

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 7, 2019
Time of Incident:	4:00 am
Location of Incident:	[REDACTED]
Date of COPA Notification:	August 7, 2019
Time of COPA Notification:	4:24 am

On the date of the incident, at approximately 4:00 am, off-duty Officer Inez Riley exited her residence located at [REDACTED]. Officer Riley was in civilian dress on her way to report for work at the Alternate Response Unit, located at 2111 W. Lexington Street. Officer Riley was scheduled to start her tour of duty at 5:00 am.¹

Officer Riley proceeded to walk to her vehicle, a Toyota Avalon, which was parked in front of her home. As Officer Riley walked to her vehicle, she had a bookbag in one hand, other personal belongings in her other hand, and her firearm tucked under her left arm. Officer Riley opened her trunk, placed her bookbag inside, and then closed the trunk of her car. She then proceeded to the driver’s side door of her vehicle. When Officer Riley opened the driver’s side door of her vehicle, she observed an unidentified black man sitting in the front passenger seat.

Officer Riley yelled, “Get the fuck out of my car,” and the man exited the vehicle. He then went around the rear of the car and stood facing Officer Riley. She discharged her firearm three times, then he fled. Officer Riley called 911 and reported the incident. To date, this individual has not been apprehended or identified. COPA concluded that Officer Riley’s use of deadly force violated Chicago Police Department (Department) policy.

Officer Riley retired from the Department on August 15, 2020. COPA therefore makes no disciplinary recommendation in this matter. However, COPA recommends that Officer Riley’s personnel file note the existence of a pending investigation at the time of her retirement. Further, given the serious nature of the misconduct and findings in this Report, COPA recommends that Officer Riley be ineligible for rehire by any City agency, department, or instrumentality.

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¹ Unit #376

II. INVOLVED PARTIES

Involved Officer:	RILEY, Inez; #14952; Employee # [REDACTED]; Date of Appointment: June 29, 1998; Chicago Police Officer; Unit 376; DOB: [REDACTED], 1959; Gender: Female; Race: Black.
Involved Individual:	Unidentified; Gender: Male; Race: Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Inez Riley	1. Failed to properly secure her weapon.	Sustained
	2. Discharged her firearm at or in the direction of an Unknown Subject in violation of General Order 03-02.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules
<ol style="list-style-type: none"> 1. Rule 6 – Disobedience of an order/directive, whether written or oral. 2. Rule 10 – Inattention to duty. 3. Rule 38 – Unlawful or unnecessary use or display of a weapon.
General Orders
<ol style="list-style-type: none"> 1. G03-02, Use of Force. Effective October 16, 2017 to February 28, 2020.
Uniform and Property Orders
<ol style="list-style-type: none"> 1. U04-02, Department Approved Handguns and Ammunition. Effective June 2, 2017 to February 29, 2020. 2. U04-02-01, Department Approved Handguns and Ammunition. Effective August 10, 2018 to Present. 3. U8.1512, Holster (Prescribed). Effective June 2, 1992 to August 25, 2019.

V. INVESTIGATION²

A. Interviews

In a statement with COPA on September 11, 2019, **Officer Inez Riley** stated that on the date of the incident, she exited her residence at approximately 03:55 am, located at [REDACTED], to go to work.³ Officer Riley was assigned to work at the Alternate Response Section, Unit 376, located at 2111 W. Lexington Street. She was scheduled to start her tour of duty at 5:00 am. Officer Riley proceeded to her personal vehicle, a 2018 Toyota Avalon, which was parked on the street in front of her residence. Officer Riley stated as she walked to her vehicle, she carried her firearm under her left arm, while her badge and iPhone 8 were in her left hand; she was carrying a black bookbag by the handle with her right hand. When Officer Riley reached her vehicle, she put her bookbag in the trunk. She then walked around to the driver side of her vehicle and unlocked her door with her car remote.

When Officer Riley opened her car door, she observed a black man sitting in the front passenger side of her vehicle.⁴ Officer Riley jumped back and continued to back up to put some distance between her and him and stated, “How the fuck did you get in my car? I’m the police.⁵ Get the fuck out.”⁶ As Officer Riley backed up, she dropped her badge and iPhone and placed both of her hands on her firearm.⁷ The male subject did not move. Officer Riley repeated herself and stated, “Get out of my car.”⁸ Officer Riley stated that the man had his hands between his legs and the only time he made any movement was when he turned his head slightly and looked out his peripheral. After she continued her verbal commands, Officer Riley stated that the man remained seated with his left hand between his legs and that he slowly took his right hand and put it on the driver’s side. Officer Riley indicated to COPA that she did not shoot at this time saying, “just because someone is in your car doesn’t give you the right to take a life.”⁹

The man suddenly opened the passenger front door, exited, and ran around to the right. Officer Riley stated he opened the car door abruptly, aggressively, and quickly. Officer Riley did not shoot at that time because she could not see him due to it being dark outside. Officer Riley moved to the right, by the rear of her car, to see where he went. When Officer Riley got towards the rear of her vehicle on the driver’s side, “He pops up and he’s directly in front of me,” at the rear of her vehicle on the passenger side. Officer Riley stated she could not recall if she said anything to him when he popped up.¹⁰ Officer Riley recalled observing the man’s full body but could not recall where his hands were or what, if

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachment 58, Transcript of Officer Inez Riley. See also Attachment 57 for her audio statement.

⁴ Officer Riley stated that she had never seen the male subject before. She described him as a black male, between 25-30 years of age, wearing a white t-shirt, and a beard. *Id.* at Pages 32-33.

⁵ Attachment 58, Page 28, lines 15-17. Officer Riley stated she distanced herself from the subject by backing away about twenty-five feet, but she was not good with distance. Officer Riley recanted her distance and stated she was about two arm’s length away from the subject. Page 29, Line 3.

⁶ *Id.* at Page 15, lines 6-7

⁷ Officer Riley stated that she was shaking at this time. *Id.* at lines 15-17.

⁸ Attachment 58, Page 15, lines 21-22.

⁹ *Id.* at p. 35, lines 11-13.

¹⁰ *Id.* at Page 39, lines 19-20.

anything, was in his hands. Officer Riley explained that she could not see his hands because it was dark outside, and she experienced tunnel vision.¹¹ Officer Riley stated at that time she was afraid because he never ran away even though he had every opportunity to run from the beginning.

Officer Riley backed away, towards the parkway, and discharged her firearm three times. Officer Riley shot because the man was suddenly in her face confronting her, he elected to not run away from her, he didn't follow any of her verbal directions, never spoke or showed his hands. When he finally appeared in front of her she feared for her life, and she thought if he had a gun she was in trouble because she did not have on a bullet proof vest.¹² She further indicated that she was in fear because he "popped up from nowhere."¹³ She did not provide an estimated distance for how far apart they were at the time she shot, but did explain that she was standing in the parkway, while the man was next to the rear corner of her car. Officer Riley could not recall what the man was doing when she first discharged her firearm, but as the last shot went off, he turned and ran off. Officer Riley ceased shooting advising the threat was over.¹⁴ As the individual fled south on Coles Avenue, Officer Riley called 911 to report the incident. Officer Riley discharged her firearm three times at the man.

After the incident, Officer Riley realized that three to four dollars' worth of change was missing from a cup inside her vehicle. Officer Riley never saw the man with a weapon. Officer Riley explained she did not have any other force options, as she was not in possession of a taser, asp, or impact weapon.¹⁵

When Officer Riley advised that holding her firearm in the pit of her arm when she left her residence in the morning to go to work was for her safety and stated, "That's not what I do. Every morning I put it under my arm because of the people that hang around up the street, around the corner, walking down the street. No."¹⁶ Officer Riley stated that she did not have her firearm in a holster because she has a prior injury and wanted to be able to at least get to it and have a fighting chance if anything happened.¹⁷ She indicated that after the shooting, she laid her firearm down on the front seat of her car in order to call 911.

Officer Riley viewed body-worn camera footage from responding officers. Officer Riley identified herself in the footage.¹⁸ In response to questions about her statement, "I wish I could have killed that bitch," referring to the man who was in her car, she explained that he never followed any of her commands.¹⁹ She clarified that her words were, "I'm glad I had my gun - my gun in my hand

¹¹ Officer Riley stated on the date of the incident it was dark and the streetlights were really far apart. She also stated it was foggy and misty. Attachment 58, Page 23, Lines 8-10.

¹² *Id.* at Page 66, lines 16-19.

¹³ *Id.* at Page 44, lines 14-18.

¹⁴ *Id.* at Page 44, lines 22-24.

¹⁵ *Id.* at Pages 47-48.

¹⁶ *Id.* at Page 57, lines 20-23.

¹⁷ *Id.* at Page 70, lines 1-3.

¹⁸ The body-worn camera footage was from Officers Jared Moore, #9645, and Kyle Jandacek, #18752, who responded to the 911 call. The body-worn camera footage does not capture the incident but shows Officer Riley explaining to the officers what occurred.

¹⁹ Attachment 58, Page 71, lines 18 - Page 72, line 1. Officer Moore's body-worn camera starting at 2:20 on the video, Attachment 48.

because I could have killed that bitch.”²⁰ She also addressed the comment she made, “I wish I would have killed the mother fucker. You just don't understand.”²¹ Officer Riley stated that is how she felt at the time, and she believed it was just crazed nervous energy.²² Officer Riley stated that she typically locks her car with a pod and she assumed her vehicle was locked.²³ Officer Riley did not know how the man got into her vehicle and stated that there was no damage to her vehicle.

COPA conducted a canvass in the vicinity of the location of incident but was unsuccessful locating any witnesses to the incident.²⁴

B. Digital Evidence

Office of Emergency Management & Communications (OEMC) records document that on August 7, 2019, at approximately 3:59 am, Officer Riley called and reported that she was leaving her house and got in her car.²⁵ As she entered her car, there was an offender in her car. Officer Riley gave the address of [REDACTED] and stated she had to let off three shots. Officer Riley stated that she did not hit the offender, but the offender ran. Officer Riley stated she was on her way to work. Officer Riley repeated her name and provided star #14952.

Evidence Technician Photographs depict the scene, Officer Riley, and Officer Riley's firearm.²⁶

Body-Worn Cameras from Officer Jared Moore, #9645, and Officer Kyle Jandacek, #18752, show the officers arriving to the scene after the incident occurred and Officer Riley explaining what happened.²⁷ During the footage, Officer Riley is heard stating, “I get in the car – he just sittin’ here. I’m like, ‘Get out o’ my motherfucking car!’ I’m so glad I had my gun in my hand - I could have killed that bitch,” and “For the first time, I wish I would have killed the motherfucker.”²⁸ You just don’t understand.”²⁹ As the body worn camera footage was from responding officer, the shooting was not captured on video.

In-Car Camera footage from Beat 411R, assigned to Officers Moore and Jandacek, were responding units and thus that video did not capture the incident.³⁰ The footage did not include audio and only showed a sidewalk and residences in the dark as responding officers worked with crime scene tape and searched with flashlights.

²⁰ *Id.* The BWC of Officer Moore supported Officer Riley's clarification.

²¹ Attachment 58, Page 75, line 22 - Page 76, line 1. Officer Moore's body-worn camera starting at 4:52 on the video, Attachment 48.

²² Attachment 58, Page 76, lines 3-6.

²³ PO Riley used the term “pod” but presumably meant “fob” to describe the keyless remote entry device for her vehicle. Att. 58, Page 20, line 11, and Att. 57 at 15:00 – 15:02.

²⁴ Attachment 50.

²⁵ Attachment 17; see also Event Queries, Attachments 4-7; and OEMC radio dispatch for Zone 8, Attachments 18-20.

²⁶ Attachments 51-53.

²⁷ Attachment 47, PO Jandacek, and Attachment 48, PO Moore.

²⁸ Attachment 48, starting at 2:39 on the video.

²⁹ Attachment 48, starting at 4:52 on the video.

³⁰ Attachment 62.

Surveillance footage from [REDACTED] shows at 04:01:40 am, a male subject walking past vehicles parked on the street.³¹ The male subject turns back around a few seconds later and looks into a car and then walks away again. At 04:09:36 am, a male subject, who appears to be the same male subject looking into cars, runs through the gangway at [REDACTED]. At 04:09:50 am, the male subject runs east through a backyard and then south into the alley, between Coles Avenue and South Shore Drive, out of the camera's view.

C. Physical Evidence

Department Crime Scene Processing Report No. [REDACTED] documents evidence identified, collected, and inventoried in connection with this incident. Officer Riley's firearm was a Sig Sauer, model P228, 9mm, semi-automatic pistol, with serial # [REDACTED].^{32,33} There were ten unfired Win 9mm Luger + P cartridges in the gun magazine and one unfired Win 9mm Luger + P in the chamber of her firearm.³⁴ Two fired cartridge cases were recovered from the parkway grass at [REDACTED].^{35,36}

D. Documentary Evidence

An Original Case Incident Report dated August 7, 2019, for Theft - \$500 and Under, documents the incident, but provides no narrative.³⁷

The **Detective Supplementary Reports** are still pending Department approval.³⁸

A Tactical Response Report (TRR), signed by Officer Riley, documents in the narrative section that the member, Officer Riley, located an unknown subject seated in her personal vehicle.^{39,40} Officer Riley announced her office and ordered subject out of her vehicle. Subject initially ignored repeated verbal commands to exit vehicle. "The subject then suddenly exited the members vehicle abruptly and in a very aggressive manner." Officer Riley ordered subject to show his hands and subject refused her commands to show his hands. Officer Riley, fearing the imminent threat of attack by the unknown subject, fired her weapon three times in self-defense. The subject then fled southbound from the location of the incident and made good his escape. Officer Riley was off-duty and did not have a body-worn camera available.

The TRR also documents that during the incident, the subject did not follow verbal direction, fled, and posed an imminent threat of battery - no weapon. Officer Riley did not select the box indicating that the subject used force likely to cause death or great bodily harm. Officer Riley indicated that her force

³¹ Attachment 31 and 44.

³² Attachment 12.

³³ Officer Riley's firearm has a capacity of thirteen bullets plus one bullet in the chamber.

³⁴ Officer Riley's firearm, gun magazine, and unfired cartridge cases were inventoried under Inventory # [REDACTED].

³⁵ Officer Riley discharged her firearm three times, but only two fired cartridge cases were recovered.

³⁶ Win 9mm Luger + P, Inventory # [REDACTED].

³⁷ Attachment 2, [REDACTED].

³⁸ As of the date of this Report, the Detective Supplementary Report has not been approved.

³⁹ Attachment 3.

⁴⁰ In her interview with COPA, Officer Riley indicated that she completed the TRR herself with no assistance. Attachment 58, page 55, lines 6-21.

mitigation efforts were member's presence, verbal direction/control techniques, movement to avoid attack, and tactical positioning. Officer Riley's response also included discharging her semi-auto pistol three times. Officer Riley's reasons for responding to the subject were defense of self and to overcome resistance or aggression.

The Department's Bureau of Internal Affairs conducted an **alcohol and drug test** on Officer Riley on August 7, 2019, beginning at 8:10 am, and the tests revealed no drugs or alcohol in her system.⁴¹

An **Annual Prescribed Weapon Qualification Report** documents that Officer Riley qualified for her weapon on March 8, 2019.^{42,43}

VI. LEGAL STANDARD

A. Use of Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁴⁴ The analysis of the reasonableness of an officer's actions must be grounded in the perspective of "a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "allow 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."⁴⁵

At the time of this incident, the factors to be considered in assessing the reasonableness of force included, but were not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm, level of threat or resistance presented by the subject; and (3) the subject's proximity or access to weapons.⁴⁶ Officers must use only the amount of force which is necessary and required under the circumstances and their force must be proportional to the threat, actions, and level of resistance offered by a subject.⁴⁷ In all uses of force the goal of a Department member's highest priority is the sanctity of human life, and in all aspects officers will "act with the foremost regard for the preservation of human life and she safety of all persons involved."⁴⁸

Discharging a firearm is deadly force under Department policy.⁴⁹ Department policy dictates that "[t]he 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."⁵⁰ Thus, a Department member may use deadly force in two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person.

⁴¹ Attachment 10-11.

⁴² Attachment 49.

⁴³ Weapons qualification are valid for one year.

⁴⁴ General Order G03-02(III)(B), effective October 16, 2017 to February 28, 2020.

⁴⁵ *Plumhoff v. Rickard*, 572 U.S. 765, 775 (2014) (internal quotations and citation omitted).

⁴⁶ G03-02 at (III)(B)(1).

⁴⁷ G03-02 at (III)(B)(2 & 3).

⁴⁸ G03-02 (II)(A).

⁴⁹ G03-02 (III)(C)(1).

⁵⁰ G03-02 (III)(C)(3).

Second, deadly force may be used 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.⁵¹ A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are likely to cause death or great bodily harm to the member or others unless action is taken; and
- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm.⁵²

Additionally, Illinois statute grants civilians the right to use deadly force in self-defense:

A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.⁵³

B. Securing Firearms

Department policy requires all officers to secure ALL firearms which they own or possess, in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss.⁵⁴ When in citizen clothing, members will carry their firearms and extra ammunition in Department-approved holsters and ammunition carriers.⁵⁵ Policy requires that holsters will only be worn attached to the trousers or equipment belt and hang perpendicular to the outside seam line of the trouser leg or the skirt side.⁵⁶ Additionally, Department-approved semiautomatic weapons must be carried in Department-approved holsters both on and off duty.⁵⁷

C. 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;

⁵¹ G03-02 (III)(C)(3).

⁵² G03-02-(III)(C)(2).

⁵³ 720 ILCS 5/7-1(a).

⁵⁴ U04-02. (capitalization in original), effective June 2, 2017 to February 29, 2020. *See also*, U04-02-01 (F) effective to August 10, 2018 to Present (stating that semiautomatic pistols will be carried in department approved holsters).

⁵⁵ U04-02.

⁵⁶ U8.1512. Effective June 2, 1992 to August 25, 2019.

⁵⁷ U04-02-01. Effective August 10, 2018 to Present.

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** is evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy.⁵⁸ If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense.⁵⁹ Clear and Convincing is 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."⁶⁰

VII. ANALYSIS

A. COPA finds Officer Riley to Be Credible

COPA finds that Officer Riley's description of the incident was credible. While the situation was quite unusual, Officer Riley was materially consistent throughout her statements to responding officers, in her TRR, and in her COPA interview as to what occurred. Moreover, COPA has not found any evidence contrary to her description of the incident. Thus, COPA finds her credible and credits her explanation of the incident.

B. Officer Riley Failed to Properly Secure her Weapon

Officer Riley failed to properly secure her weapon by carrying it under her arm, as opposed to in a department approved holster as required in accordance with Department policy. Even in civilian dress she was required to secure her firearm in a department approved holster, and such holster is required to be attached to either a belt or her pants. Since her firearm was not in a holster, much less secured to her belt, she was in violation of the Department's policy.

Based upon the foregoing, COPA concludes Officer Riley's actions did not comport with Department policy, specifically, U04-02-01. Allegation #1 against Officer Riley is **Sustained**.

C. The Unidentified Male Did Not Reasonably Pose an Imminent Threat Likely to Cause Death or Great Bodily Harm to Officer Riley.

A threat is imminent when it is objectively reasonable to believe that:

- a. the subject's actions are likely to cause death or great bodily harm to the member or others unless action is taken; and

⁵⁸ 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).

⁵⁹ See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁶⁰ *Id.* at ¶ 28.

- b. the subject has the means or instruments to cause death or great bodily harm; and
- c. the subject has the opportunity and ability to cause death or great bodily harm.⁶¹

A preponderance of the evidence demonstrates there is insufficient evidence to indicate that the unidentified male had the means or instruments, or the opportunity and ability, to cause death or great bodily harm. Thus, the only factor for which there exists some evidence is whether it was objectively reasonable for Officer Riley to believe that the unidentified male's actions were likely to cause death or great bodily harm unless action was taken, in light of the totality of the circumstances confronting her.⁶²

Based on Officer Riley's explanation of the encounter, she discharged her firearm because she feared for her life as the man "popped out of nowhere" and was suddenly in her face, did not immediately flee, did not comply with her verbal directions, never spoke, and never showed his hands. However, the evidence reflects the man did comply with her verbal commands to exit her car, albeit not as quickly as Officer Riley demanded. Officer Riley did not recall making any other verbal commands to the man, including a command for him to show his hands, but she could see his full body. Additionally, while Officer Riley's perception may be that the man was "suddenly in her face," Officer Riley originally described creating a distance of 25 feet between them once she backed away from her car.⁶³ Officer Riley described the man as moving to the right, towards the rear of her vehicle. She also described moving to the right. However, she did not describe closing the distance between the two. Officer Riley also maintained that she was in the parkway during this encounter. She then stated that, as she backed away, she discharged her firearm. This would have further increased the distance between the two.

At the time she fired the shots, the man had made no physical contact with Officer Riley, nor had he made any indication that he was going to do so. He merely failed to exit her car quickly, then went around the back of her car, which she did not expect. While she says he was facing her when he emerged from behind the car, she did not provide any explanation that suggests he was about to attack her. She could not see his hands, so she did not have a sufficient basis to believe he was armed. In order to justify the use of a deadly force, the Department member must have an objectively reasonable basis to believe the subject's actions are likely to cause death or great bodily harm to the member or another person unless action is taken (*i.e.* the subject poses an imminent threat).⁶⁴ The lack of immediate flight appears to be the strongest supporting factor to Officer Riley's fear, based upon her interview. Officer Riley's perception of the man's actions certainly did not comport with her expectations, but this does not equate to an objectively reasonable belief that his actions were likely to cause death or great bodily harm.

⁶¹ General Order G03-02(III)(C)(2).

⁶² Of note, the finding of fact on this singular component is not controlling in the determination of the existence of an imminent threat, in that the other two required components have already been determined not to be sufficiently supported by the evidence. As the General Order declares, there must be an objectively reasonable belief that all three components concurrently exist to reach this determination. G03-02(III)(C)(2).

⁶³ At other times during her interview, Officer Riley said she was not good with distance, was two arms' lengths away from the man, or could not describe a distance at all. There is no objective evidence of the man's precise location at the time that Officer Riley discharged her firearm. However, COPA gives more weight to Officer Riley's initial description of the distance, as Officer Riley maintained that she was intentionally increasing distance between herself and the man as a tactical tool.

⁶⁴ The relevant standard is objective reasonableness. Therefore, the unidentified male's (and Officer Riley's) actual subjective intentions are irrelevant. Objectively reasonable mistakes do not violate Department policy.

In the instant case, a preponderance of the evidence demonstrates that Officer Riley did not have an objectively reasonable belief that the unidentified male’s actions were likely to cause death or great bodily harm to Officer Riley or others unless action was taken. Therefore, COPA finds that none of the three necessary components are present to support the existence of an imminent threat, as defined in General Order 03-02. While it is understandable she was frightened or angry upon confronting the man who was in her vehicle, this does not, on its own, establish an objectively reasonable imminent threat of death or great bodily harm, as defined by Department policy.⁶⁵ To find otherwise would permit Department members to use deadly force in almost any situation where a person does not comply with verbal commands.⁶⁶

Likewise, Officer Riley had insufficient justification for using deadly force pursuant to the Illinois self-defense statute, which allows even civilians to use deadly force.⁶⁷ That statute allows the use of deadly force only if she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony. As discussed above, there is insufficient evidence to support an objectively reasonable belief that the man posed an imminent threat of death or great bodily harm or committed a forcible felony.

Therefore, because the preponderance of the evidence demonstrates that Officer Riley did not have an objectively reasonable belief of an imminent threat of death or great bodily harm, her use of deadly force was in violation of General Order 03-02, and Allegation #2 is **Sustained**.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Inez Riley	1. Failed to properly secure her weapon.	Sustained
	2. Discharged her firearm at or in the direction of an Unknown Subject in violation of General Order 03-02.	Sustained

⁶⁵ It should be noted that Officer Riley’s anger at the unidentified male’s presence in her car may have contributed to her decision to repeatedly discharge her firearm. Her anger was objectively demonstrated in several statements, in which she stated that she wished she could have and wished she would have killed the unidentified male. While it is understandable that she was angry someone entered her vehicle without permission, this does not make it any more objectively reasonable to believe the male posed an imminent threat of death or great bodily harm.

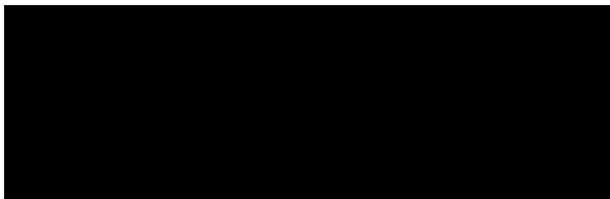
⁶⁶ COPA firmly believes that the Department policy cannot and does not permit this.

⁶⁷ 720 ILCS 5/7-1(a).

IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

Officer Riley retired from the Department August 15, 2020. COPA therefore makes no disciplinary recommendation in this matter. However, COPA recommends that Officer Riley’s personnel file note the existence of a pending investigation at the time of her retirement. Further, given the serious nature of the misconduct and findings in this Report, COPA recommends that Officer Riley be ineligible for rehire by any City agency, department, or instrumentality.

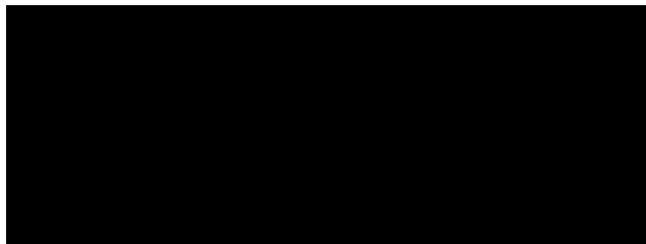
Approved:



Angela Hearts-Glass
Deputy Chief Investigator

10-27-2020

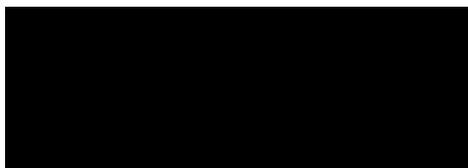
Date



Andrea Kersten
Chief Investigating Officer

10-27-2020

Date



Sydney R. Roberts
Chief Administrator

10-27-2020

Date

Appendix A

Assigned Investigative Staff

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