



Log # 2022-5198

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

### I. EXECUTIVE SUMMARY

On December 7, 2022 the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at approximately 5:13 pm near [REDACTED] W. 126<sup>th</sup> Pl Chicago, IL.<sup>2</sup> COPA learned that Officers Jake Schmeisser and Ravyn Morgan discharged their firearms at [REDACTED] [REDACTED] after he pointed a firearm at a civilian. After reviewing the evidence, COPA concluded that no instances of excessive force were observed, and the officer's use of force was within CPD policy.

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

On December 7, 2022, at approximately 5:23 pm a 911 call was made by a female at [REDACTED] W. 126<sup>th</sup> Place stating that she needed help for her son who was acting irregularly. She told 911 that her son had a gun, but he put it away.<sup>4</sup> A couple minutes into the 911 call gunshots can be heard in the background along with a woman screaming. The caller confirmed that those were gunshots and gave a description of [REDACTED] as the shooter.<sup>5</sup>

At approximately 5:25 pm, the footage from the Ring Camera located on the front porch [REDACTED] W. 126<sup>th</sup> Place shows a sedan park in front of the house and a female<sup>6</sup> exited the driver's seat. As she reached the curb, [REDACTED] exited the house, pointed a firearm at her and told her to "get the fuck away from here."<sup>7</sup> [REDACTED] continued to advance toward her and as she moved back toward her car, he discharged at her and the vehicle three times while the female shouted back and

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including third party cameras, ring camera videos, body worn camera (BWC) videos, 911 calls and radio transmissions, CPD reports, Investigative Response Team (IRT) interviews, medical records, and Officers Schmeisser, Morgan, Morrow, and Cruz Acevedo's interviews. COPA has not received the last supplementary report because it is still on-going. COPA will upload the last supplementary report when it is complete.

<sup>4</sup> Atts. 5, 50. The caller was [REDACTED] [REDACTED] and her son is [REDACTED]

<sup>5</sup> Att. 50 at 3:45.

<sup>6</sup> Now identified as Kinisha [REDACTED] the daughter of [REDACTED]

<sup>7</sup> Att. 111 at 0:38.

asked what he was doing.<sup>8</sup> An individual wearing a yellow jacket ran out of the parked sedan.<sup>9</sup> The female entered the vehicle and as she drove off, ██████ discharged once more at the moving vehicle before returning to his house.<sup>10</sup>

At 5:27 pm, the Ring Camera captured ██████ exit his front door again carrying a shotgun in his right hand. He walked down his front steps into his yard and discharged twice into his neighbor's house to the right of him. ██████ then moved to the neighbor's front yard and discharged his shotgun once more into the neighbor's house before returning to his front door and entering the home. As ██████ entered his home it appeared he was also holding a handgun along with the shotgun.<sup>11</sup>

At approximately 5:30 pm, OEMC<sup>12</sup> dispatch assigned Beat 564E<sup>13</sup> to respond to the man with a gun call.<sup>14</sup> A male, went over the air and stated that after reviewing the ShotSpotter<sup>15</sup> system there were about six to eight shots fired at that address and to use caution when responding.<sup>16</sup> Beat 564B<sup>17</sup> went over the air to let dispatch know that they were going to respond with 564E to the location of incident.<sup>18</sup>

At 5:31 pm, per the Ring camera, a black SUV, driven by ██████ ██████<sup>19</sup> arrived and parked in front of the house that ██████ had shot into a few moments prior. Three individuals<sup>20</sup> exited the SUV at the same time ██████ exited his front door. ██████ then fired once at the individuals who had exited the SUV while on his front porch, and then he walked down the steps and toward the street. One of the passengers from the SUV was struck by ██████ gunfire.<sup>21</sup> Two of the individuals who had been fired upon ran across the street and into the gangway of a house. ██████ then ran down the block and around the corner.<sup>22</sup>

At 5:32 pm, a 911 call was made by a female who reported someone was shot at ██████ W. 126<sup>th</sup> Place. She explained that a black SUV had pulled up and as they exited, the man next door

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<sup>8</sup> Att. 16 at 0:07.

<sup>9</sup> Att. 11. ██████ ██████ was later identified as the male who was in the sedan.

<sup>10</sup> Att. 111 and continued on Att. 3; Att. 121 at 14:31. Dispatch broadcast to units in the 5<sup>th</sup> District and Citywide that there had been shots fired at 137 W. 126<sup>th</sup> Pl. by a male black, light complexion, wearing a hoodie who had shot at a female and was yelling and being combative. At 15:34 dispatch relayed more information to officers stating that the shooter was ██████ wearing a red hat and red and white joggers.

<sup>11</sup> Att. 110.

<sup>12</sup> Office of Emergency Management and Communication.

<sup>13</sup> Atts. 149, 150. Officers Jeffery Morrow and Johnathon Cruz Acevedo.

<sup>14</sup> Att. 121 at 17:26.

<sup>15</sup> ShotSpotter uses strategically placed acoustic sensors to detect and locate gunshots within a coverage area. The locations of the gunshots are calculated using audio pulse data and multilateration.

<sup>16</sup> Att. 121 at 18:53. The male identified himself as 50210.

<sup>17</sup> Atts. 118, 119. Officers Jake Schmeisser and Ravyn Morgan.

<sup>18</sup> Att. 121 at 19:39.

<sup>19</sup> Att. 7.

<sup>20</sup> Att. 10. ██████ ██████ ██████ ██████ and ██████ ██████

<sup>21</sup> Att. 27, pg. 6.

<sup>22</sup> Att. 110

shot at them. Dispatch relayed this information over the air to responding officers.<sup>23</sup> Dispatch added that responding officers should proceed with caution as they had a caller stating that an unknown male was running up and down that street with a rifle trying to shoot into windows.<sup>24</sup>

At about 5:34 pm, the Ring Camera captured ██████ return to his home and enter the house with a firearm in his hand. At 5:35 pm, an unmarked police SUV<sup>25</sup> drove past ██████ home with a flashlight shining<sup>26</sup> toward the homes across the street before coming to a stop just past the parked black SUV. The police SUV then reversed and parked in front of the black SUV. As Officers Jeffery Morrow<sup>27</sup> and Johnathon Cruz Acevedo<sup>28</sup> exited, and an individual walked toward them from the neighbor's house,<sup>29</sup> ██████ also exited his front door shouting and pointing a handgun in their direction.<sup>30</sup>

At approximately 5:35 pm, Officers Jeffery Morrow and Johnathon Cruz Acevedo encountered ██████ who held and pointed a handgun towards the officers.<sup>31</sup> The officers repeatedly yelled for him to drop the gun.<sup>32</sup> Officers Morrow and Cruz Acevedo took cover and continued to de-escalate the situation by telling ██████ to drop the gun and that they would get him some help.<sup>33</sup> ██████ did not comply and raised the gun in the direction of the officers, who called a 10-1<sup>34</sup> and reported he was pointing the gun.<sup>35</sup> Officer Morrow provided a description of ██████ to dispatch.<sup>36</sup> Officer Morrow also radioed in stating that whoever was in the silver car that was approaching to be aware because ██████ was walking toward them armed with a handgun.<sup>37</sup>

██████ then walked westbound on 126<sup>th</sup> Place,<sup>38</sup> and the officers continued to radio his location and that he had a gun in his right hand.<sup>39</sup> As Officers Morrow and Cruz Acevedo took

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<sup>23</sup> Att. 121 at 20:20.

<sup>24</sup> Att. 121 at 20:44.

<sup>25</sup> Beat 564E.

<sup>26</sup> Att. 90 at 1:24.

<sup>27</sup> Att. 98. Att. 156 pg. 9, Lns. 14 to 17 and Att. 158, pg. 9, Lns. 21 to 24; Officers Morrow and Cruz Acevedo were aware they were responding to a person with a gun call that later updated to a person shot at the location while they were in route.

<sup>28</sup> Att. 91.

<sup>29</sup> Att. 158, pg. 9, Lns. 20 to 22. Officer Morrow stated that this individual told him that their neighbor had recently shot into their house.

<sup>30</sup> Att. 20, and Att. 98 at 2:07.

<sup>31</sup> Att. 98 at 2:05 and Att.91 at 2:03.

<sup>32</sup> Att. 98 at 2:05 and Att. 91 at 2:03.

<sup>33</sup> Att. 98 at 2:20 and Att. 91 at 2:25.

<sup>34</sup> Att. 98 at 2:12, Att. 91 at 2:12, and Att. 121 at 23:00.

<sup>35</sup> Att. 98 at 2:37.

<sup>36</sup> Att. 98 at 2:33.

<sup>37</sup> Att. 98 at 2:55.

<sup>38</sup> Att. 91 at 3:00.

<sup>39</sup>Att. 98 at 2:57.

cover, Officers Jake Schmeisser<sup>40</sup> and Ravyn Morgan<sup>41</sup> arrived on the scene<sup>42</sup> and exited their vehicle near the intersection of 126<sup>th</sup> Place and Brayton Street. Officers Schmeisser and Morgan observed ██████ walking in their direction and yelled for him to show his hands and put the gun down.<sup>43</sup> ██████ crossed the street, pointed his gun at a civilian, ██████ who was standing in a nearby alley, and began advancing quickly toward ██████<sup>44</sup> At that point, Officer Schmeisser discharged his firearm approximately five times at ██████<sup>45</sup> and Officer Morgan discharged approximately three times.<sup>46</sup> ██████ was struck once in the right index finger, fell to the ground in the alley,<sup>47</sup> and was placed into custody.<sup>48</sup> ██████ was transported to Roseland Hospital.<sup>49</sup> ██████ was charged with six counts of Attempted First Degree Murder, one count Aggravated Discharge of a firearm into an occupied building, and one count Aggravated Battery/Discharge Firearm.<sup>50</sup>

### III. ALLEGATIONS

COPA reviewed all evidence regarding this incident and concluded that no excessive force allegations were observed.

### IV. CREDIBILITY ASSESSMENT

It should be noted COPA's investigation did not reveal evidence calling into question the credibility of any individuals (sworn or non-sworn) who provided statements regarding the incident.<sup>51</sup>

### V. ANALYSIS<sup>52</sup>

COPA finds by a preponderance of the evidence that Officer Schmeisser's and Officer Morgan's use of force were consistent with CPD policy, and the actions of the officers in employing deadly force were objectively reasonable, proportional to the threat, and necessary to

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<sup>40</sup> Att. 105.

<sup>41</sup> Att. 97.

<sup>42</sup> Att. 159, pg.11 Lns. 3 to 4. Officers Schmeisser and Morgan were responding to a person with a gun, shots fired, 10-1 call.

<sup>43</sup> Att. 105 at 2:38 and Att. 97 at 2:45.

<sup>44</sup> Att. 105 at 3:05, Att. 97 at 3:07, and Att. 28- Darryl ██████ details the incident in the IRT Interview.

<sup>45</sup> Att. 105 at 3:06, Atts. 8, 119, 152.

<sup>46</sup> Att. 8 and Att. 97 at 3:10, Att. 118, Att. 153 the interview of Officer Morgan, and Att. 152, the interview of Officer Schmeisser; Att. 121 at 24:28 a male went over the air and announced that shots had been fired by the police. Two ambulances were requested.

<sup>47</sup> Att. 105 at 3:09 and Att. 97 at 3:14.

<sup>48</sup> Att. 105 at 3:25 and Att. 97 at 3:30; Att. 121 at 27:08. Beat 564 went over the air and confirmed that the offender was in custody and that he sustained a GSW to his hand.

<sup>49</sup> Att. 132 and Att. 168.

<sup>50</sup> Att. 155.

<sup>51</sup> Officer Interviews of Morgan Att.153, Schmeisser Att.152, Morrow Att. 147, and Cruz Acevedo Att. 148 all portray the same narrative as well as the ring camera videos Atts. 1-3, Att. 108, Att. 110, Att. 111 and Att. 85, and Att. 72.

<sup>52</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

prevent imminent bodily harm to both [REDACTED] and the officers themselves. COPA further finds that the officers employed de-escalation tactics while it was safe and feasible. COPA further finds that the officers used deadly force as an option of last resort. COPA therefore concludes by a preponderance of the evidence that Officer Schmeisser's and Officer Morgan's use of deadly force complied with CPD policy.

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, the CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>53</sup> CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.<sup>54</sup> This means CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.<sup>55</sup>

The primary concern in assessing the use of force is whether the amount of force the member used was objectively reasonable in light of the totality of the circumstances faced by the officer.<sup>56</sup> The use of deadly force is permitted only as a "last resort" when "necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."<sup>57</sup> A threat is considered imminent "when it is objectively reasonable to believe that: (a) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (b) the person has the means or instruments to cause death or great bodily harm; **and** (c) the person has the opportunity and ability to cause death or great bodily harm."<sup>58</sup>

In reaching its conclusions, COPA evaluated all available evidence, including the statements provided by the involved members. COPA has found the members to be credible in their statements. Moreover, the members' statements are corroborated by video footage of the incident. Based on a review of the evidence, COPA finds that Officer Schmeisser's and Officer Morgan's use of deadly force was objectively reasonable in light of the imminent threat they faced. Specifically, the evidence shows that at the time the members encountered [REDACTED] had already indiscriminately fired a handgun at multiple people, striking one. [REDACTED] was armed with a revolver during the entire encounter with the members, had previously fired upon several civilians, had fired into a home, had pointed his firearm in the direction of members, and was approaching a civilian with his firearm pointed at the civilian. His actions were thus immediately likely to cause death or great bodily harm.<sup>59</sup> COPA thus finds by a preponderance of the evidence that it was objectively reasonable for the members to believe that [REDACTED] posed an imminent

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<sup>53</sup> Att. 175, G03-02 (II)(A).

<sup>54</sup> Att. 175, G03-02(III)(B).

<sup>55</sup> Att. 175, G03-02(III)(B).

<sup>56</sup> Att. 175, G03-02(III)(B)(1).

<sup>57</sup> Att. 175, G03-02(IV)(C).

<sup>58</sup> Att. 175, G03-02(IV)(B).

<sup>59</sup> Att. 175, G03-02(IV)(B).



Appendix ACase Details

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| Date/Time/Location of Incident: | December 7, 2022/5:10 pm/ [REDACTED] W. 126th Place  |
| Date/Time of COPA Notification: | December 7, 2022/6:00 pm   |
| Involved Member #1:             | Ravyn Morgan, Star #18291, Employee ID# [REDACTED] Date of Appointment: 10/29/2018, Rank: PO, Unit of Assignment: 005, DOB: [REDACTED]/1994, Female, Black |
| Involved Member #2:             | Jake Schmeisser, Star #18556, Employee ID# [REDACTED] Date of Appointment: 3/16/2020, Rank: PO, Unit of Assignment: 005, DOB: [REDACTED]/1997, Male, White |
| Involved Individual #1:         | [REDACTED] DOB: [REDACTED]/1970, Male, Black   |

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 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 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

1. General Order G03-02, De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 27, 2023).
2. General Order G03-02-03, Firearm Discharge Incidents - Authorized Use and Post-Discharge Administrative Procedures (effective April 15, 2021, to June 27, 2023).

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the 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 a proposition is proved.<sup>62</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>63</sup>

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<sup>62</sup> See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

<sup>63</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).



**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation