

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 28, 2021
Time of Incident:	7:56 pm
Location of Incident:	2621 E. 92nd Street, Chicago, IL 60617
Date of COPA Notification:	April 28, 2021
Time of COPA Notification:	10:56 pm

Officers Curran Shockley and Christopher Paschal were parked in a covert grey Dodge Caravan in front of 2638 E. 92nd St. conducting covert surveillance of a parked stolen black GMC. The GMC was parked in front of 2621 E. 92nd St. and was identified as a vehicle used in an unrelated shooting the day prior. Additional Department members, including Officer Thomas Gibbons, were parked in the area in unmarked Department vehicles. After approximately four hours of surveillance, Officer Gibbons relayed to Officers Shockley and Paschal that three black males had exited the alley directly south of E. 92nd St. and were walking north on S. Saginaw Ave, towards E. 92nd St. Officer Gibbons relayed a description of the males.

As the males approached E. 92nd St., one male turned around and ran south on S. Saginaw Ave. Two of the males turned west onto E. 92nd St. and walked toward the parked GMC. As Officers Shockley and Paschal observed the two males approach the GMC, the lights on the GMC flashed. Believing the males were about to enter the GMC, Officer Paschal drove the Dodge towards the parked GMC. As the Dodge approached the GMC, one male fled south between the buildings, while the other opened the front passenger door, retrieved a firearm, and discharged at least one round at the Dodge striking it on the driver's A-Pillar. Officer Shockley exited the front passenger seat and took cover behind a large tree in front of 2620 E. 92nd St. After taking cover, Officer Shockley observed the male pointing a firearm at the Dodge as it continued to drive east. Concerned the male was going to continue to discharge his weapon, Officer Shockley discharged his weapon until he no longer observed the male pointing the firearm at the Dodge.

While Officer Shockley exited the Dodge, Officer Paschal continued to slowly drive the Dodge east on E. 92nd St., until he observed a male fleeing east on the southern sidewalk until he reached 2609 E. 92nd St. He then fled south between 2609 and 2605. As the male fled south, Officer Paschal drove south on S. Colfax Ave. to E. 93rd St. in attempts to locate him; however, he was unsuccessful. Officer Paschal drove west on E. 93rd St, to S. Saginaw Ave., where he traveled north to E. 92nd St., turned east, and stopped in front of 2620 E. 92nd St.

Immediately after the incident, numerous Department members responded to the area to search for the males. During the search, Officer Gibbons observed [REDACTED] standing in the backyard of 9221 S. Colfax Ave. Officer Gibbons and other members approached [REDACTED] and detained him. A search of the immediate area revealed a Glock 22 .40 caliber firearm with a stovepipe casing in the ejection port and was equipped with a 50-round capacity magazine in a

wagon under the rear stairs of 9221 S. Colfax Ave. ██████ was transported to Area 2, for additional investigation, after which he was released without charges pending further investigation.

COPA determined that when Officer Shockley discharged his weapon, he was within policy and that the procedural allegations, detailed below, are in part sustained and not sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Curran Shockley / Star#13303 / Employee ID# ██████ / DOA: July 15, 2013 / Unit: 006/716 / Male / Black.
Involved Officer #2:	Christopher Paschal / Star#11996 / Employee ID# ██████ / DOA: December 14, 2012 / Unit: 004/716 / Male / Black.
Involved Individual #1	██████ / Male / Black. ¹
Involved Individual #2:	Unidentified / Male / Black.
Involved Individual #3:	Unidentified / Male / Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Curran Shockley	1. Failing to timely activate your Body Worn Camera in violation of S03-14.	Sustained / 5-day suspension
	2. Failing to properly load your firearm in violation of U04-02(II)(H).	Not Sustained
Officer Christopher Paschal	1. Failing to timely activate your Body Worn Camera in violation S03-14.	Sustained / 5-day suspension

IV. APPLICABLE RULES AND LAWS

Rules²

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.

General Orders³

¹ At the time of this incident ██████ was a juvenile.

² Police Board of Chicago, *Rules and Regulations of the Chicago Police Department, Article V. Rules of Conduct* (April 1, 2010) <https://www.chicago.gov/dam/city/depts/cpb/PoliceDiscipline/RulesofConduct.pdf>

³ Department general, special, and uniform orders, also known as directives, “are official documents establishing, defining, and communicating Department-wide policy, procedures, or programs issued in the name of the

1. G03-02: De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to present)

2. G03-02-01 Response to Resistance and Force Options (effective April 15, 2021 to present)

Special Orders

1. S03-14 – Body Worn Cameras (effective April 30, 2018 to present)

Uniform and Property

1. U04-02 - Department Approved Weapons and Ammunition (effective February 29, 2020 to May 6, 2021)

V. INVESTIGATION⁴

a. Interviews

In an **Electronically Recorded Interview**⁵ (ERI) with the Department and in the presence of his mother,⁶ ██████████ stated that he and unnamed friends were walking down an alley to S. Saginaw Ave. when he observed a red unmarked Department vehicle parked on S. Saginaw Ave. As ██████████ and his friends turned on to E. 92nd street a Dodge van occupied by four black males approached them. Once the van stopped, the males exited the van and began shooting at them. ██████████ fled to 9221 S. Colfax Ave. and asked a resident to use the phone.⁸ While waiting for the phone, members arrived and arrested him. ██████████ denied discharging any firearms.

In a **statement to COPA**⁹ on June 2, 2021, **Officer Thomas Gibbons** stated that as part of the community safety unit, his team, including Officers Shockley and Paschal, were conducting surveillance of a black GMC parked on E. 92nd St. near S. Saginaw Ave.¹⁰ The GMC was stolen and had been used in an unrelated shooting in the 22nd District.¹¹ Officer Gibbons and his partner, Officer Patrick Pokrovac, were seated in an unmarked Department vehicle parked on S. Saginaw Ave. south of E. 92nd St. near the northern alley way facing north.

After approximately four hours of surveillance, he observed a black male, who he later determined to be ██████████ and two unidentified people he believed were males walking west through the northern alley towards S. Saginaw Ave. and then proceed north on S. Saginaw Ave.

Superintendent of Police.” Department Directives System, General Order G01-03; *see also* Chicago Police Department Directives System, *available at* <https://directives.chicagopolice.org> (last accessed June 30, 2022).

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Atts. 82 and 166.

⁶ ██████████

⁷ After reviewing the ERI, COPA determined there was no need to seek an additional statement from ██████████ ██████████ gave detectives a different spelling of his name, ██████████

⁸ ██████████ did not identify this address during his ERI but COPA has added here for clarity.

⁹ Atts. 162 and 163.

¹⁰ Att. 163, pgs. 7 & 20.

¹¹ Att. 163, pgs. 7 & 20.

Officer Gibbons relayed his observations to his team.¹² As the three males turned west onto E. 92nd St., Officer Gibbons lost sight of the males. Within moments, Officer Gibbons heard several gunshots.

After hearing the gunshots, Officer Gibbons drove to E. 92nd St., and observed Officer Shockley taking cover behind a tree but did not see the Dodge that the officers had been in. In an attempt to locate the Dodge, Officer Gibbons drove west on E. 92nd St. and saw the Dodge on S. Colfax Ave. Officer Paschal pointed towards the alley south of E. 92nd St. while relaying the direction the males fled. Officer Gibbons drove down the alley and eventually observed ██████ standing by the porch stairs in the backyard of 9221 S. Colfax Ave., near the rear stairs by two black females.

Upon observing ██████ and suspecting he was one of the males that turned west on E. 92nd St. immediately prior to hearing the gunshots, Officer Gibbons, with additional members, approached ██████ on foot. As the members approached ██████ he was asked if he lived at the location. ██████ relayed, and the female residents confirmed, that he did not live at the location. As Officer Gibbons got closer to ██████ he observed ██████ breathing heavily, nervous, and stressed.¹³ ██████ was then taken into custody and transported to Area 2.¹⁴ They detained ██████ because of his clothing and proximity to the location of the incident.¹⁵ After searching the area where ██████ had been initially located, they found a firearm.¹⁶

In a **statement to COPA**¹⁷ on May 10, 2021, **Officer Curran Shockley** stated that his partner, Officer Christopher Paschal, and he were working on the community safety team conducting covert surveillance of a stolen GMC that had possibly been used in prior shootings and hijacking and was located parked in front of 2621 E. 92nd St.¹⁸ Upon arrival in the area, Officer Paschal parked their covert Dodge van in front of 2638 E. 92nd St., in a position that allowed constant visual of the GMC.¹⁹

After surveilling the GMC for approximately four hours, Officer Shockley received a verbal message from Officer Gibbons that three males were approaching E. 92nd St. on S. Saginaw Ave.²⁰ As the males approached the GMC, Officers Shockley and Paschal observed the headlights of the GMC come on, leading them to believe the males used a key fob.²¹ In response, Officer Paschal drove the Dodge towards the GMC with the intention of a preventing the GMC from

¹² This message was relayed via a cellular telephone push to talk feature.

¹³ Officer Gibbons explained that ██████ had a distant stare and was acting consistent with a person involved in a traumatic incident.

¹⁴ ██████ was asked to do a show-up and was identified as an involved individual.

¹⁵ Att. 163, pg. 18-19.

¹⁶ Att. 163, pg. 19.

¹⁷ Atts. 91 and 165.

¹⁸ Att. 165, pgs. 3, 5.

¹⁹ Att. 165, pg. 26. A covert vehicle resembles an ordinary vehicle without any police light fixtures or special plates. Att. 165, pg. 6.

²⁰ Att. 165, pgs. 10 & 25. Officer Shockley explained that at the time there was little pedestrian traffic, so the males were readily identifiable and described them as black, one of which was wearing red pants and a dark hooded sweatshirt, another had on dark clothing, the third had a dark top. Att. 165, pgs. 10, 25, and 28. Nothing he observed indicated they were armed. Att. 165, pg. 28.

²¹ Att. 165, pg. 11.

moving.²² As the officers approached the GMC, one of the males discharged a firearm over the GMC from the passenger side rear open door towards the Dodge.²³ Officer Shockley saw the black handgun with a black barrel and mug flash when the male was shooting.²⁴

After hearing the first discharge, Officer Shockley jumped out the front passenger seat of the Dodge and moved towards a tree that was across the street from the GMC for cover but maintained a visual on the GMC and the male who was still armed.²⁵ Once taking cover, Officer Shockley observed the male using his gun to track the Dodge, that was still occupied by Officer Paschal, as it traveled on the roadway.²⁶ In response, Officer Shockley discharged his weapon multiple times at the male and the unoccupied GMC.²⁷ As Officer Shockley was discharging his weapon, he observed the male continue to point a firearm at and track the Dodge as it moved along the roadway, but did not know if he was still actively shooting.²⁸ Officer Shockley explained that he continued to discharge his firearm until he believed there was no longer a threat, as could no longer see the male.²⁹ Officer Shockley took cover and assessed the situation.³⁰ He heard his partner say someone was running westbound down 92nd Street and heard another round go off. Officer Shockley took cover and reported shots fired by the police.³¹

Officer Shockley discharged his weapon at the male because he believed the male posed an imminent threat of great bodily harm.³² Officer Shockley was not aware that the Dodge had been struck by gunfire until being informed later by a commander.³³ After the shooting, Officer Shockley did not see the individual again.³⁴

Additionally, Officer Shockley explained that he was dressed in uniform at the direction of a Department wide order but that normally he would have been in plain clothing.³⁵ However, in an attempt to conceal his role as a police officer, he covered his uniform shirt and vest with a hooded sweatshirt which covered his BWC.³⁶ Officer Shockley agreed he failed to activate his BWC because he was under gunfire but explained that even if his BWC was not covered he did not have time to activate it because of the immediate need to act.³⁷

²² Att. 165, pgs. 11.

²³ Att. 165, pg. 11-12

²⁴ Att. 165, pg. 28

²⁵ Att. 165, pgs. 12-13. He only recalls the first discharge.

²⁶ Att. 165, pg. 13-15. Officer Shockley demonstrated the male holding his hands out with a gun, moving from right to left as though tracking.

²⁷ Only the top of the male was in view above the GMC. Att. 165, pg. 13-14. He indicated he fired 14 times on his TRR because of the weapon breakdown. Att. 165, pg. 29.

²⁸ Att. 165, pg. 15.

²⁹ Officer Shockley explained that he believed the male “went down” and had taken cover. Att. 165, pg. 16.

³⁰ Att. 165, pgs. 15-17

³¹ Att. 165, pgs. 15-17

³² Att. 165, pg. 15. Additionally, he did not announce that he was a police officer “due to the circumstances.” Pg. 22.

³³ Att. 165, pg. 18.

³⁴ Att. 165, pg. 19.

³⁵ Att. 165, pgs. 19 and 20.

³⁶ Officer Shockley’s BWC was mounted to center mass of his vest. Att. 165, pgs. 19 and 21.

³⁷ Att. 165, pgs. 29 and 30.

Finally, Officer Shockley was clear that after qualifying with his firearm in March of 2021, he fully reloaded his magazine and he consistently kept a fully loaded weapon.³⁸ He maintained that his firearm was fully loaded this day.³⁹

In a **statement to COPA**⁴⁰ on May 10, 2021, **Officer Christopher Paschal** stated essentially the same information as Officer Shockley. They had received information that someone in that vehicle the night prior had shot a 17 year-old and that the vehicle was taken in a carjacking.⁴¹ Officer Paschal explained that after observing the lights on the GMC flash as the three black males approached it, he drove the Dodge towards the GMC to prevent anyone from getting in the vehicle but lost sight of two of the males.⁴² As the Dodge approached closer to the GMC, Officer Paschal observed the front passenger side door of the GMC open and a lone male standing by the open passenger door and discharging a firearm in the direction of the Dodge.⁴³ Officer Paschal had seen the individual in between the doorjamb of the passenger side vehicle, standing above it, pointing his weapon at him.⁴⁴ Officer Paschal then ducked down for cover and Officer Shockley exited the front passenger seat.⁴⁵

After sitting back up and driving westbound, Officer Paschal saw an individual running westbound on E. 92nd St. sidewalk discharge his weapon at the Dodge.⁴⁶ Officer Paschal slowed down and took cover again.⁴⁷ He then saw a male run south in-between two homes.⁴⁸ Officer Paschal drove westbound and observed a male in-between the buildings as the male discharged at the Dodge.⁴⁹ That male then fled south and Officer Paschal lost visual of him.⁵⁰ Officer Paschal took cover and radioed his location and that shots were fired at the police.⁵¹ After losing sight of the male, Officer Paschal unholstered his weapon and drove around the block in an attempt to locate the male, but was unsuccessful.⁵² After he returned to the original surveillance location, someone advised him that the Dodge appeared to have been struck by gunfire.⁵³

Officer Paschal explained that a “show-up” was completed and he positively identified ██████████ as matching the physique of the individuals that initially approached the GMC.⁵⁴ Additionally, Officer Paschal explained that despite being in uniform he had a cover-up because

³⁸ Att. 165, pg. 23. His firearm capacity is 17 in the magazine and one in the chamber; he believes there were four rounds left after the firearm breakdown.

³⁹ Att. 165, pg. 30.

⁴⁰ Atts. 88 and 164.

⁴¹ Att. 164, pg. 29.

⁴² Att. 164, pgs. 11 - 14.

⁴³ Att. 164, pgs. 13 and 15. He saw the muzzle flash and saw and heard five shots. Pg. 32

⁴⁴ Att. 164, pgs. 15 & 32.

⁴⁵ Officer Paschal explained that after taking cover he heard at least five gunshots and lost visual of the male by the GMC. *Id.*, pg. 16.

⁴⁶ Att. 164, pgs. 17-18 & 34. He doesn't know how many shots were fired but he saw muzzle flash and heard him shoot. He said it was possibly the same individual as the first shooter but is not positive.

⁴⁷ Att. 164, pg. 18.

⁴⁸ Att. 164, pg. 19.

⁴⁹ Att. 164, pg. 19. He also saw muzzle flash. Pg. 34.

⁵⁰ Att. 164, pg. 20.

⁵¹ Att. 164, pg. 19-20. 2601 E. 92nd St.

⁵² Att. 164, pg. 20-22, 27-28.

⁵³ Att. 164, pg. 34.

⁵⁴ Att. 164, pgs. 23 and 25.

he “was assigned to work the covert car” and covered his uniform shirt with a hooded sweatshirt that covered his BWC.⁵⁵

b. Digital Evidence

Body Worn Camera⁵⁶ (BWC) and **Third-Party Surveillance**⁵⁷ footage captures sound consistent with a single gunshot, tires screeching, an engine revving, followed by 14 additional gunshots approximately nine seconds later at 7:52 p.m.⁵⁸ After the gunshots, the Dodge and unmarked Department vehicles are seen traveling west on E 92nd St. and turning south (left) onto S. Colfax Ave.⁵⁹

Various officers respond to the initial surveillance area, where Officer Shockley told them he got out of the car and returned fire.⁶⁰ Sergeant Rumbaugh directs Officer Shockley to sit in his car. Officer Paschal tells Sergeant Rumbaugh about the three offenders and that “the one who went to the passenger side door is the one that stood up out of the corner of the door and shot at us and he ran...he shot again...”⁶¹ Additionally, BWC footage details the discovery and detaining of ██████ in the rear of 9221 S. Colfax Ave.⁶² Further, the resident at 9221 S Colfax Ave. confirms ██████ did not reside at the location and appeared after several gunshots were heard, asking to call his mother.⁶³ During the conversation with the resident at 9221 S. Colfax Ave., officers search the backyard and a firearm is located inside a wagon under the rear stairs of the residence.⁶⁴

c. Documentary Evidence

Event Queries,⁶⁵ **911 calls**,⁶⁶ and **Radio Transmissions**⁶⁷ detail three civilians reporting hearing gunshots in the area.⁶⁸ Additionally, reports of shots fired at and by the police are detailed.⁶⁹ A black male teen 5’6” to 5’8” wearing a jacket over a black hoodie is described as running southbound on Colfax.⁷⁰ Another is described as 5’4 to 5’5 wearing all black with a surgical mask fleeing south on Saginaw.⁷¹ Finally, the records detail the Department’s response

⁵⁵ Att. 164, pgs. 7 and 26.

⁵⁶ Atts. 39 to 81 and 113 to 160.

⁵⁷ Att. 12.

⁵⁸ Att. 12 from 00:35 to 00:48.

⁵⁹ *Id.*, from 00:51 to 01:11.

⁶⁰ Att. 159 @ 19:56:38 hours (Sergeant Rumbaugh’s BWC). He described the shooter as having a black hoodie and a coat. Att. 160 (Spears BWC) at 19:55:13 hours. Information is relayed that one person ran east, one person ran south.

⁶¹ Att. 159 at 19:59:12 to 30 hours.

⁶² Att. 160 at 08:11.

⁶³ The female resident requested the members search her garage and the area to ensure there is no damage to her property. Att. 160, at 09:59.

⁶⁴ Att. 160, at 11:27.

⁶⁵ Att. 4.

⁶⁶ Atts. 13 to 16

⁶⁷ Atts. 17 to 21 and 32 to 34.

⁶⁸ Atts. 13 to 15.

⁶⁹ Att. 33 from 01:17 to 03:00.

⁷⁰ Att. 4, pg. 2. It appears Sergeant Rumbaugh relays it is a grey jacket, but it is dispatched as a red jacket. Att. 159 at 19:57:32 to 48.

⁷¹ Att. 4, pg. 3.

to the shooting and the search for involved parties, the location and arrest of [REDACTED] and the recovery of two firearms.⁷²

[REDACTED] **Arrest Report**⁷³ details that the Area 2 Vehicular Hijacking Team was surveilling the GMC when several gunshots were heard followed by radio reports of shots fired at the police. It was further relayed that two suspects had fled the area. After receiving the reports, the area was searched and [REDACTED] was located standing in the rear of 9221 S. Colfax Ave.⁷⁴ The report also details the location of firearm under the rear stairs.

Officer Shockley's Tactical Response Report⁷⁵ details an unknown subject physically attacked with a semi-automatic pistol in a manner that would likely cause death or great bodily harm (member shot at), and then fled. Officer Shockley's reasons for response are detailed as defense of self, defense of another member, and to overcome resistance or aggression from an armed subject. Officer Shockley detailed his force mitigation as using movement to avoid attack, creating a zone of safety and tactical positioning. Officer Shockley's force is detailed as 14 discharges of his Glock GMBH 17, bearing serial number [REDACTED].⁷⁶ Finally, the report details that Commander Sean Joyce completed all the required notifications.

Evidence Technician Photographs and Crime Scene Processing Report⁷⁷ detail a bullet hole in the driver's side A-pillar of the Dodge.⁷⁸ Nine Winchester 9-millimeter Luger +P spent cartridge casings on the grass parkway in front of 2620 E. 92nd St.⁷⁹ A black .40 caliber Glock high-capacity magazine located on the grass parkway in front of 2625 E. 92nd St.⁸⁰ A MagPul high-capacity magazine located on the sidewalk in front of 2621 E. 92nd St.⁸¹ A projectile located on the grass parkway of 2625 E. 92nd St.⁸² A spent S&B .40 S&W cartridge casing located between the windshield wiper and hood of the GMC.⁸³ Eight bullet holes in the driver's side of the GMC.⁸⁴ Four bullet holes in the front passenger door and window of the GMC.⁸⁵ Projectile fragments on the roadway under the GMC.⁸⁶

⁷² Att. 4.

⁷³ Att. 6.

⁷⁴ [REDACTED] Arrest Report details that Officers Gibbons recognized [REDACTED] as an individual who walked past his surveillance location prior to the gunshots. Att. 6, pg. 3.

⁷⁵ Att. 83

⁷⁶ Officer Shockley's weapon fully loaded has a capacity of 18 rounds, including one round in the chamber. When the weapon was examined, it was discovered that Officer Shockley's weapon had a total of four rounds, including one round in the chamber. *See* Att. 38, pg. 4. Qualification records detail that Officer Shockley qualified with his weapon on March 19, 2021. *See* Att. 23.

⁷⁷ Atts. 86 and 85.

⁷⁸ Atts. 86 and 85, pgs. 101 to 105.

⁷⁹ Atts. 86 and 85, pgs. 31 to 33.

⁸⁰ Atts. 86 and 85, pgs. 46 and 51.

⁸¹ Atts. 86 and 85, pgs. 48 and 52.

⁸² Atts. 86 and 85, pgs. 46, 47 and 53.

⁸³ Atts. 86 and 85, pgs. 50, 54 and 55.

⁸⁴ Atts. 86 and 85, pgs. 60 to 62, 66 to 78.

⁸⁵ Atts. 86 and 85, pgs. 63 to 64, 79 to 85.

⁸⁶ Atts. 86 and 85, pgs. 112 to 114.



Photo 1⁸⁷ Bullet hole in the driver's side A-pillar of the Dodge

A .40 caliber 22nd Generation Glock semi-automatic pistol with a .40 caliber casing stove-piped in the ejection port and equipped with a 9-millimeter 50 round capacity magazine in a wagon under the rear stairs of 9221 S. Colfax Ave.⁸⁸ An unknown make and model 9-millimeter firearm with a laser sight and a 31 round capacity magazine located in the rear of 2609 E. 92nd St.⁸⁹ Officer Shockley dressed in grey hooded sweatshirt; concealing his uniform shirt, vest and BWC; with black pants.⁹⁰ Officer Paschal dressed in a black hooded sweatshirt; concealing his uniform shirt and BWC, and partially concealing his vest.⁹¹ [REDACTED] dressed in a black hooded sweatshirt and red pants.⁹²

⁸⁷ Att. 85, pg. 102.

⁸⁸ Atts. 86 and 85, pgs. 24 to 30.

⁸⁹ This firearm appeared to be a "ghost gun" and did not readily display a make or model. *Id.*, pgs. 106 and 107.

⁹⁰ During his statement, Officer Shockley confirmed this is how he was dressed during the incident. Atts. 86 and 85, pgs. 115 to 119.

⁹¹ During his statement, Officer Shockley confirmed this is how he was dressed during the incident. *Id.*, 120 to 124.

⁹² BWC shows this is how [REDACTED] was dressed when he was arrested. Atts. 86 and 85, pgs. 125 to 127.

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.⁹⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense.⁹⁷ 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."⁹⁸

b. Use of Force

The "foremost regard" in police-public encounters is "the preservation of human life and the safety of all persons involved."⁹⁹ Consistent with this focus on safety of all persons, officers must "use de-escalation techniques to prevent or reduce the need for force" unless they would be "clearly ineffective" or "immediately risk" harm to a person.¹⁰⁰ A core principle of the Department is for officers to display the skills and abilities to eliminate the need to use force and resolve situations without resorting to force.¹⁰¹

An officer may only use force if it is (1) objectively reasonable, (2) necessary, and (3) proportional, under the totality of the circumstances to ensure the safety of the officer or third person.¹⁰² (1) "Objectively reasonable" force is based on the "totality of the circumstances faced by the member on the scene."¹⁰³ Factors to consider may include but are not limited to (a) "whether the person is posing an imminent threat" (b) "the risk of harm, level of threat, or resistance presented by the person" (c) "the person's proximity or access to weapons" (d) "whether de-

⁹⁶ *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).

⁹⁷ *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁹⁸ *Id.* at ¶ 28.

⁹⁹ De-escalation, Response to Resistance, and Use of Force General Order G03-02 II.A. (effective April 15, 2021) & Response to Resistance and Force Options General Order G03-02-01 II.A. (effective April 15, 2021)

¹⁰⁰ See De-escalation order G03-02 III.C. & Response to Resistance order G03-02-01 II.B. & III. ("[W]hen it is safe and feasible to do so" (officers) will use principles of Force Mitigation....")

¹⁰¹ See De-escalation order G03-02 II.C. Also to make an arrest, bring a person or situation safely under control, or prevent escape.

¹⁰² See De-escalation order G03-02 III.B. & Response to Resistance order G03-02-01 II.C.

¹⁰³ De-escalation order G03-02 III.B.1.

escalation techniques ...would be effective” and (e) “other resources” available.¹⁰⁴ (2) “Necessary” force is “the minimum amount of force needed to provide for the safety of any person....”¹⁰⁵ (3) “Proportional” force is proportional to the “threat, actions, and level of resistance offered by a person.”¹⁰⁶

Officers must “continually assess” situations to determine if any force is necessary and whether alternatives, including de-escalation and other response options, may be available instead of an immediate response.¹⁰⁷ Continually assessing the situation requires considering the person’s individualized factors such as (a) the person’s age, disability, condition or impairment (b) the risk posed by the person and (c) if the person is in crisis.¹⁰⁸ Officers must modify the level of force used based on the person’s actions or other changes in circumstances.¹⁰⁹

If it is safe and feasible, the required de-escalation techniques, or principles of force mitigation, include (A) continual communication (B) tactical positioning and (C) time as a tactic.¹¹⁰ Continual communication is using verbal techniques to avoid or minimize confrontations, such as trauma-informed communications.¹¹¹ Officers should provide a warning and persuade and advise before using force.¹¹² Additionally, officers should consider requesting other officers to communicate or other units to respond.¹¹³ Tactical positioning is using positioning, distance and cover “creating distance between the (officer) and a potential threat, or utilizing barriers or cover.”¹¹⁴ Additionally the officer “may be able to stabilize the situation through the use of time, distance, or positioning....”¹¹⁵ Time as a tactic is using time to slow down the pace of the incident.¹¹⁶ For example, this may de-escalate a person’s emotions and give a person an opportunity to comply with verbal direction.¹¹⁷

While recognizing 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” assessing uses of force is “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.”¹¹⁸

c. Use of Deadly Force

¹⁰⁴ De-escalation order G03-02 III.B.1.(a)-(c).

¹⁰⁵ De-escalation order G03-02 III.B.2.

¹⁰⁶ De-escalation order G03-02 III.B.3. “This may include using greater force or a different type of force than that used by the person. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be necessary to overcome it. When or if the person offers less resistance, however, the member will decrease the amount or type of force accordingly.”

¹⁰⁷ See De-escalation order G03-02 III.B.2. & Response to Resistance order G03-02-01 II.E.

¹⁰⁸ See De-escalation order G03-02 III.C. & Response to Resistance order G03-02-01 II.E.3.

¹⁰⁹ See Response to Resistance order G03-02-01 II.E.4.

¹¹⁰ See Response to Resistance order G03-02-01 III.A.-C.

¹¹¹ See Response to Resistance order G03-02-01 III.A.

¹¹² See Response to Resistance order G03-02-01 III.A.5. & De-escalation order G03-02 III.C.2.

¹¹³ See Response to Resistance order G03-02-01 III.A.4. See also De-escalation order G03-02 III.C.2.

¹¹⁴ See Response to Resistance order G03-02-01 III.B.

¹¹⁵ De-escalation order G03-02 III.C.2.b.

¹¹⁶ See Response to Resistance order G03-02-01 III.C.

¹¹⁷ See Response to Resistance order G03-02-01 III.C.3.

¹¹⁸ De-escalation order G03-02 II.D.2.

The Department's "highest priority is the sanctity of human life."¹¹⁹ Consistent with this highest priority, 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...."¹²⁰

Assessing if there is an imminent threat is an objectively reasonable standard, not the subjective belief of an officer.¹²¹ A threat is imminent when: (a) the person's actions are "immediately likely to cause death or great bodily harm" to another unless action is taken and (b) the person has the "means or instruments" and (c) the "opportunity and ability" to cause death or great bodily harm.¹²²

An officer must determine the person is an "assailant" whose "actions constitute an imminent threat" before using deadly force.¹²³ While Department policy clearly prohibits the use of deadly force unless there is an imminent threat, it highlights that even if a person is fleeing, an imminent threat is required before using deadly force.¹²⁴ Additionally, when discharging a firearm, the member shall "take precautions to identify the appropriate target" and "to minimize the risk that people other than the target will be struck."¹²⁵ Lastly, officers must issue a verbal warning prior to using deadly force where safe to do so.¹²⁶

d. BWC

To increase transparency and improve the quality and reliability of investigations, Department policy mandates all law-enforcement-related encounters to be electronically recorded on the officers' BWC.¹²⁷ Law-enforcement-related encounters include, but are not limited to, foot and vehicle pursuits, traffic stops, investigatory stops, arrests, use of force incidents, high risk situations, calls for service, emergency driving situations and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.¹²⁸

The recording of law-enforcement-related encounters is mandatory.¹²⁹ Officers must activate their BWCs at the beginning of an incident and record the entire incident for all law-

¹¹⁹ De-escalation order G03-02 II.A. & Response to Resistance order G03-02-01 II.A. & Firearm Discharge Incidents order G03-02-03 II.A. (effective April 15, 2021)

¹²⁰ De-escalation order G03-02 IV.C. & See also Firearm Discharge Incidents order G03-02-03 II.C.

¹²¹ See De-escalation order G03-02 IV.B.

¹²² De-escalation order G03-02 IV.B.

¹²³ See Response to Resistance order G03-02-01 IV.C.2 & G03-02-01 IV.C. (An "assailant" is "a subject who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury.").

¹²⁴ See De-escalation order G03-02 IV.D.1.

¹²⁵ Firearm order G03-02-03 III. When it is safe and feasible to do so. See also G03-02-03.II.D.4 ("is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken precautions to minimize the risk that people other than the target will be struck.")

¹²⁶ See Firearm order G03-02-03 III.C. & Response to Resistance order G03-02-01 II.D. Officers will "whenever possible, identify themselves as police officers prior to talking any police action, unless identification would jeopardize the safety of (a person) or compromise the integrity of an investigation."

¹²⁷ Body Worn Cameras Special Order S03-14.II.A (Eff. April 30, 2018)

¹²⁸ BWC order S03-14.III.A.2

¹²⁹ BWC order S03-14.III.A.1

enforcement-related activities.¹³⁰ If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer “will activate the BWC as soon as practical.”¹³¹ All sworn members and their immediate supervisors assigned to a Bureau of Patrol district normally assigned to field duties and any other member at the discretion of the district commander will be assigned and utilize a BWC.¹³² Officers must securely attach the BWC to the front of their person at the beginning of their tour of duty. If an officer is exempt from this BWC requirement, it must be properly documented in CLEAR.¹³³

e. Firearm Loading

Department policy provides specifications for weapons approved for sworn members. The policy requires firearms to “be fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight).”¹³⁴

VII. LEGAL ANALYSIS

a. The evidence is sufficient to prove Officer Shockley’s use of deadly force was within policy.

i. COPA determined that Officer Shockley faced an imminent threat.

The statements of the officers articulating the imminent threat are consistent with other direct evidence and not inconsistent with any of the evidence. Spent casings were found near the area where the officers said the individual was shooting as shown in the ET photos and diagram of the scene. A bullet hole was found in the A-pillar of the Dodge supporting that the officers were fired upon first. Multiple firearms were found in the area of the shooting and in the area where one of the individuals was suspected of running (the area ██████ was found). Video footage also supports Officer Shockley’s timeline of the shots as there is sound of one shot, then noise consistent with a vehicle taking off quickly, then multiple shots. Officer Shockley’s immediate statement to Sergeant Rumbaugh on the scene is also consistent: he said they were fired upon and he got out of the car and returned fire.

While ██████ gave a different version of the shooting events, COPA finds ██████ statement is not credible. ██████ said as he and his friends turned on to E. 92nd street a Dodge van occupied by four black males approached them, stopped, exited, and began shooting at them. First, there is no evidence supporting four black males approached these individuals. While the shooting is not recorded on BWC, the BWC and officer statements show that that only two officers, Shockley and Pascal, were in the Dodge; the other officers on scene were wearing uniforms that were not covered and were in other vehicles. Additionally, evidence of the sound of the shooting is not consistent with multiple shots if the claimed four black males

¹³⁰ BWC order S03-14.III.A.2

¹³¹ BWC order S03-14.III.A.2

¹³² BWC order S03-14.II.C

¹³³ I BWC order S03-14.II.C

¹³⁴ Uniform and Property U04-02 II.H. Department Approved Weapons and Ammunition (effective February 29, 2020 to May 6, 2021)

had started shooting at Mr. [REDACTED] and his friends. There is one shot, followed seconds later by multiple shots.

ii. Officer Shockley discharged his firearm as a last resort.

The preponderance of the evidence is sufficient that under an objectively reasonable standard Officer Shockley used deadly force as a last resort. While officers must “use de-escalation techniques to prevent or reduce the need for force”, they should be likely to be effective or feasible and safe without immediately risking harm to a person.¹³⁵ Officer Shockley did not have any opportunity for force mitigation or de-escalation techniques that would appear to a reasonable person to be safe, feasible, effective or prevent the imminent threat. While Officer Shockley did move to avoid the attack by exiting his vehicle and sought cover of a nearby tree, the individual continued to be an imminent threat when tracking the Dodge Officer Paschal was driving.¹³⁶

The officers did not escalate the situation. It was reasonable to approach the individuals when they drove the Dodge towards them after the individuals unlocked the GMC. They were attempting to get in the GMC that was possibly used in a shooting the day prior. Additionally, at that point the officers did not have their guns drawn or any indication that the individuals were armed until one of them fired upon the approaching Dodge. At that point, under the totality of the circumstances, it was objectively reasonable and necessary to use proportionate deadly force, but the officers first attempted to use cover.¹³⁷ When the individual was no longer shooting, Officer Paschal followed the fleeing male, while Officer Shockley took cover by the tree. It was not until it reasonably appeared under the totality of the circumstances that the individual was about to immediately use deadly force again by firing at officer Paschal that Officer Shockley fired. He indicated he stopped firing when the individual was no longer in view above the GMC or no longer tracking the Dodge, hence his use of force was proportional.¹³⁸ This is also an indication that Officer Shockley continued to assess the situation as required by policy.¹³⁹

Therefore, the evidence is sufficient that Officer Shockley’s use of deadly force was within policy when he fired at an individual because he was facing an imminent threat and used deadly force as a last resort.

b. Officers Paschal and Shockley failed to timely activate their BWCs.

Per Department policy this was a law-enforcement-related encounter that should have been electronically recorded on the officers’ BWCs. It was an attempted investigatory stop anticipated to result in arresting individuals that entered the GMC. Additionally, it is reasonably foreseeable

¹³⁵ See De-escalation order G03-02 III.C. & Response to Resistance order G03-02-01 II.B. & III. (“[W]hen it is safe and feasible to do so” (officers) will use principles of Force Mitigation....”)

¹³⁶ See att. 83 The TRR indicating using movement to avoid attack, creating a zone of safety and tactical positioning.

¹³⁷ See De-escalation order G03-02 III.B. & Response to Resistance order G03-02-01 II.C.

¹³⁸ Additionally, when the individual was tracking the Dodge with his firearm, after having just fired, he was an “assailant” whose “actions constitute an imminent threat”. See Response to Resistance order G03-02-01 IV.C.2 & G03-02-01 IV.C.

¹³⁹ See De-escalation order G03-02 III.B.2. & Response to Resistance order G03-02-01 II.E.

that this could be a high-risk situation since the GMC was alleged to have been involved in an armed hijacking the day prior.

Officer Paschal and Shockley were forthcoming about not having their BWCs activated and that their BWCs were covered by sweatshirts. It appears the deployment strategy was to be discreet and not easily identifiable as officers, as they were the closest officers surveilling the target vehicle; perhaps the officers' team was complicit in this plan contrary to the current order to be in uniform. However, they were not officially in undercover capacity or assigned to a covert team or confidential investigation.¹⁴⁰ Moreover, while the officers claim they did not have time to activate and uncover the BWCs from their sweatshirts, COPA finds this is not an exception to the requirement to utilize the BWC and activate it at the beginning of this incident. The plan after these hours of surveillance was to go in once they identified the individuals associated with the target vehicle. This was not a surprise, unplanned, emergency encounter.

Further, the evidence is not sufficient that the officers did not have time to activate and uncover their BWCs. The officers were directed to watch these individuals walking towards the target vehicle, saw what appeared to be the individuals unlocking the vehicle upon approach and had time enough to drive their vehicle towards it. The failure to activate and uncover the BWCs prevented the likely footage of the shooting that would have been obtained as evidence to assist in this investigation.

For these reasons, COPA finds that each **Allegation #1** assigned to **Officer Paschal** and **Officer Shockley** that they failed to timely activate their body worn cameras is **SUSTAINED**.

c. Firearm Loading

While Department policy requires firearms to be fully loaded, the evidence is insufficient to determine if Officer Shockley's firearm was fully loaded or not, prior to the shooting. Officer Shockley said he habitually and consistently fully loads his firearm. But the number of spent casings and the number of bullets left in his magazine after the shooting do not total the firearm's fully loaded capacity. However, due to the difficulty known to locate spent casings in this type of environment and Officer Shockley's denial of the allegation after being candid about the BWC allegation, the evidence is not sufficient to determine.

For these reasons, COPA finds that each **Allegation #2** that **Officer Shockley** failed to fully load his firearm is **NOT SUSTAINED**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Curran Shockley

i. Complimentary and Disciplinary History

¹⁴⁰ See the Law Enforcement Body-Worn Camera Act 50 ILCS 706/10-20(a)(11) ("an officer may take reasonable action to ... protect the integrity and *confidentially* of investigations.")

Officer Shockley has received 25 various awards and has no history of discipline in the last five years.¹⁴¹

b. Officer Christopher Paschal

i. Complimentary and Disciplinary History

Officer Shockley has received 127 various awards and one SPAR in March 2022 for failure to perform an assigned task.¹⁴²

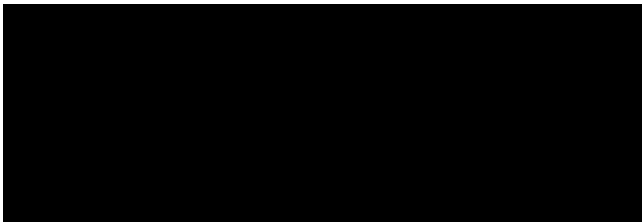
ii. Recommended Penalty

COPA finds that Officers Shockley and Paschal violated Rules 2 and 6 by failing to timely activate their BWC. Here, it is undisputed that the Officers were equipped with a BWC that they failed to activate. However, given the nature of the Officers assignment, covertly surveilling the target GMC combined with their reasonable efforts to conceal their uniforms with hooded sweatshirts, COPA acknowledges that even if the BWCs were activated there would not have been an image of the incident.¹⁴³ It is for the above reasons combined with the Officers’ histories that COPA recommends a **5-day Suspension**.

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

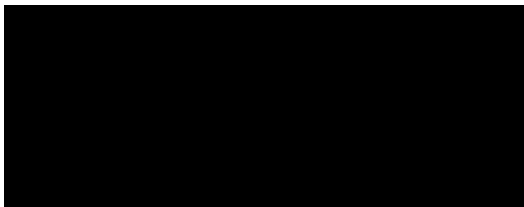
Approved:



Angela Hearts-Glass
Deputy Chief Investigator

May 30, 2023

Date



Andrea Kersten
Chief Administ

May 30, 2023

Date

¹⁴¹ Att. 168.

¹⁴²Att. 167, pg. 4.

¹⁴³ In a COPA Report titled “Report on Non-Compliance with Body-Worn Camera Regulations”, COPA recommended that Department “[i]ssue BWC to every sworn Department member not engaged in confidential field duties. COPA based this recommendation on the understanding of the Law Enforcement Officer Body Worn Camera Act (50 ILCS 706/10-15(b)(1-5)). Att. 169, pg. 27, Recommendation 5.