

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	June 2, 2022 /1:23 P.M./ [REDACTED]
Date/Time of COPA Notification:	June 2, 2022/ 1:50 P.M.
Involved Officer #1:	Enrique Garcia, Star #6758, Employee ID#[REDACTED] Date of Appointment:11/29/1999, Rank: PO, Unit of Assignment: 606, DOB: [REDACTED]1974, Gender: Male, Race: Hispanic.
Involved Officer #2:	John Howard, Star #15524, Employee ID#[REDACTED] Date of Appointment: 7/15/2013, Rank: PO, Unit of Assignment: 606, DOB: [REDACTED]1988, Gender: Male, Race: White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED]2002, Gender: Male, Race: Black.
Involved Individual #2:	[REDACTED] DOB: [REDACTED]2003, Gender: Female, Race: Hispanic.
Case Type:	Officer Involved Shooting (OIS)- No Hits.

I. ALLEGATIONS

COPA is notified whenever a CPD member discharges his or her firearm in a manner that could potentially strike another individual.¹ Pursuant to section 2-78-120 of the Municipal Code of Chicago, the Civilian Office of Police Accountability (COPA) has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm. During its investigation of this incident, COPA did not find evidence to support allegations of excessive force related to Officer Garcia’s firearm discharge.

I. SUMMARY OF EVIDENCE

COPA was notified of an officer involved shooting by the Crime Prevention Information Center (CPIC) on June 2, 2022, at 1:50 a.m.² COPA arrived at [REDACTED] and spoke with Deputy Chief Cline, who provided preliminary information.³ On June 2, 2022, at approximately 1:13 p.m., seven CPD officers and two U.S. Marshals assigned to the Great Lakes

¹ See MUNICIPAL CODE OF CHICAGO § 2-78-120(c) (2016).

² Attachment #12.

³ Attachment #40.

Regional Fugitive Task Force executed an arrest warrant for ██████████ for attempted murder. Surveillance of ██████████ began during the day. Officers observed ██████████ walk into a nearby cell phone store, then walk back to the residence of ██████████ which is occupied by ██████████ girlfriend, ██████████. The officers lined up outside the rear of the apartment to execute the warrant. They knocked and announced their presence, then breached the exterior rear door on the ground level.⁴ That door lead to a stairwell; the officers walked up one flight of stairs to ██████████, where they entered an unlocked door leading to an enclosed porch area. Officers Howard and Garcia entered the porch area and knocked and announced at the apartment's rear door. After receiving no response, Officer Howard breached the rear door with a ram, creating a large hole in the door.

Through the hole in the door, Officer Garcia observed ██████████ inside the apartment, standing behind a door that separates the kitchen and the living room. ██████████ had a firearm in his hand and used the door for cover. Officer Garcia observed the firearm and yelled, "gun, gun, gun," and "drop." He felt something graze his shin, believing ██████████ had fired at him. Officer Garcia then discharged his weapon, and ██████████ returned fire. ██████████ tried to escape through the window in the middle bedroom, but he reportedly observed U.S. Marshal Jeff Maccari and his K-9, Rin, in the gangway. ██████████ discharged his weapon out of the window three times, striking U.S. Marshal Maccari in his protective vest and K-9 Rin in the shoulder. ██████████ then ran out of the side door and was placed into custody without further incident. ██████████ girlfriend exited through the same door and was also detained.

Officer Garcia left the scene to drive U.S. Marshal Maccari and K-9 Rin to a nearby animal hospital. He then returned to the scene and waited in a CPD vehicle by himself. The other officers waited for a search warrant to be approved for ██████████ apartment, so they could continue searching for the weapon ██████████ left inside.

In Officer Garcia's COPA interview on June 16, 2022,⁵ he related substantially the same as the above. Officer Garcia indicated he observed ██████████ through the hole in the door holding a firearm pointed towards him and standing behind a door. Officer Garcia said, "Gun, gun, gun."⁶ ██████████ and Officer Garcia exchanged gunfire. ██████████ then ran out through the side door where CPD officers detained him. Shots fired went over the radio by Officer Howard. Also, over the radio, they heard K-9 Rin sustained a gunshot wound to his shoulder, and U.S. Marshal Maccari sustained a gunshot wound to his protective vest and a graze wound to his hand. Officer Garcia was in charge of driving K-9 Rin to get medical attention, so he left the scene to drive K-9 Rin and U.S. Marshal Maccari to a nearby animal hospital. Officer Garcia returned to the scene and waited alone in a CPD vehicle. He wrote the Tactical Response Report (TRR) and conducted the breakdown of his duty weapon at the District.

⁴ According to Officer Howard, US Marshall Senior Inspector Sandoval made the decision to breach the residence. See Att. 42, page 23, line 7. Additionally, the arrest reports for ██████████ and ██████████ (Att. 6 and 6) indicate that CPD was assisting the US Marshalls in executing an arrest warrant. Based on this information, no allegations were served upon CPD members related to the breach of the residence.

⁵ Attachment #38, 41.

⁶ Attachment #41, page 16, line 23.

In Officer Howard’s COPA interview on June 16, 2022,⁷ he related substantially the same as the above summary. After Officer Howard breached the door to the porch area, he ran to the other side of the porch door because of the gunshots that were exchanged and did not observe what occurred inside the residence.

The evidence shows [REDACTED] fired approximately five times, and Officer Garcia fired approximately eight times. The fired cartridges matched each of the firearms.⁸

The Body-Worn Camera (BWC) videos⁹ show substantially the same as the above summaries. Officer Garcia’s BWC¹⁰ has an obstructive view due to him holding a ballistic shield in his left hand and his duty weapon in his right hand.

II. ANALYSIS AND CONCLUSION

Department members involved in a use of force incident will make an independent assessment and decision to use force based on the totality of the circumstances and whether such force is objectively reasonable, necessary, and proportional. Department members will be individually responsible for articulating the specific details that justify their use of force.¹¹

COPA finds Officer Garcia’s use of force to be under Department policy. [REDACTED] pointed a firearm at Officer Garcia, making him an assailant armed with a deadly weapon. [REDACTED] posed an imminent threat to the safety of Officer Garcia and others on scene and use of deadly force was necessary to prevent death or great bodily harm. In this case, Officer Garcia’s use of force was reasonable, necessary, and proportional. Thus, the use of force was within policy.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief of Investigations

February 23, 2023

Date

[REDACTED]

Andrea Kersten
Chief Administrator

February 23, 2023

Date

⁷ Attachment #39, 42.

⁸ Attachment #'s 13, 14,16, 17,22, 23.

⁹ Attachments #25-30.

¹⁰ Attachment #28.

¹¹ G03-02: De-Escalation, Response to Resistance, and Use of Force, D. Assessing Uses of force, #2.