

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 9, 2020
Time of Incident:	2:46 pm
Location of Incident:	5625 S. Aberdeen Avenue (Alley)
Date of COPA Notification:	August 9, 2020
Time of COPA Notification:	3:07 pm

On August 9, 2020, at approximately 2:46 p.m., Beat 6710A (Officers Matthew Marano, Nicholas Ardolino, Patrick Forbes, and Carlos Barona) were in an unmarked SUV. Officer Ardolino was driving when they responded to a 911 call of a male black subject (NKA [REDACTED] with a gun, wearing a red shirt and hat, in Moran Park, at 5700 S. Racine Avenue. As they approached the park, driving north on Racine Avenue, they saw [REDACTED] and two other unidentified subjects walking north across 57th Street from the park. As [REDACTED] and his two companions then walked east on the north side of 57th Street, Officer Ardolino maneuvered his police vehicle onto the north sidewalk and drove at the three men, narrowly missing one man and causing [REDACTED] and the third man to run to escape being hit.

[REDACTED] ran north on May Street, then fled eastbound through a gangway. Officer Marano exited the vehicle and chased [REDACTED] eastbound through multiple gangways.¹ When they reached Aberdeen Street, one block to the east, Officer Marano saw [REDACTED] pull a firearm from his pants and called that information over OEMC. [REDACTED] then fled through a vacant lot on the east side of Aberdeen Street. At the same time, Officer Ardolino had continued north in the police vehicle and parked in the vicinity of 56th Street and the alley between May Street and Aberdeen Street. Officer Ardolino then ran south on Aberdeen. Both officers cut through the same vacant lot as [REDACTED] at approximately 5619 S. Aberdeen Street. As they reached the alley, [REDACTED] who was further south in the alley, discharged his semi-automatic handgun several times at the two officers. Officers Ardolino and Marano each fired back several times, striking him on the right side of his face and to his lower left flank. [REDACTED] fell in a vacant lot on the north side of 5625 S Aberdeen Street, and a firearm, with fingerprints matching [REDACTED] was later recovered from this spot. He ran west in the same vacant lot, eventually running in to the residence at [REDACTED] where he hid in the basement until he was discovered by the officers. [REDACTED] was subsequently transported by ambulance to the [REDACTED] but his injuries were not fatal. None of the involved officers was equipped with body-worn cameras because officers assigned to the Community Safety Team had not been issued body-worn cameras when this incident occurred.²

¹ Officers Marano and Forbes also exited but lost sight of [REDACTED] almost immediately.

² Any discharge of an officer's firearm results in a mandatory notification to COPA. This investigation was initiated pursuant to such notification. During this full and comprehensive investigation. COPA did not uncover evidence that would require the proffer of allegations related to the officers discharging their firearms.

II. INVOLVED PARTIES

Involved Officer #1:	Nicholas Ardolino; Star #9874; Employee # [REDACTED]; Date of Appointment: June 27, 2016; Rank: Police Officer; Unit of Assignment: 022; DOB: [REDACTED], 1991; Male; White.
Involved Officer #2:	Matthew Marano; Star #10226; Employee # [REDACTED]; Date of Appointment: December 12, 2016; Rank: Police Officer; Unit of Assignment: 008; DOB: [REDACTED], 1990; Male; White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1999; Male; Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Nicholas Ardolino, #9874	1. It is alleged that on August 9, 2020, at approximately 2:38 pm, in the vicinity of 5700 S. May Street, Officer Ardolino used Deadly Force by driving his unmarked police vehicle in the direction of [REDACTED] and two unknown men without justification in violation of GO3-02.	Sustained
	2. It is alleged that on August 9, 2020, at approximately 2:38 pm, in the vicinity of 5700 S. May Street, Officer Ardolino used Deadly Force by driving his unmarked police vehicle at a fleeing person, [REDACTED] without justification in violation of GO3-02.	Sustained
	3. It is alleged that on August 9, 2020, at approximately 2:38 pm, in the vicinity of 5700 S. May Street, Officer Ardolino failed to drive his unmarked police vehicle with due regard for the safety of all persons in violation of GO3-03.	Sustained
	4. It is alleged that on August 9, 2020, at approximately 2:38 pm, in the vicinity of 5700 S. May Street, Officer Ardolino failed to activate his unmarked police vehicle's lights and sirens in violation of GO3-03-02.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. Rule 6: Disobedience of an order or directive, whether written or oral.
 4. Rule 38: Unlawful or unnecessary use or display a weapon.
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General Orders

1. G03-02: Use of Force (eff. Feb. 29, 2020 to Apr. 15, 2021).
 2. G03-02-01: Force Options (eff. Feb. 29, 2020 to Apr. 15, 2021).
 3. G03-02-03: Firearm Discharge Incidents (eff. Feb. 29, 2020 to Apr. 15, 2021).
 4. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (eff. Feb. 29, 2020 to Apr. 15, 2021).
 5. G03-03: Emergency Use of Department Vehicles (eff. June 1, 2003 to present).
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State Laws

1. 625 ILCS 5/11-205

V. INVESTIGATION³

a. Interviews

On September 18, 2021, during a telephone conversation with COPA, [REDACTED] attorney, [REDACTED]⁴ declined to have [REDACTED] submit to an interview with COPA.⁵

In an Electronically Recorded Interview with CPD Detective Roxanna Hopps at approximately 5:50 pm, on the day of this incident, [REDACTED] brother, [REDACTED]⁶ stated that he and [REDACTED] were in the park⁷ with [REDACTED] and [REDACTED]. A fight occurred in the park. [REDACTED] stated that he and [REDACTED] were then walking near 5700 S. May Street when a black unmarked police vehicle drove onto the sidewalk. [REDACTED] and [REDACTED] then ran north on May Street. Two officers wearing black vests with "Police" written on them chased them on foot while two other officers remained in the vehicle. The Police SUV drove north on May Street. [REDACTED] added that the officers seemed more focused on chasing [REDACTED] as they passed him up and went right towards [REDACTED]. [REDACTED] turned and ran through a gangway with two officers, on foot, chasing after him. [REDACTED] did not follow [REDACTED] into the

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Attachment 75.

⁵ Attachment 65.

⁶ Attachments 7, 57. Det. Hopps interviewed [REDACTED] in the back seat of a CPD vehicle near the location of the incident.

⁷ NKA Moran Park (5727 S. Racine Avenue).

gangway but kept running towards a second gangway further down May Street. As he was beginning to go into this second gangway, ██████████ then heard eight gunshots that sounded as though they came from two different guns. He did not see anyone shooting, including the police, but he believed that the police shot ██████████ ran through the gangway into the alley, at this point he saw police, but not ██████████ then cut through another gangway to get to Aberdeen Street to look for ██████████ then found ██████████ who said that ██████████ had been shot, and he went back to their house at ██████████ ██████████ stated that ██████████ was already inside the home's basement. Police officers waited a bit, but then entered the home and took ██████████ into custody. The officers then walked ██████████ out of the home and to an ambulance. At no point did ██████████ see ██████████ with a gun, and he did not know ██████████ to carry a gun.

In a statement to COPA on August 9, 2020, ██████████ stated that she was sitting on her front porch⁹ when ██████████ walked up to her and wished her a happy birthday. ██████████ stated that she and ██████████ spoke for several minutes, during which he used his lighter in the shape of a silver handgun to light her cigarette. ██████████ then walked away. First, ██████████ walked south on Aberdeen Street and then west on 57th Street until he was out of sight. ██████████ stated that a short time later she saw ██████████ running north on the sidewalk past the front of her home being chased by several uniformed male officers. ██████████ stated that ██████████ stopped running in the empty lot on the north side of her residence. After ██████████ stopped running, he turned and faced the officers while holding his hands up to show them he was unarmed. ██████████ stated that ██████████ was not holding anything in either of his hands. ██████████ heard the officers order ██████████ to drop his gun, to which ██████████ responded that he did not have a gun. ██████████ stated that one of the officers ran towards ██████████ and shot him in his chest. ██████████ immediately turned around and ran east through the empty lot. ██████████ lost sight of him. A few seconds later ██████████ saw ██████████ running west onto Aberdeen Street from the empty lot on the south side of the residence at 5625 S. Aberdeen Street. ██████████ ran west across the street and collapsed on the sidewalk in front of ██████████ where the officers caught up and handcuffed him. ██████████ stated that after the officers handcuffed him, they walked ██████████ into the residence at ██████████ through the front door. Several minutes later the officers escorted ██████████ out of the residence. ██████████ stated that she went inside her home as additional officers began to arrive on the scene.

On August 10, 2020, COPA went to the home of ██████████ at ██████████ to inquire about their video cameras. The ██████████ have a Ring camera on the front of their home, which captured nothing relevant to the incident. They also have ADT Security System cameras on the front and rear exterior. These cameras show a continuous live feed but would only record when the user manually selected the record function. A review of the system revealed that the most recent recording from the ADT Security System was on June 6, 2020. Nothing relevant to this investigation was recorded on the ADT cameras.¹⁰

⁸ Attachment 53; ██████████ refused to have her interview recorded.

⁹ ██████████.

¹⁰ Attachment 40.

In a statement to COPA on August 19, 2020, ██████████ stated that when she first contacted COPA, she identified herself as ██████████.¹² Ms. ██████████ stated that on the day of this incident she was sitting outside on the front porch of her residence¹³ talking to several family members via Zoom. Ms. ██████████ stated that her upstairs neighbor, ██████████,¹⁴ was also sitting on the front porch. Ms. ██████████ stated that she saw an unknown male black subject who was about 5' tall wearing white pants and a white T-shirt, and approximately 19 or 20 years old, walking north on the east sidewalk in front of her residence. Ms. ██████████ did not pay attention to where this unknown male subject walked to. A short time later Ms. ██████████ saw several marked police vehicles traveling north in the alley west of Aberdeen Street. Ms. ██████████ then saw a male white uniformed police officer on foot walking from the west alley toward Aberdeen Street. Ms. ██████████ stated that the police vehicles and the officer on foot appeared to be coming from the vicinity of 57th Street. Ms. ██████████ stated that the officer on foot crossed Aberdeen Street in front of her house and walked towards the empty lot on the north side of her residence. Ms. ██████████ saw the officer pull his firearm from its holster as he continued to walk northeast through the empty lot towards the alley behind her residence. Ms. ██████████ moved to the north side of her front porch and saw the same unknown male black subject she had seen earlier walking north in the alley. The unknown officer on foot followed the unknown male black subject north in the alley until they were out of view. Ms. ██████████ explained that the houses and fences north of her residence blocked her view of the male black subject and the officer. A few moments after they were out of sight Ms. ██████████ heard an unknown person say, “‘Don’t shoot, don’t shoot. I don’t have the gun. Don’t shoot.’ And as soon as he said that, pow, pow, pow, pow, pow.”¹⁵ Ms. ██████████ explained that she heard gunshots. Ms. ██████████ stated that she did not see who was shooting. Ms. ██████████ heard the gunshots and immediately ran into her residence. Ms. ██████████ added that later she was told by unknown officers on the scene that a police officer shot an unknown male subject that resides down the block from her house.¹⁶

Ms. ██████████ did not record this incident but added that a woman she knows as “██████████”¹⁷ did record this incident. Ms. ██████████ did not see anything in either of the unknown male black subject’s hands at the time of this incident.

On August 14, 2020, during a telephone conversation with COPA, ██████████ refused to be interviewed or cooperate with this investigation.¹⁹

¹¹ Attachments 72, 73.

¹² ██████████ also identified herself as “██████████” to Detectives on the day of incident. She did not supply a reason as to why she provided that name to Detectives.

¹³ ██████████.

¹⁴ Ms. ██████████ did not know any of ██████████ contact info. Ms. ██████████ agreed to give ██████████ the R/I’s business card. ██████████ has not contacted COPA or cooperated with this investigation.

¹⁵ Transcript of ██████████ P. 8, Lns. 21-24.

¹⁶ At several times in the transcription Major Case Specialist LaKenya White was erroneously identified as “Mr. Grace.” There was no one named “Mr. Grace” present during the interview.

¹⁷ Ms. ██████████ did not know “██████████” real name or any of her contact information. Ms. ██████████ agreed to ask her to contact COPA the next time she sees her. As of the date of this report, “██████████” has not contacted COPA.

¹⁸ Attachment 64.

¹⁹ COPA became aware of ██████████ as a potential witness to this incident from a published news article by CBS News Reporter Dave Savini. Reference (<https://chicago.cbslocal.com/2020/08/10/mother-of-man-shot-by-police-in-englewood-before-downtown-unrest-says-he-had-no-gun-was-trying-to-run-away/>)

Numerous attempts to interview ██████████/████████████████████
████████████████████ and ██████████ in furtherance of this investigation were unsuccessful.

In a statement to COPA on October 7, 2020, **Officer Nicholas Ardolino**²¹ stated that on the day of this incident he and his three partners were on routine patrol in their unmarked blue Chicago Police Ford Explorer SUV. The officers were assigned to the Community Safety Team, and none were assigned body worn cameras.

Officer Ardolino explained that he was on patrol, in the vicinity of 63rd and Morgan Street, when an OEMC transmission came over the radio of a person with a gun in Moran Park, so he responded to 57th and Racine. The description of the person was a black male wearing a red shirt and a red hat about to fight.²² They were not “assigned” to the call, but “responded” to it. According to Officer Ardolino, he did not activate his vehicle’s emergency equipment²³ because he did not want to alert any potential offender(s) that officers were headed that way.²⁴

As they approached the park, travelling north on Racine Avenue, Officer Ardolino saw a male subject (now known as ██████████) who matched the description of the man with a gun in the park. Officer Ardolino stated that when he first saw him, ██████████ was east of Racine Avenue, walking north across 57th Street away from Moran Park. ██████████ was walking with two or three unidentified subjects²⁵ and they appeared to be walking northeast towards the mouth of the south entrance of the alley between Racine Avenue and May Street. Officer Ardolino decided to stop ██████████ because he matched the description from the radio call, but he did not see ██████████ with a weapon at this point.

Officer Ardolino turned onto 57th Street and he planned to cut ██████████ off by cutting in front of him in the alley on 57th Street between May Street and Racine Street. This was done to block ██████████ and the unidentified subjects from continuing east on the north sidewalk, at which point the officers would exit the vehicle and quickly detain ██████████ before he could react. Officer Ardolino drove east on 57th Street to the alley. He said he initially turned into the alley, but it did not sufficiently cut ██████████ off, so he continued onto the sidewalk. Officer Ardolino estimated that they were traveling approximately 10 to 15 miles per hour when he turned the vehicle from 57th Street to the mouth of the alley. He stated that he maintained speed from 57th Street, into the alley, then onto the sidewalk. He denied that this was deadly force and said that he was justified for safety reasons.

²⁰ Attachments 58-62.

²¹ Attachments 82 – 85.

²² Officer Ardolino said that, before they reached the park, one of the other officers, Officer Ardolino was not sure who, radioed the dispatcher and asked for them to repeat the description of the person with a gun. The dispatcher radioed the same description as before.

²³ Lights and sirens. He indicated that the vehicle did have lights and sirens, and that the lights were in the windows and on the back of the vehicle.

²⁴ Officer Ardolino stated that at no time during this incident did he activate the vehicle’s lights and sirens.

²⁵ He said he did not know if they were men or women, because at this time he just had focus on the subject, ██████████
██████████

Officer Ardolino believed that [REDACTED] first saw them when their vehicle turned into the alley, because this is when [REDACTED] started running. He also believed that one of the other men purposely put himself in front of the police vehicle to attempt to stop them from interviewing [REDACTED]. Officer Ardolino never stopped his vehicle and none of the other officers exited the vehicle. Officer Ardolino asserted that his vehicle never made physical contact with [REDACTED] or the other unidentified subjects.

Officer Ardolino followed [REDACTED] east on the north sidewalk of 57th Street to May Street, where [REDACTED] proceeded to run north on May Street. Officer Ardolino also turned onto May Street and began driving on the street. [REDACTED] initially ran north in the middle of May Street, but then ran east through the gangway of a residence, at which point Officer Ardolino lost sight of him. Officer Ardolino stopped his vehicle and Officers Marano, Forbes, and Barona exited and chased [REDACTED] on foot. Up to this point, he still had not seen [REDACTED] holding a firearm.

After the other three officers ran east through the gangway in pursuit of [REDACTED] Officer Ardolino drove north on May Street and then east on 56th Street. Officer Ardolino heard Officer Marano stating over the radio that [REDACTED] was running east. Officer Ardolino also heard Officer Marano radio that [REDACTED] was armed with a handgun. Based on the updates Officer Marano was providing, Officer Ardolino believed [REDACTED] was on the 5600 block of South Aberdeen. Officer Ardolino was traveling east on 56th Street, between May Street and Aberdeen Street when he heard Officer Marano radio that [REDACTED] was running with a firearm.

Officer Ardolino parked his police vehicle on 56th Street, near the first alley east of Aberdeen Street. Officer Ardolino exited his vehicle, stating, "I run southbound on Aberdeen on the east side of the block. I see a vacant lot that I run through. I then run through the vacant lot, turn the corner, and met with a barrel of a handgun and muzzle flashes."²⁶ Officer Ardolino explained that when he was running south on the east sidewalk of Aberdeen Street and east through an empty lot, he did not know [REDACTED] exact location. He further explained that he did not see [REDACTED] or any officers, at that time. Officer Ardolino explained that based on Officer Marano's radio transmissions, Officer Ardolino believed that [REDACTED] was running east from Aberdeen Street.

When Officer Ardolino reached the alley, he saw Officer Marano running southbound, approximately 10-15 feet further south in the alley. Officer Ardolino also saw [REDACTED] running south in the alley ahead of Officer Marano. He estimated [REDACTED] to be about two garages ahead of himself. At the same time [REDACTED] ran south in the alley, he turned his upper body and extended his left arm and pointed a semi-automatic handgun in the direction of Officer Ardolino and Officer Marano. Officer Ardolino heard about 10 gunshots and saw the slide from [REDACTED] handgun recoil as it fired. At the time [REDACTED] began firing shots, Officer Ardolino was in the middle of the alley, and Officer Marano was to his right. Officer Ardolino tripped but was able to stop himself from falling to the pavement. He did not believe he would be able to find cover, nor would Officer Marano. Officer Ardolino stated that he then discharged his

²⁶ Statement of Officer Nicholas Ardolino; P. 33, Lns. 15-18.

firearm several times²⁷ at ██████████ who was still moving south in the alley pointing his gun in the officers' direction. He was stationary and holding his firearm with a two-handed grip when he fired. Officer Ardolino stated that at the time he did not know if Officer Marano discharged his firearm.

After Officer Ardolino discharged his firearm, ██████████ fell to the ground in an empty lot on the west side of the alley. Officer Ardolino explained that he and Officer Marano did not immediately approach ██████████ because their view of him was partially obstructed by several trees, bushes, and garbage cans. Both officers repeatedly ordered ██████████ to show them his hands. Officer Ardolino stated that they also told ██████████ that they would get him help, but ██████████ got to his feet and ran west through the empty lot. Officer Ardolino lost sight of ██████████ after he ran to the west side of Aberdeen Street. Officer Ardolino did not know if ██████████ was still armed at this point.

Officer Ardolino stated that he and Officer Marano radioed dispatch that shots were fired at and by the police, as well as ██████████ physical description and last known location. They set up a perimeter and began to search the area for ██████████ with responding officers.

About one to two minutes later Officer Ardolino heard broadcasted over the radio that OEMC received a 911 call of a gunshot victim at one of the homes on the 5600 block of South Aberdeen Street.²⁸ By the time Officer Ardolino arrived at that house numerous other officers were inside. Officer Ardolino entered the home and saw Officer Barona at the top of the stairs leading to the basement. Officer Barona was calling down to the basement where ██████████ was hiding. Officer Barona was attempting to coax ██████████ to surrender himself to the officers and come out of the basement so that they could get him medical attention. ██████████ then walked up the stairs from the basement and was immediately handcuffed. Officer Ardolino immediately recognized ██████████ as the person with whom he exchanged gunfire in the alley. Officer Ardolino added that ██████████ was unarmed when he exited the basement. Officer Ardolino saw blood on ██████████ face, shirt, and pants. Officer Ardolino did not know which officer handcuffed ██████████ but after he was handcuffed Officer Ardolino escorted him from the house to an ambulance waiting at the intersection of 5600 S. Aberdeen Street. Officer Ardolino did not recall whether ██████████ spoke before getting into the ambulance.

Officer Ardolino stated that Lieutenant Tim Wolf was the first Chicago Police Supervisor he spoke with after the shooting occurred. Lieutenant Wolf instructed Officer Ardolino and Officer Marano to be taken to the hospital in separate ambulances for observation.

In a statement to COPA on September 21, 2020, **Officer Matthew Marano**²⁹ related essentially the same information as Officer Ardolino. Officer Marano first saw ██████████ and two unidentified male black subjects as they walked north across 57th Street from Moran Park. He says they were walking west, towards the officers' vehicle and Racine Street. At that point, Officer Ardolino drove their police vehicle and jumped the curb to stop the three men's progress. He said that driving on the curb was not planned, but that with the nature of the call, officers need to try to

²⁷ He believed at the time that he fired between five and ten times, and later learned he fired six times.

²⁸ Now known to be ██████████

²⁹ Attachments 80, 81.

position everything the right way to keep everyone same. No plan was verbalized, but he assumes that Officer Ardolino's plan was to get to the alley so they would only have one way to flee.

At the point when they jumped the curb, he says [REDACTED] was looking at them, and could see the officers. Once the vehicle was within ten feet of [REDACTED] he fled eastbound 57th Street, Officer Ardolino followed by driving the police vehicle east on the sidewalk. He indicated that the other two men stood there and tried to block the officers' path. When [REDACTED] reached May Street he ran north. Officer Ardolino also turned onto May Street and traveled north in pursuit of [REDACTED]

At about the middle of the 5600 block of south May Street, [REDACTED] ran east through an empty lot. Officer Marano did not know the exact address of the vacant lot. Officer Ardolino stopped the police vehicle and Officer Marano exited and ran east after [REDACTED] Officer Marano did not know if the other officers exited the police vehicle at the same time. Officer Marano used his radio to notify the officers of [REDACTED] location and direction of flight. Officer Marano chased [REDACTED] east through a vacant lot, and when [REDACTED] reached the east sidewalk of Aberdeen Street, Officer Marano saw him pull a gun from somewhere in his pants. Officer Marano immediately radioed that [REDACTED] held a gun in his hand. It was at this time that Officer Marano pulled his firearm from its holster. Officer Marano then yelled at [REDACTED] to "Drop the gun. Get on the ground." but [REDACTED] kept running.³⁰ At this point, he saw Officer Ardolino running from 56th Street.

[REDACTED] continued east through a vacant lot on Aberdeen Street, and Officer Marano continued to pursue, with Officer Ardolino to his left. He explained:

"I take two steps into the alley. I hear the initial gunshots go off. I see the bullets skipping off the ground, the pavement, skipping between me and Nick. I'm on the right and Nick is probably a foot or two behind me on the left. And after the first two shots, I think Nick got shot because I stopped where I was to try to line up and shoot back. I see Nick got down, so I think he got shot."³¹

Officer Marano further clarified that he and Officer Ardolino "converged" in the alley, and as soon as they came side by side in the alley, two shots rang out. He saw Officer Ardolino fall to his knees so believed he had been shot. [REDACTED] was running south in the alley with his arm extended and pointed behind him in the direction of the officers.³² Officer Marano then discharged his firearm eight or nine times at [REDACTED] who was still shooting in their direction.³³ Officer Ardolino also discharged his firearm at [REDACTED] several times. Officer Marano stated that he saw [REDACTED] fall to the ground, at which point he (Officer Marano) stopped shooting. Officer Marano estimated that [REDACTED] was approximately a garage-length away from them during the exchange of gunshots. Officer Marano assessed himself and then Officer Ardolino for any injuries, and by the time he looked back, [REDACTED] had gotten to his feet and ran west through another vacant lot.

³⁰ Statement of Officer Matthew Marano; P. 21, Lns. 8-14.

³¹ Id; P. 21, Lns. 15-22.

³² Officer Marano did not know which hand [REDACTED] held his handgun.

³³ He did not believe he could have taken cover in the alley.

Officer Marano stated a garage obstructed his view of [REDACTED] when he ran west through the vacant lot. By the time Officers Marano and Ardolino cleared the corner of that garage they lost sight of [REDACTED]. Officer Marano utilized his radio to notify dispatch and responding officers of [REDACTED] last known location and possible direction of flight.

A short time later, Officer Marano heard a radio transmission that there was a person shot at 56th and Aberdeen. Officer Marano also believed he was told that an unidentified civilian told another officer that [REDACTED] was in a [REDACTED]³⁴. Officer Marano stated that he entered that house for a few seconds and saw several officers already inside and Officer Barona trying to get [REDACTED] to come upstairs from the basement.

Officer Marano then exited the home and retraced his path back to the location of the shooting. He discovered [REDACTED] gun and cell phone on the ground near where he saw him fall during the exchange of gunfire. The gun was off the edge of the alley, in the grass a couple feet from where [REDACTED] had fallen. As far as he knows, he was the first person to locate the gun.

In a statement to COPA on August 27, 2020, **Officer Carlos Barona**³⁵ related essentially the same information as Officer Ardolino. He clarified that once [REDACTED] turned north onto May Street, he ran to the east sidewalk. The officers remained in their vehicle, and drove on the street, parallel to or slightly behind [REDACTED]. At some point on May Street, but closest to 57th Street, the officers (except Officer Ardolino) exited to chase [REDACTED] on foot. Officer Barona stated that when he, Officer Forbes, and Officer Marano exited the police vehicle and began to run north in pursuit of [REDACTED] he noticed a crowd of people running north on May Street behind them. Officer Barona slowed down and told the crowd to get back. Officer Barona turned his attention back to the pursuit, at which time he saw [REDACTED] and Officer Marano running east through a vacant lot. Officer Barona lost sight of [REDACTED] and Officer Marano after they ran north through the east alley of May Street. Officer Barona then ran east through the same vacant lot that [REDACTED] and Officer Marano had just run through, in an attempt to catch up. As he ran, Officer Barona heard Officer Marano yelling on the radio that [REDACTED] had a gun in his hand.

Officer Barona stated that when he reached the west sidewalk of Aberdeen Street, he heard multiple gunshots, in rapid succession. Officer Barona immediately took cover by crouching down and used his radio to notify dispatchers that shots had been fired. Officer Barona stated that he did not know where the other officers or [REDACTED] were when he heard the gunshots and added that he did not see who was shooting.

Officer Barona heard over the radio that [REDACTED] was running westbound. Officer Barona did not know who he heard on the radio giving the direction of flight. Officer Barona then turned around and ran back towards the west alley of Aberdeen Street intending to intercept [REDACTED]. Once in the alley, he only saw two officers near 56th Street who he did not know. He then

³⁴ Now known to be [REDACTED]

³⁵ Attachments 76, 77.

went to the corner of 56th and Aberdeen³⁶ until he heard a radio broadcast saying that there was a person shot inside the residence at [REDACTED]

Officer Barona noticed a trail of blood on the front steps leading to the front door of the residence at [REDACTED]. Officer Barona entered the residence through the wide-open front door. He was the first officer to enter the house, and several unidentified officers followed him. Once inside, they were met by three unidentified male subjects who told him that he could not come into the home because he needed a warrant. Officer Barona responded, "I then told them to move out of my way, which they did. I proceeded to follow the blood trail, and I saw it led down to the basement area."³⁷ Officer Barona moved to the top of the stairs leading to the basement and instructed the other officers to clear the house. Officer Barona was unable to see into the basement because it was too dark, so he called out to [REDACTED] to surrender so that they could get him medical attention. After a few minutes [REDACTED] exited the basement and walked up the stairs to Officer Barona. [REDACTED] was then handcuffed by several officers and escorted out of the home to an ambulance.³⁸

Officer Barona stated that when he saw [REDACTED] walk up the stairs from the basement, he immediately recognized him as the person they chased from 57th Street. Officer Barona stated that once [REDACTED] was taken into custody, he (Officer Barona) saw blood on [REDACTED] face and body. [REDACTED] was not armed with a handgun when Officer Barona took him into custody. Officer Barona learned that officers found a gun outside in a vacant lot. Officer Barona then exited the home.

Once outside Officer Barona met with Officer Ardolino and Officer Marano. Officer Barona stated they appeared to be in shock. He did not learn anything about the shooting from them. Officer Barona walked with them to the intersection of 5700 S. Aberdeen Street to get them to an ambulance.

In a statement to COPA on August 27, 2020, **Officer Patrick Forbes**³⁹ related essentially the same information as Officer Ardolino. He added that as they drove east of the sidewalk of 57th Street, the man with [REDACTED] on Officer Forbes' side of the vehicle (driver's side) got out of the way of the police SUV. Officer Forbes added that Officer Ardolino drove their police vehicle north on May Street from 57th Street while [REDACTED] ran north on the east sidewalk of May Street. [REDACTED] ran the length of a couple of houses before he turned and ran east through a gangway. Officers Forbes, Marano, and Barona exited the vehicle to pursue [REDACTED] on foot.

Officer Forbes stated that after he exited the vehicle, he ran south to 57th Street and then east on the north sidewalk. Officer Forbes stated he was attempting to parallel [REDACTED] although he could not see him. Officer Forbes stated that as he ran east on the north sidewalk of 57th Street, an unidentified male black subject ran alongside him and said, "That motherfucker has a gun."⁴⁰ This unidentified male black subject was referring to [REDACTED] according to Officer

³⁶ During this time he was confronted by a crowd of people who accused him of shooting [REDACTED]

³⁷ Statement of Officer Carlos Barona; P. 33, L. 23-24 - P. 34, L. 1.

³⁸ Based on Body-Worn Camera Recordings, Officer Nevin handcuffed [REDACTED]

³⁹ Attachments 78, 79.

⁴⁰ Statement of Officer Patrick Forbes; P. 22, L. 25 – P. 23, L. 1.

Forbes. Officer Forbes did not believe this person was one of the two male black subjects seen walking with [REDACTED] prior to the pursuit. Officer Forbes ordered this person to get back, at which time the unidentified male black subject ran south from 57th Street.

Officer Forbes then ran north in alley east of May Street, and then east through a vacant lot towards Aberdeen Street. Officer Forbes continuously monitored the radio for any updates, explaining that he did not know where [REDACTED] or the other officers were. Officer Forbes heard a radio broadcast from Officer Marano that [REDACTED] had a gun in his hand, adding that he still did not know where [REDACTED] or the other officers were.

When Officer Forbes was in a vacant lot on the east side of Aberdeen Street, at approximately 5651 South Aberdeen Street, he heard approximately 25 gunshots in rapid succession. Officer Forbes did not see who was shooting.

Officer Forbes stopped running until the gunshots stopped. Officer Forbes explained that he was in a vacant lot on the east side of Aberdeen Street when he heard the gunshots. When the gunshots stopped, Officer Forbes continued to run east into the alley where he saw Officer Marano north of his location in the alley. Officer Marano was walking south in the alley toward Officer Forbes. Officer Forbes did not see anyone else in the alley. While still in the alley, Officer Forbes saw [REDACTED] back on Aberdeen Street, running west on the street. Officer Forbes used his radio to broadcast to the other officers that [REDACTED] was headed west. Officer Forbes then ran west to Aberdeen Street, but he could not locate [REDACTED]. Officer Forbes continued to run west, crossing Aberdeen Street and to the west alley. Officer Forbes then heard Officer Barona calling for help over the radio, at which point Officer Forbes turned around and ran east back to Aberdeen Street. There, he saw a hostile crowd of people approaching Officer Barona, who was standing near [REDACTED]. A few moments later Officer Forbes heard a radio broadcast that [REDACTED] might be in the residence at [REDACTED]. Officer Forbes went to the backyard of that address to secure the rear door. Officer Forbes remained in the backyard until he heard another radio broadcast informing officers on the scene that [REDACTED] was in custody. Officer Forbes stated that he never entered the residence at [REDACTED] and that he was not present when [REDACTED] was taken into custody. He eventually went back to the east alley of Aberdeen Street and saw the firearm laying near the east alley. He did not know who found the firearm.

b. Digital Evidence

In a **911 Call at 2:34:07**,⁴¹ on August 9, 2020, at 2:34 pm, an unidentified female telephoned 911 and reported there was a male black subject she described as wearing a red shirt with blue writing and a red hat with a gun in Moran Park. The female caller informed the Call Taker that it appeared as if the male black subject with the gun was attempting to fight with people.

⁴¹ Office of Emergency Management and Communication Event # [REDACTED], Attachment 25.

In a **911 Call at 2:38:54**,⁴² an unidentified female 911 caller requested assistance for a male subject who had been shot. The caller provided [REDACTED] as the address.

The **OEMC Zone 6 Radio**, recorded incident communications.⁴³ At 2:34 pm, the 911 Dispatcher notified units on patrol that a citizen reported a male black subject, wearing a red shirt with writing and a red hat, was in Moran Park with a gun. A short time later an inaudible police unit requested that the dispatcher repeat the description, to which the dispatcher complied.

At approximately two minutes and 52 seconds, an unidentified police officer broadcasted over the radio that the offender ran east from Moran Park. Over the next 45 seconds, the officer continued to call direction of flight stating first that he went north in an alley, then east through a gangway. At approximately three minutes 42 seconds, an unidentified officer radioed that the offender had a gun in his hand.

At approximately three minutes and 50 seconds into the recording, an unidentified officer radioed notification of shots fired at and by the police. Numerous officers radioed that the offender had doubled back and requested help and additional police units to 5600 S. Aberdeen Street. An unidentified officer radioed that shots had been fired at and by the police.

At approximately 6 minutes and 53 seconds into the recording the Dispatcher broadcast that there was a report of a gunshot victim at [REDACTED]

At approximately 9 minutes and 7 seconds into the recording an unidentified officer reported that the offender was in the basement of [REDACTED]. As the officer was broadcasting over his radio, another voice was heard in the background yelling for someone to show their hands.

At approximately 11 minutes and 48 seconds into the recording an unidentified officer radioed dispatch that the offender was in custody. At 15 minutes and 14 seconds into the recording it is reported that a weapon was recovered. At 15 minutes and 35 seconds into the recording an ambulance reported that they were transporting [REDACTED] from the scene to the hospital.

The **ShotSpotter Audio**⁴⁴ recorded several rounds fired in rapid succession within less than 3 seconds. The **ShotSpotter Detailed Forensic Report**⁴⁵ stated that on August 9, 2020, at 2:38 pm, multiple gunshots were detected at 5620 S. Carpenter Street.⁴⁶

⁴² Office of Emergency Management and Communication Event # [REDACTED]-a Attachment 27. OEMC dispatched an ambulance to [REDACTED] for an adult male gunshot victim at 2:39:41pm. Attachment 28. COPA also obtained a 911 call from 2:39:03 pm, where an anonymous male said he heard about ten gunshots in the area of 5600 S. Carpenter Street, 5600 S. Aberdeen Street, and 5600 S. May Street. Attachment 27.

⁴³ Attachment 43.

⁴⁴ Attachment 86.

⁴⁵ Attachment 86, 87.

⁴⁶ Carpenter Street is the street immediately east of Aberdeen Street.

The recordings from the cameras at [REDACTED] (5659 Racine Street)⁴⁷ showed [REDACTED], [REDACTED], and a 3rd unidentified male subject walk north across 57th Street from Moran Park while at about the same time the involved officers' police vehicle, driven by Officer Ardolino, travelled north on Racine Street. The police vehicle then turned right and traveled east on 57th Street. As [REDACTED] and his two companions walked east on the north sidewalk of 57th Street, the police vehicle drove over the curb and onto the north sidewalk. The police vehicle then traveled east on the north sidewalk, approaching the three men from behind. [REDACTED] then ran east on the north sidewalk to May Street, and then north on May Street followed by the police vehicle. [REDACTED] and the police vehicle subsequently travelled out of the camera's view. At no time did the police vehicle's emergency equipment appear to be activated. None of the cameras had a view of the location of the officer-involved shooting.

POD #7540,⁴⁸ located at 5700 S. May Street, recorded the initial chase between the [REDACTED] and the involved officers. Initially, the camera was facing westbound, and captured the northern tip of Moran Park⁴⁹ and the entirety of 57th Street between May Street and Racine Street. At 2:37:17, [REDACTED] and his two friends left the park and began walking east on the north sidewalk of 57th Street. Seconds later, the police SUV driven by Officer Ardolino came north on Racine Street, then drove east on 57th Street. The police SUV did not have lights activated, and [REDACTED] and his friends did not appear to see the vehicle approaching.

As the police SUV reached the alley at the midway point of the block, it turned sharply onto the north sidewalk, driving east on the sidewalk between a large tree in the parkway and a fence. The police vehicle nearly struck one man, who backed against the fence, while [REDACTED] ran eastbound down the sidewalk and the third man escaped through the parkway. The police SUV then drove east on the north sidewalk in pursuit of [REDACTED] turned left to travel northbound on May Street, and the police SUV followed closely behind him and out of view of the camera. The man who had stepped into 57th Street chased after them, while the man who was pinned against the fence stayed put.

The POD video then rotated to face eastbound on 57th Street towards Aberdeen Street. Approximately 20 seconds after the police SUV had turned north onto May Street, a police officer ran from May Street, through an empty lot on the north side of 57th Street then turned northbound into the alley of the 5600 block, between May Street and Aberdeen Street. Approximately ten seconds later, a marked CPD vehicle arrived travelling eastbound on 57th Street, and turned into the alley. Video captured nothing further relevant to the investigation, and did not record what occurred between [REDACTED] and Officer Marano and Officer Ardolino.

⁴⁷ Attachments 259-311. COPA also obtained video from a home at [REDACTED] which depicted the corner of Racine Street and 75th Street. It captured Officer Ardolino turning onto 57th Street but captured nothing relevant to this investigation. (att. 312-322).

⁴⁸ Attachment 46. COPA also obtained and reviewed video from POD #4059 located at 5700 S. Aberdeen Street. At the time of the shooting, it was in a fixed position facing south and captured nothing relevant to the shooting. At approximately three minutes after the shooting, it rotated to face northbound on the 5600 block of S. Aberdeen Street and zoomed in on [REDACTED]. It showed [REDACTED] being led away from the house, but nothing else relevant to this investigation.

⁴⁹ The video captured a man who appears to be [REDACTED] arriving at the park at approximately 3:26, however, the alleged firearm incident which led to the initial 911 call is not captured.

The 165 video files obtained from **traffic cameras**⁵⁰ did not record anything relevant to this investigation. None of the cameras appeared to have a view of the location of incident.

The recordings from the **In-Car Cameras**⁵¹ assigned to CPD Vehicles 7459, 7198, and 7107, did not record the officer-involved shooting or any portion of this incident involving [REDACTED]. [REDACTED] Vehicle 7198 arrives just after the incident.⁵² The in-car camera captures it travelling north on Racine Street, turning right onto 57th Street, and turning left into the alley between May Street and Aberdeen Street. It travels almost to the north side of the alley and parks nose to nose with Officer Ardolino's SUV. Officer Ardolino's driver door is open, and no officers are nearby. As vehicle 7198 approached, and for the rest of the video, it captured nothing relevant to the investigation. There is also no audio captured on the recording.

The recordings from the **Body-Worn Cameras**⁵³ assigned to several of the responding officers⁵⁴ showed the events leading up to when [REDACTED] surrendered after exiting the basement of the residence at [REDACTED]. Officer Thomas Berry (who was driving vehicle 7198) arrived at the scene just as the shooting happened. His camera did not capture the shooting but at 2:38:23 he encountered Officer Ardolino on Aberdeen Street, walking north in front of approximately 5610 S Aberdeen Street.⁵⁵ Officer Berry followed Officer Ardolino through the gangway and backyard of 5610, then they came back through the backyard of [REDACTED] and Officer Ardolino peered down the rear exterior basement steps. Officer Ardolino then returned to the front, walked north to 56th Street at which point Officer Berry stopped following him. Additionally, Officer Hernandez' body-worn camera showed him and several other officers escorting [REDACTED] from the home to a waiting ambulance at the intersection of 56th and Aberdeen Street. None of the body-worn cameras recorded any portion of the officer-involved shooting or any of Officer Ardolino's driving.

The recordings from the cameras from the residence located at [REDACTED]⁵⁶ showed [REDACTED] as he ran west through a vacant lot on the east side of Aberdeen Street, then turned north. Two police officers followed behind him, approximately seven seconds later. Approximately five seconds later, a third police officer also emerged from the vacant lot, but from further south. The recordings did not show the officer-involved shooting incident. The cameras also recorded [REDACTED] with the paramedics.

c. Physical Evidence

⁵⁰ The location of the traffic cameras was undetermined.

⁵¹ Attachments 331 – 335.

⁵² It is captured on POD 7540 and [REDACTED] cameras arriving to 57th and Racine about 40 seconds after the first SUV.

⁵³ Attachments 323 – 330.

⁵⁴ PO Juan Hernandez, PO Edlin Rendon, PO Jerry Rice, PO Miguel Ezquivel, PO Daniel Berry, PO Blake Nevin, PO Juan Montano, and PO Thomas Berry.

⁵⁵ Attachment 330 at 2:54. Officer Ardolino said nothing about the incident while on camera.

⁵⁶ Attachments 111-157. COPA also obtained and reviewed Ring video from [REDACTED] (att. 106-110), [REDACTED] (att. 99-105), and [REDACTED] (158-258) which captured nothing relevant to the investigation.

The **Bureau of Internal Affairs Synoptic Reports**⁵⁷ stated that on August 9, 2020, at 6:52pm, Officer Marano submitted to a breathalyzer test which resulted in a Br.A.C⁵⁸ of.000. At 6:58pm, Officer Ardolino submitted to a breathalyzer test which resulted in a Br.A.C. of.000.

Officer Marano and Officer Ardolino also provided separate urine samples, which were tested and found to be negative for the substances on the Urine Substance Abuse Panel.⁵⁹

Chicago Fire Department's Ambulance Report⁶⁰ stated that on August 9, 2020, at 2:40 pm, CFD Ambulance #1 was dispatched to [REDACTED] regarding a gunshot victim. CFD Ambulance #1 arrived on the scene at 2:45 pm. Upon arrival, OEMC Dispatchers notified them that a CPD 10-1 was ongoing. Ambulance #1 was advised to retreat due to an angry and violent mob continuing to grow and threatening their safety. While retreating, CPD Beat 720 met them and placed [REDACTED] in the ambulance. [REDACTED] became combative and refused to allow the paramedics to assess him. Despite being handcuffed, [REDACTED] refused assessment and treatment by placing his back against the wall and refusing to lie down. The report continued that [REDACTED] sustained three gunshot wounds, two of which were penetrating wounds to his posterior thorax as well as one to his lower maxilla. [REDACTED] remained physically and verbally combative enroute to the hospital and was adamant that he would not be touched. At 2:55 pm, CFD Ambulance #1 arrived at the [REDACTED]⁶¹

[REDACTED] **Medical Records**⁶² obtained from the [REDACTED] stated that he sustained gunshot wounds to his lower left flank and the right side of his face. It was noted that [REDACTED] was combative and refused medical care, including vital signs, during transport to the hospital.

The **CPD Crime Scene Processing Report** indicated that a Smith and Wesson 9mm firearm, with six cartridges in the magazine and one in the chamber, was in an empty lot.⁶³ The firearm was photographed, which showed that it was located at the very rear of a vacant lot at 5627 S Aberdeen Street.⁶⁴

⁵⁷ Attachments 21, 22.

⁵⁸ Breath Alcohol Content.

⁵⁹ Amphetamines, Barbiturates, Benzodiazepines, Cocaine Metabolites, Marijuana, Methadone, MDA-Analogues, Opiates, Oxycodone, Opiates (Semi-Synthetic), Phencyclidine, and Propoxyphene.

⁶⁰ Attachment 32.

⁶¹ Officers Marano and Ardolino were both transported by separate CFD Ambulances to [REDACTED]. Both officers were ambulatory when ambulances arrived at the scene and both denied any pain. Nonetheless both were transported at request of their sergeant to be evaluated. Attachments 33 & 34.

⁶² Attachment 89.

⁶³ Att. 30.

⁶⁴ Att. 336, IMG 25-29.



Fig. 1-Location of recovered firearm (CSM 1) and phone (CSM 2) at rear of vacant lot at 5627 S Aberdeen Street. (Att. 336).



Fig. 1- Evidence Technician photo of the location of OIS showing Officer Marano's shell casings in the grass to the right, Officer Ardolino's shell casings spread across the alley, and shell casings matching the recovered firearm further down the alley. The two pictured officers are located next to the vacant lot where the firearm was recovered. (Alley behind 5621-5625 S. Aberdeen Street facing southbound (Att. 336).

Illinois State Police Division of Forensic Services conducted testing on the recovered firearm and cartridges. A fingerprint on the magazine of the recovered firearm was compared to ██████████ fingerprints in the SID database and determined to be a match.⁶⁵

- Eight recovered cartridges were positively identified as being fired by the recovered Smith and Wesson.⁶⁶ Seven of the cartridges were recovered from the alley, behind 5625 S Aberdeen Street—three on the west side of the alley and four on the east side of the alley.⁶⁷ The eighth was on the east side of the alley, in the rear of 5624 S Carpenter Street.⁶⁸
- Six recovered cartridges were positively identified as being fired by Officer Ardolino's firearm.⁶⁹ Three were in the alley behind 5614 S. Carpenter Street, two were located at a

⁶⁵ Att. 90. A cellphone with red case, recovered in the lot just next to the firearm (*see* Att. 336, IMG 25-30), was also tested for fingerprints and positively identified to ██████████ fingerprints. Att. 95. The State Police also tested DNA and blood found on the phone, and ██████████ could not be excluded as a match to the blood and DNA. Att. 97. The State Police were sent DNA swabs from the firearm, but the testing was cancelled because they were not given permission to consume the DNA. Att. 92.

⁶⁶ Att. 91.

⁶⁷ Att. 336 IMG 11-20, 31-38, 112-113. Crime scene markers 3-8 & 22.

⁶⁸ Att. 336 IMG 11-20, 31-38. Crime Scene marker 9.

⁶⁹ Att. 91.

concrete parking pad behind 5614 S. Carpenter Street, and one was located at concrete parking slab behind 5616 S. Carpenter Street.⁷⁰

- Seven recovered cartridges were positively identified as being fired by Officer Marano's firearm.⁷¹ All seven were located together in the alley at the rear of the vacant lot at 5619 S Aberdeen Street.⁷²

Additionally, the **Crime Scene Processing Report** identified drops of blood on the ground.⁷³ The first drop was located on the east side of the street, at approximately 5618 S. Aberdeen Street. Blood drops continued through the north gangway of [REDACTED] up the back steps of the house, and were also located in the basement and bathroom of the house.⁷⁴

The **Illinois State Police Division of Forensic Services** tested swabs of blood located on the street, at the rear of [REDACTED] and in the basement of [REDACTED] and determined that [REDACTED] could not be excluded as a match to the blood.⁷⁵

d. Documentary Evidence

[REDACTED] **Arrest Report**⁷⁶ stated that Officer Ardolino and Officer Marano responded to a person with a gun call at Moran Park (5727 S. Racine Ave). The description given was that the person was wearing a red shirt and a red hat. The officers observed an individual matching the description.⁷⁷ A subsequent foot pursuit went east from Racine Avenue on 57th Street. During the foot pursuit [REDACTED] discharged a semi-automatic handgun several times at Officer Ardolino and Officer Marano. [REDACTED] was subsequently located at [REDACTED] Avenue and placed into custody. An Evidence Technician recovered [REDACTED] firearm. Further investigation revealed that [REDACTED] did not have a valid FOID or Conceal Carry License. [REDACTED] was charged with two counts of Attempted First-Degree Murder and one count of Unlawful Use of a Weapon.

Case Supplementary Report (RD# [REDACTED]), dated January 22, 2021,⁷⁸ stated that on the date of this incident, Detective Adam Katz interviewed Officer Thomas Beyer, who stated that he and his partner, Officer Adam Bennett, responded to a call of a male black subject wearing a red shirt with words on it and a red hat with a gun at Moran Park.⁷⁹ Officer Beyer stated when they were at 5900 S. Racine Avenue he heard a radio call of a foot pursuit and that the offender⁸⁰ was running east, then north through the alley. Officer Beyer and his partner parked their vehicle in the west alley of Aberdeen Street.⁸¹ Officer Beyer exited the squad car and heard at least four

⁷⁰ Att. 336, IMG 3-11. Crime scene markers 10-15.

⁷¹ Att. 91.

⁷² Att. 336 IMG 99-107, 114-117. Crime scene markers 17-21 & 23-24.

⁷³ Att. 30.

⁷⁴ Att. 336 IMG 52-98.

⁷⁵ Attachment 94.

⁷⁶ Attachment 18. The arrest report was attested by Officer Montano and included himself and Officer Neven as arresting officers.

⁷⁷ NKA [REDACTED]

⁷⁸ Attachment 7.

⁷⁹ 5700 S. Racine Avenue.

⁸⁰ NKA [REDACTED]

⁸¹ Approximately 5610 S. Aberdeen Street.

gunshots. Officer Beyer stated that the gunshots sounded as if they came from east of his location. Officer Beyer and Officer Bennett ran north in the alley and then east on 56th Street. Officer Beyer stated that he saw other officers, including Officer Ardolino, searching the area. Officer Beyer stated that as they searched the gangways on the 5600 block of south Aberdeen Street, he heard that ██████████ doubled back. Officer Beyer then heard a broadcast over the police radio of shots fired by and at the police. A few moments later Officer Beyer heard a radio broadcast that ██████████ had been located in the basement of ██████████. Officer Beyer entered the residence at ██████████ with other officers, but not Officer Bennett. Officer Beyer observed ██████████ being held at gunpoint while Officer Beyer cleared the 2nd floor. Officer Beyer heard other officers order ██████████ to keep his hands up. Officer Beyer stated that ██████████ was wearing a red shirt at the time of his arrest and that he appeared to be bleeding.

Detective Katz also interviewed Officer Adam Bennett, who related essentially the same information as his partner, Officer Beyer. Officer Bennett explained that he never entered the residence at ██████████; instead remaining outside securing the perimeter.⁸²

Detective Katz interviewed ██████████ who stated that he was walking out of the location of ██████████ when he saw the police chasing ██████████ east from the gangway of the residence at ██████████. ██████████ heard the police order ██████████ to put the gun down. The police continued to chase ██████████ east through the empty lot on the north side of ██████████. ██████████ then heard six to seven gunshots, at which time ██████████ went inside his residence. ██████████ looked out through his window and saw ██████████ bleeding from his lower-back region. ██████████ stated that ██████████ ran between the residence at ██████████ and an abandoned building. ██████████ did not see ██████████ with a gun.

Detective Katz also interviewed ██████████. She gave a statement that is materially consistent with the statement that she provided to COPA.

Detective Edward Heerdt interviewed civilian witness ██████████ who related that he was inside his home at ██████████ when he heard approximately ten gunshots. The gunshots sounded as if they were fired from two different guns. ██████████ was unable to tell where the gunshots were coming from. After hearing the gunshots, ██████████ heard a male voice screaming in a way that he described as a person in shock. ██████████ looked out a south facing window and saw a young male black with braids and wearing a pink shirt. ██████████ did not see this person in possession of a firearm. This person was walking from the vacant lot south of ██████████ home toward Aberdeen Street. ██████████ explained that he did not see where this person went because he (██████████) left the window to retrieve his phone to call 911. ██████████ stated that numerous police officers subsequently arrived on the scene.

⁸² The report further details interviews with Officers Blake Neven, Matthew Heinan, and Dan Berry and Sergeant Daniel Skupien, who arrived after the shooting and had no information related to the shooting. They went to ██████████ and provided explanations of the arrest of ██████████ which are consistent with other officers. Additionally, Sergeant Renee Whittingham reported that she arrived on scene, and told CFD paramedics that the scene was not secure. She then rode in the ambulance with ██████████ to the hospital.

Detective Edward Heerdt spoke with ██████████ at the ██████████ where he refused to be interviewed.

The separate **Tactical Response Reports**⁸³ submitted by Officer Marano and Officer Ardolino stated that ██████████ was armed with a semi-automatic pistol and that he used force likely to cause death or great bodily harm in that he shot at Officer Marano and Officer Ardolino. The report stated that the officers conducted an investigatory stop of a man with a gun and pursued ██████████. The Force Mitigation Efforts section of the report indicated that Officer Marano and Officer Ardolino utilized ‘Member Presence,’ ‘Verbal Direction Control Techniques,’ ‘Movement to Avoid Attack,’ and ‘Tactical Positioning.’ Officer Marano discharged his firearm nine times and Officer Ardolino discharged six times. ██████████ was struck, sustaining non-lethal injuries.⁸⁴

e. Additional Evidence

COPA’s canvass⁸⁵ of the incident location did not produce any additional witnesses.

VI. LEGAL STANDARD

a. Use of Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable, necessary, and proportional in light of the totality of the circumstances faced by the officer.⁸⁶ Factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the subject was posing an imminent threat to the officer or others; (2) the risk of harm, level of threat or resistance presented by the subject; (3) the subject’s proximity or access to weapons; (4) the severity of the crime at issue; and (5) whether the subject is actively resisting arrest or attempting to evade arrest by flight.⁸⁷

Department policy recognizes that Department members must “make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. These decisions must therefore be judged based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member on the scene, in the same or similar circumstances, and not with the benefit of 20/20 hindsight.”⁸⁸

⁸³ Attachments 19, 20.

⁸⁴ The “Lieutenant or Above/Incident Commander Review” Section of the Tactical Response Reports, completed by OCIC Terrence Williams, erroneously stated that Officer Marano’s use of force response appeared to be a deadly force or officer involved death incident. No death-s occurred because of this incident.

⁸⁵ Attachments 35-39.

⁸⁶ General Order G03-02(III)(B)(1) (effective Oct. 16, 2017 to Feb. 28, 2020).

⁸⁷ *Id.* and *Graham v Connor*, 490 U.S. 386, 396 (1989).

⁸⁸ G03-02(II)(D).

b. Use of Deadly Force

The Department's "highest priority is the sanctity of human life."⁸⁹ Department policy dictates that "[t]he use of deadly force is a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁹⁰ Thus, a Department member may use deadly force in only two situations. First, deadly force may be used to prevent death or great bodily harm from an imminent threat posed to the sworn member or another person. Second, deadly force may be used 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.⁹¹ "A threat is imminent when it is objectively reasonable to believe that:

- (1) the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; and
- (2) the subject has the means or instruments to cause death or great bodily harm; and
- (3) the subject has the opportunity and ability to cause death or great bodily harm."⁹²

The policy defines deadly force as "force by any means that is likely to cause death or great bodily harm."⁹³ Deadly force is prohibited against a fleeing person, unless the subject poses an imminent threat.

When using any force, Department members will use de-escalation techniques to prevent or reduce the need for force, when it is safe and feasible under the totality of the circumstances.⁹⁴ This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety.⁹⁵ The requirement to continually assess the situation means they must determine:

- (1) if any use of force is necessary;
- (2) the authorized force option based on the totality of the circumstances;
- (3) if the seriousness of the situation requires an immediate response or whether the member can deploy other force options or the Force Mitigation Principles; and
- (4) if the level of force employed should be modified.⁹⁶ Officers must also use continual communication, tactical positioning, and time as a tactic, to avoid or minimize the need for force.

c. Emergency Use of Department Vehicles

⁸⁹ *Id.* at (II)(A).

⁹⁰ *Id.* at (III)(C)(3).

⁹¹ *Id.*

⁹² *Id.* at (III)(C)(2).

⁹³ G03-02(III)(C)(1)(emphasis added).

⁹⁴ *Id.* at (II)(B).

⁹⁵ *Id.*

⁹⁶ *Id.* at (II)(F).

The Department's directive on Use of Emergency Vehicles states the policy that "it is the concern of the Department to ensure the safety of the public as well as Department members at all times.⁹⁷ As such, it states that the exceptions (discussed below) "do NOT relieve Department members from the responsibility of driving with due regard for the safety of all persons, nor do such provisions protect Department members from the consequences of any conscious disregard for safety."⁹⁸

Department policy recognizes that officers are afforded special privileges and exemptions from the Illinois Motor Vehicle Code and requires that all Department members adhere to the provisions of the portion of the Illinois code titled "Public officers and employees to obey Act; Exceptions."⁹⁹ Those provisions allow for drivers of emergency vehicles to disregard traffic laws, when engaged in emergency vehicle operations. In particular, drivers of emergency vehicles may:

- (1) park or stand irrespective of provisions of the vehicle code;
- (2) proceed past a red or stop signal or stop sign, but only after slowing down as needed for safe operation;
- (3) exceed the maximum speed limit so long as he does not endanger life or property; and
- (4) disregard regulations governing the direction of movement or turning in specified directions.¹⁰⁰

The exceptions to the rules only apply to drivers of "authorized emergency vehicles," which are defined as vehicles using flashing headlights and siren."¹⁰¹

Consistent with that law, the Department unmarked vehicles, when engaged in emergency vehicle operations, are required to:

- (1) activate the high beam flashing lights;
- (2) activate the siren in advance of encountering any traffic obstruction or to alert others of the approach of the vehicle;
- (3) adhere to basic traffic-safety practices;
- (4) operate the vehicle at a speed and in a manner compatible with weather and local conditions to ensure that control of the vehicle;
- (5) proceed through intersections or traffic signals only after determining it is safe to proceed;
- (6) yield the right-of-way to all pedestrian traffic; and
- (7) illuminate their lights on limited-access highways when safely positioning disabled vehicles.¹⁰²

VII. Legal Analysis

⁹⁷ G03-03(II).

⁹⁸ G03-03 (III)(A)(capitalization in original).

⁹⁹ G03-03 (*incorporating* 625 ILCS 5/11-205)

¹⁰⁰ G03-03 (III)(C).

¹⁰¹ G03-03.

¹⁰² G03-03-02 (III).

a. Officer Ardolino Violated Department Policy When He Drove on the Sidewalk in the Direction of ██████████ and Two Other Men.

COPA finds that the preponderance of the evidence demonstrates that Officer Ardolino intentionally drove directly at the three men, not that he attempted to cut off their path. Video evidence shows him beginning to accelerate, seemingly when the officers noticed ██████████ and continuing to accelerate while on 57th Street. He also took a route across the sidewalk that was directly at the three men. While Officer Ardolino said he pulled into the alley, then turned onto the sidewalk once he realized that he did not successfully cut-off ██████████ the video shows that this was not the case. In actuality he drove over the curb east of the alley.¹⁰³ He then drove a path directly at the men, briefly through a partially paved patch of the parkway just east of the alley, before fully entering the sidewalk just west of the alley to go through a narrow opening between a large tree and a fence.

This video belies Officer Ardolino's statement that he was attempting to cut the men off. At the moment Officer Ardolino turned onto 57th Street, ██████████ was *already* east of the alley, and the other two men were close to being east as well. (Fig 3). And when Officer Ardolino began turning towards the curb, and certainly at the moment when he drove over the curb, all three men were east of the alley. (Fig 4). Moreover, even once Officer Ardolino could have realized he was unsuccessful in cutting the men off in the alley, he still had an opportunity to use the mouth of the alley to turn back onto 57th Street, but instead he drove through the narrow opening where the three men were located.¹⁰⁴

¹⁰³ A white sedan was parked near the mouth of the alley, and Officer Ardolino went behind (to the east of) this car. The car was not, however, blocking the alley and Officer Ardolino could have turned into the alley. Att. 290.

¹⁰⁴ Officer Ardolino's belief that the unknown man jumped in front of the police car is unsupported by video, which shows the man freezing and backing away as the vehicle drives towards him.



Fig 3-Officer Ardolino turns onto 57th Street (top middle) as [REDACTED] is already east of alley. (Att. 46)



Fig 4-Officer Ardolino drives onto the curb with all men east of the alley. (Att. 290)



Fig 5- Officer Ardolino nearly strikes unknown third man. (Att. 290)

1. Officer Ardolino’s Driving Constituted Deadly Force Without Justification.

COPA finds that the preponderance of the evidence establishes that Officer Ardolino’s driving constitutes use of deadly force. Deadly force is force, by any means, that is likely to cause death or great bodily harm. Officer Ardolino intentionally drove his vehicle at the three men in a manner that was likely to cause death or great bodily harm. He estimated he was going fifteen miles per hour, and had he hit any of the men, he likely could have greatly injured them. The video also shows that he narrowly missed the unknown man, who jumped backwards into a fence just before he would have been hit. [REDACTED] had to jump into the street to escape and [REDACTED] who was slightly ahead of the other two when the police approached, was able to run down the block to escape. Under these conditions, driving at the three men was deadly force, as it was likely the cause death or great bodily harm if the men were hit.¹⁰⁵ The fact that the three men were able to get out of the way does not mean the actions were not deadly force.¹⁰⁶

Moreover, Officer Ardolino continued driving at [REDACTED] as he ran down the sidewalk on 57th Street.¹⁰⁷ He was close behind [REDACTED] and appeared to be gaining on him the whole

¹⁰⁵ See e.g., *Tolliver v. City of Chicago*, 820 F.3d 237, 245-46 (7th Cir. 2016)(discussing that a vehicle is a “deadly weapon” when it moves in the direction of a person two car lengths away, even at a slow speed); *Scott v. Edinburg*, 346 F.3d 752, 758 (7th Cir. 2003)(holding that beginning to drive at bystanders rendered the subjects vehicle to be a deadly weapon).

¹⁰⁶ See e.g., *Scott*, 346 F.3d at 758 (holding that driver caused imminent danger of death or great bodily harm where he drove towards a group of people who were forced to run and duck out of the path of his vehicle).

¹⁰⁷ According to all officers, and corroborated by [REDACTED] Officer Ardolino ceased driving at [REDACTED] after they turned north on May Street.

time they were on 57th Street. The vehicle was close enough that had ██████████ fallen or stumbled he would have been hit. This situation was likely to cause death or great bodily harm.¹⁰⁸

Using deadly force was not justified under these circumstances. Officers may only use deadly force when facing an imminent threat of death or great bodily harm. The three men posed no threat. The officers at most had reasonable suspicion that ██████████ had a firearm on him,¹⁰⁹ but no indication that ██████████ or the unknown man were armed. Moreover, none of them made any indication that they were likely to harm the officers. To the contrary, Officer Ardolino had already started driving towards them before they apparently knew the officers were there, at which point they tried to keep from being run over.

There was also no justification to use deadly force by driving at ██████████ as he was fleeing.¹¹⁰ Officers may only use deadly force against a fleeing person if they pose an imminent threat. Even after he started running on 57th Street, Officer Ardolino had no indication that ██████████ posed a threat at all. He still did not know that ██████████ was armed, and ██████████ still had not made any actions indicating he would harm the officers. No officer saw the weapon until ██████████ reached Aberdeen Street.

For these reasons, Allegations 1 and 2 against Officer Ardolino are **Sustained**.

2. Officer Ardolino Failed to Drive with Due Regard for the Safety of All Persons.

Similarly, the preponderance of the evidence demonstrates that Officer Ardolino did not drive with due regard for the safety for all persons. As discussed above, he nearly drove into three men on the sidewalk, placing their safety at risk. The Illinois Vehicle Code, as adopted by General Order G03-03, lists “specific exceptions” permitting a driver of an emergency vehicle to avoid the requirements of the vehicle code.¹¹¹ Driving on the sidewalk is not listed among those specific exceptions.

Officer Ardolino also failed to abide by other limits on the use of emergency vehicles. Specifically, he failed to “adhere to basic safety practices”, “yield the right-of-way to pedestrians”, and activate his vehicles emergency lights.¹¹² These requirements are intended to ensure the safety of the public as well as Department members.¹¹³ COPA finds Officer Ardolino consciously disregarded the safety of the public.

For these reasons, Allegation 3 is **Sustained**.

¹⁰⁸ See e.g., *Tolliver*, 820 F.3d at 245-46 (holding that driving towards someone from two car lengths away creates a threat of serious physical harm).

¹⁰⁹ See e.g., *United States v. Adair*, 925 F.3d 931, 935 (7th Cir. 2019)(holding that there was reasonable suspicion to stop a man wearing clothing that matched description of 911 call of man with a gun).

¹¹⁰ If, as Officer Ardolino claimed, the purpose of driving onto the sidewalk was to cut ██████████ off from running down the alley, then he had been successful, and the officers could have chased him on foot. However, he instead continued driving at ██████████ as he fled.

¹¹¹ G03-03(III)(C)(1).

¹¹² G03-03-02(III).

¹¹³ G03-03(II).

3. It Was not Objectively Reasonable for Officer Ardolino to Fail to Activate His Vehicle's Emergency Equipment.

Officer Ardolino indicated that he did not want to alert any potential offenders that officers were approaching. Department policy does grant officers discretion in using lights and sirens when in “close proximity to a crime scene.”¹¹⁴ However, Officer Ardolino’s decision to not activate his lights and sirens was an unreasonable exercise of this discretion. This incident occurred on a summer Sunday afternoon. The many videos demonstrate how many people were on the street, sidewalks, and park. The 911 call warned that there were children in the park. When they drove down 57th Street, they put every single one of these people at risk of being hit as they did not know the officers were approaching.

On the other side of the balance, Officer Ardolino was responding to a report of a man with a gun threatening people. It certainly is important to apprehend that person and approaching with lights and sirens may make it more difficult to do so.

However, COPA finds that the benefits of approaching with no lights and sirens do not outweigh the danger it poses. The officers had noticed [REDACTED] when they still were on Racine Street. If they activated their lights and sirens at that time, the people in the park would have been safer, and they would have still been able to maintain a visual of [REDACTED] if he were to flee. Therefore, the preponderance of the evidence is that it was unreasonable for Officer Ardolino to approach without his emergency equipment activated and Allegation 4 is **Sustained**.

b. COPA Finds that Officers Ardolino and Marano’s Discharge of their Firearms was Objectively Reasonable.

A preponderance of the evidence demonstrates that Officers Ardolino and Marano’s firearm discharges were objectively reasonable considering the totality of the circumstances they faced in this incident.¹¹⁵ Their firearm discharges were a last resort and necessary to prevent the imminent threat of death or great bodily harm presented by [REDACTED]

In making the determination discussed below, COPA reviewed the statements, and evaluated the credibility of all witnesses and officers. COPA found Officers Ardolino and Marano to be credible and their statements supported by physical evidence. The officers both describe [REDACTED] firing at them while running away and turning to point the firearm. These statements are supported by the shell casings from the recovered firearm. Those casing were on a path down the alley towards the lot where the firearm was found. [REDACTED] was seen emerging on camera from that location. Both officers stated that [REDACTED] fell on the west side of the alley, which is where the firearm and phone were recovered. Both the firearm and phone had [REDACTED] fingerprints on them. Therefore, COPA finds the officers to be credible, and credits their explanations of the shooting.

¹¹⁴ It is unclear if the 911 call that a man in the park had a gun rendered the park a “crime scene”, however, COPA will presume it was a crime scene as part of this argument.

¹¹⁵ COPA evaluated each officer’s use of deadly force from their own perspective. However, due to the similarities in timing and reasoning for doing so, COPA combined the analysis of each use of deadly force.

While ██████ indicated that ██████ had his hands raised when he was shot (allegedly discrediting the officers' statements), physical evidence contradicts her statement in several respects. First, she said that ██████ was shot in the lot next to her house. However, the officers' shell casings were all found in the alley, not the lot. Officer Marano's casings were on the edge of the lot and the alley but were in a position she could not have seen from her front porch where she was sitting. (*See Fig. 2*) Second, she says that the officer walked up and shot ██████ in the chest, but his wounds were to the lower back and face.

Ms. ██████ statement that ██████ said he did not have a gun was corroborated by ██████ ██████. However, the physical and forensic evidence establishes that he not only had a gun but that he shot it at the officers.

1. COPA finds that ██████ posed an imminent threat of death or great bodily harm.

First, it was objectively reasonable for Officers Ardolino and Marano to believe that ██████ actions were immediately likely to cause death or great bodily harm. The officers stated to COPA that they shot after ██████ had turned towards them and began shooting in the alley. Additionally, Officer Marano saw Officer Ardolino fall, just after ██████ first fired shots, and he believed his partner had already been shot.

Second, it was objectively reasonable for the officers to believe that ██████ had the means or instruments to cause death or great bodily harm. The physical and forensic evidence establishes that ██████ possessed a firearm. The firearm had his fingerprints on the magazine and it was located in the lot that ██████ was captured on video exiting. Officer Marano saw him holding the firearm as they crossed Aberdeen Street, and he announced that over the radio, which Officer Ardolino heard. Then both officers observed the firearm as ██████ shot at them.

Third, it was objectively reasonable for the officers to believe that ██████ had the opportunity and ability to cause death or great bodily harm. He was in close proximity to them, just one to two lots distance. He seemed to have an unimpeded angle to shoot at both officers, and he demonstrated that he was able to turn while running, to point and shoot at the officers.

2. It was objectively reasonable for Officers Ardolino and Marano to believe that further de-escalation would not have been safe and feasible under the totality of the circumstances.

COPA finds that at the time Officers Ardolino and Marano discharged their firearms, it was objectively reasonable to believe that further de-escalation would not be safe and feasible. ██████ had already begun shooting, and it was not reasonable to believe that any de-escalation would have been effective. Additionally, the officers had shouted commands at ██████ throughout the foot pursuit, and he disregarded them entirely.

3. **COPA finds Officers Ardolino and Marano reasonably believed that it was necessary and proportional as a last resort to discharge their firearms.**

Moreover, COPA finds that under the totality of the circumstances faced by Officers Ardolino and Marano, it was reasonable for them to believe that deadly force was a necessary last resort. [REDACTED] was discharging his firearm, so their discharges were proportional. Additionally, at the time they used deadly force, Officer Ardolino had fallen in the middle of the alley. He had no cover at the time and did not believe he would be able to get cover. Officer Marano knew that Officer Ardolino had fallen and needed to protect him. He additionally did not believe he could find cover. COPA recognizes that the positioning of Officer Marano's shell casings indicates he may have been close enough to the edge of the alley to seek cover, but the fact that he knew his partner to be exposed made it reasonable for him to believe deadly force was necessary.

Considering the totality of the circumstances, COPA finds that Officers Ardolino and Marano reasonably believed that discharging their firearms was a necessary last resort to prevent the imminent threat of death or great bodily harm to themselves. Therefore, they were permitted to use deadly force under General Order 03-02 and COPA finds by a preponderance of the evidence that their firearm discharges were **within policy**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Nicholas Ardolino, #9874

(1) Complimentary and Disciplinary History

Officer Ardolino has received 100 Honorable Mentions, two Honorable Mention Ribbon Awards, two Department Commendations, one 2019 Crime Reduction Award, one Attendance Recognition Award, one Life Saving Award, one Superintendent's Award of Tactical Excellence, one Superintendent's Award of Valor, and one Unit Meritorious Performance Award. His disciplinary history includes one SPAR in 2020 for failure to perform assigned tasks, resulting in no disciplinary action.

(2) Recommended Penalty

Officer Ardolino could have fatally injured the individuals he chased with his police vehicle when he drove up on the sidewalk behind them. This act was careless and dangerous, Officer Ardolino gave no concern for their life when he committed this act. The fact that Officer Ardolino used his vehicle as a threatening weapon is inexcusable and causes multiple damage to the relationship of the Chicago Police Department and citizens of Chicago. Officer Ardolino gave no warning by using his emergency equipment on the vehicle to even alert the subjects. Accordingly, COPA recommends this substantial suspension against officer Ardolino. Accordingly, COPA recommends that the Department impose a substantial suspension up to and including Separation against Officer Ardolino.

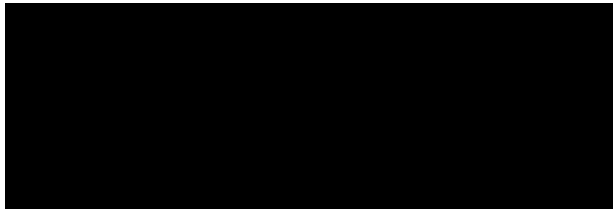
Approved:



Angela Hearts-Glass
Deputy Chief Investigator

2-25-2022

Date



Andrea Kersten
Chief Administrator

2-25-2022

Date