

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 4, 2021
Time of Incident:	7:26 am
Location of Incident:	██
Date of COPA Notification:	October 4, 2021
Time of COPA Notification:	8:10 am

On the morning of October 4, 2021, ██████████ ██████████ and his neighbor, both of ██████████ ██████████, called 911 to report a domestic incident involving an assault with a knife. Mr. ██████████ neighbor stated that Mr. ██████████ son had knocked on her door and related that his mother had a knife; Mr. ██████████ told the 911 call taker that his wife, ██████████ had a knife to his throat. Officer Alberto Covarrubias and Sergeant (Sgt.) Jeffery West responded to the residence, where they encountered Mr. ██████████ 7-year-old son, ██████████ outside the entrance to the building. The boy stated his mother had a knife and his father told him to call 911. The officers entered the building, announced their office, and heard screaming as they ascended the stairway to the ██████████ apartment. Officer Covarrubias drew his firearm and entered the open apartment door, at which point he immediately yelled, “Oh shit, get down! Stop, stop!”¹ Simultaneously, Officer Covarrubias fired his weapon twice at Mr. ██████████ fatally striking him. The officer later told investigators he observed Mr. ██████████ with a knife and believed Mr. ██████████ was stabbing Ms. ██████████ Ms. ██████████ sustained no injuries during the incident, but an autopsy found that Mr. ██████████ had multiple incise wounds to his arms, head, and back from a cutting instrument, as well as a gunshot wound to the abdomen and another to the chest that struck his heart.

II. INVOLVED PARTIES

Involved Officer #1:	Alberto Covarrubias, Star #18769, Employee # ██████████ Date of Appointment: July 15, 2013, Police Officer, 6 th District, DOB: ██████████, 1976, Male, Hispanic
Involved Sergeant#1:	Jeffrey West, Star #1914, Employee # ██████████ Date of Appointment: May 10, 1999, Police Sergeant, 6 th District, DOB: ██████████, 1967, Male, Black
Involved Individual #1:	██████████ DOB: ██████████, 1961, Male, Black
Involved Individual #2:	██████████ ██████████ DOB: ██████████ 1989, Female, Black

III. ALLEGATIONS

¹ Att. 1 at 3:02 minutes.

Pursuant to Section 2-78-120 of the Municipal Code of Chicago, the Civilian Office of Police Accountability (COPA) has a duty to investigate all incidents in which a Chicago Police Department (CPD) member discharges their firearm. During its investigation of this incident, COPA determined that Officer Covarrubias and Sergeant West committed the following violations of CPD rules and policy.

Officer	Allegation	Finding
Officer Alberto Covarrubias	<p>It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about October 4, 2021, at approximately 7:26am, at or near [REDACTED] Officer Alberto Covarrubias #18769 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li data-bbox="427 688 1182 764">1. Discharging his firearm at or in the direction of [REDACTED] in violation of G03-02; and <li data-bbox="427 800 1143 875">2. Failing to immediately render medical aid to [REDACTED] in violation of G03-02(V). 	<p>Sustained</p> <p>Sustained</p>
Sergeant Jeffrey West	<p>It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about October 4, 2021, at approximately 7:26am, at or near [REDACTED] Sergeant Jeffrey West #1914 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li data-bbox="427 1136 1097 1205">1. Failing to render medical aid to [REDACTED] in violation of G03-02(V). 	<p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules²

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
3. Rule 5: Failure to perform any duty.
4. Rule 6: Disobedience of an order or directive, whether written or oral.

² Police Board of Chicago, *Rules and Regulations of the Chicago Police Department, Article V. Rules of Conduct* (April 1, 2010), <http://directives.chicagopolice.org/#directive/public/6412>

5. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
6. Rule 10: Inattention to duty.

General Orders³

1. G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to present)
2. G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 to present)
3. G03-02-03: Firearm Discharge Incidents- Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021 to present)
4. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective April 15, 2021 to present)

V. INVESTIGATION

a. Interviews

On October 28, 2021, **Officer Alberto Covarrubias**⁴ provided a statement to COPA. He stated that on October 4, 2021, he was on duty, in uniform, and assigned to Beat 613. At approximately 7:34 am, Officer Covarrubias was dispatched to a call for service at [REDACTED]. Officer Covarrubias recalled the dispatcher stating that a child had reported a woman with a knife. As he drove to the location, the dispatcher relayed that another 911 call had been received; Officer Covarrubias did not remember all the details, but he believed the dispatcher reported that the child had gone to a neighbor's apartment, and the woman was holding a knife to a person's throat. Officer Covarrubias arrived at the apartment building and exited his vehicle, and Sgt. West arrived approximately 30 seconds later. He encountered a young boy outside on the sidewalk, as well as a neighbor who spoke to him from a [REDACTED] window. Officer Covarrubias did not recall what either said, but the boy appeared to want the officers to follow him into the building. Officer Covarrubias told the boy to wait outside, and he entered the building, followed by Sgt. West.

Once inside the building, Officer Covarrubias heard a "commotion"⁵ of voices coming from the second floor. He began to ascend the stairs and continued to hear the sounds of a struggle or disturbance. Officer Covarrubias described hearing a male voice along with a female voice, and the female seemed to be in distress. Officer Covarrubias announced his office at least once, then unholstered his Taser. When he arrived on the [REDACTED] landing, he again heard the female who sounded like she was in a struggle, though he could not make out any words.⁶ After reviewing his body worn camera (BWC) video, Officer Covarrubias acknowledged that someone in the

³ Department general and special orders, also known as directives, "are official documents establishing, defining, and communicating Department-wide policy, procedures, or programs issued in the name of the Superintendent of Police." Department Directives System, General Order G01-03.

⁴ Atts. 23, 27.

⁵ Att. 27, pg. 33, ln. 9.

⁶ Officer Covarrubias described the sound he heard as one full of fear and terror. Att. 27, pg. 41, ln. 5.

apartment said words to the effect of, “She’s got a butcher knife to my neck,”⁷ as he arrived on the [REDACTED] landing, but Officer Covarrubias did not recall hearing those words on the day of the incident.

Once on the second floor, Officer Covarrubias observed that the door to one of the apartments was halfway open, and he could see into the apartment through the gap created by the hinges between the door and the door frame. He saw a male and a female engaged in a struggle, positioned close together “like dance partners.”⁸ The male, now known to be Mr. [REDACTED] held a knife in his left hand above his head, while he used his right hand to grab the female, now known to be Ms. [REDACTED]. Both of Ms. [REDACTED] hands were empty, but she grabbed at or pushed Mr. [REDACTED] upper body as they struggled. In a split-second, Mr. [REDACTED] leaned to the left and brought the knife in his left hand down from above his head towards Ms. [REDACTED] right side. She screamed and moved her hips in the opposite direction, apparently trying to move away from the knife. Officer Covarrubias believed Mr. [REDACTED] was stabbing Ms. [REDACTED] in the side, based on the motion Mr. [REDACTED] made with the knife and Ms. [REDACTED] movement. He stated:

So, I assumed what I saw was him murdering her, or getting ready to murder -- murdering her, in the process, from when I saw the knife up and then come to the side, and that’s when I right away knew this was real. It happened, instantly, so fast because I expected to see a woman, going up there, with a knife. That’s what I expected, that’s what the call was about, and what I saw was different.⁹

Officer Covarrubias explained that he is trained, as a police officer, to know that the circumstances he encounters when he arrives at a call for service can be totally different than the information OEMC receives from the caller. He believed that was what happened in this instance; he expected to find a woman with a knife and instead found a man attacking a woman with a knife. Although Officer Covarrubias did not see the knife make contact with Ms. [REDACTED] body, he assumed she was being stabbed, and he decided that he needed to react immediately to prevent Mr. [REDACTED] from murdering Ms. [REDACTED]. As Officer Covarrubias entered the apartment, he transferred his Taser to his left hand, drew his firearm with his right hand, and yelled, “Stop, stop.”¹⁰ He explained that yelling “stop” was the only thing he had time to do, and there was no time to give specific verbal direction to Mr. [REDACTED].

Officer Covarrubias stated that Mr. [REDACTED] and Ms. [REDACTED] were in a small hallway outside of the apartment’s bathroom, adjacent to the kitchen, about ten to fifteen feet away from the entry door. Although his view was partially obscured by an interior wall, it still appeared Mr. [REDACTED] was the aggressor and had the upper hand in the struggle: Mr. [REDACTED] was standing over Ms. [REDACTED] was not backing away from her, and appeared to be trying to stab her while she continued to yell and attempted to move away.

Officer Covarrubias told COPA he believed he had no other option than discharging his firearm if he wanted to save Ms. [REDACTED] life. Within one second of entering the apartment, Officer

⁷ Att. 27, pg. 44, lns. 9-14; Att. 1 at 2:58.

⁸ Att. 27, pg. 42, ln. 21.

⁹ Att. 27, pg. 49, lns. 7-15.

¹⁰ Att. 27, pg. 59, ln. 11.

Covarrubias discharged his firearm once, aiming for Mr. ██████ upper body. Officer Covarrubias recalled seeing Ms. ██████ against the wall in the hallway, still struggling with Mr. ██████ when he fired the first time. Officer Covarrubias continued to move towards Mr. ██████ and Ms. ██████ holding his firearm in his right hand and his Taser in his left hand. He explained that he unintentionally hit the button to arc his Taser as he was transitioning between the Taser and his firearm; he did not intend to arc or discharge the Taser.

Officer Covarrubias believed his first shot struck Mr. ██████ but it did not appear to have any effect on Mr. ██████ or cause him to move back. Ms. ██████ however, did fall to the ground after the first shot, and Officer Covarrubias considered the possibility that he had struck her. When Mr. ██████ did not move back after the first shot, Officer Covarrubias immediately discharged his firearm a second time, again aiming for Mr. ██████ upper body. Mr. ██████ was still standing, and he started to turn around as Officer Covarrubias fired the second shot. Officer Covarrubias observed that Mr. ██████ was still holding the knife, but he could not recall the position of Mr. ██████ hands.

The impact of the second shot caused Mr. ██████ to move back and fall to the floor. Officer Covarrubias saw blood on Mr. ██████ right upper chest and immediately stopped firing. Mr. ██████ continued to move slightly, so Officer Covarrubias picked the knife up from the hallway floor and moved it away from Mr. ██████. Officer Covarrubias heard Sgt. West reporting shots fired and requesting an ambulance over his radio. He noticed that Ms. ██████ appeared to be “catatonic,”¹¹ lying on the floor with her eyes open but not speaking. To create some distance for her safety, Officer Covarrubias grabbed Ms. ██████ ankles and pulled her a short distance away from Mr. ██████. Officer Covarrubias then approached Mr. ██████ and shook him, but Mr. ██████ did not respond. He observed a large amount of blood but did not notice any cuts on Mr. ██████ head or face. Officer Covarrubias checked Mr. ██████ pulse but did not feel a pulse. Believing that Mr. ██████ was dead, Officer Covarrubias decided to concentrate his efforts on Ms. ██████ whom he still believed had been stabbed. He explained that he saw blood on the wall next to Ms. ██████ as well as on her arm and leg, and he believed it was her blood.

Officer Covarrubias stated that he received first aid training when he was in the police academy and that he had previously been trained in CPR. He had also received Law Enforcement Medical and Rescue Training (LEMART), where he learned to apply tourniquets and chest seals. Officer Covarrubias acknowledged that he did not perform CPR on Mr. ██████ because he believed Mr. ██████ was already deceased, and he was focused on saving Ms. ██████. Likewise, while he acknowledged that applying a chest seal would be appropriate for a person who is still alive and had been shot in the chest, Officer Covarrubias explained that he did not have his LEMART kit (which contained the chest seal) on his person as he normally would, as he had left it in his vehicle. Officer Covarrubias also stated he was going into shock after the shooting.

When confronted with the allegation that he discharged his firearm at or in the direction of Mr. ██████ in violation of General Order G03-02, Officer Covarrubias answered that he “used necessary and justified deadly force...to protect against an imminent threat to life to prevent great bodily harm to another person...I’m trying to prevent a murder that I see taking place.”¹² When

¹¹ Att. 27, pg. 81, ln. 21.

¹² Att. 27, pg. 115, lns. 8-13.

confronted with the allegation that he failed to provide life-saving aid to Mr. █████ consistent with his training, Officer Covarrubias answered, “I believe[d] he had expired. And my concern was to provide first aid to the female, the victim who was stabbed and ha[d] blood on her, and who still showed signs of life. So did I provide first aid? Yes. I did.”¹³

On October 27, 2021, **Sgt. Jeffrey West**¹⁴ provided a statement to COPA. Sgt. West said that on October 4, 2021, he and Officer Covarrubias responded to a call for service involving a person with a knife. He recalled that dispatch reported a woman was holding a knife to a man’s throat. When Sgt. West arrived at the location, Officer Covarrubias was already on scene, sitting in his vehicle in front of the address. There was a young boy near the front door holding a cell phone. The boy told Sgt. West and Officer Covarrubias that his father asked him to call the police because his mother had a knife to his throat. Sgt. West told the boy to stay in the hallway and he would be right back.

Officer Covarrubias proceeded up the stairs ahead of Sgt. West. As Sgt. West followed, he saw over the banister that the apartment door was cracked open. He told Officer Covarrubias to announce his office, and Officer Covarrubias did so as he unholstered his Taser. Sgt. West ascended the stairs and heard screams and arguing coming from the █████ apartment. Officer Covarrubias began opening the door to the apartment, then looked back at Sgt. West and stated words to the effect of, “He’s stabbing her.”¹⁵ Officer Covarrubias unholstered his service weapon and entered the apartment. Sgt. West, who was still outside the apartment, immediately heard two gunshots. He entered the unit and saw a male and a female, now identified as Mr. █████ and Ms. █████ lying on the floor in a hallway, and Officer Covarrubias positioned between them. Sgt. West notified dispatch that shots were fired by the police and requested two ambulances. He clarified that he did not see Officer Covarrubias discharge his weapon.

Sgt. West asked Officer Covarrubias where the knife was located. Officer Covarrubias picked up the knife and moved it near Sgt. West’s foot, away from Mr. █████ and Ms. █████ Sgt. West observed that Mr. █████ was not moving, and there was blood on him as well as Ms. █████ shirt. Sgt. West exited the apartment and went downstairs to check on the boy. The neighbors living across the hall offered to watch the boy, so Sgt. West brought him to their apartment. He then returned to the crime scene, where he found Officer Covarrubias asking Ms. █████ if she was okay and checking to see if she was stabbed. Responding officers and EMS personnel then began to arrive at the scene.

Sgt. West stated that although he called for an ambulance, he did not render medical aid to Mr. █████ or Ms. █████ He explained that he needed to check on the boy downstairs, and he assumed Officer Covarrubias would render aid, as he was standing near Mr. █████ and Ms. █████ However, Sgt. West acknowledged that he did not observe Officer Covarrubias render aid to either Mr. █████ or Ms. █████ Once EMS and responding officers arrived, Sgt. West noticed that Officer Covarrubias appeared shaken up and unsettled by the incident, so he took the officer downstairs to his vehicle. Another sergeant then transported Officer Covarrubias to the hospital.

¹³ Att. 27, pg. 116, lns. 6-10.

¹⁴ Atts. 22, 25.

¹⁵ Att. 25, pg. 16, ln. 3. Sgt. West told CPD detectives he heard Officer Covarrubias say, “Oh shit, he’s stabbing her,” followed by “drop it, drop it, drop the knife.” Att. 43, pg. 22.

b. Digital Evidence

Office of Emergency Management and Communications (OEMC) Audio Files¹⁶ capture the 911 calls and radio transmissions surrounding the incident. At 7:25:22 am, a female who identifies herself as “Keisha” calls 911 to report that her neighbor needs the police to come to his address at [REDACTED]. The caller states the neighbor’s 6-year-old son knocked on her door and said his mom had a knife. At 7:29:25 am, Mr. [REDACTED] calls 911 to request police assistance because his wife, [REDACTED] has a knife to his throat. He is recorded telling his son to go downstairs to let the police inside.

The radio transmissions record the OEMC dispatcher directing Beats 613 (Officer Covarrubias) and 610 (Sgt. West)¹⁷ to [REDACTED] to respond to a call of a person with a knife. At approximately 7:27 am, the dispatcher relays that a 911 caller reported her neighbor’s 6-year-old son knocked on her door and stated his mom had a knife. At approximately 7:32 am, the dispatcher reports that an individual named [REDACTED] also called 911 to report that his wife had a knife to his throat and the downstairs door was open. At approximately 7:35 am, Sgt. West radios, “610. Send an ambulance. Shots fired by police.”¹⁸ He identifies the location as the north apartment on the second floor of [REDACTED].

The **Electronically Recorded Interview (“ERI”)** of [REDACTED] was conducted by CPD detectives on-scene after the incident. In the interview, Mr. [REDACTED] states that he lives with his girlfriend and children at [REDACTED] and his neighbors across the hall are a female named [REDACTED] and a male named [REDACTED] as well as their 7-year-old son. Mr. [REDACTED] relates that around 7:00 am, his neighbor’s 7-year-old son knocked on his door and said something about his mom and dad. Mr. [REDACTED] then heard [REDACTED] yelling that he should call the police because [REDACTED] had a knife to his throat. Mr. [REDACTED] girlfriend called 911 and requested police. When they arrived, Mr. [REDACTED] saw that the boy was downstairs, and two officers began coming up the stairs. He heard an officer say, “Put it down. Don’t do it,”²⁰ followed by two gunshots. Mr. [REDACTED] later offered to watch the boy in his apartment. He stated the neighbors had arguments in the past, on and off, over typical domestic issues.

Officer Covarrubias’ BWC video²¹ shows the officer arrive at the scene, exit his vehicle, and approach the building. A young boy, now identified as [REDACTED] is standing at the front gate holding a cell phone in his hand. Officer Covarrubias asks him what is going on and who has a knife, and the boy replies, “my mommy.” Officer Covarrubias then asks what she is doing with the knife, but the boy indicates he does not know. When the officer asks who told him to call 911, the boy responds, “my daddy.”²² Sgt. West then arrives at the scene and the boy points them to his apartment. The officers tell the boy to stay where he is, and they enter the building and begin ascending the stairs to the second floor. As Officer Covarrubias draws his Taser in his right hand, his BWC captures inaudible yelling in the background. Sgt. West tells Officer Covarrubias

¹⁶ Att. 14.

¹⁷ See Att. 62.

¹⁸ Att. 14, Z8_0726-0826 at 8:25 minutes.

¹⁹ Att. 6.

²⁰ Att. 6 at 2:57 minutes.

²¹ Att. 1. Sgt. West was not equipped with a BWC on the date of the incident. See Att. 25 at 22:20 – 23:12.

²² Att. 1 at 02:08 – 02:23 minutes.

to announce his office, and he complies. A male voice is overheard yelling words to the effect of, “She got a butcher knife on my neck.”²³ Loud screams are then heard.

When Officer Covarrubias reaches the open apartment door, his BWC video captures indistinct movement in the gap between the door frame and the door. Officer Covarrubias passes his Taser into his left hand, draws his firearm in his right hand, and enters the residence. He immediately yells, “Oh shit! Get down!”²⁴ The video captures the right profile of Mr. [REDACTED] body as he moves through a small hallway outside the kitchen and bathroom. Mr. [REDACTED] appears to be struggling with Ms. [REDACTED] who is not visible on camera. Officer Covarrubias discharges his firearm one time in Mr. [REDACTED] direction as he yells, “Stop! Stop!”²⁵ (See Figure 1.) Simultaneously, the officer’s Taser appears to activate and/or deploy. Mr. [REDACTED] falls forward, then turns onto his left side on the hallway floor. Ms. [REDACTED] is also on the hallway floor, lying on her right side, facing Mr. [REDACTED]. At this point, the video does not capture the location of the knife, and it is not yet visible in either party’s possession or on the hallway floor. Mr. [REDACTED] turns to his right, onto his back, so that he is mostly facing Officer Covarrubias. His right hand appears to be empty, and his left hand is on the floor, though the view is obstructed by Ms. [REDACTED] body. As Mr. [REDACTED] turns, Officer Covarrubias continues to yell, “Stop! Stop it!” and he fires a second shot, striking Mr. [REDACTED] in the chest.²⁶ (See Figure 2.) Mr. [REDACTED] grabs his chest and rolls onto his right side, with his upper body on the bathroom floor and his lower body on the hallway floor. Ms. [REDACTED] remains on her right side on the hallway floor, mostly motionless.

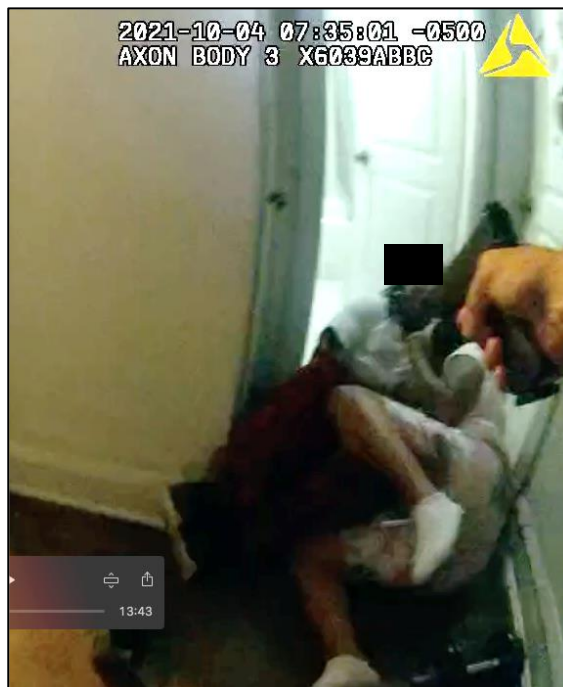
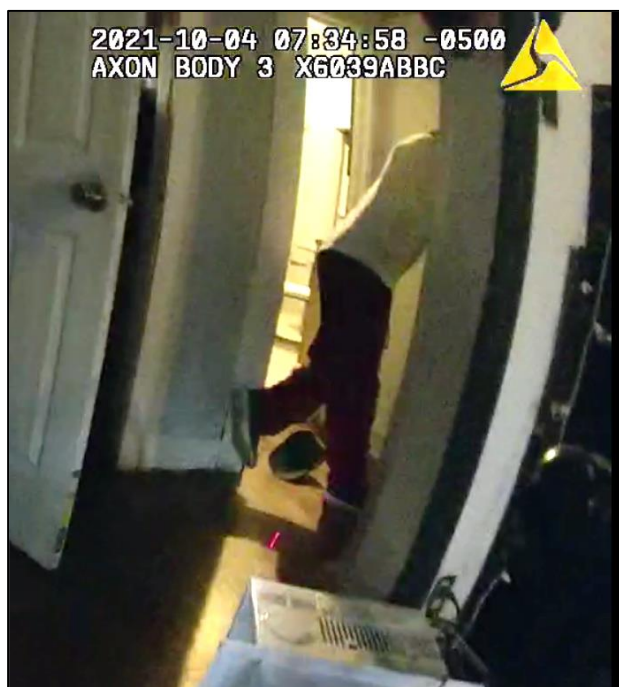


Figure 1 (left): Screenshot showing Mr. [REDACTED] positioning at the time of the first gunshot.

Figure 2 (right): Screenshot showing Mr. [REDACTED] positioning at the time of the second gunshot.

²³ *Id.* at 02:58 – 03:00 minutes.

²⁴ *Id.* at 03:02 – 03:04 minutes.

²⁵ *Id.* at 03:04 – 03:05 minutes.

²⁶ *Id.* at 03:06 – 03:08 minutes.

Officer Covarrubias places his Taser on a kitchen counter and asks Ms. [REDACTED] if she is hurt, but she does not respond. Officer Covarrubias notes that she is bleeding. A serrated kitchen knife is on the floor next to Ms. [REDACTED] right hand, behind Mr. [REDACTED] back. (See Figure 3.) Officer Covarrubias picks up the knife and places it on the floor several feet away, near Sgt. West's foot.²⁷ As he does, his BWC shows Mr. [REDACTED] continuing to move his arms and legs as he lies on the floor. Officer Covarrubias states, "He's bleeding. She's cut."²⁸ He then grabs Ms. [REDACTED] by her ankles and drags her a short distance away from Mr. [REDACTED]. Officer Covarrubias asks Ms. [REDACTED] "Where did he stab you? Where did he cut you?"²⁹ She looks at Officer Covarrubias but does not reply.

Sgt. West asks who had the knife, and Officer Covarrubias motions toward Mr. [REDACTED] and states, "He had the knife and he started poking. Sticking her."³⁰ Sgt. West then walks out of the apartment to the stairwell. Officer Covarrubias puts on a pair of latex gloves and visually inspects Mr. [REDACTED]. He also inspects Ms. [REDACTED] and asks her twice if she is cut anywhere. Her eyes are open and moving, but she does not respond. Officer Covarrubias approaches Mr. [REDACTED] shakes him by his shoulder, and states, "Sir."³¹ Mr. [REDACTED] who is lying in a pool of blood on the bathroom floor, does not respond. Officer Covarrubias turns his attention back to Ms. [REDACTED] and continues to ask where she is cut, but she does not respond. Officer Covarrubias then places two fingers on the side of Mr. [REDACTED] neck, checking for a pulse.³² When responding officers arrive, Officer Covarrubias indicates that Mr. [REDACTED] is shot and he does not see any cuts or bleeding from Ms. [REDACTED]. EMS personnel then arrive and remove Ms. [REDACTED] on a stretcher.

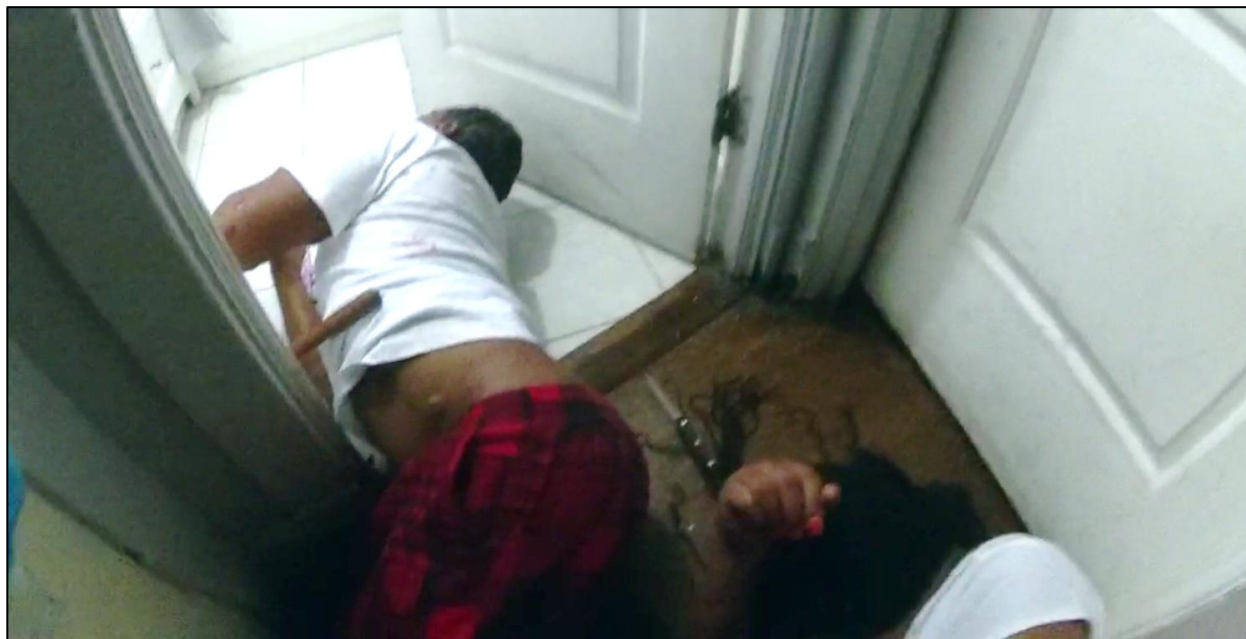


Figure 3: Screenshot showing the location of the knife immediately after the shooting.

²⁷ *Id.* at 03:25 – 03:37 minutes.

²⁸ *Id.* at 03:39 – 03:42 minutes.

²⁹ *Id.* at 04:06 – 04:10 minutes.

³⁰ *Id.* at 04:11 – 04:16 minutes.

³¹ *Id.* at 05:52 – 05:56 minutes.

³² *Id.* at 07:40 – 07:42 minutes.

c. Physical Evidence

The **Crime Scene Processing Report**³³ documents that Evidence Technicians (ETs) were assigned to process the crime scene, which included photographing and videotaping the scene, taking field measurements, and recovering and inventorying evidence under RD #JE397290. ETs also took photographs of Mr. ██████ body, Ms. ██████³⁴ and Officer Covarrubias. The recovered evidence included Officer Covarrubias's firearm and Taser, a serrated kitchen knife, and biological swabs of the knife and the blood stains in the apartment. ETs also recovered two 9mm Luger +P expended shell casings, one on the hallway floor by the east bedroom doorway and the other underneath an entertainment center on the west wall in the living room. Officer Covarrubias' firearm was found to be a Glock Model 17 Gen 4, 9mm semi-automatic pistol, with a 17-round capacity magazine. One live round was recovered from the chamber of the weapon, and fifteen live rounds were recovered from the magazine (all 9mm Luger +P).

Officer Covarrubias's Taser download report³⁵ indicates that at 7:37:29 am, Officer Covarrubias pulled the trigger on his Taser, deploying one of the Taser's cartridges for five seconds.³⁶

The **Illinois State Police (ISP) Firearm Laboratory Report**³⁷ documents the examination of the recovered firearms evidence, including Officer Covarrubias's weapon. Analysis of the report yields the following relevant facts: Officer Covarrubias's firearm was test-fired at the laboratory and determined to be operable as received; the test-fired shell casing from Officer Covarrubias' firearm was compared to the two shell casings recovered from the scene; the compared casings were determined to match, indicating the casings from the scene were fired from Officer Covarrubias' firearm.

The **ISP DNA Laboratory Reports**³⁸ document the analysis of DNA profiles from multiple samples collected from the scene, including a blood stain on the hallway floor and blood taken from both the blade and handle of the serrated kitchen knife recovered from the hallway floor. All samples provided "very strong support" that Mr. ██████ was a contributor. ISP determined the blood on the knife blade came from only one person, and it was approximately 600 nonillion times more likely to have originated from Mr. ██████ than from an unknown, unrelated individual. Additionally, ISP identified two distinct DNA profiles in the blood on the knife handle. One of the profiles was approximately 32 quadrillion times more likely to have originated from Mr. ██████ than from an unknown, unrelated individual. The second profile was initially unknown; however, after Ms. ██████ DNA was entered into CODIS,³⁹ an association was revealed to the second DNA profile on the knife handle.

³³ Att. 28.

³⁴ Ms. ██████ shirt was bloodstained, but she had no visible injuries.

³⁵ Att. 8.

³⁶ Officer Covarrubias's Taser can be heard arcing/sparking on his BWC; however, the deployment was unsuccessful, and the prongs were not released. Att. 1 at 3:05 minutes; Att. 43, pg. 22.

³⁷ Att. 26.

³⁸ Atts. 52, 61.

³⁹ Combined DNA Index System.

The **Autopsy Report**⁴⁰ and **Medical Examiner's Photos**⁴¹ document that Mr. █████ sustained one gunshot wound to the right abdomen and one gunshot wound to the chest. The gunshot wound to the abdomen entered the right abdominal wall, perforated the small and large intestines, and lodged in the left abdominal wall. The wound trajectory was back to front, right to left, and slightly downward. The gunshot wound to the chest traversed through the sternum, heart, left lung, and thoracic aorta before striking a posterior left rib and lodging in the left back. The wound trajectory was front to back, right to left, and slightly downward. Neither gunshot wound showed evidence of close-range firing. In addition to the gunshot wounds, Mr. █████ sustained multiple incise wounds to the left forehead, right upper lip, posterior left forearm, and back of the left hand, as well as abrasions and bruising to his left arm, left back, and right abdomen. The Medical Examiner determined that Mr. █████ cause of death was multiple gunshot wounds, and his manner of death was homicide.

A **CPD Bureau of Internal Affairs Synoptic Report**⁴² documents that Officer Covarrubias tested negative for drugs and alcohol in post-incident screenings conducted at approximately 10:05 am on October 4, 2021 at Christ Hospital.

d. Documentary Evidence

Information contained in **Officer Covarrubias's Tactical Response Report**⁴³ and the **Detective Supplementary Reports**⁴⁴ is consistent with the information reported in the interviews summarized above. Additionally, the Detective Supplementary Reports document CPD's interviews with family members of Mr. █████ and Ms. █████ which indicate that Ms. █████ suffered from schizophrenia, bipolar disorder, and had a history of experiencing psychotic episodes while under the influence of PCP. Ms. █████ was involuntarily admitted to St. Bernard Hospital for a psychiatric evaluation following this incident. She was released on October 13, 2021 but refused to provide a statement to detectives.

An **Arrest Warrant**⁴⁵ issued February 8, 2022, commands the arrest of █████ for aggravated battery with a deadly weapon against █████. The **Arrest Report**⁴⁶ documents the subsequent arrest of Ms. █████ on February 16, 2022. The report lists Mr. █████ as the victim and states, "On 04 OCT 2021 █████ was identified as the offender who stabbed victim multiple times about the head and body."⁴⁷

e. Additional Evidence

CPD weapons qualification and training records⁴⁸ indicate that Officer Covarrubias was trained and qualified with the Glock Model 17 pistol that he discharged during this incident.

⁴⁰ Att. 33.

⁴¹ Att. 60.

⁴² Att. 19.

⁴³ Att. 10.

⁴⁴ Atts. 40 - 49.

⁴⁵ Att. 57.

⁴⁶ Att. 37.

⁴⁷ Att. 37, pg. 7.

⁴⁸ Att. 12.

VI. LEGAL STANDARD

a. Standard of Proof

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.⁴⁹ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense.⁵⁰ Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”⁵¹

b. Applicable Policy

- i. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation⁵²

For all firearm discharge and officer-involved death incidents, the involved member(s) will immediately notify the Office of Emergency Management and Communications (OEMC), providing all relevant information and requesting additional resources.

The member(s) involved in the firearm discharge or officer-involved death incident, if physically capable, will immediately request medical attention for the injured. Additionally, as soon as it is safe and feasible to do so, the member(s) will provide lifesaving aid consistent with their training, including LEMART training, to persons injured by a CPD member’s use of force

⁴⁹ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not).

⁵⁰ See e.g., *People v. Coan*, 2016 I.L. App (2d) 151036 (2016).

⁵¹ *Id.* at ¶ 28.

⁵² General Order G03-06, effective April 15, 2021.

until medical professionals arrive on scene. These provisions also apply to responding members and supervisory members, including the assigned reviewing supervisor from the district of occurrence.

ii. G03-02: De-escalation, Response to Resistance, and Use of Force⁵³

CPD's highest priority is the sanctity of human life. Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape. Department members are to only use the amount of force that is required to serve a lawful purpose.

The main issue in evaluating every use of force is whether the amount of force used by the member was objectively reasonable in light of the totality of the circumstances faced by the member on scene. Factors to be considered include but are not limited to: whether the subject is posing an imminent threat to the member or others; the risk of harm, level of threat or resistance presented by the subject; the subject's proximity to weapons; and whether de-escalation techniques can be employed or would be effective.

Deadly force is force by any means that is likely to cause death or great bodily harm, including the discharge of a firearm in the direction of a person to be arrested. The use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person; or to prevent an arrest from being defeated by resistance or escape, where the person poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.

A threat is 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 or ability to cause death or great bodily harm.

CPD members are to modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.

iii. G03-02-01: Response to Resistance and Force Options⁵⁴

Members will continually assess situations and determine the appropriate response or force option based on the totality of the circumstances and considering individualized factors such as if the person is injured, restrained, or in crisis. Members will modify their force in relation to the amount of continued resistance offered by the person, the person's actions, or other changes in circumstances.

An assailant is defined as a person who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury. Assailants are further

⁵³ General Order G03-02, effective April 15, 2021.

⁵⁴ General Order G03-02-01, effective April 15, 2021.

subdivided into two categories: (1) a person whose actions are aggressively offensive with or without weapons and (2) a person whose actions constitute an imminent threat of death or great bodily harm to a CPD member or another person. When the person's actions constitute an imminent threat of death or great bodily harm to a member or another person, firearms and other deadly force responses are authorized.

iv. G03-02-03: Firearm Discharge Incidents- Authorized Use and Post-Discharge Administrative Procedures⁵⁵

Members must justify separate uses of force. An initial firearm discharge and each subsequent discharge of a firearm must be individually justified and documented on the Tactical Response Report as a separate use of force.

CPD members are required to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a CPD member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time.

Department members are authorized to use a firearm against an assailant as a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person.

VII. LEGAL ANALYSIS

a. Credibility Analysis

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness; and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

"Credibility involves more than demeanor. It apprehends the over-all evaluation of testimony in the light of its rationality or internal consistency and the manner in which it hangs together with other evidence."⁶⁷ "[I]n the deadly force context, [the finder of fact] cannot simply accept what may be a self-serving account by the police officer."⁶⁸ Because the witness most likely to contradict the officers' testimony is dead, we must "examine all the evidence to determine whether the officer's story is consistent with other known facts."⁶⁹

COPA does not dispute the truthfulness of Officer Covarrubias. However, there are discrepancies between the officer's memory, his statement to COPA, and the available evidence. Those discrepancies are addressed below.

⁵⁵ General Order G03-02-03, effective April 15, 2021.

b. The preponderance of the evidence demonstrates Officer Covarrubias' firearm discharge violated CPD policy.

COPA finds that Officer Covarrubias' use of deadly force was not objectively reasonable under the totality of the circumstances he faced. Officer Covarrubias' belief that Mr. [REDACTED] was an imminent deadly threat was not reasonable. First, Officer Covarrubias received notifications from OEMC dispatch calling the officers to respond to reports of a woman threatening with a knife. Second, upon arriving at the location, Officer Covarrubias encountered a young boy (Mr. [REDACTED] son) who told Officer Covarrubias that his mother (Ms. [REDACTED]) had a knife and that his father (Mr. [REDACTED]) had told him to call 911. Third, after the Officer Covarrubias entered the building and went up the stairs and announced police presence near the apartment door, Mr. [REDACTED] voice can clearly be heard responding on Officer Covarrubias' BWC by stating, "[s]he (sic) got a butcher knife to my neck." Mr. [REDACTED] then begins screaming, which is also captured on BWC. Despite receiving this consistent stream of information identifying Ms. [REDACTED] as the armed aggressor, Officer Covarrubias hastily determined that Mr. [REDACTED] was the aggressor when he viewed a physical altercation between Ms. [REDACTED] and Mr. [REDACTED] through a cracked door just seconds before discharging his firearm fatally at Mr. [REDACTED]. In sum, Officer Covarrubias unreasonably concluded that Mr. [REDACTED] was an aggressor by failing to consider the very real possibility that Mr. [REDACTED] struggle with Ms. [REDACTED] was in defense of himself, especially when considering the mounting, conflicting information Officer Covarrubias had knowledge of.

Officer Covarrubias explained that although the information he received from the dispatcher indicated the woman had a knife, he is trained to know that the circumstances he encounters when he arrives at a call for service can be completely different than the information OEMC receives from the caller. However, as mentioned above, Officer Covarrubias also had information from Mr. [REDACTED] son as well as Mr. [REDACTED] own words that Ms. [REDACTED] had a knife to his throat. Furthermore, COPA finds the circumstances encounter by Officer Covarrubias were not in conflict with the information previously receive by him; viewing Mr. [REDACTED] and Ms. [REDACTED] physically struggling over a knife was not inconsistent with the information Officer Covarrubias received prior his view of the struggle.

In all, it was not objectively reasonable for Officer Covarrubias to ignore the totality of information available to him as he proceeded to discharge his weapon. At the very least, Officer Covarrubias should have taken reasonable steps to verify the accuracy of his perceptions. Such failures were objectively unreasonable based on the totality of the circumstances.

Furthermore, at the time Officer Covarrubias fired the second shot, and in the seconds just before, there was not a change in circumstances that would lead an officer facing similar circumstances to believe that Mr. [REDACTED] posed an imminent threat of death at the time. In fact, circumstances changed in a way that was less suggestive of an imminent threat. Although Ms. [REDACTED] and Mr. [REDACTED] remained in close physical proximity, they were not fighting or struggling with each other, there was longer screaming, the knife is no longer in view, and Mr. [REDACTED] had fallen to the floor an begun to lay motionless, which are all objective facts Officer Covarrubias was able to perceive that were contrary to Officer Covarrubias perception of Mr. [REDACTED] as an imminent deadly threat.

For these reasons, COPA finds that **Allegation #1** against Officer Covarrubias is **sustained** as a violation of Rules 2, 3, 6, and 8.

c. Both Officer Covarrubias and Sergeant West failed to render medical aid to Mr. ██████ in violation of Department policy.

Department policy requires members to provide lifesaving aid, consistent with their training, to individuals injured by a Department member's use of force. A preponderance of the evidence shows that both Officer Covarrubias and Sergeant West failed to render aid to Mr. ██████

After twice discharging his weapon at Mr. ██████ Officer Covarrubias made no immediate attempts to tend to Mr. ██████ though he still showed signs of life. Officer Covarrubias' BWC footage captured Mr. ██████ moving and groaning in distress; however, Officer Covarrubias did not attempt to check his pulse until almost three minutes after the shooting.⁵⁶ During his interview, Officer Covarrubias explained that he did not apply a chest seal to Mr. ██████ gunshot wound because his chest seal was in his squad car at the time. He also explained that, although CPR is generally appropriate when a person is not breathing or does not have a pulse, he did not administer CPR to Mr. ██████ because he believed Mr. ██████ was already deceased. However, the BWC footage refutes Officer Covarrubias' explanation, as it shows that Mr. ██████ was both moving and making verbal sounds at the time the officer moved the knife away from Mr. ██████ and Ms. ██████. In fact, Officer Covarrubias acknowledged that the reason he moved the knife was that Mr. ██████ was still moving after sustaining the shots.⁵⁷

Sergeant West explained that he left the apartment to check on the child, assuming that Officer Covarrubias would render aid. However, it was unreasonable for Sergeant West to assume that Officer Covarrubias would render aid before the sergeant himself assessed whether one or both individuals needed aid. Sergeant West acknowledged that he heard two gunshots but did not see Officer Covarrubias discharge his weapon. Sergeant West also informed COPA that he saw blood on both Mr. ██████ and Ms. ██████. Moreover, Sergeant West stated that before Officer Covarrubias discharged his weapon, he heard Officer Covarrubias announce that Mr. ██████ was stabbing Ms. ██████. Despite the possibility that both Mr. ██████ and Ms. ██████ were injured, Sergeant West chose to leave the apartment to check on the child, leaving Officer Covarrubias to render aid to both individuals.

For these reasons, COPA finds that **Allegation #2** against Officer Covarrubias and **Allegation #1** against **Sergeant West** are **sustained** as a violation of Rules 2, 3, 5, 6, 8, and 10.

⁵⁶ Att. 1.

⁵⁷ Officer Covarrubias informed COPA that he was going into shock after the shooting. COPA recognizes that Officer Covarrubias appeared to be shaken up by the incident. However, officers are trained and expected to perform their duties in stressful situations to preserve life where possible.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

f. Officer Alberto Covarrubias

i. Complimentary and Disciplinary History

Officer Covarrubias has received nine total awards, including six honorable mentions. He has no sustained disciplinary history in the past five years.⁵⁸

ii. Recommended Penalty

COPA has found that Officer Covarrubias violated Rules 2, 3, 5, 6, 8, and 10 when he discharged his firearm at Mr. [REDACTED] without justification and failed to render medical aid to Mr. [REDACTED]. The improper use of deadly force against a citizen is an egregious act requiring severe consequences. Accordingly, COPA recommends Officer Covarrubias be **separated** from the Department.

g. Sergeant Jeffrey West

i. Complimentary and Disciplinary History

Sergeant West has received 97 awards, including nine complimentary letters, five Department commendations, and 63 honorable mentions. He has no sustained disciplinary history in the past five years.⁵⁹

ii. Recommended Penalty

COPA has found that Sergeant West violated Rules 2, 3, 5, 6, and 10 by failing to render medical aid to Mr. [REDACTED] following the shooting. Although COPA understands Sergeant West's impulse to check on the minor child, his failure to provide lifesaving aid to Mr. [REDACTED] violated the Department's stated highest priority, the sanctity of human life. Sergeant West's misconduct is further aggravated by his supervisory rank and years of service. It is for these reasons, coupled with Sergeant West's complimentary history and lack of disciplinary history, that COPA recommends he receive a **60-day suspension**.

⁵⁸ Att. 63, pgs. 5-8.

⁵⁹ Att. 63, pgs. 1 – 4.

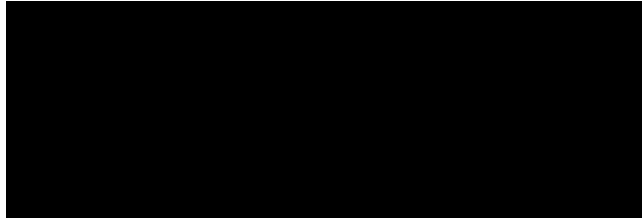
Approved:



3/30/2023

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date



3/30/2023

Andrea Kersten
Chief Administrator

Date