

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 28, 2022
Time of Incident:	9:15 pm
Location of Incident:	800 S. Sacramento Boulevard
Date of COPA Notification:	March 28, 2022
Time of COPA Notification:	9:37 pm

On March 28, 2022, at approximately 9:15 pm, [REDACTED] was driving his tan Pontiac Grand Prix¹ east on Polk Street when Officers Felipe Zamorano and Rudy Estrada (Beat 1163C) and Officers Humberto Cruz and Michael Baciu (Beat 1163D) conducted a traffic stop after observing [REDACTED] commit traffic violations. The officers approached [REDACTED] vehicle on foot to speak with him. Without warning, [REDACTED] accelerated and drove forward, striking Officer Zamorano and pinning his right leg between the front of [REDACTED] vehicle and the driver’s side of the parked police vehicle. Officer Estrada attempted to pull [REDACTED] from his vehicle, but [REDACTED] produced a firearm and shot Officer Estrada in the left hand. [REDACTED] then fired a shot at Officer Cruz, who was near the passenger side of [REDACTED] vehicle. Officer Zamorano discharged his firearm four times at [REDACTED] through the front windshield of [REDACTED] vehicle, and Officer Cruz discharged his firearm once at [REDACTED] from the passenger side of [REDACTED] vehicle. [REDACTED] was struck at least twice by the gunfire, and he fell out of his vehicle with his firearm landing on the pavement between his feet. An ambulance transported [REDACTED] to Mt. Sinai Hospital, while Officers Zamorano, Estrada, and Cruz received medical treatment at Stroger Hospital.

II. INVOLVED PARTIES

Involved Officer #1:	Felipe Zamorano; Police Officer; Star# 6730; Employee # [REDACTED]; Unit of Assignment: 011; Date of Appointment: September 27, 2018; DOB: [REDACTED], 1988; Male; Hispanic.
Involved Officer #2:	Humberto Cruz; Police Officer; Star# 15603; Employee # [REDACTED]; Unit of Assignment: 011; Date of Appointment: December 12, 2016; DOB: [REDACTED], 1992; Male; Hispanic.
Involved Officer #3:	Rudy Estrada; Police Officer; Star#: 7557; Employee # [REDACTED]; Unit of Assignment: 011; Date of Appointment: August 16, 2017; DOB: [REDACTED], 1992; Male; Hispanic.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1993; Male; Black.

¹ Illinois License Plate [REDACTED]

III. ALLEGATIONS

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 Zamorano’s and Officer Cruz’s firearm discharges were within policy. However, COPA served the officers the following allegations of violations of CPD rules and policy:

Officer	Allegation	Finding
Officer Felipe Zamorano	1) Failed to activate his Body-Worn Camera in a timely manner at the beginning of a law-enforcement related activity in violation of S03-14.	Sustained
Officer Humberto Cruz	1) Failed to timely and/or accurately notify the Office of Emergency Management and Communications of all relevant information related to his firearm discharge as required by G03-06.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 3 – Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
2. Rule 5 – Failure to perform any duty.
3. Rule 6 – Disobedience of an order or directive, whether written or oral.
4. Rule 10 – Inattention to duty.

General Orders

1. G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 27, 2023)
2. G03-02-03: Firearm Discharge Incidents-Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021 to June 27, 2023)
3. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective April 15, 2021 to present)

Special Orders

- 1.S03-14: Body Worn Cameras (effective April 30, 2018)

V. INVESTIGATION²

a. Interviews

On March 28, 2022, CPD Detectives James Brown and Carrie Iser conducted an Electronically Recorded Interview (ERI) with ██████████³ After being given his Miranda warning by Detective Brown, ██████████ stated that he wanted to speak to an attorney. The interview was then terminated. Attempts by COPA to interview ██████████ in furtherance of this investigation were unsuccessful.

In an ERI on March 28, 2022, with CPD Detectives Wade Golab and Yesenia Medina-Richter, witness ██████████ stated that at the time of this incident she was in her vehicle traveling north on Sacramento Avenue. When she reached the intersection of Sacramento Avenue and Polk Street, she stopped at the stop sign. After the vehicle in front of her drove through the intersection she saw two police vehicles with flashing blue lights and another unknown vehicle stop in the intersection. One police vehicle stopped in front of the unknown vehicle and the second police vehicle stopped behind it. ██████████ was about to continue through the intersection, but a third police vehicle stopped on the opposite side of the intersection and blocked her path. ██████████ stated that she saw a uniformed officer exit a police vehicle, at which time the unknown vehicle drove forward, striking the officer. The unknown vehicle then drove in reverse, at which time ██████████ heard several gunshots. ██████████ stated that although she saw what she believed to be muzzle flashes from the firearms, she did not see who was shooting. ██████████ immediately shifted her vehicle into park and ducked down. She remained ducked down inside her vehicle for ten to twenty seconds before she looked up again. When she did look up, she saw numerous police officers and firemen in the intersection.

In a statement to COPA on August 24, 2022, **Officer Felipe Zamorano**⁵ stated that on the night of this incident he was in plain clothes, working with Officer Rudy Estrada. Officers Zamorano and Estrada were in an unmarked police SUV, with Officer Zamorano driving and Officer Estrada seated in the front passenger seat. As they traveled south on Albany Avenue, Officer Zamorano saw the silver Grand Prix driven by ██████████ traveling east on Polk Street. Officer Zamorano stated that ██████████ made an illegal U-turn and proceeded to travel west on Polk Street. Officer Zamorano followed ██████████ west on Polk Street and witnessed him fail to stop at the stop sign at Sacramento Avenue. Officer Zamorano decided to conduct a traffic stop and activated his vehicle's emergency equipment to signal to ██████████ to pull over. ██████████ stopped his vehicle near the middle of the intersection. Officer Zamorano pulled alongside the driver's side of ██████████ vehicle and Officer Estrada exited the passenger side of the police vehicle. ██████████ then drove in reverse a short distance until he stopped directly in front of the other police vehicle, occupied by Officers Humberto Cruz and Michael Baci, which was directly behind ██████████ vehicle. Officer Zamorano maneuvered his police vehicle to place it in a safer position so that other vehicles would not be blocked from traveling through the intersection. Officer Zamorano stated that he stopped

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 Att. 32.

⁴ Att. 40.

⁵ Atts. 70, 80.

his vehicle near the front driver's side of [REDACTED] vehicle, adding that [REDACTED] vehicle was not blocked in.

Officer Zamorano stated that he waited inside his vehicle until a couple of other vehicles passed through the intersection. Officer Zamorano then exited his vehicle and saw Officer Cruz standing near the passenger side of [REDACTED] vehicle. Officer Cruz opened the front passenger door of [REDACTED] vehicle then yelled, "King!"⁶ Officer Zamorano explained that he and his partners use the term, "king," as a code word to alert each other that a subject is armed with a firearm. Officer Zamorano stated that the urgency with which Officer Cruz yelled the code made Officer Zamorano realize that the situation had escalated from a traffic stop to an armed offender.

As Officer Zamorano maneuvered around the front of his police vehicle, he saw Officer Estrada positioned near the driver's side of [REDACTED] vehicle. Officer Zamorano decided to assist Officer Estrada, and as he (Officer Zamorano) crossed in front of [REDACTED] vehicle to get to the driver's side, [REDACTED] accelerated, driving forward and striking Officer Zamorano. [REDACTED] continued to drive forward, pinning Officer Zamorano's right leg between the front of [REDACTED] vehicle and the passenger side of Officer Zamorano's vehicle. Officer Zamorano, who could not free himself from between the two vehicles, was able to see [REDACTED] through the front windshield of the vehicle. Officer Zamorano saw [REDACTED] holding a semi-automatic handgun in his right hand. [REDACTED] pointed the gun and fired it once at Officer Cruz, who was positioned just outside on the passenger side of [REDACTED] vehicle. Officer Zamorano stated that he saw the muzzle flash from [REDACTED] firearm when [REDACTED] fired at Officer Cruz. Officer Zamorano then saw [REDACTED] point the gun at him, at which point Officer Zamorano turned his upper body and looked down to draw his firearm from its holster. While doing this, Officer Zamorano heard another gunshot, and he believed [REDACTED] was shooting at him. Officer Zamorano drew his firearm and discharged it four times at [REDACTED] through the front windshield. Officer Zamorano stated that he held his handgun in his left hand while using his right hand to brace himself on top of the hood of [REDACTED] vehicle. As Officer Zamorano fired, he saw a muzzle flash come from [REDACTED] handgun and realized [REDACTED] was now shooting at Officer Estrada, who was near the driver's side door of [REDACTED] vehicle. Officer Estrada then pulled [REDACTED] from his vehicle.

A few moments later Officer Zamorano was able to free himself from between the two vehicles. Officer Zamorano saw a lot of blood running down his leg and then saw bone protruding from his right leg. Officer Zamorano was transported from the scene to Stroger Hospital. He sustained a broken right fibula, a broken right ankle, and skin was missing from his right leg that required a skin graft.

Officer Zamorano did not realize that his body-worn camera (BWC) had not been activated until after he fired his handgun at [REDACTED] Officer Zamorano stated that, at the time, he believed he had activated his camera prior to approaching [REDACTED] vehicle.

In a statement to COPA on May 3, 2022, **Officer Rudy Estrada**⁷ related essentially the same information as Officer Zamorano. Officer Estrada stated that after [REDACTED] stopped his vehicle in the intersection, Officer Estrada exited the police vehicle and approached the driver's side of

⁶ Att. 80, pg. 18, lns. 19 to 24.

⁷ Atts. 54, 62.

██████████ vehicle. Because the side windows of ██████████ vehicle were tinted, he asked ██████████ to lower them. ██████████ lowered the window and apologetically told Officer Estrada that he had been smoking marijuana. Officer Estrada stated that he could smell the marijuana smoke emanating from inside ██████████ vehicle. Officer Estrada told ██████████ the reason they pulled him over, at which point Officer Estrada saw a bottle of alcohol on the floor of ██████████ vehicle, near his feet. Officer Estrada then noticed that ██████████ never shifted his vehicle into park. Believing that ██████████ might be driving while intoxicated, Officer ██████████ ordered him to shift the gear into park and exit the vehicle. When ██████████ shifted into park, the vehicle's door automatically unlocked. Officer Estrada opened the driver's door while Officer Cruz opened the passenger door of ██████████ vehicle.

Officer Estrada asked ██████████ to step out of the vehicle, at which point he heard Officer Cruz say "King,"⁸ the code word the officers use to alert each other that the subject may be armed with a gun. Officer Estrada stated that he did not see ██████████ with a gun at that moment, but he added that he wanted to get ██████████ out of the vehicle and handcuffed immediately so as to not escalate the situation. Officer Estrada grabbed ██████████ to remove him from the vehicle, but ██████████ shifted into drive and accelerated forward, striking Officer Zamorano and pinning him between the front of his vehicle and the passenger side of the police vehicle.

Officer Estrada continued to grab ██████████ by his upper body and attempted to pull ██████████ out of his vehicle, at which time he saw ██████████ holding a handgun in his right hand as he raised it upwards. Officer Estrada, positioned between the doorframe and the open driver's door of ██████████ vehicle, believed he was about to be shot by ██████████. Officer Estrada then heard gunshots and felt pain in his left hand, leading him to believe he was struck by gunfire. Although Officer Estrada never saw ██████████ fire his gun, he explained that because the gunshots sounded so close to him, he believed ██████████ had shot him.

Officer Estrada pulled ██████████ out of the vehicle and noticed a firearm between his legs on the pavement, and that ██████████ appeared to be shot. One of the other officers secured ██████████. Officer Estrada then checked himself for injuries, explaining that he was bleeding from his left hand. Responding officers drove Officer Estrada to Stroger Hospital from the scene.

In a statement to COPA on May 4, 2022, **Officer Michael Baciú**⁹ related essentially the same information as Officers Zamorano and Estrada. Officer Baciú stated that he was driving an unmarked police vehicle, and Officer Humberto Cruz was the front seat passenger. Officer Baciú was driving behind Officers Zamorano and Estrada when they initiated the traffic stop involving ██████████. Officer Baciú stated that ██████████ initially stopped, then drove in reverse a short distance, before coming to a complete stop in the middle of the intersection. Officer Baciú could not recall if the unmarked police vehicle driven by Officer Zamorano was alongside or in front of ██████████ vehicle at this time. Officer Baciú stopped his vehicle directly behind ██████████ vehicle and activated his vehicle's emergency equipment, while Officer Zamorano stopped near the front of ██████████ vehicle.

⁸ Att. 62, pg. 23, ln. 19.

⁹ Atts. 57, 63.

Officer Baciú stated that Officer Cruz exited their vehicle and walked to the passenger side of [REDACTED] vehicle. Officer Baciú also saw Officer Estrada walk over to the driver's side of [REDACTED] vehicle. Officer Baciú stated that he could not hear what was said between the officers and [REDACTED]. A few moments later Officer Baciú saw that the driver and front passenger doors of [REDACTED] vehicle were open, but he did not know who opened them. As Officer Baciú opened his door to exit his vehicle, he heard the sound of [REDACTED] vehicle's engine revving, followed by it striking Officer Zamorano. Officer Baciú then heard a single gunshot, followed by several more gunshots. Officer Baciú did not know where the gunshots were coming from, so he took cover behind his vehicle. Officer Baciú heard Officer Estrada use his police radio call a 10-1, to which an OEMC dispatcher responded by asking for their location. Officer Baciú then radioed their location to the OEMC dispatcher.

After the shooting stopped, Officer Baciú walked around his vehicle and saw [REDACTED] on the pavement outside of [REDACTED] vehicle, with Officer Estrada standing near him. Officer Baciú heard [REDACTED] say words to the effect of, "I had to."¹⁰ Officer Cruz handcuffed [REDACTED] and recovered [REDACTED] firearm, which was on the pavement between [REDACTED] feet. Officer Baciú then rendered aid to Officer Cruz and Officer Estrada, who was bleeding from his finger. Officer Baciú checked Officer Estrada for additional injuries while other officers rendered aid to Officer Zamorano.

In a statement to COPA on May 4, 2022, **Officer Humberto Cruz**¹¹ related essentially the same information as Officers Zamorano, Estrada, and Baciú. After [REDACTED] stopped his vehicle in the middle of the intersection, Officer Cruz exited the passenger side of the police vehicle driven by Officer Baciú. Officer Cruz walked towards the passenger side of [REDACTED] vehicle while Officer Estrada walked towards the driver's side. Officer Cruz used his flashlight to illuminate the inside of [REDACTED] vehicle, but the tinted windows made it difficult to see inside. Officer Cruz was able to see that [REDACTED] was the vehicle's only occupant. He could not hear the conversation between Officer Estrada and [REDACTED] but he did hear the vehicle's doors unlock. Officer Cruz then opened the front passenger door and said hello to [REDACTED]. Officer Cruz immediately saw the handle of a semi-automatic firearm near the seatbelt latch on [REDACTED] right side. Officer Cruz stated, "And I, as soon as I see the firearm, I – I say, 'King, King, King' to alert Rudy that there was a firearm inside the vehicle."¹² Officer Cruz explained that "King" is their code word for a firearm.¹³

Officer Cruz stated that [REDACTED] immediately shifted the vehicle from park to drive and accelerated forward between three and eight feet, striking Officer Zamorano and pinning him between the front of the vehicle and a police vehicle. Officer Cruz stated that he did not see Officer Zamorano exit his police vehicle and only saw him out of the corner of his eye as he walked near the front of [REDACTED] vehicle. Officer Cruz added that he also saw [REDACTED] turn the steering wheel to the left as he accelerated forward directly at Officer Zamorano.

Officer Cruz saw that the front passenger door of [REDACTED] vehicle was still open, so he ran to the passenger side and looked into the vehicle. Officer Cruz stated that the moment he

¹⁰ Att. 63, pg. 18, ln. 9.

¹¹ Atts. 59, 61.

¹² Att. 61, pg. 16, lns. 1 to 3.

¹³ Att. 61, pg. 17, lns. 5 to 9.

maneuvered to peek inside, he saw [REDACTED] pointing a handgun directly at him with his right hand. [REDACTED] fired his gun at Officer Cruz, who flinched backwards in an attempt to avoid being shot. Officer Cruz then discharged his own firearm one time at [REDACTED]. Officer Cruz explained that Officer Estrada was not in his line of fire, nor at the driver's door, and therefore was not in danger of potentially being shot. Officer Cruz continued to move backwards and to the back of [REDACTED] vehicle. Officer Cruz then heard multiple gunshots. He maneuvered around the back of [REDACTED] vehicle to the driver's side, where he saw [REDACTED] positioned face down on the pavement. Officer Cruz also saw [REDACTED] firearm on the pavement between [REDACTED] feet. Officer Cruz ran over and handcuffed [REDACTED]. After securing [REDACTED] and his firearm, Officer Cruz asked Officer Baciu to check him for any gunshot wounds. Officer Cruz was not struck by gunfire, but because he was experiencing an elevated heart rate and his hands began to go numb, Sergeant Eric White transported him from the scene to Stroger Hospital.

Officer Cruz stated that he did not radio dispatchers that he discharged his firearm because multiple officers were already on the radio communicating with dispatchers, calling a 10-1, relaying their location, and requesting ambulances. Officer Cruz did not want to interrupt or interfere with back up and medical services able to effectively respond. Although he did not recall exactly when or whom he notified of his firearm discharge, he said his sergeant was made aware of it once he arrived on scene.¹⁴ Officer Cruz added that a second firearm was also recovered from [REDACTED] waistband.

b. Digital Evidence

The recording from **POD #3054W**,¹⁵ located at 3098 W. Polk Street, showed [REDACTED] Pontiac Grand Prix make a U-Turn in the intersection and then drive east on Polk Street. A few moments later, the two unmarked police vehicles occupied by Officers Zamorano, Cruz, Estrada, and Baciu traveled south on Albany Avenue and then east on Polk Street. POD #3054W did not capture the traffic stop or subsequent officer-involved shooting.

The recording from **POD #7107W**,¹⁶ located at 802 S. Sacramento Boulevard, showed that its camera was in a fixed position on the southwest corner of the intersection, facing northeast across the intersection of Polk Street and Sacramento Boulevard. The recording showed [REDACTED] vehicle travel east into the intersection, followed by the unmarked police vehicle driven by Officer Zamorano. Officer Zamorano's vehicle was parallel to the driver's side of [REDACTED] vehicle and its emergency equipment was activated. At that point, [REDACTED] stopped his vehicle in the middle of the intersection. Officer Zamorano stopped his vehicle on an angle near the front driver's side quarter panel of [REDACTED] vehicle. The unmarked police vehicle driven by Officer Baciu stopped several feet behind [REDACTED] vehicle. [REDACTED] vehicle then traveled in reverse a short distance before stopping near the front of Officer Baciu's vehicle.

Officer Estrada exited the front passenger side of the police vehicle driven by Officer Zamorano and walked to the driver's side of [REDACTED] vehicle. Officer Estrada used his handheld flashlight to illuminate the inside of [REDACTED] vehicle. Officer Cruz exited the police vehicle driven

¹⁴ Att. 61, pg. 42, lns. 5 to 7.

¹⁵ Att. 18.

¹⁶ Att. 15.

by Officer Baciu and walked to the passenger side of [REDACTED] vehicle. Officers Estrada and Cruz appeared to speak with [REDACTED] through the opened doors of [REDACTED] vehicle.

Officer Zamorano exited the driver's side of his police vehicle and walked around the front of his vehicle to the passenger side. As Officer Zamorano walked towards the driver's side of [REDACTED] vehicle, and crossed in front of [REDACTED] vehicle, [REDACTED] vehicle accelerated forward while also veering to the left. [REDACTED] vehicle then struck Officer Zamorano and pinned him between the front of the vehicle and the passenger side of Officer Zamorano's police vehicle.

Officer Cruz ran to the still-open passenger door of [REDACTED] vehicle. Officer Cruz then flinched backwards and retreated a couple of steps before he pointed his firearm at [REDACTED] through the open passenger door. Officer Cruz then appeared to discharge his firearm once at [REDACTED]. Simultaneously, Officer Zamorano, who was still pinned between the two vehicles, discharged his firearm several times at [REDACTED] over the hood of [REDACTED] vehicle and through the front windshield. Officer Estrada appeared to reach into [REDACTED] vehicle with both hands through the open driver's door. As Officer Estrada reached in to grab [REDACTED] the video captured what appeared to be a muzzle flash coming from the inside driver's area of [REDACTED] vehicle. The muzzle flash appeared to be very close to Officer Estrada's head. (See Figure 1 and Figure 2). Officer Estrada immediately retreated toward the trunk of [REDACTED] vehicle as [REDACTED] fell out of the vehicle and onto the pavement. [REDACTED] remained face down on the pavement as he was handcuffed and taken into custody.



Figure 1: A screenshot showing Officer Estrada next to [REDACTED] driver door immediately before the muzzle flash from inside [REDACTED] vehicle. Officer Cruz is positioned by the rear passenger side of [REDACTED] vehicle, and Officer Zamorano is pinned between the hood of [REDACTED] vehicle and his unmarked vehicle.¹⁷

¹⁷ Att. 15, POD#7107W at 9:15:07:793.



Figure 2: A screenshot, with a red circle added, showing the moment when the muzzle flash from inside [REDACTED] vehicle is visible near Officer Estrada's head.¹⁸

The involved officers' **Body-Worn Cameras (BWC)**¹⁹ showed Officer Zamorano stop his unmarked police vehicle perpendicular to the hood of [REDACTED] vehicle. Officer Baciu stopped his unmarked police vehicle directly behind [REDACTED] vehicle. Almost simultaneously, Officer Estrada exited the passenger side of the police vehicle driven by Officer Zamorano and Officer Cruz exited the passenger side of the police vehicle driven by Officer Baciu. Officers Estrada and Cruz activated their BWCs as they exited their respective vehicles. They used their handheld flashlights to illuminate [REDACTED] vehicle as they walked towards it, as the rear windshield and windows on both sides of [REDACTED] vehicle were tinted.

As Officer Estrada approached the driver's side of [REDACTED] vehicle, he tapped on the hood and asked [REDACTED] to lower his window. [REDACTED] lowered his window and Officer Estrada asked, "What happened, man?" [REDACTED] replied, "I was smoking. I apologize." Officer Estrada then said, "Alright, it's not a big deal. Alright, man?"²⁰ Officer Estrada instructed [REDACTED] to place his vehicle into park. [REDACTED] complied, and when he shifted the gear into park, his vehicle's door locks automatically unlocked. Officer Estrada then opened the driver's door and asked [REDACTED] to exit the vehicle. At the same time, Officer Cruz opened the front passenger door of [REDACTED] vehicle.

Officer Zamorano exited the driver's side of his police vehicle and crossed in front of [REDACTED] vehicle to assist Officer Estrada. When Officer Cruz opened the front passenger door of [REDACTED] vehicle, he appeared to look inside and then repeatedly exclaimed, "King."²¹ Instead of complying with Officer Estrada's request to exit his vehicle, [REDACTED] put the vehicle in drive and accelerated forward while using both hands to turn the steering wheel to the left. [REDACTED] was not

¹⁸ Att. 15, POD#7107W at 9:15:07:827.

¹⁹ Atts. 23, 25, 27.

²⁰ Att. 25 at 1:22.

²¹ Att. 25 at 1:38.

holding a handgun with either hand at this time. ██████ repeatedly said, “So sorry, Bro,”²² as he accelerated and struck Officer Zamorano, ultimately pinning Officer Zamorano between the front of ██████ vehicle and the passenger side of Officer Zamorano’s parked police vehicle.

██████ vehicle struck Officer Zamorano approximately five seconds after Officer Zamorano exited his vehicle, and the officer’s upper body ended up on the hood of ██████ vehicle. Officer Estrada ran up to ██████ driver’s door and grabbed ██████ upper left arm in an apparent attempt to pull him from the vehicle. ██████ then extended his right arm toward the passenger door, pointed a firearm at Officer Cruz who was standing just outside the passenger door, and fired it at him one time. Officer Estrada immediately retreated towards the trunk and Officer Cruz backed away from the passenger door. Officer Estrada broadcast a 10-1 over the police radio. Officers Zamorano and Cruz then discharged their firearms at ██████ Officer Zamorano fired at ██████ while still pinned between the two vehicles, and Officer Cruz fired at ██████ through the open front passenger door of ██████ vehicle. Officer Zamorano activated his BWC immediately after discharging his firearm.

██████ fell out of the driver’s seat and onto the pavement face down, with his firearm landing on the pavement between his feet. Officer Cruz approached ██████ and handcuffed him. After ██████ was handcuffed, Officer Hamon Leong discovered a second semi-automatic handgun tucked into the waistband of his pants, near his right hip.²³



Figure 3: A screenshot from Officer Estrada’s BWC showing Officer Zamorano on the hood after being struck by ██████ vehicle.²⁴

²² Att. 25 at 1:43.

²³ Att. 26 at 3:25.

²⁴ Att. 25 at 1:42.



Figure 4: A screenshot from Officer Zamorano's BWC, with a red circle added, showing [REDACTED] pointing his firearm at Officer Cruz.²⁵



Figure 5: A screenshot from Officer Zamorano's BWC, with a red circle added, showing the muzzle flash from [REDACTED] firearm as he fired at Officer Cruz.²⁶

²⁵ Att. 27 at 1:55.

²⁶ Att. 27 at 1:55.

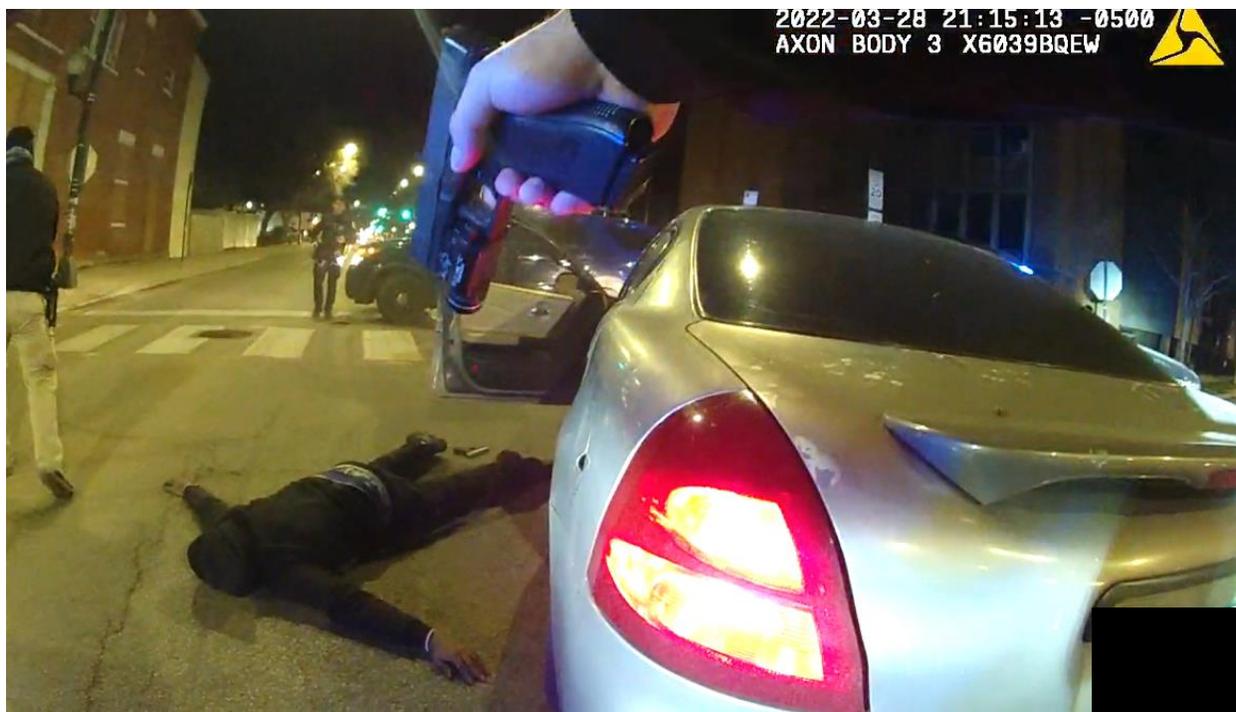


Figure 6: A screenshot from Officer Estrada’s BWC showing [REDACTED] on the pavement with his handgun between his feet immediately after the shooting.²⁷

The **Office of Emergency Management and Communications (OEMC) radio transmissions**²⁸ reflect that Officer Estrada repeatedly alerted the dispatcher of a 10-1. The dispatcher asked for a location, and Officers Estrada and Baciu both responded that the 10-1 was at Polk and Sacramento. The dispatcher then instructed officers to stay off the air as she continued to gather information. Officers made repeated requests for ambulances to respond to the scene, and the dispatcher informed them that emergency medical services was en route to their location. A responding officer notified the dispatcher that another officer had been struck by a vehicle, and a tourniquet was applied to the injured officer at 9:17 pm. Officers also relayed that the offender was in custody. Officers began directing each other to clear the streets for the ambulances. An officer informed the dispatcher that Ambulance 80 was already on scene, and the dispatcher broadcast that Ambulance 33 was also responding. Dispatchers were notified that an officer and the offender suffered gunshot wounds, and that the officer was in good condition and the offender was conscious and talking. At approximately 9:24 pm, Beat 1199 reported the scene was secure and instructed officers to deactivate their BWCs.

c. Physical Evidence

The **Chicago Fire Department’s Ambulance Report**²⁹ stated that paramedics from Ambulance 33 arrived on scene at 9:20 pm. They found [REDACTED] with a gunshot wound to the right side of his chest and a possible exit wound on his back, but they were unable to properly assess [REDACTED] back due to his failure to cooperate with them. The paramedics noted that, prior to their

²⁷ Att. 25 at 1:49.

²⁸ Att. 38.

²⁹ Att. 52.

arrival at the scene, police officers had applied a chest seal to the wound on [REDACTED] chest. The bleeding was controlled and the wound was bandaged, but [REDACTED] had diminished lung sounds on his right side. Paramedics transported [REDACTED] via ambulance to Mt. Sinai Hospital, where he was transferred into the care of hospital personnel at 9:31 pm.³⁰

The **Chicago Fire Department's Ambulance Report**³¹ stated that paramedics from Ambulance 80 arrived at the scene at 9:19 pm. They found Officer Zamorano, alert and oriented, sitting on the hood of a vehicle. It was reported that Officer Zamorano had been struck by a vehicle. He presented with an open tibia fibula fracture and an avulsion to his right leg. Officer Zamorano was transported via ambulance and arrived at Stroger Hospital at 9:31 pm. A second police officer on scene, now identified as Officer Estrada, sustained a gunshot wound to his finger and transported himself to Stroger Hospital.

Officer Zamorano's medical records³² obtained from Stroger Hospital stated that Officer Zamorano informed hospital personnel that he was struck by a vehicle, and his right leg was pinned between the vehicle that struck him and a second vehicle. Officer Zamorano reported severe pain to his lower right leg with profuse bleeding, and an examination revealed a small area of exposed bone. Officer Zamorano was diagnosed with a midshaft fibula fracture to his right leg, and his right ankle was dislocated and fractured.

Officer Estrada's medical records³³ obtained from Stroger Hospital documented that he sustained a gunshot wound to the pinky on his left hand. Officer Estrada denied being struck anywhere else on his body and denied any other pain or injury.

Officer Cruz's medical records³⁴ obtained from Stroger Hospital indicated that he was taken to the hospital as a precaution due to the traumatic nature of the incident.

Evidence Technician (ET) Photographs³⁵ captured the location of incident, the involved vehicles, the involved officers, and [REDACTED]. The photographs showed [REDACTED] vehicle had what appeared to be five bullet holes to its front windshield on the driver's side, as well as another bullet hole to the rear passenger window. An empty liquor bottle was also photographed on the floor of the driver's seat of [REDACTED] vehicle.

During the **weapons breakdown**³⁶ at Area Four, ETs recovered the firearms of Officer Zamorano³⁷ and Officer Cruz.³⁸ Officer Zamorano's firearm had thirteen unfired cartridges in its seventeen-round capacity magazine and one unfired cartridge in its chamber. Officer Cruz's firearm had sixteen unfired cartridges in its seventeen-round capacity magazine and one unfired cartridge in its chamber. All of the officers' ammunition was Winchester 9mm Luger +P.

³⁰ Att. 56. Attempts to obtain [REDACTED] medical records from Mt. Sinai Hospital were unsuccessful.

³¹ Att. 51.

³² Att. 65.

³³ Att. 67.

³⁴ Att. 66.

³⁵ Att. 81.

³⁶ Att. 1.

³⁷ Glock 17, Generation 4, 9mm semi-automatic pistol; Serial # [REDACTED]

³⁸ Glock 17, Generation 4, 9mm semi-automatic pistol; Serial # [REDACTED]

An **Illinois State Police (ISP) Laboratory Report dated April 12, 2022,**³⁹ stated that four of the fired cartridge casings recovered from the pavement near [REDACTED] vehicle were determined to have been fired from Officer Zamorano's firearm. A fifth fired cartridge casing also recovered from the pavement was determined to have been fired from Officer Cruz's firearm.

ISP also examined the firearm that was recovered from the pavement between [REDACTED] feet.⁴⁰ It was found to have one unfired Federal 40 Smith & Wesson cartridge in its chamber and nine unfired Federal 40 Smith & Wesson cartridges in the magazine. A second firearm, recovered from [REDACTED] person after the incident,⁴¹ was found to have one unfired cartridge in its chamber and seventeen unfired cartridges in the magazine.

An **ISP Laboratory Report dated September 27, 2022,**⁴² documented that three fired cartridge casings were recovered from [REDACTED] vehicle (front passenger floor; rear driver's seat; rear passenger seat). Upon examination, ISP determined that all three casings were fired from the weapon that was recovered from the pavement between [REDACTED] feet. Examination of the remaining fired evidence was inconclusive.

An **ISP Laboratory Report dated April 6, 2022,**⁴³ stated that the gunshot residue evidence collection kit performed on [REDACTED] right hand indicated that he discharged a firearm, contacted a PGSR⁴⁴ related item, or had his hand in the environment of a discharged firearm.

d. Documentary Evidence

[REDACTED] **Arrest Report** documented that he was charged with multiple counts of Attempted First-Degree Murder, Unlawful Use of a Weapon by a Felon, and Aggravated Battery with Great Bodily Harm to a Peace Officer. He also received traffic citations for failing to stop at a traffic signal and a stop sign.⁴⁵

VI. LEGAL STANDARD

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

³⁹ Atts. 71, 72, 84.

⁴⁰ Smith & Wesson SD40 VE, semi-automatic pistol; Serial # [REDACTED].

⁴¹ Glock 19 Gen 4 9X19; 9mm semi-automatic pistol; Serial # [REDACTED].

⁴² Atts. 71, 72, 85.

⁴³ Att. 86.

⁴⁴ Primer gunshot residue.

⁴⁵ Att. 4. Additional charges, including Armed Habitual Criminal and Aggravated Discharge of a Firearm at a Peace Officer, were subsequently added. As of the date of this report, [REDACTED] criminal case remains pending. Att. 91.

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.⁴⁶ 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.”⁴⁷

VII. ANALYSIS AND CONCLUSION

a. The use of deadly force by Officer Zamorano and Officer Cruz complied with CPD policy.

COPA finds by a preponderance of the evidence that the use of deadly force by Officers Zamorano and Cruz was objectively reasonable, necessary, and proportional under the totality of the circumstances. The evidence further shows that the officers used the minimum amount of force necessary based on the circumstances they faced. Lastly, COPA finds that the officers used deadly force as a last resort to defend themselves and others from the imminent threat of death or great bodily harm posed by ██████████ COPA thus concludes, by a preponderance of the evidence, that Officer Zamorano’s and Officer Cruz’s use of deadly force complied with CPD policy.⁴⁸

CPD policy states that its highest priority is the sanctity of human life. To that end, CPD expects its officers to act with the foremost regard for the preservation of human life and the safety of all persons involved.⁴⁹ This means that officers may only resort to the use of force when required under the circumstances to serve a lawful purpose.⁵⁰ In those instances, officers may only 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, bring a person or situation safely under control, or prevent escape.⁵¹ The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.⁵²

⁴⁶ 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).

⁴⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

⁴⁸ In reaching its conclusions, COPA evaluated all available evidence, including the statements of Officers Zamorano and Cruz. COPA found both officers to be credible in their statements. COPA further found their statements to be corroborated by the evidence, including video footage of the incident and witness officers’ statements.

⁴⁹ G03-02(II)(A), De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 27, 2023).

⁵⁰ G03-02(II)(C).

⁵¹ G03-02(III)(B).

⁵² G03-02(III)(B)(3).

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.”⁵³ Officers may use deadly force “only when such force is necessary to prevent: (1) death or great bodily harm from an imminent threat posed to the sworn member or to another person; (2) 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.”⁵⁴

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.”⁵⁵ Officers are expected to modify their use of force as circumstances change and in ways consistent with officer safety, including stopping the use of force when it is no longer necessary.⁵⁶

Based on a review of the evidence, COPA finds that it is more likely than not that Officer Zamorano’s and Officer Cruz’s use of deadly force was objectively reasonable in light of the imminent threat posed by ██████████. The evidence shows that ██████████ use of a vehicle and a firearm against the officers were both actions immediately likely to cause death or great bodily harm, and demonstrated that he possessed the means, the opportunity, and the ability to cause death or great bodily harm. The officers’ use of deadly force was also proportional to the threat posed by ██████████. Finally, Officers Zamorano and Cruz used deadly force as an option of last resort, using the minimum amount of force necessary based on the circumstances they faced.

At the time Officer Zamorano discharged his firearm, the evidence⁵⁷ shows that he was pinned between two vehicles, was unable to extract himself, and had sustained severe injuries to his right leg. The only barrier between Officer Zamorano and ██████████ was the windshield of ██████████ vehicle. Thus, Officer Zamorano had no opportunity or ability to take cover or attempt to de-escalate the encounter. He fired four shots in ██████████ direction and stopped firing as soon as the threat had diminished. Similarly, Officer Cruz discharged his weapon only once, and only after ██████████ fired at him,⁵⁸ when Officer Cruz was in an exposed position without immediate cover. For all these reasons, COPA finds the preponderance of the evidence shows that Officer Zamorano’s and Officer Cruz’s use of deadly force complied with CPD policy.

b. Officer Zamorano failed to timely activate his BWC in violation of CPD policy.

COPA finds by a preponderance of the evidence that Officer Zamorano failed to timely activate his BWC. To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement related encounters to be electronically recorded.⁵⁹ Law-enforcement encounters include but are not limited to arrests, traffic stops, use of

⁵³ G03-02(IV)(C).

⁵⁴ G03-02(IV)(C).

⁵⁵ G03-02(IV)(B) (emphasis added).

⁵⁶ G03-02(III)(C)(2).

⁵⁷ See Att. 15.

⁵⁸ See Att. 27.

⁵⁹ S03-14, Body Worn Cameras (effective April 30, 2018 to present).

force incidents, high risk situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.⁶⁰ The decision to record is mandatory, not discretionary. Officers are required to activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement related activities. If circumstances prevent activation at the beginning of an incident, officers will activate their BWCs as soon as practical.

In this case, Officer Zamorano was required to activate his BWC when he made the decision to initiate the traffic stop of [REDACTED] vehicle. Instead, he did not begin recording until after the shooting, when he was pinned between [REDACTED] vehicle and his police vehicle. Officer Zamorano explained that he believed he had activated his camera prior to approaching [REDACTED] vehicle, and he did not realize his camera was not activated until after he discharged his weapon.⁶¹ This explanation gives context to his late BWC activation, but it does not excuse it. For these reasons, COPA finds that Officer Zamorano failed to timely activate his BWC in compliance with CPD policy, and the allegation against him is **sustained** as a violation of Rules 3, 5, 6, and 10.

c. Officer Cruz failed to timely and/or accurately notify OEMC of his firearm discharge in violation of CPD policy.

COPA finds by a preponderance of the evidence that Officer Cruz failed to timely notify OEMC of his firearm discharge. Under CPD policy, officers involved in a firearm discharge incident must immediately notify OEMC, providing all relevant information and requesting additional resources.⁶² In this case, Officer Cruz failed to inform OEMC that he discharged his firearm. He explained that he did not notify OEMC because Officers Estrada and Baciú were already on their radios calling out a 10-1, providing cross streets, and requesting ambulances.⁶³ Officer Cruz did not want to interrupt their radio transmissions or talk over them. Per CPD policy, however, Officer Cruz should have notified OEMC once feasible and practical. The preponderance of the evidence indicates that Officer Cruz never notified OEMC that he discharged his weapon. For these reasons, COPA finds that Officer Cruz failed to timely and/or accurately notify OEMC of his firearm discharge in compliance with CPD policy, and the allegation against him is **sustained** as a violation of Rules 3, 5, 6, and 10.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Felipe Zamorano⁶⁴

i. Complimentary and Disciplinary History

Officer Zamorano has received 22 various awards, the highlights of which include one Superintendent's Award of Valor, one Police Blue Star, and two Department Commendations. His recent disciplinary history includes a sustained finding for failing to properly search an arrestee in June 2021, which resulted in a one-day suspension.

⁶⁰ S03-14.

⁶¹ Att. 80, pg. 38, ln. 21 to pg. 40, ln. 5.

⁶² G03-06, Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective April 15, 2021 to present).

⁶³ Att. 61, pg. 47, ln. 10 to 24.

⁶⁴ Att. 90.

ii. Recommended Penalty

COPA has found that Officer Zamorano violated CPD policy when he failed to timely activate his BWC, in violation of Rules 3, 5, 6, and 10. In mitigation, COPA notes that although Officer Zamorano did not activate his BWC when he initiated the traffic stop, he began recording less than 15 seconds after he exited his police vehicle. Moreover, he activated his camera while pinned between two vehicles and seriously injured. In light of these circumstances, as well as Officer Zamorano’s significant complimentary history and minimal disciplinary history, COPA recommends he receive a **violation noted**.

b. Officer Humberto Cruz⁶⁵

i. Complimentary and Disciplinary History

Officer Cruz has received 64 various awards, the highlights of which include one Superintendent’s Award of Valor, one Life Saving Award, One Top Gun Arrest, and one Department Commendation. His recent disciplinary history includes a sustained finding for failing to complete an Investigatory Stop Report in December 2020, resulting in a reprimand, and a March 2023 SPAR for an equipment violation, which also resulted in a reprimand.

ii. Recommended Penalty

COPA has found that Officer Cruz violated CPD policy when he failed to timely notify OEMC that he discharged his firearm, in violation of Rules 3, 5, 6, and 10. In mitigation, COPA recognizes this was a chaotic and rapidly evolving situation, and Officer Cruz provided a reasonable explanation for his failure to immediately broadcast that shots were fired by police. In light of these circumstances, as well as Officer Cruz’s extensive complimentary history and minimal disciplinary history, COPA recommends he receive a **reprimand**.

Approved:

 ¹³

Steffany Hreno
Director of Investigations

8/29/2023

Date



Andrea Kersten
Chief Administrator

8/29/2023

Date

⁶⁵ Att. 89.