

ADMINISTRATIVE SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

Date of Incident:	December 29, 2015
Time of Incident:	2:40 a.m.
Location of Incident:	████████████████████
Date of IPRA Notification:	December 29, 2015
Time of IPRA Notification:	2:48 a.m.

On December 29, 2015 Officers ██████████ and ██████████ responded to a disturbance in the area of ██████████. During the encounter Officer ██████████ discharged her firearm in the direction of a moving vehicle driven by ██████████. This investigation originated as a “Shots Fired—No Hits” notification to IPRA. The Independent Police Review Authority (IPRA) was notified of the incident through the Crime Prevention and Information Center (CPIC and was initially recorded under Log# 1078645.

The incident was converted to a Complaint Register, Log# 1078952, after preliminary investigation revealed that the firearm discharge was allegedly in violation of Chicago Police Department policy. Additionally, COPA served allegations against Officers ██████████ and ██████████ for providing false statements related to the incident. The investigation demonstrates Officer ██████████ charged her in firearm in violation of Rule 6 and Officers ██████████ and ██████████ provided false statements in violation of Rule 14.

II. INVOLVED PARTIES

Involved Officer #1:	Officer ██████████, Star# ██████████, Employee# ██████████, Date of Appointment: ██████████, 2003, Police Officer, Unit ██████████, DOB: ██████████, 1970, Female, White.
Involved Officer #2:	Officer ██████████, Star# ██████████, Employee# ██████████, Date of Appointment: ██████████, 1994, Police Officer, Unit ██████████, DOB: ██████████, 1968, Female, White.
Involved Individual #1:	██████████, DOB: ██████████, 1995 ² , Male, Hispanic.

¹ 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.

² Arrests reports for ██████████ list December 20, 1995, as his DOB.

Involved Individual #2: ██████████, DOB: ████████, 1993, Male, Hispanic.

Involved Individual #3: ██████████, DOB: ████████, 1995, Male, Hispanic.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████	1. It is alleged that on December 29, 2015, Officer ██████████ violated the provisions of General Order G03-02-03, section III (E) in that she fired at a moving vehicle when the vehicle was the only force used against her or another person, in violation of Rule 6.	Sustained
	2. It is alleged that on December 29, 2015, Officer ██████████ provided a false statement to Detective ██████████ when she stated that she discharged her weapon because ██████████ attempted to strike Officer ██████████ with his vehicle, in violation of Rule 14.	Sustained
	3. It is alleged that on December 29, 2015, Officer ██████████ provided a false statement to Sgt. ██████████ when she stated that she discharged her weapon because ██████████ attempted to strike Officer ██████████ with his vehicle, in violation of Rule 14.	Sustained
	4. It is alleged that on December 29, 2015, Officer ██████████ provided a false statement to Assistant State's Attorney ██████████ when she stated that she discharged her weapon because ██████████ attempted to strike Officer ██████████ with his vehicle, in violation of Rule 14.	Sustained
	5. It is alleged that on December 29, 2015, Officer ██████████ provided a false statement to Detective ██████████ when she stated that she saw Officer ██████████ in the northbound traffic lane prior to discharging her weapon, in violation of Rule 14.	Sustained
	6. It is alleged that on December 29, 2015, Officer ██████████ used deadly force without justification	Sustained

	when she discharged her firearm in the direction of [REDACTED], in violation of Rules 6 and 38.	
Officer [REDACTED]	1. It is alleged that on December 29, 2015, Officer [REDACTED] provided a false statement to Detective [REDACTED] when she stated that she was in the northbound lane of traffic prior to Officer [REDACTED] discharging her weapon, in violation of Rule 14.	Sustained
	2. It is alleged that on December 29, 2015, Officer [REDACTED] provided a false statement to Detective [REDACTED] when she stated that [REDACTED] vehicle was coming toward her and she ran to avoid being struck, in violation of Rule 14.	Sustained
	3. It is alleged that on December 29, 2015, Officer [REDACTED] provided a false statement to Sgt. [REDACTED] when she stated that [REDACTED] attempted to strike her with his vehicle, in violation of Rule 14.	Sustained
	4. It is alleged that on December 29, 2015, Officer [REDACTED] provided a false statement to Assistant State's Attorney [REDACTED] when she stated that she was in front of [REDACTED] vehicle and the vehicle came toward her, in violation of Rule 14.	Sustained
	5. It is alleged that on January 13, 2016, at approximately 8:55 a.m., at 1615 W. Chicago Avenue, Officer [REDACTED] provided a false statement to the Independent Police Review Authority when she stated that she was in the oncoming lane of traffic prior to Officer [REDACTED] discharging her weapon, in violation of Rule 14.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impeded the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
3. Rule 8: Disrespect to or maltreatment of any person, whether on or off duty.
4. Rule 10: Inattention to duty.

5. Rule 14: Making a false report, written or oral.
6. Rule 38: Unlawful or unnecessary use or display of a weapon.

General Orders

1. G03-02-03 Deadly Force

State Laws

1. Illinois Compiled Statutes, Chapter 720, Article 5, Section 7-8**V. INVESTIGATION³****a. Interviews**

In an interview with IPRA on February 2, 2016, **Officer [REDACTED]** stated that she and her partner, Officer [REDACTED] responded to a battery in progress call. An individual reported that three or four Hispanic males in a [REDACTED], [REDACTED], or [REDACTED] [REDACTED] were involved in the battery, and one of them pointed a gun at the caller. Officers [REDACTED] and [REDACTED] arrived on scene and saw two individuals⁴ and a vehicle⁵ matching the description in the northbound lane of Clybourn Avenue. [REDACTED] and [REDACTED] were along the passenger side of the [REDACTED] trying to push the vehicle out of a snowbank. Officer [REDACTED] also observed a person⁶ in the driver's seat of the vehicle. Officer [REDACTED] stopped the squad car in the southbound lane of Clybourn Avenue—north of [REDACTED] vehicle—close to the center line. Officer [REDACTED] stated that she exited the squad car and stood in front of her opened driver's side door. According to Officer [REDACTED], she does not know where Officer [REDACTED] stood when Officer [REDACTED] exited the squad car.

Officers [REDACTED] and [REDACTED] instructed [REDACTED] and [REDACTED] to put their hands up and get on the ground. The officers also ordered [REDACTED] to roll down the window, shut off the engine, and put his hands out of the window. [REDACTED] and [REDACTED] complied, but [REDACTED] ignored all verbal direction. According to Officer [REDACTED], Officer [REDACTED] stated that she was going to handcuff [REDACTED] and [REDACTED]. Officer [REDACTED] stated that the [REDACTED] started inching up, and suddenly [REDACTED] revved the engine and drove north on Clybourn Avenue. Because Officer [REDACTED] had stated she was going to handcuff [REDACTED] and [REDACTED], who were across the street, Officer [REDACTED] believed that Officer [REDACTED] was in [REDACTED] lane of traffic as [REDACTED] drove away. Officer [REDACTED] fired her weapon twice at [REDACTED] to prevent Officer [REDACTED] from being struck by [REDACTED]. Officer [REDACTED] stated, "When I fired I thought she was in the northbound lane of traffic on Clybourn Avenue, on the driver's side."⁷ After Officer [REDACTED] fired her weapon,

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Now identified as [REDACTED] and [REDACTED].

⁵ [REDACTED]

⁶ Now identified as [REDACTED]

⁷ Transcript of Officer [REDACTED], attachment 61, page 75, lines 21-23.

she observed Officer [REDACTED] at the rear passenger side of the squad car, walking around to the driver's side.

Officer [REDACTED] stated that a squad car pulled up from the south end of the block as [REDACTED] drove away. Officer [REDACTED] pointed to [REDACTED] vehicle, and the officers in that car pursued [REDACTED]. Officers [REDACTED] and [REDACTED] entered the squad car and drove forward but decided to stay on scene with [REDACTED] and [REDACTED]. Officers [REDACTED] and [REDACTED] performed pat downs of [REDACTED] and [REDACTED] and waited for responding officers to arrive. Officer [REDACTED] stated that the sister of either [REDACTED] or [REDACTED]⁸ was on the porch of [REDACTED]. [REDACTED] screamed and was irate with the officers and told them they had no right to stop [REDACTED] and [REDACTED]. Officer [REDACTED] recalled that [REDACTED] requested her name or badge number. Officer [REDACTED] replied that the information would be documented in the paperwork; Officer [REDACTED] added that she might have also given [REDACTED] her name or badge number. Officer [REDACTED] stated that she and Officer [REDACTED] did not have physical contact with [REDACTED]. Officer [REDACTED] reviewed her Tactical Response Report⁹ and stated that everything in the report appeared accurate and there were no necessary changes.¹⁰

During an interview with COPA on May 7, 2018, Officer [REDACTED] watched the surveillance video from [REDACTED] and the in-car video from her and Officer [REDACTED] squad car. Officer [REDACTED] was confronted with the relevant portions of her prior statements to Detective [REDACTED] Sgt. [REDACTED], and ASA [REDACTED] immediately following the incident. Officer [REDACTED] stated that she stands by her statements to Detective [REDACTED], Sgt. [REDACTED], and ASA [REDACTED], when she stated, in sum, that she discharged her weapon because [REDACTED] attempted to strike Officer [REDACTED] with his vehicle, because that is what she believed at the time. Officer [REDACTED] stated that she did not remember whether she told Detective [REDACTED] that she saw Officer [REDACTED] in the northbound traffic lane prior to discharging her weapon.¹¹

In an interview with IPRA on January 13, 2016, Officer [REDACTED] stated that she and her partner, Officer [REDACTED], were on patrol when they heard a radio broadcast regarding a fight involving a Hispanic male who reportedly pointed a gun at a female. The dispatcher related that two of the subjects involved in the fight were attempting to push "a [REDACTED] or, I'm sorry a [REDACTED] out of the snow."¹² As Officers [REDACTED] and [REDACTED] approached the scene, driving south on Clybourn Avenue, they observed two Hispanic males¹³ in the north lane of Clybourn trying to push a gold vehicle out of the snow. Officer [REDACTED], who was driving, stopped the squad car in the middle of the south lane, approximately two car lengths in front of the [REDACTED]. Moments later, [REDACTED] and [REDACTED] pushed the gold car out of the snow, and the car idled in the street. Officers [REDACTED] exited the squad car and stood at the passenger's side door. Officer [REDACTED] stood at the driver's side door with the door open. The officers drew their weapons and told [REDACTED] and [REDACTED] to get on the ground.

⁸ Now identified as [REDACTED]

⁹ Officer [REDACTED] stated that Sgt. [REDACTED] completed her TRR based on information she provided to him.

¹⁰ Attachment 60, 61

¹¹ Attachments 145-146, 148

¹² Attachment 62, pg 22 lines 21-23

¹³ Now identified as [REDACTED] and [REDACTED].

The front driver's side window of the [REDACTED] was slightly cracked, and the officers saw an individual¹⁴ in the driver's seat. Officers [REDACTED] and [REDACTED] told [REDACTED] to stop the vehicle and show his hands. [REDACTED] rolled up the window, and the car inched forward. The officers urged [REDACTED] to exit the vehicle and show his hands. Officer [REDACTED] stated that Officer [REDACTED] walked around her opened driver's side door toward the front of the squad car. Officer [REDACTED] stated that she (Officer [REDACTED]) then ran from the front passenger's side of the squad car around the back of the squad car and stopped at the opened driver's side door of the squad car. Officer [REDACTED] explained, "And then I was around that squad car door. So, I was in the oncoming lane of traffic." Officer [REDACTED] further described where she was standing as, "...I'm in the lane of the offender's car."^{15 16}

She feared that one of the individuals might harm Officer [REDACTED], because there was a report of a gun, so Officer [REDACTED] yelled at Officer [REDACTED] to get back. Officer [REDACTED] explained, "And at one point I was going to go and tackle her, but that's when the car started moving towards me. And subsequently that's when she (Officer [REDACTED]) fired her rounds."¹⁷ Officer [REDACTED] stated that Officer [REDACTED] fired two shots. When asked if she (Officer [REDACTED]) moved out of the way of [REDACTED] vehicle, she stated, "I did."¹⁸ [REDACTED] fled the scene driving north on Clybourn. Officer [REDACTED] stated that another squad car pulled up just after Officer [REDACTED] discharged her weapon. Officer [REDACTED] pointed for that squad car to follow [REDACTED]. Officers [REDACTED] and [REDACTED] detained [REDACTED] and [REDACTED] and waited for other officers to arrive.

Officer [REDACTED] stated that a Hispanic female¹⁹ came outside yelling at the officers, protesting their actions, and demanding their badge numbers. Officer [REDACTED] stated that [REDACTED] was impeding the arrests of [REDACTED] and [REDACTED], and she and Officer [REDACTED] told [REDACTED] to go back to her gate (yard). Officer [REDACTED] said that she or Officer [REDACTED] may have grabbed [REDACTED] wrist and directed her back to the gate. Assisting officers arrived on scene and handcuffed [REDACTED] and [REDACTED].

Officer [REDACTED] stated that she did not complete any reports relative to this incident, but once at the station she gave her supervisor, Sgt. [REDACTED], an account of the incident. Sgt. [REDACTED] completed Officer [REDACTED] Tactical Response Report (TRR) and the related Department reports. During the interview with IPRA, Officer [REDACTED] reviewed the TRR that Sgt. [REDACTED] completed on her behalf. Officer [REDACTED] stated that the information contained in the TRR was accurate.²⁰

During an interview with COPA on May 1, 2018, **Officer [REDACTED]** watched the surveillance video from [REDACTED] and the in-car video from her and Officer [REDACTED] squad car. Officer [REDACTED] was confronted with the relevant portions of her prior statement to

¹⁴ Now identified as [REDACTED].

¹⁵ Transcript of Officer [REDACTED], attachment 62, page 72, line 15.

¹⁶ *Id.*, page 31, lines 9-11.

¹⁷ *Id.*, page 68, lines 8-11.

¹⁸ *Id.*, page 36, lines 22-23.

¹⁹ now identified as [REDACTED], [REDACTED] sister.

²⁰ Attachments 31-32, 62

IPRA dated January 13, 2016, as well as statements she made to Detective [REDACTED] and ASA [REDACTED] immediately following the incident. Officer [REDACTED] acknowledged that the information she provided in her initial IPRA statement and her statements to Detective [REDACTED] and ASA [REDACTED] were false; however, Officer [REDACTED] stated that she believed at the time that the statements were true. Officer [REDACTED] stated that she did not specifically recall telling Sgt. [REDACTED] that [REDACTED] attempted to strike her with his vehicle.²¹

In an interview with IPRA on March 2, 2016, Officer [REDACTED] stated that he and his partner, Officer [REDACTED] were on patrol when they heard multiple calls regarding an assault in progress/ person with a gun at 3016 N. Clybourn Avenue. Officer [REDACTED] was driving southbound on Clybourn Avenue when he realized that he overshot the address. Officer [REDACTED] made a U-turn and simultaneously heard a responding CPD unit announce “shots fired” over the radio.²² As Officer [REDACTED] prepared to drive northbound on Clybourn Avenue, he noticed a police Tahoe parked in the southbound lane facing his direction. Officer [REDACTED] approached at a high rate of speed and observed Officer [REDACTED] pointing toward a [REDACTED] that was facing opposite of her and traveling northbound on Clybourn Avenue. Officer [REDACTED] understood Officer [REDACTED] gesture to mean that the person in the [REDACTED], [REDACTED], was the person of interest from the call.²³ Officers [REDACTED] and [REDACTED] attempted to curb the vehicle, but [REDACTED] continued driving at a high rate of speed. Officer [REDACTED] pursued the vehicle until [REDACTED] lost control and crashed at Western and Leland Avenues. Officers [REDACTED] and [REDACTED] then placed [REDACTED] into custody. Officer [REDACTED] stated that he later saw Officers [REDACTED] and [REDACTED] at [REDACTED] Division,²⁴ however, he did not discuss the incident with them. Officer [REDACTED] learned from detectives that [REDACTED] attempted to strike Officer [REDACTED] with his vehicle, and Officer [REDACTED] discharged her weapon. Officer [REDACTED] stated that he could not tell from his vantage point if [REDACTED] attempted to strike Officer [REDACTED] with his vehicle.²⁵

In an interview with IPRA on March 2, 2016, Officer [REDACTED] provided an account of the incident that was consistent with Officer [REDACTED]. Officer [REDACTED] stated that he did not observe Officer [REDACTED] discharge her weapon, and never spoke with Officers [REDACTED] or [REDACTED] regarding the incident. Officer [REDACTED] stated that he learned from the detectives that Officer [REDACTED] discharged her weapon after [REDACTED] attempted to strike Officer [REDACTED] with his vehicle. Officer [REDACTED] subsequently completed the Arrest Report.²⁶

In an interview with IPRA on January 13, 2016, Sgt. [REDACTED] stated that he was in the police station when he was notified via phone by Sgt. [REDACTED] that there were shots fired by the police. Sgt. [REDACTED] went to the scene and observed Sgt. [REDACTED] and a number of officers already there. Sgt. [REDACTED] spoke with Sgt. [REDACTED]. Sgt. [REDACTED] stated that he could not remember what information Sgt. [REDACTED] relayed to him, other than that Officers [REDACTED] and [REDACTED] were involved in a shooting. According to Sgt. [REDACTED], he briefly spoke with Officers [REDACTED]

²¹ Attachments 144, 147

²² Officer [REDACTED] stated that he did not observe Officer [REDACTED] discharge her weapon.

²³ Officer [REDACTED] stated that he barely slowed down, and there was no conversation between he and Officer [REDACTED]. Officer [REDACTED] did not see Officer [REDACTED] at the time.

²⁴ Hereinafter, referred to as the Area.

²⁵ Attachments 81, 90

²⁶ Attachments 82, 89

and [REDACTED] on scene, but he did not remember what they told him about the incident. Sgt. [REDACTED] stated that Sgt. [REDACTED] told him to make sure that officers guarded the crime scene, and that he (Sgt. [REDACTED]) would handle things from there. Sgt. [REDACTED] also stated that while on scene, he received a radio request for a supervisor at the location of incident. Sgt. [REDACTED] stated that when he went to the female caller's²⁷ location, she declined to speak with him. Sgt. [REDACTED] then went back to the station to assist with the completion and approval of Department reports.

Sgt. [REDACTED] stated that he prepared the TRR and Officer's Battery Reports (OBR) for Officers [REDACTED] and [REDACTED]. According to Sgt. [REDACTED], Officer [REDACTED] related that she discharged her weapon because she and Officer [REDACTED] were in fear of being struck by the involved vehicle. Sgt. [REDACTED] stated that Officer [REDACTED] also told him that she and Officer [REDACTED] were in fear of being struck by the vehicle. Sgt. [REDACTED] stated that Officers [REDACTED] and [REDACTED] sat with him as he completed the TRR and OBR reports, and both officers reviewed the reports for accuracy.²⁸

In an interview with COPA on April 19, 2018, Sgt. [REDACTED] stated that he was the first supervisor on scene following the shooting. Sgt. [REDACTED] ascertained whether there were any injuries and directed responding officers to secure the scene. Sgt. [REDACTED] spoke with Officer [REDACTED] who related that she shot at [REDACTED] car or tires.²⁹ According to Sgt. [REDACTED], he did not remember whether Officer [REDACTED] gave him an account of the incident or told him why she fired her weapon. Sgt. [REDACTED] did not recall whether he spoke with Officer [REDACTED]; however, if he did, he merely asked if she was okay. Sgt. [REDACTED] arrived on scene, and Sgt. [REDACTED] went to the secondary scene, where officers had [REDACTED] in custody. Sgt. [REDACTED] then went to [REDACTED] division, where he learned that Officer [REDACTED] reportedly discharged her weapon because a car was coming toward her and Officer [REDACTED].^{30 31}

In an interview with IPRA on February 11, 2016, Detective [REDACTED] stated that he and Detective [REDACTED] responded to the scene and observed officers putting up crime scene tape. Detective [REDACTED] spoke with Officer [REDACTED], who related that she and Officer [REDACTED] responded to a battery in progress, which was updated to a person with a gun or BB gun call. Officer [REDACTED] continued that she and Officer [REDACTED] arrived on scene and simultaneously received an update that the involved subject(s) were pushing a [REDACTED] out of the snow. Officers [REDACTED] and [REDACTED] arrived on scene and observed the [REDACTED] in the northbound traffic lane. The [REDACTED] idled and jerked forward once or twice. Officer [REDACTED] stated that she and Officer [REDACTED] exited the squad car with their guns drawn and directed [REDACTED] and [REDACTED] to put their hands up and lay on the ground. Officer [REDACTED] directed [REDACTED] to turn off the vehicle and show his hands but he did not comply. Officer [REDACTED] walked in front of her squad car and stood parallel to the [REDACTED]. Officer [REDACTED] told Officer [REDACTED] that she was going to handcuff [REDACTED] and [REDACTED]. As Officer [REDACTED] started to approach the [REDACTED] to handcuff [REDACTED] and [REDACTED], [REDACTED] accelerated. Officer [REDACTED] fired her weapon twice in [REDACTED] direction. Detective [REDACTED] stated that Officer [REDACTED] told him she shot at [REDACTED]

²⁷ Identified as [REDACTED].

²⁸ Attachments 30, 63

²⁹ Sgt. [REDACTED] could not remember Officer [REDACTED] exact words.

³⁰ Sgt. [REDACTED] said that he did not remember how he obtained that information.

³¹ Attachments 143, 149

because Officer ██████ had crossed into the northbound lane of traffic, and the ██████ was travelling toward Officer ██████. Officer ██████ told Detective ██████ that an unmarked CPD vehicle approached, and Officer ██████ motioned for those officers to pursue the ██████.

Detective ██████ then spoke with Officer ██████, who related that when she exited the vehicle she stood at the passenger side door of the squad car and gave ██████ and ██████ verbal commands to put their hands up and get on the ground. Officer ██████ related that she told Officer ██████ she was going to handcuff ██████ and ██████ and proceeded to cross the yellow median into the northbound traffic lane. Officer ██████ stated that the ██████ engine revved, and the vehicle came toward her. Officer ██████ turned and ran to the rear of the squad car to avoid being struck by the ██████. Officer ██████ added that she was in the northbound traffic lane when Officer ██████ fired her weapon.

Detective ██████ related that, while on scene, he interviewed a 911 caller, ██████, who reported a disturbance involving ██████, ██████, and ██████. ██████ related that a CPD unit arrived on scene, and she walked away to her kitchen. ██████ stated that, moments later, she heard gunshots but did not see the shooting. Detective ██████ also interviewed ██████³² who stated that he and his wife, ██████,³³ and children were asleep when he heard yelling outside. ██████ looked out from the third floor and saw a vehicle on the opposite side of the street and one or two people going to the ground. Shortly afterward, ██████ observed a female officer³⁴ discharge her weapon. Detective ██████ related that he interviewed ██████ approximately one week after the incident. ██████ was identified as the person who dialed 911 and reported that a Hispanic male in a red sweatshirt pointed a gun at her. ██████ did not witness the shooting.

Detective ██████ stated that, while on scene, he learned that ██████ recorded the incident. Detective ██████ asked ██████ to see the video. ██████ showed Detective ██████ a snippet of the video and only allowed him to view it with her holding the phone. Detective ██████ related that he attempted to remove the phone from ██████ hand, but she struggled and dug her nails in Detective ██████ hand. Detective ██████ twisted the cell phone out of ██████ hand and informed her that he would inventory the phone and give her a receipt. He also informed ██████ that he would obtain a search warrant and search her phone for evidence related to the shooting. According to Detective ██████, it was necessary to obtain ██████ cell phone because there was an imminent danger that the evidence might be erased or destroyed.

According to Detective ██████, ██████ and ██████ were transported to the Area for questioning but they were released without charges, because the investigation revealed that they were not participants in a crime. Detective ██████ stated that, in his interviews with ██████ and ██████, both essentially related that when the officers arrived they put their hands up and

³² Mr. ██████ resides at ██████.

³³ Detective ██████ stated that he did not interview Ms. ██████, but he learned from Detectives ██████ and ██████ that Ms. ██████ informed them (via language interpreter) that the vehicle drove toward the officer who fired her weapon. Ms. ██████ only saw one officer.

³⁴ Mr. ██████ only saw one officer.

laid on the parkway. [REDACTED] and [REDACTED] heard [REDACTED] engine rev followed by a gunshot(s). Neither [REDACTED] nor [REDACTED] said where the officers were standing when the gun discharged.

Detective [REDACTED] related that [REDACTED] came to the Area to inquire about his son, [REDACTED]. Detective [REDACTED] informed [REDACTED] that he would provide an inventory receipt for [REDACTED] cell phone and obtain a search warrant. [REDACTED] contacted [REDACTED] and she agreed to come to the Area to sign a CPD consent to search form. [REDACTED] arrived at the Area. Detective [REDACTED] explained that he needed to look at the video. [REDACTED] signed the form in the presence of her father, her boyfriend, and Sgt. [REDACTED], and gave Detective [REDACTED] the password for her iPhone 6. Detective [REDACTED] uploaded the video clips from [REDACTED] phone to a CD and Detective [REDACTED] returned the phone to her.³⁵

In an interview with IPRA on July 12, 2016, **Detective [REDACTED]** stated that he arrived on scene and observed crime scene tape affixed and numerous police officers. Detective [REDACTED] spoke with Detective [REDACTED] and agreed to canvass the location and look for video and security cameras. Once Detective [REDACTED] completed the canvass, he went to the Area and completed a video retrieval request for the private security footage³⁶. Detective [REDACTED] later returned to the scene to look for bullet holes. Detective [REDACTED] stated that he had no recollection of speaking with Officers [REDACTED] or [REDACTED] regarding the incident. Detective [REDACTED] also stated that he does not believe Detective [REDACTED] gave him a synopsis of the incident.³⁷

In an interview with IPRA on July 22, 2016, **Detective [REDACTED]** stated that when he and Detective [REDACTED] arrived on scene, Sgt. [REDACTED] informed him that Officers [REDACTED] and [REDACTED] were involved in a shooting, and there was a possible witness. Detective [REDACTED] brought Officer [REDACTED] to his squad car and asked her well-being questions. Detective [REDACTED] never asked questions to Officer [REDACTED] about the incident, nor did she volunteer any information. Detective [REDACTED] stated that he did not have contact with Officer [REDACTED]. Detective [REDACTED] conducted a canvass and returned to the Area.³⁸

In an interview with IPRA on August 24, 2016, **Assistant State's Attorney (ASA) [REDACTED]**, assigned to the Felony Review Unit, stated that he went to the Area to review a case for potential felony charges. ASA [REDACTED] met with Detective [REDACTED], who related that Officer [REDACTED] discharged her firearm twice at [REDACTED] after [REDACTED] drove toward Officer [REDACTED] as Officer [REDACTED] crossed the street. ASA [REDACTED] then interviewed Officer [REDACTED]. Officer [REDACTED] informed ASA [REDACTED] that Officer [REDACTED] was at the trunk area of the squad car when Officer [REDACTED] ordered [REDACTED] to turn off the vehicle. [REDACTED] then drove in what Officer [REDACTED] believed would be the direction of Officer [REDACTED], at which time Officer [REDACTED] fired her weapon.

³⁵ Attachments 76, 87

³⁶ According to Detective [REDACTED] he requested a tech to retrieve the video, but the request was never completed

³⁷ Attachments 102-103

³⁸ Attachments 104-105

ASA [REDACTED] interviewed Officer [REDACTED], who related that once she and Officer [REDACTED] exited the vehicle, Officer [REDACTED] stood in front of the squad car and Officer [REDACTED] went to the rear of the squad car. Once [REDACTED] and [REDACTED] went to the ground, Officer [REDACTED] announced that she was going to cross the street to detain [REDACTED] and [REDACTED]. According to Officer [REDACTED], when she walked in front of [REDACTED] vehicle, [REDACTED] drove toward her. Officer [REDACTED] backed up and heard, but did not see, Officer [REDACTED] discharge her weapon.

ASA [REDACTED] interviewed [REDACTED], [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] related that they heard but did not see Officer [REDACTED] discharge her weapon. [REDACTED] never admitted that he saw police officers on the scene.³⁹

In an interview with IPRA on November 29, 2016, [REDACTED] stated that he was reading at home when he heard yelling outside of his residence. [REDACTED] peeked through the window blinds and observed two men, one wearing a red hoodie and the other wearing a gray hoodie, arguing. The men started running southbound on Clybourn Avenue; the man in the red hoodie had what appeared to be a gun in his hand. [REDACTED] called the police. The two men returned and entered a silver, four-door sedan that was parked across the street from [REDACTED] residence, facing northbound. The vehicle was stuck in the snow. Two men exited the back seat of the vehicle and pushed the vehicle out of the snow⁴⁰. As the two men prepared to reenter the vehicle, a squad car arrived on scene driving southbound on Clybourn. A female police officer exited the squad car and drew her gun.⁴¹ [REDACTED] heard inaudible yelling,⁴² and the two men put their hands up. Approximately thirty seconds later, the driver of the silver sedan drove toward the officer, traveling north on Clybourn. The officer then fired her weapon twice. The two men who pushed the vehicle out of the snow remained on scene.⁴³

In an interview with IPRA on December 7, 2016, [REDACTED] stated that she and her husband, [REDACTED], were awakened by a commotion outside their home. [REDACTED] looked out her bedroom window and observed a female officer⁴⁴ standing outside of a squad car, yelling to two male individuals, "Stop, raise your hands and get on the ground." One of the individuals laid on the ground, but the other individual refused to get on the ground. [REDACTED] stated that the male who refused to comply may have been the same person that later entered a vehicle ([REDACTED] vehicle) that was double parked across from the squad car.⁴⁵ Suddenly, [REDACTED] vehicle drove off quickly, and the officer moved to avoid being struck by the vehicle. The officer told the driver to stop, pointed her weapon at either the ground or the vehicle's tires and fired one or two gunshots. Immediately after the shooting, [REDACTED] left the window and checked on her

³⁹ Attachments 111-112

⁴⁰ [REDACTED] could not remember whether they were the same two men he initially saw.

⁴¹ [REDACTED] believes the officer was riding alone as he only saw one police officer.

⁴² [REDACTED] windows were closed.

⁴³ Attachment 116

⁴⁴ [REDACTED] could not provide a description of the officer or her partner.

⁴⁵ [REDACTED] stated that she was unsure if there was a third individual inside the vehicle, or if there were just two individuals total.

children. When [REDACTED] returned to the window, she observed an individual in handcuffs being escorted to a squad car.⁴⁶

In an interview with IPRA on December 7, 2016, [REDACTED] stated that he and his wife, [REDACTED], were awakened by a commotion outside their home. [REDACTED] looked out his 3rd floor bedroom window at [REDACTED]⁴⁷ saw a squad car double-parked in front of his building facing southbound on Clybourn Avenue, and an officer talking to someone in a vehicle ([REDACTED] vehicle) that was facing northbound on Clybourn Avenue. A female officer said, "Get out of the car and get down on the ground." [REDACTED] observed two individuals⁴⁸ standing next to [REDACTED] vehicle. One of the individuals laid down on the sidewalk as directed, while the other one stood in the street. [REDACTED] laid back down for a few seconds but quickly got up when he heard a female officer giving additional commands to, "Stop and get out of the car." [REDACTED] looked out the window and saw the officer holding a gun as [REDACTED] vehicle sped off. [REDACTED] stated that, although the officer was not directly in front of the moving vehicle or its path, the officer moved to avoid being struck and then pointed her gun toward the ground and discharged her weapon as [REDACTED] vehicle drove away. [REDACTED] added that the vehicle was moving away from the officer when she fired her weapon, and the driver of the vehicle did not use the vehicle to strike the officer.⁴⁹

In an interview with IPRA on March 2, 2016, [REDACTED] stated that she was asleep in her residence, located at [REDACTED], when she was awakened by yelling outside. [REDACTED] went outside and observed a squad car and two police officers, now identified as Officers [REDACTED] and [REDACTED], stopped in the street. [REDACTED] also observed her brother, [REDACTED], and his friend, now identified as [REDACTED], pushing [REDACTED] car out of the snow. [REDACTED] said that Officer [REDACTED] stood at the driver's side door of the squad car with her gun in hand instructing [REDACTED] and [REDACTED] to get on the ground while instructing [REDACTED] to get out of the car. [REDACTED] walked off her porch and exited her fence because she "was gonna go grab them." [REDACTED] then drove off, and Officer [REDACTED] fired her gun twice. [REDACTED] stated that [REDACTED] did not try to strike Officer [REDACTED] with his vehicle. [REDACTED] does not know precisely where Officer [REDACTED] was when Officer [REDACTED] fired her weapon; however, [REDACTED] stated that Officer [REDACTED] was nowhere near [REDACTED] vehicle or the driver's side of the squad car. [REDACTED] believes that Officer [REDACTED] may have been in the squad car when Officer [REDACTED] fired the weapon.

Officer [REDACTED] pointed her gun toward [REDACTED] and [REDACTED]. [REDACTED] walked in front of Officer [REDACTED], extended her right hand and told Officer [REDACTED] not to shoot. Officer [REDACTED] grabbed [REDACTED] wrist and told her to get on the ground. [REDACTED] yanked away and told Officer [REDACTED] not to touch her. Officer [REDACTED] pushed [REDACTED] against a fence and told her to return to her house. Other officers arrived on scene and placed [REDACTED] into custody. [REDACTED] stated that she dialed 911 throughout the incident in protest of the officers' actions. An officer, now identified as Detective [REDACTED], came to [REDACTED] residence. [REDACTED] informed Detective

⁴⁶ Attachments 121, 130

⁴⁷ [REDACTED] stated that he wears prescription eyeglasses for near-sightedness but was not wearing them at the time of this incident.

⁴⁸ [REDACTED] could not further describe these individuals.

⁴⁹ Attachments 124, 129

██████ that she recorded video of the moments following the shooting. Detective ██████ asked to see the video on ██████ phone. ██████ as reluctant and asked Detective ██████ why he wanted to see her phone. Detective ██████ tried to snatch ██████ phone; ██████ clutched her phone, and she and Detective ██████ both tugged at the phone. Detective ██████ ultimately took ██████ cell phone. ██████ later went to the police station and agreed to sign a consent form for the detectives to download the relevant images from her phone.⁵⁰

In an Electronically Recorded Interview with Assistant State's Attorney ██████, Detective ██████, and Detective ██████, ██████ related that he, ██████, and ██████ were drinking alcoholic beverages at ██████ house. The group left ██████ house and went to the liquor store. As the group returned to ██████ house, two unknown males approached them and questioned their gang affiliation. An argument ensued, and a white car approached the group traveling at a high rate of speed. ██████, ██████, and ██████ ran. ██████ entered his vehicle, parked in front of ██████ residence, to leave but ██████ vehicle was stuck in the snow. ██████ pushed ██████ vehicle until ██████ pulled out of the snow, idling his vehicle in the northbound traffic lane on Clybourn Avenue. A police car drove up on the opposite side of the street and stopped one or two car lengths from ██████ car. Two female officers exited the squad car and ordered ██████ and ██████ to put their hands up and get on the ground; ██████ and ██████ complied. Moments later ██████ heard a vehicle accelerate, followed by gunshots. ██████ did not see who fired the gunshots. ██████ vehicle was gone when ██████ looked up.⁵¹

In an Electronically Recorded Interview with Assistant State's Attorney ██████ and Detective ██████, ██████ provided an account consistent with ██████ account of the incident. Additionally, ██████ stated that when the officers arrived, the officers stood behind their respective squad car doors pointing their guns and yelling for ██████ and ██████ to get on the ground. ██████ and ██████ laid face down on the ground, near the grassy area on the passenger side of ██████ vehicle. The officers yelled at ██████ to turn off his car. ██████ drove away, and ██████ heard gunshots.⁵²

Both IPRA and COPA's attempts to contact ██████ were unsuccessful.⁵³

b. Digital Evidence

The **Office of Emergency Management and Communications (OEMC) transmissions and CPD Event Queries** document that on December 29, 2015 at 2:10 a.m., ██████⁵⁴ reported several young men fighting in front of a church at the corner of Leavitt and Clybourn

⁵⁰ Attachments 85, 101

⁵¹ Attachment 127

⁵² Attachment 126

⁵³ Attachments 77, 119

⁵⁴ Upon making contact with Ms. ██████, she stated that she dialed 911 to report a physical altercation between a group of individuals on the street and in a vehicle. Ms. ██████ stated that she later heard one or two gunshots, but she did not witness the shooting. (Att. 41)

Avenue. Shortly afterward, a caller identified as ██████████⁵⁵ dialed 911 and reported a disturbance at Clybourn Avenue and Leavitt Street involving a group of males and a ██████████. ██████████ reported that one of the individuals pointed a BB gun at her. Dispatch reported a battery in progress and then subsequently stated a BB gun was pointed. Dispatch repeated multiple times that the weapon was a BB gun. At 2:13 a.m., a caller identified as ██████████⁵⁶ dialed 911 and reported that a person with a gun just entered a silver four door sedan. ██████████ related that the vehicle was facing northbound on Clybourn Avenue and was stuck in the snow. At 2:15:15 a.m., Beat ██████████ (Officers ██████████ and ██████████) informed dispatch that they had a vehicle with registration number ██████████. In the background, a female voice was heard yelling, “put your hands up!” At 2:15:25 a.m., dispatch informed the officers that the plate was registered to a 1993 four door ██████████, with ██████████ as the owner. At 2:15:50 a.m., a female officer announced, “shots fired by the police.” Moments later, Beat ██████████ (Officers ██████████ and ██████████) announced that they were in pursuit of a ██████████. At 2:17 a.m., a person identified as ██████████⁵⁷ dialed 911 and reported hearing a gunshot and people fighting. At 2:18:22 a.m., Officers ██████████ and ██████████ announced that they had the driver of the ██████████ (██████████) in custody at Western Avenue and Leland Avenue. A caller who identified herself as ██████████⁵⁸ dialed 911 multiple times starting at 2:22 a.m. ██████████ reported that she was unhappy with police service and wanted to speak with a sergeant about her brother’s arrest. At 3:51 a.m., ██████████ reported that an officer injured her wrist when he took her cell phone. Beat ██████████, Sgt. ██████████, reported that ██████████ refused to speak with him and refused Emergency Medical Services (EMS) treatment.⁵⁹

In-car video footage from Officer ██████████ and ██████████ squad car, vehicle 9131, shows the officers driving southbound on Clybourn Avenue. At time mark 35:08, the officers arrive at the location of incident. Simultaneously ██████████ vehicle, which is on the opposite side of the street and facing the front of the officers’ squad car, pulls away from the curb and idles in the northbound traffic lane. Two subjects now identified as ██████████ and ██████████ are outside of the vehicle near the passenger side of ██████████ vehicle. At 35:27, ██████████ and ██████████ raise their hands over their heads. At 35:35, ██████████ and ██████████ lay face down on the ground. At 35:42, Officer ██████████ walks from the driver’s side of the squad car and stands in the southbound lane, in front of the squad car. At 35:44, ██████████ drives northbound on Clybourn Avenue. Officer ██████████ fires her service weapon twice in the direction of ██████████ vehicle.⁶⁰ Officer ██████████ holsters her weapon and moves toward the driver’s side of the squad car and out of camera frame. A vehicle now known as Beat ██████████⁶¹ approaches northbound on Clybourn Avenue with its emergency lights activated and drives out of camera frame. At 36:06, the officers’ squad car moves forward slightly and stopped at an angle. At 36:25, Officer ██████████ walks across the front of the squad car.⁶²

⁵⁵ Identified in the Detective Supplementary Report as ██████████ r (██████████).

⁵⁶ Phone number (██████████).

⁵⁷ ██████████ (██████████) was contacted and stated that he heard gunshots but did not witness the shooting.

⁵⁸ ██████████ referred to herself as ██████████ in subsequent calls and was later identified as ██████████ (██████████).

⁵⁹ Attachments 19-25, 48

⁶⁰ Officer ██████████ is not depicted in the video.

⁶¹ This is an unmarked vehicle and it is not equipped with an in-car camera. Attachment 39.

⁶² Video labeled 1 of 2. Attachment 55

In-car video footage from beats █████, ⁶³ █████, ⁶⁴ █████, ⁶⁵ █████, ⁶⁶ and █████ ⁶⁷ does not depict the shooting but contains images of the aftermath.⁶⁸

Surveillance footage from the condominium building at █████ depicts Officers █████ and █████ arriving on scene. Each officer exits the vehicle and stands at their respective sides of the squad car. Officer █████ remains at the front passenger’s side of the squad car as she and Officer █████ engage with █████, █████, and █████; Officer █████ is standing at the front passenger’s side of the squad car when Officer █████ discharges her weapon. Officer █████ was not in the path of █████ vehicle.⁶⁹



FIGURE 1

This screen shot is time stamped 2:16:15. The yellow circle shows █████ vehicle pointed northbound on Clybourn Avenue. The red arrow depicts Officer █████ standing at the driver’s

⁶³ Assigned to Sgt. █████
⁶⁴ Assigned to Officers █████ and █████
⁶⁵ Assigned to Officers █████ and █████
⁶⁶ Assigned to Officers █████ and █████
⁶⁷ Assigned to Officers █████ and █████
⁶⁸ Attachments 50-54
⁶⁹ Attachments 49, 95

side of the squad in the south bound lane. The black arrow depicts the passenger side door of the squad open where Officer [REDACTED] was standing.

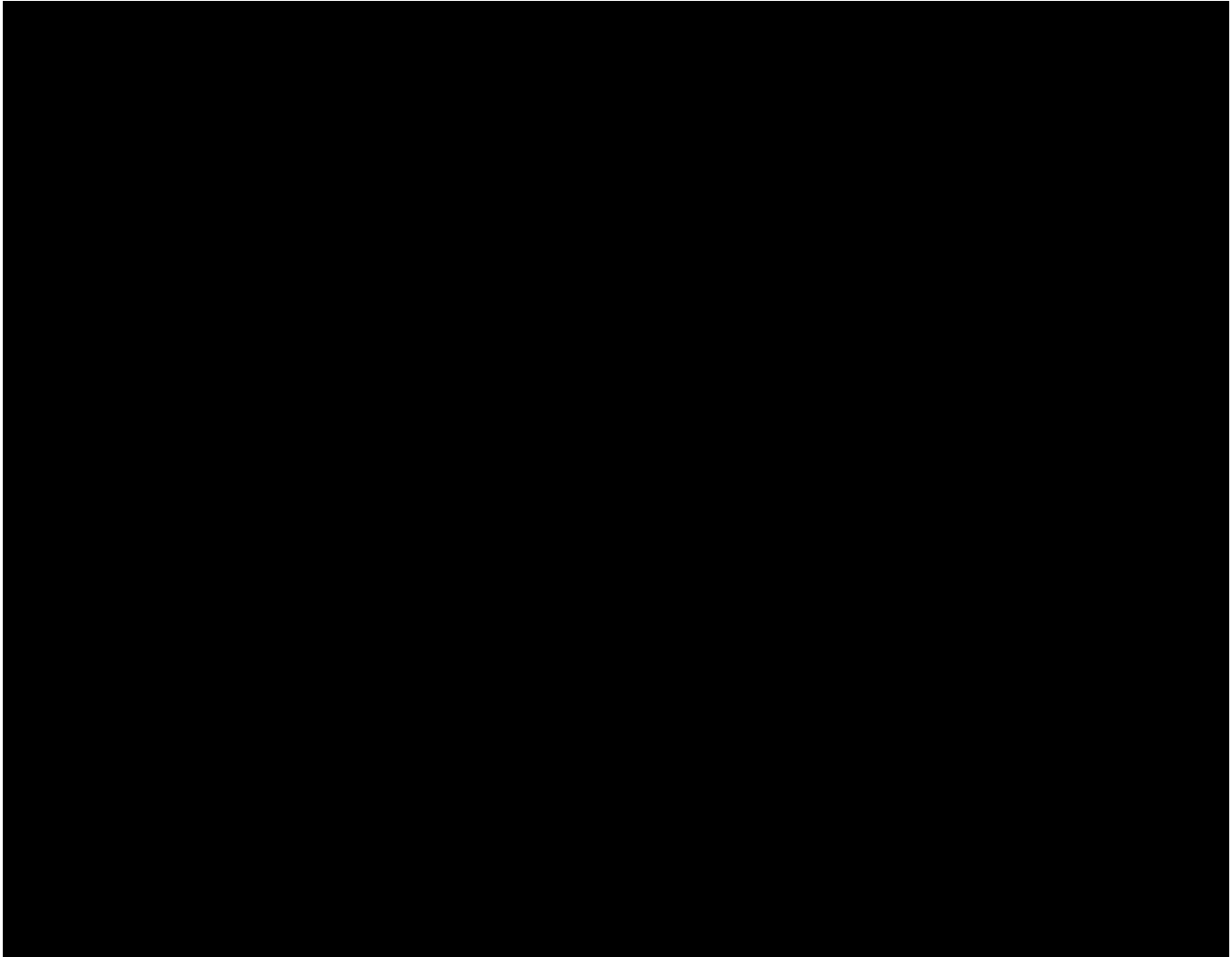


FIGURE 2

This screen shot is time stamped 2:16:26 from the moment [REDACTED] vehicle started driving northbound on Clybourn Avenue. The yellow circle depicts the northbound lane and portions of the southbound lane. No one is in the northbound lane or near [REDACTED] vehicle.

The video obtained from [REDACTED] cell phone is 40 seconds long. The video was recorded after the incident and does not depict the shooting.⁷⁰

c. Documentary Evidence

The **Arrest Report** documents that [REDACTED] was arrested and charged with Possession of Cannabis, Aggravated Assault to a Peace Officer, Fleeing/ Attempting to Elude Officers, Aggravated Unlawful Use of a Weapon, and Possession of a Controlled Substance. [REDACTED]

⁷⁰ Attachments 91, 93

was also cited for several traffic offenses. It is reported that Officers [REDACTED] and [REDACTED] responded to a call of a person with a gun in the vicinity of 3016 N. Clybourn Avenue. While responding, Officers [REDACTED] and [REDACTED] heard Beat [REDACTED] (Officers [REDACTED] and [REDACTED]) announce, "Shots fired." Upon hearing this, Officers [REDACTED] and [REDACTED] immediately responded to the location and saw a gold [REDACTED] fleeing northbound from the location. Officer [REDACTED] pointed at the vehicle, alerting Officers [REDACTED] and [REDACTED] that was the involved vehicle. Officers [REDACTED] and [REDACTED] followed the vehicle until it crashed into a fence at 2356 W. Leland. The driver of the vehicle, [REDACTED], fled from the vehicle and was subsequently placed into custody. Officers [REDACTED] and [REDACTED] learned that [REDACTED] attempted to strike Officer [REDACTED] with the vehicle.⁷¹

Officer [REDACTED] **Tactical Response Report** documents that on December 29, 2015, at 2:17 a.m., near [REDACTED], that [REDACTED] did not follow verbal direction, fled from police and posed an imminent threat of battery. Based on the check-boxes selected by Officer [REDACTED], [REDACTED] was classified as an assailant in the "deadly force" category citing a vehicle as the force used. The report documents that Officer [REDACTED] responded to [REDACTED] actions by member presence, verbal commands, and discharging her firearm two times. The report was reviewed by Lieutenant [REDACTED] who commented, "Based on the facts available at this time, it is the preliminary determination of the undersigned that Officer [REDACTED] actions were in compliance with department directives in that she fired her weapon at the driver of a vehicle that was attempting to strike her partner (PO [REDACTED])."⁷²

Officer [REDACTED] **Tactical Response Report** documents that [REDACTED] used force likely to cause death or great bodily harm (vehicle). The narrative section of the report is identical to Officer [REDACTED] report.⁷³

The **Officer's Battery Reports** of Officers [REDACTED] and [REDACTED] document that [REDACTED] attempted to strike an officer with a vehicle. Officer [REDACTED] battery report documents that one officer was battered; Officer [REDACTED] battery report documents that documents that two officers were battered.⁷⁴

Court records document that [REDACTED] was charged with Aggravated Assault to a Peace Officer, Aggravated Unlawful Use of a Weapon, Possession of Cannabis, misdemeanor Possession of Drug Paraphernalia, and several traffic tickets. The criminal charges against [REDACTED] were dismissed on January 27, 2016.⁷⁵

The **Case Supplementary Report** documents that Detective [REDACTED] interviewed Officers [REDACTED] and [REDACTED] on the scene. Detective [REDACTED] memorialization of the officers' accounts are consistent with the information Detective [REDACTED] provided in his statement to IPRA. Detective [REDACTED] requested that Detective [REDACTED] interview [REDACTED] at her residence. [REDACTED] informed Detective [REDACTED] that she was half awake inside her

⁷¹ Attachment 4

⁷² Attachment 6

⁷³ Attachment 8

⁷⁴ Attachments 7, 9

⁷⁵ Attachment 88

residence when she heard yelling and screaming on the street, near the front of her residence. [REDACTED] went to her front door and observed her brother, [REDACTED], and a second male standing on the sidewalk at approximately 3017 N. Clybourn Avenue. [REDACTED] also observed a squad car facing southbound on Clybourn Avenue at approximately [REDACTED]. There was an officer standing next to the driver's side door, and an officer by the passenger side. Both officers were facing southbound on Clybourn Avenue and pointing their guns. [REDACTED] related that she then observed a vehicle traveling northbound on Clybourn Avenue. One of the officers shot twice at the vehicle. The officers entered their squad car and drove closer to [REDACTED] and [REDACTED]. The officers told [REDACTED] and [REDACTED] to get on the ground. One of the officers opened [REDACTED] gate, grabbed her arm, pulled her to the sidewalk, and tried to push her down. The same officer told her to go back into her house. [REDACTED] initially refused to give the detectives access to her cell phone video, but she later signed a CPD Consent to Search form at the [REDACTED] District Police Station authorizing the search of her iPhone for video related to the incident. [REDACTED] related that she did not record the shooting but recorded three short video clips after the shooting occurred. The videos were then downloaded to a Compact Disc. The first file, dated 12/29/2015 at 0731 hours, included a six second video clip. The video depicted Clybourn Avenue with CPD vehicles and personnel on scene, and yellow crime scene tape erected. A female voice was talking in the background. The second file, dated 12/29/2015 at 0726 hours, included a ten second clip. The video depicted Clybourn Avenue with CPD personnel on scene. The third file, dated 12/29/2015 at 0224 hours, included a twenty second video clip. The video depicted Clybourn Avenue with CPD vehicles and personnel on scene. A female voice in the background commented, "this is what happens when you're Hispanic and they think your brother and cousin have guns."

Detectives also interviewed [REDACTED], [REDACTED], [REDACTED], [REDACTED]⁷⁶, [REDACTED]⁷⁷, and [REDACTED]⁷⁸. [REDACTED] told detectives that he was driving from a friend's house and lost control of his vehicle in the snow. [REDACTED] denied seeing any Chicago Police Officers on the street at the date and time of this incident. In a subsequent interview with detectives, [REDACTED] stated that he was in front of [REDACTED] house when CPD units arrived. [REDACTED] related that he did not want to be arrested so he drove away quickly. [REDACTED] said he never observed any police officers outside of their vehicle, and he never heard anyone tell him to turn off or exit his vehicle. [REDACTED] drove away and realized he was being followed by a CPD vehicle. [REDACTED] tried to outrun the CPD vehicle, but he lost control and crashed.

The Case Supplementary Report further documents that detectives spoke with 911 callers [REDACTED] and [REDACTED]. [REDACTED] related that she called 911 to report a disturbance between a group of males and a man with a gun. [REDACTED] left the scene prior to the officers' arrival. [REDACTED] gave detectives an account consistent with information he related in his statement to IPRA.⁷⁹

⁷⁶ [REDACTED] told detectives that she heard two gunshots outside her residence but did not see the shooting.

⁷⁷ [REDACTED] told detectives that he observed an officer yelling at a motorist to stop their vehicle. The vehicle then pulled away from the curb and traveled northbound on Clybourn. The officer fired twice at the vehicle.

⁷⁸ [REDACTED] told detectives that [REDACTED] vehicle sped away from the curb toward Officer [REDACTED]. Officer [REDACTED] yelled, "Stop the car," and fired her weapon twice at the vehicle.

⁷⁹ Attachment 99

IPRA requested **photographs** of the involved gold [REDACTED] license [REDACTED]. No bullet strikes were located on the vehicle.⁸⁰

The **Crime Scene Processing Report**⁸¹ documents that magazine from Officers [REDACTED] firearm had a capacity of fifteen bullets in the magazine and one in the chamber. Officer [REDACTED] firearm was processed and thirteen live rounds were in the magazine and one live round was in the chamber.

d. Additional Evidence

A **canvass** of the vicinity of the alleged incident produced no additional information.⁸²

VI. ANALYSIS

a. Applicable Directives and Law

1. Legal Standard

For each Allegation COPA must make one of the following findings:

1. **Sustained** - where it is determined the allegation is supported by a preponderance of the evidence;
2. **Not Sustained** - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. **Unfounded** - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. **Exonerated** - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed 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).

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.

⁸⁰ Attachments 37, 68

⁸¹ Att. 152-154

⁸² Attachment 28

2. Rule 14

Department Rule 14 prohibits making a false report, whether written or oral.⁸³ To sustain a Rule 14 violation against a police officer, a preponderance of the evidence must demonstrate “the Officer willfully made a false statement; and (2) the false statement was made about a fact that was material to the incident under investigation.”⁸⁴

3. Firing at or Into a Moving Vehicle

The applicable Chicago Police Department’s General Order is 03-02-03, II,⁸⁵ which states: 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 will endanger human life or inflict great bodily harm unless arrested without delay.

Additionally, General Order G03-02-03 Deadly Force, Section III, (E) applies. This section of General Order G03-02-03 prohibits Department members from firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person. Finally, General Order 03-02-03, Section IV, titled “Affirmation of Protection of Life Policy” states that “[s]worn members will not unreasonably endanger themselves or another person to conform to the restrictions of this directive.”

The use of deadly force is codified under 720 ILCS 5/7-5 (1986). The pertinent part of the state 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 effect 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

⁸³ See Chicago Police Department Rule 14.

⁸⁴ Agreement Between Fraternal Order of Police Chicago Lodge No. 7 and the City of Chicago, Section 6.1(M).

⁸⁵ This report references the version of General Order 03-02-03 II in effect on the date of the incident. The Department subsequently amended its use of force directives.

he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...

Determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are properly 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;" 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).

b. Allegations

1. Use of Deadly Force

COPA recommends a finding of **Sustained** for **Allegation #1** against **Officer [REDACTED]**, that she violated the provisions of General Order G03-02-03, section III (E) in that she fired at a moving vehicle. According to General Order G03-02-03, section III (E), firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person is prohibited. However, General Order G03-02-03, section IV provides that "[s]worn members will not unreasonably endanger themselves or another person to conform to the restrictions of this directive."

Officer [REDACTED] actions were in direct violation of General Order G03-02-03(E). Officer [REDACTED] asserted she fired at [REDACTED] vehicle because she feared [REDACTED] vehicle would strike Officer [REDACTED]. However, the surveillance footage from the condominium building at [REDACTED] demonstrates that Officer [REDACTED] was standing by the passenger side of the police vehicle, which was parked in the southbound lane as [REDACTED] drove north in the northbound lane. In other words, [REDACTED] vehicle was not close to Officer [REDACTED] and posed no reasonable risk to Officer [REDACTED]. Officer [REDACTED] was standing in front of the police vehicle and was also not in the path of [REDACTED] vehicle.⁸⁶ [REDACTED] did not use his vehicle as "force" against

⁸⁶ Officer [REDACTED] did not assert she subjectively believed the vehicle posed a risk to herself. Regardless, any such assertion would be unreasonable. [REDACTED] vehicle did not drive towards Officer [REDACTED], and in any event Officer [REDACTED] moved herself to the front of her vehicle completely out of [REDACTED] path.

any person, because no other person was present in the immediate area on the street, except [REDACTED] and [REDACTED]. Officer [REDACTED] did not assert [REDACTED] vehicle posed a threat to [REDACTED] or [REDACTED], and no evidence demonstrates [REDACTED] posed any threat to [REDACTED] and [REDACTED]. Therefore, Officer [REDACTED] would not have unreasonably endangered Officer [REDACTED] or anyone else by conforming with the prohibition on firing at or into a moving vehicle.⁸⁷

COPA further recommends a finding of **Sustained** for **Allegation #6** against **Officer [REDACTED]**, that she used deadly force without justification when she discharged her firearm in the direction of [REDACTED]. Deadly Force is defined as force which is likely to cause death or great bodily harm and includes the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and the firing of a firearm at a vehicle in which the person to be arrested is riding. According to General Order G03-02-03, section II (A) (1), 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 to prevent death or great bodily harm to the sworn member or to another person.⁸⁸ This investigation revealed that Officer [REDACTED], without justification, used force likely to cause death or great bodily harm without a reasonable belief that such force was necessary to prevent death or great bodily harm to any person when she fired two shots at [REDACTED].

According to General Order G03-02-03, section II (A)(2), an officer is also justified to use deadly force to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested: 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; is attempting to escape by use of a deadly weapon or; otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay. Officer [REDACTED] did not reference this part of the directive as justification for her use of deadly force and it is equally inapplicable. While Officer [REDACTED] was responding to a battery in progress and a report of a man pointing a *BB gun*⁸⁹, she did not have reasonable basis to believe the man was [REDACTED] as opposed to [REDACTED], [REDACTED], or some other individual in the vicinity, had committed the crime based on the extremely limited information she received. Furthermore, pointing a *BB gun* would not constitute threatening to use physical force likely to cause death or great bodily harm. Officer [REDACTED] did not directly observe [REDACTED] commit any crimes in her vicinity except driving away from her police vehicle and did not observe [REDACTED] with a firearm. Finally, Officer [REDACTED] provided no basis to support the proposition that deadly force was necessary to prevent [REDACTED] from escaping or defeating arrest as opposed to simply reporting [REDACTED] position and license plate number and allowing other officers to pursue him as appropriate.

For these reasons, Officer [REDACTED] used deadly force without justification when she discharged her firearm in the direction of [REDACTED].

⁸⁷ In fact, Officer [REDACTED] actions significantly increased the danger.

⁸⁸ Attachment 74

⁸⁹ To the extent, Officer [REDACTED] believed the report was for an actual firearm, her belief was unreasonable as dispatch repeatedly stated the weapon was a BB gun.

2. Rule 14 Allegations

COPA recommends a finding of **Sustained** for **Allegation #2** against **Officer [REDACTED]**, that she provided a false statement to Detective [REDACTED] when she stated that she discharged her weapon because [REDACTED] attempted to strike Officer [REDACTED] with his vehicle.

In sum, Officer [REDACTED] gave a statement to Detective [REDACTED] in which she claimed she fired her weapon because [REDACTED] attempted to strike Officer [REDACTED] with his vehicle.

Officer [REDACTED] account of the incident is false. The surveillance video is entirely inconsistent with Officer [REDACTED] statement. Considering where Officer [REDACTED] was standing throughout the incident, and the direction of [REDACTED] vehicle when he fled the scene, it is implausible and unreasonable that Officer [REDACTED] believed that [REDACTED] attempted to strike Officer [REDACTED] with his vehicle or that Officer [REDACTED] was even in the path of [REDACTED] vehicle. The surveillance footage demonstrates Officer [REDACTED] was in the opposite lane of traffic, at the passenger side of the squad car while [REDACTED] drove north in the northbound lane.

Officer [REDACTED] location was clearly material as her location is crucial to determining whether Officer [REDACTED] use of deadly force complied with Department policy. Officer [REDACTED] statements became the subject of Arrest and Case Reports and led to the filing of false charges against [REDACTED]—charges that were subsequently dismissed.

Finally, a preponderance of the evidence demonstrates Officer [REDACTED] false statements regarding Officer [REDACTED] location was willful. Officer [REDACTED] false statement cannot be reasonably attributed to a mistake, misperception, or any other innocuous explanation. As explained above, Officer [REDACTED] was not close to [REDACTED] vehicle. Officer [REDACTED] was even further from [REDACTED] vehicle than Officer [REDACTED] who was standing near driver's side and also not in the path of [REDACTED] vehicle. Officer [REDACTED] would not even have been in Officer [REDACTED] line of vision if she was looking at [REDACTED] vehicle located in the northbound line. Furthermore, Officer [REDACTED] provided her account of the incident to Detective [REDACTED] shortly after the incident and repeated it to Sergeant [REDACTED], Assistant State's Attorney [REDACTED], and IPRA investigators. Officer [REDACTED] false statements were also memorialized in Tactical Response and Officer's Battery Reports.

During her May 7, 2018, interview with COPA, Officer [REDACTED] later tried to backpedal from the statements she made immediately following the incident during her initial IPRA statement by saying that she *believed* Officer [REDACTED] was in the path of the vehicle based on Officer [REDACTED] saying she was going to handcuff [REDACTED] and [REDACTED] and the sound of Officer [REDACTED] voice. Furthermore, after being confronted with the video, Officer [REDACTED] attempted to further mitigate her false statement by saying, "that's what she believed at the time." However, it is implausible that Officer [REDACTED] perception was flawed to that extent. No one was in the path of the vehicle, and nothing obstructed Officer [REDACTED] clear view of [REDACTED] vehicle or the northbound lane. Moreover, certainly Officer [REDACTED] knew she was actually located by the passenger side door and that [REDACTED] vehicle did not drive towards her, but Officer [REDACTED] repeated the same false statements regarding her location as Officer [REDACTED]. This

demonstrates that more likely than not Officer ██████ colluded with Officer ██████ to come up with an explanation to justify her clearly unreasonable use of deadly force.

COPA recommends a finding of **Sustained** for **Allegation #3** against Officer ██████, that she provided a false statement to Sgt. ██████ when she stated that she discharged her weapon because ██████ attempted to strike Officer ██████ with his vehicle, for the same basis cited above for Allegation #2.

COPA recommends a finding of **Sustained** for **Allegation #4** against Officer ██████, that she provided a false statement to Assistant State's Attorney ██████ when she stated that she discharged her weapon because ██████ attempted to strike Officer ██████ with his vehicle, for the same basis cited above for Allegation #2.

COPA recommends a finding of **Sustained** for **Allegation #5** against Officer ██████, that she provided a false statement to Detective ██████ when she stated that she saw Officer ██████ in the northbound traffic lane prior to discharging her weapon, for the same basis cited above for Allegation #2.

COPA recommends a finding of **Sustained** for **Allegation #1** against Officer ██████, that she provided a false statement to Detective ██████ when she stated that she was in the northbound lane of traffic prior to Officer ██████ discharging her weapon.

Officer ██████ account of the incident is not credible. The video is inconsistent with Officer ██████ statement. This investigation revealed that Officer ██████ was not in the northbound lane of traffic prior to Officer ██████ discharging her weapon. Officer ██████ was in the southbound lane of traffic, standing at the front passenger side of the squad car next to the door at the time of the shooting. Officer ██████ never crossed or attempted to cross into the northbound lane of traffic until after Officer ██████ fired her weapon and ██████ had left the scene. Officer ██████ was at the passenger side of the vehicle throughout the duration of her and Officer ██████ interaction with ██████. In addition to the video, Officer ██████ statement is also contradicted by eyewitnesses—none of which place Officer ██████ in ██████ lane of traffic or in danger of being struck by ██████ vehicle. Many of the witnesses never mentioned seeing a second/passenger officer on scene; this lends credence to the fact that Officer ██████ was at the passenger side of the vehicle and further illustrates that Officer ██████ was not in ██████ lane of traffic or near ██████ vehicle. The evidence suggests that Officer ██████ colluded with Officer ██████ and knowingly and intentionally fabricated this story to corroborate Officer ██████ version of events and justify Officer ██████ otherwise unreasonable use of deadly force.

Officer ██████ made a false statement regarding a material detail. Officer ██████ false, misleading statement to Detective ██████ was memorialized in Department reports and led to the filing of false charges against ██████—charges that were subsequently dismissed and is also material to this investigation of Officer ██████ use of deadly force.

It was not until Officer ██████ was confronted with the video that she acknowledged that her statement to Detective ██████ was false. Officer ██████ attempted to mitigate her false

statement by saying that she believed the statement was true at the time she made the statement to Detective [REDACTED]. It is implausible that Officer [REDACTED] believed she was in the northbound lane of traffic—[REDACTED] lane—when or before Officer [REDACTED] discharged her weapon. In her February 2, 2016, statement to IPRA, Officer [REDACTED] gave very vivid detail regarding where she and Officer [REDACTED] were standing during the incident. Officer [REDACTED] specifically said that she was on the passenger's side of the squad car and ran around the rear of the squad car to the driver's side to intentionally place herself near [REDACTED] vehicle to further support the false narrative that [REDACTED] attempted to strike her with his vehicle. It is not credible that Officer [REDACTED] believed this information to be true at the time she made this statement. Therefore, Officer [REDACTED] false statement was willful.

COPA recommends a finding of **Sustained** for **Allegation #2** against **Officer [REDACTED]**, that she provided a false statement to Detective [REDACTED] when she stated that [REDACTED] vehicle was coming toward her and she ran to avoid being struck, for the same basis cited for Allegation #1 against Officer [REDACTED]. The fact that Officer [REDACTED] alleged that she ran to avoid being struck by [REDACTED] vehicle is clearly contradicted by the video evidence. As explained above, Officer [REDACTED] location was material to determining the validity of Officer [REDACTED] use of deadly force. Finally, Officer [REDACTED] false statement was clearly willful. There is no innocuous explanation for Officer [REDACTED] asserting she was in the path of [REDACTED] vehicle and had to run of the way, when she was standing by the passenger side of the police vehicle nowhere near [REDACTED] vehicle as [REDACTED] drove away from the area.

COPA recommends a finding of **Sustained** for **Allegation #3** against **Officer [REDACTED]**, that she provided a false statement to Sgt. [REDACTED] when she stated that [REDACTED] attempted to strike her with his vehicle, for the same basis cited for Allegations #1 and 2 against Officer [REDACTED]. While Officer [REDACTED] claimed she did not remember specifically what she told Sgt. [REDACTED], COPA finds there is sufficient, credible information that Officer [REDACTED] made this statement. This is further evidenced by the TRR and OBR reports that Sgt. [REDACTED] completed on Officer [REDACTED] behalf based on information she provided to him at the time.

COPA recommends a finding of **Sustained** for **Allegation #4** against **Officer [REDACTED]**, that she provided a false statement to Assistant State's Attorney [REDACTED] when she stated that she was in front of [REDACTED] vehicle, and the vehicle came toward her, for the same basis cited for Allegations #1, 2 and 3 against Officer [REDACTED].

COPA recommends a finding of **Sustained** for **Allegation #5** against **Officer [REDACTED]**, that she provided a false statement to the Independent Police Review Authority when she stated that she was in the oncoming lane of traffic prior to Officer [REDACTED] discharging her weapon, for the same basis cited for Allegations #1, 2 and 3 against Officer [REDACTED].

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer [REDACTED]****i. Complimentary and Disciplinary History**

Officer [REDACTED] has been awarded one (1) problem solving award, the 2004 crime reduction ribbon, twenty (20) honorable mentions, three (3) complimentary letters and the 2009 crime reduction award. Officer [REDACTED] has no disciplinary history for the past five years.

ii. Recommended Penalty, by Allegation**1. Allegation No. 1 and 6**

Officer [REDACTED] was unjustified in firing her weapon twice at [REDACTED] fleeing vehicle. At no point in the interaction did the totality of the circumstances even remotely justify her actions. Instead, Officer [REDACTED] *created* an unreasonably dangerous situation when she fired her weapon at a moving vehicle while other civilians were present. Her actions were reckless and baseless and there were no mitigating factors present. As such, COPA recommends separation from the Department.

2. Allegation No. 2-5

While Officer [REDACTED] actions in firing her weapon were reckless and unreasonable, her choice to falsify a statement in an attempt to validate her actions is unacceptable. Moreover, Officer [REDACTED] decision to offer a consistent statement strongly suggests that both officers colluded to cover up her actions. Officer [REDACTED] has committed an act that violates the public trust such that COPA must recommend the Department separate Officer [REDACTED].

b. Officer [REDACTED]**i. Complimentary and Disciplinary History**

Officer [REDACTED] has been awarded the 2004 crime reduction ribbon, four-teen (14) honorable mentions, eight (8) complimentary letters and the 2009 crime reduction award. Officer [REDACTED] has no disciplinary history for the past five years.

ii. Recommended Penalty, by Allegation**1. Allegation No. 1 - 5**

While Officer [REDACTED] decision to falsify a statement in an attempt justify her partners actions by is inexcusable and significantly undermines the community trust in the Department. Moreover, Officer [REDACTED] participation is far worse than just an effort to protect one's self by offering false testimony but evidences an intent to collude to cover up a fellow Department member's actions. COPA recommends the Department separate Officer [REDACTED].

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer ██████████	1. It is alleged that Officer ██████████n violated the provisions of General Order G03-02-03, section III (E) in that she fired at a moving vehicle when the vehicle was the only force used against her or another person, in violation of Rule 6.	Sustained
	2. It is alleged that Officer ██████████provided a false statement to Detective ██████████ when she stated that she discharged her weapon because Mr. ██████████ attempted to strike Officer ██████████ with his vehicle, in violation of Rule 14.	Sustained
	3. It is alleged that Officer ██████████provided a false statement to Sgt. ██████████ when she stated that she discharged her weapon because Mr. ██████████ attempted to strike Officer ██████████ with his vehicle, in violation of Rule 14.	Sustained
	4. It is alleged that Officer ██████████ provided a false statement to Assistant State’s Attorney ██████████when she stated that she discharged her weapon because Mr. ██████████ attempted to strike Officer ██████████ with his vehicle, in violation of Rule 14.	Sustained
	5. It is alleged that Officer ██████████ provided a false statement to Detective ██████████ when she stated that she saw Officer ██████████in the northbound traffic lane prior to discharging her weapon, in violation of Rule 14.	Sustained
	6. It is alleged that Officer ██████████ used deadly force without justification when she discharged her firearm in the direction of Mr. ██████████, in violation of Rules 6 and 38.	Sustained
Officer ██████████	1. It is alleged that Officer ██████████provided a false statement to Detective ██████████ when she stated that she was in the northbound lane of traffic prior to Officer ██████████ discharging her weapon, in violation of Rule 14.	Sustained

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|---|------------------|
| <p>2. It is alleged that Officer [REDACTED] provided a false statement to Detective [REDACTED] when she stated that Mr. [REDACTED] vehicle was coming toward her and she ran to avoid being struck, in violation of Rule 14.</p> | <p>Sustained</p> |
| <p>3. It is alleged that Officer [REDACTED] provided a false statement to Sgt. [REDACTED] when she stated that Mr. [REDACTED] attempted to strike her with his vehicle, in violation of Rule 14.</p> | <p>Sustained</p> |
| <p>4. It is alleged that Officer [REDACTED] provided a false statement to Assistant State’s Attorney [REDACTED] when she stated that she was in front of Mr. [REDACTED] vehicle and the vehicle came toward her, in violation of Rule 14.</p> | <p>Sustained</p> |
| <p>5. It is alleged that on January 13, 2016, at approximately 8:55 a.m., at 1615 W. Chicago Avenue, Officer [REDACTED] provided a false statement to the Independent Police Review Authority when she stated that she was in the oncoming lane of traffic prior to Officer [REDACTED] discharging her weapon, in violation of Rule 14.</p> | <p>Sustained</p> |

Approved:

[REDACTED]

Andrea Kersten
Deputy Chief Administrator

October 30, 2019

Date

[REDACTED]

Sydney Roberts
Chief Administrator

October 30, 2019

Date

Appendix A

Assigned Investigative Staff

Squad#:	████
Investigator:	████████████████
Supervising Investigator:	██
Deputy Chief Administrator:	Andrea Kersten