



Log # 2020-2540

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 8, 2020, the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred earlier that day, at approximately 12:24 a.m., near [REDACTED].² COPA learned that an on-duty CPD member, Officer Nathaniel Hollis,³ discharged his firearm at [REDACTED] after [REDACTED] shot at and struck Officer Hollis in the aftermath of a domestic violence incident. Following its investigation, COPA determined that Officer Hollis' use of deadly force complied with CPD policy, and no allegations were served related to his use of force.

However, COPA served Officer Hollis and Officer Niko Lopez with allegations for improper activation and/or deactivation of their body-worn cameras (BWCs), and sustained findings were reached against both officers.

II. SUMMARY OF EVIDENCE⁴

On the evening of June 7, 2020, at approximately 11:25 p.m., Officers Hollis and Lopez (collectively, "the Officers") arrived at [REDACTED]⁵ in response to a report of a person with a gun at that location.⁶ Upon arrival, the Officers met with three residents identified as [REDACTED] and [REDACTED].⁷ The residents advised the Officers that

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a CPD member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

³ Officer Hollis was a Probationary Police Officer at the time of this incident but now holds the rank of Police Officer.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, In-Car Camera (ICC) footage, third-party video footage, OEMC 911 call recordings, police radio transmissions, police reports, and officer interviews.

⁵ Att. 1, pg. 1.

⁶ Att. 1, pg. 3.

⁷ Att. 8, pg. 7. On BWC, these individuals explained that they represent three generations of the [REDACTED] family, with [REDACTED] being [REDACTED] and [REDACTED] being [REDACTED] (See Att. 137; also Att. 139.) However, CPD's Original Case Incident Report does not list [REDACTED] name, but instead lists [REDACTED] along with [REDACTED] and [REDACTED]. Adding to the potential confusion over the female witnesses' names is the fact that during an unrecorded telephone conversation with the individual named herein as [REDACTED]" she advised that she is sometimes also known by the name [REDACTED]" (See Att. 54.) For the purposes of this report, she will be identified as [REDACTED]."

their relative, ██████ had entered their residence while intoxicated and discharged a handgun multiple times into the floor of the house after engaging in a verbal argument with them.⁸ Following this, ██████ had threatened to shoot ██████ and then fled from the house after learning the police had been called. While the Officers were still in the process of investigating this incident, ██████ returned to the house and initiated a shooting incident.⁹

The relevant BWC evidence shows that at the time of this incident, the Officers were at ██████ along with other CPD members who were responding to the same call of a man with a gun.¹⁰ The Officers joined with several other members in conducting a sweep of the residence while searching for ██████¹¹ After it was determined that ██████ was no longer inside the residence, the other CPD members left the scene, leaving only Officers Hollis and Lopez to complete the investigation at the house.

The Officers discovered damage to the wall of the house and located an expended cartridge casing as ██████ repeatedly informed them that she was afraid ██████ might return to her home and kick down the door.¹² She showed the Officers several places where she believed ██████ had discharged a firearm into the floors of the house,¹³ and they further examined debris they found in the dining room and front room areas.¹⁴ ██████ stated that he was 21 years of age and was willing to speak with the Officers about ██████¹⁵ He said he had advised his family members that he believed ██████ was too unstable to be allowed to live with them.¹⁶ ██████ reported that ██████ had been under the influence of alcohol all day since he had first seen him that morning.¹⁷ He further explained that ██████ had an unrequited sexual desire for ██████ friend, ██████¹⁸ and he believed this desire was a motivation for ██████'s violent behavior that evening.¹⁹ ██████ stated that ██████ had fired a handgun at least four times inside the house, had pointed the weapon at ██████ chest and threatened to shoot him, and had further stated that he intended to shoot police officers.²⁰

██████ expressed concern that ██████ might be hiding in the basement of the house, and when Officer Hollis assured her that the basement had been cleared and the door was locked, she told him that ██████ had a set of keys that would enable him to gain entry if he

⁸ Att. 1, pg. 3.

⁹ Att. 1, pg. 3.

¹⁰ Att. 137 at 2:00 to 2:14; also Att. 139 at 1:57 to 2:10.

¹¹ Att. 137 at 2:14 to 5:09; also Att. 139 at 2:10 to 5:05.

¹² Att. 137 at 5:09 to 6:34; also Att. 139 at 5:05 to 6:30.

¹³ Att. 137 at 6:34 to 7:22; also Att. 139 at 6:30 to 7:18.

¹⁴ Att. 137 at 7:22 to 10:08; also Att. 139 at 7:18 to 10:04.

¹⁵ Att. 137 at 10:08 to 11:24.

¹⁶ Att. 137 at 11:24 to 11:50.

¹⁷ Att. 137 at 12:59 to 13:29; also Att. 139 at 12:54 to 13:25.

¹⁸ Att. 8, pg. 11. (████████████████████ full name was discovered by CPD Detectives and documented in the Case Supplemental Report.)

¹⁹ Att. 137 at 13:29 to 13:55; also Att. 139 at 13:25 to 13:51.

²⁰ Att. 137 at 12:59 to 16:09; also Att. 139 at 12:54 to 16:05.

returned.²¹ [REDACTED] warned that [REDACTED] might also have a second handgun in his possession in addition to the one he had fired,²² and he reported seeing [REDACTED] leave the house on a bicycle after the incident.²³ The Officers wrote up their report and decided to call a supervisor to determine how they should recover the expended cartridge casing they had discovered; however, before they completed this task, both Officers separately deactivated their BWCs without explanation.²⁴

Officer Hollis' next BWC recording began at approximately 12:18 a.m., exactly fifteen minutes after he had deactivated it, and Officer Lopez's BWC video restarted at 12:19 a.m., which was nearly twenty-five minutes after he had deactivated his camera. Due to the buffering period, the first two minutes of these videos do not contain audio. The videos show that the Officers were still at the same location, in the dining room of the [REDACTED] residence, and were apparently in the process of talking to the family members.²⁵ Notably, the footage showed an additional adult male, later identified as [REDACTED] also sitting with the family at this time.²⁶

At approximately 12:19 a.m., as the Officers continued to speak with the family members, [REDACTED] entered the dining room from the kitchen while looking behind him with a visible expression of fear.²⁷ At that point, all the people in the dining room got up from their seats and moved toward the living room in the front of the residence.²⁸ Officer Hollis moved to his left, giving himself a direct line of sight to the kitchen and the back room of the home, while Officer Lopez pulled his firearm from its holster and took cover behind the wall separating the dining room from the kitchen.²⁹ Both the kitchen and the back room were dark, but the video captured a muzzle flash from [REDACTED] handgun in the back room.³⁰ Officer Hollis immediately fell backwards as his ballistic vest was struck by a bullet.³¹ He picked himself up, carefully moved back to a position where the darkened area at the rear of the kitchen was visible, aimed his duty weapon, and returned fire.³² The officer's firearm failed to fully cycle after the last round was fired, and although he racked the slide in an apparent effort to clear the malfunction, he only succeeded in locking the slide back to a fully-retracted position.³³ Officer Lopez pointed suddenly and appeared to be trying to warn Officer Hollis that his handgun was slide-locked, but Officer

²¹ Att. 137 at 17:30 to 17:46.

²² Att. 137 at 18:01 to 18:21; also Att. 139 at 17:57 to 18:17.

²³ Att. 137 at 18:30 to 19:05; also Att. 139 at 18:26 to 19:01.

²⁴ Att. 137 at 28:46 to 38:57; also Att. 139 at 28:42 to 30:11.

²⁵ Att. 138 at 0:00 to 1:13; also Att. 140 at 0:00 to 0:06.

²⁶ Att. 8, pg. 15. ([REDACTED] was later identified by CPD Detectives and was found to be a sibling of [REDACTED] and [REDACTED])

²⁷ Att. 138 at 1:13 to 1:16; also Att. 140 at 0:06 to 0:09.

²⁸ Att. 138 at 1:16 to 1:28; also Att. 140 at 0:09 to 0:21.

²⁹ Att. 138 at 1:28 to 1:29; also Att. 140 at 0:21 to 0:22.

³⁰ Att. 138 at 1:29 to 1:30. (This was the moment when Officer Hollis' ballistic vest was struck by a single bullet from [REDACTED] handgun. The projectile did not fully penetrate through the vest.)

³¹ Att. 138 at 1:30 to 1:32; also Att. 140 at 0:23 to 0:25.

³² Att. 138 at 1:32 to 1:40; also Att. 140 at 0:25 to 0:33.

³³ Att. 138 at 1:40 to 1:41; also Att. 140 at 0:33 to 0:34.

Hollis did not notice the problem and proceeded to aim the non-functional weapon as he moved back toward the kitchen.³⁴

At that point, ██████████ had retreated out of view, and Officer Hollis was able to successfully clear his jammed firearm before both Officers turned and exited the house through the front door.³⁵ As the Officers ran around the exterior of the house searching for ██████████ Officer Hollis reactivated his BWC recording at 12:20 a.m., and Officer Lopez reactivated his camera at 12:21 a.m.³⁶ The Officers then learned, via radio transmission, that a person matching ██████████ description had been observed elsewhere in the area.³⁷ They returned to their CPD vehicle and drove to 335 N. Latrobe Avenue, where other CPD members had successfully taken ██████████ into custody.³⁸ Upon arrival, Officer Hollis confirmed that the subject in custody was the offender they were seeking, and the remainder of the BWC recordings showed a supervisor examining both Officers Hollis and Lopez for injuries and then separating them into different police vehicles.³⁹

COPA conducted an audio-recorded interview with Officer Hollis in which he gave his account of the incident, and also shed light on the events that were not captured on BWC video. He explained that after he and Officer Lopez had collected statements from the victims of the domestic violence incident, they directed their attention to investigating the scene of the initial shooting.⁴⁰ Officer Hollis said they were uncertain about how to handle the expended casing they had found, and that after making a telephone call to Area 4 Detectives, they ultimately determined they would inventory the casing themselves.⁴¹

After the Officers recovered the expended casing, they were preparing to leave when ██████████ interrupted them by unexpectedly returning to the house.⁴² Officer Hollis said she began relating, for the first time, her version of the earlier conflict with ██████████⁴³ As this interview was unfolding, ██████████ entered the dining room area and, through his body language alone, silently conveyed the impression that he was very frightened.⁴⁴ All the ██████████ family members then quickly exited the room to get out of danger.⁴⁵ Officer Hollis described how he held his weapon at the low ready position as he moved sideways, and he saw ██████████ fire a shot at him from the rear of the house.⁴⁶ He said he felt an impact, and he radioed that shots were fired at

³⁴ Att. 138 at 1:41 to 1:43; also Att. 140 at 0:34 to 0:36.

³⁵ Att. 138 at 1:43 to 1:58; also Att. 140 at 0:36 to 0:51.

³⁶ Att. 138 at 1:58 to 3:21; also Att. 140 at 0:51 to 2:14.

³⁷ Att. 138 at 3:21 to 3:37; also Att. 140 at 2:14 to 2:30.

³⁸ Att. 138 at 3:37 to 4:44; also Att. 140 at 2:30 to 3:37.

³⁹ Att. 138 at 4:44 to 10:36; also Att. 140 at 3:37 to 6:49.

⁴⁰ Att. 67, pg. 19, lns. 8 to 23.

⁴¹ Att. 67, pg. 20, lns. 3 to 21.

⁴² Att. 67, pg. 23, lns. 4 to 6.

⁴³ Att. 67, pg. 23, lns. 4 to 11.

⁴⁴ Att. 67, pg. 23, lns. 14 to 23.

⁴⁵ Att. 67, pg. 24, lns. 23 to 24, and pg. 25, ln. 1.

⁴⁶ Att. 67, pg. 25, lns. 2 to 24, and pg. 26, lns. 1 to 2.

the police.⁴⁷ Officer Hollis then got up from the couch he had fallen on, stepped into position to regain his view of [REDACTED] and fired two shots at him.⁴⁸

After firing, Officer Hollis realized that [REDACTED] was gone, and he did not know where he had fled.⁴⁹ He explained that he only fired twice because he felt the threat had diminished,⁵⁰ and because he experienced a malfunction with his firearm.⁵¹ Officer Hollis said he was able to clear the malfunction right away, and both he and Officer Lopez then searched for [REDACTED] outside the house. After less than five minutes of searching, the Officers learned from a radio broadcast that [REDACTED] had been apprehended at another location, near Lake and Latrobe.⁵² The Officers drove to that location, and once there Officer Hollis identified [REDACTED] as the shooter.⁵³ Officer Hollis said he was subsequently taken to a hospital by ambulance, where it was determined that, despite being shot in the front chest area of his ballistic vest, he was not injured.⁵⁴

When questioned about his BWC deactivation during this incident, Officer Hollis explained that he and Officer Lopez turned off their BWCs because they had obtained a report number and thought they were done with their investigation. Officer Hollis stated that they were preparing to leave when one of the female witnesses ([REDACTED]) unexpectedly approached and began talking to them.⁵⁵ When asked if he improperly deactivated his BWC, Officer Hollis answered no, he did not, because he believed his investigative job was completed by that point.⁵⁶

Officer Lopez's audio-recorded interview with COPA related an account of the incident that was substantially similar to Officer Hollis' account.⁵⁷ With regard to his BWC deactivation, Officer Lopez stated that he understood he was only authorized to turn off his camera when, "the job is done and you have the event number already."⁵⁸ He explained that he deactivated his BWC during this incident after he obtained the report and event numbers, and completed his investigative tasks.⁵⁹ When Officer Lopez was questioned about whether he improperly deactivated his BWC in this situation, he answered, no.⁶⁰

COPA made multiple attempts to contact [REDACTED] and [REDACTED] to obtain statements from them, but all efforts were unsuccessful.⁶¹ [REDACTED] did

⁴⁷ Att. 67, pg. 26, lns. 4 to 5.

⁴⁸ Att. 67, pg. 26, lns. 7 to 10.

⁴⁹ Att. 67, pg. 28, lns. 18 to 21.

⁵⁰ Att. 67, pg. 29, lns. 11 to 13.

⁵¹ Att. 67, pg. 33, lns. 1 to 4.

⁵² Att. 67, pg. 33, lns. 5 to 21.

⁵³ Att. 67, pg. 33, lns. 19 to 24, and pg. 34, lns. 1 to 6.

⁵⁴ Att. 67, pg. 34, lns. 7 to 24, and pg. 35, lns. 1 to 13.

⁵⁵ Att. 67, pg. 37, lns. 6 to 22.

⁵⁶ Att. 67, pg.40, lns. 3 to 9.

⁵⁷ Att. 68.

⁵⁸ Att. 68, pg. 27, lns. 4 to 7.

⁵⁹ Att. 68, pg. 29, lns. 1 to 4.

⁶⁰ Att. 68, pg. 26, lns. 4 to 8.

⁶¹ Atts. 51 to 53.

briefly speak to COPA during a telephone call, but she refused to participate in an interview or provide any further details about the incident.⁶² However, all three individuals provided statements to CPD detectives immediately after the incident.⁶³ Notably, ██████████ stated that he saw ██████████ in the back room immediately before the shooting, and ██████████ made a motion to him to keep quiet. ██████████ did not see who fired the first gunshot, but he recalled that the Officers' weapons were still holstered when he heard the shot.⁶⁴

Officer Hollis submitted to a breathalyzer test after the incident, which determined that he had a Breath Alcohol Concentration of .000.⁶⁵ He also provided a urine sample, which was tested and found to be negative for all substances listed on the Urine Substance Abuse Panel.⁶⁶ Officer Hollis' duty weapon, a Springfield Armory Model XD-9 Tactical Mod.2 (chambered in 9mm Luger with a 16-round capacity magazine), was recovered with 14 rounds in the magazine and one in the chamber.⁶⁷ This corresponds with Officer Hollis' report that he fired two shots during this incident. The Illinois State Police (ISP) test-fired Officer Hollis' weapon and determined it was in operable condition.⁶⁸ Evidence technicians recovered his ballistic vest with a bullet hole partially penetrating its front layers, and a fired bullet embedded within the vest.⁶⁹

██████████ firearm, a Ruger Model LC9s (chambered in 9mm Luger), was recovered after his arrest with an expended cartridge case in the chamber and eight rounds in the magazine.⁷⁰ ISP also test-fired this weapon and found it to be operable.⁷¹ An additional magazine containing seven rounds of live ammunition was later recovered from ██████████ person while he was in lock-up.⁷² Subsequent testing by ISP confirmed that the fired bullet recovered from Officer Hollis' ballistics vest was fired by ██████████ weapon, as was the expended casing that the Officers recovered during their initial investigation.⁷³ Finally, ██████████ tested positive for gunshot residue, indicating that he had either discharged a firearm, had come into contact with a primer gunshot residue-related item, or had both hands exposed in the environment of a discharged firearm.⁷⁴

Following this incident, ██████████ pled not guilty to 24 felony counts. On July 13, 2023, he was found guilty of attempted murder, aggravated battery of a peace officer with a firearm,

⁶² Att. 54. (During the telephone call, ██████████ stated that she sometimes also uses the name ██████████?)

⁶³ Att. 8, pgs. 11-14.

⁶⁴ Att. 8, pgs. 11-12.

⁶⁵ Att. 142, pg. 6.

⁶⁶ Att. 142, pg. 7. (Substances listed are as follows: Amphetamines, Barbiturates, Benzodiazepines, Cocaine Metabolites, Marijuana Metabolites, Methadone, MDE-Analogues, Opiates, Oxycodone, Opiates (semi-synthetic), Phencyclidine, and Propoxyphene.)

⁶⁷ Att. 8, pg. 21.

⁶⁸ Att. 69, pg. 1.

⁶⁹ Att. 36, pg. 3.

⁷⁰ Att. 69, pg. 2.

⁷¹ Att. 69, pg. 2.

⁷² Att. 8, pg. 10.

⁷³ Att. 69.

⁷⁴ Att. 134, pgs. 1 to 2.

reckless discharge of a firearm, being an armed habitual criminal, and unlawful use or possession of a weapon by a felon.⁷⁵

III. ALLEGATIONS

Pursuant to section 2-78-120 of the Municipal Code of Chicago, COPA has a duty to investigate all incidents in which a CPD member discharges their firearm. During its investigation of this incident, COPA did not find evidence to support allegations related to Officer Hollis' firearm discharge. However, COPA determined that sufficient objective verifiable evidence existed to serve allegations related to the timeliness of the Officers' BWC activations.

Officer Nathaniel Hollis:

1. Failed to timely activate and/or improperly deactivated your body-worn camera in violation of S03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

Officer Niko Lopez:

1. Failed to timely activate and/or improperly deactivated your body-worn camera in violation of S03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals (sworn or unsworn) who provided statements. In particular, COPA found Officer Hollis to be credible in his statement. His account was internally consistent and he did not have difficulty remembering details of the incident. There is objective evidence that an individual discharged a firearm at and struck Officer Hollis, and there is supporting evidence that this assailant was ██████████. Although the BWC footage from both Officers Hollis and Lopez was prematurely deactivated, the video that was recorded supported their account of the incident. Furthermore, the details given in Officer Lopez's statement are consistent with Officer Hollis' statement, and the physical evidence from the scene and the OEMC recordings also confirm the details of the shooting.

V. ANALYSIS⁷⁶

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

COPA finds by a preponderance of the evidence that the use of deadly force by Officer Hollis was objectively reasonable, necessary, and proportional to the circumstances he faced. COPA further finds that Officer Hollis did not have sufficient time to utilize de-escalation

⁷⁵ Att. 164.

⁷⁶ For a definition of COPA's standards of proof, *see* Appendix B.

techniques, and he used deadly force as an option of last resort. COPA therefore concludes by a preponderance of the evidence that Officer Hollis' use of deadly force complied with CPD policy.

Under CPD policy, the discharge of a firearm in the direction of a person constitutes the use of deadly force.⁷⁷ The use of deadly force is subject to heightened standards and is permitted only as a "last resort" when "necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁷⁸ A CPD member may use deadly force in only two situations: (1) to prevent death or great bodily harm from an imminent threat posed to the sworn member or to another person; or (2) to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.⁷⁹ A threat is considered imminent "when it is objectively reasonable to believe that: (a) the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (b) the subject has the means or instruments to cause death or great bodily harm; **and** (c) the subject has the opportunity and ability to cause death or great bodily harm."⁸⁰

CPD policy further requires that its members use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so, based on the totality of the circumstances.⁸¹ Officers must continually assess the situation to determine:

"(1) if any use of force is necessary; (2) the authorized force option based on the totality of the circumstances; (3) if the seriousness of the situation requires an immediate response or whether the member can employ other force options or the Force Mitigation Principles; and (4) if the level of force employed should be modified based upon the subject's actions or other changes in the circumstances."⁸²

These concepts of force mitigation include, but are not limited to, establishing and maintaining verbal communication; using verbal control techniques and persuasion, advice, and warning prior to the use of physical force; using time, distance and cover to isolate and contain a subject; and creating a zone of safety for the security of officers and the public.⁸³

CPD policy recognizes that its members must make "split-second decisions" in "tense, uncertain, and rapidly evolving" circumstances.⁸⁴ As such, their decisions must be "judged based on the totality of the circumstances known by the member at the time and from the perspective of

⁷⁷ Att. 145, G03-02(III)(C)(1), Use of Force (effective February 29, 2020 to April 14, 2021).

⁷⁸ Att. 145, G03-02(III)(C)(3).

⁷⁹ Att. 145, G03-02(III)(C)(3); 720 ILCS 5/7-5.

⁸⁰ Att. 145, G03-02(III)(C)(2) (emphasis added).

⁸¹ Att. 146, G03-02-01(II)(B), Force Options (effective February 29, 2020 to April 14, 2021).

⁸² Att. 146, G03-02-01(II)(F).

⁸³ Att. 146, G03-02-01(III)(A)(1); G03-02-01(III)(A)(2); G03-02-01(III)(B)(1) and G03-02-01(III)(A)(2).

⁸⁴ Att. 145, G03-02(II)(D).

a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight.”⁸⁵

In reaching its conclusions, COPA evaluated all available evidence, including Officer Hollis’ statement. As discussed above, COPA found Officer Hollis to be credible in his statement. Officer Hollis’ account is corroborated by the accounts of his partner and eyewitnesses, video footage of the incident, and physical evidence recovered from the scene. Specifically, BWC footage captured a muzzle flash as an individual (now known to be ██████████) pointed and discharged a firearm in Officer Hollis’ direction, causing Officer Hollis to fall backward onto a couch. Although Officer Lopez’s view of ██████████ was obstructed, he confirmed that he heard a gunshot and saw his partner fall backward before returning fire two times. ██████████ also told detectives that neither officer fired the initial gunshot. Finally, all of the physical and forensic evidence is consistent with Officer Hollis’ account, including ISP’s determination that the bullet recovered from Officer Hollis’ ballistics vest was fired by the Ruger recovered from ██████████ person. ██████████ also tested positive for gunshot residue.

Based on a review of this evidence, COPA finds it is more likely than not that Officer Hollis’ use of deadly force was objectively reasonable in light of the imminent threat he faced from ██████████. The evidence establishes that ██████████ shot Officer Hollis square in his chest without warning. It was thus objectively reasonable for Officer Hollis to believe that ██████████ was likely to cause him death or great bodily harm. It was also apparent that ██████████ had the means, opportunity, and ability to cause death or great bodily harm to Officer Hollis, his partner, and others inside the residence. COPA further finds that Officer Hollis’ use of deadly force was proportional to the threat ██████████ posed and necessary for the protection of all persons in the residence. As such, Officer Hollis’ decision to return fire at ██████████ was objectively reasonable, necessary, and proportional. Moreover, COPA finds by a preponderance of the evidence that the use of deadly force was an option of last resort by Officer Hollis. Consequently, COPA finds that Officer Hollis’ use of deadly force complied with CPD policy.

b. Officers Hollis and Lopez improperly deactivated their BWCs.

To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement-related activities to be electronically recorded.⁸⁶ Law-enforcement-related activities include, but are not limited to, calls for service, arrests, investigatory stops, use of force incidents, statements made by individuals in the course of an investigation, high risk situations, and any other instances when enforcing the law.⁸⁷ The decision to record is mandatory, not discretionary.⁸⁸ CPD members are required to activate their BWCs at the beginning of an incident and record the entire incident.⁸⁹ If circumstances prevent the activation of a BWC

⁸⁵ Att. 145, G03-02(II)(D)(1).

⁸⁶ Att. 147, S03-14(II)(A), Body Worn Cameras (effective April 30, 2018 to present).

⁸⁷ Att. 147, S03-14(III)(2)(a-r).

⁸⁸ Att. 147, S03-14(III)(A)(1).

⁸⁹ Att. 147, S03-14(III)(A)(2).

at the beginning of an incident, the member will activate their camera as soon as practical.⁹⁰ CPD members are not permitted to deactivate their BWCs unless: a) the entire incident has been recorded and the member is no longer engaged in a law enforcement activity, b) a victim of a crime requests its deactivation, c) a witness or community member wishing to report a crime requests its deactivation, or d) the member is interacting with a confidential informant.⁹¹

Here, COPA finds that Officers Hollis and Lopez improperly deactivated their BWCs during this incident. The Officers deactivated their cameras before they had completed their investigation and left the █████ residence, and they had not even finished recovering evidence from the crime scene (the expended casing) at the time they stopped recording. The fact that the domestic violence investigation unexpectedly became a deadly force incident when █████ returned to the scene only serves to demonstrate the importance of disciplined and diligent BWC usage, as this investigation was impacted by the absence of footage prior to and during the officer-involved shooting. In particular, COPA notes that there is no audio from the time that █████ and Officer Hollis fired their weapons. This prevented COPA from determining the exact timing of the gunshots, as well as what, if anything, was said in the moments preceding the shooting. For these reasons, COPA finds the allegation that Officers Hollis and Lopez improperly deactivated their BWCs is **sustained** as a violation of Rules 2, 3, 5, 6, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Nathaniel Hollis

i. Complimentary and Disciplinary History⁹²

Officer Hollis' complimentary history is comprised of 21 awards, the highlights of which include one Police Blue Star Award and one Department Commendation. He has no disciplinary history.

b. Officer Niko Lopez

i. Complimentary and Disciplinary History⁹³

Officer Lopez's complimentary history is comprised of 57 awards, the highlights of which include one Military Service Award, one Department Commendation, and two complimentary letters. He has no disciplinary history.

c. Recommended Discipline

COPA has found that Officers Hollis and Lopez violated Rules 2, 3, 5, 6 and 10 when they improperly deactivated their BWCs during this incident. The Officers' failure to record the entire

⁹⁰ Att. 147, S03-14(III)(A)(2).

⁹¹ Att. 147, S03-14(III)(B)(1)(a-d).

⁹² Att. 144.

⁹³ Att. 143.

incident, particularly the moments just before and during the exchange of gunfire with [REDACTED] undermined CPD’s commitment to transparency and hindered COPA’s ability to fully evaluate the Officers’ actions. Additionally, COPA notes that neither officer took responsibility for their actions related to their BWCs. In mitigation, COPA notes that both were inexperienced at the time of this incident, and that Officer Hollis was still a Probationary Police Officer. In light of the Officers’ complimentary histories, combined with their lack of disciplinary histories, COPA recommends that Officers Hollis and Lopez each receive a **reprimand and retraining** regarding CPD’s BWC policy.

Approved:

[REDACTED]

Steffany Hreno
Director of Investigations

12/27/2023

Date

[REDACTED]

Andrea Kersten
Chief Administrator

12/27/2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	June 8, 2020 / 12:24 a.m. / ██████████ Chicago, IL
Date/Time of COPA Notification:	June 8, 2020 / 12:47 a.m.
Involved Member #1:	Officer Nathaniel Hollis / Star #3989 / Employee ID #████████ / Date of Appointment: December 27, 2018 / Unit of Assignment: 015 th District / Male / Black
Involved Member #2:	Officer Niko Lopez / Star #5443 / Employee ID #████████ / Date of Appointment: June 25, 2018 / Unit of Assignment: 015 th District / Male / Hispanic
Involved Individual #1:	██████████ / Male / Black
Involved Individual #2:	██████████ / Male / Black
Involved Individual #3:	██████████ / Female / Black
Involved Individual #4:	██████████ / Female / Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- G03-02, Use of Force (effective February 29, 2020 to April 15, 2021).
- G03-02-01, Force Options (effective February 29, 2020 to April 15, 2021).
- S03-14, Body Worn Cameras (effective April 30, 2018 to present).

Appendix B

Definition of COPA’s Findings and Standards of Proof

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.⁹⁴ For example, 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.”⁹⁵

⁹⁴ 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 is found to be more probably true than not).

⁹⁵ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation