



Log # 2022-0001664

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

### I. EXECUTIVE SUMMARY

On April 22, 2022, the Chicago Police Department's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at approximately 5:58 pm that evening in the vicinity of 11259 S. Langley Avenue.<sup>2</sup> In the hours following the shooting, COPA learned that Officers Jameson Eisinas #16897, Gregory Smith #8823, and Gregory Braxton #11269 discharged their firearms at a civilian named ██████████ who sustained several gunshot wounds. The incident, which was captured on body worn camera (BWC) video, began when the officers responded to a call regarding a person with a gun and encountered ██████████ walking his dog inside a park at the above location. ██████████ denied that he was in possession of a firearm and the officers repeatedly asked him to tie his dog to a fence and lift his jacket to demonstrate to the officers that he was not armed. After approximately fifteen minutes of refusing to comply with the officers' orders, ██████████ jumped a fence and ran across a basketball court. As the officers attempted to prevent ██████████ escape, ██████████ produced a firearm and pointed it in the direction of the officers. Consequently, Officers Eisinas, Smith, and Braxton discharged their firearms, striking ██████████ about the body. The officers rendered first aid to ██████████ until a Chicago Fire Department ambulance arrived and transported ██████████ to Advocate Christ Hospital where he received medical treatment. The officers recovered two firearms from ██████████ and he was charged with three counts of aggravated assault against a peace officer, two counts of unauthorized use of a weapon (in a park) and two counts of aggravated unauthorized use of a weapon (on a person). Based on the totality of the circumstances, there is clear and convincing evidence that ██████████ pointed his firearm at the officers, placing them in fear of their lives and resulting in the discharge of their firearms. Consequently, the COPA investigation finds Officers Eisinas, Smith, and Braxton's firearm discharges to be **Within Policy**.

As indicated by the reviewed evidence, COPA served one allegation that Officers Eisinas, Smith, and Braxton failed to notify the Office of Emergency Management and Communications (OEMC) that they discharged their weapons, in violation of General Order G03-06, V. Following its investigation, COPA reached **Sustained** findings regarding the allegation for all three officers.

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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 Chicago Police Department member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

## II. SUMMARY OF EVIDENCE<sup>3</sup>

On April 22, 2022, at approximately 5:36 pm, ██████████ called 911 and requested police service at ██████████ because her neighbor, who was wearing a gray jacket and khaki pants and walking a pit bull, was threatening her and her friend with a gun.<sup>4</sup> Officers Smith and Braxton arrived on the scene, entered a park, and approached ██████████ who was walking a dog.<sup>5</sup> Officer Smith told ██████████ “Come here for a second,” and ██████████ replied, “Ain’t no reason to walk up on me. My dog bites.”<sup>6</sup> Officer Smith stated, “Ok, your dog will get shot,” and ██████████ responded, “I don’t do none of that.”<sup>7</sup> Officer Smith then ordered ██████████ to stop walking, but ██████████ continued walking with his dog away from Officer Smith.<sup>8</sup> ██████████ eventually stopped walking and stood facing Officers Smith and Braxton near a corner of the fenced park.<sup>9</sup> Officers Eisinas and Szlaga also arrived on the scene and positioned themselves around ██████████<sup>10</sup> Officer Smith asked ██████████ if he had a weapon on him and ██████████ said that he did not; Officer Smith then asked him to lift up his jacket and ██████████ lifted up the left and right sides of his jacket.<sup>11</sup> Officer Szlaga said it was hard to tell and ██████████ replied that he had a concealed carry license at his home but was not carrying any weapons.<sup>12</sup> Officer Smith told ██████████ to open his coat, let the officers see his waistband and turn around in order to make sure that ██████████ did not have a weapon on his person; ██████████ proceeded to make a 360 degree turn, lifted the side of his coat and said he did not have anything.<sup>13</sup> ██████████ requested a supervisor and Officer Smith asked for a sergeant over the radio.<sup>14</sup> Officer Eisinas informed Officer Smith that he will talk to the neighbor that complained about ██████████<sup>15</sup> Officer Eisinas spoke to ██████████ and her two friends, who informed the officer that ██████████ had reached into his pocket like he had a gun.<sup>16</sup>

Officer Smith asked ██████████ to unzip his jacket all the way down and ██████████ complied.<sup>17</sup> Then, Officer Smith asked ██████████ to lift his shirt; ██████████ again complied and Officer Smith told ██████████ that he could see the handle of a gun in his waistband.<sup>18</sup> Officer Smith ordered ██████████ to tie up his dog or the dog would get shot.<sup>19</sup> ██████████ released the dog leash and jumped over a fence

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<sup>3</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.

<sup>4</sup> Att. 14.

<sup>5</sup> Att. 41, at 5:57:38 to 5:57:39 pm.

<sup>6</sup> Att. 33, at 5:42:13 to 5:42:35 pm.

<sup>7</sup> Att. 40, at 5:42:37 to 5:42:43 pm.

<sup>8</sup> Att. 40, at 5:42:44 to 5:42:47 pm.

<sup>9</sup> Att. 40, at 5:42:48 to 5:43:00 pm.

<sup>10</sup> Att. 40, at 5:42:18 pm.

<sup>11</sup> Att. 33, at 5:43:28 to 5:44:10 pm.

<sup>12</sup> Att. 40, at 5:44:21 to 5:44:33 pm.

<sup>13</sup> Att. 40, at 5:44:33 to 5:44:56 pm.

<sup>14</sup> Att. 40, at 5:47:12 to 5:47:25 pm.

<sup>15</sup> Att. 40, at 5:51:25 to 5:52:00 pm.

<sup>16</sup> Att. 40, at 5:55:00 to 5:55:03 pm.

<sup>17</sup> Att. 37, at 5:55:38 to 5:57:34 pm.

<sup>18</sup> Att. 40, at 5:57:15 to 5:57:22 pm.

<sup>19</sup> Att. 40, at 5:57:23 to 5:57:30 pm.

<sup>20</sup> Att. 40, at 5:57:30 to 5:57:36 pm.

onto a basketball court.<sup>21</sup> [REDACTED] ran across the basketball court and Officer Smith ran along a fence toward Langley Avenue. Officer Eisinas ran toward the entrance to the basketball court and ordered [REDACTED] to put his hands up.<sup>22</sup> As [REDACTED] walked toward the exit to the playground, he raised a firearm with his right hand and appeared to point it in the direction of Officer Smith, who was walking on the east sidewalk of Langley.<sup>23</sup> Officers Eisinas,<sup>24</sup> Smith<sup>25</sup> and Braxton<sup>26</sup> discharged their firearms at [REDACTED] who fell to the ground on the parkway. Officer Smith reported “shot fired!” over the radio.<sup>27</sup> Officer Braxton also reported “shots fired!” over the radio and requested an ambulance.<sup>28</sup> Officer Eisinas first approached [REDACTED] as he was lying prone on the ground and removed a silver handgun away from [REDACTED] side.<sup>29</sup> Officers Smith and Eisinas handcuffed [REDACTED]<sup>30</sup> Officers Eisinas and Smith turned [REDACTED] on his back and recovered a second handgun from his waistband.<sup>31</sup> Officers Braxton and Smith applied a tourniquet on [REDACTED] right leg.<sup>32</sup> Officer Eisinas brought a first aid kit from his police vehicle and Officers Eisinas and Smith applied bandages on gunshot wounds on [REDACTED] body.<sup>33</sup> A Chicago Fire Department fire engine arrived and CFD personnel took over aid to [REDACTED]<sup>34</sup> Beat 500X called OEMC, stated that the incident on Langley was an officer-involved shooting and asked that proper notifications be made.<sup>35</sup> [REDACTED] sustained gunshot wounds to his left clavicle, lower left abdomen, and right calf, and was transported to Advocate Christ Hospital.<sup>36</sup>

Officer Eisinas fired seven rounds, Officer Smith fired three rounds, and Officer Braxton fired one round.<sup>37</sup> Evidence Technicians recovered eleven 9 mm fired cartridge casings from the scene.<sup>38</sup> In response to the allegation that he failed to notify OEMC that he discharged his weapon, Officer Eisinas stated that he was busy rendering aid to [REDACTED] but believed that the officer-involved shooting had been reported over the air and informed his sergeant, who arrived on the scene, that he had discharged his firearm.<sup>39</sup> Officer Smith also admitted that he did not report “shots fired” over the radio, but observed [REDACTED] lying on the ground and tried to render aid to him.<sup>40</sup> Officer Braxton stated to COPA that he did not report to OEMC that he discharged his weapon because the other officers on the scene had notified OEMC about their firearm discharges

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<sup>21</sup> Att. 40, at 5:57:38 to 5:57:40 pm.

<sup>22</sup> Att. 37, at 5:57:39 to 5:57:47 pm.

<sup>23</sup> Att. 37, at 5:57:55 to 5:57:57 pm.

<sup>24</sup> Att. 37, at 5:57:57 to 5:57:59 pm.

<sup>25</sup> Att. 40, at 5:57:57 to 5:57:59 pm.

<sup>26</sup> Att. 36, at 5:57:56 to 5:57:58 pm.

<sup>27</sup> Att. 40, at 5:58:01 to 5:58:02 pm.

<sup>28</sup> Att. 36, at 5:57:58 to 5:58:03 pm.

<sup>29</sup> Att. 37, at 5:58:02 to 5:58:07 pm.

<sup>30</sup> Att. 40, at 5:58:10 to 5:58:25 pm.

<sup>31</sup> Att. 40, at 5:58:30 to 5:58:40 pm.

<sup>32</sup> Att. 36, at 5:59:35 to 5:59:55 pm.

<sup>33</sup> Att. 37, at 6:00:15 to 6:01:55 pm.

<sup>34</sup> Att. 37, at 6:06:20 pm.

<sup>35</sup> Att. 48, at 56:26 to 56:43 into recording. The OEMC recording is not time stamped but began at approximately 5:38:56 pm. Consequently, Beat 500X contacted OEMC at approximately 6:35:22 pm.

<sup>36</sup> Att. 52, pg. 5.

<sup>37</sup> Att. 44 to 46.

<sup>38</sup> Att. 93, pg. 2.

<sup>39</sup> Att. 77, pg. 33, Ins. 13 to 23.

<sup>40</sup> Att. 84, pg. 33, Ins. 2 to 22.

and did not want to block the airways by repeating the same information, and also because he was applying medical attention to ██████████<sup>41</sup>

### III. ALLEGATIONS

#### **Officers Jameson Eisinas, Gregory Smith, and Gregory Braxton:**

1. Failed to notify the Office of Emergency Management and Communications (OEMC) that they discharged their weapons, in violation of General Order G03-06, V.
  - Sustained, Violation of Rules 2, 3, 5, and 10.

### 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.<sup>42</sup>

### V. ANALYSIS<sup>43</sup>

#### **a. Officers Eisinas, Smith and Braxton's firearm discharge**

##### **1. CPD policy governing the use of deadly force.**

CPD members are expected to resolve situations without using force, unless required under the circumstances to serve a lawful purpose.<sup>44</sup> Members 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 third person, stop an attack, make an arrest, or prevent escape.<sup>45</sup> The main issue in evaluating each 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, at the time of the incident.<sup>46</sup> Factors to be considered include, but are not limited to, (a) whether the person is posing an imminent threat to the member or others; (b) the risk of harm, level of threat or resistance presented by the person; (c) the person's proximity or access to weapons; (d) whether de-escalation techniques can be employed or would be effective; and (e) the availability of other resources.<sup>47</sup>

The use of deadly force is "a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."<sup>48</sup> CPD policy specifically prohibits a member from using deadly force on a fleeing person unless the person poses an imminent threat.<sup>49</sup> A threat is imminent "when it is objectively reasonable to believe that: (1) the person's actions are immediately likely to cause death or great

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<sup>41</sup> Att. 74, pg. 31, lns. 4 to 11.

<sup>42</sup> Mr. ██████████ attorney did not respond to COPA's attempts to interview him. (Atts. 78, 86)

<sup>43</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>44</sup> General Order G03-02 II(C), De-escalation, Response To Resistance, And Uses Of Force (effective April 15, 2021 – present).

<sup>45</sup> G03-02 III(B).

<sup>46</sup> G03-02 III(B)(1).

<sup>47</sup> G03-02 III(B)(1).

<sup>48</sup> G03-02 IV(C).

<sup>49</sup> G03-02 IV(D)(1)(a).

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>50</sup>

## **2. The officers’ discharges were within CPD policy.**

COPA finds it was objectively reasonable for Officers Eisinas, Smith, and Braxton to discharge their firearms at [REDACTED] because deadly force was necessary to prevent death or great bodily harm. Factors to be considered in assessing whether the force was objectively reasonable include, but are not limited to, (a) whether the person is posing an imminent threat to the member or others; (b) the risk of harm, level of threat, or resistance presented by the person; (c) the person’s proximity or access to weapons; (d) whether de-escalation techniques can be employed or would be effective; and (e) the availability of other resources.<sup>51</sup> When determining whether the force was reasonable, courts balance the nature and quality of the intrusion on the individual’s rights against the “countervailing governmental interests at stake.”<sup>52</sup>

Here, [REDACTED] reported that [REDACTED] had threatened her and her friends with a firearm. When the officers responded to the scene, they asked [REDACTED] if he had a gun and he denied having one. When the officers then asked him to lift his jacket to show that he was not armed, [REDACTED] repeatedly refused and did not fully comply. When [REDACTED] eventually opened his jacket, Officer Smith observed the handle of a firearm. [REDACTED] jumped a fence and ran across a basketball court. When the officers attempted to cut off his escape route, [REDACTED] produced a firearm and pointed it at the officers, presenting an imminent threat of death or great bodily harm to the officers. Consequently, Officers Eisinas, Smith and Braxton discharged their weapons, striking [REDACTED] about the body. For these reasons, COPA finds Officers Eisinas, Smith and Braxton used deadly force when it was objectively reasonable to do so and where an imminent threat was present.

### **b. Officers Eisinas, Smith and Braxton failed to notify the Office of Emergency Management and Communications (OEMC) that they discharged their weapons.**

When a CPD member discharges their firearm, they are required to immediately notify OEMC of the discharge, provide all relevant information, and request additional resources.<sup>53</sup> In this case, Officer Eisinas did not report that he had discharged his weapon and Officers Smith and Braxton reported over the radio that shots were fired but failed to specify that the shots had been fired by police officers. Eventually, more than thirty-five minutes after the shooting, Beat 500X contacted OEMC to report that the incident was an officer-involved shooting. Although all three officers took great care to render first aid to [REDACTED] they had ample opportunity to report the discharge once CFD personnel arrived on the scene and took over from the officers. As a result, COPA finds that Officers Eisinas, Smith and Braxton failed to notify OEMC that they discharged

<sup>50</sup> G03-02 IV(B).

<sup>51</sup> G03-02 III(B)(1).

<sup>52</sup> *Estate of Starks v. Enyart*, 5 F.3d 230, 234 (7th Cir. 1993), quoting *Graham v. Connor*, 490 U.S. 386, 395-96 (1989).

<sup>53</sup> Att. 97, Special Order S03-04-04(IV)(G)(24) requires that the Crime Prevention and Information Center (CPIC- formerly CPD Operations Command) receive notification of “shots fired at or by police personnel...”

their weapons, a violation of General Order G03-06. Therefore, **Allegation #1** is **sustained** as a violation of Rules 2, 3, 5, and 10.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Jameson Eisinas**

#### **i. Complimentary and Disciplinary History**

Officer Eisinas has received a total of forty-one awards, including one life saving award, one crime reduction award, and thirty-two honorable mentions.<sup>54</sup> He has no sustained disciplinary history in the past five years.<sup>55</sup>

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

COPA has found that Officer Eisinas violated Rules 2, 3, 5, and 10 by failing to notify the Office of Emergency Management and Communications (OEMC) that he discharged his weapon. Officer Eisinas admitted to the alleged omission and BWC footage corroborated his statement that he tended to [REDACTED] injuries. Based on this information, COPA recommends **Violation Noted**.

### **b. Officer Gregory Smith**

#### **i. Complimentary and Disciplinary History**

Officer Smith has received a total of fifty-eight awards, including one complimentary letter, one department commendation, and fifty-two honorable mentions.<sup>56</sup> He has been reprimanded with one sustained SPAR for absence without permission on June 5, 2023.<sup>57</sup> Officer Smith has no sustained complaints history in the past five years.<sup>58</sup>

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

COPA has found that Officer Smith violated Rules 2, 3, 5, and 10 by failing to notify the Office of Emergency Management and Communications (OEMC) that he discharged his weapon. Officer Smith admitted to the alleged omission and BWC footage corroborated his statement that he tended to [REDACTED] injuries. Based on this information, COPA recommends **Violation Noted**.

### **Officer Gregory Braxton**

#### **iii. Complimentary and Disciplinary History**

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<sup>54</sup> Att. 95, Pg. 2.

<sup>55</sup> Att. 95, Pg. 1, 3.

<sup>56</sup> Att. 96, Pg. 6.

<sup>57</sup> Att. 95, Pg. 9.

<sup>58</sup> Att. 95, Pg. 7.

Officer Braxton has received a total of fifteen awards, including one complimentary letter, one Traffic Stop of the Month award, and nine honorable mentions.<sup>59</sup> He has been reprimanded with two sustained SPAR's for absence without permission on September 21, 2022, and for preventable accident on January 8, 2022.<sup>60</sup> Officer Braxton has no sustained complaints history in the past five years.<sup>61</sup>

**iv. Recommended Discipline**

COPA has found that Officer Braxton violated Rules 2, 3, 5, and 10 by failing to notify the Office of Emergency Management and Communications (OEMC) that he discharged his weapon. Officer Braxton admitted to the alleged omission and BWC footage corroborated his statement that he tended to [REDACTED] injuries. Based on this information, COPA recommends **Violation Noted.**

Approved:

[REDACTED]

8-30-2023

\_\_\_\_\_  
Angela Hearts-Glass  
Deputy Chief Investigator

\_\_\_\_\_  
Date

[REDACTED]

8-30-2023

\_\_\_\_\_  
Andrea Kersten  
Chief Administrator

\_\_\_\_\_  
Date

<sup>59</sup> Att. 95, Pg. 5.

<sup>60</sup> Att. 95, Pg. 6.

<sup>61</sup> Att. 95, Pg. 4.

Appendix ACase Details

Date/Time/Location of Incident:	April 22, 2022 / 5:57 pm / 11259 S. Langley Avenue (Langley Playlot Park)
Date/Time of COPA Notification:	April 22, 2022, 6:50 pm
Involved Officer #1:	Jameson Eisinas, Star #16897, Employee ID # [REDACTED], Date of Appointment: November 24, 2014, Unit 005, Male, White
Involved Officer #2:	Gregory Smith, Star #8823, Employee ID # [REDACTED], Date of Appointment: August 29, 2016, Unit 005, Male, Black
Involved Officer #3:	Gregory Braxton, Star #11269, Employee ID # [REDACTED], Date of Appointment: February 29, 2016, Unit 005, 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 10:** Inattention to duty.

Applicable Policies and Laws

- General Order G03-02, De-escalation, Response to Resistance, and Use Of Force (effective April 15, 2021 – June 28, 2023).
- General Order G03-06, Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective April 15, 2021 – present).
- Special Order S03-04-04, Crime Prevention and Information Center (CPIC) (effective August 10, 2020 – 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>62</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>63</sup>

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<sup>62</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>63</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