

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 23, 2017
Time of Incident:	Approximately 4:40 am
Location of Incident:	████████████████████
Date of COPA Notification:	September 23, 2017
Time of COPA Notification:	Approximately 5:00 am

On September 23, 2017, at approximately 4:40 am, Sergeant Robert Woods #2017 (Beat 620R)¹ was working alone and in uniform as a Street Supervisor in the 6th District. He was driving a marked Ford Explorer. He heard a call over the radio from the Office of Emergency Management and Communications (OEMC) regarding a man with a gun breaking into an apartment at ██████████. Sgt. Woods was within a couple of blocks of that address and saw several Chicago Police squad cars driving in that direction. Sgt. Woods drove toward ██████████ and saw several squad cars drive down ██████████ toward the front of the address in question. Sgt. Woods decided to drive down the west alley of ██████████ to make sure the rear of the address in question was secure.

Sgt. Woods parked his squad car in the west alley of ██████████ and began walking toward ██████████. Sgt. Woods walked down a gangway one building north of ██████████. As he walked past the garage and into the backyard, he saw a woman, now known to be ██████████,² run out onto the first-floor back porch of ██████████, which was approximately fifteen to thirty feet south of Sgt. Woods position and approximately six feet up from the ground. She was wearing nothing but panties and screaming hysterically, “He’s got a gun! He’s got a gun! He’s still in there!” ██████████ then ran back into the first-floor apartment and shortly thereafter, a male subject wearing white pants, now known to be ██████████³ came out of the first-floor apartment of ██████████ holding a large, black, semi-automatic handgun. Sgt. Woods drew his service weapon and yelled at ██████████ to “Freeze!”⁴ ██████████ began to turn in the direction of Sgt. Woods and, as he did so, the barrel of his gun turned in the direction of Sgt. Woods. Sgt. Woods fired one round at ██████████, which missed and lodged in the exterior wall of the apartment building. ██████████ immediately ran back inside the apartment.

Sgt. Woods then climbed over the chain-link fence separating the backyard in which he stood from the backyard of ██████████. Sgt. Woods went inside the first-floor apartment and found ██████████ hiding in a closet under some clothing. A handgun matching the description of the one Sgt. Woods saw in ██████████’s hand was recovered from the kitchen freezer.

¹ Sgt. Woods retired from the Department in 2020. Att. 82

² Hereinafter “██████████.”

³ Hereinafter “██████████.”

⁴ Att. 66, P. 20, L. 2

II. INVOLVED PARTIES

Involved Sergeant #1:	Robert Woods, Star # 2017; Employee ID # [REDACTED]; Date of Appointment: 12/4/1995; Sergeant; Assigned to 6 th Dist.; Date of Birth: [REDACTED]1968; Male; Black
Involved Individual #1:	[REDACTED], DOB: [REDACTED]1990, Male, Black

III. ALLEGATIONS⁵

Any discharge of an officer’s firearm results in a mandatory notification to COPA. This investigation was initiated pursuant to such notification. Over the course of this full and comprehensive investigation, COPA did not uncover evidence that would require allegations of excessive force.

IV. APPLICABLE RULES AND LAWS

General Orders

1. General Order G03-02: Use of Force Guidelines (effective October 1, 2002)
2. General Order G03-02-02: Force Options (effective January 1, 2016)
3. General Order 03-02-03: Deadly Force (effective February 10, 2015)

a. Interviews

Chicago Police Department⁶ Interviews

Involved Sergeant Robert Woods’s statements to COPA on March 1, 2018,⁷ and January 16, 2019⁸

Sgt. Woods stated that on September 23, 2017, at approximately 4:40 am, he was working as a Street Supervisor in the Sixth District. His beat was 620R. He was in uniform, working alone, and driving a marked Ford Explorer. He heard a call over the radio from OEMC regarding a man with a gun breaking into an apartment at [REDACTED]. Sgt. Woods was within a couple blocks of that address. He saw several Chicago Police squad cars driving in that direction, so he decided to head to that location, as well. As he approached the [REDACTED] [REDACTED], he saw several squad cars head toward the front of the building. Sgt. Woods decided to drive down the west alley of [REDACTED] to make sure the rear of the building was secure.

⁵ A secondary Log #1088171 was generated for a Body Worn Camera allegation against Sgt. Woods for this same incident.

⁶ Hereinafter “CPD” or “Department.”

⁷ Atts. 56, 65

⁸ Atts. 69, 70

Sgt. Woods parked his vehicle in the west alley of [REDACTED] and walked toward the approximate address of [REDACTED]. He could not be sure of the exact address because the address numbers were not posted on the backs of the buildings. He walked through the rear gangway of a building that was one building north of [REDACTED]. The area was well-lit with artificial light. As he walked past the garage and into the backyard, he saw [REDACTED] exit the rear door and run onto the first-floor back porch of [REDACTED]. [REDACTED] was wearing nothing but panties and screaming hysterically “He’s got a gun! He’s got a gun! He’s still in here!”⁹ [REDACTED] then ran back into the apartment, and shortly thereafter,¹⁰ [REDACTED] came out of the same door onto the back porch holding a handgun. Sgt. Woods described the handgun, as he could see it in that moment, as “big,” “black,” and apparently “semi-automatic.”¹¹

Sgt. Woods stated that [REDACTED] was “flailing about”¹² as he ran onto the back porch with the gun in his hand. When asked to elaborate on the phrase “flailing about,” Sgt. Woods explained that when a person is walking or running, the person’s arms and legs are in motion.¹³ Sgt. Woods stated that [REDACTED] ran onto the back porch, stopped running, but his arms were still in motion. [REDACTED] began to turn in Sgt. Woods’s direction. Sgt. Woods does not know if [REDACTED] intended to point the gun at him, but stated “...at some point, that gun was moving in my direction.”¹⁴ [REDACTED] was approximately fifteen to thirty feet away from Sgt. Woods.¹⁵ Sgt. Woods, fearing for his safety and the safety of [REDACTED]¹⁶ drew his service weapon, fired one round at [REDACTED], and missed. [REDACTED] then ran back inside the apartment. [REDACTED] did not fire any shots at Sgt. Woods during the encounter. Sgt. Woods cannot recall whether he gave [REDACTED] any verbal commands before firing the shot at him, nor can he recall identifying himself as a police officer, other than the fact that he was in uniform.¹⁷

After [REDACTED] ran back inside the apartment, Sgt. Woods attempted to climb over the chain-link fence separating the backyard in which he stood from the backyard of [REDACTED]. As Sgt. Woods attempted to climb the fence, it began to collapse. He decided to hold his ground. He then realized that he had not activated his body-worn camera prior to firing a shot at [REDACTED], so he turned it on. A short time later,¹⁸ a uniformed Chicago Police Officer walked out of the backdoor of the apartment in question. At that point in time, Sgt. Woods found a safe place to climb over the chain-link fence without it collapsing beneath his weight. Sgt. Woods climbed over the fence, went up the stairs to the first-floor back porch of [REDACTED], and walked inside of the apartment in question through the backdoor.

⁹ Att. 65 P. 18, L. 14-16

¹⁰ Sgt. Woods could not estimate how much time had elapsed.

¹¹ Att. 65 P. 25, L. 8-14

¹² Att. 65 P. 25, L. 22

¹³ Att. 65 P. 45, L. 11-14

¹⁴ Att. 65 P. 26, L. 8-9

¹⁵ Att. 65 P. 29, L. 10-11

¹⁶ Att. 70, P. 6, L. 20 – P.7, L. 22

¹⁷ Att. 65 P. 26, L. 10-16

¹⁸ Sgt. Woods does not recall how much time had elapsed. *Id.* at P. 21, Lines 2-4.

Sgt. Woods walked through the apartment and encountered ██████ near the front of it. ██████ told Sgt. Woods that ██████ had run out of the backdoor. Sgt. Woods knew that ██████ could not have fled through the backdoor because he had held his ground behind the building and had not seen ██████ since ██████ ran back inside the apartment. By this time, several uniformed Chicago Police officers had secured the front of the apartment building and no one had seen ██████ attempt to flee through the front. Sgt. Woods directed uniformed Chicago Police officers to search the apartment. Subsequently, Sgt. Woods along with other officers found ██████ hiding underclothing in a hallway closet inside the apartment and took him into custody. A uniformed Chicago Police Officer found a handgun that was consistent with the one Sgt. Woods saw in ██████'s hand in the freezer in the kitchen, which was adjacent to the backdoor.

As Sgt. Woods and other uniformed Chicago Police Officers secured the apartment, they encountered ██████, whom ██████ had allegedly shot three times during the encounter. ██████ had also struck ██████ in the head several times with his gun during the same encounter. Both ██████ and ██████ survived their injuries.

Sgt. Woods was alone when he initially encountered ██████ and ██████ behind ██████. No other CPD officer was a witness to the shot fired by Sgt. Woods.

Civilian Witness Interviews

██████████'s Statement to COPA on October 12, 2017¹⁹

██████████ stated she lives at ████████████████████, Apt. 1N and had only lived there since September 2, 2017. She added that, while she and ██████ had lived together several years prior to the incident in question, they had not lived together since 2013. ██████ did not reside at ████████████████████, and ██████ had never invited him there as a guest.²⁰ On September 23, 2017 at approximately 4:40 a.m., she and ██████,²¹ were asleep in her bedroom, which is located toward the front of her apartment. She heard a noise in the kitchen, which is in the rear of her apartment. She went into the kitchen to see what caused the noise and she saw ██████²² standing on something²³ outside of the kitchen window. ██████ had pushed the kitchen window screen inside of the apartment and was crawling through the window. ██████ asked ██████ why he was there, and he responded by asking her who was in the apartment with her and why she had not answered his phone calls.

As he was crawling through the window, ██████ tossed a gun²⁴ onto the kitchen floor. ██████ finished crawling through the window, planted his feet on the kitchen floor, and picked up the gun. ██████ told him to leave and tried to prevent him from moving further into the apartment, but ██████ pushed her into a wall in the kitchen and hit her in the head with the gun

¹⁹ Atts. 21, 66

²⁰ Att. 66, P. 6, L. 2 – P. 7, L. 4.

²¹ At the time of the incident, ██████ was ██████'s boyfriend and the father of her youngest child, a three-month-old girl.

²² ██████ is ██████'s ex-boyfriend and the father of two of her children, aged five and two at the time of the incident.

²³ ██████ could not see what ██████ was standing on.

²⁴ ██████ described it as a black handgun but could not provide any further description.

four or five times.²⁵ [REDACTED] moved past [REDACTED] and began to walk through the apartment toward the front bedroom, where [REDACTED] and his and [REDACTED]'s three-month-old daughter were. [REDACTED] tried to push his way into the bedroom, but [REDACTED] was apparently pushing back against the other side of the bedroom door. [REDACTED] saw [REDACTED] take a step back, shoot at the bedroom door, then strike the door with his shoulder, breaking it off the hinges.

[REDACTED] then continued shooting. At that point, [REDACTED] could hear but no longer see [REDACTED] shooting because she ran onto the back porch to get help. She believes [REDACTED] fired a total of eight to ten shots. After running onto the back porch, [REDACTED] saw a uniformed Chicago Police Officer²⁶ standing in the backyard one building north of [REDACTED]. The officer was black, male, short, and wearing a white shirt. She called out to the officer "Come in! He's in here! He's got a gun!"²⁷ She could see that the officer was in the wrong backyard and there was a chain-link fence between her backyard and where the officer stood.

[REDACTED] ran back inside the apartment through the backdoor to see where [REDACTED] had gone. At this point, [REDACTED] was running toward the backdoor. He still had the gun in his hand and, as he ran, he was holding the gun at about chest-level and pointing it outward²⁸. [REDACTED] does not recall whether the gun was in [REDACTED]'s left or right hand, but she believes he is left-handed²⁹. [REDACTED] pushed his way past [REDACTED] and ran onto the back porch. [REDACTED] then heard the officer in the back yell "Freeze!"³⁰ Approximately two seconds passed, then she heard a single gunshot³¹. [REDACTED] did not see the interaction between the officer and [REDACTED].

[REDACTED] moved toward the front of her apartment. Uniformed Chicago Police officers were coming into the apartment through the front door. A female officer instructed [REDACTED] to leave the apartment through the front door. At that point, [REDACTED] heard what sounded like the hallway closet door opening. [REDACTED] did as she was instructed, left the apartment through the front door, and found [REDACTED] just outside the front door of the apartment building. [REDACTED] had been shot in both of his arms a total of three times.³²

Shortly thereafter, the uniformed officer in the white shirt, whom [REDACTED] had seen in the adjacent backyard, walked through the apartment to the front of the building. He asked [REDACTED] if [REDACTED] had run through the front door and [REDACTED] said he had not. [REDACTED] then told the officer to check the hallway closet. The officer in the white shirt then opened the hallway closet, found [REDACTED] hiding inside, and apprehended him.

Civilian Witness, [REDACTED]

²⁵ [REDACTED] does not know if [REDACTED] struck her with the barrel or the butt of the gun.

²⁶ Now known to be Sgt. Woods.

²⁷ Att. 66 P. 16, L. 18-19

²⁸ Att. 66 P. 24, L. 9-20

²⁹ Att. 66 P. 19, L. 16-20

³⁰ Att. 66 P. 20, L. 2-10

³¹ Att. 66 P. 20, L. 11-17

³² Att. 66 P. 21, L. 4-7

COPA made multiple attempts to interview [REDACTED] via telephone and in person. All attempts made were unsuccessful.³³

Involved subject, [REDACTED]

Attempts made to interview [REDACTED] were unsuccessful. On January 4, 2018, COPA sent a certified letter to the Cook County Public Defender, Felony Trial Division seeking permission to interview [REDACTED] regarding the incident that gave rise to this investigation.³⁴ On January 10, 2018, COPA received a voicemail from Assistant Cook County Public Defender, [REDACTED]. In her voicemail, [REDACTED] declined to give COPA permission to interview [REDACTED] regarding this matter.

On June 19, 2018, COPA sent an email to [REDACTED], Attorney Supervisor at the Law Office of the Cook County Public Defender.³⁵ In the email, COPA renewed its request to interview [REDACTED] regarding the incident in question. [REDACTED] did not respond to COPA's email of June 19, 2018.

On December 20, 2018, COPA sent an email to [REDACTED],³⁶ Attorney Supervisor at the Law Office of the Cook County Public Defender. In the email, COPA renewed its request to interview [REDACTED] regarding the incident in question and stated that if COPA did not receive a response by January 10, 2019, COPA would assume the offer of an interview had been communicated to [REDACTED] and that he had declined. On December 21, 2018, [REDACTED] replied to COPA's email, stating that she had forwarded COPA's request to [REDACTED]'s assigned attorney and would follow up with COPA when she receives a response from that attorney. [REDACTED]'s email went on to state, "At this time you do not have consent to speak to Mr. [REDACTED]."³⁷

To date, COPA has not been able to interview [REDACTED] regarding this matter.

b. Digital Evidence

Body-Worn Camera and In-Car Camera Video

COPA obtained In-Car Camera video from three responding units. All the in-car camera videos are entirely post-occurrence.³⁸

The in-car camera video from Beat 643 is a shot of the backseat taken from inside the squad car.³⁹ Near the start of the video, arresting officers place [REDACTED] in the backseat of the squad car. He is handcuffed behind his back. He is wearing white pants and no shirt. At approximately 00:06:40, an officer standing outside of the squad car asks [REDACTED] if he has been shot and [REDACTED]

³³ See investigator's case log and Atts. 53, 55 The ERI of [REDACTED] is summarized later in this report.

³⁴ Att. 49

³⁵ Att. 58

³⁶ Att. 60

³⁷ Att. 61 – 63

³⁸ Atts. 23, 24

³⁹ Att. 24

responds that he has not. The officer then asks [REDACTED] where he lives. [REDACTED] states that he lives at [REDACTED] and that [REDACTED] broke into the apartment and tried to shoot [REDACTED].

COPA obtained body-worn camera video from eleven officers who responded to the scene of the incident. All such body-worn camera video is post occurrence.⁴⁰

COPA obtained body-worn camera video from Sgt. Woods.⁴¹ Sgt. Woods activated his body-worn camera shortly after firing a shot at [REDACTED].⁴² The video begins with what appears to be Sgt. Woods taking cover behind a garage, next to a broken chain-link fence. His gun is still drawn. At 4:39 am, a woman can be heard making a distressed moaning sound. A male voice can be heard over the radio informing the OEMC dispatcher that one male has been shot. Sgt. Woods asks for a clothing description of the male who was shot. A CPD officer states over the radio that the male who was shot is in his underwear.

At approximately 4:40 am, a male, uniformed CPD officer walks through the backdoor of apartment in question and onto the back porch. Sgt. Woods identifies himself to the officer. The officer states "They said he ran out the back." Sgt. Woods responds "No, he ran back in. He ran back in. He came out. Gun in his hand. I popped one off at him. He ran back in."

After climbing over the chain-link fence into the backyard of [REDACTED], Sgt. Woods walks up the rear stairs, then walks through the apartment in question, beginning in the kitchen in the rear and moving toward the front of the apartment. As Sgt. Woods approaches the front bedroom where [REDACTED] allegedly shot [REDACTED], the bedroom door can be seen laying on the floor, apparently having been knocked off its hinges. The door is smeared and splattered with blood. Sgt. Woods continues through the front door of the apartment, down the front stairway and into the building vestibule. [REDACTED] can be seen lying on the floor of the vestibule. [REDACTED] is standing just outside the front of the apartment building, naked from the waist up and holding a toddler.

Sgt. Woods asks [REDACTED] and a male uniformed CPD officer "Where'd that dude go?" The male officer states "He said he went out the back." Sgt. Woods states "No, he ran back in here." [REDACTED] states "He in the house! Check the closet in the kitchen!" Sgt. Woods walks back up the front staircase and into the apartment. He and other officers search the apartment for [REDACTED]. Sgt. Woods finds [REDACTED] hiding in a closet, points his service weapon at him and states "Get your ass up! Hands up! Hands up, motherfucker! I tried to pop your ass out there. I'll give it to you!" [REDACTED] states "That wasn't even me!" Sgt. Woods and the other officers in the apartment begin yelling "Get your hands up! Get up!" [REDACTED] emerges from under the pile of clothing and stands up inside the closet. He states "I don't got nothing. I don't got nothing." Sgt. Woods states "You came out with a pistol. Where's that pistol?" [REDACTED] replies "That wasn't me."

⁴⁰ Att. 22. The officers are P.O. Dominique Allen, # [REDACTED]; Sgt. Timothy Balasz, # [REDACTED]; P.O. John Brownridge, # [REDACTED]; P.O. Anthony Carozza, # [REDACTED]; P.O. Michael Dearborn, # [REDACTED]; P.O. Mary Jones, # [REDACTED]; P.O. William Rivera, # [REDACTED]; P.O. Stanislaw Smalec, # [REDACTED]; and P.O. Michael Vanboldrik # [REDACTED]. Sergeant Erleen Banks, # [REDACTED] and Sergeant Sean Carroll # [REDACTED].

⁴¹ Att. 22

⁴² Refer to Log #1088171.

Sgt. Woods handcuffs [REDACTED] behind his back and instructs another CPD officer to search [REDACTED] and put him in a car. Sgt. Woods then states “He came out back with a pistol. There’s a pistol in here somewhere.” A male, uniformed CPD officer can then be heard stating “Sarge! Sarge! Gun!” Sgt. Woods walks into the kitchen, and a male, uniformed CPD officer can be seen removing a black, semi-automatic handgun from the kitchen freezer.

Electronic Recorded Interviews

COPA obtained an **Electronic Recorded Interview (ERI)**⁴³ recorded on September 23, 2017, at 6:00 a.m. at Area 2,⁴⁴ interview room 2 depicting [REDACTED]. At approximately 6:11 a.m., while handcuffed, [REDACTED] appears to be administered a Gunshot Residue kit (GSR) by a male black detective and with other CPD personnel present. Throughout the remainder of the video, [REDACTED] is depicted laying down and/or sleeping on a mat. At 7:22 a.m. his clothing, to include white pants, underwear and gym shoes are inventoried into a large brown paper bag. He is provided beige pants and a t-shirt.

At 09:32:30, two officers in plain clothes enter the holding room and begin to question [REDACTED]. [REDACTED] states that he lives at [REDACTED]. The officer informs [REDACTED] that he is under arrest and reads [REDACTED] his Miranda rights. The officer questions further about who he lives with, and whether his name is on the lease. [REDACTED] states that he lives with [REDACTED], with whom he has been in a relationship for seven years, and their four children. [REDACTED] states that he and [REDACTED] have lived at [REDACTED] for less than one month. The officer asks [REDACTED] if he and [REDACTED] had experienced any recent domestic disputes, and [REDACTED] states that [REDACTED] had him “locked up” about one or two months prior to the incident in question. At approximately 09:47:40, [REDACTED] asks what he is being charged with. The officer informs [REDACTED] that the investigation is on-going, and no charges have been filed yet. [REDACTED] asks how long he will be in custody and the officer responds that he does not know. The officer begins to question [REDACTED] about the incident in question and [REDACTED] responds that he does not remember what happened. [REDACTED] states that he wants a lawyer before answering any further questions and the officers leave the room.

At 12:35 p.m. the video depicts [REDACTED] being escorted out of the interview room by uniformed officers.

An **ERI** of [REDACTED]⁴⁵ recorded on September 23, 2017, at 11:32 a.m. at Area 2 Interview room 1, depicts [REDACTED] being interviewed by ASA [REDACTED]. [REDACTED] essentially states the same information as she stated during her COPA interview.

An **ERI** of [REDACTED]⁴⁶ recorded on September 23, 2017⁴⁷, at 2:44 p.m., at Christ Hospital, depicts [REDACTED] in a hospital bed being interviewed by ASA [REDACTED].⁴⁸ In the ERI

⁴³ Att. 37

⁴⁴ During the time of incident, Area 2 was also identified as Area South at 727 E. 111th Street.

⁴⁵ Att. 37

⁴⁶ Att. X

⁴⁷ The timestamp on the video recording incorrectly depicts September 30, 2017. However, the interviewer, ASA [REDACTED], states the date and time on the record during the interview.

█████ stated that during the time of incident, he was sleeping at his girlfriend's house,⁴⁹ ██████s, in which they have a 3-month-old baby girl together. ██████ was awakened by ██████ at approximately 4:30 a.m. in which she notified him that someone was breaking in through the window. ██████ heard a noise at the window and ██████ ran to the kitchen area. ██████ heard ██████ beg the person at the window not to come in. ██████ then heard and recognized the voice of ██████ who responded to ██████ words to the effect that she made him do this. ██████ recalled locking the bedroom door. Their 3-month-old daughter was also inside of the room and seated inside of a car seat that was on the floor. ██████ attempted to open the door, then fired at the door and kicked it. ██████, who was still inside of the bedroom, attempted to "run up" on ██████ with the intention to remove his gun from him. However, ██████ was able to fire at him first. ██████ fell out of the entrance of the room after he was initially shot by ██████. ██████ then stood over him and continue to fire his gun at ██████. ██████ stated that ██████ emptied his magazine clip and was speaking to ██████ as he reloaded a new clip. ██████ and ██████ then heard a knock and announce of the police. ██████ proceeded to the rear of the residence. ██████ opened the [front] door for the police and attended to him. As ██████ was in the front of the house he learned that ██████ was still inside of the home. ██████ told the police to check the closet and shortly thereafter they exited the residence with ██████ in handcuffs. ██████ stated that he was shot twice in the left shoulder and one time in the right arm. All the shots fired were through and through. In addition, he sustained a broken shoulder bone. ██████ stated that during the time shots were fired, the baby was still inside of the room and was not harmed.

POD Camera Video

COPA obtained copies of POD camera video from ██████, ██████, ██████, and ██████. None of the cameras captured any portion of the incident in question.

Third Party Video

COPA obtained a DVD purportedly containing third party video from an AutoZone outlet, located at ██████⁵⁰. However, the files on the disc contain only one still image of the front door, taken by a camera apparently located inside of the store. The DVD contains no video from any of the nine cameras listed in the DVD's files.

OEMC Event Queries and Radio Transmissions were collected and made part of this case file. The following is a summary of the relevant audio recording entries from September 23, 2017:

At 4:32:38 a.m., a male 9-1-1 caller stated that he needed the police at ██████. The caller stated that a man was attempting to break into both the front and the back of the first floor, north apartment. The caller asked the OEMC dispatcher to hurry because the man

⁴⁸ Also present in the room during the interview was Detective Brian Cunningham # ██████ who introduced himself and was filming the interview.

⁴⁹ ██████

⁵⁰ Att. 42

attempting to break into the apartment had a gun. The caller stated that the man attempting to break in was the boyfriend of his friend, who was the resident of the apartment. The caller stated that the resident of the apartment was trying to stop the man from breaking in. The caller, who wished to remain anonymous, could not provide a description of the man who was attempting to break into the apartment.⁵¹

Police radio transmissions⁵² relevant to this investigation begin with the OEMC dispatcher (hereinafter “Dispatcher”) assigning Beat 631R to investigate a burglary in progress in which a man with a gun was attempting to break into both the back and front of the front apartment of [REDACTED]. The Dispatcher stated that the caller could not provide a clothing description of the man with the gun. The Dispatcher asked if any units were able to assist Beat 631R, and Beats 634R and 606G stated that they would go to the address.

Beat 672R, upon inquiry as to the floor on which the burglary was in progress, was informed by the OEMC dispatcher that there was a history of 9-1-1 calls on the first floor of the building in question.

An inaudible Beat number (now known to be Sgt. Woods of Beat 620R), stated that he was coming around the back on [REDACTED]. Beat 620R then stated that the Subject was coming around the front with a gun in his hand. An inaudible Beat number then stated that a person had been shot on the first floor. Beat 620R then stated that he was on scene and that shots had been fired by the police. The Dispatcher requested the star number of the officer(s) who fired the shot(s).⁵³

Beat 643R stated that a male had been shot at [REDACTED]. The Dispatcher stated that EMS was on its way to the scene. An unidentified male voice asked what the man who had been shot was wearing. An unidentified male voice stated that the man who had been shot was in his underwear.

Beat 620R stated that the man who came out with the weapon was in custody and requested Beat 690 or 699 on scene. Beat 620R stated that a weapon had been recovered and that shots had been fired by the police but added that he did not believe the offender had been hit.

A short time later, 690R informed the Dispatcher that an additional party was requesting an ambulance. The Dispatcher asked what the additional party was complaining of. Beat 690R replied that he could not see any visible injuries on the complaining party.

Some minutes later, Beat 699R stated that the scene was secure, all officers had been given their assignments, the offender was on his way to the hospital, and all officers could turn off their body cameras.

⁵¹ Att. 47

⁵² Att. 48

⁵³ According to the BWC of Sgt. Woods, Att #xx, he identified his Star # 2017, over the radio when requested.

Crime Scene Photographs⁵⁴ depict the scene from various angles. Crime scene markers can be seen where relevant evidence, including blood spatter, bullet fragments, suspect bullet holes, and a semi-automatic handgun were recovered in and around [REDACTED], Apt. 1N.

c. Physical Evidence

A **Crime Scene Processing Report (CSPR)**⁵⁵ indicates that Chicago Police Department evidence technicians recovered a PX4 Storm Berretta, .40 caliber, semi-automatic pistol with a black finish and approximately four-inch barrel, serial number [REDACTED], from the crime scene. An empty, black magazine was recovered from the PX4 Storm semi-automatic pistol. Nine fired cartridge cases were recovered. Three fired cartridge cases, head stamped "40 S&W Federal," were recovered from the hallway floor at [REDACTED]. Two fired cartridge cases, head stamped "40 S&W R.P.," were recovered from the hallway floor at [REDACTED]. One fired cartridge case, head stamped "40 S&W," was recovered from the hallway floor near the bathroom at [REDACTED]. One fired cartridge case, head stamped "40 S&W Federal," was recovered from the living room floor at [REDACTED]. One fired cartridge case, head stamped "40 S&W Blazer," was recovered from the first-floor bedroom at [REDACTED]. One fired cartridge case, head stamped "40 S&W Federal" was recovered from the hallway floor under the door at [REDACTED].

Three fired bullet fragments were recovered. One fired bullet was recovered from the hallway floor near the front entrance at [REDACTED], Apt. 1N. One fired bullet was recovered from the living room floor at [REDACTED], Apt. 1N. One fired bullet was recovered from the top mattress in the first-floor bedroom at [REDACTED].

Chicago Police Department evidence technicians also recovered Sgt. Woods's service weapon. It was a Glock 21 Gen 4, .45 caliber, semi-automatic handgun with a blue steel finish, a barrel of approximately four inches in length, a serial number of [REDACTED], and a capacity of thirteen plus one. The weapon contained a black, Glock Austria, .45 caliber magazine. Twelve live rounds were recovered from the magazine and one was recovered from the chamber.

A fired cartridge case, head stamped "45 Auto Winchester," was recovered from the grass at [REDACTED]. A fired bullet was recovered from the rear exterior brick wall at [REDACTED], Apt. 1N.⁵⁶

Inventory Sheets⁵⁷ document items recovered.

d. Documentary Evidence

⁵⁴ Att. 51

⁵⁵ Att. 29

⁵⁶ According to GPR reports, Att. 45, p. 45, the fired bullet was recovered approximately 2 feet above the porch and 10 inches north of the rear doorway.

⁵⁷ Att. XX

Per the **Arrest Report**,⁵⁸ [REDACTED] was arrested at [REDACTED], #1 on September 23, 2017 at 4:43 a.m. He was charged with attempted murder in the first degree, home invasion with a firearm, aggravated domestic battery, and aggravated assault against a peace officer with the use of a firearm.

Department reports to include the **Original Case Incident Report**, **Detective Supplementary Reports**, the **Major Case Incident Report** and **General Progress Reports (s)** essentially document the same information to include, but not limited to; the location of incident, involved parties and investigative steps taken by CPD.

Per the **Cook County Clerk of the Circuit Court**,⁵⁹ case number [REDACTED] was filed on October 3, 2017. [REDACTED] was charged with five counts of attempted murder and attempt to do great bodily harm, two counts of home invasion with a firearm, one count of home invasion causing injury, three counts of home invasion causing great bodily harm, two counts of home invasion and discharging a firearm, one count of aggravated battery and discharging a firearm, three counts of residential burglary, two counts of aggravated unlawful use of a weapon, one count of aggravated battery through use of a deadly weapon, two counts of felony possession of an unlawful weapon, and three counts of aggravated assault against a peace officer with the use of a firearm. As of this report, the charges against [REDACTED] are still pending and he is still incarcerated.

Per the **Tactical Response Report**,^{60,61} completed by Sgt. Woods on September 23, 2017, [REDACTED] fled, presented an imminent threat of battery, and used force likely to cause death or great bodily harm by a weapon. Sgt. Woods responded through member presence and firing one shot with his firearm.

Per the **Officer's Battery Report**,⁶² at the date, time, and location of the incident, Sgt. Woods was on duty, in uniform, and working alone in a squad car. Sgt. Woods checked the "other" box to indicate the manner of attack and indicated he was threatened with a 40 S&W semi-automatic weapon.

V. LEGAL STANDARD

COPA applies a preponderance of the evidence standard to determine whether a Department member's use of force violated Department policy or applicable law.⁶³ A **preponderance of evidence** is evidence indicating that it is more likely than not that the alleged conduct occurred.⁶⁴ If the evidence COPA gathers in an investigation establishes that it is more likely than not that

⁵⁸ Att. 5

⁵⁹ Att. 64

⁶⁰ Att. 14

⁶¹ During his statement to COPA, Sergeant Woods stated that for box 45 he checked "yes" in error. Refer to Att. 65, p. 14-15.

⁶² Att. 13

⁶³ See Municipal Code of Chicago, Ch. 2-78-110

⁶⁴ *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 been found to be more probably true than not.").

misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

VI. LEGAL ANALYSIS

Determinations regarding the propriety of any use of force center on whether the amount of force used by the officer was “objectively reasonable” in light of the particular circumstances the officer faced.⁶⁵ The reasonableness calculation “must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”⁶⁶

Although “reasonableness” has not been defined precisely under Department policy or applicable law, Department policy provides that the following non-exhaustive list of factors can govern the reasonableness of a particular use of force:

- the severity of the crime at issue;
- whether the person poses an immediate threat to the safety of officers or others; and
- whether the person is actively resisting arrest or attempting to evade arrest by flight.⁶⁷

The reasonableness of an officer’s use of force is ultimately judged under the totality of the circumstances viewed from the perspective of a reasonable officer.⁶⁸

The Department defines “deadly force” as force “which is likely to cause death or great bodily harm” and includes, among other things, “[t]he firing of a firearm in the direction of” a person to be arrested, even though no intent exists to kill or inflict great bodily harm.”⁶⁹

As outlined by the Chicago Police Department’s General Order 03-02, entitled “Deadly Force,” a sworn member may use force likely to cause death or great bodily harm only when such force is necessary “to prevent death or great bodily harm to the sworn member or to another person. . . .”⁷⁰ Similarly, Department General Order G03-02-02, entitled “Force Options,” permits use

⁶⁵ *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003); see also General Order G03-02: Use of Force Guidelines (effective October 1, 2002).

⁶⁶ *Graham*, at 396–97.

⁶⁷ General Order G03-02: Use of Force Guidelines, section III.C.1.

⁶⁸ General Order G03-02: Use of Force Guidelines, section III.C.2.

⁶⁹ General Order G03-02-03: Deadly Force (effective February 10, 2015).

⁷⁰ This language substantially mirrors language under Illinois law. Section 7-5 of the Illinois Criminal Code (720 ILCS 5/7-5 (West 2016)) provides, in pertinent part:

“A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any

of deadly force against an “assailant,” which includes any person whose actions “will likely cause death or serious physical injury to another person.”⁷¹

A. COPA finds Sergeant Woods’s use of deadly force was objectively reasonable based on the totality of the circumstances.

COPA finds that a preponderance of the evidence demonstrates Sergeant Woods’ use of deadly force against ██████ was objectively reasonable under the circumstances confronting him and was permissible under Department policy and applicable law.

First, Sergeant Woods responded to OEMC communications reporting a serious crime, namely a man with a gun breaking into an apartment building.⁷² Those facts, if confirmed, would have formed the basis for home invasion or residentially burglary charges under Illinois law.⁷³ Both are felonies under Illinois law.

Second, Sergeant Woods reasonably believed ██████ posed an imminent threat of death or great bodily harm. Upon arriving, Sergeant Woods encountered ██████, yelling frantically of a man with a gun in her apartment. Sergeant Woods therefore had a reasonable basis to believe he would confront an armed individual. Moments later Sergeant Woods saw ██████ with a weapon in his hand as ██████ emerged from the apartment. According to Sergeant Woods, ██████ arms were moving before he turned his body and the firearm in Sergeant Woods’ direction. Sergeant Woods told ██████ to freeze but fired when he saw the barrel of ██████’s gun point in his direction. ██████’s actions indicate he satisfied the definition of an “assailant” under Department policy.

Finally, COPA recognizes that Sergeant Woods arguably did not give ██████ a sufficient amount of time to comply with his order to “freeze.” But given the tense and rapidly evolving nature of the events, together with the high level of threat caused by ██████’s actions, COPA finds that a reasonable officer would have found it necessary to use deadly force to prevent imminent death or great bodily injury.

B. COPA finds Sergeant Woods to be credible.

force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...”

⁷¹ G03-02-01(IV)C(3)(a); *see also* G03-02-01: The Use of Force Model (effective May 16, 2012) (providing guidance on the appropriate amount of force members should use to effect a lawful purpose and indicating use of “Firearms and Other Lethal Force” may be reasonable in situations involving an “assailant” whose actions will likely cause death or serious physical injury.)

⁷² The 911 caller was anonymous and could not describe the clothing of the man breaking in but Sergeant Woods reasonably believed ██████ was that man based on (1) ██████’s screams indicating a man with a gun was in her apartment and (2) ██████ emerging from that apartment shortly thereafter.

⁷³ 720 ILCS 5/19-2: Residential Burglary (class 1 felony); 720 ILCS 5/19-6: Home Invasion (class X felony).

In making its determination, COPA evaluated all available evidence and relied in particular on the statements Sergeant Woods made to COPA. There are no known independent witnesses or video footage of the use of deadly force itself. As noted above, [REDACTED] has not provided COPA with a statement as of the date of this report. Sergeant Woods is therefore the only available eyewitness to the incident. Accordingly, COPA evaluated Sergeant Woods' statement in light of other available evidence. COPA has determined that Sergeant Woods' statement is corroborated by [REDACTED]'s statement, OEMC transmissions, and the gun the officers located in a kitchen freezer.

On the date of the incident [REDACTED] did claim that he did not exit the apartment with a gun in his hand. But that claim is not supported by evidence and, as a result, diminishes [REDACTED]'s credibility. [REDACTED] corroborated Sergeant Woods' assertion that [REDACTED] had a gun in his hand, pointed outward, when he exited her apartment. COPA made multiple unsuccessful attempts to interview [REDACTED]. COPA therefore did not obtain any evidence refuting the description of events that Sergeant Woods and [REDACTED] provided to COPA.

VII. CONCLUSION

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

Officer	Allegation	Finding
Sgt. Robert Woods	1. N/A	Use of deadly force within CPD policy.

Approved:

[REDACTED]

5-26-2021

 Angela Hearts-Glass
Deputy Chief Investigator

 Date

[REDACTED]

5-26-2021

 Andrea Kersten
Interim Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	8
Major Case Specialist:	Caterina Oliveri
Supervising Investigator:	Sherry Daun
Deputy Chief Administrator:	Angela Hearts-Glass