

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	August 24, 2014
Time of Incident:	7:11 PM
Location of Incident:	2842 W. Polk Street
Date of IPRA Notification:	August 24, 2014
Time of IPRA Notification:	8:44 PM

On August 24, 2014 IPRA initiated an investigation into the Officer Involved Shooting (“OIS”) of [REDACTED] under Log # 1071166. On October 20, 2015, IPRA closed the matter concluding the OIS was within policy. COPA reopened Log # 1071166 on August 3, 2017.<sup>2</sup> Upon further review of Log #1071166, COPA determined it was necessary to investigate the truthfulness of Officer Saharat Sampim’s statements relating to the OIS, resulting in the above captioned Log #1088307. The investigation concludes that Officer Sampim willfully provided false statements regarding observing [REDACTED] pointing a handgun at Officer Robert Slechter (“Officer Slechter”).

**II. INVOLVED PARTIES**

Involved Officer #1:	SAMPIM, Saharat; star #19641; employee ID# [REDACTED] Unit of Assignment: 017; Date of Appointment: July 27, 1998; Chicago Police Officer; Date of Birth: [REDACTED] 1971; Asian/Pacific Islander; Male
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**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Saharat Sampim	1. It is alleged that on August 25, 2014, Officer Sampim willfully made a material false statement to the Independent Police Review Authority when he stated the following:	<b>Sustained</b>

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> The Independent Police Review Authority (IPRA) began its investigation on August 24, 2015 and concluded the shooting as within policy on October 20, 2015. Based, in part on a request by [REDACTED] family, IPRA reopened the log on August 3, 2017 to conduct additional investigation into the incident.

	<p>“As, as, as, I’m running I see Officer Slechter in the middle of the yard yelling drop the gun, drop the gun, drop the gun. Police, police. And then I look and I see uh, a male black in a dark shirt with his arm extending with a silver pistol.” In violation of Chicago Police Rule 14 (Att. 25, Page 25, Lines 11-15).<sup>3</sup></p> <p>2. It is alleged that On August 3, 2015, Officer Sampim in Defendant Officer Sampim's Answer to Plaintiff's First Set of Interrogatories to Defendants in the civil case 1:15-CV-██████████ <i>Estate of ██████████ v. City of Chicago et. al.</i>, willfully made a material false statement when responding to Interrogatory 6 as follows:</p> <p>“ANSWER: Officer Sampim objects to this interrogatory as calling for a legal conclusion and a narrative response better suited for a deposition. Subject to and without waiving these objections, Officer Sampim states that he pursued ██████████ because he had a gun and was fleeing from the police. Officer Sampim did not have any physical contact with the decedent and only pointed a gun at him when he observed ██████████ in the backyard area with a gun in his hand, pointing it at Officer Slechter.” (Att. 125, Page 4)</p> <p>3. It is alleged that On January 13, 2016, Officer Sampim at a deposition under oath in the civil case 1:15-CV ██████████ <i>Estate of ██████████ v. City of Chicago et. al.</i>, willfully made a material false statement when he stated the following:</p> <p>“I kept on looking until I saw ██████████ with his handgun in his right hand, pointing it to Officer Slechter.” (Att. 105, Page 140, Lines 18-20)</p> <p>4. It is alleged that On January 13, 2016, Officer Sampim at deposition under oath in the civil case 1:15-CV ██████████ <i>Estate of ██████████ v. City of Chicago</i>, willfully made a material false statement when he provided the following testimony:</p>	<p><b>Sustained</b></p> <p><b>Sustained</b></p> <p><b>Sustained</b></p>
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<sup>3</sup> Attachment numbers in the allegations refer to attachments to Log 1071166, not the above captioned log number.

Q. How long did you speak to these four to five individuals in front of you before your position changed? Where did you go?

A. After Officer Staunton came and started patting them down, or whatever he was doing, I was still watching. Then I heard yelling coming out from the backyard over there, behind 2942, so then I backwards -- I went backwards, then I went eastbound to get a better look at the back.

Q. Could you make out any of the words when you heard yelling?

A. I heard "gun."

Q. Could you make out any of the voices who yelled "gun"?

A. Officer Slechter  
(Page 133, Lines 7-24)

[ . . . ]

Q. Okay. Did you see anything obstructing your view of Mr. [REDACTED] on the porch?

A. No. I could see a rear diagonal of his body. He was facing northbound, facing Officer Slechter.

Q. At this point when you saw this, are you still between the sidewalk and -- or are you still in the parkway south of the sidewalk?

Ms. Hutchinson: Objection, form. You can answer.

Ms. Griff: Join.

A. The Witness: I am -- Yes. I'm still in the same spot. I'm -- once I move and I have the vantage point, I stop, and that's how I'm looking. So I'm still there.

By Ms. Hoft:

Q. How long did you stand there and look?

A. Seconds.

Q. And then what did you do?

A. I kept on looking until I saw [REDACTED] with his handgun in his right hand, pointing it to Officer Slechter.

[Att. 105, Page 139, Lines 23-24, Page 140, Lines 1- 20]

#### IV. APPLICABLE RULES AND LAWS

##### Rules

1. **Rule 14** Prohibits “Making a false report, written or oral.”

#### V. INVESTIGATION<sup>4</sup>

##### a. Interviews

##### Officer Saharat Sampim

Officer Sampim gave a statement to Chicago Police Detectives on August 24, 2014.<sup>5</sup> Officer Sampim also gave a statement to IPRA on August 25, 2014.<sup>6</sup> Officer Sampim answered written interrogatories on August 3, 2015<sup>7</sup> and testified in a deposition on January 13, 2016.<sup>8</sup>

In both his deposition and prior statement to IPRA, Officer Sampim stated that, on August 24, 2014 he was assigned to the gang enforcement unit working in plain clothes in an unmarked squad car with his partner Officer Patrick Staunton. Officer Sampim related that he and Officer Staunton were driving to the 11<sup>th</sup> District when Officer Staunton received a call from Officer Joshua Zapata telling him that there were two people with guns on the 2800 block of Polk Street. The tip described two black males, one wearing a white t-shirt and white hat and possessing a Tec-9 and the other wearing a dark blue t-shirt possessing a handgun. The tip further related that the person with the Tec-9 left the block in a tan Grand Am.

Once Officer Sampim arrived back on Polk Street, he noticed a group of about ten to twelve males standing in front a vacant lot right next door to 2842 W. Polk Street. Officer Sampim got out of his car with his gun at his side. As he walked toward the group, he saw [REDACTED] run away from Officer Zapata through a gangway to the west of 2842 W. Polk Street. Officer Sampim stated that he saw Officers Zapata and Andrew Neberieza chase after [REDACTED] through the gangway. He

<sup>4</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>5</sup> Att. 19

<sup>6</sup> Att. 3

<sup>7</sup> Att. 4

<sup>8</sup> Att. 5

also witnessed Officer Slechter and Officer Patrick Bowery pursue [REDACTED] through the empty lot to the east of 2842 W. Polk Street.

In the interview with IPRA on August 25, 2014, and in his statement to detectives as memorialized in the Detective Supplementary Report, Officer Sampim related that he heard Officer Slechter say “drop the gun, drop the gun, drop the gun.”<sup>9</sup> In response, Officer Sampim stated he ran to the center of the empty lot where a pickup truck was parked. He had a “center, like diagonal shot of the back of the patio.”<sup>10</sup> Further Officer Sampim stated he saw [REDACTED] point a silver handgun at Officer Slechter, then saw Officer Slechter shoot three times.

At his deposition on January 13, 2016, Officer Sampim stated that, prior to testifying, he reviewed the POD video. In contrast to his statement to the responding detectives on August 24, 2014 and to IPRA on August 25, 2014, Officer Sampim stated he was standing on the sidewalk of Polk Street and from that vantage point he had a diagonal view of the backyard of 2842 W. Polk Street. Officer Sampim stated that, after he heard yelling coming from the backyard, he took three to four steps back toward the street and a couple steps eastbound to get a “good view” of the patio and the yard.<sup>11</sup> Officer Sampim stated he saw [REDACTED] arm, part of his profile and his back. Officer Sampim related that he saw [REDACTED] with a handgun in his right hand pointing it at Officer Slechter. Officer Sampim stated that he heard shots ring out from the back of 2842 W. Polk Street. Officer Sampim then ran to the middle of the vacant lot near a fence overlooking the backyard of 2842 W. Polk Street, where two dogs were located, but when he arrived at the fence, he could not see [REDACTED] at all and assumed he was hiding. Officer Sampim stated he saw Officer Slechter still in the ready position repeatedly saying, “drop the gun, drop the gun.”<sup>12</sup>

Officer Sampim stated that he yelled, “drop the gun,”<sup>13</sup> and asked Officer Slechter where [REDACTED] was located. Officer Sampim stated that from the vacant lot he saw Sergeant Nicola Zodo enter the back yard, run to the porch, state “drop the gun, drop the gun,”<sup>14</sup> then kick something and attempt to handcuff [REDACTED].<sup>15</sup>

Officer Sampim was interviewed by COPA on May 16, 2018 to respond to Rule 14 allegations.<sup>16</sup> The following is a summarization of the May 16, 2018 interview.

During the interview, COPA investigators played the POD footage from 2900 W. Polk Street. Officer Sampim was asked to identify when he first heard the shots. Officer Sampim stated the shots appeared to have occurred at the 10:27<sup>17</sup> mark of the video.<sup>18,19</sup>

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<sup>9</sup> Att. 3 Page 21 Lines 26-27

<sup>10</sup> Att. 3 Page 24 Line 28-30 and Att. 82 Page 9

<sup>11</sup> Att. 5 Page 134 Lines 12-24 through Page 135 Lines 1-11

<sup>12</sup> Att. 5 Page 149 Lines 15-18

<sup>13</sup> Att. 5 Page 149 Lines 17-18

<sup>14</sup> Att. 5 Page 163 Line 12

<sup>15</sup> Att. 3 & 5.

<sup>16</sup> Att. 7-9, 33

<sup>17</sup> The corresponding time on the original video is 7:10:27 pm. See attachment 21.

<sup>18</sup> Att. 7 at 5:50

<sup>19</sup> As seen in Photo 3 below, Officer Sampim was standing in the parkway at the time he identified the shots were fired.

COPA investigators asked Officer Sampim if he stood by his statement made to IPRA on August 25, 2014, that, “As, as, as, I’m running I see Officer Slechter in the middle of the yard yelling drop the gun, drop the gun, drop the gun. Police, police. And then I look and I see uh, a male black in a dark shirt with his arm extending with a silver pistol.”<sup>20</sup> Officer Sampim stated, “After seeing the video I see that’s like maybe my timings a bit off, where I’m running when the shots are happening instead of running before the shots happens.”<sup>21</sup> After a brief break with his attorney, Officer Sampim clarified that the portion of the IPRA statement he was confronted with was based on his best recollection at that time. However, after reviewing the video “years later,”<sup>22</sup> Officer Sampim clarified that, “The shots came out and then I started running.”<sup>23</sup>

Additionally, in the interview with COPA, Officer Sampim was asked if he stood on his statement in the signed and sworn interrogatory number 6, dated August 3, 2015, in relevant part, “Officer Sampim states that he pursued [REDACTED] because he had a gun and was fleeing from the police. Officer Sampim did not have any physical contact with the decedent and only pointed a gun at him when he observed [REDACTED] in the backyard area with a gun in his hand, pointing it at Officer Slechter.”<sup>10</sup> Officer Sampim related that although he answered the question as best he could, he did not fully understand the question and that he was confused whether the question was pertaining to him individually or to the unit as a whole. Officer Sampim stated that the team went to the area for a call of a man with a gun, and he did not have any physical contact with [REDACTED] except when he pointed his gun at [REDACTED].<sup>24</sup>

Finally, in the interview with COPA, Officer Sampim was asked if he stood by the statements he made on January 13, 2016, at a deposition under oath in the civil case 1:15-CV-[REDACTED] *Estate of [REDACTED] v. City of Chicago et. al.* as set forth in Allegation #4. Officer Sampim responded that he stood by the statements he made during his January 13, 2016, deposition further articulating that he reviewed the POD video prior to giving his deposition testimony.

### **Officer Robert Slechter**

Officer Slechter gave a statement to Chicago Police Detectives on August 24, 2014.<sup>25</sup> Officer Slechter also gave a statement to IPRA on August 26, 2014<sup>26</sup> and testified in a deposition on October 20, 2015.<sup>27</sup> Each statement was substantially similar with respect to the facts.

Officer Slechter stated that when he got out of the car, he drew his gun and immediately spotted a man wearing a white hat and white t-shirt. Officer Slechter approached him for a

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<sup>20</sup> Att. 3 Pg. 25 Lines 11-15

<sup>21</sup> Att. 7 at 8:30-8:37

<sup>22</sup> Att. 7 at 9:26

<sup>23</sup> Att. 7 at 9:30-9:32

<sup>24</sup> Att. 33 pg. 14 Lines 17-19

<sup>25</sup> Att. 19

<sup>26</sup> Att. 10

<sup>27</sup> Att. 23

protective pat down, yelled words to the effect of “police, let me see your hands.”<sup>28</sup> Officer Slechter stated he saw Officer Zapata tell another man, now known as ██████ to “come here.”<sup>29</sup> Officer Slechter stated ██████ ran away from Officer Zapata northbound through a gangway on the west side of 2842 W. Polk. Officer Slechter stated he immediately ran through the empty lot to the east of 2842 W. Polk to the back alley. Officer Slechter entered the backyard of 2842 W. Polk Street from the alley through an opening in the fence. Officer Slechter stated when he arrived in the backyard he could see ██████ run upstairs from the gangway and clearly saw a silver handgun in ██████ right hand. Officer Slechter stated he told ██████ “Police, drop the gun.”<sup>30</sup> Officer Slechter stated ██████ looked right in his direction, said nothing, and then ran up the back-porch stairs.

Officer Slechter stated that, as he started to walk toward the entrance of the porch, he told ██████ to, “Drop the fucking gun, drop the fucking gun, please drop the fucking gun.”<sup>31</sup> Officer Slechter stopped about ten to fifteen feet away from the porch. Officer Slechter stated ██████ went up the stairs to the porch, turned left, and went behind the staircase that went up to the second-floor landing.<sup>32</sup> Officer Slechter stated ██████ was crouched over, and it appeared as though he was hiding. ██████ then raised the gun and pointed it in his direction. Officer Slechter responded by discharging his firearm three times in succession.<sup>33</sup>

Officer Slechter stated he was not sure if he shot ██████ so he approached the entrance of the back porch where ██████ was last seen. Officer Slechter observed ██████ had fallen behind the stairwell that went up to the second floor.

### **Officer Patrick Bowery**

Officer Bowery gave a statement to Chicago Police Detectives on August 24, 2014.<sup>34</sup> Officer Bowery also gave a statement to IPRA on August 25, 2014<sup>35</sup> and testified in a deposition on October 16, 2015.<sup>36</sup> Each statement was substantially similar with respect to the facts. The following is a summarization of those statements.

Officer Bowery stated that, on August 24, 2014, he was working on the tactical team in the 11<sup>th</sup> District. As he was just starting his shift at 7:00pm, Officers Slechter and Neberieza asked him to assist with a man with a gun call near 2842 W. Polk Street.

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<sup>28</sup> Att. 23 pg. 63 line 22-23

<sup>29</sup> Att. 23 Pg 64 line 14

<sup>30</sup> Att. 23 pg 87 line 14

<sup>31</sup> Att. 23 pg 92 line 4-6

<sup>32</sup> Att. 23 pg 90 line 6-13

<sup>33</sup> Att. 23 Pg 93-97

<sup>34</sup> Att. 19

<sup>35</sup> Att. 13, 14

<sup>36</sup> Att. 15

Officer Bowery stated, when he arrived at 2842 W. Polk Street, he exited the car and started giving verbal directions to “[s]how us your hands; put your hands up.”<sup>37</sup> As he approached a man in a white shirt, he saw [REDACTED] take off running northbound.

Officer Bowery stated that he followed Officer Slechter as he ran after [REDACTED] through the vacant lot. Officer Bowery stated that, from the alley he saw [REDACTED] come up through the gangway. He stated that, at the northwest corner, there was an opening in the fence to get into the backyard of the residence. Officer Slechter went through the opening to get into the backyard. Officer Bowery stated he saw [REDACTED] with a silver gun at his right side and [REDACTED] went up to the first-level landing of the back porch. Officer Bowery explained, “When [REDACTED] was going up the steps he did have his back to us going up the steps. Then he made a left-hand turn, than there was, like, a staircase up the middle, so he went passed that, and he turned and faced northbound into the lot.”<sup>38</sup> Officer Bowery stated he and Officer Slechter yelled out, “drop the gun, drop the gun, drop the gun”<sup>39</sup> multiple times. [REDACTED] did not comply and said nothing. Officer Bowery stated he saw [REDACTED] point the silver handgun in the direction of Officer Slechter.<sup>40</sup> Officer Slechter then fired three successive shots at [REDACTED] causing [REDACTED] to drop backwards. Officer Bowery stated [REDACTED] body fell in the middle of the porch behind the staircase.<sup>41</sup>

**b. Digital Evidence**

**Office of Emergency Management & Communications (“OEMC”) POD Video Camera<sup>42</sup>**

OEMC POD #5004 is located at 2900 W. Polk Street. It is stationed on the southwest corner of the street and faces northeast. It shows the front porch of 2842 W. Polk Street and the front part of the empty lot east of 2842 W. Polk Street.

From 7:09:56 pm to 7:09:59 pm, Officer Zapata pats down an individual wearing a dark shirt and places him on a parked truck. Officer Zapata then points his gun toward [REDACTED]. Officers Neberieza and Bowery walk to the group of men in the empty lot with their guns in the low ready position.<sup>43</sup>

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<sup>37</sup> Att.15 Pg. 97 lines 19-20

<sup>38</sup> Att. 15 Pg 118 lines 17-21

<sup>39</sup> Att. 15 Pg 112 lines 19-24; Pg 113 lines 1-14

<sup>40</sup> Att. 15 Pg 121 lines 15-16

<sup>41</sup> Att. 15 Pg 129 lines 18-23

<sup>42</sup> Att. 21

<sup>43</sup> Low ready position is commonly referred to as having the firearm out in a firing position with the muzzle pointed forward down toward the ground.



Photo 1: At 7:09:55 pm Officer Sampim, identified in the following pictures with the yellow arrow, exits the vehicle from the rear passenger door.



Photo 2: At 7:10:05 pm Officer Sampim positions himself in the parkway between the sidewalk and the street.



Photo 3: At 7:10:27 pm, the moment Officer Sampim identified the shots rang out, the individuals in front of the empty lot move and appear to react. Officer Sampim is standing in the parkway.



Photo 4: At 7:10:29 pm, Officer Sampim runs into the empty lot, then out of sight from the POD video camera.

**Crime Scene Photos** were taken and processed by CPD on the date of the shooting. COPA took additional photos while investigating this case.<sup>44</sup> Below are select photos.<sup>45</sup>



Photo 5: This picture by COPA was taken from the southeast end of the vacant lot facing northwest toward the back yard and porch area of 2842 W. Polk. The picture was taken from where

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<sup>44</sup> Between the date of the incident, August 24, 2014, and when COPA took additional photos, the porch located at 2842 W. Polk Street was replaced and a fence was built in front of the vacant lot. However, the easternmost edge of both porches line up with the easternmost edge of the building located at 2842 W. Polk Street, and the new porch is substantially similar to the old porch. *Compare* Att. 16, Photo 88 of 110 *with* Att. 27, Photo 39 of 90.

<sup>45</sup> Att. 16, 90

the property line meets the sidewalk, several feet closer to the back porch than where Officer Sampim was located<sup>46</sup>.



Photo 6: This picture by COPA was taken from the 1<sup>st</sup> floor landing in front of the stairs on the back porch of 2842 W. Polk. The picture depicts the eastern half of the porch. For reference, the red circle identifies a mark on the wall that can be observed in scene pictures taken the night of the incident.

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<sup>46</sup> A fence was constructed on the property line prior to COPA reopening and reinvestigating this case. Therefore, in an effort obtain photos that represented Officer Sampim's view, COPA took photos at the fence line on the approximate angle Officer Sampim was located.



Photo 7: This picture by COPA was taken from center of the backyard at 2842 W. Polk. The picture faces southeast and shows the eastern half of the porch and empty lot.



Photo 8: This picture taken by COPA depicts bullet strikes and forensic services section identification stickers still affixed to the porch wall of 2842 W. Polk found behind the armoire.



Photo 9: This picture by CPD taken August 24, 2014, depicts the back yard and porch area of 2842 W. Polk. The picture was taken facing south and shows the porch extends the entire length of the home and depicts gangway entrance. The yellow evidence tents, identified by grey circles, mark where the expended cartridges were located.

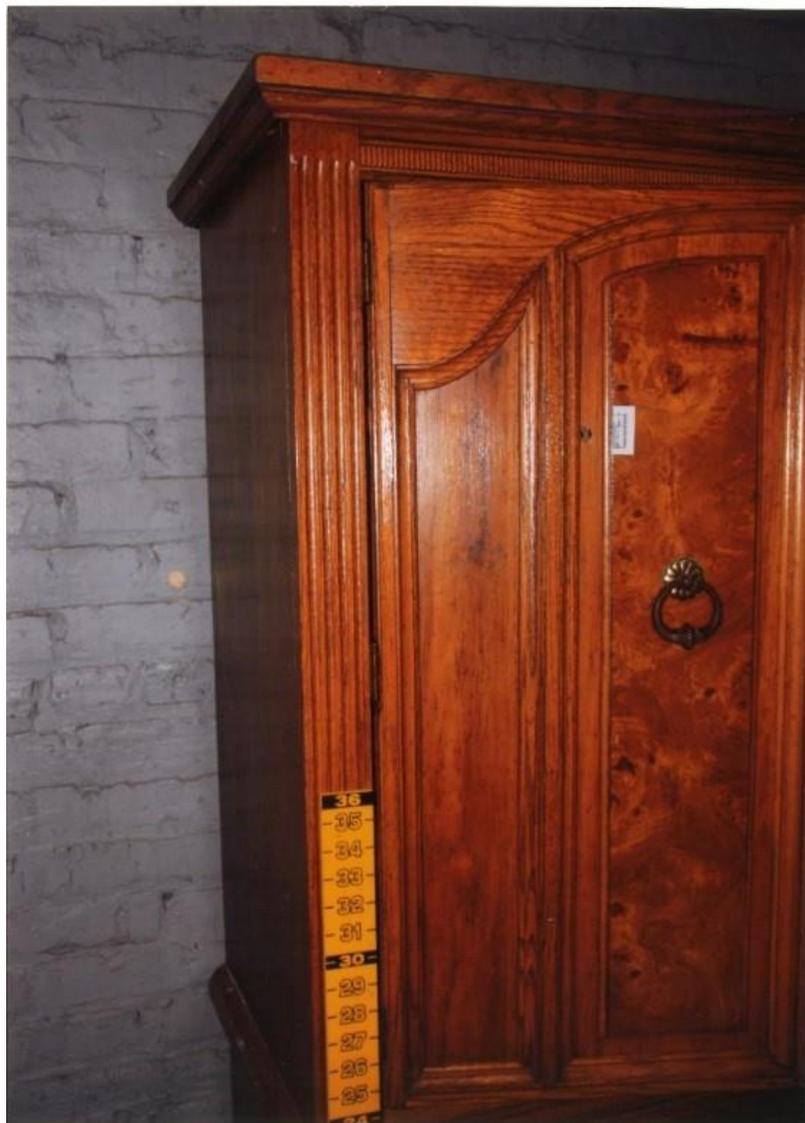


Photo 10: This picture taken August 24, 2014, by CPD depict the armoire on the porch area of 2842 W. Polk. The picture shows the forensic evidence sticker on the armoire.

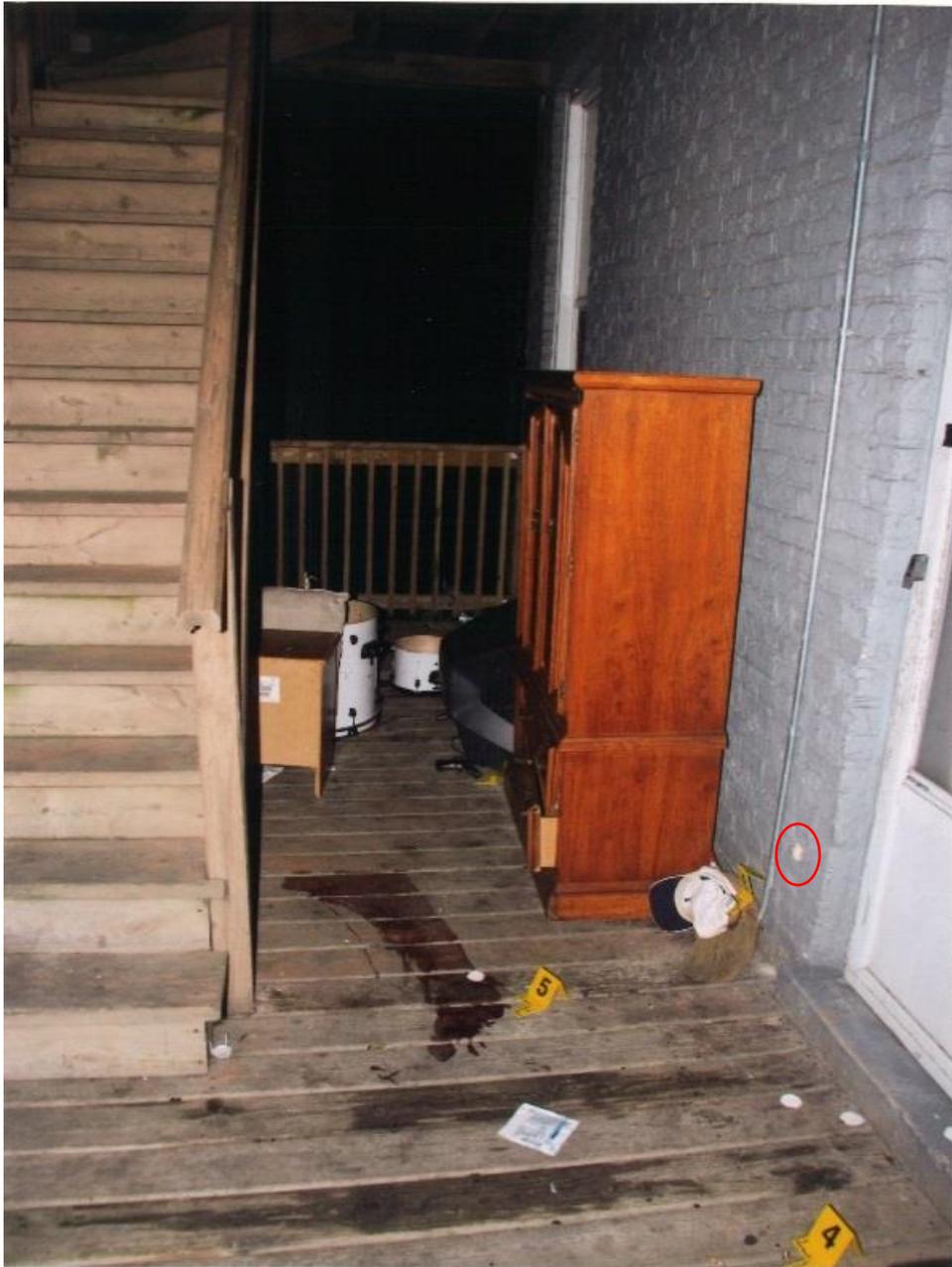


Photo 11: This picture by CPD taken on August 24, 2014 depicts the east side of the porch including the armoire, blood stains, hat, and handgun recovered from the porch area of 2842 W. Polk. For reference, the red circle identifies a mark on the wall that is identifiable in the other pictures taken by COPA.

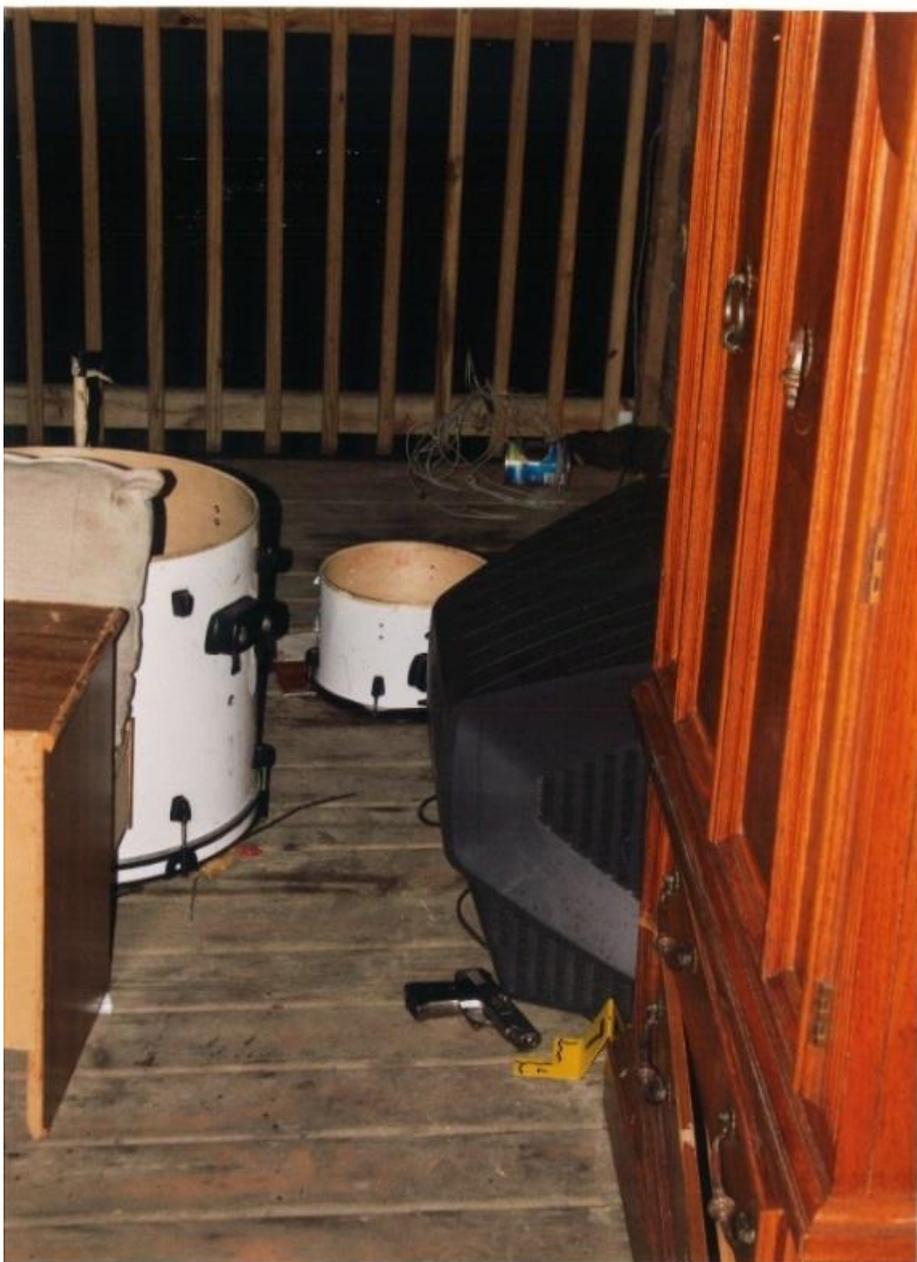


Photo 12: This picture taken by CPD on August 24, 2014, depicts the eastern portion of on the porch area of 2842 W. Polk. The picture shows the objects on the porch and a close up of the gun.

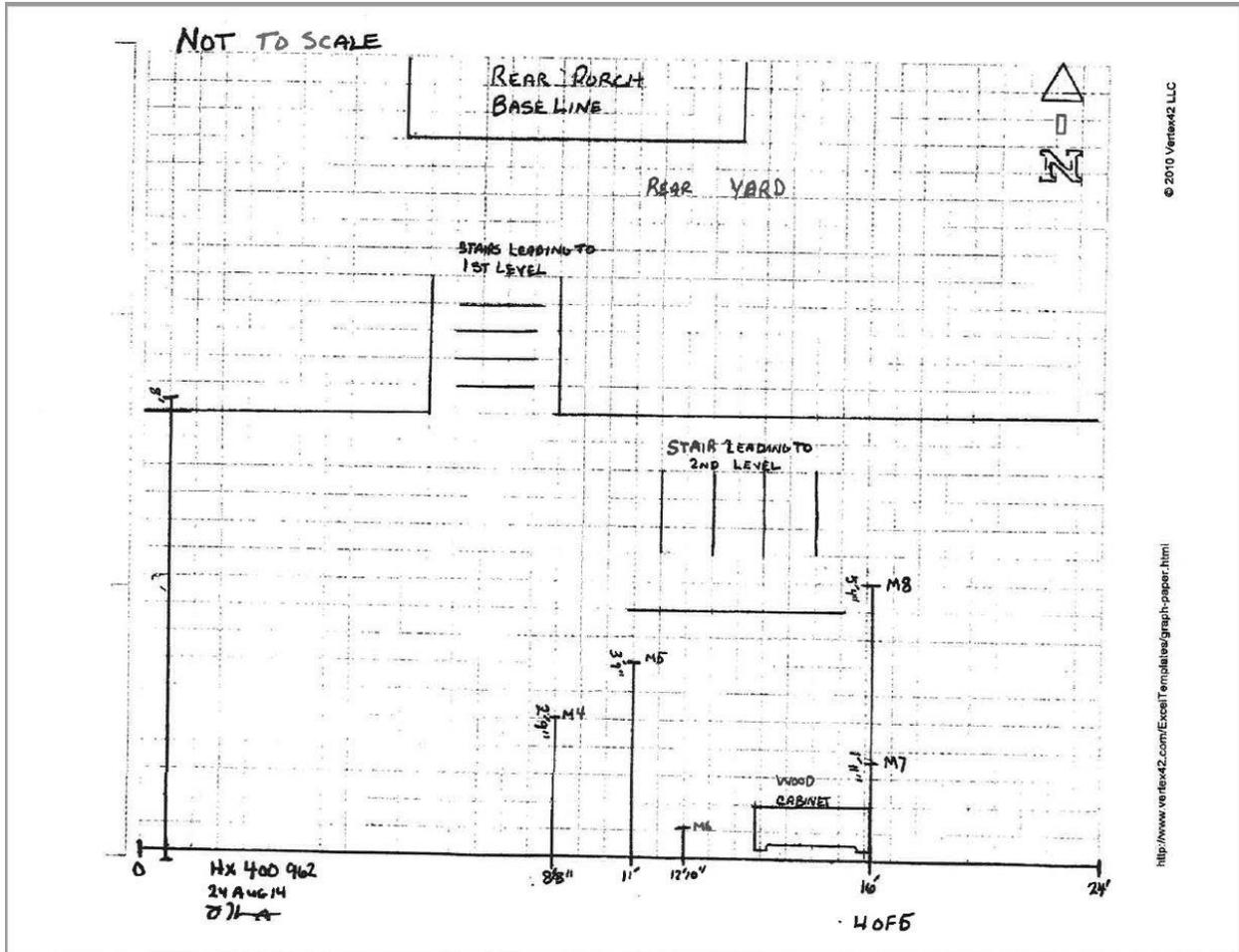


Photo 13: This diagram was created by CPD and shows the dimensions, locations of evidence, and measurements as recovered from the scene.<sup>47</sup>

<sup>47</sup> Att. 28



Photo 14: The above picture, taken on the night of the shooting, illustrates [REDACTED] and Officer Sampim's approximate location when Officer Slechter fired his weapon. The orange oval illustrates [REDACTED] position based on several factors, including witness statements and the physical evidence. The green box approximates the south eastern corner of the empty lot, approximately where Officer Sampim can be seen in the POD footage at the time of the weapon discharge.

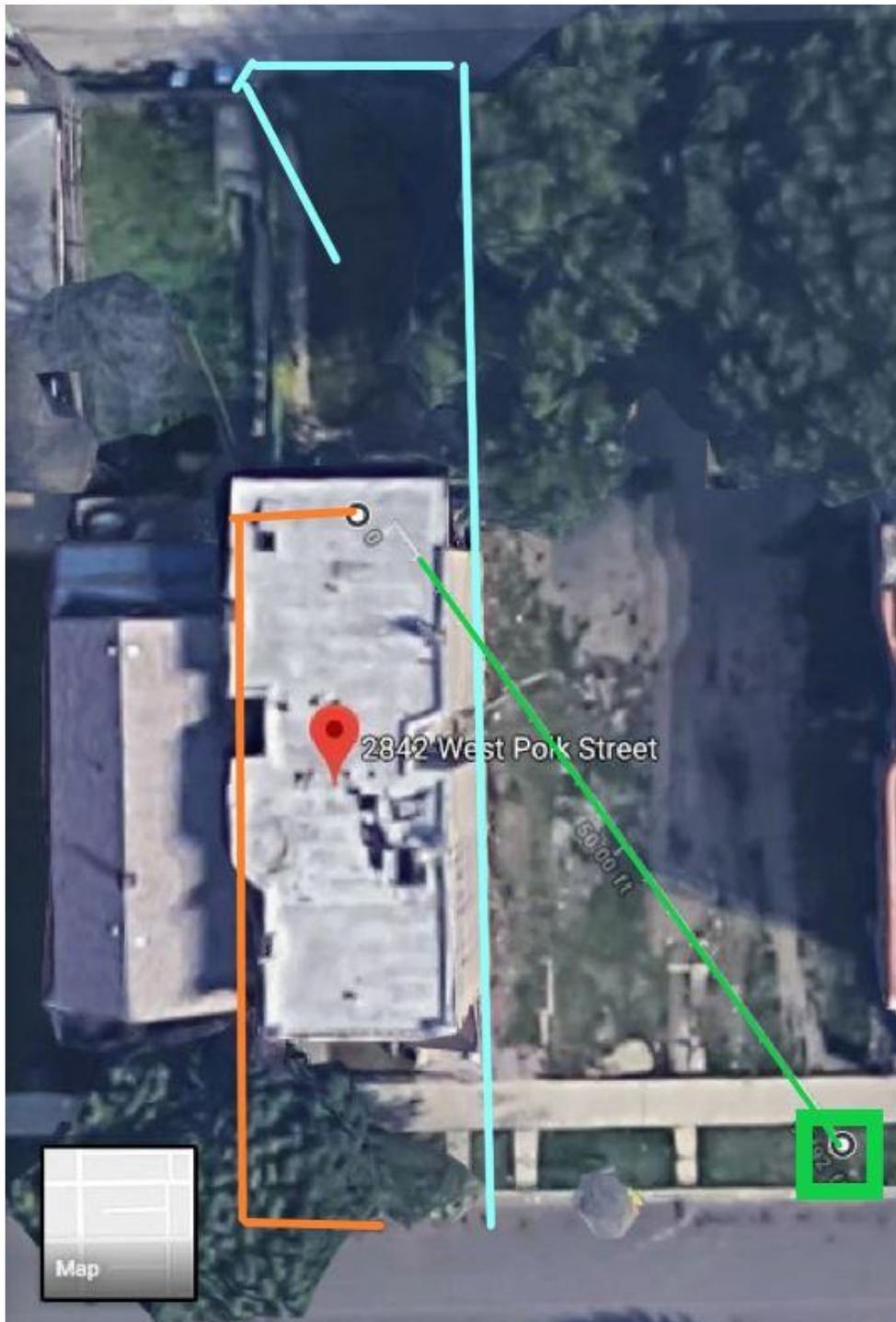


Photo 15: The orange line illustrates [REDACTED] path from the front yard of 2842 Polk, to just east of the center portion of the back porch. The blue path illustrates Officer Slechter’s path of travel prior to discharging his weapon. The green box indicates Officer Sampim’s location at the time of the shooting. The green line represents his viewing angle of the back porch from his location on the parkway when the shooting occurred.

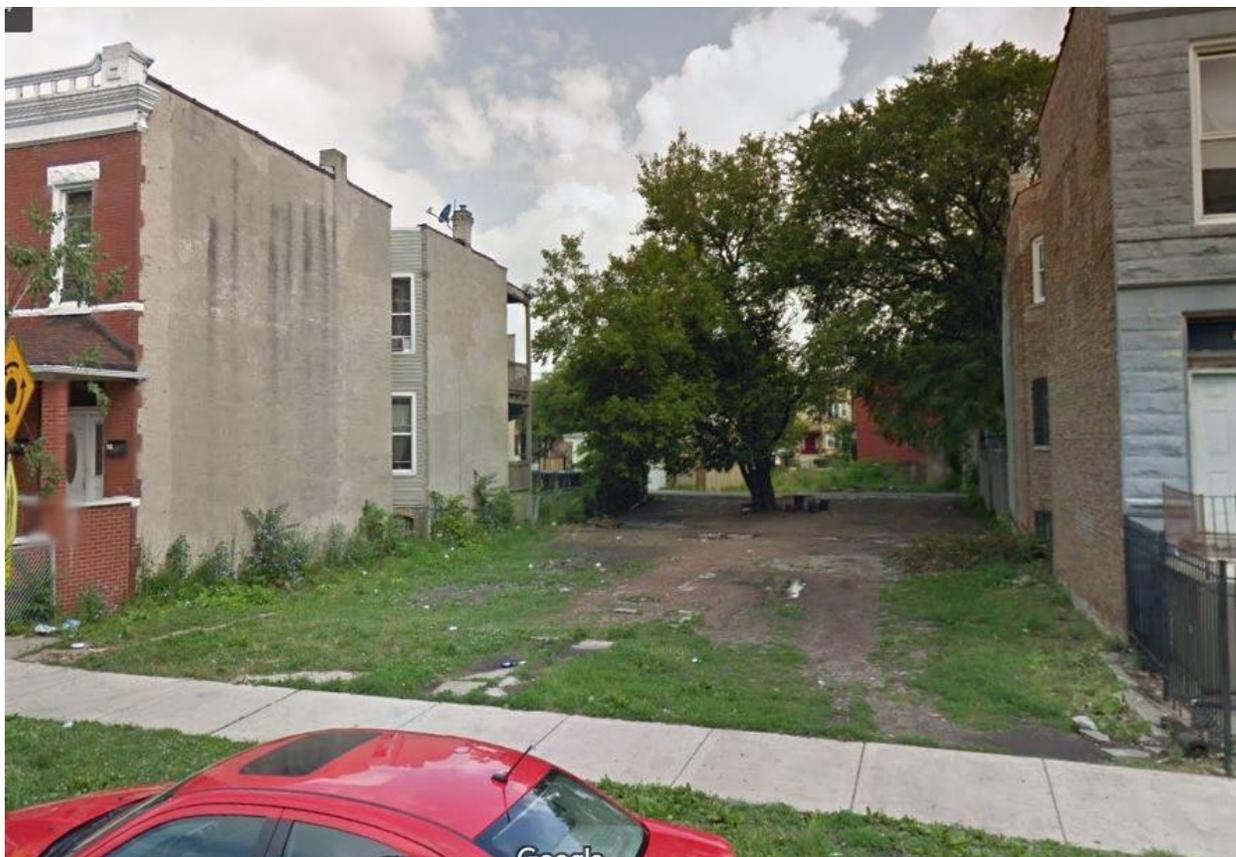


Photo 16: This picture from Google street view reflects the approximate location of Officer Sampim and his perspective at the time Officer Slechter discharged his weapon.

**c. Documentary Evidence**

A **Detective Supplementary Report** detailed Detective Swiderek's interview with Officer Sampim on August 24, 2015, at the crime scene. The report details that Officer Sampim related he approached the area of 2842 W. Polk Street, and he observed 10-12 black males standing in front of the vacant lot just east of 2842 W. Polk Street. Officer Sampim further related a black male wearing a blue shirt walked westbound away from the group of black males. The black male (NKA: ██████████) was holding his waistband with his right hand. Officer Sampim related the other officers told ██████████ to "come here," and ██████████ fled northbound in the gangway west of 2842 W. Polk Street. Officer Sampim related he ran westbound through the vacant lot. Officer Sampim related that there was a Ford pick-up truck parked in the vacant lot. He was just north of the parked truck when he observed Officer Slechter in the rear yard of 2842 W. Polk Street. Officer Sampim related Officer Slechter was yelling, "Police, drop the gun!" Officer Sampim related, from inside the vacant lot, he saw ██████████ on the first-level rear porch pointing a silver handgun at Officer Slechter. Officer Sampim related Officer Slechter fired what he thought was three shots at ██████████ who fell to the porch floor.<sup>48</sup>

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<sup>48</sup> Att. 19

**Crime Scene Processing Report** details the crime scene photos taken and location of evidence recovered.<sup>49</sup>

**d. Other Evidence**

Multiple **Expert Reports** were commissioned by both the plaintiff and defense with respect to forensic firearm, ballistic, shooting reconstruction, and forensic pathology. While conclusions differ with respect to whether [REDACTED] was standing or crouching at the time of the shooting, all experts place [REDACTED] on the first level of the porch near the staircase leading to the second level of the porch.<sup>50</sup>

**VI. ANALYSIS**

**a. Legal Standard**

**1. Rule 14**

Department rules prohibit making a false report, whether written or oral.<sup>51</sup> To sustain a Rule 14 violation against a police officer, a preponderance of the evidence must demonstrate “the Officer willfully made a false statement; and (2) the false statement was made about a fact that was material to the incident under investigation.”<sup>52</sup>

**2. Preponderance of the Evidence**

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 the conduct occurred and violated Department policy. *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 has been found to be more probably true than not). If the evidence gathered in an

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<sup>49</sup> Att. 24

<sup>50</sup> Att. 29-32

<sup>51</sup> See Chicago Police Department Rule 14.

<sup>52</sup> Agreement Between Fraternal Order of Police Chicago Lodge No. 7 and the City of Chicago, Section 6.1(M).

investigation establishes that it is more likely that the misconduct occurred, 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. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

#### **b. Findings of Material Fact**

COPA makes the following findings of material fact:

1. At the time Officer Slechter discharged his firearm, Officer Sampim was standing in the grassy parkway area in front of the empty lot

COPA determined Officer Sampim's position at the time of the shooting based on the available video evidence and Officer Sampim's statement to COPA.

The POD footage depicts that at approximately 7:10:26 pm, the officers and individuals in front of the empty lot directly east of 2842 W. Polk Street drop to the ground in a manner consistent with hearing gunfire. At this precise time, Officer Sampim is standing in the grassy parkway area just beyond the sidewalk. At approximately 7:10:29 pm, just three (3) seconds after POD video depicts individuals crouching to the ground, Officer Sampim begins to run into the vacant lot. Officer Sampim confirmed in his statement to COPA on May 16, 2018, that he was standing in the grassy parkway area, in front of the empty lot just beyond the sidewalk when the shots were fired.<sup>53</sup> Therefore, the evidence demonstrates that Officer Sampim was standing in the grassy parkway in front of the empty lot (See Photo 3 above).

2. ██████████ was on the first level of the porch near the stair case leading to the second level<sup>54</sup> immediately prior Officer Slechter discharging his firearm at ██████████

The evidence demonstrates ██████████ was on the first level of the porch near the stair case leading to the second level immediately prior to Officer Slechter discharging his firearm at ██████████<sup>55</sup>

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<sup>53</sup> Officer Sampim initially told detectives and IPRA investigators that he was in the middle of the vacant lot when the shots were fired. However, Officer Sampim admitted he was not in that location during his deposition for the civil lawsuit. Officer Sampim stated, during his deposition, that he had not reviewed the POD video prior to providing his initial statements.

<sup>54</sup> COPA is referring to the area of the first level of the porch *behind* the staircase leading to second level of the porch and not the stair case to the second floor itself. The orange circle in Photo 14 reflects ██████████ approximate location at the time Officer Slechter discharged his firearm.

<sup>55</sup> ██████████ approximate location is identified by the orange circle in Photo 14 above.

First, the crime scene photo depicts a large amount of blood on the first level of the porch near the stair case leading to the second level of the porch slightly west of the wood cabinet. (See Photo 11 above). The blood stain is marked on the evidence plat as marker 5, approximately thirteen feet from the easternmost edge of the porch (See Photo 13 above).<sup>56</sup> There is not any significant amount of blood visible anywhere else on the porch.<sup>57</sup> Additionally, ██████████ hat was also found in this area. The location of the blood stain is consistent with ██████████ being located on the first level of the porch near the staircase leading to the second level of the porch.

Second, the crime scene photos and crime processing report demonstrate two bullets were recovered on the first level of the porch near the stair case leading to the second floor of the porch (See Photo 13 above). Additionally, a bullet hole and bullet ricochet strikes were found in this area (See Photo 6, 8, 10, & 11 above). The easternmost fired bullet is approximately 8 feet from easternmost edge of the porch, and the westernmost fired bullet is approximately 15 feet and four inches from the easternmost edge of the porch. The location of the bullet holes and bullet ricochet strikes are consistent with ██████████ being located on the first level of the porch near staircase leading to the second level of the porch.

Third, the crime scene photos also depict numerous items obstructing the eastern edge of the first level of the porch which would have made it difficult for ██████████ to stand or crouch in that area (See Photo 12 above).

Fourth, Officers Bowery and Slechter, the other two officers who reported observing ██████████ pointing a firearm, both stated ██████████ was on the first level of the porch near the stair case leading to the second floor of the porch immediately prior to Officer Slechter discharging his firearm.

For these reasons, the evidence demonstrates ██████████ was located on the first level of the porch near the staircase leading to the second level of the porch when Officer Slechter discharged his firearm.

3. Officer Sampim could not have observed ██████████ body or ██████████ pointing a firearm at Officer Slechter from his position on the grassy parkway

The evidence demonstrates that Officer Sampim did not observe ██████████ while ██████████ was on the first level of the porch near the stair case leading to the second level of the porch.

First, the evidence, including ET photos, COPA photos, the evidence plat, and COPA investigators' observations from visits to the scene, demonstrate that Officer Sampim could not have observed ██████████ pointing a firearm at Officer Slechter while ██████████ was near the stair case leading to the second level of the porch from his position on the grassy parkway. Officer

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<sup>56</sup> ET photos demonstrate the blood stain was spread out over an area of approximately three feet and the easternmost edge of blood stain was approximately ten feet from easternmost edge of the porch.

<sup>57</sup> Blood droplets were identified by responding detectives near the firearm approximately 8 feet from the easternmost edge of the porch. These droplets were not notated by the ET on their diagram. See attachments 28 and 34.

Sampim did not have an adequate angle or perspective to be able to observe the area near the stair case leading to the second level of the porch. Specifically, the easternmost side of the building located at 2842 W. Polk Street would have blocked the view of this area of the porch (See Photos 15 & 16 above). At most, only the easternmost edge of the first level of the porch—the first wooden support beam located on the easternmost edge porch to, at most, slightly past the second wooden support beam from the easternmost edge—would have been visible to Officer Sampim from his position on the grassy parkway.<sup>58</sup> The evidence demonstrates that ██████ was not located on this area of the porch. Therefore, Officer Sampim could not have observed ██████ pointing a firearm at Officer Slechter or any part of ██████ body from his position on the grassy parkway.

Second, Officer Sampim’s complete lack of action prior to Officer Slechter discharging his firearm is strong circumstantial evidence he did not actually observe ██████ point a firearm at Officer Slechter. Officer Sampim alleges that he heard Officer Slechter command ██████ to drop his firearm and then observed ██████ pointing a firearm at Officer Slechter. However, the POD footage does not depict Officer Sampim reacting in any way or taking any action consistent with observing ██████ point a firearm at Officer Slechter (*i.e.* posing an imminent threat of death or great bodily harm). A reasonable, trained police officer would have moved towards ██████ to confront the threat, ordered the civilians to move away from the area, and/or radioed or yelled for assistance. Officer Sampim admitted in his statement to COPA he did not begin to run toward the backyard until he heard the shots. It is implausible that a CPD officer would not react in any way to a civilian pointing a firearm at a fellow officer.<sup>59</sup>

### c. Analysis of the Allegations Against Officer Sampim

The first three Rule 14 allegations involve Officer Sampim reporting he observed ██████ point a firearm at Officer Slechter. Specifically, Officer Sampim reported observing ██████ pointing a firearm at Officer Slechter in his August 25, 2014, statement to IPRA investigators, Defendant Officer Sampim’s Answer to Plaintiff’s First Set of Interrogatories to Defendants in the civil case 1:15-CV-█████ and his deposition for civil case 1:15-CV-█████. The fourth Rule 14 allegation relates to Officer Sampim’s statement in his deposition that he could see “the rear diagonal” of ██████ body from his position on the grassy parkway. In his interview with COPA on May 16, 2018, Officer Sampim reaffirmed his assertion that he was able to see ██████ from his actual position on the grassy parkway and observed ██████ pointing a firearm at Officer Slechter immediately prior to Officer Slechter discharging his firearm.

First, as outlined above, the evidence demonstrates that Officer Sampim could not observe ██████ body or ██████ holding a firearm immediately prior to Officer Slechter discharging

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<sup>58</sup> As explained above, ██████ was not near the easternmost edge of the first level of the porch when Officer Slechter discharged his firearm at him (*i.e.* the moment ██████ allegedly pointed a firearm at Officer Slechter).

<sup>59</sup> Indeed, in Officer Sampim’s initial interview to IPRA, he stated he reacted to observing ██████ pointing a firearm at Officer Slechter by running towards the middle of the vacant lot.

<sup>60</sup> The responding detectives also noted in their reports that Officer Sampim reported observing ██████ point a firearm at Officer Slechter.

his firearm. Therefore, Officer Sampim's assertion regarding his observation of [REDACTED] pointing a firearm at Officer Slechter are false.

Second, whether [REDACTED] possessed a firearm and [REDACTED] actions prior to Officer Slechter discharging his firearm is material to IPRA/COPA's investigation into the lawfulness of Officer Slechter's firearm discharge and the pending civil litigation.<sup>61</sup> Specifically, these facts are relevant to determining whether [REDACTED] posed an imminent risk of death or great bodily harm to Officer Slechter and whether Officer Slechter's use of force was objectively reasonable under the totality of the circumstances. Similarly, whether Officer Sampim had an adequate angle or perspective to see [REDACTED] body is material to determining whether Officer Sampim could have actually seen [REDACTED] point a firearm at Officer Slechter.

Third, the evidence demonstrates that Officer Sampim's false statements were willful. As explained above, Officer Sampim could not have observed [REDACTED] holding a firearm or any part of [REDACTED] body while on the grassy parkway in front of the empty lot.<sup>62</sup> Therefore, Officer Sampim's false statements cannot be reasonably attributed to a mistake of perception, timing, or memory.

Furthermore, Officer Sampim's false statements to CPD detectives and IPRA investigators about when he began running and his position when he allegedly observed [REDACTED] point a firearm at [REDACTED] are further evidence that he willfully provided a false statement about observing [REDACTED] point a firearm at Officer Slechter. Officer Sampim originally asserted he began running into the empty lot when Officer Slechter commanded [REDACTED] to drop the firearm—an action consistent with how a reasonably trained officer would react to a hearing fellow officer order a subject to drop a firearm—and originally asserted he was in the middle of the vacant lot when he observed [REDACTED] pointing a firearm at Officer Slechter—a position that would have provided him a better angle<sup>63</sup> to observe both Officer Slechter and [REDACTED]. Officer Sampim ultimately acknowledged that he was incorrect on both points during his deposition and COPA statement. Officer Sampim stated he provided his original statements from the best of his recollection, and that he had not reviewed the POD footage prior to providing statements to the detectives and IPRA investigators. However, Officer Sampim provided his original statements only hours after the incident, while his memory was fresh. COPA finds that Officer Sampim attempted to make his ultimate assertion that he observed [REDACTED] point a firearm at Officer Slechter more credible by providing details that would make his account plausible.

For these reasons, COPA sustains Allegations #1-#4 against Officer Sampim.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

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<sup>61</sup> Log # 1071166 pertains to COPA's investigation into Officer Slechter's firearm discharge.

<sup>62</sup> [REDACTED] fell to the floor of the first-level porch after Officer Slechter shot him.

<sup>63</sup> COPA notes, however, that it is not evident that Officer Sampim could have actually observed [REDACTED] from the middle of the vacant lot. However, it is more plausible that he would have had a better opportunity to have observed [REDACTED] from this position.

Officer	Allegation	Finding / Recommendation
Officer Saharat Sampim	<p>1. It is alleged that on August 25, 2014, Officer Sampim willfully made a material false statement to the Independent Police Review Authority when he stated the following:</p> <p>“As, as, as, I’m running I see Officer Slechter in the middle of the yard yelling drop the gun, drop the gun, drop the gun. Police, police. And then I look and I see uh, a male black in a dark shirt with his arm extending with a silver pistol.” In violation of Chicago Police Rule 14 (Att. 25, Page 25, Lines 11-15).<sup>64</sup></p>	<b>Sustained</b>
	<p>2. It is alleged that On August 3, 2015, Officer Sampim in Defendant Officer Sampim's Answer to Plaintiff's First Set of Interrogatories to Defendants in the civil case 1:15-CV-██████████ <i>Estate of ██████████ v. City of Chicago et. al.</i>, willfully made a material false statement when responding to Interrogatory 6 as follows:</p> <p>“<b>ANSWER:</b> Officer Sampim objects to this interrogatory as calling for a legal conclusion and a narrative response better suited for a deposition. Subject to and without waiving these objections, Officer Sampim states that he pursued ██████████ because he had a gun and was fleeing from the police. Officer Sampim did not have any physical contact with the decedent and only pointed a gun at him when he observed ██████████ in the backyard area with a gun in his hand, pointing it at Officer Slechter.” (Att. 4, Page 4)</p>	<b>Sustained</b>
	<p>3. It is alleged that On January 13, 2016, Officer Sampim at a deposition under oath in the civil case 1:15-CV ██████████ <i>Estate of ██████████ v. City of Chicago et. al.</i>, willfully made a material false statement when he stated the following:</p> <p>“I kept on looking until I saw ██████████ with his handgun in his right hand, pointing it to Officer Slechter.” (Att. 5, Page 140, Lines 18-20)</p>	<b>Sustained</b>

<sup>64</sup> Attachment numbers in the allegations refer to attachments to Log 1071166 not the above captioned log number.

4. It is alleged that On January 13, 2016, Officer Sampim at deposition under oath in the civil case 1:15-CV [REDACTED] *Estate of [REDACTED]* v. *City of Chicago*, willfully made a material false statement when he provided the following testimony:

**Sustained**

Q. How long did you speak to these four to five individuals in front of you before your position changed? Where did you go?

A. After Officer Staunton came and started patting them down, or whatever he was doing, I was still watching. Then I heard yelling coming out from the backyard over there, behind 2942, so then I backwards -- I went backwards, then I went eastbound to get a better look at the back.

Q. Could you make out any of the words when you heard yelling?

A. I heard "gun."

Q. Could you make out any of the voices who yelled "gun"?

A. Officer Slechter  
(Att. 105, Page 133, Lines 7-24)

[. . .]

Q. Okay. Did you see anything obstructing your view of Mr. [REDACTED] on the porch?

A. No. I could see a rear diagonal of his body. He was facing northbound, facing Officer Slechter.

Q. At this point when you saw this, are you still between the sidewalk and -- or are you still in the parkway south of the sidewalk?

Ms. Hutchinson: Objection, form. You can answer.

Ms. Griff: Join.

B. The Witness: I am -- Yes. I'm still in the same spot. I'm -- once I move and I have the vantage point, I stop, and that's how I'm looking. So I'm still there.

By Ms. Hoft:

Q. How long did you stand there and look?

A. Seconds.

Q. And then what did you do?

A. I kept on looking until I saw [REDACTED] with his handgun in his right hand, pointing it to Officer Slechter.

[Att. 5, Page 139, Lines 23-24, Page 140, Lines 1- 20]

### VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

Officer Saharat Sampim has the following complimentary history: (1) one deployment operations center award, (4) four attendance recognition award, (1) one presidential election deployment award 2008, (1) one 2004 crime reduction ribbon, one hundred and forty three (143) honorable mentions, nine (9) department commendation, (6) six complimentary letters, (1) one honorable mention ribbon award, (1) one 2009 crime reduction award. Officer Sampim has no publishable disciplinary history.

All the statements Officer Sampim made about observing [REDACTED] raise a handgun are false. The only rational motivation for Officer Sampim's choice to make false statements was to help his partner officers by providing a statement consistent with theirs. In so doing, Officer Sampim's actions undermined the integrity of the investigation and exposed serious concerns as to how officer involved shootings were and are handled by the Chicago Police Department. That Officer Sampim was able to provide an account in lock-step with two other witnesses raises serious questions about witness tampering. However, other than Officer Sampim's statements, COPA found that the physical evidence was consistent with much of the testimonial evidence analyzed.

An officer's credibility and integrity are fundamental to the performance of their sworn duty to serve and protect. Even the most mundane false statement by an officer subverts the mission and objectives of the department. The Department's stated vision is that "All Chicagoans are safe, supported, and proud of the Chicago Police Department." Officer Sampim's actions not only irreparably damaged the public's trust in his ability to serve as a police officer, they also further erode the public's trust in the Department, law enforcement and ultimately the public's trust in government. While COPA accounts for Officer Sampim's complimentary history and lack of disciplinary history, the offense of providing a false statement, especially in the context of a fatal officer involved shooting, is simply unacceptable. COPA recommends separation for each of the four false statements made by Officer Sampim.

Approved:



Andrea Kersten  
Deputy Chief Administrator

October 21, 2019

\_\_\_\_\_  
Date



\_\_\_\_\_  
Sydney Roberts  
Chief Administrator

October 21, 2019

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	4
<b>Investigator:</b>	Dwight A. White
<b>Supervising Investigator:</b>	James Murphy-Aguilu
<b>Deputy Chief Administrator:</b>	Andrea Kersten