

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	May 6, 2016 <sup>2</sup>
Time of Incident:	9:32 a.m.
Location of Incident:	████████████████████ Street, Chicago, IL
Date of IPRA Notification:	May 6, 2016
Time of IPRA Notification:	10:25 a.m.

On May 6, 2016, Officer ██████████ # ██████████ was conducting surveillance at ██████████ S. ██████████ Street on ██████████ who was wanted for robbery and a warrant for violation of parole. While Officer ██████████ was conducting surveillance, ██████████ approached the location with a female, now known as ██████████. Officer ██████████ observed ██████████ reach into ██████████ bag and retrieve a handgun. ██████████ then went inside the residence.

A short time later, ██████████ exited his residence and started to walk south on ██████████ Street. Officer ██████████ started to trail ██████████ and radioed ██████████ direction of travel to other officers. When ██████████ reached the corner of ██████████ and ██████████ Street, he proceeded east on ██████████ Street. Officers started heading towards ██████████ from multiple directions and ██████████ ran north. Officer ██████████ pursued ██████████ on foot through a wooded area. Officer ██████████ observed ██████████ with a handgun in his right hand, as ██████████ continued to run north through the wooded area.

As ██████████ started to run east, Detective ██████████ # ██████████ observed ██████████ running toward him with a handgun in his right hand. Detective ██████████ announced his office and told ██████████ to “drop the gun.” ██████████ turned and lifted his right arm. Detective ██████████ fired his weapon three times striking ██████████ then threw his handgun over a fence and fell to the ground. Officer ██████████ # ██████████ jumped over the wooden fence to retrieve the weapon that ██████████ had thrown, while other officers approached ██████████

IPRA initiated this investigation on May 6, 2016. The investigation consisted of interviewing both CPD officers and civilian witnesses, as well as physical evidence, documentary evidence, and other evidence. Based upon this investigation, there is clear and convincing evidence to demonstrate that Detective ██████████ use of deadly force was objectively reasonable under the totality of the circumstances, and COPA recommends a finding of Exonerated for Allegation #1 against Detective ██████████

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> Transition between IPRA and COPA occurred during this investigation and included structural reorganization of investigative staff, resources and case priority. Thus, continued investigation and case closure were significantly impacted.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee # [REDACTED] Date of Appointment: [REDACTED], 2000, Detective, Unit of Assignment: [REDACTED] DOB: [REDACTED], 1973, Male, White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1994, Male, Black.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Detective [REDACTED] [REDACTED]	1. Discharged your firearm at [REDACTED] striking him, in violation of General Order G03-02-03.	Exonerated

**IV. APPLICABLE RULES AND LAWS<sup>3</sup>**

Rules
1. <b>Rule 6</b> – Disobedience of an order/directive, whether written or oral.
General Orders
1. Deadly Force, <b>G03-02-03</b> , II. A. Department Policy, 1, states, “To prevent death or great bodily harm to the sworn member or to another person.”

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

**a. Interviews**

In a statement with IPRA on May 7, 2016, [REDACTED]<sup>5</sup> stated that on the date of the incident he left his house on [REDACTED] Street. [REDACTED] started to walk southbound on [REDACTED] Street towards [REDACTED] Street to get on the CTA bus. When [REDACTED] reached [REDACTED] Street, he did not see a bus and decided to walk east on [REDACTED] Street towards [REDACTED] Street. [REDACTED] Street and started to walk east. [REDACTED] then observed the police in a Ford Fusion and gray Chevrolet Tahoe. [REDACTED] stated he knew it was the police because the vehicles were tinted. The Fusion and Tahoe were going west on [REDACTED] Street. The Fusion started to drive towards the middle

<sup>3</sup> This report cites the directives in effect on the date of the incident.

<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> Attachments 23-25, 29

of the lane on [REDACTED] Street, so [REDACTED] ran to the northside of [REDACTED] Street. [REDACTED] stated that he ran because he had a warrant for a parole violation.

When [REDACTED] reached the northside of [REDACTED] Street, the Tahoe “swerved over” to the northside of [REDACTED] Street. [REDACTED] continued to run into a wooden area. As [REDACTED] ran, an officer pursued him and yelled that [REDACTED] had a gun. After [REDACTED] heard the officer yell that he ([REDACTED] had a gun, [REDACTED] decided to stop running. When [REDACTED] stopped running, he was shot. [REDACTED] denied being in possession of a gun. After [REDACTED] was shot, he stated he heard officers state that he ([REDACTED] threw a gun. [REDACTED] also denied that he was with a female subject who gave him a gun prior to the incident. [REDACTED] admitted to smoking one blunt filled with cannabis prior to him being shot and that he was “high” at the time of incident.

In a statement with IPRA on July 19, 2016, [REDACTED] stated she had been seeing [REDACTED] for two months prior to the incident. On the day before the incident, [REDACTED] and [REDACTED] had spent the night together at [REDACTED] sister, [REDACTED] house. On the date of the incident, around 7 or 8 o’clock in the morning, [REDACTED] and [REDACTED] left [REDACTED] house, and [REDACTED] handed [REDACTED] a handgun to put in her purse. [REDACTED] described the handgun as having a black barrel and a brown handle. After handing [REDACTED] the handgun, the two got on the bus. They both got off the bus on [REDACTED] and [REDACTED] Street and walked down [REDACTED] Street towards [REDACTED] home at 118<sup>th</sup> and [REDACTED]. When [REDACTED] got in front of his house, he asked [REDACTED] for his belongings. [REDACTED] handed [REDACTED] the handgun and a charger. [REDACTED] then went in the house. [REDACTED] walked home. [REDACTED] stated that, about an hour later, [REDACTED] informed her that the police had shot [REDACTED]

In a statement with IPRA on May 12, 2016, [REDACTED] stated that on the date of the incident she was at her sister, [REDACTED] home located at [REDACTED] S. [REDACTED] Street. While at [REDACTED] home, as she sat in the kitchen eating cereal and watching television, [REDACTED] heard gunshots. [REDACTED] looked out the kitchen window and observed an object in midair flying toward the home. [REDACTED] could not describe the object because it came towards the window too fast. A white male officer then jumped over a fence<sup>8</sup> that secured [REDACTED] yard. [REDACTED] stated that [REDACTED] had a surveillance system<sup>9</sup> and there was a camera positioned on the window sill in the kitchen. [REDACTED] did not witness the officer-involved shooting.

In a statement with IPRA on May 17, 2016, **Officer [REDACTED]** stated that on the date of the incident he was assigned to the [REDACTED] Unit and partnered with Sergeant [REDACTED]<sup>11</sup> Officer [REDACTED] and Sergeant [REDACTED] were in separate vehicles. Officer [REDACTED] was conducting surveillance on [REDACTED] home, located at [REDACTED] [REDACTED] Street, because [REDACTED] was wanted for robbery and a parole violation. Sergeant [REDACTED] was parked a block and a quarter away in an empty lot. While conducting surveillance, Officer [REDACTED] observed [REDACTED] approach with [REDACTED] and stop in front of [REDACTED] home. [REDACTED] turned towards [REDACTED] and [REDACTED] opened a bag that was on her shoulder. [REDACTED] reached into the bag and pulled out a

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<sup>6</sup> Attachments 131, 133

<sup>7</sup> Attachments 33, 53

<sup>8</sup> [REDACTED] stated that the wired fence was approximately four feet high (Page 8, Line 6).

<sup>9</sup> The surveillance system belonged to Vivint Smart Home.

<sup>10</sup> Attachments 57, 125

<sup>11</sup> At the time of the incident, Sergeant [REDACTED] was an officer.

handgun. Officer ██████ described the handgun as a dark colored, blue steel, semi-automatic pistol. ██████ placed the handgun into his right front jacket pocket. ██████ then continued to walk north on ██████ Street. ██████ went into his residence.

At that time, Officer ██████ communicated with Sergeant ██████ via radio and told him what he observed. Officer ██████ told Sergeant ██████ to get some units to assist so they could go in the house and try to arrest ██████. Officer ██████ stated that additional units arrived in the area near ██████ and ██████ Street and were being briefed about the incident. About an hour later, ██████ exited his residence. Officer ██████ informed the officers via radio that ██████ had exited and was walking south on ██████ Street. Officer ██████ followed ██████ in his vehicle as he walked down ██████ Street. Officer ██████ stated he inched up in his vehicle as ██████ was walking. Once ██████ got to the corner of ██████ and ██████ Street, ██████ over to the southside of the street and started to walk east. Officer ██████ then observed covert vehicles approaching ██████ from the east and west on ██████ Street.

█████ started to run north ██████ Street. Officer ██████ believed that ██████ was going to run back home, so he made a U-turn in the intersection of ██████ and ██████ Street and went north on ██████ Street. When Officer ██████ reached ██████ residence, he exited his vehicle and heard three gunshots. Officer ██████ ran towards the location of the gunshots. When he got to the location of the incident, he observed ██████ on the ground and U.S. Marshal ██████ rendering aid to ██████. An unidentified officer informed Officer ██████ that ██████ had thrown a handgun over a fence. Officer ██████ located the handgun north of where he found ██████ and observed it to be broken on the ground. Officer ██████ stated the handgun appeared to be the same handgun he observed ██████ with prior to the incident. Officer ██████ recalled that during the incident an officer yelled “gun, gun, gun”<sup>12</sup> over the radio. Officer ██████ did not observe the officer-involved shooting.

In a statement with COPA on April 05, 2018, Sergeant ██████ stated that on the date of the incident he was assigned to the ██████ Unit and was partnered with Officer ██████. Sergeant ██████ provided substantially the same information as Officer ██████. Sergeant ██████ did not witness the officer-involved shooting. Sergeant ██████ recalled hearing Officer ██████ yell “gun, gun, gun” via car-to-car radio and then heard an indeterminate amount of gunshots prior to the shooting.

In a statement with IPRA on May 18, 2016, Sergeant ██████ stated that on the date of the incident he was assigned to the ██████ Unit. Sergeant ██████ stated Officer ██████ telephoned him and stated that he observed ██████ with a gun. Sergeant ██████ then called and texted members of his team, and another team, to assist in ██████ arrest. Sergeant ██████ identified Sergeant ██████, Detective ██████ and Officers ██████ and ██████ as his team members. The other team members included Detective ██████ and Officers ██████ and ██████. Sergeant ██████ stated that U.S. Marshal ██████ and IDOC Agent ██████ are also assigned to his team.

<sup>12</sup> Attachment 125, Pg. 31, Lines 15-16

<sup>13</sup> Attachment 149

<sup>14</sup> Attachment 62, 63, 122

After notifying team members, Sergeant [REDACTED] drove to the chosen meeting spot at [REDACTED] and [REDACTED] Street. U.S. Marshal [REDACTED] led the briefing. During the brief, Officer [REDACTED] reported over the radio that [REDACTED] left his residence and was walking south on [REDACTED] Street towards [REDACTED] Street. After being informed about [REDACTED] movements, Sergeant [REDACTED] partnered with Officer [REDACTED] and got into Officer [REDACTED] covert van. Officer [REDACTED] drove west on [REDACTED] Street when Sergeant [REDACTED] observed [REDACTED] running north [REDACTED] Street towards [REDACTED] Street. Sergeant [REDACTED] witnessed [REDACTED] stumble as he ran. Sergeant [REDACTED] stated that [REDACTED] ran between buildings at [REDACTED] Street and [REDACTED] Streets. Sergeant [REDACTED] then lost sight of [REDACTED] and heard Officer [REDACTED] state via radio that [REDACTED] had a gun.

Officer [REDACTED] turned right onto [REDACTED] Street from [REDACTED] Street and drove north. Sergeant [REDACTED] observed [REDACTED] come out from between the buildings and continue to run north. Officer [REDACTED] parked the vehicle on the east side of [REDACTED] Street and he and Sergeant [REDACTED] exited. Sergeant [REDACTED] stated that Detective [REDACTED] was parked on the west side of the street. [REDACTED] started running east while holding a handgun and extending his right hand in the direction of Officer [REDACTED]. Sergeant [REDACTED] and Detective [REDACTED] described the gun as a dark handgun and could not tell if it was a revolver or semi-automatic. Detective [REDACTED] stated, "Police, drop the gun."<sup>15</sup> Sergeant [REDACTED] then heard three gunshots and observed Detective [REDACTED] in a shooting stance "kinda like...he was standing with his arms extended out, his weapon extended out."<sup>16</sup>

In his peripheral vision, Sergeant [REDACTED] observed an object up in the air going northbound over a fence, but he could not follow it. Sergeant [REDACTED] U.S. Marshal [REDACTED] and IDOC Agent [REDACTED] ran up to [REDACTED] to check him. U.S. Marshal [REDACTED] started rendering first aid to [REDACTED]. Sergeant [REDACTED] walked around to the other side of the fence and observed a small black semi-automatic pistol on the ground that was broken. Sergeant [REDACTED] recalled observing two live rounds next to the handgun and the spring to the handgun about seven to ten feet away. Sergeant [REDACTED] stated that he had his firearm unholstered, but he did not discharge his firearm because he did not have a clear shot.

In a statement with IPRA on May 18, 2016, Officer [REDACTED] [REDACTED] stated that on the date of the incident he was assigned to the [REDACTED] Unit. Officer [REDACTED] stated that at a briefing, he and Sergeant [REDACTED] decided to partner up. During the briefing, Officer [REDACTED] was informed that [REDACTED] left his residence, so officers decided to apprehend [REDACTED]. [REDACTED] fled northbound, so Officer [REDACTED] decided to drive north on [REDACTED] Street. When Officer [REDACTED] turned onto [REDACTED] Street, he parked and exited his vehicle.

Officer [REDACTED] heard via the radio that [REDACTED] had a gun. [REDACTED] was still running north, but then started to run east. Officer [REDACTED] then observed [REDACTED] with a black gun in his right hand. Detective [REDACTED] yelled, "Police...stop."<sup>18</sup> Officer [REDACTED] also yelled "stop police"

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<sup>15</sup> Page 46, Line 28-29

<sup>16</sup> Page 69, Lines 23-26

<sup>17</sup> Attachment 64, 121

<sup>18</sup> Page 35, Line 21

and “drop the gun.”<sup>19</sup> [REDACTED] ran in the direction of Detective [REDACTED] Officer [REDACTED] and Sergeant [REDACTED] raised his gun, and Detective [REDACTED] discharged his firearm at [REDACTED] three times. [REDACTED] then threw the gun over his head and into a yard. Officer [REDACTED] stated he had his firearm unholstered, but he did not discharge his firearm, because he was directly behind Detective [REDACTED] and did not feel that he had a good shot.

In a statement with IPRA on May 17, 2018, Officer [REDACTED] [REDACTED] stated that on the date of the incident he was assigned to the [REDACTED] Unit Task Force and was partnered with Detective [REDACTED].<sup>21</sup> Officer [REDACTED] was working with IDOC Agents [REDACTED] [REDACTED] and [REDACTED] or [REDACTED] [REDACTED], who were riding in his vehicle. Officer [REDACTED] explained that the IDOC agents are part of the task force. IDOC Agent [REDACTED] received a telephone call from Officer [REDACTED] who stated that he needed some assistance. After the phone call, Officer [REDACTED] called Detective [REDACTED] and informed him of the incident and told him to go to the area of the location of incident

Officer [REDACTED] and the IDOC agents went to meet at [REDACTED] and [REDACTED] Street and were briefed about [REDACTED] where the team devised a plan to place [REDACTED] in custody. During the debrief, Officer [REDACTED] learned [REDACTED] had a warrant and had an investigative alert. Officer [REDACTED] was still doing surveillance on [REDACTED] at [REDACTED] Street. During the briefing, Officer [REDACTED] alerted the officers via car-to-car radio<sup>23</sup> that he observed [REDACTED] leave his residence and walk south on [REDACTED] Street towards [REDACTED] Street. [REDACTED] to the southside of [REDACTED] Street and started to walk east. Officer [REDACTED] and the IDOC agents got back into Officer [REDACTED] vehicle<sup>24</sup> and drove towards [REDACTED] location.

Officer [REDACTED] drove west on [REDACTED] Street as [REDACTED] walked east on [REDACTED] Street. Officer [REDACTED] activated the emergency equipment on his vehicle and started to drive over the median to the southside of [REDACTED] Street. [REDACTED] started to run in a northwest direction and [REDACTED] over to the northside of [REDACTED] Street. [REDACTED] continued to flee and ran in between a church and abandoned tavern. Officer [REDACTED] pulled his vehicle over to the northside of [REDACTED] Street, parked the vehicle, and exited. Officer [REDACTED] and Agent [REDACTED] then started to pursue [REDACTED] on foot as [REDACTED] continued to flee northbound. As [REDACTED] ran, Officer [REDACTED] observed [REDACTED] with a handgun in his right hand. Officer [REDACTED] described the handgun as blue steel semi-automatic pistol. Officer [REDACTED] yelled “gun, gun, gun”<sup>25</sup> via car-to-car radio.

Officer [REDACTED] lost sight of [REDACTED] as [REDACTED] ran behind the tavern. Officer [REDACTED] decided to double-back and run around the front of the tavern. Before Officer [REDACTED] got to the front of the tavern, he heard three gunshots. Officer [REDACTED] switched from car-to-car radio to the [REDACTED] District radio zone and called a “10-1.”<sup>26</sup> Officer [REDACTED] provided the address of [REDACTED] and

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<sup>19</sup> Page 35, Lines 27-28

<sup>20</sup> Attachment 80

<sup>21</sup> Detective [REDACTED] and Officer [REDACTED] were driving separate vehicles.

<sup>22</sup> Now known as IDOC Agent [REDACTED]

<sup>23</sup> Allows officers to communicate with each other via radio without a dispatcher. Conversations are not recorded.

<sup>24</sup> Officer [REDACTED] was the driver; Agent [REDACTED] was the front passenger; Agent [REDACTED] sat in the backseat behind Agent [REDACTED] and Agent [REDACTED] sat in the backseat behind Officer [REDACTED]

<sup>25</sup> Page 12, Line 17; Page 32, Line 18

<sup>26</sup> Emergency or Officer needs assistance.

Street and requested an ambulance. At that time, Officer did not know if had shot at an officer or if an officer had shot at . When Officer made it past the tavern, he observed officers detaining and realized that had been shot. U.S. Marshal was rendering first aid to . Officer then observed officers jump a privacy fence and recalled that Officer was one of the officers who jumped the fence. Officer looked over the fence and observed officers in the yard. Officer went over to the yard and observed a handgun on the sidewalk. Officer did not observe Detective shoot .

In a statement with IPRA on May 18, 2016, Officer stated that on the date of incident he was assigned to the District Tactical Unit and was partnered with Officer . Officers and went to the briefing at and Street and were informed had an investigative alert for an armed robbery, with probable cause to arrest, and a parole violation. During the briefing, Officer who was still doing surveillance on informed them that had walked out of his house and was going south on Street towards Street. Officers and proceeded to get in their unmarked vehicle and drive west on Street. Officer was the driver. Officer observed running northbound Street. continued to run north through a vacant lot that had foliage and trees. Officer turned north on Street and parked. Officer exited the vehicle and started to run north on Street.

As Officer ran north on Street, he observed running north with a handgun in his right hand. Officer described the gun as a dark semi-automatic pistol. Officer yelled "gun"<sup>28</sup> several times to alert the other officers. then ran east towards Officer direction. Officer stated Detective who was already on Street, was to the right of him. Officer stated that "the offender came up with the gun and pointed it directly at Detective "<sup>29</sup> Detective yelled out, "Police, drop the gun. Drop the gun. Drop the gun,"<sup>30</sup> and then discharged his firearm three times. Officer stated that at that time he had his firearm in his hand. Officer tried to get in a position to shoot at but he did not have a good position to shoot.<sup>31</sup> then tossed the gun over a fence and onto the property at Street. Officer heard the metal of the gun hit a brick or the concrete. fell to the ground. Officer went over the fence to guard the gun so no one could come out and hurt themselves or take the gun.

In a statement with IPRA on May 18, 2016, Officer stated that, on the date of the incident, he was assigned to the District Tactical Unit and was partnered with Officer in an unmarked vehicle. Officer attended the briefing on and Street and learned had a warrant and an investigative alert. During the briefing, Officer was informed was on the move and an order was given to apprehend . As walked east on Street, officers attempted to apprehend him. fled northbound from

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<sup>27</sup> Attachment 66, 118

<sup>28</sup> Page 13, Line 21

<sup>29</sup> Page 14, Lines 25-27

<sup>30</sup> Page 41, Lines 27-28

<sup>31</sup> Page 14, Lines 30-32

<sup>32</sup> Attachment 68, 126

Street to a wooded area. As [REDACTED] fled, Officer [REDACTED] observed [REDACTED] with a black semi-automatic handgun in his right hand. Officers [REDACTED] and [REDACTED] went north on [REDACTED] Street, parked, and exited the vehicle. [REDACTED] who was now running east, raised the gun in the direction of Detective [REDACTED]. Detective [REDACTED] discharged his firearm two or three times. [REDACTED] then tossed the handgun over a fence. Officer [REDACTED] had his firearm out but did not discharge his firearm because he did not have a clear line of sight.

In a statement with IPRA on May 17, 2016, Officer [REDACTED] [REDACTED] stated that on the date of the incident he was assigned to the [REDACTED] Unit and was partnered with Officer [REDACTED]. Officer [REDACTED] went to the debrief on [REDACTED] and [REDACTED] Street. After being alerted that [REDACTED] was on the move, Officer [REDACTED] observed [REDACTED] run north [REDACTED] Street. At that time, Officer [REDACTED] heard Officer [REDACTED] and possibly more officers, call out that [REDACTED] had a gun. Officers [REDACTED] and [REDACTED] drove north on [REDACTED] Street, parked, and then exited their covert vehicle. Officer [REDACTED] was the driver of the covert vehicle. Officer [REDACTED] then observed [REDACTED] running east with a handgun in his hand. Officer [REDACTED] described the handgun as a black or dark semi-automatic pistol. Officer [REDACTED] yelled, "Police drop the gun. Drop it. Drop it."<sup>34</sup> Detective [REDACTED] yelled the same thing. [REDACTED] then raised the gun toward Detective [REDACTED]. Officer [REDACTED] stated Detective [REDACTED] was ahead of him. Detective [REDACTED] discharged his firearm three times at [REDACTED]. [REDACTED] tossed the handgun over a fence and fell to the ground. Officer [REDACTED] recalled hearing the handgun hit a wall or something. Officer [REDACTED] stated he had his firearm out, but he did not discharge his firearm because he did not have a clean shot.

In a statement with IPRA on May 17, 2016, Officer [REDACTED] [REDACTED] stated that on the date of the incident he was assigned to the [REDACTED] Unit and partnered with Officer [REDACTED]. Officer [REDACTED] went to the vicinity of the location of incident to help devise a plan to apprehend [REDACTED]. While devising a plan, Officer [REDACTED] alerted the officers that [REDACTED] had exited his house and started walking east on the southside of [REDACTED] Street. Officer [REDACTED] attempted to apprehend [REDACTED] but [REDACTED] fled north [REDACTED] Street between [REDACTED] Street and [REDACTED] Street. As [REDACTED] ran, Officer [REDACTED] pursued [REDACTED] on foot. Officers [REDACTED] and [REDACTED] drove north on [REDACTED] Street.

Officer [REDACTED] informed officers via the radio that [REDACTED] had a gun and was fleeing northbound. Detective [REDACTED] yelled "police, police" and "drop the gun"<sup>36</sup> multiple times. Once on [REDACTED] Street, Officer [REDACTED] observed [REDACTED] continuing to flee while holding a black handgun in his right hand. Officer [REDACTED] exited his vehicle and ran toward [REDACTED] direction. As Officer [REDACTED] ran towards [REDACTED] he yelled, "Police, drop the gun"<sup>37</sup>. [REDACTED] ran in the direction of Detective [REDACTED]. Officer [REDACTED] and other officers with the handgun in his hand. [REDACTED] then pointed the handgun in the direction of Detective [REDACTED]. Officer [REDACTED] and other officers. Detective [REDACTED] discharged his firearm three times. [REDACTED] then threw the handgun over a privacy fence and

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<sup>33</sup> Attachment 60, 81

<sup>34</sup> Page 23, Lines 27-28

<sup>35</sup> Attachment 82

<sup>36</sup> Page 21, Lines 9-10

<sup>37</sup> Page 22, Line 14

he fell to the ground. Officer ██████ stated he had his firearm un-holstered, but he did not discharge his firearm, because Detective ██████ was in front of him and was in his “field of fire.”<sup>38</sup>

In a statement with IPRA on June 7, 2016, **IDOC Agent ██████** stated on the date of the incident he was assigned to the ██████ for Department of Corrections (DOC) and was part of the U.S. Marshals Task Force. Agent ██████ received a telephone call from U.S. Marshal ██████ and Officer ██████ informing him of the situation with ██████<sup>40</sup> Agent ██████ went to the briefing for ██████ at ██████ and ██████ Street and was informed that ██████ was a robbery suspect and had a parole warrant. Officers attempted to take ██████ into custody on ██████ Street, but he fled. Agent ██████ stated that Officer ██████ was the first vehicle going westbound, Detective ██████ was the second, and he (Agent ██████) was the third vehicle. Agent ██████ did not know who was behind him.

As ██████ fled, an officer reported via radio that ██████ had a gun in his hand. Agent ██████ turned north onto ██████ Street from ██████ Street. As Agent ██████ was exiting his vehicle, he heard Detective ██████ yell “stop police”<sup>41</sup> and observed ██████ running east. At that time, Agent ██████ could not see what, if anything, was in ██████ hands because Detective ██████ vehicle was obstructing his view of ██████ body. Agent ██████ stated that Detective ██████ vehicle was parked on the westside of ██████ Street while his vehicle was parked on the eastside. As Agent ██████ proceeded to run towards ██████ he heard two or three gunshots. Agent ██████ then observed ██████ on the ground. An unidentified officer stated that ██████ had thrown a gun over the fence. Agent ██████ ran towards the yard where the gun was thrown and observed the gun.

In a statement with IPRA on June 9, 2016, **IDOC Agent ██████** stated that, on the date of the incident, he was assigned to the ██████ Unit and was part of the U.S. Marshals ██████ Agent ██████ provide similar details as provided in Officer ██████ statement. Agent ██████ added that, as ██████ fled north from ██████ Street on foot, he and Officer ██████ pursued ██████ ran through an area covered with debris. Agent ██████ yelled, “stop police”<sup>43</sup> as ██████ fled. As ██████ ran, he fell, stood back up, got his balance, and continued to flee. Agent ██████ continued to pursue ██████ but also fell. After falling, Agent ██████ got back up and heard verbal commands for ██████ to stop and heard someone yell “gun” Agent ██████ stated that ██████ was out of his sight. Agent ██████ then heard three gunshots. Shortly afterwards, Agent ██████ observed ██████ on the ground, and someone was rendering aid to ██████ Agent ██████ did not see ██████ with a gun.

In a statement with IPRA on June 9, 2016, **IDOC Agent ██████** stated that, on the date of the incident, he was assigned to the Illinois Department of Corrections ██████ Unit and part of the ██████ Team. Agent ██████ went to the briefing at

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<sup>38</sup> Page 22, Lines 28-29

<sup>39</sup> Attachment 89, ██████

<sup>40</sup> U.S. Marshals ██████ requested assistance with ██████ arrest. Officer ██████ told Agent ██████ that he observed ██████ with a gun.

<sup>41</sup> Page 29, Line 6

<sup>42</sup> Attachment ██████

<sup>43</sup> Page 34, Line 22

<sup>44</sup> Attachment 105, 123

█ and █ Street. Once officers learned █ was on the move, they decided to apprehend him. Agent █ got into his vehicle alone and followed the vehicles in front of him. As Agent █ followed the vehicles going west on █ Street, he heard someone yell “gun” and then heard more than two gunshots. When Agent █ arrived at the location of the incident, █ was already on the ground. Agent █ stated that Agent █ said █ tossed a gun over a fence. Agent █ stated he observed a gun by a single-family residence.<sup>45</sup> Agent █ described the gun as black and █ with the brown possibly being on the grip, semi-automatic pistol. Agent █ did not witness the shooting.

In a statement with IPRA on June 9, 2016, **IDOC Agent █** stated that, on the date of the incident, she was assigned to the █ Unit. Agent █ provided similar details as in Officer █ statement. Agent █ reiterated that she was working with Officer █ and Agents █ and █. Agent █ clarified that Officer █ and Agent █ received a phone call for assistance with █ arrest. Agent █ added that, after Officer █ stopped his vehicle on the northside of █ Street,<sup>47</sup> she exited the vehicle to pursue █ ran north, between █ Street and █ Street, by a building in between a grassy wooden area. Agent █ ran east on █ Street towards █ Street. As Agent █ ran, she heard “stop police” and “he (█ has a gun” via car-to-car radio. Agent █ then heard numerous gunshots. Agent █ then ran north on █ Street and observed that █ had been injured. U.S. Marshal █ was rendering aid to █. Agent █ did not observe █ with the gun and did not witness Detective █ discharge his firearm.

In a statement with IPRA on June 9, 2016, **IDOC Agent █** stated that, on the date of the incident, she was assigned to the █ Unit. Agent █ provided similar details as in Officer █ statement. Agent █ clarified that Officer █ received a phone call from Officer █ for assistance with █ arrest. Agent █ added that, after Officer █ stopped their vehicle on the northside of █ Street facing north, she exited the vehicle to pursue █ ran north and cut in between a bar, so Agent █ ran east towards █ Street. Agent █ believed that █ would come from around the bar and start running east. Officer █, Agent █ and U.S. Marshal █ pursued █ around the bar.

As Agent █ ran, she heard officers yell “stop police” via car-to-car radio and verbally yelling. Agent █ stated she heard someone else’s radio because she did not have her radio on her that day. Agent █ then heard someone yell “he (█ got a gun” and shortly afterwards heard three gunshots. When Agent █ made it to █ Street, she observed that █ had been injured. U.S. Marshal █ was rendering first aid to █. Agent █ stated, after the shooting, Detective █ stated, “He was like, he was like why’d

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<sup>45</sup> The gun was located at █ S. █ Street.

<sup>46</sup> Attachment 97, 124

<sup>47</sup> Agent █ stated that Officer █ parked the vehicle facing north on █ Street.

<sup>48</sup> Attachment 127

<sup>49</sup> Agent █ stated that at some point U.S. Marshals █ went around the bar to pursue █ but initially it was Officer █ and Agent █

he make me shoot em? He pointed that thing right at me.”<sup>50</sup> Agent ██████ did not observe ██████ with the gun and did not witness Detective ██████ discharge his firearm.

In a statement with COPA on February 20, 2018, Detective ██████ stated, that on the date of the incident, he was on-duty and assigned to the ██████ Unit. Detective ██████ stated he is part of the U.S. Marshal ██████ Detective ██████ was partnered with Officer ██████ but Officer ██████ was driving another vehicle. Detective ██████ responded to the location of incident after receiving a telephone call from Officer ██████ Officer ██████ informed Detective ██████ to meet up near ██████ Street and ██████ Street to effect an arrest with other members of the ██████ unit. Upon arrival near ██████ and ██████ Street, Detective ██████ met with multiple team members which included U.S. Marshals, IDOC, and CPD personnel. Detective ██████ was shown a picture of ██████ and was told that ██████ had retrieved a firearm from a female’s purse and placed the firearm in his jacket pocket.

After being informed of the reason he was called, there was discussion on how the officers were going to approach ██████ house. Halfway during the briefing, Officer ██████ called Officer ██████ (currently a Sergeant) and informed him that ██████ was outside and walking south on ██████ Street toward ██████ Street. All of the officers proceeded to get into their vehicles. Detective ██████ drove north on Peoria Street then west on ██████ Street. Officer ██████ was the lead vehicle while Detective ██████ was the second or third vehicle. As Officer ██████ became adjacent with ██████ who was now walking east on the southside of ██████ Street, he activated his emergency equipment.

Officer ██████ drove toward the eastbound lane of ██████ Street to block ██████ from escaping.<sup>52</sup> Detective ██████ activated his lights and then observed ██████ fleeing north ██████ Street. Officer ██████ announced via cat-to-car radio, that ██████ was running and had a gun in his hand. Detective ██████ made a right turn onto ██████ Street, from ██████ Street, and proceeded to go north.<sup>53</sup> Detective ██████ stated that he thought there was an alley that ran parallel with ██████ Street, so he believed he would be able to either enter the alley or somehow get ahead of ██████ to stop him from fleeing.

████████ continued to run. Detective ██████ described the area that ██████ ran into as “shrubby and trees, so it was intermittent.”<sup>54</sup> Detective ██████ observed ██████ side profile as he ran and observed what he believed to be the shape of semi-automatic handgun in ██████ right hand. Detective ██████ observed that there was no alley, instead an easement, so he pulled his vehicle over, parked, and exited. Detective ██████ drew his firearm, took approximately six steps, and heard Officer ██████ state via radio, “He still has a gun. He still has a gun.”<sup>55</sup> Detective ██████ then observed ██████ traveling east through the easement area and coming in his (Detective ██████ direction. Detective ██████ stopped, took a good standing position, pointed the firearm in ██████ direction, and yelled, “Police, police,” at least three to four times.<sup>56</sup> ██████ right hand

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<sup>50</sup> Page 56, Lines 14-16

<sup>51</sup> Attachment 147

<sup>52</sup> Officer ██████ was in the westbound lane on ██████ Street.

<sup>53</sup> Detective ██████ stated he turned onto ██████ Street to parallel ██████

<sup>54</sup> Page 43, Lines 9-10

<sup>55</sup> Page 19, Lines 23-24

<sup>56</sup> Page 20, Line 14

started to come up, and Detective █████ observed the top of a semi-automatic weapon, which he described as rectangular shape and dark color.

█████ pointed the gun at Detective █████ Detective █████ yelled, “Drop the gun. Drop the gun,”<sup>57</sup> as soon as he knew it was a gun pointed at him. Once █████ had the gun in a firing position, Detective █████ discharged his firearm three times. According to Detective █████ on the third gunshot █████ turned away from his (Detective █████ direction, so he stopped discharging his firearm. Detective █████ stated, “He (█████ turned, threw the gun in a open, like a overhand baseball kind of throw, or grenade toss, if you will.”<sup>58</sup> █████ fell to the ground. Detective █████ approached and realized that █████ was shot. U.S. Marshal █████ approached █████ and rendered first aid, while Officer █████ jumped over a fence in the direction of where the firearm was thrown. Detective █████ stated, “I thought he (█████ was gonna shoot me, and I definitely felt that my life was in jeopardy, at that point.”<sup>59</sup> Detective █████ stated the justification for the shooting was, “My life was in immediate threat, at that point, or doing, pointing his weapon at me.”<sup>60</sup>

## b. Digital Evidence

**Office of Emergency Management and Communications**<sup>61</sup> records document that on May 06, 2016, at approximately 09:32 a.m., officers radioed a “10-1”<sup>62</sup> at █████ and █████ Street. An officer reported “shots fired” and a “man with a gun.” Subsequently, an ambulance was requested to the scene and “shots were fired by the police” was reported.

**Evidence Technician Photographs and Video**<sup>63</sup> depict the scene and recovered evidence. Photographs of the recovered handgun depicted the gun to have a black barrel with a brown handle.

**Vivint Smart Home** surveillance footage<sup>64</sup> and **In-Car Camera** footage<sup>65</sup> did not capture the incident.

## c. Physical Evidence

A **Chicago Fire Department Ambulance Report**<sup>66</sup> documented that an ambulance arrived at the scene on May 06, 2016, at 09:38 a.m. █████ had been shot on the right side of his abdomen. There was a bullet hole on █████ right side and one in his middle upper abdomen. According to the report, it appeared that there was a bullet sticking out of █████ mid abdomen hole. █████ was transported to Christ Hospital.

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<sup>57</sup> Page 20, Line 24

<sup>58</sup> Page 21, Lines 9-11

<sup>59</sup> Page 54, Lines 5-7

<sup>60</sup> Page 75, Lines 21-2

<sup>61</sup> Attachment 52

<sup>62</sup> Emergency and/or officer needs assistance.

<sup>63</sup> Attachments 43-50

<sup>64</sup> Attachments 36-37, 134

<sup>65</sup> Attachments 39-42, 116

<sup>66</sup> Attachment 20

**Medical Records from Christ Hospital**<sup>67</sup> document that on May 06, 2016, ██████ received treatment for gunshot wounds. ██████ was diagnosed with a gunshot wound, rib fracture, and liver laceration.

**CPD Crime Scene Processing Report**<sup>68</sup> # ██████ documented the evidence identified, collected, and inventoried in connection with this incident; including, but not limited to, the following:

- Inventory # ██████ - three 9mm Luger expended shell casings recovered at ██████ Street on the sidewalk.<sup>69</sup>
- Inventory # ██████ - a Bersa model 85, .380 caliber, semi-automatic pistol recovered on the walkway of ██████ S. ██████ Street.
- Inventory # ██████ - a damaged internal magazine spring.
- Inventory # ██████ - a damaged plastic magazine internal.
- Inventory # ██████ - contained a damaged external base magazine.
- Inventory # ██████ - two R-P .380 caliber live cartridges.
- Inventory # ██████ - Detective ██████ firearm, a Glock model 17, 9mm semi-automatic pistol with fifteen (15) 9mm Luger unfired cartridge cases.<sup>70</sup>

**Illinois State Police (ISP) Forensic Science Laboratory Report** dated June 23, 2016,<sup>71</sup> documented that a spring (Inventory # ██████) two pieces of plastic (Inventory #'s ██████ and ██████) and two live cartridges (Inventory # ██████) were examined but did not reveal any latent<sup>72</sup> impressions suitable for comparison.

An ISP Report dated May 23, 2016,<sup>73</sup> documented that Detective ██████ gun, a Glock model 17, 9mm semi-automatic pistol, Serial # ██████ and a gun magazine (Inventory # ██████) were examined and found to be operable. Three Winchester 9mm Luger + P fired cartridge cases (Inventory # ██████) were examined and determined to be fired from Detective ██████ firearm.

An ISP Report dated September 6, 2016,<sup>74</sup> documented that the recovered Bersa model 85, .380 caliber, semi-automatic pistol, Serial # ██████ a gun magazine, and six unfired cartridges (Inventory # ██████) were examined and found to be operable. One of the six unfired cartridges was test fired and entered into the IBIS<sup>75</sup> database, but no identification was made. The gun magazine did fit into the Bersa, but it did not function.

#### **d. Documentary Evidence**

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<sup>67</sup> Attachment 114

<sup>68</sup> Attachment 55

<sup>69</sup> The 9mm Luger expended shell casings were discharged from Detective ██████ firearm.

<sup>70</sup> Detective ██████ firearm had a capacity of seventeen bullets in the magazine plus one bullet in the chamber.

<sup>71</sup> Attachment 128

<sup>72</sup> Fingerprints

<sup>73</sup> Attachment 117

<sup>74</sup> Attachment 154

<sup>75</sup> Integrated Ballistics Identification System

An **Investigative Alert**, Stop Order Number ██████ documented that ██████ was positively identified in a photo array by a victim as an offender who robbed her on January 16, 2016.

An **Arrest Report**<sup>77</sup> for Aggravated Assault – Peace Officer/Weapon, UUW<sup>78</sup> – Weapon – Felon Possession/ Use Firearm/Parole, Issuance of Warrant, and Robbery documented that officers were conducting an investigation on ██████ who was wanted for an IDOC warrant and investigative alert. Officers performed a felony stop at which time ██████ fled on foot. While officers were in pursuit of ██████ raised a gun and pointed it at officers. At this time, Detective ██████ in fear of his life, fellow officers, and the general public, fired at ██████ striking him once. ██████ was placed in custody and transported to Christ Hospital for medical treatment.

An **Original Case Incident Report**<sup>79</sup> for Weapons Violation – Unlawful Possession of Handgun documented the incident.

The **Case Supplementary Report**<sup>80</sup> provided similar information as stated by all the witnesses and Detective ██████. The Case Report added Detective ██████ account. Detective ██████ stated he was working with Officer ██████ when he heard an officer announce over the radio, “Gun, gun, gun.” Detective ██████ then heard two or three gunshots.

The case report added U.S. Marshal ██████ account of the incident. U.S. Marshal ██████ stated that he was assigned to the Great Lake Regional ██████ on the date of the incident, and the task force planned to locate and apprehend ██████ on outstanding warrants. Officer ██████ told U.S. Marshal ██████ that he observed ██████ in possession of a handgun. U.S. Marshal ██████ met up with other members of the task force at ██████ and ██████ Street. While strategizing about apprehending ██████ Officer ██████ informed the group that ██████ was traveling on foot southbound toward ██████ Street. The group disembarked and went to catch ██████ with the plan to approach and apprehend him on ██████ Street. U.S. Marshal ██████ related that, as they approached ██████ he fled on foot through a wooded lot on ██████ Street north towards ██████ Street. U.S. Marshal ██████ lost sight of ██████ due to a building. As U.S. Marshal ██████ turned down ██████ Street he heard gunshots. U.S. Marshal ██████ exited his vehicle and approached the scene. ██████ was down with a gunshot wound. U.S. Marshal ██████ related that he cut ██████ shirt off and applied a gauze and pressure to ██████ wounds until paramedics arrived. U.S. Marshal ██████ stated that he did not observe the officer-involved shooting.

The case report further added that detectives spoke with ██████ who stated he knew he had a warrant and started to run with the police behind him. As he ran, he heard some gunshots and was shot. ██████ denied having a gun or having a weapon during the foot chase with the officer. When questioned if he had a gun earlier that day, ██████ denied having a gun and stated

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<sup>76</sup> Attachment 70

<sup>77</sup> Attachment 5

<sup>78</sup> Unlawful Use of Weapon

<sup>79</sup> Attachment 7

<sup>80</sup> Attachment 150

that he was with a girl he knew as ██████████ (██████████<sup>81</sup>. ██████████ was interviewed again. During the second interview, ██████████ stated that as he ran he heard the police say, “He’s got a gun.” ██████████ stopped after that, and the police shot him. ██████████ denied taking a gun from ██████████

**Illinois Department of Corrections Incident (IDOC) Reports**<sup>82</sup> from Senior Parole Agents ██████████ and ██████████ documented the officers heard someone yell, “He (██████████ has a gun,” prior to hearing gunshots.

A **Tactical Response Report (TRR)**<sup>83</sup> completed by Detective ██████████ documented that ██████████ had a weapon and used force likely to cause death or great bodily harm. Detective ██████████ who was not in uniform, responded with member’s presence, verbal commands, and the discharge of his firearm three (3) times.

The **Officer’s Battery Report (OBR)**<sup>85</sup> completed by Detective ██████████ documented that he was on-duty, in citizen’s dress, with multiple partners (20), with USMS<sup>87</sup> Task Force (CPD). ██████████ had a semi-automatic pistol and had an officer (Detective ██████████ at gunpoint. Detective ██████████ did not sustain any injuries.

CPD’s Bureau of Internal Affairs conducted an **alcohol and drug test**<sup>88</sup> of Detective ██████████ on May 06, 2016, beginning at approximately 10:50 a.m., and the tests revealed that there were no drugs or alcohol in his system.

The **IPRA Preliminary Report** and the **CPD’s Major Incident Notification (MIN) Report** both contain information identified and obtained in the preliminary stages of the investigation.<sup>89</sup>

**Court Records**<sup>90</sup> document that ██████████ plead guilty to Felon Possession/Use of Firearm/Parole and was sentenced to three years. Other charges against ██████████ were Nolle Prosequi.<sup>91</sup>

## VI. ANALYSIS

### a. Legal Standard

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<sup>81</sup> Detectives interviewed ██████████ who provided the same information in her statement to IPRA.

<sup>82</sup> Attachments 83-87

<sup>83</sup> Attachment 8

<sup>84</sup> Detective ██████████ stated in his interview to COPA that Sergeant ██████████ completed his TRR for him, and he (Detective ██████████ gave it a quick once over prior to it being submitted, Attachment 147, Page 72, Lines 15-22.

<sup>85</sup> Attachment 9

<sup>86</sup> Detective ██████████ stated in his interview to COPA that Sergeant ██████████ completed his TRR for him and he (Detective ██████████ gave it a quick once over prior to it being submitted, Attachment 147, Page 72, Lines 15-22. The OBR was automatically completed with the TRR.

<sup>87</sup> United States Marshals Service

<sup>88</sup> Attachment 51

<sup>89</sup> Attachments 4 and 79

<sup>90</sup> Attachment 155

<sup>91</sup> Motion made by prosecution to no longer prosecute.

1. Use of Deadly Force

Consistent with Illinois state law as codified at 720 ILCS 5/7-5, according to the Chicago Police Department's General Order 03-02-03, Section II, A.<sup>92</sup>

A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or:
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
  - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
  - b. is attempting to escape by use of a deadly weapon or;
  - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

In addition, the use of deadly force is codified under 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

...a peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...

720 ILCS 5/7-5 (1986).

Finally, determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;"

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<sup>92</sup> This report references the version of General Order 03-02-03 in effect on the date of incident. The Department has subsequently amended its Use of Force Policy.

and (3) “whether he is actively resisting arrest or attempting to evade arrest by flight.” *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). The analysis of the reasonableness of an officer’s actions must be grounded in the perspective of “a reasonable officer on the scene, rather than with the 20/20 vision of hindsight” and “allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Plumhoff v. Rickard*, 134 S. Ct. 2012 (2014) (internal quotations and citation omitted). The analysis must take into account the totality of the circumstances confronting the officer, rather than just one or two factors. *Plumhoff*, 134 S. Ct. at 2020; see also *Scott v. Edinburg*, 346 F.3d 752, 756 (7th Cir. 2003).

## 2. Standard of Proof

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 occurred and violated 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 misconduct occurred, 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.

### b. Analysis of the Allegation Against Detective [REDACTED]

The evidence demonstrates that Detective [REDACTED] reasonably believed that deadly force was necessary to prevent [REDACTED] from causing death or bodily harm to himself and that his decision to discharge his firearm three (3) times at [REDACTED] was objectively reasonable under the totality of the circumstances.

First, Detective ██████ had sufficient basis to believe that ██████ was armed and dangerous. There was an IDOC warrant for ██████ arrest for a parole violation and an investigative alert noting that ██████ had been identified by a victim as an offender in a robbery. Furthermore, Officer ██████ requested assistance in arresting ██████ after he observed ██████ remove a handgun from ██████ bag. Officer ██████ reported his observations to the other members of the task force. Although ██████ denied that ██████ provided him a handgun, ██████ corroborated Officer ██████ statement and expressly stated that she returned ██████ handgun to ██████ in front of ██████ house. ██████ described the handgun as having a black barrel and a brown handle. ET photographs demonstrate that the firearm recovered at the scene matched ██████ description.

Second, there is clear and convincing evidence to demonstrate that ██████ approached Detective ██████ with a handgun in his right hand, ignored all verbal commands to drop the handgun, and pointed the handgun in Detective ██████ and other officers’ general direction. Although ██████ told CPD detectives and IPRA investigators that he did not possess a firearm, COPA finds that ██████ did possess a firearm. ██████ own acquaintance, ██████ even admits to returning the firearm to ██████ immediately prior to the shooting. Additionally, multiple officers from various law enforcement agencies stated that they personally observed ██████ with a firearm in his right hand during the incident, heard Detective ██████ provide verbal commands to “drop the gun”, and that they observed ██████ point the firearm in Detective ██████ direction. Furthermore, a firearm was recovered at the scene that matched the general description provided by the witness officers and ██████. Finally, ██████ ultimately pled guilty to an unlawful possession of a firearm (720 ILCS 5/24-1.1).

**VII. CONCLUSION AND FINDING**

The evidence shows that an officer with similar training and experience would reasonably believe that ██████ posed an immediate threat of death or great bodily harm to an officer and that the use deadly force was necessary to prevent death or great bodily harm. Accordingly, Detective ██████ use of deadly force was objectively reasonable as outlined by the Chicago Police Department’s General Order 03-02-03, II; and the Illinois State statute. Detective ██████ use of force also complied with the Fourth Amendment. The evidence demonstrates that Detective ██████ use of force was reasonable and complied with Department policy.

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

Officer	Allegation	Finding
Detective ██████ █████	1. Discharged your firearm at ██████ striking him, in violation of General Order G03-02-03.	Exonerated

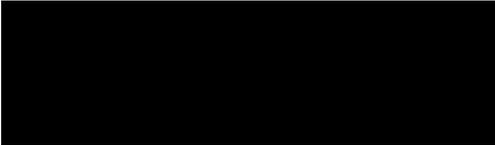
Approved:



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\_\_\_\_\_  
Andrea Kersten  
*Deputy Chief Administrator*

Date: October 15, 2019



Sydney Roberts  
*Chief Administrator*

Date: October 15, 2019

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	7
<b>Major Case Specialist</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	Andrea Kersten