



Log # 2021-0004675

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On November 21, 2021, the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved firearm discharge that occurred at approximately 8:34 pm near 4399 W. West End Avenue, Chicago IL.<sup>2</sup> COPA learned that on-duty CPD member Officer Curtis Alequin discharged his firearm when [REDACTED] fired his weapon toward him. The officers in the 011th District Tact Team, Unit 1163D, Officers Curtis Alequin, Edward Zeman, Felipe Zamorano, and Scott Krawiec, tried to investigate when they observed a man standing near a black Nissan Sentra holding his side in a manner indicating a firearm. [REDACTED] fled when the officers tried to talk to [REDACTED] and the officers followed on foot. Seconds later, while in pursuit, [REDACTED] turned around and discharged his weapon at Officer Alequin, who returned fire, striking [REDACTED]

Following its investigation, COPA determined that Officer Alequin's use of deadly force was objectively reasonable, necessary, and proportional based on the totality of the circumstances, and his actions complied with CPD rules and policy.

It should be noted that Officer Zamorano, Star #6730, resigned from CPD effective April 11, 2023.<sup>3</sup>

### II. SUMMARY OF EVIDENCE<sup>4</sup>

At approximately 8:34 pm, the 011th District Tactical Unit 1163-D drove south on Kostner Avenue and saw a man, [REDACTED] standing near a black Nissan Sentra holding his side in a manner indicating a firearm at approximately 122 N. Kostner Avenue near a vacant lot. [REDACTED] fled when the Tactical Unit attempted to investigate, and the officers followed on foot. During the foot pursuit, [REDACTED] turned around and discharged one shot at Officer Alequin. Officer Alequin fell to the ground and discharged his weapon nine times from the ground. Ten expended shell cases were recovered, along with a magazine, at approximately 120 N. Kostner Avenue. [REDACTED] continued to run north and was apprehended in a nearby alley at approximately 217 N. Kenneth

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a CPD member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

<sup>3</sup> Att. 114 PAR form

<sup>4</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including third-party video, POD video, police reports, and an officer interview.

Avenue. A magazine and a single bullet were recovered where ██████ stood when he discharged his firearm at Alequin. Further, during ██████ path of flight, he dropped a 9mm semi-automatic weapon in the alley that the officers recovered. The recovered weapon matched the magazine and the single bullet that was recovered where ██████ was standing initially when he discharged his firearm at Alequin.

In a statement to COPA, Officers Alequin<sup>5</sup>, Zeman<sup>6</sup>, Zamorano<sup>7</sup>, and Krawiec<sup>8</sup> stated the exact version of the events, corroborated by their body-worn camera footage. The officers said they turned on their body-worn cameras<sup>9</sup> as quickly as possible. Officer Alequin stated that the ammunition he used in his firearm was from the Department.<sup>10</sup>

### III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendations
Officer Alequin	<p>It is alleged that on or about November 21, 2021, at approximately 8:34 P.M., at or near 4399 West End Avenue, Officer Curtis Alequin, Star #10028, committed misconduct through the following acts, by:</p> <ol style="list-style-type: none"> <li>1. Failing to comply with S03-14 by failing to timely activate his body-worn camera.</li> <li>2. Engaging in a foot pursuit in violation of General Order G03-07</li> <li>3. Failing to fully load his firearm with only one manufacturer and style of prescribed ammunition.</li> </ol>	Sustained
		Exonerated
		Sustained
Officer Zeman	<p>It is alleged that on or about November 21, 2021, at approximately 8:34 P.M., at or near 4399 West End Avenue, Officer Zeman Star #19750, committed misconduct through the following acts, by:</p> <ol style="list-style-type: none"> <li>1. Failing to comply with S03-14 by failing to timely activate his body-worn camera.</li> </ol>	Sustained
		Exonerated

<sup>5</sup> Att. 100, Page 45, Lines 1-6

<sup>6</sup> Att. 102, Page 35, Lines 5-24

<sup>7</sup> Att. 99, Page 34, Lines 2-8

<sup>8</sup> Att. 101, Page 28, Lines 5-10

<sup>9</sup> Atts. Officer Alequin #6, Officer Zeman #11, Officer Zamorano #10, Officer Krawiec #7, Body-worn cameras

<sup>10</sup> Att. 83, Page 45, Lines 16-24

Officer Krawiec	Scott	2. Engaging in a foot pursuit in violation of General Order G03-07	Sustained
		It is alleged that on or about November 21, 2021, at approximately 8:34 pm at or near 4399 West End Avenue, Officer Krawiec, Star #4465, committed misconduct through the following acts, by:	
		1. failing to comply with S03-14 by failing to timely activate his body-worn camera.	
		2. Engaging in a foot pursuit in violation of General Order G03-07	Exonerated
Officer Zamorano	Felipe	It is alleged that on or about November 21, 2021, at approximately 8:34 pm at or near 4399 West End Avenue, Officer Zamorano, Star #6730, committed misconduct through the following acts, by:	
		1. Failing to comply with S03-14 by failing to timely activate his body-worn camera.	Sustained
		2. Engaging in a foot pursuit in violation of General Order G03-07	Exonerated

#### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any individuals (sworn or unsworn) who provided statements. COPA found that Officers Alequin, Zeman, Krawiec, and Zamorano were credible in their statements, which were consistent with their body-worn cameras.

#### V. ANALYSIS<sup>11</sup>

COPA finds by a preponderance of the evidence that Officer Alequin's use of deadly force was objectively reasonable, necessary, and proportional to their circumstances. COPA further finds that Officer Alequin used deadly force was reasonable, as they were immediately fired upon. COPA thus concludes by a preponderance of the evidence that Officer Alequin's use of deadly force complied with CPD policy.

<sup>11</sup> For a definition of COPA's standard of proof, see Appendix B.

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>12</sup> CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.<sup>13</sup> This means that CPD members may use only the force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and resistance level a person offers.<sup>14</sup>

The use of deadly force is permitted only 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."<sup>15</sup> A CPD member may use deadly force in only two situations: (1) to prevent "death or great bodily harm from an imminent threat posed to the sworn member or another person;" or (2) to prevent "an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay."<sup>16</sup>

A threat is considered imminent "when it is objectively reasonable to believe that: (a) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken, and (b) the person has the means or instruments to cause death or great bodily harm, and (c) the person has the opportunity and ability to cause death or great bodily harm."<sup>17</sup> Officers are expected 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.<sup>18</sup>

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Alequin's use of deadly force was objectively reasonable, considering the imminent threat he faced. The officer reported that he fired his weapon only after ██████ discharged his firearm toward him, which was caught on a body-worn camera. It was objectively reasonable for Officer Alequin to believe that ██████ actions were immediately likely to cause death or great bodily harm.<sup>19</sup> Additionally, COPA finds by a preponderance of the evidence that ██████ had the means or instruments and the opportunity and ability to cause death or great bodily harm.

The evidence further indicates that Officer Alequin used only the force necessary based on the circumstances he faced. It was only when ██████ fled and then turned and pointed his firearm

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<sup>12</sup> Att. 111 G03-02 (II)(A), De-escalation, Response to Resistance, and Uses of Force (effective April 15, 2021, to June 28, 2023).

<sup>13</sup> Att. 111 G03-02 (III)(B)

<sup>14</sup> Att. 111 G03-02 (III)(B)(3).

<sup>15</sup> Att. 111 G03-02(IV)(C).

<sup>16</sup> Att. 111 G03-02(IV)(C)(1-2).

<sup>17</sup> Att. 111 G03-02(IV)(B)

<sup>18</sup> Att. 111 G03-02(III)(C)(2).

<sup>19</sup> By his actions, ██████ met the definition of an "assailant" under CPD policy. See G03-02-01(IV)(C), Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

toward Officer Alequin and discharged his weapon that the officer resorted to the use of deadly force. In addition, Officer Alequin's use of deadly force was proportional to the threat he faced.

The officer fired his weapon only after [REDACTED] fired his weapon. The officer stopped firing once [REDACTED] no longer posed a threat. Based on a totality of the circumstances, COPA finds by a preponderance of the evidence that Officer Alequin's use of deadly force complied with CPD policy.

**a. Officers Alequin, Zeman, Krawiec, and Zamorano did not activate their body-worn cameras timely.**

COPA finds that Officer Alequin<sup>20</sup>, Zeman<sup>21</sup>, Krawiec<sup>22</sup>, and Zamorano<sup>23</sup> failed to timely activate their body-worn camera in a timely manner at the beginning of this incident. CPD policy mandates that officers record all law-enforcement-related encounters, including investigatory stops, foot and vehicle pursuits, and use of force incidents. Officers must activate and record their body-worn cameras at the beginning of an incident. If circumstances prevent the activation of the body-worn camera at the beginning of an incident, the officer "will activate their body-worn camera as soon as practical."<sup>24</sup> Officers Alequin, Zeman, Krawiec, and Zamorano activated their body-worn cameras after exiting the vehicle and while the incident unfolded. Only when the officers pursued [REDACTED] did they turn on their body-worn cameras.

The officers said they activated their body-worn cameras as quickly as possible and when feasible. Still, the evidence depicts that the officers had ample opportunity to activate their body-worn cameras before engaging with [REDACTED]. For these reasons, COPA finds that Officer Alequin, Zeman, Krawiec, and Zamorano failed to activate their body-worn cameras at the beginning of the incident or as soon as practical. Therefore, this allegation is **sustained** as a violation of Rules 5, 6, and 10.

**b. Officer Alequin failed to fully load his firearm with only one manufacturer and style of prescribed ammunition.**

COPA finds that Officer Alequin failed to fully load his firearm with only one manufacturer and style of ammunition. Department policy requires firearms to be "fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight)." In addition, whenever the replacement of ammunition is necessary, the requesting member will submit a copy of the Tactical Response Report to the designated unit supervisor from the district of occurrence<sup>25</sup>.

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<sup>20</sup> Att. 100, Page 45, Lines 1-6

<sup>21</sup> Att. 102, Page 35, Lines 7-14

<sup>22</sup> Att. 101, Pages 25-26, Lines 15-24, 1-4

<sup>23</sup> Att. 99, Page 34, Lines 2-6

<sup>24</sup> Att. 110, S03-14(III)(A)(2).

<sup>25</sup> Att. 113 Uniform and Property U04-02 VI.D.5 (06/02/2017)

Officer Alequin stated that he was involved in another shooting before this incident; therefore, he had a loaner gun on the day of this incident, and the weapon and ammunition were given to him by the Department. Officer Alequin is responsible for ensuring that he abides by Department policy. A sworn member who has been issued a temporary replacement firearm will be responsible for the proper care, maintenance, and return of the firearm to the Training Division. Therefore, this allegation is **sustained** as a violation of Rule 6.

**c. Officers Alequin, Zeman, Krawiec, and Zamorano engaged in a foot pursuit in violation of General Order G03-07.**

COPA finds that officers Alequin, Zeman, Krawiec, and Zamorano did not violate the pursuit policy when they engaged in a foot pursuit. Officer Zamorano said what drew his attention to ██████ was that he was near the unoccupied vehicle that was on, and he adjusted his right side. Officer Zamorano, while seated in his police vehicle, rolled down the window, introduced himself to ██████ as a police officer, and tried to get ██████ to talk to him. Officer Zamorano asked ██████ to talk to him when he began running southbound on Kostner Avenue.<sup>26</sup>

Officer Zamorano articulated that he wanted to talk with Willaims, but he refused to talk to the officer, adjusted his waistband, and began to run. ██████ led him to believe he was possibly illegally in possession of a firearm, which was consistent with Officer Zamorano's experience. ██████ kept reaching to his right side, holding something, and because he was near an unoccupied vehicle that was on, he wanted to speak to ██████. Officer Zamorano stated that ██████ looked at the vehicle and began distancing himself from the vehicle while looking in the officer's direction. ██████ kept reaching to his right side, which is consistent with somebody who is concealing a firearm.<sup>27</sup>

Officer Zamorano stated that he had reasonable articulable suspicion because he has made multiple arrests where people adjusted their waistbands and had weapons. Officer Zamorano weighed the risks of engaging in a foot pursuit versus not engaging in a foot pursuit because ██████ was armed and posed a danger to the public. Officer Zamorano explained that ██████ actions, his proximity to an abandoned vehicle, and the manipulation of his waistband made him believe that engagement in a foot pursuit was appropriate,<sup>28</sup> so based on these factors and Officer Zamorano's reasonable belief that a person has committed, is about to commit, or is in the commission of a crime. In the officer's articulation of his encounter with ██████ he initially only attempted to talk to ██████. At that time, ██████ began adjusting something in his waistband and fled from the officer. At this point, the officer had established reasonable articulable suspicion, leading the officer's ability to investigate further to determine if ██████ illegally possessed a weapon. This reasonable, articulable suspicion was confirmed when ██████ turned and, while in possession of a gun, fired toward Officer Alequin. Because reasonable articulation suspicion had been established by the officers and based on Zamorano's explanation of why he and the other officers pursued ██████ COPA finds that there was no violation of the foot policy in that the

<sup>26</sup> Att. 99, Page 15, Lines 1-24

<sup>27</sup> Att. 99, Pages 18, Lines 6-14

<sup>28</sup> Att. 99, Page 19-20, Lines 3-24, 1-24

officers had established reasonable articulable suspicion. Therefore, this allegation is **not sustained**.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Curtis Alequin**

#### **i. Complimentary and Disciplinary History<sup>29</sup>**

Officer Alequin has received 129 Awards, including 125 Honorable Mentions and 3 Department Commendations. As of December 6, 2023, he has 1 Sustained Complaint (2020-0003020) with violation noted as the disciplinary action taken. Within the past five years, he has a Sustained SPAR History for failure to perform assigned tasks, absence without permission, and equipment violation.

#### **ii. Recommended Discipline**

COPA has found that Officer Alequin violated Rules 5, 6, and 10 by failing to activate his body-worn camera in a timely manner and failing to load his firearm fully with only one manufacturer and style of ammunition. Based on this information, COPA recommends **a 1 Day Suspension**.

### **b. Officer Edward Zeman**

#### **i. Complimentary and Disciplinary History<sup>30</sup>**

Officer Zeman has received 342 Awards, including 310 Honorable Mentions, 13 Department Commendations, 5 Top Gun Arrests, and 2 Police Officer of the Month. As of December 6, 2023, he has 1 Sustained Complaint (2019-0003444) with Reprimand as the disciplinary action taken. Within the past five years, he has a Sustained SPAR History for court appearance violation (no disciplinary action taken).

#### **ii. Recommended Discipline**

COPA has found that Officer Zeman violated Rules 5, 6, and 10 by failing to activate his body-worn camera in a timely manner. Based on this information, COPA recommends **Reprimand**.

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<sup>29</sup> Att. 117.

<sup>30</sup> Att. 117.

**c. Officer Scott Krawiec**

**i. Complimentary and Disciplinary History<sup>31</sup>**

Officer Krawiec has received 70 Awards, including 68 Honorable Mentions and 1 Department Commendation. As of December 6, 2023, he has no sustained complaint history. Within the past five years, he has had a Sustained SPAR History for equipment violations and preventable accidents, with discipline ranging between Reprimand and one day off.

**ii. Recommended Discipline**

COPA has found that Officer Krawiec violated Rules 5, 6, and 10 by failing to activate his body-worn camera in a timely manner. Based on this information, COPA recommends **Reprimand**.

**d. Officer Felipe Zamorano**

**i. Complimentary and Disciplinary History<sup>32</sup>**

Officer Zamorano has received 22 Awards, including 16 Honorable Mentions and 2 Department Commendations. As of December 6, 2023, he has 1 Sustained Complaint (2021-0002491 – Close Hold) with 1 Day Suspension as the disciplinary action taken. Within the past five years, he has no Sustained SPAR History.

**ii. Recommended Discipline**

COPA has found that Officer Zamorano violated Rules 5, 6, and 10 by failing to activate his body-worn camera in a timely manner.

However, due to Officer Zamorano's resignation from CPD, COPA cannot recommend disciplinary action, as he is no longer a CPD member. Thus, COPA's disciplinary decision will be made if he returns to CPD.

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<sup>31</sup> Att. 117.

<sup>32</sup> Att. 117.



Approved:



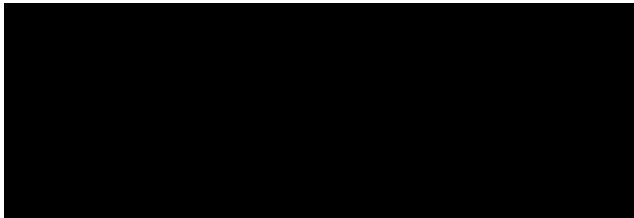
January 17, 2024

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date



January 17, 2024

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Andrea Kersten  
*Chief Administrator*

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Date

Appendix A**Case Details**

Date/Time/Location of Incident:	November 21, 2021 / 8:34 pm / 4399 W. West End Avenue, Chicago, IL 60644
Date/Time of COPA Notification:	November 21, 2021 / 9:27 pm
Involved Officer #1:	Curtis Alequin / Star #10028 / Employee ID # [REDACTED] / Date of Appointment: May 16, 2017 / Unit of Assignment: 011/640 / Male / White
Involved Officer #2:	Edward Zeman/ Star #19750 / Employee ID # [REDACTED] / Date of Appointment: April 25, 2016 / Unit of Assignment: 011/ 606 /Male / White
Involved Officer #3:	Scott Krawiec/ Star #4465 / Employee ID # [REDACTED] / Date of Appointment: November 27, 2018 / Unit of Assignment: 011 / Male / White
Involved Officer #4:	Felipe Zamorano / Star #6730 / Employee ID # [REDACTED] / Date of Appointment: September 27, 2018 / Unit of Assignment: 011/Resigned / Male / Hispanic
Involved Individual #1	[REDACTED] / Date of Birth: [REDACTED], 1989 / [REDACTED] [REDACTED]

**Applicable Rules**

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

**Applicable Policies and Laws**

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- G03-02: Use of Force (effective April 15, 2021, to June 28, 2023).
- G03-02-01: Force Options (effective April 15, 2021, to June 28, 2023).
- S03-14(III)(A)(2). (effective April 20, 2018)

## Appendix B

### Definition of COPA’s Findings and Standards 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 allegation 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.<sup>33</sup> 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. 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.”<sup>34</sup>

## Appendix C

### Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion

<sup>33</sup> 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 is found to be more probably true than not).

<sup>34</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation