



Log # 2021-5077

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On December 24, 2021, the Chicago Police Department's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an Officer-involved shooting that occurred at approximately 10:44 pm that evening, at the location of 1301 W. Hastings Street, Chicago, Illinois.¹ COPA learned that Officers Bogdan Kalynyuk, star #7932, and Jonathon Carroll, star #1914, discharged their firearms at ██████████ after he fired at the officers in a parking lot at the location of the incident. The incident was captured on officers' body worn cameras (BWC) and surveillance video footage from the Alba Brooks apartment complex at located at 1353-71 S. Loomis Street.²

Upon review of the evidence, COPA served Officers Kalynyuk and Carroll an allegation that they both failed to timely and/or accurately notify the Office of Management and Communications (OEMC) of their firearm discharge.³ Following its investigation, COPA reached a sustained finding regarding the allegations against the officers.

II. SUMMARY OF EVIDENCE⁴

On December 24, 2021, Officers Kalnuyuk and Carroll were at the 012th District Station monitoring live POD feeds when they observed a group of individuals, including ██████████ ██████████ in a parking lot of the Alba Brooks apartment complex located at 1301 W. Hastings Street. ██████████ was clearly seen with a firearm in his waistband. ██████████ was observed removing the firearm from his waistband and would hold it to his side as vehicles drove past.⁵ The officers formulated a plan, and they, along with other officers, drove to the parking lot.⁶ Officers Carroll and Kalynyuk exited their vehicle and ran to the parking lot, with Officer Kalynyuk slightly ahead of Officer Carroll. When the officers entered the parking lot, ██████████ and a male, identified

¹ Pursuant to Chicago Municipal Code § 2-78-120, COPA has a duty to investigate incidents in which a Chicago Police Department member discharges their firearm.

² Chicago Housing Authority Complex (CHA).

³ The allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including CPD department reports, BWC videos, surveillance video from Alba Brooks apartment complex, 911 calls and radio transmissions, Evidence Technician (ET) photographs and Crime Scene report, medical records of ██████████ and the statements of Officers Kalynyuk and Carroll.

⁵ Att. 15, from 9:45:41 pm to 10:21:00 pm.

⁶ The officers planned on officers arriving from all directions of the parking lot in an attempt to catch anyone who fled on foot.

later as ██████ were standing on the west side of the parking lot near parked vehicles.⁷ The officers heard individuals in the area and announced their presence, saying, “police.”⁸ As the officers approached, ██████ and ██████ ran east across the parking lot. Officer Kalynyuk observed ██████ remove a firearm from his waistband, turn towards Officer Kalynyuk’s direction, and begin firing.⁹ Officer Kalynyuk began shooting at ██████ from the sidewalk and he took cover behind an SUV.¹⁰ Officer Carroll was nearby, and he took cover by a parked vehicle. He reported to OEMC “10-1,” shots fired at the police, and the location of the incident.¹¹ ██████ ran around a parked Audi Sedan and continued shooting at the officers.¹² Officer Kalynyuk reloaded his weapon and continued firing at ██████¹³

Next, ██████ fled southbound towards 14th Street.¹⁴ Officer Kalynyuk pursued ██████ on foot and ultimately placed him into custody at the 012th District Station rear parking lot.¹⁵ ██████ was then transported by assisting officers to Stroger Hospital where he was treated for gunshot wounds to left side of his head and right shoulder.¹⁶

Officer Carroll remained at the location of the incident in search of ██████ firearm. Unable to locate the firearm, Officer Carroll went to parking lot of the district station, to inquire if ██████ had the firearm on his person and to request Officer Kalynyuk’s police radio because his was malfunctioning.¹⁷ Officer Kalynyuk contacted OEMC and reported that ██████ threw his firearm and that someone may have picked it up and ran into the apartment at 1309 W. Hasting Street. Officer Carroll requested that officers surround the apartment.¹⁸ After a search of the area, officers located the firearm underneath the Audi Sedan that ██████ used to take cover during the incident.¹⁹

⁷ Following the shooting, ██████ was arrested for Possession of drugs and Unlawful Use of a Weapon (Uuw). Refer to Atts. 89 to 91, Atts 36 and 41 from 10:45:06 pm to 10:46:25 pm, and Att. 105, Pg. 6 (involved vehicles section).

⁸ Att. 23, at 10:49:11 pm and Att. 71.

⁹ Att. 24, at 2:25

¹⁰ Att. 23, at 10:49:11 pm and Att. 71.

¹¹ Att. 10, Att. 23 at 10:44:24 pm, Att. 78 at 10:45:12 pm (55 seconds from start of recording), and Att. 98, Pg. 13, Lns. 16 to 18. Officer Carroll stated that he did not initially report shots fired by the police because he and his partner’s lives were being threatened and he did not have ample opportunity to do so at the time (Att. 98, Lns. 2 to 8).

¹² Att. 71- One video clip from 1312 W. Hastings Street and two video clips from 1313 W. Hastings Street. In the videos, ██████ is wearing a white colored sweatshirt and light-colored blue jeans. ██████ is wearing a black colored hooded sweatshirt and black jeans.

¹³ The exchange of gunfire was captured on the (BWC) of the involved officers. Refer to Att. 23 beginning at 10:44:23 pm to 10:44:57 pm, Att. 24 beginning at 10:44:23 pm to 10:45:00 pm, and Att. 71 (third party video from the Alba Homes apartment complex).

¹⁴ Att. 22, at 10:45:06 pm.

¹⁵ Atts. 3, 10, 24 at 10:45:43 pm; and Att. 78 (02:37 from start of recording). It should be noted that after ██████ was placed into custody, Officer Christopher Hillas, star # 16384, used excessive force on ██████. An investigation was initiated by CPD and is investigated under Log #2021-5078.

¹⁶ Atts. 27 and 29, from 10:48:58 to 10:53:36 pm, and Atts. 100 to 103.

¹⁷ Att. 23 at from 10:47:40 pm to 10:48-45 pm.

¹⁸ Att. 23, from 10:48:53 pm to 10:49:27 pm.

¹⁹ Att. 10, Att. 23, at 10:54:59 pm (1332 W. 14th Street) and Atts. 106 to 107.

At approximately 10:52:30 pm, Officer Kalynyuk notified OEMC and reported that the location of the incident was a crime scene and that shots were fired at and by the police.²⁰ Officer Kalynyuk explained to COPA that he did not immediately report the fired shots by police to OEMC because [REDACTED] was actively shooting, and he heard Officer Carroll report a 10-1 and shots fired to OEMC.²¹

Following the incident, Evidence Technicians (ETs) recovered [REDACTED] Smith & Wesson, model SD40 VE, serial # [REDACTED], 9mm semi-automatic pistol, underneath the Audi Sedan near the rear tires. Illinois State Police (ISP) determined that eleven fired bullets were fired by [REDACTED] weapon.²²

ETs recovered Officer Kalynyuk's Glock 17 GMBH, serial # [REDACTED], 9mm semi-automatic pistol with twelve live rounds in the magazine and one in the chamber. The ETs also recovered an empty magazine belonging to Officer Kalynyuk. ISP determined that twenty fired bullets were fired by Officer Kalynyuk weapon.²³

ETs also recovered Officer Carroll's Glock 19 GMBH, serial number # [REDACTED], 9mm semi-automatic pistol with four live rounds in the magazine and one in the chamber. ISP determined that eleven fired bullets were fired by Officer Carroll's weapon.²⁴

III. ALLEGATIONS

Police Officers Bogdan Kalynyuk and Jonathon Carroll:

1. Failed to timely and/or accurately notify OEMC of their firearm discharge, in violation of General Order G03-06.
 - Sustained, Violation of Rules 2, 5, 6 and 10..

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

²⁰ Atts. 10, Att. 24, at 10:52:27 pm.

²¹ Att. 99, Pg. 29, Lns. 7 to 21.

²² Att. 80 and Atts. 104 to 107. The weapon is inventoried under #15026323. The fired casings were recovered in the vicinity of 1301 W. Hastings Street, near parkway grass area, sidewalk, parking lot pavement, and rear driver's side of the Audi Sedan (1332 W. 14th Street), inventory #1502633.

²³ Att. 80 and Atts. 104 to 107. Prior to the incident, Officer Kalynyuk last qualified with the weapon on March 12, 2021. On the date of the incident, his weapon was registered with CPD (Att. 84, Pg. 1) and he had a valid FOID card (Att. 86, Pgs. 3 to 4).

²⁴ Att. 80 and Atts. 104-107. Prior to the incident, Officer Carroll last qualified with his weapon on February 10, 2021. On the date of the incident, his weapon was registered with CPD (Att. 84, Pg. 2), and he had valid FOID card (Att. 86, Pgs. 12 to 13).

V. ANALYSIS²⁵

a. Officer Kalynyuk's use of deadly force was within policy

COPA finds by a preponderance of the evidence that the use of deadly force by Officer Kalynyuk was objectively reasonable, necessary, and proportional to the circumstances he faced. In reaching its conclusion, COPA evaluated all available evidence, including statements from Officer Kalynyuk and Officer Carroll.

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.²⁶ 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.²⁷ This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.²⁸

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."²⁹ 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 to 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."³⁰

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."³¹ 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.³²

²⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁶ G03-02 (II)(A), De-escalation, Response to Resistance, and Uses of Force (effective April 15, 2021 to June 28, 2023).

²⁷ G03-02 (III)(B)

²⁸ G03-02 (III)(B)(3).

²⁹ G03-02(IV)(C).

³⁰ G03-02(IV)(C)(1-2).

³¹ G03-02(IV)(B) (emphasis added).

³² G03-02(III)(C)(2).

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Kalynyuk's use of deadly force was objectively reasonable in light of the imminent threat he faced. Upon arrival, the officers announced their office. Officer Kalynyuk reported that he had fired his weapon only after ██████ pointed the firearm towards him in a manner Officer Kalynyuk believed was threatening to his life and the life of others. In fact, ██████ fired his weapon in Officer Kalynyuk's direction, and Officer Kalynyuk returned fire. It was thus objectively reasonable for Officer Kalynyuk to believe that ██████ actions were immediately likely to cause death or great bodily harm.³³ 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. Therefore, a preponderance of the evidence shows that Officer Kalynyuk's use of deadly force was justified and complied with CPD policy.

- b. Officers Kalynyuk and Carroll failed to timely and/or accurately notify OEMC of their firearm discharge

COPA finds Allegation #1, that Officers Kalynyuk and Carroll failed to timely and/or accurately notify OEMC of their firearm discharge, is **Sustained**. Department members involved in a firearm discharge "will immediately notify the Office of Emergency Management and Communications (OEMC) providing all relevant information and requesting additional resources."³⁴ In this case, Officers Kalynyuk and Carroll immediately notified OEMC of shots fired at police but failed to immediately notify OEMC of shots fired by the police. Rather, Officers notified OEMC of shots fired by the police approximately, seven minutes following the shooting. Indeed, Officer Kalynyuk, in his statement to COPA, estimated OEMC was notified "four to six minutes," after shots were fired.³⁵ Therefore, COPA finds that Allegation #1 against Officers Kalynyuk and Carroll is **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Jonathan Carroll

i. Complimentary and Disciplinary History³⁶

Officer Carroll has received 130 complimentary awards, including 120 Honorable Mentions, and three Department Commendations. Officer Carroll has had one Sustained case in the last five years – an operations violation – that resulted in a reprimand.

³³ By his actions, [the person] 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).

³⁴ Att. 108, G03-06, (Sec. V. A.) Firearm Discharge and Officer-Involved Death Incident Response and Investigation. (Effective April 15, 2021).

³⁵ Att. 99, Pg. 30, Ln. 8

³⁶ Att. 110

ii. Recommended Discipline

COPA has considered Officer Carroll’s complimentary history and disciplinary history. COPA has also considered the facts surrounding the sustained violation in this case. COPA recommends a written reprimand.

b. Officer Bogdan Kalynyuk

i. Complimentary and Disciplinary History³⁷

Officer Kalynyuk has received 106 complimentary awards, including 97 Honorable Mentions, and three Department Commendations. Officer Kalynyuk has not been disciplined.

ii. Recommended Discipline

COPA has considered Officer Kalynyuk’s complimentary history and lack of disciplinary history. COPA has also considered the facts surrounding the sustained violation in this case. COPA recommends a violation noted.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

November 30, 2023
Date

[Redacted Signature]

Andrea Kersten
Chief Administrator

November 30, 2023
Date

³⁷ Att. 110

Appendix ACase Details

Date/Time/Location of Incident:	December 24, 2021
Date/Time of COPA Notification:	11:09 pm
Involved Member #1:	Bogdan Kalynyuk, Star #7932, Employee ID # [REDACTED], Date of Appointment: July 17, 2017, Unit of Assignment: 012, male, White
Involved Member #2:	Jonathan Carroll, Star #13397, Employee ID # [REDACTED], Date of Appointment: February 16, 2017, Unit of Assignment 012, male, White
Involved Individual #1:	[REDACTED] male, Black

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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- General Order G03-02-03, Firearm Discharge Incidents-Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021-present).
- General Order G03-06, Firearm Discharge and Officer-involved Death Incident Response and Investigation (effective April 15, 2021-present).

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 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.³⁸ 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.”³⁹

³⁸ 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).

³⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- 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