

TO: Sharon R. Fairley, Chief Administrator

FROM: Caterina Oliveri, Investigator
Joshua Hunt, Deputy Chief

DATE: September 8, 2017

REFERENCE: Log# 1072664, RD# HX517856

INCIDENT

DATE/TIME: November 23, 2014, at approximately 4:39 p.m.

LOCATION: 1901 W. Pryor

INITIAL

INCIDENT: Observation of reckless driving of a vehicle by Police Officer John Gorman

INVOLVED

OFFICER #1: Gorman, John; Star #14913; Employee # [REDACTED]; Unit 022; White Male; Off-Duty - Plainclothes; CPD Start Date: 26 March 2001

WEAPON: Ruger LCP, .380 caliber semi-automatic pistol with 2.75" Barrel; Serial # [REDACTED]; One (1) live round recovered from firearm; Weapon capacity of 6 rounds; Fired five (5) times.

INJURIES: None reported

INVOLVED

OFFICER #2: Neylon, Timothy; Star #14722; Employee # [REDACTED]; Unit 022 White Male; Off-Duty - Plainclothes; CPD Start Date: 2 December 1991

WEAPON: Did not fire

INJURIES: None reported

INVOLVED

CIVILIAN #1: [REDACTED]; White Male; DOB: [REDACTED] 1991; Address: [REDACTED], [REDACTED];

INJURIES: None reported

INVOLVED

CIVILIAN #2: [REDACTED] White Male; DOB: [REDACTED] 1986; Address: [REDACTED], [REDACTED];

INJURIES: None reported

SUMMARY OF INCIDENT

On 23 November 2014 at approximately 16:20 hours, an off-duty Merrionette Park Police Officer, [REDACTED] and his friend, [REDACTED] observed an individual, now known to be Police Officer John Gorman, driving recklessly on 111th St. [REDACTED] and [REDACTED] also observed an individual, now known to be PO Gorman's partner, Police Officer Timothy Neylon, riding in the passenger seat of PO Gorman's vehicle. [REDACTED] and [REDACTED] observed PO Gorman speeding, swerving in and out of traffic, and almost striking a pedestrian with his vehicle. While PO Gorman was stopped at a red light, [REDACTED] exited the vehicle of [REDACTED] who was the driver, and walked to PO Gorman's driver side window. [REDACTED] displayed his police badge and yelled at PO Gorman regarding his reckless driving. [REDACTED] observed beer containers in PO Gorman's vehicle (as did [REDACTED] while in the driver's seat of his vehicle that was alongside PO Gorman's vehicle). Neither PO Gorman, nor PO Neylon, announced that they were police officers and PO Gorman accelerated through the traffic light. [REDACTED] and [REDACTED] continued to follow the police officers while calling 911 to report PO Gorman's reckless driving. PO Gorman continued to drive, until he stopped at 1901 W. Pryor Avenue. [REDACTED] stopped his vehicle approximately six to eight car-lengths behind PO Gorman's vehicle.

PO Gorman and PO Neylon exited Gorman's 2006 Buick Lacrosse, at which time PO Gorman unholstered his firearm. [REDACTED] and [REDACTED] stated that PO Gorman aimed the gun at the windshield of [REDACTED] car. [REDACTED] accelerated past PO Gorman in order to avoid being shot. After they had driven past PO Gorman, [REDACTED] and [REDACTED] heard approximately five gunshots. [REDACTED] and [REDACTED] did not know the direction in which PO Gorman's firearm was pointed when it was discharged.

According to PO Gorman, he un-holstered his gun because he was in fear of the two individuals who had been following him, but that he never pointed his gun at them. PO Gorman stated that, as he exited his vehicle, the individuals accelerated towards him in their large truck nearly striking PO Gorman. PO Gorman discharged his firearm five times.

[REDACTED] truck was inspected by CPD Evidence Technicians on the night of the incident. A hole, consistent with that of a bullet strike, was found on the rear passenger bumper. The defect was photographed by the evidence technicians. Though [REDACTED] himself was not made aware of the damage, he too later made the observation and provided his own photo documentation, confirming that said damage was not present prior to this event.

APPLICABLE DEPARTMENT ORDERS, RULES AND REGULATIONS

Rule 1: Violation of any law or ordinance

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 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 15: Intoxication on or off duty.

Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 38: Unlawful or unnecessary use or display of a weapon.

Rule 39: Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.

G03-02-03: Deadly Force

G03-02-06: Firearms Discharge Incidents Involving Sworn Members

S06-05-02: Firearm Concealed Carry Act

INVESTIGATION

IPRA obtained relevant video, forensic, and documentary evidence associated with this incident. Additionally, IPRA interviewed the two civilians, [REDACTED] and [REDACTED] who are the complainants of this investigation and who witnessed various aspects of this incident. IPRA also interviewed Police Officers, John Gorman, Timothy Neylon, Timothy Casey, and Ryan Doherty.

The following are summaries of the relevant evidence obtained in this investigation:

Civilian Interviews

In an interview with IPRA on 17 December 2014, Witness [REDACTED] stated that, on 23 November 2014, he was twenty-eight years old and worked in construction. [REDACTED] was also a volunteer fireman for Melrose Park. At approximately 15:45 hours, [REDACTED] and his friend, [REDACTED] arrived at a VFW Hall in Worth, Illinois. [REDACTED] was a police officer for Merrionette Park. There was a raffle event at the VFW and [REDACTED] estimated that there were 1,000 attendees.

[REDACTED] and [REDACTED] left the VFW at approximately 16:15 hours in [REDACTED] black and orange F-250 pickup truck. [REDACTED] drove eastbound on 111th St. to take [REDACTED] home. While driving on 111th St., [REDACTED] observed a silver Buick driving faster than other vehicles while cutting in and out of traffic. [REDACTED] stopped his vehicle at a red light at the intersection of 111th St. and Pulaski Rd., and the Buick was approximately six car lengths ahead of him. According to [REDACTED] the Buick had stopped in a diagonal position within the lane, instead of straight, and was therefore facing the left lane. At this intersection, there was a flower peddler who was walking between halted vehicles. The light turned green and the flower peddler began to slowly move out of the way of traffic. As the traffic began to move, the Buick proceeded to drive towards the left lane, versus straight, and came very close to striking the flower peddler, forcing the flower peddler to quickly jump out of the way of the Buick.

After that incident, the Buick continued to drive faster than the flow of traffic and used the parking lanes on the right to pass other vehicles¹. [REDACTED] and [REDACTED] lost sight of the Buick for a short time but then observed it stopped at the intersection of 111th St. and Kedzie Avenue. [REDACTED] drove his truck along the passenger side of the Buick and [REDACTED] stated that he was going to talk to the driver "to see what is going on."

¹ Refer to attachment #64 which depicts traffic video from the Chicago Department of Transportation (CDOT).

█████ exited █████ truck and walked over to the front of the Buick². █████ pulled his badge out of his pocket and held it up to the front windshield. █████ announced that he was the police and walked around to the driver side of the Buick. █████ observed two males in the Buick and both appeared to be Caucasians in their fifties. █████ began knocking on the driver side window, asked them if they were okay and inquired as to why they were driving erratically. █████ also attempted to speak to the passenger in the Buick through █████ rolled down driver's side window. Both individuals in the Buick continued looking straight ahead with no reaction. █████ observed what appeared to be at least two beer containers in the center console of the Buick.

The Buick accelerated forward into the left turn lane of the intersection and, as the light changed to green, it cut off traffic to continue travelling east on 111th St. █████ returned to █████ truck and called 911. █████ reported the make and model of the Buick, the license plate, and that the Buick was driving erratically with open alcohol in the car. █████ also reported that he was an off-duty police officer. The 911 dispatcher told █████ that she had to end the call with him despite █████ request to stay on the line. █████ and █████ decided to continue following the Buick as they intended to call 911 back to provide the police with a definitive location of the Buick. █████ stated that he followed the Buick at a "comfortable" distance of approximately four to seven car lengths.

The Buick turned northbound onto a side street (name not recalled) from 111th St. and then eastbound onto a second a side street, now known to be Pryor Avenue, and stopped alongside the curb on the south side of the street. █████ also stopped his truck approximately five to seven car lengths behind the Buick. After approximately five seconds, both males in the Buick exited the vehicle and the driver was wearing a hood. The driver began walking towards █████ truck and █████ and █████ noticed that the driver was displaying a firearm. At first, the driver had the gun pointed at the ground but then raised the gun to aim at █████ windshield. According to █████ the driver of the Buick was approximately four to five car lengths away from █████ truck at the time he raised and pointed his gun in their direction. █████ and █████ crouched down inside the truck and █████ yelled at █████ to "go, go, go." █████ quickly accelerated his truck and swerved left to avoid hitting the driver of the Buick. As █████ drove past the driver of the Buick, the driver continued to point his gun at █████ truck.

As █████ drove eastbound and was approximately one half of a block east of the Buick, █████ heard four or five gunshots. Within a few seconds, he heard one more gunshot. █████ continued to drive and █████ directed him to the police station nearby.

After █████ and █████ arrived at the police station, he learned that the shooter was a Chicago policeman. █████ and █████ also viewed a live lineup of the driver of the Buick and identified PO Gorman as the driver.

During the interview with IPRA, █████ reported for the first time that he found a bullet hole in the rear bumper of his truck and another ding that he believed was caused by a bullet. █████ agreed to send photos of this damage to his truck to IPRA. █████ also stated that he was not present when the evidence technicians examined and photographed his truck on the night of the incident. █████ did not know whether the evidence technicians observed the hole during their examination. (Att. 72)

In an interview with IPRA on 18 December 2014, Witness █████ stated that, on 23 November 2014, he was twenty-three years old and worked as a police officer for Merrionette Park and

² Refer to attachment #85 which depicts external video surveillance from Walgreen's store #7360.

Momence.³ At approximately 15:45 hours, ██████ arrived at a VFW Hall with his friend, ██████. There was a raffle event at the VFW Hall and they left at approximately 16:00 hours.

██████ entered ██████ F-250 and ██████ began to drive him home because ██████ had to be at work that night. As they were travelling eastbound on 111th St., they stopped at a red light at the intersection of 111th St. and Pulaski Rd. ██████ observed a Buick about three cars in front of them almost hit a homeless man who was standing in the street. It appeared to ██████ that the driver of the Buick tried to drive into the homeless man intentionally. The homeless man jumped out of the way to avoid being hit by the Buick. The Buick continued to travel eastbound on 111th St. driving recklessly and weaving in between cars. ██████ also stated that he believed that the Buick must have run a red light because ██████ lost sight of the Buick.

Soon after, ██████ and ██████ observed the Buick stopped at a red light at the intersection of 111th St. and Kedzie Ave. ██████ drove his truck along the passenger side of the Buick and stopped. ██████ exited the truck and walked around to the front of the Buick. ██████ stated that he had gotten out of ██████ truck to make sure the driver of the Buick was not impaired or experiencing medical problems. ██████ knocked on the driver side window, displayed his police star, and identified himself as a police officer. ██████ said "I'm the police, roll down the window. Are you okay? You almost hit that guy in the middle of the street." The driver of the vehicle looked at ██████ took a drink from a Budweiser bottle, smiled, and continued driving eastbound on 111th St. ██████ observed two males in the Buick.

██████ returned to ██████ truck and they continued eastbound on 111th St. ██████ called 911 and told the 911 dispatcher that he was an off-duty police officer that had observed a male almost run someone over. ██████ also reported that the male driving the Buick was drinking and gave the description of the car and the license plate. ██████ tried to stay on the line with the dispatcher as they followed the Buick but the dispatcher said that she could not stay on the line and ended the call.

The Buick turned northbound off of 111th St. onto Hale St., and then turned eastbound onto Pryor Ave. The Buick then parked against the curb on Pryor Ave. ██████ stopped his truck approximately four car lengths west of the Buick. According to ██████ at that time he grabbed his phone to call 911 again when he observed the two males in the Buick exit the vehicle. ██████ saw that the driver had a black and chrome gun in his right hand. The driver got into a shooting stance" and aimed his gun at the windshield of ██████ truck. ██████ and ██████ both crouched down to avoid gunfire and ██████ yelled at ██████ to "go." ██████ put the truck in drive, accelerated and turned his vehicle left to avoid hitting the driver of the Buick who was standing in the street.

After ██████ truck passed the Buick by approximately twenty-five to thirty-five feet, ██████ heard five or six gunshots. ██████ and ██████ immediately drove to the 22nd District and reported the incident. While at the police station, ██████ learned that the males in the Buick were police officers.

██████ also stated that he heard on 17 December 2014 that ██████ had found a bullet hole in the rear of his truck. ██████ saw a photo of the bullet hole and stated that it was in a crease that would be difficult to notice. (Att. 78)

³ As of 31 August 2017, ██████ had left Merrionette Park Police and currently works as a Police Officer with the Lynnwood Police Department. According to Merrionette Park Police, Officer ██████ resigned in good standing.

Police Officer Interviews

In an **interview with IPRA** on 31 May 2017, **Involved Shooting Officer John Gorman, #14913**, stated that on 23 November 2014, he was off-duty wearing civilian dress and did not have his badge with him. PO Gorman had his off-duty weapon, a Ruger LCP .380 caliber, in a holster on his belt which was on his person.

PO Gorman received a phone call from his partner, Officer Timothy Neylon, who was also off-duty. PO Neylon told PO Gorman about a raffle at an American Legion Hall in Worth, IL. The two officers agreed to meet at the 22nd District police station that they were assigned to. PO Gorman agreed he would drive to the Legion Hall from the station. The officers met at the 22nd District between 13:00 and 13:30 hours. PO Neylon parked his truck at the 22nd District and got into PO Gorman's vehicle which was a tan 2006 Buick Lacrosse.

The officers drove to the American Legion located near 111th St. and Harlem Ave. and arrived between 13:20 and 13:50 hours. The officers stayed at the American Legion for approximately three hours. There were several hundred people gathered for the drawing and the Bears game was being shown on televisions. PO Gorman also happened to see an old acquaintance and spoke to him for some time.

PO Gorman stated that he had "maybe five" beers during his time at the American Legion. PO Gorman believes that he and PO Neylon split two buckets of beers in total (which would amount to ten total beers). PO Gorman did not consume any other alcohol. PO Gorman stated that PO Neylon had approximately the same amount of alcoholic beverages as he did. The officers left the American Legion between 16:00 and 16:30 hours. PO Gorman did not feel impaired or under the influence of alcohol. PO Gorman ordered a beer before he left and "against better judgment" he brought the beer with him into his vehicle. This beer was in addition to the approximately five beers he consumed at the American Legion. PO Gorman stated that he put this beer in his vehicle's cup holder and planned to drink it when he arrived home.

PO Gorman began driving PO Neylon back to his truck and travelled eastbound on 111th St. PO Gorman described his driving at this time to be normal and observant of traffic rules. PO Gorman recalled observing a flower vendor standing in the roadway at the intersection of 111th St. and Pulaski Rd. According to PO Gorman, he attempted to avoid hitting the vendor with his vehicle by moving his vehicle into the turning lane. PO Gorman stated that at no time did he drive recklessly while travelling on 111th St.

After PO Gorman drove about a block past the intersection of 111th St. and Pulaski Rd., he observed a large orange and black pickup truck with large tires. This large truck drove along the right side of PO Gorman's vehicle in the parking lane. The large truck appeared to be trying to cut him off but was not able to because parked cars blocked the parking lane as the vehicles travelled on 111th St.

PO Gorman stopped at a red light at the intersection of 111th St. and Kedzie Ave. While stopped, the large truck drove along the passenger side of PO Gorman's vehicle in the parking lane and moved in front of PO Gorman's vehicle, blocking PO Gorman's path. The male in the passenger seat of the large truck exited the vehicle and walked over to PO Gorman's driver side window. The male began screaming and banging on PO Gorman's window with his fists. PO Gorman heard the male curse at PO Gorman and distinctly heard him call PO Gorman an "asshole."

PO Gorman did not see anything in the male's hands and specifically, never observed the male holding a badge or star. PO Gorman stated that the individual never announced that he was an officer. PO Gorman and PO Neylon did not announce they were officers. PO Gorman stated that he did not announce he was an officer

because he had been drinking and wanted to avoid any incident. PO Gorman thought he could diffuse the situation by maintaining distance between PO Gorman and the males in the large truck.

PO Gorman was stopped at the intersection for less than a minute and drove around the large truck into the left turn lane to continue travelling on 111th St. Soon thereafter, PO Gorman observed the large truck behind him on 111th St. and the large truck again attempted to cut off PO Gorman's vehicle. PO Gorman turned left on Hale St. in order to drop PO Neylon at his vehicle still parked in the parking lot at the 22nd District. PO Gorman next turned right on to Pryor Ave. PO Gorman observed the large truck still following him and he decided to stop his car alongside the south side curb of the street. At this time, the large truck stopped in the middle of the street, approximately six to eight car lengths west of PO Gorman's vehicle. They were approximately one block away from the 22nd District station.

PO Gorman paused inside of his vehicle for about fifteen or thirty seconds and then exited his vehicle. According to PO Gorman, it was his intention to approach the large truck on foot and identify himself as a police officer. PO Gorman stated that he considered his actions as police actions. PO Gorman did not alert the police because he had been drinking and he was hoping to defuse the situation without police incident.

As PO Gorman exited his vehicle, he un-holstered his gun and held it in his right hand, along his right side and pointed down towards the ground. PO Gorman's gun did not have a safety and was double-action only. PO Gorman stated that he un-holstered his gun because there was a degree of fear as he did not know who the individuals were in the large truck and he did not know their motivations in following PO Gorman, cutting off his vehicle in traffic, and screaming at him at the Kedzie intersection. PO Gorman stated that he thought these individuals may have been previously arrested by him, or were attempting to carjack him. Although PO Gorman felt fearful, he stated that he still chose not to report this to the police during the time of incident due to his alcohol consumption as well as trying to diffuse the situation.⁴ Upon exiting his vehicle, PO Gorman also took his wallet out of his pocket which contained his police identification card.

PO Gorman stated that PO Neylon also exited the vehicle at the same time and PO Gorman was not aware of whether PO Neylon saw PO Gorman un-holster his gun. PO Gorman observed the large truck parked approximately six to eight car lengths west of his vehicle. PO Gorman took one or two steps westbound, towards the rear of his vehicle, at which time the large truck began accelerating towards the officers in a "loud, fast" and "menacing manner," according to PO Gorman, as the large truck accelerated towards him, PO Gorman intentionally moved against his car to avoid being struck by the truck. PO Gorman stated that he was unable to move out of the way of the truck as he was "pinned" in between his own car and that of the oncoming vehicle.

PO Gorman described that within a matter of seconds, he positioned himself against his car while simultaneously raising his arm in the air, and placed his finger on the trigger in which he discharged his gun⁵. PO Gorman discharged five rounds in rapid succession. PO Gorman stated that he discharged his weapon due to a combination of being in fear for his life and "a knee jerk reaction."

PO Gorman stated that he never pointed his gun towards the vehicle and that he purposefully aimed his weapon into the air so that it was not aimed at the vehicle. PO Gorman stated that all five of his gunshots were discharged while the large truck was moving towards him and he stopped discharging his gun after the large truck passed him. PO Gorman did not describe his gunshots as warning shots but rather shots fired to "fend off an attack."

⁴ Refer to attachment #124, page 65 and 67 of 106.

⁵ Refer to attachment #124, page 62 of 106.

After the large truck drove by, PO Gorman and PO Neylon got back into PO Gorman's vehicle and PO Gorman holstered his gun. PO Neylon told PO Gorman to get him to his truck so that he could leave the area. PO Gorman drove PO Neylon to his truck and they both left the scene. PO Gorman drove himself home and did not report the discharge of his firearm because he had been drinking and had exercised poor judgment.

PO Gorman admitted that he violated Department policy by discharging his firearm into the air but he believes there is a "gray area" related to gunshots fired to fend off an attack. PO Gorman admitted that he violated Department policy by not reporting the discharge of his firearm. PO Gorman also admitted that police officers are not permitted to have a weapon in their possession while they have been drinking.

PO Gorman was asked about the bullet hole found in the rear of the large truck. PO Gorman stated that he cannot explain the bullet hole but stated that on 23 November 2014 a detective and an evidence technician inspected the large truck and did not find any ballistic damage. Yet, two or three weeks later, the owner of the large truck claimed there was a bullet hole in his truck. PO Gorman learned this information from his attorney who represented him at the criminal trial related to this incident.

After PO Gorman returned home following the shooting, he called Sergeant Casey. Sgt. Casey asked PO Gorman about the incident. PO Gorman told Sgt. Casey that he had discharged his firearm, and they agreed to meet in a parking lot near a park to further discuss the incident. The two of them met between 16:30 and 17:00 hours, and Sgt. Doherty also joined them at the meeting. PO Gorman does not recall whether he told the Sgts. that he had consumed alcohol.

After the meeting, Sgt. Casey drove PO Gorman to the 22nd District station. While at the station, PO Gorman took a breathalyzer but it was taken at least two hours after he arrived at the station. PO Gorman was placed under arrest for a DUI. PO Gorman was at the station for more than 24 hours while the Assistant State's Attorneys decided whether he would be charged with a felony. PO Gorman was not charged with a felony and he was released with an I-Bond. Approximately one year later, PO Gorman was arrested for aggravated discharge of a firearm related to this incident.

PO Gorman stated that, since the incident, he completed a five-week rehabilitation program and has subsequently attended weekly Alcoholics Anonymous meetings for more than a year. (Att. 124)

In an **interview with IPRA** on 17 May 2017, **Involved Non-Shooting Officer Timothy Neylon, #14722**, stated that on 23 November 2014, he was off-duty wearing civilian dress, was not carrying his service weapon, and did not have his badge with him. At the time, PO Neylon's partner was PO Gorman and they also had social interactions approximately once a month. On the date of incident, PO Neylon and PO Gorman agreed to attend a benefit raffle at a VFW Hall. PO Neylon met PO Gorman in the parking lot of the 22nd District station. PO Neylon left his truck in the parking lot and rode in PO Gorman's personal vehicle to the VFW Hall. The officers arrived at the VFW around 15:00 or 15:30 hours.

PO Neylon described the VFW event to be well-attended with at least two hundred attendees. While there, PO Neylon shared two buckets of beer with PO Gorman and one of PO Gorman's friends. PO Neylon stated that prior to meeting with PO Gorman he consumed one beer at home. While at the VFW, PO Neylon stated that he had seven or eight beers and no other alcohol. PO Neylon stated that PO Gorman likely had two or three beers. This alcohol was consumed over roughly two hours. PO Neylon stated that when he left the VFW he did not feel intoxicated and PO Gorman did not appear to be intoxicated. PO Neylon stated that, on average, he would be intoxicated with eight or nine beers. PO Neylon stated that neither of the officers brought alcohol with them when they left the VFW because the VFW security would have never allowed it.

After leaving the VFW, PO Gorman drove PO Neylon back to his truck. PO Neylon described PO Gorman's driving as normal. PO Gorman was driving the speed limit, obeying traffic laws, and not swerving in and out of traffic. PO Neylon was asked about the flower peddler that PO Gorman allegedly came close to striking with his vehicle at the intersection of 111th St. and Pulaski Rd. PO Neylon was aware of the flower peddler who is often at the intersection but does not recall whether he was at that intersection that day and does not recall PO Gorman almost striking him.

While stopped at a red light at the intersection of 111th St. and Kedzie Ave., a dark truck came along the right side of PO Gorman's vehicle. The driver of the dark truck got out of the vehicle and began pounding on the driver side window. PO Neylon described the pounding as very forceful and he thought the individual was going to shatter the window. PO Neylon assumed the individual had road rage because he was very upset about something. The individual pounded on the window for a split second and PO Neylon could not hear any of the words he was yelling. PO Neylon did not recall the individual having anything in his hands and stated that the individual did not announce himself as a police officer. The light turned green and PO Gorman continued to drive on 111th St. towards PO Neylon's truck.

Approximately five to ten minutes later, PO Gorman stopped his vehicle on Pryor Ave. because PO Gorman noticed that the truck was still following them. Both officers exited the vehicle. PO Neylon exited the vehicle because he saw PO Gorman exit the vehicle and wanted to support his partner. After exiting the vehicle, PO Neylon saw the truck accelerating towards them at a speed of approximately 30 to 35 miles per hour. PO Neylon was afraid and he crouched down behind the vehicle's passenger side door.

PO Neylon recalled hearing a single gunshot during this incident but he later learned it was multiple gunshots. PO Neylon heard the gunshot after the large truck had passed by PO Gorman's vehicle. After hearing the gunshot, PO Neylon saw a gun in PO Gorman's hand but he did not know PO Gorman had a gun prior to this point. PO Neylon saw the gun as PO Gorman was holstering it after the gunshot. PO Neylon does not know why PO Gorman discharged his gun but he believes it was because the truck was accelerating at him at a high rate of speed.

PO Neylon stated that he did not call the police because he did not know the motivation of the individuals. PO Gorman drove PO Neylon back to his truck and PO Neylon drove home. PO Neylon wanted to leave the area because he was fearful of the truck and thought it may come back to the area. Yet, PO Neylon stated that he did not enter the 22nd District station to report the incident because the truck had left and the threat was gone.

The next morning, PO Neylon checked his phone and saw that he had received voicemails from Sgt. Doherty of the 22nd District requesting that PO Neylon call the station. PO Neylon met with Sgt. Doherty on the afternoon of 24 November 2014. PO Neylon was also interviewed by an Assistant State's Attorney and Internal Affairs. PO Neylon was stripped of his gun, ID, and star. PO Neylon admitted that he violated Department policy by not reporting the incident. (Att. 120)

In an **interview with IPRA** on 27 January 2015, **Sergeant Timothy Casey, #1123**, stated that on 23 November 2014 at approximately 16:30 hours, he was on routine patrol when he heard a flash radio message of shots fired near the 22nd District station. A subsequent broadcast message stated that there were two subjects at the station who provided a description of the vehicle, license plate number, and description of a tall, White male who had fired shots at them. Sgt. Casey learned that the vehicle belonged to PO Gorman. Sgt. Casey obtained PO Gorman's mobile number and spoke to him by phone. PO Gorman agreed to meet with Sgt. Casey in a

parking lot near a park. Sgt. Casey chose this location for safety reasons because PO Gorman's frame of mind was unknown.

Sgt. Casey met with PO Gorman in the parking lot and smelled alcohol on his breath. PO Gorman stated that he had been drinking alcohol since noon. Sgt. Casey asked PO Gorman to hand over his weapon and PO Gorman complied. Regarding the incident, PO Gorman stated that he was driving on 111th St. and while stopped at a red light, an unknown vehicle came from behind and tried to box in PO Gorman's vehicle. PO Gorman stated that two unknown males exited the vehicle, banging on PO Gorman's vehicle and ordering him to exit. PO Gorman thought the two individuals were trying to carjack him. PO Gorman continued driving and the individuals continued following him. PO Gorman parked his vehicle near the 22nd District station and exited his vehicle. PO Gorman un-holstered his gun as the vehicle began driving towards him. PO Gorman was in fear for his life and discharged his firearm. PO Gorman did not know how many shots he fired.

Shortly thereafter, Sgt. Doherty arrived at the parking lot and Sgt. Casey told PO Gorman that he needed to come with him to the 22nd District. PO Gorman was not arrested at this time. PO Gorman took a breathalyzer test approximately four to six hours after he arrived at the District. Sgt. Casey was later instructed to arrest PO Gorman for a DUI charge and PO Gorman was taken to lock-up. Sgt. Casey later learned that PO Neylon was involved in this incident when Sgt. Casey asked PO Gorman whether he was with anyone during the incident. (Att. 90)

In an **interview with IPRA** on 1 April 2015, **Sergeant Ryan Doherty, #1497**, stated that on 23 November 2014 at approximately 16:30 hours, while on routine patrol near the 22nd District parking lot, he heard approximately five loud popping noises that sounded like gunshots. Sgt. Doherty radioed a message of possible shots fired near the 22nd District. PO Doherty subsequently heard a flash radio message that an off-duty police officer arrived at the 22nd District station and reported that someone had fired shots at him. Dispatch ran the license plate and announced that the owner of the associated vehicle was John Gorman. Sgt. Doherty learned that Sgt. Casey was meeting with PO Gorman in a parking lot near a park. Sgt. Doherty drove to the parking lot and met with both Officers.

PO Gorman told Sgt. Doherty that he had fired the gunshots. Sgt. Doherty told PO Gorman that the individual he shot at was an off-duty officer and PO Gorman responded with something to the effect of "well, why was he trying to stop me?" PO Gorman also told Sgt. Doherty that PO Neylon was with PO Gorman during the incident. Sgt. Doherty later attempted to contact PO Neylon via several telephone calls and a few in-person visits to PO Neylon's residence, but Sgt. Doherty was unable to contact him until the afternoon of the next day.

During the meeting in the parking lot, Sgt. Doherty described PO Gorman's demeanor as quiet and nervous. Sgt. Doherty smelled alcohol on PO Gorman but he did not appear to be intoxicated. PO Gorman was not arrested at this time but Sgt. Casey drove him to the 22nd District station. Sgt. Doherty drove PO Gorman's vehicle to the station and he did not detect the smell of alcohol or gun residue in the vehicle, nor did he observe beer cans or shell casings. (Att. 94)

Video & Audio Evidence

Video Surveillance Footage from the Chicago Department of Transportation shows 111th St. on 23 November 2014. At approximately 16:28 hours, a sedan matching the description of PO Gorman's vehicle is shown passing another vehicle in the parking lane at a high rate of speed and then cutting in front of that vehicle in a reckless manner. Several seconds later, a large truck matching the description of [REDACTED] is shown travelling in the same direction as the sedan and six vehicles behind the sedan. (Atts. 64, 65, 102)

Video Surveillance Footage from a Walgreen's store located at 3220 W. 111th St. shows the intersection of 111th St. and Kedzie Ave. on 23 November 2014. At 16:30 hours, a grey sedan matching the description of PO Gorman's vehicle stops at the intersection. A large truck matching the description of [REDACTED] is observed stopping next to the sedan on the right side approximately eight seconds later. An individual is observed walking from the truck and in front of the sedan to the driver side of the sedan. The individual stands at the driver side window for approximately twenty seconds until the sedan drives forward through the intersection and out of the camera angle. The individual walks back to the truck and the truck drives forward through the intersection and out of the camera angle. (Atts. 85, 86)

Video Surveillance Footage from residences nearby the 22nd District station was collected but does not show any footage of the incident. (Atts. 50, 53, 56)

Video Footage of the Assistant State's Attorney's interviews of [REDACTED] and [REDACTED] on 24 November 2016 was collected and made part of this case file. The statements made by [REDACTED] and [REDACTED] during their interviews related to the relevant events on 23 November 2014 are substantially the same as their statements described above. (Att. 115)

The **Office of Emergency Management and Communication (OEMC) Event Queries** and **Police Radio Transmissions** were collected and made part of this case file. The following is a summary of the relevant audio recordings. **OEMC Event Queries** document that on 23 November 2014, at 16:33 hours, a wireless caller (now known as [REDACTED]) reported that a male driver almost hit a flower guy on 111th St. and Pulaski Rd.; the license plate number provided to dispatch was [REDACTED]. The caller also reported that the vehicle almost hit barricades and other cars, was "throwing back" Bud Light beer, and "blew a light." At 16:39 hours, there was a report of shots fired by a White male behind the 22nd District station. At 22:12 hours, it was dispatched that license plate number [REDACTED] matched a grey 2006 Buick LeSabre registered to PO Gorman. (Atts. 41, 42, 44)

The audio recording of [REDACTED] 911 call on 23 November 2014 at 16:33 hours was collected and contains [REDACTED] reporting that a Buick was driving erratically with open alcohol in the car. [REDACTED] reports the make and model of the Buick, and the license plate number. [REDACTED] also stated that he was an off-duty officer. The 911 dispatcher told [REDACTED] that she had to end the call with him despite [REDACTED] request to stay on the line, and the call was ended. (Att. 97)

Forensic Evidence

CPD's Bureau of Internal Affairs conducted an **alcohol and drug test** of PO John Gorman on 23 November 2014 beginning at 21:48 hours. PO Gorman refused to submit to a breath test for the Officers who were processing him. The collective bargaining agreement and policy of the CPD requires that those involved in a firearms discharge incident undergo testing for the presence of alcohol and drugs. PO Gorman provided a sample at 2211 hours which resulted in .070. PO Gorman refused to answer several questions during the course of The Administrative Alcohol/Drug Influence Report including whether PO Gorman had been drinking and whether he was operating a vehicle. PO Gorman's drug tests were negative. (Atts. 14, 15, 19, 25)

Because PO Gorman refused to submit to testing to determine his blood alcohol content, PO Gorman's driver's license and driving privileges were suspended for a minimum of twelve (12) months. (Att. 16)

Illinois State Police (ISP) Forensic Services Report dated 18 December 2014 detailed its retrograde extrapolation of PO Gorman's blood alcohol concentration of .070 at 22:11 hours to determine his approximate

blood alcohol concentration at 16:30 hours. The Toxicology Training Coordinator estimated that PO Gorman's blood alcohol concentration was 0.126 at 16:30 hours. (Atts. 66, 67)

Evidence Technician Photographs taken on 23 November 2014 depict [REDACTED] truck and a hole in the back bumper that may have been caused by a bullet. The photographs also depict [REDACTED] and Ostrowski. The photographs depict PO Gorman's vehicle, firearm, and magazine. The photographs also depict the area where PO Gorman discharged his firearm including the location of the shell casings. (Att. 62)

Evidence Technician Photographs taken on 28 December 2014, depict additional photographs of [REDACTED] truck and the hole in the back bumper. IPRA also collected photographs from [REDACTED] depicting a shell casing held up next to the hole in the back bumper of [REDACTED] truck. It appears that the hole is the size of a bullet. (Att. 73, 89)

CPD Inventory Sheet [REDACTED] completed on 23 November 2014 documents the property recovered from the street at 1901 W. Pryor Ave. The investigating Officers recovered five (5) expended shell casings from WIN .380 Automatic fired cartridges. (Att. 13)

Illinois State Police (ISP) Forensic Science Laboratory Report dated 23 October 2015 documents that all five of the fired cartridge cases recovered from the street at 1901 W. Pryor Ave. were fired from PO Gorman's firearm. (Att. 107)

Other Documentary Evidence

An **IAD Synoptic Report** stated that on 23 November 2014 attempts were made to contact PO Neylon by phone from 21:00 to 22:56 hours with negative results. At 23:00 hours, Sgt. Gabriel Flores and Sgt. Marcella Solis went to PO Neylon's home address and knocked on the door. There was no answer and no movement was noted inside. Sgt. Flores and Sgt. Solis also went to PO Neylon's wife's residence but she stated that PO Neylon did not live with her. (Att. 32)

An **IAD Synoptic Report** stated that on 24 November 2014, PO Neylon was relieved of his police powers because the member was accused of misconduct stemming from an Off-Duty Weapons Discharge/D.U.I. incident occurring on 23 November 2014 at 1901 W. Pryor. PO Neylon turned over his Star and Police I.D. Card and was instructed to return to the Internal Affairs Office for reassignment. (Att. 33)

During a **Personal Visit (PV)** Investigators Caterina Oliveri and Jessica Sanchez went to the area where [REDACTED] and [REDACTED] witnessed PO Gorman almost hit a flower peddler with his vehicle. The Investigators did not observe a flower peddler but spoke to employees of nearby businesses. Two employees at two separate businesses each knew the flower peddler and reported that his name is "[REDACTED]". Also, one witness reported that she was aware that "[REDACTED]" was almost hit by a vehicle but did not have any further knowledge of the incident. (Att. 79)

A report from the **Bureau of Internal Affairs (BIA)** documents that an investigation was completed by BIA relative to this incident. In the statement PO Neylon provided to BIA, when asked to rate his level of intoxication on a scale of 1 to 10, he described himself at "a 7 or 8." (Att. 110)

Court Records indicate that on 21 December 2016, Officer Gorman was acquitted at a bench trial presided over by Judge James Linn. Officer Gorman was found not guilty of Aggravated Discharge of a Firearm. (Att. 126)

Approved:



Caterina Oliveri # 152
Reviewing Investigator



Mark A. Javier
Supervising Investigator



Joshua Hunt
Deputy Chief Administrator

ANALYSIS

Based on the totality of the circumstances, Police Officer John Gorman's use of deadly force against Dominic [REDACTED] and [REDACTED] was without justification and in violation of Chicago Police Department Policy as outlined by the Chicago Police Department's General Order 03-02-03, II; and the Illinois State statute. Also, PO Gorman's consumption of alcohol while possessing a firearm, and subsequent reckless driving with an open alcohol container all were in violation of Chicago Police Department Rules and Regulations. In addition, PO Gorman and PO Neylon's conduct after PO Gorman's use of deadly force was also in violation of Chicago Police Department Policy as outlined by the Chicago Police Department's General Order 03-02-06.

CPD Policy, Illinois State Statute, & Constitutional Standards

One of the applicable Chicago Police Department's General Orders, 03-02-03, II-A, states that a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. To prevent death or great bodily harm to the sworn member or to another person, or;
2. To prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a) has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b) is attempting to escape by use of a deadly weapon or;
 - c) otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

In addition, Section II-B states that "firing at or into a moving vehicle is only authorized to prevent death or great bodily harm to the sworn member or another person. When confronted with an oncoming vehicle and that vehicle is the only force used against them, sworn members will move out of the vehicle's path."

In addition, the use of deadly force is codified under 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

...a peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...

Finally, determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is

reasonable: (1) “the severity of the crime at issue;” (2) “whether the suspect poses an immediate threat to the safety of the officers or others;” and (3) whether he is actively resisting arrest or attempting to evade arrest by flight.” *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). This reasonableness calculation ‘must embody allowance for the fact that police officers are often forced to make split second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.’ *Graham*, 490 U.S. at 396-97. Consequently, “when an officer believes that a suspect’s actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force.” *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (*en banc*) (omitting emphasis)).

Chicago Police Department’s General Order 03-02-06 is also applicable to the allegations against the accused, including the following Sections V-B, V-D, and V-E (with emphasis added):

Section V-B: In any other instance where a member has discharged a firearm, the member, if physically capable, will:

1. notify the Office of Emergency Management and Communications (OEMC) immediately and provide all relevant information.
2. attend to all required emergency and security duties arising from the incident.
3. provide Department members conducting the investigation with information required to effect arrests and fulfill immediate law enforcement necessities.
4. inform the station supervisor of the district of occurrence.
5. remain on the scene, if not injured, and report to a field supervisor from the district of occurrence upon his or her arrival...

Section V-D: Any member, whether on or off duty, having knowledge of circumstances surrounding a firearm discharge incident or who has been fired upon will:

1. remain on the scene until released by those Department members conducting the investigation.
2. provide those Department members conducting the investigation with required information, assistance, and when requested, oral and written statements.
3. report to the supervisor responsible for the investigation in the district of occurrence.

Section V-E: Member’s Statement and Interviews.

1. A member who is involved in a firearm discharge incident will provide an oral report to the supervisor responsible for the investigation without delay...

Officer-Involved Shooting

There is a preponderance of evidence showing that PO Gorman was not objectively reasonable in his use of deadly force. First, [REDACTED] and [REDACTED] did not pose any threat to a sworn member or any other individual during the time of the weapons discharged. All accounts, other than PO Gorman’s (and including PO Neylon’s), indicate that PO Gorman discharged his firearm after [REDACTED] vehicle had accelerated past PO Gorman and PO Neylon. Second, the preponderance of evidence shows that PO Gorman discharged his firearm

towards the rear of [REDACTED] vehicle as it was moving away from PO Gorman. Accordingly, PO Gorman's use of deadly force was unreasonable and a violation of policy.

1. [REDACTED] and [REDACTED] did not pose any threat to a sworn member or any other individual:

[REDACTED] and [REDACTED] both stated that PO Gorman discharged his firearm after they had driven past him approximately "one half of a block" or "twenty-five to thirty-five feet." PO Gorman's partner, PO Neylon, also stated that the gunshot he heard was fired after [REDACTED] truck had already driven past PO Gorman. [REDACTED] also stated that he heard one additional gunshot after [REDACTED] had driven two blocks away from PO Gorman. By a preponderance of evidence, [REDACTED] and [REDACTED] did not pose any threat to PO Gorman because they were in a vehicle driving in a direction away from PO Gorman when he discharged his firearm.

PO Gorman stated that he discharged his firearm five times as [REDACTED] truck drove past him on the street. PO Gorman described these gunshots as a combination of a "knee jerk reaction" and him fending off an attack. It is uncontroverted that PO Gorman discharged his firearm five times and it is highly unlikely that PO Gorman would discharge his firearm that many times simply based on his reaction to the situation. PO Gorman's account of reflexively discharging his weapon five times up into the sky as the truck passed by him is not credible either standing alone or in the face of contradictory evidence. With respect to PO Gorman's statement that he discharged his firearm to fend off any attack, this is not supported by the three other eyewitness accounts of what transpired. All three stated that Officer Gorman discharged his firearm after [REDACTED] truck had driven past Officer Gorman. Additionally, it is not logical that PO Gorman would both discharge his weapon with the intent to fend off an attack *and* simultaneously have a "knee-jerk reaction."

Although PO Gorman's account of discharging his firearm into the sky is not found to be credible, he had admitted to firing into the air with intent. PO Gorman acknowledges that the department strictly prohibits firing of warning shots. PO Gorman was unclear as to whether his action of shooting in the air was the same as firing warning shots. However, he was unable to explain the difference. It is imperative to recognize that firing bullets into the air is an irresponsible act in that where the bullets may land or strike is unknown. PO Gorman violated policy by firing into the air. PO Gorman's actions, both firing at [REDACTED] vehicle and shooting in the air, are prohibited under Department Policy.

Also, the hole found in the back bumper of [REDACTED] truck appears to be a bullet hole. This evidence further supports the conclusion that PO Gorman discharged his weapon while [REDACTED] truck was driving in a direction away from PO Gorman. It should be noted that PO Gorman stated that the hole in [REDACTED] truck was not found until two or three weeks after the incident, by [REDACTED] despite the evidence technicians' examination of [REDACTED] truck on the night of the incident. This is incorrect. On 23 November 2014, the evidence technicians did discover the hole during their inspection and took five specific photographs of the hole. [REDACTED] was not present during the evidence technicians' examination of his truck, and apparently [REDACTED] did not become aware of the hole until days after the incident.⁶

Based on PO Gorman's admission to firing in the air, taken together with all other evidence in this case, there exists enough evidence to find it more probable than not that PO Gorman shot both at and above [REDACTED] vehicle. The evidence shows that PO Gorman exited PO Neylon's vehicle and deliberately pointed his weapon at [REDACTED] windshield. Thus, indicating an intentional or purposeful aim at [REDACTED] vehicle. As [REDACTED] drove past PO Gorman, it is more likely than not that PO Gorman's original intent to aim at [REDACTED] vehicle continued as PO Gorman fired upon [REDACTED] car. Furthermore, having fired five times

⁶ However, [REDACTED] did report during his interview the same damage to his truck that was photographed on the day of the incident, without prompting, and [REDACTED] also was aware at the time of his interview that [REDACTED] had discovered that damage.

is indicative of intentional and purposeful firing of PO Gorman's weapon. PO Gorman's assertion that he had a "knee-jerk reaction" is at odds with the number of shots fired, as well as his statement that he intentionally aimed above [REDACTED] vehicle. The evidence, including the damage to [REDACTED] vehicle, suggests that PO Gorman intentionally fired both at and above [REDACTED] vehicle.

2. Officer Gorman was unreasonable in discharging his firearm into a moving vehicle:

Based on the ballistic damage to [REDACTED] truck, as well as the statement of those involved, the preponderance of evidence shows that PO Gorman discharged his firearm at or into a moving vehicle. Discharging a firearm at or into a moving vehicle is only authorized if to prevent death or great bodily harm to the sworn member or another person. The evidence shows that PO Gorman's discharging of his firearm at and into [REDACTED] truck as it drove away did not prevent death or great bodily harm to any person. Therefore, PO Gorman's discharge of his firearm at and into [REDACTED] truck was a violation of policy.

While the preponderance of the evidence supports that the damage to the truck is a bullet hole from PO Gorman, even if that evidence is disregarded, the evidence that [REDACTED] and [REDACTED] had passed PO Gorman when he discharged his firearm would be independently sufficient to determine by a preponderance of evidence, that PO Gorman's actions were not justified.

Officer Gorman's Consumption of Alcohol and Reckless Driving

There is a preponderance of evidence showing that, on 23 November 2014, PO Gorman operated his motor vehicle while under the influence of alcohol, while in possession of a firearm, and while in possession of an open alcoholic beverage, each of which is a violation of policy. First, the Illinois State Police (ISP) Forensic Services Report detailed its retrograde extrapolation of PO Gorman's blood alcohol concentration of .070 at 22:11 hours, on 23 November 2014 to determine his approximate blood alcohol concentration at 16:30 hours. The ISP estimated that PO Gorman's blood alcohol concentration was 0.126 at 16:30 hours. Based upon this forensic evidence, it is evident that PO Gorman was under the influence of alcohol while driving on 23 November 2014 between approximately 16:25 and 16:40 hours, while at or near 1901 W. Pryor Ave., and/or while on 111th St., between Cicero Ave. and 1901 W. Pryor Ave.

By his own admission, PO Gorman was also in possession of a firearm and an open alcoholic beverage while driving on 23 November 2014, between approximately 16:25 and 16:40 hours, while at or near 1901 W. Pryor Ave., and/or while on 111th St., between Cicero Ave. and 1901 W. Pryor Ave.

In addition, there is a preponderance of evidence showing that PO Gorman operated his motor vehicle in a reckless and unsafe manner while driving eastbound on 111th St. on 23 November 2014. Eyewitness accounts from [REDACTED] and [REDACTED] detailed PO Gorman's reckless driving while they followed his vehicle on 111th St. between approximately 16:25 and 16:40 hours, including PO Gorman nearly striking a pedestrian with his vehicle, his high rate of speed, and him swerving in and out of traffic. [REDACTED] also called 911 at 16:33 hours. and reported PO Gorman's reckless driving as it was occurring. In addition, video surveillance footage of 111th St. on 23 November 2014, at approximately 16:28 hours, shows PO Gorman's vehicle passing another vehicle in the parking lane at a high rate of speed and then cutting in front of that vehicle in a reckless manner.

Officers Gorman's and Neylon's Conduct after the Officer-Involved Shooting

There is a preponderance of evidence showing that, on 23 November 2014, neither PO Gorman nor PO Neylon notified the Police after PO Gorman discharged his firearm, and neither PO Gorman nor PO Neylon remained on the scene where PO Gorman discharged his firearm, all of which are violations of policy.

By his own admission, PO Gorman did not notify the Police after he discharged his firearm, and PO Gorman stated that he did not do so because he had been drinking and exercised poor judgment. The 22nd District only learned of the shooting after another officer, Sgt. Doherty, heard the gunshots and sent a radio message related to the gunshots. Further, the 22nd District learned that it was PO Gorman who discharged his firearm only after [REDACTED] and [REDACTED] drove to the 22nd District station and reported the incident, along with PO Gorman's license plate number. PO Gorman did not discuss the discharge of his firearm with the Police until Sgt. Casey learned he was involved and contacted him by phone. In addition, by his own admission, PO Gorman left the scene of the shooting and drove home, where he subsequently received the call from Sgt. Casey.

By his own admission, PO Neylon did not notify the Police after he witnessed PO Gorman discharge his firearm, and PO Neylon admitted that this was a policy violation. The 22nd District only learned of the shooting after another officer, Sgt. Doherty, heard the gunshots and sent a radio message related to the gunshots. Further, the 22nd District learned that it was PO Gorman that discharged his firearm only after [REDACTED] and [REDACTED] drove to the 22nd District station and reported the incident, along with PO Gorman's license plate number. PO Neylon did not discuss PO Gorman's discharge of his firearm with the Police until he returned Sgt. Doherty's phone calls on the afternoon after the shooting. In addition, by his own admission, PO Neylon left the scene of the shooting and drove home, where he subsequently received the calls from Sgt. Doherty.

FINDINGS:

Accused: **Officer John Gorman, #14913**

Allegation #1: **Sustained.** Violation of Rules 1, 2, 3 and 15 in that on 23 November 2014, between approximately 16:25 and 16:40 hours, while at or near 1901 W. Pryor Ave., and/or while on 111th St., between Cicero Ave. and 1901 W. Pryor Ave., the accused operated his motor vehicle under the influence of alcohol which resulted in his arrest.

Allegation #2 **Sustained.** Violation of Rule 1 in that on 23 November 2014, between approximately 16:25 and 16:40 hours, while at or near 1901 W. Pryor Ave., and/or while on 111th St., between Cicero Ave. and 1901 W. Pryor Ave., the accused operated his motor vehicle while in possession of an open alcoholic beverage.

Allegation #3 **Sustained.** Violation of Rule 1 in that on 23 November 2014, between approximately 16:25 and 16:40 hours, while at or near 1901 W. Pryor Ave., and/or while on 111th St., between Cicero Ave. and 1901 W. Pryor Ave., the accused operated his motor vehicle in a reckless and unsafe manner.

Allegation #4 **Sustained.** Violation of Rule 1, 8 in that on 23 November 2014, at approximately 16:25 hours, while at or near the intersection of 111th St. and Kedzie St., the accused operated his motor vehicle in an unsafe manner, nearly striking a pedestrian.

Allegation #5 **Sustained.** Violation of Special Order S06-05-02, III-D, "Firearm Concealed Carry Act" in that on 23 November 2014, between approximately 16:25 and 16:40 hours, while at or near 1901 W. Pryor Ave., and/or while on 111th St.,

between Cicero Ave. and 1901 W. Pryor Ave., the accused possessed a firearm, while impaired, due to his consumption of alcoholic beverages.

Allegations #6 and #7 **Sustained.** Violation of General Order 03-02-03, II-A, "Deadly Force" in that on 23 November 2014 at approximately 16:40 hours, while at or near 1901 W. Pryor Ave., the accused discharged his firearm at or in the direction of Dominic [REDACTED] and [REDACTED] without justification, as the subjects were driving away from the accused and posed no immediate threat.

Allegation #8 **Sustained.** Violation of General Order 03-02-03, II-B, "Deadly Force" in that on 23 November 2014 at approximately 16:40 hours, while at or near 1901 W. Pryor Ave., the accused discharged his firearm at or in the direction of [REDACTED] moving vehicle, without justification, because sworn members are not authorized to fire into a moving vehicle unless it is to prevent death or great bodily harm to an individual, and such circumstances were not present.

Allegation #9 **Sustained.** Violation of General Order 03-02-06, V-B, "Firearms Discharge Incidents Involving Sworn Members" in that on 23 November 2014 at approximately 4:40 p.m., while at or near 1901 W. Pryor Ave., the accused discharged his firearm and failed to notify the Office of Emergency Management and Communications, Department members conducting the investigation, or the station supervisor of the district of the occurrence.

Allegation #10 **Sustained.** Violation of General Order 03-02-06, V-B, "Firearms Discharge Incidents Involving Sworn Members" in that on 23 November 2014 at approximately 16:40 hours, while at or near 1901 W. Pryor Ave., the accused discharged his firearm and failed to remain on the scene.

Allegation #11 **Sustained.** Violation of Rules 1, 2, and 3, in that on 10 November 2015, the accused was arrested for Aggravated Discharge of a Firearm related to his discharge of a firearm on 23 November 2014 at approximately 16:40 hours, while at or near 1901 W. Pryor Ave.

Allegation #12 **Sustained.** Violation of General Order 03-02-03, III-B, "Department Prohibitions for Use of Deadly Force - Firing Warning Shots" in that on 23 November 2014 at approximately 16:40 hours, while at or near 1901 W. Pryor Ave., the accused violated department policy when he fired his firearm into the air.

Accused: **Officer Timothy Neylon, #14722**

Allegation #1: **Not Sustained.** It was alleged that on 23 November 2014, between approximately 16:25 and 16:40 hours, while at or near 1901 W. Pryor Ave., and/or while on 111th St., between Cicero Ave. and 1901 W. Pryor Ave., the accused was impaired due to his consumption of alcohol. The preponderance burden of proof has not been met as to this allegation because there was no breathalyzer or blood alcohol content test performed on the accused and the witness statements do not prove by a preponderance of the evidence that the accused was intoxicated.

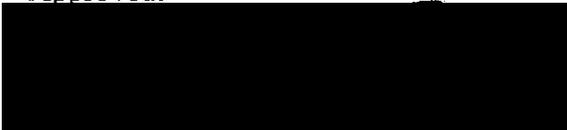
Allegation #2 **Sustained.** Violation of Rule 2, in that the accused failed to intervene and/or take police action at any time during the actions described herein involving PO Gorman on 23 November 2014, between approximately 16:25 and 16:40 hours, while at or near 1901 W. Pryor Ave., and/or while on 111th St., between Cicero Ave. and 1901 W. Pryor Ave.

Allegation #3 **Sustained.** Violation of General Order 03-02-06, V-D, "Firearms Discharge Incidents Involving Sworn Members" in that the accused failed to provide an oral report to the supervisor responsible for the investigation, without delay, related to PO Gorman's discharge of a firearm near 1901 W. Pryor Ave. on 23 November 2014, at approximately 16:40 hours.

Allegation #4 **Sustained.** Violation of General Order 03-02-06, V-D, "Firearms Discharge Incidents Involving Sworn Members" in that the accused failed to remain on the scene of PO Gorman's discharge of a firearm near 1901 W. Pryor Ave. on 23 November 2014, at approximately 16:40 hours.

Allegation #5 **Sustained.** Violation of General Order 03-02-06, V-E, "Firearms Discharge Incidents Involving Sworn Members" in that the accused failed to provide an oral report to the supervisor responsible for the investigation, without delay, related to PO Gorman's discharge of a firearm near 1901 W. Pryor Ave. on 23 November 2014, at approximately 16:40 hours.

Approved:



Sharon R. Fairley
Chief Administrator, IPRA