

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

Date of Incident:	April 3, 2022
Time of Incident:	3:15 pm
Location of Incident:	████████████████████ Chicago, Illinois
Date of COPA Notification:	April 3, 2022
Time of COPA Notification:	3:58 pm

This report summarizes COPA's investigation of the fatal shooting of ██████████ by Chicago Police Department (CPD) Special Weapons and Tactics (SWAT) Officer Orlando Sanchez Jr., which occurred at about 3:15 pm on April 3, 2022, on the second floor of a multi-unit residential building at ██████████ in Chicago, Illinois.

██████████ had previously fired gunshots at CPD Officers Ivan R. Lopez and Martin R. Kirkel at ██████████ at about 1:25 pm earlier that day. Officers Lopez and Kirkel had entered the building's Apartment ██████ in response to an Office of Emergency Management & Communications (OEMC) radio broadcast of a person shot. There, the officers discovered ██████████ prone on the apartment's front-room floor. ██████████ had informed them that ██████████ had shot her, that ██████████ had also shot her father, ██████████ and that ██████████ and ██████████ were still in the apartment. Officers Lopez and Kirkel had called out to ██████████ who responded by firing two gunshots, apparently in the officers' direction. Neither officer was struck by the gunshots and neither returned fire. The officers quickly retreated, and, assisted by Officer Joseph J. Shanahan and Sergeant Daniel J. Hodges, they evacuated ██████████ from the apartment to safety.

After evacuating ██████████ the officers called for assistance and secured the apartment, with Officer Lopez taking a position in the building's second-floor hallway just outside the apartment's doorway. Then, for about thirty-seven minutes, Officer Lopez maintained communications with ██████████ from that position, directing ██████████ to discard his weapon, to show his hands, and to submit himself to arrest. At about 2:02 pm, Officer Sanchez took over communications with ██████████ from the doorway, with fellow SWAT team members standing nearby. Then, for about an hour and thirteen minutes, Officer Sanchez spoke with ██████████ attempting to convince ██████████ to surrender. During that exchange, ██████████ made statements indicative of suicidal ideation. At about 3:15 pm, immediately after ██████████ made such a statement, Officer Sanchez said, "Don't do that ██████████ Put the gun down ██████████"<sup>1</sup> Seconds later, Officer Sanchez fired five times into the apartment. Officer Sanchez would later describe ██████████ raising his gun and pointing it towards Officer Sanchez immediately before Officer Sanchez fired. Officer Sanchez and other officers immediately entered the apartment where ██████████ lay prone and bleeding on the front-room's floor next to a revolver. Officers rendered aid to ██████████ and to ██████████ who was also suffering from one or more gunshot wounds.

<sup>1</sup> Att. 1 at 1:56:44 and immediately following.

An autopsy later showed that [REDACTED] had been struck in the front of his body by gunshots, and that he died as a result. [REDACTED] and [REDACTED] survived their injuries.

COPA interviewed Officer Sanchez and his fellow responding SWAT team members. In his interview, Officer Sanchez reported that he fired at [REDACTED] after [REDACTED] raised and pointed a handgun at him. In their interviews, Officer Sanchez’s fellow SWAT team members each stated that they had been unable to see [REDACTED] at the moment that Officer Sanchez fired. COPA also accessed and reviewed CPD-recorded interviews of [REDACTED] and [REDACTED] information provided by the Cook County Medical Examiner, audio recordings of 911 calls and OEMC broadcasts, DNA tests and gunshot residue tests conducted by the Illinois State Police, and relevant CPD reports and other records.

COPA is notified whenever a CPD member discharges his or her firearm in a manner that could potentially strike another individual.<sup>2</sup> Pursuant to section 2-78-120 of the Municipal Code of Chicago, COPA has a duty to investigate all incidents in which a CPD member discharges their firearm. During its investigation of this incident, COPA did not find evidence to support allegations of excessive force related to Officer Sanchez’s firearm discharge.

**II. INVOLVED PARTIES**

Involved Officer #1:	Orlando Sanchez, Jr., Star #19244, Employee ID # [REDACTED] Rank: Police Officer, Unit of Assignment: 353, Date of Appointment: December 2, 1996, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Female, Black
Involved Individual #3:	[REDACTED] Male, Black <sup>3</sup>

**III. APPLICABLE RULES AND LAWS**

CPD General Orders
1. G03-02 De-Escalation, Response to Resistance and Force Options (effective April 15, 2021) <sup>4</sup>
2. G03-02-01 Response to Resistance and Force Options (effective April 15, 2021) <sup>5</sup>

<sup>2</sup> See MUNICIPAL CODE OF CHICAGO § 2-78-120(c) (2016).

<sup>3</sup> [REDACTED] race is incorrectly identified as “Asian / Pacific Islander” on some CPD reports.

<sup>4</sup> Att. 125.

<sup>5</sup> Att. 126.

#### IV. INVESTIGATION<sup>6</sup>

##### a. Interviews

##### i. Interviews of Officer Orlando Sanchez, Jr.

COPA interviewed Officer Orlando Sanchez, Jr., on August 3, 2022.<sup>7</sup> Prior to commencing that interview, COPA provided Officer Sanchez with an opportunity to review the BWC recording made by Officer Lopez and to confer with his attorney concerning that recording.<sup>8</sup> Upon commencement of the interview, Officer Sanchez confirmed that he had taken that opportunity to view the recording,<sup>9</sup> and further, that he had previously viewed the recording after COPA made it available on its website.<sup>10</sup>

Officer Sanchez informed COPA that on the date of the events under review, he arrived near the incident scene with a fellow SWAT team member, Officer David Stepney, and that the two of them then “geared up” with traditional SWAT equipment, including ballistic shields, vests, helmets, a Taser, and a bean-bag shotgun.<sup>11</sup> Officer Sanchez said that they then met with a CPD supervisor, who informed them that there was a person inside the building who had shot at the police, that a female civilian had been shot, and that there were police officers inside the building engaging verbally with the shooter.<sup>12</sup> Officer Sanchez further said that he then went to a second-floor landing with Officer Stepney and two other SWAT team members, Officers Nicholas Linker and Kenneth Adair, where he was informed that the injured female has already been evacuated.<sup>13</sup> Officer Sanchez said that he listened as Officer Lopez engaged with ██████ in order to assess the situation.<sup>14</sup> At that point, according to Officer Sanchez, he could not see ██████ inside the apartment, nor did he then see any bodies in the apartment.<sup>15</sup> Officer Sanchez and Officer Lopez then switched positions so that Officer Sanchez could engage with ██████ and take advantage of the added protection provided by his ballistic shield.

Officer Sanchez said that, as he engaged with ██████ exposed more of his body so that Officer Sanchez could see him; at first, just peeking, then exposing his full head and face, and then exposing the left half of his body.<sup>16</sup> According to Officer Sanchez, ██████ eventually exposed three quarters of his body to Officer Sanchez, so that Officer Sanchez could see all of ██████ right arm.<sup>17</sup> Officer Sanchez said that the first time he saw the entirety of

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<sup>6</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>7</sup> Att. 113 is an audio recording of that interview; Att. 114 is a transcription of that recording.

<sup>8</sup> Att. 114, pg. 7, ln. 20 to pg. 8, ln. 8.

<sup>9</sup> Att. 114, pg. 7, ln. 20 to pg. 8, ln. 8.

<sup>10</sup> Att. 114, pg. 8, lns. 9 to 15. COPA had previously posted a redacted version of that video on its website for public viewing. See <https://www.chicagocopa.org/case/2022-0001369/>.

<sup>11</sup> Att. 114, pg. 14, lns. 15 to 24 and pg. 16, ln. 19 to pg. 17, ln. 24. Officer Sanchez referred to the Taser and the bean-bag shotgun as “less lethal weapon systems.” Att. 114, pg. 14, ln. 21 and pg. 16, ln. 19 to pg. 17, ln. 24.

<sup>12</sup> Att. 114, pg. 15, lns. 4 to 11.

<sup>13</sup> Att. 114, pg. 15, ln. 12 to pg. 16, ln. 7.

<sup>14</sup> Att. 114, pg. 33, ln. 3 to pg. 34, ln. 17.

<sup>15</sup> Att. 114, pg. 34, ln. 18 to pg. 35, ln. 10.

<sup>16</sup> Att. 114, pg. 37, ln. 9 to pg. 38, ln. 21.

<sup>17</sup> Att. 114, pg. 38, ln. 22 to pg. 39, ln. 3.

██████████ gun, it was in his right hand, and he said that at different stages, ██████████ held a cigarette in his left hand.<sup>18</sup>

According to Officer Sanchez, he learned from Officer Lopez that there was a male civilian with a gunshot wound inside the apartment.<sup>19</sup> Officer Sanchez further said that for the entirety of the time that he was engaged with ██████████ he listened for indicators that would call for an emergency rescue, such as moans, or calls for help, but that he heard none.<sup>20</sup> He said that if he had heard an indicator that the civilian with a gunshot wound was alive, then his team would have launched a rescue involving an emergency assault.<sup>21</sup> Officer Sanchez said that he had earmuffs providing radio communication to him while he was engaging with ██████████ but he was not then coached nor given direction; he was in charge, the senior team leader of the squad.<sup>22</sup> Officer Sanchez further said that at a certain point, SWAT team Officer Paul Amelio came to the landing to relieve him, but ultimately they did not end up switching places; Officer Sanchez had been holding up a twenty-six pound ballistic shield, and he wanted relief.<sup>23</sup>

According to Officer Sanchez, no opportunity for using non-lethal force arose as he engaged with ██████████<sup>24</sup> COPA asked Officer Sanchez to describe the few minutes which immediately preceded the use of force that is the subject of this investigation, concentrating on what Officer Sanchez was seeing and hearing during that time frame. In response, Officer Sanchez said that ██████████ held a box of cigars in his left hand and a revolver in his right hand, with more than three-quarters of his body exposed to Officer Sanchez.<sup>25</sup> Officer Sanchez further said that ██████████ then manipulated both hands so as to light a cigar and smoke it.<sup>26</sup> Officer Sanchez stated that he then observed a change of demeanor in ██████████ and that ██████████ changed his position so that his left foot was in front of him with a gun held near his navel, pointed at the ground at a forty-five degree angle.<sup>27</sup> Officer Sanchez said that ██████████ left hand was then to his face, holding the cigar, and that ██████████ right hand was at his belt line, at the center of his body, holding the gun.<sup>28</sup> Officer Sanchez said ██████████ started grimacing, and that, in response, Officer Sanchez said to ██████████ “Don’t do that. Don’t do that,” because Officer Sanchez then believed, based on his observations, that ██████████ was going to do something.<sup>29</sup> According to Officer Sanchez, “the gun started to come up higher and higher” above ██████████ belt line, near his belly button.<sup>30</sup> Officer Sanchez said that ██████████ then raised the muzzle of the gun, and that he (Officer Sanchez) raised his own gun in response because he thought that he was going to be shot.<sup>31</sup> Officer

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<sup>18</sup> Att. 114, pg. 39, lns. 4 to 20; pg. 40, lns. 17 to 22.

<sup>19</sup> Att. 114, pg. 18, ln. 6 to pg. 19, ln. 15; pg. 20, ln. 24 to pg. 25, ln. 4. This is shown in BWC footage recorded by Officer Lopez. See Att. 1 at 1:43:17 and immediately following.

<sup>20</sup> Att. 114, pg. 19, ln. 16 to pg. 20, ln. 4.

<sup>21</sup> Att. 114, pg. 21, ln. 5 to pg. 23, ln. 16.

<sup>22</sup> Att. 114 at pg. 23, ln. 17 to pg. 25, ln. 23.

<sup>23</sup> Att. 114 at pg. 28, ln. 23 to pg. 30, ln. 7. Officer Amelio’s arrival at the scene is depicted in BWC footage recorded by Officer Lopez. See Att. 1 at 1:52:19 and immediately following.

<sup>24</sup> Att. 114, pg. 42, ln. 21 to pg. 44, ln. 20.

<sup>25</sup> Att. 114, pg. 45, ln. 14 to pg. 47, ln. 11.

<sup>26</sup> Att. 114, pg. 46, lns. 20 to 21.

<sup>27</sup> Att. 114, pg. 47, ln. 24 to pg. 49, ln. 6.

<sup>28</sup> Att. 114, pg. 49, lns. 14 to 23.

<sup>29</sup> Att. 114, pg. 50, lns. 1 to 8.

<sup>30</sup> Att. 114, pg. 50, ln. 11 to pg. 51, ln. 2.

<sup>31</sup> Att. 114, pg. 54, lns. 5 to 14.

Sanchez said that he held his own weapon in his right hand, and he held the shield with his left hand.<sup>32</sup> According to Officer Sanchez, when ██████ raised the weapon up above his belly button and started to come up pointing the weapon in his direction, he then fired five continuous shots until he “felt that the threat existed no more,”<sup>33</sup> and then ██████ fell to the ground and his gun fell away from him.<sup>34</sup>

## ii. Interviews of Other CPD Members

On May 23 and 26, 2022, COPA interviewed four of Officer Sanchez’s fellow SWAT team members who had been standing near Officer Sanchez at the time that he fired: Officers David Stepney, Nicholas Linker, Paul Amelio, and Kenneth Adair.<sup>35</sup> Each of those officers then informed COPA that they had been unable to see ██████ at any time from their vantage points, and that, for that reason, they did not see ██████ at the moment that he was shot by Officer Sanchez.<sup>36</sup> COPA also interviewed Officer Ivan Lopez on January 11, 2023.<sup>37</sup> In response to an inquiry by COPA, Officer Lopez stated that he did not return fire when ██████ shot at him because he did not then have a clear target, and he thought it more important to take cover because he was not struck by the gunfire.<sup>38</sup>

## iii. Interviews of ██████ and ██████

On April 4, 2022, CPD detectives interviewed ██████ at Christ Hospital.<sup>39</sup> In material summary, ██████ told detectives he did not see the police shoot ██████ but he heard the shots that struck ██████<sup>40</sup> ██████ elaborated that he had been lying on the floor “playing dead” at the time that the police fired those shots.<sup>41</sup>

On April 7, 2022, CPD detectives interviewed ██████ also at Christ Hospital.<sup>42</sup> In material summary, ██████ described a domestic dispute which culminated in ██████ shooting her and then shooting her father, ██████. During that interview, ██████ said that ██████ expressed an intent to kill himself after he shot her.<sup>43</sup>

<sup>32</sup> Att. 114, pg. 54, ln. 15 to pg. 55, ln. 3.

<sup>33</sup> Att. 114, pg. 56, lns. 1 to 3.

<sup>34</sup> Att. 114, pg. 55, ln. 10 to pg. 56, ln. 3.

<sup>35</sup> Att. 99 is an audio recording of Officer Stepney’s interview; Att. 100 is a transcription of that recording. Att. 102 is an audio recording of Officer Linker’s interview; Att. 103 is a transcription of that recording. Att. 105 is an audio recording of Officer Amelio’s interview; Att. 106 is a transcription of that recording. Att. 108 is an audio recording of Officer Adair’s interview; Att. 109 is a transcription of that recording.

<sup>36</sup> See Att. 100 (Officer Stepney), pg. 26, ln. 18 to pg. 32, ln. 2; Att. 103 (Officer Linker), pg. 28, ln. 4 to pg. 30, ln. 15; Att. 106 (Officer Amelio), pg. 22, ln. 24 to pg. 27, ln. 12; Att. 109 (Officer Adair), pg. 11, ln. 1 to pg. 12, ln. 10.

<sup>37</sup> Att. 123 is an audio recording of Officer Lopez’s interview; Att. 124 is a transcription of that recording.

<sup>38</sup> Att. 124, pg. 21, ln. 12 to pg. 22, ln. 10.

<sup>39</sup> Att. 20 is a video recording depicting that interview.

<sup>40</sup> Att. 20 at 11:55.

<sup>41</sup> Att. 20 at 13:26.

<sup>42</sup> Att. 19 is a video depicting that interview.

<sup>43</sup> Att. 19 at 6:35.

**b. Digital Evidence****i. Video and Audio Evidence**

COPA accessed and fully reviewed BWC recordings created by CPD officers in connection with the events under review.<sup>44</sup> The most consequential is that recorded by Officer Ivan R. Lopez.<sup>45</sup> Footage recorded by Sergeant (Sgt.) Daniel J. Hodges<sup>46</sup> is also consequential, as is footage recorded by Officer Martin J. Kirkel<sup>47</sup> and Officer Joseph J. Shanahan,<sup>48</sup> respectively.

Sgt. Hodges and Officers Kirkel, Lopez, and Shanahan arrived at the second floor of [REDACTED] at about 1:24 pm on the incident date.<sup>49</sup> Officer Kirkel knocked on the door to the building's Apartment [REDACTED] and then opened it; as he did so, a voice called for help from inside the apartment. [REDACTED] was on the floor of the apartment's front room. [REDACTED] told the officers that she has been shot and that a person named [REDACTED] was still in the apartment. The officers then called out to [REDACTED] and ventured into the apartment. [REDACTED] told the officers that she thought [REDACTED] may have shot her father. Officers then called out to [REDACTED] again. A gunshot was then heard at the same time that a muzzle flash was visible – see Figure 1 below – and the sound of a second gunshot immediately followed the sound of the first.



Figure 1: Screenshot from Att. 1, BWC footage from Officer Lopez at 06:34, showing a muzzle flash.

<sup>44</sup> CPD members assigned to the SWAT team, including Officer Sanchez, were not equipped with BWC as of the date of this incident. Officer Sanchez was assigned a BWC on April 5, 2022, two days after this incident. Att. 127.

<sup>45</sup> Att. 1.

<sup>46</sup> Att. 7.

<sup>47</sup> Att. 3.

<sup>48</sup> Att. 2.

<sup>49</sup> Att. 1 at 5:32; Att. 2 at 4:33; Att. 3 at 4:34; Att. 7 at 3:02.

The officers then retreated, with Sgt. Hodges dragging [REDACTED] from the apartment.<sup>50</sup> Officers Kirkel and Lopez took positions in the hallway, facing into the apartment through its open door – see Figure #2 below.



Figure 2: Screenshot from Att. 3, BWC footage from Officer Kirkel at 6:27, showing Officer Lopez kneeling.

Officer Lopez’s footage best depicted the events that followed. It showed Officer Lopez’s view as he remained in the hallway immediately adjacent to the apartment’s open door, from approximately 1:25 pm until approximately 2:02 pm. During that time period, Officer Lopez spoke with [REDACTED] repeatedly telling [REDACTED] to discard his weapon and to show his hands, and a voice (apparently [REDACTED] responded from within the apartment. During this exchange, at about 1:27 pm, the voice twice said, “Y’all gonna kill me.”<sup>51</sup> [REDACTED] was visible only momentarily while Officer Lopez communicated with him, and then only partially: at about 2:00 pm, a small portion of [REDACTED] face was visible as he peered towards Officer Lopez from behind a wall inside the apartment.

At about 2:02 pm, Officer Lopez’s footage showed his view as he backed away from the apartment doorway and as Officer Sanchez moved into the position previously occupied by Officer Lopez. Until about 2:08 pm, Officer Lopez continued speaking with [REDACTED] from a position slightly removed from the doorway and behind Officer Sanchez, encouraging [REDACTED] to drop his weapon and to come out with his hands up.

Starting at about 2:08 pm and until about 3:15 pm, Officer Sanchez engaged in constant verbal communication with [REDACTED] variously encouraging [REDACTED] to drop his weapon and to come out with his hands up.

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<sup>50</sup> Att. 1 at 06:35, Att. 2 at 5:35, Att. 3 at 5:37, and Att. 7 at 4:04, and immediately following of each. Sgt. Hodges’s BWC footage depicted him dragging [REDACTED] to the end of the second-floor hallway, where he delivered [REDACTED] to waiting Chicago Fire Department paramedics, who then removed her from the premises.

<sup>51</sup> Att. 1 at 08:27 and immediately following.



Figure 3: Screenshot from Att. 1, BWC footage from Officer Lopez at 52:21, showing Officer Sanchez in front of Officer Lopez, facing the open door of the apartment.

At about 2:13 pm, ██████ said, “I fucked up.”<sup>52</sup> Officer Sanchez responded by telling ██████ that “all this can be fixed” and by telling ██████ that he will be taken to a hospital for evaluation and treatment.<sup>53</sup> At about 2:16 pm, Officer Sanchez told ██████ that there was an ambulance downstairs waiting for him, and he asked ██████ which hospital he wanted to go to. At about 2:21 pm, Officer Sanchez said, “Please, I’m begging you. Please, just drop the gun, bro. Can you please do that?”<sup>54</sup> In response, ██████ asked if he could call his mother, and Officer Sanchez replied that ██████ could call her from the ambulance.<sup>55</sup> At about 2:22 pm, Officer Sanchez promised ██████ that he would not be shot if he put down his weapon and surrendered with his hands up, stating, “I’m a man of God.”<sup>56</sup> ██████ then persisted on the subject of calling his mother.

At about 2:26 pm, ██████ went quiet. Officer Sanchez asked ██████ if he needed a cell phone, and, after continued silence, Officer Sanchez called out to ██████ to ask him if he was okay and to inquire as to what he was doing. ██████ then said that he was trying to call his mother. Other SWAT team members then occupied positions to Officer Sanchez’s left, as depicted by Figure 4 below.

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<sup>52</sup> Att. 1 at 54:02.

<sup>53</sup> Att. 1 at 54:02 and immediately following.

<sup>54</sup> Att. 1 at 1:02:38 and immediately following.

<sup>55</sup> Att. 1 at 1:02:55 and immediately following.

<sup>56</sup> Att. 1 at 1:03:33 and immediately following.



Figure 4: Screenshot from Att. 1, BWC footage from Officer Lopez at 1:08:05, depicting Officer Sanchez in the foreground.

At about 2:29 pm, Officer Sanchez asked [REDACTED] if there was anyone in the apartment with him, and [REDACTED] responded affirmatively. At about 2:42 pm, [REDACTED] said words to the effect that he would kill himself. At about 3:02 pm, Officer Lopez approached Officer Sanchez and told him that there was someone inside the apartment who had been shot. At about 3:11 pm, another SWAT team member arrived in the hallway and took a position to Officer Sanchez's immediate right. At about 3:15 pm, [REDACTED] said words to the effect that he would kill himself. Officer Sanchez then said, "No don't do that man. No don't do that. Don't do that [REDACTED] Put the gun down [REDACTED]"<sup>57</sup> Five shots were then heard, in rapid succession.



Figure 5: Screenshot from Att. 1, BWC footage from Officer Lopez at 1:56:57, showing the moment when shots were audible.

<sup>57</sup> Att. 1 at 1:56:44 and immediately following.



Figure 6: Screenshot from Att. 1, BWC footage from Officer Lopez at 1:57:28, showing officers inside the apartment and a gun visible on the floor.

Officers then entered the apartment and rendered aid to [REDACTED] and to [REDACTED] – see Figure 7 below.



Figure 7: Screenshot from Att. 1, BWC footage from Officer Lopez at 1:57:50, showing officers rendering aid to [REDACTED] who is wearing green shorts.

COPA accessed and reviewed twenty-nine other BWC recordings created by other CPD officers,<sup>58</sup> five in-car-camera video recordings from CPD vehicles,<sup>59</sup> and forty-one third-party video recordings from exterior cameras positioned at various places near the [REDACTED] building.<sup>60</sup> COPA has determined that the depictions contained within those recordings are

<sup>58</sup> Atts. 4 to 6 and 25 to 50.

<sup>59</sup> Atts. 60 to 64.

<sup>60</sup> Att. 8.

cumulative or otherwise inconsequential for purposes of this investigation, and therefore, COPA does not further describe those recordings here.

## ii. OEMC Recordings

COPA accessed and reviewed audio recordings of two 911 calls placed by ██████████ on the incident date,<sup>61</sup> and an audio recording of the OEMC police-radio broadcast which first directed responding officers to the incident scene.<sup>62</sup>

In the recording of the first 911 call, made at about 1:15 pm, ██████████ asked for help and provided her address. She reported, among other things, that she had been shot in the neck by her boyfriend, ██████████ that ██████████ was armed and still at the scene, and that she believed ██████████ intended to kill himself.<sup>63</sup>

In the recording of the radio broadcast directing officers to the scene, which was made at about 1:17 pm, an OEMC dispatcher directed officers to the incident address in response to a call of a person shot.<sup>64</sup> The dispatcher also relayed reports that the person had been shot in the neck by her boyfriend, that the boyfriend was still on the scene, that the boyfriend was threatening to kill himself.<sup>65</sup>

In the recording of the second 911 call, made at about 1:23 pm, knocking could be heard and ██████████ shouted (apparently to responding officers), “Open the door, it’s open.”<sup>66</sup>

COPA also accessed and reviewed other audio recordings and various other documents made and/or kept by OEMC in connection with the events under review.<sup>67</sup> COPA has determined that those materials do not contain evidence that is consequential or not cumulative for purposes of this investigation, and therefore, COPA does not further describe those materials here.

## c. Physical Evidence

COPA representatives observed five spent cartridge cases on the floor in the building’s second-floor interior hallway adjacent to Apartment #████████ and a revolver on the apartment’s front-room floor.<sup>68</sup> Beginning at about 7:10 pm on the incident date, a COPA representative and CPD detectives observed the collection of physical evidence at the building by CPD evidence technicians.<sup>69</sup> The technicians then recovered the revolver, four fired cartridge cases that they found in the cylinder of that firearm, and the five fired cartridge cases that lay in the hallway.<sup>70</sup>

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<sup>61</sup> Atts. 65 and 66.

<sup>62</sup> Att. 67.

<sup>63</sup> Att. 65.

<sup>64</sup> Att. 67.

<sup>65</sup> Att. 67.

<sup>66</sup> Att. 66 at 1:00.

<sup>67</sup> Atts. 51 to 57 and 68 to 89.

<sup>68</sup> Att. 96, pg. 3.

<sup>69</sup> Att. 96, pgs. 4 to 5.

<sup>70</sup> Att. 96, pg. 5; Att. 121, pgs. 69 and 74.

Each of the cases recovered from the hallway was observed to bear the headstamp “WIN 9mm Luger +P.”<sup>71</sup>

Beginning at about 8:10 pm on the incident date, at the CPD’s Area One Headquarters located at 5101 S Wentworth Ave., COPA representatives and CPD officials observed Officer Sanchez present a firearm to a CPD evidence technician for breakdown.<sup>72</sup> The technician then photographed Officer Sanchez, examined the firearm which was observed to be a Glock 17 9mm semi-automatic pistol having Serial # [REDACTED] and showed those present that the firearm contained one unfired round in its chamber, that its magazine contained twelve unfired rounds, and that the magazine had a seventeen-round capacity. The technician examined each of the rounds, which bore headstamps “WIN 9mm Luger +P.”<sup>73</sup>

Beginning at about 9:12 pm on the incident date, at Christ Hospital, a COPA representative observed further collection of evidence by CPD evidence technicians.<sup>74</sup> The technicians then photographed and fingerprinted [REDACTED] remains, and they administered a gunshot residue test to his hands.<sup>75</sup>

COPA accessed and reviewed a diagram of the incident scene prepared by CPD evidence technicians:

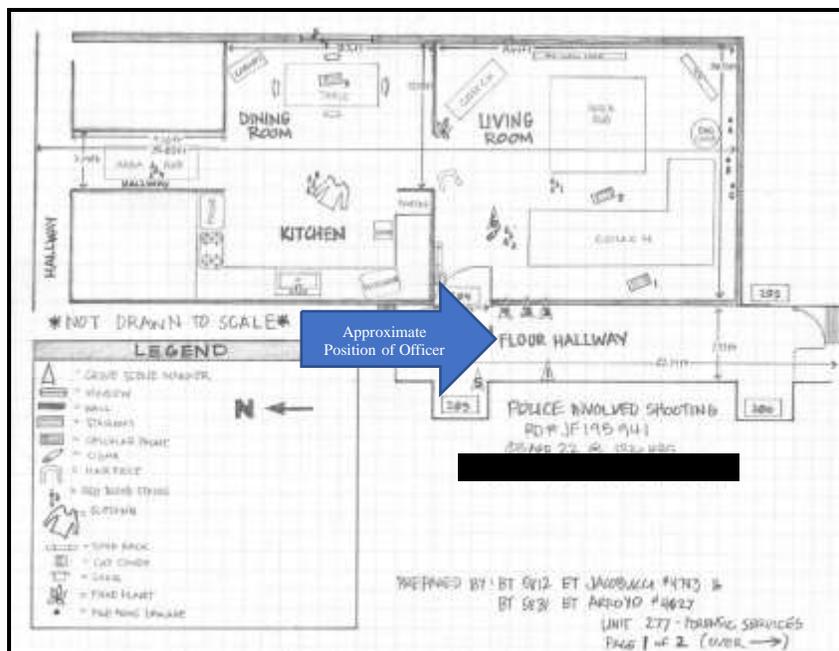


Figure 8: Att. 90, CPD evidence technician’s diagram of the incident scene.<sup>76</sup>

<sup>71</sup> Att. 96, at pg. 5; Att. 121 at pgs. 69 and 74.

<sup>71</sup> Att. 96.

<sup>72</sup> Att. 96 at pg. 6.

<sup>73</sup> Att. 96 at pg. 6; Att. 121 at pg. 76.

<sup>74</sup> Att. 96 at pg. 5.

<sup>75</sup> Att. 96 at pg. 5; Att. 121 at pg. 74.

<sup>76</sup> Att. 90, pg. 1.

On April 4, 2022, a COPA representative attended and observed a postmortem examination of ██████ remains, which was conducted by Dr. ██████ at the Cook County Medical Examiner's Office.<sup>77</sup> COPA also accessed and reviewed the Medical Examiner's report of that examination, which sets out an opinion that the cause of ██████ death was multiple gunshot wounds.<sup>78</sup> According to the report, seven gunshot wounds were observed at the examination: a wound at the anterior (front) aspect of the neck, a wound to the proximal (further away from the center) posterior (rear) aspect of the left shoulder, a wound to the antero-lateral (in front of the body) aspect of the left arm, a wound to the right cheek, a wound to the upper right chest, a wound to the anterior aspect of the right thigh, and a graze wound to the chin.<sup>79</sup> The report describes six of those wounds to be of the entry variety.<sup>80</sup>

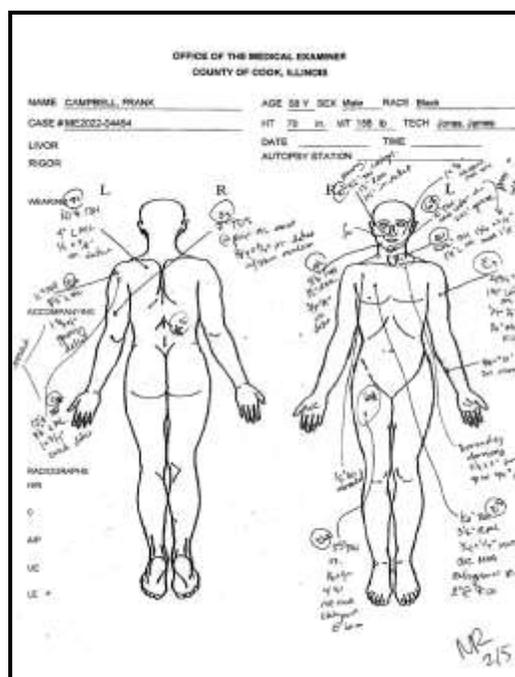


Figure 9: A diagram, made by Dr. ██████ in connection with the examination, which demonstrates, among other things, that all the wounds determined by her to be entrance wounds were to the front of ██████ body, and that none were to the back of ██████ body.<sup>81</sup>

<sup>77</sup> Atts. 93 (COPA's Investigative Report respecting the examination) and 119 (the Medical Examiner's report respecting the examination).

<sup>78</sup> Att. 119, pg. 10.

<sup>79</sup> Att. 119, pgs. 3 to 6.

<sup>80</sup> Att. 119, pgs. 3 to 6. It should be noted here that BWC footage and physical evidence support the conclusion that Officer Sanchez fired only five times. See Att. 1 at 1:56:57; see also Att. 96, pg. 6, and Att. 121, pg. 76 (reflecting CPD's recovery of a seventeen-round capacity magazine from Officer Sanchez's firearm, which contained twelve unfired rounds, as well as CPD's recovery of one unfired round from the firearm's chamber). COPA has determined that this discrepancy is neither material nor consequential for purposes of this investigation. It is possible for a single bullet to cause more than one entrance wound when that bullet enters one part of the body, exits, and then re-enters a different part of the body. Here, it is possible that a bullet entered and exited ██████ arm and then re-entered his body.

<sup>81</sup> Att. 94, pg. 2.

COPA accessed and reviewed an Illinois State Police (ISP) Laboratory Report of a test comparing DNA material obtained from ██████████ remains by the Cook County Medical Examiner and a DNA profile obtained from the revolver recovered from incident scene. According to the report, an analysis of the test “provides Very Strong Support for the proposition that ██████████ ██████████ is a contributor to the DNA profile.”<sup>82</sup> COPA also accessed and reviewed an ISP Laboratory Report of a test of residue evidence collected from the hands of ██████████ remains.<sup>83</sup> According to the report, that test “[i]ndicates that the subject, ██████████ discharged a firearm, contacted a PGSR [primer gunshot residue] related item, or had the right hand in the environment of a discharged firearm.”<sup>84</sup>

#### d. Documentary Evidence

COPA accessed and reviewed CPD records documenting that ██████████ ██████████ and ██████████ were removed by Chicago Fire Department personnel from the incident scene to Christ Hospital,<sup>85</sup> and that though ██████████ was alive (but unresponsive) during his removal,<sup>86</sup> he was pronounced dead at the hospital at 3:58 pm.<sup>87</sup> COPA also accessed and reviewed CPD records showing that Officer Sanchez passed an Annual Prescribed Weapon Qualification Test on February 21, 2022, using the same firearm that he turned over to evidence technicians after this incident.<sup>88</sup> COPA also accessed and reviewed CPD records showing that at approximately 7:01 pm on the incident date, Officer Sanchez provided a urine sample to the CPD Bureau of Internal Affairs, that at 7:19 pm he submitted to an alcohol breath test, and that both tests proved to be negative for the presence of specified chemicals, including marijuana metabolites and certain prohibited controlled substances.<sup>89</sup>

### V. LEGAL STANDARD

COPA applies a preponderance of the evidence standard to determine whether allegations of excessive force are warranted or well-founded.<sup>90</sup> A **preponderance of evidence** is evidence indicating that it is more likely than not that a proposition is proved.<sup>91</sup> For example, if the evidence COPA gathers in an investigation establishes that it is more likely than not that misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

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<sup>82</sup> Att. 116. It refers to the profile source as “Inventory 15076284,” which corresponds to the CPD’s inventory reference number respecting the recovered firearm. Att. 116, pgs. 1 and 2; *see also* Att. 121, pgs. 69 and 91.

<sup>83</sup> Att. 122.

<sup>84</sup> Att. 122, pg. 2.

<sup>85</sup> Att. 121, pg. 20.

<sup>86</sup> Att. 121, pg. 220.

<sup>87</sup> Att. 121, pg. 51.

<sup>88</sup> Att. 24, pg. 3.

<sup>89</sup> Atts. 22 and 95.

<sup>90</sup> *See* MUNICIPAL CODE OF CHICAGO § 2-78-110 (2016).

<sup>91</sup> *See Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not.”).

## VI. ANALYSIS

COPA finds by a preponderance of the evidence that the use of deadly force by Officer Sanchez was objectively reasonable, necessary, and proportional to the circumstances he faced. COPA further finds that Officer Sanchez engaged in de-escalation tactics as required by CPD policy prior to using deadly force. Specifically, Officer Sanchez communicated extensively with [REDACTED] and he attempted to stabilize the situation by using time, distance, and tactical positioning. COPA further finds that Officer Sanchez used deadly force as an option of last resort. COPA thus concludes by a preponderance of the evidence that Officer Sanchez's use of deadly force complied with CPD policy.

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>92</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, bring a person or situation safely under control, or prevent escape.<sup>93</sup> This means 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>94</sup>

The use of deadly force is permitted only as a "last resort" when "necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."<sup>95</sup> A CPD member 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."<sup>96</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 harm."<sup>97</sup> CPD members 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>98</sup>

In reaching its conclusions, COPA evaluated all available evidence, including Officer Sanchez's statement to COPA. COPA found Officer Sanchez to be credible in his statement. His account was internally consistent and he did not have difficulty remembering details of the incident. Although there is no objective evidence, such as camera video, of [REDACTED] raising or

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<sup>92</sup> Att. 125, G03-02(II)(A).

<sup>93</sup> Att. 125, G03-02(III)(B).

<sup>94</sup> Att. 125, G03-02 (III)(B).

<sup>95</sup> Att. 125, G03-02(IV)(C).

<sup>96</sup> Att. 125, G03-02(IV)(C).

<sup>97</sup> Att. 125, G03-02(IV)(B).

<sup>98</sup> Att. 125, G03-02(III)(C)(2).

pointing his weapon in Officer Sanchez's direction, there is also no evidence to contradict Officer Sanchez's account. In fact, the available evidence supports his account. Namely, Officer Sanchez can be heard asking ██████ to stop his actions and put the gun down.

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Sanchez's use of deadly force was objectively reasonable in light of the imminent threat he faced. Officer Sanchez reported that he had fired his weapon only after ██████ pointed the firearm towards him in a manner Officer Sanchez believed was threatening to his life and the life of others. Specifically, Officer Sanchez noted a change in ██████ demeanor moments before he fired his weapon. Officer Sanchez also saw ██████ begin to raise his weapon and point it in a manner that Officer Sanchez found threatening. Moreover, Officer Sanchez knew that ██████ had previously fired at others, including officers and apartment occupants.<sup>99</sup> It was thus objectively reasonable for Officer Sanchez to believe that ██████ actions were immediately likely to cause death or great bodily harm.<sup>100</sup> ██████ also had the means or instruments and the opportunity and ability to cause death or great bodily harm.

The evidence further indicates that Officer Sanchez used only the amount of force necessary based on the circumstances he faced. Specifically, the evidence shows that he continually assessed the necessity for the use of force and employed de-escalation techniques prior to using deadly force.<sup>101</sup> Officer Sanchez knew that a wounded victim remained in the apartment, so he continuously listened for any signs that the person was alive.<sup>102</sup> When he heard no such signs, he focused on encouraging ██████ to surrender.<sup>103</sup> To that end, for over an hour, Officer Sanchez engaged in verbal communication with ██████ attempting to convince ██████ to drop his weapon and to come out with his hands up.<sup>104</sup> It was only when ██████ raised his weapon and pointed it towards Officer Sanchez that the officer resorted to the use of deadly force.<sup>105</sup> In addition, Officer Sanchez's use of deadly force was proportional to the threat he faced. Officer Sanchez fired his weapon only after ██████ threatened him with his firearm: He fired five times, and he stopped firing once ██████ no longer posed a threat.<sup>106</sup> Based on the totality of the circumstances, COPA finds by a preponderance of the evidence that Officer Sanchez's use of deadly force complied with CPD policy.

## VII. CONCLUSION

For the reasons set forth above, COPA finds that Officer Sanchez's use of deadly force was authorized under CPD policy.

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<sup>99</sup> Att. 114, pg. 15, lns. 4 to 11; pg. 18, lns. 9 to 15; pg. 19, lns. 6 to 8; pg. 43, lns. 7 to 9.

<sup>100</sup> By his actions, ██████ met the definition of an "assailant" under CPD policy. *See* Att. 126, G03-02-01(IV)(C).

<sup>101</sup> Namely, Officer Sanchez attempted to use communication, tactical positioning, and time as a tactic to de-escalate the encounter. *See* Att. 126, G03-02-01(III)(A)(B)(C).

<sup>102</sup> Att. 114, pg. 19, lns. 21 to 24; pg. 20, lns. 2 to 4.

<sup>103</sup> Att. 114, pg. 21, lns. 7 to 22; pg. 22, lns. 13 to 24; pg. 23, lns. 1 to 16.

<sup>104</sup> *See* Att. 1 at 49:17 and following.

<sup>105</sup> Att. 114, pg. 54, lns. 4 to 14; pg. 55, lns. 4 to 16.

<sup>106</sup> Att. 114, pg. 55, lns. 21 to 24; pg. 56, lns. 1 to 3.

Approved:



8-30-2023

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Angela Hearts-Glass  
Deputy Chief Investigator

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Date



8-30-2023

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Andrea Kersten  
Chief Administrator

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Date