

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident:	July 10, 2020
Time of Incident:	7:40 a.m.
Location of Incident:	██████████ Ave.
Date of COPA Notification:	July 10, 2020
Time of COPA Notification:	8:05 a.m.

It was reported that on July 10, 2020, at approximately 7:40 a.m., 011th District Tactical Team members conducted a reverse buy mission in the vicinity of ██████████. During the mission, an unknown individual positioned on the south end of Trumbull discharged his weapon at the officers. Officers Meeks, Pagan, and Rodriguez returned fire at the individual. The unknown individual fled into a nearby home. The officers searched for the unknown individual but could not locate him.

It was later discovered that Officer Schorsch also discharged his weapon during the incident. Officer Schorsch never told anyone at the time of the incident that he had discharged his gun. Officer Schorsch reported that he realized he had discharged his weapon a week after the incident while cleaning his gun.

II. INVOLVED PARTIES

Accused Officer #1:	MEEKS, Demenyon, Star #16730, Empl. # ██████████, DOA: October 17, 2011, P.O., Unit #011, DOB: ██████████, 1974, male, black
Accused Officer #2:	PAGAN, Jason, Star #11549, Empl. # ██████████, DOA: February 29, 2016, P.O., Unit #011, DOB: ██████████, 1983, male, Hispanic
Accused Officer #3:	RODRIGUEZ, Daniel, Star #9766, Empl. # ██████████, DOA: June 27, 2016, P.O., Unit #011, DOB: ██████████, 1989, male, Hispanic
Accused Officer #4:	SCHORCH, Phillip, Star #9768, Empl. # ██████████, DOA: June 27, 2016, P.O., Unit #011, DOB: ██████████, 1980, male, White

Accused Officer #5:	Schnier, Brian ¹ , Star #1273, Empl. # [REDACTED], DOA: November 30, 1998, Sgt., Unit #001, DOB: [REDACTED], 1974, male, White
Accused Officer #6:	Gabler Jr., Michael ² , Star #13845, Empl. # [REDACTED], DOA: February 2, 2015, P.O., Unit #650, DOB: [REDACTED], 1980, male, white
Accused Officer #7:	Bodnar, Brian, Star #10641, Empl. # [REDACTED], DOA: February 29, 2016, P.O., Unit #011, DOB: [REDACTED], 1993, male, white
Accused Officer #8:	Haro, Christina ³ , Star #9929, Empl. # [REDACTED], DOA: June 27, 2016, P.O., Unit #193, DOB: [REDACTED], 1989, female, Hispanic
Accused Officer #9:	Golden, Taylor ⁴ , Star #9992, Empl. # [REDACTED], DOA: April 25, 2016, P.O., Unit #193, DOB: [REDACTED], 1992, male, Hispanic
Involved Officer #1:	Santana, Gabriela ⁵ , Star #16129, Empl. # [REDACTED], DOA: October 26, 2015, P.O., Unit #189, DOB: [REDACTED], 1985, female, Hispanic
Involved Officer #2:	Murphy, Kyle ⁶ , Star #15661, Empl. # [REDACTED], DOA: October 26, 2015, P.O., Unit #215, DOB: [REDACTED], 1987, male, white
Involved Officer #3:	Robles Jr., William, Star #19200, Empl. # [REDACTED], DOA: November 24, 2014, P.O., Unit #011, DOB: [REDACTED], 1987, male, Hispanic
Involved Officer #4:	Guerrero, David, Star #14499, Empl. # [REDACTED], DOA: December 12, 2016, P.O., Unit #011, DOB: [REDACTED], 1991, male, Hispanic
Involved Individual #1:	Unknown

¹ Assigned to the 011th District at the time of the incident.

² Assigned to the 011th District at the time of the incident.

³ Assigned to the 011th District at the time of the incident.

⁴ Assigned to the 011th District at the time of the incident.

⁵ Assigned to the 011th District at the time of the incident.

⁶ Assigned to the 011th District at the time of the incident.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Meeks	1. Discharged his weapon in violation of General Order 03-02-03.	Not Sustained
Officer Pagan	1. Discharged his weapon in violation of General Order 03-02-03.	Not Sustained
	2. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained
Officer Rodriguez	1. Discharged his weapon in violation of General Order 03-02-03.	Not Sustained
	2. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained
Officer Schorsch	1. Discharged his weapon in violation of General Order 03-02-03.	Sustained
	2. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained
	3. Failed to submit to drug and alcohol testing after the discharge of your weapon in violation of General Order 03-02-03.	Not Sustained
	4. Failed to comply with the procedures as an involved member in violation of G03-06.VI.B	Not Sustained
	5. Failed to complete a Tactical Response Report in violation of General Order 03-02.	Not Sustained
Sgt. Schnier	1. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained
Officer Gabler Jr.	1. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained
Officer Bodnar	1. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained

Officer Haro	1. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained
Officer Golden	1. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained
Officer Guerrero	1. Failed to comply with S03-14 by failing to activate your body-worn camera.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1 – Violation of any law or ordinance.
2. Rule 2 – Any action or conduct which impedes the Department's office to achieve its policy and goals or discredit upon the Department.
3. Rule 3 – Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
4. Rule 5 – Failure to perform any duty.
5. Rule 6 – Disobedience of an order or directive, whether written or oral.
6. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
7. Rule 9 – Engaging in an unjustified verbal or physical altercation with any person, while on or off duty.
8. Rule 10 – Inattention to duty.
9. Rule 11 – Incompetency or inefficiency in the performance of duty.
10. Rule 22 – Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.
11. Rule 38 – Unlawful or unnecessary use or display of a weapon.

General Orders

1. General Order G03-02 (eff. Feb. 29, 2020)
2. General Order G03-02-03 (eff. Feb. 29, 2020)
3. General Order 03-06 (eff. Feb. 29, 2020)

Special Orders

1. S03-14 (eff. Apr. 30, 2018)

State Laws

1. 720 ILCS 5/7-5

V. INVESTIGATION

a. Interviews

COPA interviewed the **accused, Officer Phillip Schorsch**⁷, on February 5, 2021. Officer Schorsch reported that on July 10, 2020, at approximately 7:40 a.m., he was assigned to the 015th District. Officer Schorsch was a processing officer during a reverse buy operation and was positioned in the backyard of [REDACTED]. As Officer Schorsch processed the arrestees, he heard several gunshots coming from Trumbull Avenue. Officer Schorsch retrieved his weapon and ran through the gangway onto Trumbull Avenue. Officer Schorsch ran into the middle of Trumbull Avenue and heard several more gunshots. Officer Schorsch looked toward where gunshots emanated from and saw several muzzle flashes further down on Trumbull Avenue. Officer Schorsch indicated that he never saw the shooter. Officer Schorsch stated, “I was trying to sight up⁸, but I do not remember if I fired.”⁹ Officer Schorsch later stated that he had no specific details about the shooter and admitted that although he “sighted up,” he did not feel that he “had a clear shot.”¹⁰ Officer Schorsch then proceeded to search for the shooter.

Officer Schorsch said he was cleaning his weapon days later and noticed that he was missing ammunition (Two Rounds)¹¹ from his weapon¹². Officer Schorsch immediately reported that he was missing rounds out his weapon to his sergeant, Sgt. Schnier¹³. Officer Schorsch said he checked his weapon because he was unsure if he had fired his gun on July 10, 2020¹⁴. Officer Schorsch turned in his weapon a day or two after speaking with Sgt. Schnier. Officer Schorsch was not administered a drug and alcohol test.

⁷ Atts 64, 74

⁸ Using the sights of a gun in preparation to fire the weapon.

⁹ Att. 74, Page 31, lines 10 – 12

¹⁰ Att. 74, p. 39, lines 1-11. (“I don’t have specifics about it, you know, down to the gym shoes a person’s wearing, but you vaguely see someone down the block. The muzzle flashes are coming, you could feel the bullets going past you. And the officers are firing at that direction. And also, I’m, like, trying to sight up at what I’m seeing right there. But I didn’t feel that, you know, I had a clear shot. And I – yeah, I mean, and as far as asking me if I fired, I don’t remember firing. I was convinced that day I did not fire my weapon.”).

¹¹ Att. 74, Page 46, lines 13 - 15

¹² Att. 74, Page 42, lines 23, 24 and page 43, lines 1-4. “I was light. Light meaning you’re short a couple rounds.”

¹³ Officer Schorsch did not recall the dates of when he discovered he was missing rounds from his weapon and notified his sergeant. He believes it was within the same week.

¹⁴ Att. 74, Page 46, lines 2 -12

Officer Schorsch admitted to not turning on his body-worn camera. Officer Schorsch stated, “Everything was happening so fast. That was the last thing that I thought about.”¹⁵ Officer Schorsch indicated that he was unsure if he fired his weapon because “I was scared out my mind. You have no idea what was going on there. It’s like you’re just in a giant echo. You don’t remember anything. Like I said, one moment I was in the street, the next minute I was down the block, and I had no idea how I got there. My ears are ringing. And like someone slaps you on the side of the head. Your heart’s racing. I mean, you’re all over the place.”¹⁶ Officer Schorsch stated that he was unclear if he fired his weapon, but he believes that if he had fired his weapon, he would have been in compliance. Officer Schorsch was unable to explain what being in compliance meant in relation to him discharging his weapon. Officer Schorsch denied the other allegations made against him based on the idea that he did not know he had fired his weapon.

COPA interviewed the **accused, Officer Demenyon Meeks**¹⁷, on July 21, 2020. Officer Meeks reported that on July 10, 2020, at approximately 7:40 a.m., he was assigned to the 015th District and working undercover. Officer Meeks and his team¹⁸ conducted a reverse buy mission in the vicinity of [REDACTED]. The goal of the mission was to arrest civilians seeking to purchase narcotics. Officer Meeks portrayed the role of a drug dealer. Officer Meeks engaged with potential buyers and guided them toward a gangway between 747 and [REDACTED]. When the buyer arrived at the rear of [REDACTED] they were essentially arrested.

Officer Meeks said during this mission, an unknown Black woman came to the area and stated words to the effect of “What are you doing here? What the heck y’all doing here? I got something for y’all.”¹⁹ The unknown woman then walked southbound on Trumbull. Officer Meeks informed Sgt. Stover about the unknown woman, who in turn told the enforcement officers to detain her, but they were unsuccessful. Officer Meeks relocated to the back area of [REDACTED] to tell the officers to move the police wagon. As Officer Meeks walked through the gangway between 747 and [REDACTED] Officer Meeks heard approximately five²⁰ volleys of gunshots emanating from the south side of Trumbull Avenue. As the shots were being fired, Officer Meeks observed Sgt. Stover and Officer Santana take cover. Officer Meeks then observed the unknown subject²¹ discharging his weapon, about a block away, near the south end of Trumbull, standing near a white truck.

Officer Meeks retrieved his weapon that was in a fanny pack that was positioned across his chest. Additional officers began to exit the gangway, during which time the unknown subject discharged five more shots at Officer Meeks and the other officers on the scene. Officer Meeks returned fire at the unknown subject. Officer Meeks believed he discharged his weapon five to ten times,²² but later learned that he discharged his weapon twelve times. The unknown subject

¹⁵ Att. 74, Page 53, lines 16 – 17

¹⁶ Att. 74, Page 54, lines 16 – 24

¹⁷ Atts 27, 53

¹⁸ Officer Haney, Padilla, Deary, Purdy, Haro and Sgt. Stover.

¹⁹ Att 53, Page 20, lines 4 – 5

²⁰ Att 53, Page 15, lines 18 – 20

²¹ Male/black, 5’7” to 6’1”, slender build, wearing a black hooded sweatshirt.

²² Att 53, Page 30, lines 14 – 17

stopped firing his gun and ran into an unidentified residence. Officer Meeks and the other officers on the scene attempted to locate the unknown subject, but they were unsuccessful.

Officer Meeks knew that other officers on the scene discharged their weapons, but he only recalled seeing Officer Pagan discharge his gun. Officer Meeks could not describe the unknown subject's weapon, but he observed the muzzle flash as the unknown subject discharged his gun.

COPA interviewed the **accused, Officer Daniel Rodriguez**²³, on July 21, 2020. Officer Rodriguez related, in essence, the same information as Officer Meeks. Officer Rodriguez said on July 10, 2020, at 7:40 a.m., he was processing arrestees in an area designated as the "pit." During this time, Officer Rodriguez heard over five gunshots, which seemed to be coming from Trumbull Avenue. Officer Rodriguez ran onto Trumbull Avenue with his weapon in his right hand. "I located the offender, who was near the sidewalk on Trumbull Avenue, with his arm extended with a firearm towards me and firing his weapon."²⁴ As Officer Rodriguez exited the gangway, he heard ten more gunshots. Officer Rodriguez discharged his weapon approximately three times at the subject, who was about half a block away from him and immediately took cover. Once officer Rodriguez heard cease-fire, he and the other officers attempted to locate the subject to no avail. Officer Rodriguez did not observe any officers fire their weapons at the time of the incident.

COPA interviewed the **accused, Officer Jason Pagan**²⁵, on July 21, 2020. Officer Pagan related, in essence, the same information as Officers Meeks and Rodriguez. Officer Pagan stated that on July 10, 2020, at approximately 7:40 a.m., his role during the reverse buy mission was escorting the arrestees to the pit area²⁶ for processing. During the mission, an unknown woman started making a "ruckus."²⁷ Officer Pagan never saw the woman and did not know exactly what she said, but she disapproved of what the officers were doing. A short time later, Officer Pagan heard approximately four to six gunshots. Officer Pagan exited the gangway with his gun and observed Officer Meeks squatting down to take cover. Officer Pagan heard additional gunshots and saw an individual about half a block wearing a black hooded sweatshirt, pointing a firearm. Officer Pagan indicated that he observed a muzzle flash coming from the weapon as it was being fired.

Officer Pagan repositioned himself from the east side of the street to the west side of the street. The individual continued to discharge his weapon in Officer Pagan's direction, and Officer Pagan discharged his gun approximately four to five times at the individual. The individual then ran eastbound through a gangway toward an unknown address. Officer Pagan ran toward the individual to detain him, but Officer Pagan, and the other officers on the scene, did not locate the individual. Officer Pagan was aware that other officers on the scene discharged their weapons, but Officer Pagan did not observe them discharge their weapons at the time of the incident.

²³ Att 26, 55

²⁴ Att 55, Page 16, lines 9 – 12

²⁵ Att 28, 54

²⁶ The backyard area of [REDACTED] where the officers process arrestees.

²⁷ Page 19, Lines 2 – 6.

COPA conducted interviews with **Officers Golden, Santana, Gabler, Guerrero, Bodner, Murphy, Haro, Sgt. Schnier and Robles Jr.**²⁸. The Department members related the same information as the Department reports and accused officers. None of the officers observed Officer Schorsch discharge his weapon. Officers Golden, Santana, Gabler, Bodnar, Haro, Robles Jr., and Sgt. Schnier indicated that they did not have their body-worn cameras activated when the incident occurred because the cameras made a beeping sound, and they were conducting an undercover mission.

b. Digital Evidence

The **evidence technician photographs**²⁹ depicted pictures of Officers Meeks, Rodriguez, and Pagan, photos of the officers' weapons, and several photographs of the scene. The photographs showed twenty-nine (29) shell casings in the vicinity of 717, 721, 742, and [REDACTED] Avenue. The photos depicted bullet holes in several vehicles on the 700 block of Trumbull. The photos captured two (2) bullet fragments inside a tan-colored sedan.

The **body-worn camera of Officer Bodnar**³⁰ depicted him running southbound on Trumbull Avenue. Officer Bodnar's BWC does not capture the unknown subject firing their weapon, nor does it show any of the officers firing their guns.

The **body-worn camera of Officer Rodriguez**³¹ depicted him in the backyard area of [REDACTED] along with several plainclothes officers and unknown subjects who appeared to be under arrest. Officer Rodriguez is observed running out of the alley and through a gangway to the front of [REDACTED]. The video showed Officer Rodriguez with his weapon in his right hand and running southbound on Trumbull. The video also showed the other officers reaching for their weapons or with their weapons in their hands. Officer Rodriguez is seen taking cover behind a parked vehicle and pointing his weapon toward the south area of the street. The video does not show the subject Officer Rodriguez fired his weapon at. The audio did not activate until two minutes into the video, and there were no gunshots heard once the audio came on.

The **body-worn camera of Officer Haro**³² depicted her running southbound on Trumbull Avenue with her weapon in her right hand. Officer Haro's BWC does not capture the unknown subject firing their gun, nor does it show any of the officers firing their weapons.

The **body-worn camera of Officer Murphy**³³ depicted him searching the yard and residents on Trumbull Avenue with his weapon in his right hand. Officer Murphy's BWC does not capture the unknown subject firing their weapon, nor does it show any of the officers firing their guns.

²⁸ Atts 60 – 64, 72 – 79, 82- 89

²⁹ Att 43

³⁰ Att 9

³¹ Att 10

³² Att 11

³³ Att 13

The **body-worn camera of Officer Gabler Jr.**³⁴ depicted him searching the yard and residents on Trumbull Avenue. Officer Gabler's BWC does not capture the unknown subject firing their weapon, nor does it show any of the officers firing their weapons.

The **body-worn camera of Officer Golden**³⁵ depicted her searching the yard and residents on Trumbull Avenue. Officer Golden's BWC does not capture the unknown subject firing their weapon, nor does it show any of the officers firing their weapons.

The **third-party video**³⁶, which appears to be a personal camera from a house, depicted several officers running southbound on Trumbull. The video also showed an unmarked squad car driving southbound with the emergency equipment activated. The footage captured one of the officers wearing all black pointing his weapon southbound, and the video does not clearly show if the officer was discharging his weapon during that time frame.

The **POD camera**³⁷ located at 800 N. Homan Avenue did not capture the Officer-Involved Shooting.

The **OEMC audio transmissions**³⁸ are essentially the same information as the OEMC event queries.

c. Physical Evidence

The **Illinois State Police Report (Firearm Division) and crime scene processing reports**³⁹ indicated that Officers Meeks, Pagan, Rodriguez, and Schorsch's weapons were test fired and deemed operable. The reports further showed that three expended shell casings were identified to have been fired by Officer Schorsch's weapon.⁴⁰

d. Documentary Evidence

In the **initiation report**⁴¹ dated July 17, 2020, Lt. Haro reported that on July 17, 2020, at approximately 10:00 p.m., Sgt. Schnier arrived at the 011th District to inform Lt. Haro of a situation involving Officer Schorsch. While off-duty, Sgt. Schnier indicated that he received a phone call from Officer Schorsch stating that while he (Officer Schorsch) was cleaning his duty weapon, he realized his magazine was missing some rounds.

Sgt. Schnier reported this to Lt. Haro because Officer Schorsch was present at a police-involved shooting on July 10, 2020. Sgt. Schnier was also present at the scene. Sgt. Schnier further reported that Officer Schorsch said he had no recollection of firing his weapon during the police-

³⁴ Att 14

³⁵ Att 15

³⁶ Att 39, 40 There are two different camera angles from the same home, one pointed north and the other pointed south.

³⁷ Att 44

³⁸ Atts 28 -33, 35 - 36

³⁹ Atts 18, 69

⁴⁰ Att 69, page 4

⁴¹ Att 51

involved shooting. Officer Schorsch did not know how his duty weapon's magazine was not loaded to capacity.

The **OEMC Event Query**⁴² indicated that on July 10, 2020, at approximately 7:40 a.m., in the vicinity of 700 N. Trumbull Avenue, a Black man wearing black jeans and a jacket with red lettering on the back fired a gun at Chicago Police Officers. Further notification indicated that shots were fired at and by the police. Eight to nine shell casings were located in front of 717 N. Trumbull Avenue. Various callers said they heard numerous gunshots in the area.

The **Tactical Response Report (TRR) completed by Officer Meeks**⁴³ indicated that an unknown subject physically attacked with a weapon and used force likely to cause death or great bodily harm. The unknown subject was armed with a semi-auto pistol. Officer Meeks responded with movement to avoid an attack, tactical positioning, and discharging a semi-auto pistol.

The **Tactical Response Report (TRR) completed by Officer Pagan**⁴⁴ indicated that an unknown subject physically attacked with a weapon and used force likely to cause death or great bodily harm. The unknown subject was armed with a semi-auto pistol. Officer Pagan responded with movement to avoid an attack, tactical positioning, and discharging a semi-auto pistol.

The **Tactical Response Report (TRR) completed by Officer Rodriguez**⁴⁵ indicated that an unknown subject physically attacked with a weapon and used force likely to cause death or great bodily harm. The unknown subject was armed with a semi-auto pistol. Officer Rodriguez responded with movement to avoid an attack, tactical positioning, and discharging a semi-auto pistol.

The **Crime Scene Processing Report**⁴⁶ indicated that on July 10, 2020, in the vicinity of 700 N. Trumbull and 717 N. Trumbull, the evidence technicians recovered thirty spent shell casings. The evidence technicians also recovered two bullet fragments from the inside of a 1997 Buick Lesabre and a fired bullet from the rear windshield center brake light of the same Buick Lesabre. The evidence technicians recovered the service weapons for Officers Meeks, Pagan, and Rodriguez. On July 20, 2020, the evidence technicians recovered Officer Schorsch's weapon⁴⁷ at the 011th District, 3151 W. Harrison.

The **Detective Supplementary Case Report**⁴⁸ provided a summary of Officer Schorsch's statement to investigating detectives on July 10, 2020. Officer Schorsch told investigating detectives that "he stayed on the east side of the street and took cover at approximately 741 N. Trumbull behind a vehicle. Schorsch stated that he did not see the offender from behind his cover."

⁴² Att 47

⁴³ Att 4

⁴⁴ Att 5

⁴⁵ Att 6

⁴⁶ Atts 18, 70

⁴⁷ A Glock 17, 9mm, a 17-round magazine, semi – automatic pistol

⁴⁸ Att. 67, p. 29.

e. Additional Evidence

The **canvass**⁴⁹ conducted in the vicinity of [REDACTED] did not produce any additional witnesses.

The **synoptic reports**⁵⁰ related to Officers Meeks, Rodriguez, and Pagan indicated that they took drug and alcohol tests on July 10, 2020. The officers tested negative for alcohol and drugs.

VI. LEGAL STANDARD

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). 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. See *e.g., People v. Coan*, 2016 I.L. App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

⁴⁹ Att 38

⁵⁰ Att 57

VII. ANALYSIS

a. The use of deadly force by Officer Schorsch.

i. Credibility Analysis

COPA finds that Officer Schorsch's differing accounts of the incident, his purported inability to recall whether or not he discharged his firearm, and his delayed disclosure that he had fired his weapon, severely undermine his credibility. COPA, however, does not find sufficient evidence to conclude that Officer Schorsch lied about his lack of memory regarding the shooting or that he willfully delayed disclosure. The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In making its findings, COPA reviewed the statements of Officer Schorsch and evaluated his credibility.

First, the evidence shows that Officer Schorsch provided two different accounts of where he was and what he did during the shooting. Specifically, in IRT detectives' summary of his statement on the day of the incident, Officer Schorsch indicated that he took cover behind a vehicle on the east side of the street. During his COPA interview, however, Officer Schorsch claimed that during the shooting he was in the middle of the street and had no cover. COPA finds that although Officer Schorsch appeared to claim to have no memory issues regarding the events that occurred immediately before his firearm discharge, he nevertheless provided inconsistent accounts about his location before his firearm discharge and whether or not he took cover. He was very specific and repeatedly stated he did not have cover while giving statement to COPA, but it appears that he was also unequivocal with IRT detectives when he said did take cover. Either way, his statements are consistent that he did not see the shooter, which makes his three-time firearm discharge extremely troubling and in violation of CPD policy.

Second, Officer Schorsch's self-professed inability to recall pertinent facts regarding his firearm discharge undermines his credibility. Specifically, Officer Schorsch remembered that he heard several shots fired while he was processing individuals in the "pit," that he then ran through the gangway to the middle of the street, that he pulled out his firearm, and that he "sighted up" once. Officer Schorsch admitted that he did not have a "clear shot" when he "sighted up." The next thing Officer Schorsch indicated that he could remember after the shooting was that he was down the street. Based on his statement and the evidence, COPA finds it unlikely that Officer Schorsch has absolutely no recollection of shooting his weapon three times during the incident. In fact, he admitted that there is enough recoil with his gun to know that he fired his weapon.⁵¹ Moreover, he admitted that he "sighted up" but could not see the shooter from where he was located in the middle of the street. Although COPA finds it difficult to believe that Officer Schorsch would remember many details regarding the incident but not the shooting, COPA understands that a traumatic event such as this one may affect a person's memory of that event. Absent additional evidence, however,

⁵¹ Att. 74, pg. 54, lines 1-12.

COPA cannot find that Officer Schorsch's delayed disclosure and selective gaps in memory are willful attempts to deceive.

Third, COPA finds by a preponderance of the evidence that Officer Schorsch's 7-day delay in disclosing he had fired his weapon objectively unreasonable. Officer Schorsch's report that he had fired his firearm a week prior only occurred after COPA and IRT attempted to solve the discrepancy of two additional fired casings⁵² on scene than the number of rounds believed to have been fired, based on the number of live rounds remaining in the officers' weapons. COPA finds it objectively unreasonable that Officer Schorsch did not know, did not discover, and/or did not attempt to discover for 7 days that he had fired his weapon during the incident. Specifically, COPA finds that his professed gap in memory between the time he "sighted up" and when he found himself down the street after the incident, would have prompted any reasonable officer to investigate the possibility that they may have fired their weapon. COPA finds that no reasonable officer would have waited nearly 7 days to investigate.

Officer Schorsch's failure to immediately inspect his gun is all the more confusing since he indicated that he was concerned about his gun's functioning since it "got soaked" on the day of the incident.⁵³ The evidence shows that in between the incident and the day of the report, Officer Schorsch reported for duty four times.⁵⁴ Specifically, he worked on Monday, July 13 through to Thursday, July 16.⁵⁵ On all four of those days, Officer Schorsch would have been carrying his weapon in the field. Officer Schorsch claimed that his gun is his "main tool" and that he was concerned about the gun's functioning because of the heavy rain on the day of the incident.⁵⁶ Nevertheless, he purportedly did not check or clean the gun for 7 days after the incident. COPA finds that Officer Schorsch's post-discharge conduct raises questions regarding his truthfulness and credibility. However, as previously noted, there is insufficient evidence to support a finding that Officer Schorsch willfully delayed disclosure regarding his firearm discharge. COPA does find that Officer Schorsch displayed a concerning level of inattention to duty, leading to his severely delayed disclosure which resulted in no drug and alcohol testing following the discharge and his failure to author the required reports.

ii. COPA finds by a preponderance of the evidence that Officer Schorsch's use of deadly force violated CPD policy.

Initially, COPA finds by a preponderance of the evidence that Officer Schorsch fired his weapon during the incident three times. Although Officer Schorsch has claimed that he does not believe he fired his gun on the day of the incident, the evidence, including his own statement, contradicts his claim. Specifically, forensic testing showed that three fired cartridges found in the middle of Trumbull Avenue were fired by Officer Schorsch's firearm. The location of the fired cartridges from Officer Schorsch's gun corroborates his statement to COPA that after he heard shots, he ran from the gangway to the middle of Trumbull Avenue, where he "sighted up."⁵⁷

⁵² Forensic testing ultimately showed that three fired cartridges came from Officer Schorsch's weapon.

⁵³ Att. 91.

⁵⁴ Att. 91.

⁵⁵ Att. 91.

⁵⁶ Att. 74, p. 68, lines 1-6.

⁵⁷ Att. 74, p. 39, lines 1-11.

Officer Schorsch was sure that he “sighted up” only once when in the middle of Trumbull Avenue, and does not believe that he could have fired his weapon at any other time.⁵⁸ The totality of these circumstances show by a preponderance of the evidence that Officer Schorsch fired his weapon three times during the incident when he “sighted up” in the middle of Trumbull Avenue.

COPA further finds that Officer Schorsch’s firearm discharge violated CPD policy. CPD policy is clear that “[a]n initial firearm discharge and each subsequent discharge of a firearm must be individually justified.”⁵⁹ Here, Officer Schorsch could not justify any of the three rounds he discharged. In fact, he admitted that he did not have any specific details regarding the shooter, and that he felt that he did not have a “clear shot” when he “sighted up.”⁶⁰ Nevertheless, he fired his weapon three times in blatant violation of CPD policy. CPD policy requires officers to “take precautions to identify the appropriate target prior to discharging the firearm and to minimize the risk that people other than the target will be struck” when it is safe and feasible to do so under the circumstances facing the officer.⁶¹ Here, the evidence shows that Officer Schorsch aimed and fired his weapon three times although he had acquired no target, identified no imminent threat, failed to determine the necessity or proportionality of his discharge, and took no precautions to ensure that uninvolved civilians could be struck. COPA finds by a preponderance of the evidence that Officer Schorsch’s firearm discharge violated CPD policy. **Allegation #1 against Officer Schorsch** is therefore Sustained. However, because there is insufficient evidence to find that Officer Schorsch lied about his memory gap regarding his firearm discharge or willfully delayed disclosure that he fired his weapon, COPA finds **Allegations #3, #4, and #5 Not Sustained**.

b. The use of deadly force by Officer Meeks, Officer Pagan, and Officer Rodriguez.

i. There is insufficient evidence to support a finding that the use of deadly force by Officer Meeks, Officer Pagan, and Officer Rodriguez violated CPD policy.

Based on the totality of the evidence, COPA cannot find by a preponderance of the evidence that the use of deadly force by Officer Meeks, Officer Pagan, and Officer Rodriguez [collectively “officers”] violated CPD policy. Specifically, COPA cannot find that the officers’ firearm discharge towards the unknown shooter was not objectively reasonable, necessary, or proportional in light of the circumstances they faced. All the officers’ accounts were consistent with the evidence and consistent with each other. The investigation did not reveal evidence that caused COPA to question the credibility of any of these individual officers. The officers explained that they heard several gunshots, observed the shooter firing in their direction from behind a white truck parked down the street, and they returned fire. The officers stated that they stopped shooting when the threat had dissipated. However, since none of the officers’ BWCs were timely activated and there is no other objective evidence, COPA cannot find this allegation exonerated against each accused officer. Specifically, absent additional evidence, COPA cannot determine by clear and convincing evidence that the officers’ use of deadly force was lawful and proper and should

⁵⁸ Att. 74, p. 33, lines 22-24; p. 34, lines 1-9.

⁵⁹ G03-02-03.II.E

⁶⁰ Att. 74, p. 39, lines 1-11.

⁶¹ G03-02-03.III.B.

therefore be exonerated. For example, there is insufficient evidence to show that the officers took precautions to ensure that no one other than the target would be hit in a heavily residential area, whether the officers could have taken cover instead of firing at the suspect who was half of a block away, or whether the number of shots fired by each officer was a proportional response to the threat they faced. Consequently, **Allegation #1 against Officer Meeks, Officer Pagan, and Officer Rodriguez is Not Sustained.**

c. Body worn camera allegations.

i. COPA finds by a preponderance of the evidence that Officer Schorsch violated CPD policy by not activating his BWC during the shooting incident.

COPA finds that Officer Schorsch's failure to activate his BWC violated CPD policy. To increase transparency and improve the quality and reliability of investigations, CPD policy mandates all law-enforcement-related encounters to be electronically recorded on the officers' body worn camera ("BWC"). The policy requires officers to activate their camera at the beginning of an incident and to record the entire incident for all "law enforcement related activities," including, but not limited to calls for service, investigatory stops, traffic stops, traffic control, foot and vehicle pursuits, arrests, use of force incidents, high risk situations, statements made by individuals during the course of an investigation, searches, requests for consent to search, any encounter with the public that becomes adversarial after the initial contact, and any other instance when enforcing the law.⁶² The recording of law-enforcement-related encounters is mandatory.⁶³ If there are circumstances preventing the activation of the BWC at the beginning of the incident, the officer "will activate the BWC as soon as practical."⁶⁴

This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of BWC.⁶⁵ Nevertheless, Officer Schorsch never activated his BWC prior to, during, or after the incident. He explained that due to the stressful nature of the incident, activating his BWC was "the last thing" he thought about.⁶⁶ Officer Schorsch's explanation thus shows that he disregarded this mandatory duty altogether. His failure to activate his BWC hindered COPA's ability to compare his account of the shooting with objective evidence and to determine when he fired his weapon. **Allegation #2 against Officer Schorsch is Sustained.**

ii. COPA finds that Officers Pagan, Rodriguez, Gabler, Bodnar, Haro, Golden, Guerrero, and Sergeant Schnier violated CPD policy in failing to timely activate their BWCs.

COPA further finds that Officers Pagan, Rodriguez, Gabler, Bodnar, Haro, Golden, and Sgt. Schnier violated CPD policy when they failed to timely activate their BWCs during the incident.

⁶² Att. 48; S03-14.III.A.2

⁶³ S03-14.III.1

⁶⁴ S03.14.III.2

⁶⁵ Att. 48; S03-14.III.A.2

⁶⁶ Att. 74, Page 53, lines 16 – 17

Officers Pagan and Rodriguez discharged their firearms during the incident. Although they had working BWCs, they failed to timely activate them to capture their firearm discharges. Officer Pagan explained that it is common practice to keep the BWCs off while supporting an undercover operation so as not to alert the suspects with the audible sound the BWCs emanate. Officer Gabler and Sgt. Schnier provided similar explanations.⁶⁷ Indeed, CPD policy provides that “sworn members will not unreasonably endanger themselves or another person to conform” to the mandatory requirement to activate their BWCs during law enforcement activities.⁶⁸ Here, COPA finds by a preponderance of the evidence that BWC activation by officers supporting the undercover operation by processing arrestees in the pit, such as Officers Pagan, Rodriguez, Gabler, Haro, and Sgt. Schnier, could have unreasonably endangered them.

However, once the officers responded to help their undercover partners when they heard the shots fired on Trumbull, any concern about remaining undetected would have dissipated. While responding to the shots fired, Officers Pagan, Rodriguez, Gabler, Haro, and Sgt. Schnier should have activated their BWCs pursuant to CPD policy. They did not. Their failure to activate their BWCs under these circumstances violated CPD policy. **Allegation #2 against Officer Pagan and Officer Rodriguez, and Allegation #1 against Officer Gabler, Officer Haro, and Sergeant Schnier, are Sustained.**

COPA likewise finds that Officer Golden, Officer Bodnar, and Officer Guerrero failed to timely activate their BWCs. Officer Golden and Officer Bodnar were partners who served as enforcement officers to the undercover operation and were stationed in a nearby alley ready to respond if any of their partners needed help. As soon as the officers responded to the location of the rounds of gunfire on Trumbull Avenue, they were responding to assist their partners and were undertaking a law enforcement activity. Therefore, they should have activated their BWCs. Instead, Officer Golden did not activate her BWC until a couple of minutes of searching for the possible suspect in the shooting. Officer Bodnar also activated his BWC late, and prematurely deactivated it prior to receiving permission to turn it off. Their failure to activate their BWCs timely violated CPD policy. Consequently, **Allegation #1 against Officer Golden, Officer Bodnar and Officer Guerrero is Sustained.**

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Phillip Schorsch #9768

i. Complimentary and Disciplinary History

Officer Schorsch has received 18 awards which include, 4 Department Commendations, and 13 Honorable Mention. No Disciplinary history.

ii. Recommended Penalty

⁶⁷ Atts. 73, 82.

⁶⁸ S03-14

Officer Schorsch violated several CPD Department rules and regulations and General Orders in that he failed to follow the proper procedures when discharging his weapon. COPA recommends that Officer Schorsch be **separated** from the Department.

b. Officer Jason Pagan #11549

i. Complimentary and Disciplinary History

Officer Pagon has received 43 awards which include, 3 Department Commendations, and 31 Honorable Mention. No Disciplinary history

ii. Recommended Penalty

Officer Pagan violated CPD Department rules and regulations and Special Order S03-14 in failing to activate his BWC in a timely manner. COPA recommends that Officer Pagan receive a penalty of **violation noted**.

c. Daniel Rodriguez #9766

i. Complimentary and Disciplinary History

Officer Rodriguez has received 17 awards which include, 3 Department Commendations, and 9 Honorable Mention. No Disciplinary history

ii. Recommended Penalty

Officer Rodriguez violated CPD Department rules and regulations and Special Order S03-14 in failing to activate his BWC in a timely manner. COPA recommends that Officer Rodriguez receive a penalty of **violation noted**.

d. Sgt. Schnier #1273

i. Complimentary and Disciplinary History

Sgt. Schnier has received 181 awards which include 12 Department Commendations, 147 Honorable Mention, and 1 Merit award. No Disciplinary history

ii. Recommended Penalty

Sgt. Schnier violated CPD Department rules and regulations and Special Order S03-14 in failing to activate his BWC in a timely manner. COPA recommends that Sgt. Schnier receive a penalty of **violation noted**.

e. Michael Gable #13845**i. Complimentary and Disciplinary History**

Officer Gable has received 47 awards which include 4 Department Commendations, 31 Honorable Mention, and 1 Superintendent Honorable Mention. Officer Gable had one complaint that resulted in a Sustained finding (Violation Noted).

i. Recommended Penalty

Officer Gable violated CPD Department rules and regulations and Special Order S03-14 in failing to activate his BWC in a timely manner. COPA recommends that Officer Gable receive a penalty of **a written reprimand**.

f. Brian Bodnar #10641**ii. Complimentary and Disciplinary History**

Officer Bodnar has receive 95 awards which include, 6 Department Commendations, and 83 Honorable Mention. No Disciplinary history. Officer Bodnar had 4 SPARS.

ii. Recommended Penalty

Officer Bodnar violated CPD Department rules and regulations and Special Order S03-14 in failing to activate his BWC in a timely manner. COPA recommends that Officer Bodnar receive a penalty of **violation noted**.

h. Christina Haro #9929**i. Complimentary and Disciplinary History**

Officer Haro has received 22 awards, which include 1 complimentary letter and 18 Honorable Mentions. No Disciplinary history.

ii. Recommended Penalty

Officer Haro violated CPD Department rules and regulations and Special Order S03-14 in failing to activate his BWC in a timely manner. COPA recommends that Officer Haro receive a penalty of **violation noted**.

i. Taylor Golden #9992**i. Complimentary and Disciplinary History**

Officer Golden has received 51 awards, which include 46 Honorable Mentions and 1 Superintendent's Award of Tactical Excellence. Officer Golden had one complaint that resulted in a sustained finding (Reprimand).

ii. Recommended Penalty

Officer Golden violated CPD Department rules and regulations and Special Order S03-14 in failing to activate his BWC in a timely manner. COPA recommends that Officer Golden receive a penalty of a **written reprimand**.

j. David Guerrero #14499

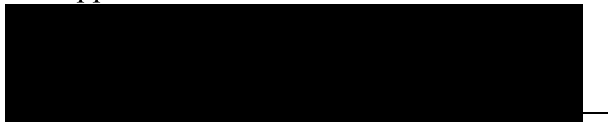
i. Complimentary and Disciplinary History

Officer Guerrero has received 132 awards, which include 4 Department Commendations and 118 Honorable Mentions. Officer Guerrero had one complaint that resulted in a sustained finding (Violation noted).

ii. Recommended Penalty,

Officer Guerrero violated CPD Department rules and regulations and Special Order S03-14 in failing to activate his BWC in a timely manner. COPA recommends that Officer Guerrero receive a penalty of a **written reprimand**.

Approved:

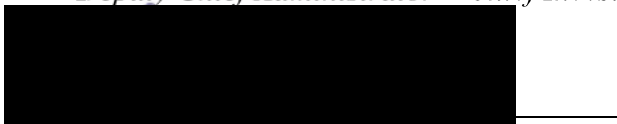


Sharad Jackson

Deputy Chief Administrator – Chief Investigator

January 26, 2024

Date



Andrea Kersten

Chief Administrator

January 26, 2024

Date