



Log # 2023-2381

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 1, 2023, at approximately 8:47 pm, the Chicago Police Department's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at approximately 8:21 pm at 4216 S. Wells Street.² Information from CPD and Ring video from the residence at [REDACTED] showed that, at the time of the incident, a white SUV was stopped in the alley at approximately 4226 S. Wells Street, and four individuals exited the vehicle. The four individuals walked and jogged east through a vacant lot on the north side of 4226 S. Wells Street.³ When they neared the west sidewalk of Wells Street, the four individuals fired guns, including using automatic fire, at people located north of them along the west side of Wells Street.⁴ The four individuals then ran east through the same vacant lot and back to the alley, where they re-entered the white SUV and drove off southbound in the alley.⁵ Shortly thereafter, [REDACTED] was discovered fatally wounded on the sidewalk in front of 4214 S. Wells Street. [REDACTED] was on the porch at [REDACTED] Street with gunshot wounds to his abdomen and calf. [REDACTED] was shot in the left forearm and ran from the scene. It was reported that some of the victims may have returned fire at the four individuals who had shot at them.⁶

Three uniformed officers riding in an unmarked SUV responded to a ShotSpotter alert set off by the gunfire. Officer Mark Hanna was driving the vehicle, Officer Jose Munoz was the front passenger, and Officer Reinaldo Rodriguez was the rear passenger. As Officer Hanna drove north on Wells Street, he saw a male subject, later identified as [REDACTED] standing in the middle of Wells Street. According to Officer Hanna, [REDACTED] walked toward the west side of Wells Street and out of his view,⁷ which was blocked by a vehicle.⁸ Officer Hanna said that as the officers' SUV approached the shooting scene, [REDACTED] walked back into view, took a shooting stance, pointed a handgun, and fired a round in Officer Hanna's direction. Officer Hanna returned fire from just inside the SUV. [REDACTED] ran south on Wells Street, fell near the vacant lot, got up, and continued running across the vacant lot toward the west alley of Wells Street.

¹ 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.

² 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. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

³ Att. 24 at 00:00 to 00:11.

⁴ Att. 25.

⁵ Att. 26 at 00:00 to 00:07; Att. 27 at 00:00 to 00:16.

⁶ Att. 26 at 00:00 to 00:07. Apparent gunfire is heard, but the four individuals running away do not appear to be firing at this point.

⁷ Att. 188, pg. 13, lns. 12 to 18.

⁸ Att. 188, pg. 72, lns. 5 to 16.

Officers Hanna, Munoz, and Rodriguez requested EMS and checked the injuries on ██████ and ██████ Paramedics arrived at the scene minutes later and began treating the shooting victims.

Officers located ██████ under the back porch of 4241 S. Princeton Avenue, a block west of Wells Street, with an injury to his right leg. He was placed in an ambulance and transported to the University of Chicago Hospital, where he was admitted. ██████ sustained a gunshot wound to his right leg near the knee, with the bullet lodged. ██████ was pronounced deceased at the University of Chicago Hospital. ██████ Officer Hanna, Officer Munoz, and Officer Rodriguez were also treated at the University of Chicago Hospital, with ██████ admitted for treatment. ██████ who had run to the next block and called 911, was eventually treated at Insight Hospital.

Upon review of the evidence, COPA served the allegation that Officer Hanna discharged his firearm at or in the direction of ██████ and/or ██████ and/or an unknown person without justification, in violation of General Order G03-02. COPA also alleged that Officer Munoz failed to provide life-saving aid to ██████ as soon as it was safe and feasible to do so, in violation of General Order 03-02(V)(B). Finally, all three officers were served allegations that they failed to timely activate their BWCs. Following its investigation, COPA reached sustained findings as to the BWC violations, and not sustained findings for all other allegations.

II. SUMMARY OF EVIDENCE⁹

In his **statement to COPA on August 10, 2023**,¹⁰ **Officer Hanna** provided an account that was consistent with the Executive Summary. He explained that in addition to the ShotSpotter alert, he and his partners received an Office of Emergency Management and Communications (OEMC) notification of the multiple shots-fired incident, possibly involving eight rounds.¹¹ Officer Hanna then drove north on Wells Street from 46th or 47th Street. As he approached the 4216 S. Wells Street, approximately two minutes after the initial shooting, he saw ██████ take a shooting stance and fire a round in his direction.¹² Officer Hanna believed his life and the lives of his partners and civilians on the scene were in jeopardy. Officer Hanna unholstered his firearm and fired at ██████ from the driver's seat area of his squad car, with the last shot occurring as Officer Hanna was exiting the squad car.¹³

Officer Hanna estimated that he was approximately one car-length from ██████ when he fired the first three rounds at him.¹⁴ Officer Hanna acknowledged that he might have fired a total of four rounds.¹⁵ Officer Hanna said that when he fired at ██████ was the only person in his

⁹ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including surveillance footage, 911 calls and radio transmissions, and Chicago Police Department (CPD) reports, a tactical response report (TRR), and firearm qualification history.

¹⁰ Atts. 186, 258.

¹¹ Att. 258, pg. 13, lns. 8 to 11; pg. 23, lns. 15 to 24.

¹² Att. 258, pg. 13, lns. 12 to 21; pg. 26, lns. 2 to 5.

¹³ Att. 258, pg. 13, lns. 21 to 24; pg. 14, lns. 1 to 5; pg. 32, lns. 14 to 22.

¹⁴ Att. 258, pg. 39, lns. 5 to 9.

¹⁵ Att. 258, pg. 33, lns. 10 to 15.

line of sight.¹⁶ Officer Hanna said when he fired his third round at ██████ it looked like ██████ made a movement with his right hand.¹⁷ However, Officer Hanna could not tell if ██████ was throwing a handgun.¹⁸ He believed ██████ was still armed with a firearm when he fired the three rounds.¹⁹

Part of **Officer Hanna's BWC video**, which did not have audio for the first two minutes, was played during his statement.²⁰ Officer Hanna said he believed ██████ fired as he and his partners approached in the squad car on Wells Street.²¹ The squad car was not stopped when Officer Hanna's right arm moved from the steering wheel to his right, when he said he accessed his firearm to return fire.²² He then began firing out his driver's door window. As the squad car slowed, the video captured people on the front porch of 4216 S. Wells Street. Officer Hanna said he scanned the area and assessed the situation. He then fired his last shot toward ██████ who was running southwest towards a vacant lot. Officer Hanna stopped the squad car and exited, walked toward the front porch with his gun drawn, and pointed it at the people on the front porch because he did not know if they were victims or offenders.²³ ██████ was lying on the sidewalk to the north of 4216 S. Wells Street. ██████ appeared to be lying on the north side of the front porch, while a bare-chested male subject with light-colored braids sat next to him.²⁴ Officer Hanna walked into the front yard of 4216 S. Wells Street using a flashlight to search in the grass. Officers Hanna and Munoz attended to ██████ on the sidewalk while Officer Rodriguez attended to ██████ on the front porch. Officer Rodriguez obtained the pants belt from the subject with the light-colored hair braids, which was used for a tourniquet for ██████ leg wound.²⁵ Officer Hanna cut ██████ shirt, checked for a pulse, and said, "he's alive."²⁶ Ambulance 4 arrived at the scene at approximately 8:26 pm.²⁷

The **Ring video from ██████** was also played during Officer Hanna's statement.²⁸ It captured the sound of three gunshots and ██████ running and falling to the ground on the west sidewalk of Wells Street. ██████ got back up and began to run through the vacant lot while holding a black object in his right hand and behind him.²⁹ A fourth gunshot was then heard. Officer Hanna said he fired the fourth shot because he feared ██████ was still armed and was going to try to kill him. He explained, "I reasonably believed that ██████ was rearmed with the firearm after seeing that black object, him turning around, looking in my direction, and then waving his right arm behind him."³⁰ As ██████ continued running west, he moved out of Officer Hanna's line

¹⁶ Att. 258, pg. 39, lns. 13 to 16.

¹⁷ Att. 258, pg. 39, lns. 17 to 23.

¹⁸ Att. 258, pg. 40, lns. 2 to 10.

¹⁹ Att. 258, pg. 40, lns. 13 to 24; pg. 41, lns. 1 to 2; pg. 51, lns. 3 to 7.

²⁰ Att. 71.

²¹ Att. 258, pg. 56, lns. 5 to 6.

²² Att. 71 at 00:47.

²³ Att. 258, pg. 57, lns. 12 to 17.

²⁴ Att. 71 at 00:58. Note: This individual may have been ██████ ██████

²⁵ Att. 71 at 2:41.

²⁶ Att. 71 at 4:18.

²⁷ Att. 71 at 4:44.

²⁸ Att. 28 at 0:00 to 0:07.

²⁹ Att. 28 at 00:04.

³⁰ Att. 258, pg. 50, lns. 19 to 23.

of sight. Officer Hanna no longer considered ██████ a threat because he was too far away.³¹ Officer Hanna then scanned the area and saw a person on the porch at 4216 S. Wells Street, and a firearm in the grassy area at the same address.³² A responding officer secured the firearm.

Officer Hanna went to ██████ who was lying on the sidewalk, to render aid. He did not see a firearm near ██████³³ Officer Hanna said he had LEMART³⁴ training through CPD, which included CPR training. Officers Munoz and Hanna put on gloves, and Officer Hanna checked ██████ pulse. The officers switched off rendering aid to ██████ including doing chest compressions, according to Officer Hanna.³⁵ Officer Rodriguez rendered aid to ██████

Officer Hanna commented to an unidentified sergeant that a person had fired at the officers, and the weapon the offender threw was being guarded.³⁶ Officer Hanna said that after the scene calmed down, he felt nauseous.³⁷ The sergeant directed him to sit in the squad car. Officer Hanna told him that he had seen a person stand in the middle of the street and “let off a round.”³⁸ He said that person went “that way,”³⁹ threw the black gun,⁴⁰ and cut through the yard. A radio message indicated that victims said a female victim had possibly been shot on Wells Street, but the victims did not know where she was located.⁴¹ Another radio message said a black female victim who was shot was located at 314 W. 41st Place.⁴²

Later that night, Officer Hanna spoke with Investigative Response Team (IRT) detectives and viewed surveillance footage and video from his own BWC.⁴³ Based on that information, Officer Hanna determined that when ██████ was fleeing south on Wells Street and then west through the vacant lot, ██████ removed the ski mask that he had been wearing on his face when he fired at Officer Hanna, and held it in his right hand.⁴⁴ Officer Hanna said his perception was that the black object in ██████ hand was a gun because he already had fired a round at Officer Hanna.

Officer Hanna denied **Allegation 1**, that he discharged his firearm at or in the direction of ██████ and/or ██████ and/or an unknown person without justification, in violation of General Order G03-02. He said he fired at ██████ but did not fire at ██████ or any unknown person.⁴⁵ Officer Hanna said there was no time for mitigation efforts during this incident. He perceived that one second or two seconds elapsed between when ██████ fired at him and when he returned fire.⁴⁶

³¹ Att. 258, pg.74, lns. 3 to 6.

³² Att. 141; Att. 258, pg. 14, ln. 18 to pg. 15, ln. 3; Att. 234; Att. 257.

³³ Att. 188, pg. 60, lns. 5 to 10.

³⁴ Law Enforcement Medical and Rescue Training.

³⁵ Att. 258, pg. 61, lns. 13 to 16.

³⁶ Att. 71 at 5:49.

³⁷ Att. 258, pg. 15, lns.12 to 18.

³⁸ Att. 71 at 6:24.

³⁹ Att. 71 at 6:29.

⁴⁰ Att. 71 at 6:30.

⁴¹ Att. 71 at 5:34.

⁴² Att. 71 at 6:55.

⁴³ Att. 258, pg. 15, lns. 19 to 24; pg. 16, lns. 20 to 24; pg. 17, lns. 1 to 17.

⁴⁴ Att. 258, pg. 23, lns. 11 to 14.

⁴⁵ Att. 258, pg. 55, lns. 5 to 14.

⁴⁶ Att. 258, pg. 63, lns.11 to 20.

Officer Hanna denied **Allegation 2**, that he failed to timely activate his BWC in violation of Special Order S03-14. Specifically, Officer Hanna said he always attempts to activate his camera after exiting his vehicle but, because of the nature of this incident, activating his BWC was not the first thing on his mind. He did not think it was safe and feasible to activate the camera earlier.⁴⁷ He said that he activated it approximately one and one-half minutes after the incident when he looked down at his vest and realized his camera was not on.⁴⁸

In his **Tactical Response Report**,⁴⁹ **Officer Hanna** noted that ██████ fled the scene and posed an imminent threat of battery with a weapon. ██████ physically attacked Officer Hanna with a pistol by firing it, and he used force likely to cause death or great bodily harm. Officer Hanna acted in defense of himself, CPD members, and members of the public. Officer Hanna said he utilized his presence as force mitigation.

The **ambulance report documents Officer Hanna's** palpitations and shortness of breath.⁵⁰ **Officer Hanna's medical records** indicate that he arrived at the University of Chicago Hospital with chest pain, nausea and tinnitus in his right ear, but his symptoms resolved.⁵¹ He was released at 4:37 am on June 2, 2023.

The **Bureau of Internal Affairs Synoptic Report** on Officer Hanna reflects that his breath test registered .000 for Breath Alcohol Concentration (BrAC).⁵² His drug test was negative.⁵³

In his **statement to COPA on June 14, 2023**,⁵⁴ **Officer Munoz** provided an account that was consistent with the Executive Summary and with Officer Hanna's statement. Officer Munoz said that as his squad car traveled north on Wells Street, he saw a black male move from the middle of Wells Street to the west side of Wells Street. As the squad car drove quickly north, Officer Munoz saw two black males toward the east side of Wells Street.⁵⁵ He did not see a weapon in any of the three Black males' hands. Officer Munoz exited his squad car to investigate the ShotSpotter alert to which the officers were responding.⁵⁶ Officer Munoz said he heard one gunshot, in close proximity, to his left, the west side of Wells Street.⁵⁷ He did not see who fired the shot. Officer Munoz said he kind of stumbled and jumped out of the squad car.⁵⁸

Officer Munoz said that he knew someone shot at him and his partners when the first shot was heard because the shot sounded "extremely close," as if it were from the area on the west side

⁴⁷ Att. 258, pg. 54, lns. 10 to 17; pg. 67, lns. 3 to 7.

⁴⁸ Att. 258, pg. 54, lns. 7 to 9.

⁴⁹ Att. 2.

⁵⁰ Att. 250, pgs. 11 to 20.

⁵¹ Att. 253, pgs. 1, 2, 6.

⁵² Att. 140.

⁵³ Att. 264.

⁵⁴ Atts. 145, 146, 149.

⁵⁵ Att. 149, pg. 16, lns. 18 to 19; pg. 17, lns. 4 to 8; pg. 18, lns. 18 to 20.

⁵⁶ Att. 149, pg. 18, ln. 21 to pg. 19, ln. 1.

⁵⁷ Att. 149, pg. 19, lns. 18 to 20.

⁵⁸ Att. 149, pg. 19, ln. 22 to pg. 20, ln. 3.

of Wells Street where the person had gone as the officers arrived.⁵⁹ He said the shot came from his left side and not from inside the squad car.

Officer Munoz said that after hearing the gunshot, and as he was about to hit the ground, he heard multiple gunshots from his left side. Officer Munoz went behind his vehicle to avoid being a “sitting duck”⁶⁰ inside the squad car. He believed there had been an exchange of gunfire between an offender and his partners.⁶¹ Officer Munoz said he did not see anyone fire a weapon.⁶²

Officer Munoz came out from behind his squad car and saw a man wearing a black top and black dreadlocks running southwest through the vacant lot toward the alley. Officer Munoz believed that subject might have fired shots at the officers, so Officer Munoz tried to pursue him by running in his direction. The subject ran south in the alley. Officer Munoz turned and saw his partners, who had exited the squad car, yelling commands such as “show me your hands” to two persons on the west side of the street.⁶³ Officer Munoz then saw two persons who had been shot. One person was on the sidewalk and one person was on the porch or front steps of a building.⁶⁴

When asked about assisting the wounded persons, Officer Munoz said he first attempted to secure the scene.⁶⁵ He did not know if there were additional threats or shooters. He went toward the east side of Wells Street to where he had seen the two people. He wanted to make sure those two people were not going to ambush the officers. Security of the scene was most important in that the officers could not render aid if the officers were not safe. Officer Munoz said he saw one of the two people, and he appeared distressed. He had dreadlocks with a brownish tint and was not wearing a shirt.⁶⁶ He was unarmed. This person said his brother or a friend’s brother had been shot, referring to ██████ the wounded person lying on the sidewalk.⁶⁷

COPA informed Officer Munoz in his statement that his BWC video indicated he told the shirtless person with dreadlocks, “Let me get to him,”⁶⁸ meaning ██████ Officer Munoz explained to COPA that he knew ██████ had been shot and needed aid.⁶⁹ On his BWC video, Officer Munoz asked ██████ “Where you shot at, bro?” in an attempt to get a response to see if he was still alive.⁷⁰ Officer Munoz said that before doing chest compressions, he thought he might have heard a “gurgle or something,” but soon afterwards, he thought ██████ had expired because he saw no sign of life.⁷¹ Officer Munoz then went to the front porch of 4216 S. Wells Street, where Officer Rodriguez was placing a tourniquet on ██████ leg. ██████ said that a female [victim] was shot during the incident, and Officer Munoz informed the OEMC dispatcher.

⁵⁹ Att. 149, pg. 20, lns. 8 to 10; pg. 51, ln. 23; pg. 62, lns. 12 to 16.

⁶⁰ Att. 149, pg. 21, lns. 7 to 17.

⁶¹ Att. 149, pg. 21, lns. 21 to 22.

⁶² Att. 149, pg. 22, ln. 13.

⁶³ Att. 149, pg. 24, lns. 10 to 17.

⁶⁴ Att. 149, pg. 25, lns. 10 to 11.

⁶⁵ Att. 149, pg. 26, lns. 18 to 23.

⁶⁶ Att. 149, pg. 28, lns. 8 to 22.

⁶⁷ Att. 149, pg. 29, lns. 5 to 13.

⁶⁸ Att. 70 at 2:59.

⁶⁹ Att. 149, pg. 50, lns. 1 to 8.

⁷⁰ Att. 70 at 3:00.

⁷¹ Att. 149, pg. 32, lns. 1 to 15.

Officer Munoz got plastic gloves and checked [REDACTED] wounds, one of which was on his upper right chest. Officer Munoz said he started doing chest compressions on [REDACTED] because one of his partners said [REDACTED] was breathing. He did not recall if he checked [REDACTED] pulse.⁷² Officer Munoz believed he was the first person to do chest compressions on [REDACTED].⁷³ When asked why he did not do CPR on [REDACTED] immediately, Officer Munoz responded that he needed to secure the scene and obtain the plastic gloves.⁷⁴ Officer Munoz said he wore rubber gloves when tending to [REDACTED] to protect [REDACTED] as well as himself, from possible illness.⁷⁵ Officer Munoz said he had LEMART training from CPD. He said he was not aware of anything else he could have done for [REDACTED] apart from CPR, according to LEMART training.⁷⁶ While tending to [REDACTED] Officer Munoz said his main concern still was securing the scene.⁷⁷ He made sure there were no additional threats, and that he and his partners requested additional units and sent flash messages about [REDACTED] who had fled the scene.⁷⁸

Officer Munoz said that after Emergency Medical Services (EMS) arrived, he and Officer Rodriguez looked for [REDACTED] and found him hiding under a porch in a back yard along the alley where [REDACTED] had fled.⁷⁹ [REDACTED] could move but had either a gunshot or graze wound and was placed in the back of a squad car. Officer Munoz requested an ambulance for him.⁸⁰ [REDACTED] said he was not shot and asked why he was being arrested.⁸¹

Officer Munoz's BWC video captured him exiting the front passenger-side door of the squad car with his firearm in his right hand and walking to the rear of the squad car.⁸² Officer Hanna was visible in the background, outside of the squad car and with his firearm pointed to the west. [REDACTED] could be seen lying on the sidewalk. Officer Munoz walked toward the vacant lot north of 4226 S. Wells Street with his flashlight lit.⁸³ Officer Munoz then ran north on Wells Street to [REDACTED] and he turned [REDACTED] body face-up.⁸⁴ Officer Munoz walked away from [REDACTED] and radioed that the officers were "all good" but there were two people shot.⁸⁵ Officer Munoz then encountered the shirtless male subject with dreadlocks and asked him what he had seen and who [REDACTED] was to him.⁸⁶ The subject's responses were not clear, but he appeared to say words to the effect that he saw nothing and [REDACTED] was shot in the back and started running.⁸⁷ Officer Munoz told the shirtless subject to sit tight.

⁷² Att. 149, pg. 46, lns. 17 to 19; Pg. 31, lns. 18 to 19.

⁷³ Att. 149, pg. 30, lns. 3 to 6; pg. 31, lns. 16 to 24; pg. 32, lns. 1 to 24; pg. 33, lns. 1 to 19.

⁷⁴ Att. 149, pg. 49, lns. 17 to 19.

⁷⁵ Att. 149, pg. 35, lns. 13 to 19.

⁷⁶ Att. 149, pg. 41, lns. 5 to 8.

⁷⁷ Att. 149, pg. 33, lns. 21 to 22.

⁷⁸ Att. 149, pg. 35, lns. 23 to 24; pg. 36, lns. 1 to 11.

⁷⁹ Att. 149, pg. 36, ln 24 to pg. 37, ln. 24.

⁸⁰ Att. 149, pg. 38, lns. 2 to 19.

⁸¹ Att. 149, pg. 43, lns. 12 to 18.

⁸² Att. 70 at 1:15.

⁸³ Att. 70 at 1:20.

⁸⁴ Att. 70 at 1:36.

⁸⁵ Att. 70 at 2:03.

⁸⁶ Att. 70 at 2:06.

⁸⁷ Att. 70 at 2:10.

The BWC video showed that Officer Munoz walked to the west side of Wells Street and briefly stopped in front of 4216 S. Wells Street, where ██████ who was bleeding from his wounds, was lying on the porch.⁸⁸ Officer Rodriguez was donning gloves while standing on the porch. Officer Munoz radioed that the incident was shots fired at and by the police.⁸⁹

Officer Munoz began CPR on ██████ at approximately 8:25 pm and stopped approximately 20 seconds later. After Officer Munoz slightly moved ██████ mouth area, ██████ neck moved upward.⁹⁰ Officer Munoz said, “He’s breathing.”⁹¹ Officer Hanna stood near ██████ as Officer Munoz went to ██████ who was still on the front porch with Officer Rodriguez. Officer Rodriguez said ██████ was wounded on his side and leg, and there was a tourniquet on ██████ leg. ██████ told Officer Munoz that a girl had also been shot, but he did not know her location. Officer Munoz radioed that information to the dispatcher as EMS arrived.⁹²

The BWC video recorded Officer Munoz as he left the porch and walked through the vacant lot north of 4226 S. Wells Street to the alley. He told other officers in the alley about a black male subject wearing all black, with dreads, who ran through the area. Officer Munoz walked west in the gangway of 4241 S. Princeton Avenue and past where ██████ was hiding under the back porch of that address. Other officers discovered ██████ whom Officer Munoz handcuffed.⁹³ Officers asked ██████ if he had been shot, and it sounded as if he said “yeah.”⁹⁴ When the officers turned ██████ on his side, he said, “I’m not shot, sir.”⁹⁵ Officer Munoz said ██████ wound was possibly a graze wound. Officers walked ██████ to the alley, where Officer Munoz requested a cage car and EMS for ██████ repeating the EMS request.⁹⁶

The **Ring video from ██████** was shown to Officer Munoz.⁹⁷ He confirmed he was the person with a lit flashlight who came out of cover from behind the squad car, which moved backwards at one point.⁹⁸ Officer Munoz said he did not see ██████ with a firearm.⁹⁹

Regarding **Allegation 1** against Officer Munoz, that he failed to provide life-saving aid to ██████ as soon as it was safe and feasible to do so, as indicated already, Officer Munoz described the actions he took to provide aid to ██████

Regarding **Allegation 2**, that he failed to timely activate his BWC, Officer Munoz said it was because of how close he and his partners were to the shooting scene and how quickly they arrived at it. He said all of his attention was on that location, scanning for threats. He said it was a

⁸⁸ Att. 70 at 2:26.

⁸⁹ Att. 70 at 2:43.

⁹⁰ Att. 70 at 5:05.

⁹¹ Att. 70 at 5:06.

⁹² Att. 70 at 6:04.

⁹³ Att. 70 at 8:38.

⁹⁴ Att. 70 at 8:56.

⁹⁵ Att. 70 at 9:30.

⁹⁶ Att. 70 at 11:31.

⁹⁷ Att. 28.

⁹⁸ Att. 28 at 00:06 to 00:09.

⁹⁹ Att. 149, pg. 36, lns. 17 to 18.

safety issue.¹⁰⁰ Officer Munoz also said he was concerned about potential threats at the scene, and he did not feel it was safe to activate the BWC then.¹⁰¹ Officer Munoz said he activated his BWC when it was safe and feasible for him to do so.¹⁰²

In his **Tactical Response Report**,¹⁰³ **Officer Munoz** said his force mitigation efforts were his presence, his movement to avoid attack, his tactical positioning and verbal direction and control techniques. He used handcuffs as a control tactic.

An **ambulance report for Officer Munoz** documents that he had pain in his left shoulder and right knee. The report did not detail the cause of the pains.¹⁰⁴

In his **statement to COPA on June 14, 2023**,¹⁰⁵ **Officer Rodriguez** provided an account that was consistent with the Executive Summary and with his partners' statements. Officer Rodriguez said that when the squad car driven by Officer Hanna was pulling up at the scene at approximately 4216 S. Wells Street, he saw a man dressed in black with dreadlocks, later identified as ██████ who was approximately 15 to 20 feet from the squad car with a black gun in his hand.¹⁰⁶ ██████ walked toward the west side of Wells Street, to the curb. Officer Rodriguez lost sight of ██████ because Officer Rodriguez was sitting behind Officer Hanna in the squad car. Officer Rodriguez was getting ready to open his door when he heard a loud gunshot from ██████ direction. He did not see ██████ fire his weapon, as ██████ was somewhere in front of the squad car. Officer Rodriguez believed ██████ shot at him and his partners. He did not see where the bullet struck.

When Officer Rodriguez heard the gunshot, he backed up in his seat and crouched down for cover. He had not yet opened his door. Officer Rodriguez heard multiple gunshots from Officer Hanna, which seemed to occur immediately after ██████ fired. Officer Rodriguez believed Officer Hanna returned fire trying to protect the officers. Officer Rodriguez ducked down, and one of his ears got "blown out."¹⁰⁷ He did not know if ██████ was shooting at him and his partners at that point. Officer Rodriguez drew his firearm after he was able to open his door and exit the car.¹⁰⁸

Officer Rodriguez exited the squad car and heard screams for help from the sidewalk area.¹⁰⁹ He said Officer Hanna tried to put the squad car into park, but things happened so fast that the car was in reverse. Officer Rodriguez jumped into the squad car and put it in park.¹¹⁰ He saw ██████ run west in a vacant lot two lots south of where the officers were located. He did not see whether ██████ was armed as he ran away and did not see ██████ throw an object during the incident. Officer Rodriguez said he was dazed because of everything that was occurring.¹¹¹

¹⁰⁰ Att. 149, pg. 58, lns. 1 to 10.

¹⁰¹ Att. 149, pg. 66, lns. 15 to 19.

¹⁰² Att. 149, pg. 57, lns. 21 to 22.

¹⁰³ Att. 260.

¹⁰⁴ Att. 250, pgs. 6 to 10.

¹⁰⁵ Att. 143, 144, 150.

¹⁰⁶ Att. 150, pg. 17, ln. 24 to pg. 20, ln. 1.

¹⁰⁷ Att. 150, pg. 22, lns. 4 to 7.

¹⁰⁸ Att. 150, pg. 22, lns. 10 to 12.

¹⁰⁹ Att. 150, pg. 24, lns. 6 to 8.

¹¹⁰ Att. 150, pg. 24, lns. 8 to 12.

¹¹¹ Att. 150, pg. 24, ln. 19 to pg. 26, ln. 1.

Officer Rodriguez then rendered medical aid to the shooting victim on the porch, fashioning a makeshift tourniquet for his leg from a belt¹¹² he believed he obtained from the male with the blond hair.¹¹³ Officer Rodriguez said he located another gunshot wound in abdomen area as paramedics arrived at the scene.¹¹⁴ Officer Rodriguez said he had LEMART training from CPD. Officer Rodriguez also recounted that told him the persons who fired at him were from 44th Street and Princeton Avenue.¹¹⁵

Officers Rodriguez and Munoz then looked for and found under the porch at 4241 S. Princeton Avenue, where he was placed into custody. The officers requested an ambulance for after seeing he had a gunshot graze wound on his leg. Following the incident, Officer Rodriguez said, he went to the University of Chicago Hospital for shortness of breath.¹¹⁶

Officer Rodriguez's BWC video captured him exiting the squad car and then briefly re-entering the driver's compartment of that car when it rolled backward a short distance.¹¹⁷ Officer Rodriguez walked onto the front porch of 4216 S. Wells Street and asked where he was shot. referenced his leg. Officer Rodriguez put on gloves and then asked for the belt from the male with light-colored dreadlocks so it could be used for a tourniquet.¹¹⁸ Officer Rodriguez walked off the porch to obtain a stick to twist the tourniquet. When Officer Rodriguez returned to the porch, he said had been shot in the leg and chest. Officer Rodriguez tightened the tourniquet and had hold the stick to keep the pressure steady. said, "They from down the street," and "44th and Princeton."¹¹⁹

An unidentified sergeant standing on the sidewalk sounded like he asked Officer Rodriguez if anyone else was being sought. Officer Rodriguez responded, "No. He took off through here."¹²⁰ The sergeant asked, "Somebody shot at these guys?" pointing back in the direction of and Officer Rodriguez said, "Yeah. ... When we pulled up, this guy was already down. One guy ended up running. He took a couple shots. Shots right at us."¹²¹

Officer Rodriguez ran west through the vacant lot north of 4226 S. Wells Street, to the alley, telling other officers "he" might be hit, referring to ¹²² Officer Rodriguez, with Officer Munoz in front of him, walked west in the gangway of 4241 S. Princeton Avenue, past where was hiding under the porch. Another officer shouted that he found who had apparent blood on a leg. Officer Rodriguez and other officers walked to the alley, placed him in a squad car, and requested EMS. They continued to search the area, apparently looking for a weapon.

¹¹² Att. 150, pg. 26, lns. 9 to 12.

¹¹³ Att. 150, pg. 46, lns. 12 to 15.

¹¹⁴ Att. 150, pg. 26, lns. 12 to 13.

¹¹⁵ Att. 150, pg. 34, lns. 6 to 7.

¹¹⁶ Att. 150, pg. 36, lns. 2 to 6.

¹¹⁷ Att. 72 at 1:50.

¹¹⁸ Att. 72 at 3:23.

¹¹⁹ Att. 72 at 5:13.

¹²⁰ Att. 72 at 6:48.

¹²¹ Att. 72 at 6:50.

¹²² Att. 72 at 7:15.

Officer Rodriguez walked back to the Wells Street incident scene before returning to the west alley of Wells Street and the vacant lot north of 4226 S. Wells Street.

When shown the **Ring video**¹²³ from ██████████ Street, Officer Rodriguez said although Officer Hanna was the only officer who fired, Officer Rodriguez did not know if all four shots were from Officer Hanna or from ██████████ Officer Rodriguez said that when the four shots were fired, he did not see anyone else firing a weapon.¹²⁴

Officer Rodriguez denied the allegation that he failed to timely activate his BWC, saying he activated his BWC when it was safe.¹²⁵ He said when he and his partners were responding to the scene, accelerating in their squad car, he saw people in the middle of the street. By the time he was able to exit the squad car and activate his BWC, he and his partners had been fired upon, and Officer Hanna had fired his weapon. Officer Rodriguez did not think it was safe or feasible to have activated the BWC earlier.

In his **Tactical Response Report**,¹²⁶ **Officer Rodriguez** noted that ██████████ fled the scene and posed an imminent threat of battery with a weapon. ██████████ attacked with the weapon and used force likely to cause death or great bodily harm with his firearm. Officer Rodriguez's force mitigation efforts included his presence, movement to avoid attack, and verbal direction/control techniques. His handcuffs were a control tactic.

An **ambulance report for Officer Rodriguez** documents that he reported heavy breathing and shortness of breath following the incident. He was not physically injured.¹²⁷

A **case supplementary report** from the Bureau of Detectives indicates that Officers Rodriguez, Munoz and Hanna provided detectives with accounts of the incident that were consistent with their COPA statements.¹²⁸

In a **video-recorded interview by detectives** at Insight Hospital on the night of the incident,¹²⁹ **witness** ██████████ said that she was walking home to 314 W. 42nd Street from a gas station on 43rd Street. She was northbound on Wells Street when she saw a group of boys on the street, and they had guns on them.¹³⁰ Those boys were looking to see if someone was coming. ██████████ heard a lot of gunshots, then looked back and saw three or four boys who had masks on.¹³¹ She said at least three of the boys were shooting.¹³² She started running, and then noticed she had been shot in her left arm, where she felt pain and tightness.¹³³ One of the boys who had been

¹²³ Att. 28.

¹²⁴ Att. 150, pg. 43, lns. 6 to 15.

¹²⁵ Att. 150, pg. 33, lns. 5 to 24; pg. 34, ln. 1.

¹²⁶ Att. 261.

¹²⁷ Att. 250, pgs. 1 to 5.

¹²⁸ Att. 246, pgs. 41, 42.

¹²⁹ Atts. 227, 241.

¹³⁰ Att. 241, pg. 4, lns. 19 to 21.

¹³¹ Att. 241, pg. 5, lns. 4, 5.

¹³² Att. 241, pg. 6, ln. 22 to pg. 7, ln. 1.

¹³³ Att. 241, pg. 5, ln. 23 to pg. 6, ln. 3.

standing on Wells Street asked her if she had been shot, and [REDACTED] and the boy started walking back on Wells Street when they heard seven to ten more shots.¹³⁴ She ran home through an alley and called for an ambulance that transported her to the hospital.¹³⁵

In [REDACTED] interview with COPA,¹³⁶ she said that she had been staying with a friend at [REDACTED] [REDACTED], and that as she walked home from the gas station, approximately five boys she did not know were outside 4216 S. Wells Street. One of the boys, later identified as [REDACTED] talked to her, so she stopped to talk. Another boy, who had dreadlocks and wore a black top and white pants, gave a gun to [REDACTED]¹³⁷ [REDACTED] put the gun in his pants.¹³⁸ After [REDACTED] was on the scene for a minute or two, four other boys came out from the side of a house and started firing shots from what she described as two machine guns and two handguns.¹³⁹ [REDACTED] did not know any of the boys who were firing the guns. [REDACTED] said she was shot in her left forearm as she was trying to run away.¹⁴⁰ She ran behind 4216 S. Wells Street, and then turned back when a boy from the first group asked if she was okay.¹⁴¹ She and that boy started going back to where they had been to call an ambulance. [REDACTED] saw [REDACTED] lying on his chest on the sidewalk, and his gun was next to him, possibly by his right arm.¹⁴² [REDACTED] then heard the sound of additional gunshots, and she ran home. She did not see who fired the last group of shots.¹⁴³ [REDACTED] called 911 from her phone, and an ambulance came to her friend's house on 42nd Street and transported her to Insight Hospital.¹⁴⁴ [REDACTED] said she was not present on Wells Street when the officers drove up and stopped, and she did not see an officer fire a weapon.¹⁴⁵ She said she did not see anyone other than the four boys with the two machine guns and two pistols fire a weapon.¹⁴⁶

An ambulance report for [REDACTED] documents the gunshot wound in her left forearm.¹⁴⁷ She had a bloody sweater wrapped around her forearm when paramedics arrived at her location. The paramedics controlled the bleeding and transported [REDACTED] to Insight Hospital. [REDACTED] medical records reveal that she sustained a severe fracture to her left forearm from the gunshot wound.¹⁴⁸ She told medical personnel she did not see who shot her. She underwent surgery and was discharged from the hospital on June 4, 2023.

¹³⁴ Att. 241, pg. 13, lns. 2, 3.

¹³⁵ Att. 241, pg. 8, lns. 15 to 21.

¹³⁶ Atts. 139, 148.

¹³⁷ Att. 148, pg. 11, lns. 8 to 24. [REDACTED] description of this boy generally fits [REDACTED] as seen on the Ring video when he ran west through the vacant lot north of 4226 S. Wells Street.

¹³⁸ Att. 148, pg. 20, lns. 19 to 22.

¹³⁹ Att. 148, pg. 5, lns. 17 to 23; pg. 6, lns. 1 to 2.

¹⁴⁰ Att. 148, pg. 6, lns. 10 to 13; pg. 7, lns. 15 to 18.

¹⁴¹ Att. 148, pg. 13, lns. 13 to 24; pg. 14, ln. 1; [REDACTED] description of this boy, light skin with blond dreads, possibly fits [REDACTED] (See footnote 24.)

¹⁴² Att. 148, pg. 21, lns. 4 to 24; pg. 22, lns. 1 to 10.

¹⁴³ Att. 148, pg. 9, lns. 12 to 19; pg. 15, lns. 1 to 4.

¹⁴⁴ Att. 148, pg. 9, lns. 17 to 21, pg. 17, lns. 18 to 24.

¹⁴⁵ Att. 148, pg. 9, lns. 4 to 7; pg. 10, lns. 1 to 3; pg. 11, lns. 4 to 7; pg. 19, lns. 9 to 13.

¹⁴⁶ Att. 148, pg. 10, ln. 22 to pg. 11, ln. 3.

¹⁴⁷ Att. 250, pgs. 21 to 28.

¹⁴⁸ Att. 167.

CPD interviewed [REDACTED] while he was at the hospital. [REDACTED] told detectives that, after being shot, he was on the porch and saw a CPD vehicle drive up. [REDACTED] saw [REDACTED] run south and saw police shoot, but he could not tell at whom the police shot or how many shots were fired. [REDACTED] did not see [REDACTED] fire at police, nor did he see [REDACTED] with a gun prior to or after the shooting.

The **ambulance report for** [REDACTED] documents that he had pain in the left side of his chest and back and in the left lower leg from a gunshot wound.¹⁵⁰ He was transported to University of Chicago Hospital.

CPD also interviewed witness [REDACTED] of [REDACTED], who said she heard gunshots while inside her house. She went outside, saw people shot on the ground, and called 911. She saw a Black male subject who wore a gray hoodie shoot one or two times at an unmarked police vehicle. She ran inside her house and heard additional shots as she ran.

COPA's attempts to contact and/or interview [REDACTED] and the man with blond dreadlocks, who was tentatively identified by the Bureau of Detectives as [REDACTED] were unsuccessful.¹⁵² The attempts included letters sent via mail, phone calls, and personal visits to their addresses.

[REDACTED] Arrest Report documents that he was initially charged with attempted murder, aggravated discharge of a firearm at a peace officer and a vehicle, and aggravated unlawful use of a weapon.¹⁵³ As of August 28, 2024, his criminal case was pending in Juvenile Court.¹⁵⁴

An **electronically recorded interview** captured IRT Detective Hopps attempting to interview [REDACTED] while he was awaiting further treatment in the emergency room at the University of Chicago Hospital.¹⁵⁵ [REDACTED] mother, [REDACTED], was also present. [REDACTED] declined to speak to Det. Hopps and said he wanted a lawyer. COPA sent letters to and left voicemail messages for [REDACTED] mother, seeking an interview with [REDACTED] there was no known response.¹⁵⁶

The **ambulance report for** [REDACTED] documents that he had an abrasion behind his right knee, with minimal bleeding.¹⁵⁷ [REDACTED] said he believed the injury was a graze wound from a bullet. He was also transported to University of Chicago Hospital for treatment, where a fired bullet was recovered from [REDACTED] right knee.¹⁵⁸

A **gunshot residue test** was administered to [REDACTED] at the hospital. The report from the Illinois State Police (ISP) Division of Forensic Services indicates that [REDACTED] may not have

¹⁴⁹ Att. 246, pg. 179.

¹⁵⁰ Att. 250, pgs. 29 to 34.

¹⁵¹ Att. 246, pg. 180.

¹⁵² Note CO-1391490 from May 10, 2024.

¹⁵³ Att. 5.

¹⁵⁴ Note CO-1396301.

¹⁵⁵ Att. 6, lasting 3 min. 40 sec.

¹⁵⁶ Atts. 164, 266; Notes CO-1235819 from June 30, 2023 and CO-1391685 from May 13, 2024.

¹⁵⁷ Att. 250, pgs. 35 to 41.

¹⁵⁸ Att. 171.

discharged a firearm with either hand. If he did discharge a firearm, then the particles were not deposited, were removed by activity, or were not detected by the procedure.¹⁵⁹

██████████ ambulance report indicates that he was unconscious and unresponsive when paramedics arrived on the scene.¹⁶⁰ ██████████ had multiple gunshot wounds, including to the upper right chest, left hip, and both hands, with his right index finger amputated. As the ambulance arrived at the University of Chicago Hospital, ██████████ began talking to the paramedics, who were able to obtain his name and birthdate from him.

Evidence Technician (ET) photographs¹⁶¹ and a Forensic Services video¹⁶² captured the scene. ETs recovered a black handgun, a 9mm Sarsilmaz, from the front yard at ██████████ Street; a 9mm Polymer80 Inc. handgun with apparent blood on it from the north gangway of ██████████ Street where there was a trail of blood; 32 fired casings of .223-caliber; 18 fired casings of 5.56x45mm caliber; and 28 fired casings of 9mm caliber.¹⁶³ The fired 9mm casings included four fired by Officer Hanna.

An **ISP laboratory report (firearms)¹⁶⁴** documents the following test results: two 9mm casings found in Officer Hanna's squad car, one 9mm casing found at 4214 S. Welles Street, and one 9mm casing found at 4216 S. Wells Street were fired from Officer Hanna's Glock 9mm;¹⁶⁵ a 9mm casing recovered along the curb on the west side of Wells Street¹⁶⁶ was fired from the Sarsilmaz pistol; none of the other fired casings were identified as having been fired by the Polymer80 Inc. 9mm pistol; there was a possible association between one of the .223-cal. fired casings and fired evidence from an unrelated incident in 2022;¹⁶⁷ and the fired bullet recovered from ██████████ knee, described as a "fragment," was unsuitable for comparison with the three pistols (the Sarsilmaz 9mm, the Polymer80 Inc. 9mm, and Officer Hanna's Glock 9mm).¹⁶⁸

ISP laboratory reports (latents and DNA)¹⁶⁹ reveal that the Sarsilmaz 9mm pistol and the Polymer80 Inc. 9mm pistol had no latent prints suitable for comparison. However, swabs from the Sarsilmaz pistol contained the DNA profile of four individuals, including ██████████ (75%) and three unknown contributors (15%, 7%, and 3%). ISP concluded that it is 17 octillion times more likely that the DNA profile originated from ██████████ and three unknown individuals than if it originated from four unknown unrelated individuals.¹⁷⁰

¹⁵⁹ Att. 184.

¹⁶⁰ Att. 250, pgs. 42 to 49.

¹⁶¹ Att. 191.

¹⁶² Att. 187.

¹⁶³ Att. 9.

¹⁶⁴ Att. 223.

¹⁶⁵ Att. 223, pg. 5; also Att. 228.

¹⁶⁶ Att. 191, Photograph #87 and #117; Att. 257.

¹⁶⁷ Att. 223, pg. 5; also Att. 228.

¹⁶⁸ Att. 263.

¹⁶⁹ Att. 192, 232.

¹⁷⁰ Att. 232, pg. 3.

III. ALLEGATIONS

Officer Mark Hanna:

- 1) Discharged your firearm at or in the direction of [REDACTED] and/or [REDACTED] and/or an unknown person without justification in violation of General Order G03-02;
 - Not Sustained
- 2) Failed to timely activate your Body Worn Camera in violation of Special Order S03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10

Officer Jose Munoz:

- 1) Failed to provide life-saving aid to [REDACTED] as soon as it was safe and feasible to do so in violation of General Order 03-02(V)(B);
 - Not Sustained
- 2) Failed to timely activate your Body Worn Camera in violation of Special Order S03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10

Officer Reinaldo Rodriguez:

- 1) Failed to timely activate your body-worn camera in violation of Special Order S03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, and 10

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In reaching its findings, COPA reviewed the statements of Officer Hanna, Officer Munoz, and Officer Rodriguez and evaluated their credibility. COPA found that the officers were generally credible in their statements, which were materially consistent with each other, with their BWCs, and with third-party video surveillance footage.

V. ANALYSIS¹⁷¹

a. There is insufficient evidence to find that Officer Hanna violated CPD policy when he discharged his firearm.

Following a thorough review, COPA finds there is insufficient evidence to support a conclusion that the use of deadly force by Officer Hanna violated CPD policy. Therefore, Allegation #1 against Officer Hanna is **not sustained**.

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

¹⁷¹ For a definition of COPA's standard of proof, *see* Appendix B.

third person, stop an attack, make an arrest, control a subject, or prevent escape.¹⁷² This means that 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.¹⁷³

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.”¹⁷⁴ A CPD member may use deadly force in only two situations: (1) to prevent “death or great bodily harm from an imminent threat posed to the sworn member or to another person;” or (2) to prevent “an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay.”¹⁷⁵

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.”¹⁷⁶ Officers are expected to modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.¹⁷⁷

In this case, Officer Hanna and his partners responded to a ShotSpotter alert of multiple gunshots and, as they arrived on scene, Officer Hanna saw ██████ in the middle of the street with a firearm. According to Officer Hanna, ██████ took a shooting stance, pointed the firearm at the officers, and fired a round in their direction. Officer Hanna then returned fire from just inside the police vehicle. Officer Hanna’s account is consistent with that of his partners, Officers Rodriguez and Munoz. Although neither Officer Rodriguez nor Officer Munoz actually saw ██████ fire, both officers described hearing a gunshot come from the west side of Wells Street, where ██████ was located. Critically, both Officer Rodriguez and Officer Munoz believed that ██████ had shot at them. Additionally, Officer Rodriguez told COPA that he saw ██████ holding a firearm in his hand just moments before hearing the gunshot. The officers’ accounts are further corroborated by the testimony of an independent witness, ██████. After the incident, ██████ told detectives that she saw a Black man in a gray hoodie shoot once or twice at an unmarked squad car.¹⁷⁸ Her statement supports Officer Hanna’s assertion that ██████ pointed and fired a weapon in the officers’ direction.

Additionally, COPA notes that the physical evidence recovered from the scene, as well as the results of the forensic testing, are consistent with Officer Hanna’s account of ██████ actions.

¹⁷² Att. 173, G03-02(III)(B) De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).

¹⁷³ Att. 173, G03-02(III)(B)(3).

¹⁷⁴ Att. 173, G03-02(IV)(C).

¹⁷⁵ Att. 173, G03-02(IV)(C)(1 to 2).

¹⁷⁶ Att. 173, G03-02(IV)(B) (emphasis added).

¹⁷⁷ Att. 173, G03-02(III)(C)(2).

¹⁷⁸ Att. 246, pg. 180.

ETs recovered a 9mm casing from the curb on the west side of Wells Street, near the location where Officer Hanna said that ██████ had fired. ISP determined that this casing was fired by the Sarsilmaz 9mm pistol, which ETs recovered from the front yard area of 4216 S. Wells Street. Notably, ISP also determined that ██████ was the primary contributor to the four DNA profiles on the Sarsilmaz 9mm pistol. This physical evidence, coupled with the testimonial evidence of the officers and ██████ all indicates that ██████ fired at the officers, and Officer Hanna returned fire.

However, COPA cannot exonerate Officer Hanna's firearm discharge by clear and convincing evidence, as it appears from the Ring footage that Officer Hanna may have fired his last shot while ██████ was in headlong flight and no longer posed an imminent threat.¹⁷⁹ Officer Hanna explained that, after ██████ tripped, ██████ got up and looked in the officer's direction. ██████ then fled through the vacant lot with a black object in his right hand, which he waved behind him as he ran.¹⁸⁰ At the time, Officer Hanna thought the black object was a firearm, and he told COPA that he fired the last shot because he believed ██████ still posed an imminent threat. After the shooting, IRT detectives showed Officer Hanna the Ring footage, and Officer Hanna realized the black item in ██████ hand was not a firearm but the ski mask that ██████ had worn earlier in the incident. Officer Hanna, however, did not have this knowledge at the time he discharged his weapon. Given the totality of the circumstances, including the fact that Officer Hanna fired all four shots in just three seconds, COPA cannot conclude that his misperception was objectively unreasonable.

Additionally, COPA has found insufficient evidence to show that Officer Hanna discharged his firearm at or in the direction of Brendon ██████ or any unknown individuals. Both the BWC footage and ██████ statement to detectives indicate that ██████ was already shot and on the porch at 4216 S. Wells Street when the officers arrived at the scene. Officer Hanna denied that he fired in the direction of ██████ or any unknown individuals, and he stated that ██████ was the only person in his line of fire.¹⁸¹ However, due to Officer Hanna's late BWC activation, his camera did not capture audio of his gunshots or depict their approximate trajectory.

For all the reasons set forth above, COPA finds that Allegation #1 against Officer Hanna is not sustained.

b. There is insufficient evidence to show that Officer Munoz violated CPD policy by failing to provide lifesaving aid to ██████

COPA finds there is insufficient evidence to sustain the allegation that Officer Munoz failed to provide lifesaving aid to ██████. CPD policy provides that "as soon as it is safe and feasible to do so, members will provide lifesaving aid consistent with their Department training, including the Law Enforcement Medical and Rescue Training (LEMART) training, to injured persons until medical professionals arrive on scene."¹⁸² The video footage of the incident shows that Officer Munoz did not provide first aid to ██████ immediately after the shooting.

¹⁷⁹ Att. 28 at 00:04.

¹⁸⁰ Att. 258, pg. 50, lns. 19 to 23.

¹⁸¹ Att. 258, pg. 55, lns. 10 to 14, pg. 75, lns. 15 to 20.

¹⁸² Att. 173, G03-02(V)(B).

Rather, he secured the scene and made various OEMC notifications. When Officer Munoz approached ██████ he asked him where he was shot, but he did not attempt to take his pulse or provide aid. Officer Munoz repeatedly requested spare gloves from other officers, but he was unable to obtain them until Officer Hanna, who had been guarding a firearm in the front yard of a nearby residence, approached to check on ██████ Only after Officer Hanna cut open ██████ shirt and indicated that ██████ was alive, did Officer Munoz begin CPR.

Although Officer Munoz's provision of first aid to ██████ was delayed by approximately three minutes, the evidence shows that he took law enforcement actions during that time, such as ensuring the scene was safe and notifying OEMC. Moreover, Officer Munoz explained that he wanted to obtain sterile gloves prior to rendering aid to prevent harm to himself or ██████ For these reasons, COPA finds there is insufficient evidence to show that Officer Munoz's delay in providing lifesaving aid to ██████ violated CPD policy. Therefore, Allegation #2 against Officer Munoz is **not sustained**.

c. Officers Hanna, Munoz, and Rodriguez violated CPD policy when they failed to timely activate their BWCs.

COPA finds by a preponderance of the evidence that Officers Hanna, Munoz, and Rodriguez all failed to timely activate their BWCs. To increase transparency and improve the quality and reliability of investigations, CPD policy mandates that all law-enforcement-related encounters be electronically recorded.¹⁸³ Law-enforcement-related encounters include, but are not limited to, calls for service, investigatory stops, arrests, use of force incidents, foot and vehicle pursuits, high-risk situations, emergency driving situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.¹⁸⁴ The recording of law-enforcement-related encounters is mandatory. Officers must activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities. If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer will activate his or her BWC as soon as practical.¹⁸⁵

In this case, the officers were engaged in a law enforcement activity when they responded to the scene to investigate a ShotSpotter alert. The officers, however, did not activate their BWCs until after Officer Hanna discharged his firearm. Each officer made statements to the effect that they did not believe it was safe to activate their BWC earlier.¹⁸⁶ However, this was not an on-view incident. The officers were responding to reports of shots fired, including a ShotSpotter alert and OEMC notification, and the radio transmissions confirm that they notified the dispatcher they were enroute to the location.¹⁸⁷ As such, COPA finds the officers had ample time and opportunity to activate their BWCs as they responded to the scene. Their failure to do so not only violated CPD policy, it also impaired COPA's investigation by limiting the available audio and video evidence of the shooting. For these reasons, COPA finds Allegation #2 against Officers Hanna and Munoz,

¹⁸³ Att. 174, S03-14(III)(A)(1), Body Worn Cameras (effective April 30, 2018, to December 29, 2023).

¹⁸⁴ Att. 174, S03-14(III)(A)(2)(a)-(r).

¹⁸⁵ Att. 174, S03-14(III)(A)(2).

¹⁸⁶ Att. 258, pg. 54, lns. 14 to 17, pg. 67, lns. 3 to 7; Att. 259, pg. 58, lns. 1 to 10; Att. 150, pgs. 33 to 34.

¹⁸⁷ Att. 127 at 01:44 to 01:56; see also Atts. 4, 29, 150, 258, 259.

and Allegation #1 against Officer Rodriguez, are **sustained** as violations of Special Order S03-14 and Rules 2, 3, 5, 6, and 10.

VI. DISCIPLINARY RECOMMENDATIONS

a. Complimentary and Disciplinary Histories¹⁸⁸

i. Officer Mark Hanna

Officer Hanna has received 190 awards including three Department Commendations, 175 Honorable Mentions, one Life Saving Award, one Police Officer of the Month Award, and one Superintendent's Award of Valor. He has no sustained complaint history for the past five years. He has one SPAR from November 2023, for a Preventable Accident, for which he received a Reprimand.

ii. Officer Reinaldo Rodriguez

Officer Rodriguez has received 159 awards including three Department Commendations, 144 Honorable Mentions, one Police Officer of the Month Award, and one Superintendent's Award of Valor. He has no sustained complaint history for the past five years. He has one SPAR from September 2023, for a Court Appearance Violation, for which he received a Reprimand.

iii. Officer Jose Munoz

Officer Munoz has received 191 awards including four Department Commendations, 172 Honorable Mentions, one Life Saving Award, and one Superintendent's Award of Valor. He has no sustained complaint history for the past five years. He has received the following SPARS:

- (1) January 2024 Court Appearance Violation, for which he received a Reprimand.
- (2) August 2023 Early BWC Deactivation, for which he received a Reprimand.
- (3) November 2023 Court Appearance Violation, for which he received a Reprimand.

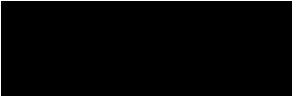
b. Recommended Discipline

COPA has found that Officers Hanna, Munoz, and Rodriguez failed to timely activate their BWCs during this incident, in violation of Special Order S03-14 and Rules 2, 3, 5, 6, and 10. In mitigation, COPA will consider the officers' extensive complimentary histories and numerous awards. COPA will further consider the stressful nature of the ShotSpotter call, the numerous shots fired, and the chaotic and confusing scene that the officers encountered. In aggravation, COPA will consider the officers' SPAR histories, most notably Officer Munoz's SPAR for an early BWC deactivation.

For these reasons, COPA recommends that **Officer Hanna and Officer Rodriguez** receive a **Violation Noted**. Due to Officer Munoz's unrelated BWC violation, COPA recommends that **Officer Munoz** receive a **Reprimand**. COPA further recommends that all three officers receive retraining regarding CPD's BWC policy.

¹⁸⁸ Att. 269, 270.

Approved:



Steffany Hreno
Director of Investigations

9/30/2024

Date



Andrea Kersten
Chief Administrator

9/30/2024

Date

Appendix A

Case Details

Date/Time/Location of Incident:	June 1, 2023 / 8:22 pm / 4216 S. Wells Street, Chicago IL
Date/Time of COPA Notification:	June 1, 2023 / 8:47 pm
Involved Member #1:	Officer Mark Hanna / Star #13731 / Employee ID # [REDACTED] / DOA: December 12, 2016 / Unit 211 / Male / White
Involved Member #2:	Officer Jose Munoz / Star #15575 / Employee ID # [REDACTED] / DOA: October 27, 2014 / Unit 211 / Male / Hispanic
Involved Member #3:	Officer Reinaldo Rodriguez / Star #18420 / Employee ID # [REDACTED] / DOA: October 26, 2015/ Unit 211 / Male Hispanic
Involved Individual:	[REDACTED] / 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

- Att. 173, General Order G03-02, De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 28, 2023).
- Att. 174, Special Order S03-14, Body Worn Cameras (effective April 30, 2018 to December 29, 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.¹⁸⁹ 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.”¹⁹⁰

¹⁸⁹ 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).

¹⁹⁰ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th 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