



Log # 2024-2259

## FINAL SUMMARY REPORT

### I. EXECUTIVE SUMMARY

On February 6, 2024, the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved firearm discharge that occurred earlier that morning, at approximately 4:12 am, at the Circle K/Shell Gas Station at 1611 E. 95th Street Chicago, IL.<sup>1</sup> COPA learned that an off-duty Field Training Chicago Police Officer (FTO), Terrance Mack Jr., star #4065, discharged his firearm once during an attempted carjacking at the gas station. No one was struck by the gunfire, and the attempted carjackers fled the scene. The events of this incident were captured on an exterior security camera at the gas station.

Following its investigation, COPA determined that FTO Mack's use of deadly force was objectively reasonable, necessary, and proportional based on the totality of the circumstances, and his actions complied with CPD rules and policy.

### II. SUMMARY OF EVIDENCE<sup>2</sup>

On February 6, 2024, at approximately 4:08 am, FTO Mack arrived at Circle K/Shell Gas Station at 1611 E. 95th Street. FTO Mack parked his white Audi SUV at pump one and exited his vehicle to put gas in the vehicle.<sup>3</sup> While at pump one, a four-door white Nissan Maxima sedan entered the gas station parking area and stopped behind FTO Mack's vehicle. According to FTO Mack, both passenger side doors opened, and FTO Mack observed an armed male at the rear door. FTO Mack suspected that he was being carjacked.<sup>4</sup> FTO Mack observed the male who exited the front passenger side of the Nissan had a long gun with an extended magazine<sup>5</sup> in his hand and immediately ran towards pump one, where FTO Mack was standing. FTO Mack took off running and as he was running, he turned and observed the male point the weapon at him. FTO Mack heard a clicking sound, which he interpreted it to be, the male attempting to open his car door.<sup>6</sup> As FTO

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<sup>1</sup> One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>2</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including CPD department reports, third party video footage, Evidence Technician (ET) photographs, Body Worn Camera (BWC) footage of responding officers, OEMC communications, and FTO Mack's COPA statement.

<sup>3</sup> Att. 22 at 4:08:47 to 4:10:24 (video clip labeled "180 pumps").

<sup>4</sup> Att. 24, pg. 35, lns. 12 to 22. COPA statement of PO Mack

<sup>5</sup> Att. 24, pg. 17, ln. 15 to pg. 18, ln. 6.

<sup>6</sup> FTO Mack's vehicle was locked, and he had his vehicle keys with him (att. 24, pg. 27, lns. 14 to 18)

Mack made it to pumps five and six, he observed the male dip his shoulder as if he was getting ready to shoot and FTO Mack fired once at the subject.<sup>7</sup> The male began shooting numerous rounds at FTO Mack.<sup>8</sup> FTO Mack immediately took cover behind a barrier at pump six.<sup>9</sup> The unknown subject entered the Nissan, and it fled the scene. FTO Mack stood up and reported the incident to the Office of Emergency Management Communications (OEMC), letting dispatch know that he was an off-duty officer who discharged his weapon once.<sup>10</sup> Shortly thereafter, CPD officers arrived.<sup>11</sup> FTO Mack's vehicle had numerous bullet strikes in various locations.<sup>12</sup> Following the incident, the Nissan was located abandoned at 10231 S. Perrey Avenue, found with multiple bullet holes.<sup>13</sup> The subjects involved were never identified.

Evidence Technicians recovered one (1) Win 9mm Luger +P fired cartridge case on the ground near gas pump seven, nine (9) fired cartridge casings, and five (5) fired bullets/metal fragments on the ground at or near gas pump one.<sup>14</sup>

### III. ALLEGATIONS

Pursuant to section 2-78-120 of the Municipal Code of Chicago, COPA has a duty to investigate all incidents in which a CPD member discharges their firearm. During its investigation of this incident, COPA did not find evidence to support allegations related to FTO Mack's firearm discharge.

### IV. CREDIBILITY ASSESSMENT

This investigation revealed that FTO Mack's account of the incident was credible. His account of the incident was corroborated by third party video footage at the location of the incident.

### V. ANALYSIS<sup>15</sup>

#### a. FTO Mack's Firearm Discharge was a Permissible Use of Deadly Force.

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<sup>7</sup> Att. 24, pg. 25, lns. 19 to 23.

<sup>8</sup> Shot Spotter recorded 16 fired rounds. *Refer* to attachment 19. FTO Mack recalled hearing 16 to 17 shots (att. 24, pg. 30, lns. 17 to 19).

<sup>9</sup> Att. 22 at 4:11:42 to 4:12:00.

<sup>10</sup> Att. 17.

<sup>11</sup> Att. 22 at 4:15:57.

<sup>12</sup> Att. 10. ET photos (97-122).

<sup>13</sup> The Nissan Maxima was stolen. *Refer* to attachment 31 (JH#134232). Fired cartridge casings recovered in/around the Nissan matched the fired casings recovered at the gas station. *Refer* to attachments 7 and 8 (Crime Scene Processing Reports); Att. 10, photos 213-252.

<sup>14</sup> Att.7 (Crime Scene Processing Report 525037). PO Mack fired his auxiliary weapon, a Sig Sauer, P365, 9mm, semi-automatic pistol containing Win 9mm Luger +P ammunition. For PO Mack's CPD gun registration, *refer* to attachment 6, pg. 2.

<sup>15</sup> For a definition of COPA's standard of proof, *see* Appendix B.

COPA finds that FTO Mack's use of deadly force was objectively reasonable, necessary, and proportional to the circumstances he faced. FTO Mack's use of deadly force complied with CPD rules and policy.

CPD's 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.<sup>16</sup> Accordingly, 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 Department, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape."<sup>17</sup> This means CPD members will only resort to the use of force when required under the circumstances to serve a lawful purpose.<sup>18</sup> The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.<sup>19</sup>

The use of deadly force is permitted only as a "last resort" when "necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."<sup>20</sup> A CPD member may use deadly force only when such force is necessary to prevent: (1) death or great bodily harm from an imminent threat posed to the sworn member or to another person; or (2) 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.<sup>21</sup> 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."<sup>22</sup> As the circumstances of an event change, CPD members are expected to modify their use of force to adapt to the needs of the situation, to include decreasing the amount or type of force when a subject offers less resistance.<sup>23</sup>

Regarding this case, COPA finds that FTO Mack was justified in using deadly force. The surveillance footage from the gas station showed a subject exited the front passenger side of the sedan with a firearm and ran towards FTO Mack's location. In fear of being carjacked, FTO Mack ran away from his parked vehicle and when he turned to look back, the male was pointing the firearm at his direction. FTO Mack fired one time at the male subject who immediately began firing at FTO Mack numerous times. FTO Mack took cover and waited until the subject fled the scene. The physical evidence collected from the scene, particularly the 14 fired cartridge cases

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<sup>16</sup> Att. 29, G03-02(II)(A), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

<sup>17</sup> Att. 29, G03-02(III)(B).

<sup>18</sup> Att. 29, G03-02(II)(C).

<sup>19</sup> Att. 29, G03-02(III)(B)(3).

<sup>20</sup> Att. 29, G03-02(IV)(C).

<sup>21</sup> Att. 29, G03-02(IV)(C)(1-2).

<sup>22</sup> Att. 29, G03-02(IV)(B)(1-3)(emphasis added).

<sup>23</sup> Att. 29, G03-02(III)(B)(3).

located at or near gas pump one, provides objective verifiable evidence that the subject did indeed discharge his firearm at FTO Mack.

COPA also notes that during the immediate aftermath of the incident, FTO Mack timely and accurately reported his use of force to the Office of Emergency Management and Communications (OEMC).<sup>24</sup> Overall, the evidence demonstrates that FTO Mack conducted himself properly throughout this incident, and none of his actions exceeded the boundaries established by CPD policy.

Approved:

[Redacted Signature]

7-31-2025

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Angela Hearts-Glass  
*Deputy Chief Administrator-Chief Investigator*

\_\_\_\_\_  
Date

[Redacted Signature]

7-31-2025

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Lakenya White  
*Interim Chief Administrator*

\_\_\_\_\_  
Date

<sup>24</sup> Atts. 16, 17.

**Appendix A**

**Case Details**

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Date/Time/Location of Incident:	February 6, 2024/4:12 am/1611 E. 95th Street Chicago, IL
Date/Time of COPA Notification:	February 6, 2024/4:40 am
Involved Member #1:	Terrance Mack Jr., star# 4065, employee ID# [REDACTED] Date of Appointment: December 27, 2018, Unit of Assignment: 022, male black
Involved Individuals #1-3:	Unidentified males

**Applicable Rules**

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- 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**

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- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).

## Appendix B

### **Definition of COPA's Standard of Proof**

COPA applies a preponderance of the evidence standard to determine whether allegations of excessive force are warranted or well-founded.<sup>25</sup> A **preponderance of evidence** is evidence indicating that it is more likely than not that a proposition is proved.<sup>26</sup> For example, if the evidence COPA gathers in an investigation establishes that it is more likely than not that misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

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<sup>25</sup> See Municipal Code of Chicago, Ch. 2-78-110

<sup>26</sup> *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 has been found to be more probably true than not.”).

**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