results.

---

<sup>40</sup> Att. 20

<sup>41</sup> Att. 20 at P 4

<sup>42</sup> Att. 7, 9, 39 and 40

<sup>43</sup> Att. 30

<sup>44</sup> Att. 42

<sup>45</sup> Refer to the plat of this attachment as well as ET Photos under Att. #35



The **Inventory Reports**<sup>46</sup> document evidence recovered at the location of incident.

The **Injury on Duty Report**<sup>47</sup> documents that Officer ██████ was the “victim of an attempted car-jacking. The officer wrestled with an offender who was pointing a handgun in his direction.” The report further documents that after wrestling for some time, Officer ██████ “suffered a sprained ligament in or around his right hand [and] hit his head on the vehicle parked in the garage.” This report was prepared by Sergeant ██████ and signed by Officer ██████<sup>48</sup>

In a **COPA Investigative Memo** it is documented that on March 8, 2018, while at the location of incident, MCS ██████ observed the clearing and processing of Officer ██████ firearm, a Beretta 92D, semi-automatic black handgun. It is documented that the firearm was observed to be cleared with one (1) live round from the chamber and fourteen (14) live rounds were emptied from the magazine. The ammunition that was cleared from the firearm were all described as being a 9mm Winchester Luger +P.

## VI. ANALYSIS

A preponderance of evidence demonstrates Officer ██████ use of deadly force against the unknown subject was objectively reasonable under the circumstances confronting him and **Within Department Policy**, as outlined by the Chicago Police Department’s General Order 03-02.

### a. Applicable Rules and Law

#### 1. General Order 03-02

The main issue in evaluating every use of force incident is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.<sup>49</sup> 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.<sup>50</sup>

“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.”<sup>51</sup> 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

---

<sup>46</sup> Att. 16

<sup>47</sup> Att. 11

<sup>48</sup> The last page of the IOD form requires signatures acknowledging disclaimers. Officer ██████ signed his name after section “C” which essentially states that his injuries were sustained “in the performance of duty...”

<sup>49</sup> General Order G03-02(III)(B)(1).

<sup>50</sup> *Id.*; *Graham v. Connor*, 490 U.S. 386, 396 (1989)

<sup>51</sup> General Order G03-02(III)(C)(3).

sworn member or another person. In addition, 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.<sup>52</sup>

“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.”<sup>53</sup>

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.”<sup>54</sup>

## 2. Preponderance of Evidence Standard

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the conduct 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 (i.e., at least a 51 percent likelihood that the facts supporting the occurrence of misconduct are true), then the standard of proof has been met.

### b. Analysis of Officer ██████ Use of Deadly Force

1. Officer ██████ observed the subject commit multiple forcible felonies

Officer ██████ stated that an unknown subject entered his garage and said something to the effect of “get out of your car” and pointed an object that appeared to be a black semi-automatic weapon in his face. Officer ██████ stated that a physical struggle ensued and that he struggled with the subject to gain control of the object that appeared to be a firearm. Officer ██████ stated the subject pulled the trigger of the object that appeared to be a firearm. Officer ██████ stated the object that appeared to be a firearm did not discharge and described hearing a sound that led him to believe that the firearm was either empty, dry firing, or malfunctioning. Officer ██████ stated that he threw the subject into vending machines and that the subject then held the object that

---

<sup>52</sup> *Id.*

<sup>53</sup> General Order G03-02(III)(C)(2).

<sup>54</sup> General Order G03-02(II)(2)(D).

appeared to be a firearm in his right hand, began raising it upward and pointed it “halfway up”<sup>55</sup> towards the direction of Officer [REDACTED]. The subject’s actions, as described by Officer [REDACTED] constituted multiple forcible felonies.<sup>56</sup> Officer [REDACTED] stated that in response he discharged his firearm one time in the direction of the subject, but that the subject was not struck.

Officer [REDACTED] account is credible and consistent with the available evidence.<sup>57</sup> First, Officer [REDACTED] provided a materially consistent account of the encounter to OEMC, in his TRR, and to COPA investigators. Second, Officer [REDACTED] notified OEMC of his firearm discharge. Third, Officer [REDACTED] medical records reflect injuries consistent with a physical struggle with the subject including a sprained wrist.

2. The subject’s Air-Soft Gun reasonably appeared to be an actual firearm

Although the subject did not possess an actual operable firearm, COPA finds that Officer [REDACTED] reasonably believed the subject possessed an operable firearm. The subject’s Air-Soft Gun had the main characteristics of an operable firearm: (1) it had a handle; (2) a barrel; and (3) a trigger.



Figure 4: Air-Soft Gun (BB gun) in cardboard box.

---

<sup>55</sup> Att. 25 P. 11, Ln 24.

<sup>56</sup> "Forcible felony" means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual. 720 ILCS 5/2-8

<sup>57</sup> No other witnesses were present, and no video or audio evidence captured the incident.

3. Officer ██████ reasonably believed that the subject placed him in imminent risk of death or great bodily harm and the use of deadly force was reasonably necessary to eliminate threat.

As explained above, Officer ██████ reasonably believed that the subject had committed multiple forcible felonies (i.e. had committed very serious crimes demonstrating a propensity for violence) and possessed a firearm. Considering these facts, it was objectively reasonable for Officer ██████ to believe that the subject posed an imminent threat of great bodily harm when he lifted the object that appeared to be an operable firearm and pointed it in his direction, and that deadly force was necessary to eliminate the threat. In other words, Officer ██████ reasonably believed (1) the subject’s actions were likely to cause death or great bodily harm to himself unless action was taken; (2) the subject had the means or instruments to cause death or great bodily harm; and (3) the subject had the opportunity and ability to cause death or great bodily harm.<sup>58</sup> Although Officer ██████ observed that the object that appeared to be a firearm did not discharge when the subject previously pulled the trigger, Officer ██████ did not know the reason the object that appeared to be a firearm did not discharge, and had to make an immediate decision under circumstances that were tense, uncertain, and rapidly evolving. Officer ██████ decision to discharge his firearm one (1) time at the subject was objectively reasonable under the totality of the circumstances confronting him.

Because Officer ██████ reasonably believed that the subject presented an imminent threat of death to himself and that the use of deadly force was reasonably necessary to eliminate the threat, Officer ██████ was justified in his use of deadly force against the subject. The evidence clearly shows that an officer with similar training and experience would have reasonably, albeit mistakenly, believed that the subject posed an immediate threat of death or serious bodily harm when he pointed the object that reasonably appeared to be a firearm in Officer ██████ direction. Accordingly, Officer ██████ use of deadly force was objectively reasonable and **Within Policy** as outlined by the Chicago Police Department’s General Order 03-02.<sup>59</sup>

Based on the foregoing analysis, COPA makes the following findings:

Officer	Allegation	Finding/ Recommendation
Officer ██████ # ██████	1. None	Within policy

<sup>58</sup> General Order G03-02(III)(C)(2).

<sup>59</sup> A preponderance of the evidence demonstrates that the bullet did not strike the subject. The bullet hole was in the interior wooden beam on the east wall of the garage and there was no blood located at the scene.

Approved:



---

Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

October 30, 2019

---

Date



---

Sydney Roberts  
*Chief Administrator*

October 30, 2019

---

Date

Appendix A

Assigned Investigative Staff

---

<b>Squad#:</b>	█
<b>Major Case Specialist:</b>	████████████████████
<b>Supervising Investigator:</b>	██████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten