

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 27, 2020
Time of Incident:	10:18 pm
Location of Incident:	5110 S Prairie Ave., Chicago, IL 60615
Date of COPA Notification:	December 27, 2020
Time of COPA Notification:	10:46 pm

On December 27, 2020, at approximately 10:04 pm, a ShotSpotter alert was issued for a single gunshot in the vicinity of 5110 S Prairie Ave. Officers Raymond Owens and Julio Zavala responded to the alert, arriving at approximately 10:07 pm. The officers found four individuals in close proximity to the address referenced in the alert. Two of the individuals were sitting in the driver’s seat (██████████) and front passenger seat (██████████) of a Black Ford Edge SUV parked on the west side of Prairie Ave., and the other two individuals were on the sidewalk on the same side of the street as the parked Ford Edge.¹ Officers Damon Goodloe and Sergio Frasco arrived at approximately the same time as Officers Owens and Zavala, and they began an investigatory stop of the two pairs of individuals to determine their identities and whether they had any information regarding the reported gunshot. Sergeant (Sgt.) Matthew Kennedy arrived at approximately 10:09 pm and began to search along the sidewalk, apparently looking for fired cartridge cases associated with the ShotSpotter alert.

As the officers continued their investigation, Officer Owens looked through the rear passenger window of the Ford Edge and saw a handgun between the center console and the passenger seat at ██████████ waist. Officer Owens stepped away from the car and notified Sgt. Kennedy, who was standing nearby on the sidewalk, of the presence of the gun in the car. Sgt. Kennedy and Officer Owens then directed Officers Goodloe and Frasco to lead the two individuals on the sidewalk away from the Ford Edge. Sgt. Kennedy and Officer Owens then approached the passenger side of the Ford Edge. Officer Owens told ██████████ that he had seen the gun, and he described its appearance and location, and he advised ██████████ not to do anything crazy. Officer Owens drew his firearm and kept it in a low ready position. ██████████ then turned to ██████████ and said, “I’m dead. It’s over with, bro.” ██████████ grabbed ██████████ wrist to stop him from reaching towards the gun. ██████████ repeated, “I’m dead,” and continued to reach towards the gun, and all of the officers on the scene began to back away from the car and take cover. After taking a few steps back, Officer Owens raised his gun and fired three shots towards ██████████ in quick succession before crouching behind a nearby parked car. ██████████ and ██████████ were not struck

¹ Because they both provided a driver’s license to officers during the incident and were the subject of a LEADS query, COPA was able to determine these individuals’ names. However, the individuals are of a similar height, weight, and appearance and were both wearing a hat and face mask during the incident, which prevented COPA from positively identifying either individual. Thus, these individuals are subsequently referred to as Bystander #1 and Bystander #2.

by any of the gunshots, and [REDACTED] fled the scene on foot. A handgun was recovered from the street behind the front passenger-side tire of the Ford Edge after the incident, and a different handgun was recovered from [REDACTED] when he was located and arrested on a later date.

COPA’s investigation determined that [REDACTED] was reaching for his gun when Officer Owens discharged his weapon. COPA finds that it was reasonable for Officer Owens to believe that [REDACTED] presented an imminent threat of causing death of serious bodily harm and that Officer Owens’ use of deadly force was within Chicago Police Department (CPD) policy. COPA also determined that Officer Owens violated a CPD directive by failing to properly notify the Office of Emergency Management and Communication (OEMC) that he discharged his firearm, and that Officers Owens, Frasco, and Goodloe violated CPD’s directive governing the use of body-worn cameras (BWCs) by either failing to activate their BWCs in a timely manner or by prematurely deactivating their BWCs.

II. INVOLVED PARTIES

Involved Officer #1:	Raymond Owens, Star #17427, Employee ID # [REDACTED] Date of Appointment: August 31, 2015, Police Officer, Unit 002, Male, Black
Involved Officer #2:	Sergio Frasco, Star #2775, Employee ID # [REDACTED], Date of Appointment: January 16, 2018, Police Officer, Unit 006/716, Male, Hispanic
Involved Officer #3:	Damon Goodloe, Star #4238, Employee ID # [REDACTED], Date of Appointment: November 27, 2018, Police Officer, Unit 022/716, Male Black
Involved Officer #4:	Julio Zavala, Star #13305, Employee ID # [REDACTED], Date of Appointment: February 16, 2017, Police Officer, Unit 002, Male, Hispanic
Involved Sergeant #1:	Matthew Kennedy, Star #2442, Employee ID # [REDACTED], Date of Appointment: December 16, 2009, Sergeant of Police, Unit 002, Male, White
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Raymond Owens	<p>It is alleged by the Civilian Office of Police Accountability that on or about December 27, 2020, at approximately 10:18 P.M., at or near 5114 South Prairie Avenue, Police Officer Raymond Owens #17427 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Failing to timely and/or accurately notify OEMC that you discharged your firearm, in violation of General Order G03-06; and 2. Failing to timely activate your body worn camera in violation of Special Order S03-14. 	<p>Sustained / Reprimand</p> <p>Sustained / Reprimand</p>
Officer Sergio Frasco	<p>It is alleged by the Civilian Office of Police Accountability that on or about December 27, 2020, at approximately 10:18 P.M., at or near 5114 South Prairie Avenue, Police Officer Sergio Frasco Jr #2775 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Prematurely deactivating your body worn camera in violation of Special Order S03-14. 	<p>Sustained / Reprimand</p>
Officer Damon Goodloe	<p>It is alleged by the Civilian Office of Police Accountability that on or about December 27, 2020, at approximately 10:18 P.M., at or near 5114 South Prairie Avenue, Police Officer Damon Goodloe #4238 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Failing to timely activate your body worn camera in violation of Special Order S03-14; and by 2. Prematurely deactivating your body worn camera in violation of Special Order S03-14. 	<p>Sustained / Reprimand</p> <p>Sustained / Reprimand</p>

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 5: Failure to perform any duty.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 10: Inattention to duty.

General Orders

1. G03-02: Use of Force (Eff. February 29, 2020 – April 14, 2021)

2. G03-02-01: Force Options (Eff. February 29, 2020 – April 14, 2021)

3. G03-06: Firearm Discharge and Officer Involved Death Incident Response and Investigation (Eff. February 29, 2020 – April 14, 2021)

Special Orders

1. S03-14: Body Worn Cameras (Eff. April 30, 2018 - Present)

Federal Laws

1. Fourth Amendment, United States Constitution

State Laws

1. Illinois Compiled Statutes, 720 ILCS 5/7-5, Peace Officer's Use of Force in Making Arrest

V. INVESTIGATION²

a. Interviews

i. CPD Members

In a statement provided to COPA on January 7, 2021,³ **Officer Raymond Owens** said that on the date and time of the incident he was a tactical team officer working under Sgt. Kennedy, assigned to Beat 263D. Officer Owens was on duty and in uniform. Officer Owens was patrolling with Officer Zavala in an unmarked police SUV operated by Officer Zavala. Prior to this incident,

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Atts. 22 and 110.

Officers Owens and Zavala were responding to a ShotSpotter alert at 71 E 57th St. While they were driving to that ShotSpotter alert, OEMC reported a second ShotSpotter alert at 5110 S Prairie Ave. Officers Owens and Zavala were closer to the site of the second alert, and they notified OEMC that they would respond to the second alert.

As they approached 5110 S Prairie Ave., Officer Owens noted a parked SUV occupied by two individuals, now known to be [REDACTED] and [REDACTED] and two additional individuals standing on the sidewalk. Two other officers operating a marked police vehicle arrived at the scene at approximately the same time as Officer Owens and Zavala. The officers were from another unit and were unknown to Officer Owens, but he now knows them to be Officers Goodloe and Frasco. Officer Zavala stopped their vehicle at an angle towards the curb and in front of [REDACTED] SUV. A short time later, Sgt. Kennedy arrived at the site of the alert.

Officer Owens and the other officers initiated an investigatory stop of all individuals at the site of the alert. Officer Owens patted down one of the bystanders on the sidewalk while Officer Goodloe or Frasco searched the bystander's backpack. Officer Owens asked the bystander if he heard gunshots, and the bystander answered that he had heard gunshots from further south on Prairie Ave. After finding nothing of interest, Officer Owens approached [REDACTED] SUV and asked [REDACTED] and [REDACTED] for their identification. [REDACTED] gave Officer Owens his identification, but [REDACTED] told Officer Owens that he did not have any identification and provided his name verbally. Officer Owens relayed this information to Officer Zavala to conduct a name check. Officer Owens asked [REDACTED] if he heard gunshots, and [REDACTED] answered that he had arrived just before the officers and had heard nothing.

Officer Owens suspected that [REDACTED] was trying to hide something because he was responding slowly when Officer Owens asked him questions. Officer Owens began to believe that [REDACTED] might be in possession of a weapon when [REDACTED] told Officer Owens that he was on parole and began to say that the underlying charge was U UW – before stopping and saying that the charge was a domestic offense. Following that, Officer Owens approached the passenger side of the SUV and shined his flashlight through the rear window, which was partially open, and he observed the handle of a large, tan, semi-automatic pistol that was tucked into [REDACTED] waistband.

Officer Owens stepped away from the vehicle and reported the presence of the firearm to Sgt. Kennedy. Officer Owens and Sgt. Kennedy began to approach the SUV. They directed Officers Goodloe and Frasco to move the bystanders on the sidewalk away from the SUV. Officer Owens and Sgt. Kennedy continued to approach [REDACTED] SUV until Sgt. Kennedy was standing next to the front passenger-side door and Officer Owens was standing outside of the rear passenger-side door. Officer Owens told [REDACTED] that he knew [REDACTED] had a firearm, and he directed [REDACTED] to remain calm. Officer Owens unholstered his weapon and held it in a low-ready position pointed toward the ground. [REDACTED] became silent after this exchange and then began to reach for his firearm. [REDACTED] grabbed [REDACTED] wrist and told him to stop. Sgt. Kennedy told [REDACTED] not to touch the firearm. Officer Owens heard [REDACTED] say that “he felt like he was already dead,”⁴ and he saw [REDACTED] free his left hand from [REDACTED] grip and begin to reach for the firearm again. Officer Owens believed the passenger intended to try to shoot his way out of there.

⁴ Att. 110, pg. 46, lns. 4 to 5.

Officer Owens began to back away from the SUV. After taking a few steps, he stopped, raised his weapon, and fired three shots in rapid succession at the passenger seat of the vehicle. Officer Owens observed that his shots struck the passenger window and rear windshield on the passenger side, but he was not aware whether he struck [REDACTED] or [REDACTED]. Officer Owens then continued to back away from the SUV and sought cover behind a car that was parked behind [REDACTED] SUV.

[REDACTED] then exited the SUV and ran south on Prairie Ave. and then west through an empty lot. Officer Owens followed on foot and was unaware if [REDACTED] was in possession of the firearm because of poor lighting and the position of [REDACTED] hands. Officer Owens soon lost sight of [REDACTED] and began to search the area for him with assistance from additional responding officers. While Officer Owens searched the area, he heard Sgt. Kennedy report to OEMC that shots had been fired. After being unable to locate [REDACTED] Officer Owens returned to 5110 S Prairie Ave., and Sgt. Kennedy directed Officer Owens to sit in the back of his squad car.

In a statement provided to COPA on January 20, 2021,⁵ **Sgt. Matthew Kennedy** said that on the date and time of the incident he was the tactical sergeant for Beat 263. He was working without a partner and was assigned an unmarked police vehicle. Sgt. Kennedy heard a report from OEMC of a ShotSpotter alert somewhere between 55th St. and 59th St., and he began to drive towards the location of that alert. Shortly after hearing the first report, he heard a report from OEMC of a second ShotSpotter alert for a single shot at 5110 S Prairie Ave. The second alert was closer to his current location, so Sgt. Kennedy decided to report to that alert.

When Sgt. Kennedy arrived, he saw four officers – now known to be Officers Owens, Zavala, Frasco, and Goodloe – investigating the scene and questioning two individuals sitting in a black SUV and two bystanders on the sidewalk. Sgt. Kennedy approached [REDACTED] who was sitting in the driver's seat of the SUV, and he held out his radio so that [REDACTED] could hear the dispatcher read the ShotSpotter alert to make him aware of the reason for the stop.

Sgt. Kennedy continued to examine the area around the ShotSpotter alert and spoke with the two bystanders on the sidewalk. After some time at the scene, Officer Owens approached Sgt. Kennedy and said that he had seen a firearm in the SUV through the rear passenger window. Sgt. Kennedy's account of approaching the vehicle is substantially similar to Officer Owens's account, up to the point where the subject sitting in the front passenger seat, [REDACTED] reached for his firearm after freeing his hand from [REDACTED]. Sgt. Kennedy then sought cover, and as he did, he heard three gunshots in quick succession. Sgt. Kennedy did not see Officer Owens fire his weapon and was not aware of who fired at that time.

Sgt. Kennedy saw [REDACTED] run from the SUV, heading south and towards a vacant lot. He was unable to determine whether [REDACTED] was still armed due to the distance and the lighting conditions. Sgt. Kennedy then turned and saw [REDACTED] outside of the vehicle and lying in the street with Officer Goodloe or Frasco standing over him. Sgt. Kennedy reported to OEMC that shots were fired by an offender. He proceeded to handcuff [REDACTED] and ran north on Prairie Ave. to 51st St. to begin establishing a perimeter.

⁵ Atts. 26 and 109.

Later, Sgt. Kennedy called Officers Owens and Zavala to meet him on Indiana Ave. At that time, he learned that Owens fired the shots. Sgt. Kennedy then took Offer Owens back to the scene to comply with the requirements for the investigation of an officer-involved shooting. Sgt. Kennedy could not recall specifically, but he believed he clarified to OEMC that the shots were fired by police and not an offender. Sgt. Kennedy reported that CPD Investigative Response Team (IRT) detectives met him and Officers Owens and Zavala after they returned to the scene. The IRT detectives directed them to turn off their body worn cameras (BWCs) and sent Officer Owens to sit in Sgt. Kennedy's vehicle to await a scene walkthrough.

In a statement provided to COPA on January 15, 2021,⁶ **Officer Julio Zavala** said that on the date and time of the incident he was a tactical team officer working under Sgt. Kennedy. He was assigned to Beat 263D and was partnered with Officer Owens. Officer Zavala's interview was substantially similar to and consistent with Officer Owens's interview.

Officer Zavala explained that as Officer Owens and Sgt. Kennedy were confronting ██████ regarding the weapon on his person, he (Officer Zavala) was approaching the bystanders on the sidewalk to return their identification. Officer Zavala heard Officer Owens speaking to ██████ and saying words to the effect of, "I see it on your hip," "It's tan," and, "Don't do anything crazy."⁷ Upon hearing this, Officer Zavala believed that Officer Owens was describing a gun, and Officer Zavala approached the SUV from the driver's side. Officer Zavala heard statements by ██████ to the effect of, "I'm already dead,"⁸ and he saw ██████ begin to reach for his left hip with his left hand. Officer Zavala did not see a firearm inside the SUV or on ██████ person. Officer Zavala backed away from the SUV when he saw ██████ reach for his hip, and he turned to seek cover behind a police vehicle. Officer Zavala heard three gunshots as he was seeking cover. From behind the police vehicle, Officer Zavala drew his weapon. He next saw Officer Owens running towards a vacant lot, and he followed Officer Owens to assist with searching for ██████ Officer Zavala continued to search the area for ██████ until returning to scene of the shooting, where Sgt. Kennedy or a detective directed him to turn off his BWC. Then Officer Zavala sat in his police vehicle until he was interviewed by a detective.

In a statement provided to COPA on January 21, 2021,⁹ **Officer Damon Goodloe** said that on the date and time of the incident he was assigned to the Community Safety Team (CST) on Beat 7671E, and he was partnered with Officer Frasco. Officer Goodloe heard the report of a ShotSpotter alert at 5110 S Prairie Ave. over the police radio. He and Officer Frasco were patrolling, and they decided to report to the site of the alert. Upon arriving, Officer Goodloe observed two officers, now known to be Officers Owens and Zavala, already at the scene. Officers Owens and Zavala were interacting with the driver and passenger of a parked SUV and with two bystanders on the sidewalk.

Officers Goodloe and Frasco questioned the bystanders on the sidewalk while Officers Owens and Zavala checked the identifications of all four individuals at the scene. Officer Goodloe

⁶ Atts. 25 and 106.

⁷ Att. 106, pg. 24, ln. 24, to pg. 25, ln. 2.

⁸ Att. 106, pg. 27, ln. 18.

⁹ Atts. 27 and 108.

saw Officer Owens say something to Officer Frasco, and Officer Frasco began to direct the bystanders away from the parked SUV. Officer Goodloe walked with them, and after taking a few steps, he heard three gunshots and ran for cover. Officer Goodloe ran south and then crossed the street to get behind a tree. When Officer Goodloe looked back at the SUV, he saw the driver lying on the ground in the street, but he did not see the passenger. Officer Goodloe drew his weapon, went to secure the driver, and directed him to remain on the ground. Sgt. Kennedy approached and kept watch over the driver while Officer Goodloe walked back to the west side of the street to retrieve his radio, which he dropped while seeking cover. While retrieving his radio, Officer Goodloe saw a semi-automatic handgun underneath the front tire of the SUV on the passenger side.

Officer Goodloe believed that he activated his BWC as he exited his vehicle when he first arrived at the scene, but he acknowledged that he may have activated it later. Officer Goodloe did not recall turning off his BWC while at the scene and re-starting it a short time later. He did not have a specific recollection of deactivating his BWC a second time, but he believed it was at the conclusion of engaging in police activity at the scene.

In a statement provided to COPA on January 22, 2021,¹⁰ **Officer Sergio Frasco** said that on the date and time of the incident he was assigned to the CST on Beat 7671E, and he was partnered with Officer Goodloe. Officer Frasco's statement was consistent with and substantially similar to Officer Goodloe's statement. Officer Frasco noted that he observed the vehicle driven by Officers Zavala and Owens while driving to the scene, and he allowed them to pass him and followed them to the scene.

As Officer Owens and Sgt. Kennedy began to approach the black SUV to confront the passenger, Officer Frasco heard either Officer Owens or Sgt. Kennedy say something to indicate that they intended to remove the passenger from the SUV. Officer Frasco directed the bystanders on the sidewalk to move away from the SUV, and he continued to question them with Officer Goodloe about the ShotSpotter alert. Officer Frasco heard raised voices from behind him, coming from near the parked SUV. Officer Frasco recalled hearing one of the tactical team officers scream words to the effect of, "What are you reaching for or show me your hands."¹¹ He turned and saw Officer Owens with his weapon drawn, and the occupants of the SUV were moving their hands. Officer Frasco saw the officers near the SUV begin to take a defensive stance and begin to take cover. At that time, he pushed Officer Goodloe away from the parked SUV and ran north on Prairie Ave. to take cover behind another parked car. While he was running, Officer Frasco heard three gunshots. Officer Frasco turned back towards the SUV and drew his weapon. Officer Frasco saw someone running from the SUV towards the alley west of Prairie Ave. Officer Frasco ran north on Prairie Ave. to 51st St. to prevent the fleeing individual from running north down the alley. Officer Frasco assisted in searching the area and later reunited with Officer Goodloe at the scene.¹²

Officer Frasco did not have a specific memory of when he deactivated his BWC. He could not recall if he was directed to deactivate it by a superior or made his own determination to

¹⁰ Att. 107.

¹¹ Att. 107, pg. 27, lns. 15 to 16.

¹² Att. 107, pgs. 26 to 36.

deactivate the BWC. He believed that he deactivated his BWC after all police activities were over and at an appropriate time to do so.¹³

ii. Civilian Witnesses

In an electronically recorded interview given by ██████████ to Detective Joseph Bowes of CPD's IRT and Officer Joseph Tracey of CPD's Fugitive Apprehension Unit on January 5, 2021,¹⁴ ██████████ said that on the date and time of the incident he was sitting in a parked vehicle with ██████████ was in the driver's seat and ██████████ was in the passenger seat. ██████████ heard a gunshot. He then saw police officers approach their vehicle. ██████████ said that he had a gun adjacent to his left hip near the seat buckle of his seat.¹⁵

██████████ said that he heard one of the officers describe the gun that was adjacent to his left hip, and the officer said words to the effect of, "Don't do anything stupid, . . . there's a lot of police officers out here."¹⁶ ██████████ explained that after hearing what the officer said, he wanted to hurt himself, get hurt, or hurt someone else.¹⁷ ██████████ grabbed ██████████ to stop him from reaching for the gun near his hip. At some point, the gun fell onto the floor of the vehicle. ██████████ heard a gunshot and ducked down in his seat. ██████████ then picked the gun up from the floor and ran.¹⁸ ██████████ was arrested at a later date and was in possession of a handgun. He admitted it was the same handgun he fled ██████████ vehicle with.¹⁹

In an electronically recorded interview given by ██████████ to Detective Edward Heerdt of CPD's IRT on December 28, 2020,²⁰ ██████████ stated that on the date and time of the incident he was driving a Ford Edge he had borrowed from a friend. Earlier in the evening, he was alone and went to a restaurant at 51st St. and Michigan Ave. ██████████ left the restaurant and saw several acquaintances at or near 5114 S Prairie Ave. ██████████ stopped there to visit them, and while he was stopped, an individual he identified as ██████████ got into his car. ██████████ was unable to provide ██████████ full name at the time of his statement. A short time later, ██████████ and ██████████ were approached by police officers investigating a reported gunshot.²¹

During the stop, ██████████ told officers he had not heard any gunshots. He and ██████████ provided officers with their identification. Later, ██████████ saw two officers approach the passenger side of his vehicle. He heard one of the officers say, apparently to ██████████ that he could see "it" and that it was beige and on your hip. ██████████ believed that the officer was describing a gun. ██████████ said that ██████████ had his hands raised and began to say, "I don't want to go back."²² He described ██████████ as sinking in his seat. ██████████ tried to calm ██████████ down and reached over to keep ██████████ from lowering his arm. The officers then ran away from ██████████ car, and he heard three or four gunshots. Then

¹³ Att. 107, pgs. 40 to 44.

¹⁴ Att. 17.

¹⁵ Att. 17 at 4:30 to 7:48.

¹⁶ Att. 17 at 11:00 to 11:08.

¹⁷ Att. 17 at 11:08 to 11:44.

¹⁸ Att. 17 at 15:41 to 21:17.

¹⁹ Att. 17 at 21:18 to 22:29.

²⁰ Att. 16.

²¹ Att. 16 at 3:55 to 7:56.

²² Att. 16 at 11:15 to 11:20.

ran out of the car. exited the car next and lay down in the street with his arms out. A police officer came and stood over him with his gun drawn.²³ asserted that he had no knowledge that had a weapon and did not see a firearm on person or in the car during the incident.²⁴

b. Digital Evidence

i. BWC and Police Observation Device (POD) Video Recordings

COPA obtained and reviewed **Sgt. Kennedy's BWC video recording** of this incident.²⁵ The recording began while Sgt. Kennedy was in his vehicle with his emergency lights activated. Sgt. Kennedy stopped his vehicle toward the middle of the street and exited. Officer Owens and Zavala's unmarked police vehicle was parked in front of SUV. Officer Owens was standing by the driver-side door speaking with who was in the driver's seat of the SUV. Officers Goodloe and Frasco were on the sidewalk near the passenger side of SUV with one of the bystanders.²⁶

Sgt. Kennedy approached SUV, and Officer Owens was explaining the reason for the stop to and to who was in the front passenger seat. Sgt. Kennedy approached the driver's side window and asked over his radio for the dispatcher to repeat the details of the ShotSpotter alert. He then held his radio out for and to hear.²⁷

Sgt. Kennedy then walked away from car and searched the sidewalk and street with his flashlight. After approximately five minutes, Officer Owens approached Sgt. Kennedy and said that he believed there was a gun in SUV.²⁸ Sgt. Kennedy continued searching the sidewalk near the passenger side of SUV, and approximately two minutes later, Officer Owens approached again and told Sgt. Kennedy that he saw a gun in SUV.²⁹ They both took a step towards SUV. Officers Goodloe and Frasco were standing near the front passenger-side door with the two bystanders. Officer Owens said something inaudible to Officer Frasco, who then walked south down Prairie Ave. with Officer Goodloe and both bystanders.³⁰ Sgt. Kennedy continued to approach SUV until he was directly outside the front passenger window. was in frame, and his left hand was on the driver's seat head rest. Officer Owens was not visible, but he could be heard speaking to He said that he sees "it" and described it as on left side and tan. turned to and said something inaudible. Sgt. Kennedy told to relax. turned again to and said, "I'm dead, bro. It's over with."³¹ began to reach down with his left hand and reached out with his right arm, blocking left arm and pushing it back up towards the passenger seat head rest. Sgt. Kennedy and both told

²³ Att. 16 at 8:01 to 13:46.

²⁴ Att. 16 at 14:54 to 15:09.

²⁵ Att. 4.

²⁶ Att. 4 at 2:07 to 2:23.

²⁷ Att. 4 at 2:28 to 3:34.

²⁸ Att. 4 at 7:52.

²⁹ Att. 4 at 10:06.

³⁰ Att. 4 at 10:11.

³¹ Att. 4 at 10:44 to 10:46.

██████████ to stop. ██████████ arm came free from ██████████ arm while he was repeating, “I’m dead.”³² Sgt. Kennedy turned and began running away from the SUV. As Sgt. Kennedy turned, Officer Owens was visible for a moment walking backwards away from the car and raising his firearm. Sgt. Kennedy ran past Officer Owens and three gunshots were audible.³³

Sgt. Kennedy stopped behind Officer Frasco and Goodloe’s marked police vehicle. Officer Zavala also took cover there, and Officer Owens was taking cover behind an unoccupied car parked directly behind ██████████ car. Sgt. Kennedy called the incident in over his radio as “shots fired by offender.”³⁴ Officer Owens then ran down the sidewalk and around the corner of a building on the west side of the street, with Officer Zavala following him.³⁵

Sgt. Kennedy walked around the marked police vehicle towards the east side of the street and saw ██████████ lying face down in the street with Officer Goodloe standing over him. Sgt. Kennedy asked Officer Goodloe if either he or ██████████ were shot. Hearing that they were not, Sgt. Kennedy told Officer Goodloe to stay where he was with ██████████³⁶ Sgt. Kennedy remained in the street while Officer Owens could be heard giving a description of ██████████ over the radio, and another officer called out the names of nearby streets to establish a perimeter. Sgt. Kennedy confirmed the scope of the perimeter and told the dispatcher that he was unsure if any shots were fired by an officer.³⁷ Sgt. Kennedy walked over to ██████████ and handcuffed him. Sgt. Kennedy began to question ██████████ for information about ██████████ During the exchange, Sgt. Kennedy accused ██████████ and ██████████ of firing at officers, but ██████████ denied this.³⁸

Sgt. Kennedy later called another officer over to watch ██████████ and walked over to ██████████ SUV. The driver’s side front door was open, and Sgt. Kennedy looked inside. He then walked north on Prairie Ave. to 51st St. Officers there were establishing a perimeter. Sgt. Kennedy walked along the perimeter west on 51st St. and then south on Indiana Ave.³⁹ On Indiana Ave., he was joined by Officers Owens and Zavala. Officer Owens told Sgt. Kennedy that he fired, and Sgt. Kennedy stopped him from discussing the incident further.⁴⁰ A short time later, a dispatcher called out seeking to clarify whether shots were fired at police or in front of the police. Sgt. Kennedy responded that shots were fired at the police and that he believed one of his officers returned fire.⁴¹

Sgt. Kennedy continued walking the perimeter and then returned to the scene of the incident. He asked an officer there about a gun that was recovered from beneath ██████████ SUV and whether it had been fired. The officer’s response is inaudible on the recording, but Sgt. Kennedy said, “Perfect.”⁴² A short time later, Sgt. Kennedy was approached by an IRT detective

³² Att. 4 at 10:50 to 10:54.

³³ Att. 4 at 10:21 to 10:57.

³⁴ Att. 4 at 11:00 to 11:05.

³⁵ Att. 4 at 10:58 to 11:20.

³⁶ Att. 4 at 11:23 to 11:57.

³⁷ Att. 4 at 12:08 to 13:14.

³⁸ Att. 4 at 13:29 to 15:06.

³⁹ Att. 4 at 15:46 to 18:12.

⁴⁰ Att. 4 at 19:51 to 20:29.

⁴¹ Att. 4 at 21:03 to 21:26.

⁴² Att. 4 at 24:57 to 25:11.

who asked Sgt. Kennedy if there were officers that fired. Sgt. Kennedy confirmed that an officer fired. Sgt. Kennedy called Officers Owens and Zavala to return to the scene on his radio.⁴³

Sgt. Kennedy walked north to 51st St. and directed an officer there to tape off Prairie Ave. When Sgt. Kennedy returned to the scene, Officers Owens and Zavala were there. Sgt. Kennedy called them over, and the IRT detective approached and directed them to deactivate their BWCs.⁴⁴

COPA obtained and reviewed **Officer Owen's BWC video recording** of this incident.⁴⁵ The recording began with Officer Owens sitting in the front passenger seat of a patrol car driven by Officer Zavala. Officer Zavala stopped the car, and both Officer Owens and Zavala exited into the street. Bystanders #1 and 2 were standing on the sidewalk. Officer Owens approached them and directed them towards ██████████ car by taking hold of both individuals' arms. Officers Frasco and Goodloe came into view on the sidewalk. Officer Owens motioned for Officer Zavala to engage Bystander #2. Officer Owens removed a backpack from Bystander #1 and activated his BWC to event mode, beginning the audio recording of the incident. Bystander #1 was speaking loudly and telling Officer Owens that he heard shots down the street and to check his bag. Officer Owens and Goodloe explained to Bystander #1 that they were responding to a reported gunshot. Bystander #1 gave his ID to Officer Goodloe, who passed the ID to Officer Owens.⁴⁶

Officer Owens then walked around ██████████ car to the driver's side window to request identification from ██████████ and ██████████ initially refused to provide his ID and said that he is not with the two individuals on the sidewalk and had no knowledge of a shooting. Sgt. Kennedy approached and held out his radio for ██████████ and ██████████ to hear the dispatcher read the details of the ShotSpotter alert referencing the address of an adjacent building. ██████████ then provided his ID, but ██████████ said he did not have his ID on him. Officer Owens then went to his vehicle to get a pen and notepad. Officer Zavala was sitting in the passenger seat conducting name checks. Officer Owens told Officer Zavala that he thought there was a gun in ██████████ car. Officer Owens returned to take down ██████████ name and date of birth. ██████████ told Officer Owens that he was on parole. Officer Owens asked what ██████████ was on parole for and quickly interjected, "Don't say a gun" as ██████████ began to respond. ██████████ said he was on parole for a domestic incident, and Officer Owens replied that he believed ██████████ was starting to say that he was on parole for a weapon-related offense.⁴⁷

Officer Owens walked back to the patrol car and gave ██████████ information to Officer Zavala. Then, he walked back to the passenger side of ██████████ car and looked through the windows. Officer Owens walked back into the street towards Sgt. Kennedy and told Sgt. Kennedy that he believed there was a gun in ██████████ car and that ██████████ behavior was strange. Officer Owens then walked back onto the sidewalk and approached ██████████ car. As he neared rear passenger-side window and looked into the car, he suddenly stepped away from the car towards Sgt. Kennedy and said, "I see it."⁴⁸

⁴³ Att. 4 at 26:46 to 27:01.

⁴⁴ Att. 4 at 27:45 to 32:14.

⁴⁵ Att. 5.

⁴⁶ Att. 5 at 0:00 to 3:19.

⁴⁷ Att. 5 at 3:27 to 8:10.

⁴⁸ Att. 5 at 8:16 to 11:28.

Officer Owens turned back toward [REDACTED] car and said something to Officer Frasco, who was standing near the car with Bystander #1 and 2. Officer Frasco turned to Bystanders #1 and 2 and moved them further south down the sidewalk, away from [REDACTED] car. Officer Owens then walked toward [REDACTED] car and stood near the rear passenger-side window as Sgt. Kenney was standing near the front passenger-side window. Officer Owens and Sgt. Kennedy confronted [REDACTED] as described in the above summary of Sgt. Kennedy's BWC video. [REDACTED] and [REDACTED] movements were not captured clearly in Officer Owens' BWC recording, but Officer Owen's recording shows him drawing his gun as he spoke to [REDACTED] and aiming the gun at [REDACTED] car after backing away from it. The BWC recording captures the first of three gunshots fired by Officer Owens. Two subsequent shots were audible quickly after, but Officer Owen's camera was partially obscured by his jacket.⁴⁹

Officer Owen's BWC became fully obscured by his jacket after firing the shots, but Officer Owens appeared to run and seek cover. Once his jacket shifted and the camera was unobscured, Officer Owens was running with his weapon drawn and heading south on the sidewalk along Prairie Ave., west through a vacant lot, and then south again along the alleyway. Officer Owens called out his location over his radio as he was running. Officer Owens then turned, headed west from the alley, and walked to Indiana Ave. As he was walking, Officer Owens gave a description of [REDACTED] over his radio.⁵⁰

Officer Owens was joined by additional officers who responded to the scene and continued to search for [REDACTED] between Prairie Ave. and Indiana Ave. As he was searching, Officer Owens called over his radio to give a description of [REDACTED] to give [REDACTED] last known location, and to enquire whether [REDACTED] gun was recovered from [REDACTED] car.⁵¹

Later, Officer Owens was joined by Officer Zavala, and they walked west from the alley to Indiana Ave. As they were walking, Officer Owens gave a more detailed description of [REDACTED] over his radio. Officer Zavala asked Officer Owens if he was ok, and Officer Owens said that he was, and that he fired his weapon. Officer Zavala responded, "He was definitely reaching."⁵² As Officers Owens and Zavala exited the alley onto Indiana Ave, they walked towards three stopped police cars. Sgt. Kennedy approached from further north up the street. As Sgt. Kennedy got close, Officer Owens said, "I shot, Sarge."⁵³ Officer Owens began to discuss details of the incident, and Sgt. Kennedy directed him to stop and wait.⁵⁴

Officer Owens and Officer Zavala walked through a vacant lot to the alley west of Prairie Ave. and began searching for [REDACTED] along the alley. After completing their search of the alley, Officer Owens and Officer Zavala walked back to the scene of the shooting. Shortly after Officers Owens and Zavala returned to the scene, they met Sgt. Kennedy and an IRT detective, who directed the other officer to deactivate their BWCs.⁵⁵

⁴⁹ Att. 5 at 11:29 to 12:14.

⁵⁰ Att. 5 at 12:15 to 13:34.

⁵¹ Att. 5 at 13:53 to 18:51.

⁵² Att. 5 at 20:48 to 20:50.

⁵³ Att. 5 at 21:09 to 21:11.

⁵⁴ Att. 5 at 20:16 to 21:54.

⁵⁵ Att. 5 at 22:14 to 33:30.

COPA obtained and reviewed **Officer Zavala's BWC video recording** of this incident.⁵⁶ The recording is substantially similar to Officer Owens's BWC recording from when Officer Zavala arrived at the scene until Officer Owens saw the gun.⁵⁷ Officer Zavala was standing behind Officer Owens and Sgt. Kennedy when they first approached [REDACTED] car to confront [REDACTED]. As Officer Owens told [REDACTED] that he saw the gun, Officer Zavala walked around the rear of the car and approached the front driver-side window. As the interior of [REDACTED] car came into frame, [REDACTED] lowered his left hand toward the center console and [REDACTED] reached out his right arm and blocked [REDACTED] hand. [REDACTED] said, "I'm dead" to [REDACTED] and Officer Zavala turned and began to run towards cover. As Officer Zavala was running, three gunshots were audible.⁵⁸

COPA obtained and reviewed **Officer Frasco's BWC video recording** of this incident.⁵⁹ The recording is substantially similar to Officer Owens's BWC recording from the initiation of the stop until Officer Owens saw the gun.⁶⁰ As Officer Owens and Sgt. Kennedy were confronting [REDACTED] Officer Frasco was standing on the sidewalk facing away from [REDACTED] car. Officer Frasco was with Officer Goodloe speaking to Bystanders #1 and 2 until he began to run north on the sidewalk seeking cover. As Officer Frasco was running, three gunshots were audible.⁶¹ Officer Frasco took cover behind a car parked on the west side of Prairie Ave. The remainder of Officer Frasco's BWC recording showed him assisting in searching for [REDACTED] in the area around 5110 S Prairie Ave. Officer Frasco ultimately returned to the scene of the shooting, where he began speaking with Officer Goodloe regarding the incident and deactivated his BWC.⁶²

COPA obtained and reviewed **Officer Goodloe's BWC video recordings** of this incident.⁶³ Officer Goodloe's first BWC recording began as he was standing next to [REDACTED] car. Officer Goodloe was standing in the street on the driver's side while Officer Owens and Officer Frasco were on the sidewalk on the other side of [REDACTED] car speaking to Bystander #1. Officer Goodloe walked around the car and began to engage with Bystander #1 and took his ID, which he handed to Officer Owens. Officer Goodloe continued speaking with Bystander #1, and a short time later, he activated his BWC to event mode, beginning the audio recording.⁶⁴

The remainder of Officer Goodloe's BWC recording is substantially similar to Officer Owens's recording until Officer Owens saw the gun.⁶⁵ When Officer Owens and Sgt. Kennedy were confronting [REDACTED] Officer Goodloe was with Officer Frasco speaking with Bystanders #1 and 2 and facing away from [REDACTED] car. Officer Frasco looked over his shoulder towards [REDACTED] car and began to run north on the sidewalk as three shots were audible.⁶⁶ Officer Goodloe began running south with Bystanders #1 and 2. After a few steps, he turned to his left and

⁵⁶ Att. 6.

⁵⁷ Att. 6 at 0:00 to 12:20.

⁵⁸ Att. 6 at 12:32 to 13:08.

⁵⁹ Att. 3.

⁶⁰ Att. 3 at 0:00 to 10:26.

⁶¹ Att. 3 at 10:29 to 11:02.

⁶² Att. 3 at 11:08 to 29:38.

⁶³ Atts. 1 and 2.

⁶⁴ Att. 2 at 0:00 to 2:01.

⁶⁵ Att. 2 at 2:01 to 9:21.

⁶⁶ Att. 2 at 9:33 to 10:19.

ran into the street where [REDACTED] was laying. Officer Goodloe ordered [REDACTED] to remain where he was, and [REDACTED] obeyed until Sgt. Kennedy approached and handcuffed him. Officer Goodloe then walked to the sidewalk on the west side of Prairie Ave. and picked up his radio, which he dropped when he began to run. He turned and looked back at [REDACTED] SUV and saw a gun beneath the front passenger-side fender near the tire.⁶⁷ He remained at the scene standing guard over the gun until he deactivated his BWC.⁶⁸

Officer Goodloe reactivated his BWC approximately three minutes later, and he was still standing guard over the gun discovered under [REDACTED] fender.⁶⁹ Officer Goodloe remained there for the duration of the recording, and he deactivated his BWC as Officer Frasco approached him.⁷⁰

COPA obtained and reviewed video footage from **POD #7851 (OEMC/Operation Virtual Shield)**,⁷¹ which is located at the southeast corner of 51st St. and Prairie Ave. The recording begins at 9:29:56 pm. The camera was facing west and recording the intersection and a stretch of 51st St. west of the intersection. The camera remained facing this direction until 10:48:20 pm, when it turned to face south on Prairie Ave. Prior to the camera turning, the recording showed the three CPD vehicles that responded to the initial ShotSpotter alert turning from 51st St. onto Prairie Ave. The recording did not capture the shooting incident.

ii. Photographic Evidence

Evidence Technician (ET) Photographs capture the shooting scene, involved vehicles, and recovered evidence from various angles.⁷² The photos of the Ford Edge show apparent bullet damage to the rear windshield towards the passenger side, the passenger-side rear quarter panel window, the frame of the passenger-side rear quarter panel window, and the front driver's-side door near the rear-view mirror. Photographs taken by the ET also show crime scene markers numbered one through four adjacent to fired cartridge cases found on the sidewalk on the west side of Prairie Ave. The first cartridge case is approximately three sidewalk squares north and three sidewalk squares west from the rear of the Ford Edge. The second and third cartridge cases are approximately two sidewalk squares north and one sidewalk square west from the rear of the Ford Edge. The fourth cartridge case is approximately two sidewalk squares directly west from the passenger side of the Ford Edge. Additional photos show a black and silver, semi-automatic handgun beneath the Ford Edge near the front passenger-side tire.

⁶⁷ Att. 2 at 10:20 to 14:03.

⁶⁸ Att. 2 at 14:04 to 26:45.

⁶⁹ Att. 1 at 1:59.

⁷⁰ Att. 1 at 1:50 to 7:56.

⁷¹ Att. 88.

⁷² Att. 96.



Figure 1: Photograph IMG_0073.JPG from Att. 96, ET Photographs, showing apparent gunshot damage to the rear windshield of the Ford Edge.

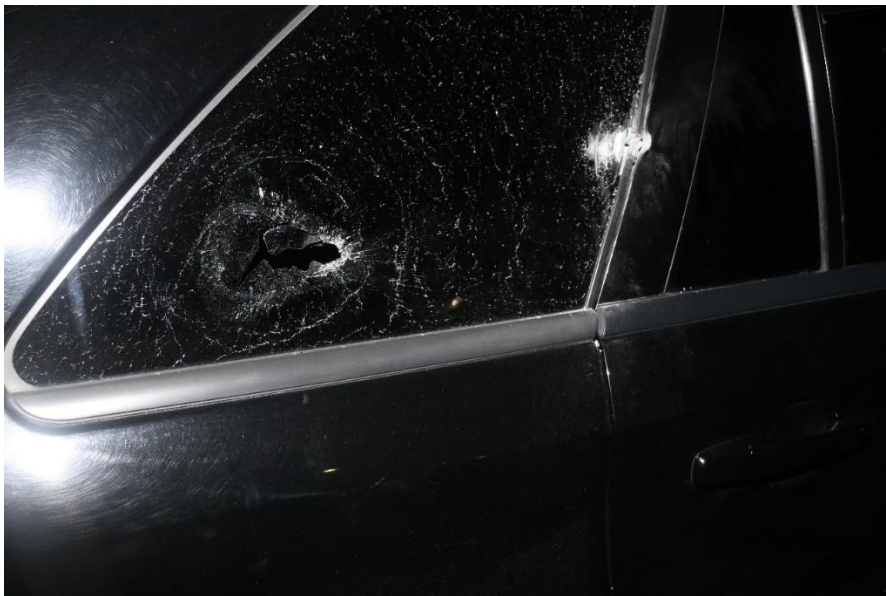


Figure 2: Photograph IMG_0074.JPG from Att. 96, ET Photographs, showing apparent gunshot damage to the rear passenger-side quarter panel window and frame.



Figure 3: Photograph IMG_0077.JPG from Att. 96, ET Photographs, showing apparent gunshot damage to the front driver's side door.



Figure 4: Photograph IMG_0056.JPG from Att. 96, ET Photographs, showing a handgun recovered from underneath the Ford Edge.

iii. 911 Call Audio

The **OEMC Event Queries** and **Zone 5 Radio Transmissions** include the following relevant and material communications.⁷³ At 10:05:14 pm, a report was transmitted of one shot fired in front of 5110 S Prairie Ave. Beat 263 responded that they were en route to the alert, and short time later, Beat 7671E called in that they were responding to the alert, as well.⁷⁴ At 10:09:50

⁷³ Atts. 65 and 87.

⁷⁴ Att. 87, Z 57 2200-2300 at 5:14 to 6:16.

pm, Sgt. Kennedy called in asking for the alert at 51st and Prairie. The dispatcher read out the address and said that there was one round in the front. The dispatcher then asked if Sgt. Kennedy was at Prairie, and he responded affirmatively.⁷⁵

At 10:17:47 pm, Sgt. Kennedy reported shots fired by an offender at 5110 S Prairie Ave. The dispatcher cleared the air for officers on scene. Officers reported running westbound toward the alley. The dispatcher sought to confirm that shots were fired at police at 10:18:41 pm, and an officer confirmed shots fired at the police. Officer Owens then provided a description of the coat worn by the subject.⁷⁶

At 10:19:15 pm, an officer called to establish a perimeter from 51st St. to 54th St., and from Indiana Ave. to King Dr., and requested a canine unit. Sgt. Kennedy confirmed boundaries for the perimeter and reported that he was not sure if shots were fired by the police.⁷⁷

At 10:27:48 pm, the Second District station supervisor called in seeking to confirm if shots were fired at the police or in front of the police. Sgt. Kennedy responded that shots were fired at the police and that he believed an officer returned fire. He reported no officers injured and that it was unknown if the offender was injured.⁷⁸

At 10:32:57 pm, The Second District commander requested the beat involved in the shooting. Sgt. Kennedy responded that Beat 263D, Officer Owens and Zavala, were involved in the incident and requested them to return to 5110 S Prairie Ave. Beat 263D responded that they were on their way.⁷⁹

iv. Cell Phone Recording

COPA obtained and reviewed **cell phone video recorded by** ██████████⁸⁰ The recording began after the stop was initiated. ██████████ was sitting in the driver's seat of his car, and Officer Owens was standing outside of the driver-side window asking ██████████ for his ID. The recording captured the same conversations between the officers, ██████████ and ██████████ that were recorded on the officers' BWCs. The cell phone recording captured portions of ██████████ phone conversation with an unidentified individual that were not recorded by the BWCs. ██████████ told the unidentified individual that he had been stopped by the police. The individual asked ██████████ if the police were going to let him go. ██████████ replied that he was not sure, and he told the person on the other line that he was going to get out of the car. Immediately after that, Officer Owens approached the car and told ██████████ that he saw ██████████ gun.⁸¹

In the moments prior to the officer-involved shooting, ██████████ phone was pointed towards the windshield, ceiling, dashboard, and passenger window. When pointed towards the passenger window, the phone was angled forward so that the recording captured Sgt. Kennedy but

⁷⁵ Att. 87, Z 57 2200-2300 at 9:40 to 10:23.

⁷⁶ Att. 87, Z 57 2200-2300 at 17:47 to 19:01.

⁷⁷ Att. 87, Z 57 2200-2300 at 19:15 to 20:03.

⁷⁸ Att. 87, Z 57 2200-2300 at 27:48 to 28:11.

⁷⁹ Att. 87, Z 57 2200-2300 at 32:57 to 33:56.

⁸⁰ Att. 105.

⁸¹ Att. 105 at 5:45 to 6:49.

did not capture any of [REDACTED] or [REDACTED] movements. The recording does clearly capture [REDACTED] saying, "I'm going to die," and, "I'm dead," while [REDACTED] told him not to move and Sgt. Kennedy told him to relax.⁸² [REDACTED] opened the driver's side door and was exiting his car as three gunshots were audible.⁸³ [REDACTED] dropped his phone while exiting the car, and it continued to record for approximately two hours and twenty-four minutes.

v. Private Surveillance Cameras

COPA obtained and reviewed **third-party video from a private residence at [REDACTED]**⁸⁴ The camera was motion-activated and created multiple video recordings around the time and date of the incident. The camera was attached to the exterior of the building and was facing east and angled downwards, showing a portion of the street and sidewalk in front of and north of the building. The camera recorded video only without sound. COPA received sixteen videos recorded from this camera, one of which is relevant.

The relevant video file begins with Officer Owens and Sgt. Kennedy standing on the passenger-side of [REDACTED] car, which was parked facing south. Officer Zavala was standing on the driver's side of [REDACTED] car, and Officers Goodloe and Frasco were on the sidewalk a short distance away from [REDACTED] car with Bystanders #1 and 2. Sgt. Kennedy and Officers Owens and Zavala began to back away from the car. Officer Owens was walking backwards with his firearm drawn and pointed at [REDACTED] car. A muzzle flash was visible from Officer Owens' firearm. After that flash, Sgt. Kennedy and Officers Zavala and Owens all ran to the north. Officer Frasco ran north on the sidewalk a short distance behind the other officers. Officer Goodloe and Bystanders #1 and 2 ran south along the sidewalk. As the Bystanders continued running, Officer Goodloe stopped, turned, and ran into the street. Once in the street, Officer Goodloe appeared to see [REDACTED] who exited his car just after the muzzle flash and began crawling across the street to the east. [REDACTED] then fell to the ground on his stomach and remained there. While Officer Goodloe was in the street, [REDACTED] exited the car and ran south on the sidewalk until he was out of the camera's view. Officer Owens then ran south on the sidewalk, apparently in pursuit of [REDACTED]⁸⁵

COPA obtained and reviewed **third-party video from a mixed commercial and residential building at [REDACTED] [REDACTED]**,⁸⁶ at the southwest corner of 51st St. and Prairie Ave. The building had three stationary cameras recording video without audio. The first camera was mounted on the southern wall of the building facing east towards Prairie Ave. The camera was recording at the time of the incident and [REDACTED] car was visible, but the video from the camera provides little information due to its distance from the vehicle, the amount of available light, and obstructions from the handrail and balusters of a stairwell. The second camera was mounted on the east wall of the building facing north and showing the intersection of 51st St. and Prairie Ave. The camera was facing away from the incident and shows CPD vehicles responding to the initial ShotSpotter alert and to the shooting incident. Officers can also be seen on foot

⁸² Att. 105 at 7:04 to 7:12.

⁸³ Att. 105 at 6:56 to 7:26.

⁸⁴ Att. 89.

⁸⁵ Att. 89, IMG_3704.

⁸⁶ Atts. 90 to 92.

searching for ██████ following the shooting. The third camera was mounted to the north wall of the building and faced east, also showing the intersection of 51st St. and Prairie Ave. The video from this camera is substantially similar to the video from the second camera.

c. Physical Evidence

A **Crime Scene Processing Report** documents the recovery of evidence after the shooting, including three “WIN 9mm+p” fired cartridge cases recovered from the sidewalk, one “Blazer 9mm Luger” fired cartridge case recovered from the sidewalk, and one Walther CCP 9mm semi-automatic pistol with a 4.5-inch barrel and silver and black finish (Serial # ██████) recovered from beneath a Ford Edge. One live “Blazer 9mm Luger” round was recovered from the chamber of the Walther semi-automatic pistol, and a magazine with an unknown number of rounds was recovered from the pistol.⁸⁷

The Crime Scene Processing Report also documents processing Officer Owens’s Glock 17 Gen 4 9mm semi-automatic pistol with a 4.5-inch barrel and black finish (Serial # ██████). One live “WIN 9mm+p” round was recovered from the chamber and 14 live “WIN 9mm+p” rounds were recovered from the magazine, which had a 17-round capacity.

d. Documentary Evidence

A **Tactical Response Report (TRR)** completed by Officer Owens indicates he was responding to a call for service with his partner at the time of the incident.⁸⁸ The subject, identified in the report as ██████ was armed with a semi-automatic pistol and did not follow verbal direction, presented an imminent threat of battery with a weapon, used force likely to cause death or great bodily harm, and fled. Officer Owens responded with member presence, issuing verbal directions, moving to avoid attack, taking a tactical position, creating a zone of safety, and calling additional unit members. No officers were injured in the incident, and it was unknown whether ██████ was injured.

COPA obtained and reviewed a **CPD Arrest Report** for the arrest of ██████ on January 5, 2021, at 2:25 pm by Officers Tracy and Kirby pursuant to a warrant issued on December 29, 2020, for aggravated assault to a police officer and a warrant issued on December 28, 2020, for a parole violation.⁸⁹ ██████ was arrested outside of ██████. The report documents that at the time of his arrest, ██████ was in possession of a black and tan Springfield arms .45 caliber semi-automatic handgun, serial # ██████.

COPA obtained and reviewed a **CPD Arrest Report** documenting the arrest of ██████ on December 27, 2020, at 11:23 pm by Officers Zavala and Owens.⁹⁰ ██████ was charged with operating a vehicle without a license and without insurance.

⁸⁷ Att. 94.

⁸⁸ Att. 15.

⁸⁹ Att. 10.

⁹⁰ Att. 13.

VI. LEGAL STANDARD

a. Use of Deadly Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁹¹ Factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm and level of threat or resistance presented by the subject; and (3) the subject's proximity or access to weapons.⁹²

CPD's "highest priority is the sanctity of human life."⁹³ Discharging a firearm is deadly force under CPD policy.⁹⁴ Policy further dictates, "The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁹⁵ Thus, a CPD member may use deadly force in only two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Second, deadly force may be used to prevent an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.⁹⁶ "A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm."⁹⁷

CPD policy recognizes that officers must "make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight."⁹⁸

b. Notifications of Officer-Involved Shooting

CPD policy requires that any member who discharges their firearm must immediately notify OEMC of the discharge, provide all relevant information, and request additional resources.⁹⁹

⁹¹ Att. 111, General Order G03-02, Use of Force (Effective February 29, 2020, to April 15, 2021) at (III)(B)(1).

⁹² Att. 111, G03-02 at III(B)(1).

⁹³ Att. 111, G03-02 at (II)(A).

⁹⁴ Att. 111, G03-02 at (III)(C)(1).

⁹⁵ Att. 111, G03-02 at (III)(C)(3).

⁹⁶ Att. 111, G03-02 at (III)(C)(3).

⁹⁷ Att. 111, G03-02 at (III)(C)(2).

⁹⁸ Att. 111, G03-02 at (II)(D).

⁹⁹ Att. 112, G03-02-03 Firearm Discharge Incidents - Authorized Use and Post-Discharge Administrative Procedures (Effective February 29, 2020, to April 15, 2021) at (III)(A).

c. Body Worn Cameras

Under Special Order S03-14, CPD members are required to activate their BWCs whenever they are engaged in a law enforcement activity.¹⁰⁰ This duty is mandatory, except where specifically indicated. Any member who knowingly fails to properly comply with the directive is subject to discipline.¹⁰¹

S03-14 requires members to activate their BWCs at the beginning of an incident and record the entire incident for “all law-enforcement-related activities.”¹⁰² The list of law-enforcement-related activities includes, but is not limited to: (a) calls for service; (b) investigatory stops; (c) traffic stops; (d) traffic control; (e) foot and vehicle pursuits; (f) arrests; (g) use of force incidents; (h) seizure of evidence; (i) interrogations; (j) searches, including searches of people, items, vehicles, buildings, and places; (k) statements made by individuals in the course of an investigation; (l) requests for consent to search; (m) emergency driving situations; (n) emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene; (o) high-risk situations; (p) any encounter with the public that becomes adversarial after the initial contact; (q) arrestee transports; and (r) any other instance when enforcing the law.¹⁰³ If circumstances prevent a member from activating his or her BWC at the beginning of an incident, the officer must activate the BWC as soon as practical.¹⁰⁴

Additionally, the order prohibits members from deactivating their cameras unless the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity.¹⁰⁵ In circumstances involving an officer-involved shooting, law-enforcement-related activity concludes when the highest-ranking on-scene Bureau of Patrol supervisor has determined the scene is secured.¹⁰⁶ The order notes, “The scene may be considered secure when all offenders are in custody or otherwise not in the area, medical aid has been requested/ administered or CFD is on the scene, the involved officers have been identified, and the crime scene has been established.”¹⁰⁷

d. Standard of Proof

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

1. Sustained - where it is determined that an allegation is proven by a preponderance of the evidence;
2. Not Sustained - where it is determined that there is insufficient evidence to prove the allegation by a preponderance of the evidence;

¹⁰⁰ Att. 85, S03-14 Body Worn Cameras (Effective April 30, 2018, to present) at (III)(A)(1).

¹⁰¹ Att. 85, S03-14 at (II)(A).

¹⁰² Att. 85, S03-14 at (III)(A)(2).

¹⁰³ Att. 85, S03-14 at (III)(A)(2).

¹⁰⁴ Att. 85, S03-14 at (III)(A)(2).

¹⁰⁵ Att. 85, S03-14 at (III)(B)(a).

¹⁰⁶ Att. 85, S03-14 at (III)(B)(1)(a)(4).

¹⁰⁷ Att. 85, S03-14 at (III)(B)(1)(a)(4).

3. Unfounded - where it is determined an allegation is false or not factual by clear and convincing evidence; or,
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.¹⁰⁸ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct violated 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.¹⁰⁹ 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.”¹¹⁰

VII. ANALYSIS

a. Findings of Fact

i. Officer Owens Fired Three Shots; No Shots Were Fired at Officers

COPA finds by a preponderance of the evidence that Officer Owens fired three shots, which is consistent with Officer Owen’s account of the incident, and that a fourth shot was fired prior to the officers arrival.

Officer Owens BWC footage shows him raise his weapon and fire the first shot.¹¹¹ The two subsequent shots can be heard but not seen because Officer Owens turned his body after firing the first shot, partially obscuring his BWC.¹¹² Officer Owens told COPA that he fired three times.¹¹³ To the extent that Sgt. Kennedy’s statements during the incident deviate from this finding, they appear to be based on the information available to him at the time, and Sgt. Kennedy acknowledged that he was mistaken regarding who fired in his statement to COPA investigators.¹¹⁴

ETs recovered four spent cartridge cases on the sidewalk in front of 5114 S Prairie Ave.¹¹⁵ Three of the cartridge cases were stamped “WIN 9MM+P,” and the fourth was stamped “BLAZER

¹⁰⁸ See Avery v. State Farm Mut. Auto. Ins. Co., 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

¹⁰⁹ See, e.g., People v. Coan, 2016 IL App (2d) 151036.

¹¹⁰ *Id.* ¶ 28.

¹¹¹ Att. 5 at 12:10.

¹¹² Att. 5 at 12:12.

¹¹³ Att. 110, pg. 52.

¹¹⁴ Att. 109, pgs. 39 to 42.

¹¹⁵ Att. 94.

9MM LUGER.”¹¹⁶ No gunshots can be heard on any officer’s BWC other than the three shots fired by Officer Owens. A ShotSpotter alert was generated at 10:04:22 pm indicating a single shot and at 10:18:07 pm indicating three shots.¹¹⁷ The alerts both referenced 5110 S Prairie Ave. The first officers arrived at the scene at approximately 10:07 pm to investigate the first ShotSpotter alert.¹¹⁸ Thus, COPA finds that the fourth cartridge case recovered was fired prior to officers arriving at the scene and likely generated the alert that drew the officers to the scene.

ii. A Gun Was on ██████████ Person During the Stop

There is no gun visible on ██████████ person in any of the officers’ BWC video recordings or in ██████████ cellphone video.¹¹⁹ The view into the vehicle was obstructed by the window tint in Officer Owen’s BWC recording when he discovered the gun,¹²⁰ but Officer Owens’s position at the rear passenger-side window would have allowed him to see a gun on ██████████ left hip despite the view of Officer Owens’ BWC being obstructed. The unique description of the gun that Officer Owens gave as he and Sgt. Kennedy were confronting ██████████ is consistent with a gun found in ██████████ possession at the time of his arrest.¹²¹ In ██████████ interview following his arrest, he admitted that he ran from ██████████ car with the gun that Officer Owens saw and that that gun was in his possession when he was subsequently arrested.¹²² COPA finds by a preponderance of the evidence that ██████████ was in possession of a gun during the investigatory stop and subsequent shooting.

iii. Reporting the Use of Lethal Force

When Sgt. Kennedy first reported the incident to OEMC at 10:18:14 pm, he described it as shots fired by an offender.¹²³ Approximately two minutes later, Sgt. Kennedy called over his radio that he was unsure if any officers fired their weapons.¹²⁴ Officer Owens first said that he fired his weapon to Officer Zavala at 10:26:36 pm,¹²⁵ and he later told Sgt. Kennedy at 10:27:03 pm.¹²⁶ Sgt. Kennedy first reported at 10:28:22 pm to OEMC that he believed an officer fired their weapon.¹²⁷ Officer Owens made repeated reports to OEMC regarding ██████████ description,¹²⁸ ██████████ last

¹¹⁶ Att. 94. (The spent “WIN 9MM+P” cartridge cases are the same make of the unfired rounds loaded in Officer Owens’ service weapon. His weapon was loaded with a 17-round capacity magazine holding 14 rounds at the time it was recovered.)

¹¹⁷ Atts. 7 and 34.

¹¹⁸ Att. 6 at 1:56.

¹¹⁹ Att. 2 at 0:00 to 0:29, Att. 3 at 0:33 to 6:11, 7:12 to 10:12, Att. 4 at 2:29 to 3:33, 8:20 to 8:38, 10:22 to 10:54, Att. 5 at 3:49 to 6:42, 7:20 to 8:10, 8:41 to 9:02, 10:11 to 10:23, 11:16 to 12:11, Att. 6 at 10:58 to 12:11, and 12:53 to 13:03; Att. 105 at 0:00 to 7:23.

¹²⁰ Att. 5 at 11:16.

¹²¹ Att. 5 at 11:48 (“It’s tan”), and Att. 21 (“a custodial search revealed a fully loaded (1) black and tan, Springfield Arms, 45 caliber semi-automatic pistol”).

¹²² Att. 17 at 21:07 to 22:28.

¹²³ Att. 4 at 11:01.

¹²⁴ Att. 4 at 13:09.

¹²⁵ Att. 5 at 20:45.

¹²⁶ Att. 5 at 21:09.

¹²⁷ Att. 4 at 21:06 to 21:25.

¹²⁸ Att. 5 at 13:25, 15:18, 17:12, and 20:14 to 20:59.

known location,¹²⁹ and the weapon recovered from ██████████ car,¹³⁰ only later telling Sgt. Kennedy that he had fired.

b. Legal Analysis

i. Officer Owens's Use of Deadly Force Was Within CPD Policy

COPA finds by a preponderance of the evidence that the use of deadly force by Officer Owens was objectively reasonable, necessary, and proportional to the circumstances he faced. COPA further finds that Officer Owens engaged in de-escalation tactics as required by CPD policy prior to using deadly force. Specifically, Officer Owens engaged a supervisor, approached ██████████ calmly, communicated clearly, and attempted to stabilize the situation by using time, distance, and tactical positioning. COPA further finds that Officer Owens used deadly force as an option of last resort, after ██████████ refused to listen to commands, and continued to reach for the firearm while repeatedly making statements to the effect of "I'm going to die," and, "I'm dead."¹³¹ COPA thus concludes by a preponderance of the evidence that Officer Owens's use of deadly force complied with CPD policy.

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable, and necessary to perform a lawful task, in light of the totality of the circumstances faced by the officer, viewed from the perspective of a reasonable officer.¹³² In the immediate instance, COPA must determine whether (1) ██████████ actions were immediately likely to cause death or great bodily harm; (2) ██████████ had the means or instruments to cause death or great bodily harm; and (3) ██████████ had the opportunity and ability to cause death or great bodily harm.¹³³ For the reasons that follow, COPA finds that ██████████ had the means and opportunity to cause death or great bodily harm and that his actions indicated he was immediately likely to cause death or great bodily harm to Officer Owens or another individual. Therefore, Officer Owens' use of deadly force was objectively reasonable and within CPD policy.

As discussed above, COPA finds that ██████████ was in possession of a gun at the time of the incident based on the consistency between Officer Owens' description of the gun during the incident and the gun recovered from ██████████ when he was later arrested, along with ██████████ admission during the interview following his arrest. ██████████ possession of a gun gave him the means and opportunity to cause death or great bodily harm.

The BWC video recordings from Sgt. Kennedy and Officer Zavala both show ██████████ reach with his left hand towards his left hip,¹³⁴ the same location that Officers Owens had identified as the location of ██████████ gun.¹³⁵ The recordings also capture various statements made ██████████ that can reasonably be interpreted as threatening.¹³⁶ ██████████ indicated in his statement following

¹²⁹ Att. 5 at 17:17.

¹³⁰ Att. 5 at 18:34.

¹³¹ Att. 105 at 7:04 to 7:12.

¹³² Att. 111, G03-02(III)(B-C) (*citing* *Graham v Connor*, 490 U.S. 386 (1989)).

¹³³ Att. 111, G03-02(IV).

¹³⁴ Att. 4 at 10:46 and Att. 6 at 12:54

¹³⁵ Att. 5 at 11:47.

¹³⁶ Att. 4 at 10:37 ("I'm dead" and, "It's over with.").

his arrest that he intended to harm himself.¹³⁷ COPA finds by a preponderance of the evidence that it was objectively reasonable for Officer Owens to understand [REDACTED] words as threatening imminent harm under the totality of the circumstances, especially since his words were coupled with [REDACTED] reaching for the gun. [REDACTED] ignored directives from Sgt. Kennedy not to reach for his gun and from Officer Zavala not to move.¹³⁸ COPA finds that [REDACTED] gestures, statements, and disregard of directives from officers indicate that [REDACTED] had the opportunity to cause death or great bodily harm and that his actions were immediately likely to cause death or great bodily harm.

Based on the totality of the circumstances, COPA finds by a preponderance of the evidence that it was objectively reasonable for Officer Owens to believe that [REDACTED] posed an imminent threat of death or great bodily harm to others. Officer Owens's use of deadly force towards [REDACTED] was objectively reasonable and within CPD policy.

ii. Officer Owens Untimely Activated His BWC

Officer Owens' activated his BWC at 10:07:53 pm.¹³⁹ The recording captured during the BWC's buffering period prior to that activation shows Officer Owens exit his vehicle at 5110 S Prairie Ave. at 10:07:18 pm and immediately begin to approach Bystander #1.¹⁴⁰ During the buffering period, Officer Owens held Bystander #1's arm to direct him to move and begins to remove a backpack from him.¹⁴¹

Special Order S03-14 requires that officers activate their BWC at the beginning of an incident and record all law-enforcement-related activities conducted during an incident. If circumstances prevent an officer from activating their BWC at the beginning of an incident, Special Order S03-14 requires that the officer activate their BWC as soon as practicable.¹⁴²

Because Officer Owens failed to activate his BWC before initiating an investigatory stop, without any circumstances present that would prevent him from activating his BWC, **Allegation 2 against Officer Owens is Sustained.** COPA finds that Officer Owens disobeyed a written directive to activate his body worn camera, violating Rule 2 (impeding CPD's efforts to achieve its policy and goals), Rule 3 (failing to promote CPD's efforts to implement its policy or accomplish its goals), Rule 5 (failure to perform any duty), Rule 6 (disobeying a written directive), and Rule 10 (inattention to duty).

iii. Officer Owens Failed to Timely Notify OEMC that He Discharged His Weapon

Immediately after Officer Owens fired at [REDACTED] Sgt. Kennedy made a report to OEMC that shots were fired by an offender.¹⁴³ After [REDACTED] fled the scene and officers searched for him,

¹³⁷ Att. 17 at 11:19 to 11:44 and 16:07 to 16:16.

¹³⁸ Att. 4 at 10:46 and Att. 6 at 12:55.

¹³⁹ Att. 5 at 1:59.

¹⁴⁰ Att. 5 at 1:24.

¹⁴¹ Att. 5 at 1:32 to 2:00.

¹⁴² Att. 85, S03-14(III)(A)(2).

¹⁴³ Att. 4 at 11:02.

Officer Frasco described the incident to OEMC as shots fired at police, and Sgt. Kennedy reported that he was unsure if any officers fired during the incident.¹⁴⁴ Officer Owens made several reports to OEMC related to searching for ██████████¹⁴⁵ but he did not correct the inaccurate reports made by Sgt. Kennedy and Officer Frasco. The BWC recordings from Sgt. Kennedy and Officer Owens show that approximately nine minutes after the shooting incident, Officer Owens told Sgt. Kennedy that he fired his weapon.¹⁴⁶ Approximately one minute later, Sgt. Kennedy reported to OEMC that shots were fired by police.¹⁴⁷

Because Officer Owens failed to report to OEMC that he discharged his firearm and failed to provide relevant information regarding his firearm discharge, **Allegation 1 against Officer Owens is Sustained**. COPA finds that Officer Owens disobeyed a written directive to immediately notify OEMC of firearm discharges and to provide all relevant information, violating Rule 2 (impeding CPD's efforts to achieve its policy and goals), Rule 3 (failing to promote CPD's efforts to implement its policy or accomplish its goals), Rule 5 (failure to perform any duty), Rule 6 (disobeying a written directive), and Rule 10 (inattention to duty).

iv. Officer Frasco Improperly Deactivated His BWC

Officer Frasco deactivated his BWC at 10:36:41 pm. He returned to the scene of the incident walking south on Prairie Ave. from 51st St. after searching for ██████████ Immediately prior to the deactivation, Officer Frasco encountered Officer Goodloe near ██████████ car, and Officer Frasco deactivated his BWC as they began speaking.¹⁴⁸

Special Order S03-14 requires that officers activate their BWC at the beginning of an incident and, in instances of firearm discharge, deactivate their BWC when the highest-ranking on-scene Bureau of Patrol supervisor has determined that the scene is secured.¹⁴⁹ Because Officer Frasco deactivated his BWC without receiving an order to do so from the highest-ranking on-scene Bureau of Patrol supervisor, **Allegation 1 against Officer Frasco is Sustained**. COPA finds that Officer Frasco disobeyed a written directive to record incidents in their entirety, violating Rule 2 (impeding CPD's efforts to achieve its policy and goals), Rule 3 (failing to promote CPD's efforts to implement its policy or accomplish its goals), Rule 5 (failure to perform any duty), Rule 6 (disobeying a written directive), and Rule 10 (inattention to duty).

v. Officer Goodloe Untimely Activated His BWC and Improperly Deactivated His BWC

Officer Goodloe initially activated his BWC at 10:09:49 pm. At that time, he was already at the scene of the ShotSpotter alert and engaging with Bystander #1.¹⁵⁰ Officer Goodloe initially deactivated his BWC at 10:34:35 pm while he was standing guard over the gun recovered from

¹⁴⁴ Att. 3 at 12:05 and Att. 6 at 13:09.

¹⁴⁵ Att. 6 at 12:51, 13:25, 15:16, 16:02, 17:08, 18:34, and 20:16.

¹⁴⁶ Att. 6 at 21:09.

¹⁴⁷ Att. 6 at 22:29.

¹⁴⁸ Att. 3 at 29:27.

¹⁴⁹ Att. 85, S03-14(III)(B)(1)(a)(4).

¹⁵⁰ Att. 2 at 0:32 to 2:00.

underneath [REDACTED] car.¹⁵¹ He reactivated his BWC at 10:37:48 pm, and he was standing in approximately the same place as when he deactivated his BWC.¹⁵² He remained in that spot and deactivated his BWC for the second and final time at 10:43:45 pm when Officer Frasco approached him.¹⁵³

Special Order S03-14 requires that officers activate their BWC at the beginning of an incident and, in instances of firearm discharge, deactivate their BWC when the highest-ranking on-scene Bureau of Patrol supervisor has determined that the scene is secured.¹⁵⁴ Because Officer Frasco activated his BWC after commencing an investigatory stop and deactivated his BWC without receiving an order to do so from the highest-ranking on-scene Bureau of Patrol supervisor, **Allegation 1 and Allegation 2 against Officer Goodloe are Sustained.** COPA finds that Officer Goodloe disobeyed a written directive to activate his body worn camera and to record incidents in their entirety, violating Rule 2 (impeding CPD's efforts to achieve its policy and goals), Rule 3 (failing to promote CPD's efforts to implement its policy or accomplish its goals), Rule 5 (failure to perform any duty), Rule 6 (disobeying a written directive), and Rule 10 (inattention to duty).

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS¹⁵⁵

a. Officer Raymond Owens

i. Complimentary and Disciplinary History

Officer Owens has received five Department Commendations, one Problem Solving Award, one complimentary letter, twenty Honorable Mentions, and seven other awards and commendations. Officer Owens has not been subject to disciplinary action within the past five years.

ii. Recommended Discipline

COPA has found that Officer Owens violated CPD policies and Rules 2, 3, 5, 6, and 10 by both failing to timely activate his BWC at the beginning of this incident and by failing to immediately notify OEMC that he had discharged his firearm. Following the shooting, there was confusion amongst the other officers at the scene with respect to who fired. Sgt. Kennedy made an immediate notification to OEMC that shots were fired at the police. Officer Owens was pursuing [REDACTED] when the initial notification was made. Officer Owens notified Sgt. Kennedy several minutes later that he had fired his weapon, and Sgt. Owens corrected his notification to OEMC shortly after. Officer Owens began engaging with individuals at the scene of the ShotSpotter alert without activating his BWC. Officer Owens did activate his BWC shortly after arriving, and he said in his statement that his failure to activate his BWC was accidental. BWC recordings are important tools used to document police interactions with members of the community, and failure to capture the entirety of an encounter, as defined by CPD policy, tends

¹⁵¹ Att. 2 at 26:41.

¹⁵² Att. 1 at 1:58.

¹⁵³ Att. 1 at 7:44.

¹⁵⁴ Att. 85, S03-14(III)(A)(2), and S03-14(III)(B)(1)(a)(4).

¹⁵⁵ See Att. 122 for the complimentary and disciplinary histories of the accused CPD members.

to undermine public confidence in CPD. Also, by failing to immediately notify OEMC that he discharged his firearm, Officer Owens contributed to confusion among other CPD members at the scene. Based on these facts, and taking into consideration Officer Owens's complimentary and disciplinary history, COPA recommends that Officer Owens receive a **Reprimand**.

b. Officer Sergio Frasco

i. Complimentary and Disciplinary History

Officer Frasco has received six Honorable Mentions and three other awards and commendations. Officer Frasco has not been subject to disciplinary action within the past five years.

ii. Recommended Discipline

COPA has found that Officer Frasco violated CPD policy and Rules 2, 3, 5, 6, and 10 by deactivating his BWC prior to the highest-ranking on-scene Bureau of Patrol supervisor determining that the scene was secure. Officer Frasco deactivation occurred after he returned to the scene of the shooting incident and stopped searching for [REDACTED]. Officer Frasco told COPA that he believed he had stopped participating in law-enforcement activities when he deactivated his BWC. BWC recordings are important tools used to document police interactions with members of the community, and failure to capture the entirety of an encounter, as defined by CPD policy, tends to undermine public confidence in CPD. Based on these facts, and taking into consideration Officer Frasco's complimentary and disciplinary history, COPA recommends that Officer Frasco receive a **Reprimand**.

c. Officer Damon Goodloe

i. Complimentary and Disciplinary History

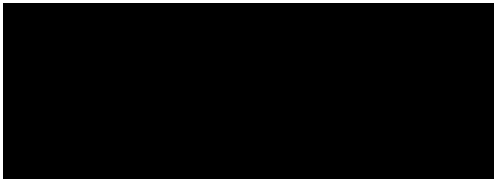
Officer Goodloe has received eight Honorable Mentions and the 2019 Crime Reduction Award. Officer Goodloe has no sustained complaint registers within the past five years. Officer Goodloe was disciplined once through the summary punishment process for a May 2023 incident involving transporting persons, receiving a reprimand.

ii. Recommended Discipline

COPA has found that Officer Goodloe violated CPD policy and Rules 2, 3, 5, 6, and 10 by both failing to timely activate his BWC at the beginning of this incident and by deactivating his BWC prior to the highest-ranking on-scene Bureau of Patrol supervisor determining that the scene was secure. Officer Goodloe began engaging with individuals at the ShotSpotter alert prior to activating his BWC. Officer Goodloe told COPA that he believed he had activated his BWC upon exiting his vehicle and that he activated his BWC immediately upon discovering it was not recording. Later, Officer Goodloe deactivated his BWC prior to the highest-ranking on-scene Bureau of Patrol supervisor determining that the scene was secure. Officer Goodloe told COPA that he did not recall turning off his BWC while at the scene and re-starting it a short time later.

He did not have a specific recollection of deactivating his BWC a second time, but he believed it was at the conclusion of engaging in law-enforcement activity at the scene. BWC recordings are important tools used to document police interactions with members of the community, and failure to capture the entirety of an encounter, as defined by CPD policy, tends to undermine public confidence in CPD. Based on these facts, and taking into consideration Officer Goodloe’s complimentary and disciplinary history, COPA recommends that Officer Goodloe receive a **Reprimand**.

Approved:



January 16, 2024

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date



January 16, 2024

Andrea Kersten
Chief Administrator

Date