

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 17, 2018
Time of Incident:	Approximately 6:55 p.m.
Location of Incident:	██████████ (outside rear porch)
Date of COPA Notification:	August 17, 2018
Time of COPA Notification:	Approximately 9:00 p.m.

On August 17, 2018, COPA received notification of a fatal shooting that occurred in the presence of Chicago Police officers. Specifically, COPA was notified that ██████████ a 15 year old child, had been shot fatally in the head, in an apparent suicide. However, there were initial reports from witnesses on scene that claimed it was officers who had shot ██████████ COPA responded to the scene and opened an investigation into the shooting. Although this was not designated as an officer involved shooting, COPA assumed jurisdiction over this incident under its ordinance which provides that we may investigate incidents of death or great bodily harm that result from police action (MCC 2-78-120(d)). Furthermore, due to the nature of the witness accounts from the scene, it was of paramount importance that COPA fully investigate the matter to determine whether ██████████ was shot by the police, or whether his death was somehow caused by improper police action. The facts COPA's investigation revealed are as follows.

While on routine patrol, Officer ██████████ Officer ██████████ and Officer ██████████ assigned to Unit ██████████ standing in front of a residence at ██████████ with a group of other individuals. Officers observed ██████████ as he began to walk down the gangway, towards the rear of the residence, grabbing at his waistband. The officers watched him as they drove to the alley behind the home. The officers suspected ██████████ might be in possession of a firearm and attempted to conduct an investigatory stop on him to further inquire. As the officers were exiting their vehicle in the alley, ██████████ ran up the rear stairwell.

Officer ██████████ pursued ██████████ as he ascended the rear porch stairwell. Officer ██████████ positioned himself on the first-floor landing area of the rear porch. Officer ██████████ who remained in the vehicle, drove their squad car into the rear alley, stopped behind the residence, exited the vehicle and maintaining a visual on ██████████ As ██████████ ascended the stair, Officer ██████████ announced the presence of a firearm in ██████████ possession. Officer ██████████ and ██████████ commanded ██████████ to put the gun down. Once at the third-floor landing of the rear porch, ██████████ put the firearm up to his head and shot himself. At the time of discharge, the Body Worn Camera (BWC) video footage reveals Officer ██████████ was positioned in between the rear porch

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.

stairwell of the second floor and third floor landing, Officer ██████ remained on the first-floor landing of the rear porch, and Officer ██████ was in the alley. Evidence also concludes none of the officers’ present discharged their firearms. Photographs obtained from ██████ phone captured him holding a firearm that appeared consistent with the firearm recovered on the scene.

Based upon a full and thorough investigation COPA concludes that Officers ██████ and ██████ had reasonable articulable suspicion to justify an investigatory stop of ██████ and no officers discharged their firearms during this incident. Furthermore, the physical evidence suggests that ██████ died of a self-inflicted gunshot wound to the head. While this is an undoubtedly tragic occurrence, COPA does not find any police misconduct occurred.

II. INVOLVED PARTIES

Involved Witness Officer #1:	██████████ star # ██████; employee ID# ██████; DOA: ██████ 2014; Police Officer; Unit ██████ – ██████; DOB: ██████ 1981; White Hispanic male; On duty
Involved Witness Officer #2:	██████████ star # ██████; employee ID # ██████; DOA: ██████ 2015; Police Officer; Unit ██████ - ██████; DOB: ██████ 1984; White Hispanic male; On duty
Involved Witness Officer #3:	██████████ star # ██████; employee ID # ██████; DOA: ██████ 2012; Police Officer; Unit ██████ – ██████; DOB: ██████, 1982; White Hispanic female; On duty
Involved Individual #1:	██████████ DOB: ██████, 2002, Black male

III. ALLEGATIONS

, COPA’s investigation determined none of the officers’ present discharged their weapon or had physical contact with ██████ prior to his death. Nonetheless, as established in Municipal Ordinance, COPA and its Chief Administrator have the power and duties “to conduct investigation into incidents, including those in which no allegation of misconduct is made, where a person dies . . . as a result of police actions, such as during attempts to apprehend a suspect.”²

² Chi. Mun. Code 2-78-120 (d). Additionally, under Section 2-78-120(e), COPA has the jurisdiction “to conduct investigations into all incidents of an “officer-involved death,” as that term is defined in 50 ILCS 727/1-5...”. 50 ILCS 727/1-5 . Commonly known as PCRIA, this statute defines “officer involved death” as “any death of an individual that results directly from an action or directly from an intentional omission . . . of a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment . . .” However, the determination was made that this case did not fall under that jurisdiction

COPA conducted its investigation pursuant to this jurisdiction. During this investigation, COPA did not find evidence of potential misconduct, and therefore did not bring any allegations.

IV. INVESTIGATION³

a. Interviews

During an interview at COPA on September 4, 2018, involved witness **Officer** [REDACTED] # [REDACTED]⁴ stated that on the date, time and location of incident, he was assigned to tactical team Beat [REDACTED] was the driver of an unmarked police SUV and partnered with Officer [REDACTED] and Officer [REDACTED]. Officer [REDACTED] had activated his BWC during the time of incident.

While on routine patrol Officer [REDACTED] was driving southbound on Keeler Avenue, approaching 15th Street when he observed a group of young males on the sidewalk in front of the gate at [REDACTED]. It appeared to Officer [REDACTED] that they were filming a music video as they were moving around and flashing money. Officer [REDACTED] stopped at a stop sign and after a few seconds his attention was drawn to a male subject, later learned to be [REDACTED] that began to walk away. [REDACTED] was observed walking at a fast pace traveling eastbound on the northside of the building thru a gangway. As [REDACTED] walked towards the rear of the building, Officer [REDACTED] drove eastbound on 15th Street, parallel to the [REDACTED] at a distance of approximately 10 feet or slightly more. At no time were lights or sirens activated because according to Officer [REDACTED] this was not an emergency and they were not responding to a call for service. [REDACTED] looked at the officers “nervously”⁵ in that he would look back and forth towards the officers. Officer [REDACTED] stated that [REDACTED] began “...to manipulate his waistband as if controlling a gun, what I believed was a gun. He’s walking, holding it, kinda moving it around, trying not to drop it...”⁶ He described that [REDACTED] used his left hand near his left side, center mass and crotch area of his waistband, to maintain control of what he believed to be a gun. He described that his arm was stiff and “he was manipulating his fingers and hands to hold it in place...”⁷ [REDACTED] believed [REDACTED] had a gun based on his experience as an officer. He described the indicators were [REDACTED] fast paced movement while maintaining a visual on the officers and, manipulating his waistband and crotch area. According to Officer [REDACTED] he and his partners intended to stop [REDACTED] so that they could investigate further.

As [REDACTED] reached the rear of the building [at [REDACTED] he proceeded to go up the stairs. At this time, Officer [REDACTED] turned his vehicle and drove southbound into the mouth of the north and south alley and positioned the car directly behind the [backyard of the] building. Officer [REDACTED] exited the vehicle, [REDACTED] began to run up the stairs and Officer [REDACTED] began to run behind him. Officer [REDACTED] exited the police vehicle and walked in front of it at

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 Att. 32, 35

⁵ Att. 35, page 21, line 6.

⁶ Att. 35, page 21, line 8-9.

⁷ Att. 35, page 62, line 4-7.

which time he observed [REDACTED] attempting to open the 2nd floor rear porch door. [REDACTED] was unsuccessful and proceeded to run up the rear stairs towards the 3rd floor. According to Officer [REDACTED] as [REDACTED] turned the corner of the staircase between the 2nd and 3rd floor, he observed that [REDACTED] “pulled out”⁸ a gun from his waist. Officer [REDACTED] could see the shape of the gun to include the barrel and butt of the gun. Officer [REDACTED] responded by unholstering his firearm and pointing it toward the direction of [REDACTED] which he described was the threat. He described his distance to [REDACTED] as “...greater than five feet, less than 50 feet,” but could not recall the exact distance.⁹

Officer [REDACTED] commanded [REDACTED] to “drop the gun”¹⁰ as [REDACTED] proceeded to the 3rd floor. [REDACTED] arrived to the 3rd floor landing and while facing eastbound, set the gun on the rail of the porch at which time [REDACTED] was able to see the body of the gun. Officer [REDACTED] commanded [REDACTED] to “get back.”¹¹ Officer [REDACTED] observed [REDACTED] with “his left and right hands touching his head, shaking his head left, left to right and that’s when he’s mumbling, mumbling words, ... I can’t tell what he’s saying...”¹² Officer [REDACTED] described his demeanor to appear regretful. Officer [REDACTED] took this to mean that [REDACTED] did not want to be arrested. Officer [REDACTED] continued to command [REDACTED] to get back. At this time, while [REDACTED] was facing eastbound, the gun [while on the rail] was south of him. Subsequently, [REDACTED] simultaneously grabbed the gun with his “right hand,”¹³ took a step back, placed the gun to the right side of his head while his body was turning from eastbound to northbound. [REDACTED] then pulled the trigger to his head and fell to the ground. Officer [REDACTED] heard one (1) shot fired. Officer [REDACTED] announced over the radio that he shot himself, requested an ambulance and began to secure the scene.

According to Officer [REDACTED] there was no indication that [REDACTED] was going to shoot himself. At no time did [REDACTED] point his firearm at any of the officers. At no time did Officer [REDACTED] fire his weapon. To the best of his knowledge, Officer [REDACTED] and Officer [REDACTED] did not fire their weapons. After the incident, Officer [REDACTED] arrived at Area [REDACTED] (Area [REDACTED])¹⁴ where he reviewed his own BWC video. He also had his weapon cleared by Evidence Technicians and it was determined that his firearm was fully loaded.

During an **interview at COPA** on September 4, 2018, involved witness **Officer [REDACTED]** # [REDACTED]¹⁵ stated that on the date, time and location of incident, he was assigned to tactical team Beat [REDACTED] was the front passenger in an unmarked police SUV and partnered with Officer [REDACTED] and Officer [REDACTED]. Officer [REDACTED] activated his BWC during the time of incident. Officer [REDACTED] essentially stated the same information as Officer [REDACTED].

In addition, Officer [REDACTED] stated that there were approximately 5 to 15 individuals in front of the location of incident to include black males and black females. As the officers [while in their

⁸ Att. 35, page 31, line 19.

⁹ Att. 35, page 31, line 1-2.

¹⁰ Att. 35, page 32, line 2.

¹¹ Att. 35, page 32, line 22

¹² Att. 35, page 37, lines 1-4, 7.

¹³ Att. 35, page 38, lines 19 -20.

¹⁴ [REDACTED]

¹⁵ Att. 33, 36

vehicle] were facing southbound on Keeler Avenue and briefly stopped as they were about to turn eastbound on 15th Street, all the individuals noticed the officers and stopped dancing. It was at this time that ██████ began to walk eastbound through the gangway, cordoned off by a “black narrow [fence]...where you can see through it.”¹⁶ ██████ was wearing a hoodie and jeans. ██████ was walking at a fast pace while he was holding his crotch area, near his thigh, and waist area with his left hand. He appeared to be holding an object, described by Officer ██████ as a bulge. Officer ██████ described that the bottom of ██████ sweatshirt was above his beltline.¹⁷ While the officers were driving alongside ██████ going eastbound on 15th Street, they were approximately 10 to 30 feet away from ██████. Officer ██████ maintained a clear visual. He described that ██████ appeared to look “worried”¹⁸ while looking back and forth at the officers. For these reasons, and based on experience in conducting weapon arrests, Officer ██████ believed ██████ to be carrying a gun.

Officer ██████ then told Officer ██████ to turn into the alley, directly behind the location of incident, so that they could further investigate. As Officer ██████ exited the vehicle, ██████ looked in their direction and began running up the stairs of the rear porch. Officer ██████ entered the backyard through the rear gate that was open, and pursued ██████ up the rear porch stairwell. The location of the other officers was unknown. Officer ██████ explained that he was able to hear ██████ footsteps as they were going up the stairs. Officer ██████ described that as he was on the staircase of the 2nd and 3rd floor landing, he paused as he heard what appeared to be the sound of a “round ...being chambered by the slide getting racked¹⁹ to the rear”²⁰ coming from the 3rd floor landing. “I made it to mean that he was getting ready to engage in a gunfight with me.”²¹ Officer ██████ heard Officer ██████ giving commands, but he did not know what he was saying. At this time Officer ██████ began to retreat down the stairs while he peaked through the staircase structure to obtain a visual on ██████. As Officer ██████ was on the staircase between the 1st floor and 2nd floor landing, facing northbound with his firearm unholstered, he heard one (1) shot fired. At the time of discharge, Officer ██████ stated he had looked down and observed a unknown heavy-set black female standing on the other side of the south fence of the backyard looking up at him and stated words to the effect of “you shot him.” Officer ██████ had no knowledge who the woman was who made that statement.

Officer ██████ reported over the radio “shots fired at the police”²² as he believed they were being shot at. Officer ██████ then heard Officer ██████ from the alley, state words to the effect of ██████ had just shot himself. Officer ██████ observed that blood began to drip down from the 3rd floor landing through the staircase structure. Officer ██████ proceeding further down the stairs, encountered Officer ██████ who was attempting to come up the stairs from the 1st floor, and they both went down to the 1st floor landing.

Once on the 1st floor landing, Officer ██████ and Officer ██████ remained, and Officer ██████ made his way up to the 3rd floor landing. Upon arriving to the 3rd floor, he observed

¹⁶ Att. 36, page 26, lines 18-21.

¹⁷ Att. 36, page 24, lines 10 -12, 21-24.

¹⁸ Att. 36, page 23, line 21.

¹⁹ In this context, the word racked is used to refer to the slide of a pistol being pulled back and then released.

²⁰ Att. 36, page 33, lines 9-10.

²¹ Att. 36, page 33, lines 20-21.

²² Att. 36, page 40, line 17

████████ laid on the floor. He described that ██████████ was face-up, with his head positioned in a southwest direction, his feet were facing northeast and his face was leaning to the right. Officer ██████████ observed a firearm laid on the left side of ██████████ near his hip and outer thigh area. He observed a shell casing on the floor in between the gun and the door to the 3rd floor landing. Officer ██████████ stated he observed blood near ██████████ head area. He also observed ██████████ eyes to be open and it appeared that his chest was intermittently rising and going down.²³

Officer ██████████ called over the radio that an ambulance was needed for a male who appeared to have a self-inflicted wound to his head. Officer ██████████ stated that he had attempted to open the door to the 3rd floor landing to see if someone may have come in or out of that door [at the time of incident], but the door was locked. Thereafter, responding officers and an ambulance arrive on scene. At no time did Officer ██████████ fire his weapon. To his knowledge, at no time did Officer ██████████ or Officer ██████████ fire their weapons. At no time did Officer ██████████ see ██████████ holding a firearm. After the incident, while at Area North, Officer ██████████ weapon was cleared by Evidence Technicians and it was determined that his firearm was fully loaded. Officer ██████████ stated that he later learned from a detective that ██████████ shot himself to the right side of his head.

During an **interview at COPA** on September 4, 2018, involved witness **Officer ██████████ # ██████████**,²⁴ stated that on the date, time and location of incident, she was assigned to tactical team Beat ██████████ partnered with Officer ██████████ and Officer ██████████ and was the rear passenger in an unmarked police SUV in which she was seated to the right. Officer ██████████ activated her BWC during the time of incident. Officer ██████████ essentially stated the same information as Officer ██████████ and Officer ██████████

In addition, Officer ██████████ stated that when she observed ██████████ quickly walking eastbound in the gangway, the officers were driving eastbound approximately 10 to 30 feet in distance from ██████████ appeared to be nervous as he continuously looked back at the officers. He was grabbing the center waistband area of his pants and he appeared to be manipulating a bulging item with his left hand. Officer ██████████ believed that ██████████ may have been in possession of a weapon based on his behaviors and "...the area as well. It's a high gang and narcotic activity, and we have recovered several weapons from that area."²⁵ Officer ██████████ informed the other officers that she believed that ██████████ had a weapon and the other officers agreed.²⁶ As ██████████ reached the stairs to the rear porch area at the location of incident, he began to run up the stairs. At this point the officers turned southbound into the alley and stopped near the fence to the backyard of the location of incident. Officer ██████████ exited the vehicle and proceeded to enter the backyard. Before she reached the rear stairs near the 1st floor landing, she observed ██████████ on the 2nd floor landing attempting to open a door. Officer ██████████ proceeded to the 1st floor landing. She heard Officer ██████████ state words to the effect of "he's got a gun," then she heard, "he dropped the gun" at which time Officer ██████████ began to search for a gun on the ground underneath the stairwell of the 1st floor. Officer ██████████ stated she realized that Officer ██████████ never said "he dropped the gun" when after a few seconds, she heard Officer ██████████ state again "he's got a gun." Officer ██████████ repeated "he's got a gun" so that Officer ██████████ could hear her as

²³ Att. 36, page 46, line 6-10.

²⁴ Att. 34, 37

²⁵ Att. 37, page 19, lines 7-9.

²⁶ Att. 37, page 25, line 17-18.

she knew he was further up on the rear staircase. Officer [REDACTED] then proceeded up the stairs at which time she heard from above her what she believed to be the slide of a gun being racked but did not know who was racking their gun. She did not believe the sound was coming from Officer [REDACTED] firearm as he would have already had a round (bullet) in the chamber of his firearm per the department's general orders.

As Officer [REDACTED] proceeded up the stairs, she observed an unknown young, black male wearing a red shirt coming eastbound from the gangway of the residence, then towards the bottom of the rear staircase to the 1st floor landing. Officer [REDACTED] [came back down the stairs] stopped the male from proceeding up the stairs and instructed him to walk away. It was during this time that Officer [REDACTED] heard one (1) shot fired coming from above her. The unknown black male retreated to where he came from. Officer [REDACTED] believed that the police were being fired at and announced on the radio, "shots fired at the police"²⁷ as well as their location.

Officer [REDACTED] had no knowledge of the whereabouts of [REDACTED]. She attempted to go up the stairs to check on Officer [REDACTED] at which time he proceeded down the stairs and told her not to go up due to blood dripping down. Officer [REDACTED] then stated words implying that [REDACTED] had shot himself. A crowd began to emerge, and the officers began to secure the scene. According to Officer [REDACTED] at some point she did proceed up the stairs and observed [REDACTED] laid face-up on the 3rd floor landing. She described seeing his head pointed towards the direction of the [apartment] door on the landing, his face was tilted to his right and there was a gun laid along his left side. She observed an exit bullet wound to the left side of his temple that appeared to be a through and through. Officer [REDACTED] knew this to be an exit wound based on her previous experience with the military in which she had observed exit wounds which differs from an entrance wound as it is larger.

Officer [REDACTED] stated that between the time she observed [REDACTED] running [up the stairs] until the time she heard a shot fired, it was "no more than a minute."²⁸ At no time did she observe [REDACTED] holding a gun. At no time did Officer [REDACTED] fire her weapon nor did Officer [REDACTED] or Officer [REDACTED] to her knowledge. After the incident, while at Area [REDACTED], Officer [REDACTED] weapon was cleared by Evidence Technicians and it was determined that her firearm was fully loaded.

During an **interview at COPA** on August 21, 2018, juvenile witness [REDACTED] stated that on the date and approximate time of incident he was at his friend, [REDACTED]³⁰ house at [REDACTED].³¹ [REDACTED] and some friends to include [REDACTED] and [REDACTED] (last name unknown) were at the residence and were going to have a party in honor of [REDACTED] uncle who was deceased. [REDACTED] stated that on this date he was with [REDACTED] for approximately ten minutes before the incident took place. He did not see [REDACTED] on this date prior to the incident.

²⁷ Att. 37, page 37, line 17.

²⁸ Att. 37, page 52, line 1.

²⁹ On the date of interview, COPA received permission from [REDACTED] mother, [REDACTED], to interview him.

³⁰ According to [REDACTED] on the date of incident [REDACTED] was 15 years of age.

³¹ The exact address of incident is [REDACTED]

While they were in front of the residence, they were dancing and listening to music when they observed a police vehicle at the corner of Keeler Avenue and 15th Street, at a stop sign. According to ██████ he observed the police at the corner approximately 3 minutes after he first arrived at the residence. ██████ observed a male officer with a facial hair, a baseball hat, a vest and black gloves that was driving the vehicle and, a female officer wearing a red shirt, underneath her vest, in the front passenger side of the vehicle. ██████ stated that he continued to dance while looking at the police. Subsequently, ██████ who was wearing a jacket, told ██████ that he was hot, thirsty and was going to get some water.

██████ stated that he observed ██████ walk through the gangway going [eastbound] towards the rear of the house. He stated that he had observed ██████ holding a large black Bluetooth speaker in his hand that he described was shaped like a box. ██████ observed ██████ make a right turn to go up the rear stairs. During this time, he heard the police vehicle driving quickly and observed the vehicle turn [southbound] into the alley. They did not activate their emergency lights or sirens. ██████ was in the middle of the gangway when the police vehicle stopped in the alley. The male driving officer and front passenger female officer exited the vehicle [while in the alley]. At this time ██████ stated that he was running towards the rear of the house because he believed the police were going to “mess”³² with ██████ and place him in handcuffs. ██████ stated that ██████, ██████ and possibly others were behind ██████

While ██████ was in the gangway, he observed the male officer, while on the ground level [in the alley] holding a firearm and pointed in an upward direction toward the 3rd floor of the rear porch at the location of incident. The female officer entered the backyard and began to search underneath the porch. ██████ believed that ██████ was on the 3rd floor because that was grandmother’s residence. According to ██████ the male officer yelled “he’s got a gun”³³ while referring to ██████ could not see up to the 3rd floor due to trees obstructing his view, but he described that he could hear the sound of footsteps. ██████ stated that while he was standing in the gangway, he was closer than 10 feet in distance to the [male] officer. ██████ stated that he was looking in the direction of the male officer, who was positioned in the alley in front of his police vehicle and near the [backyard] gate, with his gun pointed in the direction of ██████ on the 3rd floor rear porch. ██████ stated he heard the officer state “he’s got a gun.”³⁴ ██████ then told COPA investigators, “I watched the police shoot him.”³⁵ ██████ stated heard one shot fired.

When asked if ██████ observed any [muzzle] flashes coming from the firearm of the officer, ██████ stated that “after you shoot a gun, you gonna see a little spark or something like that.”³⁶ ██████ stated the sound of the shot fired appeared to have been coming from the direction of the male officer. Upon the shot being fired ██████ was in shock and ██████ told him to get back. According to ██████ the male officer then pointed the gun in the direction of ██████, ██████ and possibly others, while stating “get back, get back.”³⁷ ██████ and his friends responded by running towards the front of the house. ██████ then separated from the group, ran back towards

³² Att. 53, page 25, line 13.

³³ Att. 53, page 29, line 2.

³⁴ Att. 53, page 36, line 2.

³⁵ Att. 53, page 36, lines 6-7.

³⁶ Att. 53, page 58, line 1-3.

³⁷ Att. 53, page 58, line 16.

the alley through an empty lot that is on the [north] side of the house, and attempted to go up the [rear] stairs to check on ██████████ but was stopped by the female officer and a male officer.³⁸

██████████ stated that after the shot was fired, a crowd began to come out and additional officers began to arrive. ██████████ stated that he was mad and was going to fight the police because they would not allow him to go up to check on ██████████. On the night of incident, ██████████ stated that he gave a statement to the news about what took place. He told the news the same information he was telling COPA. ██████████ did not know ██████████ to have a gun on the date of incident nor did he ever see him with a gun. ██████████ stated that both of ██████████ parents had passed away and his mother had passed earlier this year and ██████████ was living with his aunt. According to ██████████ despite ██████████ mother passing away, he handled it well and did not appear that he was going to hurt himself. At no time did ██████████ talk about wanting to hurt himself nor did he ask for help.

b. Digital Evidence

Evidence Technician (ET) photographs and **ET video**³⁹ depict the scene and recovered evidence while at the location of incident and at Mount Sinai Hospital.

Cook County Medical Examiner⁴⁰ photos depict the scene after the incident to include photos of the area, a black SCCY firearm, an expended shell casing on the 3rd floor rear porch landing, and; pools or spatters of blood in and around the rear porch staircase and landings. The photos further depict the body of ██████████ to include his injury, while at Mount Sinai hospital and ██████████ during the autopsy at the Medical Examiner's office.

Police Observation Device (POD)⁴¹ video # ██████████, at the intersection of ██████████ ██████████, between the hours of 6:00 p.m. to 7:45 p.m. on the date of incident, consists of three clips which do not depict the incident.

In summary, the **video footage** from **Officer ██████████ Body-worn camera (BWC)**,⁴² under **Axon ██████████** is 10 minutes and 45 seconds in length with audio initiating at 30 seconds into the video. During the time of incident, the video depicts Officer ██████████ exiting the driver's side of his vehicle while in an alley. At 30 seconds Officer ██████████ shouts, "Get the fuck, stay the fuck back" followed by "he's got a gun right there." To the right of Officer ██████████ appears to be partial view of a backyard and rear porch area with a black rod-iron fence surrounding it. At 33 seconds one gunshot is heard followed by screaming. Officer ██████████ turns his body further right, to face straight ahead to the rear of the residence. The video depicts a 3-story rear porch with a ground 1st floor landing that is ground level, a 2nd floor landing and a distant and partial view of the 3rd floor landing which is mostly out of the camera frame.

At 39 seconds Officer ██████████ alerts dispatch of shots fired. In the distance, the video depicts a Hispanic female officer (now known to be Officer ██████████) on the ground level near the

³⁸ Att. 53, page 37, lines 13-20.

³⁹ Att. 75, 82

⁴⁰ Att. 26, 68

⁴¹ Att. 78

⁴² Att. 29

bottom of the first flight of stairs, a male officer (now known to be Officer ██████) standing near the bottom of the second flight of stairs, and a few unknown civilians in the gangway along the north side of the residence. At 45 seconds Officer ██████ states “he shot himself in the head, he’s in the third floor at the back of the building.” At 49 seconds Officer ██████ yells “Get the fuck back!” to which an unknown voice responded with “Ok!” Throughout the remainder of the video, Officer ██████ states and describes how ██████ shot himself to the right side of his head. Subsequently, Officer ██████ is observed walking around the area as a crowd gathers near the alley. Responding units and paramedics arrive on scene.

In summary, **video footage** from Officer ██████ BWC,⁴³ under Axon # ██████ is approximately 18 minutes and 40 seconds in length with audio initiating at 30 seconds into the video. Officer ██████ is depicted in the front passenger seat of the vehicle, which appears to be driving slowly, and then makes a quick right turn into an alley. Officer ██████ exits the vehicle, enters a backyard via open gate and proceeds to go up a flight of stairs to a rear porch. At 30 seconds, the video depicts Officer ██████ arriving to the 2nd floor stairwell landing off the first staircase. At this time a male officer (now known to be Officer ██████) is heard in the background yelling “drop it, drop it.” Officer ██████ follows by stating “drop it or I’m gonna fucking shoot you, drop it or I’m gonna fucking shoot you.” At 36 seconds Officer ██████ proceeds past the 2nd floor landing and up the 2nd flight of stairs while asking “Where is he? Does he still have it? he still has it?” Officer ██████ then retreats down back to the first flight of stairs. In the background Officer ██████ is heard stating “back the fuck up, back the fuck up... he’s got it right there.” At approximately 44 seconds into the video, Officer ██████ is standing on the intermediate landing of the first staircase when one (1) gunshot is heard. Officer ██████ reports over the radio shots fired at the police. Officer ██████ repeatedly asks, “where is he?” In the background the sound of dripping can be heard. In the distance three to four black males, to include one not wearing a shirt, are observed standing alongside the north end of the residence at the end of the gangway that meets the first-floor porch landing. The unknown males then retreat further back into the gangway. Officer ██████ states, “He shot himself. He shot himself in the head.” At 1 minute and 10 seconds, Officer ██████ calls for an ambulance. A crowd begins to gather and approaches the residence while Officer ██████ instructs them to stay back.

At approximately 2 minutes and 5 seconds, Officer ██████ arrives to the rear 3rd floor landing. A young, male black subject (now known to be ██████) was observed unresponsive while lying face-up, slightly north of the staircase. His upper body was facing westbound while he was slightly twisted at the waist with his legs facing in a northwest direction. A black firearm was observed laid along the left side of ██████ near his left mid-thigh area. Subsequently, paramedics arrive and one of them announce that ██████ is still breathing. Officer ██████ points out the firearm and a [expended] shell casing to the paramedics. The video depicts paramedics leaving with ██████ through the 3rd floor attic apartment and state they were going to leave through the front of the residence.

In summary, **video footage** from Officer ██████ BWC,⁴⁴ under Axon # ██████ is approximately 18 minutes and 33 seconds with audio initiating at 30 seconds into the video. Officer ██████ is depicted on the right side of the rear passenger seat of a [police] vehicle. A Hispanic

⁴³ Att. 30

⁴⁴ Att. 31

male officer (now known to be Officer ██████) is depicted in the driver's seat while repeatedly looking towards his right. At approximately 25 seconds into the video, Officer ██████ exits the vehicle and enters into a backyard via an open gate. A Hispanic male officer (now known to be Officer ██████) is observed ahead of her and going up the stairs of the rear porch. Officer ██████ remains on the 1st floor landing (ground level) of the rear porch. A gangway is observed along the right side of the house if facing the rear. Unknown individuals are observed in the distance walking in the gangway towards the backyard. Officer ██████ proceeds to walk slightly underneath the first staircase. At approximately 33 seconds, a male voice can be heard stating words to the effect of "put it down motherfucker...put it fucking down, [or] I'm gonna fucking shoot..." followed by "back the fuck up." At about this same time, a male officer (now known to be Officer ██████) is depicted standing in the alley, slightly in front of a dark-colored police vehicle, with both his arms raised and pointed in an upward direction. Officer ██████ begins to repeatedly yell "he has a pistol." At approximately 39 seconds an unknown black male wearing a red shirt and black pants appears to be walking onto the 1st floor landing towards the staircase. Officer ██████ walks towards the black male while stating "hey hey...(inaudible) out" and simultaneously one (1) gunshot is heard. The black male proceeds to walk towards the gangway. Officer ██████ is heard saying "oh hell no." Officer ██████ is heard saying "shots fired at the police" which is repeated by Officer ██████. At approximately 54 second, three unknown juvenile black males, to include one who is not wearing a shirt (now known to be ██████) and one juvenile black female are observed standing in or near the mouth of gangway at the end of the house (east wall) slightly stepping into the 1st floor landing area on the ground level. Officer ██████ yells at them to "get away." At 54 seconds Officer ██████ is observed to the right of the screen, standing in the alley near the police vehicle. At 55 seconds Officer ██████ is heard yelling "get the fuck back" and the unknown juveniles are observed quickly stepping back and appeared to be startled while looking in the direction of the alley. Officer ██████ is then heard stating "he shot himself, he shot himself in the head."

Between approximately 3 minutes and 15 seconds and 3 minutes and 28 seconds, Officer ██████ is standing in front of Officer ██████ and he describes to her, while showing her with his right hand, how the subject (now known to be ██████) put the gun up to his right temple and shot himself. Officer ██████ further described and portrayed that ██████ put the gun down, put his hands to each side of head, then grabbed the gun and shot himself. Throughout the video there are several unknown voices speaking. At approximately 9 minutes Officer ██████ proceeds to go up the rear stairs and arrives to the 3rd floor landing where paramedics are observed surrounding ██████ who is laid on the floor and can be partially observed. The remainder of the video depicts Officer ██████ walking around the scene. At approximately 16 minutes, 35 seconds while outside near the front of the residence, paramedics are observed placing ██████ who was on a stretcher covered with a white sheet, into ambulance truck #███.

A **Facebook live video clip**⁴⁵ was recorded and posted on the date of incident, after the incident took place, at the location of incident and posted to the public Facebook page of ██████. The Facebook live video was during daylight hours in which there were unknown civilians in the area. In summary, at approximately 18 minutes into the video, ██████ speaks to two black male juveniles (one of them now know to be ██████) whom he was told witnessed the incident. One of the juveniles explains that they were having a party outside of the

⁴⁵ Att. 18

residence when they observed police. The juvenile's cousin (now known to be ██████████) said he was going to go upstairs. As ██████████ was walking [through the gangway] the police were [driving] alongside him. The police then drove into the alley. They "opened" their gun(s) and shot ██████████ when he got to the 3rd floor [of the rear porch]. When the juvenile heard the shot, he ran [towards the backyard] and then a gun was pointed at him, so he ran back. ██████████ asked if ██████████ had anything in his hands and ██████████ responded that ██████████ had a black speaker in his hand.

A **YouTube video clip**⁴⁶ was recorded on the date of incident, after the incident took place during evening hours and posted by ██████████. At approximately 2 minutes and 20 seconds into the video, ██████████ is depicted giving a statement to Channel 9 news and states "I watched the police shoot him." ██████████ further states that the police shot ██████████ while he was on the third floor and they were on the ground level. The remainder of the video depicts a crowd of people and ██████████ is heard giving a narrative of what he heard took place.

Cell phone data⁴⁷ extracted from ██████████ cell phone contains over 300,000 files of data. COPA's investigation included the review of these files to include, but not limited to, pictures and/or video of ██████████ with family, friend's social media screenshots, memes and/or animation. In addition, pictures and video were depicted of ██████████ holding a firearm⁴⁸ on the date of incident, as well as within days leading up to the incident.



OEMC Transmissions⁴⁹ are consistent with OEMC event queries and consists of one CPD, Zone ██████ transmission, two Emergency Management Services (EMS) ██████ transmissions, one CFD transmissions and one 911 caller, from Mount Sinai Hospital, transmissions.

⁴⁶ Att. 19

⁴⁷ Att. 76

⁴⁸ It is unknown if the firearm depicted in pictures and/or videos of ██████████ is the same as the firearm that was recovered on the date of incident.

⁴⁹ Att. 70-74

c. Physical Evidence

A **Chicago Fire Department (CFD) Ambulance Report**,⁵⁰ incident ██████████ documents Ambulance #█████████ arrived at ██████████.⁵¹ The incident type was documented as “shot +-gun shot victim.” It is reported that they were dispatched at 18:56:17, arrived on scene at 18:59:36 and reached ██████████ at 19:02 hours. Upon arrival, CFD crew members brought their equipment up the third-floor deck. They observed a bullet hole through ██████████ head with brain matter “covering two levels of the deck.” They observed “bullet casings and a gun next to him.” A crowd began to gather around the front, side and rear of the building while threatening CFD and CPD members. CFD noted that ██████████ had “agonal respirations and a weak pulse.” Due to the threats made by the crowd, CFD “decided to do a load and go scenario and carried [the] patient out through the front...” It was documented that the care [for ██████████] was delayed because the scene was not safe. Upon loading ██████████ into the ambulance, the crowd grew more upset as they wanted to see him. CFD departed the scene at 19:13:39 hours. Upon arrival to Mount Sinai emergency room, it is documented that ██████████ still had a faint pulse.

The **Medical Records** from **Mount Sinai Hospital**⁵² document that on the date of incident at approximately 1920 hours⁵³ ██████████ arrived to the hospital [by ambulance] as a code yellow.⁵⁴ He arrived to the emergency room with a gunshot wound through and through to the bilateral temporal area to the head. ██████████ was found to be unresponsive, apneic⁵⁵ and under traumatic cardiac arrest. He had no pulse and his pupils were unreactive. It is documented that the priority was resuscitation. According to paramedics and by staff in emergency department, brain matter was noted. Under the procedures section, it was documented that there was a chest tube inserted. He expired in the emergency room and was pronounced deceased at 1925 hours followed by notification to the immediate family.

The **Medical Examiner’s (ME) Report**,⁵⁶ for ██████████ under ME# ██████████ documents his date of death as August 17, 2018 and he was examined on August 18, 2018 by Dr. ██████████. The external examination documents the overall appearance of the body as well as clothing and identification tags that accompanied the body. A body diagram documenting the location of ██████████ injury is included in the report. It is documented that there was “a small amount of dried blood on the right hand.” The evidence of injury documents a gunshot wound to the head. The entrance of the gunshot wound was on the right, temporal scalp. The wound entrance consisted of an irregular round defect with radiating lacerations in different positions. It is documented that the defect was surrounded by a “...rim of gray to black searing and soot staining and had dark gray to black granular material in the underlying soft tissues. Unburned gunpowder particles or gunpowder stippling were not seen on the skin surrounding the wound.” The exit of

⁵⁰ Att. 28

⁵¹ The correct address of incident is ██████████

⁵² Att. 52

⁵³ Att. 52, military time is used throughout the report.

⁵⁴ According to medical-dictionary.thefreedictionary.com/code+yellow is a message announced over a hospital's intercom systems alerting the staff to prepare for a pending emergency or disaster.

⁵⁵ According to medicinenet.com, apneic is a “temporary cessation (ending) of breathing called apnea.

⁵⁶ Att. 67

the wound was documented on the left temporal scalp and the trajectory was from right to left. The clothing did not have any defects corresponding to the gunshot wound.

It is documented that there was “a single perforating, contact-range gunshot wound of the head and there were no other significant injuries.” The manner of death was ruled as a *suicide* “based on the reported circumstances surrounding death, review of scene photographs, and the autopsy findings...” The toxicology report for ██████ documents a positive finding of Delta-9 THC⁵⁷ levels.

CPD Crime Scene Processing Reports⁵⁸ include report #'s ██████ and ██████. All document evidence identified, collected and inventoried in connection with the incident. Evidence collected and photographed as documented in such reports includes while on-scene at ██████ at Mount Sinai Hospital and the Medical Examiner's office. On scene, it was documented under report # ██████, inventory # ██████, that a “SCCY. CPX – 2.9MM, Semi-automatic...” firearm was recovered from the 3rd floor rear apartment landing at ██████. The firearm was found to have one (1) R-P 9MM bullet recovered from the chamber, four (4) R-P 9MM bullets recovered from the magazine of the firearm and one (1) S&B 9x19 bullet also recovered from the same magazine. In addition, one (1) expended shell casing was recovered from the rear 3rd floor landing at ██████. It was documented that the grip and slide of the firearm was swabbed under inventory # ██████. An ISP Gunshot Residue (GSR) kit was administered on the hands of ██████ while he was at the Mount Sinai Hospital Morgue as documented under inventory # ██████. In addition, on the date of incident a piece of drywall with a bullet hole was recovered from the ceiling of the 3rd floor [rear] bedroom.

In addition, it is documented that Officer ██████, Officer ██████ and Officer ██████ had their service weapons administratively checked by CPD Forensic Investigator (FI) ██████ # ██████ and all three weapons were found to be fully loaded.

It is documented that on August 29, 2018, under report # ██████, CPD FIs returned to the location of incident “to the process the scene in regard to the execution of Search Warrant # ██████”⁵⁹ in an attempt to recover evidence of the fired bullet on the date of incident.

Inventory Sheets⁶⁰ documents evidence and/or property recovered, photographed and inventoried.

A **plat diagram**⁶¹ “not to scale” created by CPD FI ██████ # ██████ documents the measurements of the 3rd floor rear porch and bedroom area, to include the approximate location of evidence.

⁵⁷ THC stands for Tetrahydrocannabinol which is the principal psychoactive ingredient of marijuana.

⁵⁸ Att. 12, 40

⁵⁹ Att. 40, page 3.

⁶⁰ Att. 13, 65

⁶¹ Att. 41

Illinois State Police (ISP) Forensic Science Laboratory Reports⁶² document findings to different types of forensic evidence testing to include the following.

An ISP laboratory report for DNA results⁶³ dated November 29, 2018 documents that a human DNA profile was identified from a swab stain from the inner and outer barrel of a black SSCY 9mm handgun recovered under inventory # [REDACTED]. Exhibit 3A identified the swab stain on the outer barrel of the gun where blood was indicated and exhibit 3B identified the swab of the inner barrel, where no blood was indicated. It is documented that for exhibits 3A and 3B, [REDACTED] DNA could not be excluded, and was therefore included. Other exhibits to include one (1) R-P 9mm cartridge from the chamber of the gun, the SCCY magazine of the gun, four (4) R-P 9mm cartridges from the magazine and one (1) S&B 9x19 cartridge from the magazine were not examined for DNA. In addition, it is documented that "...Exhibits 3A and 3B were consumed in DNA analysis. Extracted DNA remained from Exhibits 3A and 3B for additional testing."

An ISP laboratory report for Latent prints⁶⁴ results dated February 28, 2019 documents that there were not suitable latent prints for evidence list under inventory # [REDACTED] to include; one (1) pistol, one (1) live cartridge, one (1) magazine, four (4) live cartridges and one (1) live cartridge.

An ISP laboratory report for Trace results,⁶⁵ dated October 2, 2019, for the gunshot residue (GSR) kit administered to right and left hands of [REDACTED] resulted in a positive finding in that [REDACTED] "discharged a firearm, contacted a PGSR (primer gunshot residue) related item, or had the right hand in the environment of a discharged firearm."

An ISP laboratory report from Forensic Biology⁶⁶ documented that there was "no blood indicated" on lab item # [REDACTED], under inventory # [REDACTED], described as one (1) SCCY Black magazine.

d. Documentary Evidence

Office of Emergency Management and Communications (OEMC) Event Queries⁶⁷ document CPD transmissions and CFD transmissions including, but not limited to, activity by responding units after the incident including crowd control, traffic control and medical service requests. Remarks documented include, but are not limited to, under query # [REDACTED] at 18:55:15, [REDACTED] 3rd Fl. back of the bldg.," and at 18:56:55 by [REDACTED] "male shot himself in the head 3rd floor in the back." Other event queries document reports of a disturbance at Mount Sinai hospital by the family of the gunshot victim, photos of the scene to include the gun that was recovered and a shell casing.

The **Original Case Incident Report**⁶⁸ for RD # [REDACTED] Event # [REDACTED], documents this incident classified as a Non-Criminal - Suicide/Not in Police Custody. The

⁶² Att. 60-62, 81

⁶³ Att. 60

⁶⁴ Att. 62

⁶⁵ Att. 81

⁶⁶ Att. 61

⁶⁷ Att. 5, 6

⁶⁸ Att. 14

identifiers of ██████ and his family member, the involved witness officers and all responding units are documented. ██████ injury was reported as a fatal gunshot wound to the head by use of a 9mm pistol and self-inflicted. ██████ was pronounced at Mount Sinai Hospital at 1925 hours. The narrative documents that Beat ██████ observed ██████ walking in the area of ██████ while adjusting his waistband. As they approached him to conduct an investigatory stop he ran. A foot pursuit ensued in the rear porch stairwell. ██████ proceeded to the 3rd floor landing and pulled a gun from his waistband area. Officers commanded him to drop the weapon. Upon arriving to the 3rd floor landing ██████ placed the gun on the banister. Officers commanded him to step away. ██████ grabbed the gun from the banister, placed the end of the gun to his head and fired a single round.

Detective Supplementary Reports⁶⁹ for RD # ██████, should be read in conjunction with one another. The reports essentially document the same information as that in the Original Case Incident report. In addition, a report from the Morgue visit is included.

Detective Supplementary Report titled *Progress-Violent (Scene)*, dated March 11, 2019 by reporting Detective ██████ # ██████, documents a detailed description of the overall area of incident, the rear porch area to include approximate measurements, and detailed descriptions of evidence observed and recovered, to include inventory numbers. It is documented that there was a bullet strike observed “in the metal door between the third-floor rear deck and the third-floor read bedroom. The strike was located approximately six inches from the top of the door...[the] R/D observed an apartment bullet strike in the ceiling of the third floor rear bedroom...”⁷⁰ The report documents a summary of statements with Officer ██████ Officer ██████ and Officer ██████ in which the information is essentially the same in which they provided COPA. The motive as to why ██████ shot himself was documented as unknown.

A Detective Supplementary Report titled *Canvass*, dated March 11, 2019 documents civilians who were interviewed and were audio witnesses but did not see shots fired. Such witnesses include, but are not limited to, ██████ and ██████ stated that during the time of incident, he was in the front of ██████ with ██████ They observed a police vehicle traveling south on Keeler Avenue. ██████ proceeded to walk eastbound through the gangway towards the rear of the residence as ██████ and others were walking through the fenced-in front yard area. ██████ observed two male officers and one female officer exit their vehicle in the alley with their guns drawn. ██████ was walking towards the rear of the residence when he heard a shot fired. ██████ identified herself as ██████ grandmother. She stated that on the date of incident ██████ had been at her home for approximately half hour before the incident occurred. At the time of incident, she was inside of her residence [on the second floor] when she heard commotion. She heard a single gunshot and was told sometime later that her grandson had been shot. It is documented that she stated she did not know ██████ to be in possession of a gun.

⁶⁹ Att. 64

⁷⁰ Refer to ET photographs under Att. 82.

⁷¹ It was learned throughout the course of the investigation that ██████ was ██████ cousin and possibly a witness. Multiple attempts via phone, letter and in-person to interview ██████ were unsuccessful.

It is documented that [REDACTED] step-grandfather, [REDACTED] who is married to [REDACTED] was interviewed. He stated that at the time of incident he was not home. However, he was [later] told by “some young people” from the 1500 block of South Keeler Avenue that [REDACTED] may have had a gun in his possession on the date of incident.

A Detective Supplementary Report titled *Progress*, dated March 11, 2019, documents that on August 20, 2018, a meeting was held between CPD and the family of [REDACTED] along with their attorney, at which time the family was shown the body worn camera video from Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED]. On October 9, 2018, Dr. [REDACTED] and Chief Medical Examiner Dr. [REDACTED] with the Cook County Medical Examiner Officer observed the body-worn cameras from the same three officers per the request of Dr. [REDACTED]. Furthermore, the report documents that search warrant # [REDACTED] that was executed on August 29, 2018 in the 3rd floor rear bedroom a at [REDACTED] to search for the spent bullet that may have been in the ceiling of the this bedroom after the bullet struck [REDACTED] in the head, then traveled through the rear bedroom door then into the ceiling. The spent bullet was not found. However, it is documented that a “bullet strike was observed in the wooden roof rafter located west of the rear door.”

A Detective Supplementary Report titled *Suspended*, dated March 11, 2019, documents in summary that Detective [REDACTED] obtained a search warrant # [REDACTED] to obtain subscriber information and information files on [REDACTED] recovered Apple I-phone cellular phone that inventoried under # [REDACTED]. Detective [REDACTED] issued the warrant T-Mobile’s law enforcement relations who confirmed the cell phone was subscribed to [REDACTED], the husband of [REDACTED] guardian. It is further documented that the I-phone and search warrant were taken to the Regional Computer Forensic Lab (RCFL) for extraction of information. On December 18, 2018 Detective [REDACTED] retrieved the I-phone from RCFL, along with two Blu-Ray DVDs, that contained the extracted data with over 300,000+ files contained on the I-phone. It is documented that sometime later Detective [REDACTED] re-inventoried all the items, including the I-phone under inventory # [REDACTED]. Detective [REDACTED] viewed the files and took note of the following files, labeled as VLC media (.MOV) that contained images of [REDACTED] and/or an unknown black male with a black handgun. The report documents the files labeled as; Image [REDACTED], Image [REDACTED] (duplicate) were take on August 9, 2018. Images [REDACTED] (duplicates) and [REDACTED] were taken on August 10, 2018. The Images documented as [REDACTED] (duplicates) were taken on August 12, 2018. “The video files recovered from the I-phone show [REDACTED] to be in possession of a handgun eight days, seven days and five days before the incident... The handgun that [REDACTED] and his associates displayed appears to be the same make, model, barrel length and finish as the handgun recovered...”⁷² on the date of incident.

A **Major Incident Notification Report (MIN)**⁷³ documents the manner and motive of this incident as Non-Criminal – Suicide/Police Custody. The report documents [REDACTED] his identifiers and his guardian. [REDACTED] was documented as a victim with his condition as fatal in which the injury was described as a through and through gunshot wound to his head, above his ear. Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] were identified as involved officers and each of their firearms were described in detail. Recovered property was documented as one (1)

⁷² Att. 64, page 45

⁷³ Att. 55

expended R-P 9mm luger shell casing and one (1) SCCY semi-automatic handgun, serial # [REDACTED], with a magazine, one (1) live round in the chamber and five (5) live rounds in the magazine. The narrative documents “Suicide in police custody. The deceased was pronounced at 1925 hours at Mt. Sinai Hospital. ME Case # [REDACTED].”

e. Additional Evidence

A COPA Summary Report⁷⁴ titled Processing of Involved Officer’s Firearms documents that on August 18, 2018, at approximately 12:45 a.m., while at CPD Area [REDACTED], [REDACTED] District,⁷⁵ Major Case Specialist [REDACTED] COPA Supervisor [REDACTED] and various CPD personnel observed the processing and clearing of Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] firearms, all of which were found to be fully loaded.

A COPA Summary Report⁷⁶ of attempts for potential witnesses’ documents that the Major Case Specialist [REDACTED] spoke to several individuals to include [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. Such individuals were near, or at the location of incident during the time the incident occurred. They all heard one (1) shot fired and did not witness a shot being fired.

V. LEGAL STANDARD

A preponderance of the evidence is evidence indicating that it is more likely than not that the conduct occurred and violated Department policy.⁷⁷ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

VI. LEGAL ANALYSIS

a. [REDACTED] Died as a Result of An Attempt to Apprehend Him.

COPA conducted this investigation pursuant to its jurisdiction to investigate incidents “where a person dies . . . as a result of police actions, such as during attempts to apprehend a suspect.”⁷⁸ Apprehension encompasses multiple types of police-citizen encounters including not just arrests, but also *Terry* stops.⁷⁹ Apprehension also can describe a police-civilian encounter following a subject’s unprovoked flight from police.⁸⁰ As described below, COPA’s investigation

⁷⁴ Att. 80

⁷⁵ [REDACTED]

⁷⁶ Att. 83

⁷⁷ 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).

⁷⁸ Chi. Mun. Code 2-78-120 (d).

⁷⁹ ⁷⁹ See, e.g., *People v. Johnson* 408 Ill.App.3d 107, 111 (1st Dist. 2010); *People v. Colyar*, 2013 IL 111835 ¶125 (J. Burke dissenting)(“ First, the investigatory stop must be lawful. That requirement is met in an on-the-street encounter, Terry determined, when the police officer reasonably suspects that the person apprehended is committing or has committed a criminal offense.”).

⁸⁰ See, e.g., *People v. D.L.*, 2017 IL App (1st) 171764 at ¶28.

revealed that ██████ shot himself while officers were attempting to engage in an investigatory *Terry* stop.

b. The Preponderance of the Evidence Shows that the Officers had Justification to initiate an Investigatory Stop

In this case, the officers were driving south on Keeler when they stopped at the stop sign of 15th Street and saw a group of individuals in front of ██████. While the officers were briefly stopped at the stop sign, emergency lights nor sirens had been activated, without prompting from the officers, they observed an individual, later determined to be ██████ quickly walking away towards the back of the house. As he continued towards the back of the house, they observed him grab at his waist, in a manner that all three officers described as indicative of grabbing or manipulating a firearm. While possessing a firearm is not dispositive that the person is committing a crime, under the totality of the circumstances, ██████ sudden and quick departure away from view of the officers, grabbing at his waistband, coupled with the fact he appeared too young to legally possess a firearm, were reasonable indications that he may have been in possession of a firearm which would have been unlawful.⁸¹ At that time, based upon these factors, the officers had reasonable suspicion to initiate a *Terry* stop,⁸² and would have been adhering to Chicago Police Department policy had they done so.⁸³

Although the officers had reasonable, articulable suspicion to justify an investigatory stop, that they were never able to effectuate that stop does not invalidate the lawfulness of the officers' attempt. Based upon the investigation, by the time that officers exited their vehicle, ██████ was already climbing the exterior staircase to the second floor. ██████ was leaving the second-floor landing and rounding the corner to the next flight of stairs before Officers ██████ and ██████ yelled at ██████ to drop his weapon. After ██████ reached the third-floor landing and, as the officers were yelling at ██████ to drop the gun, as supported by medical and forensic evidence he shot himself. The closest officer, ██████ was on or near the first-floor landing of the staircase, when the gunshot occurred.

COPA finds that the officers had reasonable articulable suspicion to initiate an investigatory stop during which attempt time ██████ shot and killed himself.

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⁸¹ See, *People v Thomas*, 2019 IL App (1st) 170474 (holding that when someone flees, and officers suspect they have a firearm, it is reasonable to suspect they are possessing the firearm unlawfully).

⁸² See, e.g., *Illinois v. Wardlow*, 528 U.S. 119, 125 (2000) (holding that where subject broke away from a group of friends on sight of the police and walked away unprovoked, it was sufficient grounds for a *Terry* stop).

⁸³ CPD Special Order S04-13-19 addresses investigatory stops.

VII. CONCLUSION

Based on the analysis set forth above, COPA concludes the officers had reasonable articulable suspicion to justify their attempted investigatory stop of [REDACTED] no officer discharged their firearms during this incident, and there was no evidence of misconduct.

Approved:

[REDACTED]

Angela Hearts-Glass
Deputy Chief Administrator

7-23-2020

Date

[REDACTED]

[REDACTED]
Deputy Chief Administrator-Chief Investigator

7-23-2020

Date

[REDACTED]

[REDACTED]
Chief Administrator

7-23-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Major Case Specialist:	████████████████████
Supervising Investigator:	████████████████
Deputy Chief Administrator:	Angela Hearts-Glass
Attorney:	████████████████████