



FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 5, 2022, the Chicago Police Department's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at approximately 2:00 pm, at or near 6900 S. Sangamon St.² In the hours following the shooting, COPA learned that Officers Erik Moreno, Jose Velazquez, and Fabian Arreola, driving in an unmarked police vehicle, followed the subject, ██████████ to an alleyway near 6900 S. Sangamon St. after having observed ██████████ driving erratically. The officers parked their vehicle behind ██████████ vehicle after ██████████ pulled into the dead-end alleyway. The officers exited their vehicle and Officer Moreno approached the driver's side door of ██████████ vehicle. ██████████ then opened the door of his vehicle, pointed a handgun at Officer Moreno and fired, striking Officer Moreno non-fatally. ██████████ then exited his vehicle turned in the direction of Officers Velazquez and Fabiola, pointed his handgun in their direction and fired. Officer Velazquez returned fire, striking ██████████ disabling him non-fatally.

Upon review of the evidence, COPA served allegations on Officer Velazquez for failure to activate his body-worn camera in a timely manner. COPA also served allegations on Officer Velazquez and Fabiola for failure to provide timely medical aid to ██████████. Following its investigation, COPA reached sustained findings regarding body-worn camera allegation only.

II. SUMMARY OF EVIDENCE³

On June 5, 2022, Officers Moreno, Velazquez and Arreola were assigned to unit 761B as tactical officers in a single unmarked vehicle. Officer Moreno was driving the unmarked vehicle eastbound on 72nd street and saw a vehicle going westbound at a high rate of speed and driving erratically.⁴ Officer Moreno turned the unmarked vehicle around to follow the vehicle traveling westbound in an attempt to get the license plate number, but was not close enough to see the

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

² Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including the event queries, civilian interviews, BWC footage, third-party video, police reports, shot spotter report, Tactical Response Reports (TRR) and officer interviews.

⁴ Att. 59 p. 12

plate clearly. In an attempt to catch up to the subject's vehicle, the officers turned onto Sangamon St., where they saw vehicle pull into a dead-end alley.⁵

All three officers exited their vehicle. Officers Velazquez and Arreola approached the vehicle from the rear on the passenger's side, while Officer Moreno approached the vehicle on the driver's side. Officer Moreno told the driver to stay in the vehicle. The driver of the vehicle, now known to be ██████ opened the driver's side door and discharged a 9mm pistol⁶ at Officer Moreno.⁷ ██████ shots struck Officer Moreno in the right arm and torso, wounding him. ██████ then pointed his firearm toward Officers Velazquez and Arreola, who were standing on the passenger side of ██████ vehicle and began firing. Officer Velazquez returned fire which struck ██████ then fell to the ground.⁸

Officer Velazquez moved to stand over ██████ as Officer Arreola applied a tourniquet to Officer Moreno's arm and drove away with him in the police vehicle.⁹ A few minutes later, Officer Arreola handed Officer Moreno off to another unit for transport to Little Company of Mary Hospital.^{10, 11} Officer Arreola returned to the scene and checked Officer Velazquez for gunshot wounds.¹² Finding Officer Velazquez unwounded, Officer Arreola checked ██████ for a pulse. Additional officers arrived and gave medical aid to ██████¹³ An ambulance then arrived to take ██████ to the hospital.¹⁴ The remaining officers secured the scene. ██████ was charged with several counts of attempt first degree murder, aggravated and reckless discharge of a firearm and aggravated assault.

III. ALLEGATIONS

Officer Jose Velazquez

1. Failing to provide medical attention to ██████ in a timely manner
 - Not sustained
2. Failing to activate his Body Worn Camera in a timely manner in violation of Special Order S03-04
 - Sustained, Violation of Rule 2, 5, 6, and 10.

⁵ Att. 59 at p 15

⁶ Att. 63: Note the suspect's weapon recovered from the scene was a 9mm Glock 17.

⁷ Att. 3 at 2:00

⁸ Att. 32 at 0:43

⁹ Att. 4 at 2:37

¹⁰ Att. 4 at 4:00

¹¹ Att. 61 p. 25

¹² Att. 32 at 3:00

¹³ Att. 32 at 3:50

¹⁴ Att. 32 at 6:30

Officer Fabian Arreola

1. Failing to provide medical attention to ██████████ in a timely manner.
 - Not sustained

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements. ██████████ declined to give COPA a statement regarding the incident. The incident was well-documented with video evidence both from the officers' body-worn camera and third-party security footage. The events shown on the video are consistent with the accounts given by the involved officers.

V. ANALYSIS¹⁵**a. Officer Velazquez failed to activate his BWC in a timely manner.**

Footage retrieved from Officer Velazquez's body-worn camera shows that it was not activated until after the shooting.¹⁶ Officer Velazquez himself acknowledged that it was not activated and stated that he had mistakenly believed it was on at the time of the incident.¹⁷ Special Order 03-04 states: "The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities." Officer Velazquez did not activate his body-worn camera at the beginning of the incident. While there is no evidence to suggest that this failure to activate the camera was intentional, Officer Velazquez did not comply with the special order. Therefore, based on a preponderance of the evidence this allegation is **Sustained**.

b. Officer Velazquez and Officer Arreola's Alleged Failure to Administer Medical Aid

COPA alleged that Officers Arreola and Velazquez failed to administer medical aid to ██████████ after the shooting. Based on a review of BWC and 3rd party footage, as well as the officers' statements, COPA concludes that neither Officer Arreola nor Officer Velazquez had an opportunity to render aid before additional officers arrived to aid ██████████

Immediately after the incident, Officer Arreola had to render aid to Officer Moreno who had been hit with gunfire by ██████████ as he emerged from the vehicle. Officer Arreola administered a tourniquet to Officer Moreno's arm to try and control bleeding¹⁸, then began to

¹⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁶ Att. 6

¹⁷ Att. 60 p. 27

¹⁸ Att. 4 at 2:35

transport Officer Moreno to a hospital¹⁹ before Officer Arreola was relieved by another tactical unit²⁰ and could return to Officer Velazquez. Officer Arreola then checked Officer Velazquez for gunshot wounds²¹ and soon after, additional officers arrived to assist [REDACTED]²²

Officer Velazquez stated that immediately after the incident, he was not sure what [REDACTED] condition was and was hesitant to move him for fear of causing further physical harm.²³ It was not until [REDACTED] moved his hands that Officer Velazquez knew he was alive and conscious²⁴ and by that time, another officer had arrived to administer aid.²⁵ Officer Arreola's departure from the scene to transport Officer Moreno left Officer Velazquez alone at the scene of a recent shooting with an unknown assailant in an unknown condition. In that situation, if Officer Velazquez had taken his attention away from his surroundings to give a more in-depth medical examination of [REDACTED] he would possibly be placing himself in more danger by losing situational awareness without another officer to provide support.

Therefore, based on a preponderance of the evidence, the allegations against Officers Arreola and Velazquez for failure to render medical aid are Not Sustained.

c. CPD's Use of Force Policy

i. G03-02: De-escalation, Response to Resistance, and Use of Force

CPD's stated highest priority is the sanctity of human life. CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.²⁶ This means CPD members may use only the amount of force necessary to serve a lawful purpose.²⁷ The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.²⁸

The primary concern in assessing the use of force is whether the amount of force the member used was objectively reasonable in light of the totality of the circumstances faced by the member on the scene.²⁹ Factors to be considered by the member may include, but are not limited to: (1) whether the person is posing an imminent threat to the member or others; (2) the risk of

¹⁹ Att. 4 at 3:11

²⁰ Att. 14 at 3:57

²¹ Att. 4 at 4:35

²² Att. 4 at 5:44

²³ Att. 60 p. 24/Line 8

²⁴ Att. 60 p. 24/Line 16

²⁵ Att. 4 at 5:29

²⁶ Att. 71, G03-02 (III)(B), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).

²⁷ Att. 71, G03-02 (II)(C).

²⁸ Att. 71, G03-02 (III)(B)(3).

²⁹ Att. 71, G03-02 (III)(B)(1).

harm, level of threat or resistance presented by the person; (3) the person's proximity to or access to weapons; (4) whether de-escalation techniques can be employed or would be effective; and (5) the availability of other resources.³⁰

The discharge of a firearm in the direction of a person constitutes the use of deadly force under CPD policy.³¹ 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."³² A CPD member may use deadly force in only two situations: (1) to prevent "death or great bodily harm from an imminent threat posed to the sworn member or to another person"; or (2) to prevent "an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay."³³

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."³⁴

a. Officer Velazquez's Use of Deadly Force Against ██████████ Was Authorized Under CPD Policy.

COPA finds that Officer Velazquez's use of deadly force was objectively reasonable based on the totality of the circumstances. The video footage obtained from a third-party video shows Officer Moreno approaching ██████████ driver side door, with ██████████ responding by immediately opening fire on Officer Moreno, wounding him. ██████████ then turned his firearm towards Officers Velazquez and Arreola, who were standing on the passenger side of ██████████ vehicle and began firing. Officer Velazquez returned fire which struck ██████████ then fell to the ground.

The available evidence shows it was objectively reasonable for Officer Velazquez to believe ██████████ posed an imminent threat to his life, as well as to the life of Officers Moreno and Arreola. Under these circumstances, COPA finds that any reasonable officer would have concluded that Officer Velazquez's actions posed an immediate threat to life.

Given the totality of these circumstances COPA finds that Officer Velazquez reasonably believed that ██████████ posed an imminent threat to life. Officer Velazquez responded by

³⁰ Att. 71, G03-02 (III)(B)(1).

³¹ Att. 71, G03-02 (IV)(A)(1).

³² Att. 71, G03-02 (IV)(C).

³³ Att. 71, G03-02 (IV)(C); 720 ILCS 5/7-5.

³⁴ Att. 71, G03-02 (IV)(B) (emphasis added).

discharging his firearm as a last resort to avert the threat. Under CPD policy, this was an authorized force option to stop the imminent threat presented by [REDACTED]

For these reasons, COPA finds the preponderance of the evidence shows that Officer Velazquez's use of deadly force was objectively reasonable, necessary, and proportional based on the totality of the circumstances, and his actions complied with CPD policy.

d. DISCIPLINARY RECOMMENDATION

b. Officer Jose Velazquez

i. Complimentary and Disciplinary History³⁵

Officer Velazquez has a total of 62 various complimentary awards and recognitions. Officer Velazquez does not have a reported history of sustained allegations.

ii. Recommended Discipline

COPA has considered Officer Velazquez's complimentary history and lack of disciplinary history. Officer Velazquez acknowledged during his interview that mistakenly believed that his BWC was on and activated at the time of the incident and subsequently learned that it was not. Officer Velazquez failed to activate his Body Worn Camera in a timely manner in violation of Special Order S03-04 and Rules 2, 5, 6, and 10. Therefore, COPA recommends a reprimand.

Approved:

[REDACTED]

Matthew Haynam
Deputy Chief Administrator

Date: January 24, 2024

[REDACTED]

Andrea Kersten
Chief Administrator

Date: January 24, 2024

³⁵ Att.70

Appendix ACase Details

Date/Time/Location of Incident:	June 5, 2022/2:03PM/6900 S. Sangamon St
Date/Time of COPA Notification:	June 5, 2022; 2:33PM
Involved Member #1:	PO Jose Velazquez; Star# 19316; Employee# [REDACTED]; DOA: 12/2/13; WWH; Male
Involved Member #2:	PO Fabian Arreola; Star# 13343; Employee # [REDACTED]; DOA: 2/16/17; WWH; Male
Involved Member #3:	PO Eric Moreno; Star# 11320; Employee # [REDACTED]; DOA: 6/25/18; WWH; Male
Involved Individual #1:	[REDACTED] Male, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy.
and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 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.

Applicable Policies and Laws

- Special Order 03-14: Body Worn Cameras (effective 4/30/18 to Present)

Appendix B

Definition of COPA’s Findings and Standards of Proof

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

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.³⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”³⁷

³⁶ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

³⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

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