



Log # 2022-1844

## FINAL SUMMARY REPORT

### I. EXECUTIVE SUMMARY

On May 5, 2022, the Chicago Police Department's Crime Prevention and Information (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred that evening at approximately 11:08 pm, at or about 2206 N. Lamont Avenue in Chicago. COPA learned that police Officers George Moussa, Daniel Doherty, and Brett Palm responded to the location of the incident (LOI) regarding a 911 call of a gang disturbance. Upon the officer's arrival, a juvenile, [REDACTED] fled on foot and Officer Doherty pursued him. Officers Palm and Moussa observed [REDACTED] at or about the LOI and they drew their weapons and ordered him to stop and show his hands. [REDACTED] reached for his waistband area and pulled out a firearm. Officer Moussa fired one round at [REDACTED] and missed him.<sup>1</sup> The officers apprehended [REDACTED] and recovered a firearm on the ground nearby. The incident was captured on the officers' body worn cameras (BWC).

Upon review of the evidence, COPA served allegations to Officers Moussa, Palm, and Doherty that they stopped [REDACTED] without justification and failed to timely activate their BWC's. Officer Moussa was served with an additional allegation that he discharged his firearm at or in the direction of [REDACTED] without justification. Officer Doherty was also served with an additional allegation that he failed to properly notify the Office of Emergency Management and Communications (OEMC) of his beat number, location, and reason for the foot pursuit. Following its investigation, COPA reached sustained findings regarding the allegations against the officers for failure to timely activate their BWCs and against Officer Doherty of his failure to properly notify OEMC of his beat number, location, and the reason for the foot pursuit.

### II. SUMMARY OF EVIDENCE<sup>2</sup>

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<sup>1</sup> Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a Chicago Police Member discharges their firearm. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>2</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 CPD department reports, BWC videos, third-party surveillance video, 911 calls and radio transmissions, Evidence Technician photographs and reports, Illinois State Police reports, and the statements of the involved officers. During the investigation, COPA made numerous attempts to contact [REDACTED], legal representative of [REDACTED] regarding obtaining [REDACTED] statement. The attempts were unsuccessful. For more detailed information regarding the attempts, refer to Colum notes; CO-0138146, CO-0139123, and CO-0142861.

On May 5, 2022, Officers Moussa, Palm, and Doherty drove to the vicinity of 2206 N. Lamon Avenue, in response to a 911 call regarding a group of people throwing gang signs from and/or near a gold Nissan Rogue parked in an alley.<sup>3</sup> In the north/south alley between Laporte and Lamon Avenues, the officers observed a gold Nissan Rogue with two or three people in or near the vehicle.<sup>4</sup> South on Palmer Avenue just east of the alley, the officers observed another person, now known as ██████ standing in front of a garage. Officer Doherty asked ██████ what was going on, and ██████ turned and looked at the officers, grabbed the center of his body,<sup>5</sup> and fled on foot. He ran east on Palmer and then north on Lamon Avenue before disappearing between residential buildings.<sup>6</sup> The officers followed ██████ in their vehicle. Officer Palm stopped the police vehicle briefly and Officer Doherty exited and pursued ██████ on foot. Officer Palm continued driving northbound in search of ██████. Officer Doherty activated his BWC and doubled-back into the alley northbound in case ██████ tried to cut through a gangway.<sup>7</sup> Officer Doherty observed ██████ in a gangway near the rear gate at 2206 N. Lamon Avenue and he shouted verbal commands not to move. Officer Doherty got on his police radio and reported, "He's running back to Lamon. Palm, he's running right back your way."<sup>8</sup> Officer Doherty notified OEMC of his beat number and that ██████ had run in the alley. Officer Doherty believed that he notified OEMC of his location but explained that he did not have sufficient time to report the reason for the foot pursuit because the incident occurred quickly.<sup>9</sup>

Officers Moussa and Palm stopped at the 2600 north block of Lamon Avenue, activated their BWCs, and exited the vehicle.<sup>10</sup> As the officers walked to the sidewalk at or near 2210 N. Lamon Avenue, they observed ██████ emerge from the gangway into the fenced front yard of 2206 N. Lamon Avenue. Officer Moussa took several steps toward ██████ and shouted "Freeze!"<sup>11</sup> ██████ looked in Officer Moussa's direction, bent down, and pulled a firearm from his waistband.<sup>12</sup>

<sup>3</sup> Atts. 20 (911 caller) and Att. 65 (OEMC transmissions). The job was initially assigned to Beat 2531. Officers Moussa, Palm, and Doherty assigned to Beat 2506A, notified the dispatcher that they would assist.

<sup>4</sup> The vehicle was parked in the alley behind 2154 N. Lamon Avenue.

<sup>5</sup> The officers explained that ██████ action was indicative that he had a firearm in his possession.

<sup>6</sup> Att. 22 (911 caller) and 28 (event query). COPA attempted to interview the caller, identified later as Vianey Cabrales, but she refused to provide a statement. Refer to column notes; CO-0132984-5 for more detailed information.

<sup>7</sup> Att. 8 (BWC) and Att. 72, Pg. 25, Lns 10-17. Officer Dougherty explained that he thought he had activated his BWC inside the police vehicle, but later realized he had activated it after he exited the vehicle to pursuit ██████

<sup>8</sup> Att. 65 at approximately 11:09:09 pm.

<sup>9</sup> Att. 8 (BWC of Officer Doherty) beginning at 23:08:36 to 23:09:07 pm. Att. 72, Pg. 18, Lns. 5-19 and Pg. 19. Lns. 5-10. Att. 65 (OEMC radio transmissions from 23:08:42 pm to 23:09:23 pm). Officer Doherty reported his beat number and ██████ path of flight, but he did not report his exact location and/or the reason for the pursuit. It should be noted that seconds after his notification to OEMC, Officer Doherty reported that he heard gunshots.

<sup>10</sup> Officer Palm's BWC was activated before he exited the vehicle (att. 11) and Officer Moussa activated his camera after he exited the vehicle (att. 9). Both officers explained that they did not activate their cameras prior because they were not assigned the job at the LOI. They went to the LOI to check if Beat 2531 needed assistance.

<sup>11</sup> Att. 70, Pg. 19, Lns. 19-23 and Pg. 20, Lns. 15-18. Officer Moussa was standing approximately 10 to 15 feet from ██████ in front of 2210 N. Lamon Avenue (next door to the LOI) when he discharged his firearm.

<sup>12</sup> Officer Palm was approximately 15 feet behind Officer Moussa when he fired his weapon. Officer Palm did not see ██████ reach for his firearm because his view was obstructed by a bush. Att. 71, Pg. 11, Lns. 22-24 and Pg. 12, Lns. 1-4.

In fear for his life, Officer Moussa fired one shot and missed ██████<sup>13</sup> ██████ dropped the firearm, raised his hands, and complied with the officers' verbal commands to get down on the ground. Officer Doherty arrived and jumped a side gate from 2210 N. Lamon Avenue to 2206 N. Lamon Avenue because the front gate was locked. He then handcuffed ██████ without further incident.<sup>14</sup> Officer Moussa notified OEMC that he had fired his weapon.<sup>15</sup>

Evidence Technicians (ETs) recovered a Taurus, PT1911, serial ██████, .45 caliber semi-automatic pistol from the ground in the immediate vicinity where ██████ was apprehended.<sup>16</sup> Based on a 911 caller's tip, ETs also recovered a second firearm, Polymer 80, PF940 9mm, semi-automatic pistol with laser sight and a 40 round extended magazine in a garbage can in the alley behind 2154 N. Lamon Avenue, where the Gold Nissan Rogue had been parked.<sup>17</sup>

Officer Moussa's firearm, a Glock GMBH, Model 21, serial # ██████, .45 caliber, semi-automatic pistol, was recovered at Area 5. The firearm has a capacity of thirteen rounds in the magazine and one in the chamber. The firearm was recovered with twelve rounds in the magazine and one in the chamber. ISP determined that one fired bullet was fired from Officer Moussa's weapon.<sup>18</sup>

### III. ALLEGATIONS

#### **Officer Brett Palm:**

1. Stopped ██████ without justification.
  - Exonerated
2. Failed to comply with Special Order S03-14 by filing to timely activate their body worn camera.
  - Sustained, Violation of Rules 2, 5, 6, and 10.

#### **Officer George Moussa:**

1. Stopped ██████ without justification.
  - Exonerated
2. Discharged his firearm at or in the direction of ██████ without justification in violation of General Order G03-02.
  - Not Sustained

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<sup>13</sup> Att. 36, fired cartridge recovered from sidewalk near 2206 N. Lamon Avenue, Att. 62 (ShotSpotter), and Att. 70 (statement of PO Moussa) Pg. 15, Lns. 14-24 and Pg. 16, Lns. 1-5.

<sup>14</sup> Att. 8 (BWC of PO Doherty) at 23:11:07 pm to 23:11:52 pm.

<sup>15</sup> Att. 9 (BWC of PO Moussa) at 23:09:43 and Att. 65 (OEMC transmission), at 23:09:51

<sup>16</sup> Atts. 33 (photograph) and 42 (Inventory receipt) and Att. 70 (ISP firearms report). ISP determined that ██████ DNA was found on the firearm (refer to att. 80/Inv. #15094240).

<sup>17</sup> Atts. 3 (photograph) Att. 45 (inventory receipt) and Att. 79 (ISP firearms report). Refer to Att. 22, regarding the information Vianey Cabrales (911 caller) reported to OEMC. CPD learned that the firearm was reported stolen on July 11, 2017 (refer to att. 79, pg. 7).

<sup>18</sup> Att. 37 (inventory receipt) and Att. 79 (ISP firearms report). Prior to the incident, Officer Moussa last qualified with the weapon on February 11, 2022 (refer to att. 52).

3. Failed to comply with Special Order S03-14 by filing to timely activate their body worn camera.
  - Sustained, Violation of Rules 2, 5, 6, and 10.

**Officer Daniel Doherty:**

1. Stopped [REDACTED] without justification.
  - Exonerated
2. Failed to comply with GO 03-01 by failing to properly notify OEMC of his beat number, location, and the reason for the foot pursuit.
  - Sustained, Violation of Rules 2, 5, 6 and 10.
3. Failed to comply with Special Order S03-14 by filing to timely activate their body worn camera.
  - Sustained, Violation of Rules 2, 5, 6, and 10.

**IV. CREDIBILITY ASSESSMENT**

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

**V. ANALYSIS<sup>19</sup>**

**1. Clear and convincing evidence indicates that [REDACTED] was properly seized.**

The law is clear that a Fourth Amendment seizure only occurs when an officer by means of physical force or show of authority restrains a person's liberty.<sup>20</sup> Here, the evidence shows that [REDACTED] was not seized until Officer Moussa fired at [REDACTED] and [REDACTED] complied by dropping the gun.<sup>21</sup> By the time Officer Moussa shot at [REDACTED] he had observed [REDACTED] fleeing while clutching his waist, jumping fencing, and pulling out the firearm. Based on these observations, Officer Moussa reasonably believed [REDACTED] illegally possessed the firearm, and that [REDACTED] was attempting to use the firearm against him. Based on his knowledge and observations up until that point, Officer Moussa had a reasonable belief that [REDACTED] was committing, had committed, or was about to commit a crime.

The totality of the evidence shows that Officer Moussa and his partners knew that [REDACTED] matched the description of individuals committing gang loitering at the scene. Dispatch had informed the officers that there were individuals inside of a gold Nissan Rogue "representing," or displaying gang signs to passersby. [REDACTED] and the other individuals in the alley, along with the vehicle, matched the description given out by dispatch. Upon seeing the officers, [REDACTED] who was

<sup>19</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>20</sup> *People v. Luedemann*, 222 Ill. 2d 530, 550 (2006)

<sup>21</sup> See *People v. Thomas*, 198 Ill.2d 103, 111 (2001) ("A person must submit to a show of authority before that show of authority can constitute a seizure."); and see *Torres v. Madrid*, 141 S.Ct. 989, 994 (2021) ("The application of physical force to the body of a person with the intent to restrain is a seizure, even if the force does not succeed in subduing the person.").

wearing a mask that covered most of his face, grabbed the front of his sweatshirt pocket and fled. The officers then heard fences rattling and Officer Moussa observed ██████ running through the fenced-in front yard of 2206 N. Lamon. At this point, it was reasonable for the officers to believe that ██████ did not reside at this location nor was an invitee of the owner, given that he had to jump fences to enter the yard, and did not attempt to enter the home.<sup>22</sup> When Officer Moussa ordered ██████ to freeze, ██████ looked in the officer's direction, bent down, and pulled a firearm from his waistband. At this time, based on the totality of the circumstances, Officer Moussa had probable cause to believe ██████ possessed the gun illegally.<sup>23</sup> Officer Moussa's one shot effected a Fourth Amendment seizure. Clear and convincing evidence indicates that at the time ██████ was seized under the Fourth Amendment, Officer Moussa had probable cause to believe that ██████ was committing, had committed, or was about to commit a crime. Consequently, COPA finds by clear and convincing evidence that Allegation #1 against Officers Moussa, Doherty, and Palm, is Exonerated.

## **2. Officers Moussa, Doherty, and Palm failed to timely activate their body worn cameras.**

COPA finds by a preponderance of the evidence that Officers Moussa, Doherty, and Palm all failed to timely activate their body worn cameras (BWC) at the beginning of the incident. Allegation #2 against each listed officer is therefore Sustained. To increase transparency and improve the quality and reliability of investigations, Department policy mandates all law-enforcement-related encounters be electronically recorded on an officer's BWC.<sup>24</sup> Law-enforcement-related encounters include, but are not limited to, calls for service, investigatory stops, traffic stops, seizure of evidence, statements made by individuals in the course of an investigation, arrests, use of force incidents, high risk situations, any encounter with the public that becomes adversarial after the initial contact, emergency driving situations and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene, and any other instances when enforcing the law.<sup>25</sup> The recording of law-enforcement-related encounters is mandatory.<sup>26</sup> Officers must activate their BWCs at the beginning of an incident and record the entire incident.<sup>27</sup> If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer "will activate the BWC as soon as practical."<sup>28</sup>

The preponderance of the evidence shows that none of the officers activated their BWCs while traveling to the scene to investigate the report of gang loitering. Despite Officers Moussa, Doherty, and Palm notifying OEMC that they would be assisting with the call for service, the officers did not activate their BWCs until after ██████ fled on foot. CPD policy, however, required

<sup>22</sup> See *People v. Wilson*, 2020 IL App (1st) 170443, ¶ 29 (Finding that officers' observations that Wilson was openly carrying a gun on private land after jumping fences of several back yards provided the officers with a reasonable belief that Wilson was illegally carrying the weapon.)

<sup>23</sup> See *People v. Wilson*, 2020 IL App (1st) 170443, ¶ 29.

<sup>24</sup> S03-14.II.A

<sup>25</sup> S03-14.III.2

<sup>26</sup> S03-14.III.1

<sup>27</sup> S03-14.III.2

<sup>28</sup> S03-14.III.2

them to activate their cameras while en route because they were responding to a call for service, a law-enforcement-related activity. As such, Allegation #1 against Officers Moussa, Doherty, and Palm, is Sustained.

**3. Officer Doherty failed to properly notify OEMC of all relevant information pertaining to the foot pursuit.**

COPA finds that Allegation #3 against Officer Doherty, that he failed to properly notify OEMC of his beat number, location, and the reason for the foot pursuit, is Sustained. CPD policy requires department members engaged in a foot pursuit to immediately notify OEMC upon the initiation of the foot pursuit or as soon as possible.<sup>29</sup> The member must broadcast their radio ID/beat number, location, and the reason for the pursuit. In this case, Officer Doherty notified OEMC of his beat number and that [REDACTED] was running in the alley but failed to report his approximate location and/or the reason he pursued [REDACTED]. Thus, COPA finds that Officer Doherty violated CPD policy. Allegation #3 against Officer Doherty is therefore Sustained.

**4. There is insufficient evidence to prove that Officer Moussa violated CPD policy when he discharged his firearm at or in the direction of [REDACTED]**

Following a thorough review of the evidence, COPA cannot find by a preponderance of the evidence that Officer Moussa's firearm discharge was not objectively reasonable, necessary, and proportional under the totality of the circumstances. The Department's stated highest priority is the sanctity of human life. In all aspects of their conduct, the Department expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>30</sup> Department 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>31</sup> This means Department 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>32</sup>

Here, the evidence shows that following a short foot pursuit, Officer Moussa observed [REDACTED] running towards the front gate of 2206 N. Lamon. Officer Moussa then gave [REDACTED] commands to freeze. Officer Moussa stated that instead of following his commands, [REDACTED] looked in his direction, bent down, and pulled the firearm out of his waistband. Officer Moussa stated that he feared for his life and fired once at [REDACTED]. Immediately upon the firing of the single shot, the gun could be heard hitting the ground. The firearm was thereafter recovered near the location where Officer Moussa indicated [REDACTED] had dropped it. No objective evidence corroborates or contradicts Officer Moussa's account. [REDACTED] actions were not clearly captured on any video footage. Moreover, although Officer Palm was nearby, he could not see [REDACTED] hands due to an

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<sup>29</sup> General Order D03-07, V(B)(1).

<sup>30</sup> General Order G03-02 (II)(A).

<sup>31</sup> *Id.* at (III)(B).

<sup>32</sup> *Id.* at (III)(B).

obstructed view. Without additional evidence supporting or undermining Officer Moussa's account, COPA cannot sustain this allegation. Consequently, Allegation #3 against Officer Moussa is Not Sustained.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer George Moussa**

#### **i. Complimentary and Disciplinary History<sup>33</sup>**

Officer Moussa has received 122 awards, including 93 honorable mentions. Officer Moussa received a two-day suspension in 2023 for an operations violation. Officer Moussa also received a non-disciplinary SPAR for a court appearance violation in 2023.

#### **ii. Recommended Discipline**

COPA has considered Officer Moussa's complimentary and disciplinary history. Officer Moussa's sustained allegation is for failing to timely activate his BWC. COPA recommends a written reprimand.

### **b. Officer Daniel Doherty**

#### **i. Complimentary and Disciplinary History<sup>34</sup>**

Officer Doherty has received 88 awards, including 80 honorable mentions. Officer Doherty received a violation noted in 2021 for an operations violation.

#### **ii. Recommended Discipline**

COPA has considered Officer Doherty's complimentary and disciplinary history. Officer Doherty failed to timely activate his BWC and failed to properly notify OEMC of the reason for his foot pursuit. COPA recommends a written reprimand.

### **c. Officer Brett Palm**

#### **i. Complimentary and Disciplinary History<sup>35</sup>**

Officer Palm has received 86 awards, including 64 honorable mentions. Officer Palm received a reprimand in 2023 for failing to have a current IL license plate and/or city sticker.

#### **ii. Recommended Discipline**

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<sup>33</sup> Att. 84

<sup>34</sup> Att. 84

<sup>35</sup> Att. 84

COPA has considered Officer Palm’s complimentary and disciplinary history. Officer Palm’s sustained allegation is for failing to timely activate his BWC. COPA recommends a written reprimand.

Approved:

[Redacted Signature]

Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

[Redacted Signature]

Andrea Kersten  
*Chief Administrator*

January 5, 2024  
Date

January 5, 2024  
Date



**Appendix A**

**Case Details**

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Date/Time/Location of Incident:	May 05, 2022/11:06 pm/2206 N. Lamon Avenue
Date/Time of COPA Notification:	May 05, 2022/11:32 pm
Involved Member #1:	George Moussa, star #5509, employee ID # [REDACTED], Date of Appointment: September 29, 2003, Unit of Assignment: 017, male White
Involved Member #2:	Daniel Doherty, star #10869, employee ID# [REDACTED], Date of Appointment: February 29, 2016, Unit of Assignment: 025, male White
Involved Member #3:	Brett Palm, star #16255, employee ID # [REDACTED], Date of Appointment: October 28, 2002, Unit of Assignment: 025, male White
Involved Individual #1:	[REDACTED] male, Hispanic, DOB: [REDACTED] 2004

**Applicable Rules**

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- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

**Applicable Policies and Laws**

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- General Order G03-02-03, Firearm Discharge Incidents-Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021-present).
- General Order G03-06, Firearm Discharge and Officer-involved Death Incident Response and Investigation (effective April 15, 2021-present).
- Special Order S03-14, Body Worn Cameras (effective April 30, 2018 to present).
- General Order G03-07, Foot Pursuits (effective June 11, 2021 to August 28 2022).

## Appendix B

### **Definition of COPA's Findings and Standards of Proof**

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>36</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>37</sup>

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<sup>36</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>37</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 Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation