



Log # 2023-5234

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 6, 2023, at approximately 12:17 pm, 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 11:55 am at 7326 S Dante Ave.² Third District tactical team members were driving eastbound on 74th St. when they observed [REDACTED] walking in the street on the 7300 block of S Dante Ave. Thinking that [REDACTED] resembled a person the tactical team was looking for, Sergeant (Sgt.) Erik Ruhnke drove northbound onto S Dante Ave. As Sgt. Ruhnke approached [REDACTED] he realized that [REDACTED] was not the person they were looking for, but Sgt. Ruhnke directed the officers to stop [REDACTED] because he was jaywalking. Officers Charles Villanova and Carlos Gutierrez exited the patrol vehicle to conduct an investigatory stop. Officer Gutierrez ordered [REDACTED] to stop, but [REDACTED] began to run from the officers and grabbed towards his waistband. As Officer Gutierrez tried to detain [REDACTED] discharged a firearm, striking Officer Villanova. Sgt. Ruhnke, Officer Christopher Schickel, and Officer Villanova discharged their firearms, and [REDACTED] was fatally shot.

Upon review of the evidence, COPA served allegations that Officer Gutierrez seized [REDACTED] without justification and failed to record the entire incident on Body Worn Camera (BWC). COPA also served allegations that Sgt. Ruhnke, Officer Villanova, and Officer Schickel failed to timely activate their BWCs. Following its investigation, COPA reached Sustained findings regarding the BWC allegations and Exonerated the allegation that Officer Gutierrez seized [REDACTED] without justification. COPA found the firearm discharges of Sgt. Ruhnke, Officer Villanova, and Officer Schickel to be within CPD policy.

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 CPD member discharges their firearm. Therefore, COPA determine it would be the primary administrative investigative agency in this matter.

II. SUMMARY OF EVIDENCE³

On November 6, 2023, CPD tactical team 361 consisted of Officers Gutierrez, Villanova, and Schickel, with Sgt. Ruhnke as their supervisor.⁴ Sgt. Ruhnke told COPA that in the previous month, there had been an increase in violence in the area of Beat 324, including the murders of [REDACTED] and [REDACTED].⁵ Sgt. Ruhnke had been told by a detective that [REDACTED] also known as [REDACTED] had identified himself as a witness to [REDACTED] murder.⁶ On November 6, 2023, Sgt. Ruhnke and Officer Villanova were aware of [REDACTED] and on the look-out for him, while Officer Gutierrez and Officer Schickel were not.⁷

Sgt. Ruhnke drove an unmarked police SUV eastbound on 74th Street. Officer Schickel was in the front passenger seat while Officer Villanova was in the rear behind the driver and Officer Gutierrez was in the rear behind the passenger.⁸ They were all in uniform.⁹ They observed a man, now known as [REDACTED] walking northbound on Dante Ave. Sgt. Ruhnke thought the man might be [REDACTED] and he was walking across the street in the middle of the block, which Sgt. Ruhnke described as jaywalking.¹⁰ Sgt. Ruhnke explained that he could not immediately see [REDACTED] face because the hood on his jacket was up. Sgt. Ruhnke turned left and drove northbound on Dante Ave.¹¹

After making the turn, Sgt. Ruhnke realized that [REDACTED] was not [REDACTED] but he noticed that [REDACTED] was holding his right arm down and pressing it against the right side of his body near his waistband.¹² Sgt. Ruhnke explained that in his experience, most people with concealed firearms conceal them in the right waistband of their pants or in the front of their pants.¹³ Sgt. Ruhnke pulled up next to [REDACTED] and asked him if he lived in the area.¹⁴ [REDACTED] looked at Sgt. Ruhnke and then looked around the area, which Sgt. Ruhnke took as a sign that [REDACTED] was looking for a way to flee.¹⁵ Sgt. Ruhnke did not remember if [REDACTED] responded to his question, but [REDACTED] turned and walked away from the officers.¹⁶ Sgt. Ruhnke told his officers

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, reports from the Illinois State Police laboratory and the Cook County Medical Examiner, CPD reports, civilian witness interviews, and interviews of the involved CPD members.

⁴ Att. 29.

⁵ Att. 94, pg.15, ln. 18, to pg. 16, ln. 7; Atts. 163 and 164.

⁶ Att. 94, pg. 20, lns. 3 to 24.

⁷ Att. 94, pg. 24, ln. 5, to pg. 25, ln. 8; Att. 100, pg. 12, ln. 6, to pg. 13, ln. 10; Att. 87, pg. 25, lns. 11 to 16; Att. 95, pg. 11, ln. 7, to pg. 12, ln. 10.

⁸ Att. 94, pg. 21, lns. 1 to 10.

⁹ Att. 94, pg. 13, ln. 1, to pg. 14, ln. 2.

¹⁰ Att. 94, pg. 21, lns. 17 to 21.

¹¹ Att. 94, pg. 21, lns. 21 to 23. Dante Ave. is a one-way street, with traffic flowing south.

¹² Att. 94, pg. 22, lns. 3 to 10.

¹³ Att. 94, pg. 22, lns. 11 to 22.

¹⁴ Att. 94, pg. 22, ln. 23, to pg. 23, ln. 1.

¹⁵ Att. 94, pg. 23, lns. 3 to 11. Officer Villanova also remembered [REDACTED] looking around the area, and Officer Villanova also interpreted this as a sign that [REDACTED] might be preparing to flee. Att. 100, pg. 14, lns. 4 to 7.

¹⁶ Att. 94, pg. 23, lns. 13 to 16, and pg. 27, lns. 1 to 4.

to stop [REDACTED] he justified the stop on the basis of jaywalking and suspicion of concealment of a firearm.¹⁷ However, Sgt. Ruhnke did not tell the officers he suspected that [REDACTED] was carrying a firearm because he did not want to alarm them in case [REDACTED] was concealing something else.¹⁸

Officers Gutierrez and Villanova exited the SUV to conduct an investigatory stop. Sgt. Ruhnke drove slowly while Officer Schickel remained in the front seat.¹⁹ As Officers Gutierrez and Villanova approached [REDACTED] on the sidewalk, [REDACTED] took a few quick steps as Officer Gutierrez tried to make contact with him.²⁰ As Sgt. Ruhnke drove even with or slightly behind [REDACTED] and the officers on foot, he saw [REDACTED] pull out a firearm and discharge it in the direction of Officers Gutierrez and Villanova.²¹ Sgt. Ruhnke heard the first gunshots as [REDACTED] was still on his feet and turning.²² Officer Gutierrez then grabbed [REDACTED] and they both ended up on the ground.²³ Sgt. Ruhnke explained that he initially believed that Officer Gutierrez had been shot. Sgt. Ruhnke then saw [REDACTED] who was in a seated position, shoot at Officer Villanova as he ran past.²⁴

Sgt. Ruhnke stopped and exited the SUV as he drew his firearm, approximately ten yards from [REDACTED]²⁵ [REDACTED] who had his back to Sgt. Ruhnke, kneeled as he pointed and discharged his firearm at Officer Gutierrez, who was crawling away from [REDACTED]²⁶ Sgt. Ruhnke then discharged ten consecutive rounds at [REDACTED] and Sgt. Ruhnke explained that he fired in defense of Officer Gutierrez and that he stopped firing when [REDACTED] was no longer a threat; Sgt. Ruhnke further explained that he moved towards [REDACTED] as he fired while maintaining awareness of Officer Gutierrez's position.²⁷ Sgt. Ruhnke initially thought that he had been the only police officer who fired, explaining that he experienced auditory exclusion and did not see any other officer discharge their firearm.²⁸ Sgt. Ruhnke was not aware that Officer Villanova had been shot until he saw him bleeding from his arm.²⁹ Sgt. Ruhnke, who had left the keys in the ignition of SUV when he parked, told Officer Schickel to take the car and drive Officer Villanova to the hospital.³⁰ Sgt. Ruhnke stated that the incident unfolded so quickly that they were unable to employ any de-escalation tactics.³¹

¹⁷ Att. 94, pg. 28, lns. 6 to 22.

¹⁸ Att. 94, pg. 28, ln. 19, to pg. 29, ln. 13.

¹⁹ Att. 5 at 00:40 to 00:45.

²⁰ Att. 2 at 2:00 to 2:05.

²¹ Att. 94, pg. 30, lns. 3 to 22.

²² Att. 94, pg. 30, lns. 20 to 22.

²³ Att. 3 at 2:03 to 2:05.

²⁴ Att. 94, pg. 30, ln. 22, to pg. 31, ln. 7.

²⁵ Att. 5 at 0:47 to 0:50; Att. 94, pg. 30, ln. 3, to pg. 31, ln. 17, and pg. 34, ln. 22, to pg. 35, ln. 4.

²⁶ Att. 5 at 0:50 to 0:52; Att. 3 at 2:07 to 2:10.; Att. 94, pg. 31, lns. 8 to 15.

²⁷ Att. 5 at 0:50 to 0:53; Att. 3 at 2:08 to 2:11; Att. 1 at 1:44 to 1:47; Att. 94, pg. 31, ln. 15, to pg. 32, ln. 24; Att. 26.

²⁸ Att. 94, pg. 39, lns. 4 to 24.

²⁹ Att. 94, pg. 38, ln. 23, to pg. 39, ln. 3.

³⁰ Att. 94, pg. 40, lns. 12 to 24.

³¹ Att. 94, pg. 47, lns. 15 to 21.

Officer Gutierrez told COPA that he exited the SUV to approach ██████ on Sgt. Ruhnke's order after the sergeant attempted to converse with ██████³² Officer Gutierrez exited the vehicle and told ██████ to stop and that he had jaywalked.³³ Officer Gutierrez explained that he saw ██████ quicken his step and press his arm against his waistband on the right side, as if trying to conceal a firearm.³⁴ Officer Gutierrez told COPA that he saw ██████ pull a firearm from his waistband, and Officer Gutierrez took ██████ down to the ground as he heard shots being fired.³⁵ Officer Gutierrez crawled away from ██████ into the yard at 7326 S Dante Ave., and he stayed down until the shooting stopped in fear of being struck.³⁶ When Officer Gutierrez got up, he saw ██████ on the ground; he handcuffed ██████ turned ██████ over, and saw a firearm underneath his person.³⁷ Officer Gutierrez then realized that Officer Villanova had been shot. Officer Gutierrez explained that he neither drew nor fired his weapon during this incident,³⁸ and he did not see anyone else fire.³⁹ Officer Gutierrez requested an ambulance for ██████⁴⁰

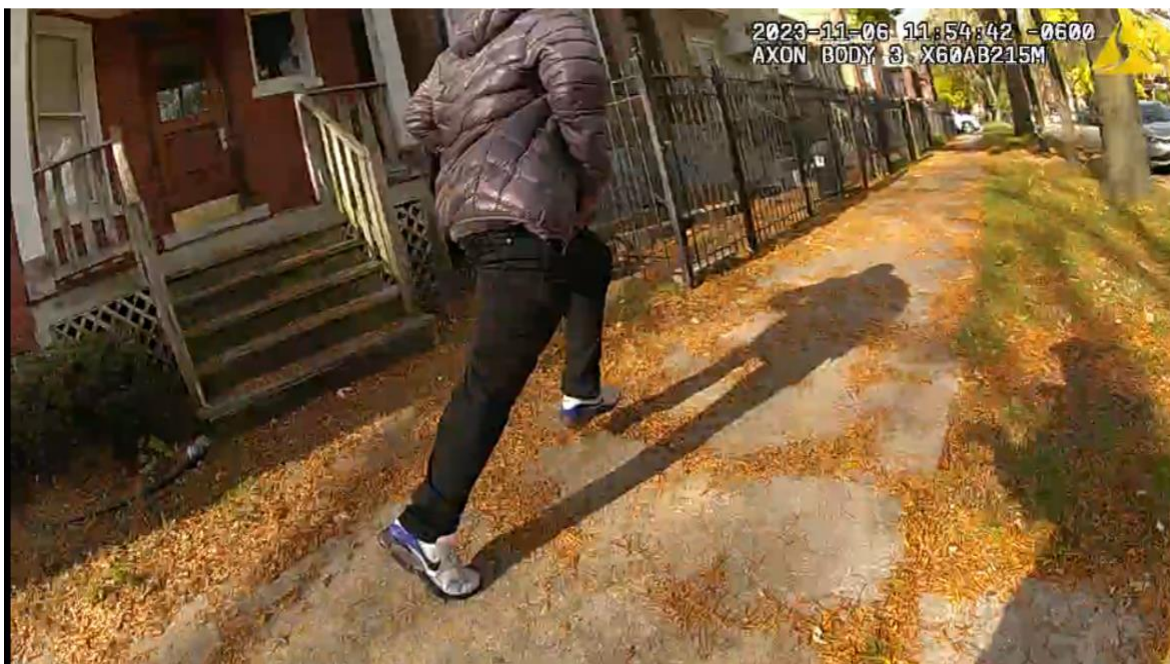


Figure 1: A screenshot from Att. 2, BWC footage from Officer Gutierrez at 2:03, depicting ██████ holding his side and beginning to run as Officer Gutierrez approached.

³² Att. 87, pg. 15, lns. 14 to 19.

³³ Att. 87, pg. 15, ln. 20; Att. 2 at 2:00 to 2:03.

³⁴ Att. 87, pg. 15, lns. 20 to 23, and p. 30, ln. 20 to pg. 31, ln. 6.

³⁵ Att. 87, pg. 15, ln. 23, to pg. 16, ln. 3.

³⁶ Att. 87, pg. 16, lns. 4 to 10.

³⁷ Att. 87, pg. 16, lns. 11 to 13.

³⁸ Att. 87, pg. 37, lns. 2 to 16.

³⁹ Att. 87, pg. 36, ln. 22, to pg. 37, ln. 1.

⁴⁰ Att. 87, pg. 31, lns. 19 to 21; Att. 119 at 0:57 to 2:42. Responding officers rendered medical aid to ██████ See Att. 5 at 3:03 to 9:20. Officer Gutierrez was transported to University of Chicago Hospital for observation and released. See Atts. 165 and 166.

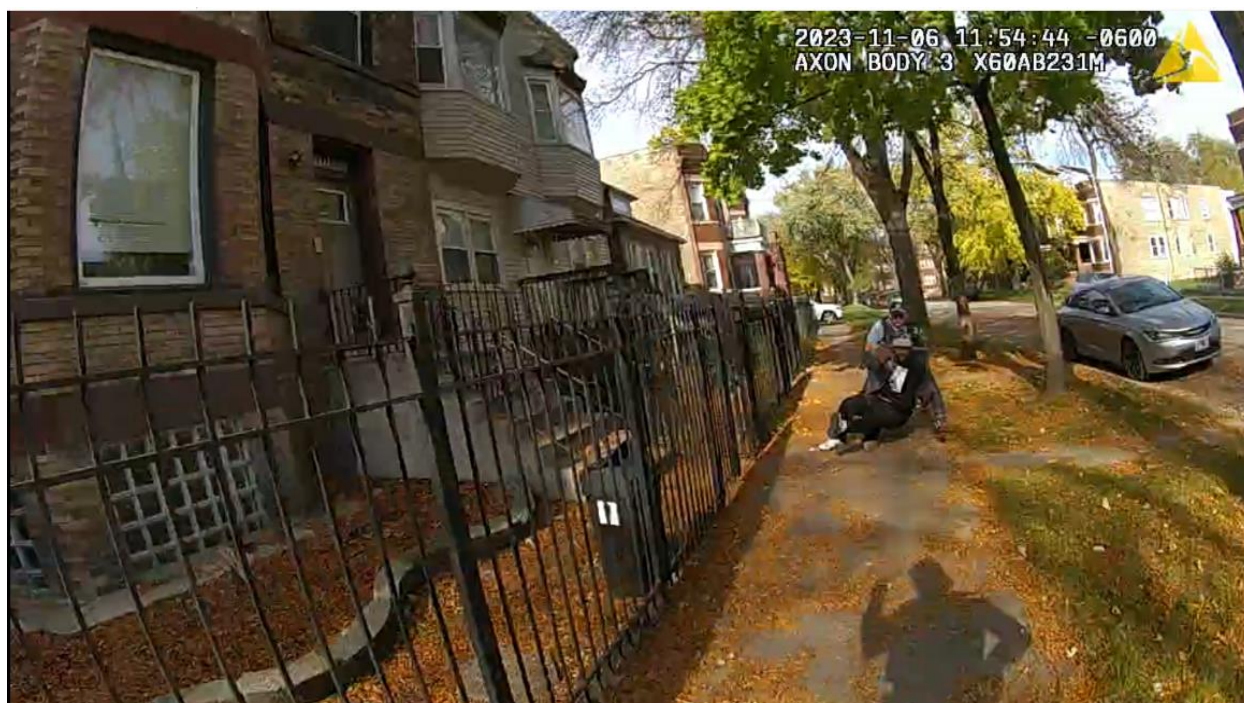


Figure 2: A screenshot from Att. 3, BWC footage from Officer Villanova at 2:04, depicting Officer Gutierrez and [REDACTED] falling to the ground.

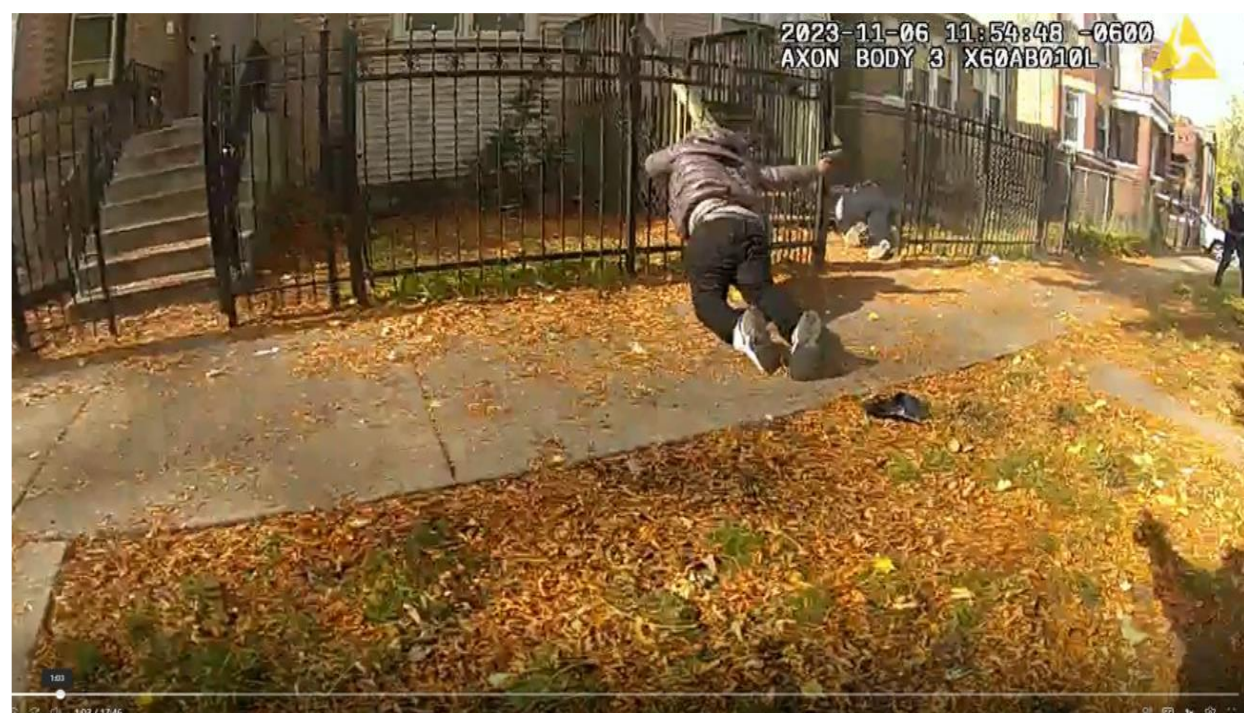


Figure 3: A screenshot from Att. 5, BWC footage from Sgt. Ruhnke at 0:51, depicting [REDACTED] with weapon raised toward Officer Villanova. Officer Gutierrez is on the ground inside the fenced yard.

Officer Villanova told COPA that he heard a gunshot as Officer Gutierrez approached [REDACTED]. Officer Villanova then saw [REDACTED] facing him as [REDACTED] shot at him from approximately six to eight feet away. Officer Villanova explained that he did not see that [REDACTED] had a gun until [REDACTED] shot at him.⁴¹ Officer Villanova felt one bullet go past the right side of his head, and he then felt pain in his left arm and lost feeling in his left hand.⁴² Officer Villanova was focused on the pain in his left arm and continued to run north, away from [REDACTED]. Officer Villanova then discharged his firearm toward [REDACTED] who was shooting at Officer Gutierrez. Officer Villanova did not know how many times he discharged his firearm, but he explained that he stopped shooting when [REDACTED] was no longer shooting at him or at Officer Gutierrez.⁴³ Officer Villanova said that he did not shoot prior to [REDACTED] shooting him.⁴⁴ Officer Villanova did not recall if he saw Sgt. Ruhnke or Officer Schickel fire their weapons. Sgt. Ruhnke and Officer Schickel applied a tourniquet to Officer Villanova's arm before Officer Schickel drove him to the hospital, where he was treated for a through-and-through gunshot wound to his left forearm that damaged nerves in his arm and hand.⁴⁵



Figure 4: A screenshot from Att. 3, BWC footage from Officer Villanova at 2:08 depicting the gunshot wound to his left forearm while Sgt. Ruhnke fires at [REDACTED] who is firing at Officer Gutierrez.

Officer Schickel told COPA that his team had been on routine patrol when they saw [REDACTED] jaywalking and holding the right side of his waistband, which he thought might indicate

⁴¹ Att. 100, pg. 21, lns 7 to 10.

⁴² Att. 100, pg. 16, lns. 3 to 24.

⁴³ Att. 100, pg. 17, ln. 21, to pg. 19, ln. 6.

⁴⁴ Att. 100, pg. 22, lns. 9 to 15, and pg. 25, lns. 4 to 6.

⁴⁵ Att. 100, pg. 19, ln. 16, to pg. 21, ln. 3.

that [REDACTED] was carrying a firearm.⁴⁶ Officer Schickel explained that after Sgt. Ruhnke attempted to converse with an unresponsive [REDACTED] the sergeant ordered the officers out of the car. However, Officer Schickel did not exit the vehicle with Officers Gutierrez and Villanova because he initially thought two officers were enough.⁴⁷ Instead, Officer Schickel remained with Sgt. Ruhnke in the SUV.

Officer Schickel stated that Officer Gutierrez was about to grab [REDACTED] who had picked up his pace, when he heard gunfire and saw the muzzle flash from [REDACTED] firearm toward Officer Villanova. Officer Schickel was unsure if Officer Gutierrez had ever been able to grab [REDACTED]⁴⁸ Officer Schickel exited the SUV and immediately heard gunshots and saw [REDACTED] had his gun pointed at Officer Gutierrez, who he feared was dying or about to die, on the ground. Within approximately one second, Officer Schickel, who was in the middle of the street, approximately fifteen to twenty feet from [REDACTED] on the sidewalk, discharged his firearm twelve times toward [REDACTED]⁴⁹ Officer Schickel thought that [REDACTED] had fired at least ten rounds.⁵⁰ Officer Schickel explained that he stopped firing when he noticed Sgt. Ruhnke moving toward [REDACTED] and Officer Gutierrez because he did not want them to be struck with crossfire.⁵¹ Officer Schickel then realized that Officer Villanova, not Officer Gutierrez, had been shot. He applied a tourniquet to Officer Villanova and then drove him to the hospital in the SUV.⁵²

This space intentionally blank.

⁴⁶ Att. 95, pg. 12, lns. 13 to 14; pg. 13, lns. 7 to 20; pg. 30, lns. 3 to 23.

⁴⁷ Att. 95, pg. 12, ln. 13, to pg. 15, ln. 2.

⁴⁸ Att. 95, pg. 15, ln. 18, to pg. 17, ln. 13.

⁴⁹ Att. 95, pg. 29, lns. 4 to 7.

⁵⁰ Att. 95, pg. 20, lns. 5 to 9.

⁵¹ Att. 95, pg. 18, lns. 1 to 23.

⁵² Att. 95, pg. 19, lns. 9 to 23. Officer Schickel was also treated at the hospital for chest pain but was released. See Att. 95, pg. 27, lns. 10 to 19.

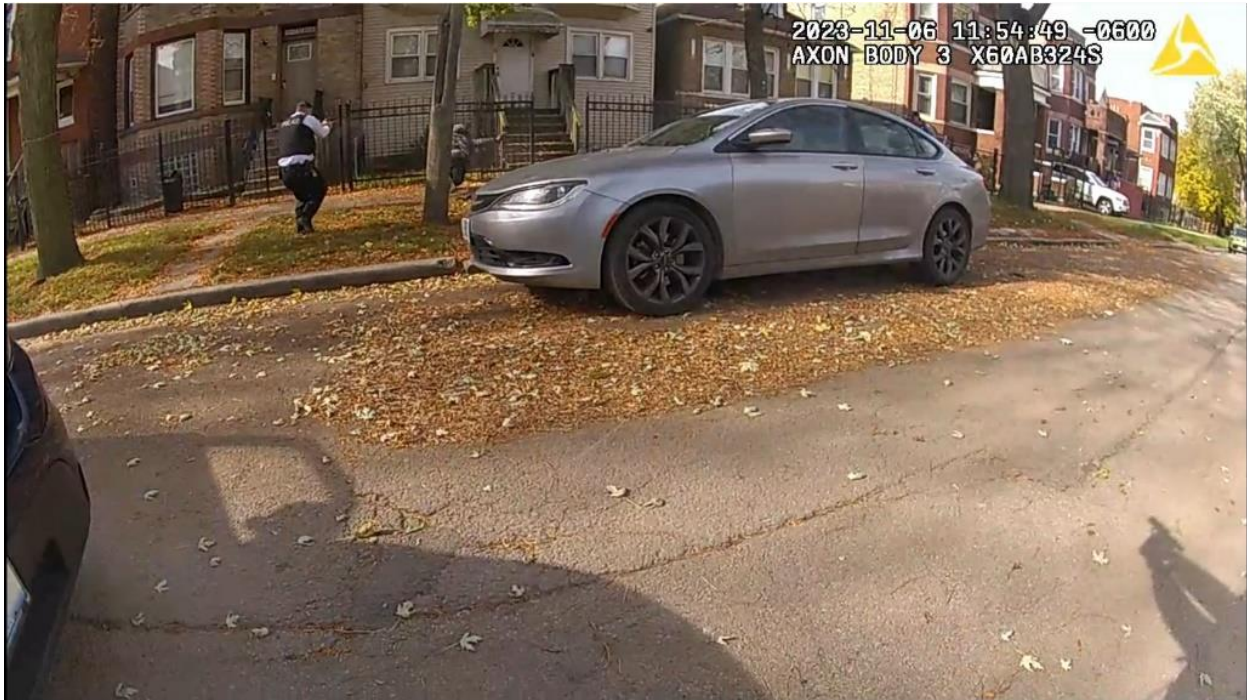


Figure 5: A screenshot from Att. 1, BWC footage from Officer Schickel at 1:45, depicting [REDACTED] with firearm pointed to the north (towards Officer Gutierrez and Officer Villanova, who are not visible because of the parked car) and Sgt. Runhke advancing toward [REDACTED]

The first minute and fifty-nine seconds of Officer Villanova's BWC video recording have no audio because the BWC was in buffering mode prior to activation. The recording depicts Sgt. Ruhnke driving and turning onto Dante Ave., where he came to a stop and appeared to speak to an unseen person through the open driver's window.⁵³ Prior to turning onto Dante Ave., both Sgt. Ruhnke and the front-seat passenger, Officer Schickel, turned their heads to the left as if they noticed something occurring on Dante Ave.⁵⁴ After turning, Sgt. Ruhnke then began driving slowly before stopping as Officer Villanova opened the rear driver's side door.⁵⁵ Audio recording began as Officer Villanova exited the SUV, and Officer Gutierrez said, "You're jaywalking," as he approached [REDACTED] from the street.⁵⁶ [REDACTED] began running, but after a few steps Officer Gutierrez extended his arms and grabbed [REDACTED] near the shoulders as gunshots were audible, and Officer Gutierrez and [REDACTED] fell to the ground together while Campell spun around to land facing Officer Villanova.⁵⁷ While falling, [REDACTED] reached towards his waistband with his right hand, and he retrieved a firearm.⁵⁸ After falling to the ground, Officer Gutierrez crawled into an adjacent yard as multiple gunshots were audible.⁵⁹ Officer Villanova ran past Officer Gutierrez

⁵³ Att. 3 at 1:05 to 1:30.

⁵⁴ Att. 3 at 1:11: to 1:15.

⁵⁵ Att. 3 at 1:31 to 1:54.

⁵⁶ Att. 3 at 2:00; Att. 4 at 2:00 to 2:03.

⁵⁷ Att. 3 at 2:04 to 2:05; Att. 2 at 2:03 to 2:06.

⁵⁸ Att. 3 at 2:04 to 2:05; Att. 2 at 2:03 to 2:06.

⁵⁹ Att. 2 at 2:06 to 2:12.

and [REDACTED] and [REDACTED] rose to his knees and turned around to face north while pointing his firearm towards Officer Gutierrez and Officer Villanova.⁶⁰ Officer Villanova drew his firearm while running past [REDACTED]⁶¹ and Officer Villanova turned and discharged his firearm towards [REDACTED] while [REDACTED] rose to his knees and discharged his firearm towards Officer Gutierrez.⁶² Sgt. Ruhnke exited the SUV and discharged his firearm towards [REDACTED] whose back was to Sgt. Ruhnke, while [REDACTED] knelt on the sidewalk and pointed his firearm towards Officer Gutierrez and Officer Villanova.⁶³ At the same time, Officer Schickel exited the SUV, drew his firearm, and discharged it towards [REDACTED] appearing to stop firing as Sgt. Ruhnke moved towards his line of fire.⁶⁴ Sgt. Ruhnke moved closer to [REDACTED] and continued to discharge his firearm towards [REDACTED] but he stopped firing between one and two seconds after [REDACTED] shooting arm dropped and [REDACTED] slumped to the ground.⁶⁵

Sgt. Ruhnke completed a Tactical Response Report, as did Officers Gutierrez, Villanova and Schickel. These reports were consistent with their BWC and statements to COPA.⁶⁶ Officer Gutierrez also completed an Investigatory Stop Report, which was consistent with Officer Gutierrez's statement to COPA.⁶⁷

Witness [REDACTED] told COPA that he was inside his parked car [REDACTED], talking on the phone, when he heard shots. He looked up and witnessed the shooting, and he provided an account similar to the involved officers and consistent with the available BWC recordings. [REDACTED] explained that he assumed [REDACTED] shot first, but he was not sure.⁶⁸ Another witness, [REDACTED] was in the second-floor apartment at [REDACTED], applying makeup with her east-facing window open. [REDACTED] heard someone say, "Freeze," and then she heard gunshots.⁶⁹ She then stuck her head out the window to observe three officers with their firearms out, and she heard gunshots. After the gunfire stopped, she came out onto the porch to see [REDACTED] lying on the ground and an officer, now known as Officer Villanova, falling back and hitting the ground with blood coming out of his arm from a gunshot wound.⁷⁰ [REDACTED] later recognized the shot man as [REDACTED] after seeing his grandmother exit [REDACTED] residence.⁷¹ [REDACTED] said that she heard ten to twenty gunshots, and she believed that three officers were shooting.⁷²

⁶⁰ Att. 3 at 2:05 to 2:10; Att. 1 at 1:42 to 1:46; Att. 5 at 0:48 to 0:52.

⁶¹ Att. 3 at 2:06 to 2:07. Officer Villanova's body is not visible in his own BWC recording, but the motion of reaching towards his holster and drawing his firearm was reflected by his shadow on the sidewalk.

⁶² Att. 3 at 2:07 to 2:11. Officer Villanova's torn sleeve and bloodied left arm were visible in his BWC recording as he turned to face [REDACTED]

⁶³ Att. 5 at 0:48 to 0:52.

⁶⁴ Att. 1 at 1:41 to 1:47.

⁶⁵ Att. 5 at 0:50 to 0:53.

⁶⁶ Atts. 25 to 28.

⁶⁷ Att. 9.

⁶⁸ Att. 57, pg. 5, lns. 5 to 8.

⁶⁹ Att. 16, pg. 5, lns. 4 to 13.

⁷⁰ Att. 16, pg. 14, lns. 3 to 8.

⁷¹ Att. 16, pg. 15, lns. 13 to 19.

⁷² Att. 16, pg. 9, ln. 3, to pg. 10, ln. 3. CPD detectives also interviewed [REDACTED] See Att. 17.

Chicago Fire Department (CFD) Ambulance 55 was dispatched at 11:56 am, en route at 11:59 am, and arrived at 7326 S Dante at 12:04 pm. The paramedics found [REDACTED] unresponsive, not breathing, and pulseless. They documented gunshot wounds to the forehead, right upper chest, and lower right abdomen. They also noted that chest seals had been placed on the upper right chest and lower right abdomen by CPD members. [REDACTED] was transported to the University of Chicago Trauma Center where he was pronounced dead.⁷³ COPA attempted to obtain [REDACTED] medical records from the University of Chicago but was unsuccessful.⁷⁴

The Autopsy Report from the Cook County Medical Examiner listed the pathological diagnoses as multiple gunshot wounds and bilateral hemothoraces; the cause of death was multiple gunshot wounds and the manner of death was homicide.⁷⁵ Fifteen gunshot wounds were documented, including three entrance wounds to the head; two graze wounds to the face; one entrance wound to the right chest; one entrance wound to the right abdomen; two entrance wounds to the right thigh; three entrance wounds to the back; two entrance wounds to the left arm; and one entrance wound to the right leg. A deformed bullet was recovered from [REDACTED] right jaw, another bullet was recovered from a muscle in his lower back, two more bullets were recovered from his left abdominal wall, another from his left shoulder, another from his left chest wall, and another from his right back; additional bullet fragments were recovered from [REDACTED] right leg.⁷⁶ Abrasions were noted on the right fingers, anterior left chest, and the anterior right knee, and bullet fragments were found in [REDACTED] clothing. The Medical Examiner tested samples of [REDACTED] blood, finding the presence of cannabis metabolites.⁷⁷

The firearms of Sgt. Ruhnke, Officer Villanova, and Officer Schickel were submitted to the Illinois State Police (ISP) crime laboratory for analysis, as was the firearm found under [REDACTED] a Taurus 9mm semi-automatic pistol, along with the fired cartridge cases recovered at the scene and the fired bullets and bullet fragments recovered from [REDACTED] body and clothing.⁷⁸ Nine fired cartridge cases found at the scene of this incident were attributed to [REDACTED] firearm.⁷⁹ Ten fired cartridge cases were attributed to Sgt. Ruhnke's firearm.⁸⁰ Eleven fired cartridge cases were attributed to Officer Villanova's firearm,⁸¹ and twelve fired cartridge cases were attributed to Officer Schickel's firearm.⁸² The ISP lab determined that three fired bullets recovered from [REDACTED] body were fired by Sgt. Ruhnke's firearm, along with one fired bullet

⁷³ Atts. 67 and 68.

⁷⁴ Att. 77. [REDACTED] submitted a web complaint regarding [REDACTED] being handcuffed upon arrival at the University of Chicago Hospital under Log No. 2023-5279, which was administratively closed. Repeated attempts to contact [REDACTED] were unsuccessful. See Atts. 75, 76, and Notes CO-1363613, CO-1364614, CO-1366251, and CO-1367003.

⁷⁵ Att. 104.

⁷⁶ Att. 104, pgs. 2 to 7.

⁷⁷ Att. 106.

⁷⁸ Atts. 169 and 170.

⁷⁹ Atts. 49, 54, 63, 64, 89, 111, and 167.

⁸⁰ Atts. 52, 54, 63, 64, 89, and 111.

⁸¹ Atts. 50, 54, 63, 64, 89, and 111.

⁸² Atts. 51, 54, 63, 64, 89, and 111.

recovered from [REDACTED] clothing.⁸³ The ISP laboratory determined that four additional bullets recovered from [REDACTED] body were not fired by Officer Schickel's firearm or by [REDACTED] firearm, but the laboratory could not determine if those four bullets were fired by Sgt. Ruhnke or by Officer Villanova.⁸⁴ The laboratory eliminated all of the firearms present, except for Officer Villanova's firearm, in comparison to one additional bullet recovered from [REDACTED] body.⁸⁵ The laboratory determined that one bullet fragment recovered from [REDACTED] body was fired by Officer Schickel's firearm, but the laboratory found all of the remaining fragments unsuitable for comparison.⁸⁶

The ISP laboratory determined that [REDACTED] DNA was on the Taurus firearm,⁸⁷ but no latent fingerprints suitable for comparison were found on the Taurus firearm, the Taurus magazine, or the one live cartridge remaining with the firearm.⁸⁸ The ISP laboratory tested a gunshot residue kit collected from [REDACTED] hands at the hospital and determined that [REDACTED] either discharged a firearm, contacted an item with gunshot residue, or had his right hand in the environment of a discharged firearm.⁸⁹

Sgt. Ruhnke denied the allegation of failing to activate his BWC in violation of Special Order S03-14, citing his need to park the vehicle and make a rapid exit to address the deadly threat posed by [REDACTED]. He explained that he activated his camera as soon as he was able.⁹⁰ While Sgt. Ruhnke's BWC captured the video of the tactical team's approach to [REDACTED] and the subsequent shooting, the audio was not recorded because the BWC was in buffering mode. When audio began after the two minutes of buffering, Sgt. Ruhnke stated, "God damn it. I wasn't on. I was in the car," to Officer Gutierrez in reference to his BWC.⁹¹

Officer Gutierrez denied the allegation of seizing [REDACTED] without justification, stating that he had reasonable articulable suspicion and probable cause because he observed [REDACTED] jaywalking and then observed [REDACTED] pull out a firearm before hearing gunshots.⁹² Officer Gutierrez also denied the allegation of failing to record the entire incident with his BWC in violation of Special Order S03-14, stating that he turned it on as quickly as he could.⁹³ While the video portion of Officer Gutierrez's BWC recording captured him exiting the SUV and approaching [REDACTED] audio was not fully recorded because his BWC was in buffering mode until just before he made contact with [REDACTED] on the sidewalk.⁹⁴

⁸³ Atts. 52 and 111.

⁸⁴ Atts. 50, 51, 52, 111, and 167.

⁸⁵ Atts. 50, 51, 52, 111, and 167.

⁸⁶ Atts. 51 and 111.

⁸⁷ Atts. 112, 167, 169, and 170.

⁸⁸ Atts. 110 and 167.

⁸⁹ Atts. 47, 55, pg. 2, and 171.

⁹⁰ Att. 94, pg. 50, ln. 17, to pg. 51, ln. 23.

⁹¹ Att. 5 at 1:59 to 2:02.

⁹² Att. 87, pg. 42, ln. 8, to pg. 43, ln. 23.

⁹³ Att. 87, pg. 44, lns. 1 to 8.

⁹⁴ Att. 2. Officer Gutierrez also created a second BWC recording after he was initially instructed to turn off his BWC by a supervisor while answering public safety questions. See Att. 8.

Officer Villanova denied the allegation of failing to activate his BWC in violation of Special Order S03-14, stating that he activated it as soon as he could.⁹⁵ Officer Villanova's BWC recording shows that he activated his BWC to event mode after exiting the SUV, while he and Officer Gutierrez were walking towards [REDACTED]⁹⁶

Officer Schickel denied the allegation of failing to activate his BWC in violation of Special Order S03-14, stating that he thought he had activated his BWC twice before discharging his firearm. When he looked down and saw that his BWC was green (not recording) instead of red (recording) after he discharged, he activated his BWC again.⁹⁷ Officer Schickel's BWC recording shows that he activated his BWC to event mode approximately nineteen seconds after exiting the SUV, after [REDACTED] had been shot.⁹⁸ The recording does show Officer Schickel gesturing towards the BWC as he exited the SUV, which could be consistent with an attempt to activate the BWC.⁹⁹

On October 31, 2024, [REDACTED] estate filed a civil lawsuit against the City of Chicago seeking damages for the death of [REDACTED]¹⁰⁰ The city's motion to dismiss was denied on March 11, 2025, and depositions for the involved CPD members had not yet been scheduled.¹⁰¹

III. ALLEGATIONS:

Pursuant to section 2-78-120 of the Municipal Code of Chicago, COPA has a duty to investigate all incidents in which CPD members discharge their firearms. During its investigation of this incident, COPA did not find evidence to support bringing allegations against Sgt. Ruhnke, Officer Villanova, or Officer Schickel related to their firearm discharges. However, COPA did bring allegations regarding the initial seizure of [REDACTED] and regarding failure to timely activate BWCs.

Police Officer Carlos Gutierrez

- Seized [REDACTED] without justification.
 - Exonerated
- Failed to record the entire incident on Body Worn Camera (BWC) in violation of Special Order SO3-14.
 - Sustained; Violation of Rules 2, 3, 5, 6, and 10

⁹⁵ Att. 100, pg. 27, ln. 20, to pg. 28, ln. 5.

⁹⁶ Att. 3 at 1:59.

⁹⁷ Att. 95, pg. 33, ln. 24, to pg. 34, ln. 22.

⁹⁸ Att. 1 at 1:41 to 2:00.

⁹⁹ Att. 1 at 1:41.

¹⁰⁰ Att. 121.

¹⁰¹ Atts. 120, 122, and 172.

Police Officer Charles Villanova

- Failing to activate his Body Worn Camera (BWC) in violation of Special Order SO 3-14.
 - Sustained; Violation of Rules 2, 3, 5, 6, and 10

Police Officer Christopher Schickel

- Failing to activate his Body Worn Camera (BWC) in violation of Special Order SO 3-14.
 - Sustained; Violation of Rules 2, 3, 5, 6, and 10

Sergeant Erik Ruhnke

- Failing to activate his Body Worn Camera (BWC) in violation of Special Order SO 3-14.
 - Sustained; Violation of Rules 2, 3, 5, 6, and 10

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies on two factors: 1) the individual's truthfulness, and 2) the reliability of the individual's account. The first factor addresses 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 to accurately recall the event from memory.

Despite late BWC activation, the events in this case were largely captured by BWC. The statements provided by the CPD members are generally corroborated by the available video recordings. The firearm discharges by the CPD members and by ██████████ were captured on the recordings and confirmed by laboratory analysis of the related evidence. COPA did not find any objective, verifiable evidence definitively showing that ██████████ did, or did not, jaywalk on the 7300 block of S Dante Ave. immediately before he was confronted by the involved CPD members. However, the available BWC recordings show that prior to turning onto Dante Ave., both Sgt. Ruhnke and Officer Schickel turned their heads to the left, as if they noticed something occurring on Dante Ave.,¹⁰² and Officer Gutierrez said, "You're jaywalking," as he approached ██████████ from the street.¹⁰³ Also, detective supplementary reports from an unrelated homicide investigation document that a person known as ██████████ was immediately identified as a witness in a homicide that occurred on October 7, 2023, and he subsequently viewed a photographic lineup on November 8, 2023, corroborating Sgt. Ruhnke's account of attempting to assist detectives in locating ██████████ on November 6, 2023.¹⁰⁴

¹⁰² Att. 3 at 1:05 to 1:30.

¹⁰³ Att. 3 at 2:00; Att. 4 at 2:00 to 2:03.

¹⁰⁴ Atts. 173 and 174. The homicide occurred at 1520 E 74th St., which is within two blocks of the location where the involved CPD members encountered ██████████

V. ANALYSIS¹⁰⁵

a. Use of Deadly Force

COPA finds by a preponderance of the evidence that the use of deadly force by Sgt. Ruhnke, Officer Villanova, and Officer Schickel was objectively reasonable, necessary, and proportional to the circumstances they faced. COPA further finds that the circumstances did not allow for these CPD members to engage in de-escalation tactics due to the totality of the circumstances. COPA further finds that the involved CPD members used deadly force as an option of last resort. COPA thus concludes by a preponderance of the evidence that Sgt. Ruhnke's, Officer Villanova's, and Officer Schickel'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, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.¹⁰⁶ CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to provide for the safety of any person or CPD member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.¹⁰⁷ 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.¹⁰⁸

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."¹⁰⁹ 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."¹¹⁰

A threat is considered imminent "when it is objectively reasonable to believe that: (1) the person's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (2) the person has the means or instruments to cause death or great bodily harm; **and** (3) the person has the opportunity and ability to cause death or great bodily harm."¹¹¹ Officers are expected to modify the use of force as circumstances change and in ways

¹⁰⁵ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁰⁶ Att. 175, G03-02(II)(A), De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).

¹⁰⁷ Att. 175, G03-02(III)(B).

¹⁰⁸ Att. 175, G03-02(III)(B)(3).

¹⁰⁹ Att. 175, G03-02(IV)(C).

¹¹⁰ Att. 175, G03-02(IV)(C)(1-2).

¹¹¹ Att. 175, G03-02(IV)(B) (emphasis added).

that are consistent with officer safety, including stopping the use of force when it is no longer necessary.¹¹²

1. Sgt. Erik Ruhnke

Based on the review of the evidence, COPA finds that it is more likely than not that Sgt. Ruhnke's use of deadly force was objectively reasonable in light of the imminent threat he faced. Sgt. Ruhnke fired his weapon only after [REDACTED] produced a firearm and discharged it towards Officers Gutierrez and Villanova. It was thus objectively reasonable for Sgt. Ruhnke to believe that [REDACTED] actions were immediately likely to cause death or great bodily harm.¹¹³ Additionally, COPA finds by a preponderance of the evidence that [REDACTED] had the means or instruments and the opportunity and ability to cause death or great bodily harm, and [REDACTED] had, in fact, shot Officer Villanova before Sgt. Ruhnke shot [REDACTED]

The evidence further indicates that Sgt. Ruhnke used only the amount of force necessary based on the circumstances he faced, and that Sgt. Ruhnke's use of deadly force was proportional to the threat posed by [REDACTED]. Specifically, the evidence shows that he discharged his firearm towards [REDACTED] after [REDACTED] shot Officer Villanova and while [REDACTED] was discharging his firearm towards Officer Gutierrez. Sgt. Ruhnke discharged ten consecutive rounds at [REDACTED] and Sgt. Ruhnke explained that he fired in defense of Officer Gutierrez and that he stopped firing when [REDACTED] was no longer a threat. Sgt. Ruhnke stated that the incident unfolded so quickly that he was unable to employ any de-escalation tactics,¹¹⁴ and the evidence indicates that [REDACTED] produced his firearm and began firing within seconds of Officer Gutierrez's initial approach, while Sgt. Ruhnke was still in the SUV. Further, Sgt. Ruhnke stopped firing between one and two seconds after [REDACTED] shooting arm dropped and [REDACTED] slumped to the ground.¹¹⁵ COPA also notes that at the outset of the encounter, Sgt. Ruhnke attempted to converse with [REDACTED] while still seated in the SUV, and when [REDACTED] walked away, only two of the four officers exited the SUV to approach [REDACTED]. Neither of those officers drew their firearm until after [REDACTED] produced a firearm and shot Officer Villanova. This tends to show that Sgt. Ruhnke and the officers under his supervision attempted to initiate their encounter with [REDACTED] in a manner that would prevent or reduce the need for force. Based on a totality of the circumstances, COPA finds by a preponderance of the evidence that Sgt. Ruhnke's use of deadly force **complied with CPD policy**.

2. Police Officer Charles Villanova

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Villanova's use of deadly force was objectively reasonable in light of the imminent threat he faced.

¹¹² Att. 175, G03-02(II)(D)(2).

¹¹³ By his actions, [REDACTED] met the definition of an "assailant" under CPD policy. See Att. 176, G03-02-01(IV)(C), Response to Resistance and Force Options (effective June 28, 2023, to present).

¹¹⁴ Att. 94, pg. 47, lns.15 to 21.

¹¹⁵ Att. 5 at 0:50 to 0:53.

Officer Villanova drew and fired his weapon only after [REDACTED] produced a firearm and shot Officer Villanova in the arm. Further, [REDACTED] continued to fire towards Officer Gutierrez when Officer Villanova fired towards [REDACTED]. It was thus objectively reasonable for Officer Villanova to believe that [REDACTED] actions were immediately likely to cause death or great bodily harm.¹¹⁶ Additionally, COPA finds by a preponderance of the evidence that [REDACTED] had the means or instruments and the opportunity and ability to cause death or great bodily harm.

The evidence further indicates that Officer Villanova used only the amount of force necessary based on the circumstances he faced, and that Officer Villanova's use of deadly force was proportional to the threat posed by [REDACTED]. Specifically, the evidence shows that Officer Villanova discharged his firearm towards [REDACTED] after [REDACTED] shot Officer Villanova and while [REDACTED] was discharging his firearm towards Officer Gutierrez. Officer Villanova discharged between eleven and thirteen consecutive rounds at [REDACTED]¹¹⁷ and Officer Villanova explained that he did not see that [REDACTED] had a firearm until [REDACTED] shot at him, striking his left arm. Officer Villanova did not know how many times he discharged his firearm, but he explained that he stopped shooting when [REDACTED] was no longer shooting at him or at Officer Gutierrez. COPA finds by a preponderance of evidence that Officer Villanova did not have an opportunity to employ de-escalation tactics prior to discharging his firearm, and based on a totality of the circumstances, COPA finds by a preponderance of the evidence that Officer Villanova's use of deadly force **complied with CPD policy**.

3. Police Officer Christopher Schickel

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Schickel's use of deadly force was objectively reasonable in light of the imminent threat he faced. While Officer Schickel was still seated in the SUV, he heard gunfire and saw the muzzle flash from [REDACTED] firearm toward Officer Villanova. Officer Schickel then exited the SUV and heard gunshots as he saw [REDACTED] pointing his firearm towards Officer Gutierrez. Officer Schickel discharged his firearm twelve times towards [REDACTED] and he stopped firing when he saw that Sgt. Ruhnke was moving into his line of fire. Officer Schickel then determined that [REDACTED] was no longer firing and was no longer a threat, and Officer Schickel did not discharge his firearm again. Based on this evidence, it was objectively reasonable for Officer Schickel to believe that [REDACTED] actions were immediately likely to cause death or great bodily harm. Additionally, COPA finds by a preponderance of the evidence that [REDACTED] had the means or instruments and the opportunity and ability to cause death or great bodily harm.

¹¹⁶ By his actions, [REDACTED] met the definition of an "assailant" under CPD policy. See Att. 176, G03-02-01(IV)(C), Response to Resistance and Force Options (effective June 28, 2023, to present).

¹¹⁷ The available BWC video recordings do not demonstrate the precise number of shots fired by Officer Villanova. Eleven fired cartridge cases from Officer Villanova's weapon were recovered from the incident scene, but Officer Villanova may have fired as many as thirteen times based on the total capacity of his firearm compared to the number of live rounds recovered from his firearm after the incident. See Atts. 50, 54, and 111. Based on the leaf debris present at the incident scene and the multitude of responding CPD and CFD personnel who walked through the scene before it was secured, it is possible that additional fired cartridge cases attributed to Officer Villanova may not have been recovered.

The evidence further indicates that Officer Schickel used only the amount of force necessary based on the circumstances he faced, and that Officer Schickel's use of deadly force was proportional to the threat posed by [REDACTED]. Specifically, the evidence shows that Officer Schickel discharged his firearm towards [REDACTED] after [REDACTED] shot Officer Villanova and while [REDACTED] was discharging his firearm towards Officer Gutierrez. COPA finds by a preponderance of evidence that Officer Schickel did not have an opportunity to deploy de-escalation tactics prior to discharging his firearm, and based on a totality of the circumstances, COPA finds by a preponderance of the evidence that Officer Schickel's use of deadly force **complied with CPD policy.**

b. Seizure of [REDACTED] by Officer Gutierrez

CPD members may conduct an investigatory stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to reasonable articulable suspicion that criminal activity is afoot.¹¹⁸ An investigatory stop involves the temporary detention of a person based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense; an investigatory stop is not a voluntary contact, and the person detained is not free to go.¹¹⁹ CPD members may also seize a person based on probable cause that the person has committed a criminal offense. Probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the person has committed it.¹²⁰

Here, Officer Gutierrez explained that he exited the SUV to approach [REDACTED] on Sgt. Ruhnke's order after the sergeant attempted to converse with [REDACTED].¹²¹ Officer Gutierrez exited the vehicle and told [REDACTED] to stop and that he had jaywalked.¹²² Officer Gutierrez explained that he then saw [REDACTED] quicken his step and press his arm against his waistband on the right side, as if trying to conceal a firearm.¹²³ Officer Gutierrez told COPA that he saw [REDACTED] pull a firearm from his waistband, and Officer Gutierrez took [REDACTED] down to the ground as he heard shots being fired.¹²⁴ Officer Gutierrez denied the allegation of seizing [REDACTED] without justification, stating that he had reasonable articulate suspicion and probable cause because he observed [REDACTED] jaywalking and then observed [REDACTED] pull out a firearm before hearing gunshots.¹²⁵

COPA did not find any objective, verifiable evidence definitively showing that [REDACTED] jaywalked on the 7300 block of S Dante Ave. immediately before he was confronted by Officer

¹¹⁸ Att. 177, S04-13-09(V)(A), Investigatory Stop System (effective July 10, 2017, to present).

¹¹⁹ Att. 177, S04-13-09(II)(A). *See also* 725 ILCS 5/107-14.

¹²⁰ Att. 177, S04-13-09(II)(D). *See also* 725 ILCS 5/107-2(1)(c).

¹²¹ Att. 87, pg. 15, lns. 17 to 19.

¹²² Att. 87., pg. 15, ln. 20; Att. 3 at 2:00.

¹²³ Att. 87, pg. 15, lns. 21 to 23, and p. 30, ln. 9 to pg. 31, ln. 12.

¹²⁴ Att. 87, pg. 15, ln. 23, to pg. 16, ln. 3.

¹²⁵ Att. 87, pg. 42, ln. 8, to pg. 43, ln. 21.

Gutierrez. However, the available BWC recordings show that prior to turning onto Dante Ave., both Sgt. Ruhnke and Officer Schickel turned their heads to the left, as if they noticed something occurring on Dante Ave.,¹²⁶ and Officer Gutierrez said, “You’re jaywalking,” as he approached [REDACTED] from the street.¹²⁷ Sgt. Ruhnke, Officer Schickel, and Officer Villanova all confirmed that they saw [REDACTED] jaywalking. These CPD members were not on a mission to enforce Chicago’s jaywalking ordinance,¹²⁸ and [REDACTED] alleged jaywalking was almost certainly a pretext to stop him and attempt to determine if he was carrying a firearm.¹²⁹ However, police officers may stop a person on a pretextual basis so long as they have probable cause to believe that the person has committed an offense,¹³⁰ and courts have consistently held that an officer’s subjective motive for stopping a person is irrelevant to the reasonableness of the stop so long as probable cause exists.¹³¹

Based on the statements of the involved CPD members and the available BWC recordings, COPA finds that Officer Gutierrez acted on an order from Sgt. Ruhnke to stop [REDACTED] and it is highly probable that Sgt. Ruhnke and Officer Gutierrez saw [REDACTED] walking in the street in violation of a city ordinance. Also, Officer Gutierrez’s BWC recording shows [REDACTED] pressing his right forearm against his side and then reaching towards his waistband with this right hand as he began to run,¹³² lending credence to Officer Gutierrez’s suspicion that [REDACTED] was armed. COPA finds by clear and convincing evidence that Officer Gutierrez acted lawfully and properly in seizing [REDACTED] and the allegation that Officer Gutierrez seized [REDACTED] without justification is **Exonerated**.

c. Body Worn Camera Policy Violations

COPA finds that the allegations against Sgt. Ruhnke, Officer Gutierrez, Officer Villanova, and Officer Schickel related to BWC activation are **Sustained**. CPD members equipped with

¹²⁶ Att. 3 at 1:05 to 1:30.

¹²⁷ Att. 2 at 2:00.

¹²⁸ See Municipal Code of Chicago § 9-60-060 (“No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.”).

¹²⁹ Sgt. Ruhnke believed that [REDACTED] may have been armed, and he decided to stop [REDACTED] because “one of the primary reasons we’re over in that area is because of the heightened gun violence,” att. 94, pg. 26, lns. 11 to 13, but Sgt. Ruhnke did not voice this concern to the officers before directing them to exit the SUV and speak to [REDACTED]. See Att. 94, pg. 22, ln. 8, to pg. 29, ln. 13. Officer Gutierrez exited the SUV to stop [REDACTED] at Sgt. Ruhnke’s direction after observing [REDACTED] jaywalk, but Officer Gutierrez reported observing [REDACTED] manipulating his waistband before he approached [REDACTED] which led Officer Gutierrez to believe that [REDACTED] may have been armed, See Att. 87, pg. 17, ln. 24, to pg. 19, ln. 11; pg. 26, lns. 4 to 11; pg. 28, ln. 24, to pg. 30, ln. 23. Before exiting the SUV, Officer Schickel suspected that Sgt. Ruhnke was engaging with [REDACTED] for reasons beyond the observed jaywalking offense because he saw that [REDACTED] was “pressing or holding onto his right side and waistband where typically somebody would conceal a firearm.” See Att. 95, pg. 13, lns. 3 to 12. Officer Villanova noted that [REDACTED] was “scanning the area” when Sgt. Ruhnke first attempted to speak with him, which Officer Villanova interpreted as an indicator that [REDACTED] might be planning to flee. See Att. 100, pg. 14, lns. 1 to 15.

¹³⁰ See *United States v. Whren*, 517 U.S. 806, 810 (1996).

¹³¹ *Whren*, 517 U.S. at 813-14; see also *People v. Harden*, 2019 IL App (2d) 180630, ¶ 19 (“[T]he fourth amendment does not prohibit pretextual traffic stops”).

¹³² Att. 2 at 2:02 to 2:03.

BWCs are required to activate the system to event mode at the beginning of an incident and must record the entire incident for all law-enforcement-related activities.¹³³ Law-enforcement-related activities include, *inter alia*, investigatory stops, arrests, and any other instance when enforcing the law.¹³⁴ If circumstances prevent activating the BWC at the beginning of an incident, the member must activate their BWC as soon as practical.¹³⁵

Here, four CPD members working together in a single SUV attempted to initiate an investigatory stop after observing [REDACTED] walking in the road and after observing behavior that they believed might indicate the presence of a weapon or contraband. At first, Sgt. Ruhnke attempted to initiate a consensual encounter by speaking to [REDACTED] through the SUV's window. Such a consensual encounter would not necessarily require BWC activation. However, when [REDACTED] walked away, Sgt. Ruhnke ordered the officers he was supervising to exit the vehicle and stop [REDACTED]. At that point, all of the CPD members present were engaged in law-enforcement-related activity, and all of them were obligated to activate their BWCs to event mode. While [REDACTED] was walking away, Sgt. Ruhnke continued to drive slowly behind him, and Sgt. Ruhnke chose the time and location where the officers would exit the SUV to initiate the stop. All of the members had the opportunity to activate their BWCs before any of them exited the SUV and before the encounter escalated. As described above, none of the involved members activated their BWC to event mode until after they exited the SUV. Officers Villanova and Gutierrez activated their BWCs as they were walking towards [REDACTED] while Sgt. Ruhnke and Officer Schickel did not activate their BWCs until after discharging their firearms. Accordingly, COPA finds by a preponderance of evidence that Officer Gutierrez failed to record the entire incident on BWC in violation of Special Order S03-14, and Sgt. Ruhnke, Officer Villanova, and Officer Schickel failed to activate their BWCs in violation of Special Order S03-14, and all of these members violated Rules 2, 3, 5, 6, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Carlos Gutierrez

i. Complimentary and Disciplinary History¹³⁶

Officer Gutierrez has received the Superintendent's Award of Valor, one Superintendent's Honorable Mention Certificate, one Department Commendation Award, seventy-five Honorable Mention Certificates, and at least six other awards and commendations. Officer Gutierrez has no sustained complaint registers, but he was reprimanded once through the summary punishment process for an August 2023 preventable accident.

¹³³ Att. 178, S03-14(III)(A)(2) Body Worn Cameras (effective April 30, 2018, to December 29, 2023).

¹³⁴ Att. 178, S03-14(III)(A)(2)(b), (f), and (r).

¹³⁵ Att. 178, S03-14(III)(A)(2).

¹³⁶ Atts. 182 and 186.

ii. Recommended Discipline

COPA has found that Officer Gutierrez violated Rules 2, 3, 5, 6, and 10 by failing to record the entire incident involving [REDACTED] with his BWC. BWC recordings are important tools that help ensure the true circumstances of incidents involving CPD members are known. Failure to capture the entirety of an encounter, as required by CPD directives, tends to undermine public trust in CPD. Also, BWC recordings can both prevent misconduct and exonerate CPD members when they are wrongly accused. Here, Officer Gutierrez activated his BWC after he exited the SUV, while he was approaching [REDACTED]. Because Officer Gutierrez did not activate his BWC immediately when he knew that Sgt. Ruhnke had decided to stop [REDACTED], Officer Gutierrez's recording did not capture any direction he received from Sgt. Ruhnke before exiting the SUV and also did not capture any words exchanged between [REDACTED], Officer Villanova, and Officer Gutierrez between the time the officers exited the SUV and the time when Officers Gutierrez and Villanova activated their BWCs to event mode. Officer Gutierrez had approximately five years' experience as a CPD member at the time of this incident, and he should have known and followed the BWC directive. However, COPA notes that Officer Gutierrez was only seconds late in activating his BWC, and his recording did begin to capture audio before he made physical contact with [REDACTED]. Considering these findings, and taking into account Officer Gutierrez's complimentary and disciplinary history as well as the trauma he experienced during this incident, COPA recommends an entry of **Reprimand for Officer Gutierrez**.

b. Officer Charles Villanova

i. Complimentary and Disciplinary History¹³⁷

Officer Villanova has received the Superintendent's Award of Valor, the Police Blue Star Award, the Life Saving Award, one Special Commendation Award, six Department Commendation Awards, the Traffic Stop of the Month Award, one-hundred-and-thirteen Honorable Mention Certificates, three complimentary letters, and at least eight other awards and commendations. Officer Villanova was suspended for five days for a December 2021 incident involving the escape of a prisoner. Officer Villanova was also reprimanded through the summary punishment process for a May 2023 preventable accident.

ii. Recommended Discipline

COPA has found that Officer Villanova violated Rules 2, 3, 5, 6, and 10 by failing to timely activate his BWC. BWC recordings are important tools that help ensure the true circumstances of incidents involving CPD members are known. Failure to capture the entirety of an encounter, as required by CPD directives, tends to undermine public trust in CPD. Also, BWC recordings can both prevent misconduct and exonerate CPD members when they are wrongly accused. Here, Officer Villanova activated his BWC after he exited the SUV, while he was approaching [REDACTED]. Because Officer Villanova did not activate his BWC immediately when he knew that

¹³⁷ Atts. 181 and 184.

Sgt. Ruhnke had decided to stop [REDACTED] Officer Villanova's recording did not capture any direction he received from Sgt. Ruhnke before exiting the SUV and also did not capture any words exchanged between [REDACTED] Officer Gutierrez, and Officer Villanova between the time the officers exited the SUV and the time when Officers Gutierrez and Villanova activated their BWCs to event mode. Officer Villanova had more than seven years' experience as a CPD member at the time of this incident, and he should have known and followed the BWC directive. However, COPA notes that Officer Villanova was only seconds late in activating his BWC, and his recording did begin to capture audio before Officer Gutierrez made physical contact with [REDACTED]. Considering these findings, and taking into account Officer Villanova's complimentary and disciplinary history as well as the injury and trauma he experienced during this incident, COPA recommends an entry of **Reprimand for Officer Villanova**.

c. Officer Christopher Schickel

i. Complimentary and Disciplinary History¹³⁸

Officer Schickel has received the Superintendent's Award of Valor, one Department Commendation Award, thirty-nine Honorable Mention Certificates, and at least two other awards and commendations. Officer Schickel has no sustained complaint registers, but he was reprimanded once for a September 2024 court appearance violation.

ii. Recommended Discipline

COPA has found that Officer Schickel violated Rules 2, 3, 5, 6, and 10 by failing to timely activate his BWC. BWC recordings are important tools that help ensure the true circumstances of incidents involving CPD members are known. Failure to capture the entirety of an encounter, as required by CPD directives, tends to undermine public trust in CPD. Also, BWC recordings can both prevent misconduct and exonerate CPD members when they are wrongly accused. Here, Officer Schickel did not activate his BWC until after he exited the SUV and discharged his firearm. Officer Schickel was the least experienced member of the tactical team, with less than three years' experience as a CPD member at the time of this incident. Also, there is evidence indicating that Officer Schickel may have attempted to activate his BWC earlier, as he exited the SUV.¹³⁹ Considering these findings, and taking into account Officer Schickel's complimentary and disciplinary history, COPA recommends an entry of **Reprimand for Officer Schickel**.

¹³⁸ Atts. 180 and 183.

¹³⁹ Att. 1 at 1:41. Officer Schickel's BWC recording shows that he gestured towards his BWC as he exited the SUV, which could be consistent with an attempt to activate the BWC.

d. Sgt. Erik Ruhnke

i. Complimentary and Disciplinary History¹⁴⁰

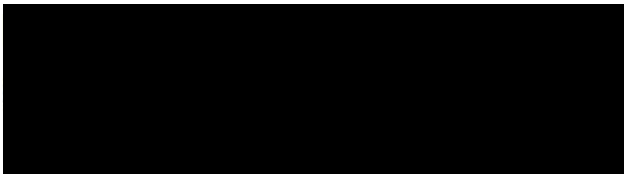
Sgt. Ruhnke has received the Superintendent's Award of Valor, the Superintendent's Award of Merit, the Problem Solving Award, the Top Gun Arrest Award, two Superintendent's Honorable Mention Certificates, the Police Officer of the Month Award, ten Department Commendation Awards, two Deployment Operations Center Awards, one-hundred-and-eighty-seven Honorable Mention Certificates, five complimentary letters, and at least eleven other awards and commendations. Sgt. Ruhnke has no sustained complaint registers within the past five years, but he was suspended for five days for an August 2015 incident involving a traffic pursuit that resulted in serious bodily injury.

ii. Recommended Discipline

COPA has found that Sgt. Ruhnke violated Rules 2, 3, 5, 6, and 10 by failing to timely activate his BWC. BWC recordings are important tools that help ensure the true circumstances of incidents involving CPD members are known. Failure to capture the entirety of an encounter, as required by CPD directives, tends to undermine public trust in CPD. Also, BWC recordings can both prevent misconduct and exonerate CPD members when they are wrongly accused. Here, Sgt. Ruhnke did not activate his BWC until after he discharged his firearm, despite the fact that he initiated the encounter with [REDACTED] and directed officers to exit the SUV and stop [REDACTED]. At least partially because of Sgt. Ruhnke late BWC activation, there is no record of what Sgt. Ruhnke initially said to [REDACTED] no record of what (if anything) [REDACTED] said to Sgt. Ruhnke, and no record of the precise instruction Sgt. Ruhnke gave to the officers before they exited the SUV. As an experienced CPD member and as a supervisor, Sgt. Ruhnke was expected to know and to follow the directive regarding BWC activation. Considering these findings, and taking into account Sgt. Ruhnke's complimentary and disciplinary history, COPA recommends that **Sgt. Ruhnke receive a Reprimand.**

¹⁴⁰ Atts. 179 and 185.

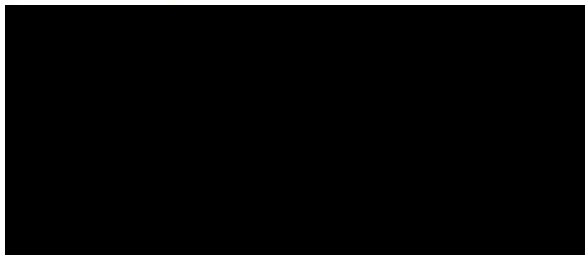
Approved:



Angela Hearts-Glass
Deputy Chief Administrator-Chief Investigator

5-6-25

Date



Lakenya White
Interim Chief Administrator

5-6-2025

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	November 6, 2023 / 11:55 am / 7326 S Dante Ave.
Date/Time of COPA Notification:	November 6, 2023 / 12:17 pm
Involved Member #1:	Sergeant Erik Ruhnke, Star #1964, Emp. # [REDACTED] DOA: September 27, 2004, Unit: 003, Male, White
Involved Member #2:	Police Officer Carlos Gutierrez, Star #4528, Emp. # [REDACTED] DOA: October 29, 2018, Unit: 003/211, Male, White Hispanic
Involved Member #3:	Police Officer Christopher Schickel, Star #18204, Emp. # [REDACTED] DOA: April 16, 2021, Unit: 003/211, Male, White
Involved Member #4:	Police Officer Charles Villanova, Star #13412, Emp. # [REDACTED] DOA: February 29, 2016, Unit: 003, Male, White
Involved Individual #1:	[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 10:** Inattention to duty.

Applicable Policies and Laws

- G03-02, De-escalation, Response to Resistance, and Uses of Force (effective June 28, 2023, to present).
- G03-02-01, Response to Resistance and Force Options (effective June 28, 2023, to present).
- S04-13-09, Investigatory Stop System (effective July 10, 2017, to present).
- 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.¹⁴¹ 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.”¹⁴²

¹⁴¹ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

¹⁴² *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