

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|----------------------|
| Date of Incident: | June 1, 2020 |
| Time of Incident: | 12:01 am |
| Location of Incident: | 5150 S. Homan Avenue |
| Date of COPA Notification: | June 1, 2020 |
| Time of COPA Notification: | 1:26 am |

On June 1, 2020, at approximately 12:00 am, while on patrol, Sergeant Dawn Hubbard and Officers Michelle Meza, Sean Bahr, and Liam Smith were dispatched to a call of shots fired in the vicinity of 53rd Street and Christiana Avenue. As Officer Meza drove the unmarked squad car southbound on Homan Avenue towards 52nd Street, an unidentified man came out into the street in front of 5150 S. Homan Avenue and fired approximately four shots towards the officers, striking the windshield of their squad car. Officer Meza stopped the squad car and fired once at the man, and Sergeant Hubbard fired twice at the man through the front windshield. The man then fled on foot. Sergeant Hubbard instructed Officer Meza to drive to 51st Street and Kedzie Avenue, to a safer location. The officers then reported the incident to OEMC. When the location of the incident was secured, the officers returned and spoke to the street deputy and detectives. The man was never identified nor was a firearm recovered from the scene. However, shell casings that did not match either officer’s weapon were found at the scene near the location where the officers said an individual fired.

II. INVOLVED PARTIES

| | |
|-------------------------|--|
| Involved Officer #1: | Dawn Hubbard, star 2050, employee ID [REDACTED] Date of Appointment: September 27, 2004, Sergeant, Unit of Assignment: 009, DOB: [REDACTED] [REDACTED] 1975, female, Black. |
| Involved Officer #2: | Michelle Meza, star 16695, employee ID [REDACTED] Date of Appointment: February 23, 2015, Police Officer, Unit of Assignment/Detail: 211, DOB: [REDACTED] [REDACTED] 1991, female, Hispanic. |
| Involved Individual #1: | Unknown |

III. ALLEGATIONS

Any discharge of an officer’s firearm results in a mandatory notification to COPA. This investigation was initiated pursuant to such notification. COPA determined that evidence did not exist which would require allegations of excessive force against Officer Meza and Sergeant

Hubbard. However, Officer Meza was found to be in violation of U04-02 in that her firearm was not fully loaded at the time of the incident.

| Officer | Allegation | Finding |
|-----------------------|--|-----------|
| Officer Michelle Meza | 1. It is alleged that on or about June 1, 2020, at approximately 12:02 a.m., at or near 5150 S. Homan Avenue, Officer Michelle Meza failed to comply with U04-02 in that her firearm was not fully loaded at the time of the incident. | Sustained |

IV. APPLICABLE RULES AND LAWS

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- Rules
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1. Rule 6: Disobedience of an order or directive, whether written or oral.
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- General Orders
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1. G03-02-Use of Force (Effective February 28, 2020 – April 15, 2021)
 2. G03-02-01, Force Options (effective February 29, 2020 to April 15, 2021)
 3. G03-02-03, Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective February 29, 2020 to April 15, 2021)
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- Uniform and Property Order
-
1. U04-02, Department Approved Weapons and Ammunition (effective February 29, 2020 to May 7, 2021).
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- Federal Laws
-
1. The Fourth Amendment to the United States Constitution
-
- State Laws
-
1. 720CS 5/7-5 (1986): Justifiable Use of Force

a. Interviews

In a **statement to COPA on June 17, 2020, Sergeant Dawn Hubbard**¹ stated on June 1, 2020, she, Officers Michelle Meza, Sean Smith (star 6749), and Liam Bahr (star 3209), were assigned to Unit 211-Area One Saturation Team, Beat 4110. Officer Meza was the driver of the squad car, Sergeant Hubbard was the front passenger, and the two male officers were in the back seat. The officers were responding to a shots fired call in the vicinity of 53rd Street and Christiana Avenue. As the officers drove southbound on Homan Avenue toward 52nd Street, a man came out

¹ Atts. 30 and 31. Sergeant Hubbard’s statement was conducted telephonically from Attorney William Fahy’s office.

into the middle of the street and began shooting at them.² Sergeant Hubbard stated that she and Officer Meza each fired twice at the man through the front windshield.³ The man then fled on foot.⁴ Sergeant Hubbard instructed Officer Meza to leave the area and Officer Meza drove to a safer location at 51st Street and Kedzie Avenue. There, Sergeant Hubbard and the other officers reported the incident to OEMC. After the location of the incident was secured, Sergeant Hubbard and her officers returned. Sergeant Hubbard spoke to her union representative, street deputy, and detectives. She never learned the identity of the man, and to her knowledge, he was not apprehended.

In a **statement to COPA on June 17, 2020, Officer Michelle Meza⁵** added that she and the other officers were at 51st Street and Kedzie Avenue when they received the OEMC call of shots fired in the vicinity of 53rd Street and Christiana Avenue.⁶ According to Officer Meza, as she was driving southbound on Homan Avenue at approximately 5150 S. Homan Avenue, an unidentified man walked into the street and shot two or three rounds at them, striking the front windshield of their police vehicle. Officer Meza stopped the vehicle, retrieved her firearm from the holster, and fired one or two shots at the man through the front windshield.⁷ Sergeant Hubbard also fired one or two shots from the front passenger's seat. Officer Meza recalled the man wore a dark colored T-shirt and a facial mask. Officer Meza stopped firing because she could no longer see the man. She then drove southbound on Homan Avenue and stopped at 51st Street and Kedzie Avenue, where the officers notified OEMC of the incident. Officer Meza did not recall how long they were at 51st and Kedzie Avenue.⁸

Upon inquiry, Officer Meza confirmed that her Tactical Response Report (TRR) indicates she discharged her firearm twice. She explained her TRR states she fired twice because after an inspection of her firearm, she discovered two rounds were missing from her magazine.⁹ Officer Meza did not recall if her firearm was fully loaded on the day of the incident.¹⁰

² Att. 31, pg. 11, Ins. 9 to 23. The male emerged between two parked cars in front of 5150 S. Homan Avenue. Sergeant Hubbard described him as wearing dark clothing, with a mask around his face.

³ Att. 47. Sergeant Hubbard fired with a Glock 19, 9MM semi-automatic pistol, serial number [REDACTED]. She stated that her firearm, which had a capacity of sixteen bullets was fully loaded. She last qualified on March 12, 2020, her firearm was registered with the Chicago Police Department (CPD), and her FOID card was current at the time of the incident.

⁴ Att. 31, pg. 11, Ins. 11 to 14. Sergeant Hubbard did not see what direction the male fled.

⁵ Atts. 27 and 28. Officer Meza's statement was conducted telephonically from Attorney Fahy's office.

⁶ Officer Meza stated the shots were detected by Shot Spotter, but she could not recall how many shots were fired.

⁷ Att. 46. Officer Meza fired with a Glock 19, 9MM semi-automatic pistol, serial number [REDACTED]. The capacity of her firearm is fifteen bullets in the magazine and one in the chamber (15+1). She last qualified on February 24, 2020 her firearm was registered with (CPD), and her FOID card was current at the time of the incident.

⁸ Officer Meza never learned the identity of the male.

⁹ Att. 28, pg. 32, Ins. 4 to 8. Officer Meza stated she believed the capacity of her firearm is 16 (magazine) +1 (chamber). Officer Meza was mistaken. The capacity of her firearm is fifteen bullets in the magazine and one in the chamber (15+1).

¹⁰ According to Crime Scene Processing Report No. 433081, Att. 14, pg. 2, Officer Meza discharged her firearm once during the incident, and there were 12 live rounds in her firearm after the incident, inventory number 14713437, item numbers 10977922-23. Therefore, she was missing three rounds in her magazine.

In a **second statement to COPA on March 17, 2021**,¹¹ **Officer Meza** clarified the capacity of her firearm is fifteen bullets in the magazine and one in the chamber (15+1).¹² Regarding the allegation against her, Officer Meza stated she thought her firearm was fully loaded on the date of the incident. Prior to the incident, the last time Officer Meza inspected and discharged her firearm was during her annual weapon qualification on February 20, 2020. Officer Meza stated she does not normally inspect her firearm.

In a **statement to COPA on June 18, 2020**, **Officer Sean Smith** (star 6749)¹³ related that he and the other officers were in the middle of Homan Avenue, between 51st Street and 52nd Street, when the unidentified man shot at them, striking the front windshield twice. Officer Smith removed his firearm from the holster but realized that Sergeant Hubbard was in his line of sight, so instead of returning fire, he got down on the floor of the vehicle and took cover. Officer Smith did not recall Officer Meza or Sergeant Hubbard discharging their firearms, but he did recall hearing gunshots and glass shattering. He did not know if the gunshots were coming from inside or outside the vehicle because the incident occurred so quickly.¹⁴ Officer Smith heard someone say, "Get out of there,"¹⁵ and Officer Meza drove away.

In a **statement to COPA on June 18, 2020**, **Officer Liam Bahr** (star 3209)¹⁶ reiterated essentially the same account of the incident as Officer Smith. Officer Bahr added that the unidentified man fired at least twice, striking the front windshield of their police vehicle. Officer Bahr removed his firearm from his holster but realized that Officer Meza was in front of him, so he put his firearm down and took cover inside the vehicle. Officer Bahr heard additional gunshots but did not know where they came from. He did not see any muzzle flashes inside the vehicle.¹⁷ Sergeant Hubbard then instructed Officer Meza to leave the location of the incident.

b. Digital Evidence¹⁸

The **Shot Spotter Data**¹⁹ and audio recordings from June 1, 2020, recorded four gunshots in the vicinity of 5153 S. Homan Avenue at 12:02:10 am.²⁰

¹¹ Atts. 50 and 51. On January 20, 2021, Officer Meza was served with an allegation of failure to comply with U04-02 in that her firearm was not fully loaded at the time of the incident. See Att. 49. COPA's investigation revealed Officer Meza's firearm was missing three bullets when the incident occurred.

¹² See footnote 9.

¹³ Atts. 34 and 35. Officer Smith's statement was conducted telephonically from Attorney Fahy's office.

¹⁴ Officer Smith did not learn that Officer Meza and Sergeant Hubbard discharged their firearms until he relocated to the Area after the incident.

¹⁵ Att. 35, pg. 20, ln. 17. Officer Smith did not recall which officer made the comment.

¹⁶ Atts. 38 and 39.

¹⁷ After the incident, Officer Bahr learned that Officer Meza and Sergeant Hubbard discharged their firearms. He did not recall how many shots each officer fired.

¹⁸ COPA obtained and reviewed numerous POD videos, but none of them capture the shooting or the path the officers took on their way to Homan Avenue. COPA also obtained and reviewed the body worn camera (BWC) videos of Officers Humberto Andablo (employee number [REDACTED]) and Bradley Bullington (employee number [REDACTED]). The officers responded to the location of 5150 S. Homan Avenue following the incident. PO BWCs Atts. 56-60

¹⁹ Att. 11.

²⁰ It is believed these gunshots were fired by the male subject. The officers discharged their weapons three times.

The **Office of Emergency Management and Communications (OEMC) Event Queries, 911 Calls, and Radio Transmissions**²¹ document the following relevant and material communications. At approximately 12:02:30 am, Officer Meza reported a 10-1²² at 52nd and Homan Avenue. She and Sergeant Hubbard relate they were driving on Homan Avenue when a Hispanic male (wearing a blue shirt) came into the street and shot at their windshield. The officers reported the male may have a connection to a blue Chevy Tahoe. Sergeant Hubbard told the dispatcher that she and her team were safe and had relocated to 51st Street and Kedzie Avenue. The officers reported shots fired at and by the police, stating their police vehicle had gunshots to the front windshield. The dispatcher confirmed ShotSpotter picked up gunshots at 5153 S. Homan Avenue. Responding officers reported that a Maroon Ford Explorer, last seen traveling westbound on 52nd Street and northbound on Trumbull Avenue, was wanted in connection with the incident.

At 12:06:21 am, a female 911 caller who identified herself as [REDACTED] reported that two individuals broke into her garage at [REDACTED] Avenue and were hiding inside.²³

External residential video located at [REDACTED] S. Homan Avenue²⁴ shows an SUV stopped next to a parked car near 5150 S. Homan Avenue at approximately 12:01:57 am. An individual then exited the vehicle on foot. At approximately 12:02:12 am, the individual stepped into the street and fired northbound at an unmarked police vehicle,²⁵ which was driving southbound on Homan Avenue. The individual then ran westbound through the front yard of 5150 S. Homan Avenue. The unmarked police vehicle continued driving southbound on Homan Avenue, past 52nd Street. A vehicle parked on the west side of Homan Avenue turned westbound on 52nd Street, northbound through the alley, and returned to Homan Avenue, where it was originally parked. An individual exited the vehicle and walked toward the backyard of 5150 S. Homan Avenue. At 12:07:17 am, the video shows numerous police officers arrived at the scene.

External residential video located at [REDACTED] S. Homan Avenue²⁶ shows an SUV appeared to stop across the street, at 5150 S. Homan Avenue, at approximately 1:01:56 am. A person exited the vehicle and entered a parked car on the west side of Homan Avenue. At 1:02:12 am, someone appeared to run into the street, then out of the camera view. Seconds later, an unmarked squad car drove southbound on Homan Avenue, past 52nd Street. At 1:04:23 am, an unmarked car drove northbound on Homan Avenue with its lights flashing. Officers arrive at the scene at 1:08:07 am and began searching the area with flashlights.²⁷

External residential video located at [REDACTED] S. Trumbull Avenue²⁸ captured a male running in the alley, then entering a backyard just south of [REDACTED] S. Trumbull Avenue, at 12:02:41

²¹ Atts. 6 to 8.

²² A 10-1 is a radio call indicating an officer needs emergency assistance. Officer Meza's 10-1 is audible approximately 2:30 minutes into the radio transmissions. Att. 8, Z6000-0100.

²³ Att. 8, evidence number 20155300244.

²⁴ Att. 22.

²⁵ The video captures the muzzle flashes from the individual's firearm.

²⁶ Att. 23, Camera 03 1_03_M_06012020003041 (00:30:28 am to 1:16:28 am). The timestamp on this video appears to be approximately one hour ahead.

²⁷ This video skips time due to no motion being detected. The actions described start at approximately 2:19.

²⁸ Atts. 20 and 21, includes video clips from channels 05-08. Only the clips that capture relevant video are summarized.

am.²⁹ Police sirens were audible in the background. At 12:04:01 am, the video captured the male walking northbound on Trumbull Avenue, then crossing the street eastbound. The male, who was talking on a cell phone, told the person on the other end of the line to pick him up at “52nd and Trumbull.”³⁰

c. Physical Evidence

Crime Scene Processing Report No. 433081³¹ documents that on June 1, 2020, at approximately 1:46 a.m., Evidence Technicians (ET) were assigned to process the crime scene of an aggravated assault to police officers, which occurred at 5150 S. Homan Avenue. The report noted the involved officers were driving southbound “when an unknown subject emerged between a Red Ford SUV parked at 5154 S. Homan Ave. and a Blue Ford SUV parked at 5150 S. Homan [Avenue] and fired shots in their direction.”³² The responding ETs marked, measured, and photographed the evidence, video-recorded the scene, and prepared a plat. The ETs found a fired cartridge case on the driver side front seat and two fired cartridge cases under the passenger side front seat.³³ They also processed the hood of the Blue Ford SUV for fingerprints, with negative results. An ET then relocated to 5137 S. Trumbull Avenue to process the hood of a Red Honda SUV that the subject touched, recovering one ridge impression.

Crime Scene Processing Report No. 435739³⁴ documents that on June 29, 2020, at approximately 9:40 am, an ET was assigned to execute a search warrant³⁵ of a Ford Expedition bearing license plate [REDACTED] at the auto pound located at 5555 W. Grand Avenue. The ET took photographs of the vehicle and swabbed the interior and exterior door release handles for biological material and fingerprints. The results of the fingerprints were negative. The ET also inventoried miscellaneous items from the interior of the vehicle.³⁶

²⁹ Att. 20, file Att. 47. N841A8@ch8@main_20200601000241_20200601000254. Note: 911 caller [REDACTED] reported that someone (presumably the person who shot at the officers) broke into her garage at 5137 S. Trumbull Avenue.

³⁰ Att. 20, file: Att. 3 N841A8@ch5@main_20200601000358_20200601000449.avi.

³¹ Att. 14.

³² Att. 14, pg. 5.

³³ Att. 14, pg. 2. The fired cartridge on the driver’s side is labeled as Crime Scene Marker 7 (CSM), inventory number 14713369, item 10977808. CSM 7 was Officer Meza’s fired cartridge as she was the driver of the police vehicle. Sergeant Hubbard’s fired cartridges were labeled as CSM 9 and 10, inventory number 14713369, item 10977809. Sergeant Hubbard was the front passenger in the vehicle.

³⁴ Att. 13.

³⁵ Search warrant [REDACTED].

³⁶ Water bottle, juice bottle, blue mask, and a Green Champion sweater.

d. Documentary Evidence³⁷

The **Major Incident Notification (MIN) Report**³⁸ and the **Case Supplementary Report**³⁹ contain information that detectives identified and obtained during the preliminary stage of their investigation, which is consistent with the information COPA gathered during its investigation.

The **Tactical Response Reports (TRR) of Sergeant Hubbard and Officer Meza**⁴⁰ document that on June 1, 2020, at approximately 12:01 am, at the location of 5150 S. Homan Avenue, an unknown subject ambushed the officers without warning, discharged a firearm at them, and fled from the scene. Sergeant Hubbard and Officer Meza responded by discharging their firearms twice at the subject.⁴¹

The **Annual Prescribed Weapon Qualification of Officer Meza** details when Officer Meza last qualified with her weapon, identified as a Semi-Automatic Pistol Glock GMBH Model 19 with a capacity of 15.⁴²

V. 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.

³⁷ In addition to the documents summarized below, COPA obtained and reviewed the Detective Supplemental Report, which is consistent with the investigation gathered and summarized in this report. See Att. 45. Additionally, COPA received an email from the Bureau of Internal Affairs (BIA), indicating that Officer Meza and Sergeant Hubbard submitted to a urinalysis and breathalyzer test, which resulted in a BrAC of .000 and negative for drugs. See Atts. 40 and 41, 53 and 55. There were no Illinois State Police Laboratory Reports because no subject was identified (see Att. 54) and no evidence was submitted for testing by CPD.

³⁸ Att. 16.

³⁹ Att. 45.

⁴⁰ Atts. 2 and 3.

⁴¹ It was later determined by crime scene investigators that Officer Meza only discharged her firearm once. See Att. 14, pg. 2.

⁴² Att. 46.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy.⁴³ If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. 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.”⁴⁴

VI. ANALYSIS

a. A preponderance of the evidence shows that the use of deadly force by Sergeant Hubbard and Officer Meza complied with CPD policy.

COPA finds by a preponderance of the evidence that the use of deadly force by Sergeant Hubbard and Officer Meza was objectively reasonable, necessary, and proportional to the circumstances they faced. COPA further finds that the officers did not have sufficient time to employ de-escalation tactics, and that such tactics would not have been effective in light of the totality of the circumstances the officers faced. COPA further finds that the officers used deadly force as an option of last resort. COPA therefore concludes by a preponderance of the evidence that Sergeant Hubbard’s and Officer Meza’s use of deadly force complied with CPD policy.

The CPD’s highest priority is the sanctity of human life. CPD members are to act with the utmost regard for preserving human life and must comply with CPD use of force orders.⁴⁵ CPD members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.⁴⁶ CPD members are to only use the amount of force that is required to serve a lawful purpose.

The main issue in evaluating every use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of the circumstances faced by the member on scene. Factors to be considered include but are not limited to: whether the subject is

⁴³ 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).

⁴⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

⁴⁵ Att. 61. G03-02-01(II)(C), Force Options (effective February 29, 2020 to April 15, 2021). Questions as to the propriety of a police officer’s use of force, including excessive or deadly force, are also typically evaluated under state law as well as the 4th Amendments to the United States Constitution and Illinois state Constitution. However, Department policy in place at the time of the incident in this case prohibited the use of deadly force under circumstances that would have been permissible under state law and 4th amendment law, meaning that Department policy is *more* restrictive than state law and federal 4th amendment law. COPA’s analysis therefore focuses solely on whether Sergeant Hubbard’s and Officer Meza’s use of deadly force complied with Department policy in place at the time of the incident, June 1, 2020.

⁴⁶ G03-02(III)(B), Use of Force (effective February 29, 2020 to April 15, 2021).

posing an imminent threat to the member or others; the risk of harm, level of threat or resistance presented by the subject; the subject's proximity to weapons.⁴⁷

Deadly force is force by any means that is likely to cause death or great bodily harm, including the firing of a firearm in the direction of the person to be arrested.⁴⁸ The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person; or to prevent an arrest from being defeated by resistance or escape, where the person poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.⁴⁹

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 (3) the subject has the opportunity and ability to cause death or great bodily harm.⁵⁰

In reaching its conclusions, COPA evaluated all available evidence, including the statements provided by the involved officers. COPA has found the officers to be credible in their statements. Moreover, the officers' statements are corroborated by video footage of the incident. Based on a review of the evidence, COPA finds that it is more likely than not that Sergeant Hubbard's and Officer Meza's use of deadly force was objectively reasonable in light of the imminent threat they faced. The evidence establishes that Officers Meza, Smith, Bahr, and Sergeant Hubbard were ambushed when an unknown man stood in the middle of the street and shot at their vehicle, posing an immediate threat to their lives. Third party videos⁵¹ support that it was objectively reasonable to believe that the unknown individual's actions were likely to cause death or great bodily harm. The video footage shows the man in possession of a firearm that he used to aim and fire multiple times at the officers. It was apparent that he had the means, opportunity, and ability to cause great bodily harm and/or death. COPA further finds by a preponderance of the evidence that the force used by Officer Meza and Sergeant Hubbard was proportional to the threat against them. The evidence shows that the officers stopped firing their weapons once the threat had diminished. Additionally, the force used was necessary to protect themselves and fellow officers from great bodily harm. As such, Officer Meza's and Sergeant Hubbard's decision to return fire at the individual was objectively reasonable under the circumstances.

Moreover, COPA finds by a preponderance of the evidence that the use of deadly force was an option of last resort by Sergeant Hubbard and Officer Meza. The evidence shows that the unknown individual stepped into the street and discharged a weapon directly at the vehicle being driven by the officers. The officers did not have the ability to take cover as the only object between the officers and the individual was a windshield. During her interviews with COPA, Officer Meza described the man shooting rounds that were striking the glass windshield of the squad car as they drove down Homan.⁵² Sergeant Hubbard explained to COPA that she instructed Officer Meza to

⁴⁷ G03-02(III)(B)(1).

⁴⁸ G03-02(II)(C)(1).

⁴⁹ G03-02(III)(C)(3).

⁵⁰ G03-02(III)(C)(2).

⁵¹ Att. 22.

⁵² Att. 28 pg. 13, lns. 14 to 19.

leave the area once the individual ran away.⁵³ The use of deadly force was a last resort in the situation as they were actively being shot at with no ability to take cover.

Additionally, COPA finds by a preponderance of the evidence that the officers did not violate CPD policy when they fired through the windshield of their squad car. CPD policy prohibits “[f]iring into buildings, through doors, windows, or other openings, or in any other circumstance when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is necessary, based on the specific circumstances confronting the sworn member, to prevent death or great bodily harm to the sworn member or to another person. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken precautions to minimize the risk that people other than the target will be struck.”⁵⁴

Here, the officers both indicated that they were able to see the unknown man who was shooting at them, and it was necessary for them to defend themselves and their partners against the shots being fired directly at them. There appears to be no evidence showing that other individuals were present in the vicinity when the officers discharged their firearms, minimizing the risk that people other than the target would be struck. Thus, for all these reasons, COPA finds by a preponderance of the evidence that Sergeant Hubbard and Officer Meza complied with CPD policy.

b. Allegation 1, that Officer Meza failed to fully load her firearm in compliance with CPD policy, is Sustained.

COPA finds by a preponderance of the evidence that Officer Meza failed to fully load her firearm in compliance with CPD policy. CPD Policy requires that firearms be fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight).⁵⁵ During her interview, Officer Meza stated that she could not recall if her firearm was fully loaded at the time of the incident.⁵⁶ A preponderance of the evidence supports that Officer Meza failed to fully load her firearm as directed by Department policy. Officer Meza’s weapon was inventoried and examined, revealing the weapon was a Glock Model 19 Gen 4 Caliber semi-automatic 9-millimeter firearm that contained a total of 12 live rounds, 1 in the chamber and 11 in the magazine.⁵⁷ The evidence further shows that Officer Meza discharged her firearm once during the incident. The firearm has a total capacity of sixteen rounds, meaning Officer Meza was missing three rounds from her magazine.⁵⁸ Consequently, the evidence shows that Officer Meza’s firearm was under-loaded by three rounds in violation of CPD policy. For these reasons, COPA finds **Allegation 1** against Officer Meza is **Sustained** as a violation of Rule 6.

⁵³ Att. 31 pg. 19, lns. 1 to 3.

⁵⁴ G03-02-03(II)(D)(5), Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective February 29, 2020 to April 15, 2021).

⁵⁵ U04-02(II)(H), Department Approved Weapons and Ammunition (effective February 29, 2020 to May 7, 2021).

⁵⁶ Att. 28, pg. 23 lns. 7 to 11.

⁵⁷ Att. 14.

⁵⁸ Att. 46.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATION

a. Officer Michelle Meza, star16695

i. Complimentary and Disciplinary History⁵⁹

Officer Michelle Meza has received 90 complimentary awards, including 74 honorable mentions, and three department commendations. Officer Meza has received 1 SPAR for a Preventable Accident in 2022. No disciplinary action was taken for her 2022 incident.

ii. Recommended Penalty

COPA has considered Officer Meza’s complimentary and disciplinary history. Officer Meza’s firearm was underloaded, which is a violation of Department policy. COPA recommends a Violation Noted.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Administrator

December 28, 2023
Date

[Redacted Signature]

Andrea Kersten
Interim Chief Administrator

December 28, 2023
Date

⁵⁹ Att. 62