

REPORT OF SUMMARY INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 4, 2019
Time of Incident:	8:34 pm
Location of Incident:	3924 West Wilcox Street
Date of COPA Notification:	December 4, 2019
Time of COPA Notification:	9:01 pm

On the date of the incident, Officers Diondre Sweezer #19307 and Javier Collazo #11471 were working routine patrol when they arrived at the 3900 block of West Wilcox Street to assist two Tactical Team members who were conducting a traffic stop. As the officers headed westbound on Wilcox Street, Officer Sweezer observed an individual, now known to be ██████████ cross the street adjusting the right side of his waistband. Officer Sweezer exited to conduct a field interview and ██████████ ran away from the officer. ██████████ ran northbound in a vacant lot and fell to the ground. Officer Sweezer then observed a firearm in ██████████ right hand. ██████████ got up and ran to the north alley of Wilcox and then westbound in the alley. Officer Sweezer ordered ██████████ to stop, but ██████████ did not comply. When ██████████ reached the rear gate to a residential property, he turned toward Officer Sweezer. Fearing that ██████████ was about to shoot him, Officer Sweezer discharged his firearm six times, striking ██████████ multiple times. ██████████ ran through the gangway of the residential property, to the front yard, where Officer Sweezer placed him into custody. A firearm was recovered near the rear gate.

The COPA investigation further revealed that Officer Collazo accompanied Officer Sweezer in the transport to the hospital after an ambulance was requested for Officer Sweezer due to shortness of breath. COPA brought allegations against Commander Jason Brown and Sergeant Thomas Barnett for failing to ensure that the two officers remained separate from each other following an officer-involved shooting.

II. INVOLVED PARTIES

Involved Officer #1:	Sweezer, Diondre; star #19307; employee ID# ██████████; Date of Appointment: December 2, 2013; Police Officer; Unit 193 (Gang Investigations) ¹ ; DOB: ██████████, 1983; Male; Black.
Involved Sergeant #2:	Barnett, Thomas; star #2102; employee ID# ██████████; Date of Appointment: January 24, 2000; Sergeant; Unit 124 (Training and Support Group); DOB: ██████████, 1977; Male; White.

¹ At the time of the officer-involved shooting, Officer Sweezer was assigned to Unit 011.

Involved Commander #3:

Brown, Jason; star #668; employee ID# [REDACTED]; Date of Appointment: August 4, 1997; Commander;² Unit 189 (Narcotics and Vice Division); DOB: [REDACTED], 1973; Male; White.

Involved Individual #1:

[REDACTED] DOB: [REDACTED], 1994; Male; Black.

III. ALLEGATIONS

Pursuant to section 2-78-120 of the Municipal Code of Chicago, the Civilian Office of Police Accountability (COPA) has a duty to investigate all incidents in which a Chicago Police Department (CPD) member discharges their firearm. During COPA’s investigation, it was determined that the firearm discharge by Officer Sweezer was within policy. However, during the investigation, allegations were brought against Commander Brown and Sergeant Barnett for failing to ensure that Officers Sweezer and Collazo remained separate from each other following Officer Sweezer’s firearm discharge.

Officer	Allegation	Finding
Commander Jason Brown #668	1.It is alleged that on or about December 4, 2019, at approximately 8:34 p.m., in the vicinity of [REDACTED] Street, Lieutenant Jason Brown #668 failed to ensure that the involved member, Officer Diondre Sweezer #19307, and his partner, Officer Javier Collazo #11471, remained separate from each other following an officer-involved shooting, in violation of General Order G03-02-03.	Sustained
Sergeant Thomas Barnett #2102	1. It is alleged that on or about December 4, 2019, at approximately 8:34 p.m., in the vicinity of [REDACTED] Street, Sergeant Thomas Barnett #2102 failed to ensure that the involved member, Officer Diondre Sweezer #19307, and his partner, Officer Javier Collazo #11471, remained separate from each other following an officer-involved shooting, in violation of General Order G03-02-03.	Sustained

IV. APPLICABLE RULES AND LAWS

² Commander Brown held the rank of Lieutenant at the time of the incident. Henceforth, he will be referred to as “Commander.”

Rules

1. Rule 2 – Any action which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 5 – Failure to perform any duty.
 3. Rule 6 – Disobedience of an order or directive, whether written or oral.
 4. Rule 10 – Inattention to duty.
 5. Rule 11 – Incompetency or inefficiency in the performance of duty.
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General Orders

1. G03-02, Use of Force (effective October 16, 2017 to February 29, 2020)³
 2. G03-02-01, Force Options (effective October 16, 2017 to February 29, 2020)⁴
 3. G03-02-03, Firearms Discharge Incidents Involving Sworn Members (effective October 16, 2017 to February 29, 2020)⁵
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Federal Laws

1. U.S. Constitution, 4th Amendment
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State Laws

1. 720 ILCS 5/7-5, Peace Officer’s Use of Force in Making Arrest

V. INVESTIGATION⁶**a. Interviews⁷**

In an **Electronically Recorded Interview (ERI)**,⁸ ██████████⁹ stated that on the date of the incident he was the front-seat passenger in a white truck driven by ██████████¹⁰ ██████████ and an unknown back-seat passenger were planning on going to a house on the 3900 block of Wilcox to drink. This was the second or third time visiting the area from his home in Indiana, and he did not know whose house it was. ██████████ stated that there was a black handgun on the truck’s center console but that he was not the owner of the gun and did not know to whom it belonged.

³ Att. 69.

⁴ Att. 80.

⁵ Att. 68.

⁶ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁷ Att. 15. COPA conducted a canvass of the location of incident on December 5, 2019. The canvass did not reveal any additional witnesses or videos.

⁸ Att. 14. CPD detectives conducted the ERI at Mt. Sinai Hospital. The date of the interview was not documented during the interview, but the video’s accompanying information indicates that the interview began at approximately 1:31 pm on December 5, 2019.

⁹ Att. 73. ██████████ attorney declined to make him available for an interview by COPA.

¹⁰ Att. 14 at 4:30. ██████████ called ██████████ his brother and clarified that they are not related by blood but grew up together. ██████████ stated that ██████████ last name is either “████████” or “████████”

However, █████ placed the gun inside the pocket of his jacket and exited the truck to go to the house.

As he crossed the street, █████ observed a police vehicle drive toward him. The officer in the front passenger seat exited the police vehicle and yelled to █████ “You! You! That’s him!”¹¹ █████ stated that he became scared and began to run; however, █████ later admitted that he ran because he had the gun on his person and did not want to get caught with it.¹² █████ ran toward the alley and fell down in a lot. █████ believed that he took the gun out of his pocket when he fell. He got up and ran into the alley and the officer yelled at █████ to stop. █████ reached a gate and tried to open it, but the gate was stuck, at which point █████ turned toward the officer who continued to yell at him. █████ had the gun in his right hand and was also holding onto the gate with the right hand.¹³ █████ stated that his left hand was free. At this point, the officer began shooting at █████ shooting approximately five times. █████ turned back toward the gate, pushed it with both hands and the gun fell from his hand. The gate fell to one side and █████ went through to the front of the property. Another officer ordered him to the ground and handcuffed him. █████ denied pointing the gun at the officer and denied discharging the gun. █████ stated that he was shot in his testicles and the front of both legs.¹⁴

In his **statement to COPA**¹⁵ on April 1, 2020, **Officer Diondre Sweezer #19307**, stated that on December 4, 2019, he was working routine patrol as a member of a Tactical Team in the 011th District. He was the passenger in an unmarked police vehicle driven by his partner, Officer Javier Collazo. The two officers observed two other Tactical officers, Officers Zeman and Goss, conducting a traffic stop on the 3900 block of West Wilcox and turned westbound on Wilcox from Springfield to assist. As Officers Collazo and Sweezer drove westbound on Wilcox, Officer Sweezer observed three individuals crossing the street. One of the individuals, █████ adjusted his waistband and walked at a faster pace ahead of the other two individuals. Officer Sweezer exited the vehicle and turned on his body-worn camera. As Officer Sweezer was exiting, █████ placed his hand in his pocket at which point Officer Sweezer announced his office and told █████ to come to him. █████ began to run clutching his right side and Officer Sweezer pursued him. █████ then ran through a vacant lot, tripped, and fell to the ground. Officer Sweezer observed █████ pull a firearm out of the right pocket of his jacket and the officer unholstered his firearm. █████ stood up and continued running with the firearm in his right hand. █████ turned westbound in the alley and Officer Sweezer continued to give verbal commands for him to stop. When █████ reached the back gate of the residential property at 3924 West Wilcox, he slowed down and turned to face Officer Sweezer. █████ raised his right arm and pointed the firearm at Officer Sweezer, who then discharged his firearm six times at █████. Officer Sweezer stated that the distance between himself and █████ was between seven and fifteen feet. Officer Sweezer then heard █████ pushing the fence and falling to the ground and the officer sought cover behind a garage on the south side of the alley. Officer Sweezer heard █████ get up and run in the gangway. Officer Sweezer then entered through the gate, ran down the gangway, and handcuffed █████. █████ told Officer Sweezer and other officers that he had been shot. Officer Sweezer told the other officers

¹¹ Att. 14 at 1:32.

¹² Att. 14 at 11:35.

¹³ Att. 14 at 16:51.

¹⁴ Att. 14 at 16:40.

¹⁵ Atts. 42, 43.

that [REDACTED] firearm must be in the area and heard an unknown officer in the backyard say that he found it. Officer Sweezer began to feel chest pains and an unknown officer requested ambulances for both [REDACTED] and Officer Sweezer. When the paramedics arrived and decided to transport him to the hospital, Officer Sweezer removed his duty belt and handed it to Commander Brown. Officer Collazo accompanied Officer Sweezer in the ambulance. Officer Sweezer did not know who told his partner to go with him to the hospital. Officer Sweezer stated that he did not discuss the incident with Officer Collazo. Officer Sweezer received medical care at Rush University Medical Center and then returned to the scene where he spoke with Chief O'Donnell.

In his **statement to COPA**¹⁶ on April 1, 2020, **Officer Javier Collazo #11471** stated that he and his partner, Officer Diondre Sweezer, were conducting routine patrol in the 011th District as members of a four-person tactical team that also included Officers Jordan Goss and Edward Zeman. As he was driving southbound on Springfield Avenue, he observed Officers Goss and Zeman conducting a traffic stop on Wilcox Street and turned westbound to assist. Officer Collazo observed two individuals¹⁷ walking across Wilcox to the north sidewalk and slowed down the vehicle to allow them to cross. One of the individuals, now known to be [REDACTED] looked in the direction of the officers and adjusted the front right side of his waistband. Officer Sweezer told Officer Collazo to hold on and exited the police vehicle. Officer Collazo heard his partner announce, "Chicago Police"¹⁸ and observed [REDACTED] flee. Officer Collazo then reversed the police vehicle. Officer Collazo saw that [REDACTED] ran into a vacant lot and he fell to the ground. Officer Sweezer got closer to [REDACTED] but [REDACTED] got up and ran again. [REDACTED] ran to the north alley of Wilcox and turned westbound as Officer Sweezer continued to pursue him. Officer Collazo stated that he did not observe [REDACTED] holding a firearm because the officer remained in the police vehicle, and it was dark outside. Officer Collazo drove westbound on Wilcox to cut off [REDACTED] direction of flight. Officer Collazo passed Officer Goss who looked at him and pointed to the alley. Officer Collazo stated that his windows were rolled up so he could not hear what Officer Goss was saying. Officer Collazo then heard Officer Goss report shots fired over the radio and realized that the shooting may have involved Officer Sweezer. Officer Collazo continued westbound on Wilcox, northbound on Pulaski, then eastbound on Monroe, southbound on Springfield and westbound in the north alley of Wilcox. Officer Collazo stopped at a wrought-iron gate that had been tilted over and observed people at the end of the gangway. Officer Collazo walked through the gangway to the front of the property where [REDACTED] had been placed into custody. Officers Goss and Zeman were also present. Additional officers arrived on scene and rendered aid to [REDACTED] Officer Eugene Vann located a firearm and stood guard over it. Officer Collazo requested an ambulance for his partner, because Officer Sweezer had shortness of breath and had a history of high blood pressure. When the ambulance arrived, Officer Collazo's supervisor, Sergeant Thomas Barnett, told Officer Collazo to accompany his partner in the ambulance to Rush University Hospital. Inside the ambulance, Officer Sweezer answered questions from the paramedic about his health and his vitals. Officer Sweezer did not tell Officer Collazo what had occurred. Officer Collazo remained in the hospital for approximately two hours and then returned to the scene, where he spoke to Chief

¹⁶ Atts. 40, 41.

¹⁷ According to a video recording from Delano Elementary School (Att. 81, 18:38 to 19:00 minutes into recording), three individuals including [REDACTED] exited a white SUV that parked on the south side of Wilcox. [REDACTED] and a second individual crossed in front of Officer Collazo's police vehicle, while the third individual momentarily stopped but eventually crossed the street when Officer Sweezer pursued [REDACTED] on foot.

¹⁸ Att. 41, pg. 16, lns. 4 to 5.

O'Donnell. Afterwards, Officer Collazo headed to the 011th District Station and completed paperwork.

In his **statement to COPA**¹⁹ on December 13, 2019, **Chief James O'Donnell #13**²⁰ stated that he was the on-call incident commander (OCIC) at the time of the officer-involved shooting. Chief O'Donnell arrived at the scene at approximately 9:30 pm and was informed by a Tactical Sergeant in civilian dress that Officer Sweezer and his partner, Officer Collazo, had been separated. Chief O'Donnell could not confirm that the officers had been separated because both officers had left for the hospital by the time he had arrived at the scene. The OCIC had been informed that ██████ had been transported to Mt. Sinai and Officer Sweezer had been transported to Rush for elevated breathing and heartbeat. Commander Jason Brown told Chief O'Donnell that Officers Sweezer and Collazo were in the ambulance, while Beat 1110R, now known to be Sergeant George Kuzmanovski #873, immediately followed in another police vehicle. Commander Brown explained to Chief O'Donnell that the paramedics told him that Officer Sweezer could not have his duty belt on him if he was going to be transported to the hospital. Commander Brown told Chief O'Donnell that he did not want to leave Officer Sweezer without a firearm, so he had to make an immediate decision because the paramedics were ready to go. Commander Brown then ordered Officer Collazo to go with Officer Sweezer. Commander Brown did not know that Officers Sweezer and Collazo were regular partners and thought that Officer Collazo was just another member of the Tactical Team. Commander Brown received Officer Sweezer's duty belt and secured it in his vehicle. When Officer Sweezer returned to the scene after the hospital, Chief O'Donnell told Commander Brown to give the duty belt to the officer and asked Sgt. Kuzmanovski to walk around the scene with Officer Collazo. Chief O'Donnell stated that he later learned that Officer Collazo was not with Officer Sweezer at the time of the shooting.

In his **statement to COPA**²¹ on December 20, 2019, **Chicago Fire Department (CFD) Paramedic Aaron Sniff** stated that on December 4, 2019, he and his supervisor, Ambulance Commander Michael McLaughlin, arrived at the scene of the officer-involved shooting and tended to an officer, while another ambulance tended to the wounded suspect. The officer, now known to be Officer Diondre Sweezer, told the CFD personnel that he was chasing a suspect, whom he shot at six times and wounded in the leg.²² Paramedic Sniff stated that Officer Sweezer appeared distraught. The officer's blood pressure was up, and the officer told the paramedics that he had a history of hypertension. Commander McLaughlin tended to Officer Sweezer, while Paramedic Sniff asked a sergeant in a white shirt to take the officer's sidearm because policy prohibited a patient from carrying a firearm in the ambulance. Paramedic Sniff then drove the ambulance to Rush Presbyterian Hospital and Commander McLaughlin monitored Officer Sweezer in the back of the ambulance. Paramedic Sniff stated that another officer, now known to be Officer Javier Collazo, rode in the back of the ambulance but did not know how Officer Collazo ended up riding with Officer Sweezer. Paramedic Sniff stated that he did not hear any conversations between Commander McLaughlin and the officers and did not hear Officer Collazo describe the incident.

¹⁹ Atts. 20, 75.

²⁰ Chief O'Donnell held the rank of Deputy Chief at the time of the incident. Henceforth, he will be referred to as "Chief."

²¹ Atts. 31, 74.

²² Att. 74, pg. 10, lns. 3 to 7.

Upon arrival at the hospital, the ambulance personnel escorted Officer Sweezer inside the emergency room.

In his **statement to COPA**²³ on January 13, 2020, **CFD Ambulance Commander Michael McLaughlin** stated that at the time of the officer-involved shooting, he and Paramedic Aaron Sniff were dispatched in Ambulance #80 to ██████████ St. for a gunshot victim. Upon arrival at the scene, Commander McLaughlin observed that a paramedic from CFD Engine #95 was already tending to the gunshot victim, now known to be ██████████ and a supervisor directed him to tend to Officer Sweezer, who informed Commander McLaughlin that he was feeling light-headed and out of breath. Commander McLaughlin instructed Paramedic Sniff to ask a CPD sergeant to secure Officer Sweezer's firearm, because the officer was a patient and could not ride armed in the ambulance. A second officer, now known to be Officer Javier Collazo, assisted Officer Sweezer in removing his duty belt and handing it to a third officer on the scene. Officer Collazo then rode in the back of the ambulance with Officer Sweezer. Officer Sweezer requested to be transported to Rush Presbyterian Hospital. During the transport, Officer Sweezer told Commander McLaughlin that he was chasing a suspect for about six blocks and shot at him six times after the suspect pulled out a gun from his waistband and pointed it at the officer. The officer told Commander McLaughlin that he had a history of high cholesterol and hypertension and was taking medication. Commander McLaughlin stated that Paramedic Sniff drove the ambulance while he stayed in the back tending to Officer Sweezer. The ambulance commander stated that he had the full attention of Officer Sweezer, and the officer did not engage in any conversation with Officer Collazo during the transport.

In his **statement to COPA**²⁴ on August 26, 2020, **Commander Jason Brown #668** stated that on December 4, 2019, he was working as the Watch Commander for the 3rd Watch at the 011th District Station when he heard over the radio that an officer was involved in a foot chase of a suspect. Commander Brown then heard an unknown officer report over the radio that shots had been fired by the police and left the district station for the scene. On his way to the location of incident, Commander Brown learned over the radio that the offender, now known to be ██████████ ██████████ was in custody. Commander Brown parked his vehicle at the corner of Wilcox and Springfield and was directed to the scene. Commander Brown ensured that medical attention had been requested for ██████████ and the officers were not looking for additional offenders. Commander Brown then learned from a CPD member that ██████████ was armed and had turned and pointed the gun at Officer Sweezer in the north alley of Wilcox. Commander Brown did not recall who provided that information. Commander Brown then inquired as to the name of the involved officer and learned that it was Officer Sweezer, whom he had met in the past. He was also informed that Officer Sweezer had been involved in an officer-involved shooting several months earlier and that the officer had heart-related issues. Commander Brown was directed to Officer Sweezer, who was sitting in the back of an ambulance, and the officer told Commander Brown that he was having the same health issues. Commander Brown wanted to get Officer Sweezer to the hospital as quickly as possible, so he turned to the crowd of officers behind him and asked for a volunteer to go with Officer Sweezer. One of the officers volunteered and Commander Brown told them, "You guys

²³ Att. 38.

²⁴ Atts. 50, 51.

go to the hospital, and we'll catch up with you there.”²⁵ Officer Sweezer took off his duty belt and Commander Brown had an unknown officer secure it in the commander's vehicle. Commander Brown remained in charge of the scene until Chief James O'Donnell arrived. Commander Brown and Chief O'Donnell conducted a walk-through of the scene. During the walk-through, Commander Brown learned that the officer who volunteered to go in the ambulance was Officer Sweezer's partner, now known to be Officer Collazo. Commander Brown did not recall who informed him that Officers Sweezer and Collazo were partners. Commander Brown told Chief O'Donnell that he did not realize that he had sent Officer Sweezer with his partner but just took the first available officer and sent him. Chief O'Donnell verbally admonished him and told him to review the CPD general orders. Commander Brown stated that he was looking after the Tactical Teams for that watch, but it was not his regular assignment and did not know the Tactical Officers very well. Commander Brown added that the officers' direct supervisor for the watch was Sergeant Barnett but did not believe that the sergeant was present when the commander asked Officer Collazo to accompany Officer Sweezer. In response to the allegation that Commander Brown failed to ensure that Officers Sweezer and Collazo remain separate in violation of General Order G03-02-03, Commander Brown responded that he was aware of the procedure of separating the partners and that he would not have told Officer Collazo to accompany Officer Sweezer if he had known they were partners.

In his **statement to COPA**²⁶ on August 26, 2020, **Sgt. Thomas Barnett #2102** stated that on December 4, 2019, he was conducting routine patrol as the supervisor of the 1163 Tactical Team, which is his regular assignment. He was in the vicinity of Monticello and Grand when he heard radio traffic that sounded like one of his officers was involved in a 10-1 incident. As Sgt. Barnett was driving to the scene, he learned over the radio that there had been shots fired by the police and that the subject was in custody. Upon arrival, Sgt. Barnett met with Officer Sweezer and other officers. Sgt. Barnett stated that he was the direct supervisor of Officers Sweezer and Collazo, and he added that they were regular partners. Officer Sweezer informed Sgt. Barnett that he was the only officer who discharged his firearm and that he was alone in the alley when he discharged his firearm. Officer Sweezer also complained of shortness of breath. Sgt. Barnett stated that he was previously familiar with the officer's health issues such as high blood pressure. Sgt. Barnett further learned that medical assistance had been requested for the subject and that a handgun had been recovered in the rear of the location of incident. Sgt. Barnett thought that it was Officer Collazo who informed him of the location of the firearm. The subject, now known to be [REDACTED] was either sitting or lying on the sidewalk. Sgt. Barnett deemed the scene secure and ordered the officers to turn off their body-worn cameras. Sgt. Barnett then cordoned off the scene with tape. Commander Brown arrived, and Sgt. Barnett provided him with a briefing of the situation. One ambulance arrived for [REDACTED] and one for Officer Sweezer. Sgt. Barnett did not recall whether he was by the ambulance when Officer Sweezer was taken to the hospital and did not recall who made the decision for Officer Collazo to accompany Officer Sweezer in the ambulance. Sgt. Barnett stated, “I don't recall having any input into that, like I said, because I was moving around with the situation.”²⁷ In response to the allegation that he failed to ensure that Officers Sweezer and Collazo remain separate, Sgt. Barnett responded that he was not at fault because he

²⁵ Att. 51, pg. 12, lns. 23-24.

²⁶ Atts. 52, 53.

²⁷ Att. 53, pg. 14, lns. 20 to 23.

was unaware that the two officers were together in the ambulance until he was served the allegation.

b. Digital Evidence²⁸

Officer Sweezer's Body-Worn Camera (BWC) Video Recording²⁹ depicts the officer as the front-seat passenger of a police vehicle. The police vehicle makes a right turn on a residential street and Officer Sweezer exits the vehicle. A black male in a black hooded jacket and blue jeans appears walking on the sidewalk in the opposite direction of the police vehicle. The black male, now known to be ██████████ looked in the direction of Officer Sweezer and began to run. The officer ran after him and the audio of the BWC began. ██████████ turned left in a vacant lot and appeared to slip and fall onto the ground. Officer Sweezer yelled, "Don't fucking move!"³⁰ At the same time Officer Sweezer retrieved his firearm and pointed it in ██████████ direction as he fled. ██████████ continued running toward the alley and the officer repeated, "Don't fucking move! Hey! Chicago Police!"³¹ ██████████ turned left into the alley and then entered an unlit part of the alley and was no longer visible in the video recording. Officer Sweezer stopped running and discharged his firearm six times.³² Officer Sweezer then entered a residential property through a rear gate that looked to be broken and pushed half down, ran to the front of the property in the gangway where ██████████ was then standing, and ordered him to the ground. Officer Sweezer reported shots fired by the police and handcuffed ██████████ Officer Sweezer stood ██████████ up and an unknown officer in civilian dress reported to dispatch that it appeared that ██████████ has been shot in the leg to which dispatch confirmed and responded that emergency services were on the way. Officer Sweezer asked the other officers if they found the gun and stated that the gun is "somewhere around here."³³ Officer Sweezer walked back in the gangway and an unknown officer standing by the rear gate told Officer Sweezer that he found the gun. As Officer Sweezer walked to the exit through the rear gate, the video depicts a handgun laying inside the property.³⁴ An unidentified officer, now known to be Officer Collazo, went over the radio to request an additional ambulance for his partner, now known to be Officer Sweezer.³⁵ A white male officer, now known to be Officer Goss, walked Officer Sweezer back to the front of the residence where he informed a superior officer, now known to be Sgt. Barnett, that Officer Sweezer was involved in the incident, that a firearm had been recovered, that there were no more offenders at large and that an ambulance was on the way. At this point the superior officer stated that the scene was clear, and the officers shut off their body-worn cameras.³⁶

²⁸ The officer-involved shooting was captured only on Officer Sweezer's BWC. The BWC's of other officers and video surveillance from the Delano Elementary School only capture the initial traffic stop and the police response in the aftermath of the incident.

²⁹ Att. 21.

³⁰ Att. 21 at 2:03.

³¹ Att. 21 at 2:04 to 2:08.

³² Att. 21 at 2:18 to 2:22.

³³ Att. 21 at 3:49.

³⁴ Att. 21 at 4:49.

³⁵ Att. 21 at 5:31.

³⁶ Att. 21 at 6:52 to 7:31.

Officer Eugene Vann's Body-Worn Camera (BWC) Video Recording³⁷ depicts the officer as the front-seat passenger in a police vehicle as the officers were on patrol. Officer Vann activated his BWC as the officers drove to the scene with their emergency lights and siren activated. The officers arrived at the north alley of Wilcox and exited the vehicle. Officer Vann walked in the alley using a flashlight and arrived at the back of a property with a tilted wrought iron gate. Officer Vann stated, "Hey, we got a gun over here."³⁸ Officer Vann remained at the scene while additional officers arrived in the alley. At 5:47 into the recording a black handgun can be seen in the gangway under the tilted gate.

c. Physical Evidence

The **Ambulance Report**³⁹ indicates that Chicago Fire Department Ambulance #23 responded to 3922 W. Wilcox Street for a gunshot victim, now known to be [REDACTED]. The ambulance was dispatched at 8:37:11 p.m. and arrived at the scene at 8:43:51 p.m. The Narrative section of the report documents that [REDACTED] had six (6) obvious hole deformities: one to the right knee, two to the upper inner left thigh, one to the left lower side of the scrotum, one to the right lower side of the scrotum, and one to the upper inner right thigh. [REDACTED] remained in the custody of Beat 1163C throughout the run. [REDACTED] arrived at Mt. Sinai Hospital at 9:00:25 p.m.

The **Medical Records**⁴⁰ from Mt. Sinai Hospital indicate that [REDACTED] arrived at the emergency room with multiple gunshot wounds to the lower extremities and scrotum. [REDACTED] informed hospital personnel that he got out of the car and was shot by his aunt's porch.⁴¹ [REDACTED] added that he had been smoking marijuana and drinking alcohol on this night. The medical records specify that a retained bullet fragment was located in the lateral aspect of the right knee and removed by hospital personnel.⁴² In addition, bullet fragments were located in the right thigh, the scrotum and the left testicle.⁴³

Illinois State Police Lab Reports⁴⁴ document that Officer Sweezer's firearm and the firearm located at the scene were tested and deemed operable. The six (6) fired cartridge cases⁴⁵ were determined to have been fired by Officer Sweezer's firearm. One fired bullet was also determined to have been fired by the officer's firearm. Three bullet fragments were found unsuitable for testing.⁴⁶ The lab reports further indicate that the firearm allegedly belonging to [REDACTED] contained one (1) live cartridge in the chamber and fourteen (14) live cartridges in the magazine. The firearm, bullets, and magazine did not exhibit any suitable latent prints, and DNA tests revealed at least three contributors resulting in an inconclusive profile.

d. Documentary Evidence

³⁷ Att. 23.

³⁸ Att. 23 at 2:58.

³⁹ Att. 18.

⁴⁰ Att. 55.

⁴¹ Att. 55, pg. 6.

⁴² Att. 55, pg. 53.

⁴³ Att. 55, pg. 39.

⁴⁴ Atts. 70 to 72.

⁴⁵ Att. 60, pg. 2. The fired cartridge cases were recovered in the alley behind the residence at [REDACTED]

⁴⁶ Att. 72.

The **Arrest Report**⁴⁷ of ██████████ recorded under **RD# JC534930**, indicates that ██████████ was charged Aggravated Unlawful Use of a Weapon with no valid FOID and Aggravated Assault on a Peace Officer.

Crime Scene Processing Report⁴⁸ indicates that Officer Sweezer's firearm, a 9 mm semi-automatic Glock, Model 17 Gen 4, serial # ██████████, was processed at the 011th District Station. The firearm magazine has a 17-round capacity. Eleven (11) live rounds with headstamp "WIN 9mm Luger" were recovered from the magazine and one (1) live round with the same headstamp was recovered from the chamber. Six (6) fired cartridge cases were recovered from the alley. A handgun, allegedly belonging to ██████████ was located underneath a damaged wrought iron gate, documented as Crime Scene Marker #7 and inventoried under #14605688. The handgun, a 9 mm semi-automatic Taurus Model G2C, serial # ██████████, contained an unknown number of live cartridge cases in the magazine and one (1) live cartridge case in the chamber.

VI. LEGAL STANDARD

COPA applies a preponderance of the evidence standard to determine whether allegations of excessive force are warranted or well-founded.⁴⁹ A **preponderance of evidence** is evidence indicating that it is more likely than not that a proposition is proved.⁵⁰ For example, if the evidence COPA gathers in an investigation establishes that it is more likely than not that misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

VII. ANALYSIS

a. A preponderance of the evidence shows that Officer Sweezer's use of deadly force complied with CPD policy.

COPA finds by a preponderance of the evidence that the use of deadly force by Officer Sweezer was objectively reasonable, necessary, and proportional to the circumstances he faced. COPA further finds that Officer Sweezer attempted to engage in de-escalation tactics per CPD policy prior to using deadly force. Specifically, Officer Sweezer communicated with ██████████ and attempted to stabilize the situation by using time, distance, and tactical positioning. COPA further finds that Officer Sweezer's use of deadly force was an option of last resort. COPA, in its thorough review of the available evidence concludes that Officer Sweezer's use of deadly force complied with CPD policy.

CPD's stated "highest priority is the sanctity of human life."⁵¹ In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human

⁴⁷ Att. 34.

⁴⁸ Att. 60.

⁴⁹ See Municipal Code of Chicago, Ch. 2-78-110

⁵⁰ *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 been found to be more probably true than not.")

⁵¹ Att. 69, G03-02(II)(A).

life and the safety of all persons involved.⁵² CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.⁵³ This means CPD members may use only the amount of force necessary to serve a lawful purpose.⁵⁴ The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.⁵⁵

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁵⁶ 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; (3) the subject's proximity or access to weapons.⁵⁷

Discharging a firearm is deadly force under CPD policy.⁵⁸ CPD policy dictates that “[t]he 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.”⁵⁹ Thus, a CPD member may use deadly force in only two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Second, 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.⁶⁰ “A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm.”⁶¹

CPD policy places prohibitions on the use of deadly force in certain situations.⁶² In pertinent part, this policy prohibits the use of deadly force “on a fleeing person unless the subject poses an imminent threat.”⁶³

CPD policy recognizes that CPD 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

⁵² Att. 69, G03-02(II)(A).

⁵³ Att. 69, G03-02(III)(B).

⁵⁴ Att. 69, G03-02(III)(B)(2).

⁵⁵ Att. 69, G03-02(III)(B).

⁵⁶ Att. 69, G03-02(III)(B)(1).

⁵⁷ Att. 69, G03-02(III)(B)(1).

⁵⁸ Att. 69, G03-02(III)(C)(1)(a).

⁵⁹ Att. 69, G03-02(III)(C)(3).

⁶⁰ Att. 69, G03-02(III)(C)(3).

⁶¹ Att. 69, G03-02(III)(C)(2).

⁶² Att. 69, G03-02(III)(B)(5).

⁶³ Att. 69, G03-02(III)(C)(4).

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.”⁶⁴

In reaching its conclusion, COPA evaluated all available evidence, including Officer Sweezer’s statement to COPA and ██████ ERI to CPD. This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements. COPA found both men’s accounts to be generally consistent with each other and with the available evidence, such as medical records and BWC footage. Both Officer Sweezer and ██████ reported a foot chase during which ██████ stopped at a fence and turned back towards Officer Sweezer while holding a firearm in his right hand. ██████ claimed that he did not point the weapon at Officer Sweezer. Officer Sweezer claimed that ██████ did. COPA notes that both accounts may be subjectively true to their respective parties, but, absent some objective evidence, COPA does not have sufficient facts to conclude that either account is more or less credible than the other. Although Officer Sweezer’s BWC was activated during the shooting, the footage does not depict ██████ actions immediately preceding shots fired because of poor lighting in the alley. Officer Sweezer indicated during his COPA statement that the alley was dark but there was sufficient artificial lighting in the alley for him to see ██████ turn towards him.

Moreover, ██████ was shot in the front of his body, indicating that he was facing the officer during the use of deadly force. COPA finds these facts more likely than not support Officer Sweezer’s account. Thus, based on the review of the evidence, COPA finds by a preponderance of the evidence that Officer Sweezer’s use of deadly force was objectively reasonable in light of the imminent threat he faced.

The preponderance of the evidence supports the conclusion that ██████ posed an imminent threat to Officer Sweezer. Officer Sweezer reported that he fired his weapon only after ██████ turned towards him and pointed the firearm in his direction.⁶⁵ Officer Sweezer stated that he fired his gun because he feared for his life.⁶⁶ Under the circumstances he faced, it was objectively reasonable for Officer Sweezer to believe that ██████ actions were immediately likely to cause death or great bodily harm.⁶⁷ ██████ also had the means or instruments and the opportunity and ability to cause death or great bodily harm. The evidence further indicates that Officer Sweezer used only the amount of force necessary based on the circumstances he faced. Specifically, the evidence shows that he continually assessed the necessity for the use of force and only fired his weapon when facing an imminent threat of death or great bodily harm. Officer Sweezer stated that he stopped firing when ██████ no longer posed a threat.⁶⁸

In addition, Officer Sweezer’s use of deadly force was proportional to the threat he faced. ██████ threatened Officer Sweezer with his firearm, and, in response, the officer fired six times. Officer Sweezer stopped firing once ██████ no longer posed a threat.⁶⁹ Based on a totality of the

⁶⁴ Att. 69, G03-02(II)(D).

⁶⁵ Att. 43, pg. 10, lns. 1 to 2.

⁶⁶ Att. 43, pg. 10, lns. 3 to 5.

⁶⁷ By his actions, ██████ met the definition of an “assailant” under CPD policy. *See* G03-02-01(IV)(C).

⁶⁸ Att. 43, pg. 15, lns. 14 to 18.

⁶⁹ Att. 43, pg. 10, lns. 7 to 10.

circumstances, COPA finds by a preponderance of the evidence that Officer Sweezer's use of deadly force **complied with CPD policy**.

b. A preponderance of the evidence shows that Commander Brown and Sergeant Barnett failed to ensure that Officer Sweezer and his partner, Officer Collazo remained separate from each other following the officer-involved shooting.

COPA finds by a preponderance of the evidence that Commander Jason Brown and Sergeant Thomas Barnett violated CPD policy when they failed to ensure that Officer Sweezer and Officer Collazo remained separated following Officer Sweezer's firearm discharge. Following an officer-involved shooting, the responding supervisor was required to "ensure that the involved members remain separate from each other and do not communicate with each other or other witnesses regarding the incident until excused by the Street Deputy/designated incident commander responsible for the investigation."⁷⁰ The responding supervisor was further charged with ensuring that involved members remained separate during transportation.⁷¹ Here, the evidence undeniably shows that Officer Sweezer and Officer Collazo were not separated following the shooting despite the facts that the two officers were partners, Officer Sweezer discharged his firearm, and Officer Collazo witnessed⁷² the events leading up to the discharge.

Commander Brown, who was the ranking on-scene officer at the time, explained to COPA that he did not want Officer Sweezer to be unarmed during the transport and asked for a volunteer. According to the commander, an unknown officer, now known as Officer Collazo, stepped forward. Commander Brown later learned that Officer Collazo was Officer Sweezer's partner. In his statement to COPA, Officer Collazo denied that he volunteered to go, but was ordered to go by his direct supervisor, Sgt. Barnett. In his statement to COPA, Sgt. Barnett did not recall ordering Officer Collazo to accompany his partner in the ambulance and added that he was not aware that the two partners were together in the ambulance. The preponderance of the evidence shows that Commander Brown and Sergeant Barnett were the supervisors tasked with ensuring that Officers Sweezer and Collazo were separated after the incident. They had a duty to determine the working relationship of any officer tasked with accompanying Officer Sweezer during his transport to the hospital. Neither supervisor did so. Their failure to do so violated CPD policy. Consequently, based on a preponderance of the evidence, COPA finds Allegation #1 against Commander Brown and Allegation #1 against Sergeant Barnett, **Sustained**, in violation of CPD Rules 2, 3, and 10.

⁷⁰ Att. 68, G03-02-03(V)(D)(5)(a), Firearm Discharge Incidents Involving Sworn Members (effective October 16, 2017 to February 29, 2020).

⁷¹ Att. 68, G03-02-03(V)(D)(8).

⁷² Att. 68, G03-02-03(V)(C) defines a witness member as "[a]ny member, whether on or off duty, who did not discharge a firearm, but has knowledge of circumstances surrounding a firearm-discharge incident." Witness members are to "refrain from discussing the details of the incident with any other involved members or witnesses." Att. 68, G03-02-03(V)(C)(3).

VIII. DISCIPLINARY RECOMMENDATION

a. Sgt. Thomas Barnett

i. Complimentary and Disciplinary History

Sgt. Barnett has received a total of one hundred seventy-two (172) awards, including one hundred sixteen (116) Honorable Mention, twelve Department Commendation, twelve Complimentary Letter and four Special Commendation. As of November 17, 2023, he has no sustained disciplinary history in the past five years.⁷³

ii. Recommended Discipline

COPA has found that Sgt. Barnett violated Rules 2, 5, 6, 10, and 11 by failing to ensure that the involved member and his partner remained separate from each other following an officer-involved-shooting. Based on this information, COPA recommends **Violation Noted**.

b. Cmdr. Jason Brown

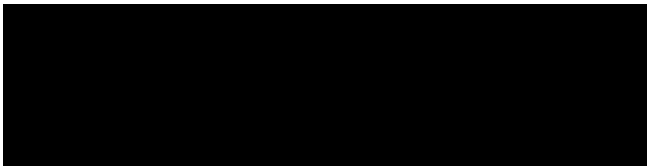
i. Complimentary and Disciplinary History

Cmdr. Brown has received a total of one hundred sixty-one (161) awards, including eighty-two (82) Honorable Mention, twenty-one Department Commendation, fourteen Complimentary Letter and one Superintendent’s Honorable Mention. As of November 17, 2023, he has no sustained disciplinary history in the past five years.⁷⁴

ii. Recommended Discipline

COPA has found that Cmdr. Brown violated Rules 2, 5, 6, 10, and 11 by failing to ensure that the involved member and his partner remained separate from each other following an officer-involved-shooting. Based on this information, COPA recommends **Violation Noted**.

Approved:



11-30-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date

⁷³ Att. 83

⁷⁴ Att. 84