



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 South Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

Patricia Banks
Interim Chief Administrator
Civilian Office Of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

13 February 2018

Re: Log# 1086838

Non-concurrence with COPA's finding and penalty recommendation for:
Police Officer Christopher Hackett #7447
Police Officer Terrence Norris #16143

Dear Chief Administrator:

In reviewing the above mentioned CR:

The Department does not concur with the findings for the allegations against Officers Hackett and Norris. The Department believes the allegation that Officer Hackett violated the Department's Vehicle Pursuit Policy and the allegation that Officer Norris used excessive force in violation of Department Policy should both be classified as *Unfounded*.

Complimentary History

Officer Christopher Hackett has twenty (20) years of service with the Chicago Police Department with an exceptional complimentary history, including: one (1) Life Saving Award, eleven (11) Department Commendations, two hundred forty-two (242) Honorable Mentions, and ten (10) Complimentary Letters.

Officer Terrence Norris has eleven (11) years of service with the Chicago Police Department with an exceptional complimentary history, including: one (1) Unit Meritorious Award, seven (7) Department Commendations, one hundred twenty-nine (129) Honorable Mentions, and ten (10) Complimentary Letters.

Disciplinary History

Officers Norris has no sustained complaints in the last seven years. Officer Hackett has one sustained complaint that is not finalized and is pending an arbitrator's review.



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Case Summary

On December 15, 2012 a citizen called 911 and stated, "There's three men that just assaulted someone in a semi, they pulled him out his truck. It's actually happening right now on 39th, between 39th and 38th and Kedzie." Another caller reported men in a grey Trailblazer near Pershing who had "a pistol" and were fighting with somebody near Pershing and Kedzie before heading east. This caller stated four or five males robbed a man in a semi-truck.¹ OEMC reported the following incidents to 9th District officers²:

- Four males in a grey, 2006 Trailblazer were reported trying to rob a truck driver at 3900 S. Kedzie. (1018 hours)
- The suspect Trailblazer drove south on Kedzie with Indiana license plates (1019 hours)
- A silver Trailblazer with Indiana plates stole televisions from a truck at 3800 S. Kedzie (1023 hours)
- The suspect vehicle contained a gun with approximately five males heading east on Pershing (1024 hours)
- At least one suspect was armed (1028 hours)
- The suspects were southbound on Western from 50th Street (1113 hours)
- The suspect vehicle "should have a gun in the car" and the suspects were eastbound on 55th Street (1115 hours)

Officers Christopher Hackett and Ruth Castelli were in uniform working a marked CPD vehicle, Beat 935. Officer Hackett was the driver. The officers responded to these OEMC radio calls. The officers were looking for a silver Trailblazer with multiple occupants and one person armed with a firearm. The men in the Trailblazer were suspects in two incidents, an armed robbery with a firearm at 39th and Kedzie and a burglary at 54th and Western. Officer Hackett observed the vehicle and activated his emergency equipment at 51st and Western. The suspect Trailblazer fled and Officer Hackett began a vehicle pursuit. The Trailblazer crashed at a gas station at 1551 W. Garfield Ave. Multiple suspects fled the vehicle. Officer Hackett's vehicle slid and struck [REDACTED], who was fleeing the vehicle. Officer Hackett attempted to arrest [REDACTED], who was under the front of the patrol car. [REDACTED] flipped Officer Hackett onto the ground. Officer Castelli told IPRA that she saw an object in [REDACTED] hand that she believed was a gun.³ Officer Castelli shot [REDACTED] twice and [REDACTED] subsequently died from his wounds. [REDACTED] did not have a gun. A small black flashlight was

¹ COPA Summary Report Log 1059031 pg.5, 911 Calls from OEMC.

² COPA Summary Report Log 1059031 pg.4-5, CPD Event Queries.

³ COPA Summary Report Log 1059031 pg. 33, Officer Castelli interview.



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recovered from the scene. The pursuit and shooting were recorded on the In-Car Camera of Officer Hackett's patrol vehicle.

Officer Norris was one of the responding police officers to this officer-involved shooting. Upon arrival, Officer Norris saw Cameron Parker shouting at Officers Hackett and Castelli. Officer Norris stated that Mr. Parker yelled something like "get that female police officer out here." Officer Norris pushed Mr. Parker and Mr. Parker walked away from the scene. Mr. Parker was not arrested.

IPRA conducted the initial investigation into this officer-involved shooting. IPRA investigators arrived on the scene at 1230 hours, approximately one hour and fifteen minutes after the shooting. IPRA reported:

Numerous individuals were gathered near 55th St. and Ashland Ave. and IPRA noted that the crowd began yelling and moving into the intersection. There was a massive response of CPD officers with multiple arrests made to bring the scene under control.⁴

On 5 December 2013, IPRA investigators interviewed Officer Hackett about this incident. Four years later on 4 October 2017, COPA investigators served Officer Hackett with one allegation that Officer Hackett "engaged in an out of policy vehicle pursuit," and interviewed Officer Hackett about this incident. (see Attachment 35) On 2 October 2017, COPA investigators served Officer Norris with one allegation that Officer Norris "used excessive and unjustified force by shoving Cameron Parker" and interviewed Officer Norris about this incident.

Officer Norris and [REDACTED]

COPA's investigation did not reference any attempts by IPRA or COPA investigators to interview [REDACTED] over the course of this five-year investigation. On 2 November 2013, [REDACTED] was deposed about this incident in the matter of L.M. vs. City of Chicago. [REDACTED]'s deposition was not for the purpose of questioning him about Officer Norris, but rather to establish his witness testimony for the shooting. COPA referenced [REDACTED]'s deposition as the source of the complaint against Officer Norris and from [REDACTED]'s statements COPA came to the following conclusions:

[COPA investigators] fail to see how Officer Norris' actions did nothing to prevent [REDACTED] from subsequently advancing toward the crime scene. Officer Norris' behavior suggests he did not actually perceive [REDACTED] as an assailant. In fact, it appears from the video evidence that Officer Norris shoved [REDACTED] because he [Officer Norris] was agitated and he [Officer Norris] took out his frustration by shoving [REDACTED]" (see COPA Summary Report pg. 50)

⁴ COPA Summary Report Log 1059031 pg. 4, Investigation.



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COPA concluded that ██████ was not an assailant because the video showed that ██████ was several feet from Officers Castelli and Hackett. COPA's investigation did not appear to take a complete view of ██████'s deposition. While ██████ was being deposed about the shooting, ██████ made the following statements about his interaction with Officer Norris (emphasis added):

[I]t was this one incident where, after everything happened, **I was walking closer towards them** [Officers Hackett and Castelli] like, Why did you shoot, Why you still choking him, Why you still choking him-excuse me-there's one point where I had like went to step over the guardrail, and I was like standing with my legs like...one leg on this side of the Laundromat parking lot side, one leg on the...gas station side...a male officer...came out of the alleyway or whatever, and he was coming back, and **I guess he heard me, you know, shouting or whatever**, and he pushed me. (Att 74, pg. 125)...

Q: Did he say anything to you?

A: He was like, **Go stand over there**. And, I mean, that was it. And I'm like, Man, don't fucking push me. And he kind of like gave me this look like, Pull it if you want to. **But I just...went about my way, man**. (Att 74, pg. 126)...

He [Officer Norris] came from the back. **I guess he saw me, you know shouting what I was shouting...Because I mean you just shot him already. Like that should be enough. Like after you shot him, he went down. So like why are you still choking this man to death? Like why do you have to choke him like that?** (Att 74 pg. 127)

It should be noted that no allegations were made against any officer in this Log Investigation or in Log Investigation 1059031 alleging that any officer choked ██████

COPA's characterization of a frustrated Officer Norris shoving a non-threatening ██████ is not accurate. ██████'s deposition showed he was angry ██████ had been shot. He was shouting. He was advancing toward Officers Castelli and Hackett. He wanted the officers to stop handling ██████ (which ██████ stated he perceived as choking). He was pushed by Officer Norris. He was told by Officer Norris to, "Go stand over there." He said to Officer Norris, "Don't you fucking push me;" and, after being pushed and starred down by Officer Norris, ██████ went about his way.

Officer Norris pushed ██████ because ██████ by his own admission, was threatening the imminent use of force against Officers Hackett and Castelli. Officer Norris not only perceived ██████ as an assailant, ██████ was an assailant. ██████ actions and words were "aggressively offensive without weapons." ██████ stated that he was angry, was shouting, and was moving toward Officers Hackett and Castelli, indicating that his threatened use of force was imminent. ██████ was "advancing on [the officers] in a threatening manner" and Officer Norris' push was an appropriate, minimal use of force to stop ██████ from advancing further.



COPA's Summary Report for this Log Investigation failed to reference the observations made by IPRA investigators who were on-scene shortly after this shooting. The observations of these IPRA investigators were included in Log Investigation #1059031. IPRA investigators reported that they saw the same threatening, aggressive crowd that Officer Norris saw. IPRA investigators reported that when they arrived on this scene, the crowd "began yelling and moving into the intersection" causing "a massive response of CPD officers with multiple arrests made to bring the scene under control." (Summary Report Log #1059031 pg. 4)

Vehicle Pursuit Balancing Test

COPA's Summary Report for this Log Investigation detailed their analysis of the Balancing Test for General Order 03-03-01; however, the analysis in COPA's Summary Report failed to cite the reasons Officer Hackett was pursuing the Trailblazer. (see COPA Summary Report pg. 46-48, *no information is included stating the reasons Officer Hackett attempted to stop the Trailblazer*) COPA did include the reasons for the pursuit in the analysis portion of the Summary Report for Log #1059031.

Officer Hackett was in pursuit of a vehicle wanted for at least two armed felonies: an armed robbery and an armed burglary. Officer Hackett was aware that "at least" one of the men in the Trailblazer was armed with a gun. Officer Hackett was aware that the men in the Trailblazer were wanted for an armed robbery that occurred at 3817 S. Kedzie Ave and, 43 minutes later, for a burglary that occurred at 5400 S. Western Ave. The men in the Trailblazer were on an active crime spree when Officer Hackett began this vehicle pursuit. Officer Hackett observed the Trailblazer and began the pursuit only minutes after the men in the Trailblazer had committed their second crime.

The General Order in effect in 2012 for Vehicle Pursuits defined the Balancing Test:

The necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by the motor vehicle pursuit. (Att. 41 pg. 1)

The Department agrees with COPA's findings that the wet conditions of the road posed a serious risk to the public, to the suspects, and to the officers. The Department also agrees that Officer Hackett was responsible for considering those risks in the Balancing Test. However, COPA's analysis did not address Officer Hackett's reasonable belief that the need to immediately apprehend the men in the Trailblazer outweighed the risk of the pursuit. The offenders in the Trailblazer were not just escaping crimes. The men were in the process of committing serious violent crimes. The Balancing Test must take into consideration that Officer Hackett was pursuing a vehicle not just to apprehend the men for the crimes they had committed, but also to stop these men from committing more violent crimes. If Officer Hackett terminated the pursuit in this incident, it would not be unreasonable to expect that the men in the Trailblazer would have committed another armed robbery. The pursuit did pose a risk to the public, but so did the men in the Trailblazer, if they were allowed to escape.



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Superintendent's Professional Opinion

COPA's Summary Report for this Log Investigation failed to provide a complete account of this incident. The facts of this incident are better understood with the information provided in COPA's Investigation for Log 1059031, but there is still important evidence that is missing.

COPA investigators did not interview [REDACTED]. The statements [REDACTED] made during his deposition did not completely explain what [REDACTED] was doing or what he intended to do. A complete review of [REDACTED] deposition revealed that [REDACTED] was angry, was shouting, and was moving toward the officers. Officer Norris pushed [REDACTED] told him to stand further away, and [REDACTED] moved away. The Department does not concur that Officer Norris violated the Department's Use of Force policy and believes the allegation should be classified as Unfounded.

COPA did not include the reasons that Officer Hackett pursued the Trailblazer as part of the analysis of the Balancing Test. An evaluation of the need to immediately apprehend the offender is an essential part of the Balancing Test, along with the risks of engaging in a vehicle pursuit. Log Investigation #1059031 contained evidence that Officer Hackett reasonable believed the men in the Trailblazer were on an active violent crime spree. The evidence in Log Investigation 1059031 showed that the men in the Trailblazer were extremely dangerous and needed to be stopped. Officer Hackett was not unreasonable when he concluded the need to stop the men in the Trailblazer outweighed the risk of a vehicle pursuit on wet roads; therefore, the allegation that Officer Hackett violated the Department's Vehicle Pursuit policy should be classified as Unfounded.

[REDACTED]

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ETJ/lpc

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