

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 16, 2021
Time of Incident:	8:30 pm
Location of Incident:	4501 W Jackson Blvd., Chicago, IL 60624
Date of COPA Notification:	June 17, 2021
Time of COPA Notification:	12:16 am

Officers Noah Ball and Vincent Shields¹ were conducting traffic enforcement and being assisted by Officers Matthew Skalski, Edward Zeman, Curtis Alequin, and Rudy Estrada² when they observed a gold Hyundai Elantra occupied by [REDACTED], [REDACTED], [REDACTED], and Mr. [REDACTED] pull from a parked spot along the western curb of S. Kilpatrick Ave., and fail to stop or signal a turn prior to crossing the stop bar and crosswalk at W. Jackson Blvd. As the Elantra turned eastbound onto W. Jackson Blvd., Officers Ball and Shields observed that [REDACTED] was not wearing a seat belt. Officers Ball and Shields, accompanied by Officers Skalski, Zeman, Alequin, and Estrada, followed the Elantra which signaled and made a southbound turn onto S. Kolmar Ave. Once on S. Kolmar Ave., the Elantra made a left turn (east), without signaling, into the first alley south of W. Jackson Blvd. Once in the alley, Officers Ball and Shields attempted to stop the Elantra; however, the Elantra did not immediately stop.

As the Elantra approached the eastern end of the alley, the rear driver's side door opened before it came to a complete stop. Once stopped, a male in purple, [REDACTED] exited and as Officer Ball approached the Elantra on foot, [REDACTED] allegedly discharged one round and Officer Ball returned fire. [REDACTED] fled north on S. Kilbourn Ave., and Officer Ball pursued on foot. A second occupant, [REDACTED] exited the same open rear driver's side door, and Officer Shields pursued [REDACTED] on foot. As [REDACTED] fled north on S. Kilbourn Ave., he discarded a firearm that was quickly recovered by Officer Shields.

As [REDACTED] fled, Officer Ball observed him discard his firearm and continue to flee. Officer Ball continued to pursue [REDACTED] however, once [REDACTED] fled over a fence, Officer Ball was no longer capable of pursuing him. Simultaneous to Officer Ball's pursuit of [REDACTED] Officer Shields pursued [REDACTED] who was eventually taken into custody at gunpoint. Once [REDACTED] was in custody and being escorted back to the Department vehicle, he and Officer Shields discussed the weapons discharge and Officer Shields remarked that [REDACTED] was a "dummy."

¹ Officers Ball and Shields were in a marked Department vehicle. Officer Ball occupied the driver's seat and Officer Shields occupied the front passenger seat.

² Officers Skalski, Zeman, Alequin, and Estrada were in an unmarked Department vehicle. Officer Alequin occupied the driver's seat, Officer Estrada occupied the front passenger seat, Officer Zeman occupied the rear driver's side passenger seat and Officer Skalski occupied the rear passenger side seat.

³ [REDACTED] was the driver, [REDACTED] was the front seat passenger, and [REDACTED] and [REDACTED] were in the rear seats.

Simultaneous to the two pursuits, Officer Skalski located [REDACTED] and [REDACTED] in the Elantra and detained them both. After [REDACTED] evaded capture, the area was searched and a purple sweatshirt containing suspected cannabis was recovered.

II. INVOLVED PARTIES

Involved Member #1:	Officer Noah Ball / Star#11870 / Employee ID [REDACTED] / DOA: March 16, 2017 / Unit: 011/376 / Male / Asian.
Involved Member #2:	Officer Vincent Shields / Star#17979 / Employee ID# [REDACTED] / DOA: October 16, 2017 / Unit: 011/716 / Male / White.
Involved Member #3:	Officer Matthew Skalski / Star#16752 / Employee ID# [REDACTED] / DOA: August 31, 2015 / Unit: 011 / Male / White.
Involved Member #4:	Officer Edward Zeman / Star#19750 / Employee ID [REDACTED] / DOA: April 25, 2016 / Male / White.
Involved Member #5:	Officer Curtis Alequin / Star #10028 / Employee ID# [REDACTED] / DOA: May 16, 2017 / Unit: 011/640 / Male / White.
Involved Individual #1:	[REDACTED] / Male / Black.
Involved Individual #2:	[REDACTED] / Male / Black.

III. ALLEGATIONS

Member	Allegation	Finding / Recommendation
Officers Ball; Shields; Skalski; Zeman; Alequin.	1. Failed to activate his body-worn camera in a timely manner, in violation of Special Order S03-14.	Sustained
Officer Ball	2. Discharged his firearm in violation of General Order G03-02-03.	Sustained
Officer Shields	2. Failed to make appropriate notification to OEMC after pointing his firearm at the arrestee [REDACTED] in violation of Department Notice D19-01.	Sustained
	3. Failed to properly handle the firearm taken into custody, in violation of Special Order S07-01-04.	Sustained
	4. Referred to arrestee [REDACTED] as "dummy."	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2 – Any action which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 5 – Failure to perform any duty.
 3. Rule 6 – Disobedience of an order or directive, whether written or oral.
 4. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
 5. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person while on or off duty.
 6. Rule 10 – Inattention to duty.
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General Orders

1. G03-02-03: Firearm Discharge Incidents – Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021)
 2. G03-02-01: Response to Resistance and Force Options (effective April 15, 2021)
 3. G03-02: De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021)
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Special Orders

1. S03-14: Body Worn Cameras (effective April 30, 2018)
 - 2.S07-01-04: Firearms Taken into Custody or Turned In (effective August 15, 2019)
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Department Notice

- 1.D19-01: Firearm Pointing Incidents (effective November 1, 2019)
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V. INVESTIGATION⁴

a. Interviews⁵

In a **statement to COPA** on September 15, 2021, **Officer Vincent Shields⁶** relayed he and his partner, Officer Noah Ball, were conducting traffic enforcement in the area and being supported by Officers Matthew Skalski, Edward Zeman, Curtis Alequin, and Rudy Estrada. While patrolling northbound on S. Kilpatrick Ave., Officers Shields and Ball observed a Hyundai Elantra pull from a parked position, without signaling, and travel southbound on S. Kilpatrick Ave. As the Elantra neared the intersection of S. Kilpatrick Ave. and W. Jackson Blvd., it slowed but did not come to a complete stop. As the Elantra entered the intersection, it activated its turn signal and turned east (left) onto W. Jackson Blvd. As the Elantra passed, Officer Shields was able to observe that the driver, [REDACTED] was not wearing a seat belt. Officers Shields and Ball followed the Elantra

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 The Department interviewed [REDACTED] and [REDACTED] who essentially related that [REDACTED] and [REDACTED] exited their vehicle and ran. [REDACTED] then heard one gunshot fired but did not observe who fired the gunshot. [REDACTED] declined to provide a statement to CPD. (Att. 58, Pages 12-13).

⁶ Atts. 50 and 54.

and observed it turn south (right) on S. Kolmar Ave., and then east (left) into the first alley south of W. Jackson Blvd. As the Elantra made the turns, Officers Shields and Ball followed. Once they entered the alley, Officers Shields and Ball activated their emergency equipment to stop the Elantra; however, the Elantra continued to travel east in the alley. As the Elantra approached the rear of 4503 W. Jackson Blvd., it stopped, and an occupant wearing purple, [REDACTED] r ([REDACTED]) exited the rear door on the driver's side. Officer Ball exited the vehicle and proceeded to pursue [REDACTED] on foot. As Officer Ball pursued [REDACTED] Officer Shields observed a muzzle flash accompanied by a single gunshot.⁷ Officer Shields stated that the muzzle flash came from [REDACTED] direction, but he did not rule out that the muzzle flash could have come from Officer Ball's firearm.⁸ Officer Shields then observed a fleeing [REDACTED] discard a firearm and continue to flee on foot with Officer Ball in pursuit. As Officer Shields approached the vehicle, a second occupant, [REDACTED] exited the Elantra holding a firearm.⁹ As [REDACTED] fled, he discarded the firearm. As Officer Shields pursued [REDACTED] he recovered the discarded firearm and continued his pursuit of [REDACTED]¹⁰ Officer Shields was joined by Officer Zeman. Eventually, Officer Shields was able to apprehend [REDACTED]¹¹ Once [REDACTED] was handcuffed, Officer Shields cleared the recovered firearm. Officers Shields and Zeman then assisted [REDACTED] to his feet and escorted him back to their vehicles.

Additionally, Officer Shields explained that he attempted to activate his BWC as he exited the vehicle, but that it did not activate. Once he realized his BWC was not activated he activated it when he was three or four steps away from his vehicle.¹² Officer Shields explained that he did not notify OEMC of pointing his firearm at [REDACTED] because he did not want to put additional radio traffic out when the response to the shooting was still unfolding.¹³ Officer Shields explained that given the nature of the incident, specifically that he believed one party had already discharged a firearm at members, and the need to ensure safety he determined that it was best for him to recover [REDACTED] discarded firearm and continue to pursue [REDACTED]¹⁴ Officer Shields admitted to calling [REDACTED] a "dummy" and explained that it was due to frustration while acknowledging he should not have made the remark.¹⁵

⁷ Att. 54, pg. 9.

⁸ Att. 54, Pg. 22 and 23 During an interview with COPA, Officer Shields was asked the following questions: "Could that muzzle flash have come from Officer Ball at that point? to which he responded, "I mean yea, it's possible." Officer Shields was then asked, "And you never saw Officer Ball fire his weapon; is that correct? To which Officer Shields responded, "I mean, yeah, I was unaware." After the inquiry, Officer Shield's counsel requested a time-out which was taken. Upon commencing, Officer Shields revisited the inquiry, stating "I would like to revisit the question about the muzzle flash...because I think I possibly misunderstood it... When you said that, hey, could this have been the flash from Officer Ball, I definitely definitely did see that there was a muzzle flash from where the gentleman that exited the vehicle and smoke from what appeared to be or what was a firearm."

⁹ Att. 54, pg. 9.

¹⁰ Att. 54, pg. 9.

¹¹ This was accomplished by Officer Shield pointing his firearm at [REDACTED] and issuing commands for [REDACTED] to get on the ground. Att. 54, pg. 9.

¹² Att. 54, pgs. 30 and 31.

¹³ Att. 54, pg. 28.

¹⁴ Att. 54, pg. 29.

¹⁵ Att. 54, pg. 30.

In a **statement to COPA** on September 15, 2021, **Officer Noah Ball**¹⁶ relayed essentially the same information as Officer Shields about the events that transpired prior to the Elantra and member vehicles entering the alley. Once in the alley, Officer Ball observed the Elantra increase speed; however, as the rear driver's door opened, the Elantra slowed.¹⁷ Officer Ball placed his vehicle in park, exited, and proceeded towards the Elantra on foot. As Officer Ball approached the Elantra he observed its path was blocked by a parked vehicle. As Officer Ball closed the distance on the Elantra he observed the rear driver's side passenger, [REDACTED] exit the Elantra with a firearm in his right hand.¹⁸ As [REDACTED] fled, Officer Ball observed him raise his right hand under his left arm and point the firearm, toward Officer Ball. ¹⁹ Upon observing this, Officer Ball feared for his safety and the safety of others on the scene and discharged one round while [REDACTED] simultaneously discharged one round.²⁰ Officer Ball observed a muzzle flash from [REDACTED] firearm.²¹ After the rounds were discharged, [REDACTED] discarded the weapon and continued to flee with Officer Ball in pursuit.²² As Officer Ball pursued, [REDACTED] fled over a fence. Officer Ball was not able to get over the fence, which allowed [REDACTED] to evade capture.²³

Officer Ball explained that once [REDACTED] fled over the fence, Officer Ball issued a flash message with [REDACTED] description and began to suffer shortness of breath and chest pains. The shortness of breath and chest pains caused Officer Ball to hunch down, allowing him to observe that his BWC was not activated.²⁴ Officer Ball then activated his BWC.

In a **statement to COPA** on June 29, 2021, **Officer Rudy Estrada**²⁵ relayed that he was working with his partners, Officers Skalski, Zeman, and Alequin, when they began to assist Officers Ball and Shields with traffic enforcement. While assisting Officers Ball and Shields, they turned into an alley and activated their emergency equipment. Officer Estrada explained that he was not aware of what prompted Officers Ball and Shields to stop the Elantra. As the vehicles traveled down the alley, Officer Estrada heard a bang consistent with the Elantra striking an object.²⁶ After hearing the bang, Officer Estrada observed Officers Ball and Shields exit their vehicle, prompting him to exit his. As he exited the vehicle, Officer Estrada observed the doors of the Elantra open while still in motion. As Officer Estrada approached the Elantra he heard a single gunshot but did not observe who discharged the round.²⁷ After hearing the gunshot, Officer Estrada observed Officer Ball pursuing [REDACTED] and Officer Shields pursuing [REDACTED] Officer Estrada joined Officer Ball in his pursuit and observed an unknown party discard a cellular telephone, that he collected.²⁸ While engaged in the foot pursuit, Officer Estrada heard radio traffic relaying that subjects had been taken into custody and stopped his pursuit efforts. After stopping his pursuit

¹⁶ Atts. 48, 49, and 53.

¹⁷ This action caused Officer Ball to believe the occupants were about to flee. Att. 53, pg. 9.

¹⁸ Att. 53, pgs. 10 and 16.

¹⁹ Officer Ball described the occupant's position as sideways. Att. 53, pgs. 10 and 18.

²⁰ Att. 53, pg. 10.

²¹ Att. 53, pg. 22.

²² Att. 53, pgs. 10 and 11.

²³ Att. 53, pg. 11.

²⁴ Officer Ball explained that prior to making this observation he believed he had already activated his BWC. Att. 53, pgs. 11 and 35.

²⁵ Atts. 23 and 36.

²⁶ Att. 36, pg. 10.

²⁷ Att. 36, pgs. 11 and 16.

²⁸ Att. 36, pg. 11.

efforts, Officer Estrada learned the [REDACTED] evaded capture. Officer Estrada began to search the area and recovered a purple sweater.²⁹

In a **statement to COPA** on July 22, 2021, **Officer Edward Zeman**³⁰ relayed essentially the same information as Officer Estrada related to how he became involved in this incident. Additionally, Officer Zeman relayed that once Officers Ball and Shields exited their vehicle, Officer Zeman exited his vehicle and proceeded towards the Elantra. As he approached the Elantra he observed two occupants, [REDACTED] and [REDACTED] fleeing and heard a gunshot.³¹ Officer Zeman then observed Officers Ball and Shields pursuing [REDACTED] and [REDACTED]. Officer Zeman also observed Officer Shields recovering a firearm.³² Officer Zeman joined the foot pursuit with Officer Shields and observed Officer Shields apprehend [REDACTED].³³ Finally, Officer Zeman relayed that he believed he had activated his BWC as he was exiting his vehicle, however, he made additional attempts to activate it while engaged in the foot pursuit.³⁴

In a **statement to COPA** on August 2, 2021, **Officer Matthew Skalski**³⁵ relayed essentially the same information as Officers Estrada and Zeman related to how he became involved in this incident. Additionally, Officer Skalski relayed that once he exited his vehicle and was headed towards the Elantra, Officer Alequin requested that he move Officers Ball and Shields' vehicle from the travel path of the alleyway. Officer Skalski turned around and began to move towards Officers Ball and Shields' vehicle when he heard a single gunshot from the area around the Elantra.³⁶ After hearing the gunshot Officer Skalski ran towards the Elantra and observed two occupants, [REDACTED] and [REDACTED] in the front seats.³⁷ Officer Skalski detained [REDACTED] and [REDACTED]. Finally, Officer Skalski explained that he could not recall when he activated his BWC but was clear it needed to be activated because of the enforcement action being taken and believed he activated the BWC in a timely manner.³⁸

In a **statement to COPA** on July 9, 2021, **Officer Curtis Alequin**³⁹ relayed essentially the same information as Officers Estrada, Zeman, and Skalski related to how he became involved in this incident. Once Officers Ball and Shields exited their vehicle and Officers Estrada, Zeman and Skalski exited their vehicle, Officer Alequin instructed Officer Skalski to move Officers Ball and Shields' vehicle from the travel path. Officer Alequin then heard a loud noise he believed to be a gunshot which prompted him to exit his vehicle with his firearm in hand.⁴⁰ Once out of his vehicle, Officer Alequin ran towards the stopped Elantra and attempted to assist in the apprehension of the fleeing [REDACTED] and [REDACTED]. Finally, Officer Alequin relayed that he did not activate his BWC

²⁹ Att. 36, pg. 23.

³⁰ Atts. 43 and 47.

³¹ Officer Zeman did not observe who discharged their firearm. Att. 47, pg. 8.

³² Att. 47, pg. 8.

³³ Att. 47, pgs. 8 and 9.

³⁴ Att. 47, pg. 19.

³⁵ Atts. 45 and 46.

³⁶ Officer Skalski did not observe who discharged the round. Att. 46, pgs. 7 and 12

³⁷ [REDACTED] was the driver and [REDACTED] was the front seat passenger.

³⁸ Att. 46, pgs. 12, 13 and 18.

³⁹ Atts. 38 and 41.

⁴⁰ Att. 41, pgs. 7, 8 and 27.

until he reached W. Jackson Blvd. because he believed he had activated the BWC while the traffic stop was occurring and did not notice the failure to activate it until he was at W. Jackson Blvd.⁴¹

A canvass⁴² conducted by COPA on June 18, 2021, revealed that ██████████ a resident of ██████████, heard a gunshot and looked out her window. ██████████ observed unknown individuals running from a vehicle and throwing a gun in her yard.⁴³

b. Digital Evidence

Police Observation Device⁴⁴ (POD), **In-Car Camera**⁴⁵ (ICC), and **Body Worn Camera**⁴⁶ (BWC) footage depict a gold Hyundai Elantra pulling away from the west curb of S. Kilpatrick Ave. without signaling.⁴⁷ The Elantra approaches the intersection of S. Kilpatrick Ave. and W. Jackson Blvd. but does not come to a complete stop or activate a turn signal, until after the stop bar and the crosswalk.⁴⁸ The Elantra, with its turn signal activated, turns eastbound onto W. Jackson Blvd.⁴⁹ As the Elantra turns, a marked Department vehicle and unmarked Department vehicle also turn eastbound onto W. Jackson Blvd and follow the Elantra.⁵⁰ As the vehicles are traveling east on W. Jackson Blvd, the Elantra signals a right-hand turn, slows, and turns south (right) onto S. Kolmar Ave., and the Department vehicles follow.⁵¹ Immediately after turning south onto S. Kolmar Ave., the Elantra slows and turns left (east), without signaling, into the first alley south of W. Jackson Blvd.,⁵² and the Department vehicles follow. Once in the alley, the marked vehicle activates the emergency equipment to stop the Elantra. The Elantra does not stop and continues east in the alley. As the Elantra approaches the intersecting north-south alley, the rear passenger door opens; however, the Elantra continues to travel east, and no occupant exists.⁵³ At this point, Officer Ball parks his marked vehicle, exits, and runs towards the Elantra on foot.⁵⁴ At the eastern end of the alley the Elantra comes to a complete stop and the rear driver's side passenger, ██████████ exits the Elantra and flees north (left) on S. Kilbourn Ave. on foot.⁵⁵ ██████████ appears to toss an unknown object⁵⁶ into the air with his right hand and a single gunshot is heard.⁵⁷ As Officer Ball runs past the driver's side of the Elantra, a second occupant, ██████████ exits the rear driver's side door and flees north (left) on S. Kilbourn Ave.⁵⁸ Officers Ball and

⁴¹ Att. 41, pg. 17.

⁴² Att. 79.

⁴³ Att. 79, Page 2. Follow-up attempts to interview ██████████ were unsuccessful.

⁴⁴ Att. 24.

⁴⁵ Att. 21.

⁴⁶ Atts. 6 to 14.

⁴⁷ Att. 21 at 00:20.

⁴⁸ Att. 21 at 00:28; Att. 24 at 08:28:45.

⁴⁹ Att. 21 at 00:34.

⁵⁰ The Department vehicles were traveling north on S. Kilpatrick Ave. Att. 21 at 00:36.

⁵¹ Att. 21 at 00:55.

⁵² Att. 21 at 01:03.

⁵³ Att. 21 at 01:18.

⁵⁴ Att. 21 at 01:19.

⁵⁵ This occupant was wearing a purple sweatshirt and was later identified by the Department as ██████████ Att. 21 at 01:26.

⁵⁶ The unknown object was never recovered; however, Officer Ball stated to COPA that ██████████ threw a gun (Att. 53, Page 10, Lines 19-20).

⁵⁷ Att. 21 at 01:26.

⁵⁸ Att. 8 at 02:01.

Shields pursue the fleeing occupants. As Officer Shields turns from the alley onto S. Kilbourn Ave., he collects a black semi-automatic pistol with an extended magazine from the grass just to the north of the alley mouth.⁵⁹ Eventually, Officer Shields apprehends one of the fleeing occupants, ██████ by pointing a firearm at him and ordering ██████ to get on the ground.⁶⁰ Once ██████ complies, he is handcuffed.⁶¹ Officer Shields clears the recovered firearm, which contained a magazine and chambered live round.⁶² Officer Shields assists ██████ to his feet and escorts ██████ to the vehicles. While being escorted, ██████ asks why members shot at him.⁶³ Officer Shields replies by calling ██████ a dummy and stating that he fired at the members.⁶⁴

Simultaneous to the foot pursuit, Officer Skalski reaches the Elantra and discovers two occupants, ██████ and ██████ inside.⁶⁵ Officer Skalski instructs ██████ to place the Elantra in park.⁶⁶ After approximately fifty-seven seconds, additional members arrive at the Elantra and assist Officer Skalski in detaining ██████ and ██████.⁶⁷

c. Documentary Evidence

Lake's Arrest Report,⁶⁸ Detective Supplemental⁶⁹ Reports, and Evidence Technician Photographs⁷⁰ detail essentially the same information as the members' statements, and the POD, ICC, and BWC footage. Additionally, the reports detail that the fleeing subject in the purple shirt was identified as ██████ and that he discarded his weapon and purple sweatshirt⁷¹ during his flight.⁷² Moreover, the reports detail that a .40 caliber casing was recovered on the alley pavement near the rear driver's side of the Elantra,⁷³ and a 9-millimeter casing was recovered from the sidewalk near ██████.⁷⁴ Additionally, the reports detail that Officer Shields recovered a .40 caliber Glock 27 discarded by ██████.⁷⁵ Further, the reports detail that the Elantra's driver, X Spencer, provided a statement to the Department during which he explained that after Officers Ball and Shields activated their emergency equipment, he panicked and attempted to flee but

⁵⁹ Att. 8 at 02:06.

⁶⁰ Att. 8 at 02:41.

⁶¹ While handcuffing ██████ Officer Shields has the recovered firearm in his left hand and the barrel is pointed at ██████ however, Officer Shields' fingers are not inside the trigger guard. Att. 8 at 02:51.

⁶² When clearing the weapon, Officer Shields points it away from ██████ and other members on scene. Att. 8 at 03:13.

⁶³ Att. 8 at 03:38.

⁶⁴ Att. 8 at 03:40.

⁶⁵ Att. 9 at 02:06.

⁶⁶ Att. 9 at 02:07.

⁶⁷ Att. 9 at 03:03.

⁶⁸ Att. 1.

⁶⁹ Atts. 5, 56 to 58, 65 and 66.

⁷⁰ Att. 67.

⁷¹ The photographs of the purple sweatshirt show it contained a bag of a green leafy substance consistent with cannabis and cigars. Att. 58, pgs. 7 to 9; Att. 67, pgs. 57 and 58.

⁷² Spencer's discarded firearm was picked up by an unknown third party. Att. 58, pgs. 7 and 8.

⁷³ Att. 58, pg. 8; Att. 67, pgs. 11 to 14. ISP laboratory reports determined that the .40 caliber casing matched a firearm that was recovered from ██████ on June 23, 2021. (Att. 70). In response to an inquiry by COPA personnel, ██████ denied any connection with the officer-involved shooting and has refused to provide additional information.

⁷⁴ Att. 58, pgs. 8 and 9.; Att. 67, pgs. 15 to 18.

⁷⁵ Att. 58, pgs. 3 and 7; Att. 67, pgs. 62 and 63.

changed his mind and stopped.⁷⁶ Once stopped, ██████ complied with commands. ██████ relayed he did hear a gunshot but did not see who discharged the weapon.⁷⁷ Finally, the reports detail that the Elantra's front seat passenger, ██████ provided a statement to the Department during which she explained that ██████ panicked when Officers Ball and Shields attempted to stop him but stopped because the Elantra's path was blocked. Additionally, ██████ relayed that she observed ██████ and ██████ exit the Elantra and heard a single gunshot.⁷⁸

Officer Ball's Tactical Response⁷⁹ details the incident occurring in the daylight. Additionally, the report details the unknown subjects' actions as not following verbal direction, fleeing, presenting an imminent threat of a battery with a semi-automatic pistol, and using force likely to cause death or great bodily harm. The report details Officer Ball's reason for response as defense of self and other members as well as an armed subject fleeing. Officer Ball's force mitigation efforts are detailed as member presence, tactical positions, and additional members. Officer Ball's response is detailed as one discharge of his semi-automatic pistol that did not strike any person.⁸⁰

Event Queries⁸¹ and **911-calls**⁸² detail the reports of the weapon discharges, foot pursuit, and the Department response. Officer Ball communicated over the radio that the offender, now known to be ██████ had a firearm and asked that officers check to the left of the driver's side of the offending vehicle.⁸³

VI. LEGAL STANDARD

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

1. **Sustained** - where it is determined, by a preponderance of the evidence, that the allegation in fact occurred;⁸⁴
2. **Unfounded** - where it is determined, by clear and convincing evidence, that an allegation is not supported by the facts;⁸⁵

⁷⁶ During his statement to the Department, ██████ identified the subject in all purple as his cousin ██████. Att. 58, pg. 12.

⁷⁷ Att. 58, pg. 12.

⁷⁸ Att. 58, pg. 13.

⁷⁹ Att. 18.

⁸⁰ Officer Ball's weapon was a 9-millimeter Gen 4 Glock 17 bearing serial number ██████. Officer Ball qualified with this weapon on January 5, 2021. Att. 18, pg. 1; Att. 22, pg. 3.

⁸¹ Att. 2

⁸² Atts. 25 to 33.

⁸³ Att. 35, 1:03:49 – 1:04:01 into the recording; Att. 12, at 8:34:50 – 8:35:05 p.m.

⁸⁴ **Preponderance of evidence** is described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005).

⁸⁵ **Clear and convincing evidence** is described a more that preponderance of the evidence but lower than beyond-a-reasonable doubt required to convict a person of a criminal offense. Clear and Convincing is described as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable" there was no misconduct. *See People v. Coan*, 2016 IL App (2d) 151036 (2016).

3. Exonerated - where it is determined, by clear and convincing evidence, that the conduct described in the allegation occurred, but it is lawful and proper; or
4. Not Sustained - where there is insufficient evidence to sustain, unfound or exonerate the allegations.

VII. LEGAL STANDARD

A. Applicable Department Policies

a. Use of Force

Department Policy states that the “Department’s highest priority is the sanctity of life.”⁸⁶ Department members are expected to act with the utmost regard for preserving human life and must comply with Department use of force orders.⁸⁷ Department policy in place on the date of the incident provides that a Department member’s use of force must be evaluated based on the totality of the circumstances known by the member at the time of the incident, from the perspective of a reasonable Department member in the same or similar circumstances. Department policy recognizes that Department members 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.”⁸⁸

Department General Order entitled “Use of Force” provides that a member’s use of force must be “objectively reasonable, necessary, and proportional.”⁸⁹ Each of these elements is further explained in Department policy, as follows:

- Objectively Reasonable: In evaluating use of force, Department policy provides that the key issue is whether the Department member’s use of force was objectively reasonable under the totality of the circumstances at the time force is used. Although “reasonableness” cannot be precisely defined, Department policy states the following non-exclusive list of factors can be considered:
 - “whether the subject is posing an imminent threat;
 - the risk of harm, level of threat, or resistance presented by the subject; and
 - the subject’s proximity or access to weapons.”⁹⁰

⁸⁶ General Order G03-02 (effective April 15, 2021) (hereinafter the “Use of Force Order”).

⁸⁷ Questions as to the propriety of a police officer’s use of force, including excessive or deadly force, are also typically evaluated under state law as well as the 4th Amendments to the United States Constitution and Illinois state Constitution. However, Department policy in place at the time of the incident in this case prohibited the use of deadly force under circumstances that would have been permissible under state law and 4th amendment law, meaning that Department policy is *more* restrictive than state law and federal 4th amendment law. COPA’s analysis therefore focuses solely on whether Officer Ball’s use of deadly force complied with Department policy in place at the time of the incident, June 16, 2021. To the extent COPA cites to judicial decisions in its analysis, it does so solely as an aide to interpretation of common concepts or terms (such as the meaning of “objectively reasonable”).

⁸⁸ Use of Force Order, section II.D.

⁸⁹ Use of Force Order, section III.B.

⁹⁰ Use of Force Order, section III.B.1(a)-(c).

- Necessary. Department members are limited to using “only the amount of force required under the circumstances to serve a lawful purpose.”⁹¹
- Proportional. A Department member’s use of force must be proportional to the “threat, actions, and level of resistance offered by a subject.”⁹²

To reduce or avoid the need for use of force, Department policy directs members to use de-escalation techniques known as “Principles of Force Mitigation” when it is safe and feasible under the circumstances.⁹³ These techniques include:

- “Continual Communication,” means using verbal control techniques to avoid or minimize confrontations before resorting to physical force. This includes using persuasion, advice, instruction, and warning prior to any use of force;
- “Tactical Positioning,” which involves use of positioning, distance, and cover to contain a subject and create a zone of safety for officers and the public; and
- Using “Time as a Tactic” to, among other things, permit the de-escalation of a subject’s emotions and provide time for the subject to comply with police orders, provide time for continued communication, and allow for the arrival of additional members or special units and equipment.⁹⁴

While attempting to de-escalate an encounter, Department members are required to continually assess the situation and modify their use of force in ways that ensure officer safety as circumstances develop.⁹⁵

b. Use of Deadly Force.

A Department member’s use of deadly force, which includes the discharge of a weapon at or in the direction of a person subject to arrest, is controlled by Department policy restrictions in addition to those described above. In particular, Department members may only use deadly force as a “last resort” when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.⁹⁶ A threat is defined as “imminent” when it is objectively reasonable to believe that:

- the subject’s actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken;
- the subject has the means or instruments to cause death or great bodily harm; and
- the subject has the opportunity and ability to cause death or great bodily harm.”

The Department’s definition of “last resort” re-enforces the principle that a Department member may only use deadly force when presented with an “imminent threat.”⁹⁷

⁹¹ Use of Force Order, section III.B.2.

⁹² Use of Force Order, section III.B.3.

⁹³ General Order G03-02-01(III) (the “Force Options Order”).

⁹⁴ Force Options Order, section III.

⁹⁵ Force Options Order, section II.E.

⁹⁶ Use of Force Order, section IV.C.

⁹⁷ *Id.*

The Force Options Order outlines the force options available to Department members when met with resistance or threats.⁹⁸ The Force Options Order authorizes the use of deadly force in situations involving an “assailant,” which is defined as a subject whose actions constitute an imminent threat of death or great bodily harm to a Department member or another person.⁹⁹

c. Required Notifications

Department members involved in a firearms discharge are required to immediately notify the Office of Emergency Management (OEMC) and provide all relevant information and to request additional resources.¹⁰⁰

Absent certain exceptions not relevant here, whenever a Department member points a firearm at a person while in the performance of his/her duties, the member is required to notify OEMC promptly after the incident has concluded.¹⁰¹

d. Body Worn Cameras¹⁰²

To increase transparency and improve the quality and reliability of investigations, Department policy requires law-enforcement-related encounters to be electronically recorded. At the beginning of duty, Department members are to securely attach the Body Worn Camera to the front of his or her person. Law-enforcement encounters include but are not limited to arrests, arrestee transports, searches, investigatory stops, high risk situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.

The decision to record is mandatory, not discretionary. The system is to be activated at the beginning of an incident and record the entire incident. If there are circumstances preventing the activation of the Body Worn Camera at the beginning of the incident, it shall be activated as soon as practical. However, sworn members are not to unreasonably endanger themselves or another person to conform with the policy.

e. Firearms Taken into Custody¹⁰³

Firearms that are recovered as part of an unlawful use of weapon investigation and require fingerprinting or DNA processing will be recovered by the discovering Department member. Firearms and/or property directly related to a firearm that require fingerprinting or DNA processing, as part of a criminal investigation in which Forensic Services Division personnel are normally assigned, will not be touched, handled, or removed by any members other than Forensic Services Division personnel unless exigent circumstances requiring immediate removal exists. If exigent circumstances requiring the immediate removal of the firearm exist, the recovering officer

⁹⁸ Use of Force Order, section III.C.

⁹⁹ Force Options Order, section IV.

¹⁰⁰ General Order G03-06 (effective April 15, 2021).

¹⁰¹ Department Notice D19-01(effective November 1, 2019).

¹⁰² Special Order S03-14 (effective April 30, 2018).

¹⁰³ Special Order S07-01-04 (effective August 15, 2019)

will handle and secure the firearm in a manner that minimizes the risk of spoiling or degrading the evidence then give the firearm to Forensic Services Division personnel.

Any Department member who recovers or takes into custody a firearm will conduct a thorough physical and visual inspection to ensure that the firearm is unloaded and for safe handling while wearing fresh rubber gloves unless exigent circumstances exist. The firearm should be handled as minimally as possible, only contacting the knurling surfaces of the weapon. The recovering member is to wear fresh rubber gloves for each firearm, live ammunition, and fired cartridge cases, as well as magazines, and holsters associated with the firearm and place in a Firearm Evidence Envelope. The exigent circumstances requiring immediate removal and the member who removed the firearm will be documented in the appropriate case report.

VIII. LEGAL ANALYSIS

A. Each involved officer failed to activate his Body Worn Camera in a timely manner.

Department policy requires Department members to activate their Body Worn Cameras at the beginning of law enforcement encounters. Traffic stops are law enforcement encounters and thus, Body Worn Cameras are to be activated at the beginning and record the entirety of them. Officer Shields appears to activate his Body Worn Camera after exiting the squad car, as he is in pursuit of ██████████. Officer Shields informed COPA that he attempted to activate his Body Worn Camera upon exiting the vehicle but later realized that the camera did not activate. Officer Ball's Body Worn Camera begins in a backyard and displays him and the other officers in search of ██████████ demonstrating late activation. During his interview, Officer Ball informed COPA that it wasn't until he bent over due to shortness of breath that he realized that his camera had not been activated. He informed COPA that he activated his camera in that moment, which is supported by the Body Worn Camera footage.

Officer Zeman appears to activate his Body Worn Camera upon exiting the vehicle and beginning the foot pursuit, however, deactivates the camera without recording the entirety of the encounter. He explained to COPA that he believed he activated his camera after exiting the vehicle and made additional attempts during the pursuit.

Officer Skalski's Body Worn Camera footage begins after the traffic stop is initiated and after the discharge of the weapons. He appears to activate his camera after exiting his squad car and stopping at the other squad car. During Officer Skalski's interview, Officer Skalski could not recall when he activated his camera but believed the activation was timely.

Officer Alequin appears to activate his Body Worn Camera footage during the foot pursuit. During his interview with COPA, Officer Alequin acknowledged the late activation but believed he had activated it at the time of the traffic stop.

The preponderance of the evidence demonstrates that none of the Body Worn Cameras captured the entirety of the encounter as required by Department policy. Both Officers Shields and Ball were aware that they were going to conduct a traffic stop. Though Officers Skalski, Zeman, and Alequin may not have been aware of the violation that inspired the traffic stop, they agreed to

accompany Officers Ball and Shields to conduct it and were aware that the traffic stop was being initiated. At the moment that the officers decided to initiate a traffic stop on the Hyundai, their Body Worn Cameras should have been activated as traffic stops are law enforcement related activities. For these reasons, COPA finds that each officer failed to activate their Body Worn Cameras in violation of Special Order S03-14. Allegation 1 against Officers Ball, Shields, Skalski, Zeman and Alequin is **Sustained**.

B. Officer Ball violated Department policy when discharging his firearm.

- a. Officer Ball's discharge was not objectively reasonable, necessary, or proportional.

Officer Ball informed COPA that there was a muzzle flash from ██████████ and he discharged his weapon simultaneously to ██████████ discharging his firearm.¹⁰⁴ It is known that ██████████ was in possession of a firearm that he was attempting to dispose of however, there is no objective evidence to support that ██████████ discharged a firearm. Each witness reported hearing only one gunshot. The body-worn camera footage also captured one gunshot. Additionally, the involved officers and witnesses claim to only have heard one gunshot. In a statement with COPA, Officer Shields stated that he saw a muzzle flash come from the area near ██████████ however, he also only heard one gunshot. He informed COPA that he was running 20-30 feet behind Officer Ball and did not learn that Officer Ball discharged his weapon until after the incident.¹⁰⁵ Based on his position behind Officer Ball and the muzzle flash, it's reasonable that the muzzle flash was from Officer Ball's discharge. During his interview with COPA, Officer Shield acknowledged that the muzzle flash could have come from Officer Ball as both the muzzle flash and Officer Ball were in front of him.¹⁰⁶ The evidence therefore contradicts Officer Ball's account of the incident.

- b. Officer Ball did not face an imminent threat.

The evidence also shows that ██████████ had discarded the firearm before Officer Ball fired at him. Officer Ball indicated ██████████ pointed the weapon at him but there is no evidence to support that contention. Given Officer Ball's misperception of ██████████ firing at him, Officer Ball's assertion that the weapon was fired at him is questionable.¹⁰⁷ It is more likely than not that if ██████████ inadvertently pointed his weapon at Officer Ball, he did so as he attempted to discard

¹⁰⁴ Att. 12 at 7:55 to 8:00. On the audio of Officer Ball's body worn camera, Officer Ball states, "I shot one." The question being asked by the other officer is faint and unclear however, it appears that Officer Ball is then asked, "Did he shoot too?" to which Officer Ball responds, "I don't know". Officer Ball is then informed that there are two shell casings to which he responds, "He probably did man." COPA attempted, unsuccessfully, to improve the sound quality of the video. If COPA's understanding of the dialogue is accurate, it suggests Officer Ball was not certain that ██████████ fired his weapon moments after Officer Ball fired his weapon. This undermines Officer Ball's statement to COPA where he expressed no uncertainty and instead repeatedly stated that he believed ██████████ fired his weapon at him. However, COPA cannot confirm the entire dialogue but notes the possible inconsistency in Officer Ball's account of the incident.

¹⁰⁵ Att. 54 pg. 18, Lines 11 to 22

¹⁰⁶ As noted above, Officer Shields at first acknowledged that the discharge could have come from Officer Ball but then changed his answer after his counsel requested a break. The evidence shows only Officer Ball fired his weapon. Officer Shields' assertion that the gunshot came from ██████████ cannot be credited.

¹⁰⁷ Even if ██████████ had pointed the weapon, Officer Ball focused on ██████████ alleged firearm discharge as the reason for his need to use deadly force.

it. For these reasons, COPA finds it more likely than not that [REDACTED] did not present an imminent threat when Officer Ball fired at him.

COPA finds that a preponderance of the evidence shows that Officer Ball violated Department policy when he discharged his weapon. Allegation #2 against Officer Ball is **Sustained**.

C. Officer Shields violated Department policy by failing to notify of the pointing of his firearm at [REDACTED]

Department policy requires Department members to notify the OEMC whenever the member points a firearm at a person during the performance of his or her duties promptly after the incident occurs. This notification should include the member's radio identification number/beat number. Officer Shields explained that he did not do so in an effort to refrain from putting additional traffic on the radio while the shooting was unfolding. There are exceptions to the notification requirement however, the prevention of radio traffic during other law enforcement occurrences is not one of them. Once the incident concluded, Officer Shields was required to notify OEMC. COPA finds that Allegation 3 against Officer Shields is **Sustained**.

D. Officer Shields violated Department policy by improperly handling a firearm being taken into custody.

Officer Shields recovered a firearm during the foot pursuit of [REDACTED]. Afterward, [REDACTED] was charged with Aggravated Unlawful Use of a Weapon by a person under 21.¹⁰⁸ Department policy states that firearms and or property directly related to a firearm, including but not limited to ammunition and magazines, that require fingerprint or DNA processing as part of a criminal investigation in which Forensic Services Division personnel are normally assigned, will not be touched, handled, or removed by any members other than Forensic Services Division personnel unless exigent circumstances exist.¹⁰⁹ Firearms that are recovered as part of an unlawful use of weapon investigation and require fingerprinting or DNA processing will be recovered by the discovering department member.¹¹⁰ The Department member is to conduct a thorough physical and visual inspection to ensure that the firearm is unloaded and safe for handling while wearing fresh rubber gloves, unless exigent circumstances exist. The firearm is to be handled as minimally as possible, only contacting the knurling surfaces of the weapon. The recovery is to be done in a way that minimizes the risk of degrading the evidence.

Officer Shields explained to COPA that given the nature of the incident and the needs to ensure safety, he determined that it was best for him to recover the firearm and continue to pursue [REDACTED]. While the reason for the recovery is understood, the preponderance of the evidence shows that the method in which it was recovered was in violation of Department policy. Additionally, running with the firearm prior to inspection posed a risk to both the officer and the public as there were multiple people in the area. There were other officers on scene who could have recovered the weapon in alignment with Department policy. COPA finds that Allegation #3 against Officer Shields is **Sustained**.

¹⁰⁸ Att. 1

¹⁰⁹ Special Order S07-01-04 (effective August 15, 2019)

¹¹⁰ Id.

E. Officer Shields violated Department policy by addressing [REDACTED] as “dummy”.

Department Rule 8 prohibits disrespect to or maltreatment of any person, while Rule 9 prohibits engaging in any unjustified verbal altercation. During his interview with COPA, Officer Shields admitted to calling [REDACTED] a “dummy” and acknowledged that he should not have made the remark. His reason provided for doing so was being frustrated. While COPA acknowledges that this may have been the case, it does not justify the use of the term. Allegation 4 against Officer Shields is **Sustained**.

IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Noah Ball¹¹¹

i. Complimentary and Disciplinary History

Officer Ball’s complimentary history is comprised of 42 awards, including one Life Saving Award. He has no recent disciplinary history.

ii. Recommended Penalty

COPA has considered Officer Ball’s complimentary and disciplinary histories, among other factors, in making its disciplinary recommendation. In this case, Officer Ball discharged his weapon in the direction of an individual when it was not permissible, which violated Department policies and Rules 2, 8, and 9. This misconduct was of the most egregious nature, that which jeopardized the safety of an individual and may have resulted in physical injury or the loss of life. In addition, Officer Ball violated Rules 2, 6, and 10 when he failed to activate his body-worn camera in a timely manner. COPA’s findings in this case are such that seriously undermine public trust in the Department and its credibility. Therefore, COPA recommends a penalty of **Separation** from the Department.

b. Officer Vincent Shields¹¹²

i. Complimentary and Disciplinary History

Officer Shields complimentary history is comprised of 33 awards, including two Department Commendations. His recent disciplinary history includes a July 2021 SPAR (Preventable Accident) resulting in a Reprimand, and a July 2022 SPAR (Failure to Perform Assigned Tasks) resulting in No Disciplinary Action.

ii. Recommended Penalty

COPA has found that Officer Shields violated Rules 2, 5, 6, 8, 9, and 10 when he failed to activate his body-worn camera in a timely manner, failed to make appropriate notification to OEMC after pointing his firearm, failed to properly handle a firearm taken into custody, and by

¹¹¹ Att. 82

¹¹² Att. 83

referring to an arrestee as “dummy”. COPA has considered Officer Shield’s complimentary and disciplinary histories and recommends a penalty of **5-20 days suspension**.

c. Officer Matthew Skalski¹¹³

i. Complimentary and Disciplinary History

Officer Skalski’s complimentary history is comprised of 56 awards, including one Department Commendation and one Unit Meritorious Performance Award. His recent disciplinary history includes an August 2018 Sustained finding (Arrest/Lockup Incident) resulting in a 1-day suspension.

d. Officer Edward Zeman¹¹⁴

i. Complimentary and Disciplinary History

Officer Zeman’s complimentary history is comprised of 328 awards, including one Superintendent’s Award of Tactical Excellence, one Annual Bureau Award of Recognition, two Special Commendations, two Police Officer of the Month Awards, 12 Department Commendations, one Unit Meritorious Performance Award, and five Top Gun Arrest Awards. His recent disciplinary history includes an August 2019 Sustained Finding (Operations/Personnel Violations Inadequate/Failure to Provide Service) resulting in a Reprimand, and an October 2022 SPAR (Non-Compliance with Motor Vehicle Pursuit Requirements) resulting in a Reprimand.

e. Officer Curtis Alequin¹¹⁵

i. Complimentary and Disciplinary History

Officer Alequin’s complimentary history is comprised of 120 awards, including three Department Commendations. His recent disciplinary history includes a July 2020 Sustained finding (Operations Personnel Violations Neglect of Duty – failure to timely activate body-worn camera) resulting in Violation Noted, a November 2022 SPAR (Inattention to Duty) resulting in a Reprimand, a November 2022 SPAR (Failure to Perform Assigned Tasks) resulting in 1-Day Off, a November 2022 SPAR (Failure to Perform Assigned Tasks) resulting in 2-Days Off, a March 2023 SPAR (Equipment Violation) resulting in a Reprimand, and a March 2023 SPAR (Absence Without Permission) resulting in a Reprimand.

ii. Recommended Penalty

COPA has found that Officers Skalski, Zeman and Alequin violated Rules 2, 6, and 10 by failing to timely activate their body-worn cameras. Considering Officer Skalski’s complimentary and disciplinary histories, COPA recommends a **3-day suspension**. Given Officer Zeman’s extensive complimentary history, in addition to his disciplinary history, COPA recommends a penalty of **Violation Noted**. Finally, considering Officer Alequin’s previous sustained finding for

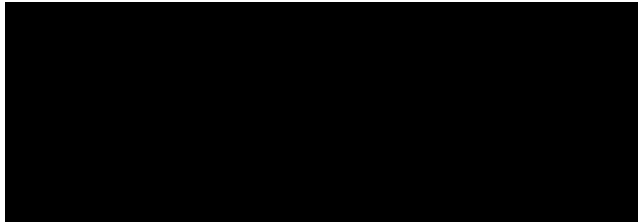
¹¹³ Att. 84

¹¹⁴ Att. 85

¹¹⁵ Att. 86

failing to timely activate his body-worn camera, as well as his complimentary and other disciplinary history, COPA recommends a penalty of a **5-day suspension**.

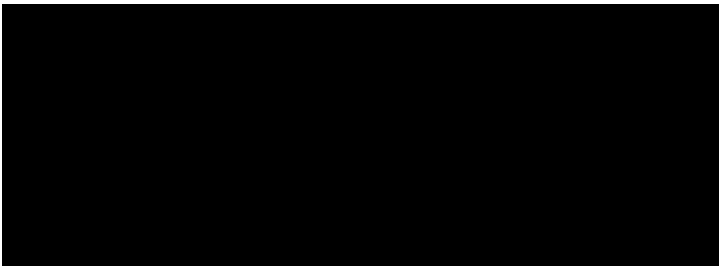
Approved:



6-30-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date



6-30-2023

Andrea Kersten
Chief Administrator

Date