



Log # 2022-0001334

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

### I. EXECUTIVE SUMMARY

On March 31, 2022, at approximately 2:00 am, the Crime Prevention and Information Center (CPIC) and Citywide 7 of the Office of Emergency Management and Communications notified COPA of a possible officer-involved shooting at [REDACTED]<sup>2</sup> Officer Daniel Condreva and his partner, Officer Alfredo Martinez, were working in uniform and in a marked squad car as Beat 523R. They responded to ShotSpotter alerts near 108<sup>th</sup> Street and Cottage Grove Avenue. Callers to 911 reported shots fired in the area.

Officers Condreva and Martinez observed a silver Nissan Maxima stopped on the north side of 108<sup>th</sup> Street, facing north and in the entrance of the east alley of Cottage Grove Avenue. The officers saw two males, [REDACTED] and his younger brother, [REDACTED] leaning into the Nissan Maxima, and they seemed to be taking something out of that vehicle.

Officer Martinez drove toward the alley without his vehicle's emergency lights on. The two brothers ran north in the alley, and one was observed with a gun in his hand. [REDACTED]<sup>3</sup> ran into the back yard at [REDACTED] Officer Martinez then drove north in the alley and stopped. Officer Condreva, the passenger, exited the squad car and approached the back yard on foot when he heard a gunshot coming from [REDACTED] who at this time was trying to enter the above-mentioned address, where he lived. Following the gunshot, Officer Condreva returned fire towards [REDACTED] However, [REDACTED] was able to enter his residence as Officer Condreva returned fire. Responding officers, including SWAT officers, then surrounded the area until [REDACTED] and the other occupants of the residence stepped outside.

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

COPA retrieved and reviewed several pertinent pieces of evidence related to the shooting. Body Worn Camera (BWC) footage showed Officer Condreva and Officer Martinez arriving at the alley of [REDACTED] and attempting to detain [REDACTED] who at this time was

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

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

<sup>3</sup> For this report, [REDACTED] will refer to the older brother, [REDACTED]

<sup>4</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera (BWC) videos, 911 calls and radio transmissions, and Chicago Police Department (CPD) reports.

entering the residence through the rear door.<sup>5</sup> During his interview with CPD detectives, ██████ stated that in an attempt to enter his residence, he shot the door handle but inadvertently shot himself in the hand.<sup>6</sup> Medical records confirmed that ██████ suffered a laceration in his left index finger. ██████ told medical personnel at Roseland Community Hospital, “I hurt my finger when I was dodging the police because they were shooting at me.”<sup>7</sup>

In his statement to COPA, Officer Condreva stated that upon arrival to the area, he saw ██████ running in the alley with a gun in his right hand.<sup>8</sup> Once he disembarked from the patrol vehicle and approached ██████ Officer Condreva saw ██████ “...doing something with the door. And as I got closer, he turned his body, like, the -- his torso to the left. And that's when I had -- I heard ‘bang,’ saw a muzzle flash, and I instantly returned fire then.”<sup>9</sup> This statement was captured by Officer Condreva’s BWC.<sup>10</sup> At that point, both officers sought cover<sup>11</sup> and in doing so, Officer Condreva sustained minor injuries. Officer Condreva’s medical records<sup>12</sup> indicated he sustained abrasions on his right hand and knee. He was treated at Christ Hospital and released.

The Illinois State Police Division of Forensic Services processed a gunshot residue test kit utilizing a sample derived from ██████ hand.<sup>13</sup> The test confirmed that ██████ did in fact have traces of gunshot residue.<sup>14</sup> CPD Evidence technicians were able to retrieve an expended shell casing in the rear doorway where ██████ had fired his gun.<sup>15</sup>

████████ criminal case court record indicated he pleaded guilty to aggravated assault/discharging a firearm and to aggravated unlawful use of a loaded weapon on February 1, 2023. He was sentenced to two years in the state Department of Corrections.<sup>16</sup>

### **III. ALLEGATIONS**

**No allegations**

### **IV. CREDIBILITY ASSESSMENT**

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements or information.

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<sup>5</sup> Att. 16 at 1:50.

<sup>6</sup> Att. 68 at 32:00.

<sup>7</sup> Att. 93, pg. 39.

<sup>8</sup> Att. 90, pg. 18.

<sup>9</sup> Att. 90, pg. 19, lns. 3 to 7.

<sup>10</sup> Att. 16 at 1:52.

<sup>11</sup> Att. 16 at 2:00.

<sup>12</sup> Att. 92.

<sup>13</sup> Att. 121.

<sup>14</sup> Att. 121, pg. 2.

<sup>15</sup> Att. 56.

<sup>16</sup> Att. 109.

## V. ANALYSIS<sup>17</sup>

### a. Officer Condreva's use of deadly force was authorized by CPD policy.

COPA finds that the preponderance of the evidence shows that Officer Condreva's use of deadly force was objectively reasonable, necessary, and proportional to the circumstances he faced. Additionally, Officer Condreva used deadly force as an option of last resort. COPA thus concludes that Officer Condreva's use of deadly force complied with CPD rules and policy. In coming to that conclusion, COPA weighed the credibility and reliability of all available statements and evidence discussed above.

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members will act with the foremost regard for the preservation of human life and in accordance with the Department's use of force orders.<sup>18</sup> CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.<sup>19</sup> 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.<sup>20</sup>

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

Deadly force is force by any means that is likely to cause death or great bodily harm, including the firing of a firearm in the direction of the person to be arrested. The use of deadly force is permitted only as a "last resort" when "necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."<sup>21</sup> A CPD member may use deadly force in only two situations: (1) to prevent "death or great bodily harm from an imminent threat posed to the sworn member or 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."<sup>22</sup>

A threat is considered imminent "when it is objectively reasonable to believe that: (1) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (2) the person has the means or instruments to cause death or great bodily harm; **and** (3) the person has the opportunity and ability to cause death or great bodily

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<sup>17</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>18</sup> Att. 118, G03-02 (II)(A), De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).

<sup>19</sup> Att. 118, G03-02 (III)(B).

<sup>20</sup> Att. 118, G03-02 (III)(B)(3).

<sup>21</sup> Att. 118, G03-02(IV)(C).

<sup>22</sup> Att. 118, G03-02(IV)(C).

harm.”<sup>23</sup> Officers are expected to modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.<sup>24</sup>

**b. Officer Condreva’s use of deadly force was objectively reasonable, proportional, and necessary to protect against an imminent threat.**

While on patrol, Officer Condreva was informed of a ShotSpotter alert in the vicinity of [REDACTED] when he saw and attempted to detain [REDACTED] for an investigation. However, [REDACTED] fled down the alley of the aforementioned address and Officer Condreva followed him. When [REDACTED] arrived at the entryway of his residence, he fired a shot into the rear door handle. Officer Condreva was under the belief that [REDACTED] shot at him due to the fact that Officer Condreva saw [REDACTED] turn towards him concurrently with the shot going off. Because of this, Officer Condreva shot at [REDACTED] while he attempted to seek cover. Due to [REDACTED] reckless discharge of a firearm, Officer Condreva was reasonable when he believed that he and his partner could have been harmed or killed. Therefore, Officer Condreva’s use of deadly force was reasonable and proportional to the forced used by [REDACTED]. Additionally, the officer’s use of force was necessary to protect himself and his partner from great bodily harm.

Approved:

[REDACTED]

Angela Hearts-Glass  
*Deputy Chief Investigator-Administrator*

1-16-2024

Date

[REDACTED]

Andrea Kersten  
*Chief Administrator*

1-16-2024

Date

<sup>23</sup> Att. 118, G03-02(IV)(B) (emphasis added).

<sup>24</sup> Att. 118, G03-02(III)(C)(2).

Appendix ACase Details

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|---------------------------------|--|
| Date/Time/Location of Incident: | March 31, 2022 / 1:20 a.m. / [REDACTED]  |
| Date/Time of COPA Notification: | March 31, 2022 / 1:50 a.m.   |
| Involved Officer:               | Officer Daniel Condreva, Star #7276, Employee ID # [REDACTED], Date of Appointment: August 28, 2017, Unit: 005, Male, White. |
| Involved Individual:            | [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.

Applicable Policies and Laws

- General Order G03-02, De-escalation, Response to Resistance and Use of Force (effective April 15, 2021, to June 28, 2023).
- Uniform and Property U04-02(II)(D), Department Approved Weapons and Ammunition (effective May 7, 2021 – present).
- Uniform and Property U04-02-01(II)(F), Department Approved Handguns and Ammunition (effective July 21, 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 allegation by a preponderance of the evidence;
3. **Unfounded** – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. **Exonerated** – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>25</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>26</sup>

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<sup>25</sup> See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

<sup>26</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Information**

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